September 11, 2018

9:00 a.m.



**CALL MEETING TO ORDER** 

**UPDATES/ACCEPTANCE OF AGENDA** 

- A CONFIRMATION OF MINUTES
  - 1. July 24, 2018 Council Meeting

Page 5

- B FINANCIAL REPORTS
  - None
- C APPOINTMENTS/PUBLIC HEARINGS

NOTE: As per Section 606(2)(a) of the *Municipal Government Act*, the Public Hearings were advertised in the Rocky View Weekly on August 14, 2018 and August 21, 2018.

# MORNING APPOINTMENTS 10:00 A.M.

 Division 9 - File: PL20180013 (08815008) - Bylaw C-7800-2018 -Redesignation Item - New or Distinct Agricultural Use - Ranch and Farm District to Agricultural Holdings District

Staff Report Page 13

 Division 2 - File: PL20180062 (04716009) - Bylaw C-7815-2018 -Redesignation Item - Residential Two District to Residential Three District -Springbank ASP

Staff Report Page 32

3. Division 5 – File: PL20180017 (04227009) – Bylaw C-7812-2018 – Redesignation Item – Agricultural Holdings District to Industrial – Industrial Activity District

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September 11, 2018

9:00 a.m.



# AFTERNOON APPOINTMENTS 1:30 P.M.

4. All Divisions – File: 1014-554 – Bylaw C-7816-2018 – Land Use Bylaw Amendments – Recreational Cannabis Regulations

Staff Report Page 80

## D GENERAL BUSINESS

1. All Divisions – File: 0195 – Rescheduling the October 9, 2018 Regular Council Meeting

Staff Report Page 236

2. Division 9 – File: PL20180032 – Road Plan 6397I closure located in NW-08-27-04-W5M for consolidation purposes

Staff Report Page 239

3. All Divisions - File: 06433007 - Sales Negotiations - Airdrie Grader Shed

Staff Report Page 257

4. All Divisions – File: 1034-500/1011-100 – Intermunicipal Collaboration Framework & Intermunicipal Development Plan Review Committee Appointments

Staff Report Page 276

#### E BYLAWS

1. All Divisions – File: 3000-300 – Consideration of Third Reading of Firearms Bylaw C-7782-2018

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2. Division 7 – File: PL20180069 (6411017) – Redesignation Item – Site Specific Amendment to Direct Control Bylaw C-6031-2005 (DC-99)

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- F UNFINISHED BUSINESS
  - None
- G COUNCIL REPORTS
- H MANAGEMENT REPORTS
  - None
- I NOTICES OF MOTION
  - None
- J SUBDIVISION APPLICATIONS
  - 1. Division 7 File: PL20180047 (06415050) Subdivision Item Balzac East Area, Residential One District

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2. Division 1 – File: PL20180068 (03915057) – Subdivision Item – Residential One District

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3. Division 2 – File: PL20180014 (04726009) – Subdivision Item – Residential Two District

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- K COMMITTEE OF THE WHOLE/IN CAMERA
  - 1. RVC2018-19

THAT Council move in camera to consider the confidential report "Response to July 10, 2018 Motion of Council – Cochrane Agricultural Lands" pursuant to the following sections of the *Freedom of Information and Protection of Privacy Act:* 

Section 24 - Advice from officials

Section 25 – Disclosure harmful to economic and other interests of a public body

September 11, 2018

9:00 a.m.



#### 2. RVC2018-22

THAT Council move in camera to consider the confidential report "Land Jurisdiction" pursuant to the following sections of the *Freedom of Information and Protection of Privacy Act:* 

Section 21 – Disclosure harmful to intergovernmental relations Section 24 – Advice from officials

ADJOURN THE MEETING

Page 1

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A regular meeting of the Council of Rocky View County was held in Council Chambers of the Municipal Administration Building, 911 – 32<sup>nd</sup> Avenue NE, Calgary, Alberta on July 24, 2018 commencing at 9:00 a.m.

Present:	Division 6	Reeve G. Boehlke
	Division 1	Councillor M. Kamachi
	Division 2	Councillor K. McKylor
	Division 3	Councillor K. Hanson
	Division 4	Councillor A. Schule
	Division 7	Councillor D. Henn
	Division 8	Councillor S. Wright
	Division 9	Councillor C. Kissel

Absent: Division 5 Deputy Reeve J. Gautreau

Also Present: R. McDonald, Interim County Manager

B. Riemann, General ManagerC. O'Hara, General ManagerG. Kaiser, Acting General ManagerS. Baers, Manager, Planning Services

A. Keibel, Manager, Legislative and Legal Services M. Wilson, Planning Supervisor, Planning Services

D. Hafichuk, Capital Infrastructure Projects Supervisor, Engineering Services

C. Graham, Municipal Lands Administrator, Agricultural and Environmental Services I. Smith, Parks Development Coordinator, Agricultural and Environmental Services

A. Pare, Engineering Support Technician, Engineering Services

L. Ganczar, Planner, Planning Services P. Simon, Planner, Planning Services J. Kirychuk, Planner, Planning Services

C. Satink, Deputy Municipal Clerk, Legislative and Legal Services T. Andreasen, Legislative Clerk, Legislative and Legal Services

#### Call to Order

The Chair called the meeting to order at 9:00 a.m. with all members present with the exception of Deputy Reeve Gautreau.

#### 1-18-07-24-01

# Updates/Acceptance of Agenda

MOVED by Councillor Hanson that the following emergent in camera item be added to the July 24, 2018 Council meeting agenda as item K-1:

NOVA Gas Transmission Ltd. Acquisition of Pipeline Right-Of-Way in Cochrane

Carried

MOVED by Councillor Kissel that the July 24, 2018 Council meeting agenda be accepted as amended.

Carried

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1-18-07-24-02

**Confirmation of Minutes** 

MOVED by Councillor Hanson that the July 10, 2018 Council meeting minutes be accepted as presented.

Carried

1-18-07-24-11 (E-3)

All Divisions – Bylaw C-7791-2018 – Records and Information Management Bylaw File: 0170

MOVED by Councillor Schule that Bylaw C-7791-2018 be given first reading.

Carried

MOVED by Councillor McKylor that Bylaw C-7791-2018 be given second reading.

Carried

MOVED by Councillor Wright that Bylaw C-7791-2018 be considered for third reading.

Carried

MOVED by Councillor Henn that Bylaw C-7791-2018 be given third and final reading.

Carried

MOVED by Councillor Hanson that Rocky View County Council Policy 132, "Electronic Records Management" be rescinded.

Carried

1-18-07-24-06 (D-1)

All Divisions – Rural Municipalities of Alberta Fall 2018 Resolution – *Water Act* Approval Process <u>File: 1021-250</u>

MOVED by Councillor Kamachi that Rocky View County Council brings forward resolutions related to streamlining the *Water Act* approval process (Attachment 'A' and Attachment 'B') to the November 2018 Rural Municipalities of Alberta convention.

Carried

MOVED by Councillor Henn that the Reeve, on behalf of County Council, requests that the Rural Municipalities of Alberta hold a workshop at its November 2018 convention to discuss the *Water Act* approval process.

Carried

1-18-07-24-08 (D-3)

Division 6 – Mineral Lease in Response to Ember Resources Inc. Trespass File: Agreements 4689/4690

MOVED by Councillor Schule that Administration be directed to execute the two mineral lease agreements affecting County lands legally described as Plan 642X; Block 1; Lot(s) 24 & 25, and Plan 642X; Block 2; Lot(s) 26 & 27.

Carried

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1-18-07-24-07 (D-2)

Division 1 - Banded Peak School - Wastewater Connection Fees

File: 5045-275

MOVED by Councillor Kamachi that Mr. Richard Geleta from CIMA+ and Ms. Colette Winter from Rocky View Schools be allowed to address Council on item D-2.

Carried

In Favour: Opposed:

Councillor Kamachi Councillor McKylor

Councillor Hanson Reeve Boehlke Councillor Schule Councillor Henn Councillor Wright Councillor Kissel

Ms. Colette Winter from Rocky View Schools and Mr. Richard Geleta from CIMA+ proceeded to address Council on item D-2.

MOVED by Councillor Kamachi that Administration be directed to negotiate a formal agreement between the County and Rocky View Schools on the application of connection fees and offsite levies related to connecting schools to municipal water and wastewater services within Rocky View County.

Carried

<u>In Favour:</u> <u>Opposed:</u>

Councillor Kamachi Councillor Wright

Councillor McKylor Councillor Hanson Reeve Boehlke Councillor Schule Councillor Henn Councillor Kissel

The Chair called for a recess at 10:05 a.m. and called the meeting back to order at 10:14 a.m. with all previously mentioned members present.

#### 1-18-07-24-03 (C-1)

Division 1 – Bylaw C-7795-2018 – Road closure to consolidate a portion of Road Plan 731 388 in Circle 5 Estates

File: PL20180020

MOVED by Councillor Kamachi that the public hearing for item C-1 be opened at 10:14 a.m.

Carried

Person(s) who presented: Chris Chornohos, Applicant

Person(s) who spoke in favour: None

Person(s) who spoke in opposition: None

Person(s) who spoke in rebuttal: Chris Chornohos, Applicant

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MOVED by Councillor Kamachi that the public hearing for item C-1 be closed at 10:21 a.m.

Carried

MOVED by Councillor Kamachi that Bylaw C-7795-2018 be given first reading.

Carried

MOVED by Councillor Kamachi that Administration be directed to forward Bylaw C-7795-2018 to the Minister of Transportation for approval.

Carried

1-18-07-24-04 (C-2)

Division 4 – Bylaw C-7788-2018 – Redesignation Item – Amendment to Direct Control Bylaw C-6247-2006 (DC-112)

File: PL20180009 (03321004)

MOVED by Councillor Schule that the public hearing for item C-2 be opened at 10:22 a.m.

Carried

Person(s) who presented: Steve Grande, Terradigm Developments Consultants Inc., Applicant

Person(s) who spoke in favour: None

Person(s) who spoke in opposition: None

Person(s) who spoke in rebuttal: None

MOVED by Councillor Schule that the public hearing for item C-2 be closed at 10:28 a.m.

Carried

MOVED by Councillor Schule that Bylaw C-7788-2018 be given first reading.

Carried

MOVED by Councillor McKylor that Bylaw C-7788-2018 be given second reading.

Carried

MOVED by Councillor Hanson that Bylaw C-7788-2018 be considered for third reading.

Carried

MOVED by Councillor Schule that Bylaw C-7788-2018 be given third and final reading.

Carried

The Chair called for a recess at 10:30 a.m. and called the meeting back to order at 10:39 a.m. with all previously mentioned members present.

1-18-07-24-05 (C-3)

Division 7 – Bylaw C-7797-2018 – Redesignation Item – Site Specific Amendment to Direct Control Bylaw C-6031-2005 (DC-99)

File: PL20180069 (6411017)

MOVED by Councillor Henn that the public hearing for item C-3 be opened at 10:39 a.m.

Carried

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Person(s) who presented: David McKinnon, Boychuk Design Build Ltd., Applicant

Joel Mandrek, Grow Capital Partners Inc.

Person(s) who spoke in favour: None

Person(s) who spoke in opposition: Abraham Fares, on behalf of the I.C.A. for the Sons of the Tarika

Shathulia Yashrutia in Canada

Hugh Ham, on behalf of Kim Raffin and PKSR Holdings Ltd.

Person(s) who spoke in rebuttal: Joel Mandrek, Grow Capital Partners Inc.

David McKinnon, Boychuk Design Build Ltd., Applicant

MOVED by Councillor Henn that the public hearing for item C-3 be closed at 11:35 a.m.

Carried

MOVED by Councillor Henn that Bylaw C-7797-2018 be given first reading.

Carried

<u>In Favour:</u> <u>Opposed:</u>

Councillor KamachiCouncillor HansonCouncillor McKylorCouncillor WrightReeve BoehlkeCouncillor Kissel

Councillor Schule Councillor Henn

MOVED by Councillor Henn that Bylaw C-7797-2018 be given second reading.

Carried

<u>In Favour:</u> <u>Opposed:</u>

Councillor Kamachi Councillor Hanson
Councillor McKylor Councillor Wright
Reeve Boehlke Councillor Kissel

Councillor Schule Councillor Henn

MOVED by Councillor Henn that Bylaw C-7797-2018 be considered for third reading.

Lost

In Favour: Opposed:

Councillor Kamachi Councillor Hanson
Councillor McKylor Reeve Boehlke
Councillor Schule Councillor Wright
Councillor Henn Councillor Kissel

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MOVED by Councillor Henn that Administration be directed to work with the applicants and affected neighbours on potential odor issues prior to further consideration of Bylaw C-7797-2018 at the September

Carried

<u>In Favour:</u> <u>Opposed:</u>

Councillor Kamachi Councillor Schule

Councillor McKylor Councillor Hanson Reeve Boehlke Councillor Henn Councillor Kissel Councillor Wright

11, 2018 Council meeting.

The Chair called for a recess at 11:51 a.m. and called the meeting back to order at 12:00 p.m. with all previously mentioned members present.

#### 1-18-07-24-09 (E-1)

Division 4 – Bylaw C-7749-2017 – Redesignation Item – Ranch and Farm District to Direct Control Bylaw C-7749-2018 (DC159) outside of an identified business area <u>File: PL20170070 (03321003/08)</u>

MOVED by Councillor Schule that Bylaw C-7749-2018 be amended as per Appendix 'C'.

Carried

<u>In Favour:</u> <u>Opposed:</u>

Councillor Kamachi Councillor Wright

Councillor McKylor Councillor Hanson Reeve Boehlke Councillor Schule Councillor Henn Councillor Kissel

MOVED by Councillor Schule that Bylaw C-7749-2018, as amended, be given second reading.

Carried

MOVED by Councillor Henn that Bylaw C-7749-2018, as amended, be given third and final reading.

Carried

#### **MOTION ARISING:**

MOVED by Councillor Schule that Administration be directed to bring a report back to Council addressing different options for south of Highway 560.

Carried

#### 1-18-07-24-10 (E-2)

Division 6 – Bylaw C-7732-2017 – Road Closure and Consolidation Application for a portion of Road Plan 642X within the Hamlet of Keoma File: PL20170109

MOVED by Councillor Schule that Bylaw C-7732-2017 be given second reading.

Carried

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MOVED by Councillor Henn that Bylaw C-7732-2017 be given third and final reading.

Carried

MOVED by Councillor McKylor that the 0.26 acres of land be transferred and sold to the applicant Donald Smith subject to:

- a) a sales agreement being signed at the appraised value of \$50,000.00, plus \$2,750.00 for the cost of the appraisal, \$1,255.00 for the cost of the Survey and all applicable taxes;
- b) that all incidental costs to create title and consolidation with the adjacent lands are at the expense of the applicants; and
- c) the terms of the sales agreement shall be completed within one year after Bylaw C-7732-2017 receives third and final reading.

Carried

#### 1-18-07-24-13 (K-1)

All Divisions - Emergent In Camera Item - NOVA Gas Transmission Ltd. Acquisition of Pipeline Right-Of-Way in Cochrane

File: RVC2018-18 (06809018)

MOVED by Councillor Hanson that Council move in camera at 12:21 p.m. to consider the emergent in camera item "NOVA Gas Transmission Ltd. Acquisition of Pipeline Right-Of-Way in Cochrane" pursuant to the following section of the Freedom of Information and Protection of Privacy Act:

Section 16 - Disclosure harmful to business interests of a third party

Carried

Council held the in camera session for item K-1 with the following people in attendance to provide a report and advice to Council:

Rocky View County: R. McDonald, Interim County Manager

> B. Riemann, General Manager C. O'Hara General Manager

G. Kaiser, Acting General Manager

C. Graham, Municipal Lands Administrator, Agricultural and Environmental Services

I. Smith, Parks Development Coordinator, Agricultural and Environmental Services

Councillor McKylor left during the in camera session and did not return to the meeting.

MOVED by Councillor Schule that Council move out of in camera at 1:58 p.m.

Carried Absent: Councillor McKylor Councillor Hanson

Councillor Hanson returned to the meeting at 1:59 p.m.

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MOVED by Councillor Kissel that the report regarding the NOVA Gas Transmission Ltd. Acquisition of Pipeline

MOVED by Councillor Kissel that the report regarding the NOVA Gas Transmission Ltd. Acquisition of Pipeline Right-Of-Way in Cochrane be received as information;

AND THAT the in camera report "NOVA Gas Transmission Ltd. Acquisition of Pipeline Right-Of-Way in Cochrane" discussions, and any related articles, are to remain confidential pursuant to section 16 (disclosure harmful to business interests of a third party) of the *Freedom of Information and Protection of Privacy Act*.

Carried

Absent: Councillor McKylor

#### **Adjournment**

MOVED by Councillor Schule that the July 24, 2018 Council Meeting be adjourned at 1:59 p.m.

Carried

Absent: Councillor McKylor

REEVE	
CAO or Designate	



# **PLANNING SERVICES**

TO: Council

DATE: September 11, 2018 DIVISION: 9

**TIME:** Morning Appointment

**FILE:** 08815008 **APPLICATION:** PL20180013

**SUBJECT:** Redesignation Item – New or Distinct Agricultural Use – Ranch and Farm District to

Agricultural Holdings District

# <sup>1</sup>ADMINISTRATION RECOMMENDATION:

Motion #1 THAT Bylaw C-7800-2018 be given first reading.

Motion #2 THAT Bylaw C-7800-2018 be given second reading.

Motion #3 THAT Bylaw C-7800-2018 be considered for third reading.

Motion #4 THAT Bylaw C-7800-2018 be given third and final reading.

#### **EXECUTIVE SUMMARY:**

The purpose of this application is to redesignate a portion of SW-15-28-04-W05M from Ranch and Farm District to Agricultural Holdings District in order to facilitate the creation of a  $\geq$  8.09 hectare ( $\geq$  20.00 acre) parcel with  $\pm$  52.62 hectare ( $\pm$  130.02 acre) remainder. The subdivision is intended to provide for a range of new and distinct agricultural uses including livestock, a tree farm, horticultural development, and possibly an equestrian centre.

The subject land is not located within an area structure plan and was therefore evaluated under the County Plan's Agricultural policies. The proposed land use amendment is consistent with the County Plan policies for the following reasons:

- The proposal is consistent with the overall goal of the County Plan with respect to agriculture
  and preserving agricultural land, as a large portion of the land will remain as Ranch and Farm
  District while the smaller portion will be redesignated to Agricultural Holdings District;
- The application is consistent with the definitions of distinct or new agricultural operations as defined by the County Plan;
- The application is consistent with the criteria of County Plan Policy 8.22, which specifies the
  policies under which the redesignation may be supported as a new or distinct operation; and
- The technical aspects of the proposal can be adequately addressed through the related subdivision application and any future Development Permits.

Consequently, Administration recommends approval in accordance with Option #1.

**DATE APPLICATION RECEIVED:** January 26, 2018 **DATE APPLICATION DEEMED COMPLETE:** January 26, 2018

**PROPOSAL:**To redesignate a portion of SW-15-28-04-W05M from Ranch and Farm District to Agricultural Holdings District

in order to facilitate the creation of a  $\geq$  8.09 hectare

<sup>1</sup>Administration Resources
Jessica Anderson, Planning Services
Narmeen Haq, Engineering Services



 $(\geq 20.00 \text{ acre})$  parcel with  $\pm 52.62$  hectare ( $\pm 130.02$ 

acre) remainder.

**LEGAL DESCRIPTION:** SW-15-28-04-W05M

GENERAL LOCATION: Located approximately 1.21 kilometre south of Township

Road 283 and on the east side of Range Road 43.

APPLICANT: Agnes Dahl

OWNERS: Eldon & Agnes Dahl

**EXISTING LAND USE DESIGNATION:** Ranch and Farm District

PROPOSED LAND USE DESIGNATION: Agricultural Holdings District and Ranch and Farm District

**GROSS AREA:**  $\pm$  60.71 hectares ( $\pm$  150.02 acres)

**SOILS (C.L.I. from A.R.C.):** 4H – Severe limitations due to temperature limiting factors.

**5T, H, P70 6W30** – Very severe limitations due to adverse

topography (steep and/or long uniform slopes),

temperature limiting factors, excessive surface stoniness,

and excessive wetness/poor drainage.

#### **PUBLIC & AGENCY SUBMISSIONS:**

The application was circulated to 26 adjacent landowners. No letters were received in support or objection to the application. The application was also circulated to a number of internal and external agencies. Those responses are available in Appendix 'A'.

#### **HISTORY:**

1983 Plan 1312163 was registered, creating one 4.04 hectare (9.98 acre) parcel with the

subject lands as the remainder.

#### **BACKGROUND:**

The lands contain an existing dwelling and associated farm/accessory buildings. Servicing infrastructure is provided by means of a septic field and water well. The existing parcel is accessed via Range Road 43 by a gravel approach that is in adequate condition.

The subject lands are approximately 1.5 miles south of Bottrel, in an area of the County that is largely agricultural in nature. Most of the development in the vicinity of the subject lands has been to small agricultural parcels, with some large agricultural parcels to the north and south, and the single residential parcel within the central portion of the subject quarter.

The topography of the land is undulating, with slopes generally from the southeast to the northwest. The proposed Lot 1 contains three very minor wetlands; however, there remains a significant area suitable for development within the proposed lot.

#### Proposed Development:

The proposed operation includes *Keeping of Livestock* (horses and cows), *Horticultural Development* (greenhouses), and an *Equestrian Centre*. The Applicant/Owner plans to diversify the existing ranching and farming operation by expanding their operations to include additional livestock, a new tree farm, greenhouses with flowers, fruit trees, vegetables, etc., and possibly an equestrian operation in the future. As per the information provided by the Applicant, these new agricultural operations cannot occur on the lands unless it is first subdivided because the lands are to be purchased by their children to run their own operations distinct from the existing operations on the rest of the quarter. Therefore, it is necessary for financial and legal reasons that this land be subdivided and



redesignated. A Development Permit is required to approve the use, design, and servicing for the business use.

#### **POLICY ANALYSIS:**

The application was evaluated in accordance with the County Plan and the Land Use Bylaw.

#### County Plan (Bylaw C-7280-2013):

The subject lands were evaluated with the Agricultural Policies (Section 8) of the County Plan.

The overall goal of the County Plan with respect to agriculture is to preserve the municipality's agricultural land base as appropriate, avoid fragmentation of agricultural lands, and at the same time encourage business opportunities.

The following policies provide for a variety of parcel sizes to accommodate a wide range of agricultural pursuits by acknowledging that emerging trends in agriculture may be successfully developed on smaller parcels of land.

- 8.22 Redesignation and subdivision to smaller agriculture parcels as a new or distinct agricultural operation may be supported. Proposals will be evaluated on the following criteria:
  - a. A similar pattern of nearby small agricultural operations;
    - The surrounding land uses are primarily large ranching and some farming operations, and the proposed land use would be compatible with the pattern of development in the area.
  - b. A planning rationale justifying why the existing land use and parcel size cannot accommodate the new or distinct agricultural operation;
    - As per the information provided by the Applicant, the proposed new agricultural operations cannot occur on the lands unless it is first subdivided because the lands are to be purchased by their children to run their own operations distinct from the existing operations on the rest of the quarter. Therefore, it is necessary for financial and legal reasons that this land be redesignated and subdivided;
    - The application is consistent with the County Plan goal of preserving agricultural land since a large portion of the land, if approved, would remain as Ranch and Farm District, and the smaller portion will be redesignated as Agricultural Holdings District.
  - c. A demonstration of the need for the new agriculture operation;
    - The Applicant indicated a desire to produce local food using the most efficient and productive means as technology allows, promoting agricultural diversification, business growth, and local initiatives.
  - d. An assessment of the proposed parcel size and design, to demonstrate it is capable of supporting the new or distinct agricultural operation. Site Assessment criteria includes:
    - i. suitable soil characteristics and topography;
      - Soil and topography appear to be suitable for construction of greenhouses and an equestrian centre, outbuildings, and grazing.
    - ii. suitable on-site infrastructure for the proposed use. Required infrastructure may include access areas, water wells, irrigation and sewage infrastructure, and manure management capability; and
      - There is an existing approach from Range Road 43 that is in adequate condition, and an
        existing well and private sewage system serves the existing home. The existing
        infrastructure is suitable for the proposed use.



- iii. compatibility with existing uses on the parent parcel and adjacent lands.
  - The Applicant/Owner notes that horses (livestock in general) are compatible with the growing of crops and keeping of livestock; therefore, the proposal is compatible with the existing uses on the parent parcel and adjacent lands.
- e. An assessment of the impact on, and potential upgrades to, County infrastructure; and
  - Range Road 43 is a non-standard road, per County Servicing Standards, with a varying width of six (6) meters to less than two (2) meters between Township Road 283 and 281A. South of the existing approach, parts of Range Road 43 can be impassable at times. Hence, as a condition for future subdivision, the Applicant would be required to enter into a Development Agreement with the County to upgrade the existing road to County Standards for a Regional Low Volume Gravel road either from Township Road 281A or from Township Road 283 to the proposed accesses to the parcels.
- f. An assessment of the impact on the environment including air quality, surface water, and groundwater.
  - There is no apparent impact to air quality, surface water, or groundwater.

# Land Use Bylaw (Bylaw C-4841-97):

The minimum parcel size for an Agricultural Holdings parcel is 20.01 acres, and as such, the proposed parcel meets the Land Use Bylaw provisions for size. The listed uses associated with the Agricultural Holdings District are similar to those listed in the Ranch and Farm District, which would maintain a compatibility of uses in the area.

#### **CONCLUSION:**

The subject land is not located within an area structure plan and was evaluated under the County Plan's Agricultural policies. The proposed land use amendment is consistent with the County Plan policies for the following reasons:

- The proposal is consistent with the overall goal of the County Plan with respect to agriculture
  and preserving agricultural land, as a large portion of the land would remain as Ranch and Farm
  District while the smaller portion would be redesignated to Agricultural Holdings District;
- The application is consistent with the definitions of distinct or new agricultural operations as defined by the County Plan;
- The application is consistent with the criteria in County Plan Policy 8.22, which specifies the rules under which the redesignation may be supported as a new or distinct operation; and
- The technical aspects of the proposal can be adequately addressed through the related subdivision application and any future Development Permits.

Therefore, Administration recommends approval in accordance with **Option #1**.

#### **OPTIONS:**

Option #1: Motion #1 THAT Bylaw C-7800-2018 be given first reading.

Motion #2 THAT Bylaw C-7800-2018 be given second reading.

Motion #3 THAT Bylaw C-7800-2018 be considered for third reading.

Motion #4 THAT Bylaw C-7800-2018 be given third and final reading.

Option #2: THAT application PL20180013 be refused.



Respectfully submitted,	Concurrence,
"Chris O'Hara"	"Rick McDonald"
General Manager	Interim County Manager
JA/rp	

**APPENDICES:** 

APPENDIX 'A': Application Referrals
APPENDIX 'B': Bylaw C-7800-2018 and Schedule 'A'
APPENDIX 'C': Map Set



# **APPENDIX A: APPLICATION REFERRALS**

AGENCY	COMMENTS
School Authority	
Rocky View Schools	No comments provided.
Calgary Catholic School District	No comments provided.
Public Francophone Education	No comments provided.
Catholic Francophone Education	No comments provided.
Province of Alberta	
Alberta Environment	No comments provided.
Alberta Transportation	No comments provided.
Alberta Sustainable Development (Public Lands)	No comments provided.
Alberta Culture and Community Spirit (Historical Resources)	No comments provided.
Energy Resources Conservation Board	No comments provided.
Alberta Health Services	No comments provided.
Public Utility	
ATCO Gas	No objections.
ATCO Pipelines	ATCO PIPELINES has no objection.
AltaLink Management	No comments provided.
FortisAlberta	No comments provided.
Telus Communications	TELUS has no objection.
TransAlta Utilities Ltd.	No comments provided.
Rockyview Gas Co-op Ltd.	No comments provided.
Other External Agencies	
EnCana Corporation	No comments provided.



AGENCY COMMENTS

# Rocky View County Boards and Committees

ASB Farm Members and Agricultural Fieldmen

The two components of the proposal appear to be acceptable operations as the land will continue to be used for agricultural purposes. The proposed new and distinct agricultural operation could also be carried out under the current land use designation.

Ranch Lands Recreation Board

The Ranch Lands Recreation District Board recommends that we defer taking MR.

#### Internal Departments

Municipal Lands

The Municipal Lands Office has no concerns with this land use redesignation application. Comments pertaining to reserve dedication will be provided at any future subdivision stage.

**Development Authority** 

No comments provided.

GeoGraphics

No comments provided.

**Building Services** 

No comments provided.

**Emergency Services** 

Having reviewed the circulation, the Fire Service has no

comments at this time.

**Enforcement Services** 

Enforcement has no concerns.

Infrastructure and Operations - Engineering Services

#### General

- The review of this file is based upon the application submitted. These conditions/recommendations may be subject to change to ensure best practices and procedures.
- The comments provided herein pertain to both the land use application and future subdivision application.
- The applicant will be responsible for all required payments of 3<sup>rd</sup> party reviews and/or inspections as per the Master Rates Bylaw, based on the County's discretion or requirement.

## **Geotechnical**

ES has no requirements at this time.

#### **Transportation**

- ES has no requirements at this time.
- The Transportation Off-Site Levy (TOL) for the remainder (Ranch and Farm) is deferred as it is greater than 9.88 acres.
- At subdivision stage, the Applicant is subjected to TOL for the proposed Agricultural Holding parcel, per Bylaw C-7356-



#### **AGENCY**

#### **COMMENTS**

2014, at the Base Levy Rate of \$4,595 per gross acre for 3.0 acres.

- Estimated TOL: \$4,595.00 x 3.0 acres = \$13,785.00
- There is an existing approach to the proposed parcel and remainder through the adjacent ±10 acre parcel (Roll 08815003), from Range Road 43. There is an Access Easement Agreement for this access.
- At subdivision stage, a second Access Easement Agreement is required for both the proposed parcel and the remainder as part of the driveway to the dwelling in the proposed parcel is through the remainder.
- Range Road 43 is a non-standard road per County Servicing Standards, with varying width of six (6) meters to less than two (2) meters between Township Road 283 and 281A. South of the approach, parts of Range Road 43 can be impassable at times. Hence, as a condition for future subdivision, the Applicant is required to enter into a Development Agreement with the County to upgrade the existing road to County Standards for a Regional Low Volume Gravel road either from Township Road 281A or from Township Road 283 to the proposed accesses to the parcels.
  - Some of the construction costs may be recovered through the County Policy 403 Infrastructure Cost Recovery Policy.
  - If required by the County Road Operations Group, the applicant will be required to enter into a Road Use Agreement, prior to issuance.

#### Sanitary/Waste Water

- ES has no requirements at this time.
- Prior to going to Council, the Applicant is required to submit a Level I Variation Assessment for the ±20 acre proposed parcel.
- As the remainder is greater than 30 acres and in the Ranch and Farm District, there are no sanitary servicing requirements in accordance with Policy 411.

#### Water Supply And Waterworks

- ES has no requirements at this time.
- The application indicates that there is a groundwater well south of the existing dwelling. As a condition of future subdivision, the Applicant is required to submit Well Driller's report for the ±20 acre proposed parcel.
- There is a groundwater well in the proposed remainder. As the remainder is in the Ranch and Farm District and greater than 30 acres, there are no water servicing requirements in accordance with Policy 411.



AGENCY	COMMENTS

# Storm Water Management

- ES has no requirements at this time.
- The proposed land use is Ranch and Farm and any future subdivision will have minimum impact on drainage. Hence, no SCMDP expected for the proposed redesignation.

#### Environmental

- ES have no requirements at this time.
- The Alberta Merged Wetland Inventory indicates that wetlands exist on the proposed lands. The applicant will be responsible for obtaining all Alberta Environment (AESRD) approvals and permits if working in and/or near wetlands.

Infrastructure and Operations - Maintenance

No comments provided.

Infrastructure and Operations - Capital Delivery

No comments provided.

Infrastructure and Operations - Operations

No comments provided.

Circulation Period: February 2, 2018 to March 13, 2018



# **BYLAW C-7800-2018**

# A Bylaw of Rocky View County to amend Land Use Bylaw C-4841-97

The Council of Rocky View County enacts as follows:

## PART 1 - TITLE

This Bylaw shall be known as Bylaw C-7800-2018.

#### **PART 2 – DEFINITIONS**

In this Bylaw, the definitions and terms shall have the meanings given to them in Land Use Bylaw C-4841-97 and the *Municipal Government Act*.

#### PART 3 - EFFECT OF BYLAW

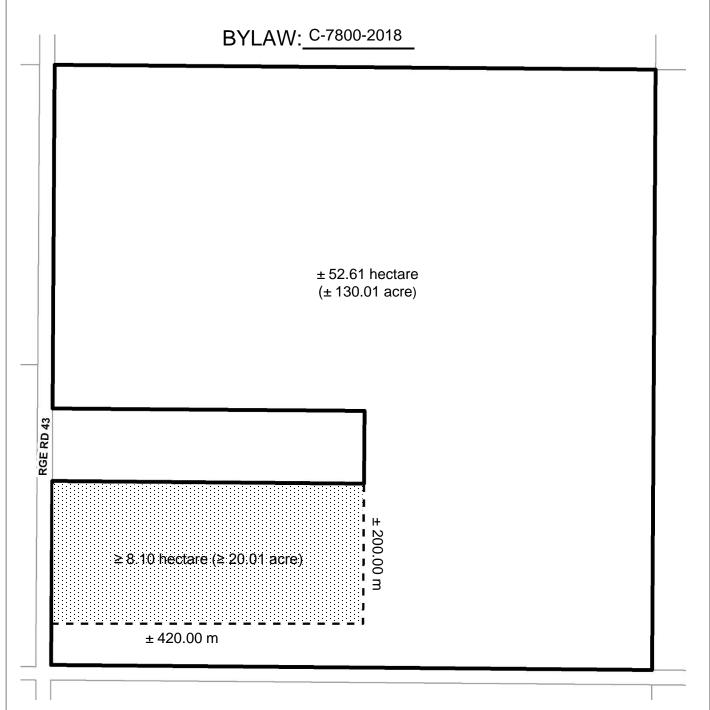
- **THAT** Part 5, Land Use Map No. 88 of Bylaw C-4841-97 be amended by redesignating a portion of SW-15-28-04-W05M from Ranch and Farm District to Agricultural Holdings District, as shown on the attached Schedule 'A' forming part of this Bylaw.
- **THAT** A portion of SW-15-28-04-W05M is hereby redesignated to Agricultural Holdings District as shown on the attached Schedule 'A' forming part of this Bylaw.

#### **PART 4 – TRANSITIONAL**

Bylaw C-7800-2018 is passed when it receives third reading, and is signed by the Reeve/Deputy Reeve and the Municipal Clerk, as per Section 189 of the *Municipal Government Act*.

		File: 08815008/ PL20180013
PUBLIC HEARING WAS HELD IN COUNCIL this	day of	, 2018
READ A FIRST TIME IN COUNCIL this	day of	, 2018
READ A SECOND TIME IN COUNCIL this	day of	, 2018
UNANIMOUS PERMISSION FOR THIRD READING	day of	, 2018
READ A THIRD TIME IN COUNCIL this	day of	, 2018
	Reeve	
	CAO or Desig	nate
	Date Bylaw Si	gned

Division: 9



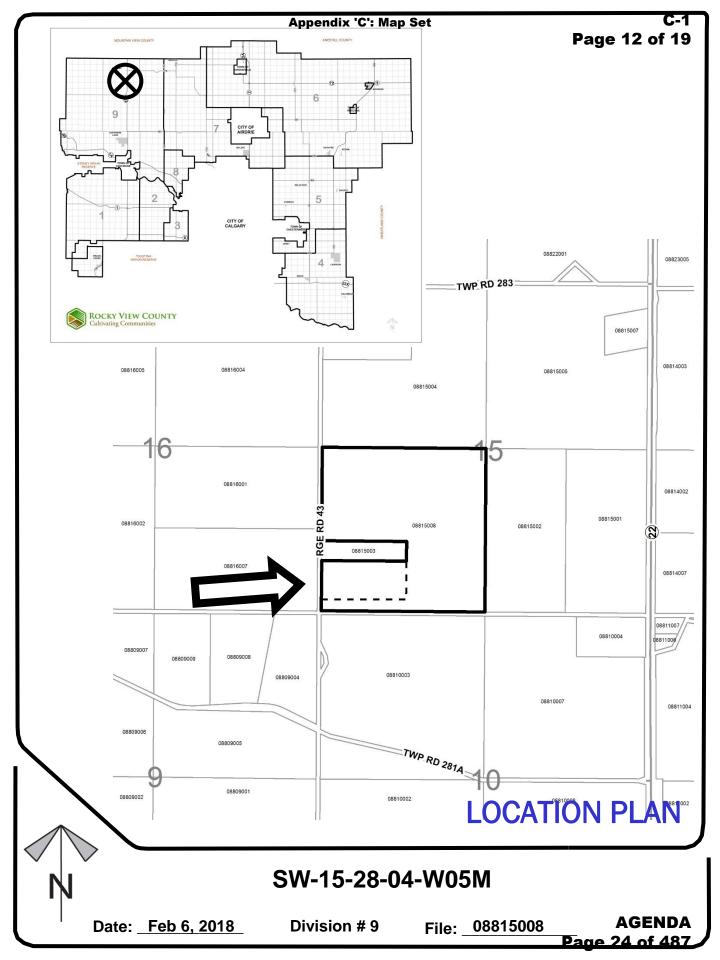
# AMENDMENT FROM Ranch and Farm District TO Agricultural Holdings District Subject Land

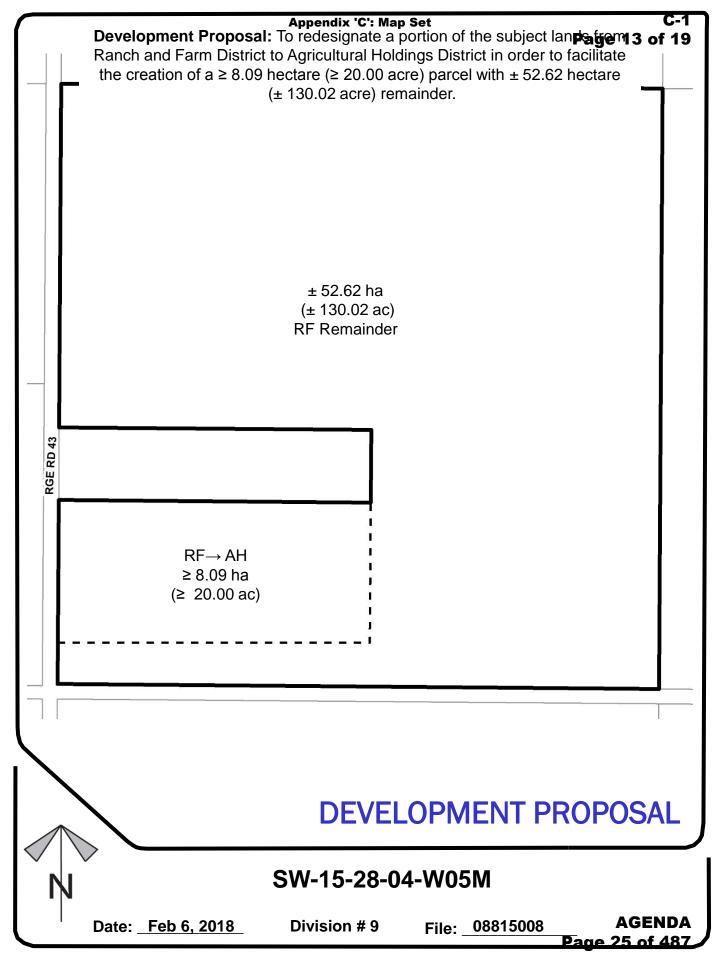
LEGAL DESCRIPTION: SW-15-28-04-W05M

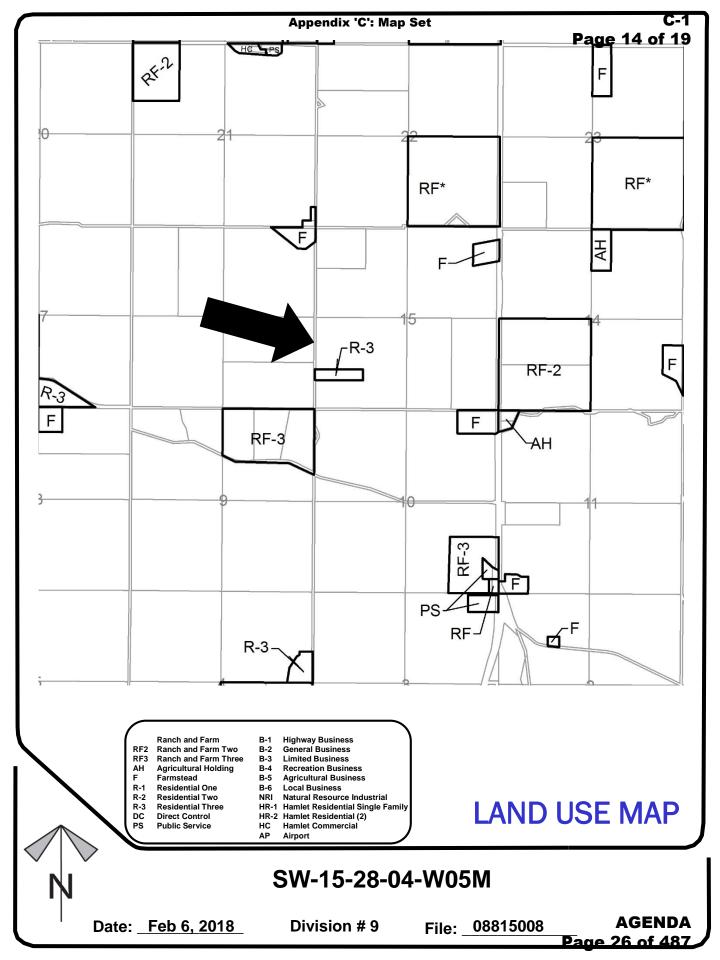


FILE: 08815008 PL20180013 DIVISION: 09

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Contours are generated using 10m grid points, and depict general topographic features of the area. Detail accuracy at a local scale cannot be guaranteed. They are included for reference use only.

# **TOPOGRAPHY**

Contour Interval 2 M

# SW-15-28-04-W05M

Date: Feb 6, 2018

Division #9

File: 08815008

AGENDA

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Note: Post processing of raw aerial photography may cause varying degrees of visual distortion at the local level.

# **AIR PHOTO**

Spring 2016

SW-15-28-04-W05M

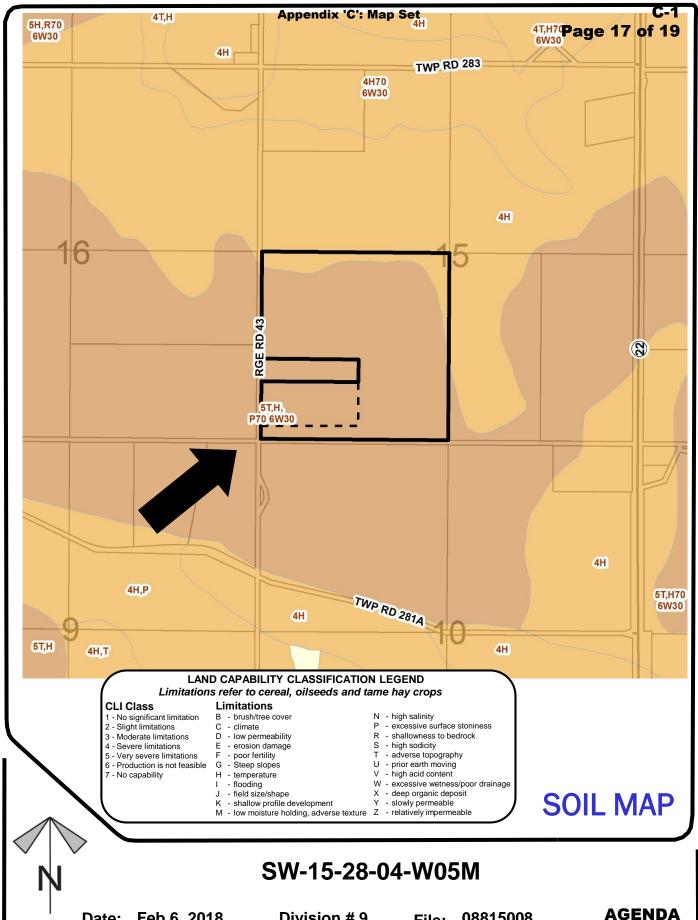
Date: Feb 6, 2018

Division #9

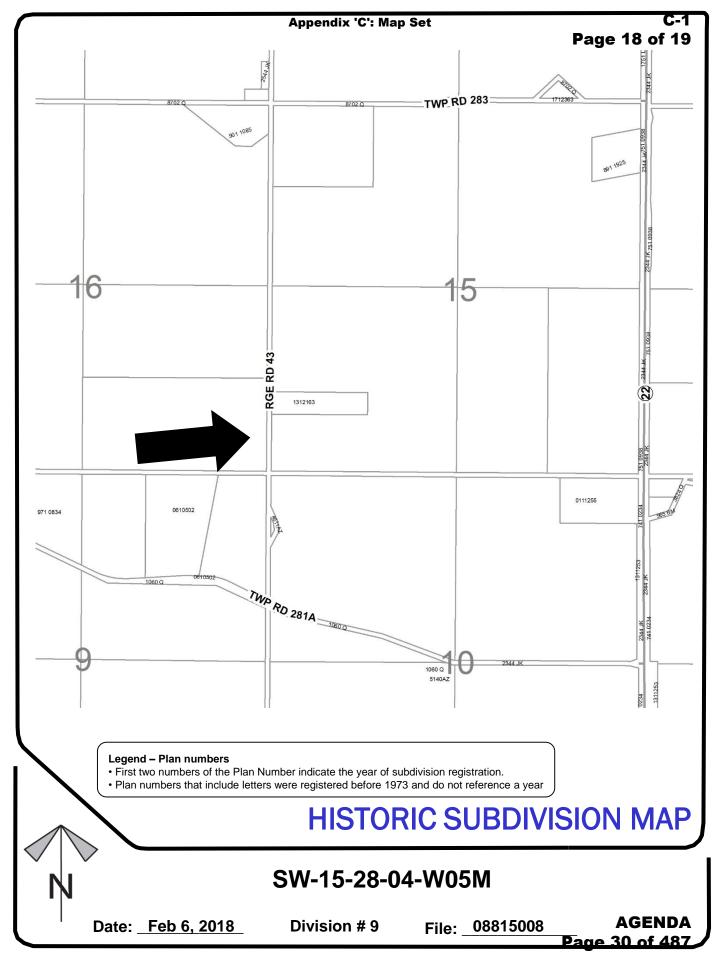
File: \_08815008

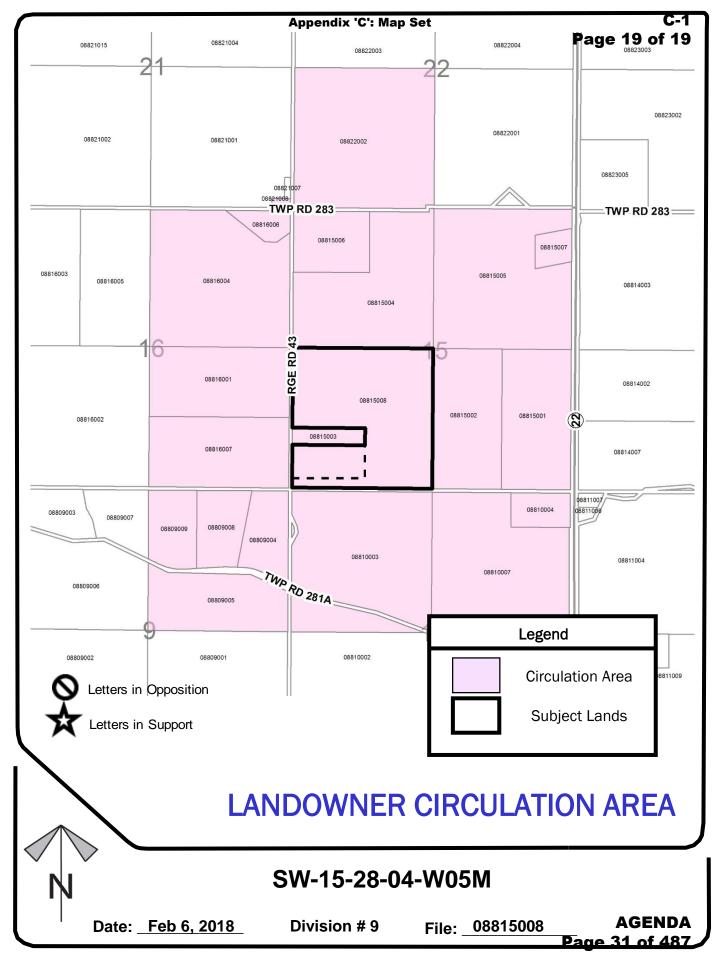
AGENDA

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Date: <u>Feb 6, 2018</u> Division #9 File: 08815008 Page 29 of 487







# PLANNING SERVICES

TO: Council

DATE: September 11, 2018 DIVISION: 2

**TIME:** Morning Appointment

**FILE**: 04716009 **APPLICATION**: PL20180062

SUBJECT: Redesignation Item – Residential Two District to Residential Three District – Springbank

ASP

#### <sup>1</sup>ADMINISTRATION RECOMMENDATION:

Motion #1 THAT Bylaw C-7815-2018 be given first reading.

Motion #2 THAT Bylaw C-7815-2018 be given second reading.

Motion #3 THAT Bylaw C-7815-2018 be considered for third reading.

Motion #4 THAT Bylaw C-7815-2018 be given third and final reading.

#### **EXECUTIVE SUMMARY:**

The purpose of this application is to redesignate the subject lands from Residential Two District to Residential Three District to accommodate an Equestrian Centre.

An Equestrian Centre is not a listed use in the Residential Two District; therefore, the Applicant is currently unable to bring the existing arena into compliance as an Equestrian Centre. The purpose of the application is to redesignate the lands so that the Applicant can apply for a Development Permit and subsequent Building Permits to bring the property into compliance.

The lands are located within the policy area of the Central Springbank Area Structure Plan (ASP); the application was evaluated with those policies, and Administration determined the following:

- The proposal is generally consistent with the goals and objectives of the Central Springbank ASP;
- The proposed district and existing parcel size are consistent with parcels in the area;
- The proposed district supports agricultural diversification; and
- All technical matters were considered, including servicing, access, and stormwater, and no improvements are required to support the redesignation.

Therefore, Administration recommends approval in accordance with **Option #1**.

**DATE APPLICATION RECEIVED:** June 14, 2018 **DATE APPLICATION DEEMED COMPLETE:** June 14, 2018

**PROPOSAL:** To redesignate Lot 2, Plan 1380 LK of NE-16-24-03-

W05M from Residential Two District to Residential Three

District to accommodate an Equestrian Centre.

**LEGAL DESCRIPTION:** Lot 2, Plan 1380 LK of NE-16-24-03-W05M

**GENERAL LOCATION:** Located approximately 0.41 km (1/4 mile) west of Rge. Rd.

33 and on the south side of Twp. Rd. 243, 5.20 miles west

of the city of Calgary.

<sup>&</sup>lt;sup>1</sup>Administration Resources
Jessica Anderson, Planning Services
Eric Schuh, Engineering Services



SOILS (C.L.I. from A.R.C.):

**APPLICANT:** Brad & Valerie Prather

**OWNERS:** Brad & Valerie Prather

**EXISTING LAND USE DESIGNATION:** Residential Two District

PROPOSED LAND USE DESIGNATION: Residential Three District

GROSS AREA: ± 7.91 hectares (± 19.55 acres)

**4S 4** – Severe limitations to crop production due to high sodicity.

**6W I 6** – Cropping is not feasible due to excessive wetness/poor drainage and flooding by streams or lakes.

#### **PUBLIC & AGENCY SUBMISSIONS:**

The application was circulated to 55 adjacent landowners, to which three letters were received in response (see Appendix 'D'). The application was also circulated to a number of internal and external agencies. Those responses are available in Appendix 'A'.

#### **HISTORY:**

October 2, 2001 The Central Springbank Area Structure Plan was adopted.

October 25, 1972 Plan 1380 LK was registered, creating eight parcels including the subject ± 7.91

hectare (± 19.55 acre) parcel.

#### **BACKGROUND:**

The purpose of this application is to redesignate the subject lands from Residential Two District to Residential Three District to accommodate an Equestrian Centre. The lands contain an existing dwelling and a private riding arena, with the associated servicing infrastructure provided by means of a septic field and water well. The existing parcel is accessed via Township Road 243 by a paved approach that is in good condition.

In 2009, a Development Permit was issued for construction of a private riding arena, and a Farm Building Location Permit was issued for construction. Since that time, the arena has been used as an Equestrian Centre; the distinction being that a private riding arena is for personal use only, whereas an Equestrian Centre is a public facility at which horses are exercised or trained, and training in equestrian skills or equestrian competitions or shows are held. An Equestrian Centre is not a listed use in the Residential Two District; therefore, the Applicant is currently unable to bring the arena into compliance as an Equestrian Centre. The purpose of the application is to redesignate the lands to allow the Applicant to apply for a Development Permit and subsequent Building Permits to bring the property into compliance.

No subdivision is proposed, and while subdivision may be possible with a future application, it would be limited; if the lands are redesignated to Residential Three District, the minimum parcel size allowed would be 9.88 acres, rather than the current minimum parcel size under the Residential Two District of 3.95 acres.

The subject lands are in an area of the County that is largely country residential in nature. Most of the development in the vicinity of the subject lands has been to small agricultural and country residential parcels, with some larger agricultural parcels to the west and south.



## **POLICY ANALYSIS:**

# Central Springbank Area Structure Plan (Bylaw C-5354-2001)

The application was evaluated in accordance with the policies contained within the Central Springbank Area Structure Plan (ASP).

#### Infill Residential Policies:

Section 2.0 of the ASP pertains to the development of residential parcels, and Map 11 of the ASP identifies the infill residential areas. The subject lands are located within an infill residential area, and as such, the policies of Section 2.9.3 are applicable. Section 2.9.3 supports the creation of a residential parcel between 2.0 and 4.0 acres in size in a form compatible with adjacent properties. The ASP does not contemplate redesignation to support agricultural diversification in this context; however, the proposed designation and existing parcel size are consistent with parcels in the area. The proposal does not limit development potential in the future should the subject and adjacent lands be comprehensively planned and developed as per the direction of the ASP policies. Servicing, access, and stormwater are not proposed to change at this time. The proposal is consistent with the goals and policies for residential development in the Central Springbank ASP area.

## Land Use Bylaw (C-4841-97):

The purpose and intent of the Residential Two District is to, "provide a residential use on a small parcel of land which accommodates minor agricultural pursuits and required accessory buildings." The purpose and intent of the Residential Three District is to, "provide for a residential use on parcels which can accommodate residential, more general agricultural uses, home-based business uses, and larger accessory buildings."

The proposed Residential Three District is generally appropriate for larger parcels ranging in size from 9.88 acres to 20.01 acres in size; therefore, the subject parcel is suitable with respect to size.

The purpose and intent of the Residential Two and Residential Three Districts are similar. The lists of available uses are also similar, with Residential Three District having the addition of the following discretionary uses:

- Increased accessory building sizes;
- Animal Health Care Services;
- Bee Keeping;
- Kennels: and
- Trout farms;

Note: these additional uses are discretionary and would require a Development Permit prior to proceeding. All other uses are available in both the existing Residential Two and proposed Residential Three districts.

#### Proposed Development

The Applicant proposes to re-build the previously existing arena and operate an Equestrian Centre, Type I. The existing approach is proposed to serve the existing home and arena. At the time of future Development Permit application, the Applicant shall submit a Trip Generation Assessment, prepared by a qualified professional, to assess whether any traffic impacts would result from the change of use of the site from a Private Riding Arena to an Equestrian Centre 1. If any upgrades to the road network are identified, the Applicant would be required to enter into a Development Agreement with the County for implementation of said upgrades. In addition, the Applicant would need to provide payment of the Transportation Offsite Levy in accordance with the applicable levy at time of approval, as the parcel would be a Residential Land Use District, and the permit would likely result in an increase in



traffic on the local road network. A Development Permit is required to approve the use, design, and servicing for the Equestrian Centre use.

## **CONCLUSION:**

The lands are located within the policy area of the Central Springbank Area Structure Plan (ASP). The application was evaluated with those policies, and Administration determined the following:

- The proposal is generally consistent with the goals and objectives of the Central Springbank ASP;
- The proposed district and existing parcel size are consistent with parcels in the area;
- The proposed district supports agricultural diversification; and
- All technical matters have been considered, including servicing, access, and stormwater, and no improvements are required to support the redesignation.

Therefore, Administration recommends approval in accordance with **Option #1**.

#### **OPTIONS:**

OF HONS.		
Option #1:	Motion #1	THAT Bylaw C-7815-2018 be given first reading.
	Motion #2	THAT Bylaw C-7815-2018 be given second reading.
	Motion #3	THAT Bylaw C-7815-2018 be considered for third reading.
	Motion #4	THAT Bylaw C-7815-2018 be given third and final reading.
Option #2:	THAT applic	ation PL20180062 be refused.
Respectfully	submitted,	Concurrence,
41	'Chris O'Hara"	"Rick MacDonald"
General Man	ager	Interim County Manager
JA/rp		
APPENDICE	S:	

APPENDIX 'A': Application Referrals

APPENDIX 'B': Bylaw C-7815-2018 and Schedule A

APPENDIX 'C': Map Set

APPENDIX 'D': Landowner comments



# **APPENDIX A: APPLICATION REFERRALS**

AGENCY	COMMENTS
School Authority	
Rocky View Schools	Rocky View Schools has no objection to this circulation.
Calgary Catholic School District	No comments provided.
Public Francophone Education	No comments provided.
Catholic Francophone Education	No comments provided.
Province of Alberta	
Alberta Environment	No comments provided.
Alberta Transportation	No comments provided.
Alberta Sustainable Development (Public Lands)	No comments provided.
Alberta Culture and Community Spirit (Historical Resources)	No comments provided.
Energy Resources Conservation Board	No comments provided.
Alberta Health Services	Thank you for inviting our comments on the above-referenced application. Alberta Health Services (AHS) understands that this application is to re-designate the subject lands from Residential Two District to Residential Three District to accommodate an equestrian centre. Based on the information provided, AHS would like to make the following comments for your consideration:
	<ol> <li>No soils, groundwater or surface water sources may become polluted due to operations on the subject lands. Please note that the drinking water source must conform to the most recent Canadian Drinking Water Quality Guidelines and the Alberta Public Health Act, Nuisance and General Sanitation Guideline 243/2003. The potable water source must be adequately protected from any run-off, nuisance or contaminants.</li> <li>Any stockpiles of solid wastes from the property should be handled, stored and disposed of properly, protected from excessive moisture and pests. We recommend that collected solid wastes should not be disposed of on the property, but offsite in an approved manner.</li> <li>The Applicants must ensure the property is maintained in accordance with the Alberta Public Health Act, Nuisance and General Sanitation Guideline 243/2003 which stipulates,</li> </ol>



AGENCY	COMMENTS
	No person shall create, commit or maintain a nuisance. A person who creates, commits or maintains any condition that is or might become injurious or dangerous to the public health or that might hinder in any manner the prevention or suppression of disease is deemed to have created, committed or maintained a nuisance.
Public Utility	
ATCO Gas	ATCO Gas has no objection to the proposed.
ATCO Pipelines	ATCO PIPELINES has no objection.
AltaLink Management	No comments provided.
FortisAlberta	No comments provided.
Telus Communications	No comments provided.
TransAlta Utilities Ltd.	No comments provided.
Rockyview Gas Co-op Ltd.	No comments provided.
Other External Agencies	
EnCana Corporation	No comments provided.
City of Calgary	No comments provided.
Rocky View County Boards and Committees	
ASB Farm Members and Agricultural Fieldmen	No agricultural concerns.
Rocky View West Recreation Board	The Rocky View West Recreation Board will defer comment regarding MR until the Subdivision stage.
Internal Departments	
Municipal Lands	The Municipal Lands Office has no concerns with this land use redesignation application.  Comments pertaining to reserve dedication will be provided at any future subdivision stage.
Development Authority	No comments provided.
GeoGraphics	No comments provided.
Building Services	No comments provided.



#### **AGENCY**

### **COMMENTS**

## **Emergency Services**

Having reviewed the circulation, the Fire Service has the following comments:

- Dependent on the size of the building, please ensure that water supplies and/or hydrants for the development are sufficient for firefighting purposes.
- 2. Dependent on the occupancies, the Fire Service recommends that the buildings be sprinklered, if applicable, as per the Alberta Building Code.
- 3. Please ensure that access routes are compliant to the designs specified in the Alberta Building Code and RVC's servicing standards.

There are no further comments at this time.

#### **Enforcement Services**

No comment.

Infrastructure and Operations - Engineering Services

#### General

- The review of this file is based upon the application submitted. These conditions/recommendations may be subject to change to ensure best practices and procedures.
- The applicant will be required to provide payment of \$200.00 development application engineering review fee in accordance with the Master Rates Bylaw at time of Development Permit, as amended.
- Parcel size is 19.55 acres. Current Land Use is R2. Seeking Redesignation to R3 to obtain future DP for Equestrian 1 to bring the site into compliance. According to the application submitted, there is no further development proposed and the status quo will remain.

## Geotechnical

ES has no requirements at this time.

## **Transportation**

- The subject lands are accessed from an existing approach on Township Road 243, which is a paved road.
- At the time of future development permit application, the applicant shall submit a Trip Generation Assessment, prepared by a qualified professional, to assess whether any traffic impacts will result from the change of use of the site from a Private Riding Arena to an Equestrian Centre 1. If any upgrades to the road network are identified, the applicant shall be required to enter into a Development Agreement with the County for implementation of said upgrades.
  - Trips generation shall be assessed, as a future development permit for Equestrian 1 will allow for up to 100 people at an event.
- As a condition of future Development Permit, the applicant



#### **AGENCY**

### **COMMENTS**

shall provide payment of the Transportation Offsite Levy in accordance with the applicable levy at time of approval, as the parcel is a residential land use district (R3) and the permit is likely to result in an increase in traffic on the local road network.

- The development shall be subject to payment of the Base Levy (\$4595/acre) and the Special Area 4 Levy (\$11,380/acre).
- The levy shall apply only to those areas developed for the equestrian centre, which shall be determined from the site plans submitted with the future development permit application.

## Sanitary/Waste Water

- The applicant submitted an Onsite Wastewater Site Evaluation and System Design (Free Flow Consulting – April 22, 2018) for the existing septic system, indicating it has been installed in accordance with the Alberta Private Sewage Systems Standard of Practice.
- As the parcel is serviced by an existing septic system, no further PSTS Assessments are required.
- ES has no requirements at this time.

## Water Supply And Waterworks

- The parcel is serviced by an existing groundwater well.
- ES has no requirements at this time.

#### Storm Water Management

- The applicant submitted a Stormwater Management Plan (Westhoff Engineering Resources Inc. – July, 2009), which includes the design of the existing stormwater management infrastructure on site, and was approved under a previous Development Permit.
- Given that there is existing stormwater management infrastructure in place and no additional impervious surfaces are proposed, ES has no further concerns.
- ES has no requirements at this time.

## **Environmental**

- County GIS Alberta Merged Wetland Inventory does not identify any wetlands on the subject lands.
- There is an Elbow River Tributary approximately 90 metres south of the subject lands.
- ES has no requirements at this time.

Infrastructure and Operations - Maintenance

No comments provided.

Infrastructure and Operations -

No comments provided.



AGENCY	COMMENTS
Capital Delivery	
Infrastructure and Operations - Operations	No comments provided.

Circulation Period: June 26, 2018 to July 18, 2018



## **BYLAW C-7815-2018**

## A Bylaw of Rocky View County to amend Land Use Bylaw C-4841-97

The Council of Rocky View County enacts as follows:

## PART 1 - TITLE

This Bylaw shall be known as Bylaw C-7815-2018.

## **PART 2 - DEFINITIONS**

In this Bylaw, the definitions and terms shall have the meanings given to them in Land Use Bylaw C-4841-97 and the *Municipal Government Act*.

## PART 3 - EFFECT OF BYLAW

- THAT Part 5, Land Use Map No. 47 and 47-SW of Bylaw C-4841-97 be amended by redesignating Lot 2, Plan 1380 LK of NE-16-24-03-W05M from Residential Two District to Residential Three District as shown on the attached Schedule 'A' forming part of this Bylaw; and
- **THAT** Lot 2, Plan 1380 LK of NE-16-24-03-W05M is hereby redesignated to Residential Three District as shown on the attached Schedule 'C' forming part of this Bylaw.

#### **PART 4 – TRANSITIONAL**

Bylaw C-7815-2018 is passed when it receives third reading, and is signed by the Reeve/Deputy Reeve and the Municipal Clerk, as per Section 189 of the *Municipal Government Act*.

Division: 2 File: 04716009/ PL20180062 PUBLIC HEARING WAS HELD IN COUNCIL this day of , *20*18 READ A FIRST TIME IN COUNCIL this day of , 2018 READ A SECOND TIME IN COUNCIL this day of , 2018 UNANIMOUS PERMISSION FOR THIRD READING , 2018 day of READ A THIRD TIME IN COUNCIL this day of , 2018 Reeve CAO or Designate Date Bylaw Signed

# APPENDIX 'B': Bylaw and Schedule A SCHEDULE "A"

C-2 Page 11 of 28

BYLAW: C-7815-2018 **TWP RD 243** ±7.91 ha  $(\pm 19.55 ac)$ **AMENDMENT** FROM Residential Two District TO Residential Three District

Subject Land \_\_\_\_

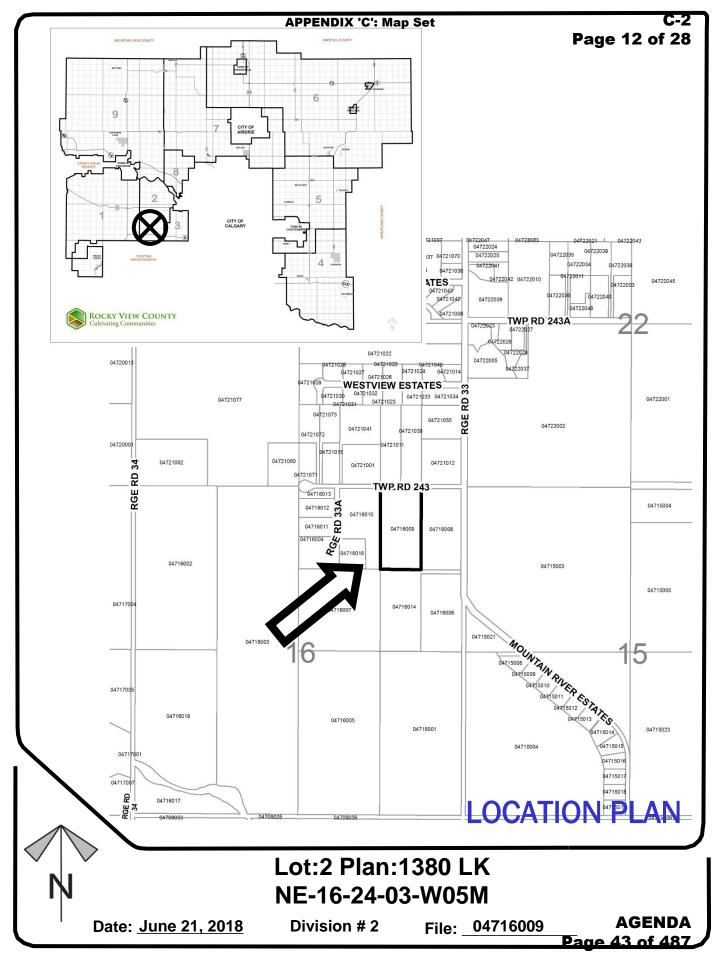
LEGAL DESCRIPTION: Lot 2, Plan 1380 LK

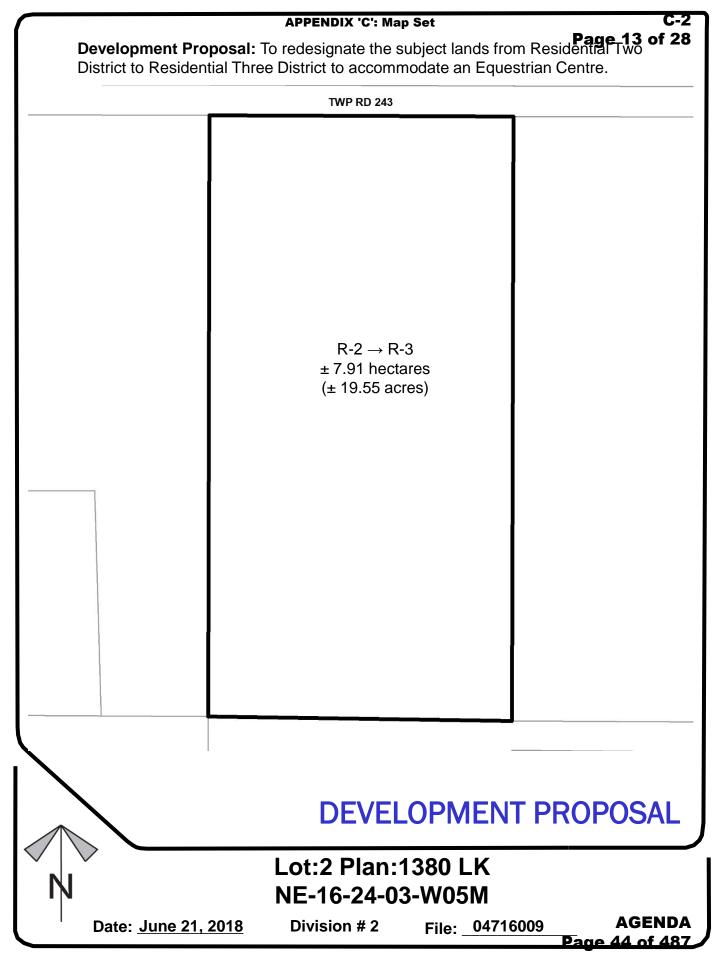
NE-16-24-03-W05M

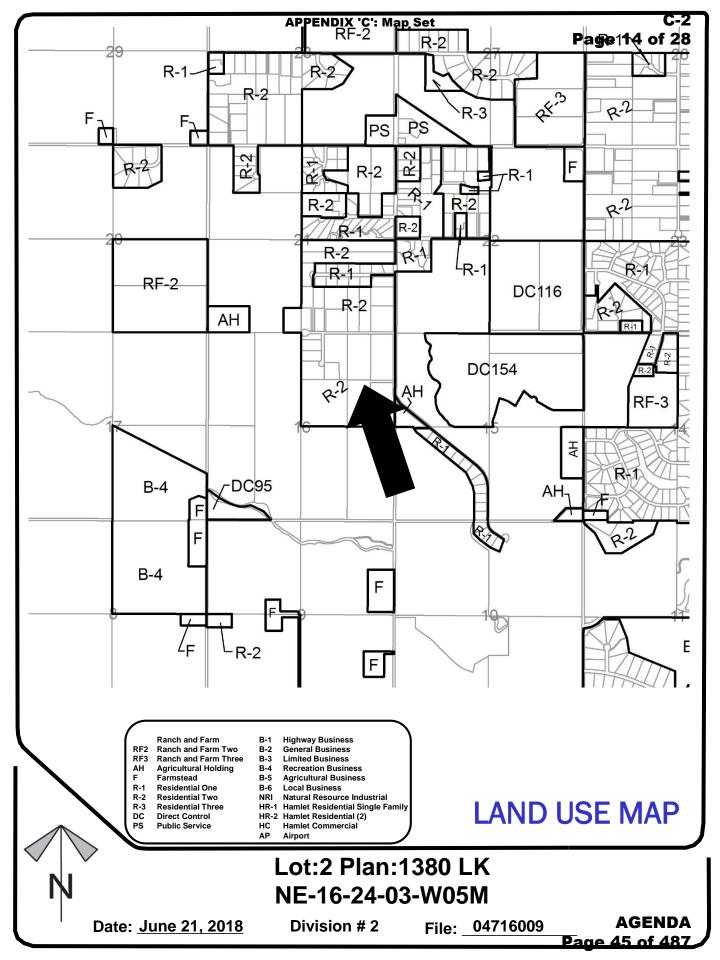
FILE: 04716009 – PL20180062 DIVISION: 02

ROCKY VIEW COUNTY
Cultivating Communities

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Contours are generated using 10m grid points, and depict general topographic features of the area. Detail accuracy at a local scale cannot be guaranteed. They are included for reference use only.

## **TOPOGRAPHY**

Contour Interval 2 M

Lot:2 Plan:1380 LK NE-16-24-03-W05M

Date: <u>June 21, 2018</u>

Division # 2

File: 04716009

AGENDA
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Note: Post processing of raw aerial photography may cause varying degrees of visual distortion at the local level.

## **AIR PHOTO**

Spring 2016

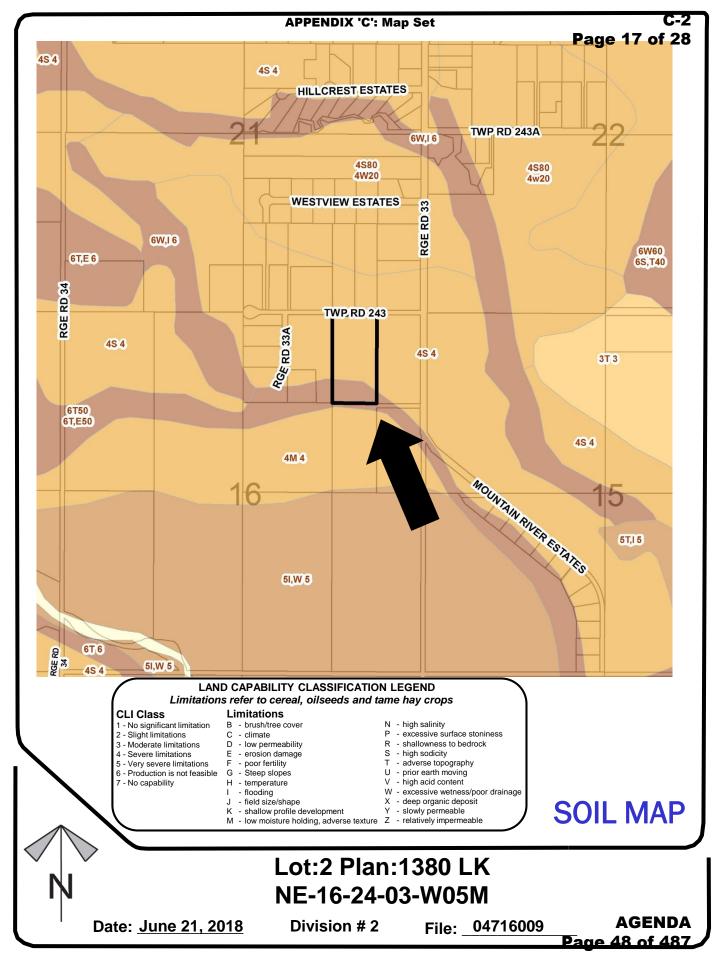
Lot:2 Plan:1380 LK NE-16-24-03-W05M

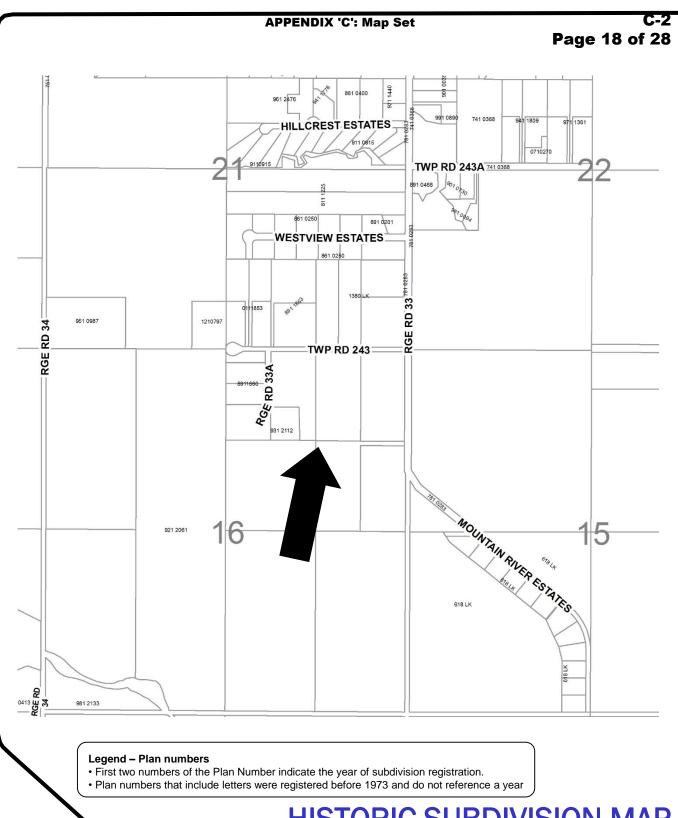
Date: <u>June 21, 2018</u>

Division # 2

File: <u>04716009</u>

AGENDA
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## HISTORIC SUBDIVISION MAP

Lot:2 Plan:1380 LK NE-16-24-03-W05M

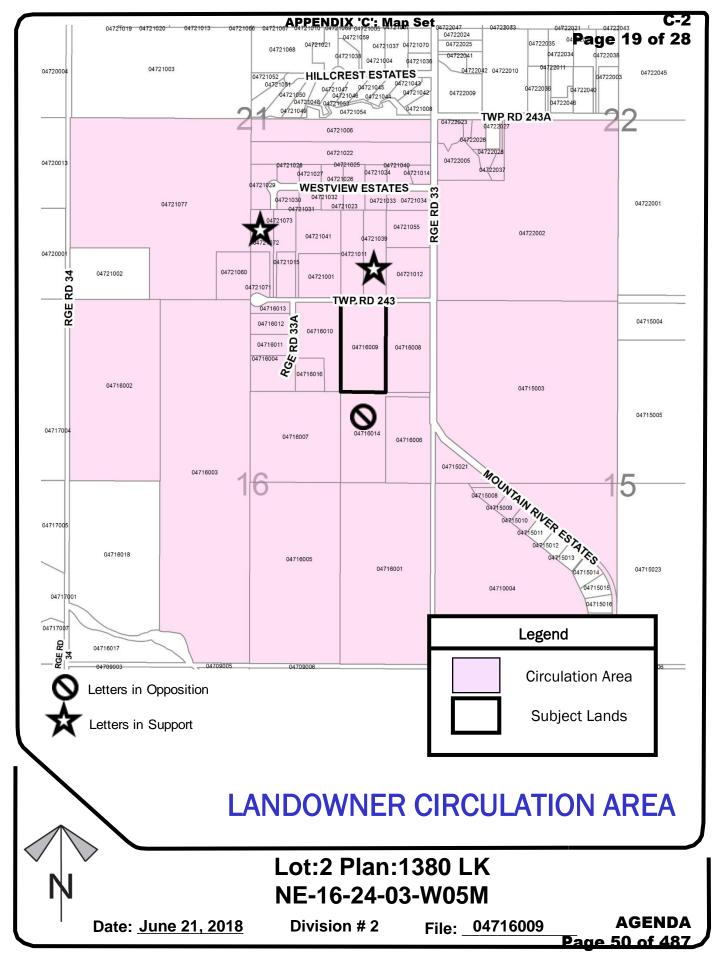
Date: <u>June 21, 2018</u>

Division # 2

File: 04716009

AGENDA

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From:

To: PAA LegislativeServices

Subject: By-law C-7815-2018 - A Bylaw of Rocky View County to Amend Land Use Bylaw C-4841-97

**Date:** Wednesday, August 29, 2018 3:59:47 PM

---- Forwarded Message -----

Subject: Application Number: PL20180062, File Number: 04716009

My e-mail of July 17th, 2018 listed a number of concerns with redesignation of this property, and I am still opposed.

#### **APPENDIX 'D': Landowner comments**

From:

To: <u>Tyler Andreasen</u>

Subject: Re: By-law C-7815-2018 - A Bylaw of Rocky View County to Amend Land Use Bylaw C-4841-97

**Date:** Thursday, August 30, 2018 3:33:43 PM

This is my e-mail from **July 17th** outlining some of my concerns is the redesignation is approved.

Unfortunately, I have not been able to connect with you by phone over the last two weeks. The comments below are in response to your letter of June 26th, 2018 re Application Number PL20180062.

Where is the land?

My property is diagonal to the applicant's property.

#### Applicant proposal?

What is the difference between Residential 2 and Residential 3 designation? Would you please provide details on what the Equestrian Centre would provide. Is this to be considered a commercial property? Will a residence on this property be required by the applicant?

#### Access:

I would appreciate any information regarding:

- . How many participants will be accessing this facility at one time?
- . The increase of traffic
- . Parking accommodation
- . With the increase of traffic the maintenance of roads, Range Road 33 and Township Road 243 are important
- . In anticipation of increased traffic, how will accessibility to resident's mailboxes be addressed?
- . In consideration of increased traffic security becomes crucial.

## Provision of water:

- . Are these facilities on the water coop or a well?
- . Is this property able to sustain water for a facility of this nature as well as the other existing facilities?

#### Parcel size:

. The total property is 19.55 acres, will this amount of land sustain this many buildings and participants?

## Disposal of sewage and waste:

. How will the disposal of sewage, seepage and waste from these facilities be taken care of?

## Other Thoughts:

- . Would it be possible to acquire a copy of the application?
- . Will we be notified of a hearing?

From:

To: PAA LegislativeServices

Cc:

Subject: RE: Bylaw C-7815-2018

**Date:** Thursday, August 30, 2018 9:30:53 AM

Name: Gordon Robson

Address:

Legal description:

The email below was submitted on July 18 in response to a request for input by the county. My views remain unchanged, and I would like to add the following information for your consideration. construction has already begun on the new facility even though the application hearing is not until September 11.

I have attached a photo (img 20180829 142540jpg). Note the large steel structure behind the original building.

This is yet another example of the lack of regard these people show for the neighbours, the community, and the county regulations.

I hope the county will deny this application and have this monstrous structure taken down, as it in no way reflects the values of this community.

Thank you for your consideration in this matter

Gordon Robson

\_\_\_\_\_

From: Gordon Robson Sent: July 18, 2018 3:47 PM

To:

Subject: FW: File #04716009 Application #PL20180062

From: Dianne Robson

Sent: July 18, 2018 3:41 PM

10: Cc:

Subject: FW: File #04716009 Application #PL20180062

From: Dianne Robson Sent: July-18-18 3:06 PM To: Dianne Robson

Subject: File #04716009 Application #PL20180062

I am sending this email to indicate my opposition to the above mentioned application. My reasons for this opposition are outlined below.

In 2011, the original application for this arena was brought forward.

I was initially opposed to this application, as this is a rural residential area in the heart of Springbank. Prior to the application hearing, we met with the property owners who assured us that the arena would be for their personal use, and that they would be living on site, so the grounds would be maintained in a manner not detrimental to the adjoining neighbours. Based on these assurances, I dropped my opposition to the original application.

It is now 7 years later, they are still not residing on the property (their property manager lives in the house on the property), and some of the practices they observe do not relate a concern for the community.

In fairness, the arena is constructed in a manner to minimize its impact on the community. I am sure that the area they use for their riding activities is well maintained.

On the negative side. There are piles of garbage and dirt scattered around the property adjacent to our property line. I am sure they would not be there if the property owners lived on the property and had to look at them every day.

Secondly, in addition to the arena, they have created a large riding area on the land, I assume to replicate the conditions found in a competition jumping arena. While this is, in and of itself not an issue, they have installed an agricultural volume irrigation system to water the grass on this large field to keep it in optimum condition. I have attached a photo, taken a few days ago to show the 3 sprinklers in operation (they are moved around to provide coverage of the entire practice field), as well as the garbage pile in the left foreground. If these sprinklers are fed by wells, they will be depleting the aquifer which most residents in the area depend on for residential potable water.

Finally, based on the information about this application recieved from your office, the reason for the application is to provide approval for an increase in the size and scope of the operations being conducted there from a small (4 to 8 horses) family operation to a 22 horse facility for boarding, training and showing of jumping horses. This will be essentially a business operated by non residents located in a residential area, with access by two lane roads. Increasing the size and scope of the current operation will result in increased traffic, potential road degradation and increased water use.

At the very least, I strongly urge that the County ensure that the irrigation system being used is sourced from the water cooperative, and not from the local aquifer upon which we all depend for our domestic water supply.

Thank You, Gordon and Dianne Robson

Thank you, Dianne Robson







From:

To: <u>Jessica Anderson</u>
Subject: File# 0416009

**Date:** Monday, July 02, 2018 11:37:04 AM

Attachments: PastedGraphic-4.png

## Ms. Anderson,

This note is in support of 04716009 to re-designate these lands from Res.2 into Res.3 District lands to accommodate the equestrian centre.

We love our home and neighbourhood because of all the horses and animal people who live nearby.

Our home is located just north of Twp Rd 243 - on Our address is

of the county map.

Thank you for your consideration,

Ms Robin Herbert



From:

To: <u>Jessica Anderson</u>

Cc: Subject:

File number 04716009 Application PL20180062

**Date:** Tuesday, July 10, 2018 8:20:29 AM

We, Calla and Dave Shaw, of , support the proposed application to redesignate Lot 2, Plan 1380 LK NE-16-24-03-W5M, from Residential Two District to Residential Three District to accommodate an equestrian Centre.

Thank you Calla and Dave Shaw



## **PLANNING SERVICES**

TO: Council

DATE: September 11, 2018 DIVISION: 5

TIME: Morning Appointment

FILE: 04227009 APPLICATION: PL20180017

**SUBJECT:** Redesignation Item – Agricultural Holdings District to Industrial – Industrial Activity District

#### <sup>1</sup>ADMINISTRATION RECOMMENDATION:

THAT application PL20180017 be refused.

#### **EXECUTIVE SUMMARY:**

The purpose of this application is to redesignate the subject lands from Agricultural Holdings District to Industrial - Industrial Activity District to accommodate a landscaping company.

The subject lands are located within an agricultural area of the County. As the lands fall outside the boundaries of any adopted area structure plan, the application was evaluated in accordance with the County Plan; specifically, the policies with respect to business development outside an approved business area. Some technical information, including details with respect to transportation and stormwater, were submitted in support of the application. However, the application is not consistent with the County Plan and *Municipal Government Act* for the following reasons:

- The Applicant did not demonstrate a justification as to why this proposal is not well suited to an approved business area in accordance with Policy 14.21 of the County Plan;
- The Application proposes a change in designation to an intensive industrial district and does
  not adequately address limitations on the size and scope of the potential business operations,
  or minimize impacts on adjacent lands in accordance with Policy 14.22 of the County Plan;
- Access is currently provided through a shared driveway with an ± 8.00 m wide panhandle, and with the potential of subdivision, access constraints were not adequately addressed in accordance with Policy 14.22 of the County Plan;
- The Industrial Industrial Activity District allows for intensive industrial development as a permitted use in accordance with Section 75.2 of the Land Use Bylaw, which the Development Authority would be obligated to approve, and the application does not adequately address the issue of minimizing the use's impacts on adjacent agricultural and residential lands;
- There is the potential that approval of the bylaw would be a contravention of Section 708.12(1)(c) of the *Municipal Government Act*, which requires any adopted bylaw to be in alignment with a growth plan for the region.

Therefore, Administration recommends refusal in accordance with Option #2.

**DATE APPLICATION RECEIVED:** February 8, 2018 **DATE APPLICATION DEEMED COMPLETE:** July 4, 2018

**PROPOSAL:** To redesignate the subject lands from Agricultural Holdings

District to Industrial - Industrial Activity District to

accommodate a landscaping company.

<sup>1</sup>Administration Resources
Paul Simon, Planning Services
Erika Bancila, Engineering Services



**LEGAL DESCRIPTION:** Lot 4, Block 4, Plan 0312137; SE-27-24-27-W04M

**GENERAL LOCATION:** Located approximately 0.5 km (1/3 mile) west of Highway

9, on the north side of Inverlake Road.

APPLICANT: Ricklan Construction Ltd.

OWNERS: Carols Tejada

**EXISTING LAND USE DESIGNATION:** Agricultural Holdings District

PROPOSED LAND USE DESIGNATION: Industrial – Industrial Activity District

**GROSS AREA:**  $\pm$  8.35 hectares ( $\pm$  20.63 acres)

**SOILS (C.L.I. from A.R.C.)**: Class 2H – Slight limitations due to temperature.

### **PUBLIC & AGENCY SUBMISSIONS:**

The application was circulated to 31 adjacent landowners. No letters in response were received. The application was also circulated to a number of internal and external agencies. Those response are available in Appendix 'A'.

#### HISTORY:

**August 14, 2017** Development Permit application PRDP20164704 for a Home-Based Business,

Type II, for a landscaping and construction company was refused.

• The Applicant never appealed the decision of the Development Authority, and in February 2018, the Applicant submitted the application to redesignate to permit the landscaping business.

**July 31, 2003** Plan 0312137 was registered, creating two ± 8.13 hectare (± 20.08 acre) parcels

with a ± 8.35 hectare (± 20.63 acre) remainder.

May 6, 2003 Planning application 2002-RV-314 was approved by Council, redesignating the

subject lands from Agricultural Business District to Agricultural Holdings District to facilitate the creation of two  $\pm$  8.09 hectare ( $\pm$  20.00 acre) parcels with a  $\pm$  8.09

hectare (± 20.00 acre) remainder.

## **BACKGROUND:**

The subject lands are located outside the boundaries of any adopted area structure plan, within an agricultural area of the County. The lands are surrounded by agricultural and country residential land, with one parcel in the quarter section designated General Business District.

Based on the County's assessment records, in 1970, a single-wide mobile home was placed on the subject lands. The mobile home is serviced by means of water well and a pump out septic tank. The subject lands also contain a shed and two shops. The Applicant indicated that the storage units in the northwest corner of the subject lands, as shown on the County's 2016 aerial photographs, have been removed. The subject site is currently accessed via a shared driveway on a portion of the  $\pm$  8.00 m wide panhandle that extends south to Inverlake Road.

## Proposed Development

The proposed landscaping business would employ seven (7) staff, and would have approximately two (2) vehicles attend the property per day. The business would operate year-round for landscaping and snow removal and would require approximately 11,000 sq. ft. of outside storage. The Applicant indicated that the Owner intends to construct an office and maintenance shop on the subject lands. While the current intent is to operate only the landscape business, the Applicant indicated that future subdivision and subsequent rental of portions of the site could occur if the need arises.



## **POLICY ANALYSIS:**

The application was evaluated in accordance with the policies contained within the County Plan as well as the Land Use Bylaw.

### Municipal Government Act

The *Municipal Government Act* includes provisions to ensure municipalities are making decisions that are in line with a growth plan for the region. Section 708.12(1) states that,

"No participating municipality shall take any of the following actions that conflict or are inconsistent with a growth plan:

(c) Make a bylaw or pass a resolution."

The effect of a redesignation is to pass a bylaw amending the land use of a parcel of land. There is the potential that the effect of the bylaw in question could be inconsistent with a growth plan for the region, resulting in increased risk for the County for any subsequent development activities that may take place.

## County Plan (Bylaw C-7280-2013)

Section 14 of the County Plan includes provisions for evaluating business development proposals outside of identified business areas.

14.21 Applications to redesignate land for business uses outside of a business area shall provide a rationale that justifies why the proposed development cannot be located in a business area (e.g. requirement for unique infrastructure at the proposed location).

The Applicant indicated that the Owner does not intend to live on the subject lands and that the present zoning does not allow for the operation of their business, mainly due to the amount of outside storage required. A home-based business type II was applied for in 2017 and was subsequently refused. The refusal was never appealed.

No justification was provided in accordance with Policy 14.21 of the County Plan that would indicate why this proposed business cannot locate in one of the approved business areas of the County. Map 1 of the County Plan identifies the approved business areas in Rocky View County. These areas are identified to ensure that commercial development is undertaken on a comprehensive basis, and to minimize impacts on surrounding land uses. While land to the south does contain the General Business District designation (granted in 1999), the majority of land in the quarter section and surrounding area is country residential and agricultural; allowing an industrial designation without substantial justification as to why this cannot be located in the business areas of the County could unduly interfere with and impact the activities on adjacent lands.

- 14.22 Proposals for business development outside of a business area should:
  - a. be limited in size, scale, intensity, and scope;

While the proposed landscaping business is relatively small-scale, proposing employment of seven (7) staff and up to two (2) vehicles attending the property per day (excluding staff), the Industrial-Industrial Activity district allows for some of the most invasive industrial uses in the County, including general industry, waste transfer sites, storage areas, and compost facilities. A common use in the approved business areas, such as Balzac East or Janet, is General Industry Type II, which permits activities that do not cause a significant nuisance beyond the boundaries of a property. General Industry Type II is listed as a permitted use in the Industrial-Industrial Activity district, which means that the Development Authority would be obligated to approve a development permit application when it complies with the provisions of the Land Use Bylaw. General Industry Type III, which can pose



significant off-site impacts, is a discretionary use in the Industrial-Industrial Activity district, and could be applied for if this redesignation were to be approved.

Therefore, while the existing business may be limited in size, scale, intensity, and scope, the request for a change in land use designation must be evaluated in accordance with the potential developability of the site in the context of the uses that would become available under the proposed designation. Given the potential for diverse industrial uses in the Industrial-Industrial Activity district, some of which the Development Authority would be obligated to approve, the proposal is not considered to be limited in size, scale, intensity, and scope, and could result in the proliferation of intensive industrial development in an agricultural area of the County. If the proposed business were to be approved under a use such as a home-based business, which is subject to renewal, the size, scale, and intensity could be better controlled when compared with a change in designation.

The Applicant indicated that they do not wish to pursue subdivision at this time, but it may be a consideration in the future. If change in land use is granted, with a minimum parcel size of 1.01 hectares (2.50 acres) in the Industrial-Industrial Activity district, this would allow for a maximum of eight lots on the subject lands, resulting in the potential for an ad hoc business development in an agricultural area of the County, without the benefit of an area structure plan or conceptual scheme to ensure development is undertaken in a comprehensive method that addresses adjacent impacts and technical considerations. This could pose further concerns with respect to access, given that the lands are accessing through an existing panhandle that is only  $\pm$  8.00 wide.

b. have direct and safe access to a paved County road or Provincial highway;

The property shares a driveway with the property to the west and has an  $\pm$  8.00 wide panhandle access to Inverlake Road. Panhandle access is discouraged in the County, and given the fact that the Applicant expressed that the Owner may choose to subdivide in the future and rent out portions of the property, access becomes a major constraint. In a standard business area, for internal roads, the County would require a 25 m road right-of-way to ensure roads can be constructed up to County standards to accommodate industrial traffic. Given that the minimum parcel size in the Industrial-Industrial Activity district is 1.01 hectares (2.5 acres), there is subdivision potential if the land use change is granted, resulting in significant access concerns. The Owner currently has a shared driveway with residential properties, and having further industrial traffic beyond which already exists could pose safety concerns when sharing access with residential traffic. The Applicant submitted a basic subdivision design, but it does not address this concern. Therefore, given the development potential, Administration considers that direct and safe access to a paved County road would not be achieved under the proposed designation.

c. provide a traffic impact and intersection assessment;

The Applicant submitted a Transportation Impact Assessment (TIA) letter that concluded that the current business would have minimal impact on the surrounding road network. However, given the diverse industrial uses that are available in the proposed district, there is the potential that further impacts on the transportation network could occur with future development. Further, the assessment did not examine the constraints with respect to access should future development occur. The Applicant submitted a potential future subdivision design, but it does not address the access constraints posed by the panhandle access. In an approved business area, where commercial development is directed by the transportation policies of an area structure plan, which would be guided by a Network Analysis that supports the



subsequent submission of TIAs with local plan applications, issues with respect to transportation would be addressed in a comprehensive manner, and adjacent lands would be incorporated to ensure direct access to a County road is provided in accordance with master transportation studies.

d. minimize adverse impacts on existing residential, business, or agricultural uses.

The Applicant indicated that, with the exception of the property to the south, all other properties are a sufficient distance away, and that there should not be any unsightly appearance or excessive noise from the site that does not happen on any other farm. Any outside storage from the proposed business would be screened. However, there is no assessment in accordance with the Agricultural Boundary Design Guidelines, and no landscape plan or site layout of the business was submitted. The application does not demonstrate that there would be measures undertaken to minimize impacts on existing residential, business, or agricultural uses in accordance with the provisions of the County Plan. In the approved business areas of the County, these measures are generally entrenched through policy in an area structure plan and associated local plans. Furthermore, the subject quarter section is considered fragmented and would therefore qualify for further country residential development in accordance with the policies of the County Plan. Allowing a change in land use designation to the Industrial-Industrial Activity district without having detailed policy measures poses significant potential impacts to adjacent properties in this agricultural area that could potentially see increased country residential development.

## Land Use Bylaw (Bylaw C-4841-97)

The purpose and intent of the Industrial-Industrial Activity district is to provide for a range of industrial activity, including industrial activity that may have off-site nuisance impacts, and the support services that may be associated with such activity. While the overall intent of the application is to facilitate the landscaping business, this does not negate the potential for other industrial activities to occur on the subject lands, especially given the fact that some intensive industrial uses are permitted uses in this district. Further, the Applicant indicated that there is potential to pursue subdivision in the future and rent portions of the site out, which means any of the uses listed in the Industrial-Industrial Activity district could be applied for. With a minimum parcel size of 1.01 hectares (2.50 acres) in the proposed district, there is the potential for significant subdivision and associated proliferation of industrial development in this agricultural area of the County if the land use designation is granted.

## CONCLUSION:

The proposal to redesignate the subject lands from Agricultural Holdings District to Industrial - Industrial Activity District to accommodate a landscaping company was evaluated in accordance with the County Plan and the Land Use Bylaw. The proposal is inconsistent with the policies of the County Plan and would allow for the possible proliferation of industrial development in an agricultural area of the County with potentially unacceptable impacts on adjacent residential and agricultural lands. As the assessment indicates that this proposal is not appropriate in this area, Administration is recommending refusal in accordance with Option #2.

#### **OPTIONS:**

THAT Council set aside Policies 14.21 and 14.22 of the County Plan Option #1: Motion #1

(Bylaw C-7280-2013) with respect to business development outside of

an approved business area for redesignation application PL20180017.

Motion #2 THAT Bylaw C-7812-2018 be given first reading.

Motion #3 THAT Bylaw C-7812-2018 be given second reading.

Motion #4 THAT Bylaw C-7812-2018 be considered for third reading.



THAT Bylaw C-7812-2018 be given third and final reading. Motion #5

THAT application PL20180017 be refused. Option #2:

Respectfully submitted,	Concurrence,
"Chris O'Hara"	"Rick McDonald"
General Manager	Interim County Manager

**APPENDICES:** 

PS/rp

APPENDIX 'A': Application Referrals

APPENDIX 'B': Bylaw C-7812-2018 and Schedule A APPENDIX 'C': Map Set



## **APPENDIX A: APPLICATION REFERRALS**

AGENCY	COMMENTS
School Authority	
Rocky View Schools	No comments received.
Calgary Catholic School District	No objection to the above noted circulation, located northeast of Chestermere. As per the circulation, Municipal Reserves will be considered at future subdivision stage.
Province of Alberta	
Alberta Culture and Tourism	No comments received.
Alberta Energy Regulator	No comments received.
Alberta Transportation	The area of land subject of this proposal is located within 800 metres of a public road intersection on Highway 9 and therefore, is within Alberta Transportation's area of jurisdiction as outlined in the Highways Development and Protection Act.
	The department however, recognizes that the proposal should not have a significant impact on the provincial highway system. Further, the municipal road system provides adequate access to the site. The proposal, therefore, would appear to have minimal impact on highway 9.
	Alberta Transportation, therefore, is not opposed to the proposal. Please note, however, that subsequent development activity at this location would require a Roadside Development Permit from the department.
Alberta Health Services	No comments received.
Public Utility	
ATCO Gas	ATCO Gas has no objection to the proposed.
ATCO Pipelines	No objection.
AltaLink Management	No comments received.
FortisAlberta	No comments received.
Telus Communications	TELUS Communications Inc. has no objections to the current landowner proceeding with this application. If TELUS require to place future facilities on private lands to service future customers, we will require a URW at that time. It is the landowners responsibility to ensure they contact Alberta-One to ensure no facilities will be disrupted. If at any time TELUS facilities are disrupted, it will be at the sole cost of the



AGENCY	COMMENTS
	landowner.
TransAlta Utilities Ltd.	No comments received.
Other External Agencies	
EnCana Corporation	No comments received.
Rocky View County Boards and Committees	
ASB Farm Members and Agricultural Fieldmen	No comments received.
Recreation District Board (all)	The Chestermere-Conrich Rec Board have no issues and concerns with this application. Comments regarding reserves will be provided at subdivision stage.
Internal Departments	
Agricultural Services	The redesignation of a parcel of land from Agricultural Holdings District to Industrial-Industrial Activity District is not supported by policy. If this application were to be approved, the application of the Agricultural Boundary Design Guidelines would be beneficial in buffering the industrial land use from the agricultural land uses surrounding the parcel. The guidelines would help mitigate areas of concern including: trespass, litter, pets, noise and concern over fertilizers, dust & normal agricultural practices.
Municipal Lands	The Municipal Lands Office has no concerns with this land use redesignation application. Comments pertaining to reserve dedication to support development of parks, open spaces, or an active transportation network will be provided at any future subdivision stage.
Development Authority	No comments received.
GeoGraphics	No comments received.
Building Services	No comments received.
Fire Services	No comments at this time.
Enforcement Services	Enforcement has no concerns at this stage.
Infrastructure and Operations - Engineering Services	<ul> <li>General</li> <li>The review of this file is based upon the application submitted. These conditions/recommendations may be subject to change to ensure best practices and</li> </ul>



### AGENCY COMMENTS

procedures.

## **Geotechnical** - Section 300.0 requirements:

ES has no requirements at this time.

## <u>Transportation</u> - Section 400.0 requirements:

- ES has no requirements at this time
  - A Transportation Impact Assessment letter has been submitted as part of this application prepared by DA WATT Consulting Group, dated June 25, 2018. The report analyzed the impact of the existing business activity and concluded the impact is minimal on the surrounding road network.
  - At future Subdivision/DP stage, an updated TIA will be required and road upgrades may be required.
  - Transportation Offsite Levies have been paid for this site.
  - The parcel is currently accessed via a shared access from Inverlake Road which is a County Road with gravel surface.
  - The existing panhandle is approximately 430m long, and is 8.3 m wide. It is noted the panhandle does not meet the minimum allowable panhandle width of 12.5m.

## Sanitary/Waste Water - Section 500.0 requirements:

- ES has no requirements at this time
  - The site has a pump out holding tank on the property, which is in line with Sanitary/Waste water requirements for Industrial, Commercial & Institutional PSTS.
  - The use of septic fields for other than normal domestic sewage will not be supported by the County.

## <u>Water Supply And Waterworks</u> - Section 600.0 & 800.0 requirements:

- ES has no requirements at this time.
  - The property has water well on site. Commercial, institutional and industrial uses will require AENV approval.
  - At the future subdivision/DP stage, the Applicant/Owner is required to provide confirmation of commercial water license from AENV for all commercial development permits drilling well.

## <u>Storm Water Management – Section 700.0 requirements:</u>

- ES has no requirements at this time.
  - The Applicant/Owner submitted a Conceptual Stormwater Management Plan as part of this application prepared by Eli Consulting, dated June 22,



AGENCY	COMMENTS
	<ul> <li>2018.</li> <li>At future Subdivision/DP stage, an update to the above mentioned Stormwater report will be required.</li> <li>The parcel has a Restrictive Covenant and Easement agreement on title for Overland Drainage (Instrument 001 01510484) for the south portion of the lands.</li> </ul>
	Environmental – Section 900.0 requirements:
	ES has no requirements at this time.
Infrastructure and Operations – Maintenance	No issues.
Infrastructure and Operations – Capital Delivery	No concerns.
Infrastructure and Operations – Road Operations	Recommend applicant be required to prepare Traffic Impact Assessment to determine if traffic generated from his landscaping business will necessitate any roadway upgrade work to Inverlake Road or if road use agreement is require for use of Inverlake Road to access his business.
Infrastructure and Operations – Utility Services	No concerns.

Circulation Period: February 20, 2018 - March 13, 2018



## **BYLAW C-7812-2018**

## A Bylaw of Rocky View County to amend Land Use Bylaw C-4841-97

The Council of Rocky View County enacts as follows:

## PART 1 - TITLE

This Bylaw shall be known as Bylaw C-7812-2018.

## **PART 2 – DEFINITIONS**

In this Bylaw, the definitions and terms shall have the meanings given to them in Land Use Bylaw C-4841-97 and the *Municipal Government Act*.

#### PART 3 - EFFECT OF BYLAW

- **THAT** Part 5, Land Use Map No. 42 and No. 42-NE of Bylaw C-4841-97 be amended by redesignating Lot 4, Block 4, Plan 0312137 within SE-27-24-27-W04M from Agricultural Holdings District to Industrial Industrial Activity District as shown on the attached Schedule 'A' forming part of this Bylaw.
- **THAT** Lot 4, Block 4, Plan 0312137 within SE-27-24-27-W04M is hereby redesignated to Industrial Industrial Activity District as shown on the attached Schedule 'A' forming part of this Bylaw.

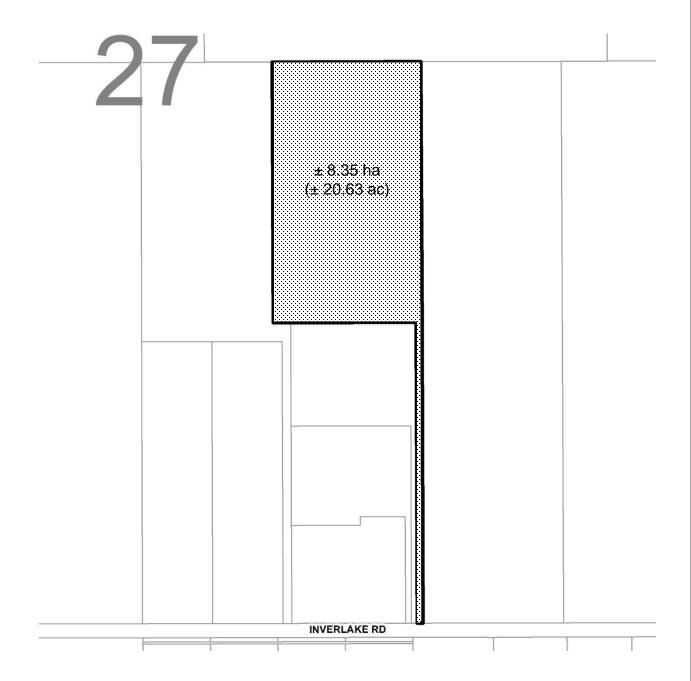
#### **PART 4 – TRANSITIONAL**

Bylaw C-7812-2018 is passed when it receives third reading, and is signed by the Reeve/Deputy Reeve and the Municipal Clerk, as per Section 189 of the *Municipal Government Act*.

File: 04227009/ PL20180017 PUBLIC HEARING WAS HELD IN COUNCIL this day of , 2018 READ A FIRST TIME IN COUNCIL this , 2018 day of READ A SECOND TIME IN COUNCIL this day of , 2018 UNANIMOUS PERMISSION FOR THIRD READING day of , 2018 READ A THIRD TIME IN COUNCIL this day of , 2018 Reeve CAO or Designate Date Bylaw Signed

Division: 5

BYLAW: <u>C-7812-2018</u>



## **AMENDMENT**

FROM <u>Agricultural Holdings District</u> TO <u>Industrial – Industrial</u>

Subject Land Activity District

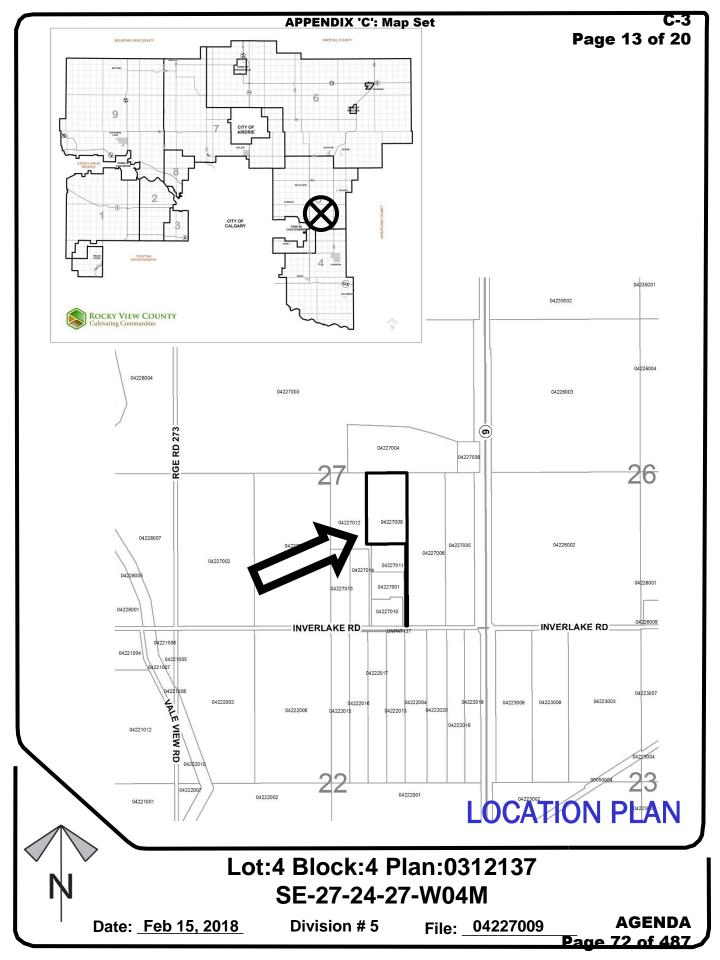
LEGAL DESCRIPTION: Lot 4, Block 4, Plan 0312137

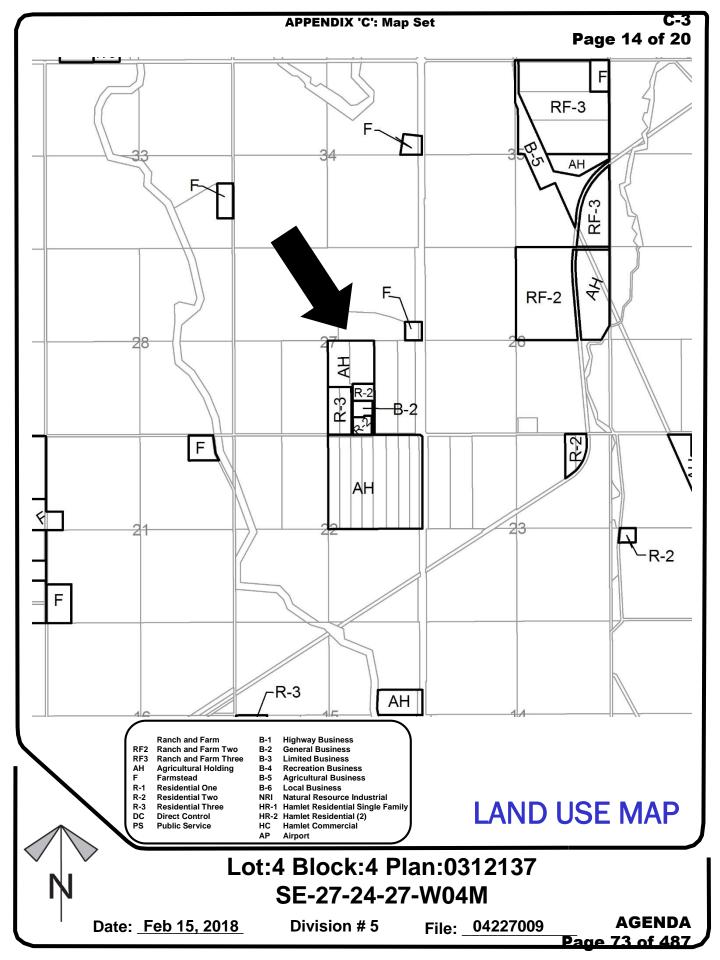
SE-27-24-27-W04M

FILE: 04227009 PL20180017

**DIVISION: 5** 









Note: Post processing of raw aerial photography may cause varying degrees of visual distortion at the local level.

# **AIR PHOTO**

Spring 2016

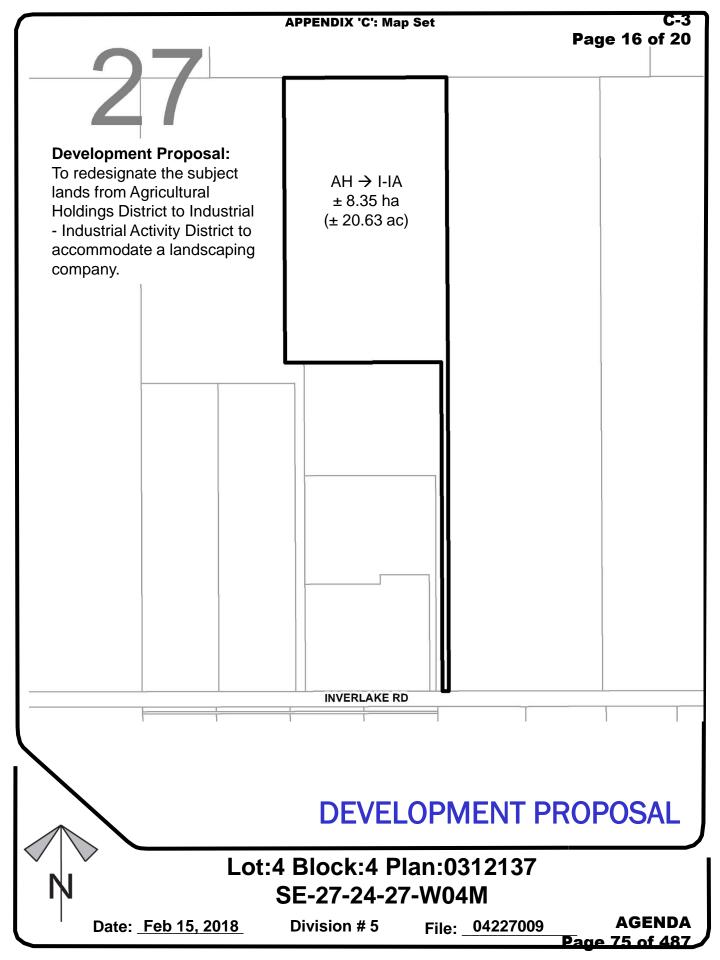
Lot:4 Block:4 Plan:0312137 SE-27-24-27-W04M

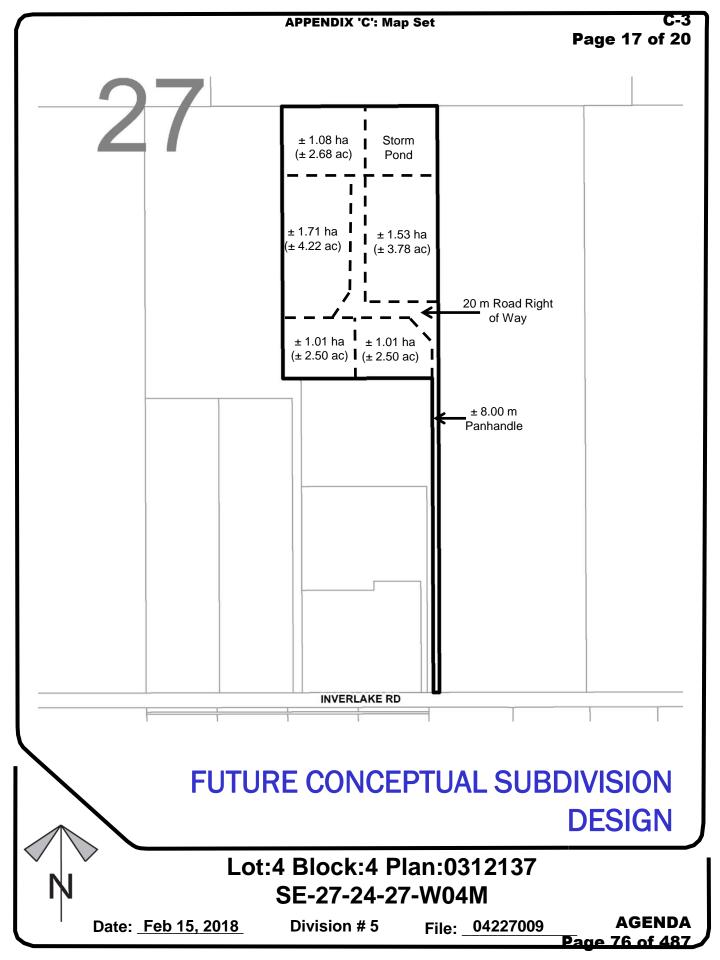
Date: <u>Feb 15, 2018</u>

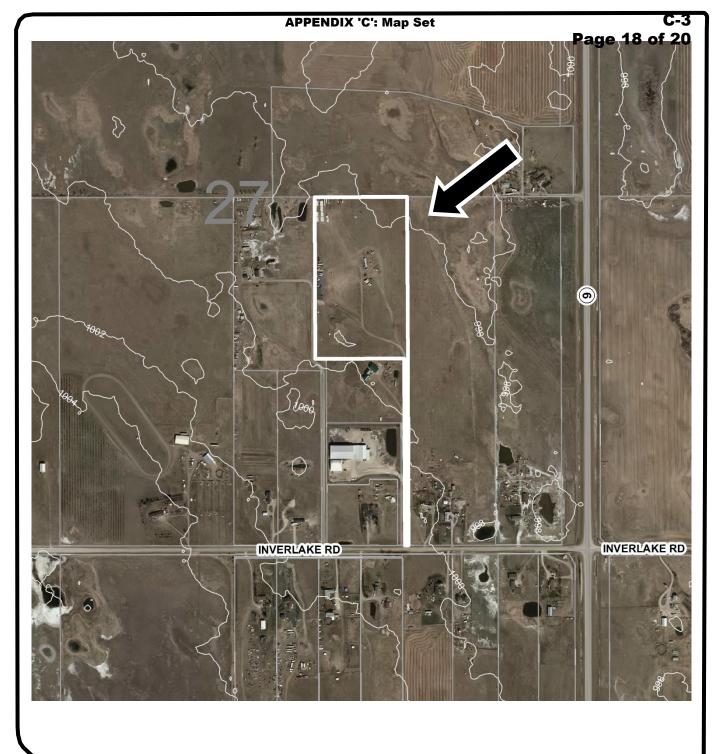
Division #5

File: 04227009

AGENDA
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Contours are generated using 10m grid points, and depict general topographic features of the area. Detail accuracy at a local scale cannot be guaranteed. They are included for reference use only.

# **TOPOGRAPHY**

Contour Interval 2 M

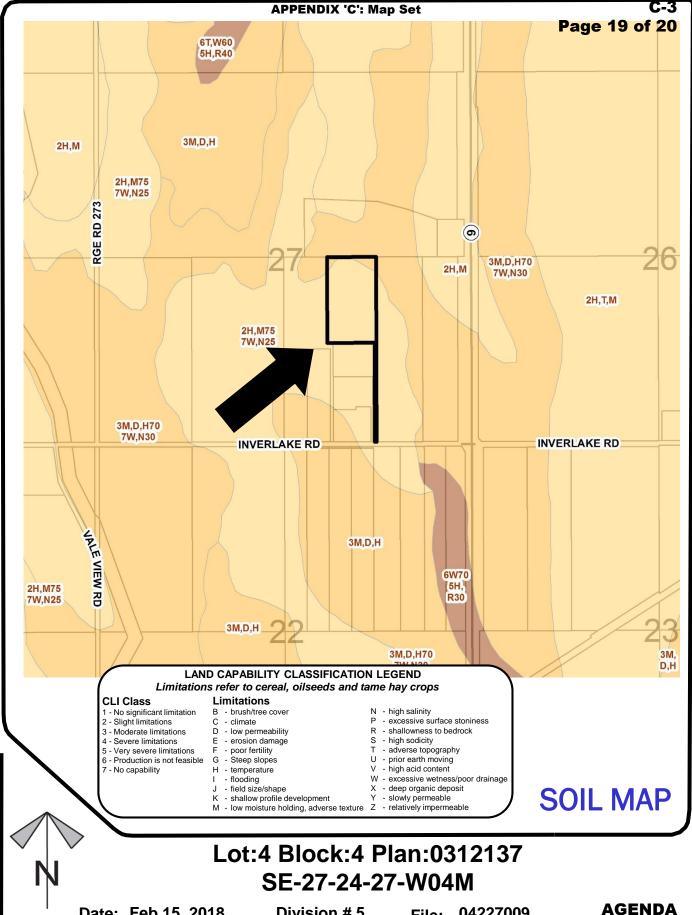
Lot:4 Block:4 Plan:0312137 SE-27-24-27-W04M

Date: Feb 15, 2018

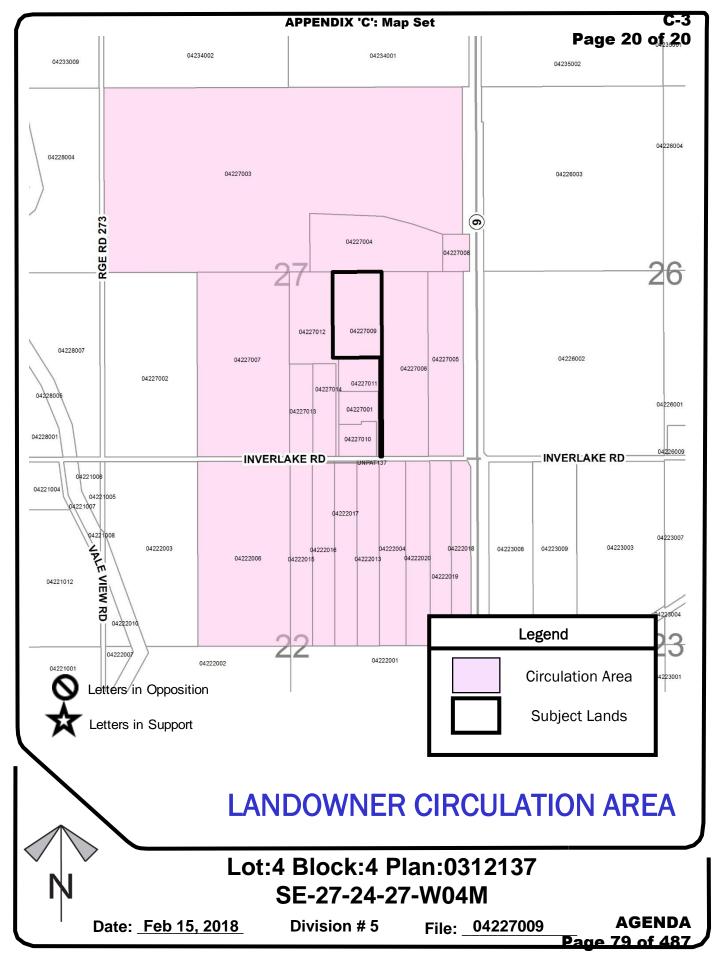
Division # 5

File: <u>042270</u>09

AGENDA
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Date: Feb 15, 2018 Division # 5 File: 04227009 AGENDA





# **PLANNING SERVICES**

**TO**: Council

DATE: September 11, 2018 DIVISION: All

**TIME:** Afternoon Appointment

**FILE**: 1014-554

**SUBJECT**: Land Use Bylaw Amendments – Recreational Cannabis Regulations

#### <sup>1</sup>ADMINISTRATION RECOMMENDATION:

Motion #1 THAT Bylaw C-7816-2018 be given first reading.

Motion #2 THAT Bylaw C-7816-2018 be given second reading.

Motion #3 THAT Bylaw C-7816-2018 be considered for third reading.

Motion #4 THAT Bylaw C-7816-2018 be given third and final reading.

#### **EXECUTIVE SUMMARY:**

In anticipation of recreational cannabis becoming legal on October 17, 2018, Administration has drafted new rules to regulate *Cannabis Retail Stores*, *Cannabis Cultivation*, and *Cannabis Processing* in the Land Use Bylaw (LUB). The purpose is to provide business opportunities while managing store clusters and respecting sensitive adjacent uses.

All three levels of government share responsibility for creating policy and regulations with respect to recreational cannabis. The Federal Government will regulate all aspects of cannabis production and medical cannabis sales, while the Provincial Government will regulate non-medical cannabis sales, licensing, minimum age, public consumption, safety (protection of minors), and enforcement. Rocky View County is responsible for creating policy to regulate retail locations, retail rules, land use, and zoning.

The proposed LUB regulations respond to, and align with, recently approved federal and provincial rules for cannabis.

Therefore, Administration recommends adoption of the proposed amendments in accordance with **Option #1.** 

# **BACKGROUND:**

Bill C-45, or the *Cannabis Act* (*Act*), was created to provide legal access to cannabis, and to control and regulate its production, distribution, and sale in Canada. As stated in *Bill C-45 Statutes of Canada 2018* (Chapter 16):

"The objectives of the Act are to prevent young persons from accessing cannabis, to protect public health and public safety by establishing strict product safety and product quality requirements, and to deter criminal activity by imposing serious criminal penalties for those operating outside the legal framework. The Act is also intended to reduce the burden on the criminal justice system in relation to cannabis."

<sup>&</sup>lt;sup>1</sup> Administration Resources



The *Act* was first introduced in the House of Commons on April 13, 2017. It was approved by the Senate of Canada on June 19, 2018, and received Royal Assent on June 21, 2018. It comes into effect on October 17, 2018.

The Government of Canada has also proposed a new format for licensing all cultivation, processing, and federal sale licenses that incorporates medical and non-medical cannabis after October 17, 2018. The new format would allow smaller cultivators to grow cannabis and sell it to the government, and would give them the opportunity to contribute to the rapidly-growing industry.

### Provincial Regulation

An Act To Control And Regulate Cannabis (Bill 26) was passed by the Alberta Legislature on November 30, 2017, and is awaiting Proclamation. The act primarily amends the Alberta Gaming and Liquor Act (to be renamed the Alberta Gaming, Liquor and Cannabis Act) and the Municipal Government Act (MGA).

The amendments to the MGA that affect Rocky View County are as follows:

- 1. A municipality's Land Use Bylaw must be consistent with the pending provincial regulations, and
- 2. A Development Authority may not approve a permit that is inconsistent with the pending provincial regulations.

The regulations will be released after the *Act* is proclaimed, which is also anticipated to occur before the end of summer 2018.

#### Public Engagement

Public engagement began on June 22, 2018, when a dedicated cannabis webpage was added to the County's website. Administration posted an online engagement survey on the website on June 29, which was open until July 30. The survey was advertised in the *Rocky View Weekly* on June 26 and July 3, through *Safe & Sound* on July 26, and through the County's social media accounts on July 4 and July 23. The survey received 1,212 responses and the results of the survey are attached to this report as Appendix 'D'.

Administration also hosted a public open house on July 5, 2018, at the Administration Building. The open house was advertised in the Rocky View Weekly on June 26 and July 3, and through the County's social media accounts on July 4. Planning Services, Enforcement Services, and Legislative Services staff were all in attendance and available to answer questions from the public.

An information poster was also displayed in the foyer of the Administration Building from June 22 to July 31.

Finally, Planning Services staff has had continuing pre-application meetings with those who are interested in establishing various forms of cannabis-related businesses in the County.

#### PROPOSED LAND USE BYLAW AMENDMENTS:

Recent federal announcements indicate that provincial and municipal governments must be prepared for retail cannabis locations to start operating by October 17, 2018. Administration has drafted regulations based on public engagement and the framework provided by the Province to-date. These include:

- Creating new Land Use Bylaw definitions that relate to recreational cannabis;
- Determining where retail cannabis stores may be located within Rocky View County (acceptable land use districts); and
- Creating requirements for separation distances from retail cannabis stores to schools, other retail cannabis stores, and other relevant uses.



Administration's recommendations align with all levels of government; however, because the Provincial Government has not yet proclaimed their legislation, municipal bylaws may require future amendments as the legislation is finalized.

The proposed revisions to the County's Land Use Bylaw include:

- Several new use definitions;
- Refining existing use definitions to exclude cannabis-related activities where not appropriate;
- Removing the *Licensed Medical Marijuana Production Facility* use from the LUB to reflect the proposed changes in licensing by Health Canada;
- Creating new regulations for Cannabis Cultivation and Cannabis Retail Stores; and
- Amending various existing land use districts to include new cannabis uses.

# **Definitions**

Five new definitions related to cannabis are proposed to be added the LUB. These include:

- Cannabis Cultivation, Micro:
- Cannabis Cultivation, Standard;
- Cannabis Processing;
- Cannabis Retail Store; and
- Cannabis Sales.

Cannabis Cultivation, Micro and Standard, will allow various sizes of cannabis crops to be grown in the County; however, cannabis crops will need to be licensed by the Federal Government (specifically, Health Canada). The practice is not yet legal in Canada, but Administration is taking this opportunity to include the uses in the LUB in preparation for the approval of the legislation.

Staff is proposing to define *Cannabis Processing* and *Cannabis Sales* so that the activities may be excluded from existing definitions in the LUB. Various existing definitions (such as *Farmers Market*, *Convenience Store*, and *Agricultural Processing* for example) could be interpreted as allowing cannabis-related activities, but that is contrary to federal and provincial legislation.

The definitions that are proposed to be amended are:

- AGRICULTURAL PROCESSING, MAJOR
- AGRICULTURAL PROCESSING, MINOR
- AGRICULTURE, GENERAL
- CONVENIENCE STORE
- FARM GATE SALES
- FARMERS MARKET
- GENERAL INDUSTRY
- GENERAL INDUSTRY TYPE III
- GREENHOUSE
- HOME-BASED BUSINESS
- HORTICULTURAL DEVELOPMENT
- LICENSED MEDICAL MARIJUANA PRODUCTION FACILITY

- MARKET GARDEN
- PUBLIC MARKET
- RETAIL FOOD STORE
- RETAIL STORE, LOCAL
- RETAIL STORE, REGIONAL
- SHOPPING CENTRE, LOCAL
- SHOPPING CENTRE, REGIONAL
- SPECIALTY FOOD STORE
- TOURISM USES / FACILITIES, AGRICULTURAL
- TOURISM USES / FACILITIES, GENERAL
- WAREHOUSE STORE

Finally, a definition for *Cannabis Retail Store* has been created to separate the use from other retail and commercial uses. This way, specific rules can be applied to the use as required by the Provincial Government.

# Licensed Medical Marijuana Production Facilities

Administration is proposing to remove the *Licensed Medical Marijuana Production Facility* use from the LUB and replace it with *Cannabis Cultivation, Micro; Cannabis Cultivation, Standard;* and



Cannabis Processing uses. This change is required to address the proposed changes in licensing by Health Canada. The new program will issue separate licenses for cultivation, processing, and sales.

# Cannabis Cultivation and Processing Regulations

To prepare for impending licensing changes to the *Act*, Administration is proposing to set out preliminary rules for growing and harvesting, and/or processing cannabis in the County. These regulations would apply to small-scale production operations as well as large-scale production facilities.

Cannabis Cultivation, Micro would be limited to 200 m² in area, while Cannabis Cultivation, Standard would not be limited in size (similar to other crops). Cannabis Processing would be limited to those districts where Licensed Medical Marijuana Production Facility is currently allowed, with the option to expand into other land use districts in the future. All of these uses would still require licenses issued by Health Canada.

The draft regulations have been created based on the provincial parameters for municipalities, good planning practice, and the results of the public engagement. They include minimum distance requirements (from health care and school sites, school reserve sites, and dwellings) and limited approval timeframes for development permits.

Administration carefully studied each land use district, and is recommending adding the uses into the following districts:

Table 1: List of districts and their proposed new Cultivation and Processing uses

Land Use District	Proposed Use(s)	Rationale
Ranch and Farm (RF)	<ul> <li>Cultivation, Micro (on parcels 20 acres or less)</li> <li>Cultivation, Micro &amp; Cultivation, Standard (on parcels larger than 20 acres)</li> </ul>	Limiting Cultivation, Micro to smaller parcels (<20 acres), same rule for Farmstead District.
Ranch and Farm Two (RF-2)	<ul><li>Cultivation, Micro</li><li>Cultivation, Standard</li></ul>	Large agricultural parcels (minimum parcel size in RF-2 is 50 acres).
Ranch and Farm Three (RF-3)	<ul><li>Cultivation, Micro</li><li>Cultivation, Standard</li></ul>	Large agricultural parcels (minimum parcel size in RF-3 is 30 acres).
Agricultural Holdings (AH)	<ul><li>Cultivation, Micro</li><li>Cultivation, Standard</li></ul>	Large agricultural parcels (minimum parcel size in AH is 20 acres). Same rule for Ranch and Farm District.
Farmstead (F)	Cultivation, Micro	Limiting Cultivation, Micro to smaller parcels (<20 acres). Minimum parcel size in F is 4 acres. Same rule for Ranch and Farm District.
General Business (B-2)	<ul><li>Cannabis Processing</li><li>Cultivation, Micro</li><li>Cultivation, Standard</li></ul>	Licensed Medical Marijuana Production Facility is currently an allowed use in this district, and these three new uses are intended



Land Use District	Proposed Use(s)	Rationale
		to replace it based on the new proposed federal licenses.
Industrial – Industrial Activity (I-IA)	<ul><li>Cannabis Processing</li><li>Cultivation, Micro</li><li>Cultivation, Standard</li></ul>	Licensed Medical Marijuana Production Facility is currently an allowed use in this district, and these three new uses are intended to replace it based on the new proposed federal licenses.
Business – Agricultural Services (B-AS)	Cultivation, Micro	Meets the intent of the purpose of the district. Limiting Cultivation, Micro to smaller parcels (<20 acres). Minimum parcel size in B-AS is 5 acres. Same rule for Ranch and Farm, and Farmstead Districts.

# Cannabis Retail Store Regulations

To prepare for cannabis legalization on October 17, 2018, Administration is proposing to set out preliminary rules for selling cannabis in the County. Like the proposed cultivation and processing regulations, the draft rules have been created based on the provincial parameters for municipalities, good planning practice, and the results of the public engagement. They include minimum distance requirements (from one another, health care and school sites, and school reserve sites), limited hours of operation, and limited approval timeframes for development permits.

Administration is proposing to amend the allowed uses in several land use districts where cannabis sales would be deemed appropriate. Administration carefully studied each land use district and is recommending the following:

Table 2: List of Districts and their proposed new Retail uses

Land Use District	Proposed Use(s)	Rationale
Hamlet Commercial (HC)	Cannabis Retail Store	Allowing Cannabis Retail Stores in the same districts as Liquor Sales.
Commercial – Village Centre (C-VC)	Cannabis Retail Store	the same districts as Elquor Gales.
Commercial – Point Commercial (C-PT)	Cannabis Retail Store	
Commercial – Local Commercial (C-LC)	Cannabis Retail Store	
Commercial – Regional Commercial (C-RC)	Cannabis Retail Store	
Commercial – Springbank Court (C-SC)	Cannabis Retail Store	



Finally, after considerable review, Staff is not proposing to amend any of the County's Direct Control (DC) districts at this time. The purpose and intent of DC districts is provide for development that, because of unique characteristics, unusual site conditions or innovative design, requires specific regulations that are unavailable in other land use districts. Each district is completely distinctive and includes a very specific set of allowed uses. Introducing cannabis-related uses to the County's 158 DC districts should be handled on a case-by-case basis to ensure compatibility.

#### **CONCLUSION:**

The proposed changes to the Land Use Bylaw with regard to cannabis legalization are in keeping with new and pending federal and provincial legislation. Taking direction from the County's public engagement results, Administration is proposing rules that are initially conservative, recognizing that rules can be expanded upon in the future. The proposed regulations are able to be adapted as standards change over the coming years.

Administration anticipates that the rules, as proposed, would also allow a controlled transition of new cannabis-related uses into Rocky View County, while allowing the business sector a fair opportunity to participate in the expanding cannabis market. Administration recommends **Option #1**.

#### **OPTIONS:**

Option #1:	Motion #1	THAT Bylaw C-7816-2018 be given first reading.
	Motion #2	THAT Bylaw C-7816-2018 be given second reading.
	Motion #3	THAT Bylaw C-7816-2018 be considered for third reading.
	Motion #4	THAT Bylaw C-7816-2018 be given third and final reading.
Option #2:	THAT alterna	ive direction be provided.
Respectfully submitted,		Concurrence,
"Ch	ris O'Hara"	"Rick McDonald"
General Manager		Interim County Manager
LG/rp		

#### **APPENDICES:**

APPENDIX 'A': Application Referrals

APPENDIX 'B': Bylaw C-7816-2018 and Schedule A

APPENDIX 'C': Redline Version – Excerpt - Land Use Bylaw

APPENDIX 'D': Online Survey Results



# **APPENDIX A: APPLICATION REFERRALS**

AGENCY	COMMENTS
School Authority	
Rocky View Schools	No comments received.
Calgary Catholic School District	No comments received.
Conseil Scolaire FrancoSud	No comments received.
Province of Alberta	
Alberta Health Services	Due to the possibility of odor generation and other potential impacts, AHS recommends that consideration be given for larger separation distances from cultivation and processing facilities.
	AHS recommends a minimum setback distance of 300 metres from a school site. There is evidence to show consumption may increase with a decrease in distance.
Alberta Transportation	No concerns.
Utility	
ATCO Gas	No concerns.
Bearspaw Village Water Co-op	No comments received.
Cochrane Gas Co-op	No comments received.
Fortis	No comments received.
Horse Creek Water Services	No comments received.
Langdon Waterworks	No comments received.
North Springbank Water Co-op	No comments received.
Telus Communications	No objections.
Rocky View Gas Co-op	No comments received.
Rocky View Water Co-op	No comments received.
Adjacent Municipalities	
City of Airdrie	Given the information provided, our department would like to be notified of any Development Permit applications for <i>Cannabis Cultivation</i> within 2,000 m of the Airdrie / Rocky View County boundary.



AGENCY	COMMENTS
	We would also suggest that there could be a clause written into the Bylaw to ensure that the Development Authority has consideration (for safety, impact, etc.) for cultivation developments within 2 km of any urban municipality's boundary.
Village of Beiseker	No comments received.
Municipal District of Bighorn	No comments received.
City of Calgary	No comments received.
City of Chestermere	No comments received.
Town of Cochrane	No concerns.
Town of Crossfield	No comments received.
Foothills County	No comments received.
Town of Irricana	No comments received.
Kneehill County	No comments received.
Mountain View County	No concerns.
Tsuut'ina Nation	No comments received.
Wheatland County	No comments received.
Internal Departments	
Municipal Lands	Any activities associated with cannabis cultivation, processing, sales or otherwise are not permitted on any County owned reserve lands (MR, ER, MSR, CSR, SR) and any fee simple County Lands that have been assigned Public Service districting.
Agricultural Services	No concerns.
GeoGraphics	No comments received.
Building Services	No comments received.
Emergency Services	No comments received.
Infrastructure and Operations - Engineering Services	No comments received.
Infrastructure and Operations – Road Maintenance	No comments received.



AGENCY	COMMENTS
Infrastructure and Operations - Capital Delivery	No comments received.
Infrastructure and Operations – Road Operations	No comments received.
Infrastructure and Operations – Utility Services	No comments at this time.

Circulation Period: August 8, 2018 - August 24, 2018



# **BYLAW C-7816-2018**

A Bylaw of Rocky View County to amend Bylaw C-4841-97, being the Land Use Bylaw.

The Council of Rocky View County enacts as follows:

#### PART 1 - TITLE

This Bylaw shall be known as Bylaw C-7816-2018.

### **PART 2 – DEFINITIONS**

In this Bylaw, the definitions and terms shall have the meanings given to them in Land Use Bylaw C-4841-97 and the Municipal Government Act.

#### PART 3 - EFFECT OF BYLAW

**THAT** Bylaw C-4841-97 is hereby amended to add additional and amended definitions and development regulations to implement the pending recreational cannabis legalization, as shown on the attached Schedule 'A'.

#### **PART 4 – TRANSITIONAL**

Bylaw C-7816-2018 is passed when it receives third reading, and is signed by the Reeve/Deputy Reeve and the CAO or Designate, as per the Municipal Government Act.

> Division: All File: 1014-554

	Date Bylaw Signed		
	CAO or Designate		
	Reeve		
READ A THIRD TIME IN COUNCIL this	day of	, 2018	
UNANIMOUS PERMISSION FOR THIRD READING	day of	, 2018	
READ A SECOND TIME IN COUNCIL this	day of	, 2018	
READ A FIRST TIME IN COUNCIL this	day of	, 2018	
PUBLIC HEARING WAS HELD IN COUNCIL this	day of	, 2018	

# SCHEDULE 'A' FORMING PART OF BYLAW C-7816-2018

Schedule of textual amendments to the Land Use Bylaw (Bylaw C-4841-97):

#### Amendment #1:

Delete the following definition from Section 8.1, which reads:

**AGRICULTURAL PROCESSING, MAJOR** means a large scale business operation that includes the use of land or a building for the upgrading of a product for distribution or for sale that is originally produced in an agricultural operation. Due to the large scale of the business, the agricultural products are often produced in an offsite agricultural operation, and there may be some offsite impacts such as noise, appearance, or odour;

and replace with:

**AGRICULTURAL PROCESSING, MAJOR** means a large-scale business operation that includes the use of land or a building for the upgrading of a product for distribution or for sale that is originally produced in an agricultural operation, but does not include *Cannabis Processing*. Due to the large scale of the business, the agricultural products are often produced in an off-site agricultural operation, and there may be some off-site impacts such as noise, appearance, or odour;

#### Amendment #2:

Delete the following definition from Section 8.1, which reads:

**AGRICULTURAL PROCESSING, MINOR** means a small scale value added agricultural operation that includes the use of land or a building for the upgrading of a product for distribution or for sale that is originally produced in an agricultural operation. These minor operations are intended to primarily use agricultural products which are produced onsite, and minimal offsite impacts are anticipated;

and replace with:

**AGRICULTURAL PROCESSING, MINOR** means a small-scale, value-added agricultural operation that includes the use of land or a building for the upgrading of a product for distribution or for sale that is originally produced in an agricultural operation, but does not include *Cannabis Processing*. These minor operations are intended to primarily use agricultural products that are produced on-site, and minimal off-site impacts are anticipated;

#### Amendment #3:

Delete the following definition from Section 8.1, which reads:

**AGRICULTURE**, **GENERAL** means the raising of crops or the rearing of *livestock*, either separately or in conjunction with one another and includes *buildings* and other structures incidental to the operation, except where the operation is intensive;

and replace with:

**AGRICULTURE, GENERAL** means the raising of crops or the rearing of *livestock*, either separately, or in conjunction with one another, and includes *buildings* and other structures incidental to the operation, except where the operation is intensive. *Agriculture, General* does not include *Cannabis Cultivation, Micro or Standard*;

#### Amendment #4:

Add a new definition to Section 8.1, which reads:

**CANNABIS CULTIVATION, MICRO** means the indoor and/or outdoor growing and harvesting of cannabis to a maximum area of 200 m<sup>2</sup> as defined and licensed by the *Government of Canada*;

#### Amendment #5:

Add a new definition to Section 8.1, which reads:

**CANNABIS CULTIVATION, STANDARD** means the indoor and/or outdoor growing and harvesting of cannabis as defined and licensed by the *Government of Canada*;

#### Amendment #6:

Add a new definition to Section 8.1, which reads:

**CANNABIS PROCESSING** means the processing of cannabis as defined and licensed by the *Government of Canada*:

#### Amendment #7:

Add a new definition to Section 8.1, which reads:

**CANNABIS RETAIL STORE** means a *building* or a portion thereof that is licensed by the *Province of Alberta* for the sale of cannabis and cannabis accessories for consumption off the premises;

#### Amendment #8:

Add a new definition to Section 8.1, which reads:

**CANNABIS SALES** means the retail sale of cannabis to the public as defined and licensed by the *Province of Alberta*;

#### Amendment #9:

Delete the following definition from Section 8.1, which reads:

**CONVENIENCE STORE** means a *retail store* in which articles for sale are restricted to a limited range of primarily food items such as milk, bread, soft drinks, ice cream, canned and bottled goods, snacks and candy, and meat. To complement such items, it *may* include the limited sale of magazines, books and records, housewares, toiletries, stationary, and tobacco products;

and replace with:

**CONVENIENCE STORE** means a *retail store* in which articles for sale are restricted to a limited range of primarily food items such as milk, bread, soft drinks, ice cream, canned and bottled goods, snacks and candy, and meat. To complement such items, it *may* include the limited sale of magazines, books and records, housewares, toiletries, stationary, and tobacco products, but does not include *Cannabis Sales*;

#### Amendment #10:

Delete the following definition from Section 8.1, which reads:

**FARM GATE SALES** means the sale of farm products which are produced in the same farming operation and lands in which the intended sale is to take place;

and replace with:

**FARM GATE SALES** means the sale of farm products that are produced in the same farming operation and lands in which the intended sale is to take place, but does not include *Cannabis Sales*:

#### Amendment #11:

Delete the following definition from Section 8.1, which reads:

**FARMERS MARKET** means a market which has a primary use of selling goods produced in *farming* operations, and operates on a regular but temporary occurrence, and can include use of a *building*, structure or *lot* for the purpose of selling any or all of produce, meat, fish, seafood, grains, flowers, and crafts and may include *retail stores* and *restaurants*;

and replace with:

**FARMERS MARKET** means a market that has a primary use of selling goods produced in *farming* operations, and operates on a regular but temporary occurrence, and can include use of a *building*, structure or *lot* for the purpose of selling any or all of produce, meat, fish, seafood, grains, flowers, and crafts, and may include *retail stores* and *restaurants*, but does not include *Cannabis Sales*;

#### Amendment #12:

Delete item (f) from the definition of **GENERAL INDUSTRY** within Section 8.1, which reads:

(f) It *may* include any indoor display, office, technical or administrative support areas or any sales operation accessory to the *general industrial* uses.

and replace with:

(f) It *may* include any indoor display, office, technical or administrative support areas, or any sales operation accessory to the *general industrial* uses, but does not include *Cannabis Cultivation*, *Micro or Standard* or *Cannabis Processing*.

#### Amendment #13:

Delete the following definition from Section 8.1, which reads:

**GENERAL INDUSTRY TYPE III** means those *developments* which *may* have an effect on the safety, use, amenity, or enjoyment of adjacent or nearby *sites* due to appearance, noise, odour, emission of contaminants, fire or explosive hazards, or dangerous goods;

and replace with:

**GENERAL INDUSTRY TYPE III** means those *developments* that *may* have an effect on the safety, use, amenity, or enjoyment of adjacent or nearby *sites* due to appearance, noise, odour, emission of contaminants, fire or explosive hazards, or dangerous goods, but does not include *Cannabis Cultivation, Micro or Standard* or *Cannabis Processing*;

#### Amendment #14:

Delete the following definition from Section 8.1, which reads:

**GENERAL STORE** means a retail establishment which deals primarily with food and other goods required by residents of the immediate vicinity to meet their day-to-day household needs;

and replace with:

**GENERAL STORE** means a retail establishment which deals primarily with food and other goods required by residents of the immediate vicinity to meet their day-to-day household needs, but does not include *Cannabis Sales*;

#### Amendment #15:

Delete the following definition from Section 8.1, which reads:

**GREENHOUSE** means a building constructed primarily of glass or other transparent material used for cultivation of plants but does not include a Licensed Medical Marijuana Production Facility;

and replace with:

**GREENHOUSE** means a building constructed primarily of glass or other transparent material used for cultivation of plants, but does not include *Cannabis Cultivation, Micro or Standard* or *Cannabis Processing*;

# Amendment #16:

Delete the following definition from Section 8.1, which reads:

**GROCERY STORE, LOCAL** means a *building* used for the sale primarily of foodstuffs and convenience goods to local clientele, and which specifically excludes the sale of specialty products as a principal use;

and replace with:

**GROCERY STORE**, **LOCAL** means a *building* used for the sale primarily of foodstuffs and convenience goods to local clientele, and which specifically excludes the sale of specialty products as a principal use, but does not include *Cannabis Sales*;

#### Amendment #17:

Delete the following definition from Section 8.1, which reads:

**GROCERY STORE, REGIONAL** means a *building* used for the sale primarily of foodstuffs and convenience goods to regional clientele, and which specifically excludes the sale of specialty products as a principal use;

and replace with:

**GROCERY STORE**, **REGIONAL** means a *building* used for the sale primarily of foodstuffs and convenience goods to regional clientele, and which specifically excludes the sale of specialty products as a principal use, but does not include *Cannabis Sales*;

#### Amendment #18:

Delete the following definition from Section 8.1, which reads:

**HOME-BASED BUSINESS** means the operation of a business or occupation within a dwelling and/or its accessory building(s), or on a parcel on which a dwelling is located and where one or more residents of the parcel is/are involved in the occupation or business. Home-Based Business does not include a Licensed Medical Marijuana Production Facility;

and replace with:

**HOME-BASED BUSINESS** means the operation of a business or occupation within a dwelling and/or its accessory building(s), or on a parcel on which a dwelling is located and where one or more residents of the parcel is/are involved in the occupation or business. Home-Based Business does not include *Cannabis Cultivation*, *Micro or Standard* or *Cannabis Processing*;

#### Amendment #19:

Delete the sentence in the definition for **HORTICULTURAL DEVELOPMENT** within Section 8.1, which reads:

Horticultural development does not include a *Licensed Medical Marijuana Production Facility;* and replace with:

Horticultural development does not include *Cannabis Cultivation*, *Micro or Standard* or *Cannabis Processing*;

#### Amendment #20:

Delete the following definition from Section 8.1, which reads:

**LICENSED MEDICAL MARIJUANA PRODUCTION FACILITY** means the use of land, buildings or structures for the cultivation, processing, testing, destruction, packaging, and shipping of marijuana used for medical purposes as permitted and licensed by Canada;

#### Amendment #21:

Delete the following definition from Section 8.1, which reads:

**MARKET GARDEN** means the use of land for the commercial growing of vegetables or fruit; Market Garden does not include a *Licensed Medical Marijuana Production Facility;* 

and replace with:

**MARKET GARDEN** means the use of land for the commercial growing of vegetables or fruit, but does not include *Cannabis Cultivation*, *Micro or Standard*;

#### Amendment #22:

Delete the following definition from Section 8.1, which reads:

**PUBLIC MARKET** means the use of a *building*, structure, or *lot* for the purpose of selling any or all of produce, fish, seafood, flowers, and crafts and *may* include *retail stores* and *restaurants*;

and replace with:

**PUBLIC MARKET** means the use of a *building*, structure, or *lot* for the purpose of selling any or all of produce, fish, seafood, flowers, and crafts, and *may* include *retail stores* and *restaurants*, but does not include *Cannabis Sales*;

#### Amendment #23:

Delete the following definition from Section 8.1, which reads:

**RETAIL FOOD STORE** means the use of a *building* or a portion thereof with a gross *floor area* in excess of 600.00 sq. m (6,458.35 sq. ft.), for the sale of foodstuffs for consumption off-premises;

and replace with:

**RETAIL FOOD STORE** means the use of a *building* or a portion thereof with a gross *floor area* in excess of 600.00 sq. m (6,458.35 sq. ft.) for the sale of foodstuffs for consumption off-premises, but does not include *Cannabis Sales*;

#### Amendment #24:

Delete the following definition from Section 8.1, which reads:

**RETAIL STORE, LOCAL** means a *building* or part thereof in which foods, wares, merchandise, substances, articles, or things are offered or kept for sale directly to local clientele at retail;

and replace with:

**RETAIL STORE, LOCAL** means a *building* or part thereof in which foods, wares, merchandise, substances, articles, or things are offered or kept for sale directly to local clientele at retail, but does not include *Cannabis Sales*:

#### Amendment #25:

Delete the following definition from Section 8.1, which reads:

**RETAIL STORE, REGIONAL** means a *building* or part thereof in which foods, wares, merchandise, substances, articles, or things are offered or kept for sale directly to the regional clientele at retail;

and replace with:

**RETAIL STORE, REGIONAL** means a *building* or part thereof in which foods, wares, merchandise, substances, articles, or things are offered or kept for sale directly to the regional clientele at retail, but does not include *Cannabis Sales*;

#### Amendment #26:

Delete the following definition from Section 8.1, which reads:

**SHOPPING CENTRE, LOCAL** means a shopping centre providing to local clientele the sale of convenience goods and personal services for day-to-day living needs. It *may* be built around a junior department store and/or a local *grocery store*. It does not provide services for the wide market-base or contain regional *retail stores* or *warehouse* stores typically found in a regional shopping centre;

and replace with:

**SHOPPING CENTRE, LOCAL** means a shopping centre providing to local clientele the sale of convenience goods and personal services for day-to-day living needs. It *may* be built around a junior department store and/or a local *grocery store*. It does not provide services for the wide market-base, contain regional *retail stores* or *warehouse* stores typically found in a regional shopping centre, or include *Cannabis Sales*;

#### Amendment #27:

Delete the following definition from Section 8.1, which reads:

**SHOPPING CENTRE, REGIONAL** means a shopping centre providing for the sale of general merchandise, apparel, furniture, and home furnishings in full depth and variety and convenience goods and personal services. It may be built around one or more regional retail stores and provides services to a regional market-base and clientele;

and replace with:

**SHOPPING CENTRE, REGIONAL** means a shopping centre providing for the sale of general merchandise, apparel, furniture, and home furnishings in full depth and variety, and convenience goods and personal services. It may be built around one or more regional retail stores and provides services to a regional market-base and clientele, but does not include *Cannabis Sales*;

#### Amendment #28:

Delete the following definition from Section 8.1, which reads:

**SPECIALTY FOOD STORE** means a *retail store* specializing in a specific type or class of foods such as an appetizer store, bakery, butcher, delicatessen, fish, gourmet, and similar foods;

and replace with:

**SPECIALTY FOOD STORE** means a *retail store* specializing in a specific type or class of foods such as an appetizer store, bakery, butcher, delicatessen, fish, gourmet, and similar foods, but does not include *Cannabis Sales*:

#### Amendment #29:

Delete the following definition from Section 8.1, which reads:

**TOURISM USES/FACILITIES, AGRICULTURAL** means a *business* facility that provides for tourism ventures related to agriculture. This *may* include the provision of accommodation, retail establishments, food and beverage services, entertainment, agricultural tours, classes, workshops, retreats, outdoor and wildlife-related recreation, festivals and events, and demonstrations, as described by Alberta Agriculture, Food and Rural Development;

and replace with:

**TOURISM USES/FACILITIES, AGRICULTURAL** means a *business* facility that provides for tourism ventures related to agriculture. This *may* include the provision of accommodation, retail establishments, food and beverage services, entertainment, agricultural tours, classes, workshops, retreats, outdoor and wildlife-related recreation, festivals and events, and demonstrations, as described by Alberta Agriculture, Food and Rural Development, but does not include *Cannabis Retail Stores or Cannabis Sales*;

#### Amendment #30:

Delete the following definition from Section 8.1, which reads:

**TOURISM USES/FACILITIES, GENERAL** means the use of land for providing entertainment, recreation, cultural or similar facilities for use mainly by the general touring or holidaying public and *may* include eating establishments, *automotive services*, accommodation units, and the retail sale of arts and crafts, souvenirs, antiques, and the like;

and replace with:

**TOURISM USES/FACILITIES, GENERAL** means the use of land for providing entertainment, recreation, cultural or similar facilities for use mainly by the general touring or holidaying public, and *may* include eating establishments, *automotive services*, accommodation units, and the retail sale of arts and crafts, souvenirs, antiques, and the like, but does not include *Cannabis Retail Stores or Cannabis Sales*;

#### Amendment #31:

Delete the following definition from Section 8.1, which reads:

**WAREHOUSE STORE** means the use of a *building* for the retail sale of a limited range of bulky goods, the size and nature of which typically require large *floor areas* for direct display to the purchaser, and include, but are not limited to, such bulky goods as furniture, carpets and floor coverings, major appliances, paints and wall coverings, light fixtures, plumbing fixtures, and *building* materials and equipment, but does not include the sale of food, clothing, or other personal goods, wares, substances, articles, or things;

and replace with:

**WAREHOUSE STORE** means the use of a *building* for the retail sale of a limited range of bulky goods, the size and nature of which typically require large *floor areas* for direct display to the purchaser, and include, but are not limited to, such bulky goods as furniture, carpets and floor coverings, major appliances, paints and wall coverings, light fixtures, plumbing fixtures, and *building* materials and equipment, but does not include the sale of food, clothing, *Cannabis Sales*, or other personal goods, wares, substances, articles, or things;

#### Amendment #32:

Delete Section 20.9, entitled Licensed Medical Marijuana Production Facility, in its entirety.

#### Amendment #33:

Add a new Section 20.9, which reads:

#### CANNABIS CULTIVATION AND CANNABIS PROCESSING

- (a) Cannabis Cultivation, Micro or Standard and/or Cannabis Processing shall not occur in a building where a residential use is located.
- (b) A Health Care Site for the purposes of Section 20.9 of this Bylaw means the lot(s) or parcel(s) on which Health Care Practice or Health Care Services is situated.
- (c) A School Site for the purposes of Section 20.9 of this Bylaw means the lot(s) or parcel(s) on which a School, public or separate, a School, private, or a Child Care Facility is situated.
- (d) The minimum separation distance between *Cannabis Cultivation*, *Micro or Standard* and/or *Cannabis Processing* and other uses shall be established by measuring the shortest distance between the *Cannabis Cultivation*, *Micro or Standard* and/or *Cannabis Processing* building or field and the other building. If the requirement states a minimum distance to a site, then the distance shall be established by measuring the shortest distance between the *Cannabis Cultivation*, *Micro or Standard* and/or *Cannabis Processing* building or field and the other site.
- (e) Cannabis Cultivation, Micro or Standard and/or Cannabis Processing must be located:
  - (i) At least 150 m from a Health Care Site or School Site.
  - (ii) At least 100 m from a site that is designated as a school reserve on title.
  - (iii) At least 100 m from a Dwelling.
- (f) A Development Permit for Cannabis Cultivation, Micro or Standard and/or Cannabis Processing shall be limited, and the term of the Development Permit shall not exceed three years.
- (g) A Health Care Site, School Site, or Dwelling constructed or created after the approval of a Cannabis Cultivation, Micro or Standard and/or Cannabis Processing use shall not be considered a Health Care Site, School Site, or Dwelling for the purposes of interpreting Section 20.9(e) of this Bylaw.

#### Amendment #34:

Add a new Section 20.10, which reads:

#### CANNABIS RETAIL STORES

- (a) Cannabis shall not be consumed in a Cannabis Retail Store.
- (b) A *Health Care Site* for the purposes of Section 20.10 of this *Bylaw* means the lot(s) or parcel(s) on which a *Health Care Practice* or *Health Care Services* is situated.
- (c) A School Site for the purposes of Section 20.10 of this Bylaw means the lot(s) or parcel(s) on which a School, public or separate, a School, private, or a Child Care Facility is situated.

- (d) The minimum separation distance between *Cannabis Retail Stores* and other uses shall be established by measuring the shortest distance between the *Cannabis Retail Store* building and the other building. If the requirement states a minimum distance to a site, then the distance shall be established by measuring the shortest distance between the *Cannabis Retail Store* building and the other site.
- (e) Cannabis Retail Stores must be located:
  - (i) At least 300 m from another Cannabis Retail Store.
  - (ii) At least 150 m from a Health Care Site or School Site.
  - (iii) At least 100 m from a site that is designated as a school reserve on title.
- (f) Hours of operation for *Cannabis Retail Stores* shall be between 10:00 a.m. and 11:00 p.m. seven days a week, except on December 25 when *Cannabis Retail Stores* shall be closed.
- (g) Parking and loading requirements for a *Cannabis Retail Store* shall be provided on the basis of the *Retail Use, General* requirements (Schedule 5).
- (h) A Development Permit for a Cannabis Retail Store shall be limited, and the term of the Development Permit shall not exceed three years.
- (i) A Health Care Site, School Site, or Dwelling constructed or created after the approval of a Cannabis Retail Store shall not be considered a Health Care Site, School Site, or Dwelling for the purposes of interpreting Section 20.10(e) of this Bylaw.

#### Amendment #35:

Add the following use to Section 43.4 (Ranch and Farm District) Uses, Discretionary:

Cannabis Cultivation, Micro

#### Amendment #36:

Add the following uses to Section 43.10 (Ranch and Farm District) Uses, Discretionary:

Cannabis Cultivation, Micro

Cannabis Cultivation, Standard

#### Amendment #37:

Add the following uses to Section 44.3 (Ranch and Farm Two District) Uses, Discretionary:

Cannabis Cultivation, Micro

Cannabis Cultivation, Standard

#### Amendment #38:

Add the following uses to Section 45.3 (Ranch and Farm Three District) Uses, Discretionary:

Cannabis Cultivation, Micro

Cannabis Cultivation, Standard

#### Amendment #39:

Add the following uses to Section 46.3 (Agricultural Holdings District) Uses, Discretionary:

Cannabis Cultivation, Micro

Cannabis Cultivation, Standard

#### Amendment #40:

Add the following use to Section 47.3 (Farmstead District) Uses, Discretionary:

Cannabis Cultivation, Micro

### Amendment #41:

Delete the following use from Section 53.3 (General Business District) Uses, Discretionary:

Licensed Medical Marijuana Production Facility (See Section 20 for regulations)

and add the following:

Cannabis Cultivation, Micro

Cannabis Cultivation, Standard

Cannabis Processing

#### Amendment #42:

Add the following use to Section 63.3 (Hamlet Commercial District) Uses, Discretionary:

Cannabis Retail Store

#### Amendment #43:

Add the following use to Section 68.3 (Commercial – Village Centre District) Uses, Discretionary:

Cannabis Retail Store

#### Amendment #44:

Add the following use to Section 69.3 (Commercial – Point Commercial District) Uses, Discretionary:

Cannabis Retail Store

# Amendment #45:

Add the following use to Section 70.3 (Commercial – Local Commercial District) Uses, Discretionary:

Cannabis Retail Store

#### Amendment #46:

Add the following use to Section 71.3 (Commercial – Regional Commercial District) Uses, Discretionary:

Cannabis Retail Store

### Amendment #47:

Delete the following use from Section 75.3 (Industrial – Industrial Activity District) Uses, Discretionary:

Licensed Medical Marijuana Production Facility (See Section 20 for regulations)

and add the following:

Cannabis Cultivation, Micro

Cannabis Cultivation, Standard

Cannabis Processing

#### Amendment #48:

Add the following use to Section 79.3 (Business – Agricultural Services) Uses, Discretionary:

Cannabis Retail Store

# Amendment #49:

Add the following use to Section 80.2(d) (Commercial – Springbank Court District) Uses, Discretionary – all Development Cells:

Cannabis Retail Store



# LAND USE BYLAW













# ROCKY VIEW COUNTY LAND USE BYLAW OFFICE CONSOLIDATION

C-4841-97

# **NOTE:**

Land Use *Bylaw* No. C-4841-97 was adopted by the *County Council* on September 29<sup>th</sup>, 1998 and became effective on that date. It replaced Land Use *Bylaw* C-1725-84 which was simultaneously rescinded on that date. This *Bylaw* is subject to change (amendment) by *Council*. A current listing of any and all amendments can be obtained from the *County office*.

This document has been consolidated for convenience only. The Official *Bylaw* and amendments thereto, available from the *Office* of the Municipal Secretary, should be consulted for all purposes of interpretation and application.

Questions concerning the interpretation and application of this *Bylaw* should be directed to the Planning and Community Services Department of the *County*.

(UPDATED April 10, 2018)

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#### SECTION 8 DEFINITIONS

#### 8.1 Current Definitions

**ABUTTING** means to have a common boundary, to border on;

**ACCESSORY BUILDING** means a *building* incidental and subordinate to the *principal building*, the use of which is incidental to that of the *principal building* but in no instance *shall* be used as a permanent or temporary residence, and is located on the same *parcel*;

ACCESSORY DWELLING UNIT (ADU) means a subordinate dwelling unit attached to, created within or detached from the principal dwelling, single detached, where both dwelling units are located on the same parcel. Accessory dwelling units include Secondary Suites, Suites within a Building, and Garden Suites;

**ACCESSORY USE** means a use or *development* customarily incidental and subordinate to the *principal use* or *building* and is located on the same *parcel* as such *principal use* or *building*;

**ACCOMMODATION UNITS** means any room or group of rooms designed to provide accommodation to the traveling or recreational public including a room in a *hotel*, motel, resort or tourist establishment, a rental cottage or cabin or a tent or a trailer *site*;

**ACT** means the Municipal Government Act Statutes of Alberta 1994, Chapter M-26.1 and amendments thereto;

**ADDITION** means adding onto an existing *building*, provided that there are no structural changes to the existing *building*, no removal of the roof structure, and no removal of the exterior walls, other than that required to provide an opening for access from, and integration of, the existing *building* to the portion added thereto and there is a common structural connection from the existing *building* to the *addition* that includes a *foundation or a roof*, constructed to the minimum standards outlined in the Alberta Building Code;

LUB 13/10/2015

**ADJACENT LAND** means land or a portion of land that is contiguous to the *parcel* of land that is subject to a *development* application and/or subdivision application and includes land or a portion of land that would be contiguous if not for a public roadway, primary highway, river or stream; or reserve *lot*;

**AGRICULTURAL PROCESSING, MAJOR** means a large-scale business operation that includes the use of land or a building for the upgrading of a product for distribution or for sale that is originally produced in an agricultural operation, but does not include *Cannabis Processing*. Due to the large scale of the business, the agricultural products are often produced in an offsite agricultural operation, and there may be some offsite impacts such as noise, appearance, or odour;

LUB 11/12/2012 LUB 11/09/2018

**AGRICULTURAL PROCESSING, MINOR** means a small-scale, value-added agricultural operation that includes the use of land or a building for the upgrading of a product for distribution or for sale that is originally produced in an agricultural operation, but does not include *Cannabis Processing*. These minor operations are intended to primarily use agricultural products which that are produced on-site, and minimal off-site impacts are anticipated:

LUB 11/12/2012 LUB 11/09/2018

**AGRICULTURAL SUPPORT SERVICES** means *development* providing products or services directly related to the agricultural industry;

**AGRICULTURE, GENERAL** means the raising of crops or the rearing of *livestock*, either separately or in conjunction with one another and includes *buildings* and other structures incidental to the operation, except where the operation is intensive. **Agriculture, General** does not include Cannabis Cultivation;

LUB 11/09/2018

**AIRCRAFT** means a fixed or rotating wing machine capable of manned powered flight or a glider that is towed to an operating elevation;

**AIRCRAFT OPERATIONS** means development on a site relating to the commercial operation of aircraft for the maintenance or repair of aircraft, movement of passengers or goods, sales or leasing of aircraft, supplying of services in which the use of an aircraft is a principal component;

AIRPORT OPERATIONAL FACILITIES means the *development* on a *site* for the operation of an *aircraft* facility including facilities for landing/takeoff, *aircraft* movement, *aircraft* fuelling, outdoor storage of *aircraft*, flight control, firefighting and safety equipment, *utilities*, parking areas, passenger facilities, facility *maintenance*, and *offices* related to the operation of the facility;

**AIRSHOW** means an exhibition of *aircraft* either in flight or on the ground to which there is a fee charged to attend or view;

**ALLUVIAL SEDIMENTS** means alluvium is loose, unconsolidated clay, silt, or gravel, which has been deposited by a stream or river as determined by the Alberta Geological Survey or by a qualified professional;

LUB 11/12/2014

**AMENITY SPACE FOR PEDESTRIAN USE** means an area comprised of on-site common or private, indoor or outdoor space, designed for active or passive recreational uses;

**AMUSEMENT AND ENTERTAINMENT SERVICES** means those *developments*, having a room, area or *building* used indoors or outdoors for the purpose of providing entertainment and amusement to patrons on a commercial fee for admission/service basis. Typical uses and facilities would include go-cart tracks, miniature golf

**CANNABIS CULTIVATION, MICRO** means the indoor and/or outdoor growing and harvesting of cannabis to a maximum area of 200 m<sup>2</sup> as defined by the *Cannabis Act* and licensed by *Health Canada*;

LUB 11/09/2018

**CANNABIS CULTIVATION, STANDARD** means the indoor and/or outdoor growing and harvesting of cannabis as defined by the *Cannabis Act* and licensed by *Health Canada*;

LUB 11/09/2018

**CANNABIS PROCESSING** means the processing of cannabis as defined by the *Cannabis* Act and licensed by *Health Canada*;

LUB 11/09/2018

**CANNABIS RETAIL STORE** means a building or a portion thereof that is licensed by the *Province of Alberta* for the sale of cannabis and cannabis accessories for consumption off the premises:

LUB 11/09/2018

**CANNABIS SALES** means the retail sale of cannabis to the public as defined by the *Gaming, Liquor and Cannabis Act*;

LUB 11/09/2018

CAR WASH means a building or structure for the operation of automobile washing;

**CEMETERY AND INTERMENT SERVICES** means *development* for the entombment of the deceased and *may* include such facilities as crematories, cineraria, columbaria, mausoleums, memorial parks, burial grounds, cemeteries, and gardens of remembrance;

CHILD CARE FACILITY means the use of a *building* or portion thereof for the provision of care, instruction, *maintenance* or supervision of seven or more children under the age of 13 years, by persons other than one related by blood or marriage, for periods not exceeding 24 consecutive hours and includes all day-care centres, early childhood services, nurseries and after-school or baby-sitting programs which meet this definition;

**CLIENTELE, LOCAL** means clientele from the immediate neighborhoods and geographic sub-areas sharing a common identity based on similar location, housing types, schools, community services, municipal boundaries, natural features, *business* centres, and/or other characteristic;

**CLIENTELE, REGIONAL** means clientele from outside the immediate neighborhoods, geographic sub-areas, or otherwise described as local;

**COMMERCIAL BUSINESS** means the use of land, *building* or structures for the purpose of buying and selling commodities and supplying of services;

**COMMERCIAL COMMUNICATIONS (CC) FACILITIES** means facilities that are used for transmission of wireless communication signals. These facilities include

**CONSTRUCTION RUBBLE** means materials from a construction or demolition *site* that are or include reinforced concrete, asphalt, lumber, timber, metal framing materials, reinforcing steel, glass, ductwork, plaster, drywall, or similar materials, but does not include clean gravel, rock, earth, topsoil, or clean broken concrete that does not contain reinforcing steel;

**CONTRACTOR, GENERAL** means *development* used for industrial service support and construction. Typical uses include oilfield support services, laboratories, cleaning and *maintenance* contractors, building construction, *landscaping*, concrete, electrical, excavation, drilling, heating, plumbing, paving, road construction, sewer, or similar services of a construction nature which require on-site storage space for materials, construction equipment or vehicles normally associated with the contractor service. Any sales, display, office or technical support service areas *shall* be accessory to the principal general contractor use;

**CONTRACTOR, LIMITED** means *development* used for the provision of electrical, plumbing, heating, painting, catering and similar contractor services primarily to individual households and the accessory sales of goods normally associated with the contractor services where all materials are kept within an enclosed *building*, and there are no accessory manufacturing activities or fleet storage of more than four vehicles;

**CONVENIENCE STORE** means a *retail store* in which articles for sale are restricted to a limited range of primarily food items such as milk, bread, soft drinks, ice cream, canned and bottled goods, snacks and candy, and meat. To complement such items, it *may* include the limited sale of magazines, books and records, housewares, toiletries, stationary, and tobacco products, but does not include Cannabis Sales;

LUB 11/09/2018

COUNCIL means the Council for the County;

**COUNTY** means Rocky View County;

**COUNTY POLICY** means policy that is adopted by resolution of Council and provides direction and/or requirements in any of the following six areas: Administration, Finance and Systems, Planning & Development, Infrastructure & Operations, Agricultural Service Board and Utility Services;

LUB 10/12/2013

**DEALERSHIP/RENTAL AGENCY, AUTOMOTIVE** means an establishment having as its main use the storage of vehicles for sale, rent or lease. Accessory uses may include facilities for the repair or maintenance of such vehicles;

**DEALERSHIP/RENTAL AGENCY, IMPLEMENT AND EQUIPMENT** means an establishment having as its main use the storage of agriculture implements and industrial equipment for sale, rent or lease. *Accessory* uses may include facilities for the repair or *maintenance* of such implements;

**DEALERSHIP/RENTAL AGENCY, RECREATIONAL VEHICLE** means an establishment having as its main use the storage of recreational vehicles for sale, rent, or lease. *Accessory* uses may include facilities for the repair or *maintenance* of such vehicles;

LUB 13/10/2015

**FARM GATE SALES** means the sale of farm products which that are produced in the same farming operation and lands in which the intended sale is to take place, but does not include Cannabis Sales;

LUB 11/12/2012 LUB 11/09/2018

**FARMERS MARKET** means a market which that has a primary use of selling goods produced in *farming* operations, and operates on a regular but temporary occurrence, and can include use of a *building*, structure or *lot* for the purpose of selling any or all of produce, meat, fish, seafood, grains, flowers, and crafts, and may include *retail stores* and *restaurants*, but does not include *Cannabis Sales*;

LUB 11/12/2012 LUB 11/09/2018

**FENCE** means a vertical physical barrier constructed to prevent visual intrusions, unauthorized access, or provide sound abatement and *may* include confinement of livestock and protection of *livestock* from wind;

**FILLING** means the import and placement of natural uncontaminated earth or aggregate materials (e.g. clay, silt, sand, gravel) on a *parcel* for the purposes of altering/modifying *grades*, *drainage*, or *building* up a *site* for a proposed *building* or *development*, but does not include the import and placement of dry-waste or land fill waste materials, and does not include the placing of topsoil;

**FIRST STOREY**: means the *storey* having its floor level not more than 2.00 m (6.56 ft.) above the highest finished grade.

FIRST PARCEL OUT means a single residential or agricultural parcel created from a previously unsubdivided quarter section;

LUB 10/12/2013

**FLOOD FRINGE** means the portion of the flood hazard area outside of the floodway, as determined by the Province of Alberta. Water in the flood fringe is generally shallower and flows slower than in the floodway;

LUB 13/10/2015

**FLOOD HAZARD AREA** means the area of land bordering a water course or water body that would be affected by a *design flood* and include the *flood fringe*, *floodway*, and may include areas of *overland flow*, as determined by the Province of Alberta;

LUB 13/10/2015

**FLOODWAY** means the portion of the flood hazard area where flows are deepest, fastest, and most destructive, as determined by the Province of Alberta. The floodway typically includes the main channel of a watercourse and a portion of the adjacent overbank area:

LUB 13/10/2015

- the cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial or commercial *businesses* or cleaning, servicing and repair operations to goods and equipment associated with personal or household use, where such operations have impacts that would make them incompatible in non-industrial districts;
- (d) the storage or transhipping of materials, goods and equipment, including petro-chemical products and supplies;
- (e) the training of personnel in general industrial operations; and
- (f) It *may* include any indoor display, office, technical or administrative support areas or any sales operation accessory to the *general industrial* uses, but does not include *Cannabis Cultivation* or *Cannabis Processing*.

LUB 11/09/2018

**GENERAL INDUSTRY TYPE I** means those *developments* where activities and uses are primarily carried on within an enclosed *building* and no significant nuisance factor is created or apparent outside an enclosed *building*. Any *development*, even though fully enclosed, where, in the opinion of a *Development Authority*, there is significant risk of interfering with the amenity of adjacent *sites* because of the nature of the *site*, materials or processes, *shall* not be considered a *General Industry Type I*;

**GENERAL INDUSTRY TYPE II** means those *developments* in which all or a portion of the activities and uses are carried on outdoors, without any significant nuisance or environmental factors such as noise, appearance, or odour, extending beyond the boundaries of the site. Any development where the risk of interfering with the amenity of adjacent or nearby sites, because of the nature of the site, materials or processes, cannot be successfully mitigated shall be considered a *General Industry Type III*;

**GENERAL INDUSTRY TYPE III** means those *developments* which that *may* have an effect on the safety, use, amenity, or enjoyment of adjacent or nearby *sites* due to appearance, noise, odour, emission of contaminants, fire or explosive hazards, or dangerous goods, but does not include *Cannabis Cultivation* or *Cannabis Processing*;

LUB 11/09/2018

**GENERAL STORE** means a retail establishment which deals primarily with food and other goods required by residents of the immediate vicinity to meet their day-to-day household needs, but does not include *Cannabis Sales*;

**GLACIAL TILL** means coarsely graded and extremely heterogeneous sediments of glacial origin or water/wind deposited substrate, as determined by the Alberta Geological Survey or by a qualified professional;

LUB 11/12/2014

**GORE STRIP** means a fractional ½ section of land created to allow for the convergence of meridian lines:

LUB 10/12/2013

**GOVERNMENT SERVICES** means a *development* providing municipal, provincial or federal *government services* directly to the public or the community at large, and includes *development* required for the public protection of persons or property;

**GRADE, BUILDING** means the ground elevation established for the purpose of regulating the number of stories and the height of a *building*. The *grade*, *building* shall be the level adjacent to the walls of the *building* if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for the four elevations;

**GRADE, DRAINAGE** means the ground elevation established in a *lot* drainage plan attached to an approved *Development Permit* for the purpose of controlling the flow of surface water on the *lot*:

GREENHOUSE means a building constructed primarily of glass or other transparent material used for cultivation of plants, but does not include a Licensed Medical Marijuana Production Facility Cannabis Cultivation or Cannabis Processing;

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**GROCERY STORE, LOCAL** means a *building* used for the sale primarily of foodstuffs and convenience goods to local clientele, and which specifically excludes the sale of specialty products as a principal use, and does not include *Cannabis Sales*;

**GROCERY STORE, REGIONAL** means a *building* used for the sale primarily of foodstuffs and convenience goods to regional clientele, and which specifically excludes the sale of specialty products as a principal use, and does not include *Cannabis Sales*;

**GROSS FLOOR AREA** means the sum of the areas of all plans of a *building* measured to the glass line, or where there is no glass line to the outside surface of the exterior walls, or where *buildings* are separated by firewalls, to the centre line of the common firewalls, and includes all floors totally or partially above grade level and all mechanical equipment areas;

#### **GROSS VEHICLE WEIGHT** means:

- (a) The combined weight of a motor vehicle and payload for which the motor vehicle is designed by the manufacturer or designed through alteration by the present or any previous owner or lessee;
- (b) The combined weight of vehicle and load; or
- (c) The registered weight of vehicle and/or load.

**HAMLET** means unincorporated area as defined by the Municipal Government Act or as declared by a bylaw and Public Hearing process;

LUB 11/12/2012

**HARD LANDSCAPING** means non-vegetative components of *landscaping* design that *may* include boulders, cobbles, stones, gravels, logs, fountains, water features, architectural pavements, street furniture, decorative fencing, light poles, and other features of a similar nature, but does not include asphalt;

**HEALTH CARE PRACTICE** means the provision of physical and mental health services on an outpatient basis, of a preventative, diagnostic treatment, therapeutic nature, located within a residential *dwelling*;

LUB 11/12/2012

**HEALTH CARE SERVICES** means a *development* used for the provision of physical and mental health services on an outpatient basis, of a preventative, diagnostic treatment, therapeutic nature. Typical uses or facilities would include medical and dental *offices*, health clinics, and chiropractor *offices*;

**HEIGHT OF BANK** means the vertical distance from the *top of bank* to the *toe of slope* when there is a terrace adjacent to a *watercourse* or from the *top of bank* to the edge of water at normal summer water elevation, when the grade of the slope from the *top of bank* to the edge of water or *toe of slope* is greater than 15%;

HOME-BASED BUSINESS means the operation of a business or occupation within a dwelling and/or its accessory building(s), or on a parcel on which a dwelling is located and where one or more residents of the parcel is/are involved in the occupation or business. Home-Based Business does not include a Licensed Medical Marijuana Production Facility Cannabis Cultivation or Cannabis Processing;

LUB 25/03/2014 LUB 11/09/2018

**HORTICULTURAL DEVELOPMENT** means the intensive growing of specialized crops, either enclosed or not, and without restricting the generality of the above, *may* include:

- (a) Greenhouses;
- (b) Nurseries:
- (c) Tree farms;
- (d) Market gardens;
- (e) Mushroom growing; and
- (f) Other similar uses.

Horticultural development does not include a Licensed Medical Marijuana Production Facility Cannabis Cultivation or Cannabis Processing;

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**HOSTEL** means an establishment operated to provide temporary accommodation to transients for remuneration and *may* include recreation facilities but not additional services such as room services;

**HOTEL** means a *building* which provides sleeping accommodation for which there is a fee charged and which *may* also contain commercial uses and such additional facilities or services as a *restaurant*, a dining room, room service or public convention room;

**HOUSEHOLD HAZARDOUS WASTE** means any material discarded by an urban, rural or farm household which is difficult to dispose of, or which puts human health or the environment at risk because of its chemical or biological nature;

**ISOLATED LAND** means the smaller portion of an unsubdivided quarter section that, in the opinion of the County, is isolated from the rest of the quarter section by a physical barrier to the movement of livestock or equipment. The barrier may have been created by natural features such as a river, ravine, water body, wetland or human made features such as roads, railway lines and irrigation canals;

LUB 10/12/2013

**INDOOR PARTICIPANT RECREATION SERVICES** means a *development* providing facilities within an enclosed *building* for sports and active recreation where patrons are predominantly participants and any spectators are incidental and attend on a non-recurring basis;

**INDUSTRIAL BUSINESS** means the use of land, *building* or structures for the manufacturing, processing, fabricating or assembly of raw materials or goods, warehousing or bulk storage of goods and related *accessory uses*;

**KENNELS** means a facility for the keeping, breeding, boarding, caring, or training of dogs and/or other domestic pets over three months of age, excluding *livestock* and norway rats;

LUB 13/10/2015

**KENNELS, HOBBY** means the keeping of dogs that are the personal property of a resident of the *parcel*:

**LABORATORIES** means a facility for the purpose of scientific or technical research, investigations, or experimentation;

**LAND USE BYLAW** means a *Bylaw* of the *County* passed by *Council* pursuant to the provisions of the Municipal Government Act and intended to prohibit, regulate, and control the use and *development* of land and *buildings* within the *County*;

**LANDFILL, DRY-WASTE** means any landfill *development* wherein only solid, inert waste/garbage is placed, and which is not reasonably expected to undergo physical, chemical and/or biological changes to such an extent as to originate substances which *may* have a negative environmental impact. Clay, sand, silt, gravel, and other naturally occurring, uncontaminated aggregate fill materials are not considered dry-waste landfill for the purposes of this *Bylaw*;

**LANDFILL, SANITARY** means a natural and/or engineered *site* where wastes are deposited on land, confined to the smallest practical area, compacted and covered with soil on a frequent basis, and includes dry-waste, industrial, sanitary, and modified sanitary classifications of landfill operation;

**LANDSCAPING** means lawns, trees, shrubs, ornamental plantings, fencing, walks, driveways, or other structures and materials;

LICENSED MEDICAL MARIJUANA PRODUCTION FACILITY means the use of land, buildings or structures for the cultivation, processing, testing, destruction, packaging, and shipping of marijuana used for medical purposes as permitted and licensed by Canada;

LUB 25/03/2014

**LIGHT MANUFACTURING** means the assembling of goods, products, or equipment whose activities are primarily carried on within an enclosed *building* and no nuisance factor is created or apparent outside of the *building*;

**MANUFACTURED HOME** means a *dwelling, single detached,* that is at least 5.00 m (16.40 ft.) in width, and has been constructed in whole or in part in a certified plant or site accordance with the Alberta Building Code for transportation to a *building site*;

LUB 13/10/2015

**MANURE STORAGE FACILITY** means a structure, reservoir, catch basin, lagoon, cistern, gutter, tank, or *bermed* area for containing *livestock* wastes prior to the waste being used or disposed. It does not include a *vehicle*, motor or any mobile equipment used for transportation or disposal of *livestock* wastes;

MARKET GARDEN means the use of land for the commercial growing of vegetables or fruit; Market Garden does not include a <u>Licensed Medical Marijuana Production Facility</u> Cannabis Cultivation;

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**MAY** is an operative word meaning a choice is available, with no particular direction or guidance intended;

**MEDICAL TREATMENT SERVICES** means a *development* providing room, board, and surgical or other medical treatment for the sick, injured, or infirm including out-patient services and accessory staff residences. Typical facilities would include hospitals, sanitariums, nursing homes, convalescent homes, psychiatric hospitals, auxiliary hospitals, and detoxification centres;

MINIMUM DISTANCE OF SEPARATION means a provincially regulated setback established between a confined feeding operation and the neighbouring residences that are in existence at the time the application is submitted. The purpose is to minimize the impact of odour. It is measured from the outside walls of neighbouring residences to the point closest to the confined feeding operation's manure storage facilities or manure collection areas;

LUB 10/12/2013

**MINI-STORAGE** means self-contained *buildings* or storage facilities intended to provide inside storage options on a small scale where the customer is charged a rental fee on a monthly or annual basis for the storage of personal products;

**MIXED-USE BUILDING** means a *building* used partly for residential use and partly for commercial use;

**MIXED-USE DEVELOPMENTS** means a *parcel* of land or a *building* or structures developed for two or more different uses that *may* include uses such as residential, office, manufacturing, retail, public, or entertainment;

**MOTEL** means a *building* or group of *buildings* on a *site* designed and operated to provide temporary accommodation for transient motorists and contains separate sleeping units, each of which is provided with an adjoining, conveniently located *parking stall*;

**PRIVATE RIDING ARENAS** means a *building* used by the owners or occupants of the *site* on which the *building* is located for the training and exercising of horses and is not used for horse shows, rodeos, or similar events to which there is a fee to participate in or to use the facilities;

**PROPERTY LINE, FRONT** means the property line separating a *parcel* from an adjoining road:

**PROPERTY LINE, REAR** means the property line opposite to and farthest from the *front* property line, or in the case of a parcel for which the above does not apply, the rear property line will be established by drawing a line the maximum distance from the *front* property line that:

- (a) is wholly within the parcel;
- (b) is not less than 3.00 metres long; and
- runs parallel to the *front property line*, or, if the *front property line* is a curved line, runs parallel to the straight line between the two end points of the curve of the *front property line*.

**PROPERTY LINE, SIDE** means a property line other than the *front* and *rear property lines*:

**PUBLIC BUILDING** means a *building* which is available to the public for the purposes of assembly, instruction, culture or enlightenment, or for a community activity, but does not include a school or a place of public entertainment for which an admission fee is normally charged;

**PUBLIC MARKET** means the use of a *building*, structure, or *lot* for the purpose of selling any or all of produce, fish, seafood, flowers, and crafts and *may* include *retail* stores and *restaurants*, **but** does not include *Cannabis* Sales;

LUB 11/09/2018

**PUBLIC PARK** means a *development* of public land specifically designed or reserved for the general public for active or passive recreational use and includes all natural and man-made *landscaping*, facilities, playing fields, *buildings*, and other structures that are consistent with the general purpose of *public park* land, whether or not such recreational facilities are publicly operated or operated by other organizations pursuant to arrangements with the *County* owning the park;

**RECYCLING COLLECTION POINT** means a primary or incidental use that serves as a neighborhood drop-off point for the temporary storage of recoverable materials. No permanent storage or processing of such items is allowed;

**REGULATIONS** mean the Subdivision and Development Regulations pursuant to the Municipal Government *Act*;

**RELIGIOUS ASSEMBLY** means a *development* owned by a religious organization used for worship and related religious, philanthropic, or social activities and includes accessory rectories, manses, meeting rooms, classrooms, dormitories, and other

buildings. Typical facilities would include churches, chapels, mosques, temples, synagogues, parish halls, convents, and monasteries;

**RESEARCH PARKS** means a *development* on a tract of land that contains a number of separate office *buildings*, accessory and supporting uses related to scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory. The overall *development* includes open space and is designed, planned, constructed, and managed on an integrated and coordinated basis;

**RESIDENTIAL CARE FACILITY** means a residential facility which provides shelter and living assistance for three or more persons in sleeping units with or without kitchenettes and *may* include meals, housekeeping, personal care, transportation, pharmaceutical, and recreation services. Such facilities may also contain shared kitchen and dining areas, *restaurant*, personal service, and *convenience store* uses;

**RESTAURANT** means an establishment where food is prepared and served on the premises for sale to the public. Ancillary activities *may* include entertainment and the serving of alcoholic beverages when licensed by the Alberta Gaming and Liquor Commission:

**RETAIL FOOD STORE** means the use of a *building* or a portion thereof with a gross *floor* area in excess of 600.00 sq. m (6,458.35 sq. ft.), for the sale of foodstuffs for consumption off-premises, but does not include *Cannabis Sales*;

LUB 11/09/2018

**RETAIL GARDEN CENTRE** means a *development* providing for the retail sale of bedding, household and ornamental plants, and associated merchandise, and *may* include display gardens;

LUB 11/12/2012

**RETAIL STORE, LOCAL** means a *building* or part thereof in which foods, wares, merchandise, substances, articles, or things are offered or kept for sale directly to local clientele at retail, **but does not include** *Cannabis Sales*;

LUB 11/12/2012

**RETAIL STORE, REGIONAL** means a *building* or part thereof in which foods, wares, merchandise, substances, articles, or things are offered or kept for sale directly to the regional clientele at retail, but does not include *Cannabis Sales*;

LUB 11/12/2012

RIPARIAN PROTECTION AREA means the lands adjacent to naturally occurring watercourses, which the County has deemed necessary to protect by limiting certain forms of development within this area. The purpose and intent of the riparian protection area is to conserve and manage riparian lands. The riparian protection area is based on the Province of Alberta's "Stepping Back from the Water Guidelines: A Beneficial Management Practices Guide for New Development near Water Bodies in Alberta's Settled Region" as amended;

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built around a junior department store and/or a local *grocery store*. It does not provide services for the wide market-base or contain regional *retail stores* or *warehouse* stores typically found in a regional shopping centre, or include *Cannabis Sales*;

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SHOPPING CENTRE, REGIONAL means a shopping centre providing for the sale of general merchandise, apparel, furniture, and home furnishings in full depth and variety and convenience goods and personal services. It may be built around one or more regional retail stores and provides services to a regional market-base and clientele, but does not include *Cannabis* Sales;

LUB 11/09/2018

**SHOW HOME** means the use of an unoccupied residential *building* as a sales office for a builder and/or as a facility to demonstrate a builder's construction quality, design options, or methods;

**SIGN** means an object or device intended for the purpose of advertising or calling attention to any person, matter, thing, or event;

SITE AREA means the total area of a site:

**SITE COVERAGE** means the percentage of the site coverage covered by a *building*, *building*s, or *outside* storage;

**SITE** means one or more *lots* or *parcel* and *may* include streets, lanes, walkways, and any other land surface upon which *development* is proposed;

**SOFT LANDSCAPING** means the components of *landscaping* design that are living, and may include planting materials, vegetation, trees, shrubs, ground cover, grass, flowers, and other similar components;

SPECIAL CARE FACILITY means a *building* or portion thereof which provides for the care or rehabilitation of one or more individuals in the case of a half-way house for five or more individuals in all other cases, with or without the provision of overnight accommodation, and includes nursing homes, geriatric centres, and group homes, but does not include *hostels*, *child care facilities*, and senior citizens housing;

SPECIAL EVENT means any public or private event, gathering, celebration, festival, competition, contest, exposition, or similar type of activity which takes place in any building or venue that is not normally used for a public assembly or which is not classified for a public assembly use, has an expected attendance of 200 or more people in a twenty four (24) hour period, or involves a change in the existing use of a street, park, or other areas for the special events purpose. Special Event may be regulated in accordance with provisions in this Bylaw or any other related policies and/or Bylaw(s) adopted by the County;

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**SPECIALTY FOOD STORE** means a *retail store* specializing in a specific type or class of foods such as an appetizer store, bakery, butcher, delicatessen, fish, gourmet, and similar foods, but does not include *Cannabis Sales*;

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**STOCK DOG** means a dog bred, trained, and used for handling of *livestock*;

**STORAGE AREA** means the area of a *building* or *site* set aside for the storage of products, goods, vehicles, or equipment;

**STOREY** means the space between the top of any floor and the top of the next floor above it, and if there is no floor above it, the portion between the top of the floor and the ceiling above it;

STREET FURNITURE means constructed above-ground objects, such as outdoor seating, kiosks, bus shelters, bike racks, sculptures, tree grids, trash receptacles, fountains, and telephone booths, that have the potential for enlivening and giving variety to streets, sidewalks, plazas, and other outdoor spaces open to and used by the public;

**SUITE WITHIN A BUILDING** means a subordinate *dwelling unit* within or attached to a building other than the principal *dwelling*, *single detached*;

#### **TEMPORARY SALES CENTRE** means a use:

- (a) where a dwelling or a parcel of land is offered for sale to the public;
- (b) that may include sales offices and displays of materials used in the construction of the dwelling that is offered for sale; and
- (c) shall only occur:
  - in a dwelling, which may be temporarily modified to accommodate the use; or
  - (ii) in a temporary building less than 150.00 sq. m (1,614.00 sq. ft.) in size; and
- (d) shall not operate for longer than two (2) years.

**TIME LIMITED PERMIT** means a *Development Permit* issued on a time limited basis as specified within the permit;

**TOE OF SLOPE** means the transition line between the terrace adjacent to a *watercourse* where the grade is less than 15%, and where the grades exceed 15%;

**TOP OF THE BANK** means the transition line between the slope where the grades exceed 15% and the adjacent upland area where the grade is less than 15%;

**TOPSOIL** means the uncontaminated uppermost part of the soil profile (A or Ap horizons) that is ordinarily moved during tillage, containing a balance of clay, silt, and

sand, with an organic matter content of at least 3%, a SAR/RC rating of 'good', and PH values in an 'acceptable' range for crop growth;

TOURISM USES/FACILITIES, AGRICULTURAL means a *business* facility that provides for tourism ventures related to agriculture. This *may* include the provision of accommodation, retail establishments, food and beverage services, entertainment, agricultural tours, classes, workshops, retreats, outdoor and wildlife-related recreation, festivals and events, and demonstrations, as described by Alberta Agriculture, Food and Rural Development, but does not include *Cannabis Retail Stores* or *Cannabis Sales*;

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**TOURISM USES/FACILITIES, GENERAL** means the use of land for providing entertainment, recreation, cultural or similar facilities for use mainly by the general touring or holidaying public and *may* include eating establishments, *automotive* services, accommodation units, and the retail sale of arts and crafts, souvenirs, antiques, and the like, but does not include *Cannabis Retail Stores* or *Cannabis Sales*;

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**TOURISM USES/FACILITIES, RECREATIONAL** means an establishment which operates throughout all or part of a year which *may* or *may* not furnish accommodation and facilities for serving meals and furnishes equipment, supplies, or services to persons in connection with angling, hunting, camping, or other similar recreational purposes;

**TRACTOR TRAILER SERVICE DEPOT** means a facility for the storage of highway truck trailers and highway truck tractors which *may* or *may* not be joined to create one tractor trailer unit and *may* include a *building* for *maintenance* of vehicles and the use of the existing residential *building* for an administrative office;

**TRUCK STOP** means any *building*, premises or land in which or upon which a *business*, service or industry involving the *maintenance*, servicing, storage, or repair of commercial vehicles is conducted or rendered. It includes the dispensing of motor fuel or petroleum products directly into motor vehicles and the sale of accessories or equipment for trucks and similar commercial vehicles. A *truck stop* also *may* include *convenience store* and *restaurant* facilities, and *may* include overnight accommodation facilities solely for the use of truck crews;

**TRUCK TRAILER** means all vehicles and/or trailers which may or may not be joined and has a *gross vehicle weight* of 12,000 kilograms or greater;

**TRUCK TRAILER SERVICE** means a facility for the *maintenance* of *truck trailers* and *may* include temporary storage of *truck trailers* when associated with *maintenance*;

**UNSUBDIVIDED QUARTER SECTION** means a titled area of 64.7 hectares (160 acres) more or less, or a gore strip greater than 32.38 hectares (80 acres) in size that has not been subdivided, excluding subdivisions for boundary adjustments, road widening, and public uses such as a school site, community hall, road, railroad, and canal right-of-way;

LUB 10/12/2013

**USE, DISCRETIONARY** means the use of land or a *building* provided for in this *Bylaw* for which a *Development Permit may* be issued upon a *Development Permit* application having been made and subject to the enabling conditions for each *use, discretionary* being satisfied;

**USE, PERMITTED** means the use of land or a *building* provided for in this *Bylaw* for which a *Development Permit shall* be issued with or without conditions by the *Development Authority* upon application having been made to the *Development Authority*;

**UTILITY (UTILITIES)** means the components of sewage, stormwater, or solid waste disposal systems or a telecommunication, electrical power, water, or gas distribution system;

**VEHICLE, AGRICULTURE** means a vehicle, motor, implements of husbandry and trailers that are commonly used in an agricultural, general operation including but not limited to combines, tractors, cattle liners, grain trucks and carts, and horse/stock trailers;

LUB 13/10/2015

**VEHICLE, COMMERCIAL** means a vehicle, motor, used for commercial or industrial business operations, such as gravel trucks, gravel trailers, highway truck tractors, highway truck trailers, crane trucks, welding trucks, and vacuum trucks, any vehicle or trailer displaying logos or signage advertising a business, and any vehicle not meeting the definition of a "private passenger vehicle" in the Traffic Safety Act;

**VEHICLE, MOTOR** means a motor vehicle as defined in the *Traffic Safety Act*, R.S.A. 2000 Chapter T-6;

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**VEHICLE, MOTOR SPORT** means a vehicle used for personal recreation as in a boat, seadoo, skidoo, motorcycle, quad, or similar type of vehicle;

**VEHICLE, RECREATION** means a vehicle designed to be transported on its own wheels or by other means (including units mounted permanently or otherwise on trucks), which will permit its use for sleeping or living purposes for one or more persons on a short term basis;

**WAREHOUSE** means the use of a *building* or portion thereof for the storage and distribution of materials, goods or products, but does not include a *warehouse store*;

WAREHOUSE STORE means the use of a *building* for the retail sale of a limited range of bulky goods, the size and nature of which typically require large *floor areas* for direct display to the purchaser, and include, but are not limited to, such bulky goods as furniture, carpets and floor coverings, major appliances, paints and wall coverings, light fixtures, plumbing fixtures, and *building* materials and equipment, but does not include the sale of food, clothing, *Cannabis Sales*, or other personal goods, wares, substances, articles, or things;

LUB 11/09/2018

# SECTION 20 GENERAL DEVELOPMENT REGULATIONS

- The Development Authority may consider with respect to land that is the subject of an application for a Development Permit:
  - (a) its topography;
  - (b) its soil characteristics;
  - (c) the collection and disposal of stormwater from the land;
  - (d) its potential for flooding, subsidence, or erosion;
  - (e) its accessibility to a public roadway or highway, constructed to appropriate County or provincial standards;
  - (f) the availability and adequacy of a potable water supply;
  - (g) the adequacy of a sewage disposal system and the disposal of solid waste;
  - (h) the availability and/or adequacy of *County* services, which, without restricting the generality of the foregoing, *may* include fire protection, education services, student transportation, and police protection;
  - (i) the need to maintain an adequate separation distance between different or incompatible land uses. The separation distance shall be as prescribed by the Development Authority, recognizing the type and magnitude of both the development and surrounding land uses;
  - (j) proximity to environmentally sensitive areas;
  - (k) necessity/requirement of a site grading plan or detailed geo-technical engineering studies; and
  - (I) such other matters as the *Development Authority* deems appropriate.
- The Development Authority shall attach as conditions of a Development Permit approval those conditions it feels are necessary to address or resolve any development concerns or issues associated with those items listed in Section 34, Protection from Hazards.
- There shall be no more than one (1) dwelling unit per parcel unless otherwise allowed by this *Bylaw*.
- In all land use districts where a *building* has been constructed in accordance with the setbacks as set out in a *Development Permit* or *Building* Permit issued prior to the passing of this *Bylaw*, the setbacks are deemed to comply with this *Bylaw*. The setbacks for all *buildings* constructed prior to March 12, 1985, are deemed to comply with this *Bylaw*.

- An addition may be made to an existing single family dwelling which does not comply with the setbacks prescribed for in that District, provided that the addition is no closer to the affected yard, and that the encroachment does not exceed 50% of the setback prescribed for the District.
- 20.6 All development including development not requiring a Development Permit shall be:
  - completed within two (2) years for all development not requiring a
     Development Permit;
  - (b) completed within one (1) year for all development requiring a Development Permit or as specified in the Development Permit;
  - (c) under continuous construction until completed;
  - (d) maintained in a clean and tidy fashion at all times and all waste material shall be deposited and confined in an appropriate enclosure. All waste material is to be regularly removed from the property to prevent any debris from blowing onto adjacent property or roadways.

LUB 11/12/2012

For any *development* not complying with Section 20.6, the *Development Authority may* issue an Order of the Development Officer to bring the *development* into compliance with Section 20.6.

#### 20.8 SHOW HOMES AND TEMPORARY SALES CENTRE

- (a) The construction or use of an unoccupied dwelling unit for the purpose of a show home for the sale of other dwelling units by the same builder for other dwellings units within the same approved subdivision require a Development Permit;
- (b) A temporary sales centre and/or a show home shall not be occupied as a residence;

LUB 13/10/2015

(c) A temporary sales centre and/or a show home are allowed in all residential districts as a discretionary use;

LUB 13/10/2015

- (d) There shall be a maximum of 1 show home for every 20 parcels in a single phase subdivision; or no more than 1 show home for every 10 lots within a single phase of a multi-phase approved subdivision. In a subdivision of less than 20 lots, 1 show home may be allowed;
- (e) Development Permits may be issued prior to the registration of a phase of a subdivision, providing that: the phase has received approval by the Subdivision Approving Authority, there is a Development Agreement in place and there is a

gravel surfaced road constructed from the developed County road to the show parcel in accordance with the Development Agreement;

- (f) The conditions of the *Development Permit* for the *show home*(s) may include the following:
  - (i) Advertising signs and features, providing details of these features including location, type, and number were submitted as part of the application. All advertising signs and features *shall* be removed immediately upon the cessation of use of the *building* as a *show home*;
  - (ii) The show home shall not be open to the public for viewing unless and until the road is paved to County standards to the show homes from the County road and there are at least 4 off street parking spaces per show home to be constructed to a minimum standard of a compacted gravel surface in subdivisions that do not have curb and gutter;
  - (iii) There shall be signs posted at adjacent occupied residences by the show home builder indicating that these homes are private and not for viewing;
  - (iv) The show home shall be closed to the public within 30 days of the date that 90% of the homes are occupied in the phase of the subdivision or within 30 days of the date that 90% of all the lots in the subdivision are occupied, whichever occurs first;
  - (v) The advertised hours that the *show home* is open to the public *shall* not be earlier than 9:00 am or later than 6:00 pm, except that during the first 14 days of the use of the *building* as a *show home*, extended public viewing hours *may* be permitted for no more than 3 days;
  - (vi) Conditions of the permit do not limit the private showing by appointment of the *show home* at any time.

#### 20.9 CANNABIS CULTIVATION AND CANNABIS PROCESSING

LUB 11/09/2018

- (a) Cannabis Cultivation and/or Cannabis Processing shall not occur in a building where a residential use is located.
- (b) A Health Care Site for the purposes of Section 20.9 of this Bylaw means the lot(s) or parcel(s) on which Health Care Practice or Health Care Services is situated.
- (c) A *School Site* for the purposes of Section 20.9 of this Bylaw means the lot(s) or parcel(s) on which a School, public or separate, a School, private, or a *Child Care Facility* is situated.
- (d) The minimum separation distance between Cannabis Cultivation and/or *Cannabis*Processing and other uses shall be established by measuring the shortest

distance between the *Cannabis Cultivation* and/or *Cannabis Processing* building or field and the other use building. If the requirement states a minimum distance to a site, then the distance shall be established by measuring the shortest distance between the *Cannabis Cultivation* and/or *Cannabis Processing* building or field and the other use site.

- (e) Cannabis Cultivation and/or Cannabis Processing must be located:
  - (i) At least 150 m from a Health Care Site or School Site.
  - (ii) At least 100 m from a site that is designated as a school reserve on title.
  - (iii) At least 100 m from a Dwelling.
- (f) A Development Permit for Cannabis Cultivation and/or Cannabis Processing shall be limited, and the term of the Development Permit shall not exceed three years.
- (g) A Health Care Site, School Site, or Dwelling constructed or created after the approval of a Cannabis Cultivation and/or Cannabis Processing use shall not be considered a Health Care Site, School Site, or Dwelling for the purposes of interpreting Section 20.9(e) of this Bylaw.

#### 20.10 CANNABIS RETAIL STORES

LUB 11/09/2018

- (a) Cannabis shall not be consumed in a Cannabis Retail Store.
- (b) A Health Care Site for the purposes of Section 20.10 of this Bylaw means the lot(s) or parcel(s) on which a Health Care Practice or Health Care Services is situated.
- (c) A School Site for the purposes of Section 20.10 of this *Bylaw* means the lot(s) or parcel(s) on which a School, public or separate, a School, private, or a *Child Care Facility* is situated.
- (d) Cannabis Retail Stores must be located:
  - (i) At least 300 m from another Cannabis Retail Store.
  - (ii) At least 150 m from a Health Care Site or School Site.
  - (iii) At least 100 m from a site that is designated as a school reserve on title.
- (e) Hours of operation for *Cannabis Retail Stores* shall be between 10:00 a.m. and 11:00 p.m. seven days a week, except on December 25 when *Cannabis Retail Stores* shall be closed.

- (f) Parking and loading requirements for a *Cannabis Retail Store* shall be provided on the basis of the *Retail Use*, *General* requirements (Schedule 5).
- (g) A Development Permit for a *Cannabis Retail Store* shall be limited, and the term of the Development Permit shall not exceed three years.
- (h) A Health Care Site, School Site, or Dwelling constructed or created after the approval of a Cannabis Retail Store shall not be considered a Health Care Site, School Site, or Dwelling for the purposes of interpreting Section 20.10(e) of this Bylaw.

#### 20.11 LICENSED MEDICAL MARIJUANA PRODUCTION FACILITY

- (a) A Licensed Medical Marijuana Production Facility Site for the purposes of Section 20.9 of this Bylaw means the lot(s) or parcel(s) on which the Medical Marijuana Production Facility is located or is proposed to be located.
- (b) A School Site for the purposes of Section 20.9 of this Bylaw means the lot(s) or parcel(s) on which a school is situated.
- (c) A Residential Parcel for the purposes of Section 20.9 of this Bylaw means any parcel included within the Residential One, Residential Two, Residential Three, Residential Silverhorn, Hamlet Residential Single Family, Hamlet Residential (2) or Direct Control District wherein a Dwelling is listed as a permitted use excepting those Direct Control Districts wherein a Dwelling Unit is listed and described as accessory to a/the use or accessory to the principal use.
- (d) A Licensed Medical Marijuana Production Facility Site shall meet the minimum separation distance of 400 m between an existing Dwelling, School Site or Residential Parcel; and the Licensed Medical Marijuana Production Facility Site:
  - (i) the minimum separation distance between an existing Dwelling and
    Licensed Medical Marijuana Production Facility Site shall be
    established by measuring the shortest distance between the external
    wall of the nearest Dwelling and the boundary of the Licensed
    Medical Marijuana Production Facility Site; and
  - (ii) the minimum separation distance between an existing Residential Parcel or School Site and a Licensed Medical Marijuana Production Facility Site shall be established by measuring the shortest distance between the boundary of a Residential Parcel or School Site and the boundary of the Licensed Medical Marijuana Production Facility Site.
- (e) Parking and loading requirements for a Licensed Medical Marijuana Production Facility shall be provided on the basis of the General Industrial requirements (Schedule 5) with the exception of any office area provided on the basis of Offices, Business requirements (Schedule 5).
- (f) The Development Permit for a Licensed Medical Marijuana Production Facility shall be limited and the term of the Development Permit shall not exceed three (3) years.

(g) A Dwelling, Residential Parcel, or School Site constructed or created after the approval of a Licensed Medical Marijuana Production Facility shall not be considered a Dwelling, Residential Parcel, or School Site for the purposes of interpreting Section 20.9(d) of this Bylaw.

LUB 25/03/2014

Where a *Development Permit* has been issued for a *business* or *development*, in the event that the approved *business* use or *development* is discontinued or abandoned for two or more consecutive years, the *Development Permit* shall be deemed to be null and void. A new *Development Permit* shall be required before the *business* use or *development* and any related construction or other activity may recommence.

LUB 13/10/2015

### SECTION 21 HOME-BASED BUSINESS

- 21.1 The following general provisions shall apply to all *home-based businesses*:
  - (a) all home-based businesses, where listed as a use, discretionary, shall require a Development Permit;
  - (b) no outside storage of equipment, goods, materials, commodities, or finished products shall be permitted except as permitted in a Development Permit;

LUB 13/10/2015

- (c) no variation from the external appearance and residential character of land or buildings shall be permitted;
- (d) the use shall not, in the opinion of the Development Authority, generate excessive or unacceptable increases in traffic within the neighbourhood or immediate area:
- the display or placement of signage on the premises of a home-based business shall be in accordance with the sign regulations in Section 35 of this Bylaw, and/or as defined in a Development Permit;
- the home-based business shall not generate noise, smoke, steam, odour, dust, fumes, exhaust, vibration, heat, glare or refuse matter considered offensive or excessive by the Development Authority. At all times, the privacy of the adjacent residential dwellings shall be preserved and the home-based business shall not, in the opinion of the Development Authority, unduly offend or otherwise interfere with neighbouring or adjacent residents;
- (g) the term of a Development Permit issued for a home-based business shall not exceed one (1) year;
  - (i) Notwithstanding Section 21.1(g), at the discretion of the *Development Authority*, a *Development Permit may* be issued for a period not exceeding three (3) years if the following conditions have been met:

# SECTION 43 RANCH AND FARM DISTRICT (RF)

# 43.1 Purpose and Intent

The purpose and intent of this District is to provide for agricultural activities as the primary land use on a quarter section of land or on large balance lands from a previous subdivision, or to provide for residential and associated minor agricultural pursuits on a small first parcel out.

#### 43.2 Minimum Parcel Size

In order to facilitate the purpose and intent of this District and ensure the sustainability of agricultural uses within the District, for the purpose of subdivision applications, the Minimum Parcel Size in this District is as follows:

- (a) an unsubdivided quarter section;
- (b) the area in title at the time of passage of this *Bylaw*;
- that portion of a *parcel* remaining after approval of a redesignation which facilitates a subdivision and after the subsequent registration of said subdivision reduces the area of the parent *parcel* providing the remainder is a minimum of 20.23 hectares (50.00 acres); or
- (d) the portion created and the portion remaining after registration of an *First Parcel Out* subdivision.

LUB 10/12/2013

LUB 10/04/2018

REGULATIONS FOR SMALL PARCELS LESS THAN OR EQUAL TO 8.10 HECTARES (20.00 ACRES) IN SIZE

LUB 10/04/2018

# 43.3 Uses, Permitted

Accessory buildings less than 185.81 sq. m (2,000 sq. ft.) building area Agriculture, General
Dwelling, single detached
Home-Based Business, Type I
Keeping of livestock (See Section 24 for regulations)
Private Swimming Pool

LUB 21/09/2010

#### 43.4 Uses, Discretionary

LUB 10/04/2018

Accessory buildings greater than 185.81 sq. m (2,000 sq. ft.) but no more than 371.61 sq. m (4,000 sq. ft.)

Accessory Dwelling Unit (may be a Secondary Suite, a Suite within a Building, or a Garden Suite)

Animal Health Care Services

Bed and Breakfast Home

Cannabis Cultivation, Micro

LUB 11/09/2018

Child Care facilities

Commercial Communication Facilities - Type "A", Type "B", Type "C"

Farm Dwelling, mobile home

Farm Dwelling, moved-in

Farm Gate Sales

Farmers Market

Health Care Practice

Home-Based Business, Type II

Horticulture Development

Keeping of livestock (see Section 24 for Regulations)

Kennels of parcels greater than 5.00 hectares (12.36 acres)

Kennels, Hobby

Private Riding Arena on parcels greater than 6.00 hectares (14.83 acres) in area

Signs

Special Events Parking

LUB 08/10/2013

#### 43.5 **General Regulations**

The General Regulations apply as contained in Part 3 of this Land Use *Bylaw*, as well as the following provisions:

#### 43.6 Minimum & Maximum Requirements

LUB 10/04/2018

### (a) Yard, Front:

- (i) 45.00 m (147.64 ft.) from any road, *County*;
- (ii) 60.00 m (196.85 ft.) from any road, highway;
- (iii) 15.00 m (49.21 ft.) from any *road, internal subdivision* or road, service.

### (b) Yard, Side:

- (i) 45.00 m (147.64 ft.) from any road, County;
- (ii) 60.00 m (196.85 ft.) from any road, highway;
- (iii) 15.00 m (49.21 ft.) from any road, *internal subdivision*, or road service:
- (iv) 3.00 m (9.84 ft.) all other.

# (c) Yard, Rear:

- (i) 30.0 m (98.4 ft.) from any road, highway;
- (ii) 7.00 m (11.96 ft.) all other.

LUB 10/12/2013

# 43.7 Minimum Habitable floor area, excluding basement

- (a) 92.00 sq. m (990.28 sq. ft.) single storey dwelling;
- (b) 92.00 sq. m (990.28 sq. ft.) split level *dwelling*, the total area of two finished levels;
- (c) 74.00 sq. m (796.53 sq. ft.) split entry or bi-level and the main floor;
- (d) 18.00 sq. m (193.75 sq. ft.) finished lower level;
- (e) 92.00 sq. m (990.28 sq. ft.) combined floor area, two storey dwelling;
- (f) 92.00 sq. m (990.28 sq. ft.) main floor for dwelling, moved-in.

#### 43.8 Maximum height of buildings

- (a) principal building 10.00 m (32.81 ft.);
- (b) accessory buildings 7.00 m (22.96 ft.)

# REGULATIONS FOR LARGE PARCELS GREATER THAN OR EQUAL TO 8.10 HECTARES (20.01 ACRES) IN SIZE

LUB 10/04/2018

# 43.9 Uses, Permitted

Accessory buildings (not exceeding 500.00 sq. m (5,381.95 sq. ft.) Accessory Dwelling Unit (may be a Secondary Suite, a Suite within a Building, or a Garden Suite)

Agriculture, General

Farm dwelling, single detached

Government Services

Home-Based Business, Type I

Keeping of livestock (See Section 24 for regulations)

Private Swimming Pools

LUB 10/04/2018

#### 43.10 Uses, Discretionary

A second Accessory Dwelling Unit, not including a Garden Suite (for the purposes of family care of farm help, and when associated with a second Farm Dwelling, single detached).

Accessory building greater than 500.00 sq. m (5,381.95 sq. ft.)

Additional Farm Dwellings

Agricultural Processing, Minor

Animal Health Care Services

Bed and Breakfast Home

Bee Keeping

Cannabis Cultivation, Micro Cannabis Cultivation, Standard LUB 11/09/2018 LUB 11/09/2018 Commercial Communications Facilities - Type "A", Type "B", Type "C"

Equestrian Centre I and Equestrian Centre II

Farm dwelling, mobile home

Farm dwelling, moved-in

Farm Gate Sales

Farmers Market

Fish Farms

Home-Based Business, Type II

Horticulture Development

Keeping of livestock (See Section 24 for regulations)

Kennels

Kennels, Hobby

Museums

Private Riding Arena

Public Buildings and utilities

Signs

Special Care Facility

Special Events Parking

Working Dogs

LUB 10/04/2018

# 43.11 General Regulations

The General Regulations apply as contained in Part 3 of this Land Use *Bylaw*, as well as the following provisions:

# 43.12 Minimum Requirements

- (a) Yard, Front:
  - (i) 45.00 m (147.64 ft.) from any road, County:
  - (ii) 60.00 m (196.85 ft.) from any road, highway;
  - (iii) 15.00 m (49.21 ft.) from any *road, internal subdivision* or road, service.
- (b) Yard, Side:
  - (i) 45.00 m (147.64 ft.) from any road, County:
  - (ii) 60.00 m (196.85 ft.) from any road, highway;
  - (iii) 15.00 m (49.21 ft.) from any road, internal subdivision or road, service;
  - (iv) 6.00 m (19.69 ft.) all other.
- (c) Yard, Rear:
  - (i) 30.00 m (98.43 ft.) from any road, highway;

(ii) 15.00 m (49.21 ft.) all other.

LUB 10/04/2018

# 43.13 Minimum Habitable floor area, excluding basement

- (a) 92.00 sq. m (990.28 sq. ft.) single storey dwelling;
- (b) 92.00 sq. m (990.28 sq. ft.) split level *dwelling*, the total area of two finished levels;
- (c) 74.00 sq. m (796.53 sq. ft.) split entry or bi-level on the main floor;
- (d) 18.00 sq. m (193.75 sq. ft.) finished lower level;
- (e) 92.00 sq. m (990.28 sq. ft.) combined floor area, two storey dwelling;
- (f) 92.00 sq. m (990.28 sq. ft.) main floor for dwelling, moved-in.

LUB 10/04/2018

# 43.14 Exceptions to Ranch and Farm District (RF)

The following described properties held a designation of Agriculture (2) District or Agricultural (4) under the former Land Use *Bylaw* C-1725-84, and pursuant to that *Bylaw*, the subdivision of one (1) *parcel* from the parent *parcel* was provided for, subject to conformity with all other County *Bylaws* and policies.

Notwithstanding Section 43.11, this *Bylaw*, therefore, continues to provide for the subdivision of one (1) *parcel* or lot from the following described properties:

Section	C-1725-84/This Bylaw	Map #
SE-36-22-29	AG-2-RF	24
SW-10-23-27	AG-2-RF	32
SW-27-23-28	AG-2-RF	33
SE-1-24-28	AG-2-RF	43
SE-13-24-28	AG-2-RF	43
SE-11-25-27	AG-4-RF	52.80 acre parcel
NE-8-26-28	AG-2-RF	63
NW-11-26-28	AG-2-RF	63
SE-5-21-1	AG-2-RF	65
SW-23-26-1	AG-2-RF	65
NW-11-26-3	AG-2-RF	67
SW-34-26-4	AG-2-RF	68
NE-22-27-29	AG-2-RF	74

Section	C-1725-84/This Bylaw	Map #
NW-20-27-2	AG-2-RF	76
SE-12-27-4	AG-2-RF	78
SW-32-27-5	AG-2-RF	79
NW-21-28-25	AG-2-RF	80
NW-35-28-25	AG-2-RF	80
NW-23-28-25	AG-2-RF	80
SW-21-28-26	AG-2-RF	81
NE-3-28-27	AG-2-RF	82
NW-8-28-27	AG-2-RF	82
SW-16-28-27	AG-2-RF	82
NE-15-28-29	AG-2-RF	84
NW-30-28-1	AG-2-RF	85
SE-22-28-4	AG-2-RF	88
SE-23-28-4	AG-2-RF	88
SE-15-28-5	AG-2-RF	89
SE-13-29-1	AG-2-RF	95
SW-13-29-1	AG-2-RF	95

LUB 11/12/2012

# SECTION 44 RANCH AND FARM TWO DISTRICT (RF-2)

## 44.1 Purpose and Intent

The purpose and intent of this District is to provide for a range of mid-sized *parcels* for agricultural use. Residential uses are accessory to the agricultural use.

# 44.2 Uses, Permitted

Accessory Dwelling Unit (may be a Secondary Suite, a Suite within a Building, or a Garden Suite)

Accessory buildings not exceeding 500.00 sq. m (5,381.95 sq. ft.)

Agriculture, General

Farm Dwelling, single detached

Government Services

Home-Based Business, Type I

Keeping of *livestock* (See Section 24 for regulations)

**Private Swimming Pools** 

LUB 21/09/2010

# 44.3 Uses, Discretionary

A second Accessory Dwelling Unit, not including a Garden Suite (for the purposes of family care or farm help, and when associated with a second Farm Dwelling, single detached).

Accessory building greater than 500.00 sq. m (5,381.95 sq. ft.) building area

Additional Farm Dwellings

Agricultural Processing, Minor

Animal Health Care Services

Bed and Breakfast Home

Bee Keeping

Cannabis Cultivation, Micro

LUB 11/09/2018

LUB 11/09/2018

Cannabis Cultivation, Standard Commercial Communications Facilities - Type "A", Type "B", Type "C"

Equestrian Centre I & Equestrian Centre II

Farm Dwelling, mobile home

Farm Dwelling, moved-in

Farm Gate Sales

Farmers Market

Fish Farms

Home-Based Business, Type II

Horticulture Development

Keeping of livestock (See Section 24 for regulations)

Kennels

Kennels, Hobby

Museums

Private Riding Arena

Public Buildings and utilities

Special Care Facility

Special Events Parking

Working Dogs

LUB 08/10/2013

#### 44.4 **General Regulations**

The General Regulations apply as contained in Part 3 of this Land Use Bylaw as well as the following provisions:

#### 44.5 Minimum Requirements

#### (a) Parcel Size:

20.23 hectares (49.98 acres) or the area in title at the time of passage of this Bylaw.

#### (b) Yard. Front:

- 45.00 m (147.64 ft.) from any road, County;
- (ii) 60.00 m (196.85 ft.) from any road, highway.
- 15.00 m (49.21 ft.) from any road, internal subdivision or road, service.

#### Yard, Side: (c)

45.00 m (147.64 ft.) from any road, County;

- (ii) 60.00 m (196.85 ft.) from any road, highway;
- (iii) 15.00 m (49.21 ft.) from any road, internal subdivision or road, service;
- (iv) 6.00 m (19.69 ft.) all other.
- (d) Yard, Rear:
  - (i) 30.00 m (98.43 ft.) from any road, highway;
  - (ii) 15.00 m (49.21 ft.) all other.

LUB 21/09/2010

#### 44.6 Minimum Habitable floor area, excluding basement

- (a) 92.00 sq. m (990.28 sq. ft.) single storey dwelling;
- (b) 92.00 sq. m (990.28 sq. ft.) split level *dwelling*, the total area of two finished levels;
- (c) 74.00 sq. m (796.53 sq. ft.) split entry or bi-level and the main floor; 18.00 sq. m (193.75 sq. ft.) finished lower level;
- (d) 92.00 sq. m (990.28 sq. ft.) combined floor area, two storey dwelling;
- (e) 92.00 sq. m (990.28 sq. ft.) main floor for dwelling, moved-in.

# SECTION 45 RANCH AND FARM THREE DISTRICT (RF-3)

# 45.1 Purpose and Intent

The purpose of this District is to provide for a range of smaller *parcel* sizes for agricultural uses. The intent is to accommodate traditional and emerging trends in agriculture which *may* successfully be developed on smaller *parcel*s of land. Residential uses are accessory to the agricultural use.

# 45.2 Uses, Permitted

Accessory buildings less than 500.00 sq. m (5,381.95 sq. ft.) building area Accessory Dwelling Unit (may be a Secondary Suite, a Suite within a Building, or a Garden Suite)

Agriculture, General

Farm Dwelling, single detached

**Government Services** 

Home-Based Business, Type I

Keeping of livestock (See Section 24 for regulations)

Private swimming pool

LUB 21/09/2010

### 45.3 Uses, Discretionary

A second Accessory Dwelling Unit, not including a Garden Suite (for the purposes of family care or farm help, and when associated with a second Farm Dwelling, single detached)

Accessory buildings greater than 500.00 sq. m (5,381.95 sq. ft.) building area

Additional Farm Dwellings

Agricultural Processing, Minor

Animal Health Care Services

Bed and Breakfast Home

Bee Keeping

Cannabis Cultivation, Micro

LUB 11/09/2018 LUB 11/09/2018

Cannabis Cultivation, Standard

Commercial Communications Facility - Type "A", Type "B", Type "C"

Equestrian Centre I and Equestrian Centre II

Farm Dwelling, mobile home

Farm Dwelling, moved-in

Farm Gate Sales

Farmers Market

Fish Farms

Home-Based Business, Type II

Horticulture Development

Keeping of livestock (See Section 24 for regulations)

Kennels

Kennels, Hobby

Museums

Private Riding Arena

Public Buildings and utilities

Signs

Special Care Facility

Special Events Parking

Working Dogs

LUB 08/10/2013

### 45.4 General Regulations

The General Regulations apply as contained in Part 3 of this Land Use *Bylaw* as well as the following provisions:

# 45.5 Minimum Requirements

## (a) Parcel Size:

12.14 hectares (29.99 acres) or the area in title at the time of passage of this *Bylaw*.

#### (b) Yard, Front:

- (i) 45.00 m (147.63 ft.) from any road, County;
- (ii) 60.00 m (196.85 ft.) from any road, highway;
- (iii) 15.00 m (49.21 ft.) from any *road, internal subdivision* or road, service.

#### (c) Yard, Side:

- (i) 45.00 m (147.63 ft.) from any road, County;
- (ii) 60.00 m (196.82 ft.) from any road, highway;
- (iii) 15.00 m (49.21 ft.) from any road, internal subdivision or road, service;
- (iv) 6.00 m (19.68 ft.) all other.

### (d) Yard, Rear:

- (i) 30.03 m (98.43 ft.) from any road;
- (ii) 15.00 m (49.21 ft.) all other.

# 45.6 Minimum Habitable Floor Area, excluding basement

- (a) 92.00 sq. m (990.28 sq. ft.) single storey dwelling;
- (b) 92.00 sq. m (990.28 sq. ft.) split level *dwelling*, the total area of two finished levels;
- (c) 74.00 sq. m (796.53 sq. ft.) split entry or bi-level on the main floor; 18.00 sq. m (193.75 sq. ft.) finished lower level;
- (d) 92.00 sq. m (990.28 sq. ft.) combined floor area, two storey dwelling;
- (e) 92.00 sq. m (990.28 sq. ft.) main floor for dwelling, moved-in.

# 45.7 Maximum height of buildings

- (a) principal building 10.00 m (32.81 ft.);
- (b) accessory building 5.50 m (18.04 ft.).

# SECTION 46 AGRICULTURAL HOLDINGS DISTRICT (AH)

# 46.1 Purpose and Intent

The purpose and intent of this District is to provide for a range of parcel sizes for agricultural uses. This district provides for traditional agricultural pursuits on large parcels of land. It also recognizes the emerging trends towards new agricultural uses which may be successfully developed on smaller parcels of land.

#### 46.2 Uses, Permitted

Accessory buildings less than 190.00 sq. m (2,045.14 sq. ft.) building area on parcels less than 16.20 hectares (40.03 acres)

Accessory buildings less than 500.00 sq. m (5,381.95 sq. ft.) building area on parcels greater than 16.20 hectares (40.03 acres)

Accessory Dwelling Unit (may be a Secondary Suite, a Suite within a Building, or a Garden Suite)

Agriculture, General

Dwelling, single detached

Government Services Home-Based Business, Type I Keeping of livestock (See Section 24 for regulations) Private swimming pool

LUB 21/09/2010

LUB 11/09/2018

LUB 11/09/2018

#### 46.3 **Uses, Discretionary**

Accessory Buildings greater than 190.00 sq. m (2,045.14 sq. ft.) building area on parcels less than 16.20 hectares (40.03 acres.)

Accessory Buildings greater than 500.00 sq. m (5,381.95 sq. ft.) building area on parcels greater than 16.20 hectares (40.03 acres)

Agricultural Processing, Minor

Animal Health Care Services

Bed and Breakfast Homes

Cannabis Cultivation. Micro

Cannabis Cultivation, Standard Commercial Communication Facilities - Type "A", Type "B", Type "C"

Equestrian I and Equestrian Centre II

Facilities owned and operated by the County

Farm Dwelling, mobile home

Farm Dwelling, moved-in

Farm Gate Sales

Farmers Market

Fish Farms

Home-Based Business, Type II

Horticulture Development

Keeping of livestock (See Section 24 for regulations)

Kennels

Kennels, Hobby

Private Riding Arena

Public Buildings and utilities

Signs

Special Events Parking

Working Dogs

LUB 08/10/2013

#### 46.4 **General Regulations**

The General Regulations apply as contained in Part 3 of this Land Use Bylaw as well as the following provisions:

#### 46.5 **Minimum Requirements**

#### (a) Parcel Size:

The minimum parcel size shall be 8.10 hectares (20.01 acres) or the area in title at the time of passage of this Bylaw.

#### (b) Yard, Front:

(i) 45.00 m (147.64 ft.) from any road, County;

- (ii) 60.00 m (196.85 ft.) from any road, highway;
- (iii) 15.0 m (49.2 ft.) from any road, internal subdivision or road, service.

#### (c) Yard, Side:

- (i) 45.00 m (147.64 ft.) from any road, County;
- (ii) 60.00 m (196.85 ft.) from any road, highway;
- (iii) 15.00 m (49.21 ft.) from any road, internal subdivision or road, service;
- (iv) 6.00 m (19.69 ft.) all other.

#### (d) Yard, Rear:

- (i) 30.00 m (98.43 ft.) from any road;
- (ii) 15.00 m (49.21 ft.) all other.

# 46.6 Minimum Habitable Floor Area, excluding basement

- (i) 92.00 sq. m (990.28 sq. ft.) single storey dwelling;
- (ii) 92.00 sq. m (990.28 sq. ft.) split level dwelling, the total area of two finished levels;
- (iii) 74.00 sq. m (796.53 sq. ft.) split entry or bi-level on the main floor; 18.00 sq. m (193.75 sq. ft.) finished lower level;
- (iv) 92.00 sq. m (990.28 sq. ft.) combined floor area, two storey dwelling;
- (v) 92.00 sq. m (990.28 sq. ft.) main floor for dwelling, moved-in.

#### 46.7 Maximum height of buildings

- (i) principal building 10.00 m (32.81 ft.);
- (ii) accessory building 5.50 m (18.04 ft.).

# SECTION 47 FARMSTEAD DISTRICT (F)

# 47.1 Purpose and Intent

The purpose of this District is to provide for a single *parcel* of land containing an existing *Farmstead* from an *unsubdivided* quarter section.

# 47.2 Uses, Permitted

Accessory buildings less than 80.00 sq. m (861.11 sq. ft.) building area Agriculture, General Dwelling, Single detached Home-Based Business, Type I Keeping of livestock (See Section 24 for regulations)

Private Swimming Pool

LUB 21/09/2010

# 47.3 Uses, Discretionary

Accessory buildings in excess of 80.00 sq. m (861.00.sq. ft.) but no more than 223.0 sq. m (2,400.35 sq. ft.)

Accessory Dwelling Unit (may be a Secondary Suite, a Suite within a Building, or a Garden Suite)

Animal Health Care Services

Bed and Breakfast Home

Cannabis Cultivation, Micro

LUB 11/09/2018

Child care facilities

Commercial Communication Facilities - Type "A", Type "B", Type "C"

Farm Dwelling, mobile home

Farm Dwelling, moved-in

Farm Gate Sales

Farmers Market

Home-Based Business, Type II

Horticulture Development

Keeping of *livestock* (See Section 24 for regulations)

Kennels on parcels greater than 5.00 hectares (12.36 acres)

Kennels, Hobby

Signs

Special Events Parking

LUB 11/12/2012

### 47.4 General Regulations

The General Regulations apply as contained in Part 3 of this *Bylaw* as well as the following provisions:

#### 47.5 Minimum & Maximum Requirements

#### (a) Parcel Size:

The *parcel* size *shall* be 1.60 hectares (3.96 acres) or such area as deemed necessary to accommodate the existing *farmstead*.

#### (b) Yard, Front:

- (i) 45.00 m (147.64 ft.) from any road, *County*;
- (ii) 60.00 m (196.85 ft.) from any road, highway;
- (iii) 15.00 m (49.21 ft.) from any road, internal subdivision or road, service.

# (c) Yard, Side:

- (i) 45.00 m (147.64 ft.) from any road, *County*;
- (ii) 60.00 m (196.85 ft.) from any road, highway;
- (iii) 15.00 m (49.21 ft.) from any road, internal subdivision or road, service;
- (iv) 6.00 m (19.69 ft.) all other.

### (d) Yard, Rear:

- (i) 30.0 m (98.4 ft.) from any road;
- (ii) 15.0 m (49.2 ft.) all other.

LUB 21/09/2010

### 47.6 Minimum Habitable floor area, excluding basement

- (a) 92.00 sq. m (990.28 sq. ft.) single storey dwelling;
- (b) 92.00 sq. m (990.28 sq. ft.) split level *dwelling*, the total area of two finished levels;
- (c) 74.00 sq. m (796.53 sq. ft.) split entry or bi-level on the main floor; 18.00 sq. m (193.75 sq. ft.) finished lower level;
- (d) 92.00 sq. m (990.28 sq. ft.) combined floor area, two storey dwelling;
- (e) 92.00 sq. m (990.28 sq. ft.) main floor for dwelling, moved-in.

#### 47.7 Maximum height of buildings

- (a) principal building 10.00 m (32.81 ft.);
- (b) accessory buildings 5.50 m (18.04 ft.).

# SECTION 48 RESIDENTIAL ONE DISTRICT (R-1)

# 48.1 Purpose and Intent

The purpose of this District is to provide for a residential use on a small *parcel* of land which does not accommodate *agriculture*, *general*.

# 48.2 Uses, Permitted

Accessory buildings less than 80.27 sq. m (864.01 sq. ft.) building area Dwelling, single detached Home-Based Business, Type 1 Keeping of livestock (See Section 24 for regulations and parcel size requirements) Private swimming pools

LUB 11/12/2012

# 48.3 Uses, Discretionary

Accessory Buildings greater than 80.27 sq. m (864.01 sq. ft.) building area and less than 120.00 sq. m (1,291.67 sq. ft.) building area

Accessory Dwelling Unit (may be a Secondary Suite, a Suite within a Building, or a Garden Suite)

Bed and Breakfast Homes

Child care facilities

Dwelling, moved-in

Keeping of *livestock* (See Section 24 for regulations and parcel size requirements)

Health Care Practice

Kennels, Hobby

Signs

LUB 11/12/2012

#### 48.4 General Regulations

The General Regulations apply as contained in Part 3 of this *Bylaw* as well as the following provisions:

# 48.5 Minimum and Maximum Requirements

(a) Parcel Size:

The minimum parcel size shall be 0.80 hectares (1.98 acres).

- (b) Yard, Front:
  - (i) 45.00 m (147.64 ft.) from any road, *County*;
  - (ii) 60.00 m (196.85 ft.) from any road, highway;
  - (iii) 15.00 m (49.21 ft.) from any *road, internal subdivision* or road, service.
- (c) Yard, Side:
  - (i) 45.00 m (147.64 ft.) from any road, County;
  - (ii) 60.00 m (196.85 ft.) from any road, highway;
  - (iii) 15.00 m (49.21 ft.) from any road, internal subdivision or road, service:
  - (iv) 3.00 m (9.84 ft.) all other.

LUB 11/12/2012

(d) Yard, Rear:

- (i) 30.00 m (98.43 ft.) from any road;
- (ii) 7.00 m (22.96 ft.) all other.

LUB 11/12/2012

#### 48.6 Minimum Habitable Floor Area, excluding basement

- (a) 140.00 sq. m (1,506.95 sq. ft.) single storey dwelling;
- (b) 140.00 sq. m (1,506.95 sq. ft.) split level *dwelling*, the total area of two finished levels:
- (c) 121.00 sq. m (1,302.43 sq. ft.) split entry or bi-level and the main floor; 28.00 sq. m (301.39 sq. ft.) finished lower level;
- (d) 150.00 sq. m (1,614.59 sq. ft.) two storey dwelling, combined floor areas;
- (e) 140.00 sq. m (1,506.95 sq. ft.) main floor dwelling, moved-in.

### 48.7 Maximum height of buildings

- (a) principal building 10.00 m (32.80 ft.);
- (b) accessory buildings 7.00 m (22.96 ft.).

LUB 11/12/2012

- 48.8 Maximum dwelling units per lot is one (1) Dwelling, Single Detached, and one (1) Accessory Dwelling Unit.
- 48.9 Maximum total *building* area for all accessory *buildings* 120.00 sq. m (1,291.67 sq. ft.).

LUB 11/12/2012

48.10 Maximum number of accessory buildings – Two (2)

LUB 11/12/2012.

# SECTION 49 SILVERHORN RESIDENTIAL DISTRICT (R-S)

# 49.1 Purpose and Intent

The purpose of this District is to provide for a residential use on a small *parcel* of land within the boundary of the Silverhorn Conceptual Scheme. Small *parcel* sizes are allowed in this District to facilitate innovative *lot* design that connects open space and protects the natural landscape.

# 49.2 Uses, Permitted

Accessory Buildings less than 80.00 sq. m (861.11 sq. ft.) Building area Dwelling, single detached Home-Based Business, Type 1
Private swimming pools

LUB 21/09/2010

### 49.3 Uses, Discretionary

Accessory buildings greater than 80.00 sq. m (861.11 sq. ft.) building area less than 120.00 sq. m (1,291.67sq. ft.) building area Bed and Breakfast Homes Child care facilities Dwelling, moved-in Health Care Practice Kennels, Hobby Signs

LUB 11/12/2012

## 49.4 General Regulations

The General Regulations apply as contained in Part 3 of this Land Use *Bylaw* as well as the following provisions:

#### 49.5 **Minimum and Maximum Requirements**

(a) Parcel Size:

The minimum *parcel* size *shall* be 0.40 hectares (0.98 acres).

- (b) Yard, Front:
  - (i) 30.00 m (98.43 ft.) from any road, County;
  - (ii) 60.00 m (196.85 ft.) from any road, highway;
  - (iii) 15.00 m (49.21 ft.) from any road, internal subdivision or road, service.
- (c) Yard, Side:
  - (i) 30.00 m (98.43 ft.) from any road, *County*;
  - (ii) 60.00 m (196.85 ft.) from any road, highway;
  - (iii) 15.00 m (49.21 ft.) from any road, internal subdivision, or road, service;
  - (iv) 6.00 m (19.69 ft.) all other.
- (d) Yard, Rear:
  - (i) 30.00 m (98.43 ft.) from any road;

(ii) 15.00 m (49.21 ft.) all other.

#### 49.6 Minimum Habitable Floor Area, excluding basement

- (a) 140.00 sq. m (1,506.95 sq. ft.) single storey dwelling;
- (b) 140.00 sq. m (1,506.95 sq. ft.) split level *dwelling*, the total area of two finished levels;
- (c) 121.00 sq. m (1,302.43 sq. ft.) split entry or bi-level and the main floor; 28.00 sq. m (301.39 sq. ft.) finished lower level;
- (d) 150.00 sq. m (1,614.59 sq. ft.) two storey dwelling, combined floor areas;
- (e) 140.00 sq. m (1,506.95 sq. ft.) main floor dwelling, moved-in.

### 49.7 Maximum height of buildings

- (a) principal building 11.00 m (36.09 ft.);
- (b) accessory buildings 6.50 m (21.32 ft.).
- 49.8 Maximum Dwelling Units per lot is one (1) Dwelling, single detached, and one (1) Accessory Dwelling Unit.
- 49.9 Maximum total *building* area for all *accessory buildings* 120.00 sq. m (1,291.67 sq. ft.)
- 49.10 Maximum number of accessory buildings Two (2).

# SECTION 50 RESIDENTIAL TWO DISTRICT (R-2)

## 50.1 Purpose and Intent

The purpose of this District is to provide a residential use on a small *parcel* of land which accommodates minor agricultural pursuits and required accessory buildings.

# 50.2 Uses, Permitted

Accessory buildings less than 150.00 sq. m (1,614.59 sq. ft.) building area Dwelling, single detached Home-Based Business, Type I Keeping of livestock (See Section 24 for regulations) Private swimming pools

LUB 21/09/2010

## 50.3 Uses, Discretionary

Accessory buildings greater than 150.00 sq. m (1,614.59 sq. ft.) building area and less than 225.00 sq. m (2,421.87 sq. ft.) building area

Accessory Dwelling Unit (may be a Secondary Suite, a Suite within a Building, or a Garden Suite)

Bed and Breakfast Home

Child care facilities

Commercial Communication Facilities - Type "A"

Dwelling, moved-in

Health Care Practice

Home-Based Business, Type II

Keeping of livestock (See Section 24 for regulations)

Kennels, Hobby

Market Gardens and Greenhouses on parcels greater than 6.00 hectares (14.83 acres)

in area where there is a surface supply of water

Private Riding Arena on parcels greater than 6.00 hectares (14.83) acres in area Signs

Special Care Facilities

Special Events Parking

Tree Farms on parcels greater than 6.00 hectares (14.83 acres) in area where there is a surface supply of water

LUB 11/12/2012

### 50.4 **General Regulations**

The General Regulations apply as contained in Part 3 of this *Bylaw*, as well as the following provisions.

#### 50.5 Minimum and Maximum Requirements

## (a) Parcel Size:

The minimum *parcel* size *shall* be 1.60 hectares (3.95 acres) or the area in title at the time of passage of this *Bylaw*.

#### (b) Yard, Front:

- (i) 45.00 m (147.64 ft.) from any road, *County*;
- (ii) 60.00 m (196.85 ft.) from any road, highway;
- (iii) 15.00 m (49.21 ft.) from any road, internal subdivision, or road, service.

#### (c) Yard, Side:

- (i) 45.00 m (147.64 ft.) from any road, County;
- (ii) 60.00 m (196.85 ft.) from any road, highway;
- iii) 15.00 m (49.21 ft.) from any road, internal subdivision, or road, service;

(iv) 3.00 m (9.84 ft.) all other.

LUB 11/12/2012

#### (d) Yard, Rear:

- (i) 30.00 m (98.43 ft.) from any road;
- (ii) 7.00 m (22.96 ft.) all other.

LUB 11/12/2012

## 50.6 Minimum Habitable Floor Area, excluding basement

- (a) 112.00 sq. m (1,205.56 sq. ft.) single storey dwelling;
- (b) 112.00 sq. m (1,205.56 sq. ft.) split level *dwelling*, the total area of two finished levels:
- (c) 92.00 sq. m (990.28 sq. ft.) split entry or bi-level and the main floor; 18.00 sq. m (193.75 sq. ft.) finished lower level;
- (d) 130.00 sq. m (1,399.31 sq. ft.) combined floor area, two storey dwelling;
- (e) 112.00 sq. m (1,205.56 sq. ft.) main floor for dwelling, moved-in.

#### 50.7 Maximum height of buildings

- (a) principal building 10.00 m (32.81 ft.);
- (b) accessory buildings 7.00 m (22.96 ft.).

LUB 11/12/2012

- 50.8 Maximum dwelling units per lot is one Dwelling, Single Detached, and one Accessory Dwelling Unit.
- 50.9 Total building area for all accessory buildings 225.00 sq. m (2,421.88 sq. ft.).

LUB 21/09/2010

50.10 Maximum number of accessory buildings – 3.

## SECTION 51 RESIDENTIAL THREE DISTRICT (R-3)

### 51.1 Purpose and Intent

The purpose of this district is to provide for a residential use on *parcels* which can accommodate residential, more general agricultural uses, *home-based business* uses, and larger accessory buildings.

#### 51.2 Uses, Permitted

Accessory buildings less than 190.0 sq. m (2,045.14 sq. ft.) building area

Dwelling, single detached

Home-Based Business, Type I

Keeping of *livestock* (See Section 24 for regulations)

Parcels 4.05 hectares (10.01 acres) or greater; and accessory buildings on parcels less than 4.05 hectares (10.01 acres), less than 150.00 sq. m (1,614.59 sq. ft.) building area

Private swimming pool

LUB 21/09/2010

#### 51.3 Uses, Discretionary

Accessory buildings 190.00 sq. m (2,045.14 sq. ft.) to 250.00 sq. m (2,690.98 sq. ft.) building area on parcels 4.00 hectares (9.88 acres) or greater

Accessory Dwelling Unit (may be a Secondary Suite, a Suite within a Building, or a Garden Suite)

Animal Health Care Services

Bed and Breakfast Home

Bee Keeping

Child care facilities

Commercial Communications Facilities - Type "A"

Dwelling, moved-in

Equestrian Centre I

Health Care Services

Home based business, Type II

Keeping of *livestock* (See Section 24 for regulations)

Kennel, Hobby

Kennels

Market Gardens and Greenhouses on parcels greater than 6.00 hectares (14.83 acres)

in area where there is a surface supply of water

Private Riding Arenas

Signs

Special Events Parking

Tree Farms on *parcels* greater than 6.00 hectares (14.80 acres) in area where there is a surface supply of water

**Trout Farms** 

LUB 11/12/2012

#### 51.4 General Regulations

The General Regulations apply as contained in Part 3 of this *Bylaw* as well as the following provisions:

#### 51.5 Minimum Requirements

# (a) Parcel Size:

The minimum *parcel* size *shall* be 4.0 hectares (9.88 acres) or the area in title at the time of passage of this *Bylaw*.

- (b) Yard, Front:
  - (i) 45.00 m (147.64 ft.) from any road, County;
  - (ii) 60.00 m (196.85 ft.) from any road, highway;
  - (iii) 15.00 m (49.21 ft.) from any road, internal subdivision, or road, service.
- (c) Yard, Side:
  - (i) 45.00 m (147.64 ft.) from any road, County;
  - (ii) 60.00 m (196.85 ft.) from any road, highway;
  - (iii) 15.00 m (49.21 ft.) from any road, *internal subdivision* or road, service;
  - (iv) 15.00 m (49.21 ft.) all other.
- (d) Yard, Rear:
  - (i) 30.00 m (98.42 ft.).

LUB 21/09/2010

## 51.6 Minimum Habitable Floor Area, excluding basement

- (i) 112.00 sq. m (1,205.56 sq. ft.) single storey dwelling;
- (ii) 112.00 sq. m (1,205.56 sq. ft.) split level dwelling, the total area of two finished levels;
- (iii) 92.00 sq. m (990.28 sq. ft.) split entry or bi-level and the main floor; 18.00 sq. m (193.75 sq. ft.) finished lower level;
- (iv) 130.00 sq. m (1,399.31 sq. ft.) combined floor area, two storey dwelling;
- (v) 112.00 sq. m (1,205.56 sq. ft.) main floor for dwelling, moved-in.

## 51.7 Maximum Requirements

- (a) Height of buildings:
  - (i) principal building 10.00 m (32.81 ft.);
  - (ii) accessory buildings 5.50 m (18.04 ft.).
- 51.8 Total building area for all accessory buildings:

- (i) Parcels less than 10 acres 285.00 sq. m (3,067.71 sq. ft.);
- (ii) Parcels 10 acres or greater 378.70 sq. m (4,076.29 sq. ft.).
- 51.9 Number of accessory buildings Three (3).

# SECTION 52 HIGHWAY BUSINESS DISTRICT (B-1)

## 52.1 Purpose and Intent

The purpose and intent of this District is to provide for *business* uses for the benefit of the travelling public.

### 52.2 Uses, Permitted

Accessory buildings less than 90.00 sq. m (969.75 sq. ft.). Government Services

Tourist Information Services and Facilities

LUB 21/09/2010

#### 52.3 Uses, Discretionary

Accommodation and Convention Services

Amusement and Entertainment Services

Automotive, Equipment and Vehicle Services

Campground, Tourist

Commercial Communication Facilities - Type "A", Type "B"

Drinking Establishment

Indoor Participant Recreation Services

One dwelling unit, accessory to the principal business use

Outdoor Café

Restaurants

Signs

Truck Trailer Service

### 52.4 General Regulations

The General Regulations apply as contained in Part 3 of this Land Use *Bylaw* as well as the following provisions:

(a) All parcels having this land use designation on the date of adoption of Bylaw C-6517-2007 (October 2, 2007) remain in full force and effect; however, this land use district is no longer available for any redesignation applications subsequent to that date.

# 52.5 Minimum Requirements

#### (a) Parcel Size:

The minimum parcel size shall be 1.00 hectare (2.47 acres).

### (b) Yard, Front for Buildings:

- (i) 30.00 m (98.43 ft.) from any road, County;
- (ii) 60.00 m (196.85 ft.) from any road, highway;
- (iii) 15.00 m (49.21 ft.) from any road, internal subdivision;
- (iv) 10.00 m (32.81 ft.) from any road, service adjacent to a highway;
- (v) 10.00 m (32.81 ft.) from any road, service adjacent to a road, County.

### (c) Yard, Side for Buildings:

- (i) 30.00 m (98.43 ft.) from any road, *County*;
- (ii) 60.00 m (196.85 ft.) from any road, highway;
- (iii) 10.00 m (32.81 ft.) from any road, service adjacent to a road, highway;
- (iv) 10.00 m (32.81 ft.) from any road, service adjacent to a road, County;
- (v) 6.00 m (19.69 ft.) all other.

## (d) Yard, Rear for Buildings:

- (i) 30.00 m (98.43 ft.) from any road;
- (ii) 6.00 m (19.69 ft.) all other.

### (e) Yard, Front for Parking, Storage and Display of Products:

- (i) 15.00 m (49.21 ft.) from any road, County, or road, highway;
- (ii) 8.00 m (26.24 ft.) from any, *road, internal subdivision*, or road, service adjacent to a road, highway or road, *County*.

#### (f) Yard, Side for Parking, Storage and Display of Products:

- (i) 15.00 m (49.21 ft.) from any road, County, or road, highway;
- (ii) 8.00 m (26.24 ft.) from any *road internal subdivision*, or road, service adjacent to a road, highway or road;
- (iii) 6.00 m (19.69 ft.) all other.

#### (g) Yard, Rear for Parking, Storage and Display of Products:

- (i) 15.0 m (49.21 ft.) from any road;
- (ii) 6.0 m (19.69 ft.) all other.

LUB 21/09/2010

### 52.6 **Building Height**

(a) maximum - 10.0 m (32.81 ft.)

#### 52.7 Special Requirements

A minimum of 10% of the site area shall be landscaped

# SECTION 53 GENERAL BUSINESS DISTRICT (B-2)

### 53.1 Purpose and Intent

The purpose of this District is to provide for a wide range of *business* and associated uses which are compatible with each other and do not adversely affect the surrounding land use.

#### 53.2 Uses, Permitted

Agriculture, General Government Services

LUB 21/09/2010

### 53.3 Uses, Discretionary

Agricultural Support Services

Animal Health Care Services

Auctioneering Services

Automotive, Equipment and Vehicle Services

Cannabis Cultivation, Micro

Cannabis Cultivation, Standard

Cannabis Processing

LUB 11/09/2018

LUB 11/09/2018 LUB 11/09/2018

Cemetery and Interment Services

Commercial Communications Facilities - Type "A", Type "B", Type "C"

Dwelling Unit, accessory to the use

General Industry Type I

General Industry Type II

Health Care Services

#### Licensed Medical Marijuana Production Facility (See Section 20 for regulations)

Outdoor Storage, Truck Trailer

Personal Service Businesses

Signs

Storage Area

Truck Trailer Service

Warehouse

Warehouse Stores, excluding hazardous goods

LUB 25/03/2014

### 53.4 **General Regulations**

The General Regulations apply as contained in Part 3 of this *Bylaw* as well as the following provisions:

(a) All parcels having this land use designation on the date of adoption of Bylaw C-6517-2007 (October 2, 2007) remain in full force and effect; however, this

land use district is no longer available for any redesignation applications subsequent to that date.

### 53.5 Minimum & Maximum Requirements

- (a) Minimum Yard, Front:
  - (i) 6.00 m (19.69 ft.).
- (b) Minimum Yard, Side:
  - (i) 6.00 m (19.69 ft.), or in the case of a *yard, abutting* a railway, no *yard, side may* be required.
- (c) Minimum Yard, Rear:
  - (i) 6.00 m (19.69 ft.), or in the case of a *yard, abutting* a railway, no *yard, rear may* be required.

LUB 11/12/2012

## 53.6 **Building Height**

(a) maximum - 18.00 m (59.06 ft.).

## 53.7 **Building Requirements**

- (a) **Building Design** 
  - (i) The design, character, and appearance of all *buildings shall* be appropriate and compatible with the surrounding area and *shall* be constructed of durable materials designed to maintain the initial quality throughout the life of the project.

#### 53.8 Special Requirements

A minimum of 10% of the site area shall be landscaped.

# SECTION 54 LIMITED BUSINESS DISTRICT (B-3)

# 54.1 Purpose and Intent

The purpose and intent of this District is to provide for industrial uses that *may* have large land requirements and *may* have some nuisance effects on adjacent *sites* and which must be mitigable.

## 54.2 Uses, Permitted

General Industry Type I and II
Government Services

Outdoor Storage, Truck Trailer Truck Trailer Service

LUB 21/09/2010

### 54.3 Uses, Discretionary

Commercial Communications Facilities - Type "A", Type "B", Type "C" General Industry Type III Signs

LUB 21/09/2010

#### 54.4 **General Regulations**

The General Regulations apply as contained in Part 3 of this *Bylaw* as well as the following provisions:

(a) All parcels having this land use designation on the date of adoption of Bylaw C-6517-2007 (October 2, 2007) remain in full force and effect; however, this land use district is no longer available for any redesignation applications subsequent to that date.

#### 54.5 **Minimum Requirements**

- (a) Yard, Front:
  - (i) 15.00 m (49.21 ft.).
- (b) Yard, Side:
  - (i) 15.00 m (49.21 ft.).
- (c) Yard, Rear:
  - (i) 15.00 m (49.21 ft.).

# 54.6 Additional Regulations

- (a) A Development Authority may require a greater building setback for an industrial development which, in the opinion of a Development Authority, may interfere with the amenity of adjacent sites.
- (b) A Development Authority may require an Environmental Impact Assessment where there is uncertainty as to potential impacts or potential significant risk from the proposed development.

### 54.7 **Building Requirements**

- (a) Building Design
  - (i) The design, character, and appearance of all *buildings shall* be appropriate to and compatible with the surrounding area and *shall* be

constructed of durable materials designed to maintain the initial quality throughout the life of the project.

## 54.8 **Special Requirements**

A minimum of 10% of the site area shall be landscaped.

### SECTION 55 RECREATION BUSINESS DISTRICT (B-4)

#### 55.1 Purpose and Intent

The purpose and intent of the District is to allow for a wide range of recreational business uses.

#### 55.2 Uses, Permitted

Accessory buildings less than 90.00 sq. m (968.75 sq. ft.) building area Agriculture, General Government Services

LUB 21/09/2010

#### 55.3 Uses, Discretionary

Amusement and Entertainment Services

Campground, Tourist

Child Care Facilities, accessory to the principal business use

Commercial Communications Facilities - Type "A", Type "B", Type "C"

Drinking Establishments

Dwelling Units, accessory to the principal business use

Golf Driving Range

Indoor Participant Recreation Services

Outdoor Participant Recreation Services

Restaurants

Signs

LUB 21/09/2010

#### 55.4 General Regulations

The General Regulations apply as contained in Part 3 of this Land Use *Bylaw* as well as the following provisions:

(a) All parcels having this land use designation on the date of adoption of Bylaw C-6517-2007 (October 2, 2007) remain in full force and effect; however, this land use district is no longer available for any redesignation applications subsequent to that date.

#### 55.5 Minimum Requirements

(a) Parcel Size:

- (i) 2.00 hectares (4.94 acres).
- (b) Width of site:
  - (i) 90.00 m (295.28 ft.).
- (c) Yard, Front for Recreational Buildings:
  - (i) 30.00 m (98.43 ft.) from any road, *County*;
  - (ii) 60.00 m (196.85 ft.) from any road, highway;
  - (iii) 15.00 m (49.21 ft.) from any road, internal subdivision;
  - (iv) 15.00 m (49.21 ft.) from any road, service adjacent to a road, highway;
  - (v) 10.00 m (32.81 ft.) from any road, service adjacent to a road, County.
- (d) Yard, Side:
  - (i) 30.00 m (98.43 ft.) from any road, *County*;
  - (ii) 60.00 m (196.85 ft.) from any road, highway;
  - (iii) 15.00 m (49.21 ft.) from any road, service adjacent to a road, highway;
  - (iv) 10.00 m (32.81 ft.) from any road, service adjacent to a road, County;
  - (v) 6.00 m (19.69 ft.) all other.
- (e) Yard, Rear:
  - (i) 30.00 m (98.43 ft.) from any road;
  - (ii) 15.00 m (49.21 ft.) all other.

LUB 21/09/2010

## 55.6 **Maximum Requirements**

- (a) Height of buildings:
  - (i) 12.00 m (39.37 ft.).

### 55.7 **Building Requirements**

- (a) Building Design:
  - (i) The design, character, and appearance of all *buildings shall* be appropriate to and compatible with the surrounding area and *shall* be

constructed of durable materials designed to maintain the initial quality throughout the life of the project;

(ii) A loading space shall be a minimum width of 4.00 m (13.12 ft.) and a minimum of 4.00 m (13.12 ft.) of overhead clearance.

### 55.8 Special Requirements

A minimum of 10% of the site area shall be landscaped.

# SECTION 56 AGRICULTURAL BUSINESS DISTRICT (B-5)

## 56.1 Purpose and Intent

The purpose and intent of the District is to provide for the processing and retailing of agricultural products.

#### 56.2 Uses, Permitted

Accessory buildings less than 90.00 sq. m (968.75 sq. ft.). Government Services

LUB 21/09/2010

### 56.3 Uses, Discretionary

Agricultural Processing, Major Agricultural Processing, Minor Agricultural Support Services Animal Health Care Services

Commercial Communications Facilities - Type "A", Type "B", Type "C" Farmers Market

Public Buildings and utilities Restaurants as an accessory use, but part of the main building Retail store as an accessory use, but part of the main building Signs

LUB 11/12/2012

#### 56.4 **General Regulations**

The General Regulations apply as contained in Part 3 of this *Bylaw* as well as the following provisions:

(a) All parcels having this land use designation on the date of adoption of Bylaw C-6517-2007 (October 2, 2007) remain in full force and effect; however, this land use district is no longer available for any redesignation applications subsequent to that date.

### 56.5 Minimum & Maximum Requirements

- (a) Parcel Size:
  - (i) Minimum size 2.00 hectares (4.94 acres);

- (ii) Minimum width of site 90.00 m (295.28 ft.).
- (b) Yard, Front for Buildings:
  - (i) 30.00 m (98.43 ft.) from any road, County;
  - (ii) 60.00 m (196.85 ft.) from any road, highway;
  - (iii) 6.00 m (19.69 ft.) from any road, internal subdivision;
  - (iv) 15.00 m (49.20 ft.) from any road, service adjacent to a highway;
  - (v) 10.00 m (32.81 ft.) from any road, service adjacent to a road, County.
- (c) Yard, Side for Buildings:
  - (i) 30.00 m (98.43 ft.) from any road, *County*;
  - (ii) 60.00 m (196.85 ft.) from any road, highway;
  - (iii) 15.00 m (49.21 ft.) from any road, service adjacent to a road, highway;
  - (iv) 10.00 m (32.81 ft.) from any road, service adjacent to a road, County;
  - (v) 6.00 m (19.69 ft.) all other.
- (d) Yard, Rear for Buildings:
  - (i) 30.00 m (98.43 ft.) from any road;
  - (ii) 15.00 m (49.21 ft.) all other.
- (e) Yard, Front for Parking, Storage and Display of Products:
  - (i) 15.00 m (49.21 ft.) from any road, County, or road, highway;
  - (ii) 8.00 m (26.25 ft.) from any, *road, internal subdivision*, or road, service adjacent to a road, highway or road, *County*.
- (f) Yard, Side for Parking, Storage and Display of Products:
  - (i) 15.00 m (49.21 ft.) from any road, County, or road, highway;
  - (ii) 8.00 m (26.25 ft.) from any *road, internal subdivision*, or road, service adjacent to a road, highway or road;
  - (iii) 6.00 m (19.69 ft.) all other.
- (g) Yard, Rear for Parking, Storage and Display of Products:

- (i) 15.00 m (49.21 ft.) from any road;
- (ii) 6.00 m (19.69 ft.) all other.

LUB 21/09/2010

#### 56.6 **Building Height**

(a) maximum 12.00 m (39.37 ft.).

### 56.7 **Building Requirements**

The design, character, and appearance of all *buildings shall* be appropriate to and compatible with the surrounding area and *shall* be constructed of durable materials designed to maintain the initial quality throughout the life of the project.

#### 56.8 Special Requirements

A minimum of 10% of the site area shall be landscaped.

### SECTION 57 LOCAL BUSINESS DISTRICT (B-6)

### 57.1 Purpose and Intent

The purpose and intent of this district is to provide for small scale *business development* which serves the residents in the vicinity of the operation or to provide small scale facilities for the travelling public.

### 57.2 Uses, Permitted

Accessory buildings less than 90.00 sq. m (968.75 sq. ft.) Grocery Stores less than 120.00 sq. m (1291.67 sq. ft.) of retail floor area Government Services Retail Store less than 160.00 sq. m (1722.23 sq. ft.) of retail floor area

LUB 21/09/2010

#### 57.3 Uses, Discretionary

Accessory buildings greater than 90.00 sq. m (968.75 sq. ft.) building area Automotive, Equipment, and Vehicle Services with outdoor storage and vehicle parking not to exceed 600.00 sq. m (6,458.35 sq. ft.)

Commercial Communications Facilities - Type "A"

Country Inn not to exceed 10 suites

Drinking Establishment with seating not to exceed 80 persons

Farmers Market

Grocery Stores greater than 120.00 sq. m (1,291.67 sq. ft.) and less than 240.00 sq. m (2,583.34 sq. ft.) of retail floor area

Outdoor Cafe

Outdoor Storage, Truck Trailer

Personal Service Business less than 240.00 sq. m (2,583.34 sq. ft.) of floor area Restaurant

Retail Store greater than 160.00 sq. m (1,722.23 sq. ft.) and less than 300.00 sq. m (3,229.17 sq. ft.) of retail floor area Truck Trailer Service

LUB 11/12/2012

### 57.4 **General Regulations**

The General Regulations apply as contained in Part 3 of this Land Use *Bylaw* as well as the following general requirements.

(a) All parcels having this land use designation on the date of adoption of Bylaw C-6517-2007 (October 2, 2007) remain in full force and effect; however, this land use district is no longer available for any redesignation applications subsequent to that date.

### 57.5 **Minimum and Maximum Requirements**

- (a) Minimum Parcel Size
  - (i) 0.50 hectares (1.24 acres).
- (b) Minimum Yard, Front
  - (i) 15.00 m (49.21 ft.) from any road, County;
  - (ii) 60.00 m (196.85 ft.) from any road, highway;
  - (iii) 10.00 m (32.81 ft.) from any road, internal subdivision;
  - (iv) 10.00 m (32.81 ft.) from any road, service adjacent to a road.
- (c) Minimum Yard, Side:
  - (i) 6.00 m (19.69 ft.).
- (d) Minimum Yard, Rear:
  - (i) 15.0 m (49.21 ft.).

LUB 21/09/2010

### 57.6 **Maximum Building Height**

(i) 10.00 m (32.81 ft.).

#### 57.7 **Building Requirements**

- (a) Building Design
  - (i) The design, character, and appearance of all *buildings shall* be appropriate and compatible with the surrounding area and *shall* be

constructed of durable materials designed to maintain the initial quality throughout the life of the project.

### 57.8 **Special Requirements**

- (a) A minimum of 10% of the site area shall be landscaped.
- (b) Parking and storage of vehicles or equipment *shall* not be permitted in the minimum front, side, and rear *setbacks*.

# SECTION 58 NATURAL RESOURCE INDUSTRIAL DISTRICT (NRI)

## 58.1 Purpose and Intent

The purpose and intent of the District is to provide for the *development* of industrial uses related to non-renewable *natural resource extraction and processing*.

#### 58.2 Uses, Permitted

Accessory buildings less than 250.00 sq. m (2,690.98 sq. ft.) building area Government Services

LUB 21/09/2010

## 58.3 Uses, Discretionary

Agriculture, General
Commercial Communications Facilities - Type "A", Type "B", Type "C"
Dwelling - accessory to a use listed in this district
Dwelling, Moved In - accessory to a use listed in this district
Gas-fired Thermal Electric Generation Plan
Natural Resource Extraction/Processing

LUB 21/09/2010

# 58.4 **General Regulations**

The General Regulations apply as contained in Part 3 of this Land Use *Bylaw* as well as the following provisions:

- (a) Minimum *yard, front setback* to operations, including excavations and stockpiles:
  - (i) 30.00 m (98.43 ft.) from any road, *County*;
  - (ii) 60.00 m (196.85 ft.) from any road, highway;
  - (iii) 30.00 m (98.43 ft.) from any road, internal subdivision;
  - (iv) 15.00 m (49.21 ft.) from any road, service adjacent to a road, highway;

- (v) 10.00 m (32.81 ft.) from any road, service adjacent to a road, County.
- (b) Minimum *yard*, *side* setback to operations, including excavations and stockpiles:
  - (i) 30.00 m (98.43 ft.) from any road, *County*;
  - (ii) 60.00 m (196.85 ft.) from any road, highway;
  - (iii) 15.00 m (49.21 ft.) from any road, service adjacent to a road, highway;
  - (iv) 10.00 m (32.81 ft.) from any road, service adjacent to a road, County;
  - (v) 15.00 m (49.21 ft.) all other.
- (c) Minimum *yard, rear setback* to operations, including excavations and stockpiles:
  - (i) 30.00 m (98.43 ft.) from any road;
  - (ii) 15.00 m (49.21 ft.) all other.
- (d) Minimum setbacks excluding natural resource extractive industry activities:
  - (i) Yard, Front
    - 45.00 m (147.64 ft.) from any road, *County*;
    - 2 60.00 m (196.85 ft.) from any road, highway;
    - 3 15.00 m (49.21 ft.) from any road, internal subdivision or road, service.
  - (ii) Yard, Side
    - 1. 45.00 m (147.64 ft.) from any road, County;
    - 2. 60.00 m (196.85 ft.) from any road, highway;
    - 3. 15.00 m (49.21 ft.) from any road, internal subdivision or road, service;
    - 4. 6.90 m (22.64 ft.) all other.
  - (iii) Yard, Rear
    - 1. 30.00 m (98.43 ft.) from any other road;
    - 2. 15.00 m (49.21 ft.) all other.

#### (e) Minimum and Maximum Requirements

- (i) Minimum Habitable Floor Area, excluding basement for dwelling or dwelling, moved in:
  - 1. 92.00 sq. m (990.28 sq. ft.) single storey dwelling;
  - 2. 92.00 sq. m (990.28 sq. ft.) main floor for dwelling, moved in.
- (ii) Maximum height of buildings, for dwelling or dwelling, moved in:
  - 1. principal building 10.00 m (32.81 ft.);
  - 2. accessory building 5.50 m (18.04 ft.).

### 58.5 **Special Provisions**

(a) A residence shall not be located in close proximity to the active operation on the land that may have an adverse impact on the residential use (i.e. air quality, noise, noxious odours, etc.). Measures to mitigate any adverse impacts shall be assessed by the Development Authority when issuing a permit for a dwelling.

### SECTION 59 HAMLET RESIDENTIAL SINGLE FAMILY DISTRICT (HR-1)

## 59.1 Purpose and Intent

The purpose and intent of this District is to provide for single family residential development.

#### 59.2 Uses, Permitted (Excepting the Hamlet of Bragg Creek, as per 59.8)

Accessory buildings less than 65.00 sq. m (699.65 sq. ft.) buildings area Dwelling, single detached Government Services
Home-Based Business, Type I
Private Swimming Pools

LUB 21/09/2010

# 59.3 Uses, Discretionary

Bed and Breakfast Homes
Child care facilities
Dwelling, moved-in
Home-Based Business, Type II
Kennels, Hobby
Public Buildings and utilities
Special care facility
Signs

LUB 21/09/2010

## 59.4 **General Regulations**

The General Regulations apply as contained in Part 3 of this *Bylaw* as well as the following provisions:

## 59.5 Minimum Requirements

- (a) Parcel Size:
  - (i) unserviced lots: 1,858.00 sq. m (19,999.35 sq. ft.);
  - (ii) lots served by a piped water system but not a piped sewer system: 1,858.00 sq. m (19,999.35 sq. ft.);
  - (iii) lots served by a piped sewer system but not a piped water system: 929.00 sq. m (9,999.67 sq. ft.);
  - (iv) fully serviced *lots*: 929.00 sq. m (9,999.67 sq. ft.).
- (b) Width of site:
  - (i) serviced *lot* 13.50 m (44.29 ft.);
  - (ii) unserviced *lot* 30.50 m (100.07 ft.).
- (c) Yard, Front:
  - (i) 6.00 m (19.69 ft.).

### **EXCEPTIONS:**

- (ii) Lots 1, 2, 4, 5, 6 and 7, Block 2, Plan 1741 EW, located in *Hamlet* of Bragg Creek.
- (d) Yard, Side sites with lanes:
  - (i) principal building
    - 1. street side of corner site: 3.00 m (9.84 ft.);
    - 2. all other sites: 2.40 m (7.87 ft.).

#### **EXCEPTIONS:**

- (ii) Lot 2, Block 5, Plan 1741 EW, located in the *Hamlet* of Bragg Creek.
  - Lot 1, Block 6, Plan 1741 EW, located in the *Hamlet* of Bragg Creek.
  - 1. minimum *yard*, *side* (street side of corner *site*), 5.50 m (18.04 ft.).

- (iii) accessory buildings
  - 1. street side of corner site: 3.00 m (9.84 ft.);
  - 2. all other sites: 0.60 meters (1.97 ft.).
- (e) Yard, Side sites without lanes:
  - (i) principal buildings
    - 1. one unobstructed *yard*, *side*: 3.00 m (9.84 ft.), the other 2.40 m (7.87 ft.);
    - 2. street side of a corner site: 3.00 m (9.84 ft.).
  - (ii) accessory buildings
    - 1. street side of a corner site: 3.00 m (9.84 ft.);
    - 2. all other sites: 0.60 m (1.97 ft.).
- (f) Yard, Rear:
  - (i) principal buildings:
    - 1. 8.00 m (26.25 ft.);
  - (ii) accessory buildings:
    - 1. site with lane: 1.00 m (3.28 ft.);
    - 2. site without lane: 1.00 m (3.28 ft.).
- (g) Habitable ground *floor area* (excludes basement):
  - (i) 90.00 sq. m (968.75 sq. ft.), single storey dwelling;
  - (ii) 90.00 sq. m (968.75 sq. ft.), being the combined area of any two levels of a split level *dwelling*;
  - (iii) 65.00 sq. m (699.65 sq. ft.) main floor area, plus 27.00 sq. m (290.63 sq. ft.) second floor area, two storey dwelling;
  - (iv) 74.00 sq. m (796.53 sq. ft.) split level or bi-level main *floor area*, plus 18.00 sq. m (193.75 sq. ft.) second *floor area*, two storey dwelling;
  - (v) 90.00 sq. m (968.75 sq. ft.) main floor for a dwelling, moved-in.

#### 59.6 Maximum Limits

(a) Site coverage:

- (i) principal building: 25% of the site;
- (ii) accessory buildings: 10% of the site.

#### (b) Height of buildings:

- (i) principal building: 10.00 m (32.81 ft.);
- (ii) accessory building: 5.50 m (18.04 ft.).
- (c) Maximum dwellings per lot is one (1).
- (d) Total building area for all accessory buildings 90.00 sq. m (968.75 sq. ft.).
- (e) Maximum number of accessory buildings Two (2).

### 59.7 **Special Requirements**

Prior to issuance of a *Development Permit* or *Building* Permit for *development* of a *site* not serviced by a public piped water system and/or a piped sewer system, the *Development Authority* must be satisfied that an adequate sewage disposal system exists and that the method of sewage disposal would not be a public health hazard.

## 59.8 **Bragg Creek Exception**

Notwithstanding 59.2, in the Hamlet of Bragg Creek, as shown on Land Use Map 39-1, the following uses shall be considered Discretionary Uses:

Accessory buildings less than 65.00 sq. m (699.65 sq. ft.) buildings area
Accessory Dwelling Unit (may be a Secondary Suite, a Suite within a Building, or a
Garden Suite)
Dwelling, duplex
Dwelling, semi-detached
Dwelling, single detached
Private Swimming Pools

LUB 08/11/2016

# SECTION 60 HAMLET RESIDENTIAL (2) DISTRICT (HR-2)

### 60.1 Purpose and Intent

The purpose and intent of this District is to provide for single family and two family dwellings.

#### 60.2 Uses, Permitted

Accessory buildings less than 65.00 sq. m (699.65 sq. ft.)

Dwelling, duplex

Dwelling, semi-detached

Dwelling, single detached

Government Services

LUB 21/09/2010

### 60.3 Uses, Discretionary

Child care facilities
Dwelling, moved-in
Home-Based Business, Type I
Home-Based Business, Type II
Kennels, Hobby
Public buildings and utilities
Signs
Special care facilities

## 60.4 **General Regulations**

The General Regulations apply as contained in Part 3 of this *Bylaw* as well as the following provisions:

## 60.5 Minimum Requirements

- (a) Parcel Size:
  - (i) unserviced lots: 3,716.00 sq. m (39,998.69 sq. ft.);
  - (ii) lots served by a piped water system, but not a piped sewer system: 27,870.0 sq. m (299,990.18 sq. ft.);
  - (iii) lots served by a piped sewer system, but not a piped water system: 1858.0 sq. m (19,999.35 sq. ft.);
  - (iv) fully serviced *lots*: 929.00 sq. m (9,999.67 sq. ft.).
- (b) Width of site:
  - (i) serviced *lot*: 13.50 m (44.29 ft.);
  - (ii) unserviced *lot*: 30.50 m (100.07 ft.).
- (c) Yard, Front:
  - (i) 6.00 m (19.69 ft.).
- (d) Yard, Side, sites with lanes:

- (i) principal buildings:
  - 1. 3.00 m (9.84 ft.) street side of corner site;
  - 2. 2.40 m (7.87 ft.) all other sites.
- (ii) accessory buildings:
  - 1. 3.00 m (9.84 ft.) street side of corner site;
  - 2. all other sites: 0.60 meters (1.97 ft.).
- (e) Yard, Side, sites without lanes:
  - (i) principal buildings:
    - 1. 3.00 m (9.84 ft.) one unobstructed *yard*, *side*, the other 2.40 m (7.87 ft.);
    - 2. 3.00 m (9.84 ft.) street side of a corner site.
  - (ii) accessory buildings:
    - 1. 3.00 m (9.84 ft.) street side of a corner site;
    - 2. all other sites: 0.60 meters (1.97 ft.).
- (f) Yard, Rear:
  - (i) principal building:
    - 1. 8.00 m (26.25 ft.).
  - (ii) accessory buildings:
    - 1. site with lane: 1.00 m (3.28 ft.);
    - 2. site without lane: 1.00 m (3.28 ft.).
- (g) Habitable ground floor area per dwelling unit, excluding basement:
  - (i) 74.00 sq. m (796.53 sq. ft.) per unit, single storey;
  - (ii) 74.00 sq. m (796.53 sq. ft.) per unit being the combined area of any two levels of a split level *dwelling unit*;
  - (iii) 56.00 sq. m (602.78 sq. ft.) two storey dwelling, main floor area, plus 18.00 sq. m (193.75 sq. ft.) second floor;

- (iv) 56.00 sq. m (602.75 sq. ft.) split entry or bi-level main *floor area*, plus 18.00 sq. m (193.75 sq. ft.) lower level;
- (v) 90.00 sq. m (968.75 sq. ft.) main floor for a dwelling, moved-in.

#### 60.6 Maximum Limits

- (a) Site coverage:
  - (i) principal building: 25% of the site area;
  - (ii) accessory buildings: 10% of the site area.
- (b) Height of buildings:
  - (i) principal building: 10.00 m (32.81 ft.);
  - (ii) accessory buildings: 5.50 m (18.04 ft.).
- (c) Maximum dwelling units per lot is two.
- (d) Total building area for all accessory buildings 90.00 sq. m (968.75 sq. ft.).
- (e) Maximum number of accessory buildings is two (2).

### 60.7 **Special Requirements**

Prior to issuance of a *Development Permit* or building permit for *development* of a *site* not serviced by a public piped water system and/or a public piped sewer system, the *Development Authority* must be satisfied that an adequate sewage disposal system exists and that the method of sewage disposal would not be a public health hazard.

### SECTION 61 HAMLET RESIDENTIAL (3) DISTRICT (HR-3)

LUB 25/07/2017

#### 61.1 Purpose and Intent

The purpose and intent of this district is to accommodate single family dwellings within a comprehensively planned neighbourhood. Developments shall be located within the area of an adopted local plan.

#### 61.2 Uses, Permitted

Accessory buildings less than 65.00 sq. m (699.65 sq. ft.) in building area Dwelling, single detached Government Services
Home-Based Business, Type I

#### 61.3 Uses, Discretionary

Bed and Breakfast Homes Child care facilities Dwelling, moved-in Kennels, Hobby Private Swimming Pools Public Buildings and Utilities Special care facility Signs

## 61.4 **General Regulations**

The General Regulations apply as contained in Part 3 of this Bylaw, as well as the following provisions:

# 61.5 **Minimum Requirements**

- (a) Parcel Size:
  - (i) 603.9 sq. m (6,500 sq. ft.)
- (b) Width of Site:
  - (i) 13.5 m (44.29 ft.)
- (c) Yard, Front:
  - (i) 6.0 m (19.69 ft.)
- (d) Yard, Side:
  - (i) Principal building
    - 1. Street side of corner site: 3.0 m (9.8 ft.)
    - 2. Site without lanes, not on the street side of a corner lane: 3.0 m (9.8 ft.) on one unobstructed side yard; 1.5 m (5.0 ft.) on the other
    - 3. All other sites: 1.5 m (5.0 ft.)
  - (ii) Accessory building
    - 1. Street side of corner site: 3.0 m (9.8 ft.)
    - 2. All other sites: 0.60 m (1.97 ft.)
- (e) Yard, Rear:
  - (i) Principal building
    - 1. 6.0 m (19.69 ft.)

- (ii) Accessory Building
  - 1. 1.0 m (3.28 ft.)
- (f) Habitable ground floor area (excludes basement):
  - (i) 90.0 sq. m (968.8 sq. ft.) combined floor area of all levels above grade

#### 61.6 Maximum Limits

- (a) Site Coverage:
  - (i) Principal building and all accessory buildings: 50% of the site
  - (ii) All accessory buildings: 15% of the site
- (b) Height of buildings:
  - (i) Principal building: 10.5 m (34.45 ft.)
  - (ii) Accessory buildings: 5.5 m (18.04 ft.)
- (c) Maximum number of dwellings per lot: One (1)
- (d) Total building area for all accessory buildings: 90.0 sq. m (968.8 sq. ft.)
- (e) Maximum number of accessory buildings: Two (2)

# 61.7 Special Regulations

- (a) With respect to Section 61.5 (d), there shall be no side yard extensions into the defined minimum required setback. Section 38 of the Land Use Bylaw, which provides for cantilever extensions, is not applicable under this Land Use District.
- (b) Accessory Buildings are not permitted within the Front Yard of any Dwelling Unit.
- (c) The driveway connecting a garage (attached or detached) to a public road shall be a minimum length of 6.5 m (21.3 ft.) when measured from the back of a curb or back of sidewalk.

## SECTION 62 HAMLET RESIDENTIAL (4) DISTRICT (HR-4)

LUB 26/09/2017

### 62.1 Purpose and Intent

The purpose and intent of this district is to accommodate low- to medium-density residential development within a comprehensively planned neighbourhood. A mix of

compatible housing types provides market opportunities and encourages diversity in the built form. Developments shall be located within the area of an adopted local plan.

#### 62.2 Uses, Permitted

Accessory Buildings less than 75.00 m² (807.29 ft²) building area Commercial Communications Facility Type A
Community Sign
Dwelling, Semi-Detached
Dwelling, Single Detached
Dwelling, Row Housing
Home-Based Business, Type I
Government Services
Utility (Utilities)
Public Park

## 62.3 Uses, Discretionary

Bed and Breakfast Home Child Care Facility Dwelling, Moved-In Kennels, Hobby Private Swimming Pools Public Buildings and Utilities Show Home Special Care Facility

### 62.4 **General Regulations**

(a) The general regulations apply as contained in Part 3 of the Land Use Bylaw as well as the following provisions:

### 62.5 Subdivision Regulations

(a) Minimum Parcel Size:

(i)	Dwelling, Single Detached	300 m <sup>2</sup>	(3,229.17 ft <sup>2</sup> )
(ii)	Dwelling, Semi-Detached	250 m <sup>2</sup>	(2,690.98 ft <sup>2</sup> )
(iii)	Dwelling, Row Housing	200 m <sup>2</sup>	(2.152.78 ft <sup>2</sup> )

#### (b) Minimum Width of Site:

(i)	Dwelling, Single Detached	9.14 m	(30 ft.)	
(ii)	Dwelling, Semi-Detached	7.92 m	(25 ft.)	
(iii)	Dwelling, Row Housing	6.09 m	(20 ft.)	

- (c) For all other uses, the parcel dimensions shall be to the satisfaction of the Subdivision Authority.
- Notwithstanding sections 62.5 a), b), and c), minimum parcel sizes and widths for Phases 1 and 2 of the Painted Sky Conceptual Scheme shall be:
  - (a) Minimum Parcel Size:
    - (i) 427.35 m<sup>2</sup> (4,600 ft.<sup>2</sup>)
  - (b) Minimum Width of Site:
    - (i) 12.19 m (40 ft.)

## 62.7 Development Regulations

- (a) Site Coverage (Maximum)
  - (i) Dwellings, Single Detached (including accessory building): 50%
  - (ii) Dwellings, Semi-Detached (including accessory building): 50%
  - (iii) Dwellings, Row Housing (including accessory building): 65%
  - (iv) Accessory Buildings: 15%
  - (v) The combined coverage of all Accessory Buildings shall not form more than 15% of the lot area and shall not exceed the coverage of the principal building on the lot.
  - (vi) Total building area for all accessory buildings: 90.0 m<sup>2</sup> (968.8 ft<sup>2</sup>)
- (b) Front Yard (Minimum)
  - (i) Principal Building: 6.0 m (19.69 ft.)

4.0 m (13.12 ft.) Lane Access Required

- (ii) Accessory Buildings are not permitted within the Front Yard of any Dwelling Unit.
- (c) Side Yard (Minimum)
  - (i) Principal Building: 1.5 m (4.92 ft.) Unobstructed.

3.0 m (9.84 ft.) Street side of corner lot. 3.0 m (9.84 ft.) no lane and no attached

garage.

(ii) Accessory Building: 0.6 m (1.97 ft.).

3.0 m (9.84 ft.) Street side of corner lot.

(iii) Attached Dwelling(s): 1.5 m (9.84 ft.) Unobstructed.

3.0 m (9.84 ft.) Street side of corner lot.

- (iv) There is no requirement for a building setback where a party wall separates two Dwelling Units.
- (v) There shall be no side yard extensions into the defined minimum required setback. Section 38.1 of the Land Use Bylaw, which provides for cantilever extensions, is not applicable under this Land Use District.
- (d) Rear Yard (Minimum)

(i) Principal Building: 6.0 m (19.69 ft.)

(ii) Accessory Building: 0.6 m (1.97 ft.)

(e) Height of buildings (Maximum)

(i) Dwellings, Single Detached: 12.0 m (39.37 ft.)

(ii) Dwellings, Semi-Detached: 12.0 m (39.37 ft.)

(iii) Dwellings, Row Housing: 12.0 m (39.37 ft.)

(iv) Accessory buildings: 5.5 m (18.04 ft.)

- (f) Residential Dwellings per Lot (Maximum)
  - (i) Dwelling Unit:
- (g) Accessory Buildings per Lot (Maximum)
  - (i) 2

# 62.8 Special Regulations

- (a) Notwithstanding Section 20.8 Show Homes and Temporary Sales Centre, the following regulations apply to this District:
  - (i) There shall be a maximum of 1 show home for every 10 Lots within a single phase of a multi-phase approved local plan.
  - (ii) The advertised hours that the show home is open to the public shall not be earlier than 9:00 a.m. or later than 9:00 p.m.
- (b) The regulations of this district shall be implemented in accordance with the provisions of an approved local plan.

# SECTION 63 HAMLET COMMERCIAL DISTRICT (HC)

#### 63.1 Purpose and Intent

The purpose and intent of this District is to provide for *business* and personal service uses.

## 63.2 **Uses, Permitted** (Excepting the Hamlet of Bragg Creek, as per 62.9)

Accessory Buildings (less than 35.00 sq. m (376.74 sq. ft.))

Churches

Government Services

Grocery Store

Health Care Services

Home-Based business, Type I (in an existing dwelling)

Personal service business

Post Offices

Restaurants

Retail Store

LUB 21/09/2010

LUB 11/09/2018

LUB 10/10/2017

#### 63.3 Uses, Discretionary

Amusement and Entertainment Services

Animal Health Care Services

Automotive, Equipment and Vehicle Services

**Auctioneering Services** 

#### Cannabis Retail Store

Child Care Facilities

Commercial Communications Facilities - Type "A"

Distillery (applicable only to Lot 8, Block 1, Plan 2571 JK)

Drinking Establishment

Dwelling unit accessory to the business use

Greenhouses and ancillary uses

Liquor Sales

Offices

Outdoor Cafe

Outdoor Storage, Truck Trailer

Recycling Collection Point

Signs

Special Care Facilities

Truck Trailer Service

Warehouse Stores

LUB 21/09/2010

#### **EXCEPTION:**

- (a) On Lot 1, Block 6, Plan 1741 EW, the Development Authority may consider General Industry Type I and II on the site for the purposes of a brewery.
  - (i) The following shall be considered discretionary uses:

Hotel

General Industry Type I and II (brewery)

LUB 10/10/2017

## 63.4 **General Regulations**

The General Regulations apply as contained in Part 3 of this *Bylaw*, as well as the following provisions.

### 63.5 Minimum Requirements

- (a) Parcel Size:
  - (i) 1,858.00 sq. m (19,999.35 sq. ft.), for all uses not serviced by piped systems;
  - (ii) 1,858.00 sq. m (19,999.35 sq. ft.) for *lots* served by a piped water system but not a piped sewer system;
  - (iii) 929.00 sq. m (9,999.67 sq. ft.) for *lots* served by a piped sewer system but not a piped water system.
- (b) Width of site:
  - (i) 15.00 m (49.21 ft.).
- (c) Yard, Front:
  - (i) 6.00 m (19.69 ft.).

#### **EXCEPTION:**

(ii) Lots 3, Block 2, Plan 1741 EW;

Lots 3 to 7 inclusive, Block 1, Plan 1741 EW;

Lots 9 and 10, Block 1, Plan 8111580;

Lot 1A, Block 1, Plan 1459 FR;

(within the Hamlet of Bragg Creek);

minimum yard, front 8.60 m (28.22 ft.).

- (d) Yard, Side:
  - (i) side adjacent to a residential district: 6.00 m (19.69 ft.);
  - (ii) all other locations, none required but if provided, *shall* be at least 1.20 m (3.94 ft.).
- (e) Yard, Rear:
  - (i) 6.00 m (19.69 ft.).

#### 63.6 Maximum Requirements

- (a) 57.6.1 Height of buildings:
  - (i) 10.00 m (32.81 ft.) principal building;
  - (ii) 5.50 m (18.04 ft.) accessory buildings.

#### 63.7 Special Requirements

- (a) Landscaping:
  - (i) A minimum of 10% of the site area shall be landscaped.
- (b) Screening:
  - (i) all sites abutting a residential district shall be screened from the view of the residential district to the satisfaction of the Development Authority;
  - (ii) all apparatus on the roof shall be screened to the satisfaction of the Development Authority;
  - (iii) outside storage areas shall be screened from adjacent sites and public thoroughfares to the satisfaction of the Development Authority.
- (c) The exterior finishing materials of the proposed *development shall* be those as shown on the approved plan, as described in a condition of approval.

### 63.8 Other Requirements

The *Development Authority may* allow a *building* to be occupied by a combination of one or more of the above mentioned uses listed for this district and each use *shall* be considered as a separate use, and each use *shall* obtain a separate occupancy permit.

#### 63.9 Bragg Creek Exception

Notwithstanding 62.2, in the Hamlet of Bragg Creek, as shown on Land Use Map 39-1, the following uses shall be considered Discretionary Uses:

Accessory Buildings (less than 35.00 sq. m - 376.74 sq. ft.)
Churches
Grocery Store
Health Care Services
Personal service business
Post Offices
Restaurants
Retail Store

## 63.10 Langdon Exception

Notwithstanding 62.3, the following use shall be considered a Discretionary Use on NW 22-23-27-W04M:

Residential Care Facility

LUB 26/09/2017

## SECTION 64 HAMLET INDUSTRIAL DISTRICT (HI)

#### 64.1 Purpose and Intent

The purpose of this District is to provide for indoor or outdoor manufacturing, processing, assembly, distribution service and repair uses.

#### 64.2 Uses, Permitted

Automotive, Equipment and Vehicle Services

**Auctioneering Services** 

Animal Health Care Services

Accessory Buildings up to 250.00 sq. m (2,690.98 sq. ft.)

Cemetery and Interment Services

General Industry Type 1

Grocery Store

Government Services

Health Care Services

Medical Treatment Services

Outdoor Storage, Truck Trailer

Truck Trailer Service

LUB 21/09/2010

### 64.3 Uses, Discretionary

Accessory Buildings greater than 250.00 sq. m (2,690.98 sq. ft.)

Agricultural support services

Amusement and Entertainment Services

Commercial Communications Facilities - Type "A"

Drinking Establishments

Dwelling Unit, accessory to Industrial Use

General Industry Type II and III

Liquor Sales

Offices

Recycling Collection Point

Restaurants

Signs

Warehouse Stores

#### 64.4 **General Regulations**

The General Regulations apply as contained in Part 3 of this *Bylaw* as well as the following provisions:

### 64.5 Minimum Requirements

- (a) Parcel Size:
  - (i) 1,860.00 sq. m (20,020.87 sq. ft.).
- (b) Width:
  - (i) 30.00 m (98.43 ft.) 58.5.3.
- (c) Yard, Front:
  - (i) 6.00 m (19.69 ft.).
- (d) Yard, Side:
  - (i) 2.40 m (7.87 ft.).
- (e) Yard, Rear:
  - (i) 6.00 m (19.69 ft.).

### 64.6 **Maximum Requirements**

- (a) Height of buildings:
  - (i) grain elevators and feed mills: 46.00 m (150.92 ft.);
  - (ii) all other: 12.00 m (39.37 ft.).

# 64.7 **Special Requirements**

- (a) Building requirements:
  - (i) extensions to existing *buildings*, where these abut on a public street, shall be constructed with compatible materials to the existing *buildings* and be satisfactory to the *Development Authority*;
  - (ii) the exterior design of all *buildings* shall be subject to the approval of the *Development Authority*;
  - (iii) where more than one use is to be carried on in a particular *site*, separation between *buildings* and construction of separating walls *shall* be in accordance with the Alberta Building Code;
  - (iv) the exterior finishing materials must be those as shown on the approved plan.
- (b) Landscaping:

(i) a minimum of 10% of the site shall be landscaped in accordance with the plan approved by the Development Authority.

# (c) Outside storage:

- (i) all exterior work areas, storage areas and waste handling areas shall be enclosed from view to the satisfaction of the Development Authority;
- (ii) storage shall be screened to the satisfaction of the Development Authority;
- (iii) all sites abutting a residential district shall be buffered and screened to the satisfaction of the Development Authority;
- (iv) wrecked or damaged *vehicles*, *motor* which might be located on the property must be *screened* from all adjacent *parcels* and roadways in the vicinity.
- (d) Garbage and waste must be stored in weatherproof and animal proof containers.

# SECTION 65 PUBLIC SERVICES DISTRICT (PS)

# 65.1 Purpose and Intent

The purpose and intent of this District is to provide for the *development* of Institutional, Educational and Recreational uses.

# 65.2 Uses, Permitted

Accessory buildings less than 90.00 sq. m (968.75 sq. ft.) building area. Government Services

LUB 21/09/2010

#### 65.3 Uses, Discretionary

Athletic and Recreation Services
Campground, Institutional
Child Care Facilities
Cemetery and Interment Services
Commercial Communications Facilities - Type "A", Type "B"
Dormitory, accessory to schools
Government Services
Dwelling Unit, accessory to the principal use
Farmers Market

Funeral Services and Entombment Indoor Participant Recreation Services Medical Treatment Services

vieulcai Treatifierit Service

Museums

Private Clubs and Organizations
Public or Quasi-Public Building
Public Park
Religious Assembly
School, Public or Separate
School, Private
Schools, Universities & Colleges
Signs
Special Events Parking

LUB 11/12/2012

#### 65.4 **General Regulations**

The General Regulations apply as contained in Part 3 of this *Bylaw*, as well as the following provisions:

#### 65.5 Minimum Requirements

- (a) Parcel Size:
  - (i) 0.50 hectares (1.24 acres).
- (b) Yard, Front (on all parcels except those within a Hamlet):
  - (i) 30.00 m (98.43 ft.) from any road, *County*;
  - (ii) 60.00 m (196.85 ft.) from any road, highway;
  - (iii) 15.00 m (49.21 ft.) from any road, internal subdivision;
  - (iv) 15.00 m (49.21 ft.) from any road, service adjacent to a road, highway;
  - (v) 10.00 m (32.81 ft.) from any road, service adjacent to a road, County.
- (c) Yard, Side: (on all parcels except those within a Hamlet)
  - (i) 30.00 m (98.43 ft.) from any road, *County*;
  - (ii) 60.00 m (196.85 ft.) from any road, highway;
  - (iii) 15.00 m (49.21 ft.) from any road, service adjacent to a road, highway;
  - (iv) 10.00 m (32.81 ft.) from any road, service adjacent to a road, County;
  - (v) 6.00 m (19.69 ft.) from all other.
- (d) Yard, Rear: (on all parcels except those within a Hamlet)
  - (i) 30.00 m (98.43 ft.) from any road;

- (ii) 15.00 m (49.21 ft.) all other.
- (e) Yard, Front: (within a Hamlet)
  - (i) 6.00 m (19.69 ft.).
- (f) Yard, Side: (within a Hamlet)
  - (i) 3.00 m (9.84 ft.).
- (g) Yard, Rear (within a Hamlet)
  - (i) 8.00 m (26.25 ft.).
- (h) Notwithstanding Section 63.5(b) to 65.5(g), at the discretion of the *Development Authority*, a *setback* of zero (0) metres is allowed if:
  - (i) two Public Service districts are adjacent to each other; and
  - (ii) built structures are in accordance with the Alberta Building Code.

LUB 21/09/2010

#### 65.6 **Maximum Requirements**

- (a) Maximum Height:
  - (i) 10.0 m (32.81 ft.) principal building;
  - (ii) 5.5 m (18.04 ft.) accessory buildings.

#### 65.7 **Special Requirements**

A minimum of 10% of the site area shall be landscaped.

# SECTION 66 AIRPORT DISTRICT (AP)

#### 66.1 Purpose and Intent

The purpose and intent of this District is to provide for the *development* of Airports in the *County*.

#### 66.2 Uses, Permitted

Agriculture, General Government Services Government Services Accessory buildings Office, associated with any use, permitted Parks and recreation areas Signs - Directional/Informational

LUB 21/09/2010

# 66.3 Uses, Discretionary

Amusement and Entertainment Services

Commercial Communications Facilities - Type "A", Type "B"

Dwellings, single family

General Industry, Type I

**Golf Courses** 

Museums

Offices

Outside storage

Overnight accommodation including Bed and Breakfast Home

Private clubs and organizations

Public Buildings and utilities

Restaurants

Signs - Advertising

Warehouses up to 600.00 sq. m (6,458.35 sq. ft.)

LUB 21/09/2010

# 66.4 **General Regulations**

The General Regulations apply as contained in Part 3 of this *Bylaw*, as well as the following provisions.

# 66.5 **Special Requirements**

(a) All applications for *Development Permits* in NEF areas over 25 *shall* be referred to the appropriate agency and comments *shall* be received prior to a decision being made.

# 66.6 Minimum and Maximum Requirements

- (a) Yard. Front:
  - (i) 30.00 m (98.43 ft.) from any road, *County* for commercial and industrial and 60.00 m (196.85 ft.) for residential;
  - (ii) 60.00 m (196.85 ft.) from any road, highway;
  - (iii) 6.00 m (19.69 ft.) from any road, internal subdivision;
  - (iv) 10.00 m (32.81 ft.) from any road, service adjacent to a road, highway;
  - (v) 10.00 m (32.81 ft.) from any road, service adjacent to a road, County.
- (b) Yard, Side:

- (i) 30.00 m (98.43 ft.) from any road, *County* for commercial and industrial and 60.00 m (196.85 ft.) for residential;
- (ii) 60.00 m (196.85 ft.) from any road, highway;
- (iii) 10.00 m (32.81 ft.) from any road, service adjacent to a road, highway;
- (iv) 10.00 m (32.81 ft.) from any road, service adjacent to a road, County;
- (v) 15.00 m (49.21 ft.) all other.

#### (c) Yard, Rear:

- (i) 30.00 m (98.43 ft.) from any road;
- (ii) 6.00 m (19.69 ft.) all other.

## (d) Building height:

(i) 15.00 m (49.21 ft.) or such lesser height as *may* be determined having regard to flight and navigational aid equipment.

#### (e) Yard, Front for Parking, Storage and Display of Products:

- (i) 15.00 m (49.21 ft.) from any road, County, or road, highway;
- (ii) 8.00 m (26.25 ft.) from any *road, internal subdivision* or road, service adjacent to a road, highway or road, *County*.

#### (f) Yard, Side for Parking, Storage and Display of Products:

- (i) 15.00 m (49.24 ft.) from any road, County, or road, highway;
- (ii) 8.00 m (26.25 ft.) from any *road, internal subdivision*, or road, service adjacent to a road, highway or road, *County*;
- (iii) 6.00 m (19.69 ft.) all other.

# (g) Yard, Rear for Parking, Storage and Display of Products:

- (i) 15.00 m (49.21 ft.) from any road;
- (ii) 6.00 m (19.69 ft.) all other.

### 66.7 Other Requirements

An approved storage area must be screened to the satisfaction of the *Development Authority*.

#### 66.8 **Building Requirements**

- (a) Extensions to existing *buildings* shall be constructed with compatible materials to the existing *building* and be satisfactory to the *Development Authority*.
- (b) The exterior design of all *buildings* and structures *shall* be subject to approval by the *Development Authority*.
- (c) Where more than one use is to be carried on in a particular *site*, separation between *buildings* and construction of separating walls *shall* be in accordance with the Alberta Building Code.
- (d) Garbage and waste must be stored in weatherproof and animal/bird proof containers, properly *screened*, and be in a location easily accessible to containerized garbage pickup.

# SECTION 67 DIRECT CONTROL DISTRICT (DC)

# 67.1 Purpose

The purpose of this District is to provide for *developments* that, due to their unique characteristics, unusual *site* constraints or innovative ideas, require specific regulations unavailable in other land use districts. This District is not intended to be used in substitution of any other land use district in this *Bylaw* that could be used to achieve the same land uses.

#### 67.2 Uses and Rules

All land use applications *shall* be evaluated on their merits by *Council* which will establish the appropriate *development* standards.

# 67.3 The Effect of DC Guidelines

Subject to Section 67.5, where a *site* is or has been at any time designated DC Direct Control, the guidelines approved by *Council* at the time of such designation to DC Direct Control *shall* continue to apply, notwithstanding any requirement of this *Bylaw* to the contrary.

LUB 29/07/2014

### 67.4 Direct Control Bylaws

The following Direct Control *Bylaws* were adopted by *Council* as amendments to Land Use *Bylaw* C-1725-84, the Land Use *Bylaw* in effect prior to the passing of this Land Use *Bylaw*, C-4841-97 on the 29<sup>th</sup> day of September, 1998. The Direct Control *Bylaws* provide for specific land use, *parcel* size and/or *developments* and, therefore, for continuity are re-adopted by this *Bylaw* as follows:

DC#	BYLAW #	LEGAL LAND DESCRIPTION	DESCRIPTION	
DC-1	C-3840-92	SE-31-23-27-4		

DC#	BYLAW#	LEGAL LAND DESCRIPTION	DESCRIPTION	
DC-2	C-4873-98	NW-23-23-27-4	LANGDON HCOMM Office Consolidation	Amended by C- 6110-2005
DC-3	C-4082-93	SE-16-23-28-4		
DC-4	C-4655-96	NE-11-23-5-5		
DC-5	C-4579-95	SE-13-23-5-5	SHOPPING CENTRE	
DC-6	C-3624-91	SE-13-23-5-5		
DC-7	C-4014-93	NE-25-23-5-5	CONDOMINIUM	
DC-8	C-4343-94	E-1/2-26-23-5-5	REPLACED BY (DC-74)	
DC-9	C-4468-95	NE-12-23-5-5		
DC-10	C-4119-93	SE-24-24-27-4		
DC-11	C-5250-95	NE-19-24-28-4	LUTHERAN CHURCH	
DC-12	C-4372-94	SW-5-24-2-5		
DC-13	C-4763-97	SEC. 1,2 & 6-24-2-5	ELBOW VALLEY	
DC-14	C-3657-91	SW-20-24-2-5		
DC-15	C-3876-92	SW-13-24-3-5		
DC-16	C-3737-91	SE-24-24-3-5		
DC-17	C-3992-93	NW-24-24-3-5		
DC-18	C-4656-96 & C-5740-2003	SW-34-24-3-5	LONGEWAY HCOMM	Repealed and replaced by DC 108 Bylaw 6149-2005
DC-19	C-3905-92	SW-34-24-3-5	LONGEWAY HCOMM	Repealed and replaced by DC 137 Bylaw C- 6805-2009
DC-20	C-4576-95	SE-33-24-3-5	CALAWAY FACTORY	
DC-21	C-4706-96	NW-11-24-4-5	CAMP GARDNER	
DC-22	C-3122-88	E-1/2-7-25-2-5	BLAZER DEV.	
DC-23	C-3062-88	SW-30-25-2-5	BEARSPAW CONDOS	
DC-24	C-3770-92	NW-31-25-2-5		

DC#	BYLAW#	LEGAL LAND DESCRIPTION	DESCRIPTION	
DC-25	C-4397-94 amended by 4802	SE-11-25-3-5	EMERALD BAY	
DC-26	C-4802-97	SE-11-25-3-5	EMERALD BAY	
DC-27	C-4184-93	SE-4-25-3-5		
DC-28	C-4620-96	SE-25-25-3-5		
DC-29	C-3848-92	NW-19-26-26-4		
DC-30	C-3920-92	SE-13-26-29-4		
DC-31	C-3835-92	NE-16-26-29-4		
DC-32	C-3924-92	NW-36-26-29-4		
DC-33	C-4142-93	SW-1-26-2-5		
DC-34	C-4375-94	W-1/2 & SE-4-26-2-5	GRAVEL PIT	
DC-35	C-3734-91	PT. 9 & 10-26-4-5	REPLACED BY (DC-61)	
DC-36	C-4499-95	PT. 27 & 28-26-4-5	COCHRANE LAKE	Amended on September 25, 2007 by Bylaw C-6506-2007 and amended again on April 15, 2007 by Bylaw C-6624- 2008
DC-37	C-4110-93	NW-6 & SW-7-27-25-4	HUTTERITES	
DC-38	C-4657-96	NE-33-27-26-4	REPLACED BY (DC-68)	
DC-39	C-4105-93	NE-15-27-29-4		
DC-40	C-4122-93	NE-15-27-29-4		
DC-41	C-4161-93	SW-17-27-1-5		
DC-42	C-4312-94	SE-25-27-1-5	REPLACED BY (DC-62)	
DC-43	C-3576-90	NW-30-27-1-5		
DC-44	C-3517-90	W-33-27-5-5		
DC-45	C-3656-91	SW-13-28-27-4		
DC-46	C-3563-90	NW-13-28-28-4		

DC#	BYLAW #	LEGAL LAND DESCRIPTION	DESCRIPTION	
DC-47	C-4206-94	NE-26-28-2-5		
DC-48	C-4793-97	NE-2-23-5-5		
DC-49	C-4797-97	NE-33-27-26-4	REPLACED BY (DC-68)	
DC-50	C-4813-97	SW-24-28-2-5	Amended by C-5185-2000	
DC-51	C-4861-98	NE-1-24-3-5 & SE-12-24-3-5	STONEPINES	
DC-52	C-4876-98	PT. W-34-27-26-4	WHEATLAND GRAVEL	
DC-53	C-4888-98	PT. NW-19-23-28-4		
DC-54	C-4893-98	PT. SW-17-23-28-4	LANDSCAPING	
DC-55	C-4848-97	PT. NW-31-23-28-4	KLEYSON TRANSPORT	
DC-56	C-4915-98	PT. 17/18/19/20-23-28-4	WALTON INDUSTRIAL	
DC-57	C-4871-98	PT. S-1/2-25-23-5-5	WINTERGREEN	
DC-58	C-4977-98	NW-31-23-28-W4M	KLEYSON - Office Consolidation	Amended by C- 5233-2000
DC-59	C-5054-99	SW-12-34-3-W5M	GLENCOE	
DC-60	C-5025-99	SW-2-27-4-W5M	WHITE/DAVIS	Repealed and replaced by BYLAW C-5911-2004 (DC-96)
DC-61	C-5029-99	PT. 9 & 10-26-4-5	REPLACES (DC-35)	
DC-62	6211-2006	SE-25-27-1-W5M	REPLACES DC-42 & DC 62 - Bylaw C-5312-94 and Bylaw C-5038-99	Repealed and replaced by BYLAW C-6211-2006 (DC-107)
DC-63	C-5095-99	PTN-7-25-5-W5M	LIVINGSTONE CREEK	
DC-64	C-5086-99	NE-22-23-27-W4M	LANGDON COMMERCIAL	
DC-65	C-5115-99	NE-9-26-1-W5M	LAMB RV STORAGE	
DC-66	C-5129-99	SE-15-23-5-W5M	MOUNTAIN VIEW WATER	
DC-67	C-5134-99	NW-10-23-5-W5M	LOOKOUT ENTERPRISES	
DC-68	C-5156-2000	NE-33-27-26-W4M	REPLACES (DC-38 & DC-49)	
DC-69	C-5007-99	SW-30-23-28-W4M	TRAILER DEPOT	

DC#	BYLAW #	LEGAL LAND DESCRIPTION	DESCRIPTION	
DC-70	C-5304-2000	N1/2 7-22-28-W4M	LAFARGE GRAVEL PIT	Formally DC-70b
DC-71	C-5219-2000	NW-4-28-26-W4M	OWEN CANADA	
DC-72	C-5317-2001	PTN SE-13-26-1-W4M	BALZAC COMMERCIAL Office Consolidation	Amended by C- 5840-2003
DC-73	C-5402-2001	SW-30-25-02-W5M Block B Plan 1845 HG	BIGSTONE CORPORATION/C2W	
DC-74	C-5430-2001	NW-26-23-5-W5M & Blk 1 Plan 9112432 & Blk 2 Plan 9711344 within E 1/2 26-23-5-W5M	NO KA OI RANCH FOUNDATION	
DC-75	C-5457-2001	Lot 1 Plan 9512519 & ptn of the NE-22-23-27-W4M	LANGDON WEST	Amended by: C- 5595-2002, C- 5730-2003, C- 5747-2003, C5835-2003, C-6048-2005 & C-6246-2006
DC-76	C-5479-2001	S 1/2 31-23-28-W4M	PATTON	
DC-77	C-5525-2002	ptn of the SE-22-23-27-W4M	SAMPLE DOME (LANGDON)	Amended by Bylaw C-6304- 2006 Sept 5, 2006
DC-78	C-5599-2002	ptn of the SW-5-24-28-W4M	AES	
DC-79	C-5426-2001	ptn of the NE-19-24-28-W4M	Prince of Peace Assisted Living Facility	
DC-80	C-5613-2002	Section 13-26-01-W5M	Brown/Melcor	
DC-81	C-5610-2002	SW 1/4-5-24-2-W5M	SunValley	
DC-82	C-5290-2000	NW-30-23-02-W4M	WALKER NEWBY	Formally DC-70a
DC-83	C-5709-2003	NW-11-26-29-W4M	Westland_Potting_Soil-Facility	
DC-84	C-5711-2003	SE-30-24-02-W5M	Badke Global	
DC-85	C-5783-2003	Portion of N1/2 14-23-27-W4M	Langdon Ranch	Amended by Bylaw C-6350- 2006
DC-86	C-5831-2003	A portion SW-34-24-3-W5M	Brown/Longeway (Grimshaw) Office Consolidation	Amended by C- 5900-2004
DC-87	C-5787-2003	A portion of Lot 7 Plan 9611505 within the SW 34-24-3-W5M	C2W/Buzz Wilson	

DC#	BYLAW #	LEGAL LAND DESCRIPTION	DESCRIPTION	
DC-88	C-5842-2003	A portion of the N 1/2- 9-26-29- W4M	Genesis	Replaced by DC 109
DC-89	C-5818-2003	A portion of NW 35-22-28-W4M	IBI/Wearmouth	
DC-90	C-5813-2003	Lot 4, Block, 1, Plan 7910498 within SE-13-28-26-W4	Pang/Cargill	
DC-91	C-5899-2004	Lot 3, Block B, Plan 8146 JK within SW 28-24-28 W4M	Voit	
DC-92	C-5879-2004	A portion of NW 02-24-03-W5M, Block 32, Plan 791 0905; Lot 1, Block 32, Plan 971 1745 and Lot 2MR, Block 32, Plan 001 0492, all within the N 1/2 2-24- 3-W5M	Elbow Valley West	Amended by Bylaw C-6042- 2006 on April 12, 2005 and amended by Bylaw C-6220- 2006 on May 09, 2006
DC-93	C-5833-2003		Cochrane Municipal Complex	
DC-94	C-5981-2004	A portion of the SW 1/4 1-26-29 W4M	Rancher's Beef	
DC-95	C-5904-2004	Block 2 Plan 9812133	Atkins/Richards	
DC-96	C-5911-2004	A portion of the SW 1/4 2-27-4- W5M	Veraart Holdings	Replaces DC-60
DC-97	C-6136-2005	Portions of the NE 23-23-27 W4M	Langdon East 2003-RV-109 03223004	
DC-98	C-6021-2005	Block D Plan 7410441 within NW 4-26-29-W4M	Mauro 06404003	
DC-99	C-6031-2005	Sections 3 & 10 and the west 1/2 of sections 2 & 11within 26-29-W4M	BEASP South Transition Lands	Amended by: C- 6191-2005 & C-6234-2006
DC-100	C-5962-2004	SW 35-26-2-W5M	Poffenroth 06635004	
DC-101	C-6043-2005	Lot 2 Block 3 031 1823	Bucars RV	Repealed and replaced by DC 117 (Bylaw 6476-2007)
DC-102	C-6040-2005	A portion of SW 16-26-29-W4M	Balzac Business Park	Repealed and Replaced by DC 125 (Bylaw 6610-2007)
DC-103	C-6084-2005	Block 2 Plan 751 0024 within NE 30-24-2-W5M	Crestmont	

DC#	BYLAW #	LEGAL LAND DESCRIPTION	DESCRIPTION	
DC-104	C-6087-2005	NE 31-25-28-W4M	Collins / Olson 2004-RV-349	Amended by Bylaw C-6446- 2007 and Repealed and replaced by DC- 135 Bylaw C- 6750-2009
DC-105	C-6088-2005	SW-34-24-3-W5M	Brown/Longeway (Grimshaw)	
DC-106	C-6104-2005	S1/2 Sec 9-26-29-W4M	United Horsemen/Church 06409001/002-2005-RV- 004	Replaced by DC 109
DC-107	C-6211-2006	SE-25-27-1-W5M	Giles/Airdrie Trailer Sales	
DC-108	C-6149-2005	SW 34-24-3-W5M		Replaces DC- 18
DC-109	C-6234-2006	SW-10-26-29-W4M	IC UHA	Replaces DC- 88 & 106 - Office Consolidation July 2006
DC-110	C-6242-2006	NE 1/4 10-24-4-W5M	Highway Maintenance Facility 04810004/007/010	
DC-111	C-6269-2006	N 1/2 LSD 5 within SW 1-24-3- W5M	Peterson 04701005 2006- RV-278	
DC-112	C-6247-2006	a portion of the NE-21-23-28- W4M	3321006 2005-RV-487	
DC-113	C-6370-2006	W ½ 32-23-28-W4M	03332002/003 - Patton CS part 2	
DC-114	C-6377-2006	NW 24-23-27-W4M and a portion of the SW 24-23-27-W4M	Leland Business Park (2004- RV-175 - 03224003/006/015	
DC-115	C-6164-2005	a portion of SE-01-28-27-W4M	development of a Gravel Extraction facility	
DC-116	C-6475-2007	SE 1/4 22-24-4-W5M	Springbank Creek	
DC-117	C-6476-2007	SE 1/4 13-26-1-W5M	2006-RV-708 6513001	
DC-118	C-6484-2007	SE 1/4 13-26-1-W5M	2005-RV-279 6513025	
DC-119	C-6128-2005	S ½ of Section 5-24-2-W5M	04605001/018/020/021/0 22/023/02 2004-RV-026 Lot Creek	
DC-120	C-6402-2006	a portion of the NE ¼ of Section 29-24-28-W4M		

DC#	BYLAW #	LEGAL LAND DESCRIPTION	DESCRIPTION	
DC-121	C-6507-2007	SW 1/4 7-24-28-W4M	04307030 2007-RV-055 Willow Creek	
DC-122	C-6540-2007	SW-10-24-27-W4M	04210011 2006-RV-678	
DC-123	C-6586-2007	the N ½ Sec. 13, Twp. 26, Rge. 6, W5M	10013010/002/001 2006- RV-183 Cottage Club	
DC-124	C-6635-2008	a portion of the SE-29-22-28- W4M	2007-RV-480, roll no: 02329001	
DC-125	C-6610-2007	a portion of S ½ 16-26-29-W4M	06416007/005/002/008/0 09/010/011-2006-RV-404 Balzac Business Park	
DC-126	C-6632-2008	a portion of NW 13-28-1-W5M	File: 08513003-2007-RV- 511, Enmax Power Plant	
DC-127	C-6675-2008	NE 30-23-28-W4M	File: 03330002 2007-RV- 330	
DC-128	C-6692-2008	NE 1/4 16-26-29-W4M	File:06416013 2006-RV-649	
DC-129	C-6688-2008	NW Section 5-25-03-W5M; Section 7-25-03-W5M; SW Section, NW Section and NE Section 8-25-03-W5M; NW Section 9-25-03-W5M, a portion of SW Section 9-25-03-W5M; a portion of each SW Section, SE Section and NW Section of 18- 25-03-W5M; and a portion of SW Section 17-25-03-W5M	File: 2008-RV-188	
DC-130	C-6690-2008	SW 1/4 16-23-28-W4M	03316002 File: 2007-RV- 192	
DC-131	C-6721-2008	S1/2 & NE 4-26-29-W4M	File: 06404001/004/011- 2006-RV-566	
DC - 132	C-6732-2009	SW 1-29-1-W5M	File: 09501002, 2007-RV- 494	
DC - 133	C-6767-2009	SE 1/4 6-24-28-W4M	04306001 2008-RV-003	
DC - 134	C-6784-2009	Lot1, Block 2, Plan 9210838 within N 15-27-29-W4M	07415006 2007-RV-506	
DC - 135	C-6750-2009			
DC-136	C-6797-2009	NW 29-23-28-W4M	03329005 2007-RV-389	
DC-137	C-6805-2009	Lot: 13, 14 & 16 Plan: 9612362, SW-34-24-03-W5M	04734019 2009-RV-085	

DC#	BYLAW #	LEGAL LAND DESCRIPTION	DESCRIPTION	
DC-138	C-6820-2009	SE 1/4 of Section 23-23-27-W4M	03223001 2005-RV-105	
DC-139	C-6821-2009	SW-13 & SE 14-28-27-W4M	08214001/13002 2008-RV- 335 Beiseker Hutterite Colony	
DC-140	C-6859-2009	SW 15-26-27-W4M, Lots 1, 2 and 3, Plan 5323GT, Lot 5 Plan 941 0774, and Lot 1, Block 1, Plan 081 1316	06215002/005/007/008/0 09/010/011 2009-RV-054	
DC-141	C-6854-2009	A portion of the S 1/2 18-25-2-W5M	05618003-004 2007-RV-524	
DC-142	C-6858-2009	SE-19-24-28-W4M	04219001 2009-RV-147	
DC-143	C-6905-2010	A Portion of the SE-01-27-03-W5M	07701003 2009-RV-136	
DC-144	C-6892-2010	A portion of the NW-26-23-05-W5M	03926001/004/006 2990-RV-202	
DC-145	C7054-2011	A portion of the SE-13-23-05-W5M	03913001 2010-RV -217	
DC-146	C-7043-2011	A portion of the NE-21-23-28-W4M	03321004 2010-RV-204	
DC-147	C-7104-2011	A portion of the NW-04-24-27-W4M	04204003 2011-RV-100	
DC-148	C-7186-2012	A portion of the NW-34-24-03-W5M	04734003 2012-RV-036	
DC-149	C-7209-2012	SW-16-23-27-W4M	03216002-2012-RV-113	
DC-150	C-7265-2013	NE-13-26-1-W5M	06513005/2011-RV-145	
DC-151	C-7331-2013	SW-23-23-27-W4M	04209001/2011-RV-088	
DC-152	C-7352-2014	W 1/2 33-27-5-W5M	07933002/001/2013- RV085	Replaces DC- 44

# 67.5 Variance

Where a building constructed pursuant to County approvals does not comply with the approved DC Direct Control regulations for the site, the *Development Authority* may, if satisfied that the proposed variance will not unduly interfere with the amenities of the neighborhood nor materially interfere with or affect the use, enjoyment, or value of neighboring properties, issue a *Development Permit* granting a variance:

(a) regarding any or all of the minimum front yard, side yards, and rear yard setback requirements, such that the variance does not exceed 20% or 1.00 m, whichever is the greater; and

(b) regarding accessory building size and maximum building height, such that the variance does not exceed 20%;

from the DC Direct Control regulations and complies with all Alberta Building Code requirements.

LUB 29/07/2014

# SECTION 68 COMMERCIAL – VILLAGE CENTRE (C-VC)

# 68.1 Purpose and Intent

The purpose and intent of this district is to accommodate the *business* needs in support of comprehensive communities where mixed-use *buildings*, with a variety of *business* types and scales, *may* be accommodated. *Developments* under this Land Use District *shall* serve a small- to moderate-sized residential community, and provide the opportunities for local employment. To ensure attractive, pedestrian-oriented, mixed-use developments for the community, this District includes high quality urban design standards. Vehicle-oriented uses should be located on the periphery of the village space, to preserve and enhance the integrity of a pedestrian network. *Developments shall* be located within an area of an adopted Hamlet Plan, Area Structure Plan, or Conceptual Scheme.

# 68.2 Uses, Permitted

Accessory Buildings

Amenity Spaces for Pedestrian Use

Ancillary use

Animal health care services, small animal

Banks or Financial Institutions

Child care facility

Commercial Communications Facilities (Type A)

Convenience store

Dwelling Unit, ancillary and subordinate to the principal business use

Government services

Grocery stores, Local (Floor Area up to 600.00 m<sup>2</sup> (6458.35 ft<sup>2</sup>))

Health care services

Patio, accessory to the principal business use

Personal Service Business

Public building

Restaurant

Retail store, local (Floor Area up to 600.00 m<sup>2</sup> (6458.35 ft<sup>2</sup>))

Signs

Specialty food store

LUB 21/09/2010

#### 68.3 Uses, Discretionary

Arts and cultural centre Cannabis Retail Store Car wash (single bay)

LUB 11/09/2018

Drinking establishment

Farmers Market

Home-based businesses (Type I)

Liquor Sales

Live/work Units

Mixed-use Building (residential and business)

Museum

Offices

Parking Areas and Structures

Public market

Recycling collection point

Residential Care Facility

Retail garden centre

School or College, Commercial

Service station

Shopping centre, local (Floor Area up to 600 m<sup>2</sup> (6458.35 ft<sup>2</sup>)

Any use that is similar, in the opinion of the *Development Authority*, to the permitted or discretionary uses described above that also meets the purpose and intent of this district.

LUB 11/12/2012

68.4 Development permit applications for both permitted and discretionary uses shall be evaluated in accordance with Section 12.

#### 68.5 **General Regulations**

The General Regulations apply as contained in Part 3 of this *Bylaw* as well as the following provisions:

#### 68.6 Minimum and Maximum Requirements

#### (a) Parcel Size:

- (i) The minimum *parcel* size shall be 1,858.00 m<sup>2</sup> (19,999.35 ft<sup>2</sup> or 0.46 acres), for all uses not serviced by piped systems;
- (ii) The minimum *parcel* size *shall* be 1,858.00 m<sup>2</sup> (19,999.35 ft<sup>2</sup> or 0.46 acres), for lots served by a piped water system but not a piped sewer system;
- (iii) The minimum *parcel* size *shall* be 10,000.00 ft<sup>2</sup> (0.23 acres), for lots served by a piped sewer system but not a piped water system;
- (iv) Unless the *parcels* are within a comprehensive designed development, in which case smaller individual lots *may* be permitted, to the discretion of the *County*;
- (v) The maximum *parcel* size *shall* be 1.21 hectares (2.99 acres), unless demonstrated through a comprehensive plan, to the satisfaction of the *County*, that a larger *parcel* is appropriate.

- (b) Width of Site:
  - (i) The minimum width of the site shall be 15.00 m (49.21 ft.).
- (c) Minimum Yard, Front for Buildings:
  - (i) 6.00 m (19.69 ft.).
- (d) Minimum Yard, Side for Buildings:
  - (i) 6.00 m (19.69 ft.); except:
  - (ii) where built in accordance with the Alberta Building Code, 0.0 m (0.0 ft.).
- (e) Minimum Yard, Rear for Buildings:
  - (i) 6.00 m (19.69 ft.).

LUB 21/09/2010

## 68.7 **Building Height**

(a) Maximum of 10.00 m (32.81 ft.).

# 68.8 Parking and Loading

- On-site parking for the residential dwelling units shall be provided in accordance with the parking requirements for apartment buildings in Schedule 5 of this Bylaw. Parking for the residential units shall be provided in addition to the parking requirements for the commercial premises;
- (b) Where a *building* contains residential *dwelling* units above commercial premises, all parking for the residential use *shall* be provided on-*site*. Shared parking, off-*site* parking and/or money in lieu of parking for the residential units *shall* not be permitted;
- (c) Pedestrian movement throughout the *development* area *shall* be facilitated and encouraged through a well-developed network of sidewalks, pathways, and public gathering areas. Pedestrian movement systems are to be treated with the same importance as vehicular movement systems internal to the *development* area.

# Regulations for Buildings with Dwelling Units, and Live/Work Units

- (a) The minimum size of a Dwelling Unit shall be 65.00 m<sup>2</sup> (699.65 ft<sup>2</sup>);
- (b) The non-residential components of live/work units *shall* be limited to the permitted and discretionary uses in this district;

- (c) The business component of a live/work unit will be minimum 25% of Gross Floor Area;
- (d) The resident owner or owner's employee, as resident, shall be responsible for the business activity performed;
- (e) A subordinate and ancillary dwelling unit shall be part of and contiguous with the building that contains the principal commercial land use (i.e. on the second floor above the commercial building or attached to the commercial building, or a combination thereof, but not a separate detached building);
- (f) Live/work units may be located throughout the building;
- (g) Except as provided elsewhere in this *Bylaw*, the *dwelling unit shall* not be located on the same floor as a non-residential use;
- (h) Except as provided in this *Bylaw*, the *dwelling unit shall* not be located at street level;
- Where live/work units are on the same floor as dwelling units, the live/work uses must not share an internal hallway with the dwelling units;
- (j) Commercial uses and live/work units *may* share an internal hallway with each other:
- (k) Separate entrances shall be provided for the commercial and residential uses. Each entrance shall have direct or indirect (via a common hallway) access to a public street.

# 68.10 Regulations for Mixed-Use Buildings

- (a) A building may be occupied by a combination of one or more of the uses listed for this District and each use shall be considered as a separate use, and each use shall obtain a Development Permit. A Development Permit may include a number of uses and/or units within a building;
- (b) The minimum size of a Dwelling unit shall be 65.00 m<sup>2</sup> (699.65 ft<sup>2</sup>);
- (c) Residential dwelling units and commercial premises shall not be permitted on the same storey of a building;
- (d) Dwelling units must not be located on the ground floor of a building;
- (e) The residential *dwelling units* shall have at grade access that is separate from the access for commercial premises. Direct access from a residential *dwelling unit* to a commercial premise shall not be permitted;
- (f) A minimum of 4.00 m² (43.06 ft²) of private amenity area shall be provided for each dwelling unit in the building;

- (g) No use within any *building* or structure on the lands *shall* cause or create air contaminants, visible emissions, or particulate emissions beyond the *building* which contains them;
- (h) No use or operation within a building shall cause or create the emission of odorous matter or vapour beyond the building that contains the use or operation;
- (i) No use or operation within a *building shall* cause or create the emission of toxic matter beyond the *building* that contains it. The handling, storage, and disposal of any toxic or hazardous materials or waste *shall* be in accordance with the *regulations* of any government authority having jurisdiction.

#### 68.11 Landscaping

- (a) The minimum requirement for 10% of the *site* to be landscaped *may* be exempted in this district at the discretion of the *Development Authority*, where 100% *site coverage* for the *building* is permissible;
- (b) If an exemption is granted, a developer *may* be permitted to provide money in lieu of *landscaping* to provide *landscaping* on adjacent public property when:
  - (i) there are physical impediments to providing 10% landscaping; or
  - (ii) there is sound justification as to why the exemption should be made to provide *landscaping* on site; and
  - (iii) where off-site landscaping would benefit the County.

Agreement to this is at the sole discretion of the *Development Authority*.

# 68.12 Other Requirements

(a) At the discretion of the *Development Authority*, a *Site Development* Plan *may* be required to guide the decisions on *Development Permit* applications. Such a Plan *shall* include information regarding proposed residential and commercial *sites*, *building* locations and uses, parking areas, vehicular access and egress points, internal circulation routes, *landscaping* and at-grade amenity areas, pedestrian connections, and any other matters deemed necessary by the *County*.

# SECTION 69 COMMERCIAL – POINT COMMERCIAL (C-PT)

# 69.1 Purpose and Intent

The purpose and intent of this district is to accommodate isolated *businesses* that provide for the daily needs of the local community and/or provide a specialty service to the region. These uses *shall* be located outside of areas where a Hamlet Plan, Conceptual Scheme, or Area Structure Plan is adopted. Compatibility with the surrounding land uses and the impacts to surrounding landowners are key factors for

consideration. This includes *businesses* based in non-business areas that do not fit the criteria for *Home-based business* Types I and II, such as contractor *businesses*.

# 69.2 Uses, Permitted

Animal health care services, small animal

Banks or Financial Institutions

Building Accessory buildings

Child care facility

Commercial Communications Facilities (Type A)

Dwelling unit, accessory to the principal business use

General store (Floor Area up to 600 m<sup>2</sup>)

Government Services

Grocery stores, Local (Floor Area up to 600 m<sup>2</sup>)

Health care services

Personal Service Business

Restaurant

Signs

LUB 21/09/2010

LUB 11/09/2018

#### 69.3 Uses, Discretionary

Animal health care services, inclusive

#### Cannabis Retail Store

Contractor, general

Contractor, limited

Convenience store

Drinking establishment

Farmers Market

Home-based business, Types I, II

Horticultural Development

Kennels

Liquor Sales

Offices

Outdoor display area (See Section 26 for Display Area regulations)

Patio, accessory to the principal business use

Private Clubs and Organizations

Public buildings

Public market

Recycling collection point

Retail garden centre

Retail store, local (Floor Area up to 600.00 m<sup>2</sup> (6458.35 ft<sup>2</sup>)

Service station

Specialty food store

Any use that is similar, in the opinion of the *Development Authority*, to the permitted or discretionary uses described above that also meets the purpose and intent of this district

LUB 11/12/2012

69.4 Development Permit applications for both permitted and discretionary uses shall be evaluated in accordance with Section 12.

# 69.5 **General Regulations**

The General Regulations apply as contained in Part 3 of this *Bylaw* as well as the following provisions:

# 69.6 Minimum and Maximum Requirements

- (a) Parcel Size:
  - (i) The minimum parcel size shall be 0.486 hectares (1.20 acres).
- (b) Minimum Yard, Front for Buildings:
  - (i) 15.00 m (49.21 ft.) from any road, *County*;
  - (ii) 60.00 m (196.85 ft.) from any road, highway;
  - (iii) 10.00 m (32.81 ft.) from any road, internal subdivision;
  - (iv) 10.00 m (32.81 ft.) from any road, service adjacent to a road.
- (c) Minimum Yard, Side for Buildings:
  - (i) 6.00 m (19.69 ft.).
- (d) Minimum Yard, Rear for Buildings:
  - (i) 15.00 m (49.21 ft.).

# 69.7 **Building Height**

(a) Maximum of 10.00 m (32.81 ft.).

#### 69.8 Other Requirements

(a) Parking and storage of vehicles or equipment shall not be permitted in the minimum front, side, or rear yards.

# SECTION 70 COMMERCIAL – LOCAL COMMERCIAL (C-LC)

# 70.1 Purpose and Intent

The purpose and intent of this district is to accommodate *commercial business*, appropriate in a comprehensively-planned area, to provide a combination of shops, services, *offices*, entertainment, accommodation, and *government services*. The types of developments within this district are small to moderate in size, primarily serve the needs of local clientele, and designed to ensure pedestrian-friendly parking areas with attractive *landscaping* components.

#### 70.2 Uses, Permitted

Banks or Financial Institutions

Building Accessory buildings

Child care facility

Commercial Communications Facilities (Types A, B, C)

Convenience store

Dwelling unit, accessory to the principal business use

Government services

Health care services

Offices

Patio, accessory to the principal business use

Personal Service Business

Public buildings

Restaurant

Signs

Specialty food store

LUB 21/09/2010

LUB 11/09/2018

#### 70.3 Uses, Discretionary

Accommodation Units, compatible with available servicing

Animal health care services, small animal

#### Cannabis Retail Store

Car wash (single bay)

Contractor, limited

Drinking establishment

Farmers Market

Grocery stores, Local (Floor Area up to 600 m<sup>2</sup> (6458.35 ft<sup>2</sup>))

Liquor Sales

Outdoor display area (See Section 26 for Display Area requirements)

Private Clubs and Organizations

Public market

Recycling collection point

Retail garden centre

Retail store, local (Floor Area up to 600 m<sup>2</sup> (6458.35 ft<sup>2</sup>))

Service station

Shopping centre, local (Floor Area up to 600 m<sup>2</sup> (6458.35 ft<sup>2</sup>))

Any use that is similar, in the opinion of the *Development Authority*, to the permitted or discretionary uses described above that also meets the purpose and intent of this

district

UB 11/12/2012

# 70.4 Development Permit applications for both permitted and discretionary uses shall be evaluated in accordance with Section 12.

## 70.5 **General Regulations**

The General Regulations apply as contained in Part 3 of this *Bylaw* as well as the following provisions:

# 70.6 Minimum and Maximum Requirements

- (a) Parcel Size:
  - (i) The minimum *parcel* size *shall* be 1.01 hectares (2.50 acres), unless the *parcels* are within a comprehensive designed development, in which case smaller individual lots *may* be permitted, at the discretion of the *County*.
  - (ii) The maximum *parcel* size *shall* be 12.10 hectares (29.90 acres), unless demonstrated through a comprehensive plan, to the satisfaction of the *County*, that a larger *parcel* is appropriate.
- (b) Minimum Yard, Front for Buildings:
  - (i) 6.00 m (19.69 ft.).
- (c) Minimum Yard, Side for Buildings:
  - (i) Minimum of 6.00 m (19.69 ft.), or in the case of a *yard*, *side* abutting a railway, no *yard*, *side may* be required.
- (d) Minimum Yard, Rear for Buildings:
  - Minimum of 6.00 m (19.69 ft.), or in the case of a *yard*, *rear* abutting a railway line, no *yard*, *rear may* be required.

#### 70.7 **Building Height**

(a) Maximum of 10.00 m (32.81 ft.).

# SECTION 71 COMMERCIAL – REGIONAL COMMERCIAL (C-RC)

#### 71.1 Purpose and Intent

The purpose and intent of this district is to accommodate *commercial business*, appropriate in a comprehensively-planned area that *may* provide a combination of shops, services, *offices*, entertainment, accommodation, and *government services*. The types of *developments* within this district are moderate to large in size, primarily serve the needs of a regional clientele, and are designed to ensure pedestrian-friendly parking areas with attractive *landscaping* components.

# 71.2 Uses, Permitted

Banks or Financial Institutions
Building Accessory buildings
Child care facility
Commercial Communications Facilities (Types A, B, C)
Convenience store
Government services

Health care services

Offices

Patio, accessory to the principal business use

Personal Service Business

Public buildings

Restaurant

Signs

Specialty food store

LUB 21/09/2010

LUB 11/09/2018

# 71.3 Uses, Discretionary

Accommodation Units, compatible with available servicing

Animal health care services, small animal

Arts and cultural centre

Automotive services

#### Cannabis Retail Store

Car wash (single bay)

Colleges and Post-Secondary Education Institutions

Conference Centre

Dealership/Rental Agency, Automotive

Dealership/Rental Agency, Recreational Vehicle

Drinking establishment

Farmers Market

Gaming Establishment, Bingo

Gaming Establishment, Casino

Grocery stores, Regional

Liquor Sales

Museum

Outdoor display area (See Section 26 for Display Area regulations)

Private Clubs and Organizations

Public market

Recycling collection point

Religious Assemblies

Restaurant, Drive Through

Retail garden centre

Retail store, regional

School or College, Commercial

Service station

Shopping Centre, Regional

Truck trailer Service

Warehouse Store

Any use that is similar, in the opinion of the *Development Authority*, to the permitted or discretionary uses described above that also meets the purpose and intent of this district

LUB 11/12/2012

# 71.4 Development Permit applications for both permitted and discretionary uses shall be evaluated in accordance with Section 12.

# 71.5 **General Regulations**

The General Regulations apply as contained in Part 3 of this *Bylaw* as well as the following provisions:

#### 71.6 Minimum and Maximum Requirements

- (a) Parcel Size:
  - (i) The minimum *parcel* size *shall* be 12.1 hectares (29.90 acres);
  - (ii) Unless the *parcels* are within a comprehensive designed development, in which case smaller individual lots *may* be permitted, to the discretion of the *County*.
- (b) Minimum Yard, Front for Buildings:
  - (i) 6.00 m (19.69 ft.).
- (c) Minimum Yard, Side for Buildings:
  - (i) Minimum of 6.00 m (19.69 ft.), except:
  - (ii) Building where built in accordance with the Alberta Building Code, 0.00 m (0.00 ft.) or;
  - (iii) in the case of a *yard*, *side* abutting a railway line, no *yard*, *side may* be required.
- (d) Minimum Yard, Rear for Buildings:
  - (i) Minimum of 6.00 m (19.69 ft.), or in the case of a *yard*, *rear* abutting a railway line, no *yard*, *rear may* be required.

LUB 21/09/2010

# 71.7 Building Height

(a) Maximum of 15.00 m (49.21 ft.).

# 71.8 Multiple uses within a Building

(a) A building may be occupied by a combination of one or more uses listed for this District and each use shall be considered as a separate use, and each use shall obtain a Development Permit. A Development Permit may include a number of uses and/or units within a building.

LUB 11/12/2012

# SECTION 72 BUSINESS – HIGHWAY FRONTAGE (B-HF)

# 72.1 Purpose and Intent

The purpose and intent of this district is to allow for *development* along primary and secondary highways and major transportation links. *Development* will provide services to the traveling public and tourists, and include *businesses* that require a high degree of visibility and/or ease of access to transportation routes. These high profile areas represent 'gateway' *development* within the *County* and *shall* maintain a high standard of visual quality.

#### 72.2 Uses, Permitted

Automotive services

Building Accessory buildings

Commercial Communications Facilities (Types A, B)

Government Services

Restaurant

Restaurant, Drive Through

Service station

Signs

Tourist information services and facilities

LUB 21/09/2010

# 72.3 Uses, Discretionary

Accommodation Units, compatible with available servicing

Banks or Financial Institutions

Car wash (with internal bays only)

Conference Centre

Dealership/Rental Agency, Automotive

Dealership/Rental Agency, Implement and Equipment

Dealership/Rental Agency, Recreational Vehicle

Drinking establishment

Gaming Establishment, Bingo

Gaming Establishment, Casino

Grocery stores, Local (Floor Area up to 600 m2 (6458.35 ft2))

Grocery stores, Regional Liquor Sales

Offices

Outdoor display area (See Section 26 for Display Area requirements)

Patio, accessory to the principal business use

Personal Service Business

Truck stop

Truck trailer Service

Any use that is similar, in the opinion of the *Development Authority*, to the permitted or discretionary uses described above that also meets the purpose and intent of this district

LUB 11/12/2012

72.4 Development Permit applications for both permitted and discretionary uses shall be evaluated in accordance with Section 12.

# 72.5 **General Regulations**

The General Regulations apply as contained in Part 3 of this *Bylaw* as well as the following provisions:

# 72.6 Minimum and Maximum Requirements

- (a) Parcel Size:
  - (i) The minimum *parcel* size shall be 1.01 hectares (2.50 acres).
- (b) Minimum Yard, Front for Buildings:
  - (i) 30.00 m (98.43 ft.) from any road, County;
  - (ii) 60.00 m (196.85 ft.) from any road, highway;
  - (iii) 15.00 m (49.21 ft.) from any road, internal subdivision;
  - (iv) 10.00 m (32.81 ft.) from any road, service adjacent to a highway;
  - (v) 10.00 m (32.81 ft.) from any road, service adjacent to a road, County.
- (c) Minimum Yard, Side for Buildings:
  - (i) 30.00 m (98.3 ft.) from any road, *County*;
  - (ii) 60.00 m (196.85 ft.) from any road, highway;
  - (iii) 10.00 m (32.81 ft.) from any road, service adjacent to a road, highway;
  - (iv) 10.00 m (32.81 ft.) from any road, service adjacent to a road, County;
  - (v) 6.00 m (19.69 ft.) all other, except:
  - (vi) where built in accordance with the Alberta Building Code, 0.00 m (0.00 ft.).
- (d) Minimum Yard, Rear for Buildings:
  - (i) 30.00 m (98.43 ft.) from any road;
  - (ii) 6.00 m (19.69 ft.) all other.
- (e) Minimum Yard, Front for Parking, and Storage:
  - (i) 15.00 m (49.21 ft.) from any road, County or road, highway;
  - (ii) 8.00 m (26.25 ft.) from any *road, internal subdivision*, or road, service adjacent to a road, highway or road, *County*.

- (f) Minimum Yard, Side for Parking and Storage:
  - (i) 15.00 m (49.21 ft.) from any road, County or road, highway;
  - (ii) 8.00 m (26.25 ft.) from any *road, internal subdivision*, or road, service adjacent to a road, highway or road, *County*;
  - (iii) 6.00 m (19.69 ft.) all other.
- (g) Minimum Yard, Rear for Parking and Storage:
  - (i) 15.00 m (49.21 ft.) from any road;
  - (ii) 6.00 m (19.69 ft.) all other.

LUB 21/09/2010

# 72.7 **Building Height**

(a) Maximum of 15.00 m (49.21 ft.).

# 72.8 Other Requirements

(a) A building may be occupied by a combination of one or more uses listed for this District and each use shall be considered as a separate use, and each use shall obtain a Development Permit. A Development Permit may include a number of uses and/or units within a building.

LUB 21/09/2010

# SECTION 73 BUSINESS – BUSINESS CAMPUS (B-BC)

#### 73.1 Purpose and Intent

The purpose and intent of this district is to accommodate a mix of office and light industrial activity within a comprehensively-planned campus-like setting. Uses secondary to office and light industrial activity may provide personal services primarily to the on-site employees and secondarily to the surrounding local clientele, but does not include regional commercial uses serving a regional clientele. Development should have no off-site impacts, and must be compatible with adjacent land use. Development will be of a high quality standard of visual design, and address compatibility and transitional issues with adjacent land uses, particularly those residential in nature.

## 73.2 Uses, Permitted

Accessory Buildings Amenity Spaces for Pedestrian Use Animal health care services, small animal Business Park Commercial Communications Facilities (Types A, B, C)

General industry Type I

Government services

Laboratories

Office parks

Offices

Patio, accessory to the principal business use

Research Park

Restaurant

School or College, Commercial

Signs

LUB 11/12/2012

#### 73.3 Uses, Discretionary

Banks or Financial Institutions

Car wash (with internal bays only)

Colleges and Post-Secondary Education Institutions

Contractor, limited

Drinking establishment

Health care services

Personal Service Business

Private Clubs and Organizations

Public buildings

Recycling collection point

Religious Assemblies

Retail store, local (Floor Area up to 600 m<sup>2</sup> (6,458.35 ft<sup>2</sup>))

Any use that is similar, in the opinion of the *Development Authority*, to the permitted or discretionary uses described above that also meets the purpose and intent of this district

LUB 21/09/2010

73.4 Development Permit applications for both permitted and discretionary uses shall be evaluated in accordance with Section 12.

#### 73.5 **General Regulations**

The General Regulations apply as contained in Part 3 of this *Bylaw* as well as the following provisions:

#### 73.6 Minimum and Maximum Requirements

- (a) Parcel Size:
  - (i) The minimum *parcel* size shall be 4.05 hectares (10.01 acres), unless the *parcel*s are within a comprehensive designed *development*, in which case smaller individual lots *may* be permitted, to the discretion of the *County*.
- (b) Minimum Yard, Front for Buildings:
  - (i) 6.00 m (19.69 ft.).

#### (c) Minimum Yard, Side for Buildings:

- (i) Minimum of 6.00 m (19.69 ft.), except:
- (ii) where built in accordance with the Alberta Building Code, 0.00 m (0.00 ft.); or
- (iii) in the case of a *yard*, *side* abutting a railway line, no *yard*, *side may* be required.

# (d) Minimum Yard, Rear for Buildings:

(i) Minimum of 6.00 m (19.69 ft.), or in the case of a *yard*, *rear* abutting a railway line, no *yard*, *rear may* be required.

LUB 21/09/2010

# 73.7 **Building Height**

(a) Maximum of 15.00 m (49.21 ft.).

#### 73.8 Floor Area Ratio

(a) At the discretion of the *Development Authority*, *building heights* greater than the specified maximum *may* be allowed, if the overall Floor Area Ratio does not exceed 1.0.

# 73.9 Other Requirements

- (a) A Development Authority may require a greater building setback for an industrial development which, in the opinion of a Development Authority, may interfere with the amenity of adjacent sites;
- (b) A Development Authority may require an Environmental Impact Assessment where there is uncertainty as to potential impacts of potential significant risk from the proposed development;
- (c) A building may be occupied by a combination of one or more uses listed for this District and each use shall be considered as a separate use, and each use shall obtain a Development Permit. A Development Permit may include a number of uses and/or units within a building;
- (d) Pedestrian movement throughout the *development* area *shall* be facilitated and encouraged through a well-developed network of sidewalks, pathways, and public gathering areas. Pedestrian movement systems are to be treated with the same importance as vehicular movement systems internal to the *development area*.

#### 73.10 Landscaping

- (a) Landscaping adjacent to exterior walls that are visible from adjacent public roadways is to be designed to minimize the perceived mass of the *building* and to improve the visual appearance of long expanses of blank walls;
- (b) A minimum of 25% of the lands shall be landscaped in accordance with the Landscape Plan. Included within this 25% is a requirement for a minimum of 10% of each individual *lot* to be landscaped;
- (c) A maximum of 50% of the area required to be landscaped shall be landscaped with hard landscaping;
- (d) Landscaping shall include areas of Public Utility Lots, Municipal Reserve Lots, and stormwater management features which are enhanced with landscaping treatment, but not included in the overall 25% coverage requirement for this land use district;
- (e) All rear yards on lots are to be landscaped;
- (f) The quality and extent of *landscaping* initially established on *site shall* be the minimum standard to be maintained for the life of the *development*. Adequate means of irrigating any soft *landscaping* and maintaining both hard and soft *landscaping shall* be detailed in the *Landscaping* Plan.

LUB 21/09/2010

# SECTION 74 BUSINESS – INDUSTRIAL CAMPUS (B-IC)

#### 74.1 Purpose and Intent

The purpose and intent of this district is to accommodate a combination of office and industrial activity, where there *may* be some on-*site* nuisance factors, but none off-*site*. Outdoor storage is provided for but must be satisfactorily screened from adjacent properties. *Business*-Industrial Campus districts *may* be located in areas with limited or full services, with industrial and commercial intent, such as transportation routes and such areas identified in adopted Hamlet Plans, Conceptual Schemes, or Area Structure Plans. *Development* will address issues of compatibility and transition with respect to *adjacent land* uses. Support *businesses* are allowed for on-*site* and locally-based employees and regional clientele.

# 74.2 Uses, Permitted

Building Accessory buildings Commercial Communications Facilities (Types A, B, C) Contractor, general Contractor, limited General industry Type I Government Services Offices Patio, accessory to the principal business use Restaurant School or College, Commercial Signs

LUB 11/12/2012

# 74.3 **Uses, Discretionary** (Notes; Additional uses and Regulating in Section 72.11)

General industry Type II

Kennels

Laboratories

Outdoor display area (See Section 26 for Display Area regulations)

Outdoor storage, truck trailer

Outside storage

Personal Service Business

Recycling collection point

Retail store, local (Floor Area up to 600 m<sup>2</sup> (6,458.35 ft<sup>2</sup>))

Retail store, regional

Truck trailer service

Warehouse

Waste transfer site

Any use that is similar, in the opinion of the *Development Authority*, to the permitted or discretionary uses described above that also meets the purpose and intent of this district

LUB 21/09/2010

74.4 Development Permit applications for both permitted and discretionary uses shall be evaluated in accordance with Section 12.

#### 74.5 **General Regulations**

The General Regulations apply as contained in Part 3 of this *Bylaw* as well as the following provisions:

#### 74.6 Minimum and Maximum Requirements

- (a) Parcel Size:
  - (i) The minimum *parcel* size shall be 1.01 hectares (2.50 acres).
- (b) Minimum Yard, Front for Buildings:
  - (i) 6.00 m (19.69 ft.).
- (c) Minimum Yard, Side for Buildings:
  - (i) Minimum of 6.00 m (19.69 ft.), except:
  - (ii) where built in accordance with the Alberta Building Code, 0.00 m (0.00 ft.); or

- (iii) in the case of a *yard*, *side* abutting a railway line, no *yard*, *side may* be required.
- (d) Minimum Yard, Rear for Buildings:
  - (i) Minimum of 6.00 m (19.69 ft.), or in the case of a *yard*, *rear* abutting a railway line, no *yard*, *rear may* be required.
- (e) Minimum Yard, Front for Parking and Storage:
  - (i) 15.00 m (49.21 ft.) from any road, County or road, highway;
  - (ii) 8.00 m (26.25 ft.) from any *road, internal subdivision* or road, service adjacent to a road, highway or road, *County*.
- (f) Minimum Yard, Side for Parking and Storage:
  - (i) 15.00 m (49.21 ft.) from any road, County or road, highway;
  - (ii) 8.00 m (26.25 ft.) from any *road, internal subdivision* or road, service adjacent to a road, highway or road, *County*;
  - (iii) when adjacent to the same or a similar land use, a setback of 0.00 m (0.00 ft.) may be permitted; and
  - (iv) 6.00 m (19.69 ft.) all other.
- (g) Minimum Yard, Rear for Parking and Storage:
  - (i) 15.00 m (49.21 ft.) from any road;
  - (ii) when adjacent to the same or a similar land use, a setback of 0.00 m (0.00 ft.) may be permitted; and
  - (iii) 6.00 m (19.69 ft.) all other.

LUB 21/09/2010

#### 74.7 Building Height

(a) Maximum of 20.00 m (65.62 ft.).

#### 74.8 Other Requirements

- (a) A Development Authority may require a greater building setback for an industrial development which, in the opinion of a Development Authority, may interfere with the amenity of adjacent sites;
- (b) A Development Authority may require an Environmental Impact Assessment where there is uncertainty as to potential impacts of potential significant risk from the proposed development;

(c) A building may be occupied by a combination of one or more uses listed for this District and each use shall be considered as a separate use, and each use shall obtain a Development Permit. A Development Permit may include a number of uses and/or units within a building.

# 74.9 Landscaping

- (a) A minimum of 10% of the lands shall be landscaped in accordance with the Landscape Plan;
- (b) A maximum of 50% of the area required to be landscaped shall be landscaped with hard landscaping;
- (c) The quality and extent of *landscaping* initially established on *site shall* be the minimum standard to be maintained for the life of the *development*. Adequate means of irrigating any soft *landscaping* and maintaining both hard and soft *landscaping shall* be detailed in the *Landscaping* Plan.

LUB 21/09/2010

#### 74.10 Storage

(a) All storage is to be located to the rear and side of a principle *building* and in the event that there is no principle *building*, the storage *setback* from the *front property line* is 15 m (49.21 ft.).

# SECTION 75 INDUSTRIAL – INDUSTRIAL ACTIVITY (I-IA)

# 75.1 Purpose and Intent

The purpose and intent of this district is to provide for a range of industrial activity, including industrial activity that *may* have off-site nuisance impacts, and the support services that *may* be associated with such activity.

# 75.2 Uses, Permitted

Accessory Buildings
Agriculture, general
Commercial Communications Facilities (Types A, B, C)
Contractor, general
Contractor, limited
General Industry Type I
General Industry Type II
Government Services
Outdoor storage, truck trailer
Signs
Truck trailer service
Warehouse

LUB 21/09/2010

# 75.3 Uses, Discretionary

Cannabis Cultivation, Micro Cannabis Cultivation, Standard Cannabis Processing LUB 11/09/2018 LUB 11/09/2018 LUB 11/09/2018

Compost Facility Types I, II General Industry Type III

Licensed Medical Marijuana Production Facility (See Section 20 for regulations)

Outdoor display area (See Section 26 for Display Area regulations)

Recycling collection point

Storage area

Waste transfer site

Any use that is similar, in the opinion of the *Development Authority*, to the permitted or discretionary uses described above that also meets the purpose and intent of this district.

LUB 23/03/2014

75.4 Development Permit applications for both permitted and discretionary uses shall be evaluated in accordance with Section 12.

# 75.5 **General Regulations**

The General Regulations apply as contained in Part 3 of this *Bylaw* as well as the following provisions:

#### 75.6 Minimum and Maximum Requirements

- (a) Parcel Size:
  - (i) The minimum parcel size shall be 1.01 hectares (2.50 acres), unless the parcel is located adjacent to a primary or secondary highway, in which case the minimum parcel size shall be 2.02 hectares (4.99 acres).
- (b) Minimum Yard, Front for Buildings:
  - (i) 15.00 m (49.21 ft.).
- (c) Minimum Yard, Side for Buildings:
  - (i) 15.00 m (49.12 ft.).
- (d) Minimum Yard, Rear for Buildings:
  - (i) 15.00 m (49.21 ft.).

# 75.7 **Building Height**

(a) Maximum of 20.00 m (65.62 ft.).

#### 75.8 Other Requirements

- (a) A Development Authority may require a greater building setback for a proposed development which, in the opinion of a Development Authority, may interfere with the amenity of adjacent sites;
- (b) A Development Authority may require an Environmental Impact Assessment where there is uncertainty as to potential impacts of potential significant risk from the proposed development.

# SECTION 76 INDUSTRIAL – INDUSTRIAL STORAGE (I-IS)

# 76.1 Purpose and Intent

The purpose and intent of this district is to accommodate the outdoor storage of vehicles and equipment including RV's, trailers, farming implements, self-storage, and similar *businesses* where temporary storage is the primary use. A high standard of visual quality will be applied to these *developments*, including *landscaping* and *screening*, and consideration is given for visual impacts to *adjacent land* uses.

# 76.2 Uses, Permitted

Building Accessory buildings Commercial Communications Facilities (Types A, B, C) Dwelling unit, accessory to the principal business use Government Services Mini-storage Office, ancillary to the principal business use Signs

LUB 21/09/2010

#### 76.3 Uses, Discretionary

Accessory uses
Auctioneering services
Outside storage
Outdoor storage, recreational vehicle
Outdoor storage, truck trailer
Storage area
Warehouse

Any use that is similar, in the opinion of the *Development Authority*, to the permitted or discretionary uses described above that also meets the purpose and intent of this district.

LUB 21/09/2010

76.4 Development Permit applications for both permitted and discretionary uses shall be evaluated in accordance with Section 12.

# 76.5 **General Regulations**

The General Regulations apply as contained in Part 3 of this *Bylaw* as well as the following provisions:

# 76.6 **Minimum and Maximum Requirements**

- (a) Parcel Size:
  - (i) The minimum *parcel* size shall be 1.62 hectares (4.00 acres);
  - (ii) The maximum area shall be 8.09 hectares (20.00 acres) or a size that is satisfactory to the *County*.
- (b) Minimum Yard, Front for Buildings:
  - (i) 15.00 m (49.21 ft.).
- (c) Minimum Yard, Side for Buildings:
  - (i) 6.00 m (19.69 ft.).
- (d) Minimum Yard, Rear for Buildings:
  - (i) 6.00 m (19.69 ft.).
- (e) Minimum *Yard*, *Front* for Parking, Storage and Display of Products:
  - (i) 15.00 m (49.21 ft.) from any road, County or road, highway;
  - (ii) 8.00 m (26.25 ft.) from any *road, internal subdivision*, or road, service adjacent to a road, highway or road, *County*.
- (f) Minimum Yard, Side for Parking, Storage and Display of Products:
  - (i) 15.00 m (49.21 ft.) from any road, County or road, highway;
  - (ii) 8.00 m (26.25 ft.) from any *road, internal subdivision*, or road, service adjacent to a road, highway or road, *County*;
  - (iii) 6.00 m (19.69 ft.) all other.
- (g) Minimum Yard, Rear for Parking, Storage and Display of Products:
  - (i) 15.00 m (49.21 ft.) from any road;
  - (ii) 6.00 m (19.69 ft.) all other.

# 76.7 **Building Height**

(a) Maximum of 10.00 m (32.81 ft.).

#### 76.8 Other Requirements

- (a) A Development Authority may require a greater building setback for the proposed development which, in the opinion of a Development Authority, may interfere with the amenity of adjacent sites;
- (b) A Development Authority may require an Environmental Impact Assessment where there is uncertainty as to potential impacts of potential significant risk from the proposed development;
- (c) No vehicle storage shall be located in the front yard setback;
- (d) There shall be no storage of hazardous materials or goods on site;
- (e) No overnight or long term camping shall be allowed on site;
- (f) There shall be no storage for the salvage of, or for derelict vehicles and equipment, used building or domestic products and similar discarded or recyclable materials;
- (g) All outdoor storage, recreation vehicle sites shall have a dump station;
- (h) A minimum of 10% of the lands shall be landscaped in accordance with a Landscape Plan.

# SECTION 77 BUSINESS – LEISURE AND RECREATION (B-LR)

#### 77.1 Purpose and Intent

The purpose and intent of this district is to accommodate *business development* that provides primarily outdoor participant recreational services, tourism opportunities, and entertainment services that *may* be located outside of adopted Area Structure Plans, Conceptual Schemes, and Hamlet Plans. Developments within this district are meant to serve both a local and regional clientele. *Accommodation Units may* be included as ancillary to the principal *business* undertaking, and should be appropriate to the level of servicing available, at the discretion of the *County*, and in accordance with an adopted Area Structure Plan, Conceptual Scheme, or Hamlet Plan.

# 77.2 Uses, Permitted

Accessory uses
Building Accessory buildings
Commercial Communications Facilities (Types A, B, C)
Dwelling unit, accessory to the principal business use
Government Services
Signs

Tourist information services and facilities

LUB 21/09/2010

# 77.3 Uses, Discretionary

Accommodation Units, compatible with available servicing

Amusement and Entertainment Services

Athletic and recreation services

Bed and breakfast home

Campground, institutional

Campground, tourist

Golf Driving Range Lodging Houses and Country Inn

Indoor Participant Recreation Services

**Outdoor Participant Recreation Services** 

Patio, accessory to the principal business use

Public Park

Restaurant

Tourism Uses/Facilities, Agricultural

Tourism Uses/Facilities, General

Tourism Uses/Facilities, Recreational

Any use that is similar, in the opinion of the *Development Authority*, to the permitted or discretionary uses described above that also meets the purpose and intent of this district

LUB 11/12/2012

77.4 Development Permit applications for both permitted and discretionary uses shall be evaluated in accordance with Section 12.

# 77.5 **General Regulations**

The General Regulations apply as contained in Part 3 of this *Bylaw* as well as the following provisions:

# 77.6 Minimum and Maximum Requirements

- (a) Parcel Size:
  - (i) The minimum parcel size shall be 2.02 hectares (4.99 acres).
- (b) Minimum Yard, Front for Buildings:
  - (i) 30.00 m (98.43 ft.) from any road, *County*;
  - (ii) 60.00 m (196.85 ft.) from any road, highway;
  - (iii) 15.00 m (49.21 ft.) from any road, internal subdivision;
  - (iv) 15.00 m (49.21 ft.) from any road, service adjacent to a road, highway;
  - (v) 10.00 m (32.81 ft.) from any road, service adjacent to a road, County.

# (c) Minimum Yard, Side for Buildings:

- (i) 30.00 m (98.43 ft.) from any road, County;
- (ii) 60.00 m (196.85 ft.) from any road, highway;
- (iii) 15.00 m (49.21 ft.) from any road, service adjacent to a road, highway;
- (iv) 10.00 m (32.81 ft.) from any road, service adjacent to a road, County;
- (v) 6.00 m (19.69 ft.) all other.

#### (d) Minimum Yard, Rear for Buildings:

- (i) 30.00 m (98.43 ft.) from any road;
- (ii) 15.00 m (49.21 ft.) all other.

#### 77.7 **Building Height**

(a) Maximum of 12.00 m (39.37 ft.).

# SECTION 78 BUSINESS – RECREATION DESTINATION (B-RD)

#### 78.1 Purpose and Intent

The purpose and intent of this district is to accommodate *business development* that provides primarily indoor participant recreational services, tourism opportunities, and entertainment services within an area of the *County* identified by an Area Structure Plan, Conceptual Scheme, or Hamlet Plan as an appropriate location. *Developments* within this district are meant to serve both a local and regional clientele. *Accommodation Units may* be included as ancillary to the principal *business* use, and should be appropriate to the level of servicing available, at the discretion of the *County* and in accordance with an adopted Area Structure Plan, Conceptual Scheme, or Hamlet Plan.

#### 78.2 Uses, Permitted

Building Accessory buildings Commercial Communications Facilities (Types A, B, C) Dwelling unit, accessory to the principal business use Government Services Signs

LUB 21/09/2010

#### 78.3 Uses, Discretionary

Accessory uses
Accommodation Units, compatible with available servicing

Amusement and entertainment services

Arts and cultural centre

Athletic and recreation services

**Commercial Recreation Facilities** 

Drinking establishment

Gaming Establishment, Bingo

Gaming Establishment, Casino

Golf Driving Range

Indoor Participant Recreation Services

Patio, accessory to the principal business use

Restaurant

Tourism Uses/Facilities, General

Tourist information services and facilities

Unenclosed Ice Surfaces or Rinks

Any use that is similar, in the opinion of the *Development Authority*, to the permitted or discretionary uses described above that also meets the purpose and intent of this district.

LUB 11/12/2012

78.4 Development Permit applications for both permitted and discretionary uses shall be evaluated in accordance with Section 12.

# 78.5 **General Regulations**

The General Regulations apply as contained in Part 3 of this *Bylaw* as well as the following provisions:

# 78.6 Minimum and Maximum Requirements

- (a) Parcel Size:
  - (i) The minimum *parcel* size shall be 2.02 hectares (4.99 acres).
- (b) Minimum Yard, Front for Buildings:
  - (i) 30.00 m (98.43 ft.) from any road, *County*;
  - (ii) 60.00 m (196.85 ft.) from any road, highway;
  - (iii) 15.00 m (49.21 ft.) from any road, internal subdivision;
  - (iv) 15.00 m (49.21 ft.) from any road, service adjacent to a road, highway;
  - (v) 10.00 m (32.81 ft.) from any road, service adjacent to a road, County.
- (c) Minimum Yard, Side for Buildings:
  - (i) 30.00 m (98.43 ft.) from any road, *County*;
  - (ii) 60.00 m (196.85 ft.) from any road, highway;

- (iii) 15.00 m (49.21 ft.) from any road, service adjacent to a road, highway;
- (iv) 10.00 m (32.81 ft.) from any road, service adjacent to a road, County;
- (v) 6.00 m (19.69 ft.) all other.
- (d) Minimum Yard, Rear for Buildings:
  - (i) 30.00 m (98.43 ft.) from any road;
  - (ii) 15.00 m (49.21 ft.) all other.

# 78.7 **Building Height**

(a) Maximum of 12.00 m (39.37 ft.).

# 78.8 Parking and Loading

(a) A loading space shall be a minimum width of 4.00 m (13.12 ft.) and a minimum of 4.00 m (13.12 ft.) of overhead clearance.

# SECTION 79 BUSINESS – AGRICULTURAL SERVICES (B-AS)

# 79.1 **Purpose and Intent**

The purpose and intent of this district is to accommodate the needs of *business* uses related to agricultural activity.

# 79.2 Uses, Permitted

Accessory buildings
Agricultural support services
Agriculture, general
Animal health care services, inclusive
Animal health care services, small animal
Commercial Communications Facilities (Types A, B, C)
Dwelling unit, accessory to the principal business use
Government Services
Signs

LUB 21/09/2010

# 79.3 Uses, Discretionary

Accessory uses
Agricultural Processing, Major
Agricultural Processing, Minor
Amusement and Entertainment Services
Auctioneering services
Cannabis Retail Store
Dealership/Rental Agency, Implement and Equipment

LUB 11/09/2018

**Equestrian Facility** 

Farmers Market

General store Horticultural Development

Indoor Participant Recreation Services

Kennels

Outdoor display area (See Section 26 for Display Area regulations)

Outside storage

Public buildings and utilities

Public market

Retail garden centre

Service station

Tourism Uses/Facilities, Agricultural

Any use that is similar, in the opinion of the *Development Authority*, to the permitted or discretionary uses described above that also meets the purpose and intent of this district

LUB 11/12/2012

79.4 Development Permit applications for both permitted and discretionary uses shall be evaluated in accordance with Section 12.

### 79.5 **General Regulations**

The General Regulations apply as contained in Part 3 of this *Bylaw* as well as the following provisions:

#### 79.6 Minimum and Maximum Requirements

- (a) Parcel Size:
  - (i) The minimum *parcel* size *shall* be 2.02 hectares (4.99 acres).
- (b) Minimum Yard, Front for Buildings:
  - (i) 30.00 m (98.43 ft.) from any road, County;
  - (ii) 60.00 m (196.85 ft.) from any road, highway;
  - (iii) 6.00 m (19.69 ft.) from any road, internal subdivision;
  - (iv) 15.00 m (49.21 ft.) from any road, service adjacent to a road, highway;
  - (v) 10.00 m (32.81 ft.) from any road, service adjacent to a road, County.
- (c) Minimum Yard, Side for Buildings:
  - (i) 30.00 m (98.43 ft.) from any road, County;
  - (ii) 60.00 m (196.85 ft.) from any road, highway;
  - (iii) 15.00 m (49.21 ft.) from any road, service adjacent to a road, highway;

- (iv) 10.00 m (32.81 ft.) from any road, service adjacent to a road, County;
- (v) 6.00 m (19.69 ft.) all other.
- (d) Minimum Yard, Rear for Buildings:
  - (i) 30.00 m (98.43 ft.) from any road;
  - (ii) 15.00 m (49.21 ft.) all other.
- (e) Minimum Yard, Front for Parking, and Storage:
  - (i) 15.00 m (49.21 ft.) from any road, County or road, highway;
  - (ii) 8.00 m (26.25 ft.) from any *road, internal subdivision* or road, service adjacent to a road, highway or road, *County*.
- (f) Minimum Yard, Side for Parking and Storage
  - (i) 15.00 m (49.21 ft.) from any road, County or road highway;
  - (ii) 8.00 m (26.25 ft.) from any *road, internal subdivision* or road, service adjacent to a road, highway or road, *County*;
  - (iii) 6.00 m (19.69 ft.) all other.
- (g) Minimum Yard, Rear for Parking and Storage:
  - (i) 15.00 m (49.21 ft.) from any road;
  - (ii) 6.00 m (19.69 ft.) all other.

LUB 21/09/2010

#### 79.7 **Building Height**

(a) maximum of 15.00 m (49.21 ft.).

#### 79.8 Other Requirements

- (a) A Development Authority may require a greater building setback for a proposed development which, in the opinion of a Development Authority, may interfere with the amenity of adjacent sites.
- (b) A Development Authority may require an Environmental Impact Assessment where there is uncertainty as to potential impacts of potential significant risk from the proposed development.

LUB 21/09/2010

# SECTION 80 COMMERCIAL – SPRINGBANK COURT DISTRICT (C-SC)

#### 80.1 PURPOSE AND INTENT

The purpose and intent of this District is to provide a suitable land use district for a business park setting and the variety of business and consumer needs specific to this highly visible, vehicular-access oriented site. Business and commercial development is intended to provide services to the travelling public, tourists, and the local Springbank community. Professional based office and contractor services, a mix of small scale light manufacturing and warehousing, and some limited high-value and convenience based retail opportunities to a more regional clientele is encouraged. Some institutional and public uses are also considered appropriate for the area. A high quality, visual appearance is required for development, achieved through: specific building-design requirements, landscaping, screening, and site-periphery buffering requirements; and regulations which prohibit uses which create offsite impacts or nuisances related to noise, odour, visual appearance, safety, or emission considerations.

#### 80.2 LISTED USES

- (a) For the purposes of this *Bylaw*, the Commercial Springbank Court District shall be divided into Development Cells, as indicated on Schedule C, attached hereto and forming part hereof.
- (b) The following uses are provided in each of the corresponding *Development* Cells, for *development* purposes within the Land Use District area.
- (c) Uses, Permitted all Development Cells

Agricultural Processing, Major

Agricultural Processing, Minor

Agricultural Support Services

Animal Health Care Service (Small Animal)

Arts and Cultural Centre

Athletic and Recreation Services

Child Care Facility

Commercial Communications Facilities (Types A, B)

Commercial Recreation Facilities

Contractor Limited

General Store

**Government Services** 

Grocery Store, Local

Health Care Services

Horticultural Development

Market Garden

Museum

Offices

**Outdoor Cafe** 

Personal Service Business

Private Clubs and organizations

Public Building

Public Park

Restaurant

Retail Food Store

Retail Store, Local

Signs

Specialty Food Store

Warehouse

Warehouse Store

LUB 11/12/2012

#### (d) Uses, Discretionary - all Development Cells

Accessory building

Accessory Use

Animal Health Care Service, Inclusive

Automotive Services

Cannabis Retail Store

LUB 11/09/2018

Car Wash

Cemetery & Interment Services (applicable only within Lot 1, Block 1, Plan 0413544, and Lot 14, Plan 9612362)

LUB 22/11//2016

Conference Center

Dealership/Rental Agency, Automotive

Dealership/Rental Agency, Implement and Equipment

Dealership/Rental Agency, Recreational Vehicle

Drinking establishment

Dwelling, Accessory to principal use for security purposes

Farmers Market

Hotel

Indoor Participant Recreation Services

Kennel

Light Manufacturing

Liquor Sales

Ministorage

Motel

**Outdoor Participant Recreation Services** 

Outdoor Storage, Recreational Vehicle

Public Market

Recycling Collection Point

Religious Assembly

Retail Garden Center

Service Station

Shopping Center, Local

Storage Area

Tourism Uses/Facilities, Agricultural

Tourism Uses/Facilities, General

Tourism Uses/Facilities, Recreational

Any use that is similar, in the opinion of the Development Authority, to the permitted or discretionary uses described above that also meets the purpose

and intent of this District

Table of Schedules is amended in the following respects:

LUB 11/12/2012

# 80.3 **GENERAL LAND USE REGULATIONS**

- (a) The General Administration and General Regulations apply as contained in Parts 1, 2, and 3 of this *Land Use Bylaw* as well as the provisions.
- (b) Minimum and Maximum Requirements
  - (i) Parcel Size:
    - 1. The minimum *parcel* size shall be 0.80 hectares (1.98 acres).
  - (ii) Minimum Yard, Front for Buildings:
    - 1. Development Cell A from any internal road 6.0 m
    - 2. Development Cell A from any County Township or Range Road 30.0 m
    - 3. Development Cell B from any internal road 6.0 m
  - (iii) Minimum Yard, Side for Buildings:
    - 1. Development Cell A 6.0 m
    - 2. Development Cell A from Township Road 245 15.0 m
    - 3. Development Cell A from Range Road 33 30.0 m
    - 4. Development Cell B 3.0 m
    - 5. Development Cell B from any internal road 6.0 m
  - (iv) Minimum Yard, Rear for Buildings:
    - 1. Development Cell A from Highway 1 60.0 m
    - 2. Development Cell A from SE-34-24-3-W05M 15.0 m
    - 3. Development Cell A 6.0 m
    - 4. Development Cell B 6.0 m
  - (v) Maximum height of buildings:
    - 1. *Principal building* 12.0 m (39.3 ft.)
    - 2. Accessory buildings 6.0 m (19.7 ft.)
  - (vi) Maximum total *Building* Coverage for all *buildings* on site:
    - 1. Development Cell A and Cell B 35%.

#### (vii) Maximum number of Free Standing Signs:

1. Development Cell A and Cell B – 1

#### 80.4 **DEVELOPMENT REGULATIONS**

(a) The following development regulations apply for all new Development Permit applications for any use or development in the Land Use District.

# (b) Water Supply and Sewage Treatment

- (i) Potable water for all *development* on the site shall be provided by a piped source, licensed and approved for commercial use by Alberta Environment, or hauled to the site and stored in cisterns, as approved by the *County* and to the satisfaction of the *County*;
- (ii) Disposal of wastewater shall be subject to all requirements of Alberta Environment and/or Alberta Municipal Affairs and all *County* approvals pursuant to this *Bylaw* to the satisfaction of the *County*.
- (iii) Chemically treated waste from Recreational Vehicles shall be collected via an approved dump station and shall then be placed in holding tanks and removed on a regular basis for disposal and treatment at an approved disposal facility to the satisfaction of the County.

#### (c) Site Development and Building Design Regulations

- (i) Section 25: Design, Character, and Appearance of Buildings and Structures, of *Land Use Bylaw* C-4841-97, as amended, apply, in addition to the following District-specific regulations;
- (ii) In Development Cell A, if a building or parcel lies adjacent to Highway 1 or Range Road 33, the building must provide a double-frontage building façade (one frontage facing the highway, and one frontage facing the internal road) in order to provide visual interest from both viewpoints. A minimum of two of the following architectural features must be used in these instances: canopies; columns; pitched or raised cornice roof forms; recesses or projections, windows, or other features that can be used to enhance the building façade, as deemed appropriate by the Development Authority;
- (iii) In Development Cell A and Development Cell B, the visual enhancement of the business park must be improved by the use of public entrances which are accentuated by a minimum of one example of two or more of the following design features: arcades, arches, awnings, columns, pitched, or raised cornice roof forms, porticoes, recesses or projections, or other features, as deemed appropriate by the Development Authority. The finishing materials and design of the front-entrance façade must be used on the other facades of the building;

- (iv) Any Outdoor Display Area shall be integrated with the site landscaping provisions to soften the visual impact from the adjacent roadways and adjacent lands, to the satisfaction of the Development Authority;
- (v) Section 26.11.27 (Screening) of Land Use Bylaw C-4841-97, as amended, shall apply to all parcels of land within Development Cell A and Development Cell B, when a Development Permit application for any Storage Area or Outside Storage, Recreational Vehicle use is applied for, to the satisfaction of the Development Authority;
- (vi) The Performance Standards and Development Guidelines, contained in Section 5.7.3 of the North Springbank Area Structure Plan (Bylaw C-5035-99, as amended) apply, with the exception that Outside Storage areas and Outdoor Display areas may be located in minimum side and rear yard setbacks, to the satisfaction of the Development Authority;
- (vii) Signage shall be considered concurrently with a *Development Permit* application and may be integrated into *building* architecture and *shall* be consistent with the overall *development* theme.

#### (d) Site Landscaping Regulations

- (i) Section 26: Landscaping and Screening Requirements, of Land Use Bylaw C-4841-97, as amended, apply, in addition to the following District-specific regulations;
- (ii) In *Development* Cell A, a minimum 50% (of the minimum 10% site *landscaping* required), *shall* be located in the site-periphery portions of the property, which include Highway 1, Range Road 33, Township Road 245, or the SE-34-24-03-W05M in order to provide additional *screening* and buffering to adjacent lands and transportation corridors;
- (iii) In *Development* Cell B, *landscaping* provisions are encouraged to be located in the front and side-yard portions of the property in order to provide additional visual appeal to *business park* residents and users;
- (iv) In *Development* Cell A, *landscaping* and fencing for site periphery portions of the property shall be encouraged to be integrated with (or improved upon) adjacent *landscaping* and fencing already in place.

#### 80.5 BYLAW REVIEW CLAUSE

The contents and function of the Commercial Springbank Court District (CSC) will be reviewed by Administration within a five (5) year period from *Bylaw* adoption to consider the operation and effectiveness of the District regulations.

LUB 21/09/2010



# Recreational Cannabis Regulations – Survey Results June 29 – July 30, 2018 1,212 responses (3% of County population)

Q1.	This survey is only for Rocky View County residents, property owners, and business owners. From the	е
	map below, where do you live, own property or own a business?	

Division 1 – Southwest Rocky View County, Bragg Creek	(14.11%)
Division 2 – Springbank	(12.05%)
Division 3 – Elbow Valley, Springbank	(12.29%)
Division 4 – Southeast Rocky View County, Langdon, Indus	(21.78%)
Division 5 - East Rocky View County, Dalroy, Conrich	(5.20%)
Division 6 - Northeast Rocky View County, Kathyrn, Keoma	(5.12%)
Division 7 – North Rocky View County, Balzac, Madden	(7.34%)
Division 8 – Bearspaw	(14.03%)
Division 9 – Northwest Rocky View County, Cochrane Lake	(8.09%)

Q2. The passing of the federal Cannabis Act on June 19, 2018 requires Rocky View County to prepare for retail cannabis locations to start operating later this year. We are responsible for creating policy which includes determining where retail cannabis stores may be located within the County. Where do you feel it would be appropriate to allow for retail cannabis stores in the County? (select all that apply)

□ Commercial areas (79.23%)
□ Industrial areas (28.43%)
□ Agriculture areas (12.26%)
□ Residential areas (7.32%)
□ Other (please specify): (14.13%)

Of the responses that chose "other":

- 56% didn't want to see cannabis stores anywhere at all;
- 8.5% wanted to see cannabis retail treated the same as liquor sales;
- 6% wanted to see cannabis retailed within the City of Calgary, or with the towns not within the rural community;
- 4.8% felt it should be available in any retail location; and
- 4.24% felt it should be sold through hospitals, pharmacies/medical clinics etc.

The remaining responses were a combination of wanting to see cannabis sold near police stations, within commercial areas, nowhere near schools, in specialized locations, where cigarettes are sold, or online.



Q3.	The Province will require that cannabis retail stores be located at least 100 m (328 ft.) away from
	healthcare facilities, schools, and school reserve land. Do you feel this distance is adequate or would you
	suggest another distance?

100 m is adequate	(22.28%)
200 m	(6.54%)
300 m	(9.73%)
More than 300 m	(56.85%)
No opinion	(4.60%)

Q4. Related to Question 3, the County can also create its own requirements. In the list below, check what you feel would be an appropriate distance between cannabis retail locations and other places.

# Other cannabis retail stores:

No setback	(26.92%)
50 m	(2.14%)
100 m	(5.44%)
200 m	(3.30%)
300 m	(6.51%)
More than 300 m	(44.12%)
No opinion	(11.59%)

# Liquor stores: No setback

50 m	(3.04%)
100 m	(7.96%)
200 m	(3.40%)
300 m	(6.08%)
More than 300 m	(27.73%)

(39.89%)

(11.90%)

# Residential dwellings:

■ No opinion

No setback	(7.93%)
50 m	(2.05%)
100 m	(9.00%)
200 m	(5.70%)
300 m	(8.11%)
More than 300 m	(63.01%)
No opinion	(4.19%)



Daycare facilities:	
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No setback	(5.08%)
50 m	(1.43%)
100 m	(9.18%)
200 m	(4.37%)
300 m	(7.13%)
More than 300 m	(69.43%)
No opinion	(3.39%)

If there are other places you believe should be set back from cannabis retails stores, please list them and the setback distance you believe appropriate.

□ Other:

With question #4, respondents were asked to list other locations that should be setback from cannabis stores, and to specify the setbacks suggested. The majority wanted to see unspecified setbacks from anywhere the general public would be - specifically with concern regarding the location and congregation of minors and families.

- 10% of the responses specifying recreational spaces, outdoor fields, parks, pathways, trails, & sports facilities, and
- 17% specifying churches, schools, daycares, community centers, theme parks etc.
- Another 10% didn't want to see cannabis stores anywhere in the County.

Of the responses that specified desired setbacks:

- 27% of respondents suggested a 300 m setback, siting specific areas that include the above locations, as well as residential areas, hospitals, remand centres, movie theatres, service stations, and agricultural areas.
- Another 5% suggested that the setbacks required of liquor stores should be applied to cannabis stores.
- Approximately 2% suggested a setback of 100 m from community and recreational facilities, and churches.

The above responses compose 64% of the comments received, and the over-arching feeling was that cannabis retail stores should be setback well away from where minors and families would be gathering.

There were a few requests for much higher setbacks of 500 metres to 100 miles from many of the already-specified locations, and several responses citing other areas from which cannabis stores should be setback; areas such as healthcare facilities and shelters, restaurants and patios, places of employment, shopping centers, guns and hunting supplies stores, and nightclubs and bars were mentioned.

The Province will limit hours of operation between 10 am and 2 am, seven days a week. The only day locations must be closed is December 25. The County can create its own requirements.

#### Q5. The County should restrict the opening time of locations to:

10 a.m. (earliest allowed)	(64.88%)
11 a.m.	(8.10%)
Noon	(11.28%)
1 p.m.	(8.74%)
Other (please specify):	(7.01%)

Recreational Cannabis Regulations - Survey Results

### **APPENDIX 'D': Online Survey Results**



Of the 73 responses that chose "other":

- 26% felt that cannabis stores shouldn't have any hours of business, or shouldn't be open at all;
- 16% felt that cannabis stores should be treated the same as liquor stores;
- 15% responded with specific evening to late evening hours or indicated they should be open as late as possible; and
- 11% felt that it shouldn't be up to the County to determine the hours that the hours of business should be determined by the business owner.

The remaining answers were evenly disbursed between early morning hours of business, 24 hour operations, being closed during school lunch breaks, having as few hours of operation as possible, and being treated like any other retail store.

Q6.	The County	/ should	restrict the	closing	time of	locations	to:
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11 p.m.	(45.80%)
Midnight	(14.18%)
1 a.m.	(1.17%)
2 a.m. (latest allowed)	(19.96%)
Other (please specify):	(18.88%)

Of the 205 responses that chose "other":

- 27% felt that 9:00 p.m. would be a good closing time, much like other retails stores, while another 10% felt the cannabis stores should close at 10:00 p.m., and another 10% suggested 6:00 p.m.
- Just over 9% suggested 8:00 p.m.
- Almost 9% of the responses suggested that the closing time should be the same as liquor stores, and an equal amount suggested that there shouldn't be any hours of operation at all.
- Finally, 5% suggested 5:00 p.m. as a closing time, and the remaining responses were disbursed evenly between very early hours, before school lets out, 24-hours, consistency with the province, or having no opinion.
- Q7. Smoking is regulated by the Province of Alberta's *Tobacco and Smoking Reduction Act*. Smoking is not allowed in enclosed public places, workplaces, in vehicles with minors, in public vehicles, or within a prescribed distance from a building.

How do you feel public consumption of recreational cannabis should be regulated in the County compared to the consumption of tobacco.

Less restrictive	(3.59%)
The same	(37.65%)
More restrictive	(58.76%)

Q8. The public consumption of alcohol is regulated by the *Gaming and Liquor Act*. Consumption is only allowed within a licensed area or private residence.

How do you feel public consumption of recreational cannabis should be regulated in the County compared to the consumption of liquor.

Less restrictive	(10.55%)
The same	(50.64%)



■ More restrictive	(38.82%)
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# Q9. Are you completing this survey on behalf of:

Yourself or your family	(98.46%)
A community organization	(0.45%)
A business	(0.72%)
Other:	(0.36%)

### Q10. What is your age?

Under 18	(0.09%)
18-24	(1.54%)
25-34	(6.34%)
35-44	(19.38%)
45-54	(24.37%)
55-64	(25.36%)
65-74	(15.67%)
75 or older	(3.89%)
Prefer not to say	(3.35%)

# Q11. Are there any other items you think the County should take into consideration?

There were a number of other items that respondents felt the County should take into consideration. The most common comments focused on the rules and regulations regarding cannabis retail (12%). Most comments in this regard suggested that the rules and regulations should be very strict, and a few of these mentioned that the rules could be relaxed as needed as impacts are felt and analyzed.

The second most common theme focused on the enforcement of the above mentioned rules and regulations, and the desire for increased police presence to deal with bylaw enforcement, drivers under the influence, and potential increases in crime rates (11.9%).

The next common thread was with regard to the dislike of the smell emitted by smoking cannabis (10.9%), and a number of people commented on the ill-effects of second-hand smoke and the desire to not be exposed to it (5.9%). Many respondents were concerned about the health effects of those smoking or being exposed to cannabis (6.9%), and a number of respondents were worried about the increase in intoxicated drivers on County roads and the corresponding increase accidents (6.5%).

Some people reiterated that cannabis retail laws should be the same as liquor laws (5.9%), and some reiterated that the rules should be the same as tobacco laws (5.2%).

A number of respondents expressed an outright disapproval of the legalization (4.9%), a number of individuals questioned what would be allowed on their, or their neighbour's, land and expressed a desire to ensure certain uses were and weren't available (3.4%). Several mentioned the need for updated workplace rules and policies (2.7%).

The remaining responses circled around:

• Limiting the number of retail locations in a specific geographic area (2.5%);

# **APPENDIX 'D': Online Survey Results**



- General support of the product and the legislation (2.2%);
- A desire to keep retails stores out of the county (1.9%);
- The desire to see this as an income opportunity;
- The desire to obtain more education as a municipality and provide more education to the residents;
- Suggestions to have designated consumption areas;
- A concern with the additional costs monitoring and enforcement will incur; and
- Suggestions to follow provincial laws rather than creating our own.

A few people mentioned limiting access to retail stores, ensuring significant setbacks, being cognizant of environmental concerns (littering, wildlife health, and forest fires), recognizing medical use separately, keeping use restricted to within private residences, and increasing age limits for purchasing cannabis.



# **LEGISLATIVE & LEGAL SERVICES**

TO: Council

DATE: September 11, 2018 DIVISION: All

**FILE**: 0194

**SUBJECT:** Rescheduling the October 9, 2018 Regular Council Meeting

# <sup>1</sup>ADMINISTRATION RECOMMENDATION:

THAT the regular Council meeting scheduled for October 9, 2018 at 9:00am be changed to October 16, 2018 at 9:00am to be held at the new County Hall located at 262075 Rocky View Point, Rocky View County, AB.

# **EXECUTIVE SUMMARY:**

At the October 24, 2017 Organizational Meeting, Council approved the dates and times of all regular Council meetings for 2018 as per section 193(1) of the *Municipal Government Act* and section 8 of Procedure Bylaw C-7295-2013.

The move for staff from the current Administration building to the new County Hall will commence on Friday, October 5, 2018 and continue through to the end of the day on Monday, October 8, 2018 which is a statutory holiday. Tuesday, October 9, 2018 is a scheduled regular Council meeting. To ensure that all the audio and technical requirements are working properly for the Council meeting, and also to provide time for administration to unpack and organize their work stations, Administration recommends changing the October 9, 2018 Council meeting to October 16, 2018 instead.

Administration has not scheduled any public hearings for the October 9, 2018 Council meeting in anticipation of creating a lighter agenda and providing staff and the public a chance to adjust to the new location. With a light Council agenda, the following options are also available for consideration:

- 1. Proceed with the October 9, 2018 Council meeting at the current Administration building instead of the new County Hall location (Option 2).
- 2. Cancel the October 9, 2018 Council meeting (Option 3).

Section 193(3) of the *Municipal Government Act* provides that if Council changes the date, time, or place of a regularly scheduled Council meeting, the municipality must give at least 24 hours' notice of the change. Given that the physical location of our office will change, notification of the change of place will be advertised in the Rocky View Weekly, the County's website, and at the current Administration building. Should Council approve the recommended change from October 9, 2018 to October 16, 2018, then the change of date will also be advertised as required.

Administration recommends approval in accordance with **Option #1**.

# **BACKGROUND:**

Consideration of the timing of the move to the new County Hall was not feasible when the 2018 regular Council meeting dates were approved by Council in October, 2017 as construction was ongoing.

Charlotte Satink, Deputy Municipal Clerk

<sup>&</sup>lt;sup>1</sup> Administration Resources

The decision to commence the move to the new County Hall on the October 5, 2018 weekend provides for one extra moving day because of the statutory holiday (Thanksgiving). It also ensures that services can continue without the need to close the office and shut-down operations.

Changing the October 9, 2018 regular council meeting date to October 16, 2018 would provide extra time for Administration to ensure that audio and technical requirements are working properly and would also allow more time for staff to organize their work stations.

Should the Council meeting on October 9, 2018 proceed as scheduled at the current Administration Building, it would proceed as normal with only the applicable staff attending as required.

Should the October 9, 2018 Council meeting be cancelled completely, it would also provide for extra time for staff and the public to adjust to the change.

# **BUDGET IMPLICATION(S):**

N/A

# **OPTIONS:**

Option #1: THAT the regular Council meeting scheduled for October 9, 2018 at 9:00am be

changed to October 16, 2018 at 9:00am to be held at the new County Hall

located at 262075 Rocky View Point, Rocky View County, AB.

Option #2: THAT the regular Council meeting scheduled for October 9, 2018 at 9:00am be

held at the current Administration building at 911 32 Avenue NE, Calgary, AB.

Option #3: THAT the regular Council meeting scheduled for October 9, 2018 be cancelled.

Option #4: THAT Council provide alternative direction.

Respectfully submitted,	Concurrence,
"KENT ROBINSON"	"RICK MCDONALD"
General Manager	Interim County Manager

cs/

#### **ATTACHMENTS:**

ATTACHMENT A: 2018 Council and Committee Meeting Dates

# **ATTACHMENT A**



# 2018 Rocky View County Council & Committee Dates <sup>(1)</sup> 911 – 32 Avenue NE, Calgary, Alberta

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(1) All Council & Committee meeting dates are subject to change by resolution. Special meetings may be added as per the Municipal Government Act.

Approved: October 24, 2017



# **ENGINEERING SERVICES**

TO: Council

DATE: September 11, 2018 DIVISION: 9

**FILE:** PL20180032

**SUBJECT:** Road Plan 6397I Closure located in NW-08-27-04-W5M for consolidation purposes

# <sup>1</sup>ADMINISTRATION RECOMMENDATION:

Motion #1 THAT the resolution to close and consolidate a portion of road located within the NW-

08-27-04-W5M as shown on Road Plan 6397I be approved as per Attachment 'A'.

Motion #2 THAT Administration be directed to forward the resolution included as Attachment 'A'

to the Minister of Transportation for approval.

Motion #3 THAT Administration be authorized to prepare and endorse a Land Sale Agreement at

the cost of \$11,000.00 for the transfer of lands with the applicant, and that all incidental costs to create the title and consolidate with the adjacent lands be at the sole expense of the applicant, subject to approval of the resolution by the Minister of Transportation.

# **EXECUTIVE SUMMARY:**

The purpose of this report is to consider the closure of a portion of a road located within the NW-08-27-04-W5M as shown on Road Plan 6397I for consolidation with the adjacent surrounding lands. This closure is being done by Resolution in accordance with Section 24 of the *Municipal Government Act* as the portion to be closed is part of a surveyed road plan.

As per Section 24 of the *Municipal Government Act*, Council, with the approval of the Minister of Transportation, may by Resolution close the whole or any part of a road described in a surveyed road plan that Council determines is no longer required for use by the travelling public owing to the existence of an alternate route.

As per Procedure 443, Administration has obtained a fair market value appraisal for the undeveloped Road Plan, and the value given is \$11,000.00 for the 5.82 acre portion. Both Adminstration and the Applicant are in support of the value given and are proceeding with the closure and consolidation.

Administration recommends approval in accordance with Option #1.

#### **DISCUSSION:**

Administration received an application to close for consolidation a portion of Road Plan 6397I (1903) that has never been developed as a road for the purpose of consolidation into the applicants surrounding lands, located in the NW-08-27-04-W5M. The applicant has proposed this closure and consolidation for the purpose of building a home on the property (South East Corner) without having an open road allowance through their property as well as to remove the requirement for compliance and setback relaxations to the road allowance.

Angela Pare, Engineering Services Support Technician

<sup>&</sup>lt;sup>1</sup>Administration Resources



During the circulation portion of this application, Administration received no concerns of note from internal or external agencies and no easements are required. Administration received 4 responses of support from adjacent landowners and 2 responses of neither support or objection, rather asking what effect this closure would have on the exsisting approaches and home on the property.

Those landowners were contacted and advised the closure would have no effect on the current location of the approaches or dwelling on the propery and that the closure, if approved, would add more land to the current parcel and remove the public right of way (road allowance) through the middle of the guarter section.

Administration has completed an appraisal of the lands and the value given to this 5.82 acre portion of land is \$11,000.00. The applicant is supportive of the appraisal and is wishing to proceed with the closure and consolidation.

This portion of Road Allowance is not part of the County's Long Range Regional Transportation Infrastructure Network Plan nor does Administration have any need to retain this portion of Road Allowance. There are no other network plans from Alberta Transportation in this area, and the closure of this portion of road does not restrict access to or create any land locked parcels

#### **OPTIONS:**

Motion #1	THAT the resolution to close and consolidate a portion of road located within the NW-08-27-04-W5M as shown on Road Plan 6397I be approved as per Attachment 'A'.			
Motion #2	THAT Administration be directed to forward the resolution included as Attachment 'A' to the Minister of Transportation for approval.			
Motion #3  THAT Administration be authorized to prepare and endorse Agreement at the cost of \$11,000.00 for the transfer of lands applicants, and that all incidental costs to create the title and with the adjacent lands be at the sole expense of the applicate to approval of the resolution by the Minister of Transportation				
THAT altern	ative direction be provided.			
submitted,	Concurrence,			
Byron Riema	nn Rick McDonald			
ager	Interim County Manager			
	Motion #2  Motion #3  THAT alternates submitted,  Byron Riema			

#### **ATTACHMENTS:**

AP

ATTACHMENT 'A' – Proposed Resolution ATTACHMENT 'B' – Mapset ATTACHMENT 'C' – Landowner Responses



AGENCY	COMMENTS
School Authority	
Rocky View Schools	No objections
Calgary Catholic School District	No comments received
Public Francophone Education	Not required for circulation
Catholic Francophone Education	Not required for circulation
Province of Alberta	
Alberta Environment	No comments received
Alberta Transportation	No initial concerns, or comments
Alberta Sustainable Development (Public Lands)	No comments received
Alberta Culture and Community Spirit (Historical Resources)	Not required for circulation
Energy Resources Conservation Board	No comments received
Alberta Health Services	No comments received
Public Utility	
ATCO Gas	No objections
ATCO Pipelines	No objections
AltaLink Management	No comments received
FortisAlberta	No objections, no easement required as no facilities located in this road allowance.
Shaw Cablesystems G.P.	No comments received
Telus Communications	Will not require a Right of Way Agreement as no facilities located within the road area.
TransAlta Utilities Ltd.	No comments received
Rockyview Gas Co-op Ltd.	No comments received
Other External Agencies	
EnCana Corporation	No comments received
Town of Cochrane	No comments received



AGENCY	COMMENTS				
Boards and Committees					
ASB Farm Members and Agricultural Fieldman	No comments received				
Bow North Recreation Board	No comments received				
Internal Departments					
Municipal Lands	No concerns with this application				
Agricultural & Environmental Services	No agricultural concerns				
Planning Services	No objections to the proposed closure or consolidation				
GeoGraphics	No comments received				
Building Services	No comments received				
Emergency/Enforcement Services	No comments received				
Fire Services	No concerns at this time				
Infrastructure and Operations- Engineering Services	No concerns with this proposed closure or consolidation				
Infrastructure and Operations- Maintenance	No Issues				
Infrastructure and Operations- Capital Delivery	No Concerns				
Infrastructure and Operations- Road Operations	No Concerns				
Infrastructure and Operations- Utility Operations	No Concerns				
Circulation Period: April 10, 2018 to May 4, 2018					



#### **ROCKY VIEW COUNTY**

#### RESOLUTION

A Resolution of Rocky View County for the purpose of closing to public travel and cancelling a public highway in accordance with Section 24 of the Municipal Government Act, being c-26 of the Revised Statutes of Alberta 2000, and amendments thereto:

WHEREAS the lands hereafter described are no longer required for public travel;

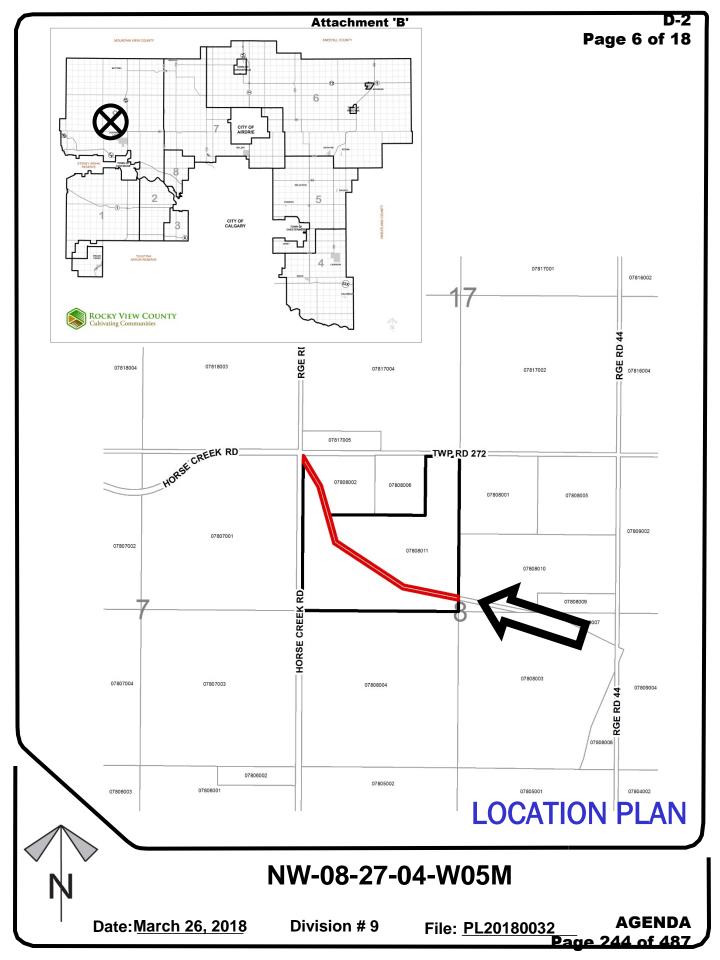
NOW THEREFORE be it resolved that the Council of Rocky View County does hereby close the following described road, subject to rights of access granted by other legislation:

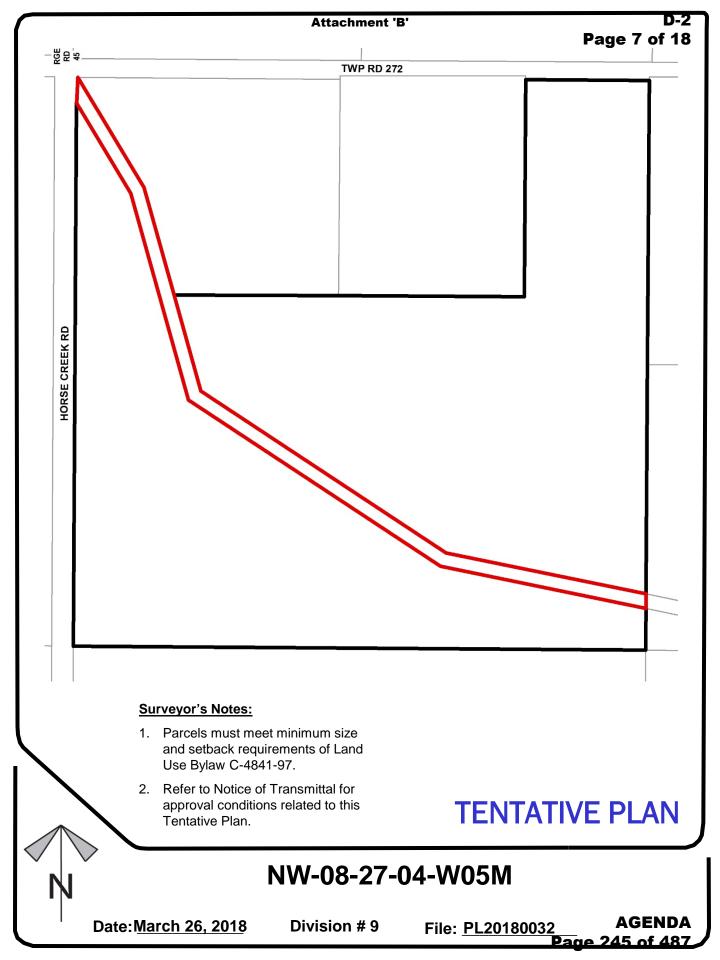
ALL THAT PORTION OF ROAD PLAN 6397I WITHIN THE NORTH WEST QUARTER SECTION 8, TOWNSHIP 27, RANGE 4, WEST OF THE 5<sup>TH</sup> MERIDIAN, CONTAINING 2.355 HECTARES (5.82 ACRES) MORE OR LESS.

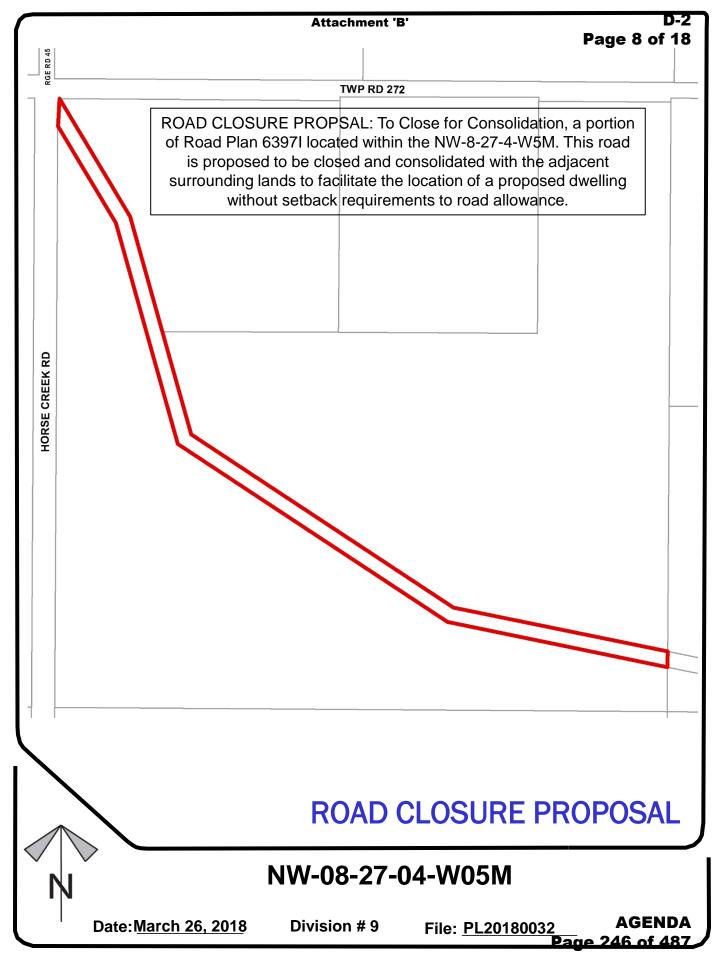
EXCEPTING THEREOUT ALL MINES AND MINERALS.

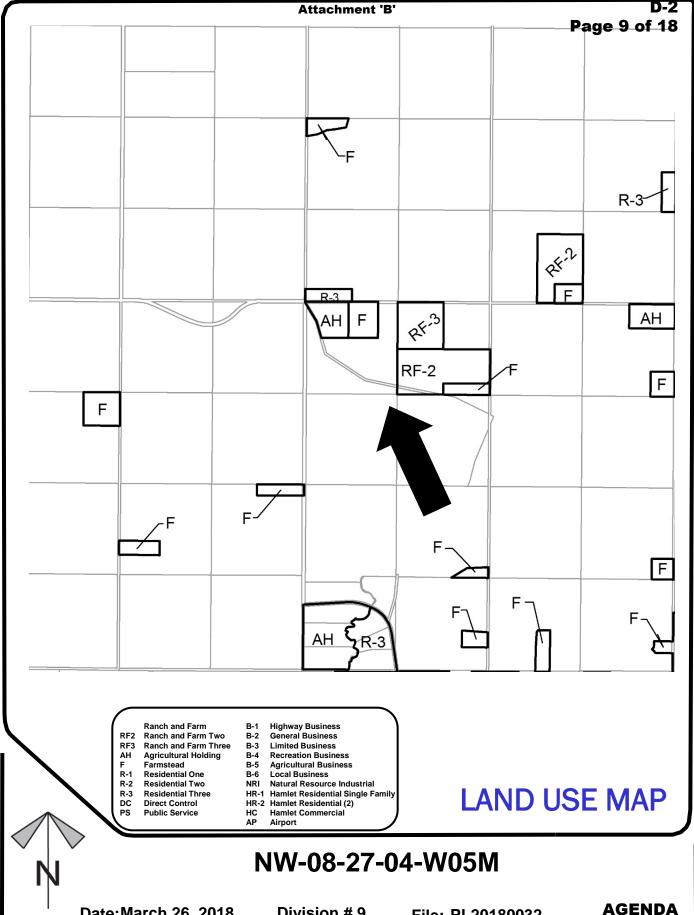
, 20	day of	APPROVED this
REEVE/DEPUTY REEVE		
CAO OR DESIGNATE		
, 20	day of <sub>.</sub>	APPROVED this
STER OF TRANSPORTATION	MIN	

20

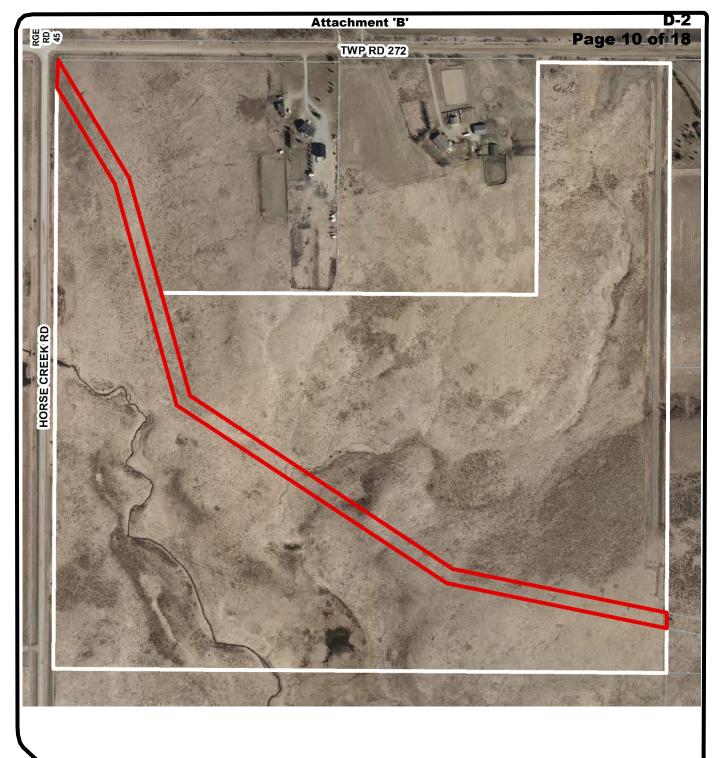








Date: March 26, 2018 Division # 9 File: PL20180032 AGENDA
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Note: Post processing of raw aerial photography may cause varying degrees of visual distortion at the local level.

# **AIR PHOTO**

Spring 2016

NW-08-27-04-W05M

Date: March 26, 2018

Division #9

File: PL20180032
Page 248 of 487



Contours are generated using 10m grid points, and depict general topographic features of the area. Detail accuracy at a local scale cannot be guaranteed. They are included for reference use only.

# **TOPOGRAPHY**

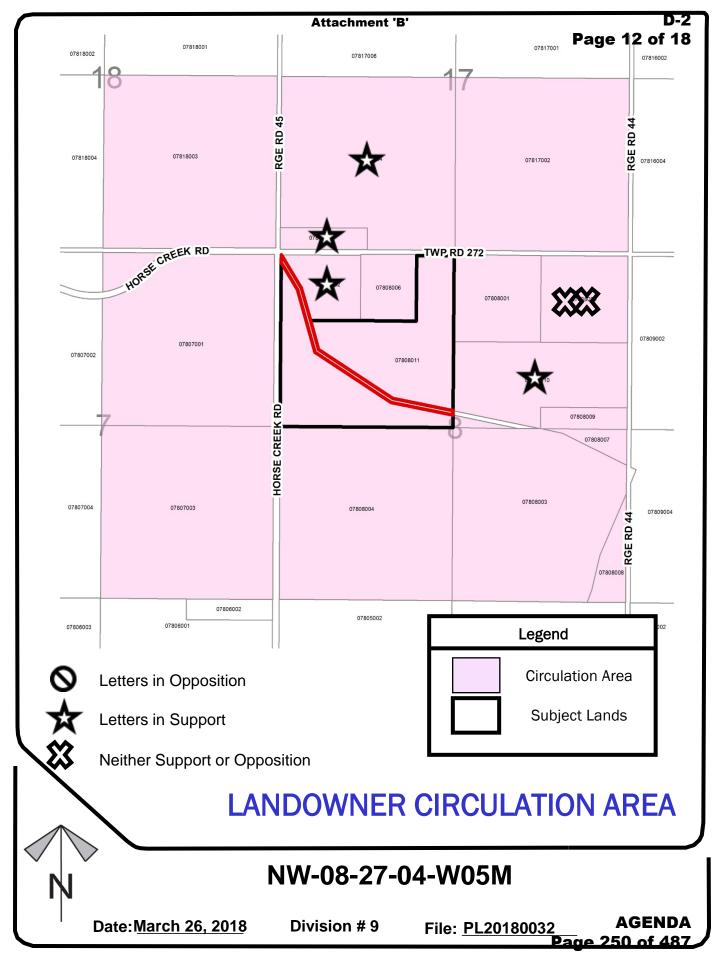
Contour Interval 2 M

# NW-08-27-04-W05M

Date: March 26, 2018

Division #9

File: PL20180032
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911 - 32 Avenac NE | Calgary, AB | T2E 6X6 Phone: 403-230 1401 | Fax: 403-277-5977 www.rockyview.ca

# ROAD ALLOWANCE RESPONSE FORM

FILE NUMBER:	PL20180032								
DESCRIPTION:	the NW-8-27-04-W consolidated with the quarter section, to	idation, a portion of Road Plan 6397I located within 5M. This road is proposed to be closed and e adjacent lands on both sides of the remainder of to facilitate the location of a proposed dwelling.							
GENERAL LOCATION:	NW-08-27-04-W5M								
APPLICANT:	Cockburn, Shaun David								
OWNER:	The Crown in right of Alberta								
GROSS AREA:	5.82 acres, to be cor	firmed by plan of survey							
and/or NW, 8	the owner of	2 1 0310278 Lot Block Plan 4 W 5 M  Rge							
QII SEC	ΙWP	Nye							
Support	or Oppos	se							
this proposed road closure for	or consolidation purpo	ses.							
Comments: I AM Good	whit it								
Rabin July	(	July 7/2018							
Signature		Date							



Phyllis Kay

911 - 32 Avenue NE | Caigery, AB | T2E 6X6 Phone: 403-230 1401 | Fax: 403-277-5977 www.rockyview.ca

# ROAD ALLOWANCE RESPONSE FORM

FILE NUMBER:	PL20180032	
DESCRIPTION:  GENERAL LOCATION:	To Close for consolidation, a portion of Road Plan 6397I located within the NW-8-27-04-W5M. This road is proposed to be closed and consolidated with the adjacent lands on both sides of the remainder of the quarter section, to facilitate the location of a proposed dwelling. NW-08-27-04-W5M	
APPLICANT:	Cockbum, Shaun David	
OWNER:	The Crown in right of Alberta	
GROSS AREA:		
GRUSS AREA:	5.62 acres, to be con	firmed by plan of survey
, Phyllise TIM KI	the owner of	
		Lot Block Plan
and $O_1 Su^2$ , 17	<u>27</u> .	<u>04</u> , w <u>o</u> 5M
Qtr Sec	Twp	Rge
Support	or Oppos	se
this proposed road closure for consolidation purposes.		
Comments:		
Black / Linkey		April 19, 2018
Signature		Date



911 - 32 Avenue NE | Calgary, AB | T2E 6X6 Phone: 403-230-1401 | Fax: 403-277-5977 www.rockyview.ca

## ROAD ALLOWANCE RESPONSE FORM

FILE NUMBER	2:	
-------------	----	--

PL20180032

DESCRIPTION:

To Close for consolidation, a portion of Road Plan 6397I located within

the NW-8-27-04-W5M. This road is proposed to be closed and consolidated with the adjacent lands on both sides of the remainder of

the quarter section, to facilitate the location of a proposed dwelling.

**GENERAL LOCATION:** 

NW-08-27-04-W5M

APPLICANT:

Cockburn, Shaun David

OWNER:

The Crown in right of Alberta

**GROSS AREA:** 

5.82 acres, to be confirmed by plan of survey

1, Charlotte	Henson	, the owner of		<i></i>	/
			Lot Block	Plan	
and/or <u>SW</u> ,	17.	27	<del>\$</del>	₩ <u>≤</u> М	
Qtr	Sec	Twp	Rge		
Support	or	Орро	se		

this proposed road closure for consolidation purposes.

Comments:

There is no reason to oppose this consolidation as the road is closed to the road already and is of no value. It should be put of NW8-27-04-W5th.

Signature

Date



911 - 32 Avenne NE | Calgary, AB | T2E 6X6 Phone: 403-230-1401 | Fax: 403-277-5977 www.rockyview.ca

## ROAD ALLOWANCE RESPONSE FORM

FILE NUMBER:	PL20180032		
DESCRIPTION:	To Close for consolidation, a portion of Road Plan 6397I located within the NW-8-27-04-W5M. This road is proposed to be closed and consolidated with the adjacent lands on both sides of the remainder of the quarter section, to facilitate the location of a proposed dwelling.		
GENERAL LOCATION:	NW-08-27-04-W5M		
APPLICANT:	Cockburn, Shaun David		
OWNER:	The Crown in right of Alberta		
GROSS AREA:	5.82 acres, to be confirmed by plan of survey		
1. John K. Bran	(NAV), the owner of		
and/or,	,, WM		
Qtr Sec	Twp Rge		
Support or Oppose			
this proposed road closure for	or consolidation purposes.		
Fancel just hast of Shawn's Progress			
JURIS-	May 9, 2018		
Signature	Date		



911 - 32 Avenue NE | Calgary, AB | T2E 6X6 Phone: 403-230-1401 | Fax: 403-277-5977 www.rockyview.ca

### **ROAD ALLOWANCE RESPONSE FORM**

FILE NUMBER:	PL20180032			
DESCRIPTION:	To Close for consolidation, a portion of Road Plan 6397I located within the NW-8-27-04-W5M. This road is proposed to be closed and consolidated with the adjacent lands on both sides of the remainder of the quarter section, to facilitate the location of a proposed dwelling.			
GENERAL LOCATION:	NW-08-27-04-W5M			
APPLICANT:	Cockburn, Shaun David			
OWNER:	The Crown in right of Alberta			
GROSS AREA:	5.82 acres, to be confirmed by plan	of survey		
1, JOYCE P.J. FAR	RAC, the owner of,	., / Plan		
and/or $NE$ , 8	<u> 27</u> , <u>4</u> ,	W <u>6</u> M		
Qtr Sec	Twp Rge			
Support	or Oppose			
this proposed road closure fo	r consolidation purposes.			
Comments:				
What effect	does closing this	road lave or		
the house and two roads that have been				
placed on the property?				
JP+	May 2°	nd 2018		
Signature	Date			



911 - 32 Avenue NE | Calgary, AB | T2E 6X6 Phone: 403-230-1401 | Fax: 403-277-5977 www.rockyview.ca

## ROAD ALLOWANCE RESPONSE FORM

	ROAD ALLOWANCE RESPONSE FORM			
FILE NUMBER:	PL20180032			
To Close for consolidation, a portion of Road Plan 6397I located within the NW-8-27-04-W5M. This road is proposed to be closed and consolidated with the adjacent lands on both sides of the remainder of the quarter section, to facilitate the location of a proposed dwelling.  NW-08-27-04-W5M				
APPLICANT:	Cockburn, Shaun David			
OWNER:	The Crown in right of Alberta			
GROSS AREA:	5.82 acres, to be confirmed by plan of survey			
, DAVID J BAR				
and/or <u>NE</u> , <u>8</u>	Lot Block Plan $27$ , $4$ , $w5$ M			
Qtr Sec	Twp Rge			
Support	or Oppose			
this proposed road closure for consolidation purposes.				
Comments:				
THERE IS AN EXISTING HOUSE AND 2 ROADS				
THAT ARE ON OR VERY CLOSE TO THE ROAD				
ALOWANCE TO RE CLOSED - HOW BOESTUS CLOSURE AFFETT THEY?? MAY 2nd 2018				
Signature	Date			



### AGRICULTURAL & ENVIRONMENTAL SERVICES

TO: Council

**DATE:** September 11, 2018 **DIVISION**: All

**FILE:** 06433007

**SUBJECT:** Sales Negotiations – Airdrie Grader Shed

## <sup>1</sup>ADMINISTRATION RECOMMENDATION:

THAT Administration be directed to negotiate a Sales Agreement with the Applicant and dispose of the County owned land described as Title Number 151 263 803, also known as the Airdrie Grader Shed.

#### **EXECUTIVE SUMMARY:**

Rocky View County Council approved the special initiative to develop and construct a new Salt and Sand Storage Building at the new County Hall. As part of this initiative, the sale of the Airdrie Grader Shed was identified as a key element to offset the Council approved project costs.

Administration has received an application from Melcor Developments in accordance to County Disposal Policy 313C: Sale of Fee Simple Land. The Sales Agreement Terms and market value offer in the Letter of Intent appear to be acceptable, and Administration will explore a final Sales Agreement based on this framework.

Key elements of the Letter of Intent include:

- Final Purchase Price shall be \$723,000 (\$300,000 per acre)
- 60 Day Condition date, to be qualified based on (Purchaser):
  - Approval by Melcor Board of Directors
  - Satisfactory economic viability of the lands
  - Satisfactory review of permitted encumbrances
  - Satisfactory inspection of the property, including a Phase II Environmental Site Assessment
- Closing date 15 days after Condition date
- Sales Agreement Terms:
  - Vendor provide all environmental hazard, and third party liability documentation
  - Vendor provide a clear title except for permitted encumbrances
  - Purchase Price to include lands and improvements as of the Closing Date
  - Leasing of the site by the Vendor is available for up to 6 months after close (if required)
  - Such other clauses normal in an Agreement of Purchase and Sale.

The Applicant's Final Purchase Price meets the appraised market value identified by the County's independent third party appraiser, and the terms and conditions of the Letter of Intent are reflective of industry standards for commercial land transactions

Administration recommends **Option #1**.

<sup>1</sup>Administration Resources
Corey Graham, Municipal Lands



#### **BACKGROUND:**

The subject lands were acquired in 1960 as a regional salt and sand storage facility.

In 1987 the lands were enhanced into the current grader shed, and road maintenance hub for the County.

On September 29, 2017 Rocky View County Council approved a special initiative to develop a new regional Salt and Sand Storage Building and Grader Shed on the Balzac County Hall lands. This initiative identified the disposal of the Airdrie grader shed lands as an offset to the approved project costs.

October 5, 2017 The City of Airdrie asked for a commitment from Rocky View County to decommission and dispose of the subject lands.

May 23, 2018, the applicant engaged Rocky View County Administration to acquire the subject lands.

August 17, 2018, a final offer is received for County Council consideration.

Administration is satisfied that the application and Letter of Intent meet the market value requirements of County Policy 313C: Sale of Fee Simple Land.

Furthermore, the Applicant's proposed Terms and Conditions of their Letter of Intent are acceptable.

Should Council direct the disposal of County owned land, Administration will work towards a legally endorsed Sales Agreement and affect the transfer of title for the lands.

## **BUDGET IMPLICATION(S):**

There are no known budget implications. The balance of proceeds will be deposited into the Tax Stabilization Reserve.

#### **OPTIONS:**

Option #1 THAT Administration be directed to negotiate a Sales Agreement with the Applicant

and dispose of the County owned land described as Title Number 151 263 803,

also known as the Airdrie Grader Shed.

Option #2 THAT alternative direction be provided.

Respectfully submitted, Concurrence,

Byron Riemann Rick McDonald

Byron Riemann, Rick McDonald,

General Manager Interim County Manager

CG

#### **ATTACHMENTS:**

ATTACHMENT 'A' – Applicant Letter of Intent

ATTACHMENT 'B' - County Land Appraisal Summary

ATTACHMENT 'C' - Site Plan



August 17th 2018

Rocky View County 911 – 32 Avenue NE Calgary, Alberta T2E 6X6

Attn: Corey E. Graham - Municipal Lands Administrator

Dear Corey:

Re: Letter of Interest to purchase 2.41+/- Acres in Airdrie - 2500 Kings

Heights Gate SE - as shown in Schedules "A-1"

Please consider this our Letter of Interest to Purchase (the "LOI"). Upon mutual acceptance of the contents hereof we are prepared to enter a formal Agreement of Purchase and Sale prepared by the County or our solicitor.

Vendor: Rocky View County

Purchaser: Melcor Developments Ltd.

The Lands: 2.41 acres highlighted in Schedule "A-1"; and legally

described in Schedule "A-2"

Purchase Price: \$723,000 (\$300,000 per acre)

Deposit: \$35,000 to be paid within 5 business days following

Vendor's acceptance of this Letter of Interest, and held in trust by Melcor's Solicitor pending satisfaction of all

the conditions

Condition Date: 60 days following the date of acceptance of this Letter

of Intent by the Vendor.

Closing Date: 15 days following the Condition Date.

Conditions: The following conditions are to be satisfied by Melcor in

its sole discretion:

1. Approval by the Melcor Board of Directors on or

before the Condition Date;

2. Satisfaction of the economic viability of the

development of the Lands on or before the

Condition Date;

3. Satisfactory review of Permitted Encumbrances

# MELCOR

4. The purchaser is to complete a satisfactory inspections of the property, including, but not limited to a Phase 2 Environmental Site Assessment, geotechnical review, and any such review which may impact the purchasers ability to develop the property for the Purchasers intended uses, on or before the Condition Date (to be prepared by Melcor at its expense).

Permitted Encumbrances:

The encumbrances contained in the copy of the titles attached hereto as Schedule "B".

Formal Agreements:

The Formal Agreement of Purchase and Sale are to be prepared by Melcor's solicitor at Melcor's expense and include without limitation the following provisions:

Purchase and Sale Agreement, including:

- The Vendor to provide representation of material facts within its knowledge and possession regarding third party liabilities and environmental hazards;
- The Vendor to provide clear title except for the Permitted Encumbrances;
- Purchase Price to include the Lands and any improvements thereto as of the Closing Date;
- A provision to lease by Vendor for 6 months after closing subject to normal clauses in a Lease Agreement.
- Such other clauses normal in an Agreement of Purchase and Sale;



This LOI represents the intent of the parties only, and it is understood and agreed that this LOI is not to be considered binding on the Purchaser or the Vendor, but it is our intention that upon receipt of a copy of this LOI, signed by the duly appointed representatives of the Purchaser and Vendor acknowledging the agreement in principle, the Vendor will proceed with the preparation of a formal Agreement of Purchase and Sale containing these fundamental principles.

This letter is open for acceptance until 4:30 p.m., August 31st 2018 **DATED** at Calgary this \_\_\_\_ day of August, 2018. MELCOR DEVELOPMENTS LTD. THE UNDERSIGNED accepts the above. **DATED** at Calgary this \_\_\_\_ day of August, 2018. IN WITNESS WHEREOF the undersigned has hereunto executed this Agreement. **ROCKY VIEW COUNTY** Per:\_\_\_\_ 1081500

## **SCHEDULE A-1**



# 2500 Kings Heights Gate SE, Airdrie, AB



2.41 Acre Land Parcel Located at 2500 Kings Heights Gate SE, Airdrie, AB

### **SCHEDULE A-2**

MERIDAN 4 RANGE 29 TOWNSHIP 26 SECTION 33 THE EASTERLY 240 FEET OF THE NORTHERLY 544.5 FEET OF THE NORTH EAST QUARTER CONTAINING 1.21 HECTARES (3,000) MORE OR LESS EXPECTING THEREOUT:

PLAN NUMBER HECTARES ACRES
ROAD WIDENING 3506 JK 0.036 0.09
ROAD 1512752 0.201 0.50

EXCEPTING THEREOUT ALL MINES AND MINERALS AND THE RIGHT TO WORK THE SAME

**SCHEDULE B "Permitted Encumbrances"** 

771 147 064 ZONING REGULATIONS

Street Smart. World Wise.



December 12, 2017 Project No.: 13120.102658.002

Mr. Corey Graham Municipal Lands Administrator Rocky View County 911 – 32<sup>nd</sup> Avenue NE Calgary, AB T2E 6X6

RE: 2.41 Acre Parcel Located at 2500 Kings Heights Gate SE, Airdrie, AB

Mr. Graham:

Further to your request, we have inspected the above-noted property and have completed our investigations and analyses in accordance with the stated Scope of Work in order to provide our opinion of the current market value of the Fee Simple interest in the subject property on an all-cash basis, as defined herein. The area of the subject site has been estimated at 2.41 acres, more or less based on the size as indicated on the Certificate of Title as well as information provided by the client. The Appraisal has been prepared in accordance with the Canadian Uniform Standards of Professional Appraisal Practice.

The intended user of this report is **Rocky View County**. The intended use is to provide **Rocky View County** with a basis for disposition and internal decision making and no other use. No additional intended users are identified or intended by the appraiser.

Subject to the Contingent and Limiting Conditions in Appendix A, it is our opinion that the current market value of the subject property, as of the effective date, October 23, 2017, is:

## SEVEN HUNDRED TWENTY FIVE THOUSAND DOLLARS

\$725,000

(2.41 Acres @ \$300,000/Acre - Rounded)

Based on this estimate of current market value liquidity is considered "good". We estimate a normal exposure time of 6 to 9 months to have sold this property at its current market value. Should you have any questions, please feel free to contact us.

Respectfully submitted,

**Altus Group Limited** 

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1. Executive Summary	1
Analysis and Commentary	
Liquidity	
2. Introduction	
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Ownership and History	
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Final Estimate of Value	
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## **Appendices**

## Appendix A

Terms of Reference Scope of Work Standard Terms and Limiting Conditions Definitions

## Appendix B

Certificate of Title

## Appendix C

Photographs of Subject Property Location Maps Land Use Bylaw

## **Executive Summary**



2.41 Acre Land Parcel Located at 2500 Kings Heights Gate SE, Airdrie, AB

The subject of the appraisal comprises a **2.41 acre parcel** of future development land currently zoned Urban Holdings (UH). The parcel is located in an established area, on the west side of Kings Heights Gate SE, south of Yankee Valley Boulevard SE in the southeast of the City of Airdrie, AB. The parcel is currently in use as a Regional Maintenance Yard for Rocky View County and is improved with a light industrial workshop / warehouse but, as per the mandate of this appraisal, the property has been valued based on the Extraordinary Assumption that the property is vacant. The size of the subject lands was taken from the Certificate of Title and information provided by the client. No measurements of the site were taken by the appraiser.

Value Conclusion <sup>1</sup>	Size/ Acres	Unit Value	Market Value
2500 Kings Heights Gate SE, Airdrie, AB	2.41	\$300,000	\$725,000

<sup>&</sup>lt;sup>1</sup> Value is subject to the Extraordinary Assumptions and the Contingent Limiting Conditions listed in this report.

## **Analysis and Commentary**

Strengths	Weaknesses	
Location		
<ul> <li>The subject land is located in the developing community of Kingsview in the SE quadrant of the City of Airdrie</li> <li>The subject is located within close proximity (and has exposure) to Yankee Valley Boulevard SE.</li> <li>Located on the west side of Kings Heights Gate SE, south of Yankee Valley Boulevard SE.</li> <li>There are several residential and commercial developments which have already occurred in the immediate vicinity as well as industrial phases which have been developed in the western portion of the Kingsland community, specifically along Kingsview Boulevard SE.</li> </ul>	• None noted	
Physical Characteristics		
<ul> <li>Regular shaped lot of adequate size to accommodate a range of commercial and residential uses.</li> <li>Assumed to be fully serviced, level development area, graded, with full access available</li> <li>The parcel is currently in use as a Regional Maintenance Yard for Rocky View County and is improved with a light industrial workshop /</li> </ul>	None noted	
warehouse but, as per the mandate of this appraisal, the property has been valued based on the Extraordinary Assumption that it is vacant.		
Market Cha	aracteristics	
Despite a lower than expected rate of growth, the  real estate markets are still expected to provide.	Pending pipeline approvals and existing access to  market present shallenges for Canadian oil sector.	

- Despite a lower than expected rate of growth, the real estate markets are still expected to provide steady growth to investors.
- The current recession would likely be even deeper had it not been for a number of mitigating factors, including low interest rates, a drop in the
- Pending pipeline approvals and existing access to market present challenges for Canadian oil sector although this factor was tempered by the Federal Government's approval of two pipelines (Enbridge's Line 3 and Kinder Morgan's Trans Mountain Expansion) on November 30, 2016, and

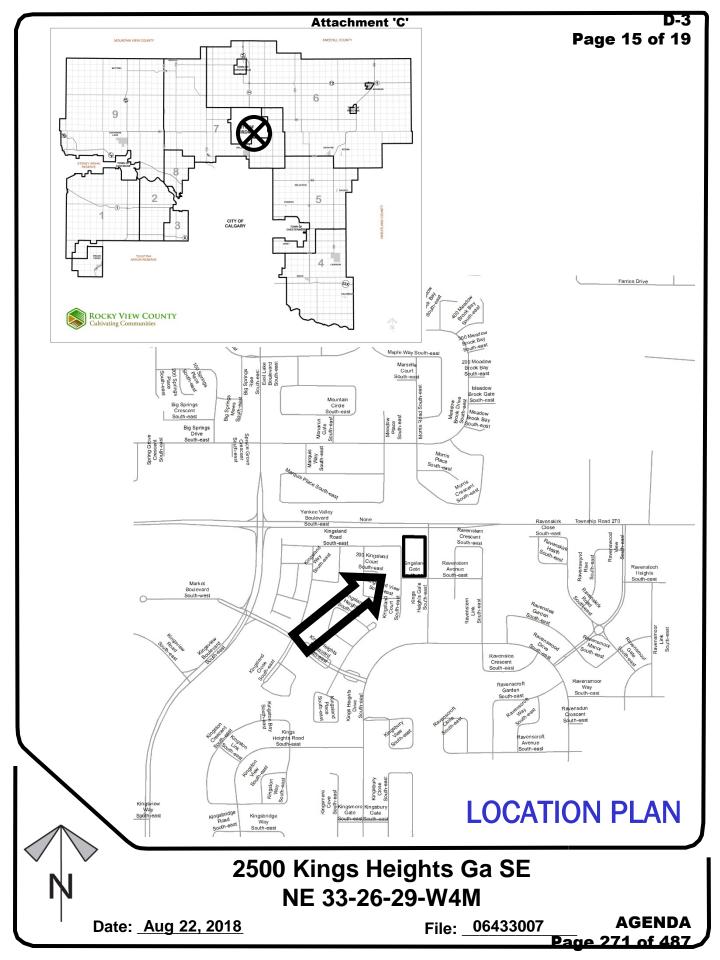
Weaknesses

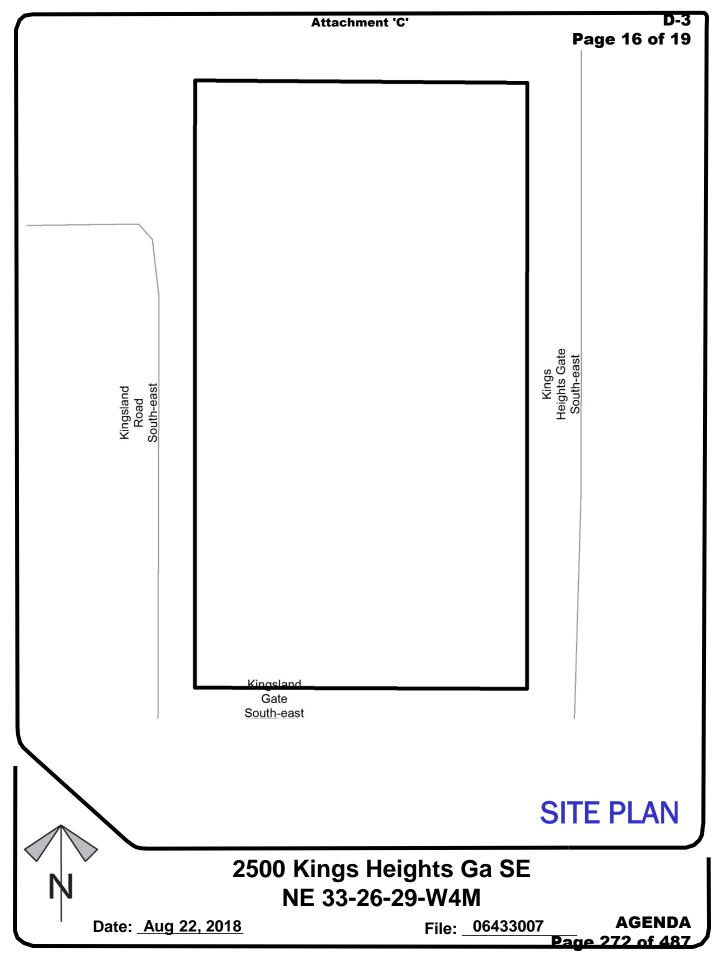
Strengths

	Suchguis		Weakitesses
	Canadian dollar and moderately growing U.S.		Donald Trump's signing on January 24, 2017 of
	economy.		the Executive Order approving in principle
•	Price of oil was raised to \$49/brl. (WTI) on		TransCanada's Keystone XL pipeline.
	November 30, 2016 at the announcement of	•	Weaker oil prices have dampened economic
	OPEC's decision to curtail production (Current		activity as energy companies pull back on
	WTI price hovering around \$52/brl. 10/26/2017).		investment and cut costs.
•	Amid the downturn, however, there are signs	•	Various geo-political risks outside of Canada,
	that the large declines in some sectors may be		including uncertainty around the approach to
	abating. Manufacturing shipments and rigs		policy and trade by US President Donald Trump
	drilling have improved in recent months		and the exit strategy to terminate UK
	reducing Alberta's unemployment rate from 9%		membership of the European Union, both of
	in November 2016 to 7.9% in September 2017.		which could impact Canadian trade.
•	Availability of real estate financing is good and at	•	Reductions in global growth prospects with
	attractive rates that continue to support		sinking global demand for oil, particularly from
	development and acquisitions.		the US, and turbulent financial markets are
			having a ripple effect on Alberta's economy
			which has as its foundation, the energy sector.
		•	Alberta's economy was impacted in 2016 by a
			recession caused by the plunging oil prices and
			wildfires that devastated parts of Fort McMurray
			and disrupted major oil sands operations in the
			region this time last year. Contained at first, the
			blows to the economy have since triggered
			'second-round' effects, spreading the weakness to
			other sectors.

## Liquidity

Liquidity is the measure of the typical buyer's desire and ability to purchase the property. An estimate of market value should include an assessment of liquidity. Overall, we consider the liquidity of the subject property to be "good" at the value reported herein. A detailed definition of "good" liquidity is presented in Appendix A.







Note: Post processing of raw aerial photography may cause varying degrees of visual distortion at the local level.

# **AIR PHOTO**

Spring 2018

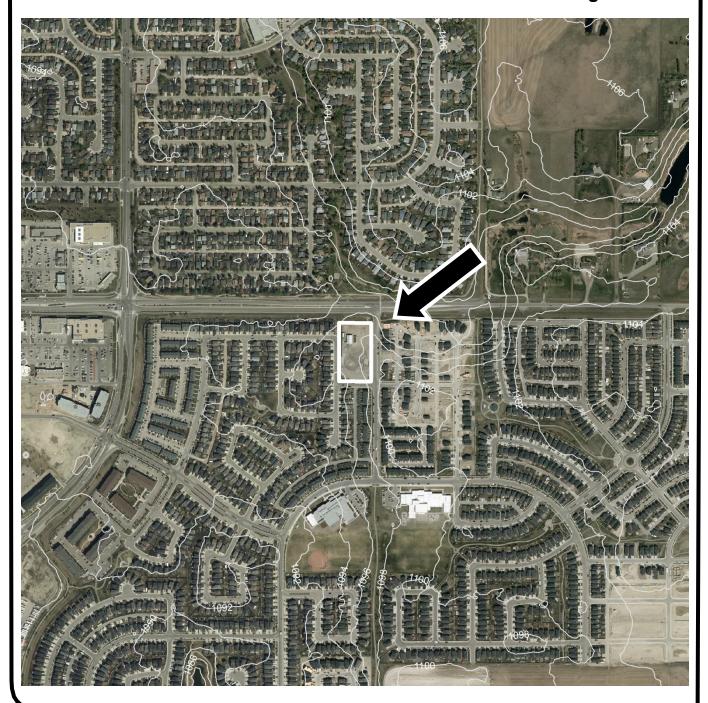
2500 Kings Heights Ga SE NE 33-26-29-W4M

Date: Aug 22, 2018

File: 06433007

AGENDA

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Contours are generated using 10m grid points, and depict general topographic features of the area. Detail accuracy at a local scale cannot be guaranteed. They are included for reference use only.

# **TOPOGRAPHY**

Contour Interval 2 M

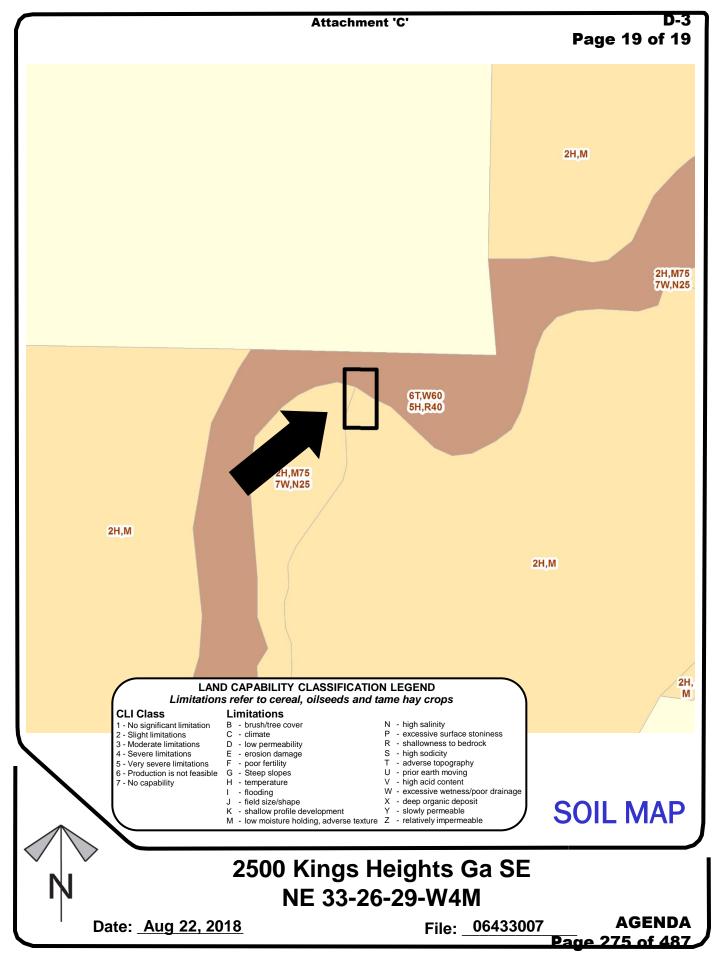
2500 Kings Heights Ga SE NE 33-26-29-W4M

Date: Aug 22, 2018

File: 06433007

AGENDA

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## **INTERGOVERNMENTAL AFFAIRS & PLANNING SERVICES**

TO: Council

DATE: September 11, 2018 DIVISION: All

**FILE:** 1034-500, 1011-100

SUBJECT: Intermunicipal Collaboration Framework & Intermunicipal Development Plan Review

Committee Appointments

#### <sup>1</sup>ADMINISTRATION RECOMMENDATION:

Motion 1: THAT Councillor Kissel and Councillor Kamachi be appointed to the Review

Committee for the Rocky View County and Municipal District of Bighorn

Intermunicipal Collaboration Framework and Intermunicipal Development Plan.

Motion 2: THAT Reeve Boehlke, Councillor Kissel, and Councillor Henn be appointed to

the Review Committee for the Rocky View County and Mountain View County Intermunicipal Collaboration Framework and Intermunicipal Development Plan.

Motion 3: THAT Reeve Boehlke be appointed to the Review Committee for the Rocky

View County and Kneehill County Intermunicipal Collaboration Framework and

Intermunicipal Development Plan.

Motion 4: THAT Deputy Reeve Gautreau and Councillor Schule be appointed to the

Review Committee for the Rocky View County and Wheatland County

Intermunicipal Collaboration Framework and Intermunicipal Development Plan.

#### **EXECUTIVE SUMMARY:**

The Intermunicipal Collaboration Framework (ICF) and Intermunicipal Development Plan (IDP) Terms of Reference identify that Review Committees (the Committees) must be established to provide broad policy direction on the development of the final documents (Attachment 'A'). It is recommended that the Councillor whose division borders an adjacent municipality be appointed to that Committee.

An ICF and four IDP Terms of References were adopted at the June 26, 2018, Rocky View County Council meeting. The attached ICF and IDP Terms of Reference provide Administration and Council with a plan for developing an ICF and an IDP with each of the following rural municipalities: Municipal District of Bighorn, Kneehill County, Mountain View County, and Wheatland County.

Administration recommends Option #1.

#### **BACKGROUND:**

Amendments to the *Municipal Government Act* (MGA) require Rocky View County (the County) to complete an ICF and IDP with all adjacent municipalities that are not a member of the Calgary Metropolitan Region Board. The ICFs and IDP must be complete by April 2020.

An ICF is a policy document that identifies how two adjacent municipalities share services. An IDP is a planning document that allows for a respectful and consistent approach to matters of mutual interest along shared municipal boundaries. The MGA states that an ICF is incomplete without an adopted IDP.

Nesreen Ali, Intergovernmental Affairs Stefan Kunz, Planning Services

<sup>&</sup>lt;sup>1</sup> Administration Resources



A Review Committee of appointed Council members and the CAO (or designate) is an integral part of developing and adopting an ICF/IDP. The role of Council members on the Review Committee includes: providing broad service direction and assistance in identifying issues/opportunities with respect to the ICF/IDP in their division, reviewing the draft ICF/IDP, and providing periodic updates to Council on the progress of the ICF/IDP.

#### **BUDGET IMPLICATION:**

These expenses are covered by the current 2018 budget from the Intergovernmental Affairs Department and Planning Services Department. No additional funds are required.

#### **RECOMMENDATION:**

Administration recommends appointments to the Intermunicipal Collaboration Framework and Intermunicipal Development Plan Review Committee as reflected in Option #1.

<b>OPTIONS:</b>	
-----------------	--

ATTACHMENTS: Attachment 'A':

OPTIONS:		
Option #1: Motion 1:		THAT Councillor Kissel and Councillor Kamachi be appointed to the Review Committee for the Rocky View County and Municipal District of Bighorn Intermunicipal Collaboration Framework and Intermunicipal Development Plan.
	Motion 2:	THAT Councillor Boehlke, Councillor Kissel, and Councillor Henn be appointed to the Review Committee for the Rocky View County and Mountain View County Intermunicipal Collaboration Framework and Intermunicipal Development Plan.
	Motion 3:	THAT Councillor Boehlke be appointed to the Review Committee for the Rocky View County and Kneehill County Intermunicipal Collaboration Framework and Intermunicipal Development Plan.
	Motion 4:	THAT Councillor Gautreau and Councillor Schule be appointed to the Review Committee for the Rocky View County and Wheatland County Intermunicipal Collaboration Framework and Intermunicipal Development Plan.
Option #2:	THAT alterna	ative direction be provided.
Respectfully s	submitted,	
41	'Chris O'Hara"	"Rick McDonald"
General Mana	ager	Interim County Manager
NA/SK/rp		
Respectfully s	THAT alternates altern	to the Review Committee for the Rocky View County and Wheatland County Intermunicipal Collaboration Framework and Intermunicipal Development Plan. ative direction be provided.  "Rick McDonald"

Summary of Review Committee for Intermunicipal Collaboration Framework

and Intermunicipal Development Plan

**AGENDA** 

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## Summary of Review Committee Description for Intermunicipal Collaboration Framework & Intermunicipal Development Plan

#### 1.0 Review Committee

The Review Committee (hereafter called the Committee) is formed with balanced representation of Council members and Senior Administration from each municipality. Each Council will appoint one (1) to three (3) Councillors and the CAO or designate. Committee representatives may be engaged separately to gain specific feedback on areas of interest. The work plan for the project will provide for the opportunity to convene as a whole in order to engage in collaborative decision making. The Review Committee will provide feedback on the Intermunicipal Collaboration Framework (ICF) and Intermunicipal Development Plan (IDP).

## 1.2 Responsibilities of the Committee

- a. Provide broad policy direction and assist in identifying issues and opportunities with respect to the ICF and IDP;
- b. Act as a resource for both Administrations:
- c. Review the draft ICF and IDP; and
- d. Provide periodic updates to each respective Council on the progress of the ICF and IDP.

### 1.3 Responsibility of the Administrations

Administrations from both municipalities will be responsible for the establishment of a work plan for the project, and for preparation of the ICF and IDP with input from the Committee. Both municipalities agree to equitable dedication of Administrative resources and cost-sharing throughout the process of ICF and IDP preparation and adoption.

#### 1.4 Responsibility of the Councils

The respective Councils of each municipality will be responsible for approval of the IDP Bylaw at a Public Hearing. The respective Councils of each municipality will be responsible for approval of an ICF Bylaw.

#### 1.5 Coordination with the ICF and the IDP

In accordance with the MGA amendments, the County is required to complete an ICF and IDP with its municipal neighbours. The ICF project will progress independently from the IDP; however, there is the potential for collaboration between the two projects in order to enhance efficiency and consistency. The ICF is completed once an IDP is adopted.



#### **ENFORCEMENT SERVICES**

TO: Council

DATE: September 11, 2018 DIVISION: All

**FILE:** 3000-300

**SUBJECT:** Consideration of Third Reading of Firearms Bylaw C-7782-2018

#### <sup>1</sup>ADMINISTRATION RECOMMENDATION:

THAT Bylaw C-7782-2018 be given third and final reading.

#### **EXECUTIVE SUMMARY:**

At the May 22, 2018 Council meeting, Council gave first and second reading to Firearms Bylaw C-7782-2018 as amended. Administration was then directed to send Firearms Bylaw C-7782-2018 to the Minister of Environment and Parks for approval.

On August 16, 2018, Administration received a letter of approval and the signed Firearms Bylaw C-7782-2018 from the Minister's Office. The bylaw is now being presented to Council for third and final reading.

Administration recommends Option #1.

#### **BACKGROUND:**

Rocky View County is growing and is welcoming more subdivision and community and business development to the area. The County is also home to a diverse range of wildlife species. While there are many benefits to living near wild animals, it is important to know how to co-exist with these animals to minimize conflict and ensure the safety of residents, pets, livestock, and wildlife alike.

The existing Firearms Bylaw was last updated in 2003. There has been, and continues to be, public pressure for more restrictions in some areas of the County.

To ensure that this bylaw does not contradict the mandate of Alberta Fish and Wildlife, it was sent in draft form for their input. The comments received from Fish and Wildlife were incorporated into the proposed bylaw prior to being presented to Council for first reading.

#### **BUDGET IMPLICATION(S):**

None

#### **OPTIONS:**

Option #1 THAT Bylaw C-7782-2018 be given third and final reading.

Option #2 THAT alternative direction be provided.

Lorraine Wesley-Riley, Enforcement Services

<sup>&</sup>lt;sup>1</sup> Administration Resources



Respectfully submitted,	Concurrence,
"Kent Robinson"	"Rick McDonald"
General Manager	Interim County Manager
ATTACHMENTS:	

Attachment 'A' - Letter from the Minister of Environment and Parks Attachment 'B' - Firearms Bylaw C-7782-2018 signed by the Minister of Environment and Parks



MLA, Lethbridge-West

94226

AUG 1 5 2018

Elizabeth Szamoskozy, Court Clerk Rocky View County Enforcement Services 911 - 32 Avenue NE Calgary AB T2E 6X6 eszamoskozy@rockyview.ca

Dear Elizabeth Szamoskozy:

Thank you for your letter regarding Rocky View County Firearms Bylaw C-7782-2018. I welcome the opportunity to provide the following information.

Environment and Parks supports the proposed Bylaw C-7782-2018, as it acts to manage and enforce actions related to public safety in communities within the municipality. In supporting this bylaw, the department encourages the Municipal District of Rocky View to build a communication package to inform both residents and hunters of this change.

For further information, please contact Brett Boukall, Senior Wildlife Biologist, in our Cochrane office at 403-851-2147 (dial 310-0000 for a toll-free connection), or at brett.boukall@gov.ab.ca.

Thank you again for your letter. The Government of Alberta strives to build strong communities for current and future Albertans.

Sincerely,

Shannon Phillips

Minister

cc: Brett Boukall-

**Environment and Parks** 



## **BYLAW C-7782-2018**

A Bylaw of Rocky View County to prohibit and regulate the discharge of weapons within the County.

WHEREAS Sections 7 and 8 of the *Municipal Government Act* permit Council to pass bylaws respecting the safety, health, and welfare of people and the protection of people and property;

**AND WHEREAS** Section 44 of the *Provincial Offences Procedure Act* and Section 7 of the *Municipal Government Act* permits Council by bylaw to provide for the offences in respect of which a voluntary payment may be made and prescribing the amount of these offences;

**AND WHEREAS** Section 74 of the *Municipal Government Act* provides that this bylaw does not come into force until it has been approved by the Minister responsible for the *Wildlife Act*;

AND WHEREAS Council recognizes that Rocky View County is large and diverse and includes areas where the discharge and use of Weapons may result in a danger to the safety, health, and welfare of people and would be contrary to the protection of people and property;

**NOW THEREFORE** the Council of Rocky View County, duly assembled in the Province of Alberta, hereby enacts as follows:

#### TITLE

1 This Bylaw shall be known as the "Firearms Bylaw".

#### **DEFINITIONS**

- In this Bylaw, unless the context otherwise requires:
  - (a) "Bow" means a device composed of curved wood or other material, whose ends are joined by a taught string, and is designed to fire an arrow or other projectile by drawing and releasing the string;
  - (b) "Chief Bylaw Enforcement Officer" has the same meaning as in Rocky View County bylaw No. C-5546-2002, "The Bylaw Enforcement Officer Bylaw" as amended from time to time;
  - (c) "Cross-bow" means a device with a bow and a bowstring mounted on a stock that is designed to propel an arrow, a bolt, a quarrel or any similar projectile on a trajectory guided by a barrel or groove
  - (d) "Council" means the duly elected Council of Rocky View County;
  - (e) "County" means Rocky View County and its jurisdictional boundaries;

- (f) "Enforcement Officer" means a member of the Royal Canadian Mounted Police (R.C.M.P), a Community Peace Officer appointed by the Solicitor General of Alberta in accordance with the Peace Officer Act, SA 2006, c P-3.5 or a Bylaw Enforcement Officer employed by Rocky View County in accordance with the Municipal Government Act;
- (g) "Firearm" has the same meaning as section 2 of the *Criminal Code of Canada*, RSC 1985, c C-46, as amended from time to time, but does not include:
  - (i) a Firearm which is not designed or capable of propelling a projectile, such as a movie prop or toy Firearm; or
  - (ii) a Firearm which uses air to propel a projectile which does not exceed 500 feet per second;
- (h) "Hamlet" has the same meaning as the *Municipal Government Act* and includes all lands located within its boundaries;
- (i) "Land Use Bylaw" means Rocky View County Bylaw No. C-4841-97, Land Use Bylaw, or as amended from time to time;
- "Municipal Government Act" means the Municipal Government Act, RSA 2000, c M-26, as amended from time to time;
- (k) "Owner" means jointly and severally:
  - (i) any Person registered as the Owner of land under the *Land Titles Act*, RSA 2000, c L-4, as amended from time to time;
  - (ii) the Person who is recorded as the Owner of the Property on the tax assessment roll of Rocky View County;
  - (iii) a Person holding himself out as the Person exercising the power or authority of ownership or who for the time being exercises the powers and authority of ownership over the Property;
  - (iv) a Person in control of a Property; or
  - (v) a Person who is the occupant of the Property under a lease, license, or permit;
- "Person" means any individual or business entity including a firm, joint venture, proprietorship, association, corporation, organization, partnership, company, society, or any other legal entity;
- (m) "Property" means a parcel of land and any building, structure, or improvement located on such land, as the context of this Bylaw so requires;
- (n) "Provincial Offences Procedure Act" means the Provincial Offences Procedure Act, RSA 2000, c P-34, as amended from time to time;

- (o) "Rocky View County" means Rocky View County as a municipal corporation established pursuant to the laws of the Province of Alberta and the area within the jurisdictional boundaries of Rocky View County, as the context of this Bylaw so requires;
- (p) "Violation Ticket" has the same meaning as in the Provincial Offences Procedure Act; and
- (q) "Weapon" means a Firearm, Bow, Cross-Bow, or any other device that propels a projectile by means of an explosion, spring, air, gas, string, wire, or elastic material or any combination of those things.

#### **GENERAL PROHIBITIONS**

- 3 No Person shall discharge or use a Weapon on:
  - (a) Property located within the West Bragg Creek No Shooting Zone, as illustrated in Schedule "B" of this Bylaw, and described as:
    - (i) sections 4, 9, and 10 within Township 23, Range 5, West of the 5th Meiridian;
  - (b) Property located within the Springbank/Elbow Valley No Shooting Zone, as illustrated in Schedule "C" of this Bylaw, and described as:
    - (i) sections 5, 6, 7, 8, 17, 18, 19, 20, 29, and 30 within Township 24, Range 2, West of the 5th Meridian, excluding any portion of the mentioned sections located within the boundaries of the City of Calgary;
    - (ii) sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 32, 33, 34, 35, and the western ½ of 36, within Township 24, Range 3, west of the 5th Meridian;
    - (iii) sections 1 (west of the Bow River), 2, 3, 4, 5, 7, 8, 9, 10, 11, 12 (west of the Bow River), 14, 15, 16, 17, the south ½ of 18, 20, 21, 22, 23 (west of the Bow River) and 27, 28 and 29 (south of the Bow River) within Township 25, Range 3, west of the 5th Meridian;
  - (c) Property located within the Bearspaw No Shooting Zone, as illustrated in Schedule "D" of this Bylaw, and described as:
    - (i) sections 7, 18, 19, 29, 30, 31, and 32, within Township 25, Range 2, west of the 5th Meridian;
    - (ii) sections 13, 24, 25, the north ½ of 26, 35, and 36, within Township 25, Range 3, west of the 5th Meridian;
    - (iii) sections 5, 6, and 7, within Township 26, Range 2, west of the 5th Meridian;
    - (iv) sections 1, 2, the east ½ of 3, 10, 11, 12, 13, 14, 15, and the south ½ of 16 within Township 26, Range 3, west of the 5th Meridian;

- (d) Property located within the Cochrane Lake No Shooting Zone, as illustrated in Schedule "E" of this Bylaw, and described as:
  - (i) the north ½ of section 21, north ½ of section 22, north ½ of section 23, and sections 26, 27, and 28, within Township 26, Range 4, west of the 5th Meridian;
- (e) Property located within the East Balzac No Shooting Zone, as illustrated in Schedule "F" of this Bylaw, and described as:
  - (i) sections 3, 4, 9, 10, 15, 16, 21, 22, 27, and the east ½ of 28, within Township 26, Range 29, west of the 4th Meridian;
- (f) Property located within the South Conrich No Shooting Zone, as illustrated in Schedule "G" of this Bylaw, and described as:
  - (i) the north ½ of section 28, the north ½ of section 29, section 32, and section 33, within Township 24, Range 28, west of the 4th Meridian;
- (g) Property located on Inverlake Road, as illustrated in Schedule "H" of this Bylaw, and described as:
  - (i) being the south boundary of section 26 Township 24 Range 28 West 4<sup>th</sup> Meridian:
- (h) Property located within a Hamlet, as illustrated in Schedule-"I" of this Bylaw;
- (i) Property which is privately owned without having the landowner's prior permission to do so; and
- (j) Property owned or under the control and jurisdiction of the County.
- 4 No Person being the Owner of Property described in section 3 of this Bylaw shall permit any Person to discharge or use a Weapon on said property in any way contrary of this Bylaw.
- No Person shall discharge or use a Weapon in a manner which would cause a projectile to pass within 183 metres of any occupied building.
- Section 5 does not apply to the owner or occupant of the land on which the building is situated or to a Person authorized to perform the activity by the owner or occupant of the building.
- No Person shall discharge or use a Weapon in a careless, unsafe, or dangerous manner anywhere within the County, and any Person discharging or using a Weapon anywhere within the County shall at all times abide by any applicable licence, permit, County Bylaw, Provincial Act, or Federal Act governing the use of Weapons.

#### **EXEMPTIONS**

- 8 Section 3 shall not apply to:
  - (a) any Enforcement Officer or other peace officer appointed pursuant to the laws of Alberta or Canada while they are engaged in the lawful execution of their duties;
  - (b) any person who uses or discharges a Weapon for pest control within the following agricultural districts as defined in the *Land Use Bylaw*:
    - (i) Ranch and Farm District (RF),
    - (ii) Ranch and Farm Two District (RF-2),
    - (iii) Ranch and Farm Three District (RF-3),
    - (iv) Agricultural Holdings District (AH), and
    - (v) Farmstead District (F);
  - (c) any Person who uses or discharges a Weapon at a shooting range, gun club, or similar facility designed and operated for such use in accordance with the Rocky View County bylaw No. C-4841-97, the "Land Use Bylaw" as amended from time to time, and all Federal, Provincial, and County Bylaws and regulations; and
  - (d) any Person who is lawfully engaged in hunting activities utilizing an approved Bow or Cross-Bow in any area where this activity is permitted under Provincial legislation.

#### **GENERAL PENALTY PROVISION**

In accordance with the *Municipal Government Act*, any Person who violates any provision of this Bylaw is guilty of an offence and is liable, upon conviction, to a maximum fine of \$10,000.00 or, in default of payment of the fine, to imprisonment for a period not exceeding one year, or to both fine and imprisonment in such amounts.

#### **OFFENCES**

- A Person who violates any provision of this Bylaw is guilty of an offence and is liable, upon conviction, to a specified penalty as set out in Schedule "A" of this Bylaw. If there is no specified penalty listed in Schedule "A" for a particular offence, the specified penalty shall be \$1,000.00.
- Where there is a minimum penalty listed for an offence in Schedule "A" of this Bylaw, that amount shall be the minimum penalty for that offence.
- Notwithstanding section 10, a Person who commits the same offence under this Bylaw a second time within a twelve (12) month period of committing the first offence shall, on conviction, be liable to a penalty double the specified penalty for that offence.
- Notwithstanding section 10, a Person who commits the same offence under this Bylaw a third or subsequent time within a 12 month period of committing the first offence shall, on conviction, be liable to a penalty triple the specified penalty for that offence.

Bylaw C-7782-2018 - Firearms Bylaw

Page 5

#### **ENFORCEMENT**

- Where an Enforcement Officer has reasonable grounds to believe that a Person has violated any provision of this Bylaw, the Enforcement Officer may commence Court proceedings against such Person by:
  - (a) issuing the Person a Violation Ticket pursuant to the provisions of the *Provincial Offences Procedure Act*; or
  - (b) swearing out an information and complaint against the Person.
- Where an Enforcement Officer issues a Person a Violation Ticket in accordance with Section 14 of this Bylaw, the Enforcement Officer may either:
  - (a) allow the Person to pay the specified penalty established in Schedule "A" for the offence by including the penalty in the Violation Ticket; or
  - (b) require a Court appearance of the Person where the Enforcement Officer believes that it is in the public interest, pursuant to the *Provincial Offences Procedure Act*.
- No provision of this Bylaw, nor any action taken pursuant to any provision of this Bylaw, shall in any way restrict, limit, prevent, or preclude the County from pursuing any other remedy in relation to an offence as may be provided by the *Municipal Government Act* or any other law of the Province of Alberta.

#### **OBSTRUCTION**

No Person shall obstruct, hinder, or impede an Enforcement Officer in the exercise of any of their powers or duties under this Bylaw or make frivolous, malicious, or vexatious complaints pursuant to this Bylaw.

#### POWERS OF THE CHIEF BYLAW ENFORCEMENT OFFICER

- Without restricting any other power, duty, or function granted by this Bylaw, the Chief Bylaw Enforcement Officer may:
  - (a) establish investigation and enforcement procedures for the purposes of this Bylaw;
  - (b) delegate any powers, duties, or functions under this Bylaw to any employee of the County.

#### VICARIOUS LIABILITY

For the purposes of this Bylaw, an act or omission by an employee or agent of a Person is deemed also to be an act or omission of the Person if the act or omission occurred in the course of employment with the Person or in the course of the agent exercising the powers or performing the duties on behalf of the Person under their agency relationship.

#### SEVERABILITY

20 Each provision of this Bylaw is independent of all other provisions. If any such provision is declared invalid by a court of competent jurisdiction, all other provisions of this Bylaw will remain valid and enforceable.

#### STRICT LIABILITY OFFENCE

21 It is the intention of Council that all offences created by this Bylaw are to be interpreted as strict liability offences.

#### REPEAL AND EFFECTIVE DATE

- 22 Bylaw C-5759-2003 is hereby repealed upon this Bylaw passing and coming into effect.
- 23 This Bylaw shall come into force and effect upon receiving the approval of the Minister responsible for the Wildlife Act, when it has received third and final reading, and is signed by the Reeve/Deputy Reeve and Municipal Clerk in accordance with Section 189 of the Municipal Government Act.

### READINGS BY COUNCIL

READ A FIRST TIME IN COUNCIL this  $\partial \mathcal{Q}$  day of  $\mathcal{M}$  , 2018 READ A SECOND TIME IN COUNCIL this  $\partial \mathcal{Q}$  day of  $\mathcal{M}$  , 2018

#### MINISTERIAL APPROVAL

Pursuant to Section 74 of the Municipal Government Act, RSA 2000, c M-26, this Bylaw is hereby approved:

DATED at the City of Edmonton, in the Province of Alberta, this

Minister of Environment and Parks

RE/	ADIN	GS	BY	COL	JNCIL

READ A THIRD TIME IN COUNCIL this

day of , 2018

Reeve

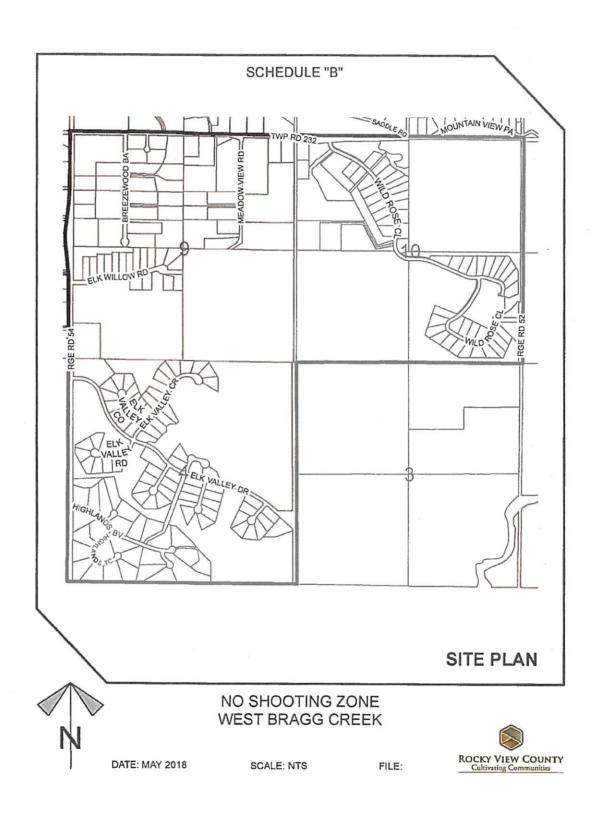
CAO or Designate

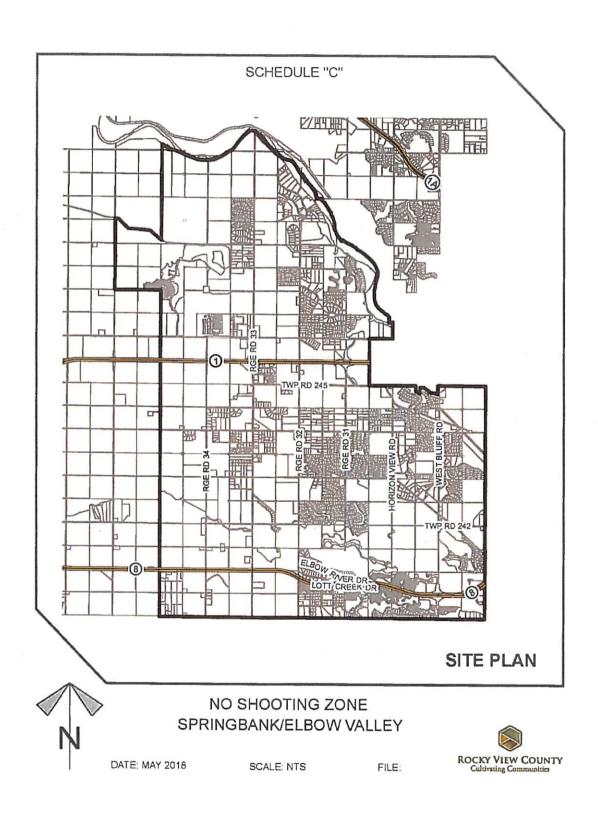
Date Signed

# SCHEDULE "A"

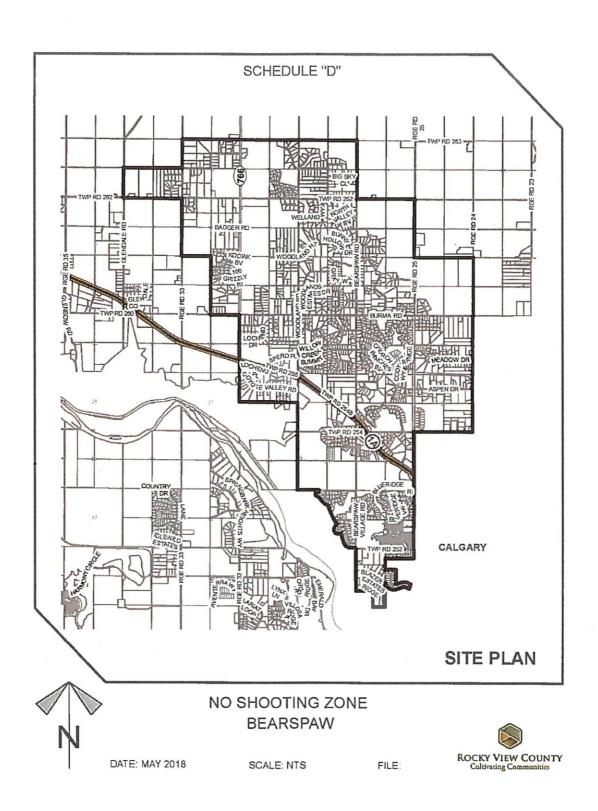
# SPECIFIED AND MINIMUM PENALTIES

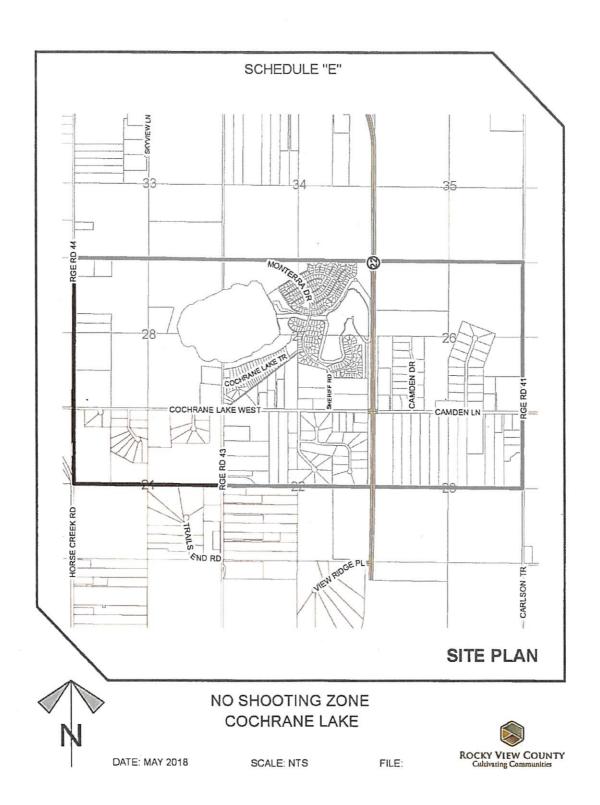
Section Reference	Description	Specified Penalty	Minimum Penalty
3	Use Weapon where prohibited	\$1,000	\$250
4	Permit use of Weapon on Property contrary to Bylaw	\$1,000	\$250
5	Cause projectile to pass within 183 meters of an occupied building	\$1,000	\$500
7	Use Weapon in an unlawful manner	\$2,000	\$1,000
12	Second offence within 12 months of committing first offence	Double Specified Penalty	Double Minimum Penalty
13	Third and subsequent offence within 12 months of committing first offence	Triple Specified Penalty	Triple Minimum Penalty
17	Obstruction	\$500	\$250

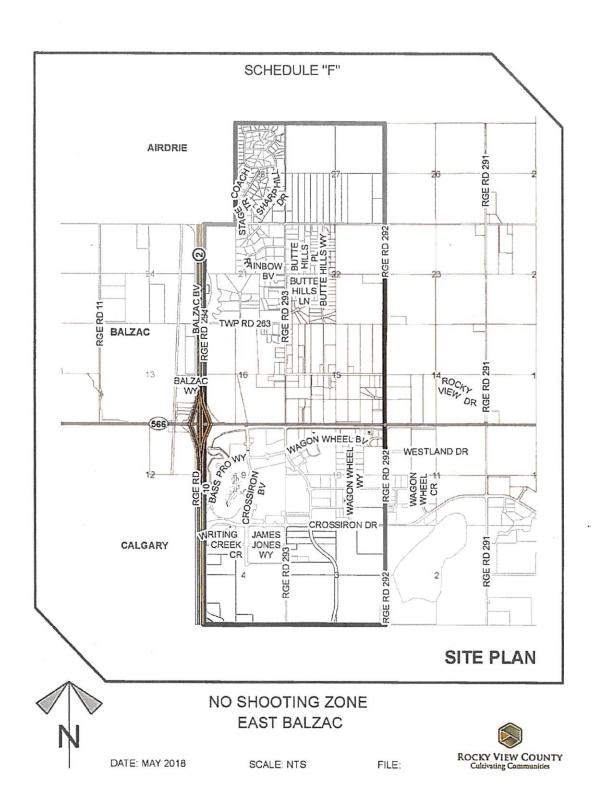


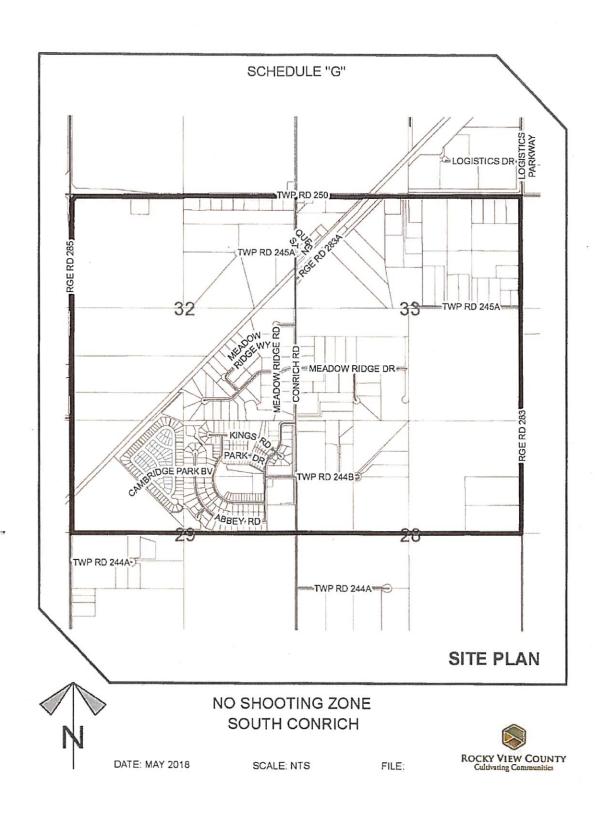


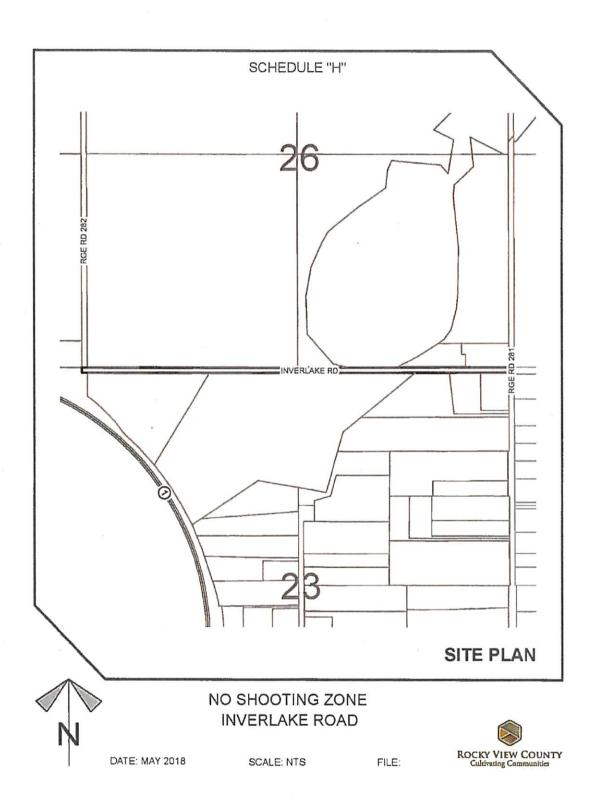
Bylaw C-7782-2018 - Firearms Bylaw

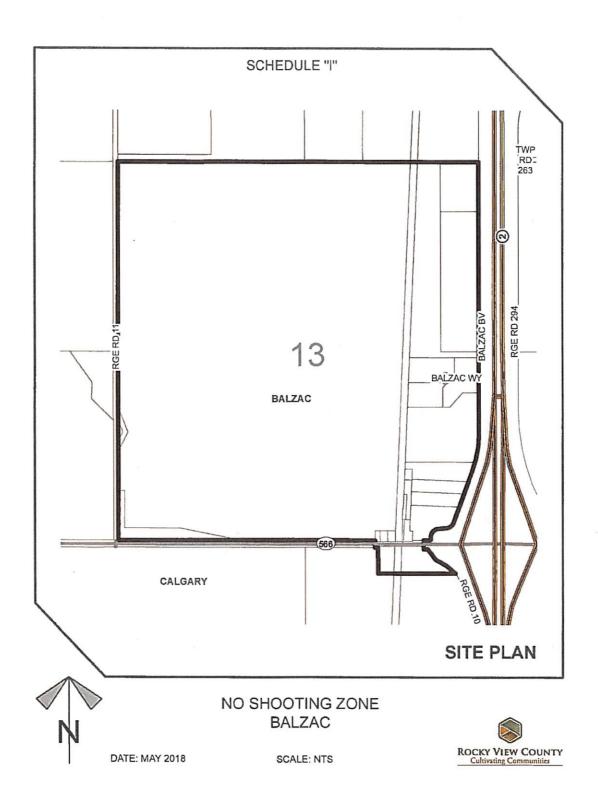


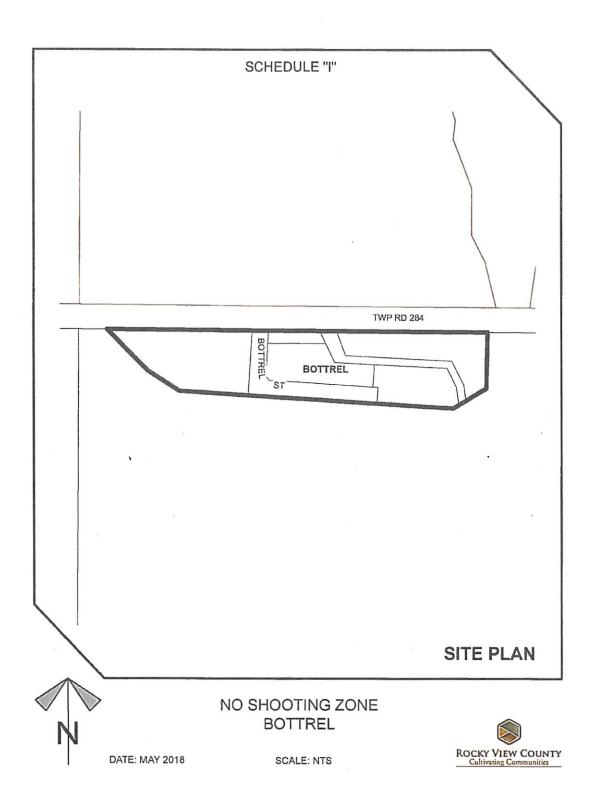


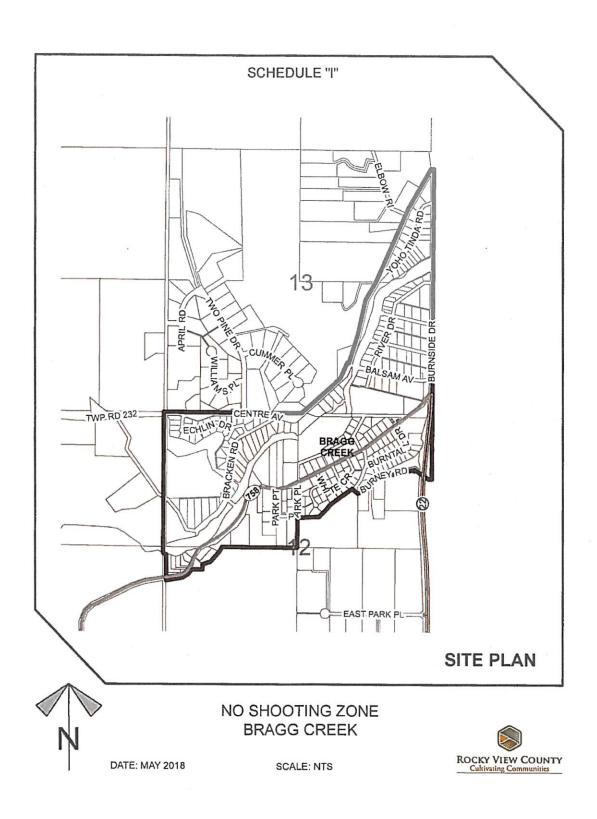


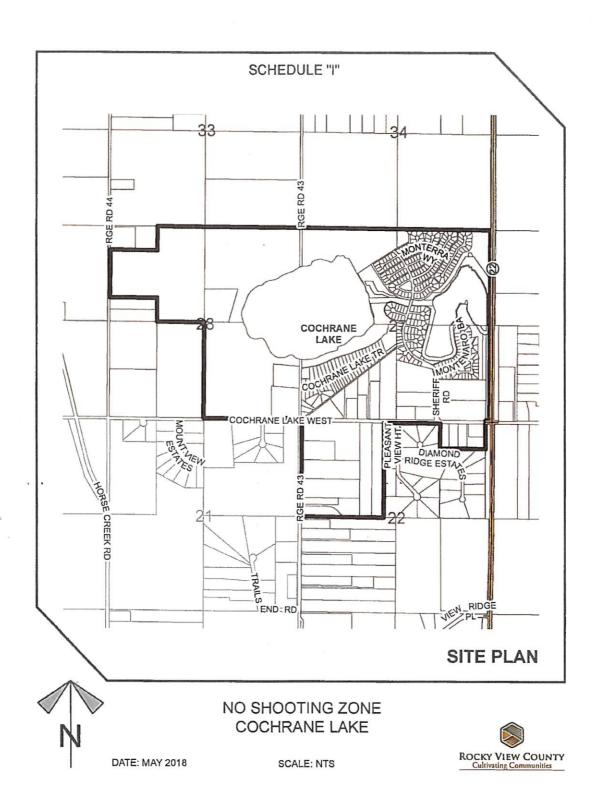


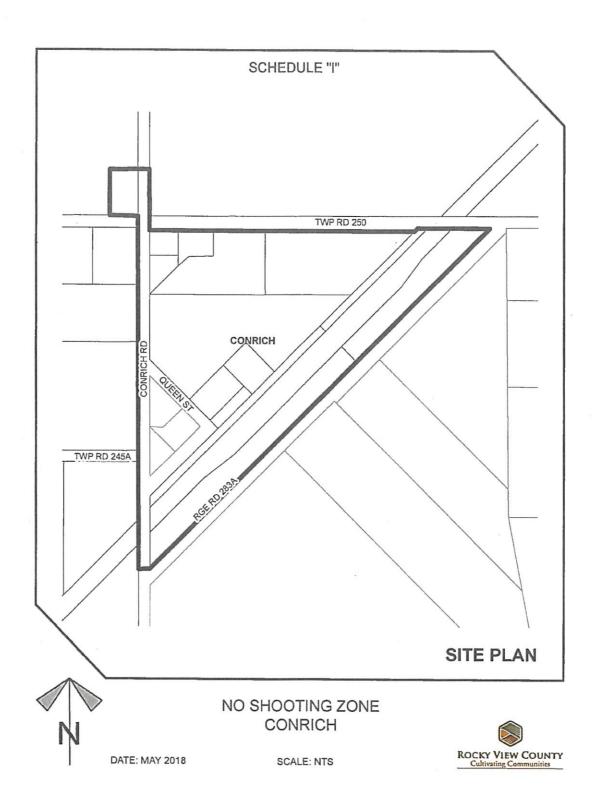


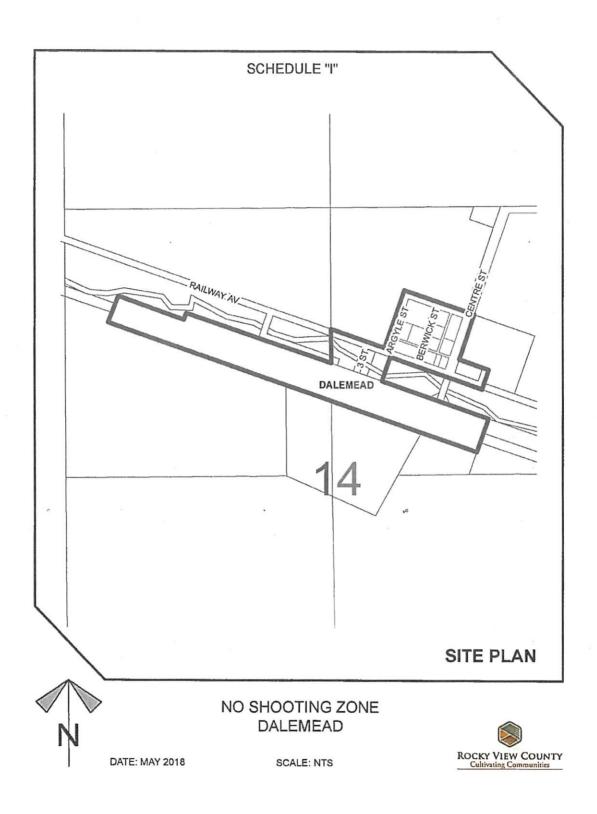


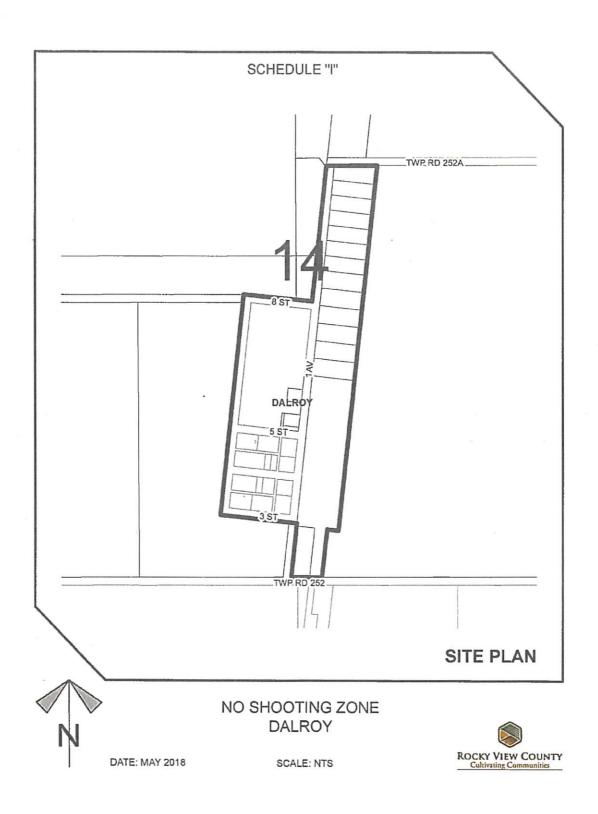


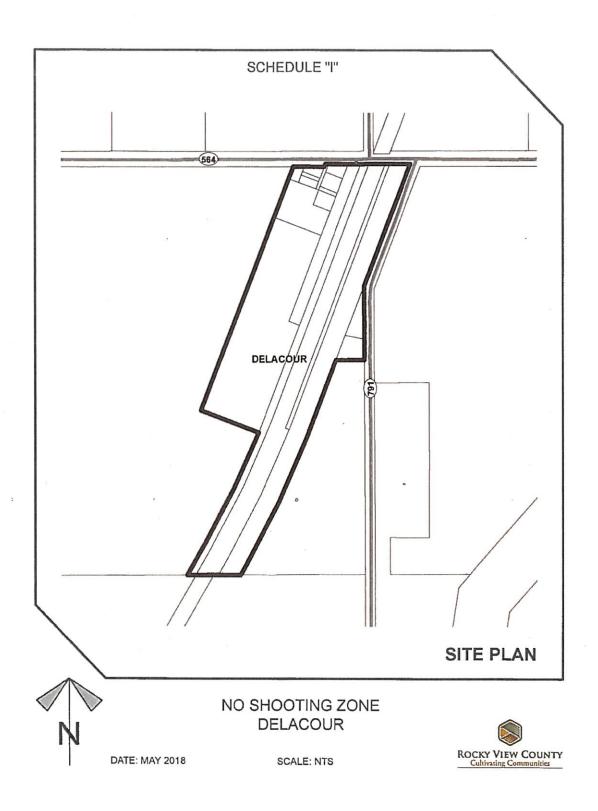


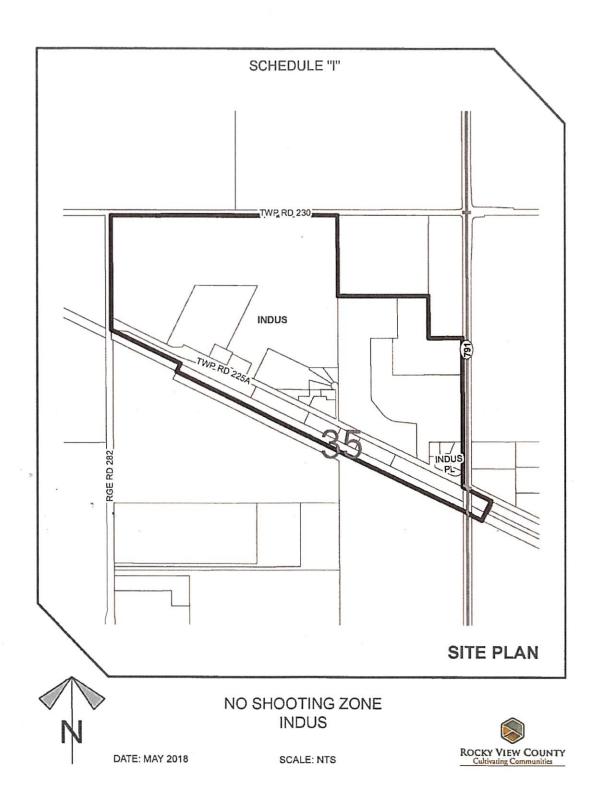


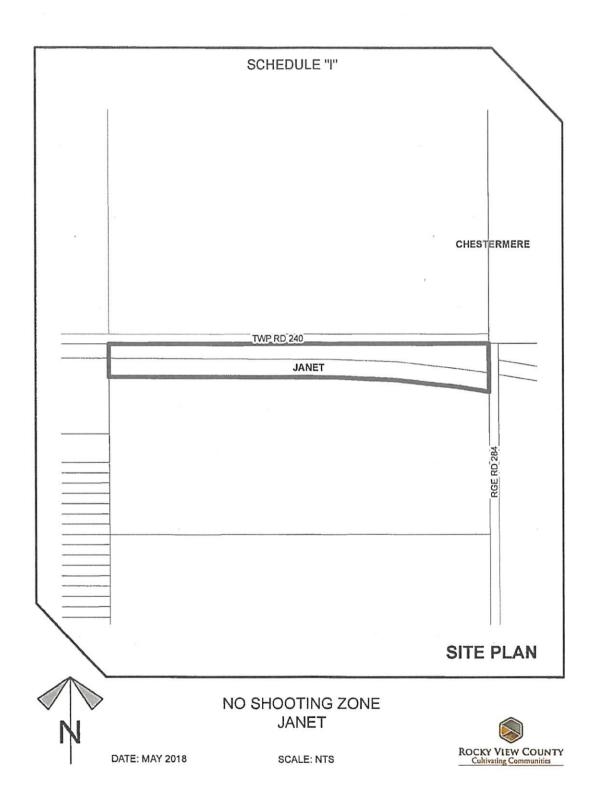


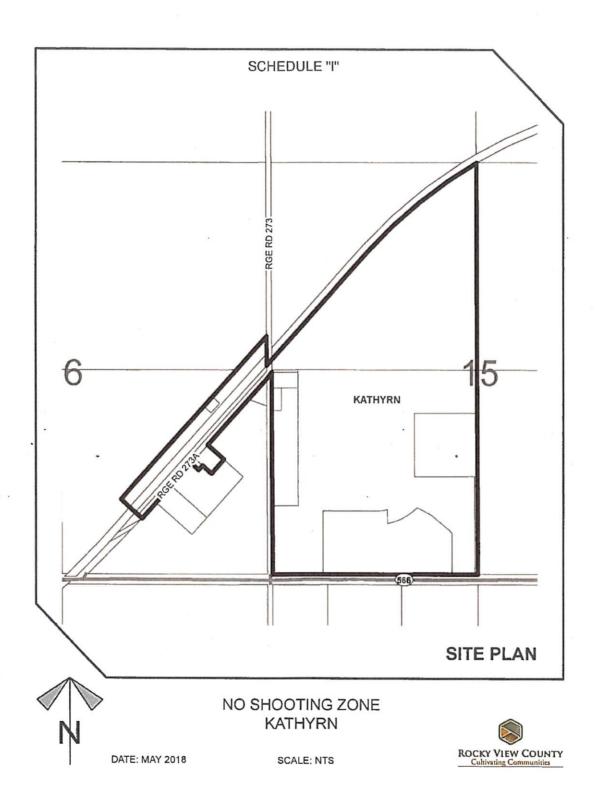




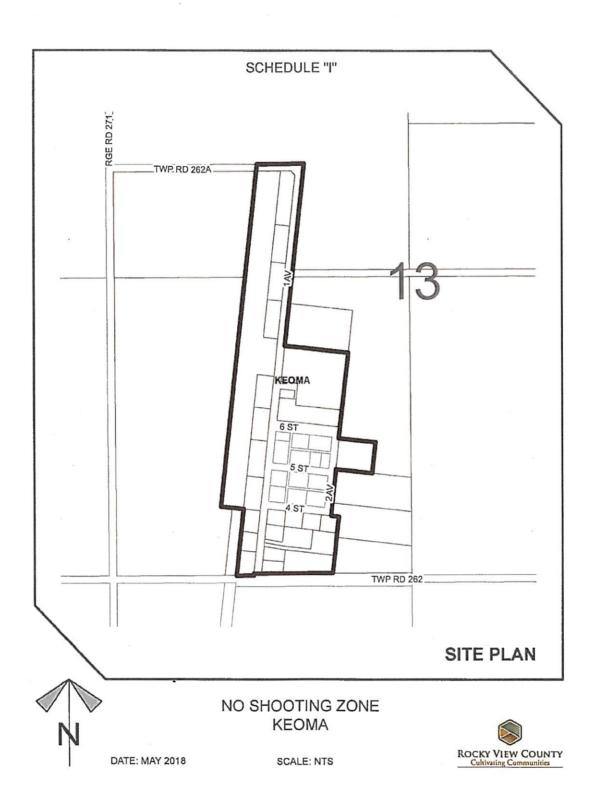


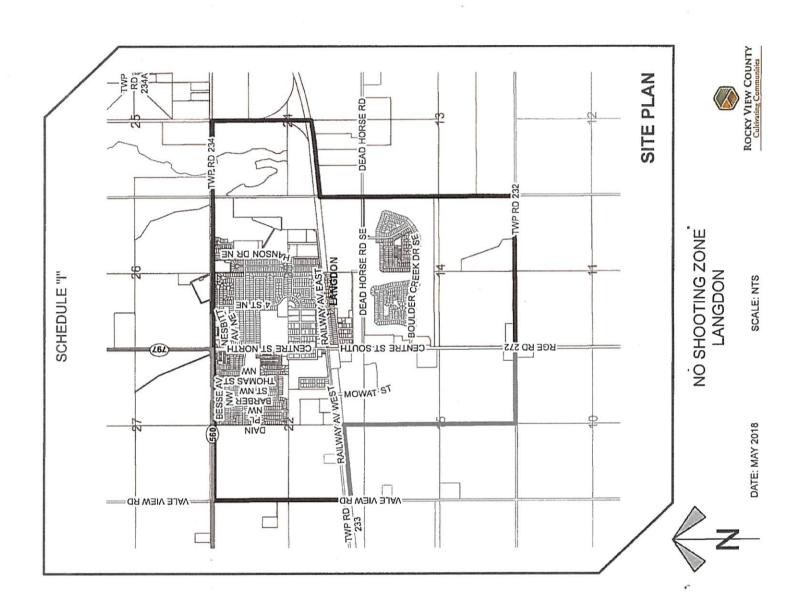


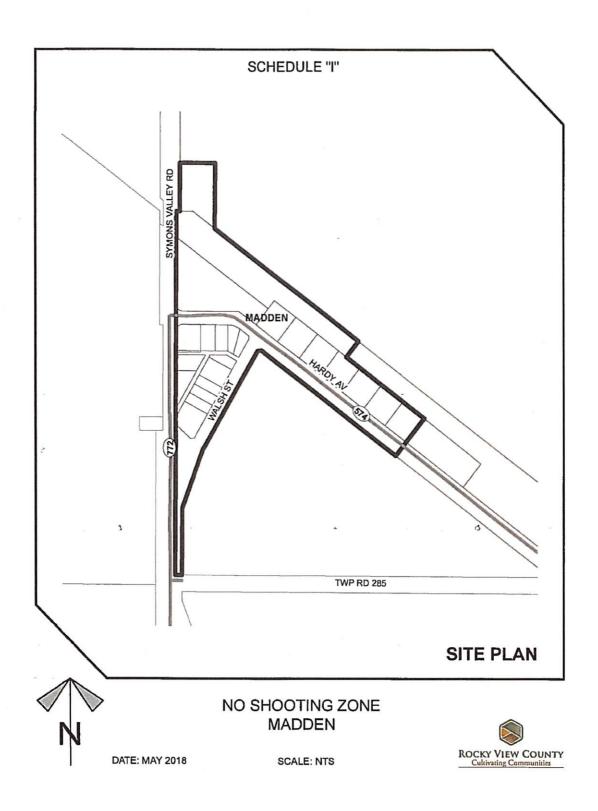




Bylaw C-7782-2018 - Firearms Bylaw









## **PLANNING SERVICES**

TO: Council

DATE: September 11, 2018 DIVISION: 7

**FILE**: 6411017 **APPLICATION**: PL20180069

**SUBJECT:** Redesignation Item – A Site Specific Amendment to Direct Control Bylaw C-6031-2005

DC-99)

#### <sup>1</sup>ADMINISTRATION RECOMMENDATION:

THAT application PL20180069 be refused.

#### **EXECUTIVE SUMMARY:**

The purpose of this application is to consider a site-specific land use amendment to Direct Control Bylaw C-6031-2005 (DC-99) to facilitate the development of a Licensed Medical Marijuana Production Facility.

This application was presented to Council on July 24, 2018, and received first and second reading, but failed to receive unanimous support to proceed to third reading. Subsequently, Council passed the following motion:

MOVED by Councillor Henn that Administration be directed to work with the applicants and affected neighbours on potential odour issues prior to further consideration of Bylaw C-7797-2018 at the September 11, 2018 Council meeting.

In order to address this matter, Administration requested a detailed assessment and plan regarding odour and emissions management for the proposed facility. However, it was acknowledged that preparing documentation of this nature in a short period of time would be challenging. Consequently, Administration arranged a meeting between interested parties and the Applicant to discuss proposed odour and emission management associated with the proposed facility.

On August 8, 2018, a meeting was held between adjacent landowners (convention centre), area landowners (eight landowners), the Applicant, and Administration. During the meeting, the Applicant provided more information regarding the corporate odour and emissions management technologies proposed for the facility.

It should be acknowledged that while a representative of the adjacent convention centre was able to attend the meeting, representatives of the adjacent dance studio and driver training schools were not able to attend. Subsequently, Administration provided the information supplied by the Applicant regarding the proposed filtration system to the driver training school. Dance studio representatives made separate arrangements to discuss odour and emissions management with the Applicant.

Additional submissions were made by a number of interested parties, including the dance studio representative who engaged an engineer to review the information provided by the Applicant. Should Council wish to hear more information regarding the proposed odour and emissions technology and further input from the community or adjacent landowners, arrangements for a new public hearing would be required. **Option #2** would facilitate the arrangement of a new public hearing.

<sup>&</sup>lt;sup>1</sup> Administration Resources Matthew Wilson, Planning Services Vince Diot, Engineering Services



Licensed Medical Marijuana Production Facility was added to the Land Use Bylaw as a discretionary use in the General Business District and the Industrial Activity District in 2014. Council approved the use in these two specific industrial areas that are intended to deal with appropriate traffic management and other development impacts, and to separate the use from other sensitive land uses such as schools - neither of these districts allow for schools. A 400 m minimum setback from residences, residential parcels, and school sites was also approved.

Administration reviewed the subject application and determined that:

• The proposed use (*Licensed Medical Marijuana Production Facility*) is generally consistent with the intent of the Balzac East Area Structure Plan; however, it is incompatible with a *School, Private* land use located within 30 metres of the subject land. The Land Use Bylaw states that a *minimum* of 400 metres separation distance is required to school sites.

Therefore, Administration recommends refusal in accordance with Option #3.

**DATE APPLICATION RECEIVED:** June 15, 2018 **DATE APPLICATION DEEMED COMPLETE:** June 15, 2018

PROPOSAL: A site-specific amendment to Direct Control District

(DC-99) to allow *Licensed Medical Marijuana Production Facility* as a discretionary use.

**LEGAL DESCRIPTION:** Lot 6, Block 3, Plan 1511243 within SW-11-26-29-W4M

GENERAL LOCATION: Located approximately 1.9 kilometres (1.2 miles) north

of the city of Calgary, 1 kilometre (0.6 miles) south of Highway 566 and 0.15 km (0.1 miles) east of Range

Road 292.

Direct Control District (DC-99)

APPLICANT: Boychuk Design Build Ltd. (David McKinnon)

**OWNER:** Seaview Investments Ltd.

PROPOSED LAND USE DESIGNATION: Direct Control District (DC-99, as amended)

GROSS AREA: ± 5.67 hectares (±14.01 acres)

SOILS (C.L.I. from A.R.C.): 5N,W 5 and 2T50 / 2T,E50 - The subject land contains

soil with very severe limitations to crop production due to high salinity and excessive wetness / poor drainage, and slight limitations due to adverse topography and erosion

damage.

#### **PUBLIC & AGENCY SUBMISSIONS:**

**EXISTING LAND USE DESIGNATION:** 

The application was circulated to 132 adjacent landowners, to which three letters in opposition were received at the time of report preparation (Appendix 'D'). The application was also circulated to a number of internal and external agencies, and those comments are available in Appendix 'A'.

A meeting between the Applicant, area landowners and Administration was held on August 8, 2018. Nine (9) landowners, including a representative of the adjacent convention centre, attended the meeting. Administration has received additional submissions regarding the proposed development from interested parties, including the dance studio representative who engaged an engineer to review the information provided by the Applicant. These items have not been provided with the report as the appropriate forum for receiving this information would be a public hearing.



### **HISTORY:**

August 22, 2018 A Development Permit was issued by the Development Authority approving

Development Permit (PRDP20182730) and allowing the continuation of the building as a General Industry Type 2 in accordance with its original approval.

**July 6, 2018** Building is not deemed complete; therefore, the Development Permit (DP) is

deemed null and void. No extension requests were received from the Applicant.

**February 11, 2016** PRDP20143896 was issued. Expiration date to complete building was February

11, 2018.

**June 29, 2015** Applicant applied for 1-year extension to complete conditions; DP to expire on

June 30, 2016.

**June 16, 2015** Letter was sent to the Applicant stating that the DP conditions had not been

satisfied and the permit was set to expire on June 30, 2015.

**May 7, 2015** Subdivision Plan No. 1511243 was registered, creating the subject land.

Municipal Reserves were previously paid in full.

**November 18, 2014** PRDP20143896 was approved for the construction of a 3-storey office/shop

building. Expiration date to satisfy conditions was June 30, 2015.

March 8, 2005 Direct Control Bylaw C-6031-2005 (DC-99) was adopted.

#### **BACKGROUND:**

The subject land is located in Balzac East (Wagon Wheel Industrial Park), approximately 1.9 kilometres (1.2 miles) north of the city of Calgary, 1 kilometre (0.6 miles) south of Highway 566 and 0.15 kilometres (0.1 miles) east of Range Road 292.

The surrounding area is mainly industrial and commercial. Access to the subject land is available from an internal subdivision road (Wagon Wheel View).

Proposed servicing of the site includes wastewater treatment (connected to the Rocky View Wastewater Transmission Main), water supply (connected to the East Balzac Water Distribution system), and stormwater (managed in accordance with the approved site specific stormwater management plan under PRDP20143896).

The subject land currently contains an approximately 13,826.85 sq. m. (148,831 sq. ft.) industrial building that was approved under PRDP20143896. The *Notice of Decision* was issued on February 16, 2016, and the expiration date for completion of the development was 24 months from the date of issuance (February 11, 2018). On July 6, 2018, an inspection of the site was conducted and the building was deemed not complete. PRDP20182730 was issued on August 22, 2018, allowing completion of the General Industry Type II in accordance with the original approval.

#### **POLICY ANALYSIS:**

### Land Use Bylaw

Section 20.9 of the Land Use Bylaw provides the development regulations for Licensed Medical Marijuana Production Facilities. Subsection (d) states:

- "A Licensed Medical Marijuana Production Facility Site shall meet the minimum separation distance of 400 m between an existing Dwelling, School Site or Residential Parcel; and the Licensed Medical Marijuana Production Facility Site:
- (ii) The minimum separation distance between an existing Residential Parcel or School Site and a Licensed Medical Marijuana Production Facility Site shall be established by



measuring the shortest distance between the boundary of a Residential Parcel or School Site and the boundary of the Licensed Medical Marijuana Production Facility Site."

The County's adopted policy regarding Licensed Medical Marijuana Production Facilities is limited to the definitions and regulations contained in the Land Use Bylaw. The County Plan and, in this case, the Balzac East Area Structure Plan and Wagon Wheel Industrial Park Conceptual Scheme were prepared and adopted prior to the County's consideration of Licensed Medical Marijuana Production Facilities. Consequently, a policy assessment of the merits of the proposed facility is somewhat confined to the treatment of the Land Use Bylaw as the relevant policy for assessment of the proposed development. The Land Use Bylaw restricts the location of Licensed Medical Marijuana Production Facilities to two districts: the Industrial Activity District and the General Business District. Neither of these Districts accommodate the sensitive uses (Schools Sites, Residential Parcels, or Dwellings) identified for setback requirements. Direct Control District 99 accommodates a sensitive use in the form of school sites, and the subject land does not meet the setback requirement from an approved school site.

School, Private means a place of instruction which is not built or maintained with funds that are primarily public funds and which may offer courses of study different to those offered in a public school. Two approved School, Private uses are located approximately 30.00 m west of the subject site. The uses were approved under Development Permits PRDP20174052 and 2009-DP-13703.

When defining *School Site* for the purposes of Licensed Medical Marijuana Production Facilities, Section 20.9(b) of the Land Use Bylaw does not differentiate between the three listed school uses in the definitions; therefore, Administration applies the rule to all three school uses.

# Balzac East Area Structure Plan & Wagon Wheel Industrial Park Conceptual Scheme

The subject land is included in Special Development Area 4 (Cell C) of the Balzac East Area Structure Plan, which is identified as the heart of the commercial / industrial business area. The proposed development is consistent with the objectives of the Area Structure Plan and is situated within an already developed area.

The Wagon Wheel Industrial Park Conceptual Scheme policies identify the subject land as accommodating a full range of industrial, business, commercial, and institutional land uses. The proposed land use is consistent with the intent of the Conceptual Scheme.

#### Direct Control Bylaw C-6031-2005 (DC-99)

Direct Control Districts are intentionally prepared to provide a higher level of control for a unique form of development that is not otherwise supported in the Land Use Bylaw. Consequently, any changes to the development proposal require an amendment of the Direct Control District Bylaw through the public hearing process.

The purpose and intent of Direct Control District DC-99 (adopted in September 2005) is to provide for the development of the Balzac East Special Development Area #4 Lands for commercial and light industrial uses that do not impact adjacent residential development.

The listed uses included in the Direct Control District offer a broad variety of potential businesses; however, several of these uses conflict with the proposed use. The presence of two private schools (with one catering to school-aged children) located immediate to the west of the proposed facility creates the need for a substantial relaxation of the *Licensed Medical Marijuana Production Facility* development guidelines in the Land Use Bylaw. While Administration has prepared a Bylaw for Council that would amend the setback requirements provided in the Land Use Bylaw and allow the development of the proposed facility, the proposed development and related Bylaw amendments are not recommended for approval.



# POTENTIAL AMENDMENTS TO THE BYLAW:

The proposed amendment of the Land Use Bylaw to incorporate new definitions and provisions related to the production, processing, and sale of cannabis would have an effect on the definitions contained in this Bylaw. Should Council adopt the proposed amendments to the Land Use Bylaw introducing *Cannabis Cultivation* and *Cannabis Processing* as uses and Council decides to proceed with the adoption of a Bylaw to facilitate a medical marijuana production facility on the subject land, Bylaw C-7797-2018 should be amended by passing a motion to:

- 1. Amend Bylaw C-7797-2018 by replacing the term *Licensed Medical Marijuana Production Facility* with the terms:
  - a. Cannabis Cultivation, Standard;
  - b. Cannabis Cultivation, Micro; and
  - c. Cannabis Processing.

#### **CONCLUSION:**

While the proposed use (*Licensed Medical Marijuana Production Facility*) is generally consistent with the intent of the Balzac East Area Structure Plan, it does require a 400 metre separation distance from school sites established under the Land Use Bylaw. As the only County document to include specific definitions and regulations regarding Licensed Medical Marijuana Production Facilities, the Land Use Bylaw effectively establishes a significant policy consideration for these types of facilities. Consequently, the use is incompatible with two *School, Private* (School Site) land uses located within 30.0 metres of the subject land. Therefore, Administration recommends refusal in accordance with **Option #3.** 

#### **OPTIONS:**

Option #1: THAT Bylaw C-7797-2018 be given third and final reading.

Option #2: Motion 1: THAT second reading of Bylaw C-7797-2018, adopted at the July 24,

2018 Council meeting, be rescinded.

Motion 2: THAT Administration be directed to schedule an additional public hearing

for Bylaw C-7797-2018 to address odour and emissions management

associated with the proposed development.

Option #3: THAT application PL20180069 be refused.

Respectfully submitted,	Concurrence,		
"Chris O'Hara"	"Rick McDonald"		
General Manager	Interim County Manager		
MW/rp			

#### **APPENDICES:**

APPENDIX 'A': Application Referrals

APPENDIX 'B': Bylaw C-7797-2018 and Schedules A&B

APPENDIX 'C': Map Set

APPENDIX 'D': Landowner comments



# **APPENDIX A: APPLICATION REFERRALS**

AGENCY	COMMENTS		
School Authority			
Rocky View Schools	No comments received.		
Calgary Catholic School District	No comments received.		
Public Francophone Education	No comments received.		
Catholic Francophone Education	No comments received.		
Province of Alberta			
Alberta Environment and Sustainable Development	Not required for circulation.		
Alberta Infrastructure	Alberta Infrastructure has no concerns with the proposed development. It does not impact any Infrastructure owned or administered lands.		
Alberta Transportation	No comments received.		
Alberta Culture and Community Spirit (Historical Resources)	Not required for circulation		
Alberta Energy Regulator	No comments received.		
Alberta Health Services	<ul> <li>Please note that the property must be maintained in accordance with the Alberta Public Health Act, Nuisance and General Sanitation Guideline 243/2003, which stipulates:</li> </ul>		
	No person shall create, commit or maintain a nuisance. A person who creates, commits or maintains any condition that is or might become injurious or dangerous to the public health or that might hinder in any manner the prevention or suppression of disease is deemed to have created, committed or maintained a nuisance.		
	<ul> <li>The proposed source of drinking water and type of wastewater system were not identified in the application. Whenever possible, AHS supports the regionalization of water and wastewater utilities; in particular, the connection to existing Alberta Environment and Parks-approved municipal or regional drinking water and wastewater systems.</li> </ul>		
	AHS recommends that the Applicant confirms there is an adequate water supply available for the proposed use, and that use of the proposed volumes of water will not adversely affect supply or quality of neighboring properties' water.		
	Consideration should be given to the types and volume of chemicals that will be stored onsite. The proposed method		



AGENCY	COMMENTS		
	<ul> <li>and location of chemical storage must ensure there will be no adverse impacts on local groundwater or surface water.</li> <li>The waste management plan for the proposed operation should specify the type and volume of waste materials. The manner in which waste materials are handled, stored and disposed of must not create a public health nuisance.</li> <li>A plan should be designed, including appropriate mitigation strategies where required, to ensure odours from the proposed facility do not affect neighboring properties.</li> <li>If any evidence of contamination or other issues of public health concern are identified at any phase of development, AHS wishes to be notified.</li> </ul>		
Public Utility			
ATCO Gas	No objection.		
ATCO Pipelines	No objection.		
AltaLink Management	No comments received.		
FortisAlberta	No comments received.		
Telus Communications	No objections.		
TransAlta Utilities Ltd.	No comments received.		
Other External Agencies			
City of Calgary	No concerns.		
Rocky View County Boards and Committees			
ASB Farm Members and Agricultural Fieldmen	Agricultural Services Staff Comments: Because this parcel falls within the Balzac East ASP, Agricultural Services has no concerns.		
Chestermere-Conrich Recreation Board	Not required for circulation.		
Internal Departments			
Municipal Lands	The Municipal Lands Office has no concerns with this application as parks, open space, or active transportation networks are not affected.		
Development Authority	No comments received.		



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#### **COMMENTS**

#### Fire Services

- Please ensure that water supplies and hydrants are sufficient for firefighting purposes. Please contact the Fire Service to propose a design for a private hydrant systems if it is required;
- Dependent on the occupancies, the Fire Service recommends that the buildings be sprinklered, if applicable, as per the Alberta Building Code;
- Please ensure that access routes are compliant to the designs specified in the Alberta Building Code and the Rocky View County Servicing Standards;
- Please ensure that there is adequate access throughout all phases of development and that the access complies with the requirements of the Alberta Building Code & NFPA 1141.

**Enforcement & Compliance** 

No concerns.

GeoGraphics

No comments received.

**Building Services** 

No comments received.

Infrastructure and Operations - Engineering Services

## <u>General</u>

- The applicant will be responsible for all 3rd party costs associated with the review and approval of the supporting technical studies at the time of subdivision/development;
- As this application is for land use only, ES has no concerns with the application. Detailed engineering requirements noted below will be required at the subdivision or development permit stage. Comments below are provided for the applicants understanding only. See file PRDP20182268;
- The subject site has been developed under a previous development permit. See RVC file #PRDP20143896 for details on existing site services, buildings, etc currently in place.

#### **Geotechnical** - Section 300.0 requirements:

 No requirements. This application is for land use only and no changes are being proposed to the development on site.
 Should future development propose changes to the site's impervious coverage, additional requirements may apply.

## <u>Transportation</u> - Section 400.0 requirements:

 No requirements apply at the land use stage. The tenancy development permit includes a requirement to verify traffic generation and distribution for the change in use on this parcel. In the event traffic is increasing beyond that assumed when this parcel was created, a Traffic Impact Assessment (TIA) may be required. In the event the TIA identifies



#### **AGENCY**

#### **COMMENTS**

improvements required to the offsite road network, a development agreement will be required for ensuring the identified improvements are in place prior to occupancy.

## Sanitary/Waste Water - Section 500.0 requirements:

 No requirements apply at the land use stage. The tenancy development permit includes a requirement to verify water and sewer usage on the site. There is a customer service agreement in place with the owner and it reflects a capacity allocation that cannot be exceeded. Should additional capacity be required to accommodate the new use on the site, it shall be purchased by the owner in accordance with County bylaws.

# <u>Water Supply And Waterworks</u> - Section 600.0 & 800.0 requirements:

 No requirements. This application is for land use only and no changes are being proposed to the development onsite.
 Should future development propose changes to the site's impervious coverage, additional requirements may apply.

# **Storm Water Management** – Section 700.0 requirements:

 No requirements. This application is for land use only and no changes are being proposed to the development onsite.
 Should future development propose changes to the site's impervious coverage, additional requirements may apply.

### **Environmental** – Section 900.0 requirements:

ES have no requirements at this time.

# Infrastructure and Operations – Utility Services

Ensure water / wastewater allocation is sufficient for anticipated demand. Additional capacity may have to be purchased.

Ensure wastewater quality meets limits of Water / Wastewater Utility Bylaw C-2662-2017 prior to discharge to sewer system.

# Infrastructure and Operations - Capital Delivery

No concerns.

# Infrastructure and Operations – Roads Operations

Applicant to contact Road Operations regarding the location of access(es) to property.

Infrastructure and Operations – Maintenance

No concerns.

Agriculture and Environmental Services - Solid Waste and Recycling Ensure that strict waste handling and destruction requirements are not impeded.

Circulation Period: June 15, 2018 – July 9, 2018



# **BYLAW C-7797-2018**

# A Bylaw of Rocky View County to amend Direct Control District (DC-99, Bylaw C-6031-2005)

The Council of Rocky View County enacts as follows:

### PART 1 - TITLE

This Bylaw shall be known as Bylaw C-7797-2018.

## **PART 2 – DEFINITIONS**

In this Bylaw, the definitions and terms shall have the meanings given to them in Direct Control District (DC-99, Bylaw C-6031-2005), Land Use Bylaw (C-4841-97), and the *Municipal Government Act*.

### PART 3 - EFFECT OF BYLAW

- **THAT** Direct Control District (DC-99, Bylaw C-6031-2005) be amended as detailed in Schedule 'A' forming part of this Bylaw.
- **THAT** Direct Control District (DC-99, Bylaw C-6031-2005) be amended to add Schedule "E", showing the permitted use of *Licensed Medical Marijuana Production Facility* within a portion of SW 11-26-29-W4M, as shown on Schedule 'B' attached to and forming part of this Bylaw.

## **PART 4 – TRANSITIONAL**

Bylaw C-7797-2018 comes into force when it receives third reading, and is signed by the Reeve/Deputy Reeve and the CAO or Designate, as per the Municipal Government Act.

Division: 7 File: 06411017 / PL20180069

PUBLIC HEARING WAS HELD IN COUNCIL this	24 <sup>th</sup> day of July , 2018
READ A FIRST TIME IN COUNCIL this	24 <sup>th</sup> day of July , 2018
READ A SECOND TIME IN COUNCIL this	24 <sup>th</sup> day of July , 2018
READ A THIRD TIME IN COUNCIL this	day of , 2018
	Reeve
	CAO or Designate
	Date Bylaw Signed



# SCHEDULE 'A' FORMING PART OF BYLAW C-7797-2018

# Amendments to Direct Control Bylaw C-6031-2005 (DC-99)

## Amendment #1

Add the following use to Section 2.5.0 as follows:

2.5.29 Licensed Medical Marijuana Production Facility' is allowed within a portion of SW 11-26-29-W4M as shown on Schedule 'E';

## **Amendment #2**

Add the following section:

- 3.16.0 Special Development Regulations Licensed Medical Marijuana Production Facility situated on Lot 6, Block 3, Plan 1511243
  - 3.16.1 Notwithstanding section 20.9 (d) of the Land Use Bylaw (Bylaw C-4841-97), a Licensed Medical Marijuana Production Facility may be situated on Lot 6, Block 3, Plan 1511243.

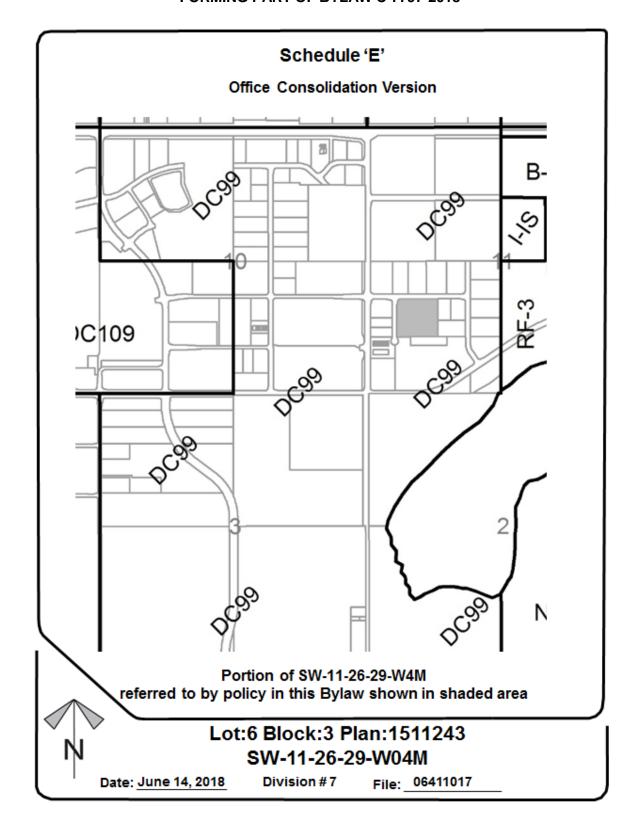
## **Amendment #3**

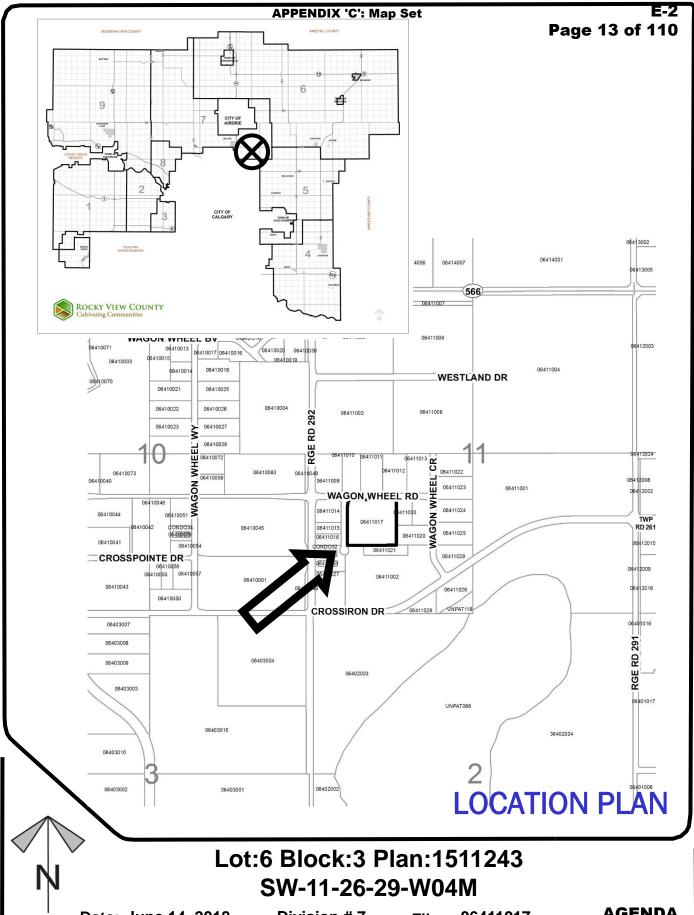
Add 'Schedule "E", as depicted in Schedule "B" attached to and forming part of Bylaw C-7797-2018

Bylaw C-7785-2018 Page 2 of 3



SCHEDULE 'B' FORMING PART OF BYLAW C-7797-2018





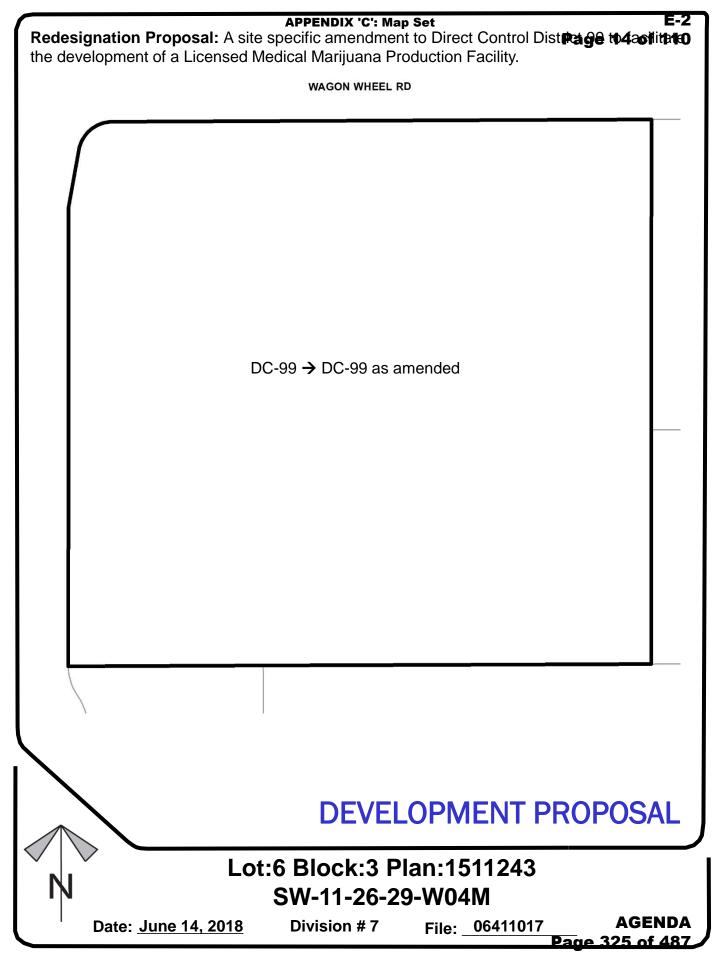
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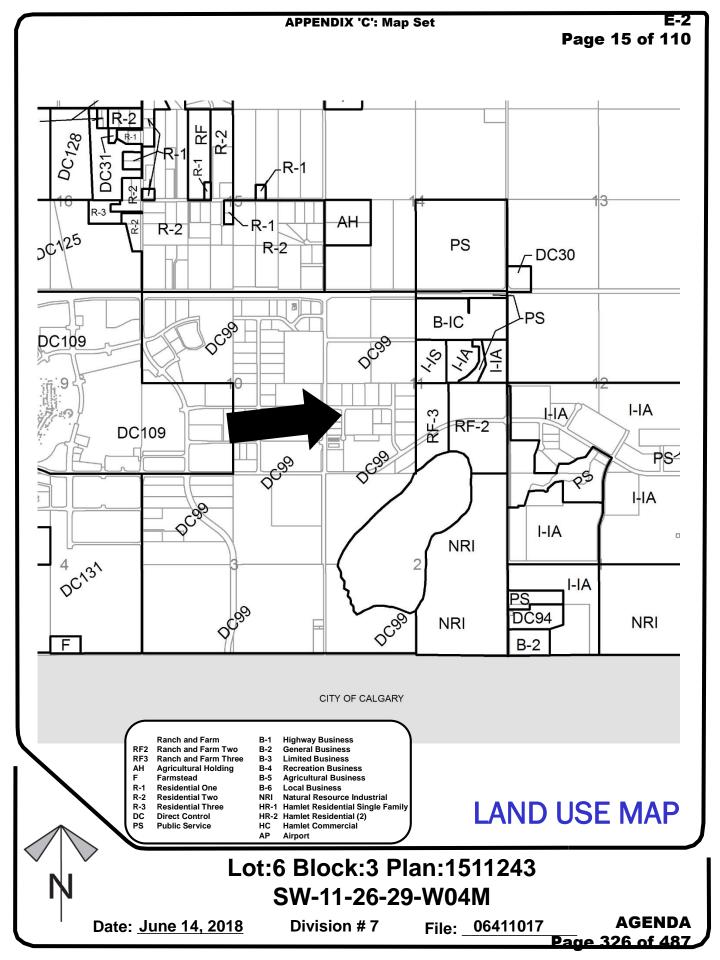
Division #7

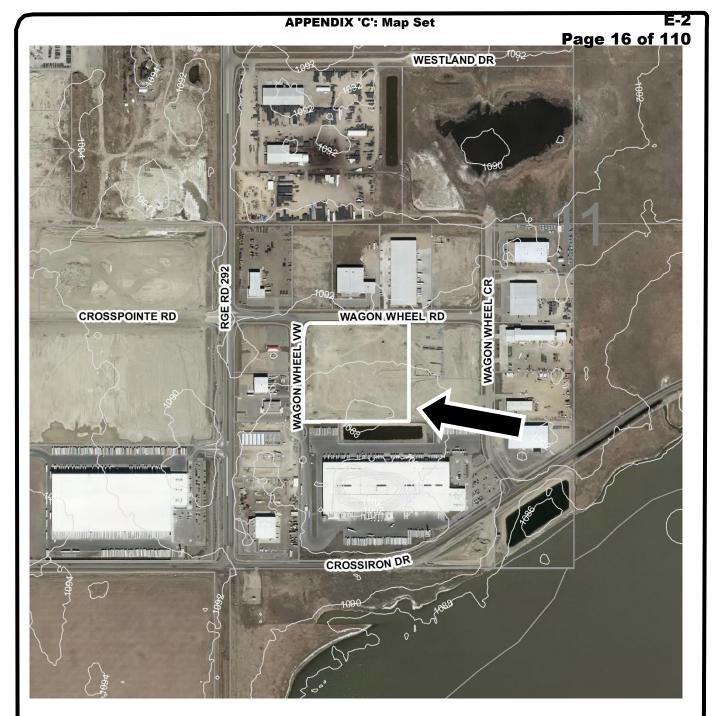
File: 06411017

AGENDA

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Contours are generated using 10m grid points, and depict general topographic features of the area. Detail accuracy at a local scale cannot be guaranteed. They are included for reference use only.

## **TOPOGRAPHY**

Contour Interval 2 M

Lot:6 Block:3 Plan:1511243 SW-11-26-29-W04M

Date: <u>June 14, 2018</u>

Division #7

File: 06411017

AGENDA

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Note: Post processing of raw aerial photography may cause varying degrees of visual distortion at the local level.

## **AIR PHOTO**

Spring 2016

Lot:6 Block:3 Plan:1511243 SW-11-26-29-W04M

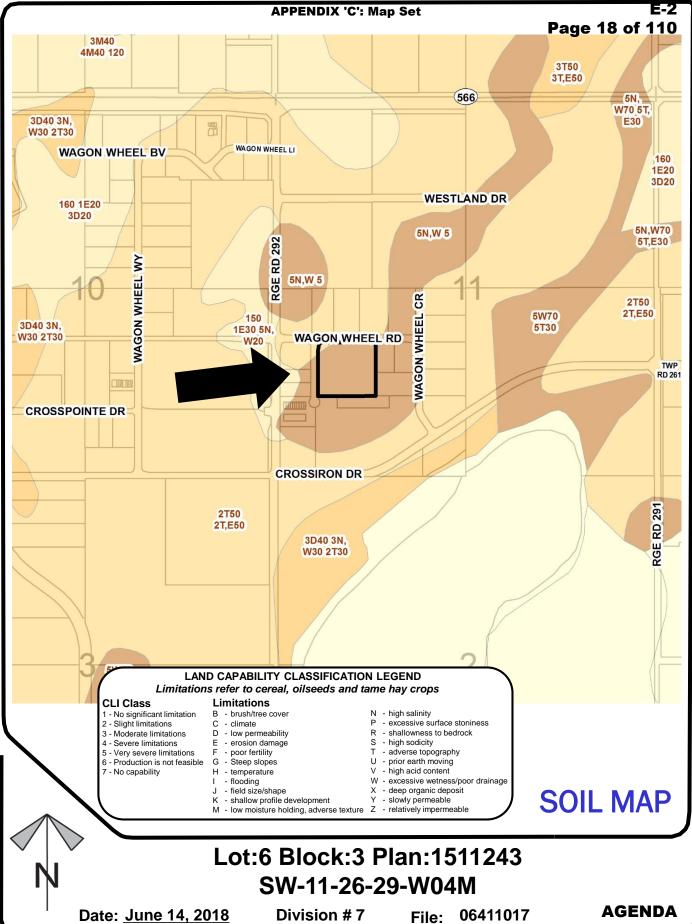
Date: <u>June 14, 2018</u>

Division #7

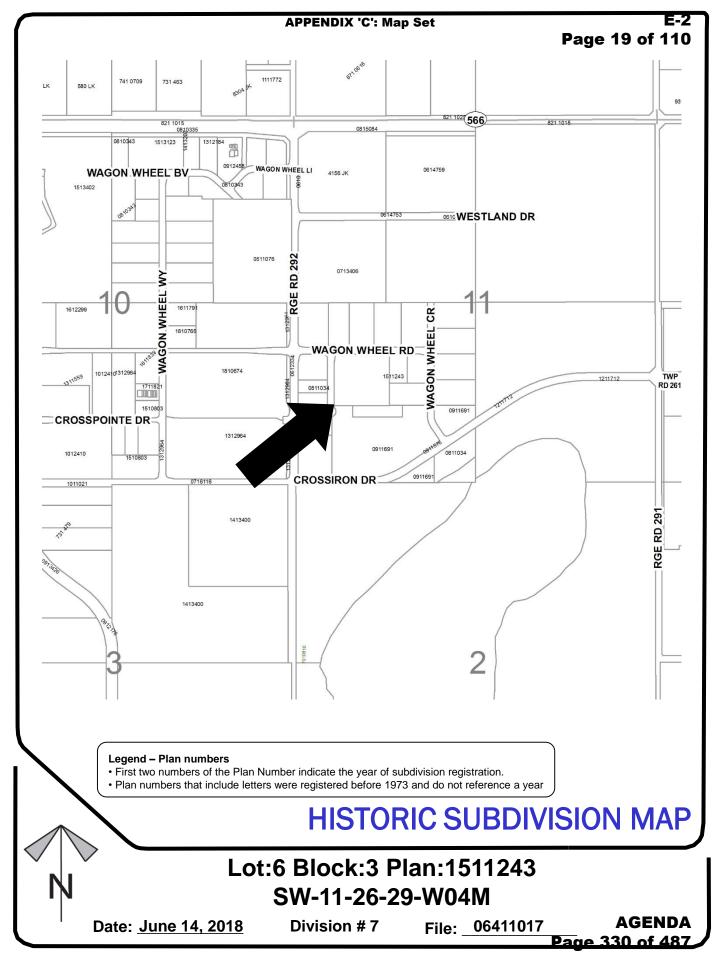
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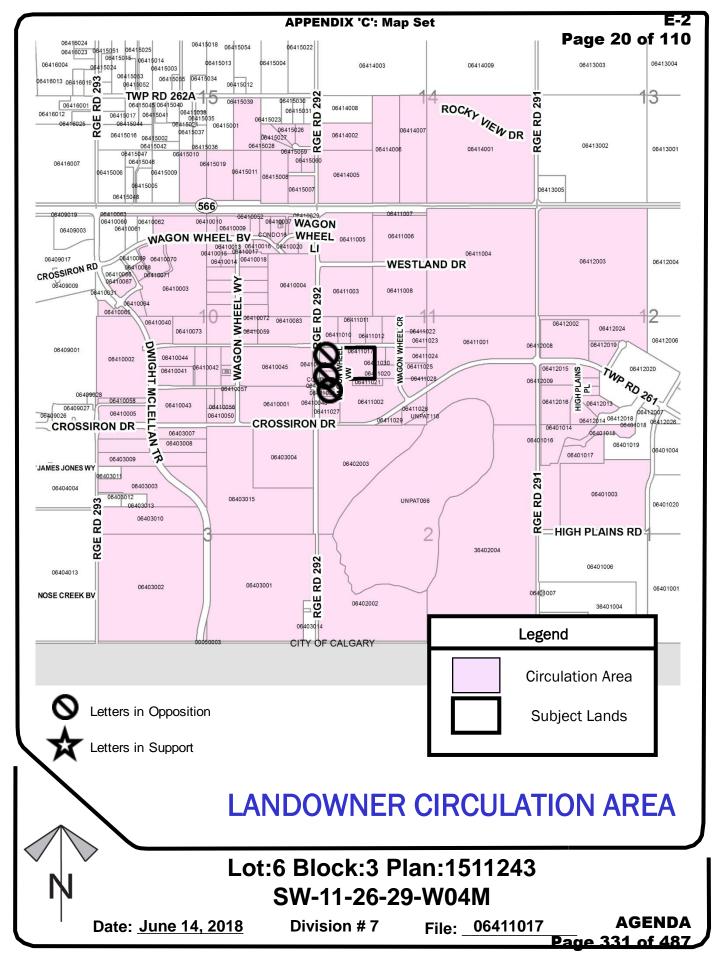
AGENDA

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July 11th, 2018

Rocky View County 911 - 32 Ave NE Calgary, Alberta T2E 6X6

Grow Capital Partners Inc.

To whom it may concern,

We are pleased to submit the attached presentation for circulation in advance of the council meeting scheduled for July 24th, 2018.

We are grateful to have the opportunity to address council so quickly and would like to thank all those who were involved in making it possible for us to submit our proposal in such a timely manner. We look forward to the opportunity to speak to our proposition and address any concerns that may arise.

Thank you again for your consideration of our application, we look forward to becoming neighbors and contributing in a meaningful way to the future of Rocky View County.

Sincerely,

Management
Grow Capital Partners





July 24th, 2018

## **Council Meeting**

Rocky View County, Alberta



## DISCLOSURE

#### Legal Disclaimer

The information provided herein is not intended to provide financial, tax, legal or accounting advice. The contents hereof do not constitute an offer to sell or a solicitation of an offer to buy securities of the Auxly Cannabis Group Inc (the "Company") or represent an intention to induce any person to make an investment in the Company or to assist any person in the making of an investment decision. Information provided is for information purposes only and shall not constitute an offer to sell or the solicitation of an offer to buy any securities, nor shall there be any sale of securities in any state in the United States of America in which such offer, solicitation or sale would be unlawful. This Presentation includes market share, industry and other statistical information that the Company has obtained from independent industry publications, government publications, market research reports and other published independent sources. Such publications and reports generally state that the information contained therein has been obtained from sources believed to be reliable. Although the Company believes

these publications and reports to be reliable, it has not independently verified any of the data or other statistical information contained therein, nor has it ascertained or validated the underlying economic or other assumptions relied upon by these sources. The Company has no intention and undertakes no obligation to update or revise any such information or data, whether as a result of new information, future events or otherwise, except as, and to the extent required by applicable securities laws.

#### Forward-looking Information

This corporate document contains "forward-looking statements" and "forward-looking information" (collectively, "forward-looking information") within the meaning of applicable securities legislation." Thereafter, all references should be to "forward-looking information"). This corporate document may use words such as "may", "would", "could", "will", "likely", "except", "anticipate", "believe", "intend", "plan", "forecast", "project", "estimate", "outlook", and other similar expressions to identify forward-looking statements. In addition, the Company's

assessment of, and targets for, future cultivation, production timelines, average margin on streaming transactions, investment returns on streaming transactions, average selling prices, cost of goods sold, -operating expenses and adjusted EBITDA are considered forward-looking statements. Actual results, performance or achievement could differ materially from that expressed in, or implied by, any forward-looking statements in this corporate document, and, accordingly, investors should not place undue reliance on any such forward-looking statements. Forward-looking information involves significant risks, assumptions, uncertainties and other factors that may cause actual future results or anticipated events to differ materially from those expressed or implied in any forward-looking statements and accordingly, should not be read as guarantees of future performance or results. Forward-looking information involves risks and uncertainties including, but not limited to, the Company's anticipated business strategies, anticipated trends in the Company's business and anticipated market share, that could cause actual results or events to differ materially from those expressed or implied by the forward-looking information, general business, economic and competitive uncertainties, regulatory risks including risks related to the cannabis market in the United States and Canada, market risks, all of such factors and to assess in advance the impact of each such factor on the Company's business or the extent to which any factor, or combination of factors, may cause actual results to differ materially from those contained in any forward-looking statements. Forward-looking information contained in this Presentation is based on the Company's current estimates, expectations and projections, which the

Company believes are reasonable as of the current date. The Company can give no assurance that these estimates, expectations and projections will prove to have been correct. Historical statements should not be taken as a representation that such trends will be replicated in the future. No statement in this Presentation is intended to be nor may be construed as a profit forecast.

#### **Use of Non-IFRS Measures**

This Presentation refers to Adjusted EBITDA because certain investors may use this information to assess the Company's performance and also determine the Company's ability to generate cash flow. This data is furnished to provide additional information and are non-IFRS measures and do not have any standardized meaning prescribed by IFRS. Accordingly, these measures should not be considered in isolation nor as a substitute for analysis of the Company's financial information reported under IFRS.





## SITE FEATURES



- 14 acres of land
- Zoned DC-99
- +/-148,000 square foot steel building shell (built in 2017)
- Access to sufficient power, water and waste services





## PROJECT OVERVIEW

Within a currently vacant, partially constructed building, complete a Health Canada licensed medical cannabis cultivation facility

Partnering with industry leading, Health Canada licensed, public company to produce medical cannabis to be sold in Alberta, and in other Canadian - and international markets

Skilled employment opportunities in horticulture, biochemistry, engineering, applied sciences, agritech, administration, marketing, research, and more









## MEDICAL CANNABIS IN CANADA

In 2001 Ontario's Court of Appeal held that the Criminal prohibition of the medical use of cannabis was unconstitutional and a Medical Access to Cannabis Program was created



In 2001, Canada became the first country to legalize the use of cannabis for medical purposes





## MEDICAL CANNABIS | THE NUMBERS (AS OF MARCH 2018)



13,359 medical professionals have prescribed patients medical cannabis



296,702 Canadian patients have registered in the Access to Cannabis for Medical Purposes program

112,207 registrants are located in Alberta 37.8%

41.8%

123,983 registrants are located in Ontario

Source: Health Canada

SLIDE |





## HEALTH CANADA







CANNABIS REGULATION IN CANADA: Health Canada regulates the Canadian cannabis industry and requires licensed producers to conform to stringent Access to Cannabis for Medical Purposes Regulations (ACMPR).

Licensed sites are subject to compliance and enforcement measures, including regular audits and inspections by Health Canada.

#### **Physical Security**

The ACMPR sets out physical security requirements that are necessary to secure sites where licensed producers conduct activities with cannabis other than storage. All applicants for a producer's licence have to demonstrate to Health Canada that they meet these security requirements.

#### **Quality Assurance**

Licensed producers are subject to "Good Production Practices" that are meant, among other things, to ensure the cleanliness of the premises and equipment.

#### **Odour Controls**

The ACMPR requires licensed producers to use air filtration systems that prevent the escape of odours from the facility.





## **HEALTH CANADA** (continued)







#### **Security Clearance**

The ACMPR requires that the operators, directors and officers of a licensed producer undergo stringent RCMP security checks. These security checks go well beyond a typical police background check and verify that these individuals do not have, and have not had, any criminal involvement.

#### **Pesticides**

Licenced producers are not permitted to use additives in the production of fresh or dried marijuana, or marijuana plants or seeds intended for sale.

Licenced producers must also adhere to section 66 of the ACMPR which states that "fresh or dried marihuana or marihuana plants or seeds must not be treated with a pest control product unless the product is registered for use on marihuana under the Pest Control Products Act or is otherwise authorized for use under that Act".

#### **Water Controls**

Site specific plumbing controls which carry sufficient quantities of water throughout the facility and properly remove sewage and liquid waste from the facility prevent cross connections between discharge wastewater or sewage and sanitary water to ensure backflow prevention into sanitary water systems.

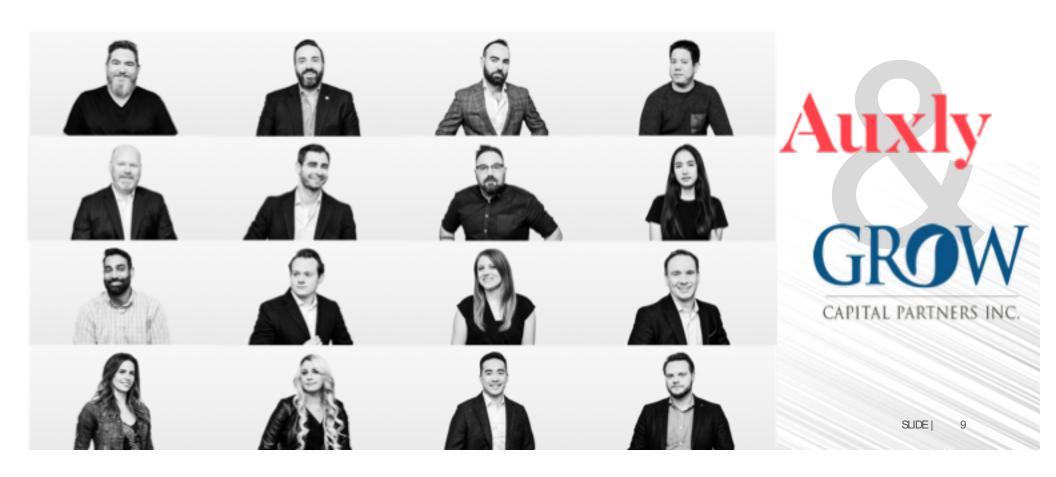
#### **No Store Front Sale**

Sale of Cannabis at the licensed facility is not permitted. Licensed Producers are required to ship products to patients using mail order.





## **OPERATIONAL & DEVELOPMENT TEAMS**



## WHO WE ARE

**Auxly** is a public company. Shares are traded on the TSXV Exchange under the stock ticker "XLY". Our management team is comprised of industry first-movers, visionaries and experts, dedicated to creating value for our partners and the cannabis industry.

#### **Chuck Rifici**

Chairman, Chief Executive Officer

Chuck is a true pioneer of the North American cannabis industry having founded Canopy Growth (formerly Tweed Marijuana) and building it into 500,000 square feet of thriving marijuana grow capacity as its CEO. Today, Canopy Growth is worth over \$1 billion and recognized as a world class cannabis producer. Chuck is a chartered professional accountant. He obtained his MBA from Queen's University and holds a BASc in Computer Engineering from the University of Ottawa.

#### **Jeff Tung, CFA**

Chief Financial Officer & Chief Operating Officer

Prior to Auxly, Jeff was the co-founder of CPS Management Partners, where he led the acquisition of multiple businesses in the insurance administration industry. Under his leadership, CPS and its portfolio companies became the

largest workers' compensation claims administrator in Canada, returning IRRs in excess of 50% to investors.

Other prior work experience includes Engagement Manager at McKinsey, as well as various project and team management roles at SAP Jeff holds an MBA from the Richard Ivey School of Business (Gold Medalist) and a Bachelors of Computer Engineering from the University of British Columbia.

#### **Brad McNamee**

Chief Infrastructure Officer

Brad is a second-generation mechanical contractor specializing in HVAC design and design build services. Brad began focusing his expertise on the cannabis industry in 2013 when he was a key member of the Tweed team tasked with developing a large scale indoor environmental production platform, capable of delivering high yield, high quality product.

Brad went on to help design and build Tweed's specialized cannabis-specific post-production environments for breeding, trimming, processing, drying and curing, encapsulating and storing medical cannabis.

#### **Hugo Alves**

Director, President

Prior to joining Auxly, Hugo was a senior commercial Partner at Bennett Jones LLP where he built the leading cannabis-focused legal and advisory practice in Canada. Widely recognized as one of Canada's leading advisors in the cannabis space he's acted for clients in virtually every cannabis industry vertical and acted as lead counsel in many of the most innovative and transformative transactions in the sector to date. Hugo obtained his B.A from Carleton University and his J.D from the University of Toronto.





SLIDE | 1

## WHO WE ARE (CONTINUED)

#### **Ian Rapsey**

Chief Creative Officer

lan is an award-winning creative director that has worked closely with major, local and international brands, including Tweed Inc. In addition to creating the Tweed brand, Ian was also the creative lead for the rebrand of Bedrocan Canada. Ian has also acted the chief creative officer for Nesta Holding Co. where he built brands and creative strategies for Nesta's portfolio companies including Feather and Wikileaf.

Prior to his work in the cannabis industry he was a creative lead at several world-class design and branding agencies—most notably Bruce Mau Design.

#### Mike Lickver

Executive Vice President of Strategy

Mike is a corporate lawyer who co-founded the cannabis practice at Bennett Jones. He is a recognized cannabis industry expert and frequent speaker at conferences and events related to cannabis. He is also the Canadian Editor of the International Cannabis Law Journal, on the board of advisors of Stoic Advisory Inc., (a consulting firm focused on providing corporate finance expertise to clients in the global cannabis industry), a mentor to the Leaf Forward program (Canada's first cannabis-focused accelerator) and an adjunct professor at Western Law where he teaches "Medical Marijuana: Law and Practice", a course he co-designed and co-developed, the first of its kind in Canada.

#### **Vladimir Klacar**

Associate General Counsel & Head of Regulatory Affairs

Vladimir is widely regarded as one of Canada's leading advisors in the Canadian cannabis industry.

Prior to joining Auxly, Vladimir was an associate in the Cannabis Group at Bennett Jones LLP. In this role, he

had a broad corporate commercial practice where he advised local and international clients on regulatory matters such as licensing and compliance pursuant to the Access to Cannabis for Medical Purposes

Regulations and the Narcotic Control Regulations. Vladimir has represented a variety of cannabis

industry participants on complex regulatory matters including licensed producers, licensed producer

applicants, licensed dealers, e-commerce platforms, seed-to-sale software developers, design and build firms, patient aggregators, equipment manufacturers and distributors, and cannabis branding companies.





## THE ROCKY VIEW ADVANTAGE

- Proactive administration and council
- Existing bylaw framework for the licensed production of medical cannabis
- Excellent access to QEII, Ring Road and Calgary International Airport
- World class neighbors including Cross Iron Mills, Walmart, Amazon, New Horizons Mall, and more to come
- Low Taxes; and,
- Access to a world class talent pool.







SLIDE | 12

## HISTORY IN THE MAKING.....

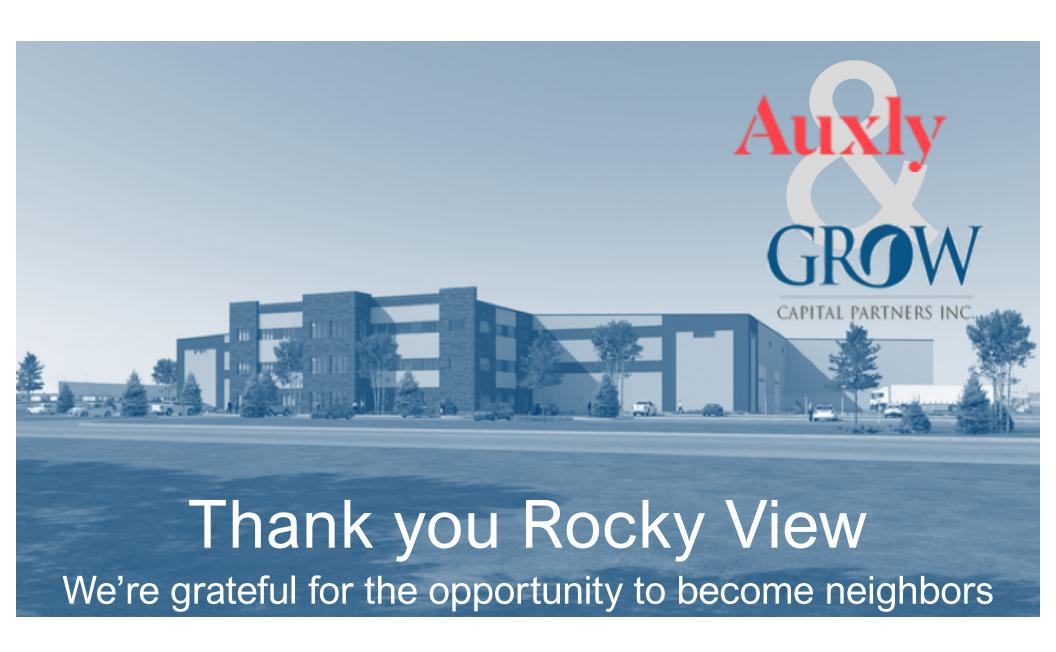
Canada is presently the global leader in the government regulated cultivation and legal sale of medical cannabis.

Canadian licensed producers must act boldly and quickly to supply one of the fastest growing markets in history, while rigorously applying our Canadian signature of responsibility and sustainability.









#### **APPENDIX 'D': Landowner comments**

From:

To: <u>Lindsey Ganczar</u>

Subject: File #06411017, Planning #PL20180069, Appeal # 520-3921, PRDP 2018-2268,

legislativeservices@rockyview.ca - bylaw C-7797-2018

**Date:** Monday, July 09, 2018 4:41:23 PM

Applicant: Boychuk Design Build Owner: Seaview Investments Ltd.

Legal: Lot 6, Block 3, Plan 1511243, SW-11-26-29W04M

ByLaw C-7797-2018

Please consider this e-mail as the Calgary Safety Council's **opposition** to this proposed amendment to BClaw99 (C7797-2018) to facilitate a licensed medical marijuana production facility. (Appeal #520-3921)

Our property at is directly across the street from this proposal. The Calgary Safety Council is a non-profit registered charity providing novice motorcycle and scooter lessons to our clientele in an effort to ensure they are prepared and knowledgeable about the safe operation of a vehicle of this type, traffic safety and traffic hazards, and to learn to enjoy riding in a safe manner on Alberta roads and highways. We bought this property in 2009 and are in the process of attempting to sell of a portion of our property.

The Council is very concerned about the negative impact this type of facility will have on our property. Security measures provided by the applicant for their facility 24-7 is paramount with our students and instructors. Students and instructors are concerned about vehicle vandalism and theft while attending and/or teaching on our property. Odour produced by this facility would discourage potential students from taking our courses thus resulting in decreased revenue for the Society. The Council is also very concerned that added security measures for our own property will become a reality and a necessity which will no doubt become very costly for this non-profit society. We have already checked with the RCMP in Airdrie, Alberta and the investigator was unsure who actually polices this particular industrial development, thus a very real concern due to potential increase in criminal activity surrounding this facility.

We trust the Calgary Safety Council's objection to a proposed amendment to DC99 to allow for this type of facility will be filed, submitted, and form part of the Public Hearing.

Paul Gardam Vice-President Calgary Safety Council ABRAHAM FARES c/o Fares Law Firm



July 9, 2018

Rocky View County 911 32 Avenue NE Calgary, Alberta T2E 6X6

**DELIVERED** 

Dear Madam/Sir:

Re:

File Number 06411017; Application Number PL20180069

Licenced Medical Marijuana Production Facility on Lot 6; Block 3; Plan 1511243 (261090 Wagon

Wheel Way View)

I write on behalf of the I.C.A. for the Sons of the Tarika Shathulia Yashrutia in Canada (the "ICA). The ICA is a nearby neighbor to the above-referenced lands, and is located at , Rocky View, Alberta, with a legal address as follows:

(the "Lands").

The ICA is a religious society registered in Alberta under the *Religious Societies Act*, and the ICA Lands were purchased and are utilized for the express purpose of providing an appropriate facility for its congregation. The main and overriding purpose of the ICA is to provide a house of worship. In conjunction with providing a spiritual gatherings place, the ICA uses the Lands to foster social relationships among its congregants and to provide educational and moral instruction. The ability to provide this environment has been a top priority, and is especially focused toward the young children and youth of the congregation. The Lands are used extensively by the ICA congregation, and in particular by its youth, as a moral focal point for the ICA and the environment is important to the ICA.

The proposed use of a Licenced Medical Marijuana Production Facility at 261090 Wagon Wheel Way View runs contrary to the values and creed of the ICA. Other potential negative impact on the ICA and the local community is not known. Accordingly, and based primarily on moral grounds, the ICA must strenuously object to the proposed site specific amendment that is being sought.

Yours very truly,

Abraham A. Fares

on behalf of the Executive of the

I.C.A. for the Sons of the Tarika Shathulia Yashrutia in Canada

# MUNICIPAL COUNSELLORS BARRISTERS and SOLICITORS

K. Hugh Ham

legislativeservices@rockyview.ca

July 9, 2018

**ATTENTION: Reeve and Members of Council** 

Rocky View County 911 - 32 Ave NE Calgary, AB T2E 6X6

Dear Sirs:

Re Bylaw C-7797-2018 (medical marijuana grow-op)

I am writing to you today on behalf of PKSR Holdings Ltd., the owners of two bays (titles attached) in the condominium development located at 261051 Wagon Wheel View in Rocky View County. The two bays are directly across Wagon Wheel View to the immediate west of the subject site (see an attached google earth map).

My client objects to the proposed land use redesignation.

Rocky View County has approved a development permit to allow the development of a music/dance facility and school for students from elementary through high school in PKSR's condominium unit. As a class A occupancy under the Building Code, PKSR was required to spend hundreds of thousands of dollars to meet the fire safety standards. PKSR has contracted with a number of schools for students to use the facility with combined uses on a daily basis.

Now, a land owner across the street proposes to develop a medical-marijuana grow operation. A school next door to a grow-op?

But, in reality, the problem is the oldest form of planning issue - separation of incompatible uses. The incompatibility is not for reasons of morality or some other objection based on the recreational use of marijuana. The problem, according to the attached credible newspaper articles, is that grow operations stink.

I have attached numerous reports of this issue resulting from the stench created by grow-ops. The sources are credible including, Macleans, The National Post and The Globe and Mail. It's a real problem, no different from locating an abattoir or a refinery next to non-industrial uses. It is planning 101.

Under Provincial legislation, there is a minimum distance separation required between intensive



July 9, 2018 Page 2

livestock operations and schools. Rocky View County has created an analogous set-back in its land use bylaw in section 20.9 which creates a separation distance of 400 metres. The proposed grow-op is well within that distance.

The article about the grow-op in Langley, B.C. indicates the operator has spent at least a million dollars in odor abatement solutions, but without success. The set-back in section 20.9 of the County's land use bylaw would appear to be well founded.

In Love v. Flagstaff, the Court of Appeal dealt with similar issue (intensive livestock / residential conflict) and amongst other determinations held that the rights created by residential development permit applications made just prior to the intensive livestock operation permit application prevailed. Here, PKSR's approval was made significantly before the application for a grow-op. By being first in time, its approval created established rights which ought not to be overwhelmed by noxious odors from what is an industrial use.

Sincerely,

Municipal Counsellors

Per: K. HUGH HAM, B.A., LL.B.

Barrister & Solicitor

cc. PKSR Holdings Ltd.

Attn. Kim Raffin

cc. Blakes

Attn. Darren J. Reed

## APPENDIX 'D': Landowner comments OF Certificate of Title

Page 41 of 110

Page 352 of 487

S



LINC SHORT LEGAL 0037 431 772 1612868;6

TITLE NUMBER: 171 157 741

TRANSFER OF LAND

DATE: 17/07/2017

#### AT THE TIME OF THIS CERTIFICATION

PKSR HOLDINGS LTD. OF 83 GRAY WAY CALGARY ALBERTA T3R 1K7

DECTORDATION

IS THE OWNER OF AN ESTATE IN FEE SIMPLE OF AND IN

CONDOMINIUM PLAN 1612868 UNIT 6

AND 81 UNDIVIDED ONE TEN THOUSANDTH SHARES IN THE COMMON PROPERTY EXCEPTING THEREOUT ALL MINES AND MINERALS

SUBJECT TO THE ENCUMBRANCES, LIENS AND INTERESTS NOTIFIED BY MEMORANDUM UNDER-WRITTEN OR ENDORSED HEREON AND ON THE CONDOMINIUM PLAN, OR WHICH MAY HEREAFTER BE MADE IN THE REGISTER.

#### ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
071 559 362	14/11/2007	ENCUMBRANCE ENCUMBRANCEE - WAGON WHEEL LOT OWNERS' ASSOCIATION. 833 - 34 AVE SE CALGARY ALBERTA T2G3Y9 (DATA UPDATED BY: CHANGE OF ADDRESS 171060162)
071 610 592	20/12/2007	RESTRICTIVE COVENANT
091 076 161	20/03/2009	UTILITY RIGHT OF WAY GRANTEE - FORTISALBERTA INC. GRANTEE - ATCO GAS AND PIPELINES LTD. GRANTEE - THE MUNICIPAL DISTRICT OF ROCKY VIEW NO. 44. GRANTEE - TELUS COMMUNICATIONS INC. GRANTEE - SHAW CABLESYSTEMS LIMITED. AS TO PORTION OR PLAN: 0911650
091 078 315	24/03/2009	UTILITY RIGHT OF WAY GRANTEE - ATCO GAS AND PIPELINES LTD. GRANTEE - THE MUNICIPAL DISTRICT OF ROCKY VIEWAGENDA

44.

Page 42 of 110

## APPENDIX 'D': Landowner comments OF

Certificate of Title

SHORT LEGAL 1612868;6

NAME

PKSR HOLDINGS LTD.

NUMBER

171 157 741

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

CALGARY

ALBERTA T2R1L8 AGENT - SEAL.

161 261 298

02/11/2016 CAVEAT

RE : ACCESS

CAVEATOR - 870545 ALBERTA LTD.

MCLEOD LAW

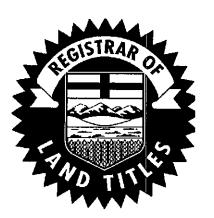
300, 4505 BANNISTER ROAD SE

CALGARY

ALBERTA T2X3J3

AGENT - LAURIE S KIEDROWSKI

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN ACCURATE REPRODUCTION OF THE CERTIFICATE OF TITLE REPRESENTED HEREIN THIS 14 DAY OF SEPTEMBER, 2017



#### \*SUPPLEMENTARY INFORMATION\*

**VALUE:** \$985,000

CONSIDERATION: \$985,000

MUNICIPALITY: ROCKY VIEW COUNTY

REFERENCE NUMBER: 161 296 892 +2 ATS REFERENCE: 4;29;26;11;SW

TOTAL INSTRUMENTS: 006

## APPENDIX 'D': LaGEBITIFIED GOPY OF Certificate of Title

Page 354 of 487





LINC SHORT LEGAL 0037 431 780 1612868;7

TITLE NUMBER: 171 157 741 +1

TRANSFER OF LAND DATE: 17/07/2017

#### AT THE TIME OF THIS CERTIFICATION

PKSR HOLDINGS LTD. OF 83 GRAY WAY CALGARY ALBERTA T3R 1K7

DECTORDATION

IS THE OWNER OF AN ESTATE IN FEE SIMPLE OF AND IN

CONDOMINIUM PLAN 1612868 UNIT 7

AND 81 UNDIVIDED ONE TEN THOUSANDTH SHARES IN THE COMMON PROPERTY EXCEPTING THEREOUT ALL MINES AND MINERALS

SUBJECT TO THE ENCUMBRANCES, LIENS AND INTERESTS NOTIFIED BY MEMORANDUM UNDER-WRITTEN OR ENDORSED HEREON AND ON THE CONDOMINIUM PLAN, OR WHICH MAY HEREAFTER BE MADE IN THE REGISTER.

#### ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION NUMBER DATE (D)	M/Y) PARTICULARS	
071 559 362 14/11/	2007 ENCUMBRANCE ENCUMBRANCEE - WAGON WHEEL LOT OWNERS' ASSOCIATION. 833 - 34 AVE SE CALGARY ALBERTA T2G3Y9 (DATA UPDATED BY: CHANGE OF ADDRESS 171060162)	
071 610 592 20/12/	2007 RESTRICTIVE COVENANT	
091 076 161 20/03/	GRANTEE - FORTISALBERTA INC. GRANTEE - ATCO GAS AND PIPELINES LTD. GRANTEE - THE MUNICIPAL DISTRICT OF ROCKY VIEW NO. 44. GRANTEE - TELUS COMMUNICATIONS INC. GRANTEE - SHAW CABLESYSTEMS LIMITED. AS TO PORTION OR PLAN:0911650	
091 078 315 24/03/	009 UTILITY RIGHT OF WAY GRANTEE - ATCO GAS AND PIPELINES LTD. GRANTEE - THE MUNICIPAL DISTRICT OF ROCKY VIEWAGEND	Α

44.

Page 44 of 110

## Certificate of Title

SHORT LEGAL 1612868;7

NAME

PKSR HOLDINGS LTD.

NUMBER

171 157 741 +1

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION

NUMBER

DATE (D/M/Y) PARTICULARS

CALGARY

ALBERTA T2R1L8 AGENT - SEAL.

161 261 298

02/11/2016 CAVEAT

RE : ACCESS

CAVEATOR - 870545 ALBERTA LTD.

MCLEOD LAW

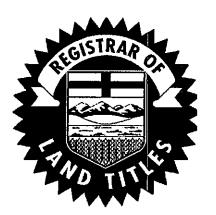
300, 4505 BANNISTER ROAD SE

CALGARY

ALBERTA T2X3J3

AGENT - LAURIE S KIEDROWSKI

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN ACCURATE REPRODUCTION OF THE CERTIFICATE OF TITLE REPRESENTED HEREIN THIS 14 DAY OF SEPTEMBER, 2017



#### \*SUPPLEMENTARY INFORMATION\*

**VALUE:** \$985,000

CONSIDERATION: \$985,000

MUNICIPALITY: ROCKY VIEW COUNTY

REFERENCE NUMBER: 161 296 892 +3

ATS REFERENCE:

4;29;26;11;SW

TOTAL INSTRUMENTS: 006





feet 1000 meters 500

## NATIONAL\*POST

NEWS - FULL COMMENT - SPORTS - CULTURE - LIFE - MORE - DRIVING - CLASSIFIEDS - JOBS - SUBSCRIBE - FINANCIAL POST - VIDEO

### FREE APPOINTMENTS

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# B.C.'s weed problem: Medical pot grow-ops stink, residents say

'When you are having to put up with the smell of a skunk day in and day out, it's not pleasant,' a B.C. mayor says. 'You can't sit on your deck to have a barbecue'



THE CANADIAN PRESS/Darryl Dyck



January 21, 2015 12:19 PM EST







Several Metro Vancouver municipalities are having to deal with a crop of complaints from residents over the smell from medical marijuana-growing operations.

Burnaby, Langley Township, Maple Ridge and Surrey have had to grapple with the problem.

Last year, Surrey shut down three grow-ops for odour and forced four others to clean up their act, using a nuisance bylaw as ammunition. However, considering there are roughly 1,300 licensed grow-ops in Surrey for personal use or use by a designated person, Jas Rejal, bylaw enforcement and licensing manager, doesn't consider the smell problem widespread.



#### Page 49 of 110

NEWS - FULL COMMENT - SPORTS - CULTURE - LIFE - MORE - DRIVING - CLASSIFIEDS - JOBS - SUBSCRIBE - FINANCIAL POST - VIDEO



RECOMMENDED FOR YOU

**Notorious French** convict escapes from prison using helicopter his second breakout

Township Mayor Jack Froese said the odour is reminiscent of skunk.

"It can be very annoying," he said. "When you are having to put up with the smell of a skunk day in and day out, it's not pleasant. ... In summertime, when you can't sit on your deck to have a barbecue because the smell is so intense, that's not right."

He said most marijuana growers are good neighbours who don't want to cause problems.

Joe Oliver: Groping allegations snare Justin Trudeau in a trap he created himself

But he said bylaw officers need to be armed with laws for the few who aren't compliant. He said the problem can be quickly resolved as there is equipment available to eliminate the odours.

When you are having to put up with the smell of a skunk day in and day out, it's not pleasant

Burnaby has been dealing with a problem in the 6000 block of Thorne Avenue where a marijuana grow-op has been set up in violation of zoning. Neighbours complained about the smell, the environmental effect of run-off from the facility and the loss of privacy caused by the installation of surveillance cameras.

Although the owner has a licence from Health Canada to grow pot, the property is zoned for agricultural use which in Burnaby does not include marijuana cultivation, said chief licence inspector Dan Layng.

Layng said the city is trying to work with the owner. Failing his co-operation, the city would typically fine him up to \$500. If three or four tickets don't do the trick, the city would pursue legal action, he said. Ideally, the entire process wouldn't take longer than three to six months.

"We understand the frustration that people feel, but we are working toward compliance," said Layng.

Layng said the owner can also apply to have the property rezoned. It would be up to the planning department to determine whether that should be allowed.

Medical marijuana grow-ops are a pervasive part of the Lower Mainland landscape, though most of them are small. There are 917 licences for operations that grow marijuana for personal use or use by a designated person in Mission, 829 in Abbotsford, and 580 in Chilliwack, according to recent statistics from Health Canada. Froese estimated there are 600 medical grow ops in Langley Township.



Watch Montreal jazz fest cancels all remaining shows of SLAV over cultural insensitivity complaints



Watch Capital Gazette shooting suspect refused to say his name. Police ID'ed him with facial recognition



Watch From refugees to enemy aliens - the little-known saga of Jewish internees in Canada

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# NATIONAL\*POST

NEWS - FULL COMMENT - SPORTS - CULTURE - LIFE - MORE - DRIVING - CLASSIFIEDS - JOBS - SUBSCRIBE - FINANCIAL POST - VIDE



Health Canada says there are 15 commercial licences issued under the new regulations across Canada, most of them in Ontario and B.C., and roughly 13,000 people buying medical marijuana from them. Media spokesmen did not provide a province-by-province breakdown.

There is wide variation in how Lower Mainland municipalities are handling complaintss.

While Burnaby has taken the position marijuana cannot be cultivated on land zoned for agricultural purposes, the city of Maple Ridge has taken the entire opposite view, forcing these operations out of industrial parks and onto farmland. That was largely for economic reasons as a grow-op typically employs four or five people in a one-acre building while a manufacturing company might employ 60 or 70, said Fred Armstrong, manager of corporate communications for the city of Maple Ridge.

Saying there isn't much difference between growing marijuana and growing hydroponic peppers or tomatoes, he pointed out "we would not typically license a hydroponic tomato company in an industrial park."

He said resistance to marijuana grow-ops often arises because "people are resistant to the notion that people may benefit from medical marijuana products."

We're trying to ride that tough line right now as the legal issues get hashed out But he added the city of Maple Ridge has taken the view that marijuana is now deemed by the federal government to be of medical benefit and so it is best to figure out where and under what conditions it should be cultivated.

Problems often arise, he said, when three or four of these small licensees band together to form one operation, creating a larger footprint in the community. Because there is no way to prevent that and the new federal legislations calls for major commercial facilities, communities like Maple Ridge are trying to come up with the right way to deal with them.

"We're trying to ride that tough line right now as the legal issues get hashed out," said Armstrong.

Watch A newly discovered film shows Franklin D. Roosevelt, who had polio, walking



Watch Cop who fatally shot Antwon Rose, an unarmed black teen, charged with criminal homicide



Watch At 13, she survived the Holocaust with the help of a Polish family. Decades later, an unlikely reunion

#### LATEST NEWS

5 people dead, 1 seriously injured in South Dakota car crash

16 dogs seized from B.C. duo banned from owning animals for 20 years

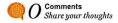
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> the confidential information that the occupant has a medical condition qualifying him or her for marijuana use.

> He said many municipalities including Port Coquitlam are waiting for the federal legal issues to be resolved.



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Canada November 29, 2016 1:53 pm

# Smelly, fussy, humid: Why you may not want to grow your own legal pot



By Patrick Cain
National Online Journalist, News Global News



A man tends marijuana plants at a home in Germany in this file image.

### **GETTY IMAGES**

At some point in the near future, buying recreational marijuana will be legal.

Will Canadians be allowed to grow their own? Probably, as most U.S. states that have legalized pot allow people to grow small quantities.

But will you want to?

Pot plants are demanding house guests, says Bruce Linton, CEO of Canopy Growth, a large medical marijuana growing facility in Smiths Falls, Ont., which plans to produce recreational pot after legalization.

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Why home marijuana cultivation will be a

"The plants yield a hell of a lot of humidity," he says. "They need 12 hours of light, so you need to do that. They need 12 hours of dark — they start to mutate if they get too much light when they're in flower."

"Depending on the strain, your house can smell like lemons or rotten shoes. We have a strain, and this is a big part of the appeal, called UK Cheese. It smells really strongly."

Linton says he would like to supply a home grow market with seeds after legalization, though he predicts that "it will not be a long-term big activity."

Air filter systems can deal with the powerful smell, says Brandon May of Toronto's True North Seed Bank, a marijuana seed retailer. But that solution comes with its own space-hogging issues.

READ: Why home marijuana cultivation will be a headache for regulators

omeny, russy, numiu. winy you may not want to grow your own legal pot - trational polobalitews.ca

headache for regulators

ARPENDIX's Disclarand owner comments p of his own that involves a tent that's 3' by 3' E-2 at the base and 6½' tall, equipped with a fan, lights and an air filter.

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"The air filter should take out most of the smell, if you get a good carbon filter and a fan."

All of those hours of lighting can use up a lot of power, too.

May, who concedes that "electricity bills are ridiculously high at the moment," recommends LED grow lights: "They're a little more costly on startup, but you'll save money in the end."

WATCH: The benefits of medical marijuana have been touted before, but a team of researchers at UBCO says this particular study should help convince any medical practitioners who still have doubts. The study finds that medical cannabis should play a role in treating mental illness, including addiction. Kelly Hayes reports.

The federal commission that's designing Canada's legal recreational pot rules has acknowledged that it needs to figure out what to do about home production, and asks organizations sending it submissions to have their say on the issue.

Another time-consuming chore, once the marijuana is ready for harvest, is 'trimming,' or stripping the leaves away from the buds.

"It can be quite a lot of work," May says. "One or two small plants can take as long as six or seven hours to finish."

How widespread will home grows be, when and if they're legal?

"There are always going to be some folks," Linton says. "But I do find there's a strong parallel to home wine making — we seem to sell quite a lot of wine in stores."

On the other hand, lots of people seem to be growing their own at the moment. May says his company has filled 12,000 seed orders since January, mostly to Canadian addresses.



Now that pot will be legal in 2017, should you think about starting your own small-scale personal home grow op?

# Maybe, maybe not.

Pot plants are awkward housemates - fussy, sulky, humid and smelly.

# Are they for you?

Do you have a spare room where you can cut off natural light? A large closet at least? Pot plants need 12 hours a day of light and darkness.





Constant weird smells? Will your aunt Hermione make comments when she comes to tea?

"Depending on the strain, your house can smell like lemons or rotten shoes," one grower warns.





Are you willing to worry about your plants being stressed?

Pot needs just the right amount of water, just the right amount of fertilizer, and so forth.

Worry? Stress? This is all about the mellow.



Were you hoping to save money? After legalization, marijuana isn't likely to be that expensive. (It can't be, since legal pot stores will compete with the existing black market.) You'll have to buy lights and fertilizer, not to mention electricity.

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# Pot odour leaves some residents fuming

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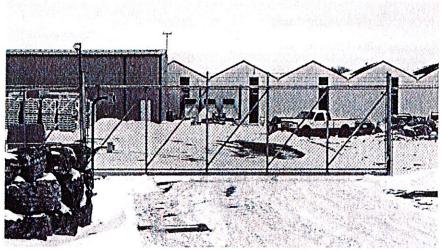
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RedeCan Pharm's marijuana production facility on Foss Road. Residents in the area have complained of a pungent odour emanating from the site in recent weeks. VOICE PHOTO

POSTED BY: THE VOICE OF PELHAM FEBRUARY 6, 2018

Pelham is home to five marijuana grow operations, and one of them is a little too fragrant, say locals

BY VOICE STAFF

[Editor's note: On its website the Town of Pelham provided an incorrect email address for those wishing to file complaints with Health Canada. The correct address is: cmc@hc-sc.gc.ca]

A strong smell emanating from RedeCan Pharm's marijuana production facility on Foss Road has upset many in the area, with affected residents calling on some authority—any authority—to do something about it.

Fonthill resident Barry Fokejewski, who lives near the intersection of Haist Street and Welland Road, first noticed the smell in mid-January, and initially thought that it was an actual skunk.

o fromDCCtbPCF

**APPENDIX 'D': Landowner comments**Start Download - View PDF

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"I was talking to a woman who lives nearby, and she said, 'Do you smell the skunk?' I thought she meant a skunk. She said, 'That's not a skunk.'"

Craig McDermott, who lives on Deborah Street, was similarly unimpressed by the not-very-functioning odour mitigation system meant to reduce smells emanating from the operation.

"It's unacceptable," he said last Wednesday, a day when the wind sent the odour in his direction.

"Today it's not so much a skunk as it is just marijuana," said McDermott. "I grew up in the sixties. I know what marijuana smells like. [Out there] is like putting your nose in a bag of what we used to call, 'cheap weed.'"

RedeCan project manager Tim D'Amico said that the site has had its odour mitigation system in place since October, when the facility became active.

"It was installed when we got our license, since it's a requirement," said D'Amico.

D'Amico speculated that the odour nearby residents have been smelling is of the "odour control solution."

"This is not a simple charcoal system," said D'Amico, referring to a typical odour absorbing setup.

"It's a blend of essential oil vapours. I can't smell anything—maybe that's because I'm just used to it."

Upon hearing that the odour control system was apparently up and running to spec, residents were no more impressed.

"That doesn't make sense," said Barry Fokejewski, who lives northeast of the facility. "If the system is 'working,' it's not working."

The smell seems to be able to travel some distance, too. Barb Christopher, of Young Sod Farms, said that it has often reached as far down Foss Road as her farm—which is a kilometre and a half away—over the past month. "If you take the radius of that, it's a pretty big area," she said.

Residents along Welland Road in Fonthill have also reported the odour to the Voice.

Both Fokejewski and McDermott said that many residents have made complaints to the Town, while D'Amico asserted that Pelham's bylaw officer has been on site and affirmed that RedeCan is compliant.

When asked a series of questions about odour concerns, Pelham's Public Relations and Marketing Specialist Marc MacDonald did not answer, instead issuing a general news release late last Friday. The release asserted that the matter fell under federal jurisdiction.

"We are encouraging residents to contact Health Canada directly," the Mayor is quoted as recommending. "By connecting with the correct party, who has

the appropriate jurisdiction, residents ARRENDEK il Phatenterweige engineers remedied in a timely manner."

But Health Canada's Senior Media Relations Advisor Maryse Durette said that the opposite is true. Though marijuana production is indeed regulated at the federal level, Durette said, "For citizen complaints related to odour, they would have to contact the respective municipality."

Additionally, the Ontario Ministry of the Environment and Climate Change makes it clear that odour falls under the Town's jurisdiction.

"The Ontario Municipal Act gives municipalities the authority to regulate nuisance odours," it reads. "Municipalities also have bylaws that govern zoning, operational permits, licences and waste handling (which may be a source of odour)."

Section 129a of the Municipal Act allows municipalities to "prohibit and regulate with respect to...odour."

The Town's press release also encouraged residents to fill out a formal bylaw service request, though evidently not so that enforcement would be undertaken, but rather, "so that resident complaints can be tracked at the municipal level."

A Health Canada guidance document asserts, "Those areas [within a site where cannabis is present] must be equipped with a system that filters air to prevent the escape of odours and, if present, pollen." Guidance documents do not carry the force of law.

"This is a typical case of everyone trying to pass the buck to someone else," said McDermott, adding that he thinks that the Town is going to have to take responsibility and do something about residents' concerns.

Alberta's association of municipalities advises its members that, "community standards legislation may also be used to regulate the conduct of [marijuana] production facilities within the municipality...the legislation may set out standards for matters such as noise, odours, unsightly property or other such 'nuisance' conditions. These requirements may be enforced through warnings, ticketing, compliance orders or in significant cases even a court application for an injunction requiring compliance."

The association gives as an example a bylaw in Kelowna, British Columbia, that prohibits "the manufacture, growing, storage, transfer or disposal of a substance that emits odours, fumes or particulate matter that disturbs the enjoyment, comfort or convenience of individuals."

McDermott said that he thinks the Town ought to pass a bylaw like Kelowna's.

Pelham's Public Relations and Marketing Specialist Macdonald declined repeated requests to answer the questions initially posed by the Voice.

"The smell is totally unacceptable in the long term. People won't be able to go outdoors—to have barbecues, use their pools, or even keep their windows open," he said.

In response to the concern of residents, D'Amico said that RedeCan has been seeking ways to address the smell.

"We contacted the manufacturer of the APPENDIX DID Landown endionments

"We contacted the manufacturer of the APRENDIK: Die Landewnen Comments said that they stand by their product," said D'Amico. "But obviously, the last thing that we want to do is create a smell that bothers people."

D'Amico said that in the past week RedeCan has made plans to experiment with different essential oils to create a different smell.

"It's the same base solution, but these oils will be more of a citrusy, lemony smell."

D'Amico explained that marijuana production is now classified as agricultural, not narcotic.

"We think we're going above and beyond other agricultural places—if you drive by a chicken farm, or a place with cows, you'll definitely notice a strong smell there and they don't have a system like we do," he said, though acknowledged that those farms are often far from dense neighbourhoods.

News of RedeCan's efforts were of some consolation to McDermott.

"If it smells like an orange grove out there, that wouldn't be bad at all," he said, although he also encouraged any residents bothered by the current odour to submit a bylaw request form to the Town. The form may be found online at http://bit.ly/pelham\_skunk

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ABOUT THE AUTHOR



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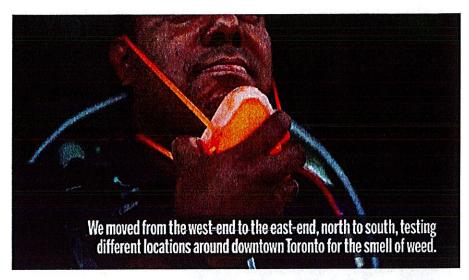
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CANADA

# Blunt talk: Sniffing out the divisive smell of weed in Toronto

With public pot smoking on the rise—along with complaints about the smell—we work with a pro smeller to find the science behind that aroma by Meagan Campbell Aug 3, 2016



Sidarta Medina's nose explores Toronto's Christie Pits Park. It inhales a hint of vanilla soft serve, a trace of chlorine, and a waft of a clammy jogger. The nostrils flutter at the scent of a mango smoothie, a California roll with soy sauce, and green peppers on a warm slice of pizza. A twister of tobacco fumes enter his nose, but he's searching for a different drug, for the earthy, bitter funk of marijuana.

With more than 100 pot dispensaries in the Greater Toronto Area, the city recently overtook Vancouver as the cannabis capital of Canada. While tobacco sales have plummeted since the 1990s, giving non-smokers years of nasal liberty, Ottawa's promise to legalize marijuana means public smoke is back, and in communities across Canada parents and other residents complain about the stench of grow-ops or the smell of pot in the streets. To test the prevalence and pungency of the odour in public hubs downtown, *Maclean's* enlisted Medina, an odour measurement expert.

The starting site, Christie Pits, is a greenspace in a traditionally NDP riding, where little leagues trot across baseball diamonds and couples lie braided together in the grass. On a Friday evening in July, the park is peppered with picnickers wearing tank tops, kids wearing bathing suits, and Medina, wearing a \$6,000 olfactometry apparatus—a backpack strapped with a pylon-orange canister and a hissing scuba tank, feeding a respirator mask through tubes. "They are going to think we are the Ghostbusters," he says.

### MORE: It's not legal yet. Inside Canada's out-of-control marijuana business

Neither the pavilion nor playground emits whiffs of weed. Gravel paths, basketball courts, slacklining spot: all clear. Medina roams, mask off, until he finds a tree line. On the adjacent sidewalk, he halts. His nostrils flare. Plumes of smoke descend. Thirty metres upwind, a man and woman lean on tree trunks, passing a cigarette that is not tobacco.

Medina recalibrates his nose by breathing clean oxygen through his mask. The apparatus mixes the oxygen with a minuscule amount of outside air, in increasing intervals. Very little is needed before Medina detects terpenes, the odourous molecules in cannabis. Startled by what - pregram of the redecered references, locally the redecered references, Rogers Media supports the Digital Advertising Alliance principles. By continuing to use our service, you agree to our use of cookies. meter, meaning it's 5,000 times stronger than required for an average human nose to detect.

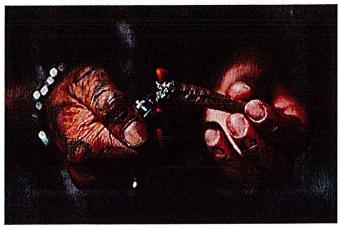
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"I never imagined it," he says. Working for a company called Scentroid, he regularly monitors odours at landfills, meat factories and sewage treatment plants. However Medina, who doesn't smoke himself, has never before measured marijuana. "When we grab the sample from the wastewater treatment plant, it's almost the same concentration," he says. The potency is not dramatically lower than that of a rendering plant he tested, where slaughterhouse by-products get churned into grease, along with bone and meat meal. The fumes directly above the grease measured 6,500 odour units. The odour of an espresso machine, by contrast, measures 400 odour units while brewing, when tested one metre away, and Febreze (island fresh scent) scores 2,100 odour units when tested inside a ventilated washroom.

One odour unit, technically called a European Odor Unit, represents the intensity of stench for an average human nose to detect it, but not necessarily identify it. Conceptualized in 1999 by experts from 10 European countries, it's now in standard use in most Western countries to track air quality and craft smells for the food and flavour industry. While criticized by some for being too subjective, it's nevertheless accepted as the best system available for quantifying odour.

In Christie Pits, mother Shawna Agustin strolls by with her six-month-old daughter. "Every time we pass by here, we smell it," she says. "I don't want [her] to smell it." Although children don't remember other experiences until about age three, they can recall smells from the first two days of life. When traversing the smoke, Agustin walks faster.

Shaking maracas to Cuban rumba, two other park-goers report smelling weed weekly. "I don't see anything wrong with it," says a man who claims his name is "Tony Montana," between puffs of a cigarette. "Some people really hate the smell of cigarettes, and the government sells cigarettes... How about the smell of cars, the gasoline?" Jose Lopez, 42, dissents: "The mothers smell it. How do they explain to their kids?" In the winter, Lopez complains that the odour follows him to libraries. "Human beings," he says, "we need to smell the flowers."



A man lights a marijuana joint during the "420 Toronto" rally in Toronto, Wednesday April 20, 2016. THE CANADIAN PRESS/Mark Blinch

Weed has become Toronto's most potent and controversial smell. While European and American cities have odour bylaws—and some, odour hotlines—Torontonians who dislike the rank smell from any type of smoker on the sidewalk must simply hold their breath. "There's nobody they can complain to because there's nobody who deals with that issue," says Mark Sraga, director of investigative services for the City of Toronto. The provincial government plans to amend the Smoke-Free Ontario Act to "crack down on public marijuana smoking," but it hasn't given a timeline.

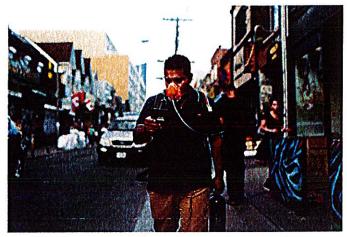
Ontario is home to 18 of Canada's 31 licensed medical marijuana operations. In Markham last year, parents reported that their elementary schoolchildren smelled like pot after a resident started a grow-op in his house across the street. The city shut down the operation based on a zoning violation (to which dispensaries are liable) that ensures if an establishment "does produce offensive or obnoxious odours," as Sraga says "it's separate from other sensitive land uses, such as residences, daycares, schools."

It's not that encountering marijuana smoke is dangerous. People left in an unventilated room full of smoke for an hour feel only mild intoxication, according to research from Johns Hopkins University. Turn a fan on, and they don't get intoxicated at all (although they do get hungry). Second-hand tobacco smoke, by contrast, leads to premature death by heart disease of about 2,000 Canadians each year, and by large Media uses cookies for personalization, to customize its online advertisements, and for other purposes. Learn more or change your cookie and by large first safe is upported advertising to the alth't canada reports in the mid- oos.

Marijuana does, however, smell exponentially stronger than tobacco. At Medina's second location, Trinity Bellwoods Park alpage 62 of 110 Street West, he doesn't find marijuana but detects a chimney of tobacco scent coming from a smoker 15 m upwind. The measurement: just 30 odour units.

Each odour has a detection threshold, which determines how easy it is to smell. Cinnamon, roasted coffee, cap guns and phonebooks have low detection thresholds, while lettuce has a higher threshold and is harder to detect. Marijuana has a much lower detection threshold than tobacco, so it smells harsher and travels further. Medina explains, "It makes your olfactory nerves excited."

Or repulsed. Cannabis plants evolved to smell repugnant to mammals and other predators, and attractive to insects that help the plants reproduce. Complaints are therefore justified. However, each odour has a subjective pleasantness, called a hedonic tone, so a mammal that associates weed with music festivals or patio parties might instead smell it with the fondness as would a praying mantis. As a 23-year-old man in Trinity Bellwoods explains, "You're walking down the street. You smell a hotdog stand. You smell some weed...It's just part of summer."



Sidarta Medina in Toronto's Kensington Market. (Photograph by Cole Burston)

Raw fish, Jamaican meat patties, waffle cones, woodfire bagels—this is the olfactory cornucopia of Kensington Market. At Medina's next stop, he tests a fish stall, donning his mask as flavours swim up his nose. (In this neighbourhood, bystanders assume his equipment is designed for spray painting.) The slimy fillets, in 28° C air, emit 2,000 odour units. Indeed, he's about to find out that no other smell outside comes close to the 5,000 odour units of pot smoke.

Not even a cannabis dispensary, Canna Clinic, which exhibits jars of dried drugs and hosts people vaporizing out front, compares. Standing 6.5 m from the store, Medina measures a cannabis score of 2,300 odour units, suggesting the vaporizers produce less scent than marijuana cigarettes, likely because they heat the drug at lower temperatures. Marijuana scent doesn't cling to walls or the air like tobacco scent does because the molecules aren't soluble in water vapour. However, cannabis odour does linger on people's skin and clothes because the molecules dissolve in oils.

Two doors down, a different dispensary hides its smell. Despite its array of flavours, featuring "shishkaberry," "Blue God" and "Pink Kush," Medina detects no odours. The place uses two carbon filters in the basement, along with odour-absorbing gels in the storefront, to appease the building's landlord and 10 tenants. The gel kits are the size of mop buckets, full of shrivelled green gunk where marijuana molecules have dissolved. These "neutralizers" are also common in illegal grow-ops, along with "masquarants," which are scented products like Febreze.

Still, an olfactory arms race is under way. As a street drug, marijuana has increased in potency. In 2013, the federal government warned that the content of THC (tetrahydrocannabinal, the intoxicant) had increased from three to 12 per cent since 1980 in some strands. As growers engineer plants with higher THC content, they have also increased the content of terpenes, strengthening the smell and taste. One 68-year-old man in Kensington Market, Michael Phoenix Green, laments, "Back in the 60s, it was a beautiful smell. Now it smells like a skunk with gastroenteritis."

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Blunt talk: Stillling out the divisive shiell of weed in Toronto

APPENDIX 'D': Landowner comments
For all the complaints about Toronto's weed odour, Medina finds no traces in some of the most likely pot spots—like Yonge—Dundas
Page
Square, the Times Square of Toronto, at 10 p.m. on a Friday night. Instead, the sniffing expert stays in his Ghostbuster gear (a bystander)

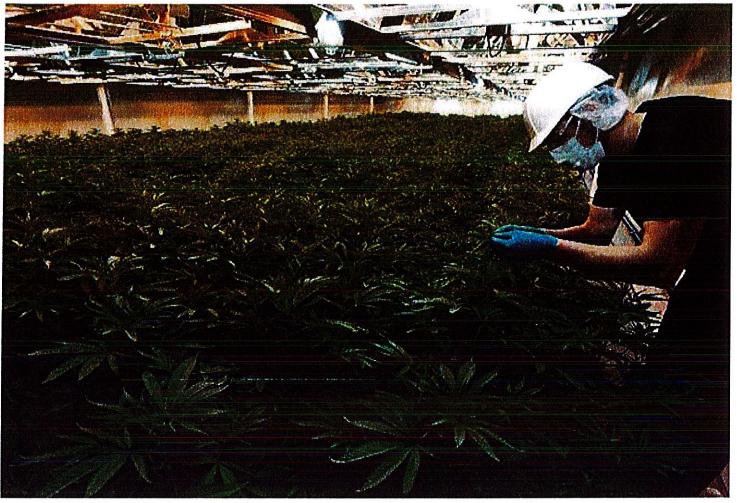
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Square, the Times Square of Toronto, at 10 p.m. on a Friday night. Instead, the sniffing expert stays in his Ghostbuster gear (a bystander asks: "Are you guys from Statistics Canada?") and lets his nose explore. Two metres from the open doors of a restaurant frying chicken he measures the smell at 2,300 odour units—less than half of what marijuana produced from 30 m away.

At a shisha café, in which customers smoke flavoured tobacco through vaporizer pipes, Medina conducts a final test in search of a smell as strong as the marijuana at Christie Pits Park, where residents jogged, kids played ball, and a mother and six-month-old strolled. Amid the lung-tingling haze of tobacco, which fogs the windows and carries tinges of strawberry mint and kiwi scents, Medina finds his match. The odour strength inside the shisha café measures exactly the same.

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# Court ruling could send private marijuana grow-ops up in smoke



Stock photo of medical marijuana crop

# DAKSHANA BASCARAMURTY

905 REGION REPORTER PUBLISHED MARCH 17, 2015 UPDATED MAY 12, 2018

There were days when David Kralik would arrive at his landscaping and snow-removal business in Mississauga and stay just a few minutes – the heady odour of marijuana from the grow-op next door was too powerful.

"You open the door to come in, go into my office, and I just sit down, fire up the computer and – "He lets out an expletive. "And you just leave. It's that bad."

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has negatively affected their business and property values.

But they could soon enjoy clean air again as the days of private medical marijuana grow-ops could be numbered.

A federal court in British Columbia is hearing a case that could shut down all private growers. The federal government replaced this method of growing with large commercial operations in 2013 and 2014, but a court injunction has allowed the small-scale producers to continue. The growers, who have licences from Health Canada to produce marijuana for their own medical consumption, have argued that the pot they produce is much cheaper than what they'd pay commercially. While neighbours to the four GTA grow-ops The Globe and Mail looked at said they don't have a problem with them in principle, they would prefer that they were housed in rural or industrial areas.

The ruling in the federal case – in which four B.C. residents allege their constitutional rights were violated by the federal government when the personal-use grow-op program was shut down – isn't due until the end of the year. Until then, neighbours to private grow-ops are seeking other ways to deal with these federally regulated facilities. Last week Mississauga City Council passed a bylaw that makes it the first municipality in Canada to give city officers powers to police private growers to some extent, a model that other GTA municipalities are considering replicating.

Reto Guenter, whose auto-body shop is in the same building as Mr. Kralik's and the two grow-ops, says he has no issues with the growers, whom he has met. He said the smell does come into his shop occasionally, though, and believes the growers need a new ventilation system to keep the smell from leaving their units.

"Do people come in and say, 'Did a skunk blow up in here?' Well, yeah," Mr. Guenter said.

But the smell may soon disappear if the growers don't comply with the new bylaw in Mississauga. The bylaw requires those who operate medical-marijuana grow-ops to obtain a \$250 licence (which comes with an annual renewal fee of \$200). An inspection by the city's fire department and electrical safety authority are part of the licensing process. Officials are aware of two private grow-ops in the city – the two in Mr. Kralik's building. Across Ontario, 6,077 individuals were granted licences to produce medical marijuana for themselves or for someone who needs it, according to Health Canada data from March, 2014, when the program stopped issuing licences.

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STORY CONTINUES BELOW ADVERTISEMENT

building in which they operate could not be reached for comment.

Placing municipal scrutiny on private grow-ops is a step Vaughan Councillor Sandra Yeung Racco hopes her city will soon adopt. She didn't know a medical marijuana grow-op was operating in her ward until a resident, whose business is next door to it, made a complaint about the smell. Police and fire officials have checked out the space and an investigation by city staff is "ongoing," Ms. Yeung Racco said.

"We at least should know where they set up these units," she said. "It's better that we know and have some sort of regulation rather than having people just setting it up anywhere."

Mario Bottoni, who complained about the Vaughan grow-op, says he has lost business and has had to run his maintenance company for the last three months out of alternate locations because the smell is so overpowering. He said one of his employees has refused to come in due to the smell, and he himself can only stand it for about 30 seconds, even when wearing a mask.

A reporter who visited the site last week spoke to two employees who work at another business beside the grow-op, both of whom said they had smelled marijuana in their unit before, but only on occasion and in certain parts of the unit. The reporter could not detect the odour on that day.

The building's property manager, Rocco Rampino, said after receiving complaints about the smell, he asked the owner of the unit (who rents the space out to a grower) to improve the ventilation system, which he says has been done. An attempt to contact the grower was unsuccessful.

#### STORY CONTINUES BELOW ADVERTISEMENT

For Paul Calandra, parliamentary secretary to the Prime Minister, no municipal intervention should be necessary to set residents at ease – he hopes the federal court case will permanently shut down all private grow-ops in the country. He says the overwhelming volume of applications for commercial production suggest prices will eventually come down for pot from large-scale growers.

"I certainly have no patience or tolerance for people who will suggest we need to expand residential grow-ops," Mr. Calandra said. "I think this will obviously be an election issue."

He's taken a particular interest in the issue because a residential grow-op in his Oak Ridges-Markham riding is located across the street from an elementary school. On a recent weekday afternoon as school let out, the smell of marijuana hung in the air a few blocks away and was especially pungent on the street where the house was located. The Globe was unsuccessful in reaching the grower.

Bric Williams says for the last two years since the house was built, his children's clothes have had the smell of pot baked into them – they attend the school. The pungent smell permeates his car's interior, just in the few minutes he idles outside when he picks his kids up.



# 'The stink' of marijuana: Markham residents angered by cannabis grow-ops

News Mar 19, 2018 by <u>Jeremy Grimaldi (/yorkregion-author/jeremy-grimaldi/71150AD6-F9AF-4B8D-A464-D2C492D6B7D/) 🔀 (mailto:jgrimaldi@yrmg.com)</u> Markham Economist & Sun

There is one house on Markham's Williamson Road that smells so bad of skunk neighbours say they can't enjoy their yards in the summer.

During other seasons, they say the smell actually seeps through their walls, smelling up their houses with the pungent odour.

Problem is, it's a not pest issue — it's a marijuana one.

"I want to sell my house, but with this smell, it's not worth anything," said one neighbour who did not want his name published.

Story continues below-

He's not alone

In the past three months, Markham Coun. Joe Li has received 10 calls about marijuana grow-ops in Markham.

Although unsure exactly which operations are legal, with licences from Health Canada, Li's unsure that really matters.

What is important from his perspective is that residents are struggling to deal with often odious scents coming from these homes, with little or no recourse.

Story continues below-

"I don't think this policy has been thought out carefully," Li told yorkregion.com.

In the Williamson Road situation, the owner is breaking no rules, considering he has a medical marijuana licence to grow plants at his residence.

Story continues below-

For neighbours, though, the problem is the person does not live in the home and is growing so many plants that the entire neighbourhood can smell like manjuana for days at a time,

Since the smell began about four years ago, residents have called police, the fire department and every level of politician, from Li, to MPP Helena Jaczek, to MP Jane Philpott,

The only one able to provide some resolution was Markham Deputy Mayor Jack Heath, who has been guiding the residents through a Municipal Property Assessment Corporation process in which he hopes to lower his property tax because of the stench.

"I'm not opposed to medical marijuana, I'm just not sure they should be granted ability to grow in residential neighbourhoods," Heath said. "There are other places for this, like industrial areas."

The smell is not the only worry.

"I am also concerned with the potential for fires with all that extra equipment, and home invasions," Heath said.

One neighbour said he has seen people driving up to the house in luxury cars and doesn't feel safe.

1 don't know who I am dealing with, he said. No one lives there, so who knows if the home will go up in flames? We can't enjoy ourselves outside. It's embarrassing. People walk by our house and smell this and think it's us.

The issue of homes being used for the solitary purpose of growing medical marijuana has been a flashpoint in Markham before.

Parents and residents at a meeting with then-MP Paul Calandra grew angry, complaining of a schoolyard reeking of marijuana so much that their children's clothes had to be washed more often.

In that case, the homeowner didn't live in the home and was growing 146 plants legally with a Health Canada license.

Manijuana is set to become legal this summer, however, there are plans to set a limit on how many plants can be grown in each home. Experts have suggested that should be four plants at most.

by Jeremy Grimaldi (/yorkregion-author/Jeremy-Grimaldi/71150ad6-f9af-4b8d-a464-d2c492d06b7d/)

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# Medical marijuana smell overwhelms other businesses

Smell from grow-op makes it almost impossible to work, say tenants of commercial complex

CBC News · Posted: Jan 27, 2015 7:37 PM ET | Last Updated: January 28, 2015

Business owners are overwhelmed by the smell of neighbouring marijuana grow ops. 2:24

The tenants of a Mississauga, Ont., commercial complex say the smell coming from a neighbouring marijuana grow-op is making it hard to do business.

Jon and Jackie Messenger say their heating and air conditioning company, which operates out of a plaza near Royal Windsor Drive and Southdown Road, is surrounded on three sides by a medical marijuana grow op.

They say there's no escaping the smell.

"The headache throughout the day is constant," Jackie Messenger told CBC News. "These guys should be working in detached buildings."

- Medical marijuana users can grow at home, for now
- Medical marijuana: New rules and a 'ton of confusion'

Messenger says they don't have a problem with medical marijuana — they just think grow-ops should be located somewhere else. After 10 years in the same location, they are considering moving.

# It's getting hard to do business ... hard to be in here for any period of time

- Business owner David Kralik

Tenants say the smell makes it almost impossible to work and that it has driven away customers.

"It's getting hard to do business ... hard to be in here for any period of time," said David Kralik, who runs a snow removal company in the same plaza.

Kralik says he does as much work as he can outside, in his truck, and is worried about having his employees inside.

# Zoning violations Landowner comments

The property manager for the complex says the grow-ops have a licence from Health Canada to grow medical marijuana, that the units are clean and safe, and that they've been checked by police and fire officials.

But for privacy reasons Health Canada can't confirm if its officers have checked the units on Royal Windsor Drive.

The units have been found to be in violation of some zoning bylaws. Officials told CBC News that investigation is ongoing. Comfost eating & Art Congress of the Congress

Jackie Messenger says the smell from nearby medical marijuana growops could force her and her husband to relocate their heating and air conditioning business. (CBC)

Federal legislation banning individuals from running grow-ops was passed last year and then stayed, which

means anyone with a licence to grow can continue doing so until a federal court reaches a final decision.

Calls for comment from the grow-ops were not returned.

With files from CBC's Charlsie Agro

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# What's that smell? Legal marijuana growing in Colorado

Trevor Hughes, USA TODAY Published 6:57 p.m. ET Aug. 11, 2014 | Updated 7:15 p.m. ET Aug. 11, 2014



(Photo: Marc Piscotty for USA TODAY)

DENVER — There's a little something extra drifting through the Colorado air these days: Marijuana.

The lush, skunky smell of growing pot hangs heavy over certain sections of the Mile High City as dozens of legal indoor grow operations turn electricity, water and fertilizer into mature marijuana plants. Those grow houses inside unmarked warehouses fitted with security cameras, heavy-duty electrical connections and shiny new ventilation systems are helping meet the demand for legal marijuana.

Long confined to isolated areas far from prying eyes and sniffing noses, the marijuana industry has gone mainstream, and that you-can-smell-it presence has upset some people. This year, about 30% of the smell complaints coming into Denver's code enforcement office are about the pot smell coming from the largely

industrial areas away from most homes, schools and parks.

"No one ever complains about bakeries," said Ben Siller, a Denver code enforcement officer with the Department of Environmental Health. "I'd laugh if someone complained about cinnamon rolls, but it doesn't happen."

Colo. fairgoers say they were given pot candy

(https://www.usatoday.com/story/news/nation/2014/08/07/marijuana-chocolate-

bar-lawsuit/13741835/)

Siller has received international attention for his use of what's known as a "Nasal Ranger," a special device that allows him to scientifically measure how strong an odor is. The device, which Siller allowed a USA TODAY reporter to test, combines specially filtered air with the outside air in measured increments. Even though the city has received dozens of complaints about pot smells, Siller has not yet measured any marijuana smell that violates the city's standard — no more than 1 part odor to 7 parts filtered air or five complaints from nearby residents within a 12-hour period.

He chalks the complaints up to people still getting used to the idea that marijuana is legal.

"You do have people who just object to the whole idea," he said. "(The smell) is discernible. It's there but you get used to it, just like any odor."

Marijuana growers say they understand neighbors' concerns and take steps to filter their grow-room exhaust. When marijuana was illegal in Colorado, growers often took multiple steps to filter the air coming out of their grow rooms in an effort to hide their existence.

pumped through the facility. The filters on those illegal grows were designed to totally remove any marijuana smell — to keep from tipping off unsuspecting neighbors or patrolling cops. A Denver code enforcement officer sniffs for Marijuana

Legal grow operations are allowed to emit a certain amount of odor, just like any other manufacturing operation or farm that fertilizes with manure. At Denver's Discreet Dispensary (http://www.3dmmc.com/), workers have installed special carbon filters to help head off neighborhood complaints, evilage. though the store and grow operation sits amid an industrial area.

"It's just a flower," said Kurt Britz, the company's head of security. "They're afraid of a smell — but right up the street we have a dog food factory." New data reveal who's buying pot in Colorado

(https://www.usatoday.com/story/news/nation/2014/07/10/colorados-marijuana-

market-is-far-larger-than-predicted/12438069/)

The conflict isn't just confined to industrial areas. In nearby Boulder, some rural residents are upset about a marijuana grow operation that is proposed for a farming area a few miles outside the city.

APPENDIX 'D': Landowner comments

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Farmer Bob Munson said many schoolchildren visit his property to learn where their food comes from, and local chefs host farm dingers there in the evenings. He said having a grow operation start up would change the character of the area.

"If there was a marijuana smell ... that would be pretty hard to explain to the kids and the families that came that there was a marijuana grow operation there," said Munson, who got his start growing organic vegetables fertilized with chicken manure. "It isn't appealing in an area like this."

Siller said the number of complaints about marijuana smells in Denver appears to be slowing down as people get accustomed to the new scent in the air. He said he encourages grow operations to voluntarily install better odor controls whenever possible, to help reduce the concern.

"For the most part, they want to be good neighbors," he said.

Read or Share this story: http://usat.ly/1oqlXGK

DΧ

# Grow-ops' pungent odors targeted by Langley bylaw

Operators could soon face \$500 fines per day for pungent pot odor

CBC News · Posted: Jan 15, 2015 7:59 AM PT | Last Updated: January 15, 2015



There are about 600 legal medical marijuana grow-ops in the Township of Langley B.C. (CBC)

Residents of the Township of Langley, B.C., who are fed up with the pungent smells coming from marijuana grow-ops could get some relief from a new bylaw.

The proposed bylaw would allow the township to fine the operators of grow-ops \$500 a day for unpleasant odours.

Langley Township Mayor Jack Froese said there are a few chronic offenders.

"It's no different than a untidy premises bylaw. You're not allowed to pile garbage and junk on your front lawn. Municipalities do have bylaws for that too, and this is very similar," said Froese.

Filtration systems are available to commercial grow ops to control smell, but some pot producers may not be using them, creating a nuisance for neighbours, he said.

"It's one of the biggest factors in a neighbourhood. It's the smell and the nuisance of the smell, where people can't enjoy their patio on a nice summer day because the smell is so intense."

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Officials said there are ab**ARR 50D logal in Leukstownseij commissiones** ops in Langley Township and most of them operate in full compliance with the rules.

E-2 Page 73 of 110

"It's not about collecting money (from) fines, it's about making our communities that much more livable."

Councillors will vote on the bylaw Jan. 26.

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# Neighbours fed up with sme**ARP FNRH** ប៉ូរ៉េង់ក្នុង**ក្មេសស្រុសស្រុស បា**



Published Saturday, April 27, 2013 6:56PM PDT Last Updated Saturday, April 27, 2013 7:32PM PDT

A legal marijuana grow operation in Maple Ridge, B.C., has been given a warning by the city to address concerns or risk being shut down.

Neighbours of the Kingston St. grow operation, housed in an industrial building, say it's the source of a serious problem: wafts of pot so strong it's giving people headaches.

Herb Hanna says it's so pervasive it overpowers the aroma of coffee roasting at his business.

## **RELATED STORIES**

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#### **PHOTOS**



A legal marijuana grow operation in Maple Ridge, B.C., has been given a warning by the city to address concerns or risk being shut down. "I roast coffee, the company beside me roasts coffee, but the funny thing is it was always smelling (like) marijuana," he told CTV News, adding that it's driven customers away.

Maple Ridge Mayor Ernie Daykin says they've had so many complaints they're giving the grower 30 days to comply or risk being shut down.

Daykin believes the building isn't vented properly and is missing a number of filters.

"They need to have it inspected, bring it up to electrical and all of the building code standards and that include the filtering and noxious odours and all that stuff," he said.

Daykin feels the problem is widespread, with many other B.C. cities dealing with the complications that come with the vague legalities around grow operations.

"You could go to 12 or 22 other municipalities in Metro Vancouver and have similar experience," he said.

Marijuana activist Dana Larsen said that grow-op safety should be the top concern, not smell.

"That's not a serious issue," he said. "The smell of marijuana is not dangerous or harmful."

Despite his criticism, Larsen does believe all growers should try to be good neighbours.

"I would try to make a better effort and it's certainly not that difficult to vent those smells, to use different things to screen the smell out," he said.

The question of grow safety came into prominence earlier this week, when an overnight fire leveled a Maple Ridge home that contained a grow operation.

And a legal medicinal grow-op in Port Coquitlam was shut down in February after the operator was found growing triple the plants he was licensed to have, in addition to safety, noise and smell complaints.

Last fall, the federal government announced it intends to make changes to the way Canadians access medical marijuana.

The proposed new 'Marihuana for Medical Purposes Regulations' will eliminate home grow operations and move production to commercial growers.

Under the new rules, to be finalized by March 2014, anyone who requires medical marijuana would have to buy it from licensed producers.

O Comments

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# Odour complaint from neighbour of licensed marijuana grower put before Halifax council



By Rebecca Lau Reporter Global News

WATCH ABOVE: Councillor Reg Rankin is asking Halifax council for a staff report on the bylaws and regulations surrounding medical marijuana grow operations and their effects on neighbouring properties. The issue stems from a resident in his district who lives next door to a licensed grower and is complaining about the odours. Rebecca Lau reports.

It's legal to grow marijuana if you have a licence, but is it fair to your neighbours?

Halifax councillor Reg Rankin, who represents Timberlea-Beechville-Clayton Park West, will ask regional council on Tuesday for a staff report on the adequacy of bylaws and regulations that deal with medical marijuana grow operations and their effect on neighbouring properties.

The issue stems from a homeowner in his district, who lives in a semi-detached home that shares a wall with a neighbour who has a licence to grow medical marijuana.

### READ MORE: First medical marijuana dispensary of planned franchise opens in Cole Harbour

Rankin, who has visited the home, says there are strong odours and the residents are concerned about their health.

"This is a semi-detached, a common wall...so smell, odours can easily permeate walls," he said.

"It's not pleasant. They're living with it constantly and...I think we need to address it."

The federal government was poised to bring in new rules in 2014 that would force patients to buy medical marijuana from licensed growers, meaning patients would not have been allowed to grow plants in their own homes.

However, those regulations were challenged in court and there is currently an injunction, which has allowed patients with licences to continue to grow their own medical marijuana.

"Do we have to put up with odours and affluence from plants and smoking?" said Rankin.

"And for the ones that are doing it? Are they free to do what they want anytime? Have the intensity of their operations any time of the day? So, these are important questions."

Rankin says there are also concerns that having the grow operation next door could affect property values, since it is something realtors would be compelled to share with prospective buyers.

## WATCH: Man denied Air Canada flight for medical marijuana

Denise MacDonell, a realtor with Red Door Realty, agrees having a licensed medical marijuana grow operation in an adjoining home could affect the value of a property.

"In no way am I suggesting it is not legitimate. Obviously people with these licences have them because they need treatment for an illness," MacDonell said.

"But it would still be something in a buyer's market where you have a lot of choice, it might send you to the semi one street over that doesn't have the issue."

However, medical marijuana supporters disagree with the concerns voiced by Rankin and the homeowner.

"There is no danger associated with the smell of growing cannabis. It hasn't been burnt, it's not smoke, so there's no high going to come from it, no negative effect," said Chris Backer, the vice-chair of Maritimers Unite for Medical Marijuana Society (MUMM).

"It's the smell of growing. It's the smell of green. It's no different than growing cucumbers or tomatoes Page 76 of 110 at this point."

Backer says he and fellow members of MUMM plan to be at council on Tuesday when Rankin brings forward his motion, so they can voice their opposition.

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Love v. Flagstaff (County of) Subdivision and Development Appeal Board, 2002 ABCA 292

Date: 20021209

Dockets: 0003-0393-AC

0003-0394-AC

IN THE COURT OF APPEAL OF ALBERTA

THE COURT:

THE HONOURABLE CHIEF JUSTICE FRASER
THE HONOURABLE MADAM JUSTICE RUSSELL
THE HONOURABLE MADAM JUSTICE FRUMAN

IN THE MATTER OF SECTION 688 OF THE MUNICIPAL GOVERNMENT ACT, S.A. 1994, c. M-26.1, AS AMENDED; AND

IN THE MATTER OF THE DECISION OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD OF FLAGSTAFF COUNTY DATED AUGUST 8, 2000;

BETWEEN:

APPEAL NO: 0003-0393-AC

**BARRY LOVE** 

Appellant

- and -

THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD OF FLAGSTAFF COUNTY and FLAGSTAFF COUNTY

Respondents

IN THE MATTER OF SECTION 688 OF THE MUNICIPAL GOVERNMENT ACT, S.A. 1994, c. M-26.1, AS AMENDED; AND

IN THE MATTER OF THE DECISION OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD OF FLAGSTAFF COUNTY DATED AUGUST 8, 2000;

2002 ABCA 292 (CanLII)

APPEAL NO: 0003-0394-AC

# PAUL ALDERDICE

Appellant

- and -

THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD OF FLAGSTAFF COUNTY and FLAGSTAFF COUNTY

Respondents

Appeal from the Decision of the SUBDIVISION AND DEVELOPMENT APPEAL BOARD OF FLAGSTAFF COUNTY Dated the 8th day of August, 2000

REASONS FOR JUDGMENT RESERVED

REASONS FOR JUDGMENT OF THE HONOURABLE CHIEF JUSTICE FRASER CONCURRED IN BY THE HONOURABLE MADAM JUSTICE FRUMAN

> DISSENTING REASONS FOR JUDGMENT OF THE HONOURABLE MADAM JUSTICE RUSSELL

2002 ABCA 292 (CanLII)

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For the Respondent, Taiwan Sugar Corporation and DGH Engineering Ltd.

2002 ABCA 292 (CanLII)

# REASONS FOR JUDGMENT OF THE HONOURABLE CHIEF JUSTICE FRASER

# I. INTRODUCTION

- [1] These two appeals arise out of the refusal by the Subdivision and Development Appeal Board of Flagstaff County (SDAB) to grant a residential development permit to the appellants, Barry Love (Love) and Paul Alderdice (Alderdice). These appeals were heard together with a related appeal, *Goodrich* v. *Flagstaff (County of) Subdivision and Development Appeal Board*. Taiwan Sugar Corporation (Taiwan Sugar) and DGH Engineering were respondents in that appeal. While not added as parties to these appeals, they have participated as respondents throughout with the consent of the parties.
- [2] All three appeals were heard together because they are effectively linked to each other, concerning as they do competing development applications for lands in the County of Flagstaff (County). On one side are Love and Alderdice. Love seeks to construct a single family home on a quarter section of land he owns (Love Lands) and Alderdice, as agent for Joseph Bebee, seeks to construct a single family home on a quarter section of land owned by Bebee (Alderdice Lands). On the other side of the development divide is Taiwan Sugar which seeks to develop an intensive animal operation (IAO) on five different quarter sections in the County (IAO Lands), two quarters of which are adjacent to the Love Lands and Alderdice Lands (IAO Lands).

# II. BACKGROUND FACTS

- [3] The Love Lands, Alderdice Lands and IAO Lands are all zoned Agricultural (A) District under the Land Use Bylaw of Flagstaff County, Bylaw No. 03/00 (22 March 2000) (Bylaw). Under s.6.2.1.1 of the Bylaw, "all forms of extensive agriculture and forestry, including a single family dwelling or a manufactured home" are permitted uses. By contrast, an IAO is a discretionary use only: s.6.2.1.2.
- Love and Alderdice each applied to the development authority (DA) designated by the County under s.624(1) of the *Municipal Government Act*, R.S.A. 2000, c. M-26 (*Act*) for a development permit to build a single family residential dwelling on their respective lands a permitted use. When the Love and Alderdice applications were filed, Taiwan Sugar had not yet applied for an IAO development permit on the IAO. By the date on which the Love and Alderdice applications were denied, Taiwan Sugar had filed an incomplete IAO application. That application was not finally complete until more than 2 ½ months after the initial filing.
- [5] The DA denied both the Love and Alderdice applications on the same basis, namely that the dwelling each wished to build would be too close to a "proposed" intensive animal operation, that is the Taiwan Sugar IAO, and thus in breach of s.6.1.7.3 of the *Bylaw*.

[6] These appeals turn therefore on the interpretation of the following critical provisions of s.6.1.7.3 of the *Bylaw* mandating a minimum setback for the siting of dwellings near an IAO:

For the siting of a dwelling in close proximity to an intensive animal operation (whether existing or proposed), the dwelling, if a permitted use, must be located at least the minimum distance prescribed in the Code of Practice.

[7] The Code of Practice is defined in s.1.3.9 of the *Bylaw* as the Code of Practice for the Safe and Economic Handling of Animal Manures published by Alberta Agriculture, Food and Rural Development in 1995, together with the modifications to that Code, published by Alberta Agriculture, Food, and Rural Development in 1999 (collectively the *Code*). As stated in s.1 of the *Code*, it "outlines a two part approach to reduce rural conflicts through proper land use siting and animal manure management." The first method is to maintain a "minimum distance separation" (MDS) between an IAO and its neighbours as explained in s.3 of the *Code*:

Separation between intensive livestock facilities and neighbours can compensate for normal odour production, thereby reducing potential nuisance conflicts. The MDS applies reciprocally for the siting of either the odour source (intensive livestock operation) and/or the neighbouring landowner (neighbour).

- [8] The Code contains detailed tables prescribing the applicable MDS which varies depending on the size and type of IAO. The Code does not expressly address who is to be responsible for providing the required MDS buffer zone when there are competing applications for a residence and an IAO on adjacent lands. In this case, the sites Taiwan Sugar selected adjacent to the Love Lands and the Alderdice Lands are not large enough to absorb the buffer zone. In fact, given the size and type of Taiwan Sugar's IAO, were Love and Alderdice required to provide the buffer zone out of their lands, there would be nowhere on the Love Lands or the Alderdice Lands that a residence could be built.
- [9] With respect to the *Bylaw* and the required MDS buffer zone, there is evidence that the County, unlike, for example, Ponoka County, elected not to impose the obligation for meeting the MDS solely on the IAO developer: Ponoka No. 3 (County) Bylaws, Land Use Bylaw No. 5-97-A, s.10.4.2 (1997). While the *Bylaw* does not expressly specify who is to provide this buffer zone the IAO developer or neighbouring landowners it is implicit in the *Bylaw* that an IAO developer may include the lands of adjacent landowners, in whole or in part, in determining whether it has met the required MDS. And this may be done even when it precludes adjacent landowners using the portion of their lands that falls in the MDS for future residential permitted uses. As the County's jurisdiction to enact this aspect of the *Bylaw* is not before us, this decision assumes the validity of s.6.1.7.3.

[10] A sun	nmary of the relevant sequence of events in 2000 follows.
January 21	Taiwan Sugar approached the County regarding its plans.
March 15	Taiwan Sugar advised the County of proposed sites for the IAO.
March 23	The public was advised of the IAO sites.
April 11	Taiwan Sugar held public consultations regarding the IAO.
April 20	Love submitted a residential development permit application to the DA.
April 25	Alderdice submitted a residential development permit application to the DA.
April 27	Taiwan Sugar submitted an incomplete IAO development permit application to the DA.
May 5	Taiwan Sugar submitted further information in support of its IAO application.
May 30	Love's application was refused.
June 5	Alderdice's application was refused.
June 9	Love filed a notice of appeal with the SDAB.
June 16	Alderdice filed a notice of appeal with the SDAB.
July 17	Taiwan Sugar's IAO application was finally complete.
July 25	SDAB heard the Love and Alderdice appeals together.
August 8	SDAB denied both appeals.
September 8	Taiwan Sugar was granted a development permit for the IAO.
September	Several County residents appealed the DA's grant of the IAO permit.
November 2	Love and Alderdice were granted leave to appeal the SDAB decision.
November 27	SDAB, with slight modifications, denied the appeals on the IAO permit.
[11] The SDAB denied the Love and Alderdice appeals on the basis that the homes they	

wanted to build would be too close to Taiwan Sugar's "proposed" IAO. In its view, a

"proposed" IAO under s.6.1.7.3 meant something less than an "approved" one. In deciding what that something less might be, the SDAB concluded that the steps taken by Taiwan Sugar prior to filing an IAO application coupled with the filing of a formal application made the IAO a "proposed" one on the date on which Taiwan Sugar first filed its IAO application.

[12] The SDAB then concluded that the relevant date for deciding whether a residential permitted use was sited the required distance from an IAO was not the date on which the permitted use application had been filed but the date on which the DA made its decision on the application. Accordingly, on this reasoning, since Taiwan Sugar's IAO was "proposed" on the date that the DA decided both the Love and Alderdice applications, and since neither home met the required MDS, the SDAB determined that both applications were properly refused.

# III. STANDARD OF REVIEW AND ISSUES

- [13] The standard of review for the interpretation of a land use bylaw by a subdivision and development appeal board is correctness: *Harvie v. Province of Alberta* (1981) 31 A.R. 612 (C.A.); *Chrumka v. Calgary Development Appeal Board* (1981) 33 A.R. 233 (C.A.); 500630 Alberta Ltd. v. Sandy Beach (Summer Village) (1996), 181 A.R. 154 (C.A.).
- [14] This Court granted leave to appeal the SDAB decision on the Love and Alderdice appeals on the following ground:

Did the Subdivision and Development Appeal Board of Flagstaff County err in law in its interpretation of the word "proposed" as found in Section 6.1.7.3 of the Flagstaff County Land Use *Bylaw* No. 03/00?

- [15] This question raises two distinct issues, both of which must be addressed in order to properly answer this question:
  - 1. When does an IAO become "proposed" for purposes of s.6.1.7.3 of the *Bylaw*; and
  - 2. What is the relevant date to determine whether a permitted use residential dwelling meets the MDS under the *Bylaw* the date of filing the application or some later date?

# IV. ANALYSIS

# A. WHEN DOES AN IAO BECOME "PROPOSED" UNDER S.6.1.7.3?

- [16] Once an IAO has been constructed, it can no longer be "proposed" for any purpose. The question which must be answered therefore is at what stage prior to completion of an IAO does it become "proposed" for purposes of s.6.1.7.3 of the *Bylaw*.
- [17] Although the *Bylaw* does not define when this "proposed" status is achieved, a number of possibilities exist ranging from the date on which the IAO is only a "twinkle in the eye" of the developer "proposed" only in its mind and to itself to the date on which a development permit for the IAO becomes final and binding on all parties. No one suggested that a "proposed" IAO for purposes of s.6.1.7.3 included its conception stage and thus, the time spectrum range covers the following alternative options:
  - 1. the date a developer publicly exhibits a serious intention to develop an IAO (option 1, sometimes called the "serious intention date");
  - 2. the date a developer files an incomplete application for an IAO development permit (option 2, sometimes called the "incomplete application date");
  - 3. the date a developer files a complete application, that is one containing all required information to allow the DA to determine if the IAO meets the *Bylaw* (option 3, sometimes called the "complete application date");
  - 4. the date a development permit first issues for the IAO (option 4, sometimes called the "permit issue date"); and
  - 5. the date a development permit becomes final and binding on the parties, including, if applicable, exhaustion of all appeals (option 5, sometimes called the "permit effective date").
- [18] Love and Alderdice contend that an IAO becomes "proposed" for purposes of the *Bylaw* on the date it has been approved and a permit issued (either option 4 or 5 above) or alternatively, the date on which a complete development application has been submitted (option 3). Taiwan Sugar argues that it is the date on which a reasonable person would believe that a serious intention to develop an IAO has been demonstrated by the developer (option 1) or alternatively the date on which an IAO development permit application is first filed, no matter how incomplete (option 2).

[19] In interpreting the *Bylaw*, the purposive and contextual approach repeatedly endorsed by the Supreme Court of Canada and set out in E.A. Driedger, *Construction of Statutes*, 2<sup>nd</sup> ed. (Toronto: Butterworths, 1983) at 87 applies:

Today there is only one principle or approach, namely, the words of an Act are to be read in their entire context and in their grammatical and ordinary sense harmoniously with the scheme of the Act, the object of the Act, and the intention of Parliament.[As cited with approval in *Re Rizzo & Rizzo Shoes* [1998] 1 S.C.R. 27; *Bell ExpressVu Limited Partnership v. Rex* (2002) 212 D.L.R. (4<sup>th</sup>) 1 (S.C.C.).]

[20] The purposive approach to statutory interpretation requires that a court assess legislation in light of its purpose since legislative intent, the object of the interpretive exercise, is directly linked to legislative purpose. As a result, as explained in R. Sullivan, *Driedger on the Construction of Statutes*, 3<sup>rd</sup> ed. (Toronto: Butterworths, 1994) at 35:

Other things being equal, interpretations that are consistent with or promote legislative purpose should be preferred and interpretations that defeat or undermine legislative purpose should be avoided.

- [21] The contextual approach rests on a simple, but highly compelling, foundation. "The meaning of a word depends on the context in which it has been used": *Ibid* at 193. Therefore, any attempt to deduce legislative intent behind a challenged word or phrase cannot be undertaken in a vacuum. The words chosen must be assessed in the entire context in which they have been used. Thus, it must be emphasized that the issue here is not what the solitary word "proposed" means in isolation but when an IAO becomes "proposed" for purposes of s.6.1.7.3.
- [22] The starting point for the analysis must be the legislative scheme of which the *Bylaw* forms a part. The *Bylaw*, enacted by the County as required by ss.639 and 639.1 of the *Act*, constitutes one piece of the legislative planning puzzle governing the development and use of lands in the County. Other relevant pieces include Part 17 of the *Act* itself, the Land Use Policies established by the Lieutenant Governor in Council pursuant to ss.622(1) of the *Act* as O/C 522/96 (*Land Use Policies*), the County's Municipal Development Plan established pursuant to s.632 of the *Act* [Flagstaff County, Bylaw No.02/00, Municipal Development Plan (12 April, 2000)] (*Plan*) and the *Code*. The presumption of coherence presumes that the legislative framework is rational, logical, coherent and internally consistent: *Friends of Oldman River Society v. Canada (Minister of Transport)* [1992] 1 S.C.R. 3.

[23] It is evident from a review of Part 17 of the Act that its purpose, or object, is to regulate the planning and development of land in Alberta in a manner as consistent as possible with community values. In so doing, it strikes an appropriate balance between the rights of property owners and the larger public interest inherent in the planned, orderly and safe development of lands. In this regard, s.617 contains an authoritative statement of legislative purpose and relevant community values:

The purpose of this Part and the regulations and Bylaws under this Part is to provide means whereby plans and related matters may be prepared and adopted

- (a) to achieve the orderly, economical and beneficial development, use of land and patterns of human settlement, and
- (b) to maintain and improve the quality of the physical environment within which patterns of human settlement are situated in Alberta,

without infringing on the rights of individuals for any public interest except to the extent that it is necessary for the overall greater public interest.

- [24] These objectives are carried forward into both the *Plan* and the *Bylaw*. The *Plan* identifies as its goal encouraging "environmentally sound, sustainable agricultural and other forms of economic development, while conserving and enhancing the County's rural character." The *Bylaw* provides in critical part in s.1.2 that its purpose is to "regulate and control the use and development of land and buildings within the municipality to achieve the orderly and economic development of land".
- [25] While the Land Use Policies focus on matters of public policy, not law, and are by their nature therefore general in scope, they nevertheless provide a policy framework for land use bylaws and municipal plans. Indeed, both the Plan and the Bylaw must be consistent with the Land Use Policies: s.622(3) of the Act. The Land Use Policies provide in s.4.0.2 which is part of the general section dealing with land use patterns that:

Municipalities are encouraged to establish land use patterns which embody the principles of sustainable development, thereby contributing to a healthy environment, a healthy economy and a high quality of life.

- [26] These values orderly and economic development, preservation of quality of life and the environment, respect for individual rights, and recognition of the limited extent to which the overall public interest may legitimately override individual rights are critical components in planning law and practice in Alberta, and thus highly relevant to the interpretation of the *Bylaw*.
- [27] Central to these values is the need for certainty and predictability in planning law. Although expropriation of private property is permitted for the public, not private, good in clearly defined and limited circumstances, private ownership of land remains one of the fundamental elements of our Parliamentary democracy. Without certainty, the economical development of land would be an unachievable objective. Who would invest in land with no clear indication as to the use to which it could be put? Hence the importance of land use bylaws which clearly define the specific uses for property and any limits on them.
- [28] The need for predictability is equally imperative. The public must have confidence that the rules governing land use will be applied fairly and equally. This is as important to the individual landowner as it is to the corporate developer. Without this, few would wish to invest capital in an asset the value of which might tomorrow prove relatively worthless. This is not in the community's collective interest.
- [29] The fundamental principle of consistency in the application of the law is a reflection of both these needs. The same factual situation should produce the same legal result. To do so requires that it be certain. The corollary of this is that if legislation is uncertain, it runs the risk of being declared void for uncertainty in whole or in part. As explained by Garrow, J.A. in *Re Good and Jacob Y. Shantz Son and Company Ltd.* (1911) 23 O.L.R. 544 (C.A.) at 552:

It is a general principle of legislation, at which superior legislatures aim, and by which inferior bodies clothed with legislative powers, such as ... municipal councils ... are bound, that all laws shall be definite in form and equal and uniform in operation, in order that the subject may not fall into legislative traps or be made the subject of caprice or of favouritism—in other words, he must be able to look with reasonable effect before he leaps.

[30] There is another critical contextual feature to this interpretive exercise. The question of what constitutes a "proposed" IAO under s.6.1.7.3 arises in only one context – a conflict between an application for a residential development permit and an IAO not yet built. Typically, in the rural part of the County, potential problems would arise where a landowner seeks to develop a single family home on a quarter section since single family homes are permitted uses in every zoning category in the County but one. Thus, the conflict, if there is to

be one, will, in the majority of cases, be between a single family residential permitted use and a discretionary IAO use.

- [31] Applying the purposive and contextual analysis, I have concluded that an IAO becomes "proposed" for purposes of s.6.1.7.3 on the permit issue date (option 4). There are several reasons for this.
- [32] First, to adopt an interpretation permitting an IAO to achieve "proposed" status prior to the permit issue date would run afoul of a principle firmly entrenched in the legislative planning scheme in effect in Alberta respect for individual property rights. The *Act* explicitly recognizes the preeminence of individual rights in planning law in Alberta. While these rights are subject to a clearly circumscribed overriding exception in favour of the greater public interest, nowhere is it suggested that individual rights should be overridden for a private interest.
- [33] This respect for individual property rights is a statutory affirmation of a basic common law principle. As explained by Cote, P.A. in *The Interpretation of Legislation in Canada*, supra, at 482:
  - "Anglo-Canadian jurisprudence has traditionally recognized, as a fundamental freedom, the right of the individual to the enjoyment of property and the right not to be deprived thereof, or any interest therein, save by due process of law." To this right corresponds a principle of interpretation: encroachments on the enjoyment of property should be interpreted rigorously and strictly.
- [34] Here, the scheme and object of the *Act* reveal a legislative intention not only to expressly protect individual rights but to permit those rights to be eroded only in favour of a public interest and only to the extent necessary for the overall public interest. See s.617, *supra*. It follows therefore that encroachments on individual rights, especially by private parties, should be strictly construed.
- [35] Concerns about encroachments on property rights are exacerbated where, as here, the *Bylaw* permits neighbouring landowners to bear all or part of the MDS requirement. If an IAO developer acquires a site too small to accommodate the required buffer zone, then the MDS setback requirements must instead be met out of the lands of neighbouring landowners. Given the respect accorded to individual rights under the *Act* and the potentially serious sterilizing effect that these MDS setback requirements would have on neighbouring lands, it would take much clearer statutory language to strip a landowner of residential development rights, especially permitted use residential rights, in favour of a discretionary use IAO project before its permit issue date.

- [36] Further, strictly interpreting encroachments on the enjoyment of property minimizes conflict, whether that be conflict between the state (as represented by the County) and its citizens or amongst the citizens themselves. This is in keeping with one of the underlying rationales of planning law, namely to avoid pitting neighbour against neighbour by imposing on all parties clearly defined reciprocal rights and obligations. The legislative scheme here is designed to promote harmony, not create litigation. Accordingly, given the priority accorded to individual rights under Alberta planning law, where possible, planning laws should be interpreted in a manner consistent with what I would characterize as the "good neighbour policy". That includes respecting individual rights by interpreting encroachments on property rights rigorously and strictly especially where the encroachment is in favour of a private interest.
- [37] Second, it must be remembered that an IAO is only a discretionary use. Thus, there is no assurance that an application for an IAO permit will ever be successful. If an IAO could become "proposed" for purposes of s.6.1.7.3 prior to its permit issue date, this would effectively freeze permitted use residential development on nearby lands falling within the MDS for what could be a lengthy period in favour of an IAO project that might never be approved. This too militates in favour of a restrictive interpretation as to when "proposed" IAO status for purposes of s.6.1.7.3 is achieved.
- [38] Third, finding that an IAO achieves "proposed" status on the permit issue date also provides the required degree of certainty and predictability. This is an extremely weighty consideration since using any earlier date the serious intention date, the incomplete application date or the complete application date is replete with problems fatal to these possible interpretations.
- [39] Taiwan Sugar contends that the serious intention date should apply. Under the test it suggests, an IAO would be "proposed" on the date by which circumstances were such that a reasonable person would believe that a developer had a serious intent to develop an IAO. In its view, a publicly announced project would meet this test. But the most critical failing of this approach would be the inability of a landowner intent on developing land nearby an announced IAO to predict whether a stated intention would ever lead to a development proposal, much less a filed application, never mind an approved one. In the meantime, the landowner's ability to develop land he or she owns for a permitted single family residential use in conjunction with their extensive farming operation would at best be compromised and at worst, prevented altogether. This cannot be.
- [40] Moreover, the phrase "serious intention" is vague and subject to arbitrary application. A serious intention is not a proposal for anything unless and until steps are taken to proceed with the stated intention. To what extent would the suggested plan need to be developed? Would complete details on obvious issues such as size, site locations, and methods of resolving water and other environmental issues need to be disclosed? And to whom and at what time? And more fundamentally, how would one determine when and if the "serious

intention" ever crystallized into a concrete proposal? Finally, if one were to accept that an IAO could reach "proposed" status before the developer even filed an application, how would one determine whether the project had been abandoned? For these reasons alone, this interpretation cannot be sustained.

[41] Nor would using either the incomplete application date or the complete application date provide the required degree of certainty. Although the filing date for each would be ascertainable, there would be no way of knowing with certainty when the project was abandoned. Under the *Bylaw*, there is no requirement mandating the DA to make a decision on an application within a specific period of time. Under s.3.4.15, if the DA does not do so within 40 days, the application shall be deemed refused after the expiry of that time period. But this is at the option of the applicant and the applicant alone as the following key part of this section makes clear:

An application for a development permit shall, at the option of the applicant, be deemed to be refused when a decision thereon is not made by the Development Authority within forty (40) days after receipt of the application by the Development Authority.

- [42] Further, there does not appear to be any ability on the part of a nearby landowner to compel the DA to make a decision following the expiry of the 40 day period or to seek an order declaring that the IAO application has been refused simply because of the lapse of the 40 day period. Instead, it appears that the extension of the 40 day period is a matter requiring only the concurrence of the DA and the applicant. What this would mean therefore is that if the DA did not make a decision on an IAO within the 40 day period because it was, for example, waiting for additional required information never to be provided there would be no objective means of determining when the project had been abandoned.
- [43] Thus, an IAO development permit application could simply languish for an indeterminate period into the future, long after the IAO developer had abandoned any intention of proceeding with the IAO. Since nearby landowners would be precluded from developing single family permitted use housing on their lands in the interim, an interpretation which led to this result (as either the use of the incomplete application date or the complete application date would do), ought to be rejected.
- [44] It is no answer to say that these problems could be avoided by a landowner's seeking an order of mandamus compelling the County to make a decision on an IAO application. The County and IAO developer might well be engaged in prolonged and protracted negotiations over conditions, additional information, plans, etc. with no end in sight, thereby precluding the securing of any such order even though ultimately the project is abandoned. Even if this were not so, it would be unreasonable, given the statutory planning regime, to impose on a landowner otherwise entitled to a residential permitted use permit an obligation to try to establish that an IAO project had in fact been abandoned. The legislation does not contemplate forcing this heavy financial and legal obligation onto the party with the least information

relating to the IAO application and the least control over it and there can be no justification for judicially imposing it on neighbouring landowners.

- [45] Fourth, the disputed words themselves and the context in which they are used in s.6.1.7.3 are consistent with the view that the required "proposed" status is achieved on the permit issue date. Under s.6.1.7.3, "proposed" is used in contradistinction to an "existing" IAO. The distinction relates to the physical state of the IAO, and not to its planning status on the relevant date. It must be remembered that even when a permit has been issued for an IAO, the IAO is "proposed" unless and until it is actually built. If the approved development is not commenced within 12 months from the date of the issue of the permit, and carried out with "reasonable diligence", the permit is deemed to be void, unless an extension is granted: s.3.6.6 of the *Bylaw*. This means that "proposed" and "approved" are not mutually exclusive terms. Accordingly, it does not follow that "proposed" must mean something less than "approved" for purposes of s.6.1.7.3.
- [46] It is true that there are other sections of the *Bylaw* in which the word "proposed" refers to a development for which a development permit application has been received by the DA. But one cannot simply find the same word proposed in other sections of the *Bylaw* and conclude that it has the same meaning when used in s.6.1.7.3. While the word "proposed" is sprinkled throughout the *Bylaw*, it is used elsewhere in the context of a "proposed development", that is one in respect of which a development permit application has been filed. But in s.6.1.7.3, the words used are not the same, the reference instead being to an "intensive animal operation (whether existing or proposed)", and they are used in an entirely different context.
- [47] Fifth, concluding that an IAO achieves "proposed" status under s.6.1.7.3 on the permit issue date best promotes one of the key objectives of the planning legislation, the orderly and economic development of land. The orderly development of land militates in favour of an interpretation of the *Bylaw* which avoids the repeated filing of unnecessary development applications, whether by an IAO developer or an adjacent landowner. Much is made of the fact that Love and Alderdice filed their permit applications shortly after the public meetings, but it is equally noteworthy that Taiwan Sugar filed its initial application, an incomplete one, shortly after the Love and Alderdice filings.
- [48] If a "proposed" IAO meant one in respect of which an application had been filed, no matter how incomplete, then this would encourage the filing of inadequate IAO applications at an early stage and possibly repeatedly in an effort to defeat potentially competing permitted uses. In turn, this would lead to its own uncertainties and promote the same action by adjacent landowners. These landowners would be tempted to file repeated development applications to protect against the risk of an IAO being built nearby on a site inadequate to meet the MDS requirements and thereby freezing the use of their lands for residential purposes. This result cannot have been intended.
- [49] Not only would this be unduly costly to the applicants (in terms of filing fees and lost time), and the County (in terms of processing of the permits), it runs counter to the philosophy

of recent amendments to planning legislation in Alberta designed to reduce "red tape" and costs and could not help but have a negative impact on overall productivity. This is not in the wider community interest.

- [50] Using the permit issue date as the date on which "proposed" status is achieved for purposes of s.6.1.7.3 avoids the prospect of multiple filings. There would be no need on the part of individual landowners to apply for residential development permits early and repeatedly to protect their legitimate permitted use rights since a permit could be successfully applied for at any time prior to an IAO's permit issue date. It would also avoid preemptive filings by an IAO developer intending to include part of its neighbours lands in the calculation of the required MDS since there would be nothing to be gained by these filings.
- [51] Further, s.3.4.8 also militates against using the incomplete application date as the date on which the IAO achieves "proposed" status. Under this section, the DA may return the application to an applicant for further details and in such event, the application is "deemed to not have been submitted". To treat an IAO project as "proposed" for purposes of s.6.1.7.3 even though in the end the IAO application might be returned and treated as not submitted would be illogical.
- [52] Under s.3.4.4 of the *Bylaw*, an IAO developer is mandated to provide certain required information in an IAO application. However, under s.3.4.9:

The Development Authority may make a decision on an application for a development permit notwithstanding that any information required or requested has not been submitted.

- [53] This being so, it has been argued that the DA's ability to issue a conditional IAO development approval means that "proposed" status can be achieved before the IAO developer has provided all information required under the *Bylaw*, that is on the incomplete application date. But this looks at matters the wrong way round. The point is not whether the permit issue date <u>may</u> occur before all required information is filed; it is whether the permit issue date has been achieved. Even assuming therefore that an IAO permit could be issued without all information required under this section (and quaere whether this is so), what would make the IAO project a "proposed" one for purposes of s.6.1.7.3 would not be the filing of an incomplete permit application, but rather the issuance of a development permit.
- [54] It was suggested that the emphasis the County places on agriculture lends added weight to the argument that an IAO should be treated as "proposed" the moment a development application is filed, no matter how incomplete. However, this argument assumes that in a competition between a single family residential permitted use and an IAO that it is only the IAO which satisfies the emphasis on agriculture in the *Bylaw* and the *Plan*. This is clearly wrong. Section 6.2.1 of the *Bylaw* states that the purpose of the Agricultural District is to "provide land where all forms of agriculture can be carried on without interference by other, incompatible land uses." The very first permitted use is "all forms of extensive agriculture and

forestry, including a single family dwelling or a manufactured home." [Emphasis added.] The second is "single family dwellings and manufactured homes, on a sole residential parcel subdivided out of a quarter section ...." [Emphasis added.]

- [55] Why is this so? The answer lies in part in the history of Alberta. The quarter section of land with the family home has been one of the fundamental building blocks of farming life in rural Alberta. As such, it has been an integral component in the orderly and economic development of land in this province. Further, providing that a single family home is a permitted use on a farm quarter and on a parcel subdivided out of a farm quarter also recognizes the inter-generational needs of extended farm families. Had the County wanted to demolish this foundational structure, and grant IAO's preferential treatment, it was certainly free to do so. It has not. Instead, the County has expressly provided that use of land for a single family residence in conjunction with a farming operation or on a parcel subdivided out of agricultural land are permitted uses under the *Bylaw* while an IAO is merely a discretionary use.
- [56] Consequently, one does not need evidence of the importance of a residence on any particular quarter section. The County's decision to make the construction of the single family home a permitted use is sufficient evidence of legislative intent whether or not this settlement pattern continues today. Thus, there is no merit to an argument premised on the assumption that an IAO on land zoned Agricultural (A) District trumps use of agricultural lands for single family homes in conjunction with an extensive farming operation. In fact, policy considerations explicitly tilt in favour of the residential permitted use.
- [57] It follows that I do not agree with the proposition that an IAO is entitled to priority on the basis it benefits the community economically as a whole. So too do other forms of extensive agriculture, including the residences associated with them. This is not a case where the County has elected to exclude all forms of agriculture other than IAO's. Instead, the *Bylaw* specifically contemplates a variety of uses for land zoned Agricultural (A) District.
- [58] Sixth, concluding that an IAO becomes "proposed" on the permit issue date best avoids inequitable results. The legality or merit of the County's decision to allow an IAO developer to include adjacent lands in the calculation of whether it meets the required MDS is not before us. However, Taiwan Sugar argues that if the serious intention test is not adopted, then when an IAO developer goes through the public consultation process encouraged by s.1.12 of the *Plan*, landowners near identified selected sites could easily defeat a project by filing an application for a development permit for a residence within the mandated setback area. It opposes the use of any date after the incomplete application date for the same reason, namely that this is not fair.
- [59] However, there is nothing unfair or improper in neighbouring landowners filing residential permitted use applications on lands nearby a publicly disclosed IAO site. The County has set its priorities under the *Bylaw*; declared the permitted uses, including single family homes on agricultural lands; and encouraged anyone seeking a discretionary IAO permit to enter into a public consultation process. The very existence of that process reflects an

intention that neighbouring landowners have the opportunity to consider and exercise whatever rights attach to their lands prior to the issuance of an IAO permit. In essence, the legislative scheme requires them to choose a right or lose a right.

- [60] It must be remembered that the conflict here has arisen because the sites acquired for the IAO near the Love Lands and the Alderdice Lands do not permit the IAO developer to fully meet the MDS requirements on its own lands. One method an IAO developer can use to ensure that its project goes forward is to acquire a sufficiently large block of land to fully meet the MDS requirements without relying on neighbouring property. Thus, an IAO developer can easily eliminate any risk of its plans being defeated by competing residential permitted use applications by the simple expedient of acquiring a large enough site to satisfy the MDS requirements out of its own lands.
- [61] If this imposes too great an economic cost on an IAO developer, there is another method it can use to minimize the risk of its plans being defeated by competing residential permitted use applications. That is to consult with neighbouring landowners. One consequence of this judgment is that it will provide certainty and eliminate races to file competing development applications. IAO developers, who are required to consult before applying for a permit, are not in a position to conceal an IAO proposal. The IAO developers can now reasonably anticipate that adjacent property owners whose lands may be negatively affected by the MDS requirements may well file residential permitted use applications to protect their future development rights. These applications will have priority over competing IAO applications until the permit issue date. Thus, IAO developers who have not acquired sites large enough to absorb the entire MDS out of their lands may wish to engage in economic negotiations with adjacent property owners with a view to compensating them for the loss of their future right to construct a residence.
- [62] As for the proposition that an IAO developer may be required to deal with a number of landowners, there is a simple answer to this. The *Bylaw* does not prevent an IAO from being constructed on a number of contiguous quarter sections of land. A developer can either choose a number of sites physically isolated from each other or select contiguous sections of land, and deal with the consequences that flow from that voluntary choice. Additionally, it is not in the public interest to sterilize large tracts of land for residential purposes when this could be avoided by an IAO developer's building on a larger, contiguous site.
- [63] This raises another related point. In urban areas, planning bylaws typically contemplate an extensive and wide range of land uses with different rules for each. For example, land for residential use might be zoned in specific locations for particular uses, such as single family homes, townhouses, and high rise apartments. The same holds true for other zoning categories such as commercial and industrial uses. But to date in rural Alberta, there has been little attempt to distinguish amongst various kinds of agricultural uses. One possible way of reducing the potential for conflict arising from the competing demands of rural landowners and IAO developers would be to limit IAO's to specific designated areas. However, the question

whether such an approach would be beneficial falls squarely within the legislative, and not the judicial, role.

- [64] Finally, I turn to why the permit issue date is to be preferred over the permit effective date. A permit does not come into effect until 14 days after its publication date (s.3.6.1), or if appealed, until expiry of all appeal periods (s.3.6.2). It could be argued that unless and until the permit comes into effect, a discretionary IAO ought not to defeat a permitted use application filed at any time before the permit becomes final. However, once an IAO permit has been issued, the equities change as between an IAO developer and adjacent landowners. At that point, a permit has been issued which is to come into full effect on expiry of certain statutory periods. Meanwhile, the neighbouring landowner has elected not to file any competing permitted use applications prior to that date. Thus, to allow a residential permitted use application filed after the permit issue date to defeat the IAO in these circumstances would not be reasonable. At this stage, the appeal process governs.
- [65] Accordingly, for these reasons, I have concluded that an IAO becomes "proposed" for purposes of s.6.1.7.3 on the permit issue date. There must be a practical, fair, easily-administered and certain cut-off date and the permit issue date qualifies on all grounds. In the end, it is this interpretation which best conforms with the spirit and intent of the *Act*, the *Policies*, the *Plan* and the *Bylaw*.

# B. RELEVANT DATE FOR ASSESSING PERMITTED USE APPLICATIONS

- [66] I now turn to the second issue to be resolved. This concerns the date on which the Love and Alderdice applications ought to have been assessed for compliance with s.6.1.7.3 of the *Bylaw*. At issue here is the question of acquired rights: at the time an application for a single family residential permitted use is filed, are the rights of the applicant sufficiently concretized that those rights cannot be defeated by a later, competing discretionary use application? I have concluded that they are.
- [67] Given my conclusion on this issue, it is in one sense unnecessary to have definitively decided the date by which an IAO becomes "proposed" for purposes of s.6.1.7.3. It would be enough to determine that as long as an IAO does not become "proposed" by the serious intention date (option 1), the DA is required to issue the residential permits to Love and Alderdice. However, to eliminate option 1 required an analysis of the first issue in detail. In addition, in any event, many of the interpretive factors affecting the first issue have equal application to the second.
- [68] Taiwan Sugar maintains that filing an application for a permit does not crystallize any rights. It points to the line of cases concluding that permitted use applications may be defeated by changes in the law, arguing that this same principle should apply to what they characterize as a change in the facts. The argument reduces to this. If a change in the law can defeat an application for a permitted use, then it follows that a change in facts should be able to do so too.

- [69] In my view, the appropriate date for determining whether a single family permitted use application meets the required MDS is the date on which the application is filed, regardless of when that assessment might occur and a decision follow. In the case of Love and Alderdice, their respective applications preceded even the incomplete application date. Thus, even were I wrong in concluding that an IAO becomes "proposed" for purpose of s.6.1.7.3 on the permit issue date, and it were determined that the applicable date should be the complete application date or the incomplete application date, Love and Alderdice would remain entitled to the issuance of the requested single family residential development permits.
- [70] I begin with the context in which this particular issue arises. Permitted uses have been a central part of the legislative planning scheme in Alberta since 1929. In 1957, the concept of a conditional (now called "discretionary") use, as opposed to a permitted use, was first introduced in Alberta: See F. Laux, *Planning Law and Practice in Alberta*, <sup>3rd</sup> ed. (Edmonton: Juriliber, 2002) at 1-35. That distinction remains in effect today. Permitted uses are those to which an applicant is entitled as of right providing that the proposed development otherwise meets the requirements of the *Bylaw*. The "as of right" entitlement is clear from s.642(1) of the *Act*:

When a person applies for a development permit in respect of a development [for a permitted use], the development authority must, if the application otherwise conforms to the land use Bylaw, issue a development permit with or without conditions as provided for in the land use Bylaw. [Emphasis added.]

- [71] The theory underlying permitted uses has been well-explained by Laux in *Planning Law and Practice in Alberta, supra*, at 6-3:
  - ... as a matter of good planning, within a given district, one or more uses may be identified that are so clearly appropriate in that district, and so compatible with one another that they demand no special consideration. Therefore, such uses ought to be approved as a matter of course no matter where they are located in the district, provided that the development standards set out in the Bylaw are also met.
- [72] As noted, under s.642(1) of the *Act*, the development authority "must" grant a permit when a person applies for a permitted use that conforms to the *Bylaw*. The operative word is must. In these appeals, there was no suggestion that the Love and Alderdice applications for residential housing permits were turned down on any basis other than an alleged non-compliance with s.6.1.7.3. But for the alleged non-compliance with the MDS, the residential permit applications complied with the *Bylaw*: see AB 87.

- [73] It is true that any permitted use acquired rights are not absolute, notwithstanding s.642(1) of the Act. They may well be defeated by a change in the law occurring before a decision is made on the application. Since s.643(1) of the Act provides that a change in a land use Bylaw does not affect the validity of a permit granted on or before the change, this has been interpreted to mean that a permit application may be defeated by a change in the law that occurs between the date of filing of the application and the final decision on the application: 698114 Alberta Ltd. v. Banff (Town) (2000) 190 D.L.R. (4th) 353 (Alta. C.A.); Parks West Mall Ltd. v. Hinton (Town) (1994) 148 A.R. 297 (Q.B.); Bouchard v. Subdivision and Development Appeal Board (Canmore(Town)) (2000) 261 A.R. 342 (C.A.). Thus, the law in effect at the time that the decision is made is usually the operative law.
- [74] But there are exceptions even to this rule: Ottawa (City) v. Boyd Builders Ltd. [1965] S.C.R. 408; Smith's Field Manor Development Ltd. v. Halifax (City) (1988) 48 D.L.R. (4th) 144 (N.S.C.A.). Hence, it does not follow that no rights are acquired under any circumstances on filing of a permitted use application. Indeed, this Court expressly left open the question of whether a Bylaw change post-dating an application for a permitted use will defeat that permitted use: Bouchard, supra.
- [75] In any event, even assuming for the moment that a change in the law made following the filing of an application for a permitted use defeated that application, I do not agree that this reasoning applies to a change in facts relating to lands other than those which are the subject of the permitted use application.
- [76] The only alleged change of fact in these appeals is that Taiwan Sugar filed an application for an IAO discretionary use after Love and Alderdice had filed their permitted use applications. Indeed, it is debatable whether this is properly characterized as a change in facts or simply a competing development application. Even assuming the former, to focus on a change in facts which occurs on another site after the filing of a permitted use application would invert the entire permitted use planning process. When an application is filed for a permitted use, the focus is to be on the facts relating to that permitted use application, not on facts arising later in relation to competing discretionary use applications on other sites.
- [77] Nor is there any evident policy reason for eroding permitted use rights in these circumstances. The statutory scheme itself recognizes not only the importance of individual rights but also the superior position granted to those applying for a permitted use, as opposed to a discretionary one. Therefore, to allow a permitted use right to be defeated by a later-filed competing discretionary use would be inconsistent with the present statutory planning regime.
- [78] There is another reason for not accepting this argument. Because consistency in the application of the law is an underlying principle of the rule of law, an interpretation of the *Bylaw* that permits inconsistency should be rejected. If two land development applications that are identical on their merits result in different dispositions for no defensible reason, the orderly and economic development of land would be affected. Yet this could happen if a permitted use application could be defeated by a change in facts resulting from a later-filed development

permit application on adjacent lands. If the development authority deferred consideration of the permitted use application in one case, but not in the other, the results of the two applications would be different. A development authority ought not to be placed in the position in which the timing of its decision on an application affects the outcome or creates inconsistent rulings.

- [79] Perhaps most important is that it would be inequitable for a permitted use application to be denied because of a discretionary use application filed subsequent to the permitted use application where the discretionary use application might never be approved. Where the IAO is not subsequently approved, one cannot simply unwind the past rejection of a permitted use application and restore the applicant to the position he or she was in. Indeed, if a permitted use applicant were unsuccessful on the basis of a pending, but subsequently unapproved IAO, the permitted use applicant could not make an application for another 6 months unless the DA, in the exercise of its sole discretion, agreed otherwise: s.3.4.12 of the *Bylaw*. Applicants could therefore find themselves in the position where the DA did not permit the filing of a new permitted use application prior to the expiry of the 6 month period because the DA was awaiting the filing of a new IAO application on nearby lands.
- [80] These consequences, demonstrating the very real dangers of differential treatment, underscore why as between a residential permitted use applicant and a subsequent IAO discretionary use applicant, the rights of the permitted use applicant crystallize as of the date of the filing of the permitted use application. Put into the lexicon of planning law, on the date a residential permitted use application is filed in conformity with the *Bylaw*, the applicant's potential right becomes a sufficiently acquired right that it cannot be defeated by a later-filed IAO discretionary use application on the basis of the MDS requirement.
- [81] Nor should there be any difficulty in ascertaining the relevant facts as of the date of filing of the residential permitted use application. After all, they must be disclosed in the application itself. In this regard, the Love and Alderdice applications were both complete on the day of filing and in compliance with the *Bylaw*. Since the subject IAO had not achieved "proposed" status under s.6.1.7.3 on the date of filing of the Love and Alderdice single family permitted use applications, the DA was required to issue the single family residential permitted use permits.
- [82] Therefore, I allow the appeal, reverse the decision of the SDAB and direct the DA to issue to Love and Alderdice the permits to which they are entitled for the construction of the requested single family residential dwellings.

APPEAL HEARD on NOVEMBER 27th, 2001

REASONS FILED at EDMONTON, Alberta this 9<sup>th</sup> day of DECEMBER, 2002

# **APPENDIX 'D': Landowner comments**

# E-2 Page 100 of 110

	Page: 20
_	
	FRASER C.J.A.
I concur:	
_	as authorized by: FRUMAN J.A.

2002 ABCA 292 (CanLII)

# DISSENTING REASONS FOR JUDGMENT OF THE HONOURABLE MADAM JUSTICE RUSSELL

[83] The relevant facts, the decision below, and the applicable standard of review are as set out in the Reasons for Judgment of Fraser, C.J.A.

#### GROUND OF APPEAL

[84] Leave to appeal was granted on the following ground:

Did the Subdivision and Development Appeal Board of Flagstaff County err in law in its interpretation of the word "proposed" as found in Section 6.1.7.3 of the Flagstaff County Land Use Bylaw No. 03/00 (LUB)?

[85] The appellants assert that two issues are raised by this ground of appeal: (1) the meaning of the term "proposed" in s. 6.7.1.3 of the LUB, and (2) the relevant time for determining whether an intensive animal operation (IAO) has achieved that status. Although the ground of appeal does not expressly include the second issue, no one has objected to its consideration and all parties have provided argument on it. Accordingly, I will assume that it is an element of the ground of appeal for which leave was granted.

#### **ANALYSIS**

# What does "proposed" mean?

- [86] Section 6.1.7.3 of the LUB prohibits construction of a residence within the minimum distance separation distance from an IAO, "either existing or proposed".
- [87] The appellants submit that a "proposed" IAO is either one which has been approved but not yet constructed, or one for which a complete development application has been submitted. They argue that these definitions provide the certainty to which an applicant for a permitted use permit is entitled. In their view, the SDAB erred in holding, in effect, that the developer need only submit an incomplete application to render the development "proposed".
- [88] In response, the developer contends that an IAO is "proposed" when a reasonable person would believe that a serious intention to develop has been shown.
- [89] Given the significance of this term for both landowners and IAO developers, it is unfortunate that the LUB does not provide a definition.

- [90] The Supreme Court recently reiterated its preferred approach to statutory interpretation in *Bell ExpressVu Limited Partnership* v. *Rex*, 2002 SCC 42 at para. 26, (2002) 212 D.L.R. (4<sup>th</sup>) 1, citing E.A. Driedger, *Construction of Statutes*, 2nd ed (Toronto: Butterworths, 1983) at 87:
  - Today there is only one principle or approach, namely, the words of an Act are to be read in their entire context and in their grammatical and ordinary sense harmoniously with the scheme of the Act, the object of the Act, and the intention of Parliament.
- [91] Hence, the meaning of "proposed" must be determined in the context of s. 6.1.7.3 and the LUB as a whole, considering the scheme, object and purpose of the LUB. The object and purpose of the Municipal Development Plan, County of Flagstaff, Bylaw No. 02/00 (Plan) and aspects of the Municipal Government Act, R.S.A. 2000, c. M-26 (Act) are also relevant to this inquiry as they form part of the legislative scheme in which a development permit application will be assessed.
- [92] The word "proposed" is used in s. 6.1.7.3 as an alternative to "existing". This suggests that a proposed operation is one for which construction has not yet begun.
- [93] The word "proposed" is used elsewhere in the LUB in a context which indicates that it there refers to a development for which an application has been submitted, but no permit has yet been issued: s. 3.4.4, 3.4.8, 3.4.13, 3.4.14. This might suggest that the same interpretation should be given to s. 6.1.7.3. But it does not clarify the degree to which an application should be complete, for a development to be "proposed".
- [94] One might expect other provisions of the LUB to assist in that regard. However, s. 3.4.4 requires an IAO application to include "all relevant information necessary to allow the Development Authority to determine if the proposed development will meet the guidelines of the Code of Practice". Section 3.4.8 provides that if the application does not contain sufficient information, the development authority may return it, in which case it is deemed not to have been received. Those provisions suggest a complete application is required. But s. 3.4.9 specifically authorizes the Development Authority to make decisions on such applications, suggesting that the development retains proposed status even though the application itself is deficient. That broad discretion permits an incomplete application to be rejected or approved. It follows that little weight can be placed on these provisions in interpreting the LUB.
- [95] One of the purposes of the LUB, as set out in s. 1.2, is to regulate and control the use and development of the County's land, to ensure orderly and economic development. This objective is largely achieved by providing a system for balancing competing land uses. In striking that balance, the LUB emphasizes the import of agriculture in the Agricultural District in which IAOs may be located. The preamble to the relevant district regulations reads:

The purpose of the Agricultural District is to provide land where all forms of agriculture can be carried on without interference by other, incompatible land

uses. The Development Authority may, at his discretion, refuse to issue a development permit for any land use which may limit or restrict existing or proposed agricultural operations in the vicinity.

LUB s. 6.2.1

- [96] Arguably a narrow definition of the term "proposed" might undermine this purpose. Neighbouring landowners could defeat an IAO, which is planned but not yet "proposed", by rushing to obtain residential permits for land within the prescribed minimum distance separation from the IAO at the first hint of such a development. This possibility is exacerbated by the Plan's direction, in s. 1.12, that developers should seek local support for an IAO before submitting a development permit application, thus alerting neighbours to the proposal, and providing them the opportunity to take evasive action. In this case, both applications for residential development permits were filed within days following the public consultation conducted by the developer.
- [97] The emphasis placed on agriculture in the LUB is consistent with the Plan, which states that:

Agriculture and providing services to the agricultural community are regarded as the most important forms of development in Flagstaff County....

[A]griculture is viewed as the priority use when affected by competing land uses in most of the County....

In that agricultural activities have priority in most of the County, the intent of this Plan is that no legitimate activity related to the production of food which meets Provincial and/or municipal requirements should be curtailed solely because of the objections of nearby non-farming landowners or residents....

s.1.0, Statement of Intent

The Plan also reflects the role intensive agriculture is to play in the Agricultural Use Area. It includes amongst its objectives "the rational diversification and intensification of agricultural activities": s. 1.0, Objectives. It considers the primary uses of the Agricultural Use Area to be extensive agriculture and IAOs: s. 1.3.

[98] In her Reasons for Judgment, Fraser C.J.A. contends that residential land use, in conjunction with extensive agriculture, satisfies this emphasis on agriculture. However, the development of a residence in conjunction with a farming operation is only one of two forms of residential development which are permitted uses in the area; the other is a single family dwelling on a residential parcel subdivided from a quarter section and unrelated to farming activities. Further, while rural Alberta may have developed in a pattern of quarter sections of land, each equipped with a family home, there is no evidence before this court to suggest that

this settlement pattern remains today, in a time of ever increasing mechanization. Nor is there evidence that the ability to develop a home on each quarter section is necessary to accommodate inter-generational farm families. In any event, interpretation of a bylaw involves consideration of the object and intention of the legislative scheme, as inferred from the relevant legislation itself. I do not infer from that legislation that these policy considerations form part of its object or intention.

[99] The legislative scheme of the Act is also relevant to this inquiry. Section 617 states that one of the purposes of the Act, and bylaws thereunder, is to achieve orderly, economical and beneficial development without infringing on the rights of individuals except to the extent necessary in the overall public interest. This reflects an intention to protect the capacity of property owners to develop their land as they see fit, subject to compromise for the public good.

[100] While IAO developers will generally be private entities, the development of IAOs serves the public interest, as they provide an economic benefit to the community as a whole. The Plan's emphasis of the importance of agriculture is motivated, at least in part, by economics. The Plan seeks to "promote economic diversification so that all residents may enjoy optimum working and living standards" and sees "agriculture and agricultural services as continuing to be a major economic force in the community": Goal. The Plan refers to "providing an environment that will benefit the agricultural community and economy": s. 1.0, Statement of Intent. It seeks to ensure that "agriculture remains an integral and viable component of the regional economy": s. 1.0, Objectives. Indeed, given the obvious nuisance factors associated with IAOs, it is hard to imagine why an IAO would ever be tolerated by a community, if not for its potential for positive economic impact.

[101] If "proposed" status is not achieved until late in the application process, neighbouring landowners may easily defeat the project by obtaining residential development permits. However, Fraser C.J.A. suggests that potential IAO's may avoid this conflict by the simple expedient of purchasing the entire minimum distance separation (MDS) area or by negotiating rights over it. This approach suggests that incursion onto private rights is not necessary, as required in s. 617. However, MDS areas are sizable. In the current case, the IAO is spread over five quarter sections. The MDS area for each of those quarters runs onto at least the eight surrounding quarter sections. Adopting Fraser C.J.A.'s approach would require acquisition or negotiation with respect to either all or part of the 40 quarter sections which surround the parcels marked for development. The developer's ability to purchase only the specific portions of the neighbouring sections which comprise the MDS area would be dependent upon subdivision approval from the County. A larger IAO would involve an even larger MDS area. This approach would significantly impact the economic viability of any potential IAO operation, depriving the community of the economic benefits associated with the intensification of agriculture. This would be inconsistent with the Plan's emphasis on agriculture as a key economic force in the County. Accordingly, while s. 617 contemplates preservation of private interests, the greater public good weighs against an interpretation of "proposed" that would render the County economically unfriendly to IAOs.

[102] The distinction the Act draws between permitted and discretionary uses is also relevant. These concepts are defined in both the Act and the LUB. A permitted use is one for which a permit must be granted if bylaws are complied with. As the name suggests, a discretionary use is one for which there is no imperative to grant a permit. This distinction reflects the principle underlying permitted uses:

that, as a matter of good planning, within a given district, one or more uses may be identified that are so clearly appropriate in that district, and so compatible with one another that they demand no special consideration. Therefore, such uses ought to be approved as a matter of course no matter where they are located in the district, provided that the development standards set out in the bylaw are also met.

F.A. Laux, *Planning Law and Practice in Alberta*, 3<sup>rd</sup> ed., looseleaf (Edmonton: Juriliber, 2002) at 6-3, cited with approval in *Burnco Rock Products Ltd.* v. *Rockyview No. 44 (Municipal District)* (2000), 261 A.R. 148 at para. 13 (C.A.)

- [103] Most dwellings in the relevant district, including those under consideration in this matter, will be permitted uses. Extensive agriculture is also a permitted use under s. 6.2.1.1.a. However, an IAO is merely a discretionary use. While agriculture is a priority in the County, an IAO is considered distinct from extensive agriculture, and subordinate in its suitability for the district. This militates against an overly broad interpretation of "proposed".
- [104] While permitted uses are given planning priority, their approval is subject to compliance with the relevant bylaws. The question of statutory interpretation raised in this appeal will determine whether the applicants' prospective residences comply with the LUB. Given that compliance with the bylaw is the central issue here, and permitted use permits are available only when bylaws are complied with, I do not place significant weight on the permitted nature of a residence. The County is entitled, through its bylaws, to place restrictions on permitted uses. It follows that inclusion of a particular type of development, in a list of permitted uses, does not mandate an interpretive approach that minimizes any restrictions the County has chosen to impose on such developments.
- [105] The permitted/discretionary dichotomy, and the imperative to approve permitted uses subject to compliance with bylaws, support an interpretation of "proposed" that will provide certainty as to when that status is achieved. The greater the uncertainty on this point, the more approval of a residential development permit application might depend on an exercise of discretion by the Development Authority. This would tend to blur the distinction between a permitted use and a discretionary use.
- [106] The developer equates the word "proposed" with incompleteness. It contends that a project is "proposed" when a reasonable person would have no doubt that a serious intention to develop has been displayed even though no application is filed. But such a test promotes

uncertainty. Would public consultation constitute a proposal or a mere testing of the waters? If "proposed" status may arise prior to the filing of an application, to whom must the development be proposed? How and when would serious intent be crystallized? How would any abandonment of that intent be determined?

[107] On the other hand, the appellants' proposal, that a complete IAO development permit application must be submitted to be "proposed," cannot be rationalized with s. 3.4.9. That section provides the development authority with discretionary power to decide an application despite the absence of required or requested information. According to that section, approval may be given to an IAO development permit application, even if it is incomplete. So there is no point at which the application can be objectively determined to be complete. Hence the standard of completeness does not assist in the interpretation of the word "proposed".

[108] In contrast, the decision of the SDAB that a development becomes "proposed" once a development permit application is submitted to the County provides a more objective and tangible touchstone.

[109] In her Reasons for Judgment, Fraser C.J.A. raises the question of how one could know with certainty when a filed IAO development permit had been abandoned. Neither the LUB nor the Act provide a mechanism for neighbouring landowners to compel the Development Authority to either decide or return a development permit application. She reasons that an application might remain filed and incomplete indefinitely if the applicant does not exercise his or her option to deem the application denied. However, the Development Authority is obliged to "receive, consider and decide on all applications": LUB s. 3.4.7. While the LUB does not provide a specific time frame for carrying out this duty, the Development Authority could not fail to act indefinitely. A neighbouring landowner, wishing to obtain a residential development permit, could seek an order of mandamus compelling the Development Authority to discharge its duty to decide the application. Accordingly, if an IAO is proposed as of the date an application is filed, an unannounced abandonment of that application could not indefinitely prevent a residential development from proceeding.

[110] Fraser C.J.A. also considers the prospect of numerous, repeated, development permit applications if an IAO becomes "proposed" upon the filling of an incomplete application. In such circumstances, an IAO developer might be motivated to file an application at the earliest possible time. However, under s. 3.4.1. LUB, only owners, or agents of owners, can apply for development permits. Thus a developer must either already be a landowner, or must acquire ownership or agency status, before applying for a permit. This would deter speculative applications. Further, a developer who submits an incomplete application runs the risk that it will either be returned under s. 3.4.8 or simply refused. In the latter case, the Development Authority could decline to accept a further application for 6 months: 3.4.12. So while a developer might be motivated to move quickly to file even an incomplete application, there are limitations on the extent to which this can be done and the benefits to be achieved.

- [111] Moreover, the prospect of repeated IAO applications would only arise if an IAO permit was issued, but no development commenced within a 12 month period, resulting in the permit becoming void under s. 3.6.6 LUB. Few commercial enterprises would intentionally indefinitely postpone commencement of operations on potential revenue generating property. Further, it is unlikely that a Development Authority, answerable to an elected municipal council, would repeatedly grant permits for an unpopular IAO, construction of which was unreasonably delayed.
- [112] The prospect of repeated residential development permits exists irrespective of when an IAO becomes "proposed". If an IAO is deemed to be "proposed" early in the planning process, landowners may be inclined to obtain residential development permits to ensure that, in the event an IAO project is announced in their area, they will retain the ability to develop a residence on their land. If an IAO does not become "proposed" until later in the planning process, landowners could wait until an IAO project is announced before seeking a development permit. But, in any event, if an IAO does not become proposed until it is approved, landowners may nonetheless be motivated to apply for a residential permit to block the project.
- [113] Fraser C.J.A. concludes that an interpretation of the term "proposed" that might foster multiple applications for permits cannot have been intended as it could give rise to undue costs to landowners and IAO developers, increase in the County's workload, and run contrary to an intention to reduce red tape and costs.
- [114] But if landowners choose to file development applications for the sole purpose of defeating the intended operation of the LUB, it is not unreasonable to expect them to bear the financial cost and inconvenience involved. If the County does experience an increased workload, it could adopt a fee structure that would discourage repeat applications.
- [115] The LUB was intended to provide a scheme to prioritize residential permits and IAO permits. Regardless of how that scheme is interpreted, landowners and IAO developers are motivated to file permit applications as early as possible. From a policy perspective, it may be desirable to choose the option that minimizes administrative costs. One may even find a statutory intention to maintain costs at a reasonable level. But in the absence of evidence of any increase in administrative costs inconsistent with the intention of the legislative scheme, or evidence as to which interpretation would create the greatest cost impact, I am unwilling to attribute any weight to this factor.
- [116] Fraser C.J.A. also considers the inequities of a developer being permitted to set up an IAO on a parcel of land too small to encompass the entire prescribed MDS. However, the issue before us concerns the meaning of "proposed" in the context of the objects and intention of the legislative scheme. Section 6.1.7.3 of the LUB reflects a clear choice by the Council of Flagstaff County not to require an IAO developer to purchase the entire MDS area. The validity of that provision is not before us. Nor is the fairness of the Council's choice to enact it.

- [117] Considering the context surrounding the use of "proposed" in s. 6.1.7.3, its use elsewhere in the LUB, the emphasis placed on agriculture in the District, and the significance of agriculture in area economy, as well as the need for certainty with respect to limitations on permitted uses, the appellants' arguments cannot prevail. I conclude that "proposed" in s. 6.1.7.3 refers to an IAO for which a development permit application has been submitted to the County, whether or not it is complete.
- [118] It follows that, in my view, the SDAB did not err in its interpretation of "proposed".

What is the relevant time for determining whether an IAO has achieved "proposed" status?

- [119] The appellants argue that the development authority should have made its decision on their residential development permit applications on the basis of facts that existed at the time those applications were filed. They submit that this approach provides the degree of certainty to which a permitted use applicant is entitled. Since the application for the IAO development permit had not been made at the time the residential applications were submitted, they maintain that should foreclose any entitlement to an IAO development permit.
- [120] However, the SDAB and developer maintain that filing an application for a permit does not crystallize any rights. They suggest that a change in facts should invoke the same principle as a change in the applicable law. They rely on authorities interpreting section 643(1) of the Act. That section does not allow a change in the land use bylaw to affect the validity of a permit granted on or before the change. This has been interpreted to mean a permit application may be defeated by a change in law that occurs between the filing of the application and the final decision thereon: 698114 Alberta Ltd. v. Banff (Town) (2000), 190 D.L.R. (4th) 353 (Alta. C.A.); Parks West Mall Ltd. v. Hinton (Town) (1994), 148 A.R. 297 (Q.B.); Bouchard v. Subdivision and Development Appeal Board (Canmore (Town)) (2000), 261 A.R. 342 (C.A.); Laux, supra, at 9-14.
- [121] Neither the Act nor the LUB expressly directs a development authority or SDAB to consider only those facts in existence at the time a development permit application is filed. Nor have the appellants pointed to any provisions from which this could be inferred. The legislative scheme is silent on the question and the appellants, in effect, ask this court to read into the scheme a right to have their applications decided as of the date of filing.
- [122] In non-Charter cases, a court's jurisdiction to read words into a statute is limited:
  - It is one thing to put in or take out words to express more clearly what the legislature did say, or must from its own words be presumed to have said by implication; it is quite another matter to amend a statute to make it say something it does not say, or to make it say what is conjectured the legislature could have said or would have said if a particular situation had been before it.

Driedger, supra, at 101.

[123] In Western Bank Ltd. v. Schindler, [1977] 1 Ch. 1 at 18 (C.A.), Scarman L.J. considered the relevant distinction in the following terms:

... our courts do have the duty of giving effect to the intention of Parliament, if it be possible, even though the process requires a strained construction of the language used or the insertion of some words in order to do so.... The line between judicial legislation, which our law does not permit, and judicial interpretation in a way best designed to give effect to the intention of Parliament is not an easy one to draw. Suffice it to say that before our courts can imply words into a statute the statutory intention must be plain and the insertion not too big, or too much at variance with the language in fact used by the legislature.

[124] The legislative scheme does not expressly provide that a permitted use application must be assessed on the basis of facts in existence at the time of filing. Nor can such a right be implied. There may be compelling policy considerations which suggest that, had the legislators turned their minds to this issue, they would have granted the right asserted by the appellants. However, in the absence of discernable legislative intent, the grant of such a right oversteps statutory interpretation and amounts to judicial legislation.

**CONCLUSION** 

[125] I would dismiss the appeal.

APPEAL HEARD on NOVEMBER 27th, 2001

REASONS FILED at EDMONTON, Alberta, this 9th day of DECEMBER, 2002

RUSSELL J.A.

2002 ABCA 292 (CanLII)



# **PLANNING SERVICES**

TO: Subdivision Authority

**DATE:** September 11, 2018 **DIVISION:** 7

**FILE**: 06415050 **APPLICATION**: PL20180047

**SUBJECT:** Subdivision Item – Balzac East Area, Residential One District

#### <sup>1</sup>ADMINISTRATION RECOMMENDATION:

THAT Subdivision Application PL20180047 be approved with the conditions noted in Appendix A.

#### **EXECUTIVE SUMMARY:**

The purpose of this application is to create  $a \ge 0.81$  hectare ( $\ge 2.0$  acre) parcel (Lot 1) with  $a \ge 0.81$  hectare ( $\ge 2.0$  acre) remainder (Lot 2).

The subject land consists of an existing dwelling that is serviced by regional water servicing and a private sewage treatment system. Proposed Lot 1 is currently undeveloped and would also be serviced by the regional water coop and private sewage treatment system. Access to the site is provided by an approach off Range Road 293. Municipal Reserve was already provided, but the Transportation Offsite Levy would be required for the entire parcel.

The application was assessed in accordance with the Balzac East Area Structure Plan and the Land Use Bylaw. Administration determined that:

- The proposed subdivision is consistent with the statutory plans;
- The subject land holds the appropriate land use designation; and
- The technical aspects of the subdivision proposal have been considered, and are further addressed through the conditional approval requirements.

Therefore, Administration recommends approval of this application in accordance with **Option #1**.

<b>PROPOSAL:</b> To create $a \ge 0.81$ hectare ( $\ge 2.0$ acre) parcel (Lot 1) with $a \ge 0.81$ hectare ( $\ge 2.0$ acre) remainder (Lot 2).	<b>GENERAL LOCATION:</b> Located in the Balzac East area, approximately 1.6 km (1 mile) north of Highway 566 and on the east side of Range Road 293.
<b>LEGAL DESCRIPTION:</b> Lot 2, Plan 9111892, within NW-15-26-29-W04M.	GROSS AREA: ± 1.62 hectares (± 4.00 acres)
APPLICANT: Grant and Brenda Larsen  OWNER: Grant and Brenda Larsen	<b>RESERVE STATUS:</b> Municipal Reserves were provided by a cash-in-lieu payment on Plan 911892.
LAND USE DESIGNATION: Residential One District (R-1)	<b>LEVIES INFORMATION:</b> Transportation Off-Site Levy is applicable in this case.

<sup>&</sup>lt;sup>1</sup> Administration Resources
Johnson Kwan, Planning Services

Vince Diot, Engineering Services



<b>DATE SUBDIVISION DEEMED COMPLETE:</b> May 3, 2018	APPEAL BOARD: Municipal Government Board
<ul> <li>TECHNICAL REPORTS SUBMITTED:</li> <li>Level I Private Sewage Treatment System Variation</li> <li>Level II Private Sewage Treatment System Assessment</li> </ul>	LAND USE POLICIES AND STATUTORY PLANS:  County Plan (C-7280-2013)  Balzac East Area Structure Plan (C-5177-2000)  Land Use Bylaw (C-4841-97)

# **PUBLIC & AGENCY SUBMISSIONS:**

The application was circulated to 120 adjacent landowners, and one letter was received in response (Appendix 'D'). The application was also circulated to a number of internal and external agencies, and those responses are available in Appendix 'B'.

#### HISTORY:

April 24, 2018 Land Use Application PL20180011 to redesignate the subject land from

Residential Two District to Residential One District was approved to facilitate the

proposed subdivision.

1991 Plan 9111892 was registered, resulting in the creation of the subject land.

Municipal Reserves were provided by cash-in-lieu.

#### **TECHNICAL CONSIDERATIONS:**

This application was evaluated in accordance with the matters listed in Sections 7 and 14 of the Subdivision and Development Regulation, which are as follows:

# a) The site's topography

The site is flat and generally slopes down toward the east and south with no topographic constraints.

Conditions: None

# b) The site's soil characteristics

The soils on-site are Class 3T40, 3M, T40, 4T, E20, with moderate to severe limitations to crop productions, and Class 5T60, 5T, E40 with very severe limitations for crop productions. There is no concern that soil conditions would have an impact on future development of the lands.

Conditions: None

### c) Stormwater collection and disposal

There are no concerns related to the site's surface drainage that would preclude the proposed subdivision. No requirement for a stormwater management plan at this time.

Conditions: None

#### d) Any potential for flooding, subsidence or erosion of the land

There are no concerns for flooding, subsidence, or erosion of the land.

Conditions: None



#### e) Accessibility to a road

The Remainder Lot with the existing residence gains access from an approach from Range Road 293. The Applicant proposes that access to Lot 1 (new lot) would be via an existing mutual approach with the adjacent property to the north.

The County supports this proposed access arrangement, as the County would like to limit access to Range Road 293, which is identified as a Network A roadway on the County's long range transportation network. Confirmation of an access easement agreement is required as part of the subdivision condition.

Conditions: 2

# f) Water supply, sewage and solid waste disposal

Water

The Balzac East Area Structure Plan (Policy 4.2.2 b and 6.5.1 d) requires that two acre parcels be connected to the piped water supplier in the area.

Rocky View Water Coop (RVWC) is the water utility provider in this area. As a condition of subdivision, both lot 1 and the remainder lot would be required to be connected to the piped water system.

Conditions: 3
Wastewater

The Applicant submitted a Level 2 Private Sewage Treatment System (PSTS) Assessment for proposed Lot 1, and a Level 1 Variation Assessment for the existing PSTS on the remainder lot. The County reviewed the assessments and found that there doesn't appear to be any significant features on the land that would preclude the use of PSTSs.

As a condition of subdivision, the Owner is to enter into a Development Agreement (Site Improvements/Services Agreement) with the County for the construction of the proposed private sewage treatment system in accordance with the recommendation of the Level 2 PSTS Assessment submitted with the application.

Conditions: 4

The Owner is also required to enter into a Deferred Services Agreement with the County, indicating requirements for each future Lot Owner to connect to County piped wastewater and stormwater systems at their cost when such services become available, and requirements for decommissioning and reclamation once County servicing becomes available.

Conditions: 5

### g) The use of the land in the vicinity of the site

The surrounding areas to the north and to the east are mainly country residential developments. The Balzac East Area Structure Plan (ASP) identifies the area east of Range Road 293 as Residential Phase One and Phase Two development.

The surrounding area to the south, west of Range Road 293, is identified as Special Development Area #2 (SDA2) in the Balzac East ASP. The SDA 2 boundary is generally defined by the 30 Noise Exposure Forecast Contour, which restricts further residential subdivision in the area. There are two adopted Conceptual Schemes on the west side of Range Road 293, including the 566 Crossing Business Park Conceptual Scheme (Bylaw C-6693-2008) and the Balzac Business Park Conceptual Scheme (C-6609-2007).

Conditions: None



# h) Other matters

Municipal Reserves

Municipal Reserves were provided by a cash-in-lieu payment on Plan 911892.

Transportation Offsite Levy

The Transportation Offsite Levy is applicable for the entire parcel (4.00 acres).

• The estimated amount owning is \$18,380 based on the current Transportation Offsite Bylaw (C-7356-2014).

Condition: 6

#### **POLICY CONSIDERATIONS:**

The subject land is located in the Residential Phase One area of the Balzac East Area Structure Plan.

According to Section 4.2.2 of the Balzac East ASP, in-filling of the Phase One Residential development is encouraged prior to further development of infrastructure in Phase Two. Applications for residential development out of phase may be considered if they are adjacent to an existing development of similar density and lot size, and are compatible with the surrounding land use pattern.

The proposal meets the minimum parcel size required in Section 4.2.2 a). As a condition of subdivision, both Lot 1 and the remainder lot would be required to be connected to the piped water system, in accordance with Section 4.2.2 b) and 6.5.1 d). The subject land is located in an area where a Conceptual Scheme may be required, as indicated in Figure 4. Given that the subject property already has the appropriate land use district, that the proposal addresses the servicing requirements and access management, and that the proposed subdivision is compatible with the surrounding development pattern, Administration recommends that the Conceptual Scheme be exempted for the proposed subdivision.

Overall, the proposed subdivision is consistent with the Balzac East ASP policies. The subject land holds the appropriate land use designation to support subdivision in accordance with the Land Use Bylaw.

### **CONCLUSION:**

The proposal was evaluated in accordance with Statutory Plans, and Administration determined that:

- The proposed subdivision is consistent with the statutory plans;
- The subject land holds the appropriate land use designation; and
- The technical aspects of the subdivision proposal have been considered, and are further addressed through the conditional approval requirements.

Therefore, Administration recommends approval in accordance with Option #1.

#### **OPTIONS:**

Option #1: THAT Subdivision Application PL20180047 be approved with the conditions noted in

Appendix A.

Option #2: THAT Subdivision Application PL20180047 be refused as per the reasons noted.



Respectfully submitted,	Concurrence,	
"Chris O'Hara"	"Rick McDonald"	
General Manager	Interim County Manager	
JKwan/rp		

**APPENDICES:** 

APPENDIX 'A': Approval Conditions APPENDIX 'B': Application Referrals APPENDIX 'C': Map Set

APPENDIX 'D': Letter submissions



### **APPENDIX 'A': APPROVAL CONDITIONS**

- A. That the application to create a ≥ 0.81 hectare (≥ 2.0 acre) parcel with a ≥ 0.81 hectare (≥ 2.0 acre) remainder lot at Lot 2, Plan 9111892, within NW-15-26-29-W04M was evaluated in terms of Section 654 of the *Municipal Government Act* and Sections 7 and 14 of the Subdivision and Development Regulations. Having considered adjacent landowner submissions, it is recommended that the application be approved as per the Tentative Plan for the reasons listed below:
  - 1. The application is consistent with statutory policy;
  - 2. The subject lands hold the appropriate land use designation:
  - 3. The technical aspects of the subdivision proposal have been considered, and are further addressed through the conditional approval requirements.
- B. The Owner is required, at their expense, to complete all conditions attached to and forming part of this conditional subdivision approval prior to Rocky View County (the County) authorizing final subdivision endorsement. This requires submitting all documentation required to demonstrate each specific condition has been met, or agreements (and necessary securities) have been provided to ensure the condition will be met, in accordance with all County Policies, Standards and Procedures, to the satisfaction of the County, and any other additional party named within a specific condition. Technical reports required to be submitted as part of the conditions must be prepared by a Qualified Professional, licensed to practice in the Province of Alberta, within the appropriate field of practice. The conditions of this subdivision approval do not absolve an Owner from ensuring all permits, licenses, or approvals required by federal, provincial, or other jurisdictions are obtained.
- C. Further, in accordance with Section 654 and 655 of the *Municipal Government Act*, the application shall be approved subject to the following conditions of approval:

#### Plan of Subdivision

1) Subdivision is to be effected by a Plan of Survey, pursuant to Section 657 of the *Municipal Government Act*, or such other means satisfactory to the Registrar of the South Alberta Land Titles District.

#### Transportation and Access

- 2) The Applicant/Owner shall enter into an Access Easement Agreement with the adjacent landowner at Lot 6, Block 1, Plan 0715558, within NW-15-26-29-W04M to provide access to Lots 1, as per the approved Tentative Plan, which shall include:
  - a) Registration of the applicable access right-of-way plan;

### Site Servicing

- 3) The Applicant/Owner shall provide a letter from Rocky View Water Coop, an Alberta Environment licensed piped water supplier, confirming water connection for Lot 1 and the remainder lot, as shown on the Approved Tentative Plan. The letter shall include the following information:
  - a) Confirmation that the Applicant/Owner has completed all paperwork for water supply allocation to both lots:
  - b) Confirmation that the Applicant/Owner has paid all necessary fees for the purchase of required capacity units for both lots;
  - c) Confirmation that the utility has allocated and reserved the necessary capacity for both lots; and



- d) The obligations of the Applicant and/or the utility to bring water lines into the subdivision (i.e.: water utility is to construct water line to the limits of the subdivision, and the Applicant/Owner is to construct all internal water lines, or the water utility will be responsible for all connections to individual lots).
- 4) The Applicant/Owner shall enter into a Development Agreement (Site Improvements Services Agreement) with the County for the installation of Packaged Sewage Treatment plants on Proposed Lot 1, complying with NSF 40 and/or BNQ standards in accordance with the Level II Private Sewage Treatment Assessment prepared by E2K Engineering Ltd., dated February 23, 2018.
- 5) The Owner is to enter into a Deferred Services Agreement with the County, to be registered on title for proposed Lot 1 and the remainder lot, indicating:
  - Requirements for each future Lot Owner to connect to County piped wastewater and stormwater systems at their cost when such services become available;
  - b) Requirements for decommissioning and reclamation once County servicing becomes available.

# Payments and Levies

- 6) The Owner shall pay the Transportation Off-Site Levy in accordance with Bylaw C-7356-2014 prior to subdivision endorsement.
- 7) The Owner shall pay the County subdivision endorsement fee, in accordance with the Master Rates Bylaw, for the creation of one new lot.

#### Taxes

8) All taxes owing up to and including the year in which subdivision is to be registered are to be paid to the County prior to signing the final documents pursuant to Section 654(1) of the *Municipal Government Act*.

### D. SUBDIVISION AUTHORITY DIRECTION

1) Prior to final endorsement of the Subdivision, Administration is directed to present the Owner with a Voluntary Recreation Contribution Form and ask them if they will contribute to the Fund in accordance with the contributions prescribed in the Master Rates Bylaw.



# **APPENDIX 'B': APPLICATION REFERRALS**

AGENCY	COMMENTS
School Authority	
•	
Rocky View Schools	Rocky View Schools has no objection to this circulation.
Calgary Catholic School District	No comments received.
Public Francophone Education	No comments received.
Catholic Francophone Education	No comments received.
Province of Alberta	
Alberta Environment and Parks	No comments received.
Alberta Transportation	This will acknowledge receipt of your circulation memorandum regarding the above noted proposal, which must meet the requirements of Section 14 of the Subdivision and Development Regulation, due to the proximity of Highway 2 and 566. Presently, the application does not appear to comply with any category of Section 14 of the Regulation.
	The department recognizes that the land involved in this application is removed from the provincial highway system, and relies on the municipal road network for access. It appears that the single residential parcel being created by this application should not have a significant impact on the provincial highway system.
	Alberta Transportation has no objection to this proposal and grants and unconditional variance of Section 14 of the Subdivision and Development Regulations. Form the department's perspective any appeals to be heard regarding this subdivision application may be heard by the local Subdivision and Development Appeal Bard rather than the Municipal Government Board.
Alberta Culture and Community Spirit (Historical Resources)	Not required for circulation.
Energy Resources Conservation Board	No comments received.
Alberta Health Services	Alberta Health Services, Environmental Public Health has received the above noted application. At this time we do not have any concerns with the information as provided.
Public Utility	
ATCO Gas	No comments received.



AGENCY	COMMENTS
ATCO Pipelines	No objection.
AltaLink Management	No comments received.
FortisAlberta	We have reviewed the plan and determined that no easement is required by FortisAlberta. Fortis Alberta is the Distribution Wire Services Provider for this area. The developer can arrange installation of electrical services for this subdivision through FortisAlberta. Please have the developer contact 310-WIRE (310-9473) to make application for electrical services.
	Please contact FortisAlberta land services at <a href="mailto:landserv@fortisalberta.com">landserv@fortisalberta.com</a> or by calling (403) 514-4783 for any questions.
Telus Communications	No comments received.
TransAlta Utilities Ltd.	No comments received.
Other External Agencies	
EnCana Corporation	No comments received.
Calgary Airport Authority	Calgary International Airport Vicinity Protection Area (AVPA) Regulation
	The proposed development is located within the 25-30 NEF (Noise Exposure Forecast) contours. Residential Land Uses are not considered prohibited within this area. However, all buildings constructed on land in the Protection Area must comply with the acoustical requirements set out in the Alberta Building Code.
Rocky View County Boards and Committees	
ASB Farm Members and Agricultural Fieldman	No comments received.
Rocky View Central Recreation Board	Given that Municipal Reserves were previously provided by cash- in-lieu on Plan 9111892 the Rocky View Central Recreation Board has no comments on this circulation.
Internal Departments	
Agricultural Services	No agricultural concerns.
Municipal Lands	The Municipal Lands Office has no concerns with this application.
Development Authority	No comments received.
GeoGraphics	No comments received.



AGENCY	COMMENTS
Building Services	No comments received.
Emergency Services Enforcement Services	No concerns.
Fire Services	No comments.
Infrastructure and Operations -	General
Engineering Services	<ul> <li>The applicant will be responsible for all 3rd party costs associated with the review and approval of technical submissions in accordance with the Master Rates Bylaw.</li> </ul>
	Geotechnical:
	<ul> <li>No concerns, no significant land features appear to exist that would preclude the proposed subdivision. See comments below on PSTS investigations required to ensure servicing is suitable for site conditions.</li> </ul>
	Transportation:
	<ul> <li>The applicant has indicated access to the proposed 2ac lot will be via an existing mutual approach located on the north boundary of the site. ES supports this as the County desires to limit access to RR293, which is identified as a Network A roadway on the County long range transportation network.</li> <li>As a condition of subdivision, the County requires confirmation that an access easement and the associated agreement are in place for the proposed mutual approach with the lot to the north.</li> <li>As a condition of subdivision, the owner is to provide payment of the Transportation Off-Site Levy (including the Base Levy and the Special Area Levy) in accordance with the Transportation Off-Site Bylaw C-7356-2014, as amended.</li> <li>We note that Range Road 293 is identified on the County's Long Range Transportation Plan as requiring a 30m right of way. We also note it has already been provided for the subject site (5m) through plan 731464. As a result, no further land dedication is required from the applicants parcel at this time.</li> </ul>
	Sanitary/Waste Water:
	<ul> <li>The applicant has submitted a Level 1 Variation Assessment (SSI 2018) with the subdivision application that has been stamped by a qualified professional engineer. The report indicates the existing system maintains required clearance distances and the general operation of the system is confirmed as in good condition.</li> </ul>



#### **AGENCY**

#### **COMMENTS**

- The applicant has submitted a Level 2 PSTS Assessment (E2K 2018) with the subdivision application that has been stamped by a qualified professional engineer. It is noted that the report identifies constraints onsite (groundwater table) to standard PSTS systems and as such the location of the proposed field needs to consider this report.
  - ES requires a condition of subdivision for the applicant to enter into a Site Services/Improvements Agreement for the installation of packaged sewage treatment plants complying with NSF 40 and/or BNQ standards, and that it be located/designed in accordance with the E2K 2018 Level 2 Private Sewage Treatment Assessment.

# Water Supply and Waterworks:

- The site is proposing servicing to the new lot via the existing water well and the existing lot via the Rocky View Water Coop (RVWC). ES recommends that the existing well be properly decommissioned in accordance with regulatory requirements (Alberta Environment) and that both parcels be connected to the adjacent potable watermain.
- The applicant provided a letter from the Rocky View Water Coop confirming capacity is available to service both parcels via the 450mm water main in the road right of way fronting the property. As a condition of subdivision, the applicant shall provide a letter from the Rocky View Water Coop confirming:
  - The applicant has completed all paperwork for water supply allocation to both lots
  - The applicant has paid all necessary fees for the purchase of required capacity units for both lots
  - The utility has allocated and reserved the necessary capacity for both lots
  - The obligations of the applicant and/or utility to bring water lines into the subdivision (i.e. water utility to construct water line to limits of subdivision and applicant is to construct all internal water lines or, water utility will be responsible for all connections to individual lots, etc.)
- The requested Site Services Improvements Agreement will accommodate confirmation of the installation of the required water services to both lots.

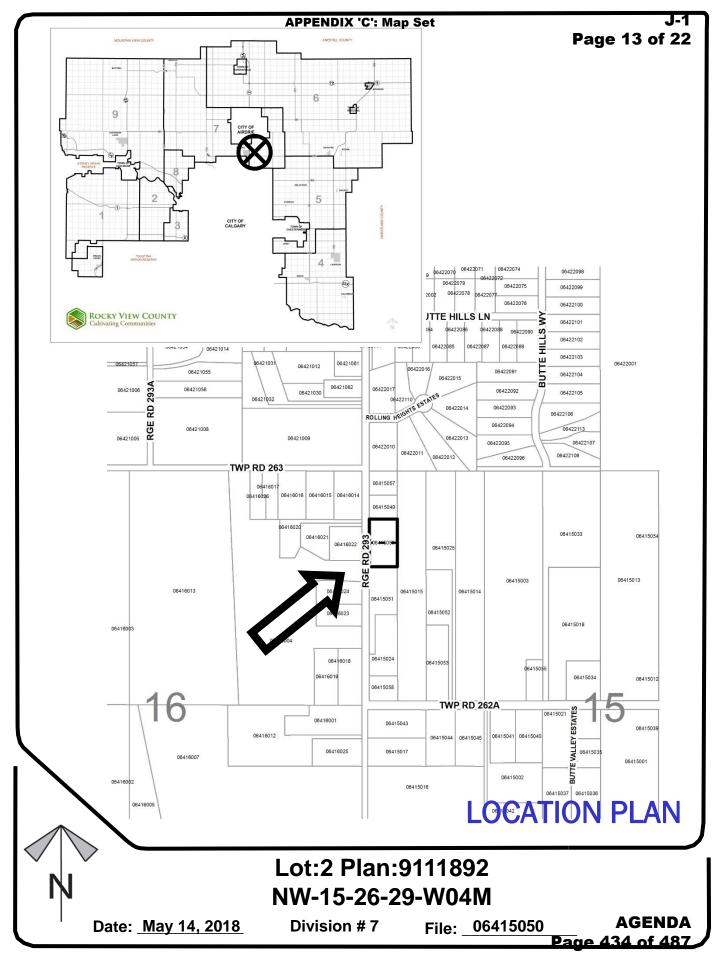
### **Storm Water Management:**

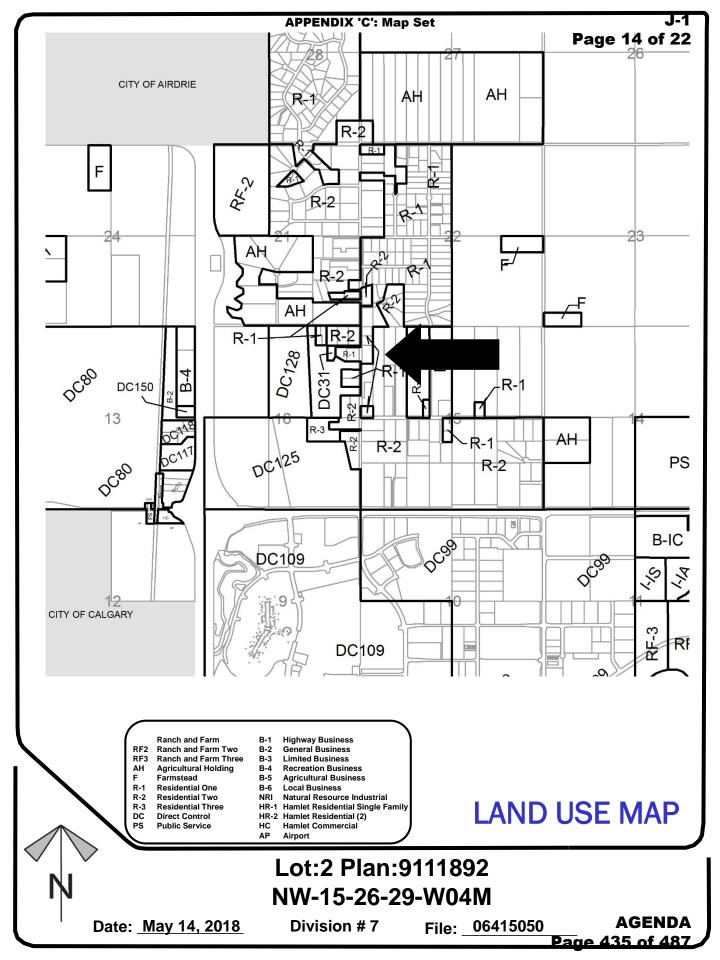
 As a condition of subdivision, the County requires a letter from a qualified engineering professional regarding the necessity for a detailed stormwater management report including the general rationale for the position. The letter should provide recommendations for managing post development stormwater on the site in the event a more detailed report is deemed unnecessary.

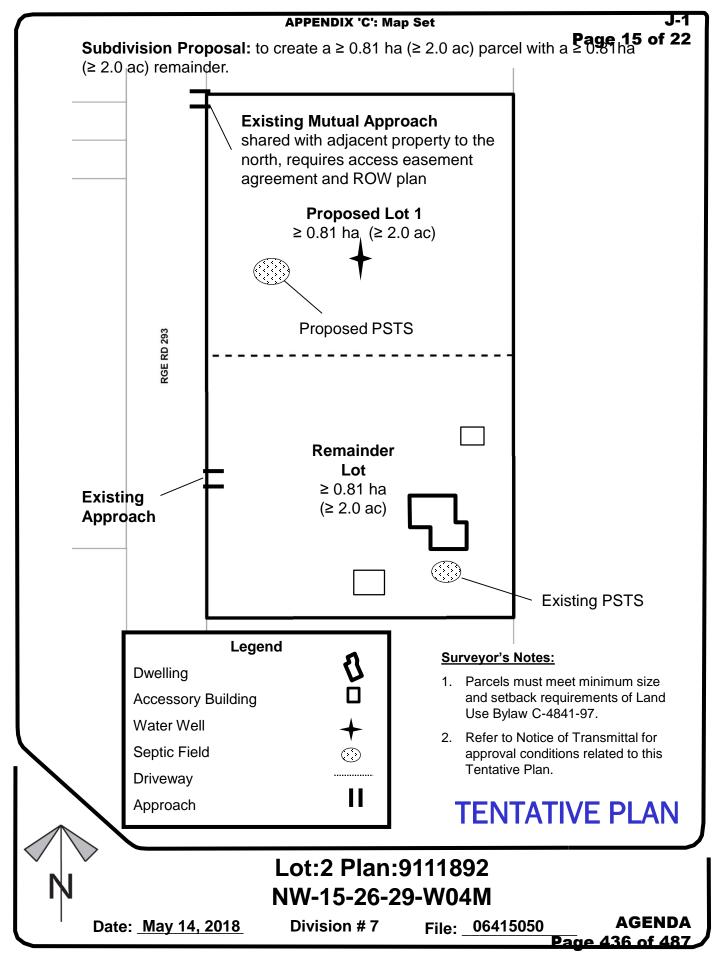


AGENCY	COMMENTS
	<ul> <li>The requested Site Services Improvements Agreement will accommodate any recommended stormwater management recommendations that may arise from the assessment.</li> </ul>
	<ul> <li>It is noted the Level 1 submission included reference to a proposed "bio-retention" area on the new lot. While this could be a suitable approach the Level 1 assessment does not speak to post development stormwater or provide any evaluation thereof.</li> </ul>
Infrastructure and Operations – Road Maintenance	No concerns.
Infrastructure and Operations - Capital Delivery	No concerns.
Infrastructure and Operations - Operations	No concerns.
Infrastructure and Operations – Utility Services	Water to be supplied to the subject lands through the Rocky View water Co-op Ltd (RVWC), County Servicing of water only if RVWC declines to provide service. Confirmation of capacity and agreement to supply water requires from RVWC.
Circulation Pariods May 45, 2010	luna C 0040

Circulation Period: May 15, 2018 - June 6, 2018









Note: Post processing of raw aerial photography may cause varying degrees of visual distortion at the local level.

**AIR PHOTO** 

Spring 2016

Lot:2 Plan:9111892 NW-15-26-29-W04M

Date: May 14, 2018

Division #7

File: 06415050

AGENDA

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Contours are generated using 10m grid points, and depict general topographic features of the area. Detail accuracy at a local scale cannot be guaranteed. They are included for reference use only.

# **TOPOGRAPHY**

Contour Interval 2 M

Lot:2 Plan:9111892 NW-15-26-29-W04M

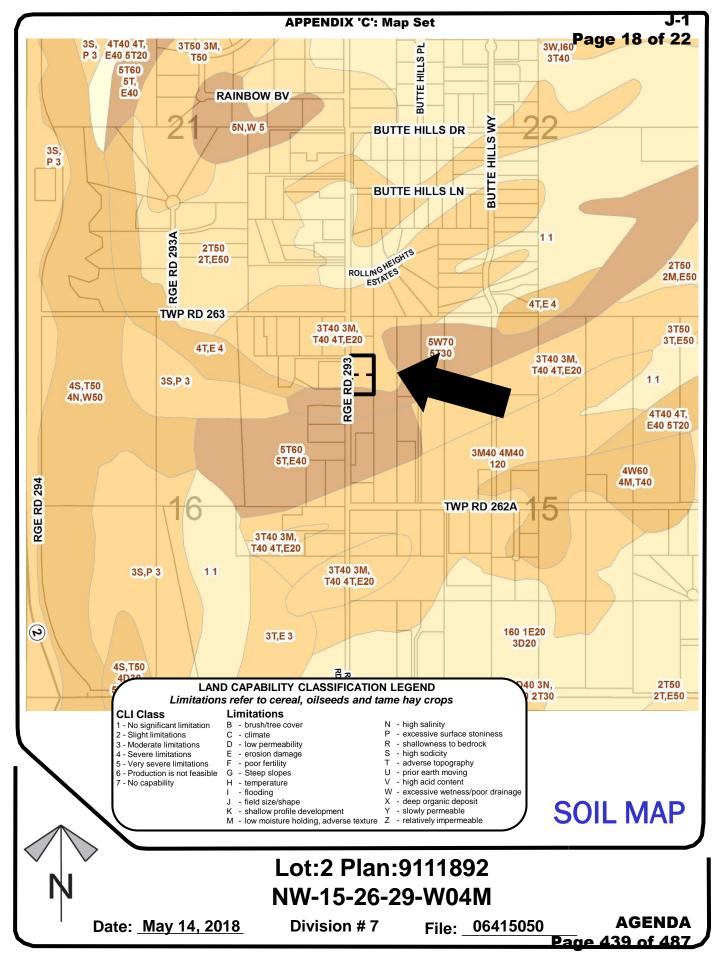
Date: May 14, 2018

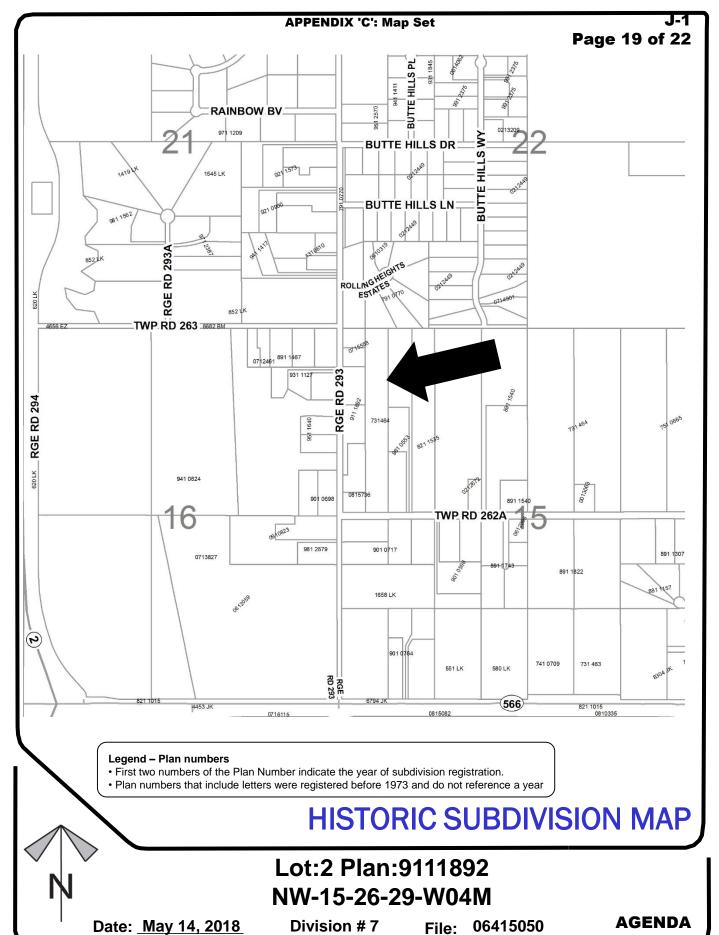
Division #7

File: 06415050

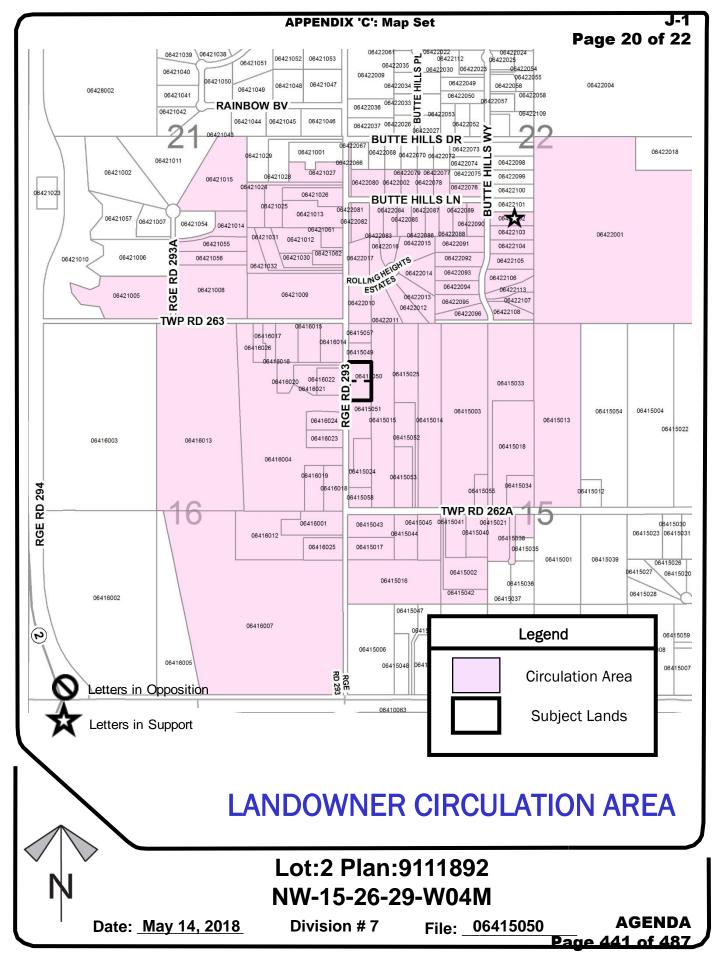
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Grant and Brenda Larsen

August 26, 2018

Subdivision PL20180047

Rocky View Council 911 – 32 Avenue NE Calgary, AB T2E 6X6

Council,

In regards to PL2080047, the application to create a 2.0 acre parcel with a 2.0 acre remainder lot at Lot 2, Plan 9111982, within NW-15-26-29-W04M, I have some concerns with two of the conditions, those being conditions 2 and 3.

#### Condition 2

The Applicant/Owner shall enter into an Access Easement Agreement with the adjacent landowner at Lot 6, Block 1, Plan 0715558, within NW-15-26-29-W04M to provide access to Lots 1, as per the approved Tentative Plan, which shall include:

a) Registration of the applicable access right-of-way plan.

We don't think it should be our responsibility or requirement to provide this easement as this shared road approach and access was in place over twenty years ago when we purchased this property. If this is a requirement it should have been done at that time or even more recently when the 4 acre package to the north was subdivided about five years ago and the access was shared the second time. This subdivision application does not change the number of shares or users using this approach.

#### Condition 3

The Applicant/Owner shall provide a letter from Rocky View Water Coop, an Alberta Environment licensed piped water supplier, confirming water connection for Lot 1 and the remainder lot, as shown on the Approved Tentative Plan. The letter shall include the following information:

a) The Applicant/Owner has completed all paperwork for water supply allocation to both

lots;

- b) The Applicant/Owner has paid all necessary fees for the purchase of required capacity units for both lots;
- c) The utility has allocated and reserved the necessary capacity for both lots; and
- d) The obligations of the Applicant and/or the utility to bring water lines into the subdivision (i.e. water utility to construct water line to limits of subdivision and the Applicant/Owner is to construct all internal water lines, or water utility will be responsible for all connections to individual lots).

We feel that we should be able to use the existing water well to provide water on Lot 1 as this is a good well and it would be more efficient and cost effective to use the existing well instead of incurring adding work and cost to connect Lot 1 to the water coop. We will be connecting the existing house to the water co-op.

Thanks, Grant and Brenda Larsen From:

To: <u>Johnson Kwan</u>

Subject: Grant and Brenda Larsen

**Date:** Wednesday, May 23, 2018 7:14:48 AM

**Subject:** Grant and Brenda Larsen

Hello Johnson,

I agree to file# 06415050 application number: PL20180047 Division:07 Grant and Brenda Larsen

Thank you.

Sincerely,

**Jason Genovy** 



# **PLANNING SERVICES**

**TO:** Subdivision Authority

DATE: September 11, 2018 DIVISION: 1

**FILE:** 03915057 **APPLICATION**: PL20180068

**SUBJECT:** Subdivision Item – Residential One District

#### <sup>1</sup>ADMINISTRATION RECOMMENDATION:

THAT Subdivision Application PL20180068 be approved with the conditions as noted in Appendix 'A'.

#### **EXECUTIVE SUMMARY:**

The purpose of this application is to create a  $\pm$  1.63 hectare ( $\pm$  4.03 acre) parcel with a  $\pm$  2.49 hectare ( $\pm$  6.15 acre) remainder. The subject lands are located in west Bragg Creek, surrounded by agricultural and residential development.

Access is currently available from an existing approach off Fawn Hills Drive. The lands are currently party to an access easement agreement with the lands to the south. The Applicant would be required to construct a new approach from Fawn Hills Drive in order to provide access to proposed Lot 1. Proposed Lot 2 currently contains an existing dwelling, single detached, and accessory buildings. The lands are serviced by means of a water well and private sewage treatment system. Lot 1 is proposed to be serviced by similar means.

The subject lands fall within the boundaries of the Greater Bragg Creek ASP (GBCASP); therefore, the application was evaluated in accordance with that document, and Administration determined that:

- The proposal is consistent with the requirements of the GBCASP; and
- All technical considerations are addressed through the conditions of subdivision approval.

Therefore, Administration recommends approval in accordance with **Option #1**.

<b>PROPOSAL:</b> To create a ± 1.63 hectare (± 4.03 acre) parcel with a ± 2.49 hectare (± 6.15 acre) remainder.	<b>GENERAL LOCATION:</b> Located approximately 1.5 kilometers (1 mile) north of Township Road 232, on the west side of Range Road 52.
<b>LEGAL DESCRIPTION:</b> Lot 4, Block 2, Plan 181 0613 (NE-15-23-05-W05M)	GROSS AREA: ± 4.12 hectares (± 10.18 acres)
APPLICANT: Robert Sadee  OWNER: Robert and Jenifer Sadee	RESERVE STATUS: The Municipal Reserves will be provided by a cash-in-lieu payment.
LAND USE DESIGNATION: Residential One District (R-1)	<b>LEVIES INFORMATION:</b> The Transportation Off-Site Levy is applicable in this case.
DATE SUBDIVISION APPLICATION RECEIVED: June 12, 2018	APPEAL BOARD: Subdivision Appeal Board

<sup>&</sup>lt;sup>1</sup>Administration Resources

Paul Simon, Planning Services Eric Schuh, Engineering Services



#### **TECHNICAL REPORTS SUBMITTED:**

- Level Two Private Sewage Treatment System Report (June 2018)
- Well Drillers Report (February 1992)

# LAND USE POLICIES AND STATUTORY PLANS:

- County Plan (Bylaw C-7280-2013)
- Land Use Bylaw (Bylaw C-4841-97)

#### **PUBLIC & AGENCY SUBMISSIONS:**

The application was circulated to thirty-four (34) adjacent landowners. No letters were received in response. The application was also circulated to a number of internal and external agencies. Those responses are available in Appendix 'B'.

#### **HISTORY:**

March 13, 2018 Plan 181 0613 was registered, adjusting the boundaries of Lots 1 & 2, Block 2,

Plan 921 0369.

**February 28, 1992** Plan 921 0369 was registered, creating two 4.046 hectare (10.00 acre) parcels.

#### **TECHNICAL CONSIDERATIONS:**

This application was evaluated in accordance with the matters listed in Section 7 of the Subdivision and Development Regulation, which are as follows:

#### a) The site's topography:

The subject lands contain rolling topography with a bank approximately 16 m in height, and a slope of approximately 50% on the west end of the proposed remainder. There is currently a restrictive covenant registered on the subject lands (instrument 981 264 397) that states, "No building shall occur on any of the lands where the slope of the land is not sufficiently stable to accommodate the proposed building sites. In cases of uncertainty, the stability of the slope will be determined by an independent engineering study." Given that there is an existing restrictive covenant, in conjunction with the fact that the future residential development on proposed Lot 1 will be at the bottom of the slope, it has been determined that no further geotechnical analysis is required at this time.

Conditions: None.

# b) The site's soil characteristics:

The subject lands contain Class 6 soils, where production is not feasible due to temperature factors.

Conditions: None.

# c) Stormwater collection and disposal:

Proposed lot 1 slopes gradually towards the west to an existing wetland adjacent to Fawn Hills Drive. Given the limited residential development available in this district, it was determined that a stormwater management plan is not required for this application.

Conditions: None.

### d) Any potential for flooding, subsidence, or erosion of the land:

The County's wetland mapping indicates that the subject lands contain one small open water source. There is no indication that this wetland will be altered in any way.

Conditions: None.



#### e) Accessibility to a road:

The subject lands are currently accessed from Fawn Hills Drive through an existing access easement agreement (instrument #921103201). The Applicant indicated that they are proposing to construct a new approach from Fawn Hills Drive in order to provide access to Lot 1. The existing easement agreement would need to be revised to include Lot 1, or a new easement agreement would be required to allow Lot 2 access through Lot 1. The proposed condition provides flexibility to the Applicant.

Conditions: 2, 3.

## f) Water supply, sewage, and solid waste disposal:

Proposed Lot 2 is currently serviced by an existing water well, as well as a septic tank and field system. Proposed Lot 1 has an existing water well that does not service any dwelling. The Applicant submitted a Level 2 Private Sewage Treatment System report that concludes that the use of a conventional sewage treatment system for the subject lands is appropriate. As a condition of approval, the Applicant would be required to submit a Phase 2 Aquifer Testing Report.

Conditions: 4.

# g) The use of the land in the vicinity of the site:

The land use in the vicinity of the subject land is agricultural in nature, with residential development immediately south. As a result of the proposed subdivision, no impacts to adjacent land uses have been identified.

Conditions: None

# h) Other matters:

## Municipal Reserves

Municipal Reserves would be provided through a cash-in-lieu payment for proposed Lots 1 and 2. Due to the proposed configuration of the lots, and the existing topographic constraints, it is unlikely that further subdivision of the lands is possible. Further, given the policies of the Bragg Creek ASP that provide support for residential development at a parcel size of 4.0 acres, both lots do not have policy support to be subdivided further; therefore, Reserves would be collected in full.

Based on this information, the reserves owing for the subject site are 10% of proposed Lots 1 and 2, which equates to approximately 1.018 acres. This would be confirmed at the time of endorsement through the Plan of Survey, as per Condition 1.

- Lot 1: ± 1.63 ha (± 4.03 ac) X 10% = 0.403 acres owing to be provided by cash-in-lieu, in accordance with the Appraisal Report prepared by Sage Appraisals, dated June 27, 2018, in the amount of \$41,257.37 per acre.
- Lot 2: ± 2.49 ha (± 6.15 ac) X 10% = 0.615 acres owing to be provided by cash-in-lieu, in accordance with the Appraisal Report prepared by Sage Appraisals, dated June 27, 2018, in the amount of \$41,257.37 per acre.

# Transportation Off-Site Levy

The Applicant/Owner would be required to provide payment of the Transportation Off-Site Levy (TOL) in accordance with applicable levy at time of subdivision approval. The TOL will be applicable on the gross acreage of proposed Lot 1 and 2.

Base TOL = \$4,595/acre. Acreage =10.18 acres. TOL payment = (\$4,595/acre)\*(10.18 acres) = \$46,777.

Conditions: 6, 7.



#### **POLICY CONSIDERATIONS:**

The subject lands fall within the Greater Bragg Creek ASP (GBCASP). Specifically, the lands are located in West Bragg Creek, in the residential infill area. Future subdivision densities in the infill area should be calculated on the basis of a ratio of lots per acre of gross developable area (GDA). GDA is the amount of land that remains once areas that represent constraints to development have been subtracted from the gross area. Policy 7.4.3(c) of the GBCASP states that, within west Bragg Creek, parcel sizes should not be less than 4.0 acres with an overall density of not greater than one lot per 4.0 acres of GDA. When looking at this particular area in the West Bragg Creek infill areas, for the purposes of determining the overall density, Administration used the predetermined conceptual scheme boundaries established on Figure 13. This predetermined boundary does contain significant areas of steep slopes, and based on the County's mapping information, the slopes are approximately 50% in areas. These areas, along with one water body, have been identified as development constraints. Therefore, the GDA calculation is as follows:

- Overall area of all lands within predetermined conceptual scheme boundary: 52.53 acres
- Overall gross developable area: 35.12 acres (overall area subtract development constraints)
- Total number of lots: 5
- 35.12 acres / 5 lots = Density of 1 lot / 7.00 acres

With an overall density of one lot per 7.00 acres, the application is consistent with Policy 7.4.3(c) of the GBCASP.

Policy 7.1(d) of the GBCASP allows proposals for redesignation and subdivision for non-agricultural purposes to proceed in the absence of a conceptual scheme if the following criteria are met:

- Direct road access is available;
- One (1) lot is being created from a parcel whose boundaries are defined at the time of adoption of this plan;
- The proposed lot is 2 acres or greater in size; and
- The creation of the new lot will not adversely affect or impede future subdivision of the balance lands.

Access is available from Fawn Hills Drive to the west, and from Range Road 52 to the east. While there was a boundary adjustment registered in 2018, the predominate boundaries of the lots were established in 1992, prior to the adoption of the GBCASP. The new lot to be created would be greater than 2.0 acres in size, and it is the interpretation of Administration that the creation of the new lot would not impede future subdivision. If any subdivision were to occur, it is unlikely any type of comprehensive design could be accomplished for the subject lands without incorporating the adjacent lands. Therefore, a conceptual scheme is not required to support this subdivision application.

The subject lands hold the Residential One designation, with a minimum parcel size of 0.80 hectares (1.98 acres). The land use was granted prior to adoption of the GBCASP, and therefore no concerns with respect to further subdivision are present at this time.

#### **CONCLUSION:**

The proposal was evaluated in accordance with Statutory Policy found within the County Plan and the GBCASP, and all technical matters can be resolved through conditions of subdivision approval. Administration determined that:

- The application is consistent with the GBCASP; and
- The technical aspects of the subdivision proposal were considered and are further addressed through the conditional approval requirements.



Therefore, Administration recommends approval in accordance with Option #1.

**OPTIONS:** 

Option #1: THAT Subdivision Application PL20180068 be approved with the conditions noted in

Appendix A.

Option #2: THAT Subdivision Application PL20180068 be refused as per the reasons noted.

Respectfully submitted, Concurrence,

"Chris O'Hara" "Rick McDonald"

General Manager Interim County Manager

PS/rp

**APPENDICES:** 

APPENDIX'A': Approval Conditions APPENDIX 'B': Application Referrals

APPENDIX 'C': Map Set



# **APPENDIX A: Approval Conditions**

- A. The application to create a ± 1.63 hectare (± 4.03 acre) parcel with a ± 2.49 hectare (± 6.15 acre) remainder within Lot 4, Block 2, Plan 1810613, NE-15-23-05-W05M, having been evaluated in terms of Section 654 of the *Municipal Government Act* and Section 7 of the Subdivision and Development Regulations, and having considered adjacent landowner submissions, is approved as per the Tentative Plan for the reasons listed below:
  - 1. The application is consistent with the Statutory Policy;
  - 2. The subject lands hold the appropriate land use designation;
  - 3. The technical aspects of the subdivision proposal have been considered and are further addressed through the conditional approval requirements.
- B. The Applicant/Owner is required, at their expense, to complete all conditions attached to and forming part of this conditional subdivision approval prior to Rocky View County (the County) authorizing final subdivision endorsement. This requires submitting all documentation required to demonstrate each specific condition has been met, or agreements (and necessary securities) have been provided to ensure the conditions will be met, in accordance with all County Policies, Standards, and Procedures, to the satisfaction of the County, and any other additional party named within a specific condition. Technical reports required to be submitted as part of the conditions must be prepared by a qualified professional, licensed to practice in the Province of Alberta, within the appropriate field of practice. The conditions of this subdivision approval do not absolve an Applicant/Owner from ensuring all permits, licenses, or approvals required by Federal, Provincial, or other jurisdictions are obtained.
- C. Further, in accordance with Section 654 and 655 of the *Municipal Government Act*, the application shall be approved subject to the following conditions of approval:

#### Plan of Subdivision

1) Subdivision to be effected by a Plan of Survey, pursuant to Section 657 of the *Municipal Government Act*, or such other means satisfactory to the Registrar of the South Alberta Land Titles District.

#### Transportation and Access

- 2) The Owner shall construct a new approach on Fawn Hills Drive in order to provide access to Lot 1.
- 3) In order to provide access to Lot 2 (the remainder), the Owner shall:
  - a) Amend the existing access easement agreement (instrument #921103201) to include Lot 1; or
  - b) Provide a new access right of way plan and enter into an access easement agreement with Lot 1 in order to provide access to Lot 2 (the remainder).

# Site Servicing

- 4) Water is to be supplied by an individual well on Lot 1. The subdivision shall not be endorsed until:
  - a) An Aquifer Testing (Phase II) Report is provided, which is to include aquifer testing and the locations of the wells on each lot; and



b) The results of the aquifer testing meet the requirements of the Water Act; if they do not, the subdivision shall not be endorsed or registered.

# Payments and Levies

- 5) The Applicant/Owner shall pay the County subdivision endorsement fee in accordance with the Master Rates Bylaw for the creation of one (1) new Lot.
- 6) The Applicant/Owner shall pay the Transportation Off-Site Levy (TOL) in accordance with Bylaw C-7356-2014 prior to subdivision endorsement:
  - a) The Transportation Off-Site Levy shall be calculated from the total gross acreage of the Lands to be subdivided as shown on the Plan of Survey.

# Municipal Reserve

7) The provision of Reserve in the amount of 10 percent of the area of Lots 1 and 2, as determined by the Plan of Survey, is to be provided by payment of cash-in-lieu in accordance with the per acre value listed in the land appraisal prepared by Sage Appraisals, file 20181164, dated June 27, 2018, pursuant to Section 666(3) of the *Municipal Government Act*.

#### Taxes

8) All taxes owing up to and including the year in which subdivision is to be registered are to be paid to Rocky View County prior to signing the final documents pursuant to Section 654(1) of the *Municipal Government Act*.

#### D. SUBDIVISION AUTHORITY DIRECTION:

 Prior to final endorsement of the subdivision, the Planning Department is directed to present the Applicant/Owners with a Voluntary Recreation Contribution Form and ask them if they will contribute to the Fund in accordance with the contributions prescribed in the Master Rates Bylaw.



# **APPENDIX B: APPLICATION REFERRALS**

AGENCY	COMMENTS	
School Authority		
Rocky View Schools	No comments received.	
Calgary Catholic School District	No comments received.	
Province of Alberta		
Alberta Environment	No comments received.	
Alberta Culture and Community Spirit (Historical Resources)	No comments received.	
Alberta Energy Regulator	No comments received.	
Alberta Health Services	<ol> <li>Any water wells on the subject lands must be completely contained within the proposed property boundaries. Please note that the drinking water source must conform to the most recent Canadian Drinking Water Quality Guidelines and the Alberta Public Health Act, Nuisance and General Sanitation Guideline 243/2003 which states the following:</li> <li>"No person shall locate a water well that supplies water that is intended or used for human consumption within</li> <li>i. 10m of a watertight septic tank, pump out tank or other</li> </ol>	
	watertight compartment of a sewage or waste water system  ii. 15m of a weeping tile field, evaporative treatment mound or an outdoor pit privy  iii. 30m of a leaching cesspool  iv. 50m of sewage effluent on the ground surface  v. 100m of a sewage lagoon, or  vi. 450m of any area where waste is or may be disposed of at a landfill within the meaning of the Waste Control Regulation (AR 192/96)	
	2. Any proposed private sewage disposal system(s), including the septic tank and effluent disposal field, must be completely contained within the proposed property boundaries and must comply with the setback distances outlined in the most recent Alberta Sewage Systems Standard of Practice. Prior to installation of any sewage disposal system, a proper geotechnical assessment should be conducted by a qualified professional engineer and the system should be installed in an approved manner. If there is any evidence of contamination, a public health nuisance, or other issues of public health concern identified	



AGENCY	COMMENTS
	at any phase of development, AHS wishes to be notified.
Public Utility	
ATCO Gas	ATCO Gas has no objection to the proposed.
ATCO Pipelines	ATCO Pipelines has no objection.
AltaLink Management	No comments received.
FortisAlberta	We have reviewed the plan and determined that no easement is required by FortisAlberta.
	FortisAlberta is the Distribution Wire Service Provider for this area. The developer can arrange installation of electrical services for this subdivision through FortisAlberta. Please have the developer contact 310-WIRE (310-9473) to make application for electrical services.
Telus Communications	No comments received.
TransAlta Utilities Ltd.	No comments received.
Cochrane Lake Gas Coop	No comments received.
Other External Agencies	
EnCana Corporation	No comments received.
Rocky View County Boards and Committees	
ASB Farm Members and Agricultural Fieldsmen	No comments received.
Rocky View Recreation Board (All)	The Rocky View West Recreation Board recommends CIL.
Internal Departments	
Municipal Lands	The Municipal Lands office has reviewed this subdivision application and offer the following comments/ recommendations/ concerns at this time. These comments/ recommendations/ concerns have been provided based on the application submitted and are subject to change to ensure alignment with standards, best practices, policies and procedures.
	Active Transportation (Pathways and trails)
	<ul> <li>As per the Greater Bragg Creek Area Structure Plan (GBC-ASP), specifically Figure 8 "Conceptual Trails Network"; a Community Pathway has been identified along RR 52 and</li> </ul>



## AGENCY COMMENTS

along Fawn Hills Drive.

- As per Policy 6.3.2 of the GBC-ASP, Community Pathways are intended to link existing and future subdivisions with regional trails.
- Upon review of the areal context regarding pathway/trail development; neither Fawn Hills Drive or RR 52 have seen the development of a Community Pathway.
  - Fawn Hills Drive:
    - Past subdivisions have not facelifted the acquisition of MR to accommodate an off road Community Pathway located within linear MR lands.
    - The applicant parcel subject to proposed subdivision is at the terminus of the road and essentially isolated, negating the taking of MR land to facilitate a Community Pathway.
  - o RGE RD 52
    - Past subdivisions have prevented the acquisition of MR to facilitate an off road pathway located within linear MR lands.
- Since the creation of the GBC-ASP; advances in active transportation network design and infrastructure enable alignments to be constructed within road right of ways where deemed technically feasible.
- Accommodations for supporting an active transportation network affecting the subject parcel are not required.

## Parks and Open Space

 Due to location and context of the subject lands in the overall community; this parcel has not been identified to support the future development of park or open space amenities.

#### Recommendation

Citing no proven need for the acquisition of reserve land to support parks, open space or active transportation networks; it is recommended that cash–in-lieu of all reserves owing be taken for both parcels: Lot 1 consisting of +/- 3.98 acres; and Lot 2 consisting of +/- 6.15 acres in accordance to the terms identified the Municipal Government Act.

Development Authority No comments received.

GeoGraphics No comments received.

Building Services No comments received.

Agricultural Services Because this parcel falls within the Greater Bragg Creek Area



AGENCY	COMMEN
Santifuling Communities	

#### NTS

Structure Plan, Agricultural Services has no concerns. The application of the Agricultural Boundary Design Guidelines may be beneficial in buffering the new parcel of land from the agricultural lands surrounding it. The guidelines would help mitigate areas of concern including: trespass, litter, pets, noise and concern over fertilizers, dust & normal agricultural practices.

#### **Emergency Services**

Fire Services: No comments at this time.

Enforcement Services: Enforcement has no concerns at this stage.

# Infrastructure and Operations -**Engineering Services**

#### General

- The review of this file is based upon the application submitted. These conditions/recommendations may be subject to change to ensure best practices and procedures.
- Parcel size is 10.18 acres. Land Use is R-1.

## **Geotechnical** - Section 300.0 requirements:

- According to County GIS contour data, the subject land has a bank approximately 16 metres in height with a slope of about 50%, on the west end of the proposed Lot 2 (remainder).
- According to County Land Use Bylaw 34.7, a Slope Stability Assessment may be required if the development is within a distance equal to twice the bank height, measured from the top of the bank. Based on this policy, no development should occur within ~32 metres of the top of the bank. As development of a dwelling on proposed Lot 1 will be at the bottom of this slope, and no additional development is proposed through the slope or at the top of the bank, ES does not consider a Slope Stability Assessment necessary at this time.
- It is also noted that there is a Restrictive Covenant (Instrument 981 264 397) on title of the subject lands which states: "No building shall occur on any of the lands where the slope of the land is not sufficiently stable to accommodate the proposed building sites. In cases of uncertainty the stability of the slope will be determined by an independent engineering study."
- ES has no requirements at this time.

#### **Transportation** - Section 400.0 requirements:

- The parcel is accessed from an existing shared approach from Fawn Hills Drive, which is a chip-sealed road. It is noted that this current access is by an easement through the neighboring property (Lot 3, Block 2, Plan 181 0613).
- As a condition of subdivision, as a new approach is to be used for access to Lot 1 and the existing access to Lot 2 will continue to be used, the applicant shall provide a Right-of-



#### **AGENCY**

#### COMMENTS

Way Plan and Access Easement Agreement to register on the titles of proposed Lot 1 & Lot 2 (remainder), to provide access to Lot 2.

- The existing Access Easement Agreement will continue to provide access to Lot 2 through Lot: 3 Block: 2 Plan: 1810613.
- As a condition of subdivision, the applicant is required to provide payment of the Transportation Off-site Levy in accordance with the applicable levy at time of subdivision approval, for the total gross acreage of the lands, as the applicant is proposing to subdivide a Residential One District parcel.
  - Base TOL = \$4595/acre. Acreage =10.18 acres. TOL payment = (\$4595/acre)\*(10.18 acres) = \$46,777.

## Sanitary/Waste Water - Section 500.0 requirements:

- The applicant submitted a Level 2 PSTS Assessment (Sedulous Engineering Inc. – June 20, 2018). The report concludes that the soils of the subject lands are suitable for use of a PSTS, and recommends the use of a conventional system. ES has no further concerns.
- The L2PSTS report also included a site plan showing the existing PSTS system, which confirms that it meets setback distances. The landowner also confirmed that the existing system is in good working order and is maintained regularly.
- ES has no requirements at this time.

# <u>Water Supply And Waterworks</u> - Section 600.0 & 800.0 requirements:

- The proposed Lot 1 has an existing water well which does not service the existing dwelling, and is currently not in use.
- As a condition of subdivision, the applicant will be required to provide the County with a Phase 2 Aquifer Testing Report for the existing well on the proposed Lot 1, which shall be prepared by a qualified professional, in accordance with procedures outlined in the County Servicing Standards. The report shall include a Well Driller's Report confirming a minimum pump rate of 1.0 igpm for the well.

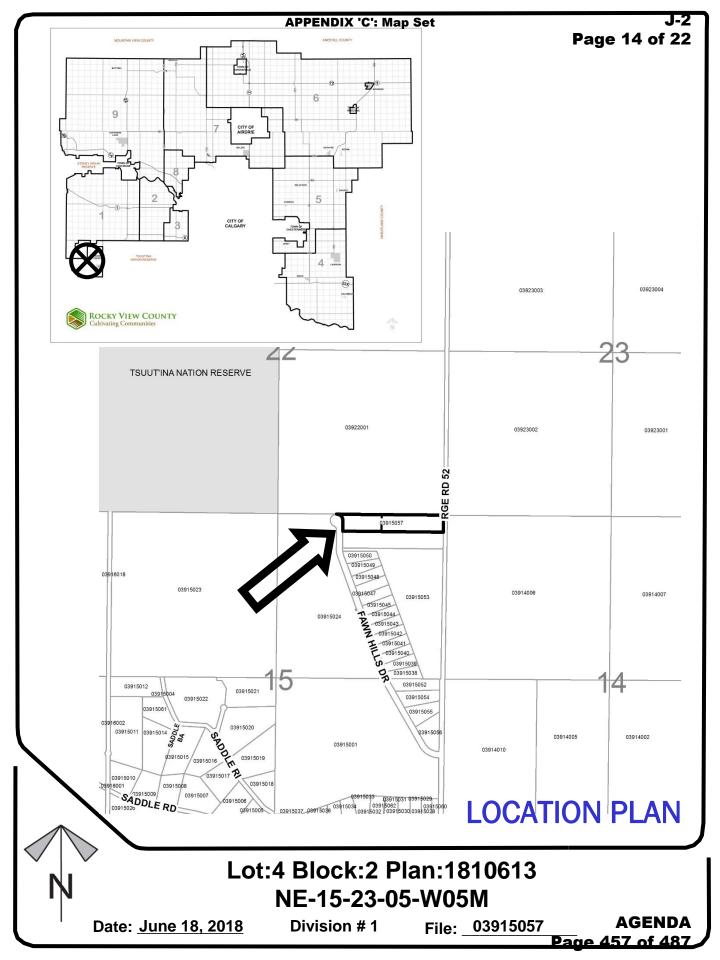
# **Storm Water Management** – Section 700.0 requirements:

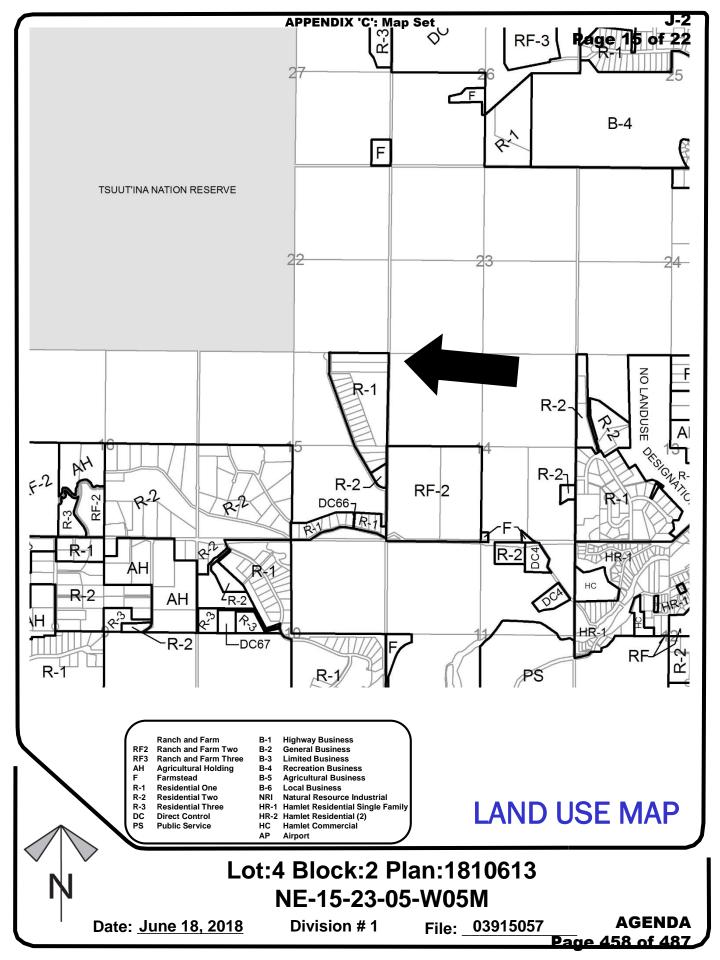
- The proposed Lot 1 slopes gradually towards the west to the existing wetland and Fawn Hills Drive.
- Given the proposed Lot 1 having a size of 4 acres and limited scope of development, ES does not consider an SSIP as warranted for this application.
- ES has no requirements at this time.



AGENCY	COMMENTS
	Environmental – Section 900.0 requirements:
	<ul> <li>The County GIS Alberta Merged Wetland Inventory indicates one "open water" wetland on the proposed Lot 1. The applicant identifies this wetland as a manmade pond.</li> </ul>
	<ul> <li>The application does not indicate that there will be any disturbance to this wetland.</li> </ul>
	ES has no requirements at this time.
Infrastructure and Operations - Maintenance	Note that RR 52 north of Fawn Hills entrance is a nonstandard road and as such, receives minimal maintenance.
Infrastructure and Operations - Capital Delivery	No concerns.
Infrastructure and Operations – Utility Services	No concerns.
Infrastructure and Operations – Road Operations	Access to be confirmed, will existing access off Fawn Hills be upgraded to mutual, will new access be required off RR 52?

Circulation Period: June 19, 2018 – July 11, 2018





J-2

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**Subdivision Proposal:** To create a  $\pm$  1.63 hectare ( $\pm$  4.03 acre) parcel with a  $\pm$  2.49 hectare ( $\pm$  6.15 acre) remainder.

New approach

**Lot 1** ± 1.63 ha (± 4.03ac) Lot 2 (remainder) ± 2.49 ha (± 6.15 ac)

FAMN HILLS DR

# Surveyor's Notes:

- Parcels must meet minimum size and setback requirements of Land Use Bylaw C-4841-97.
- 2. Refer to Notice of Transmittal for approval conditions related to this Tentative Plan.
- The exact location of the new approach will be confirmed at the time of endorsement.

Legend

Existing approach

**Existing Driveway** 

Dwelling

Water Well

Septic Field

**Existing Access Easement Area** 

**TENTATIVE PLAN** 

Lot:4 Block:2 Plan:1810613 NE-15-23-05-W05M

Date: <u>June 18, 2018</u>

Division # 1

File: 03915057

AGENDA

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Note: Post processing of raw aerial photography may cause varying degrees of visual distortion at the local level.

# **AIR PHOTO**

Spring 2016

Lot:4 Block:2 Plan:1810613 NE-15-23-05-W05M

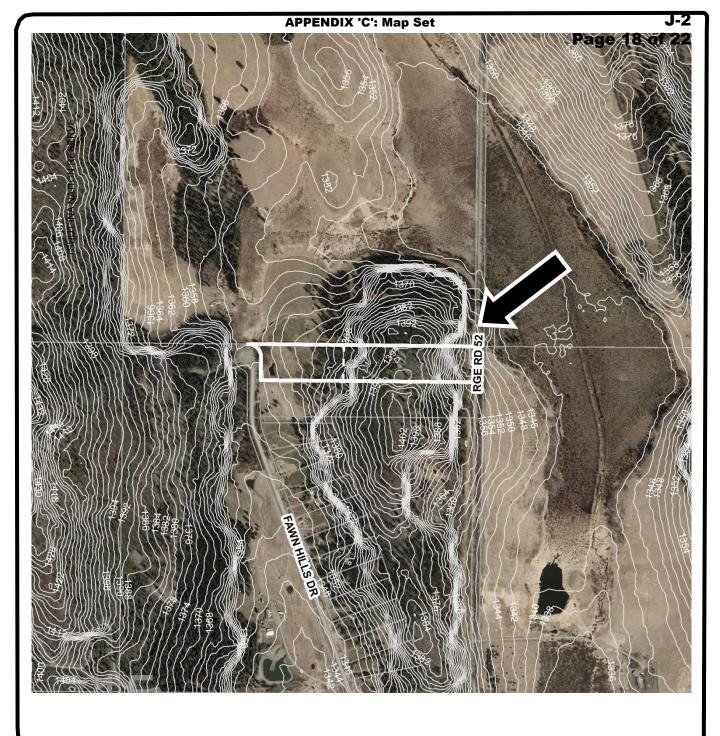
Date: <u>June 18, 2018</u>

Division #1

File: 03915057

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Contours are generated using 10m grid points, and depict general topographic features of the area. Detail accuracy at a local scale cannot be guaranteed. They are included for reference use only.

# **TOPOGRAPHY**

Contour Interval 2 M

Lot:4 Block:2 Plan:1810613 NE-15-23-05-W05M

Date: <u>June 18, 2018</u>

Division # 1

File: 03915057

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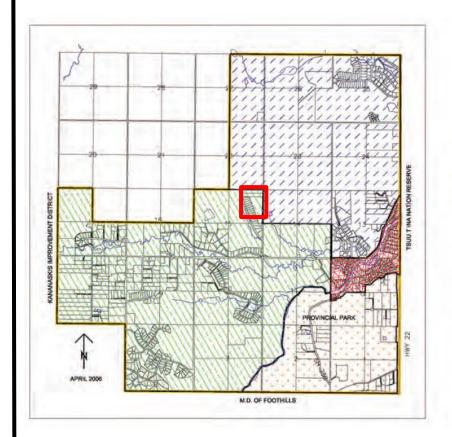


FIGURE 6: POLICY AREAS

PLAN AREA

AREA WITHIN THE EXISTING HAMLET OF BRAGG CREEK BOUNDARY

NORTH BRAGG CREEK

WEST BRAGG CREEK

SOUTH BRAGG CREEK

GREATER BRAGG CREEK AREA STRUCTURE PLAN

# **FIGURE 6: POLICY AREAS**

Lot:4 Block:2 Plan:1810613 NE-15-23-05-W05M

Date: June 18, 2018

Division # 1

File: 03915057

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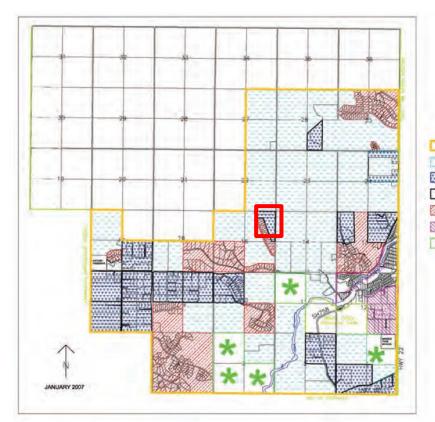


FIGURE 13: FUTURE RESIDENTIAL DEVELOPMENT

PLAN BOUNDARY

NEW RESIDENTIAL AREAS

INFILL RESIDENTIAL AREAS

CONCEPTUAL SCHEME BOUNDARIES

BUILT OUT RESIDENTIAL AREAS

HAMLET EXPANSION LANDS

PROVINCIAL LEASE LANDS

GREATER BRAGG CREEK AREA STRUCTURE PLAN

# FIGURE 13: FUTURE RESIDENTIAL DEVELOPMENT

Lot:4 Block:2 Plan:1810613

NE-15-23-05-W05M

AGENDA

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Date: <u>June 18, 2018</u>

Division # 1

File: 03915057

**Gross Developable Area (GDA)** means the amount of land that remains once areas that represent constraints to development have been subtracted from the gross area. Both water and topographical constrains have been identified for the subject lands.

**Policy 7.4.3(c)** states that "In west and north Bragg Creek parcel sizes within the infill residential area should not be less than 4 acres with an overall density of not greater than one lot per 4 acres of Gross Development Area"

**Figure 13** identifies the overall area where density can be calculated (predetermined conceptual scheme boundaries). Based on this area, the GDA density calculation is:

Overall area of lands within predetermined boundary (figure 13)	52.53 acres
Total number of lots within predetermined boundary (including proposed and approved lots)	5
Constraints to Development: Open Water	0.11 acres
Constraints to Development: Slopes >15%	17.30 acres
Overall Gross Developable Area	35.12 acres
Overall density of GDA	1 lot / 7 acres

# GROSS DEVELOPABLE AREA CALCULATION

Lot:4 Block:2 Plan:1810613 NE-15-23-05-W05M

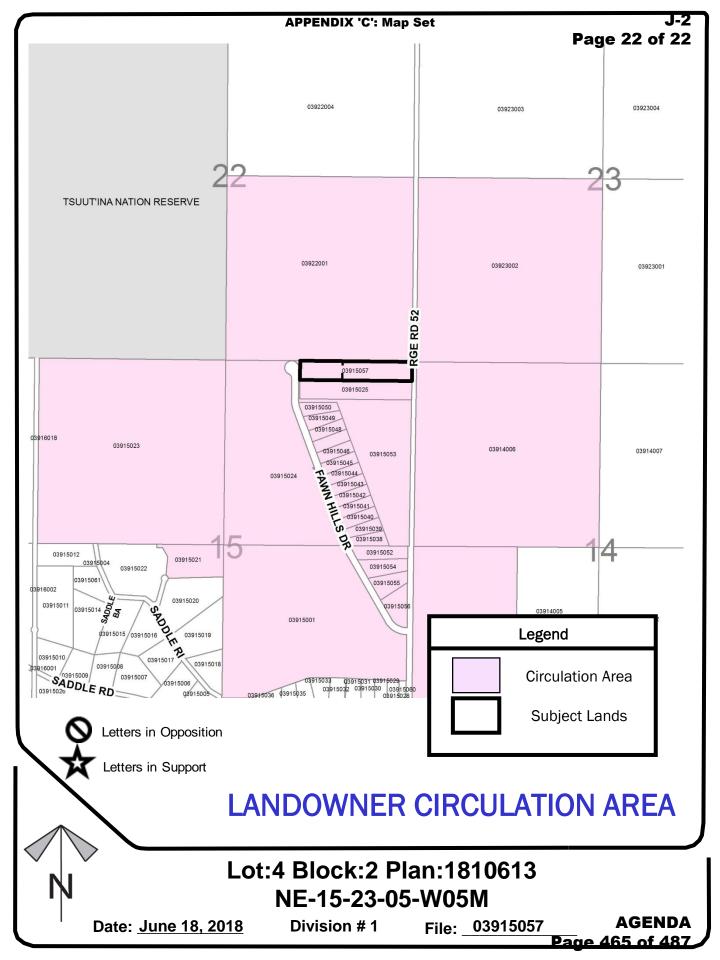
Date: <u>June 18, 2018</u>

Division # 1

File: 03915057

AGENDA

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# **PLANNING SERVICES**

TO: Subdivision Authority

DATE: September 11, 2018 DIVISION: 2

**FILE:** 04726009 **APPLICATION:** PL20180014

**SUBJECT:** Subdivision Item – Residential Two District

#### <sup>1</sup>ADMINISTRATION RECOMMENDATION:

THAT Subdivision Application PL20180014 be approved with the conditions noted in Appendix A.

#### **EXECUTIVE SUMMARY:**

The purpose of this application is to create a  $\pm$  1.94 hectare ( $\pm$  4.79 acre) parcel with a  $\pm$  1.94 hectare ( $\pm$  4.79 acre) remainder.

The lands contain an existing dwelling and an accessory building with the associated servicing infrastructure (septic field and a water well). The existing parcel is accessed from Springbank Road. The Applicant/Owner intends to provide access to the newly created parcel via an access easement agreement from the existing driveway.

The proposed new lot would also be serviced by a water well and a private sewage treatment system (septic field). The Applicant submitted a Level 2 Private Sewage Treatment System Assessment, which confirms that the soils on-site are suitable for the use of a packaged system.

The subject land is located within the Rocky View County/City of Calgary Intermunicipal Development Plan and the Central Springbank Area Structure Plan (CSASP). The proposal was assessed based on these statutory plans along with the Land Use Bylaw and County Servicing Standards. Overall, Administration determined that:

- The application is consistent with County policies; and
- All technical considerations are addressed through the conditions of subdivision approval.

Therefore, Administration recommends approval of this application in accordance with Option #1.

<b>PROPOSAL:</b> To create a ± 1.94 hectare (4.79 acre) parcel with a ±1.94 hectare (4.79 acre) remainder.	GENERAL LOCATION: Located in the Central Springbank area, approximately 0.81 kilometres (½ miles) east of Range Road 32 and on the north side of Springbank Road.
<b>LEGAL DESCRIPTION:</b> Block 3, Plan 7410685 within SE-26-24-03-W05M	GROSS AREA: ± 3.88 hectares (± 9.58 acres)
APPLICANT: Kulwant Dhillion  OWNER: Temple-Oberle, Claire & Jared	RESERVE STATUS: A portion of the Municipal Reserves was previously provided by cash-in-lieu on Plan 7410685.
LAND USE DESIGNATION: Residential Two	LEVIES INFORMATION: Transportation Off-

<sup>&</sup>lt;sup>1</sup> Administration Resources Johnson Kwan, Planning Services Eric Schuh, Engineering Services



District (R-2)	Site Levy is outstanding.
DATE SUBDIVISION APPLICATION RECEIVED & DEEMED COMPLETE: May 30, 2018 (Revised July 10, 2018)	APPEAL BOARD: Subdivision and Development Appeal Board
<ul> <li>Level 2 PSTS Assessment (Watertech Engineering Research &amp; Health Inc., May 2018);</li> <li>Phase 1 Aquifer Analysis (Groundwater Information Technologies Ltd., Jan 2018)</li> </ul>	<ul> <li>LAND USE POLICIES AND STATUTORY PLANS:</li> <li>Rocky View County/City of Calgary Intermunicipal Development Plan (Bylaw C-7078-2011)</li> <li>Central Springbank Area Structure Plan (C-5354-2001);</li> <li>Land Use Bylaw (C-4841-97)</li> </ul>

#### **PUBLIC & AGENCY SUBMISSIONS:**

The application was circulated to 151 adjacent landowners, and no responses were received. The application was also circulated to a number of internal and external agencies; those responses are available in Appendix 'B'.

#### **HISTORY:**

1974 Subdivision Plan 7410685 created the subject parcel (Block 3, Plan 741085 within SE-26-24-03-W05M.

#### **TECHNICAL CONSIDERATIONS:**

This application was evaluated in accordance with the matters listed in Sections 7 and 14 of the Subdivision and Development Regulation, which are as follows:

## a) The site's topography

The property gently slopes from the northeast corner (at approximately 1,202 m elevation) to the south west corner (at approximately 1,198 m elevation). The topography of the land does not pose concern with regard to developability.

Conditions: None.

#### b) The site's soil characteristics

The soils on site are Class 2C with slight limitations to crop production due to climate. As the application proposes residential development, agricultural soil conditions are irrelevant to the consideration of this subdivision.

Conditions: None

#### c) Stormwater collection and disposal

Stormwater was considered in accordance with the Springbank Master Drainage Plan (MDP). The Springbank MDP recommends that runoff from impervious surfaces (roof, pavement) be directed onto pervious (undisturbed natural areas, absorbent landscaping) surfaces and not concentrated into ditches or swales. It is anticipated that all impervious surfaces would not exceed 10% of the site area. Therefore there is no stormwater requirement at this time.

Conditions: None.



# d) Any potential for flooding, subsidence, or erosion of the land

The land is not located in the vicinity of a major water body or significant drainage course. There is no concern with regard to flooding, subsidence, or erosion of the land.

Conditions: None.

#### e) Accessibility to a road

Legal and Physical Access to Springbank Road

The property is currently accessed from an existing paved approach on Springbank Road. The Applicant proposes to create a parcel with shared access to Springbank Road via an access easement agreement over the existing driveway.

Administration does not recommend that a second approach be permitted on Springbank Road in this case because of the property's proximity to the Springbank Road and Panorama Ridge intersection (± 200 m).

The Subdivision and Development Regulation noted that every proposed subdivision must provide the following to each lot being created by it:

- (a) Direct access to a road, or
- (b) Lawful means of access satisfactory to the subdivision authority.

The proposed access arrangement meets the subdivision and development regulations. As a condition of subdivision, the Applicant/Owner would need to provide a Right-of-Way plan and access easement agreement, which are to be registered on the titles of proposed Lots 1 and 2 for the shared access from Springbank Road.

# Springbank Road Dedication

In accordance with the Greater Springbank Functional Study (Urban Systems / iTrans – May 2008) adjacent to the subject lands, Springbank Road is identified as requiring 36 metres of right-of-way in the future.

The current right-of-way is 30 metres, with 5 metres having been dedicated from the subject lands in the past. Therefore, an additional 3 metres of road dedication is required from the subject lands.

As a condition of subdivision, the Owner would need to provide road dedication, by plan of survey, of a 3.0 metre wide strip of land along the entire southern boundary of the subject lands for future road allowance.

#### Transportation Offsite Levy

The Transportation Off-Site Levy is applicable for the entire subject land (± 9.58 acres) in accordance with Bylaw C-7356-2014. The Transportation Off-Site Levy is estimated to be \$153,041:

- Base Levy = 9.58 acres x \$ 4,595/acre = \$44,020.1
- Special Area 4 Levy = 9.58 acres x \$11,380/acre = \$109,020.4
- Total Transportation Offsite Levy = \$153,040.5

Conditions: 1, 2, 3, 4 and 9.



#### f) Water supply, sewage and solid waste disposal

Water Supply

The subject land consists of an existing residence serviced by water well and a Private Sewage Treatment System (septic field).

The Applicant submitted a Phase 1 Groundwater Supply Evaluation, which concludes that the aquifer underlying the proposed subdivision can support an additional well and supply water at a rate of 1,250 m³/year without causing adverse effects on existing users.

As a condition of subdivision, the Applicant/Owner would be required to drill a new well and submit a Phase 2 Aquifer Testing report for the new well.

A Deferred Services Agreement would be required to be registered on both Lots 1 and 2, requiring the owner to tie-in to municipal services when they become available.

#### Sewage

The Applicant submitted a Level 2 Private sewage Treatment System (PSTS) Assessment, which concludes that the soil of the subject land is suitable for the use of a PSTS.

As a condition of subdivision, the Applicant/Owner would be required to enter into a Development Agreement (Site Improvements/Services Agreement) with the County for the construction and installation of the PSTSs in accordance with the approved Assessment.

A Deferred Services Agreement would need to be registered on both Lots 1 and 2, requiring the Owner to tie-in to municipal services when they become available.

Conditions: 5, 6, and 7.

#### g) The use of the land in the vicinity of the site

The subject land is located in the infill residential area of the Central Springbank Area Structure Plan. The surrounding area is mainly country residential development with parcel sizes ranges from 4 to 20 acres.

The subject land is designated as Residential Two District, which allows for residential uses with a minimum parcel size of 3.98 acres. The proposed subdivision is compatible with the surrounding country residential subdivisions.

Conditions: None

#### h) Other matters

A portion of the Municipal Reserves was previously provided by cash-in-lieu on Plan 7410685. The outstanding Municipal Reserves on Block 3, Plan 7410685 is registered on title as a Deferred Reserve Caveat (instrument 741 080 371).

A portion of the outstanding Municipal Reserves is to be dedicated via a linear 8.0 metre wide Municipal Reserve strip fronting Springbank Road (± 0.356 acres). The linear Municipal Reserve dedication would need to be located north of any recognized road widening accommodation or other known registered encumbrance. The dedication would also exclude the proposed mutual approaches/driveways.

Any remaining Reserves would be provided by payment of cash-in-lieu in accordance with the land appraisal report submitted for this application (prepared by Bradford Real Estate Services – Carol A. Lewis, AACI, P.APP, dated July 6, 2018).

Condition: 8.



#### **POLICY CONSIDERATIONS:**

Intermunicipal Development Plan (IDP)

The subject land is located within the Rocky View County/City of Calgary Intermunicipal Development Plan (IDP). The application was circulation in accordance with the IDP policies and procedures and the City of Calgary had no comment for this application.

Area Structure Plan (ASP)

The subject land is located within the Central Springbank ASP Infill residential area. The proposal is consistent with the ASP and meets the infill residential development policies. A conceptual scheme is not required because the application meets the following criteria:

- Direct road access is available;
- One lot is being created;
- The proposed lot is 0.8 hectares (2 acres) or greater in size; and
- The creation of the new lot would not adversely affect or impede future subdivision of the balance lands.

## Land Use Bylaw

The application satisfies the minimum parcel size of the Residential Two District, which is a minimum of 3.98 acres. Administration is satisfied that the proposal is consistent with County policy and that all outstanding technical considerations can be addressed through the conditions of approval.

# **CONCLUSION:**

The proposed subdivision is consistent with the applicable statutory plans, including the Rocky View County/City of Calgary Intermunicipal Development Plan and the Central Springbank Area Structure Plan. The subject land holds the appropriate land use designation, and the technical aspects of the subdivision were considered and are further addressed through the conditional approval requirements.

Therefore, Administration recommends approval of the application in accordance with **Option #1**.

OPTIONS:			
Option #1:	THAT Subdivision Application PL20180014 be approved with the conditions noted in Appendix A.		
Option #2:	THAT Subdivision Application PL20180014 be refused as per the reasons noted.		
Respectfully submitted,		Concurrence,	
ű	Chris O'Hara"	"Rick McDonald"	
General Mana	ger	Interim County Manager	

JKwan/rp



**APPENDICES:** 

APPENDIX 'A': Approval Conditions APPENDIX 'B': Application Referrals APPENDIX 'C': Map Set



#### **APPENDIX A: APPROVAL CONDITIONS**

- A. That the application to create a ± 1.94 hectare (± 4.79 acre) parcel with a ± 1.94 hectare (± 4.79 acre) remainder from Block 3, Plan 7410685 within SE-26-24-03-W05M has been evaluated in terms of Section 654 of the *Municipal Government Act* and Sections 7 and 14 of the Subdivision and Development Regulations, and having considered adjacent landowner submissions, it is recommended that the application be approved as per the Tentative Plan for the reasons listed below:
  - 1. The application is consistent with statutory policy;
  - 2. The subject lands hold the appropriate land use designation;
  - 3. The technical aspects of the subdivision proposal have been considered, and are further addressed through the conditional approval requirements.
- B. The Applicant/Owner is required, at their expense, to complete all conditions attached to and forming part of this conditional subdivision approval prior to Rocky View County (the County) authorizing final subdivision endorsement. This requires submitting all documentation required to demonstrate each specific condition has been met, or agreements (and necessary securities) have been provided to ensure the condition will be met, in accordance with all County Policies, Standards and Procedures, to the satisfaction of the County, and any other additional party named within a specific condition. Technical reports required to be submitted as part of the conditions must be prepared by a Qualified Professional, licensed to practice in the Province of Alberta, within the appropriate field of practice. The conditions of this subdivision approval do not absolve an Owner from ensuring all permits, licenses, or approvals required by Federal, Provincial, or other jurisdictions are obtained.
- C. Further, in accordance with Section 654 and 655 of the *Municipal Government Act*, the application shall be approved subject to the following conditions of approval:

#### Plan of Subdivision

- 1) Subdivision is to be effected by a Plan of Survey, pursuant to Section 657 of the *Municipal Government Act*, or such other means satisfactory to the Registrar of the South Alberta Land Titles District.
- 2) The Owner is to provide an access right of way plan as shown on the Approved Tentative Plan in order to provide access to Lots 1 and 2, and is to prepare and register respective easements on each titles, where required.
- 3) The Owner is to dedicate, by Plan of Survey, a 3.0 m wide portion of land for road widening along the southern boundary of Lots 1 and 2 as shown on the Approved Tentative Plan.

#### Access

4) The Owner shall upgrade the existing road approach to a mutual paved standard as shown on the Approved Tentative Plan, in order to provide access to Lots 1 and 2.

#### Site Servicing

- 5) Water is to be supplied by individual wells on Lot(s) 1 and 2. The subdivision shall not be endorsed until:
  - a) An Aquifer Testing (Phase II) Report is provided, which is to include aquifer testing and the locations of the wells on each lot; and
  - b) The results of the aquifer testing meet the requirements of the Water Act; if they do not, the subdivision shall not be endorsed or registered.



- 6) The Owner is to enter into a Development Agreement (Site Improvements / Services Agreement) with the County that shall include the following:
  - a) The construction of a packaged sewage treatment system in accordance with the findings of the Private Sewage Treatment System Assessment prepared by Watertech Engineering Research & Health Inc. (May ,2018).
- 7) The Owner is to enter into a Deferred Services Agreement with the County, to be registered on title for each proposed Lots 1 & 2, indicating:
  - a) Requirements for each future Lot Owner to connect to County piped water, wastewater, and stormwater systems at their cost when such services become available;
  - b) Requirements for decommissioning and reclamation once County servicing becomes available.

### Municipal Reserves

- 8) The provision of Reserve is to be provided by the dedication of a linear 8.0 m wide Municipal Reserve strip along Springbank Road (± 0.356 acres) to be determined by a Plan of Survey in accordance with the Approved Tentative Plan.
  - a) The proportionate amount of Municipal Reserves outstanding on Block 3, Plan 7410685 as per Deferred Reserve Caveat (741 080 371) after the linear Municipal Reserve dedication, are to be provided by payment of cash-in-lieu in accordance with the per acre value as listed in the land appraisal prepared by Bradford Real Estate Services – Carol A. Lewis, AACI, P.APP, dated July 6, 2018, pursuant to Section 666 (3) of the *Municipal Government* Act.
  - b) The existing Deferred Reserve Caveat (741 080 371) shall be discharged on Block 3, Plan 7410685 after dedication of the linear Municipal Reserve and payment of cash-in-lieu.
  - c) The Owner is to enter into a maintenance/operational agreement with the County to maintain and operate the 8.0 m wide linear Municipal Reserve strip, inclusive of the affected trees and landscaping, until such time the County initiates construction of the Springbank Road Active Transportation Network.

#### Fees and Levies

- 9) The Owner shall pay the Transportation Off-Site Levy in accordance with Bylaw C-7356-2014 prior to entering into the Development Agreement. The County shall calculate the total amount owing:
  - a) from the total gross acreage of the Lands to be subdivided as shown on the Plan of Survey.
- 10) The Owner shall pay the County subdivision endorsement fee, in accordance with the Master Rates Bylaw, for the creation of one (1) new lot.

#### Taxes

11) All taxes owing, up to and including the year in which subdivision is to be registered, are to be paid to the County prior to signing the final documents pursuant to Section 654(1) of the *Municipal Government Act*.

#### D. SUBDIVISION AUTHORITY DIRECTION

1) Prior to final endorsement of the Subdivision, Administration is directed to present the Owner with a Voluntary Recreation Contribution Form and to ask them if they will contribute to the Fund in accordance with the contributions prescribed in the Master Rates Bylaw.



# **APPENDIX 'B': APPLICATION REFERRALS**

AGENCY	COMMENTS			
School Authority				
Rocky View Schools	No objection.			
Calgary Catholic School District	No comment.			
Public Francophone Education	No comment.			
Catholic Francophone Education	No comment.			
Province of Alberta				
Alberta Environment and Parks	Not required.			
Alberta Transportation	Not required.			
Alberta Culture and Community Spirit (Historical Resources)	Not required.			
Energy Resources Conservation Board	No comment.			
Alberta Health Services	At this time we do not have any concerns with the information as provided.			
Public Utility				
ATCO Gas	Please be advised that our existing/future gas line(s) on the subject property are protected by way of a Utility Right of Way Agreement, registered as Instrument(s) # 741 079 023. Instrument 741 079 023 is a blanket URW covering the entire quarter section that will allow us to service all lots within this subdivision. Therefore, ATCO Gas has no objection to the proposed subdivision.			
ATCO Pipelines	No objections.			
AltaLink Management	No comment.			
Enmax	No comment.			
FortisAlberta	FortisAlberta is the Distribution Wire Service Provider for this area. The developer can arrange installation of electrical services for this subdivision through FortisAlberta. Please have the developer contact 310-WIRE (310-9473) to make application for electrical services. Please contact FortisAlberta land services at <a href="mailto:landserv@fortisalberta.com">landserv@fortisalberta.com</a> or by calling (403) 514-47783 for any questions.			



AGENCY	COMMENTS
Telus Communications	No comment.
TransAlta Utilities Ltd.	No comment.
Other External Agencies	
EnCana Corporation	No comment.
City of Calgary	The City of Calgary has reviewed the below noted circulation application referencing the Rocky View/Calgary Intermunicipal Development Plan (IDP) and other applicable policies.
	The City of Calgary has no comments regarding Application PL20180014.
Rocky View County	
Boards and Committees	
ASB Farm Members and Agricultural Fieldmen	No agricultural concerns.
Rocky View West Recreation Board	The Rocky View West Recreation Board (RVWRB) recommends that Council make such a decision regarding MR that will ultimately allow for a safe pathway (pedestrian and cyclist) to be constructed along Springbank Road.
	The RVWRB refers to the Parks and Open Space Master Plan 2011 public input specific to this region – "construct a pathway along Springbank Road from Calgary to Highway 22X for biking and hiking".
Internal Departments	
Municipal Lands	Springbank Road has been identified to be a component in an active transportation network inclusive of a Shared Use Pathway located adjacent to the roadway.
	Due to the current ditch profile, the available road allowance with respect for a provision for future road widening, it is recommended that:
	<ul> <li>A linear Municipal Reserve (MR) of a width no less than eight (8.0) metres be dedicated fronting Springbank Road.</li> <li>MR dedication to be located north of any recognized road widening accommodation or other known registered encumbrance.</li> <li>MR dedication shall not be inclusive of road approaches/driveways as MR crossing easements will not be considered. Separate MR parcels are to be created to accommodate a linear alignment.</li> <li>Recognizing the lands subject to MR dedication currently</li> </ul>



accommodate two rows of trees providing screening and cover; once dedicated, the Municipal Lands office would be amenable to enter into a maintenance /operational agreement with current and future landowners of Lot 1 and Lot 2 respectively to maintain and operate the lands inclusive of the affected trees until such time the County initiates construction of the Springbank Road active transportation network.

 Specifics related to MR design and roadway interface will be provided at any future development stages.

Development Authority No comment.

GeoGraphics No comment.

Building Services No comment.

Emergency Services No comments.

Enforcement Services No comments.

Infrastructure and Operations – Engineering Services

#### General

- The review of this file is based upon the application submitted. These conditions/recommendations may be subject to change to ensure best practices and procedures.
- Parcel size is 9.58 acres. Land Use is R-2.

#### Geotechnical - Section 300.0 requirements:

- According to County GIS, the subject lands are relatively flat and do not have any slopes exceeding 15%.
- ES has no concerns at this time.

#### <u>Transportation</u> - Section 400.0 requirements:

- The parcel is currently accessed from an existing approach on Springbank Road, which is a paved road.
- As a condition of subdivision, as a mutual (shared) approach is to be used, the applicant shall provide a Right-of-Way Plan and Access Easement Agreement to register on the titles of proposed Lot 1 & 2.
  - ES does not recommend that a second approach from Springbank Road be permitted.
  - In accordance with Policy 410, the County should seek to remove redundant means of access at the time of development applications; and in high traffic areas, the County will strive to eliminate access points that interrupt the flow of traffic.
- As a condition of subdivision, the applicant shall provide



#### AGENCY COMMENTS

road dedication, by plan of survey, of a 3 metre wide strip of land along the entire southern boundary of the subject lands for future road allowance.

- In accordance with the Greater Springbank Functional Study (Urban Systems / iTrans – May 2008), adjacent to the subject lands, Springbank Road is identified as requiring 36 metres of right-of-way in the future. The current right-of-way is 30 metres, with 5 metres having been dedicated from the subject lands in the past. Therefore, an additional 3 metres of road dedication is required from the subject lands.
- Given that there is a requirement for municipal reserve dedication of 8 metres along the southern boundary of the subject lands, it is more appropriate to take road dedication by plan of survey as opposed to a Road Acquisition Agreement, as this will avoid isolating a strip of land.
- As a condition of subdivision, the applicant is required to provide payment of the Transportation Off-site Levy in accordance with the applicable levy at time of subdivision approval for the total gross acreage of the lands, as the applicant is proposing to subdivide a Residential Two District parcel.
  - Base TOL = \$4595/acre. Special Area 4 Levy = \$11,380/acre Acreage =9.58 acres. TOL payment = (\$15,975/acre)\*(9.58 acres) = \$153,041.

#### Sanitary/Waste Water - Section 500.0 requirements:

- The applicant submitted a Level 2 PSTS Assessment (Watertech Engineering Research & Health Inc. – May 15, 2018). The report concludes that the soils of the subject lands are suitable for use of a PSTS, and recommends one of the following two systems:
  - Standard septic tank and sand treatment mound system, OR;
  - Packaged sewage treatment plant with a conventional field.
- A Level 1 Variation Assessment was not required at this time, as the existing PSTS will be demolished.
- As a condition of subdivision, the Owner is to enter into a Site Improvements / Services Agreement with the County, to be registered on title of Lot 1 & Lot 2 (remainder), which shall include the following:
  - In accordance with the Level 2 PSTS Assessment prepared by Watertech Engineering Research & Health Inc.
  - For the construction of: standard septic tank and sand



#### **AGENCY**

#### **COMMENTS**

treatment mound system, OR packaged sewage treatment plant with a conventional field.

- In accordance with Policy 449, for residential developments relying on PSTS where lot sizes are equal to or greater than 4 acres but less than 10 acres, the County encourages the use of a Packaged Sewage Treatment Plant.
- As a condition of subdivision, a Deferred Services
   Agreement shall be registered on title of Lot 1 & Lot 2
   (remainder), requiring the owner to tie-in to municipal
   services when they become available.

<u>Water Supply And Waterworks</u> - Section 600.0 & 800.0 requirements:

- The applicant submitted a Phase 1 Groundwater Supply Evaluation (Groundwater Information Technologies Ltd. – January 8, 2018). The report meets the requirements of the County Servicing Standards and concludes that the aquifer underlying the proposed subdivision can support an additional well and supply water at a rate of 1250m3/year without causing adverse effects on existing users.
- As a condition of subdivision, the applicant will be required to drill a new well on proposed Lot 2 (remainder), and provide the County with a Phase 2 Aquifer Testing Report for the new well, which shall be prepared by a qualified professional, in accordance with procedures outlined in the County Servicing Standards. The report shall include a Well Driller's Report confirming a minimum pump rate of 1.0 igpm for each well.
- There is an existing groundwater well on proposed Lot 1. Therefore, a new well is not required on this parcel.
- As a condition of subdivision, a Deferred Services
   Agreement shall be registered on title of Lot 1 & Lot 2
   (remainder), requiring the owner to tie-in to municipal
   services when they become available.

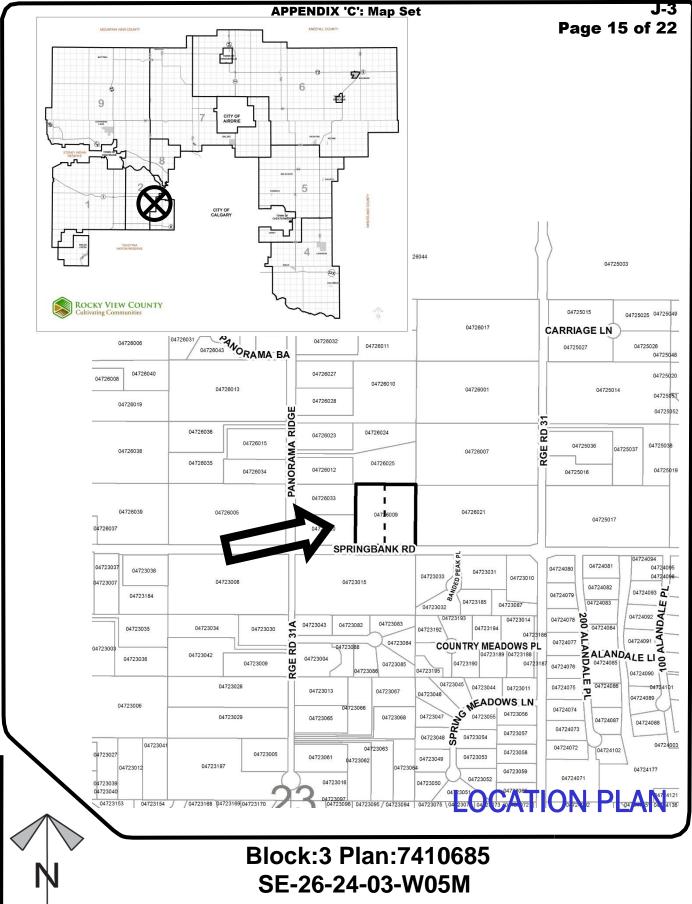
#### Storm Water Management – Section 700.0 requirements:

- ES has no requirements at this time.
- Each proposed parcel is 4.79 acres (19,384 m2) in size. The
  existing dwelling and accessory buildings cover
  approximately 421 m2. ES does not anticipate that all
  impervious surfaces will exceed 10% of the site area (1938
  m2).
- In accordance with the Springbank MDP, for developments where no internal road is proposed and imperviousness is less than 10%, the Unit Area Release Rate & Volume Control Targets are not required.
- The Springbank MDP recommends that runoff from impervious surfaces (roof, pavement) be directed onto

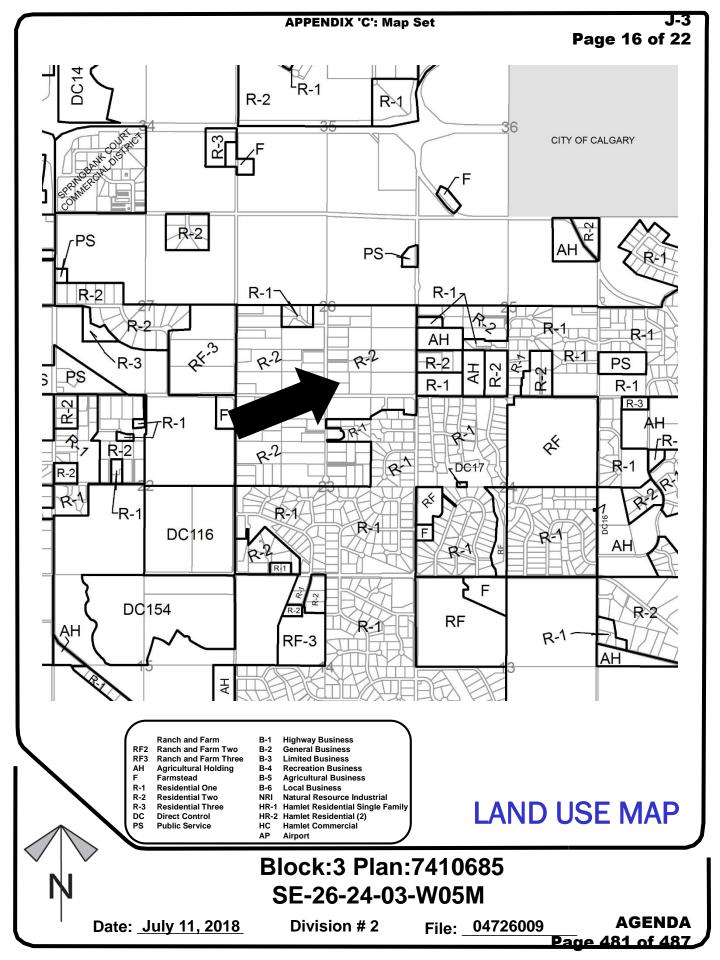


AGENCY	COMMENTS
	pervious (undisturbed natural areas, absorbent landscaping) surfaces and not concentrated into ditches or swales.
	Environmental – Section 900.0 requirements:
	<ul> <li>County GIS does not identify any wetlands or riparian areas on the subject lands.</li> <li>Any approvals required through Alberta Environment shall be the sole responsibility of the Applicant/Owner.</li> </ul>
Infrastructure and Operations – Maintenance	No concerns.
Infrastructure and Operations - Capital Delivery	No concerns.
Infrastructure and Operations - Operations	No concerns.
Infrastructure and Operations – Utility Services	No concerns.

Circulation Period: May 30, 2018 – June 19, 2018 Re-circulation Period: July 12, 2018 – August 2, 2018



Date: <u>July 11, 2018</u> Division # 2 File: <u>04726009</u> **AGENDA**Page 480 of 487



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Note: Post processing of raw aerial photography may cause varying degrees of visual distortion at the local level.

**AIR PHOTO** 

Spring 2016

Block:3 Plan:7410685 SE-26-24-03-W05M

Date: <u>July 11, 2018</u>

Division # 2

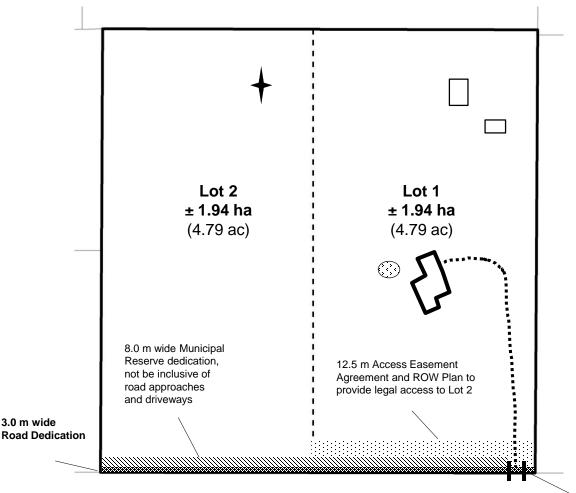
File: 04726009

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**Subdivision Proposal:** To create a  $\pm$  1.94 hectare (4.79 acre) parcel with a  $\pm$  1.94 hectare (4.79 acre) remainder.



Legend **Dwelling Accessory Building** Water Well Septic Field Driveway Approach

3.0 m wide

Upgrade to a mutual approach

# **Surveyor's Notes:**

- 1. Parcels must meet minimum size and setback requirements of Land Use Bylaw C-4841-97.
- 2. Refer to Notice of Transmittal for approval conditions related to this Tentative Plan.

**TENTATIVE PLAN** 

Block:3 Plan:7410685 SE-26-24-03-W05M

Date: July 11, 2018

Division #2

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Contours are generated using 10m grid points, and depict general topographic features of the area. Detail accuracy at a local scale cannot be guaranteed. They are included for reference use only.

# **TOPOGRAPHY**

Contour Interval 2 M

Block:3 Plan:7410685 SE-26-24-03-W05M

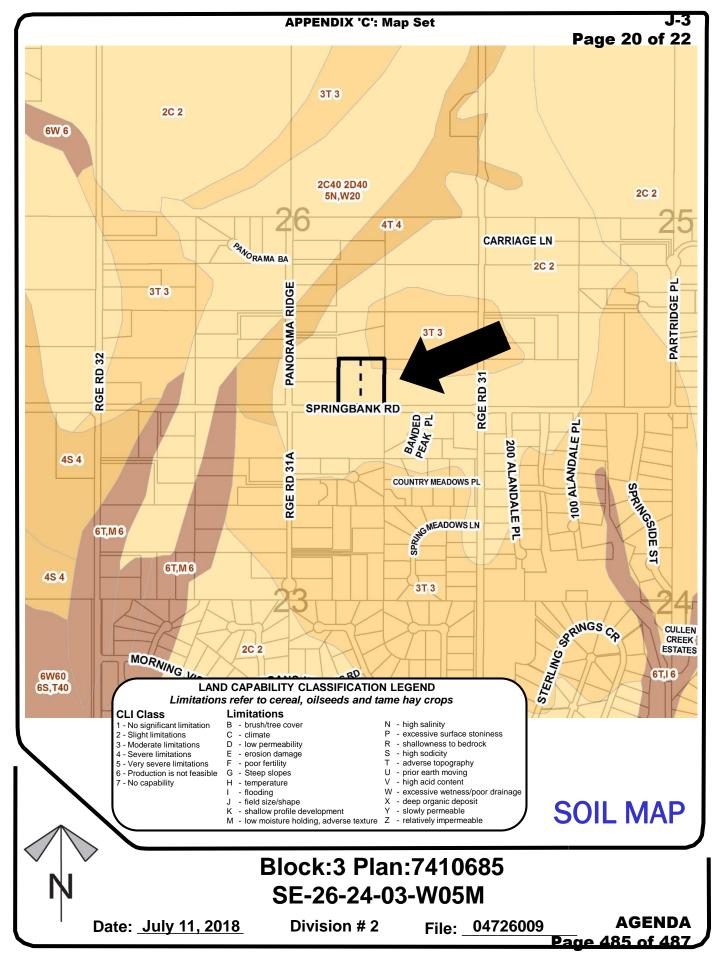
Date: <u>July 11, 2018</u>

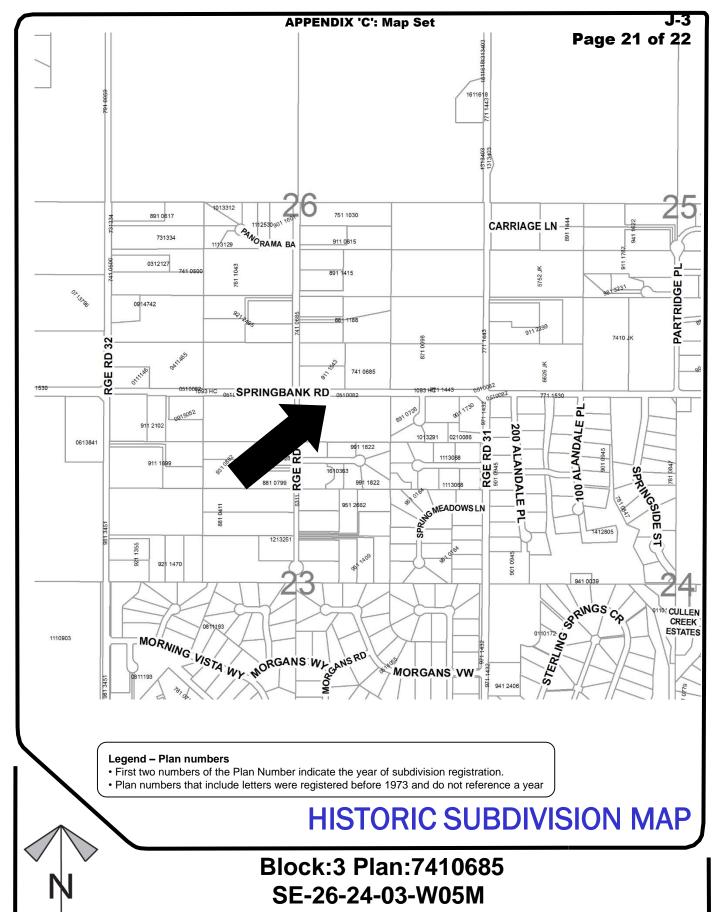
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