

Council Meeting Agenda

July 24, 2018

9:00 a.m.



ROCKY VIEW COUNTY
Cultivating Communities
911 – 32 AVENUE NE
CALGARY, AB, T2E 6X6

CALL MEETING TO ORDER

UPDATES/ACCEPTANCE OF AGENDA

A CONFIRMATION OF MINUTES

1. July 10, 2018 Council Meeting

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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 June 26, 2018 and July 3, 2018.

MORNING APPOINTMENTS 10:00 A.M.

1. Division 1 – File: PL20180020

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

Staff Report

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2. Division 4 – File: PL20180009 (03321004)

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

Staff Report

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3. Division 7 – File: PL20180069 (6411017)

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

Staff Report

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D GENERAL BUSINESS

1. All Divisions – File: 1021-250 – Rural Municipalities of Alberta Fall 2018
Resolution – Water Act Approval Process

Staff Report

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ROCKY VIEW COUNTY
Cultivating Communities
911 – 32 AVENUE NE
CALGARY, AB, T2E 6X6

2. Division 1 – File: 5045-275 – Banded Peak School – Wastewater Connection Fees

Staff Report

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

Staff Report

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E BYLAWS

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

Staff Report

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

Staff Report

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

Staff Report

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F UNFINISHED BUSINESS

- None

G COUNCIL REPORTS

H MANAGEMENT REPORTS

- None

I NOTICES OF MOTION

- None

J SUBDIVISION APPLICATIONS

- None

K COMMITTEE OF THE WHOLE/IN CAMERA

- None

ADJOURN THE MEETING

ROCKY VIEW COUNTY
COUNCIL MEETING MINUTES
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Page 1

A regular meeting of the Council of Rocky View County was held in Council Chambers of the Municipal Administration Building, 911 – 32nd Avenue NE, Calgary, Alberta on July 10, 2018 commencing at 9:00 a.m.

Present:	Division 6	Reeve G. Boehlke
	Division 5	Deputy Reeve J. Gautreau
	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 1	Councillor M. Kamachi
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Also Present:

- R. McDonald, Interim County Manager
- K. Robinson, General Manager
- B. Riemann, General Manager
- C. O'Hara, General Manager
- A. Keibel, Manager, Legislative and Legal Services
- C. McCullagh, Manager, Recreation and Community Services
- S. Jewison, Manager, Utility Services
- R. Wiljamaa, Manager, Engineering Services
- C. Nelson, Manager, Agriculture and Environmental Services
- A. Zaluski, Policy Supervisor, Planning Services
- D. Hafichuk, Capital Infrastructure Projects Supervisor, Engineering Services
- C. Graham, Municipal Lands Administrator, Agriculture and Environmental Services
- J. Anderson, 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 Councillor Kamachi.

1-18-07-10-01

Updates/Acceptance of Agenda

Administration withdrew items C-1 and J-1 from the agenda. Administration also added an emergent in camera item to the agenda as item K-1.

MOVED by Deputy Reeve Gautreau that the July 10, 2018 Council meeting agenda be accepted as amended.
Carried

1-18-07-10-02

Confirmation of Minutes

MOVED by Deputy Reeve Gautreau that the June 26, 2018 Council meeting minutes be accepted as presented.

Carried

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1-18-07-10-04 (D-1)

All Divisions – Response to Notice of Motion – Removal of Lands Leased by the Cochrane and District Agricultural Society from Disposal List
File: 06809018

MAIN MOTION:

MOVED by Councillor Kissel that Administration be directed to provide a detailed report to Council on September 11, 2018, in camera, providing a complete overview of the history of the 146 parcel of Rocky View County Lands leased by the Cochrane and District Agricultural Society. The report must also include the following:

- 1) The entire justification based on recreation from the original motion should remain;
- 2) Copies of studies completed including the 2010 County Community Needs Assessment Survey, the 2010 Ranch Lands Community Survey, the 2013 Tri-Party Concept Plan, and the 2014 Town of Cochrane Community Survey;
- 3) All past reports to Council including proposed motions and final resolutions;
- 4) Any and all proposed offers of purchase of the Lands;
- 5) An understanding of the policy and ranking criteria that the Municipal Lands department uses to determine that lands are surplus;
- 6) An understanding as to how lands are placed on the disposal list for Council's final approval;
- 7) All copies of titles and transactions dating back to 1900;
- 8) Outline and description of all public engagement sessions and surveys;
- 9) Listing of the lands for sale and all correspondence offers in response prior to or after the listings closed; and
- 10) Any evaluations and assessments and their determination as to land usage.

MOVED by Councillor McKylor that Justin Burwash, President of the Cochrane & District Agricultural Society, be allowed to speak on item D-1.

Lost

In Favour:

Councillor McKylor
Reeve Boehlke
Councillor Henn

Opposed:

Councillor Hanson
Deputy Reeve Gautreau
Councillor Schule
Councillor Wright
Councillor Kissel

The Chair called for a recess at 10:02 a.m. and called the meeting back to order at 10:14 a.m. with all previously mentioned members present.

AMENDING MOTION:

MOVED by Councillor McKylor that the main motion be amended to add the following:

“THAT a comparative report be provided to describe what comparable land Rocky View County could purchase within Division 9 with the proceeds.”

Carried

In Favour:

Councillor McKylor
Councillor Hanson
Deputy Reeve Gautreau
Councillor Schule
Councillor Wright

Opposed:

Reeve Boehlke
Councillor Henn
Councillor Kissel

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AMENDING MOTION:

MOVED by Councillor Henn that the main motion be amended by removing items 5 and 6 and replacing them with the following:

“THAT a Committee be put in place to study and assess reports and information and report to Council.”

Carried

In Favour:

Councillor McKylor
Councillor Hanson
Deputy Reeve Gautreau
Councillor Schule
Councillor Henn
Councillor Wright
Councillor Kissel

Opposed:

Reeve Boehlke

Voting then resumed on the main motion as amended.

MOVED by Councillor Kissel that Administration be directed to provide a detailed report to Council on September 11, 2018, in camera, providing a complete overview of the history of the 146 parcel of Rocky View County Lands leased by the Cochrane and District Agricultural Society. The report must also include the following:

- 1) The entire justification based on recreation from the original motion should remain;
- 2) Copies of studies completed including the 2010 County Community Needs Assessment Survey, the 2010 Ranch Lands Community Survey, the 2013 Tri-Party Concept Plan, and the 2014 Town of Cochrane Community Survey;
- 3) All past reports to Council including proposed motions and final resolutions;
- 4) Any and all proposed offers of purchase of the Lands;
- 5) That a Committee be put in place to study and assess reports and information and report to Council;
- 6) All copies of titles and transactions dating back to 1900;
- 7) Outline and description of all public engagement sessions and surveys;
- 8) Listing of the lands for sale and all correspondence offers in response prior to or after the listings closed;
- 9) Any evaluations and assessments and their determination as to land usage; and
- 10) That a comparative report be provided to describe what comparable land Rocky View County could purchase within Division 9 with the proceeds.

Carried

In Favour:

Councillor McKylor
Councillor Hanson
Deputy Reeve Gautreau
Councillor Schule
Councillor Henn
Councillor Wright
Councillor Kissel

Opposed:

Reeve Boehlke

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MOVED by Councillor Schule that Council move in camera at 10:25 a.m. 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

Carried

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

Rocky View County: R. McDonald, Interim County Manager
K. Robinson, General Manager
B. Riemann, General Manager
C. O'Hara General Manager
A. Keibel, Manager, Legislative and Legal Services
C. McCullagh, Manager, Recreation and Community Services
C. Nelson, Manager, Agriculture and Environmental Services
G. Kaiser, Manager, Communication Services
C. Graham, Municipal Lands Administrator, Agriculture and Environmental Services

MOVED by Councillor Schule that Council move out of in camera at 10:48 a.m.

Carried

MOVED by Councillor Hanson that the report regarding the removal of lands leased by the Cochrane and District Agricultural Society be received as information.

Carried

1-18-07-10-05 (D-2)

All Divisions – City of Calgary Master Servicing Agreement – Wastewater

File: 4060-200

MOVED by Councillor Hanson that Council authorizes Administration to enter into a Master Servicing Agreement with the City of Calgary for wastewater services.

Carried

1-18-07-10-06 (D-3)

All Divisions – Public Consultation for Proposed Off-Site Levy Bylaws

File: N/A

MOVED by Deputy Reeve Gautreau that Administration be directed to begin public consultation on the following proposed Off-Site Levy Bylaws:

- Regional Stormwater Off-Site Levy Bylaw C-7801-2018;
- Regional Water and Wastewater Off-Site Levy Bylaw C-7802-2018; and
- Regional Transportation Off-Site Levy Bylaw C-7805-2018.

Carried

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1-18-07-10-07 (E-1)

Division 1 – Bylaw C-7803-2018 – Transfer of Lands to Rocky View County and Designation of Public Utility Lot
File: 1025-700/1007-100

MOVED by Councillor Hanson that Bylaw C-7803-2018 be given first reading.

Carried

MOVED by Deputy Reeve Gautreau that Bylaw C-7803-2018 be given second reading.

Carried

MOVED by Deputy Reeve Gautreau that Bylaw C-7803-2018 be considered for third reading.

Carried

MOVED by Councillor Henn that Bylaw C-7803-2018 be given third reading.

Carried

1-18-07-10-10 (J-2)

Division 5 – Subdivision Item – Recreation Business District – Janet ASP
File: PL20180037 (03329002)

MOVED by Deputy Reeve Gautreau that Subdivision Application PL20180037 be approved with the conditions as noted in Appendix 'A':

- A. That the application to create a ± 22.90 hectare (± 56.59 acre) parcel with a ± 42.03 hectare (± 103.86 acre) remainder within Block 11, Plan 9810626, W-1/2-29-23-28-W04M has been evaluated in terms of Section 654 of the *Municipal Government Act* and Section 7 of the *Subdivision and Development Regulations*, and having considered the adjacent land owners 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 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 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.

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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 dedicate, by caveat, 8.00 m of road dedication along the west boundary of Lots 1 and 2, to the satisfaction of the County, and shall include:
 - a) Land is to be purchased for \$1 by the County;
- 3) The Owner is to dedicate, by caveat, a corner cut at the southeast corner of Lot 2 to facilitate the future implementation of an interim intersectional improvement at Glenmore Trail and Range Road 285 in accordance with the draft Functional Planning Study for the future interchange at that intersection, to the satisfaction of the County, and shall include:
 - a) Land is to be purchased for \$1 by the County;

Payments and Levies

- 4) The Owner shall pay to the County the relevant cost recoveries plus applicable interest, for the improvements to Range Road 285 development area, in accordance with the Infrastructure Cost Recovery Agreement. The County shall calculate the total amount owing from the gross acreage as shown on the Plan of Survey submitted for endorsement;
- 5) The Owner shall pay the Transportation Off-Site Levy (base levy and special area levies) in accordance with the Bylaw at the time of subdivision approval for the gross area of lands to be subdivided. The County shall calculate the total amount owing, including the gross acreage of Lot 1, in accordance with the tentative plan and Plan of Survey.
- 6) The Owner shall pay the Stormwater Off-Site Levy in accordance with the Bylaw at the time of subdivision approval for the gross area of lands to be subdivided. The County shall calculate the total amount owing, including the gross acreage of Lot 1, in accordance with the tentative plan and Plan of Survey.
- 7) 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.

Other

- 8) The provision of Reserve in the amount of 10% of Lots 1 and 2 is to be deferred by Caveat proportionately to Lot 1 and 2.

Taxes

- 9) All taxes owing up to and including the year in which the 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:

- 1) Prior to final endorsement of the subdivision, Administration 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.

Carried

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1-18-07-10-11 (K-1)

Division 1 – Emergent In Camera Item – Budget Adjustment Request – Surface Stabilization of TR242

File: 4050-100/4050-200

MOVED by Councillor Hanson that Council move in camera at 11:32 a.m. to consider the emergent in camera item “Budget Adjustment Request – Surface Stabilization of Township Road 242” pursuant to the following section of the *Freedom of Information and Protection of Privacy Act*:

- Section 24 – Advice from officials

Carried

Deputy Reeve Gautreau left the meeting during the in camera session and did not return to the meeting.

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
K. Robinson, General Manager
B. Riemann, General Manager
C. O'Hara General Manager
A. Keibel, Manager, Legislative and Legal Services
H. Bell, Manager, Roads Maintenance
R. Wiljamaa, Manager, Engineering Services

MOVED by Councillor McKylor that Council move out of in camera at 12:20 p.m.

Carried

Absent: Deputy Reeve Gautreau

MOVED by Councillor McKylor that Council approve a budget adjustment in the amount of \$250,000, transferred from the Tax Stabilization Reserve, to fund a calcium stabilization procedure for 4.9 kms of Township Road 242 west of Highway 22.

Carried

Absent: Deputy Reeve Gautreau

1-18-07-10-08 (G-1)

Council Reports

Council reported on the activities and meetings they attended in their respective divisions.

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Adjournment

MOVED by Councillor Schule that the July 10, 2018 Council Meeting be adjourned at 12:23 p.m.

Carried

Absent: Deputy Reeve Gautreau

REEVE

CAO or Designate

ENGINEERING SERVICES

TO: Council
DATE: July 24, 2018 **DIVISION:** 1
TIME: Morning Appointment
FILE: PL20180020
SUBJECT: Road closure to consolidate a portion of Road Plan 731 388 in Circle 5 Estates

ADMINISTRATION RECOMMENDATION:

Motion #1: THAT Bylaw C-7795-2018 be given first reading.
Motion #2: THAT Administration be directed to forward Bylaw C-7795-2018 to the Minister of Transportation for approval.

EXECUTIVE SUMMARY:

This report is to consider the closure for consolidation of a 0.20 acre portion of undeveloped Road Plan 731 388 along Circle 5 Estates. This portion is located in the SW-02-24-04-W5M. If successful it would be consolidated with the applicant's adjacent land, Lot 20, Plan 9612453.

Council has the authority to complete Road Closures by bylaw under Section 22 of the *Municipal Government Act (MGA)*. Administration only requires first reading of Bylaw C-7795-2018 (see Attachment 'A') at this time as per Section 22(3) of the *MGA*, which states that approval must be granted by the Minister of Transportation prior to a Road Closure Bylaw receiving second reading.

Administration recommends **Option #1**.

DISCUSSION:

The Applicant Chris Chornohos has indicated the purpose for this application is to close and consolidate the 0.20 Acre portion of undeveloped Road Plan 731 388 with their parcel located along the north boundary of the portion to be closed. The closure would allow the applicant to develop his land without the setback requirement to the undeveloped portion. The undeveloped portion is in the shape of a half cul-de-sac bulb and is located on both the north and south sides of Circle 5 Estates but was never developed as the road continues to the west. The cul-de-sac was likely supposed to be temporary, but since registered by survey plan, it remains today. Attachment 'B' identifies the location within the County, the Road Closure Proposal, Land Use Map, Air Photo and Landowner Circulation Area.

This portion of road allowance is not part of the 30 Year Long Range Transportation Network Plan, nor does Administration have any plans to construct within this portion of road plan. This closure and consolidation would not restrict or deny access to any adjacent parcels, nor does it create any landlocked parcels. This application was circulated in accordance with the *Municipal Government Act* and Administration received no concerns of note by internal/external agencies, Atco Gas has requested a Utility Right of Way easement.

¹Administration Resources
Angela Pare, Support Technician, Engineering Services



DATE APPLICATION RECEIVED: February 28, 2018

PROPOSAL: To close for the purpose of consolidation a 0.20 Acre portion of Road Plan 731 388 along Circle 5 Estates, to be consolidated into Lot 20, Plan 9612453 located within the SW-02-24-04-W05M.

APPLICANT: Chris Chornohos

OWNER: The Crown in Right of Alberta

GROSS AREA: 0.20 Acres or 0.085 Hectares (confirmed by survey)

ADJACENT LANDOWNERS:

This application was circulated to 31 landowners in the area. 1 letter of opposition and 6 letters of support were received from the adjacent landowner notifications at the initial time of circulation (March 28 to April 20, 2018). 2 additional letters of support and 1 additional letter of opposition were received during the public hearing circulation. The letters can be found in Attachment 'C'.

The original public hearing notice mailed to landowners in the area incorrectly stated that the public hearing was to be held on June 24, 2018. Administration mailed out a corrected public hearing notice to landowners in the area and removed the written submission deadline in response to the error.

The newspaper advertisements for the public hearing stated the correct date of July 24, 2018.

OPTIONS:

- | | | |
|-----------|---|--|
| Option #1 | Motion #1 | THAT Bylaw C-7795-2018 be given first reading. |
| | Motion #2 | THAT Administration be directed to forward Bylaw C-7795-2018 to the Minister of Transportation for approval. |
| Option #2 | THAT the application by Chris Chornohos to close for consolidation a 0.20 acre portion of Road Plan 731 388 be refused. | |
| Option #3 | THAT Council provide alternative direction. | |

Respectfully submitted,

Concurrence,

"Byron Riemann"

"Rick McDonald"

General Manager

Interim County Manager

AP

ATTACHMENTS:

ATTACHMENT 'A' - Proposed Bylaw C-7795-2018
ATTACHMENT 'B' – Map Package
ATTACHMENT 'C' – Landowner Responses

AGENCY	COMMENTS
<i>School Authority</i>	
Rocky View Schools	No objections
Calgary Catholic School District	Not required for circulation
Public Francophone Education	Not required for circulation
Catholic Francophone Education	Not required for circulation
<i>Province of Alberta</i>	
Alberta Environment	No comments received
Alberta Transportation	No Initial Concerns, Application viewed after 1 st reading
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
<i>Public Utility</i>	
ATCO Gas	Will require a Right of Way Agreement for facilities located within the road area
ATCO Pipelines	No objections, no easement required
AltaLink Management	No objections, no easement required
FortisAlberta	No objections, no easement required
Shaw Cablesystems G.P.	No comments received
Telus Communications	No comments received
TransAlta Utilities Ltd.	No comments received
Rockyview Gas Co-op Ltd.	No comments received
<i>Other External Agencies</i>	
EnCana Corporation	No comments received
Town of Cochrane	No comments received



AGENCY	COMMENTS
<i>Boards and Committees</i>	
ASB Farm Members and Agricultural Fieldman	No comments received
Bow North Recreation Board	No comments received
<i>Internal Departments</i>	
Municipal Lands	No concerns
Agricultural & Environmental Services	No concerns
Development Authority	No comments received
GeoGraphics	No comments received
Building Services	No comments received
Emergency/Enforcement Services	No concerns
Fire Services	<i>No objections</i>
Infrastructure and Operations-Engineering Services	No objections or concerns, no need to retain the former undeveloped cul-de-sac bulb.
Infrastructure and Operations-Maintenance	No Concerns
Infrastructure and Operations-Capital Projects	No Concerns
Infrastructure and Operations-Operations	No Concerns
Circulation Period: March 28, 2018 to April 20 th , 2018	

**BYLAW C-7795-2018**

A Bylaw of Rocky View County in the Province of Alberta for the Purpose of closing to public travel and creating title to portions of public highway in accordance with Section 22 of the Municipal Government Act, Chapter M26.1, Revised Statutes of Alberta 2000, as amended.

The Council of Rocky View County enacts as follows:

WHEREAS

The lands hereafter described are no longer required for public travel; and

WHEREAS

Application has been made to Council to have the highway closed; and

WHEREAS

Rocky View County Council deems it expedient to provide for a bylaw for the purpose of closing to public travel certain roads, or portions thereof, situated in the said municipality, and therefore disposing of the same; and

WHEREAS

Notice of the intention of Council to pass a bylaw has been given in accordance with Section 606 of the Municipal Government Act, and was published in the Rocky View Weekly on Tuesday June 26th, 2018 and Tuesday July 3rd, 2018, the last of such publications being at least one week before the day fixed for the Public Hearing of this Bylaw; and

WHEREAS

Rocky View County Council was not petitioned for an opportunity to be heard by any person claiming to be prejudicially affected by the bylaw. (to be changed if anyone speaks in opposition)

NOW THEREFORE BE IT RESOLVED that the Council of Rocky View County in the Province of Alberta does hereby close to public travel for the purpose of creating title to the following described highway. Subject to the rights of access granted by other legislation:

THAT PORTION OF ROAD PLAN 731 388 WITHIN THE SOUTH WEST SECTION 2, TOWNSHIP 24, RANGE 4, WEST OF THE 5TH MERIDIAN AS DESCRIBED ON PLAN _____ CONTAINING 0.20 ACRES (0.085 HA) MORE OR LESS EXCEPTING THEREOUT ALL MINES AND MINERALS

As shown on Schedule 'A' attached to and forming part of this bylaw.

Division: 1
File: PL20180020

PUBLIC HEARING WAS HELD IN COUNCIL this _____ DAY OF _____, 20____

READ A FIRST TIME IN COUNCIL this _____ DAY OF _____, 20____

REEVE / DEPUTY REEVE

CAO or DESIGNATE

APPROVED BY
ALBERTA TRANSPORTATION:

APPROVED THIS _____ DAY OF _____, 20____

Approval Valid for _____ Months

MINISTER OF TRANSPORTATION

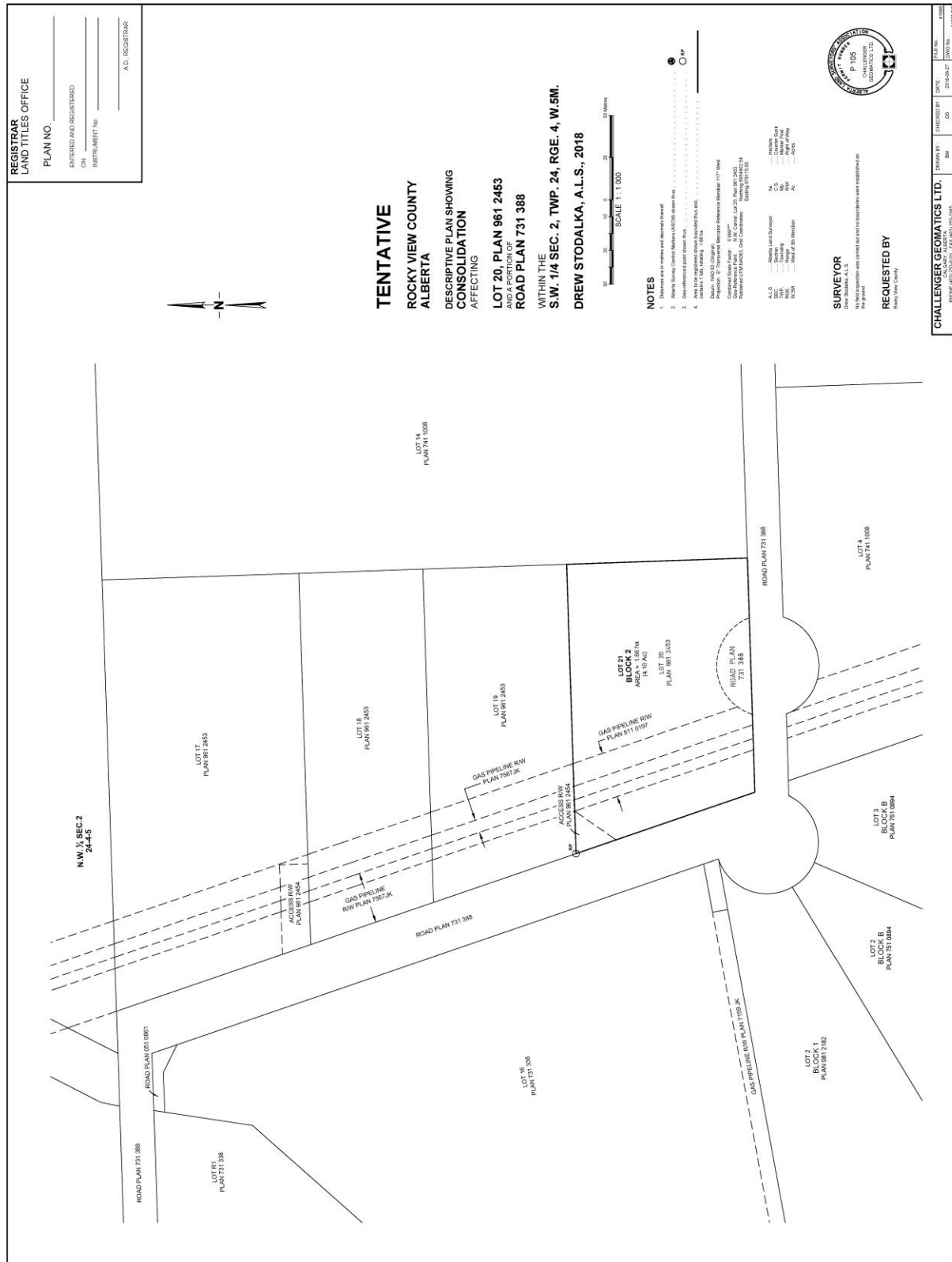
READ A SECOND TIME IN COUNCIL this _____ DAY OF _____, 20____

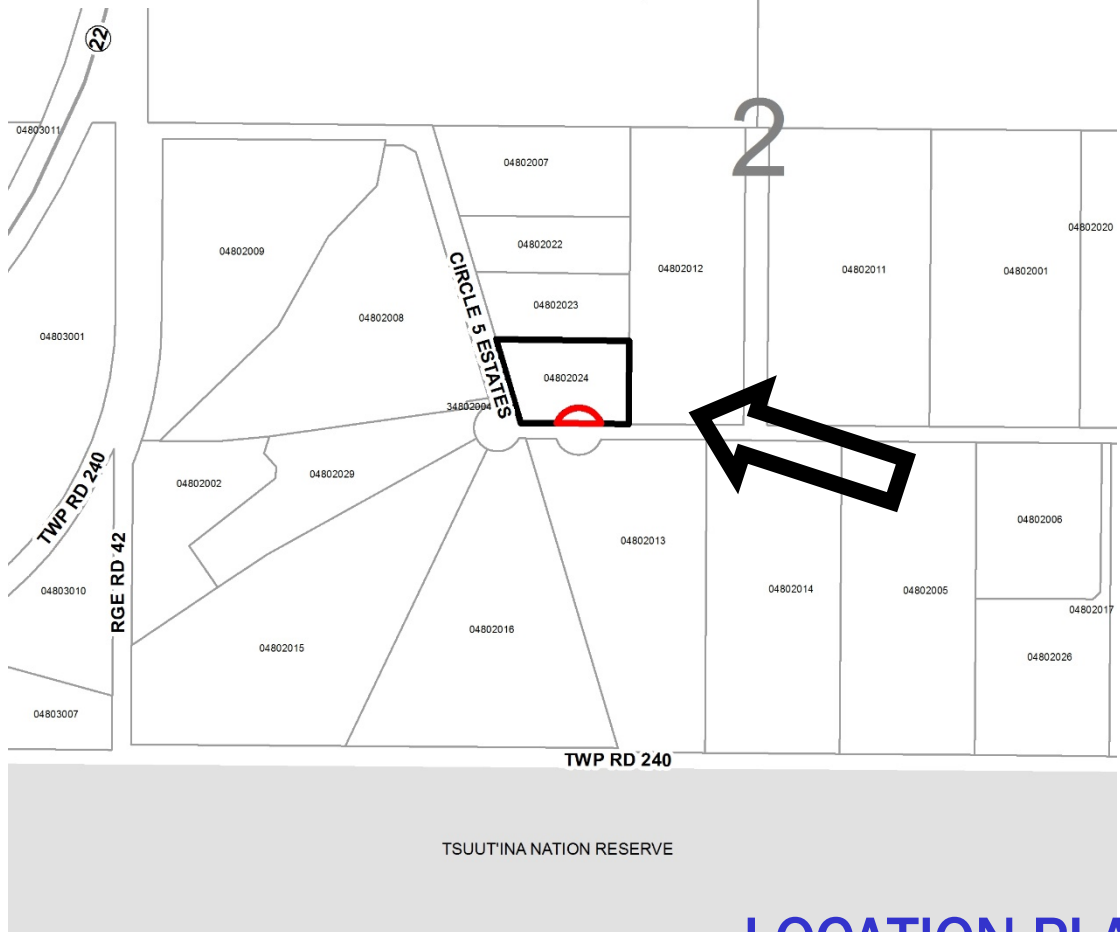
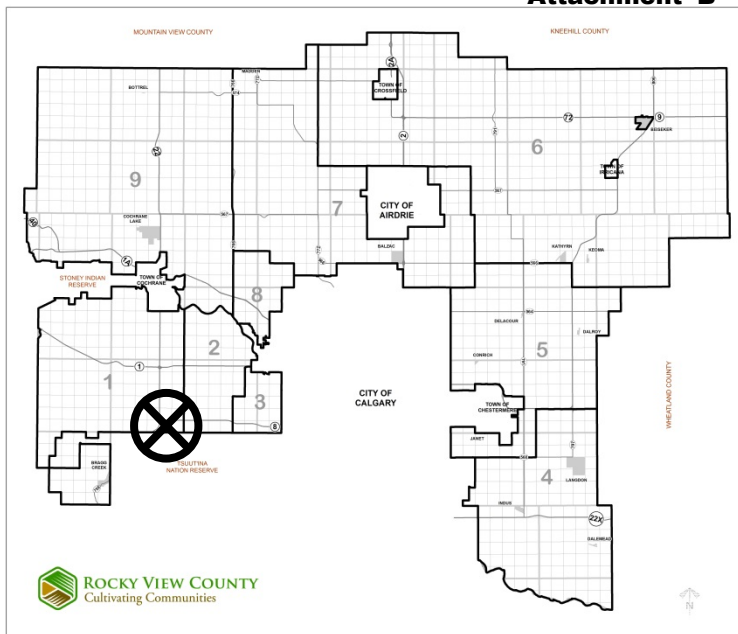
READ A THIRD TIME IN COUNCIL this _____ DAY OF _____, 20____

REEVE / DEPUTY REEVE

CAO or DESIGNATE

SCHEDULE 'A'





Lot:20 Plan:9612453
SW-02-24-04-W05M

Date: March 26, 2018

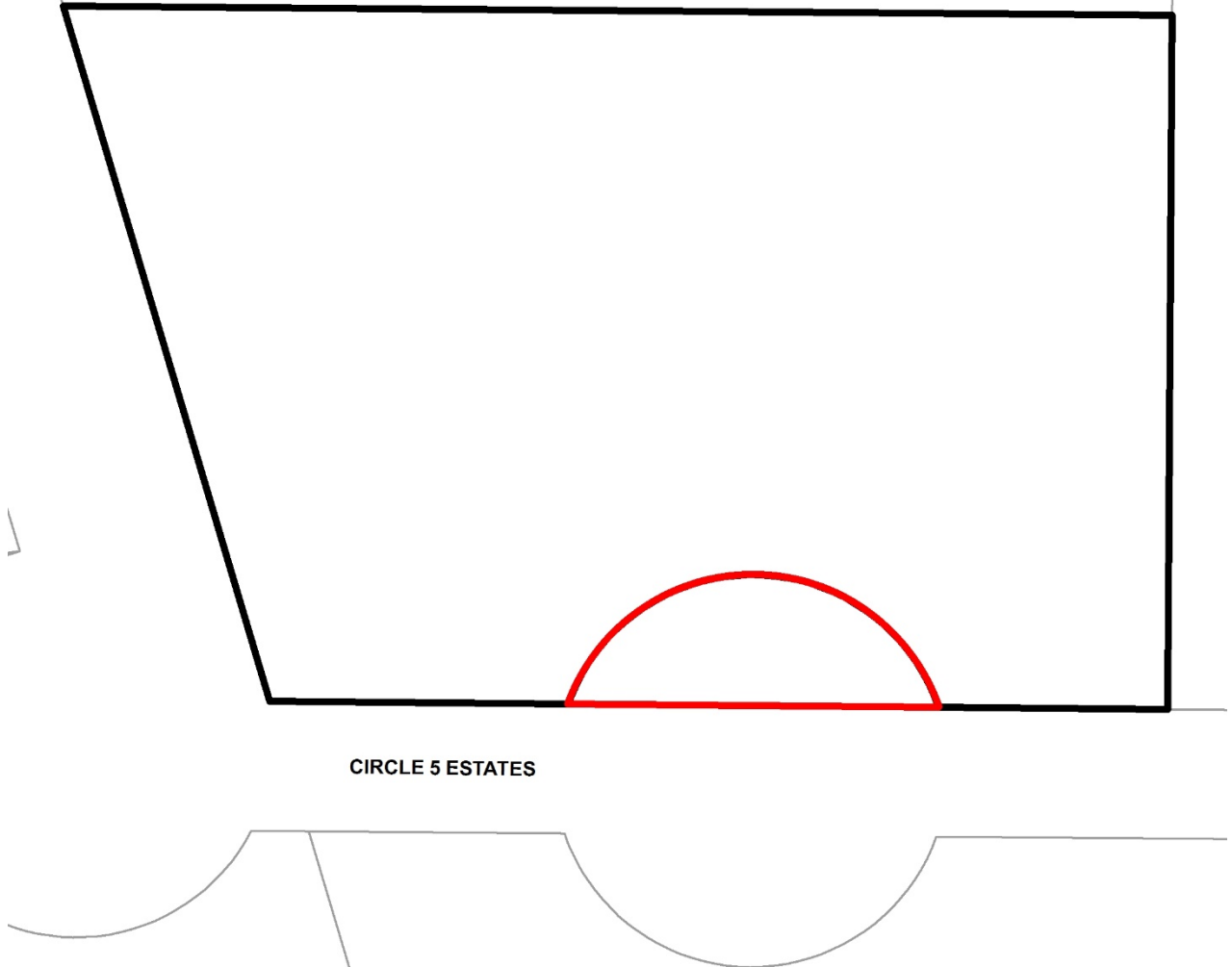
Division # 1

File: PL20180020

AGENDA

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ROAD CLOSURE PROPOSAL: To close for the purpose of consolidation, a +/- 0.207 acre portion of road allowance into Lot 20, Plan 9612453. Location of this portion of road allowance hinders the ability to develop the lands due to setbacks. There are no plans to develop this additional cul-de-sac, as one exists immediately adjacent to this proposed closure.



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

**Lot:20 Plan:9612453
SW-02-24-04-W05M**

Date: March 26, 2018

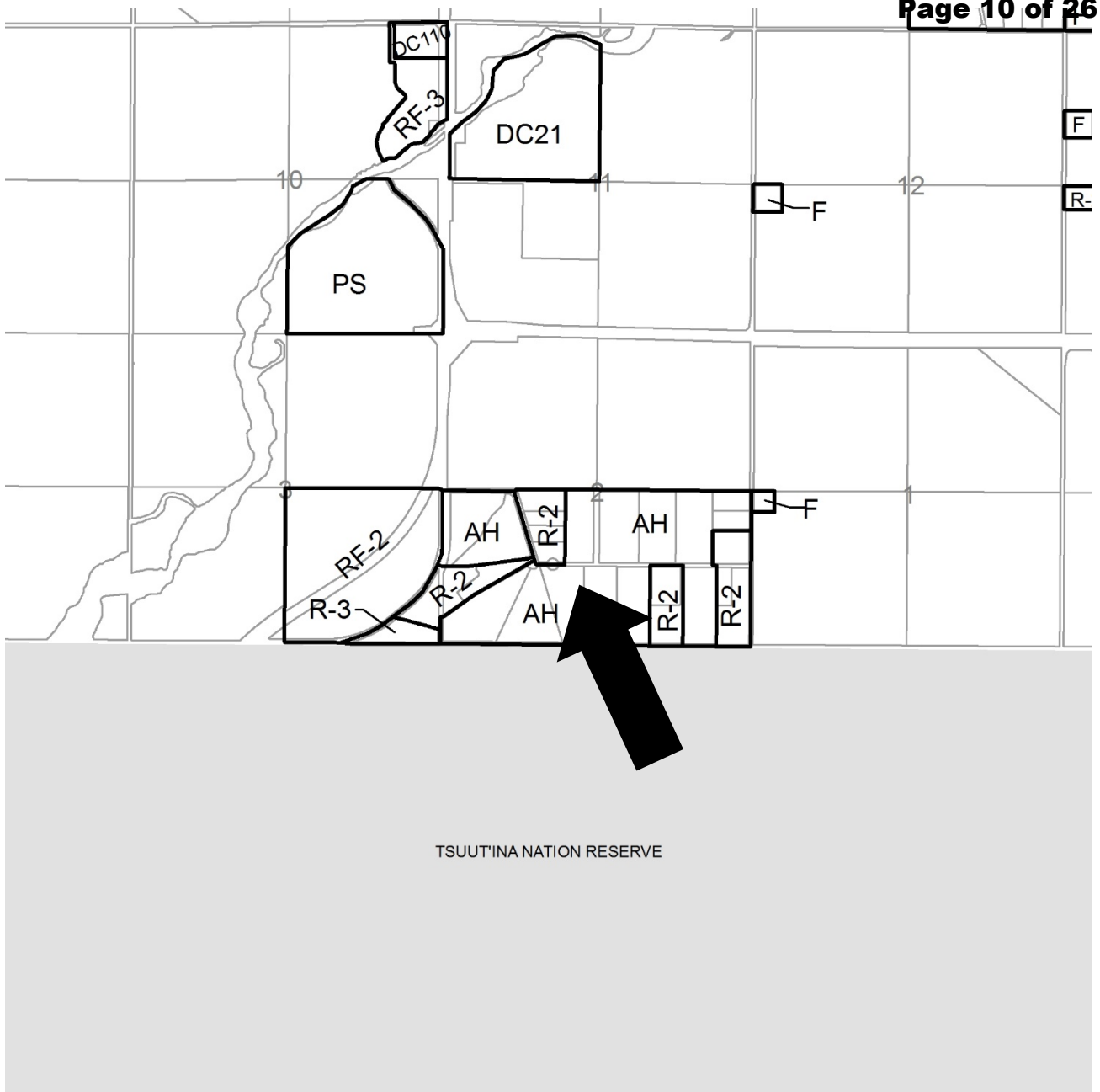
Division # 1

File: PL20180020

AGENDA

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Ranch and Farm	B-1 Highway Business
RF2 Ranch and Farm Two	B-2 General Business
RF3 Ranch and Farm Three	B-3 Limited Business
AH Agricultural Holding	B-4 Recreation Business
F Farmstead	B-5 Agricultural Business
R-1 Residential One	B-6 Local Business
R-2 Residential Two	NRI Natural Resource Industrial
R-3 Residential Three	HR-1 Hamlet Residential Single Family
DC Direct Control	HR-2 Hamlet Residential (2)
PS Public Service	HC Hamlet Commercial
	AP Airport

LAND USE MAP

Lot:20 Plan:9612453
SW-02-24-04-W05M



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

AIR PHOTO

Spring 2016

**Lot:20 Plan:9612453
SW-02-24-04-W05M**

Date: March 26, 2018

Division # 1

File: PL20180020

AGENDA

Page 21 of 299





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:20 Plan:9612453
SW-02-24-04-W05M

Date: March 26, 2018

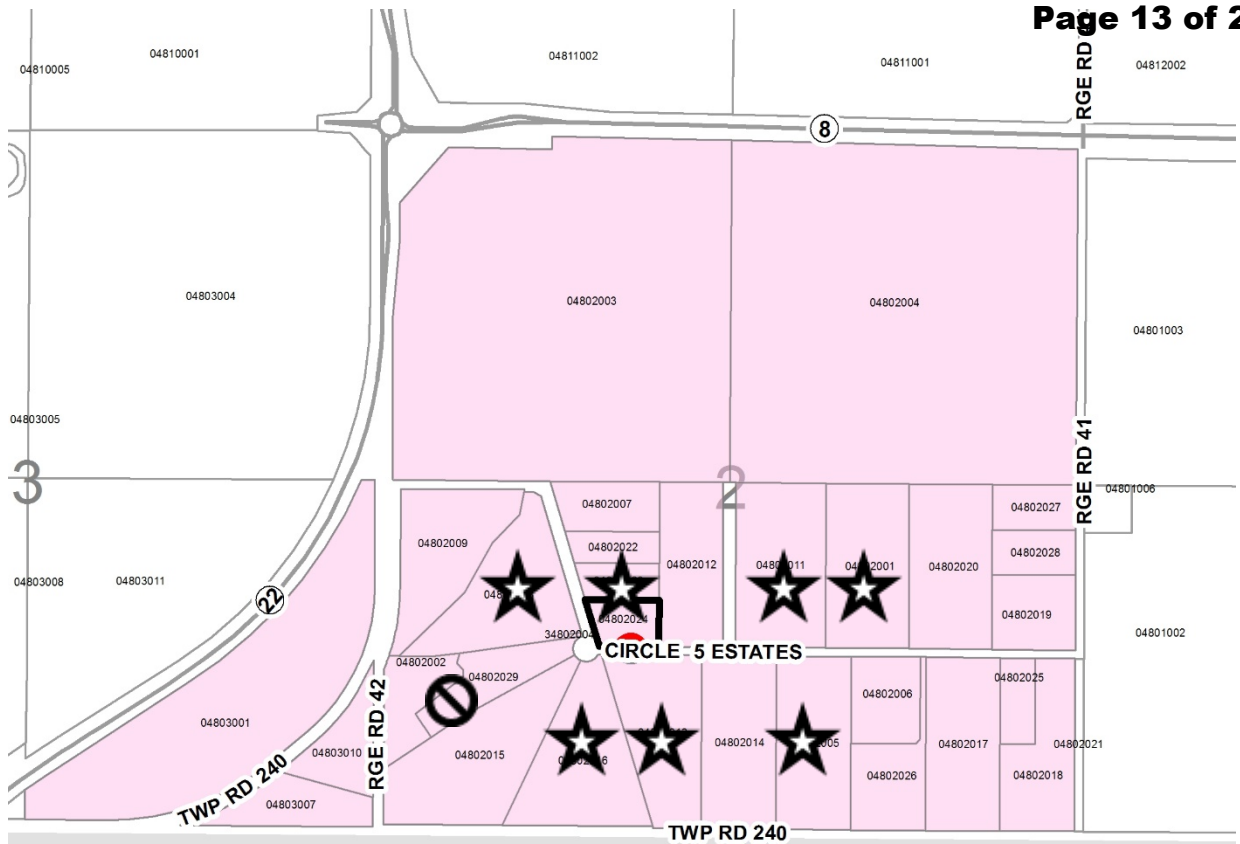
Division # 1

File: PL20180020

AGENDA

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Letters in Opposition



Letters in Support

Legend



Circulation Area

Subject Lands

LANDOWNER CIRCULATION AREA

Lot:20 Plan:9612453
SW-02-24-04-W05M



ROCKY VIEW COUNTY
Engineering Services

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: PL20180020

DESCRIPTION: To close for the purpose of Consolidation, a +/- 0.207 acre portion of Road Allowance into Lot 20, Plan 9612453. Location of this portion of road allowance hinders the ability to develop the lands due to setbacks. There are no plans to develop this additional cul-de-sac, as one exists immediately adjacent to this proposed closure

GENERAL LOCATION: SW-2-24-4-W5M
41190 Circle 5 Estates

APPLICANT: Chomohos, Christopher R and Michaleski, Jennifer L

OWNER: The Crown in right of Alberta

GROSS AREA: 0.21 acres, to be confirmed by plan of survey

Alan Wills
I, Alan Wills, the owner of 19 9612453 /
Lot Block Plan
and/or SW 22 24 19 W5M
Qtr Sec Twp Rge

Support

or

Oppose

this proposed road closure for consolidation purposes.

Comments:

Alan Wills

04/05/18

Signature

Date



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41190 Circle 5 Estates

APPLICANT: Chomohos, Christopher R and Michaleski, Jennifer L

OWNER: The Crown in right of Alberta

GROSS AREA: 0.21 acres, to be confirmed by plan of survey

I, W. BRIAN HOLTSBAUM, the owner of 16, A, 731338 /
JONINA D. HOLTSBAUM
IN and/or SW, 2, 24, 4, W 5 M
Qtr Sec Twp Rge

Support or Oppose

this proposed road closure for consolidation purposes.

Comments:

[Signature] 3 Apr 2018
[Signature] APRIL 3, 2018

Signature

Date



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41190 Circle 5 Estates

APPLICANT: Chomohos, Christopher R and Michaleski, Jennifer L

OWNER: The Crown in right of Alberta

GROSS AREA: 0.21 acres, to be confirmed by plan of survey

I, ROBERT B. PEARSON, the owner of 6, B, 731338 /

Lot Block Plan

and/or SE 1/4 2 24 4 W5M
Qtr Sec Twp Rge

Support

or

Oppose

this proposed road closure for consolidation purposes.

Comments:

April 3, 2018

Signature

Date



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Engineering Services

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41190 Circle 5 Estates

APPLICANT: Chomohos, Christopher R and Michaleski, Jennifer L

OWNER: The Crown in right of Alberta

GROSS AREA: 0.21 acres, to be confirmed by plan of survey

I, Brian McLachlan, the owner of 13 A, 7811008,

and/or	<u>SE</u>	<u>2</u>	<u>24</u>	<u>4</u>	<u>W</u>	<u>5</u> M
	Qtr	Sec	Twp	Rge		

Support

or

Oppose

this proposed road closure for consolidation purposes.

Comments:

HAVE NO ISSUES WHATSOEVER

SUBJECT TO ADHERENCE TO HEIGHT

RESTRICTION RULES FOR RESIDENTIAL CONSTRUCTION

Brian McLachlan
Signature

April 7/2018
Date

CONSTRUCTION



ROCKY VIEW COUNTY
Engineering Services

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GENERAL LOCATION: SW-2-24-4-W5M
41190 Circle 5 Estates

APPLICANT: Chomohos, Christopher R and Michaleski, Jennifer L

OWNER: The Crown in right of Alberta

GROSS AREA: 0.21 acres, to be confirmed by plan of survey

I, D. Robertson, the owner of 41183 Circle 5, Estates, RVC,
_____, _____, _____,
Lot Block Plan
and/or _____, _____, _____, _____, W__M
Qtr Sec Twp Rge

☒ Support

or

☐ Oppose

this proposed road closure for consolidation purposes.

Comments:

D. Robertson

April 13, 2018

Signature

Date



ROCKY VIEW COUNTY
Engineering Services

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GENERAL LOCATION: SW-2-24-4-W5M
41190 Circle 5 Estates

APPLICANT: Chomohos, Christopher R and Michaleski, Jennifer L

OWNER: The Crown in right of Alberta

GROSS AREA: 0.21 acres, to be confirmed by plan of survey

I, Jim Kirkpatrick, the owner of _____ /

	Lot	Block	Plan	
and/or <u>02</u>	<u>24</u>	<u>04</u>	<u>05</u>	W_M
Qtr	Sec	Twp	Rge	

Support

or

Oppose

this proposed road closure for consolidation purposes.

Comments:

Signature

Date

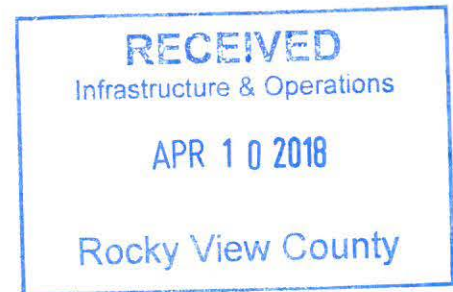
APR 17/18

FROM: Brian Orr
240062 Range Road 42
Calgary AB
T3Z 2X3

TO: Rocky View County
911 – 32 Avenue NE
Calgary AB
T2E 6X6

Attn.: Angela Pare
Engineering Services

RE: Application No. PL20180020 **Division 1**
41190 Circle Five Estates
Lot 20, Plan 9612453



April 7, 2018

A formal announcement for Road Closure and Consolidation – Circle 5 Estates on the above land was received April 6, 2018. Rocky View County Road Allowance Response Form enclosed.

Considering Lot 20 Plan 9612453 I bring for consideration the following:

1. **Water** – this parcel of land is on the same water vane used by two of the parcels on the same subdivision and by the Barton family across Circle Five Estates road. This would increase the users from three to four.
2. Is this parcel of land going to be re-zoned for purposes other than a residential?
3. **Pipelines** – there are two pipelines running through this parcel of land. Atco Gas Pipelines and TransCanada Pipelines. Both have Right of Ways rendering a large portion of this parcel as non-developable.
 - a. This is no mention of how this parcel of land will be accessed via a road/driveway. This is important as written approval from both pipeline companies may be required should any road/driveway cross their pipeline right of way.
 - b. These Companies may require further stipulations to allow for access.
 - c. The TransCanada pipeline is two very large pipelines running parallel with the Atco Pipeline running perpendicular to these two lines.
 - d. If this parcel is going to be re-zoned for non-residential then the pipeline companies need to be given notification.
4. The proposal mentions that there are no plans to develop this additional cul-de-sac, it is to be noted, this 0.21 acres may be in a Right of Way(s)?
5. **Setbacks** - Rocky View County has property line setbacks. These setbacks in combination with existent Utility Right of Ways take up a large portion of land on this Lot.
6. **Direct Impact** – ALL neighbours to the east of this property are to be respected, in specific 04802012 the Fidler family and 04802011 the McLachlan family, should be given consideration of having their view obstructed by any private residence and/or outbuilding structure.

- a. Considering the remaining developable surface area on this Lot not impeded by Pipeline Right of Ways or Rocky View County Setbacks plus allowance for a road/driveway this may not be possible.
- b. If this parcel is going to be used for any other purpose other than residential then I am and will remain vehemently opposed now and in the future.

The direct impact on the neighbours to the east of this Lot is critical. The land, now known as Circle 5 Estates, was originally owned by Alex Bailey and he built the home which I own. Mr. Bailey lived in Bragg Creek and brought the name Circle 5 Estates from his property in Bragg Creek. He became the first chairman of the ERCB when it was established after the Atlantic 1948 No. 3 blowout. (Commonly known as the Leduc Blowout) Mr. Bailey sold to Doctor Gimbel in 1970 and Doctor Gimbel under Rowan Management sub-divided Circle Five Estates into 16 large acreages. The Fidler family under Mrs. Fidler, maiden name of Head, were pioneers in this area as they were early settlers of Circle Five Estates. Mr. Fidler worked as a fire fighter in the City of Calgary. McLachlan family moved in later but have lived in this development for many decades. If these people are given the correct and accurate information which is missing in this road closure notification they may have some concerns, especially the fact that this Lot should never have been granted approval due to the above request.

An attempt to represent this potential land swap as a road closure without providing the required specifics is very disingenuous. ALL pipeline companies need to be given ALL and accurate information pertaining to this proposed land swap and the intended use. Pipeline companies need to be given a plan of how this Lot will be developed and accessed by road/driveway especially if Right of Ways will be crossed - Critical. Rocky View County commands respect for their Rules/Regulations, therefore, they need to ensure others are given the same respect.

Proof of sustainable potable water meaning a test to prove the existent water vane can support an additional party on the same water vane depending on the intended use for this parcel of land.

The limitation of available land to build on considering Right of Ways which are non-negotiable, and R.V.C. setbacks, may impede other property owners.

I will never accept now or in the future any re-zoning of this parcel for purposes other than residential if this matter goes forward.

I am and will remain opposed to this application and question the notice "Location of this portion of road allowance hinders the ability to develop the lands due to setbacks." If relevant this should have been done at the time Lot 15 was subdivided to make it legal. At NO time should approval for this subdivision, specifically Lot 20 Plan 9612453, been allowed without having ALL lots within the allowed 4 acre size. Further, "There are no plans to develop this additional cul-de-sac, as one exists immediately adjacent to this proposed closure." Thereby, giving an excuse for one land owner to negate the ability of another land owner whom owns the land where the adjacent cul-de-sac exists should they seek removal in the future. Your statement determines relevance for the adjacent cul-de-sac which is wrong as ALL parties should be treated similarly. I believe the cul-de-sac in question is within a legal Right of Way(s)?

It is noteworthy to mention that when one owner obtains private consent from neighbours this changes when ownership transfers to parties whom have no ownership in the community. I remain vehemently opposed to any development on Lot 20 which will directly impact others in the community.



ROCKY VIEW COUNTY
Engineering Services

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GENERAL LOCATION: SW-2-24-4-W5M
41190 Circle 5 Estates

APPLICANT: Chomohos, Christopher R and Michaleski, Jennifer L

OWNER: The Crown in right of Alberta

GROSS AREA: 0.21 acres, to be confirmed by plan of survey

I, BRIAN ORR, the owner of see below,
and/or SW 1/4, 2, 24, 4, W 5 M
Qtr Sec Twp Rge

Support

or

☒ Oppose

this proposed road closure for consolidation purposes.

Comments:

See attachment.
PLAN 0812182, Block 1, Lot 1 and
PLAN 0812182, Block 1, Lot 2.

Signature

Date

-----Original Message-----

From: Mark Barton [<mailto:MBarton@century-west.com>]

Sent: Friday, July 06, 2018 8:10 AM

To: PAA_ LegislativeServices

Subject: Fwd: Bylaw C-7795-2018

>

> Mark Barton and Evelyn Barton of SW1/4-Sec2-Twp24-R4W5 , 41151 Circle 5 Estates Calgary AB T3Z 2T4 support the application PL20180020 by Christopher R Chornohos and Jennifer L Michaleski. There will be no impact to the subdivision at all. Thankyou.

>

> Sent from my iPad

BRIAN ORR

BOX 928

BRAGG CREEK AB

TOL OKO

July 10, 2018

Rocky View County
911 – 32 Avenue NE
Calgary AB
T2E 6X6

Attn.: A. Pare – Engineering Services
Deputy Municipal Clerk – Charlotte Satink
ALL Division Council Representatives

Letter Hand delivered on morning of July 11, 2018 to Rocky View County Head Office

“Bylaw C-7795-2018” A Bylaw of Rocky View County for a Road Closure and Consolidation

Application No.: PL20180020

Plan: 731388; Lot: 20; Division 1

SW ¼ Sect. 2-24-4 W5M

**FROM: Lot #1 Circle Five Estates
SW ¼ Sect. 2-24-4 W5M
240062 Range Road 42**

To Whom It Should Concern:

Notice published: June 22, 2018

Notice Received: June 29, 2018

Notice of Public Hearing: June 24, 2018 at or after 10:00AM

Submissions due by: July 11, 2018 by 4:30 pm at Rocky View County Office FIRM

Public hearing already occurred on June 24, 2018 and the Notice regarding Bylaw C-7795-2018 was received June 29, 2018. Why are you requesting public input, at this time, on a matter that has already been before Council June 24, 2018.

Further, this matter should never have been before Council as it was not done properly at the time of subdivision. This Lot did not comply with the FOUR acre minimum requirement at the time. The request for road closure or any other non-compliant issues should have been completed prior to giving authority for subdivision. I firmly resent the fact that Rocky View Administration is now attempting to put pressure on the public to comply with their own error.

It would appear that the approach/driveway is within the Right-of-Way (ROW) for two Companies. Should it ever become necessary that this approach/driveway in the ROW has to be removed or altered this cost should not become the responsibility of Rocky View County or the **Tax Payer**! Has this crossing received **written** authorization/approval from each Company to build on their ROW?

The culvert will never allow water to drain as it is much higher than the existent topography.

The approach/driveway, if accepted, has to comply with the fact that Circle Five Estates road is now paved and this new approach/driveway has to match the newly surfaced road which is pavement.


I trust that the Bylaw regarding **Noise** will be complied/respected throughout this potential process? At present the ongoing work has made a real mess on the newly paved road in Circle Five Estates. Any damage to the newly paved Circle Five Estates road should be the responsibility of the builder, sub-trades and/or property owner.

At **ALL** times **ALL** construction equipment and other related materials are to be within the construction area **ONLY** and not blocking or causing any form of interference/blockage with any other party or property in Circle Five Estates and this is **FIRM!** This has already been an issue as these people it would seem do not respect others or their properties and this is not acceptable.

I have nothing to add as this matter according to this Notice has already been before Council June 24, 2018.

NOTE: Plan on this Notice under Purpose is 731388 but on the reverse side of this document it is shown as Plan: 9612453 which is the appropriate designation?
Application No.: is shown as PL20180020 and on the reverse side of the this document it is shown as File: PL20180020 which is the appropriate designation?

Thank you.



From: [Sandra McLachlan](#)
To: [PAA_LegislativeServices](#)
Subject: BylawC-7795-2018
Date: Wednesday, July 11, 2018 4:46:29 PM

Attention: Deputy Municipal Clerk

We support the application PL20180020 to close for consolidation a portion of the road allowance into Lot 20, Plan 9612453.

We do not wish to see any road closures on the Circle 5 Estates Road and there is already a Cup-de-sac immediately west of the proposed closure.

Sincerely,

Sandra McLachlan

Brian McLachlan

41098 Circle 5 Estates,
Calgary, AB T3Z 2T5

Lot 13, SE2-24-4W5

PLANNING SERVICES

TO:	Council	
DATE:	July 24, 2018	DIVISION: 4
TIME:	Morning Appointment	
FILE:	03321004	APPLICATION: PL20180009
SUBJECT:	Redesignation Item – Amendment to Direct Control Bylaw C-6247-2006 (DC112)	

¹ADMINISTRATION RECOMMENDATION:

- Motion #1 THAT Bylaw C-7788-2018 be given first reading.
- Motion #2 THAT Bylaw C-7788-2018 be given second reading.
- Motion #3 THAT Bylaw C-7788-2018 be considered for third reading.
- Motion #4 THAT Bylaw C-7788-2018 be given third and final reading.

EXECUTIVE SUMMARY:

The purpose of this application is to amend Direct Control District 112 to allow for the following uses: outdoor storage, truck trailer; and outside storage.

The subject lands are located within an agricultural area of the County, east of the city of Calgary, approximately 0.25 kilometers (1/6 mile) south of Secondary Highway 560, on the west side of Range Road 283. The lands are designated Direct Control District 112 and are intended to be used for business purposes. The Applicant is proposing to add two additional uses to all development cells within Direct Control District 112: outside storage; and outdoor storage, truck trailer.

Administration evaluated the application against relevant statutory plans and determined that:

- The application is consistent with the original redesignation proposal;
- The application proposes additional industrial uses that are comparable and consistent with the uses available in Direct Control District 112;
- The proposed development is consistent with the purpose and intent of Direct Control District 112;
- All technical concerns can be addressed through the conditions of approval for the future development permit.

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

DATE APPLICATION RECEIVED:	January 19, 2018
DATE APPLICATION DEEMED COMPLETE:	January 19, 2018

PROPOSAL:	An amendment to Direct Control District 112 to allow for the following uses: outdoor storage, truck trailer; and outside storage.
LEGAL DESCRIPTION:	Lot 5, Block 2, Plan 1511781; NE-21-23-28-W04M

¹Administrative Resources
Paul Simon, Planning Services
Gurbir Nijjar, Engineering Services

GENERAL LOCATION:	Located approximately 0.25 kilometers (1/6 mile) south of Secondary Highway 560, on the west side of Range Road 283.
APPLICANT:	Terradigm Developments Consultants Inc.
OWNERS:	Sond Holdings Ltd.
EXISTING LAND USE DESIGNATION:	Direct Control District 112
PROPOSED LAND USE DESIGNATION:	Direct Control District 112 (amended)
GROSS AREA:	± 8.10 hectares (± 20.01 acres)
SOILS (C.L.I. from A.R.C.):	Class 2T – Slight limitations due to adverse topography.

PUBLIC & AGENCY SUBMISSIONS:

The application was circulated to 51 adjacent landowners. One letter in support and no letters in opposition were received (see Appendix 'E'). The application was also circulated to a number of internal and external agencies. Those responses are available in Appendix 'A'.

HISTORY:

June 26, 2015	Plan 1511781 was registered at land titles.
June 7, 2011	Redesignation application 2010-RV-204 was approved, redesignating the subject lands from Ranch and Farm District to Direct Control district.

BACKGROUND:

The subject lands are located within an agricultural area of the County, east of the city of Calgary, immediately south of the Janet Area Structure Plan lands. The lands are designated Direct Control District 112, and are intended to allow for the development of a limited range of business storage uses and limited service general industry uses. The lands are broken into three development cells, with the most invasive industrial uses available in Development Cell B in the southeast portion of the subject lands.

The subject lands are currently developed with two accessory buildings. The intent of the direct control district is to allow development on a limited service scenario, and the additional uses proposed with this application would proceed on that basis.

POLICY ANALYSIS:

The application was evaluated in accordance with the policies contained within the County Plan, the Rocky View County/City of Calgary Intermunicipal Development Plan, and Direct Control District 112.

County Plan (Bylaw C-7280-2013)

The prior redesignation application was recommended for approval under the County's previous Municipal Development Plan. The current County Plan includes provisions in Section 14 for business development outside of an approved business area. However, these policies are intended to provide broader guidance on new redesignation proposals. Given that the lands are already operating under the regulations of a direct control bylaw, which allows for commercial development, the most appropriate policy to evaluate this application is the direct control bylaw itself.

Rocky View County / City of Calgary Intermunicipal Development Plan

The Rocky View County / City of Calgary Intermunicipal Development Plan (IDP) is intended to provide guidance on how areas of mutual interest surrounding the city are to develop. The goals and policies of the plan are quite broad; they are not generally applicable to applications where land use has already been granted. The subject lands fall within the Highway 560 (Glenmore Trail) Joint Industrial Corridor as well as the identified city of Calgary Industrial Growth area. The City was circulated on the application and did not express any concerns with the development proposal. Given that the proposal is to add additional uses and does not contemplate further subdivision, there will not be any impact to the future development of this growth area.

Direct Control Bylaw (Bylaw C-6247-2006)

The subject lands are designated Direct Control Bylaw 112 (Bylaw C-6247-2006). The purpose of this district is to allow for the development of a limited range of business storage uses and limited service general industry uses that are compatible with each other and do not adversely affect surrounding land uses. The district is broken into three development cells, all of which allow some type of storage use (recreational vehicle storage, general industry etc.). The addition of two alternative business storage uses is compatible with the existing permitted uses and would not have more significant impacts than what is currently allowed for under the bylaw.

Administration recommends the inclusion of additional regulations to govern components such as setbacks and screening for the new outside storage uses (Appendix B – Bylaw and Schedule A). The Applicant confirmed that they are okay with the additional development regulations that would be applicable at the subsequent development permit stage.

CONCLUSION:

The proposal to amend Direct Control District 112 to allow for the uses of *outdoor storage*, *truck trailer*, and *outside storage* was evaluated in accordance with the County Plan, the Rocky View County / City of Calgary IDP, and Direct Control Bylaw 112. The proposal complies with the relevant policies, and all technical concerns can be addressed at the development permit stage. Therefore, Administration is recommending approval in accordance with **Option #1**.

OPTIONS:

- Option #1: Motion #1 THAT Bylaw C-7788-2018 be given first reading.
 Motion #2 THAT Bylaw C-7788-2018 be given second reading.
 Motion #3 THAT Bylaw C-7788-2018 be considered for third reading.
 Motion #4 THAT Bylaw C-7788-2018 be given third and final reading.
- Option #2: THAT application PL20180009 be refused.

Respectfully submitted,

Concurrence,

“Chris O’Hara”

“Rick McDonald”

General Manager

Interim County Manager

PS/rp

APPENDICES:

APPENDIX 'A': Application Referrals

APPENDIX 'B': Bylaw C-7788-2018 and Schedule A

APPENDIX 'C': Redline Version – DC 112

APPENDIX 'D': Map Set

APPENDIX 'E': Landowner comments

APPENDIX A: APPLICATION REFERRALS

AGENCY	COMMENTS
<i>School Authority</i>	
Rocky View Schools	No objection to this circulation.
Calgary Catholic School District	No objection to the above noted circulation, located just east of Calgary.
<i>Province of Alberta</i>	
Alberta Culture and Tourism	No comments received.
Alberta Energy Regulator	No comments received.
Alberta Transportation	<p>Alberta Transportation has no particular concerns with the redesignation. However, the municipality and landowner should be aware the department has completed a Functional Planning Study for Highway 560. The Functional Planning Study identifies the public road intersection at Range Road 283 to remain as major intersection. Therefore, access to this site will become circuitous and less convenient in the future.</p> <p>The department's long-term plans for Highway 560 include (multi-laning / intersection re-alignment / right of way acquisition / etc.); therefore, additional land will be required from the subject properties in the future for this purpose. Any new development proposed near Highway 560 will require the benefit of a Roadside Development Permit from Alberta Transportation.</p>
Alberta Health Services	No comments received.
<i>Public Utility</i>	
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.
TransAlta Utilities Ltd.	No comments received.

AGENCY	COMMENTS
<i>Other External Agencies</i>	
City of Calgary	No comments regarding application PL20180009.
EnCana Corporation	No comments received.
<i>Rocky View County Boards and Committees</i>	
ASB Farm Members and Agricultural Fieldmen	No comments received.
Recreation District Board (all)	The Bow North Recreation District Board has no comments on this circulation.
<i>Internal Departments</i>	
Agricultural Services	No comments received.
Municipal Lands	The Municipal Lands Office has no concerns at this time; however, comments pertaining to reserve dedication will be provided at any future subdivision stage.
Development Authority	No comments received.
GeoGraphics	No comments received.
Building Services	No comments received.
Fire Services	<ol style="list-style-type: none"> 1. Please ensure that water supplies and hydrants for the development are sufficient for firefighting purposes. 2. Dependent on 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.
Enforcement Services	<p>Application is a result of current enforcement:</p> <ul style="list-style-type: none"> • 201604-0333 Operating Outside DC Bylaw
Infrastructure and Operations - Engineering Services	<p><u>General</u></p> <ul style="list-style-type: none"> • 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; • As a condition of future subdivision or DP, the applicant will be required to provide payment of cost recoveries for the improvement to the intersection of RR 283 and

AGENCY	COMMENTS
	<p>Highway 560 implemented by others. The estimated cost recovery payment owed at time of DP or subdivision endorsement is \$7,555.</p> <p><u>Geotechnical</u> - Section 300.0 requirements:</p> <ul style="list-style-type: none"> ES has no requirements at this time. <p><u>Transportation</u> - Section 400.0 requirements:</p> <ul style="list-style-type: none"> The existing municipal roads adjacent to the subject lands (Norman Place and RR 283) are paved roads constructed to an industrial/commercial standard for which the proposed uses can be accommodated. ES has no further concerns. <p><u>Sanitary/Waste Water - Section 500.0 requirements:</u></p> <ul style="list-style-type: none"> ES has no requirements at this time. <p><u>Water Supply and Waterworks</u> - Section 600.0 & 800.0 requirements:</p> <ul style="list-style-type: none"> ES has no requirements at this time <p><u>Storm Water Management</u> – Section 700.0 requirements:</p> <ul style="list-style-type: none"> ES have no requirements at this time. <p><u>Environmental</u> – Section 900.0 requirements:</p> <ul style="list-style-type: none"> ES have no requirements at this time.
Infrastructure and Operations – Maintenance	No issues.
Infrastructure and Operations – Capital Delivery	No concerns.
Infrastructure and Operations – Road Operations	No concerns.
Infrastructure and Operations – Utility Services	No concerns.

Circulation Period: February 2, 2018 – February 26, 2018



BYLAW C-7788-2018

A Bylaw of Rocky View County to amend Direct Control Bylaw C-6247-2006

The Council of Rocky View County enacts as follows:

PART 1 – TITLE

This Bylaw shall be known as Bylaw C-7788-2018.

PART 2 – DEFINITIONS

In this Bylaw, the definitions and terms shall have the meanings given to them in Land Use Bylaw C-4841-97, Bylaw C-6247-2006, and the Municipal Government Act.

PART 3 – EFFECT OF BYLAW

THAT Bylaw C-6247-2006 be amended by allowing for the uses *outdoor storage*, *truck trailer*, and *outside storage*, as shown on the attached Schedule 'A' forming part of this Bylaw.

THAT Bylaw C-6247-2006 is hereby amended to allow for the uses *outdoor storage*, *truck trailer*, and *outside storage*, as shown on the attached Schedule 'A' forming part of this Bylaw.

PART 4 – TRANSITIONAL

Bylaw C-7788-2018 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: 4
File: 03321004/ PL20180009

<i>PUBLIC HEARING WAS HELD IN COUNCIL this</i>	<i>day of</i>	<i>, 2018</i>
READ A FIRST TIME IN COUNCIL this	day of	, 2018
READ A SECOND TIME IN COUNCIL this	day of	, 2018
<i>UNANIMOUS PERMISSION FOR THIRD READING</i>	<i>day of</i>	<i>, 2018</i>
READ A THIRD TIME IN COUNCIL this	day of	, 2018

Reeve

CAO or Designate

Date Bylaw Signed

SCHEDULE 'A'**FORMING PART OF BYLAW C-7788-2018**

Schedule of textual amendments to Direct Control Bylaw C-6247-2006:

Amendment #1:

Add the following uses to Section 2.2.0:

2.2.0 Uses within Development Cell A

2.2.7 Outdoor storage, truck trailer

2.2.8 Outside storage

Uses within Development Cell B

2.2.14 Outdoor storage, truck trailer

2.2.15 Outside storage

Uses within Development Cell C

2.2.19 Outdoor storage, truck trailer

2.2.20 Outside storage

Amendment #2:

Amend Section 2.4.4 to read:

2.4.4 Yard, Front for Recreational Vehicle Storage, Outside Storage, and Outdoor Storage, Truck Trailer, Storage Areas:

a) 8.0 m (26.25 ft) from any road

Amendment #3:

Amend Section 2.4.5 to read:

2.4.5 Yard, Side for Recreational Vehicle Storage, Outside Storage and Outdoor Storage, Truck Trailer, Storage Areas:

a) 6.0 m (19.69 ft)

Amendment #4:

Amend Section 2.4.6 to read:

2.4.6 Yard, Rear for Recreational Vehicle Storage, Outside Storage and Outdoor Storage, Truck Trailer, Storage Areas:

a) 6.0 m (19.69 ft)

Amendment #5:

Add Section 3.3.0 to read:

3.3.0 Outside Storage and Outdoor Storage, Truck Trailer Layout

- 3.3.1 A Parking Plan and Outside Storage or Outdoor Storage, Truck Trailer Layout shall be submitted at the Development Permit Stage, which shall include screening measures to mitigate any visual impacts from adjacent roadways, to the satisfaction of the Development Authority.

Amendment #6:

Amend Section 3.6.1 to read:

- 3.6.1 Recreational vehicle storage areas, outside storage areas, and outside storage, truck trailer areas shall at all times be visually screened from Range Road 283, Highway 560 and the adjacent lands to the satisfaction of the Development Authority.

Amendment #7:

Amend Section 3.6.6 to read:

- 3.6.6 The entire area of the Recreational Vehicle Storage Area, the Outside Storage area, and the Outdoor Storage, Truck Trailer area shall be fenced using solid screening elements to create a visual barrier from adjacent properties.

Amendment #8:

Minor administrative amendments for formatting and numbering.

ROCKY VIEW COUNTY
DIRECT CONTROL BYLAW C-6247-2006**DC-112**

Page 1

OFFICE CONSOLIDATION

This document has been consolidated for convenience only. A copy of the original Bylaw and all amending Bylaws can be obtained from Rocky View County. This office consolidation comprises the following Bylaws:

Bylaw	Amendment Type	Date of Approval
C-6247-2006	Original Bylaw	July 4, 2006
C-7043-2011	Amendments to Schedule 'A' and Schedule 'B'	June 7, 2011
C-7788-2018	Amendments to include the uses Outside Storage and Outside Storage, Truck Trailer in Development Cells A, B, and C and associated development regulations.	PROPOSED

ROCKY VIEW COUNTY
DIRECT CONTROL BYLAW C-6247-2006**DC-112**

Page 2

DIRECT CONTROL BYLAW REGULATIONS

That the special regulations of the Direct Control District comprise of:

- 1.0.0 General Regulations
- 2.0.0 Land Use Regulations
- 3.0.0 Development Regulations
- 4.0.0 Definitions

1.0.0 GENERAL REGULATIONS

- 1.1.0 For the purposes of this Bylaw, the boundaries and description of the Lands shall be more or less as indicated in Schedule 'A' and shall notionally identify Development Cells as indicated in Schedule 'B' attached hereto and forming part hereof, except as otherwise approved by Council.
- 1.2.0 The final location and shape of the Development Cells will be determined at the Development Permit stage, to the satisfaction of the Municipality.
- 1.3.0 Cell 'A' will be developed as the first phase, followed by the development of Cell 'B', as the second phase and Cell 'C' as a third phase.
- 1.4.0 That the Development Authority shall be responsible for the issuance of Development Permit(s) for the Lands subject to this Bylaw.
- 1.5.0 Parts One, Two and Three of Land Use Bylaw C-4841-97 are applicable unless otherwise stated in this Bylaw.
- 1.6.0 The Development Authority shall consider and decide on applications for Development Permits for those uses which are listed by this Bylaw provided the provisions of Section 2 and 3 herein are completed in form and substance, satisfactory to the Municipality, except where specifically noted that Council approval is required.
- 1.7.0 All development upon the Lands shall be in accordance with all plans and specifications submitted pursuant to this Bylaw and all licenses, permits and approvals pertaining to the Lands

2.0.0 LAND USE REGULATIONS**2.1.0 Purpose and Intent**

The purpose and intent of this District is to allow for the development of a limited range of business storage uses and limited service general industry uses which are compatible with each other and do not adversely affect surrounding land uses.

ROCKY VIEW COUNTY
DIRECT CONTROL BYLAW C-6247-2006

DC-112

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2.2.0 Uses with Development Cell A

- 2.2.1 Agriculture, General
- 2.2.2 Recreation Vehicle Storage
- 2.2.3 Mini-Storage Warehouse
- 2.2.4 Signs
- 2.2.5 Office, accessory to the principle use
- 2.2.6 Dwelling Unit, accessory to the principle use
- 2.2.7 Outdoor storage, truck trailer
- 2.2.8 Outside storage

Uses within Development Cell B

- 2.2.9 Agriculture, General
- 2.2.10 Recreation Vehicle Storage
- 2.2.11 General Industry Type I
- 2.2.12 General Industry Type II
- 2.2.13 Signs
- 2.2.14 Outdoor storage, truck trailer
- 2.2.15 Outside storage

Uses within Development Cell C

- 2.2.16 Agriculture, General
- 2.2.17 Recreation Vehicle Storage
- 2.2.18 Mini-Storage Warehouse
- 2.2.19 Outdoor storage, truck trailer
- 2.2.20 Outside storage

2.3.0 Maximum and Minimum Requirements

- 2.3.1 Parcel size:
 - a) The minimum parcel size shall be 8.09 ha (20.0 acres)
- 2.3.2 Maximum Area of Recreational Vehicle Storage shall not exceed (All Development Cells): 6.48 ha (16.0 acres)
- 2.3.3 Maximum number of General Industry Uses: 1
- 2.3.4 Maximum number of Dwelling Units: 1
- 2.3.5 Maximum number of Mini-Storage Warehouse Buildings:
 - a) Development Cell A: 5
 - b) Development Cell B: 0 (none permitted)
 - c) Development Cell C: 6

ROCKY VIEW COUNTY
DIRECT CONTROL BYLAW C-6247-2006

DC-112

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2.4.0 Setbacks

2.4.1 Yard, Front for Buildings:

- a) 30.0 m (98.43 ft.) from any road municipal
- b) 10.0 m (32.81 ft.) from any road, service adjacent to a road municipal

2.4.2 Yard, Side for Buildings:

- a) 30.0 m (98.43 ft.) from any road municipal
- b) 6.0 m (19.7 ft.) all other

2.4.3 Yard, Rear for Buildings:

- a) 30.0 m (98.4 ft.) from any road municipal
- b) 6.0 m (19.7 ft.) all other

2.4.4 Yard, Front for Recreational Vehicle Storage ~~Area~~, Outside Storage, and Outdoor Storage, Truck Trailer, Storage Areas:

- a) 8.0 m (26.25 ft) from any road

2.4.5 Yard, Side for Recreational Vehicle Storage ~~Area~~, Outside Storage, and Outdoor Storage, Truck Trailer, Storage Areas:

- a) 6.0 m (19.69 ft)

2.4.6 Yard, Rear for Recreational Vehicle Storage ~~Area~~, Outside Storage, and Outdoor Storage, Truck Trailer, Storage Areas:

- a) 6.0 m (19.69 ft)

2.5.0 Building Requirements

2.5.1 Maximum Building Height: 10.0 m (32.81 ft.)

2.5.2 Maximum Number of General Industry Building(s): 1

3.0.0 DEVELOPMENT REGULATIONS3.1.0 General

3.1.1 No Development Permit shall be issued by the Development Authority and no development shall occur on the lands until:

- a) The Owner has submitted an Overall Site Development Plan, to the satisfaction of the Development Authority.
- b) The Owner has submitted a Stormwater Management Plan and a Site Grading Plan prepared by a qualified professional at the Owner/Developer's sole expense, to the satisfaction of the Municipality.

3.2.0 Recreational Vehicle Storage Layout

3.2.1 A Parking Plan and Recreational Vehicle Storage Layout shall be submitted at the Development Permit Stage to the satisfaction of the Development Authority.

ROCKY VIEW COUNTY
DIRECT CONTROL BYLAW C-6247-2006

DC-112

Page 5

3.2.2 Parking Stall Size and identification shall be in accordance with a Parking Plan and Recreational Vehicle Storage Layout to the satisfaction of the Development Authority.

3.3.0 Outside Storage and Outdoor Storage, Truck Trailer Layout

3.3.1 A Parking Plan and Outside Storage or Outdoor Storage, Truck Trailer Layout shall be submitted at the Development Permit Stage, which shall include screening measures to mitigate any visual impacts from adjacent roadways, to the satisfaction of the Development Authority.

3.4.0 Utilities

3.4.1 Disposal of wastewater from the development on site shall be subject to all Municipal and Provincial approvals. An on site dump station connected to a holding tank is required for Recreational Vehicle Storage and this tank will require offsite disposal at an approved disposal facility.

3.4.2 Potable water for all development on the site shall be provided through the use of water wells, licensed and approved for commercial use by Alberta Environment to the satisfaction of the Municipality or hauled to the site and stored in cisterns, as approved by the Municipality and to the satisfaction of the Municipality.

3.4.3 Solid waste removal is the responsibility of the Owner and shall be disposed of on a regular basis at an approved disposal site.

3.5.0 Access

3.5.1 The Owner shall submit a Traffic Impact Assessment prepared by a qualified professional at the Owner's expense to the satisfaction of the Municipality and Alberta Infrastructure and Transportation. The Study shall identify any necessary improvements to TWP RD. 283 and such improvements shall be completed as a condition of a Development Permit.

3.6.0 Building Standards

3.6.1 The design, character and appearance of any buildings proposed to be erected or located on the property must be acceptable to the Development Authority, having due regard to its affect on neighboring developments and general amenities of the area.

3.7.0 Landscaping and Controlled Appearance

3.7.1 Recreational vehicle storage areas, outside storage areas, and outdoor storage, truck trailer storage areas shall at all times be visually screened from Range Road 283, Highway 560 and the adjacent lands to the satisfaction of the Development Authority.

3.7.2 Landscaping shall be provided in accordance with a Landscape Plan to be submitted to the Municipality upon application for a Development Permit. A minimum of 10% of the site shall be landscaped in accordance with Section 26 of the Land Use By-Law pursuant to a Landscape Plan, prepared by a qualified professional. Within this landscaped area, there shall be a minimum of one (1) tree for every 50 square m (538.2 square feet); a combination of deciduous trees with a minimum caliper of 2.5 inches; and, coniferous trees with a minimum height of 5 feet.

ROCKY VIEW COUNTY
DIRECT CONTROL BYLAW C-6247-2006

DC-112

- 3.7.3 The Landscape Plan contemplated herein shall identify the location and extent of the landscaping areas, the plant material proposed and the methods of irrigation and maintenance of landscaped areas.
- 3.7.4 All areas of the site not disturbed as part of the Development Permit shall be maintained in a natural state or under cultivation.
- 3.7.5 Lighting shall be oriented and shielded to prevent adverse affects on adjacent properties.
- 3.7.6 The entire area of the Recreational Vehicle Storage area, the Outside Storage Area, and the Outdoor Storage, Truck trailer area shall be fenced using solid screening elements to create a visual barrier from adjacent properties.
- 3.7.7 Maximum height of Fence – 2.50 m (8.20 feet).
- 3.7.8 No washing or servicing of the vehicles will be allowed on the site.
- 3.7.9 Number of freestanding signs per Development Cell: 1
- 3.7.10 Maximum area of the sign is 10 square meters (107 square feet).
- 3.7.11 Minimum setback from any road for sign: front 0 m, side 15 m (49 feet).
- 3.7.12 Freestanding sign height: 10 m (32.80 feet).
- 3.8.0 Performance Standards
 - 3.8.1 Garbage Storage
 - a) Garbage and waste material shall be stored in weatherproof and animal-proof containers. Such containers shall be locate within buildings or adjacent to the side or rear of buildings, and shall be screened from view by all adjacent properties and roadways, all to the satisfaction of the Development Authority.
 - 3.8.2 Air Contaminants, Visible and Particulate Emissions
 - a) Airborne particulate matter originating from storage areas, yards, roads or parking areas shall, at all times, be suppressed by application of approved dust-free treatments in accordance with Alberta Environment guidelines on those areas as defined in a Development Permit.
 - 3.8.3 Odorous Matter
 - a) No use or operation should cause or create the emission or spread of odorous matter or vapour beyond the site which contains the use or operation which produces them.
 - 3.8.4 Toxic Matter
 - a) No use or operation at any location on the site shall cause or create the emission or spread of toxic matter beyond the building or storage area which 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 and in accordance with any Hazardous Materials Management Plan that may be required by the Municipality and as defined in a Development Permit.
 - 3.8.5 Fire and Explosive Hazards
 - a) Uses and operations on the site which handle, store, or utilize products which may be hazardous due to their corrosive, poisonous, flammable, or

ROCKY VIEW COUNTY
DIRECT CONTROL BYLAW C-6247-2006

DC-112

explosive characteristics shall comply with the applicable fire regulations of the Municipality or the regulations of any other government authority having jurisdiction and in accordance with any hazardous materials or emergency management plan that may be required by the Municipality, and as defined in a Development Permit.

- 3.8.6 Fire protection measures shall be provided as may be required by the Municipality and included in a Development Permit.
- 3.9.0 Phasing
- 3.9.1 Until a General Industry Use has been developed within Development Cell B, the area will be developed for Recreational Vehicle Storage as delineated in other parts of this Bylaw.
- 3.9.2 Development will start on the East side of the subject lands and proceed West to the satisfaction of the Development Authority.

4.0.0 DEFINITIONS

Recreational Vehicle Storage – means an area of land set aside or otherwise defined for the outdoor storage of recreational vehicles, which includes the storage of such vehicles as motor homes, travel trailers, campers, customized vans, boats on trailers, or enclosed or open utility trailers designed to carry 1 car, skidoos, ATV's. Owners who remove the recreational vehicle may leave their own personal vehicle in their parking stall until they return with the recreational vehicle. Cars or small trucks may also be stored while the Owners are out of the country on a short or long term basis or for other personal reasons.

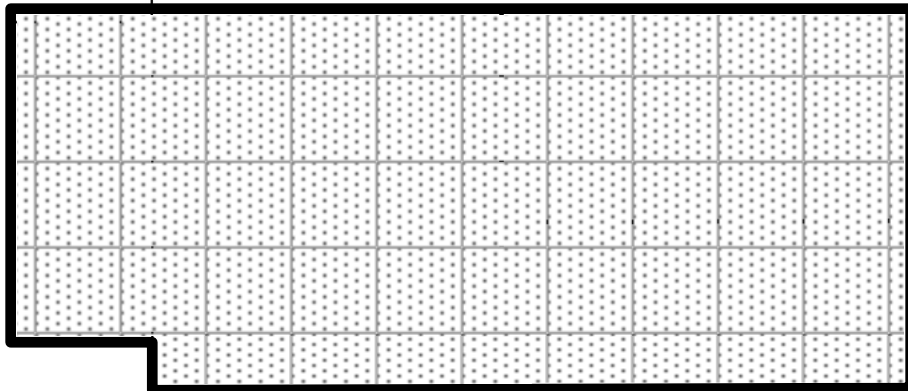
Mini-Storage Warehouse - means a building containing separate, individual self-storage units divided from the floor to the ceiling by a wall with an independent entrance from the exterior of the building, or from a common interior hallway, designed to be rented or leased on a short term basis to the general public for private storage of personal goods, materials and equipment.

SCHEDULE "A"

Office Consolidation Version

HWY 560

RGE RD 283



Direct Control District



Subject Land

LEGAL DESCRIPTION: A portion of NE 21-23-28-W4M

DIVISION: 4

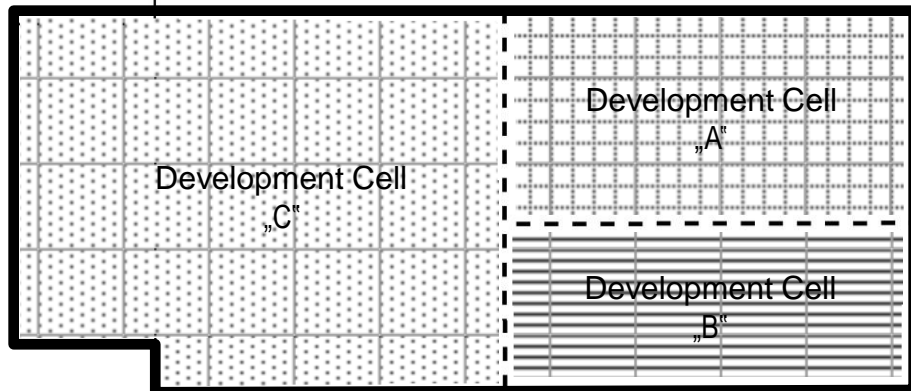
SCHEDULE "B"

Development Cells

Office Consolidation Version

HWY 560

RGE RD 283



Development Cell „A“ (Storage and Office Building)

Development Cell „B“ (Storage and General Industry)

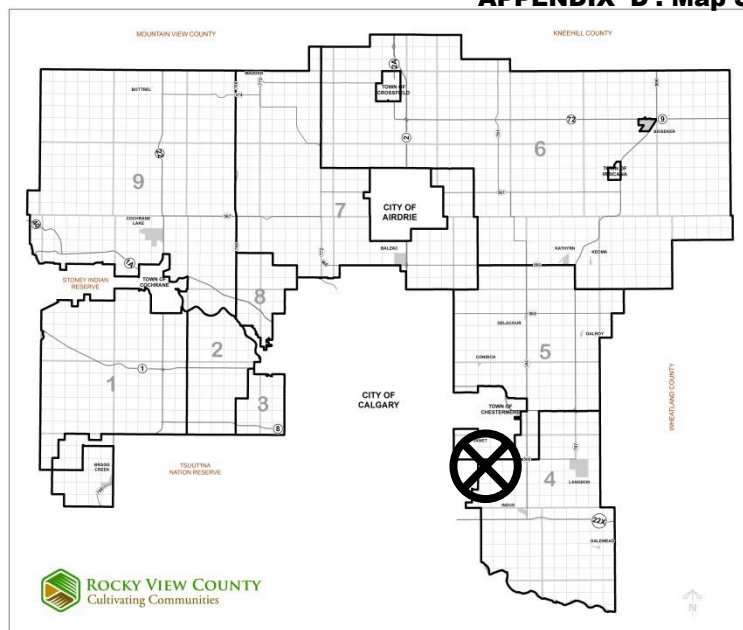
Development Cell „C“ (Storage)



Subject Land

LEGAL DESCRIPTION: A portion of NE 21-23-28-W4M

DIVISION: 4



LOCATION PLAN

Lot:5 Block:2 Plan:1511781
NE-21-23-28-W04M

Development Proposal: An amendment to Direct Control District 112, to allow for the uses of Outside Storage, Truck Trailer, and Outside Storage

DC 112 →
DC 112
(amended)
± 8.10 ha
(± 20.01 ac)

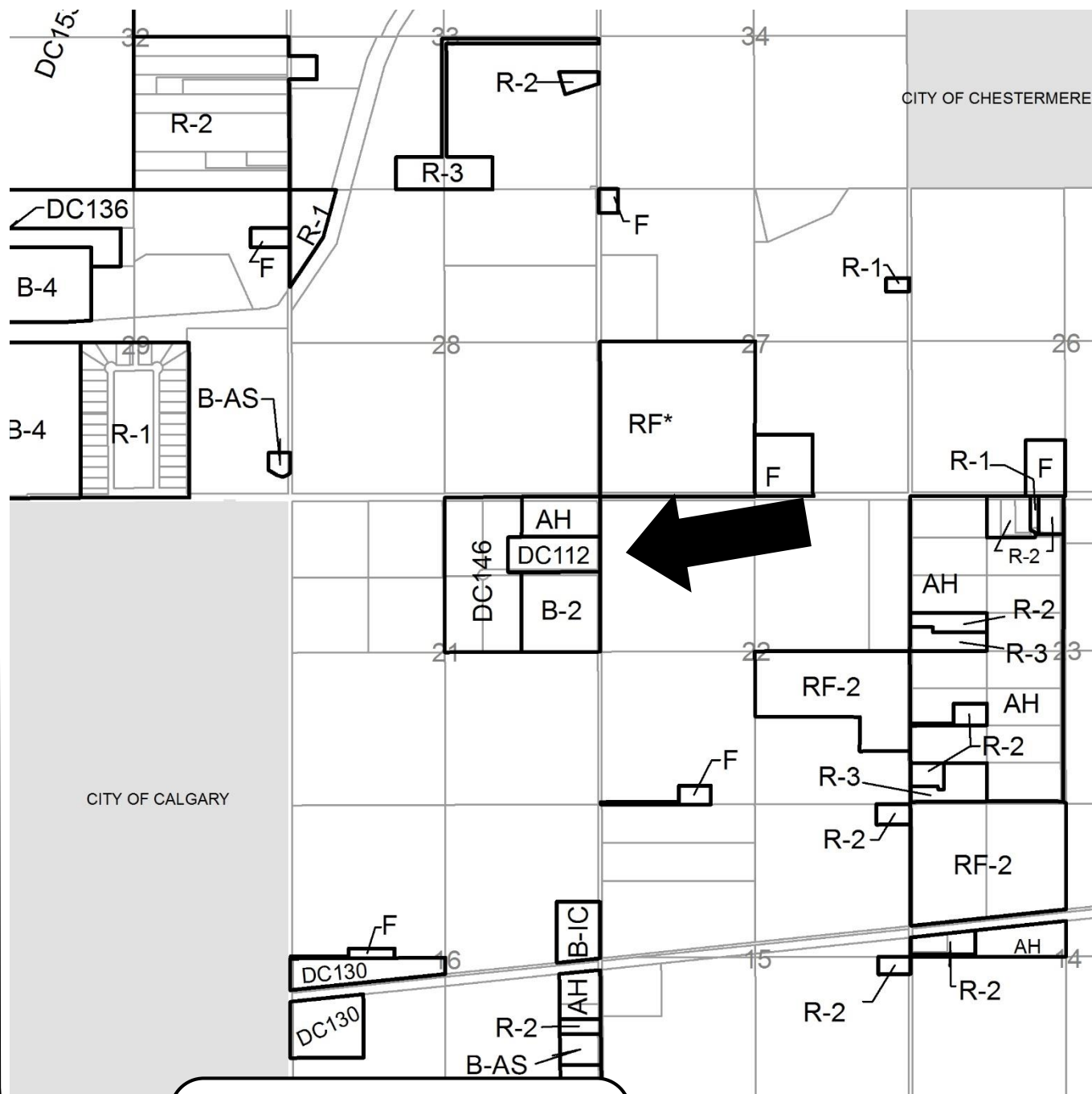
RGE RD 283

NORMAN PL

DEVELOPMENT PROPOSAL

Lot:5 Block:2 Plan:1511781
NE-21-23-28-W04M





RF2	Ranch and Farm	B-1	Highway Business
RF3	Ranch and Farm Two	B-2	General Business
RF3	Ranch and Farm Three	B-3	Limited Business
AH	Agricultural Holding	B-4	Recreation Business
F	Farmstead	B-5	Agricultural Business
R-1	Residential One	B-6	Local Business
R-2	Residential Two	NRI	Natural Resource Industrial
R-3	Residential Three	HR-1	Hamlet Residential Single Family
DC	Direct Control	HR-2	Hamlet Residential (2)
PS	Public Service	HC	Hamlet Commercial
		AP	Airport

LAND USE MAP

Lot:5 Block:2 Plan:1511781
NE-21-23-28-W04M



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:5 Block:2 Plan:1511781
NE-21-23-28-W04M**

Date: Jan 24, 2018

Division # 4

File: 03321004

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:5 Block:2 Plan:1511781
NE-21-23-28-W04M**

Date: Jan 24, 2018

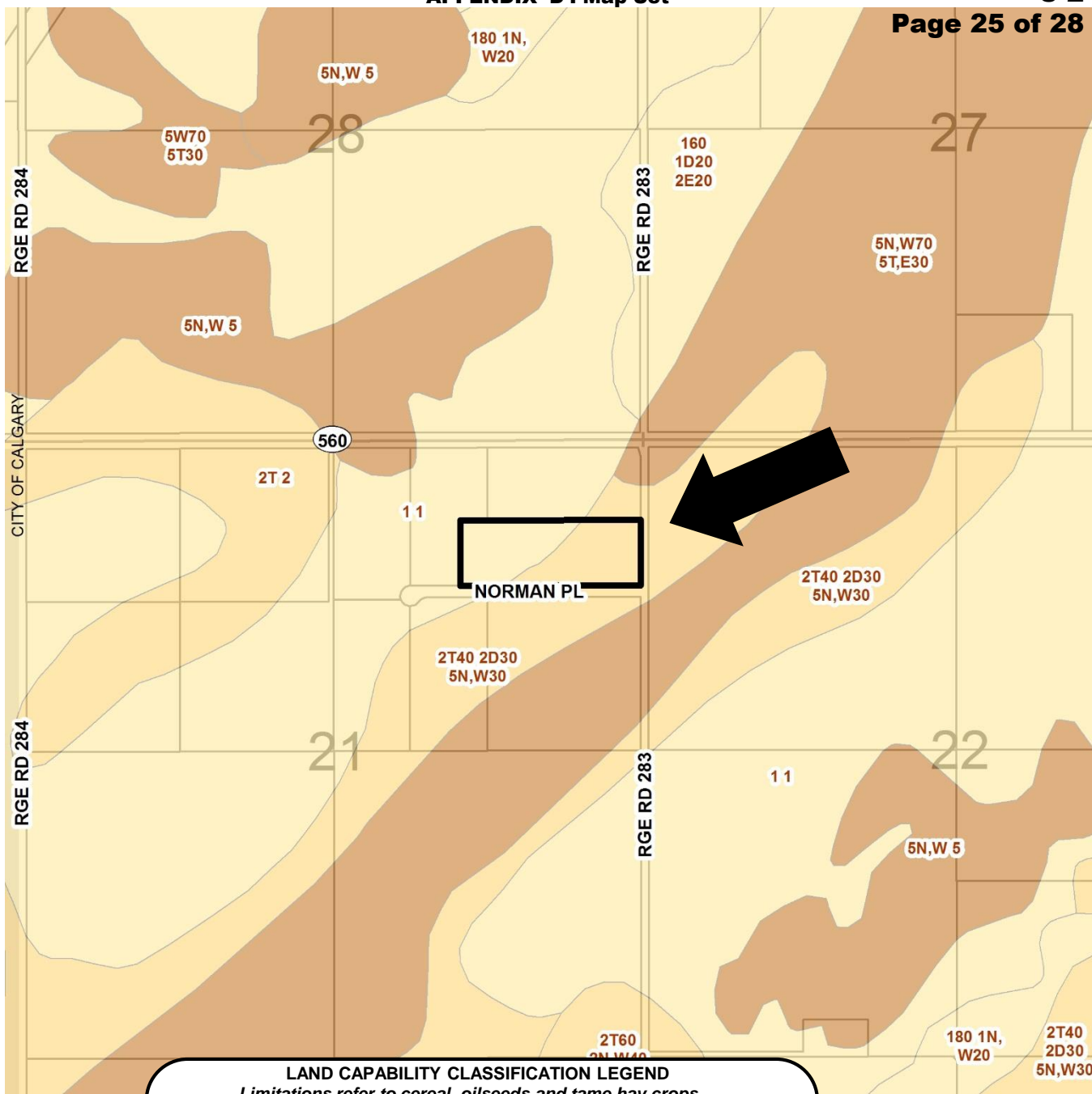
Division # 4

File: 03321004

AGENDA

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LAND CAPABILITY CLASSIFICATION LEGEND

Limitations refer to cereal, oilseeds and tame hay crops

CLI Class

- 1 - No significant limitation
- 2 - Slight limitations
- 3 - Moderate limitations
- 4 - Severe limitations
- 5 - Very severe limitations
- 6 - Production is not feasible
- 7 - No capability

Limitations

- B - brush/tree cover
- C - climate
- D - low permeability
- E - erosion damage
- F - poor fertility
- G - Steep slopes
- H - temperature
- I - flooding
- J - field size/shape
- K - shallow profile development
- M - low moisture holding, adverse texture
- N - high salinity
- P - excessive surface stoniness
- R - shallowness to bedrock
- S - high sodicity
- T - adverse topography
- U - prior earth moving
- V - high acid content
- W - excessive wetness/poor drainage
- X - deep organic deposit
- Y - slowly permeable
- Z - relatively impermeable

SOIL MAP

**Lot:5 Block:2 Plan:1511781
NE-21-23-28-W04M**

Date: Jan 24, 2018

Division # 4

File: 03321004

AGENDA

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**Legend – Plan numbers**

- First two numbers of the Plan Number indicate the year of subdivision registration.
- Plan numbers that include letters were registered before 1973 and do not reference a year

HISTORIC SUBDIVISION MAP

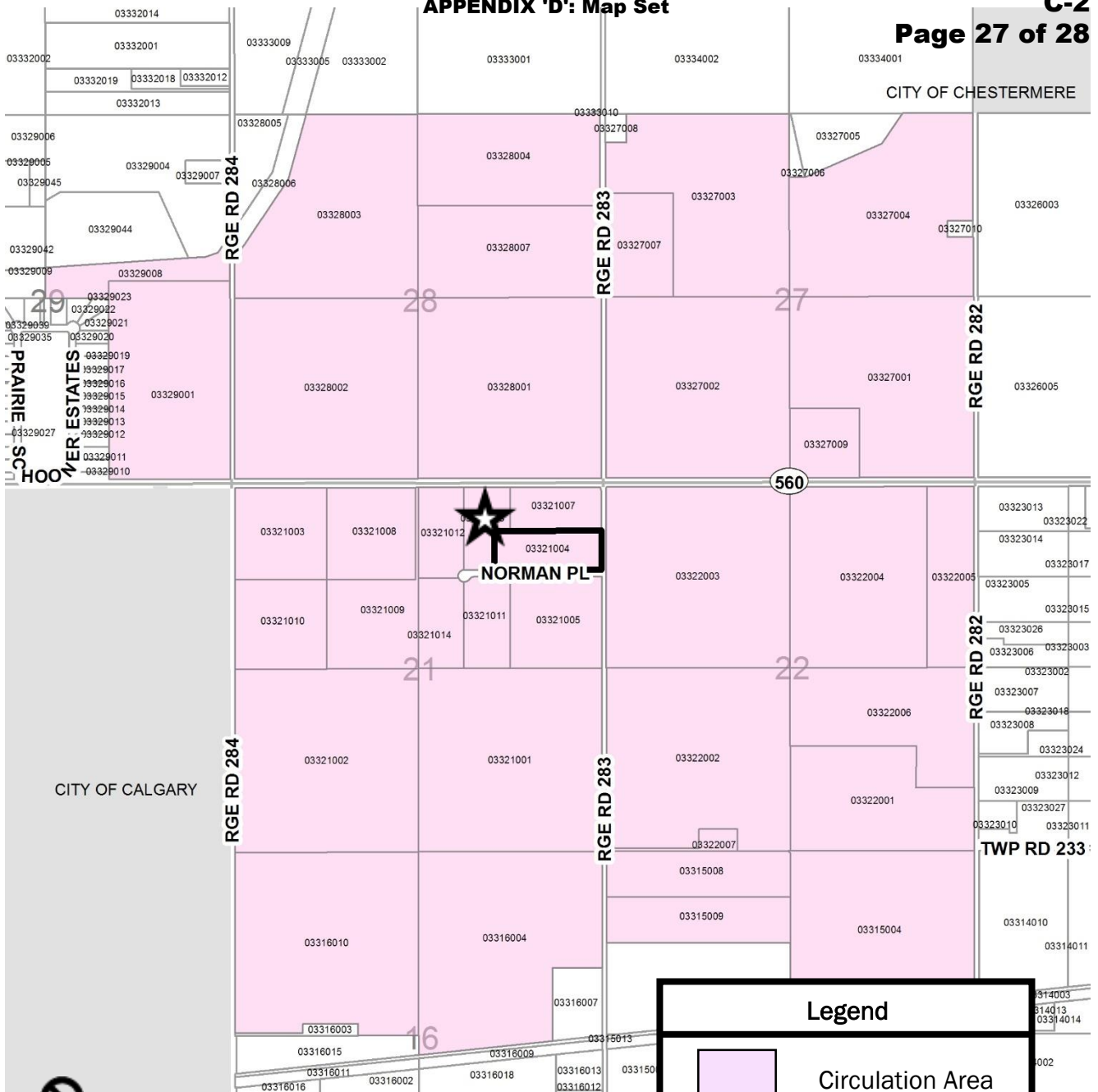
Lot:5 Block:2 Plan:1511781
NE-21-23-28-W04M

Date: Jan 24, 2018

Division # 4

File: 03321004**AGENDA****Page 62 of 299**

CITY OF CHESTERMERE



Letters in Opposition



Letters in Support

LANDOWNER CIRCULATION AREA

Lot:5 Block:2 Plan:1511781
NE-21-23-28-W04M

Date: Jan 24, 2018

Division # 4

File: 03321004

AGENDA**Page 63 of 299**

From: Kal Kajla
Sent: Friday, February 16, 2018 5:18 PM
To: Paul Simon
Subject: file #03321004 Application number PL20180009

Follow Up Flag: Follow up
Flag Status: Flagged

Hi paul I received a letter in the mail in regards to I am in support of this application to make the amendment , I believe this to be the best use for the land .



Kal Kajla

Bus:
Cel:
Fax:
Email:
Web:



Save a tree. Don't print this e-mail unless it's really necessary



PLANNING SERVICES

TO:	Council	
DATE:	July 24, 2018	DIVISION: 7
TIME:	Morning Appointment	
FILE:	6411017	APPLICATION: PL20180069
SUBJECT:	Redesignation Item – A Site Specific Amendment to Direct Control Bylaw C-6031-2005 (DC-99)	

¹ADMINISTRATION 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.

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 #2**.

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 <i>Licensed Medical Marijuana Production Facility</i> 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.
APPLICANT:	Boychuk Design Build Ltd. (David McKinnon)
OWNER:	Seaview Investments Ltd.

¹ **Administration Resources**
 Matthew Wilson, Planning Services
 Vince Diot, Engineering Services



EXISTING LAND USE DESIGNATION:	Direct Control District (DC-99)
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:

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'.

HISTORY:

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. Therefore, as per the permanent conditions on the *Notice of Decision* dated February 11, 2016, the development permit is deemed null and void. As a result, any



future development on the site will require a new development permit application for the building, along with any required change of use permits.

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.

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 #2**.

OPTIONS:

- Option #1: Motion #1 THAT Bylaw C-7797-2018 be given first reading.
 Motion #2 THAT Bylaw C-7797-2018 be given second reading.
 Motion #3 THAT Bylaw C-7797-2018 be considered for third reading.
 Motion #4 THAT Bylaw C-7797-2018 be given third and final reading.
- Option #2: 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
<i>School Authority</i>	
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.
<i>Province of Alberta</i>	
Alberta Environment and Sustainable Development	Not required for circulation.
Alberta Infrastructure	<i>Alberta Infrastructure has no concerns with the proposed development. It does not impact any Infrastructure owned or administered lands.</i>
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 style="list-style-type: none"> • 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: <i>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.</i> • 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. 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
	<p>and location of chemical storage must ensure there will be no adverse impacts on local groundwater or surface water.</p> <ul style="list-style-type: none"> • 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. • A plan should be designed, including appropriate mitigation strategies where required, to ensure odours from the proposed facility do not affect neighboring properties. • If any evidence of contamination or other issues of public health concern are identified at any phase of development, AHS wishes to be notified.
<i>Public Utility</i>	
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.
<i>Other External Agencies</i>	
City of Calgary	No concerns.
<i>Rocky View County Boards and Committees</i>	
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.
<i>Internal Departments</i>	
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.

AGENCY	COMMENTS
Fire Services	<ul style="list-style-type: none"> • 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	<p data-bbox="618 947 727 978"><u>General</u></p> <ul style="list-style-type: none"> • 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. <p data-bbox="618 1457 1192 1488"><u>Geotechnical</u> - Section 300.0 requirements:</p> <ul style="list-style-type: none"> • 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. <p data-bbox="618 1656 1214 1688"><u>Transportation</u> - Section 400.0 requirements:</p> <ul style="list-style-type: none"> • 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
	<p>improvements required to the offsite road network, a development agreement will be required for ensuring the identified improvements are in place prior to occupancy.</p> <p><u>Sanitary/Waste Water - Section 500.0 requirements:</u></p> <ul style="list-style-type: none"> 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. <p><u>Water Supply And Waterworks</u> - Section 600.0 & 800.0 requirements:</p> <ul style="list-style-type: none"> 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. <p><u>Storm Water Management</u> – Section 700.0 requirements:</p> <ul style="list-style-type: none"> 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. <p><u>Environmental</u> – Section 900.0 requirements:</p> <ul style="list-style-type: none"> ES have no requirements at this time.
Infrastructure and Operations – Utility Services	<p>Ensure water / wastewater allocation is sufficient for anticipated demand. Additional capacity may have to be purchased.</p> <p>Ensure wastewater quality meets limits of Water / Wastewater Utility Bylaw C-2662-2017 prior to discharge to sewer system.</p>
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



ROCKY VIEW COUNTY
Cultivating Communities

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 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 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

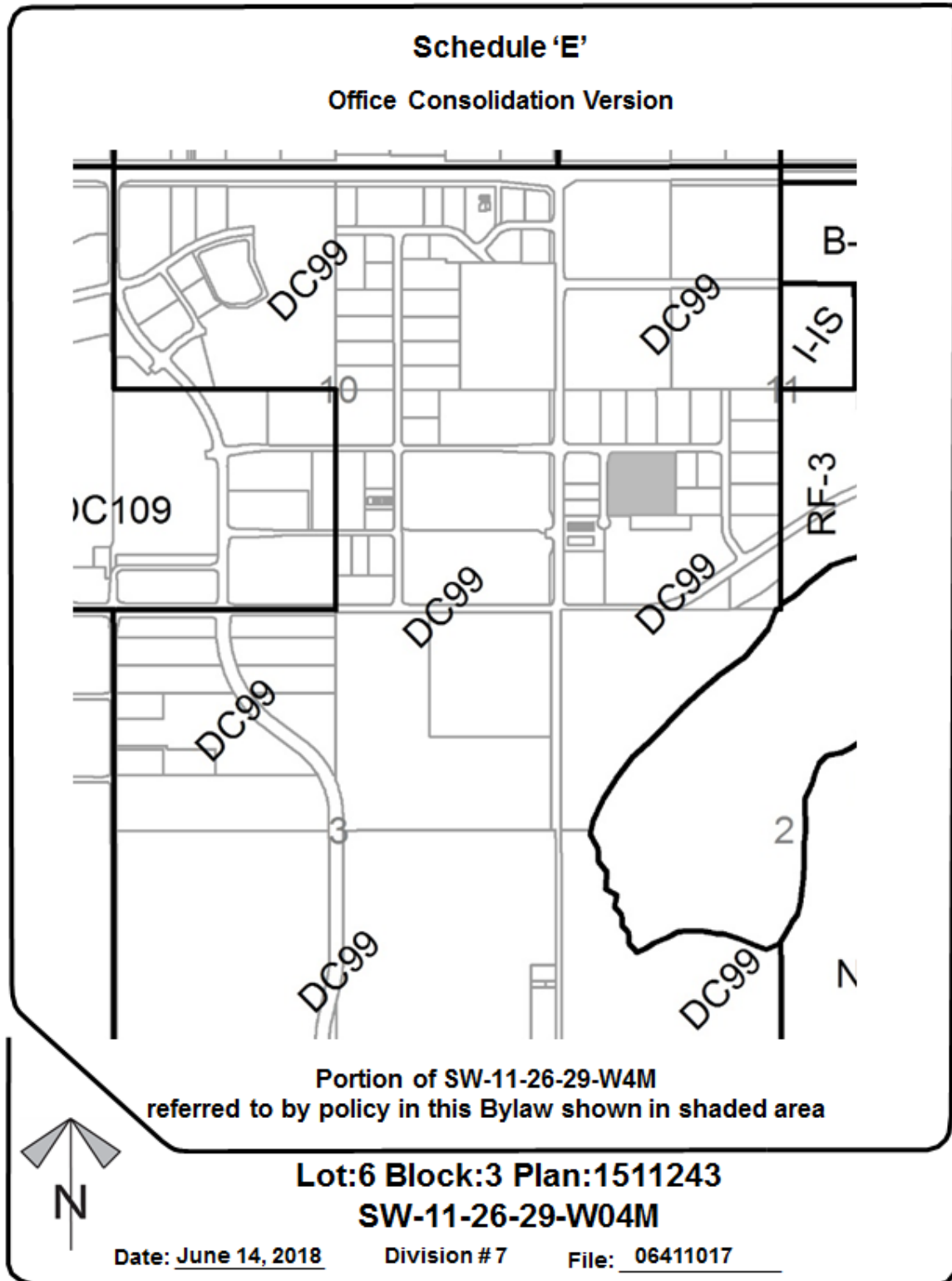
3.16.1 Notwithstanding section 20.9 (d) of the Land Use Bylaw (Bylaw C-4841-97), a Licensed Medical Marijuana Production Facility may be situated on Lot 6, Block 3, Plan 1511243.

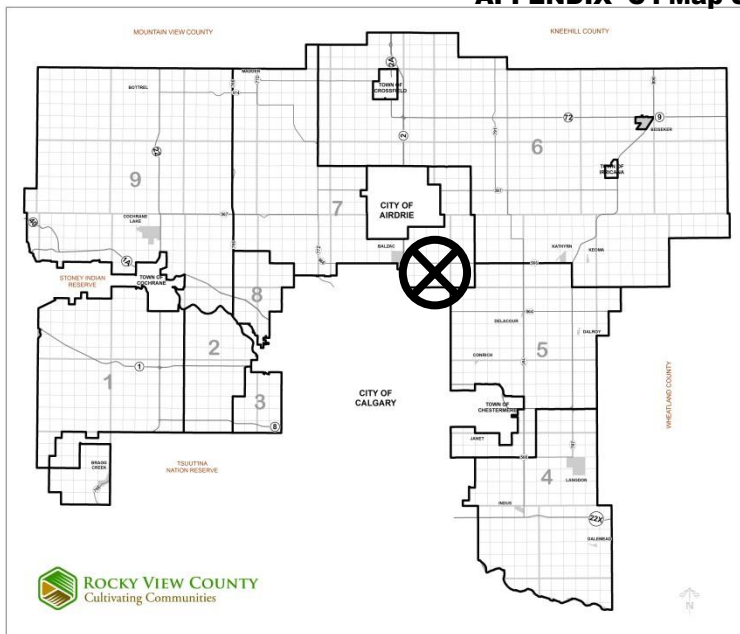
Amendment #3

Add 'Schedule "E"', as depicted in Schedule "B" attached to and forming part of Bylaw C-7797-2018



SCHEDULE 'B'
FORMING PART OF BYLAW C-7797-2018





Lot:6 Block:3 Plan:1511243
SW-11-26-29-W04M

Redesignation Proposal: A site specific amendment to Direct Control District 99 to facilitate the development of a Licensed Medical Marijuana Production Facility.

WAGON WHEEL RD

DC-99 → DC-99 as amended

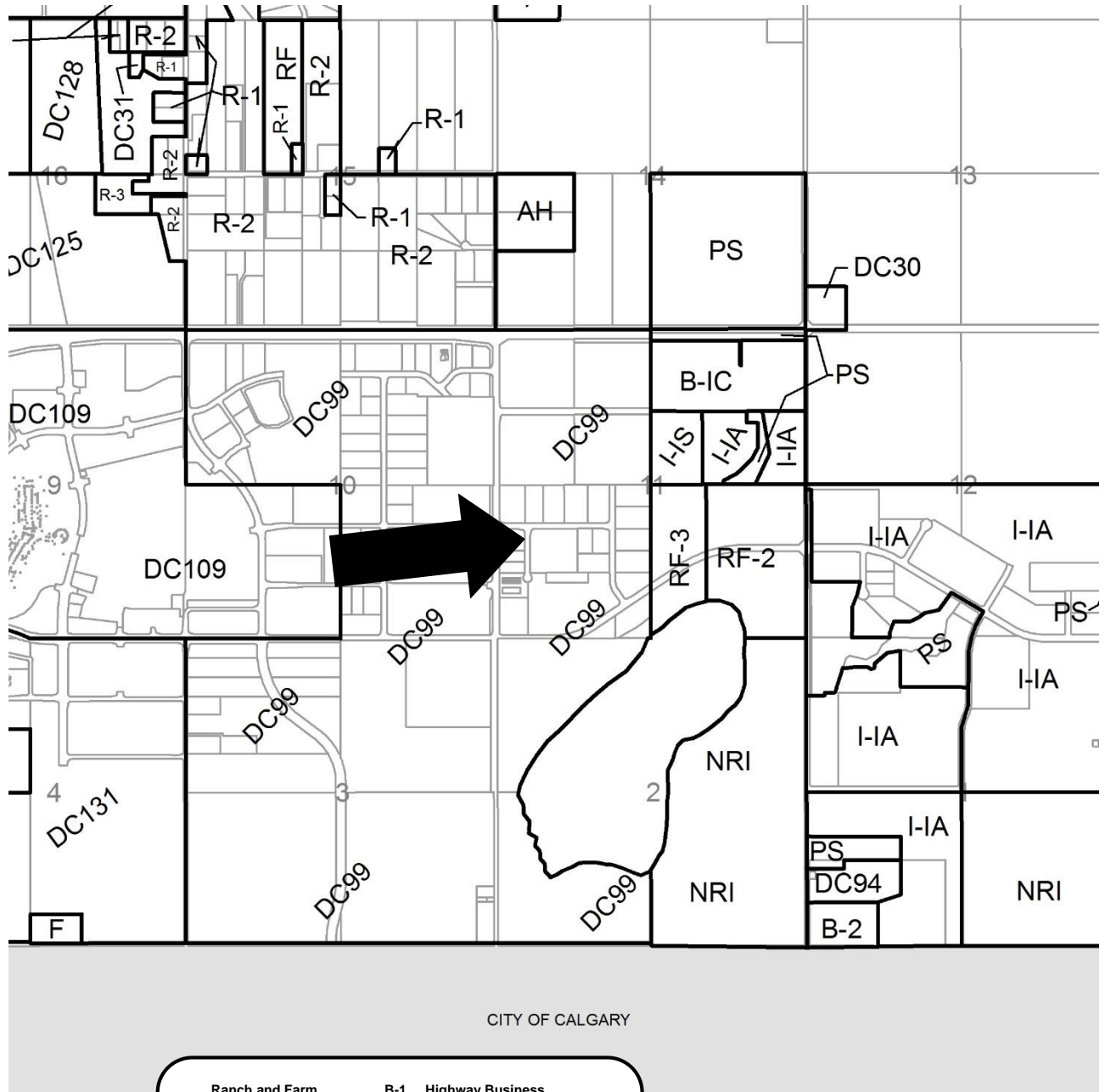
DEVELOPMENT PROPOSAL

**Lot:6 Block:3 Plan:1511243
SW-11-26-29-W04M**

Date: June 14, 2018

Division # 7

File: 06411017**AGENDA**



Ranch and Farm	B-1 Highway Business
RF2 Ranch and Farm Two	B-2 General Business
RF3 Ranch and Farm Three	B-3 Limited Business
AH Agricultural Holding	B-4 Recreation Business
F Farmstead	B-5 Agricultural Business
R-1 Residential One	B-6 Local Business
R-2 Residential Two	NRI Natural Resource Industrial
R-3 Residential Three	HR-1 Hamlet Residential Single Family
DC Direct Control	HR-2 Hamlet Residential (2)
PS Public Service	HC Hamlet Commercial
	AP Airport

LAND USE MAP

Lot:6 Block:3 Plan:1511243
SW-11-26-29-W04M



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: June 14, 2018

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: June 14, 2018

Division # 7

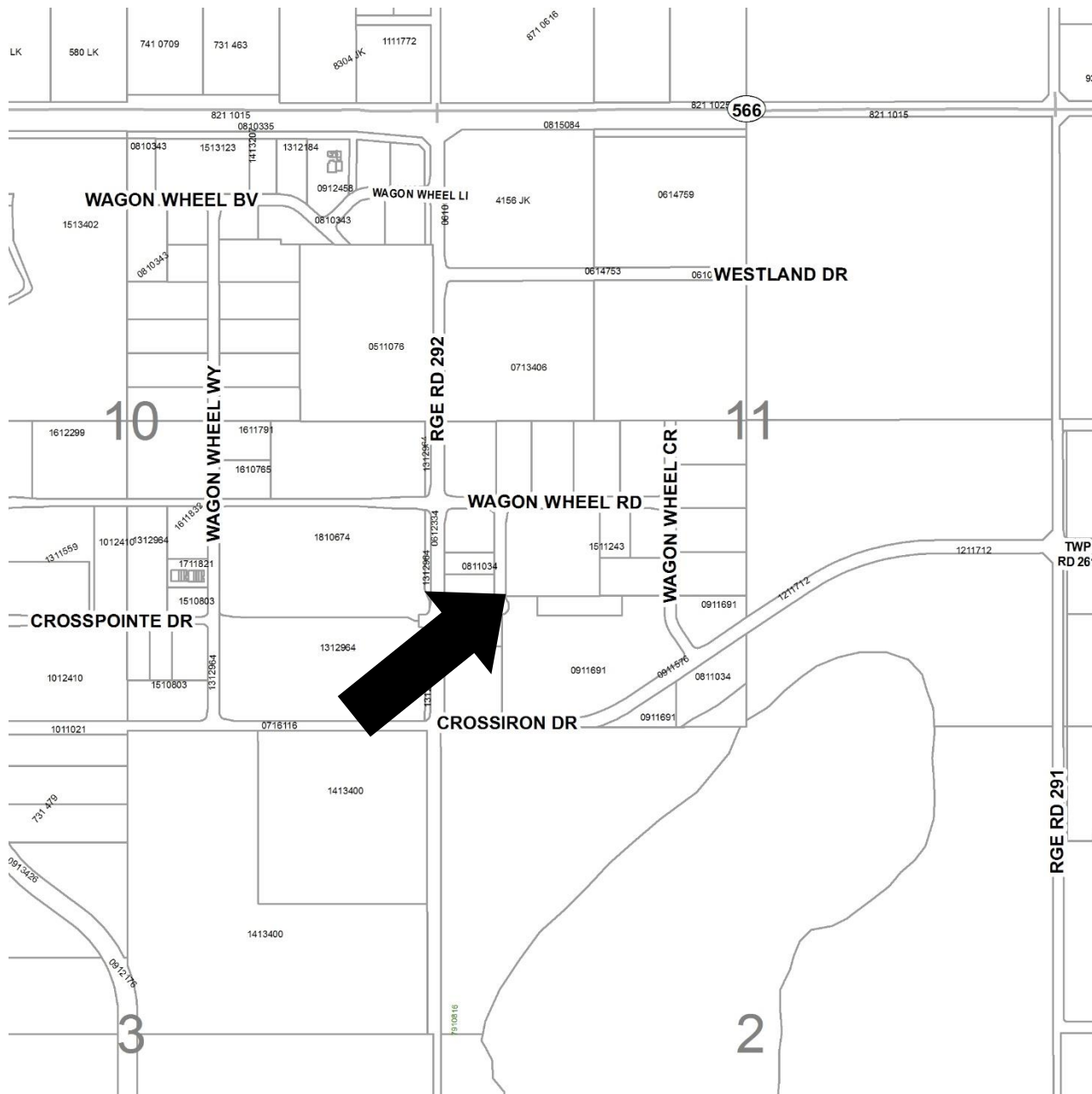
File: 06411017

AGENDA

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**Legend – Plan numbers**

- First two numbers of the Plan Number indicate the year of subdivision registration.
- Plan numbers that include letters were registered before 1973 and do not reference a year

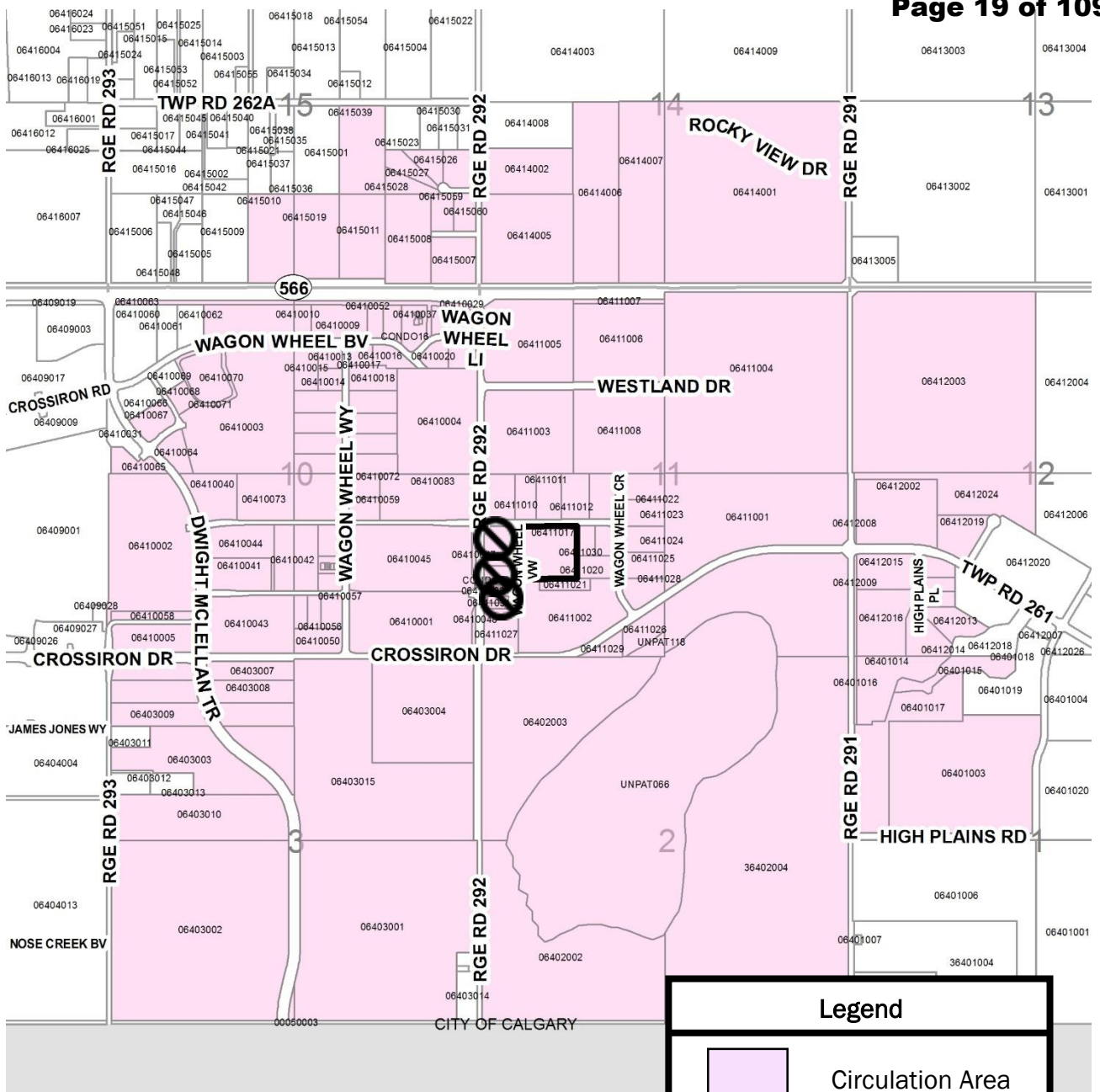
HISTORIC SUBDIVISION MAP

Lot:6 Block:3 Plan:1511243
SW-11-26-29-W04M

Date: June 14, 2018

Division # 7

File: 06411017**AGENDA****Page 82 of 299**



Letters in Opposition



Letters in Support

LANDOWNER CIRCULATION AREA

Lot:6 Block:3 Plan:1511243
SW-11-26-29-W04M

Date: June 14, 2018

Division # 7

File: 06411017

AGENDA

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July 11th, 2018

Rocky View County
911 - 32 Ave NE
Calgary, Alberta
T2E 6X6

Grow Capital Partners Inc.
1000, 888 - 3rd Street SE
Calgary, Alberta
T2P 5C5

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



Balzac Medical Cultivation Centre

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

GROW
CAPITAL PARTNERS INC.

Auxly

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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

Licensed producers are not permitted to use additives in the production of fresh or dried marijuana, or marijuana plants or seeds intended for sale.

Licensed producers must also adhere to section 66 of the ACMPR which states that "fresh or dried marijuana or marijuana plants or seeds must not be treated with a pest control product unless the product is registered for use on marijuana 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



SLIDE | 9

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.



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WHO WE ARE (CONTINUED)

Ian Rapsey Chief Creative Officer

Ian 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.



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.





Thank you Rocky View
We're grateful for the opportunity to become neighbors

From:
To: [Lindsey Ganczar](#)
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:

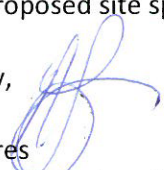
Re: File Number 06411017; Application Number PL20180069
Licenced Medical Marijuana Production Facility on Lot 6; Block 3; Plan 1511243 (261090 Wagon
Wheel Way View)

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 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

E-mail:

Phone:

Fax:

Our File No. 1260.001

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 _____ 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

A handwritten signature in blue ink, appearing to read 'K. HUGH HAM', followed by a long horizontal line extending to the right.

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
CERTIFIED COPY OF
Certificate of Title

C-3
Page 40 of 109

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

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 VIEW NO. 44.

CERTIFIED COPY OF
APPENDIX 'D': Landowner comments
Certificate of Title

PAGE 2
C-3
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SHORT LEGAL 1612868;6
NAME PKSR HOLDINGS LTD.
NUMBER 171 157 741

ENCUMBRANCES, LIENS & INTERESTS

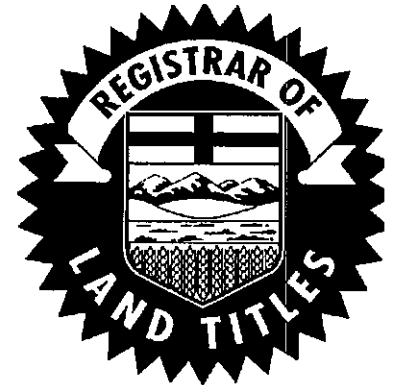
REGISTRATION

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



Certificate of Title

S

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

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

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091 078 315	24/03/2009	UTILITY RIGHT OF WAY GRANTEE - ATCO GAS AND PIPELINES LTD. GRANTEE - THE MUNICIPAL DISTRICT OF ROCKY VIEW 44.

APPENDIX 'D': Landowner comments

**CERTIFIED COPY OF
Certificate of Title**

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C-3
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SHORT LEGAL 1612868;7
NAME PKSR HOLDINGS LTD.
NUMBER 171 157 741 +1

ENCUMBRANCES, LIENS & INTERESTS

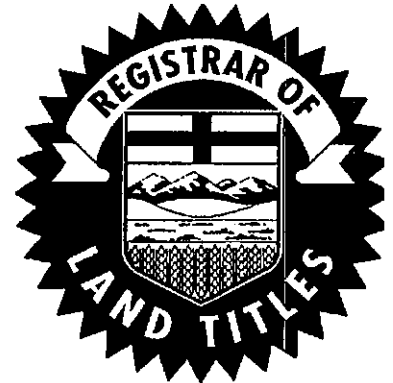
**REGISTRATION
NUMBER**

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



Google Earth

feet 1000
meters 500



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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

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POSTMEDIA NEWS

January 21, 2015
12:19 PM ESTFiled under
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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.

<https://nationalpost.com/news/canada/b-c-s-weed-problem-medical-marijuana-grow-ops-stink-residents-say>

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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.

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



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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



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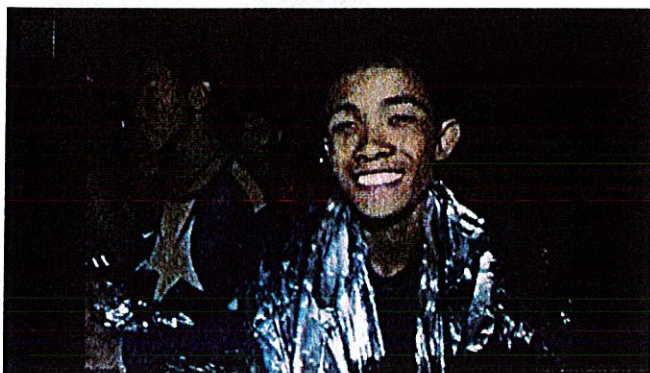
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the confidential information that the occupant has a medical condition qualifying him or her for marijuana use.

He said many municipalities including Port Coquitlam are waiting for the federal legal issues to be resolved.

 **Comments**
Share your thoughts

FEATURED STORIES



Don Braid: While protesters dangle from a bridge, Trans Mountain work starts again

Opposers block supertankers with their spinning bodies and flags while notices warn of noise, burning odours and thank locals for their patience

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CANADA



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Like other Newfoundlanders, refugee family leaves small town in search of better job security



Toronto police resume dig at home where Bruce McArthur worked as landscaper

No fault found with Edmonton police after encounter that saw officer, suspect both die

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.

Related

-  Legal pot in Canada could sell for \$5 a gram — or less
-  Legal marijuana in Canada could slow border crossings, expert fears
-  Pot use after it's legalized in Canada could still get you barred from U.S., lawyer warns
-  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

"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.





Make it Stop!

Are you worried about the power bills now?
12 hours of light a day, every day, has to come from somewhere. (Young pot plants need 18 hours a day.)



Are you planning to
sell your house soon?

Better Not

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.



Ew



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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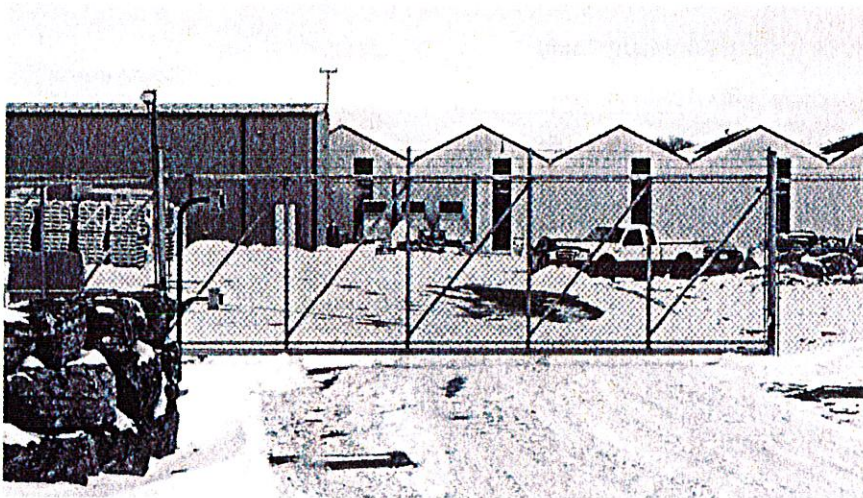
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Pot odour leaves some residents fuming



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.

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ADSENSE

"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 will hopefully have their concerns remedied in a timely manner.”

APPENDIX D: Landowner comments

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 product and they 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

**The
Voice**

The Voice of Pelham

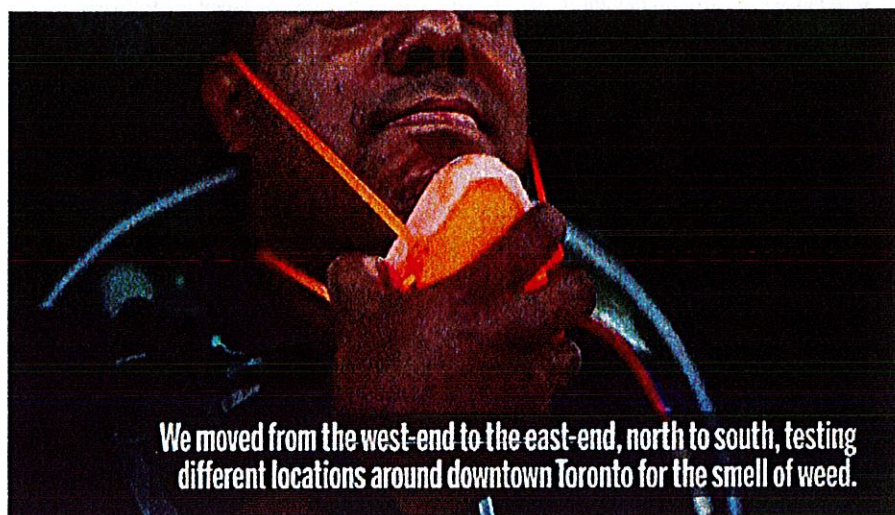
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CANADA

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



We moved from the west-end to the east-end, north to south, testing different locations around downtown Toronto for the smell of weed.

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 appears to be a tree line, 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 appears to be a tree line, 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.

APPENDIX 'D': Landowner comments

"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 lung disease for another 350, according to Health Canada reports in the mid-90s.

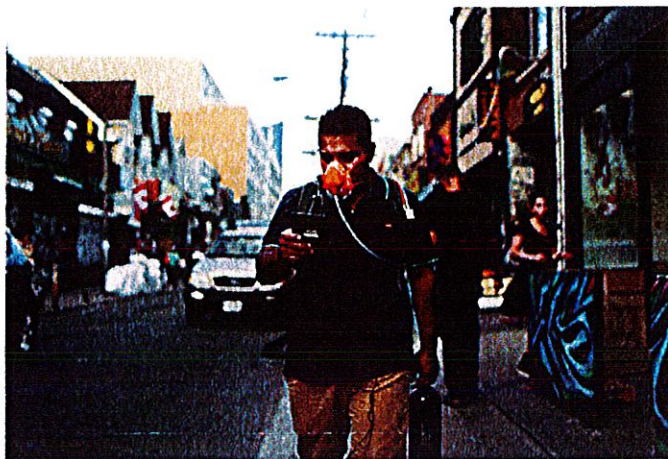
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APPENDIX 'D': Landowner comments

Marijuana does, however, smell exponentially stronger than tobacco. At Medina's second location, Trinity Bellwoods Park along Queen 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 (tetrahydrocannabinol, 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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APPENDIX 'D': Landowner comments**C-3****Page 62 of 109**

For all the complaints about Toronto's weed odour, Medina finds no traces in some of the most likely pot spots—like Yonge-Dundas 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

HANDOUT

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."

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.

STORY CONTINUES BELOW ADVERTISEMENT

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 [Jeremy Grimaldi \(/yorkregion-author/jeremy-grimaldi/71150AD6-F9AF-4B8D-A464-D2C492D06B7D/\)](#) [✉ \(mailto:jgrimaldi@yrmg.com\)](mailto:jgrimaldi@yrmg.com) 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 marijuana 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.

"I 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.

Marijuana 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.

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.



Jackie Messenger says the smell from nearby medical marijuana grow-ops could force her and her husband to relocate their heating and air conditioning business. (CBC)

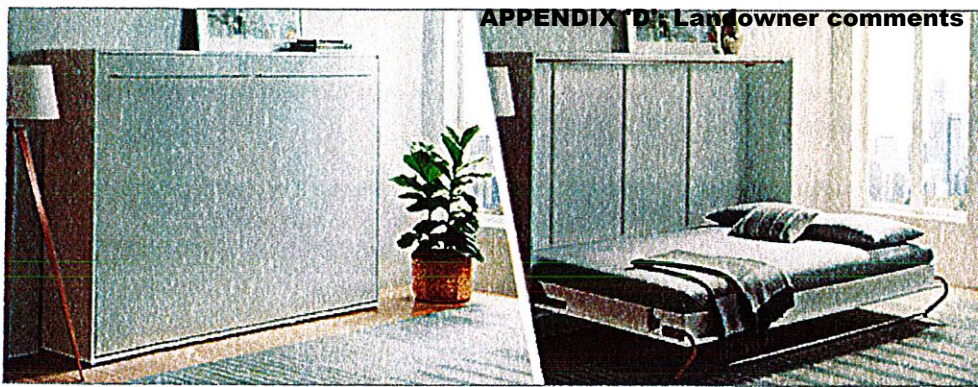
Federal legislation banning individuals from running grow-ops was passed last year and then stayed, which means anyone with a licence to grow can continue doing so until a federal court reaches a final decision.

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.

Indoor growers often pump the room full of carbon dioxide, which helps the plants grow bigger and faster, but that requires massive quantities of gas to be 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, even 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/>)

Farmer Bob Munson said many schoolchildren visit his property to learn where their food comes from, and local chefs host farm dinners 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.

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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."

Officials said there are about 500 legal indoor marijuana grow ops in Langley Township and most of them operate in full compliance with the rules.

"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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Penny Daflos, Reporter, CTV Vancouver
@PennyDaflos

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

Suspicious fires destroy 2 Maple Ridge homes

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"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.

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.

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.

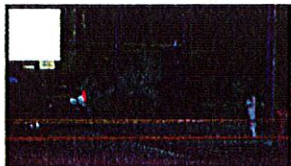
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Odour complaint from neighbour of licensed marijuana grower put before Halifax council



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 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

2002 ABCA 292 (CanLII)

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;

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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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.

[4] 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*.

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[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.

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[10] A summary 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

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“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?

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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).

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[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*, 2nd 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. (4th) 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*, 3rd 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.

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[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.

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[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

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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.

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[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

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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

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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

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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 may 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 quare 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

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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

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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

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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.

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[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*, 3rd 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

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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 9th day of DECEMBER, 2002

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FRASER C.J.A.

I concur: _____
as authorized by: FRUMAN J.A.

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DISSENTING REASONS FOR JUDGMENT OF
THE HONOURABLE MADAM JUSTICE RUSSELL

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[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. (4th) 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*, 3rd 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

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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 filing 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.

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[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.

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[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.

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CONCLUSION

[125] I would dismiss the appeal.

APPEAL HEARD on NOVEMBER 27th, 2001

REASONS FILED at EDMONTON, Alberta,
this 9th day of DECEMBER, 2002

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RUSSELL J.A.



INFRASTRUCTURE AND OPERATIONS & INTERGOVERNMENTAL AFFAIRS

TO: Council
DATE: July 24, 2018 **DIVISION:** All
FILE: 1021-250
SUBJECT: Rural Municipalities of Alberta Fall 2018 Resolution – Water Act Approval Process

¹ ADMINISTRATION RECOMMENDATION:

- Motion 1 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.
- Motion 2 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.

EXECUTIVE SUMMARY:

The Alberta *Water Act* approvals process poses timeline barriers for the completion of critical infrastructure projects for Rocky View County and other rural municipalities. Alberta Environment and Parks (AEP) has acknowledged the delays and is undertaking a review with the intention of streamlining its approval processes.

To support changes to this process, Administration has developed two resolutions for the fall Rural Municipalities of Alberta convention. The resolutions request the Government of Alberta provide sufficient financial resources AEP so it can improve and streamline its process and systems; and that Rural Municipalities of Alberta represent rural municipalities and provide rural input into the process review that is being undertaken by AEP.

Administration recommends that Rocky View County supports Alberta Environment and Parks in its process review through advocacy for financial support and participation in the process review by the Rural Municipalities of Alberta.

Administration recommends **Option #1**.

BACKGROUND:

The Water Act (the Act) governs the conservation, management, and allocation of water in Alberta. Alberta Environment and Parks (AEP) is the Ministry responsible for the implementation and stewardship of the Act. Associated with the Act are regulatory process approvals that are overseen by AEP to ensure that projects that could impact water resources are environmentally sound.

Seeking and obtaining *Water Act* approval is an essential step for many infrastructure projects undertaken by the County. AEP's regulatory process is resulting in significant delays that impact municipalities across Alberta. Currently, the timeline to receive approval or rejection can take multiple years. Approval delays pose a number of risks to the County, including the:

¹ **Administration Resources**

Byron Riemann, General Manager
Nesreen Ali, Intergovernmental Affairs

- inefficient use of public dollars and the potential loss of grant opportunities;
- Loss of public trust in the County's ability to deliver infrastructure projects when projects are delayed by external approvals; e.g.: Meadow Creek drainage improvements;
- Reduced economic competitiveness due to lost opportunities; and
- Continued negative impacts to the environment when proposed enhancements are delayed; e.g.: Bragg Creek waste water treatment plant.

Based on AEP Minister Shannon Phillips' response to questions at the Spring 2018 Rural Municipalities of Alberta (RMA) convention, and a discussion with AEP senior staff in July 2018, AEP is undertaking a process review of its approval systems with the intention of streamlining its approval processes. Administration recommends that the County and all rural municipalities support this review.

The RMA is an association that advocates to the Alberta government on behalf of rural municipalities. Member municipalities put forward resolutions on a bi-annual basis that are to be considered at the Spring and Fall conventions. Resolutions provide direction to the RMA on what to advocate for when they are working with the Province.

The following resolutions were created so that the RMA may advocate to AEP and the Province on how to streamline the *Water Act* approvals process:

- 1) Rural Municipalities of Alberta requests that additional financial resources be allocated to the the Ministry of Environment and Parks to continue streamlining the *Water Act* approvals process and systems (Attachment 'A').
- 2) Rural Municipalities of Alberta represents rural municipalities in the *Water Act* approval systems review (Attachment 'B').

The following chart outlines key check-points for the submission and adoption of a resolution:

Check-Point	Deadline
Submitting resolution to RMA District 2 regional association	September 12, 2018
District 2 regional RMA association meeting	October 11, 2018
RMA submission deadline for resolutions for Fall Convention	October 19, 2018
RMA Fall Convention	November 20 to 22, 2018

BUDGET IMPLICATIONS:

There are no budget implications associated with this item.

RECOMMENDATION:

Administration recommends that Rocky View County supports Alberta Environment and Parks in its process review through advocacy for financial support and participation in the process review by the Rural Municipalities of Alberta, as per **Option #1**.



OPTIONS:

- Option #1: Motion 1 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.
- Motion 2 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.

Option #2: THAT alternative direction be provided.

Respectfully submitted,

Concurrence,

"Byron Riemann"

"Rick McDonald"

General Manager

Interim County Manager

NA/rp

ATTACHMENTS:

ATTACHMENT 'A': Alberta Environment and Parks Additional Resources for Water Act Approvals – Resolution

ATTACHMENT 'B': Rural Municipalities of Alberta represents municipalities on Water Act approvals - Resolution

Alberta Environment and Parks Additional Resources for Water Act Approvals

Rocky View County

Advocacy Target: Alberta Environment and Parks and Alberta Treasury Board and Finance

WHEREAS municipalities share the Alberta government's objective of serving the public good through proper implementation of the *Water Act*;

WHEREAS the current timeline for *Water Act* approvals through Alberta Environment and Parks poses significant financial, environmental, and social challenges for all municipalities;

WHEREAS improving the *Water Act* approval process will ensure public dollars are efficiently applied to the protection and stewardship of water systems in Alberta while balancing the need for critical upgrades to public infrastructure;

WHEREAS Alberta Environment and Parks is undertaking a process and systems review to improve its approval times with constrained financial resources; and

THEREFORE, BE IT RESOLVED that the Rural Municipalities of Alberta requests the Government of Alberta provide sufficient financial resources to Alberta Environment and Parks to improve and streamline its *Water Act* approvals process and systems.

Member Background

Member municipalities are experiencing significant delays when seeking approvals under the *Water Act* to proceed with infrastructure improvements. These delays impose significant financial, environmental, and social challenges for all municipalities. For example:

- Red Deer County has experienced both delays in timelines and additional costs incurred when working to meeting Alberta Environment and Parks regulations and obtain the required approvals, including Public Lands approvals. Much of the County's road network consists of rural roadways that require numerous watercourse crossings. The process to complete a Wetland Assessment and Impact Report is lengthy and expensive and must be completed during the growing season (May – October). In several instances, this has delayed the County from identifying a road in need of rehabilitation over the winter and tendering it for construction in the summer. It has also caused the cancellation of certain maintenance projects surrounded by wetlands.
- Rocky View County has submitted a number of drainage relief projects where the response times to the applications have been extensive (up to three years) and were followed by unilateral closure of files. Municipalities have a limited time to execute a construction project during the spring and summer seasons, so any delays or refusals push a project back for up to one year. Extended response times have resulted in a loss of public trust in the County's ability to deliver infrastructure projects, and jeopardized land purchases.

Most rural municipalities can identify unreasonably long approval times that have added additional project costs, delayed upgrades that have impacted its residents' quality of life, and/or slowed infrastructure upgrades designed to improve environmental performance. In response to these delays Red Deer County has brought forward a resolution focused on improving the approval process for municipalities, while the County of Settler has focused on relaxing the need for formal approvals under the *Water Act*.

AEP has acknowledged the delays and is working to improve its process and systems. Recently, there have been drastic improvements in response times from the Water Boundaries unit to determine if a waterbody/wetland is Crown claimed. However, an overall process upgrade is necessary to develop digital application systems if performance is to be improved. As AEP seeks to improve its processes, the department is operating in a constrained financial environment. Rural municipalities recognize that approval delays have a multiplier effect and result in financial, social, and environmental impacts to the residents and the province. Therefore, Rocky View County is requesting support for Alberta Environment and Parks as it seeks to improve its response times.

Rural Municipalities of Alberta represents municipalities on Water Act approvals

Rocky View County

Advocacy Target: Rural Municipalities of Alberta

WHEREAS municipalities share the Alberta government's objective of serving the public good through proper implementation of the *Water Act*;

WHEREAS rural municipalities in Alberta constitute the largest land base in the province, and therefore have multiple interactions with Alberta Environment and Parks as they seek *Water Act* approvals as part of the process to improve infrastructure in their municipalities;

WHEREAS improving the *Water Act* approval process will ensure that public dollars are more efficiently applied to the protection and stewardship of water systems in the province while balancing the need for critical upgrades to infrastructure;

WHEREAS Red Deer County and the County of Settler submitted resolutions in October 2016 targeting Alberta Environment and Parks on reducing the timelines associated with *Water Act* approvals; and

WHEREAS at the Spring 2018 Rural Municipalities of Alberta convention, the Minister of Environment and Parks discussed the ongoing review of the *Water Act* approval process.

THEREFORE, BE IT RESOLVED that the Rural Municipalities of Alberta works with Alberta Environment and Parks to provide the rural perspective and input as the Ministry works on process streamlining and systems improvements to the *Water Act* approval process.

Member Background

Minister Phillips and senior officials from Alberta Environment of Parks (AEP) have recognized the need to streamline and improve the *Water Act* approval process. At the Spring 2018 RMA convention, Minister Phillips indicated the ministry is undertaking a review of its approval process.

It is important that rural municipalities provide insight and perspective on the approval process and work with the Ministry to test its systems improvements. Rocky View County proposes that the Rural Municipalities of Alberta (RMA) represents all rural municipalities in this process review. The intent is that the RMA and AEP work together to meet the purpose of the *Water Act* to "support and promote the conservation and management of water," while recognizing the impact of approval delay on the financial and social interests of all Albertans.



ENGINEERING SERVICES

TO: Council

DATE: 24-July-2018 **DIVISION:** 1

FILE: 5045-275

SUBJECT: Banded Peak School – Wastewater Connection Fees

¹ADMINISTRATION RECOMMENDATION:

THAT all connection fees described in the Master Rates Bylaw for connecting Banded Peak School to the Bragg Creek Wastewater System be collected as described.

EXECUTIVE SUMMARY:

Rocky View Schools (RVS) is seeking to connect Banded Peak School in Bragg Creek to Rocky View County's (RVS) low pressure wastewater collection system.

On the basis of a letter provided to Rocky View Schools by County Administration in December 2004, Rocky View Schools is requesting that the County waive approximately \$512,000 in connection fees, as described in the Master Rates Bylaw, related to adding Banded Peak Schools to the municipal wastewater system. Alternatively, Rocky View Schools has also asked that Council consider directing Administration to negotiate a 'minimal cost agreement' for this connection.

Administration maintains that waiving connection fees unreasonably shifts infrastructure costs from system users to the County, sets a precedent by which other connection fees may be sought to be waived, and ultimately contradicts the purpose of fees within the Master Rates Bylaw itself.

Administration recommends **Option #1**.

BACKGROUND:

Rocky View Schools (RVS) operates approximately 40 schools and serves approximately 17,000 students between Kindergarten and Grade 12. Within that network of schools, Banded Peak School provides Kindergarten through Grade 8 education services to approximately 300 students within the Hamlet of Bragg Creek and surrounding area.

Banded Peak School currently uses a system of cisterns and holding tanks to provide water and wastewater services to the school site. The wastewater holding tanks were installed in 2014 to replace a poorly functioning wastewater lagoon, however Rocky View Schools is now seeking to connect the school site to the municipal wastewater system.

The connection is expected to add approximately 20 m³/day of wastewater to the municipal system, raising its usage from 62 m³/day to 82 m³/day. The plant currently operates at 23% capacity (62 m³/day of 275 m³/day) and there is ample capacity to meet this additional demand.

The 2018 Master Rates Bylaw (Schedule 'A' 14(3)) identifies that connections outside of the local improvement service area carry a connection fee of \$25,600 per cubic meter per day of allocated wastewater service capacity. Based on the anticipated addition of 20 m³/day, connecting Banded Peaks School to the Bragg Creek Wastewater System would result in a connection fee of \$512,000.

¹**Administration Resources**
Doug Hafichuk, Engineering Services



In an effort to minimize the costs associated with connecting the school site to the municipal system, Rocky View Schools has asked Rocky View County to either negotiate a reduced connection fee or waive the connection fee entirely.

The request for alternate arrangements is supported by a letter from the County to Rocky View Schools in December 2004 (Attachment 'A'). While both Rocky View Schools and the County agree that the letter does not represent a binding agreement, it outlines a potential framework for the County to provide Rocky View Schools with a "...nominal cost" solution for connecting school sites to County infrastructure.

Although the current request is specifically related to Banded Peak School in Bragg Creek, Rocky View Schools ultimately wishes to determine what, if any, considerations can be made for connecting all schools to municipal infrastructure.

Administration recognizes that charging the connection fees may impact the feasibility of Rocky View Schools' project(s), however these fees help provide the County with financial mechanisms to fund maintenance and expansion work to the benefit of the entire service area.

Although the Bragg Creek Wastewater Facility currently operates at 23% capacity, expansion will be necessary as the community continues to grow and new residential, commercial, and industrial customers are brought online.

The \$512,000 connection fee may directly contribute to the cost of future capacity projects but may also be used to pay down the debt incurred to build the wastewater facility. The \$4,916,143 debt was taken on in 2016 with \$4,769,759 remaining as of June 30th, 2018.

In conclusion, Administration recommends against waiving or reducing connection fees charged for connecting Banded Peak School specifically, and all other schools generally, on the basis that doing so:

1. Inappropriately shifts the costs of infrastructure from system consumers to the County,
2. Directly contradicts the intent of the connection fees within Master Rates Bylaw to generate revenue for the purposes of system maintenance and expansion, and,
3. Establishes a clear precedent for other service providers (ex. private schools, community organizations) to request similar reductions in connection fees.

BUDGET IMPLICATIONS:

There are no budget implications at this time.

OPTIONS:

- | | |
|-----------|---|
| Option #1 | THAT all connection fees described in the Master Rates Bylaw for connecting Banded Peak School to the Bragg Creek Wastewater System be collected as described. |
| Option #2 | THAT all connection fees described in the Master Rates Bylaw for connecting Banded Peak School to the Bragg Creek Wastewater System be waived. |
| Option #3 | 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. |
| Option #4 | THAT alternative direction be provided. |



Respectfully submitted,

Concurrence,

“Byron Riemann”

General Manager

“Rick McDonald”

Interim County Manager

ATTACHMENTS:

Attachment ‘A’ – Letter from CIMA+ on Behalf of Rocky View Schools (March 2018)



March 21, 2018

Email/Mail
BRiemann@rockyview.ca

Byron Reimann
General Manager
Infrastructure and Operation Services
Rocky View County
911 32 Avenue NE
Calgary, AB T2E 6X6

Subject: Request for Council Directed Discussions
Water and Wastewater Offsite Levies
Rocky View Schools

On behalf of Rocky View Schools (RVS), CIMA+ would like to request consideration by Rocky View County (RVC) Council to direct RVC Administration to engage in discussions with respect to the off-site levies charged to RVS for connections of district schools to RVC water and wastewater infrastructure.

It is RVS's intent that these discussions would lead to a formal agreement between RVC and RVS where off-site levies are not applied to school sites that are planning to connect water and wastewater infrastructure to RVC main line infrastructure.

As per the enclosed recent correspondence with RVC administration, the basis of this request is the enclosed December 31, 2004 letter provided by RVC senior administration to RVS. This letter notes that RVC would work with RVS in the future to provide utilities to any new or existing school at nominal cost and would not apply an off-site levy for these connections to RVS.

Your earliest attention to this matter would be greatly appreciated.

Yours truly,

Laurent W. Blais, B.Sc., P.Eng.
Engineer
CIMA+

Richard K Geleta, B.Sc., P.Eng
VP & Senior Director
Infrastructure, Western Canada
CIMA+

Enclosures: as noted

cc: Larry Paul, Rocky View Schools (w/ encl.) (email only: lpaul@rockyview.ab.ca)

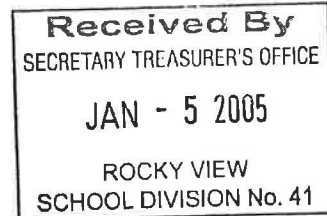
Centre Eight Ten
7777, 10th Street N.E., Suite 110
Calgary AB T2E 8X2
CANADA

Phone : 403 247-2001
Fax : 403 247-2013
www.cima.ca

**MUNICIPAL DISTRICT OF ROCKY VIEW No. 44**

911- 32nd Avenue N.E., Calgary, Alberta T2E 6X6
Telephone (403) 230-1401 • Fax (403) 277-5977
Website: www.gov.mdrockyview.ab.ca
E-mail: comments@gov.mdrockyview.ab.ca

December 31, 2004



Rocky View School Division No. 41
2616 – 18th Street NE
Calgary, AB
T2E 7R1

ATTN: Mr. Darrell Couture

Re: Future Water & Wastewater Utility Servicing for District Schools

Dear Sir:

In the past, Rocky View School Division (District) schools generally have had to address water and wastewater servicing requirements without being able to rely on financial support from off-site levies charged to developers. This has created hardship for the District and it has also caused additional problems for the Municipal District of Rocky View (MD).

In the future, where the MD has an off-site levy enacted by a bylaw which will charge developers for water and wastewater servicing, the MD intends to work with the District to provide these utilities to any new or existing schools at nominal cost to the District. In this context, the term "nominal cost" refers to the cost incurred to link water and wastewater infrastructure for a school site to the main line infrastructure located in utility easements adjacent to the related school properties. Also within this context, the MD is not planning to apply an off-site levy to a school site in the event that water and wastewater infrastructure for a school is linked to main line infrastructure. In addition, please note that, in areas for which no off-site levy will be enacted for the purpose of constructing water and wastewater infrastructure, the MD intends to work with the District to ensure that schools are serviced effectively with water and wastewater utilities at minimal costs to both the District and the MD.

There are currently several regional plans for water and wastewater servicing in the MD that could potentially benefit existing or new schools. As these plans come closer to completion, the MD will be bringing them forward to the District for discussion. For example, the MD is presently reviewing a region, which includes the Indus, Conrich, Chestermere and Kathryn areas, that may potentially impact the infrastructure of some of the District's schools. At this point in time, the MD is at the beginning of this process and more time and resources will be required to complete this review.

Finally, I trust that the information outlined above is sufficient for the District to issue a letter within the next month to the Bearspaw Glendale Community Association (BGCA) that, in principle, establishes a framework whereby the BGCA can then tie its wastewater infrastructure for its site into the wastewater line that is utilized by the adjacent school, without the BGCA having to pay any portion of the capital costs that were incurred to construct the line that is used by the school. Please note that, on behalf of the Municipality, I will work with John Rop to provide any support that may be required with respect to formalizing and finalizing related agreements, scheduling and funding the infrastructure tie-in and establishing and mutually agreeing to sewer utility operating rates the BGCA will pay to the District.

For further information please contact (by phone at 520-1188 or by email at fmisura@gov.mdrockyview.ab.ca) the undersigned at your convenience.

Yours truly,

A handwritten signature in cursive script that reads "Frank Misura".

Frank Misura, CLGM, R.E.T.

/mm



AGRICULTURAL & ENVIRONMENTAL SERVICES

TO: Council

DATE: July 24, 2018 **DIVISION:** 6

FILE: Agreements 4689 / 4690

SUBJECT: Mineral Lease in response to Ember Resources Inc. Trespass

¹ADMINISTRATION RECOMMENDATION:

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.

EXECUTIVE SUMMARY:

As a result of Ember Resources Inc.'s unauthorized occupation on mineral land rights owned by Rocky View County, Administration requires Council direction to enter into a mineral lease agreement to resolve this issue.

The County's external legal counsel has completed negotiations of two mineral leases on the County's behalf. The terms and conditions of the agreement have been accepted by Ember Resources Inc.

Section 431(2) of the MGA states "*a municipality must not transfer, lease, mortgage or otherwise dispose of or deal in any minerals or any interest in minerals without first obtaining the written consent of the Minister, and any disposition or dealing made without the consent of the Minister has no effect.*"

Administration recommends **Option #1**.

BACKGROUND:

The County owns over 200 individual mineral titles. Most were acquired over 100 years ago through tax forfeiture.

In 1920, the 2 mineral titles in question were transferred to the District of Beddington No.250 following several years of tax forfeiture proceedings.

In 2013 it was brought to the County's attention that in the early 2000's Encana Corporation had licensed, drilled and spudded a gas well which trespassed on the County's mineral rights.

As the County's legal counsel was negotiating a Mineral Lease Agreement, Encana Corporation had sold their interest in the well to Ember Resources Inc. (Ember).

In 2015, County legal counsel completed negotiations of two mineral leases on the County's behalf. This terms and conditions of the agreement were deemed acceptable by Ember.

Subsequently, this agreement was brought to the Province's attention per S. 431(2) of the MGA which states "*a municipality must not transfer, lease, mortgage or otherwise dispose of or deal in any minerals or any interest in minerals without first obtaining the written consent of the Minister, and any disposition or dealing made without the consent of the Minister has no effect.*"

¹Administration Resources
 Corey Graham, Municipal Lands



On February 14, 2017, the Municipal Services and Legislation Branch of the Municipal Affairs Office was able to determine their internal procedure required for approving Ministerial approval for approving Mineral Leases for Municipalities as it had never been completed in the past.

In late 2017, a Compulsory Pooling Order was issued by the Alberta Energy Regulator (AER) which grants Ember Resources the ability to activate the well without County consent. They are still considered to be in trespass; however, our lease agreement is no longer delaying production.

On June 13, 2018, the Minister of Municipal Affairs authorized Rocky View County to lease its mineral rights with Ember Resources Inc. in compliance with MGA Section 431(2).

Key agreement terms:

- 10 year agreement term with automatic renewal
- Mineral royalty of \$250 paid in a lump sum, and reviewed every agreement term.
- One-time agreement bonus of \$2000 paid at signing
- Lessee will pay any taxes associated to the mineral lease.

CONCLUSION:

As this is a matter of trespass, and a Compulsory Pooling Order has been issued, it is Administration's opinion that the terms and conditions in the two subject mineral lease agreements are acceptable and the compensation rates are reflective of the circumstances to which the County has been involved.

Subject to Council approval, the County CAO Bylaw C-7350-2014 permits the County Manager to endorse the subject agreements on the County's behalf.

OPTIONS:

- Option #1 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.
- Option #2 THAT alternative direction be provided.

Respectfully submitted,

"Byron Riemann"

Byron Riemann,
General Manager

Concurrence,

"Rick McDonald"

Rick McDonald,
Interim County Manager

CG

ATTACHMENTS:

ATTACHMENT 'A' – Municipal Affairs Communications
ATTACHMENT 'B' – AER Compulsory Pooling Order

ALBERTA
MUNICIPAL AFFAIRS*Office of the Minister
MLA, Leduc-Beaumont*

JUN 15 2018

Reeve Greg Boehlke
Rocky View County
911 – 32 Avenue NE
Calgary AB T2E 6X6

Dear Reeve Boehlke,

Thank you for the request from Corey Graham, Municipal Lands Administrator for Rocky View County, for a Ministerial Order to enable the lease of mineral interests in two parcels of land to Ember Resources Inc.

I am pleased to forward a signed copy of Ministerial Order No. MSL:044/18 authorizing Rocky View County to lease mineral interests to Ember Resources Inc.

Sincerely,

Hon. Shaye Anderson
Minister of Municipal Affairs

Attachment: Ministerial Order No. MSL:044/18

cc: Kevin Greig, County Manager, Rocky View County
Corey Graham, Municipal Lands Administrator, Rocky View County

ALBERTA
MUNICIPAL AFFAIRS

Office of the Minister
MLA, Leduc-Beaumont

MINISTERIAL ORDER NO. MSL:044/18

I, Shaye Anderson, Minister of Municipal Affairs, pursuant to Section 431(2) of the *Municipal Government Act*, make the following order:

Rocky View County is authorized to lease its mineral rights held by the county by agreement with Ember Resources Inc. within, upon or under the lands legally described as follows:

PLAN 642X
BLOCK 1
LOTS 24 AND 25
THE SOUTH WEST QUARTER (SW¼) OF SECTION THIRTEEN (13), TOWNSHIP TWENTY-SIX (26), RANGE TWENTY-SEVEN (27), WEST OF THE FOURTH MERIDIAN (W4M), CONTAINING 0.15 ACRES MORE OR LESS, SURFACE DOWN TO AND INCLUDING BASE OF THE VIKING FORMATION

PLAN 642X
BLOCK 2
LOTS 26 AND 27
THE SOUTH WEST QUARTER (SW¼) OF SECTION THIRTEEN (13), TOWNSHIP TWENTY-SIX (26), RANGE TWENTY-SEVEN (27), WEST OF THE FOURTH MERIDIAN (W4M), CONTAINING 0.15 ACRES MORE OR LESS, SURFACE DOWN TO AND INCLUDING BASE OF THE VIKING FORMATION

Dated at Edmonton, Alberta, this 13th day of June, 2018.

Shaye Anderson
Minister of Municipal Affairs



ROCKY VIEW COUNTY
Cultivating Communities

TEL 403-230-1401
FAX 403-277-5977

Agricultural & Environmental Services
911-32 Ave NE | Calgary, AB | T2E 6X6
www.rockyview.ca

January 26, 2018

AB File: AR91646

Gary Sandberg
Assistant Deputy Minister
Municipal Services and Legislation
17th Floor, Commerce Place
10155 - 102 Street NW
Edmonton, Alberta T5J 4L4

RE: REQUEST FOR INFORMATION – EMBER RESOURCES TRESPASS ON COUNTY MINERAL RIGHTS

Dear Mr. Sandberg,

This letter is a response to your October 18th, 2017 request (attached) for a list of all parties who have been the recipients of the revenue proceeds and the amounts each party received from these mineral rights from 2014 to present.

We've contacted Ember Resources and have identified two (2) payments of \$1,302.36 that were made by Encana Corporation to Rocky View County in March of 2015, which were back payment(s) of Royalties current to January 15, 2015. The two (2) wells are:

- 1) 100/09-13-026-27W4/00; Plan642X, Block 1, Lots 24 and 25, Title Number: 071 409 280
- 2) 100/14-13-026-27W4/00; Plan642X, Block 2, Lots 26 and 27, Title Number: 071 409 461

No other payments have been received by Rocky View County to date.

We appreciate your support in resolving this matter and should your office have any further questions, please contact the undersigned.

Warm Regards,


Corey Graham
Municipal Lands Administrator
Rocky View County
cgraham@rockyview.ca

Copy: Kevin Greig, County Manager
Richard Barss, Manager Intergovernmental Affairs
Byron Riemann, General Manager
Cole Nelson, Manager, Agricultural & Environmental Services



Office of the Assistant Deputy Minister
Municipal Services and Legislation
17th Floor, Commerce Place
10155 – 102 Street
Edmonton, Alberta T5J 4L4
Canada
Telephone 780-427-2225
Fax 780-420-1016
AR91646

October 18, 2017

Mr. Kevin Greig, County Manager
Rocky View County
911 – 32 Avenue NE
Calgary, AB T2E 6X6

Dear Mr. Greig:

I am following up in regard to Mr. Corey Graham's request to the Ministry of Municipal Affairs to provide Rocky View County with a Ministerial Order that would enable Rocky View County to lease their mineral rights in specified parcels of land to Ember Resources Inc. of Calgary. Such a Ministerial Order would resolve the issue of Ember Resources' trespass on Rocky View County's mineral holdings.

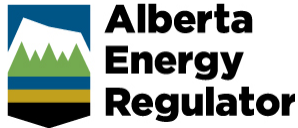
It is noted that Rocky View County was notified by Ember Resources of the trespass in 2014, after they had acquired the associated assets from Encana Corporation earlier that same year.

To support this application, the Minister requires a list of all parties who have been the recipients of the revenue proceeds and the amounts each party received from these mineral rights from 2014 to the present. Once this information has been received, the Minister will consider it as part of his overall review of your request.

Yours truly,



(Andrew Horton, acting)
Gary Sandberg
Assistant Deputy Minister



POOLING Order No. P 464

MADE at the City of Calgary, in the
Province of Alberta, on
28th day of June 2017.

ALBERTA ENERGY REGULATOR

The Alberta Energy Regulator (AER) pursuant to the Oil and Gas Conservation Act, chapter O-6 of the Revised Statutes of Alberta, 2000, orders the pooling of tracts within a certain drilling spacing unit in the **Entice Field** as follows:

- 1) All tracts within Section 13 of Township 026, Range 27, West of the 4th Meridian, shall be operated as a unit to permit the production of gas from all sands and coals from the top of the Edmonton Group to the base of the Belly River Group through the wells with the unique identifier of 100/09-13-026-27W4/0, 00/14-13-026-27W4/0, and from any subsequent wells.
- 2) Ember Resources Inc. (hereinafter called "the Operator") shall be the Operator of the said well(s) and shall be responsible for the well(s) and for all completing, producing and abandonment operations at the well(s).
- 3) The costs of drilling, operating and abandoning the well(s) shall be paid by the Operator, subject to the terms and conditions hereinafter contained.
- 4) The Operator shall allocate to each tract its share of the production of gas from the drilling spacing unit, such share being in the same proportion to the whole of the production of the drilling spacing unit as the area of the tract is to the total area of the drilling spacing unit.
- 5) (1) Subject to clauses 6 and 7 hereof, the owner of a tract entitled to take the tract's share of production of gas may elect to take in kind and dispose of, or to direct the disposition of, the tract's share of production by notice to the Operator given
 - a) not less than 30 days before it is expected to place the well on production, or
 - b) thereafter not less than 60 days before the time at which the owner will start or resume taking in kind or directing the disposition of the share.
- (2) If an owner fails to give notice as provided for in subclause (1), the Operator shall sell the tract's share of production at not less than the current price in the Field and account to the owner for the proceeds of the sale.
- (3) If an owner of a tract is missing and untraceable, the Operator shall
 - a) sell the share of production to which such owner is entitled under this order,
 - b) pay out of the proceeds of sale the costs and expenses payable under this order by the owner, and

- c) pay the balance of the proceeds on an annual basis to the Public Trustee to be held by the Public Trustee as custodian of the property of the missing owner in accordance with section 8 of the *Public Trustee Act*.
- (4) If dispute arises between the Operator and an owner who elects to take in kind, or direct the disposition of his tract's share of production regarding the point of delivery of the tract's share, the dispute shall be referred to the Regulator and the Regulator's decision shall be final.
- 6) (1) If a well is placed on production, the owner of each tract in the drilling spacing unit shall pay each month to the Operator the tract's share of the operating expenses of the well, such share being in the same proportion as the allocation to each tract of its share of production in accordance with clause 4.
- (2) If a tract's share of the operating expenses for any month is not paid within 15 days of the time the owner of the tract has been billed for such expenses, and whether or not the owner of the tract has given notice under clause 5, the Operator shall
 - a) sell the tract's share of the production of gas at not less than the current price in the Field,
 - b) remit 20 per cent of the proceeds of such sale to the owner of the tract,
 - c) apply on the tract's share of the operating expenses 80 per cent of the proceeds of such sale or such lesser amount as may be required to pay the tract's share of operating expenses, and
 - d) account to the owner for the balance of the proceeds of the sale of the tract's share of production.
- (3) If dispute arises between the Operator and an owner regarding the operating expenses of a well or the tract's share of such expenses, the dispute shall be referred to the Regulator and the Regulator's decision shall be final.
- 7) (1) If a well is placed on production, the owner of each tract shall pay to the Operator the tract's share of the actual cost of drilling the well to, and completing it in, the formation(s) referred to in clause 1, such share being in the same proportion to the whole of the actual cost of drilling the well to, and completing it in, the said formation(s) as the allocation to each tract of its share of production in accordance with clause 4.
- (2) The Operator shall give the owner of each tract within the drilling spacing unit a statement in writing of the tract's share of the actual cost of drilling and completing a well, and subject to the other provisions of this order, the owner of the tract shall, on or before 30 days after the later of delivery of the statement to him, the issuance of this pooling order, or the well being placed on production, pay the share of the actual cost.
- (3) If a tract's share of the actual cost of drilling and completing a well is not otherwise paid within the time specified in subclause (2), and whether or not the owner of the tract has given notice under clause 5, the Operator shall

- a) sell the tract's share of production of gas at not less than the current price in the Field,
 - b) remit 20 per cent of the proceeds of such sale to the owner of the tract,
 - c) apply on the tract's share of the actual cost of drilling and completing, the portion of the 80 per cent of the proceeds of the sale of the tract's share of production remaining after payment of the tract's share of operating expenses pursuant to clause 6 or such lesser amount as may be required to pay the balance of the tract's share of the actual costs, and
 - d) account to the owner for the balance of the proceeds of the tract's share of production.
- (4) If dispute arises between the Operator and an owner regarding the cost of drilling and completing a well or the tract's share of the cost, the dispute shall be referred to the Regulator and the Regulator's decision shall be final.
- 8) (1) An owner is not required to make, and the Operator is not entitled to recover, payment under clauses 6 and 7 hereof
- a) if a well fails to produce gas from the formation(s) described in clause 1 hereof, or
 - b) exceeding in any month, 80 per cent of the value of the share of production that the Operator would otherwise be entitled to receive.
- (2) If the tract's share of production of gas in any month is sold by the Operator and the proceeds applied for payment under clauses 6 and 7 hereof, the proceeds shall be applied firstly to the payment under clause 6 and secondly to the payment of the tract's share of the cost of drilling and completing a well.

END OF DOCUMENT

PLANNING SERVICES

TO:	Council	
DATE:	July 24, 2018	DIVISION: 4
FILE:	03321003/08	APPLICATION: PL20170070
SUBJECT:	Redesignation Item – Ranch and Farm District to Direct Control Bylaw C-7749-2018 (DC159), outside of an identified business area.	

¹ADMINISTRATION RECOMMENDATION:

THAT application PL20170070 be refused.

EXECUTIVE SUMMARY:

The purpose of this application is to redesignate the subject lands from Ranch and Farm District to Direct Control District with the intent to develop the two lots into industrial/commercial uses.

This application was presented to Council on February 13, 2018, and received first reading. Council moved that:

Administration be directed to refer Application PL20170070 to the City of Calgary / Rocky View County Intermunicipal Committee (IMC).

The City of Calgary cited concerns regarding fragmentation of the subject lands, which are included within the growth corridor as part of the original circulation. At the April 13, 2018 meeting, The City's position of the application remained unchanged. On April 18, 2018, the Applicant submitted a revision to the original application, removing the ability to further subdivide, to attempt to appease The City's concerns. The City of Calgary reviewed the revised application and provided comment. While they have minimal concerns with regard to the revised application, they are, in general, not supportive of redesignation and subdivision within the growth areas.

As the lands are not located within the boundaries of an area structure plan or conceptual scheme, the application was evaluated with the policies of the County Plan. The policies of the County Plan are intended to maximize the success of identified business areas by limiting competing business uses in the immediate vicinity that could jeopardize the viability of the business area. The Janet Area Structure Plan, which covers the area directly north of the subject property, contains significant land holdings to accommodate the uses proposed in this application. As these policies remain unchanged, and upon assessment of the revised application, Administration does not recommend approval of the application for the following reasons:

- The proposed business development is located outside of an identified business area, as identified on Map 1 of the County Plan;
- The proposal is adjacent to the Janet Area Structure Plan, which provides policy framework and comprehensive planning for both Highway Commercial and Industrial developments, and it therefore does not meet County Plan policy 14.19;
- The proposal could jeopardize the viability of the Janet Area Structure Plan by introducing competing business uses in the immediate vicinity.

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

¹ Administration Resources

Jamie Kirychuk, Planning Services
Gurbir Nijjar, Engineering Services

DATE APPLICATION RECEIVED: May 2, 2017
DATE APPLICATION DEEMED COMPLETE: May 2, 2017 (Revised application submitted April 18, 2018)

PROPOSAL: To redesignate the subject lands from Ranch and Farm District to Direct Control Bylaw.

LEGAL DESCRIPTION: Lot 1, Plan 9810955, & Lot 3, Plan 9813204, NW-21-23-28-W04M

GENERAL LOCATION: Located at the southeast junction of Highway 560 and Range Road 284.

APPLICANT: Terradigm Development Consultants Inc.

OWNERS: 1275685 Alberta Ltd. / 1660766 Alberta Ltd. / Alloy Investments Inc.

EXISTING LAND USE DESIGNATION: Ranch and Farm District

PROPOSED LAND USE DESIGNATION: Direct Control Bylaw

GROSS AREA: ± 31.82 hectares (78.65 acres)

SOILS (C.L.I. from A.R.C.): **Class 1 and 2**– slight limitations due to adverse topography.

PUBLIC & AGENCY SUBMISSIONS:

The application was circulated to 31 adjacent landowners; no letters of support or opposition were received in response. The application was also circulated to a number of internal and external agencies. The responses are available in Appendix 'A'.

HISTORY:

April 13, 2018 Redesignation application PL20170070 discussed at the City of Calgary / Rocky View County Intermunicipal Committee meeting.

February 13, 2018 Redesignation application PL20170070 received first reading and was tabled pending an Intermunicipal Committee meeting with the City of Calgary.

November 18, 1998 Lot 3, Plan 9813204 registered at Land Titles.

April 2, 1998 Lot 11, Plan 9810955 registered at Land Titles.

BACKGROUND:

The purpose of this application is to redesignate the subject lands from Ranch and Farm District to Direct Control District.

The lands are located at the southeast junction of Highway 560 and Range Road 284, on the eastern boundary of the city of Calgary. The lands are located in an area of the County that features predominantly agricultural land with limited business/ industrial uses directly to the east.

The subject lands are located within the City of Calgary / Rocky View County Intermunicipal Development Plan (IDP) and directly south of the Janet Area Structure Plan (ASP).

The subject lands contain two existing dwellings that are serviced by a well and a conventional septic system. The Applicant is proposing the use of water cisterns and sewage holding tanks for water and waste water servicing.

Access is currently achieved via an existing approach off Highway 560 (east parcel), and an approach off Range Road 284 (west parcel). The Applicant is proposing to upgrade the intersections of Highway 560/Range Road 283 and Range Road 283/Norman Place Road, and to extend Norman Place Road further west to service the future development.

The Applicant provided a conceptual level stormwater management plan, prepared by Civil Engineering Solutions. At the future subdivision stage, a detailed storm water management plan, in accordance with the County Servicing Standards, would be required, which would confirm the final infrastructure design and sizing required to accommodate the proposed development.

The County Wetland inventory indicates that there are several intact wetlands on the subject properties. As per the County Servicing Standards, Administration recommended that a Biophysical Impact Assessment (BIA) be completed at this time. The Applicant requests that this requirement be deferred to the Development Permit stage.

POLICY ANALYSIS:

As the subject lands are not located within the policy areas of an area structure plan or a conceptual scheme, this application was evaluated using the Business Development policies of the County Plan. The Rocky View County/City of Calgary Intermunicipal Development Plan provides guidance for development in the area as well.

County Plan

The application was evaluated in accordance with Section 14, Business Development, of the County Plan. The goal of this section is to provide a range of business areas, and encourage the majority of new commercial and industrial business to locate in those identified business areas.

14.2 Direct business development to locate in identified business areas as identified on Map 1.

- The proposed business development is located directly adjacent to an identified business area, as identified on Map 1 of the County Plan.

14.3 Encourage the infilling or intensification of existing business areas and hamlet main streets in order to complement other businesses, maximize the use of existing infrastructure, minimize land use conflicts with agricultural uses, and minimize the amount of traffic being drawn into rural areas.

- The proposed business development location does not infill or intensify an existing business area, maximize the use of existing infrastructure, minimize land use conflicts with agricultural uses, or minimize the amount of traffic being drawn into rural areas.

14.4 A business area shall have an adopted area structure plan in place prior to development, with the exception of lands in business areas that already have the appropriate land use designation allowing business development.

- The subject land is not located within the policy area of an adopted area structure plan and does not have an existing designation to allow for business uses.

14.5 Boundary expansion of a business area shall require an area structure plan or an area structure plan amendment.

- At this time, there are no plans to expand the Janet ASP, as it was recently adopted and contains a significant amount of undeveloped land for commercial and industrial uses.

14.19 Applications to redesignate land for business uses adjacent to, or in the vicinity of, the boundaries of an identified business area shall not be supported.

- The County Plan encourages business development to locate in an identified business area in order to use commercial-standard road systems and municipal servicing, and to

reduce potential impact on non-commercial lands. The subject land is located adjacent to the Janet Area Structure Plan, which is identified as one of the Regional Business Centers in the County Plan. Business development located adjacent to a business area could reduce the viability of that identified business center. Therefore, the application to redesignate the subject land to a commercial use is not supported.

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 stated that the subject lands have, “800 meters of highway exposure and have business uses on the east side and growing business uses within the City of Calgary on the west side. Changing the land use of the properties to industrial simply completes the industrial corridor within the County to the City of Calgary border. Although, apart from being adjacent to Highway 560, there is nothing unique about the property that justifies why certain businesses must locate here, it is clear that the future of the properties is industrial / commercial and that changing the designation today will not be detrimental to the area but provide the County with an enhanced level of taxation.”
- The County has identified the Janet ASP area as the industrial business corridor. The uses proposed in this application are accommodated in the Janet ASP and therefore are not unique to this particular location.

Rocky View County / City of Calgary Intermunicipal Development Plan

As the subject lands are located within the policy area of the Rocky View County/City of Calgary IDP, Policy 27.17 of the County Plan requires that the IDP be considered in the evaluation of this application. The subject lands are located within an area identified as “Highway 560 (Glenmore Trail) Joint Industrial Corridor” on Map 2, and within the Industrial portion of the “Identified City of Calgary Growth Areas” on Map 4.

Policy 8.1.2 requires that development within these growth corridors should proceed in accordance with “other Rocky View County statutory and local area plans.” Policy 8.1.4 requires Rocky View County to “evaluate applications within identified City of Calgary Growth Areas against this Plan, the Rocky View County Municipal Development Plan and the Rocky View County Land Use Bylaw.”

This indicates that industrial development in this area would be supported by the IDP as long as it proceeds in accordance with the County Plan. As this application does not satisfy the requirements of the County Plan, the IDP policy is not met.

The City of Calgary reviewed the revised application and provided comment. While The City did not support the original application, they found that the revised application proposes an acceptable degree of protection from premature subdivision while maintaining the existing parcel size. However, The City of Calgary is not supportive of redesignation and subdivision within the growth areas and is not supportive of this application.

CONCLUSION:

Administration evaluated the application based on the applicable policies within the County Plan and the Intermunicipal Development Plan. The proposal does not meet the policy requirements of Section 14 of the County Plan or the policies of the Intermunicipal Development Plan. Therefore, Administration recommends refusal in accordance with **Option # 2**.



OPTIONS:

- Option #1: Motion #1 THAT Bylaw C-7749-2018 be amended as per Appendix 'C'.
 Motion #2 THAT Bylaw C-7749-2018, as amended, be given second reading.
 Motion #3 THAT Bylaw C-7749-2018, as amended, be given third and final reading.
- Option #2: THAT application PL20170070 be refused.

Respectfully submitted,

Concurrence,

“Chris O’Hara”

“Rick McDonald”

General Manager

Interim County Manager

JK/rp

APPENDICES:

- APPENDIX ‘A’: Application Referrals
APPENDIX ‘B’: Amended Bylaw C-7749-2018 and Schedules A & B
APPENDIX ‘C’: List of amendments to Bylaw C-7749-2018
APPENDIX ‘D’: Amended Map Set
APPENDIX ‘E’: Original February 13, 2018 Staff Report Package

APPENDIX A: APPLICATION REFERRALS

AGENCY	COMMENTS
<i>School Authority</i>	
Rocky View Schools	No objection.
Calgary Catholic School District	Please note that Calgary Catholic School District (CCSD) has no objection to the above-noted circulation (PL2017-0070) just east of the City of Calgary.
Public Francophone Education	No comments received
Catholic Francophone Education	No comment received.
<i>Province of Alberta</i>	
Alberta Environment	Not comments received.
Alberta Transportation	<p>Alberta Transportation has reviewed the proposal. The extension of Norman Place would provide access to the future subdivision and/or development. An updated traffic impact assessment (TIA) is required to review traffic operations at the Highway 560 and Range Road 283 intersection. Adequate setback to accommodate future improvements to Highway 560 will be required for future development.</p> <p>Based on this submission, Alberta Transportation has no concerns at this time. The department will review the TIA; the recommendations of the accepted TIA should be implemented as conditions of subdivision approval and/or any future development. Further, all direct access to Highway 560 should be relocated to the local road.</p>
Alberta Sustainable Development (Public Lands)	No comments received.
Alberta Culture and Community Spirit (Historical Resources)	No comments received.
Energy Resources Conservation Board	No comments received.
Alberta Health Services	<p>Based on the information provided, AHS has no concerns with this application. We provide the following comments for your consideration with regard to planning future development on the site:</p> <ol style="list-style-type: none"> 1. AHS supports the regionalization of water and wastewater utilities and in particular supports connection to existing Alberta Environment-approved municipal or regional drinking water and wastewater systems wherever possible.

AGENCY	COMMENTS
	<p>2. If any sensitive land uses (e.g. schools, daycares, etc.) are considered on the subject land AHS recommends that, at a minimum, a Phase I Environmental Site Assessment be completed. This would allow for the evaluation of any potential environmental concerns related to past or present land use of the property and surrounding area. AHS would like an opportunity to review and comment on any Environmental Site Assessment Reports submitted for the subject land.</p> <p>3. If any evidence of contamination or other issues of public health concern are identified at any phase of development, AHS wishes to be notified.</p> <p>4. Throughout all phases of development and operation, the property must be maintained in accordance with the Alberta Public Health Act, Nuisance and General Sanitation Guideline 251/2001, which stipulates:</p> <p><i>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.</i></p>
Public Utility	
ATCO Gas	No comments received.
ATCO Pipelines	No objections.
AltaLink Management	No comments received.
FortisAlberta	No comments received.
Telus Communications	No comments received.
TransAlta Utilities Ltd.	No comments received.
Other External Agencies	
EnCana Corporation	No comments received.
City of Calgary	The City of Calgary has reviewed the above noted applications in reference to the <i>Rocky View County/City of Calgary Intermunicipal Development Plan (IDP)</i> and other applicable policies. The City of Calgary Administration has the following comments for your consideration.

AGENCY	COMMENTS
	<p>While The City did not support the original application, this latest proposal addresses some of our concerns noted in our previous response letters dated September 22, 2016, and September 13, 2017. This latest application proposes an agreeable degree of protection from premature subdivision while maintaining the existing parcel size (notwithstanding HWY 560 road widening). Accordingly, The City of Calgary has no objection to this updated proposal.</p> <p>Generally, The City of Calgary is not supportive of redesignation and subdivisions within the growth areas and we would not be supportive of future redesignation and subdivision applications for these parcels.</p>
<i>Rocky View County Boards and Committees</i>	
ASB Farm Members and Agricultural Fieldman	<p>Agricultural Services Staff Comments: This parcels falls outside of the Janet Area Structure Plan and therefore the redesignation of lands from Ranch and Farm District to Direct Control Bylaw 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 proposed 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.</p> <p>Agricultural Service Board Farm Member comments: The application of the Ag boundary Design Guideline will be critical in buffering the non-agricultural land use from the surrounding ag lands that are still in production.</p>
Bow North Recreation Board	No comments.
<i>Internal Departments</i>	
Municipal Lands	The Municipal Lands Office has no concerns at this time; however, comments pertaining to reserve dedication will be provided at any future subdivision stage.
Development Authority	No comments received.
GeoGraphics	No comments received.
Building Services	No comments received.
Emergency Services	Enforcement Services: No concerns
	Fire Services: No comments

AGENCY	COMMENTS
Infrastructure and Operations - Engineering Services	<p data-bbox="618 279 727 310"><u>General</u></p> <ul style="list-style-type: none"> <li data-bbox="618 331 1463 667">• This area is not outlined for industrial development in the Janet ASP. Therefore, appropriate Policy with respect to servicing, transportation, storm water management does not exist for development in this area. As per the direction of Council, the application was brought forward to the County and City of Calgary's IMC meeting for which the City indicated they would not support any further subdivision of the subject lands. Should the subject lands not be able to be subdivided further, all servicing requirements shall be dealt with as conditions of future development permits; <li data-bbox="618 667 1463 1591">• At Future Subdivision and/or Development Permit stage, the Owner is required to enter into a Development Agreement pursuant to Section 655 of the Municipal Government Act respecting provision of the following: <ul style="list-style-type: none"> <li data-bbox="678 821 1463 1115">○ Construction of a public internal road system (extension of Norman's Place Road) to an Industrial/Commercial standard (400.6) complete with temporary cul-de-sacs and any necessary easement agreements, as shown on the Tentative Plan, at the Owner's expense, in accordance with Section 400.0 of the Rocky View County Servicing Standards as approved by Council as amended all to the satisfaction of the County including cul-de-sac bulb; <li data-bbox="678 1115 1463 1188">○ Removal and reclamation of the existing cul-de-sac bulb that currently exists on Norman Place; <li data-bbox="678 1188 1463 1314">○ Construction of improvements as identified in the final approved TIA including road and intersection upgrades (note that land acquisition may be necessary and is the responsibility of the Applicant); <li data-bbox="678 1314 1463 1388">○ Mailbox locations are to be located in consultation with Canada Post to the satisfaction of the County; <li data-bbox="678 1388 1463 1556">○ Construction of storm water facilities in accordance with the recommendations of an approved storm water Management Plan and the registration of any overland drainage easements and/or restrictive covenants as determined by the storm water Management Plan; <li data-bbox="678 1556 1463 1591">○ Installation of power, natural gas, and telephone lines. <p data-bbox="618 1608 1182 1640"><u>Geotechnical</u> - Section 300.0 requirements:</p> <ul style="list-style-type: none"> <li data-bbox="618 1661 1463 1854">• At future subdivision/development permit stage, a geotechnical investigation will be required in accordance with the County Servicing Standards. A Geotechnical report is ordinarily required with the submission of a Local Plan or Conceptual Scheme however this was not submitted as part of the application.

AGENCY	COMMENTS
	<p data-bbox="618 262 1201 296"><u>Transportation</u> - Section 400.0 requirements:</p> <ul style="list-style-type: none"> <li data-bbox="618 310 1463 884">• Alberta Transportation had previously prepared a Functional Planning Study for the Highway 560 corridor which identified the future twinning of Highway 560 to the south and the construction of an interchange at Range Road 284 & Highway 560. The City of Calgary, with the involvement of the County and Alberta Transportation, has conducted a Functional Planning Study for an interchange at Range Road 285 & Highway 560 which also includes a shift in the previously identified location of the interchange of Range Road 284 & Highway 560. This current study is in its draft form and is expected to be brought forward to Council in the summer of 2018. The current proposal aligns with both Functional Planning Studies as access has been proposed by extension of the existing Norman's Place Road. Future requirements for land dedication, access, setbacks, and caveats shall be identified at the future subdivision or DP stage should the application be approved; <li data-bbox="618 884 1438 1119">• The Transportation Offsite Levy will be collected in accordance with the TOL bylaw at the time of a future Subdivision and/or Development Permit stage; At this time, the estimated levy payment owed at time of subdivision endorsement in accordance with Bylaw C-7356-2014 is \$430,914 (Base Levy + Special Area Levy #7 – Glenmore Trail Twinning); <li data-bbox="618 1119 1463 1255">• The Applicant is proposing to access the site by acting on an existing Road Acquisition Agreement west of Norman's Place Road and extending Norman's Place Road to reach the proposed development; <li data-bbox="618 1255 1463 1623">• The extension of Norman's Place Road to access the proposed development will involve obtaining right of way from Lot 2, Plan 9810955 (pan handle), which is not encompassed within the existing Road Acquisition Area. The existing parcel (Lot 2, Plan 9810955) will then obtain access off of the newly constructed Norman's Place (the applicant will be responsible for constructing an approach off of the newly constructed road), however a residual piece of land approximately 370 m by 12 m width will remain to the north of the road which shall be purchased and consolidated as part of the subdivision; <li data-bbox="618 1623 1463 1911">• The applicant has submitted a Transportation Impact Assessment by JCB Engineering (April 4, 2017). The TIA includes recommendations for improvements to the road network in order to support this development both at opening day and full build out. AT requirement is for the development to construct the infrastructure to support the 20 year horizon, therefore the necessary improvements include: <ul style="list-style-type: none"> <li data-bbox="675 1875 1308 1911">○ Intersection Upgrades at HWY 560/RR 283 –

AGENCY	COMMENTS
	<p>Signalization of intersection and addition of the following auxiliary lanes: eastbound left turn, northbound left turn and southbound right turn:</p> <ul style="list-style-type: none"> ▪ Note: Upgrades to provincial infrastructure are at the discretion of Alberta Transportation. The necessary improvements shall be confirmed at future subdivision stage with Alberta Transportation. ○ Intersection Upgrades at RR 283/Norman's Place – Add southbound right turn auxiliary lane; ○ Other upgrades may be necessary to Range Road 283 or Norman's Place road and will be determined at future Subdivision Stage. <ul style="list-style-type: none"> • Should the application proceed to the DP stage, the applicant may be required to provide an updated TIA analyzing the impact of the proposed development on the local and provincial road networks as the original TIA assessed the impact of the overall subdivision; • At future Subdivision stage or DP stage, the applicant will be required to enter into a Development Agreement for the extension of Norman's Place Road constructed to an Industrial/Commercial standard (400.6) in accordance with the County Servicing Standards and the TIA. Additionally, the applicant will be required to enter into a DA for the offsite infrastructure upgrades required to accommodate the development as outlined in the final approved TIA or as required by Alberta Transportation, and will be responsible for acquisition of any additional right of way necessary to implement the TIA recommendations. <p><u>Sanitary/Waste Water</u> - Section 500.0 requirements:</p> <ul style="list-style-type: none"> • For wastewater, the applicant is proposing the use of sewage holding tanks. ES has no further requirements at this time. <p><u>Water Supply And Waterworks</u> - Section 600.0 & 800.0 requirements:</p> <ul style="list-style-type: none"> • For supply of potable water, the applicant is proposing the use of water cisterns. ES has no further requirements at this time; • The applicant has indicated that a hydrant suppression system will be provided however has not provided details with respect to the system. The hydrants must be design in accordance with the County Servicing standards and Fire Servicing Bylaw. Further details of the proposed fire servicing concept are required at future subdivision stage. <p><u>Storm Water Management</u> – Section 700.0 requirements:</p> <ul style="list-style-type: none"> • The applicant has provided a conceptual level storm water

AGENCY	COMMENTS
	<p>management plan prepared by Civil Engineering Solutions. To support the proposed subdivision, the strategy includes two PULs be constructed to accommodate storm water from the proposed development and recommends the use of LIDs including irrigation of storm water to ensure that the requirement for zero discharge can be met;</p> <ul style="list-style-type: none"> • At future subdivision or DP stage, a detailed storm water management plan will be required in accordance with the County Servicing Standards which will confirm the final infrastructure design and sizing required to accommodate the proposed development: <ul style="list-style-type: none"> ○ As part of the updated SWMP, it is recommended that the west PUL be modified to have adequate setback from the Road Acquisition area that is being recommended from the end of the proposed cul-de-sac bulb to Range Road 284. The applicant has indicated that this will be accommodated within the updated plans; • Should the application proceed to the DP stage, the applicant will be required to provide a revised site specific stormwater management plan, prepared by a qualified professional, providing the strategy and design for the onsite stormwater management infrastructure and for the extension of Norman's Place Road; • Should the application proceed to the subdivision stage, the County will require that an access road be constructed to the proposed west PUL from the internal subdivision road with access right protected via an access right of way plan; • At future subdivision stage, should an irrigation system be required to be installed, ES would require a Lot Owner's Association be established to manage the operation and maintenance of the irrigation system; • As a condition of future subdivision, the applicant will be required to enter into a Development Agreement for the construction of storm water infrastructure required as a result of the development and outlined in the final Storm water Management Plan. Registration of any required easements, utility right of ways and/or public utility lots is required as a condition of subdivision; • In accordance with County Policy #431, the storm water management facilities on the public utility lots shall ultimately be transferred to the County; • The Applicant will be required to obtain AEP approval and licensing for the storm water management infrastructure. <p><u>Environmental</u> – Section 900.0 requirements:</p> <ul style="list-style-type: none"> • The County Wetland inventory shows that intact wetlands exist on the subject lands. It is recommended that a BIA be provided in accordance with the County Servicing standards.

AGENCY	COMMENTS
	<p>This is recommended to be completed at the time of land use (and not be deferred to future subdivision or development stage.)</p> <ul style="list-style-type: none"> ○ The applicant has indicated that this work will be conducted at future Development Permit stage and will not be conducting a BIA or Wetland Impact Assessment at this time. <p>AEP approval will be required for any wetland disturbance as a condition of future subdivision or DP.</p>
Infrastructure and Operations - Capital Delivery	No concerns.
Infrastructure and Operations - Maintenance	No concerns.
Infrastructure and Operations - Operations	No concerns.
Infrastructure and Operations – Solid Waste	No comments received.
Infrastructure and Operations – Utility Services	No comments received.

Re-circulation Period: April 23, 2018 to May 22, 2018



BYLAW C-7749-2018

A Bylaw of Rocky View County to amend Land Use 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-7749-2018.

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. 33-NW of Bylaw C-4841-97 be amended by redesignating Lot 1, Plan 9810955 & Lot 3, Plan 9813204 within NW-21-23-28-W04M from Ranch & Farm District to Direct Control District as shown on the attached Schedule 'A' forming part of this Bylaw.
- THAT** Lot 1, Plan 9810955 & Lot 3, Plan 9813204 are hereby redesignated to Direct Control Bylaw, as shown on the attached Schedule 'A' forming part of this Bylaw.
- THAT** The regulations of the Direct Control District comprise:
- 1.0.0 General Regulations
 - 2.0.0 Land Use Regulations: Cell A
 - 3.0.0 Land Use Regulations: Cell B
 - 4.0.0 Development Regulations
 - 5.0.0 Transitional

1.0.0 GENERAL REGULATIONS

- 1.1.0 For the purposes of this Bylaw, the Lands shall be notionally divided into Development Cell A and Cell B, the boundaries and descriptions of which shall be more or less as indicated in Schedule 'B', attached to and forming part of this Bylaw, except as otherwise approved by Council. The size and shape of each Development Cell is approximate and will be more precisely determined by a Tentative Plan of Subdivision or Site Development Plan, in form and substance satisfactory to the County.
- 1.2.0 The General Regulations contained within this Section are applicable to the entire Development Area, which includes all Development Cells.
- 1.3.0 The Operative and Interpretive Clauses (Part One), The General Administration (Part Two), and General Regulations (Part Three) of the Land Use Bylaw (C-4841-97) shall apply unless otherwise specified in this Bylaw.
- 1.4.0 The Development Authority shall consider and decide on applications for Development Permits for all uses listed by this Bylaw.
- 1.5.0 The Development Authority shall consider and decide on applications for Development Permits for all uses listed by this Direct Control Bylaw provided the provisions of Section 2 and 3 herein are completed in form and substance, satisfactory to the County, except where specifically noted that Council approval is required.



- 1.7.0 All development upon the Lands shall be in accordance with all plans and specifications submitted pursuant to this Bylaw, and all licences, permits, and approvals pertaining to the lands.
- 1.8.0 In addition to the uses contemplated by this Bylaw, the following shall be permitted in all Development Cells:
 - a) Roads necessary for access and internal vehicular circulation;
 - b) Utilities and facilities necessary to service the Development; and
 - c) Development listed within Section 7 of the Rocky View County Land Use Bylaw.
- 1.9.0 All new development or expansion of uses shall comply with all County and Provincial bylaw, policies, regulations, and standards.
- 1.10.0 The applicant may be required to enter into a Development Agreement to ensure all servicing, access, and technical items are implemented, as directed by this Direct Control Bylaw, the Province of Alberta, and the County's Servicing Standards.

2.0.0 LAND USE REGULATIONS – Cell A

BUSINESS-INDUSTRIAL CAMPUS (B-IC) (SECTION 74)

ROCKY VIEW COUNTY / LAND USE BYLAW C-4841-97

2.1.0 Purpose and Intent

The purpose and intent of this Cell 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.

2.1.0 Uses, Permitted

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

2.2.0 Uses, Discretionary

General industry Type II
Kennels
Laboratories
Outdoor display area (See Section 26 of the Land Use Bylaw C-4841-97 for Display Area regulations)



Outdoor storage, truck trailer

Outside storage

Personal Service Business

Recycling collection point

Retail store, local (Floor Area up to 600 m² (6,458.35 ft²))

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

- 2.3.0 Development Permit applications for both permitted and discretionary uses shall be evaluated in accordance with Section 12 of Land Use Bylaw C-4841 as well as the following provisions:

2.4.0 Minimum and Maximum Requirements

a) *Parcel Size:*

- (i) The minimum *parcel* size shall be 14.17 hectares (35.00 acres).

2.5.0 Setbacks

a) Minimum Yard, Front for Buildings:

- (i) 6.00 m (19.69 ft.).

b) 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.

c) 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.

d) 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.

e) 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.



- f) 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.

2.6.0 Building Height

- a) Maximum of 20.00 m (65.62 ft.)

2.7.0 Other Requirements

- a) A Development Authority may require a greater building setback for an industrial development that, 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, 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.

2.8.0 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.

2.9.0 Storage

- a) All storage is to be located to the rear and side of a principal building and in the event that there is no principal building, the storage setback from the front property line is 15 m (49.21 ft.).

3.0.0 LAND USE REGULATIONS – CELL B

INDUSTRIAL – INDUSTRIAL ACTIVITY (I-IA) (SECTION 75)

ROCKY VIEW COUNTY / LAND USE BYLAW C-4841-97

3.1.0 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.

3.2.0 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

3.3.0 Uses, Discretionary

Compost Facility Types I, II

General Industry Type III

Licensed Medical Marijuana Production Facility (See Section 20 of the Land Use Bylaw C-4841-97 for regulations)

Outdoor display area (See Section 26 of the Land Use Bylaw C-4841-97 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.

3.4.0 *Development Permit* applications for both permitted and discretionary uses shall be evaluated in accordance with Section 12 of Land Use Bylaw C-4841-97 as well as the following provisions:

3.5.0 Minimum and Maximum Requirements

a) Parcel Size:

i) The minimum parcel size shall be 14.17 hectares (35.00 acres).

3.6.0 Setbacks

a) Minimum Yard, Front for Buildings:

i) 15.00 m (49.21 ft.)

b) Minimum Yard, Side for Buildings:

i) Minimum of 15.00 m (49.21 ft.)

c) Minimum Yard, Rear for Buildings:

i) Minimum of 15.00 m (49.21 ft.)

3.7.0 Building Height

a) Maximum of 20.00 m (65.62 ft.)



3.8.0 Other Requirements

- a) A Development Authority may require a greater building setback for an industrial development that, 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.

4.0.0 DEVELOPMENT REGULATIONS

- 4.1.0 An update to the Traffic Impact Assessment (TIA), prepared by ISL Engineering and Land Services, dated January 2017, and/or a Traffic Management and Accommodation Plan, may be required prior to the approval of any Development Permit, to the satisfaction of Rocky View County and Alberta Transportation.
- 4.2.0 The Agricultural Boundary Design Guidelines shall be considered and adhered to for all phases of development.
- 4.3.0 Architectural guidelines including, but not limited to, development standards relative to architectural style and theming, landscaping, water conservation, and lighting policies shall be established at the subdivision stage.
- 4.4.0 The Applicant shall enter into a Development Agreement for any necessary on-site and off-site upgrades in accordance with the approved TIA (and any subsequent updates to the approved TIA), County and Provincial standards, to the satisfaction of the County and Alberta Transportation.
- 4.5.0 The Development Authority may issue a Development Permit for stripping and grading, provided the Grading Plan includes the Erosion and Sediment Control Plan and a Construction Management Plan.
- 4.6.0 Exterior lighting should be designed to conserve energy and eliminate upward light. All development will be required to be dark sky compliant.
- 4.7.0 Development applications shall include a Landscaping Plan prepared by a landscape architect. All landscaping shall be in accordance with the Landscaping section of the General Regulations in the Land Use Bylaw.
- 4.8.0 All areas shall be subject to a Weed Control Program prepared by the Applicant/Owner in accordance with the Weed Control Act of Alberta and the County's Servicing Standards, and confirmed in a Development Permit or Development Agreement, to the satisfaction of the County.
- 4.9.0 Disposal of wastewater from the development on-site shall be subject to all Municipal and Provincial approvals.
- 4.10.0 Potable water for all development on the site shall be provided through the use of hauled water that is stored in a cistern.
- 4.11.0 Solid waste removal is the responsibility of the Owner and shall be disposed of on a regular basis at an approved disposal site. The Owners will employ this method on a truck-out basis.
- 4.12.0 The design, character, and appearance of any buildings proposed to be erected or located on the property must be acceptable to the Development Authority, having due regard to its effect on neighboring developments and general amenities of the area.



- 4.13.0 Garbage and waste material shall be stored in weatherproof and animal proof containers. Such containers shall be located within buildings or adjacent to the side or rear of buildings, and shall be screened from view by all adjacent properties and roadways, all to the satisfaction of The Development Authority.
- 4.14.0 Airborne particulate matter originating from storage areas, yards, roads, or parking areas shall, at all times, be suppressed by application of approved dust-free treatments in accordance with Alberta Environment guidelines on those areas as defined in a Development Permit.
- 4.15.0 No use or operation should cause or create the emission or spread of odorous matter or vapour beyond the site that contains the use or operation that produces them.
- 4.16.0 No use or operation at any location on the site shall cause or create hazardous materials or waste. The operation shall be in accordance with the regulations of any government authority having jurisdiction, and shall be in accordance with any Hazardous Materials Management Plan that may be required by the Municipality and as defined in a Development Permit.
- 4.17.0 Fire protection measures shall be provided as may be required by the Municipality and included in a Development Permit.
- 4.18.0 Fire servicing via a hydrant suppression (dry-hydrant) system will be completed to the satisfaction of the County; once the building layout and the Detailed Storm Water Management Plan have been finalized based upon volume and layout/distance requirements.

PART 6 – TRANSITIONAL

Bylaw C-7749-2018 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: 4

File: 03321003/03321008/ PL20170070

<i>PUBLIC HEARING WAS HELD IN COUNCIL this</i>	<i>day of</i>	<i>, 2018</i>
READ A FIRST TIME IN COUNCIL this	day of	, 2018
READ A SECOND TIME IN COUNCIL this	day of	, 2018
<i>UNANIMOUS PERMISSION FOR THIRD READING</i>	<i>day of</i>	<i>, 2018</i>
READ A THIRD TIME IN COUNCIL this	day of	, 2018

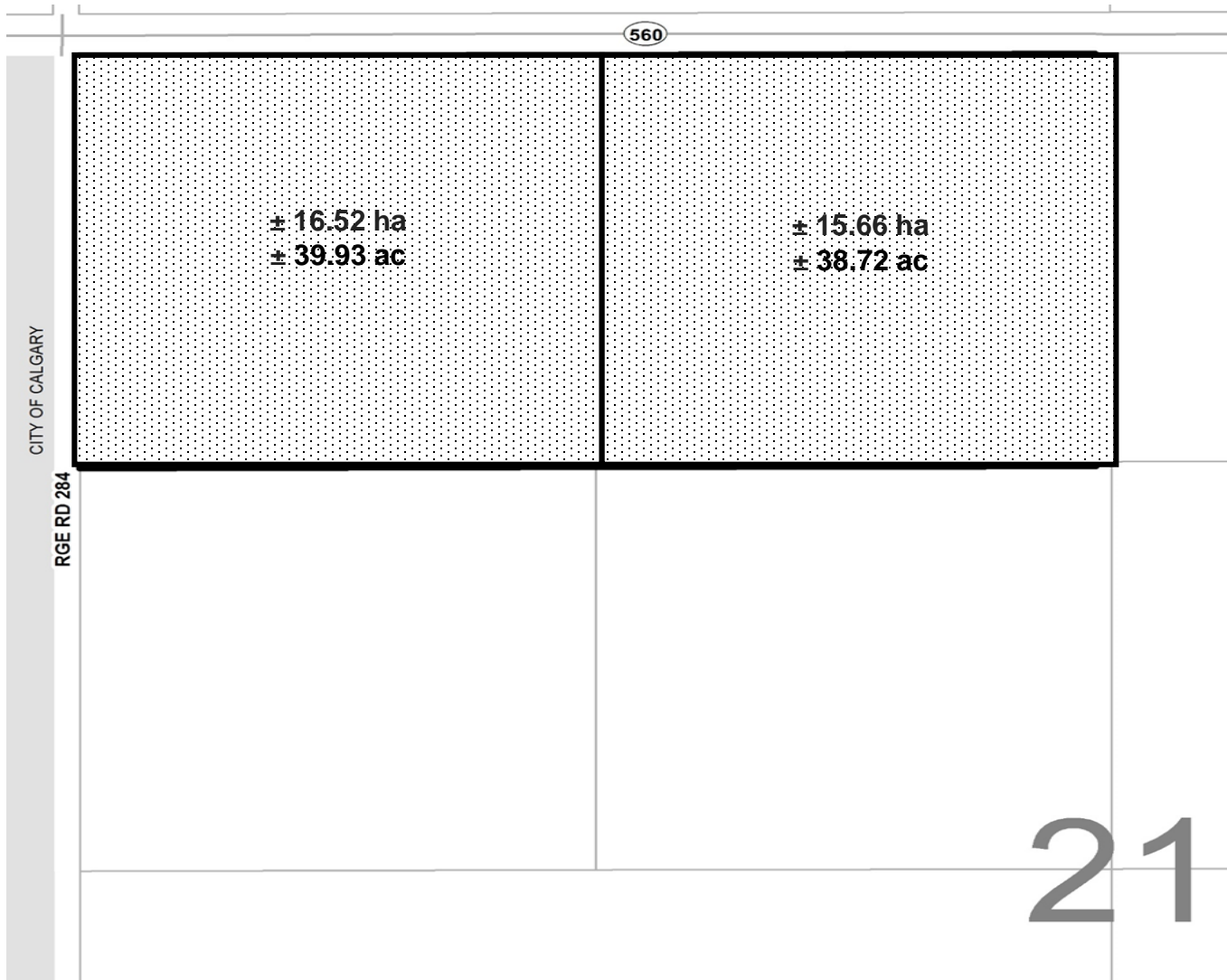


Reeve

CAO or Designate

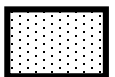
Date Bylaw Signed

BYLAW: C-7749-2018



AMENDMENT

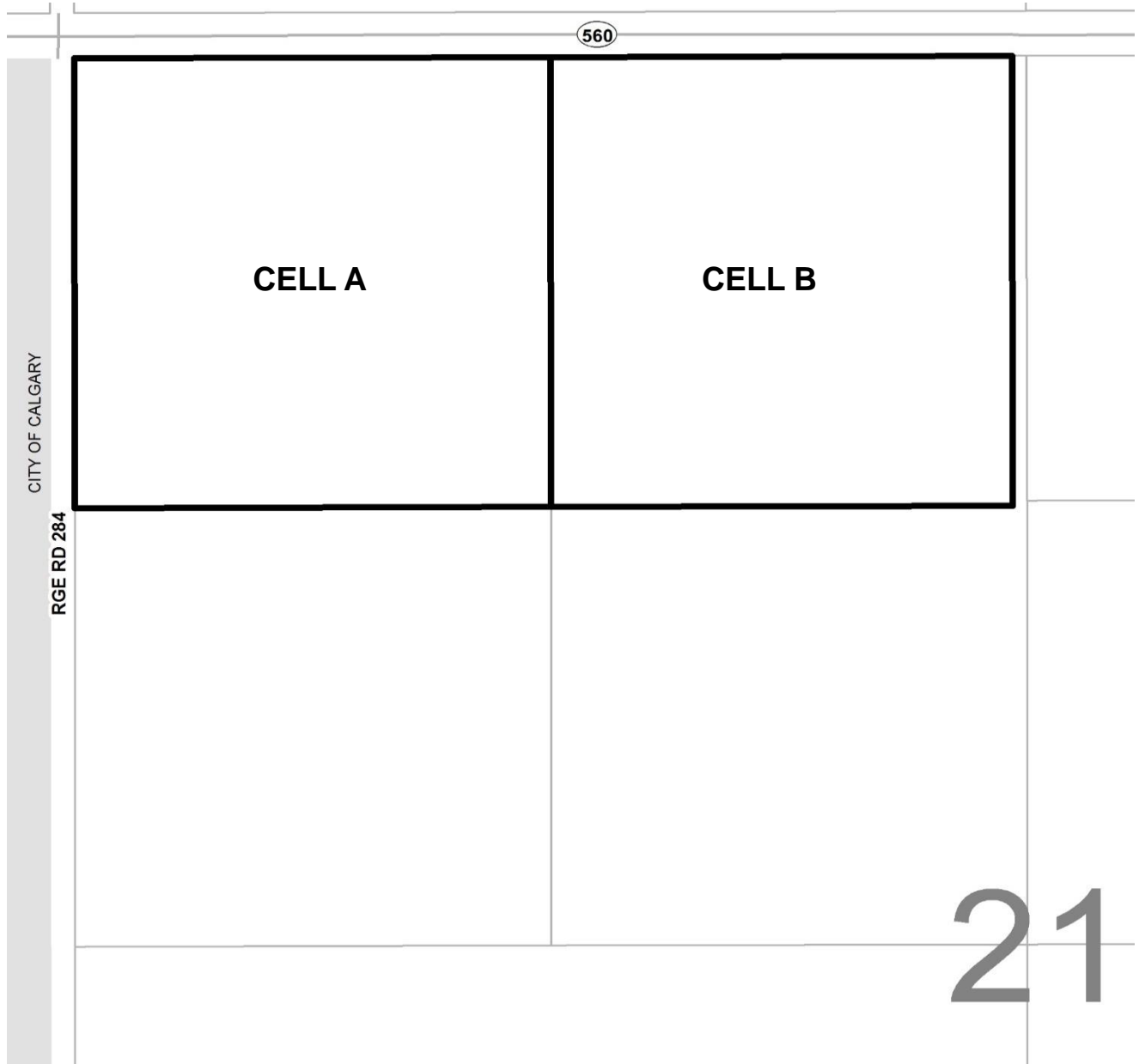
FROM Ranch and Farm District **TO** Direct Control District



Subject Land _____

LEGAL DESCRIPTION: Lot 1, Plan 9810955 & Lot 3, Plan
9813204 within NW-21-23-28-W4M

FILE: 03321003/03321008-PL20170070 **DIVISION: 4**

SCHEDULE "B"**BYLAW: C-7749-2018****NW-21-23-28-W04M**Date: May 12, 2017

Division # 4

File: 03321003/03321008**AGENDA****Page 216 of 299**



List of Amendments to Proposed Direct Control Bylaw C-7749-2018

Amendment # 1

Delete Section 2.4.0 a) (i) which reads:

The minimum parcel size shall be 6.07 hectares (15.00 acres).

And replace with:

The minimum parcel size shall be 14.17 hectares (35.00 acres).

Amendment #2

Add the following use to section 3.3.0 Uses, Discretionary:

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.

Amendment #3

Delete section 3.4.0, which reads:

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.

And renumber subsequent sections accordingly

Amendment #4

Delete section 3.6.0 a) i), which reads:

The minimum parcel size shall be 6.07 hectares (15.00 acres).

And replace with:

The minimum parcel size shall be 14.17 hectares (35.00 acres).

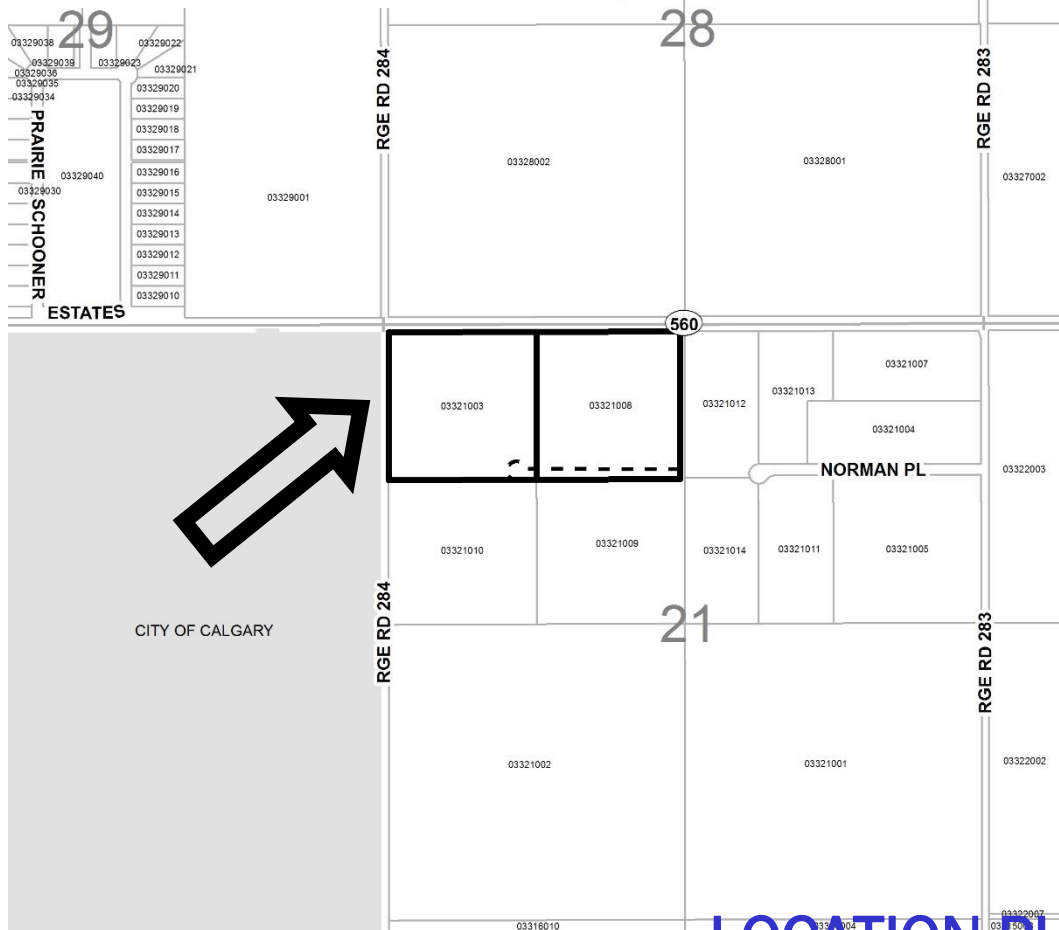
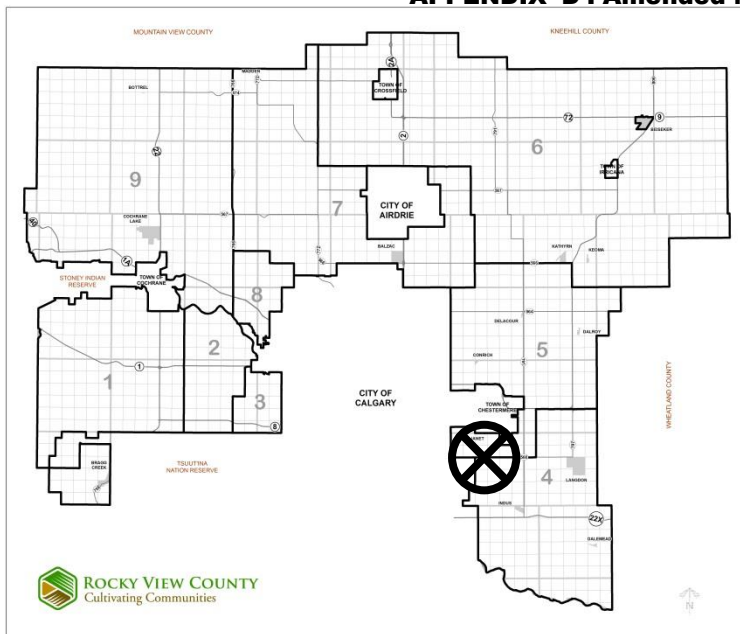
Amendment #5

Delete Section 4.16.0, which reads:

No use or operation at any location on the site shall cause or create the hazardous materials or waste shall be in accordance with the regulations of any government authority having jurisdiction, and in accordance with any Hazardous Materials Management Plan that may be required by the Municipality and as defined in a Development Permit.

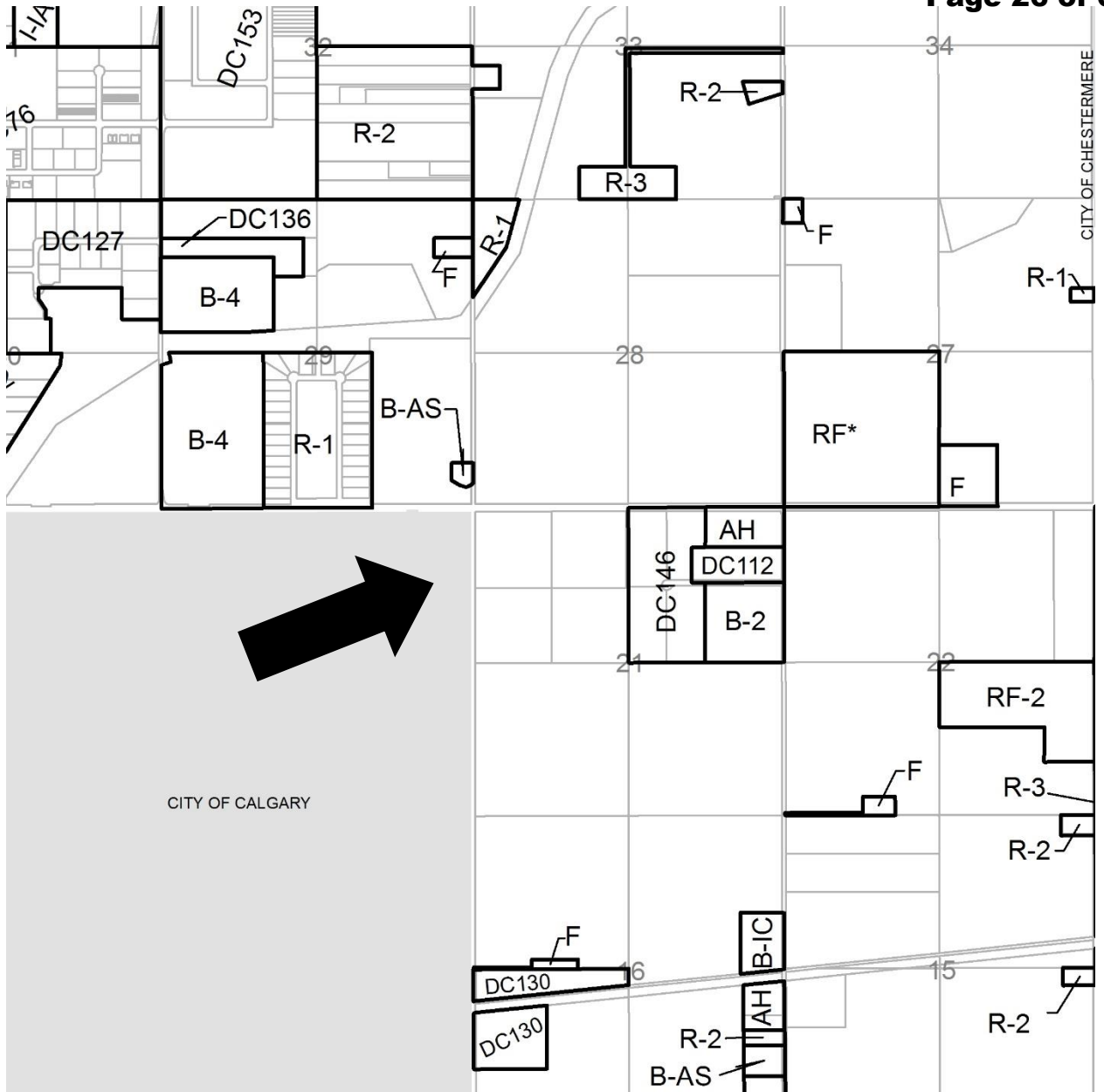
And replace with:

No use or operation at any location on the site shall cause or create hazardous materials or waste. The operation shall be in accordance with the regulations of any government authority having jurisdiction, and shall be in accordance with any Hazardous Materials Management Plan that may be required by the Municipality and as defined in a Development Permit.



LOCATION PLAN

NW-21-23-28-W04M



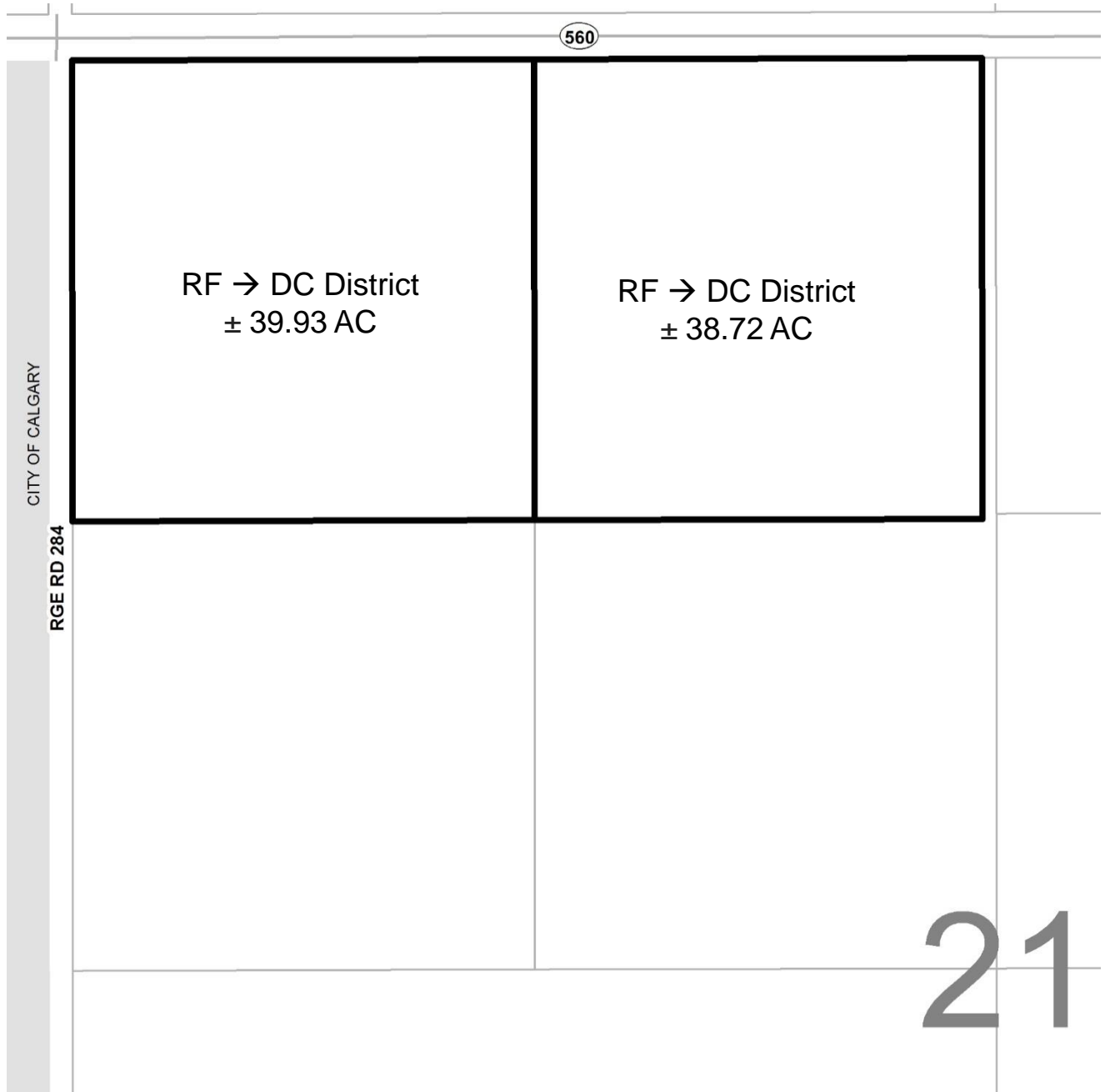
Ranch and Farm	B-1 Highway Business
RF2 Ranch and Farm Two	B-2 General Business
RF3 Ranch and Farm Three	B-3 Limited Business
AH Agricultural Holding	B-4 Recreation Business
F Farmstead	B-5 Agricultural Business
R-1 Residential One	B-6 Local Business
R-2 Residential Two	NRI Natural Resource Industrial
R-3 Residential Three	HR-1 Hamlet Residential Single Family
DC Direct Control	HR-2 Hamlet Residential (2)
PS Public Service	HC Hamlet Commercial
	AP Airport

LAND USE MAP

NW-21-23-28-W04M

Redesignation Proposal: To redesignate the subject lands from Ranch and Farm District to Direct Control District.

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DEVELOPMENT PROPOSAL

NW-21-23-28-W04M

Date: April 19, 2018

Division # 4

File: 03321003/03321008

AGENDA

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560

CITY OF CALGARY

RGE RD 284

Lot 1

Lot 2

DEVELOPMENT CONCEPT

NW-21-23-28-W04M





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-21-23-28-W04M

Date: April 19, 2018

Division # 4

File: 03321003/03321003

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-21-23-28-W04M

Date: April 19, 2018

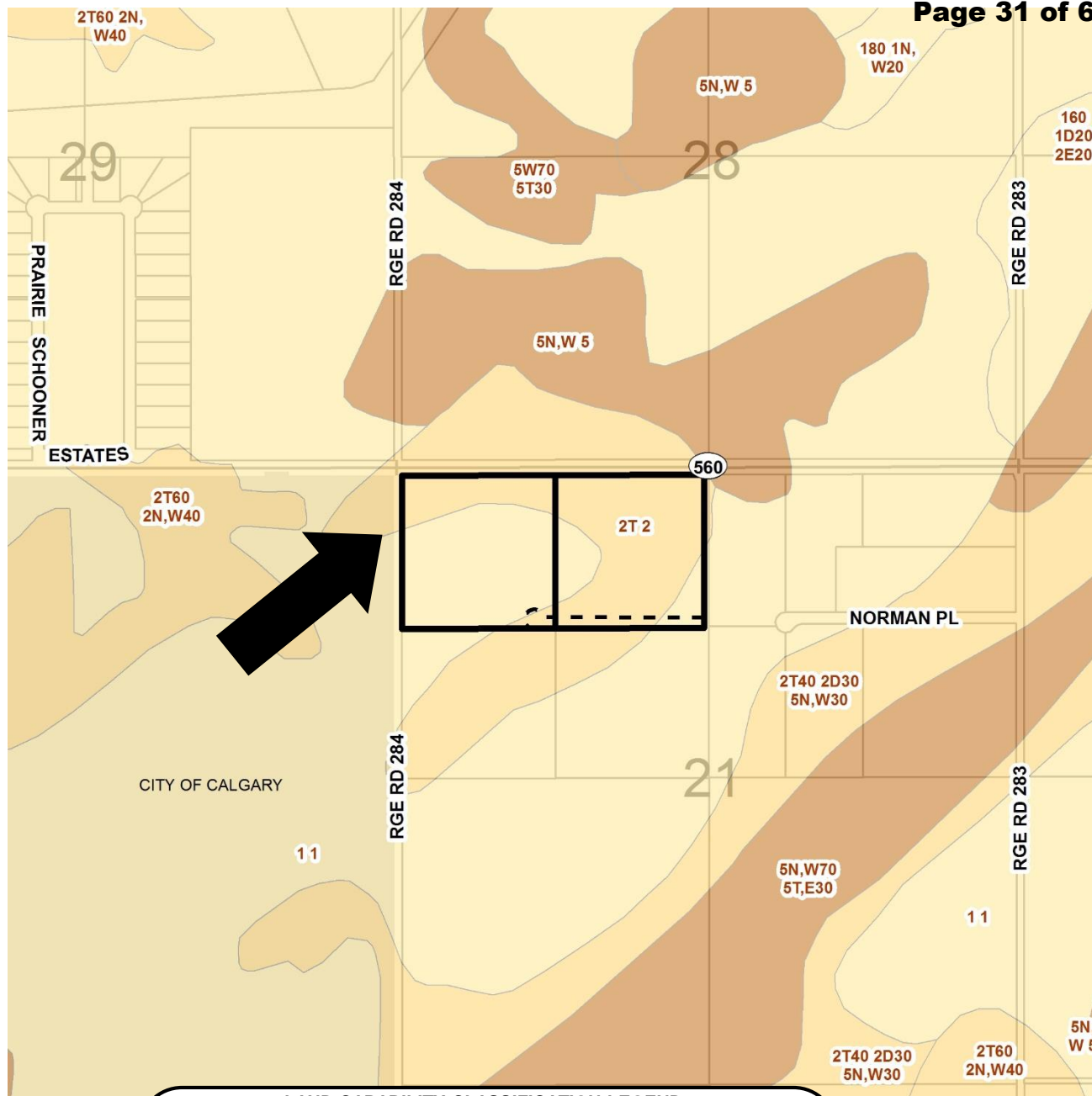
Division # 4

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AGENDA

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LAND CAPABILITY CLASSIFICATION LEGEND

Limitations refer to cereal, oilseeds and tame hay crops

CLI Class

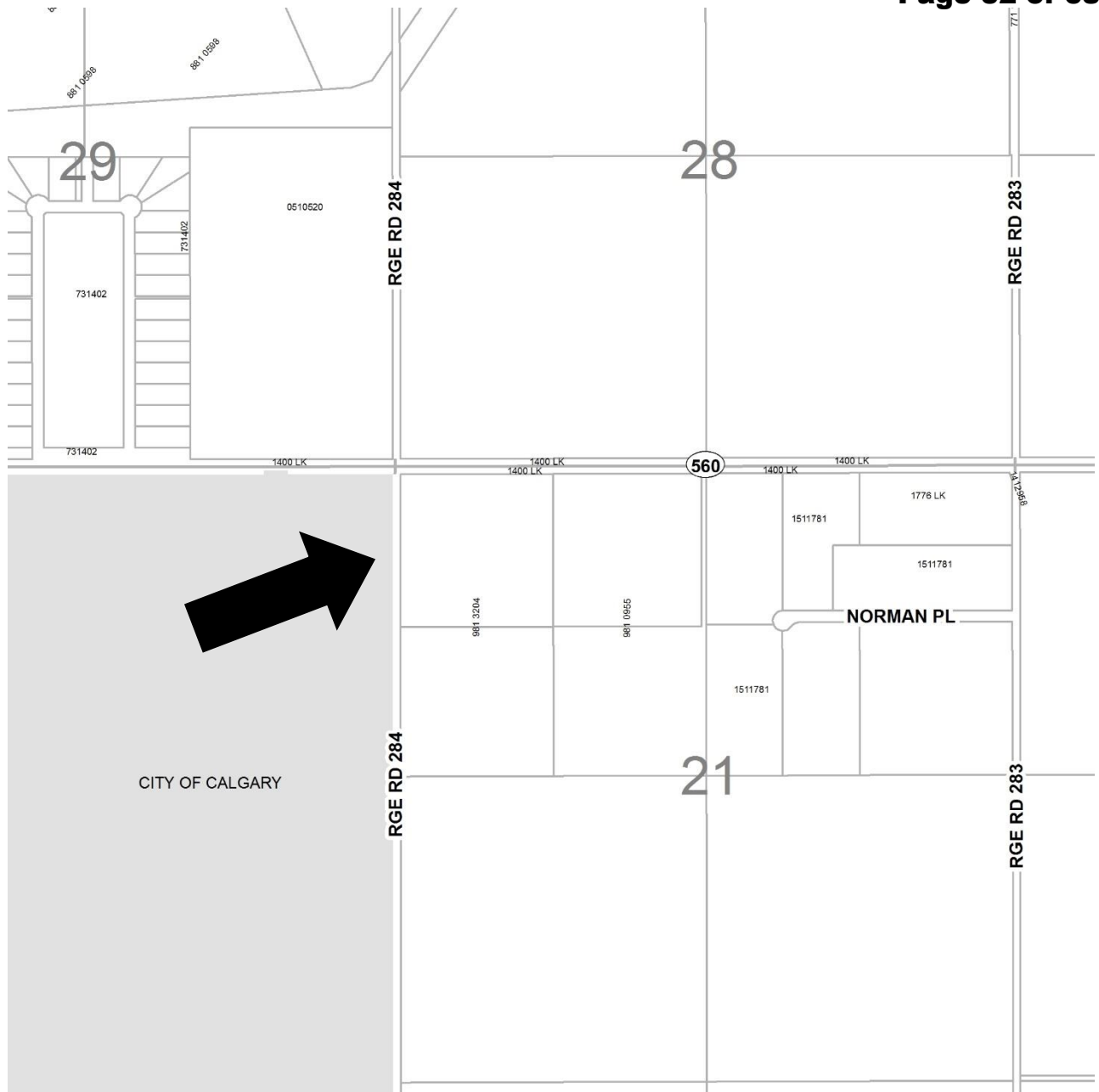
- 1 - No significant limitation
- 2 - Slight limitations
- 3 - Moderate limitations
- 4 - Severe limitations
- 5 - Very severe limitations
- 6 - Production is not feasible
- 7 - No capability

Limitations

- B - brush/tree cover
- C - climate
- D - low permeability
- E - erosion damage
- F - poor fertility
- G - Steep slopes
- H - temperature
- I - flooding
- J - field size/shape
- K - shallow profile development
- M - low moisture holding, adverse texture
- N - high salinity
- P - excessive surface stoniness
- R - shallowness to bedrock
- S - high sodicity
- T - adverse topography
- U - prior earth moving
- V - high acid content
- W - excessive wetness/poor drainage
- X - deep organic deposit
- Y - slowly permeable
- Z - relatively impermeable

SOIL MAP

NW-21-23-28-W04M

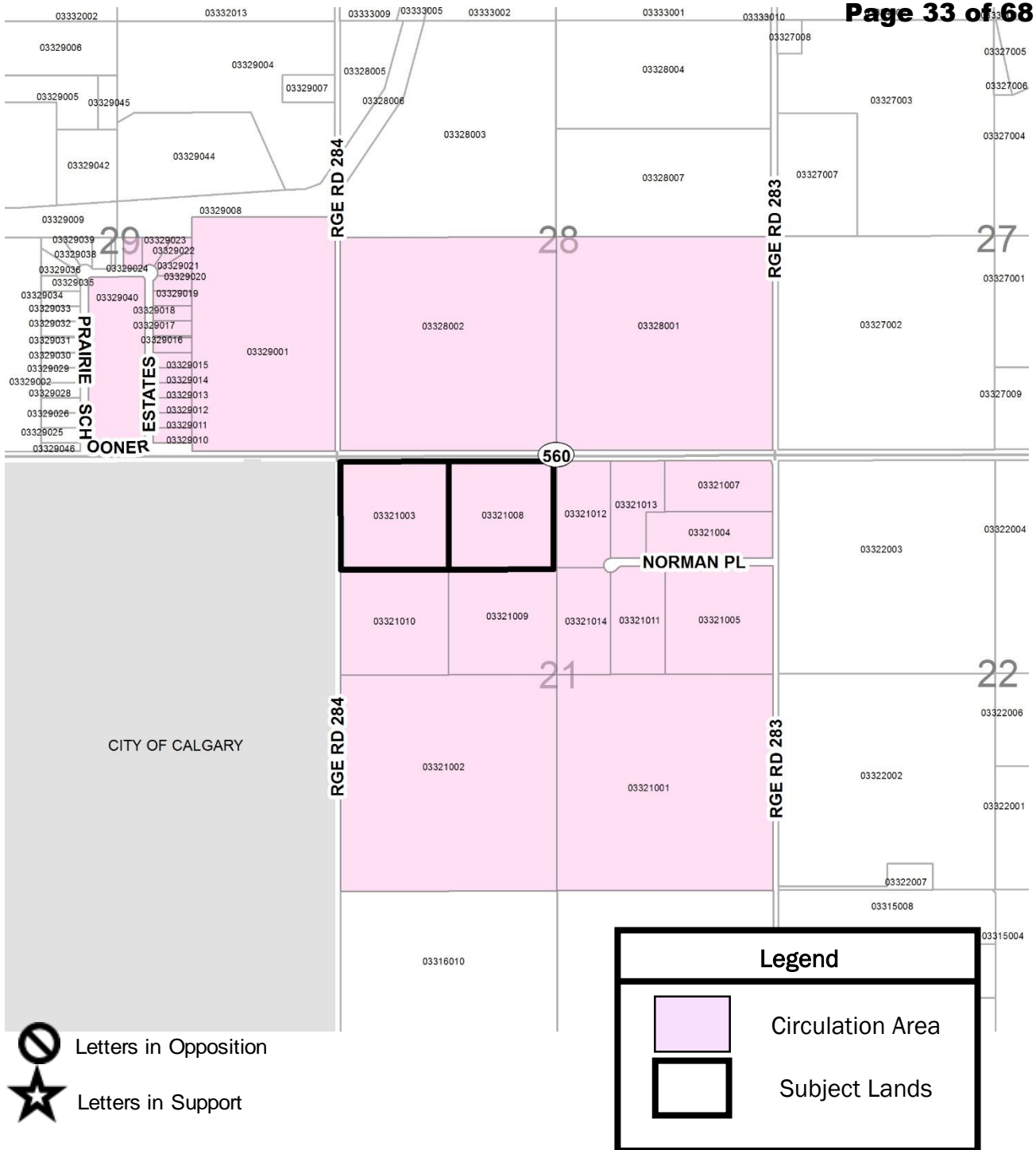
**Legend – Plan numbers**

- First two numbers of the Plan Number indicate the year of subdivision registration.
- Plan numbers that include letters were registered before 1973 and do not reference a year

HISTORIC SUBDIVISION MAP

NW-21-23-28-W04M

Date: April 19, 2018Division # 4File: 03321003/03321008**AGENDA****Page 225 of 299**



LANDOWNER CIRCULATION AREA

NW-21-23-28-W04M



PLANNING SERVICES

TO: Council

DATE: February 13, 2018 **DIVISION:** 4

TIME: Morning Appointment

FILE: 03321003/08 **APPLICATION:** PL20170070

SUBJECT: Redesignation Item – Ranch and Farm District to Direct Control Bylaw outside of an identified business area; located at the southeast junction of Highway 560 and Range Road 284.

¹ADMINISTRATION RECOMMENDATION:

THAT application PL20170070 be refused.

EXECUTIVE SUMMARY:

The purpose of this application is to redesignate the subject lands from Ranch and Farm District to Direct Control District to accommodate four business/industrial lots and two public utility lots (PUL). See Appendix 'B'.

The *Municipal Government Act* (MGA 640) gives Council the authority to pass bylaws to change or redesignate a parcel's land use designation (zoning) to regulate and control the use and development of land and buildings within its jurisdiction.

The lands are located at the southeast junction of Highway 560 and Range Road 284, on the eastern boundary of the city of Calgary. The lands are located in an area of the County that features predominantly agricultural land with limited business/industrial uses directly to the east.

The subject lands contain two existing dwellings that are serviced by a well and a conventional septic system. The Applicant is proposing the use of water cisterns and sewage holding tanks for water and waste water servicing.

Access is currently achieved via an undeveloped road allowance off Highway 560 (east parcel), and an approach off Range Road 284 (west parcel). The Applicant is proposing to upgrade the intersections at Highway 560 / Range Road 283 and Range Road 283 / Norman Place Road, and to extend Norman Place Road to the west to service the proposed development.

In order to accommodate the growth of the County's business sectors, The County Plan identifies the appropriate locations in which business development should occur to maximize efficiency and minimize conflicts. The County Plan does not support applications in the vicinity of these locations. The Janet Area Structure Plan, which provides a policy framework and comprehensive planning for both Highway Commercial and Industrial developments, covers the area directly north of the subject property and contains significant land holdings to accommodate the uses proposed in this application.

As the lands are not located within the boundaries of an area structure plan or conceptual scheme, the application was evaluated with the policies of the County Plan. Administration reviewed the Business Development Policies and determined that:

- The proposed business development is located outside of an identified business area, as identified on Map 1 of the County Plan;

¹ Administration Resources

Jamie Kirychuk, Planning Services

Angela Yurkowski, Engineering Services



ROCKY VIEW COUNTY
Cultivating Communities

- The proposal is adjacent to the Janet Area Structure Plan and therefore does not meet County Plan policy 14.19; and
- The proposal is inconsistent with the Rocky View County / City of Calgary Intermunicipal Development Plan (IDP), specifically sections 8.1.2 and 8.1.4.

The policies of the County Plan are intended to maximize the success of identified business areas, such as the Janet ASP, by limiting competing business uses in the immediate vicinity that could jeopardize the viability of the business area. In addition, the City of Calgary is also in opposition to the proposal as it does not meet the IDP policies. Consequently, Administration recommends refusal in accordance with **Option #2**.

DATE APPLICATION DEEMED COMPLETE: May 2, 2017

PROPOSAL:	To redesignate the subject lands from Ranch and Farm District to Direct Control Bylaw to accommodate four business/industrial lots and two public utility lots (PUL).
LEGAL DESCRIPTION:	Lot 1, Plan 9810955, & Lot 3, Plan 9813204, NW-21-23-28-W04M
GENERAL LOCATION:	Located at the southeast junction of Highway 560 and Range Road 284.
APPLICANT:	Terradigm Development Consultants Inc.
OWNERS:	1275685 Alberta Ltd. / 1660766 Alberta Ltd. / Alloy Investments Inc.
EXISTING LAND USE DESIGNATION:	Ranch and Farm District
PROPOSED LAND USE DESIGNATION:	Direct Control Bylaw
GROSS AREA:	± 31.82 hectares (78.65 acres)
SOILS (C.L.I. from A.R.C.):	Class 1 and 2 — slight limitations due to adverse topography.

PUBLIC SUBMISSIONS:

The application was circulated to 31 adjacent landowners; no letters of support or opposition were received.

AGENCY SUBMISSIONS:

The application was circulated to a number of internal and external agencies. The responses are available in Appendix 'A'.

HISTORY:

November 18, 1998 Lot 3, Plan 9813204 registered at Land Titles.

April 2, 1998 Lot 11, Plan 9810955 registered at Land Titles.

BACKGROUND:

The purpose of this application is to redesignate the subject lands from Ranch and Farm Two District to Direct Control District to accommodate four business or industrial lots and two public utility lots (PUL).

The lands are located at the southeast junction of Highway 560 and Range Road 284, on the eastern boundary of the city of Calgary. The lands are located in an area of the County that features predominantly agricultural land with limited business/ industrial uses directly to the east.



The subject lands are located within the City of Calgary / Rocky View County Intermunicipal Development Plan (IDP) and directly south of the Janet Area Structure Plan (ASP).

The subject lands contain two existing dwellings that are serviced by a well and a conventional septic system. The Applicant is proposing the use of water cisterns and sewage holding tanks for water and waste water servicing. The Applicant also indicated that a hydrant suppression system would be provided; however, further details have not been provided. The hydrants must be designed in accordance with the County Servicing Standards and Fire Servicing Bylaw. Further details of the proposed fire servicing concept would be required at the subdivision stage.

Access is currently achieved via an undeveloped road allowance off Highway 560 (east parcel), and an approach off Range Road 284 (west parcel). The Applicant is proposing to upgrade the intersections of Highway 560/Range Road 283 and Range Road 283/Norman Place Road, and to extend Norman Place Road further west to service the future development.

The Applicant provided a conceptual level stormwater management plan, prepared by Civil Engineering Solutions. The report proposes that two public utility lots (PUL) be constructed to accommodate stormwater management. At the future subdivision stage, a detailed storm water management plan, in accordance with the County Servicing Standards, would be required, which would confirm the final infrastructure design and sizing required to accommodate the proposed development.

The County Wetland inventory indicates that there are several intact wetlands on the subject properties. As per the County Servicing Standards, Administration recommended that a Biophysical Impact Assessment (BIA) be completed at the time of land use redesignation. The Applicant requested that this requirement be deferred to the Development Permit stage.

POLICY ANALYSIS:

As the subject lands are not located within the policy areas of an area structure plan or a conceptual scheme, this application was evaluated using the Business Development policies of the County Plan. The Rocky View County/City of Calgary Intermunicipal Development Plan provides guidance for development in the area as well.

County Plan

The application was evaluated in accordance with Section 14, Business Development, of the County Plan. The goal of this section is to provide a range of business areas, and encourage the majority of new commercial and industrial business to locate in those identified business areas.

14.2 Direct business development to locate in identified business areas as identified on Map 1.

- The proposed business development is located outside of an identified business area, as identified on Map 1 of the County Plan.

14.3 Encourage the infilling or intensification of existing business areas and hamlet main streets in order to complement other businesses, maximize the use of existing infrastructure, minimize land use conflicts with agricultural uses, and minimize the amount of traffic being drawn into rural areas.

- The proposed business development location does not infill or intensify an existing business area, maximize the use of existing infrastructure, minimize land use conflicts with agricultural uses, or minimize the amount of traffic being drawn into rural areas.

14.4 A business area shall have an adopted area structure plan in place prior to development, with the exception of lands in business areas that already have the appropriate land use designation allowing business development.

- The subject land is not located within the policy area of an adopted area structure plan and does not have an existing designation to allow for business uses.



14.5 *Boundary expansion of a business area shall require an area structure plan or an area structure plan amendment.*

- At this time there are no plans to expand the Janet ASP, as it was recently adopted and contains a significant amount of undeveloped land for commercial and industrial uses.

14.19 *Applications to redesignate land for business uses adjacent to, or in the vicinity of, the boundaries of an identified business area shall not be supported.*

- The County Plan encourages business development to locate in an identified business area in order to use commercial-standard road systems and municipal servicing, and to reduce potential impact on non-commercial lands. The subject land is located adjacent to the Janet Area Structure Plan, which is identified as one of the Regional Business Centers in the County Plan. Business development located adjacent to a business area could reduce the viability of that identified business center. Therefore, the application to redesignate the subject land to a commercial use is not supported.

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 stated that the subject lands have, “800 meters of highway exposure and have business uses on the east side and growing business uses within the City of Calgary on the west side. Changing the land use of the properties to industrial simply completes the industrial corridor within the County to the City of Calgary border. Although, apart from being adjacent to Highway 560, there is nothing unique about the property that justifies why certain businesses must locate here, it is clear that the future of the properties is industrial / commercial and that changing the designation today will not be detrimental to the area but provide the County with an enhanced level of taxation.”
- The County has identified the Janet ASP area as the industrial business corridor. The uses proposed in this application are accommodated in the Janet ASP and therefore are not unique to this particular location.

Rocky View County / City of Calgary Intermunicipal Development Plan

As the subject lands are located within the policy area of the Rocky View County/City of Calgary IDP, Policy 27.17 of the County Plan requires that the IDP be considered in the evaluation of this application. The subject lands are located within an area identified as “Highway 560 (Glenmore Trail) Joint Industrial Corridor” on Map 2, and within the Industrial portion of the “Identified City of Calgary Growth Areas” on Map 4.

Policy 8.1.2 requires that development within these growth corridors should proceed in accordance with “other Rocky View County statutory and local area plans.” Policy 8.1.4 requires Rocky View County to “evaluate applications within identified City of Calgary Growth Areas against this Plan, the Rocky View County Municipal Development Plan and the Rocky View County Land Use Bylaw.”

This indicates that industrial development in this area would be supported by the IDP as long as it proceeds in accordance with the County Plan. As this application does not satisfy the requirements of the County Plan, the IDP policy is not met.

The City of Calgary reviewed the application and provided comment. While they identify that the lands are appropriate for future industrial development, concerns were raised regarding the potential for further fragmentation of the lands. Gradual land fragmentation, especially along a potentially vital component of the transportation network, can inhibit areas from reaching their full development potential, is an inefficient use of land, and can lead to future planning and administrative challenges.



ROCKY VIEW COUNTY
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Regional Growth Plan

As of January 1, 2018, statutory plans, bylaws, and municipal agreements are required to be consistent with the Calgary Metropolitan Region's growth and servicing plans. As the regional growth plan has not been completed, it is not possible to assess consistency with the growth and servicing plans. Therefore, if the development were to be approved and later found to be inconsistent, the bylaw would be invalid.

CONCLUSION:

Administration evaluated the application based on the applicable policies within the County Plan and the Intermunicipal Development Plan. The proposal does not meet the policy requirements of Section 14 of the County Plan or the policies of the Intermunicipal Development Plan. Therefore, Administration recommends refusal in accordance with **Option # 2**.

OPTIONS:

- Option #1: Motion #1 THAT Bylaw C-7749-2018 be given first reading.
 Motion #2 THAT Bylaw C-7749-2018 be given second reading.
 Motion #3 THAT Bylaw C-7749-2018 be considered for third reading.
 Motion #4 THAT Bylaw C-7749-2018 be given third and final reading.
- Option #2: THAT application PL20170070 be refused.

Respectfully submitted,

Concurrence,

"Chris O'Hara"

"Kent Robinson"

General Manager

Acting County Manager

JK/rp

APPENDICES:

- APPENDIX 'A': Application Referrals
 APPENDIX 'B': Bylaw C-7749-2018 and Schedules A & B
 APPENDIX 'C': Map Set

APPENDIX A: APPLICATION REFERRALS

AGENCY	COMMENTS
<i>School Authority</i>	
Rocky View Schools	No objection.
Calgary Catholic School District	Please note that Calgary Catholic School District (CCSD) has no objection to the above-noted circulation (PL2017-0070) just east of the City of Calgary.
Public Francophone Education	No comments received
Catholic Francophone Education	No comment received.
<i>Province of Alberta</i>	
Alberta Environment	Not comments received.
Alberta Transportation	<p>Alberta Transportation has reviewed the proposal as well as the supporting information prepared by Equinox One Real Estate Services, which identified the extension of Norman Place to provide access to the future subdivision I development, as well as provision of an updated traffic impact assessment (TIA) to review traffic operations at the Highway 560 and Range Road 283 intersection. The application also provides adequate development setback to accommodate future improvements to Highway 560.</p> <p>Based on this submission, Alberta Transportation has no concerns at this time. At the time of subdivision, the TIA should be reviewed by this department and the recommendations of the accepted TIA should be implemented as conditions of subdivision approval. Further, all direct access to Highway 560 should be relocated to the local road.</p>
Alberta Sustainable Development (Public Lands)	No comments received.
Alberta Culture and Community Spirit (Historical Resources)	No comments received.
Energy Resources Conservation Board	No comments received.
Alberta Health Services	<p><i>Based on the information provided, AHS has no concerns with this application. We provide the following comments for your consideration with regard to planning future development on the site:</i></p> <ol style="list-style-type: none"> <i>AHS supports the regionalization of water and wastewater utilities and in particular supports connection to existing</i>

AGENCY	COMMENTS
	<p><i>Alberta Environment-approved municipal or regional drinking water and wastewater systems wherever possible.</i></p> <p>2. <i>If any sensitive land uses (e.g. schools, daycares, etc.) are considered on the subject land AHS recommends that, at a minimum, a Phase I Environmental Site Assessment be completed. This would allow for the evaluation of any potential environmental concerns related to past or present land use of the property and surrounding area. AHS would like an opportunity to review and comment on any Environmental Site Assessment Reports submitted for the subject land.</i></p> <p>3. <i>If any evidence of contamination or other issues of public health concern are identified at any phase of development, AHS wishes to be notified.</i></p> <p>4. <i>Throughout all phases of development and operation, the property must be maintained in accordance with the Alberta Public Health Act, Nuisance and General Sanitation Guideline 251/2001, which stipulates:</i></p> <p><i>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.</i></p>
Public Utility	
ATCO Gas	No comments received.
ATCO Pipelines	No objections.
AltaLink Management	No comments received.
FortisAlberta	No comments received.
Telus Communications	No comments received.
TransAlta Utilities Ltd.	No comments received.
Other External Agencies	
EnCana Corporation	No comments received.
City of Calgary	The City of Calgary's position remains consistent with the previous comments we provided on PL20160071 and PL20160072 applications provided to us on Friday, August 19,



AGENCY	COMMENTS
	<p>2016. The City of Calgary Administration cannot support an industrial land use designation and subdivision for these parcels. Though the minimum requirement for parcel size in the DC Guidelines is encouraging, our opinion remains that this application is not in line with the objectives and intent of the Rocky View/Calgary Intermunicipal Development Plan. We request that further discussion take place between administrations prior to the consideration of this application. Further comment is below.</p> <p>The subject parcels are located within an Identified City of Calgary Industrial Growth Area as per “Map 4: Growth Corridors/Areas” of the Rocky View/Calgary IDP. This map identifies, with the intent to provide a level of protection, each municipality’s future growth aspirations; Calgary’s via the future growth corridors and Rocky View County’s via the directional red arrows. Objectives of “Section 8.0 Growth Corridors/Areas and Annexation” of the Rocky View/Calgary IDP recognizes growth corridors/areas for both municipalities and identifies lands for possible future annexation from Rocky View County to The City of Calgary. The mandate of the Identified City of Calgary Growth Areas is a vital part to strategically governing regional planning. “Section 27.0 Intergovernmental Relationships” of the County Plan echoes support of the importance of Calgary’s identified urban growth corridors. It reaffirms the necessity to evaluate redesignation, subdivision and development permit applications within these corridors in consultation with the City of Calgary.</p> <p>Specifically regarding this application, the issue is the precedent it sets for future subdivision within the Calgary future urban growth corridor. The challenge we face is dealing with highly subdivided (fragmented) lands that become annexed into Calgary. The fragmentation of land to create low intensity commercial or industrial clusters inhibits future urbanization as fragmented lands can be very challenging to transform into a functioning urban land use pattern. The challenges of transforming fragmented lands into an urban form include (but are not limited to):</p> <ul style="list-style-type: none"> • The increased impact imposed by fragmented ownership, roads, structures, and location of on-site services, as well as topography, drainage, etc. • The practical effectiveness of structure planning approaches in controlling future forms of development and achieving desired outcomes. • The acquisition, collaboration and uncertainty involved in securing multiple parcels of sufficient size to undertake a master planned development. • The liability of existing on-site servicing for small parcels. <p>A fragmented ownership adjacent to the municipal boundary is disadvantageous to comprehensive development of Calgary’s</p>



AGENCY	COMMENTS
<i>Rocky View County Boards and Committees</i>	<p>Growth Area. It is our preference and general understanding that future urban growth corridors (especially those adjacent to the municipal boundary) will be maintained as un-fragmented as possible.</p> <p>If Rocky View County Administration is moving forward recommending approval for these applications, The City of Calgary Administration requests this application be brought to the Intermunicipal Committee for discussion prior to consideration by the approving authority as outlined in the IDP.</p>
ASB Farm Members and Agricultural Fieldman	<p>Agricultural Services Staff Comments: This parcels falls outside of the Janet Area Structure Plan and therefore the redesignation of lands from Ranch and Farm District to Direct Control Bylaw 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 proposed 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.</p> <p>Agricultural Service Board Farm Member comments: The application of the Ag boundary Design Guideline will be critical in buffering the non-agricultural land use from the surrounding ag lands that are still in production.</p>
Bow North Recreation Board	No comments.
<i>Internal Departments</i>	
Municipal Lands	The Municipal Lands Office has no concerns at this time; however, comments pertaining to reserve dedication will be provided at any future subdivision stage.
Development Authority	No comments received.
GeoGraphics	No comments received.
Building Services	No comments received.
Emergency Services	Enforcement Services: No concerns
	Fire Services: No comments
Infrastructure and Operations - Engineering Services	<u>General</u>
	<ul style="list-style-type: none"> This area is not outlined for industrial development in the



AGENCY	COMMENTS
	<p>Janet ASP. Therefore, appropriate Policy with respect to servicing, transportation, storm water management does not exist for development in this area.</p> <ul style="list-style-type: none"> • At Future Subdivision and/or Development Permit stage, the Owner is required to enter into a Development Agreement pursuant to Section 655 of the Municipal Government Act respecting provision of the following: <ul style="list-style-type: none"> ○ Construction of a public internal road system (Industrial/Commercial standard) complete with temporary cul-de-sacs and any necessary easement agreements, as shown on the Tentative Plan, at the Owner's expense, in accordance with Section 400.0 of the Rocky View County Servicing Standards for Subdivision and Road Construction as approved by Council as amended all to the satisfaction of the County including cul-de-sac bulb; ○ Removal and reclamation of the existing cul-de-sac bulb that currently exists on Norman Place; ○ Construction of improvements as identified in the final approved TIA including road and intersection upgrades (note that land acquisition may be necessary and is the responsibility of the Applicant); ○ Mailbox locations are to be located in consultation with Canada Post to the satisfaction of the County; ○ Fire servicing via a hydrant suppression system to the satisfaction of the County; ○ Construction of storm water facilities in accordance with the recommendations of an approved storm water Management Plan and the registration of any overland drainage easements and/or restrictive covenants as determined by the storm water Management Plan; ○ Installation of power, natural gas, and telephone lines; <p><u>Geotechnical</u> - Section 300.0 requirements:</p> <ul style="list-style-type: none"> • At future subdivision/development permit stage, a geotechnical investigation will be required in accordance with the County Servicing Standards. A Geotechnical report is ordinarily required with the submission of a Local Plan or Conceptual Scheme however this was not submitted as part of the application. <p><u>Transportation</u> - Section 400.0 requirements:</p> <ul style="list-style-type: none"> • The Transportation Offsite Levy will be collected in accordance with the TOL bylaw at the time of a future Subdivision and/or Development Permit stage; • The Applicant is proposing to access the site by acting on an existing Road Acquisition Agreement west of Norman's Place Road and extending Norman's Place



AGENCY	COMMENTS
	<p>Road to reach the proposed development;</p> <ul style="list-style-type: none"> The extension of Norman's Place Road to access the proposed development will involve obtaining right of way from Lot 2, Plan 9810955, which is not encompassed within the existing Road Acquisition Area. The existing parcel will obtain access off of the newly constructed Norman's Place (the applicant will be responsible for constructing an approach off of the newly constructed road), however a residual piece of land approximately 370m by 12m width will remain to the north of the road which shall be purchased and consolidated as part of the subdivision; The applicant has submitted a Transportation Impact Assessment by JCB Engineering (April 4, 2017). The TIA includes recommendations for improvements to the road network in order to support this development both at opening day and full build out. AT requirement is for the development to construct the infrastructure to support the 20 year horizon, therefore the necessary improvements include: <ul style="list-style-type: none"> Intersection Upgrades at HWY 560/RR 283 – Signalization of intersection and addition of the following auxiliary lanes: eastbound left turn, northbound left turn and southbound right turn: <ul style="list-style-type: none"> Note: Upgrades to provincial infrastructure are at the discretion of Alberta Transportation. The necessary improvements shall be confirmed at future subdivision stage with Alberta Transportation. Intersection Upgrades at RR 283/Norman's Place – Add southbound right turn auxiliary lane; Other upgrades may be necessary to Range Road 283 or Norman's Place road and will be determined at future Subdivision Stage. At future Subdivision stage, the applicant will be required to enter into a Development Agreement for the construction of an internal subdivision road (Industrial/Commercial standard) in accordance with the County Servicing Standards and the TIA. As well, the applicant will be required to enter into a DA for the offsite infrastructure upgrades required to accommodate the development as outlined in the final approved TIA or as required by Alberta Transportation, and will be responsible for acquisition of any additional right of way necessary to implement the TIA recommendations. <p><u>Sanitary/Waste Water</u> - Section 500.0 requirements:</p> <ul style="list-style-type: none"> For wastewater, the applicant is proposing the use of



AGENCY	COMMENTS
	<p>sewage holding tanks. ES has no further requirements at this time.</p> <p><u>Water Supply And Waterworks</u> - Section 600.0 & 800.0 requirements:</p> <ul style="list-style-type: none"> For supply of potable water, the applicant is proposing the use of water cisterns. ES has no further requirements at this time; The applicant has indicated that a hydrant suppression system will be provided however has not provided details with respect to the system. The hydrants must be design in accordance with the County Servicing standards and Fire Servicing Bylaw. Further details of the proposed fire servicing concept are required at future subdivision stage. <p><u>Storm Water Management</u> – Section 700.0 requirements:</p> <p>The applicant has provided a conceptual level storm water management plan prepared by Civil Engineering Solutions. The report proposes two PULs be constructed to accommodate storm water</p> <ul style="list-style-type: none"> Management from the proposed development and recommends the use of LIDs including irrigation of storm water to ensure that the requirement for zero discharge can be met; At future subdivision stage, a detailed storm water management plan will be required in accordance with the County Servicing Standards which will confirm the final infrastructure design and sizing required to accommodate the proposed development: <ul style="list-style-type: none"> As part of the updated SWMP, it is recommended that the west PUL be modified to have adequate setback from the Road Acquisition area that is being recommended from the end of the proposed cul-de-sac bulb to Range Road 284. The applicant has indicated that this will be accommodated within the updated plans; The County will require that an access road be constructed to the proposed west PUL from the internal subdivision road with access right protected via an access right of way plan; At future subdivision stage, should an irrigation system be required to be installed, ES would require a Lot Owner's Association be established to manage the operation and maintenance of the irrigation system; As a condition of future subdivision, the applicant will be required to enter into a Development Agreement for the construction of storm water infrastructure required as a result of the development and outlined in the final Storm



AGENCY	COMMENTS
	<p>water Management Plan. Registration of any required easements, utility right of ways and/or public utility lots is required as a condition of subdivision;</p> <ul style="list-style-type: none"> • In accordance with County Policy #431, the storm water management facilities on the public utility lots shall ultimately be transferred to the County; • The Applicant will be required to obtaining AEP approval and licensing for the storm water management infrastructure. <p><u>Environmental</u> – Section 900.0 requirements:</p> <ul style="list-style-type: none"> • The County Wetland inventory shows that intact wetlands exist on the subject lands. It is recommended that a BIA be provided in accordance with the County Servicing standards. This is recommended to be completed at the time of land use (and not deferred to future subdivision or development stage.) <ul style="list-style-type: none"> ○ The applicant has indicated that this work will be conducted at future Development Permit stage and will not be conducting a BIA or Wetland Impact Assessment at this time. • AEP approval will be required for any wetland disturbance.
Infrastructure and Operations - Capital Delivery	No concerns.
Infrastructure and Operations - Maintenance	No concerns.
Infrastructure and Operations - Operations	No concerns.
Infrastructure and Operations – Solid Waste	No comments received.
Infrastructure and Operations – Utility Services	No comments received.

Circulation Period: May 18, 2017 to June 18, 2017



BYLAW C-7749-2018

A Bylaw of Rocky View County to amend Land Use 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-7749-2018.

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. 33-NW of Bylaw C-4841-97 be amended by redesignating Lot 1, Plan 9810955 & Lot 3, Plan 9813204 within NW-21-23-28-W04M from Ranch & Farm District to Direct Control District as shown on the attached Schedule 'A' forming part of this Bylaw.
- THAT** Lot 1, Plan 9810955 & Lot 3, Plan 9813204 are hereby redesignated to Direct Control Bylaw, as shown on the attached Schedule 'A' forming part of this Bylaw.
- THAT** The regulations of the Direct Control District comprise:
- 1.0.0 General Regulations
 - 2.0.0 Land Use Regulations: Cell A
 - 3.0.0 Land Use Regulations: Cell B
 - 4.0.0 Development Regulations
 - 5.0.0 Transitional

1.0.0 GENERAL REGULATIONS

- 1.1.0 For the purposes of this Bylaw, the Lands shall be notionally divided into Development Cell A and Cell B, the boundaries and descriptions of which shall be more or less as indicated in Schedule 'B', attached to and forming part of this Bylaw, except as otherwise approved by Council. The size and shape of each Development Cell is approximate and will be more precisely determined by a Tentative Plan of Subdivision or Site Development Plan, in form and substance satisfactory to the County.
- 1.2.0 The General Regulations contained within this Section are applicable to the entire Development Area, which includes all Development Cells.
- 1.3.0 The Operative and Interpretive Clauses (Part One), The General Administration (Part Two) and General Regulations (Part Three) of the Land Use Bylaw (C-4841-97) shall apply unless otherwise specified in this Bylaw.
- 1.4.0 The Development Authority shall consider and decide on applications for Development Permits for all uses listed by this Bylaw.
- 1.5.0 The Development Authority shall consider and decide on applications for Development Permits for all uses listed by this Direct Control Bylaw provided the provisions of Section 2 and 3 herein are completed in form and substance, satisfactory to the County, except where specifically noted that Council approval is required.



- 1.7.0 All development upon the Lands shall be in accordance with all plans and specifications submitted pursuant to this Bylaw, and all licences, permits, and approvals pertaining to the lands.
- 1.8.0 In addition to the uses contemplated by this Bylaw, the following shall be permitted in all Development Cells:
 - a) Roads necessary for access and internal vehicular circulation;
 - b) Utilities and facilities necessary to service the Development; and
 - c) Development listed within Section 7 of the Rocky View County Land Use Bylaw.
- 1.9.0 All new development or expansion of uses shall comply with all County and Provincial bylaw, policies, regulations and standards.
- 1.10.0 The applicant may be required to enter into a Development Agreement to ensure all servicing, access, and technical items are implemented, as directed by this Direct Control Bylaw, the Province of Alberta, and the County's Servicing Standards.

2.0.0 LAND USE REGULATIONS – Cell A

BUSINESS-INDUSTRIAL CAMPUS (B-IC) (SECTION 74)

ROCKY VIEW COUNTY / LAND USE BYLAW C-4841-97

2.1.0 Purpose and Intent

The purpose and intent of this Cell 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.

2.1.0 Uses, Permitted

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

2.2.0 Uses, Discretionary

General industry Type II
Kennels
Laboratories
Outdoor display area (See Section 26 of the Land Use Bylaw C-4841-97 for Display Area regulations)



Outdoor storage, truck trailer

Outside storage

Personal Service Business

Recycling collection point

Retail store, local (Floor Area up to 600 m² (6,458.35 ft²))

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

- 2.3.0 Development Permit applications for both permitted and discretionary uses shall be evaluated in accordance with Section 12 of Land Use Bylaw C-4841 as well as the following provisions:

2.4.0 Minimum and Maximum Requirements

a) *Parcel Size:*

- (i) The minimum *parcel* size *shall* be 6.07 hectares (15.00 acres).

2.5.0 Setbacks

a) Minimum Yard, Front for Buildings:

- (i) 6.00 m (19.69 ft.).

b) 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.

c) 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.

d) 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.

e) 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.



- f) 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.

2.6.0 Building Height

- a) Maximum of 20.00 m (65.62 ft.)

2.7.0 Other Requirements

- a) A Development Authority may require a greater building setback for an industrial development that, 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, 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.

2.8.0 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.

2.9.0 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.).

3.0.0 LAND USE REGULATIONS – CELL B

INDUSTRIAL – INDUSTRIAL ACTIVITY (I-IA) (SECTION 75)

ROCKY VIEW COUNTY / LAND USE BYLAW C-4841-97

3.1.0 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.

3.2.0 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

3.3.0 Uses, Discretionary

Compost Facility Types I, II

General Industry Type III

Licensed Medical Marijuana Production Facility (See Section 20 of the Land Use Bylaw C-4841-97 for regulations)

Outdoor display area (See Section 26 of the Land Use Bylaw C-4841-97 for Display Area regulations)

Recycling collection point

Storage area

Waste transfer site

3.4.0 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.

3.5.0 *Development Permit* applications for both permitted and discretionary uses shall be evaluated in accordance with Section 12 of Land Use Bylaw C-4841-97 as well as the following provisions:

3.6.0 Minimum and Maximum Requirements

a) Parcel Size:

i) The minimum parcel size shall be 6.07 hectares (15.00 acres).

3.7.0 Setbacks

a) Minimum Yard, Front for Buildings:

i) 15.00 m (49.21 ft.)

b) Minimum Yard, Side for Buildings:

i) Minimum of 15.00 m (49.21 ft.), except;

c) Minimum Yard, Rear for Buildings:

i) Minimum of 15.00 m (49.21 ft.)

3.8.0 Building Height

a) Maximum of 20.00 m (65.62 ft.)



3.9.0 Other Requirements

- a) A Development Authority may require a greater building setback for an industrial development that, 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.

4.0.0 DEVELOPMENT REGULATIONS

- 4.1.0 An update to the Traffic Impact Assessment (TIA), prepared by ISL Engineering and Land Services, dated January 2017, and/or a Traffic Management and Accommodation Plan, may be required prior to the approval of any Development Permit, to the satisfaction of Rocky View County and Alberta Transportation.
- 4.2.0 The Agricultural Boundary Design Guidelines shall be considered and adhered to for all phases of development.
- 4.3.0 Architectural guidelines including, but not limited to, development standards relative to architectural style and theming, landscaping, water conservation and lighting policies shall be established at the subdivision stage.
- 4.4.0 The Applicant shall enter into a Development Agreement for any necessary on-site and off-site upgrades in accordance with the approved TIA (and any subsequent updates to the approved TIA), County and Provincial standards, to the satisfaction of the County and Alberta Transportation.
- 4.5.0 The Development Authority may issue a Development Permit for stripping and grading, provided the Grading Plan includes the Erosion and Sediment Control Plan, and a Construction Management Plan.
- 4.6.0 Exterior lighting should be designed to conserve energy and eliminate upward light. All development will be required to be dark sky compliant.
- 4.7.0 Development applications shall include a Landscaping Plan prepared by a landscape architect. All landscaping shall be in accordance with the Landscaping section of the General Regulations in the Land Use Bylaw.
- 4.8.0 All areas shall be subject to a Weed Control Program prepared by the Applicant/Owner in accordance with the Weed Control Act of Alberta and the County's Servicing Standards, and confirmed in a Development Permit or Development Agreement, to the satisfaction of the County.
- 4.9.0 Disposal of wastewater from the development on-site shall be subject to all Municipal and Provincial approvals.
- 4.10.0 Potable water for all development on the site shall be provided through the use of hauled water that is stored in a cistern.
- 4.11.0 Solid waste removal is the responsibility of the Owner and shall be disposed of on a regular basis at an approved disposal site. The Owners will employ this method on a truck-out basis.
- 4.12.0 The design, character, and appearance of any buildings proposed to be erected or located on the property must be acceptable to the Development Authority, having due regard to its effect on neighboring developments and general amenities of the area.



- 4.13.0 Garbage and waste material shall be stored in weatherproof and animal proof containers. Such containers shall be located within buildings or adjacent to the side or rear of buildings, and shall be screened from view by all adjacent properties and roadways, all to the satisfaction of The Development Authority.
- 4.14.0 Airborne particulate matter originating from storage areas, yards, roads or parking areas shall, at all times, be suppressed by application of approved dust-free treatments in accordance with Alberta Environment guidelines on those areas as defined in a Development Permit.
- 4.15.0 No use or operation should cause or create the emission or spread of odorous matter or vapour beyond the site that contains the use or operation that produces them.
- 4.16.0 No use or operation at any location on the site shall cause or create the hazardous materials or waste shall be in accordance with the regulations of any government authority having jurisdiction, and in accordance with any Hazardous Materials Management Plan that may be required by the Municipality and as defined in a Development Permit.
- 4.17.0 Fire protection measures shall be provided as may be required by the Municipality and included in a Development Permit.
- 4.18.0 Fire servicing via a hydrant suppression (dry-hydrant) system will be completed to the satisfaction of the County; once the building layout and the Detailed Storm Water Management Plan have been finalized based upon volume and layout/distance requirements.

PART 6 – TRANSITIONAL

Bylaw C-7749-2018 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: 4

File: 03321003/03321008/ PL20170070

<i>PUBLIC HEARING WAS HELD IN COUNCIL this</i>	<i>day of</i>	<i>, 2018</i>
READ A FIRST TIME IN COUNCIL this	day of	, 2018
READ A SECOND TIME IN COUNCIL this	day of	, 2018
<i>UNANIMOUS PERMISSION FOR THIRD READING</i>	<i>day of</i>	<i>, 2018</i>
READ A THIRD TIME IN COUNCIL this	day of	, 2018

Reeve



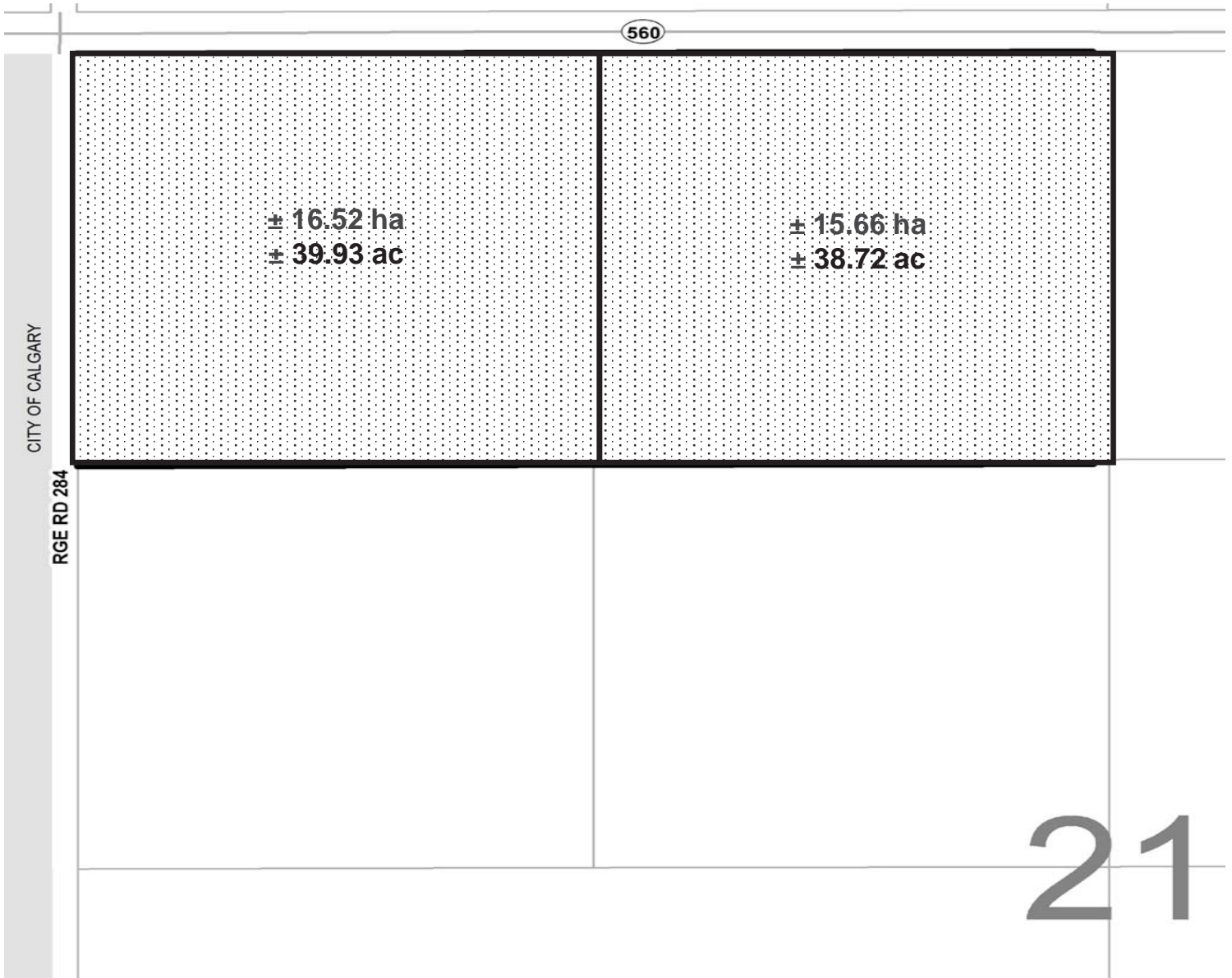
ROCKY VIEW COUNTY
Cultivating Communities

CAO or Designate

Date Bylaw Signed

SCHEDULE "A"

BYLAW: C-7749-2018



AMENDMENT

FROM Ranch and Farm District TO Direct Control District



Subject Land _____

LEGAL DESCRIPTION: Lot 1, Plan 9810955 & Lot 3, Plan 9813204 within NW-21-23-28-W4M

FILE: 03321003/03321008-PL20170070 DIVISION: 4

SCHEDULE "B"

BYLAW: C-7749-2018

560

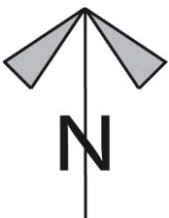
CELL A

CELL B

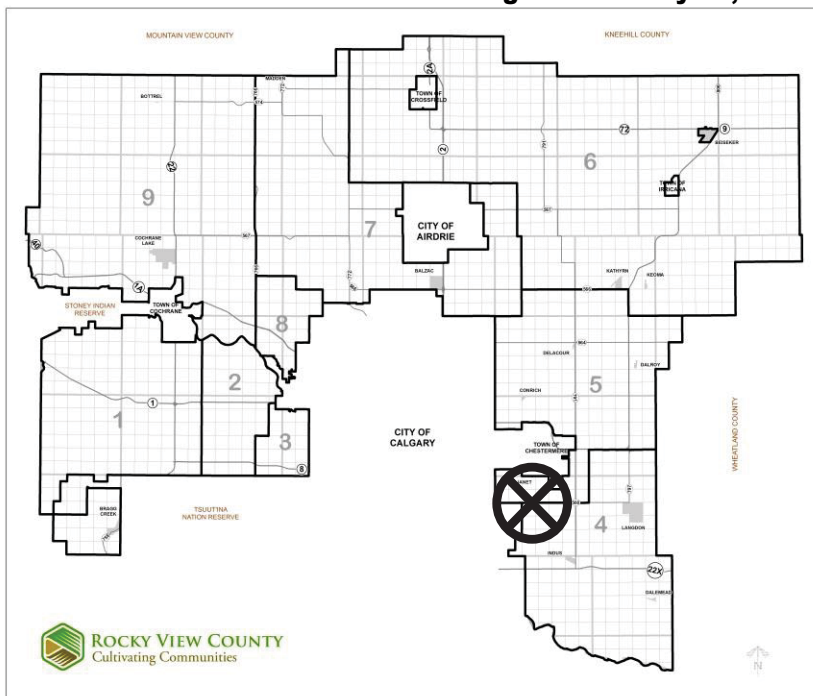
CITY OF CALGARY

RGE RD 284

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NW-21-23-28-W04M



LOCATION PLAN

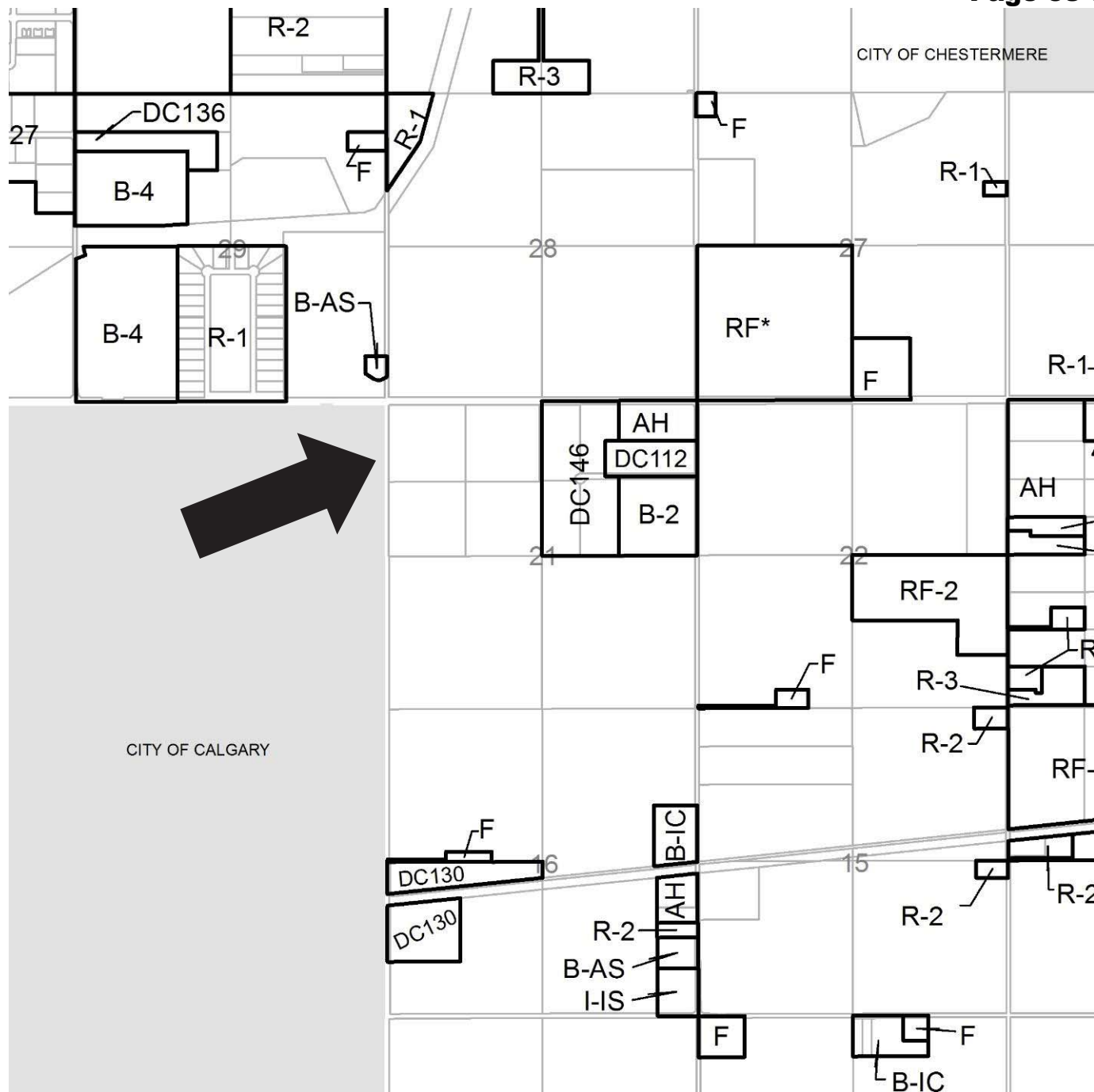
NW-21-23-28-W04M

Date: May 12, 2017

Division # 4

File: 03321003/03321008 AGENDA

Page 250 of 299



Ranch and Farm	B-1 Highway Business
RF2 Ranch and Farm Two	B-2 General Business
RF3 Ranch and Farm Three	B-3 Limited Business
AH Agricultural Holding	B-4 Recreation Business
F Farmstead	B-5 Agricultural Business
R-1 Residential One	B-6 Local Business
R-2 Residential Two	NRI Natural Resource Industrial
R-3 Residential Three	HR-1 Hamlet Residential Single Family
DC Direct Control	HR-2 Hamlet Residential (2)
PS Public Service	HC Hamlet Commercial
	AP Airport

LAND USE MAP

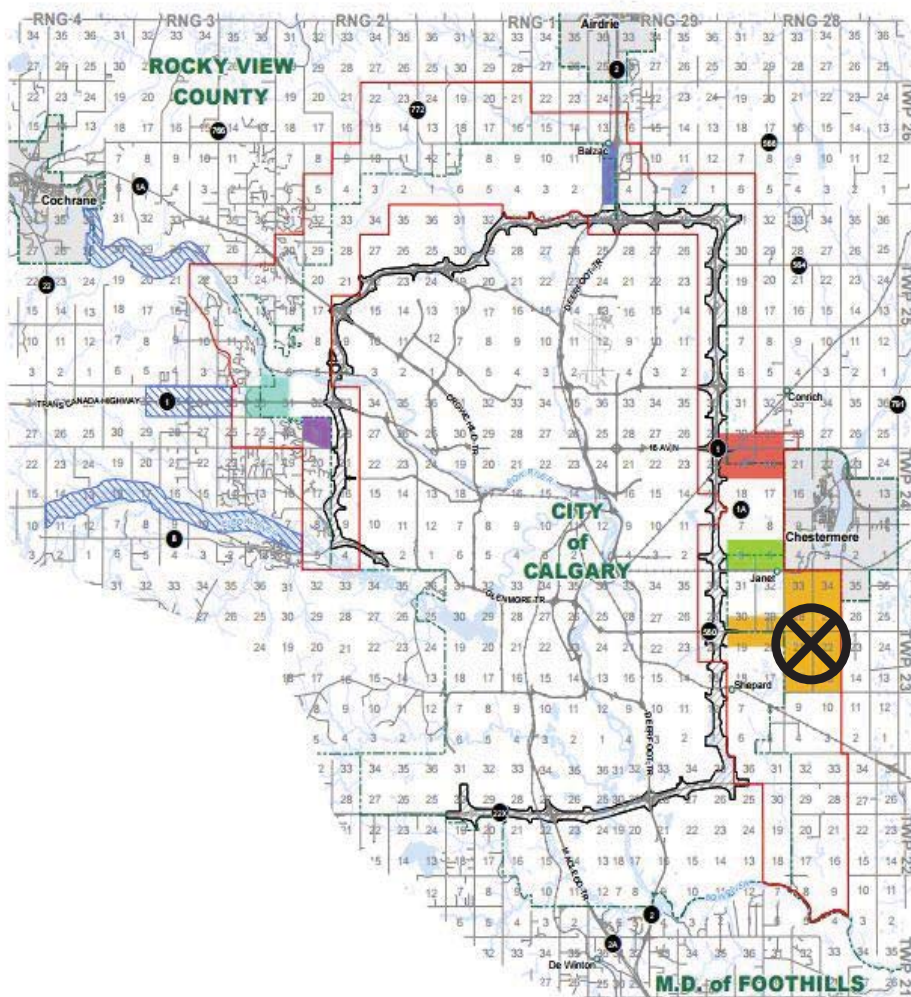
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MAP 2

KEY FOCUS AREAS

- Legend**
- Policy Area
 - Notification Zone
 - Transportation/Utility Corridor
 - Jurisdictional Boundaries
 - Highway #
- Key Focus Areas**
- Section 29 24-2-5
 - Highway 1 West Corridor
 - Highway 2 North Corridor
 - Highway 1 East Corridor
 - Peigan Trail Extension
 - Highway 560 (Glenmore Trail) Joint Industrial Corridor

0 1 2 3 4 5 6 7 8 9 10
Kilometres



Amended:
Calgary Bylaw: 24P2012
Rocky View Bylaw: C-7197-2012

Approved:
Calgary Bylaw: 14P2011
Rocky View Bylaw: C-7078-2011

This map is conceptual only. No measurements of distances or areas should be taken from this map.

ROCKY VIEW COUNTY/CITY OF CALGARY • INTERMUNICIPAL DEVELOPMENT PLAN

• 13

RVC/City IDP Map 2: Key Focus Areas

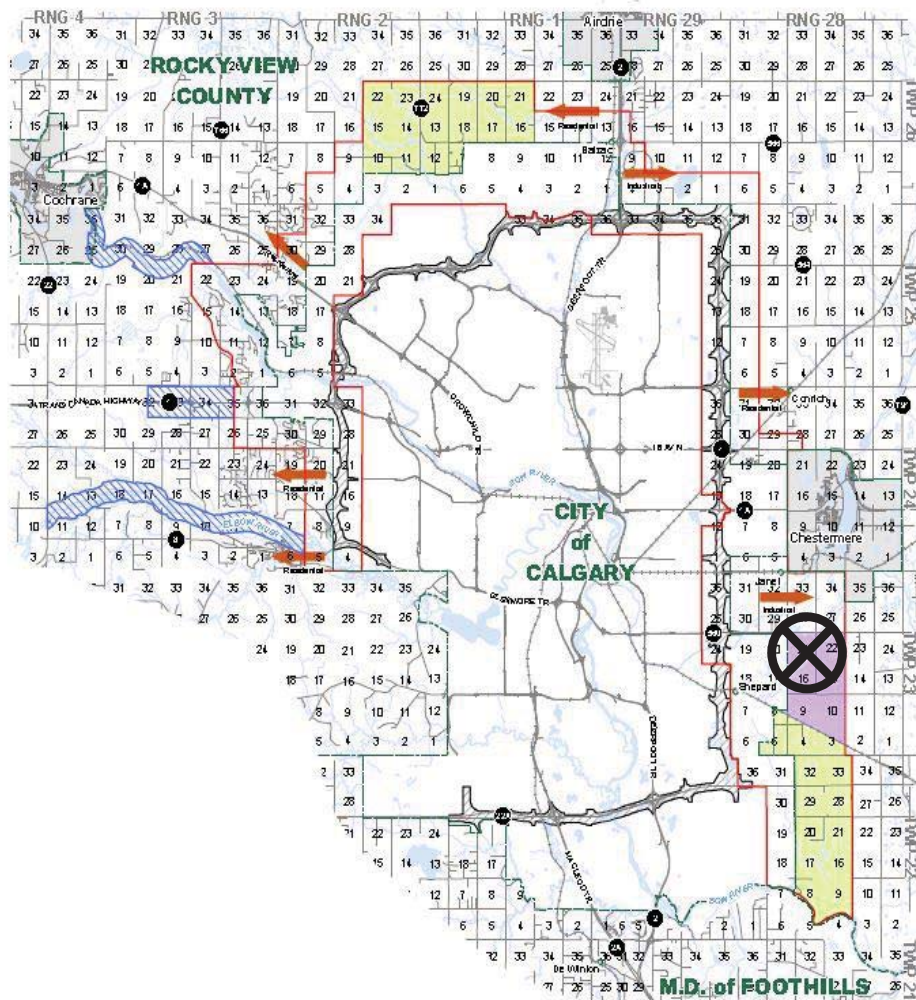
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MAP 4

GROWTH CORRIDORS/AREAS

- Legend
- Policy Area
 - Notification Zone
 - Policy Review Area
 - Transportation/Utility Corridor
 - Jurisdictional Boundaries
 - Highway #
 - Rocky View County Growth Corridors
 - Identified City of Calgary Growth Areas
 - Industrial
 - Residential

0 1 2 3 4 5 6 7 8 9 10
Kilometres



Amended:
Calgary Bylaw: 24P2012
Rocky View Bylaw: C-7197-2012

Approved:
Calgary Bylaw: 14P2011
Rocky View Bylaw: C-7078-2011

This map is conceptual only. No measurements of distances or areas should be taken from this map.

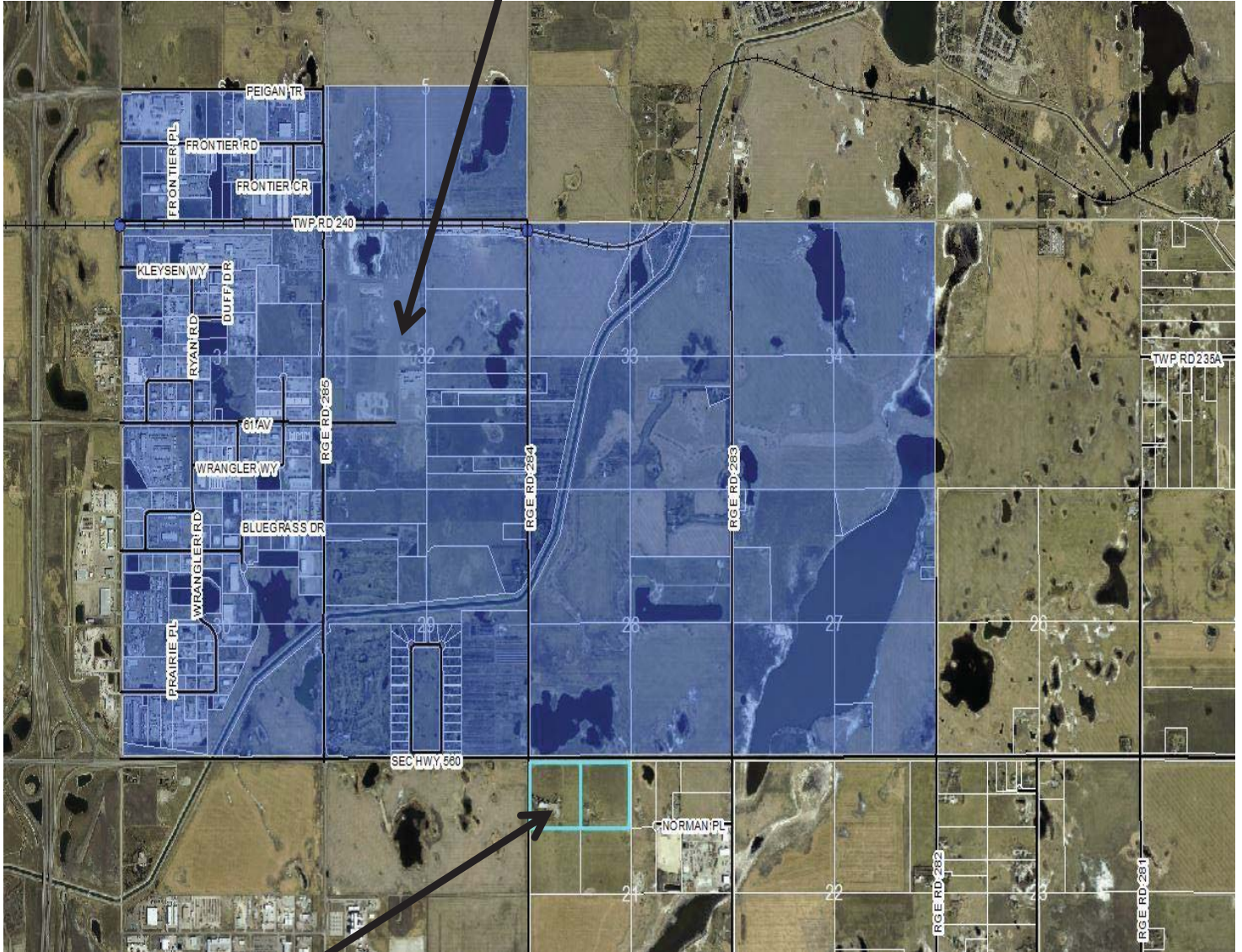
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ROCKY VIEW COUNTY/CITY OF CALGARY ♦ INTERMUNICIPAL DEVELOPMENT PLAN

RVC/City IDP Map 4: Growth Corridors/ Areas

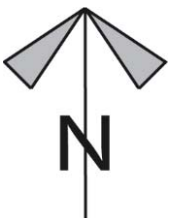
NW-21-23-28-W04M

Janet Area
Structure Plan



Subject Lands

**PROPOSAL IN THE VICINITY OF A
BUSINESS AREA – JANET AREA
STRUCTURE PLAN**



NW-21-23-28-W04M

Redesignation Proposal: To redesignate the subject lands from Range 62 of 68 Farm District to Direct Control District.

560

RF → DC

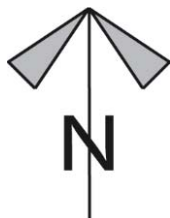
RF → DC

CITY OF CALGARY

RGE RD 284

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DEVELOPMENT PROPOSAL

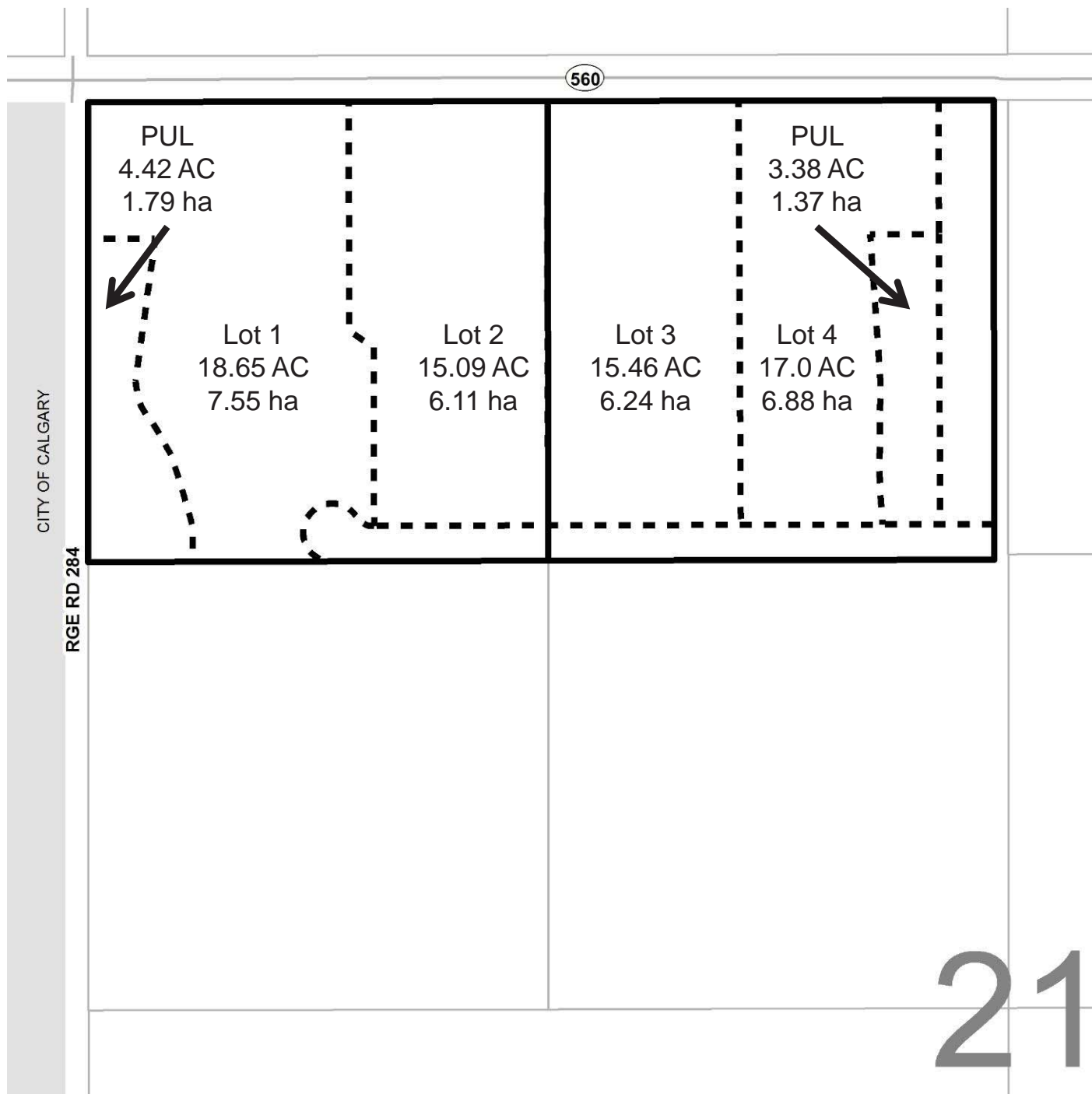


NW-21-23-28-W04M

Date: May 12, 2017

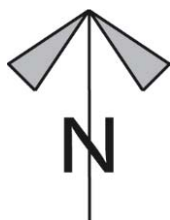
Division # 4

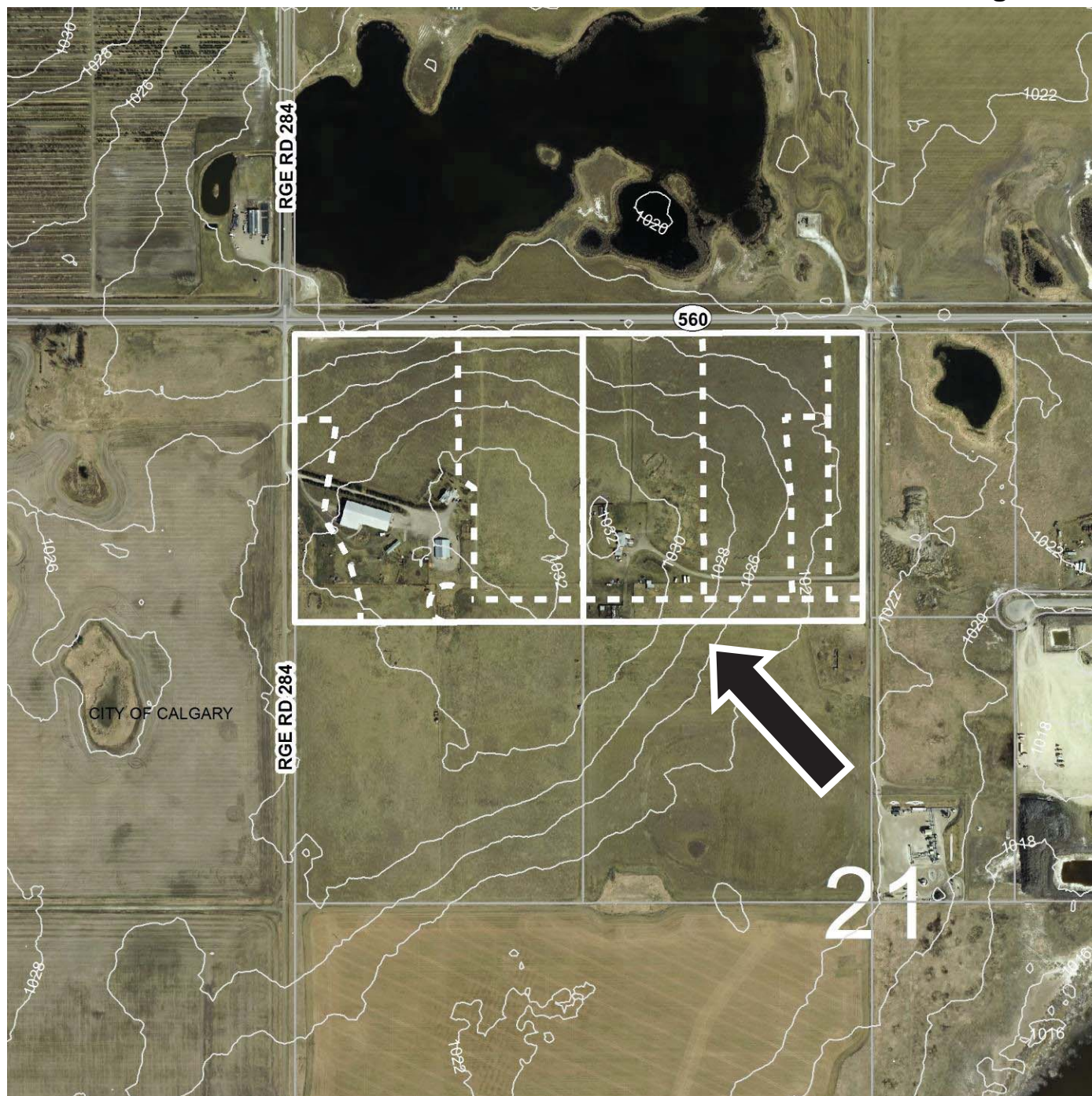
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DEVELOPMENT CONCEPT

NW-21-23-28-W04M



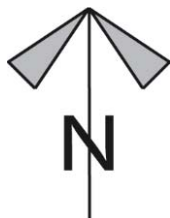




Note: Post processing of raw aerial photography may cause varying degrees of visual distortion at the local level.

AIR PHOTO

Spring 2016

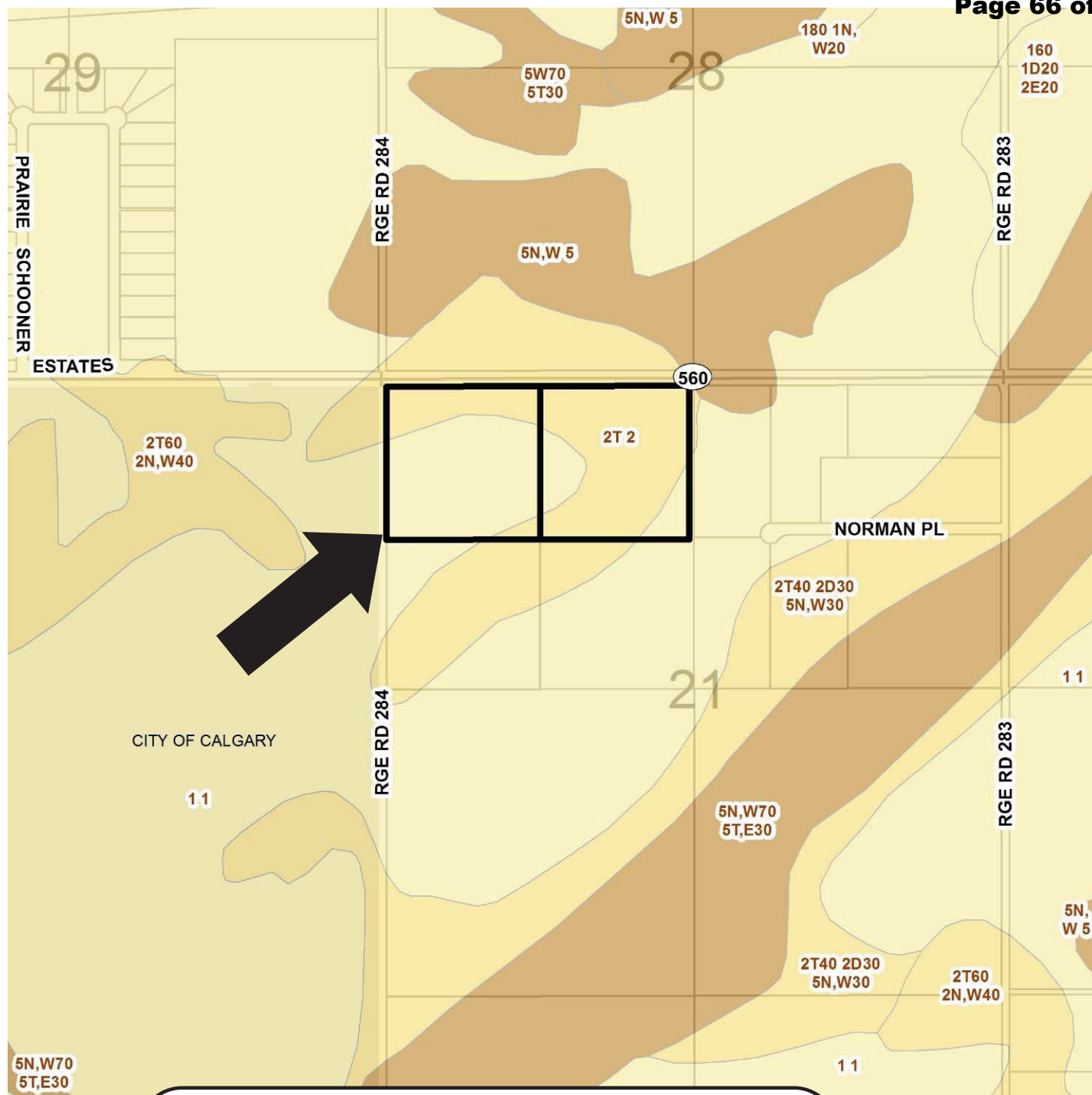


NW-21-23-28-W04M

Date: May 12, 2017

Division # 4

File: 03321003/03321008 AGENDA



LAND CAPABILITY CLASSIFICATION LEGEND
Limitations refer to cereal, oilseeds and tame hay crops

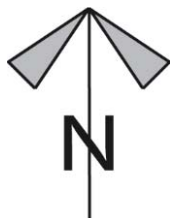
CLI Class

- 1 - No significant limitation
- 2 - Slight limitations
- 3 - Moderate limitations
- 4 - Severe limitations
- 5 - Very severe limitations
- 6 - Production is not feasible
- 7 - No capability

Limitations

- B - brush/tree cover
- C - climate
- D - low permeability
- E - erosion damage
- F - poor fertility
- G - Steep slopes
- H - temperature
- I - flooding
- J - field size/shape
- K - shallow profile development
- M - low moisture holding, adverse texture
- N - high salinity
- P - excessive surface stoniness
- R - shallowness to bedrock
- S - high sodicity
- T - adverse topography
- U - prior earth moving
- V - high acid content
- W - excessive wetness/poor drainage
- X - deep organic deposit
- Y - slowly permeable
- Z - relatively impermeable

SOIL MAP



NW-21-23-28-W04M

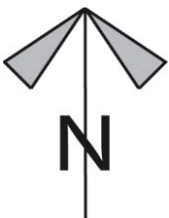


Legend – Plan numbers

- First two numbers of the Plan Number indicate the year of subdivision registration.
- Plan numbers that include letters were registered before 1973 and do not reference a year

HISTORIC SUBDIVISION MAP

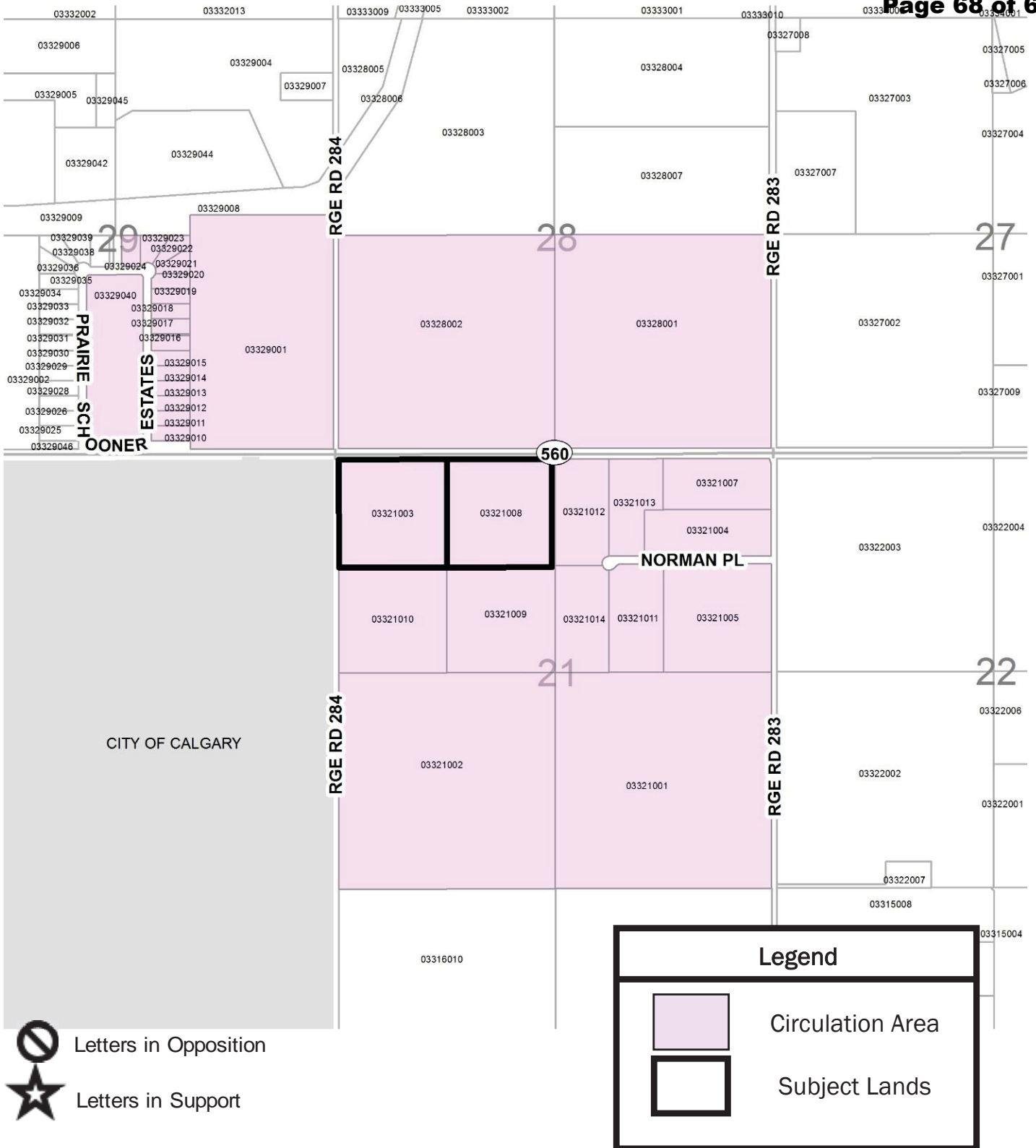
NW-21-23-28-W04M



Date: May 12, 2017

Division # 4

File: 03321003/03321008 AGENDA



LANDOWNER CIRCULATION AREA

NW-21-23-28-W04M

ENGINEERING SERVICES

TO: Council
DATE: July 24, 2018 **DIVISION:** 6
FILE: PL20170109
SUBJECT: Bylaw C-7732-2017 Road Closure and Consolidation Application for a portion of Road Plan 642X within the Hamlet of Keoma

¹ADMINISTRATION RECOMMENDATION:

- Motion #1 THAT Bylaw C-7732-2017 be given second reading.
- Motion #2 THAT Bylaw C-7732-2017 be given third and final reading.
- Motion #3 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.

EXECUTIVE SUMMARY:

The purpose of this report is to consider second and third readings to Bylaw C-7732-2017 for the closure and consolidation of 0.26 acres of undeveloped road allowance shown on plan 642X. The closure area is located within the hamlet of Keoma and is designated as "Seventh Street".

The public hearing for this bylaw was held on December 12, 2017. After closing the Public Hearing, Council gave first reading to Bylaw C-7732-2017 and directed Administration to forward the Bylaw to Alberta Transportation for Ministerial consent as required by the *Municipal Government Act*. On February 15, 2018, Administration received approval from the Minister and is now recommending second and third readings to Bylaw C-7732-2017.

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

DISCUSSION:

The applicant has indicated the purpose for this application is to close and consolidate the 0.26 Acres of undeveloped road allowance shown on Plan 642X with their parcel located along the South and West boundary of the portion to be closed. The closure would allow the applicants to replace their current garage with a larger and more modern structure as well as improve setbacks for the current dwelling (grandfathered) and provide them the ability to better control any potential use of the land being that it is located so close to their dwelling. The area is not currently nor has it ever been utilized as a road. Attachment 'B' identifies the location within the County, the Road Closure Proposal, Land Use Map, Air Photo and Landowner Circulation area.

¹Administration Resources

Angela Pare, Engineering Services Support Technician



This portion of road allowance is not part of the 30 Year Long Range Transportation Network Plan, nor does administration have any plans to construct a road within this portion of road allowance. The lands are surrounded on the North and East by the Keoma Community Centre and baseball diamonds, who have provided support for this application during circulation period. This closure and consolidation would not restrict access to adjacent parcels, nor does it create any landlocked parcels.

After closing the December 12, 2017 Public Hearing, Council gave first reading to Bylaw C-7732-2017 and directed Administration to forward the Bylaw to Alberta Transportation for Ministerial consent as required by the *Municipal Government Act*. Administration received approval back from the Minister on February 15, 2018. Administration requested and received an appraisal of the subject lands and the value provided is \$50,000.00 for the 0.26 acre portion. The applicant is in agreement with the appraised value of the lands but has requested council's consideration for a reduction of the appraised value as they have maintained and kept the lands weed free and in a respectable state for approximately the last 18 years thus relieving the county of that responsibility and expense. Council may choose to amend Option 1, Motion 3 to a revised value as they see fit. Administration is now proceeding with a recommendation to finalize the closure by providing second and third (final) readings to the bylaw.

OPTIONS:

- Option #1: Motion #1 THAT Bylaw C-7732-2017 be given second reading as amended.
- Motion #2 THAT Bylaw C-7732-2017 be given third and final reading as amended.
- Motion #3 THAT the 0.26 Acres of land be transferred to the applicant Donald Smith subject to:
- 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.

Option #2: THAT alternative direction be provided.

Respectfully submitted,

Concurrence,

“Byron Riemann”

“Rick McDonald”

 General Manager

 Interim County Manager

AP

ATTACHMENTS:

ATTACHMENT ‘A’ - Bylaw C-7732-2017 signed by Minister of Transportation

ATTACHMENT ‘B’ - Mapset

**BYLAW C-7732-2017**

A Bylaw of Rocky View County in the Province of Alberta for the Purpose of closing to public travel and creating title to portions of public highway in accordance with Section 22 of the Municipal Government Act, Chapter M26.1, Revised Statutes of Alberta 2000, as amended.

The Council of Rocky View County enacts as follows:

WHEREAS

The lands hereafter described are no longer required for public travel; and

WHEREAS

Application has been made to Council to have the highway closed; and

WHEREAS

Rocky View County Council deems it expedient to provide for a bylaw for the purpose of closing to public travel certain roads, or portions thereof, situated in the said municipality, and therefore disposing of the same; and

WHEREAS

Notice of the intention of Council to pass a bylaw has been given in accordance with Section 606 of the Municipal Government Act, and was published in the Rocky View Weekly on Tuesday November 14th and Tuesday November 21st 2017, the last of such publications being at least one week before the day fixed for the Public Hearing of this Bylaw; and

WHEREAS

Rocky View County Council was not petitioned for an opportunity to be heard by any person claiming to be prejudicially affected by the bylaw.

NOW THEREFORE BE IT RESOLVED that the Council of Rocky View County in the Province of Alberta does hereby close to public travel for the purpose of creating title to the following described highway. Subject to the rights of access granted by other legislation:

THAT PORTION OF SEVENTH STREET AND LANE AS SHOWN ON PLAN 642X LYING WITHIN THE SOUTH WEST QUARTER SECTION 13, TOWNSHIP 26, RANGE 27 WEST OF THE FOURTH MERIDIAN, CONTAINING 0.11 HECTARES (0.26 ACRES) MORE OR LESS EXCEPTING THEREOUT ALL MINES AND MINERALS

Lying within Plan 181 _____ attached as Schedule 'A' and forming part of this bylaw.

Division: 6
File: PL20170109

PUBLIC HEARING WAS HELD IN COUNCIL this 12th DAY OF December, 2017
READ A FIRST TIME IN COUNCIL this 12th DAY OF December, 2017



REEVE / DEPUTY REEVE



CAO or DESIGNATE

APPROVED BY
ALBERTA TRANSPORTATION:

APPROVED THIS 12th DAY OF February, 2018

Approval Valid for _____ Months



MINISTER OF TRANSPORTATION

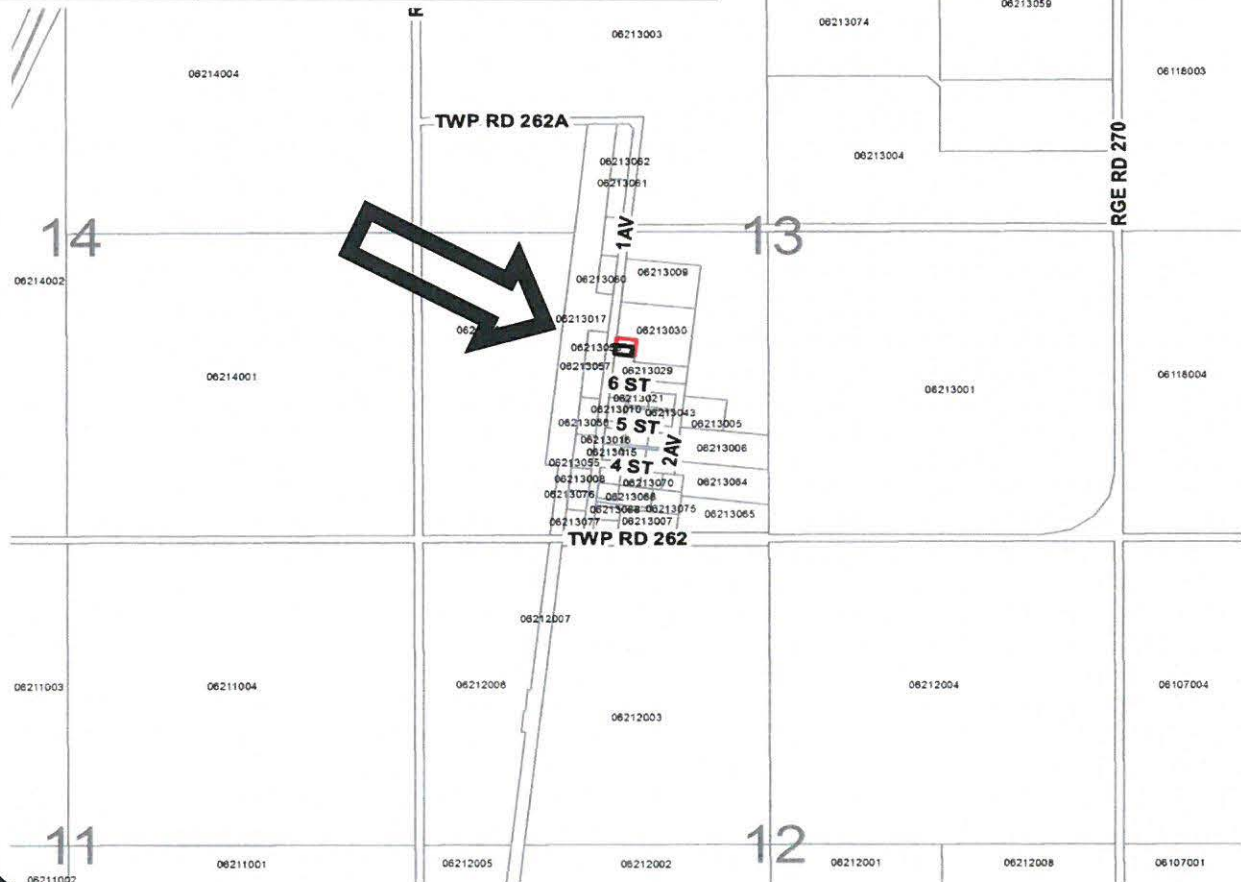
READ A SECOND TIME IN COUNCIL this _____ DAY OF _____, 20____

READ A THIRD TIME IN COUNCIL this _____ DAY OF _____, 20____

REEVE / DEPUTY REEVE

CAO or DESIGNATE

[illegible]

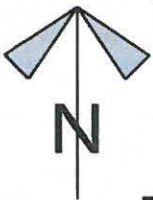


File: PL20170109

ROAD CLOSURE PROPOSAL: To Close for the purpose of Consolidation, a +/- 0.26 acre portion of Road Allowance within the Hamlet of Keoma. To be consolidated with the adjacent parcel on the South West corner. (Road Allowance in Red, Property to be consolidated into in Black) – Road area requested for consolidation to incorporate into adjacent property as dwelling and structures are not located within property lines, therefore future development is restricted.

1AV

ROAD CLOSURE PROPOSAL

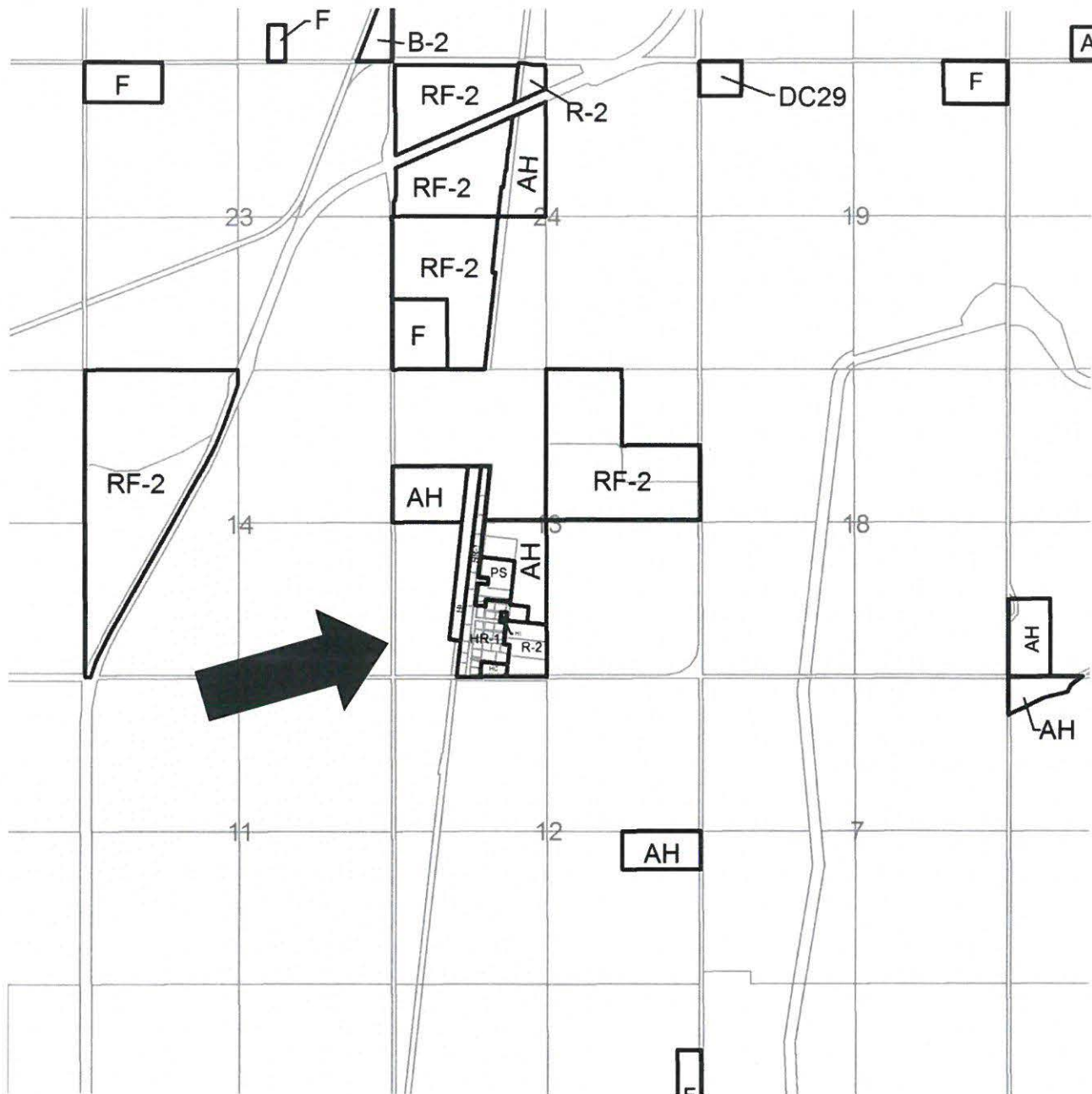


SW-13-26-27-W04M
Lot:9-11 Block:3 Plan:642 X

Date: July 31, 2017

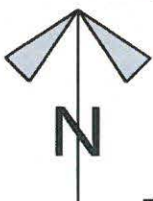
Division # 6

File: PL20170109



Ranch and Farm	B-1 Highway Business
RF2 Ranch and Farm Two	B-2 General Business
RF3 Ranch and Farm Three	B-3 Limited Business
AH Agricultural Holding	B-4 Recreation Business
F Farmstead	B-5 Agricultural Business
R-1 Residential One	B-6 Local Business
R-2 Residential Two	NRI Natural Resource Industrial
R-3 Residential Three	HR-1 Hamlet Residential Single Family
DC Direct Control	HR-2 Hamlet Residential (2)
PS Public Service	HC Hamlet Commercial
	AP Airport

LAND USE MAP



SW-13-26-27-W04M
Lot:9-11 Block:3 Plan:642 X

Date: July 31, 2017

Division # 6

File: PL20170109



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

AIR PHOTO
Spring 2016



SW-13-26-27-W04M
Lot:9-11 Block:3 Plan:642 X

Date: July 31, 2017

Division # 6

File: PL20170109





LEGISLATIVE AND LEGAL SERVICES

TO: Council
DATE: July 24, 2018 **DIVISION:** All
FILE: 0170
SUBJECT: Rocky View County Bylaw No. C-7791-2018 – *Records and Information Management Bylaw*

¹ADMINISTRATION RECOMMENDATION:

- Motion #1: THAT Bylaw C-7791-2018 be given first reading.
Motion #2: THAT Bylaw C-7791-2018 be given second reading.
Motion #3: THAT Bylaw C-7791-2018 be considered for third reading.
Motion #4: THAT Bylaw C-7791-2018 be given third and final reading.
Motion #5: THAT Rocky View County Council Policy 132, “Electronic Records Management” be rescinded.

EXECUTIVE SUMMARY:

This matter is before Council to update the records management program at Rocky View County.

In accordance with section 214 of the *Municipal Government Act (MGA)*, Council may pass a bylaw to authorize the destruction of records and documents of the municipality. Currently, the County has in place Bylaw No. C-7070-2011, the *Records Retention Bylaw*. This bylaw includes a detailed schedule of record types and retention periods. However, Administration has sometimes struggled to interpret this bylaw because some of the record types are vague or repetitive. Further, records and information management is an internal function that is delegated to the County Manager in Bylaw No. C-7350-2014, the *Chief Administrative Officer (CAO) Bylaw*, which means that the retention schedule is an internal function as well.

In light of this, Administration has drafted a new Council bylaw to meet the *MGA* requirements of section 214. The schedule for classification, retention, and disposition of records has been developed with input from all department stakeholders, has been approved by the Senior Leadership Team, and is ready for implementation upon approval of this bylaw.

If Council passes the *Records and Information Management Bylaw*, then Administration recommends that the Electronic Records Management Policy be rescinded as it is also an internal function.

Administration recommends **Option #1**.

¹ **Administration Resources**

Angie Keibel, Manager – Legislative and Legal Services



BACKGROUND:

Records and Information Management

All organizations, from the very smallest to the very largest, have some method of managing records and information. Whether they use a shoe box for receipts or a vault full of shelves, they are organizing information so that they can find it when they need it.

In the 1990s, computer technology revolutionized the way that organizations could manage their records, particularly with the addition of digital scanners. The days of paper and micro-fiche have quickly being replaced by connected networks and easy access to documents. Connected networks require that each person speak the same language. In records management, this common language is known as a classification system.

At Rocky View County, the 2011 *Records Retention Bylaw* provided a basic classification system and was the basis for disposition (i.e. shredding) of paper records that had reached the end of their useful life.

Administration has been collaborating and working together over the past few months to develop a new records retention, disposition, and classification schedule with the following characteristics:

- Standardized retention periods for common records;
- Standardized subject content descriptions to enable the accurate use of the schedule and the differentiation between administrative and operational records;
- Standardized subject classification framework for the organization;
- Identification of records of enduring archival value; and
- Promotes organization of County records and allows for ease of sharing between departments and sections to create efficiency.

This classification system is tailored to the needs of Rocky View County Administration and is in line with relevant legislation, such as the *Limitations Act*, *Freedom of Information and the Protection of Privacy Act (FOIP Act)*, and the *MGA*.

Examples of changes:

- Quasi-Judicial board records
 - The previous bylaw did not identify this as a record type;
 - The new retention period is 5 years.
- Legal Activities
 - The previous bylaw identified these as permanent records;
 - The new retention period is 10 years.
- Burn Permits = 1 year (previously 7 years)
 - The previous bylaw gave these a 7 year retention period;
 - The new retention period is 1 year.
- Payroll four classifications with a retention of respectively 2, 5, 7, and 75 years (previously 36 categories with various retention)
 - The previous bylaw had 36 categories with various retention periods;
 - The new schedule has streamlined the categories down to 4, with various retention periods.

The advantage of many of these changes is that the shortened retention period will allow administration to apply the retention period to many historical records and free up office space. Administration intends to apply the new retention period to County records prior to the move to



the new building, which should mean that the County will move less records and boxes of old files. This should result in a reduced cost for the move.

Benefits

The goals of the records and information management program are as follows:

1. To make business records more accessible to County staff and the public;
2. To make the information needed for decision-making and operations readily available;
3. To help deliver services in a consistent and equitable manner;
4. To improve office efficiency and productivity;
5. To support and document historical transactions and information; and
6. To free up office space.

Challenges

Records and information management is not without its challenges.

1. Volume of information.

The amount of records that humans are creating every day is increasing at an exponential rate. With that increase in volume comes a need for better organization and efficiency in both the storage and search capabilities. This is particularly important for public bodies like the County that also have access to information requirements under the *FOIP Act*.

2. Records are everywhere.

Records are no longer just papers and files. With the proliferation of email, video recordings, web content, and cloud solutions, the definition of what is a record and where it is kept has changed the way that we look at records and information management.

3. Compliance with records management programs.

One of the biggest challenges for a records management program is getting compliance from all levels of the organization. There are several barriers to compliance that Council, as our elected leaders, can help with.

(a) Resourcing:

In the 2018 budget, Council supported a new initiative for records management software to assist with electronic records management efficiency.

(b) Accountability:

Through the 2011 bylaw and the proposed bylaw today, Council shows to the organization and the public its commitment to records and information management and enhances the credibility of the program and the organizational accountability for its success.

(c) Leading by example:

By exercising good records management practices and compliance with access to information requests, Council leads the organization by example.



Electronic Records Management Policy 132

This policy was adopted by Council in 2003. It set out Council's expectations for how electronic records would be stored, accessed, and retained. Much has changed in the past 15 years in records management, with paper records becoming the exception and electronic records the norm. As a result, the useful life of Policy 132 has now come to an end and the principles it embodies are encompassed within the administrative records and information management program.

At the May 17, 2018 Policy Review Subcommittee meeting Administration recommended that Policy 132 be rescinded.

BUDGET IMPLICATION(S):

None.

OPTIONS:

- Option #1: Motion #1: THAT Bylaw C-7791-2018 be given first reading.
 Motion #2: THAT Bylaw C-7791-2018 be given second reading.
 Motion #3: THAT Bylaw C-7791-2018 be considered for third reading.
 Motion #4: THAT Bylaw C-7791-2018 be given third and final reading.
 Motion #5: THAT Rocky View County Council Policy 132, "Electronic Records Management" be rescinded.

Option #2: THAT alternative direction be provided.

Respectfully submitted,

Concurrence,

"Kent Robinson"

"Rick McDonald"

General Manager

Interim County Manager

ADK/ta

ATTACHMENTS:

Attachment 'A' – Draft Rocky View County Bylaw No. 7791-2018, *Records and Information Management Bylaw*

Attachment 'B' – Rocky View County Bylaw No. C-7070-2011, the *Records Retention Bylaw*

Attachment 'C' – Rocky View County Policy No. 132, "Electronic Records Management"



BYLAW C-7791-2018

A Bylaw of Rocky View County, in the Province of Alberta, to provide for the retention, management, and disposal of Rocky View County records and information.

WHEREAS the *Municipal Government Act*, s 214 allows Council to pass a bylaw respecting the destruction of records of the municipality;

AND WHEREAS it is the desire of the Council of Rocky View County to establish a program for the retention, management, and disposal of the County's records and information;

NOW THEREFORE the Council of Rocky View County, in the Province of Alberta, duly assembled, hereby enacts as follows:

TITLE

- 1 This Bylaw may be referred to as the "*Records and Information Management Bylaw*."

DEFINITIONS

- 2 In this Bylaw, unless the context otherwise requires:
 - (a) "**Personal Information**" has the same meaning as in the *Freedom of Information and Protection of Privacy Act*, RSA 2000, c F-25, as amended from time to time; and
 - (b) "**Record**" means recorded information in the possession of Rocky View County, regardless of its characteristics or the manner in which it is stored.

RECORDS AND INFORMATION MANAGEMENT

- 3 The County Manager must provide for a Records and Information Management Program for the retention, management, and disposal of Records and information in the possession of Rocky View County.
- 4 All Records in the possession of Rocky View County must be retained, managed, and disposed of in accordance with the County's Records and Information Management Program.
- 5 If an individual's personal information is used by Rocky View County to make a decision directly affecting that individual, the County must retain the individual's Personal Information for at least one year after the decision is made.

SEVERABILITY

- 6 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 will remain valid and enforceable.

REPEAL AND EFFECTIVE DATE

- 7 Bylaw C-7070-2011 is hereby repealed upon this Bylaw passing and coming into effect.
- 8 Bylaw C-7791-2018 is passed when it receives third reading and is signed by the Reeve/Deputy Reeve and the CAO or Designate in accordance with the *Municipal Government Act*.

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 this _____ day of _____, 2018

READ A THIRD TIME IN COUNCIL this _____ day of _____, 2018

Reeve

CAO or Designate

Date Bylaw Signed

ROCKY VIEW COUNTY
BYLAW NO. C-7070-2011

This Bylaw is amending Bylaw C-6711-2008 authorizing the retention and disposition of Records by Rocky View County;

WHEREAS, pursuant to Section 208(1) of the Municipal Government Act the County Manager and/or designate must ensure that all records and documents are kept safe;

AND WHEREAS pursuant to Alberta Evidence Act, R.S.A. 2000, c. A-18, and Section 214 (2) of the Municipal Government Act, S.A. 2000, c.M-26, Council may pass a Bylaw respecting the destruction of records and documents of the county;

AND WHEREAS, under Section 214(3) a bylaw under subsection (2) must provide that if an individual's personal information is used by the Rocky View County to make a decision that directly affects that individual, the personal information will be retained for at least one year after its use for that purpose;

AND WHEREAS, the County Manager shall have the discretion to retain records longer than the period provided for in Schedule "A" attached to and forming part of this bylaw and shall do so where the County Manager is of the opinion that such records may be required for litigation or other legal proceedings.

File: 1007-650

TITLE

That this Bylaw be referred to as the "Records Retention Bylaw".

PURPOSE

The purpose of this Bylaw is to provide a process to manage the retention and disposition of records and documents of Rocky View County.

DEFINITIONS:

- a) "Disposition" means:
- i. the destruction of records, or
 - ii. the transfer of permanent records to the County's Archives.
- b) "Record" means information in any medium including books, documents, maps, drawings, photographs, letters, vouchers, papers and tapes.
- c) "Permanent Record" means information of enduring value that may or may not be required for the ongoing administrative purposes but which is retained for the life of the organization because of its legal, fiscal, evidentiary, informational, cultural, historic or aesthetic value.

ROCKY VIEW COUNTY
BYLAW NO. C-7070-2011

NOW THEREFORE, the Council of Rocky View County, duly assembled, hereby enacts as follows:

1. That authorization for the retention and disposition of records is in accordance with Schedule "A" attached to and forming part of this bylaw.
2. That this Bylaw shall come into full force and effect on the day of the final passing thereof.
3. That Bylaw C-6711-2008 is hereby repealed upon third and final reading of this bylaw.

First reading passed in open Council assembled in the City of Calgary, in the Province of Alberta, this 13 day of December, 2011 on a motion by Councillor McLean.

Second reading passed in open Council assembled in the City of Calgary, in the Province of Alberta, this 13 day of December, 2011 on a motion by Councillor Habberfield.

Permission for third reading passed in open Council assembled in the City of Calgary, in the Province of Alberta, this 13 day of December, 2011 on a motion by Councillor Sacuta.

Third and final reading passed in open Council assembled in the City of Calgary, in the Province of Alberta this 13 day of December, 2011 on a motion by Councillor Bahcheli.



REEVE OR DEPUTY REEVE



MUNICIPAL SECRETARY

Department	Section	Type of Record	Retention Period	Electronic File
EMERGENCY SERVICES	Enforcement & Compliance			
		Animal Control Licenses	10 years	
		Call Tracking Sheets	3 year	
		Court Cases (Legal)	Permanent	
		Daily Reports	5 years	✓
		General Correspondence	10 years	✓
		Occurrences	Permanent	✓
		Permits <ul style="list-style-type: none"> - Concert Permits - Movie Permits - Parade Approvals - Road Race/Rally/ 	All 10 years	✓
		RVC Bylaw Tickets	Permanent	✓
		Tickets <ul style="list-style-type: none"> - Traffic Tickets - Trial Tickets 	6 years 6 years	✓
		Ticket Transfer Logs	1 year	
		Land Use Bylaw Enforcement Files	Permanent	
EMERGENCY SERVICES	Fire Services			
		Burn Permits	7 years	
		Event Chronology	3 years	
		Firefighter, Officer & Investigation Training Records	Permanent	✓
		Inspections	Life of building + 1 year	

Department	Section	Type of Record	Retention Period	Electronic File
		Investigation Reports & Files & Photos	Permanent	✓
		Operational , Personnel and Administrative Directives	3 years	✓
		Station Log Books	5 years	
		Emergency Operational Guidelines	Permanent	✓
		Yearly Incident /Station Reports	3 years	✓
	Disaster Services	Emergency Response Plan (ERP)	As specified by project or facility specific	
		Logs for Disaster Services	7 years	
		Minutes & Agendas	Permanent 2002 - 2008	✓
		Plans / Maps	Expiry date on plans	
BUSINESS SERVICES	Assessment & Taxation	Annexations - Agreements	Permanent	✓
		ARB/MGB & Court Revisions LARB/CARB	10 years	✓
BUSINESS SERVICES	Assessment & Taxation	Appeals	10 years	
		Assessment Roll	10 Years	✓
		Audits	Permanent	✓
		Cash Receipts - Direct Deposits	7 years 7 years	
		Cash Receipt Listing - Cash Receipt Adjustments	7 years 7 years	
		Correspondence	7 years	

Department	Section	Type of Record	Retention Period	Electronic File
		Crown Property	10 years	✓
		Dead Roll Numbers	Permanent	
		Equalized Assessment	10 years	✓
		Farmland Worksheets	7 years	✓
		Field Sheets	7 years	✓
		Grant-In-Lieu	Permanent	✓
		Historical Files	Permanent	✓
		Industrial Assessments	10 years	✓
		Land <ul style="list-style-type: none"> - Exchange Sale - Purchase - Sale 	Permanent	
		Land Appraisals	5 years (after sold)	
BUSINESS SERVICES	Assessment & Taxation	Land Brief Maps	5 years	
		Land Calculation	5 years	✓
		Leasing Journals	10 years	
		Market Value Sales	10 years	✓
		Non-Current Industrial	10 years	✓
		Notices, Assessment	10 years	✓
		Oilfield Equipment	10 years	✓
		Sales Affidavits	10 years	
		Summary Files	7 years	

Department	Section	Type of Record	Retention Period	Electronic File
		Tax Adjustments	7 years	✓
		Tax Arrears Listing	10 years	✓
		Tax Calculations	10 years	✓
		Tax History	Permanent	✓
		Tax Ledgers (Big Blue Books)	Permanent	
		Tax Levy	Permanent	✓
		Tax Notices <ul style="list-style-type: none"> - Journal - Penalty - Pre-Run - Unpaid 	10 years	✓
		Tax Payment Posting Register	7 years	✓
		Taxes – Property Distribution Summary	7 years	✓
BUSINESS SERVICES	Assessment & Taxation	Tax Receipts	7 years	✓
		Taxes Receivable	10 years	✓
		Tax Recovery	Permanent	
		Tax Roll <ul style="list-style-type: none"> - PTVOD – Distribution Summary - Voided Journal 	Permanent	✓
		Title Transfers	Permanent	
		Well Assessment	10 years	✓
	Finance	Accounting Papers & Working Papers	10 years	✓
		Accounts Payable <ul style="list-style-type: none"> - Invoices - New Vendor Set Up - Postings 	7 years	✓

Department	Section	Type of Record	Retention Period	Electronic File
		<ul style="list-style-type: none"> - Purchase Orders - Transactions - Void Payables 		
		Accounts Receivable <ul style="list-style-type: none"> - Balancing - Dog License - Invoices - Invoicing Posting Journal - Journal Entries/ Posting Entries - Monthly Receivable - New Vendor Set Up - PAC TIPP - Receivable Adjustment - TIPP - Training - Utility Adjustments - Utility Levy - Void Invoices - Voucher Journals 	All 7 years	✓
		Affidavits of Transfer	10 years	
BUSINESS SERVICES	Finance	Alberta Treasury Electric Funds Transfer	7 years	✓
		Audits <ul style="list-style-type: none"> - Account Balances - General Ledger Details - Lead Sheets - Audit Trail 	Permanent Permanent Permanent 7 years	✓
		Bank Reconciliations	7 years	
		Bank Statements & Deposits	7 years	
		Business Plan & Budget <ul style="list-style-type: none"> - Final - Working Papers 	10 years 3 years	✓
		Cash in Lieu Payments	Permanent	✓
		Cash Receipts <ul style="list-style-type: none"> - Adjustments - Deposits and Direct - Listings 	7 years	✓

Department	Section	Type of Record	Retention Period	Electronic File
		Cheques <ul style="list-style-type: none"> - A/P 7 years - A/P Vendors 7 years - A/P Voids 7 years - Manual Cheques 7 years - Cheque Posting 7 years - Cheque Requisitions 7 years - Outstanding Cheques 7 years - Void Open Payable Trans. 7 years - Voided Payment Cheques 7 years 		✓
		Final Capital Budget	Permanent	✓
		Final Operating Budget	Permanent	✓
		Financial Statements <ul style="list-style-type: none"> - Assets - Balance Sheets - FIR - Operating Statement 	Permanent	✓
BUSINESS SERVICES	Finance	Fixed Asset Schedule	Permanent	✓
		Fuel Tax Rebate	7 years	✓
		General Correspondence	10 years	
		General Journal Entries	10 years	
		General Ledger (Shannon Boxes) <ul style="list-style-type: none"> - Transactions - Trial Balance 	7 years	✓
		GST Returns <ul style="list-style-type: none"> - Ledger Entries 	7 years	✓
		Holdback Reconciliations	10 years	✓
		Homeowner Discounts	10 years	
		Insurance <ul style="list-style-type: none"> - Additions/ Deletions 20 years - Claims 20 years - Files/Papers Permanent 		
		Inventory <ul style="list-style-type: none"> - Adjustment & Transfer - Stock Status & Balance 	7 years	✓

Department	Section	Type of Record	Retention Period	Electronic File
		Investment Files	7 years	
		Job Costing <ul style="list-style-type: none"> - Equipment Costing - Job Cost Inventory - Journals and Ledgers - Projects Costing - Project Cost Distribution Summary 	10 years 7 years 7 years 7 years 7 years	✓
		Lawsuits	Permanent	
		Legal Services Requisitions	Permanent	
		Monthly End Reports	7 years	✓
		New Vendors <ul style="list-style-type: none"> - Acknowledgement - Contracts - Supplier Files 	2 years 7 years 7 years	✓
BUSINESS SERVICES	Finance	Payroll <ul style="list-style-type: none"> - Absentee Forms - Alberta Health Care - AMEBS- Salary, Hourly, Grader Payments - Automobile- Taxable, Benefit - Benefit Reports - Canadian Saving Bonds - Change Logs - Computer Timesheets Ledger - Direct Deposit - Earnings - Earnings Distribution - Edit Control- Batches - Employee Benefits - Fire Fighters Time Cards - Garnishees - General Transaction Edits - Insurance Payments/ Private Health Payments - Journal Entries - LAPP- Pension Information - LAPP- Year End - Overtime- Salary, Hourly - Payroll Benefit Clearing - Payroll Billing- WCB- LAPP - Payroll Posting Journals 	Permanent 7 years 7 years 7 years 7 years 7 years 7 years 7 years 5 years 7 Years Permanent 7 Years 7 years 5 years 7 years 2 years 7 years 7 years 7 years Permanent Permanent 7 years 10 years 7 years 7 years	No No No Yes Yes Yes Yes Yes Yes Yes Yes Yes Yes No No Yes Yes Yes Yes No No No No Yes

Department	Section	Type of Record	Retention Period	Electronic File
		<ul style="list-style-type: none"> - Payroll Reports - Payroll Vendor Files- WCB- LAPP - Receiver General - Registers - Royal Trust RRSP - Salary Payroll Balancing - Stats Canada - T4's - Timecards - Time Card Edit List/ Time Cards - Vehicle Benefit Calculation - WCB Accessible Earning Calculations 	7 years 7 years 7 years Permanent 7 years 7 years 7 years 7 years 2 years 2 years 2 years 7 years 7 years	Yes No No Yes N/A Yes/No Yes No No No N/A Yes
BUSINESS SERVICES	Finance	Public Reserve	10 years	✓
		Security Files - Deleted Security Files	10 years	✓
		Year End Adjustments	7 years	✓
		Year End Balancing	7 years	✓
		Year End Reports	Permanent	✓
		Year End Working Files	10 years	✓
	Geo-Graphics	Aerial Photos	Permanent	✓
		Data Acquisitions & Sales	1 years	
		Data License Agreements - Corporate - Public	5 years 1 year	
		Geographical Information System	2 years	✓
		House Number Revisions	5 years	✓
		Maps	Permanent	✓
		Municipal Addressing System	5 years	✓
		Subdivision & Road Naming	5 years	✓

Department	Section	Type of Record	Retention Period	Electronic File
		Subdivision & Road Renaming	5 years	✓
	OMC	Administration Reports (after put into minutes)	4 years	
		Agendas (boards and committees)	10 years	✓
		Agreements	Permanent	✓
		Annual Reports and Commissions	Permanent	
BUSINESS SERVICES	OMC	Board Meeting Minutes	Permanent	✓
		Bylaws & Rescinded Bylaws	Permanent	✓
		Census Reports - Census Forms	10 years 2 years	
		Claims - Notice of Claim - Statement of Claim	20 years	
		Committee Meeting Minutes	Permanent	✓
		Committee Meeting Minute Extracts	2 years	
		Contracts	Permanent	✓
		Council Agendas	Permanent	✓
		Council Minutes	Permanent	✓
		Courier Tracking Sheets	1 year	
		Court Cases	Permanent	
		Election Files	1 year after term over	
		Enumeration Records	Permanent	

Department	Section	Type of Record	Retention Period	Electronic File
		Fax Reports	1 year	
		FOIP	10 years	
		Franchises	Permanent	
		General Correspondence	10 years	
		Grants	Permanent	
BUSINESS SERVICES	OMC	Historical Projects	Permanent	
		Insurance Claims	Permanent	
		Legal Opinions	Permanent	
		Legislation – Private Acts	Permanent	
		Local Authorities Board Hearing Files	Permanent	
		Master Plan	Permanent	
		Nomination Papers	1 year after term over	
		Oaths of Office	Permanent	
		Petitions	Permanent	
		Program Policy Files	Permanent	
		Publications In-House	3 years	
		Registration Receipts	5 years	
		Resolutions	Permanent	✓
		Subdivision and Development Appeal Board Minutes and Orders	Permanent	✓
		Titles to Ownership	Permanent	

Department	Section	Type of Record	Retention Period	Electronic File
		Visitors Sign In Sheets	6 months	
		Writs	20 years (after declared invalid)	
BUSINESS SERVICES	Purchasing	Tenders and Request for Proposals <ul style="list-style-type: none"> - Files - Purchase Quotations - Successful - Unsuccessful 	All 10 years	
ECONOMIC DEVELOPMENT		Monthly Reports	Permanent	
		Project Files	Permanent	
		Statistics (quarterly)	10 years	
		Topic Files	Permanent	
HUMAN RESOURCES	Health & Safety	Occurrence Reports	Permanent	✓
		External Audits	7 years	✓
		First Aid Reports	5 years	✓
		Internal Audits	6 years	✓
		OHS Committee Minutes	3 years	✓
		WCB Reports and Claims	Permanent	✓
	Personnel			
		Competition Info	6 months	✓
		Personnel Records	Permanent	✓
		General Correspondence	5 years	
		Government Funded Programs (S.T.E.P., P.E.P., etc.)	10 years	✓
HUMAN RESOURCES	Personnel	Job Descriptions (after job abolished)	5 years	✓

Department	Section	Type of Record	Retention Period	Electronic File
		Past Personnel Records	Permanent	✓
HUMAN RESOURCES	Personnel	Resumes and Applications Received for Job Competitions	Permanent 6 months	✓
		- Hired - Not hired		
		Termination Records	Permanent	✓
INFRASTRUCTURE & OPERATIONS	Bridges	Inspection and Construction Records and Drawings	Permanent	✓
	Engineering	Drainage Records	Permanent	✓
		Engineers Files	Permanent	✓
		Erosion Records	Permanent	✓
		General Engineering Correspondence	10 years	✓
	Gravel Pits	Operation and Reclamation Records	Permanent	✓
	Operations/ Shops & Facilities	Records and Contracts	35 years	✓
		Grader Sheds	15 years	✓
	Roads	Accident Reports	7 years after resolution	✓
		Books and Journals	Permanent	
		General Correspondence	10 years	✓
		Gravel Pits	10 years after completion	✓
		Maintenance Management Reports	10 years	
		Road Approaches - Agreements	Permanent	✓
	Roads	Road Bans	Permanent	✓
		Road Closing	10 years	✓

Department	Section	Type of Record	Retention Period	Electronic File
		Road Dedication	10 years	✓
		Road Program	15 years after completion	✓
		Road Construction Records	15 years after completion	✓
		Road Widening	15 years after completion	✓
		Road Sign Inventory Road Sign Request/ Installation Traffic Control Signs	Permanent Permanent	✓
		Road Use Agreements	Permanent	✓
		Studies, Reports & Engineered Drawings	Permanent	✓
		Transportation Overweight Permits/ Agricultural Permits	10 years	✓
		Vehicle Records (after disposal)	10 years	
	Solid Waste Recycling	Master & Strategic Plans	10 years	✓
		Promotional & Educational Projects	10 years	✓
		Recycling Programs	10 years	✓
		Studies, Reports & Technical Drawings	Permanent	✓
		Transfer Site & Recycling Depots	10 years	✓
INFRASTRUCTURE & OPERATIONS	Utilities	Funding (grants)	Permanent	
		Geophysical/ Oil and Gas	10 years	✓
		Integrated Systems	Permanent	✓
		Sewer Systems	Permanent	✓
		Shallow Utilities	10 years	✓

Department	Section	Type of Record	Retention Period	Electronic File
		Storm Water Management	Permanent	✓
		Studies, Reports & Engineered Drawings	Permanent	✓
		Water Co-ops	Permanent	✓
		Water Reports	Permanent	✓
		Water Systems Files	Permanent	✓
		Watersheds	Permanent	✓
PARKS, REC & COMMUNITY SERVICES	Agriculture	Agricultural Service Board Agenda & Minutes	Permanent	✓
		Association of Alberta Agricultural Fieldsmen	Permanent	
		Conservation & Sustainable Agriculture	Permanent	
		Watersheds (Agricultural)	Permanent	
		Weed Notices	7 years	
PARKS, REC & COMM SERVICES	Building Services	As-Built Drawing Record Files	12 years	
		Work Orders	10 years	
	Cemetery	Burial Permits Certificate of Cremation	Permanent	✓
		Cemetery Site Files	Permanent	✓
		Death Certificates	Permanent	✓
		General Correspondence	Permanent	
		Records	Permanent	✓
	Community Services	Appt. of Members to Boards	1 year after term ends	
		Community & Board Meeting Agendas	10 years	

Department	Section	Type of Record	Retention Period	Electronic File
		Community Centre Files	7 years	
		General Correspondence	10 years	
		Grant Information - Specialized Transportation - Recreation - Libraries	Permanent	
		Historical Sites	Permanent	
		Libraries - Agreement - General Correspondence	Permanent 10 years	
		Minutes	Permanent	
		Program Correspondence (once program is over)	7 years	
		Recreation Board Files	10 years	
	FCSS	Memorandum of Understanding	Permanent	✓
		Grant Files	Permanent	
		Grant Applications	2 years	
PARKS, REC & COMM SERVICES	FCSS	General Correspondence	10 years	
	Municipal Lands	Agreements	Permanent	✓
		General Correspondence	10 years	
PLANNING & COMMUNITY SERVICES	Planning	Concept Plan Files	Permanent	
		Development Agreements	Permanent	✓
		Development Permits (including plans, inspection reports, or any paperwork associated with the permit). FAC & CCC.	Permanent	✓
		General Correspondence	10 years	

Department	Section	Type of Record	Retention Period	Electronic File
		General Municipal Plan	Permanent	
		General Municipal Plan Amendments & Applications	Permanent	
		Land Surveys	Permanent	
		Land Use Bylaw	Permanent	✓
		Land Use Bylaw Amendment Applications & Amendments	Permanent	✓
		Land Use Bylaw Enforcement Files	7 years	
		Subdivision and Redesignation Files (Calgary Archive Scans Files)	Permanent	✓

POLICY**#132**

Title:
Electronic Records Management Policy

Legal References:
Provincial Act(s):
Provincial Regulation(s):
Council Resolution(s):
Other:

Policy Category:
Administration

Cross References:
Supercedes:
Strategic Plan/Vision:
Policies:
Procedures:
Other:

Effective Date: June 24, 2003
Revision Date:

Purpose:

To provide a platform for incorporating the general principles of electronic records management into day-to-day operations.

Records required to be kept because of a statute, regulation, or bylaw may be maintained in electronic format in lieu of paper, and electronic signatures in lieu of traditional records to paper signatures, in whole or in part, shall be regarded as equivalent to paper records and traditional signatures except where specifically prohibited by law or regulation.

Definitions:

- “Master Record” - for the purposes of this policy, the master record is defined as the paper version of the record.
- “Electronic Record” - any record that is recorded in a form suitable for retrieval, processing and communication by a digital computer
- “Paper Record” - records in the form of files, volumes, folders, bundles, maps, plans, charts, etc
- “Public Records” - all papers, maps, documents, films, photographs, tapes, disks, etc. relating to the conduct of Municipal business. This includes most meeting minutes, bylaws, agreements, policies and procedures

Policy Statements:

This policy aims to meet the requirements of good records management to cover all the electronic record collections and planned electronic records of Rocky View County. The policy covers:

- the requirements that must be met for the records themselves to be considered as a proper record of the activity of the organization
- the requirements for systems and processes that deal with records, and the quality and reliability which must be maintained to provide a valuable information and knowledge resource for the whole organization
- its place within the strategic and policy framework of the organization
- the use of approved technical solutions
- the resources needed to preserve the record intact
- the policy governing Registration process
- the policy covering access
- the policy governing security
- the policy for reviewing the policy and checking the quality of implementation

These will be updated according to a development plan issued within the policy making areas of Rocky View County.

Requirements**Records Management Requirements**

Electronic records within Rocky View County are to be clearly defined following a pattern of treatment similar to that previously given paper records. They must be able to be preserved and stored for the required period within Rocky View County as per the current Records Retention Bylaw. They will be selected using defined selection criteria and can be transferred to other organizations for future preservation, or destroyed once they are no longer of operational use. In order to ensure that the information constitutes a record the organization is required and endeavors at all times to ensure that:

- the record is present
- the record can be accessed
- the record can be interpreted
- the record can be trusted the record can be maintained

Process Requirements

Rocky View County deems that electronic records are an asset that requires careful control and the diligent application of standards to all systems and processes within the organization. The systems and processes will be required to:

- identify whether they deal with records, electronic records or potential electronic records
- if they do deal with such records, the system or process must maintain them so that the record nature remains intact
- provide information on the records or potential records as required for inclusion as part of a collection in the inventory of record collections
- provide the records for registration, transfer or disposal according to the records management guidance
- keep the records secure and monitor access in accordance with records management guidance
- have regard for legal requirements such as Data Protection, Freedom of Information and copyright legislation.

Transitional Requirements

Rocky View County will monitor electronic records and potential electronic records to ensure that:

- records that should be captured are being processed electronically if they do not appear in the paper record
- there is a distinction made between the electronic documents which are printed, printed records that reside in the paper record systems and other original documents that are retained as electronic records (possibly to be passed to an electronic record keeping system)
- an inventory of record collections will be created to ascertain the nature and type of records and potential records within collections. Care must be taken to ensure a good level of control of the record creating systems and that the records nature is preserved appropriately in the transitional period
- the implementation of any Record Management System should clearly show where the record is located and in which form it is held.

Framework:**Linked Policies**

There will be requirements in other policies that electronic records must meet. The following are made explicit by reference:

- Following Best Practice
Electronic records should be managed in accordance with relevant codes of practice for records management – in particular, ISO 18489-1 and standards set by the Canadian Government Standards Board
- The Department's E-Business Strategy
Electronic records will support e-business strategy, providing records for business use, corporate knowledge management and evidence-based policy making in electronic format
- Freedom of Information
Electronic records will have to adhere to procedures under Freedom of Information legislation
- Data Protection
Electronic records will have to adhere to procedures under the Data Protection Act 1998.
- Existing Records Policy
Records Retention Bylaw and policies set by the Information Systems department

Technical Aspects

Rocky View County applies technical criteria to the technologies that process electronic records. This ensures that:

- it is technically possible for the electronic records to meet record requirements starting from when they are created and for as long as they are needed
- systems will be selected on the basis of how well they will cope with electronic records, to prevent any loss of the record because of incompatibility or insufficient safeguards being used
- the systems designed for records management are capable of and useful for record keeping activities
- metadata is captured and can be used for referencing the information by using defined terms that are user-friendly and accurate

Preservation

Rocky View County seeks to preserve electronic records during any change in the infrastructure so that they can still satisfy the original policy requirements. Preservation needs must be satisfied when there are changes in:

- the technology that processes the electronic records how this affects the way records are processed throughout the records' existence
- organizational structures and how these are interpreted and give the records context
- the definition of terms used in the metadata and within the records themselves
- the classification of the electronic records including how the records are grouped and described so that they can be presented in a way consistent with the original understanding of the subject when the record was created.

Electronic records are subject to the same retention schedule as the master (paper) records as outlined in the Retention Bylaw. The date to be used for the electronic record shall be the last accessed date as determined by the audit trail data.

Registration / Indexing

The registration of electronic records will follow best practice in records management and allow for the users of the records to identify and track particular records and record collections.

The approach Rocky View County has to registration involves:

- classifying of the records into series that have meaningful titles and a consistent reference code
- setting a responsibility on individuals forming record items to allocate them to a series and if necessary a sub-series or sub-sub-series
- having sequences of reference numbers that can cover series with both electronic and paper records
- checking that the correct records have been allocated to the sequence and that meaningful titles are used
- auditing lists of the references used so that the registration system makes sense and records can be found in appropriate search sequences.

Access & Security**Access Controls**

Rocky View County will use access controls to allow the records to be viewed by all relevant parties, and offer a mechanism for opening up some of the information for use outside this group. The actual controls will depend on many factors but the general principles can be summarized as:

- electronic records will be made available for continuity of actions. The creators and managing individuals or groups should have access to relevant information
- roles or bodies within the organization which have been identified as being able to make an accurate judgment will decide on the sensitivity of the record. This judgment may be on a whole series or simply cover individual items. It will identify any restrictions on the records and it will highlight any groups or individuals within the organization who should have access
- any judgments, including any background reasons for withholding or masking information within the record or record series, are to be recorded. The resulting record will be kept for at least as long as the records in question; however it may not have the same access status as the main record
- the organization will not seek to put blanket restrictions on a record series if only some of the individual records are judged sensitive
- information taken from the records or record metadata may be subject to legislation requiring it to be

either withheld or made more widely available outside normal business needs (or even outside the organization itself). For example there may be a need for compliance with data protection or Freedom of Information legislation

- all records are part of the corporate memory. Unless restricted, due to legislation or as a result of a judgment, they will be made readily available within the organization. This may be subject to volume restrictions because of technical limitations or copyright reasons any access arrangements will be made for a specified duration and these will be reviewed according to a schedule identified during appraisal.

Security

Rocky View County takes all reasonable steps to ensure that the electronic records and processes dealing with them are secure. Once recorded and registered in the system, they will be safe from alteration, misinterpretation or loss.

The steps include:

- informing staff and complying with records management best practice
- using a corporate policy and organizational procedures, where they exist, and helping to determine new policy and procedures where they do not
- training staff to use the records management systems for an accurate representation of the records using only relevant metadata, thereby ensuring consistency in record registration and metadata without loss of context and control
- auditing the systems to trace any deviation from procedure
- offering solutions to rectify mistakes or altering the procedures to accommodate better ways of working
- setting up business continuity plans to ensure a constant service is maintained in spite of any technical or strategic hitches that may occur
- enforcing access restrictions with user IDs and passwords, setting user lockouts
- maintaining disaster recovery plans that include replicating electronic records on a physically secure back-up and safeguarding the information from technical failures.
- implementing strict back-up cycles with updates for new records and metadata, ensuring that any destroyed or transferred records are also promptly physically cleaned from the back-ups

Planned Review

Rocky View County will endeavor to follow the policy within all relevant procedures and guidance used for operational activities. Interpretation of the policy will be monitored and there will be a regular planned audit to assess how the policy is being put into practice. The audit will seek to:

- identify areas of operation that are covered or not covered by the policy and to identify which procedures and/or guidance should adhere to the policy
- follow a mechanism for adapting the policy to cover missing areas if these are critical to the creation and use of electronic records and use a subsidiary development plan if there are major changes to be made
- set requirements by implementing new procedures, including obtaining feedback where the procedures do not match the desired activity
- highlight where non-conformance to the procedures is occurring and suggest a tightening of controls and adjustment to related procedures such as security and access.