

Council Meeting Agenda

March 12, 2019

9:00 a.m.



ROCKY VIEW COUNTY
Cultivating Communities
262075 ROCKY VIEW POINT
ROCKY VIEW COUNTY, AB
T4A 0X2

CALL MEETING TO ORDER

UPDATES/ACCEPTANCE OF AGENDA

A CONFIRMATION OF MINUTES

1. February 26, 2019 Council Meeting

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B FINANCIAL REPORTS

- None

C APPOINTMENTS/PUBLIC HEARINGS

NOTE: In accordance with the *Municipal Government Act*, the following public hearings were advertised in the February 12, 2019 and February 19, 2019 editions of the Rocky View Weekly.

MORNING APPOINTMENTS 10:00 A.M.

1. Division 7 – File: PL20180081 (06612058) – Bylaw C-7861-2019 – Redesignation Item – Residential Two to Residential One District for Single Lot Subdivision, Fragmented Quarter Section

Staff Report

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D GENERAL BUSINESS

1. Division 9 – File: 4060-275/5051-700 – Governance and Priorities Committee Recommendation – Macdonald Communities Limited/Schickedanz West – Water and Wastewater Servicing at Cochrane Lakes

Staff Report

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2. All Divisions – File: 1011-100 – Intermunicipal Collaboration Framework & Intermunicipal Development Plan – Terms of Reference for Village of Beiseker

Staff Report

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3. All Divisions – File: 1013-135 – Request for Budget Adjustment – County Plan Comprehensive Review (Rewrite)

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ROCKY VIEW COUNTY
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4. Division 2 – File: 04734033 – Response to Notice of Motion – Removal of Municipal Reserve Designation and Disposal of the Commercial Court Municipal Reserve Parcel

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E BYLAWS

1. Division 1 – File: 1025-700/1007-100 – Bylaw C-7870-2019 – Transfer of Lands to Rocky View County and Designation of Public Utility Lot

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F UNFINISHED BUSINESS

- None

G COUNCIL REPORTS

H MANAGEMENT REPORTS

- None

I NOTICES OF MOTION

- None

J SUBDIVISION APPLICATIONS

1. Division 3 – File: PL20180079 (04702038) – Subdivision Item – Residential One District

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2. Division 3 – File: PL20180093 (04618004/019) – Subdivision Item – Creation of Nine Residential Condominium Units

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K COMMITTEE OF THE WHOLE/IN CAMERA

- None

ADJOURN THE MEETING

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A regular meeting of Rocky View County Council was held in the Council Chambers of the County Hall, 262075 Rocky View Point, Rocky View County, Alberta on February 26, 2019 commencing at 9:00 a.m.

Present:	Division 6	Reeve G. Boehlke
	Division 4	Deputy Reeve A. Schule
	Division 1	Councillor M. Kamachi
	Division 2	Councillor K. McKylor
	Division 3	Councillor K. Hanson
	Division 5	Councillor J. Gautreau
	Division 7	Councillor D. Henn
	Division 8	Councillor S. Wright
	Division 9	Councillor C. Kissel

Also Present:

- A. Hoggan, Chief Administrative Officer
- K. Robinson, Executive Director, Corporate Services
- B. Riemann, Executive Director, Operations
- S. Baers, Executive Director, Community Development Services
- G. Kaiser, Executive Director, Community and Business Connections
- T. Andreasen, A/Municipal Clerk, Municipal Clerk's Office
- B. Woods, Manager, Financial Services
- C. Nelson, Manager, Corporate Business Development
- J. Loro, A/Manager, Enforcement Services
- G. Nijjar, A/Engineering Supervisor, Planning and Development Services
- G. Rowland, Supervisor, Roads Maintenance
- D. Kazmierczak, Planner, Planning and Development Services
- O. Newmen, Planner, Planning and Development Services
- J. Anderson, Planner, Planning and Development Services
- J. Kirychuk, Planner, Planning and Development Services
- P. Simon, Planner, Planning and Development Services
- M. Mitton, Administrative Coordinator, Municipal Clerk's Office

Call to Order

The Chair called the meeting to order at 9:00 a.m. with all members present.

1-19-02-26-01

Updates/Acceptance of Agenda

MOVED by Councillor Henn that the February 26, 2019 Council meeting agenda be approved as presented.

Carried

1-19-02-26-02

Confirmation of Minutes

MOVED by Councillor Hanson that the February 12, 2019 Council meeting minutes be approved as presented.

Carried

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1-19-02-26-07 (D-1)
All Divisions – 2018 Audit Service Plan
File: 2025-100

Presenter: Julie Oliver, MNP

MOVED by Councillor Henn that the 2018 Audit Service Plan be received for information.

Carried

1-19-02-26-15 (E-1)
Division 4 – Further Consideration of Bylaw C-7858-2019 – Redesignation Item – Ranch and Farm District – Site Specific Amendment
File: PL20180033 (03311001/02/03/04/03314001/02)

MOVED by Deputy Reeve Schule that Bylaw C-7858-2019, as amended, be given third and final reading.

Carried

1-19-02-26-08 (D-2)
All Divisions – High Speed Internet Servicing
File: N/A

MOVED by Deputy Reeve Schule that Administration be directed to commence with Phase I of the Internet Servicing Strategy, seeking to evaluate the required provisions and report back to Council within the timeframe allotted;

AND THAT an amount of \$60,000.00 be assigned and funded from the 2019 Base Budget as per Attachment 'A'.

Carried

<u>In Favour:</u>	<u>Opposed:</u>
Councillor Kamachi	Reeve Boehlke
Councillor McKylor	Councillor Kissel
Councillor Hanson	
Councillor Gautreau	
Deputy Reeve Schule	
Councillor Henn	
Councillor Wright	

1-19-02-26-16 (E-2)
Division 8 – Further Consideration of Bylaw C-7849-2018 – Conceptual Scheme Item – Indigo Hills Conceptual Scheme
File: PL20170033/34 (06711002/030)

MOVED by Deputy Reeve Schule that Bylaw C-7849-2018 be given third and final reading.

Carried

<u>In Favour:</u>	<u>Opposed:</u>
Councillor Kamachi	Councillor Wright
Councillor McKylor	
Councillor Hanson	
Councillor Gautreau	
Reeve Boehlke	
Deputy Reeve Schule	
Councillor Henn	
Councillor Kissel	

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1-19-02-26-17 (E-3)

Division 8 – Further Consideration of Bylaw C-7850-2018 – Redesignation – Ranch and Farm District to Residential One District

File: PL20170035 (06711002/030)

MOVED by Councillor McKylor that Bylaw C-7850-2018 be given third and final reading.

Carried

In Favour:

Councillor Kamachi
Councillor McKylor
Councillor Hanson
Councillor Gautreau
Reeve Boehlke
Deputy Reeve Schule
Councillor Henn
Councillor Kissel

Opposed:

Councillor Wright

The Chair called for a recess at 9:51 a.m. and called the meeting back to order at 10:11 a.m. with all previously mentioned members present.

1-19-02-26-03 (C-1)

Division 6 – Bylaw C-7865-2019 – Road Closure Item – Closure and Consolidation of Two Portions of Undeveloped Road Allowance Known as Range Road 264

File: PL20180125

MOVED by Deputy Reeve Schule that the public hearing for item C-1 be opened at 10:11 a.m.

Carried

Person(s) who presented: Ludwig Reichender (Applicant) on behalf of 705370 Alberta Ltd.

Person(s) who spoke in favour: None

Person(s) who spoke in opposition: None

Person(s) who spoke in rebuttal: None

MOVED by Deputy Reeve Schule that the public hearing for item C-1 be closed at 10:17 a.m.

Carried

MOVED by Deputy Reeve Schule that Bylaw C-7865-2019 be given first reading;

AND THAT Administration be directed to forward Bylaw C-7865-2019 to the Minister of Transportation for approval.

Carried

1-19-02-26-04 (C-2)

Division 5 – Bylaw C-7859-2019 – Redesignation Item – Farmstead District to Business Industrial Campus and Residential One District – Outside of a Business Area

File: PL20180040 (05330007)

MOVED by Councillor Gautreau that the public hearing for item C-2 be opened at 10:18 a.m.

Carried

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

Person(s) who spoke in favour: None

Person(s) who spoke in opposition: Mike Hindmarsh, on behalf of Baljit Johal

Person(s) who spoke in rebuttal: Steve Grande, Terradigm Development Consultants Inc. (Applicant)

MOVED by Councillor Gautreau that the public hearing for item C-2 be closed at 11:04 a.m.

Carried

The Chair called for a recess at 11:09 a.m. and called the meeting back to order at 11:20 a.m. with all previously mentioned members present.

MOVED by Councillor Gautreau that Bylaw C-7859-2019 be given first reading.

Carried

In Favour:

Councillor Hanson
Councillor Gautreau
Reeve Boehlke
Deputy Reeve Schule
Councillor Henn
Councillor Wright

Opposed:

Councillor Kamachi
Councillor McKylor
Councillor Kissel

MOVED by Councillor Gautreau that Bylaw C-7859-2019 be referred to Administration to prepare an amendment to the bylaw for a site-specific amendment with a time limit for the land use.

Carried

In Favour:

Councillor Kamachi
Councillor McKylor
Councillor Hanson
Councillor Gautreau
Deputy Reeve Schule
Councillor Henn

Opposed:

Reeve Boehlke
Councillor Wright
Councillor Kissel

1-19-02-26-09 (D-3)

All Divisions – Response to Notice of Motion – Amendments to Firearms Bylaw C-7782-2018

File: 2025-100

MOVED by Councillor McKylor that Firearms Bylaw C-7782-2018 be referred to the Policy Review Subcommittee;

AND THAT Administration be directed to hold public consultation on Firearms Bylaw C-7782-2018.

Carried

In Favour:

Councillor Kamachi
Councillor McKylor
Councillor Hanson
Councillor Gautreau
Councillor Henn

Opposed:

Reeve Boehlke
Deputy Reeve Schule
Councillor Wright
Councillor Kissel

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1-19-02-26-10 (D-4)

All Divisions – Airdrie RCMP Detachment – Enhanced Policing Position

File: N/A

Presenter: Inspector Kim Pasloske, Airdrie RCMP Detachment

MOVED by Councillor Gautreau that Administration be directed to enter into an MOU with the RCMP “K” Division with the duties and responsibilities of the County’s RCMP Member assigned to the Crime Reduction Unit.

Carried

The Chair called for a recess at 12:09 p.m. and called the meeting back to order at 1:30 p.m. with all previously mentioned members present with the exception of Councillor Hanson.

1-19-02-26-05 (C-3)

Division 7 – Bylaw C-7856-2019 – Redesignation Item – Residential Two to Residential One District

File: PL20170172 (06518006)

MOVED by Councillor Henn that the public hearing for item C-3 be opened at 1:30 p.m.

Carried

Absent: Councillor Hanson

Person(s) who presented: Larry Konschuk (Applicant)

Person(s) who spoke in favour: None

Person(s) who spoke in opposition: None

Person(s) who spoke in rebuttal: None

MOVED by Councillor Henn that the public hearing for item C-3 be closed at 1:37 p.m.

Carried

Absent: Councillor Hanson

MOVED by Councillor Henn that Bylaw C-7856-2019 be given first reading.

Carried

Absent: Councillor Hanson

MOVED by Deputy Reeve Schule that Bylaw C-7856-2019 be given second reading.

Carried

Absent: Councillor Hanson

MOVED by Councillor Kissel that Bylaw C-7856-2019 be considered for third reading.

Carried

Absent: Councillor Hanson

MOVED by Councillor Henn that Bylaw C-7856-2019 be given third and final reading.

Carried

Absent: Councillor Hanson

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1-19-02-26-06 (C-4)

Division 4 – Further Consideration of Bylaw C-7674-2017 – Redesignation Item – Fragmented Country Residential – Agricultural Holdings District to Residential Two District
File: PL20150116 (03218008/8020/9019/9035)

Deputy Reeve Schule abstained from participating in the public hearing and voting on Bylaw C-7674-2017 as he also abstained from participating in the original public hearing and voting on Bylaw C-7674-2017 held at the June 12, 2018 Council meeting. Deputy Reeve Schule proceeded to leave the meeting at 1:38 p.m.

MOVED by Councillor Henn that the public hearing for item C-4 be opened at 1:38 p.m.

Carried
Absent: Councillor Hanson
Abstained: Deputy Reeve Schule

Person(s) who presented: Bart Carswell, Carswell Planning (Applicant)

MOVED by Councillor Gautreau that the late submission be accepted.

Carried
Absent: Councillor Hanson
Abstained: Deputy Reeve Schule

Person(s) who spoke in favour: None

Person(s) who spoke in opposition: Brad Tennant

Person(s) who spoke in rebuttal: Bart Carswell, Carswell Planning (Applicant)
Jason Dunn, Bunt & Associates
Jeff Palmer (Owner of a portion of the subject lands)

MOVED by Councillor Henn that the public hearing for item C-4 be closed at 2:19 p.m.

Carried
Absent: Councillor Hanson
Abstained: Deputy Reeve Schule

MOVED by Councillor Gautreau that Bylaw C-7674-2017 be given second reading.

Carried
Absent: Councillor Hanson
Abstained: Deputy Reeve Schule

MOVED by Councillor Henn that Bylaw C-7674-2017 be given third and final reading.

Carried
Absent: Councillor Hanson
Abstained: Deputy Reeve Schule

The Chair called for a recess at 2:22 p.m. and called the meeting back to order at 2:25 p.m. with all previously mentioned members present.

Deputy Reeve Schule returned to the meeting at 2:25 p.m.

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1-19-02-26-11 (D-5)

All Divisions – Agricultural Service Board Terms of Reference Amendment

File: N/A

MOVED by Councillor Henn that the Agricultural Service Board Terms of Reference be amended by deleting section 11 and renumbering the remaining sections as necessary.

Carried
Absent: Councillor Hanson

1-19-02-26-12 (D-6)

Division 1 – Proposed Speed Limit Change on Highway 22 at Highway 1 Interchange

File: N/A

MOVED by Councillor Kamachi that Administration be directed to issue a letter of support regarding the proposed speed limit change.

Carried
Absent: Councillor Hanson

1-19-02-26-13 (D-7)

All Divisions – Request for Budget Adjustment – County Plan Targeted Amendments

File: 1013-135

Councillor Hanson returned to the meeting at 2:56 p.m.

MOVED by Deputy Reeve Schule that \$150,000.00 be transferred from the Tax Stabilization Reserve to complete the County Plan Targeted Amendments.

Carried

In Favour:

Councillor Kamachi
Councillor McKylor
Councillor Hanson
Councillor Gautreau
Reeve Boehlke
Deputy Reeve Schule
Councillor Henn

Opposed:

Councillor Kissel
Councillor Wright

1-19-02-26-14 (D-8)

Division 5 – Waiving of Securities for a Road Improvements on Township Road 240

File: 4055-650

MOVED by Councillor Gautreau that the requirement to collect securities from the City of Chestermere to complete road improvements for Township Road 240, as described in Attachments 'A' and 'B', be waived.

Carried

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1-19-02-26-20 (J-1)

Division 9 – Subdivision Item – Four Lots, Residential Three District

File: PL20180070 (06832001)

MOVED by Councillor Kissel that Council hear from the applicant.

Carried

In Favour:

Councillor Kamachi
Councillor McKylor
Councillor Gautreau
Deputy Reeve Schule
Councillor Kissel
Councillor Wright

Opposed:

Councillor Hanson
Reeve Boehlke
Councillor Henn

The Chair called for a recess at 3:26 p.m. and called the meeting back to order at 3:40 p.m. with all previously mentioned members present.

MOVED by Councillor Kissel that condition 8 in Appendix 'A' be amended to read as follows:

The Owner shall pay the Transportation Off-Site Levy in accordance with Bylaw C-7356-2014. The County shall calculate the total amount owing:

- a) From three acres per subdivided lot (Lots 2 to 4) as shown on the Plan of Survey.

Carried

MOVED by Councillor Kissel that condition 10 in Appendix 'A' be amended to read as follows:

The provision of Reserve in the amount of 5% of the area of the Lots of 1-4 (inclusive), as determined by the Plan of Survey, is to be provided by payment of cash-in-lieu in accordance with the per acre value listed in the land appraisal prepared by RDS Appraisal Group, file 189027, dated July 19, 2018, pursuant to Section 666(3) of the *Municipal Government Act*.

- a) The provision of Reserve, in the amount of 5%, of Lots 1-4 (inclusive) is to be deferred by caveat proportionally to Lots 1-4 (inclusive), pursuant to section 669(2) of the *Municipal Government Act*.

Carried

In Favour:

Councillor Kamachi
Councillor McKylor
Councillor Hanson
Councillor Gautreau
Reeve Boehlke
Deputy Reeve Schule
Councillor Kissel
Councillor Wright

Opposed:

Councillor Henn

MOVED by Councillor Kissel that Subdivision Application PL20180070 be approved with the conditions noted in Appendix 'A' as amended:

- A. That the application to create four \pm 4.05 hectare (\pm 10.00 acre) parcels from Block 1, Plan 7410082 within NE-32-26-04-W5M was evaluated in terms of Section 654 of the *Municipal Government Act* and Section 7 of the Subdivision and Development Regulations. Having considered adjacent landowner

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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 Cochrane North Area Structure Plan;
 - 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. Further, in accordance with Section 654 and 655 of the *Municipal Government Act*, the application is approved subject to the following conditions of approval:

Plan of Subdivision

- 1) Subdivision to be effected by a Plan of Survey, pursuant to Section 657 of the *Municipal Government Act*, or such other means satisfactory to the Registrar of the South Alberta Land Titles District.
- 2) The Owner is to dedicate, by caveat, a 1 metre wide portion of land along the northern boundary of Block 1, Plan 7410082, NE-32-26-04-W5M, to accommodate the future widening of Weedon Trail, as identified in the Cochrane North ASP and Hamlet Plan Transportation Study (iTrans, March 2010).

Accessibility to a Road

- 3) The Applicant / Owner shall construct a new mutual paved approach on Weedon Trail in order to provide access to Lots 2, 3 and 4 denoted on the approved Tentative Plan. In addition, the Applicant / Owner shall:
 - a) Provide an Access Right-of-Way Plan; and
 - b) Prepare and register the respective Access Easements on each title.

Road Acquisition Agreement

- 4) The Owner is to enter into a Road Acquisition Agreement with the County, to be registered by Caveat on the title of Lots 3 and 4, to serve as notice that those lands are intended for future development as a County road, as per the approved Tentative Plan. The Agreement shall include:
 - a) The provision of a road acquisition ± 665 metres in length and ≥ 25 metres in width (± 1.66 hectares) along the western boundary of Block 1, Plan 7410082, NE-32-26-04-W5M;
 - b) The purchase of land by the County for \$1.

Water Wells

- 5) Water is to be supplied by an individual well on Lots 2, 3 and 4. The subdivision shall not be endorsed until:
 - a) An Aquifer Testing (Phase II) Report is provided demonstrating a minimum flow rate of 1.0 IGPM, and including aquifer testing and the locations of the wells on each lot; and
 - b) The results of the aquifer testing meet the requirements of the Water Act.

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Waste Water and Stormwater

- 6) The Owner is to enter into a Development Agreement (Site Improvements / Services Agreement) with the County for:
 - a) Construction of wastewater infrastructure in accordance with the recommendations of the submitted Level III PSTS Assessment prepared by Groundwater Information Technologies Ltd. on December 27, 2017.
 - b) Construction of storm water infrastructure in accordance with the recommendations of the submitted Storm Water Management Report prepared by Stormwater Solutions Inc. on September 19, 2017.

Deferred Services Agreement

- 7) The Owner is to enter into a Deferred Services Agreement with the County, to be registered on title for each proposed Lot(s) 1 to 4 denoted on the approved Tentative Plan, indicating:
 - a) Requirements for each future Lot Owner to connect to County piped water, wastewater, and storm water systems at their cost when such services become available;
 - b) Requirements for decommissioning and reclamation once County servicing becomes available.

Payments and Levies

- 8) The Owner shall pay the Transportation Off-Site Levy in accordance with Bylaw C-7356-2014. The County shall calculate the total amount owing:
 - a) From three acres per subdivided lot (Lots 2 to 4) as shown on the Plan of Survey.
- 9) The Owner shall pay the County subdivision endorsement fee, in accordance with the *Master Rates Bylaw*, for the creation of three new Lots.

Municipal Reserves

- 10) The provision of Reserve in the amount of 5% of the area of the Lots of 1-4 (inclusive), as determined by the Plan of Survey, is to be provided by payment of cash-in-lieu in accordance with the per acre value listed in the land appraisal prepared by RDS Appraisal Group, file 189027, dated July 19, 2018, pursuant to Section 666(3) of the *Municipal Government Act*.
 - a) The provision of Reserve, in the amount of 5%, of Lots 1-4 (inclusive) is to be deferred by caveat proportionally to Lots 1-4 (inclusive), pursuant to section 669(2) of the *Municipal Government Act*.

Taxes

- 11) All taxes owing, up to and including the year in which subdivision is to be registered, are to be paid to Rocky View County prior to signing the final documents pursuant to Section 654(1) of the *Municipal Government Act*.

C. SUBDIVISION AUTHORITY DIRECTION:

- 1) Prior to final endorsement of the Subdivision, the Planning Department is directed to present the Owner with a Voluntary Recreation Contribution Form and ask them if they will contribute to the Fund in accordance with the contributions prescribed in the *Master Rates Bylaw*.

Carried

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1-19-02-26-19 (I-1)

Division 2 – Notice of Motion – Councillor McKylor and Councillor Kamachi – Removal of Municipal Reserve Designation and Disposal of the Commercial Court Municipal Reserve Parcel

File: N/A

Notice of Motion: Read at the February 26, 2019 Council Meeting
To be debated at the March 12, 2019 Council Meeting

Title: Removal of Municipal Reserve Designation and Disposal of the Commercial Court Municipal Reserve Parcel

Presented By: Councillor Kim McKylor, Division 2
Councillor Mark Kamachi, Division 1

WHEREAS the 4-acre Commercial Court Municipal Reserve (MR) Parcel was created with the approval of Subdivision Application 2003-RV-277 (File: 04734002) on a motion by Councillor Brenda Goode on February 24, 2004;

AND WHEREAS Councillor Brenda Goode reported to the Springbank Community Association on April 19, 2004 that the Commercial Court Municipal Reserve (MR) Parcel approved on February 24, 2004 was suitable for the future home of the Community Association;

AND WHEREAS the Springbank Community Hall (circa 1905) was condemned in May 2018;

AND WHEREAS the draft Master Recreation Plan demonstrates a need for multi-purpose community space in the Springbank area;

AND WHEREAS the 4-acre Commercial Court Municipal Reserve (MR) Parcel will not adequately accommodate both parking and a community facility with possible growth in the Springbank area;

AND WHEREAS the Commercial Court Municipal Reserve (MR) Parcel is situated within a commercial development and is not suitable for a community centre that will be accessible to all members of the community;

AND WHEREAS the Springbank Community Association presented to the Policies and Priorities Committee on June 5, 2018 and highlighted the need for, and interest in, building a new multi-purpose community space in the near-term to alleviate a shortage in community space;

AND WHEREAS the *Municipal Government Act* allows for the removal of municipal reserve designation and disposal of the Municipal Reserve land, or if disposal is not suitable, then suitable lands should be secured for the Springbank Community Association;

NOW THEREFORE BE IT RESOLVED THAT Administration be directed to initiate the process of removing the municipal reserve designation and disposing of the 4-acre Commercial Court Municipal Reserve Parcel;

AND THAT Rocky View County's share of the proceeds be used towards acquiring a minimum of 14 acres of land on or near the Range Road 33 corridor for a future community centre in Springbank.

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1-19-02-26-18 (E-4)

All Divisions – Bylaw C-7855-2018 – Board and Committee Code of Conduct Bylaw

File: N/A

MOVED by Councillor Kissel that Bylaw C-7855-2018 be given first reading.

Carried

MOVED by Deputy Reeve Schule that Bylaw C-7855-2018 be given second reading.

Carried

MOVED by Councillor Henn that Bylaw C-7855-2018 be considered for third reading.

Carried

MOVED by Councillor Wright that Bylaw C-7855-2018 be given third and final reading.

Carried

Adjournment

MOVED by Councillor Henn that the February 26, 2019 Council meeting be adjourned at 3:51 p.m.

Carried

Reeve or Deputy Reeve

Chief Administrative Officer or Designate

PLANNING & DEVELOPMENT

TO:	Council	
DATE:	March 12, 2019	DIVISION: 7
TIME:	Morning Appointment	
FILE:	06612058	APPLICATION: PL20180081
SUBJECT:	Redesignation Item – Residential Two to Residential One District for Single Lot Subdivision, Fragmented Quarter Section.	

¹POLICY DIRECTION:

The application was evaluated against the *Municipal Government Act*, and policies of the County Plan and Rocky View County/City of Calgary Intermunicipal Development Plan, and was found to be compliant.

EXECUTIVE SUMMARY:

The purpose of this application is to redesignate the subject land from Residential Two District to Residential One District. This would facilitate the creation of a ± 0.87 hectare (± 2.14 acre) parcel with a ± 1.10 hectare (± 2.71 acre) remainder.

An existing dwelling is located on the northern portion of the property (proposed Lot 1). The topography of the subject lands is generally flat and drains from the northeast to the southwest. The existing residence is serviced by Rocky View Water Co-op for potable water, and by a septic system for waste water. The new parcel is proposed to connect to the Water Co-op, and a new septic system would be required. Access to the existing dwelling is currently achieved from Valley View Road via the neighbouring landowner's panhandle access and driveway running along the northern boundary of the subject parcel.

The subject parcel is within a fragmented country residential area, located outside of any area structure plan. Therefore, this application was principally considered against the policies within the County Plan covering fragmented country residential areas. The application was also assessed against the Rocky View County/ City of Calgary Intermunicipal Development Plan and Section 27 of the County Plan, covering intermunicipal matters, as the parcel is located within an area designated as a City of Calgary Residential Growth Corridor.

Policy 10.11 of the County Plan provides direction on proposals within fragmented country residential areas not covered by an area structure plan; the Applicant demonstrated compliance with this policy through submission of a Lot and Road Plan and supporting technical studies.

Administration determined that the application meets policy.

DATE APPLICATION RECEIVED:	June 26, 2018
DATE DEEMED COMPLETE:	November 28, 2018

PROPOSAL:	To redesignate the subject lands from Residential Two District to Residential One District in order to facilitate the creation of a ± 0.87 hectare (± 2.14 acre) parcel with a ± 1.10 hectare (± 2.71 acre) remainder.
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¹ Administration Resources

Dominic Kazmierczak & Gurbir Nijjar, Planning & Development



LEGAL DESCRIPTION:	Lot 4, Block 11, Plan 0711329 within SE-12-26-02-W5M
GENERAL LOCATION:	Located ± 0.40 kilometres (± 0.25 miles) north of Calgary, on the eastern side of Valley View Road and ± 1.2 kilometres (± 0.75 miles) south of Highway 566.
APPLICANT:	Joginderpal and Kiran Sandhu
OWNERS:	Joginderpal and Kiran Sandhu
EXISTING LAND USE DESIGNATION:	Residential Two District
PROPOSED LAND USE DESIGNATION:	Residential One District
GROSS AREA:	± 1.96 hectares (± 4.85 acres)
SOILS (C.L.I. from A.R.C.):	Class 1 1 – No significant limitations.

PUBLIC & AGENCY SUBMISSIONS:

No letters were received in response to 13 letters circulated to adjacent and area property owners when the application was received. The application was also circulated to a number of internal and external agencies; those responses are available in Appendix 'A'.

HISTORY:

April 7, 2006	The Subdivision Appeal Committee approved subdivision application 2005-RV-453 facilitating a boundary adjustment and the creation of a ± 5 acre parcel and a ± 4.9 acre remainder. Subdivision Plan 0711329 was registered at Land Titles on March 14, 2007. Municipal Reserve was taken in full for the subject parcel (Lot 4).
Sept 29, 1998	Land Use Bylaw C-4841-97 is adopted, changing the land use designation of the subject lands from Small Holdings District to Residential Two District.
1997	Plan 971 1088 is registered following a 1994 subdivision approval, which affects the subdivision of Block 11 into a ± 9.9 acre parcel with a ± 9 acre remainder, accessed by a 12.3m wide panhandle.
1971	Plan 469LK is registered, affecting the creation of two ± 20 acre parcels within a portion of the SE 12-26-2-W5M. Block 11, the subject lands, is created.

BACKGROUND:

The subject land is located ± 0.40 kilometres (± 0.25 miles) north of Calgary, on the eastern side of Valley View Road and ± 1.2 kilometres (± 0.75 miles) south of Highway 566. The subject land is located within a fragmented quarter section of 20 Residential Two District lots. The quarter sections immediately to the north, northwest and east are similarly fragmented residential lands. Other surrounding lands both within the County and the city of Calgary are largely agricultural in use with only a few smaller residential subdivisions present.

The Applicant is proposing to ensure physical access to Valley View Road by dividing the existing 25 metre wide western panhandle, thereby providing 12.5 metre wide panhandles to Lots 1 and 2. Access easements and a new shared approach would be required at the subdivision stage to accommodate the proposed subdivision.



POLICY ANALYSIS:

Interim Growth Plan

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

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

[...] (c) Make a bylaw or pass a resolution.”

The effect of a redesignation is to pass a bylaw amending the land use of a parcel of land. Having reviewed the Interim Growth Plan, there would be limited risk of this bylaw being in conflict with Section 708.12(1) of the *Municipal Government Act*.

Section 708.16 of the *Municipal Government Act* states:

“[...] all statutory plans of a participating municipality that are in effect on the coming into force of the regulation establishing the growth management board of which the participating municipality is a member remain in full force and effect.”

The policy assessment below confirms accordance with the statutory Rocky View County/City of Calgary Intermunicipal Development Plan (IDP) and County Plan, both of which remain in full force and effect alongside the Interim Growth Plan.

Rocky View County/City of Calgary Intermunicipal Development Plan

The subject lands are located within a City of Calgary Residential Growth Corridor. Section 8.0 of the IDP relates to Growth Corridors and outlines the need to recognize identified growth corridors for both municipalities. Policy 8.1.3 of the IDP states:

“Identified City of Calgary Growth Areas should continue to be governed in accordance with existing Rocky View County policy documents, which may be updated.”

Similarly, Policy 8.1.4 of the IDP states:

“Rocky View County Council and Administration should 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.”

The proposed redesignation application is considered to be compliant with the relevant statutory documents referred to within Policies 8.1.3 and 8.1.4 of the IDP. Therefore, the application complies the IDP.

Policy 8.1.5 of the IDP requires that applications in Calgary Growth Area are referred to the City for discussion and to gain an understanding of long-term development interests. This application was circulated for comments, and the City's response set out within Appendix A indicates their assessment concluded that the proposal is not consistent with the IDP. The application was also presented to the Rocky View County/ City of Calgary Intermunicipal Committee on January 25, 2019, for discussion. Notwithstanding these comments, Administration's assessment determined that the proposed development does comply with policy.

County Plan

Fragmented Country Residential Areas

The subject lands are not located within an area structure plan that would guide development proposals on the subject lands; therefore, the application was principally evaluated against the policies and objectives of the County Plan.



The parcel is part of a fragmented quarter section of 20 Residential Two District designated lots; therefore, Policy 10.11 applies. This policy requires a lot and road plan to be submitted demonstrating that the proposed subdivision would not inhibit further subdivision both within the subject lands and adjoining properties. A supporting technical assessment demonstrating the lot and road plan can accommodate increased residential development is also required.

The Applicant submitted a Lot and Road Plan encompassing all immediately adjacent lots in the quarter section: an area of approximately 23.01 hectares (56.86 acres). As these adjacent lands are all residential in use, there is minimal potential for adverse impact on agricultural operations.

Due to the pattern of piecemeal fragmentation of the quarter section over time and the prevalence of lots with panhandles, coordinated future subdivision of the quarter section would be challenging. However, the Lot and Road Plan submitted by the Applicant demonstrates that another 12 country residential lots could be created over the assessed existing eight lots, subject to the construction of two internal subdivision roads. It also demonstrates that the proposed single lot subdivision of the subject parcel would not preclude subdivision of the surrounding lands. At the future subdivision stage, the County would also have the option of imposing a road acquisition agreement, allowing the County to acquire a 25 metre wide section of land along the parcel's southern boundary. This would provide potential for construction of an internal subdivision road, thereby giving further potential access to lots that have subdivision potential.

The Applicant is proposing that the new lot would connect to the Rocky View Water Co-op for potable water and be serviced by a new septic system for waste water. A Private Sewage Treatment System Level Two Assessment (Sedulous Engineering Ltd., December 2018) was submitted with the application, confirming that the proposed lot can accommodate a septic system. Confirmation was also provided by the Rocky View Water Coop (April 30, 2018) that it has sufficient water capacity to service the proposed lot.

The Applicant provided a Conceptual Level Storm Water Management Plan (Sedulous Engineering Ltd., December 17, 2018). This Plan indicates that surface water generally flows towards the southern boundary, and that construction of a ponding/infiltration area on a southern lot (Lot 2) would be required to ensure the development meets the objectives of the Nose Creek Watershed Water Management Plan.

The Applicant did not provide a report summarising any consultation or comments by neighbouring landowners within the defined Lot and Road Plan area, as required by clause d. of Policy 10.11. However, no comments were received in response to circulation of the application by the County.

Taking the above matters into account, Administration determined that this application complies with Policy 10.11 of the County Plan.

Urban Growth Corridors

Section 27 of the County Plan relates to Intergovernmental Relationships. As this application is located within an identified City of Calgary urban growth corridor, Policy 27.17 is relevant. This Policy states that applications in identified growth areas shall be evaluated in consultation with the City and in accordance with the IDP. The City of Calgary Administration does not consider this redesignation application to accord with the objectives of the Rocky View County/ City of Calgary Intermunicipal Development Plan; therefore, it cannot support the application. The City's full response is set out within Appendix A.

Although the City of Calgary's preference for urban growth corridors to be "maintained as unfragmented as possible" is acknowledged, the subject parcel is located within a quarter section that is already heavily fragmented; any attempt to shift to an urban form on these lands is likely to be extremely challenging and of questionable benefit.



As no further direction is provided within the County Plan or Intermunicipal Development Plan with respect to fragmented quarter sections within an urban growth corridor, Administration determined that the application should be principally assessed against Policy 10.11. Consequently, Administration determined that this redesignation application is largely compliant with the relevant statutory plans guiding development in this part of the County.

Land Use Bylaw (Bylaw C-4841-97)

The proposed land use is appropriate for the intended parcel sizes. The application is in accordance with the purpose and intent of the Residential One District, which is to provide for residential uses on a small parcel of land that excludes agricultural pursuits.

CONCLUSION:

This Application was reviewed against the policies and objectives of the County Plan and the Rocky View County/ City of Calgary Intermunicipal Development Plan. Policy 10.11 of the County Plan provides the foremost direction on proposals within fragmented country residential areas not covered by an area structure plan, and the Applicant demonstrated compliance with this policy. The concerns of the City of Calgary with respect to further fragmentation within an urban growth corridor are noted; however, without clear policy direction in the relevant statutory plans to guide the City's preferences, assessment of the application is based on the applicable policies covering fragmented country residential quarter sections. Administration determined that the application is compliant with these applicable policies.

OPTIONS:

- Option # 1: Motion #1 THAT Bylaw C-7861-2019 be given first reading.
 Motion #2 THAT Bylaw C-7861-2019 be given second reading.
 Motion #3 THAT Bylaw C-7861-2019 be considered for third reading.
 Motion #4 THAT Bylaw C-7861-2019 be given third and final reading.
- Option # 2: That application PL20180081 be refused.

Respectfully submitted,

Concurrence,

"Sherry Baers"

"Al Hoggan"

Executive Director
 Community Development Services
 DK/rp

Chief Administrative Officer

APPENDICES:

- APPENDIX 'A': Application Referrals
 APPENDIX 'B': Bylaw C-7861-2019 and Schedule A
 APPENDIX 'C': Map Set

APPENDIX A: APPLICATION REFERRALS

AGENCY	COMMENTS
<i>School Authority</i>	
Rocky View Schools	No objection.
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	Not required for circulation.
Alberta Transportation	<p>This will acknowledge receipt of your circulation memorandum regarding the above noted proposal, which must meet the requirements of Section 14 of the Subdivision and Development Regulation, due to the proximity of Highway 201. Presently, the application does not appear to comply with any category of Section 14 of the Regulation.</p> <p>The department recognizes that the land involved in this application is removed from the provincial highway system, and relies on the municipal road network for access. It appears that the subdivision being created by this application is to accommodate existing uses and therefore should not have a significant impact on the provincial highway system.</p> <p>Alberta Transportation has no objection to this proposal and is prepared to grant an unconditional variance of Section 14 of the Subdivision and Development Regulation at the time of subdivision.</p>
Alberta Sustainable Development (Public Lands)	Not required for circulation.
Alberta Culture and Community Spirit (Historical Resources)	Not required for circulation.
Energy Resources Conservation Board	Not required for circulation.
Alberta Health Services	<p>Given the information provided, we offer the following comments for your consideration with regard to planning future development on the site:</p> <ul style="list-style-type: none"> The application indicates that potable water will be supplied by the neighboring drinking water co-op. AHS recommends confirming that the existing water system will be able to meet any increased water demand resulting from this proposed

AGENCY	COMMENTS
	<p>development.</p> <ul style="list-style-type: none"> Any proposed private sewage disposal system must be completely contained within the proposed property boundaries and must comply with the setback distances outlined in the most recent Alberta Private Sewage Systems Standard of Practice. Prior to installation of any sewage disposal system, a proper geotechnical assessment should be conducted by a qualified professional engineer and the system should be installed in an approved manner. If any evidence of contamination or other issues of public health concern are identified at any phase of development, AHS wishes to be notified. Ensure the properties and development are designed and maintained in accordance with the Alberta Public Health Act, Nuisance and General Sanitation Guideline 251/2001 which stipulates, <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 objection.
ATCO Pipelines	No objection.
AltaLink Management	No comments received.
FortisAlberta	No comments received.
Telus Communications	No comments received.
TransAlta Utilities Ltd.	No comments received.
Rockyview Gas Co-op Ltd.	Not required for circulation.
Adjacent Municipality	
The City of Calgary	<p>Note: This application was presented to the Rocky View County/ City of Calgary Intermunicipal Committee on January 25, 2019 for discussion. No further comments were raised in addition to those submitted by the City of Calgary Administration on August 22, 2018 (see below).</p> <p>The City of Calgary Administration cannot support a redesignation for this parcel. It is our opinion that this application is not in line with the objectives and intent of the <i>Rocky</i></p>

AGENCY	COMMENTS
	<p><i>View/Calgary Intermunicipal Development Plan</i>. We request that further discussion take place between administrations prior to the consideration of this application.</p> <p>The subject parcel is located within an Identified City of Calgary Residential Growth Area as per “Map 4: Growth Corridors/Areas” of the <i>Rocky View/Calgary IDP</i>. 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. Generally The City of Calgary is not supportive of redesignation applications within the growth areas.</p> <p>Objectives of “Section 8.0 Growth Corridors/Areas and Annexation” of the <i>Rocky View/Calgary IDP</i> 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 <i>County Plan</i> 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>If approved, the proposal sets a precedent for future redesignation and subsequent subdivision within the Calgary future urban growth corridor. The challenge faced is one dealing with highly subdivided (fragmented) lands that become annexed into Calgary. Fragmented rural lands can be very challenging to transform into a functioning urban land use pattern. The challenges of transforming fragmented rural 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 urban community 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>Fragmented ownership is disadvantageous to future comprehensive development of Calgary’s Growth Area. It is our preference and general understanding that future urban growth corridors will be maintained as un-fragmented as possible.</p>
Tsuut’ina Nation	Not required for circulation.

AGENCY	COMMENTS
<i>Other External Agencies</i>	
EnCana Corporation	Not required for circulation.
<i>Rocky View County</i>	
<i>Boards and Committees</i>	
ASB Farm Members and Agricultural Fieldmen	No comments received.
Rocky View Central Recreation Board	Given that Municipal Reserves were provided by a cash-in-lieu payment on Plan 9711088, the Board has no comments on this circulation.
<i>Internal Departments</i>	
Recreation, Parks & Community Services	The Municipal Lands Office has no concerns with this redesignation application; further, there are no concerns pertaining to any future subdivision as applicable reserves have been provided for as a cash in lieu payment as per Plan 9711088.
Development Authority	No comments received.
GIS Services	No comments received.
Building Services	No comments received.
Fire Services	No comments.
Planning & Development Services - Engineering	<p>Geotechnical:</p> <ul style="list-style-type: none"> No requirements at this time. <p>Transportation:</p> <ul style="list-style-type: none"> The Transportation Off-Site Levy (TOL) has been paid for the subject land under 2005-RV-453. The parcel has two existing accesses: <ul style="list-style-type: none"> One from a private driveway north of the parcel (through Lot 5, Block 11, Plan 0711329). An easement is registered on the title of this adjoining lot for the benefit of the subject parcel. Second through a shared access from Valley View Road. At the subdivision stage, the applicant will be required to upgrade the existing approach from Valley View Road to a mutual standard and provide an Access ROW Plan and

AGENCY	COMMENTS
	<p>associated Access Easement Agreement to be registered on title of the proposed parcel and remainder parcel for shared usage of the existing access.</p> <ul style="list-style-type: none"> It is to be noted that the adjacent parcel (Lot 3, Block 11, Plan 0711329) shall also share the existing approach from Valley View Road. All existing access easement agreements shall transfer to the proposed and remainder parcels at time of subdivision As a condition of future subdivision, the applicant is required to enter into a Road Acquisition Agreement with the County for the future acquisition of the southernmost 25m of the subject lands to facilitate the future dedication of a public road allowance should the lands subdivide further in the future. <p>Sanitary/Waste Water:</p> <ul style="list-style-type: none"> The applicant has indicated that the proposed parcel will have a few septic tank and septic field; At time of subdivision, the applicant is required to submit a level I assessment variation for the existing septic fields on the remainder parcel describing the existing system type, maintenance requirements and include a sketch showing its location and size. The assessment shall also provide measurements to pertinent features (wetlands, surface water, wells, property lines, home, etc.) and comment on the general suitability of the existing system based on visual inspection. This assessment shall be prepared by the homeowner and shall be submitted prior to proceeding with subdivision; The applicant provided a Level II PSTS Assessment prepared by Sedulous Engineering dated December 2018. The assessment indicates that an advanced treatment system is recommended for the proposed parcel. As a condition of future subdivision, the applicant will be required to enter into a Site Improvements Services Agreement with the County for the installation of an advanced treatment system meeting the requirements of NSF 40 or BNQ standards; As a condition of future subdivision, a Deferred Service Agreement shall be registered against each new certificate of title (lot) created, requiring the owner to tie into municipal wastewater services when they become available. <p>Water Supply And Waterworks:</p> <ul style="list-style-type: none"> The existing lot is serviced by the water Co-op. The Applicant has also noted that proposed lot will be serviced by the Co-op; As a condition of future subdivision, the Applicant will be

AGENCY	COMMENTS
	<p>required to to provide confirmation from Rocky View Water Co-op that capacity has been purchased and secured for the proposed parcel.</p> <p>Storm Water Management:</p> <ul style="list-style-type: none"> • No requirements at this time; • The applicant provided a Conceptual Level Stormwater Management Plan prepared by Sedulous Engineering dated December 18, 2018. The concept consists of the use of infiltration areas to manage stormwater in the post development condition meeting the requirements of the Nose Creek Master Drainage Plan and County Servicing Standards. Engineering has reviewed the report and has no further concerns at this time. As a condition of subdivision, the applicant shall be required to enter into a Site Improvements/Services Agreement for the future implementation of the recommendations of the conceptual level stormwater management plan prepared by Sedulous Engineering dated December 18, 2018. <p>Environmental:</p> <ul style="list-style-type: none"> • No requirements at this time.
Transportation Services	No concerns.
Capital Project Management	No concerns.
Operational Services	No concerns.
Utility Services	Applicant will need to construct new approach at time of subdivision.
Agriculture and Environment Services	No agricultural concerns.

Circulation Period: July 27, 2018 – August 24, 2018



BYLAW C-7861-2019

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

The Council of Rocky View County enacts as follows:

PART 1 – TITLE

This Bylaw shall be known as Bylaw C-7861-2019.

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 Maps No. 66-SE of Bylaw C-4841-97 be amended by redesignating Lot 4, Block 11, Plan 0711329 within SE-12-26-02-W05M from Residential Two District to Residential One District, as shown on the attached Schedule 'A' forming part of this Bylaw.

PART 4 – TRANSITIONAL

Bylaw C-7861-2019 comes into force when it receives third reading, and is signed by the Reeve/Deputy Reeve and CAO or Designate, as per the *Municipal Government Act*.

Division: 7

File: 06612058 - PL20180081

<i>PUBLIC HEARING WAS HELD IN COUNCIL this</i>	<i>day of</i>	<i>, 2019</i>
READ A FIRST TIME IN COUNCIL this	day of	, 2019
READ A SECOND TIME IN COUNCIL this	day of	, 2019
<i>UNANIMOUS PERMISSION FOR THIRD READING</i>	<i>day of</i>	<i>, 2019</i>
READ A THIRD TIME IN COUNCIL this	day of	, 2019

Reeve

CAO or Designate

Date Bylaw Signed

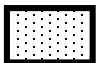
BYLAW: C-7861-2019

Valley View Road

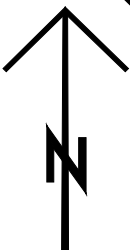
R-2 → R-1
±1.96 ha
(± 4.85 ac)

AMENDMENT

FROM Residential Two District TO Residential One District



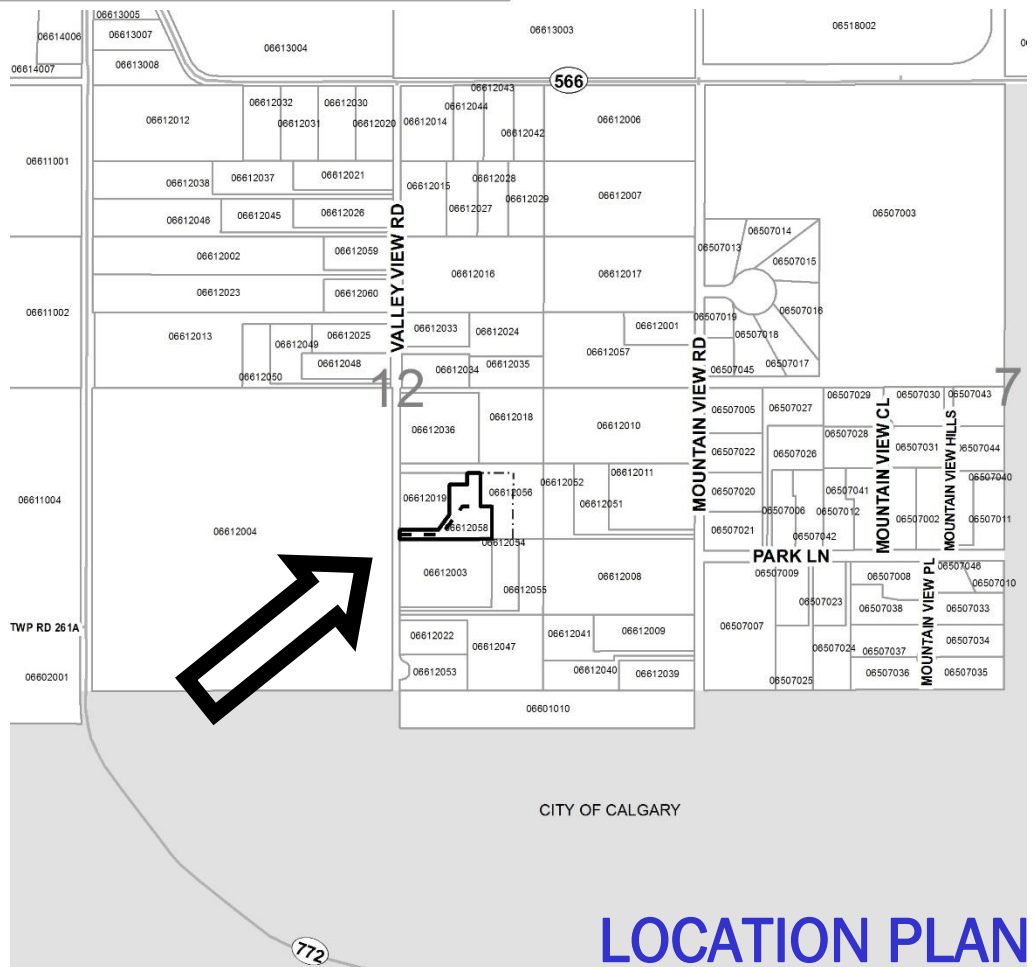
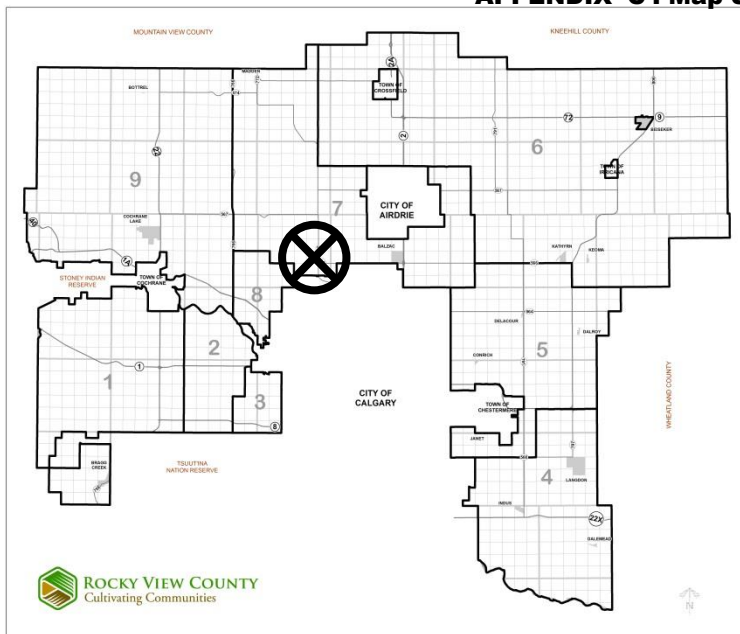
Subject Land _____



LEGAL DESCRIPTION: Lot 4, Block 11, Plan 0711329,
SE-12-26-02-W5M

FILE: 06612058 – PL20180081

DIVISION: 7



SE-12-26-02-W05M
Lot:4 Block:11 Plan:0711329

Date: July 9,2018

Division # 7

File: 06612058

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Redesignation Proposal: To redesignate the subject lands from Residential Two District to Residential One District in order to facilitate the creation of a ± 0.87 hectare (± 2.14 acre) parcel with a ± 1.10 hectare (± 2.71 acre) remainder.

Valley View Road

Lot 1
R-2 \rightarrow R-1
 ± 0.87 ha
(± 2.14 ac)

Lot 2
R-2 \rightarrow R-1
 ± 1.10 ha
(± 2.71 ac)

DEVELOPMENT PROPOSAL



SE-12-26-02-W05M

Lot:4 Block:11 Plan:0711329

Date: July 9, 2018

Division # 7

File: 06612058

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



SE-12-26-02-W05M
Lot:4 Block:11 Plan:0711329

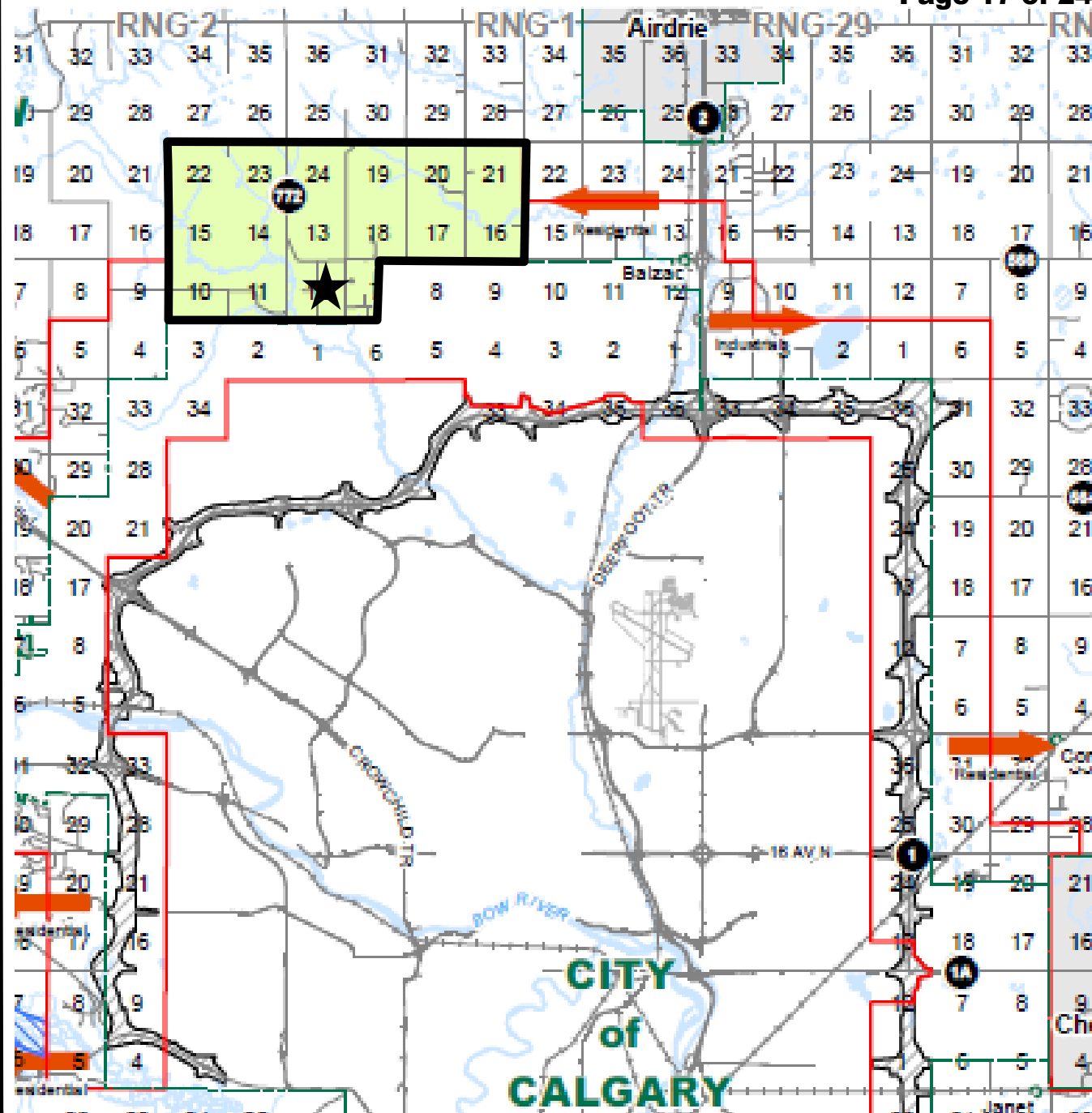
Date: July 9, 2018

Division # 7

File: 06612058

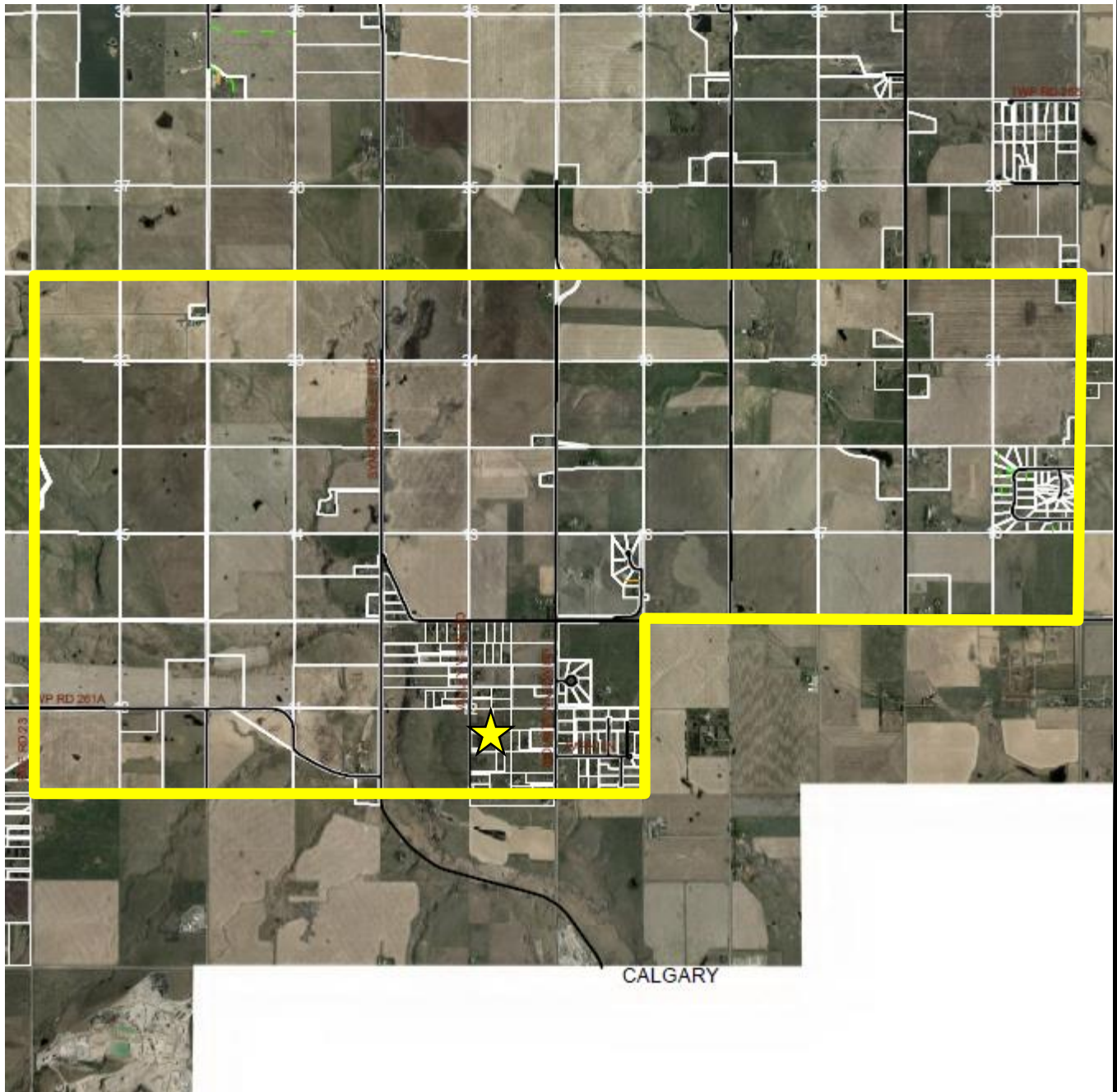
AGENDA

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CALGARY RESIDENTIAL GROWTH CORRIDOR

SE-12-26-02-W05M
Lot:4 Block:11 Plan:0711329



CALGARY RESIDENTIAL GROWTH CORRIDOR



SE-12-26-02-W05M
Lot:4 Block:11 Plan:0711329

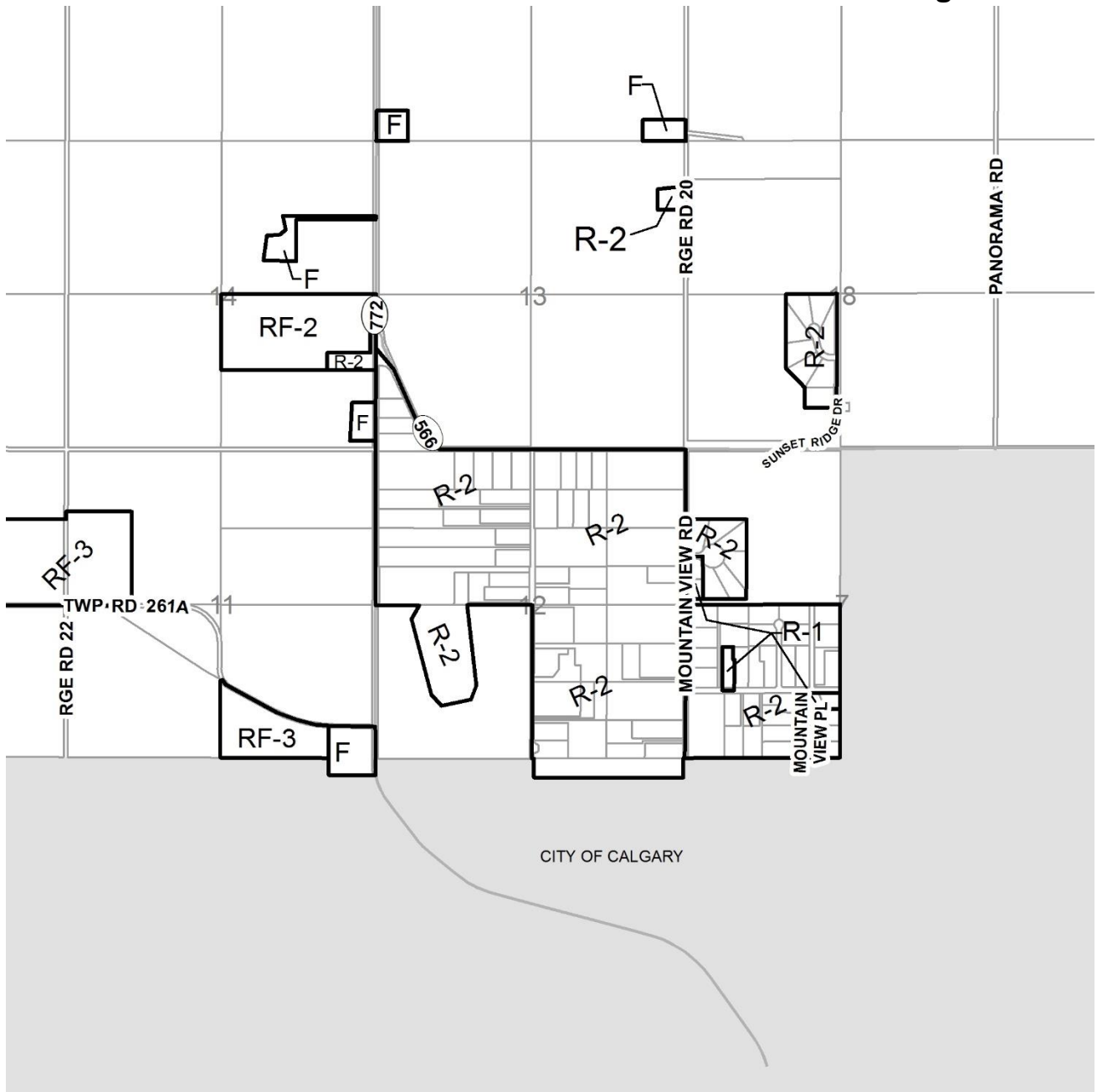
Date: July 9, 2018

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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

SE-12-26-02-W05M

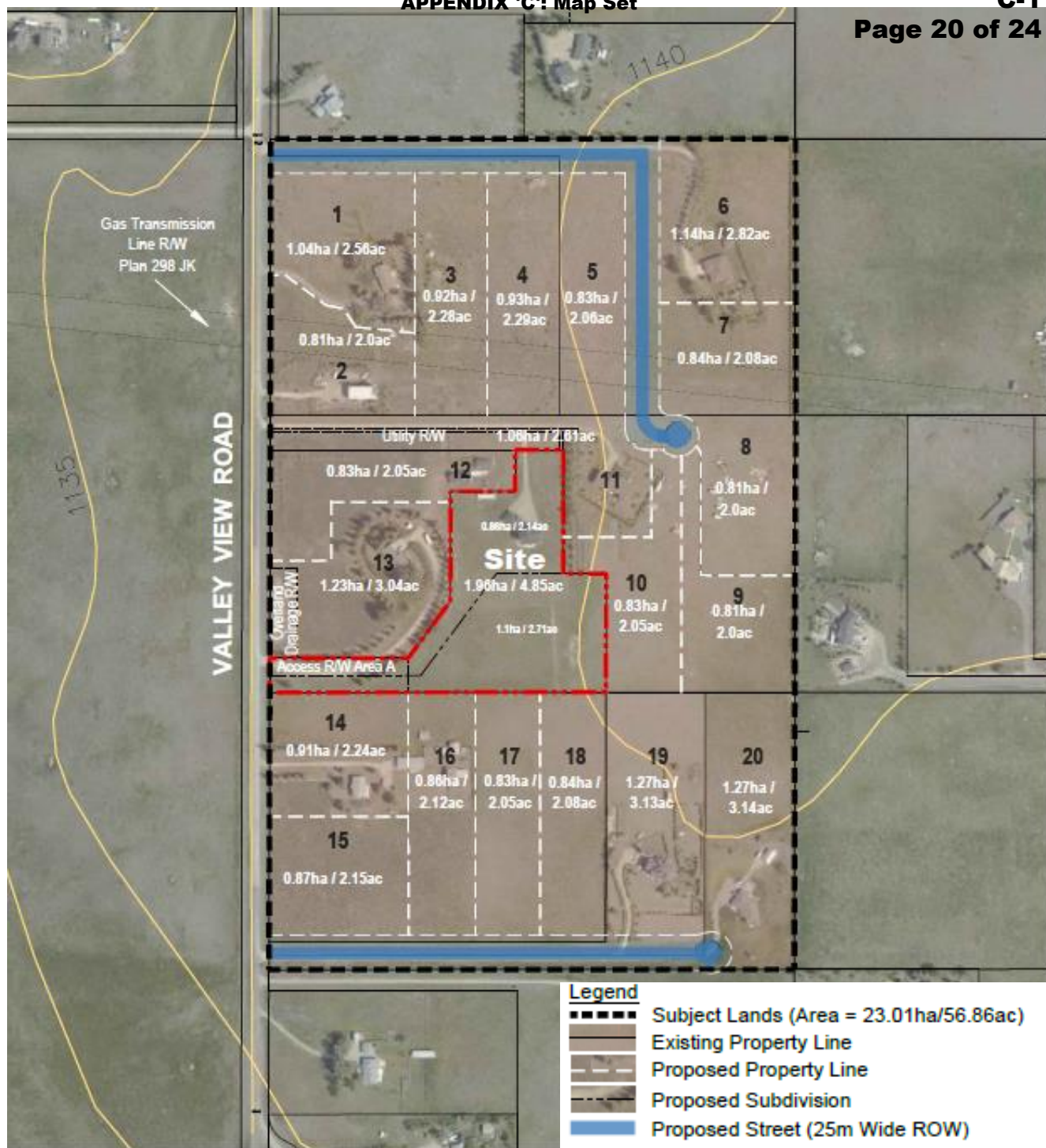
Lot:4 Block:11 Plan:0711329

Date: July 9, 2018

Division # 7

File: 06612058**AGENDA**

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LOT & ROAD PLAN

SE-12-26-02-W05M
 Lot:4 Block:11 Plan:0711329

Date: July 9, 2018

Division # 7

File: 06612058

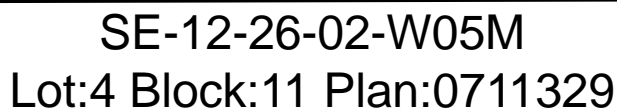
AGENDA

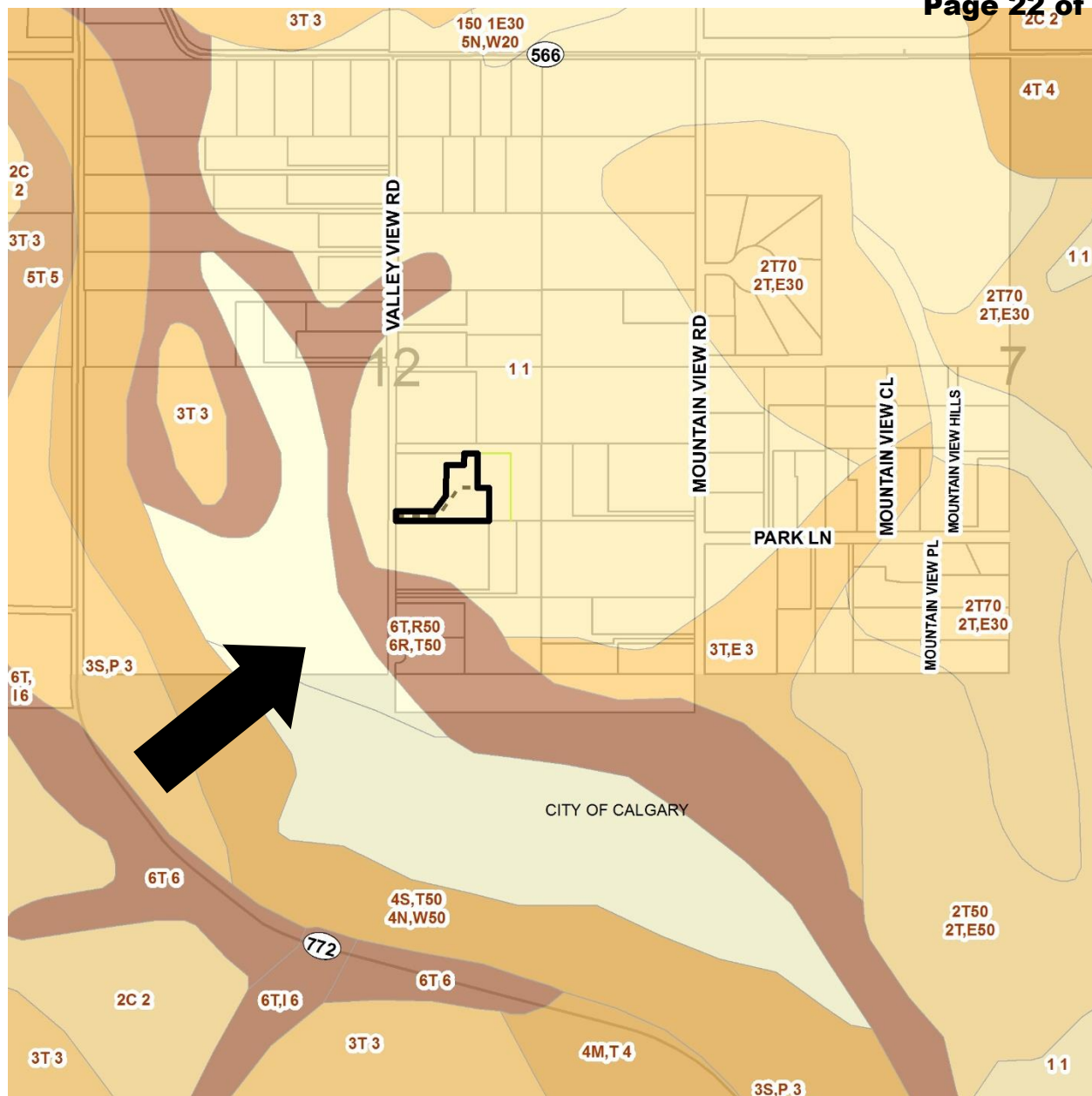
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TOPOGRAPHY

Contour Interval 2 M





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



SE-12-26-02-W05M
Lot:4 Block:11 Plan:0711329

Date: July 9, 2018

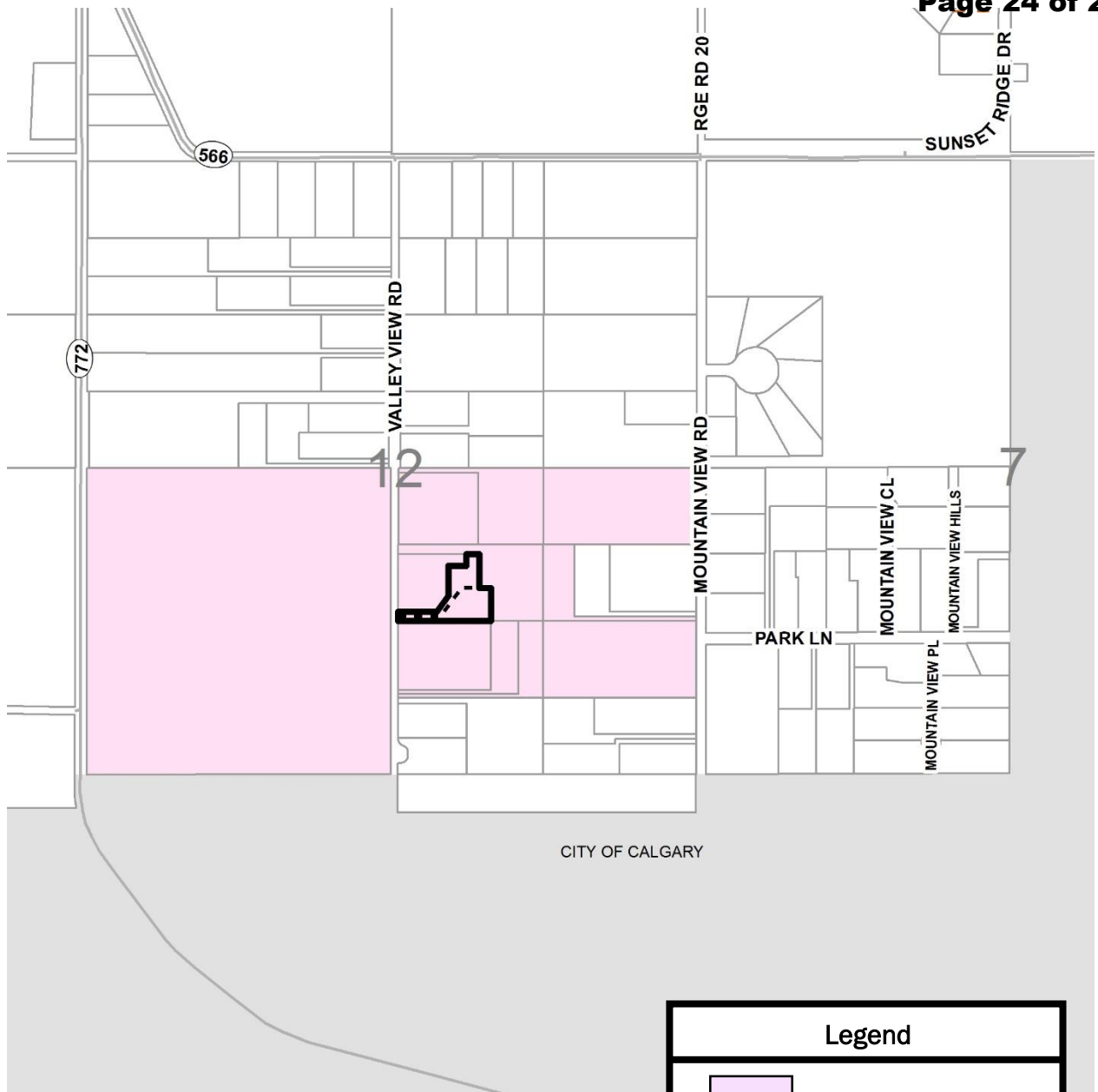
Division # 7



File: 06612058



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 Letters in Opposition
 Letters in Support

Legend	
	Circulation Area
	Subject Lands

LANDOWNER CIRCULATION AREA

SE-12-26-02-W05M
 Lot:4 Block:11 Plan:0711329

Date: July 9, 2018

Division # 7

File: 06612058

AGENDA

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UTILITY SERVICES

TO:	Council	
DATE:	March 12, 2019	DIVISION: 9
FILE:	4060-275 / 5051-700	
SUBJECT:	Governance and Priorities Committee Recommendation – Macdonald Communities Limited / Schickedanz West – Water and Wastewater Servicing at Cochrane Lakes	

¹POLICY DIRECTION:

The purpose of the Governance & Priorities Committee (GPC) is to ensure that Rocky View County fulfills its governance responsibilities and establishes priorities. One of the Committee's functions is to make recommendations to Council on matters affecting the County's governance and priorities.

EXECUTIVE SUMMARY:

Under its Terms of Reference, the Governance and Priorities Committee is responsible for approving Council policies, hearing presentations from the public and stakeholder groups, and providing direction to Administration. On matters that fall outside of the scope of its terms of reference, the Governance and Priorities Committee may make recommendations to Council for consideration.

At the February 5, 2019 Governance and Priorities Committee meeting, the GPC made the following recommendation to Council:

THAT the Governance and Priorities Committee recommend to Council that Administration be directed to open up discussions with the current utility owner, assess future servicing strategies, and report back to Council on the results of the assessment.

Administration has included the draft minutes from the February 5, 2019 GPC meeting as Attachment 'A'.

BACKGROUND:

On February 5, 2019 Macdonald Communities Limited and Schickedanz West presented the Governance and Priorities Committee with a potential strategy for the acquisition of the assets of Horse Creek Water Services Inc. and Horse Creek Sewer Services Inc. to resolve water and wastewater servicing issues impacting both current and future development in the Cochrane Lakes area. The purpose of the presentation was to provide relevant information and to discuss the merits of the strategy.

BUDGET IMPLICATIONS:

There are no budget implications at this time.

OPTIONS:

- Option #1: THAT Council direct Administration to open up discussions with the current utility owner, assess future servicing strategies, and report back to Council on the results of the assessment.
- Option #2: THAT alternative direction be provided.

¹**Administration Resources**
Stuart Jewison, Utility Services



Respectfully submitted,

Byron Riemann

Executive Director

Concurrence,

Al Hoggan

Chief Administrative Officer

ATTACHMENTS:

Attachment 'A' – Draft Minutes from the February 5, 2019 Governance and Priorities Meeting

ROCKY VIEW COUNTY
GOVERNANCE AND PRIORITIES COMMITTEE
February 5, 2019

Page 1

A regular meeting of the Rocky View County Governance and Priorities Committee was held in the Council Chambers of the County Hall, 262075 Rocky View Point, Rocky View County, Alberta on February 5, 2019 commencing at 9:00 a.m.

Present:	Division 2	Councillor K. McKylor (Chair)
	Division 8	Councillor S. Wright (Vice Chair)
	Division 1	Councillor M. Kamachi
	Division 3	Councillor K. Hanson (arrived at 9:11. a.m.)
	Division 4	Deputy Reeve A. Schule
	Division 5	Councillor J. Gautreau
	Division 6	Reeve G. Boehlke
	Division 7	Councillor D. Henn
	Division 9	Councillor C. Kissel

Also Present:

- A. Hoggan, Chief Administrative Officer
- K. Robinson, Executive Director, Corporate Services
- B. Riemann, Executive Director, Operations
- S. Baers, Executive Director, Community Services Development
- C. Satink, Municipal Clerk, Municipal Clerk's Office
- S. Hulsman, Manager, Roads Maintenance
- S. Jewison, Manager, Utility Services
- L. Plante, Manager, Information and Technology Services
- S. MacLean, Planning Supervisor, Planning and Development Services
- J. Kwan, Planner, Planning and Development
- S. Hope, Appeals and Policy Coordinator, Municipal Clerk's Office
- T. Andreasen, Legislative and Bylaw Coordinator, Municipal Clerk's Office

Call to Order

The Chair called the meeting to order at 9:00 a.m. will all members present with the exception of Councillor Hanson.

1-19-02-05-01

Updates/Acceptance of Agenda

MOVED by Councillor Gautreau that the February 5, 2019 Governance and Priorities Committee meeting agenda be accepted as presented.

Carried
Absent: Councillor Hanson

1-19-02-05-02

Confirmation of Minutes

MOVED by Councillor Gautreau that the December 4, 2018 Policy and Priorities Committee meeting minutes be accepted as presented.

Carried
Absent: Councillor Hanson

ROCKY VIEW COUNTY
GOVERNANCE AND PRIORITIES COMMITTEE
February 5, 2019

Page 2

1-19-02-05-03 (C-1)**All Divisions – EQUUS REA Ltd. Presentation – Annexed Lands and Transfer of Electrical Distribution Assets**
File: 0161

Presenters: Brian Hennings, General Counsel, EQUUS REA Ltd.
Andy Metzger, Operations Leader, EQUUS REA Ltd.

Councillor Hanson arrived to the meeting at 9:11 a.m.

MOVED by Councillor Gautreau that the Annexed Lands and Transfer of Electrical Distribution Assets presentation by EQUUS REA Ltd. be received as information.

Carried

1-19-02-05-04 (C-2)**Division 9 – McNabb Family Presentation – Horse Creek at the Bow: Highway 1A Growth Corridor**
File: N/A

Presenters: David Allen, President, Situated Co.
William McNabb
Bela Syal, Situated Co.
Ann McNabb

MOVED by Councillor Kissel that the Horse Creek at the Bow: Highway 1A & Section 8 presentation by the McNabb family be received as information.

Carried

The Chair called for a recess at 10:02 a.m. and called the meeting back to order at 10:30 a.m. with all previously mentioned members present.

1-19-02-05-05 (C-3)**Division 9 – Macdonald Communities Ltd. / Schickedanz West Presentation – Water and Wastewater Servicing at Cochrane Lakes**
File: 4060-275/5051-700

Presenter: Ken Till, Macdonald Communities Ltd.

MOVED by Reeve Boehlke that the Water and Wastewater Servicing at Cochrane Lakes presentation by Macdonald Communities Ltd. and Schickedanz West be received as information.

Carried

ROCKY VIEW COUNTY
GOVERNANCE AND PRIORITIES COMMITTEE
February 5, 2019

Page 3

MOVED by Reeve Boehlke that the Governance and Priorities Committee recommend to Council that Administration be directed to open up discussions with the current utility owner, assess future servicing strategies, and report back to Council on the results of the assessment.

Carried

In Favour:

Councillor Kamachi
Reeve Boehlke
Councillor Hanson
Councillor Gautreau
Councillor McKylor
Councillor Henn
Deputy Reeve Schule
Councillor Kissel

Opposed:

Councillor Wright

1-19-02-05-06 (D-1)

All Divisions – Policy on Council Policies

File: N/A

MOVED by Councillor Wright that Policy on Council Policies be approved as per Attachment 'A';

AND THAT Policy C-172, Mandatory Review of Policies, be rescinded.

Carried

1-19-02-05-07 (D-2)

All Divisions – Policy C195 – Council Compensation and Expense Reimbursement Policy

File: N/A

Reeve Boehlke left the meeting at 11:38 a.m. and returned at 11:40 a.m.

MOVED by Councillor Hanson that Council Compensation and Expense Reimbursement – Policy C195 be approved as per Attachment 'A'.

Carried

1-19-02-05-08 (D-3)

All Divisions – Road Naming Policy

File: N/A

MOVED by Councillor Wright that the Policy on Road Naming be approved as per Attachment 'A'.

Carried

ROCKY VIEW COUNTY
GOVERNANCE AND PRIORITIES COMMITTEE
February 5, 2019

Page 4

Adjournment

MOVED by Councillor Gautreau that the February 5, 2019 Governance and Priorities Committee meeting be adjourned at 12:12 p.m.

Carried

Chair

Chief Administrative Officer or Designate

INTERGOVERNMENTAL AFFAIRS; PLANNING & DEVELOPMENT

TO: Council

DATE: March 12, 2019 **DIVISION:** All

FILE: 1011-100

SUBJECT: Intermunicipal Collaboration Framework & Intermunicipal Development Plan - Terms of Reference for Village of Beiseker

¹POLICY DIRECTION:

The Terms of Reference were reviewed in accordance with Sections 631 and 708.26 of the *Municipal Government Act*, and were found to be compliant.

EXECUTIVE SUMMARY:

Following the most recent *Municipal Government Act* (MGA) amendments, Rocky View County (the County) is required to complete an Intermunicipal Development Plan (IDP) and an Intermunicipal Collaboration Framework (ICF) with all adjacent municipalities that are not members of the Calgary Metropolitan Region Board (CMRB). The ICF identifies how municipal services are delivered between two adjacent municipalities. The IDP is a statutory planning document that minimizes land use and development conflicts that may arise along boundary areas between adjacent municipalities.

Administration, in collaboration with representatives from the Village of Beiseker (the Village), has prepared a Terms of Reference to guide the preparation of the ICF and IDP documents.

BACKGROUND:

ICFs identify how municipal services (such as water, recreation, and emergency services) are delivered between two adjacent municipalities. An ICF is not complete without an adopted IDP. An IDP is a planning document that aims to minimize land use and development conflicts, provide opportunities for collaboration and communication, and outline processes for the resolution of issues that may arise within the area of mutual interest adjacent to a municipal boundary. The County has adopted a number of IDPs previously, particularly with The City of Calgary, the City of Airdrie, the Town of Cochrane, and the Town of Crossfield.

The County is currently in the process of preparing IDPs and ICFs with the Municipal District of Bighorn, Kneehill County, Mountain View County, and Wheatland County, and an ICF with the Town of Crossfield.

The County currently does not have an ICF nor an IDP with the Village of Beiseker, although it does share services and regularly interface with the Village on planning matters.

ICF/IDP Joint Terms of Reference

The County is committed to working in good faith with the Village to complete the IDP and ICF. The Terms of Reference attached to this report provides direction on how the County plans to work alongside the Village to complete these documents.

¹ Administration Resources

Nesreen Ali, Intergovernmental Affairs
Stefan Kunz, Planning, Development, & Bylaw Services



Administration conducted initial meetings with representatives from Village Administration and received their feedback on the draft Terms of Reference. Owing to differing levels of staffing and resources, areas of interest, and other local considerations, the document recognizes that flexibility is required to make this project successful. However, both municipalities remain focused on cost-effectiveness and timeliness to ensure these projects are completed on time and on budget.

The Intermunicipal Committee for the County and Village will act as the sounding board for the ICF and IDP development. IMC members will provide:

- Broad service direction and assistance in identifying potential challenges and opportunities;
- Review of the draft ICF and IDP documents; and
- Periodic updates to their respective Councils on ICF and IDP progress.

Administration will make recommendations regarding membership for Council's review and will bring motions for appointment at a future date.

Administration's role in developing the ICF and IDP is to create work plans, coordinate with intermunicipal partners, draft the documents, and negotiate key components.

BUDGET IMPLICATION:

Preparation of the ICFs and IDPs was anticipated and is included in the 2019 Budget.

OPTIONS:

- Option #1: THAT the Joint Terms of Reference for the Rocky View County and Village of Beiseker Intermunicipal Development Plan and Intermunicipal Collaboration Framework be approved as per Appendix A.
- Option #2: THAT alternative direction be provided.

Respectfully submitted,

"Sherry Baers"

"Al Hoggan"

Executive Director
Community Development Services

Chief Administrative Officer

NA/SK/rp

APPENDICES:

APPENDIX 'A': Joint Terms of Reference for the *Rocky View County & Village of Beiseker Intermunicipal Development Plan and Intermunicipal Collaboration Framework*



JOINT TERMS OF REFERENCE

Terms of Reference

TOR #X-XXX

Purpose

- 1 The purpose of this *Terms of Reference* is to guide the preparation of an Intermunicipal Collaboration Framework (ICF) and an Intermunicipal Development Plan (IDP) between Rocky View County and the Village of Beiseker, in accordance with the requirements of the *Municipal Government Act*.

Background and Context

- 2 The updated *Municipal Government Act* (MGA) includes a number of new policies that mandate regional and intermunicipal planning and service delivery coordination. The MGA now articulates that the purpose of a municipality includes “work[ing] collaboratively with neighbouring municipalities to plan, deliver and fund intermunicipal services.” To implement this purpose, there are new policy levers for intermunicipal collaboration that include the Calgary Metropolitan Regional Board, Intermunicipal Collaboration Frameworks, and Intermunicipal Development Plans.
- 3 Calgary Metropolitan Regional Board (CMRB) will direct servicing and planning decisions in the Calgary region for municipalities with a population greater than 5,000 residents.
 - (1) The County is a member of the CMRB along with the City of Airdrie, The City of Calgary, the City of Chestermere, the Town of Cochrane, the M.D. of Foothills, the Town of High River, the Town of Okotoks, the Town of Strathmore, and a portion of Wheatland County.
- 4 An Intermunicipal Collaboration Framework (ICF) is a bylaw that identifies how municipal services are delivered between two neighbouring municipalities.
 - (1) Village of Beiseker is required to develop and ICF with Rocky View County.
 - (2) Rocky View County is required to develop an ICF with the Municipal District of Bighorn, Mountain View County, the Kananaskis Improvement District, Kneehill County, the Town of Crossfield, the Town of Irricana, the Village of Beiseker, and Wheatland County.
 - (3) The County is not required to create an ICF with municipalities that are members of the CMRB.
- 5 An Intermunicipal Development Plan (IDP) is a statutory plan that directs how planning will take place on the borders of two municipalities.
 - (1) Village of Beiseker is required to develop and IDP with Rocky View County.
 - (2) Rocky View County is required to develop an IDP with the Municipal District of Bighorn, Mountain View County, the Kananaskis Improvement District, Kneehill County, the Town of Irricana, the Village of Beiseker, and Wheatland County.
 - (3) The County is not required to create an IDP with adjacent municipalities that are members of the CMRB.



JOINT TERMS OF REFERENCE

IDP Study Area

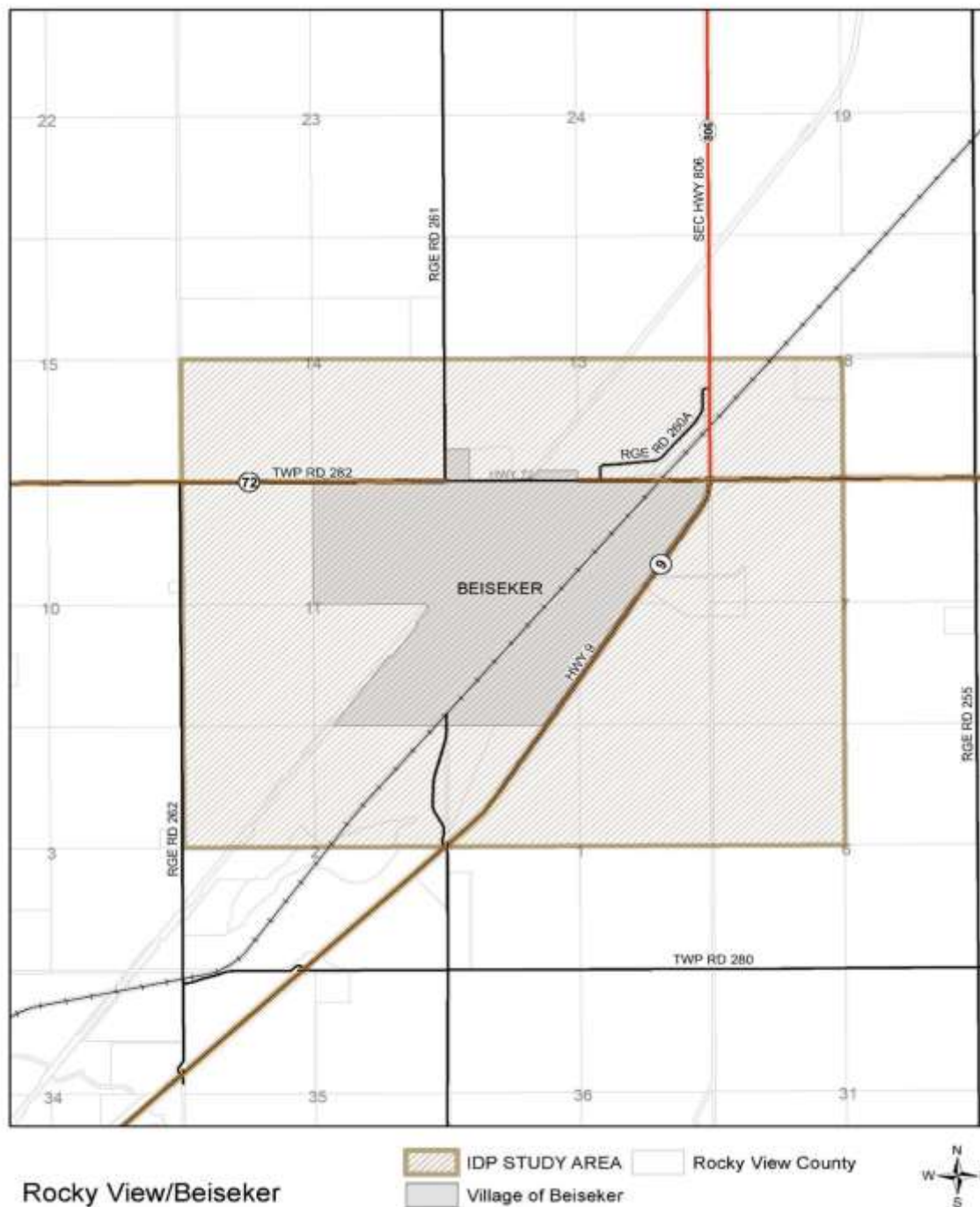
- 6 The IDP Study Area shown on Map 1 may be larger than the final policy area within the approved IDP. The purpose of expanding the IDP Study Area is to ensure that all relevant matters of intermunicipal interest are addressed and reflected in the final document. The official IDP boundaries will be determined through the development of the IDP. The IDP Study Area is 0.8 kilometer, or 0.5 mile, on either side of the municipal border.

DRAFT



JOINT TERMS OF REFERENCE

Figure 1: Map 1 Study Area





JOINT TERMS OF REFERENCE

ENABLING LEGISLATION

7 Intermunicipal Development Plan

- (1) Section 631 of the MGA provides the enabling legislation for the preparation and adoption of an IDP. The MGA states that an IDP:
 - (a) Must address:
 - (i) Future land use
 - (ii) Future development
 - (iii) Transportation systems
 - (iv) Intermunicipal programs relating to the physical, social and economic development
 - (v) Environmental matters, and
 - (vi) Any other matter related to the physical, social or economic development of the area
 - (b) Must include:
 - (i) Dispute resolution procedure
 - (ii) Amendment procedure, and
 - (iii) Provisions relating to the administration of the plan
- (2) MGA sections 636, 638 and 638.1 address plan preparation, hierarchical importance to other statutory plans, and compliance with regional plans.
- (3) With the IDP, Rocky View County and the Village of Beiseker shall formalize their existing spirit of intermunicipal cooperation and establish a process that ensures future land use and development is coordinated comprehensively. The document will allow for planning to occur in a way that is compatible with the surrounding area, and it will allow for collaboration concerning physical, social, and economic development within the IDP area.

8 Intermunicipal Collaboration Framework

- (1) Section 708.28 of the MGA provides the enabling legislation for the ICF and the regulation that accompanies it.
- (2) The legislation and regulation directs municipalities to:
 - (a) Create an ICF by April 2020 with adjacent municipalities that are not included in a Growth Management Board;
 - (b) Act in good faith in the development of an ICF;
 - (c) Identify how services are delivered between two municipalities. These services include: emergency services, recreation, solid waste, transportation and water and waste water;



JOINT TERMS OF REFERENCE

- (d) Identify how these services are delivered: by one of the participating municipalities, separately, through a shared service delivery model, or by using a third party;
- (e) Develop a binding dispute resolution and arbitration process to develop and implement the ICF;
- (f) Ensure the ICF is adopted with a corresponding IDP; and
- (g) Bring the ICF into force through adopting matching bylaws.

PRINCIPLES

- 9 The principles are intended to guide the preparation of the ICF & IDP and inform the overall development of the philosophy, policy, and administration of the ICF & IDP.
 - (1) Mutual Respect and Equity
 - (a) This principle acknowledges that both municipalities are equal and are equally capable of making their own decisions and recognizes that municipal decisions affect other municipalities.
 - (2) Cooperation, Collaboration, Communication and Trust
 - (a) Cooperation is key to ensuring common goals are achieved. This is achieved by clear and timely communication, intent to collaborate in good faith, and a genuine trust in the relationship with municipal neighbours.
 - (3) Respect for the Environment and Natural Systems
 - (a) This principle is reflected in the statutory plans of each municipality and acknowledges the importance of the land on which human activity takes place.
 - (4) Public Involvement
 - (a) Development of the IDP is to include appropriate and meaningful public involvement.
 - (5) Economic Development
 - (a) The documents shall respect existing economic undertakings, be responsive to opportunities that may arise, and protect future areas of economic interest in a manner that is beneficial to residents and both municipalities.
 - (6) Concise and Clear Plan
 - (a) The documents are to be concise and content and clear in their intent.
 - (7) Cost Effective and Efficient Services
 - (a) The effective use of time and funding. Ensuring scarce resources are efficiently providing local services that benefit the local and regional interests of the participating municipalities.
 - (8) Coordinated, Consistent, and Timely Response
 - (a) Provide coordinated, consistent, and timely service delivery for the ICF, and land use, subdivision, and development applications for the IDP.



JOINT TERMS OF REFERENCE

(9) Living Documents

- (a) The ICF & IDP are to be living documents that provides process for identifying future areas of municipal cooperation, and may be amended in the future.

ICF GOALS

10 The goals of the ICF are to:

- (1) Provide integrated and efficient funding and delivery of intermunicipal services;
- (2) Optimize the delivery of scarce resources for providing local services;
- (3) Ensure municipalities contribute equitable funding to services that benefit residents;
- (4) Highlight, and if necessary, formalize existing collaborative work between adjacent municipalities; and
- (5) Provide a forum for neighbouring municipalities to work together to discover opportunities to provide services to residents.

11 As per the MGA, the final ICF document must have three main components:

- (1) A list of services that are currently delivered by each municipality;
- (2) Information on how services are delivered, funded, and implemented intermunicipally; and
- (3) A dispute resolution clause for resolving disputes about the ICF and any service agreements to which the ICF refers.

12 Additional items, may be included as agreed upon by both municipalities.

IDP GOALS

13 The IDP's goals represent the needs of the two municipalities while incorporating the requirements of the MGA.

(1) Future Land Use Planning:

- (a) To ensure that agriculture continues to be the dominant use of land in the IDP area, and to encourage and support the preservation of agricultural land.
- (b) To ensure long-term prosperity of both municipalities through coordinated future land use planning that includes the identification of compatible future land uses, economic opportunities, and development constraints such as provincial highways, pipelines, oil and gas developments, contaminated lands, utility corridors, historic resources, and intensive agricultural operations.
- (c) To develop transition policies that address the interface between land uses in proximity of the municipal border.

(2) Water and Watersheds

- (a) To determine the need for additional policy regarding significant watersheds and any other ecologically sensitive areas within the IDP area.



JOINT TERMS OF REFERENCE

- (3) Public Communication and Consultation
 - (a) To ensure meaningful engagement of landowners located within the IDP area.
 - (b) To educate interested residents within both municipalities on the content of the IDP.
- (4) Joint Projects
 - (a) To identify, examine the feasibility of, prioritize, and create policies that support intermunicipal projects of mutual interest or need:
 - (i) Identify intermunicipal roadways and the alignment of corridors with the potential for future upgrades;
 - (ii) Identify areas impacted by the provincial transportation network in order to develop a common and inclusive approach when engaging with provincial regulatory agencies;
 - (iii) Identify areas or circumstances where mutual planning for utilities, regional and local transportation infrastructure, pathways, and/or recreation may be beneficial in conjunction with the Intermunicipal Collaboration Framework (ICF).
- (5) IDP Administration
 - (a) To define each municipality's responsibility and commitment to circulate and take into consideration the comments received when making land use, subdivision, and development decisions.
 - (b) To establish the administrative process to coordinate and communicate regarding projects and initiatives that may influence the IDP area.
 - (c) To address the MGA requirements with respect to intermunicipal conflict resolution, amendment and repeal procedures, and plan administration.
 - (d) To establish a communication process that ensures ongoing dialogue and allows for future amendments to the IDP.

PROJECT ORGANIZATION

Intermunicipal Committee

- 14 Rocky View County and the Village of Beiseker will employ the Intermunicipal Committee as part of the ICF/IDP development process (hereafter called 'the Committee'). The committee will include balanced representation of Council and Senior Administration from each municipality. Committee representatives may be engaged by their respective Administrations separately to gain specific feedback on areas of interest.

Responsibilities of the Committee

- 15 Provide broad policy direction and assist in identifying issues and opportunities with respect to the ICF;
- 16 Act as a resource for both Administrations;



JOINT TERMS OF REFERENCE

- 17 Review the draft IDP; and
- 18 Provide periodic updates to each respective Council on the progress of the ICF.

Responsibility of the Administrations

- 19 Administrations from both municipalities are responsible for the establishment of a work plan for the project and the preparation of the ICF & IDP with input from the Committee. Both municipalities must ensure that there is an equitable dedication of Administrative resources and cost-sharing throughout the process of plan preparation and adoption.

Responsibility of the Councils

- 20 The respective Councils of each municipality will be responsible for approval of the ICF Bylaw, and the IDP Bylaw at a Public Hearing.

Coordination between ICF & IDP

- 21 The ICF project will progress independently from the IDP; however, these two projects will gain feedback and direction from the Committee. Opportunities for collaboration between both the IDP and ICF process will be sought where possible.

DISPUTE RESOLUTION AND ARBITRATION

- 22 Entering into the negotiations in “good faith” is essential to completing the ICF with municipal partners. Rocky View County will rely on cultivating strong working relationships with its municipal neighbours to complete the ICFs.
- 23 However, if an ICF is not agreed upon and adopted by bylaw within the two-year time limit, ICF legislation requires that an arbitrator be engaged. Municipalities working on the ICF together may choose an arbitrator or have one assigned by Municipal Affairs.
- 24 The arbitrator, once engaged, has the ability to create an ICF consistent with legislative requirements. The arbitrator can use mediation or arbitration to facilitate the completion of the ICF. In doing this, the arbitrator is required to consider the following:
 - (1) Services and infrastructure provided in other ICFs in which the municipality is involved;
 - (2) Consistency of services provided to residents in the municipalities;
 - (3) Equitable sharing of costs among municipalities;
 - (4) Environmental concerns within the municipalities;
 - (5) Public interest; and
 - (6) Any other matters prescribed by the regulation.

PUBLIC AND STAKEHOLDER INVOLVEMENT

- 25 Both municipalities welcome feedback in order to ensure that the IDP reflects the goals of stakeholders and area residents.



JOINT TERMS OF REFERENCE

Public Involvement

26 The purpose of public involvement is to:

- (1) Inform and educate the public and stakeholders on the nature and requirements of an IDP;
- (2) Inform the public and stakeholders of the scope and policy aspects of an IDP; and
- (3) Gather public input (suggestions and representations) on the draft IDP.

Stakeholder Involvement

27 Key stakeholders to be involved in review of drafts of the IDP include:

- (1) Intermunicipal Departments;
- (2) Provincial Agencies;
- (3) Public utilities, public agencies, or public authorities;
- (4) Affected landowners; and
- (5) Affected business, commercial, or industrial interests.

Public Communications & Engagement

28 The final project work plan will include a public communications and engagement component that will detail how stakeholders and the public within both municipalities will be engaged throughout the project. In order to raise awareness of the project, initial notification will be communicated as indicated below.

- (1) Websites and newspapers:
 - (a) Kickoff with a communication piece that Rocky View County and the Village of Beiseker are developing the IDP: outline of the process of the IDP development, provide a map of the Study area, and provide details on whom to contact for more information and how to provide suggestions and representations.
- (2) Websites:
 - (a) Dedicate a webpage on each municipality's website that will provide information and updates on the IDP and ICF process.
- (3) With direction from the Committee, if feedback indicates a significant interest in the IDP, an Open House(s) may be scheduled to share and receive input (suggestions and representations) on the draft IDP. This may be a joint Open House or separate open houses within each municipality.

SCOPE OF WORK AND PROJECT SAGES

ICF TIMELINE

29 The scope of work is organized into five stages; a completion date will be determined through the planning process with the adjacent municipality. Administration's goal is to bring these ICFs to



JOINT TERMS OF REFERENCE

Council for approval no later than June 2019. The IDP development will progress on a separate timeline than the Intermunicipal Development Plan and will have separate stages it must complete to fulfill its legislative requirements. The five stages of the ICF project are as follows:

- Stage 1: Research and analysis: Identify and meet with representatives from respective municipal partners, and review current intermunicipal service agreements [**in progress**].
- Stage 2: Meet with administrative leads, coordinate meetings with internal and external service delivery experts, and draft ICF.
- Stage 3: Present draft ICF to the Committee and Administrative leads for review.
- Stage 4: Council and Municipal Affairs approval process

IDP TIMELINE

- 30** The scope of work is organized into four stages for each plan. The four stages of the work program include:
 - Stage 1: Research, analysis, and stakeholder input
 - Stage 2: Draft IDP and review of the IDP by the Committee
 - Stage 3: Public review of the IDP to receive suggestions and representations
 - Stage 4: Council and Municipal Affairs approval process
- 31** Although four stages are planned for the IDP work, aspects of these stages may be combined to enhance project efficiency. Flexibility will be critical to the success of the IDP, so the quality of the work will take precedence over rigid adherence to arbitrary deadlines.
- 32** An anticipated project timeline:

TOR Approval	March 2019
Stage 1:	March – May 2019
Stage 2:	June – July 2019
Stage 3:	August – October 2019
Stage 4:	November 2019



JOINT TERMS OF REFERENCE

Approval Date	•
Replaces	• n/a
Lead Role	• County Manager
Last Review Date	• n/a
Next Review Date	•

Reeve

Approval Date



PLANNING & DEVELOPMENT

TO: Council

DATE: March 12, 2019 **DIVISION:** All

FILE: 1013-135 **APPLICATION:** N/A

SUBJECT: Request for Budget Adjustment – County Plan Comprehensive Review (Rewrite)

¹POLICY DIRECTION:

On January 22, 2019, Council approved a Terms of Reference directing Administration to begin a comprehensive review and rewrite of the County Plan (Municipal Development Plan). As stated in Administration's January 22 report, the budget and resources for the 2019 Planning Services work plan were established prior to approval of this Terms of Reference. Administration committed to examining internal resource capacity and reporting back to Council with potential budget requests.

EXECUTIVE SUMMARY:

Administration reviewed the 2019 Planning Services work plan, resource capacity, and current budget. Based on this assessment, Administration is recommending that a consultant be retained to conduct the Comprehensive Review of the County Plan, including: Council, stakeholder, and public engagement, and plan preparation. This would allow the project to be completed in a timely fashion without impacting other currently approved planning projects.

Administration requested budgetary quotes and estimated timeframes from several consulting firms to establish an approximate amount to complete this work. The range of estimate for the entire project was between \$175,000.00 and \$400,000.00 with an estimated timeframe of 12-16 months. Should Council approve the budget adjustment, a Request for Proposal would be prepared to seek a consulting firm to conduct the Comprehensive Review and Rewrite of the County Plan. Administration is also recommending several amendments to the Terms of Reference, as detailed below.

Administration is requesting a 2019 budget adjustment of \$400,000 to engage an external consultant to begin this project.

BACKGROUND:

Administration reviewed the work plan, resource capacity, and current budget of the 2019 work plan for Planning Services. All resources are currently fully allocated to a number of projects, including:

- Six (6) Intermunicipal Development Plans with Mountain View County, MD of Bighorn, Kneehill County, Wheatland County, Beiseker, and Irricana – these have been mandated by the Province and must be in place by April 2020;
- Completion of the Springbank Area Structure Plan;
- Three new Area Structure Plan Projects – Bragg Creek Expansion Lands, Conrich Future Policy Area, and Bearspaw;
- Developer Funded Area Structure Plan requests – Janet ASP Future Policy Area – pending Council approval of Terms of Reference;
- Land Use Bylaw Rewrite – continuing; and
- Regional Growth and Servicing Plan – Calgary Metropolitan Region Board.

¹ **Administration Resources**

Sherry Baers, Community Development Services



Administration recommends that Council allocate budget to this project to engage an external consultant to conduct the County Plan rewrite process. The project would be completed in several phases, beginning in 2019 and continuing into 2020.

BUDGET IMPLICATIONS

Planning, Development, and Bylaw Services' 2019 budget has been fully allocated to existing projects. Therefore, Administration is requesting a 2019 budget adjustment of \$ 400,000.00 for this project.

AMENDMENTS TO THE COMPREHENSIVE REVIEW TERMS OF REFERENCE

Administration is recommending the following amendments to the Terms of Reference that Council approved on January 22, 2019:

- Change the name to County Plan Comprehensive Review and Rewrite; and
- Add a step to phase 1 to have the consultant engage with Council early to develop a draft 'preferred growth areas' map that addresses development forms, to be used in negotiations with the Calgary Metropolitan Region Board (CMRB) as the Regional Growth Plan is developed.

A redline version of the Terms of Reference with the suggested amendments is included in Appendix A.

OPTIONS:

- Option #1: Motion #1 THAT the County Plan Comprehensive Review Terms of Reference be amended as presented in Appendix 'A'.
- Motion #2 THAT \$400,000 be transferred from the Tax Stabilization Reserve to begin the County Plan Comprehensive Review and Rewrite as presented in Appendix 'B'.
- Option #2: THAT alternative direction be provided.

Respectfully submitted,

Concurrence,

"Sherry Baers"

"Al Hoggan"

Executive Director
Community Development Services

Chief Administrative Officer

AZ/rp

APPENDICES:

- APPENDIX 'A': Strikethrough of County Plan Amendments Comprehensive Review Terms of Reference
- APPENDIX 'B': Budget adjustment form



COUNTY PLAN **AMENDMENTS** **COMPREHENSIVE REVIEW AND REWRITE**

Terms of Reference

Introduction

- 1 Long-term, high-level strategies for growth and development are important for a municipality, as they provide vision and direction for efficient and effective long-term planning and service delivery.
- 2 For Rocky View County, the strategic approach to managing the County's growth is contained within Rocky View County's Municipal Development Plan (MDP): the County Plan. The County Plan, adopted October 1, 2013, provides a strategic approach and vision for growth in the County, supported by community and stakeholder input. This strategic approach to growth has since guided County policy development and service delivery since.
- 3 The County Plan includes six (6) key principles to guide growth:
 - (1) Growth and Fiscal Sustainability;
 - (2) The Environment;
 - (3) Agriculture;
 - (4) Rural Communities;
 - (5) Rural Service; and
 - (6) Partnerships.
- 4 The County Plan's growth strategy, as well as the policies and actions of the County Plan, are derived from the County Plan's vision and the six key principles.
- 5 The County Plan envisions the residential population of Rocky View County to be approximately 2.5% to 3% of the Calgary region's population, which is in keeping with the County's historic population share of the region. In order to achieve a balanced tax revenues and manage long-term fiscal impacts of development, Council also set a goal to achieve an assessment split ratio of 65%:35% by 2035 (Policy C-197).
- 6 Given recent changes, particularly with respect to a new regional governance model, it is important to review this strategy and determine if changes are required.
- 7 Council has directed Administration to review the County Plan through two (2) motions arising: one (1) on May 8, 2018, and one (1) on September 4, 2018.
- 8 This Terms of Reference is a Comprehensive Review of the County Plan, consisting of an in-depth review of the fundamental pillars of the strategy. Revising the County Plan may determine the level of growth and where it should go, identifying new and revised settlement areas, new development densities/intensities, new development forms, the fiscal impact of greater residential growth on the County, and/or other specific items that Council wishes to investigate further.



COUNTY PLAN **AMENDMENTS** COMPREHENSIVE REVIEW **AND REWRITE**

- 9 To achieve the objectives identified in this Terms of Reference, the Comprehensive Review will also evaluate the most appropriate policy framework whether it be through amendments to the County Plan, or through the creation of a new MDP.
- 10 Contributing to the Comprehensive Review of the County Plan will be:
 - (1) Community and stakeholders input;
 - (2) Intermunicipal input;
 - (3) Growth projections;
 - (4) Fiscal impact to the County;
 - (5) Benefit and impacts to the communities;
 - (6) Market demand; and
 - (7) Direction and intent of higher order documents (e.g.: Interim Growth Plan and County Plan).
- 11 The Comprehensive Review of the County Plan will result in new MDP policies in accordance with the *Municipal Government Act* (MGA).

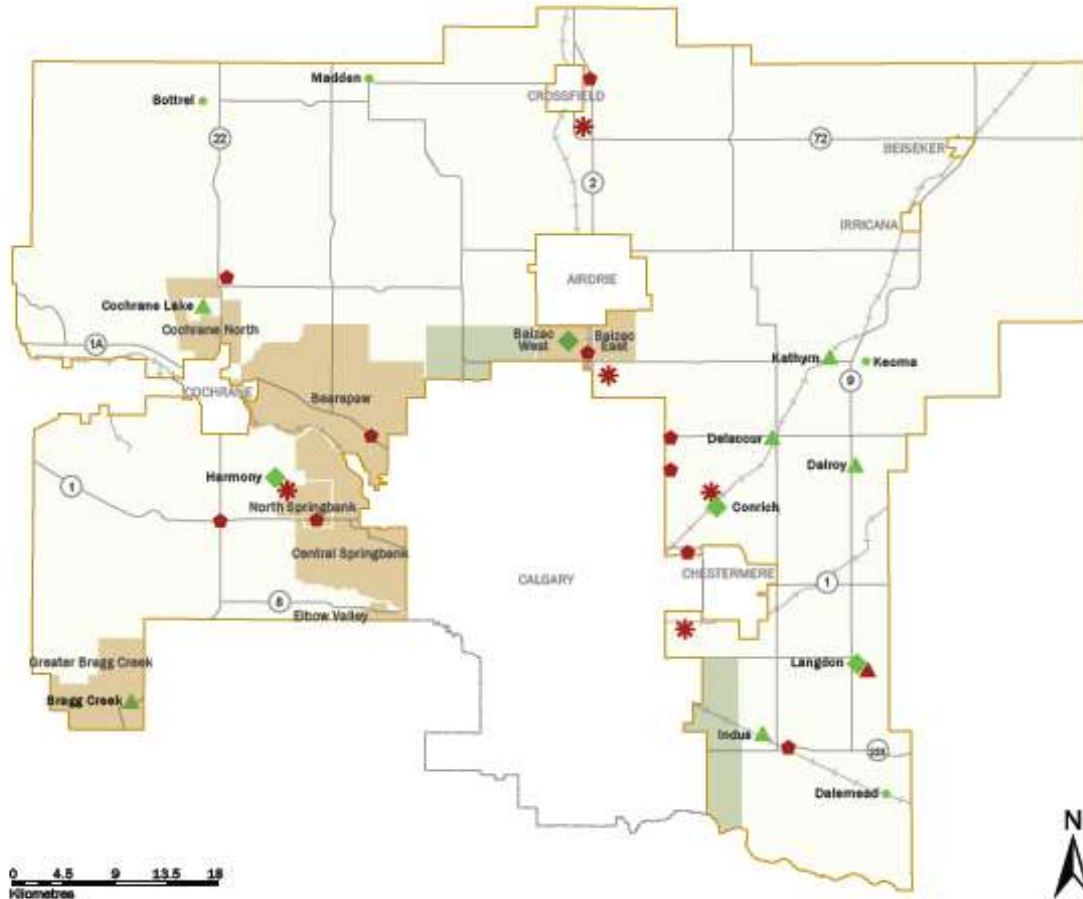
Study Area

- 12 The study area of the County Plan Amendments Comprehensive Review encompasses the entirety of the County, as shown on Figure 1 – County Plan Managing Growth Map.
- 13 This is in keeping with the Section 31.0 of the County Plan, which states:
 - (1) *The County Plan is a living document, to be amended from time to time to reflect changing conditions; monitoring, evaluating, and progress reporting is required.*



COUNTY PLAN **AMENDMENTS** COMPREHENSIVE REVIEW **AND REWRITE**

Figure 1 – County Plan Managing Growth Map



Residential Communities

- Hamlet - Full Service
- Hamlet - Growth as per the adopted plan
- Small Hamlet
- Country Residential (Area Structure Plan)

Business Areas

- Regional Business Centre
- Highway Business Area
- Hamlet Business Area

Future Urban Growth Areas

- Calgary Growth Area
(Rocky View County / Calgary Intermunicipal Development Plan)

General Legend

- Highway
- Rocky View Boundary
- City/Town/Village





COUNTY PLAN **AMENDMENTS** **COMPREHENSIVE REVIEW AND REWRITE**

Base Assumptions and Circumstances

- 14** A number of basic assumptions and circumstances guiding the planning framework for the area have changed since adoption of the County Plan in 2013:
- (1)** In October 2013, the County Plan was adopted.
 - (2)** In September 2014, the South Saskatchewan Regional Plan came into effect.
 - (3)** In 2016, the Province of Alberta reviewed and amended the MGA.
 - (4)** In July 2017, amendments to the County Plan's policies to support the implementation of the Glenbow Ranch Area Structure Plan were adopted.
 - (5)** In April 2018, amendments to the County Plan's policies on first parcels out were adopted.
 - (6)** In January 2018, the Calgary Metropolitan Region Board (CMRB) was established as the provincially mandated growth management board in the Calgary region. Rocky View County became a participating municipality of the CMRB.
 - (a)** Under the Calgary Metropolitan Regional Board Regulations (AR190/2017), certain statutory plans, or amendments to statutory plans, to be adopted by a participating municipality must be submitted to the Board for approval.
 - (7)** In October 2018, the Interim Growth Plan (IGP) and the Interim Regional Evaluation Framework (IREF) were approved by the CMRB and are awaiting Ministerial approval. Under the IGP, amendments to existing statutory plans shall be submitted to the CMRB for review and approval. The CMRB may approve or reject a statutory plan in accordance with the IREF.

Background

History

- 15** The County Plan was adopted on October 1, 2013, and was amended on July 25, 2017 and April 10, 2018.
- 16** Table 1 below provides the County's population in context with the Region, including projections to 2026. As of 2016, the County's population is 2.59% of the region's population, meeting the moderate growth target within the County Plan.

Table 1: Municipal Population – Calgary Region (2016 Census)

	2011	2016	2026
RVC Population	36,461	39,407	46,813
Regional Population	1,332,583	1,519,285	1,984,264
% Regional Pop.	2.74%	2.59%	2.36%
RVC Annual Growth Rate	1.91%	1.57%	1.57%
Regional Annual Growth Rate	2.40%	2.66%	2.66%



COUNTY PLAN **AMENDMENTS** **COMPREHENSIVE REVIEW AND REWRITE**

Interim Growth Plan

- 17** The Interim Growth Plan (IGP) identifies different types of plans that would be subject to the CMRB review and approval.
- 18** Section 4.1 of the IGP identified the importance of MDPs in the implementation of the IGP, subjecting the Comprehensive Review to the Interim Regional Evaluation Framework (IREF); which is based on the Principles, Objectives, and Policies of the IGP.
 - (1)** *MDPs are essential means of implementing the Interim Growth Plan and future Growth Plan. New MDPs, and amendments to existing MDPs will be subject to the IREF process (see Section 4.3 of this Plan), in accordance with the IREF submission and evaluation criteria.*
- 19** As such, the Comprehensive Review will be considered 'Regionally Significant' by the CMRB, which the IGP defines as:
 - (1)** *Regionally Significant – Of a scale and significance such that it may benefit or impact two or more municipal members of the Region by virtue of: adjacency, land-use, infrastructure, and/or servicing requirements. A resource, service, development or opportunity may be regionally significant where:
 - (a)** *it can reasonably be assumed to benefit or impact the wider regional membership, and*
 - (b)** *impact to it by natural or human disturbance and disruption could have an adverse effect on the growth and prosperity of the Region.**
 - (2)** *Proximity to regionally significant corridors and reliance on regional infrastructure may affect the regional significance of a proposed development.*
- 20** Plans and developments identified as Regionally Significant will likely have higher level of scrutiny from the CMRB and will likely require a significant amount of engagement with our intermunicipal partners.

County Plan

- 21** The County Plan identified a moderate rate of growth within the County. Moderate residential growth means an increase of no more than 2.5 to 3.0% of the region's population by 2026 (approximately 11,000 to 20,000 net new residents), provided financial and environmental goals can be achieved.
- 22** The County Plan identifies the preferred areas for residential and business growth in Figure 1 – County Plan Managing Growth Map. The growth areas reflect the Area Structure Plans (ASP) and other identified growth areas that existed at the time the County Plan was prepared. The population and build-out data indicates that these areas have sufficient capacity to fulfill the moderate growth goals.
- 23** The financial strategy of the County Plan is to increase the County's business assessment base in order to balance residential growth, as businesses typically have higher assessment rates, have a higher marginal tax rate than residential homes, and do not demand the level of service that



COUNTY PLAN **AMENDMENTS** **COMPREHENSIVE REVIEW AND REWRITE**

residential development does (i.e. soft services). In order to achieve a balance and to not rely heavily on residential tax revenues to manage long-term fiscal impacts of development, Council set a goal to achieve an assessment split ratio of 65%:35% by 2035 (Policy C-197). This policy is used when assessing new development proposals.

- 24** The County Plan also recognizes agriculture as a land use, a business, and a service. The agricultural policies of the County Plan came from the recommendations of the Agriculture Master Plan, a document prepared with input from the County's agricultural producers. The County Plan recognizes that agriculture encompasses a multitude of uses including crop production, ranching, greenhouses, specialty crops, equestrian uses, tree farms, and forestry. County agricultural producers also identified fragmentation of agricultural land as an impediment to continued production viability, which resulted in policies to reduce impact and fragmentation.
- 25** The County Plan also identifies long-term areas beyond the 10-12 year County Plan timeframe through policy 5.14 and Appendix A of the County Plan.

Envisioned County Plan Amendments

- 26** The intent of the project is to conduct a Comprehensive Review of the County Plan and present amendments or a new MDP for Council's consideration. The following sections detail the objectives, goals, and project timing that will guide the review process:
- 27** Mapping revisions, which will:
 - (1)** Incorporate changes to the land use strategy and reflect land use planning best practices, development feasibility, and community input;
 - (2)** Identify expanded settlement areas;
 - (3)** Identify new freestanding settlement areas, including the Glenmore Trail East area as a business growth corridor, the Highway 8 area, and the Highway 1 West area as a business corridor; and
 - (4)** Identify new/expanded infrastructure requirements.
- 28** Policy revisions in the plan to:
 - (1)** Identify the most appropriate policy framework for the lands, amendments to the County Plan or a new MDP;
 - (2)** Align policies with higher-order policy and guiding documents adopted since 2013;
 - (3)** Establishing a new vision and principles to guide the development of policies;
 - (4)** Review the organization of the policies and determine if a new framework is required to implement the revised growth strategy;
 - (5)** Overhaul the existing development policies to implement the new growth strategy;
 - (6)** Incorporate new/revised policies on the role of agriculture in the County;



COUNTY PLAN **AMENDMENTS** **COMPREHENSIVE REVIEW AND REWRITE**

- (7) Promote new development forms in growth areas;
- (8) Review the level of service (urban services, full rural services, basic rural services, etc.) required to be provided in growth areas;
- (9) Include new/revised criteria and application requirements for evaluating development proposals in, and outside of, growth areas;
- (10) Include new/revised policies regarding residential densities and population targets;
- (11) Include new/revised policies regarding non-residential development intensities and land use in;
- (12) Provide new/revised policies on how to manage new infrastructure and utility (road, water servicing, sanitary servicing, stormwater infrastructure, etc.) requirements, and how they are funded and maintained;
- (13) Provide new/revised policies on when/where soft services (recreation, health, cultural, and social services) are required, and how they are funded and maintained; and
- (14) Provide new/revised policies on when and where reserves (Municipal, Environmental, School, and Conservation) are required and how they will be maintained.

Comprehensive Review Goals

29 The Comprehensive Review should take into account a number of goals:

- (1) Be supported by growth projections (residential and employment), desired growth size, and availability of servicing;
- (2) Determine if the Area Structure Plan priority policy is required to be reviewed to implement the Comprehensive Review;
- (3) Achieve a logical extension of growth patterns, including vehicular and pedestrian transportation infrastructure;
- (4) Support methods to infill existing development;
- (5) Support the use of alternate forms of development;
- (6) Demonstrate sensitivity and respect for key environmental and natural features;
- (7) Allow the County the ability to achieve rational growth directions, cost effective utilization of resources, and fiscal accountability;
- (8) Achieve effective community engagement in a fair, open, considerate, and equitable manner;
- (9) Align with other planning documents; and
- (10) Other achievable goals identified by the communities.



COUNTY PLAN **AMENDMENTS** COMPREHENSIVE REVIEW **AND REWRITE**

Comprehensive Review Objectives

- 30** The objectives for the Comprehensive Review are to be achievable, based on best practices and work as described in the following subsections.

Work Plan

- 31** To develop a Work Plan that identifies and implements key process requirements, timelines, and analysis that result in the timely creation of the amendments.

Community, Stakeholder, and Intergovernmental Engagement

- 32** To implement an effective and meaningful engagement process with the communities, identified stakeholder groups, and intergovernmental organizations that:
- (1)** Raises the awareness of the planning process and encourages participation;
 - (2)** Identifies the full set of issues and opportunities the new growth strategy should address;
 - (3)** Shapes the new growth strategy through a blend of research, input, and discussion-focused activities;
 - (4)** Responds constructively to the interests of various audiences; and
 - (5)** Ensures broad support for the resulting growth strategy.
- 33** A detailed communication and engagement strategy will identify all relevant interest groups within the County, intermunicipal partners, and external stakeholders affected by the planning process outcomes. The strategy will spell out how the process will proceed through several phases, and how various tools / techniques will be used in each phase to meaningfully engage a range of participants.
- 34** The strategy will identify an engagement strategy to collaborate with our intermunicipal partners to ensure compliance with the IGP.
- 35** The strategy will result in a participatory process that is educational, inclusive, transparent, responsive and timely, and that builds community and stakeholder trust.

Plan Creation

- 36** The review process will result in:
- (1)** Policy that meets the requirements of Section 632 (3) the *MGA*.
 - (2)** Policy consistent with goals and policies of the IGP and applicable Intermunicipal Development Plans.

Land Use

- (3)** Significant changes to the land use strategy as it relates to residential, business, and agricultural land use; and
- (4)** New development requirements for new and existing growth areas.



COUNTY PLAN **AMENDMENTS** **COMPREHENSIVE REVIEW AND REWRITE**

Servicing

- (5) New transportation infrastructure requirements, under both Provincial and County jurisdiction, to determine future transportation needs and opportunities;
- (6) Determine whether the County is required to provide water, sanitary sewer, and/or storm infrastructure to implement the land use strategy; and
- (7) Identification of other required physical services.

Physical Environment

- (8) Review impacts on environmental and natural features that may result from a refined the land use strategy; and
- (9) Determine whether the County should require environmental reserve for new developments and the capital and operational impacts of requiring environmental reserve.

Other

- (10) Determine the fiscal impact of expanded and new settlement areas;
- (11) Determine the fiscal impact of the level of service (urban services, full rural services, basic rural services, etc.) required to be provided;
- (12) Determine the impact of soft services (recreation, health, cultural, and social services) required to be provided;
- (13) Identification of other existing County policies and plans that will require amendments to implement the new land use strategy;
- (14) Refine the monitoring framework the long-term effectiveness of the Plan (as required); and
- (15) Meet the intent and direction of the IGP, the County Plan, and other relevant policy frameworks.

Enabling Legislation

- 37 The *Municipal Government Act, Revised Statutes of Alberta, 2000, Chapter M-26, as amended*, enables Council to adopt an MDP for the purpose of establishing a framework to guide growth and development within the municipality. In accordance with the MGA, the County Plan Amendments Comprehensive Review must provide notification to intermunicipal partners, and be consistent with the Act.

Work Program

- 38 The Work Program is anticipated to occur in four phases.
- 39 The Comprehensive Review will likely be one of the first amendments to an MDP, or new MDP, that will be considered by the CMRB. The CMRB process has not yet been implemented in the region; as such, timeframe for CMRB approval is unknown.



COUNTY PLAN **AMENDMENTS** **COMPREHENSIVE REVIEW AND REWRITE**



Phase 1 – Project Initiation and Background Analysis

40 In this phase of the project, technical studies will be conducted while the project initiation and background analysis take place:

- (1) Confirm goals and objectives of the project and update Terms of Reference;
- (2) Develop a community communication and engagement strategy;
- (3) Create a work plan and budget to guide overall project management; and
- (4) Create a Background Report to inform the Comprehensive Review. The timing of the public release of the report and its findings will be in accordance with the community engagement strategy.
- (5) Develop a draft preferred growth area map with Council indicating preferred development forms (approximate size, density, style of housing if applicable, servicing, commercial/residential/industrial description).

41 Phase 1 – Deliverables:

- (1) Communication and engagement strategy;
- (2) Budget;
- (3) Work plan;
- (4) Identification of planning issues; and



COUNTY PLAN **AMENDMENTS** **COMPREHENSIVE REVIEW AND REWRITE**

- (5) Background report.
- (6) Draft Growth Management Strategy that identifies preferred growth areas.

Phase 2 – Community Consultation and Plan Writing

- 42 This phase marks the official public launch of the project. It begins with community and stakeholder engagement and finishes with the writing of the draft amendments. Community and stakeholder engagement will be as per the engagement plan.
- 43 A pre-application will be made to the CMRB to discuss the County Plan Amendments Comprehensive Review. This pre-application will discuss identify opportunities as well as concern, issues, and questions raised by our intermunicipal partners.
- 44 The preparation of the amendments integrates the refined growth strategy, with:
 - (1) The goals and objectives identified in the Terms of Reference;
 - (2) Other relevant planning documents;
 - (3) The IGP; and
 - (4) Relevant Intermunicipal Development Plans.
- 45 Phase 2 – Deliverables:
 - (1) A report on communication and engagement process and findings;
 - (2) A draft of the amendments.

Phase 3 – Draft County Plan Release

- 46 This phase of the project is the release of the draft amendments with an opportunity for community and agency review. Upon completion of the external review, the Plan will be amended as required.
- 47 Phase 3 – Deliverables:
 - (1) Final version of the amendments;
 - (2) Release of the amendments (final - proposed); and
 - (3) Circulation of the amendments to agencies.

Phase 4 – County Plan (Public Hearing)

- 48 This phase of the project is the public hearing and consideration of the proposed amendments and consideration of 1st and 2nd hearing of Council. Consideration of 3rd reading will be considered by Council if the County Plan is accepted by the CMRB.



ROCKY VIEW COUN
Cultivating Communities

COUNTY PLAN **AMENDMENTS** COMPREHENSIVE REVIEW **AND REWRITE**

Conclusion

- 49** The Comprehensive Review will revise the manner in which the County allows growth, aligns with higher order policy documents, and facilitates growth within the County.



Approval Date	•
Replaces	• n/a
Lead Role	• County Manager
Committee Classification	• Council/Advisory
Last Review Date	• n/a
Next Review Date	•

Reeve

Approval Date

ROCKY VIEW COUNTY
BUDGET ADJUSTMENT REQUEST FORM
BUDGET YEAR: 2019

Description	Budget Adjustment
EXPENDITURES: County Plan Comprehensive Review	400,000
TOTAL EXPENSE:	400,000
REVENUES: Transfer from Tax Stabilization Reserve	(400,000)
TOTAL REVENUE:	(400,000)
NET BUDGET REVISION:	0
REASON FOR BUDGET REVISION: A budget adjustment of \$400,000 from the Tax Stabilization Reserve to begin the County Plan Comprehensive Review and Rewrite	
AUTHORIZATION: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> Chief Administrative Officer: _____ Al Hoggan Executive Director Community Development Services: _____ Sherry Baers Manager: _____ </div> <div style="width: 45%;"> Council Meeting Date: _____ Council Motion Reference: _____ Date: _____ </div> </div>	

Budget AJE No: _____

Posting Date: _____

LEGAL AND LAND ADMINISTRATION

TO: Council

DATE: March 12, 2019 **DIVISION:** 2

FILE: 04734033

SUBJECT: Response to Notice of Motion - Removal of Municipal Reserve Designation and Disposal of the Commercial Court Municipal Reserve Parcel

¹POLICY DIRECTION:

A notice of motion received at the February 26, 2019, Council meeting proposes to direct Administration to initiate the process of removing the Municipal Reserve designation and disposing of the 4-acre Commercial Court Municipal Reserve at Lot 6 MR, Block 2, Plan 0413544, SW-34-24-03-W05M.

EXECUTIVE SUMMARY:

The purpose of this report is assist in Council's discussion by providing necessary information in relation to the purpose of the Notice of Motion received on February 26, 2019, which read:

THAT Administration be directed to initiate the process of removing the municipal reserve designation and disposing of the 4-acres Commercial Court Municipal Reserve Parcel;

AND THAT Rocky View County's share of the proceeds be used towards acquiring a minimum of 14 acres of land on or near the Range Road 33 corridor for a future community centre in Springbank.

County Policy #313: *Disposal of Reserve Land, Former Reserve Land, and Fee Simple Land*, in alignment with the *Municipal Government Act* (MGA), identifies the procedure for the County to dispose of County owned lands, which includes selling the lands at Market Value, and holding a mandatory Public Hearing.

A decision of Council is required prior to disposing of any County lands, and when directing Administration on how the sale proceeds are to be controlled.

Traditionally, all proceeds from the sale of Municipal Reserve lands go to the Public Reserve Account.

BACKGROUND:

The County acquired the subject 4.29 acre parcel of land on May 10, 2004, by means of a Municipal Reserve dedication for the area subdivision plan. The lands are located generally in the Springbank area, at Lot 6 MR, Block 2, Plan 0413544, SW-34-24-03-W05M (32190 Township Road 264).

County Administration reviewed the lands against the Parks and Open Space Master Plan, which was created to assist in developing a system of interconnected parks and open spaces within the County, and determined that the subject lands do not have any significant recreational alignment with this Plan.

Administration has not investigated whether the lands may be required for municipal purposes as the region grows.

The Reserves Agreement with Rocky View School Division, Calgary Separate School Authority, and the County require 50% of the sale proceeds from Municipal Reserve lands be shared with the School

¹ **Administration Resources**

Corey Graham, Land and Legal Administration

Boards. Further to that, Council's past practice has been to provide the remaining 50% of the proceeds to the area Recreation Board.

CONCLUSION:

By way of response to the Notice of Motion:

- Before any land can be disposed of, Rocky View County Council must grant approval;
- A Public Hearing is required to remove the Municipal Reserve designation;
- The bylaws for the area Recreation Board state that they must be consulted with when the County disposes of publically-held lands;
- Rocky View County Policy 313: *Disposal of Reserve Land, Former Reserve Land, and Fee Simple Land* requires Administration to obtain a market consideration for the land when selling;
- Should a wholesome offer be received, it would be brought before Council for their approval;
- Council has not approved the subject lands as part of a County Land Disposal Work Plan.

OPTIONS:

- Option #1: Motion #1: THAT Administration be directed to initiate the process of removing the municipal reserve designation and disposing of the 4-acres Commercial Court Municipal Reserve Parcel; and
- Motion #2: THAT Rocky View County's share of the proceeds be used towards acquiring a minimum of 14 acres of land on or near the Range Road 33 corridor for a future community centre in Springbank.
- Option #2: THAT Administration be directed to initiate the process of removing the municipal reserve designation and disposing of the 4-acres Commercial Court Municipal Reserve Parcel.
- Option #3: THAT alternative direction be provided.

Respectfully submitted,

"Kent Robinson"

Executive Director
Corporate Services

Concurrence,

"Al Hoggan"

Chief Administrative Officer

APPENDICES:

- Appendix 'A': Notice of Motion
Appendix 'B': Site Map
Appendix 'C': Dispersal of MR Funds

Notice of Motion: To be read in at the February 26, 2019 Council Meeting

To be debated at the March 12, 2019 Council Meeting

Title: Removal of Municipal Reserve Designation and Disposal of the Commercial Court Municipal Reserve Parcel

Presented By: Councillor Kim McKylor, Division 2
Councillor Mark Kamachi, Division 1

WHEREAS the 4-acre Commercial Court Municipal Reserve (MR) Parcel was created with the approval of Subdivision Application 2003-RV-277 (File: 04734002) on a motion by Councillor Brenda Goode on February 24, 2004;

AND WHEREAS Councillor Brenda Goode reported to the Springbank Community Association on April 19, 2004 that the Commercial Court Municipal Reserve (MR) Parcel approved on February 24, 2004 was suitable for the future home of the Community Association;

AND WHEREAS the Springbank Community Hall (circa 1905) was condemned in May 2018;

AND WHEREAS the draft Master Recreation Plan demonstrates a need for multi-purpose community space in the Springbank area;

AND WHEREAS the 4-acre Commercial Court Municipal Reserve (MR) Parcel will not adequately accommodate both parking and a community facility with possible growth in the Springbank area;

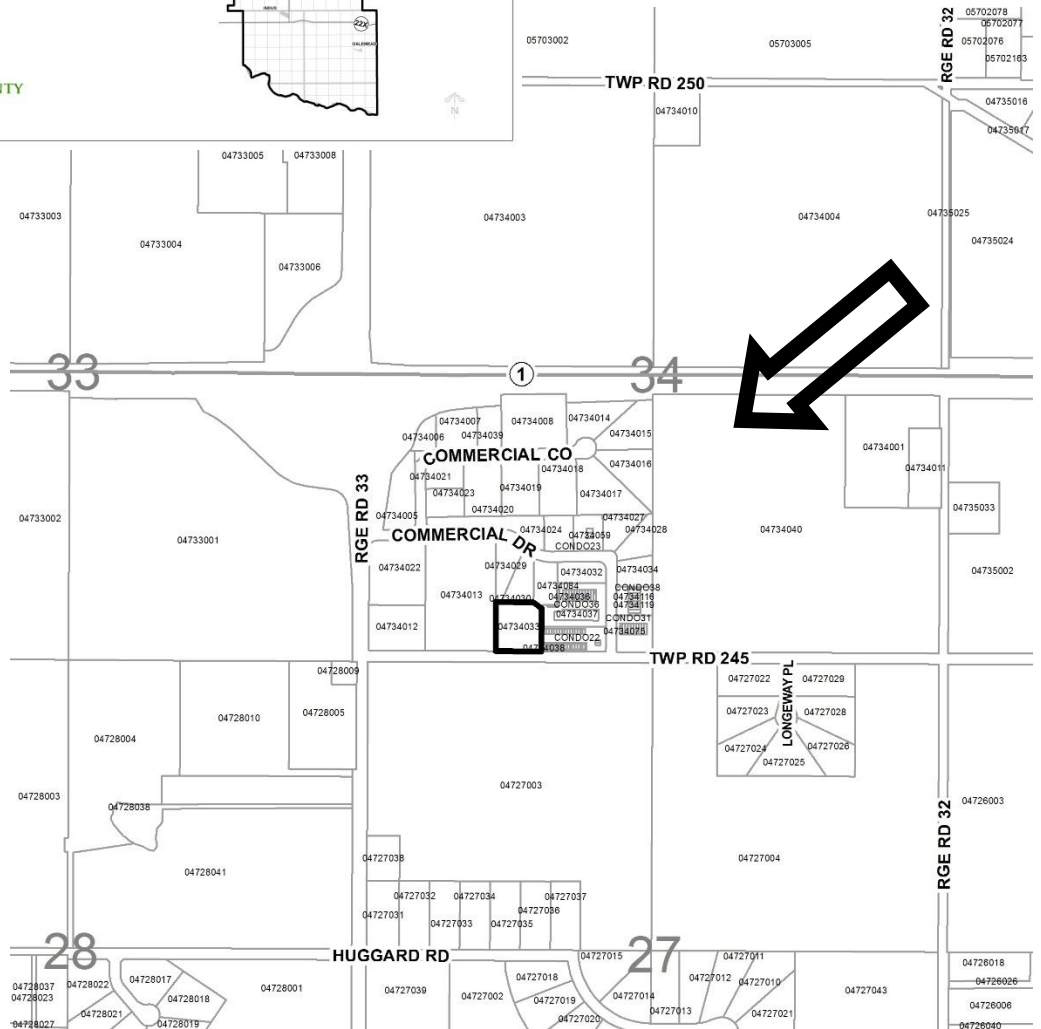
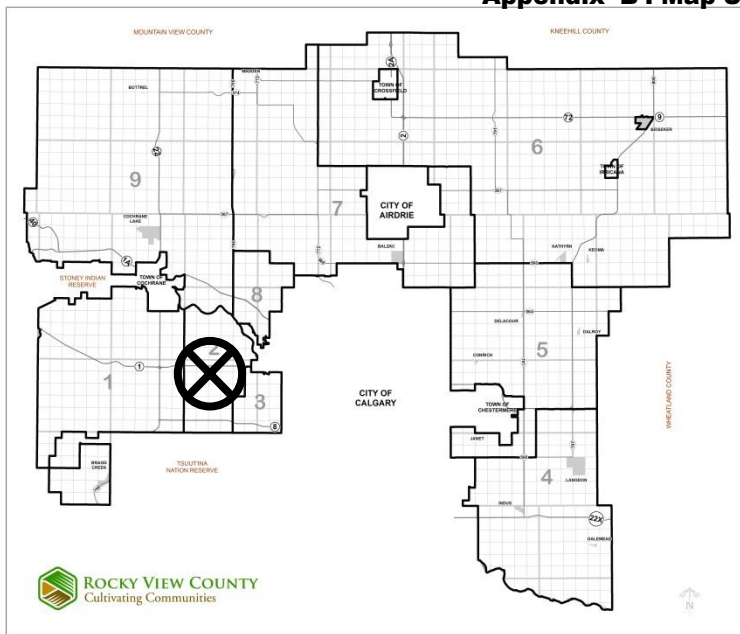
AND WHEREAS the Commercial Court Municipal Reserve (MR) Parcel is situated within a commercial development and is not suitable for a community centre that will be accessible to all members of the community;

AND WHEREAS the Springbank Community Association presented to the Policies and Priorities Committee on June 5, 2018 and highlighted the need for, and interest in, building a new multi-purpose community space in the near-term to alleviate a shortage in community space;

AND WHEREAS the *Municipal Government Act* allows for the removal of municipal reserve designation and disposal of the Municipal Reserve land, or if disposal is not suitable, then suitable lands should be secured for the Springbank Community Association;

NOW THEREFORE BE IT RESOLVED THAT Administration be directed to initiate the process of removing the municipal reserve designation and disposing of the 4-acre Commercial Court Municipal Reserve Parcel;

AND THAT Rocky View County's share of the proceeds be used towards acquiring a minimum of 14 acres of land on or near the Range Road 33 corridor for a future community centre in Springbank.



LOCATION PLAN

SW-34-24-03-W05M

Lot:6 MR Block:2 Plan:0413544

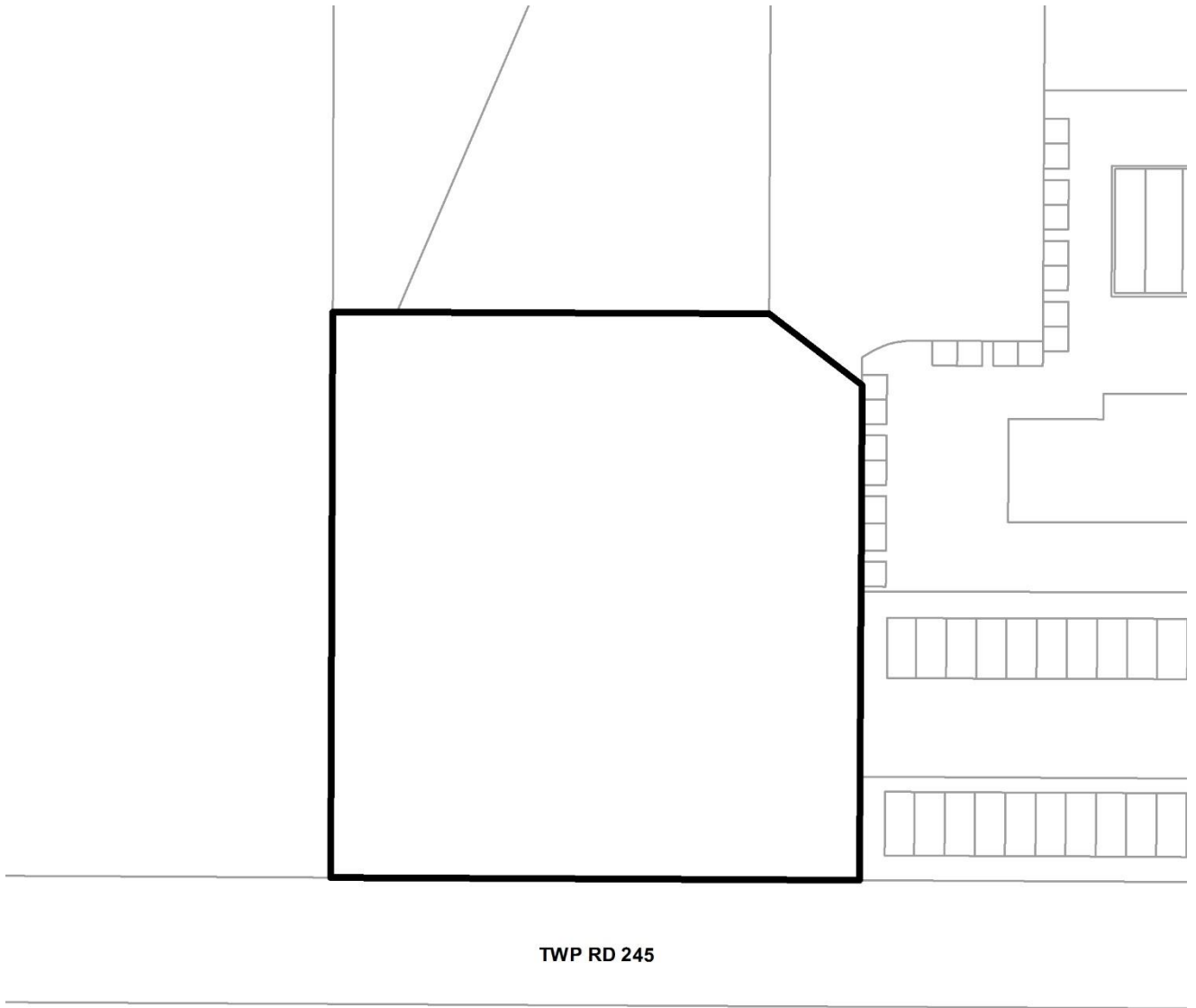
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Division # 2

File: 04734033

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DEVELOPMENT PROPOSAL



SW-34-24-03-W05M
Lot:6 MR Block:2 Plan:0413544

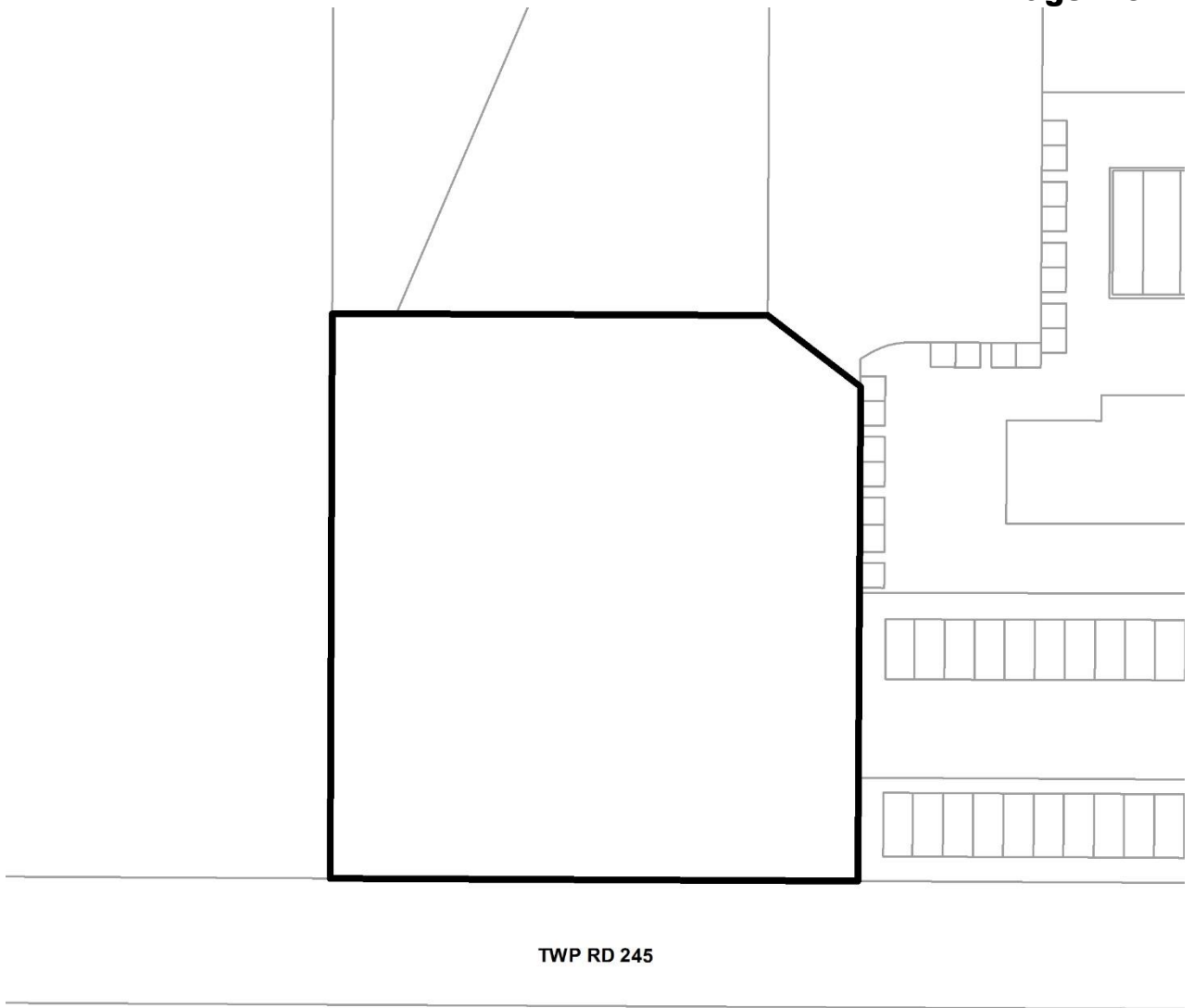
Date: Feb 26,2019

Division # 2

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**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

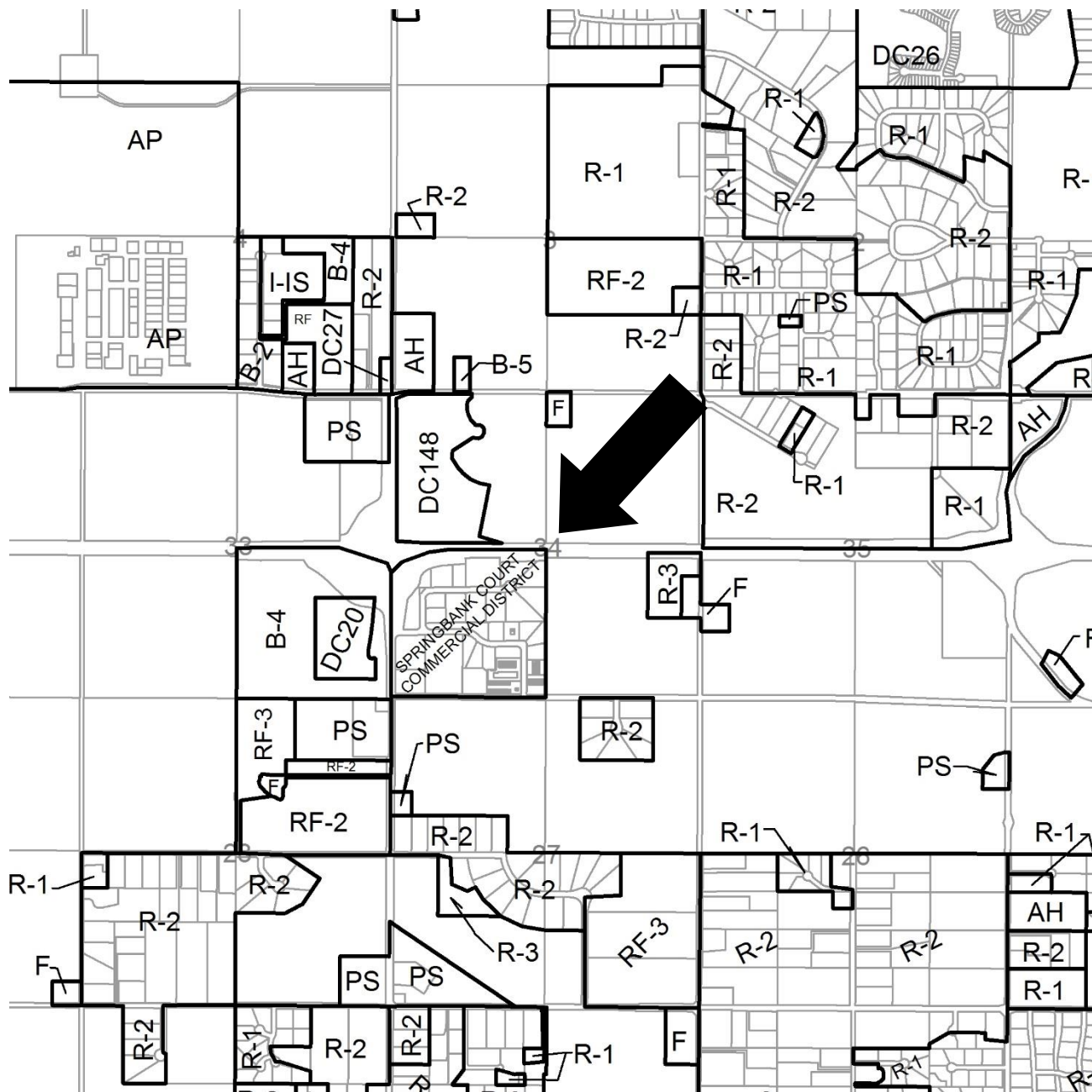
SW-34-24-03-W05M

Lot:6 MR Block:2 Plan:0413544

Date: Feb 26,2019

Division # 2

File: 04734033**AGENDA****Page 79 of 196**



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-34-24-03-W05M

Lot:6 MR Block:2 Plan:0413544

Date: Feb 26,2019

Division # 2

File: 04734033

AGENDA

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

TOPOGRAPHY

Contour Interval 2 M



SW-34-24-03-W05M

Lot:6 MR Block:2 Plan:0413544

Date: Feb 26,2019

Division # 2

File: 04734033

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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 2018

SW-34-24-03-W05M

Lot:6 MR Block:2 Plan:0413544

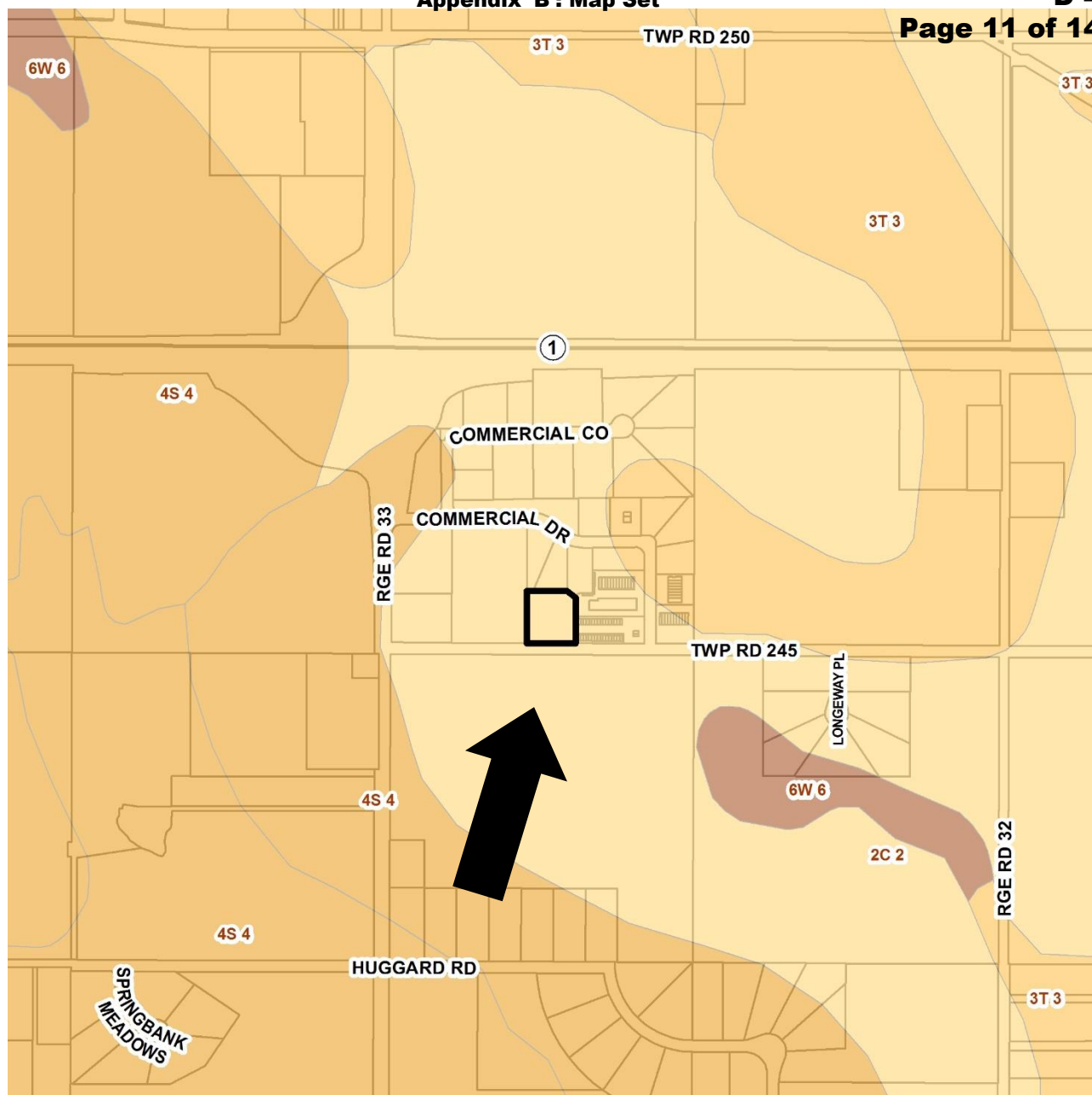
Date: Feb 26,2019

Division # 2

File: 04734033

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

SW-34-24-03-W05M

Lot:6 MR Block:2 Plan:0413544

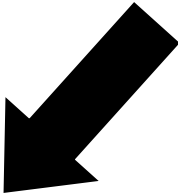
Date: Feb 26,2019

Division # 2

File: 04734033

AGENDA

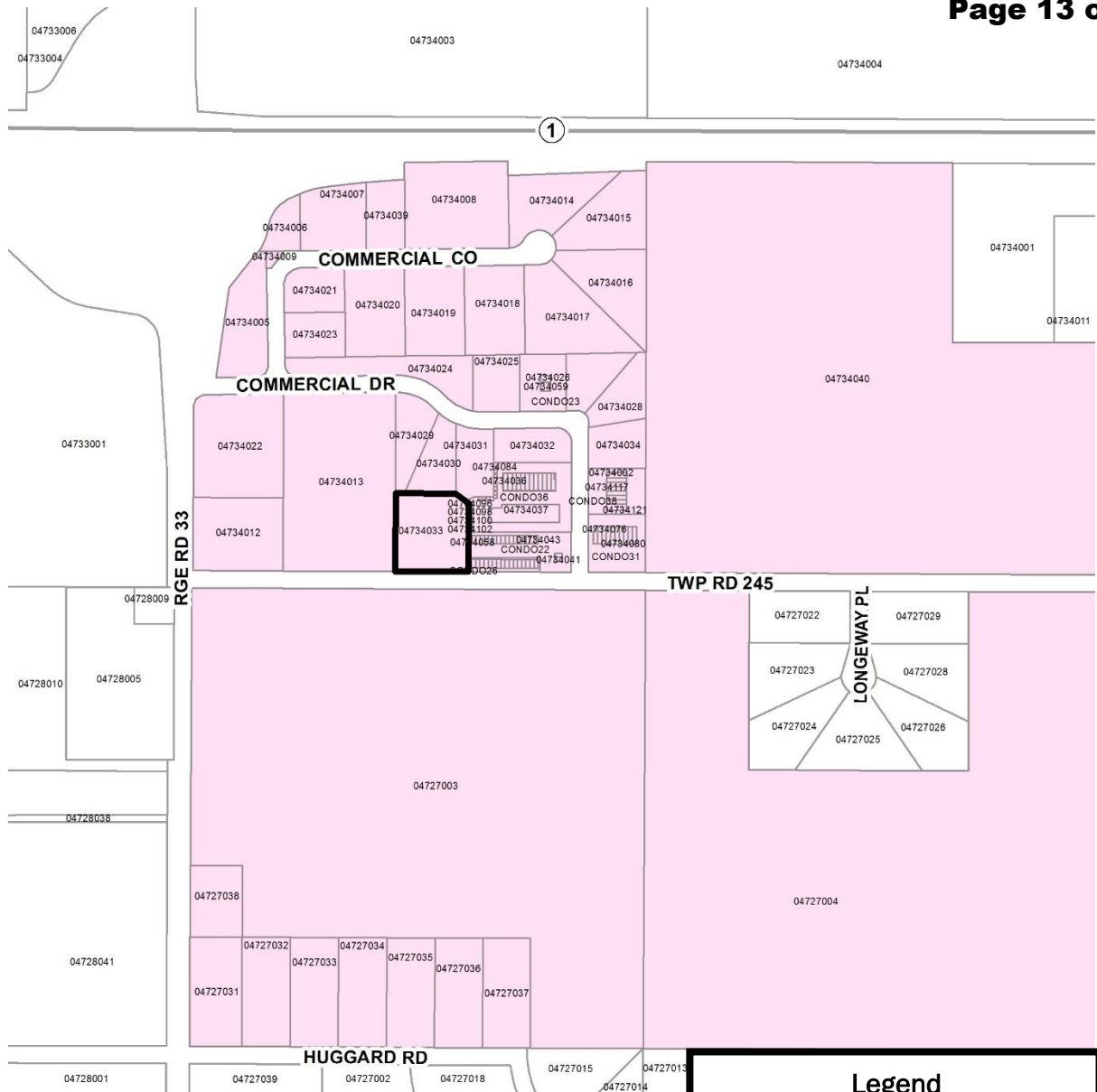
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HISTORIC SUBDIVISION MAP

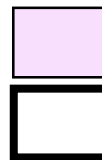
Page 84 of 196





 Letters in Opposition
 Letters in Support

Legend



Circulation Area

Subject Lands

LANDOWNER CIRCULATION AREA

SW-34-24-03-W05M

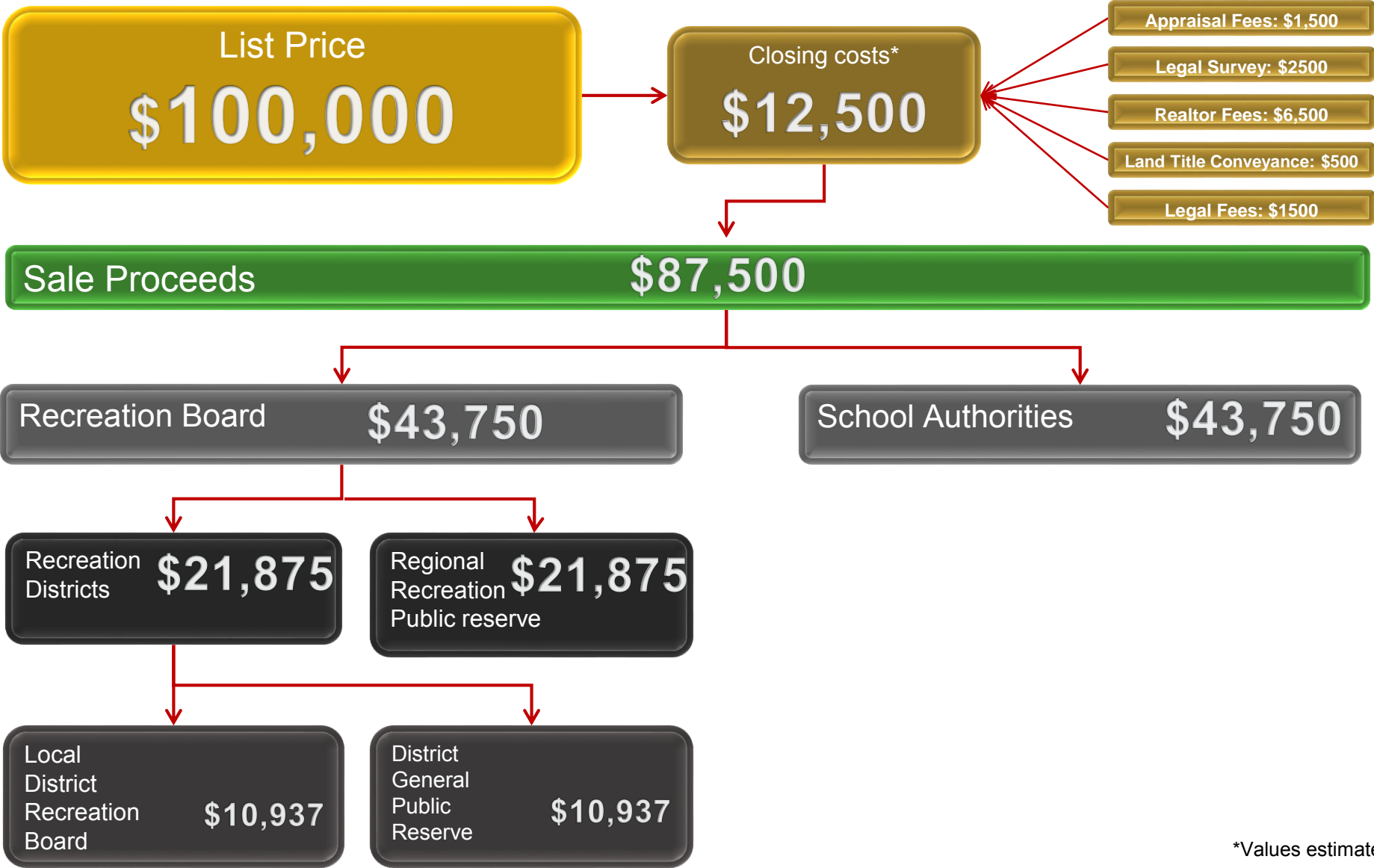
Lot:6 MR Block:2 Plan:0413544

Date: Feb 26,2019

Division # 2

File: 04734033**AGENDA****Page 85 of 196**

Dispersal of Funds: Municipal Reserve



*Values estimated

CAPITAL PROJECTS MANAGEMENT

TO: Council

DATE: March 12, 2019 **DIVISION:** 1

FILE: 1025-700 / 1007-100

SUBJECT: Transfer of Lands to Rocky View County and Designation of Public Utility Lot

¹POLICY DIRECTION:

Administration evaluated the proposed land transfer and Public Utility Lot designation for the Bragg Creek Flood Mitigation Project, and determined that:

1. The application is consistent with the statutory policy;
2. The application is consistent with Sections 665 and 652 of the *Municipal Government Act*; and
3. The land acquisition and ownership transfer to the County is in accordance with Contribution Agreement signed with the Government of Alberta for the Bragg Creek Flood Mitigation Project.

EXECUTIVE SUMMARY:

In February 2017, Rocky View County (County) entered into a Contribution Agreement with the Government of Alberta to plan, design, and construct the Bragg Creek Flood Mitigation Project. The agreement included a budget of \$15.6 million to acquire lands required for construction of the proposed flood barrier structures. These lands are to be under the ownership of the County and designated as Public Utility Lot(s).

On advice from the project legal counsel, it is recommended that land transfers should be completed through a Bylaw (Attachment 'A'-Bylaw C-7870-2019). The Purchase Agreements signed with landowners are exclusive to this Bylaw, and therefore, it is recommended that all three readings are considered by Council in order to complete these land acquisitions.

BACKGROUND:

The 2013 Southern Alberta floods were the most costly disaster in Canadian history and Albertan's remain vulnerable to extreme flood. Flooding of the Elbow River caused widespread damage to municipal infrastructure, flood protection works, residences, public and private property, and businesses throughout the Bragg Creek area. This damage has further been associated with long-term business loss due to an interruption in services. Although 2013 flood was a particularly severe event, the Hamlet of Bragg Creek has been subject to regular flooding, with significant events recorded as early as 1915.

In February 2017, the County signed a Contribution Agreement with the Government of Alberta to project manage the planning, design, and construction of flood barrier structures for the Hamlet of Bragg Creek. Summary of activities:

- Acquisition of project lands commenced March 2017.
- Submission of *Water Act* Application to Alberta Environment and Parks July 2017.
- Consultation with Treaty 7 Nations and Metis Region No. 3 commenced February 2018.
- Public Notice of *Water Act* advertised for stakeholder concerns March 2018.

¹**Administration Resources**

Doug Hafichuk, Capital Projects Management



- *Water Act* Application accepted by Alberta Environment for approval review October 2018.
- Approval pending; decision expected early March 2019.

LAND ACQUISITION:

To date the County has acquired project lands from 50 properties through purchase, utility right of way, and temporary workspace agreements. Seven properties are outstanding; the County has an agreement in principle for six of the properties and the remaining property is in continued landowner discussions.

The County is legally empowered under the *Municipal Government Act* (R.S.A., 200, Chapter M-26) to create a Bylaw which designates land(s) under acquisition as a Public Utility Lot, and designating the subject lands as a PUL is a requirement of the Cost Contribution Agreement with the Province.

Therefore, and in conclusion, Administration is recommending that Council pass the proposed Bylaw (C-7870-2019) on the basis that:

1. The application is consistent with the statutory policy;
2. The application is consistent with Sections 665 and 652 of the *Municipal Government Act*;
3. The land acquisition and ownership transfer to the County is in accordance with Contribution Agreement signed with the Government of Alberta for the Bragg Creek Flood Mitigation Project.

BUDGET IMPLICATIONS:

There are no budget implications at this time.

OPTIONS:

- Option #1 Motion #1: THAT Bylaw C-7870-2019 be given first reading.
 Motion #2: THAT Bylaw C-7870-2019 be given second reading.
 Motion #3: THAT Bylaw C-7870-2019 be considered for third reading.
 Motion #4: THAT Bylaw C-7870-2019 be given third and final reading.
- Option #2 THAT alternative direction be provided.

Respectfully submitted,

Concurrence,

“Byron Riemann”

“Al Hoggan”

Executive Director

Chief Administrative Officer

ATTACHMENTS:

ATTACHMENT ‘A’ – Bylaw C-7870-2019



BYLAW C-7870-2019

A Bylaw of Rocky View County, in the Province of Alberta, to transfer specific lands acquired for the Bragg Creek Flood Mitigation Project to the County, and designate said lands as a Public Utility Lot.

WHEREAS pursuant to section 652(2)(f) of the *Municipal Government Act*, R.S.A., 2000, Chapter M-26, as amended from time to time, a municipal council may by bylaw create a parcel of land;

AND WHEREAS pursuant to section 665 of the *Municipal Government Act*, R.S.A., 2000, Chapter M-26, as amended from time to time, a municipal council may by bylaw require that part of a parcel of land that it is in the process of acquiring be designated as public utility lot;

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

Short Title

- 1 The short title of this Bylaw is "*Bragg Creek Flood Mitigation Project Transfer of Lands and Designation of Public Utility Lot.*"

Definitions

- 2 In this Bylaw, unless the context otherwise requires, the definitions and terms shall have the meaning given to them in the Land Use Bylaw C-4841-97, as well as the following:
 - (a) "**County**" means Rocky View County or, where the context permits, the geographical area thereof;
 - (b) "***Municipal Government Act***" means the *Municipal Government Act*, RSA 2000, c M-26, as amended; and
 - (c) "**Rocky View County**" means Rocky View County as a municipal corporation established pursuant to the laws of the Province of Alberta and the area within the jurisdictional boundaries of Rocky View County, as the context of this Bylaw so requires.



Terms and Rates

- 3 In accordance with sections 652(2)(f) and 665 of the *Municipal Government Act*, all those portions of lands legally described within **Schedule "A"** attached to this Bylaw and contained within:

**Lot 1 PUL Block 9 Filed Plan 181 2034, and
Lot 2 PUL Block 9 Filed Plan 181 2034, and
Lot 2 PUL Block 10 Filed Plan 181 2034**

shown within **Schedule "B"** attached to and forming part of this Bylaw is hereby designated as a Public Utility Lot.

Transitional

- 4 Bylaw C-7870-2019 comes into force and effect when it receives third reading, and is signed by the Reeve or Deputy Reeve and the Chief Administrative Officer or designate.

READ A FIRST TIME IN COUNCIL this _____ day of _____, 2019

READ A SECOND TIME IN COUNCIL this _____ day of _____, 2019

UNANIMOUS PERMISSION FOR THIRD READING _____ day of _____, 2019

READ A THIRD TIME IN COUNCIL this _____ day of _____, 2019

Reeve or Deputy Reeve

CAO or Designate

Date Bylaw Signed

SCHEDULE "A"**The Lands**

LEGAL DESCRIPTION	AREA
PLAN 1741EW BLOCK 6 LOT 1 EXCEPTING THEREOUT ALL MINES AND MINERALS	0.058 Hectares
PLAN 1741EW BLOCK 6 LOT 2 EXCEPTING THEREOUT ALL MINES AND MINERALS	0.037 Hectares
PLAN 1741EW BLOCK 7 LOT 2 EXCEPTING THEREOUT ALL MINES AND MINERALS	0.026 Hectares



SCHEDULE "B"

Filed Plan 181 2034

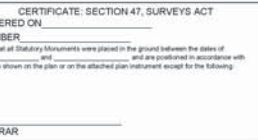


Table of Areas		Meters
Area Required within Subdivision Plan 1741 (V) River		
Former Bed and Slope of the Elbow River Lot 1, Block 6	For Lot 1 P1/L, Block 9 = 0.0201 Ha Lot 1 P1/L, Block 9 = 0.0201 Ha	
	Total = 0.0402 Ha	
Former Bed and Slope of the Elbow River Lot 1, Block 6	Lot 2 P1/L, Block 9 = 0.0201 Ha Lot 2 P1/L, Block 9 = 0.0201 Ha	
	Total = 0.0371 Ha	
Former Bed and Slope of the Elbow River Lot 1, Block 6	Lot 3 P1/L, Block 9 = 0.012 Ha Lot 3 P1/L, Block 9 = 0.012 Ha	
	Total = 0.0414 Ha	
Former Bed and Slope of the Elbow River Lot 1, Block 6	Lot 4 P1/L, Block 9 = 0.0118 Ha Lot 4 P1/L, Block 9 = 0.0118 Ha	
	Total = 0.0316 Ha	
Former Bed and Slope of the Elbow River Lot 1, Block 7	Lot 1 P1/L, Block 10 = 0.0101 Ha Lot 1 P1/L, Block 10 = 0.0099 Ha	
	Total = 0.0314 Ha	
Former Bed and Slope of the Elbow River Lot 1, Block 7	Lot 2 P1/L, Block 10 = 0.012 Ha Lot 2 P1/L, Block 10 = 0.012 Ha	
	Total = 0.0316 Ha	
Former Bed and Slope of the Elbow River Lot 1, Block 7	Lot 3 P1/L, Block 10 = 0.014 Ha Lot 3 P1/L, Block 10 = 0.014 Ha	
	Total = 0.0316 Ha	
Former Bed and Slope of the Elbow River Lot 1, Block 7	Lot 4 P1/L, Block 10 = 0.011 Ha Lot 4 P1/L, Block 10 = 0.011 Ha	
	Total = 0.0226 Ha	
Former Bed and Slope of the Elbow River Lot 1, Block 9 (C/T 911 114 087) Lot 1, Block 9 (C/T 911 114 087-1)	Lot 1 P1/L, Block 11 = 0.007 Ha Lot 1 P1/L, Block 11 = 0.011 Ha Lot 1 P1/L, Block 11 = 0.011 Ha	
	Total = 0.0291 Ha	
Notes:		
1. Survey points shown are shown true		
2. Survey points planned and marked P165 are shown true		
3. Survey points not planned are shown true		
4. As for the above, this plan is outlined in black, shown true		
5. Bars shown are shown true		
6. CM denotes Alberta Survey Control Markers shown true		
7. Boundary control monuments placed are shown true		
8. The survey points marked P165 are to be placed pursuant to Item 12 of the Elbow and Afton sub-area and a 10% of coordinates sub-area on this plan		
9. shown as shown to be placed in accordance with referenced location		
10. dimensions are of ground level and shown in metres and decimals thereof.		
11. referenced marker spot with plaque placed or found as shown.		
12. dimensions shown found here and national units decimals thereof.		

[illegible]

Surveyor
Nathan Kroeker, ALS
Dates of Survey: August 22, 2018 to January 25, 2018
In accordance with the provisions of the Survey Act.

The seal is circular with the text "BC SURVEYORS ASSOCIATION" around the top and "REGISTERED SURVEYOR" around the bottom. In the center, it says "P185" and "Wood".

Prepared For
Rocky View County

<p align="center">Wood Geomatics Limited #401, 1805 - 18th Avenue N.E. Calgary, Alberta, T2E 7T8 Tel: (403) 248-4331</p>			
Initials: NK/TM	Date: October 15, 2018	Project No: CT180213	Drawing File Name: CL180028.PDF

PLANNING & DEVELOPMENT

TO:	Subdivision Authority	DIVISION:	3
DATE:	March 12, 2019	APPLICATION:	PL20180079
FILE:	04702038		
SUBJECT:	Subdivision Item – Residential One District		

¹POLICY DIRECTION:

The application was evaluated against the terms of Section 654 of the *Municipal Government Act*, Section 7 of the Subdivision and Development Regulations, and the policies within the County Plan, and was found to be compliant:

- The proposal is consistent with the land use designation approved in May 2018;
- The proposal is consistent with the subdivision policies in Section 10 of the County Plan; and
- All technical matters are addressed through the suggested conditions of approval.

EXECUTIVE SUMMARY:

The purpose of this application is to create a ± 1.13 hectare (± 2.80 acre) parcel (Lot 1), a ± 0.82 hectare (± 2.02 acre) parcel (Lot 2), with a ± 4.05 hectare (± 10.00 acre) remainder (Lot 3).

The subject lands consist of a 14.82 acre parcel that accesses West Meadows Estates Road and Range Road 32. The parcel currently contains a dwelling, which is located within the boundaries of proposed Lot 1. Servicing to the existing dwelling is provided by a water well and a private sewage treatment system. Lots 2 and 3 are proposed to be serviced by the same means. The subject lands hold the Residential One District land use designation, which allows for the creation of a 1.98 acre parcel.

Administration determined that the application meets policy.

PROPOSAL: To create a ± 0.82 hectare (± 2.02 acre) parcel, a ± 1.13 hectare (± 2.80 acre) parcel with a ± 4.05 hectare (± 10.00 acre) remainder.	GENERAL LOCATION: Located 6.5 km (4 miles) west of the City of Calgary, 0.8 km (0.5 mile) south of Highway 8, at the northeast junction of Range Road 32 and West Meadows Estates Road.
LEGAL DESCRIPTION: Portion of SW-2-24-3-W5M	GROSS AREA: ± 6.00 hectares (± 14.82 acres)
APPLICANT: B & A Planning Group - Ken Venner OWNER: Eric S. & Jamie H. Horvath	RESERVE STATUS: Municipal Reserves are outstanding, comprising 10% of the subject lands.
LAND USE DESIGNATION: Residential One District	LEVIES INFORMATION: Transportation Off-Site Levy is outstanding

¹ **Administration Resources**

Stefan Kunz & Eric Schuh, Planning & Development

DATE SUBDIVISION APPLICATION RECEIVED: June 25, 2018	APPEAL BOARD: Subdivision and Development Appeal Board
TECHNICAL REPORTS SUBMITTED: <ul style="list-style-type: none"> • Transportation Review (Bunt & Associates, 2017) • Level 3 PSTS Assessment (Sedulous, 2017) • Conceptual Level Site-Specific Stormwater Implementation Plan (Sedulous, 2017) 	LAND USE POLICIES AND STATUTORY PLANS: <ul style="list-style-type: none"> • County Plan (C-7280-2013) • Rocky View/Calgary IDP (C-7197-2012) • Land Use Bylaw (C-4841-97)

PUBLIC & AGENCY SUBMISSIONS:

The application was circulated to 44 landowners. At the time of report preparation, no responses were received. The application was also circulated to a number of internal and external agencies. Those responses are available in Appendix 'B'.

HISTORY:

May 8, 2018	Subject lands are redesignated from Residential Two District to Residential One District (PL20180005).
1990-98	Various survey plans are registered, resulting in the creation of approximately 30 parcels within the quarter section. The subject lands are the remainder portion of these subdivisions.
1974	Plan 7410676 is registered, resulting in the creation of ten lots approximately 20 acres in size, a 40 acre remainder (encompassing the subject lands), and an internal access road.
1960	The subject quarter section is subdivided into four 40 acre parcels. Instrument number 5621IH is registered at the time, transferring the provision of municipal reserve from the 40 acre parcel that would subsequently become the subject lands to the remainder of the quarter section.

TECHNICAL CONSIDERATIONS:

This application was evaluated in accordance with the matters listed in Sections 7 and 14 of the Subdivision and Development Regulation, which are as follows:

a) The site's topography

The topography of the land is rather flat and features very little in the way of measureable slopes. There are no significant waterbodies, drainage courses, or stands of natural vegetation located on-site. No constraints to the proposed subdivision were identified with regard to the topography of the site. No further concerns.

Conditions: None

b) The site's soil characteristics

The soils on site are Class 2, with slight limitations due to adverse climate. As the lands are intended for residential purposes, there are no concerns with regard to soil considerations.

Conditions: None



c) Storm water collection and disposal

The applicant provided a Conceptual Level Site-Specific Storm Water Implementation Plan (Sedulous Engineering Inc., December 21, 2017) in support of the application. The report recommends the use of swales and a dry pond with outlet control structure to manage increased runoff in the post-development condition. As this infrastructure is proposed to be located within the remainder portion of the lands, the requirements associated with the development of Lot 3 can be submitted at the time of future subdivision. As a condition of subdivision, a drainage right-of-way is required to be registered along the southern boundary of Lot 2 in order to ensure that the current proposal can be accommodated by the future storm water facilities.

Conditions: 6

d) Any potential for flooding, subsidence or erosion of the land

The lands do not feature any on-site wetlands as identified by Alberta Environment's Wetland Impact Model. The Elbow River is located approximately 1.5 miles to the north; however, the lands are not within the floodway or flood fringe according to Alberta Environment's Flood Hazard Map. Pirmez Creek is located approximately 300 metres to the south, a sufficient distance to ensure that there are no concerns regarding flooding from this drainage course. There are no other drainage courses or waterbodies on site, and there are no concerns with regard to flooding, subsidence, or erosion of the land.

Conditions: None

e) Accessibility to a road

The subject land currently features one existing dwelling located within proposed Lot 1. This dwelling accesses Range Road 32 via a paved approach. Although Lot 2 does not currently contain a dwelling, an approach accessing West Meadows Estates Drive is located within the boundaries of the proposed parcel. Upgrades to this approach are required in order to meet County Servicing Standards. Lot 3 is proposed to be further subdivided in the future. While an internal access road is eventually required to service these future lots, requirement for the construction of the road can be deferred at this time. In the meantime, a new approach to Lot 3 is required to provide access. The approach can be located in a manner conducive to allow further upgrades in order to accommodate the future road.

The Transportation Offsite Levy is outstanding for the total acreage of Lots 1 and 2, and is required to be provided through the conditions of subdivision approval. Lot 3 is greater than 9.88 acres in size and, as such, is deferred at this time.

- Base Levy = \$4,595/acre. Acreage = 4.82 acres. Estimated TOL payment = (\$4,595/acre)*(4.82 acres) = \$22,148

Conditions: 2, 3, 4

f) Water supply, sewage and solid waste disposal

The Applicant provided a Level I Variation Assessment for the existing septic field located within Lot 1 that indicates that the system is in good working order. A Level 3 PSTS Assessment (Sedulous Engineering Inc., December 21, 2017) was provided that indicates that the site is suitable for the additional systems required on Lots 2 and 3. As Lot 2 is proposed to be less than 3.95 acres in size, it is required to construct a Packaged Sewage Treatment Plant in accordance with County Policy 449. As a condition of subdivision, a Site Improvements / Services Agreement is required in order to ensure that the system is constructed in accordance with County standards and national requirements.



Potable water servicing to the existing dwelling is provided via water well. Servicing to Lots 2 and 3 is proposed to be provided by the same means. In support of this, the Applicant submitted a Phase 1 Groundwater Supply Evaluation (Groundwater Information Technologies Ltd., December 5, 2017). The report meets the requirements of the County Servicing Standards and concludes that the aquifer underlying the proposed subdivision can supply water at a rate of 1250m³/year without causing adverse effects on existing users. As a condition of subdivision, new wells within Lots 2 and 3 are required. A Phase 2 Aquifer Testing Report is also required in order to confirm that the new wells are capable of maintaining the County's minimum pump rate.

Lastly, a Deferred Services Agreement shall be registered for each proposed parcel, requiring the owner to tie into municipal services when they become available.

Conditions: 7, 8, 9

g) The use of the land in the vicinity of the site

The lands are located west of the Elbow Valley community and south of the Elbow Valley West community, 0.5 miles south of Highway 8, at the northeast junction of Range Road 32 and West Meadows Estates Road. The lands surrounding the subject site are predominantly residential in nature. Unsubdivided quarter sections and other agricultural uses are located to the west. There are no concerns that the subdivision proposal is in misalignment with the land use in the area.

Conditions: None

h) Other matters

Municipal Reserves

Municipal Reserves are outstanding, comprising 10% of the subject lands. As the lands are 14.82 acres in size, 1.482 acres of municipal reserve land or cash-in-lieu is required to be dedicated for recreation and school board use. As the Applicant has not provided a land value appraisal, the value of this reserve land is not known at this time. Instead of the appraisal, the Applicant has produced an unregistered copy of a deferred reserve caveat (DRC 5621 IH), and claimed that this document constitutes provision of the required municipal reserve dedication.

It is important to note that DRC 5621 IH is not currently registered on any active title, and has no legal standing. Originally drafted at the time of the first subdivision within the quarter section in 1961, the document intended to defer the municipal reserve owing on the proposed lot to the remainder. This means that as the remainder lands subdivided in the future, they would have been required to provide municipal reserves for their lands as well as a proportional amount of the deferred reserve dedication.

As the remainder lands were subdivided further in subsequent years, municipal reserves were provided for the amount owing for each new proposal, but the deferred portion was never accounted for. In a legal opinion dated November 21, 2018, Joanne M. Klauer provides clarification on the matter (see Appendix 'D'). In short, as the DRC 5621 IH was registered prior to the 1963 *Planning Act*, it has no legal standing. As DRC 5621 IH was registered prior to 1963, it was not legally enforceable, and the owners of the lands proposing subdivision could not be legally compelled to recognize it.

Past development within this quarter section has been undertaken with the understanding that a deferred reserve caveat registered prior to 1963 does not have legal standing with respect to the consideration of municipal reserve under modern legislation. This is the same today as it was in the 1980s and 90s – DRC 5621 IH was (and is) not legally enforceable.



The *Municipal Government Act* provides the legislation requiring the dedication of reserve land. Section 661(b) states that:

“the owner of a parcel of land that is the subject of a proposed subdivision must provide... land for municipal reserve, school reserve, municipal and school reserve, money in place of any or all of those reserves or a combination of reserves and money.”

Note that registration of a deferred reserve caveat does not constitute dedication of reserves in accordance with the Act.

To summarize the important considerations with regard to municipal reserve dedication for this parcel:

- Deferred reserve caveat 5621 IH was registered prior to 1963, and is not enforceable under modern legislation. It is not currently registered on an active title;
- Registration of a DRC alone does not satisfy the requirement to provide municipal reserve. Municipal reserve dedication is only considered to be provided once land or cash-in-lieu of land is provided;
- Lands that were subject to 5621 IH in the past have not provided the deferred portion of land or cash-in-lieu of land. Despite the intention of 5621 IH, no municipal reserve dedication has been provided on behalf of the subject lands.

Conditions: 10

POLICY CONSIDERATIONS:

Policy considerations were addressed in redesignation application PL20180005. The Applicant provided a Lot and Road Plan in accordance with the requirements of the County Plan.

CONCLUSION:

The subject lands hold the appropriate land use designation for the proposed parcels, and all technical considerations have been appropriately addressed through the conditions of approval, in accordance with approved Statutory Policy. Therefore, the application meets applicable policies.

OPTIONS:

Option #1: THAT Subdivision Application PL20180079 be approved with the conditions noted in Appendix A.

Option #2: THAT Subdivision Application PL20180079 be refused as per the reasons noted.

Respectfully submitted,

Concurrence,

“Sherry Baers”

“Al Hoggan”

Executive Director
Community Development Services

Chief Administrative Officer

SK/rp



APPENDICES:

APPENDIX 'A': Approval Conditions

APPENDIX 'B': Application Referrals

APPENDIX 'C': Map Set

APPENDIX 'D': County Legal Opinion

APPENDIX 'E': Landowner Comments

APPENDIX A: APPROVAL CONDITIONS

- A. That the application to create a ± 0.82 hectare (± 2.02 acre) parcel, and a ± 1.13 hectare (± 2.80 acre) parcel with a ± 4.05 hectare (± 10.00 acre) remainder from a portion of SW-2-24-3-W5M was evaluated in terms of Section 654 of the *Municipal Government Act* and Sections 7 and 14 of the Subdivision and Development Regulations, and having considered adjacent landowner submissions, it is recommended that the application be approved as per the Tentative Plan for the reasons listed below:
1. The application is consistent with statutory policy;
 2. The subject lands hold the appropriate land use designation;
 3. The technical aspects of the subdivision proposal have been considered, and are further addressed through the conditional approval requirements.
- B. The 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 is approved subject to the following conditions of approval:

Plan of Subdivision

- 1) Subdivision is to be effected by a Plan of Survey, pursuant to Section 657 of the *Municipal Government Act*, or such other means satisfactory to the Registrar of the South Alberta Land Titles District;

Transportation and Access

- 1) The Owner shall upgrade the existing approach on West Meadows Estates Road to a paved standard in order to provide access to Lot 2.
- 2) The Owner shall construct a new paved approach on West Meadows Estates Road in order to provide access to Lot 3.

Fees and Levies

- 3) The Owner shall pay the Transportation Off-Site Levy in accordance with Bylaw C-7356-2014 prior to endorsement. The County shall calculate the total amount owing:
 - a) from the total gross acreage of Lots 1 and 2 as shown on the Plan of Survey.
- 4) The Owner shall pay the County subdivision endorsement fee, in accordance with the Master Rates Bylaw, for the creation of two new lots.

Site Servicing/Developability

- 5) The Owner shall prepare and register a Utility Right-of-Way, satisfactory to the County, on the title of Lot 2:



- a) 6 metre wide drainage easement/utility right-of-way on title along the entire southern boundary of Lot 2, in accordance with the Conceptual SSIP.
- 6) The Owner is to enter into a Development Agreement (Site Improvements / Services Agreement) with the County that includes the following:
 - a) The installation of a packaged sewage treatment system meeting BNQ or NSF 40 Standards, in accordance with the findings of the Private Sewage Treatment System Assessment and Site Evaluation prepared by SOILWORX (December 2016).
- 7) Water is to be supplied by an individual well on Lots 2 & 3. The subdivision shall not be endorsed until:
 - a) An Aquifer Testing (Phase II) Report is provided, which is to include aquifer testing and the locations of the wells on each lot; and
 - b) The results of the aquifer testing meet the requirements of the Water Act; if they do not, the subdivision shall not be endorsed or registered.
- 8) The Owner is to enter into a Deferred Services Agreement with the County, to be registered on title for each of proposed Lots 1, 2, & 3, indicating:
 - a) Requirements for each future Lot Owner to connect to County piped water, wastewater, and storm water systems at their cost when such services become available;
 - b) Requirements for decommissioning and reclamation once County servicing becomes available.

Municipal Reserves

- 9) The provision of Reserve in the amount of 10 percent of the area of Lots 1 & 2, as determined by the Plan of Survey, is to be provided by payment of cash-in-lieu pursuant to Section 666(3) of the *Municipal Government Act*.
 - a) The Applicant shall provide a market value appraisal, prepared by a certified appraiser, in accordance with Section 667(1)(a) of the *Municipal Government Act*, and the satisfaction of Rocky View County:
 - b) Reserves for Lot 3 are to be deferred with Caveat, pursuant to Section 669(2) of the *Municipal Government Act*.

Taxes

- 10) All taxes owing, up to and including the year in which subdivision is to be registered, are to be paid to Rocky View County prior to signing the final documents pursuant to Section 654(1) of the *Municipal Government Act*.

D. SUBDIVISION AUTHORITY DIRECTION

- 1) Prior to final endorsement of the Subdivision, Administration is directed to present the Owner with a Voluntary Recreation Contribution Form and to ask them if they will contribute to the Fund in accordance with the contributions prescribed in the Master Rates Bylaw.

APPENDIX 'B': APPLICATION REFERRALS

AGENCY	COMMENTS
<i>School Authority</i>	
Rocky View Schools	No comment.
Calgary Catholic School District	No comment.
Public Francophone Education	No comment.
Catholic Francophone Education	No comment.
<i>Province of Alberta</i>	
Alberta Environment	Not required.
Alberta Transportation	<p>The department recognizes that the land involved in this application is removed from the provincial highway system, and relies on the municipal road network for access. It appears that the two residential parcels being created by this application should not have a significant impact on the provincial highway system.</p> <p>Alberta Transportation has no objection to this proposal and grants an unconditional variance of Section 14 of the Subdivision and Development Regulation. Pursuant to Section 678(2.1) of the Municipal Government Act, Alberta Transportation varies the distance to a highway set out in Section 5 of the Subdivision and Development Regulation. From the department's perspective any appeals to be heard regarding this subdivision application may be heard by the local Subdivision and Development Appeal Board rather than the Municipal Government Board.</p>
Alberta Sustainable Development (Public Lands)	Not required.
Alberta Culture and Community Spirit (Historical Resources)	Not required.
Energy Resources Conservation Board	No comment.
Alberta Health Services	No concerns.
<i>Public Utility</i>	
ATCO Gas	No objection.
ATCO Pipelines	No objection.
AltaLink Management	No comment.

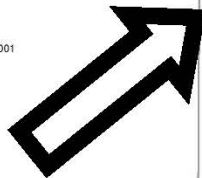
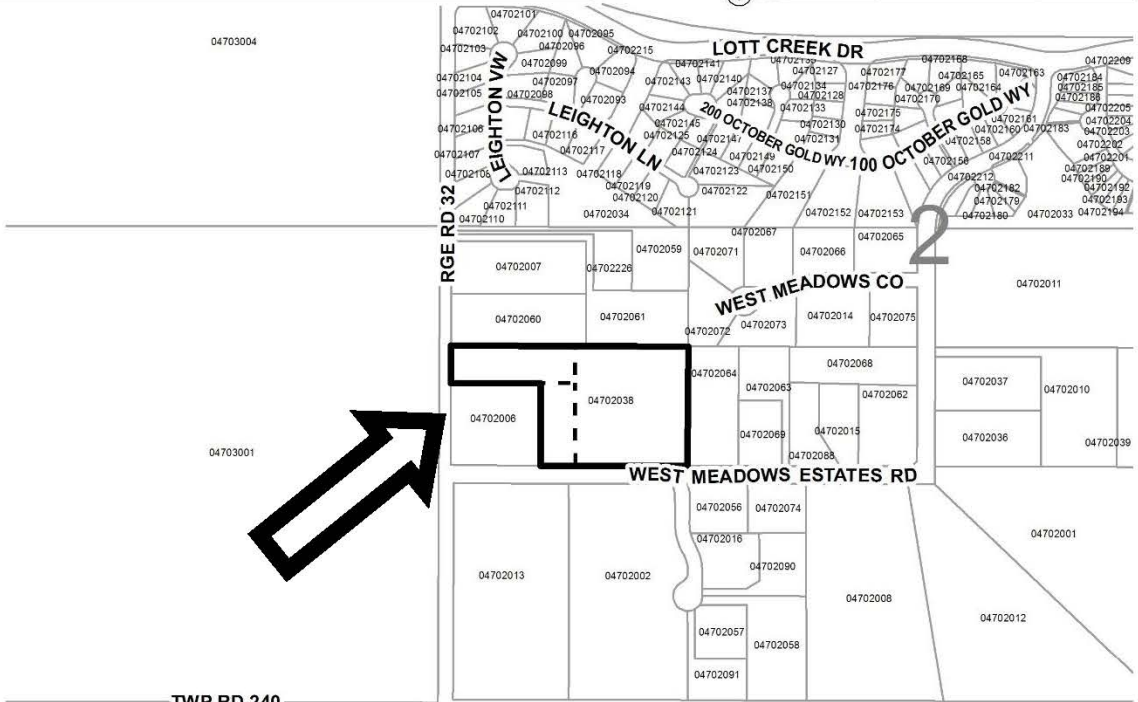
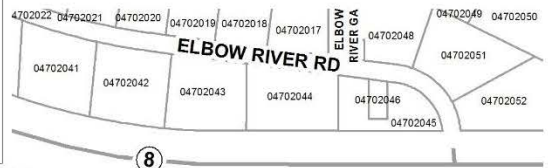
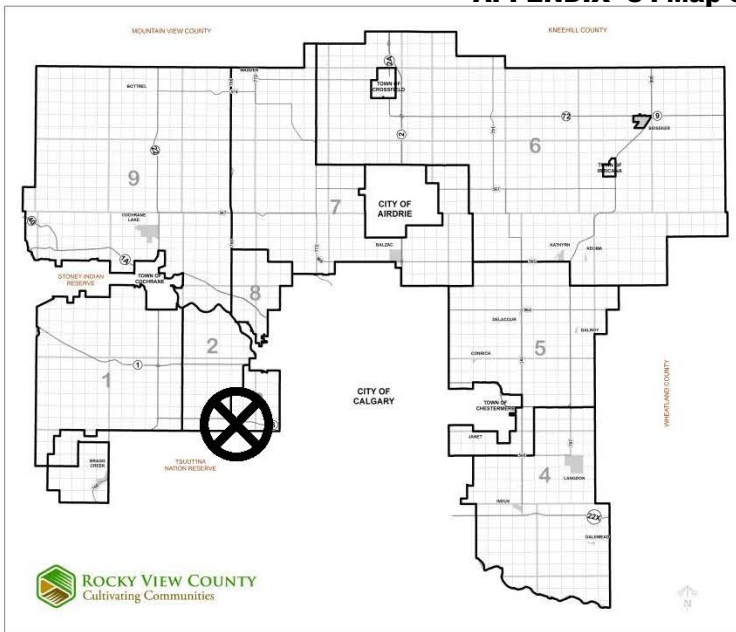
AGENCY	COMMENTS
FortisAlberta	No easement required.
Telus Communications	No concerns.
TransAlta Utilities Ltd.	No comment.
Rockyview Gas Co-op Ltd.	No comment.
<i>Other External Agencies</i>	
EnCana Corporation	No comment.
Canadian Pacific Railway	No comment.
City of Calgary	No comments.
<i>Rocky View County</i>	
<i>Boards and Committees</i>	
ASB Farm Members and Agricultural Fieldmen	No concerns.
Rocky View Central Recreation Board	As Municipal Reserves were previously provided on Plan 9510253, Rocky View Central Recreation District Board has no comments on this circulation.
<i>Internal Departments</i>	
Recreation, Parks & Community Support	No concerns.
Development Authority	No comment.
GIS Services	No comment.
Building Services	No comment.
Municipal Enforcement	No concerns.
Fire Services & Emergency Management	No concerns.
Planning, Development, & Bylaw Services - Engineering	Geotechnical: <ul style="list-style-type: none"> As a condition of future subdivision of the Remainder parcel (Lot 3), the applicant may be required to submit a Geotechnical Investigation Report, in accordance with the requirements of the County Servicing Standards. The report shall provide recommendations for road construction (as identified in previous application PL20180005) and include a

AGENCY	COMMENTS
	<p>Slope Stability Assessment if any slopes greater than 15% are identified.</p> <p>Transportation:</p> <ul style="list-style-type: none"> The applicant submitted a Transportation Review (Bunt & Associates Engineering Ltd. – November 20, 2017) with the previous land use redesignation application (PL20180005). The review concludes that the proposed future subdivision will not have any impacts on the surrounding road network, and that no upgrades are required. Engineering has no further concerns. Proposed Lot 1 is accessed from an existing approach from Range Road 32. Proposed Lot 2 is accessed from an existing approach from West Meadows Estates Road. The proposed Remainder (Lot 3) does not have an existing approach. As a condition of subdivision, the applicant shall be required to construct a new paved approach to the Remainder (Lot 3) and upgrade the existing approach to Lot 2 to a paved standard, in accordance with the requirements of the County Servicing Standards. As a condition of subdivision, the applicant is required to provide payment of the Transportation Off-site Levy in accordance with the applicable levy at time of subdivision approval, for the total acreage of proposed Lots 1 & 2, as the applicant is proposing to subdivide a Residential One District parcel. At this time, TOL shall be deferred on the proposed Remainder (Lot 3), as the parcel is greater than 9.88 acres in size. TOL shall be collected on the Remainder (Lot 3) at the time of future subdivision. <ul style="list-style-type: none"> Base TOL = \$4595/acre. Acreage = 2.8 + 2.02 acres. TOL payment = (\$4595/acre)*(4.82 acres) = \$22,148. In the previous land use redesignation application (PL20180005), the applicant had proposed to dedicate 25 metre wide portion of the subject lands as public road allowance to construct a road from West Meadows Estates Road to access four lots which will be subdivided from the Remainder (Lot 3) in the future. The proposed internal road is aligned with the driveway across West Meadows Estates Road. This proposal aligns with the County Servicing Standards, and shall be accessed by a Country Residential Standard Road (section 400.5), which requires a 25 metre right-of-way. As a condition of future subdivision of the Remainder (Lot 3), the applicant shall enter into a Development Agreement for construction of a Country Residential Standard Road and cul-de-sac, as identified on the proposed plan of subdivision (submitted with previous application PL20180005), in

AGENCY	COMMENTS
	<p>accordance with the County Servicing Standards.</p> <ul style="list-style-type: none"> ○ Some of the construction costs may be recovered through the County's Infrastructure Cost Recovery Policy; ○ If required by the County Road Operations Group, the applicant will be required to enter into a Road Use Agreement. <p>Sanitary/Waste Water:</p> <ul style="list-style-type: none"> • The applicant submitted a Level 3 PSTS Assessment (Sedulous Engineering Inc. – December 21, 2017) with the previous land use redesignation application (PL20180005). The report concludes that the soils of the subject lands are suitable for use of a PSTS. The report acknowledged that in accordance with County Policy 449, for parcel sizes less than 3.95 acres and greater than 1.98 acres, the County requires the use a Package Sewage Treatment Plant meeting BNQ standards, and the septic field was sized accordingly. The Report also included a Level 1 Variation Assessment, which concludes that the existing PSTS system meets the required setback distances and is in good working order. • In accordance with County Policy 449, for parcel sizes less than 3.95 acres and greater than 1.98 acres, the County requires the use a Package Sewage Treatment Plant meeting BNQ standards. • As a condition of subdivision, the Owner is to enter into a Site Improvements / Services Agreement with the County, which shall be registered on title of Lot 2 and Remainder (Lot 3) and shall include the following: <ul style="list-style-type: none"> ○ In accordance with the Level 3 PSTS Assessment prepared by Sedulous Engineering Inc. ○ For the construction of a Packaged Sewage Treatment Plant meeting Bureau de Normalisation du Quebec (BNQ) standards. • As a condition of subdivision, a Deferred Services Agreement shall be registered against each new certificate of title (lot) created, requiring the owner to tie into municipal services when they become available. <p>Water Supply And Waterworks:</p> <ul style="list-style-type: none"> • The applicant has indicated that they approached Westridge Utilities to inquire about water servicing. However, they refused to provide a letter of commitment regarding servicing, so the applicant has chosen to use groundwater wells. • The applicant submitted a Phase 1 Groundwater Supply Evaluation (Groundwater Information Technologies Ltd. –

AGENCY	COMMENTS
	<p>December 5, 2017) with the previous land use redesignation application (PL20180005). The report meets the requirements of the County Servicing Standards and concludes that the aquifer underlying the proposed subdivision can supply water at a rate of 1250m³/year without causing adverse effects on existing users.</p> <ul style="list-style-type: none"> • As a condition of subdivision, the applicant will be required to drill new wells on Lot 2 & Remainder (Lot 3), and provide the County with a Phase 2 Aquifer Testing Report for the new wells, prepared by a qualified professional, in accordance with procedures outlined in the County Servicing Standards. The report shall include a Well Driller's Report confirming a minimum pump rate of 1.0 igpm for each well. • As a condition of subdivision, a Deferred Services Agreement shall be registered against each new certificate of title (lot) created, requiring the owner to tie into municipal services when they become available. • As a condition of future subdivision of the Remainder (Lot 3), the applicant will be required to drill new wells on proposed lots, and provide the County with a Phase 2 Aquifer Testing Report for the new wells, prepared by a qualified professional, in accordance with procedures outlined in the County Servicing Standards. The report shall include a Well Driller's Report confirming a minimum pump rate of 1.0 igpm for each well. <p>Storm Water Management:</p> <ul style="list-style-type: none"> • The applicant submitted a Conceptual Level Site-Specific Stormwater Implementation Report (Sedulous Engineering Inc. – December 21, 2017) with the previous land use redesignation application (PL20180005). The report recommends the use of swales and a dry pond with outlet control structure to manage to increased runoff in the post-development condition. The development meets the requirements of the Springbank Master Drainage Plan. <ul style="list-style-type: none"> ○ This will allow the development to meet the requirements for the Average Annual Runoff Volume Target of 45mm and the Max Release Rate of 1.714 L/s/ha (A Report on Drainage Strategies for Springbank – Westhoff Engineering Resources Inc. – 2004). • As a condition of subdivision, the applicant shall be required to provide and register on title, a 6 metre wide overland drainage utility right-of-way along the entire southern boundary of proposed Lot 2. This shall allow for the future construction of the swale identified in the Conceptual SSIP at the time when Remainder (Lot 3) develops. • As a condition of future subdivision of the Remainder (Lot 3), the applicant shall submit a Site-Specific Stormwater

AGENCY	COMMENTS
	<p>Implementation Plan (SSIP) to address the detailed design of the stormwater management infrastructure, including the swales, dry pond and outlet control structure;</p> <ul style="list-style-type: none"> • As a condition of future subdivision of the Remainder (Lot 3), the applicant shall enter into a Development Agreement for the construction of the stormwater management infrastructure, in accordance with recommendations of the SSIP; • As a condition of future subdivision of the Remainder (Lot 3), the applicant shall provide confirmation of all required Alberta Environment approvals for the Stormwater Management Infrastructure; • As a condition of future subdivision of the Remainder (Lot 3), the applicant shall be required to register a drainage easement/utility right-of-way on title, as identified in the Conceptual SSIP; • As a condition of future subdivision of the Remainder (Lot 3), the applicant shall submit an Erosion and Sedimentation Control Plan, in accordance with the requirements of the County Servicing Standards. <p>Environmental</p> <ul style="list-style-type: none"> • Any approvals required through Alberta Environment shall be the sole responsibility of the Applicant/Owner.
Transportation Services	No issues.
Capital Project Management	No concerns.
Operational Services	Access required.
Agriculture and Environmental Services - Solid Waste and Recycling	No concerns.
Circulation Period: July 13, 2018 to August 3, 2018	



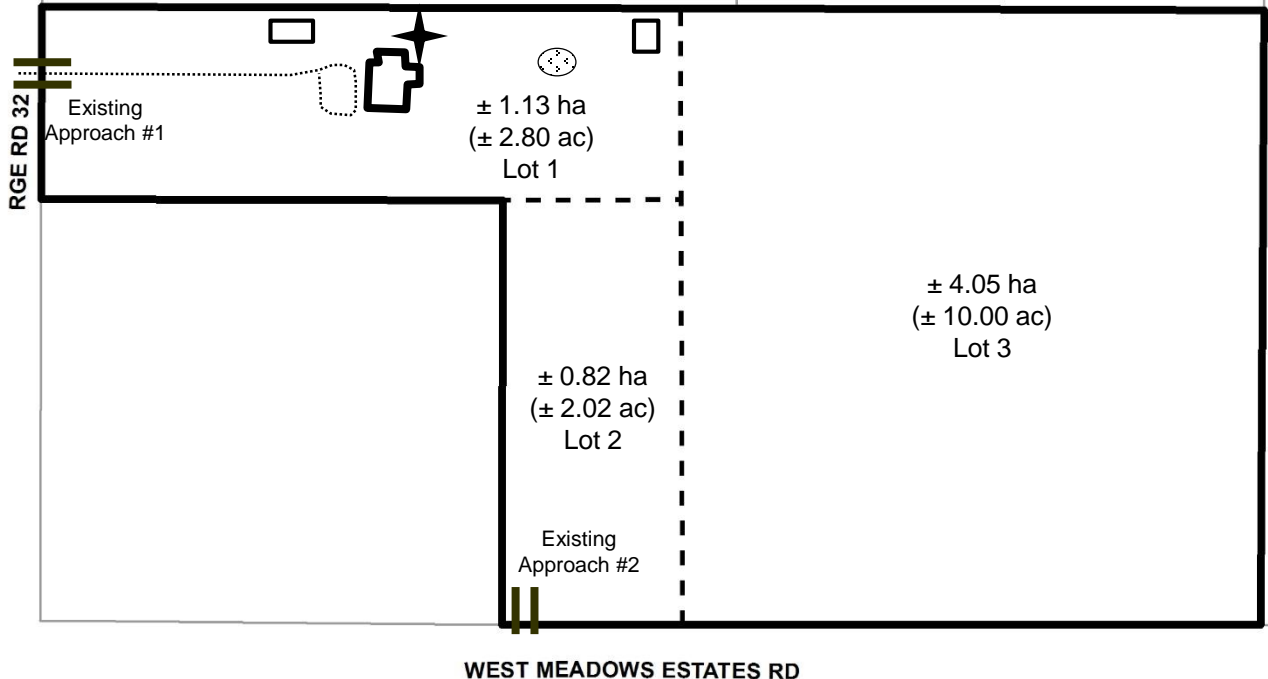
TWP RD 240

TSUUT'INA NATION RESERVE

LOCATION PLAN

SW-02-24-03-W05M

Subdivision Proposal: To create a ± 0.82 hectare (± 2.02 acre) parcel, a ± 1.13 hectare (± 2.80 acre) parcel with a ± 4.05 hectare (± 10.00 acre) remainder.



Legend

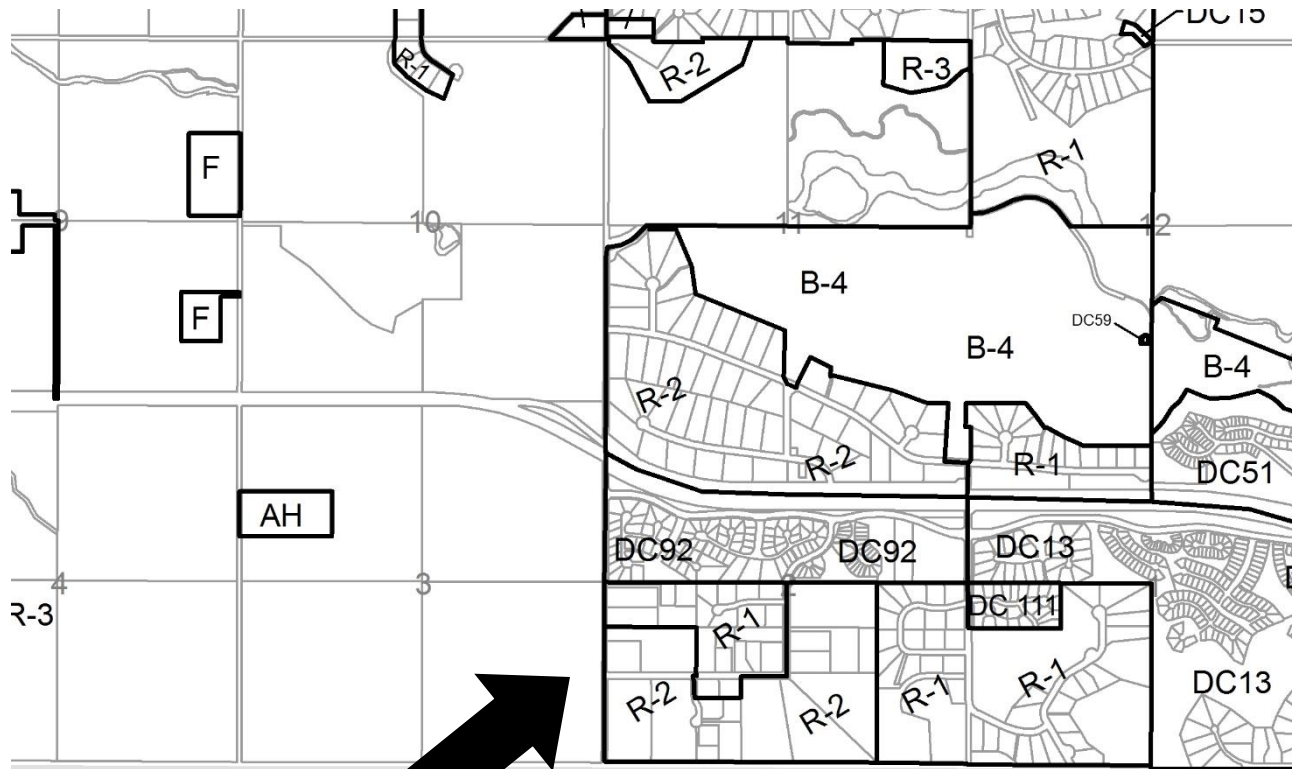
- Dwelling
- Accessory Building
- Water Well
- Septic Field
- Driveway

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

SW-02-24-03-W05M



TSUUT'INA NATION RESERVE

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-02-24-03-W05M



TOPOGRAPHY

Contour Interval 2 M





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

AIR PHOTO

Spring 2016

SW-02-24-03-W05M

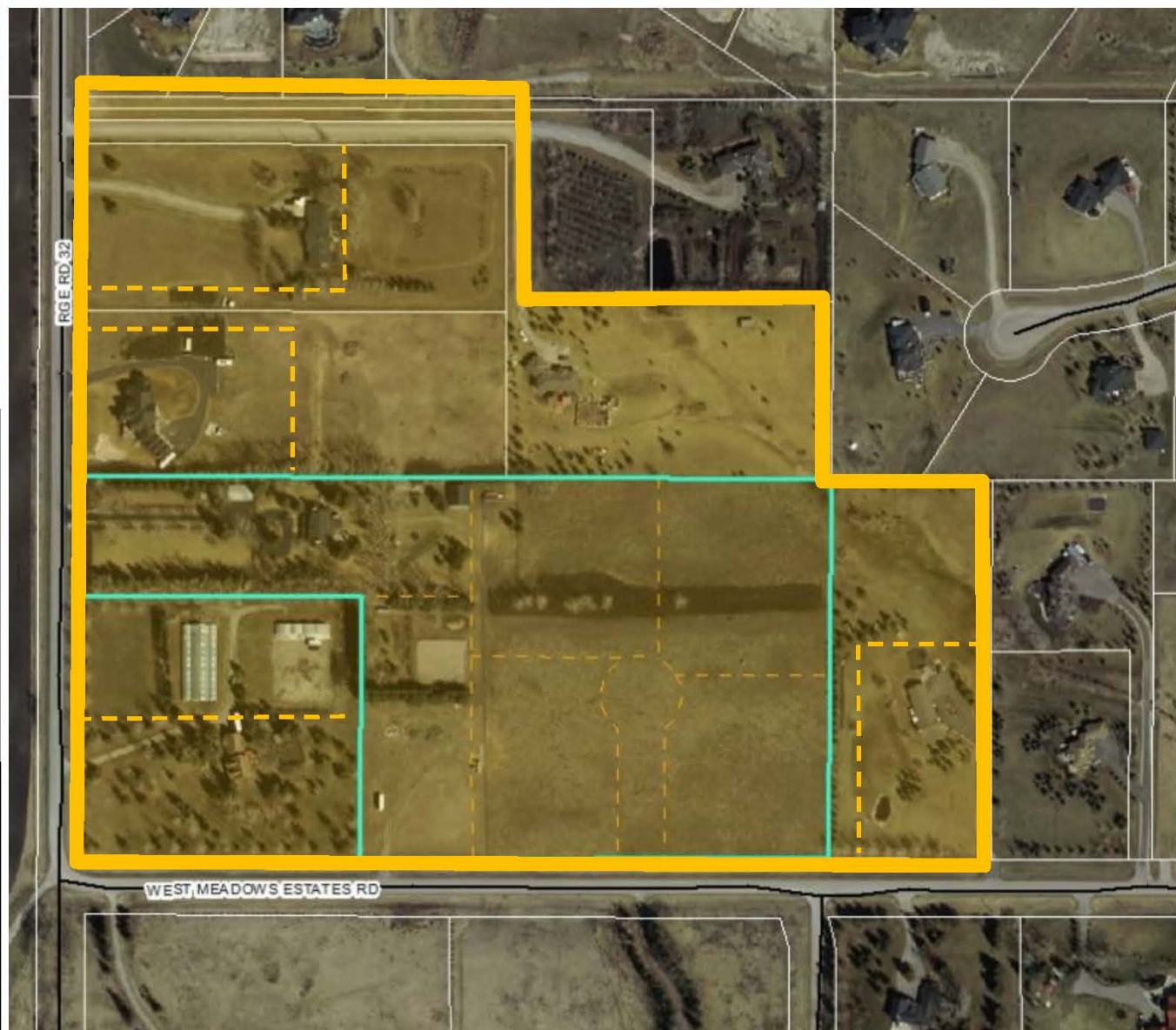
Date: June 27, 2018

Division # 3

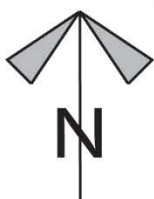
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AGENDA

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LOT & ROAD PLAN



SW-02-24-03-W05M

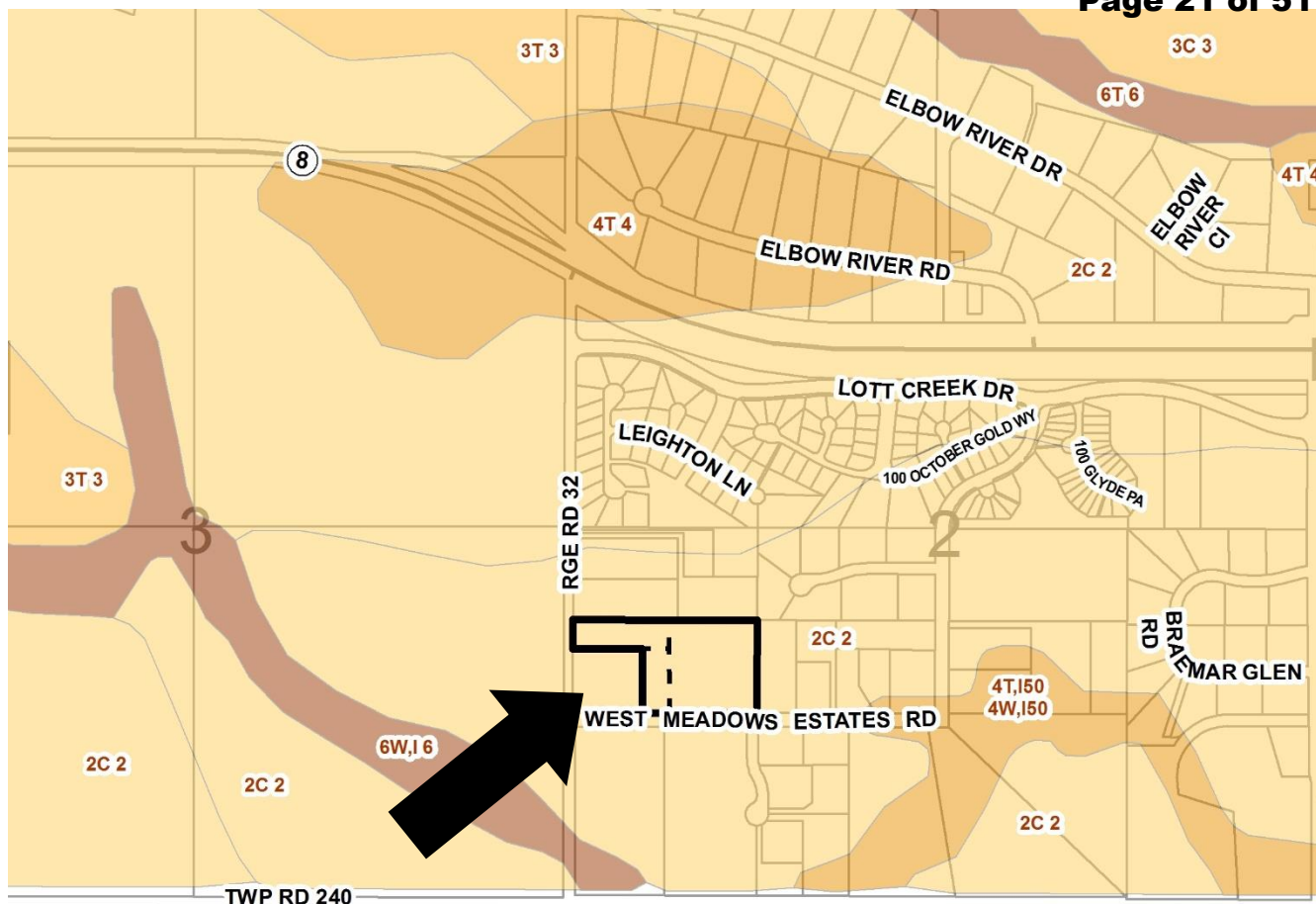
Date: June 27, 2018

Division # 3

File: 04702038

AGENDA

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

CLI Class

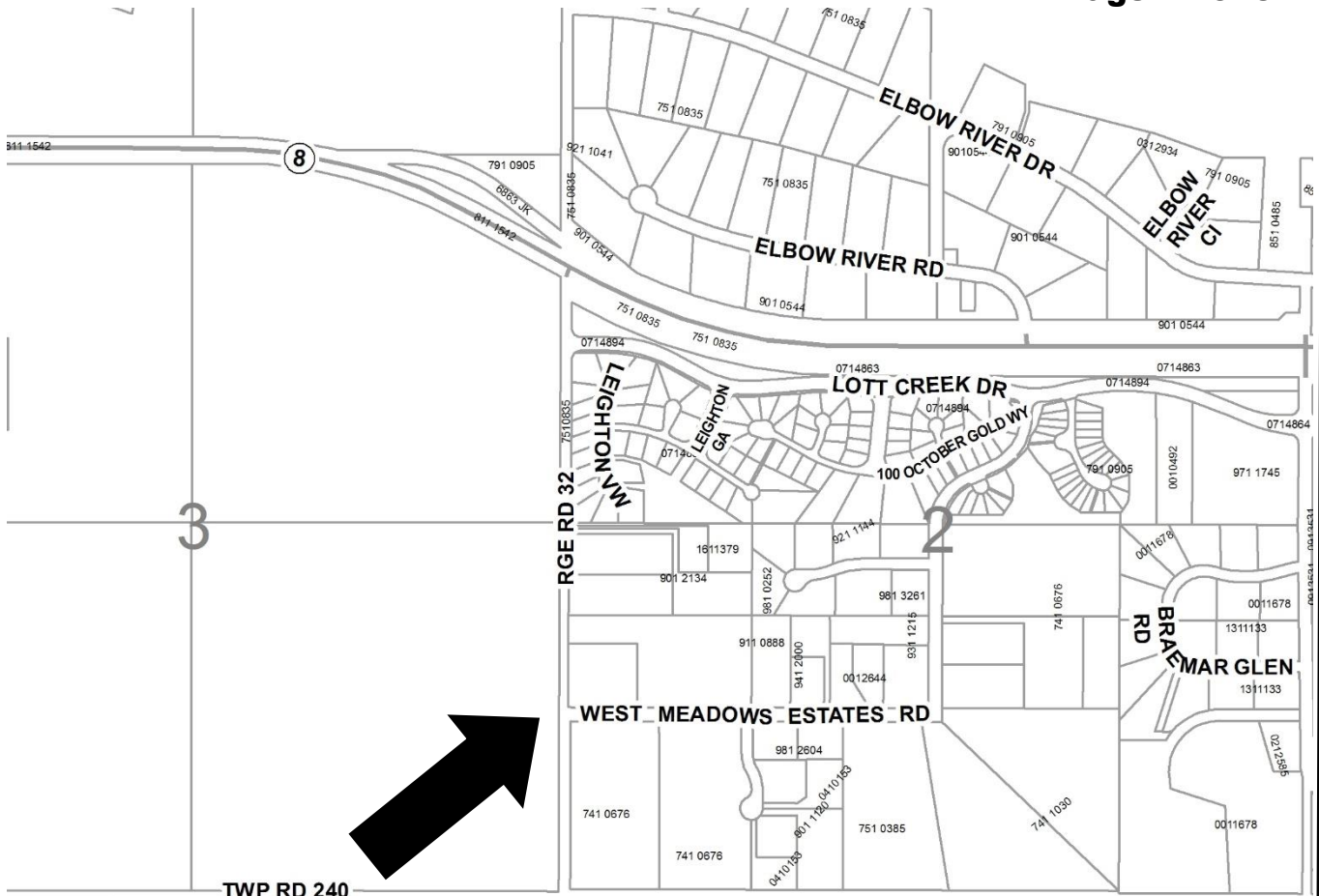
- 1 - No significant limitation
- 2 - Slight limitations
- 3 - Moderate limitations
- 4 - Severe limitations
- 5 - Very severe limitations
- 6 - Production is not feasible
- 7 - No capability

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

SW-02-24-03-W05M



TSUUT'INA NATION RESERVE

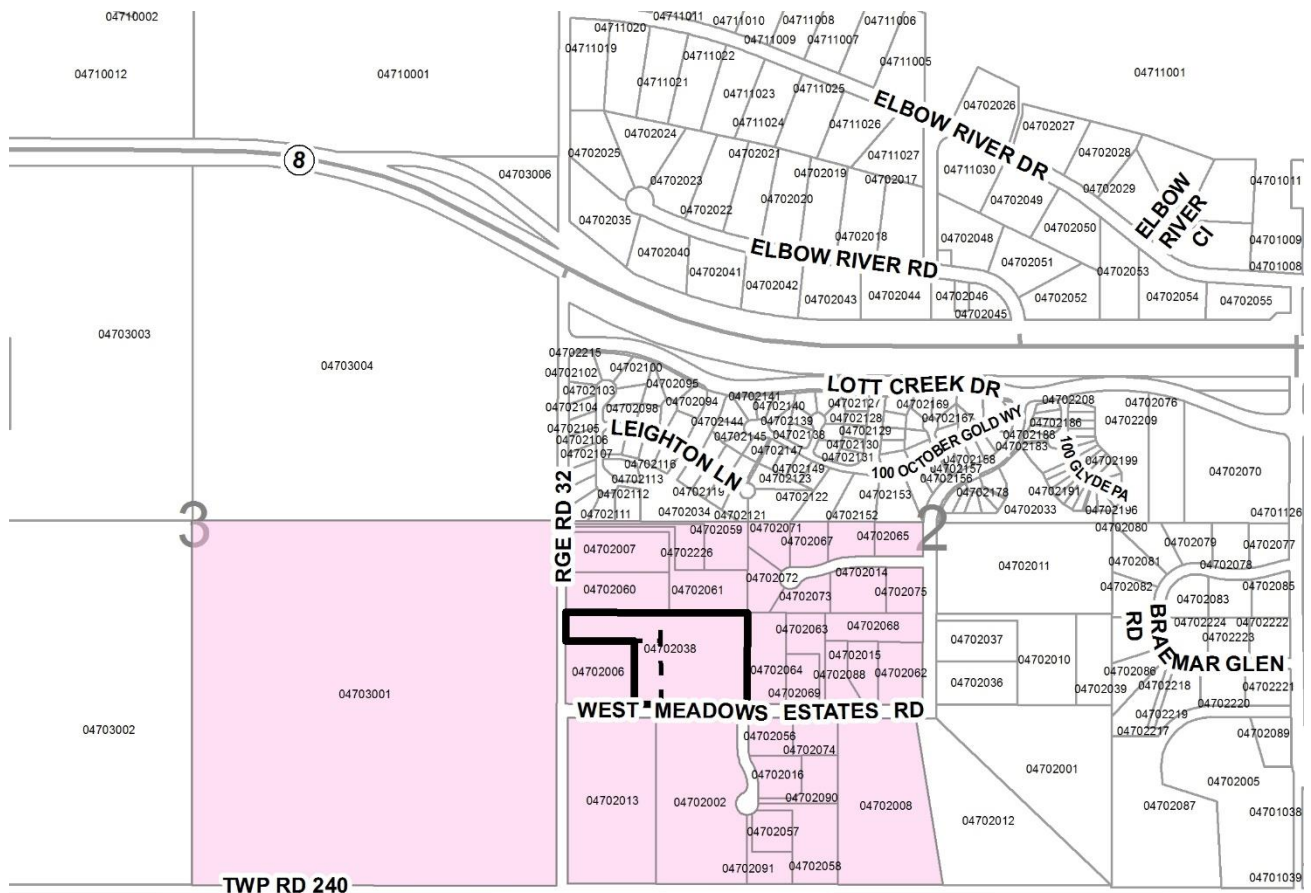
Legend – Plan numbers

- 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**SW-02-24-03-W05M**Date: June 27, 2018

Division # 3

File: 04702038**AGENDA****Page 115 of 196**



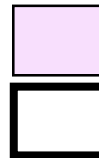
TSUUT'INA NATION RESERVE



Letters in Opposition

Letters in Support

Legend



Circulation Area

Subject Lands

LANDOWNER CIRCULATION AREA

SW-02-24-03-W05M

Date: June 27, 2018

Division # 3

File: 04702038

AGENDA

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MLT Aikins LLP
1600 - 520 - 3rd Avenue S.W.
Calgary, Alberta T2P 0R3
T: (403) 693-4300
F: (403) 508-4349

November 21, 2018

Joanne M. Klauer
Direct Line: (403) 693-4335
E-mail: JKlauer@mltaikins.com

Rocky View County
262075 Rocky View Point
Rocky View County, AB
T4A 0X2

Attention: Stefan Kunz, Planner

Dear Sir:

Re: Horvath Subdivision: Deferred Reserve Caveat
File No.: 0051525-New File

Further to the information forwarded by your office, I now provide you with my opinion with respect to the question of whether or not the County can require municipal reserves to be provided with respect to the subdivision of the Horvath lands (PL20180079).

I. Background

The current subdivision application involves a 14.82 acre parcel being subdivided to create two \pm 2 acre parcels with a 10 acre remainder parcel (the "**Lands**").

The Applicant claims that the County cannot impose a municipal reserve requirement on the subdivision because Municipal Reserves have previously been provided in relation to the Lands by way of a deferred reserve caveat in 1960. The Lands are part of a quarter section (SW-2-24-3-W5M) that was originally subdivided in 1961 creating a 40 acre parcel in the NW corner of the quarter section. This 40 acre parcel was then subsequently subdivided into two 20 acre parcels. The Lands are part of the southern 20 acre parcel created from the 40 acre parcel. At the time of the original subdivision of the quarter section, MR was deferred from the 40 acre parcel to the remainder of the quarter section by a deferred reserve caveat (the "**DRC**").

Review of the DRC indicates that it was entered into between William Simpson (the younger) and the County (then the MD) on November 25, 1960 and was originally registered in the Land Titles Office as Document 5621 IH in accordance with Alberta Regulation 185/60: being the "*Subdivision and Transfer Regulations pursuant to the Surveys and Expropriation Act*". While the DRC was acknowledged by County staff to have been registered on certificate of titles to the relevant receiving lands in the 1980's and 1990's, the DRC is no longer registered on title to any lands.



II. Discussion

A. Section 663 of the *Municipal Government Act*

Section 663(d) of the *Municipal Government Act* provides that:

A subdivision authority may not require the owner of a parcel of land that is the subject of a proposed subdivision to provide reserve land or money in place of reserve land if

...

- (d) reserve land, environmental reserve easement or money in place of it was provided in respect of the land that is the subject of the proposed subdivision under this Part or the former Act.

Section 616(g) defines "former Act" as follows:

means the *Planning Act*, RSA 1980 cP-9, *The Planning Act*, 1977, SA 1977 c89, *The Planning Act*, 1970 c276 or *The Planning Act*, SA 1963 c43

As noted above, the DRC was registered in 1960 pursuant to Alberta Regulation 185/60: being the "*Subdivision and Transfer Regulations pursuant to the Surveys and Expropriation Act*". The defined scope of "former Act" does not extend to legislation prior to the 1963 *Planning Act*.

In the text "*Planning Law and Practice in Alberta*", the late Professor Laux notes that there have been regulations in place in Alberta requiring the dedication of reserve land since 1913. Laux states:

The term, "former Act", refers only to planning legislation in effect since the 1963 Planning Act, although reserves were required to be dedicated pursuant to regulations passed under pre-1963 legislation. Accordingly, even though maximum reserves may have been dedicated in respect of the subject land at the time that a previous subdivision was effected prior to 1963, it would appear that such land is nevertheless subject to the reserve requirements of the current Act.

I have found no case authority to support this interpretation. However, in my opinion, the County has a strong argument that as the DRC was registered pursuant to pre-1963 legislation, the Lands are subject to reserve requirements today.

While I think the statutory interpretation argument resolves the issue, I am answering the balance of your questions below.



B. County Questions

1. *When deferring reserves to other lands, at what point is the MR for the sending portion considered to be provided and those lands absolved of further MR requirements?*
 - a. *In other words, is the mere registration of the DRC sufficient, or is it not until the deferred portion of land or cash-in-lieu is actually provided?*
 - b. *In this case, lands in the receiving area were allowed to be subdivided without providing the additional proportional reserve to account for the original sending area. Because the deferred portion was not provided by the receiving lands in accordance with the DRC, is the MR for the sending area considered provided?*

In my opinion, at the time of subdivision of a parcel, the subdivision authority has three options:

1. Don't take any reserves,
2. Take reserves in the form of land and/or cash in lieu from the parcel that is the subject of the proposed subdivision approval, or
3. Direct that the requirement to provide all or part of the reserves be deferred against:
 - a. the remainder of the parcel that is the subject of the proposed subdivision approval, and/or
 - b. other land of the person applying for subdivision approval that is within the same municipality as that parcel of land.

In my opinion, if the subdivision authority opts to defer the reserve requirement on a parcel (the "**Sending Parcel**") pursuant to Section 669 of the *Municipal Government Act* and the municipality has registered the deferred reserve caveat against the other parcel(s) (the "**Receiving Parcels**"), reserves will be considered to have been provided for the Sending Parcel for the purpose of Section 663(d) of the *Municipal Government Act*. In my opinion, the only way that the municipality could take reserves on the Sending Parcel is if the municipality and land owner agree to discharge the deferred reserve caveat from the Receiving Parcel(s) and take the reserves owing from the Sending Parcel. Any other interpretation would permit the municipality to effectively "double dip" by imposing reserves on the Sending Parcel and maintaining the deferred reserve caveat on the Receiving Parcel(s) which clearly cannot be the intention of the legislation.

In my opinion, if the municipality misses the proverbial boat by not taking the additional reserves when the Receiving Parcel(s) is/are subdivided, the municipality cannot then seek to impose the reserves on the Sending Parcel because the subdivision authority originally made the decision to direct that the reserve requirement owing from the Sending Parcel be deferred to the



WESTERN CANADA'S LAW FIRM

Receiving Parcel(s). The municipality will simply have to wait for a future subdivision of the Receiving Parcel(s).

2. *Considering it is not listed on any current title in the area, is the instrument registered as 5621 IH legally valid in its current form?*
 - a. *In general, does a DRC need to be registered on an active title in order to be valid? If not, what determines the validity of a DRC?*
 - b. *Is there a question as to the intent of 5621 IH? Could ambiguity in the wording have allowed subdivisions in the receiving area to proceed without providing proportional MR from the sending area?*

In my opinion, the DRC isn't valid because it was imposed pursuant to legislation that pre-dated the 1963 **Planning Act**. While I haven't researched this point, it may well be that the Land Titles Office discharged all deferred reserve caveats registered pursuant to pre-1963 legislation as a result of the limitation to "former Act" as provided in the **Municipal Government Act** which came into effect in 1995.

That being said, in my opinion, generally speaking, in order for a deferred reserve caveat to be valid, it must be registered on a certificate of title. Section 669(2) of the **Municipal Government Act** is clear that if a deferment is directed under Section 669(1), the subdivision authority must file a caveat against the certificate of title to which the direction relates.

The Alberta land titles system is based upon the Torrens System which, simplistically, means that a landowner is entitled to trust that their title to land is only subject to the encumbrances registered on the certificate of title. The exceptions to this assumption are contained in Section 61 of the **Land Titles Act** which include a number of "implied conditions" that can apply to a certificate of title even if there's no registration such as a public highway. A deferred reserve caveat does not come within the list of "implied conditions" in Section 61 of the **Land Titles Act** which means that the deferred reserve caveat would have to be registered on the certificate of title in order for it to be enforceable as against the owner of that parcel.

In my opinion, the wording of the DRC is not ambiguous and I cannot speak to why the additional reserves were not taken when the DRC was registered on title to the receiving lands.

3. *Considering the questions above, are the owners of the three remaining parcels from the 1974 subdivision subject to the deferred MR owed by the original 1961 subdivision?*
 - a. *If so, how would this be identified and enforced without the DRC on title? How would prospective purchasers be aware of their requirement to provide additional MR dedication?*
 - b. *If the County were to receive a subdivision application for these lands and attempt to collect proportional MR from the sending area in addition to the*



WESTERN CANADA'S LAW FIRM

10% typically required, what would be the likelihood that this would be successfully appealed? What arguments would you use in order to represent the landowner in an appeal of this decision?

- c. *What would be your recommended approach to ensure that any outstanding reserves can be collected?*

In my opinion, the DRC is a proverbial dead duck without any force or effect because it was registered pursuant to pre-1963 legislation and it's been discharged from all titles. The impact of this is that the original sending parcels cannot avoid having reserves imposed today as a result of the DRC and the original receiving parcels are no longer obligated to provide additional reserves to account for the reserve allocations from the original sending parcels.

In my opinion, if the County's subdivision authority tried to impose proportional MR from the sending area in addition to the 10% reserve requirement required from the receiving area, the likelihood of a successful appeal is approximately 100% for the reasons set out above.

In my opinion, the County is restricted to imposing reserve requirements on the original sending parcels as it is permitted to do so under the *Municipal Government Act* without consideration to the DRC.

I hope my comments are of assistance. Please contact me directly if you have any further questions.

Yours truly,

MLT AIKINS LLP

Per:

A handwritten signature in black ink, appearing to read 'Joanne M. Klauer'.

JOANNE M. KLAUER



Ken Venner
Partner
BA, RPP, MCIP

d | 403 692 4530
c | 403 614 2185
kvenner@bapg.ca

February 27th, 2019

B&A File: #C2185
RVC File: PL20180009

Rocky View County
262075 Rocky View Point
Rocky View, AB T4A 0X2

Attn: Stefan Kunz – Municipal Planner

Re: Subdivision Application affecting Pt. SW 2-24-3-W5M within West Meadows Estates
Eric & Jamie Horvath
Request for the Subdivision Authority to approve PL20180079 without obligation to
dedicate Municipal Reserve (MR)

Dear Stefan,

Thank you for scheduling PL20180079 for consideration during the regular Council meeting on March 12th, 2019. We thank you for your guidance throughout the application review process.

As we understand, administration is recommending this subdivision application be approved subject to a condition that Municipal Reserves (MR) be dedicated via payment of cash-in-lieu of land.

It is noted that the subdivision application which created title to the original 20 ac parent parcel that is the subject of this application was approved by the County and the Calgary Regional Planning Commission in 1960 with a condition that outstanding 10% MR dedication be deferred and future obligation to dedicate said MR be transferred from the title of the subject lands to the title of the remainder of SW 2-24-3-W5M. A **Deferred Reserve Agreement** was executed between the original landowner and the County which includes specific whereas statements that direct the MR deferral and transfer. The **Deferred Reserve Agreement** was registered with Alberta Land Titles as instrument #5621 IH and attached to this correspondence as Appendix I.

Since the initial above-referenced subdivision application was approved in 1960, the SW 2-24-3-W5M (now referred to as West Meadows Estates) has been subject to a long history of multiple subdivision applications wherein the County provided specific direction relative to the disposition of outstanding MR in a manner that appears consistent with the terms of **Deferred Reserve Agreement #5621 IH**.





To support the review of this subdivision application, administration consulted the County's legal counsel which provided an opinion that claims Municipal Reserves against the title of the subject lands remain outstanding, notwithstanding the terms of the **Deferred Reserve Agreement #5621 IH**. The reason being, the current Municipal Government Act, RSA 2000 governing the disposition of MR via the subdivision process does not refer back to the Provincial planning legislation in effect when the original subdivision was approved (Surveys & Expropriation Act, 1960).

My clients respectfully disagree with the County's legal counsel relative to this matter and subsequently commissioned their own legal counsel undertake a review, which is attached to this correspondence as Appendix II.

The Horvath's believe that outstanding Municipal Reserves relative to their subject lands have already been provided in accordance with the terms of the **Deferred Reserve Agreement #5621 IH**. As such, we ask the Subdivision Authority to consider this correspondence as part of deliberations regarding this matter on March 12th, 2019.

On behalf of the owners Eric & Jamie Horvath, we request that Council (as the Subdivision Authority) honor the terms of **Deferred Reserve Agreement #5621 IH** and consider approving this subdivision application without obligation to dedicate Municipal Reserves.

We have prepared a short presentation to illustrate the subject of this correspondence and hereby request an opportunity to address the Subdivision Authority during the meeting on March 12th, 2019 to clarify the matter accordingly.

Respectfully,

A handwritten signature in black ink, appearing to read 'Ken Venner'.

Ken Venner | RPP | MCIP
B&A Planning Group

cc. Eric & Jamie Horvath

Encl. Appendix I – Deferred Reserve Agreement #5621 IH dated November 25, 1960
Appendix II – Correspondence from Stikeman Elliot LLP to MLT Atkins LLP dated December 7, 2018

APPENDIX I – DEFERRED RESERVE COVENANT AGREEMENT #5621 IH

**ALBERTA GOVERNMENT SERVICES
LAND TITLES OFFICE**

IMAGE OF DOCUMENT REGISTERED AS:

5621IH .**ORDER NUMBER: 35219621****ADVISORY**

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

WILLIAM SIMPSON, the younger,
of the City of Calgary, in the
Province of Alberta, farmer
(hereinafter called the "Owner")

OF THE FIRST PART

- and -

The Municipal District of Rocky View
No. 44 a Municipal Corporation in the
Province of Alberta
(hereinafter called the "Municipal
District")

I certify that the within instrument
is duly Entered and Registered in the Land
Titles Office for the South A.S. Land
Registration District at Calgary in the
Province of Alberta, at 1:41
o'clock P.M., on the 30th day
of May 1961, as number 5621 Book 144

OF THE SECOND PART

REGN. FEE	5
EX. REF.	
ASSCE.	
TOTAL FEES	
CLERK	

BS, NESBITT & BEAUMONT

Barristers and Solicitors
CALGARY ALBERTA

THIS AGREEMENT made in quadruplicate this 25a day of November, A.D. 1960.

B E T W E E N:

WILLIAM SIMPSON (the younger,) of the City of Calgary, in the Province of Alberta, farmer (hereinafter called the "Owner")

OF THE FIRST PART

- and -

The Municipal District of Rocky View No. 44 a Municipal Corporation in the Province of Alberta (hereinafter called the "Municipal District")

OF THE SECOND PART

WHEREAS by virtue of Alberta Regulation 185/60, entitled the "Subdivision and Transfer Regulations pursuant to the Surveys and Expropriation Act", it is provided (inter alia) as follows:

- "2.(32) "Subdivision" means the division of land in the manner shown or described by an agreement, by a plan of subdivision or by any instrument which is capable of registration or notification on a certificate of title in a Land Titles Office and which, upon such registration or notification, will or may result in the creation of a new parcel or parcels on a new estate or interest in part of the land greater than a leasehold interest for three years;"
- "22.(1) When land that exceeds two acres in area is subdivided, such parcels as the Director, the approving authority, or the Board may designate and as may be specified by the other provisions of these regulations shall be reserved for provincial or municipal government use and other public purposes, and for parks, school sites and other community purposes.
- (2) The provision of a reserve under clause (1) may be deferred, only when the newly created parcels in the proposed plan of subdivision are in excess of 20 acres each, and where a written covenant is made by the owner to the effect that he will provide the required reserve at a later date. Such covenant shall run with the land and shall specify:

See off. in name 5-8

- 2 -

- (a) the area of the reserve, the provision of which is being deferred;
 - (b) the parcel from which the reserve is to be provided; and
 - (c) the circumstances in which the reserve shall be provided.
- (3) A covenant made under clause (2) shall be registered in the Land Titles Office when the plan of subdivision or other instrument effecting the subdivision is registered."

"23.(1) ~~Except as otherwise provided herein,~~ the total area of a reserve or reserves provided shall be not less than ten percent of the whole area to be registered under the plan of subdivision.

- (2) When part of a tract of land which was under single ownership has already been subdivided the reserves to be provided when the remainder thereof is subdivided shall be such that when added to the area of any reserves provided, is not less than ten percent of the area of the whole tract."

"24.(1) The location of each reserve shall be to the satisfaction of the Director, the approving authority, or the Board and in the case of reserves provided for provincial government use, to the satisfaction of the Director of Surveys.

- (2) The land contained in each reserve shall be suitable for the use for which it is intended and shall, as to the average conditions of its topography and the nature of its soil, be of the same general character and quality as the remainder of the land in the subdivision.
- (3) Notwithstanding Regulation 23, where the land to be subdivided contains waste land, or ravines, swamps, natural drainage courses, or other area which in the opinion of the Director or the approving authority are unsuitable for building sites or other private use, the Board, upon recommendation of the Director, or the approving authority, may require that those areas be reserve for park or other public purposes in addition to such reserves as are provided pursuant to Regulation 23".

WHEREAS William Simpson, the younger, is the registered owner of that certain parcel of land situated in the Province of Alberta and described as follows:

The South-West quarter of Section Two (2) in Township Twenty-four (24), Range Three (3) West of the Fifth Meridian in the Province of

- 3 -

Alberta containing One Hundred and sixty (160) acres more or less. Excepting thereout all mines and minerals.

WHEREAS the Owner has made application to the appropriate approving authority being the Calgary District Planning Commission in accordance with the provisions of the said Subdivision and Transfer Regulations for approval of a "subdivision" of a portion of the said lands, such subdivision to contain an area of forty (40) acres more or less, being made up of 2-20 acre parcels, (hereinafter called the "Subdivided Land"); and

WHEREAS pursuant to the said Subdivision and Transfer Regulations made under the provisions of the Surveys and Expropriation Act, the Owner is required to reserve not less than ten (10%) percent of the subdivided area for public purposes, (hereinafter called the "Reserve"); and

WHEREAS it is expedient and in the interests of all parties hereto that the said Public Reserve which would normally be dedicated for public purposes on the said subdivided land be instead derived and dedicated from the balance after subdivision of the said lands; and

WHEREAS it is expedient to delay the assignment of the precise location of the said Public Reserve within the said balance after subdivision of the said lands; and

WHEREAS the Owner has requested that the required Public Reserve from the subdivided lands be dedicated and granted from the balance after subdivision of the said lands and that such dedication be postponed for a reasonable period of time, and the Municipal District has recommended to the Calgary District Planning Commission that such request be approved; and

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WHEREAS the Calgary District Planning Commission is prepared to approve the subdivided land provided that the Public Reserve is protected for public use and shall hereafter be designated and dedicated in a like area from the balance after subdivision of the said lands, in substitution for any and all reserve which could now or might hereafter be required from, or in respect of the said subdivided land;

NOW THEREFORE IN CONSIDERATION OF THE FOREGOING THE OWNER COVENANTS AND AGREES WITH THE MUNICIPAL DISTRICT:

1. That it shall provide from the balance after subdivision of the said lands a Reserve of not less than ten (10%) percent of the gross acreage contained in the said subdivision in substitution for the Reserve which would otherwise be derived and dedicated from the subdivided lands.
2. That nothing in this Agreement contained shall in any way be construed so as to reduce or alter any future requirements which may be made for the provision of Reserve from the balance after subdivision of the said lands in the event that the same are in fact subdivided.
3. That the said Reserve to be derived from the balance after subdivision of the said lands when established, shall be to the satisfaction of the Director of Surveys.
4. That the Municipal District shall have the right to have this covenant registered against the said lands pursuant to Section 52, Chapter 170 of the Revised Statutes of Alberta 1955, and amendments thereto.
5. Upon subdivision of the balance of the said lands the Owner agrees that the Reserve shall be surveyed and registered at the Owner's expense; PROVIDED that if subdivision of the said lands is delayed unreasonably the Municipal District may upon sixty (60) days' written notice to the

- 5 -

Owner of its intention so to do, establish the location of the Reserve herein required, and the Municipal District may by its agents or assignees enter upon the said lands for the purpose of surveying the Reserve and all cost of surveying and acquiring title shall be at the expense of the Owner; PROVIDED FURTHER that if the Municipal District shall enter upon the said lands for the purpose of acquiring a part only of the Reserve to which it is by this Covenant Agreement entitled then and so often as the same may occur the Municipal District shall provide the Owner with a duly modified covenant Agreement providing for the appropriate reduction of the Reserve required.

6. That it will as soon as reasonably practical commence and carry out development of the said lands and will co-operate with the Municipal District in the selection and dedication of the Reserve. THE MUNICIPAL DISTRICT COVENANTS AND AGREES WITH THE OWNER that if it desires to make a selection of part only of the Reserve to which it is otherwise entitled the said Municipal District will be responsible for all cost of surveying and acquiring title to the Partial Reserve so selected.

IT IS MUTUALLY UNDERSTOOD AND AGREED that neither party to this Agreement shall either individually or jointly take any action which would lead to the withdrawal and discharge or modification of covenant as herein provided excepting that such action shall be in accordance with the requirements of the said Subdivision and Transfer Regulations and shall bear the approval of the appropriate approving authority for subdivision.

This Covenant Agreement shall be binding upon and shall enure to the benefit of the Owner and the said Municipal District and their respective successors and assigns, and shall be and is deemed to be a covenant running with the land.

- 6 -

IN WITNESS WHEREOF the Municipal District of Rocky View No. 44
has hereunto caused to be affixed its Corporate Seal attested to by
the signatures of its proper signing officers and William Simpson/^{the younger} has
hereunto subscribed and set his hand and seal as of the day and year
above written.

THE MUNICIPAL DISTRICT OF ROCKY VIEW
NO. 44

By:

James Bull
Reeve

W. J. Sandford
Secretary-Treasurer

Signed, Sealed and Delivered
by William Simpson/in the presence of:
the younger

Henry Beane
witness

William Simpson
William Simpson, the
younger

Calgary District Planning Commission

Approved 15 June 1961

A. R. Simpson
Director

CANADA

PROVINCE OF ALBERTA

TO WIT:

AFFIDAVIT OF EXECUTION

I, HENRY M. BEAUMONT, of the City of Calgary, in the
Province of Alberta, Solicitor, MAKE OATH AND SAY:

1. That I was personally present and did see William Simpson, the
younger
who is personally known to me to be person named therein, duly sign
and execute the same for the purpose named therein.
2. That the same was executed at the City of Calgary, in the
Province of Alberta, and that I am the subscribing witness thereto.
3. That I know the said William Simpson/^{the younger}and he is, in my
belief, of the full age of twenty-one years.

SWORN before me at the City
of Calgary, in the Province of
Alberta, this ^{29th} day of
December A.D. 1960.



L. Smith
A COMMISSIONER FOR OATHS in and
for the Province of Alberta

THE DOWER ACT - 1948CONSENT OF SPOUSE

I, _____ being married to the above
 named William Simpson, do hereby give my consent to the disposition
 of our homestead made in this instrument, and I have executed this
 document for the purpose of giving up my life estate and other dower rights
 in the said property given to me by The Dower Act, 1948, to the extent
 necessary to give effect to the said disposition.

 Signature of Spouse

=====

CERTIFICATE OF ACKNOWLEDGEMENT BY
SPOUSE

1. This document was acknowledged before me by

 apart from her husband.
2. _____ acknowledged to me
 that she;
 - (a) is aware of the nature of the disposition;
 - (b) is aware that the Dower Act, 1948, gives her a life estate
 in the homestead and the right to prevent disposition of the
 homestead by withholding consent;
 - (c) consents to the disposition for the purpose of giving up the
 life estate and other dower rights in the homestead given to
 her, by The Dower Act, 1948, to the extent necessary to give
 effect to the said disposition;
 - (d) is executing the document freely and voluntarily without any
 compulsion on the part of her husband.

DATED at Calgary, in the Province of Alberta, this _____ day of

A.D. 1960.

 A COMMISSIONER FOR OATHS in and for the
 Province of Alberta

AFFIDAVIT

I, WILLIAM SIMPSON, the younger
of the City of Calgary, in the Province of Alberta, farmer,
MAKE OATH AND SAY:

1. I am the Grantor named in the within instrument.
2. That neither myself nor my spouse has resided on the within
described land at any time since our marriage.

SWORN at the City of Calgary,

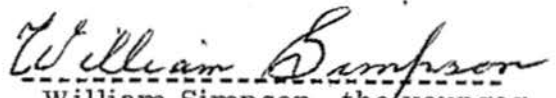
in the Province of Alberta, this

25th day of June.

A.D. 1960.

BEFORE ME:


A COMMISSIONER FOR OATHS in
and for the Province of Alberta


William Simpson, the younger

APPENDIX II – CORRESPONDENCE FROM
STIKEMAN ELLIOT LLP TO MLT ATKINS LLP
RE: LEGAL OPINION

Stikeman Elliott

Stikeman Elliott LLP
Barristers & Solicitors
4300 Bankers Hall West
888 - 3rd Street S.W.
Calgary, AB Canada T2P 5C5

Main: 403 266 9000
Fax: 403 266 9034
www.stikeman.com

Robert Homersham
Direct: (403) 508-9266
RHomersham@stikeman.com

December 7, 2018

MLT Aikins LLP
1600 Centennial Place
520 - 3rd Avenue SW
Calgary, AB T2P 0R3
Attention: Joanne Klauer

By Email

Dear Ms. Klauer:

**Re: Horvath Subdivision of the South Half of Legal Subdivision 5 in the SW 2; 24; 3; W5M
Containing 8.09 Hectares (20 Acres) More or Less (the "Horvath Lands")**

We are writing in response to your email dated November 22, 2018, in which you set out your advice to Rocky View County ("RVC") regarding whether reserves are owing as a condition of subdivision approval of the Horvath lands, which application is currently before RVC. Our position is, and remains, that reserves are no longer owing on the Horvath Lands because they were properly deferred to the remnant SW quarter section when these lands were subdivided in 1960 to create the Horvath Lands. Your position is that reserves were deferred with respect to the Horvath Lands under legislation that pre-dates *The Planning Act*, SA 1963 c43, which is the earliest of "former Acts" as defined in the *Municipal Government Act* ("MGA"), and therefore reserves not already provided under the MGA or former Act do not fit within the exception to the obligation to provide reserves, which exception is described in section 663(d) of the MGA.

We respectfully disagree with your position for the reasons we set out below.

Brief History of Subdivision Application for Horvath Lands (PL20180079)

- The Horvath Lands comprise half of a legal subdivision (40 acres) created by the subdivision of the SW 2; 24; 3; W5M in 1960
- The Subdivision Authority at the time, the Calgary District Planning Commission, chose to defer municipal reserves otherwise owed on the 40 acres to the remainder of the SW quarter section
- An agreement was entered into between the MD of Rocky View No. 44 ("MD") and the then owner of the SW quarter, William Simpson, and that agreement was registered against title to the SW quarter as instrument # 5621H (the "Deferred Reserve Agreement")
- The legislative authority for deferring reserves was the Subdivision and Transfer Regulations passed under section 6 of the *Surveys and Expropriation Act*
- The Horvaths have applied to subdivide their Lands (PL20180079). The MD (now Rocky View County, "RVC") takes the position that municipal reserves are owing on this subdivision,

Stikeman Elliott

notwithstanding that they were provided (ie, properly deferred) in 1960, as evidenced by the Deferred Reserve Agreement.

- In support of its position RVC relies on s. 663(d) of the MGA, which provides one of four exceptions to the subdivision authority's right to demand municipal reserves at the time of subdivision:

Reserves not required

663 A subdivision authority may not require the owner of a parcel of land that is the subject of a proposed subdivision to provide reserve land or money in place of reserve land if

- (a) one lot is to be created from a quarter section of land,
 - (b) land is to be subdivided into lots of 16.0 hectares or more and is to be used only for agricultural purposes,
 - (c) the land to be subdivided is 0.8 hectares or less, or
 - (d) reserve land, environmental reserve easement or money in place of it was provided in respect of the land that is the subject of the proposed subdivision under this Part or the former Act.
- Under Part 17 of the MGA, "former Act" means the *Planning Act*, RSA 1980 cP-9, *The Planning Act*, 1977, SA 1977 c89, *The Planning Act*, RSA 1970 c276 or *The Planning Act*, SA 1963 c43.
 - RVC takes the position that the Deferred Reserve Agreement was entered into under the authority of an act that predates any of the *Planning Acts* that comprise the definition of a "former Act", so the exception under sec. 663(d) does not apply.

We respectfully disagree. Although a plain reading of section 663(d) would have excluded reserves dedicated prior to 1963 as an exception to the general rule that reserves are payable upon subdivision of lands in Alberta, this plain reading leads to an arbitrary result, unsupportable at law.

Legislative History

Alberta Regulation 185/60, the Subdivision and Transfer Regulations, was approved by Cabinet and filed on June 22, 1960. The legislative authority for this Regulation was section 6 of the *Surveys and Expropriation Act*. The deferred reserve agreement that was registered against title to the remnant parcel, when the two 20-acre parcels were created by subdivision plan in 1960, as instrument # 5621IH (the "Deferred Reserve Agreement") was made under the authority of section 22(2) of this Regulation.

Section 152 of the *Planning Act* of 1963 (the first of the "former Acts" under the MGA definition) repealed and replaced, among other sections, section 6 of the *Surveys and Expropriation Act*. With the repeal of section 6 went the legislative authority for the Subdivision and Transfer Regulations thereunder. Accordingly, Alberta Regulation 361/63, the Subdivision and Transfer Regulations, was made pursuant to section 17 of *The Planning Act*.

Comparing Alberta Regulation 185/60 and Alberta Regulation 361/63 – though not identical, both provide comprehensive rules for the subdivision of land in Alberta. For the purposes of our argument I have excerpted the section from each that deals with the "Provision of Reserves" and specifically the deferral of reserves:

Stikeman Elliott

Regulation 185/60

COMMUNITY AND PUBLIC RESERVES

22. *Provision of Reserves*

(1) When land that exceeds two acres in area is subdivided, such parcels as the Director, the approving authority, or the Board may designate and as may be specified by the other provisions of these regulations shall be reserved for provincial and municipal government use and other public purposes, and for parks, school sites and other community purposes.

(2) The provision of a reserve under clause (1) may be deferred, only when the newly created parcels in the proposed plan of subdivision are in excess of 20 acres each, and where a written covenant is made by the owner to the effect that he will provide the required reserve at a later date. Such covenant shall run with the land and shall specify:

- (a) the area of the reserve, the provision of which is being deferred;
- (b) the parcel from which the reserve is to be provided; and
- (c) the circumstances in which the reserve shall be provided.

(3) A covenant made under clause (2) shall be registered in the Land Titles Office when the plan of subdivision or other instrument effecting the subdivision is registered.

(4) Notwithstanding the provisions of clause (1), a reserve need not be provided:

- (a) where the land being subdivided is a parcel created within a previous subdivision which contained reserves amounting in area to not less than ten percent of the total area then registered under a plan of subdivision; or
- (b) where the total holding of the applicant, including the land being subdivided and any other land in the vicinity thereof is less than four acres in area, and the approving authority or Director is of the opinion that a reserve is not required.

Stikeman Elliott

Regulation 361/63

RESERVES

19. *Provision of Reserves*

(1) When a parcel of land that is equal to or is less than 1/3 of an acre is to be subdivided, reserves are not required.

(2) When a parcel of land that exceeds 1/3 acre is to be subdivided, such parcels as the approving authority, or the Board may designate and as may be specified by the other provisions of this Regulation shall be provided as reserves.

(3) Notwithstanding the provisions of Subsection (1), a reserve need not be provided where the land being subdivided is a parcel created within a previous subdivision which contained reserves amounting in area to not less than ten per cent of the total area then registered under a plan of subdivision.

(4) (a) Where the Board orders that the provision of land for reserves be deferred pursuant to Section 25(a) of the Act, such deferral shall be the subject of an agreement made between the applicant and the municipality.

(b) the applicant shall file a certified copy of such agreement with the approving authority prior to the endorsement of the proposed plan of subdivision and who may require the Director to place a caveat relating to the agreement upon the land to be registered.

(5) Where the Board orders that the provision of land for reserves be waived pursuant to Section 25(b) of the Act, then the sum of money paid to the municipality in lieu of such reserves shall be deposited with the municipality.

(a) in the case of a plan of subdivision pursuant to Section 2(n) of the Act prior to the endorsement of the said plan by the approving authority, or

(b) in the case of an instrument pursuant to Section 23 of the Act, prior to the approval of the instrument by the approving authority.

The Regulation under which reserves were deferred in 1960 - Alberta Regulation 185/60, the Subdivision and Transfer Regulations - was replaced on August 1, 1963, by Alberta Regulation 361/63, the Subdivision and Transfer Regulations under *The Planning Act* of 1963. Both Regulations serve the same purpose of providing comprehensive rules for subdividing land in Alberta. There is a clear continuity of subdivision regulations from 185/60 to 361/63. Yet inexplicably section 663(d) of the MGA draws a hard line between them, leading to potentially absurd (and therefore unintended) results. For example, municipal reserves could have been provided as a condition of a subdivision approval on Parcel "A" - whether by dedication of lands, payment of cash-in-lieu, or deferral of either obligation to another parcel - on July 31, 1963. The very next day, August 1, 1963, municipal reserves could have been provided as a condition of a subdivision approval on Parcel "B" - whether by dedication of lands, payment of cash-in-lieu, or deferral of either obligation to another parcel. The satisfaction of each of these conditions would have done under similar regulatory regimes, the Subdivision and Transfer Regulations. However, if Parcel "B" were to be further subdivided today, the subdivision authority may not require municipal reserves. If Parcel "A" were to be further subdivided today, the subdivision authority may require municipal reserves. This is an absurd result.

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Statutory Interpretation

A. Doctrine of Absurdity

Simply disregarding the Deferred Reserve Agreement because it was entered into under the authority of an act that predated the *Planning Acts* included in the definition of "former Act" under the MGA, would be contrary to accepted norms of justice or reasonableness, would lead to an absurd result and would be presumed to have been unintended: (*Waugh v Pedneault*, [1948] BCJ No 1, [1949] 1 WWR 14, at 15 (BCCA); *Ontario v Canadian Pacific Ltd.*, [1995] SCJ No 62, [1995] 2 SCR 1031 at para 65; *Ryan (c.o.b. Ryan Designs) v Dew Enterprises Limited*, [2014] NJ No 54, 2014 NLCA 11 (NLCA); *R v R(TS)*, [2005] AJ No 1053, 257 DLR (4th) 500 (Alta CA); *United States of America v Allard*, [1991] SCJ No 30, [1991] 1 SCR 861 (SCC)). For RVC to again take reserves from the Horvath Lands would defeat the legislative purpose, create irrational distinctions, and is self-evidently unreasonable, unjust and unfair.

(a) Legislative Purpose

The legislative purpose of Part 17 Planning and Development of the MGA is set out in s. 617:

Purpose of this Part

617 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 is necessary for the overall greater public interest. (emphasis added)

It is our view that no public interest would be served by taking reserves twice from the Horvath Lands simply because some unfortunate legislative drafting appears to allow for this. The Alberta Court of Appeal in *Love v. Flagstaff (County of) Subdivision and Development Appeal Board*, 2002 ABCA 292 at paragraphs 26-29 reviewed in considerable detail the purpose of Part 17 of the MGA and made the following statements:

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*.

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.

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

Stikeman Elliott

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.

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.

The Court was considering the application of a bylaw passed by Flagstaff County Council but the principles of certainty and predictability enunciated apply equally to the application of subdivision regulations promulgated under the MGA or to provisions under Part 17 of the MGA itself.

The narrow application by RVC of section 663(d) of the MGA and the definition of "former Act" thereunder to justify the re-taking of reserves from the Horvath Lands would only serve to undermine these principles of predictability and certainty. The value of the Horvath Lands, which weren't apparently subject to any further reserve requirements, and the value of the remnant SW quarter, which was apparently subject to reserves triggered by its own further subdivision plus those reserves deferred to it from the Horvath Lands and the adjacent 20-acre parcel – these values will be undermined if RVC is to take reserves from where they have already been provided and not take them from where they haven't.

(b) Irrational Distinctions

RVC's proposed interpretation would result in private landowners who entered into deferred reserve agreements prior to 1963 receiving different treatment for no apparent reason. We were unable to find any judicial consideration of section 663(d) of the MGA and the definition of "former Act", nor any record of debate of such in *Hansard*, so nothing that could guide us to a different conclusion.

(c) Self-Evidently Unreasonable, Unjust and Unfair

As stated by Frederick A. Laux, in *Planning Law and Practice in Alberta, 3rd ed.* (Edmonton: Juriliber, 2001), in his analysis of section 663(d) of the MGA: "[I]t seems patently inequitable that an owner be required to dedicate the full amount of reserves more than once for the same land". (§14.2(3)(a) at footnote 52). I note that you quote from Laux the passage that ostensibly supports your position but not this footnote to it, wherein he questions the reasonableness of taking reserves more than once.

B. Drafting Error

It is our view that the interpretation of section 663(d) you offer and on which RVC would be relying to take reserves again from the Horvath Lands is the result of a legislative mistake or drafting error. The Legislature cannot have intended to produce such an unfair result. The courts have jurisdiction to correct drafting mistakes when there is reason to believe that the text of legislation does not express the rules that the Legislature intended to enact: (*United States of America v Allard*, [1991] SCJ No 30, [1991] 1 SCR 861 (SCC))

Stikeman Elliott

C. Contractual Obligation

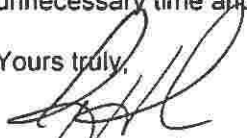
The Deferred Reserve Agreement sets out contractual rights and obligations that are binding on the parties. By its terms and the terms of the legislation under which it was properly entered into, the covenants in the Deferred Reserve Agreement run with the land. The Horvaths, as successors in title to the benefitting lands, have the right to enforce against RVC, as the successor to the MD, the benefit of reserves having been deferred from their Lands. Section 663(d) does not, in our view, obviate this right.

D. May is Permissive

Pursuant to the *Interpretation Act*, "may" shall be construed as permissive and empowering (RSA 2000, c I-8 at s 28(2)(c)). Under section 666 of the MGA a subdivision authority is given the power to take a reserve. However that power is discretionary - the subdivision authority does not have to exercise that power.

We ask that RVC exercise its discretion to not take reserves from the Horvath Lands under the current subdivision application to avoid an absurd and inequitable result, to honour its contractual obligations under the Deferred Reserve Agreement, and to avoid putting the Horvaths to the substantial and unnecessary time and expense of litigating this issue.

Yours truly,



Robert Homersham

RH/



PLANNING & DEVELOPMENT

TO: Subdivision Authority
DATE: March 12, 2019 **DIVISION:** 03
FILE: 04618004 / 019 **APPLICATION:** PL20180093
SUBJECT: Subdivision Item – Creation of Nine Residential Condominium Units

¹POLICY DIRECTION:

The application was evaluated in accordance with the terms of Section 654 of the *Municipal Government Act* and Section 7 of the Subdivision and Development Regulations, as well as the policies within the Central Springbank Area Structure Plan, the Atkins Conceptual Scheme, and the County Servicing Standards and was found to be compliant:

- The proposed subdivision is consistent with the policies of the Central Springbank Area Structure Plan and the adopted Atkins Conceptual Scheme;
- The proposed transportation, water, waste water, and storm water servicing meet the County Servicing Standards; and
- The technical aspects can be addressed through the subdivision conditions.

EXECUTIVE SUMMARY:

The purpose of this application is to create a bareland condominium with nine (9) residential lots (Units 1-9) ranging in size from ± 1.33 hectares (± 3.29 acres) to ± 2.11 hectares (± 5.22 acres), one private internal road (Unit 10), one common property (Unit 11) containing a storm water pond, and one common property (Unit 12) to accommodate future public pathway.

The proposed new lots would be accessed by a private internal road, and would be serviced by individual water wells. A packaged sewage treatment plant would be installed on all new lots (Unit 1-9); in addition, an engineered evaporative treatment mound would be installed on Units 3 & 4 in accordance with the Level 4 PSTS Assessment. Storm water would be directed through swales and the internal roadside ditch to traplows and a storm water pond, and then released to the Lower Springbank Road ditch at the rates stipulated in the Springbank Master Drainage Plan. A Condominium Corporation would be established to provide management for all infrastructures on the common properties.

Administration determined that the application meets applicable policies.

PROPOSAL: To create a bareland condominium with nine (9) residential lots (Units 1-9) ranging in size from ± 1.33 hectares (± 3.29 acres) to ± 2.11 hectares (± 5.22 acres), one private internal road (Unit 10), one common property (Unit 11) containing a stormwater pond, and one common property (Unit 12) to accommodate future public pathway	GENERAL LOCATION: Located in the Central Springbank area, at the northwest junction of Range Road 25 and Lower Springbank Road.
LEGAL DESCRIPTION: <ul style="list-style-type: none"> • Lot 2, Block D, Plan 1415 LK within NE-18-24- 	GROSS AREA: ± 16.53 hectares (± 40.85 acres)

¹ **Administration Resources**

Xin Deng and Eric Schuh, Planning & Development



02-W05M (04618004) <ul style="list-style-type: none"> Block 1, Plan 7811222 within SE-18-24-02-W05M (04618019) 	
APPLICANT: ERW Consulting Inc. OWNER: Murray and Kristina Atkins	RESERVE STATUS: Municipal Reserves outstanding comprise 9% of Block 1, Plan 7811222 within SE-18-24-02-W05M (04618019). Municipal Reserves have been dedicated for Lot 2, Block D, Plan 1415LK within NE-18-24-02-W05M (04618004)
LAND USE DESIGNATION: Residential Two District	LEVIES INFORMATION: Transportation Off-Site Levy is applicable on the subject lands.
DATE SUBDIVISION APPLICATION RECEIVED: July 20, 2018 DATE DEEMED COMPLETE: February 19, 2019	APPEAL BOARD: Subdivision and Development Appeal Board
TECHNICAL REPORTS SUBMITTED: <ul style="list-style-type: none"> Lots 1- 9 individual water well drilling report (Groundwater Information Technologies Ltd. October 2, 2017); Traffic Access Review at Lower Springbank Road & Range Road 25 (Bunt & Associates Engineering Ltd. August 30, 2018); Appraisal Report (Bourgeois Brokke Chin Associates, received on October 19, 2018); Addendum for Level 4 PSTS Assessment (Almor Testing Services Ltd. September 24, 2018. The assessment was updated on November 29, 2018); Geotechnical Evaluation and Slope Assessment Memo (Almor Testing Services Ltd. September 24, 2018. The memo was revised on November 29, 2018); Shallow Subsoil and Groundwater Site Investigation Report (Almor Testing Services Ltd. August 30, 2017); Atkins Subdivision Lot Setback Plan (ERW Consulting Inc. December 7, 2018) Atkins LSR Development – Staged Site – Specific Stormwater Implementation Plan (Westhoff Engineering Resources Inc. December 20, 2018); Well Interference and Bacteriological Testing (Groundwater Information Technologies Ltd. February 4, 2019). 	LAND USE POLICIES AND STATUTORY PLANS: <ul style="list-style-type: none"> County Plan (Bylaw C-7280-2013); Central Springbank Area Structure Plan (Bylaw C-5354-2001); Land Use Bylaw (Bylaw C-4841-97).



PUBLIC & AGENCY SUBMISSIONS:

The application was circulated to 111 landowners in the area from whom six letters in support and six letters in opposition were received in response (Appendix 'E'). The application was also circulated to a number of internal and external agencies. Those responses are available in Appendix 'B'.

HISTORY:

May 22, 2018	Conceptual Scheme application PL20170158 was approved to adopt the Atkins Conceptual Scheme and amend the Central Springbank Area Structure Plan. It was considered in conjunction with Redesignation application PL20170169.
May 22, 2018	Redesignation application PL20170169 was approved to redesignate Block 1, Plan 7811222 within SE-18-24-02-W05M (04618019) from Ranch and Farm District to Residential Two District in order to facilitate a multi-lot subdivision. It was considered in conjunction with Conceptual Scheme application PL20170158.
April 11, 2017	Subdivision application PL20150093 was conditionally approved to create a ± 1.62 hectare (± 4 acre) parcel with a ± 7.39 hectare (± 18.23 acre) remainder within Block 1, Plan 7811222, within SE-18-24-02-W05M. The applicant chose not to endorse the subdivision and the file expired (04618019).
January 24, 2017	Redesignation application PL20150092 was approved to redesignate a portion of land within Block 1, Plan 7811222, SE-18-24-02-W05M, from Ranch and Farm District to Residential Two District, in order to facilitate the creation of a ± 1.62 hectare (± 4 acre) parcel with a ± 7.39 hectare (± 18.23 acre) remainder within Block 1, Plan 7811222, within SE-18-24-02-W05M (04618019).
February 23, 2016	Subdivision application PL20150091 was conditionally approved to create a ± 1.62 hectare (± 4 acre) parcel with a ± 5.92 hectare (± 14.62 acre) remainder lot within Lot 2, Block D, Plan 1415 LK within NE-18-24-02-W05M. The applicant chose not to endorse the subdivision and the file expired (04618004).
October 2, 2001	The Central Springbank Area Structure Plan (Bylaw C-5354-2001) was adopted.
1978	Plan 7811222 was registered, which created Block 1, Plan 7811222 within SE-18-24-02-W05M. Public reserve pursuant to the Act was provided by 1% cash-in-lieu payment and deferment on the balance (04618019).
1972	Plan 1415 LK was registered and created Lot 2, Block D, Plan 1415 LK within NE-18-24-02-W05M. Municipal Reserves were previously dedicated on Plan 5544 JK (04618004).

TECHNICAL CONSIDERATIONS:

This application was evaluated in accordance with the matters listed in Section 7 of the Subdivision and Development Regulation, which are as follows:

a) The site's topography

The site slopes from north to south, with the highest elevation (1,204 m) in the northwest corner and the lowest elevation (1,158 m) in the southeast corner.

The Applicant submitted a Geotechnical Evaluation and Slope Assessment memo to support the proposed subdivision. The report indicates that the areas of slopes of 20% or greater on



Units 1, 7, and 8 are outside of the developable area being considered by the Developer. However, it was concluded that these slopes are suitable for development. If future lot owners want to build outside of the developable areas identified, further geotechnical investigation would be required prior to Building Permit issuance. All other lots are less than 15%, and identified as suitable for development.

Conditions: None

b) The site's soil characteristics

The lands contain Class 3 soil with moderate limitation for crop production due to adverse topography.

Conditions: None

c) Storm water collection and disposal

The Applicant submitted a Staged Site-Specific Storm Water Implementation Plan. Storm water from Units 1, 5, 6, 7, 8, & 9 would be directed along the internal roadside ditch, which would flow into the storm water pond on Unit 11, and then release into the Lower Springbank Road ditch through an outlet control structure. The pond would also be used for firefighting purposes. The traplows for Units 2, 3, & 4 would be constructed with outlet control structures that would release to the Lower Springbank Road ditch.

As the proposed development would be bareland condominium, the common property (Unit 11) and associated storm water infrastructure would be owned and maintained by the future Condominium Corporation. As conditions of subdivision approval, the Applicant/Owner would be required to provide a Site-Specific Stormwater Implementation Plan, enter into a Development Agreement for construction of required storm water infrastructure, register any required easements, utility rights of way and/or public utility lots, obtain AEP approval and licensing for the storm water management infrastructure including registration of the facilities and discharge, and provide an Erosion and Sedimentation Control Plan.

Conditions: 3, 4, 5, 8, 9

d) Any potential for flooding, subsidence, or erosion of the land

There are no concerns related to flooding, subsidence, or erosion as a result of the proposed subdivision; therefore, no actions are required at this time.

Conditions: None

e) Accessibility to a road

The proposed nine residential lots would be accessed by the private internal road. A Traffic Impact Assessment (TIA) was previously submitted to support the Atkins Conceptual Scheme. As the proposed subdivision is consistent with the Atkins Conceptual Scheme, an updated TIA was not required. The Applicant provided a Traffic Access Review at Lower Springbank Road & Range Road 25. The review recommends the following to improve the safety at the intersection:

- i. Remove vegetation impeding the sight triangle at the intersection, including the vegetation planted on the north side of Lower Springbank Road and on the east side of Range Road 25 south of the existing mailboxes; (refer to APPENDIX 'C': Map Set)
- ii. Relocate the existing mailbox structures further to the north, approximately 60 meters north of the intersection of Range Road 25 and Lower Springbank Road; (refer to APPENDIX 'C': Map Set)



- iii. Add a “Concealed/Hidden intersection (WA-12L)” sign on westbound Lower Springbank Road, approximately 100 meters east of the intersection of Range Road 25 and Lower Springbank Road. (refer to APPENDIX ‘C’: Map Set)

As the proposed development would be a gated community with bareland condominium ownership, the private internal road (Unit 10) and associated infrastructure would be owned and maintained by the future Condominium Corporation.

As conditions of subdivision approval, the Applicant/Owner would be required to enter into a Development Agreement with the County for the implementation of the above recommendations, and for the construction of the private internal road and the intersection with Range Road 25. The Applicant/Owner would be required to dedicate a 3 meter wide strip of land on the north side of Lower Springbank Road for future road widening, and provide payment of the Transportation Offsite Levy on the subject lands. The 3 meter wide strip of land to be dedicated along the north side of Lower Springbank Road would not affect the parcel size for Units 2, 3 and 4. As conditions of subdivision approval, the existing approach and driveway along Lower Springbank Road should be removed.

- The estimated TOL payment owed at time of subdivision endorsement is \$652,579:
 - Base = \$4,595/ac x 40.85 ac = \$187,706
 - Special Area 4 = \$11,380/ac x 40.85 ac = \$464,873

Conditions: 2, 5, 6, 9,14

f) Water supply, sewage and solid waste disposal

The existing dwelling situated on Unit 9 is serviced by an existing water well. When the Atkins Conceptual Scheme was presented to Council in May 2018, the Applicant indicated that Westridge Utilities refused their request to tie-in the existing piped water system for new lots (Units 1-8). As an alternative solution, the Applicant proposed to service new lots with individual water wells. The Council minutes show that “*Council accepts the use of water wells for the proposed Atkins Conceptual Scheme, subject to further studies and confirmation at the subdivision stage.*” As directed by Council, Administration advised the Applicant to continue working with Westridge Utilities. Westridge Utilities confirmed that they are not able to provide services at this time, as their system is undergoing a capacity assessment. Therefore, the Applicant sent an email on October 29, 2018, requesting that the application proceed with the use of water wells.

Adjacent landowners expressed concern about potential impacts of the development on their existing water wells. The study prepared by Groundwater Information Technologies Ltd. confirmed that pumping of the new groundwater wells should have no adverse effects on neighbouring users. The new water well on the common unit (Unit 11) would be used to maintain water levels in the storm water pond so that it could be used for firefighting. The use of this well is expected to be less than a domestic well. It was also confirmed that pumping the limited volumes from this well should not have adverse effects on the adjacent water well. As a condition of subdivision approval, the Applicant/Owner would be required to enter into a Deferred Services Agreement for Units 1-9 to tie into the piped water system when it becomes available.

Waste water from each new lot would be treated by individual sewage treatment systems. The Applicant submitted an addendum to the Level 4 PSTS Assessment. The addendum recommends that packaged sewage treatment systems should be installed on all new lots (Units 1-9). In addition, an engineered evaporative treatment mound would be installed on Units 3 & 4. This would be addressed through a Site Improvements/Services Agreement as a condition of subdivision approval.



The Atkins Conceptual Scheme indicates that a solid waste and recycling management plan would be provided at the subdivision stage, and would be implemented by the Developer and/or the future Condominium Board. As conditions of subdivision approval, the Applicant/Owner would be required to provide a Solid Waste Management Plan.

Conditions: 7, 8, 11

g) The use of the land in the vicinity of the site

The surrounding area to the north is mainly country residential development, designated as Residential Two District and Residential One District. The surrounding area to the south is largely unsubdivided quarter sections designated as Ranch and Farm District. The city of Calgary is located approximately 1 mile to the east.

Conditions: None

h) Other matters

Municipal Reserves:

Municipal Reserves were dedicated for Lot 2, Block D, Plan 1415LK within NE-18-24-02-W05M (04618004). There are no further requirements.

Plan 7811222 indicates that Municipal Reserves were provided by 1% cash in lieu payment; therefore, 9% of Municipal Reserves are owing on Block 1, Plan 7811222 within SE-18-24-02-W5M (04618019). The Applicant proposes to pay Municipal Reserve owing by cash in lieu payment. As a condition of subdivision approval, outstanding Municipal Reserves of 2 acres would be provided by cash-in-lieu payment. An appraisal report prepared by Bourgeois Brokke Chin Associates, dated August 21, 2018, concluded that the market value of the property is \$1,520,000. The estimated cash in lieu payment for Municipal Reserve owing is \$136,800:

- Cash-in-lieu payment = \$1,520,000 x 9% = \$136,800.

In addition, the Applicant is proposing to build a public pathway along the east of the subject lands, adjacent to Range Road 25, as per approved Atkins Conceptual Scheme. To ensure the public pathway would be owned and maintained by the future Condominium Corporation, a common property (Unit 12) would be created. The pathway would be protected by an Access Easement Agreement and constructed in accordance with the County Servicing Standards. As a condition of subdivision approval, the Applicant/Owner would be required to enter into a Development Agreement for construction of a public pathway and enter into an Access Easement Agreement to allow the County and public to access to the pathway.

Conditions: 5, 9, 12, 13

Landscaping:

In accordance with the Atkins Conceptual Scheme, the Applicant proposes to landscape the site entrance, the site perimeter with berm and tree and/or shrub, and both sides of the internal road with islands planted at the median. The landscaping would be maintained by the future Condominium Corporation.

Conditions: None

Architectural Design Guidelines:

The Atkins Conceptual Scheme indicates that the Applicant would provide Architectural Design Guidelines at the subdivision stage. The guidelines would be consistent with the development vision, and would maintain high standard for homes, amenity, and landscaping construction. Architectural Design Guidelines would be implemented by a Design Committee initially provided



by the developer with ongoing responsibility to be turned over to the bareland Condominium Corporation when all the lots have been developed.

Conditions: 9, 10

POLICY CONSIDERATIONS:

County Plan

The County Plan provides general policies for Agricultural, Residential, and Business development within the County and directs new residential development to the existing area structure plan areas. The subject land is located within the Central Springbank Area Structure Plan. The proposed residential development meets the general residential development policies and infill residential area policies. The proposed Atkins Conceptual Scheme and redesignation application that facilitate the future subdivision were approved by Council on May 22, 2018.

Central Springbank Area Structure Plan

The subject lands are located within the Central Springbank Area Structure Plan area. Policy 2.9.3 requires that a Conceptual Scheme be prepared prior to proceeding with further redesignation and subdivision applications. The Applicant provided the Atkins Conceptual Scheme, and it was approved by Council on May 22, 2018, along with the associated Redesignation application. The proposed subdivision meets the Infill Residential Area policies outlined in Policy 2.9.3 and is consistent with the Central Springbank Area Structure Plan, the Atkins Conceptual Scheme, and the redesignation approval.

Land Use Bylaw

The subject land holds the appropriate land use. The proposed new lots meet the maximum and minimum requirements of Residential Two District within the Land Use Bylaw, with the exception of Unit 5, 6 and 7.

Unit Number	Parcel Size (ha / ac)
Unit 1	≥ 1.60 ha (3.95 ac)
Unit 2	≥ 1.60 ha (3.95 ac)
Unit 3	≥ 1.60 ha (3.95 ac)
Unit 4	≥ 1.60 ha (3.95 ac)
Unit 5	± 1.33 ha (3.29 ac)
Unit 6	± 1.55 ha (3.83 ac)
Unit 7	± 1.55 ha (3.84 ac)
Unit 8	≥ 1.60 ha (3.95 ac)
Unit 9	± 2.11 ha (5.22 ac)
Unit 10 (common property - internal road)	± 0.99 ha (2.46 ac)
Unit 11 (common property – stormwater pond)	± 0.56 ha (1.38 ac)



Unit 12 (common property – public pathway)	± 0.23 ha (0.58 ac)
3 m strip of land dedication for Lower Springbank Road widening	± 0.2 ha (0.5 ac)
Total Parcel Size	± 16.53 ha (40.85 ac)

Due to the creation of common property (Unit 12) for the future public pathway, Unit 5, 6 and 7 are smaller than the minimum parcel size requirement of ±1.60 hectares (± 3.95 acres) under the Residential Two District.

Section 654 (2) of MGA provides an opportunity for the Subdivision Authority to vary the lot sizes; it states that a Subdivision Authority may approve an application for subdivision approval even though the proposed subdivision does not comply with the Land Use Bylaw if, in the opinion of the authority, the proposal would not:

- i) unduly interfere with the amenities of the neighbourhood; or
- ii) materially interfere with or affect the use, enjoyment, or value of the neighbouring parcels of land.

Administration deems that the undersized parcels would not affect the developability on these lots, and the proposal still meets the intent of the approved Atkins Conceptual Scheme.

CONCLUSION:

The proposed subdivision is consistent with the Central Springbank Area Structure Plan, the Atkins Conceptual Scheme, and the redesignation approval. The proposed transportation and servicing meet the County Servicing Standards. Technical requirements can be addressed through the conditions of subdivision approval.

OPTIONS:

- Option #1: THAT Subdivision Application PL20180093 be approved with the conditions noted in Appendix A.
- Option #2: THAT Subdivision Application PL20180093 be refused as per the reasons noted.

Respectfully submitted,

Concurrence,

“Sherry Baers”

“Al Hoggan”

Executive Director
Community Development Services

Chief Administrative Officer

XD/rp

APPENDICES:

- APPENDIX ‘A’: Approval Conditions
- APPENDIX ‘B’: Application Referrals
- APPENDIX ‘C’: Map Set
- APPENDIX ‘D’: Applicant’s Letters to the County
- APPENDIX ‘E’: Landowner comments



APPENDIX A: APPROVAL CONDITIONS

- A. That the application to create a bareland condominium with nine residential lots (Units 1-9), one private internal road (Unit 10), one common property (Unit 11) containing a stormwater pond, and one common property (Unit 12) to accommodate future public pathway within Block 1, Plan 7811222, SE-18-24-02-W05M and Lot 2, Block D, Plan 1415 LK, NE-18-24-02-W05M, having been evaluated in terms of Section 654 of the *Municipal Government Act* and Section 7 of the Subdivision and Development Regulations, and having considered adjacent landowner submissions, is approved as per the Tentative Plan for the reasons listed below:
- The application is consistent with the statutory policy;
 - The subject lands hold the appropriate land use designation; and
 - The technical aspects of the subdivision proposal have been considered and are further addressed through the conditional approval requirements.
- B. The Owner is required, at their expense, to complete all conditions attached to and forming part of this conditional subdivision approval prior to Rocky View County (the County) authorizing final subdivision endorsement. This requires submitting all documentation required to demonstrate each specific condition has been met, or agreements (and necessary securities) have been provided to ensure the condition will be met, in accordance with all County Policies, Standards and Procedures, to the satisfaction of the County, and any other additional party named within a specific condition. Technical reports required to be submitted as part of the conditions must be prepared by a Qualified Professional, licensed to practice in the Province of Alberta, within the appropriate field of practice. The conditions of this subdivision approval do not absolve an Owner from ensuring all permits, licenses, or approvals required by Federal, Provincial, or other jurisdictions are obtained.
- C. Further, in accordance with Section 654 and 655 of the *Municipal Government Act*, the application shall be approved subject to the following conditions of approval:

Plan of Subdivision

- 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.
- The Owner is to dedicate by Plan of Survey, a 3m strip of land on the north side of Lower Springbank Road for future road widening.

Storm water

- The Owner is to provide and implement a Site-Specific Storm Water Management Plan that meets the requirements outlined in the Springbank Master Drainage Plan. Implementation of the Storm Water Management Plan shall include:
 - Registration of any required easements, utility rights-of-way, and utility right-of-way agreements;
 - Provision of necessary approvals and compensation to Alberta Environment and Parks for wetland loss and mitigation;
 - Provision of necessary Alberta Environment and Parks registration documentation and approvals for the storm water infrastructure system; and
 - Should the Storm Water Management Plan indicate that improvements are required, the Applicant/Owner shall enter into a Development Agreement (Site Improvements/Services Agreement) with the County.



4. The Owner is to provide a detailed Erosion and Sedimentation Control Plan, prepared by a qualified professional, in accordance with the County Servicing Standards and best management practices.

Development Agreement

5. The Owner is to enter into a Development Agreement for provision of the following infrastructure and improvements:
 - a) Construction of a private internal road system (Residential Collector RL1), complete with cul-de-sacs, and any necessary easement agreements, including complete approaches to each lot, as shown on the Tentative Plan, at the Owner's expense, in accordance with the County Servicing Standards;
 - b) Construction of a new intersection at the location of the site with Range Road 25 in accordance with the County Servicing Standards;
 - c) Remove and reclaim the existing driveway and approach from Lower Springbank Road;
 - d) Construction of a paved pathway along the east of the subject lands, adjacent to Range Road 25 and located outside of private gate, in accordance with the requirements of the County Servicing Standards;
 - e) Mailbox locations are to be located in consultation with Canada Post to the satisfaction of the County;
 - f) Construction and Installation of a Drafting Hydrant, designed to meet minimum fire flows as per County Standards and Bylaws;
 - g) Overall site grading and 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;
 - h) Installation of power, natural gas, and telephone lines;
 - i) Implementation of the recommendations of the Construction Management Plan;
 - j) Implementation of the recommendations of the Erosion and Sedimentation Management Plan; and
 - g) Implementation of the recommendations of the Intersection Safety Analysis for Lower Springbank Road and Range Road 25:
 - i. Remove vegetation impeding the sight triangle at the intersection, including the vegetation planted on the north side of Lower Springbank Road and on the east side of Range Road 25 south of the existing mailboxes;
 - ii. Relocate the existing mailbox structures further to the north, which would be approximately 60 meters north of the intersection of Range Road 25 and Lower Springbank Road.
 - iii. Add a "Concealed/Hidden intersection (WA-12L)" sign on westbound Lower Springbank Road, approximately 100 meters east of the intersection of Range Road 25 and Lower Springbank Road.

Transportation

6. The Owner shall receive approval for a road naming application from the County.



Site Servicing

7. The Owner is to enter into a Development Agreement (Site Improvements/Services Agreement) with the County for proposed Units 1-8:
 - a) The Development Agreement (Site Improvements/Services Agreement) shall be in accordance with the Level 4 PSTS Assessment, prepared by Almor Testing Services Ltd., February 12, 2018, for the installation of a Packaged Sewage Treatment Plan that meets Bureau de Normalisation du Quebec (BNQ) standards for treatment on Units 1-9, and for the installation of a Engineered Evaporative Treatment Mound on Units 3-4.
8. The Owner is to enter into a Deferred Services Agreement with the County, to be registered on title for each of proposed Units 1-9, indicating the following:
 - a) Each future lot Owner is required to connect to County piped water, waste water, and storm water systems at their cost when such services become available; and
 - b) Requirements for decommissioning and reclamation once County servicing becomes available.

Condominium Association

9. The Owner shall legally establish a Condominium Corporation for the subdivision, pursuant to the Condominium Property Act:
 - a) The Condominium Corporation will be responsible for maintaining the public pathway and all common property and common property units owned by the Condominium Corporation (landscaping area, private internal road and associated infrastructure, stormwater system and associated infrastructure, etc.);
 - b) Upon registration of the Condominium Plan, the Owner shall cause the Condominium Corporation to register Bylaws, satisfactory to the County, similar to the Bylaws of other Condominium Corporations within the Springbank Area Structure Plan area.
10. The Owner shall prepare and register a Restrictive Covenant on the title of each new lot created, requiring that each Lot Owner be subject to development's Architectural Design Guidelines. The Architectural Design Guidelines shall respect the intent of Atkins Conceptual Scheme and Springbank Area Structure Plan.
11. The Owner is to prepare a Solid Waste Management Plan that outlines the responsibility of the Developer and/or Condominium Corporation for solid waste management.
12. The Owner is to enter into an Access Easement Agreement with the County, to provide County and public access to the public pathway and internal roadway, located along the east of the subject lands and outside of the private gate, as per the approved Tentative Plan, which shall include:
 - a) Registration of the applicable access right-of-way plan;

Municipal Reserves

13. The provision of Municipal Reserve, in the amount of 9% of Block 1, Plan 7811222 within SE-18-24-02-W5M (04618019), as determined by the Plan of Survey, is to be provided by payment of cash-in-lieu, in accordance with the per acre value as listed in the land appraisal prepared by Bourgeois Brokke Chin Associates, dated August 21, 2018, pursuant to Section 666(3) of the *Municipal Government Act*.



Payments and Levies

14. The Owner is to pay the Transportation Off-Site Levy in accordance with the applicable levy at the time of subdivision approval prior to endorsement of the subdivision. The County shall calculate the total amount owing on the subject lands as shown on the Plan of Survey.
15. The Owner is to pay the County subdivision endorsement fee for creating eight new bareland condominium units (Units 1-8), in accordance with the Master Rates Bylaw.

Utility Easement

16. Utility Easements, Agreements and Plans are to be provided and registered to the satisfaction of ATCO Gas.

Others:

17. The Owner is required to obtain Historical Resources Act Approval from Alberta Historic Resource Management Branch.
18. The Owner is to provide a Construction Management Plan that is to include, but not be limited to, noise, sedimentation and erosion control, construction waste management, fire fighting procedures, evacuation plan, hazardous material containment, construction, and management details. Other specific requirements include:
 - a) Implementation of the Construction Management Plan recommendations, which will be ensured through the Development Agreement;

Taxes

19. All taxes owing, up to and including the year in which subdivision is to be registered, are to be paid to Rocky View County prior to signing the final documents pursuant to Section 654(1) of the *Municipal Government Act*.

D. SUBDIVISION AUTHORITY DIRECTION:

1. Prior to final endorsement of the Subdivision, the Planning Department is directed to present the Owner with a Voluntary Recreation Contribution Form and ask them if they will contribute to the Fund in accordance with the contributions prescribed in the Master Rates Bylaw.

APPENDIX B: APPLICATION REFERRALS

AGENCY	COMMENTS
<i>School Authority</i>	
Rocky View Schools	No response.
Calgary Catholic School District	No response.
Public Francophone Education	No response.
Catholic Francophone Education	No response.
<i>Province of Alberta</i>	
Alberta Environment and Parks	No response.
Alberta Transportation	No response.
Alberta Culture and Community Spirit (Historical Resources)	<p>The applicant must obtain <i>Historical Resources Act</i> approval prior to proceeding with any land surface disturbance associated with subdivision development by submitting a Historic Resources Application through Alberta Culture and Tourism's Online Permitting and Clearance (OPaC) system –</p> <p>www.opac.alberta.ca.</p> <p>The applicant should review the Land Use Procedures Bulletin: Subdivision Development <i>Historical Resources Act</i> Compliance (http://culture.alberta.ca/documents/LandUse-SubdivisionBulletin-Jul1-2014.pdf) prior to OPaC submission.</p>
Energy Resources Conservation Board	No response.
Alberta Health Services	<p>Alberta Health Services, Environmental Public Health has received the above-noted application. At this time we do not have any concerns with the information as provided. Please contact me if the application is changed in any way, or you have any questions or concerns.</p>
<i>Public Utility</i>	
ATCO Gas	<p>ATCO Gas has no existing Utility Right of Way on the subject property, or the existing Utility Right of Way is not sufficient for subdivision servicing. The landowner is required to contact the ATCO Gas land agent listed below to execute a Utility Right of Way to the satisfaction of ATCO Gas. Once the Utility Right of Way has been registered at the Alberta Land Title Office we will notify the municipality of the same.</p>
ATCO Pipelines	No objection.
AltaLink Management	No response.

AGENCY	COMMENTS
Enmax	No response.
Telus Communications	No response.
TransAlta Utilities Ltd.	No response.
<i>Rocky View County Boards and Committees</i>	
ASB Farm Members and Agricultural Fieldmen	Because this parcel falls within the Central Springbank Area Structure Plan, Agricultural Services has no concerns.
Rocky View West Recreation District Board	No comments.
<i>Internal Departments</i>	
Municipal Lands	<p>The Municipal Lands office has reviewed the PL20180093 subdivision circulation and offers the following comments and recommendations at this time. These comment and recommendations have been provided based on the application submitted and are subject to change to ensure alignment with standards, best practices, policies and procedures.</p> <p>With reference to the approved Atkins Conceptual Scheme; the subject lands have been identified as a bare land condominium. As such, any common lands located within the plan area are privately held for the benefit of the condominium. Further, the County has no planned public parks or open space requiring land in this location.</p> <p>As per Section 9.3 of the approved Atkins Conceptual Scheme, provision for a developer built public pathway located within a public pathway easement fronting RGE RD 25 located within common property has been determined.</p> <ul style="list-style-type: none"> • The referenced publicly accessible pathway shall: <ul style="list-style-type: none"> ○ be secured and recognized formally through a public access easement specific for public pathway purposes; ○ be constructed in accordance to County Standards and the terms and conditions of an applicable Development Agreement; ○ be constructed of asphalt, no less than 2.0 metres in width; ○ located outside of private gate; ○ not be negatively impacted by reduced sightlines associated with intended design of entryway feature; ○ adhere to requisite/applicable clear zones affecting both the pathway and roadway; ○ be maintained and operated and subject to life cycle

AGENCY	COMMENTS
	<p>replacement by the condominium corporation, and</p> <ul style="list-style-type: none"> ○ tie seamlessly into the road grade and provide clear, direct access to Block R-3, PLAN 7811257 (county Municipal Reserve land). <ul style="list-style-type: none"> • In the event where achieving a direct connection from the common property to Block R-3, PLAN 7811257 (county Municipal Reserve land) requires crossing private land, all crossing agreements required to achieve an interrupted alignment shall be secured by the developer. • A landscape fringe consisting of approved ground cover -- grass shall be planted adjacent to the pathway and be subject to regular mowing and weed control by the condominium corporation. <p>As per Policy 9.3.1 of the approved Atkins Conceptual Scheme, notwithstanding the creation of a public pathway easement affecting common property, it is recommended the developer provide a cash in lieu payment for all reserves owing affecting the plan area.</p>
Development Authority	No response.
GIS Services	No response.
Building Services	No response.
Bylaw and Municipal Enforcement	No comments.
Fire Services	<ol style="list-style-type: none"> 1. Please ensure that water supplies and hydrants are sufficient for firefighting purposes. 2. Dependent on the occupancies, the Fire Service recommends that the buildings be sprinklered, if applicable, as per the Alberta Building Code. 3. The Fire Service also recommends that the water co-op be registered with Fire Underwriters. 4. Please ensure that access routes are compliant to the designs specified in the Alberta Building Code.
Planning & Development Services (Engineering)	<p>General</p> <ul style="list-style-type: none"> • The applicant is proposing that the community be a private community with a private/gated road. The common areas of the community will be owned and maintained by the Bareland Condominium; • As a condition of subdivision, 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 private internal road system

AGENCY	COMMENTS
	<p>(Residential Collector RL1) complete cul-de-sacs and any necessary easement agreements, including complete approaches to each lot, as shown on the Tentative Plan, at the Owner's expense, in accordance with the County Servicing Standards;</p> <ul style="list-style-type: none"> ○ Construction of a new intersection at the location of the site with Range Road 25 in accordance with the County Servicing Standards; ○ Mailbox locations are to be located in consultation with Canada Post to the satisfaction of the County; ○ Construction and Installation of a Drafting Hydrant, designed to meet minimum fire flows as per County Standards and Bylaws; ○ Construction of storm water facilities in accordance with the recommendations of an approved Stormwater Management Plan and the registration of any overland drainage easements and/or restrictive covenants as determined by the Stormwater Management Plan. ○ Installation of power, natural gas, and telephone lines <p>Geotechnical:</p> <ul style="list-style-type: none"> • The applicant submitted a Geotechnical Evaluation and Slope Assessments (Almor Testing Services Ltd. – January 11, 2016 & September 24, 2018 & November 29, 2018). The assessment concludes that: <ul style="list-style-type: none"> ○ The areas of slopes of 20% or greater, on Units 1, 7 & 8, are outside of the developable area being considered by the developer. If future lot owners want to build outside of the developable areas considered in this assessment, further geotechnical investigation will be required prior to building permit issuance. If a building permit application identifies a dwelling located outside the developable areas considered (within the steep slopes), this would trigger a development permit to be issued before building permits can be issued. This will allow the County to require further geotechnical investigation as required. ○ The perimeter landscaping and stormwater drainage swales will have no negative impact on the stability of the slopes. ○ Each lot has over 1 acre of contiguous developable area and is suitable for residential development. • The applicant submitted a Shallow Subsoil and Groundwater Site Investigation (Almor Testing Services Ltd. – August, 2017). The investigation contains recommendations for site grading, excavations, foundation construction, and structural pavement design in accordance with the requirements of the County Servicing Standards.

AGENCY	COMMENTS
	<p>Transportation:</p> <ul style="list-style-type: none"> • The applicant submitted a Traffic Access Review (Bunt and Associates – June 9, 2017) as a part of the previous Redesignation application. The report analyzes the intersection of Range Road 25 and Lower Springbank Road at opening day and the 20 year horizon. While the development is only proposing the addition of 8 lots, the report makes recommendation for some small scale improvements to be done at the intersection to improve sight lines (removal of vegetation, movement of mailboxes and addition of signage). The report also concludes that the intersection spacing of 135 metres between Lower Springbank Road and the proposed internal road does not propose a safety concern due to the low traffic volumes on Range Road 25. • As a condition of subdivision, the applicant is required to enter into a Development Agreement for: <ul style="list-style-type: none"> ○ The construction of the private internal road, to a Residential Collector Standard (RL1), and its intersection with Range Road 25. The road standard is supported as this will be a private road owned and maintained by the Condominium Corporation. ○ Construction of a paved pathway along the east of the subject lands, adjacent to Range Road 25, and located outside of a private gate, in accordance with the requirements of the County Servicing Standards and Atkins Conceptual Scheme. ○ Implementation of the recommended improvements from the approved Traffic Access Review (Bunt & Associates Engineering Ltd. - June 9, 2017), including relocating the mailboxes on Range Road 25, improving the sightlines at RR25 & Lower Springbank Road by removing vegetation in the road allowance, and installing a “Hidden Intersection” sign for westbound traffic on Lower Springbank Road. • As a condition of subdivision, the applicant will be required to dedicate 3 metres, by plan or survey, along the entire south boundary of the subject lands for future road widening of Lower Springbank Road. <ul style="list-style-type: none"> ○ In accordance with the Springbank Functional Plan, Lower Springbank Road ultimately requires 36 metres of road right-of-way. The current road right-of-way width is 30 metres. Therefore, 3 metres is required from the subject lands, and 3 metres shall be dedicated from the lands to south when they are developed. • As a condition of subdivision, the applicant shall provide an access right-of-way plan and enter into an Access Easement

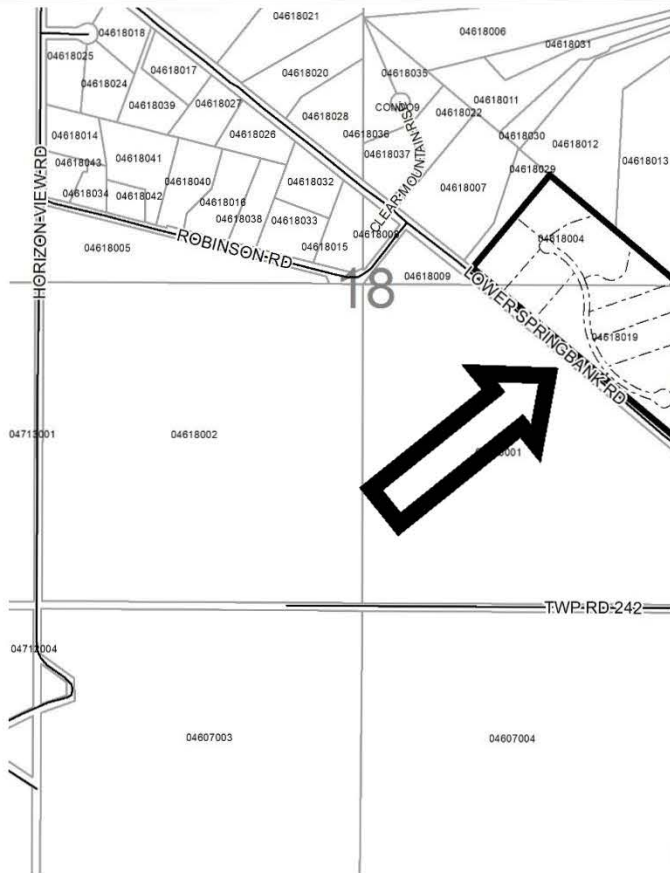
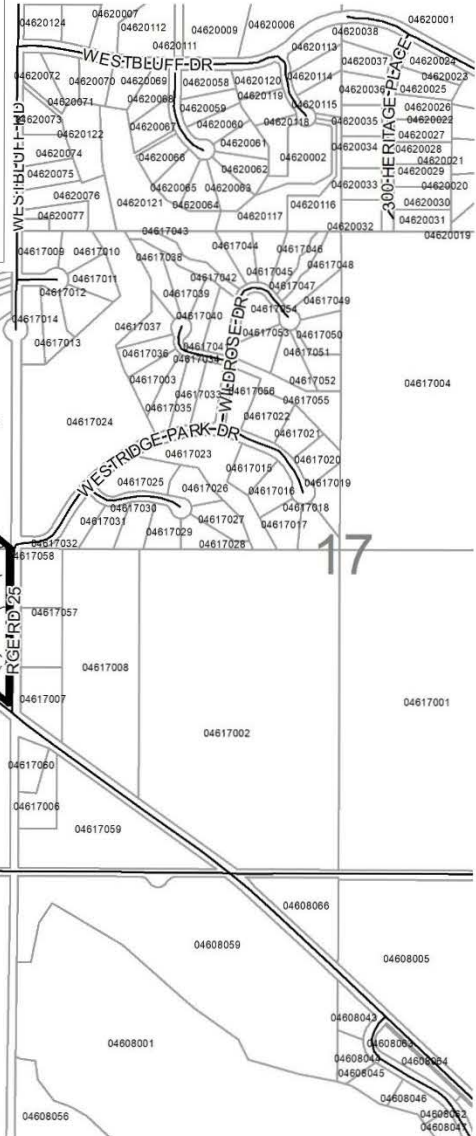
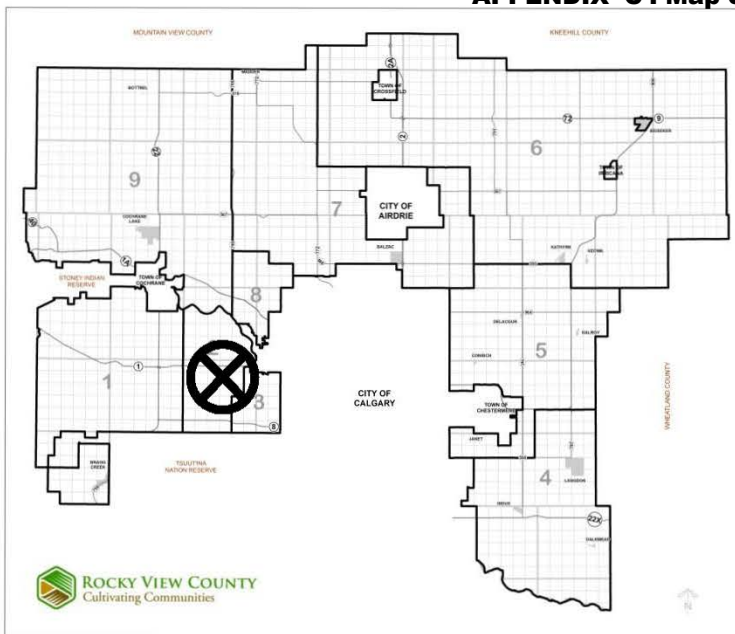
AGENCY	COMMENTS
	<p>Agreement, to the satisfaction of the County, to provide the County and public access to the pathway along the east of the subject lands.</p> <ul style="list-style-type: none"> As a condition of subdivision, the applicant is required to provide payment of the Transportation Offsite Levy (TOL) in accordance with applicable levy at time of Subdivision and/or Development Permit approval, as amended, for the total gross acreage of the lands proposed to be developed or subdivided. Per the current TOL bylaw, Bylaw C-7356-2014: <ul style="list-style-type: none"> The estimated levy payment owed at time of subdivision endorsement is \$652,579 (Base = \$4,595/ac * 40.85ac = \$187,706, Special Area 4 = \$11,380/ac * 40.85ac = \$464,873). <p>Sanitary/Waste Water:</p> <ul style="list-style-type: none"> An update to the Level IV PSTS Assessment prepared by Almor Testing Services Ltd. (dated November 29, 2018) was submitted. The update outlines setbacks for the PSTS from water wells. Additionally, the memo reinstates that heavy clay was encountered in Units 3 and 4, which severely limits the installation of a PSTS (per the Model Process Tool #8). Hence, an engineered evaporative treatment mound is recommended for Units 3 & 4. The owner is to maintain the required separation distances when selecting the location. Also, should an alternative to the treatment mound be desirable, the memo recommends conducting further geotechnical analysis at the time of building construction. <ul style="list-style-type: none"> In accordance with Policy 449, as the proposed parcels between 3.95 and 1.98 acres in size, a Packaged Sewage Treatment Plant is required. It is noted that there are 47 existing or conditionally approved lots within a 600 metre radius of subject lands. As a condition of subdivision, the Owner shall enter into a Site Improvements/Services Agreement for the construction of packaged sewage treatment systems on each lot and an engineered evaporative treatment mounds for Units 3 & 4, in accordance with the Level 4 PSTS Assessment (Almor Testing Services Ltd. – November 29, 2018) and the requirements of the County Servicing Standards and County Policy 449; As a condition of subdivision, a Deferred Services Agreement shall be registered against each new certificate of title (lot) created, requiring the owner to tie into municipal services when they become available <p>Water Supply And Waterworks:</p> <ul style="list-style-type: none"> In accordance with The Central Springbank ASP Policy 2.8.2

AGENCY	COMMENTS
	<p>states that connection to an existing water distribution system is required for residential purposes where access is feasible and/or cost effective. The applicant has approached Westridge Utilities to request servicing for the proposed subdivision. However, it was confirmed that Westridge is not able to provide services at this time, as their system is undergoing a capacity assessment;</p> <ul style="list-style-type: none"> • As a condition of subdivision, the applicant will be required to enter into a Deferred Service Agreement, requiring the future lot owners to connect to a piped water distribution system when such services become available; • The applicant submitted Phase 2 Aquifer Analysis Reports (Groundwater Information Technologies Ltd. – October, 2017) & Groundwater Well Interference & Bacteriological Analysis Report (Groundwater Information Technologies Ltd. – December 2018) for the wells that have been drilled on Units 1 to 8. The reports meet the requirements of the County Servicing Standards and confirm that the wells are capable of supplying water at a rate 1250m³/year, without causing adverse effects on existing users. It was also confirmed that the groundwater is acceptable for human consumption. <p>Storm Water Management:</p> <ul style="list-style-type: none"> • The applicant submitted a Staged Site-Specific Stormwater Implementation Plan (Westhoff Engineering Resources Inc. – December 20, 2018). The Condominium Corporation will own and maintain all stormwater management infrastructure. <ul style="list-style-type: none"> ○ The report considers the Springbank Master Drainage Plan, and will meet the release rate of 1.715 L/s/ha, and Volume Control Target of 45mm. These requirements shall be met by constructing swales and roadside ditches to direct runoff to individual lot traplows and a communal stormwater pond. ○ A range of 20-50% imperviousness has been considered for the sizing of the traplow on each of the proposed lots. ○ Stormwater from traplows on Units 1, 5, 6, 7, 8 & 9 will be directed to the stormwater pond through the internal roadside ditch. The internal roadside ditch and stormwater pond will also collect water from the common areas (internal road, island, etc.). There will be a controlled release from the stormwater pond. The pond will also be constructed with a drafting hydrant to be used for firefighting purposes. To meet the volume control target, water from the storm pond will also be used to irrigate the landscaped areas adjacent to the pond. ○ The traplows for Units 2, 3, & 4 will be constructed with outlet control structures which will release to the Lower

AGENCY	COMMENTS
	<p>Springbank Road ditch.</p> <ul style="list-style-type: none"> ○ An upland by-pass swale shall be built to manage sheet flow from the slope north of the development. The swale will run along the perimeter of the existing property and release volume to the existing ditch along the Lower Springbank Road, with check dams (or other erosion protection) for flow control. This will mimic the predevelopment conditions, as runoff will still be directed to the roadside ditches at Lower Springbank Road and Range Road 25. • The Applicant shall provide confirmation of AEP approval and registration for the storm water management infrastructure prior to Development Agreement endorsement by the County; • In accordance with Conceptual Scheme Policy 14.1.1, imperviousness of each lot shall be limited to 35%. The applicant has indicated that this will be managed through the Condo Bylaws; • As a condition of subdivision, the applicant shall submit a Site-Specific Stormwater Implementation Plan, including detailed design drawings for site grading & overland drainage, and stormwater management infrastructure, and confirmation of the findings of the Staged Site-Specific Stormwater Implementation Plan; • As a condition of subdivision, the applicant shall be required to enter into a Development Agreement for the construction of the stormwater management infrastructure, including but not limited to: <ul style="list-style-type: none"> ○ Swales, ditches, traplows, perimeter bypass swale, stormwater pond, maintenance access road and all outlet control structures. ○ Drafting hydrant and roadside pullout in accordance with CSS figure 700.6. ○ Storm pond access maintenance road, as per ○ AE approval & registration for the stormwater pond and traplows for Units 2, 3 & 4. • As a condition of subdivision, the applicant shall provide an Overland Drainage Utility Right-of-Way plan and enter into a Utility Right-of-Way Agreement with the County, which shall protect the swales, ditches, traplows, perimeter bypass swale, stormwater pond, maintenance access road, outlet control structures and all relevant infrastructure. • As a condition of subdivision, the applicant shall submit an Erosion and Sedimentation Control Plan, in accordance with the requirements of the County Servicing Standards <p>Environmental</p> <ul style="list-style-type: none"> • County GIS does not identify any surface water or wetlands

AGENCY	COMMENTS
	<p>on the subject lands;</p> <ul style="list-style-type: none"> As a part of redesignation, the applicant submitted an Environmental Screening Report (Westhoff Engineering Resources Ltd. – September, 2017). The report recommends that stripping and grading occur outside of the period of April 1 to August 31. If stripping and grading is scheduled to occur in this time frame, a qualified biologist must conduct a survey of the area prior to construction. If active breeding is observed, no construction activity can occur until mitigation measures are put in place; Any Alberta Environment approvals shall be the sole responsibility of the applicant/owner.
Infrastructure and Operations- Road Maintenance	No concern.
Infrastructure and Operations- Capital Delivery	No concerns.
Infrastructure and Operations- Utility Services	Consideration should be made to connect the proposed development to the Westridge Water Utility system. Westridge has a main running adjacent to the site.
Infrastructure and Operations- Road Operations	Existing approach off Lower Springbank Road to be removed and ditch reclaimed. Note: this comment has been addressed through the condition of approval.
Agriculture and Environmental Services - Solid Waste and Recycling	No response.

Circulation Period: August 2 – August 24, 2018



LOCATION PLAN

**Block 1, Plan 7811222, SE-18-24-02-W05M
& Lot 2, Block D, Plan 1415 LK, NE-18-24-02-W05M**

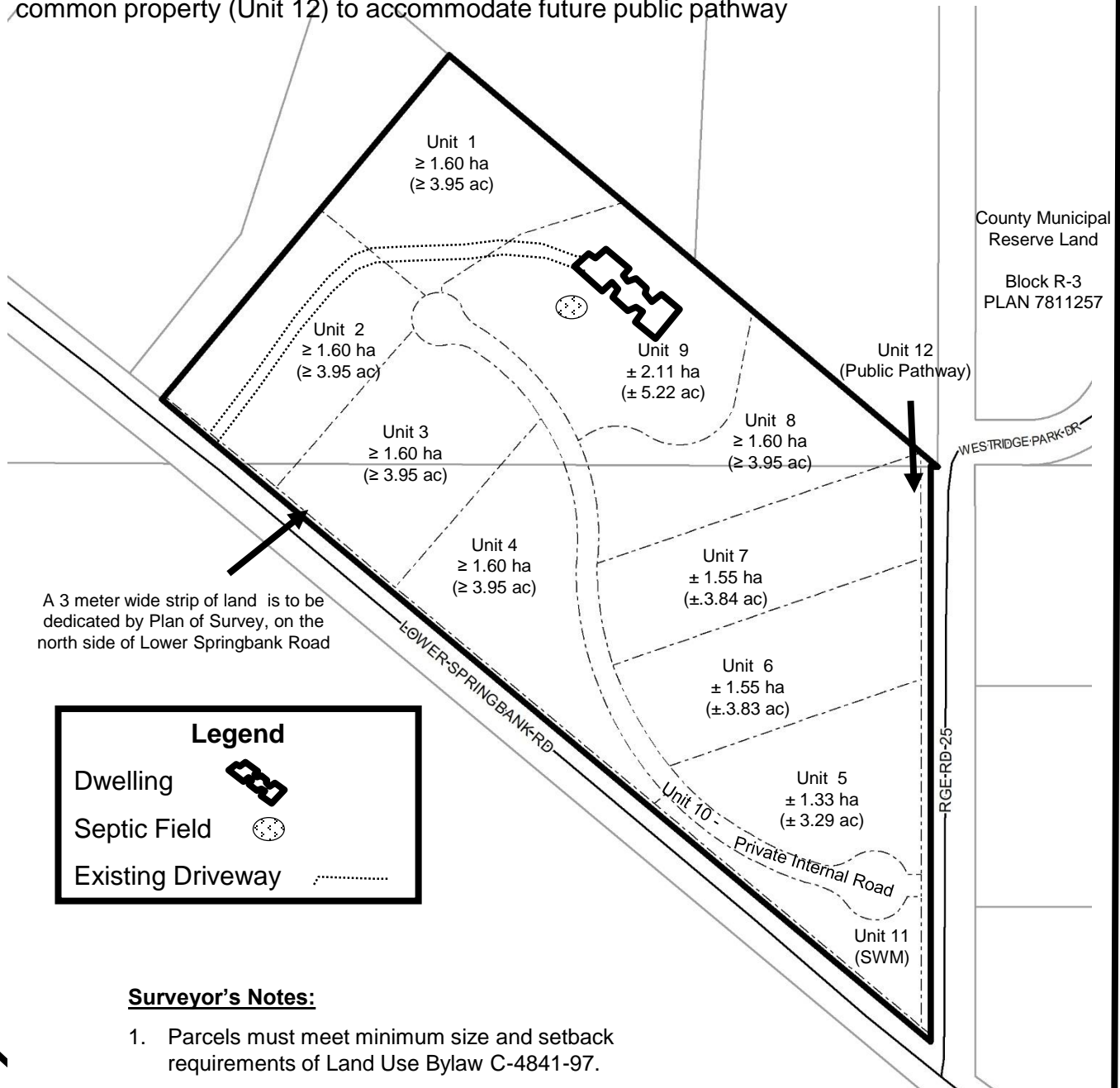
Date: Feb 21, 2019

Division # 3

File: PL20180093 - 04618004-19

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Proposal: To create a bareland condominium with nine (9) residential lots (Units 1-9) ranging in size from ± 1.33 hectares (± 3.29 acres) to ± 2.11 hectares (± 5.22 acres), one private internal road (Unit 10), one common property (Unit 11) containing a stormwater pond, and one common property (Unit 12) to accommodate future public pathway



TENTATIVE PLAN

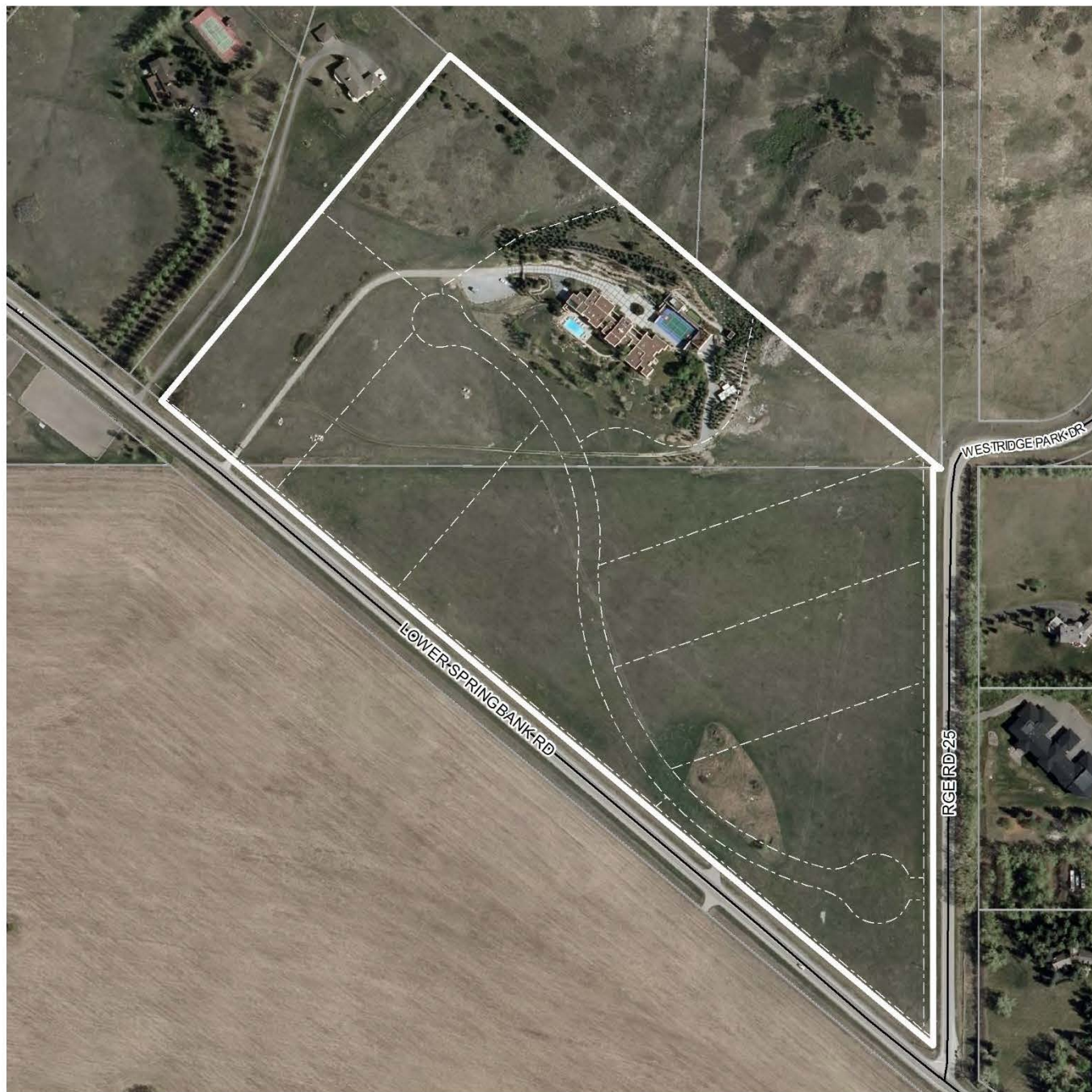
**Block 1, Plan 7811222, SE-18-24-02-W05M
& Lot 2, Block D, Plan 1415 LK, NE-18-24-02-W05M**

Date: Feb 21, 2019

Division # 3

File: PL20180093 - 04618004/19

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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 2018

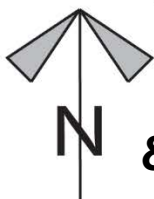
**Block 1, Plan 7811222, SE-18-24-02-W05M
& Lot 2, Block D, Plan 1415 LK, NE-18-24-02-W05M**

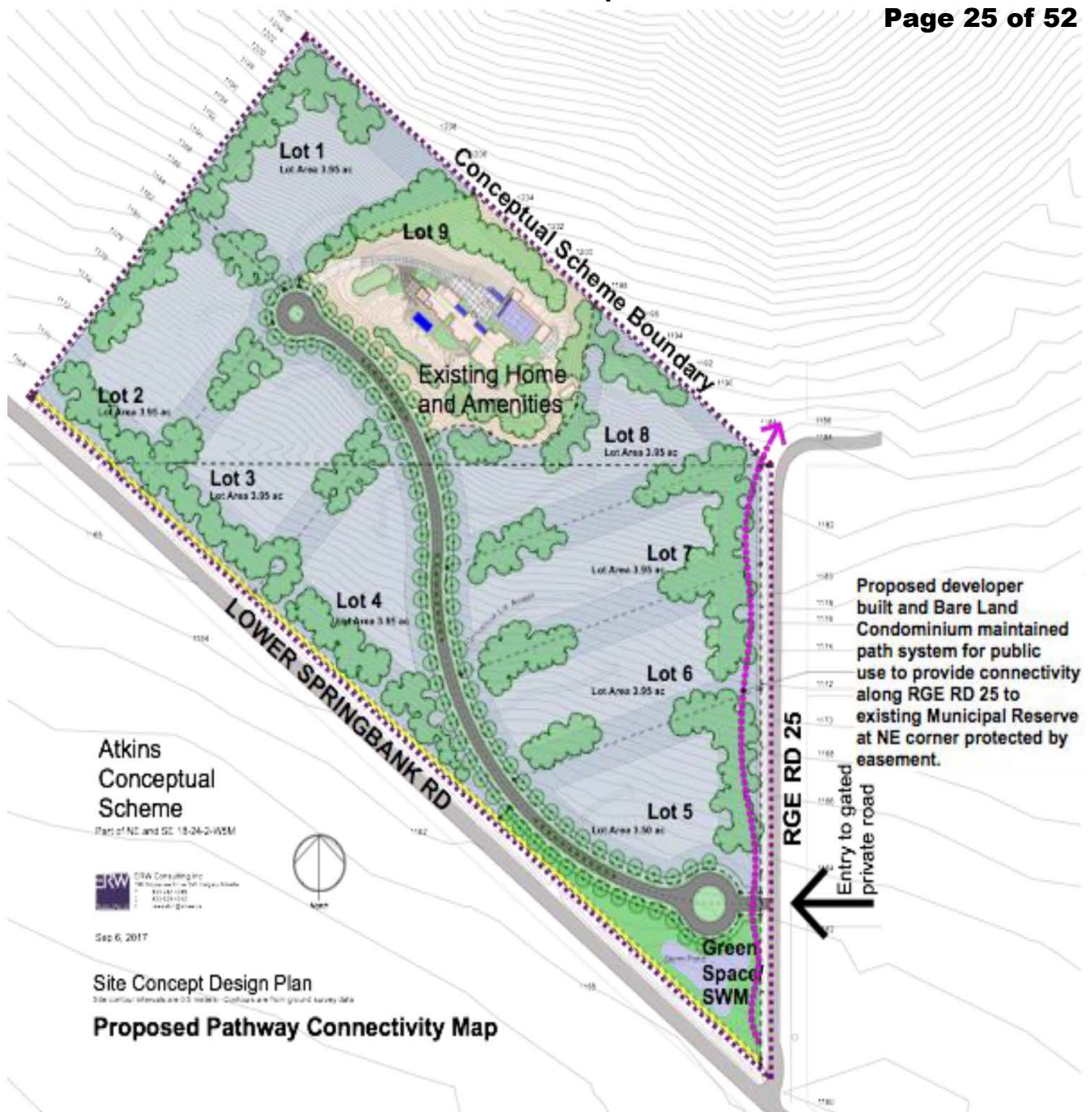
Date: Feb 21, 2019

Division # 3

File: PL20180093 - 046180093

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Atkins Conceptual Scheme

(adopted on May 22, 2018)

Block 1, Plan 7811222, SE-18-24-02-W05M
& Lot 2, Block D, Plan 1415 LK, NE-18-24-02-W05M

Date: Feb 21, 2018

Division # 3

File: PL20180093 - 04618004-19

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Traffic Access Review

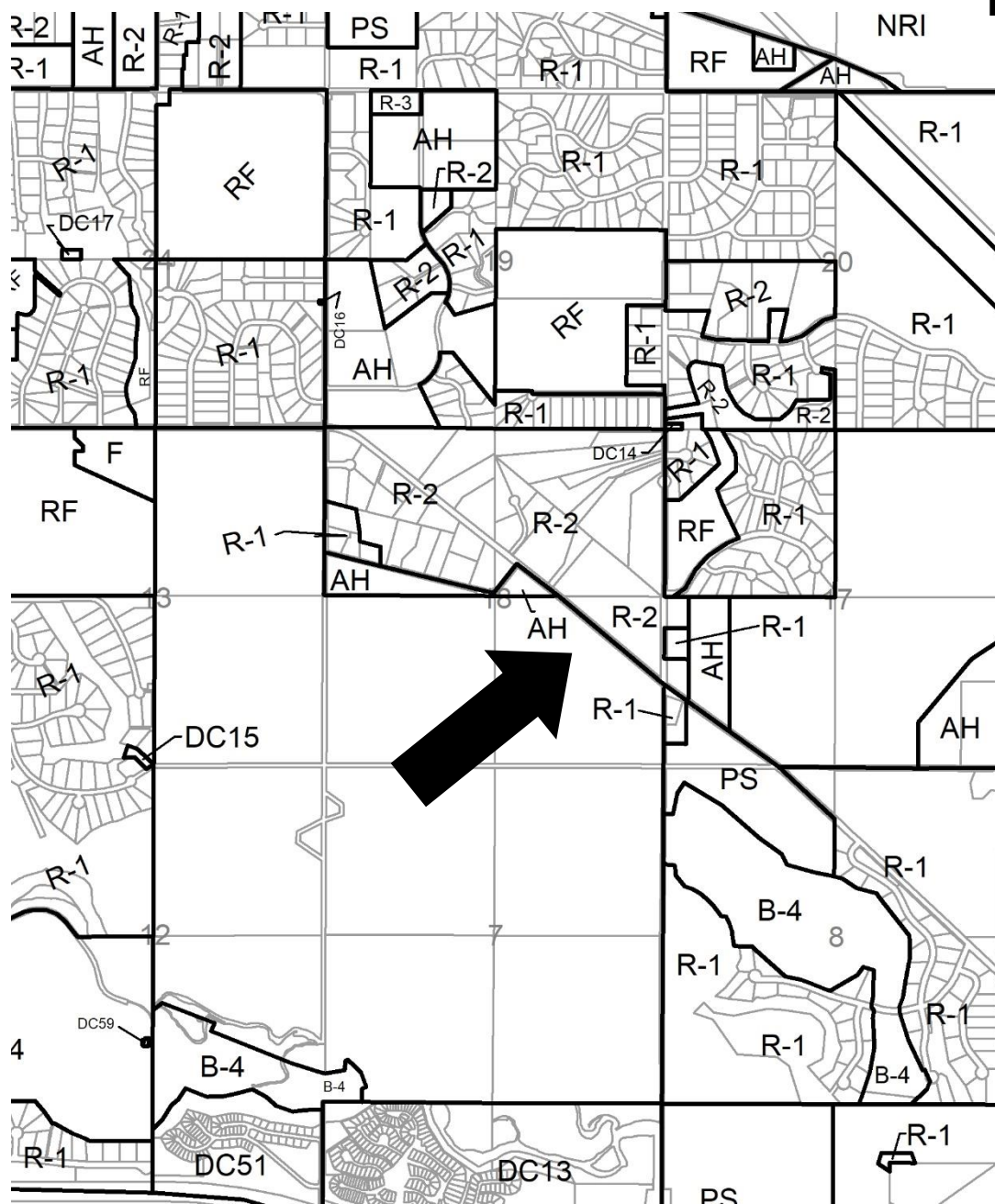
**Block 1, Plan 7811222, SE-18-24-02-W05M
& Lot 2, Block D, Plan 1415 LK, NE-18-24-02-W05M**

Date: Feb 21, 2019

Division # 3

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CITY OF CALGARY

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

LAND USE MAP

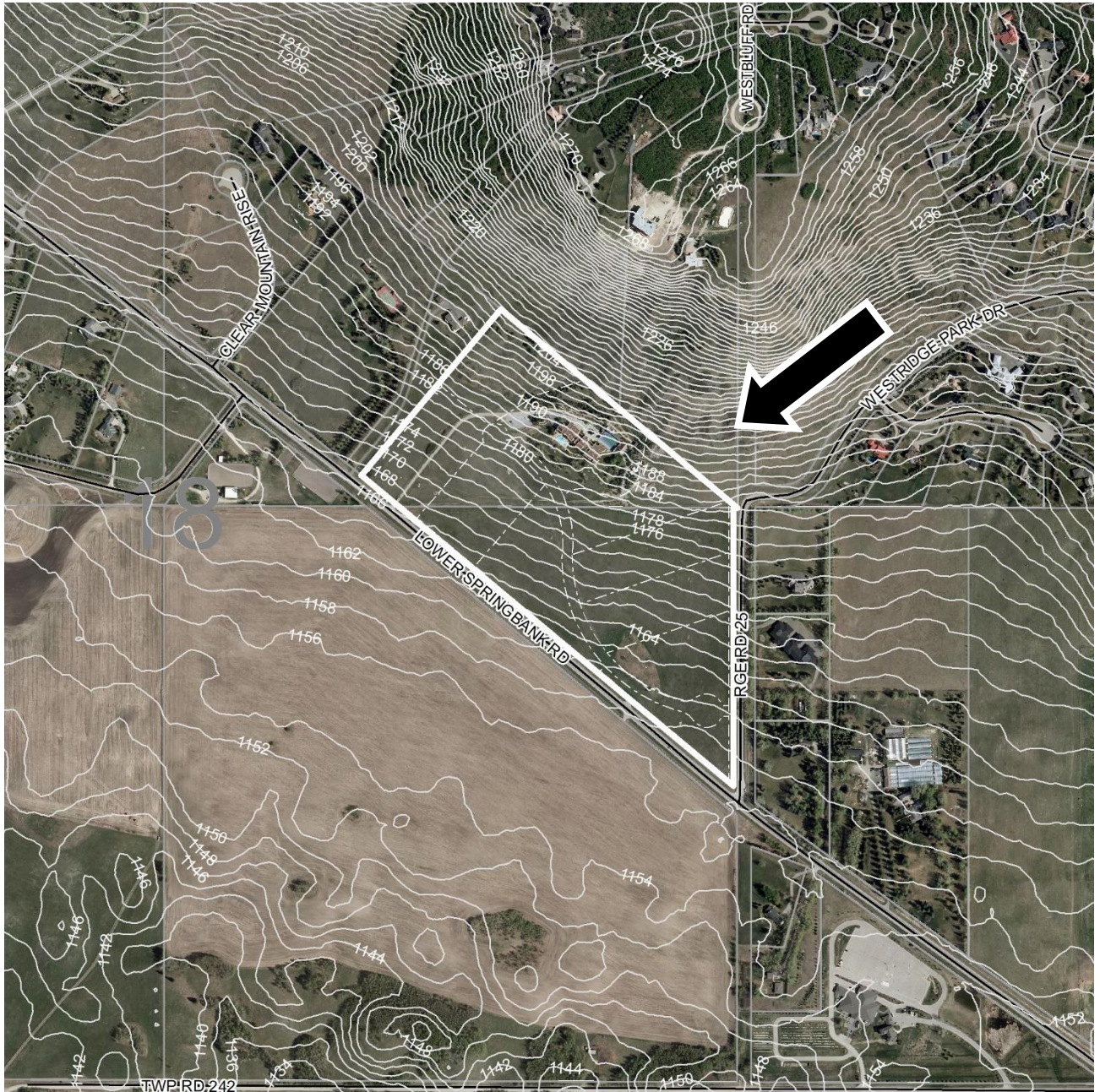
**Block 1, Plan 7811222, SE-18-24-02-W05M
& Lot 2, Block D, Plan 1415 LK, NE-18-24-02-W05M**

Date: Feb 21, 2019

Division # 3

File: PL20180093 - 04618004/19

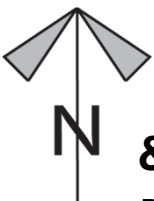
AGENDA
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Contours are generated using 10m grid points, and depict general topographic features of the area. Detail accuracy at a local scale cannot be guaranteed. They are included for reference use only.

TOPOGRAPHY

Contour Interval 2 M



**Block 1, Plan 7811222, SE-18-24-02-W05M
& Lot 2, Block D, Plan 1415 LK, NE-18-24-02-W05M**

Date: Feb 21, 2019

Division # 3

File: PL20180093 - 0461800475

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Limitations refer to cereal, oilseeds and tame hay crops

CLI Class	Limitations
1 - No significant limitation	B - brush/tree cover
2 - Slight limitations	C - climate
3 - Moderate limitations	D - low permeability
4 - Severe limitations	E - erosion damage
5 - Very severe limitations	F - poor fertility
6 - Production is not feasible	G - Steep slopes
7 - No capability	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



**Block 1, Plan 7811222, SE-18-24-02-W05M
& Lot 2, Block D, Plan 1415 LK, NE-18-24-02-W05M**

Date: Feb 21, 2019

Division # 3

File: PL20180093 - 04618004/19 **AGENDA**

**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

**Block 1, Plan 7811222, SE-18-24-02-W05M
& Lot 2, Block D, Plan 1415 LK, NE-18-24-02-W05M**

Date: Feb 21, 2019Division # 3File: PL20180093 - 04618004-13

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3 - 04618604/19
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**ERW Consulting Inc**

198 Slopeview Drive SW, Calgary, Alberta T3H 4G

Date: Aug 30, 2018

To: Members of Council
Rocky View County

Re: Atkins Subdivision RR 25 / LSR Transportation Upgrades
Part of NE & SE 18-24-2-W5M
Subdivision Application Number PL20180093 - 04618004/019

As part of the Atkins Conceptual Scheme for the proposed subdivision, Bunt & Associates prepared a Traffic Access Review at Lower Springbank Road and RR 25. This review was prepared under direction of Rocky View staff to confirm the impact of the development on the LSR/RR 25 intersection for both the opening day and 20 year horizon.

This review was specifically required to comment on the safety and operational adequacy of the existing intersection geometry, given its skewed angle and substantial vegetation.

On April 27, 2017 a 24 hour turning movement count was conducted by Bunt & Associates.

Existing daily volume of RR 25 traffic is approximately 350 trips per day. The daily increase of traffic due to the Atkins subdivision will be less than approximately 90 trips per day. There are terrain issues north of RR 25 that prevent any future connection to RR 25 north at the top of the hill so no future traffic growth is expected on RR 25 at the LSR intersection.

It is expected that Lower Springbank Road will be expanded to 4 lanes in the distant future. A 3 meter wide strip of land on the north side of LSR will be dedicated to the County as a condition of subdivision. The widening of LSR is not attributable to the traffic generated from the Atkins subdivision.

As a result of the safety analysis for the intersection Bunt recommends the following:

- Remove all vegetation impeding the sight triangle at the intersection that is planted in the right of way on the north side of Lower Springbank Road and on the east side of RR 25 south of the existing mailboxes. Removal of tree vegetation along LSR will be for approximately 100 meters.

- Relocate the existing mail box structures such that they are no closer than 20 meters from the edge of Lower Springbank Road.
- Add a "Concealed/Hidden Intersection (WA-12L)" sign on west bound Lower Springbank Road east of the intersection, per MUTCD guidelines.

The Bunt & Associates review concludes:

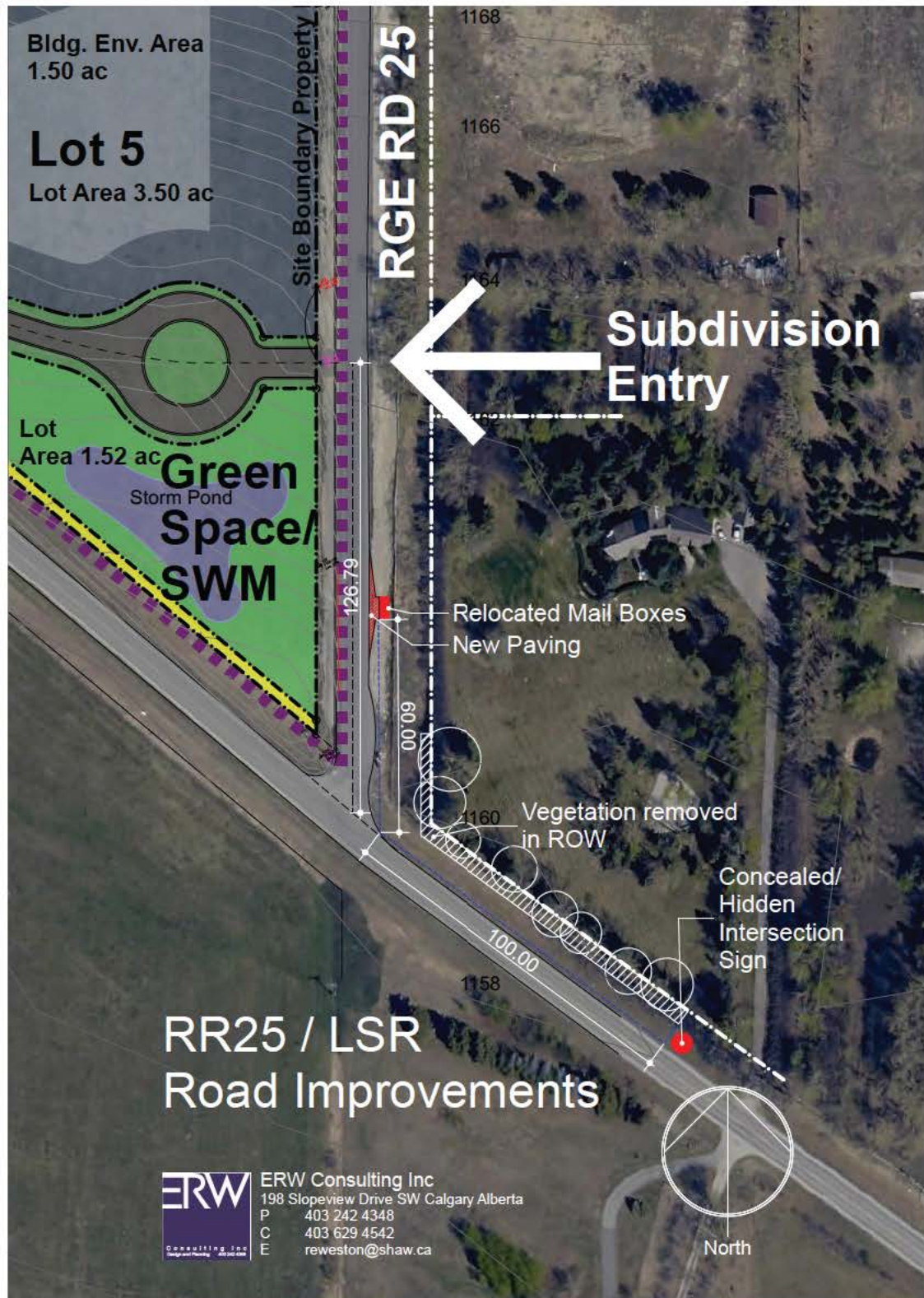
- The intersection will operate with acceptable capacity and queuing parameters in an unsignalized capacity at the Opening Day horizon.
- Smaller improvements to sight lines are necessary to improve safety at this intersection. Improvements include the removal of vegetation in the LSR right of way in the northeast corner of the intersection, relocation of the existing mailboxes approximately 8 to 10 meters further to the north along RR 25, and the addition of "Concealed/Hidden Intersection" sign along LSR just east of the intersection for the westbound movement.
- The intersection will continue to operate within acceptable capacity and queuing parameters in an unsignalized capacity at the Long Term horizon assuming that LSR is widened to four lanes with requisite turn lanes by that time.
- At such time as RVC widens/twins LSR, the intersection should be re-aligned to improve the approach angle of RR 25.

Attached is a map showing the improvement work and locations as per the Bunt & Associates Traffic Access Review dated June 9, 2017. This work will be undertaken by the developer as a condition of subdivision.

Best regards:

Robert Weston Barch, Life Member AAA

Attach: RR 25 / LSR Road Improvements Map



**ERW Consulting Inc**198 Slopeview Drive SW, Calgary, Alberta T3H 4G p 403 242 4348 c 403 629 4542 e reweston@shaw.ca

Date: Aug 30, 2018

To: Members of Council
Rocky View County

Re: Atkins Subdivision Transportation Levy

Part of NE & SE 18-24-2-W5M

Subdivision Application Number PL20180093 – 04618004/019

This letter is being submitted as part of the application of subdivision to request Council to consider a reduction of transportation levy charges for the Base Levy and Special Area Levy for this subdivision based on the following rationale:

1. 9 residential lots including the existing residence are being created on a 16.54 hectare (40.85 acre) development site. The average new lot size is 3.95 acres. The parcel created for the existing home site is 5.28 acres (Lot 9).
2. Subdivision of this land requires dedication of a 3 meter wide strip of land contiguous to Lower Springbank Road for the purpose of road widening in the future. The area of this dedication will be 0.5 acres. This dedication does not add additional traffic to the County. This in effect is another offsite transportation cost added to the land.
3. Bunt Engineering Associates submitted a TIA June 2017 concluding that this subdivision will have minimal impact on local and regional traffic along with a recommendation that smaller scale improvements will be necessary to improve safety at the Lower Springbank Road and RR 25 intersection.
4. The 2014 Transportation Offsite Levy Bylaw as it applies to this land requires a base rate of \$4,595 and a Special Levy Area 4 rate of \$11,380 for a total of \$15,975 per gross acre. This adds up to a levy cost of **\$652, 578** which equates to \$81,572 per new lot.
5. The 2014 Transportation Levy Bylaw identifies in Section 6 d) (EXEMPTIONS): "Any Lands or portions thereof where Council has determined, in its sole and unfettered discretion, that it is appropriate in the circumstances not to impose the levy upon such portion of the Lands as a result of the Development contemplated in the applicable Development Permit of Subdivision Approval."

The Transportation Levy Bylaw also states an exemption for "the Subdivision for the First Parcel Out of a previously un-subdivided quarter section".

Rocky View County Land Use Bylaw defines a First Parcel Out as a single residential or agricultural parcel created from a previously unsubdivided quarter section. Lot 7 is contained in a previously unsubdivided quarter section SE 18-24-2-W5M. Lot 7 is 3.95 acres in size.

6. The draft 2018 Transportation Levy proposes an exemption of the Base Levy and Special Area Levy for Residential One and Residential Two zoned parcels containing an original home parcel following subdivision.

The request to Council is to exempt the Base Levy and Special Area Levy charges to:

- the existing residence site (Lot 9),
- the Lower Springbank Road 3 meter dedication on the basis that these lands do not add traffic to the region;
- and Lot 7 as the First Parcel Out of SE 18-24-2-W5M.

The dedication for the Lower Springbank Road expansion also comes at no cost to the County.

Attached is a map showing the land to be subdivided with the requested land for Levy exemption i.e. home (Lot 9), First Parcel Out of (Lot 7) and road dedication sites highlighted.

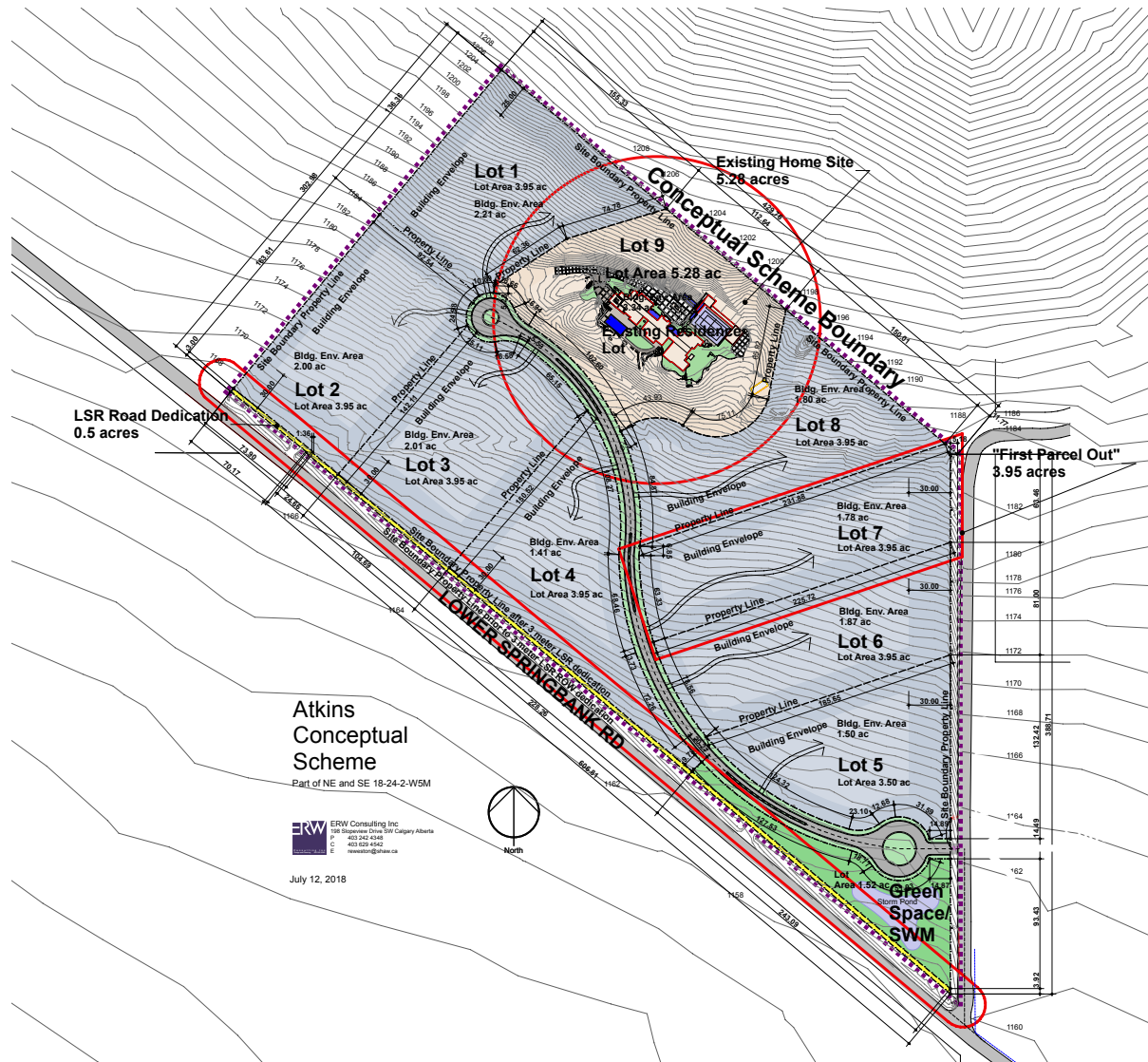
We also request that the Transportation Levy payments be phased as follows: 30% at subdivision endorsement, 30% at the first anniversary after subdivision endorsement and 40% at the second anniversary after subdivision endorsement.

Thank you for your consideration of this request.

Best regards:

Robert Weston Barch, Life Member AAA

Attach: Site Lotting Plan



Attn: Xin Deng
Planning Services Dept.
Rocky View County
911-32nd Ave NE
Calgary, AB
T2E 6X6

Re: File #: 04618019/8004
Application #: PL20180093
Div 3 aka Aitkins Subdivision

From Tish Doyle-Morrow & Tim Morrow


We are writing today as concerned residents of the Westridge neighborhood which the Aitkins subdivision/condominium development will directly impact.

This development as proposed will add at minimum 18 new vehicles to Range Rd 25 with possibly a hundred or more new vehicular traffic daily to this small road during the development/construction phase.

The proposed development will impact traffic from Lower Springbank Road to Range Road 25, an option that demonstrates either an absolute lack of knowledge or blatant disregard for the safety issues present on this road.

Range Rd 25 comes off of Lower Springbank Rd at a location where many people are accelerating to join the flow of traffic which too often exceeds the posted speed limit. In the interests of safety of themselves, their families and others, residents in this area quickly exit Lower Springbank Rd onto Range Rd 25 in order to reduce the likelihood of being rear ended. The proposal has the new road from this subdivision emptying onto Rge Rd 25 in an area residents need clear and free of traffic for safety. In poor conditions residents rarely stop for mail pick-up as the mail boxes are poorly placed at the intersection with a small pullout which is not ploughed in the (too long) winter and becomes hazardous.

Residents turning onto Rge Rd 25 from the east are already at a disadvantage with respect to visibility, partially complicated by the trees on the corner (Please don't even think of removing them) and partially due to the road being set at an angle less than 90 degrees to Lower Springbank Rd. This road combined with Westridge Park Dr is at an extreme grade.

We would propose the Aitkins development use the driveway location already designated to their section of land off of Lower Springbank Rd buying into the excellent site lines or some other solution which does not result in an unsafe situations with vehicles travelling in excess of

80 kph. Certainly the well-being of residents should have a higher priority than the developer's wants.

On a related matter, we oppose the Pathway Connectivity as drawn on their proposal. It makes no sense whatsoever to develop 'a pathway to heaven'. While it may sound nice what is actually being connected? Communities being developed west of us are placing pathways parallel to Lower Springbank Rd to 'connect' community to community.

Perhaps even more problematic, the proposed pathway may interfere with the current and important natural rain and groundwater run off area for the escarpment above. We would like to see evidence that this possibility has been addressed as part of any proposal. Moreover, we are also concerned that this proposed pathway will negatively impact the wildlife, in the area, that currently use this area for access to and from the river. What study has been undertaken to understand the impact on the environment?

Thank you and we look forward to hearing back from council addressing our concerns.

Tish Doyle-Morrow and Tim Morrow

August 20, 2018

To: Planning Services Department Rocky View County
 911-32nd Ave NE
 Calgary, AB T2E 6X6

Re: Atkins Development, File number 04618019/8004, Application number PL20180093

We are home owners with property in the immediate vicinity of the proposed subdivision and development of a 40.85-acre, nine-lot, private bare land condominium community at the NW junction of RR 25 and Lower Springbank Road (Applicant: ERW Consulting Inc., File number 04618019/8004, Application number PL20180093). The Atkins Conceptual Scheme and redesignation of these lands from agricultural to residential was approved by Rocky View County on May 22 of this year. We received a notice dated August 2 from Rocky View County Planning Services soliciting comments on matters related to this subdivision application and development plan. In our view, the proposed development presents significant technical issues regarding ground water quality and supply, infrastructure and support, road traffic, the environment, rural quality of life and property values. We believe it important that the local community be provided the detailed results of studies addressing these issues and the steps required to mitigate any potential problems. We object to the proposed development for the following technical reasons.

Upslope Lot Arrangement

The lots are stacked upslope of Lower Springbank Road such that water well and septic systems have the potential to cause serious water quality and supply problems for residents, particularly those within and downslope of the proposed development.

Water Wells

Water well placements may affect ground water supply for adjacent lots. Pumping tests for the area were done singly and sequentially and do not represent fair tests for multiple wells that are closely spaced and drawing down the water table simultaneously. The currently developed lot (#9) has 2 wells. The scheme proposes that homes on the proposed lots will be developed similarly. In that case, there will be a minimum of 8 new wells on the property resulting in substantially greater ground water drawdown. According to the Alberta Government Department of Agriculture and Forestry (Water Wells that Last, [https://www1.agric.gov.ab.ca/\\$department/deptdocs.nsf/all/wwg404](https://www1.agric.gov.ab.ca/$department/deptdocs.nsf/all/wwg404)) neighboring well interference and problems of yield can result if closely spaced wells are drawing from the same aquifer.

Septic Systems

As Westridge Water has decided not to service this proposed development, each lot would have at least one water well and a septic field. Both the Central Springbank Area Plan and Alberta Agriculture and Forestry stress that water wells should be upslope and as far as possible from potential contamination sources such as septic fields. With the stacked arrangement of lots in the proposal, only lots 1 and 9 (and possibly 8) would not have septic fields upslope of nearby water wells. Other lots would have up to three septic fields upslope of water wells. These lots, as well as other properties downslope, would be vulnerable to possible septic seepage and contamination.

Infrastructure and Support

Those of us who live in this rural setting accept that there can be problems with servicing. In addition to Westridge Water's refusal to supply water for the proposed development, there are no fire hydrants, no cable, and slow or limited response from the RCMP. In the Springbank Area Structural Plan 2008, section 2.33, they have already shown a concern over emergency response time and the need for new emergency service facilities, police, medical and fire. Before more developments are approved, these concerns should be addressed.

Lower Springbank Road

Lower Springbank Road has experienced a substantial and undesirable increase in traffic in recent years due largely to the pressure from the housing developments that have been built in the area. These developments include Morgan Rise, Sterling Springs, the Slopes, and land subdivisions at Clear Mountain Rise and Robinson Road. There are several other nearby developments totalling 215 homesites currently selling lots and building homes that will feed additional traffic onto Lower Springbank Road. These include Swift Creek Estates (59 lots) along RR 31, Windhorse (55 lots) at the intersection of Lower Springbank Road and RR 31, Morning Vista Estates (34 lots) along RR 32, Lazy H Estates (31 lots) at the intersection of Springbank Road and RR 31, Timberstone (27 lots) at the intersection of Springbank Road and Horizon View, and 9 lots at the intersection of RR32 and Springbank Road.

While most developments have presented studies stating that “additional traffic will have limited impact”, they seem to ignore the cumulative effects of the multiple developments in progress as well as the problems created by the construction associated with Highway 8 and the extension of Stoney Trail along 101st St SW.

We are also concerned with quality of life characteristics and decreasing property values, particularly if it is deemed that Lower Springbank Road needs to be widened to a four-lane highway that would encroach upon the existing homes.

Environmental Impact

The environmental impact information in the Atkins Conceptual Scheme is vague, incomplete and minimizes the possible effects of the proposed development. We have not been able to obtain a comprehensive environmental impact assessment that uses an interdisciplinary approach to accurately evaluate both the physical and social impacts of the proposed development.

For example, the environmental study in the Atkins Conceptual Scheme (Bylaw C-7755-2018) is a single page and cites only 5 (unidentified) wildlife species. The methods of observation and the seasons or periods over which the observations were made are not specified. Map 6 of the Springbank Area Structure Plan shows that the development lies on a “major wildlife movement corridor”. We have lived in this area for 20 years and know that many species including deer, coyotes, badgers, weasels, hares, ground squirrels, moles, voles, hawks, eagles and numerous bird species are common. The occasional moose, cougar and bear have also been seen. No mention of the environmental impact on wildlife or their movements appears in the study.

In summary, the proposed subdivision (Atkins Conceptual Scheme), upslope of Lower Springbank Road, raises several troubling concerns regarding ground water quality and supply, infrastructure and support for the existing developments/acreages, worsening traffic problems along Lower Springbank Road (and other area roads), our environment, and the potential negative consequences for rural quality of life and property values. We believe that these critical issues need to be studied further and communicated appropriately. In addition, any steps that may be required to mitigate potential problems should be undertaken in consultation with the local community before the development is approved.

Sincerely,

Thomas Nardin and Barbara Nardin

[REDACTED]
[REDACTED]

[REDACTED]

From: Todd fisher [REDACTED]
Sent: Monday, August 20, 2018 10:41 PM
To: Xin Deng
Subject: Fwd: file number 04618019/8004

Begin forwarded message:

From: Todd fisher [REDACTED]
Subject: file number 04618019/8004
Date: August 20, 2018 at 8:17:09 PM MDT
To: eneilsen@rockyview.ca, xden@rockyview.ca

In regards to file #04618019/8004, application # PL20180093. It has come to my attention that this development was approved in May of 2018, I had contacted Rocky View last fall with concerns about the proposed development specifically in regards to the water wells. I had also contacted Alberta environment about the ground water and was told that there would be no impact to our water supply, we are presently experiencing our own issues with our water well and recovery. We have strong objections to this development and the enviable impact that it will have on our water supply. We have invested our entire life savings in this property and have strong concerns about future property values if future developments are not managed with the long term consideration. When we built this house we had to go to extremes lengths and expense with engineering and would expect that Rocky View would uphold the same standards with future devlopments and not allow anyone to come and try to make a fast dollar and move on and leave everyone to pay the price. I would like to talk to someone ASAP, also the mailboxes in this area have recently been replaced due to break ins and a lot of residence impacted by this development may not have received any correspondence regarding this proposal as we ourselves still have no keys since July.

Todd Fisher

todd fisher
[REDACTED]

August 19, 2018

To: Xin Deng

Cc: Councillor Hanson

Re: File Number : 04618019 / 8004

Application Number: PL20180093

I have lived in Westridge Park, above the proposed subdivision, for over 28 years. Over the years I have observed the results of poor planning and decision making in and around the area I live in. It is my contention that decisions should be made with input from the residents who have travelled the roads and the countryside in Rocky View County, have experienced living and commuting from the County and have lived in the County as it grew.

My comments are as follows:

1.

With regards to the proposed entry to the gated private road, the use of RGE Rd 25, as it stands, would subject all residents, exiting and entering onto Lower Springbank Road, to unnecessary danger. The intersection (Lower Springbank and RGE Rd 25) will need work as it is on a blind corner. The steep grade of RGE Rd 25 is icy in certain winter conditions, even when it has been sanded. The proposed entry would be adding traffic, and it is a reasonable assumption that many residents will be turning left onto Lower Springbank Road to head towards the downtown area for work. The resident on the NE side of this intersection has dense trees on his property which makes visibility challenging. The proposed tree line along RGE Rd 25 would add to this problem. Location of the mailboxes adds more volume on RGE Rd 25, with cars stopped in front of the mailboxes. Exiting off Lower Springbank Road when residents are getting their mail is already a safety concern, as we are immediately exiting off Lower Springbank Road at the blind corner. A suggestion of moving the mailboxes (for Westridge residents and the proposed subdivision residents) to the proposed gated entry would require considerable planning.

2.

With regards to the water wells on this site, I understand that it is stated in the application that the subdivision will not connect to Westridge Water. I suggest that Rocky View County ensures that the developer sets up a franchise agreement with Westridge so that if there is a change in the future, Westridge would provide water to the development. If an existing water provider, such as Westridge has the capacity, then the developer has to take it. The developer, Atkins, should be required to have the infrastructure in place to support future connections to Westridge or the City of Calgary (considering the proximity the development is to the city limits).

3. The schematic shows a small common area and does not show environmental or green space allocations. Westridge Park has pathways around the subdivision that are allocated for common use, and Rocky View County has put up signs designating the pathways as such.

I understand that the Atkins Conceptual Scheme has been adopted by Council, however I hope that Rocky View County will make some changes to its bylaws to ensure that future planning is proactive and meets the needs of the residents in the County. The inherent risk to motorists entering and exiting RGE Rd 25 suggests poor planning by the developer and RV County. The use of water wells, whether deemed acceptable or not within RV bylaws, in an area that is well sourced with water by an existing water company is suspect and also suggests poor planning by Rocky View.

I have researched other projects by Atkins, and the projects have had less than desirable outcomes with water, sewage and land use. I would hope that the County would ensure that the developer follows through with the project and the changes required.

Judy Svarich

To: Whom it May Concern

Re: Atkins Development, File Number 04618019/8004, Application Number PL20180093

Dear Sir, Madam

I have very recently received notice of the aforementioned proposed subdivision. As we are landowners ([REDACTED]) in the area near the proposed subdivision we have a couple of items that we are concerned about with the subdivision.

To deter to brevity I will put these points into bullet form:

- **Water Wells.** I have concerns over the development being allowed to use wells as their source of water. When we built our house approximately 12 years ago we had to commit to Rocky View County ("The County") to joining the local water pipeline when a second house was built in the neighborhood. The County insisted on the provision as they had worries about too many houses drawing on the local groundwater. When my sister built her house about 4 years later we joined the CO-OP as we had committed to. For the life of me I cannot figure out how a proposed subdivision of 9 houses does not have to do the same thing as a 2 household subdivision. This policy is inconsistent and unfair to anyone who has been forced by the County to join a water CO-OP.
- **Area Structure Plan Process.** When my sister subdivided 2 acres from my parents of legacy Springbank land, she was forced to do a full on Conceptual Plan which included consultation with all homeowners in the area. My household and no other ones that I am aware of have been contacted in regards to this subdivision and the August 2nd letter from Rocky View is our first knowledge of the proposed subdivision. I have not seen any reports or have been contacted by anyone involved in the application process. Again the inconsistencies of the process are strange.

My family believes that there needs to be further study and better consultation with area residents for this Subdivision and that County Policies need to be applied consistently to all homeowners. We do not feel that approval of this Subdivision is warranted at this time.

Please feel free to contact me.

Yours Truly,

Dan Toews

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: Gideon Tsang [REDACTED]
Sent: Tuesday, September 04, 2018 12:13 PM
To: Xin Deng
Subject: Water Right vs Application PL20180093

Dear Xin Deng,

Further to our telephone conversation this morning ,I would like to express my concern on Atkins application PL2018093.

I am the land owner of SW 17-24-2w5, Country Gardens and Nursery. We have a licensed production well granted to us many year ago. The mentioned application intended to drill wells to use ground water as supply to his 9 new homes. My concern is the 9 wells will conflict my water right. I have 300,000,000 gallons of water right per year to supply our water needs. Since the wells are drawing water from the same aquifer, I worry that our supply will deplete very fast. Albert water law indicated very clearly that the act is to protect existing water right. Please pay attention to this. I sincerely hope the approval the using underground water on this application will not put my business in a serious water supply problem.

Thank you for you attention.

Mrs. Louisa Tsang

Sent from my iPad

To: Rocky View County
Atten: Xin Deng at XDeng@rockyview.ca
Re: Atkins Subdivision PL20180093
Date: September 12, 2018

This letter is in support of the above noted subdivision application.



Name Ali Jomaa

Address [REDACTED]

To: Rocky View County
Atten: Xin Deng at XDeng@rockyview.ca
Re: Atkins Subdivision PL20180093
Date: September 13, 2018

This letter is in support of the above noted subdivision application.



Craig Johnson



To: Rocky View County
Atten: Xin Deng at XDeng@rockyview.ca
Re: Atkins Subdivision PL20180093
Date: September 13, 2018

This letter is in support of the above noted subdivision application.

Gary Lee



To: Rocky View County

Atten: Xin Deng at XDeng@rockyview.ca

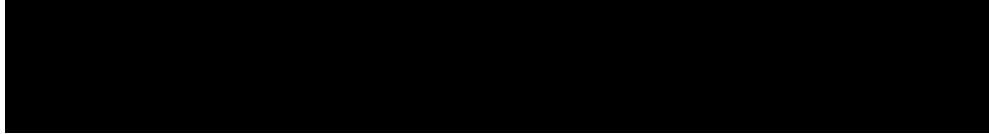
Re: Atkins Subdivision PL20180093

Date: 14/9/18

This letter is in support of the above noted subdivision application.

Name DOREEN M FARLEY

Address



D M Farley 9/12

To: Xin Deng
Rocky View County

Re: Atkins Subdivision Application Number PL20180093

Date: September 13, 2013

I am writing to indicate my strong support for this subdivision application. I recognize that the Springbank Area Structure Plan is in the process of an amendment and note that implementation of the amended ASP will encourage a variety of development types and densities.

This subdivision is an excellent example of infill development that will set a high standard for residential design and will increase property values in the area. Access to the development from RR 25 has the advantage of removing residential access from Lower Springbank Road thereby eliminating safety issues on a busy road that ultimately will expand in the future as the area continues to develop.

The south sloping site at the bottom of the north escarpment will provide excellent views from the development and will not obstruct views of existing developments.

The lot sizes fit with those existing in the neighboring area. Traffic from 8 new 4-acre parcels will not negatively impact existing traffic patterns.

I look forward to seeing this development coming to fruition.

Paul Vickers

Address

COLPITTS RANCHES,

25165 B - Township Road 242,
Calgary, Alberta, Canada,
T3Z 3K2 [REDACTED]

APPENDIX 'E': Landowner comments

J-2

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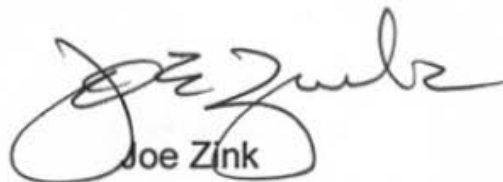


September 18, 2018

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

Dear Sir/Madam:

This letter is written to support the proposed development by Murray Atkins that is located at SE 18 24 2 W 5 and north of the Lower Springbank Road. We feel that this development is consistent with other residential housing in the area and compliant with the Central Springbank Area Structure Plan.


Joe Zink