

# Council Meeting Agenda

October 22, 2019

Following the  
Organizational Meeting



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

## CALL MEETING TO ORDER

## UPDATES/APPROVAL OF AGENDA

### A APPROVAL OF MINUTES

1. October 8, 2019 Council Meeting

Page 6

### B FINANCIAL REPORTS

- None

### C APPOINTMENTS/PUBLIC HEARINGS

**NOTE:** In accordance with the *Municipal Government Act*, the public hearings were advertised in the September 24, 2019 and October 1, 2019 editions of the Rocky View Weekly.

## AFTERNOON APPOINTMENTS 1:30 P.M.

1. Division 6 – File: PL20190072 (08112002) – Bylaw C-7928-2019 –  
Redesignation Item – Ranch and Farm District to Business-Highway Frontage  
District

Staff Report

Page 16

2. Division 9 – File: PL20190049 (07808011) – Bylaw C-7912-2019 –  
Redesignation Item – Ranch and Farm District to Ranch and Farm Three  
District

Staff Report

Page 37

3. Division 7 – File: PL20180139 (06403002) – Bylaw C-7930-2019 –  
Redesignation Item – Site-Specific Amendment to DC-99  
Note: this item should be considered in conjunction with item C-4

Staff Report

Page 68

# Council Meeting Agenda

October 22, 2019

Following the  
Organizational Meeting



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

4. Division 7 – File: PL20180140 (06403002) – Bylaw C-7929-2019 –  
Conceptual Scheme Item – Interlink Logistics Park  
Note: this item should be considered in conjunction with item C-3

Staff Report

Page 89

## D GENERAL BUSINESS

1. All Divisions – File: N/A – Quarterly Report – Transportation Services

Staff Report

Page 181

2. Division 5 – File: 05325001 – Request to Waive the Development Permit Six-  
Month Waiting Period

Staff Report

Page 184

3. All Divisions – File: N/A – Response to Notice of Motion – Termination of 1998  
Reserves Agreement

Staff Report

Page 203

4. Division 1– File: 5045-275 – Connection of Wintergreen Woods to the Bragg  
Creek Water Treatment Plant

Staff Report

Page 249

5. All Divisions – File: N/A – Consideration of Motion – Rescind Motion – RMA  
Conference and Expenses

Staff Report

N/A

## E BYLAWS

1. All Divisions – File: N/A – Consideration of First Reading for *Public Notification*  
*Bylaw C-7860-2019*

Staff Report

Page 252

2. Division 5 – File: PL20190071 (03231019) – Consideration of First Reading of  
Bylaw C-7923-2019 – Redesignation Item – Residential Redesignation

Staff Report

Page 255



# Council Meeting Agenda

October 22, 2019

Following the  
Organizational Meeting



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

3. Division 7 – File: PL20190036 (06421007) – Consideration of First Reading of Bylaw C-7938-2019 – Redesignation Item – Residential Redesignation

Staff Report

Page 266

4. Division 2 – File: PL20190113 (05704005) – Consideration of First Reading of Bylaw C-7941-2019 – Redesignation Item – Site-Specific Amendment to Direct Control Bylaw 27 (DC-27)

Staff Report

Page 277

5. Division 4 – File: PL20180149 (03214108) – Consideration of First Reading of Bylaw C-7862-2019 – Redesignation Item – Site-Specific Direct Control District Amendment

Staff Report

Page 288

6. Division 4 – File: PL20190101 (03222172) – Consideration of First Reading of Bylaw C-7939-2019 – Redesignation Item – Site-Specific Direct Control District Amendment

Staff Report

Page 300

7. Division 6 – File: PL20190084 – Consideration of First Reading of Bylaw C-7943-2019 – Kneehill County and Rocky View County Intermunicipal Development Plan

Staff Report

Page 312

8. Division 9 – File: PL20180113 (06826028) – Consideration of First Reading of Bylaw C-7942-2019 – Conceptual Scheme Item – Camden Heights  
Note: this item should be considered in conjunction with item E-9

Staff Report

Page 338

9. Division 9 – File: PL20170045 (06826028) – Consideration of First Reading of Bylaw C-7679-2017 – Redesignation Item – Ranch and Farm District to Residential Two District  
Note: this item should be considered in conjunction with item E-8

Staff Report

Page 383

F UNFINISHED BUSINESS  
- None

# Council Meeting Agenda

October 22, 2019

Following the  
Organizational Meeting



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

## **G COUNCILLOR REPORTS**

## **H MANAGEMENT REPORTS**

- None

## **I NOTICES OF MOTION**

1. All Divisions – File: N/A – Notice of Motion – Councillor Gautreau and Deputy Reeve Schule – Highway 8 Area Structure Plan

Notice of Motion

Page 394

2. All Divisions – File: N/A – Notice of Motion – Councillor Wright and Councillor Kissel – Creation of Authorized Truck Routes/Truck Haul Agreements in Rocky View County

Notice of Motion

Page 398

3. All Divisions – File: N/A – Notice of Motion – Councillor Wright and Councillor Hanson – Recommendation to RMA to Endorse A Letter Writing Campaign Regarding the Creation of Extended Producer Responsibility (EPR) Paper and Packaging Program

Notice of Motion

Page 400

4. All Divisions – File: N/A – Notice of Motion – Councillor Kissel and Councillor Wright – Bylaw C-6034-2005 – Mountain Ridge Place Waterline Construction

Notice of Motion

Page 402

## **J SUBDIVISION APPLICATIONS**

1. Division 7 – File: PL20180088 – Subdivision Item – Industrial Subdivision  
Note: this item should only be considered by the Subdivision Authority if items C-3 and C-4 are approved by Council

Staff Report

Page 404

2. Division 7 – File: PL20180133 – Subdivision Item – McLellan Business Park Multi-lot Subdivision

Staff Report

Page 420

# Council Meeting Agenda

October 22, 2019

Following the  
Organizational Meeting



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

**3. Division 7 – File: PL20190104 – Subdivision Item – Residential Subdivision**

Staff Report

Page 452

**4. Division 8 – File: PL20180100 – Subdivision Item – Bearspaw Area Structure Plan – Residential Two District**

Staff Report

Page 467

**5. Division 7 – File: PL20190066 – Subdivision Item – Balzac East Area Structure Plan – Industrial – Industrial Activity District**

Staff Report

Page 483

**6. Division 9 – File: PL20190042 – Subdivision Item – Boundary Adjustment**

Staff Report

Page 499

**K CLOSED SESSION**  
- None

**ADJOURN THE MEETING**

ROCKY VIEW COUNTY  
COUNCIL MEETING MINUTES  
October 8, 2019

Page 1

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 October 8, 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 3	Councillor K. Hanson (arrived at 9:07 a.m.)
	Division 5	Councillor J. Gautreau
	Division 7	Councillor D. Henn
	Division 8	Councillor S. Wright
	Division 9	Councillor C. Kissel (arrived at 9:07 a.m.)

Absent:	Division 2	Councillor K. McKylor
---------	------------	-----------------------

Also Present:

- A. Hoggan, Chief Administrative Officer
- K. Robinson, Executive Director, Corporate Services
- B. Riemann, Executive Director, Operations
- G. Kaiser, Executive Director, Community and Business
- M. Wilson, A/Executive Director, Community Development Services
- C. Satink, Municipal Clerk, Municipal Clerk's Office
- T. Cochran, Manager, Recreation, Parks & Community Support
- B. Woods, Manager, Financial Services
- T. Boyda, Manager, Assessment Services
- S. Hulsman, Manager, Transportation Services
- D. Hafichuk, Manager, Capital Project Management
- T. Andreasen, Deputy Municipal Clerk, Municipal Clerk's Office
- J. Loro, Supervisor, Municipal Enforcement
- G. Nijjar, Engineering Supervisor, Planning and Development Services
- J. Anderson, Planner, Planning and Development Services
- A. Bryden, Planner, Planning and Development Services
- O. Newmen, Planner, Planning and Development Services
- L. Mrozek, Planner, Planning and Development Services
- A. Pare, Engineering Support Technician, Planning and Development Services

**Call to Order**

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

**1-19-10-08-01**

**Updates/Acceptance of Agenda**

MOVED by Councillor Gautreau that the October 8, 2019 Council meeting agenda be approved as presented.

Carried  
Absent: Councillor Hanson  
Councillor Kissel

ROCKY VIEW COUNTY  
COUNCIL MEETING MINUTES  
October 8, 2019

Page 2

---

**1-19-10-08-02**  
**Approval of Minutes**

MOVED by Councillor Gautreau that the September 24, 2019 Council meeting minutes be approved as presented.

Carried  
Absent: Councillor Hanson  
Councillor Kissel

MOVED by Councillor Gautreau that the September 27, 2019 special Council meeting minutes be approved as presented.

Carried  
Absent: Councillor Hanson  
Councillor Kissel

**1-19-10-08-19 (E-5)**  
**Division 4 – Further Consideration of Bylaw C-7921-2019 - Redesignation Item – Ranch and Farm District to Industrial - Industrial Storage District**  
**File: PL20190017 (03315003)**

**1-19-10-08-14 (D-12)**  
**All Divisions – Singer Transportation- Industrial Storage Yard – Master Site Development Plan**  
**File: PL20190018 (03315003)**

MOVED by Deputy Reeve Schule that Bylaw C-7921-2019 be given third and final reading.

Carried  
Absent: Councillor Hanson  
Councillor Kissel

MOVED by Deputy Reeve Schule that the Singer Transportation Industrial Storage Yard Master Site Development Plan be adopted in accordance with Appendix 'B'.

Carried  
Absent: Councillor Hanson  
Councillor Kissel

Councillor Kissel and Councillor Hanson arrived to the meeting at 9:07 a.m.

**1-19-10-08-09 (D-7)**  
**Division 4 – Langdon Fire Station – Project Update**  
**File: 1013-525**

Colin Gallant with Group2 Architecture provided Council with an update on the Langdon Fire Station project.

MOVED by Deputy Reeve Schule that the Langdon Fire Hall – Project Update report be received as information.  
Carried

ROCKY VIEW COUNTY  
COUNCIL MEETING MINUTES  
October 8, 2019

Page 3

---

**1-19-10-08-21 (J-1)**

**Division 7 – Subdivision Item – Residential Subdivision – Residential Two District**

**File: PL20190088**

MOVED by Councillor Henn that the conditions noted in Appendix 'B' be amended by removing condition 4 in its entirety.

Carried

MOVED by Councillor Henn that condition 5(a) in Appendix 'B' be amended to read as follows:

“From the newly created 2 acre parcel of the Lands to be subdivided as shown on the Plan of Survey.”

Carried

MOVED by Councillor Henn that Subdivision Application PL20190088 be approved with the conditions noted in Appendix 'B' as amended:

- A. The application to create a  $\pm 0.81$  ha ( $\pm 2.00$  acre) parcel (Lot 1) with a  $\pm 0.81$  ha ( $\pm 2.00$  acre) remainder (Lot 2) at Lot 1, Plan 7611085 within SW-18-26-01-W05M, having been evaluated in terms of Section 654 of the *Municipal Government Act* and Section 7 and Section 14 of the *Subdivision and Development Regulations*, and having considered adjacent landowner submissions, is approved as per the Tentative Plan for the reasons listed below:
  - 1) The application is consistent with the Statutory Policy;
  - 2) The subject lands hold the appropriate land use designation;
  - 3) The technical aspects of the subdivision proposal have been considered and are further addressed through the conditional approval requirements.
- B. The Applicant/Owner is required, at their expense, to complete all conditions attached to and forming part of this conditional subdivision approval prior to Rocky View County (the County) authorizing final subdivision endorsement. This requires submitting all documentation required to demonstrate each specific condition has been met, or agreements (and necessary securities) have been provided to ensure the conditions will be met, in accordance with all County Policies, Standards, and Procedures, to the satisfaction of the County, and any other additional party named within a specific condition. Technical reports required to be submitted as part of the conditions must be prepared by a qualified professional, licensed to practice in the province of Alberta within the appropriate field of practice. The conditions of this subdivision approval do not absolve an Applicant/Owner from ensuring all permits, licenses, or approvals required by Federal, Provincial, or other jurisdictions are obtained.
- C. Further, in accordance with Section 654 and 655 of the *Municipal Government Act*, the application shall be approved subject to the following conditions of approval:

*Survey Plans*

- 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*

- 2) The Applicant/Owner shall construct a new paved approach on Sunset Ridge Drive in order to provide access to Lot 1. If a mutual approach is constructed the Applicant/Owner shall:
  - a) Provide an access right of way plan; and
  - b) Prepare and register respective easements on each title, where required.

ROCKY VIEW COUNTY  
COUNCIL MEETING MINUTES  
October 8, 2019

Page 4

---

*Site Servicing*

- 3) The Applicant/Owner shall provide confirmation of the tie-in for connection to Rocky View Water Co-op, an Alberta Environment licensed piped water supplier for Lot 1, as shown on the approved Tentative Plan. This includes providing the following information:
  - a) Confirmation for the water supplier that an adequate and continuous piped water supply is available for the proposed Lot 1;
  - b) Documentation proving that water supply has been purchased for proposed Lot 1;
  - c) Documentation proving that water supply infrastructure requirements including servicing to the property have been installed or installation is secured between the developer and water supplier, to the satisfaction of the water supplier and the County.

*Payments and Levies*

- 4) The Applicant/Owner shall pay the Transportation Off-Site Levy in accordance with Bylaw C-7356-2014 prior to subdivision endorsement. The County shall calculate the total amount owing:
  - a) From the newly created 2 acre parcel of the Lands to be subdivided as shown on the Plan of Survey.
- 5) The Owner shall pay the County Subdivision Endorsement fee, in accordance with the *Master Rates Bylaw*, for the creation of one (1) new lot.

*Taxes*

- 6) 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 Applicant/Owners with a *Voluntary Recreation Contribution Form* and ask them if they will contribute to the Fund in accordance with the contributions prescribed in the *Master Rates Bylaw*.

Carried

**1-19-10-08-22 (J-2)**

**Division 1 – Subdivision Item – First Parcel Out**

**File: PL20190014**

MOVED by Councillor Kissel that the applicant be allowed to address Council.

Defeated

MOVED by Councillor Kamachi that Subdivision Application PL20190014 be approved with the conditions noted in Appendix 'B':

- A. The application to create a  $\pm$  28.33 hectare (70.00 acre) parcel with a  $\pm$  36.42 hectare (90.00 acre) remainder at NW-12-24-04-W05M, having been evaluated in terms of Section 654 of the *Municipal Government Act* and Section 7 and 14 of the *Subdivision and Development Regulations*, and having considered adjacent landowner submissions, is approved as per the Tentative Plan for the reasons listed below:
  - 1) The application is consistent with the Statutory Policy;
  - 2) The subject lands hold the appropriate land use designation;

ROCKY VIEW COUNTY  
COUNCIL MEETING MINUTES  
October 8, 2019

Page 5

- 
- 3) The technical aspects of the subdivision proposal have been considered and are further addressed through the conditional approval requirements.
- B. The Applicant/Owner is required, at their expense, to complete all conditions attached to and forming part of this conditional subdivision approval prior to Rocky View County (the County) authorizing final subdivision endorsement. This requires submitting all documentation required to demonstrate each specific condition has been met, or agreements (and necessary securities) have been provided to ensure the conditions will be met, in accordance with all County Policies, Standards, and Procedures, to the satisfaction of the County, and any other additional party named within a specific condition. Technical reports required to be submitted as part of the conditions must be prepared by a qualified professional, licensed to practice in the province of Alberta within the appropriate field of practice. The conditions of this subdivision approval do not absolve an Applicant/Owner from ensuring all permits, licenses, or approvals required by Federal, Provincial, or other jurisdictions are obtained.
- C. Further, in accordance with Section 654 and 655 of the *Municipal Government Act*, the application shall be approved subject to the following conditions of approval:

*Survey Plans*

- 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.

*Payments and Levies*

- 2) The Owner shall pay the County Subdivision Endorsement fee, in accordance with the *Master Rates Bylaw*, for the creation of one new lot.

*Accessibility to a Road*

- 3) The Owner shall enter into a Development Agreement pursuant to Section 657 of the *Municipal Government Act*, in accordance with the approved Tentative Plan, and shall include the following:
- a) Construction of Range Road 41 from the current termination point to the access point of the subject lands to a Regional Low Volume Gravel Standard in accordance with the County Servicing Standards as shown in the Tentative Plan which includes but is not limited to:
    - i) Complete with a cul-de-sac bulb at the termination point of the road;
    - ii) Road approach(es);
    - iii) Dedication of necessary easements and rights-of-ways;
    - iv) Implementation of the recommendations of the ESC Plan;
    - v) Implementation of the recommendations of the Construction Management Plan; and
    - vi) Appropriate signage.
  - 4) The Owner shall enter into an Encroachment Agreement for the portion of the cul-de-sac bulb that is encroaching on the subject lands.
  - 5) The Owner shall construct a new gravel approach on Range Road 41 in order to provide access to Lot 1. If a mutual approach is constructed, the Owner shall:
    - a) Provide an access right of way plan; and
    - b) Prepare and register respective easements on each title, where required.

*Site Construction*

- 6) 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,



ROCKY VIEW COUNTY  
COUNCIL MEETING MINUTES  
October 8, 2019

Page 6

---

evacuation plan, hazardous material containment, construction, and management details. Other specific requirements include:

- a) Weed management during the construction phases of the project;
- b) Management and mitigation of environmentally significant features as identified in the approved Biophysical Assessment;
- c) Implementation of the Construction Management Plan recommendations, which will be ensured through the Development Agreement.

*Site Servicing*

- 7) Utility Easements, Agreements, and Plans are to be provided and registered to the satisfaction of ATCO Gas, Fortis Alberta, and Telus Communications.

*Taxes*

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

**D. SUBDIVISION AUTHORITY DIRECTION:**

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

Carried

**1-19-10-08-03 (D-1)**

**All Divisions – Quarterly Report – Municipal Enforcement**

**File: N/A**

MOVED by Deputy Reeve Schule that the Municipal Enforcement Year to Date report be received as information.

Carried

**1-19-10-08-04 (D-2)**

**All Divisions – Quarterly Report – Recreation, Parks, and Community Support**

**File: N/A**

MOVED by Councillor Gautreau that the Recreation, Parks & Community Support report be received as information.

Carried

The Chair called for a recess at 10:04 a.m. and called the meeting back to order at 10:17 a.m. with all previously mentioned members present.

**1-19-10-08-05 (D-3)**

**All Divisions – Quarterly Report – Assessment Services**

**File: N/A**

MOVED by Councillor Gautreau that the Assessment Services Quarterly report be received for information.

Carried

ROCKY VIEW COUNTY  
COUNCIL MEETING MINUTES  
October 8, 2019

Page 7

---

**1-19-10-08-06 (D-4)**

**All Divisions – Quarterly Report – Municipal Clerk’s Office**

**File: N/A**

MOVED by Councillor Hanson that the Municipal Clerk’s Office Quarterly report be received for information.

Carried

**1-19-10-08-07 (D-5)**

**All Divisions – Shallow Gas Tax Relief Initiative**

**File: N/A**

MOVED by Councillor Hanson that Council cancel 35% of the property taxes and any related late payments penalties for all the properties identified in Attachment ‘A’.

Carried

**1-19-10-08-08 (D-6)**

**All Divisions – Property Tax Levy Cancellation Policy**

**File: N/A**

MOVED by Councillor Hanson that the policy be amended as follows:

- section 3(2) be renumbered to section 3(3); and
- section 3(3) be renumbered to section 3(2)

Defeated

MOVED by Councillor Gautreau that the Property Tax Levy Cancellation Policy be approved as presented in Attachment 'A'.

Carried

**1-19-10-08-10 (D-8)**

**All Divisions – Annual Road and Bridge Program Policy C-400**

**File: N/A**

MOVED by Councillor Hanson that Policy C-400 be amended as per Attachment ‘A’.

Carried

**1-19-10-08-11 (D-9)**

**All Divisions – Infrastructure Land Acquisition Policy C-416**

**File: N/A**

MOVED by Councillor Henn that Infrastructure Land Acquisition Policy C-416 be amended as per Attachment ‘A’.

Carried

**1-19-10-08-12 (D-10)**

**All Divisions – Snow and Ice Control Policy C-405**

**File: 4050-100**

MOVED by Councillor Hanson that Policy C-405 be amended to include a definition for snow fencing using the wording of the previous policy.

Carried

ROCKY VIEW COUNTY  
COUNCIL MEETING MINUTES  
October 8, 2019

Page 8

MOVED by Councillor Kissel that the Snow and Ice Control Policy C-405 be amended as per Attachment 'A' as amended.

Carried

MOVED by Councillor Kissel that Snow Fencing Policy C-424, Snow Plowing Private Driveways Policy C-442 and Winter Maintenance of County Roads Under Developer Agreements Policy C-456 be rescinded.

Carried

**1-19-10-08-13 (D-11)**

**All Divisions – Cattle Guards and Passes Policy C-423**

**File: 4050-100**

MOVED by Councillor Hanson that section 7 of Policy C-423 be amended as follows:

“The cost of maintenance and repair of cattle guards and passes installed ~~subsequent to the adoption of this policy by Council~~ is the responsibility of the landowner utilizing the cattle guard or pass.”

Carried

MOVED by Councillor Hanson that Policy C-423 be amended to include the definitions of cattle guard and cattle pass from the previous policy and renumber as required.

Carried

MOVED by Councillor Henn that Cattle Guards and Passes Policy C-423 be amended as per Attachment 'A' as amended.

Carried

**1-19-10-08-15 (E-1)**

**Division 1 – Consideration of First Reading of Bylaw C-7920-2019 – Redesignation Item – Residential Redesignation**

**File: PL20190034 (03901003)**

MOVED by Councillor Kamachi that that Bylaw C-7920-2019 be given first reading.

Carried

**1-19-10-08-16 (E-2)**

**Division 3 – Consideration of First Reading of Bylaw C-7935-2019 - Redesignation Item – Site-specific Amendment to DC-13**

**File: PL20190067 (04606165)**

MOVED by Councillor Hanson that Bylaw C-7935-2019 be given first reading.

Carried

**1-19-10-08-17 (E-3)**

**Division 4 – Consideration of Bylaw C-7919-2019 to Revise Road Closure Bylaw C-7781-2018**

**File: PL20180001 (02336005)**

Councillor Kamachi left the meeting at 11:30 a.m.

MOVED by Deputy Reeve Schule Bylaw C-7919-2019 be given first reading.

Carried

Absent: Councillor Kamachi

ROCKY VIEW COUNTY  
COUNCIL MEETING MINUTES  
October 8, 2019

Page 9

---

MOVED by Councillor Gautreau Bylaw C-7919-2019 be given second reading.

Carried  
Absent: Councillor Kamachi

Councilor Kamachi returned to the meeting at 11:34 a.m.

MOVED by Councillor Kissel Bylaw C-7919-2019 be considered for third reading.

Carried

MOVED by Deputy Reeve Schule Bylaw C-7919-2019 be given third and final reading.

Carried

**1-19-10-08-18 (E-4)**

**Division 6 – Consideration of Second and Third Readings of Road Closure Bylaw C-7865-2019**  
**File: PL20180125 (06108003/004, 06109001/003)**

MOVED by Deputy Reeve Schule that Bylaw C-7865-2019 be given second reading.

Carried

MOVED by Councillor Henn that Bylaw C-7865-2019 be given third reading.

Carried

MOVED by Councillor Wright that the 8.00 acres of land be transferred to the applicant  
705370 Alberta Ltd. subject to:

- a) Sales agreement being signed at the appraised value of \$17,500.00 plus \$2,500 for the cost of the appraisal, and all applicable taxes;
- b) That all incidental costs to create title and consolidation with the adjacent lands are at the expense of the applicant; and
- c) The terms of the sales agreement shall be completed within one year after Bylaw C-7865-2019 receives third and final reading.

Carried

**1-19-10-08-20 (I-1)**

**All Divisions – Notice of Motion – Councillor Henn and Councillor Kamachi – Rescind Motion**  
**RMA Conference and Expenses**  
**File: N/A**

Notice of Motion: Read in at the October 8, 2019 Council Meeting  
To be debated at the October 22, 2019 Council Meeting

Title: Rescind Motion – RMA Conference and Expenses

Presented By: Councillor Henn, Division 7

Seconded By: Councillor Kamachi, Division 1

WHEREAS On June 11, 2019, Rocky View County Council passed resolutions that it may authorize representation or travel on behalf of, or expensed to Rocky View County for Councillors Kissel, Hanson, and Wright through a Council resolution;

ROCKY VIEW COUNTY  
COUNCIL MEETING MINUTES  
October 8, 2019

Page 10

- 
- AND WHEREAS      On September 24, 2019, Council was presented with a Motion from Councillor Kissel requesting that Councillors Hanson, Wright, and Kissel be allowed to attend the fall RMA conference and have their travel expenses covered;
- AND WHEREAS      On September 24, 2019, Council passed a resolution allowing Councillors Kissel, Hanson, and Wright to attend the fall RMA conference and have their travel expenses covered;
- AND WHEREAS      The majority of Council have reconsidered their positions and would like the motion rescinded;

THEREFORE BE IT RESOLVED THAT Council Rescind the motion approved on September 24, 2019 as noted below:

*“MOVED by Councillor Kissel that Councillors Hanson, Wright, and Kissel be allowed to attend the fall RMA conference and have their expenses covered.”*

AND THAT an Administration report is not required in response to this Notice of Motion as it will be debated by Council on October 22, 2019.

The Chair called for a recess at 11:42 a.m. and called the meeting back to order at 11:47 a.m. with all previously mentioned members present.

MOVED by Councillor Henn that an Administration report is not required in response to this Notice of Motion as it will be debated by Council on October 22, 2019.

Carried

**Adjournment**

MOVED by Deputy Reeve Schule that the October 8, 2019 Council meeting be adjourned at 11:47 a.m.

Carried

---

Reeve or Deputy Reeve

---

Chief Administrative Officer or Designate



## **PLANNING AND DEVELOPMENT SERVICES**

<b>TO:</b>	Council	
<b>DATE:</b>	October 22, 2019	<b>DIVISION:</b> 6
<b>TIME:</b>	Morning Appointment	
<b>FILE:</b>	08112002	<b>APPLICATION:</b> PL20190072
<b>SUBJECT:</b>	Redesignation Item – Ranch and Farm District to Business-Highway Frontage District	

### **POLICY DIRECTION:**

The application was evaluated in accordance with policies of the County Plan.

### **EXECUTIVE SUMMARY:**

The purpose of this application is to redesignate ± 8.78 acre of the subject land from Ranch and Farm District (RF) to Business-Highway Frontage District (B-HF), in order to facilitate commercial development. This application was presented at Council and the Bylaw was given first reading on September 10, 2019.

The following is a summary of the application assessment:

- The proposal is consistent with Business Development policies within the County Plan, as the proposed highway business is limited in size and scale, has a direct access to the Highway 9, and the submitted traffic impact assessment and stormwater management plan concluded that traffic and drainage can be managed on site.
- The proposal meets the requirements of Business-Highway Frontage District of the Land Use Bylaw.

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

Administration recommends approval in accordance with Option #1.

<b>DATE APPLICATION RECEIVED:</b>	June 7, 2019
<b>DATE DEEMED COMPLETE:</b>	July 29, 2019

<b>PROPOSAL:</b>	To redesignate ± 8.78 acre of the subject land from Ranch and Farm District (RF) to Business-Highway Frontage District (B-HF), in order to facilitate commercial development.
<b>LEGAL DESCRIPTION:</b>	Portion of SE-12-28-26-W04M
<b>GENERAL LOCATION:</b>	Located adjacent to Village of Beiseker and on the east south side of Highway 9.
<b>APPLICANT:</b>	Manu Chugh Architect Ltd.
<b>OWNERS:</b>	Satnam & Prem Sahota
<b>EXISTING LAND USE DESIGNATION:</b>	Ranch and Farm District
<b>PROPOSED LAND USE DESIGNATION:</b>	Business-Highway Frontage District
<b>GROSS AREA:</b>	± 128.57 acres

<sup>1</sup> **Administration Resources**  
Xin Deng and Bianca Duncan, Planning and Development Services



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

**Class 3M,H** – The subject land contains soil with moderate limitations for crop operation due to low moisture holding and adverse texture, and temperature.

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

The application was circulated to 8 county landowners in the area and 36 landowners within the Village of Beiseker between July 30 and August 21, 2019. 1 letter in opposition was received. The application was also circulated to a number of internal and external agencies (Appendix 'A').

### **HISTORY:**

- 2019 September 10<sup>th</sup> – This application was presented to Council for consideration of first reading, and Bylaw C-7928-2019 was given first reading.
- 1954 Lands for the sewage disposal site for the Village of Beiseker were subdivided from the subject quarter.

### **BACKGROUND:**

There is no development on site and the land is currently in pastoral use. The proposed  $\pm 8.78$  acre of land would consist of commercial buildings, including a gas station, grocery/convenience store, retail store and personal services.

As the land is located adjacent to Village of Beiseker, the Applicant consulted with Beiseker for connection to the piped water and wastewater services, but the request was declined; therefore, the Applicant proposes to service the development with a water cistern system and sanitary holding tank.

The proposed development would be accessed through the existing approach off Highway 9. The applicant provided a Traffic Impact Assessment and no concerns were raised by Alberta Transportation. The Applicant also prepared a stormwater management plan, which concluded that the proposed stormwater pond can manage drainage on site.

The Village of Beiseker has provided a letter opposing the application and suggesting that this application be tabled until a mutually agreeable Intermunicipal Development Plan (IDP) is adopted. The IDP is tentatively scheduled to be brought before Council by spring 2020.

A variety of light industry and commercial development are located west of Highway 9 within the boundaries of Beiseker.

### **POLICY ANALYSIS:**

#### Municipal Government Act – Subdivision and Development Regulation

Three large wastewater lagoons owned by the village of Beiseker are located to the north-east of the subject land. Section 12 of the Subdivision and Development Regulation requires that certain land uses, including food establishments, be located 300 metres or more from an operating wastewater treatment plant. The northern portion of the proposed  $\pm 8.78$  acre development area is within the setback area from the wastewater lagoons. Consequently, the Applicant has submitted a site plan demonstrating that sufficient space exists on the southern portion to accommodate the proposed food establishments.

#### County Plan

Section 14 Business Development encourages new business to locate within existing business areas as identified on Map 1 of the Plan; however discretion is also provided within the section for considering development that is located outside of the business area, if the proposal's need and location can be justified.

The subject land is not located within a business area, but the application is considered to meet the criteria of Section 14 for locating outside of these areas.



Policy 14.19 states that application to redesignate land for business uses adjacent to an identified business area shall not be supported. According with this policy, the proposed site is remote from any business area identified in the County Plan.

Policy 14.22 requires that the proposals for business development outside of a business area should be limited in size, scale, intensity, and scope; should have direct access to a paved County road or Provincial highway; should provide a traffic impact assessment, and should minimize adverse impact on existing residential and agricultural uses.

The proposed development on the  $\pm$  8.78 acre parcel is considered to be limited in size and scale, while direct access off the highway and appropriate buffering would help reduce disturbance on adjacent agricultural land and land uses within the Village of Beiseker.

#### Land Use Bylaw

The proposed Business-Highway Frontage District meets the parcel size requirement, and grocery, office and restaurant are listed uses within the district.

#### **CONCLUSION:**

Administration evaluated this application against the applicable policies. The proposed development is consistent with the Business Development policies within the County Plan. The proposed development would be compatible with adjacent lands, and would not have adverse impact on the existing infrastructure and servicing. Administration recommends approval in accordance with Option 1. Recognizing the comment received from the Village of Beiseker, Council may wish to consider Option 2, to table this application until a Intermunicipal Development Plan (IDP) is adopted by both municipalities.

#### **OPTIONS:**

- Option #1:     Motion #1     THAT Bylaw C-7928-2019 be given second reading.
- Motion #2     THAT Bylaw C-7928-2019 be given third and final reading.
- Option #2:     THAT application PL20190072 be tabled until a Intermunicipal Development Plan between the Village of Beiseker and Rocky View County has been adopted.
- Option #3:     THAT application PL20190072 be refused.

Respectfully submitted,

Concurrence,

“Matthew Wilson”

“Al Hoggan”

---

Acting Executive Director  
Community Development Services

---

Chief Administrative Officer

XD/ltt

#### **APPENDICES**

- APPENDIX ‘A’: Application Referrals
- APPENDIX ‘B’: Bylaw C-7928-2019 and Schedule A
- APPENDIX ‘C’: Map Set
- APPENDIX ‘D’: Landowner Comment



## APPENDIX A: APPLICATION REFERRALS

AGENCY	COMMENTS
<b><i>School Authority</i></b>	
Rocky View Schools	No objection.
Calgary Catholic School District	No objection.
Public Francophone Education	No response.
Catholic Francophone Education	No response.
<b><i>Province of Alberta</i></b>	
Alberta Environment	No response.
Alberta Transportation	<p>In reviewing the application, the proposed development falls within the control distance of a provincial highway as outlined in the Highways Development and Protection Act / Regulation, and will require a roadside development permit from Alberta Transportation. The application form and instructions can be obtained from the department's website at <a href="https://www.alberta.ca/roadside-development-permits.aspx">https://www.alberta.ca/roadside-development-permits.aspx</a></p> <p>The department has the following additional comments on the proposal:</p> <ol style="list-style-type: none"> <li>1. Alberta Transportation has reviewed the Traffic Impact Assessment in support of the proposal, and provides the following comments and recommendations: <ul style="list-style-type: none"> <li>• At the Highway 9 / 7 Street intersection, based on the 20 year post-development traffic volumes, and the warrants for both left and right turn lanes being met in the same direction, it appears that a Type Vc Intersection Treatment is warranted, modified for left/right turn lanes northbound and southbound. Please reference Figure D-6.3.6b of the Highway Geometric Design Guide.</li> <li>• It is recommended that the existing accesses to Highway 9, located 200 metres north of the 7 Street intersection, be modified or closed as needed based on the design of the intersection treatment.</li> <li>• Alberta Transportation will continue to monitor operation of Highway 9 and Highway 72 to determine the timing of improvements required, and said improvement will be prioritized with other construction programs and subject to funding availability.</li> </ul> </li> <li>2. A geometric assessment must be prepared for the Highway intersection, based off anticipated traffic from the existing traffic as well as the proposed development. This geometric assessment must also provide a comprehensive design report, including pavement design and intersection to allow a permit to</li> </ol>

AGENCY	COMMENTS
	<p>be issued for its construction, which must be completed to the standards of, and at no cost to, Alberta Transportation.</p> <p>3.No information has been provided regarding the potential for pedestrians to cross the Highway to gain access to this site. Should a cross highway pedestrian pattern develop any mitigation measures that are required will the responsibility of the developer / municipality.</p> <p>4. Alberta Transportation has reviewed the stormwater management plan, and offers the following comments and recommendations:</p> <ul style="list-style-type: none"> <li>• Highway 9 is part of the national highway system and must be protected as an integral part of the essential post-disaster function as a provincial highway.</li> <li>• Discharge into the highway ditch is discouraged. Stormwater should be mitigated on site or via new or expanded municipal systems with a licensed outfall.</li> <li>• If discharge into the ditch is to be considered for conveyance purposes, quality and quantity of water must be managed.</li> <li>• Downstream impacts must also be identified, including ongoing operation &amp; maintenance, and responsibility for water act approvals.</li> </ul>
Alberta Sustainable Development (Public Lands)	Not required for circulation.
Alberta Culture and Community Spirit (Historical Resources)	No response.
Alberta Energy Regulator	No response.
Alberta Health Services	No response.
<b>Public Utility</b>	
ATCO Gas	No objection.
ATCO Pipelines	No objection.
AltaLink Management	No response.
FortisAlberta	No concerns.
Telus Communications	No response.
TransAlta Utilities Ltd.	No response.
<b>Other External Agencies</b>	
EnCana Corporation	No response.

<b>AGENCY</b>	<b>COMMENTS</b>
Rocky View Gas Co-op	No comment and no objections.
Village of Beiseker	<p>The Village of Beiseker is opposed to Application PL20190072-08112002 for the redesignation of ± 3.55 hectares (± 8.78 acres) within SE-12-28-26-W04M from Ranch and Farm District (RF) to Business Highway Frontage District (B-HF).</p> <p>The reason for this opposition is that the Village of Beiseker and Rocky View County are currently undergoing negotiations as part of the preparation of an Intermunicipal Development Plan (IDP) as required by the Province of Alberta. Given that the proposed redesignation is within the discussed IDP plan area we are of the opinion that the proposed re-designation is premature.</p> <p>We respectfully request that Rocky View County Council table the decision on Bylaw C-7928-2019 until a mutually agreeable IDP has been prepared and adopted.</p>
<b><i>Rocky View County Boards and Committees</i></b>	
ASB Farm Members	<p>If approved, the application of the Agricultural Boundary Design Guidelines will be helpful in buffering the business from the surrounding Ag land. The guidelines would help mitigate areas of</p> <p>concern including: trespass, litter, pets, noise, dust &amp; by providing a visual barrier.</p>
Recreation Board	No concerns.
<b><i>Internal Departments</i></b>	
RVC Recreation, Parks and Community Support (Municipal Land Office)	<p>No concerns with this land use redesignation application. Comments pertaining to reserve dedication to support development of parks, open spaces, or an active transportation network will be provided at any future subdivision stage.</p>
Development Authority	No response.
GIS Services	No response.
Development Compliance	No response.
Building Services	No response.
Fire Services & Emergency Management	No response.
Planning and Development Services – Engineering	<p><b>General:</b></p> <ul style="list-style-type: none"> <li>The review of this file is based upon the application submitted. These conditions/recommendations may be</li> </ul>



AGENCY	COMMENTS
	<p>subject to change to ensure best practices and procedures.</p> <p><b>Geotechnical:</b></p> <ul style="list-style-type: none"> <li>• Engineering has no requirements at this time.</li> </ul> <p><b>Transportation:</b></p> <ul style="list-style-type: none"> <li>• As part of redesignation, the applicant provided a Traffic Impact Assessment conducted by Scheffer Andrew Ltd. Planners and Engineers dated March 2019. <ul style="list-style-type: none"> <li>○ The report indicated the Highway 9 / 7 Street intersection will need to be upgraded to a Type IVc intersection and that a dedicated northbound right-turning lane will also need to be constructed for the intersection to support the proposed development.</li> </ul> </li> <li>• As a condition of future subdivision, the applicant/owner will be required to enter into a development agreement with the County to upgrade the Highway 9 / 7 Street intersection to a Type Vc intersection to the satisfaction of Rocky View County and Alberta Transportation.</li> <li>• As a condition of future subdivision, the applicant/owner will be required to pay the Transportation Offsite Levy as per the applicable TOL bylaw at time of subdivision approval.</li> </ul> <p><b>Sanitary/Waste Water:</b></p> <ul style="list-style-type: none"> <li>• The applicant proposes to use of sewage holding tanks with trucked service for commercial purposes.</li> </ul> <p><b>Water Supply And Waterworks:</b></p> <ul style="list-style-type: none"> <li>• The applicant proposes to use of water cisterns with trucked service for commercial purposes.</li> </ul> <p><b>Storm Water Management:</b></p> <ul style="list-style-type: none"> <li>• As part of redesignation, the applicant provided a conceptual stormwater management report conducted by Scheffer Andrew Ltd. Planners and Engineers dated March 26, 2019. Engineering has the following questions regarding the report that need to be addressed at this time: <ul style="list-style-type: none"> <li>○ The proposed discharge and emergency overland spill route is into the east ditch of Highway 9 which falls under Alberta Transportation's jurisdiction. At time of DP, the applicant/owner will need to obtain approval from AT that the proposed pond may discharge into the highway ditch. <ul style="list-style-type: none"> <li>▪ The applicant/owner indicated that if AT does not approve of the pond discharging into the highway ditch that the design of the pond will be modified to an evaporation pond</li> </ul> </li> </ul> </li> </ul>

AGENCY	COMMENTS
	<p><b>Environment:</b></p> <ul style="list-style-type: none"> <li>• Engineering has no requirements at this time.</li> <li>• It appears that there are wetlands within the subject land. It is the applicant's responsibility to obtain all required AEP licensing and approvals should the proposed development have a direct impact on any wetlands.</li> </ul>
	•
Utility Services	No response.
Capital Project Management	No response.
Transportation Services	Application involves Development along Alberta Transportation Road Allowance. Therefore applications to be circulated to Alberta Transportation for review and comments.

Circulation Period: July 30, 2019 – August 21, 2019



## BYLAW C-7928-2019

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

The Council of Rocky View County enacts as follows:

#### PART 1 - TITLE

This Bylaw shall be known as Bylaw C-7928-2019.

#### 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 Map No.81 of Bylaw C-4841-97 be amended by redesignating a portion of SE-12-28-26-W04M from Ranch and Farm District (RF) to Business-Highway Frontage District (B-HF), as shown on the attached Schedule 'A' forming part of this Bylaw.

**THAT** A portion of SE-12-28-26-W04M, is hereby redesignated to Business-Highway Frontage District (B-HF) as shown on the attached Schedule 'A' forming part of this Bylaw.

#### PART 4 - TRANSITIONAL

Bylaw C-7928-2019 comes into force when it receives third reading, and is signed by the Reeve/Deputy Reeve and the CAO or Designate, as per the *Municipal Government Act*.

**Division: 06**  
**File: 08112002 / PL20190072**

READ A FIRST TIME IN COUNCIL this \_\_\_\_\_ day of \_\_\_\_\_, 2019

*PUBLIC HEARING WAS HELD IN COUNCIL this* \_\_\_\_\_ day of \_\_\_\_\_, 2019

READ A SECOND TIME IN COUNCIL this \_\_\_\_\_ day of \_\_\_\_\_, 2019

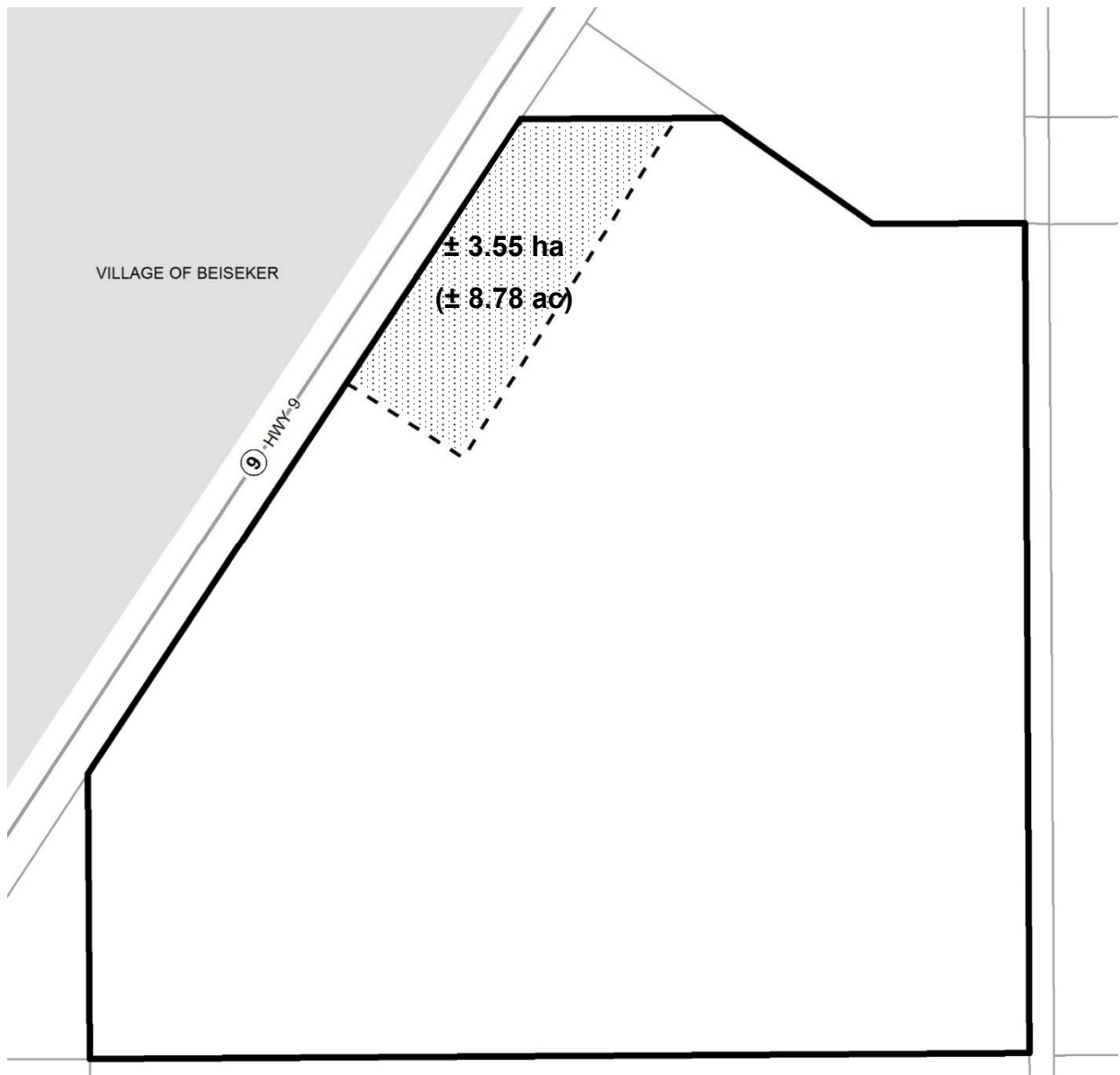
READ A THIRD TIME IN COUNCIL this \_\_\_\_\_ day of \_\_\_\_\_, 2019

\_\_\_\_\_  
Reeve

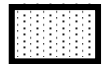
\_\_\_\_\_  
CAO or Designate

\_\_\_\_\_  
Date Bylaw Signed

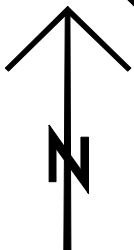
## SCHEDULE "A"

BYLAW: C-7928-2019**AMENDMENT**

FROM Ranch and Farm District TO Business –Highway Frontage District



Subject Land \_\_\_\_\_



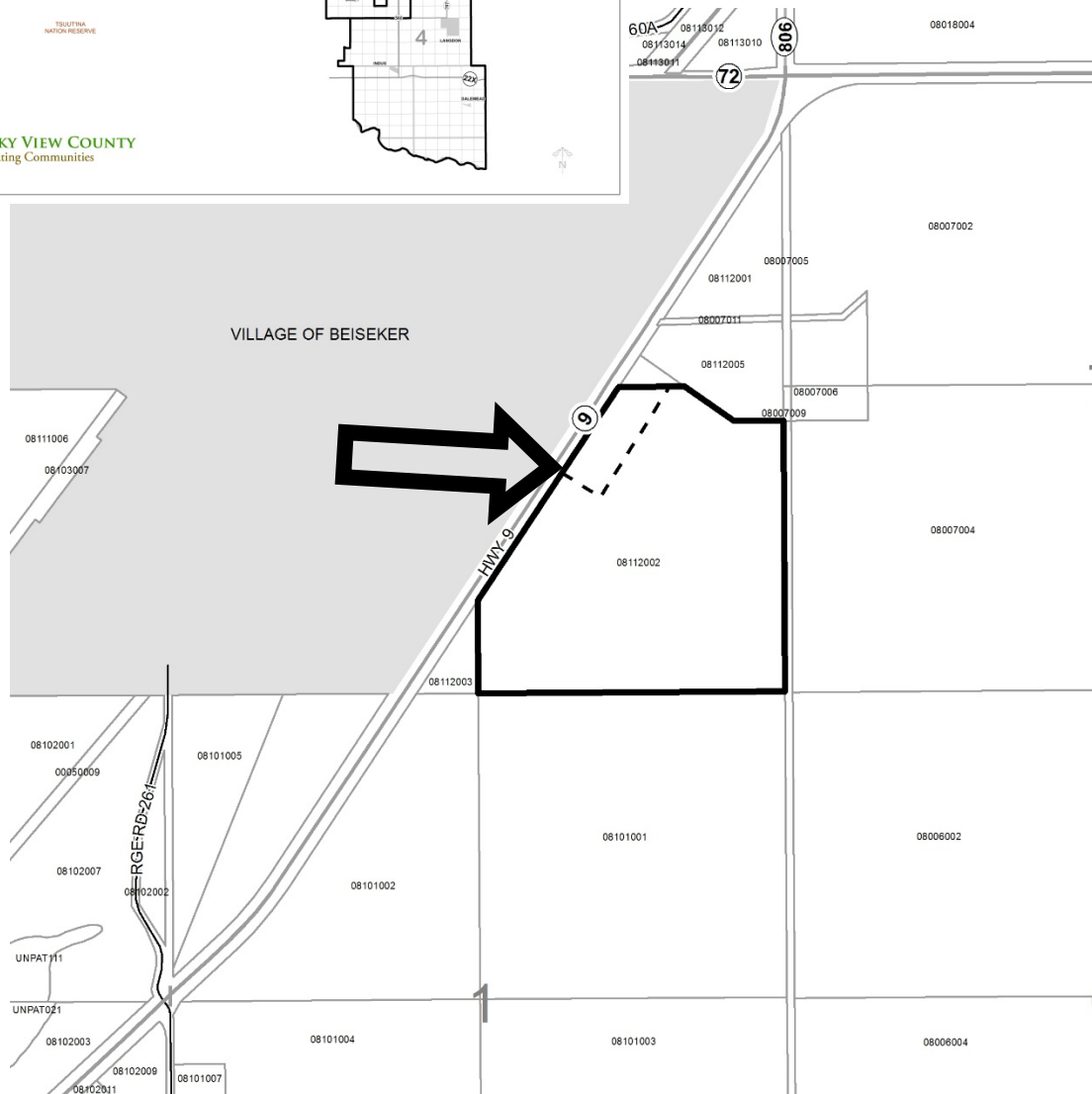
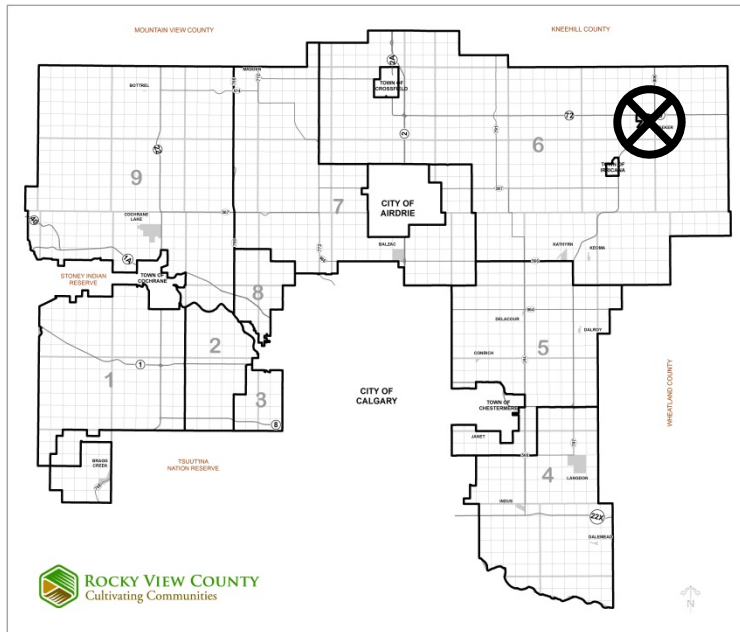
LEGAL DESCRIPTION: Portion of SE 12-28-26-W04M



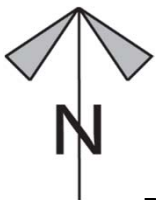
ROCKY VIEW COUNTY  
Cultivating Communities

FILE: PL20190072 – 08112002

DIVISION: 6



LOCATION PLAN



SE-12-28-26-W04M

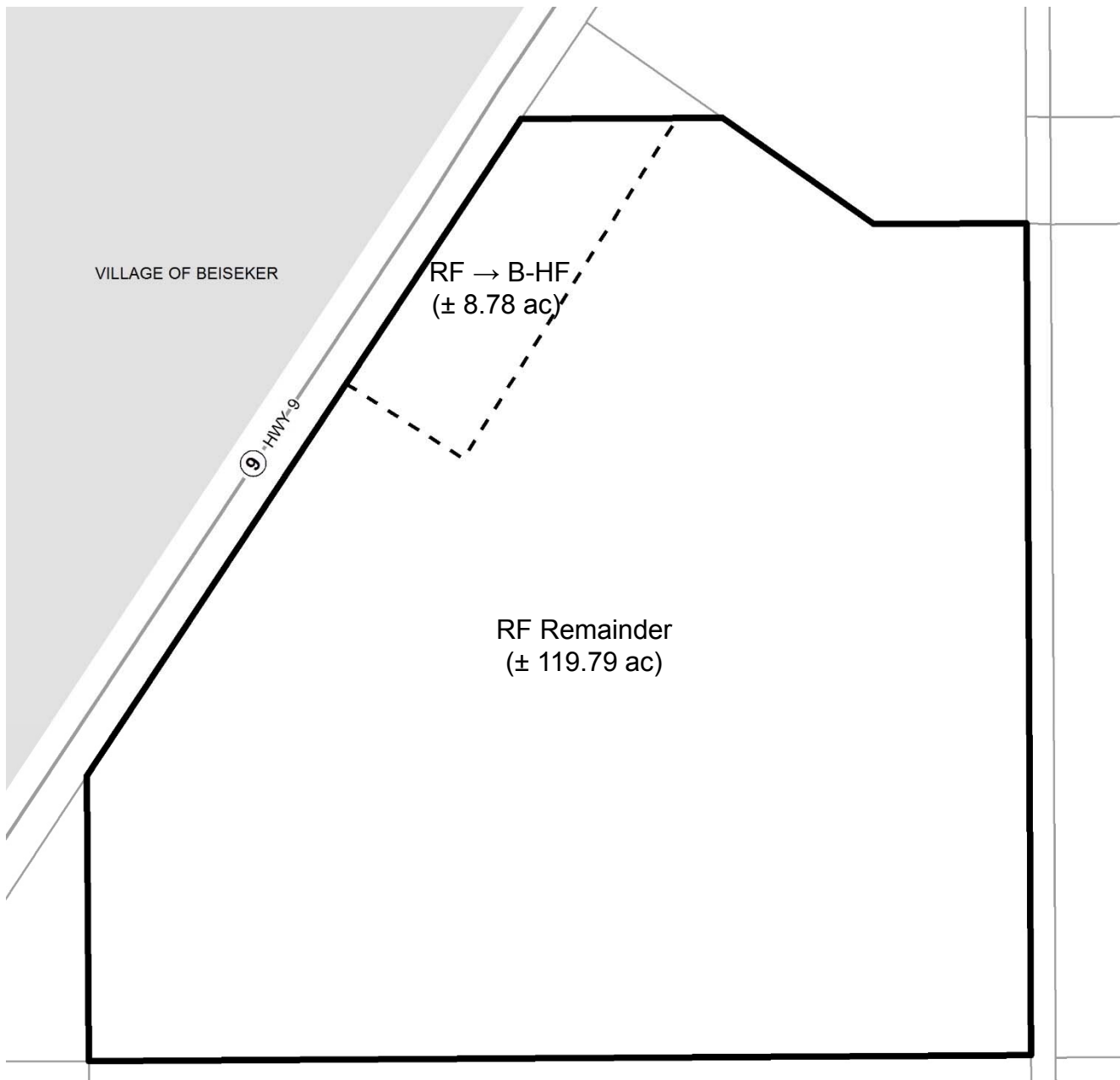
Date: July 26, 2019

Division # 6

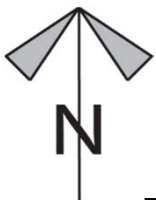
File: PL20190072 - 08112002



**Redesignation Proposal:** To redesignate  $\pm 3.55$  hectare ( $\pm 8.78$  acre) of the land from Ranch and Farm District (RF) to Business-Highway Frontage District (B-HF), in order to facilitate business and commercial development.



## DEVELOPMENT PROPOSAL

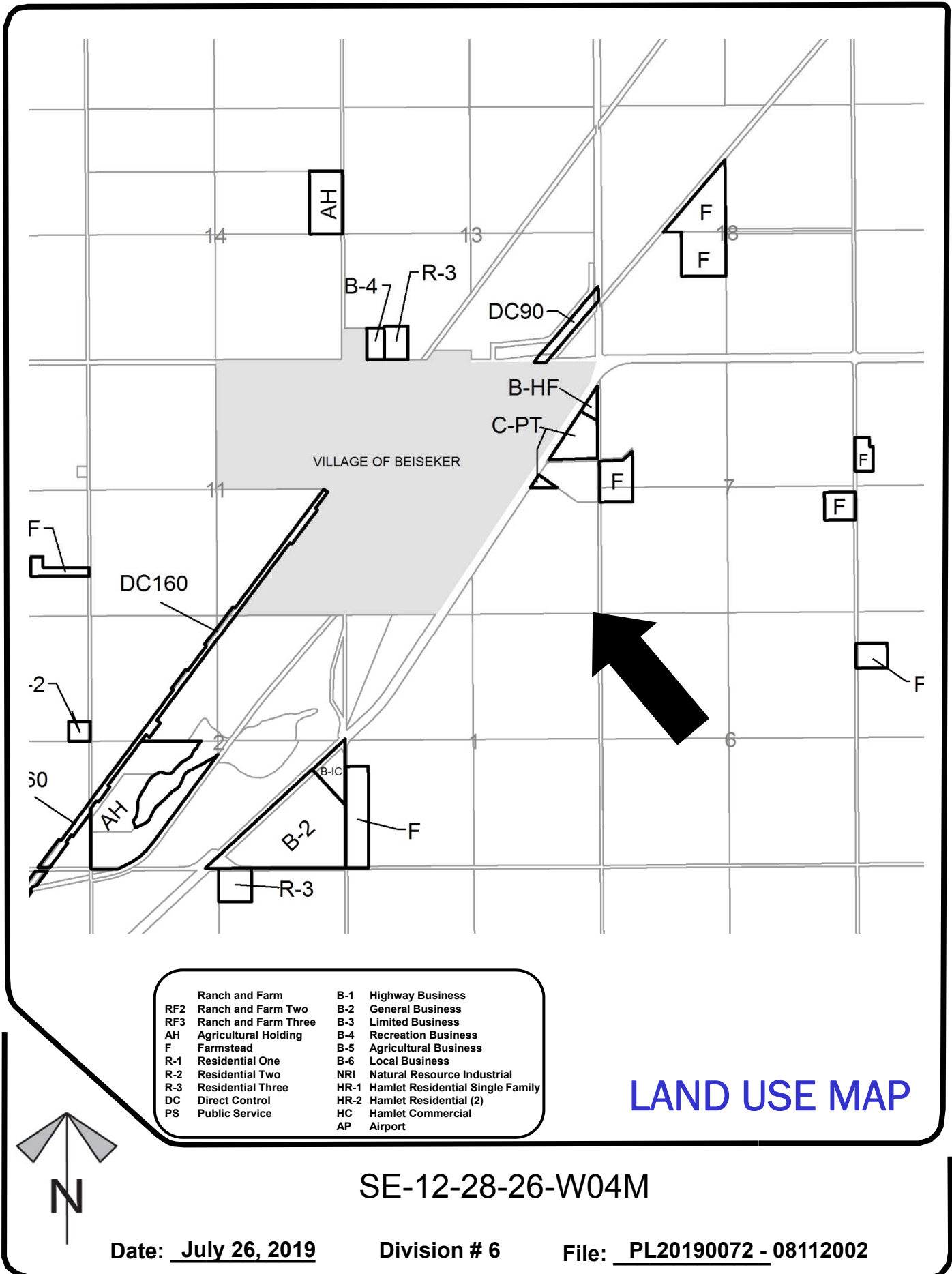


SE-12-28-26-W04M

Date: July 26, 2019

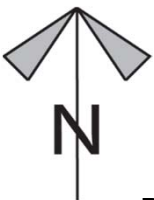
Division # 6

File: PL20190072 - 08112002





## Proposed Site Plan

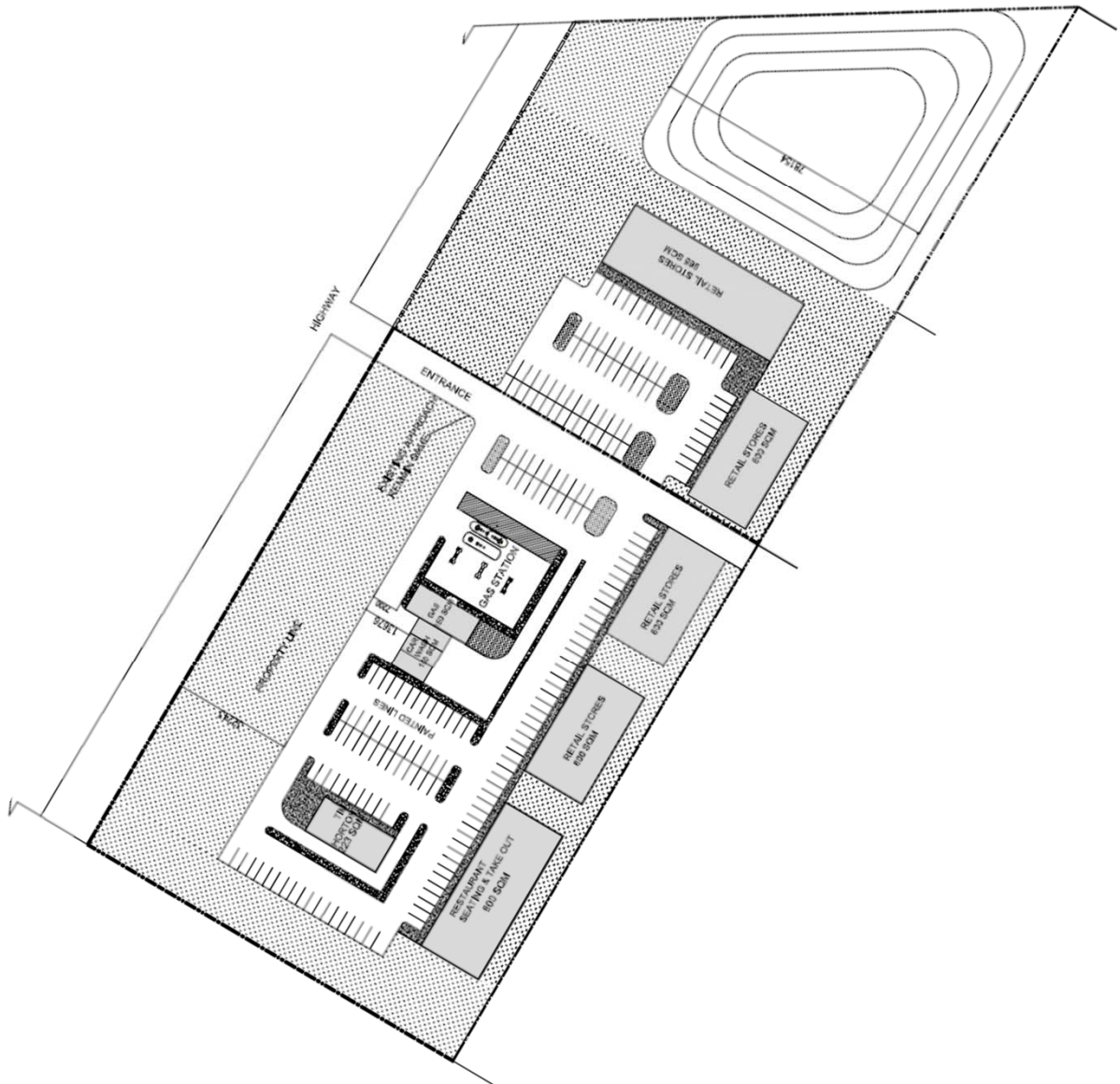


SE-12-28-26-W04M

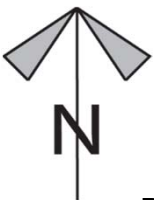
Date: July 26, 2019

Division # 6

File: PL20190072 - 08112002



## Detailed Site Plan



SE-12-28-26-W04M

Date: July 26, 2019

Division # 6

File: PL20190072 - 08112002

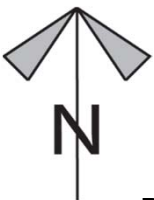




Note: Post processing of raw aerial  
photography may cause varying degrees  
of visual distortion at the local level.

**AIR PHOTO**

*Spring 2018*



SE-12-28-26-W04M

Date: July 26, 2019

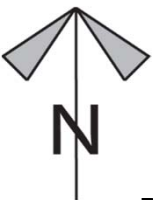
Division # 6

File: PL20190072 - 08112002



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*



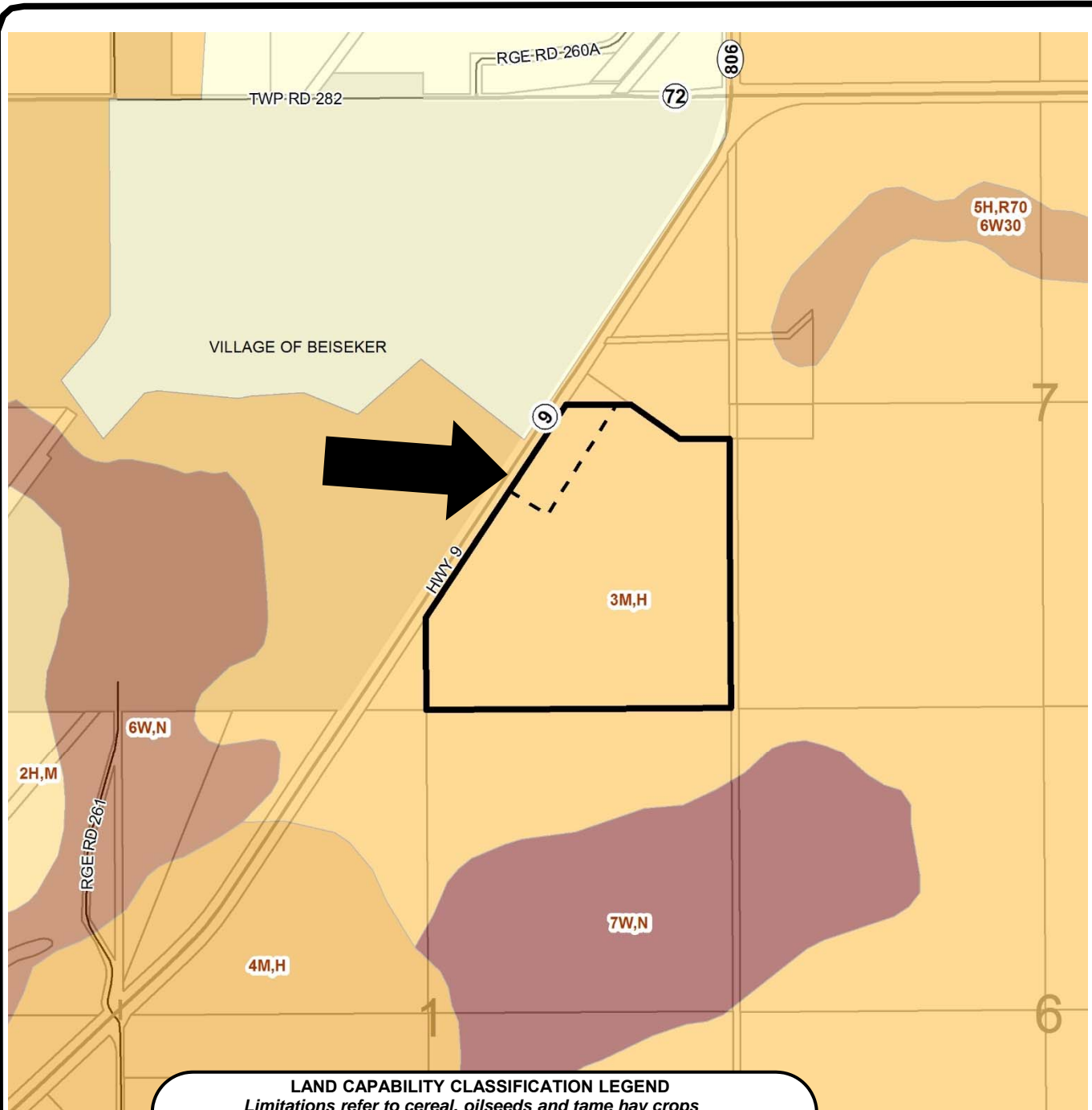
SE-12-28-26-W04M

Date: July 26, 2019

Division # 6

File: PL20190072 - 08112002





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

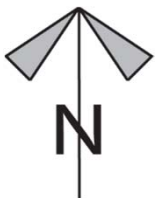
**CLI Class**

- 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**

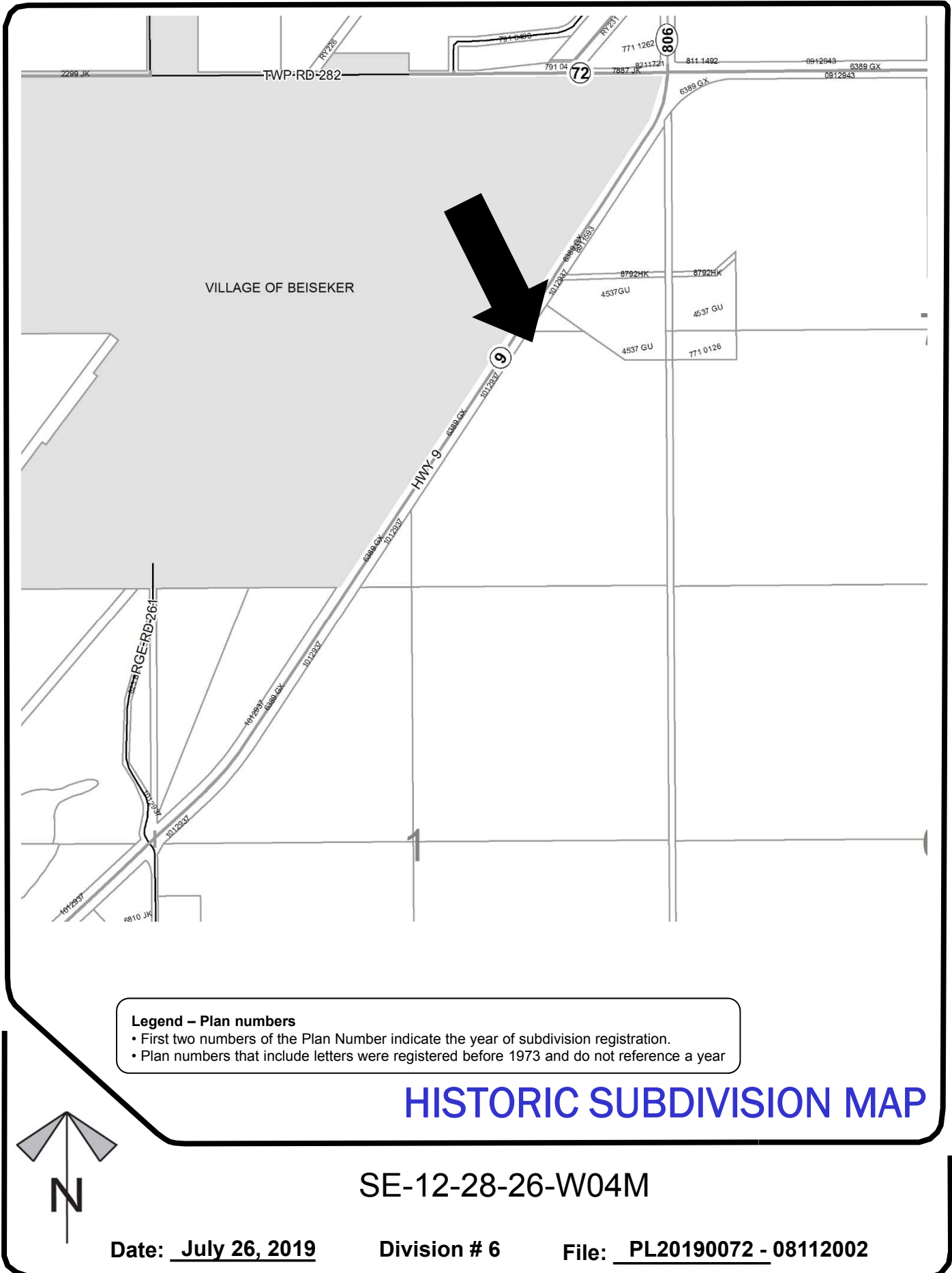


SE-12-28-26-W04M

Date: July 26, 2019

Division # 6

File: PL20190072 - 08112002







October 1, 2019

Rocky View County

Email: [legislativeservices@rockyview.ca](mailto:legislativeservices@rockyview.ca)

**RE: BYLAW C-7928-2019 – A BYLAW OF ROCKY VIEW COUNTY TO AMEND LAND USE BYLAW C-4841-97**

I have just received a notice pertaining to the above Land Use Bylaw Amendment.

Please note that we are **opposed** to this amendment and application.

- Our small village already has a gas station – right across the road from where this is to be built. Building a second one will have a negative effect - can Beiseker sustain two gas stations?
- We also have an existing car wash in the village – again do we need two of them, when one is already struggling to survive?
- We already have four restaurants here which also struggle to survive. Do you think we can sustain a fifth one?
- Regarding Retail Stores, the ones that exist also struggle to keep the doors open. I don't think we need another one.

These are our reasons for opposing the application.

Yours truly,

Doug & Linda Skuce  
4207 – 52 Street NW  
CALGARY AB T3A 0K7

Legal Description of Adjacent Lands in Village of Beiseker:

- Plan 7610019, Block 1, Lot: ALL
- Plan 7610019, Block 2, Lot: ALL
- Plan 0, Block 0

Legal Description of Adjacent Lands in Rocky View

- NE-02-28-26-04 (N of CNR RR ¼)
- NE-02-28-26-04 (E or RD ¼)
- SW-01-28-26-04 (Except Out Rd Plan 6389GX & S2, EX Plan 1012937)
- NW-35-27-26-04 (South of Highway ¼, EX Plan 1012937)
- NW-02-28-26-04 (South of CPR Railroad ¼)
- NW-01-28-26-04 (NW of Highway Plan 66EZ ¼)

## PLANNING AND DEVELOPMENT SERVICES

---

<b>TO:</b>	Council	
<b>DATE:</b>	October 22, 2019	<b>DIVISION:</b> 9
<b>TIME:</b>	Afternoon Appointment	
<b>FILE:</b>	07808011	<b>APPLICATION:</b> PL20190049
<b>SUBJECT:</b>	Redesignation Item – Ranch and Farm District to Ranch and Farm Three District	

---

### POLICY DIRECTION:

The application was evaluated in accordance with the County Plan.

### EXECUTIVE SUMMARY:

The purpose of this application is to redesignate a portion of the subject lands from Ranch and Farm District to Ranch and Farm Three District in order to facilitate the creation of a  $\pm 40.00$  acre parcel with  $\pm 76.57$  acre remainder.

The subject lands contain a dwelling located within the proposed remainder. The lands are bisected by Horse Creek and contain a number of wetlands. Aside from this matter, there are no other technical constraints. The proposal references the 'New or Distinct Agricultural Operation' policies of the County Plan, but does not satisfy the necessary requirements.

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

Administration recommends approval in accordance with Option #1.

<b>DATE APPLICATION RECEIVED:</b>	April 15, 2019
<b>DATE DEEMED COMPLETE:</b>	April 15, 2019

---

<b>PROPOSAL:</b>	To redesignate the subject lands from Ranch and Farm District to Ranch and Farm Three District in order to facilitate the creation of a $\pm 40.00$ acre parcel with $\pm 76.57$ acre remainder.
------------------	--

<b>LEGAL DESCRIPTION:</b>	NW-8-27-4-W5M
---------------------------	---------------

<b>GENERAL LOCATION:</b>	Located approximately 4.8 kilometres (3 miles) northwest of the Hamlet of Cochrane Lake, and immediately southeast of the intersection of Range Road 45 and Township Road 272.
--------------------------	--

<b>APPLICANT:</b>	Konschuk Consulting (Larry Konschuk)
-------------------	--------------------------------------

<b>OWNERS:</b>	Shaun David Cockburn
----------------	----------------------

<b>EXISTING LAND USE DESIGNATION:</b>	Ranch and Farm District
---------------------------------------	-------------------------

<b>PROPOSED LAND USE DESIGNATION:</b>	Ranch and Farm Three District
---------------------------------------	-------------------------------

<b>GROSS AREA:</b>	$\pm 116.57$ acres
--------------------	--------------------

---

<sup>1</sup> Administration Resources  
Stephan Kunz and Milan Patel, Planning and Development Services



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

**Class 4, H** – Severe limitations due to temperature limiting factor.

**Class 4, R** – Severe limitations due to shallowness to solid bedrock.

**Class 4, T, H, R** – Severe limitations due to adverse topography (steep and/or long uniform slopes), temperature limiting factor, and shallowness to solid bedrock.

**Class 5, H, R, 6, W** – Very severe limitations due to temperature limiting factor and shallowness to solid bedrock, and cropping is not feasible due to excessive wetness/poor drainage.

**PUBLIC & AGENCY SUBMISSIONS:**

The application was circulated to 19 adjacent landowners, and 12 responses was received (Appendix 'D'). The application was also circulated to a number of internal and external agencies. Those responses are available in Appendix 'A'.

**HISTORY:**

**2003** Plan 0310278 is registered (2002-RV-026), resulting in the creation of a 21.68 acre parcel within the subject quarter section.

**1990** Plan 9011049 is registered, resulting in the creation of a 19.99 acre Farmstead parcel within the subject quarter section.

**BACKGROUND:**

The subject lands are located approximately three miles northwest of the Hamlet of Cochrane Lake, and immediately southeast of the intersection of Range Road 45 and Township Road 272. This is an area of the County that features mixed uses, but primarily consists of agricultural uses in the immediate vicinity of the lands.

The lands are developed, with a dwelling located within the boundary of proposed Lot 2. The dwelling is serviced by means of a water well and a Private Sewage Treatment System. Access to the site is provided by an approach to Township Road 272; the approach is in good condition and no upgrades are required.

Proposed Lot 1 is undeveloped, and as an agricultural parcel over 30 acres in size, the applicant is not required to determine servicing at this time. Access to this portion of the lands is provided by a separate approach accessing Township Road 272.

The topography of the lands is rather significant, with sloped areas throughout. Horse Creek runs through the southwestern corner of the lands, which, along with a number of intermittent wetlands, significantly affects the developability of the quarter section. Despite this, given the large area of the proposed and remainder lots, there is sufficient developable land to accommodate the proposed lot configuration.

**POLICY ANALYSIS:**

County Plan

The proposal was evaluated against the Agricultural Policies (Section 8) of the County Plan; specifically, Policy 8.18, which details requirements for new or distinct agricultural operations. The County Plan



defines New Agricultural Operation as ‘operations that are distinctly different from the existing use of the land in terms of agricultural products, livestock, and/or facilities’.

The Applicant has indicated that the lands are currently used for the grazing of approximately 20 cow/calf pairs and 5 horses. They propose to operate a horse boarding operation on Lot 1. The proposed use for Lot 2 is the grazing of the livestock that currently utilize the site.

#### Land Use Bylaw

The purpose of the Ranch and Farm Three District is to provide for a range of mid-sized parcels for agricultural use. The minimum parcel size for an Agricultural Holdings parcel is 29.99 acres, and as such, the proposed parcel would meet the Land Use Bylaw provisions.

#### **CONCLUSION:**

The application was reviewed based on the County Plan agricultural policies and was found to be non-compliant.

#### **OPTIONS:**

- Option # 1:     Motion #1     THAT Bylaw C-7912-2019 be given second reading.  
                         Motion #2     THAT Bylaw C-7912-2019 be given third and final reading.
- Option # 2:     THAT application PL20190049 be refused.

Respectfully submitted,

Concurrence,

“Matthew Wilson”

“Al Hoggan”

---

Acting Executive Director  
Community Development Services

---

Chief Administrative Officer

SK/lt

#### **APPENDICES:**

- APPENDIX ‘A’: Application Referrals  
APPENDIX ‘B’: Bylaw C-7912-2019 and Schedule A  
APPENDIX ‘C’: Map Set  
APPENDIX ‘D’: Landowner Comments  
APPENDIX ‘E’: Applicant Rationale

**APPENDIX A: APPLICATION REFERRALS**

<b>AGENCY</b>	<b>COMMENTS</b>
<b><i>School Authority</i></b>	
Rocky View Schools	No comment received.
Calgary Catholic School District	No concerns.
Public Francophone Education	No comment received.
Catholic Francophone Education	No comment received.
<b><i>Province of Alberta</i></b>	
Energy Resources Conservation Board	No comment received.
Alberta Health Services	No concerns.
<b><i>Public Utility</i></b>	
ATCO Gas	No objection.
ATCO Pipelines	No objection.
AltaLink Management	No comment received.
FortisAlberta	No concerns.
Telus Communications	No objection.
TransAlta Utilities Ltd.	No comment received.
TransCanada Corp.	No comment received.
<b><i>Other External Agencies</i></b>	
EnCana Corporation	Not required for circulation.
Western Irrigation District	Not required for circulation.
<b><i>Rocky View County Boards and Committees</i></b>	
ASB Farm Members	The two components of the proposal appear to be acceptable operations as the land will continue to be used for agricultural purposes. The proposed new and distinct agricultural operation, could also be carried out under the current land use designation.
Recreation Board	No comments.

AGENCY	COMMENTS
<b><i>Internal Departments</i></b>	
Legal and Land Administration	No concerns.
Development Authority	No concerns.
GIS Services	No comment received.
Building Services	No comment received.
Fire Services & Emergency Management	No comments.
Municipal Enforcement	No comment received.
Planning and Development Services - Engineering	<p><b>General</b></p> <ul style="list-style-type: none"> <li>The review of this file is based upon the application submitted. These conditions/recommendations may be subject to change to ensure best practices and procedures.</li> </ul> <p><b>Geotechnical</b></p> <ul style="list-style-type: none"> <li>No land disturbance is proposed.</li> <li>Engineering has no requirements at this time.</li> </ul> <p><b>Transportation</b></p> <ul style="list-style-type: none"> <li>Approaches are present off Township Road 272 for proposed and remainder parcels.</li> <li>Horse Creek Road has been identified as a Network “B” roadway in the current Transportation Offsite Levy requiring a 30 m wide ROW. Horse Creek Road is noted to have 8.0 m wide paved road within a 30m wide ROW adjacent to the subject lands. No land dedication is required.</li> <li>As per the application, applicant is seeking to have 5 or 6 monthly horse boarders to accommodate 4-5 short term horses. This is unlikely to increase traffic on local road networks. Traffic Impact Assessment is not required.</li> <li>As a condition of future subdivision, the applicant is required to provide payment of the Transportation Offsite Levy in accordance with the applicable levy at time of approval.</li> <li>Engineering have no requirements at this time.</li> </ul>

AGENCY	COMMENTS
	<p><b>Sanitary/Waste Water</b></p> <ul style="list-style-type: none"> <li>As per policy#441, proposed and remainder lots are not required to demonstrate servicing.</li> <li>Engineering have no requirement at this time.</li> </ul> <p><b>Water Supply And Waterworks</b></p> <ul style="list-style-type: none"> <li>As per policy#441, proposed and remainder lots are not required to demonstrate servicing.</li> <li>Engineering have no requirement at this time.</li> </ul> <p><b>Storm Water Management</b></p> <ul style="list-style-type: none"> <li>Engineering have no requirements as no land disturbance is proposed at this time.</li> </ul> <p><b>Environmental</b></p> <ul style="list-style-type: none"> <li>Based on GIS review, wetlands and horse creek stream are present on site. No disturbance is proposed at this time. As a condition of future development permit, application is required to obtain Alberta environment approval if any wetlands are to be disturbed.</li> <li>Engineering have no requirements at this time.</li> </ul>
Transportation Services	No comment received.
Capital Project Management	No concerns.
Operational Services	No comment received.
Utility Services	No concerns.

Circulation Period: May 10, 2019 to June 3, 2019





ROCKY VIEW COUNTY  
Cultivating Communities

## BYLAW C-7912-2019

### 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-7912-2019.

#### 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 Map No. 78 of Bylaw C-4841-97 be amended by redesignating a portion of NW-8-27-4-W5M from Ranch and Farm District to Ranch and Farm Three District as shown on the attached Schedule 'A' forming part of this Bylaw.

**THAT** A portion of NW-8-27-4-W5M is hereby redesignated to Ranch and Farm Three District as shown on the attached Schedule 'A' forming part of this Bylaw.

#### PART 4 – TRANSITIONAL

Bylaw C-7912-2019 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: 9**

**File: 07808011 - PL20190049**

READ A FIRST TIME IN COUNCIL this \_\_\_\_\_ day of \_\_\_\_\_, 2019

*PUBLIC HEARING WAS HELD IN COUNCIL this \_\_\_\_\_ day of \_\_\_\_\_, 2019*

READ A SECOND TIME IN COUNCIL this \_\_\_\_\_ day of \_\_\_\_\_, 2019

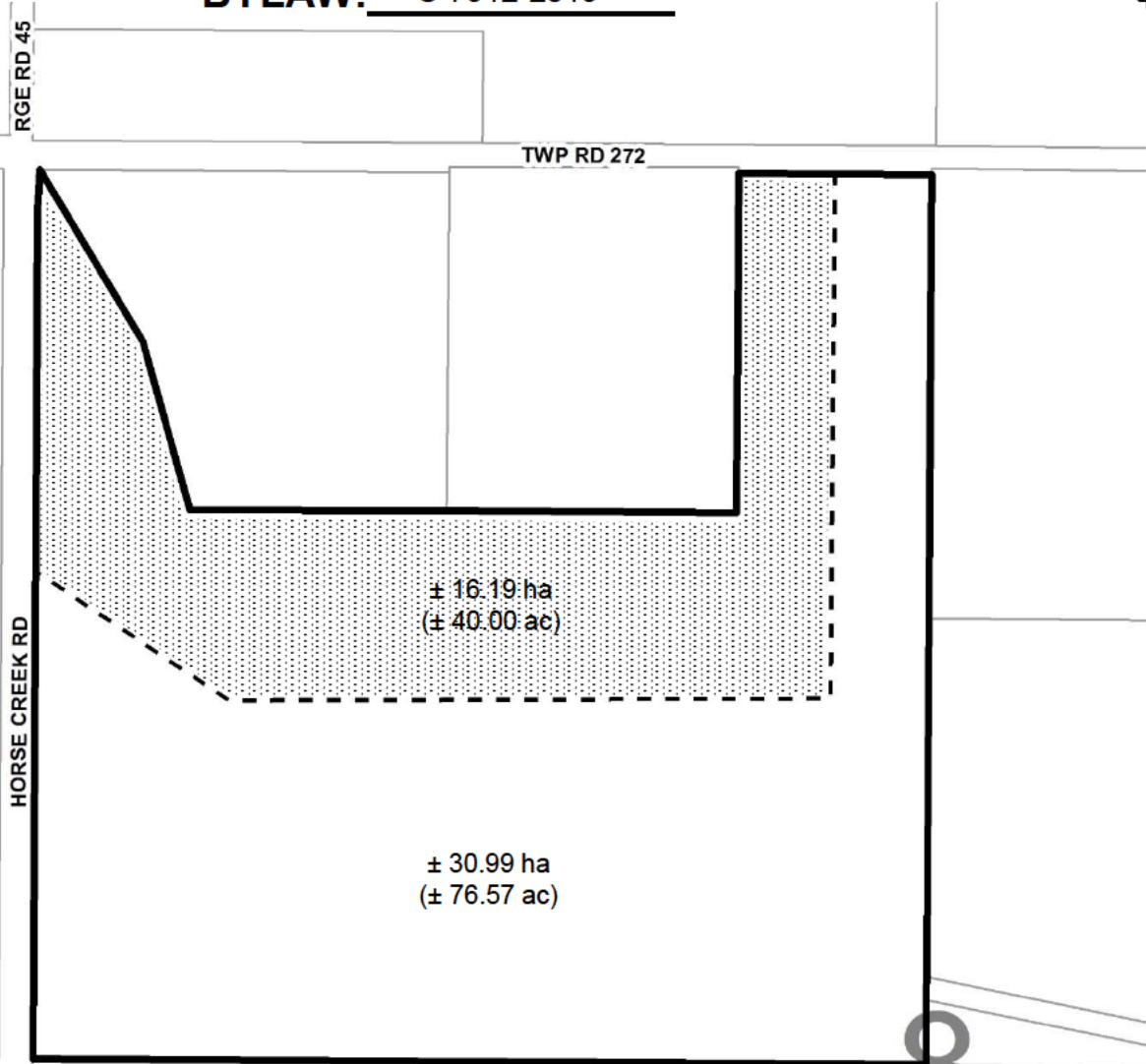
READ A THIRD TIME IN COUNCIL this \_\_\_\_\_ day of \_\_\_\_\_, 2019

\_\_\_\_\_  
Reeve

\_\_\_\_\_  
CAO or Designate

\_\_\_\_\_  
Date Bylaw Signed

## SCHEDULE "A"

BYLAW: C-7912-2019

## AMENDMENT

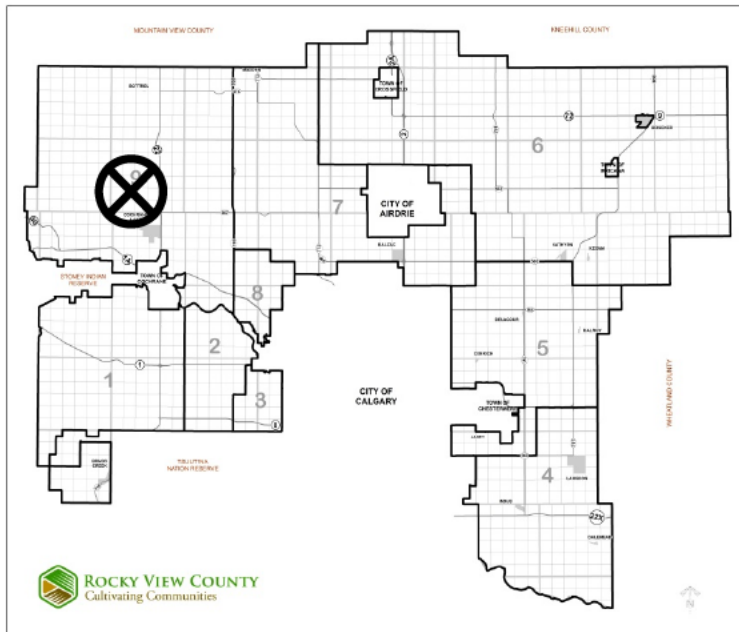
FROM Ranch and Farm District TO Ranch and Farm Three District

Subject Land \_\_\_\_\_

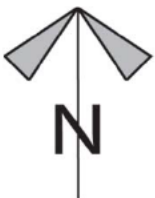
LEGAL DESCRIPTION: NW-8-27-4-W5MFILE: 07808011 - PL20190049

DIVISION: 9

ROCKY VIEW COUNTY  
Cultivating Communities



**LOCATION PLAN**



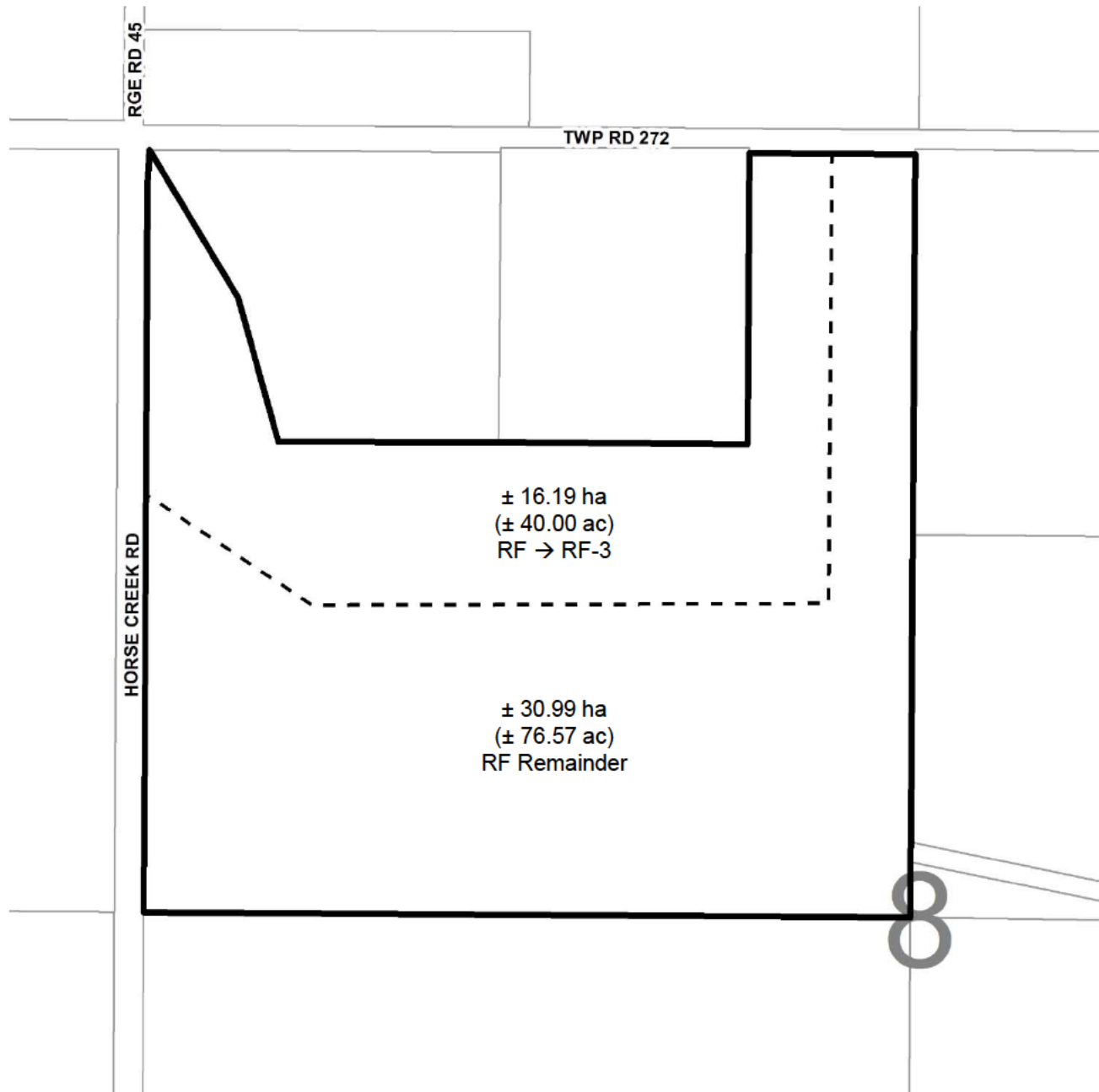
NW-08-27-04-W05M

Date: May 1, 2019

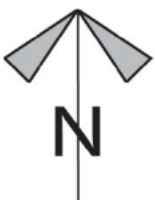
Division # 9

File: 07808011

**Redesignation Proposal:** To redesignate the subject lands from Ranch and Farm District to Ranch and Farm Three District in order to facilitate the creation of a  $\pm 16.19$  hectare ( $\pm 40.00$  acre) parcel with  $\pm 30.99$  hectare ( $\pm 76.57$  acre) remainder.



## DEVELOPMENT PROPOSAL

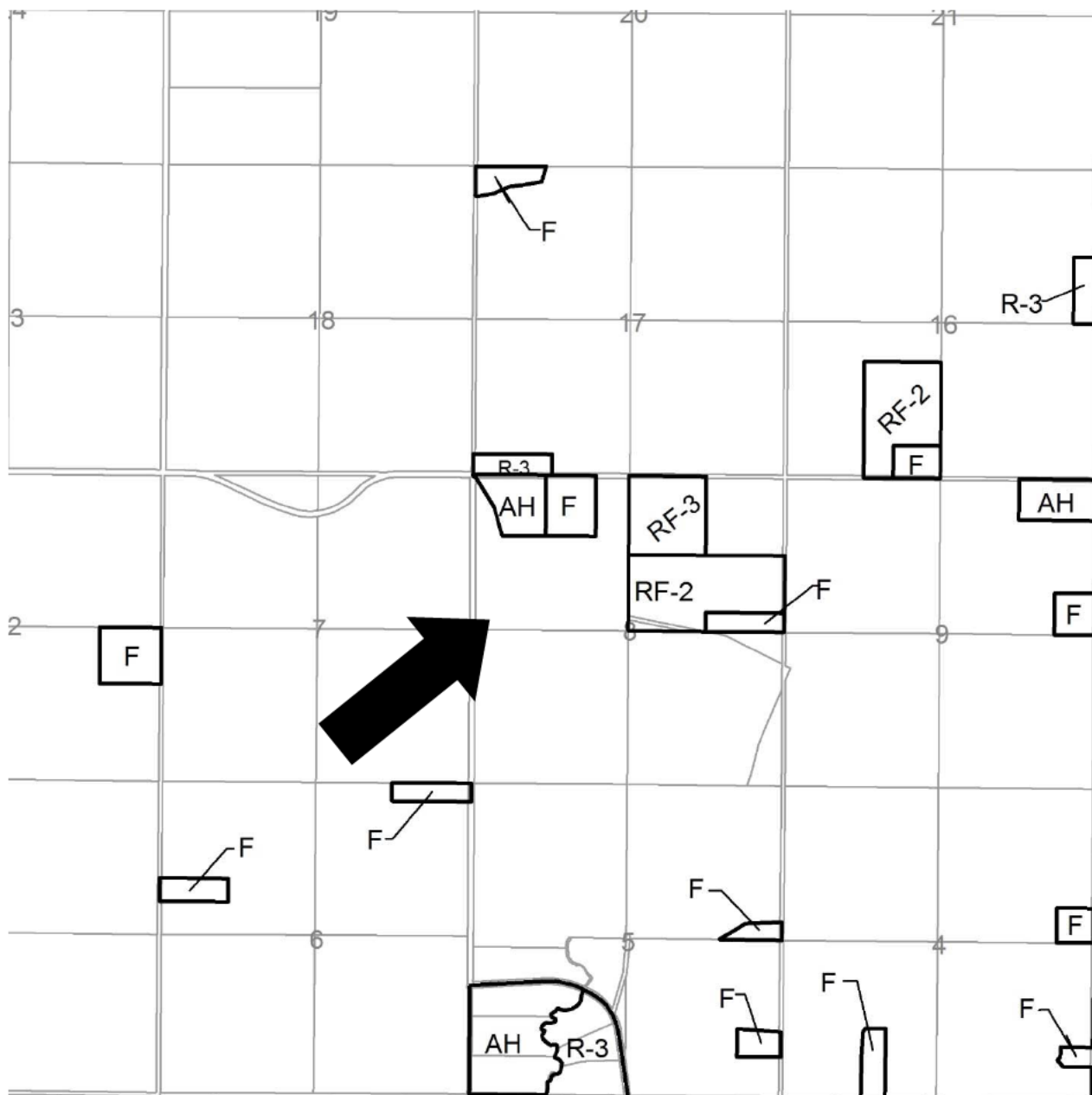


NW-08-27-04-W05M

Date: May 1, 2019

Division # 9

File: 07808011



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

## LAND USE MAP

NW-08-27-04-W05M

Date: May 1, 2019

Division # 9

File: 07808011

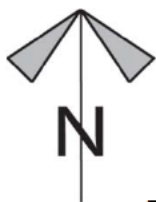




Contours are generated using 10m grid points, and depict general topographic features of the area. Detail accuracy at a local scale cannot be guaranteed. They are included for reference use only.

# TOPOGRAPHY

*Contour Interval 2 M*



NW-08-27-04-W05M

**Date:** May 1, 2019

## Division # 9

**File: 07808011**

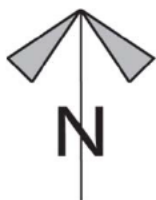




Note: Post processing of raw aerial photography may cause varying degrees of visual distortion at the local level.

**AIR PHOTO**

*Spring 2018*

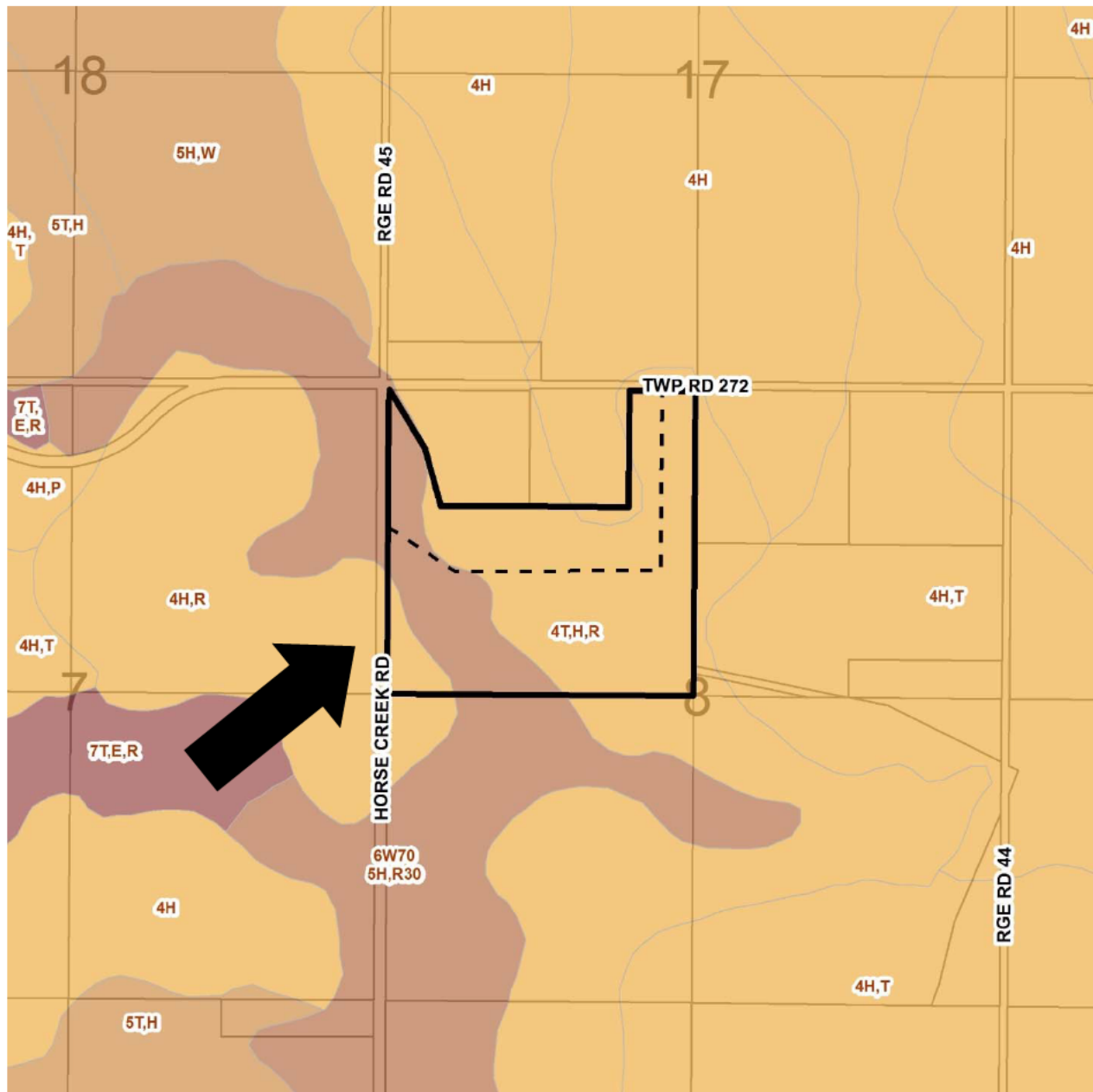


NW-08-27-04-W05M

Date: May 1, 2019

Division # 9

File: 07808011



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

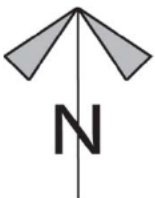
**CLI Class**

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

**Limitations**

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

**SOIL MAP**



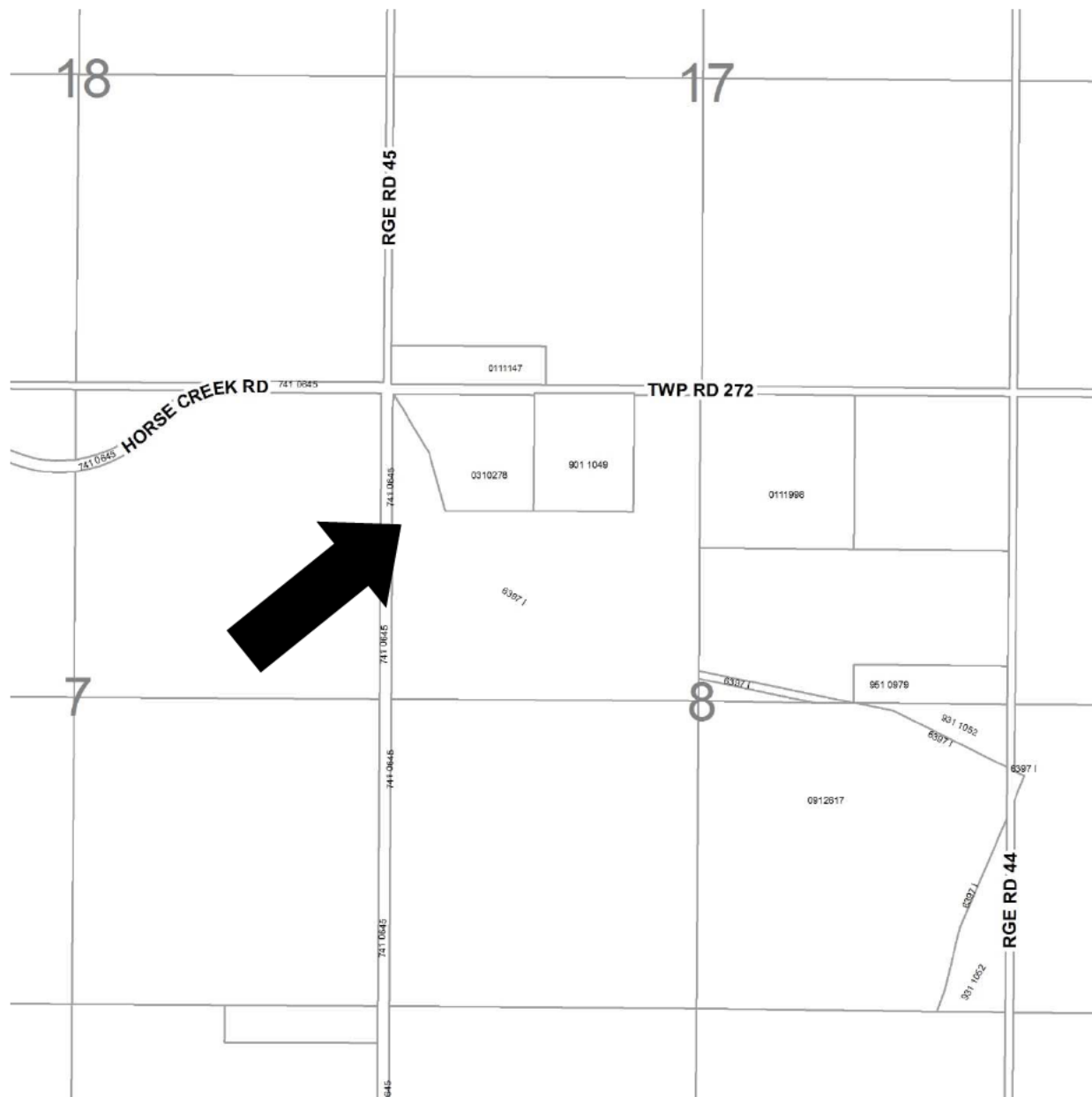
NW-08-27-04-W05M

Date: May 1, 2019

Division # 9

File: 07808011





### Legend – Plan numbers

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

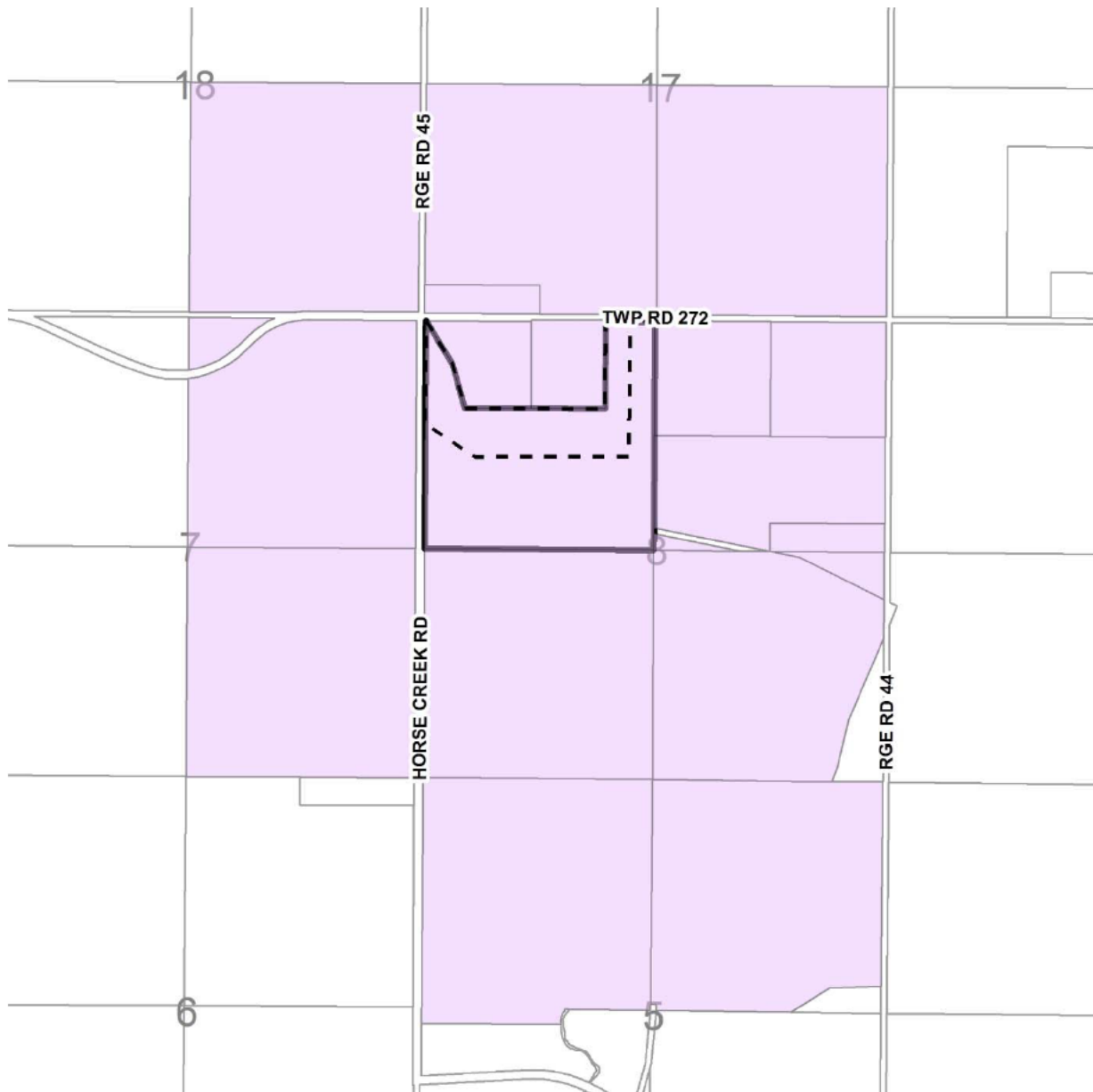
# HISTORIC SUBDIVISION MAP

NW-08-27-04-W05M

**Date:** May 1, 2019

## Division # 9

**File: 07808011**



Letters in Opposition

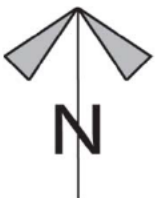
Letters in Support



Circulation Area

Subject Lands

## LANDOWNER CIRCULATION AREA



NW-08-27-04-W05M

Date: May 1, 2019

Division # 9

File: 07808011

**From:** Tom Inglis [REDACTED]  
**Sent:** Wednesday, September 4, 2019 9:03 AM  
**To:** Stefan Kunz <[SKunz@rockyview.ca](mailto:SKunz@rockyview.ca)>  
**Cc:** Tyler Andreasen <[TAndreasen@rockyview.ca](mailto:TAndreasen@rockyview.ca)>  
**Subject:** Re: File 07808011 additional comments

Re: Application PL20190049

Dear Mr. Stefan Kunz,

Following the initial consultation period, the applicants invited us to a meeting to explain the intended use of the land and some of the legal reasons to justify the subdivision application. It was explained that the purpose for the subdivision was for an equine boarding operation and at least in part there was a need for legal separation of liability from the operation and the remainder of the parcel and buildings. These explanations seemed reasonable and more importantly there was a clearly stated intention of the applicants to retain ownership of the parcel for agribusiness uses only. There was a clear commitment to not subdividing and selling the property and furthermore a long term commitment to farming this agricultural land was expressed. The requested land use designation would support this intention although it does not appear that there is any requirement to actually maintain agricultural use on a go forward basis by the county.

Our intention is to farm our adjacent land and agree with the careful consideration being required by RVC to protect agricultural land use. Based on observations of other jurisdictions, like the Fraser Valley on the doorstep of Vancouver, it is likely that RVC will be well suited to consider updates to the land use policies which not only protect, but in fact encourage agricultural use of land outside major cities. Anywhere that real estate value and residential land use eclipses the social need for local food production and the rights of land owners to farm, the leadership of local governments becomes critical. Based on the information provided and the assurances of intended use by the applicant we support the application.

Sincerely,

Tom and Erin Inglis

August 14, 2019

Attention:  
Stefan Kunz, Planner  
Rocky View County Council  
RE: File #07808011 / Application #PL20190049

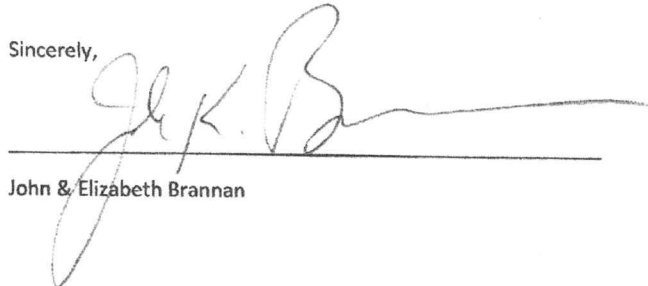
Dear Mr. Kunz and Rocky View Council;

We are the owners of  $\pm 70$  acres located at NE; 8;27;4;W5 directly to the East of the proposed redesignation.

After reviewing the proposed plan and speaking with my neighbour about their intended use for the property as a horse boarding set up that will keep both parcels agricultural, I would like to express my support for the intended redesignation from Ranch & Farm District to Ranch and Farm Three District to facilitate the creation of a 40 acre parcel with a 76.57 acre remainder.

The quarter section is already fragmented and given that the owner intends to keep both properties for agricultural purposes, this is a complimentary use to surrounding properties.

Sincerely,



---

John & Elizabeth Brannan

August 14, 2019

Attention:  
Stefan Kunz, Planner  
Rocky View County Council  
RE: File #07808011 / Application #PL20190049

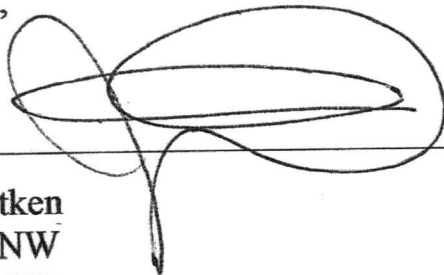
Dear Mr. Kunz and Rocky View Council;

I am writing to you in reference to the above-mentioned application to redesignate the NW-8-27-4-W5 from Ranch & Farm District to Ranch and Farm Three District to facilitate the creation of a 40 acre parcel with a 76.57 acre remainder.

I own the half section of land immediately to the South of this property and have no issue with their intended plans to subdivide their property into two parcels to facilitate two separate agricultural operations. My land is used for running cattle seasonally and the parcel closest to me will be used for the same which is a complimentary use causing no issue.

The parcel sizes that are being proposed are similar to what is already in the area and I support this application.

Sincerely,

A handwritten signature in black ink, appearing to be 'James Aitken', written over a horizontal line.

James Aitken  
5;4;27;5;NW  
5;4;27;5;SW

Date: 25 August 2019.

Attention:

Stefan Kunz, Planner

Rocky View County Council

Dear Mr. Kunz and Rocky View Council;

I/ We are the property owners located

at: NE 08 2704051 (address).

This letter is to express our support for the redesignation the neighbouring lands at NW-8-27-4-W5 from Ranch & Farm District to Ranch and Farm Three District to facilitate the creation of a 40 acre parcel with a 76.57 acre remainder.

Sincerely,

Elvira Mueller. (Signature)

Elvira Mueller. (Printed Name(s))

Date: August 16, 2019

Attention:

Stefan Kunz, Planner

Rocky View County Council

Dear Mr. Kunz and Rocky View Council;

I/ We are the property owners located

at: Phyllis / Tim Kay 44200 Twp<sup>272</sup> (address).

This letter is to express our support for the redesignation the neighbouring lands at NW-8-27-4-W5 from Ranch & Farm District to Ranch and Farm Three District to facilitate the creation of a 40 acre parcel with a 76.57 acre remainder.

Sincerely,

P. Kay / Tim Kay (Signature)

P. Kay / TIM KAY. (Printed Name(s))

Date: Aug. 14, 2019

Attention:

Stefan Kunz, Planner

Rocky View County Council

Dear Mr. Kunz and Rocky View Council;

I/ We are the property owners located

at: SW 1/4 - SEC 17 - TWP 27 - R4 - W5<sup>th</sup> M (address).

This letter is to express our support for the redesignation the neighbouring lands at NW-8-27-4-W5 from Ranch & Farm District to Ranch and Farm Three District to facilitate the creation of a 40 acre parcel with a 76.57 acre remainder.

Sincerely,

Charlotte Henson (Signature)

Charlotte Henson. (Printed Name(s))



Date: Aug 13, 2019

Attention:

Stefan Kunz, Planner

Rocky View County Council

Dear Mr. Kunz and Rocky View Council;

I/ We are the property owners located

at: 44207 TW P277 Plan 0310278 Block 1 lot 2<sup>NW</sup> (address).  
1/4 58 T27-R4 W5M

This letter is to express our support for the redesignation the neighbouring lands at NW-8-27-4-W5 from Ranch & Farm District to Ranch and Farm Three District to facilitate the creation of a 40 acre parcel with a 76.57 acre remainder.

Sincerely,

Bob Taillefer (Signature)

BOB TAILLEFER (Printed Name(s))

Date: SEPT 01 / 19

Attention:

Stefan Kunz, Planner

Rocky View County Council

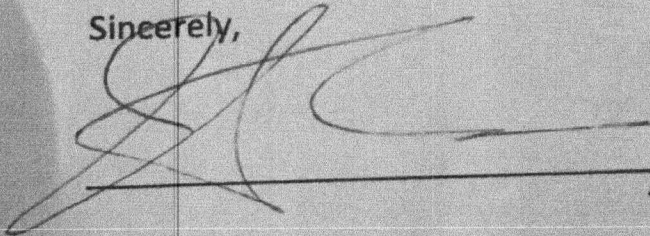
Dear Mr. Kunz and Rocky View Council;

I/ We are the property owners located

at: Jonny Hearn & Megan Durnane (address).  
270023 Horse Creek Rd.

This letter is to express our support for the redesignation the neighbouring lands at NW-8-27-4-W5 from Ranch & Farm District to Ranch and Farm Three District to facilitate the creation of a 40 acre parcel with a 76.57 acre remainder.

Sincerely,

 (Signature)

Jonny Hearn Megan Durnane (Printed Name(s))

Date: SEPT 9/2019

Attention:

Stefan Kunz, Planner

Rocky View County Council

Dear Mr. Kunz and Rocky View Council;

I/ We are the property owners located

at: NW 32 26 4 W5 (address).

This letter is to express our support for the redesignation the neighbouring lands at NW-8-27-4-W5 from Ranch & Farm District to Ranch and Farm Three District to facilitate the creation of a 40 acre parcel with a 76.57 acre remainder.

Sincerely,

  
\_\_\_\_\_  
(Signature)

LES JONES  
\_\_\_\_\_  
(Printed Name(s))

Box 5 Site 14 RR1  
Cochrane  
Alberta  
T4C 1A1  
May 28, 2019

Attention: Stefan Kunz  
Application Number PL20190049.

Dear Sir,

Thank you for your letter dated May 10, 2019 advising me of an application for Redesignation.

I have the following comments:

1. The applicant is requesting a redesignation from Ranch and Farm District to Ranch and Farm Three District (RF-3). The purpose of RF-3 is to accommodate smaller parcel sizes for agricultural purposes.
2. Although 16.19ha is of substantial size which should accommodate traditional and emerging trends in agriculture the shape of the proposed subdivision may not. Allowing for roads, already installed, and applicable 'set backs' reduces the amount of allowable land to accommodate any dwellings and hence the amount remaining for agricultural uses. With existing watercourses across the proposed property will further reduce the amount of land that could be used for agricultural purposes.
3. RVC's County Plan identifies the Key Directions of the west portion of the county, in which this proposed redesignation is situated. Key Directions are to encourage retention of large agricultural parcels and not to fragment land in the areas designated for agriculture. This application appears to fragment the land.
4. Additional dwellings, up to three more, will increase the pressure on the local roads. TWP RD 272 is a gravel road which with additional traffic will require upgrading to asphalt. 272 has undergone severe erosion and subsequent resurfacing with gravel in the past few years. With additional traffic 272 and Horse Creek Road will require further ongoing maintenance and upgrading.
5. It is assumed that any new dwellings will provide water and wastewater management utilizing wells and septic fields. As no studies have been carried out on the affect that additional water wells or septic fields will have on existing water wells or the natural water courses in the area then further long-term studies should be carried out to determine the feasibility of this application.
6. Two natural watercourses lie across the area. One being Horse Creek which is not identified on the map provided. The other, also not identified, drains the two quarter sections north and east of the lands in question. It drains through an existing culvert under TWP 272 and then follows approximately the dashed line

which will form the new Property Line between the lots in the NE of the ¼ and then eventually drains into Horse Creek. During periods of rapid snow melting and high rainfall these two watercourses are flowing over capacity. These natural watercourses should not be disturbed.

Based on the above comments I consider that the application to redesignate the land in this application is not compatible with other existing uses in the area and should not be accepted.

Trusting this is acceptable,

Yours truly,



David J. Bartle.



August 30, 2019

Rocky View County  
26075 Rocky View Point  
Rocky View County, AB  
T4A 0X2

Attention: Mr. Stefan Kunz  
RE: Application PL20190049, File number: 07808011

I have been asked to provide a summary of my recommendations pertaining to a new business venture Mr. S. Cockburn, ("the landowner"), would like to undertake. It is my understanding that the new agricultural business venture would provide overnight, shorter stay boarding for horses. At any time, there would be a maximum of approximately 5 - 10 horses being cared for. In order to properly house and care for the animals, the landowner will need to construct additional barns and facilities. The recommendations I have provided to Mr. Cockburn, and noted below, are based upon this understanding.

#### *Risk management*

To allow the landowner to separate personal interests from business interests, I have recommended that the land used for this new boarding business be held inside a corporation. The landowner would be the shareholder of this Alberta corporation.

In the possible event of an accident, injury or loss of a horse, there could be significant damages payable to the animal's owners. The business would be properly insured for such a possible event. However, it is also possible that insurance may not cover the full amount of a claim against the landowner. If the business is not incorporated and a successful judgement was rendered against the landowner, his personal assets, including home and other lands, could be at risk. It is my business advice to keep the business activities and its related assets within a corporation, to mitigate this risk.

#### *Financing arrangements*

The landowner has made preliminary inquiries into financing this agricultural venture to construct a barn and related facilities for the boarding operation. Securing financing or potential business grants will be much simpler if the business assets – land and associated buildings – are held within a corporation.

Should you have further questions that I may assist with, please feel free to contact me.

Yours truly,



Ingrid T. Meger, CPA CA

**Stefan Kunz**

---

**From:** Cheryl Ovans [REDACTED]  
**Sent:** Monday, June 3, 2019 2:16 PM  
**To:** Stefan Kunz  
**Subject:** Subdivision for Konschuk Consulting NW 08-27-04-W05M

Hi Mr. Kunz. We would like to send our opposition to the subdivision file 07808011 application PL 20190049 division 9. We have been ranching here for almost 50 years and we feel it is wrong that new owners can subdivide quickly after purchasing land. That would be the fourth split into that quarter and is an unusual shape. Just a couple of years ago a similar one on the same quarter was denied. It is unusual for the area and seems to be almost speculative. All of this parcels out in this area are making it difficult to carry on ranching. We strongly oppose this subdivision and hope this is not the new normal.  
Please feel free to call us to discuss.

Best Regards,

Garnet and Cheryl Ovans  
[REDACTED]



April 6, 2019

Rocky View County, Reeve and Council  
262075 Rocky View Point  
Rocky View County, AB T4A 0X2

To whom it may concern;

Please find below why we are asking for redesignation of our property (NW 8-27-4-W5M) for a new and distinct agricultural use.

We have owned this 116 acre property for 5 years and have a 20 head cow/calf herd and 4 saddle horses. During this time we have been approached on numerous occasions about boarding horses on our property, often just for a short term stay.

While there are a number of equestrian facilities in our area, none specialize in short term stays or casual boarding.

While looking into the financial feasibility for this unique concept, we determined that boarding 5-10 horses would return far more profit than 20 cow/calf pairs and would only require a 40 acre parcel, rather than our full 116 acres.

We are not currently set up with private paddocks or a barn to keep boarders' horses separate from our own horses and cows and will be starting from scratch to create this set up. Building a new facility will require capital costs for constructing a barn, installing waterers, fencing and security. Upon discussion with our accountant it has been suggested that we incorporate this business to limit liability and keep this operation legally and financially separate from our dwelling and remaining land.

The need for short term boarding is an in-demand business driven by equestrian events in the area and equestrians travelling through who need accommodation for their horses. Nicole has been a volunteer at the Calgary Stampede for the past 11 years and has met many people looking for this type of facility. Equestrian competition facilities primarily only offer box stall boarding, not the space to move around and stretch legs that horses staying for a couple of days to a week usually need. Overnight boarders are also usually looking for safe, private paddocks where their horses can get rest from the confines of the trailer and move around. Most boarding facilities usually have their paddocks rented to full time boarders and don't have the ability to free them up for this type of board at a moment's notice. We aim to fulfil this need in market.

Ideally we will seek to have 5 or 6 monthly boarders with horses in pasture, with the space to accommodate 4-5 short term horses at any given time. The pasture boarders that we are looking to attract are recreational horse owners with 'pasture pets'. As we will not have any indoor riding facilities, we will offer a lower cost board for the type of person who prefers to come out on an occasional basis but wants quality, outdoor care for their horses with access to a barn and box stall when needed. This type of boarder also creates minimal traffic as they are not visiting their horses on a frequent basis.

We have a young family and we intend to work and operate the boarding facility ourselves while living on the 76 acre balance of the land. We will keep our own horses separate and reduce the cow/calf pairs

that we run to only 15 pairs (seasonally) so as not to exceed the maximum number of animals permitted on our land.

The topography of our land is rolling with a deep ravine running East/West down the property. We have already installed a field approach off of Township Road 272 (with County approval and sign off) and built a driveway into the future barn and corral site with this vision in mind. We respectfully ask for your approval so we can start with this new agricultural business and see it through to fruition.

Sincerely,

Two handwritten signatures in black ink. The first signature on the left is more stylized and fluid, while the second signature on the right is more legible and includes a period at the end.

Shaun Cockburn and Nicole Henson



## **PLANNING AND DEVELOPMENT SERVICES**

---

**TO:** Council  
**DATE:** October 22, 2019 **DIVISION:** 7  
**TIME:** Afternoon Appointment  
**FILE:** 06403002 **APPLICATION:** PL20180139  
**SUBJECT:** Redesignation Item: Site-Specific Amendment to DC-99  
Note: The application should be considered in conjunction with PL20180140, Interlink Logistics Park Conceptual Scheme (Item C-4).

---

### **POLICY DIRECTION:**

The application was evaluated in accordance with the County Plan, the Balzac East Area Structure Plan (ASP), and Direct Control Bylaw C-6031-2005 (DC-99).

### **EXECUTIVE SUMMARY:**

The purpose of this application is to amend DC-99 to increase site coverage from 40% to 55%, and to allow for ten additional uses within a portion of SW-03-26-29-W04M including the following:

- *Auctioneering Services*
- *Automotive Services*
- *Cannabis Facility*
- *Dealership/Rental Agency Automotive*
- *Indoor Participant Recreation Service*
- *Health Care Service*
- *Mini Storage*
- *Personal Service Business*
- *Religious Assembly*

On September 10, 2019, Council granted first reading to Bylaw C-7930-2019 and removed the use "Child Care Facility" from the Bylaw.

The following is a summary of the application assessment:

- The amendments are consistent with the purpose and intent of DC-99;
- The amendments are consistent with the provisions for development within Balzac East Special Development Area #4, as prescribed in the ASP; and
- All other technical matters can be addressed through subsequent conditions of approval.

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

Administration recommends approval in accordance with Option #1.

**DATE APPLICATION RECEIVED:** November 15, 2018  
**DATE DEEMED COMPLETE:** July 22, 2019

---

---

<sup>1</sup> **Administration Resources**

Paul Simon and Gurbir Nijjar, Planning and Development Services



<b>PROPOSAL:</b>	A site-specific amendment to Direct Control District 99 to allow for an increase in site coverage and to allow for the following uses on a portion of SW-3-26-29-W4M: auctioneering services, automotive services, cannabis facility, child care facility, dealership/rental agency automotive, indoor participant recreation service, health care service, mini storage, personal service business, and religious assembly.
<b>LEGAL DESCRIPTION:</b>	SW-03-26-29-W4M
<b>GENERAL LOCATION:</b>	Located at the northwest junction of Dwight McLellan Trail and 144 Avenue.
<b>APPLICANT:</b>	Kellam Berg Engineering & Surveys Ltd.
<b>OWNERS:</b>	MH Crosspointe II GP Inc.
<b>EXISTING LAND USE DESIGNATION:</b>	DC-99
<b>PROPOSED LAND USE DESIGNATION:</b>	DC-99 (amended)
<b>GROSS AREA:</b>	± 150.53 acres
<b>SOILS (C.L.I. from A.R.C.):</b>	<b>Class 1E, 3D</b> – No significant limitations, erosion damage; Moderate limitations, low permeability.

**PUBLIC & AGENCY SUBMISSIONS:**

The application was circulated to 18 adjacent landowners; no letters in support or opposition were received in response. The application was also circulated to a number of internal and external agencies (Appendix 'A').

**HISTORY:**

**March 8, 2005** The subject lands were redesignated to Direct Control District 99.

**BACKGROUND:**

The subject lands are designated Direct Control District 99. They are currently undeveloped for commercial/industrial purposes, but include remnants of historical agricultural development including several farm buildings. Access is currently accommodated from Range Road 293. The lands are located immediately adjacent to the Canadian Pacific Rail Line to the south.

**POLICY ANALYSIS:**

Interim Growth Plan

The subject land is located in a commercial / industrial area. The Interim Growth Plan (IGP) indicates that employment areas shall be planned for through the use of statutory plans. The proposed amendments are in accordance with existing statutory policy.

City of Calgary / Rocky View County Intermunicipal Development Plan

The subject lands fall within the Intermunicipal Development Plan (IDP) with the City of Calgary in an identified Rocky View County growth corridor. Policy 8.1.2 of the IDP states that development within these areas should accord with statutory and local area plans. The application was evaluated in accordance with the provisions of the Balzac East ASP.



Section 13.0 of the IDP includes provisions for coordination of transportation infrastructure between the two municipalities, including upgrades based on the findings of submitted Traffic Impact Assessments. The necessary technical information was submitted by the Applicant to ensure the development does not exceed the capacity of existing transportation infrastructure from which it will be relying upon.

#### County Plan

The County Plan directs development within comprehensively planned areas. The Balzac East ASP provides for development in an identified commercial / industrial area, and is the appropriate document to evaluate the proposed amendments.

#### Balzac East Area Structure Plan

The subject lands fall within Special Development Area #4, Cell C of the Balzac East ASP. Cell C is identified as the heart of the commercial / industrial business area, with provisions such as buffering, landscaping and other items established at the development permit stage. Maximum density of development is determined at the conceptual scheme stage. The corresponding applications for the Interlink Logistics Park Conceptual Scheme (PL20180140) and Interlink Logistics Park subdivision (PL20180088) provide a comprehensive overview of the development concept.

#### Direct Control Bylaw 99

The purpose of DC-99 is to provide for development of the Balzac East Special Development Area #4. Allowing for an increase in site coverage is not uncommon in the Balzac area, given the market demand for large scale logistics buildings in a campus setting. The implications with respect to stormwater management can be addressed through conditions of the subsequent subdivision (PL20180088). The additional uses requested are comparable with the already approved uses in DC-99 and allow for flexibility to accommodate market demand.

#### **CONCLUSION:**

The application was reviewed based on applicable statutory policy and found to be compliant.

#### **OPTIONS:**

- Option # 1:     Motion #1       THAT Bylaw C-7930-2019 be given second reading.  
                     Motion #2       THAT Bylaw C-7930-2019 be given third and final reading.
- Option # 2:     THAT application PL20180139 be refused.

Respectfully submitted,

Concurrence,

“Matthew Wilson”

“Al Hoggan”

---

Acting Executive Director  
Community Development Services

---

Chief Administrative Officer

PS/llt

#### **APPENDICES:**

APPENDIX ‘A’: Application Referrals  
APPENDIX ‘B’: Bylaw C-7930-2019, Schedule A & Schedule B  
APPENDIX ‘C’: Map Set

## APPENDIX A: APPLICATION REFERRALS

AGENCY	COMMENTS
<b><i>School Authority</i></b>	
Rocky View Schools	No comment received.
Calgary Catholic School District	No comment received.
Public Francophone Education	No comment received.
Catholic Francophone Education	No comment received.
<b><i>Province of Alberta</i></b>	
Energy Resources Conservation Board	No comment received.
Alberta Health Services	I would like to confirm that Alberta Health Services, Environmental Public Health has received the above-noted application. At this time we do not have any concerns with the information provided, but we would like an opportunity to review and comment on building permit applications to construct any public facilities on the subject lands (e.g. food establishments, swimming facilities, daycares, child or adult care facilities, personal service establishments, etc.). Forwarding building plans for these facilities to our department for AHS approval before the building permit is granted helps to ensure that the proposed facilities will meet the requirements of the Public Health Act and its regulations.
<b><i>Public Utility</i></b>	
ATCO Gas	No comment received.
ATCO Pipelines	No comment received.
AltaLink Management	No comment received.
FortisAlberta	This application does not fall within our service territory therefore we do not have any objection nor do we require easement for this development.
Telus Communications	No comment received.
TransAlta Utilities Ltd.	No comment received.
<b><i>Other External Agencies</i></b>	
EnCana Corporation	No comment received.

AGENCY	COMMENTS
City of Calgary	<p data-bbox="623 310 1419 478">The City of Calgary has reviewed the above noted application in reference to the Rocky View County/City of Calgary Intermunicipal Development Plan (IDP) and other applicable policies. The City of Calgary Administration has the following comments for your consideration.</p> <p data-bbox="623 495 1450 695">Regarding the CPR crossing, City staff have received indications that this line has potential for future use. Unless advised by CPR that they are abandoning the line and removing the tracks, the City will require resolution of the issues related to the crossing with higher traffic volumes on Dwight McLellan Trail/Metis Trail.</p> <p data-bbox="623 711 1435 848">Installing a traffic signal at the intersection of Dwight McLellan/Metis &amp; 144 Ave is not currently budgeted by the City of Calgary; for the City to support development applications within this proposal, a funding strategy will be required.</p> <p data-bbox="623 865 1393 959">Providing access to Lot 1 (0.28 hectare) will be challenging; access from 144 Ave will not be supported. We wish to be circulated with potential solutions for our review.</p> <p data-bbox="623 976 1430 1249">The Nose Creek Watershed Water Management Plan applies to the subject area and is intended to be applied by the individual municipality the application falls within. We would respectfully encourage the applicant to work with Rocky View County administration to satisfy the requirements of the Nose Creek Water Management Plan to ensure no negative impacts are imposed upon Nose Creek and that the Plan's policies and targets are complied with.</p> <p data-bbox="623 1266 919 1293">Regarding stormwater,</p> <div data-bbox="719 1310 1430 1478"> <p>As an escape route is not proposed, the pond volume for both ponds should be evaluated for a 1:500 year 24 hour and 1:100 year 24 single event storms, with a 5 minute time step. Alternatively, show the escape route routing to Nose Creek.</p> <p>Seepage loss should not be relied on in the WBSS for volume control, for a wet pond. Is the pond proposed to be lined? Have the groundwater elevations been identified in the geotechnical report?</p> </div> <p data-bbox="623 1646 1378 1673">Is there a designated irrigation zone in the pond for reuse?</p> <p data-bbox="623 1690 1430 1827"><b>Note:</b> Administration had followed up with City of Calgary officials at a meeting on April 6, 2019 to discuss the requested transportation upgrades. In a follow-up email on May 28, 2019, the County indicated the following:</p> <ul style="list-style-type: none"> <li data-bbox="672 1843 1393 1908">• The developer had completed a Warrant and Safety Analysis for the intersection in question, which</li> </ul>



AGENCY	COMMENTS
Calgary Airport Authority	<p><i>concluded that signalization of the intersection is not warranted today;</i></p>
	<ul style="list-style-type: none"> <li><i>• The special levy for the area is being collected in part to fund a future grade separate rail crossing, making signalization of the intersection in question throw-away infrastructure; and</i></li> </ul>
	<ul style="list-style-type: none"> <li><i>• If the City wishes to discuss overall impacts from the County's road network separate from this application, the County is willing to coordinate this through our intermunicipal group.</i></li> </ul>
	<p><i>The technical information was sent to the City, and revised comments were requested by June 26, 2019. No comments to date were received.</i></p>
	<p><i>The applicant had submitted a revised stormwater management plan and memo which specifically addressed the comments from the City of Calgary. This was sent to the City. No comments to date were received.</i></p>
	<p><b>Calgary International Airport Vicinity Protection Area (AVPA) Regulation</b></p>
	<p>The proposed development is located within the 25-30 and 30-35 NEF (Noise Exposure Forecast) contours. Industrial uses are not considered prohibited uses within this area, however the County and Owner are responsible for ensuring uses are compatible with the AVPA. All buildings constructed on land in the Protection Area must comply with the acoustical requirements set out in the Alberta Building Code.</p>
	<p><b>Building Height and Use of Cranes</b></p>
	<p>The highest point above sea level of any building, structure or object is to be used when calculating the final height of the development. This includes parapets, rooftop equipment, antennas, and all other objects. The applicant must ensure there is adequate room for all objects to ensure conformity with the Calgary International Airport Zoning Regulations. It is also important to note that use of construction equipment such as cranes may also have an impact on Airport Zoning and cannot violate the regulations during the construction of these buildings.</p>
	<p><b>Calgary International Airport Zoning Regulations</b></p>
	<p>Parts of the proposed development is located within the Approach Surface of Runway 17L-35R as defined in the Calgary International Airport Zoning Regulations and is therefore subject to regulated height restrictions. The maximum height for any structure in this area varies between 1165.00m and 1195.00m above sea level.</p>

AGENCY	COMMENTS
	<p>The applicant must contact Transport Canada directly for a thorough review and determination of any restrictions on their proposal, for any buildings and cranes that may be used during construction.</p> <p><b>Electronic Zoning Regulations</b></p> <p>The proposed development is affected by the Electronic Facilities Protection Area Zoning Plan, and is located within the critical area of the Terminal Surveillance Radar. Structure height limits exist in this area.</p> <p>The applicant must contact Nav Canada directly for a thorough review and determination of any restrictions on their proposal, for any buildings and cranes that may be used during construction.</p> <p><b>Bird Hazard Considerations</b></p> <p>Incompatible land uses that attract bird activity by providing food sources or water must be avoided or mitigated. For further information on mitigation measures please contact the Calgary Airport Authority Environmental Group at 403.735.1405.</p> <p><b>Land Use in the Vicinity of Airports</b></p> <p>As this development is occurring outside of the Calgary International Airport property boundary, the proposed development should ensure compatibility to the land use recommendations and guidelines as set out in TP1247 – Land Use in the Vicinity of Airports.</p>
Nexen Energy	<p>No objections or concerns with respect to the development of the lands. Nexen has no active or abandoned facilities located within this quarter.</p>
Canadian Pacific Railway	<p>Canadian Pacific (CP) is opposed to residential development adjacent to our right-of-way as that type of land use is not compatible with railway operations. The health, safety and welfare of the public could be adversely affected by railway activities.</p> <p>CP is not opposed to Commercial/Industrial type developments adjacent to our right of way. Please ensure any future developments do not encroach onto CP owned lands, that they do not drain onto the railway right of way and that there is adequate clearance around buildings and facilities so that maintenance work of same will also not encroach onto the CP right of way lands.</p> <p>Notwithstanding that stated above, we recommend that residential and commercial/industrial developments meet</p>



AGENCY	COMMENTS
	<p>certain criteria based upon site specific conditions and intended use/development as per the attached guidelines.</p> <p>We would appreciate being circulated on all future correspondence as it relates to specific developments.</p>
<b><i>Rocky View County Boards and Committees</i></b>	
ASB Farm Members	No comment received.
Recreation Board	The Recreation Board has no comments on this circulation.
<b><i>Internal Departments</i></b>	
RVC Recreation, Parks and Community Support	No concerns.
Development Authority	No comments.
GIS Services	No comment received.
Building Services	No comment received.
Fire Services & Emergency Management	No comment received.
Development Compliance	No comment received.
Planning and Development Services - Engineering	<p><b>General</b></p> <ul style="list-style-type: none"> <li>The applicant will be responsible for all 3rd party costs associated with the review and approval of the supporting technical studies at the time of future subdivision.</li> <li>As this application is for land use amendments only, ES has no concerns with the application. Detailed engineering requirements noted below will be required at the future development stages and are provided for the applicants understanding.</li> </ul> <p><b>Geotechnical:</b></p> <ul style="list-style-type: none"> <li>No concerns as this application is for land use changes only and no significant land features appear to exist that would preclude development on the subject lands. At future subdivision and/or development permit stages the County will require Geotechnical Reports and Investigation in accordance with County standards.</li> </ul>

AGENCY	COMMENTS
	<p><b>Transportation:</b></p> <ul style="list-style-type: none"> <li>• No concerns with the proposed changes to DC 99. Site development will be reviewed when it proceeds and will be required to adhere to the County's Servicing Standards.</li> <li>• The County's transportation offsite levy will apply at the subdivision stage in accordance with Bylaw C-7356-2014, as amended. <ul style="list-style-type: none"> <li>○ The applicant is advised the levy is currently undergoing changes and that the version of the bylaw in place at time of subdivision approval is what will apply. Bylaw updates, public input and other information can be accessed on the County's website.</li> </ul> </li> </ul> <p><b>Sanitary/Water:</b></p> <ul style="list-style-type: none"> <li>• No concerns with the proposed changes to DC 99. Site development will be reviewed when it proceeds and will be required to adhere to the County's Servicing Standards.</li> <li>• It is advised that future development on the subject lands is required to be serviced through connections to the County's municipal water and sewer systems in East Balzac. Specific requirements will be identified when development proceeds.</li> <li>• The County's water and waste water offsite levy will apply at the subdivision stage in accordance with Bylaw C-7273-2013, as amended. <ul style="list-style-type: none"> <li>○ The applicant is advised the levy is currently undergoing changes and that the version of the bylaw in place at time of subdivision approval is what will apply. Bylaw updates, public input and other information can be accessed on the County's website.</li> </ul> </li> </ul> <p><b>Storm Water Management:</b></p> <ul style="list-style-type: none"> <li>• No concerns with the proposed changes to DC 99. Site development will be reviewed when it proceeds and will be required to adhere to the County's Servicing Standards. This includes demonstrating that proposed development will adhere to the Nose Creek Watershed Management Plan requirements.</li> </ul>
Transportation Services	No comment received.
Capital Project Management	No comment received.



AGENCY	COMMENTS
Utility Services	No comment received.

Circulation Date: December 7, 2018 – January 2, 2019



**BYLAW C-7930-2019**

**A Bylaw of Rocky View County to amend Direct Control Bylaw C-6031-2005**

The Council of Rocky View County enacts as follows:

**PART 1 – TITLE**

This Bylaw shall be known as Bylaw C-7930-2019.

**PART 2 – DEFINITIONS**

In this Bylaw the definitions and terms shall have the meanings given to them in Land Use Bylaw C-4841-97, Bylaw C-6031-2005, and the *Municipal Government Act*.

**PART 3 – EFFECT OF BYLAW**

**THAT** Bylaw C-6031-2005 is hereby amended to allow for an increase in site coverage and additional uses, as shown on the attached Schedule 'A' forming part of this Bylaw.

**THAT** Bylaw C-6031-2005 is hereby amended to allow for an increase in site coverage and additional uses, as shown on the attached Schedule 'B' forming part of this Bylaw.

**PART 4 – TRANSITIONAL**

Bylaw C-7930-2019 is passed when it receives third reading, and is signed by the Reeve/Deputy Reeve and the Municipal Clerk, as per Section 189 of the *Municipal Government Act*.

**Division: 7**  
**File: 06403002 / PL20180139**

READ A FIRST TIME IN COUNCIL this	day of	, 20XX
<i>PUBLIC HEARING WAS HELD IN COUNCIL this</i>	<i>day of</i>	<i>, 20XX</i>
READ A SECOND TIME IN COUNCIL this	day of	, 20XX
READ A THIRD TIME IN COUNCIL this	day of	, 20XX

\_\_\_\_\_  
Reeve

\_\_\_\_\_  
CAO or Designate

\_\_\_\_\_  
Date Bylaw Signed

**SCHEDULE 'A'****FORMING PART OF BYLAW C-7930-2019**

Schedule of textual amendments to Direct Control Bylaw C-6031-2005:

**Amendment #1:** Amend Section 2.5.0 to read:

**2.5.0 Cell C – List of Uses**

2.5.30 The following uses are allowed within a portion of SW-03-26-29-W4M as shown on Schedule 'F':

Auctioneering Services  
Automotive Services  
Cannabis Facility  
Dealership/Rental Agency Automotive  
Indoor Participant Recreation Service  
Health Care Service  
Mini Storage  
Personal Service Business  
Religious Assembly

**Amendment #2:** Amend Section 3.14.0 to read:

3.14.0 Site Coverage

Maximum Site Coverage for Cell C is 40%

- (iii) Notwithstanding Section 3.14.0, the Maximum Site Coverage for a portion of SW-03-26-29-W4M as shown on Schedule 'F' is 55%.

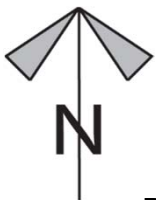
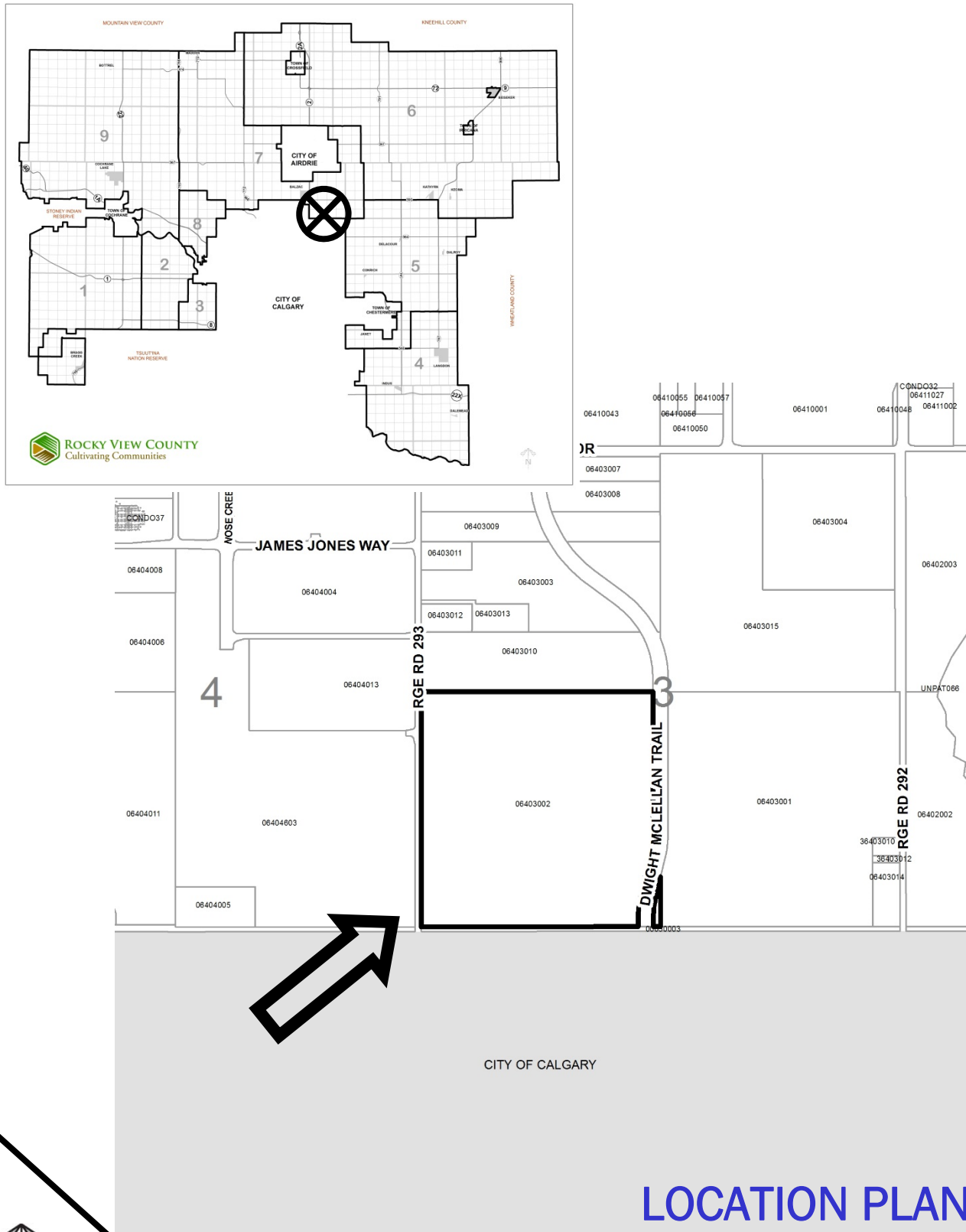
**Amendment #3:** Minor administrative amendments for formatting and numbering.



**FORMING PART OF BYLAW C-7930-2019**

***Amendment # 4: Insert Schedule 'F' to Direct Control Bylaw C-6031-2005.***

Page 3



SW-03-26-29-W04M

Date: 8-Oct-19Division # 7File: 06403002

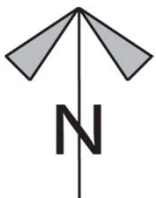
**Development Proposal:** A site-specific amendment to Direct Control District 99 to allow for an increase in site coverage and allow for the following uses on a portion of SW-3-26-29-W4M: auctioneering services, automotive services, cannabis facility, dealership/rental agency automotive, indoor participant recreation service, health care service, mini storage, personal service business, and religious assembly

RGE RD 293

DC 99 →  
DC 99 (amended)

DWIGHT MCLELLAN TRAIL

## DEVELOPMENT PROPOSAL

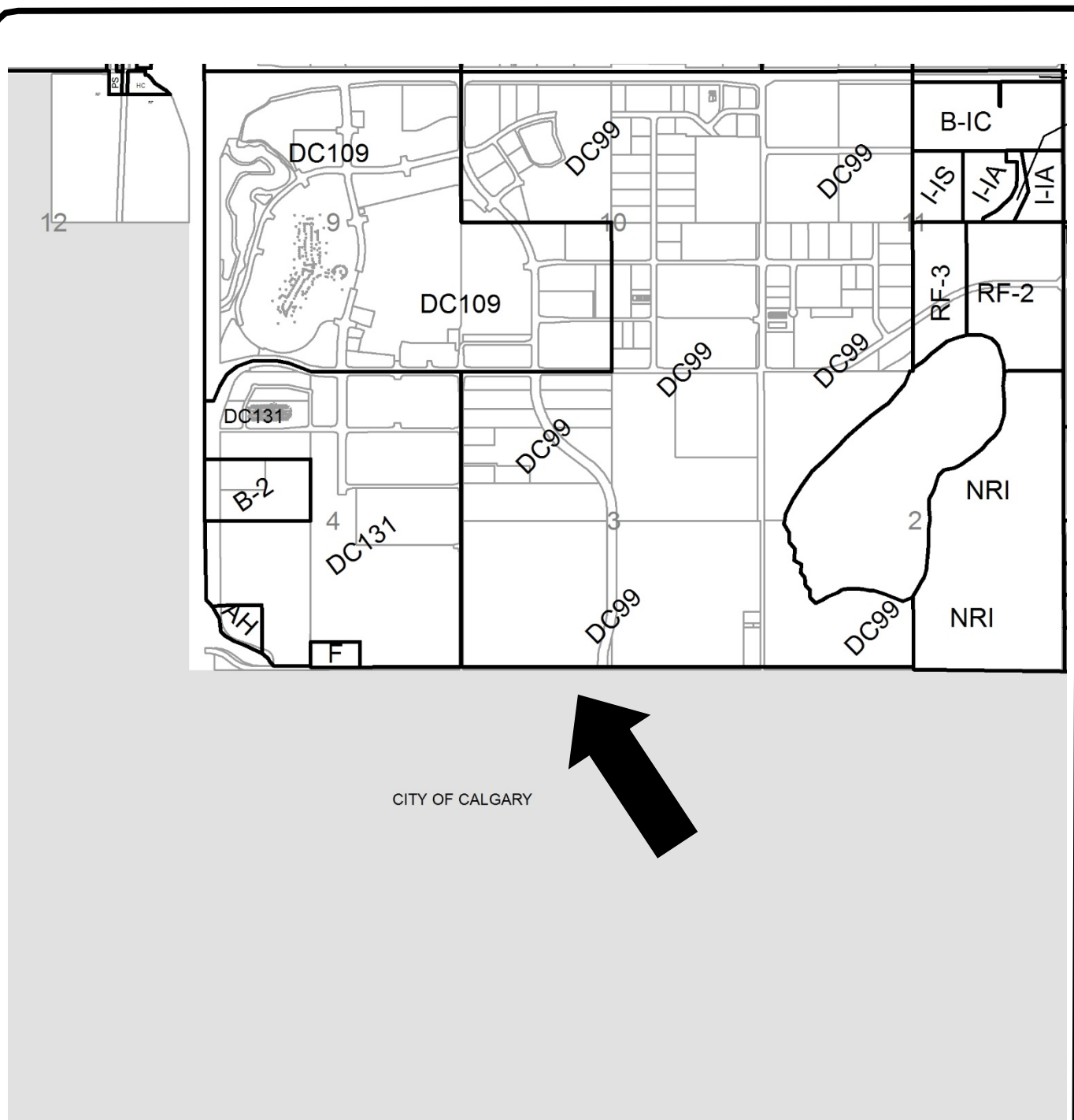


**SW-03-26-29-W04M**

Date: 8-Oct-19

Division # 7

File: 06403002



RF2	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-03-26-29-W04M**

**Date:** 8-Oct-19

## Division # 7

File: 06403002

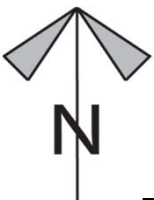




Contours are generated using 10m grid points, and depict general topographic features of the area. Detail accuracy at a local scale cannot be guaranteed. They are included for reference use only.

## TOPOGRAPHY

*Contour Interval 2 M*



**SW-03-26-29-W04M**

Date: 8-Oct-19

Division # 7

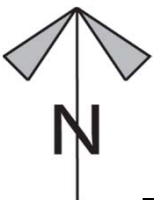
File: 06403002



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

**AIR PHOTO**

*Spring 2018*



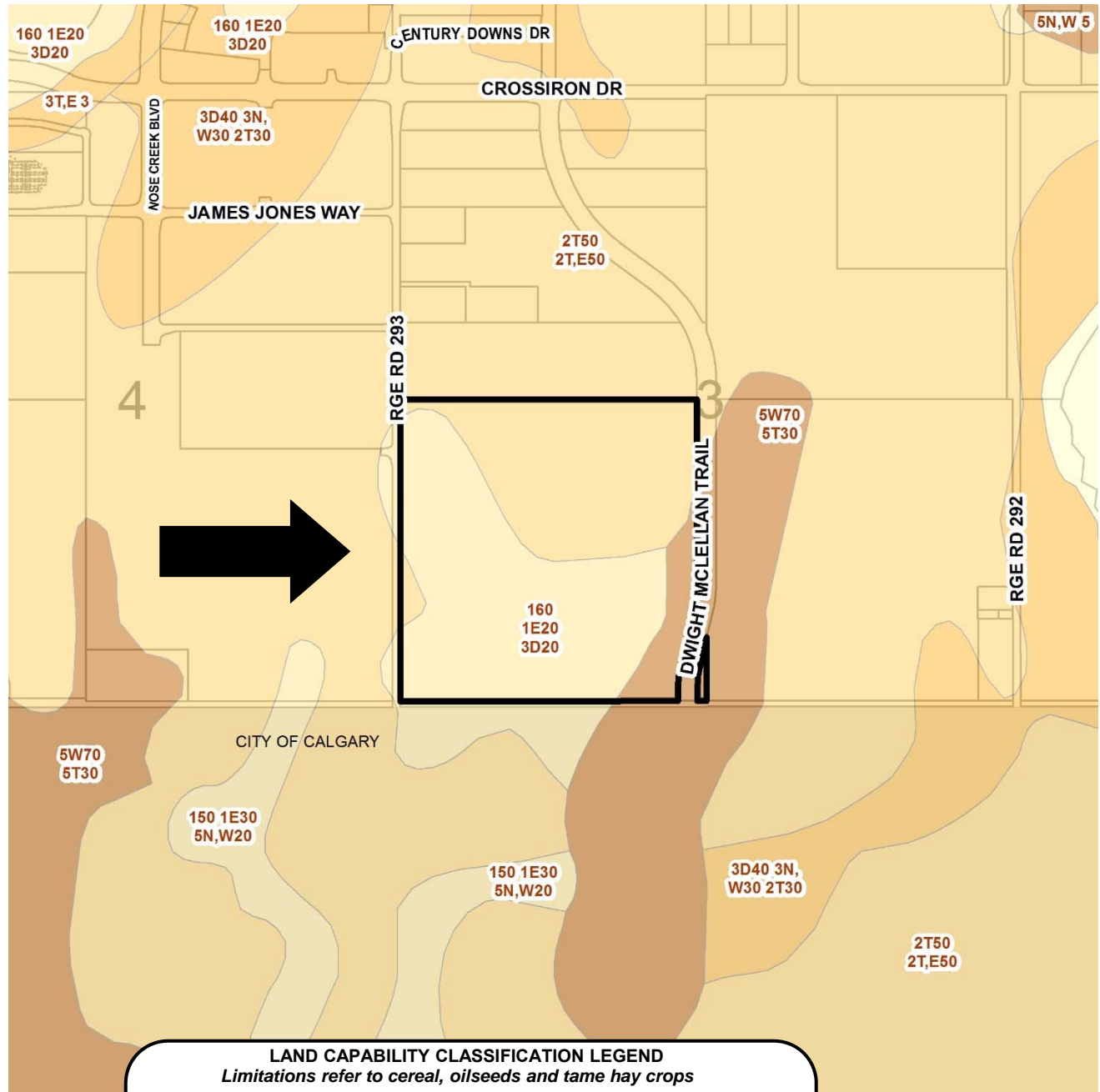
**SW-03-26-29-W04M**

Date: 8-Oct-19

Division # 7

File: 06403002





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

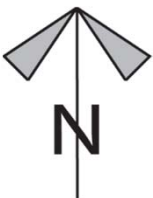
**CLI Class**

- 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**



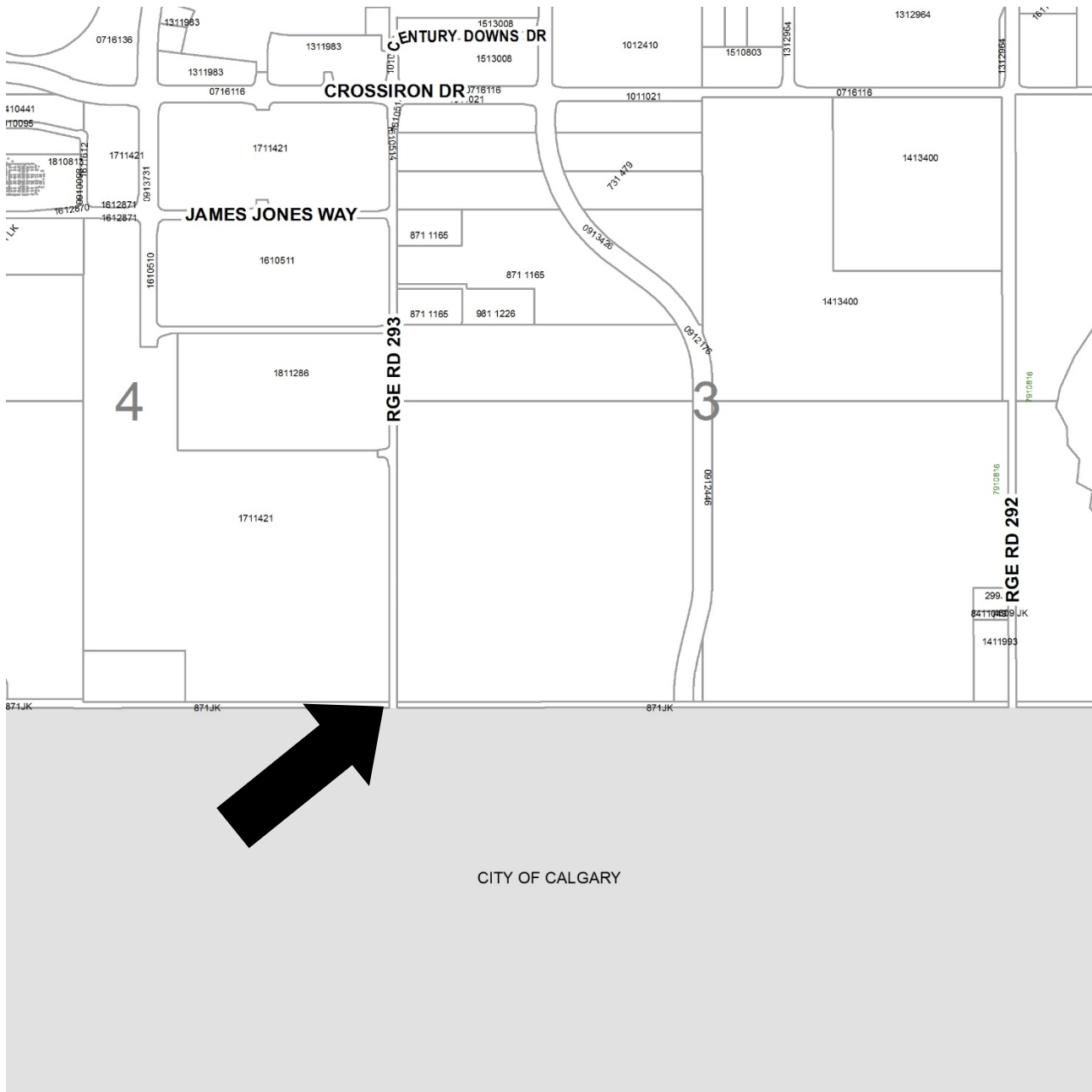
**SW-03-26-29-W04M**

Date: 8-Oct-19

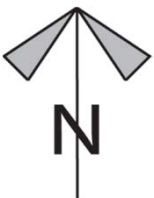
Division # 7

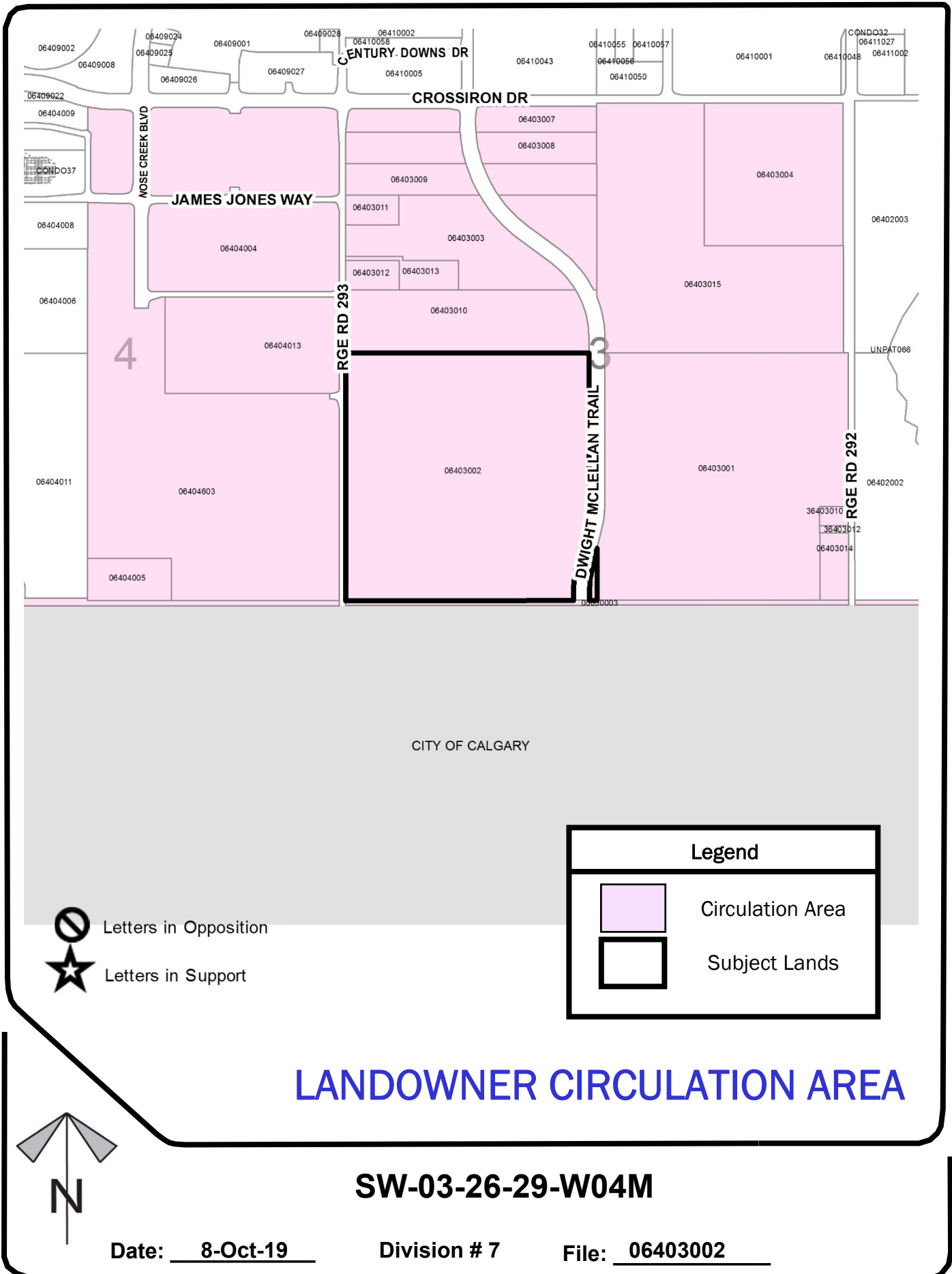
File: 06403002



**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-03-26-29-W04M**Date: 8-Oct-19Division # 7File: 06403002





## **PLANNING AND DEVELOPMENT SERVICES**

---

**TO:** Council  
**DATE:** October 22, 2019 **DIVISION:** 7  
**TIME:** Afternoon Appointment  
**FILE:** 06403002 **APPLICATION:** PL20180140  
**SUBJECT:** Conceptual Scheme – Interlink Logistics Park  
Note: The application should be considered in conjunction with PL20180139, a site-specific amendment to DC-99 (Item C-3).

---

### **POLICY DIRECTION:**

The application was evaluated in accordance with the County Plan, the Balzac East Area Structure Plan (ASP), and Direct Control Bylaw C-6031-2005 (DC-99).

### **EXECUTIVE SUMMARY:**

The purpose of this application is to adopt the Interlink Logistics Park Conceptual Scheme to guide the future development of an Industrial Business Park in the Balzac East Area. The subject lands already hold the appropriate land use to support the proposed development. This application is related to PL20180139 (site-specific amendment to DC 99 to allow for additional uses and an increase in site coverage) and PL20180088 (subdivision).

Council gave first reading to Bylaw C-7929-2019 on September 10, 2019.

The following is a summary of the application assessment:

- The conceptual scheme is consistent with the purpose and intent of DC-99;
- The conceptual scheme is consistent with the provisions for development within Balzac East Special Development Area #4 as prescribed for in the ASP; and
- All other technical matters can be addressed through subsequent conditions of approval at the subdivision and development permit stage.

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

Administration recommends approval in accordance with Option #1.

<b>DATE APPLICATION RECEIVED:</b>	November 15, 2018
<b>DATE DEEMED COMPLETE:</b>	July 22, 2019

---

<b>PROPOSAL:</b>	To adopt the Interlink Logistics Park Conceptual Scheme to provide a policy framework to guide and evaluate the development of an Industrial Business Park.
------------------	---

<b>LEGAL DESCRIPTION:</b>	SW-03-26-29-W4M
---------------------------	-----------------

<b>GENERAL LOCATION:</b>	Located at the northwest junction of Dwight McLellan Trail and 144 Avenue.
--------------------------	--

---

<sup>1</sup> **Administration Resources**

Paul Simon and Gurbir Nijjar, Planning and Development Services



<b>APPLICANT:</b>	Kellam Berg Engineering & Surveys Ltd.
<b>OWNERS:</b>	MH Crosspointe II GP Inc.
<b>EXISTING LAND USE DESIGNATION:</b>	DC-99
<b>PROPOSED LAND USE DESIGNATION:</b>	DC-99 (amended)
<b>GROSS AREA:</b>	± 150.53 acres
<b>SOILS (C.L.I. from A.R.C.):</b>	<b>Class 1E, 3D</b> – No significant limitations, erosion damage; Moderate limitations, low permeability.

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

The application was circulated to 18 adjacent landowners; no letters in support or opposition were received in response. The application was also circulated to a number of internal and external agencies (Appendix 'A').

#### **HISTORY:**

**March 8, 2005** The subject lands were redesignated to Direct Control District 99.

#### **BACKGROUND:**

The subject lands are designated Direct Control District 99. They are currently undeveloped for commercial/industrial purposes, but include remnants of historical agricultural development including several farm buildings. Access is currently accommodated from Range Road 293. The lands are located immediately adjacent to the Canadian pacific Rail Line to the south.

#### **POLICY ANALYSIS:**

The subject lands already hold the appropriate land use to support business development in accordance with the Balzac East Area Structure Plan. The conceptual scheme has been evaluated and was found to be consistent with applicable statutory policies.

The proposed conceptual scheme provides an overview of the development context envisioned for the subject lands, subdivision concept, and technical details including transportation, stormwater management, and servicing.

The intent of the conceptual scheme is to facilitate an industrial campus style development, with a focus on logistics distribution. The lands are located within Cell C of Special Development Area #4 of the Balzac East ASP. This area is identified as the heart of the commercial/industrial area of Balzac. The proposed development continues the logical extension of business development within the special development areas of Balzac, is compatible with the existing and anticipated future development context, and includes provisions to sufficiently buffer adjacent lands that may continue agricultural operations.

The plan includes appropriate guidelines in accordance with the Balzac East ASP to address development matters including building appearance; gateways; screening; landscaping; outside storage; parking; lighting; as well as signage. The conceptual scheme includes sufficient detail to guide the associated subdivision (PL20180088) and future development permits.

The buildout of the Interlink development will facilitate a key transportation linkage for the Balzac East area; the east/west Nose Creek Boulevard connection to Dwight McLellan Trail. This intersection will be signalized and ultimately connect to the adjacent McLellan Business Park development, located on the east side of Dwight McLellan Trail. The Applicant submitted a Transportation Impact Assessment to support the development that complies with applicable municipal and provincial standards.



A Public Utility Lot (PUL) will be dedicated in the northwest corner of the subject lands to manage anticipated stormwater flows from the development. The lands currently include two temporary storage ponds that were constructed by the County to contain stormwater drainage from Dwight McLellan Trail. In consultation with the County, the conceptual scheme seeks to remove these ponds in favor of dedication of the PUL. In support of the application, a Stormwater Management Plan was submitted and found to comply with applicable County standards.

Utility servicing is proposed to be completed through the existing municipal system that serves the Balzac East area. As part of the corresponding subdivision (PL20180088), the Applicant will be required to pay the County's Water and Wastewater Levy.

**CONCLUSION:**

The application was reviewed based on applicable statutory policy and found to be compliant.

**OPTIONS:**

- Option # 1:     Motion #1     THAT Bylaw C-7929-2019 be given second reading.  
                         Motion #2     THAT Bylaw C-7929-2019 be given third and final reading.
- Option # 2:     That application PL20180140 be refused

Respectfully submitted,

Concurrence,

"Matthew Wilson"

"Al Hoggan"

---

Acting Executive Director  
Community Development Services

---

Chief Administrative Officer

PS/ltt

**APPENDICES:**

- APPENDIX 'A': Application Referrals  
APPENDIX 'B': Bylaw C-7929-2019 & Schedule A  
APPENDIX 'C': Map Set

**APPENDIX A: APPLICATION REFERRALS**

<b>AGENCY</b>	<b>COMMENTS</b>
<b><i>School Authority</i></b>	
Rocky View Schools	No comments received.
Calgary Catholic School District	No comments received.
<b><i>Province of Alberta</i></b>	
Alberta Environment	No comments received.
Alberta Culture and Community Spirit (Historical Resources)	No comments received.
Alberta Transportation	Alberta Transportation has reviewed the revised Traffic Impact Assessment (TIA) which was submitted in support of this proposal. The TIA appears to cover the issues that are required to assess the anticipated traffic impact of a large subdivision proposal. The findings of the report seem to be based on sound judgement combined with a good appreciation of the existing and future conditions in this area. Therefore, the department accepts the Conceptual Scheme originally submitted.
Alberta Energy Regulator	No comments received.
Alberta Health Services	I would like to confirm that 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. We would welcome the opportunity to review any future planning documents pertaining to the subject lands as they become available.
<b><i>Public Utility</i></b>	
ATCO Gas	No comments received.
ATCO Pipelines	No comments received.
AltaLink Management	No comments received.
FortisAlberta	This application does not fall within our service territory therefore we do not have any objection nor do we require easement for this development.
Telus Communications	No comments received.
TransAlta Utilities Ltd.	No comments received.

AGENCY	COMMENTS
<b><i>Other External Agencies</i></b>	
EnCana Corporation	No comments received.
City of Calgary	<p data-bbox="623 443 1419 604">The City of Calgary has reviewed the above noted application in reference to the Rocky View County/City of Calgary Intermunicipal Development Plan (IDP) and other applicable policies. The City of Calgary Administration has the following comments for your consideration.</p> <p data-bbox="623 625 1451 821">Regarding the CPR crossing, City staff have received indications that this line has potential for future use. Unless advised by CPR that they are abandoning the line and removing the tracks, the City will require resolution of the issues related to the crossing with higher traffic volumes on Dwight McLellan Trail/Metis Trail.</p> <p data-bbox="623 842 1435 974">Installing a traffic signal at the intersection of Dwight McLellan/Metis &amp; 144 Ave is not currently budgeted by the City of Calgary; for the City to support development applications within this proposal, a funding strategy will be required.</p> <p data-bbox="623 995 1393 1087">Providing access to Lot 1 (0.28 hectare) will be challenging; access from 144 Ave will not be supported. We wish to be circulated with potential solutions for our review.</p> <p data-bbox="623 1108 1430 1373">The Nose Creek Watershed Water Management Plan applies to the subject area and is intended to be applied by the individual municipality the application falls within. We would respectfully encourage the applicant to work with Rocky View County administration to satisfy the requirements of the Nose Creek Water Management Plan to ensure no negative impacts are imposed upon Nose Creek and that the Plan's policies and targets are complied with.</p> <p data-bbox="623 1394 919 1421">Regarding stormwater,</p> <p data-bbox="721 1442 1430 1604">As an escape route is not proposed, the pond volume for both ponds should be evaluated for a 1:500 year 24 hour and 1:100 year 24 single event storms, with a 5 minute time step. Alternatively, show the escape route routing to Nose Creek.</p> <p data-bbox="721 1625 1435 1757">Seepage loss should not be relied on in the WBSS for volume control, for a wet pond. Is the pond proposed to be lined? Have the groundwater elevations been identified in the geotechnical report?</p> <p data-bbox="721 1778 1378 1835">Is there a designated irrigation zone in the pond for reuse?</p> <p data-bbox="623 1856 1430 1923"><b><i>Note:</i></b> Administration had followed up with City of Calgary officials at a meeting on April 6, 2019 to discuss the requested</p>



AGENCY	COMMENTS
	<p><i>transportation upgrades. In a follow-up email on May 28, 2019, the County indicated the following:</i></p> <ul style="list-style-type: none"> <li><i>• The developer had completed a Warrant and Safety Analysis for the intersection in question, which concluded that signalization of the intersection is not warranted today;</i></li> <li><i>• The special levy for the area is being collected in part to fund a future grade separate rail crossing, making signalization of the intersection in question throw-away infrastructure; and</i></li> <li><i>• If the City wishes to discuss overall impacts from the County's road network separate from this application, the County is willing to coordinate this through our intermunicipal group.</i></li> </ul> <p><i>The technical information was sent to the City, and revised comments were requested by June 26, 2019. No comments to date have been received.</i></p> <p><i>The applicant had submitted a revised stormwater management plan and memo which specifically addressed the comments from the City of Calgary. This was sent to the City. No comments to date were received.</i></p>
Calgary Airport Authority	<p><b>Calgary International Airport Vicinity Protection Area (AVPA) Regulation</b></p> <p>The proposed development is located within the 25-30 and 30-35 NEF (Noise Exposure Forecast) contours. Industrial uses are not considered prohibited uses within this area, however the County and Owner are responsible for ensuring uses are compatible with the AVPA. All buildings constructed on land in the Protection Area must comply with the acoustical requirements set out in the Alberta Building Code.</p> <p><b>Building Height and Use of Cranes</b></p> <p>The highest point above sea level of any building, structure or object is to be used when calculating the final height of the development. This includes parapets, rooftop equipment, antennas, and all other objects. The applicant must ensure there is adequate room for all objects to ensure conformity with the Calgary International Airport Zoning Regulations. It is also important to note that use of construction equipment such as cranes may also have an impact on Airport Zoning and cannot violate the regulations during the construction of these buildings.</p> <p><b>Calgary International Airport Zoning Regulations</b></p> <p>Parts of the proposed development is located within the Approach Surface of Runway 17L-35R as defined in the</p>

AGENCY	COMMENTS
Nexen Energy	<p>Calgary International Airport Zoning Regulations and is therefore subject to regulated height restrictions. The maximum height for any structure in this area varies between 1165.00m and 1195.00m above sea level.</p> <p>The applicant must contact Transport Canada directly for a thorough review and determination of any restrictions on their proposal, for any buildings and cranes that may be used during construction.</p> <p><b>Electronic Zoning Regulations</b></p> <p>The proposed development is affected by the Electronic Facilities Protection Area Zoning Plan, and is located within the critical area of the Terminal Surveillance Radar. Structure height limits exist in this area.</p> <p>The applicant must contact Nav Canada directly for a thorough review and determination of any restrictions on their proposal, for any buildings and cranes that may be used during construction.</p> <p><b>Bird Hazard Considerations</b></p> <p>Incompatible land uses that attract bird activity by providing food sources or water must be avoided or mitigated. For further information on mitigation measures please contact the Calgary Airport Authority Environmental Group at 403.735.1405.</p> <p><b>Land Use in the Vicinity of Airports</b></p> <p>As this development is occurring outside of the Calgary International Airport property boundary, the proposed development should ensure compatibility to the land use recommendations and guidelines as set out in TP1247 – Land Use in the Vicinity of Airports.</p>
<b>Rocky View County Boards and Committees</b>	<p>No objections or concerns with respect to the development of the lands. Nexen has no active or abandoned facilities located within this quarter.</p> <p>No comments received.</p> <p>The Recreation Board comments that north south regional pathway along the east property line should be to the same standards as the regional pathways to the north.</p>

AGENCY	COMMENTS
<b>Internal Departments</b>	
RVC Recreation, Parks and Community Support	<p><b>O&amp;M requirements:</b></p> <p>If the active transportation network infrastructure is located within a County owned/controlled road ROW, then the County would assume maintenance and operational control.</p> <p>Accommodations for safe pedestrian movement can be reviewed during the future detailed design stage.</p> <p><b>Reserve comment:</b></p> <p>Indeed, as there will be no MR dedicated, our office offers the following revision:</p> <p>Dedication of all applicable reserves shall be made as a cash in lieu payment in accordance to Section 667 of the Municipal Government Act.</p>
Development Authority	No comments received.
Agriculture & Environment Services	No comments received.
GIS Solutions	May need road naming application.
Building Services	No comments received.
Fire Services	No comments received.
Bylaw and Municipal Enforcement	No comments received.
Planning & Development Services – Engineering (Sedulous)	<p><b>General</b></p> <ul style="list-style-type: none"> <li>• The applicant will be required to obtain all applicable third party regulatory approvals prior to stripping and grading the site.</li> <li>• Detailed infrastructure requirements will be identified at a future subdivision stage and will be required to adhere to the County’s servicing standards.</li> <li>• All associated cost recovery and levy amounts will be identified at future subdivision stages.</li> <li>• The applicant will be responsible for all 3<sup>rd</sup> party costs associated with the review and approval of the detailed design at the subdivision stage.</li> </ul>

AGENCY	COMMENTS
	<p data-bbox="621 300 808 327"><b>Geotechnical</b></p> <ul style="list-style-type: none"> <li data-bbox="670 348 1451 583">• ENG has reviewed the Preliminary Geotechnical Evaluation Report prepared by Jasa Engineering Inc. (03/07/2018) and submitted in support of the conceptual scheme. No significant concerns have been noted based on the review. Additional more detailed geotechnical reporting will be required at future subdivision and development permit stages.</li> </ul> <p data-bbox="621 604 829 632"><b>Transportation</b></p> <ul style="list-style-type: none"> <li data-bbox="670 653 1451 751">• The County's Transportation Offsite Levy will apply at future subdivision stage in accordance with the Bylaw in place at the time.</li> <li data-bbox="670 772 1451 968">• The applicant prepared a TIA prepared by Bunt and Associates Engineering Ltd. (10/05/2018). The author has addressed all comments/concerns and the report is acceptable at this stage. Future network improvements will coincide with subdivision and will be confirmed in detail at that stage.</li> <li data-bbox="670 989 1451 1087">• ENG supports the development being designed with urban road sections that include curb and gutter to be consistent with adjacent areas.</li> <li data-bbox="670 1108 1451 1272">• ENG notes the development will be required to construct a portion of RR 293 as a boundary condition to accommodate internal traffic movements. Detailed requirements will be confirmed at the first stage of subdivision.</li> <li data-bbox="670 1293 1451 1457">• ENG notes that Nose Creek Boulevard will be developed as a key regional east/west corridor to support the County's long term network plan. Detailed requirements will be identified at future subdivision stages.</li> </ul> <p data-bbox="621 1478 922 1505"><b>Sanitary/Waste Water</b></p> <ul style="list-style-type: none"> <li data-bbox="670 1526 1451 1690">• The site is proposing connection to the East Rocky View Waste Water System. ENG confirms the lands are included in the service area and that detailed requirements will be confirmed at future subdivision stages.</li> <li data-bbox="670 1711 1451 1843">• The development will require offsite connections to the existing County piped sanitary collection system within Cross Iron Drive to the north. Detailed requirements will be confirmed as conditions to future subdivisions.</li> <li data-bbox="670 1864 1451 1925">• The County's Water and Waste Water Levy will apply at future subdivision stages. Detailed site demand</li> </ul>

AGENCY	COMMENTS
	<p>projections will be used to determine Levy amounts in accordance with the Bylaw, at each stage of subdivision or development.</p> <ul style="list-style-type: none"> <li>Development Agreement requirements and cost recovery will be confirmed at future subdivision stages.</li> </ul>
	<p><b>Water Supply</b></p>
	<ul style="list-style-type: none"> <li>The site is proposing connection to the East Rocky View Water System. ENG confirms the lands are included in the service area and that detailed requirements will be confirmed at future subdivision stages.</li> <li>The development will require offsite connections to the existing County piped water distribution system within Cross Iron Drive to the north. Offsite watermain looping within both RR 293 and Dwight McLellan Trail will be necessary in order to provide the required fire flow to the development. Detailed requirements will be confirmed as conditions to future subdivisions and will adhere to the East Balzac master water network plan.</li> <li>The County's Water and Waste Water Levy will apply at future subdivision stages. Detailed site demand projections will be used to determine Levy amounts in accordance with the Bylaw at each stage of subdivision/development.</li> <li>Development Agreement requirements and cost recovery will be confirmed at future subdivision stages.</li> <li>As an advisory comment we note that no exterior use of potable water is permitted.</li> </ul>
	<p><b>Storm Water Management</b></p>
	<ul style="list-style-type: none"> <li>The development is contained within the Nose Creek Watershed and will be designed to adhere to County's requirements for that area. This includes flow and volume control targets post development.</li> <li>ENG has reviewed the conceptual stormwater management plan submitted in support of the conceptual scheme. The author has addressed prior comments and concerns sufficiently to demonstrate feasibility. ENG confirms the site can be serviced via existing offsite County infrastructure and notes detailed requirements will be identified at future subdivision stages.</li> <li>ENG notes the development will require the construction of offsite pipe connections up RR293 to tie into the existing County stormwater trunk in Crossiron Drive.</li> </ul>



AGENCY	COMMENTS
	<p>Detailed requirements, including mechanisms to sustain future operational and maintenance costs, will be confirmed at future subdivision stages.</p> <ul style="list-style-type: none"> <li>○ ENG supports the re-use of storm water for irrigation within the development to meet the volume control requirements of the basin. This will include the requirement to construct a distribution system to irrigate future boulevards and open space to the County's satisfaction. Detailed requirements will be confirmed at subdivision stages.</li> </ul>
Maintenance Services	Stormwater Management of Dwight Mclellan Trail to be addressed at time of subdivision. Recommend restricting access to Dwight Mclellan Trail.
Utility Services	<p>Water and wastewater servicing to be in accordance with the County's Water and Wastewater Utilities Bylaw C-7662-2017 as amended.</p> <p>Any irrigation systems should be owned and operated by an entity other than the County.</p>
Capital Project Management	No concerns.
Transportation Services	<p>No business signage permitted within County road right-of-way.</p> <p>Clientele and staff parking is restricted to on site only. No parking permitted within County road right-of-way.</p> <p>Shallow utility installation not permitted under road surface and is to be restricted to on easement on private land outside County road right-of-way or in boulevard area between back of curb and property line based on set line assignments prescribed by County.</p> <p>Development proposes removal of 2 existing storm water ponds currently being used by County for surface drainage in the area. Applicant to confirm capacity of proposed new storm water ponds are sufficient to replace existing storm water ponds.</p>
Solid Waste & Recycling	No comments received.

Circulation Date: November 29, 2018 – January 14, 2019



## **BYLAW C-7929-2019**

### **A Bylaw of Rocky View County known as the Interlink Logistics Park Conceptual Scheme**

The Council of Rocky View County enacts as follows:

#### **PART 1 – TITLE**

This Bylaw shall be known as Bylaw C-7929-2019.

#### **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** Bylaw C-7929-2019, being the “Interlink Business Park Conceptual Scheme,” affecting a portion of SW-03-26-29-W04M, be adopted as defined in Schedule ‘A’, which is attached to, and forms part of this Bylaw.

#### **PART 4 – TRANSITIONAL**

Bylaw C-7929-2019 is passed when it receives third reading, and is signed by the Reeve/Deputy Reeve and the Municipal Clerk, as per Section 189 of the *Municipal Government Act*.

**Division: 7**  
**File: 06403002 / PL20180140**

READ A FIRST TIME IN COUNCIL this	day of	, 20XX
<i>PUBLIC HEARING WAS HELD IN COUNCIL this</i>	<i>day of</i>	<i>, 20XX</i>
READ A SECOND TIME IN COUNCIL this	day of	, 20XX
READ A THIRD TIME IN COUNCIL this	day of	, 20XX

\_\_\_\_\_  
Reeve

\_\_\_\_\_  
CAO or Designate

\_\_\_\_\_  
Date Bylaw Signed



**SCHEDULE 'A'**

**FORMING PART OF BYLAW C-7929-2019**

A Conceptual Scheme affecting a portion of SW-03-26-29-W04M, herein referred to as the Interlink Logistics Park Conceptual Scheme.



# INTERLINK LOGISTICS PARK

A HOPEWELL DEVELOPMENT

## CONCEPTUAL SCHEME



**Hopewell**™



**KELLAM BERG**  
ENGINEERING & SURVEYS LTD.

CONSULTING ENGINEERS, LAND SURVEYORS AND PLANNERS

**TABLE OF CONTENTS**

<b>1.0 INTRODUCTION</b>	<b>3</b>
1.1 Vision	3
1.2 Conceptual Scheme Objectives	4
1.3 Policy and Regulatory Framework	4
<b>2.0 PLAN AREA DESCRIPTION</b>	<b>10</b>
2.1 Plan Area Legal Descriptions	10
2.2 Background Studies	11
2.3 Topography and Surface Drainage	11
2.4 Wetland Classifications	12
2.5 Geotechnical Conditions	14
2.6 Archeological Features	14
2.7 Adjacent Land Use and Development	15
2.8 Existing Road Network	16
2.9 ATCO Pipeline and CPR Spur Line	18
<b>3.0 INTERLINK LOGISTICS PARK CONCEPTUAL SCHEME</b>	<b>20</b>
3.1 Development Concept	20
3.2 Pedestrian Connections and Open Space	22
<b>4.0 TRANSPORTATION NETWORK</b>	<b>27</b>
4.1 Future Road Network	27
4.2 Transportation Impact Assessment	29
4.3 Road Alignment and Access Points	30
<b>5.0 SERVICING AND UTILITIES</b>	<b>34</b>
5.1 County Water System - East Balzac Watermains	34
5.2 Water Servicing Plan	35
5.3 East Rocky View Wastewater System	38
5.4 Wastewater Servicing Plan	39
5.5 Stormwater Management Plan	42
5.6 Shallow Utilities and Street Lighting	46
5.7 Protective Services	47
5.8 Air Contaminants, Odorous and Toxic Matter	47
5.9 Solid Waste Management	48
<b>6.0 IMPLEMENTATION AND PHASING</b>	<b>49</b>
6.1 Plan Amendment	49
6.2 Plan Implementation	49
6.3 Subdivision and Development Phasing	49
6.4 Construction Management Plan	51
<b>7.0 DEVELOPMENT GUIDELINES</b>	<b>52</b>
7.1 Minimum/Maximum Regulations (DC-99)	52
7.2 Building Appearance	52
7.3 Gateway Special Guidelines	52
7.4 Fencing and Screening	53
7.5 Landscaping	53
7.6 Parking and Storage Areas	53
7.7 Signage and Lighting	54
7.8 Garbage Storage	54
<b>8.0 PUBLIC CONSULTATION</b>	<b>55</b>
<b>9.0 POLICY SUMMARY (BY SECTION)</b>	<b>56</b>

## TABLE OF FIGURES

- Figure 1 – Location Plan
- Figure 2 – Balzac East Area Structure Plan
- Figure 3 – Northeast Residual Area Policy Plan
- Figure 4 – Conceptual Scheme Area
- Figure 5 – Existing Topography and Surface Drainage
- Figure 6 – Wetland Classifications
- Figure 7 – Adjacent Land Use and Development
- Figure 8 – Existing East Balzac Transportation Network
- Figure 9 – Existing Pipeline and CPR Spur Line
- Figure 10 – Proposed Development Concept
- Figure 11 – Pedestrian Connections, Open Space and Landscaping
- Figure 12 – Examples of Potential Landscaping
- Figure 13 – East Balzac Road Network
- Figure 14 – Road Alignment and Access Points
- Figure 15 – Road Section
- Figure 16 – Water Mains, Static Balzac Master Potable Water Plan Update (MPE, 2014)
- Figure 17 – Water Servicing Plan
- Figure 18 – East Rocky View Wastewater System
- Figure 19 – Wastewater Servicing Plan
- Figure 20 – Stormwater Management Plan
- Figure 21 – Development Phasing & Proposed Subdivision Layout

## 1.0 INTRODUCTION

### 1.1 Vision

The Interlink Logistics Park Conceptual Scheme comprises 60.507 hectares (149.52 acres) located adjacent to the northern boundary of the City of Calgary, in the East Balzac Area of Rocky View County. The site's location on Dwight McLellan Trail provides excellent access to the Stoney Trail Ring Road, the QE II Highway, Hwy 566 and Metis Trail in the City of Calgary, as shown on **Figure 1: Location Plan**. Rocky View County adopted the Balzac East Area Structure Plan (BEASP) in 2000 to facilitate comprehensive business development in the East Balzac Area. This Conceptual Scheme is located in the south east area of the BEASP which is an area identified for increasingly intensive industrial development. This Conceptual Scheme will support the development of an attractive, industrial, campus style development. MonHope Crosspointe II Limited Partnership owns the lands which will be developed by Hopewell Development LP.

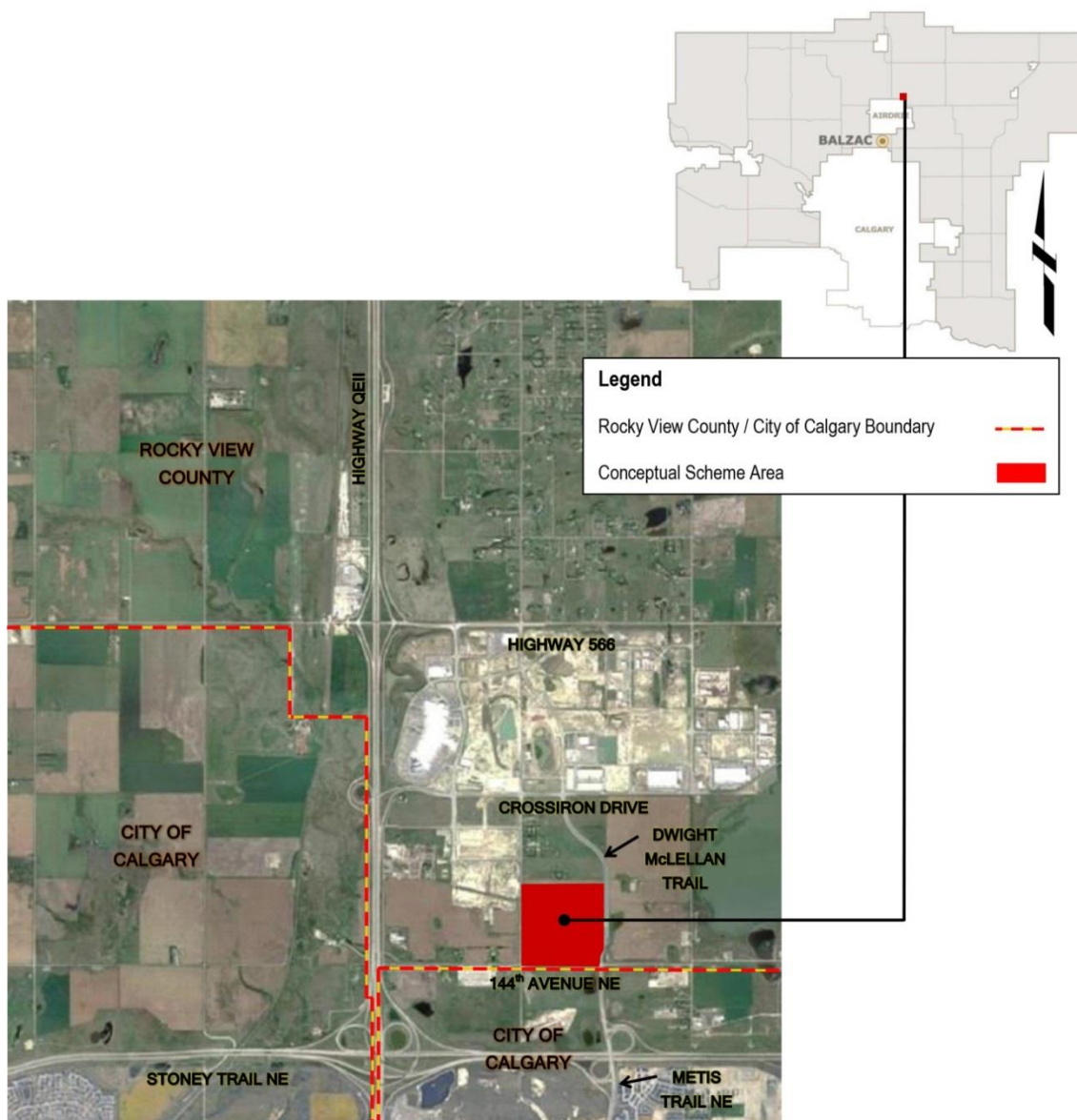


Figure 1: Location Plan

## 1.2 Conceptual Scheme Objectives

This Conceptual Scheme is located within the Balzac East Area Structure Plan and Direct Control District – 99, “The purpose and intent of this District is to provide for the *development* of the Balzac East Special Development Area #4 Lands for light commercial and light industrial uses that do not impact adjacent residential development.” (DC -99, Rocky View County Direct Control Bylaw C-6031-2005)

This Conceptual Scheme supports the County’s development goals by providing a comprehensive planning framework for development of industrial buildings in a campus style setting.

The specific objectives of the Conceptual Scheme are to:

- Summarize current conditions and studies to determine site constraints and opportunities in order to develop a land use and development framework for the Conceptual Scheme area;
- Describe development which adheres to the County’s policies, regulations and guidelines;
- Evaluate infrastructure in the region to determine appropriate utility and transportation infrastructure improvements;
- Establish development phasing which is flexible to accommodate market demand; and
- Summarize community consultation expectations including any alterations to the plan undertaken in response to concerns.

## 1.3 Policy and Regulatory Framework

This Conceptual Scheme has been prepared in accordance with the following policies, regulations and guidelines.

### Rocky View County Plan (Municipal Development Plan), 2013

Rocky View’s County Plan contains policies that support the development of a regional business centre in the East Balzac area. This Conceptual Scheme supports the policies outlined in the County Plan by:

- Providing an opportunity for new industrial businesses to locate in an identified regional business area of the County.
- Increasing the business assessment tax base in order to support financial sustainability of the County’s operations.
- Supporting infilling of the existing regional business area and complement existing business development in the East Balzac area.

**Balzac East Area Structure Plan (BEASP), 2000**

The Balzac East Area Structure Plan (BEASP) supports the goals outlined in the County Plan by providing a development framework to guide business and commercial growth in an identified regional business area.

**As shown on Figure 2: Balzac East Area Structure Plan**, this Conceptual Scheme is located in Special Development Area 4 (SDA # 4), which is considered to be the heart of the commercial/industrial business area.

It is also located adjacent to the City of Calgary and the Calgary International Airport; consequently, the County will circulate this plan for comments to the City of Calgary and the Calgary Airport Authority.

This Conceptual Scheme addresses the requirements listed on page 35 of the BEASP, Special Development Area #4, by providing the following:

- ✓ A phasing plan.
- ✓ Demonstration of full build out density and lot size.
- ✓ An access plan.
- ✓ A Traffic Impact Analysis (under separate cover).
- ✓ Examples of landscaping along RR293 and Dwight McLellan Trail.
- ✓ Architectural guidelines that ensure that the sides of the structures visible from Range Road 293, Dwight McLellan Trail and Nose Creek Boulevard are attractive.
- ✓ A Stormwater Management Plan (under separate cover).
- ✓ A Wetland Assessment and Impact Analysis (WAIR).



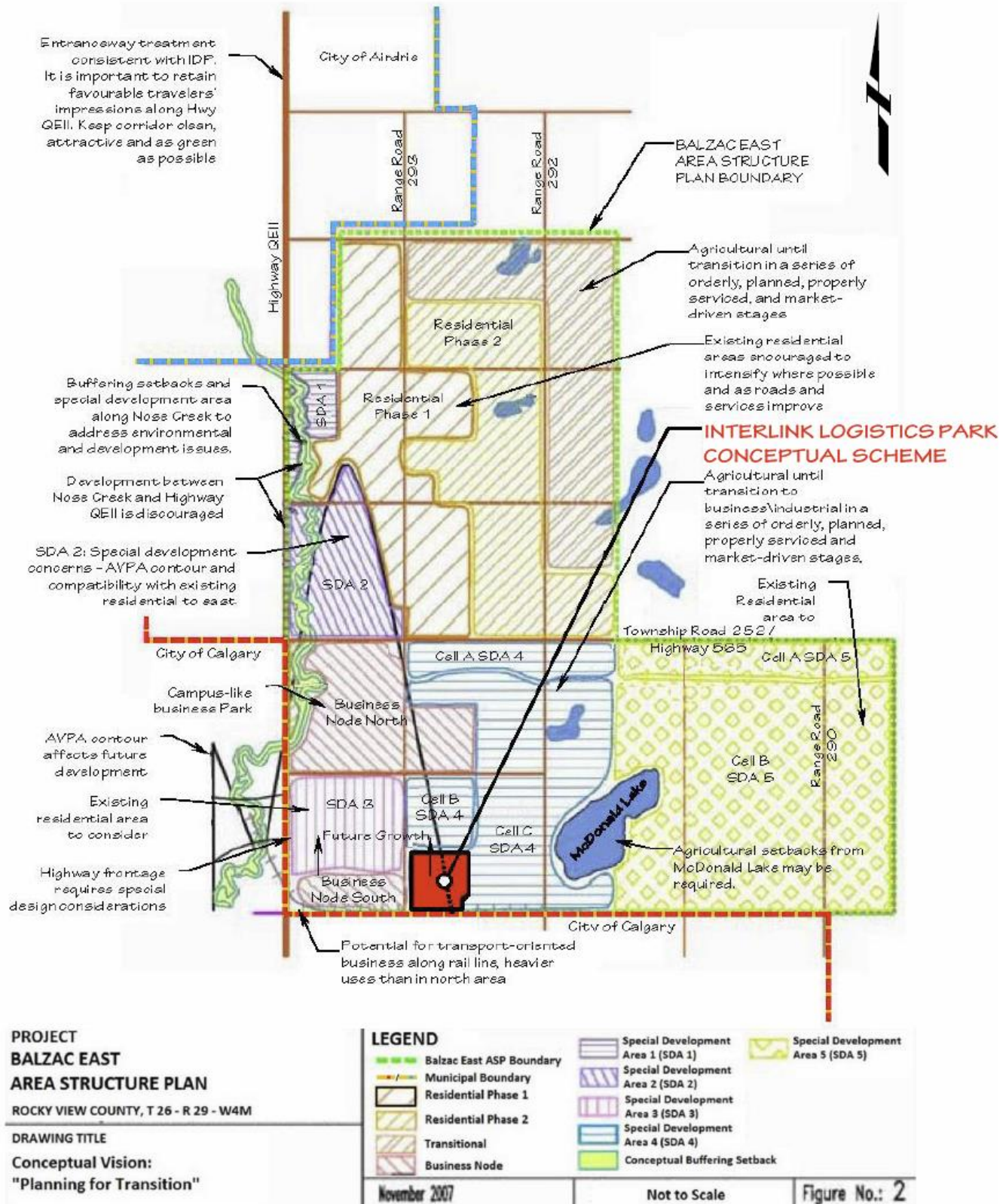


Figure 2: Balzac East Area Structure Plan – M.D. of Rocky View, 2000, Adapted by KBES

**Rocky View County/City of Calgary Intermunicipal Development Plan (IDP), 2012**

The IDP identifies shared entranceways into and out of Rocky View County and the City of Calgary. The general planning objective of both municipalities is to ensure that mutual entranceways are attractive, orderly and well maintained. The City of Calgary has prepared a document entitled “*Improving Calgary’s Entranceways*”, which suggests enhanced treatment of inter-municipal entranceways. This Conceptual Scheme incorporates guidelines to create an attractive side yard along 144<sup>th</sup> Avenue which is in the City of Calgary.

**Calgary International Airport Vicinity Protection Area Regulation (AVPA), 2009**

The project site is located within the “NEF 25-30 Area” (Noise Exposure Forecast) area of the Airport Vicinity Protection Plan (AVPA). A wide range of uses are allowed in this NEF area, with the only prohibited use being campgrounds. The site is also within the Terminal Surveillance Radar Area (TSR), where building heights are restricted to a maximum of 38 – 56 m. Building height in the Plan Area is also regulated by Direct Control District - 99 which limits building height to 20 meters. The height of the buildings in the Plan Area will adhere to these restrictions and regulations and will be circulated to the Calgary Airport Authority.

**Policies**

**Policy 1.3.1**      *Applications for development within the AVPA area shall be circulated to the Calgary Airport Authority for comment.*

**Direct Control District - 99 (DC-99)**

The purpose of DC-99 is to facilitate commercial and light industrial development of lands within the Balzac East, Special Development Area #4. Since the Conceptual Scheme area is located within Cell C of DC-99, the following development regulations will be adhered to: maximum building height (20m) and minimum building setbacks (10m) from property line.

DC-99 states that the, minimum landscaping requirements for lands abutting Range Road 292 or Range Road 293 will be 15% (blended hard and soft landscaping). Since this development is envisioned as a campus style development on one lot adjacent to RR293, Dwight McLellan Trail with Nose Creek Boulevard running through the centre, it is proposed that landscaping be concentrated on the development edges facing these roads to screen truck and trailer parking areas, where visible from these roads.

In addition, a separate application will be submitted to the County proposing to amend DC-99 to increase the maximum building coverage for this quarter section to 55%, in order to accommodate large scale warehouse/industrial buildings. This site specific amendment to DC-99 also proposes the addition of several uses in the Conceptual Scheme area to allow flexibility should market conditions change in the future. The same amendment to DC-99 has been approved for other sites in Balzac to accommodate similar forms of development.

Land Use Redesignation is not required for the Conceptual Scheme area since the proposed light industrial uses are consistent with DC-99. Since Land Use is already in place for industrial development the landowner may submit an application for stripping and grading prior to approval of

this Conceptual Scheme. The landowner recognizes that a Stormwater Management Plan must be accepted by the County prior to a Development Permit being approved.

**Commercial, Office and Industrial Design Guidelines in Rocky View County, 2009**

The County's Commercial, Office and Industrial Design Guidelines document provides guidance for creating attractive and cohesive built forms for business landscapes in Rocky View County. Accordingly, guidelines described in this Conceptual Scheme address the following: building facades, location of storage and loading, and landscape screening along major roads adjacent to the site.

### Alberta Wetland Mitigation Directive, 2015 and Rocky View County's Wetland Conservation and Management Policy, 2010

Alberta Environment and Parks and Rocky View County policies require that any impacts to wetlands on a development site be evaluated. A Wetland Analysis and Impact Report (WAIR) has been prepared and submitted to the County in support of this Conceptual Scheme. A WAIR report has been submitted to Alberta Environment and Parks in support of an application for Approval under the Water Act.

### Northeast Residual Area Policy Plan, City of Calgary, 2005

**Figure 3: Northeast Residual Area Policy Plan** shows +/-700 acres of undeveloped land directly to the south of the subject site within the City of Calgary. The plan outlines broad-based policy objectives for future development of an industrial area; however, it is to remain a limited serviced area until urban services are provided. This Conceptual Scheme facilitates development that is consistent with the type of development described in the City's Residual Area Policy Plan.



**Figure 3: Northeast Residual Area Policy Plan** - City of Calgary Land Use Planning & Policy, 2005, Adapted by KBES Ltd.



## 2.0 PLAN AREA DESCRIPTION

### 2.1 Plan Area Legal Descriptions

As shown on **Figure 4: Conceptual Scheme Area**, MonHope II owns the entire Conceptual Scheme area which is a 60.507 hectares (149.52 acres) parcel, legally described as SW ¼, Section 3, Township 26, Range 29, and W4M. There is a 22 inch (560mm) natural gas pipeline running diagonally through the quarter section within a 22.86 meter wide ROW (*Registered Plan 299 JK*). To the south of the parcel, there is a 15.24 meter wide Canadian Pacific Railway (CPR), right-of-way containing a spur line (*Registered Plan 871 JK*).



#### LEGEND

●●●● 22" NATURAL GAS PIPELINE

●●●● CPR RAILWAY SPUR LINE

Figure 4: Conceptual Scheme Area

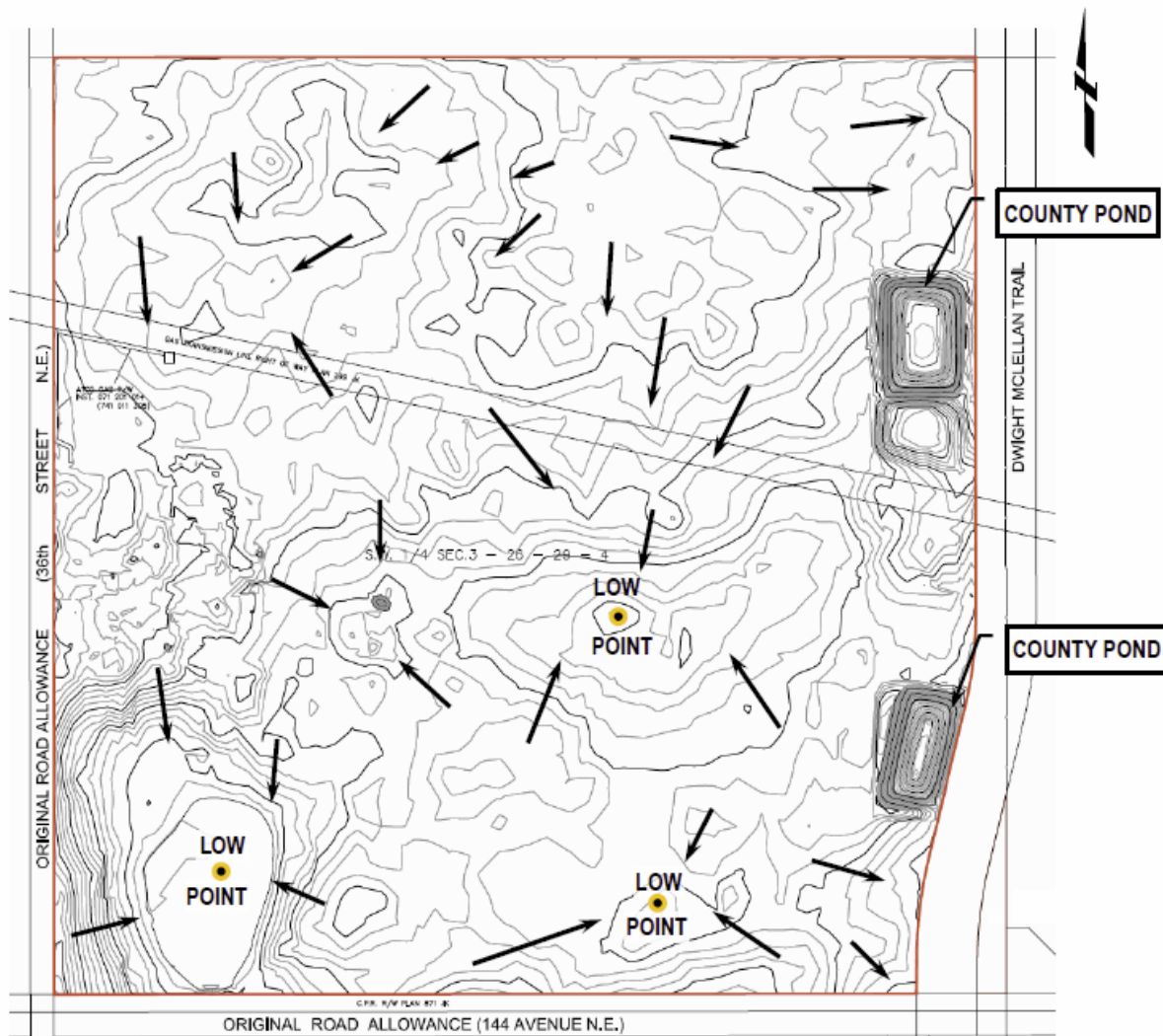
## 2.2 Background Studies

The following background studies have been prepared in support of this Conceptual Scheme and submitted under separate cover: a Traffic Impact Assessment (TIA), a Wetland Assessment and Impact Report (WAIR), a Preliminary Geotechnical Evaluation, a Stormwater Management Report.

In addition, Historical Resources Act approval was granted by Alberta Culture in August, 2018. The signed approval is included in Appendix B.

## 2.3 Topography and Surface Drainage

The topography is gently undulating with a portion of the drainage flowing to the south west and the remainder of the storm drainage flowing towards the east as shown on **Figure 5: Existing Topography and Surface Drainage**.



**Figure 5: Existing Topography and Surface Drainage** (Based on Kellam Berg Engineering & Surveys Ltd. survey, 2018)



## 2.4 Wetland Classifications

The quarter section has been used extensively for agricultural activities; there is an existing homestead with accessory buildings on the west side of the quarter section and evidence of recent cropping on the north half.

**Figure 6: Wetland Classifications**, shows wetland classifications resulting from examinations of historical aerial photos and field verifications undertaken by Tetra Tech Canada Inc. in July of 2018.



### LEGEND

- Culvert
- Temporary - Slightly Brackish Marsh (M-G-Sb-II)
- Seasonal - Slightly Brackish Shallow Open Water (W-A-Sb-III)
- Seasonal - Slightly Brackish Marsh (M-G-Sb-III)
- Project Area

**Figure 6: Wetland Classifications** (Tetra Tech Canada Inc. 2018; Adapted by KBES Ltd.)



The following conclusions are outlined in the “Wetland Assessment and Impact Report LSD SW-3-26-29-W4 – Balzac, Alberta”, (Tetra Tech Canada Inc. April, 2019).

Wetland 1 in the South West corner is classified to be of Seasonal Permanency and given the history of disturbance to the site over the years; Wetland 1 has a limited natural diversity and habitat value.

Wetland 2 exhibited Temporary permanency indicated by the presence of 1 to 2 vegetation zones and draw down of surface water by late in the growing season. This wetland also has limited natural diversity and habitat value due to the history of agricultural disturbance on the site.

Wetland 4a/b was found to be naturally occurring, spanning several quarter sections. However, the construction of Dwight McLellan Trail and the rail embankment along 144<sup>th</sup> Avenue have caused additional impoundment along the ditch line. As a result these remnant areas of Wetland 4 are considered to be not naturally occurring and are due to the anthropogenic impoundment.

There are also two existing storm ponds which accommodate stormwater drainage from Dwight McLellan Trail.

Due to the nature of the development all wetlands will be completely removed. The pre-determined alignment of Nose Creek Boulevard and the existing diagonal pipeline ROW restrict development options; for example, the south portion of the site provides the largest contiguous space suitable for constructing large warehouse buildings. The areas of the wetlands were also identified in order to provide in-lieu payments for disturbance.

In conclusion, the Tetra Tech report states that “construction and operation of the project will result in hydrological and ecological impacts that are considered to be of negligible magnitude. The historical and existing land uses in the Project Area have reduced the habitat value of the assessed wetlands to date; therefore high value habitat is not anticipated to be lost.” (*Tetra Tech, 2018*)

The Province of Alberta issued approval to disturb all wetlands on the quarter section on August 21, 2019.

### **Policies**

**Policy 2.4.1**      *Any wetland impact shall be addressed at Subdivision/Development Permit stage to the satisfaction of Alberta Environment and Parks, and Rocky View County.*

## 2.5 Geotechnical Conditions

A Preliminary Geotechnical Investigation was completed in March of 2018 by JASA Engineering Inc. A total of 39 test holes were drilled to determine general soil and groundwater conditions. Based on soil and groundwater conditions identified, the site is considered to be suitable for typical industrial office/warehouse development. The borehole samples indicated that clayey and sandy soils overlying relatively shallow bedrock are present on the site. Conventional strip and pad footings or drilled cast in place concrete piles are considered feasible to support buildings at the site. Site specific geotechnical evaluations will be required once the location and configuration of projects are known.

### ***Policies***

***Policy 2.5.1***      *At future Subdivision and/or Development permit stage, a site - specific geotechnical analysis should be prepared by a qualified professional Geotechnical Engineer to confirm subsurface conditions. A Deep Fill Report may also be required for areas of fill over 1.2 m in depth.*

## 2.6 Archeological Features

The Nose Creek Valley was important for First Nations camping, hunting and travelling. Remains from these activities have been found in the area; therefore, it was important to obtain Historical Resource Clearance from Alberta Culture. Upon inspection of their records, Alberta Culture found that this site was not likely to contain any significant artifacts and a Historical Resource Impact Assessment Clearance letter was issued August 8, 2018, and is included in Appendix B.

As noted in the Historical Resource Clearance Letter, "a person who discovers an historic resource in the course of making an excavation for a purpose other than for the purpose of seeking historic resources shall forthwith notify the Minister of the discovery."

### ***Policies***

***Policy 2.6.1***      *Historical Resource Impact Assessments are not required at Subdivision/Development Permit stages.*

## 2.7 Adjacent Land Use and Development



**Figure 7: Existing Land Use and Development Context** - Rocky View County LUB Map No. 64 South, Adapted by KBES Ltd.

**Figure 7: Adjacent Land Use and Development** shows Land Use Districts and developments in the Balzac area. Development to the west of McDonald Lake is regulated by three Direct Control Districts, DC-109, DC-131 and DC-99 and development on the east side of the Lake is regulated by a number of Industrial and Business Land Use Districts. The general intent of all of these districts is to facilitate growth of industrial, business, and commercial activities in this area of the County.

- The CrossIron Mills Mall and the Century Downs Casino and Race Track and Ham West Industrial development are located in DC-109.
- The New Horizon Mall and the Amazon warehouse, which are located in the Nose Creek Industrial Park within DC-131, have been completed recently.
- The northern portion of DC-99 is undergoing development as lots in the Balzac Commercial Campus, Crosspointe Industrial Park and Wagon Wheel Industrial Parks are being sold.
- The McLellan Business Park Conceptual Scheme which is located immediately to the east of this Conceptual Scheme was approved in 2016; however, development has not occurred at the time of writing this document.
- To the east of MacDonald Lake, three phases of the High Plains Business Park have been developed to accommodate several million square feet of warehousing.

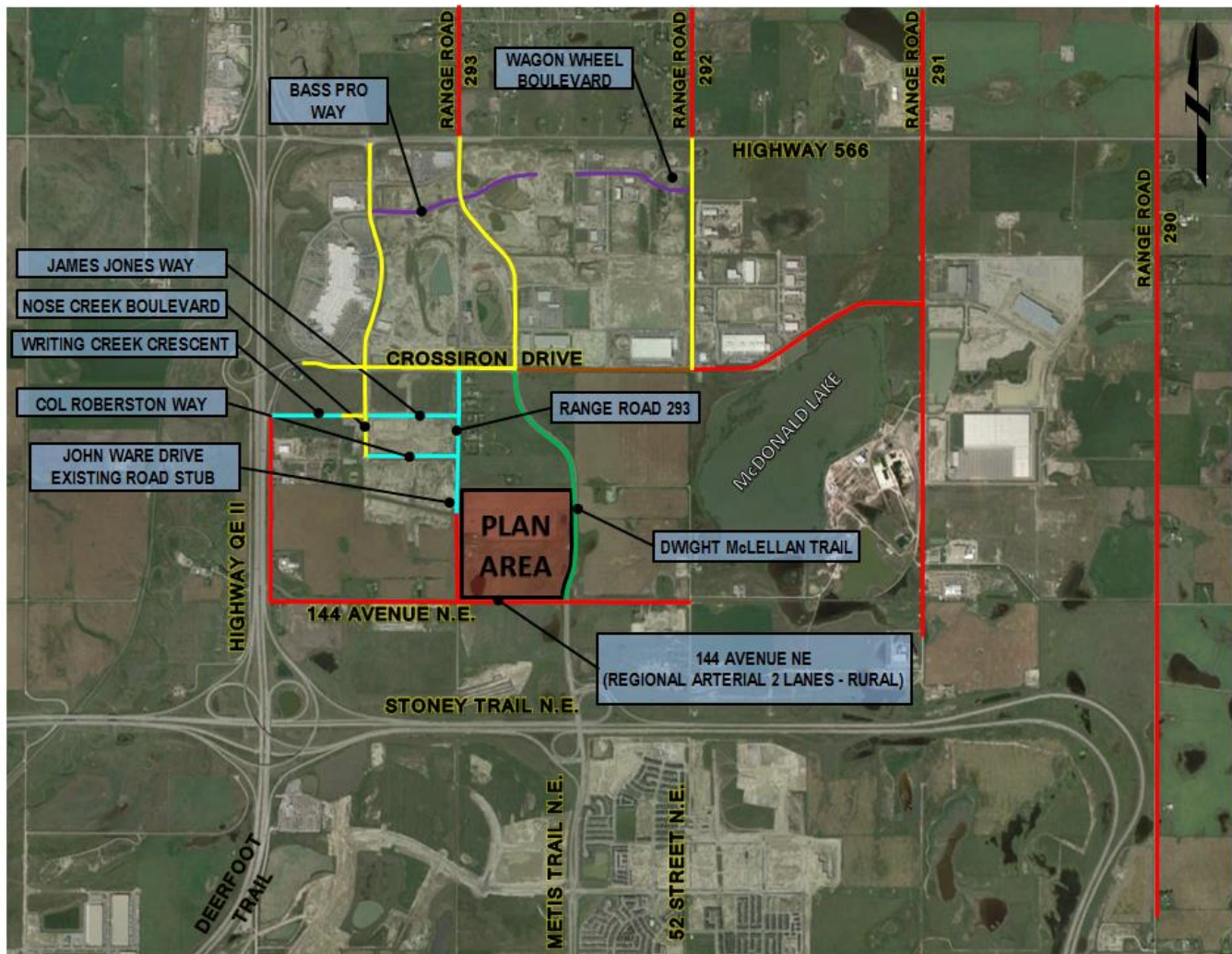
- The Rocky View County Civic campus has been completed north of Hwy 566 and the County's Regional Fire Station has already been completed to serve this area of the County.
- Development to the south of the subject property, within the City of Calgary, consists primarily of temporary outdoor storage facilities. This type of development is permitted under the Special Purpose - Future Urban Development District (SFUD). The intent of the SFUD District is to accommodate temporary development until urban services are in place for future industrial/commercial development as identified in the Northeast Residual Area Policy Plan. (*City of Calgary, 2005*)

## 2.8 Existing Road Network

The primary access to the Plan Area is expected to be from Dwight McLellan Trail which is an existing six lane urban skeletal road, as shown in green on **Figure 8: Existing East Balzac Transportation Network**. Range Road 293 is constructed as a two-lane paved road to the south of John Ware Drive where it continues southward to connect to 144<sup>th</sup> Avenue in the form of a two-lane rural road. 144<sup>th</sup> Avenue is currently a two-lane rural road. There are level CPR Spur Line crossings at Dwight McLellan Trail and Range Road 293.

As shown on Figure 8, Nose Creek Boulevard is currently constructed as an "Arterial Road 4 Lanes-Urban" connecting to Colonel Robertson Way. According to the East Balzac Network Review, Nose Creek Boulevard will eventually extend southward and then turn to the east to connect to Dwight McLellan Trail. A portion of this east/west road will be constructed as shown in this Conceptual Scheme.



**LEGEND:**

- SKELETAL ROAD 6 LANES - URBAN
- ARTERIAL ROAD 4 LANES - URBAN
- PRIMARY COLLECTOR 2 - 4 LANES - URBAN
- COLLECTOR 2 LANES - URBAN
- REGIONAL ARTERIAL 2 LANES - RURAL
- INDUSTRIAL ROAD

Figure 8: Existing East Balzac Transportation Network (Watt Consulting Group 2015; Adapted by KBES Ltd.)

## 2.9 ATCO Pipeline and CPR Spur Line

There is a 22 inch (560mm) natural gas pipeline located within the Plan Area and a Canadian Pacific Railway (CPR) Spur Line lying to the south of the Plan Area, as shown in **Figure 9: Existing Pipeline and CPR Spur Line**.

### 2.9.1 CPR Spur Line

A Canadian Pacific Rail spur line is located in a 15.24 meter Right-of-Way (CPR Plan 871JK) located adjacent to the south property line of the Plan Area. The track has been out of service for several years according to Canadian Pacific Railway.

### 2.9.2 ATCO Pipelines

There is a 22 inch (560mm) - 800 psi high pressure, sweet natural gas pipeline running east-west through the project site, owned by ATCO Pipelines. Hydrovacing has been undertaken in order to determine the precise depth of the pipeline. This important pipeline transports natural gas from the Cochrane processing plant to the City of Calgary. Limited forms of development may be allowed to encroach into the 22.86 meter ROW in consultation with ATCO Pipelines.

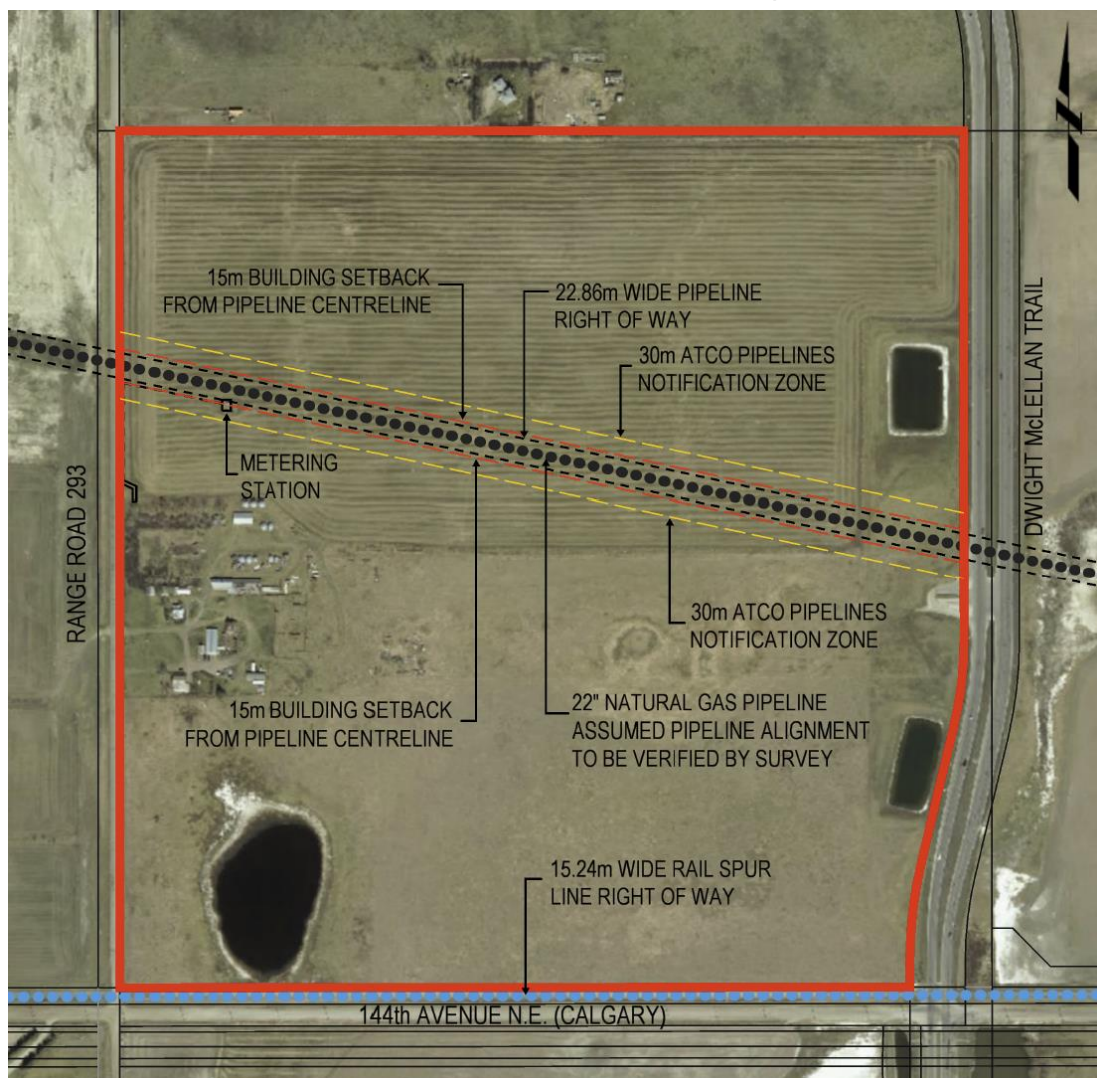


Figure 9 – Existing Pipeline and CPR Spur line

**ATCO Pipelines Development Conditions:**

- i. Any existing land rights shall be carried forward in kind and registered on any newly created lots, public utility lots, or other properties.
- ii. A pipeline alteration will be required in this area. All costs associated with any alterations to ATCO Pipelines' pipeline(s) and/or appurtenances to accommodate development will be borne by the developer/owner. This process can take up to 18 months to complete.
- iii. Ground disturbances and surface works within 30 meters require prior written approval from ATCO Pipelines before commencing any work. Municipal circulation file number must be referenced; proposed works must be compliant with ATCO Pipelines' requirements as set forth in the company's conditional approval letter. Contact ATCO Pipelines' Land Department at 1-888-420-3464 for more information.
- iv. Road crossings are subject to Engineering review and approval. Road crossing(s) must be paved and cross at a perpendicular angle. Parallel roads are not permitted within ATCO Pipelines' right(s)-of way. If the road crossing(s) requires a pipeline alteration, the cost will be borne by the developer/owner and can take up to 18 months to complete.
- v. Parking and/or storage is not permitted on ATCO Pipelines' pipeline(s) and/or right(s)-of-way.
- vi. Storage is not permitted on ATCO Pipelines' pipeline(s) and/or rights(s)-of-way.
- vii. ATCO Pipelines recommends a minimum 15 meter setback from the centerline of the pipeline to any buildings.
- viii. Any changes to grading that alter drainage affecting ATCO Pipelines' right-of-way or facilities must be adequate to allow for ongoing access and maintenance activities. If alterations are required, the cost will be borne by the developer/owner.
- ix. Any revisions or amendments to the proposed plans(s) must be re-circulated to ATCO Pipelines for further review.

**Note: Appendix A lists guidelines for development in proximity to ATCO pipelines.**



### 3.0 INTERLINK LOGISTICS PARK CONCEPTUAL SCHEME

The Interlink Logistics Park is expected to complement existing development in Balzac by providing additional warehouse and light industrial space in an attractive, campus style development.

#### 3.1 Development Concept

The parking areas and lot layout have been designed to accommodate the existing 22.86 m ATCO Pipeline ROW and as well as associated pipeline development setbacks. The County's future road requirements and the partially constructed intersection on Dwight McLellan Trail have determined the size and location of Nose Creek Boulevard.

The anticipated conceptual building layout, road design and storm facilities are shown on **Figure 10: Development Concept**. The Concept supports the desired density outlined in the Balzac East Area Structure Plan (BEASP).

***“Cell C is considered to be the heart of the commercial/industrial business area. Lot sizes may vary in this area, but a maximum density will be determined at the conceptual scheme level. The level of intensity of industrial use will gradually increase to the southeast of the study area.” (BEASP, 2000)***

It is important to note that the building and parking configurations shown in this plan are conceptual in nature. The final building and parking configurations will be determined at future Development Permit stages. An Amendment to the Conceptual Scheme will only be required if proposed development represents a substantial change to the overall intent of the Conceptual Scheme.

Subdivision and development are expected to occur in phases, with the overarching goal of creating a cohesive campus style design.

The quarter section will be subdivided to create the Public Utility Lot (PUL) in the northwest corner and the Nose Creek Boulevard road right of way, both of which will be dedicated to the County. Lots 1, 2 and 3 will also be created as shown conceptually on page 50, **Figure 21 - Development Phasing**. Final lot configurations will be determined at subdivision stage and alterations may occur without amendment to this Plan, if the overall intent of the Plan is maintained, at the discretion of the County. Landowners will be responsible for maintenance and operation of shared irrigation infrastructure and entrance features. The landowner will place an instrument on titles which states that the lot owner is responsible for payments required to maintain and operate any shared infrastructure. This would exclude the County owned Public Utility Lot.

A site-specific amendment to DC-99 proposing an increase from 40% to 55% in the building coverage regulation is being submitted concurrently with this Conceptual Scheme. Approval of this higher site coverage will allow development of large, warehouse style buildings. This site specific amendment also proposes the addition of several uses in the Conceptual Scheme area, to allow flexibility should market conditions change in the future. Similar amendments to DC-99 have been approved for other sites in Balzac.

An appropriate level of density will be achieved via large warehouse style buildings with leased bays. The 22.86m wide Atco Gas ROW and the storm water facility will provide open space and visual breaks between the buildings.

In tribute to the original landowners, Pond A may be renamed to Ham Family Stormwater Management Facility and a plaque will be installed recognizing the original homestead area.

### **Policies**

- Policy 3.1.1** *Final lot configurations will be determined at Subdivision stage.*
- Policy 3.1.2** *Development shall be in general accordance with the concept identified on Figure 10. The final building, parking and landscaping configurations will be determined at future Development Permit stages.*
- Policy 3.1.3** *Amendments to the Conceptual Scheme will only be required if the proposed Subdivision/Development represents a substantial change to the overall intent of this Conceptual Scheme.*
- Policy 3.1.4** *All subdivision and development within the Plan Area shall conform to the Interlink Logistics Park Conceptual Scheme, the Balzac East Area Structure Plan and DC-99.*
- Policy 3.1.5** *At Development Permit stage, all development shall demonstrate compliance with the Development Standards contained within Section 7 of the Interlink Logistics Park Conceptual Scheme, to the satisfaction of Rocky View County.*
- Policy 3.1.6** *Development within the Plan Area which may create a significant nuisance factor, including noise, odour, atmospheric substance or other emissions, outside of an enclosed building will be required to demonstrate methods of mitigating and reducing the problem to the satisfaction of Federal, and Provincial governments, and Rocky View County.*
- Policy 3.1.7** *Development guidelines described in DC-99 (Section 31), this Plan and the Balzac East Area Structure Plan shall be adopted, where possible to ensure that development on yards adjacent to Dwight McLellan Trail, Range Road 293 and Nose Creek Boulevard present an appropriate visual interface with these public roadways.*
- Policy 3.1.8** *All uses onsite will require a Development Permit unless exempt from the requirements of the Rocky View County Land Use Bylaw.*
- Policy 3.1.9** *Maximum Building Site Coverage is in accordance with DC-99, as amended.*

Use	Area		Percent
	Acres	Hectares	
Buildings/Asphalt/Concrete/Landscaping	126.94	51.37	85
Municipal Road (Nose Creek Boulevard)	7.73	3.13	5
Storm Pond Facilities / Public Utility Lot	14.63	5.92	10
Road Widening (Dwight McLellan Trail)	0.22	0.09	<1
Municipal Reserves	0.00	0.00	0
<b>Total</b>	<b>149.52</b>	<b>60.51</b>	<b>100</b>

*Note: The areas shown in the table are conceptual; final areas will be determined at detailed design stages.*

### 3.2 Pedestrian Connections and Open Space

**Figure 11: Pedestrian Connections, Open Space and Landscaping** shows the primary features of the open space and pedestrian network within Conceptual Scheme area. Open space will be provided adjacent to the storm water pond located in the North West corner of the development. The 22.86 meter wide ATCO Gas Pipeline ROW will be landscaped to create a linear green space in the northern portion of the development. Landscaping within the ROW area will be in accordance with ATCO guidelines. It is expected that landscaping on the ROW will consist primarily of grass and potentially small groups of low vegetation adjacent to the edges of the ROW, subject to review by Atco Pipelines.

A 1.4 meter separate sidewalk will be constructed along one side of Nose Creek Blvd. to connect to the County's future regional pathway system on the west side of Dwight McLellan Trail.

#### **Policies**

**Policy 3.2.1**      *10 percent Municipal Reserve will be provided in accordance with the provisions of the Municipal Government Act.*

**Policy 3.2.2**      *Municipal Reserves may be provided through cash-in-lieu of reserves.*

An entrance feature will be constructed along Dwight McLellan Trail to signal arrival at the Interlink Logistics Park. The entrance feature will be located on private land adjacent to Dwight McLellan Trail. The specific architectural design of the entrance feature will complement the surrounding landscaping and will be constructed from a durable, low maintenance material. A Development Permit will be required for the entrance feature.

### 3.3 Landscaping

Examples of potential landscaped areas along Dwight McLellan Trail, RR293, Nose Creek Boulevard and 144<sup>th</sup> Avenue are shown on **Figure 11: Pedestrian Connections, Open Space and Landscaping**. Landscaping will follow guidelines outlined in the Balzac East Area Structure Plan and described in Section 7 - Development Standards of this plan. Landscaping along these roads will be on private property and consist of berms, trees and shrub beds arranged to screen any truck parking areas which are visible from the adjacent roads, where possible, as shown on **Figure 12: Examples of Potential Landscaping**.

Trees will be planted in clusters within the 6.0m setback along the north property line to provide a visual buffer to Cell B, SDA #4, as per the provisions outlined the Balzac East Area Structure Plan for Cell C. Trees will not be planted within the Public Utility Lot.

Detailed landscaping plans will be submitted at Development Permit stages.

#### **Policies**

**Policy 3.3.1**      *The 15% landscaping requirement should be applied primarily along the edges of the lots adjacent to Dwight McLellan Trail, Range Road 293 and Nose Creek Boulevard.*

**Policy 3.3.2**      *Landscaping shown in the Conceptual Scheme is conceptual in nature and detailed landscaping plans will be submitted at Development Permit stages.*

### **3.4 Environmental Reserve (ER)**

The project site has been under agricultural cultivation for many decades and is relatively flat; therefore, dedication of Environmental Reserve lands is not anticipated.

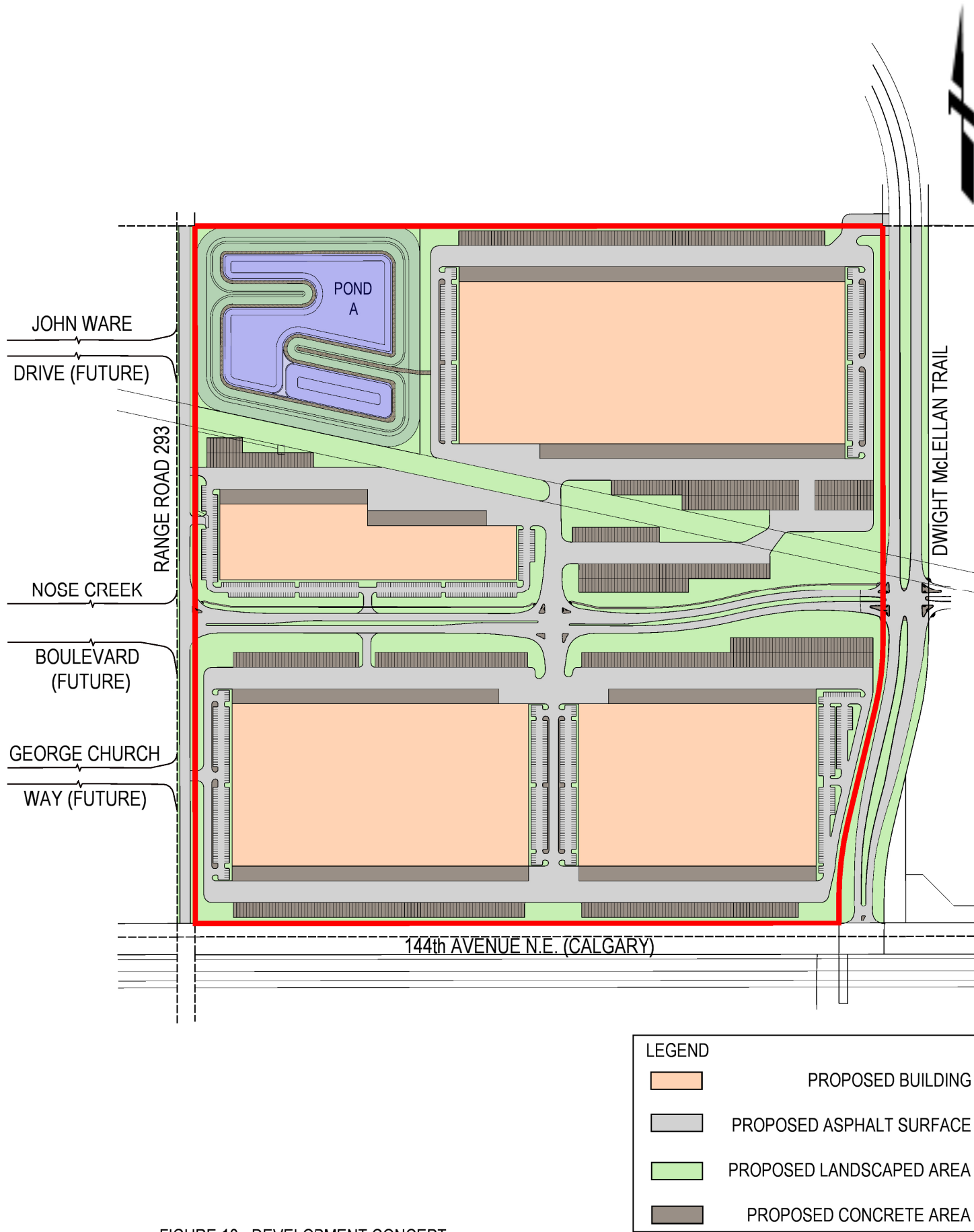


FIGURE 10 - DEVELOPMENT CONCEPT

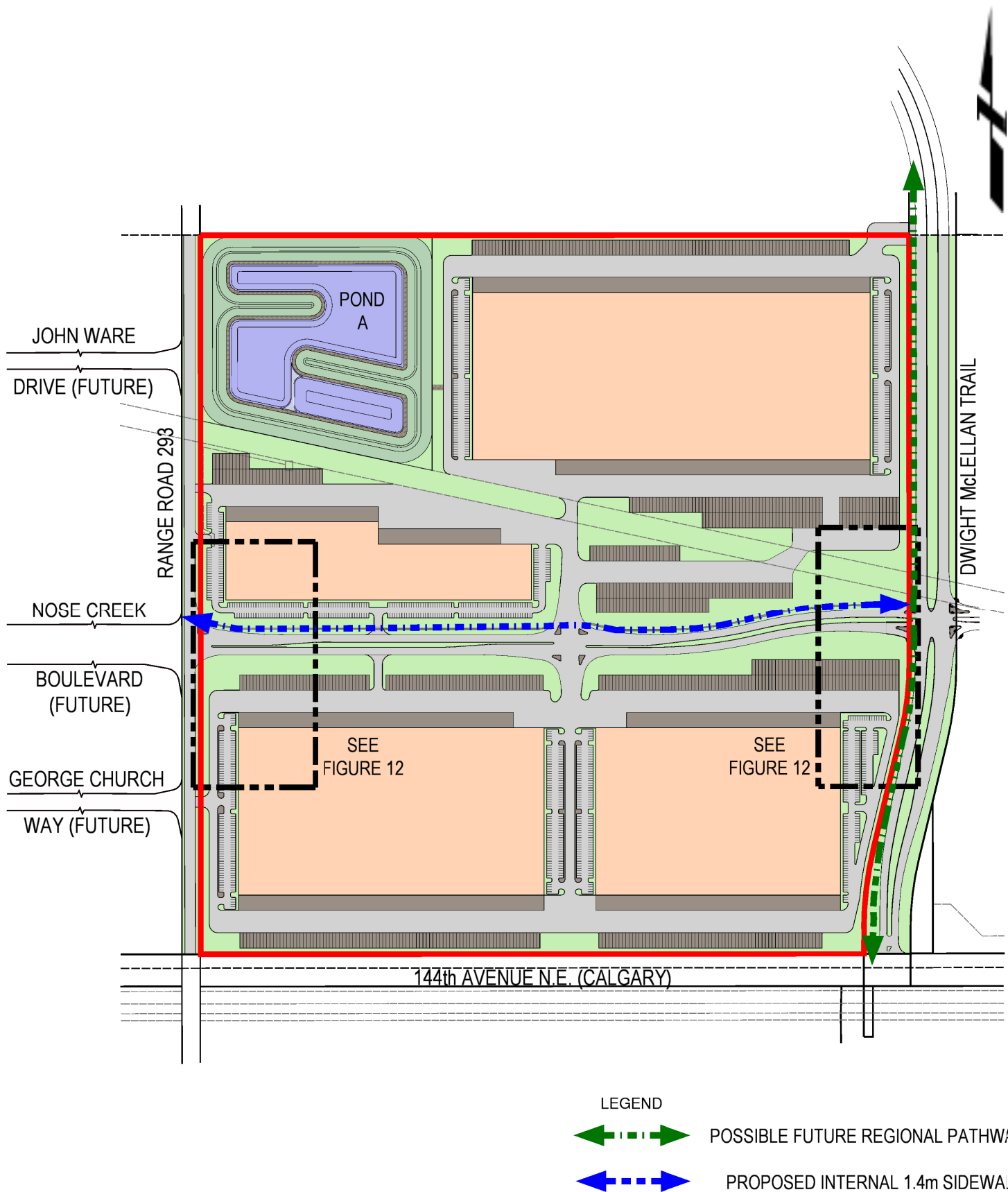
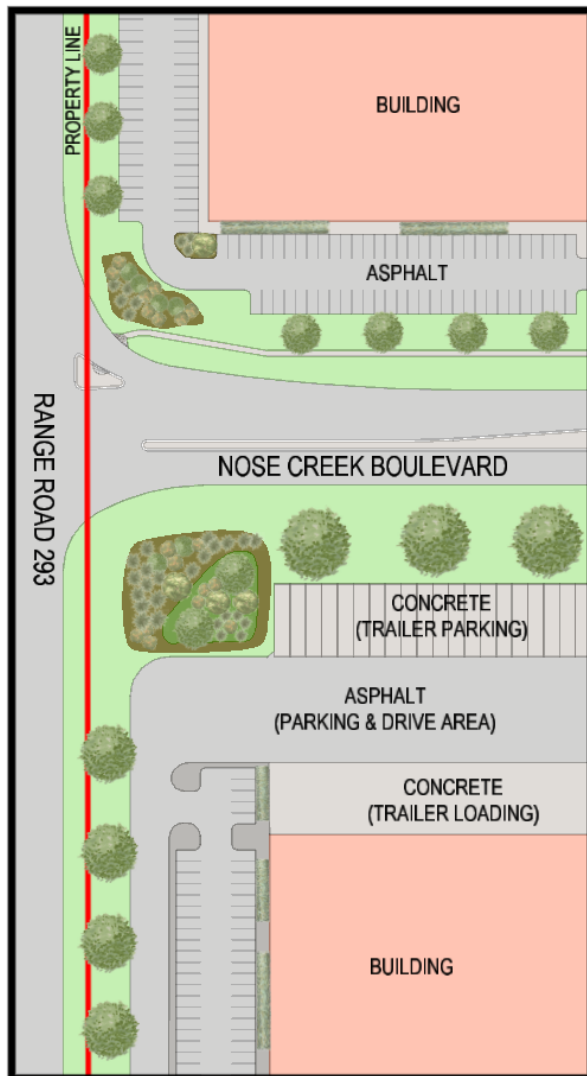
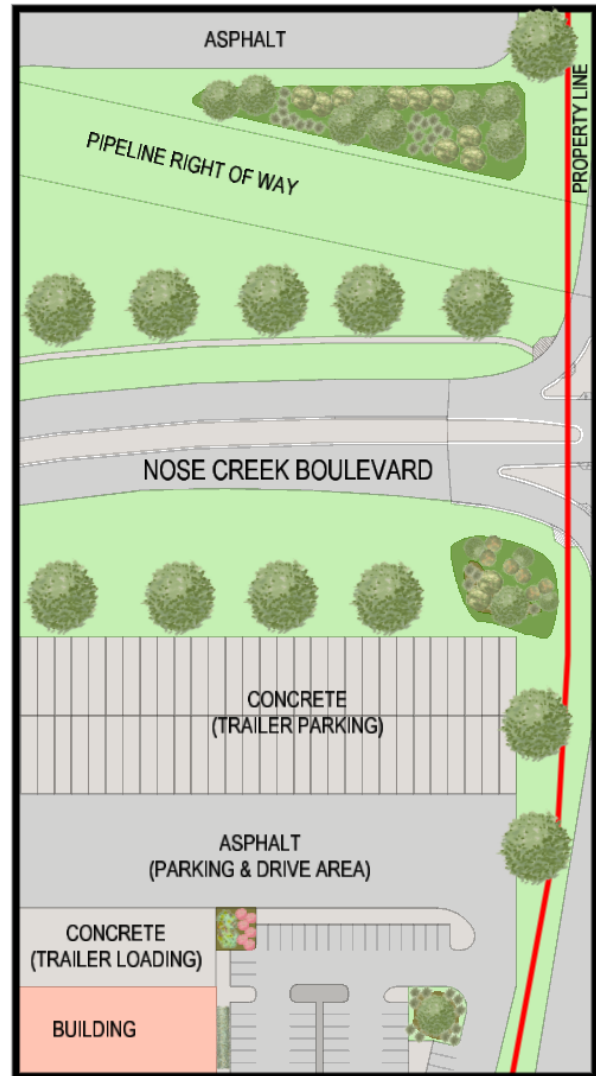


FIGURE 11 - PEDESTRIAN CONNECTIONS, OPEN SPACE AND LANDSCAPING





DETAIL A: LANDSCAPING CONCEPT AT WEST ENTRANCE A



DETAIL B: LANDSCAPING CONCEPT AT EAST ENTRANCE B

Figure 12: Examples of Potential Landscaping

## 4.0 TRANSPORTATION NETWORK

### 4.1 Future Road Network

The objectives of the East Balzac Network Review are, “to verify the required long term network for the area based on existing development and the most recent plans for development in the area and assess cumulative impact of the current and future land uses on the ultimate network, its capacity and operation.” (Watt Consulting Group, 2015) The road network analyzed in the report is shown on **Figure 13: East Balzac Road Network**.

Rocky View County has identified Nose Creek Boulevard as the main east/west arterial through the southern area of Balzac as shown on **Figure 13: East Balzac Road Network**.

Nose Creek Boulevard is identified as an “Arterial Road 4 Lane – Urban” in the East Balzac Network Review, consequently it will be built in accordance with this specification, as shown on Figures 14 and 15. Nose Creek Boulevard within the Conceptual Scheme area aligns with the existing intersection stub constructed on the west side of Dwight McLellan Trail and the future extension of Nose Creek Boulevard to the west, as shown on Figures 13 and 14.

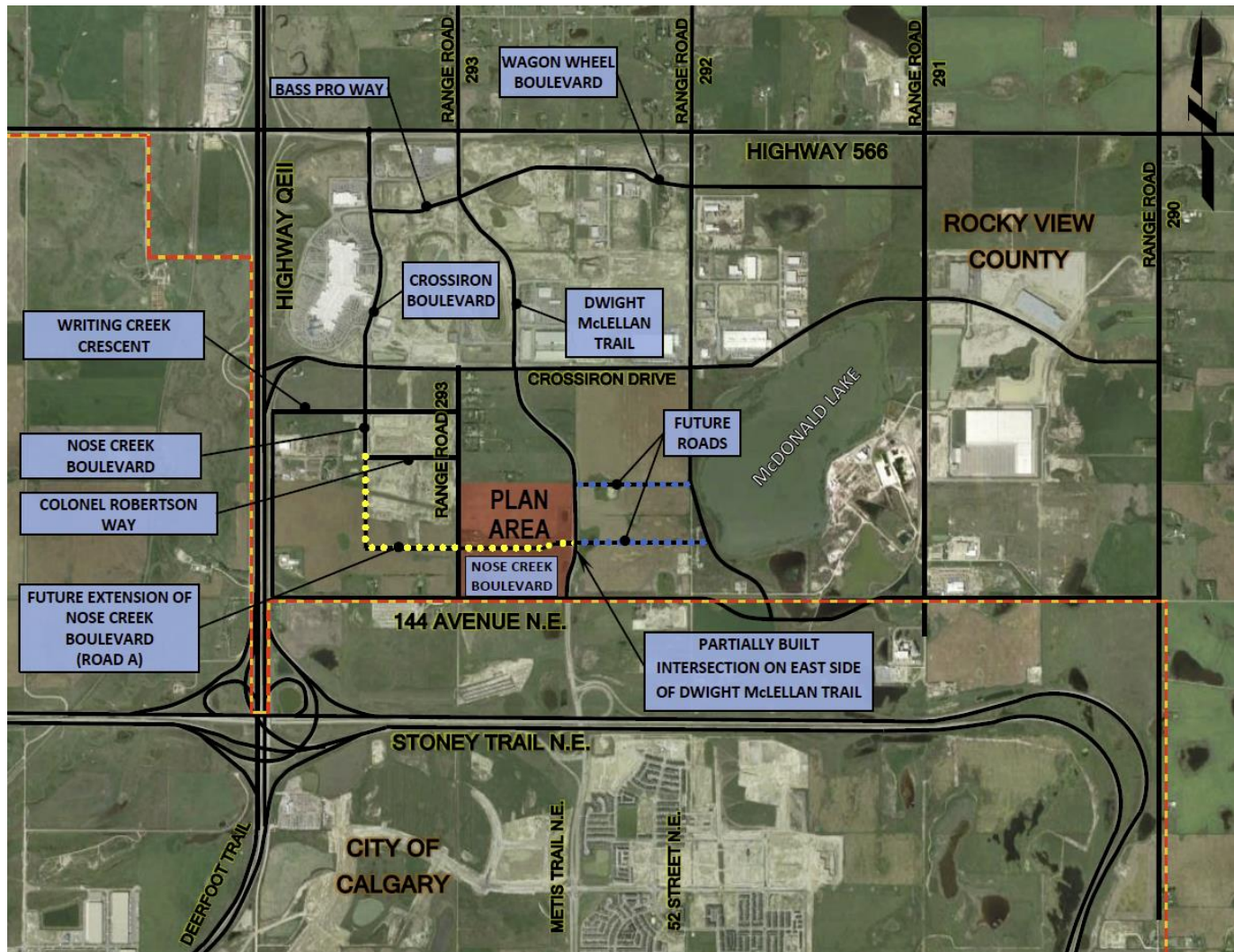
It is expected that this Regional Arterial Road will eventually connect to Range Road 292 when development of the McLellan Business Park proceeds.

To the east, the McLellan Business Park Conceptual Scheme identifies a future road within a 27.0 m Right of Way, straddling the north boundary line of the quarter section. **Figure 10: Development Concept** identifies the south half of right-in/right-out access point that would align with this future road to the east. It is expected that when development is proposed on the quarter sections to the north and east, discussions will occur with these landowners as well as the County, to determine the final configuration of this intersection.

In support of this Conceptual Scheme, a TIA has been prepared by Bunt and Associates, in accordance with the East Balzac Network Review.

#### **Policies**

- Policy 4.1.1**      *The locations of access points shall be required as a condition of Development Permit stages.*
- Policy 4.1.2**      *Off-site transportation infrastructure shall be in place to service each Subdivision/Development phase in accordance with the Transportation Impact Assessment and to the satisfaction of the Rocky View County.*
- Policy 4.1.3**      *Sufficient emergency access shall be provided and maintained in accordance with County Servicing Standards.*
- Policy 4.1.4**      *In accordance with DC-99 development shall not be permitted until the developer has prepared a Transportation Impact Assessment that takes into account all proposed, approved and existing development, and identifies any necessary transportation improvements, to the satisfaction of the County and/or Alberta Transportation. Recommendations regarding infrastructure improvements shall be implemented as conditions of Subdivision/Development Permit to the satisfaction of the County.*
- Policy 4.1.5**      *The County's Infrastructure Cost Recovery Policy shall apply to applicable transportation infrastructure improvements.*



## LEGEND

- FUTURE ROADS
- FUTURE EXTENSION OF NOSE CREEK BVLD (ROAD A)
- MUNICIPAL BOUNDARY

Figure 13: East Balzac Road Network (Watt Consulting Group 2015; Adapted by KBES Ltd.)

## 4.2 Transportation Impact Assessment

Bunt & Associates Engineering Ltd. has completed a Transportation Impact Assessment (TIA) based on the site plan of the proposed development. The TIA was conducted for the full build-out of the site that is planned to be completed by 2025. The following descriptions and conclusions have been extracted from the report. (*Bunt and Associates, 2018*)

### Background Conditions

#### Road Network

The following roadways are located or proposed in the vicinity of the site. The classifications are in accordance with the County's East Balzac Network Review, 2015. (*Watt Consulting Group, 2015*)

- **Dwight McLellan Trail** is classified as a “Skeletal Road 6 Lanes – Urban” that runs north-south and acts as one of the major corridors from NW Calgary to Balzac connecting Stoney Trail to Highway 566. Dwight McLellan Trail has a six-lane cross-section that tapers to a four-lane cross-section between the future Nose Creek Boulevard and 144 Avenue NE.
- **Range Road 293** is classified as an “Arterial Road 4 Lanes – Urban” that runs in the north-south direction between Crossiron Drive and 144 Avenue NE. Range Road 293 is currently constructed to a paved standard south to the intersection with John Ware Drive and then is the existing two-lane chip seal roadway to the railway ROW (County boundary). Range Road 293 may ultimately be upgraded to a four-lane cross-section, however since this improvement is uncertain, the analysis assumed Range Road 293 will have a two-lane cross-section through the 20-Year horizon.
- **Nose Creek Boulevard** is a future roadway that will run east-west and connect Dwight McLellan Trail to Range Road 293. Nose Creek Boulevard will have a four-lane cross-section and be classified as an “Arterial Road, 4 Lanes – Urban”.

### 2025 Post Development Analysis

The Post Development intersection capacity analysis indicated that on Opening Day (2025) the following improvements are recommended, (Bunt & Associates Engineering TIA, 2018):

- If not already constructed as part of the McLellan Business Park, the intersection of Dwight McLellan Trail/Nose Creek Boulevard will need to be signalized.
- If not already constructed as part of the McLellan Business Park, the intersection of Dwight McLellan Trail/northern access will need to be signalized.
- If the intersection of Dwight McLellan Trail/Nose Creek Boulevard is already signalized, protected/permitted phases will need to be added to the signal timing for the westbound left and northbound left turn movements.

- Range Road 293 would need to be constructed to a paved standard from John Ware Drive to railway line (County boundary), if this has not already been completed by the adjacent developments.
- 10-Year (2030): All study area intersections are expected to operate acceptably with the inclusion of the proposed site.
- 20-Year (2040): The following improvements are recommended: A free eastbound right turn lane and associated southbound through lane removal/repurposing on Dwight McLellan Trail.

### 4.3 Road Alignment and Access Points

Nose Creek Boulevard is expected to serve as the major east/west connector in the southern area of Balzac. As shown on **Figure 14: Road Alignment and Access Points**, Nose Creek Boulevard, an “Arterial Road 4 Lanes – Urban” will serve as the major east/west road within the development. An all-turns intersection will provide access to the north and south portions of the development from Nose Creek Boulevard, as shown on Figure 14. The eastern end of this road will connect to the County’s partially constructed intersection on Dwight McLellan Trail and the western end will align with the future portion of the road shown in the Nose Creek Conceptual Scheme at Range Road 293.

#### Nose Creek Boulevard

Nose Creek Boulevard provides the main access point to the development from Dwight McLellan Trail and RR 293. Nose Creek Blvd. is proposed as an “Arterial Road 4 Lanes – Urban” The section will be divided with two lanes of traffic in each direction within a 36m ROW, as shown on **Figure 15, Road Section Nose Creek Boulevard**.

#### Access Points

Access points to Nose Creek Boulevard are shown conceptually on Figure 14. The final locations of these access points will be determined at Development Permit stage.

A right-in/right-out access point will be provided at the north quarter section line along Dwight McLellan Trail to provide access to the northern portion of the development, as shown on Figure 14.

On the west side of the Plan Area a right-in/right-out will be provide access to RR 293 to the north of Nose Creek Blvd. To the south of Nose Creek Boulevard, an all-turns access point onto RR 293 will be provided. This all-turns access will be designed to align with the proposed future George Church Way which is identified in the Nose Creek Conceptual Scheme.



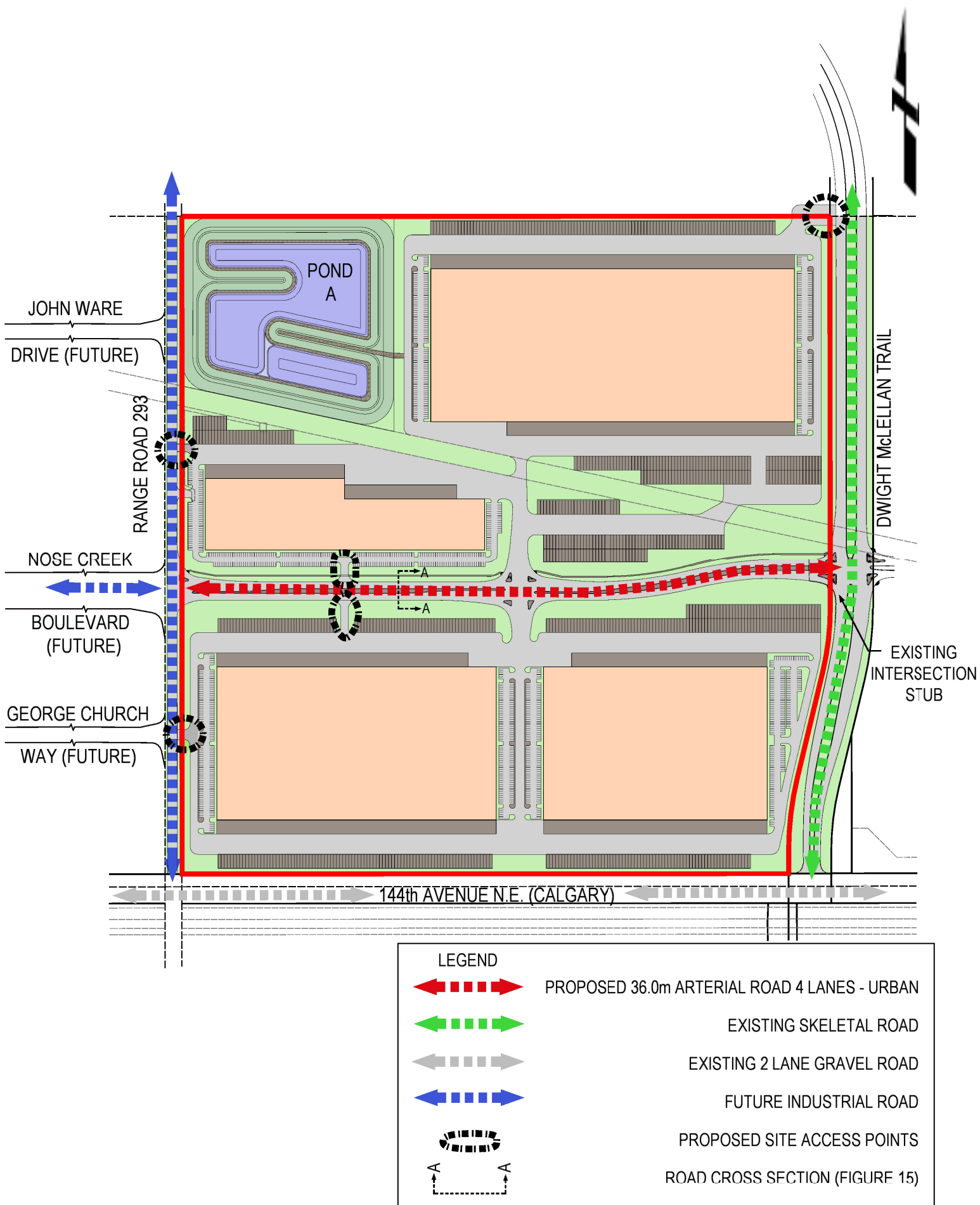


FIGURE 14 - ROAD ALIGNMENT AND ACCESS POINTS



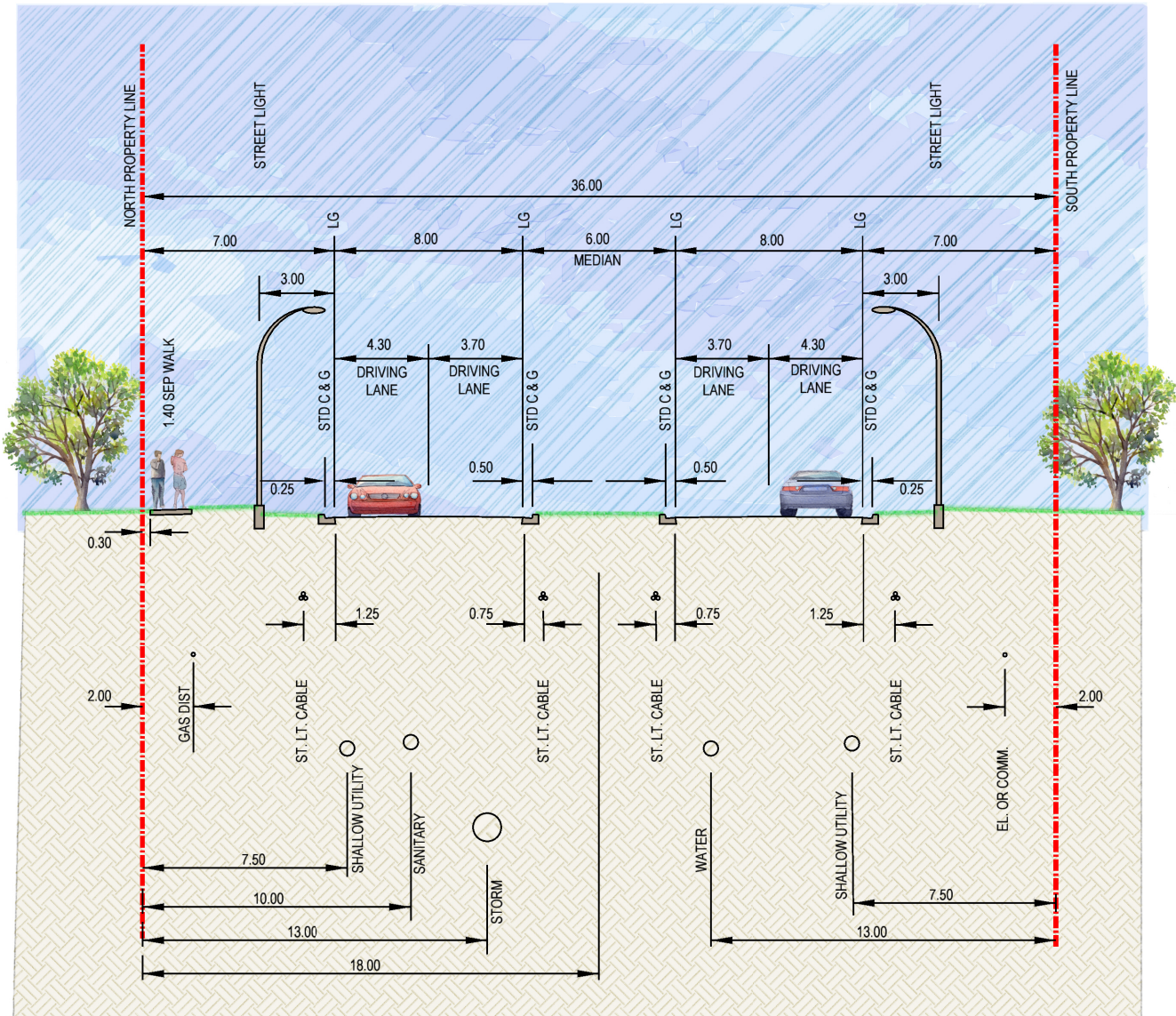


FIGURE 15 - ROAD SECTION NOSE CREEK BOULEVARD

**Policies**

- Policy 4.3.1** *All roads will be built according to urban cross sections with concrete curbs and gutters.*
- Policy 4.3.2** *The specific alignment of the roadway is expected to be finalized by the developer at the Subdivision/Development Permit stage.*
- Policy 4.3.3** *Complete road systems shall be constructed by the developer to the satisfaction of Rocky View County.*
- Policy 4.3.4** *Emergency access shall be provided between phases until such time as a direct link occurs with adjacent road networks to the satisfaction of Rocky View County.*
- Policy 4.3.5** *The locations of lot access points shall be required as a condition of Development Permit stages.*
- Policy 4.3.6** *The road and access points in the Interlink Logistics Park Conceptual Scheme Area should be aligned so they will connect directly to the roads of the adjacent developments to the west and east to ensure an effective and efficient traffic flow.*
- Policy 4.3.7** *Direct access from the lot may be permitted onto Range Road 293, in accordance with the recommendations of the TIA and subject to County approval.*
- Policy 4.3.8** *An access point to Dwight McLellan Trail shall be allowed at the north property line as shown on Figure 14.*
- Policy 4.3.9** *The developer shall provide payment of the applicable levy at the Subdivision/Development Permit stage in accordance with the requirements prescribed by the Rocky View County Transportation Off-site Levy Bylaw.*

## 5.0 SERVICING AND UTILITIES

### 5.1 County Water System - East Balzac Watermains

According to the Balzac East Area Structure Plan a utility servicing strategy acceptable to the Municipality shall be prepared indicating how the Conceptual Scheme area will be connected to the County water system in East Balzac. The potential connection points for the Plan Area are shown on **Figure 16: Water Mains, Balzac Master Potable Water Plan Update** (MPE Engineering Ltd., 2014)

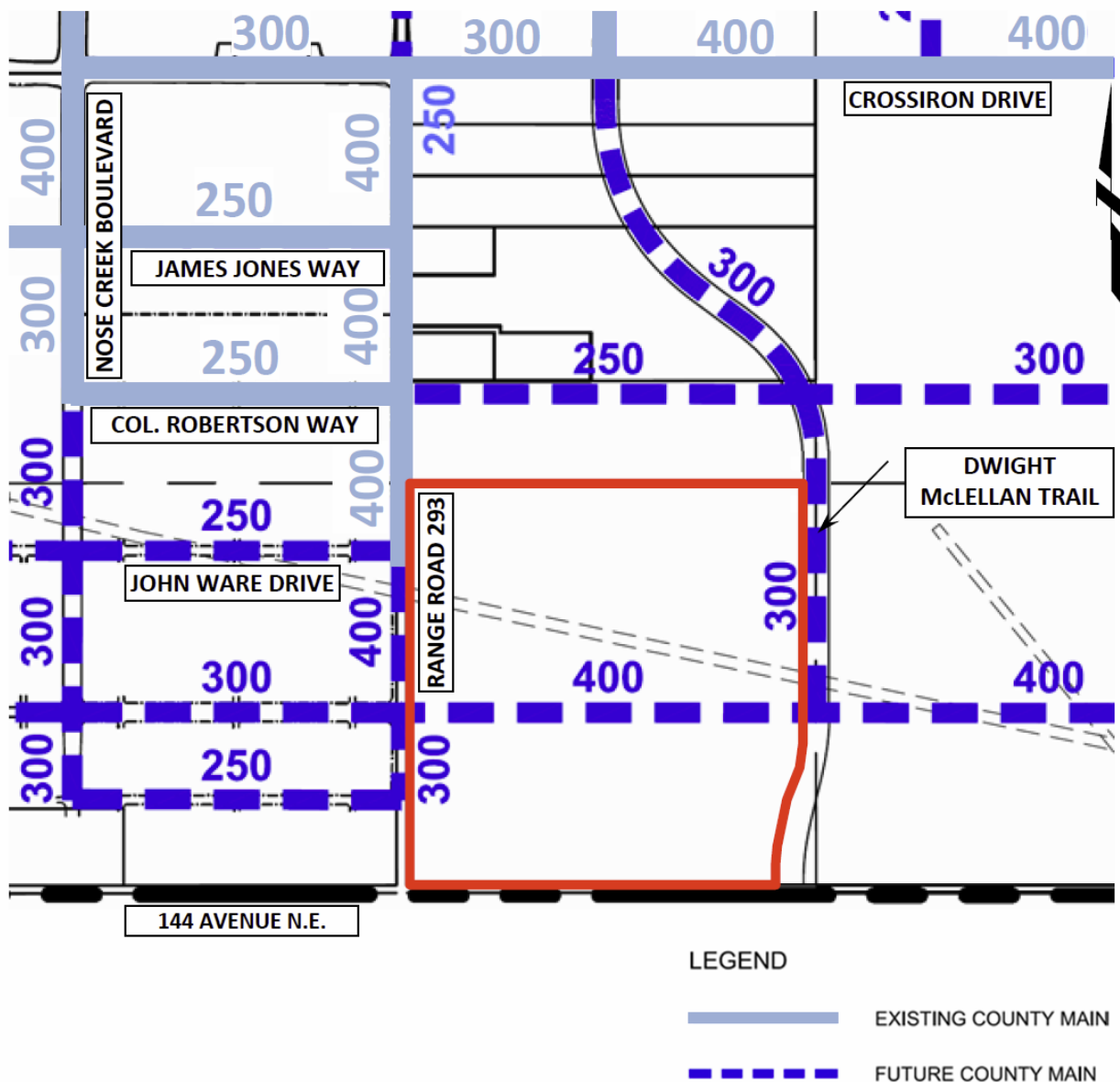


Figure 16: Water Mains, Balzac Master Potable Water Plan Update - (MPE Engineering Ltd. 2014, Adapted by KBES Ltd.)

## 5.2 Water Servicing Plan

The MPE water distribution shown in Figure 16 suggests a 300mm main be installed along Dwight McLellan Trail (DMT). The system will be designed to accommodate the maximum daily demand plus minimum pressures required to provide mandatory fire suppression levels. Water demand estimation will be subject to confirmation at each stage of subdivision.

The water service for the Conceptual Scheme Area will be looped in order to provide continuous water supply to the hydrants as well as the onsite buildings. To create this loop two water connections must be made. The first will be an extension of the existing 400mm water main on RR 293. It has been assumed that this water main will be completed up to John Ware Drive as part of the development on the west side of RR 293. The second water connection will be made via a 300mm water main installed in the Dwight McLellan Trail median.

In order to support County policy, water conservation is an important component of all future development within the Interlink Logistics Park Conceptual Scheme. All development will be required to implement water conservation methods, both in facility and overall site development.

Water conservation will be implemented within the Plan Area by prohibiting the use of potable water for irrigation purposes and architectural controls specifying installation of low-flow plumbing fixtures, where applicable.

The expected water demand will be estimated at Subdivision stage.

### **Policies**

- Policy 5.2.1** *Potable water shall be supplied through connection to the County Water System, to the satisfaction Rocky View County.*
- Policy 5.2.2** *All water distribution infrastructure shall be constructed by the developer in accordance with the County's development requirements. Where such infrastructure is demonstrated to have benefit for potable water service affecting lands outside the Conceptual Scheme area, the developer shall enter into a Cost Recovery Agreement, in accordance with County procedures and standards.*
- Policy 5.2.3** *The specific design, alignment, pipe sizing and configuration of the water distribution system shall be determined by detailed engineering at the Subdivision/Development Permit stage, as per the terms of a Development Agreement and/or Development Permit process, to the satisfaction of the County.*
- Policy 5.2.4** *Any offsite infrastructure requirements (if required) will be identified at each stage of Subdivision/Development Permit in the plan area, as per the County's Servicing Standards. Any improvements required for the development, shall be constructed by the developer through the terms of the County's Development Agreement process, to the satisfaction of the County.*

- Policy 5.2.5**      *The developer shall provide payment for required infrastructure upgrades at Subdivision/Development Permit stage in accordance with the County's Water and Wastewater Offsite Levy Bylaw.*
- Policy 5.2.6**      *On-site potable water infrastructure installed within public road ROWs within the Conceptual Scheme area shall be owned and operated by Rocky View County.*
- Policy 5.2.7**      *The potable water distribution system shall accommodate minimum design requirements necessary to provide appropriate fire suppression within the Conceptual Scheme area.*
- Policy 5.2.8**      *At the Development Permit stage each development shall be required to submit its plans or items for water conservation within the site.*
- Policy 5.2.9**      *Potable water should not be used for the irrigation of landscaping plantings and vegetation, as per Rocky View County's Land Use Bylaw.*
- Policy 5.2.10**     *The development will be required to use low volume fixtures and appliances and implement detailed water conservation measures to the satisfaction of the Municipality.*
- Policy 5.2.11**     *An estimation of water usage will be required at time of future Subdivision/Development Permit stage. If additional capacity is required to service the proposed development beyond the amount currently allocated to the Site, then additional capacity will be required to be purchased in accordance with the Master Rates Bylaw.*
- Policy 5.2.12**     *The County's Infrastructure Cost Recovery Policy shall apply to applicable potable water infrastructure improvements.*



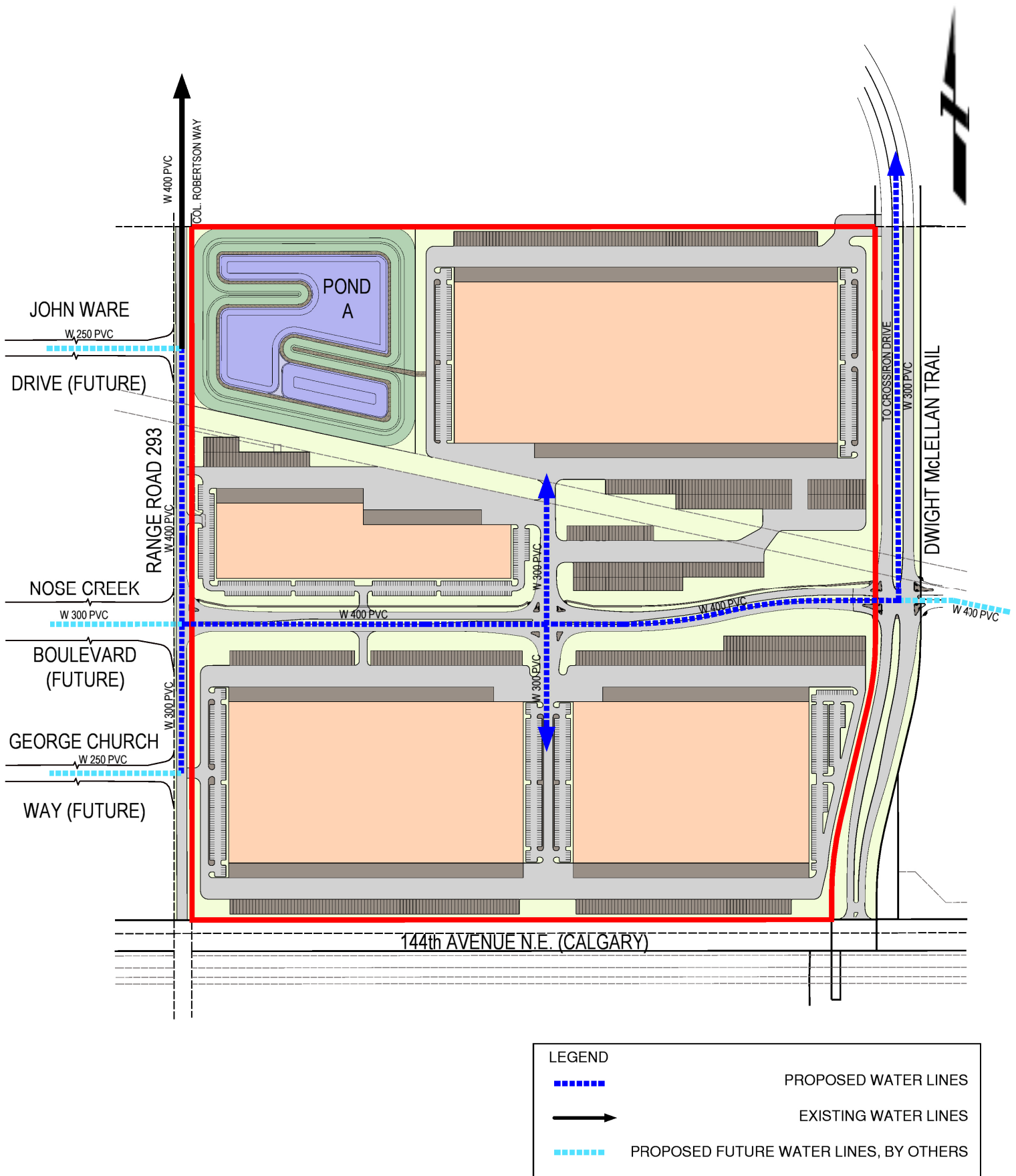
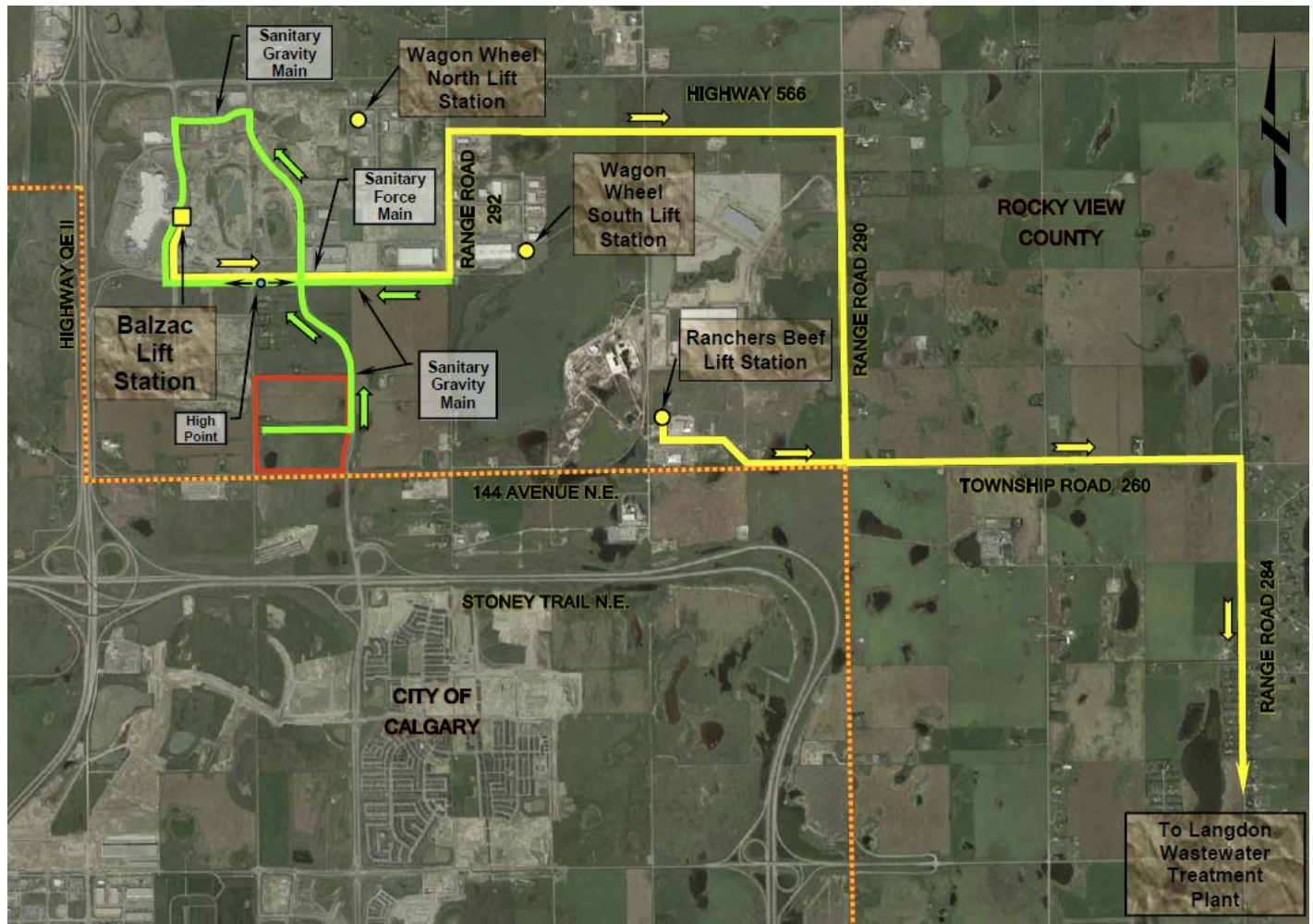


FIGURE 17 - WATER SERVICING PLAN



### 5.3 East Rocky View Wastewater System

The County has constructed and installed wastewater servicing infrastructure for the purposes of providing wastewater servicing as shown in **Figure 18: East Rocky View Wastewater System**. The County has adopted a Water/Wastewater Bylaw (C-7273-2013) which outlines development levy collection program. The development industry is expected to provide full cost recovery for municipal wastewater service infrastructure in accordance with the requirements of Cost Contribution and Capacity Allocation Agreements. It is expected that the developer will pay applicable cost recoveries and levies in accordance with the RVC Water/Wastewater Bylaw at Subdivision stage.



#### LEGEND

- PLAN AREA
- SANITARY FORCE MAIN
- SANITARY GRAVITY MAIN
- - - MUNICIPAL BOUNDARY

Figure 18 – East Rocky View Wastewater System

## 5.4 Wastewater Servicing Plan

All development within the Conceptual Scheme area will connect to the County's existing 675 mm sanitary gravity main at the intersection of Crossiron Drive and Dwight McLellan Trail which flows to the existing Lift Station situated along Crossiron Blvd immediately east of the Crossiron Mills Mall. This Lift Station was designed with capacity to service the entire East Balzac area. Wastewater leaves the lift station through an existing force main and flows east to the Langdon Wastewater Treatment Plant.

A schematic for a wastewater collection system servicing the Plan area at full build is shown in **Figure 19: Wastewater Servicing Plan**. The system will be constructed in accordance with Rocky View County's Servicing Standards and Alberta Environment Guidelines.

The 525mm PVC sanitary gravity main from the plan area will be installed down the median of Dwight McLellan Trail northwards to Crossiron Drive, this way reducing impact of this construction on the existing roadway.

The internal sanitary conveyance system will be by gravity to the proposed 300mm sanitary sewer installed in Nose Creek Boulevard. The sewage will be directed to the east where it will connect with the sanitary sewer extension, mentioned previously, which connects to the existing 625mm sewer at the intersection of Crossiron Drive and Dwight McLellan Trail.

The internal sanitary conveyance system shall be designed to accommodate the expected flows for the development.

### Policies

- Policy 5.4.1** *The Conceptual Scheme area shall be serviced by the County's East Rocky View Wastewater System.*
- Policy 5.4.2** *The specific design, alignment, pipe size and configuration of the wastewater distribution system shall be determined by detailed engineering at Subdivision/Development Permit stage, as per the terms of a Development Agreement and/or Development Permit process, to the satisfaction of the County.*
- Policy 5.4.3** *Any offsite infrastructure requirements (if required) will be identified at each Subdivision/Development Permit stage in the plan area, as per the County's Servicing Standards. Any improvements required for the development, shall be constructed by the developer through the terms of the County's Development Agreement process, to the satisfaction of the County.*
- Policy 5.4.4** *All wastewater infrastructure within the Conceptual Scheme area shall be constructed by the developer and shall be designed in coordination with adjoining projects to the satisfaction of the County.*
- Policy 5.4.5** *The County's Infrastructure Cost Recovery Policy shall apply to applicable wastewater infrastructure improvements.*

- Policy 5.4.6** *All developments shall pay all applicable connections fees and levies in accordance with the Water and Wastewater Infrastructure Off-Site Levy Bylaw and applicable Rocky View County policies.*
- Policy 5.4.7** *A detailed estimation of wastewater usage will be required at time of future Subdivision/Development Permit stage. If additional capacity is required to service the proposed development beyond the amount currently allocated to the Site, then additional capacity will be required to be purchased in accordance with the Master Rates Bylaw.*

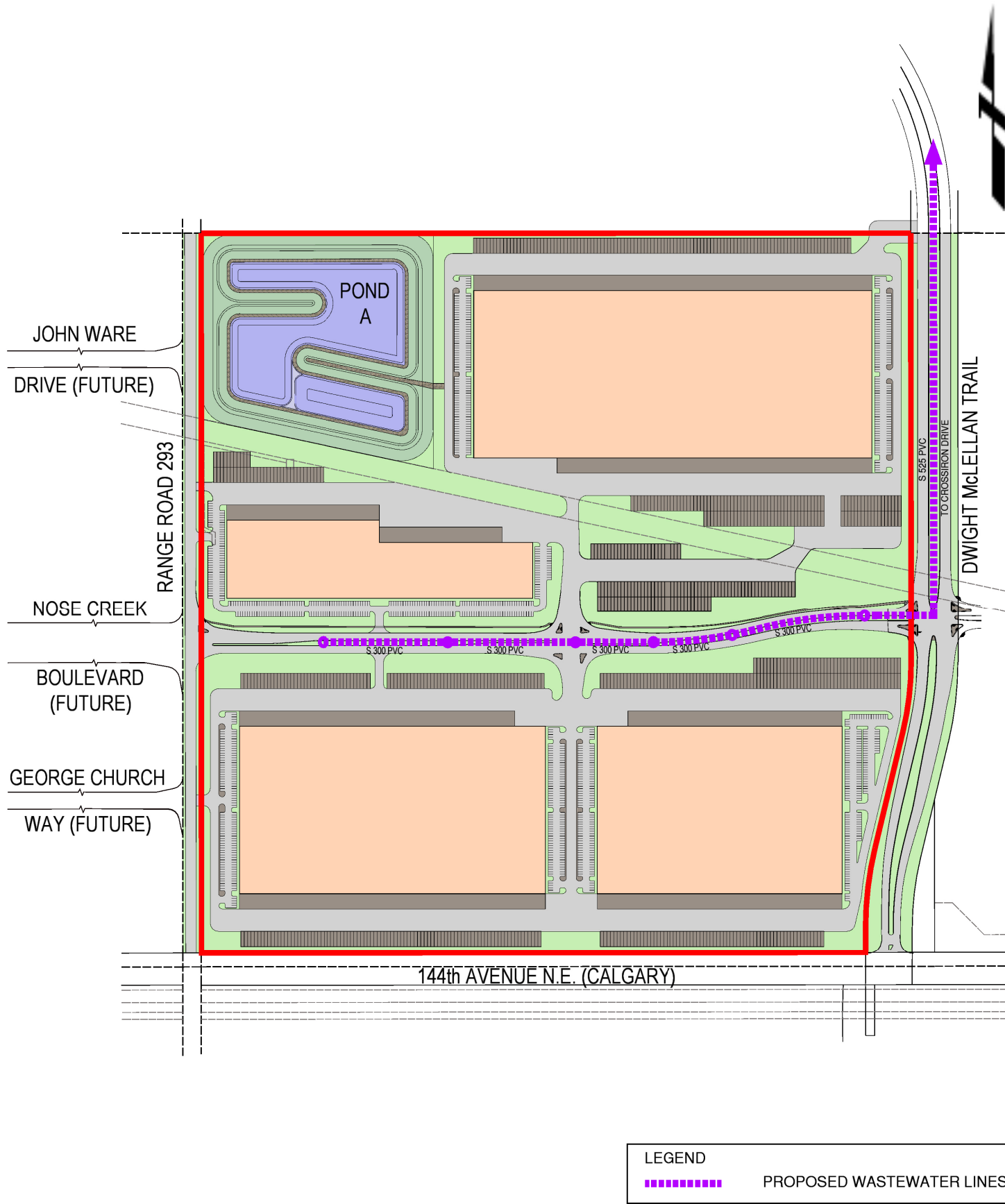


FIGURE 19 - WASTE WATER SERVICING PLAN

## 5.5 Stormwater Management Plan

The Plan Area falls within the Nose Creek watershed. As such, it is subject to the Nose Creek Watershed Water Management Plan (NCWWMP). The NCWWMP dictates the release rate and volume control target for this area. The NCWWMP specifies a unit area release rate (UARR) of 1.257 L/s/ha. The Plan Area also falls within catchment C-A3 of the existing Master Drainage Plan (MDP) for East Balzac (2006). This MDP was developed and approved by Rocky View County prior to the adoption of the NCWWMP. The existing East Balzac clean storm system was designed based on a UARR of 1.257L/s/ha but did not specify any volume restrictions for the study area.

It has been common practice for Rocky View County to allow developments which fall within this MDP study area to be grandfathered into the NCWWMP regulations at the 2007 volume control limit of 90mm/year (Refer to Section 6.2.3 b of the NCWWMP).

There are two temporary storm ponds on the east side of the parcel that were built by the County to contain stormwater drainage from Dwight McLellan Trail (DMT). It is proposed that these two ponds be removed and that the stormwater runoff from Dwight McLellan Trail be directed to Pond A, as shown on **Figure 20: Stormwater Servicing Plan**

In tribute to the original landowners, Pond A may be renamed as the Ham Family Stormwater Management Facility.

### Dirty Stormwater Sewer Servicing

Stormwater is considered “dirty” when no treatment has been applied to it and it has runoff directly from an area which may contain contaminants, such as suspended solids. On this development a dirty stormwater sewer will be installed to capture runoff from Nose Creek Boulevard as well as the developed lots. This water will be transported by gravity to Pond A where the bulk of the stormwater treatment will occur.

### Clean Stormwater Sewer Servicing

Stormwater can be considered clean once it has had suspended solids and other contaminants removed. The level of required removal is dictated by the regulations surrounding the discharge of stormwater to the receiving water body or set by the local municipality. For the Plan Area, the removal of contaminants will be primarily accomplished by Pond A, as described previously. The pond will be designed in such a way as to meet all applicable stormwater treatment regulations, therefore rendering the water leaving the facility as clean water.

As shown on **Figure 20: Stormwater Servicing Plan**, the primary storm water control for the Plan Area will be Pond A, which located in the northwest corner of the site. This pond will serve to contain all of the runoff from the Plan Area and provide a controlled discharge to the existing storm sewer. The pipe inlet into the pond will be directed to a sedimentation forebay to provide initial water quality enhancements. A permanent water level will be maintained in the main cell of the pond to allow for additional settling of sediment, as well as, evaporation and infiltration which will allow for the volume restrictions to be achieved.

A clean stormwater sewer line is required to transport the clean stormwater to Nose Creek. For the Plan Area the clean storm line will be installed in RR293 and connected to the existing manhole south of the intersection of RR293 and Crossiron Drive. At this intersection the clean storm line connects to the clean trunk main installed in Crossiron Drive which discharges directly to Nose Creek. The proposed clean storm main extension on RR293 will be a gravity main. Pipe sizes will be determined at final engineering design stage.

The storm pond edges will be landscaped with grass. A maintenance vehicle access road will be constructed to access the southeast corner of the pond where the forebay is located, according to Rocky View County specifications.

The storm water management system complies with the release rate and 2007 volume control limit laid out in the Nose Creek Watershed Management Plan.

Storm water requirements are generally detailed in this Plan; however, a Site Specific Stormwater Report shall be required at time of Development Permit.

### **Low Impact Development Solutions (LID)**

Due to the regulations surrounding storm water runoff, the developer may implement on-site LID solutions at Development Permit stage. LID solutions also provide superior pollutant removal since the typical contaminants found in storm water runoff are removed through the biological process within the amended soil and vegetation.

Examples of potential LID solutions include:

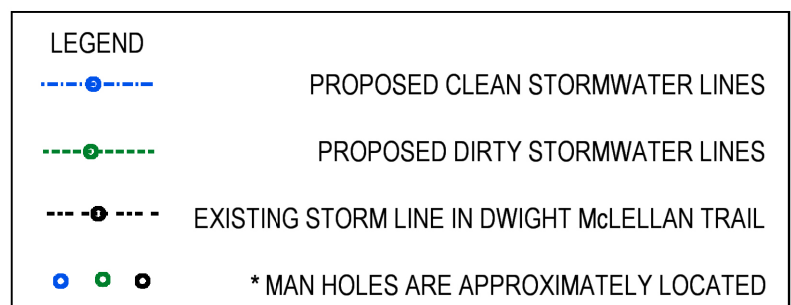
- Stormwater reuse.
- Bioswales.
- Absorbent Landscaping.
- Bioretention areas (rain gardens).
- Porous/Permeable pavements to be used in light duty vehicle parking areas, sidewalks and pathways.
- Rainwater harvesting (from cisterns and rain barrels for onsite irrigation).
- Depressed planters with absorbent cover.
- Reduce the amount of impervious cover where possible.
- Use of on-site oil/grit separators.

### **Policies**

- Policy 5.5.1**      *All storm water management shall be in accordance with Alberta Environment's Best Management Practices and Rocky View County's Servicing Standards for Subdivision and Road Construction.*
- Policy 5.5.2**      *No development of the lands shall be permitted until the Developer has prepared and submitted a Stormwater Management Report satisfactory to the County.*
- Policy 5.5.3**      *Ownership and operation of an irrigation system shall be determined prior to Development Permit approval.*
- Policy 5.5.4**      *The developer may implement on-site LID solutions at Development Permit stage.*



- Policy 5.5.5**      *The size of the storm water facility may be modified at future Subdivision/Development Permit stage, in accordance with the Stormwater Management Report, without amendments to the Conceptual Scheme.*
- Policy 5.5.6**      *The County's Infrastructure Cost Recovery Policy shall apply to applicable storm water infrastructure improvements.*
- Policy 5.5.7**      *It is proposed that the development be grandfathered into the Nose Creek Watershed Water Management Plan (NCWWMP) at the 2007 volume control limit of 90mm due to its existing landuse and inclusion in the Master Drainage Plan (MDP) for East Balzac.*



**AGENDA**  
**Page 147 of 519**

### 5.5.1 Wetland Compensation

A Stormwater Management Report has been prepared to estimate the amount of on-site storage and allowable off-site discharge required for the development area. To accommodate storm water drainage and construction of roads wetlands 1, 2, 3 and 4 will be removed.

It is proposed that the Developer will pay compensation for wetlands disturbed within the Plan Area, as required by Alberta Environment and Parks. The four wetlands requiring compensation for disturbance are shown in Figure 6. According to an email received March 29<sup>th</sup>, 2018 from Alberta Environment and Parks - Water Boundaries, air photos dated 1950 to 2017 were analyzed and no features were found to meet the criteria of permanence for Crown ownership of bed and shore under Section 3 of the Public Lands Act.

## 5.6 Shallow Utilities and Street Lighting

It is anticipated that shallow utilities will be located within the road rights-of-way and/or private easements as required to serve all development. Shallow utility services including electric power, natural gas, telephone, cable and high speed internet services will be provided by the following companies.

### 5.6.1 Power, Telephone and Lighting

Power is expected to be provided by Enmax and telephone services by Telus.

Telus has existing infrastructure to support the conceptual development area. However, a formal application will need to be submitted at detailed design stage for each phase of development to allow Telus to formally provide information on servicing the new development. This will provide information regarding tie-in locations, capacity and any telecommunication infrastructure requirements.

### *Policies*

- Policy 5.6.1**      *Shallow utilities shall be provided within the Conceptual Scheme area at the sole expense of the Developer and may be located within trenches and utility rights of ways established at the Development Permit stage.*
- Policy 5.6.2**      *Overhead lines may be installed to provide electrical or communication services.*
- Policy 5.6.3**      *Shallow utilities may be placed within easements located on private property.*
- Policy 5.6.4**      *Shallow utilities constructed within public road allowances shall be subject to County approval.*

Dark Sky technology will be utilized in order to maintain and preserve the night time environment. According to The International Dark Sky Association, this technology provides: energy savings resulting in economic and environmental benefits, nighttime ambience and, increased visibility, safety, and security at night by reducing the glare.

**Policies**

- Policy 5.6.5** *All lighting shall respect the outdoor lighting provisions for businesses in the County's Land Use Bylaw by utilizing full cut-off fixtures to direct light towards the ground to minimize impact on adjacent sites.*
- Policy 5.6.6** *All private lighting including site security lighting and parking area lighting should be designed to conserve energy, reduce glare and reduce up light.*

**5.7 Protective Services**

Police Service for the Conceptual Scheme Area will be provided by the Royal Canadian Mounted Police and Rocky View County Special Constables.

As part of the general building and site design guidelines, Development Permits will be encouraged to consider and incorporate principals of Crime Prevention through Environmental Design. Key principles for public and semi-public areas could include design for vehicular access by security patrol car, minimizing building entrances, spacing of plant materials, building setbacks, and lighting.

Fire protection will be provided by the County. The Conceptual Scheme area will be serviced by 911 emergency services.

Adequate sustained flows are available from the potable water systems; the fire-protection system will be built to provide water supply, distribution, and hydrants.

**Policies**

- Policy 5.7.1** *Development shall meet the criteria and requirements for on-site firefighting measures as determined by Rocky View County. An Emergency Response Plan will be submitted at Development Permit stage.*
- Policy 5.7.2** *All uses and operations in the Plan Area that store or utilize materials or products that may be hazardous due to their flammable or explosive characteristics shall comply with the applicable fire regulations of the County or the regulations of any other government authority having jurisdiction and in accordance with any hazard or emergency management plan that may be required by the County.*

**5.8 Air Contaminants, Odorous and Toxic Matter****Policies**

- Policy 5.8.1** *No use or operation within the Plan Area shall cause or create air contaminants, visible emissions, or particulate emissions beyond the building that contains them. Nor shall a use or operation exceed the levels contained within the Province of Alberta Clean Air Act and/or the Calgary International AVPA and any pursuant legislation. Any airborne particulate matter originating from storage areas, yards or roads shall be minimized by landscaping, paving, or wetting of these areas or by other means considered appropriate by Rocky View County, as defined in a Development Permit.*

- Policy 5.8.2** *Handling, storage, and disposal of any toxic, hazardous materials shall be in accordance with the regulations of any government authority having jurisdiction and in accordance with any Chemical Management Plan that may be required by the Municipality.*
- Policy 5.8.3** *No development of the lands shall be permitted until the Developer has prepared and submitted a Management Plan for the handling and storage of any hazardous or other waste materials proposed to be generated from the development in a manner satisfactory to each of the County and/or Alberta Environment.*

## 5.9 Solid Waste Management

The developer and/or business owners shall be responsible for providing their own solid waste services. A Waste Management Plan should address solid waste management through all stages of development, including occupancy. The plan should identify appropriate waste collection stations that will serve the plan area. The Plan will be submitted at Development Permit stage.

### **Policies**

- Policy 5.9.1** *The developer/business owner is responsible for solid waste management.*
- Policy 5.9.2** *All solid waste management shall conform to the policies outlined in the County's Solid Waste Master Plan.*
- Policy 5.9.3** *Solid waste containment units must be screened from all adjacent properties.*
- Policy 5.9.4** *Solid waste containment units should not be located in the portion of the lot adjacent to Range Road 293, Dwight McLellan Trail, and Nose Creek Boulevard. If located in this area, the container shall be screened by landscaping or another screening device.*

## 6.0 IMPLEMENTATION AND PHASING

### 6.1 Plan Amendment

This Conceptual Scheme may only be amended by Council decision through a Public Hearing and Bylaw Amendment.

All amendments must conform to related statutory documents, including:

- Rocky View County Land Use Bylaw C-4841-97 (as amended)
- Balzac East – Area Structure Plan, Bylaw C 5177-2000, (as amended)
- Direct Control District - 99, Bylaw C-6031-2005 (as amended)

### 6.2 Plan Implementation

The Conceptual Scheme policies will be implemented through the County's subdivision and development permit approval processes. The Conceptual Scheme provides the framework of policies and requirements that are complementary to the policies contained in the BEASP and other related policy documents. These policies will serve as a guide for subsequent development requirements and approval conditions, to achieve phased development of a comprehensive nature within the Plan Area and Rocky View County.

### 6.3 Subdivision and Development Phasing

The purpose of the phasing strategy is to provide for the logical and cost effective progression of development. The Conceptual Scheme area encompasses 60.507 hectares (149.52 acres) and it is expected that development will begin in Phase 1 along Dwight McLellan Trail. Subdivision and Development phasing is expected to proceed within the Plan area in accordance with **Figure 21: Development Phasing & Proposed Subdivision Layout**. The phasing plan is based on logical extensions of infrastructure and anticipated market demand. Notwithstanding, Subdivision and development may proceed out of sequence without amendment to the Conceptual Scheme according to market demand.

Further developmental phases will be brought on stream as the market demands and the provision of infrastructure deem feasible.

#### **Policies**

- Policy 6.3.1**      *The Plan Area shall be developed in multiple phases as determined by market conditions and the provision of infrastructure.*
- Policy 6.3.2**      *Subdivision/Development may proceed out of phase order depending on market demand for buildings or availability of servicing and road infrastructure.*





## 6.4 Construction Management Plan

A Construction Management Plan and Sediment & Erosion Control Report will be provided by the developer in accordance with the County's standards, prior to issuance of a Development Agreement or Development Permit. The Construction Management Plan will detail the management of all construction activity on-site including, but not limited to, the management of construction debris and dust, truck routes and access to the site.

### *Policies*

- Policy 6.4.1**      *A Construction Management Plan and Sediment & Erosion Control Report shall be submitted to the satisfaction of Rocky View County prior to the issuance of a Development Agreement and/or Development Permit.*
- Policy 6.4.2**      *Erosion and Sediment Control reporting shall be required for development permits.*

## 7.0 DEVELOPMENT GUIDELINES

Development guidelines are to be implemented through the County development approval process and will not be registered on title.

### 7.1 Minimum/Maximum Regulations (DC-99)

- |       |  |  |
|-------|--|--|
| 7.1.1 | Maximum Building Height:                   | Principal Building: 20.00 m<br>Accessory Building: 15.00 m |
| 7.1.2 | Minimum Building Setback:                  | 10.00 m from any property line                             |
| 7.1.3 | Maximum Building Site Coverage for Cell C: | 40% or in accordance with DC, as amended.                  |

### 7.2 Building Appearance

- 7.2.1 The quality of exterior treatment and design of all buildings shall be to the satisfaction of the Development Authority and the County's Land Use Bylaw, Business Section.
- 7.2.1 Reduce building massing by incorporating different materials, textures or colours, or off-setting portions of the building.

### 7.3 Gateway Special Guidelines

Since Dwight McLellan Trail serves as a gateway road between the City of Calgary and Rocky View County, special gateway guidelines should be considered at Development Permit stage for building elevations visible from Dwight McLellan Trail.

- 7.3.1 Ensure the facades and roofs of buildings visible from Dwight McLellan Trail incorporate the following:
- 7.3.1.a Facades should have three of the following elements:
- colour change,
  - texture change,
  - material module change expression of architectural or structural bay through a change in plane such as an offset, reveal, or projecting rib.
- 7.3.1.b Roofs should have one of the following features: parapets concealing flat roofs and/or mechanical equipment, or overhanging eaves extending past the support wall.

## 7.4 Fencing and Screening

- 7.4.1 Security fencing should be limited to side and rear yards and visually screened with landscaping. Security fencing should be located behind a landscape buffer so that the landscaping is visible from the street or adjacent parcels.
- 7.4.2 Fencing in front yards should be limited to decorative use only and should not visually obstruct the building.
- 7.4.3 Fencing should be well-constructed and easily maintained.

## 7.5 Landscaping

*Note: The landscaping shown in the Conceptual Scheme is conceptual in nature. Detailed Landscaping Plans will be submitted at Development Permit stages.*

- 7.5.1 Landscaping shall be in accordance with the applicable provisions of the Balzac East Area Structure Plan.
- 7.5.2 Landscaping requirements should be concentrated along Dwight McLellan Trail, Range Road 293 and Nose Creek Boulevard to provide screening of any truck parking areas, where possible.
- 7.5.3 Landscaping shall be required in rear or side yards visible from Dwight McLellan Trail, RR293 and Nose Creek Boulevard.
- 7.5.4 Trees will be planted in clusters within the 6.0m setback along the north property line to provide a visual buffer to Cell B, SDA #4, as per the provisions outlined the Balzac East Area Structure Plan, Cell C. Trees will not be planted within the Public Utility Lot.
- 7.5.5 Landscaping within the ATCO ROW shall be in accordance with ATCO Pipelines Guidelines contained in Appendix A.
- 7.5.6 Landscaping materials will have low water requirements in accordance with the BEASP and the County's restrictions regarding the use of potable water for irrigation in Balzac.
- 7.5.7 Landscaping materials with high water requirements may be utilized in areas where storm water is being used for irrigation.
- 7.5.8 Landscaping will primarily be limited to private property and will utilize native and indigenous plant materials.

## 7.6 Parking and Storage Areas

- 7.6.1 Parking areas will be broken up with soft and/or hard landscaping.
- 7.6.2 Storm water management, snow storage and pedestrian and vehicular circulation will be considered in the design of parking areas.

- 7.6.3 Locate storage and service areas to the side and or rear of the main building where possible. These areas should have additional screening if adjacent to public roadways.
- 7.6.4 At future Development Permit stage a parking study may be required.

## **7.7 Signage and Lighting**

- 7.7.1 Signage shall be coordinated throughout the development wherever possible, along streets or site entrances, buildings, and wayfinding.
- 7.7.2 Signage shall be simple, clear, consistent and informative wayfinding for all modes of transportation.
- 7.7.3 Signage should be constructed of permanent, high quality material.
- 7.7.4 Prior to Development Permit approval for structures, a signage plan shall be prepared to the satisfaction of the Municipality. This plan must show the location and type of all freestanding signs.
- 7.7.5 Signage shall be subject to approval as part of the Development Permit to match the design and material of buildings.
- 7.7.6 No signage shall project higher than the roof height of the building to which it is attached.
- 7.7.7 All signage shall comply with the provisions listed under the Business Development section of the County's Land Use Bylaw.
- 7.7.8 According to the County's Land Use Bylaw and The Commercial Industrial Design Guidelines for Rocky View County, the development will include lighting for streets and pedestrian areas.
- 7.7.9 The development shall incorporate lighting for both vehicles and pedestrians and use 'night sky' lighting with full cut-off fixtures to direct light towards the ground to minimize impact on adjacent sites. Appropriate height, scale, and quantity for function and overall cumulative impact of lighting will be considered.
- 7.7.10 Outdoor lighting shall comply with the provisions listed in the Business Development section of the County's Land Use Bylaw.
- 7.7.11 Prior to Development Permit approval for structures, a lighting plan shall be prepared to the satisfaction of the County. The goal of this plan is to limit any off-site light pollution. Lighting must be concentrated on the buildings and parking lots, and must not interfere with adjacent roadways.

## **7.8 Garbage Storage**

- 7.8.1 Garbage and waste material shall be stored in weather-proof and animal-proof containers located within buildings or adjacent to the side or rear of buildings that shall be screened from view by all adjacent properties and public thoroughfares. Mechanical waste compactors are encouraged.

## 8.0 PUBLIC CONSULTATION

Public consultation for the Interlink Logistics Park Conceptual Scheme was an important component of the approval process. A mailout to landowners within a one quarter mile radius (10 landowners) was completed on August 29, 2019.

No landowners within the one quarter mile radius responded.



## 9.0 POLICY SUMMARY (BY SECTION)

### 1.0 INTRODUCTION

#### 1.3 Policy & Regulatory Considerations

**Policy 1.3.1** *Applications for development within the AVPA area shall be circulated to the Calgary Airport Authority for comment.*

### 2.0 CONCEPTUAL SCHEME AREA

#### 2.4 Biophysical Impact Assessment

**Policy 2.4.1** *Any wetland impact shall be addressed at Subdivision/Development Permit stage, to the satisfaction of Alberta Environment and Parks, and Rocky View County.*

#### 2.5 Geotechnical Conditions

**Policy 2.5.1** *At future Subdivision and/or Development permit stage, a site - specific geotechnical analysis should be prepared by a qualified professional Geotechnical Engineer to confirm subsurface conditions. A Deep Fill Report may also be required for areas of fill over 1.2 m in depth.*

#### 2.6 Archeological Features

**Policy 2.6.1** *Historical Resource Impact Assessments are not required at Subdivision / Development Permit stages.*

### 3.0 INTERLINK LOGISTICS PARK CONCEPTUAL SCHEME

#### 3.1 Development Concept

**Policy 3.1.1** *Final lot configurations will be determined at subdivision stage.*

**Policy 3.1.2** *Development shall be in general accordance with the concept identified on Figure 10. The final building, parking and landscaping configurations will be determined at future Development Permit stages.*

**Policy 3.1.3** *Amendments to the Conceptual Scheme will only be required if the proposed Subdivision/Development represents a substantial change to the overall intent of this Conceptual Scheme.*

**Policy 3.1.4** *All subdivision and development within the Plan Area shall conform to the Interlink Logistics Park Conceptual Scheme and the Balzac East Area Structure Plan.*

**Policy 3.1.5** *At Development Permit stage, all development shall demonstrate compliance with the Development Standards contained within Section 7 of the Interlink Logistics Park Conceptual Scheme, to the satisfaction of Rocky View County.*

- Policy 3.1.6** *Development within the Plan Area which may create a significant nuisance factor, including noise, odour, atmospheric substance or other emissions, outside of an enclosed building will be required to demonstrate methods of mitigating and reducing the problem to the satisfaction of Federal, and Provincial governments, and Rocky View County.*
- Policy 3.1.7** *Development standards described in this Plan and in the Balzac East Area Structure Plan shall be adopted where possible to ensure that development on yards adjacent to Dwight McLellan Trail, Range Road 293 and Nose Creek Boulevard present an appropriate visual interface with these public roadways.*
- Policy 3.1.8** *All uses onsite will require a Development Permit unless exempt from the requirements of the Rocky View County Land Use Bylaw.*
- Policy 3.1.9** *Maximum Building Site Coverage is in accordance with DC – 99, as amended.*

### 3.2 Pedestrian Connections and Open Space

- Policy 3.2.1** *10 percent Municipal Reserve will be provided in accordance with the provisions of the Municipal Government Act.*
- Policy 3.2.2** *Municipal Reserves may be provided through cash-in-lieu of reserves.*

### 3.3 Landscaping

- Policy 3.3.1** *The 15% landscaping requirement should be applied primarily along the edges of the lots adjacent to Dwight McLellan Trail, Range Road 293 and Nose Creek Boulevard.*
- Policy 3.3.2** *Landscaping shown in the Conceptual Scheme is conceptual in nature and detailed landscaping plans will be submitted at Development Permit stages.*

## 4.0 TRANSPORTATION NETWORK

### 4.1 Regional Network Review

- Policy 4.1.1** *The locations of access points shall be required as a condition of Development Permit stages.*
- Policy 4.1.2** *Off-site transportation infrastructure shall be in place to service each Subdivision/Development phase in accordance with the Transportation Impact Assessment and to the satisfaction of the Rocky View County.*
- Policy 4.1.3** *Sufficient emergency access shall be provided and maintained in accordance with County Servicing Standards.*
- Policy 4.1.4** *In accordance with DC-99 development shall not be permitted until the developer has prepared a Transportation Impact Assessment that takes into account all proposed, approved and existing development, and identifies any necessary transportation improvements, to the satisfaction of the County and/or Alberta Transportation. Recommendations regarding infrastructure improvements shall be implemented as conditions of Subdivision/Development Permit to the satisfaction of the County.*

- Policy 4.1.5**      *The County's Infrastructure Cost Recovery Policy shall apply to applicable transportation infrastructure improvements.*

#### **4.3 Road Alignment and Access Points**

- Policy 4.3.1**      *All roads will be built according to urban cross sections with concrete curbs and gutters.*
- Policy 4.3.2**      *The specific alignment of the internal roadway is expected to be finalized by the developer at the Subdivision/Development Permit stage.*
- Policy 4.3.3**      *Complete road systems shall be constructed by the developer to the satisfaction of Rocky View County.*
- Policy 4.3.4**      *Emergency access shall be provided between phases until such time as a direct link occurs with adjacent road networks to the satisfaction of Rocky View County.*
- Policy 4.3.5**      *The locations of lot access points shall be required as a condition of Development Permit stages.*
- Policy 4.3.6**      *The road and access points in the Interlink Logistics Park Conceptual Scheme plan area should be aligned so they will connect directly to the roads of the adjacent developments to the west and east to ensure an effective and efficient traffic flow.*
- Policy 4.3.7**      *Direct access from the lot may be permitted onto Range Road 293, in accordance with the recommendations of the TIA and subject to County approval.*
- Policy 4.3.8**      *An access point to Dwight McLellan Trail shall be allowed at the north property line as shown on Figure 14.*
- Policy 4.3.9**      *The developer shall provide payment of the applicable levy at the Subdivision/Development Permit stage in accordance with the requirements prescribed by the Rocky View County Transportation Off-site Levy Bylaw.*

## **5.0 SERVICING AND UTILITIES**

### **5.2 Water Servicing Plan**

- Policy 5.2.1**      *Potable water shall be supplied through connection to the County Water System, to the satisfaction Rocky View County.*
- Policy 5.2.2**      *All water distribution infrastructure shall be constructed by the developer in accordance with the County's development requirements. Where such infrastructure is demonstrated to have benefit for potable water service affecting lands outside the Conceptual Scheme area, the developer shall enter into a cost recovery agreement in accordance with County procedures and standards.*
- Policy 5.2.3**      *The specific design, alignment, pipe sizing and configuration of the water distribution system shall be determined by detailed engineering at the Subdivision/Development Permit stage, as per the terms of a Development Agreement and/or Development Permit process, to the satisfaction of the County.*

- Policy 5.2.4** Any offsite infrastructure requirements (if required) will be identified at each stage of Subdivision/Development Permit in the plan area, as per the County's Servicing Standards. Any improvements required for the development, shall be constructed by the developer through the terms of the County's Development Agreement process, to the satisfaction of the County.
- Policy 5.2.5** The developer shall provide Levy payment for required infrastructure upgrades at Subdivision/Development Permit stage in accordance with the provisions of the County's Water & Wastewater Off-Site Levy Bylaw.
- Policy 5.2.6** On-site potable water infrastructure installed within public road ROWs within the Conceptual Scheme area shall be owned and operated by Rocky View County.
- Policy 5.2.7** The potable water distribution system shall accommodate minimum design requirements necessary to provide appropriate fire suppression within the Conceptual Scheme area.
- Policy 5.2.8** At the Development Permit stage each development shall be required to submit its plans or items for water conservation within the site.
- Policy 5.2.9** Potable water should not be used for the irrigation of landscaping plantings and vegetation, as per Rocky View County's Land Use Bylaw.
- Policy 5.2.10** The development will be required to use low volume fixtures and appliances and implement detailed water conservation measures to the satisfaction of the Municipality.
- Policy 5.2.11** An estimation of water usage will be required at time of future Subdivision/Development Permit stage. If additional capacity is required to service the proposed development beyond the amount currently allocated to the Site, then additional capacity will be required to be purchased in accordance with the Master Rates Bylaw.
- Policy 5.2.12** The County's Infrastructure Cost Recovery Policy shall apply to applicable potable water infrastructure improvements.

#### 5.4 Wastewater Servicing Plan

- Policy 5.4.1** The Conceptual Scheme shall be serviced by the County's East Rocky View Wastewater System.
- Policy 5.4.2** The specific design, alignment, pipe size and configuration of the wastewater distribution system shall be determined by detailed engineering at the Subdivision/Development Permit stage, as per the terms of a Development Agreement and/or Development Permit process, to the satisfaction of the County.
- Policy 5.4.3** Any offsite infrastructure requirements (if required) will be identified at each Subdivision/Development Permit stage in the plan area, as per the County's Servicing Standards. Any improvements required for the development, shall be constructed by the developer through the terms of the County's Development Agreement process, to the satisfaction of the County.
- Policy 5.4.4** All wastewater infrastructure within the Conceptual Scheme area shall be constructed by the developer and shall be designed in coordination with adjoining projects to the satisfaction of the County.

- Policy 5.4.5** *The County's Infrastructure Cost Recovery Policy shall apply to applicable wastewater infrastructure improvements.*
- Policy 5.4.6** *All developments shall pay all applicable connections fees and levies in accordance with the Water and Wastewater Infrastructure Off-Site Levy Bylaw and applicable Rocky View County policies.*
- Policy 5.4.7** *A detailed estimation of wastewater usage will be required at time of future Subdivision/Development Permit stage. If additional capacity is required to service the proposed development beyond the amount currently allocated to the Site, then additional capacity will be required to be purchased in accordance with the Master Rates Bylaw.*

## 5.5 Stormwater Management Plan

- Policy 5.5.1** *All storm water management shall be in accordance with the Nose Creek Watershed Water Management Plan, Alberta Environment's Best Management Practices and Rocky View County's Servicing Standards for Subdivision and Road Construction.*
- Policy 5.5.2** *No development of the lands shall be permitted until the Developer has prepared and submitted a Stormwater Management Report satisfactory to the County.*
- Policy 5.5.3** *Ownership and operation of an irrigation systems shall be determined prior to Development Permit approval.*
- Policy 5.5.4** *The developer may implement on-site LID solutions at Development Permit stage.*
- Policy 5.5.5** *The size of the storm water facility may be modified at future Subdivision/Development Permit stage, in accordance with the Stormwater Management Report, without amendments to the Conceptual Scheme.*
- Policy 5.5.6** *The County's Infrastructure Cost Recovery Policy shall apply to applicable storm water infrastructure improvements.*
- Policy 5.5.7** *It is proposed that the development be grandfathered into the Nose Creek Policy 5.5.7 Watershed Water Management Plan (NCWWMP) at the 2007 volume control limit of 90mm due to its existing landuse and inclusion in the Master Drainage Plan (MDP) for East Balzac.*

## 5.6 Shallow Utilities and Street Lighting

- Policy 5.6.1** *Shallow utilities shall be provided within the Conceptual Scheme area at the sole expense of the Developer and shall be located within tri-party trenches and utility rights of ways established at the Development Permit stage.*
- Policy 5.6.2** *Overhead lines may be installed to provide electrical or communication services.*
- Policy 5.6.3** *Shallow utilities may be placed within easements located on private property.*
- Policy 5.6.4** *Shallow utilities constructed within public road allowances shall be subject to County approval.*

**Policy 5.6.5** *All lighting shall respect the outdoor lighting provisions for businesses in the County's Land Use Bylaw by utilizing full cut-off fixtures to direct light towards the ground to minimize impact on adjacent sites.*

**Policy 5.6.6** *All private lighting including site security lighting and parking area lighting should be designed to conserve energy, reduce glare and reduce up light.*

### 5.7 Protective Services

**Policy 5.7.1** *Development shall meet the criteria and requirements for on-site firefighting measures as determined by Rocky View County. An Emergency Response Plan will be submitted at Development Permit stage.*

**Policy 5.7.2** *All uses and operations in the Plan Area that store or utilize materials or products that may be hazardous due to their flammable or explosive characteristics shall comply with the applicable fire regulations of the County or the regulations of any other government authority having jurisdiction and in accordance with any hazard or emergency management plan that may be required by the County.*

### 5.8 Air Contaminants, Odorous and Toxic Matter

**Policy 5.8.1** *No use or operation within the Plan Area shall cause or create air contaminants, visible emissions, or particulate emissions beyond the building that contains them. Nor shall a use or operation exceed the levels contained within the Province of Alberta Clean Air Act and/or the Calgary International AVPA and any pursuant legislation. Any airborne particulate matter originating from storage areas, yards or roads shall be minimized by landscaping, paving, or wetting of these areas or by other means considered appropriate by Rocky View County, as defined in a Development Permit.*

**Policy 5.8.2** *Handling, storage, and disposal of any toxic, hazardous materials shall be in accordance with the regulations of any government authority having jurisdiction and in accordance with any Chemical Management Plan that may be required by the Municipality.*

**Policy 5.8.3** *No development of the lands shall be permitted until the Developer has prepared and submitted a Management Plan for the handling and storage of any hazardous or other waste materials proposed to be generated from the development in a manner satisfactory to each of the County and/or Alberta Environment.*

### 5.9 Solid Waste Management

**Policy 5.9.5** *The developer/business owner is responsible for solid waste management.*

**Policy 5.9.6** *All solid waste management shall conform to the policies outlined in the County's Solid Waste Master Plan.*

**Policy 5.9.7** *Solid waste containment units should be screened from all adjacent properties.*

**Policy 5.9.8** *Solid waste containment units should not be located in the portion of the lot adjacent to Range Road 293 or Dwight McLellan Trail. If located in this area, the container shall be screened by landscaping or another screening device.*



## 6.0 IMPLEMENTATION AND PHASING

### 6.3 Subdivision and Development Phasing

- Policy 6.3.1**      *The Plan Area shall be developed in multiple phases as determined by market conditions and the provision of infrastructure.*
- Policy 6.3.2**      *Subdivision/development may proceed out of phase order depending on market demand for lots or availability of servicing and road infrastructure.*

### 6.4 Construction Management Plan

- Policy 6.4.1**      *A Construction Management Plan and Sediment & Erosion Control Report shall be submitted to the satisfaction of Rocky View County prior to the issuance of a Development Agreement and/or Development Permit.*
- Policy 6.4.2**      *Erosion and Sediment Control reporting shall be required for Development Permits.*

## APPENDIX A

### ATCO Pipelines Guidelines

The following encroachments may be permitted within ATCO Pipelines right-of-ways:

- Walking paths
- Minor vegetation
- Irrigation or drainage system crossings
- Utility crossings
- Perpendicular road or rail crossings (\*require an engineering assessment)

The following encroachments are not typically permitted within ATCO Pipelines right-of-ways as they increase the risk of damage to the pipeline, restrict access and the ability to inspect the pipeline, and reduce the ease with which the pipeline right-of-way may be identified:

- Buildings or structures
- Storage
- Parking
- Signage
- Fencing
- Trees
- Lighting or electrical installations
- Irrigation or drainage systems (except at crossings)
- Utilities (except at crossings)
- Roads or railways (except at crossings)

Source: ATCO Pipelines, August 2017

## **APPENDIX B**

### **Historical Resource Clearance**



Culture and Tourism

HRA Number: 4835-18-0049-001

August 08, 2018

## Historical Resources Act Approval

Proponent: Hopewell Development  
410 2020 4th St SW, Calgary, AB T2S 1WS

Contact: Mr. Don Larke

Agent: Kellam Berg Engineering

Contact: Ron Kellam

**Project Name:** Monhope Industrial

Project Components: Industrial Subdivision

Application Purpose: Requesting HRA Approval / Requirements

*Historical Resources Act* approval is granted for the activities described in this application and its attached plan(s)/sketch(es) subject to Section 31, "a person who discovers an historic resource in the course of making an excavation for a purpose other than for the purpose of seeking historic resources shall forthwith notify the Minister of the discovery." The chance discovery of historical resources is to be reported to the contacts identified within [Standard Requirements under the Historical Resources Act: Reporting the Discovery of Historic Resources](#).

Martina Purdon  
Head, Regulatory Approvals &  
Information Management

Lands Affected: All New Lands

Proposed Development Area:

MER	RGE	TWP	SEC	LSD List
4	29	26	3	3,4,5,6

Documents Attached:

Document Name	Document Type
Site Plan	Illustrative Material

## APPENDIX C

### List of Technical Studies and Reports

Desktop Wetland Assessment for Proposed Development Area Located at SW3-26-29-W4M, Tetra Tech Canada Inc., February 8, 2018.

Wetland Assessment and Impact Report LSD SW -3 26-29 W4 – Balzac, Alberta, Tetra Tech Canada Inc., April 16, 2019.

East Balzac Network Review, Watt Consulting Group, June 2015.

East Balzac Phase 1-A Master Drainage Plan, Kellam Berg Engineering and Surveys Ltd., March 2006.

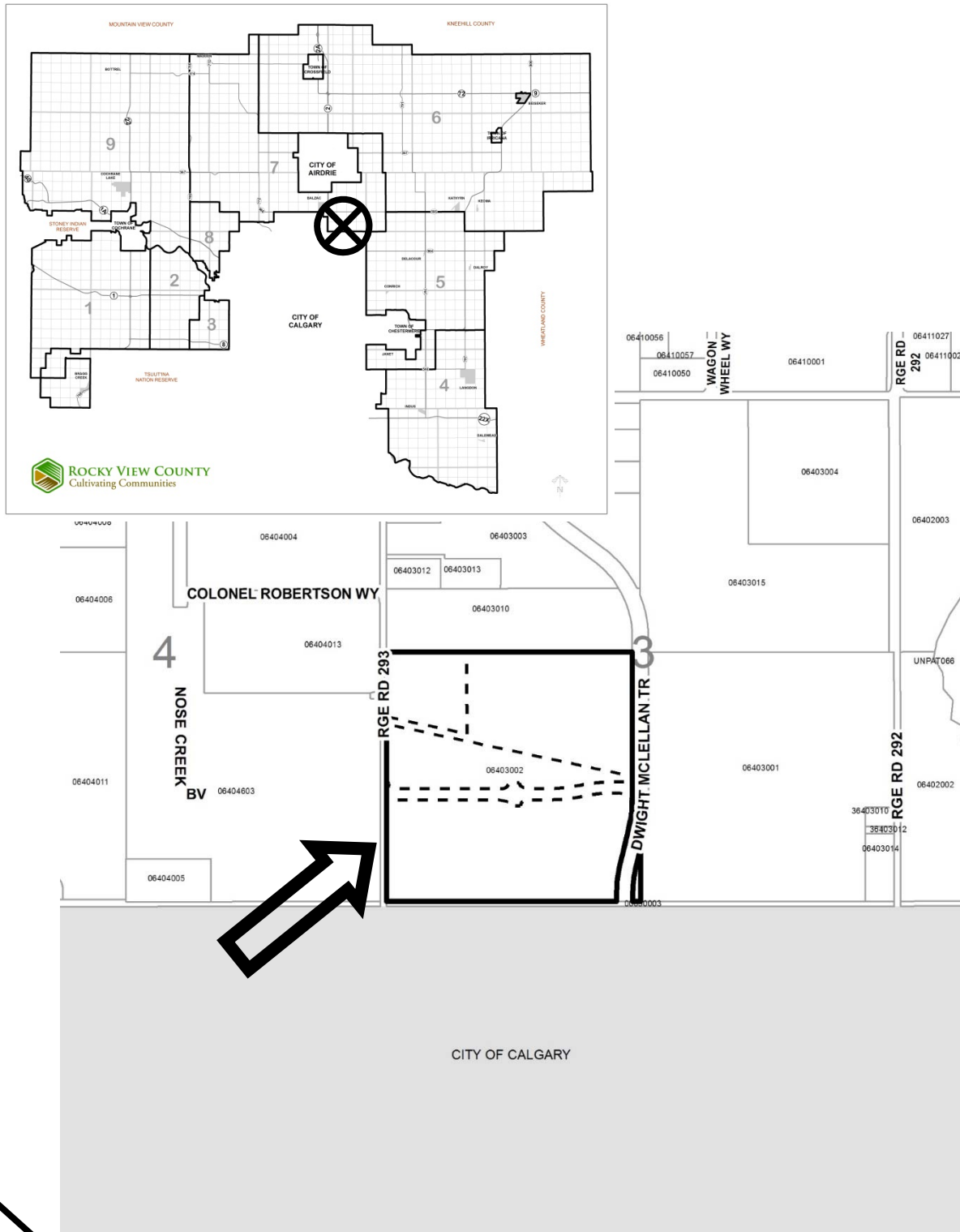
Interlink Logistics Park Conceptual Scheme - Stormwater Management Report, Kellam Berg Engineering and Surveys Ltd, November 8, 2018.

Ham Quarter Transportation Impact Assessment Final Report, Bunt & Associates Engineering (Alberta) Ltd, October 5, 2018.

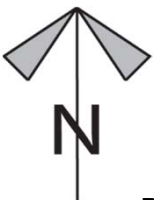
Nose Creek Watershed Water Management Plan, The Nose Creek Watershed Partnership, Compiled by Palliser Environmental Services Ltd., October 2008.

Preliminary Geotechnical Investigation Ham Quarter – Proposed Industrial Development 260054 & 260062 Range Road 293 West of Dwight McLellan Trail & North of 144<sup>th</sup> Ave NE Rocky view County, Alberta, March 2018 Balzac Quarter Section Rocky View County, JASA ENGINEERING INC.

Commercial, Office and Industrial Design Guidelines in Rocky View County, Rocky View County 2010.



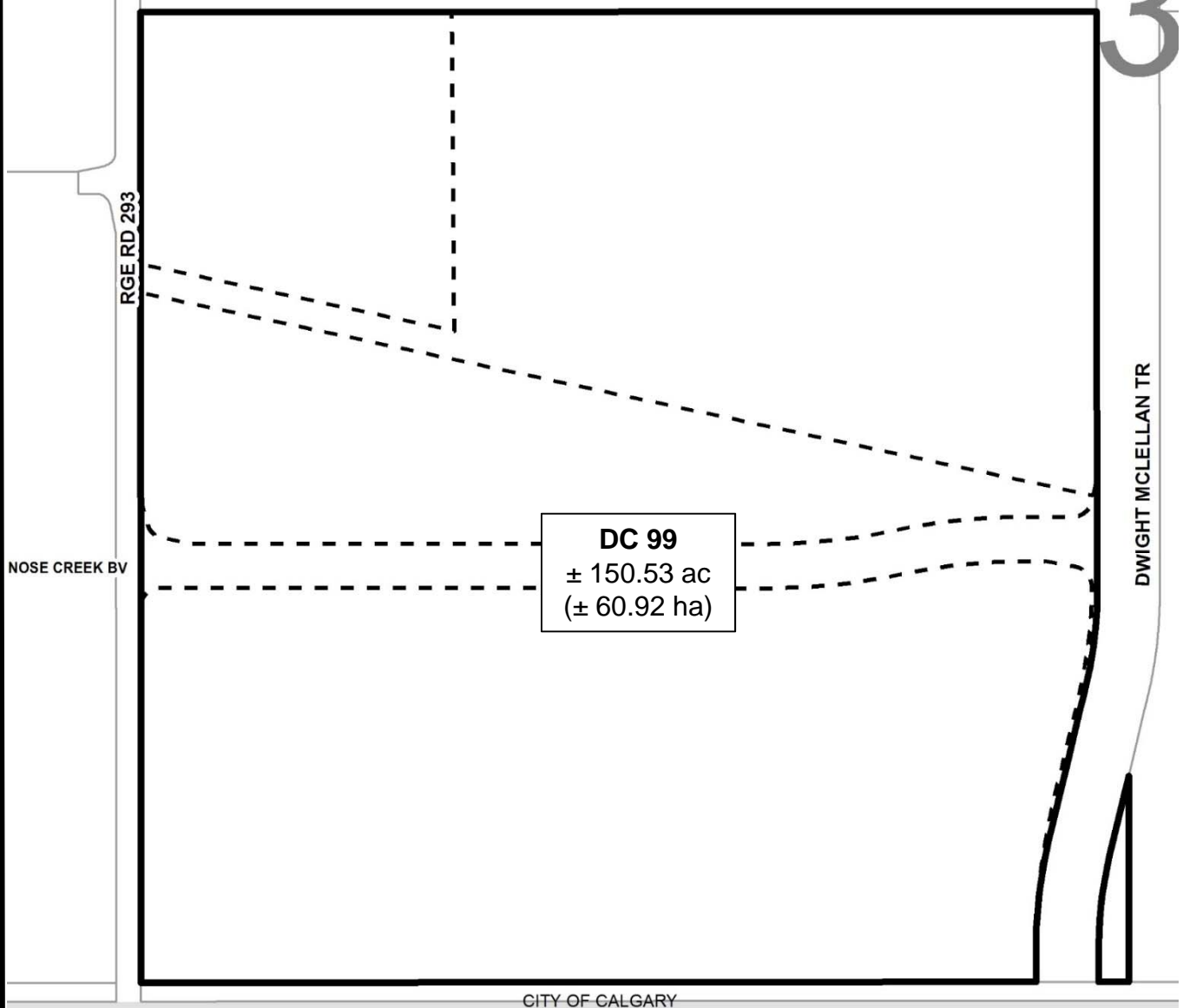
LOCATION PLAN



SW-03-26-29-W04M

Date: July 22, 2019Division # 7File: 06403002

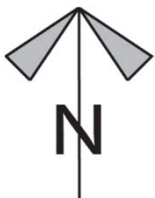
**Conceptual Scheme:** To adopt the Interlink Logistics Park Conceptual Scheme to provide a policy framework to guide and evaluate the development of an Industrial Business Park.



**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.

## DEVELOPMENT PROPOSAL



SW-03-26-29-W04M

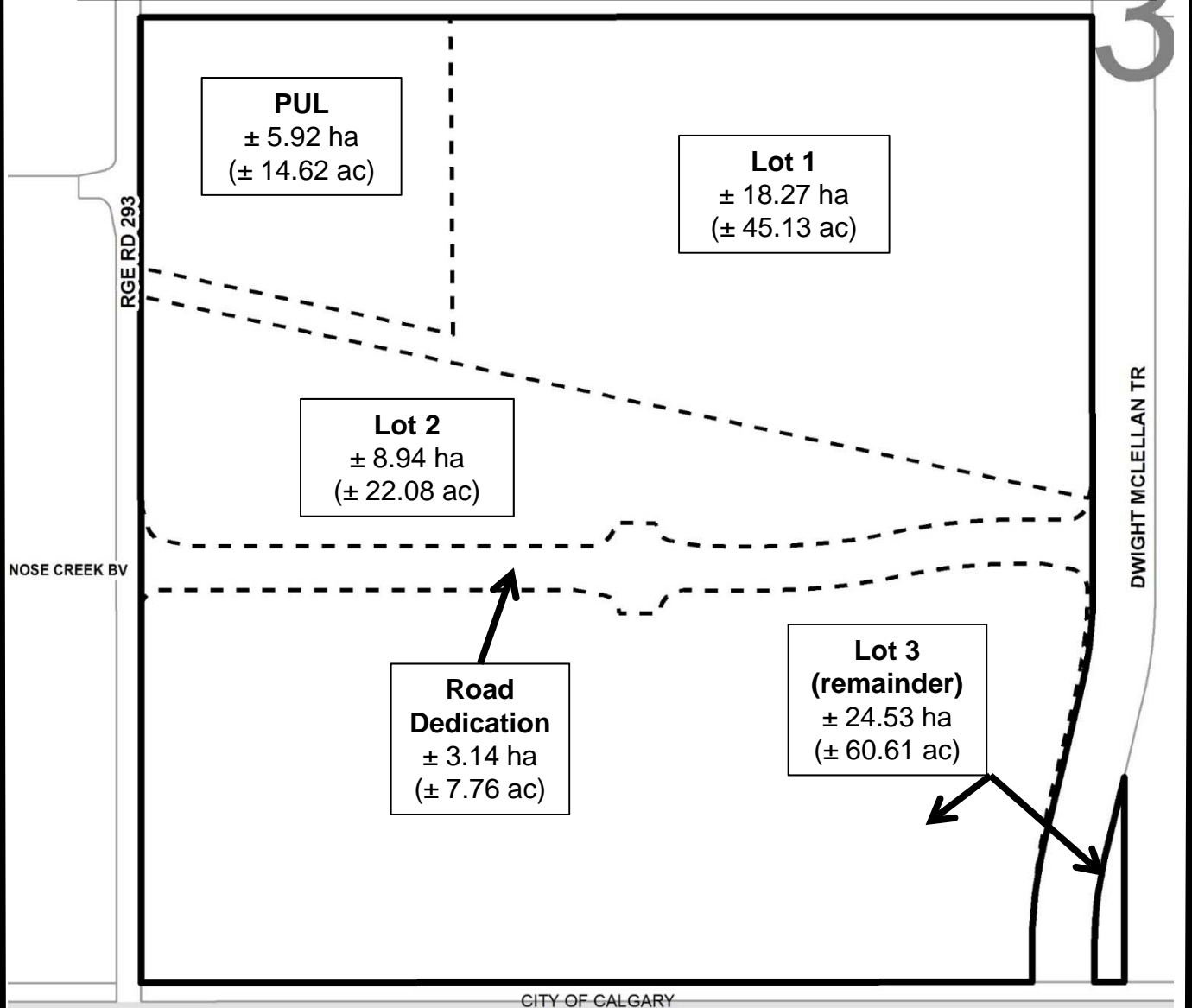
Date: July 22, 2019

Division # 7

File: 06403002



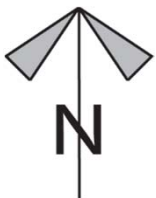
**Subdivision Proposal:** To create a  $\pm 18.27$  hectare ( $\pm 45.13$  acre) parcel, a  $\pm 8.94$  hectare ( $\pm 22.08$  acre) parcel, with a  $\pm 24.53$  hectare ( $\pm 60.61$  acre) remainder, dedication of a public utility lot and internal road.



**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**

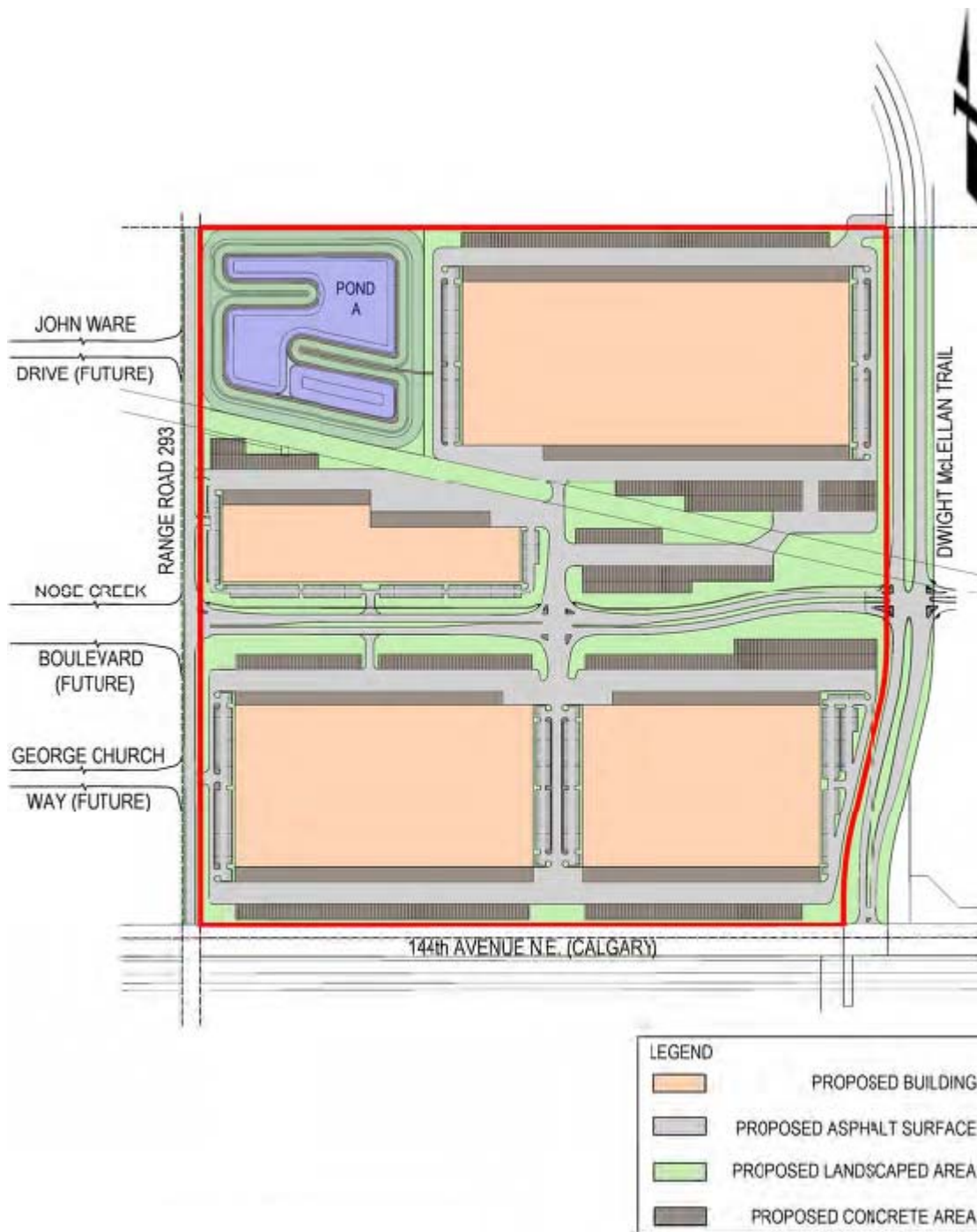


SW-03-26-29-W04M

Date: July 22, 2019

Division # 7

File: 06403002



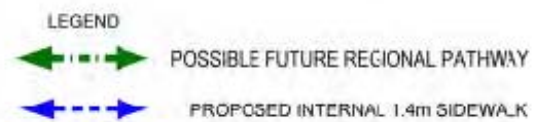
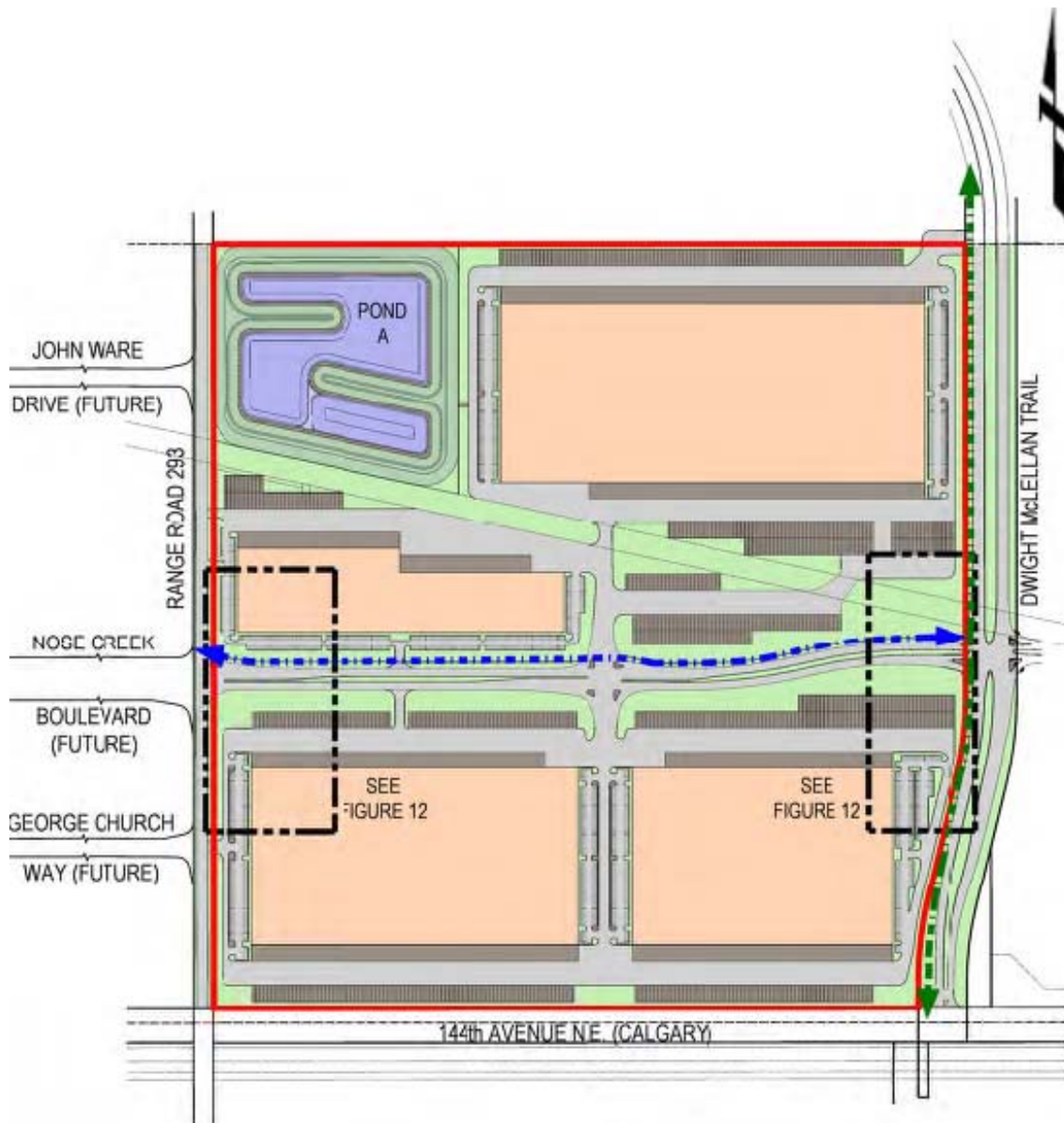
## DEVELOPMENT CONCEPT

SW-03-26-29-W04M

Date: July 22, 2019

Division # 7

File: 06403002



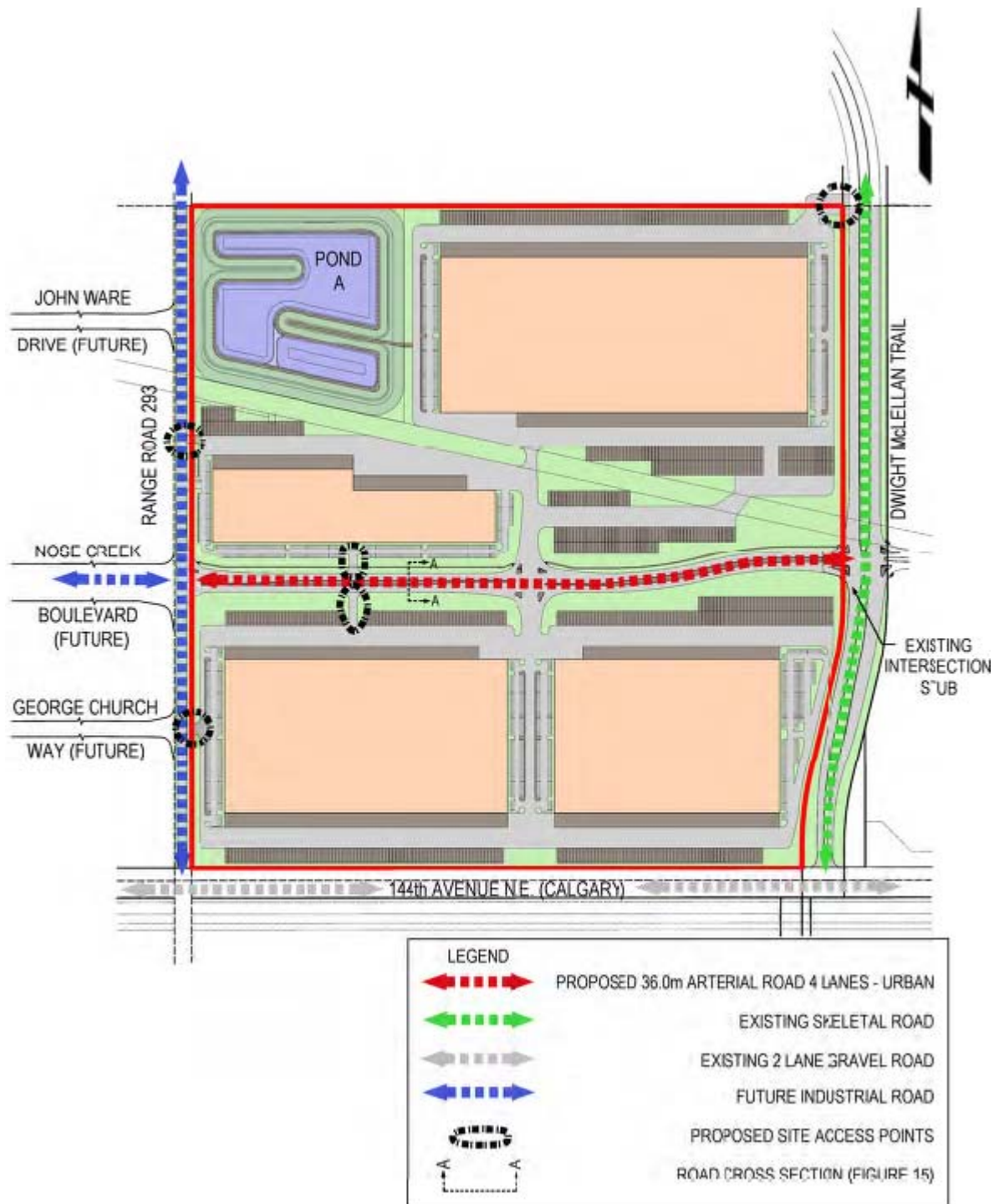
## PEDESTRIAN CONNECTIONS

SW-03-26-29-W04M

Date: July 22, 2019

Division # 7

File: 06403002



## ROAD ALIGNMENT AND ACCESS

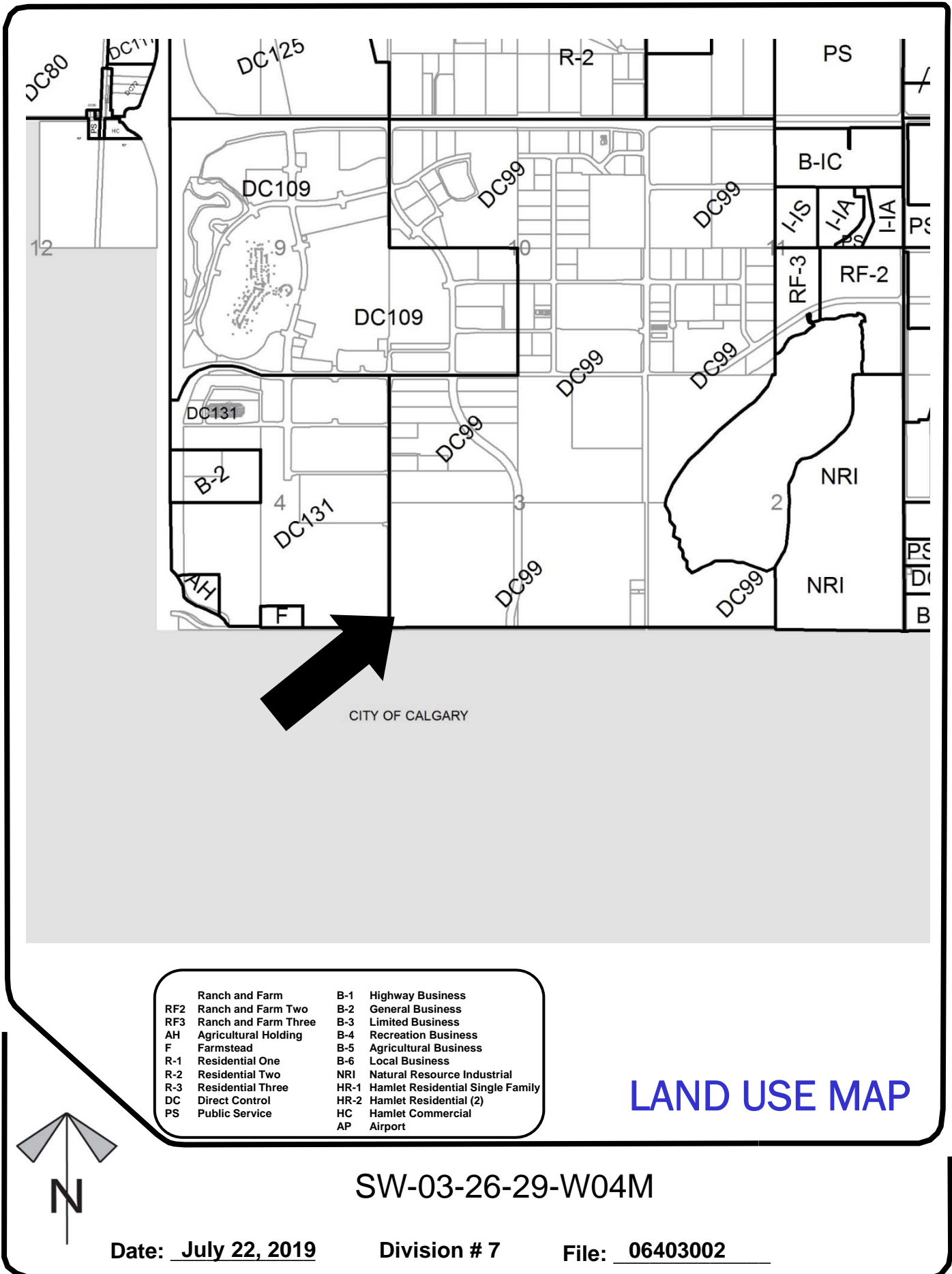
SW-03-26-29-W04M

Date: July 22, 2019

Division # 7

File: 06403002



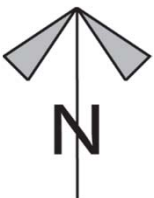




Contours are generated using 10m grid points, and depict general topographic features of the area. Detail accuracy at a local scale cannot be guaranteed. They are included for reference use only.

## TOPOGRAPHY

*Contour Interval 2 M*



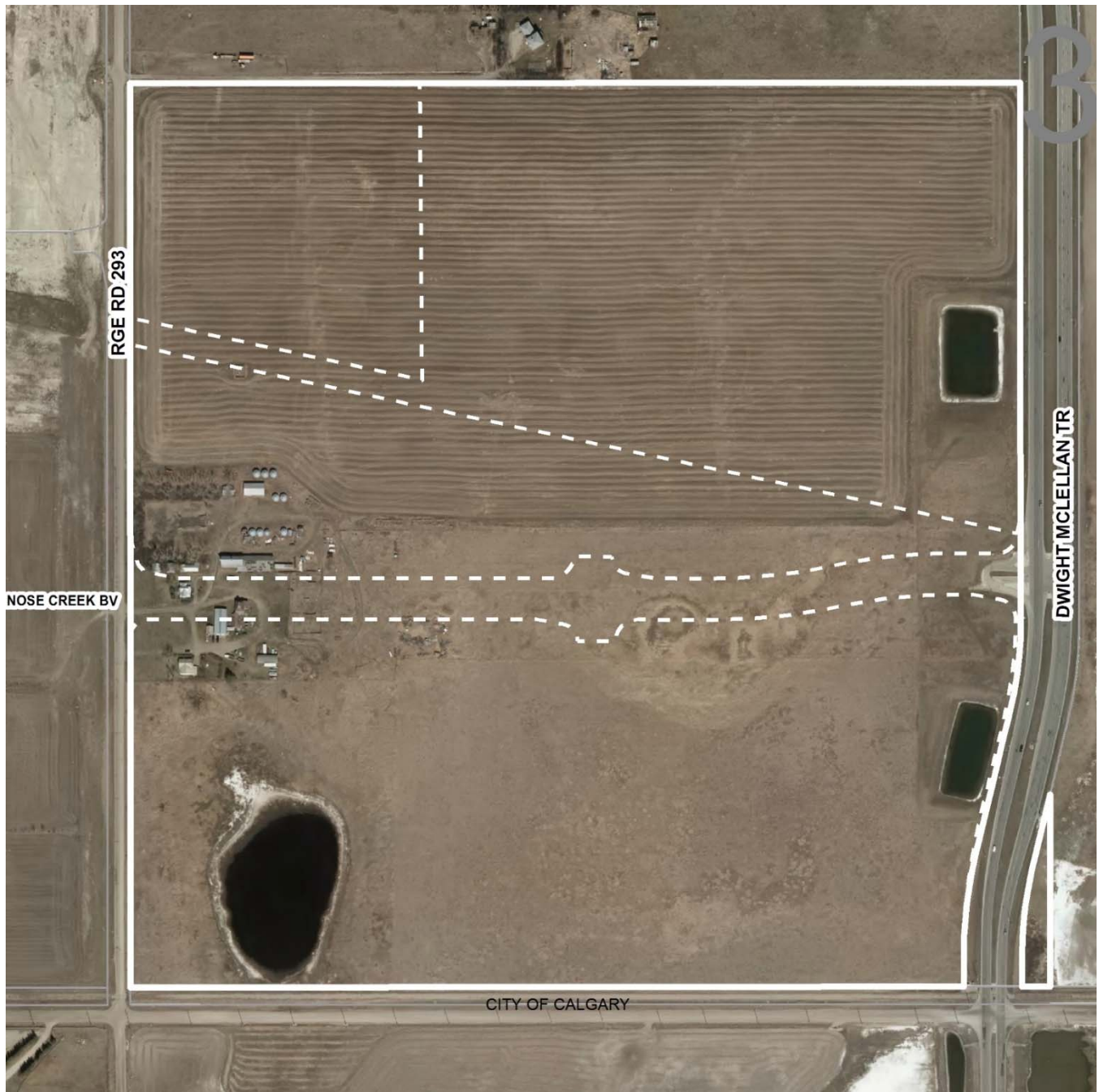
SW-03-26-29-W04M

Date: July 22, 2019

Division # 7

File: 06403002

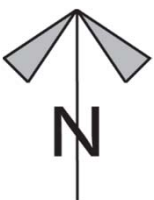




Note: Post processing of raw aerial photography may cause varying degrees of visual distortion at the local level.

**AIR PHOTO**

*Spring 2018*



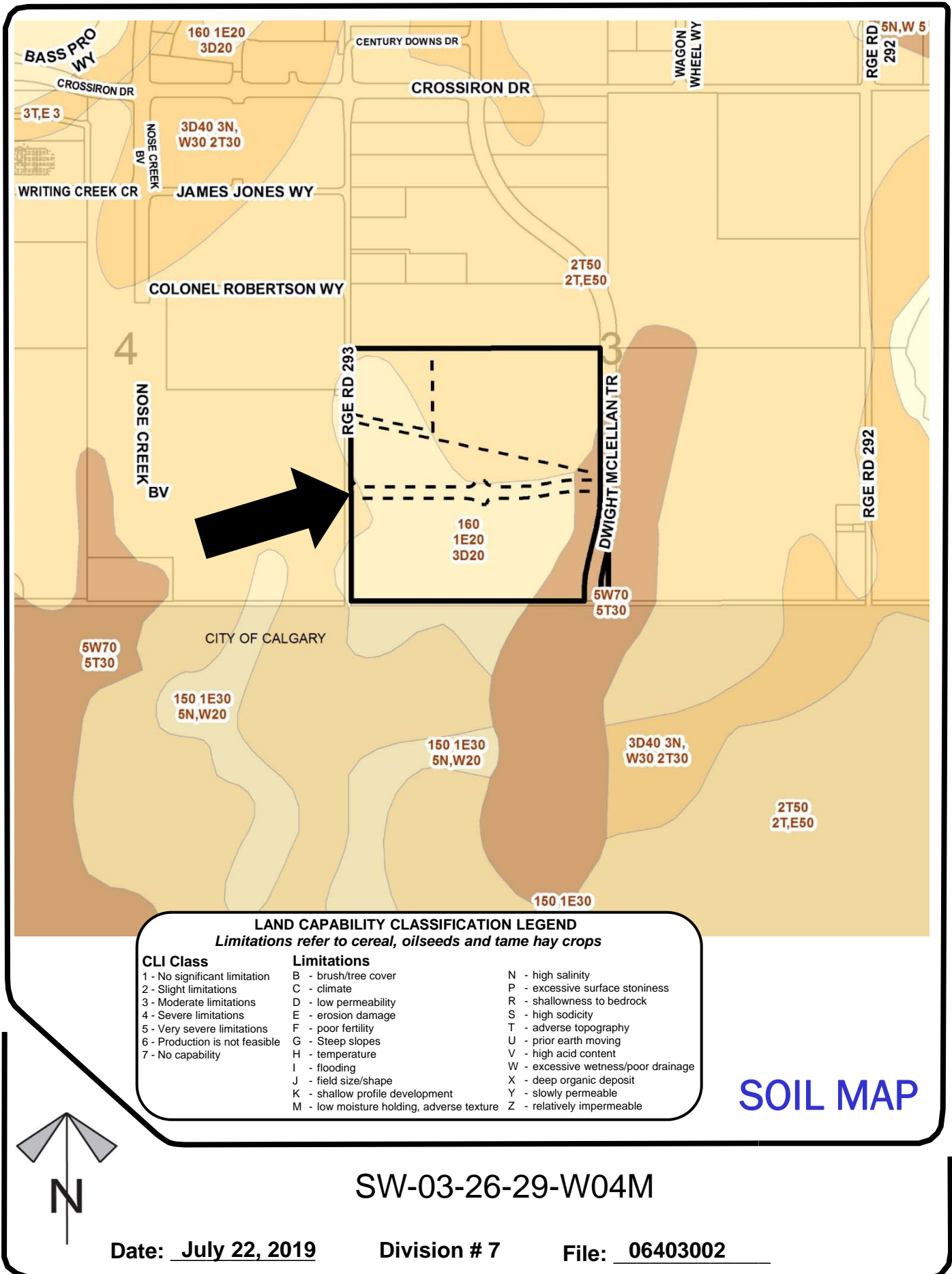
SW-03-26-29-W04M

Date: July 22, 2019

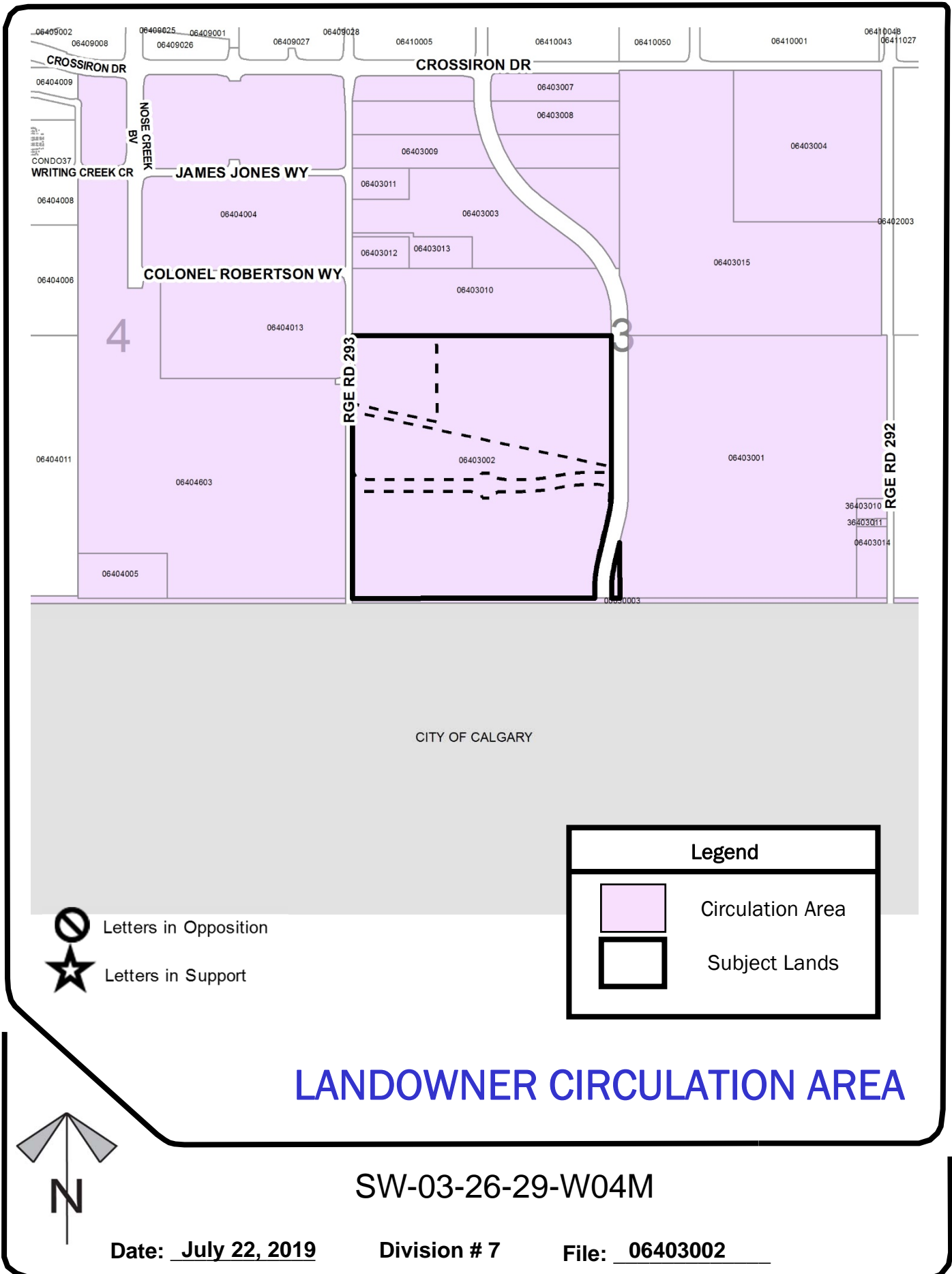
Division # 7

File: 06403002





**AGENDA**  
**Page 179 of 519**





## TRANSPORTATION SERVICES

---

**TO:** Council

**DATE:** October 22, 2019 **DIVISION:** All

**FILE:** 4050-100

**SUBJECT:** Quarterly Report – Transportation Services

---

### EXECUTIVE SUMMARY:

The first quarterly report provided by Transportation Services was provided in July and included updates up to and including advancements to June. The intent of this update is to provide Council with a general briefing of activities completed between July and September 2019, and forecast the activities expected through to 2019-year end.

The core function of Transportation Services is to manage the operations and delivery of County road maintenance, operations and pathway/trail services and programs. The department's scope of service requires the team to collaborate extensively with the public, non-County service providers, government regulators, and with a variety of other County departments, particularly Planning and Development, Capital Project Management, Corporate Properties, Finance, and Health and Safety.

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

Administration recommends that the Transportation Services Quarterly report be received for information in accordance with Option #1.

### BACKGROUND:

#### General Operations

- Oversight and maintenance of County road network and associated rights-of-way, including bridge structures and pathways.
- Snow and Ice Control (SNIC); all hard-surfaced and gravel roads.
- Regular grader maintenance of gravel roads, typical 3 to 4-week rotation.
- Liaise with customers and non-County service providers and provide a high level of service.
- Research and develop new technologies and methods for infrastructure maintenance.
- Support internal departments on key transportation and administrative initiatives.
- Present Council and the public with information on Transportation Services projects and programs.

#### Significant Advancements

Over and above the performance of core functions and general operations, the Transportation Services department completed the following projects during the reporting period:

---

<sup>1</sup>**Administrative Resources**

Steven Hulsman, Transportation Services



<b>Significant Advancements (Completed)</b>
Gravel Tracker Program implemented, efficiencies gained in Spot Gravel Program
Gravel road reshaping test (Recall Gravel) on TWP224 – Division 4
Evaluation of alternative dust abatement (NSC Minerals) – Division 7
Research & Development geotechnical trials utilizing Geogrid textile on RR12 – Division 7
Tested alternative stabilization materials (Kortech MG30) on TWP275 – Division 9
Pathway rehabilitation, Crilly CL and Lloyd CR, Langdon
Re-chipping program completed on schedule and budget with efficiency gain
Site visit by Carly Hamlin from Fulton Hogan Ltd. New Zealand to learn calcium stabilization methods

Transportation Services has initiated the following projects during the reporting period, and will continue to work towards completion of these projects throughout 2019:

<b>Significant Advancements (On-going)</b>
Mobile equipment competencies under review
New seasonal and permanent staff orientation and training program enhancements
Expanded Volker Stevin contract Snow and Ice Control services
Shared services and facilities to better Snow and Ice Control in the region
Pavement Management System evaluations with 2020 targeted implementation
Cost comparison analysis of Brushing, Culverts and Ditching programs. Intent is to better our service level delivery.

#### **BUDGET IMPLICATION(S):**

All projects described have received funding through the approved 2019 operating budget.

#### **OPTIONS:**

- Option #1                      THAT the Transportation Services Quarterly report be received for information.
- Option #2                      THAT alternative direction be provided.



**ROCKY VIEW COUNTY**  
Cultivating Communities

Respectfully submitted,

"Byron Riemann"

---

Executive Director, Operations

SH/bg

Concurrence,

"Al Hoggan"

---

Chief Administration Officer



## PLANNING AND DEVELOPMENT SERVICES

---

**TO:** Council

**DATE:** October 22, 2019 **DIVISIONS:** 5

**FILE:** 05325001

**SUBJECT:** Request to waive the Development Permit Application Six-Month Waiting Period

---

### POLICY DIRECTION:

Section 16 of the Land Use Bylaw allows an applicant to request that Council waives the six-month waiting period for resubmission of a refused development permit application.

### EXECUTIVE SUMMARY:

In the event that a development permit is refused by the Development Authority, or Subdivision and Development Appeal Board (SDAB), the Land Use Bylaw requires a six-month waiting period for resubmission of a development permit that is for the same or similar use. This waiting period is intended to allow the Applicant to address and resolve any outstanding issues, and re-submit a new application with the appropriate revisions.

This report is to consider the Applicant's request to waive the six month waiting period, in order to re-apply for a development permit for a Cannabis Cultivation Facility in the Delacour Area (see Attachment A for location). A previous permit application was refused by the Subdivision and Development Appeal Board on August 22, 2019; consequently, the Applicant can re-apply for the same permit on February 22, 2020.

The Applicant indicated that he intends to re-apply for the same application immediately, as he does not consider the decision of SDAB was "fair or based on legitimate understanding of section 687 of the MGA" (see Attachment B for the Applicant's letter submission). Section 687 of the *Municipal Government Act* (MGA) outlines hearing procedures for a development appeal board and the matters which must be considered in determining an appeal.

Where an applicant considers a development appeal board has not acted in accordance with the MGA, they can appeal to the Court of Appeal in accordance with Section 688 of the Act; however, the Applicant indicated that he would prefer to reapply immediately without the need for litigation.

As the Applicant is proposing to apply for the same permit without any revisions, despite the SDAB Order noting some deficiencies in the details of the application (see Attachment C for Board Order), Administration recommends that the six (6) month waiting period for reapplication be denied in accordance with Option #2.

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

Administration recommends Option#2.

### DISCUSSION:

In accordance with Section 16 of the Land Use Bylaw:

"Where an application for a Development Permit is deemed refused or refused by either the Development Authority or Council, or on a refusal from an appeal to the Subdivision and Development Appeal Board; the submission of another application for a Development Permit

---

<sup>1</sup>Administration Resources

Johnson Kwan, Planning and Development Services





for the same or similar use on the same parcel by the same or any other Applicant, may not be made for a period of six (6) months from the date of issue of the refusal, except where Council has, by resolution, waived the six (6) month waiting period. The determination of what constitutes same or similar use shall be made by the Development Authority”

The Applicant is requesting Council to waive the six month waiting period, so that he can re-apply the same development permit immediately. The reasons for this request are outlined in the Applicant’s letter submission in Attachment B.

### BACKGROUND:

On June 25, 2019, a Cannabis Cultivation Facility and the construction of a cultivation building was conditionally approved in the Delacour area, at SE-25-25-28-W4M, approximately 0.41 km (1/4 mile) west of Highway 791, on the north side of Highway 564.

The decision was appealed by the adjacent landowner and the file was presented to the Subdivision and Development Appeal Board on August 7, 2017 for consideration. The Board refused the permit on August 22.

### HISTORY:

**September 17, 2019** The Applicant requested the six-month waiting period to be waived for the reasons noted in the letter (See Attachment B).

**August 22, 2019** The Subdivision and Development Appeal Board overturned the Development Authority’s decision and refused the development permit (Board Order 2019-SDAB-040 – See Attachment C).

**August 7, 2019** The Development Permit Appeal was presented to the Subdivision and Development Appeal Board for consideration.

**July 16, 2019** The adjacent landowner appealed the Development Permit.

**June 25, 2019** The Development Permit for a Cannabis Cultivation Facility and the construction of a cultivation building was conditionally approved subject to a range of conditions including requirements for parking, landscaping, screening/fencing, road use agreements, a stormwater management report, a servicing plan and architectural designs.

### BUDGET IMPLICATIONS:

There are no budget implications at this time.

### OPTIONS:

- Option #1: THAT the requirement of a six-month waiting period for re-application under Section 16 of Land Use Bylaw C-4841-97 for a development permit of a cannabis cultivation facility at SE-25-25-28-W4M be waived.
- Option #2: THAT the request for a waiver of a six-month waiting period for re-application for a development permit of a cannabis cultivation facility at SE-25-25-28-W4M be denied.
- Option #3: THAT alternative direction be provided.



Respectfully submitted,

“Matthew Wilson”

---

Acting Executive Director  
Community Development Services

JKwan/llt

Concurrence,

“Al Hoggan”

---

Chief Administrative Officer

**ATTACHMENTS:**

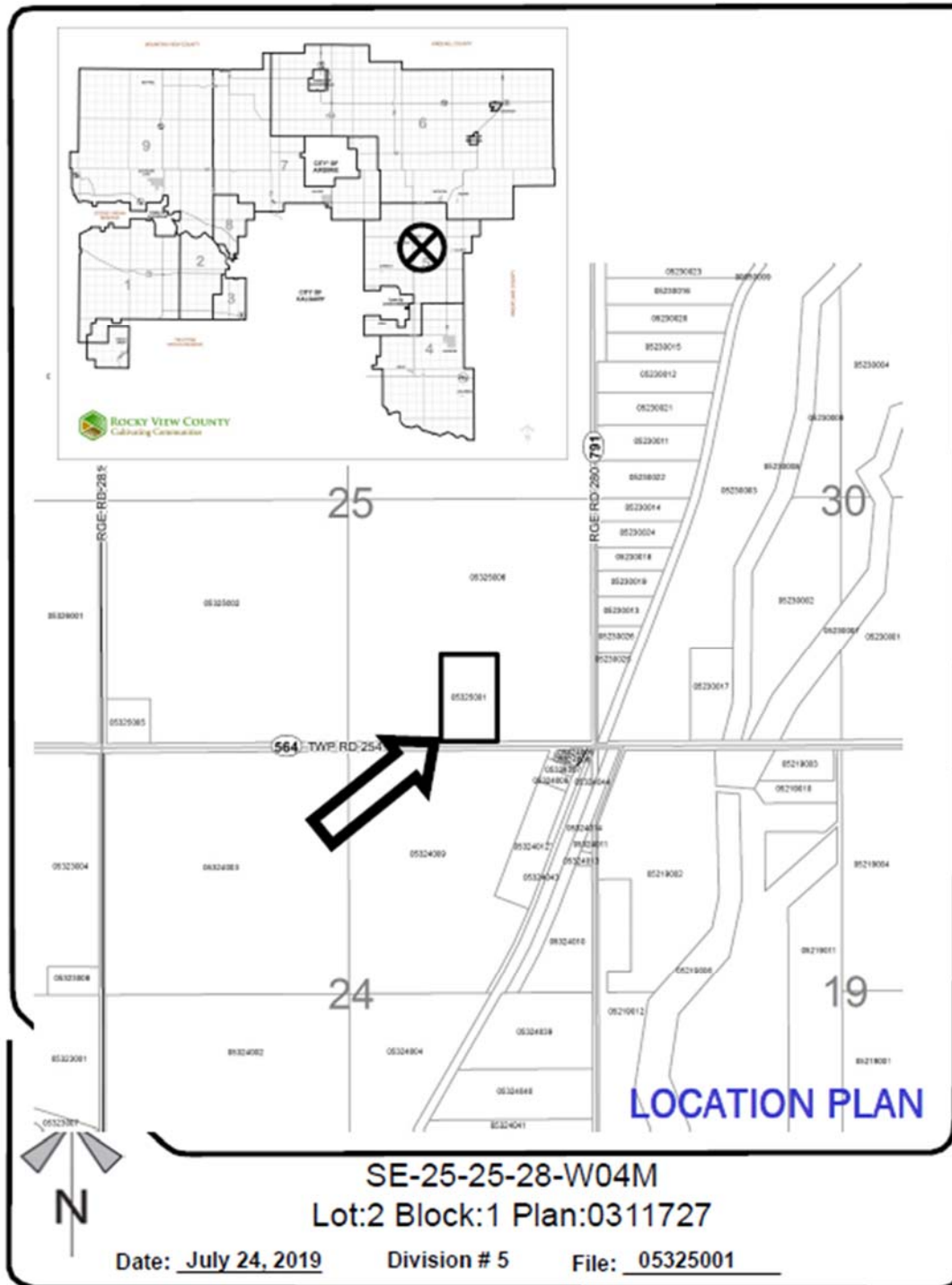
Attachment ‘A’: Location Plan

Attachment ‘B’: Applicant Letter Submission

Attachment ‘C’ Subdivision and Development Appeal Board Order 2019-SDAB-040



Attachment 'A' Location Plan





**on time. on budget. every time.**

Sherger Construction  
D10 6115 3<sup>rd</sup> ST SE  
Calgary, Alberta T2H 1K1

September 17, 2019

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

**Re:** Application PRDP20190990

Please be advised that I am requesting that I be allowed to shorten the waiting period for a reapplication for a development permit for private indoor cultivation of medical marihuana so that I can reapply immediately based on the following reasons.

1. Some of the neighbours who spoke against my appeal did not fully understand what had been approved. I have since talked to them and they have offered their support. In light of the misunderstanding we are planning an open house to address concerns on October 12, 2019 at 1 pm at the Sherger Construction Office (D10 6115 3<sup>rd</sup> ST SE Calgary, Alberta T2H 1K1).

We will be seeking confirmation of support and addressing any concerns from all parties to the appeal at that time.

2. The other speaker against my approval was opposed on the basis that this use might negatively impact his golf course/residential development which, at its nearest point to my site, is .9 km away. The Appeal Board did not address this, and the fact that this person is so far away from the site, it is questionable as to whether or they qualify as an affected person.
3. The Board found that my proposal was not in keeping with section 687 of the MGA being that it would interfere with the amenities of the neighbourhood. I had a lawyer look at the DAB decision and was told that this MGA section cannot be applied if there are no relaxations of the LUB being requested. We are not requesting any Land Use Bylaw relaxations therefore section 687 of the MGA does not apply.
4. The rejection of my application was also based on servicing issues which the County staff had told the Board can be dealt with by meeting County policy. Because these issues are common to any agricultural use that would be put in on this agricultural site it is puzzling why the Board would have used this a reason to support their decision.
5. Other reasons cited in the decision suggest that the board did not understand the full nature of the project and mistook it for a retail application which it is not.

**This project is an indoor agricultural operation on a closed site providing a venue for people with licenses granted by Health Canada to grow medicinal cannabis for their own person treatment of**



**on time. on budget. every time.**

**chronic illness. We are not growing for retail or government markets. This is a private facility growing medicinal cannabis for chronically afflicted people who would otherwise have to resort to commercial for profit retailers that don't sell the medicine they require.**

6. I recognize I have the option to wait six months or take this to court. I would prefer being able to reapply immediately so the issues and concerns can be addressed without the need for litigation. I don't think the decision of DAB was fair or based on legitimate understanding of section 687 of the MGA.

This project will be developed on a private closed secure site that does not have any signage, storefront or public access as is therefore invisible to the community. It is a nondescript indoor agricultural facility indistinguishable from any other commercial warehouse or building.

Sincerely,

Chad Sherger  
President,  
Sherger Construction Ltd.

## **ROCKY VIEW COUNTY SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

Board Order No.: 2019-SDAB-040

File No.: 05325001; PRDP20190990

Appeal by: Arlene Hillier, Doug McIntosh and Glenn Duhn

Appeal Against: Development Authority of Rocky View County

Hearing Date: 2019 August 7

Decision Date: 2019 August 22

Board Members: D. Kochan, Chair  
D. Henn  
I. Galbraith  
H. George  
W. Metzger

---

### **DEVELOPMENT APPEAL DECISION**

---

#### **INTRODUCTION**

[1] This is an appeal to the Rocky View County Subdivision and Development Appeal Board (the Board) from a decision of the Rocky View County Development Authority issued June 25, 2019. In this decision, the Development Authority conditionally approved a development permit for a Cannabis Cultivation Facility and the construction of a cultivation building at 280060 Township Road 254 (the Lands).

[2] Upon notice being given, this appeal was heard on August 7, 2019 in Council Chambers of Rocky View County's County Hall, located at 262075 Rocky View Point, Rocky View County, Alberta.

#### **DECISION**

[3] The appeal is allowed and the decision of the Development Authority is overturned. A development permit shall not be issued.

#### **BACKGROUND**

[4] On March 22, 2019, Leina Blaze (Permit Masters) (the Applicant) submitted a development permit application for a Cannabis Cultivation Facility and the construction of a cultivation building.



[5] The Lands are located at SE-25-25-28-W4M, located approximately 0.41 kilometres (1/4 mile) west of Highway 791 and on the north side of Highway 564. The Lands are approximately 5.26 hectares (13.00 acres) in area and are owned by Azim & Anar Mitha.

[6] The Lands' land use designation is Farmstead, which is regulated in section 47 of the Rocky View County, *Land Use Bylaw C-4841-97* [the *Land Use Bylaw*].

[7] On June 25, 2019, the Development Authority conditionally approved to grant a development permit on the following grounds:

**Description:**

- (1) That Cannabis Cultivation may commence on the subject lands in general accordance with the submitted Site Plans, Elevation Drawings and Floor Plans and includes:
  - (a) Construction of a cultivation building (approximately 12,342.44 sq. ft. in area);
  - (b) Use of the existing dwelling as office space (approximately 1,239.46 sq. ft. in area);
  - (c) Construction of parking and loading areas as per the approved Site Plan;
  - (d) Perimeter fencing as per the approved Site Plan;
  - (e) Installation of one (1) freestanding sign. Drawing details shall be submitted to the County prior to installation.

**Prior to Issuance:**

- (2) That prior to the issuance of this permit, the Applicant/Owner shall submit a 3.2.2 Building Code analysis, prepared by a qualified professional, for the proposed development, to the satisfaction of the County.
- (3) That prior to issuance of this permit, the Applicant/Owner(s) shall contact County Road Operations to determine if a Road Use Agreement and/or any Road Data Permits are required for the importing of fill and topsoil, removal of any excess fill, and for the mobilization and demobilization of any construction equipment to and from the subject site utilizing any County Roads.
  - (a) Written confirmation shall be received from County Road Operations confirming the status of this condition. Any required agreement or permits shall be obtained unless otherwise noted by County Road Operations.
- (4) That prior to the issuance of this permit, the Applicant/Owner shall submit a Site-Specific Stormwater Implementation Plan (SSIP) conducted by a qualified professional that is consistent with the conditions set in the Co-operative Stormwater Management Initiative (CSMI). The Applicant/Owner shall be responsible for following the recommendations outlined in the SSIP.

- (5) That prior to issuance of this permit, the Applicant/Owner shall submit a wastewater and water-servicing plan, in accordance with County Servicing Standards, to the satisfaction of the County.
- (6) That prior to the issuance of this permit, the Applicant/Owner shall submit a Landscaping & Screening Plan in accordance with Section 26 of the County's Land Use Bylaw, to the satisfaction of the County, that include:
  - (a) A minimum 10.00% landscaping for the development area in accordance with Section 26.11(c);
  - (b) The minimum number of trees in accordance with Section 26.3 and 26.5 and the development area identified in (i);
  - (c) The minimum caliper for deciduous trees of 4.50 cm (1.77 in.), the minimum height for deciduous shrubs of 60.00 cm (23.60 in.) when planted, and the minimum height for coniferous shrubs of 40.00 cm (15.70 in.) when planted, in accordance with Section 26.3;
  - (d) A 4.00 m (13.12 ft.) landscaped strip along the east property line, adjacent to Highway 567, in accordance with Section 26.11(d); and,
  - (e) Acknowledgement and consideration of the Agricultural Boundary Design Guidelines, to help mitigate any adjacent conflicts with agricultural properties.
- (7) That prior to the issuance of this permit, the Applicant/Owner shall confirm how the design of the facility conforms to the intent of the Delacour Area Structure Plan with respect to exterior color and design to the satisfaction of the County.

**Prior to Occupancy:**

- (8) That prior to occupancy of the site, the Applicant/Owner shall submit as-built drawings certified by a professional engineer licensed to practice in the Province of Alberta. The as-built drawings shall include verification of as-built sanitary & water infrastructure and relevant SSIP.
  - (a) Following receiving the as-built drawings from the consulting engineer, the County shall complete an inspection of the site to verify the infrastructure has been completed as per the stamped "examined drawings".
- (9) That prior to occupancy of the site, the Applicant/Owner shall ensure that Municipal address for the building is posted.

- (10) That prior to occupancy of the site, all landscaping and final site surface completion shall be in place.
  - (a) That should permission for occupancy of the site and/or building be requested during the months of October through May inclusive, occupancy shall be allowed without landscaping and final site surface completion provided that an Irrevocable Letter of Credit in the amount of 150.00% of the total cost of completing all the landscaping and final site surfaces required is placed with Rocky View County to guarantee that the works will be completed by the 30th day of June immediately thereafter.

**Permanent:**

- (11) That Cannabis shall not be consumed in the Cannabis facility at any time.
- (12) That this approval does not include a *Cannabis Retail Store*.
- (13) That the hours of operation for the Cannabis facility shall be 24 hours a day, seven days a week throughout the year, with plant production occurring, 7:00 a.m. to 7:00 p.m. daily.
- (14) That the subject property shall be shaped so that the entire property drains to the on-site storage facilities and that no water is discharged off site.
- (15) That the facility shall maintain and display a distinct municipal address in accordance with the County Municipal Addressing Bylaw (Bylaw C-7562-2016), for the facility, to facilitate accurate emergency response.
- (16) That sewage disposal shall be by a pump-out holding tank that is hauled off-site to an approved sewage disposal site or by connection to a piped collection system.
- (17) That all on-site lighting shall be dark sky, and all private lighting, including site security lighting and parking area lighting, shall be designed to conserve energy, reduce glare, and reduce uplight. All development shall demonstrate lighting designs that reduces the extent of spill-over glare, and eliminates glare as viewed from nearby residential properties.
- (18) That all signage shall be installed in accordance with the approved signage details and kept in safe, clean and tidy conditions at all times.
- (19) That the signs shall not be flashing or animated at any time.
- (20) That no outdoor storage shall be allowed at any time for business use.
- (21) That 16 parking stalls shall be maintained on site at all times for staff.
- (22) That the entire site shall be maintained in a neat and orderly manner at all times, to the satisfaction of the Development Officer.

- (23) That any waste containers, garbage or recycling shall be completely screened from view from all adjacent properties and public thoroughfares.
- (24) That any plan, technical submission, agreement, matter or understanding submitted and approved as part of the application, in response to a prior to issuance or occupancy condition, shall be implemented and adhered to in perpetuity.

**Advisory:**

- (25) That if the Applicant/Owner wishes to use a groundwater well in the future, Alberta Environment approval shall be obtained.
- (26) That the site shall be maintained in compliance with County Bylaw No. C-7690-2017, the "Nuisance and Unsightly Property Bylaw", at all times. Any debris or garbage generated on the site shall be stored/placed in garbage bins and disposed of at an approved disposal facility.
- (27) That the County Bylaw C-5772-2003, the "Noise Bylaw", shall be adhered to at all times.
- (28) That the site shall remain free of restricted and noxious weeds and maintained in accordance with the Alberta Weed Control Act.
- (29) That any future change in use of the building, including any exterior changes or additions, or change in tenants shall require a Development Permit for the use and signage.
- (30) That a Building Permit and applicable subtrade permits shall be obtained through Building Services, prior to any construction taking place.

*Note: That the subject development shall conform to the National Energy Code 2017, with documentation/design at Building Permit:*

- (31) That any other federal, provincial or County permits, approvals, and/or compliances, are the sole responsibility of the Applicant/Owner.
  - (a) That the Applicant/Owner shall obtain a Roadside Development Permit from Alberta Transportation for the proposed Development and installation of a new approach.
  - (b) That the Applicant/Owner shall obtain any required Alberta Health Services approval(s) prior to the store opening.
  - (c) That the Applicant/Owner shall obtain any required licensing approvals through Alberta Gaming and Licensing Commission, if required.

- (32) That if the development authorized by this Development Permit is not commenced with reasonable diligence within twelve (12) months from the date of issue, and completed within twenty-four (24) months of the issue, the permit is deemed to be null and void, unless an extension to this permit shall first have been granted by the Development Officer.
- (33) That if this Development Permit has not been issued by **February 29, 2020** then this approval is null and void and the Development Permit shall not be issued.
- (34) That this Development Permit, once issued, shall be valid until **June 25, 2022**.

***Note: The Applicant/Owner shall be responsible for all Alberta Environment and Parks approvals/compensation if any wetland is impacted by the development on the said land.***

[8] On July 16, 2019, the Appellants appealed the Development Authority's decision. The Notice of Hearing was circulated to 20 adjacent landowners in accordance with the *Municipal Government Act*, RSA 2000, c M-26 and Rocky View County Council Policy C-327, *Circulation and Notification Standards*.

#### SUMMARY OF EVIDENCE

- [9] The Board heard verbal submissions from:
- (1) Jessica Anderson, Municipal Planner, for the Development Authority;
  - (2) Sean MacLean, Supervisor Planning and Development, for the Development Authority;
  - (3) Bianca Duncan, Municipal Engineer, for the Development Authority;
  - (4) Doug McIntosh, the Appellant;
  - (5) Arlene Hillier, the Appellant;
  - (6) Glen Duhn, the Appellant;
  - (7) Bryan Romanesky, in opposition of the appeal;
  - (8) Chad Sherger, in opposition of the appeal.
- [10] The Board received one letter in support of the appeal:
- (1) Luzia Montens on behalf of Suzet Fernandes
- [11] The Board received no letters in opposition to the appeal.

*Development Authority's Submissions*

- [12] The parcel is 13 acres and is in the Farmstead District, Cannabis Cultivation is listed as discretionary under this district.
- [13] There are no external changes planned to the current building, as it will be used as a site office. There will be a new 12,000 square foot building constructed to grow and harvest the plants, however, all other buildings on site will remain.
- [14] Lands are located within the Delacour Community Area Structure Plan and are identified as Agricultural Transition, and may remain agricultural.
- [15] The Delacour Country Village Conceptual Scheme has the subject lands designated as Farmstead in the overall proposal.
- [16] The Development Permit was conditionally approved subject to various conditions dictated by the Rocky View Land Use Bylaw.
- [17] Thirteen names on the petition included on the appeal from Arlene Hillier are included in the mapping area, four names could not be verified as landowners in the County, seven names were outside of the mapping area, and the remaining names were not distinct.
- [18] Condition 2 of the conditional approval is a requirement from Building Services due to the commercial nature of the business.
- [19] The nearest residence to the cultivation building is 340 metres, to the property line of the adjacent property it is approximately 100 metres and the next adjacent lands is 275 metres.
- [20] There are no wastewater conditions in the conditional approval; the recommendation is to truck the wastewater offsite, as there is no wastewater system in the area.
- [21] The cultivation building will be the primary building and due to the use of the building, there is no maximum to the number of accessory buildings on site; this is due to the land use.
- [22] Condition 26 would require the applicant to seek a commercial use well permit from Alberta Environment and Parks (AEP). A servicing plan is required for water use and is noted as a conditional item on the permit.
- [23] The site could be deemed Agricultural or Commercial Use, which would dictate the County service needs on the lands.
- [24] The development has 5-10 employees, it was not deemed necessary to do Traffic Impact Assessment, as there will be minimal disturbance to the traffic in the area.
- [25] The ASP identifies a Public Service district, and does not identify future school sites. The Delacour Country Village Conceptual Scheme notes fire and civic services on it, it was adopted in 2009, and there would be expected changes to the plan due to when the plan was adopted.
- [26] The required setback from a school is 150m; however, there are no school sites designated in the Hamlet currently.



[27] Agricultural transition area refers to section 5.2 in the ASP.

[28] The Development Permit shall not extend longer than 3 years, as the approval time is limited in the Land Use Bylaw. There is the ability to reconsider the development with the renewal.

[29] Cannabis retail store is not listed as a use in the District and Condition 13 states it cannot be used as that or applied for.

[30] Condition 18 requires all on site lighting needs to be dark sky; it is possible that Health Canada has additional conditions regarding lighting on site. Federal approval in general takes into account the conditions and requirements of the Municipality.

[31] Condition 4 states that a Site Specific Storm water Management Plan must be submitted prior to issuance.

[32] There is no maximum to the number of plants that can be grown within the building; Heath Canada stipulates this within the license that is issued.

[33] All growing will be done indoors; there will be no growing outdoors as noted in the proposal. An additional permit would be needed to grow plants outdoors.

[34] The Land Use Bylaw does not contemplate or provide regulation with regards to odor from these facilities. However, Health Canada does include rules and regulations with regards to this. A call to enforcement would be required to manage this complaint. Enforcement would work with the appropriate agency to deal with this issue.

[35] Any complaints would be noted as a consideration for the renewal of the permit. Additionally a condition can be added for odor.

*Appellant's Submissions – Doug McIntosh*

[36] This development will negatively impact the selling price of lots on the Fairways at Delacour Residential Development as well as property values in the Delacour area.

[37] Schools will be present in the area at some time in the future.

[38] With this potential development, there will be an increase in traffic, crime and odor in the community.

[39] Many people did not receive notice of the approval due to ongoing postal issues with theft from community mailboxes.

[40] This development is in contravention of the Area Structure Plan (ASP). The ASP states that any commercial or industrial developments must have piped water and wastewater.

[41] The ASP states that any commercial development outside of the Hamlet expansion areas two or three, require piped water and wastewater services.

*Appellant's Submissions – Arlene Hillier*

[42] She spoke with people who work in a cultivation facility to ensure that there would indeed be an odor associated with the facility, and it was confirmed there is indeed an odor that would be emitted from the facility.

[43] There will be increased lighting on the lands due to the requirements for security of the facility, this will affect the quality of life of the surrounding landowners.

[44] All mail must be picked up in Calgary due to mailbox theft in the community; therefore, residents did not receive the notices.

[45] There is a concern regarding property values in the area with the development as well as increased crime in the area.

[46] There is a concern there will be a storefront on site.

*Appellant's Submissions – Glen Duhn*

[47] The property is the highest point of the quarter section and there is a concern that the run off from the facility will contaminate the appellant's land.

[48] There is a house within 350 feet of the development as well as two wells; there is a concern concerning the water supply if the well is tapped into by the development. The wells that would be used are on the Duhn property there is one south of the house and one east of the facility.

[49] Traffic to and from the site must also include the sewer and water trucks that will be visiting the site.

*Bryan Romanesky and Chad Sherger Submissions*

[50] There will be one building on the site removed and replaced. The existing house will be used for administration and office purposes. The other buildings will not be used unless they are leased by others, in which case a development permit would need to be applied for.

[51] This is a small-scale facility and is dedicated for Medical Cannabis. The facility can accommodate eight tickets; one ticket is 50-150 plants. Each ticket takes 90 days to produce a crop.

[52] There will be approximately eight trips every three months by the ticket holder, once the crop is ready it will be harvested and picked up by the ticket holder.

[53] All cultivation will be done indoors there will be no outdoor cultivation. Additionally, this is a year round facility.

[54] There will be five parking stalls on site for staff and visitors to the site.

[55] The only access to the property is from the front of the property, a perimeter fence will surround the facility.

[56] There will be a mechanical engineer evaluating the airflow and odor being emitted from the facility.

[57] There will be a carbon filter system used to filter the air, this is sufficient for a small-scale operation such as this.

[58] The facility will be operated to minimize the water that is required for cultivation. Up to 1500 plants at the same stage would need approximately 250 gallons of water per day.

[59] There is existing water supply on site, however all excess water that would be required would be trucked in, if need be. Approximately one large water truck would be needed each week.

[60] There will be minimal impact on the existing storm water conditions on the site.

[61] There will be no contamination of the water by the site; all water with potential contaminants will be contained within the site.

[62] The facility will be staffed from 12pm to 10pm, there will be 2-3 employees per day and the facility will operate 7 days per week to manage the operations.

[63] In addition there will be approximately one customer trip per week, one delivery trip per week, and if required one water truck per week to the site.

[64] The lighting and security requirements set out by the Federal Government are much lower based on the small scale of the facility. Dark sky lighting will be used along with motion sensors will be used.

[65] The facility will be highly secure and will be used exclusively by the employees. An employee will accompany all contractors at all times. No customers will need to access the facility and will only visit the administration building.

[66] All security cameras will be monitored 24/7 and will be directed towards the site to avoid any privacy concerns. As well, landscaping and screening will be added to the site, as per the prior to issuance conditions of the permit.

[67] There is no evidence that property values will be impacted.

[68] There is no signage on site for the facility; if signage were required, a development permit would be applied for. Additionally, signage is highly regulated by both the Provincial and Federal Governments.

[69] There was no requirement for an open house for the community with regards to the use.

[70] The owner and operator of the facility lives in Calgary.

[71] The use of the facility will be for medical purposes only; it will be for people who possess a medical ticket who cannot grow in their home or on their property.

[72] The applicant is here to be a good neighbour.

[73] This investment will go out the window if the facility and applicant does not abide by the rules set out for the development.

[74] The medical cannabis tickets are contracted out; the owners do not come to the site to tend to the plants.

[75] The RCMP and the operators of the facility will handle any security breeches to the facility.

[76] Lights used for the growth of the plants will be contained within the building.

[77] There will be an additional 16 parking stalls within the perimeter of the fence on the site. The five stalls will be outside of the fenced area.

[78] All existing trees will remain and additional trees will be added to the site.

*Appellant's Rebuttal – Doug McIntosh*

[79] None.

*Appellant's Rebuttal – Arlene Hillier*

[80] None.

*Appellant's Rebuttal – Glen Duhn*

[81] None.

*Development Authority's Closing Comments*

[82] None.

*Appellant's Closing Comments*

[83] None.

## FINDINGS & REASONS FOR DECISION

[84] Cannabis Cultivation and the construction of a cultivation building is a discretionary use in the Farmstead, in accordance with section 47 of the *Land Use Bylaw*.

[85] The Board finds it has the authority to make a decision on this matter pursuant to section 687(3)(d) of the *Municipal Government Act*.

[86] The Board reviewed all evidence and arguments, written and oral, submitted by the parties and focused on the most relevant evidence and arguments in outlining its reasons. The Board also considered the context of the proposed development, sound planning considerations, the merits of the application, and all applicable legislation, plans, and policies.

[87] The Board finds that the evidence submitted was insufficient to address the details required for security, water and wastewater servicing on the site.

SDAB Board Order no.: 2019-SDAB-040

File no.: 05325001; PRDP20190990

[88] The Board acknowledges that the immediate and affected neighbours presented that there is general neighbourhood opposition to the proposed development.

[89] The Board finds that the Delacour Area Structure Plan indicates residential and small holdings are projected for the immediate area surrounding the subject lands.

[90] The Board finds that the proposed development, in accordance with applicable sections of the *Land Use Bylaw* and section 687 of the Municipal Government Act, does not comply with the land use policies of the current *Land Use Bylaw* and, if approved, would unduly interfere with the amenities of the neighbourhood, and would materially interfere with or affect the use, enjoyment or value of the neighbouring parcels of land.

### CONCLUSION

[91] For the reasons set out above, the appeal is allowed and the decision of the Development Authority is revoked. A development permit shall not be issued subject to the above-noted conditions.

Dated at Rocky View County, in the Province of Alberta on 22 August 2019.



Don Kochan, Chair

Subdivision and Development Appeal Board

**EXHIBIT LIST**

## DOCUMENTS PRESENTED AT THE HEARING AND CONSIDERED BY THE BOARD

<b>NO.</b>	<b>ITEM</b>
1.	Development Authority's Report to the Board (38 pages)
2.	Development Authority's Presentation to the Board (12 pages)
3.	Applicant Presentation to the Board (29 pages)
4.	Applicant Letter from IncrediGrow (1 page)
5.	Delacour Area Structure Plan Section 5 (11 pages)





## CORPORATE SERVICES DIVISION

---

**TO:** Council

**DATE:** October 22, 2019 **DIVISION:** All

**FILE:** N/A **APPLICATION:** N/A

**SUBJECT:** Termination of 1998 Reserves Agreement – Notice of Motion Response

---

### POLICY DIRECTION:

The directive contained in the Notice of Motion was evaluated against the terms found within the Reserves Agreement and against provisions set out in the *Municipal Government Act*. The Reserves Agreement contains provision for a party to terminate the agreement by providing one year notification to the other named parties to the agreement. The *Municipal Government Act* does not provide a directive for Municipalities to hold a Joint Use Agreement or in this case -- a Reserves Agreement -- with associated school authorities. The Notice of Motion directive aligns with the termination clause found within the Reserves Agreement.

### EXECUTIVE SUMMARY:

In response to a Notice of Motion submitted on September 24, 2019, Administration has prepared a brief report to provide Council with both a summary of the history leading up to October 22 and a document analysis related to the 1998 Reserves Agreement.

Upon review of the *Municipal Government Act*, it prescribed that agreements between a School Board(s) and an affected Municipality and/or Municipal Authority may exist; however, there is no requirement for an agreement of this nature at this time. Forthcoming amendments to the *Municipal Government Act* will make joint use agreements and planning agreements between municipalities and associated school boards mandatory. However, at this time, there is no indication when these amendments will come into force.

Upon termination of the Reserves Agreement, authority to consider all matters pertaining to funding associated with school boards through reserve dedication will default to the subdivision authority.

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

Should Council decide to terminate the 1998 Reserves Agreement, Administration recommends the resolution included in Option #2.

### BACKGROUND:

On April 23, 1998, the County entered into a Reserves Agreement with the Board of Trustees of Rocky View School Division No. 41 (Rocky View Schools) and the Board of Trustees of the Calgary Roman Catholic Separate School District No.1 (Calgary Catholic Schools). The agreement addresses the maintenance, allocation and disposition of municipal reserve (MR), school reserve (SR) and municipal and school reserve (MSR) lands as between the parties.

Provision for assembly of a joint Reserves Coordinating Committee is contained in the Reserves Agreement. As per the terms of the Reserves Agreement, this Committee, commonly known as the RV

---

<sup>1</sup> **Administration Resources**

Theresa Cochran, Recreation, Parks and Community Support



School District/RVC Committee is comprised of two representatives appointed by Rocky View County, one representative appointed by Rocky View Schools and one representative appointed by Calgary Catholic Schools. To date, the County has appointed Councillor McKylor and Deputy Reeve Schule to this Committee, however this Committee has not recently convened.

Upon review of the Reserves Agreement, it can be confirmed that a termination clause is present which enables any party to the agreement to formally terminate the agreement. As per the agreement, termination can be achieved by any party to the agreement by providing a formal termination notice in writing to the other parties at least one (1) year in advance. This direction is represented in Option #1 below.

### **BUDGET IMPLICATIONS:**

There are no known budget implications associated with the aforementioned Notice of Motion at this time.

### **OPTIONS:**

- |           |  |
|-----------|--|
| Option #1 | <p>THAT Administration be directed to formally terminate the 1998 Reserves Agreement by providing the required 12-month written notice;</p> <p>AND THAT that once the agreement is terminated, funding requests from Rocky View School Division, Calgary Roman Catholic Separate School District, or any other school division will be brought to Council for consideration;</p> |
| Option #2 | <p>THAT as per the terms of the Reserves Agreement; Administration be directed to formally terminate the 1998 Reserves Agreement by providing the required 12-month written notice;</p>  |
| Option #3 | <p>THAT alternative direction be provided.</p>   |

Respectfully submitted,

Concurrence,

“Kent Robinson”

“Al Hoggan”

---

Executive Director  
Corporate Services

---

Chief Administrative Officer

### **ATTACHMENTS:**

Attachment ‘A’ – September 24, 2019, Notice of Motion  
Attachment ‘B’ – 1998 Reserves Agreement



**Attachment 'A': September 24, 2019, Notice of Motion**

**Notice of Motion:** To be read in at the September 24, 2019 Council Meeting  
To be debated at the October 22, 2019 Council Meeting

**Title:** Termination of Reserves Agreement

**Presented By:** Councillor Kim McKylor, Division 2  
Councillor Al Shule, Division 4

**WHEREAS** Municipal Reserve Lands in Rocky View County are governed under section 671(2) of the *Municipal Government Act*;

**AND WHEREAS** Municipal Reserve Lands, whether in land or cash equivalent, can be utilized in Rocky View County for parks, public recreation areas, school board purposes, and to separate areas of land that are used for other purposes;

**AND WHEREAS** Rocky View County has a commitment to support Rocky View County residents with parks, public recreation areas, and school board purposes with funding or land to support those amenities;

**AND WHEREAS** Rocky View County, Rocky View School Division, and Calgary Roman Catholic Separate School District entered into an agreement dated April 23, 1998 which pre-determines that 50% of municipal proceeds are automatically directed without Council review for purpose;

**AND WHEREAS** Rocky View County Council should review requests for recreation dollars to ensure residents within the County are receiving the value which is intended in the *Municipal Government Act*;

**THEREFORE BE IT RESOLVED THAT** Administration be directed to formally terminate the 1998 Reserves Agreement by providing the required 12-month notice;

**AND THAT** that once the agreement is terminated, funding requests from Rocky View School Division No. 41, Calgary Roman Catholic Separate School District No. 1, or any other school division will be brought to Council for consideration.

THIS AGREEMENT made as of the 23 day of APRIL 1998.

BETWEEN:

**THE MUNICIPAL DISTRICT OF  
ROCKY VIEW NO. 44**

a Municipal Corporation pursuant  
to the laws of the Province of Alberta

(referred to as the "Municipality")

OF THE FIRST PART

- and -

**THE BOARD OF TRUSTEES OF  
THE ROCKY VIEW SCHOOL DIVISION NO. 41**

A body corporate, incorporated pursuant to the  
*School Act*, being S.A. 1988, Ch. S-3.1 as amended

(referred to as the "School Division No. 41")

OF THE SECOND PART

- and -

**THE BOARD OF TRUSTEES OF THE  
CALGARY ROMAN CATHOLIC  
SEPARATE SCHOOL DISTRICT NO. 1**

A body corporate, incorporated pursuant to the  
*School Act*, being S.A. 1988, Ch. S-3.1 as amended

(referred to as the "Calgary Separate School Authority")

OF THE THIRD PART

**RESERVES AGREEMENT**

**RECITALS:**

1. **WHEREAS** the School Division is a party to an agreement entitled Joint Use Agreement made with the "Municipality" as of the 16<sup>th</sup> day of April, 1991 (the "Prior Agreement");
2. **AND WHEREAS** the Calgary Separate School Authority has subsequently been formed within the boundaries of the Municipality;

*De*  
*per*

3. **AND WHEREAS** it is desirable that the Prior Agreement be terminated and be replaced by this Agreement which includes the Calgary Separate School Authority;

4. **AND WHEREAS** the prior Agreement contained recitals which shall continue to apply to this Agreement as follows:

- (a) pursuant to Section 661 and limited by Section 663 of the Municipal Government Act, the Approving Authority is authorized to require the registered owner of a parcel of land that is the subject of a proposed subdivision to:
  - (i) provide lands which may then be designated as Municipal Reserve, School Reserve or Municipal and School Reserve ("Reserve Lands"), and to specify the amount, type and location of such lands;
  - (ii) provide for payment of Cash-in-Lieu Monies in place of all or a portion of such lands; or
  - (iii) provide a combination of lands and Cash-In-Lieu monies;
- (b) pursuant to Section 666 and 667 of the Municipal Government Act, the Approving Authority is also authorized upon subdivision to:
  - (i) determine the allocation of any Municipal Reserve, School Reserve and Municipal and School Reserve to be set aside by the registered owner between the Municipality and each School Authority as joint owners or as separate owners;
  - (ii) determine the allocation of Cash-In-Lieu Monies to be provided by the registered owner between the Municipality and each School Authority as joint owners or as separate owners; and
  - (iii) determine the allocation of any combination of Municipal Reserve, School Reserve, Municipal and School Reserve and Cash-in-Lieu Monies to be set aside or provided, as the case may be, by the registered owner between the Municipality and each School Authority as joint owners or as separate owners;

all in accordance with this Agreement between the Municipality and the School Authorities.



- (c) Section 671(2) of the Municipal Government Act, restricts the use of Reserve Lands held by the Municipality or by a School Authority, or by them jointly to public parks, public recreation areas, School Authority purposes or to separate areas of land that are used for different purposes;
- (d) Section 671(3) and (4) of the Municipal Government Act entitles the Municipality and each School Authority to enter into any Agreement they consider necessary respecting the use to which the Municipality or a School Authority may put Reserve Lands and any Cash-in-Lieu Monies received in place of such Reserve Lands; and
- (e) The Municipality and each School Authority recognize that certain of their respective functions relating to recreation and education overlap, and that by pooling their respective resources, the residents of the Municipality may be benefited and that, the Municipality may be able to supplement the funds available to the School Authority for recreational purposes from the Municipality's Cash-in-Lieu Monies.

**NOW THEREFORE** in consideration of the mutual covenants and agreements contained in this Agreement the parties agree as follows:

1. **DEFINITIONS:**

In this Agreement the following definitions apply:

- (a) "Approving Authority" means the Subdivision Approving Authority with respect to any application for subdivision of land within the Municipal District, pursuant to Section 623 of the Municipal Government Act, and includes both the respective Subdivision and Development Appeal Board and, the Municipal Government Board where a decision is made by either appellate body on an appeal to it.
- (b) "Cash-in-Lieu Monies" means any monies received by the Municipality with respect to a subdivision of land within the Municipality approved by the Approving Authority pursuant to Section 667 of the Municipal Government Act;
- (c) "Joint Use Purposes" means the use by a party to this Agreement of the facilities of another party to this Agreement for the benefit of the residents of the



Municipality and also includes the use of the facilities of a party to this Agreement by third parties pursuant to an Outside Lease.

- (d) "Land Titles Act" means the Land Titles Act, R.S.A. 1980, c.L-5, as amended from time to time.
- (e) "Municipal District" means the area within the boundaries of the Municipal District of Rocky View No. 44.
- (f) "Municipal Reserve Fund" means those funds held for the Municipal District pursuant to the provisions of Clause 4 of this Agreement.
- (g) "Outside Lease" means a lease of Reserve Lands to any person other than the Municipality or a School Authority for a purpose consistent with the provisions of Section 671(2) of the Municipal Government Act.
- (h) "Playground Equipment" means climbing apparatus, monkey bars, swings and other related equipment played on by younger children. *built to CSN standards*
- (i) "Playing Field Extension" means any part of Reserve Lands which is used as a playing field. *see*
- (j) "Prior Agreement" means the agreement entitled "Joint Use Agreement" made between the School Division No. 41 and the Municipality as of the 16<sup>th</sup> day of April, 1991;
- (k) "Reserve Co-ordinating Committee" means the committee pursuant to Clause 5.1.1 of this Agreement.
- (l) "Reserve Lands" means any lands which have been provided by a registered owner as Municipal Reserve, School Reserve or Municipal and School Reserve (in each case such terms shall not include lands held as Environment Reserve) under the provisions of the Municipal Government Act.
- (m) "School Authority" means either the School Division No. 41, or the Calgary School Authority, and "School Authorities" means both of them.
- (n) "School Building Envelopes" means any part of the School Reserve upon which school facilities and buildings, related ornamental lawn areas, parking lots and paved play areas are located.
- (o) "School Development" means the construction of school facilities and buildings including related ornamental lawn areas, parking lots and paved play areas.



- (p) "School Reserve Fund" means with respect to each School Authority those funds that are held, if any, for each such School Authority pursuant to the provisions of Clause 4 of this Agreement.

2. **PURPOSES:**

2.1 **Range of Application**

- 2.1.1 The parties shall endeavour to optimize the services they provide for the benefit of the residents of the Municipality and the residents of the cities, towns and villages situated within the boundaries of the Municipal District and the School Authorities with the exception of the residents of the City of Calgary, by
- (a) coordinating the planning, development, maintenance and operation of all Reserve Lands;
  - (b) equitably sharing all costs associated with such coordination; and
  - (c) coordinating the disposition of any Reserve Lands which are found to be surplus to their needs.

3. **RESERVE LANDS:**

3.1 **Protection of All Reserve Lands**

- 3.1.1 All Reserve Lands shall be dealt with in accordance with the provisions of this Agreement and in compliance with the provisions of both the Municipal Government Act and the School Act, and the respective applicable Regulations.

3.2 **Priority of Use**

- 3.2.1 The following priorities of use shall be utilized as guidelines by the Reserves Coordinating Committee in determining their recommendations with respect to all Reserve Lands:
- (a) Priority #1: Neighbourhood needs, which includes School Authority operated Elementary Schools or their equivalent;
  - (b) Priority #2: Community needs, which includes School Authority operated Junior High Schools or their equivalent, and park land required for open space linkages or to provide setbacks beyond the land reserved for environment reserve



under the Municipal Government Act at the tops of escarpments or adjacent to water courses; and

- (c) Priority #3: Regional needs, which includes School Authority operated Senior and Vocational High Schools or their equivalent, pools, arenas, athletic parks and other recreational facilities.

### 3.3 Optimum Planning Sites

- 3.3.1 The Approving Authority shall determine upon receipt of a subdivision application, in accordance with this Agreement and the Municipal Government Act, the geographical extent of Reserve Lands to be set aside by a registered owner or Cash-in-Lieu Monies to be provided in place of Reserve Lands.
- 3.3.2 The parties shall recommend to the Approving Authority the location, size and configuration of all Reserve Lands which may be committed to Joint Use Purposes at the subdivision approval stage so as to optimize the utilization of available Reserve Lands.
- 3.3.3 The parties shall recommend to the Approving Authority the location and size of the applicable School Building Envelopes and any Municipal and School Reserve which is to be adjacent to such School Building Envelopes. Without limiting the ability of the parties to recommend the establishment of such areas as may be appropriate in any particular case, the parties agree to the following guidelines for the area of such parcels:

	School Building Envelopes	Municipal and School Reserve	Total
(a) Elementary School	4 acres	6 acres	10 acres
(b) Junior High School	5 acres	10 acres	15 acres
(c) Senior High School	7 acres	13 acres	20 acres

### 3.4 Gymnasium

- 3.4.1 Each School Authority shall endeavour to ensure that each new school building will have showers, dressing rooms and a gymnasium in accordance with Alberta Education standards for Junior High Schools.

3.4.2 Subject to the Approval of the Municipality, or municipalities, as the case may be, and Alberta Education, where the Reserves Coordinating Committee recommends that the recreational needs of the residents will be best served by the provision of a larger gymnasium than defined by Alberta Education for the type and size of the school being constructed, the Municipality or municipalities, as the case may be, shall be responsible for the incremental capital costs over and above the costs of construction of the gymnasium of the size that would otherwise have been built.

3.4.3 Subject to the approval of the Municipality, the Reserves Coordinating Committee shall be responsible for negotiating a cost sharing Agreement on behalf of the Municipality with such city, town or village for the construction costs associated with the larger gymnasium. In the event that the Reserves Coordinating Committee is unable to reach a suitable cost sharing Agreement to the Municipality's satisfaction, the Municipality shall be under no obligation to participate financially with plans to construct a larger gymnasium.

### **3.5 Maintenance Responsibilities**

3.5.1 Maintenance of Municipal Reserves shall be the responsibility of the Municipality.

3.5.2 Maintenance of Municipal and School Reserves shall be the responsibility of both the Municipality and the affected School Authority, and the proportional share of the cost and the total cost of such maintenance born by each of the parties on a site by site basis shall be a matter of negotiation between the Municipality and the affected School Authority based on a recommendation by the Reserves Coordinating Committee.

3.5.3 Maintenance of School Reserves shall be the responsibility of the School Authority to which such School Reserve has been allocated.

### **3.6 Declaration of Surplus Sites**

3.6.1 In the event that a School Authority wishes to close a school, it shall first advise the Reserves Coordinating Committee whether such closure is intended to be a permanent



closure or a temporary closure pending a return to circumstances under which such school may be reopened or used for alternate School Authority purposes.

### 3.7 Temporary Closure of Schools

- 3.7.1 If a School Authority, with the written approval of the Minister of Education, determines that the temporary closure of one of its schools is required, such school authority, subject to Section 674 of the Municipal Government Act where applicable, may enter into an Outside Lease, which Outside Lease shall be on terms and conditions as determined by such School Authority including both, the retention by such School Authority of any revenue derived from the Outside Lease and the use of the Reserve Lands to be for all or any of the purposes referred to in Section 671 of the Municipal Government Act.

### 3.8 Permanent Closure

- 3.8.1 If a School Authority, with the written approval of the Minister of Education, determines that the permanent closure of one of its schools is required, such School Authority shall so advise the Municipality. Subject to Section 674 of the Municipal Government Act, where it may be applicable, the School Authority may:
- (a) Enter into an Outside Lease for all or a part of the school building and School Reserve and, the adjacent Municipal and School Reserve where applicable; or
  - (b) Sell the school building and the School Reserve and, the adjacent Municipal and School Reserve where applicable, which sale shall be subject to:
    - (i) The written approval of the Minister of Education being obtained for such sale; and
    - (ii) Clause 3.8.3 of this Agreement; or
  - (c) Demolish the school building or any portion of it, which demolition shall be subject to the written approval of the Minister of Education for such demolition.
- 3.8.2 In the event that an Outside Lease is concluded, which Outside Lease shall be on terms and conditions as determined by the School Authority including the retention by the School Authority of any revenue derived from the Outside Lease, the School Authority



shall inform and advise the Municipality of the pertinent details relating to the provision of any Joint Use Purposes.

3.8.3 In the event that a school building and the applicable Reserve Lands, which have been declared by a School Authority to be permanently surplus to school needs are to be sold:

- (a) the School Authority shall comply with the respective School Act Regulation, and where applicable, Section 674 of the Municipal Government Act, dealing with the required procedures to be followed for the sale of the respective property;
- (b) the sale proceeds derived from the respective sale shall, to the extent possible, be allocated as follows:
  - (i) firstly, the payment of all disposal costs shall be addressed;
  - (ii) secondly, the Municipal Reserve Fund shall receive fifty (50%) percent of the sale proceeds of the applicable Reserve Lands with the other fifty (50%) percent of the sale proceeds of the applicable Reserve Lands being allocated to the School Reserve Fund held for the School Authorities. Each School Authority's portion of the proceeds shall in turn be allocated based upon the percentage ratio that is derived when the number of students that reside in the Municipal District of each respective School Authority is divided by the total number of students that reside in the Municipal District and that are enrolled in both School Authorities, all of which shall be calculated as of the September 30<sup>th</sup> prior to the date of the disposition of the applicable Reserve Lands.
  - (iii) thirdly, the retirement of any outstanding debentures and any and all outstanding debt associated with the sale of such a school building as required pursuant to the respective Regulation under the School Act shall be addressed;
  - (iv) fourthly, the value of the school building sale proceeds shall:
    - A. only be applied by the School Authority to a future school building project based upon the percentage ratio that is derived when any School Foundation Program Fund Grant contribution that was



originally contributed to any building project of the school is divided by the total amount of that school building project; and

- B. only be applied by the School Authority to its future capital expenditures based upon the percentage ratio that is derived when any School Authority contribution that was originally contributed to any building project of the school is divided by the total amount of that school building project,

all of which shall be in compliance with the requirements of the respective Regulation under the School Act;

- (v) fifthly, subject to clauses 3.8.3(b)(iii) and (iv) of this Agreement, the value of any residual school building sale proceeds shall be paid to any third party based upon the percentage ratio that is derived when any financial contribution that was originally contributed by a third party to any building project of the school is divided by the total amount of that school building project; and
- (vi) sixthly, subject to clauses 3.8.3(b)(iii), (iv) and (v) of this Agreement, the Municipality and the affected School Authority as the case may be shall, share the sale value of any non-school building and improvements on a pro-rata basis based upon the amounts originally contributed by each party to pay for and improve any such non-school building and improvements.

3.8.4 If a school building which has been declared by a School Authority to be permanently surplus to school needs is to be demolished:

- (a) the demolition and site rehabilitation costs shall be borne out of the School Reserve Fund held for such School Authority; and
- (b) the retirement of any outstanding debentures and all outstanding debt associated with such a school building shall be the responsibility of the School Authority obligated pursuant to such debentures and outstanding debt.

3.8.5 In the event that demolition of a school building occurs as provided in Clause 3.8.4 above, then the School Reserve upon which the school building was situated and any



Municipal and School Reserve associated with the school building shall be redesignated as Municipal Reserve and registered as such upon there being compliance with Sections 674 and 675 of the Municipal Government Act. Legal title to such Municipal Reserve shall vest in the Municipality as provided in Section 672 of the Municipal Government Act.

3.8.6 The consideration payable by the Municipality for the transfer of such redesignated Municipal Reserve shall be \$10.00.

3.8.7 When a School Reserve or a Municipal and School Reserve have been declared permanently surplus to school needs and legal title has been transferred to the Municipality as part of redesignation, the Municipality shall assume responsibility for the maintenance of such newly designated Municipal Reserve.

### **3.9 Disposal of Reserve Lands to Third Parties**

3.9.1 Subject to Clause 3.8, the parties to this Agreement shall consult with each other prior to taking any steps under Section 674 of the Municipal Government Act in connection with the disposal of Reserve Lands so as to ensure that the future needs of each of the parties are taken into consideration.

## **4. MUNICIPAL AND SCHOOL RESERVE FUNDS:**

### **4.1 Sources**

4.1.1 The Municipality shall allocate all Cash-in-Lieu monies provided in place of Reserve Lands as follows:

- (a) Cash-in-Lieu monies received with respect to subdivisions approved by the Approving Authority prior to October 1<sup>st</sup>, 1997 shall have fifty percent (50%) of such monies directed to the Municipality and fifty percent (50%) of such monies directed to the School Division 41; and
- (b) Cash-in-Lieu monies received with respect to subdivisions approved by the Approving Authority after September 30<sup>th</sup>, 1997, shall have fifty percent (50%) of such monies allocated to the Municipality and fifty percent (50%) of such monies





directed to the School Authorities. Each School Authority's portion of the proceeds shall in turn be allocated based upon the percentage ratio that is derived when the number of students that reside in the Municipal District of each respective School Authority is divided by the total number of students that reside in the Municipal District and that are enrolled in both School Authorities, all of which shall be calculated as of September 30<sup>th</sup> prior to the date of the disposition of the applicable Reserve Lands.

- 4.1.2 Notwithstanding Clause 4.1.1, in the event that a new public school authority is established within the jurisdiction of the Municipality which desires to participate with the Municipality and the School Authorities in the allocation of Cash-in-Lieu Monies, the Reserves Coordinating Committee shall consider the new public school authority's request.
- 4.1.3 The proceeds derived from the sale, assignment or other transfer of any Reserve Lands that were established by way of a subdivision of land within the Municipal District pursuant to Section 661 of the Municipal Government Act and which do not have any school buildings or non-school buildings situated on them, shall be allocated as follows:
- (a) the sale proceeds of those lands set out on Schedule "A" to this Agreement, shall be allocated exclusively to the Municipal District;
  - (b) the sale proceeds of those Reserve Lands received with respect to a subdivision of land approved by the Approving Authority prior to October 1st, 1997, shall be allocated on the basis of fifty percent (50%) being paid to the Municipality and fifty percent (50%) being paid to the School Division No. 41; and
  - (c) the sale proceeds of those Reserve Lands received with respect to a subdivision of land approved by the Approving Authority after September 30<sup>th</sup>, 1997, shall be allocated on the basis of fifty percent (50%) being paid to the Municipality and fifty percent (50%) being paid to the School Authorities. Each School Authority's portion of the proceeds shall in turn be allocated based upon the percentage ratio that is derived when the number of students that reside in the Municipal District of each respective School Authority is divided by the total



number of students that reside in the Municipal District and that are enrolled in both School Authorities, all of which shall be calculated as of the September 30<sup>th</sup> prior to the date of the disposition of the applicable Reserve Lands.

4.1.4 Cash-in-Lieu monies and monies paid pursuant to Clauses 4.1.1 and 4.1.3, that have been allocated to the Municipality shall be held in a reserve fund (the Municipal Reserve Fund) to be administered by the Municipality, and cash-in-lieu monies and monies paid pursuant to Clauses 4.1.1 and 4.1.3 that have been allocated to each School Authority shall be held in a reserve fund (the School Reserve Fund) maintained for each School Authority, which shall also be administered by the Municipality. Interest earned on monies administered by the Municipality on behalf of each School Authority shall be accrued to each School Authority's School Reserve Fund. Subject to the Municipal Council being informed, payments from each School Reserve Fund to the School Authority for which such fund is maintained, to enable it to meet the funding requirements for any use authorized by Clause 4.2.1, as reviewed by the Reserves Coordinating Committee as part of its coordination and administration of this Reserves Agreement, shall be made to the School Authority upon a written request by the School Authority.

#### 4.2 Use of the Municipal School Reserve Fund

4.2.1 Subject to the provisions of Section 671 of the Municipal Government Act, the Municipal Reserve Fund may be expended for such purposes as the Municipality may determine, and each School Reserve may be expended for such purposes as the School Authority for which such School Reserve Fund is maintained may determine, provided however, that in all cases the Municipal Reserve Fund may only be used for capital expenditures as outlined in Policy 603 of the Municipal District of Rocky View No. 44 Policy Handbook, as amended from time to time, and each School Reserve Fund may only be used for either:

- (a) capital expenditures for school or land improvements or purchases within the boundaries of the Municipal District by the School Authority for which such School Reserve Fund is maintained; or



- (b) for capital expenditures for school or land improvements or purchases not located within the Municipal District but at which children who reside within the Municipal District are educated by the School Authority for which such School Reserve is maintained. This clause does not apply to capital expenditures for schools or land improvements or purchases located within the boundaries of the City of Calgary; or
- (c) for the purposes outlined in Clause 4.2.3 or 4.2.4.

4.2.2 School Reserve Fund expenditures made pursuant to Clause 4.2.1(b) shall be limited to the portion of total capital expenditures to be incurred as determined by the following ratio: the number of students that reside in the Municipal District enrolled in the school for which capital expenditures are to be incurred as compared to the total number of students enrolled in the school for which capital expenditures are to be incurred. For a capital expenditure on an existing school building or surrounding lands, enrollments shall be as of September 30 prior to the proposed expenditures. For a capital expenditure on a proposed new school building or land, enrollment shall be based on projected first year enrollments provided by the School Authority.

4.2.3 The School Authorities agree that if the Municipality approves a request for funds from the Municipal Reserve for the purpose of purchasing and installing Playground Equipment to be located on a School Authority's land or on the adjacent Playing Fields Extension, then fifty percent (50%) of the funds approved, up to a maximum of \$15,000.00 per request, may be paid towards the cost of such equipment from the School Reserve of the School Authority on whose land the Playground Equipment is to be located.

4.2.4 If the Municipality approves a request for funds from the Municipal Reserve for the purpose of purchasing recreational facilities or equipment, except Playground Equipment to be located on a School Authority's land or on the Playing Field Extension, and if the School Authority on whose land or Playing Field Extension the recreational facilities or equipment is to be located also approves a request for funds, then such funds as approved



by the School Authority may be paid from the School Reserve of the School Authority on whose land the recreation facilities or equipment are to be located towards the cost of such equipment.

**5. OPERATIVE FRAMEWORK:**

**5.1 Composition of Reserves Coordinating Committee**

- 5.1.1 The parties shall create an administrative committee to be known as the Reserves Coordinating Committee. This committee shall consist of one (1) representative appointed by the School Division No. 41, one (1) representative appointed by the Calgary Separate School Authority, and two (2) representatives appointed by the Municipality.

**5.2 Duties of the Reserves Coordinating Committee**

**5.2.1 The Reserves Coordinating Committee shall:**

- (a) coordinate and administer this Agreement on behalf of the parties;
- (b) notwithstanding Clause 6.1.1, report to the Chief Administrative Officers of the Municipality and each School Authority at any time they feel such a report is necessary;
- (c) meet as often as is necessary;
- (d) operate on a consensual basis on the understanding that on those issues on which agreement cannot be reached, reference is to be made to the Chief Administrative Officers of the respective parties. If no consensus is reached between the Chief Administrative Officers, then reference is to be made to the Council of the Municipality and the Board of Trustees of each School Authority involved for direction as to final resolution;
- (e) set-up sub-committees where appropriate;
- (f) review and make recommendations respecting the utilization of any Municipal and School Reserve.



**6. REVIEW, AMENDMENT AND TERMINATION OF THIS AGREEMENT:****6.1 Review**

6.1.1 The terms of this Agreement shall be reviewed and a report shall be made by the Reserves Coordinating Committee to the Chief Administrative Officers of the parties:

- (a) on January, 2002 and every fifth year afterwards; and
- (b) after any changes are made to the Municipal Government Act which may affect the Reserve provisions of this Agreement.

Such report may recommend amendments to this Agreement which may be necessitated by the passage of time or the changes to the Municipal Government Act.

**6.2 Amendments**

6.2.1 At any time and from time to time any one of the parties to this Agreement may submit for review by the Reserves Coordinating Committee any proposed amendments which they believe are necessary to ensure the proper framework for the carrying out of their respective responsibilities under this Agreement.

6.2.2 Any recommendation made by the Reserves Coordinating Committee under Clause 6.1.1 and any amendments submitted to the Reserves Coordinating Committee in accordance with Clause 6.2.1 shall be reviewed by the Chief Administrative Officers of the parties within six (6) calendar months of such amendments or recommendations being proposed.

6.2.3 If the Chief Administrative Officers of the parties unanimously agree upon the necessity for the content of the proposed amendments arising from the recommendations of the Reserves Coordinating Committee, then the Chief Administrative Officers shall submit such proposed amendments for the approval of the Council of the Municipality and the Board of Trustees of each School Authority.

6.2.4 In the event that the Chief Administrative Officers of the parties do not agree upon such proposed amendments, then the proposed amendments shall be referred to the Council of the Municipality and the Board of Trustees of each School Authority along with a synopsis of such disagreement for their consideration. If the Council of the Municipality



and the Board of Trustees of each School Authority cannot agree upon such proposed amendments, then this Agreement shall not be amended.

### 6.3 Termination

6.3.1 The parties agree that this Agreement shall be for an initial term of three (3) years during which it may not be terminated except as provided in Clause 6.3.1(a), and at the end of such initial three (3) year term shall be continued for an indefinite term until it is terminated in accordance with Clause 6.3.1(a) or 6.3.1(b) as outlined below:

- (a) upon the Agreement of the parties; or
- (b) upon a notice in writing of at least one (1) year having been given by any party to the other parties.

6.3.2 The parties agree that this Agreement shall commence on October 1, 1997 notwithstanding that it may have been executed subsequent to that commencement date.

### 7. PROVISIONS FOUND INVALID:

7.1 If one or more provisions of this Agreement are, for any reason, held to be invalid, the parties agree that all remaining provisions are to remain in full force and effect.

### 8. ARBITRATION:

8.1 In the event of a dispute arising between the parties regarding the interpretation, application, operation or alleged violation of this Agreement, such dispute shall be determined by arbitration in accordance with this Agreement.

8.2 The party(ies) alleging a dispute (the "first party") shall notify the other party(ies) (the "opposite party") in writing of the details of the nature and extent of the dispute.

8.3 Within ten (10) working days from receipt of notice, the opposite party shall in writing notify the first party of the matter referred to in the initial notice for which it accepts responsibility and proposes to take remedial action.



- 8.4 The terms of reference for arbitration shall be those areas of dispute referred to in the initial notice with respect to which the opposite party has not admitted responsibility or proposed to take remedial action to the satisfaction of the first party.
- 8.5 The first party shall, within fifteen (15) working days of the establishment of the terms of reference pursuant to Section 8.4, submit in writing to the opposite party the name or a list of names of the person or persons that it accepts as an arbitrator.
- 8.6 The opposite party shall respond in writing to the first party within ten (10) days of receipt of the name or list of names of the proposed arbitrator provided by the first party, by way of providing the name or list of names of their proposed person or persons that it accepts as an arbitrator or, agreeing to the first party's proposed person, or one of the proposed persons to serve as arbitrator. If the parties cannot agree on an arbitrator within thirty (30) days, either party may request the Director of Mediation Services with the Department of Labour to have the arbitrator appointed.
- 8.7 Within thirty (30) working days of the appointment of the arbitrator, or such further period as may be agreed upon by the parties, the arbitrator shall resolve the matters in dispute referred to in the terms of reference.
- 8.8 The decision of the arbitrator shall be binding upon all parties.
- 8.9 The costs of the arbitrator shall be borne equally by all the parties.
- 8.10 Each party shall bear all of their own legal costs and disbursements incurred in retaining, if necessary, legal counsel to represent their respective interests in the arbitration.
9. **COSTS OF SUBDIVISION, REDESIGNATION AND TRANSFER:**
- 9.1 The Municipality agrees that any fees which would otherwise be payable by a School Authority to the Municipality in connection with both subdivision or redesignation applications made by the School Authority and any transfer of land associated with such





Page 19 of 21

subdivision or redesignation are hereby waived on the condition that the School Authority be solely responsible for all legal costs associated with such subdivision or redesignation applications.

10. **MISCELLANEOUS:**

- 10.1 The address for delivery of notices or other documents required or permitted under this Agreement shall be at the address adjacent to the party's names as follows or such other address as the parties may have been duly notified:

(a) Municipal District of Rocky View No. 44  
911 – 32<sup>nd</sup> Avenue N.E.  
P.O. Box 3009, Station B  
Calgary, Alberta  
T2M 4L6

Attention: Municipal Manager

(b) The Board of Trustees of the  
Rocky View School Division No. 41  
2616 – 18<sup>th</sup> Street N.E.  
Calgary, Alberta  
T2E 7R1

Attention: Secretary-Treasurer  
Associate Superintendent

(c) The Board of Trustees of the  
Calgary Roman Catholic  
Separate School District No. 1  
1000 – 5<sup>th</sup> Avenue S.W.  
Calgary, Alberta  
T2P 4T9

Attention: Superintendent of Finance  
and Business Services

- 10.2 Any notice shall be delivered to the address indicated and shall be deemed to have been delivered to and received by the named addressee on the date of delivery.
- 10.3 This Agreement shall be governed by and construed in accordance with the laws of the Province of Alberta.

10.4 This Agreement shall be binding upon the parties, and their respective successors and assigns.


10.5 The Prior Agreement is terminated effective September 30, 1997.



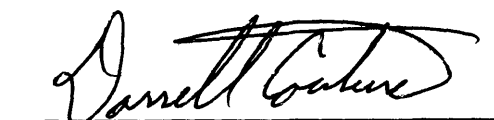
IN WITNESS WHEREOF the parties to this Agreement have duly executed these presents the day and year first above written.

**THE MUNICIPAL DISTRICT OF  
ROCKY VIEW NO. 44**


PER:  (C.S.)  
REEVE ROBERT CAMERON

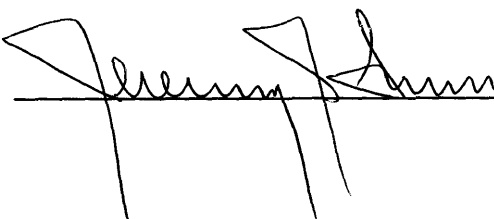
PER:  (C.S.)  
VALERIE SCHMALTZ  
MUNICIPAL SECRETARY

**THE BOARD OF TRUSTEES OF THE  
ROCKY VIEW SCHOOL DIVISION NO. 41**

PER:  (C.S.)  
Darrell Couture,  
Secretary-Treasurer  
Associate Superintendent

**THE BOARD OF TRUSTEES OF THE  
CALGARY ROMAN CATHOLIC  
SEPARATE SCHOOL DISTRICT NO. 1**

PER:  (C.S.)  
Deborah Achen  
Superintendent of Finance  
and Business Services

PER:  (C.S.)

**SCHEDULE "A"**

Attached to, and forming part of, the Joint Use Agreement dated the 23 day of APRIL 1998, between the Municipal District of Rocky View No. 44, The Board of Trustees of the Rocky View School Division No. 41, and The Board of Trustees of the Calgary Roman Catholic Separate School District No. .

There are no more Municipal Reserves available at this time.



JOINT USE AGREEMENT

THIS AGREEMENT made as of the 16<sup>th</sup> day of APRIL, 1991.

BETWEEN:

THE MUNICIPAL DISTRICT OF ROCKY VIEW #44, a  
Municipal Corporation

- and -

THE BOARD OF TRUSTEES OF THE ROCKY VIEW SCHOOL  
DIVISION #41, a corporation established  
pursuant to the provisions of the School Act

WHEREAS the Council of the Municipality is the  
subdivision Approving Authority for the allocation and use of  
land within the Municipality;

AND WHEREAS pursuant to Part 5 Division 3 of the  
Planning Act the Approving Authority is authorized to require  
the registered owner of a parcel of land that is the subject  
of a proposed subdivision to:

- (a) provide Reserve Lands which may then be designated  
as Municipal Reserve, School Reserve or Municipal  
and School Reserve and to specify the amount, type  
and location thereof;
- (b) provide for the payment of Cash-in-Lieu Monies in  
place of all or a portion of such Reserve Lands; or

- 2 -

- (c) provide a combination of Reserve Lands and Cash-in-Lieu Monies;

AND WHEREAS pursuant to Part 5 Division 3 of the Planning Act the Approving Authority is also authorized upon subdivision to:

- (a) determine the allocation of any Municipal Reserve, School Reserve and Municipal and School Reserve set aside by the registered owner between the Municipality and the School Authority as joint owners or as separate owners;
- (b) determine the allocation of any Cash-in-Lieu Monies provided by the registered owner between the Municipality and the School Authority as joint owners or as separate owners; and
- (c) determine the allocation of any combination or Municipal Reserve, School Reserve and Municipal and School Reserve and Cash-in-Lieu Monies set aside or provided, as the case may be, by the registered owner between the Municipality and the School Authority as joint owners or as separate owners.

AND WHEREAS Section 111(2) of the Planning Act provides for restrictions on the use of Reserve Lands held by the Municipality or by the School Authority, or by them jointly to public parks, public recreation areas, schools or separate areas of land that are used for different purposes;

AND WHEREAS Section 111(3) of the Planning Act entitles the Municipality and the School Authority to enter

- 3 -

into any agreement they consider necessary respecting the use to which the Municipality or the School Authority may put Reserve Lands and any Cash-in-Lieu Monies received in place thereof.

AND WHEREAS IT IS DESIRABLE for the Municipality and the School Authority to enter into this Joint Use Agreement respecting the use of the Reserve Lands, the Municipal Reserve Fund and the School Reserve Fund.

AND WHEREAS the Municipality and the School Authority recognize that certain of their respective functions relating to recreation and education overlap and that by pooling their respective resources the residents of the Municipality may be benefited and in such connection that the Municipality may be able to supplement the funds available to the School Authority for recreational purposes from its Cash-in-Lieu Monies.

NOW THEREFORE THIS AGREEMENT WITNESSETH and the parties hereto covenant and agree as follows:

1. DEFINITIONS

In this Joint Use Agreement the following definitions apply:

- (a) "Approving Authority" means the Council of the Municipality, being the body authorized by Section 87 of the Planning Act to act as the Approving Authority with respect to any applications for subdivision of land within the Municipality, except that in the case of a subdivision approved by the Alberta Planning Board on



- 4 -

appeal from a decision of the Approving Authority as hereinbefore defined, "Approving Authority" shall mean the Alberta Planning Board.

- (b) "Cash-in-Lieu Monies" means any monies which, with respect to a subdivision of land within the Municipality after January 1, 1991, have been required to be provided by a registered owner as money in place of Municipal Reserve, School Reserve or Municipal and School Reserve under the provisions of the Planning Act.
- (c) "Joint Use Coordinating Committee" means the committee created pursuant to paragraph 5.1.1 hereof.
- (d) "Joint Use Purposes" means the use by a party hereto of the facilities of the other party hereto for the benefit of the residents of the Municipality and also includes the use of the facilities of either party by third parties pursuant to an Outside Lease.
- (e) "Land Titles Act" means the Land Titles Act, R.S.A. 1980, c. L-5, as amended to the date hereof.
- (f) "Municipality" means the Municipal District of Rocky View #44, a Municipal Corporation.
- (g) "Old Reserve Lands" means any lands which, with respect to a subdivision of land within the Municipality prior to January 1, 1991, were provided by a registered owner as Municipal Reserve, School Reserve or Municipal and School Reserve (in each case said term shall not include lands held as Environmental Reserve) under the provisions of the Planning Act and shall also include

- 5 -

any facilities constructed thereon excepting thereout all of such lands which are subsequently removed from Reserve Land status pursuant to planning legislation then in force.

- (h) "Outside Lease" means a lease of Reserve Lands to any person other than the Municipality or the School Authority for a purpose consistent with the provisions of Section 111(2) of the Planning Act and specifically includes any lease of Reserve Lands to a community association incorporated pursuant to the laws of the Province of Alberta for the purpose of erecting premises for community and recreational uses.
- (i) "Planning Act" means the Planning Act, R.S.A. 1980, c. P-9 as amended to the date hereof.
- (j) "Playing Field Extensions" means any part of a School Reserve which is used as a playing field.
- (k) "Reserve Lands" means any lands which, with respect to a subdivision of land within the Municipality after January 1, 1991, have been provided by a registered owner as Municipal Reserve, School Reserve or Municipal and School Reserve (in each case said term shall not include lands held as Environmental Reserve) under the provisions of the Planning Act and shall also include any facilities constructed thereon excepting thereout all of such lands which are subsequently removed from Reserve Land status pursuant to planning legislation then in force.

- 6 -

- (l) "School Authority" means the Board of Trustees of the Rocky View School Division #41.
- (m) "School Building Envelopes" means any part of the School Reserve upon which school facilities and buildings, related ornamental lawn areas, parking lots and paved play areas are located.
- (n) "School Development" means the construction of school facilities and buildings including related ornamental lawn areas, parking lots and paved play areas.

2. PURPOSES

2.1 Range of Application

2.1.1 The parties shall endeavour to optimize the services they provide for the benefit of the residents of the Municipality and the residents of the cities, towns and villages situated within the jurisdiction of the School Authority by (a) coordinating their planning, development, maintenance and operation of all Reserve Lands; (b) equitably sharing all costs associated therewith; and (c) coordinating the disposition of any Reserve Lands which are found to be surplus to their needs.

3. RESERVE LANDS

3.1 Protection of All Reserve Lands

3.1.1 All Reserve Lands will be dealt with in accordance with the provisions of this Joint Use Agreement and in compliance with the provisions of the Planning Act.

- 7 -

### 3.2 Priority of Use

3.2.1 The following priorities of use shall apply with respect to all Reserve Lands:

1. Priority #1: Neighbourhood needs, which include School Authority operated Elementary Schools or the equivalent thereof, and neighbourhood parks;
2. Priority #2: Community needs, which include School Authority operated Junior High Schools or the equivalent thereof and park land required for open space linkages or to provide setbacks beyond land reserved for environmental reserve under the Planning Act at the tops of escarpments or adjacent to water courses; and
3. Priority #3: Regional needs, which includes School Authority operated Senior and Vocational High Schools or the equivalent thereof, pools, arenas, athletic parks and other recreational facilities.

### 3.3 Optimum Planning of Sites

3.3.1 The Approving Authority shall determine the geographical extent of Reserve Lands to be set aside by a registered owner on subdivision or Cash-in-Lieu Monies to be provided in place thereof. Without limiting the Approving Authority's discretion, the Approving Authority shall consider recommendations made by the Municipality and/or the School Authority as to the nature and geographical extent of Reserve Lands to be set aside by a registered owner on

- 8 -

subdivision or Cash-in-Lieu Monies to be provided in place thereof.

3.3.2 The parties shall determine the location, size and configuration of all Reserve Lands which are to be committed to Joint Use Purposes at the "Area Structure Plan" stage so as to optimize the utilization of available Reserve Lands.

3.3.3 The parties shall determine the location and size of the School Building Envelopes and any Municipal and School Reserve which is to be adjacent thereto. Without limiting the ability of the parties to establish such areas as may be appropriate in any particular case, the parties hereby establish the following guidelines for the area of such parcels:

	<u>School Building Envelopes</u>	<u>Municipal and School Reserve</u>	<u>Total</u>
(a) Elementary School	4 acres	6 acres	10 acres
(b) Junior High School	5 acres	10 acres	15 acres
(c) Senior High School	7 acres	13 acres	20 acres

#### 3.4 **Gymnasias**

3.4.1 The School Authority shall endeavour to ensure that each new school building will have showers, dressing rooms and a gymnasium of Junior High School standards, provided the size of the school building makes this financially feasible.

3.4.2 Subject to the approval of the Municipality, where the Joint Use Coordinating Committee recommends that the recreational needs of the residents of the Municipality will be best served by the provision of a gymnasium of Senior High

- 9 -

School standards at schools other than Senior High Schools which are to be constructed in the Municipality, the Municipality shall be responsible for the incremental capital costs over and above the costs of construction of the gymnasium of Junior High School standards that would otherwise be built. Where a school is situate in a city, town or village, responsibility for such incremental capital costs shall be shared pro rata by the Municipality and such city, town or village based upon the projected use by the residents of the city, town or village of such gymnasium.

3.4.3 Subject to the approval of the Municipality, the Joint Use Coordinating Committee shall be responsible for negotiating a suitable cost sharing agreement on behalf of the Municipality with such city, town or village. In the event that the Joint Use Coordinating Committee is unable to reach a suitable cost sharing agreement, the Municipality shall be under no obligation to participate financially with plans to construct a gymnasium of any higher standards.

### 3.5 Maintenance Responsibilities

3.5.1 Maintenance of all Municipal Reserve shall be the responsibility of the Municipality.

3.5.2 Maintenance of Municipal and School Reserve and all Playing Field Extensions shall be the responsibility of both Municipality and the School Authority and the amount of the cost of such maintenance born by each of the parties shall be a matter for negotiation between the Municipality and the School Authority based on a recommendation of the Joint Use Coordinating Committee.

- 10 -

3.5.3 Maintenance of all School Reserve shall be the responsibility of the School Authority.

**3.6 Declaration of Surplus Sites**

3.6.1 In the event that the School Authority wishes to close a school, it shall first advise the Joint Use Coordinating Committee whether such closure is intended to be a permanent closure or a temporary closure pending a return to circumstances under which such school may be reopened or used for alternate School Authority purposes.

**3.7 Temporary Closure of Schools**

3.7.1 If the School Authority states that the school closure is intended to be temporary, the School Authority, subject to Section 113 of the Planning Act, may enter into an Outside Lease, which Outside Lease shall be on terms and conditions as determined by the School Authority including the retention by the School Authority of any revenue derived from the Outside Lease, and thereby use the Reserve Lands for another purpose.

**3.8 Permanent Closures**

3.8.1 If the School Authority states that the school closure is intended to be permanent, the School Authority shall so advise the Municipality. Subject to Section 113 of the Planning Act, the Municipality may enter into an Outside Lease, which Outside Lease shall be on terms and conditions as determined by the Municipality, and thereby use the Reserve Lands for another purpose.



- 11 -

3.8.2 In the event an Outside Lease is concluded, the Municipality shall inform and advise the School Authority of the pertinent details relative to the accommodation of the Joint Use Purpose.

3.8.3 In the event that a school building which has been declared by the School Authority to be permanently surplus to school needs cannot become the subject matter of an Outside Lease, then the Municipality shall consider a sale of such school as is, and in such event:

1. the Joint Use Coordinating Committee shall arrange for an appraisal to be made of the land, buildings and improvements to be the subject of the sale;
2. the sale proceeds shall, to the extent possible, be allocated as follows:
  - (i) firstly, the Municipality and the School Authority shall each receive one-half of the appraised value of the land; and
  - (ii) secondly, the Municipality and the School Authority shall share the appraised value of the building and improvements on a pro rata basis depending upon the amounts originally contributed by each party to pay for and improve the building and improvements.
3. the retirement of any outstanding debentures associated with such school shall be a School Authority responsibility;

- 12 -

3.8.4 If a school building which has been declared by the School Authority to be permanently surplus to school needs may not be sold as aforesaid and as such should be demolished:

1. the demolition and site rehabilitation costs shall be borne out of the School Reserve Fund and such costs shall also form a first charge on the proceeds of any subsequent sale of the Reserve Land on which such school building is situate.
2. the retirement of any outstanding debentures associated with such school shall be a School Authority responsibility.

3.8.5 In the event that demolition of a school building occurs as provided in paragraph 3.8.3 above, then the School Reserve upon which the school building was situate shall be redesignated as Municipal Reserve and registered as such. Legal title to such Municipal Reserve shall vest in the Municipal Authority as provided in Section 113 of the Planning Act.

3.8.6 The consideration payable by the Municipal Authority for the transfer of such redesignated Municipal Reserve shall be \$1.00.

3.8.7 When School Reserve has been declared permanently surplus to school needs and legal title has been transferred to the Municipality as part of a redesignation, the Municipality shall assume responsibility for the maintenance of such new Municipal Reserve.

- 13 -

### 3.9 Disposal of Reserve Lands to Third Parties

3.9.1 Subject to paragraph 3.8, the parties hereto shall consult with each other prior to taking any steps under Section 115 of the Planning Act in connection with the disposal of Reserve Lands so as to ensure that the future needs of each of the parties hereto are taken into consideration.

## 4. MUNICIPAL AND SCHOOL RESERVE FUNDS

### 4.1 Sources

4.1.1 The Approving Authority shall be advised of the existence of this Joint Use Agreement and as such requested to allocate in accordance with the provisions of this Joint Use Agreement one-half of all Cash-in-Lieu Monies provided in place of Reserve Lands to the Municipality and one-half to the School Authority.

4.1.2 Notwithstanding paragraph 4.1.1, but subject to section 6.2 hereof, in the event that a new school authority is established within the jurisdiction of the Municipality which desires to participate with the Municipality and the School Authority in the allocation of Cash-in-Lieu Monies, the Approving Authority shall continue to allocate one-half of Cash-in-Lieu Monies to the Municipality and the remaining one-half of Cash-in-Lieu Monies shall be allocated between the School Authority and such new school authority as appropriate in proportion to the number of resident students for which each School Authority is responsible in the school district in which the relevant subdivision is situated.

- 14 -

4.1.3 Cash-in-Lieu Monies allocated to the Municipality shall be held in a reserve fund to be administered by the Municipality (the "Municipal Reserve Fund") and Cash-in-Lieu Monies allocated to the School Authority shall be held in a reserve fund which shall also be administered by the Municipality (the "School Reserve Fund"). Payments from the School Reserve Fund to the School Authority to enable it to meet the funding requirements for any use authorized by paragraph 4.2.1 hereof which were discussed and reviewed by the Joint Use Coordinating Committee as part of its coordination and administration of this Joint Use Agreement shall be made to the School Authority upon a written request by the School Authority.

4.1.4 The proceeds derived from the sale, assignment or other transfer of any Reserve Lands or any Old Reserve Lands, which sale, assignment or other transfer occurs after January 1, 1991, shall be allocated one-half to the Municipal Reserve Fund and one-half to the School Reserve Fund.

**4.2 Use of the Municipal Reserve Fund  
and the School Reserve Fund**

4.2.1 Subject to the provisions of Section 111 and 112 of the Planning Act, the Municipal Reserve Fund may be expended for such purposes as the Municipality may determine and the School Reserve Fund may be expended for such purposes as the School Authority may determine, provided however that in all cases the Municipal Reserve Fund may only be used for capital expenditures as outlined in Policy 603 of the Municipal District of Rocky View No. 44 Policy Handbook and the School Reserve Fund may only be used for capital expenditures associated with School Building Envelopes. The Municipality

- 15 -

and the School Authority shall establish mutually agreeable procedures whereby the School Reserve Fund may be invested in a manner which will yield a reasonable return on the funds and at the same time ensure that they are available to the School Authority when they are required.

5. OPERATIVE FRAMEWORK

5.1 Need for Joint Committee

5.1.1 The parties shall create an administrative committee to be known as the "Joint Use Coordinating Committee" which committee shall consist of two representatives from the management of the School Authority to be appointed by the School Authority and two representatives from the management of the Municipality to be appointed by the Municipality.

5.2 Duties of the Joint Use Coordinating Committee

5.2.1 The Joint Use Coordinating Committee shall:

1. coordinate and administer this Joint Use Agreement on behalf of the parties;
2. notwithstanding paragraph 6.1.1, report to the Chief Administrative Officers of the Municipality and the School Authority at any time and from time to time when they feel such a report is necessary;
3. prepare in writing an "Annual Report" which summarizes the previous year's activities for submission to the Chief Administrative Officers;

- 16 -

4. meet as often as is necessary and at least on a quarterly basis;
5. operate on a consensus basis on the understanding that on those issues on which agreement cannot be reached reference is to be made to the Chief Administrative Officers. If no consensus is reached between the Chief Administrative Officers, then reference is to be made to the Council of the Municipality and the Board of Trustees of the School Authority for direction as to final resolution;
6. set up sub-committees and delegate functions and responsibilities to them; and
7. review and make recommendations respecting the utilization of any Municipal and School Reserve.

6. **REVIEW, AMENDMENT AND TERMINATION OF  
THIS JOINT USE AGREEMENT**

6.1 **Review**

6.1.1 The terms of the Joint Use Agreement shall be reviewed and a report shall be made by the Joint Use Coordinating Committee to the Chief Administrative Officers of the parties:

1. every five years; and

- 17 -

2. after any changes are made to the Planning Act which may affect the Reserve Land provisions of this Joint Use Agreement;

in either case recommending any amendments to be made to the Joint Use Agreement necessitated by the passage of time or the changes to the Planning Act.

## 6.2 Amendments

6.2.1 At any time and from time to time either party hereto may submit for review by the Joint Use Coordinating Committee any proposed amendments which they believe are necessary to ensure the proper framework for the carrying out of their respective responsibilities under this Joint Use Agreement.

6.2.2 Any recommendation made by the Joint Use Coordinating Committee under paragraph 6.1.1 and any amendments submitted to the Joint Use Coordinating Committee in accordance with paragraph 6.2.1 shall be reviewed by the Chief Administrative Officers of the parties hereto within six (6) calendar months of such amendments or recommendations being proposed.

6.2.3 If the Chief Administrative Officers of the parties both agree upon the necessity for and the content of the proposed amendments arising from the recommendations of the Joint Use Coordinating Committee, then the Chief Administrative Officers shall submit such proposed amendments for the approval of the Council of the Municipal Corporation and the Board of Trustees of School Authority.



- 18 -

6.2.4 In the event that the Chief Administrative Officers of the parties do not agree upon such proposed amendments, then the proposed amendments shall be referred to the Council of the Municipality and the Board of Trustees of the School Authority along with a synopsis of such disagreement for their consideration. If the Council of the Municipality and the Board of Trustees of the School Authority cannot agree upon such proposed amendments, then this Joint Use Agreement shall not be amended.

### 6.3 Term and Termination

6.3.1 The parties agree that this Joint Use Agreement shall be for an initial term of three years during which it may not be terminated except as provided in 1. below and at the end of such initial three year term shall be, subject to the following, continued for an indefinite term until it is terminated:

1. upon the agreement of the parties; or
2. upon a notice in writing having been given by either party to the other of at least one year, which notice may be given at any time after the end of the second year of the initial term, in which case this Joint Use Agreement shall terminate at the end of such one year notice period.

### 7. PROVISIONS FOUND INVALID

7.1 If one or more provisions of this Joint Use Agreement are, for any reason, held to be invalid, the

- 19 -

parties intend that all remaining provisions are to remain in full force and effect.

8. ARBITRATION

8.1 If the parties should have any disputes arising out of the operation or the interpretation of this Joint Use Agreement, then such dispute may, at the written request of either party, be submitted to arbitration in accordance with the provisions of the Arbitration Act (Alberta) R.S.A. 1980, c. A-43. The Board of Arbitration shall consist of three members, one appointed by the Municipality and one appointed by the School Authority and a third member appointed by the persons so appointed, provided however that if either party shall fail to appoint a member within twenty days after the written request for arbitration and the other party shall have appointed a member, then the Board of Arbitration shall consist of the member who shall be the person appointed by the other party. The arbitrators so appointed shall have all the powers accorded by said Arbitration Act. The decision of the Board of Arbitration shall, subject to appeal, be final and binding upon the parties hereto. The costs of the arbitration shall be shared equally by the parties.

9. PRE-JANUARY 1, 1991 RESERVE LANDS  
AND CASH-IN-LIEU FUNDS

9.1 All reserve lands held by the Municipality prior to January 1, 1991, all cash-in-lieu monies received in connection with a subdivision approved by the Approving Authority prior to January 1, 1991 and all proceeds from the sale of any reserve lands held by the Municipality prior to

- 20 -

January 1, 1991 shall continue to belong exclusively to and be administered solely by the Municipality.

10. COSTS OF SUBDIVISION, REDESIGNATION AND TRANSFER

10.1 The Municipality agrees that any fees which would otherwise be payable by the School Authority to the Council in connection with subdivision or redesignation applications made by the School Authority and any transfer of land associated with such subdivision and redesignation are hereby waived on the condition that the School Authority be solely responsible for all legal costs associated therewith.

11. MISCELLANEOUS

11.1 The address for delivery of notices or other documents required or permitted hereunder shall be at the address adjacent to the party's name as follows or such other address as the other parties hereto may have been duly notified:

Municipal District of Rocky View #44  
[Address]

Attention: Municipal Manager

The Board of Trustees of the Rocky View  
School Division #41  
[Address]

Attention: Superintendent of Schools

11.2 Any notice shall be delivered to the address indicated above and shall be deemed to have been delivered to

- 21 -

and received by the addressee thereof on the date of delivery.

11.3 This Joint Use Agreement shall be governed by and construed in accordance with the laws of the Province of Alberta.

IN WITNESS WHEREOF the parties hereto have caused this Agreement to be executed as of the 16<sup>th</sup> day of APRIL, 1991.

THE MUNICIPAL DISTRICT OF ROCKY  
VIEW #44

Per: L. Kenschuk

Per: W. Clark

THE BOARD OF TRUSTEES OF THE  
ROCKY VIEW SCHOOL DIVISION #41

Per: Don Blair

Per: Danell Cochrane



## CAPITAL PROJECT MANAGEMENT

---

**TO:** Council

**DATE:** October 22, 2019 **DIVISION:** 1

**FILE:** 5045-275

**SUBJECT:** Connection of Wintergreen Woods to the Bragg Creek Water Treatment Plant

---

### POLICY DIRECTION:

Under the *Municipal Government Act*, Council is the approving authority for the County's budget and for adjustments to that budget.

### EXECUTIVE SUMMARY:

In support of the County's strategic direction to become financially self-sufficient in water servicing, Administration has negotiated the acquisition of additional customers for the Bragg Creek water system operations. As a result, a budget adjustment is required in order to allow the County to complete the connection of Wintergreen Woods Water Co-op to the Bragg Creek Water Treatment Plant. All costs associated with the connection will be recovered from the Wintergreen Woods Water Co-op.

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

Administration recommends approval of a budget adjustment for the connection of Wintergreen Woods Water Co-op to the Bragg Creek water supply system in accordance with Option #1.

### DISCUSSION:

Rocky View County Administration has been working with Wintergreen Woods Water Co-op to connect them to the County's Bragg Creek Water Treatment Plant. The current Wintergreen Woods Water supply system is failing due to issues with their raw water intake on the Elbow River. This has an impact on the 80 residencies connected to the system.

As part of a Water Treatment and Supply Agreement signed October 10, 2019, the County will supply and meter potable water to Wintergreen Woods pump house and act as the Project Manager for the physical connection to ensure that the connecting pipeline will meet County standards. Wintergreen Woods Water Co-op is responsible for all costs in the amount of \$150,000 associated with the connection, and for the distribution of water from the pump house to the Wintergreen users while adhering to all Alberta Environment and Parks requirements. The Co-op has agreed to provide a deposit of 50 percent of the estimated costs prior to construction and the remainder at completion. A budget adjustment is required to complete the connection of the Wintergreen Woods Water Co-op to the County's Bragg Creek water supply system.

Acquiring the Wintergreen Woods Water Co-op as a customer's supports the County's goal of becoming providing water services under a full cost recovery basis and helps stabilize rates while providing safe reliable potable water.

---

<sup>1</sup>Administrative Resources

Doug Hafichuk, Capital Project Management



### **BUDGET IMPLICATION(S):**

All costs associated with the connection will be the responsibility of the Wintergreen Woods Water Co-op.

### **COMMUNICATIONS PLAN:**

Communication will be delivered through the County's external website.

### **OPTIONS:**

Option #1                      THAT a budget adjustment for the connection of Wintergreen Woods Water Co-op to the Bragg Creek water supply system be approved as described in Attachment 'A'.

Option #2                      THAT alternative direction be provided.

Respectfully submitted,

Concurrence,

"Byron Riemann"

"Al Hoggan"

---

Executive Director  
Operations

---

Chief Administrative Officer

### **ATTACHMENTS:**

Attachment 'A' – Budget Adjustment Form

**ROCKY VIEW COUNTY**  
**BUDGET ADJUSTMENT REQUEST FORM**  
**BUDGET YEAR: 2019**

Description	Budget Adjustment
<b>Wintergreen Woods Water Co-op &amp; Supply Agreement</b>	
EXPENDITURES:	
Engineering and Construction for connection of the Bragg Creek Water Treatment Plant to Wintergreen Woods	150,000
TOTAL EXPENSE:	150,000
REVENUES:	
Wintergreen Woods Water Co-op - Water Treatment & Supply Agreement	150,000
TOTAL REVENUE:	0
NET BUDGET REVISION:	150,000
REASON FOR BUDGET REVISION:  Design and Construction of: (1) Construction/connection of the pipe to Wintergreen Woods pumphouse (2) Adding new booster pumps to pumphouse (3) Installing meters and chlorination of lines	
<b>AUTHORIZATION:</b>  <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> Chief Administrative Officer _____  AI Hoggan </div> <div style="width: 45%;"> Council Meeting Date: _____ </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 45%;"> Exec Dir, Corp Services _____  Kent Robinson </div> <div style="width: 45%;"> Council Motion Reference: _____ </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 45%;"> Manager: _____ </div> <div style="width: 45%;"> Date: _____ </div> </div>	

Budget AJE No: \_\_\_\_\_  
Posting Date: \_\_\_\_\_



## MARKETING & COMMUNICATIONS

---

**TO:** Council  
**DATE:** October 22, 2019 **DIVISION:** All  
**FILE:** N/A  
**SUBJECT:** Consideration of First Reading for a *Public Notification Bylaw* (C-7860-2019)

---

### POLICY DIRECTION

The *Municipal Government Act* allows Council to pass a public notification bylaw that permits the municipality to choose from a variety of different methods to advertise proposed bylaws, resolutions, meetings, public hearings, and other matters referred to in the Act.

### COUNCIL OPTIONS

- Option 1: THAT the *Public Notification Bylaw* (C-7860-2019) be given First Reading.  
Option 2: THAT the *Public Notification Bylaw* (C-7860-2019) be refused First Reading.  
Option 3: THAT alternative direction be provided.

### PRELIMINARY ANALYSIS

The County currently uses a variety of methods to advertise public notices. The *Public Notification Bylaw* names the County's website as the primary channel, and gives the County flexibility in how newspaper advertising, email notifications, social media, and potential other emerging technologies are used. This allows the County to stay current with changes to how the public prefers to receive information, and allows a faster response to emergent issues that may arise.

Should the County wish to use alternative advertising methods, a public notification bylaw must meet specific requirements as outlined in section 606.1 of the *Municipal Government Act*:

1. Council must be satisfied that the method provided for in the bylaw is likely to bring the matter to the attention of substantially all residents in the relevant area;
2. a public hearing must be held on the bylaw;
3. the notice of bylaw must be advertised by newspaper, residential mail, or website; and
4. bylaws must be made available for public inspection.

### PUBLIC HEARING DATE

Should Council proceed with Option 1, the earliest Public Hearing date is November 26, 2019.

Respectfully submitted,

"Grant Kaiser"

---

Executive Director  
Community & Business Connections

Concurrence,

"Al Hoggan"

---

Chief Administrative Officer

### ATTACHMENTS

Appendix "A" – Proposed Rocky View County *Public Notification Bylaw*



APPENDIX "A"

# Public Notification Bylaw

## (C-7860-2019)

A Bylaw of Rocky View County, in the Province of Alberta,  
to establish alternate methods for advertising statutory notices.

**WHEREAS** Rocky View County is required to advertise certain bylaws, resolutions, meetings, public hearings, and other things in accordance with section 606 of the *Municipal Government Act*;

**AND WHEREAS** Section 606.1 of the *Municipal Government Act* allows Rocky View County Council to pass a bylaw to provide for one or more alternate methods to advertise certain bylaws, resolutions, meetings, public hearings, and other things as required under section 606;

**AND WHEREAS** Rocky View County Council is satisfied that the advertising methods set out in this Bylaw are likely to bring a matter to the attention of substantially all residents in the relevant area;

**NOW THEREFORE** the Council of Rocky View County enacts as follows:

### Title

- 1 This Bylaw may be cited as the *Public Notification Bylaw*.

### Definitions

- 2 Words in this Bylaw have the same meaning as those set out in the *Municipal Government Act* except as follows:
  - (1) **"Council"** means the duly elected Council of Rocky View County;
  - (2) **"County"** means Rocky View County;
  - (3) **"Rocky View County"** means Rocky View County as a municipal corporation and the geographical area within its jurisdictional boundaries, as the context requires.
  - (4) **"Municipal Government Act"** means the *Municipal Government Act*, RSA 2000, c M-26, as amended or replaced from time to time;
  - (5) **"Detailed notice"** means a notice containing all of the information required under section 606 of the *Municipal Government Act*;



### Methods of Advertising

- 3 Rocky View County will advertise bylaws, resolutions, meetings, public hearings, and other things as required under the *Municipal Government Act* by publishing detailed notices on the County's website.
- 4 Rocky View County may also choose to use one or more of the following methods to advertise or to advertise detailed notices or summaries of website notices:
  - (1) Newspaper(s).
  - (2) The County's social media sites.
  - (3) The County's electronic opt-in communications.
  - (4) Other methods as may be directed by County policy.
- 5 Rocky View County will make detailed notices available at the County Hall.

### Severability

- 6 If any provision of this Bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw will remain valid and enforceable.

### Effective Date

- 7 Bylaw C-7860-2019, being the *Public Notification Bylaw*, is passed and comes into full force and effect when it receives third reading and is signed by the Reeve and the Chief Administrative Officer or their designate pursuant to the *Municipal Government Act*.

READ A FIRST TIME IN COUNCIL this \_\_\_\_\_ day of \_\_\_\_\_, 2019

PUBLIC HEARING WAS HELD IN COUNCIL this \_\_\_\_\_ day of \_\_\_\_\_, 2019

READ A SECOND TIME IN COUNCIL this \_\_\_\_\_ day of \_\_\_\_\_, 2019

READ A THIRD TIME IN COUNCIL this \_\_\_\_\_ day of \_\_\_\_\_, 2019

\_\_\_\_\_  
Reeve

\_\_\_\_\_  
Chief Administrative Officer or Designate

\_\_\_\_\_  
Date Bylaw Signed



## **PLANNING AND DEVELOPMENT SERVICES**

---

**TO:** Council  
**DATE:** October 22, 2019  
**FILE:** 03231019  
**SUBJECT:** First Reading Bylaw – Residential Redesignation

**DIVISION:** 5  
**APPLICATION:** PL20190071

---

**PURPOSE:** The purpose of this application is to redesignate from Agricultural Holdings District (AH) to Residential Two District (R-2), in order to create two ± 9.49 acre lots.

**GENERAL LOCATION:** Located approximately 2.5 km south east of the City of Chestermere, approximately 0.8 km south of Township Road 240 and on the east side of Range Road 275A.

**APPLICANT:** Alan Rose

**OWNERS:** Richard and Lina Stobbe

**<sup>1</sup>POLICY DIRECTION:** Relevant policies for this application include the County Plan and the Northglen Estates Conceptual Scheme.

### **COUNCIL OPTIONS:**

Option #1: THAT Bylaw C-7923-2019 be given first reading.

Option #2: THAT application PL20190071 be denied.

### **APPLICATION REQUIREMENTS:**

No additional information required at this time.

Respectfully submitted,

“Matthew Wilson”

---

Acting Executive Director  
Community Development Services

JKwan/ltt

Concurrence,

“Al Hoggan”

---

Chief Administrative Officer

### **APPENDICES:**

APPENDIX ‘A’: Bylaw C-7932-2019 & Schedule A

APPENDIX ‘B’: Map Set

---

<sup>1</sup> **Administration Resources**  
Johnson Kwan, Planning and Development Services

# BYLAW C-7923-2019

**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-7923-2019.

## 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. 32 and 32-NW of Bylaw C-4841-97 be amended by redesignating portion of NE-31-23-27-W04M from Agricultural Holdings District to Residential Two District as shown on the attached Schedule 'A' forming part of this Bylaw.

**THAT** Portion of NE-31-23-27-W04M is hereby redesignated to Residential Two District as shown on the attached Schedule 'A' forming part of this Bylaw.

## PART 4 – TRANSITIONAL

Bylaw C-7923-2019 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: 5

**File:** 03231019 - PL20190071

*PUBLIC HEARING WAS HELD IN COUNCIL this                      day of                      , 2019*

READ A FIRST TIME IN COUNCIL this \_\_\_\_\_ day of \_\_\_\_\_, 2019

READ A SECOND TIME IN COUNCIL this \_\_\_\_\_ day of \_\_\_\_\_, 2019

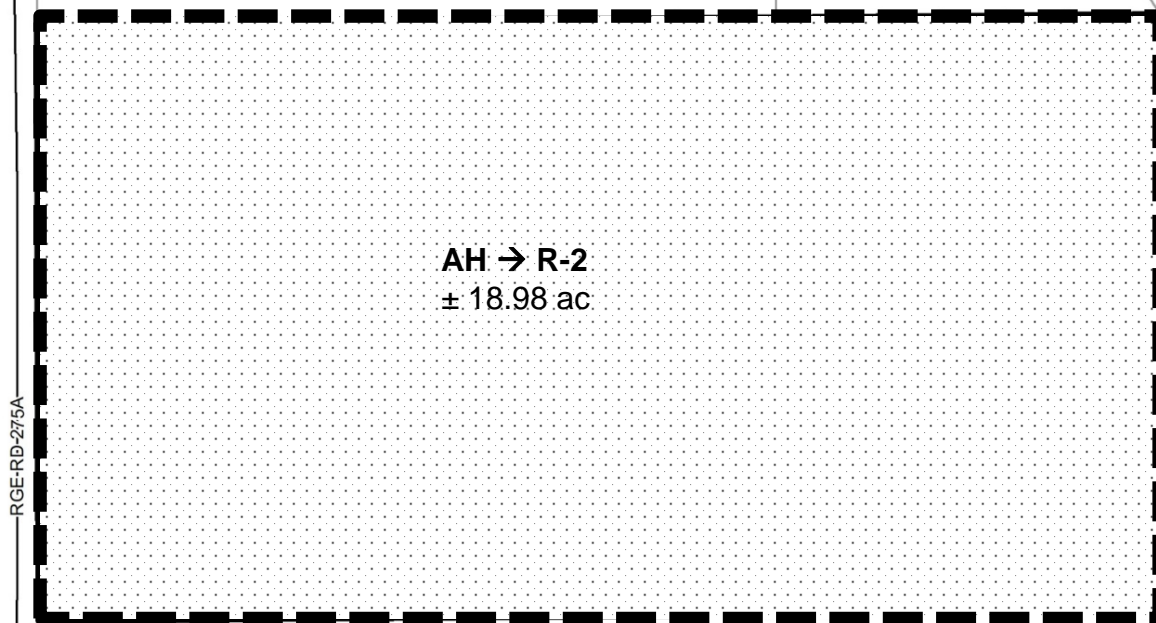
*UNANIMOUS PERMISSION FOR THIRD READING*                      day of                      , 2019

READ A THIRD TIME IN COUNCIL this \_\_\_\_\_ day of \_\_\_\_\_, 2019

Reeve

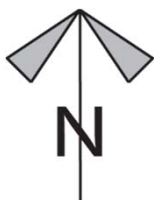
CAO or Designate

Date Bylaw Signed

**SCHEDULE "A"****BYLAW:** C-7923-2019**FROM** Agricultural Holdings District **TO** Residential Two District

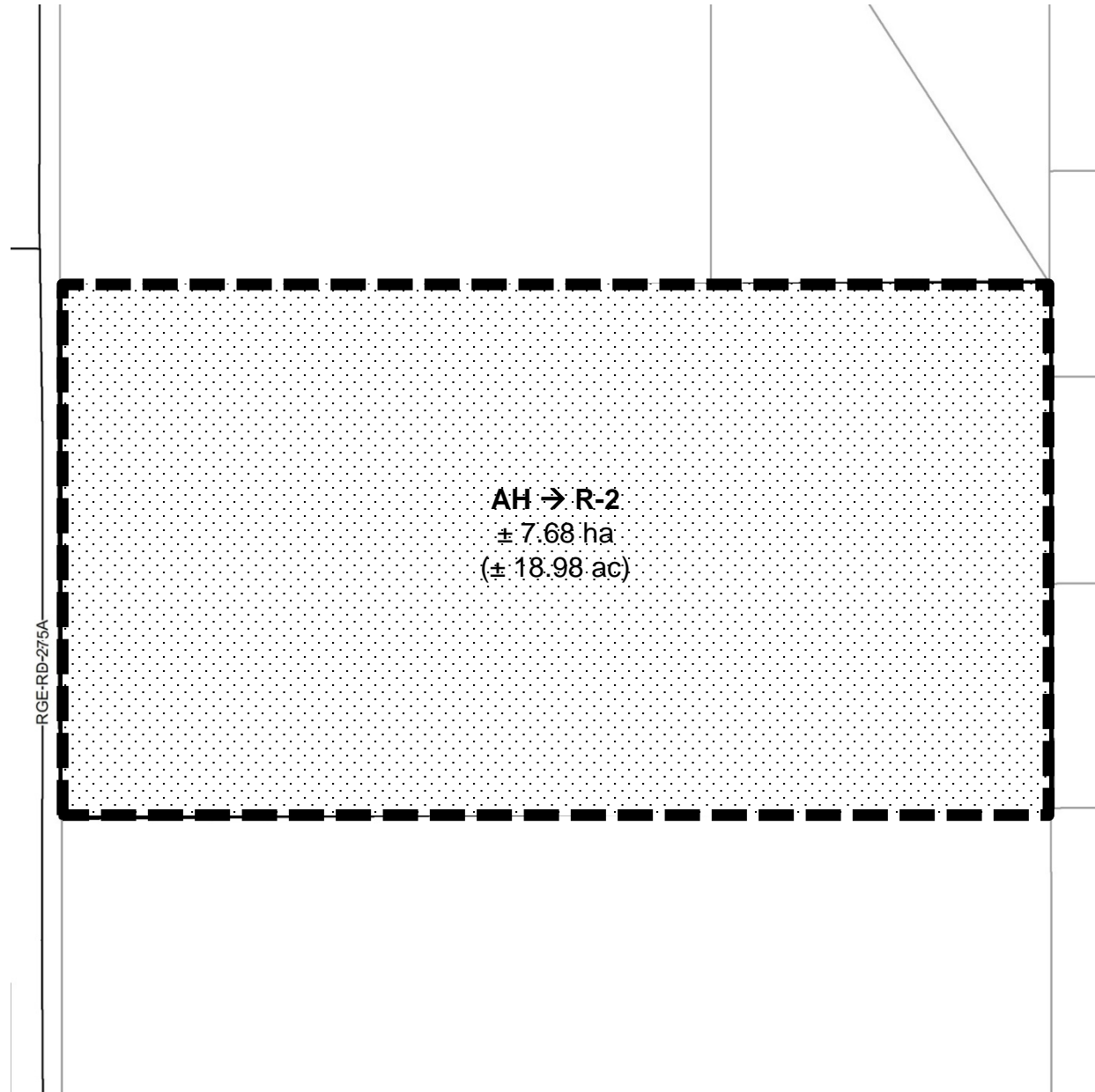
Subject Land \_\_\_\_\_

**LEGAL DESCRIPTION:** Portion of NE-31-23-27-W04M**FILE:** 03231019 - PL20190071**DIVISION: 5****ROCKY VIEW COUNTY**  
Cultivating Communities

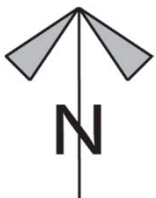


File: 03231019

**Redesignation Proposal:** To redesignate the subject lands from Agricultural Holding District to Residential Two District in order to creation two  $\pm$  3.84 hectare (9.49 acre) parcels.



## DEVELOPMENT PROPOSAL

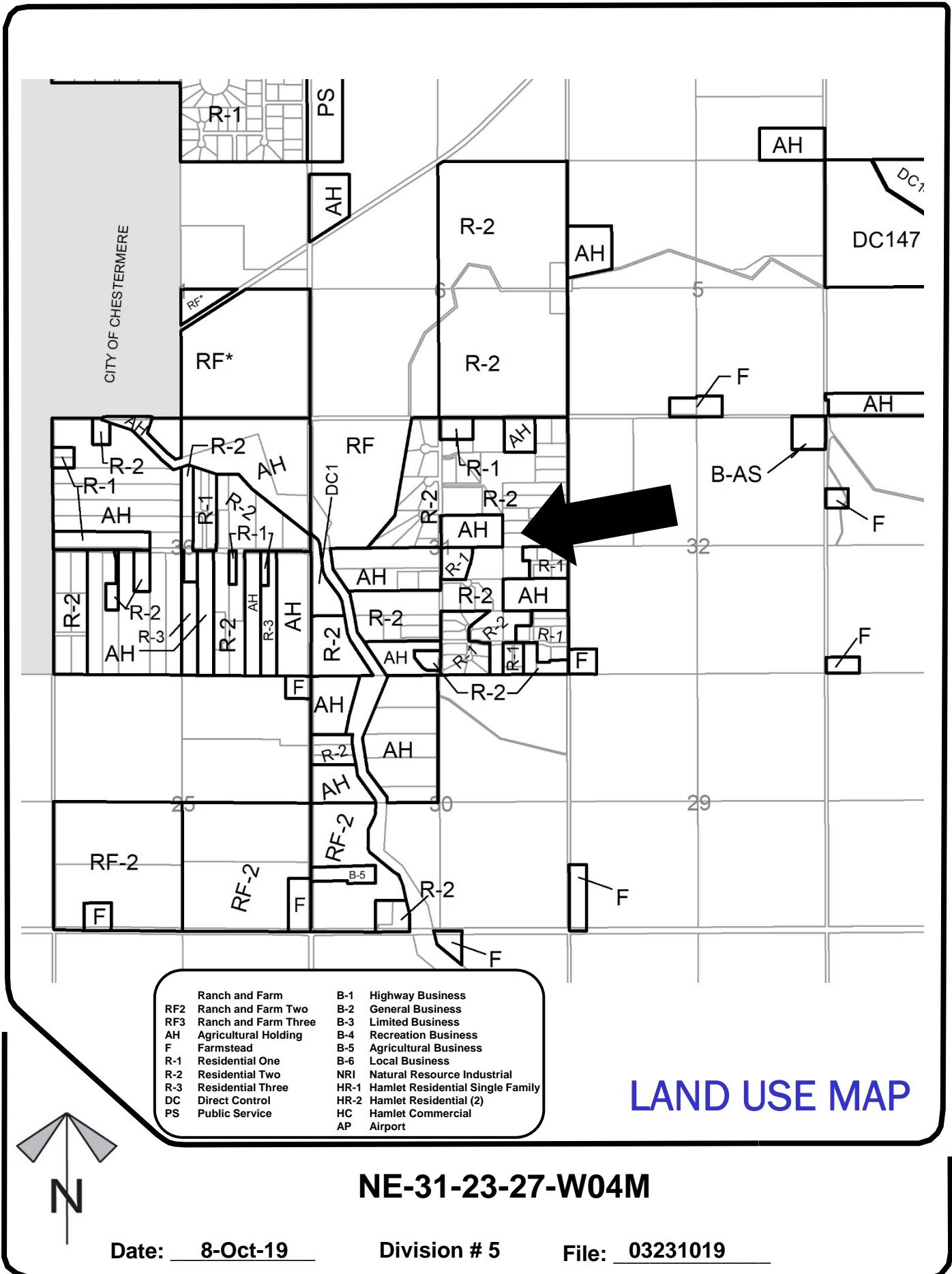


**NE-31-23-27-W04M**

Date: 8-Oct-19

Division # 5

File: 03231019

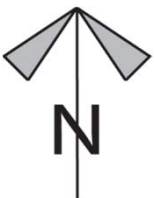






Contours are generated using 10m grid points, and depict general topographic features of the area. Detail accuracy at a local scale cannot be guaranteed. They are included for reference use only.

**TOPOGRAPHY**  
Contour Interval 2 M



**NE-31-23-27-W04M**

Date: 8-Oct-19

Division # 5

File: 03231019



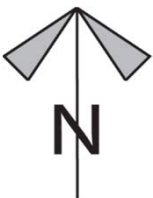
**Redesignation Proposal:** To redesignate the subject lands from Agricultural Holding District to Residential Two District in order to creation two  $\pm$  3.84 hectare (9.49 acre) parcels.



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

**AIR PHOTO**

Spring 2018

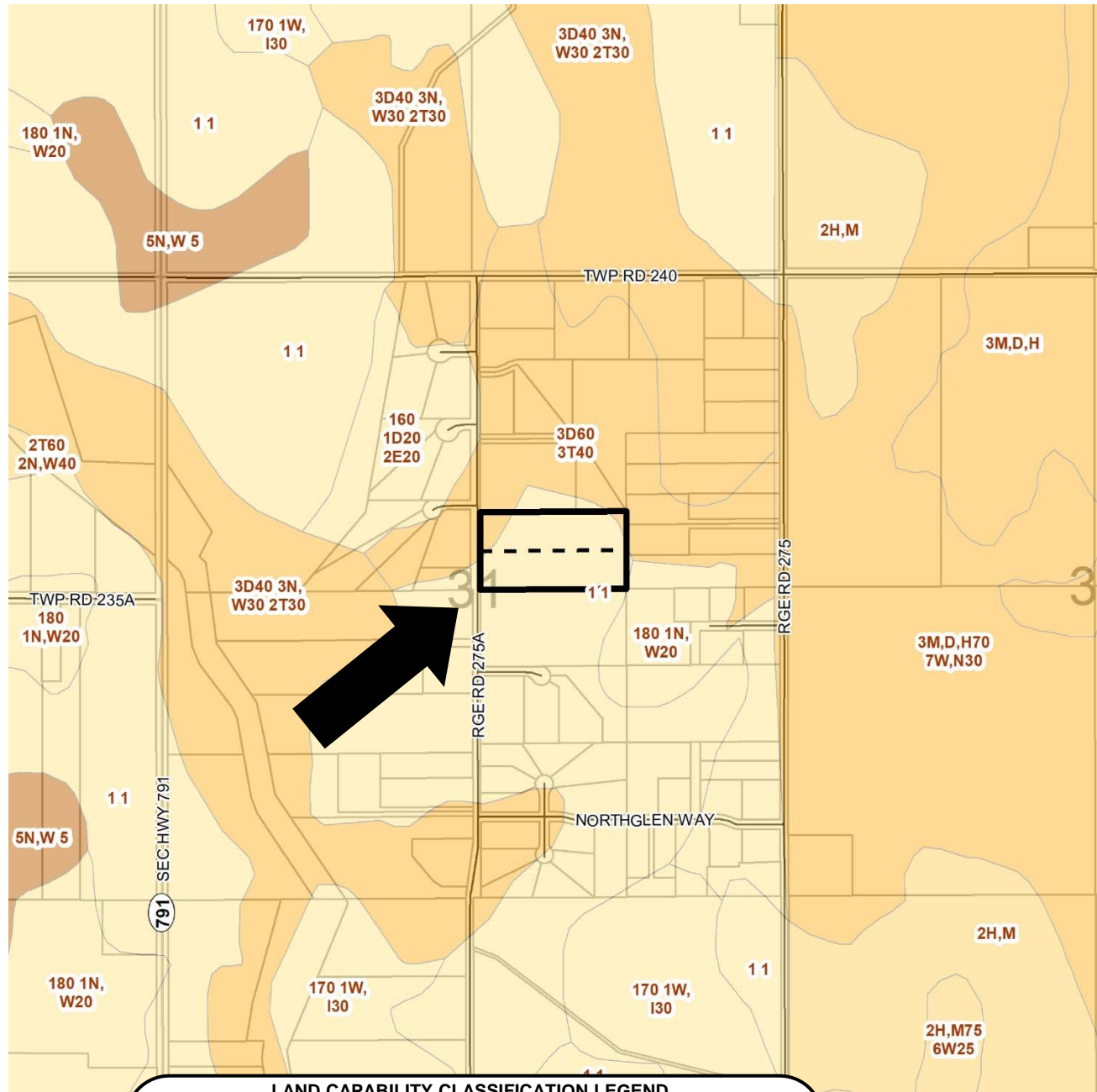


**NE-31-23-27-W04M**

Date: 8-Oct-19

Division # 5

File: 03231019



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

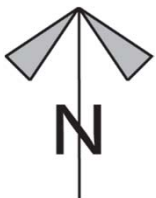
**CLI Class**

- 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**

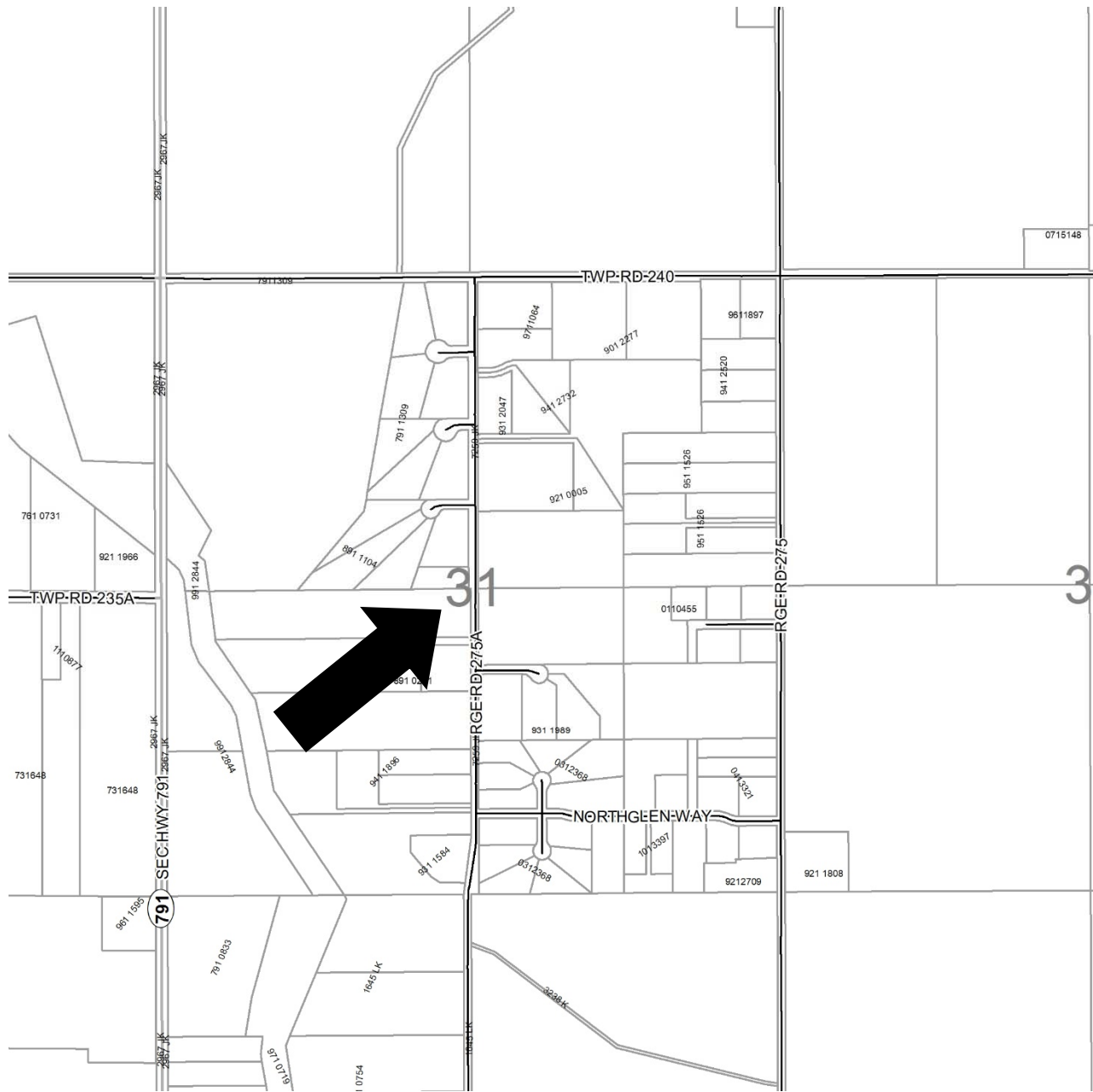


**NE-31-23-27-W04M**

Date: 8-Oct-19

Division # 5

File: 03231019

**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****NE-31-23-27-W04M**Date: 8-Oct-19Division # 5File: 03231019



**Date:** 8-Oct-19      **Division #** 5      **File:** 03231019



## **PLANNING AND DEVELOPMENT SERVICES**

---

**TO:** Council  
**DATE:** October 22, 2019  
**FILE:** 06421007  
**SUBJECT:** First Reading Bylaw - Residential Redesignation

**DIVISION:** 7  
**APPLICATION:** PL20190036

---

**PURPOSE:** The purpose of this application is to redesignate Residential Two District (R-2) to Residential One District (R-1), in order to facilitate the creation of a  $\pm$  2.03 acre parcel (Lot 1) with a  $\pm$  2.29 acre remainder.

**GENERAL LOCATION:** Located approximately 1 km south of the City of Airdrie; located approximately 0.41 m (1/4 mile) north of Township Road 263 on the west side of Range Road 293A.

**APPLICANT:** Sunny Johal

**OWNERS:** Balharjit S. and Navdeep K. Johal

**<sup>1</sup>POLICY DIRECTION:** The application was evaluated against the policies of the Balzac East ASP and the City of Airdrie/MD of Rocky View IDP.

### **COUNCIL OPTIONS:**

Option #1: THAT Bylaw C-7938-2019 be given first reading.

Option #2: THAT application PL20190036 be denied.

### **APPLICATION REQUIREMENTS:**

This application requires standard technical assessment under policy.

Respectfully submitted,

Concurrence,

“Matthew Wilson”

“Al Hoggan”

---

Acting Executive Director  
Community Development Services

---

Chief Administrative Officer

ON/lt

### **APPENDICES:**

APPENDIX ‘A’: Bylaw C-7938-2019 & Schedule A

APPENDIX ‘B’: Map Set

---

<sup>1</sup> **Administration Resources**  
Oksana Newmen, Planning and Development Services





ROCKY VIEW COUNTY  
Cultivating Communities

## BYLAW C-7938-2019

### 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-7938-2019.

#### 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. 64-NORTH and 64-SOOUTH of Bylaw C-4841-97 be amended by redesignating a portion of SW-21-26-29-W4M from Residential Two District to Residential One District as shown on the attached Schedule 'A' forming part of this Bylaw.

**THAT** A portion of SW-21-26-29-W4M is hereby redesignated to Residential One District as shown on the attached Schedule 'A' forming part of this Bylaw.

#### PART 4 – TRANSITIONAL

Bylaw C-7938-2019 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: 06421007 - PL20190036**

PUBLIC HEARING WAS HELD IN COUNCIL this	day of	, 2019
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

---

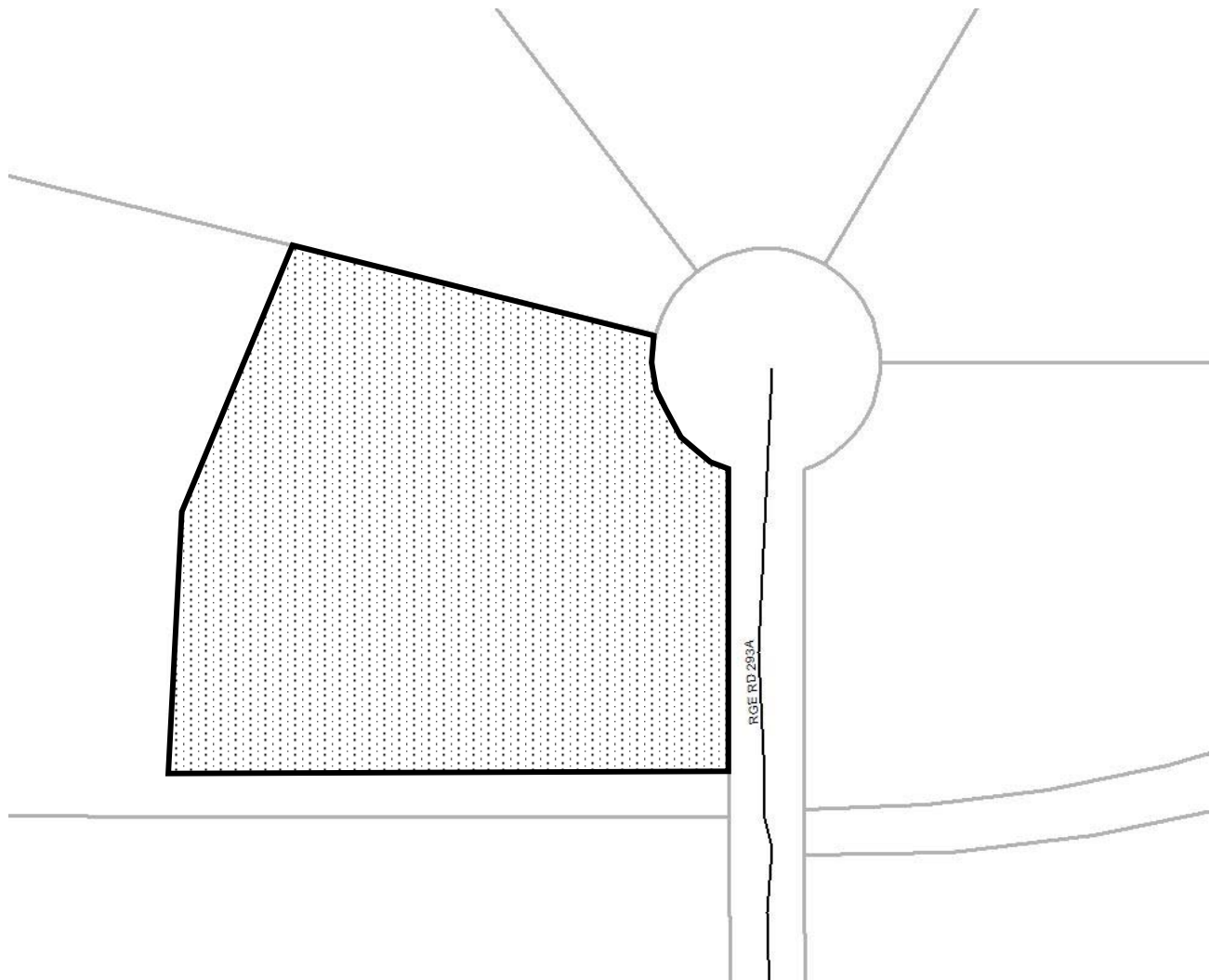
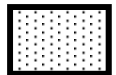
Reeve

---

CAO or Designate

---

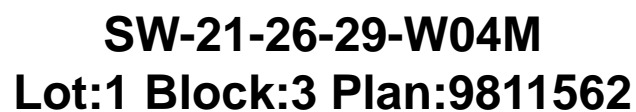
Date Bylaw Signed

**SCHEDULE "A"****BYLAW:** C-7938-2019**AMENDMENT****FROM** Residential Two District **TO** Residential One District

Subject Land \_\_\_\_\_

**LEGAL DESCRIPTION:** SW-21-26-29-W4M**FILE:** 06421007 - PL20190036**DIVISION: 7****ROCKY VIEW COUNTY**  
Cultivating Communities





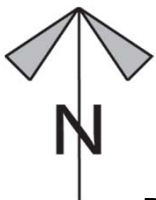
File: 06421007

**Redesignation Proposal:** To redesignate the subject lands from Residential Two District (R2) to Residential One District (R1) in order to facilitate the creation of a  $\pm 0.82$  hectare (2.03 acre) parcel (Lot 1) with a  $\pm 0.93$  hectare (2.29 acre) remainder.

Lot 1  
0.82 ha  
2.03 ac

Remainder  
0.93 ha  
2.29 ac

## DEVELOPMENT PROPOSAL

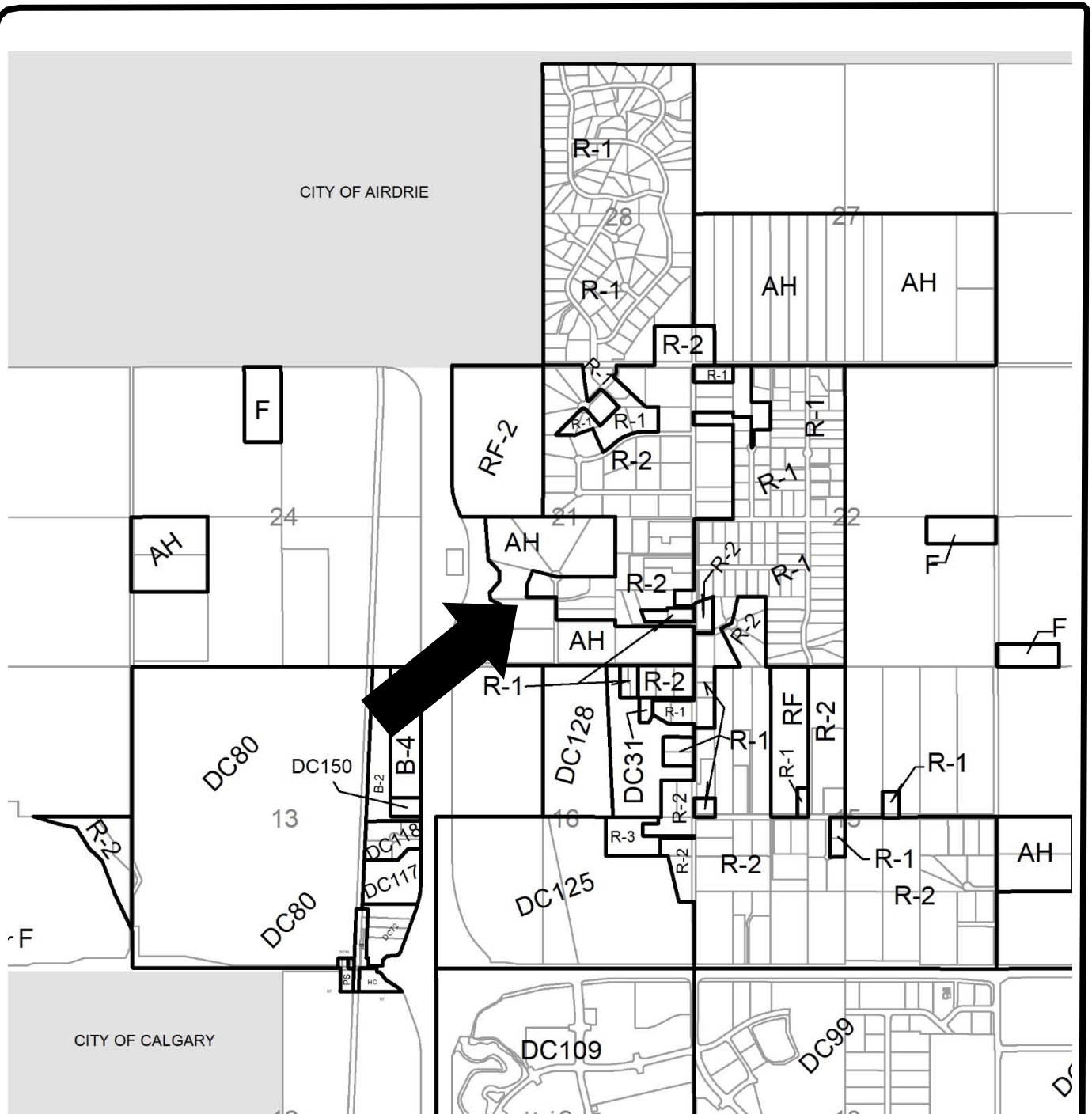


**SW-21-26-29-W04M**  
**Lot:1 Block:3 Plan:9811562**

Date: 8-Oct-19

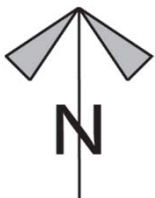
Division # 7

File: 06421007



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-21-26-29-W04M**

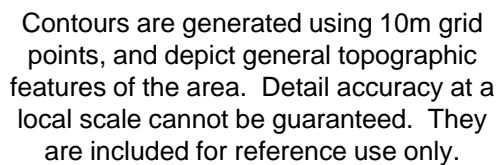
**Lot:1 Block:3 Plan:9811562**

Date: 8-Oct-19

Division # 7

File: 06421007





**Contour Interval 2 M**



**File: 06421007**

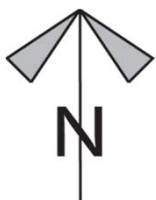




Note: Post processing of raw aerial photography may cause varying degrees of visual distortion at the local level.

**AIR PHOTO**

*Spring 2018*

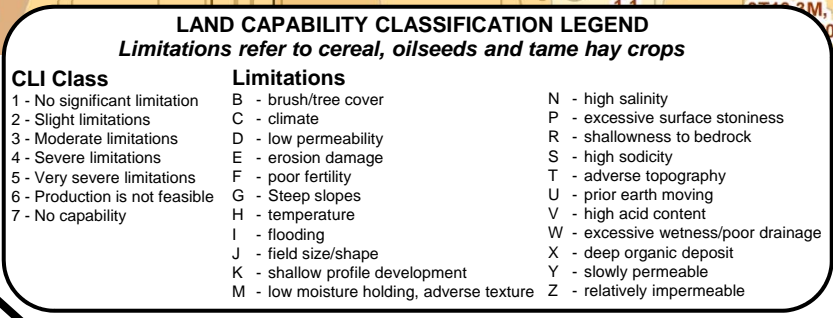


**SW-21-26-29-W04M**  
**Lot:1 Block:3 Plan:9811562**

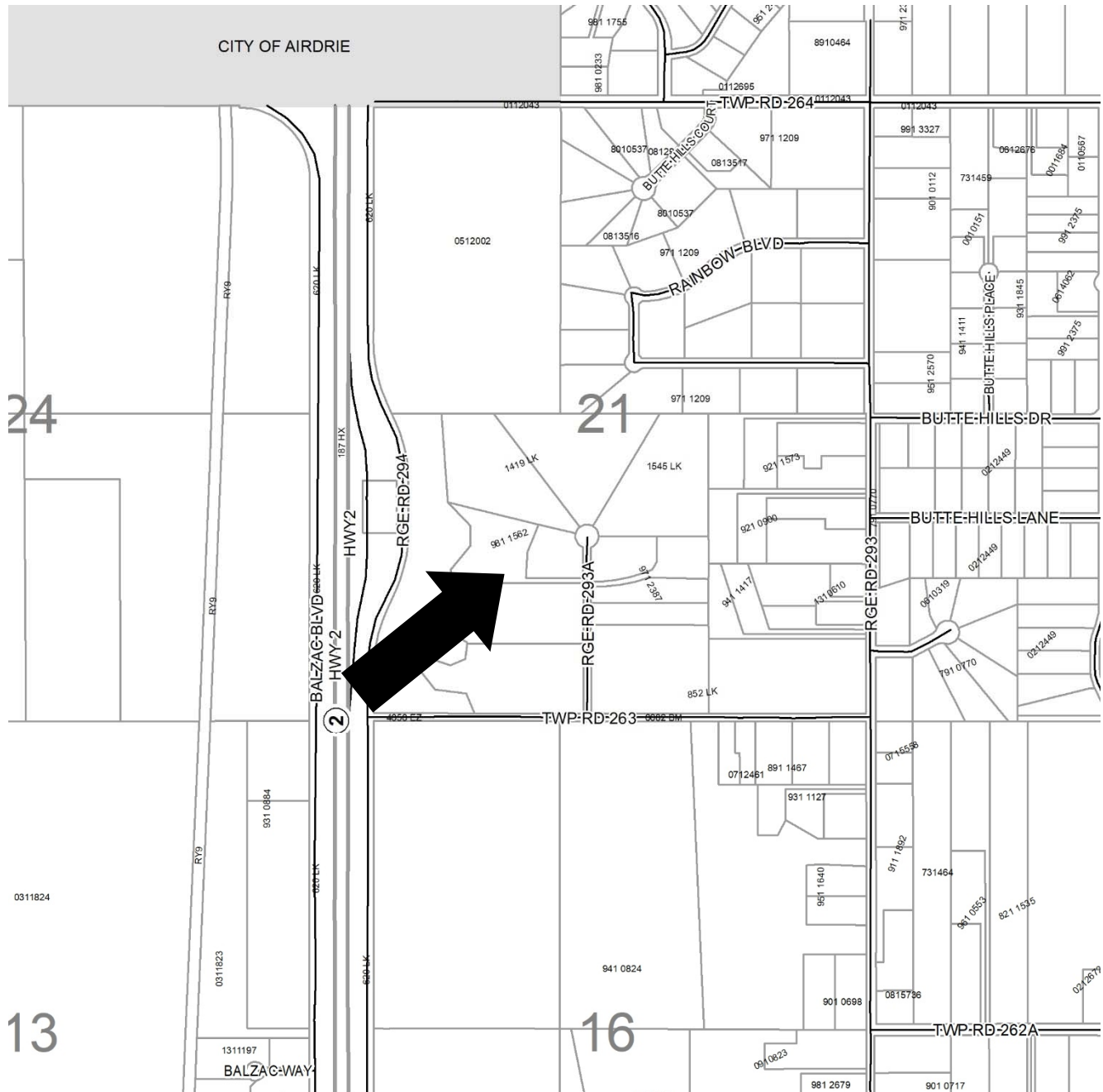
Date: 8-Oct-19

Division # 7

File: 06421007



**Date:** 8-Oct-19      **Division #** 7      **File:** 06421007



# HISTORIC SUBDIVISION MAP

**SW-21-26-29-W04M**

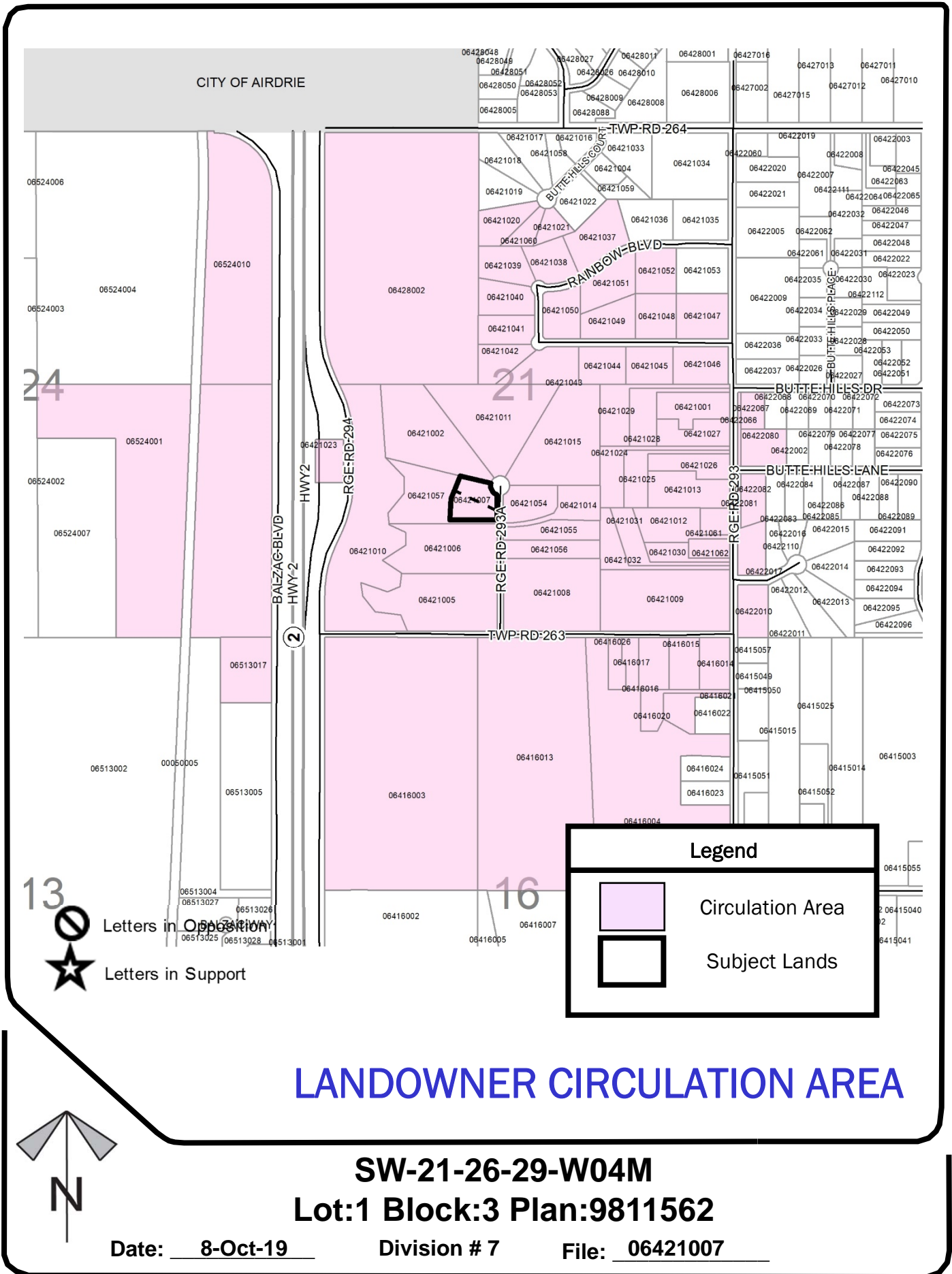
**Lot:1 Block:3 Plan:9811562**

**Date:** 8-Oct-19

## Division # 7

**File: 06421007**









## PLANNING AND DEVELOPMENT SERVICES

---

**TO:** Council  
**DATE:** October 22, 2019 **DIVISION:** 2  
**FILE:** 05704005 **APPLICATION:** PL20190113  
**SUBJECT:** First Reading Bylaw - Redesignation Item - Site-Specific Amendment to Direct Control Bylaw 27 (DC-27)

---

**PURPOSE:** The purpose of this application is to amend Direct Control District 27 (DC-27), to add the use Commercial Communications (CC) Facilities Type "C".

**GENERAL LOCATION:** Located at the northwest junction of Twp Rd 250 and Rge Rd 33

**APPLICANT:** LandSolutions LP (Brenden Smith)

**OWNERS:** Roy Burke, Clarence Buckley, Ian Galbraith, Elaine Moses  
 (Trustees for Springbank United Church)

**<sup>1</sup>POLICY DIRECTION:** The application was evaluated against the policies of with Municipal Development Plan, the North Springbank Area Structure Plan (ASP), and Direct Control Bylaw C-4184-93 (DC-27).

### COUNCIL OPTIONS:

Option #1: THAT Bylaw C-7941-2019 be given first reading.

Option #2: THAT application PL20190113 be denied.

### APPLICATION REQUIREMENTS:

This application requires standard technical assessment under policy.

Respectfully submitted,

Concurrence,

"Matthew Wilson"

"Al Hoggan"

---

Acting Executive Director  
Community Development Services

---

Chief Administrative Officer

AB/lt

### APPENDICES:

APPENDIX 'A': Bylaw C-7941-2019 & Schedule A

APPENDIX 'B': Map Set

---

<sup>1</sup> **Administration Resources**

Andrea Bryden, Planning and Development Services



## BYLAW C-7941-2019

### A Bylaw of Rocky View County to amend Direct Control Bylaw C-4184-93

The Council of Rocky View County enacts as follows:

#### PART 1 – TITLE

This Bylaw shall be known as Bylaw C-7941-2019.

#### PART 2 - DEFINITIONS

In this Bylaw the definitions and terms shall have the meanings given to them in Land Use Bylaw C-4841-97, Bylaw C-4184-93, and the *Municipal Government Act*.

#### PART 3 – EFFECT OF BYLAW

**THAT** Bylaw C-4184-93 is hereby amended to allow for Commercial Communications (CC) Facilities Type “C”, as shown on the attached Schedule 'A' forming part of this Bylaw.

**THAT** Bylaw C-4184-93 is hereby amended to allow for Commercial Communications (CC) Facilities Type “C”, as shown on the attached Schedule 'B' forming part of this Bylaw.

#### PART 4 – TRANSITIONAL

Bylaw C-7941-2019 is passed when it receives third reading, and is signed by the Reeve/Deputy Reeve and the Municipal Clerk, as per Section 189 of the *Municipal Government Act*.

Division: 2  
File: 05704005/PL20190113

<i>PUBLIC HEARING WAS HELD IN COUNCIL this</i>	<i>day of</i>	<i>, 20XX (if required)</i>
READ A FIRST TIME IN COUNCIL this	day of	, 20XX
READ A SECOND TIME IN COUNCIL this	day of	, 20XX
<i>UNANIMOUS PERMISSION FOR THIRD READING</i>	<i>day of</i>	<i>, 20XX (if applicable)</i>
READ A THIRD TIME IN COUNCIL this	day of	, 20XX

\_\_\_\_\_  
Reeve

\_\_\_\_\_  
CAO or Designate

\_\_\_\_\_  
Date Bylaw Signed

Proposed Bylaw C-7941-2019

**SCHEDULE 'A'**

**FORMING PART OF BYLAW C-7941-2019**

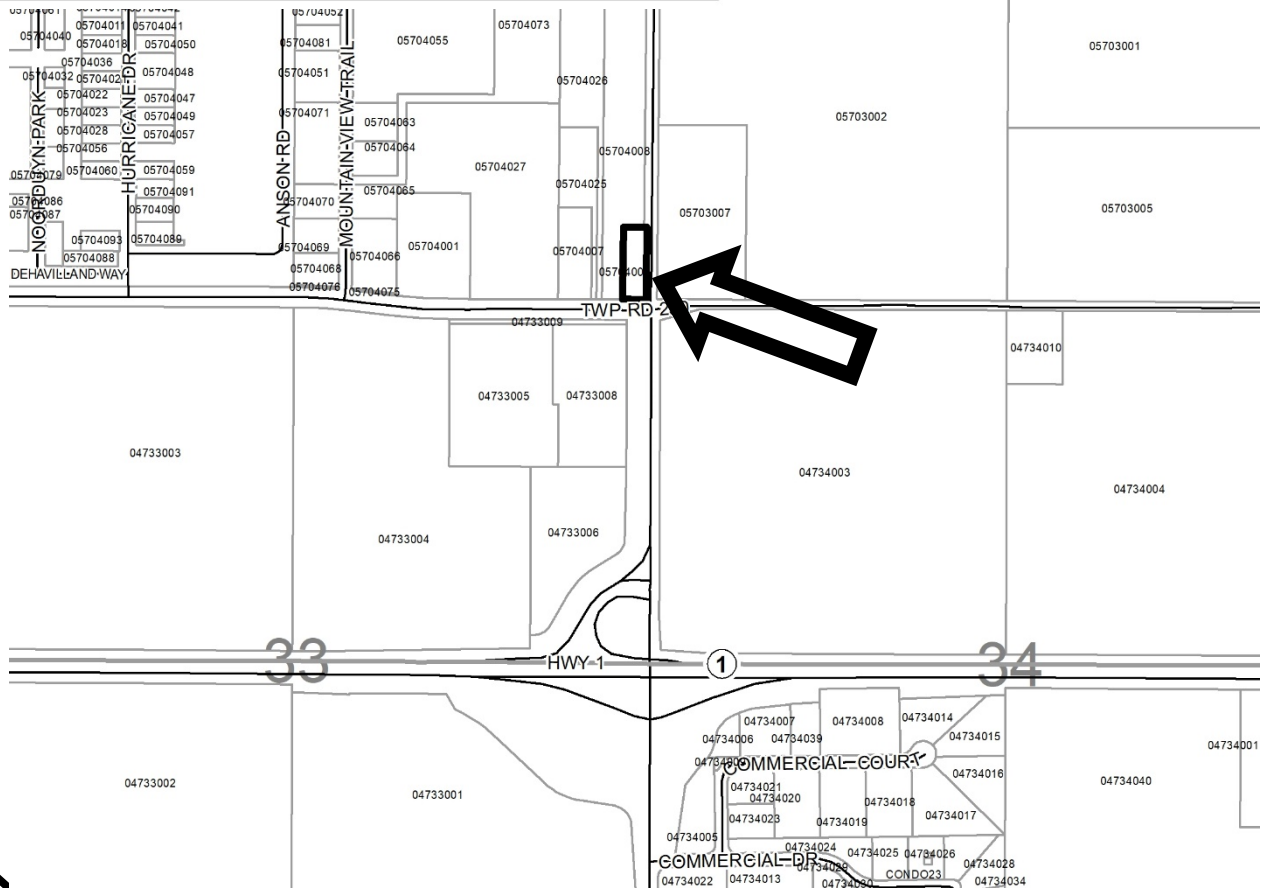
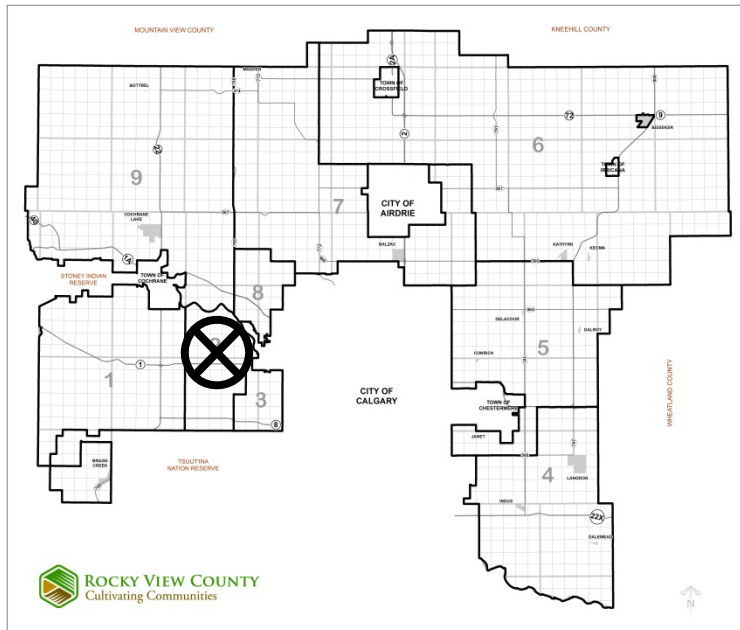
Schedule of textual amendments to Direct Control Bylaw C-4184-93:

**Amendment #1:** Amend Section 3. b) to add:

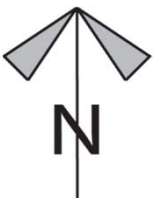
Discretionary Uses

- Commercial Communications (CC) Facilities – Type “C”

**Amendment #2:** Minor administrative amendments for formatting and editing.



LOCATION PLAN



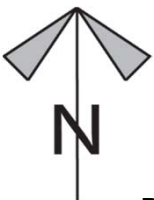
SE-04-25-03-W05M

Date: August 20, 2019Division # 2File: 05704005

**Development Proposal:** A site-specific amendment to Direct Control Bylaw 27 (DC-27) to allow Commercial Communications (CC) Facilities – Type “C”



## DEVELOPMENT PROPOSAL

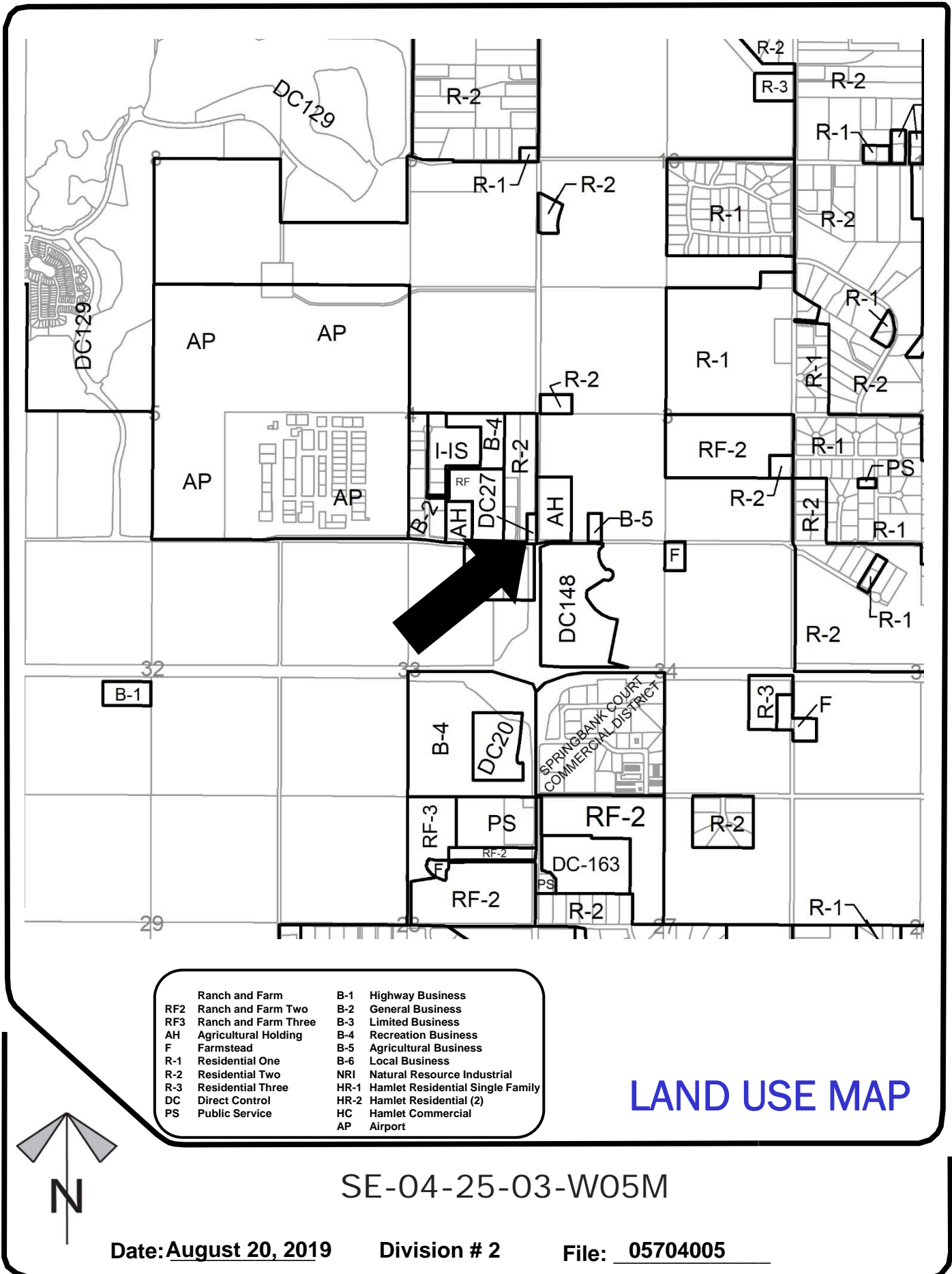


SE-04-25-03-W05M

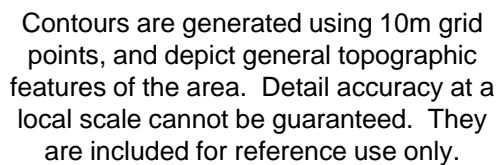
Date: August 20, 2019

Division # 2

File: 05704005







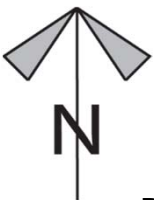
File: 05704005



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

**AIR PHOTO**

*Spring 2018*



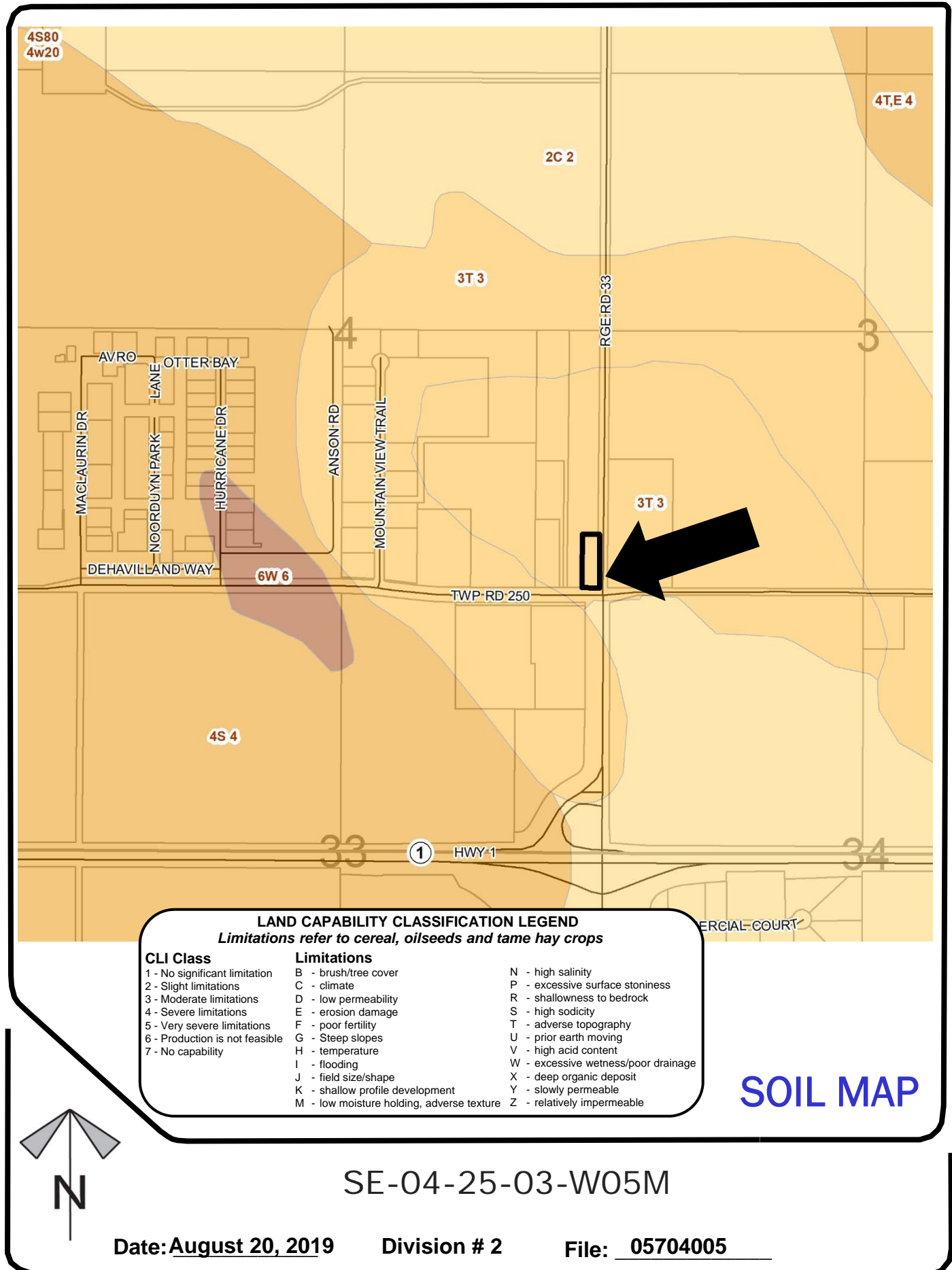
SE-04-25-03-W05M

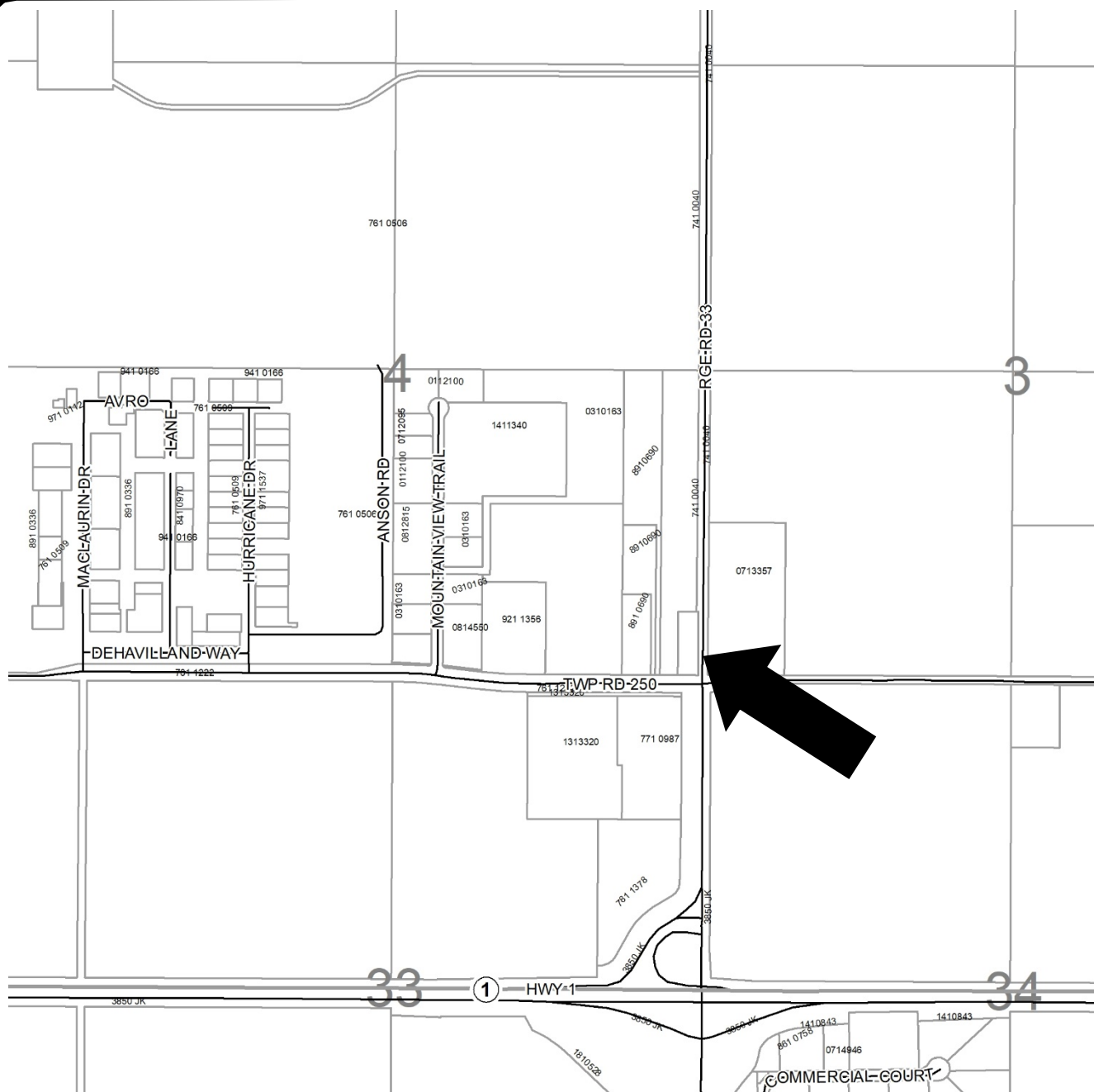
Date: August 20, 2019

Division # 2

File: 05704005



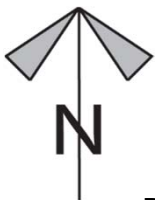


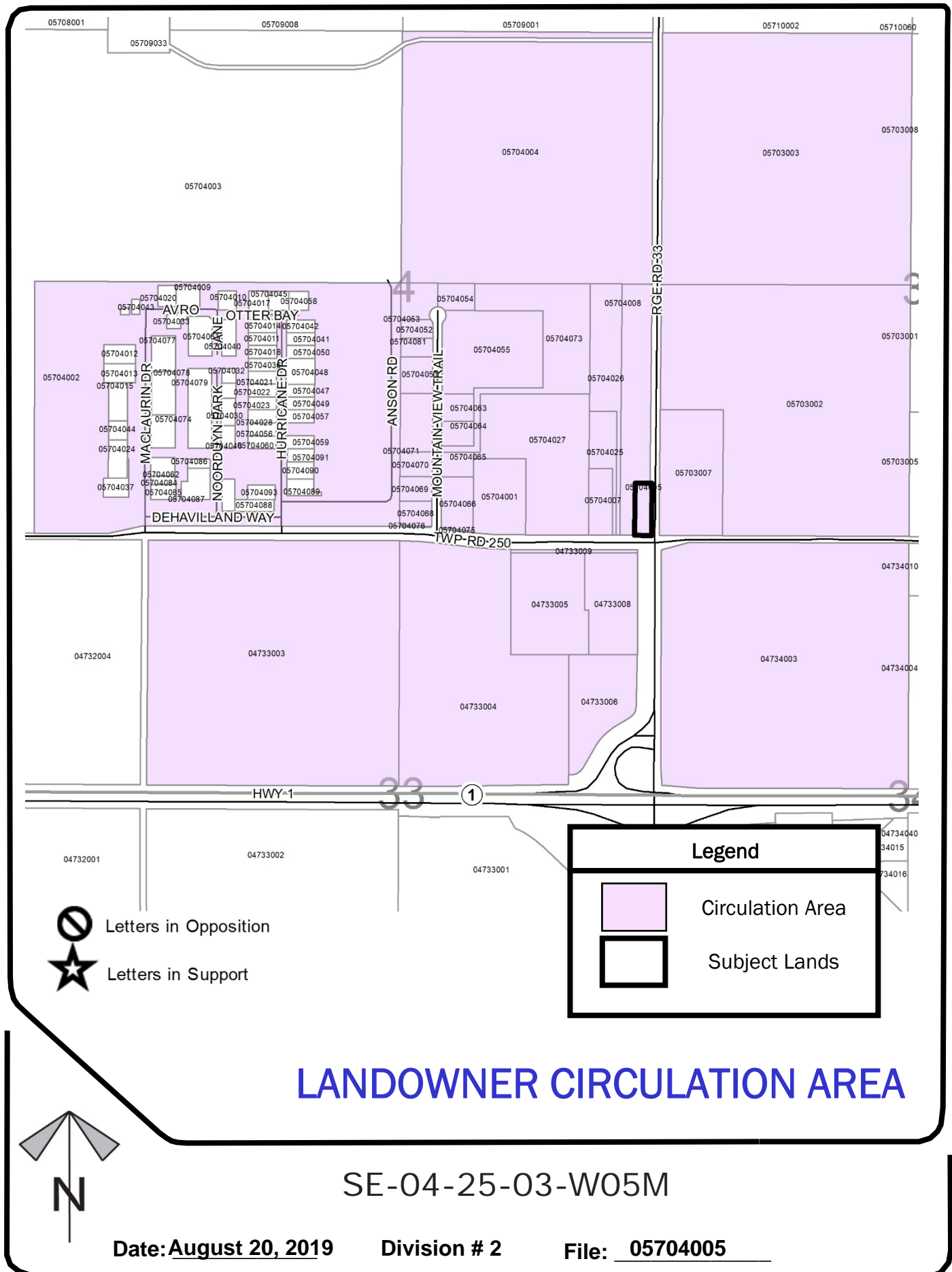
**Legend – Plan numbers**

- 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**

SE-04-25-03-W05M

Date: August 20, 2019Division # 2File: 05704005





## PLANNING AND DEVELOPMENT SERVICES

---

**TO:** Council

**DATE:** October 22, 2019 **DIVISION:** 4

**FILE:** 03214108 **APPLICATION:** PL20180149

**SUBJECT:** First Reading Bylaw - Site-Specific Direct Control District Amendment

---

**PURPOSE:** The purpose of this application is to amend Direct Control District 85, site-specific to 456 Boulder Creek Way, to reduce the side yard setback requirement from 1.50 meters (4.92 feet) to 0.39 meter (1.28 feet) in order to allow an existing structure to remain.

**GENERAL LOCATION:** Located within the Hamlet of Langdon, 0.8 kilometer (0.5 mile) east of Centre Street, 0.4 kilometer (0.25 mile) south of Dead Horse Road, and on the south side of Boulder Creek Way.

**APPLICANT:** Axiom Geomatics

**OWNERS:** Shanna & James MacNeill

**<sup>1</sup>POLICY DIRECTION:** Relevant policies for this application include the Langdon Area Structure Plan (LASP), the Boulder Creek Conceptual Scheme (BCCS), the Land Use Bylaw (LUB), and any other applicable policies.

### COUNCIL OPTIONS:

Option #1: THAT Bylaw C-7862-2019 be given first reading.

Option #2: THAT application PL20190149 be denied.

### APPLICATION REQUIREMENTS:

This application requires standard technical assessment under policy.

Respectfully submitted,

Concurrence,

“Matthew Wilson”

“Al Hoggan”

---

Acting Executive Director  
Community Development Services  
SK/lt

---

Chief Administrative Officer

### APPENDICES:

APPENDIX ‘A’: Bylaw C-7862-2019 & Schedule A  
APPENDIX ‘B’: Map Set

---

<sup>1</sup> **Administration Resources**  
Stefan Kunz, Planning and Development Services



ROCKY VIEW COUNTY  
Cultivating Communities

## BYLAW C-7862-2019

### A Bylaw of Rocky View County to amend Bylaw C-5783-2003, being a Direct Control Bylaw

The Council of Rocky View County enacts as follows:

#### PART 1 – TITLE

This Bylaw shall be known as Bylaw C-7862-2019.

#### 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** Bylaw C-5783-2003, affecting Lot 11, Block 5, Plan 0711240, NE-14-23-27-W4M, has been amended as shown on the attached Schedule 'A' forming part of this Bylaw.

#### PART 4 – TRANSITIONAL

Bylaw C-7862-2019 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: 4**

**File: 03214108 - PL20180149**

<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

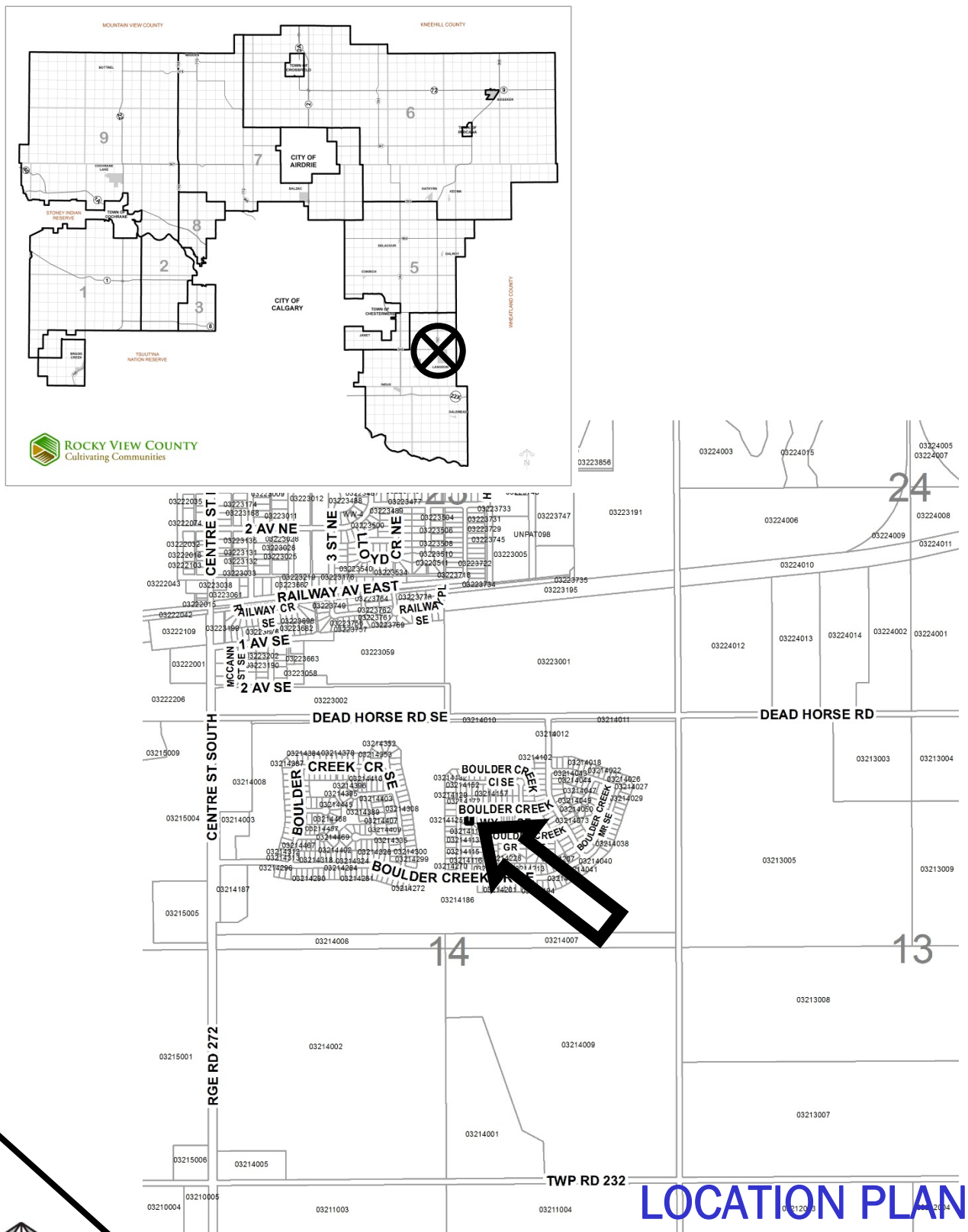
SCHEDULE 'A'  
FORMING PART OF BYLAW C-7862-2019

Schedule of textual amendments to Direct Control Bylaw C-5783-2003.

**Amendment:**

Add a provision to Section 2.3.2.a within "Land Use Regulations – Hamlet Residential Single Family Development Cell 1" to read:

**unobstructed yard, side: 1.50 m (4.92 ft.) – except for Lot 11, Block 5, Plan 0711240 within NE 14-23-27-W4M (456 Boulder Creek Way) which will be permitted an unobstructed yard, west side, along the attached shed extension: 0.39 m (1.28 ft.)**



NE-14-23-27-W4M  
Lot 11, Block 5, Plan 0711240

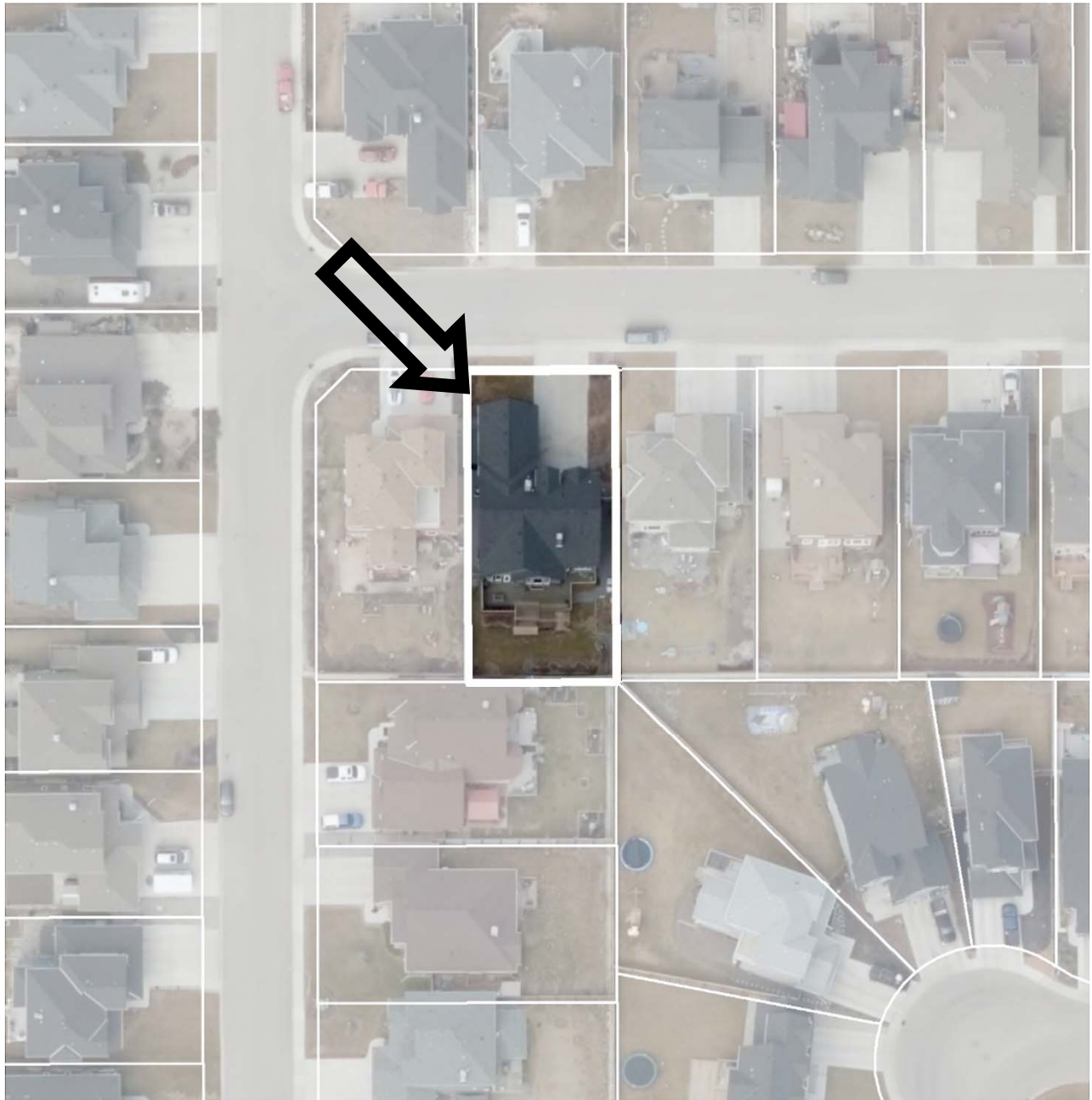
Date: Dec 6, 2018

Division # 4

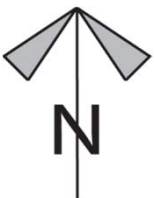
File: 03214108



**Redesignation Proposal:** To amend Direct Control District 85, site-specific to 456 Boulder Creek Way, to reduce the east side yard setback requirement from 1.50 m (4.92 ft.) to 0.39 m (1.28 ft.) in order to allow an existing structure to remain.



## DEVELOPMENT PROPOSAL



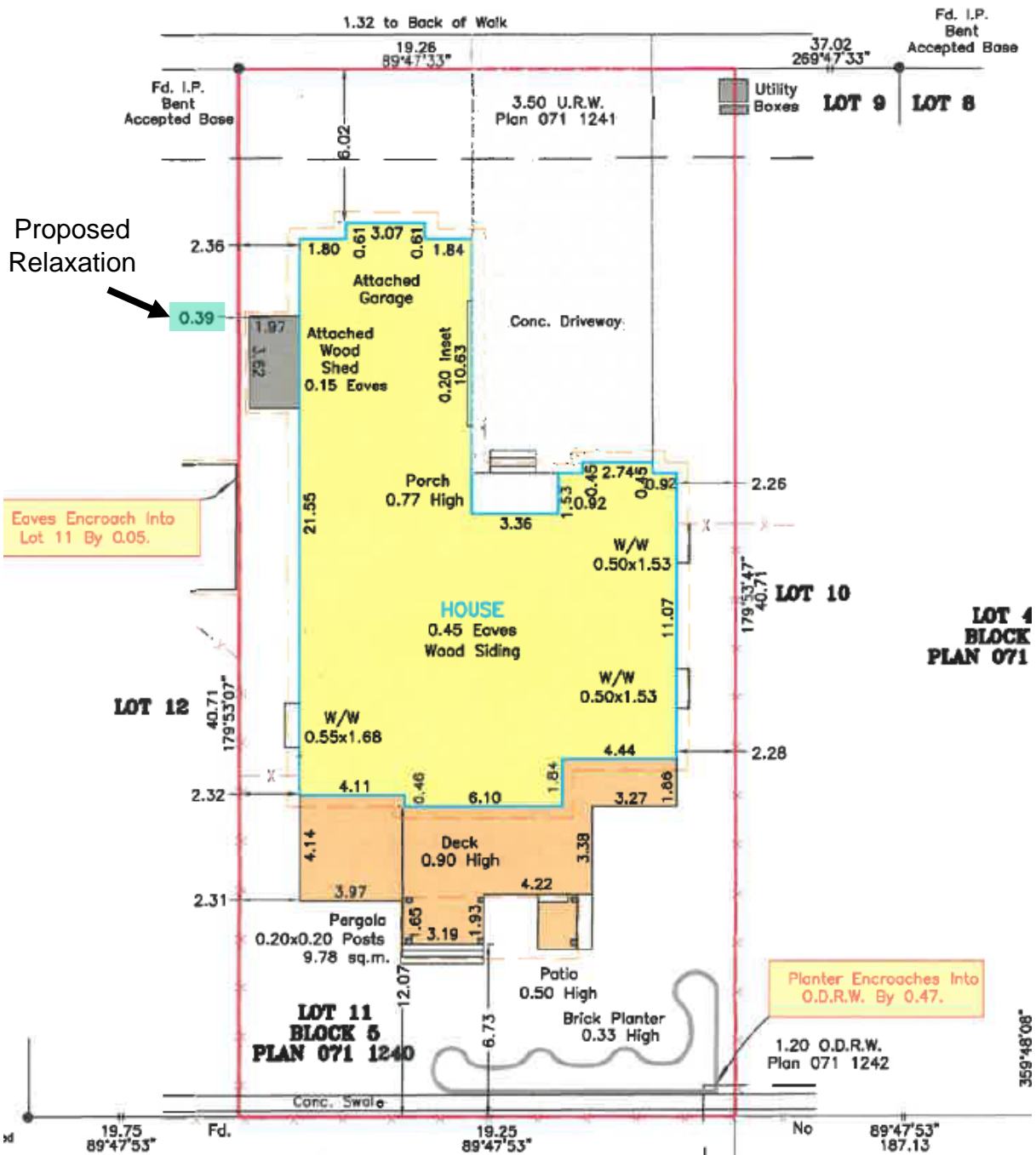
NE-14-23-27-W4M  
Lot 11, Block 5, Plan 0711240

Date: Dec 6, 2018

Division # 4

File: 03214108

**Redesignation Proposal:** To amend Direct Control District 85, site-specific to 456 Boulder Creek Way, to reduce the east side yard setback requirement from 1.50 m (4.92 ft.) to 0.39 m (1.28 ft.) in order to allow an existing structure to remain.



# DEVELOPMENT PROPOSAL

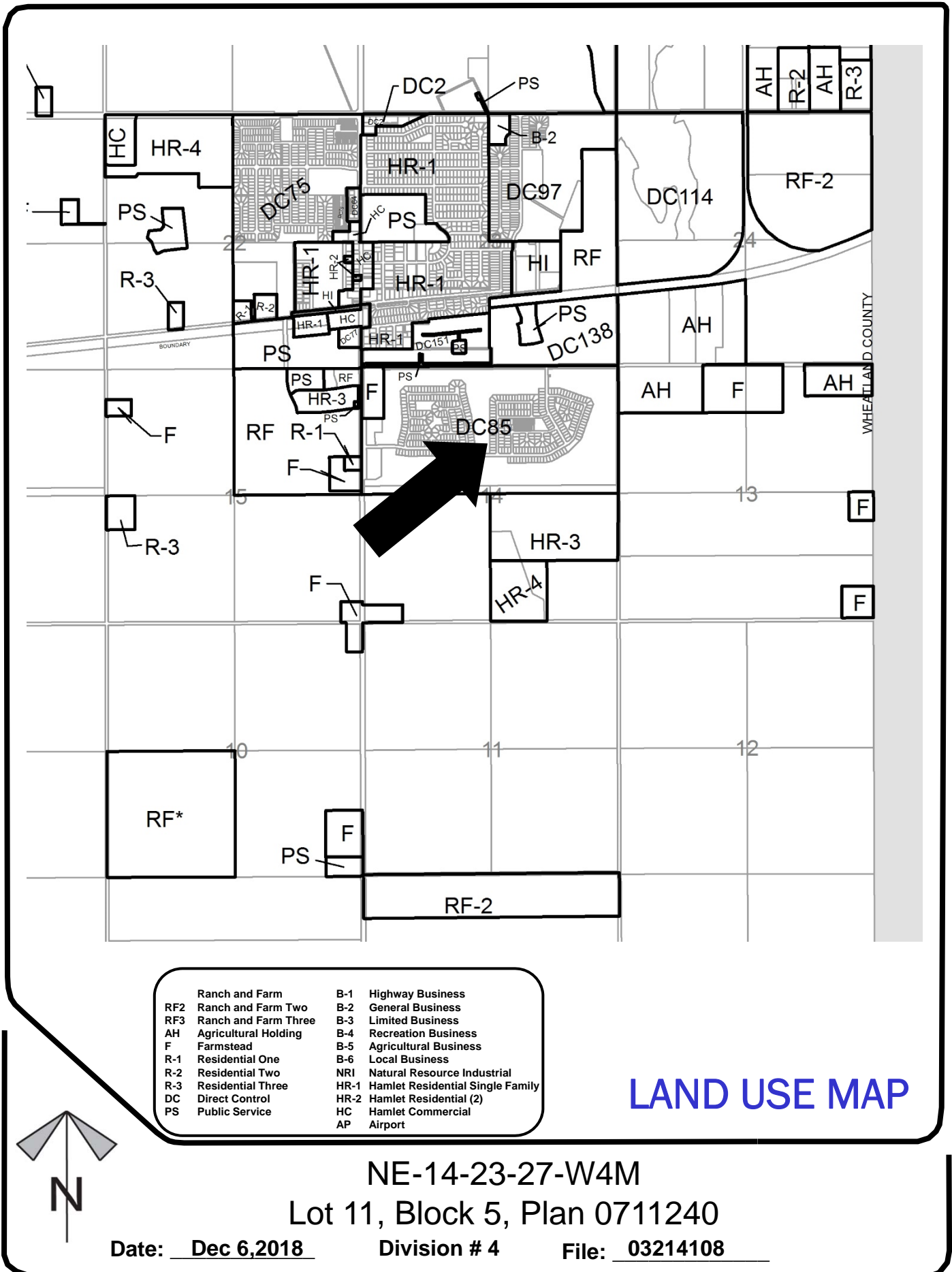
NE-14-23-27-W4M

Lot 11, Block 5, Plan 0711240

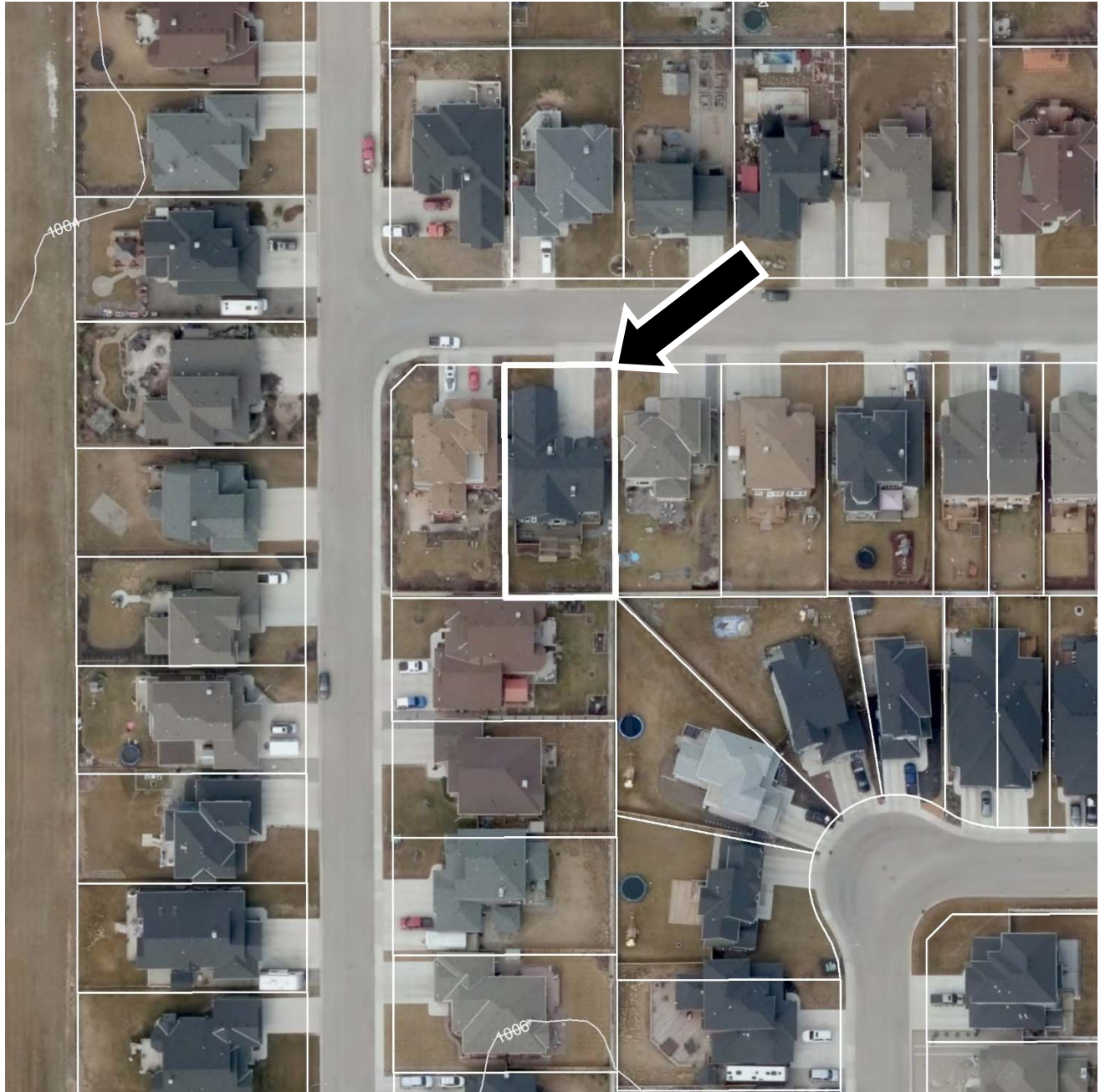
**Date: Dec 6, 2018**

## Division # 4

**File: 03214108**

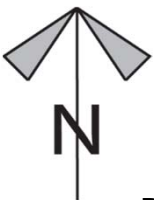






Contours are generated using 10m grid points, and depict general topographic features of the area. Detail accuracy at a local scale cannot be guaranteed. They are included for reference use only.

**TOPOGRAPHY**  
*Contour Interval 2 M*

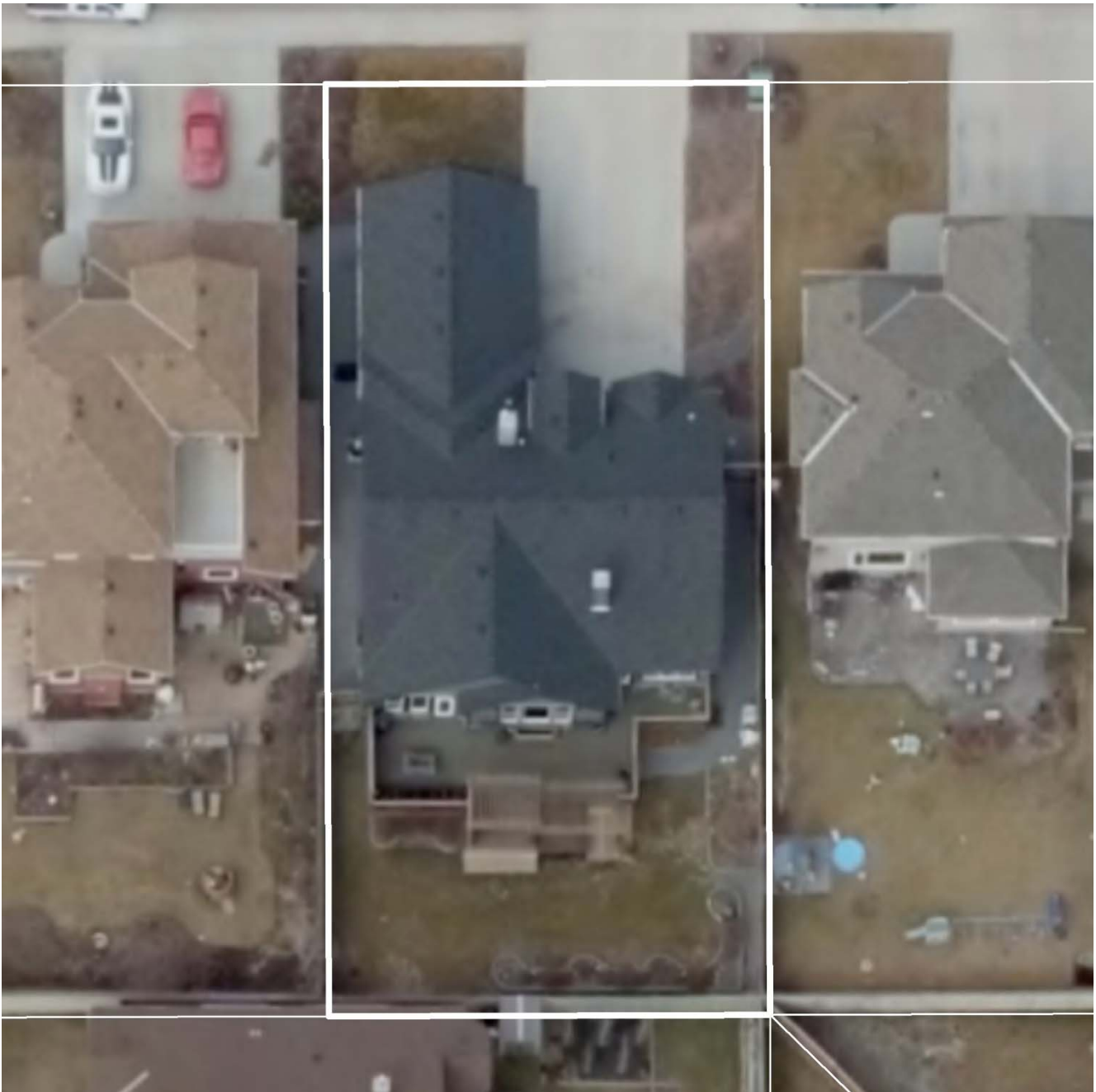


NE-14-23-27-W4M  
Lot 11, Block 5, Plan 0711240

Date: Dec 6, 2018

Division # 4

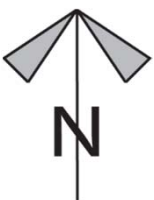
File: 03214108



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

**AIR PHOTO**

*Spring 2018*

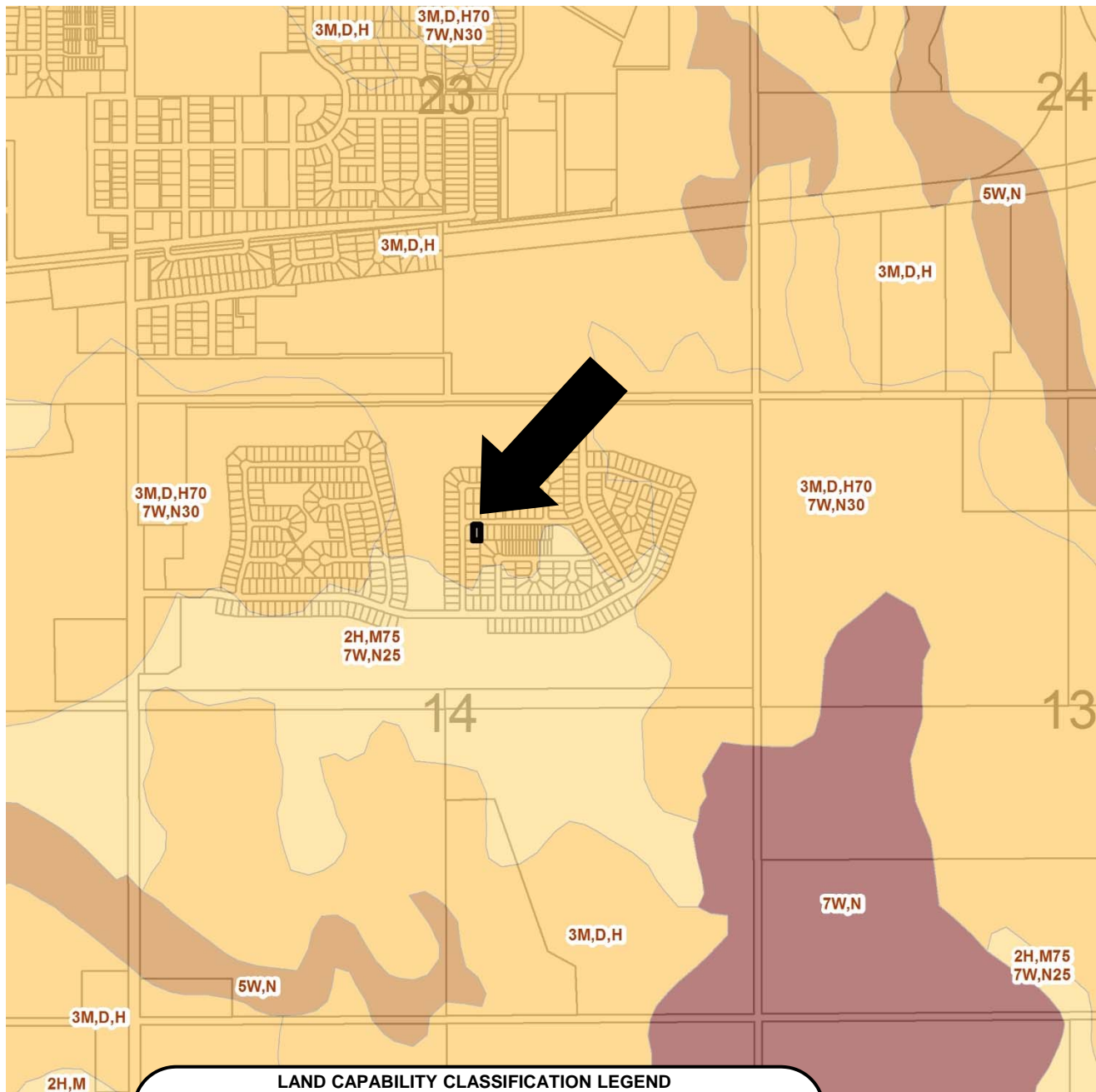


NE-14-23-27-W4M  
Lot 11, Block 5, Plan 0711240

Date: Dec 6, 2018

Division # 4

File: 03214108



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

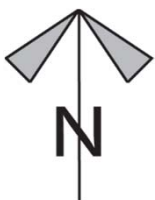
**CLI Class**

- 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**



**NE-14-23-27-W4M**  
**Lot 11, Block 5, Plan 0711240**

Date: Dec 6, 2018

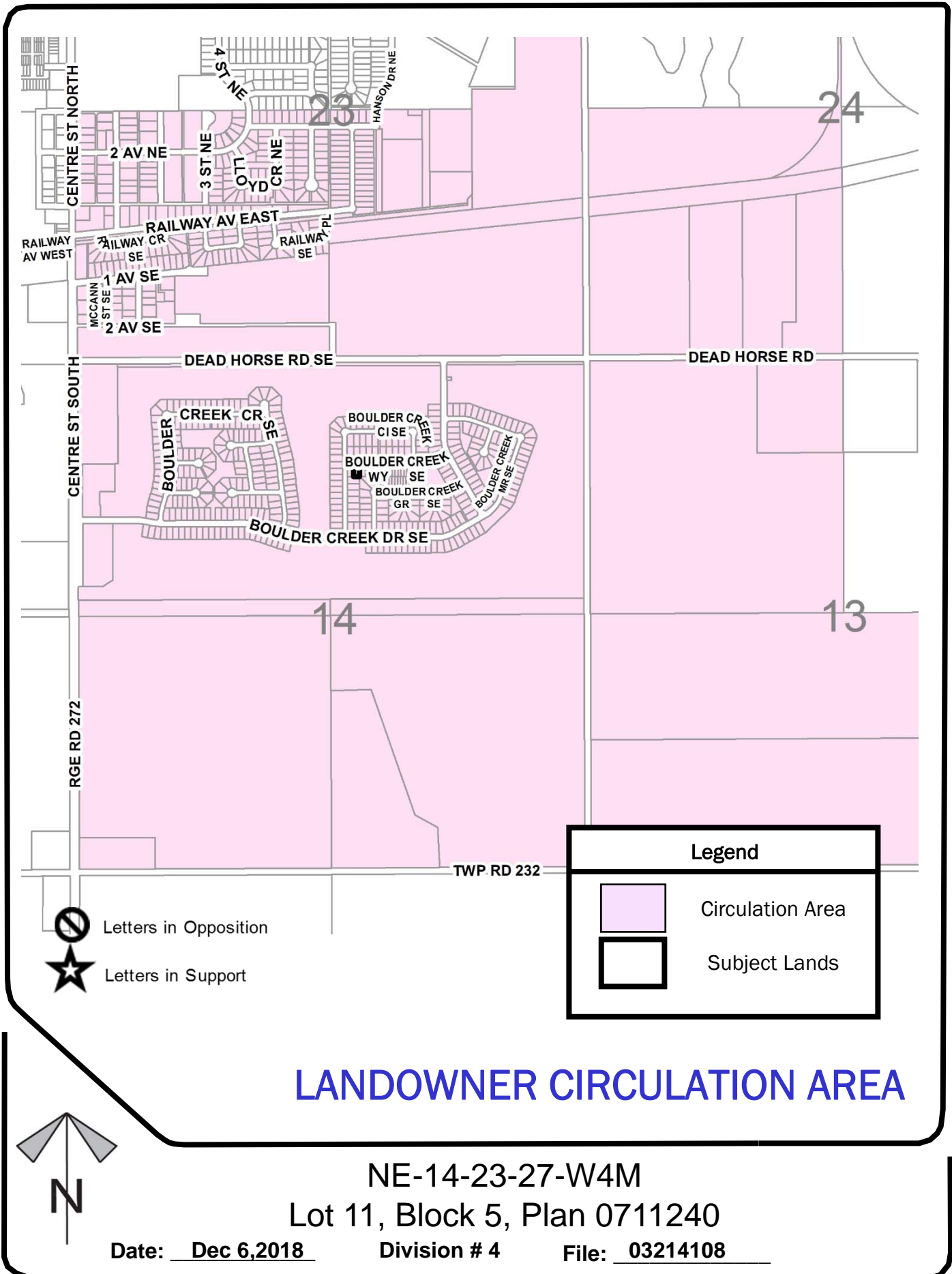
Division # 4

File: 03214108



**AGENDA**  
**Page 298 of 519**





## PLANNING AND DEVELOPMENT SERVICES

---

**TO:** Council  
**DATE:** October 22, 2019 **DIVISION:** 4  
**FILE:** 03222172 **APPLICATION:** PL20190101  
**SUBJECT:** First Reading Bylaw - Site-Specific Direct Control District Amendment

---

**PURPOSE:** The purpose of this application is to amend Direct Control District 75, site-specific to 48 Thomas Street, to reduce the side yard setback requirement from 1.52 metres (5.00 feet) to 0.95 metres (3.12 feet) in order to allow an existing cantilever extension to remain.

**GENERAL LOCATION:** Located within the Hamlet of Langdon, 400 metres (1/4 mile) west of Centre Street, 200 metres (1/8 mile) south of Brander Avenue, and on the east side of Thomas Street.

**APPLICANT:** Rob Patenaude

**OWNERS:** Foreclosure Busters Inc.

**<sup>1</sup>POLICY DIRECTION:** Relevant policies for this application include Langdon Area Structure Plan (LASP), the Langdon Crossing West Conceptual Scheme (LCWCS), the Land Use Bylaw (LUB), and any other applicable policies.

### COUNCIL OPTIONS:

Option #1: THAT Bylaw C-7939-2019 be given first reading.  
 Option #2: THAT application PL20190101 be denied.

### APPLICATION REQUIREMENTS:

This application requires standard technical assessment under policy.

Respectfully submitted,

Concurrence,

“Matthew Wilson”

“Al Hoggan”

---

Acting Executive Director  
 Community Development Services  
 SK/lt

---

Chief Administrative Officer

### APPENDICES:

APPENDIX ‘A’: Bylaw C-7939-2019 & Schedule A  
 APPENDIX ‘B’: Map Set

---

<sup>1</sup> **Administration Resources**  
 Stefan Kunz, Planning and Development Services



ROCKY VIEW COUNTY  
Cultivating Communities

## BYLAW C-7939-2019

### A Bylaw of Rocky View County to amend Bylaw C-5457-2001, being a Direct Control Bylaw

The Council of Rocky View County enacts as follows:

#### PART 1 – TITLE

This Bylaw shall be known as Bylaw C-7939-2019.

#### 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** Bylaw C-5457-2001, affecting Lot 24, Block 3, Plan 0212943, NE-22-23-27-W4M, has been amended as shown on the attached Schedule 'A' forming part of this Bylaw.

#### PART 4 – TRANSITIONAL

Bylaw C-7939-2019 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: 4**

**File: 03222172 - PL20190101**

<i>PUBLIC HEARING WAS HELD IN COUNCIL this</i>	<i>day of</i>	<i>, 20</i>
READ A FIRST TIME IN COUNCIL this	day of	, 20
READ A SECOND TIME IN COUNCIL this	day of	, 20
<i>UNANIMOUS PERMISSION FOR THIRD READING</i>	<i>day of</i>	<i>, 20</i>
READ A THIRD TIME IN COUNCIL this	day of	, 20

---

Reeve

---

CAO or Designate

---

Date Bylaw Signed

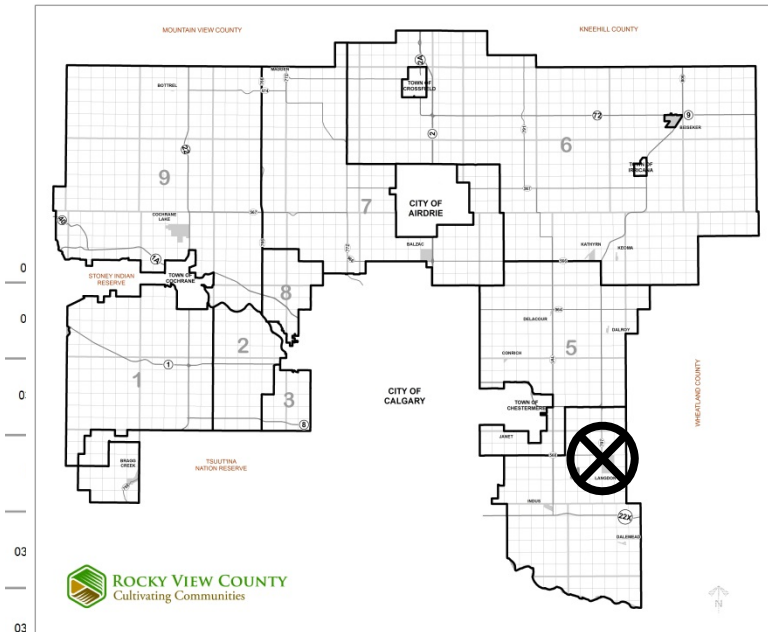
SCHEDULE 'A'  
FORMING PART OF BYLAW C-7939-2019

Schedule of textual amendments to Direct Control Bylaw C-5457-2001.

**Amendment:**

Add a provision to Section 2.3.3.a) within "Land Use Regulations – Hamlet Residential Single Family Development Cell" to read:

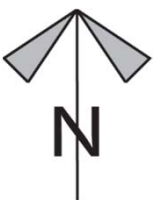
**notwithstanding Section 2.3.3. a) and Section 2.5.0, Lot 24, Block 3, Plan 0212943, NE-22-23-27-W4M is permitted one side yard setback to be a minimum of 0.97 m, in order to permit a 1.60 m long cantilever extension to remain.**



03222174



LOCATION PLAN



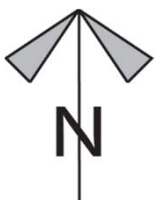
**NE-22-23-27-W04M**  
**Lot:24 Block:3 Plan:0212943**

Date: August 6, 2019Division # 4File: 03222172

**Redesignation Proposal:** To amend Direct Control District 75, site-specific to 48 Thomas Street, to reduce the side yard setback requirement from 1.52 meters (5.00 feet) to 0.95 meter (3.12 feet) in order to allow an existing cantilever extension to remain.



## DEVELOPMENT PROPOSAL



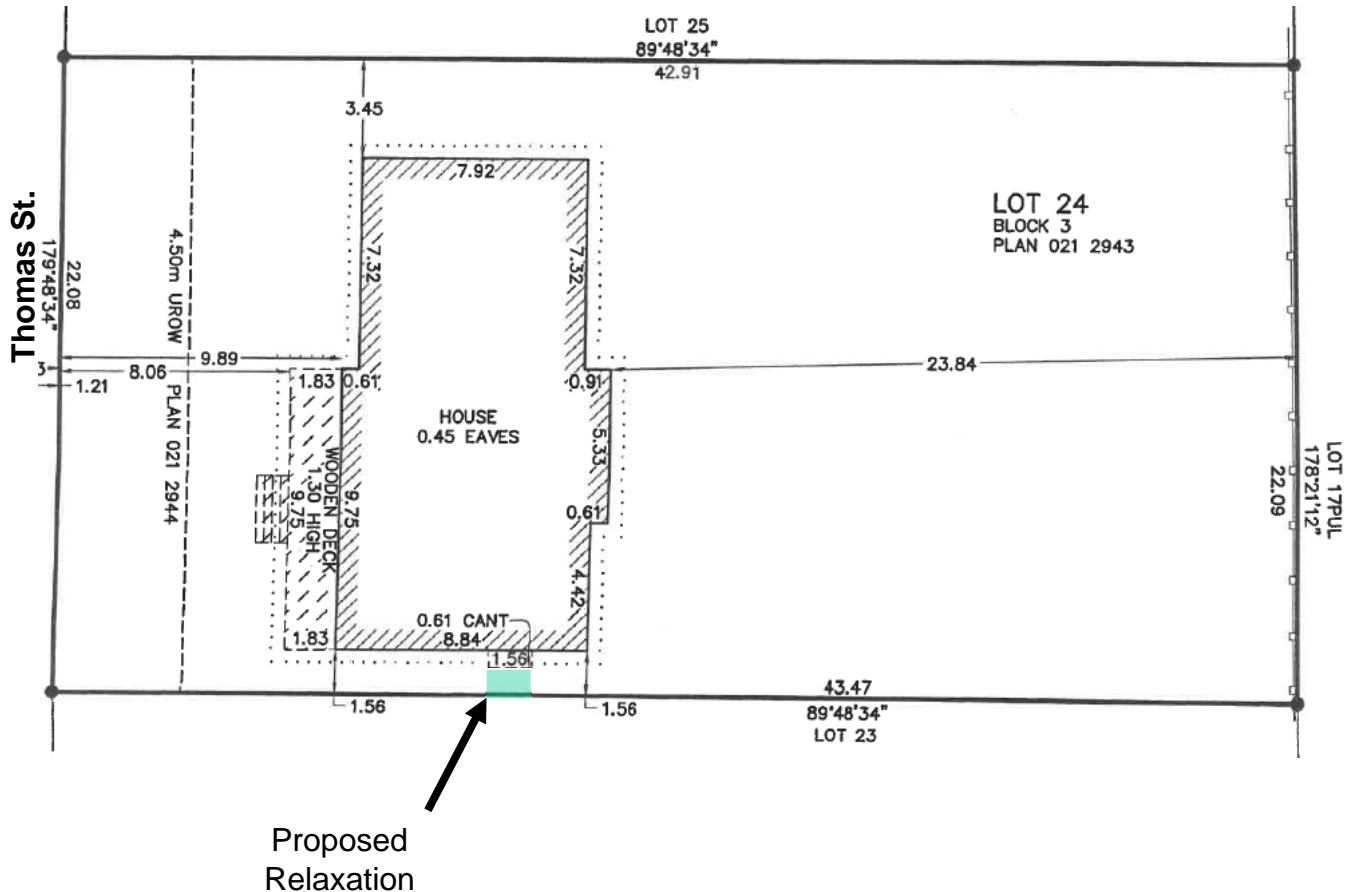
**NE-22-23-27-W04M**  
**Lot:24 Block:3 Plan:0212943**

Date: August 6, 2019

Division # 4

File: 03222172

**Redesignation Proposal:** To amend Direct Control District 75, site-specific to 48 Thomas Street, to reduce the side yard setback requirement from 1.52 meters (5.00 feet) to 0.95 meter (3.12 feet) in order to allow an existing cantilever extension to remain.



# DEVELOPMENT PROPOSAL

**NE-22-23-27-W04M**

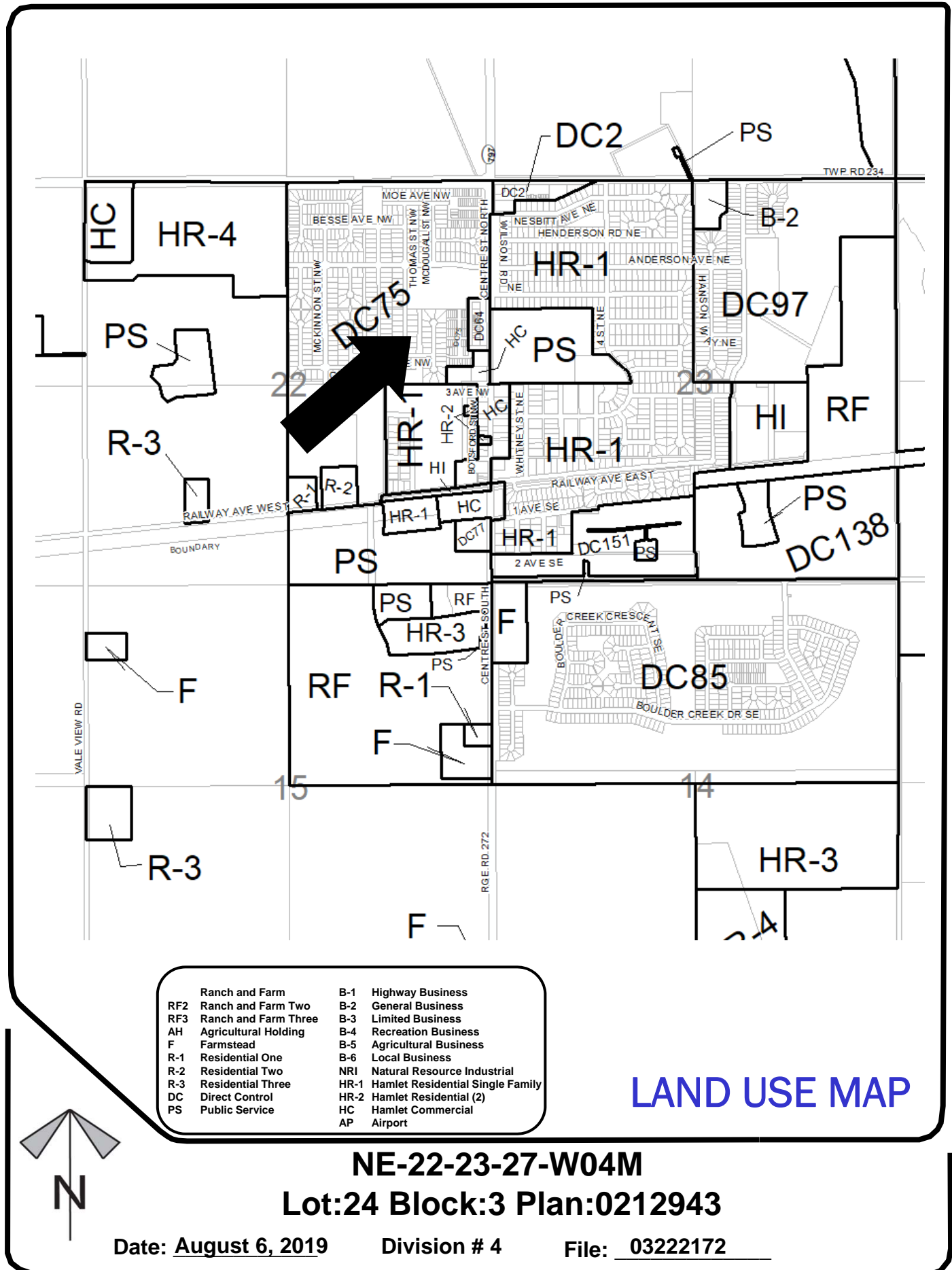
**Lot:24 Block:3 Plan:0212943**

**Date: August 6, 2019**

## Division # 4

File: 03222172



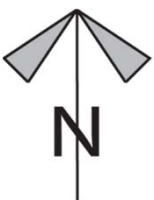




Contours are generated using 10m grid points, and depict general topographic features of the area. Detail accuracy at a local scale cannot be guaranteed. They are included for reference use only.

## TOPOGRAPHY

*Contour Interval 2 M*



**NE-22-23-27-W04M**

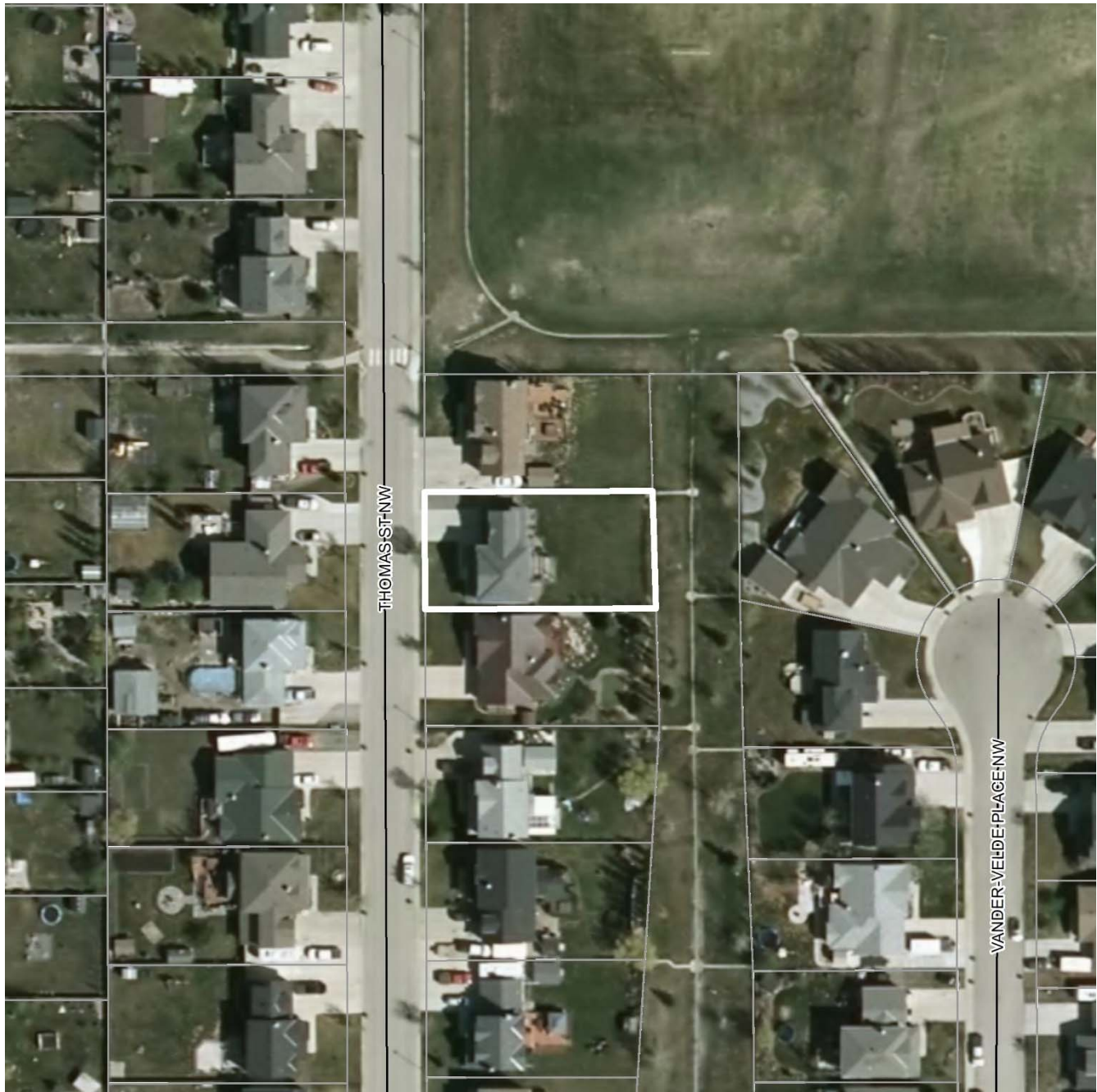
**Lot:24 Block:3 Plan:0212943**

Date: August 6, 2019

Division # 4

File: 03222172

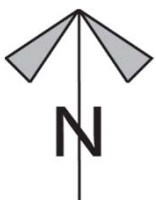




Note: Post processing of raw aerial photography may cause varying degrees of visual distortion at the local level.

**AIR PHOTO**

*Spring 2018*

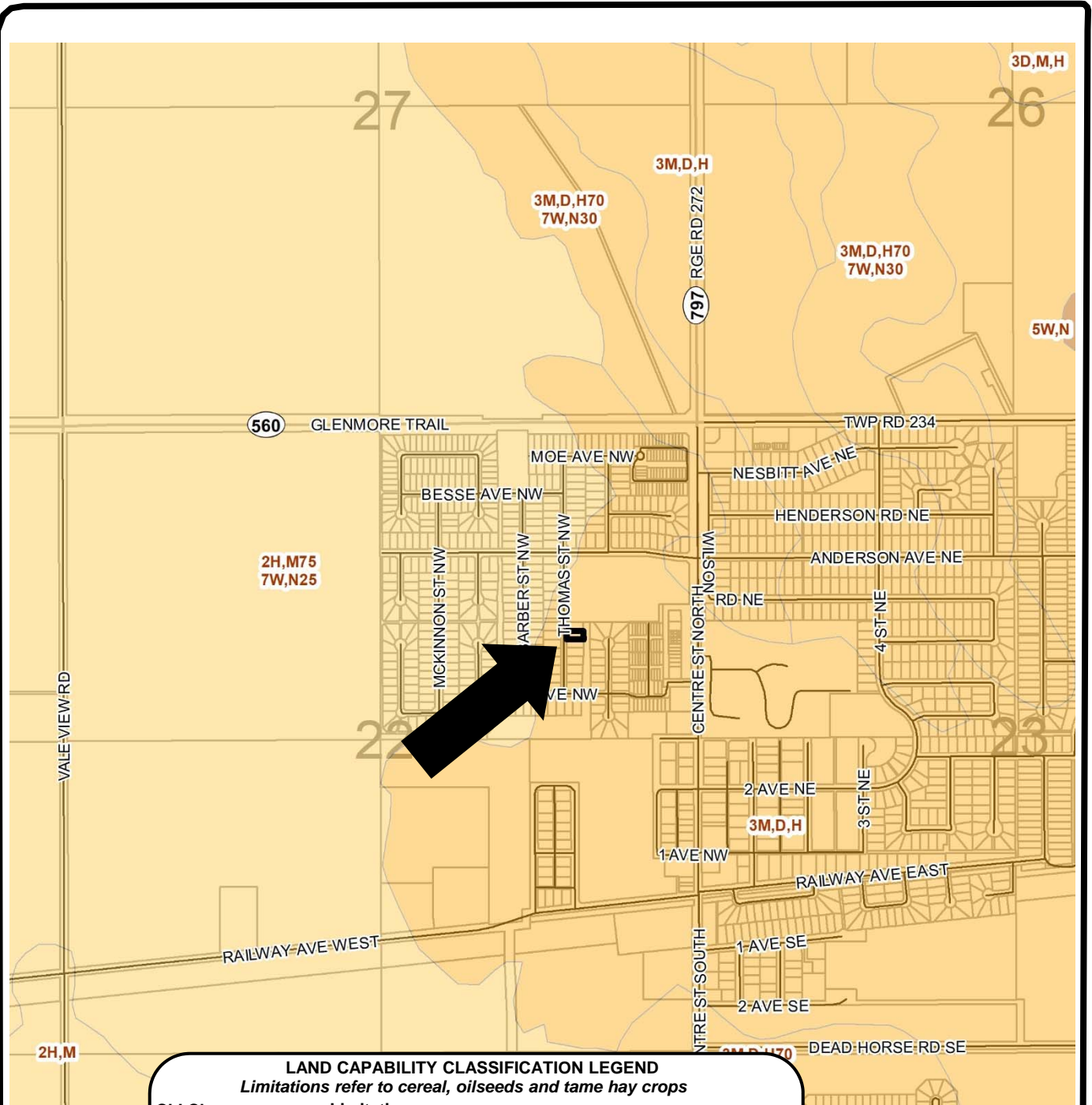


**NE-22-23-27-W04M**  
**Lot:24 Block:3 Plan:0212943**

Date: August 6, 2019

Division # 4

File: 03222172



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

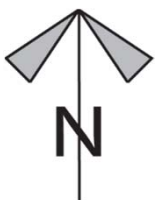
**CLI Class**

- 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**

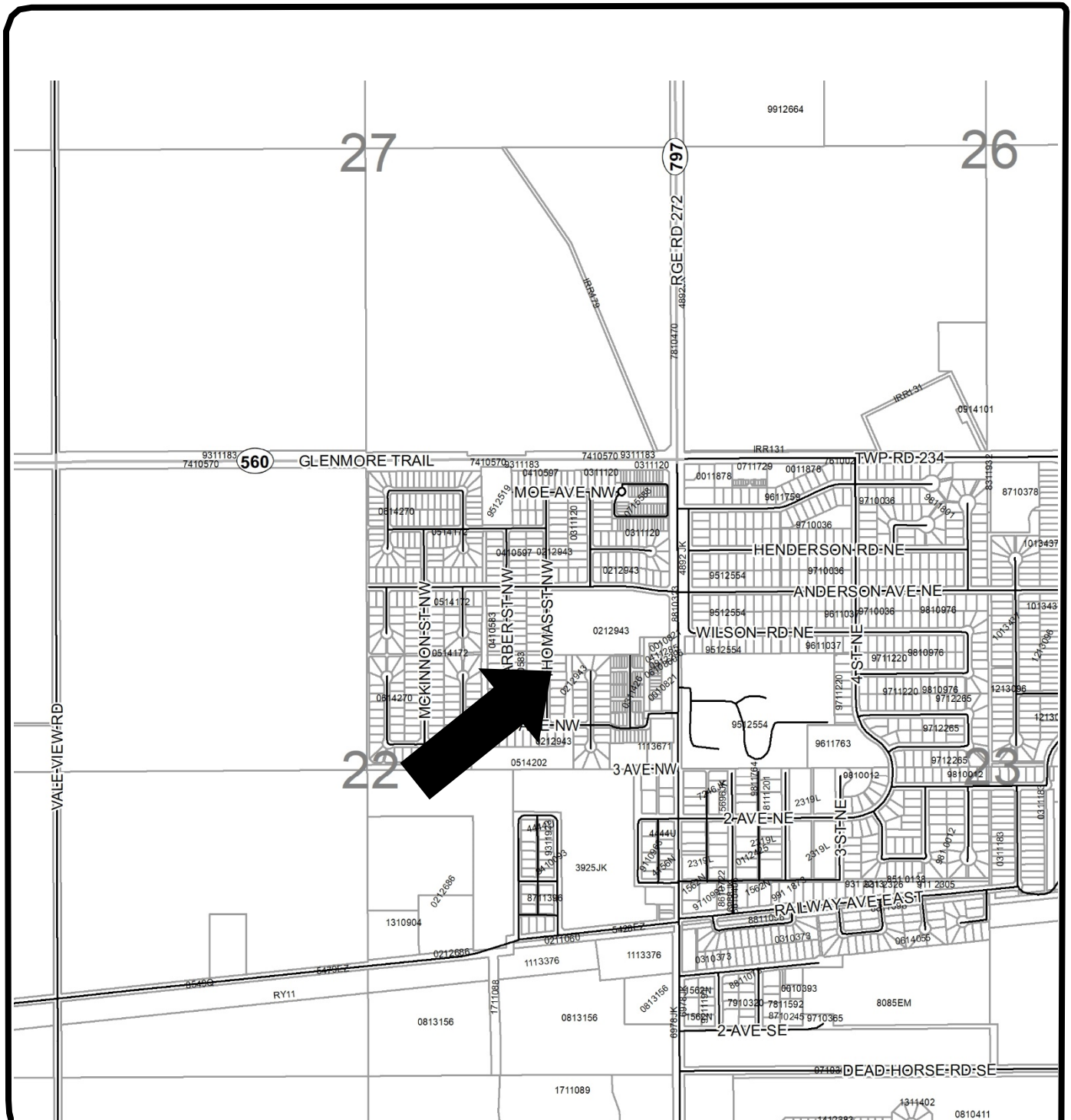


**NE-22-23-27-W04M**  
**Lot:24 Block:3 Plan:0212943**

Date: August 6, 2019

Division # 4

File: 03222172

**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

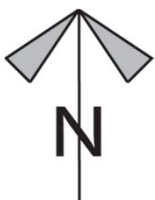
**NE-22-23-27-W04M**

**Lot:24 Block:3 Plan:0212943**

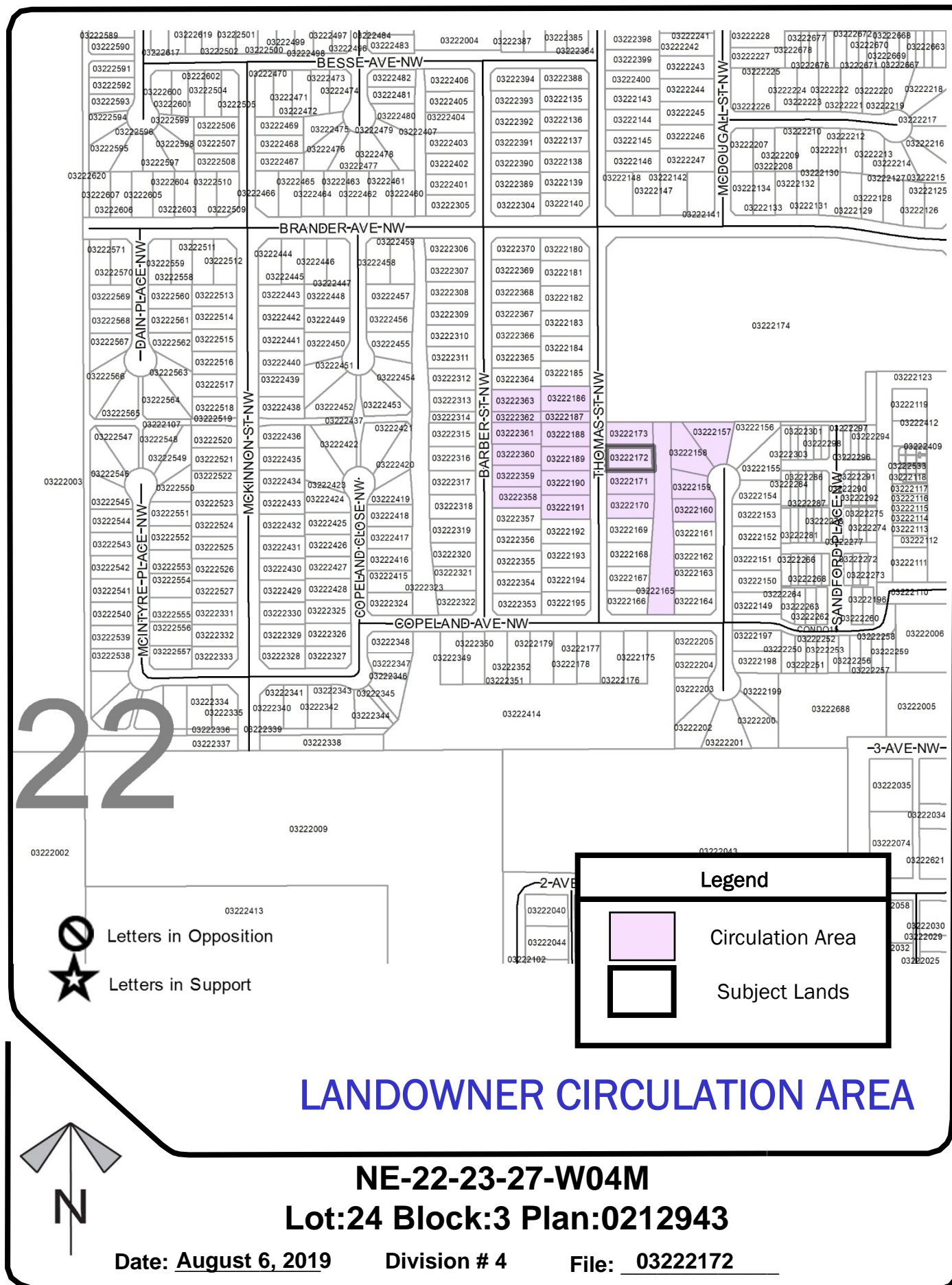
Date: August 6, 2019

Division # 4

File: 03222172









## **PLANNING AND DEVELOPMENT SERVICES**

---

<b>TO:</b>	Council	
<b>DATE:</b>	October 22, 2019	<b>DIVISION:</b> 6
<b>FILE:</b>	N/A	<b>APPLICATION:</b> PL20190084
<b>SUBJECT:</b>	First Reading Bylaw - Kneehill County and Rocky View County Intermunicipal Development Plan	

---

**PURPOSE:** The purpose of this item is to give first reading to the Kneehill County and Rocky View County Intermunicipal Development Plan (IDP). In order to raise awareness of the project, initial notification of the IDP project was mailed to 46 area landowners in spring 2019. No comments were received. However, circulation of the draft IDP to landowners and agencies has not yet proceeded in accordance with MGA requirements. Previous IDPs had been presented to Council for information prior to circulation. For this IDP, consideration of first reading is Council's opportunity to review the document for information prior to circulation.

**GENERAL LOCATION:** 1 mile on either side of the municipal boundary between Kneehill County and Rocky View County.

**APPLICANT:** Kneehill County & Rocky View County

**AFFECTED AREA:** Approximately 20,480 acres.

### **<sup>1</sup>POLICY DIRECTION:**

Relevant policies for this project include the *Municipal Government Act* (MGA), Interim Growth Plan (IGP), the County Plan, and any other applicable policies.

### **COUNCIL OPTIONS:**

Option #1: THAT Bylaw C-7943-2019 be given first reading.

Option #2: THAT application PL20190084 be denied.

### **APPLICATION REQUIREMENTS:**

No additional information required at this time.

Respectfully submitted,

Concurrence,

"Matthew Wilson"

"Al Hoggan"

---

Acting Executive Director  
Community Development Services

---

Chief Administrative Officer

SK/llt

### **APPENDICES:**

APPENDIX 'A': Bylaw C-7943-2019 & Schedule A

APPENDIX 'B': Map Set

---

<sup>1</sup> **Administration Resources**

Stefan Kunz, Planning and Development Services





ROCKY VIEW COUNTY  
Cultivating Communities

## BYLAW C-7943-2019

### A Bylaw of Rocky View County to adopt the Kneehill County and Rocky View County Intermunicipal Development Plan, pursuant to Section 631 of the *Municipal Government Act*

The Council of Rocky View County enacts as follows:

#### PART 1 – TITLE

This Bylaw shall be known as the “Kneehill County and Rocky View County Intermunicipal Development Plan”.

#### PART 2 – EFFECT OF BYLAW

**THAT** Schedule 'A' of Bylaw C-7943-2019 is adopted as the “Kneehill County and Rocky View County Intermunicipal Development Plan”, to provide a policy framework to minimize land use and development conflicts, provide opportunities for collaboration and communication, and outline a process for resolution of issues that may arise within the areas adjacent to the municipal boundary.

#### PART 4 – TRANSITIONAL

Bylaw C-7943-2019 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: 6**

**File: PL20190084**

<i>PUBLIC HEARING WAS HELD IN COUNCIL this</i>	<i>day of</i>	<i>, 20__</i>
READ A FIRST TIME IN COUNCIL this	day of	, 20__
READ A SECOND TIME IN COUNCIL this	day of	, 20__
<i>UNANIMOUS PERMISSION FOR THIRD READING</i>	<i>day of</i>	<i>, 20__</i>
READ A THIRD TIME IN COUNCIL this	day of	, 20__

---

Reeve

---

CAO or Designate

---

Date Bylaw Signed

# Bylaw #

## Rocky View County and Kneehill County Intermunicipal Development Plan



ROCKY VIEW COUNTY  
Cultivating Communities



Revised

September 12, 2019

## TABLE OF CONTENTS

Introduction.....	1	Dispute Resolution .....	9
Purpose of the Plan.....	1	Definitions.....	10
Municipal Profiles.....	2		
Rocky View County.....	2		
Kneehill County .....	2		
Legislative Requirements.....	2		
Plan Area.....	3		
Plan Area Characteristics .....	3		
Land Use Designations .....	4		
Intermunicipal Land Use Policies.....	4		
General Land Use Policies .....	4		
Referrals .....	4		
Agriculture .....	5		
Resource Extraction & Renewable Energy Development.....	6		
Environmental & Open Spaces .....	6		
Transportation .....	7		
Plan Administration & Implementation.....	8		
Intermunicipal Committee .....	8		
Functions of the Committee .....	8		
Adoption, Amendment & Repeal Process.....	8		

## I. INTRODUCTION

### PURPOSE OF THE PLAN

The purpose of the Kneehill County and Rocky View County Intermunicipal Development Plan (IDP) is to foster a collaborative planning approach for lands along the common border between the two counties (See Map 1). The Municipal Government Act (MGA) mandates municipalities that share a common boundary to develop an Intermunicipal Development Plan.

Municipalities across the Province of Alberta are experiencing unprecedented growth. Local economies based on oil and gas, agriculture and business are thriving, attracting people to live and work in Alberta. More so, rural and regional communities are encountering development pressures.



Shared borders can present potential conflicts if land uses and/or activities are incompatible. When municipalities work in isolation, the land use occurring on one side of the boundary can significantly impact adjacent land uses on the other.

Municipalities are mandated to work together to adopt IDPs to:

- promote consultation, coordination and cooperation regarding planning matters of joint interest within a defined planning area;
- provide a framework for addressing land use concerns with regard to joint planning matters;
- establish procedure for dealing with development proposals within a defined planning area; and
- address any other matters relating to development considered necessary within a joint planning area.

An IDP is a planning tool that can provide numerous benefits to participating municipalities, which may include, but are not limited to the following:

- reinforcing and protecting both municipalities' development philosophies and goals while mitigating the potential for future intermunicipal conflict;
- municipal cost-savings, as a result of infrastructure and service sharing, which also provides residents with a higher quality of life; and
- ensuring development for both municipalities occurs in an orderly, economic, efficient and harmonious manner that is sustainable by considering existing development conditions and future municipal goals.

The Plan contains policy that is to be used as a framework for working cooperatively, communicating and making decisions in each municipality. As such, the IDP must also provide for the following:

- Dispute resolution procedures;
- A process to amend or repeal the Plan; and
- Documentation for administration of the Plan.

These procedures will provide more clarity between the partnering municipalities to ensure the administrative functions required through the Plan are understood. Each municipality is ultimately responsible for making decisions within their own municipal jurisdiction.

## II. MUNICIPAL PROFILES

### ROCKY VIEW COUNTY

Rocky View County is a municipality located in southern Alberta. With clear views to the Rocky Mountains to the west, it is a desirable location to live. Rocky View County is the most populous municipal district in Alberta, with a population of 39,407. It surrounds most of the City of Calgary and is home to 13 hamlets.

### KNEEHILL COUNTY

Kneehill County is located in south-central Alberta, situated between Red Deer County to the north, Mountain View County to the west, and Starland County to the east. The majority of the land is zoned for agricultural uses, allowing the population of 5,001 to enjoy a rural way of life. Oil and gas is the second major industry in the region. The eastern border of Kneehill County runs along the

Red Deer River valley down to the heart of the Canadian Badlands, making tourism a viable market opportunity.

## III. LEGISLATIVE REQUIREMENTS

The IDP was prepared in accordance with the requirements of Sections 631, 636 and 638.1 of the Municipal Government Act (MGA). These sections mandate that an IDP between neighbouring municipalities must be adopted, and that the document address the following items:

- Future land use;
- Future development;
- The provision of transportation systems;
- Financing infrastructure;
- Co-ordination of physical, social, and economic programs;
- Environmental matters; and
- Provision of services.

### *South Saskatchewan Regional Plan (SSRP)*

The South Saskatchewan Regional Plan establishes a long-term vision for the South Saskatchewan Region and aligns provincial policies at the regional level to balance Alberta's economic, environmental and social goals. The regional plan also includes strategies for responsible energy development, sustainable farming and ranching, recreation, forest management, and nature-based tourism. It has been established under the Alberta Land Stewardship Act, and the Land Use Framework. Rocky View County falls within the SSRP area boundaries, and since, pursuant to the Alberta Land Stewardship Act, a regional plan is "an expression of

the public policy of the Government of Alberta”, Rocky View County is required to comply with the regulations of this plan.

#### *Calgary Metropolitan Regional Board (CMRB)*

The Calgary Metropolitan Regional Board was established to promote sustainable and environmentally responsible land-use planning and the coordination of regional infrastructure and services in an economically competitive manner. To this end, the CMRB has adopted a *Growth Plan* to address matters concerning regional planning and development. The Board requires that any statutory plan adopted by a member municipality satisfy the *Growth Plan*. While Rocky View County is a member municipality within the CMRB and is therefore subject to the requirements of this plan, Kneehill County is not. Regardless, Kneehill County and Rocky View County IDP has been drafted in consideration of the principles of the regional plan.







## IV. PLAN AREA


### PLAN AREA CHARACTERISTICS

The Plan Area consists of an area approximately 1.6 km (1 mile) on either side of the shared municipal border. This Plan Area includes approximately 34 sections of land or 8806 hectares (21,760 acres) and is illustrated on Map 2

Key characteristics of the Plan Area include the following:

AGRICULTURE & SOIL	
	<ul style="list-style-type: none"> <li>Agriculture is the primary land use of the area</li> <li>There is a mix of agricultural operations including grazing and crops</li> <li>The region contains a variety of soil characteristics from CLI level 1-3</li> </ul>
NATURAL LANDSCAPE	
	<ul style="list-style-type: none"> <li>There are limited areas of natural habitat remaining due to agricultural activity</li> <li>There are no Environmentally Significant Areas noted in the subject lands</li> </ul>
TRANSPORTATION INFRASTRUCTURE	
	<ul style="list-style-type: none"> <li>Highway 806 runs through the Plan Area from north to south</li> <li>Highway 9 runs east/west, south of the Plan Area in Rocky View County</li> </ul>
RESIDENTIAL DEVELOPMENT	
	<ul style="list-style-type: none"> <li>There is minimal residential development within the Plan Area, primarily farmsteads and acreages.</li> </ul>



ENERGY	
	<ul style="list-style-type: none"> <li>There are numerous well sites and pipelines within the Plan Area</li> </ul>

## LAND USE DESIGNATIONS

The existing land use designations are determined by each county's land use bylaw and are predominantly agricultural.

## V. INTERMUNICIPAL LAND USE POLICIES

The land use policies contained in this Plan are intended to provide direction to Rocky View County and Kneehill County administration, subdivision and development authorities and Councils to encourage and manage the future development of lands contained within the Plan Area.

### GENERAL LAND USE POLICIES

#### INTENT

The general land use policies address matters that apply to the entire Plan Area and are intended to provide an overall guiding direction for the IDP. Each municipality will still maintain complete jurisdiction on lands within their own boundaries.

### POLICIES

1. The primary land use in the Plan Area is predominantly agriculture and grazing. Non-agricultural uses should be aligned with each municipality's municipal development plan and should consider interface or transition tools such as fencing, controlled access and site design, environmental stewardship, and environmental education.
2. The municipalities, as per this Plan, shall strive to engage in effective dialogue when considering land use in the Plan Area while still maintaining complete jurisdiction on lands within their own boundaries.
3. The municipalities may collaborate and investigate methods of giving support to projects that may mutually benefit or enhance the quality of life of residents from both municipalities. This could be in the form of in-kind donations, materials, municipal letters of support, unified government lobbying, application for grants, or other more permanent arrangements upon mutual agreement.
4. Both municipalities agree to jointly discuss ways to cooperate with provincial and federal agencies and utility providers to help facilitate the efficient delivery of infrastructure and services that are of a mutual benefit.

### REFERRALS

#### INTENT

In order to ensure that the municipalities are aware of potential developments within the Plan Area, notification and communication is required. The following policies establish a referral process where each municipality can provide comments regarding proposed changes.



**POLICIES**

1. Where required by the MGA, the relevant Land Use Bylaw and any statutory plans, or the policies of this plan, applications affecting lands within the Plan Area shall be referred to:
  - a. the adjacent municipality; and
  - b. landowners within the adjacent municipality.
2. Where required by the MGA, a relevant statutory plan or land use bylaw, or the policies of this Plan, applications located outside of the Plan Area may be referred to the adjacent municipality.
3. The municipality in receipt of referral of an application within the adjacent municipality should consider potential impact to the following:
  - a. Municipal roadways
  - b. Utilities
  - c. Stormwater and drainage
  - d. Adjacent land use
  - e. Environmental matters
  - f. Other matters
4. Where required by the MGA or the policies of this Plan, both municipalities agree to provide the contact information necessary to refer application information to residents of the adjacent municipality.

**AGRICULTURE****INTENT**

Agriculture and grazing will continue to be the primary land use in the Plan Area, and non-agricultural uses should be considered only in such areas where they will not negatively impact agriculture and grazing.

**POLICIES**

1. Agriculture and grazing are the primary use in the Plan Area.
2. Both municipalities will strive to work cooperatively to encourage good neighbour farming practices, such as dust, weed and insect control, adjacent to developed areas through best management practices and Alberta Agriculture guidelines.
3. If disputes or complaints in either municipality should arise between ratepayers and agricultural operators, the municipality receiving the complaint shall strive to direct the affected parties to the appropriate agency, government department or municipality for consultation or resolution wherever necessary.



## RESOURCE EXTRACTION & RENEWABLE ENERGY DEVELOPMENT

### INTENT

Resource extraction is recognized as important to the local economy and to the maintenance of transportation routes and other infrastructure. However, impacts from resource extraction operations may affect nearby lands and must be addressed through proper siting and operation practices.

### POLICIES

1. Applications for a new or expanded aggregate extraction operation within the Plan Area shall be referred to the adjacent municipality.
2. Applications for a new or expanded aggregate extraction operation that proposes the use of roadways within the jurisdiction of the adjacent municipality shall be referred to the adjacent municipality. Either municipality may require an agreement regarding the construction, repair, and maintenance of any municipal roads which may be impacted by natural resource extraction development, when the development requires access to come from the other municipality's road.
3. Necessary agreements will be required prior to an application being 'deemed complete'.



4. Applications for a new or expanded renewable energy development within the Plan Area shall be referred to the adjacent municipality. Examples include, but are not limited to; solar power facilities, wind farms, and hydro-electric facilities
5. Applications for new or expanded telecommunications towers within the Plan Area shall be referred to the adjacent municipality. Applicants shall be requested to co-locate telecommunications facilities on existing towers where feasible.



## ENVIRONMENTAL & OPEN SPACE POLICIES

### INTENT

Environmental features do not follow pre-defined boundaries, and impacts to natural areas within one municipality can have an effect on the other side of the border. This section aims to ensure that natural areas are respected, and allows for opportunities to enhance these features where appropriate.



### POLICIES

1. Applications affecting wetlands and/or riparian areas located within the Plan Area shall be circulated to the adjacent municipality.

2. Applications affecting wetlands and/or riparian areas located within the Plan Area should be assessed in accordance with the environmental policies of the relevant plans for the municipality in which it was received.
3. The municipalities will encourage the preservation of environmentally significant areas within the Plan Area.
4. Development on slopes and river valleys within natural areas is generally discouraged. However, where development is proposed on these natural features, it will proceed only in accordance with the respective municipality's statutory plans, applicable bylaws, and other municipal policies and regulations.
5. Either municipality shall refer to the other municipality any new or amended municipal bylaw or policy pertaining to environmental or biophysical matters within the Plan Area.
6. The municipalities support the alignment and connection of open space pathways in the defined plan area.

## TRANSPORTATION

### INTENT

It is important that each municipality take into consideration the impact of development on municipal roads located within the Plan Area that for the area's transportation infrastructure.

### POLICIES

1. Each municipality shall be notified of any subdivision or development proposal in the other municipality that will result in access being required from a road under its control or management. The affected municipality may request to obtain any associated traffic studies and must give its' comments in writing within the notification period. If

comments are not received within the notification period, it will be determined the municipality has no concerns.

2. Each municipality shall be notified of any road closure or development of an undeveloped road that will result in the potential for access to be increased, decreased or removed for a road under the control or management of the adjacent municipality. The affected municipality may request to obtain any associated traffic studies and must give its comments in writing within the notification period. If comments are not received within the notification period, it will be determined the municipality has no concerns.
3. Either municipality may require a developer to enter into a road use agreement to control traffic, manage dust control or maintenance issues if access to the development is required from a road under its' control or jurisdiction.
4. The road network shall be maintained by the municipality having jurisdiction, unless a separate agreement specifies joint maintenance, maintenance swap, or any other terms acceptable to both municipalities.



## VI. PLAN ADMINISTRATION & IMPLEMENTATION

The administration and implementation of this Plan is intended to be an ongoing process to ensure it is maintained and remains applicable. This will assist Rocky View County and Kneehill County administrations, subdivision and development authorities and Councils with the initial and ongoing execution of this Plan over its lifespan.

### Intermunicipal Committee

#### INTENT

The implementation of this Plan is intended to be an ongoing process to ensure it is maintained and remains applicable. A committee with joint representation will ensure continued dialogue and cooperation, as the purpose of this committee is to promote active cooperation and conflict resolution through a consensus-based approach.

#### POLICIES

1. For the purposes of administering monitoring of the IDP, Rocky View County and Kneehill County will establish the Intermunicipal Committee (the Committee) as defined in accordance with the Intermunicipal Collaboration Framework.
2. Meetings of the Committee shall be held on an “as needed basis”, or at the request of either municipality. Committee meetings should be held as soon as possible if any conflict arises, or if any matter is brought before it.

3. The municipality that called the meeting of the Committee shall host and chair the meeting and is responsible for preparing and distributing agendas and minutes.
4. Both Councils agree the Committee is not a decision making body and that the Committee shall issue a written response in the form of comments and/or recommendations to the appropriate decision making body.

### FUNCTIONS OF THE COMMITTEE

#### INTENT

Both municipalities agree that the main functions of the Committee are the following:

1. Create a forum for dialogue on issues of common interest and concern;
2. Address concerns regarding the policies of the Plan;
3. Address proposed amendments to the Plan;
4. Engage in resolving any conflicts or disputes which arise from this Plan – both municipalities will equally share costs associated with using outside assistance to resolve a dispute; and
5. Address any other land use issues deemed appropriate, but which are not explicitly identified in the Plan.

### ADOPTION, AMENDMENT, & REPEAL PROCESS

#### INTENT

This section acknowledges the adoption of the plan, and provides requirements for ongoing monitoring. Additionally, the policies recognize that periodic amendments may be required.

**POLICIES**

1. The policies of this Plan apply to the lands located within the Plan Area.
2. This plan comes into effect following adoption by the respective Councils of Rocky View County and Kneehill County.
3. The municipalities agree to comply with the adopted relevant regional plan strategies.
4. Rocky View County is a member municipality in the Calgary Metropolitan Regional Board (CMRB), and is therefore subject to the requirements of the CMRB and the Interim Regional Growth Plan (IGP). Participation with Rocky View County in the adoption of this IDP does not subject Kneehill County to the requirements of the CMRB and the IGP.
5. Amendments to the IDP shall receive direction from both Councils prior to proceeding and shall be jointly prepared by both administrations.
6. Amendments to the Plan shall not come into force until they are adopted by the Councils of both municipalities, in accordance with the requirements of the MGA.
7. A Bylaw to repeal this IDP may be considered by both Councils if:
  - a. The repealing Bylaw considers a new IDP, or
  - b. If the repealing Bylaw complies with Provincial legislation.

**DISPUTE RESOLUTION****INTENT**

This plan is designed to facilitate communication and cooperation among the municipalities. While understanding that each

municipality has the right to make decisions within their boundaries, it is acknowledged that these decisions can have an impact beyond their borders.

**POLICIES**

In order to ensure that the relationship between the two municipal neighbours remains strong, Kneehill County and Rocky View County agree to the following:

1. The municipalities respect the right to maintain jurisdiction over decisions made within their boundaries.
2. The municipalities understand the potential for those decisions to impact the adjacent municipality.
3. The municipalities understand the importance of notification and communication with the adjacent municipality in order to ensure that potential concerns are addressed.

**PROCESS**

1. It is the desire of both municipalities to promote public confidence in the leadership of both municipalities by encouraging intermunicipal cooperation and self-directed dispute resolution processes.
2. Should either municipality identify a potential concern related to an application referral provided through the policies of this plan, written notification shall be provided at the administration level.
3. Rocky View County and Kneehill County have a mutual commitment to resolve any disputes brought forward and shall make a good faith attempt at resolving perceived disputes prior to mediation.

4. Prior to any meeting to discuss a potential dispute, each municipality through its administration, will ensure the facts of the issue have been investigated and clarified, and information is made available to both parties.
5. Any matter of Intermunicipal concern between the municipalities shall first be informally discussed by relevant administrative officials employed by Rocky View County and Kneehill County, culminating with discussions between the Chief Administrative Officers with the goal of resolving the concern.
6. Should the Chief Administrative Officers fail to resolve the dispute, the dispute will be referred to the Committee.
7. The Committee will convene to consider and attempt to resolve the dispute by consensus. In the event a resolution is not achieved by the 30<sup>th</sup> day following the first meeting of the Committee, either municipality may refer the dispute to mediation.
8. The formal dispute resolution process may only be initiated by either County Councils.
9. The services of a mutually agreed upon Mediator will be retained, with the mediator to present a written recommendation to both Councils. The costs of mediation shall be shared equally between both municipalities.
10. Should a dispute involve an application subject to Section 690(1) of the MGA, the municipalities may submit an appeal to the Municipal Government Board within 30 days of adoption in order to maintain the right to appeal.
11. Notwithstanding the above, the appeal may be withdrawn prior to the Municipal Government Board hearing should an agreement be reached to the satisfaction of the municipalities.

12. If the matter of Intermunicipal concern is not resolved through third party mediation, either municipal Committee may recommend to their respective Council to pursue arbitration.



## VII. DEFINITIONS

**Adjacent Land(s):** Land that abuts or is contiguous to the parcel of land that is being described and includes land that would be contiguous if not for a highway, road, lane, walkway, watercourse, utility lot, pipeline right-of-way, power line, railway or similar feature and any other land identified in the land use bylaw as adjacent for the purpose of notifications under the *Municipal Government Act, Revised Statutes of Alberta 2000, M-26* with amendments.

**Agricultural Areas:** means lands within the Plan Area that are not located within the boundaries of a statutory plan (such as an area structure plan, conceptual scheme, or master site development plan).

**Agricultural Operation:** If not defined in the municipality's Land Use Bylaw, it is an agricultural activity conducted on agricultural land for gain or reward or in the hope of expectation of gain or reward, and can include, but is not limited to:



- a. the cultivation of land;
- b. the raising of livestock, including game-production animals within the meaning of the “*Livestock Industry Diversification Act*” and poultry;
- c. the raising of fur-bearing animals, pheasants or fish;
- d. the production of agricultural field crops;
- e. the production of fruit, vegetables, sod, trees, shrubs and other specialty horticultural crops;
- f. the production of eggs and milk;
- g. the production of honey (apiaries);
- h. the operation of agricultural machinery and equipment, including irrigation pumps on site;
- i. the application of fertilizers, insecticides, pesticides, fungicides, and herbicides, including application by ground and aerial spraying, for agricultural purposes;
- j. the collection, transportation, storage, application, use transfer and disposal of manure;
- k. the abandonment and reclamation of confined feeding operations and manure storage facilities.
- l. does not include cannabis cultivation production for either medical or recreational use.

**Alberta Land Stewardship Act (ALSA):** The *Alberta Land Stewardship Act Statutes of Alberta, 2009 Chapter A-26.8*, as amended.

**Arbitration:** A process to resolve disputes outside the courts. An arbitration decision is legally binding on both sides and enforceable in the courts.

**Area Structure Plan (ASP):** A statutory plan in accordance with the Municipal Government Act (MGA) for the purpose of providing a

framework for subsequent subdivision and development of an area of land in a municipality. The Plan typically provides a design that integrates land uses with the requirements for suitable parcel densities, transportation patterns (roads), stormwater drainage, fire protection and other utilities across the entire Plan Area.

**Conservation Easement:** A voluntary agreement between a landowner and a conservation organization or government agency. The intent of the Conservation Easement is to protect the ecological, scenic, and or agricultural values of the land. The agreement is placed on title, and the landowner continues using the land subject to the specific restrictions in the easement.

**Council(s):** The Council of Kneehill County and the Council of the Rocky View County in the Province of Alberta.

**Development:** As defined by the *Municipal Government Act* in Part 17, section 616, means

- a) an excavation or stockpile and the creation of either of them;
- b) a building or an addition to or replacement or repair of a building and the construction or placing of any of them on, in, over or under land;
- c) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building; or
- d) a change in the intensity of the land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building.



**Discretionary Use:** The use of land or a building in a land use district for which a development permit may be approved at the discretion of the Development Authority with or without conditions.

**Dispute Resolution Process:** Includes a wide range of processes, including mediation and arbitration or various forms of, with each being an alternative to litigation, designed to meet the unique needs of the parties involved or the dispute at hand.

**Environmental Reserve:** Regulated through the *Municipal Government Act (MGA)*, it is the transference of land from the landowner to the municipality through the subdivision process. The lands can consist of water bodies, steep slopes, gullies, or drainage courses, and would be required to remain in its natural state.

**Environmental Reserve Easement:** Similar to an Environmental Reserve, the ERE however allows the title to remain under the landowner, instead of with the Municipality. Similar restrictions apply with an easement, such that the land would be left in its natural state.

**Environmentally Significant Areas (ESA):** Meaning as defined in each subject Land Use Bylaw.

**Extensive Agriculture:** The general raising of crops and grazing of livestock in a non-intensive nature.

**Intermunicipal Border:** The shared border between Rocky View County and Kneehill County.

**Intermunicipal Committee:** Those members from both municipalities appointed by resolution of Council to represent their municipality on matters relating to the Intermunicipal Development Plan and the Intermunicipal Collaboration Framework.

**Intermunicipal Development Plan (IDP):** A statutory document, adopted by bylaw in accordance with section 631 of the *Municipal Government Act*, which is used by municipalities as a long-range planning tool.

**May:** Is an operative word that means that there is a choice, with no particular direction or guidance intended.

**Municipalities (the Municipalities):** The municipalities of Rocky View County and Kneehill County.

**Municipal Government Act (MGA):** The Municipal Government Act Revised Statutes of Alberta 2000, Chapter M-26, as amended.

**Municipal Development Plan (MDP):** A statutory plan, adopted by bylaw in accordance with section 632 of the *Municipal Government Act* and used by municipalities as a long-range planning tool.

**Outline Plan:** means a detailed Land Use plan for an area of land that is typically smaller than the land covered by an Area Structure Plan and which conforms to all Statutory Plans. An Outline Plan is adopted by resolution of Council, Pursuant to Part 17 of the Act, and is otherwise equivalent to a “Conceptual Scheme” as described in the Act.

**Permitted Use:** The use of land or a building in a land use district for which a Development Authority shall issue a development permit with or without conditions providing all other provisions of the Bylaw are conformed with.

**Plan:** The Rocky View County and Kneehill County Intermunicipal Development Plan.

**Plan Area:** The lands defined in this document to which the policies of this document pertain.

**Ratepayer:** A land owner within the municipality who pays taxes to the respective municipality and is considered a stakeholder in public matter relating to the municipality.

**Renewable Resource/Energy:** means a Development whose Principal Use is the generation of energy for commercial or residential use, from wind, solar, geothermal or other sources that do not depend on finite, non-renewable resources such as fossil fuels.

**Shall:** In an operative word that means the action is mandatory.

**Should:** In an operative word that means that in order to achieve the Plan's objectives, it is strongly advised that the action be taken.

**Soil Classification:** The classification of soils in accordance with the Canadian Land Inventory on the basis of soil survey information, and are based on intensity, rather than kind, of their limitations for agriculture.

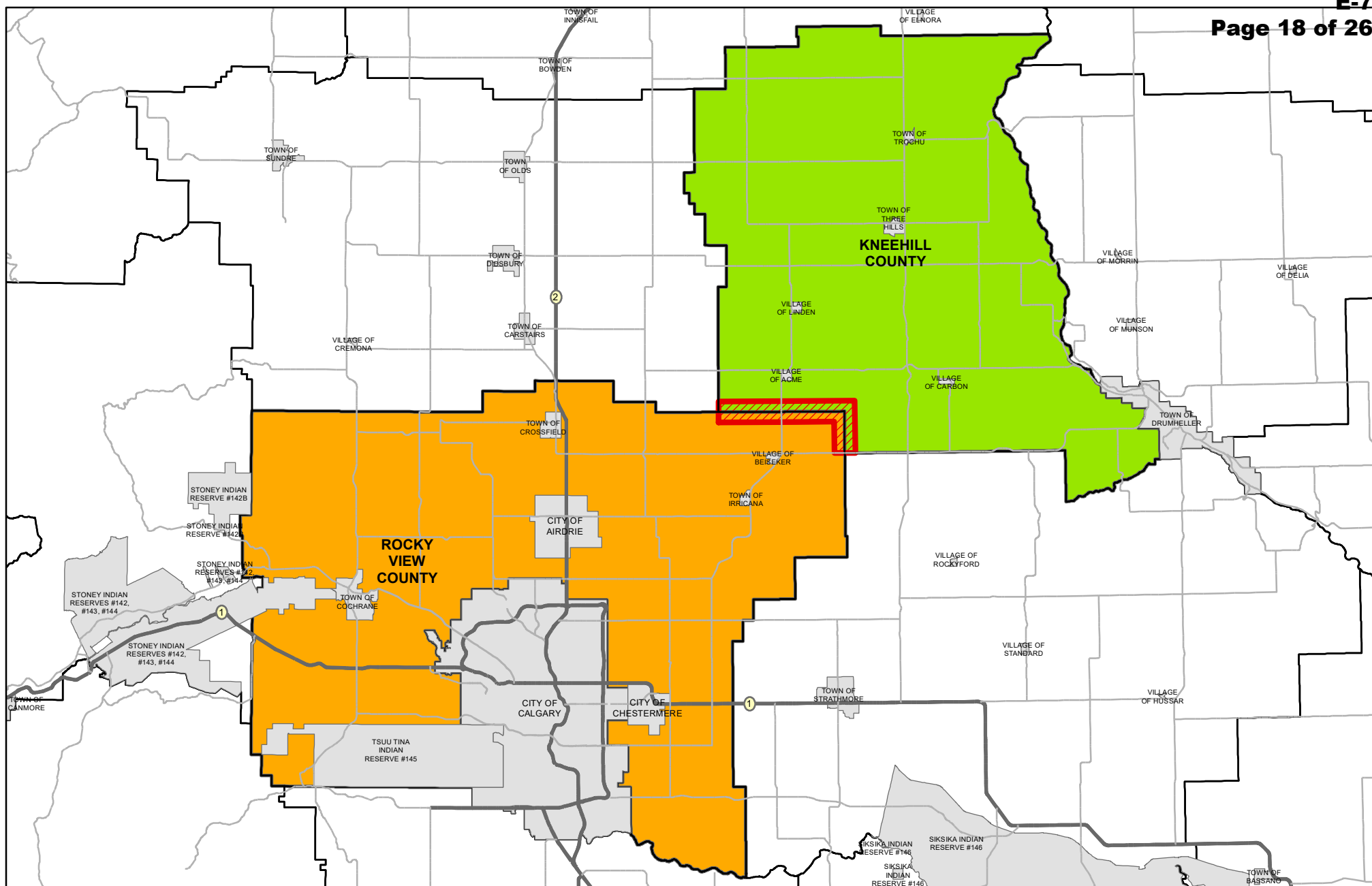
**Stakeholder:** A person with an interest or concern in matters pertaining to this Plan.




**Statutory Plan:** As per Part 17 of the *Municipal Government Act*, is an intermunicipal development plan, a municipal development plan, an area structure plan, or an area redevelopment plan adopted by a municipality under Division 4 of the *Municipal Government Act*.

**Subdivision and Development Authority:** Within the boundary of Rocky View County means the Rocky View County Subdivision and Development Authority, and within the boundary of Kneehill County

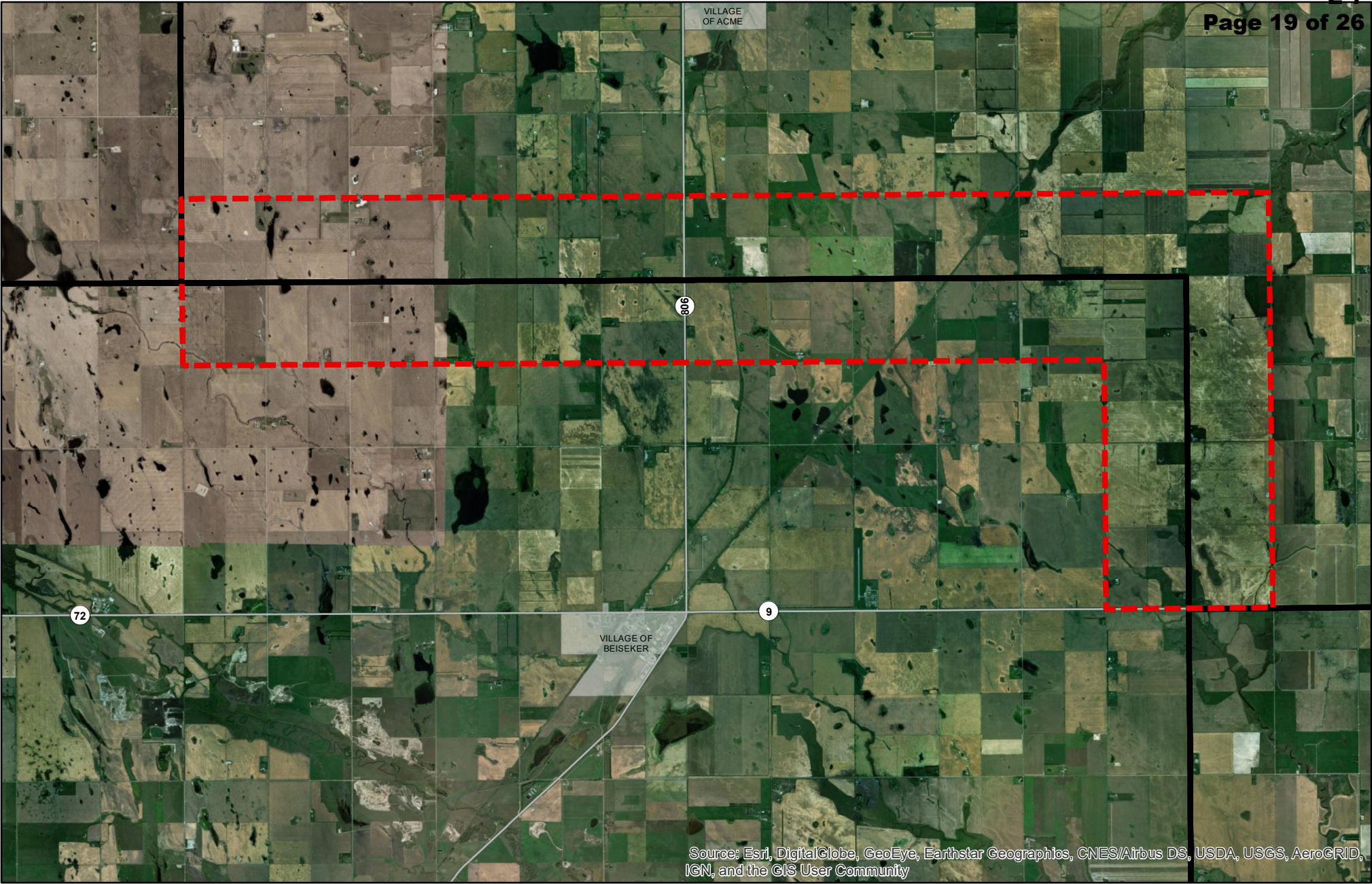
means the Kneehill County Subdivision and Development Authority.







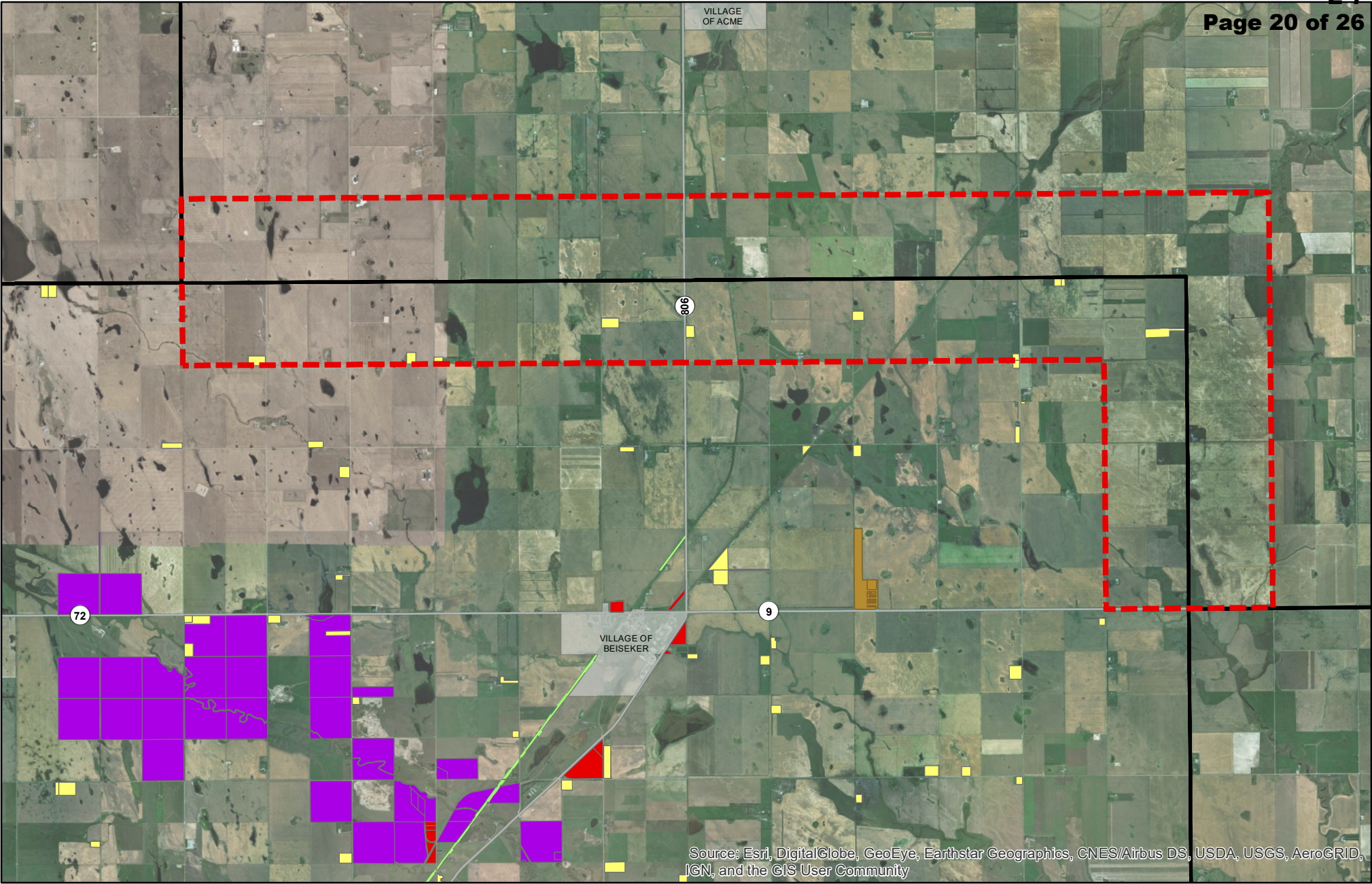
-  IDP PLAN AREA
-  ROCKY VIEW COUNTY
-  KNEEHILL COUNTY












 IDP PLAN AREA  
 Municipal Boundary



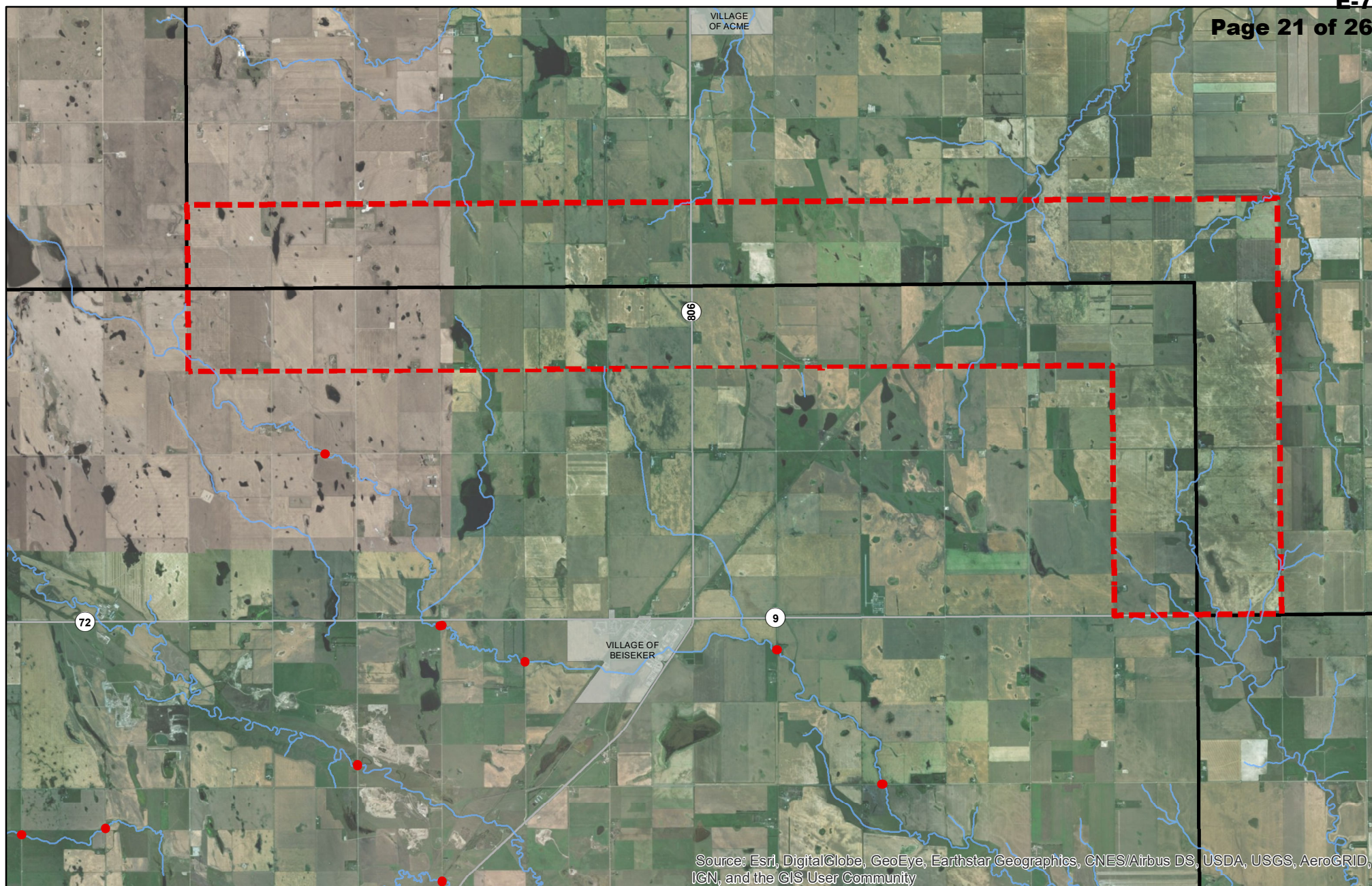


Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

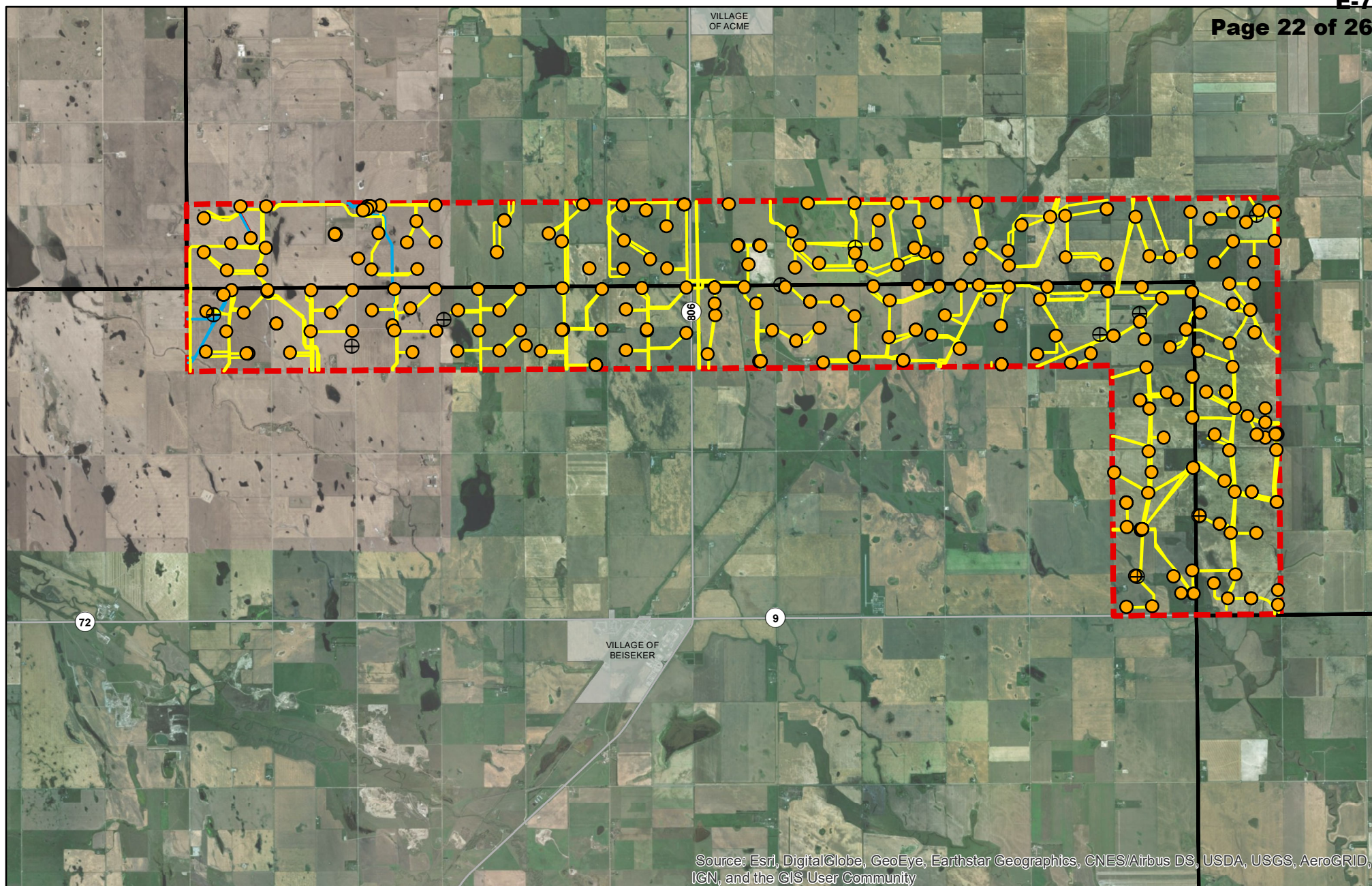
Land Use

- |  |   |  |
|--|---|--|
|  Agriculture |  Business Commercial |  Residential      |
|  Airport     |  Direct Control      |  Industrial & NRI |
|  |  Public Service      |  |















 IDP PLAN AREA  
 Municipal Boundary

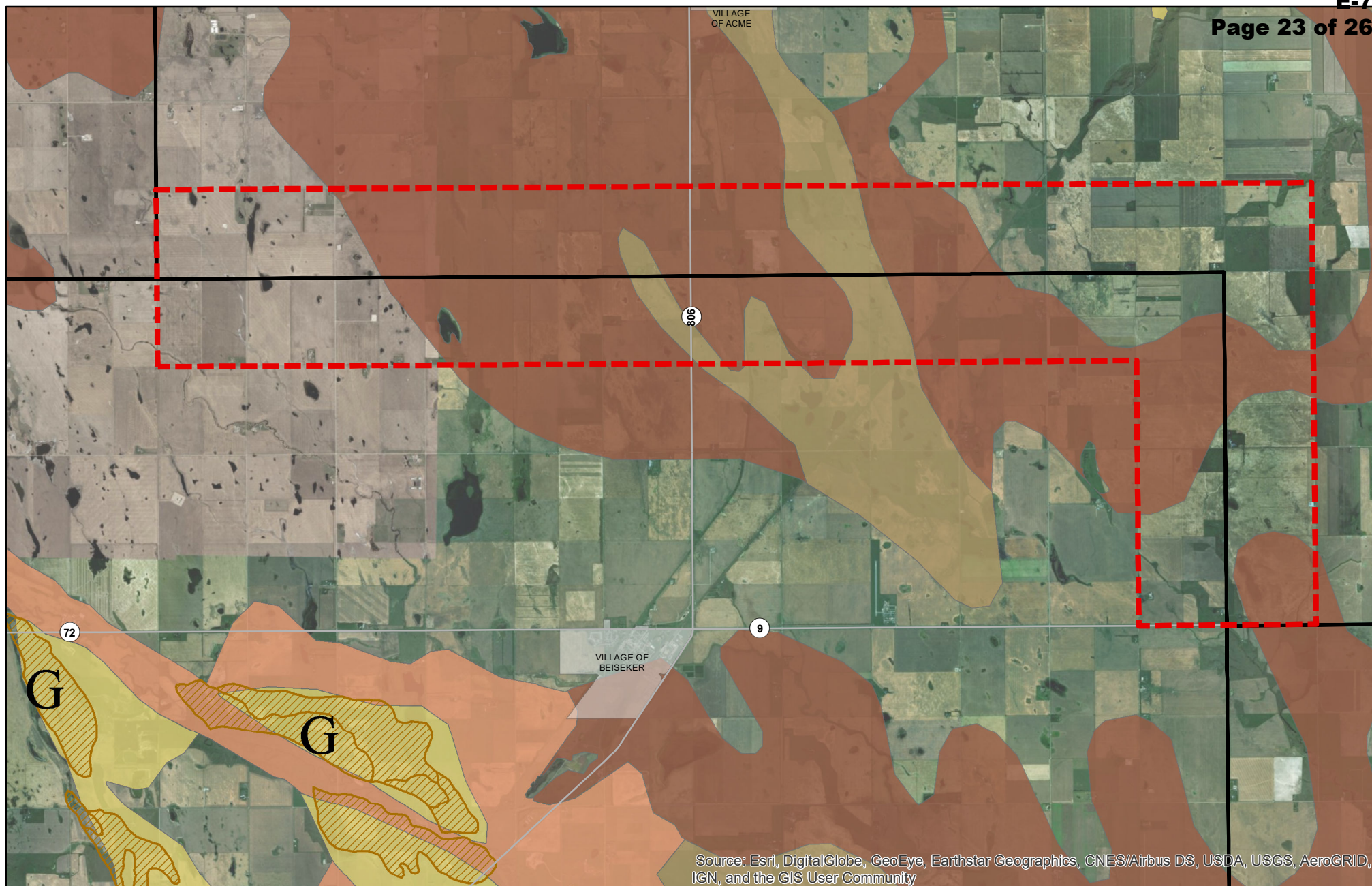
**Wells**

 All Other Values  
 Abandoned

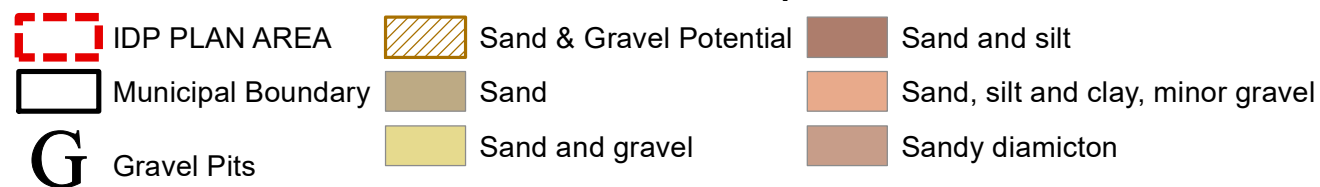
**Pipes**

 Crude Oil  
 Other  
 Natural Gas  
 Sour Natural Gas

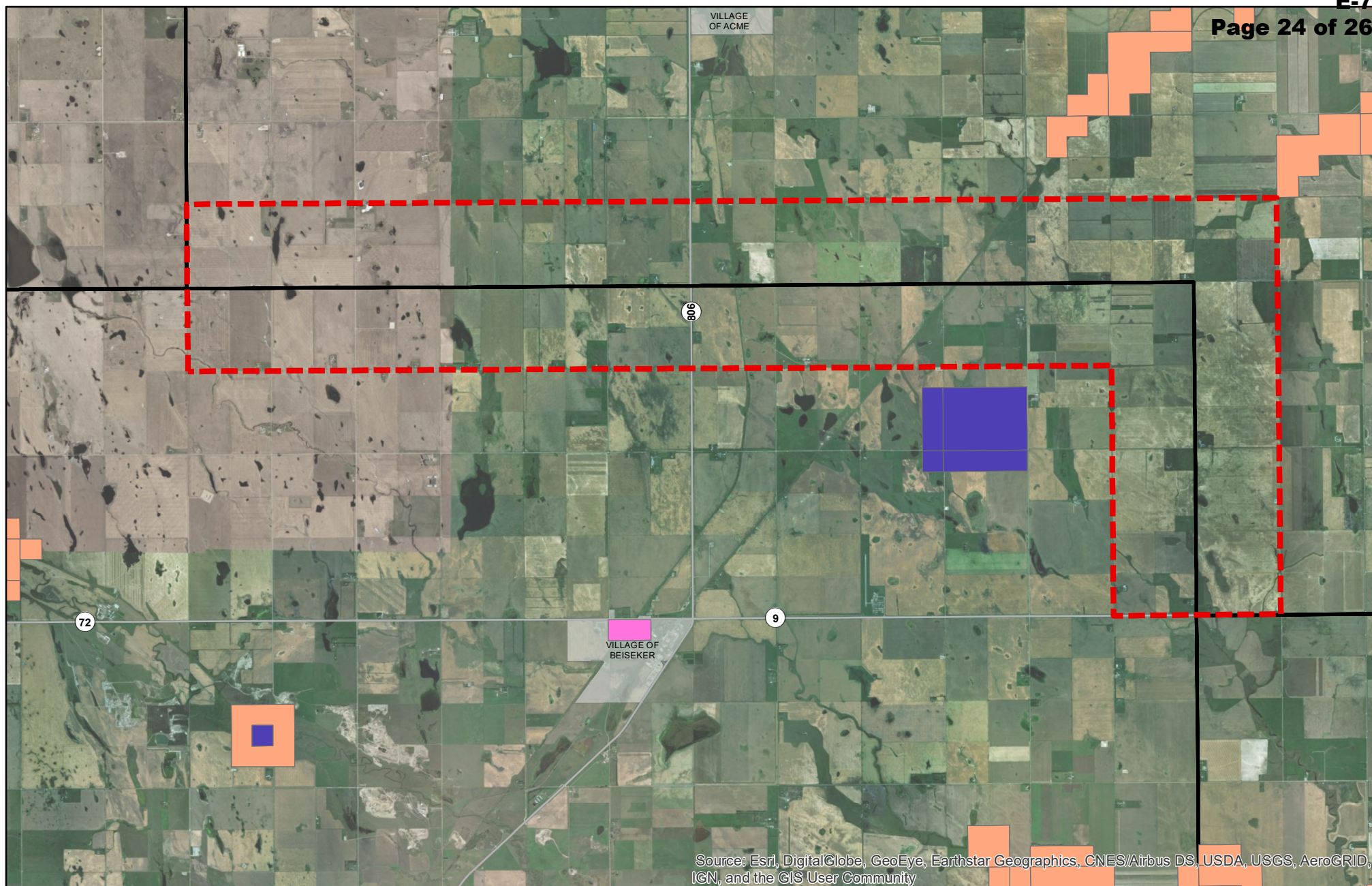




### Surfacial Sand & Gravel Deposits







IDP PLAN AREA



Municipal Boundary

**Historic Resource Value (HRV)**

1 - Provincial Historic Resource



2 - Registered Historic Resource



3 - Significant historic resource that will likely require avoidance

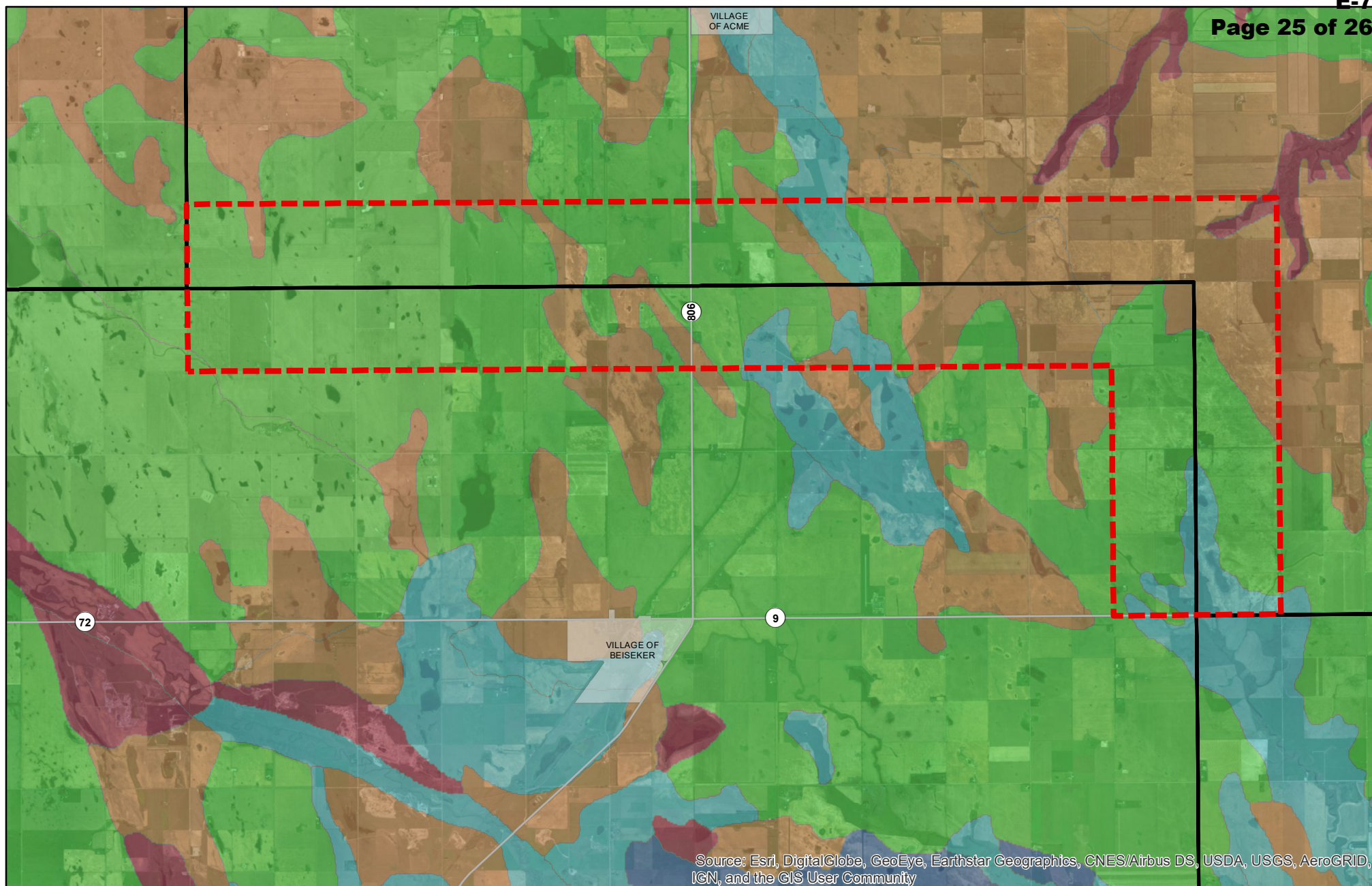


4 - Historic resource that may require avoidance



5 - Potential to contain a historic resource





IDP PLAN AREA



Municipal Boundary

**CLI Soil Classification**

1 - No significant crop limitation



2 - Moderate limitations on crop type



3 - Moderate/severe limitations on crop type



4 - Severe limitations on crop type



5 - Restricted growth on perennial crops



6 - Capable of producing perennial crop only

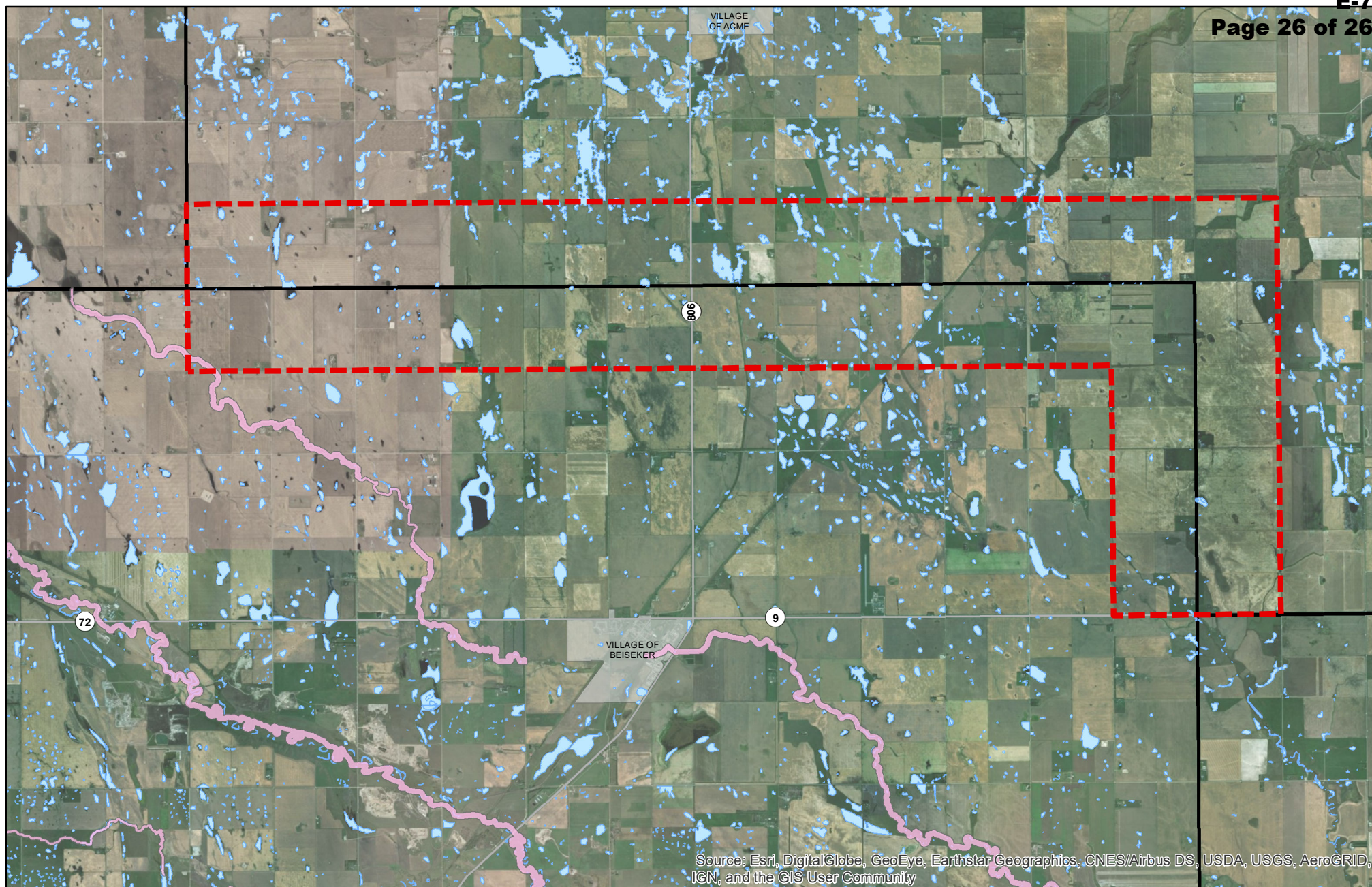


7 - No crop capability or permanent pasture land



O - Organic Soils





IDP PLAN AREA



Municipal Boundary



Key Wildlife &amp; Biodiversity Zones



Riparian Policy Areas



Alberta Merged Wetland Inventory



## PLANNING AND DEVELOPMENT SERVICES

---

**TO:** Council

**DATE:** October 22, 2019 **DIVISION:** 9

**FILE:** 06826028 **APPLICATION:** PL20180113

**SUBJECT:** First Reading Bylaw - Residential Conceptual Scheme

NOTE: This application should be considered in conjunction with application PL20170045 (agenda item E-9)

---

**PURPOSE:** The purpose of this application is to consider the Camden Heights Conceptual Scheme (CHCS), to guide the future development of five new residential parcels and one residential remainder.

**GENERAL LOCATION:** Located approximately 1 mile east of the hamlet of Cochrane Lake, northwest of the intersection of Camden Lane and Range Road 41.

**APPLICANT:** Carswell Planning (Bart Carswell)

**OWNERS:** Balvinder K. Sohal & Karamjit & Harjit Gill

### **<sup>1</sup>POLICY DIRECTION:**

Relevant policies for this application include the Municipal Development Plan, the Cochrane North Area Structure Plan (CNASP), and any other applicable policies.

### **COUNCIL OPTIONS:**

Option #1: THAT Bylaw C-7942-2019 be given first reading.

Option #2: THAT application PL20180113 be denied.

### **APPLICATION REQUIREMENTS:**

No additional application information required at this time.

Respectfully submitted,

Concurrence,

“Matthew Wilson”

“Al Hoggan”

---

Acting Executive Director  
Community Development Services  
SK/llt

---

Chief Administrative Officer

### **APPENDICES:**

APPENDIX ‘A’: Bylaw C-7942-2019 & Schedule A  
APPENDIX ‘B’: Map Set

---

<sup>1</sup> **Administration Resources**  
Stefan Kunz, Planning and Development Services





ROCKY VIEW COUNTY  
Cultivating Communities

## BYLAW C-7942-2019

### A Bylaw of Rocky View County known as the Camden Heights Conceptual Scheme

The Council of Rocky View County enacts as follows:

#### PART 1 – TITLE

This Bylaw shall be known as Bylaw C-7942-2019.

#### 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** Bylaw C-7942-2019, being the “Camden Heights Conceptual Scheme,” affecting Lot 7, Block 21, Plan 9412290, SE-26-26-4-W5M, be adopted as defined in Schedule ‘A’, which is attached to, and forms part of this Bylaw.

#### PART 4 – TRANSITIONAL

Bylaw C-7942-2019 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: 9**

**File: 06826028 - PL20180113**

<i>PUBLIC HEARING WAS HELD IN COUNCIL this</i>	<i>day of</i>	<i>, 20__</i>
READ A FIRST TIME IN COUNCIL this	day of	, 20__
READ A SECOND TIME IN COUNCIL this	day of	, 20__
<i>UNANIMOUS PERMISSION FOR THIRD READING</i>	<i>day of</i>	<i>, 20__</i>
READ A THIRD TIME IN COUNCIL this	day of	, 20__

---

Reeve

---

CAO or Designate

---

Date Bylaw Signed

**SCHEDULE 'A'**

**FORMING PART OF BYLAW C-7942-2019**

A Conceptual Scheme affecting Lot 7, Block 21, Plan 9412290, SE-26-26-4-W5M, herein referred to as the Camden Heights Conceptual Scheme.



# Camden Heights



## Conceptual Scheme

SE-26-26-04-W5M, being Plan 9412290, Block 21, Lot 7

municipally known as 264040 Range Road 41

Carswell Planning



Submitted to Rocky View County, September 2018 (rev. May 2019)

## ACKNOWLEDGEMENT PAGE

### PREPARED FOR:

Rocky View County  
Planning, Development, & Bylaw Services

### ON BEHALF OF:

Karamjit Gill and Harjit Gill  
Balvinder K Sohal

### PROJECT CONSULTANT TEAM:

Civil Engineering Solutions Inc.  
Groundwater Information Technologies Ltd.  
JCB Engineering Ltd.  
Pinchin Ltd.  
Carswell Planning

Cover photo credit: [www.hikingwithbarry.com](http://www.hikingwithbarry.com), "snow-capped mountains from Glenbow Ranch Prov. Park"

## Contents

Camden Heights Conceptual Scheme .....	1
1.0 INTRODUCTION.....	1
1.1 Proposal Overview .....	1
1.2 Purpose of this Plan .....	1
1.3 Development Rationale .....	3
1.4 Primary Development Considerations.....	3
1.5 Conceptual Scheme Objectives.....	3
2.0 POLICY CONTEXT .....	4
2.1 County Plan.....	4
2.2 Cochrane North Area Structure Plan .....	4
2.2.1 ASP Direction for CS.....	8
2.2.2 ASP Residential Infill Policies.....	8
2.2.3 ASP Other Considerations .....	9
3.0 GUIDING PRINCIPLES.....	9
4.0 <i>PLAN AREA DESCRIPTION</i> .....	9
4.1 Location.....	9
4.2 Legal Descriptions & Ownership.....	10
4.3 Local Development Context.....	11
4.4 Adjacent Lands.....	12
4.5 Existing Transportation Infrastructure .....	12
4.6 Existing Groundwater Supply.....	12
4.7 Existing Soils and Wastewater Servicing .....	13
4.8 Existing Land Use.....	14
4.9 Existing Site Conditions .....	15
4.10 Existing Protective and Emergency Services.....	16
5.0 DEVELOPMENT CONCEPT .....	17
5.1 Development Concept .....	17
5.2 Land Use Concept.....	19
5.3 Residential Area .....	19
5.4 Municipal Reserves .....	20
5.5 Environmental Considerations .....	20
5.6 Historic Resources Considerations .....	20
5.7 Transportation Considerations.....	21
5.8 Utility Services - Stormwater.....	23
5.9 Utility Services – Water.....	24
5.10 Utility Services – Sanitary Wastewater .....	25
5.11 Shallow Utilities .....	25
5.12 Solid Waste and Recycling .....	26
5.13 Protective and Emergency Services .....	26

6.0 IMPLEMENTATION FRAMEWORK .....	26
6.1 The Conceptual Scheme Implementation Process .....	26
6.2 Land Use Redesignation .....	26
6.3 Agriculture Boundary Design Guidelines.....	27
6.4 Architectural Design Considerations .....	27
7.0 PUBLIC ENGAGEMENT .....	28
7.1 Open House .....	28
7.2 Potential Surrounding Development .....	29

## List of Figures

Figure 1: Context of Camden Heights Conceptual Scheme (CS) .....	2
Figure 2: Land Use Concept - Cochrane North ASP .....	5
Figure 3: Natural Areas and Conceptual Regional Pathways - Cochrane North ASP .....	6
Figure 4: Future Land Use Scenario - Cochrane North ASP .....	7
Figure 5: Location .....	10
Figure 6: Survey.....	10
Figure 7: Aerial Image of Adjacent Lands.....	12
Figure 8: Existing Subwatershed Boundary.....	13
Figure 9: Current Land Use Bylaw Districts .....	14
Figure 10: Photo west across southern slope of property .....	15
Figure 11: Photo south across property .....	15
Figure 12: Fire Halls in the Vicinity of the Site .....	16
Figure 13: Development Concept.....	17
Figure 14: Aerial for <i>Camden Heights</i> .....	18
Figure 15: Potential Country Residential Dwelling on an Acreage.....	19
Figure 16: Aerial of <i>Camden Heights</i> showing Twp. Rd. 264 and Range Rd. 41 .....	22
Figure 17: Post - Development Drainage Conditions.....	23
Figure 18: Private Water Servicing on Each Lot.....	24
Figure 19: Photo of Open House On-Site.....	28
Figure 20: Storyboards of Open House.....	29
Figure 21: Shadow Plan.....	30

## List of Tables

Table 1: Development Concept Calculations.....	17
--	----

## Camden Heights Conceptual Scheme

### 1.0 INTRODUCTION

#### 1.1 Proposal Overview

The subject site is located approximately 1.5 km west of Cochrane Lake, it is a single country residential property with a single private access. The proposed subdivision will result in six 6 lots; there is one existing. The proposal is in keeping with the low density residential on acreages, typical of Rocky View County (RVC).

#### 1.2 Purpose of this Plan

The Conceptual Scheme (CS), named **Camden Heights**, has been prepared pursuant to the Rocky View County (RVC) Plan (Bylaw C-7280-2013) and Cochrane North Area Structure Plan (ASP) Bylaw C-6388-2006, adopted July 3, 2007. It provides supporting rationale for redesignation and subdivision of  $\pm 10.37$  ha ( $\pm 25.62$  ac) comprising approximately one-sixth of SE-26-26-04-W5M, being Plan 9412290, Block 21, Lot 7. The site is municipally known as 264049 Range Road 41. It is located north of Camden Lane (Township Road 264) and west of Range Road 41. For the purposed of the CS, the subject lands are referred to as the *Plan Area*.

The Conceptual Scheme is a non-statutory plan intended to describe the developer's rationale and motivation to establish a new subdivision with associated land uses. The policies of this Plan have been prepared to provide direction regarding subsequent land use redesignation, subdivision, and development permit applications required to implement the **Camden Heights** development.

"A non-statutory plan, subordinate to an area structure plan, and may be adopted by bylaw or resolution. To ensure the opportunity for public input, the County will continue its practice of adopting a conceptual scheme by bylaw with a public hearing. If an area structure plan is amended to include a conceptual scheme, the conceptual scheme becomes a statutory plan. Conceptual schemes provide detailed land use direction, subdivision design, and development guidance to Council, administration, and the public. Conceptual schemes are meant to be developed within the framework of an area structure plan." (RVC County Plan).

It is the intent to apply the policies and design of this plan to guide development as one phase. Land use and subdivision for the development will be applied for following adoption of this CS.

Figure 1: Context of Camden Heights Conceptual Scheme (CS)

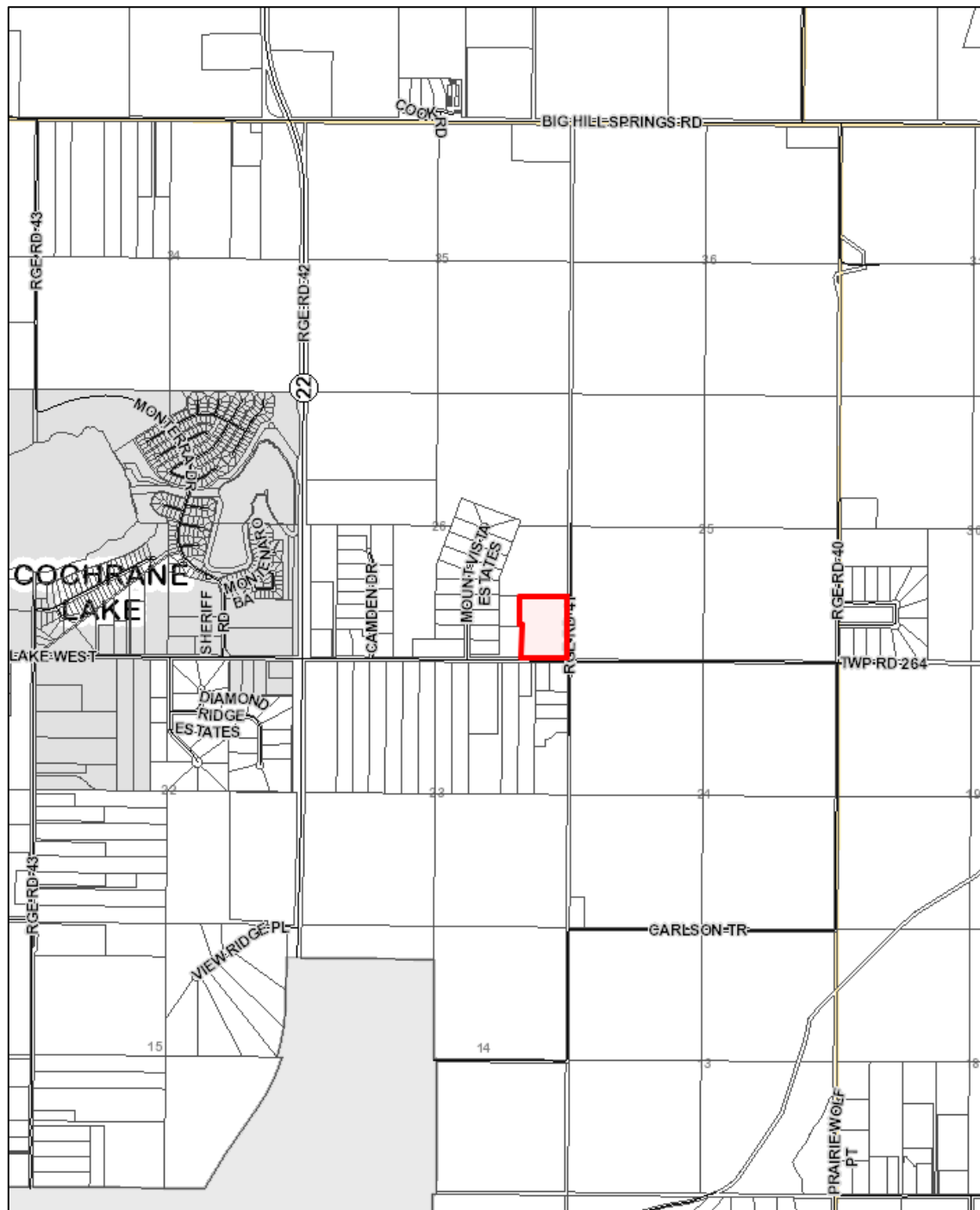


Figure 1: Context of Camden Heights Conceptual Scheme (CS), shows the context of Camden Heights CS where residential development in the quarter section has already occurred for most of SE 26. Lands to the east on the other side of Range Road 41 are agricultural in nature and outside of the ASP.

### 1.3 Development Rationale

The subject lands of this Conceptual Scheme are referred to as **Camden Heights** or the *Plan Area* in this document. The Cochrane North Area Structure Plan (ASP) is located adjacent to the northern limits of the Town of Cochrane and has Range Road 41 as its eastern boundary and where **Camden Heights** is located. The Hamlet of Cochrane Lake is separate from the ASP. As stated throughout the Cochrane North ASP, the next stage in the implementation of the ASP policies is through the preparation of Conceptual Schemes.

The Cochrane North area will continue to experience development pressures due to its proximity to the Town of Cochrane, City of Calgary. It also caters to those seeking to be close for excursions such as Kananaskis (K Country), Banff National Park and the Canadian Rockies.

### 1.4 Primary Development Considerations

Primary development considerations include:

- Compatibility of residential uses to adjacent land uses;
- Transportation access;
- Open space features and connectivity to pathways;
- Storm water management;
- Provision of potable water;
- Sanitary wastewater treatment;
- Shallow utilities of telecommunications, phone, cable, fiber optics (where available), electrical and natural gas services;
- Solid waste disposal and recycling;
- Protective and emergency services;
- Architectural design; and
- Capital and operational considerations.

### 1.5 Conceptual Scheme Objectives

The intent of the **Camden Heights** Conceptual Scheme is to:

- a) Provide a comprehensive summary of existing conditions within the *Plan Area* to identify development opportunities and significant constraints which require appropriate mitigation strategies;
- b) Present a subdivision and development concept that will comprise an appropriate subdivision pattern and density;
- c) Investigate and conclude whether any post development mitigation is necessary to address traffic, environmental, or other identified issues;
- d) Present a public open space to provide connections to adjacent lands; and
- e) Provide a utility servicing strategy that will include stormwater management, potable water and sewage collection and disposal.



## 2.0 POLICY CONTEXT

The Municipal Government Act, RVC's County Plan, Agriculture Master Plan, Parks and Open Space Plan, and the Cochrane North Area Structure Plan all provide guidance to the **Camden Heights** CS. These documents establish a policy framework to ensure that development respects rural character, promotes open space and recreational opportunities, respects the natural environment, implements cost-effective servicing.

### 2.1 County Plan

The County Plan sees country residential communities as a form of rural living. RVC has a number of country residential communities, some formally defined by area structure plan policy, as in the Cochrane North ASP. The goals and policies specific to Country Residential development support a safe, healthy, and attractive development that provides a strong sense of community. There is encouragement and support of country residential communities providing a quality-built environment while maintaining rural character. There is encouragement for alternative residential development forms that retain rural character and reduce the overall development footprint on the landscape. There is support for an orderly, efficient, cost effective development of fragmented quarter sections in agricultural areas.

**Camden Heights** aligns with the County's Plan by concentrating rural development in an ASP favouring the land use proposed. Cochrane North is enhanced and strengthened as integral part of RVC through the provision of smaller traditional Country Residential development within it.

### 2.2 Cochrane North Area Structure Plan

The Cochrane North ASP (Bylaw C-6388-2006) was approved in 2007 and is the timeframe or planning horizon for the Cochrane North ASP for approximately 15 to 20 years.

Figure 2: Land Use Concept – Cochrane North ASP

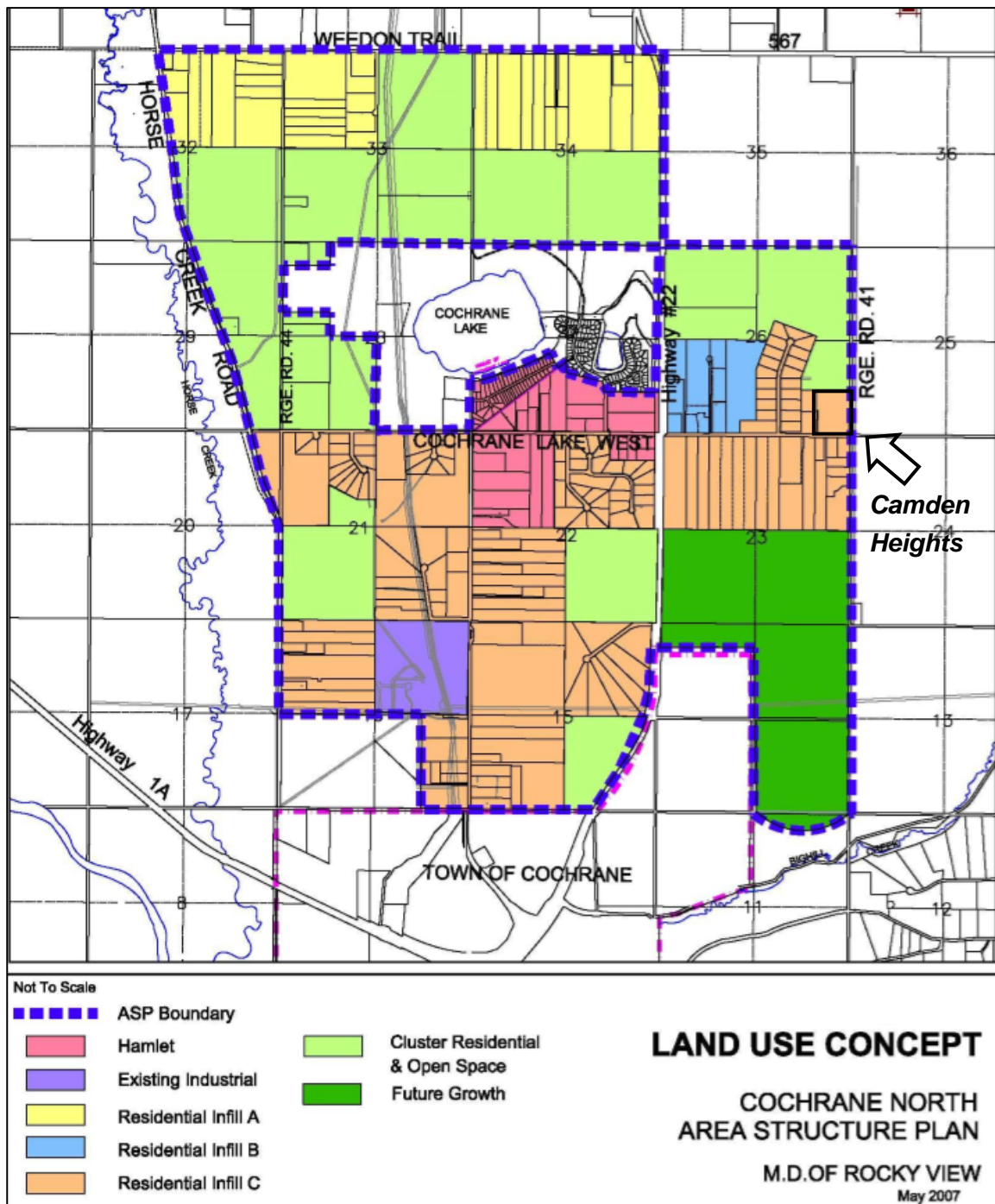


Figure 2: Land Use Concept – Cochrane North ASP, shows the land use concept for the ASP with the site being in Residential Infill C. Consideration is given to individual on-site wastewater servicing; and private, individual on-site water servicing for new lots. Small scale stormwater management systems are also suited to residential infill development. Cluster Residential and Open Space is designated to the north of the site. Residential Infill C is designated to the west and south of the site.

Figure 3: Natural Areas and Conceptual Regional Pathways – Cochrane North ASP

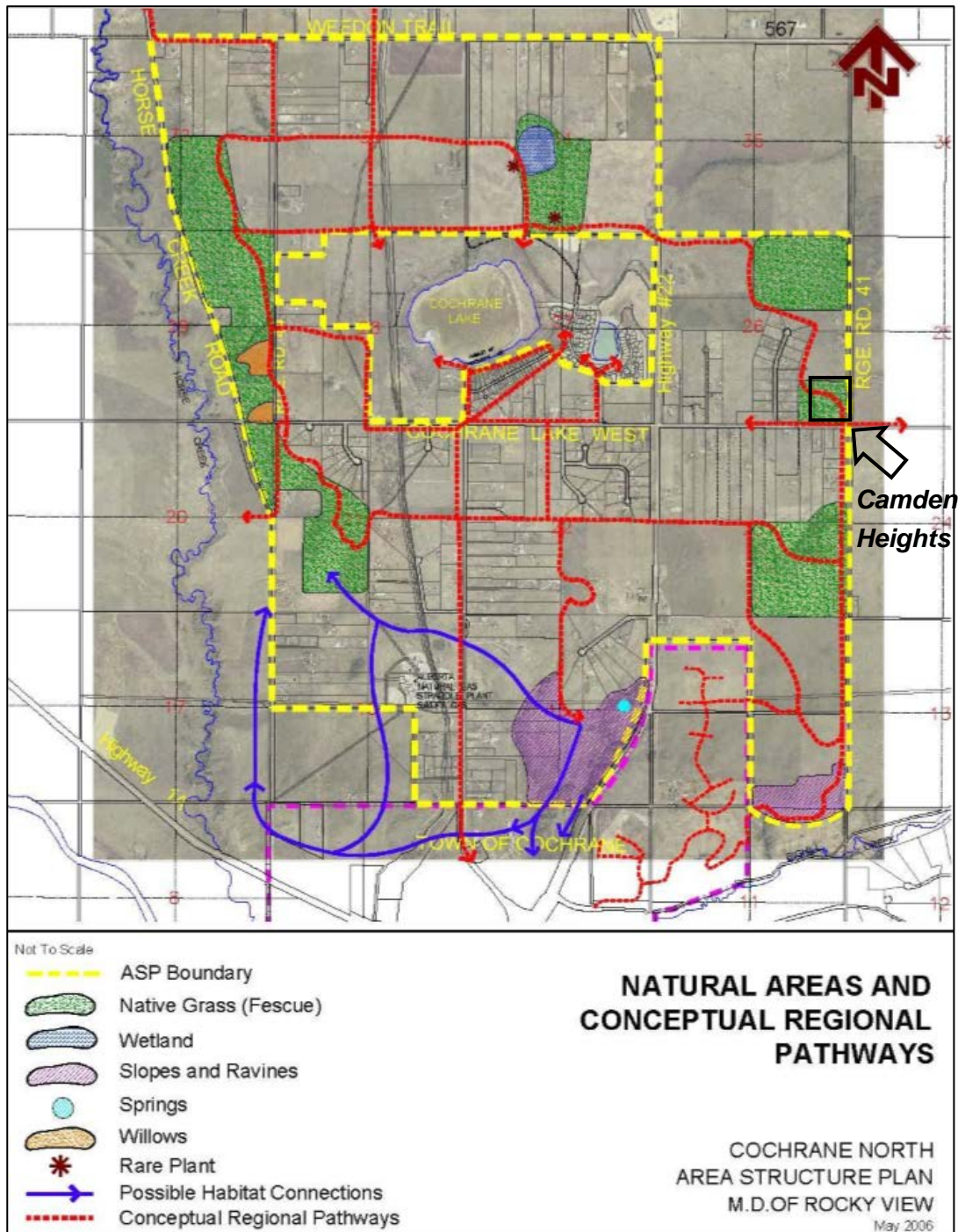


Figure 3: Natural Areas and Conceptual Regional Pathways – Cochrane North ASP, shows the site is native grass (Fescue). A conceptual regional pathway is expected to connect to Camden Lane (Township Road 264) and Range Road 41. Despite the map, RVC indicates there is no apparent need for Municipal Reserve acquisition to support public park, open space, or development of an active transportation network inclusive of pathway or trail development through the property.



Figure 4: Future Land Use Scenario – Cochrane North ASP

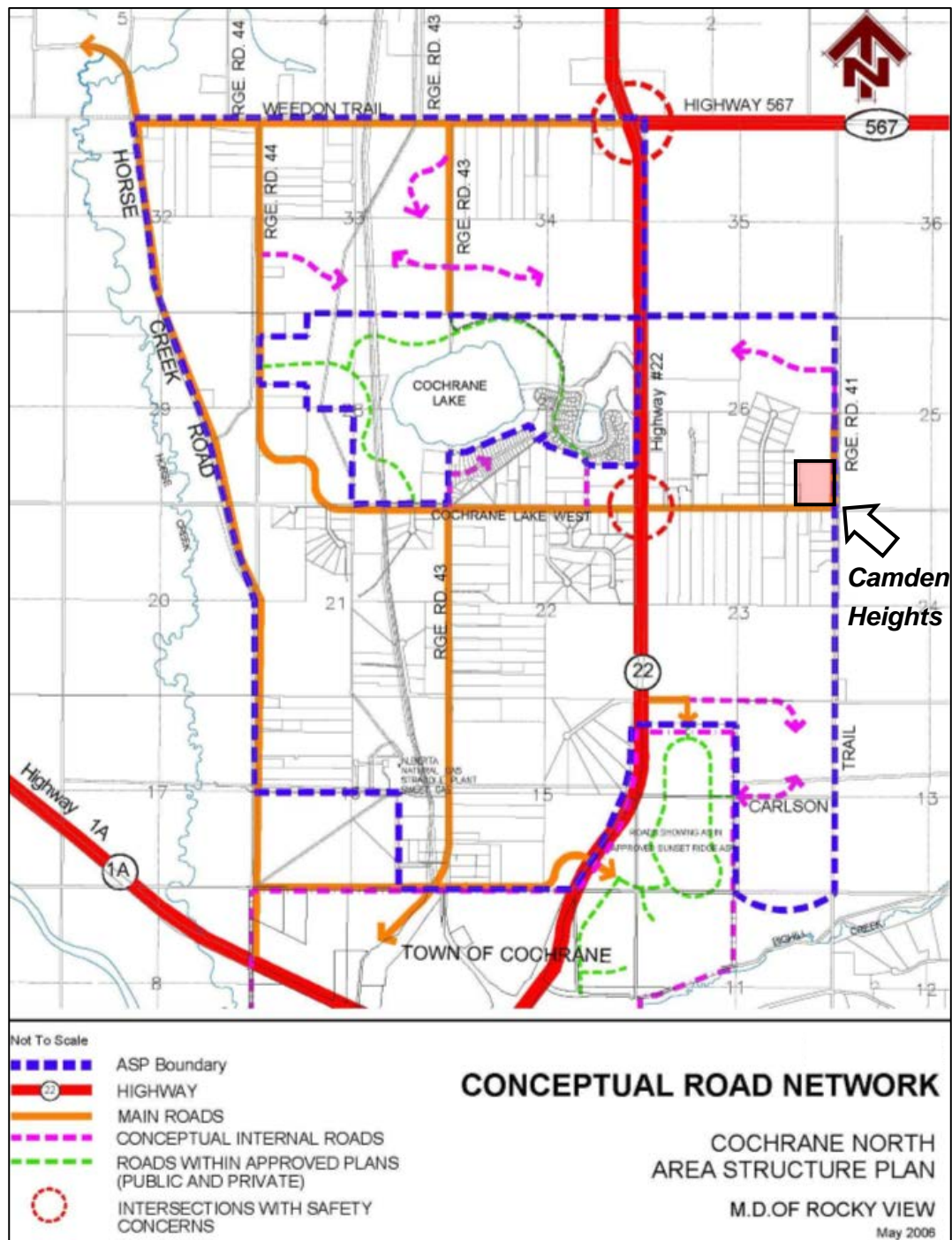


Figure 4: Future Land Use Scenario – Cochrane North ASP, shows the conceptual road network in the ASP based on the information available at the time. It promotes connectivity with adjacent road systems. A conceptual internal road is shown outside the *Plan Area* and would not require two entrances for this development for six lots.

### 2.2.1 ASP Direction for CS

The **Camden Heights** Conceptual Scheme (CS) and implementation through land use designations, subdivisions and development permits shall be consistent with the relevant policies of the Cochrane North ASP discussed as follows. CSs usually include surrounding lands to address potential impacts and long-term planning implications of the proposed development. Given that the areas to the west and south are developed, lands to the north shall be considered in the context of the CS. RVC has determined that a CS is required for the site.

Any constraints to development, may include but not be limited to: geotechnical, environmental, and hydrogeological conditions; and archaeological or historically significant features may be included in this CS. Stormwater management, traffic impact assessments (TIA), landscaping plan, and architectural guidelines may also be included.

As part of the CS, input from all directly and indirectly affected landowners within and adjacent to the CS area throughout the preparation of the CS, including a minimum of one (1) open house to gain feedback on the proposal. Public consultation involves input from affected community stakeholders, including community organizations (stewardship, maintenance and operation of open space and reserves), social service agencies, and the Local Recreation Board (open space and pathways).

### 2.2.2 ASP Residential Infill Policies

Cochrane North ASP policies guide residential infill development for the CS. The intent is to protect the existing rural acreage character while providing for comprehensively designed infill development of lower density residential uses. The minimum residential parcel size within the "Residential Infill C Policy Area" shall be four (4) acres and the CS will reflect that. Parcel size and density are part of this CS.

Within the Residential Infill Policy Areas, the Municipality may consider private, individual on-site water servicing solutions for new lots. The Municipality may require that deferred servicing agreements be secured in order to ensure that new lots do connect to regional, municipal or co-op water utility systems, when those systems become available. In addition, each Conceptual Scheme shall contain a staged site implementation plan for stormwater management. Solid waste servicing shall be accordance with the current Solid Waste Master Plan.

Pathway connections would normally be coordinated as per Figure 7 on Municipal Reserves (MR). MRs should be provided through dedication of land; cash-in-lieu of reserve should only be taken in Residential Infill Policy Areas where necessary to contribute to the improvement of public open space systems or recreation facilities. Discussions with RVC administration indicate that a pathway through the property is not envisioned in the CS.

For the purposes of illumination, exterior lighting should be directed and focus on relevant on-site features to protect against any off-site light pollution. In order to ensure aesthetically coordinated development, design guidelines and architectural controls should be implemented by the developers or landowners. The establishment of Homeowner Associations, Community Associations, or similar organizations is encouraged in order to assume responsibility for common amenities and to enforce agreements such as registered architectural guidelines.

### 2.2.3 ASP Other Considerations

Transportation considerations may include road widening (i.e., land dedication) that could be accommodated at the subdivision stage and accounted for in the proposed lot layout of the CS. A Traffic Impact Study will be provided as part of the CS. RVC's offsite levies shall apply at time of subdivision. Servicing and utilities shall be considered as part of this CS and whether opportunities could exist for connections. Community, protective and emergency services are to be addressed in the CS. Developers are encouraged to incorporate the principles of Crime Prevention Through Environmental Design (CPTED) in the development. Phasing is not anticipated in this small CS. The CS and implementation through land use designations, subdivisions and development permits shall be consistent with the policies contained in the Cochrane North ASP.

## 3.0 GUIDING PRINCIPLES

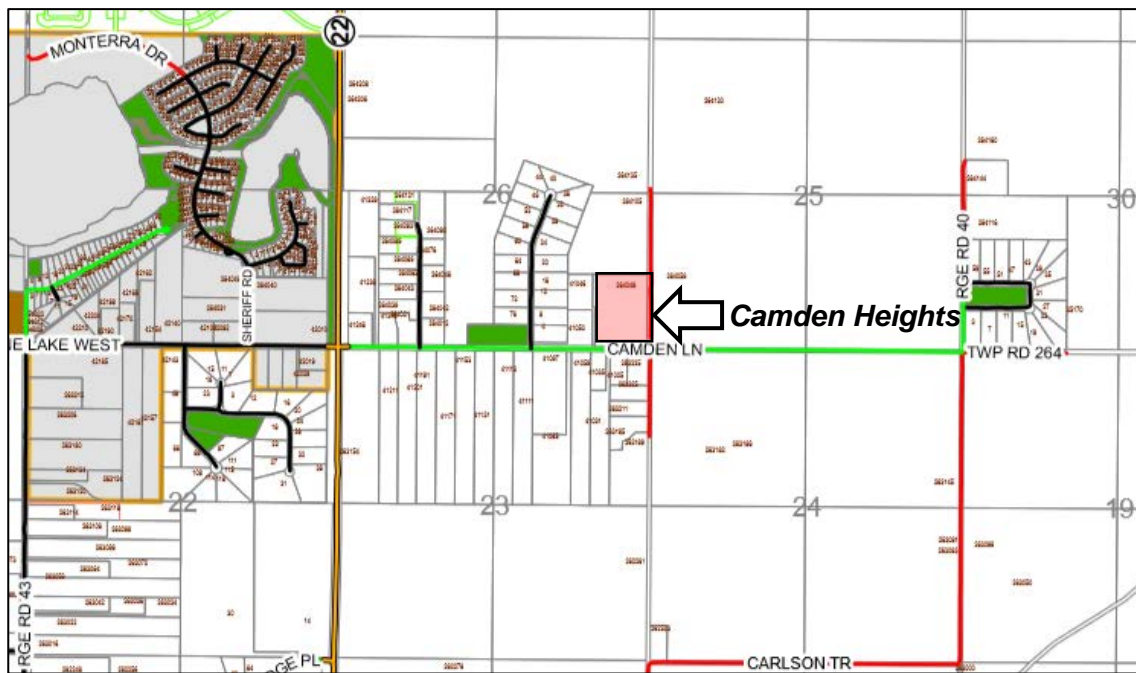
Guiding principles for **Camden Heights** include a safe, healthy, and attractive development that provides a strong sense of community. Being adjacent to other country residential neighbourhoods, this proposal is for orderly, efficient, cost effective development that is compatible with the residential land use to the west and buffered to the agricultural land use to the east. It is an infill development within a fragmented quarter section and seeks to optimize the land use within the Cochrane North ASP.

## 4.0 PLAN AREA DESCRIPTION

### 4.1 Location

**Camden Heights** is on a ±7.98 ha (±19.73 ac) parcel comprising one-eighth of SE-13-26-03-W5M, being Block 7, Plan 1501 LK. The site is municipally known as 262053 Cochrane North Road, located approximately 200 m north of the intersection with Township Road 262. Geographically, residence within the *Plan Area* is centred on 51.22° N, 114.28° W at elevation 1268 m (4160 ft.) above sea level (asl). It provides contiguous development to neighbouring properties as shown in Figure 5: Location.

Figure 5: Location

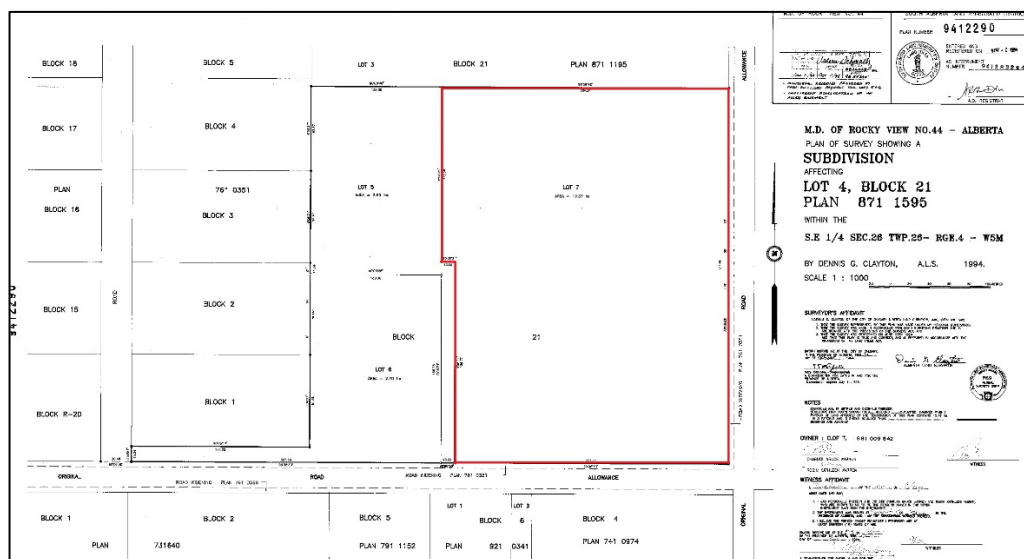


(Source: RVC Cochrane Map, 2018)

#### 4.2 Legal Descriptions & Ownership

As shown below in Figure 6: Survey, ownership of Plan 9412290, Block 21, Lot 7 of SE-26-26-04-W5M is under separate title and under multiple ownership to the developers Karamjit Gill and Harjit Gill with an undivided 67% Interest; and Balvinder K Sohal with an undivided 33% interest.

Figure 6: Survey





### 4.3 Local Development Context

Currently, community and recreational facilities in Cochrane North are served mostly by Cochrane and include:

- Spray Lake Sawmills Family Sports Centre (curling rink, gymnasium and gymnastic facilities, three indoor ice surfaces, and indoor sports field and running track, several meeting rooms, concession, weight room and a large fitness centre),
- Cochrane Curling Club (four ice sheets, private members lounge and onsite restaurant),
- Cochrane RancheHouse (hall, meeting rooms, dining room, and theatre for conferences and events),
- Cochrane Agricultural Grounds, and
- Dartique Hall (community events and rentals for special occasions).

The nearest disposal site is Springhill Chuck Wagon (located at SpringHill RV Park near the intersection of Highways 22 and 567). Airdrie Transfer Site is operated by a neighbouring municipality and can be used by Rocky View residents for garbage.

Police services are provided by the R.C.M.P. enforcing the law through a detachment located at 359 1 St E, Cochrane, or RVC Peace Officers.

Among the fire stations serving the area are:

- Bearspaw Fire Station 103 on Highway 1A, specifically 31211 Lochend Place, approximately 20 km by road southeast from the *Plan Area*
- Springbank Fire Station 102 at 128 MacLaurin Drive, approximately 25 km by road southeast from the *Plan Area*

Among the acute care hospitals with emergency services serving the area are:

- Alberta Children's Hospital, Calgary
- Foothills Medical Centre, Calgary, and
- Cochrane Community Health Centre, 60 Grande Blvd., Cochrane, approximately 9.5 km by road or ten minutes driving time.

The nearest schools are also in Cochrane.

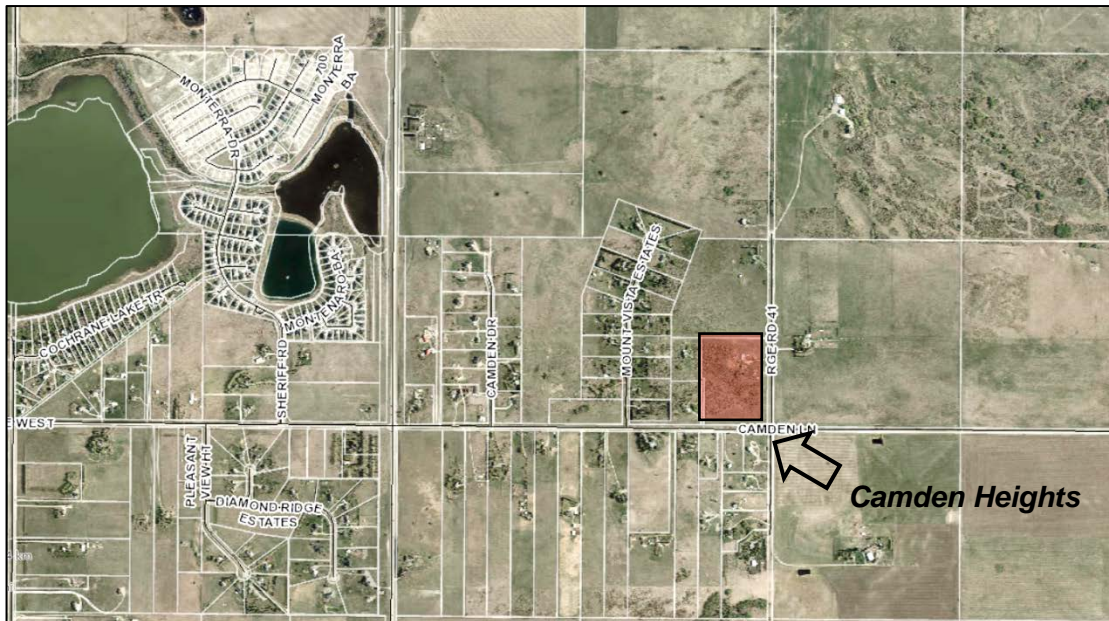
For parks and outdoor recreation, the following short trips are suggested:

- Cochrane North Loop (natural municipal reserve area with an interpretive pathway),
- Big Hill Springs Provincial Park to the east,
- Ghost Reservoir Provincial Recreation Area,
- Glenbow Ranch Provincial Park along the north shore of the Bow River, and
- Town of Cochrane (24 playgrounds, 11 soccer pitches, 8 ball diamonds, 2 tennis courts, 2 outdoor rinks, swimming pool, skateboard park, and 30 km of pathways).

#### 4.4 Adjacent Lands

The area is located north of the Town of Cochrane on a plateau. The valleys of the Bow river, Big Hill Springs Creek and Horse Creek bound the area to the south, east and west. Locally, the topography is flat to undulating. **Camden Heights** is immediately west of Range Road 41 and north of Camden Lane (Township Road 264). The Camden Heights *Plan Area* is located in an area characterized as country residential infill. The lands are in proximity to country residential development to the west and south, with agricultural lands to the east as shown in Figure 7: Aerial Image of Adjacent Lands.

**Figure 7: Aerial Image of Adjacent Lands**



(Source: Urban Systems, 2018, Cochrane North Conceptual Scheme)

#### 4.5 Existing Transportation Infrastructure

The transportation system serving the area is primarily north-south Highway 22 from the Town of Cochrane to east-west Highway 567 (Weedon Trail/Big Hill Springs Road). For **Camden Heights**, east-west Township Road 264 (Cochrane Lake West/Camden Lane/Rock Butte Road) and north-south Range Road 41 serve the site. Twp. Rd. 264 is a two lane, paved roadway from the intersection with Highway 22 to the intersection with Range Rd. 41 where it becomes a gravelled surface roadway. Range Rd. 41 is gravel surfaced north of the intersection with Twp. Rd. 264, approximately 2 lanes in width, and ends in a cul-de-sac north of the subject property. Roads are under the control and jurisdiction of the County.

#### 4.6 Existing Groundwater Supply

The site is on private water services. The relatively high elevation compared to the neighbouring valleys typically lead to deep static water levels for well in the area. Wells obtain their water from sandstone and shale aquifers of the Paskapoo Formation from depths of 30 to 75 m (Groundwater

Information Technologies Ltd. (GRIT), 2017, *Phase 1 Groundwater Supply Evaluation: Proposed 5 lot subdivision in SE026-26-4-W5M, County of Rocky View*). Pumping test records from several nearby wells calculated an average 20-year safe yield of 33 m<sup>2</sup>/day or 12,000 m<sup>3</sup>/year. There are over 112 well records within 1.6 km of the site with most test rates between 15 and 80 liters per minute, indicating productive aquifers in the area.

Figure 8: Existing Subwatershed Boundary shows the *Plan Area* in a separate watershed than Cochrane Lake with generalized drainage to the southeast towards agricultural lands.

**Figure 8: Existing Subwatershed Boundary**



(Source: Urban Systems, 2018, Cochrane North Conceptual Scheme -modified to show *Plan Area* drainage)

#### 4.7 Existing Soils and Wastewater Servicing

The site is underlain by approximately 10 m of clay, silt and gravel which are glacial till deposits called Spy Hill Drift. The tills are supraglacial and ice margin fine grained deposits. Underlying this are unconsolidated sedimentary deposits of shales and siltstones interbedded with sandstones with an average thickness of 300 m and a maximum of 899 m. Limited bentonite and coal seams are also present. Soils for the *Plan Area* are within an area mapped as Dunvargan 1 (DVG1). The site consists of typical prairie uplands and patches of remnant aspen woodland patches on southern slopes.

In this area of Cochrane North, wastewater servicing is through a private sewage treatment system. Percolation rates for on-site sewage disposal systems are favourable in the silt-gravel soils of the area.

#### 4.8 Existing Land Use

**Camden Heights Plan Area** is currently designated Ranch and Farm (RF) in accordance with RVC Land Use Bylaw C-4841-97, as shown in Figure 9: Current Land Use Bylaw Districts. The *Plan Area* is bordered by Residential Two District (R-2) to the west and south. Being at the edge of the Cochrane North ASP, RF is to the east and north.

**Figure 9: Current Land Use Bylaw Districts**



#### Legend

AGRICULTURAL HOLDING DISTRICT	AH
RANCH AND FARM DISTRICT	RF
FARMSTEAD DISTRICT	F
RESIDENTIAL ONE DISTRICT	R-1
RESIDENTIAL TWO DISTRICT	R-2
RESIDENTIAL THREE DISTRICTS	R-3
HAMLET RESIDENTIAL SINGLE FAMILY DISTRICT	HR-1
DIRECT CONTROL DISTRICT	DC

(Source: RVC Land Use Map No. 67-SE, 2014, as amended)



As the following photos show, the land has been used for residential use and some minor grazing purposes. Crop production and further agricultural capability is impaired by existing vegetation, poor soil, terrain characteristics and the proximity of residential development.

**Figure 10: Photo west across southern slope of property**



**Figure 11: Photo south across property**



#### **4.9 Existing Site Conditions**

Existing site conditions of geology, wetlands, soils, vegetation, and overland drainage are described in this section. The Camden Heights *Plan Area* consists of rolling and hilly terrain with the subject lands on the southwest slope of a prominent hill. Topography is a hummocky, low relief landform with a general slope approaching 6%.

Soils for the Plan Area are within an area mapped as Dunvargan 1 (DVG1). This area is generally mapped on undulating to gently sloping or rolling morainal topography. The land surface is smooth, slopes are uniform, and there are generally few wet depressions. The soil unit is comprised of approximately: 70% well drained, 20% slightly leached and 10% imperfectly to poorly drained soils. The parent material underneath is a glacial till with limited textural range. The underlying bedrock is comprised of sandstone, siltstone, and mudstone.

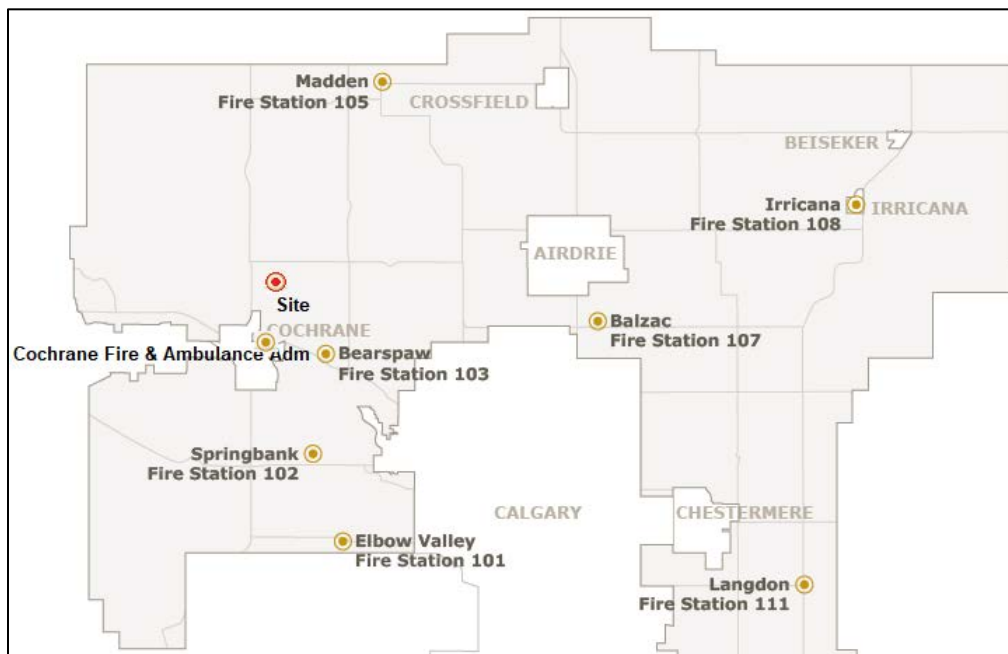
Vegetation supported on the soils is largely under a typical parkland type of vegetation and typical prairie upland. Open areas are typically fescue and other grasses. Periodic forested areas generally consist of: aspen, poplar, willow, white birch and spruce.

This area is located in the Foothills Parkland Subregion of the Parkland Natural Region. The closest watercourse is Bighill Creek which is approximately 2.5 km SE of the subject lands. The confluence of Bighill Creek and the Bow River is approximately 7 km to the south.

#### 4.10 Existing Protective and Emergency Services

A number of fire halls are found in the area.

**Figure 12: Fire Halls in the Vicinity of the Site**





## 5.0 DEVELOPMENT CONCEPT

### 5.1 Development Concept

The following figure and calculations form the development concept for **Camden Heights**.

**Figure 13: Development Concept**



**Table 1: Development Concept Calculations**

	Land Use	Hectares	Acres	Percentage
	Road	0.55	1.36	5.3%
	Lot 1 Residential	1.60	3.95	15.4%
	Lot 2 Residential	1.60	3.95	15.4%
	Lot 3 Residential	1.82	4.50	17.6%
	Lot 4 Residential	1.60	3.95	15.4%
	Lot 5 Residential	1.60	3.95	15.4%
	Lot 6 Residential	1.60	3.95	15.4%
	Total	10.37	25.62	100.0%

[illegible]

A cul-de-sac road, within the right-of-way of 170.5 m length along the centreline and 25 m width, serves **Camden Heights** and is in character with surrounding developments. This avoids the use of long driveways from main roads and limits the number of access points as well.

**5.1.2** Lot sizes and configurations shall generally be as described in the Figure 13: Development Concept and accompanying Table 1: Development Concept Calculations.

## 5.2 Land Use Concept

Cochrane North is a highly sought-after community that offers a rural lifestyle with natural areas within driving distance from urban areas utilizing access to major highways. The area will continue to experience development pressures due to its proximity to the Town of Cochrane and the City of Calgary. It also caters to those seeking to be close for excursions such as Kananaskis (K Country), Banff National Park and the Canadian Rockies. The properties offer space for storing recreational-related RVs, trailers and those sorts of things in garage spaces of their country residence. **Camden Heights** has its identity as a country residential neighbourhood in the Cochrane North ASP with proximity to both Cochrane and Calgary.

## 5.3 Residential Area

As guided by the Cochrane North ASP, the minimum residential parcel size within the “Residential Infill C Policy Area” shall be four acres and the CS reflects that. Figure 15: Potential Country Residential Dwelling on an Acreage, shows how landscaping, driveway configuration and architecture can influence the look of a lot in the *Plan Area*.

**Figure 15: Potential Country Residential Dwelling on an Acreage**



## Policy

- 5.3.1** Single family dwelling units shall be the dominant land use for residential development.
- 5.3.2** The lot sizes of the residential development shall be approximately 1.60 ha (3.95 ac).
- 5.3.3** Private lighting, including security and parking area lighting, shall be designed according to the County's “dark sky” Land Use Bylaw requirements for residential lighting in outdoor areas to be directed downward.



- 5.3.4** The lots which are adjacent to Range Road 41 should incorporate mitigation measures such as fencing, landscaping or other buffering to ensure compatibility with adjacent agricultural land uses to the east.
- 5.3.5** Home-based businesses may be pursued in accordance with the provision of the Land Use bylaw.

#### **5.4 Municipal Reserves**

The MGA notes that any combination of land or money for a municipal reserve may be provided. The aggregate amount of land or cash-in-lieu that may be required is 10% of the developable land that is the subject of a proposed subdivision. Discussions with RVC administration imply that a regional trail is not envisioned through the property.

##### **Policy**

- 5.4.1** Municipal Reserve will be provided as cash-in-lieu to contribute to the improvement of public open space systems or recreation facilities in the County. The amount will be based on a market value appraisal, determined at the time of subdivision, in accordance with the MGA and the County Plan.

#### **5.5 Environmental Considerations**

Pinchin Ltd. prepared a Phase 1 Environmental Site Assessment, dated July, 2018 for the site. The Phase I ESA was completed in general accordance with the Canadian Standards Association (CSA) document entitled "Phase I Environmental Site Assessment, CSA Standard Z768-01". Based on the results, nothing was identified that is likely to result in potential subsurface impacts at the site and no subsurface investigation work (Phase II ESA) is suggested.

##### **Policy**

- 5.5.1** Any environmental concerns found in the Plan Area shall be addressed to the satisfaction of Rocky View County.

#### **5.6 Historic Resources Considerations**

Pinchin Ltd. submitted an historic resource statement of justification under the Alberta *Historical Resource Act*. The lands affected by the proposed development have an Historic Resource Value (HRV) of 5 for archaeology (Listing of Historic Resources April 2018), due to proximity to the Bighill Creek valley to the east/south and Cochrane Lake to the west, where previously recorded historic resources have been found along the valley uplands and flood plain of the creek and elevated terrain overlooking the waterbody.

At the moment, most of the land is improved pasture with a residence. During a site visit on July 10, 2018, many areas of broad elevated terrain were observed in the southern and western sections of the footprint. Ground disturbance is anticipated to include stripping and grading for construction of the proposed road entrance, shallow trenching for installation of utilities to individual residential buildings, as well as excavation for foundations of future houses within the

lots. Additional grading for driveways from the main access road to future homes is also anticipated.

Given the project location appears to be pasture on elevated terrain having views to the south, east and west, including views of the Rocky Mountains, as well as being within the general vicinity of the Bighill Creek valley, there may be potential for a buried prehistoric site.

## Policy

**5.6.1** Any historic resources found in the Plan Area shall be addressed to the satisfaction of the Historic Resources Management Branch, Alberta Culture and Tourism.

## 5.7 Transportation Considerations

A *Transportation Impact Assessment* was completed to satisfy consideration of **Camden Heights** CS and future redesignation and plan of subdivision (JCB Engineering, Feb 2018). It addresses the location of existing and future transportation networks detailing traffic generation and its cumulative impacts on the road network, including necessary improvements based upon traffic volume and engineering advice.

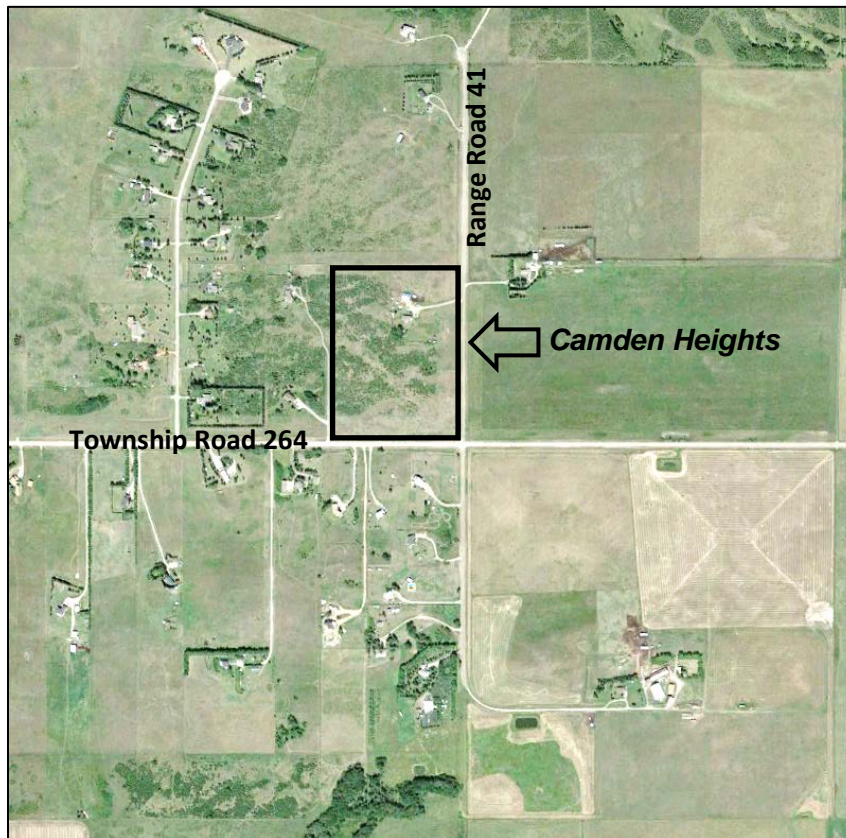
The east-west Township Road 264 (Camden Lane) and north-south Range Road 41 serve the site. The five new residential lots will have a single access to Range Rd. 41, three lots north and three lots south of the proposed cul-de-sac.

Using the Institute of Transportation Engineers (ITE) Trip Generation Manual 10th Edition for a single-family detached housing, additional trip generation is based on the five new dwellings. A typical weekday is 9.44 trips per dwelling with 50% of the vehicles entering and 50% exiting. This calculates to 48 total trips, 24 entering and 24 exiting.

Alberta Transportation conducted a count in 2016 at the intersection of Highway 22 and Twp. Rd. 264. The annual average daily traffic is 630 vehicles on Twp. Rd. 264 to the east of the highway. At the intersection of Highway 22 and Twp. Rd. 264 there are left turn auxiliary lanes in both directions on the highway to assist vehicles turning in and out of Twp. Rd. 264 and minimize impact on the through traffic. Given that Twp. Rd. 264 is a regional collector roadway it can handle well above the AADT to 2,500 vehicles per day. Twp. Rd. 264 is paved west of Range Rd. 41. Daily traffic volumes on Twp. Rd. 264 will not increase such that the classification of the Twp. Rd. 264 will change.

There is no traffic data on Range Rd. 41, but this is a dead-end roadway to a cul-de-sac with currently only 5 residential / agricultural accesses, so it can be expected that volumes will be very low. Range Rd. 41 is a low volume road that can handle 200 vehicles per day and with only 10 lots accessing it with the existing lots, it is at half capacity after the proposed development. It is recommended that Range Rd. 41 should also be upgraded to the 'Country Residential' standard from the intersection with Twp. Rd. 264.

Figure 16: Aerial of Camden Heights showing Twp. Rd. 264 and Range Rd. 41



The pre and post development traffic volumes are essentially the same with no significant change. As such, there should be no requirement for future expansion of the existing transportation network to accommodate traffic generated from the proposed development. Further, there should be no mitigation measures needed to ensure the function and integrity of the transportation network (ie. noise attenuation measures, buffering or screening, setbacks).

The Traffic Impact Study concluded the development will not make an appreciable impact on the existing road network. In addition, the design and length of the cul-de-sac sufficiently accommodates emergency vehicle access.

### Policy

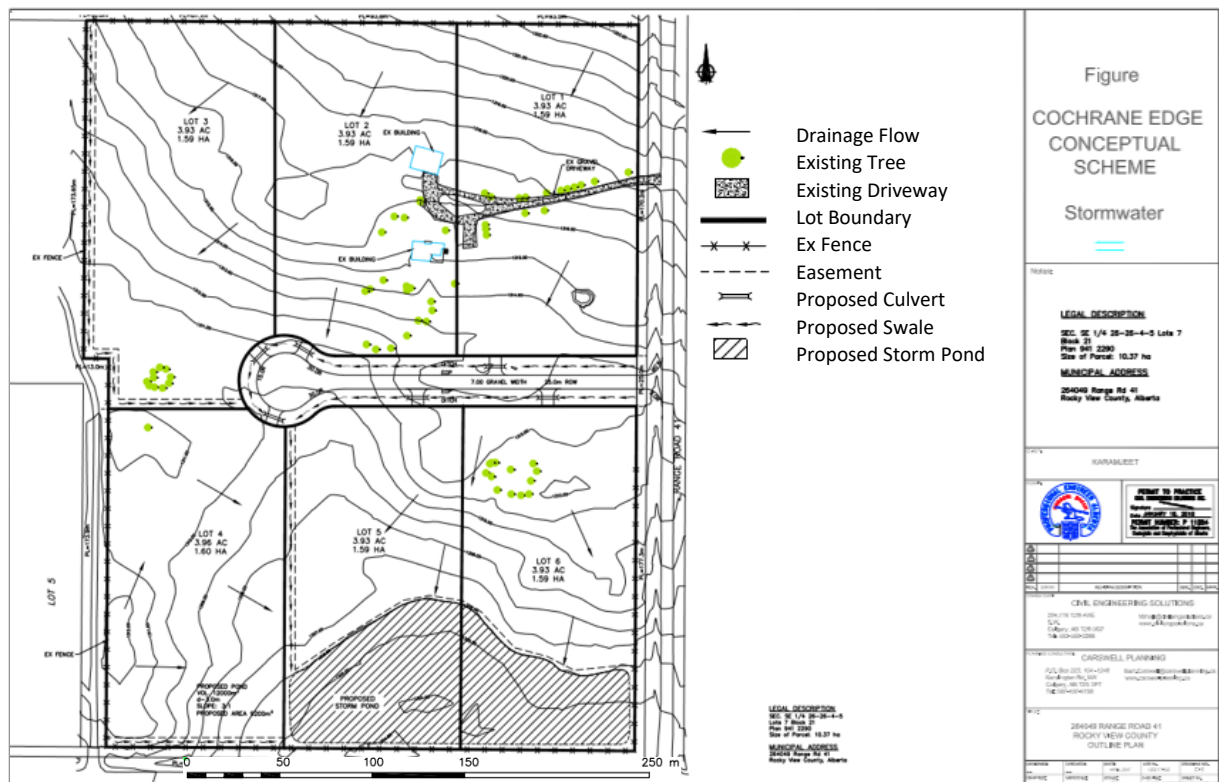
- 5.7.1 Roads shall be constructed in accordance with Rocky View County Servicing Standards.
- 5.7.2 Consideration will be given to an internal local road system that provides a minimum of two access points for vehicular traffic.
- 5.7.3 Consideration will be given to coordinate future development and access patterns and shall address relationships and linkages with lands beyond the *Plan Area* in order to promote integrated connections.
- 5.7.4 Road names, in accordance with approved municipal policy, will be determined at subdivision stage.



## 5.8 Utility Services - Stormwater

Civil Engineering Solutions conducted a Stormwater Management Plan for the *Plan Area* and environs. The report is available under separate cover. The storm water management plan takes into account both upstream (contributing) lands and downstream (receiving) lands in order to ensure that no negative impacts are caused by the development of the land under consideration. RVC has mandated that post development peak discharges will not exceed the pre development peak discharge rate. A proposed storm pond for the area shown on the southern portion of the property in Figure 17: Post – Development Drainage Conditions.

**Figure 17: Post - Development Drainage Conditions**



(Source: Civil Engineering Solutions, 2019)

## Policy

- 5.8.1** Development within the *Plan Area* shall generally conform with the stormwater management plan referenced in this Conceptual Scheme that takes into consideration: best management practices.
- 5.8.2** Development shall minimize extensive stripping and grading, while also protecting natural depressions in the landscape as part of the overall design of the stormwater management.
- 5.8.3** An easement within the *Plan Area* shall generally ensure the storm pond will have the area to function within the stormwater management plan referenced in this Conceptual Scheme.

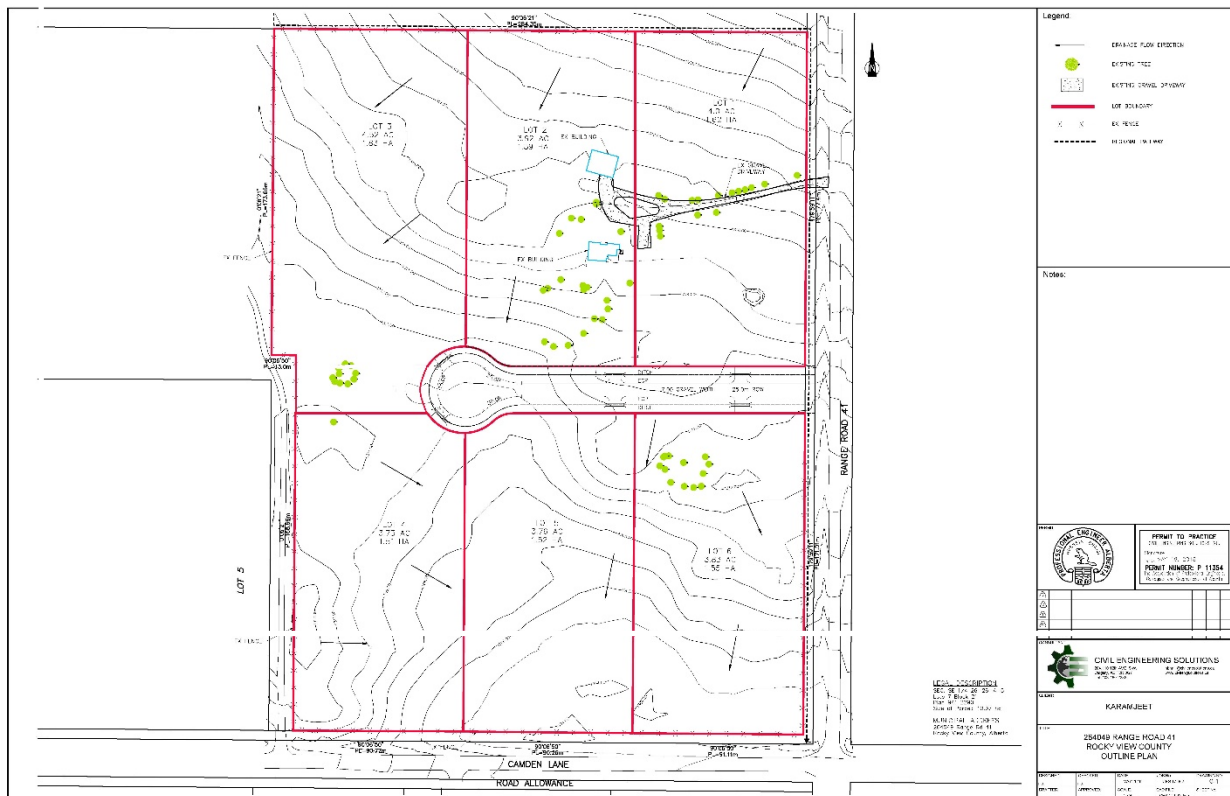
## 5.9 Utility Services – Water

**Camden Heights** will be provided with potable water via private wells. A review of existing water well drilling reports of 16 wells in SE-26-26-4-W5M determined the underlying site can provide water at a substantial rate of at least 1 imperial gallon per minute (4.55 L/min) for an annual volume, as defined in the Water Act, of 1250 m<sup>3</sup>/year. Pumping test records from several nearby wells calculated an average 20-year safe yield of 33 m<sup>3</sup>/day or 12,000 m<sup>3</sup>/year. (Groundwater Information Technologies Ltd., 2017, *Phase 1 Groundwater Supply Evaluation: Proposed 5 lot subdivision in SE026-26-4-W5M, County of Rocky View*). In terms of litres per minute, wells had a test rate of 18.18 to 81.83 L/min.

“Calculations based on average aquifer parameters show that no significant water level decline in the aquifers would be expected based on the addition of five (5) more wells”, (Idem). A review of historic water levels shows no decline with time. The proposed subdivision should have no adverse effects to existing licensed or domestic groundwater users.

Water quality shows the aquifer is a calcium bicarbonate type with relatively low total dissolved solids concentration and is generally acceptable as a drinking water source.

**Figure 18: Private Water Servicing on Each Lot**



## Policy

- 5.9.1** Consideration will be given to private, individual, on-site water servicing solutions for new lots. The County may require that deferred servicing agreements be secured in order to ensure that new lots do connect to regional, municipal or co-op water utility system, when those systems become available, as a condition of subdivision approval.
- 5.9.2** Water quality testing of the groundwater from wells installed on the subdivisions prior to use as a drinking water source is recommended.
- 5.9.3** The water system will take into account fire protection standards and best practices for water distribution.

## 5.10 Utility Services – Sanitary Wastewater

Sewage treatment and disposal will be managed on site with individual septic tank and tile field installations. Rocky View County prefers a minimum of 0.4 ha (1 acre) of developable land on each lot proposed through subdivision to facilitate the proper siting of tile fields. The proposed conceptual subdivision scheme has been designed to accomplish this.

## Policy

- 5.10.1** Consideration will be given to private, individual, on-site wastewater servicing solutions for new lots. The County may require that deferred servicing agreements be secured in order to ensure that new lots do connect to regional or municipal utility systems, when those systems become available, as a condition of subdivision approval.
- 5.10.2** Sewage treatment shall be by individual septic tank and tile field for each lot proposed for residential development to meet Alberta Private Sewage Systems Standard of Practice and Rocky View County standards.
- 5.10.3** Additional Geotechnical Evaluations including percolation and near surface water table testing confirming suitability for on-site septic field sewage treatment systems shall be required, as a condition of subdivision approval.

## 5.11 Shallow Utilities

Telecommunications, phone, cable, fiber optics (where available), electrical and natural gas services will be provided to the *Plan Area* at the subdivision stage, as per utility owner's guidelines and availability.

## Policy

- 5.11.1** The development shall be serviced with private shallow utility systems such as electrical, natural gas, and telecommunications.

**5.11.2** Locations for easements and line assignments for shallow utility extensions shall be determined at the subdivision endorsement stage.

**5.11.3** Shallow utilities will be provided by the appropriate utility company providing service to the *Plan Area* at the sole expense of the Developer. The Developer of the lands will provide easements to any utility company requiring them to provide services to the *Plan Area*.

## **5.12 Solid Waste and Recycling**

Limited solid waste and recycling services Cochrane North, as described early in this Conceptual Scheme under 4.1 Local Development Context.

### ***Policy***

**5.12.1** A solid waste and recycling management plan in accordance with the current Solid Waste Master Plan shall be provided for the *Plan Area* prior to endorsement of subdivision approval. Implementation of the solid waste and recycling management plan shall be the responsibility of the Developer and/or the Camden Heights Homeowners' Association, at the discretion of the Municipality.

## **5.13 Protective and Emergency Services**

As previously discussed, a number of fire station are in the area as shown in Figure 11: Fire Halls in the Vicinity of the Site. Police services are provided by the R.C.M.P. enforcing the law through a detachment in Cochrane or RVC Peace Officers enforcing selected government acts and municipal bylaws. Medical emergencies are directed to the Cochrane Community Health Centre or facilities in the City of Calgary.

## **6.0 IMPLEMENTATION FRAMEWORK**

### **6.1 The Conceptual Scheme Implementation Process**

Adoption of this Conceptual Scheme will establish specific expectations that will guide the implementation of **Camden Heights**. The Conceptual Scheme policies must be considered prior to a land use amendment and/or subdivision approval. Consideration of this Conceptual Scheme by Council will occur following a statutory Public Hearing. RVC will consider adoption pursuant to the MGA. Subsequently, consideration of land use amendment, subdivision and development permit applications will follow.

### **6.2 Land Use Redesignation**

**Camden Heights** intends to work with the County to apply relevant land use districts for a land use redesignation application. A land use amendment is expected to be applied by Council in accordance with the RVC Land Use Bylaw at the time of redesignation.

### 6.3 Agriculture Boundary Design Guidelines

Agricultural boundary design guidelines would normally apply to the eastern boundary of the proposal for compatibility. The application of the Agricultural Boundary Design Guidelines (ABDG) may be beneficial in buffering the residential land use from the agricultural land uses east of the road. The guidelines would help mitigate areas of concern including concern over fertilizers, dust and normal agricultural practices.

The type of agricultural operation to the east is cultivation/cropping as evident from aerial images. Prevailing winds would have any dust and odours from the neighbouring agricultural operations directed downwind and away from the subject lands.

Recommendations to meet ABDG could include various designs to provide compatibility. Site layout could include setbacks and building placement. Edge treatments could include: landscaping and fencing within the property line next to lands designated as Ranch and Farm (RF).

Comments from public engagement suggested fencing with wire mesh along the perimeters in order to keep dogs contained. This is a good idea and can be incorporated into the site along the eastern and southern perimeter.

### 6.4 Architectural Design Considerations

The developer will establish and implement specific Architectural and Design Guidelines to ensure all development and landscape design reflects a consistent style and theme.

#### Policy

- 6.4.1 In order to ensure aesthetically coordinated development, design guidelines and architectural controls, a document outlining Architecture and Design Guidelines for residential buildings will be submitted at the subdivision stage of the development approval process.
- 6.4.2 The establishment of Homeowner Associations, Community Associations, or similar organizations is encouraged in order to assume responsibility for common amenities and to enforce agreements such as registered architectural guidelines.

## 7.0 PUBLIC ENGAGEMENT

### 7.1 Open House

In order to ensure input from all directly and indirectly affected landowners within and adjacent to the CS are throughout the preparation of the CS, including a minimum of one (1) open house to gain feedback on the proposal. In addition, the CS seeks input from affected community stakeholders. Administration at RVC ensured proper circulation of notices.

An open house was held on the site to engage the neighbours regarding the proposed development. Notices supplied were mailed by RVC. The open house was at the site on July 16, 6:00 – 8:00 pm and eleven attended. Numerous storyboards were on display and the planner, engineer and owners were present to engage in dialogue. Brief surveys were distributed to seek public input and provided with timely responses.

Most comments supported the scheme as it fits within the definition of the Cochrane North Area. Preference was for the cul-de-sac entrance be off Range Road 41 as proposed. If a future pathway was to come to the Cochrane North area, most would prefer it be along roads, such as Camden Lane, not across properties. Most liked the idea of the storm pond on the southern portion of the proposal next to Camden Lane. Most see the redesignation to R-2 for approximately 6 -four acre lots as fitting in with the character of the surrounding lands.

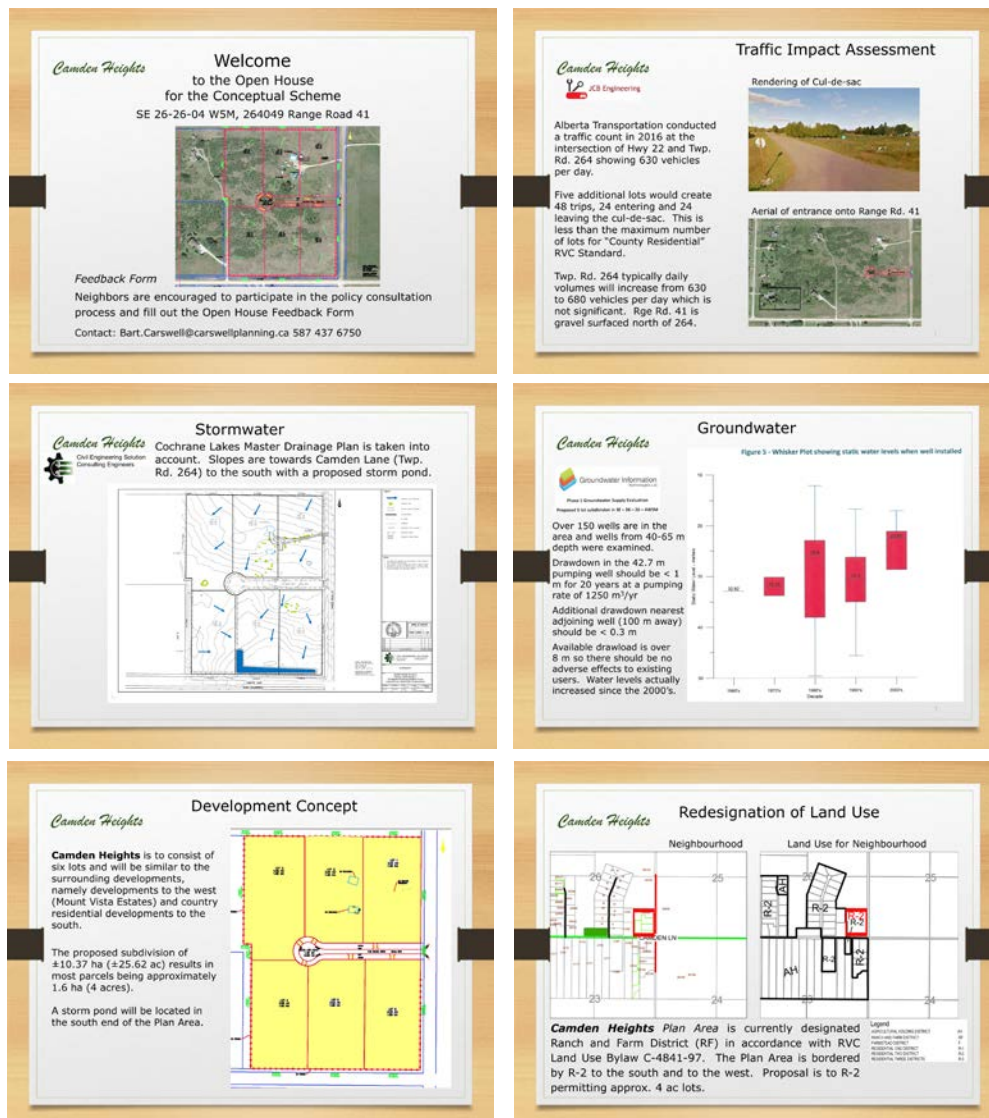
Some comments expressed concern with the intersection of Highway 22 and Camden Lane. Other individual concerns were: limiting height of proposed dwellings to a bungalow, limiting light pollution of yard lights. A neighbouring farmer recommended following RVC Agricultural Boundary Design Guidelines and suggested a fence on the eastern perimeter. This, along with Range Road 41 buffering the land uses, would satisfy his concerns. It was appreciated having the open house on site where most chose to walk to the event.

**Figure 19: Photo of Open House On-Site**





Figure 20: Storyboards of Open House



## 7.2 Potential Surrounding Development

Neighbours have been consulted throughout the process on whether they were considering development and how this conceptual scheme may be able to accommodate this. Lands to the west are already developed and no further subdivision of land is envisioned. Being within the eastern boundary of the Cochrane North ASP, lands to the east are agricultural. Parcel size for **Camden Heights** fits the "Residential Infill C Policy Area" of the ASP. This proposal is between existing development and the ASP boundary. Some lands exist to the north and have sufficient frontage for a separate entrance, similar to this proposal, should the property be further developed as country residential. Figure 21: Shadow Plan, shows the existing, proposed and future potential parcels for the quarter section. There is no current interest by the landowner(s) north of the proposal to develop lands in the foreseeable future. This is a rendering produced by Carswell Planning Inc. and does not represent any concept by that owner.

**CAMDEN HEIGHTS**

**SHADOW PLAN**

Legend:  
 Future  
 Proposed  
 Existing

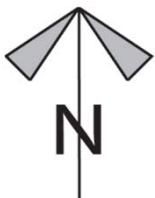
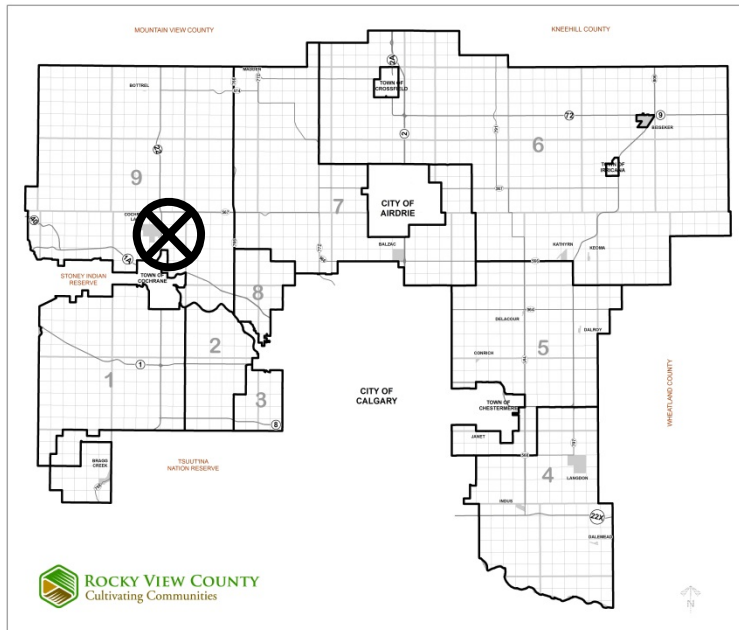
Notes:  
 LEGAL DESCRIPTION  
 SEC. SE 1/4 26-26-4-5  
 Lots 7 Block 21  
 Plan 941 2290  
 Size of Parcel: 10.37 ha

MUNICIPAL ADDRESS  
 264049 Range Rd 41  
 Rocky View County, AB

**KARAMJEET**

**CIVIL ENGINEERING SOLUTIONS**  
 204 110 12th Ave. S.W.  
 Calgary, AB T2N 0S7  
 Tel: 403-460-2288  
 khobai@civilingolutions.ca  
 www.civilingolutions.ca

**CARSWELL PLANNING INC.**  
 Box 224, 104 - 12th St. S.W.  
 Kensington Rd. NW  
 Calgary, AB T2N 3P7  
 Tel: 403-467-6202



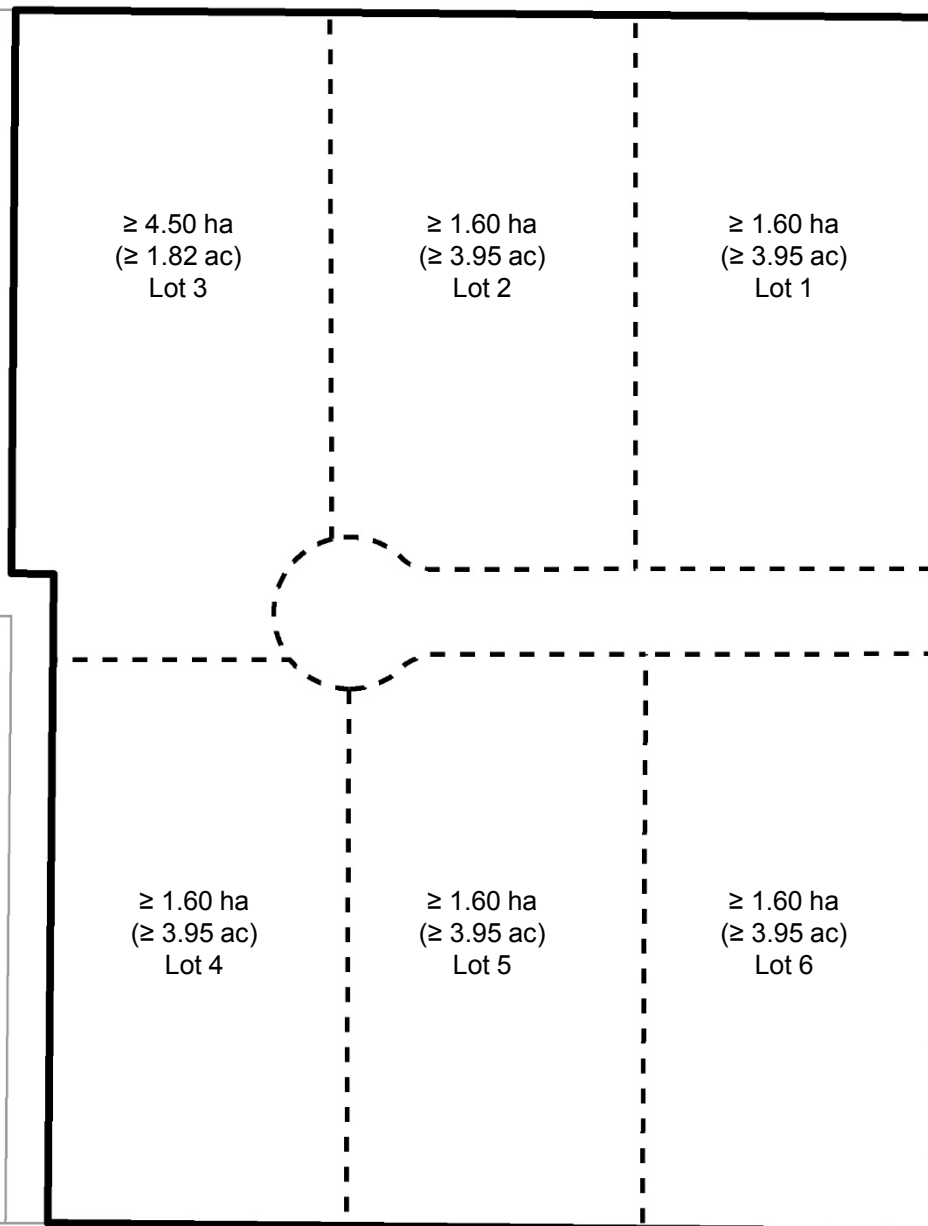
SE-26-26-04-W05M  
Lot:7 Block:21 Plan:9412290

Date: 8-Oct-19

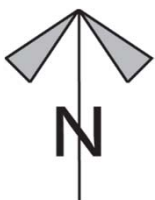
Division # 9

File: 06826028

**Conceptual Scheme Proposal:** To adopt the Camden Heights Conceptual Scheme in order to provide a policy framework to guide future development of up to five new  $\geq 1.60$  hectare ( $\geq 3.95$  acre) parcels, one  $\geq 1.60$  hectare ( $\geq 3.95$  acre) remainder, and an internal access road.



## DEVELOPMENT PROPOSAL

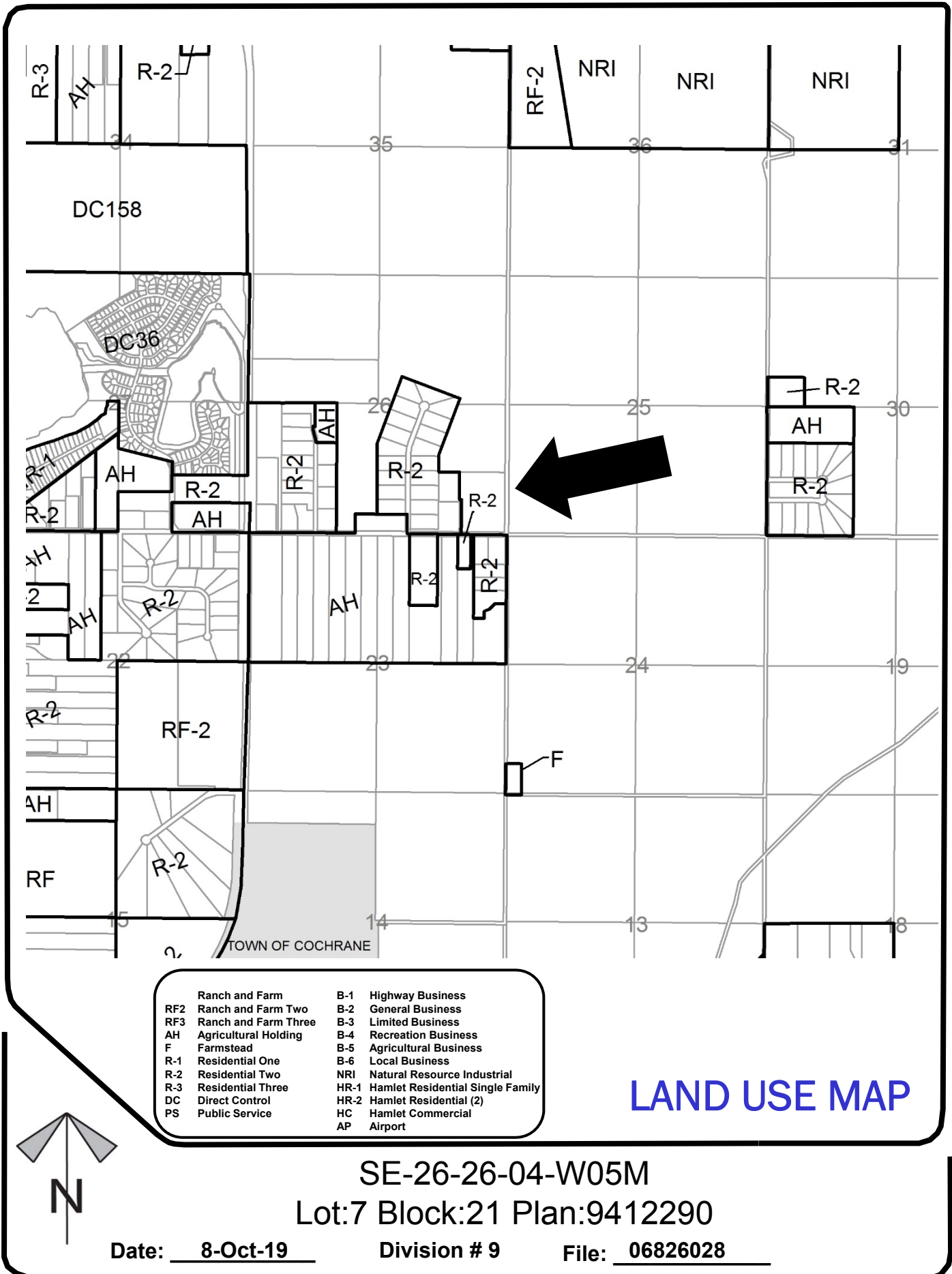


SE-26-26-04-W05M  
Lot:7 Block:21 Plan:9412290

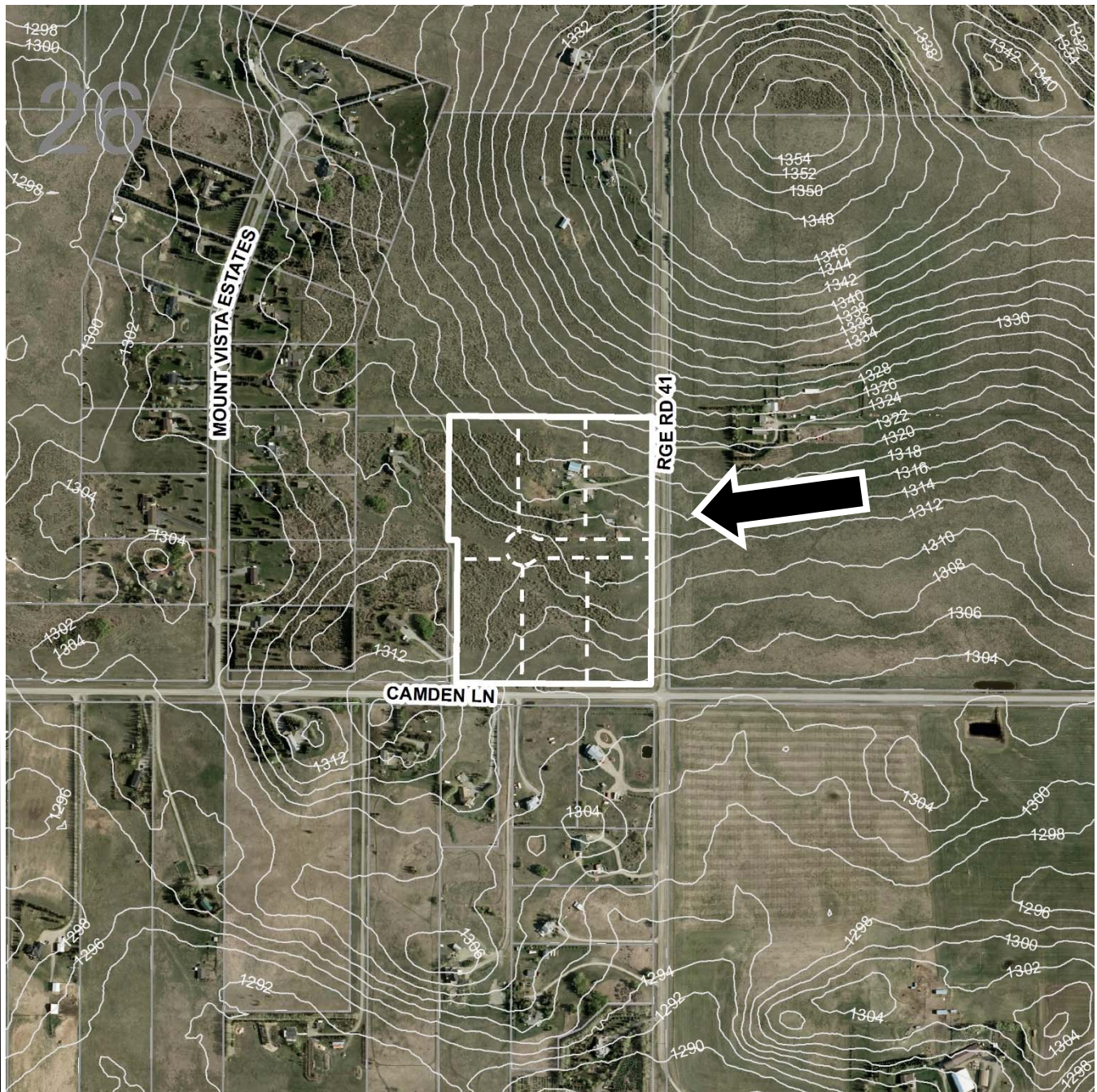
Date: 8-Oct-19

Division # 9

File: 06826028



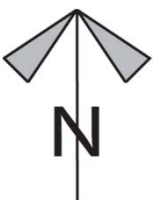




Contours are generated using 10m grid points, and depict general topographic features of the area. Detail accuracy at a local scale cannot be guaranteed. They are included for reference use only.

**TOPOGRAPHY**

*Contour Interval 2 M*



SE-26-26-04-W05M  
Lot:7 Block:21 Plan:9412290

Date: 8-Oct-19

Division # 9

File: 06826028

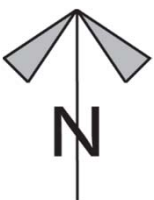




Note: Post processing of raw aerial  
photography may cause varying degrees  
of visual distortion at the local level.

**AIR PHOTO**

*Spring 2018*

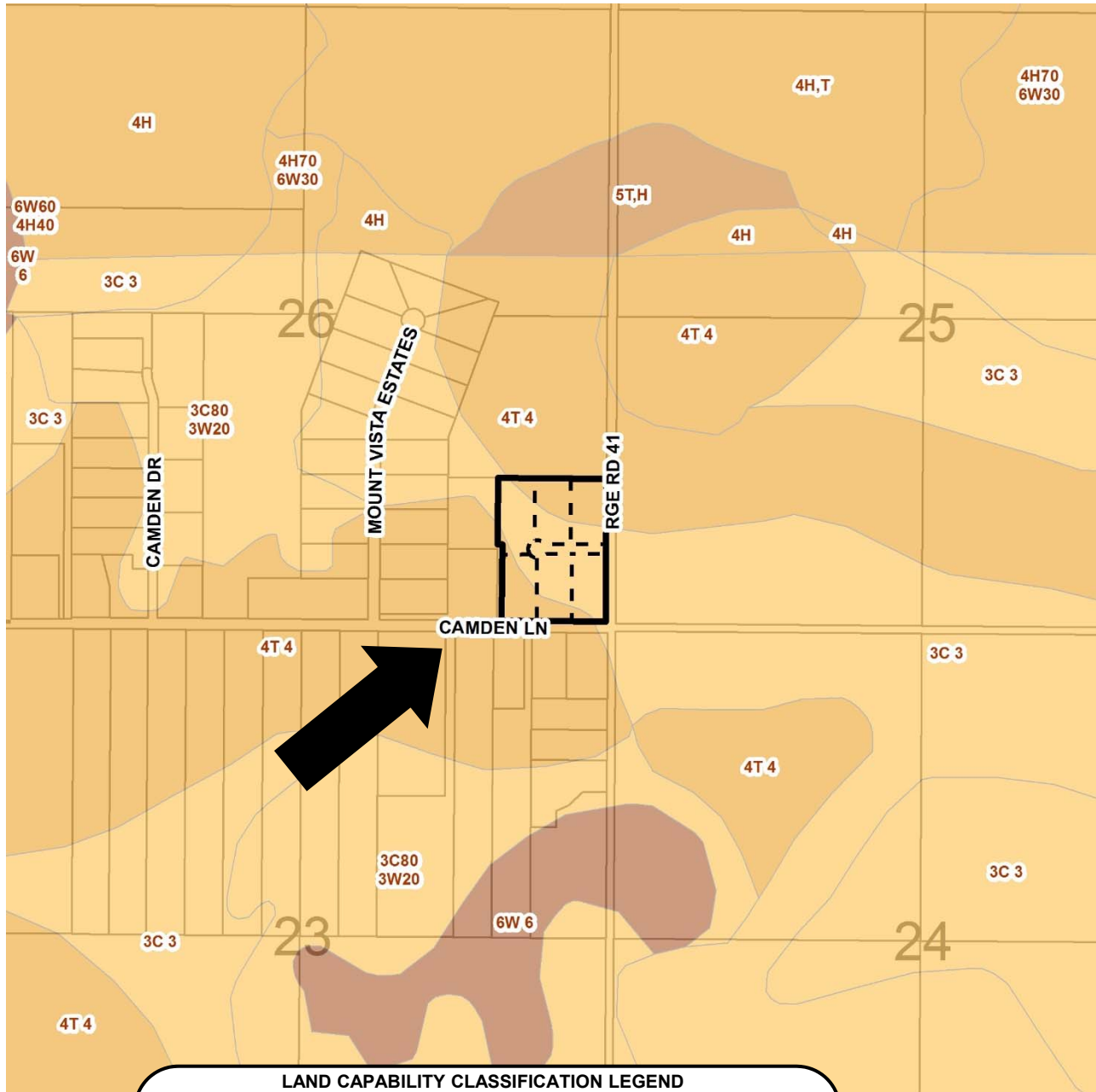


SE-26-26-04-W05M  
Lot:7 Block:21 Plan:9412290

Date: 8-Oct-19

Division # 9

File: 06826028



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

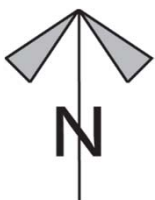
**CLI Class**

- 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**

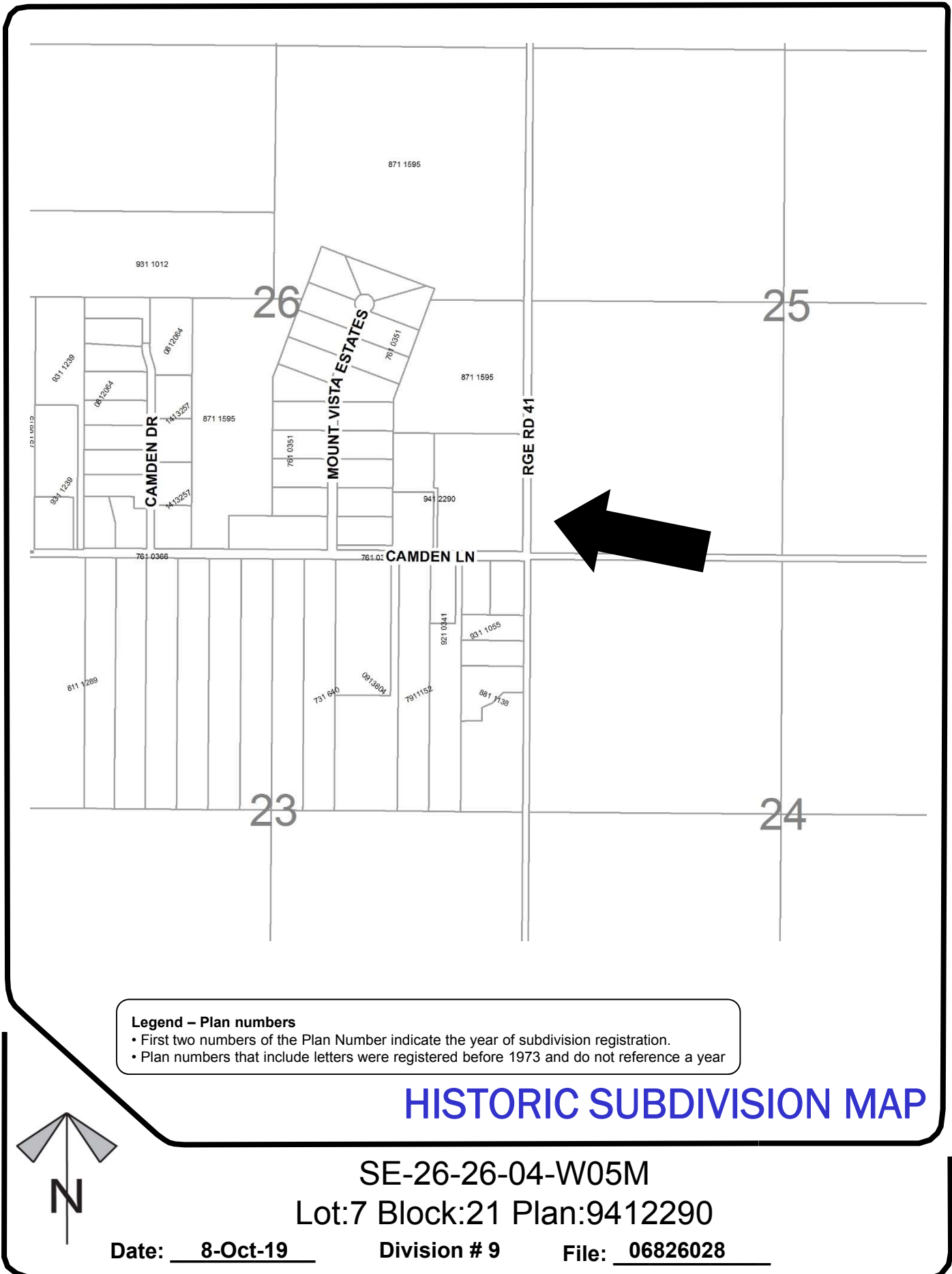


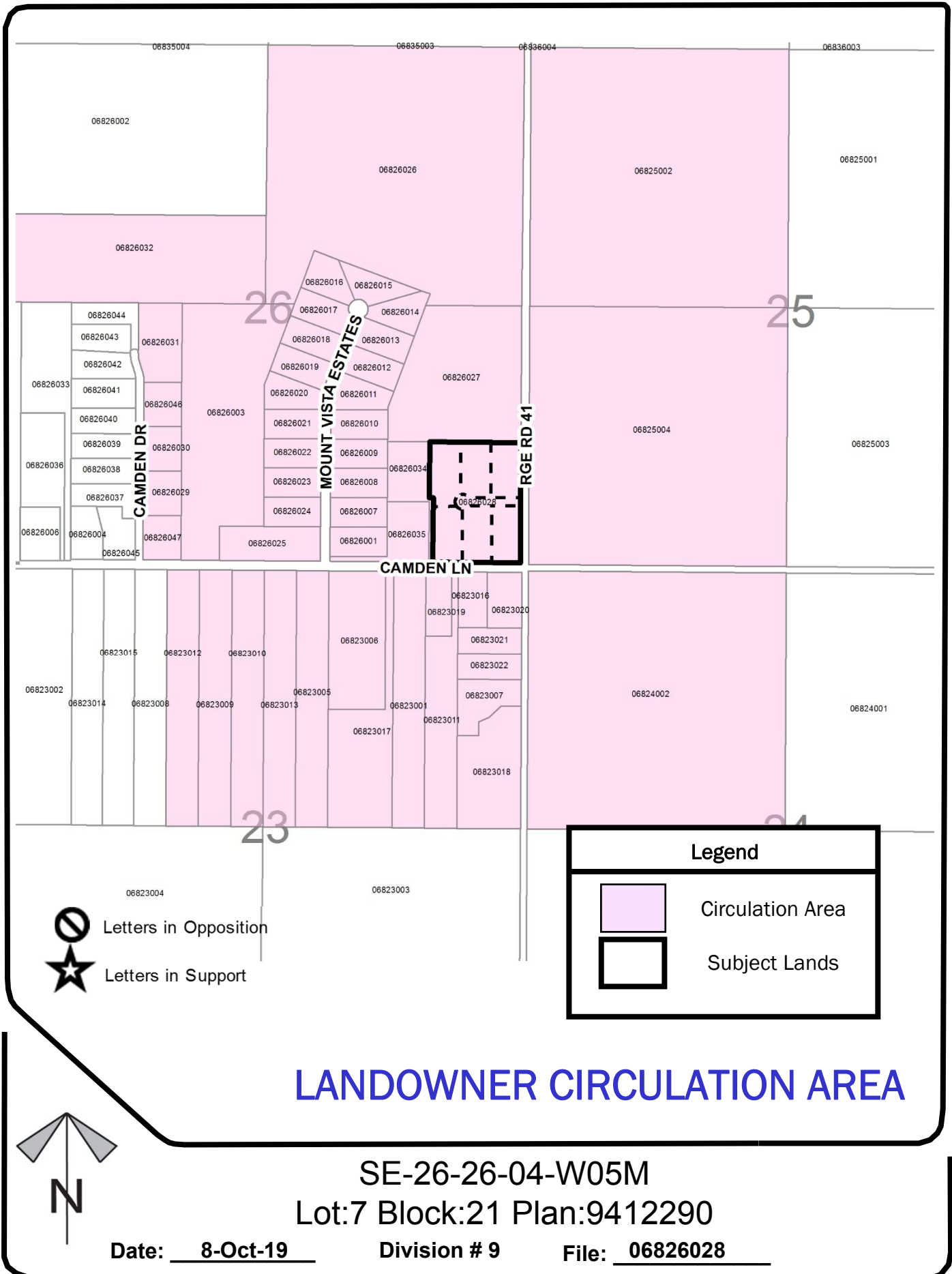
SE-26-26-04-W05M  
 Lot:7 Block:21 Plan:9412290

Date: 8-Oct-19

Division # 9

File: 06826028









## PLANNING AND DEVELOPMENT SERVICES

---

**TO:** Council  
**DATE:** October 22, 2019 **DIVISION:** 9  
**FILE:** 06826028 **APPLICATION:** PL20170045  
**SUBJECT:** First Reading Bylaw - Residential Redesignation  
 NOTE: This application should be considered in conjunction with application PL20180113 (agenda item E-8)

---

**PURPOSE:** The purpose of this application is to redesignate the subject lands from Ranch and Farm District to Residential Two District, in order to facilitate the future subdivision of up to five new  $\geq 3.95$  acre parcels and one  $\geq 3.95$  acre remainder.

**GENERAL LOCATION:** Located approximately 1 mile east of the hamlet of Cochrane Lake, northwest of the intersection of Camden Lane and Range Road 41.

**APPLICANT:** Carswell Planning (Bart Carswell)

**OWNERS:** Balvinder K. Sohal & Karamjit & Harjit Gill

### **<sup>1</sup>POLICY DIRECTION:**

Relevant policies for this application include the Municipal Development Plan, the Cochrane North Area Structure Plan (CNASP), and any other applicable policies.

### **COUNCIL OPTIONS:**

Option #1: THAT Bylaw C-7679-2017 be given first reading.

Option #2: THAT application PL20170045 be denied..

### **APPLICATION REQUIREMENTS:**

No additional application information required at this time.

Respectfully submitted,

Concurrence,

“Matthew Wilson”

“Al Hoggan”

---

Acting Executive Director  
 Community Development Services  
 SK/lt

---

Chief Administrative Officer

### **APPENDICES:**

APPENDIX ‘A’: Bylaw C-7679-2017 & Schedule A

APPENDIX ‘B’: Map Set

---

<sup>1</sup> **Administration Resources**

Stefan Kunz, Planning and Development Services



ROCKY VIEW COUNTY  
Cultivating Communities

## BYLAW C-7679-2017

### 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-7679-2017.

#### PART 2 – DEFINITIONS

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

#### PART 3 – EFFECT OF BYLAW

**THAT** Part 5, Land Use Map No. 68 & 68-NE of Bylaw C-4841-97 be amended by redesignating Lot 7, Block 21, Plan 9412290 within SE-26-26-04-W05M from Ranch and Farm District to Residential Two District as shown on the attached Schedule 'A' forming part of this Bylaw.

**THAT** Lot 7, Block 21, Plan 9412290 within SE-26-26-04-W05M, is hereby redesignated to Residential Two District as shown on the attached Schedule 'A' forming part of this Bylaw.

#### PART 4 – TRANSITIONAL

Bylaw C-7679-2017 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: 9

File: 06826028 - PL20170045

PUBLIC HEARING WAS HELD IN COUNCIL this \_\_\_\_\_ day of \_\_\_\_\_, 2017

READ A FIRST TIME IN COUNCIL this \_\_\_\_\_ day of \_\_\_\_\_, 2017

READ A SECOND TIME IN COUNCIL this \_\_\_\_\_ day of \_\_\_\_\_, 2017

UNANIMOUS PERMISSION FOR THIRD READING \_\_\_\_\_ day of \_\_\_\_\_, 2017

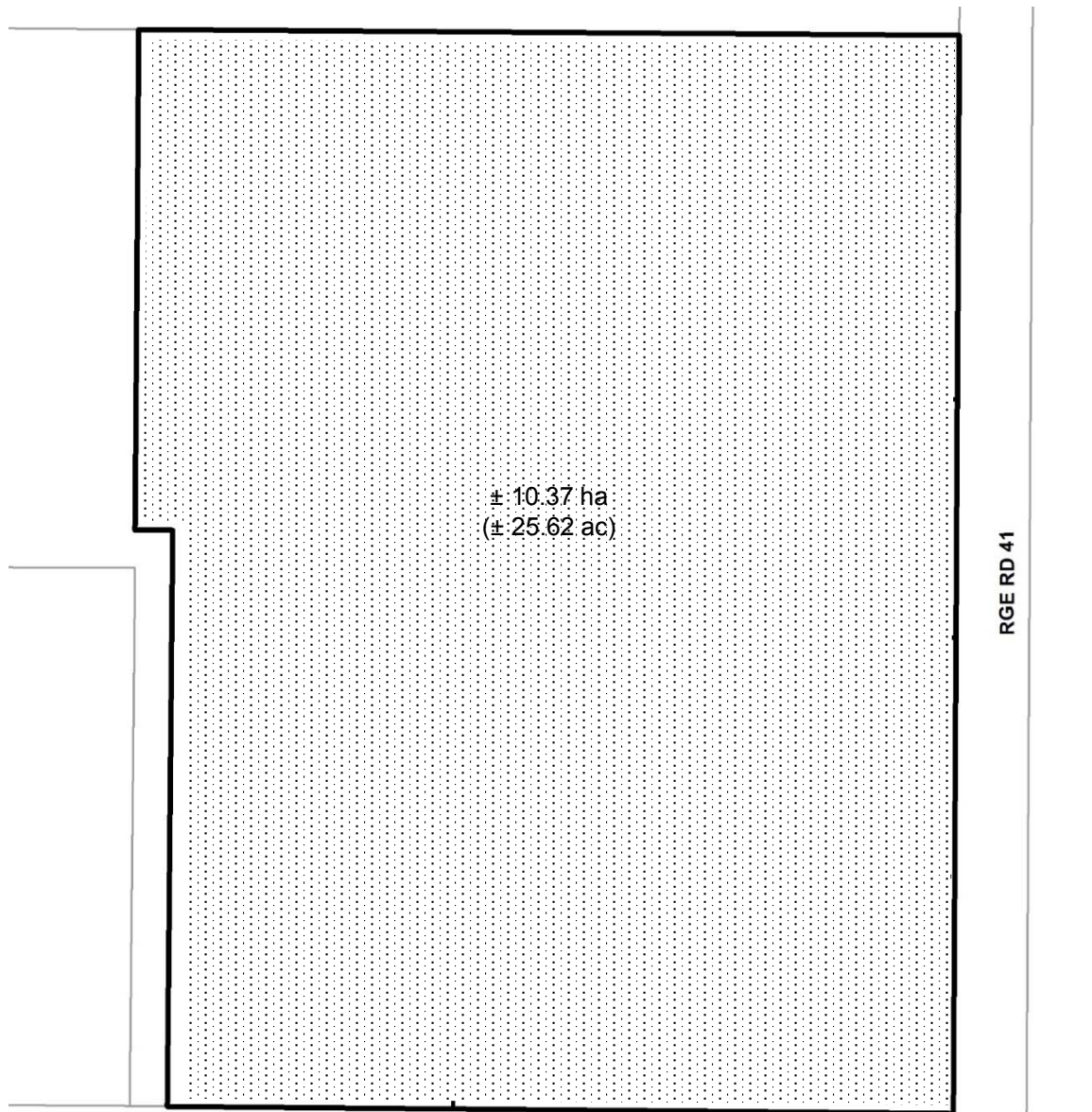
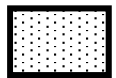
READ A THIRD TIME IN COUNCIL this \_\_\_\_\_ day of \_\_\_\_\_, 2017

\_\_\_\_\_  
Reeve

\_\_\_\_\_  
CAO or Designate

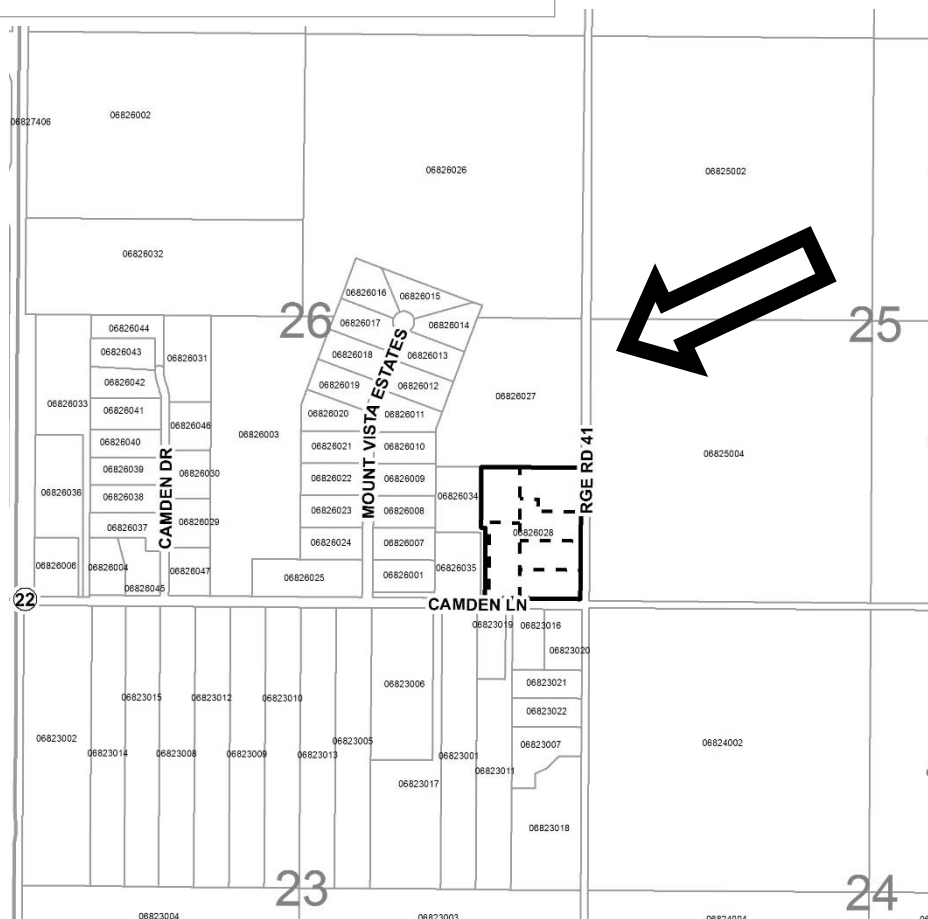
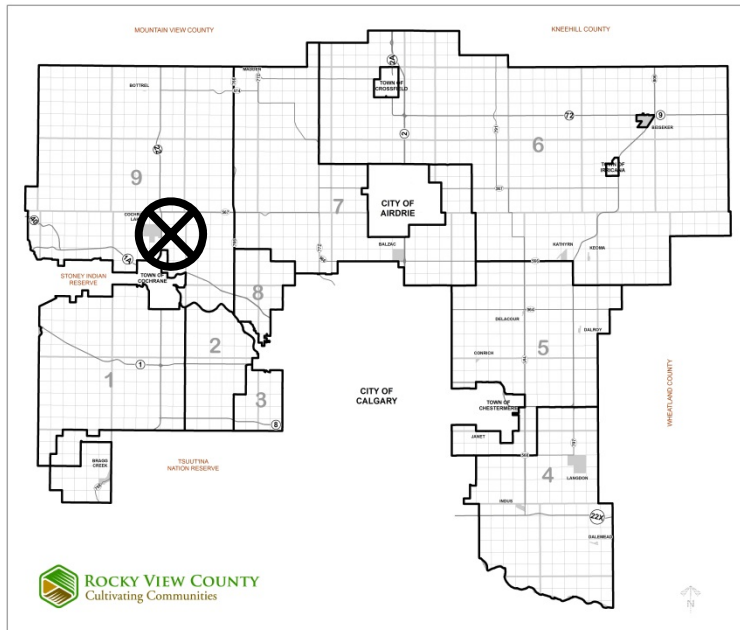
\_\_\_\_\_  
Date Bylaw Signed



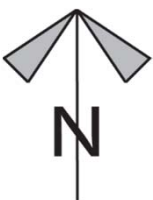
**SCHEDULE "A"****BYLAW:** C-7679-2017**AMENDMENT****FROM** Ranch and Farm District **TO** Residential Two District

Subject Land \_\_\_\_\_

**LEGAL DESCRIPTION:** Lot 7, Block 21, Plan 9412290  
within SE-26-26-04-W05M**FILE:** 06826028 - PL20170045**DIVISION: 9****ROCKY VIEW COUNTY**  
Cultivating Communities



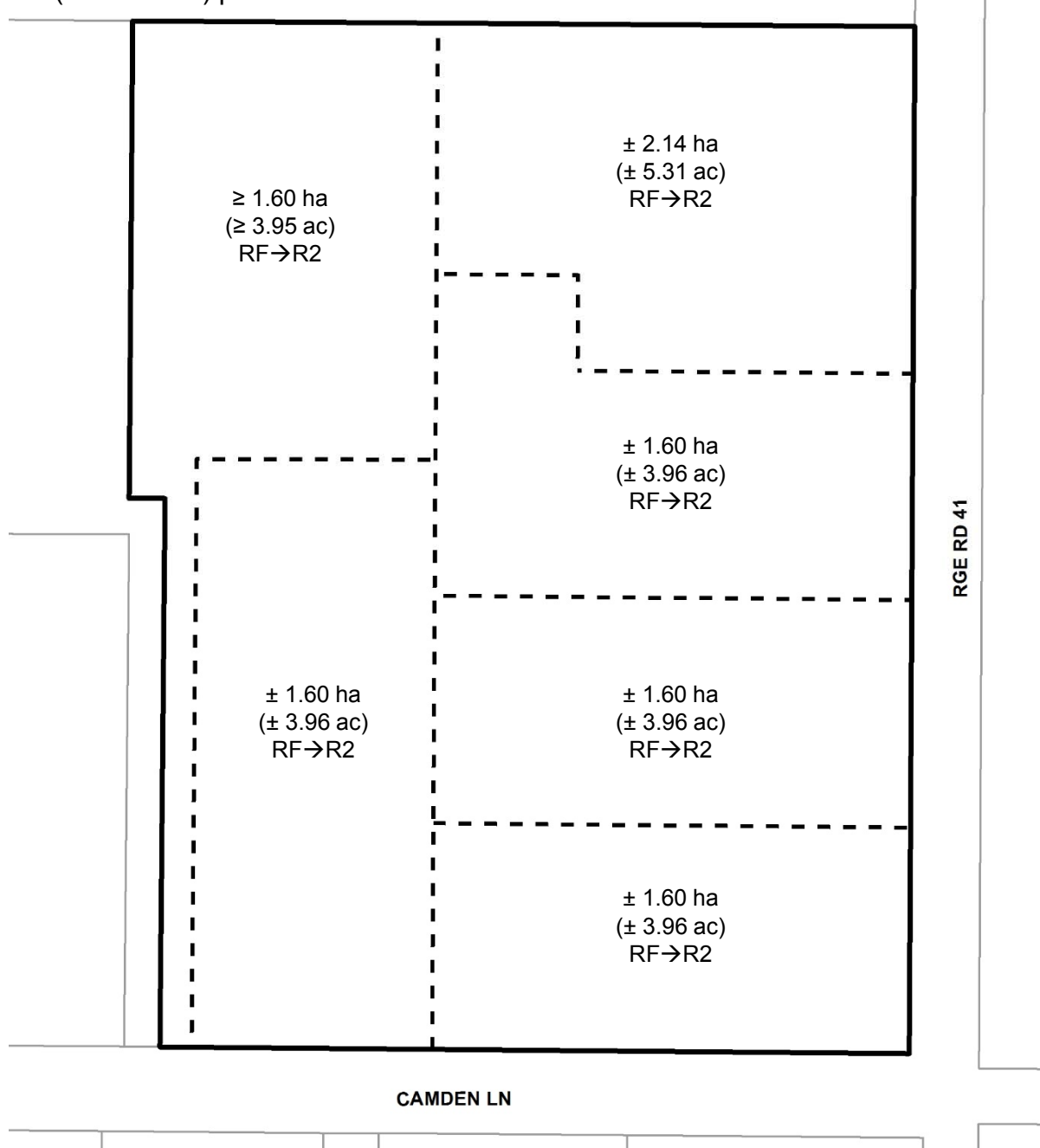
LOCATION PLAN



**Lot:7 Block:21 Plan:9412290**  
**SE-26-26-04-W05M**

Date: May 4, 2017Division # 9File: 06826028

**Redesignation Proposal:** To redesignate the subject lands from Ranch and Farm District to Residential Two District in order to facilitate the future subdivision of up to five new  $\geq 1.60$  hectare ( $\geq 3.95$  acre) parcels.



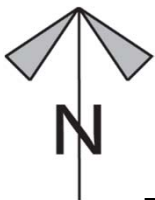
## DEVELOPMENT PROPOSAL

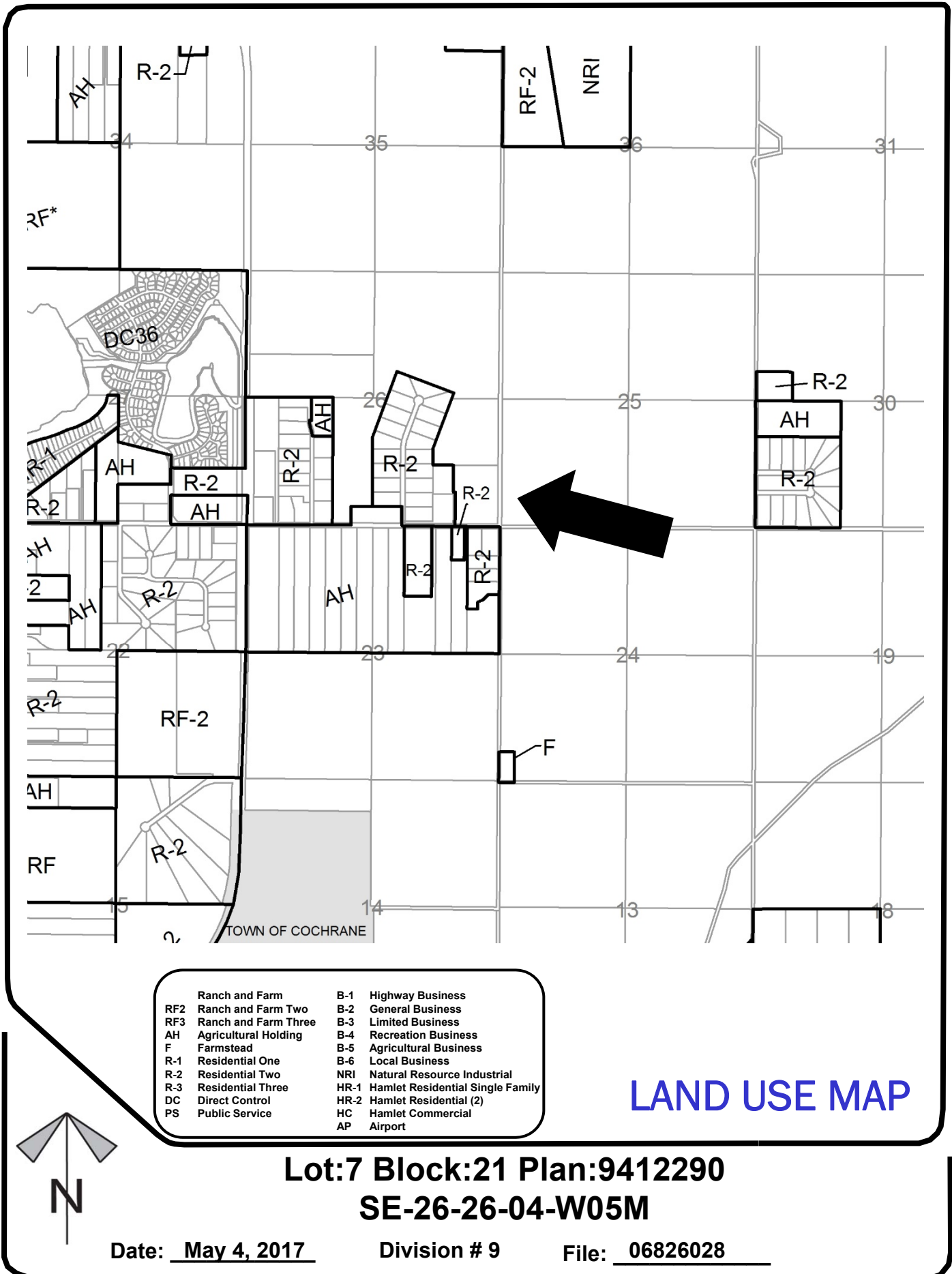
**Lot:7 Block:21 Plan:9412290**  
**SE-26-26-04-W05M**

Date: May 4, 2017

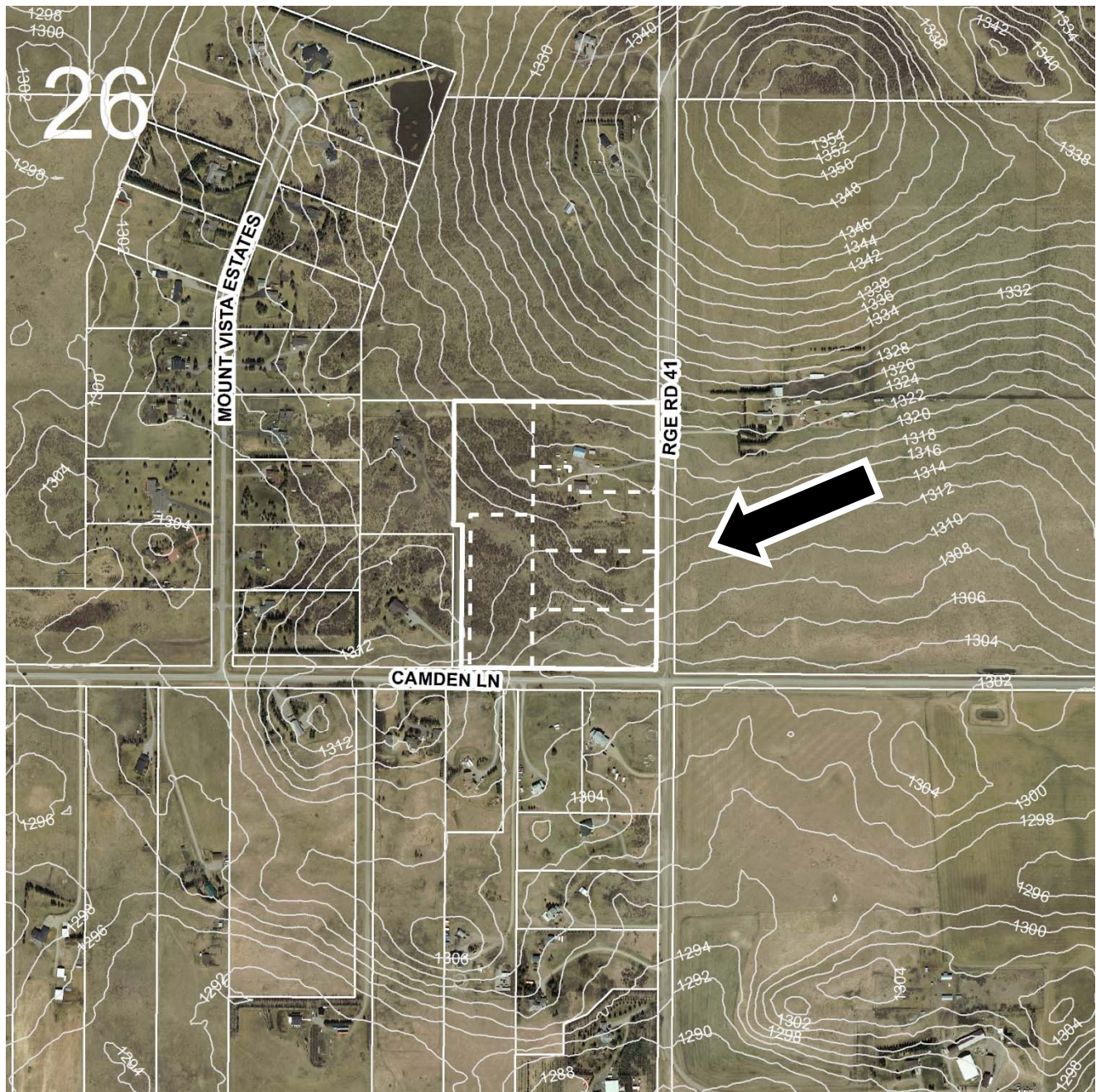
Division # 9

File: 06826028









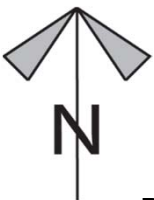




Note: Post processing of raw aerial photography may cause varying degrees of visual distortion at the local level.

**AIR PHOTO**

Spring 2016



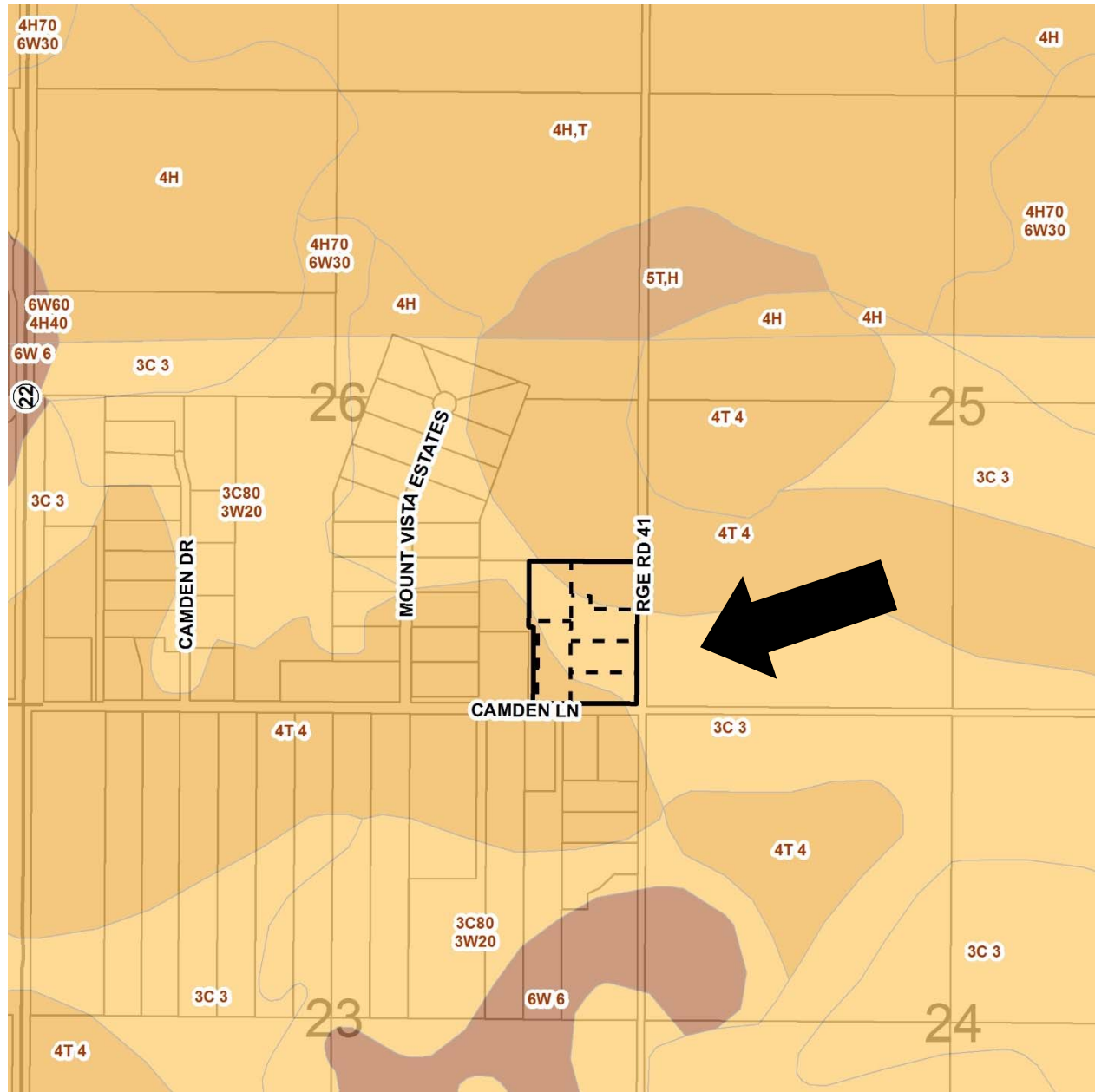
**Lot:7 Block:21 Plan:9412290**  
**SE-26-26-04-W05M**

Date: May 4, 2017

Division # 9

File: 06826028





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

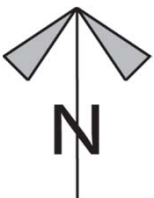
**CLI Class**

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

**Limitations**

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

**SOIL MAP**

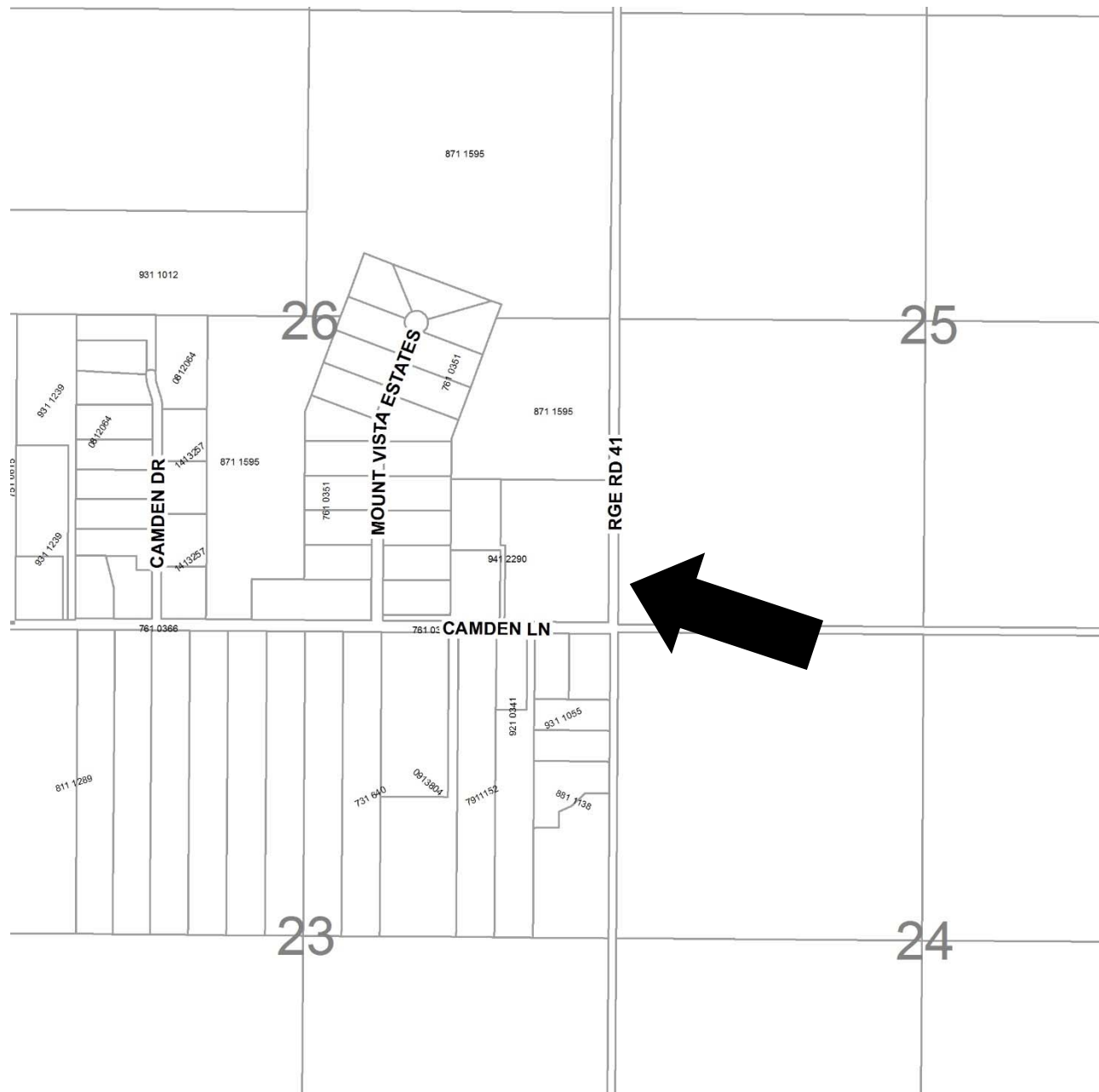


**Lot:7 Block:21 Plan:9412290**  
**SE-26-26-04-W05M**

Date: May 4, 2017

Division # 9

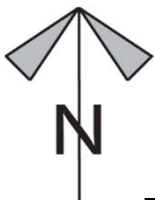
File: 06826028

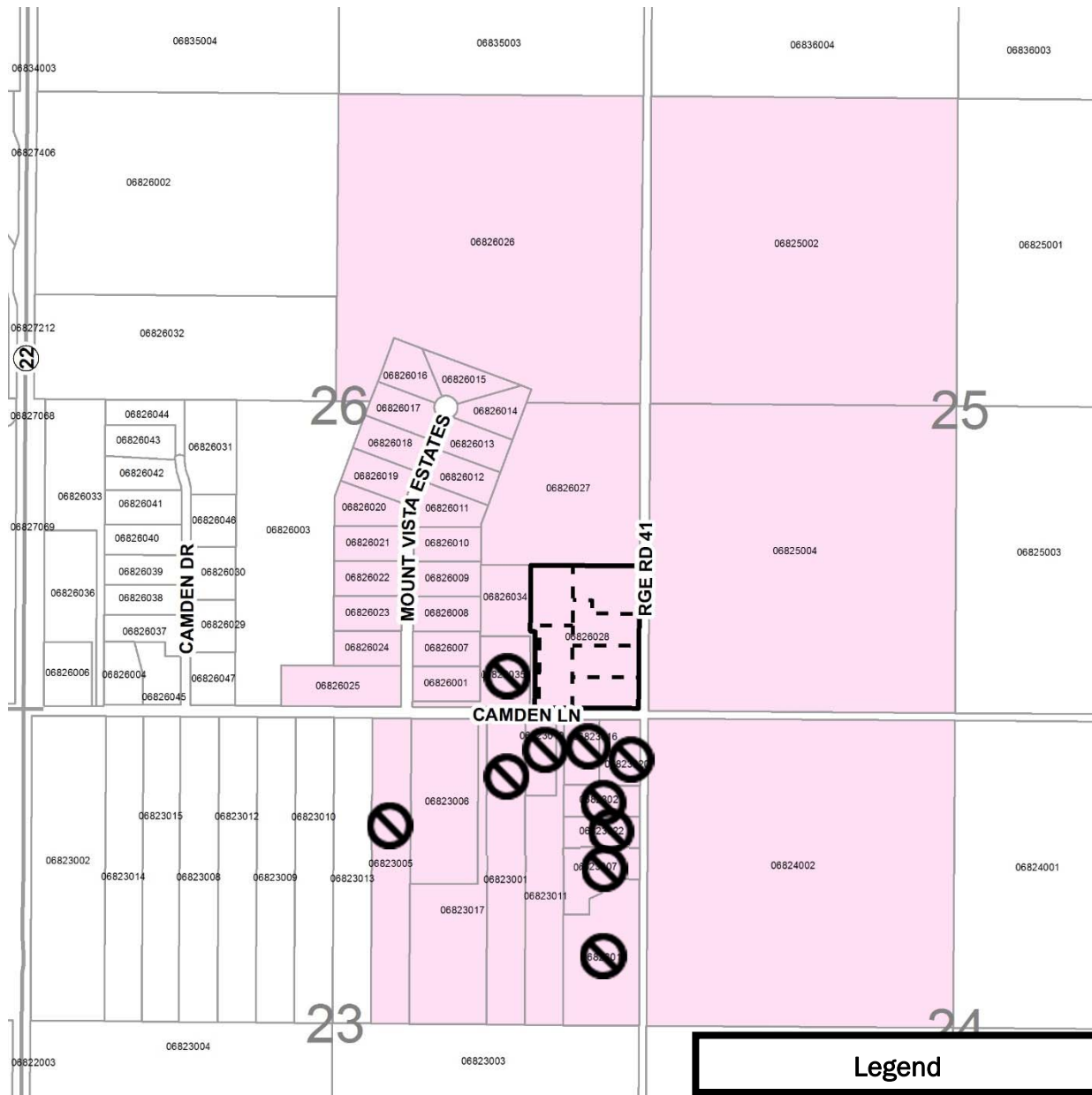
**Legend – Plan numbers**

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

**HISTORIC SUBDIVISION MAP**

**Lot:7 Block:21 Plan:9412290**  
**SE-26-26-04-W05M**

Date: May 4, 2017Division # 9File: 06826028



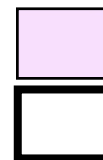
## Letters in Opposition

## Letters in Support



One additional  
with no  
address

### Legend



### Circulation Area

## Subject Lands

## LANDOWNER CIRCULATION AREA

**Lot:7 Block:21 Plan:9412290**

**SE-26-26-04-W05M**

**Date:** May 4, 2017

## Division # 9

File: 06826028

**Notice of Motion:** To be read in at the October 22, 2019 Council Meeting  
To be debated at the December 10, 2019 Council Meeting

**Title:** The Highway 8 Area Structure Plan

**Presented By:** Councillor Jerry Gautreau, Division 5  
**Seconded By:** Deputy Reeve Schule, Division 4

**WHEREAS** The *County Plan* establishes a vision for sustainable community development that balances agriculture with diverse residential, recreational and business opportunities;

**AND WHEREAS** The Rocky View / Calgary Intermunicipal Development Plan identifies the Highway 8 area as a residential growth corridor;

**AND WHEREAS** The Elbow Valley community includes a series of attractive and highly-desirable country residential neighborhoods within and adjacent to the Elbow Valley Area Structure Plan;

**AND WHEREAS** Notwithstanding, the neighborhoods within the Elbow Valley community have reached or are nearly at full build out, the area lacks essential services such as schools, recreation and commercial amenities;

**AND WHEREAS** Opportunity to accommodate a more complete range of housing, increased residential densities, recreation and institutional facilities, and appropriately-scaled commercial amenities within the Highway 8 area could enhance the Elbow Valley community and support the County in achieving its fiscal, social, and environmental objectives;

**AND WHEREAS** Capacity of the Highway 8 area to accommodate continued growth has been enhanced due to recent infrastructure investment including:

- The Province's construction of the West Calgary Ring Road and twinning of a portion of Highway 8; and
- The County's construction of the Elbow Valley Fire Station 101.

**AND WHEREAS** The Calgary Metropolitan Regional Board (CMRB) Interim Growth Plan and an Interim Regional Evaluation Framework provides a regional policy framework to consider continued growth within the Highway 8 area;

**AND WHEREAS** Recent amendments to the *Municipal Government Act* could enable the County and the City of Calgary to jointly-adopt off-site levy Bylaws to fund regional infrastructure projects such as expanded use of libraries and community recreation facilities;

**AND WHEREAS** The *County Plan* directs review of an Area Structure Plan (ASP) if:

- Available residential capacity is reaching build-out;
- Multiple applications are received for development forms that are inconsistent with the ASP;
- Changes in major infrastructure servicing policies or conditions occur; and
- External planning changes affecting the ASP.

**AND WHEREAS** It is timely and prudent for the County to assess opportunity for continued growth in the Highway 8 area;

**AND WHEREAS** The County acknowledges expressed landowner/developer interest to advance and fund comprehensive planning within the Highway 8 area;

**AND WHEREAS** A landowner/developer-funded Area Structure Plan (ASP), would mitigate financial risk to the County relative to the costs of preparing an Area Structure Plan (ASP);

**AND WHEREAS** To support preparation of an Area Structure Plan (ASP), landowner/developers should be required to provide:

- A funding strategy and water licensing for a community potable water system;
- A funding strategy for a community wastewater system or connection to a regional wastewater utility;
- A funding strategy for continued upgrades to Highway 8 area; and
- A *Fiscal Impact Analysis* to demonstrate the County's net fiscal position would not be negatively impacted.

**AND WHEREAS** The TsuuTina Nation shall be consulted, and their future plans and servicing requirements shall be considered.

**THEREFORE BE IT RESOLVED THAT** Administration initiate a landowner/developer-funded Area Structure Plan (ASP) to accommodate continued growth within the Highway 8 Area in accordance with the *County Plan's* triple-bottom line objectives as well as the principals, policies and objectives of the Calgary Metropolitan Regional Board's (CMRB) *Interim Growth Plan* and *Interim Regional Evaluation Framework*.

**AND THAT** an Area Structure Plan (ASP) Terms of Reference be created to address the following:

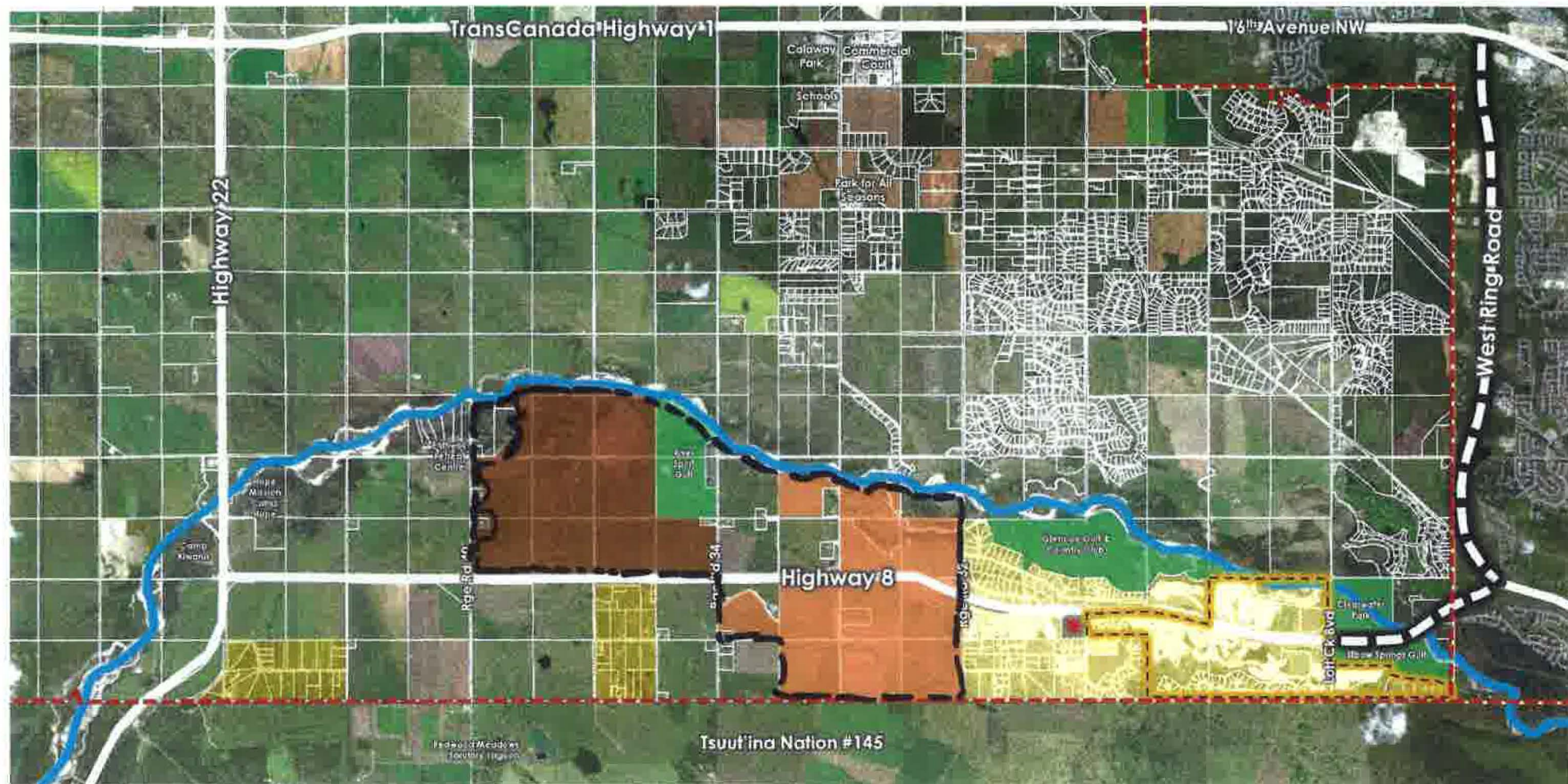
- Appropriate planning principals, goals and objectives;
- A local and regional context statement summarizing development assumptions and circumstances;
- A strategic framework to position continued growth within the Highway 8 area to maximize opportunity for regional synergy;
- A preliminary study Area, as shown on Schedule “A” attached (to inform an ultimate Area Structure Plan (ASP) boundary) based on considerations such as:
  - Local and regional planning policies;
  - Physical constraints established by technical analysis;
  - Anticipated population targets;
  - Availability of transportation and utility servicing capacity;
  - Community and stakeholder consultation; and
  - An Area Structure Plan (ASP) work program and project timeline.

**DIRECTION FOR ADMINISTRATIVE RESPONSE**

THAT Administration be directed to prepare a report in response to this Notice of Motion for a Highway 8 Area Structure Plan for Council’s consideration and debate on December 10, 2019.



# Schedule 'A'



## Legend

-  Existing Elbow Valley Area Country Residential
-  Elbow Valley Structure Plan
-  Existing Park & Recreation Amenities
-  Elbow Valley Fire Station 101

**--- PRELIMINARY STUDY AREA.**

-  Existing Highway 8 Area Country Residential
-  Calgary West Ring Road & Highway 8 Upgrade area (under construction)
-  The Double Creek Lands
-  The Gardner Lands

**Notice of Motion:** To be read in at the October 22, 2019 Council Meeting  
To be debated at the November 26, 2019 Council Meeting

**Title:** Creation of authorized truck routes/truck haul agreements  
in Rocky View County

**Presented By:** Councillor Samanntha Wright, Division 8  
**Seconded By:** Councillor Crystal Kissel, Division 9

**WHEREAS** the safety of the community is a priority;

**AND WHEREAS** the safety of motorists/cyclists/pedestrians is often jeopardized  
by the volume of large trucks using roads not designed for such  
traffic;

**AND WHEREAS** while it is recognized that, although municipal roads are public  
roads, frequent heavy hauling by commercial / industrial users  
impose not only significant safety risks on other road users but  
disproportionate damage to the municipality's transportation  
infrastructure, when there is often provincial infrastructure  
available in close proximity;

**AND WHEREAS** the traffic issues/noise complaints associated with heavy truck  
use impose significant negative impacts on other users of the  
County roads and that the County has a responsibility to  
minimize these impacts;

**AND WHEREAS** roads in many communities in Rocky View are not conducive to  
truck traffic, such as those designated residential/country  
residential;

**AND WHEREAS** there has been an increased industrial truck presence in  
Bears paw, Weedon Trail and Horse Creek Rd and other areas  
of the County;

**AND WHEREAS** the City of Calgary, after another recent incident involving a  
gravel truck in the city's NW, is exploring alternative haul routes  
and other potential restrictions;

**AND WHEREAS** in the case of truck hauls from gravel pits in other municipalities,  
the generated CAP levies go to the other municipality for road  
maintenance;

**AND WHEREAS** there have been numerous complaints by local residents to the  
County;

**AND WHEREAS** many municipalities, including our neighbour, the City of Calgary, have identified truck routes;

**AND WHEREAS** roads that already have signs indicating “LOCAL TRAFFIC ONLY” should never be considered as acceptable truck routes;

**NOW THEREFORE BE IT RESOLVED THAT** Administration assess the feasibility of creating authorized truck haul routes and/or truck haul agreements to minimize the negative impacts from heavy truck traffic on County roads, both for the safety of the travelling public and for the on-going maintenance of these County roads, and explore identifying certain roads in the County as unsuitable for truck traffic. And, that such solutions include, but not be limited to, introducing weight restrictions to detour heavy truck traffic onto the provincial highway network, as well as, sub-regional collaboration with our municipal neighbours;

**AND THEREFORE BE IT RESOLVED THAT** this matter be referred to Administration for a report no later than February 15, 2020.

**Notice of Motion:** To be read in at the October 22, 2019 Council Meeting  
To be debated at the November 26, 2019 Council Meeting

**Title:** Recommendation to RMA to endorse a letter writing campaign regarding the creation of Extended Producer Responsibility (EPR) paper and packaging program

**Presented By:** Councillor Samanntha Wright, Division 8  
**Seconded By:** Councillor Kevin Hanson, Division 3

**WHEREAS** Rocky View County is a non-voting Associate Member of the Alberta Urban Municipalities Association (AUMA);

**AND WHEREAS** AUMA wants municipalities to write to their Members of the Legislative Assembly (MLA) about modernizing Alberta's regulatory framework to develop a provincial EPR program; expand current recycling programs to accept new materials that are currently going to our landfills but can be recycled; and, amend the regulations to give the Alberta Recycling Management Authority (Alberta Recycling) the flexibility to change the recycling fees;

**AND WHEREAS** Alberta is currently the only province in Western Canada that does not have an EPR paper and packaging program.; and EPR programs shift the cost of managing recyclable materials from municipalities to producers;

**AND WHEREAS** Alberta Recycling manages the province's used oil, scrap tires, paint, and end-of-life electronic programs; and in spite of the variety of products having increased exponentially, today's programs are still accepting the same items they did two decades ago;

**AND WHEREAS** the increasing costs for recycling/eliminating such variety of materials is increasingly being borne by local governments;

**AND WHEREAS** Alberta Recycling does not have the authority to determine recycling fees for the programs it operates, and the fees are no longer sufficient to cover the costs; and AUMA believes a workable and straightforward solution is to provide Alberta Recycling with the ability to adjust the fees according to the cost of operation;

**AND WHEREAS** municipalities have highlighted the need to have an EPR paper and packaging program since 2013;

**NOW THEREFORE BE IT RESOLVED** THAT Rocky View County recommends that the RMA initiate a similar letter writing program asking the Government of Alberta to develop and Extended Producer Responsibility (EPR) paper and packaging program.

**Background:**

AUMA, the Canadian Stewardship Services Alliance, and the Cities of Edmonton and Calgary are currently working together to engage a consultant to complete an Alberta Collaboration EPR Study. Eunomia is the consultant chosen for this project. AUMA staff and the City of Calgary shared some preliminary findings with the AUMA members during AUMA's 2019 annual convention. AUMA staff will update their members on the project via [The AUMA e-newsletter, "Digest"](#), in the future.

AUMA has developed a [letter template municipalities](#) can download and adapt to send to their MLAs outlining the need for provincial action to improve waste management in Alberta.

Want to know more about EPR? Two infographics have been developed for explaining the difference between [EPR paper and packaging](#) and today's current [municipal model](#) for paper and packaging. Please also visit Recycling Council of Alberta: [Extended Producer Responsibility Design Principles](#).



**Notice of Motion:** To be read in at the October 22, 2019 Council Meeting  
To be debated at the November 26, 2019 Council Meeting

**Title:** Bylaw C-6034-2005 Mountain Ridge Place Waterline Construction

**Presented By:** Councillor Crystal Kissel, Division 9  
**Seconded By:** Councillor Samantha Wright, Division 8

**WHEREAS** Bylaw C-6034-2005 is exclusively for the 22 properties on the West side of Mountain Ridge Place;

**AND WHEREAS** the 22 Mountain Ridge property owners paid the initial unfunded portion totalling \$122,200.00 to have the Engineer Design, Surveys and Construction quote for the construction of the waterline;

**AND WHEREAS** financing for construction of the waterline was facilitated by the County via a \$700,000 debenture which was distributed equally amongst those 22 properties and attached to the individual property taxes;

**AND WHEREAS** the cost included a tie-in to the waterline on the east side of Mountain Ridge Place, a mainline throughout the Mountain Ridge Place area, and one single valve connection tie-in for each of the 22 original parcels;

**AND WHEREAS** there was no mechanism put in place within the Bylaw to share the initial cost of the Bylaw for the water line construction with any future development;

**AND WHEREAS** In October of 2011, then Councillor, Paul McLean contacted Rocky View County regarding a requirement to have the bylaw amended with a cost recovery clause regarding any new participant connecting to the water line; this was never completed;

**AND WHEREAS** the new Glenbow Ranch ASP has now been approved and there is a growing interest in developing the Mountain Ridge Place area that may require access to the existing water supply line;



**NOW THEREFORE BE IT RESOLVED** THAT Administration be directed to work with the residents of Mountain Ridge Place to amend Bylaw C-6034-2005 to include mechanisms to allow all original users to receive a cost recovery credit that is a proportionate share of the Tax Bylaw C-6034-2005 and that this be implemented on all new tie-ins/users.

## PLANNING AND DEVELOPMENT SERVICES

**TO:** Subdivision Authority

**DATE:** October 22, 2019

**DIVISION:** 7

**APPLICATION:** PL20180088

**SUBJECT:** Subdivision Item: Industrial Subdivision (Note: to be considered with C-3 and C-4)

**APPLICATION:** To create a  $\pm 45.13$  acre parcel and a  $\pm 22.08$  acre parcel, with a  $\pm 60.61$  acre remainder.

**GENERAL LOCATION:** Located at the northwest junction of Dwight McLellan Trail and 144 Avenue

**LAND USE DESIGNATION:** Direct Control Bylaw (DC-99)

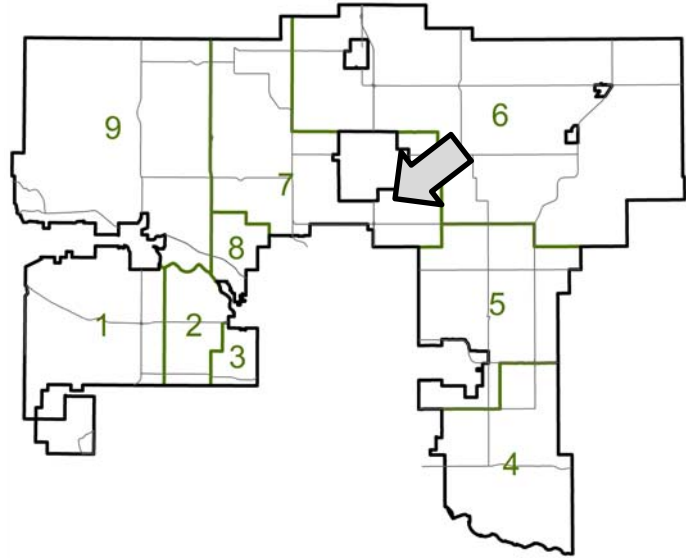
### **ADMINISTRATION RECOMMENDATION:**

Administration recommends approval, in accordance with Option #1.

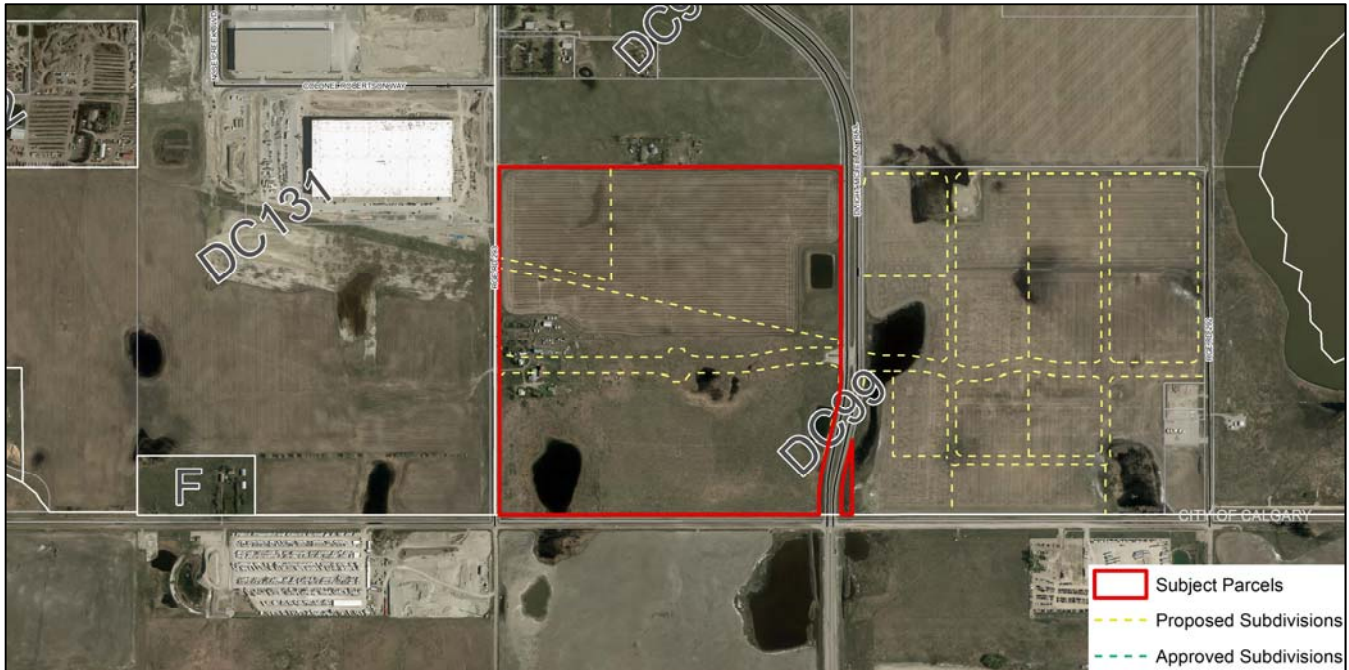
### **OPTIONS:**

Option #1: THAT Subdivision Application PL20180088 be approved with the conditions noted in Appendix 'B'.

Option #2: THAT Subdivision Application PL20180088 be refused as per the reasons noted.



### **AIR PHOTO & DEVELOPMENT CONTEXT:**



### **Administration Resources**

Paul Simon and Gurbir Nijjar – Planning and Development Services



**APPLICANT:** Kellam Berg Engineering & Surveys Ltd.

**OWNER:** MH Crosspointe II GP Inc.

**APPLICATION EVALUATION:**

The application was evaluated based on the technical reports submitted with the application and the applicable policies and regulations.

<b>APPLICABLE POLICY AND REGULATIONS:</b>	<b>TECHNICAL REPORTS SUBMITTED:</b>
<ul style="list-style-type: none"> <li>• Municipal Government Act;</li> <li>• Subdivision and Development Regulations;</li> <li>• Municipal Development Plan;</li> <li>• Balzac East Area Structure Plan;</li> <li>• Direct Control District 99;</li> <li>• Land Use Bylaw; and</li> <li>• County Servicing Standards.</li> </ul>	<ul style="list-style-type: none"> <li>• Stormwater Management Report, prepared by Kellam Berg Engineering and Surveys Ltd. (May, 2019)</li> <li>• Stormwater Management Memo, prepared by Kellam Berg Engineering and Surveys Ltd. (May, 2019)</li> <li>• Preliminary Geotechnical Investigation, prepared by JASA Engineering Inc. (March 2018)</li> <li>• Transportation Impact Assessment, prepared by Bunt &amp; Associates (December, 2018)</li> <li>• Traffic Signal Warrant Memo, prepared by Bunt &amp; Associates (May, 2019)</li> <li>• Wetland Assessment and Impact Report, prepared by Tetra Tech (July, 2018)</li> </ul>

*Interlink Logistics Park Conceptual Scheme and Direct Control District 99 Amendment*

The Applicant has proposed the Interlink Logistics Park Conceptual Scheme to guide the proposed development. The staff report detailing the evaluation of the conceptual scheme is provided for in PL20180140. In conjunction, the Applicant has proposed to amend DC-99 to allow for an increase in site coverage (from 40% to 55%) and additional uses. The staff report detailing the evaluation of this amendment is provided for in PL20180139.

*Payments and Levies*

Municipal Reserves, Transportation Offsite levies, as well as Water and Wastewater levies are applicable. As DC-99 has no minimum parcel size, in conjunction with the nature of the proposed subdivision and development context, further subdivision is unlikely; therefore applicable reserves and levies are recommended to be collected in full.

<b>APPLICABLE FEE/LEVY</b>	<b>AMOUNT \$</b>
<i>Transportation Offsite Levy (Base Levy \$4,595.00/acre and Special Area 1 Levy \$18,638.00/acre)</i>	\$3,497,690 (plus applicable interest), to be confirmed through Plan of Survey
<i>Water and Wastewater Levy</i>	Calculated at endorsement stage based on anticipated usage



<i>Municipal Reserve (\$124,892.05/acre)</i>	\$1,880,000.00, to be confirmed through Plan of Survey
--	--

#### *Accessibility to a Road*

The Applicant is required to enter into a Development Agreement with the County for the construction of Nose Creek Boulevard to a four-lane arterial paved commercial/industrial standard. The Applicant is also required to upgrade Range Road 293, from the future John Ware Drive to the southern property boundary to a paved commercial/industrial standard. The Development Agreement will also include the installation of signals at the proposed access point to Dwight McLellan Trail.

#### *Pathways*

A 1.4 m pedestrian sidewalk within the northern portion of the road right-of-way for Nose Creek Boulevard is proposed. Further pathway development continuing north/south within the western portion of the road right-of-way for Dwight McLellan Trail is also proposed. This will be confirmed through the subsequent Development Agreement at subdivision endorsement stage.

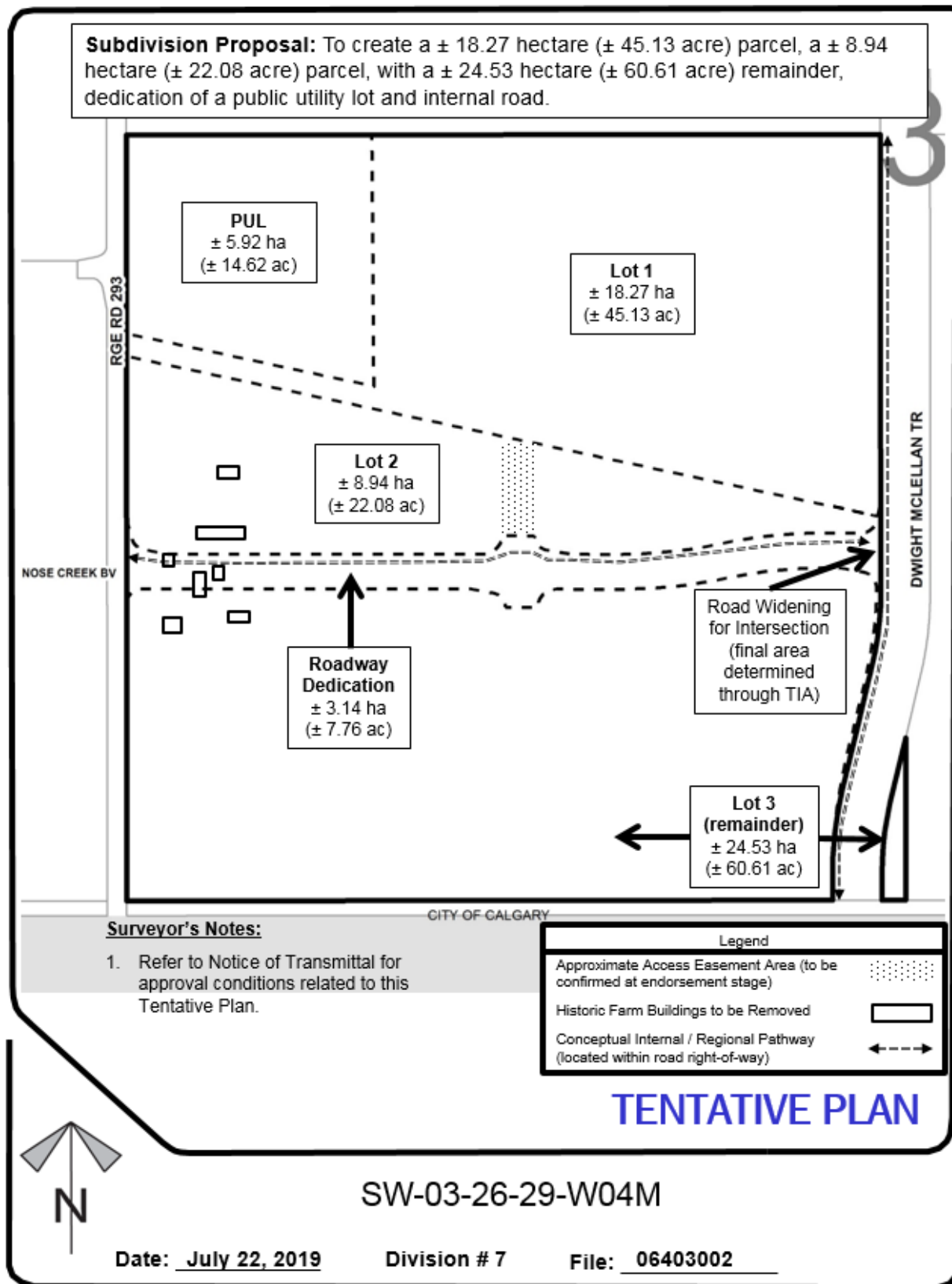
#### *Lot Owners Association*

The applicant will be required to register a Lot Owners' Association or establish appropriate legal arrangements to ensure that the common irrigation and/ or stormwater infrastructure is managed. Through the conditions of approval, flexibility to establish a mechanism to manage this common infrastructure has also been provided.



ROCKY VIEW COUNTY  
Cultivating Communities

*Tentative Plan*





**CONCLUSION:**

Subject to the proposed conditions of approval, the application is recommended for approval.

Respectfully submitted,

Concurrence,

“Matthew Wilson”

“Al Hoggan”

---

Acting Executive Director  
Community Development Services

---

Chief Administrative Officer

PS/llt

**APPENDICES:**

APPENDIX ‘A’: Maps and Other Information

APPENDIX ‘B’: Approval Conditions

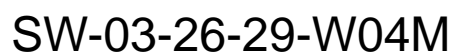
APPENDIX ‘C’: Letters



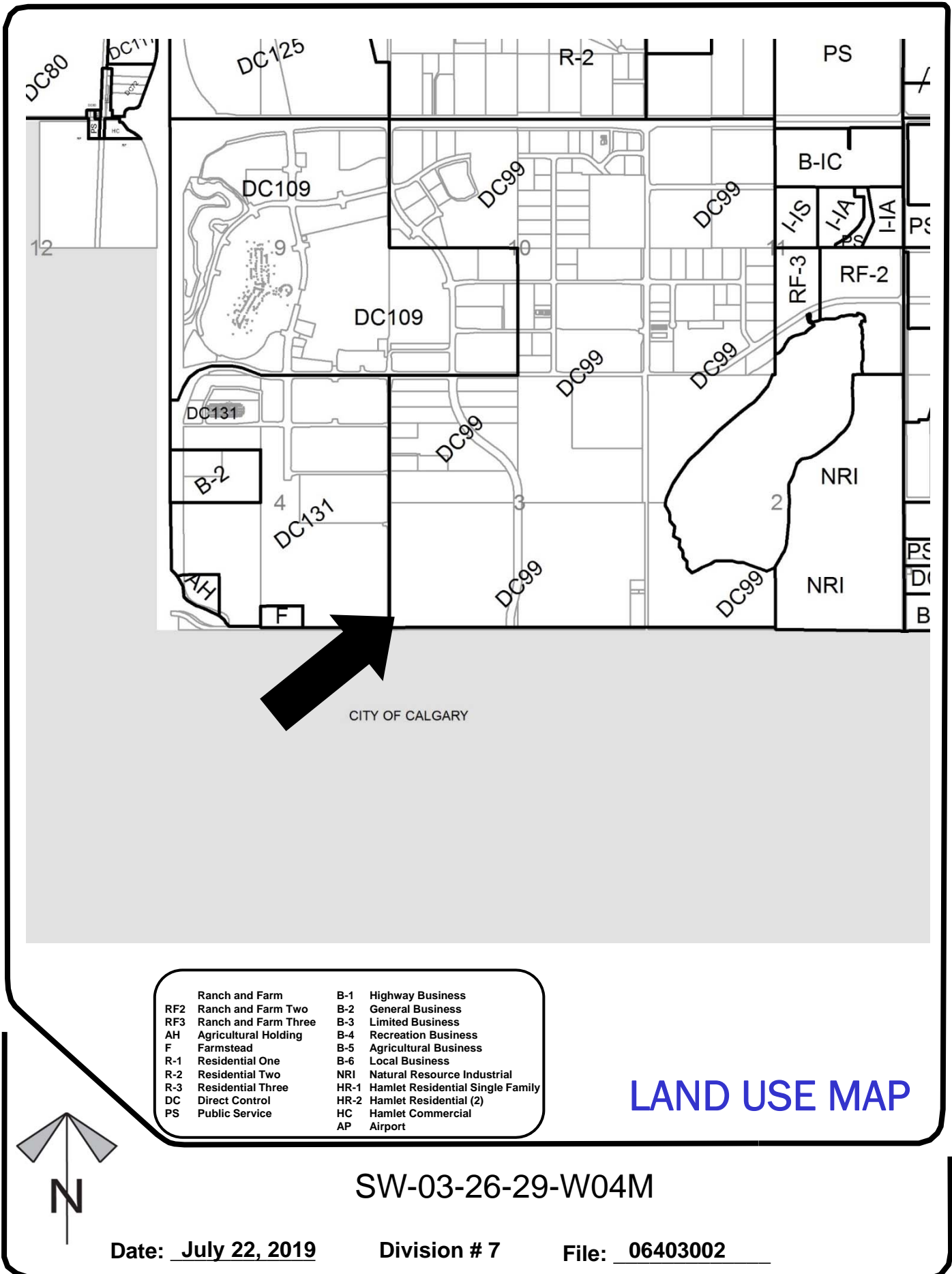


#### APPENDIX 'A': MAPS AND OTHER INFORMATION

<b>DATE APPLICATION RECEIVED:</b> August 8, 2019	<b>DATE DEEMED COMPLETE:</b> July 22, 2019
<b>GROSS AREA:</b> ± 150.53 acres	<b>LEGAL DESCRIPTION:</b> SW-03-26-29-W4M
<b>APPEAL BOARD:</b> Municipal Government Board	
<b>HISTORY:</b> <i><b>March 8, 2005:</b></i> The subject lands were redesignated to Direct Control District 99.	
<b>PUBLIC &amp; AGENCY SUBMISSIONS:</b> <p>The application was circulated to 18 adjacent landowners. No letters in support or opposition were received.</p> <p>The application was also circulated to a number of internal and external agencies and, where appropriate, conditions of approval have been proposed based on these comments.</p>	



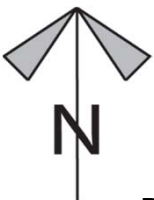
File: 06403002





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*

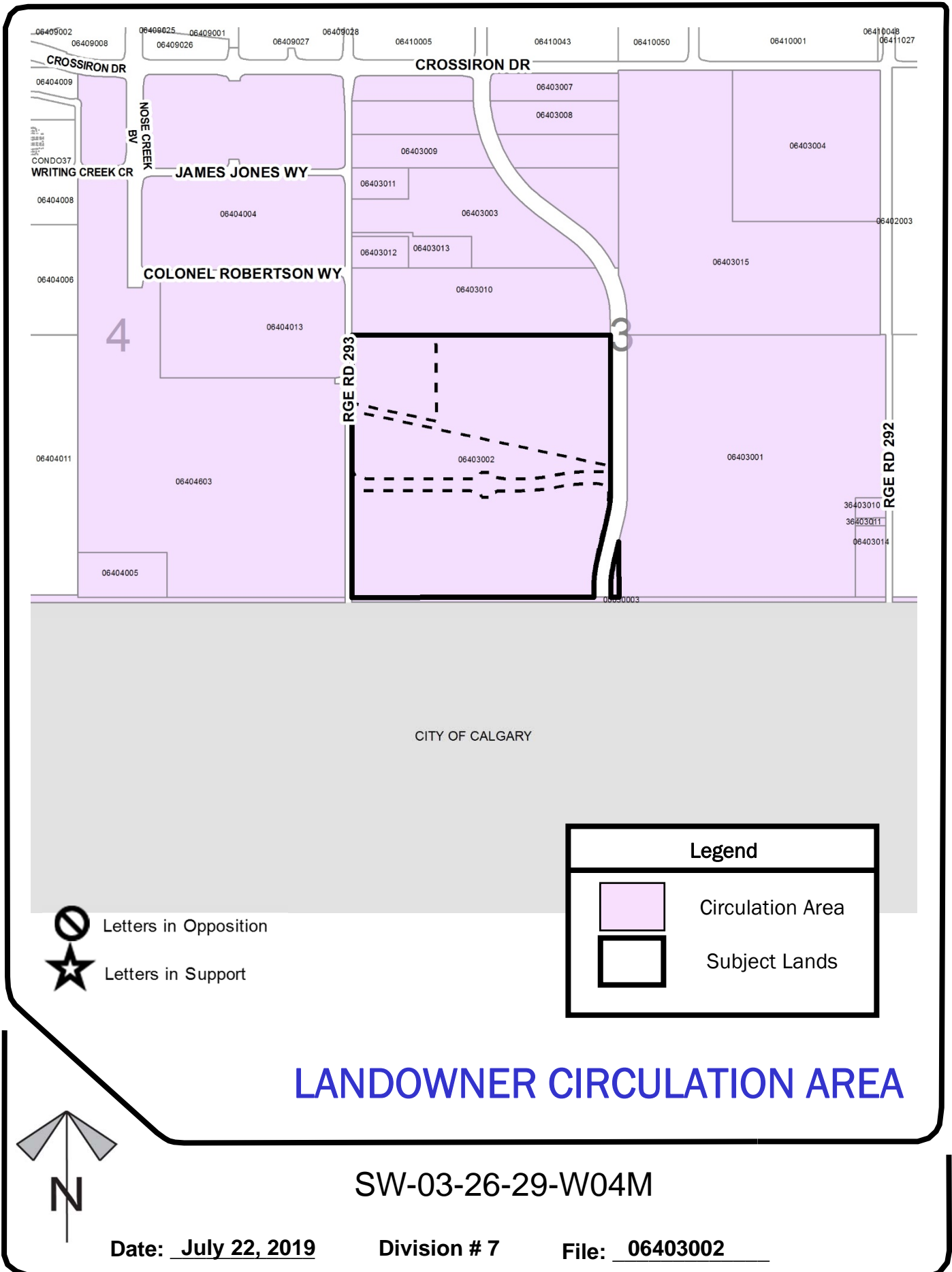


SW-03-26-29-W04M

Date: July 22, 2019

Division # 7

File: 06403002







## APPENDIX 'B': APPROVAL CONDITIONS

- A. The application to create a  $\pm 18.27$  hectare ( $\pm 45.13$  acre) parcel, a  $\pm 8.94$  hectare ( $\pm 22.08$  acre) parcel, with a  $\pm 24.53$  hectare ( $\pm 60.61$  acre) remainder, dedication of a public utility lot and internal road at SW-03-26-29-W4M having been evaluated in terms of Section 654 of the *Municipal Government Act* and Section 7 and Section 14 of the Subdivision and Development Regulations, and having considered adjacent landowner submissions, is approved as per the Tentative Plan for the reasons listed below:
  1. The application is consistent with the Statutory Policy;
  2. The subject lands hold the appropriate land use designation;
  3. The technical aspects of the subdivision proposal have been considered and are further addressed through the conditional approval requirements.
- B. The Applicant/Owner is required, at their expense, to complete all conditions attached to and forming part of this conditional subdivision approval prior to Rocky View County (the County) authorizing final subdivision endorsement. This requires submitting all documentation required to demonstrate each specific condition has been met, or agreements (and necessary securities) have been provided to ensure the conditions will be met, in accordance with all County Policies, Standards, and Procedures, to the satisfaction of the County, and any other additional party named within a specific condition. Technical reports required to be submitted as part of the conditions must be prepared by a qualified professional, licensed to practice in the province of Alberta within the appropriate field of practice. The conditions of this subdivision approval do not absolve an Applicant/Owner from ensuring all permits, licenses, or approvals required by Federal, Provincial, or other jurisdictions are obtained.
- C. Further, in accordance with Section 654 and 655 of the *Municipal Government Act*, the application shall be approved subject to the following conditions of approval:

### Survey Plans

- 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.

### Development Agreement

- 2) The Owner is to enter into and comply with a Development Agreement pursuant to Section 655 of the *Municipal Government Act* in accordance with the approved tentative plan and shall include the following:
  - a) Design and construction of a public road system with associated infrastructure which includes the following:
    - i. Construction of Nose Creek Boulevard to a 4 lane arterial paved commercial/industrial standard in accordance with the approved TIA and conceptual scheme;
    - ii. Upgrade of Range Road 293, from the future John Ware Drive to the southern property boundary, to a paved commercial/industrial standard in accordance with the approved TIA and conceptual scheme;
    - iii. Intersection treatments in accordance with the approved TIA;
    - iv. Installation of Traffic Signals at Dwight McLellan Trail and the proposed access road(s) in accordance with the approved TIA;
    - v. Additional offsite upgrades, if any, in accordance with the approved TIA;





- vi. Approaches to each lot; and
- vii. Sidewalks/Pathways.
- b) Registration of private access easements in favor of proposed Lot 1, over proposed Lot 2, to provide for access to Nose Creek Boulevard;
- c) Design and construction of Landscaping features for all public pathways, and public roadways and the Environmental Reserve, in accordance with the approved Landscaping Plan;
- d) Design and construction of a piped wastewater system with connection to the East Rocky View Wastewater System and related infrastructure;
- e) A detailed sanitary servicing study is required in order to determine if upgrades or additional lift station capacity is required. All improvements shall be constructed as part of the Development Agreement;
- f) Design and construction of a piped water distribution system and fire suppression system;
- g) A detailed hydraulic network analysis is required in order to determine if upgrades or additional infrastructure is required. All improvements shall be constructed as part of the Development Agreement;
- h) Design and construction of a fire suppression system in accordance with Bylaw C-7259-2013, as amended;
- i) Design, construction and implementation of the recommendations of the approved Stormwater Management Plan;
- j) Dedication of necessary easements and right of ways for utility line assignments;
- k) Mailboxes are to be located in consultation with Canada Post;
- l) Installation of power, natural gas and telephone lines;
- m) Implementation of the recommendations of the Construction Management Plan;
- n) Implementation of the recommendations of the Geotechnical Report;
- o) Implementation of the recommendations of the Biophysical Impact Assessment and/or Wetland Impact Assessment;
- p) Alberta Environment approvals are required for disturbance to any onsite wetlands, prior to signing of the Development Agreement.
- q) Payment of any applicable off-site levies, at the then applicable rates, as of the date of the Development Agreement.
- r) Payment of all applicable contributions to the County or third parties for oversized or excess capacity infrastructure, roads and/or services; and
- s) The construction of any oversized or excess capacity infrastructure, roads and/or services benefitting the Owner's lands and development and other lands.

As contemplated by and in accordance with Section 650, 655, 651 and 648 of the MGA and Council policies respecting infrastructure and cost recovery.

#### *Transportation and Access*

- 3) The Owner shall submit an updated Traffic Impact Assessment (TIA) in accordance with the County Servicing Standards and the Balzac Global TIA.
  - a) Any improvements identified or road right-of-way that is required will be constructed and dedicated at the Owner's expense;



- b) If the recommendations of the updated TIA require additional improvements to the existing roadway and intersection network, then the Development Agreement shall address these improvements; and
- c) The Owner is to provide for the dedication of land as road widening for the proposed intersection locations on Dwight McLellan Trail, as generally shown on the tentative plan, in accordance with the approved TIA.

#### *Site Servicing*

- 4) The Owner shall submit a detailed wastewater servicing study to support the development. The study shall confirm the servicing capacity required for the development of the proposed parcel and determine if offsite upgrades to the regional system are required.
  - a) If offsite upgrades or additional lift station capacity are required, then all improvements shall be constructed under a Development Agreement; and
  - b) Improvements that benefit other lands will qualify for Cost Recovery in accordance with Rocky View County Policy 406.
- 5) The Owner shall submit a detailed potable water servicing and hydraulic design study to ensure the pipelines are adequately sized considering existing and future phases. The study shall confirm servicing requirements for this phase are in place and include provision for fire protection in accordance with the County Servicing Standards.
- 6) The Owner shall enter into a Capacity Allocation Agreement for servicing allocation to the Lots created in this development. The agreement shall be based on the servicing need identified in the wastewater and potable water servicing studies approved under Conditions 4 and 5.

#### *Developability*

- 7) The Owner shall submit a Stormwater Management Report and detailed stormwater servicing design, including any improvements related to water re-use, LID measures, purple pipe system, and irrigation system for the proposed development in accordance with the County Servicing Standards and any applicable Provincial regulations, standards, and/or guidelines. Implementation of the report shall include:
  - a) All improvements shall be constructed under a Development Agreement;
  - b) Registration of any required easements and / or utility rights-of-way;
  - c) Provision of necessary approvals and compensation to Alberta Environment and Parks for wetland loss and mitigation; and
  - d) Provision of necessary Alberta Environment and Parks registration documentation and approvals for the stormwater infrastructure system.
- 8) The Owner shall submit an updated Biophysical or Wetlands Impact Assessment to confirm the status of regulatory approvals related to the existing wetlands onsite.
  - a) The Owner is responsible for securing any approvals related to Provincial and Federal environmental regulations or legislation; these approvals are required to be provided to the County prior to issuance of the Development Agreement.
- 9) The Owner shall submit a Geotechnical Investigation in accordance with the County Servicing Standards to verify that the site is suitable for the proposed buildings, site works, and utilities.
  - a) A Deep Fill report shall be submitted for any areas with greater than 1.20 m of fill.



### *Site Construction*

- 10) The Owner shall submit a full Erosion and Sediment Control Plan and Report in accordance with the County Servicing standards.
- 11) The Owner shall provide a Construction Management Plan that is to include, but not limited to, noise, sedimentation and erosion control, traffic accommodation, construction waste management, and construction management details. Specific other requirements include:
  - a) Weed management during construction phases of the project;
  - b) Implementation of the Construction Management Plan recommendations will be ensured through the Development Agreement.

### *Association and Condominium Association*

- 12) The Owner shall legally establish a Lot Owners' Association (LOA) and register an encumbrance against the title of each new lot, requiring that each individual Lot Owner is a member of the LOA, or register an instrument against the title of each lot that is satisfactory to the County, to oversee the management of common infrastructure.
  - a) The instrument shall specify the future obligations of the Lot Owners or others, to manage any common stormwater infrastructure including but not limited to irrigation infrastructure.

### *Municipal Reserve*

- 13) The provision of Municipal Reserve in the amount of 10 percent of the gross area of the subject lands, 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 Altus Group Limited, dated July 18, 2019, pursuant to Section 666(3) of the *Municipal Government Act*.

### *Payments and Levies*

- 14) The Owner shall pay the Water and Wastewater Off-Site Levy in accordance with Bylaw C-7273-2013. The County shall calculate the total amount owing:
  - a) Based on the engineering assessment of the projected usage.
- 15) The Owner shall pay the Transportation Off-Site Levy (including the Base Levy and Special Area) in accordance with Bylaw C-7356-2014 prior to entering into the Development Agreement. The County shall calculate the total amount owing:
  - a) From the total gross acreage of the lands to be subdivided as shown on the Plan of Survey.
- 16) The Owner shall pay the County Subdivision Endorsement fee, in accordance with the Master Rates Bylaw, for the creation of three new lots.
- 17) The Owner shall be responsible for all required payments of third party reviews and/or inspection as per the Master Rates Bylaw, as amended.

### *Taxes*

- 18) 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 Applicant/Owners with a Voluntary Recreation Contribution Form and ask them if they will contribute to the Fund in accordance with the contributions prescribed in the Master Rates Bylaw.



**APPENDIX 'C': LETTERS**

No letters were received.

## PLANNING AND DEVELOPMENT SERVICES

**TO:** Subdivision Authority

**DATE:** October 22, 2019

**DIVISION:** 7

**APPLICATION:** PL20180133

**SUBJECT:** Subdivision Item: McLellan Business Park multi-lot subdivision

**APPLICATION:** To create a multi-lot Business Park with lot sizes ranging from  $\pm 7.30$  acres to  $\pm 21.41$  acres.

**GENERAL LOCATION:** Located in the Balzac East area, just north of city of Calgary, approximately 0.8 km (1/2 mile) south of Crossiron Drive on the east side of Dwight McLellan Trail.

**LAND USE DESIGNATION:** Direct Control Bylaw (DC-99)

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

Administration recommends Approval in accordance with Option #1.

### **OPTIONS:**

Option #1: THAT Subdivision Application PL20180133 be approved with the conditions noted in Appendix 'B'.

Option #2: THAT Subdivision Application PL20180133 be refused as per the reasons noted.

### **AIR PHOTO & DEVELOPMENT CONTEXT:**



<sup>1</sup> **Administration Resources**

Johnson Kwan and Gurbir Nijjar – Planning and Development Services





**APPLICANT:** Urban System Survey Inc.

**OWNER:** Pacific East Balzac GP Ltd.

**APPLICATION EVALUATION:**

The application was evaluated based on the technical reports submitted with the application and the applicable policies and regulations.

<p><b>APPLICABLE POLICY AND REGULATIONS:</b></p> <ul style="list-style-type: none"> <li>• <i>Municipal Government Act</i>;</li> <li>• Subdivision and Development Regulations;</li> <li>• Municipal Development Plan;</li> <li>• Balzac East Area Structure Plan;</li> <li>• McLellan Business Park Conceptual Scheme;</li> <li>• Land Use Bylaw; and</li> <li>• County Servicing Standards.</li> </ul>	<p><b>TECHNICAL REPORTS SUBMITTED:</b></p> <ul style="list-style-type: none"> <li>• Phase 1 Environmental Site Assessment (Levelton Consultants, December 2014)</li> <li>• East Balzac Network Review (Watt Consulting Group, June 2015)</li> <li>• Transportation Impact Assessment (Bunt &amp; Associates, March 2016)</li> <li>• Preliminary Geotechnical Evaluation (McIntosh Lalani Engineering Ltd., July 2015)</li> <li>• Conceptual Stormwater Management Report (Kellam Berg Engineering and Surveys Ltd., November 2016)</li> </ul>
---	---

*McLellan Business Park Conceptual Scheme (Bylaw C-7624-2016)*

The McLellan Business Park Conceptual Scheme was approved by Council in 2016; it provides a policy framework to guide future subdivision and development with SE-03-26-29-W04M.

As noted in the Conceptual Scheme, lot sizes were intended to be finalized at the subdivision stage and adjusted to suit a prospective lot purchaser's requirement. The proposed subdivision consists of lot sizes that are greater than those contemplated at the Conceptual Scheme stage. Overall, the proposed subdivision is consistent with the Conceptual Scheme.

*Direct Control Bylaw DC-99 (C-6031-2005)*

The subject land falls under Cell C of DC-99. Section 2.5.0 of the DC Bylaw outlines a list of commercial and industrial uses that can be applied for in Cell C. Any site-specific assessments will be addressed at future Development Permit stages.

*Servicing*

The East Rocky View Water Distribution System and the East Rocky View Waste Water Transmission Line will service the proposed subdivision.

The Developer will construct all servicing infrastructure to the County's satisfaction. The development will require off-site connections to existing water mains located within Township Road 261 (Crossiron Drive), which will coincide with the first phase of subdivision.

*Transportation*

The primary access is from Dwight McLellan Trail. Secondary access from Range Road 292. Sidewalks will be provided on the north side of McLellan Drive (to be integrated with the regional pathway system), and on one side of the internal roads. A pedestrian connection to the area surrounding the stormwater ponds will be provided as part of the pedestrian network.



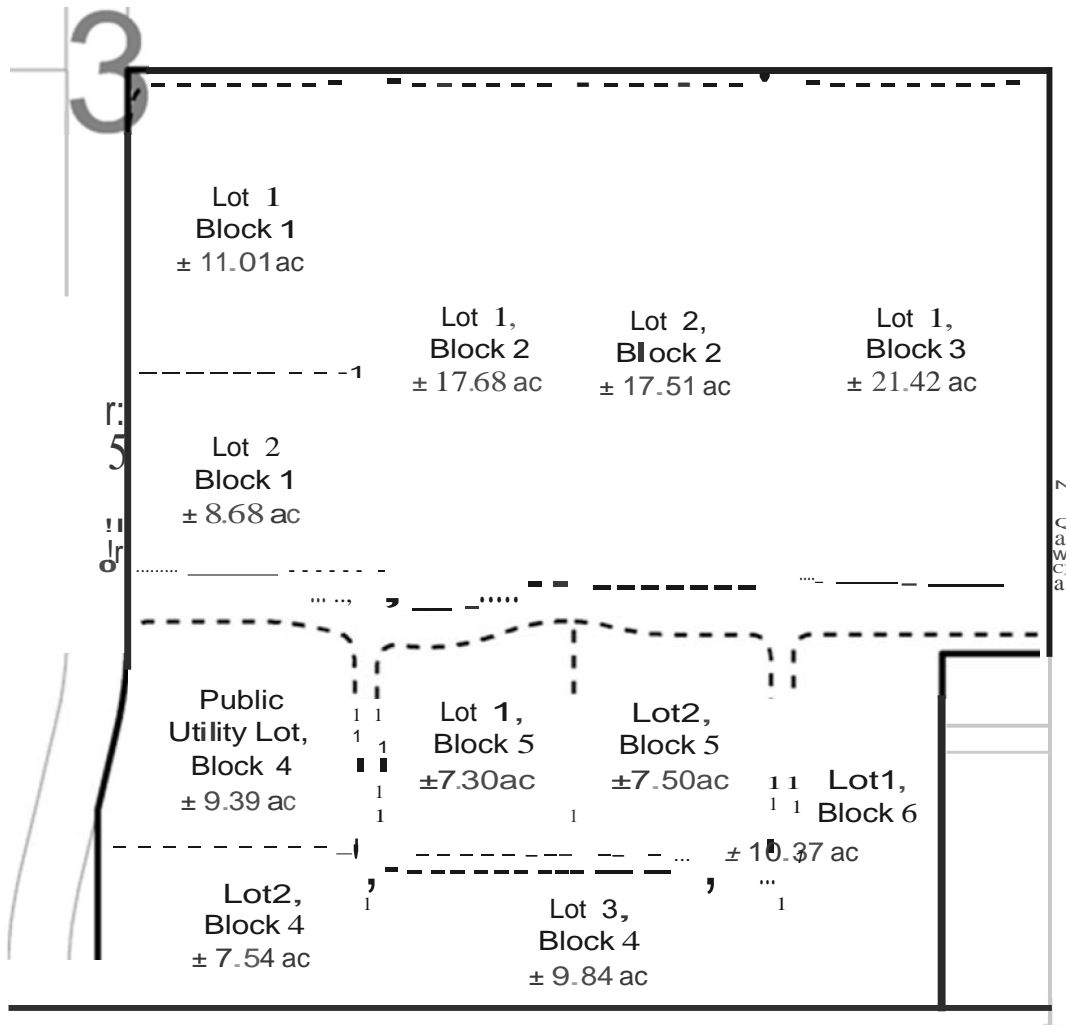
*Payment and Levies:*

The Applicant/Owner is required to pay the Transportation Off-Site Levy, Water and Wastewater Off-Site Levy, as well as Municipal Reserve.

ESTIMATED FEE/LEVY	AMOUNT \$
<p><i>Transportation Offsite Levy</i></p> <ul style="list-style-type: none"> <li>Base Levy = \$ 4,595 x ± 146.65 acres = \$673,856.75.</li> <li>Special Levy = \$ 18,638 x ± 146.65 acres = \$2,733,262.70</li> <li>Total Levy = Base Levy + Special Levy = \$3,407,119.45</li> </ul>	Approximately \$ 3,407,119.45 to be confirmed via plan of survey.
<p><i>Water and Wastewater Off-Site Levy</i></p> <ul style="list-style-type: none"> <li>\$37,232.28/m3/day (plus borrowing costs to payment date) of capacity requested for each parcel</li> </ul>	To be confirmed as part of the Cost Contribution and Capacity Allocation Agreement for servicing allocation to the lot(s) created in each phase (Condition #3).
<p><i>MUNICIPAL RESERVE (\$/ACRE)</i></p> <ul style="list-style-type: none"> <li>\$100,000 per acre according to the land appraisal prepared by Altus Group Limited, dated February 21, 2019</li> </ul>	Approximately \$1,466,500 to be confirmed via plan of survey.

*Tentative Plan*

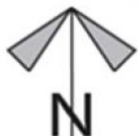
Subdivision Proposal To create a multi-lot Business Park with lot sizes ranging from 7.30 acres to 21.42 acres.



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**



**SE-03-26-29-W04M**

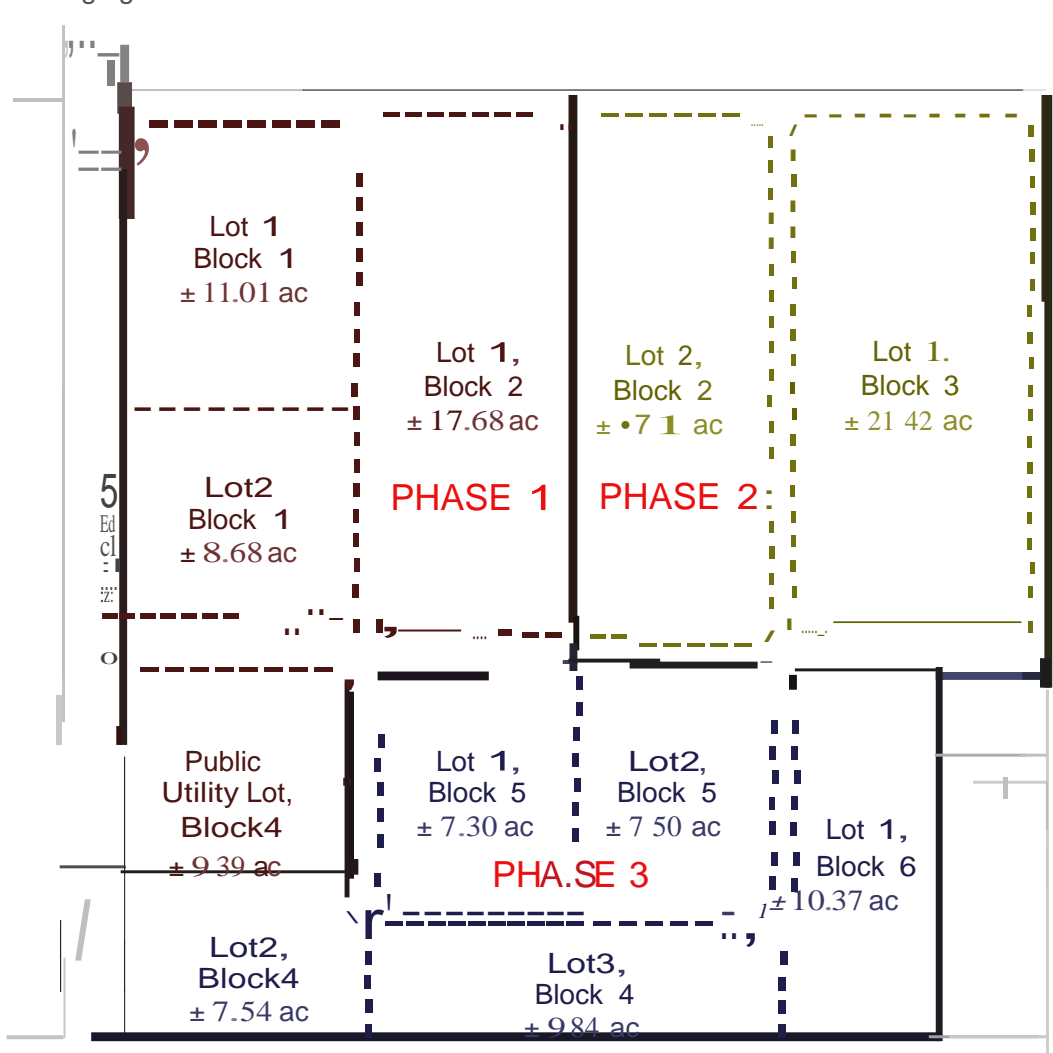
Date: August 29,  
 2019

Division# 7

File: 06403001

*Phasing Plan*

**Subdivision Proposal:** To create a multi-lot Business Park with lot sizes ranging from 7.30 acres to 21.42 acres.



**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.

**PHASING PLAN**

**SE-03-26-29-W04M**

Date: August 29, 2019

Division #

File: 06403001

7



**CONCLUSION:**

Subject to the proposed conditions of approval, the application is recommended for Approval.

Respectfully submitted,

Concurrence,

“Matthew Wilson”

“Al Hoggan”

---

Acting Executive Director  
Community Development Services

---

Chief Administrative Officer

Johnson Kwan/lt

**APPENDICES:**

APPENDIX ‘A’: Maps and Other Information

APPENDIX ‘B’: Approval Conditions

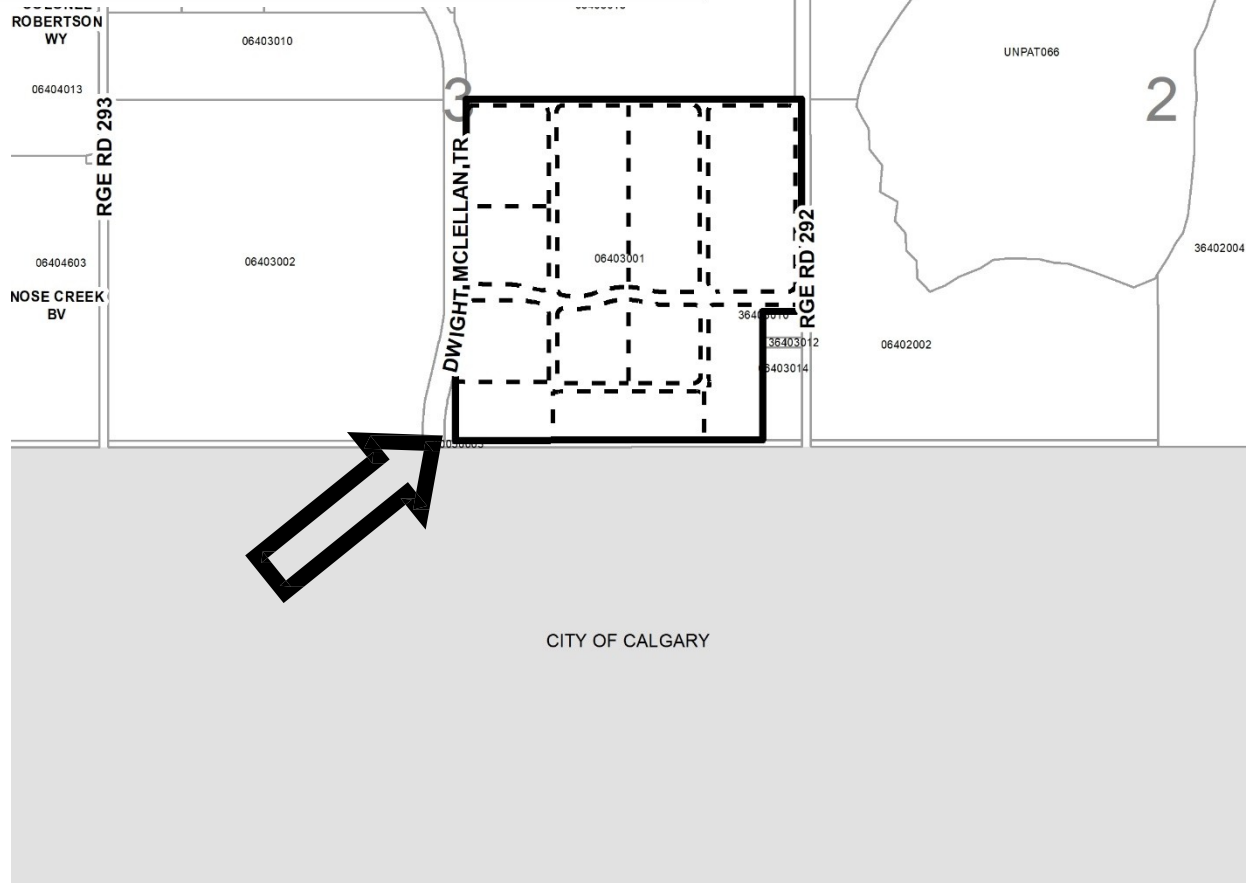
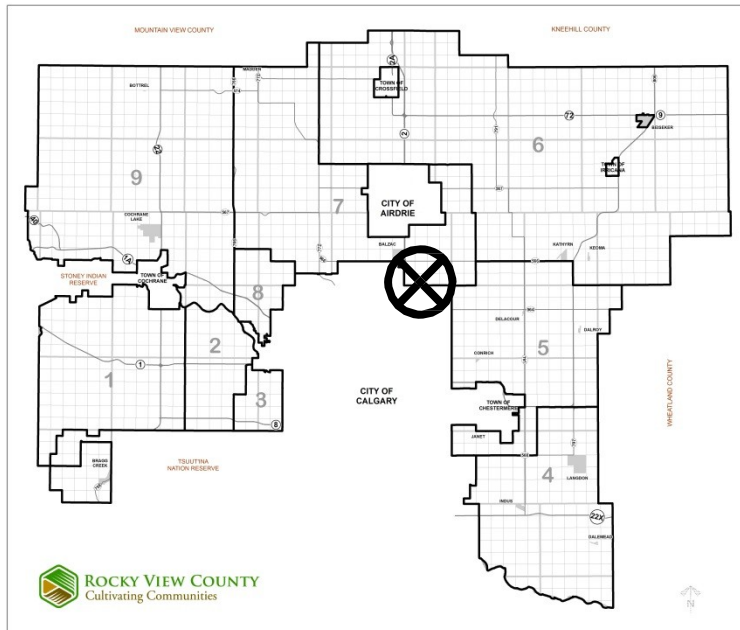
APPENDIX ‘C’: Letters



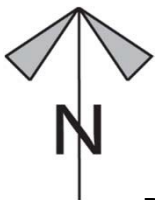
#### APPENDIX 'A': MAPS AND OTHER INFORMATION

<b>DATE APPLICATION RECEIVED:</b> Original application – November 19, 2018 First Revision – March 6, 2019 Second Revision - August 28, 2019	<b>DATE DEEMED COMPLETE:</b> August 28, 2019
<b>GROSS AREA:</b> ± 146.65 acres	<b>LEGAL DESCRIPTION:</b> SE-03-26-29-W04M
<b>APPEAL BOARD:</b> Municipal Government Board	
<b>HISTORY:</b>  <div data-bbox="175 640 1479 741"> <b>December 2016</b> Council approved the McLellan Business Park Conceptual Scheme (Bylaw C-7624-2016) to provide a policy framework to guide future subdivision and development within SE-03-26-29-W04M. </div> <div data-bbox="175 758 1479 858"> <b>March 2005</b> Council approved Direct Control Bylaw C-6031-2005 (DC-99) to provide for the development of the Balzac East Special Development Area #4 Lands for commercial and industrial uses. </div> <div data-bbox="175 875 1479 976"> <b>September 2000</b> Council approved the Balzac East Area Structure Plan (Bylaw C-5177-2000) to provide a policy framework to guide future land use, subdivision, and development in the Balzac East area. </div>	
<b>PUBLIC &amp; AGENCY SUBMISSIONS:</b>  The application was circulated to 18 adjacent landowners. No letters in support or opposition were received.  The application was also circulated to a number of internal and external agencies and, where appropriate, conditions of approval have been proposed based on these comments.	





LOCATION PLAN

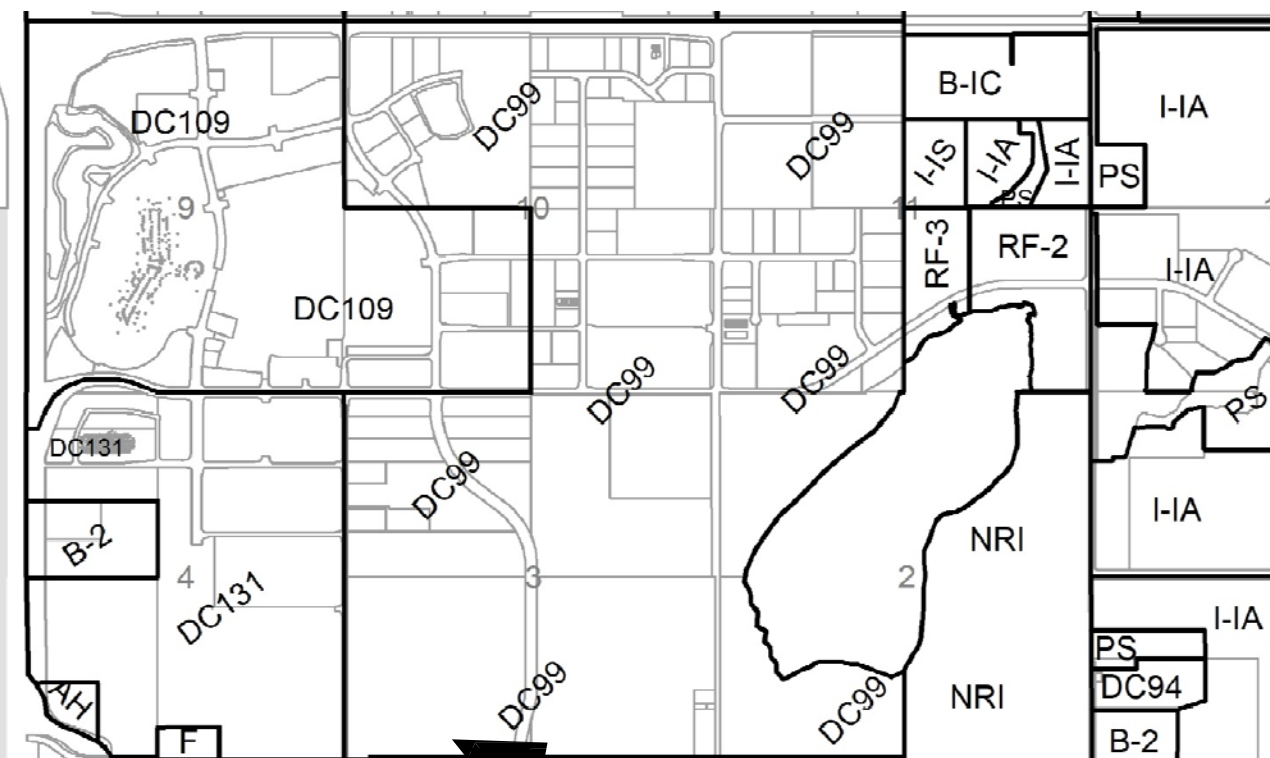


SE-03-26-29-W04M

Date: August 29, 2019

Division # 7

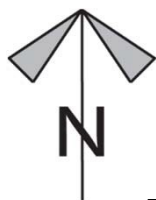
File: 06403001



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



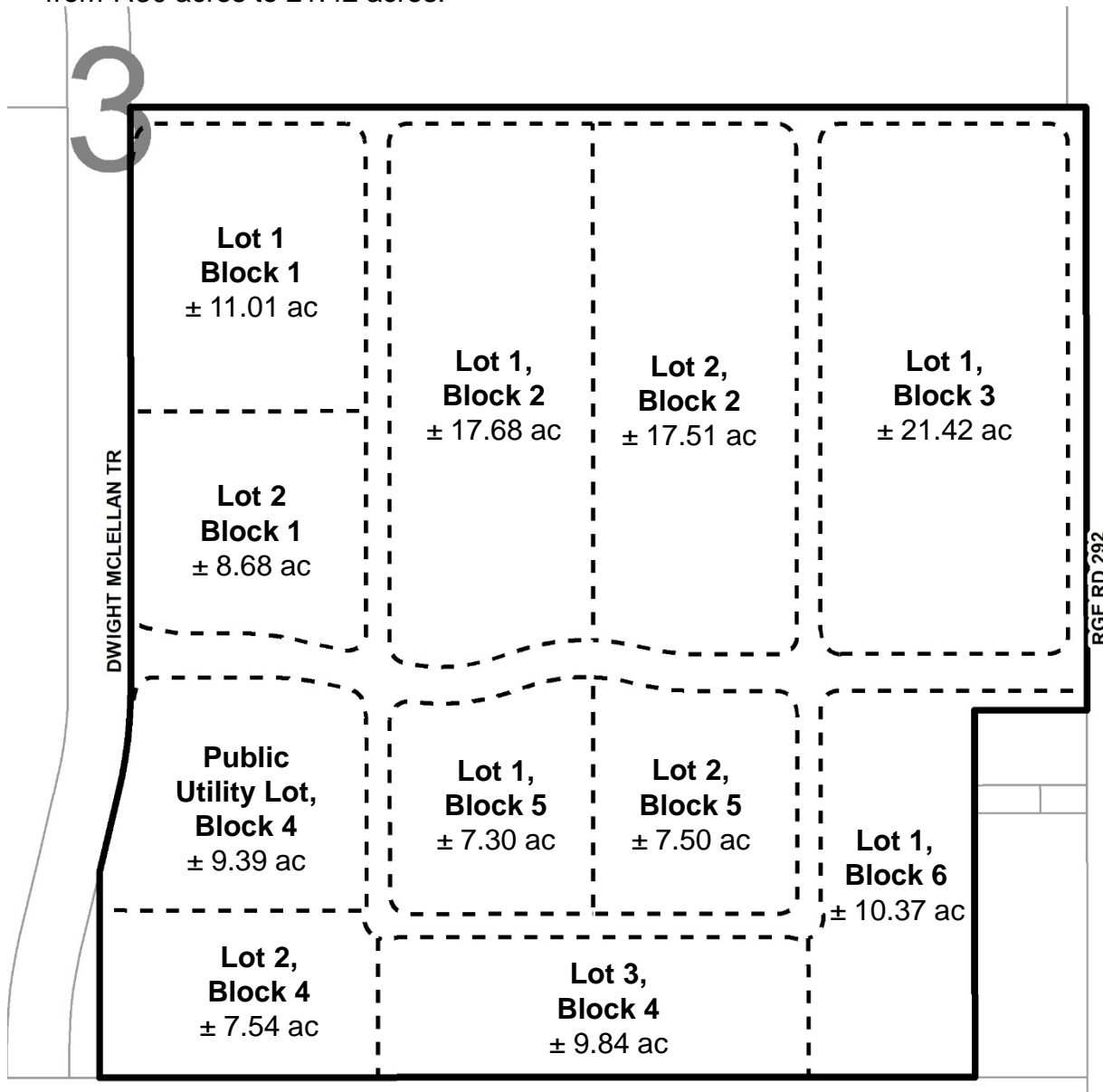
SE-03-26-29-W04M

Date: August 29, 2019

Division # 7

File: 06403001

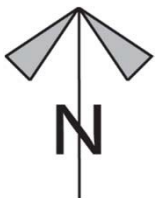
**Subdivision Proposal:** To create a multi-lot Business Park with lot sizes ranging from 7.30 acres to 21.42 acres.



**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**



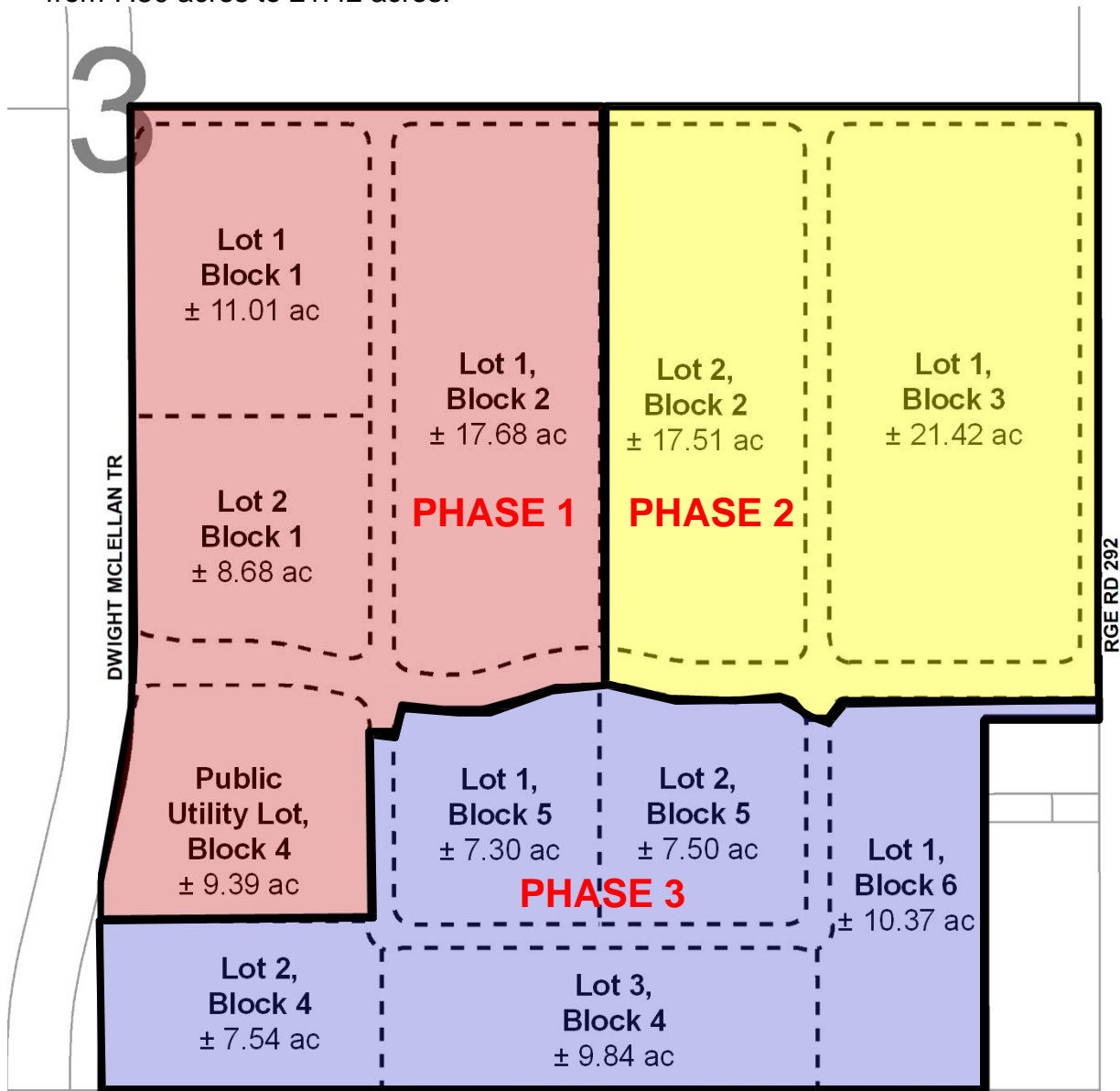
SE-03-26-29-W04M

Date: August 29, 2019

Division # 7

File: 06403001

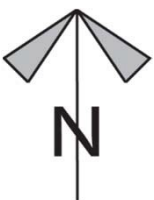
**Subdivision Proposal:** To create a multi-lot Business Park with lot sizes ranging from 7.30 acres to 21.42 acres.



**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.

**PHASING PLAN**

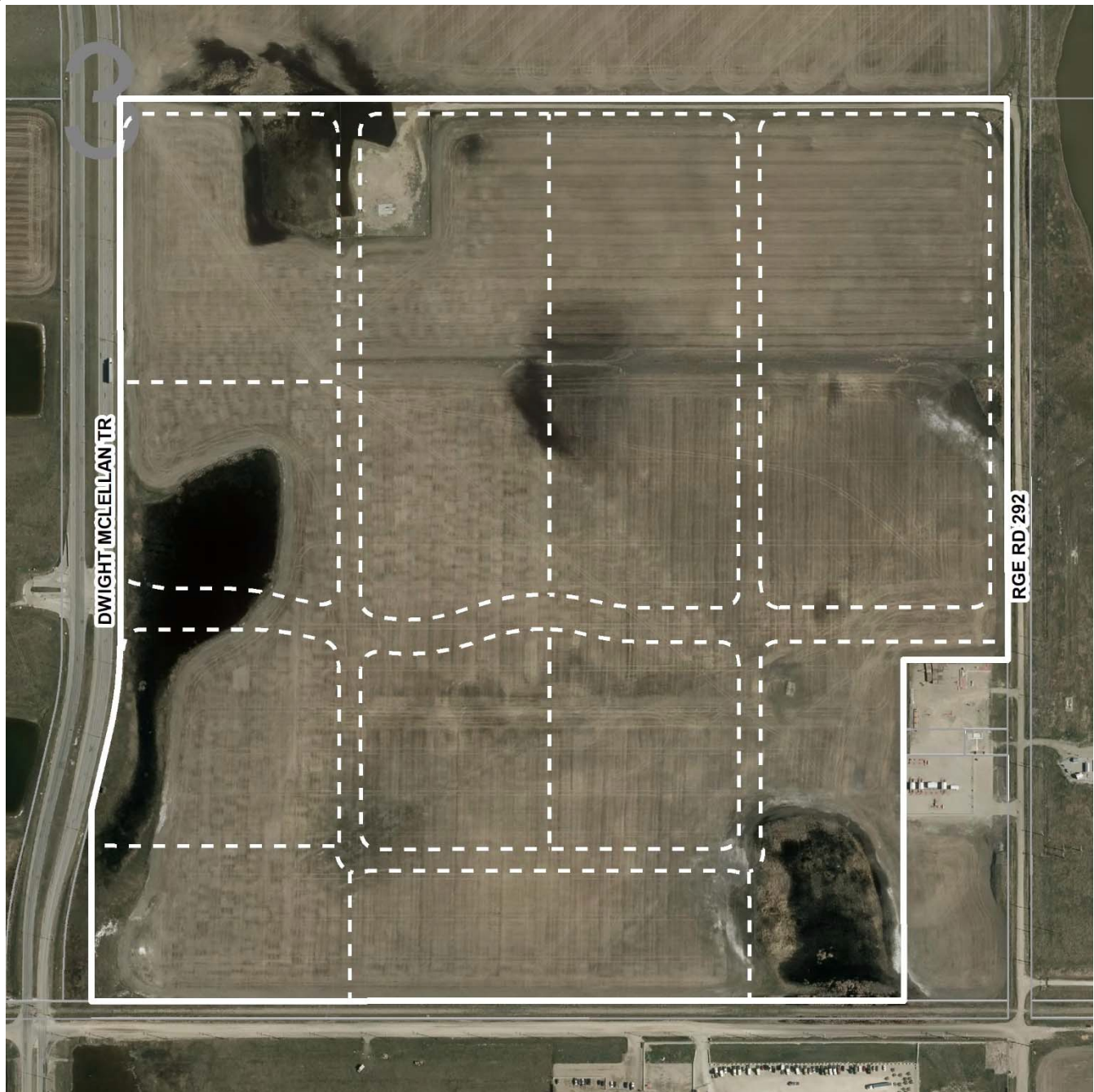


SE-03-26-29-W04M

Date: August 29, 2019

Division # 7

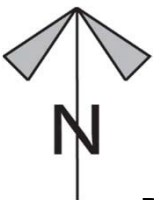
File: 06403001



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

**AIR PHOTO**

*Spring 2018*



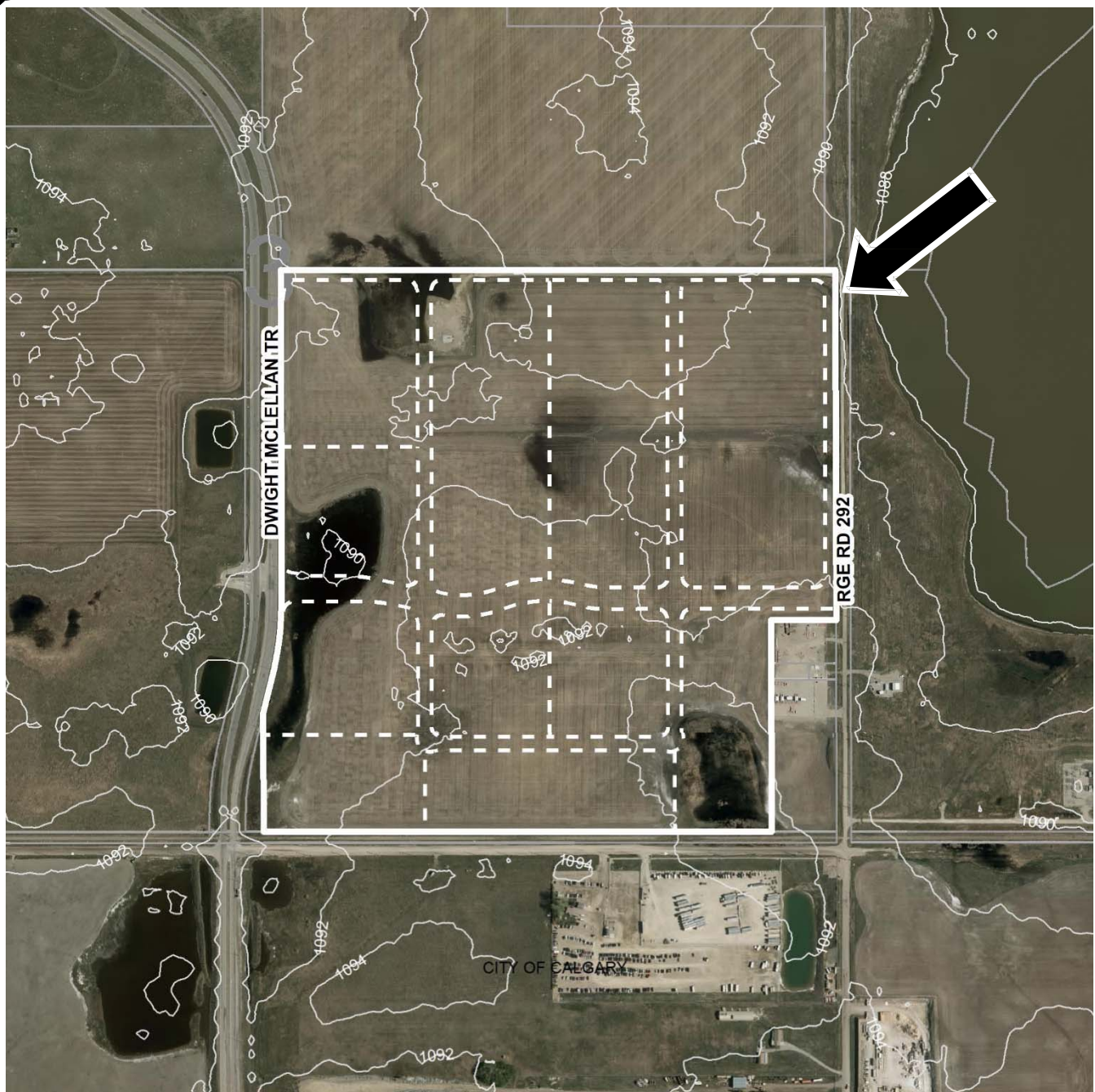
SE-03-26-29-W04M

Date: August 29, 2019

Division # 7

File: 06403001

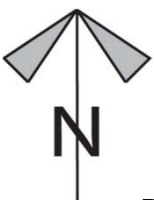




Contours are generated using 10m grid points, and depict general topographic features of the area. Detail accuracy at a local scale cannot be guaranteed. They are included for reference use only.

## TOPOGRAPHY

*Contour Interval 2 M*



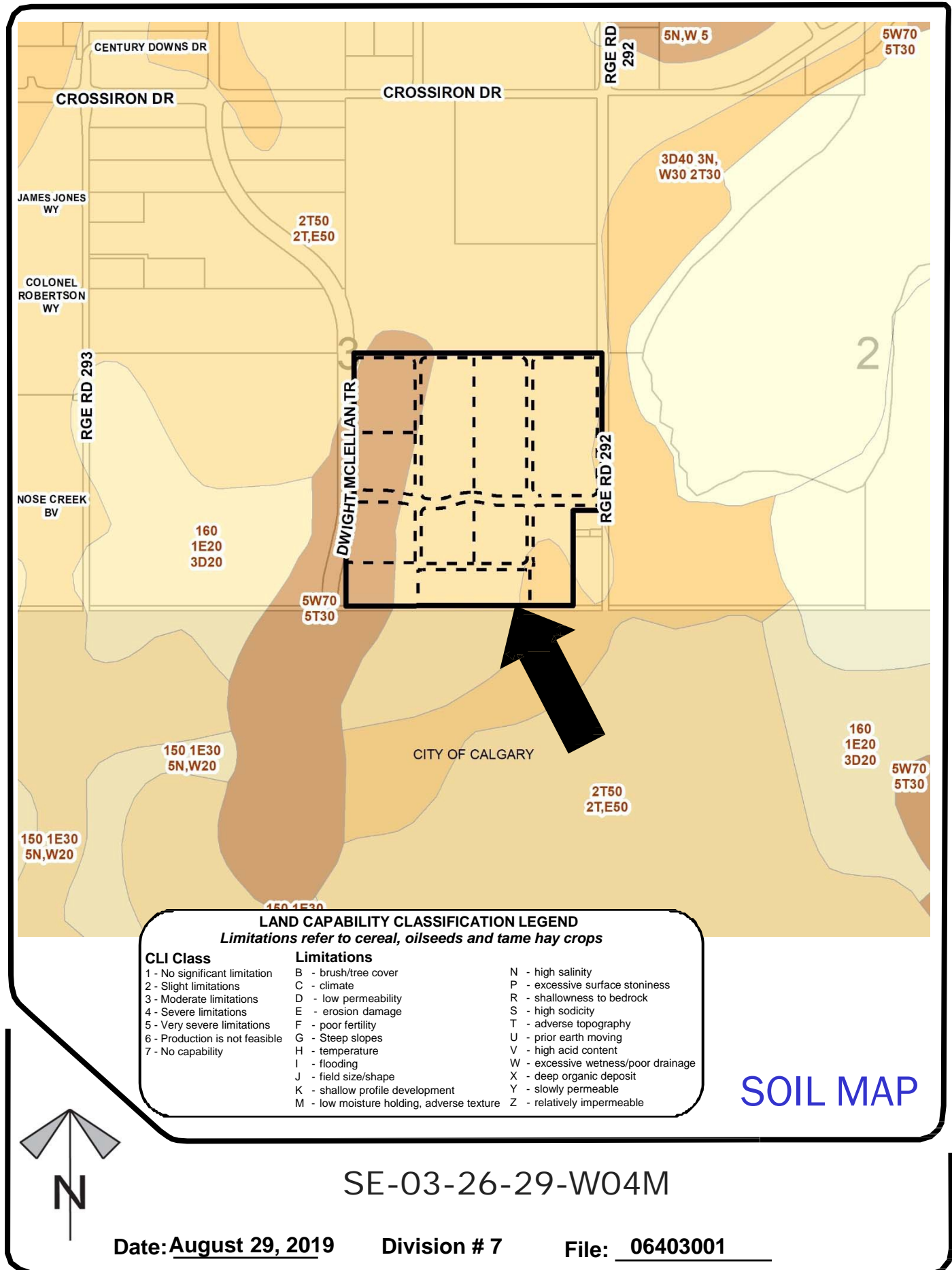
SE-03-26-29-W04M

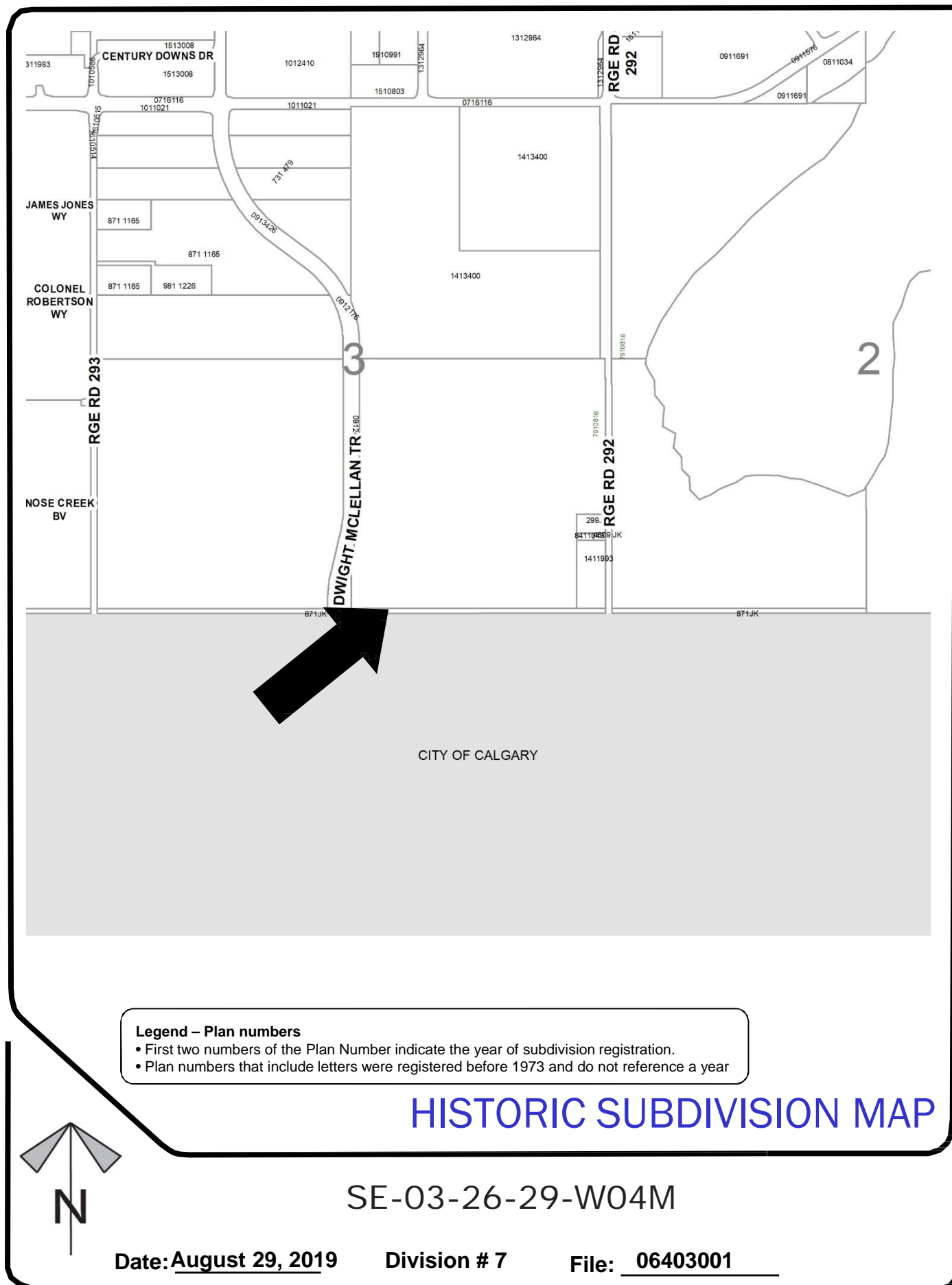
Date: August 29, 2019

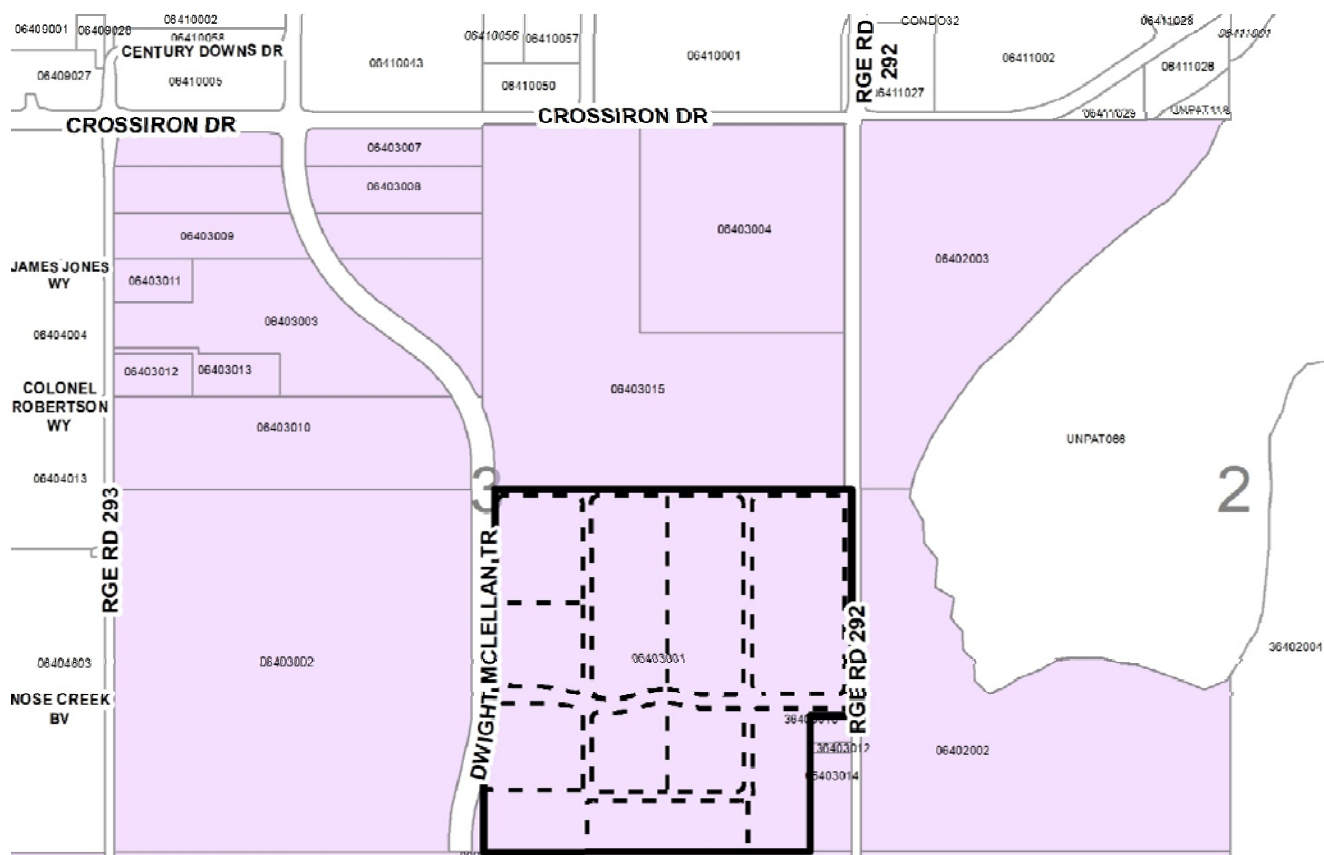
Division # 7

File: 06403001





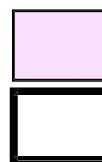




Letters in Opposition

Letters in Support

## Legend



Circulation Area

Subject Lands

## LANDOWNER CIRCULATION AREA

SE-03-26-29-W04M

Date: August 29, 2019

Division # 7

File: 06403001



## APPENDIX 'B': APPROVAL CONDITIONS

- A. **PHASE ONE:** That the application to create three (3) lots (ranging from 8.68 acres to 17.68 acres in size), public internal road system, and a Public Utility Lot ( $\pm$  9.39 acres) at SE-03-26-29-W04M, having been evaluated in terms of Section 654 of the *Municipal Government Act* and Section 7 and 14 of the Subdivision and Development Regulations, and having considered adjacent landowner submissions, is approved as per the Tentative Plan for the reasons listed below:
1. The application is consistent with the Statutory Policy;
  2. The subject lands hold the appropriate land use designation;
  3. The technical aspects of the subdivision proposal have been considered and are further addressed through the conditional approval requirements.
- B. The Applicant/Owner is required, at their expense, to complete all conditions attached to and forming part of this conditional subdivision approval prior to Rocky View County (the County) authorizing final subdivision endorsement. This requires submitting all documentation required to demonstrate each specific condition has been met, or agreements (and necessary securities) have been provided to ensure the conditions will be met, in accordance with all County Policies, Standards, and Procedures, to the satisfaction of the County, and any other additional party named within a specific condition. Technical reports required to be submitted as part of the conditions must be prepared by a qualified professional, licensed to practice in the province of Alberta within the appropriate field of practice. The conditions of this subdivision approval do not absolve an Applicant/Owner from ensuring all permits, licenses, or approvals required by Federal, Provincial, or other jurisdictions are obtained.
- C. Further, in accordance with Section 654 and 655 of the *Municipal Government Act*, the application shall be approved subject to the following conditions of approval:



### Survey Plans

- 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.

### Development Agreement

- 2) The Owner is to enter into a Development Agreement pursuant to Section 648, 650, 651 and 655 of the *Municipal Government Act* in accordance with the approved Tentative Plan and shall include, without restriction, the following:
  - a) Design and construction of a public road system with associated infrastructure which includes the following:
    - i. Intersection upgrades and treatments in accordance with the approved Transportation Impact Assessment (TIA);
    - ii. Installation of Traffic Signals at Dwight McLellan Trail and the proposed access road(s) in accordance with the approved TIA;
    - iii. Additional offsite upgrades, if any, in accordance with the approved TIA;
    - iv. Approaches to each lot;
    - v. Temporary cul-de-sac(s) including access easement(s);
    - vi. Sidewalks/Pathways;
  - b) Design and construction of Landscaping features for all public pathways, and public roadways and the Public Utility Lot, in accordance with the approved Landscaping Plan;
  - c) Design and construction of a piped wastewater system with connection to the East Rocky View Wastewater System and related infrastructure;
    - (a) A detailed sanitary servicing study is required in order to confirm the servicing capacity required for the development of the proposed parcels, and to determine if offsite upgrades to the regional system or additional lift station capacity is required;
    - (b) If offsite upgrades or additional lift station capacity are required then all improvements shall be constructed as part of the Development Agreement;
    - (c) Improvements that benefit other lands will qualify for cost recovery in accordance with Rocky View County policy 406.
  - d) Design and construction of a piped water distribution system and fire suppression system;
    - (a) A detailed potable water servicing and hydraulic design study is required in order to ensure the pipelines are sized adequately considering existing and future phases, to determine if upgrades or additional infrastructure is required, and to confirm servicing requirements for this phase are in place and include provision for fire protection in accordance with the County Servicing Standards;
    - (b) All improvements shall be constructed as part of the Development Agreement.
  - e) Design and construction of a fire suppression system in accordance with Bylaw C-7259-2013, as amended;



- f) Design, construction and implementation of the recommendations of the approved Stormwater Management Plan;
- g) Dedication of necessary easements and right of ways for utility line assignments;
- h) Mailboxes are to be located in consultation with Canada Post;
- i) Installation of power, natural gas, and telephone lines;
- j) Implementation of the recommendations of the Construction Management Plan;
- k) Implementation of the recommendations of the Geotechnical Report;
- l) Implementation of the Biophysical Impact Assessment and/or Wetland Impact Assessment;
  - (a) Alberta Environment and Parks approvals are required for disturbance to any onsite wetlands, prior to signing of the Development Agreement.
- m) Payment of any applicable off-site levies, at the then applicable rates, as of the date of the Subdivision Approval.
- n) Payment of all applicable contributions to the County or third parties for oversized or excess capacity infrastructure, roads and/or services;
- o) The construction of any oversized or excess capacity infrastructure, roads and/or services benefiting the Owner's lands and development and other lands.

#### Water & Wastewater Servicing

- 3) The Owner shall enter into a Cost Contribution and Capacity Allocation Agreement for servicing allocation to the lot(s) created in this phase. The agreement shall be based on the servicing need identified in the detailed servicing study as approved by the County.

#### Transportation and Access

- 4) The Owner shall provide an update to the Traffic Impact Assessment (2016 and 2019), demonstrating the validity of the previously provided TIA, or identifying any changes and detailing the related required improvements in accordance with the Rocky View County 2013 Servicing Standards and the Balzac Global TIA.
  - a) If the recommendation of the TIA identify improvements are required, then the Owner shall enter into a Development Agreement (on-site upgrades) or a Special Improvement Development Agreement (off-site upgrades) with the County, addressing the design and construction of the required improvements. Any improvements or additional road right of way required will be at the Owner's expense.
  - b) The Owner is to provide for the dedication of land as road widening for the proposed intersection locations on Dwight McLellan Trail in accordance with the approved TIA.

#### Road Naming

- 5) The Owner shall obtain approval for road naming by way of application to, and consultation with, the County.

#### Geotechnical Conditions

- 6) The Owner shall submit a Geotechnical investigation in accordance with the County Servicing Standards to verify the site is suitable for the proposed buildings, site works, and utilities.
  - a) A Deep Fill report is required in accordance with the County Servicing Standards for any areas with greater than 1.2 meters of fill.





### *Stormwater Conditions*

- 7) The Owner shall submit a Stormwater Management Plan and detailed stormwater servicing design, including any improvements related water re-use Low Impact Development measures, purple pipe system, and irrigation system for the proposed development in accordance with the County Servicing Standards and any applicable Provincial regulations, standards, and/or guidelines. Implementation of the Stormwater Management Plan shall include:
  - a) If the recommendations of the Stormwater Management Plan require improvements, then a Site Improvements/Services Agreement shall be entered into;
  - b) Registration of any required easements and/or utility Rights-of-Way;
  - c) Necessary approvals and compensation provided to Alberta Environment for wetland loss and mitigation;
  - d) Necessary Alberta Environment licensing documentation for the stormwater infrastructure system.

### *Environmental Study*

- 8) The Owner shall submit an updated Biophysical or Wetland Impact Assessment to confirm the status of regulatory approvals related to the existing wetlands on site.
  - a) The Owners remain responsible for securing any approvals related to Provincial and Federal environmental regulations or legislation; these approvals are required to be provided for County records prior to issuance of the Development Agreement.

### *Site Construction*

- 9) The Owner shall submit a full Erosion and Sediment Control Plan and Report in accordance with the County Servicing standards.
- 10) The Owner shall provide a Construction Management Plan that is to include, but not limited to, noise, sedimentation and erosion control, construction waste management, firefighting procedures, evacuation plan, hazardous material containment, traffic accommodation, management of stormwater during construction, weed control, construction and management details.

### *Association and Condominium Association*

- 11) The Owner shall legally establish a Lot Owners' Association (LOA) and register an encumbrance against the title of each new lot, requiring that each individual Lot Owner is a member of the LOA, or register an instrument against the title of each lot that is satisfactory to the County, to oversee the management of common infrastructure.
  - a) The instrument shall specify the future obligations of the Lot Owners or others, to manage any common stormwater infrastructure including, but not limited, to irrigation infrastructure.



### *Municipal Reserves*

- 12) The provision of Municipal Reserve in the amount of 10 percent of the gross area to be subdivided for Phase 1, 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 Altus Group Limited, dated February 21, 2019, pursuant to Section 666(3) of the *Municipal Government Act*.
  - a) Reserves for the remainder lands are to be deferred with Caveat for Phase 2 and 3 pursuant to Section 669(2) of the *Municipal Government Act*. If all phases are to be registered concurrently, the full outstanding balance of Municipal Reserve must be provided.

### *Payments and Levies*

- 13) The Owner shall pay the Water and Wastewater Off-Site Levy in accordance with C-7273-2013, for Lot 1 and Lot 2 Block 1, and Lot 1 Block 2.
  - a) If required, the Applicant/Owner shall enter into any related agreements for payment of the Water and Wastewater Off-Site Levy for the subject lands.
- 14) The Owner shall pay the Transportation Off-Site Levy in accordance with Bylaw C-7356-2014 prior to entering into the Development Agreement. The County shall calculate the total amount owing:
  - a) From the total gross acreage of all lots and roadways to be subdivided as shown on the Plan of Survey; and
  - b) The Levy shall be deferred on the remainder lands as shown the Lands to be subdivided as shown on the Approved Tentative Plan.
- 15) The Owner shall pay the County Subdivision Endorsement fee, in accordance with the Master Rates Bylaw, for the creation of four (4) new lot.
- 16) The Owner shall be responsible for all required payments of third party reviews and/or inspection as per the Master Rates Bylaw, as amended.

### *Taxes*

- 17) 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 Owners with a Voluntary Recreation Contribution Form and ask them if they will contribute to the Fund in accordance with the contributions prescribed in the Master Rates Bylaw.



- A. **PHASE TWO:** That the application to create two (2) lots (approximately 17.51 acres and 21.42 acres in size) and public internal road system at SE-03-26-29-W04M, having been evaluated in terms of Section 654 of the *Municipal Government Act* and Section 7 and 14 of the Subdivision and Development Regulations, and having considered adjacent landowner submissions, is approved as per the Tentative Plan for the reasons listed below:
1. The application is consistent with the Statutory Policy;
  2. The subject lands hold the appropriate land use designation;
  3. The technical aspects of the subdivision proposal have been considered and are further addressed through the conditional approval requirements.
- B. The Applicant/Owner is required, at their expense, to complete all conditions attached to and forming part of this conditional subdivision approval prior to Rocky View County (the County) authorizing final subdivision endorsement. This requires submitting all documentation required to demonstrate each specific condition has been met, or agreements (and necessary securities) have been provided to ensure the conditions will be met, in accordance with all County Policies, Standards, and Procedures, to the satisfaction of the County, and any other additional party named within a specific condition. Technical reports required to be submitted as part of the conditions must be prepared by a qualified professional, licensed to practice in the province of Alberta within the appropriate field of practice. The conditions of this subdivision approval do not absolve an Applicant/Owner from ensuring all permits, licenses, or approvals required by Federal, Provincial, or other jurisdictions are obtained.
- C. Further, in accordance with Section 654 and 655 of the *Municipal Government Act*, the application shall be approved subject to the following conditions of approval:



### *Phasing*

- 1) Prior to the endorsement and registration of a survey plan associated with Phase 2, the survey plan for Phase 1 must be registered and titles issued. Alternatively, Phase 1 and Phase 2 may be registered concurrently.

### *Survey Plans*

- 2) 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.

### *Development Agreement*

- 3) The Owner is to enter into a Development Agreement pursuant to Section 648, 650, 651 and 655 of the *Municipal Government Act* in accordance with the approved Tentative Plan and shall include, without restriction, the following:
  - a) Design and construction of a public road system with associated infrastructure which includes the following:
    - i. Upgrade of Range Road 292 to a paved commercial/industrial standard in accordance with the approved TIA and conceptual scheme;
    - ii. Intersection upgrades and treatments in accordance with the approved TIA;
    - iii. Installation of Traffic Signals at Dwight McLellan Trail and the proposed access road(s) in accordance with the approved TIA;
    - iv. Additional offsite upgrades, if any, in accordance with the approved TIA;
    - v. Approaches to each lot;
    - vi. Temporary cul-de-sac(s) including access easement(s);
    - vii. Sidewalks/Pathways;
  - b) Design and construction of Landscaping features for all public pathways, and public roadways in accordance with the approved Landscaping Plan;
  - c) Design and construction of a piped wastewater system with connection to the East Rocky View Wastewater System and related infrastructure;
    - i. A detailed sanitary servicing study is required in order to confirm the servicing capacity required for the development of the proposed parcels, and to determine if offsite upgrades to the regional system or additional lift station capacity is required;
    - ii. If offsite upgrades or additional lift station capacity are required then all improvements shall be constructed as part of the Development Agreement;
    - iii. Improvements that benefit other lands will qualify for cost recovery in accordance with Rocky View County policy 406.
  - d) Design and construction of a piped water distribution system and fire suppression system;
    - i. A detailed potable water servicing and hydraulic design study is required in order to ensure the pipelines are sized adequately considering existing and future phases, to determine if upgrades or additional infrastructure is required, and to confirm servicing requirements for this phase are in place and include provision for fire protection in accordance with the County Servicing Standards;



- ii. All improvements shall be constructed as part of the Development Agreement.
  - e) Design and construction of a fire suppression system in accordance with Bylaw C-7259-2013, as amended;
  - f) Design, construction and implementation of the recommendations of the approved Stormwater Management Plan;
  - g) Dedication of necessary easements and right of ways for utility line assignments;
  - h) Mailboxes are to be located in consultation with Canada Post;
  - i) Installation of power, natural gas, and telephone lines;
  - j) Implementation of the recommendations of the Construction Management Plan;
  - k) Implementation of the recommendations of the Geotechnical Report;
  - l) Implementation of the Biophysical Impact Assessment and/or Wetland Impact Assessment;
    - i. Alberta Environment and Parks approvals are required for disturbance to any onsite wetlands, prior to signing of the Development Agreement.
  - m) Payment of any applicable off-site levies, at the then applicable rates, as of the date of the Subdivision Approval.
  - n) Payment of all applicable contributions to the County or third parties for oversized or excess capacity infrastructure, roads and/or services;
  - o) The construction of any oversized or excess capacity infrastructure, roads and/or services benefiting the Owner's lands and development and other lands.

#### Water & Wastewater Servicing

- 4) The Owner shall enter into a Cost Contribution and Capacity Allocation Agreement for servicing allocation to the lot(s) created in this phase. The agreement shall be based on the servicing need identified in the detailed servicing study as approved by the County.

#### Transportation and Access

- 5) The Owner shall provide an update to the Traffic Impact Assessment (2016 and 2019), demonstrating the validity of the previously provided TIA, or identifying any changes and detailing the related required improvements in accordance with the Rocky View County 2013 Servicing Standards and the Balzac Global TIA.
  - a) If the recommendation of the TIA identify improvements are required, then the Owner shall enter into a Development Agreement (on-site upgrades) or a Special Improvement Development Agreement (off-site upgrades) with the County, addressing the design and construction of the required improvements. Any improvements or additional road right of way required will be at the Owner's expense.

#### Road Naming

- 6) The Owner shall obtain approval for road naming by way of application to, and consultation with, the County.

#### Geotechnical Conditions

- 7) The Owner shall submit a Geotechnical investigation in accordance with the County Servicing Standards to verify the site is suitable for the proposed buildings, site works, and utilities.



- a) A Deep Fill report is required in accordance with the County Servicing Standards for any areas with greater than 1.2 meters of fill.

*Stormwater Conditions*

- 8) The Owner shall submit a Stormwater Management Plan and detailed stormwater servicing design, including any improvements related water re-use Low Impact Development measures, purple pipe system, and irrigation system for the proposed development in accordance with the County Servicing Standards and any applicable Provincial regulations, standards, and/or guidelines. Implementation of the Stormwater Management Plan shall include:
  - a) If the recommendations of the Stormwater Management Plan require improvements, then a Site Improvements/Services Agreement shall be entered into;
  - b) Registration of any required easements and/or utility Rights-of-Way;
  - c) Necessary approvals and compensation provided to Alberta Environment for wetland loss and mitigation;
  - d) Necessary Alberta Environment licensing documentation for the stormwater infrastructure system.

*Environmental Study*

- 9) The Owner shall submit an updated Biophysical or Wetland Impact Assessment to confirm the status of regulatory approvals related to the existing wetlands on site.
  - a) The Owners remain responsible for securing any approvals related to Provincial and Federal environmental regulations or legislation; these approvals are required to be provided for County records prior to issuance of a Development Agreement.

*Site Construction*

- 10) The Owner shall submit a full Erosion and Sediment Control Plan and Report in accordance with the County Servicing standards.
- 11) The Owner shall provide a Construction Management Plan that is to include, but not limited to, noise, sedimentation and erosion control, construction waste management, firefighting procedures, evacuation plan, hazardous material containment, traffic accommodation, management of stormwater during construction, weed control, construction and management details.

*Municipal Reserves*

- 12) The provision of Municipal Reserve in the amount of 10 percent of the area to be subdivided for Phase 2, as determined by the Plan of Survey, is to be provided by payment of cash-in-lieu in accordance with the per acre value as listed in the land appraisal prepared by Altus Group Limited, dated February 21, 2019, pursuant to Section 666(3) of the *Municipal Government Act*.
  - a) Reserves for the remainder lands are to be deferred with Caveat pursuant to Section 669(2) of the *Municipal Government Act*. If all phases are to be registered concurrently, the full outstanding balance of Municipal Reserve must be provided.

*Payments and Levies*

- 13) The Owner shall pay the Water and Wastewater Off-Site Levy in accordance with C-7273-2013, for Lot 1 Block 3 and Lot 2 Block 2.
  - a) If required, the Applicant/Owner shall enter into any related agreements for payment of the Water and Wastewater Off-Site Levy for the subject lands.





- 14) The Owner shall pay the Transportation Off-Site Levy in accordance with Bylaw C-7356-2014 prior to entering into the Development Agreement. The County shall calculate the total amount owing:
  - a) From the total gross acreage of all lots and roadways to be subdivided as shown on the Plan of Survey; and
  - b) The Levy shall be deferred on the remainder lands as shown the Lands to be subdivided as shown on the Approved Tentative Plan.
- 15) The Owner shall pay the County Subdivision Endorsement fee, in accordance with the Master Rates Bylaw, for the creation of two (2) new lot.
- 16) The Owner shall be responsible for all required payments of third party reviews and/or inspection as per the Master Rates Bylaw, as amended.

#### Taxes

- 17) 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 Owners with a Voluntary Recreation Contribution Form and ask them if they will contribute to the Fund in accordance with the contributions prescribed in the Master Rates Bylaw.



- A. **PHASE THREE:** That the application to create five (5) lots (ranging from 7.30 acres to 10.37 acres in size) and public internal road system at SE-03-26-29-W04M, having been evaluated in terms of Section 654 of the *Municipal Government Act* and Section 7 and 14 of the Subdivision and Development Regulations, and having considered adjacent landowner submissions, is approved as per the Tentative Plan for the reasons listed below:
1. The application is consistent with the Statutory Policy;
  2. The subject lands hold the appropriate land use designation;
  3. The technical aspects of the subdivision proposal have been considered and are further addressed through the conditional approval requirements.
- B. The Applicant/Owner is required, at their expense, to complete all conditions attached to and forming part of this conditional subdivision approval prior to Rocky View County (the County) authorizing final subdivision endorsement. This requires submitting all documentation required to demonstrate each specific condition has been met, or agreements (and necessary securities) have been provided to ensure the conditions will be met, in accordance with all County Policies, Standards, and Procedures, to the satisfaction of the County, and any other additional party named within a specific condition. Technical reports required to be submitted as part of the conditions must be prepared by a qualified professional, licensed to practice in the province of Alberta within the appropriate field of practice. The conditions of this subdivision approval do not absolve an Applicant/Owner from ensuring all permits, licenses, or approvals required by Federal, Provincial, or other jurisdictions are obtained.
- C. Further, in accordance with Section 654 and 655 of the *Municipal Government Act*, the application shall be approved subject to the following conditions of approval:



### *Phasing*

- 1) Prior to the endorsement and registration of a survey plan associated with Phase 3, the survey plan for Phase 1 must be registered and titles issued. Alternatively, Phase 1 and Phase 3 may be registered concurrently.

### *Survey Plans*

- 2) 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.

### *Development Agreement*

- 3) The Owner is to enter into a Development Agreement pursuant to Section 648, 650, 651 and 655 of the *Municipal Government Act* in accordance with the approved Tentative Plan and shall include, without restriction, the following:
  - a) Design and construction of a public road system with associated infrastructure which includes the following:
    - i. Intersection upgrades and treatments in accordance with the approved TIA;
    - ii. Additional offsite upgrades, if any, in accordance with the approved TIA;
    - iii. Approaches to each lot;
    - iv. Temporary cul-de-sac(s) including access easement(s);
    - v. Sidewalks/Pathways;
  - b) Design and construction of Landscaping features for all public pathways, and public roadways in accordance with the approved Landscaping Plan;
  - c) Design and construction of a piped wastewater system with connection to the East Rocky View Wastewater System and related infrastructure;
    - i. A detailed sanitary servicing study is required in order to confirm the servicing capacity required for the development of the proposed parcels, and to determine if offsite upgrades to the regional system or additional lift station capacity is required;
    - ii. If offsite upgrades or additional lift station capacity are required then all improvements shall be constructed as part of the Development Agreement;
    - iii. Improvements that benefit other lands will qualify for cost recovery in accordance with Rocky View County policy 406.
  - d) Design and construction of a piped water distribution system and fire suppression system;
    - i. A detailed potable water servicing and hydraulic design study is required in order to ensure the pipelines are sized adequately considering existing and future phases, to determine if upgrades or additional infrastructure is required, and to confirm servicing requirements for this phase are in place and include provision for fire protection in accordance with the County Servicing Standards;
    - ii. All improvements shall be constructed as part of the Development Agreement.
  - e) Design and construction of a fire suppression system in accordance with Bylaw C-7259-2013, as amended;

- f) Design, construction and implementation of the recommendations of the approved Stormwater Management Plan;
- g) Dedication of necessary easements and right of ways for utility line assignments;
- h) Mailboxes are to be located in consultation with Canada Post;
- i) Installation of power, natural gas, and telephone lines;
- j) Implementation of the recommendations of the Construction Management Plan;
- k) Implementation of the recommendations of the Geotechnical Report;
- l) Implementation of the Biophysical Impact Assessment and/or Wetland Impact Assessment;
  - i. Alberta Environment and Parks approvals are required for disturbance to any onsite wetlands, prior to signing of the Development Agreement.
- m) Payment of any applicable off-site levies, at the then applicable rates, as of the date of the Subdivision Approval.
- n) Payment of all applicable contributions to the County or third parties for oversized or excess capacity infrastructure, roads and/or services;
- o) The construction of any oversized or excess capacity infrastructure, roads and/or services benefiting the Owner's lands and development and other lands.

#### **Water & Wastewater Servicing**

- 4) The Owner shall enter into a Cost Contribution and Capacity Allocation Agreement for servicing allocation to the lot(s) created in this phase. The agreement shall be based on the servicing need identified in the detailed servicing study as approved by the County.

#### **Transportation and Access**

- 5) The Owner shall provide an update to the Traffic Impact Assessment (2016 and 2019), demonstrating the validity of the previously provided TIA, or identifying any changes and detailing the related required improvements in accordance with the Rocky View County 2013 Servicing Standards and the Balzac Global TIA.
  - a) If the recommendation of the TIA identify improvements are required, then the Owner shall enter into a Development Agreement (on-site upgrades) or a Special Improvement Development Agreement (off-site upgrades) with the County, addressing the design and construction of the required improvements. Any improvements or additional road right of way required will be at the Owner's expense.

#### **Road Naming**

- 6) The Owner shall obtain approval for road naming by way of application to, and consultation with, the County.

#### **Geotechnical Conditions**

- 7) The Owner shall submit a Geotechnical investigation in accordance with the County Servicing Standards to verify the site is suitable for the proposed buildings, site works, and utilities.
  - a) A Deep Fill report is required in accordance with the County Servicing Standards for any areas with greater than 1.2 meters of fill.



### *Stormwater Conditions*

- 8) The Owner shall submit a Stormwater Management Plan and detailed stormwater servicing design, including any improvements related water re-use Low Impact Development measures, purple pipe system, and irrigation system for the proposed development in accordance with the County Servicing Standards and any applicable Provincial regulations, standards, and/or guidelines. Implementation of the Stormwater Management Plan shall include:
  - a) If the recommendations of the Stormwater Management Plan require improvements, then a Site Improvements/Services Agreement shall be entered into;
  - b) Registration of any required easements and/or utility Rights-of-Way;
  - c) Necessary approvals and compensation provided to Alberta Environment for wetland loss and mitigation;
  - d) Necessary Alberta Environment licensing documentation for the stormwater infrastructure system.

### *Environmental Study*

- 9) The Owner shall submit an updated Biophysical or Wetland Impact Assessment to confirm the status of regulatory approvals related to the existing wetlands on site.
  - a) The Owners remain responsible for securing any approvals related to Provincial and Federal environmental regulations or legislation; these approvals are required to be provided for County records prior to issuance of a Development Agreement.

### *Site Construction*

- 10) The Owner shall submit a full Erosion and Sediment Control Plan and Report in accordance with the County Servicing standards.
- 11) The Owner shall provide a Construction Management Plan that is to include, but not limited to, noise, sedimentation and erosion control, construction waste management, firefighting procedures, evacuation plan, hazardous material containment, traffic accommodation, management of stormwater during construction, weed control, construction and management details.

### *Municipal Reserves*

- 12) The provision of Municipal Reserve in the amount of 10 percent of the gross area to be subdivided for Phase 3, 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 Altus Group Limited, dated February 21, 2019, pursuant to Section 666(3) of the *Municipal Government Act*.
  - a) Reserves for the remainder lands are to be deferred with Caveat pursuant to Section 669(2) of the *Municipal Government Act*. If all phases are to be registered concurrently, the full outstanding balance of Municipal Reserve must be provided.

### *Payments and Levies*

- 13) The Owner shall pay the Water and Wastewater Off-Site Levy in accordance with C-7273-2013, for Lot 1 and Lot 2 Block 5, Lot 1 Block 6, and Lot 2 and Lot 3 Block 4.
  - a) If required, the Applicant/Owner shall enter into any related agreements for payment of the Water and Wastewater Off-Site Levy for the subject lands.



- 14) The Owner shall pay the Transportation Off-Site Levy in accordance with Bylaw C-7356-2014 prior to entering into the Development Agreement. The County shall calculate the total amount owing:
  - a) From the total gross acreage of all lots and roadways to be subdivided as shown on the Plan of Survey; and
  - b) The Levy shall be deferred on the remainder lands as shown the Lands to be subdivided as shown on the Approved Tentative Plan.
- 15) The Owner shall pay the County Subdivision Endorsement fee, in accordance with the Master Rates Bylaw, for the creation of five (5) new lot.
- 16) The Owner shall be responsible for all required payments of third party reviews and/or inspection as per the Master Rates Bylaw, as amended.

**Taxes**

- 17) 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 Owners with a Voluntary Recreation Contribution Form and ask them if they will contribute to the Fund in accordance with the contributions prescribed in the Master Rates Bylaw.





**ROCKY VIEW COUNTY**  
Cultivating Communities

**APPENDIX 'C': LETTERS**

No Letters Received



## PLANNING AND DEVELOPMENT SERVICES

**TO:** Subdivision Authority  
**DIVISION:** 7  
**SUBJECT:** Subdivision Item: Residential Subdivision

**DATE:** October 22, 2019  
**APPLICATION:** PL20190104

**APPLICATION:** to create a  $\pm 12.5$  acre parcel with a  $\pm 141.92$  acre remainder.

**GENERAL LOCATION:** Located approximately 0.81 km (1/2 mile) north of Township Road 282 and on the east side of Range Road 31.

**LAND USE DESIGNATION:** Residential Three District (R-3) and Ranch and Farm District (RF)

### **ADMINISTRATION RECOMMENDATION:**

Administration recommends Approval in accordance with Option #1.

### **OPTIONS:**

- Option #1: THAT Subdivision Application PL20190104 be approved with the conditions noted in Appendix 'B'.
- Option #2: THAT Subdivision Application PL20190104 be refused as per the reasons noted.

### **AIR PHOTO & DEVELOPMENT CONTEXT:**



<sup>1</sup> **Administration Resources**

Johnson Kwan / Nathan Madigan – Planning and Development Services



**APPLICANT:** Dave Swanson

**OWNER:** George & Linda Sharp

**APPLICATION EVALUATION:**

The application was evaluated based on the technical reports submitted with the application and the applicable policies and regulations.

<b>APPLICABLE POLICY AND REGULATIONS:</b> <ul style="list-style-type: none"> <li>• <i>Municipal Government Act;</i></li> <li>• Subdivision and Development Regulations;</li> <li>• Municipal Development Plan;</li> <li>• Land Use Bylaw; and</li> <li>• County Servicing Standards.</li> </ul>	<b>TECHNICAL REPORTS SUBMITTED:</b> <ul style="list-style-type: none"> <li>• Level 1 Variation Assessment (March 2019)</li> <li>• Water Well Drilling Report (March 2019)</li> </ul>
---	--

The Applicant/Owner will be required to provide Transportation Offsite Levy and Municipal Reserve via cash-in-lieu:

APPLICABLE FEE/LEVY	AMOUNT \$
<b>TRANSPORTATION OFFSITE LEVY</b> <ul style="list-style-type: none"> <li>• <i>Based Levy (\$4,595) applicable for three acres of the Residential Three parcel.</i></li> </ul>	\$13,785
<b>MUNICIPAL RESERVE (\$/ACRE)</b> <ul style="list-style-type: none"> <li>• <i>\$5,050 per acre according to the Appraisal report prepared by Black Valuation Group Ltd. dated September 3, 2019</i></li> </ul>	\$77,982

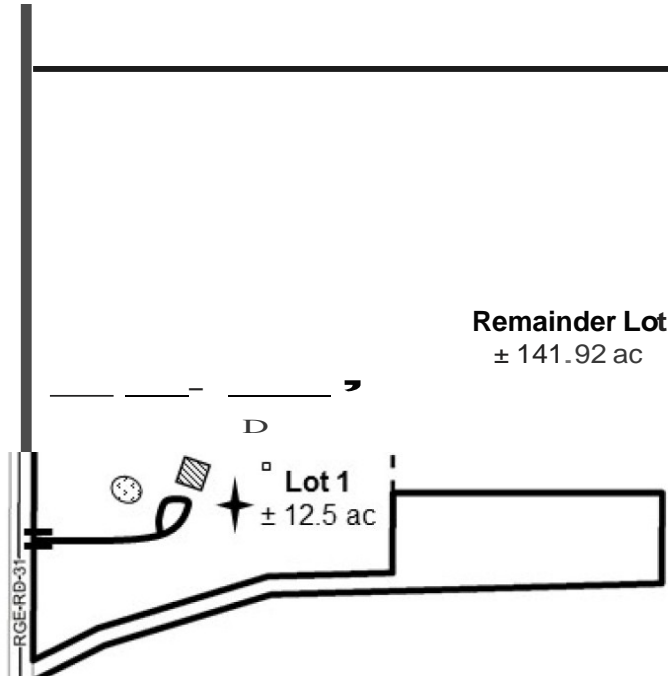
*Non-conforming building*

- The proposed subdivision will result in a non-conforming building on Lot 1. The existing Accessory building is located approximately 8 m from the proposed boundary line to the north. The Land Use Bylaw requires a minimum side yard setback of 15 m.

ROCKY VIEW COUNTY  
 Cultivating Communities

*Tentative Plan*

**Subdivision Proposal:** To create a  $\pm 12.5$  acre parcel with a  $\pm 141.92$  acre remainder



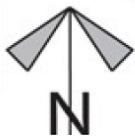
Surveyor's Notes:

1. This subdivision will result in one non-conforming building on Lot 1.
2. Refer to Notice of Transmittal for approval conditions related to this Tentative Plan.

**Legend**

Existing boundary —  
 Dwelling   
 Proposed boundary - -  
 Existing Approach   
 Water Well   
 Septic Field   
 Accessory Building

**TENTATIVE PLAN**



**NW-13-28-03-WOSM**

**Date: Sept 05, 2019**

**Division #7**

**File: 08713003**

**3**



**CONCLUSION:**

Subject to the proposed conditions of approval, the application is recommended for Approval.

Respectfully submitted,

Concurrence,

“Matthew Wilson”

“Al Hoggan”

---

Acting Executive Director  
Community Development Services

---

Chief Administrative Officer

JKwan/llt

**APPENDICES:**

APPENDIX ‘A’: Maps and Other Information

APPENDIX ‘B’: Approval Conditions

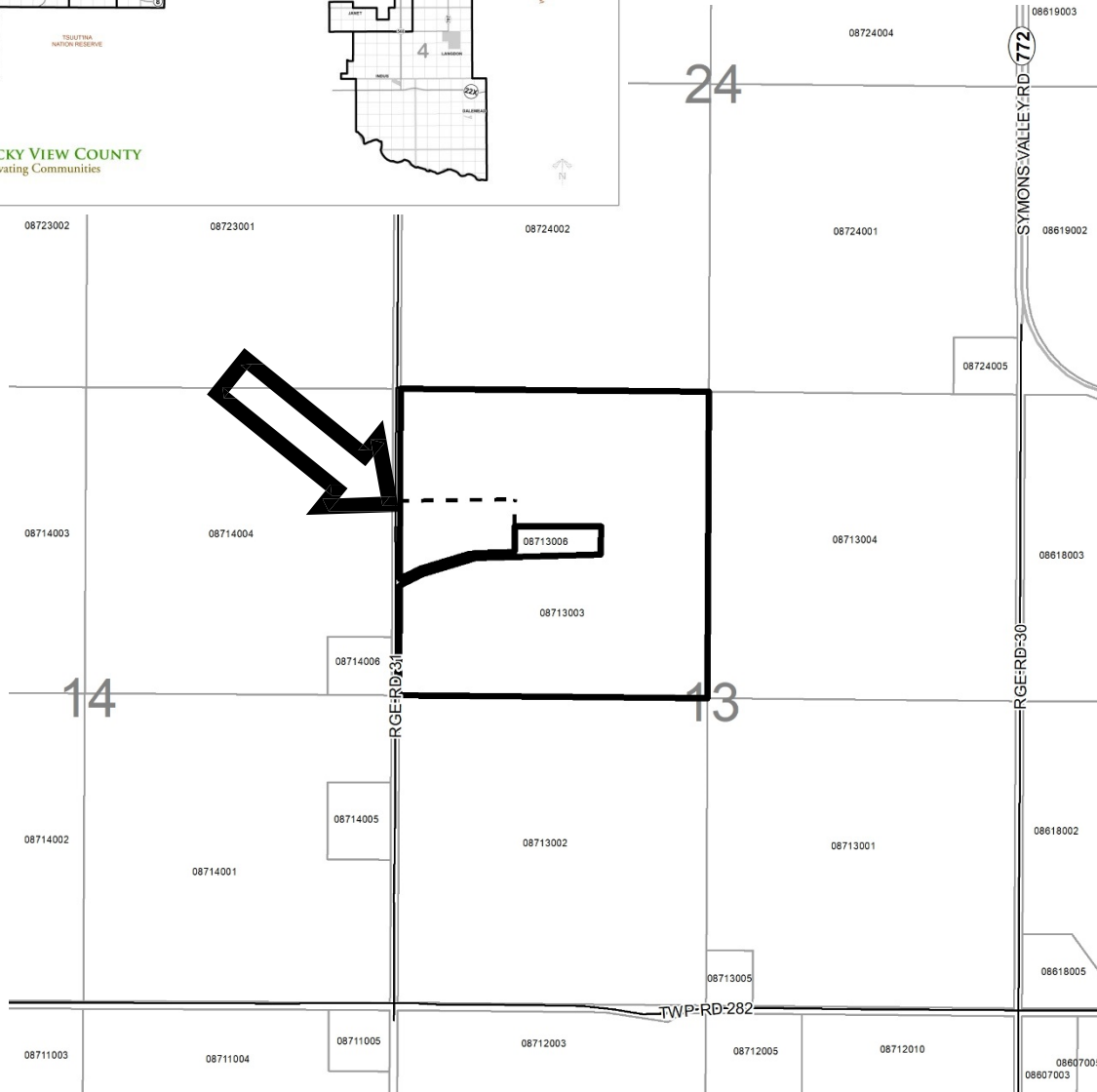
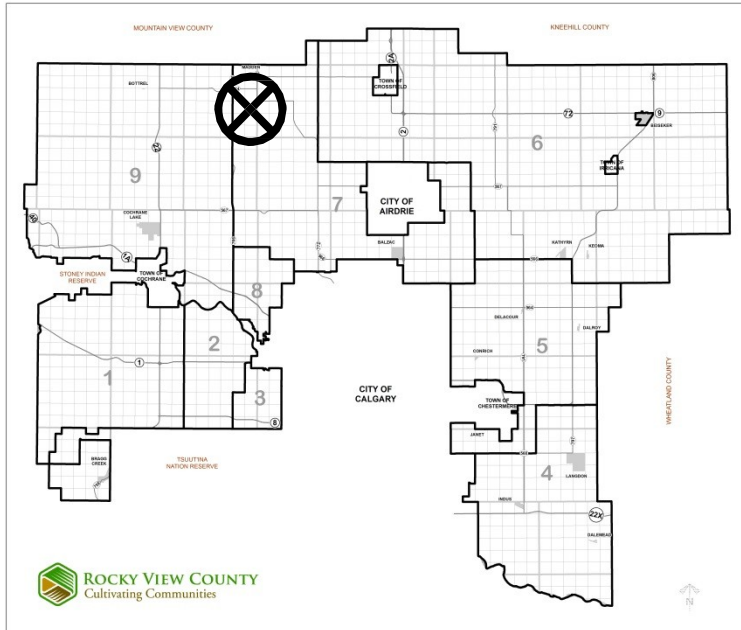
APPENDIX ‘C’: Letters



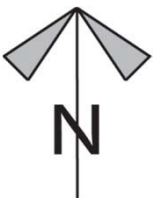
#### APPENDIX 'A': MAPS AND OTHER INFORMATION

<b>DATE APPLICATION RECEIVED:</b> July 26, 2019	<b>DATE DEEMED COMPLETE:</b> July 26, 2019
<b>GROSS AREA:</b> ± 154.4 acres	<b>LEGAL DESCRIPTION:</b> a portion of NW-13-28-03-W05M
<b>APPEAL BOARD:</b> Municipal Government Board	
<b>HISTORY:</b>  <b>2019</b> Land Use Application (PL20190037) to redesignate a portion of the subject land from Ranch and Farm District to Residential Three District was approved.  <b>2001</b> Subdivision Plan 0110336 was registered and created Lot 1, Block 1 (± 5.58 ac) and the remainder parcel (± 154.42 ac) remainder parcel from the subject quarter section.	
<b>PUBLIC &amp; AGENCY SUBMISSIONS:</b>  The application was circulated to 14 adjacent landowners. No letters were received in response.  The application was also circulated to a number of internal and external agencies and, where appropriate, conditions of approval have been proposed based on these comments.	





LOCATION PLAN

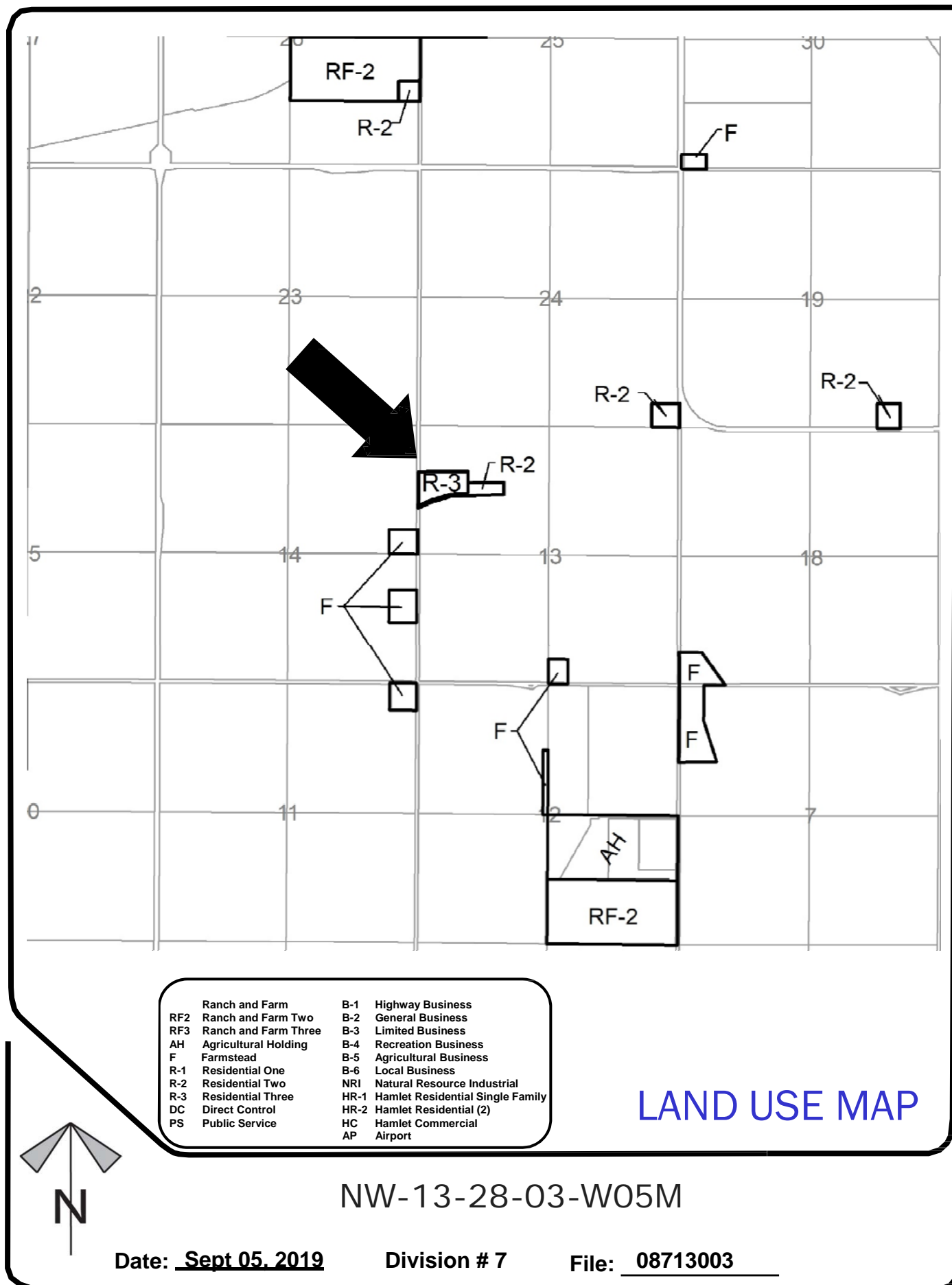


NW-13-28-03-W05M

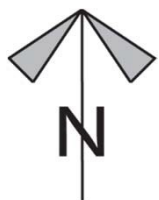
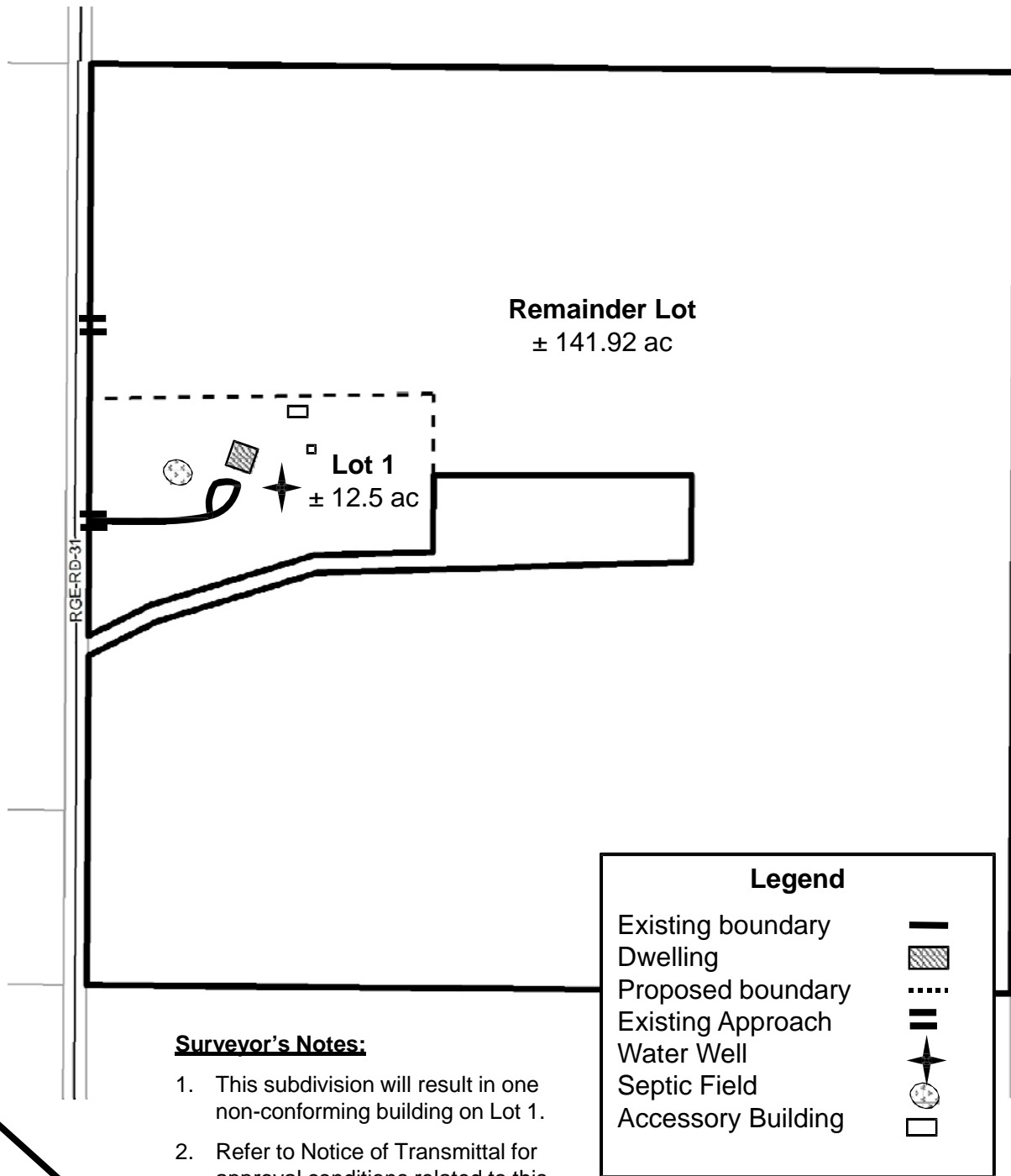
Date: Sept 05, 2019

Division # 7

File: 08713003



**Subdivision Proposal:** To create a  $\pm 12.5$  acre parcel with a  $\pm 141.92$  acre remainder



NW-13-28-03-W05M

Date: Sept 05, 2019

Division # 7

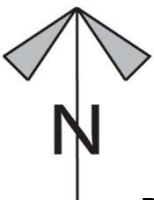
File: 08713003



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

**AIR PHOTO**

*Spring 2018*



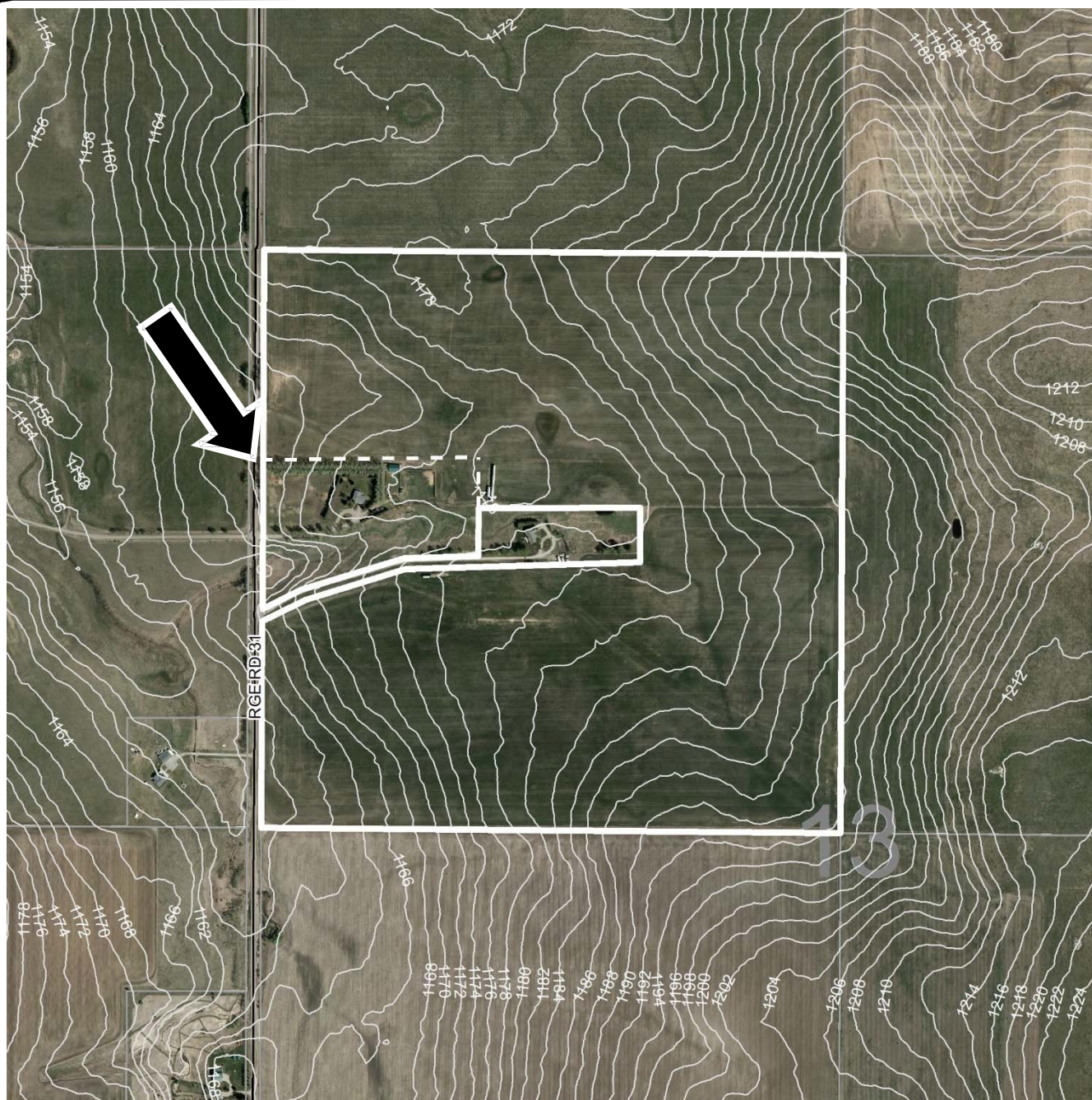
NW-13-28-03-W05M

Date: Sept 05, 2019

Division # 7

File: 08713003

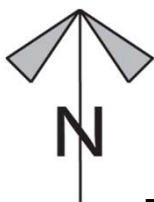




Contours are generated using 10m grid points, and depict general topographic features of the area. Detail accuracy at a local scale cannot be guaranteed. They are included for reference use only.

## TOPOGRAPHY

*Contour Interval 2 M*

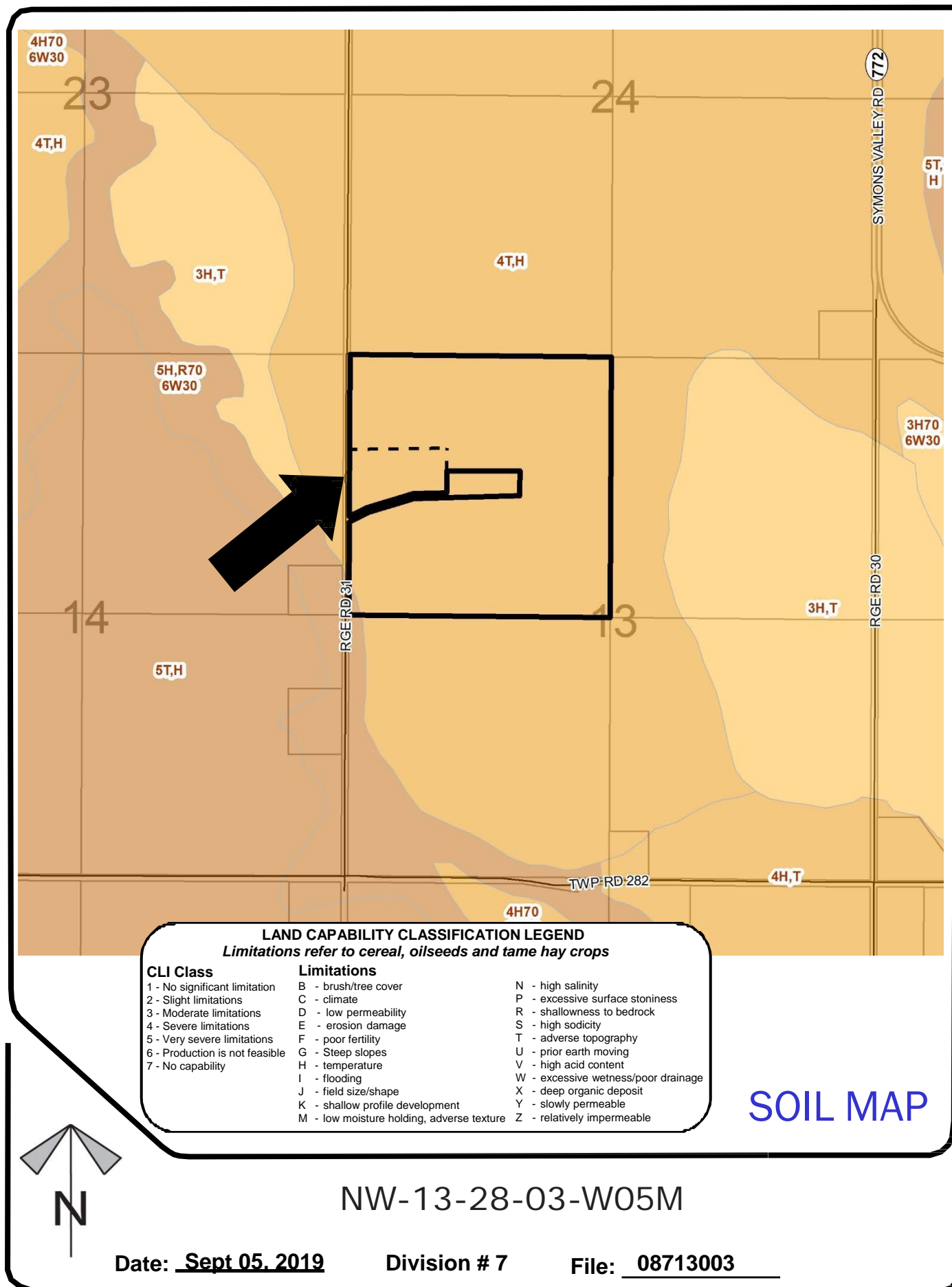


NW-13-28-03-W05M

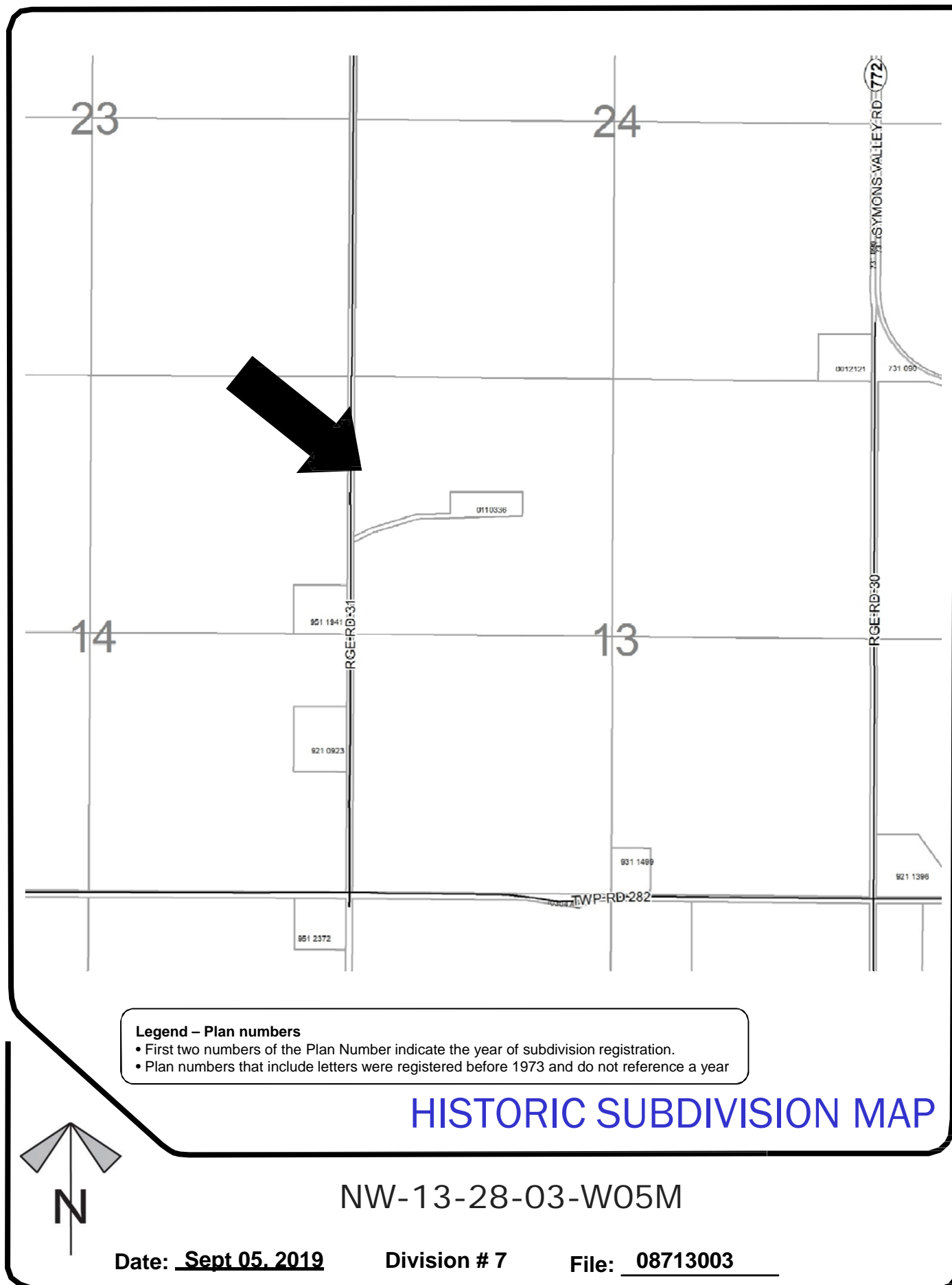
Date: Sept 05, 2019

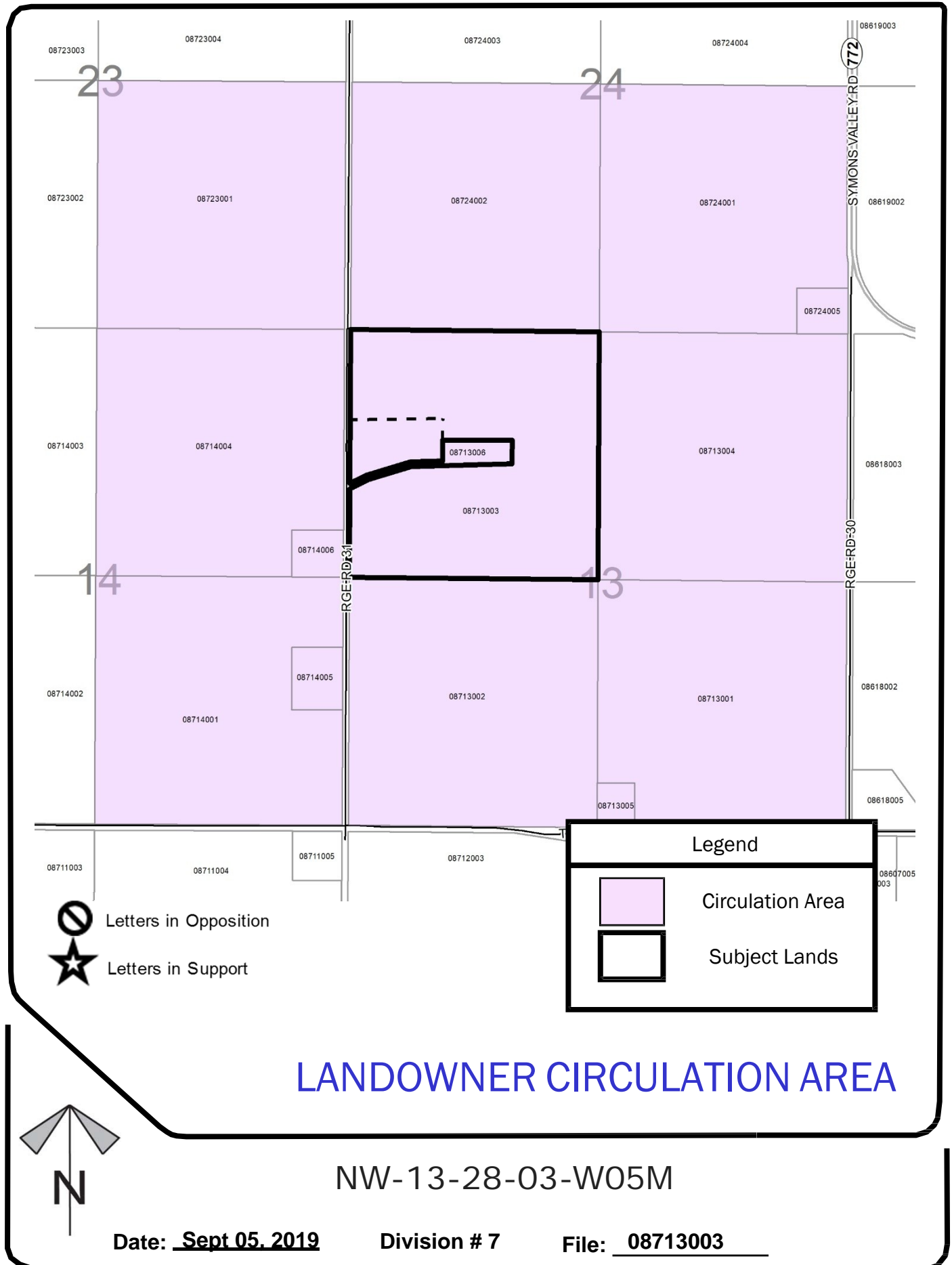
Division # 7

File: 08713003









## APPENDIX 'B': APPROVAL CONDITIONS

- A. The application to create a  $\pm$  12.5 acre parcel with a  $\pm$  141.92 acre remainder at NW-13-28-03-W05M having been evaluated in terms of Section 654 of the *Municipal Government Act* and Section 7 of the Subdivision and Development Regulations, and having considered adjacent landowner submissions, is approved as per the Tentative Plan for the reasons listed below:
  1. The application is consistent with the Statutory Policy;
  2. The subject lands hold the appropriate land use designation;
  3. The technical aspects of the subdivision proposal have been considered and are further addressed through the conditional approval requirements.
- B. The Applicant/Owner is required, at their expense, to complete all conditions attached to and forming part of this conditional subdivision approval prior to Rocky View County (the County) authorizing final subdivision endorsement. This requires submitting all documentation required to demonstrate each specific condition has been met, or agreements (and necessary securities) have been provided to ensure the conditions will be met, in accordance with all County Policies, Standards, and Procedures, to the satisfaction of the County, and any other additional party named within a specific condition. Technical reports required to be submitted as part of the conditions must be prepared by a qualified professional, licensed to practice in the province of Alberta within the appropriate field of practice. The conditions of this subdivision approval do not absolve an Applicant/Owner from ensuring all permits, licenses, or approvals required by Federal, Provincial, or other jurisdictions are obtained.
- C. Further, in accordance with Section 654 and 655 of the *Municipal Government Act*, the application shall be approved subject to the following conditions of approval:

### Survey Plans

- 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.

### Payments and Levies

- 2) The Owner shall pay the Transportation Off-site Levy in accordance with Bylaw C-7356-2014.
- 3) The Owner shall pay the County Subdivision Endorsement fee, in accordance with the Master Rates Bylaw, for the creation of one new lot.

### Municipal Reserve

- 4) The provision of Reserve in the amount of 10 percent of the area of the subject land 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 Black Valuation Group Ltd. dated September 3, 2019, pursuant to Section 666(3) of the *Municipal Government Act*.

### Taxes

- 5) 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 Applicant/Owners with a Voluntary Recreation Contribution Form and ask them if they will contribute to the Fund in accordance with the contributions prescribed in the Master Rates Bylaw



**ROCKY VIEW COUNTY**  
Cultivating Communities

**APPENDIX 'C': LETTERS**

No letters received.

## PLANNING AND DEVELOPMENT SERVICES

**TO:** Subdivision Authority

**DATE:** October 22, 2019

**DIVISION:** 8

**APPLICATION:** PL20180100

**SUBJECT:** Subdivision Item: Bearspaw Area Structure Plan – Residential Two District

**APPLICATION:** To create a  $\pm 4.00$  acre parcel (Lot 1) with a  $\pm 15.92$  acre remainder parcel (Lot 2).

**GENERAL LOCATION:** Located approximately 0.41 km (1/4 mile) west of the City of Calgary; the site is located on the south side of Burma Road, 0.41 kilometres (1/4 mile) west of Range Road 24.

**LAND USE DESIGNATION:** Residential Two District

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

Administration recommends approval in accordance with Option #1

### OPTIONS:

Option #1: THAT Subdivision Application PL20180100 be approved with the conditions noted in Appendix 'B'.

Option #2: THAT Subdivision Application PL20180100 be refused as per the reasons noted.

### AIR PHOTO & DEVELOPMENT CONTEXT:



<sup>1</sup> Administration Resources

Oksana Newmen/Milan Patel – Planning and Development Services



**APPLICANT:** Tronnes Geomatics (Aziz Dharamshi)

**OWNER:** Wally & Muna Batarseh

**APPLICATION EVALUATION:**

The application was evaluated based on the technical reports submitted with the application and the applicable policies and regulations.

<p><b>APPLICABLE POLICY AND REGULATIONS:</b></p> <ul style="list-style-type: none"> <li>• Municipal Government Act;</li> <li>• Subdivision and Development Regulations;</li> <li>• Municipal Development Plan;</li> <li>• Bearspaw Area Structure Plan;</li> <li>• Land Use Bylaw; and</li> <li>• County Servicing Standards.</li> </ul>	<p><b>TECHNICAL REPORTS SUBMITTED:</b></p> <ul style="list-style-type: none"> <li>• Level 1 Variation Assessment for Lot 1</li> <li>• Level 3 Site Assessment for PSTS Suitability (Global Engineering and Testing Ltd., August 2019) for Lot 2</li> </ul>
--	--

*Payments and Levies*

It is recommended that payment of both the Transportation Offsite Levy and provision of Municipal Reserve is required for Lot 1, and deferred for Lot 2.

APPLICABLE FEE/LEVY	AMOUNT \$
TRANSPORTATION OFFSITE LEVY	\$18,380.00 (estimate)
MUNICIPAL RESERVE (\$50,200.80/ACRE)	\$20,080.32 (estimate)

*Accessibility to a Road*

Lot 1 has an existing access, and the submitted lot and road plan indicates a 25 metre access for the remainder parcel (Lot 2) along the western edge of Lot 1, enabling future development to the remainder and adjacent parcels. As such, the Owner is to enter into a Road Acquisition Agreement with the County, to be registered by Caveat on the title of Lot 2, to serve as notice that those lands are intended for future development as a County road.

Correlating with the road acquisition, a restrictive covenant of 15 metres along the western property line of Lot 1 will also need to be registered on the title, allowing for future front yard setback allowance as a result of the potential development of the roadway.

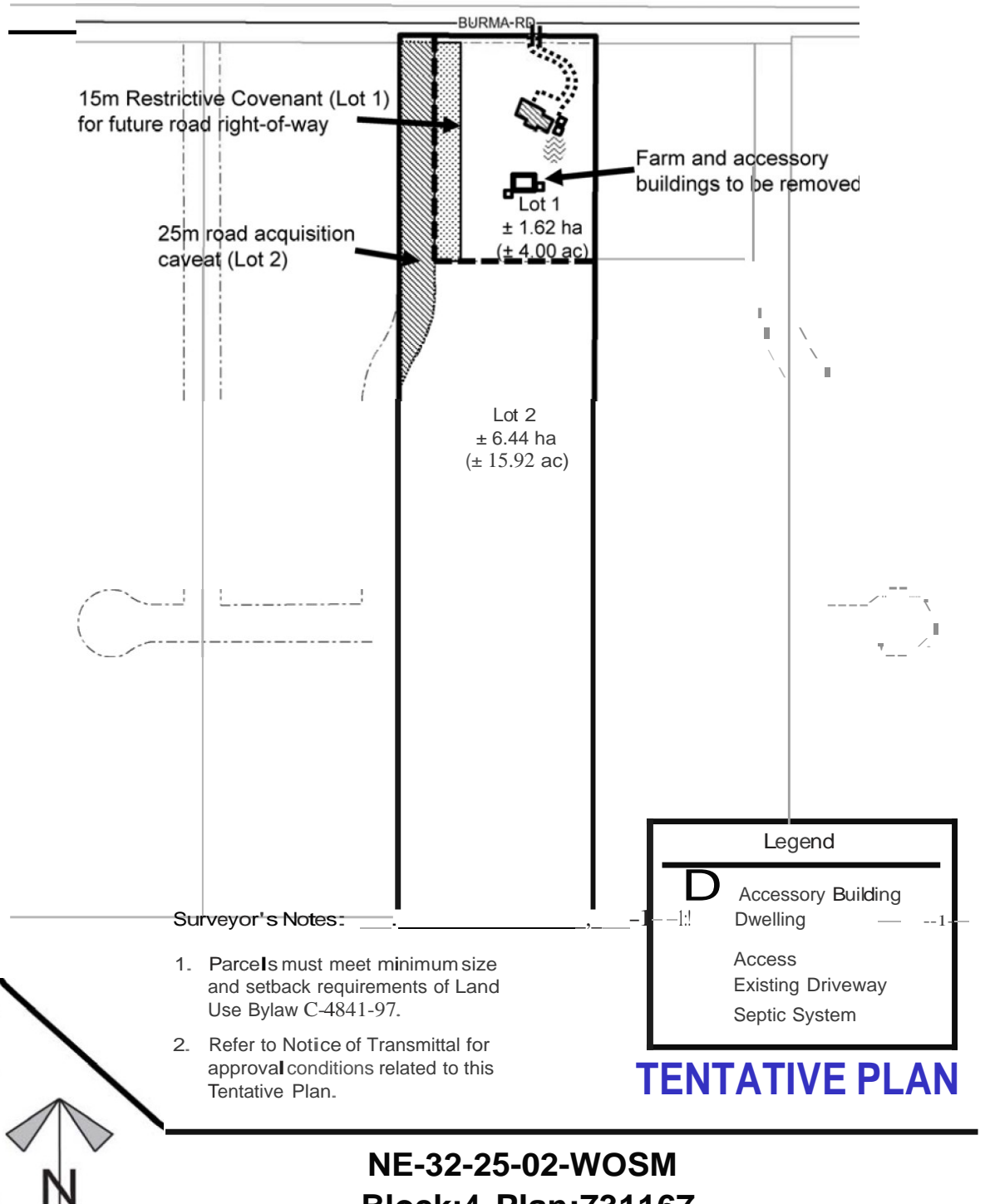
*Policy Considerations*

Policy 8.1.22 of the Bearspaw Area Structure Plan notes that subdivisions should only consider panhandles where topography precludes other options, and should avoid accessing major and minor collector roads. The 25 metre panhandle exceeds the minimum size of 12 metres required by Policy 8.1.23, however, Burma Road is a major collector road. As such, the proposed application is not consistent with this policy.



*Tentative Plan*

**Subdivision Proposal** To create a  $\pm 1.62$  hectare ( $\pm 4.00$  acre) parcel (Lot 1) with a  $\pm 6.44$  hectare ( $\pm 15.92$  acre) remainder (Lot 2).



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.

**NE-32-25-02-WOSM**  
**Block:4 Plan:731167**

Date: 18-Sep-19

Division# 8

File: 05632028



**CONCLUSION:**

Subject to the proposed conditions of approval, the application is recommended for approval.

Respectfully submitted,

Concurrence,

“Matthew Wilson”

“Al Hoggan”

---

Acting Executive Director  
Community Development Services

---

Chief Administrative Officer

ON/lt

**APPENDICES:**

APPENDIX ‘A’: Maps and Other Information

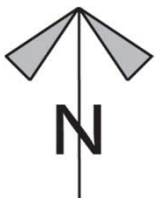
APPENDIX ‘B’: Approval Conditions

APPENDIX ‘C’: Letters



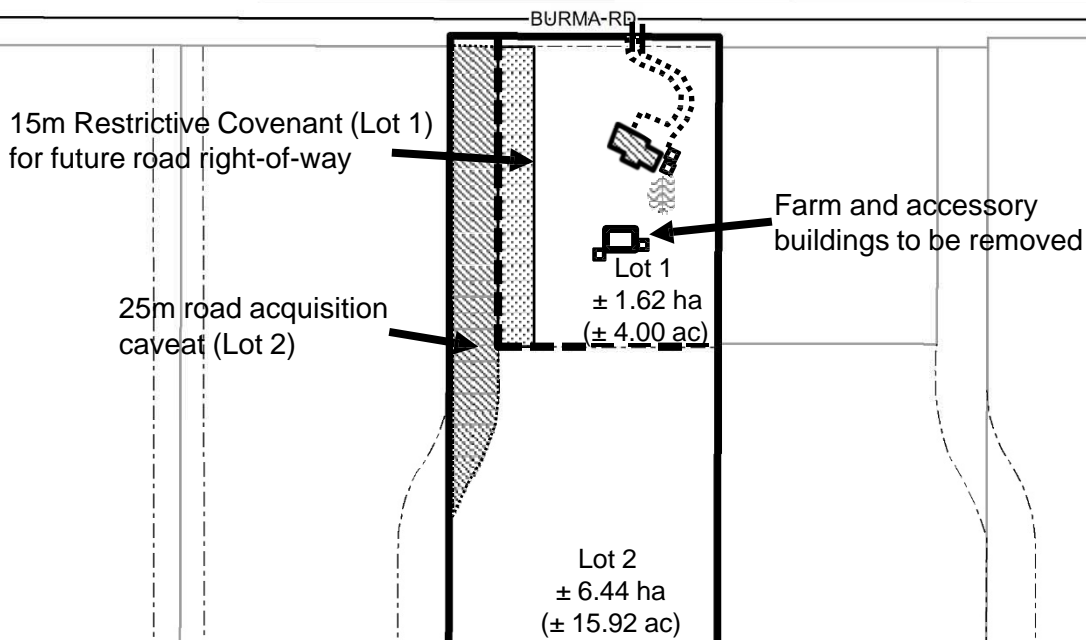
#### APPENDIX 'A': MAPS AND OTHER INFORMATION

<b>DATE APPLICATION RECEIVED:</b> August 17, 2018	<b>DATE DEEMED COMPLETE:</b> August 17, 2018
<b>GROSS AREA:</b> ± 19.92 Acres	<b>LEGAL DESCRIPTION:</b> Block 4, Plan 731167 within NE 32-25-2-W5M
<b>APPEAL BOARD:</b> Municipal Government Board	
<b>HISTORY:</b> 1972: Block 4 created, resulting in parcel of 19.92 acres.	
<b>PUBLIC &amp; AGENCY SUBMISSIONS:</b> <p>The application was circulated to 102 adjacent landowners. No responses were received.</p> <p>The application was also circulated to a number of internal and external agencies and, where appropriate, conditions of approval have been proposed based on these comments.</p>	



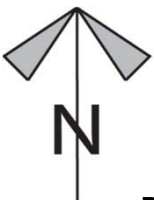
**File: 05632028**

**Subdivision Proposal:** To create a  $\pm 1.62$  hectare ( $\pm 4.00$  acre) parcel (Lot 1) with a  $\pm 6.44$  hectare ( $\pm 15.92$  acre) remainder (Lot 2).



**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.

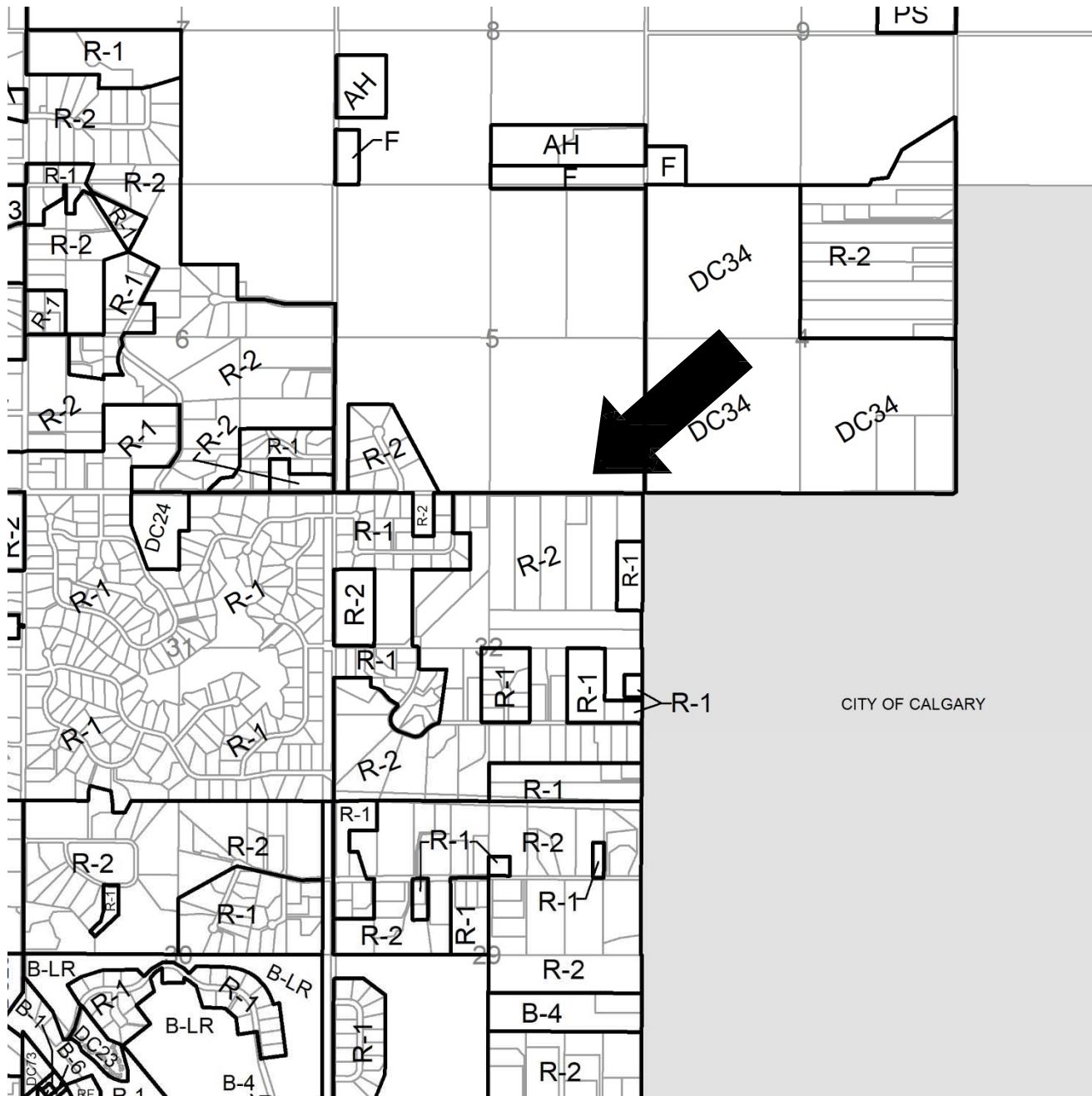


**NE-32-25-02-W05M**  
**Block:4 Plan:731167**

Date: 9-Oct-19

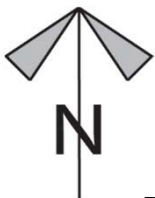
Division # 8

File: 05632028



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



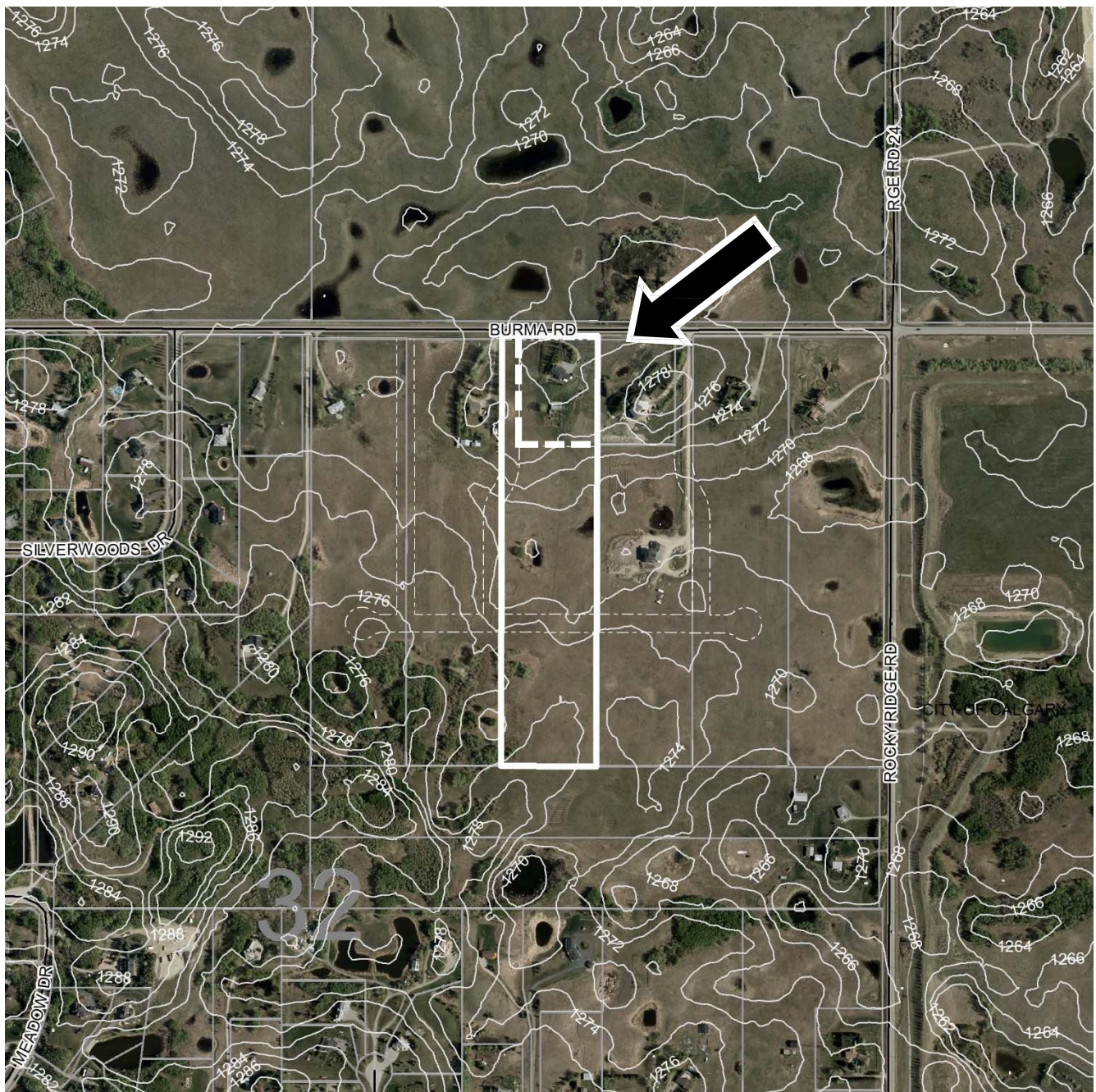
**NE-32-25-02-W05M**  
**Block:4 Plan:731167**

Date: 9-Oct-19

Division # 8

File: 05632028

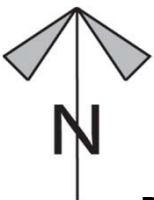




Contours are generated using 10m grid points, and depict general topographic features of the area. Detail accuracy at a local scale cannot be guaranteed. They are included for reference use only.

## TOPOGRAPHY

**Contour Interval 2 M**



**NE-32-25-02-W05M**

**Block:4 Plan:731167**

**Date:** 9-Oct-19

## Division # 8

**File: 05632028**

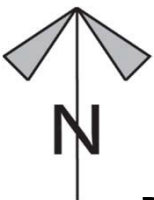




Note: Post processing of raw aerial photography may cause varying degrees of visual distortion at the local level.

**AIR PHOTO**

*Spring 2018*

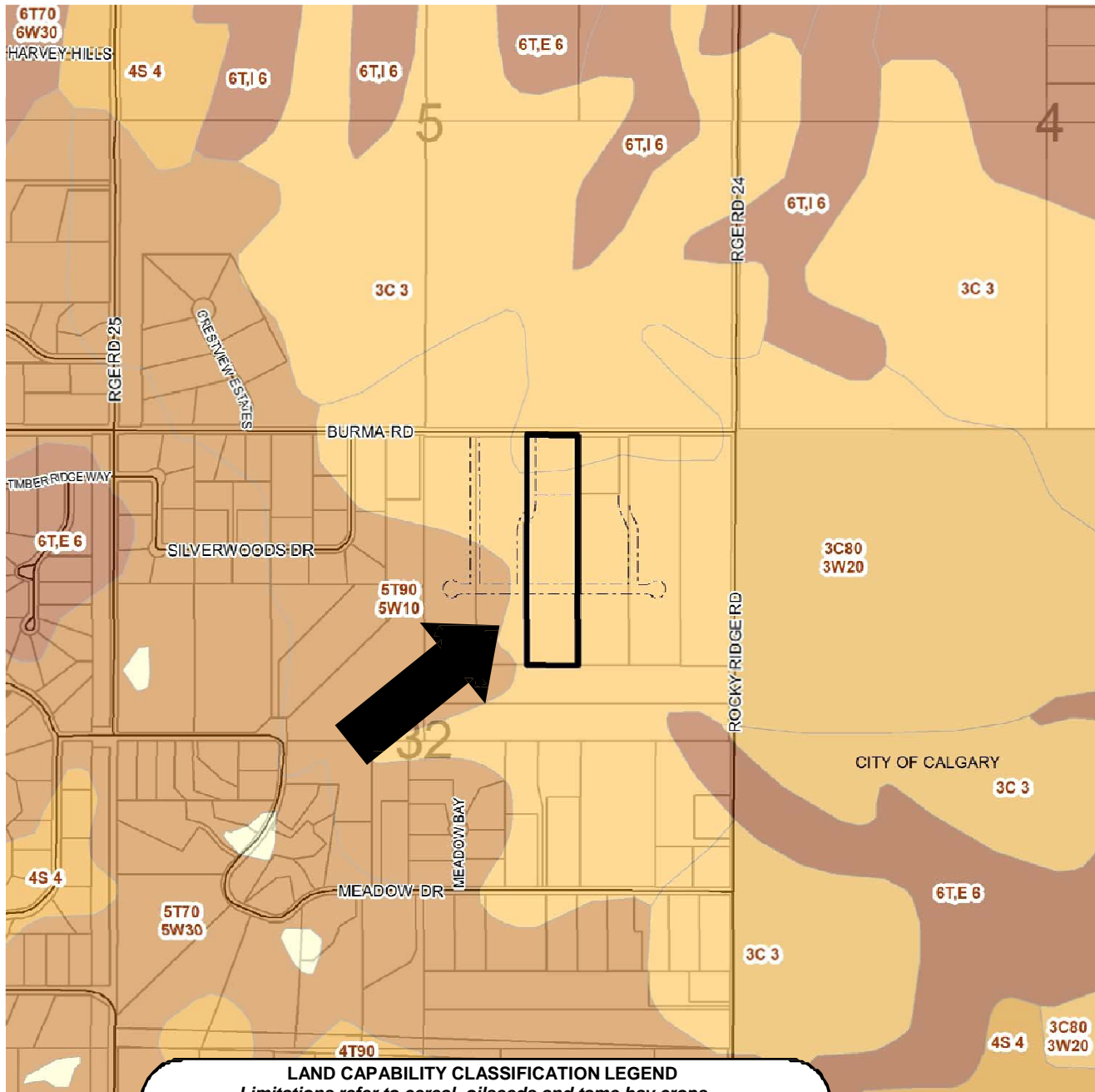


**NE-32-25-02-W05M**  
**Block:4 Plan:731167**

Date: 9-Oct-19

Division # 8

File: 05632028



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

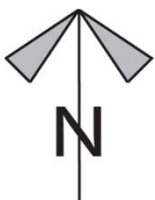
**CLI Class**

- 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**

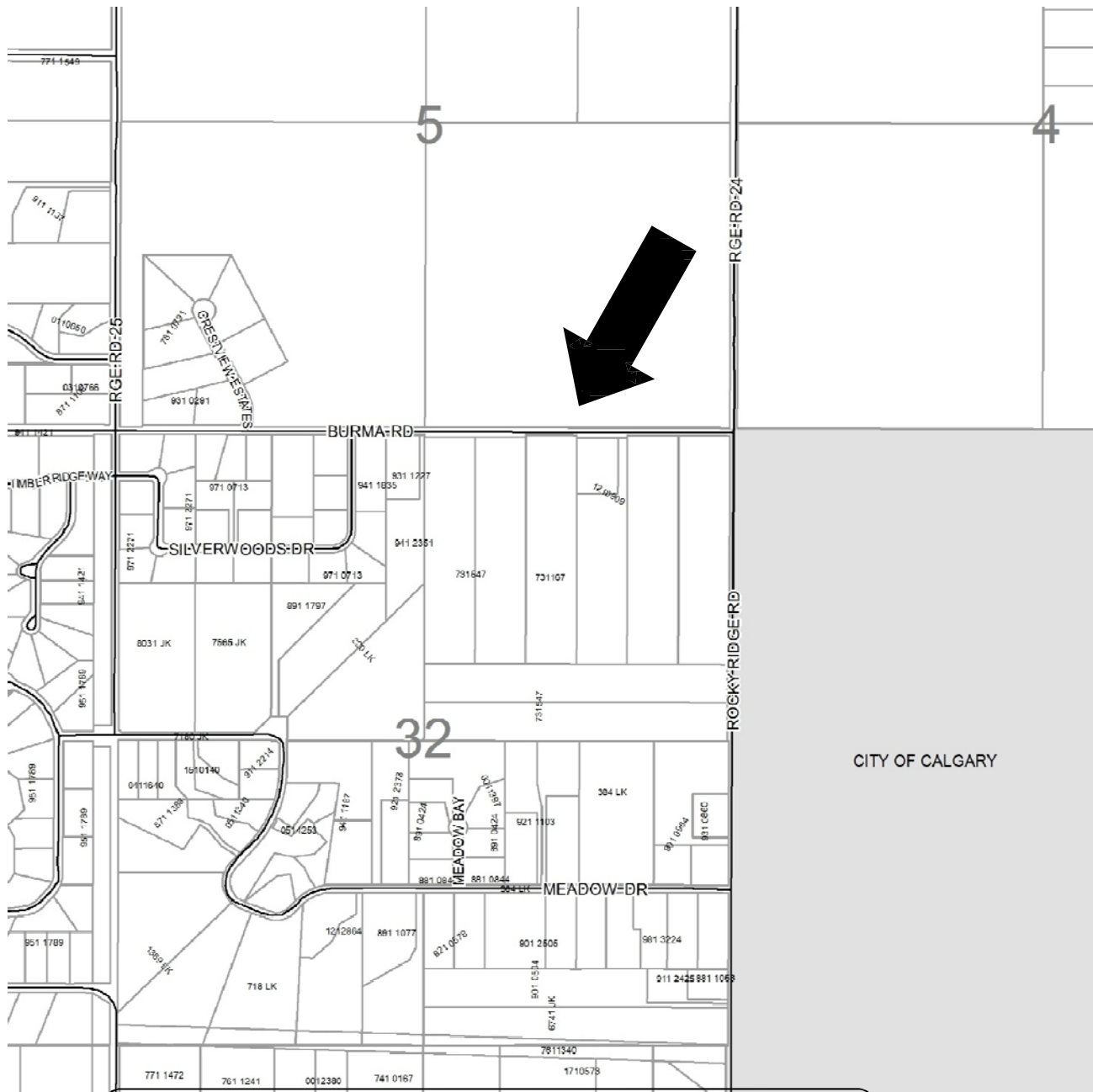


**NE-32-25-02-W05M**  
**Block:4 Plan:731167**

Date: 9-Oct-19

Division # 8

File: 05632028

**Legend – Plan numbers**

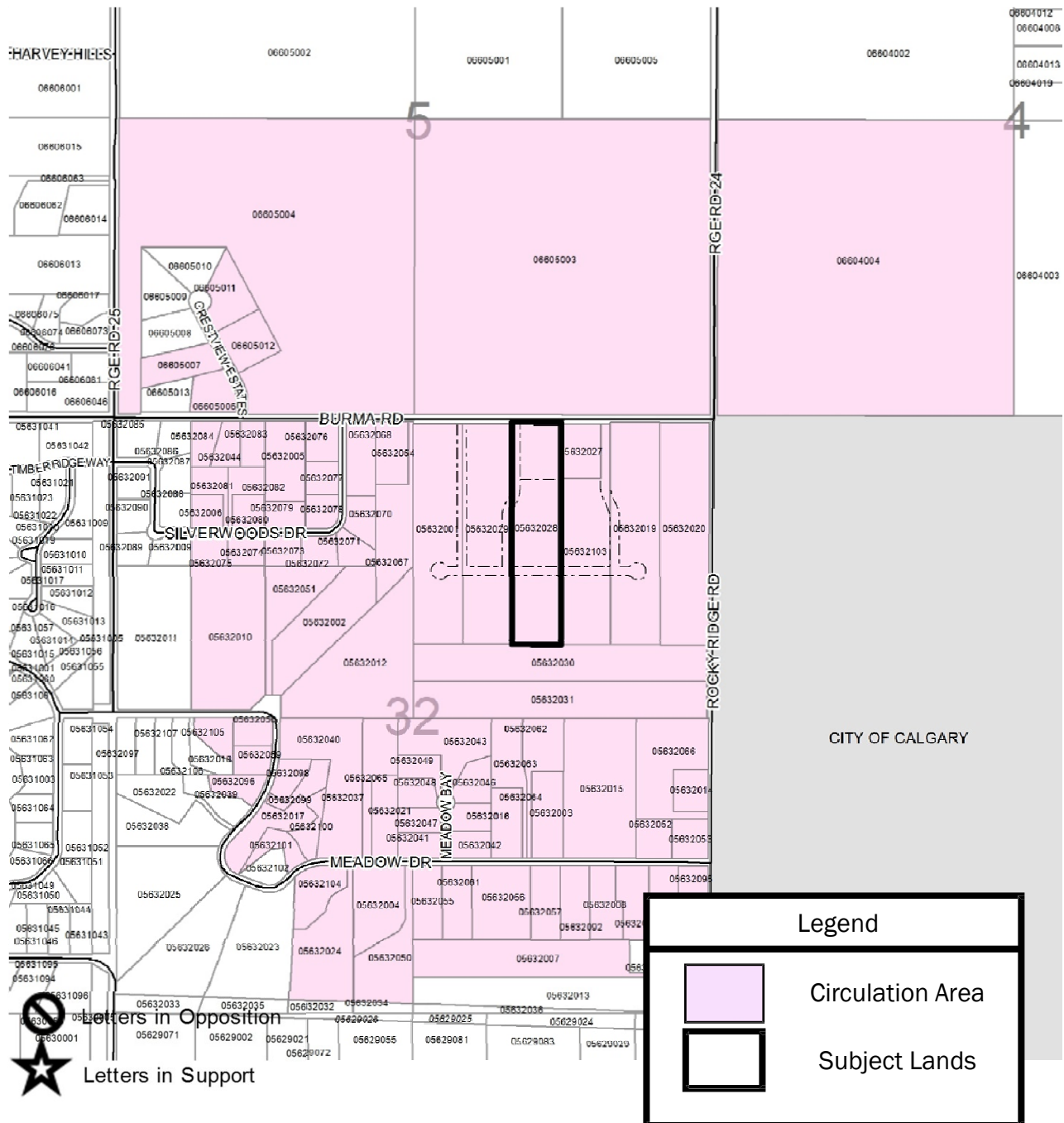
- First two numbers of the Plan Number indicate the year of subdivision registration.
- Plan numbers that include letters were registered before 1973 and do not reference a year

**HISTORIC SUBDIVISION MAP****NE-32-25-02-W05M****Block:4 Plan:731167**Date: 9-Oct-19

Division # 8

File: 05632028





## LANDOWNER CIRCULATION AREA

**NE-32-25-02-W05M**  
**Block:4 Plan:731167**

**Date:** 9-Oct-19

## Division # 8

**File: 05632028**

## APPENDIX 'B': APPROVAL CONDITIONS

- A. That the application to create a  $\pm 1.62$  hectare ( $\pm 4.00$  acre) parcel with a  $\pm 6.44$  hectare ( $\pm 15.92$  acre) remainder from Block 4, Plan 731167 within NE-32-25-2-W5M has been evaluated in terms of Section 654 of the Municipal Government Act and Section 7 of the Subdivision and Development Regulations. Having considered adjacent landowner submissions, it is recommended that the application be approved as per the Tentative Plan for the reasons listed below:
1. The application is consistent with the Bearspaw Area Structure Plan;
  2. The subject lands hold the appropriate land use designation; and,
  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 be approved subject to the following conditions of approval:

### *Plan of Subdivision*

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

### *Development Agreement – Site Improvements*

- 2) The Owner is to enter into a Development Agreement (Site Improvements / Services Agreement) with the County, which shall be registered on Lot 2 and shall include the following:
  - a) Construction of a shallow treatment field with secondary treatment of septic tank effluent in accordance with the Level 3 Site Assessment for PSTS Suitability (Global Engineering and Testing Ltd., August 2019).

### *Accessibility to a Road*

- 3) The Owner shall construct a new paved approach on Burma Road in order to provide access to Lot 2.
- 4) The Owner is to enter into a Road Acquisition Agreement with the County, to be registered by Caveat on the title of Lot 2, 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 25m (+/- 0.5 ha) road acquisition along the western edge of Lot 1; and
  - b) The purchase of land by the County for \$1.





- 5) The Owner is to enter into a Restrictive Covenant, to be registered by Caveat prepared by the County, on the title of Lot 1 that restricts the erection of any structure on or within 15 metres of a future road right-of-way, as shown on the approved Tentative Plan.

#### *Site Servicing*

- 6) The Owner is to provide confirmation of tie-in for connection to the Rocky View Water Co-op, an Alberta Environment licensed piped water supplier, for Lot 2, as shown on the Approved Tentative Plan. This includes providing information regarding:
  - a) Documentation proving that water supply has been purchased for proposed Lot 2
  - b) Documentation proving that water supply infrastructure requirements including servicing to the property have been installed or installation is secured between the developer and water supplier, to the satisfaction of the water supplier and the County.

#### *Payments and Levies*

- 7) 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 the total gross acreage of Lot 1 as shown on the Plan of Survey.
- 8) The Owner shall pay the County subdivision endorsement fee, in accordance with the Master Rates Bylaw, for the creation of one new lot.

#### *Municipal Reserves*

- 9) The provision of Reserve in the amount of 10% of the area of Lot 1, 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 (Altus Group, file 13120.102658.029, dated May 30, 2019), pursuant to Section 666(3) of the Municipal Government Act;
  - a) Reserves for Lot 2 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:**

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.



**ROCKY VIEW COUNTY**  
Cultivating Communities

**APPENDIX 'C': LETTERS**

NO LETTERS RECEIVED

## PLANNING AND DEVELOPMENT SERVICES

**TO:** Subdivision Authority

**DATE:** October 22, 2019

**DIVISION:** 7

**APPLICATION:** PL20190066

**SUBJECT:** Subdivision Item: Balzac East Area Structure Plan - Industrial Activity District

**APPLICATION:** To create a  $\pm 7.50$  acre parcel (Lot 1) with a  $\pm 23.00$  acre remainder (Lot 2).

**GENERAL LOCATION:** Located at the northeast junction of Range Road 291 and High Plains Road, approximately 0.50 miles north of the City of Calgary.

**LAND USE DESIGNATION:** Industrial – Industrial Activity District

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

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

**OPTIONS:**

Option #1: THAT Subdivision Application PL20190066 be approved with the conditions noted in Appendix B.

Option #2: THAT Subdivision Application PL20190066 be refused.

**AIR PHOTO & DEVELOPMENT CONTEXT:**



<sup>1</sup> **Administration Resources**

Jessica Anderson and Gurbir Nijjar – Planning and Development Services



**APPLICANT:** IBI Group (Rares Caraba)

**OWNER:** 1405275 Alberta Ltd.

**APPLICATION EVALUATION:**

The application was evaluated based on the technical reports submitted with the application and the applicable policies and regulations.

<b>APPLICABLE POLICY AND REGULATIONS:</b> <ul style="list-style-type: none"> <li>• <i>Municipal Government Act</i>;</li> <li>• Subdivision and Development Regulations;</li> <li>• Land Use Bylaw;</li> <li>• Balzac East Area Structure Plan;</li> <li>• High Plains Industrial Park Conceptual Scheme; and,</li> <li>• County Servicing Standards.</li> </ul>	<b>TECHNICAL REPORTS SUBMITTED:</b> <ul style="list-style-type: none"> <li>• None</li> </ul>
---	--

*Payments and Levies*

Reserves and applicable levies are outstanding.

APPLICABLE FEE/LEVY	AMOUNT \$
<b>TRANSPORTATION OFFSITE LEVY</b> [Base = \$4,595/ac + Special Area #1 = \$18,638/ac x 7.50 ac = \$174,247.50]	\$174,250 (estimate)
<b>ROCKY VIEW COUNTY WATER AND WASTEWATER OFF-SITE LEVY</b> \$37,232.28/m3/day (plus borrowing costs to payment date) of capacity requested for each parcel	To be confirmed as part of the Cost Contribution and Capacity Allocation Agreement (Condition 6).
<b>MUNICIPAL RESERVE (\$/ACRE)</b> \$364,046 per acre according to the land appraisal prepared by Altus Group Limited, dated July 13, 2019	\$273,035 (estimate)

*Accessibility to a Road:*

The parcel is currently accessed from Range Road 291 and High Plains Road, both of which are paved approaches in good condition. A condition of approval will require a new approach be constructed to provide access to Lot 1. A condition of approval requires that a Traffic Impact Assessment be provided in accordance with the Rocky View County 2013 Servicing Standards and the Balzac Global TIA.

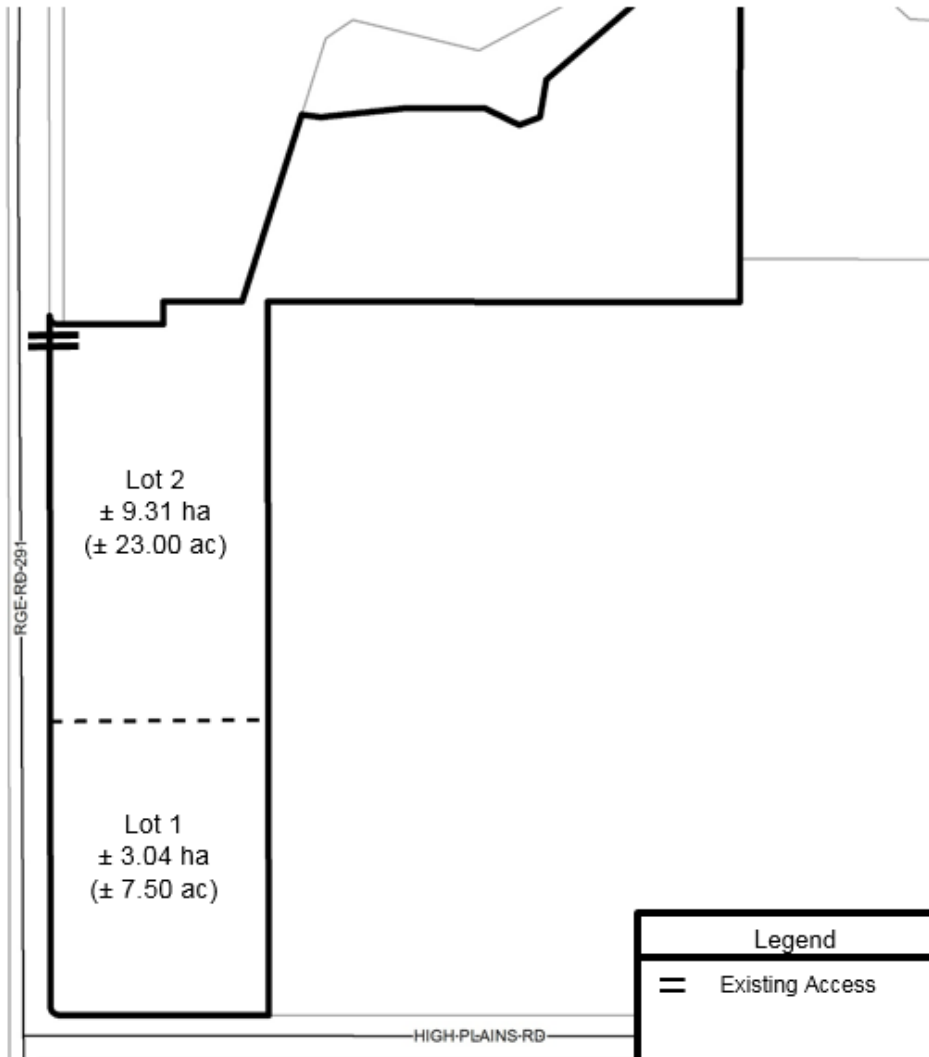
*Servicing*

The lands are proposed to be serviced by connection to the East Balzac Water Distribution and Sanitary Systems. A detailed potable water and hydraulic design study and sanitary service study will be required as conditions of approval.



*Tentative Plan*

**Subdivision Proposal:** To create a  $\pm 3.04$  hectare ( $\pm 7.50$  acre) parcel (Lot 1) with a  $\pm 9.31$  hectare ( $\pm 23.00$  acre) remainder (Lot 2).



**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**



NW-01-26-29-W04M

Date: June 07, 2019

Division # 7

File: 06401017



**CONCLUSION:**

Subject to the proposed conditions of approval, the application is recommended for approval.

Respectfully submitted,

Concurrence,

“Matthew Wilson”

“Al Hoggan”

---

Acting Executive Director  
Community Development Services

---

Chief Administrative Officer

JA/lt

**APPENDICES:**

APPENDIX ‘A’: Maps and Other Information

APPENDIX ‘B’: Approval Conditions

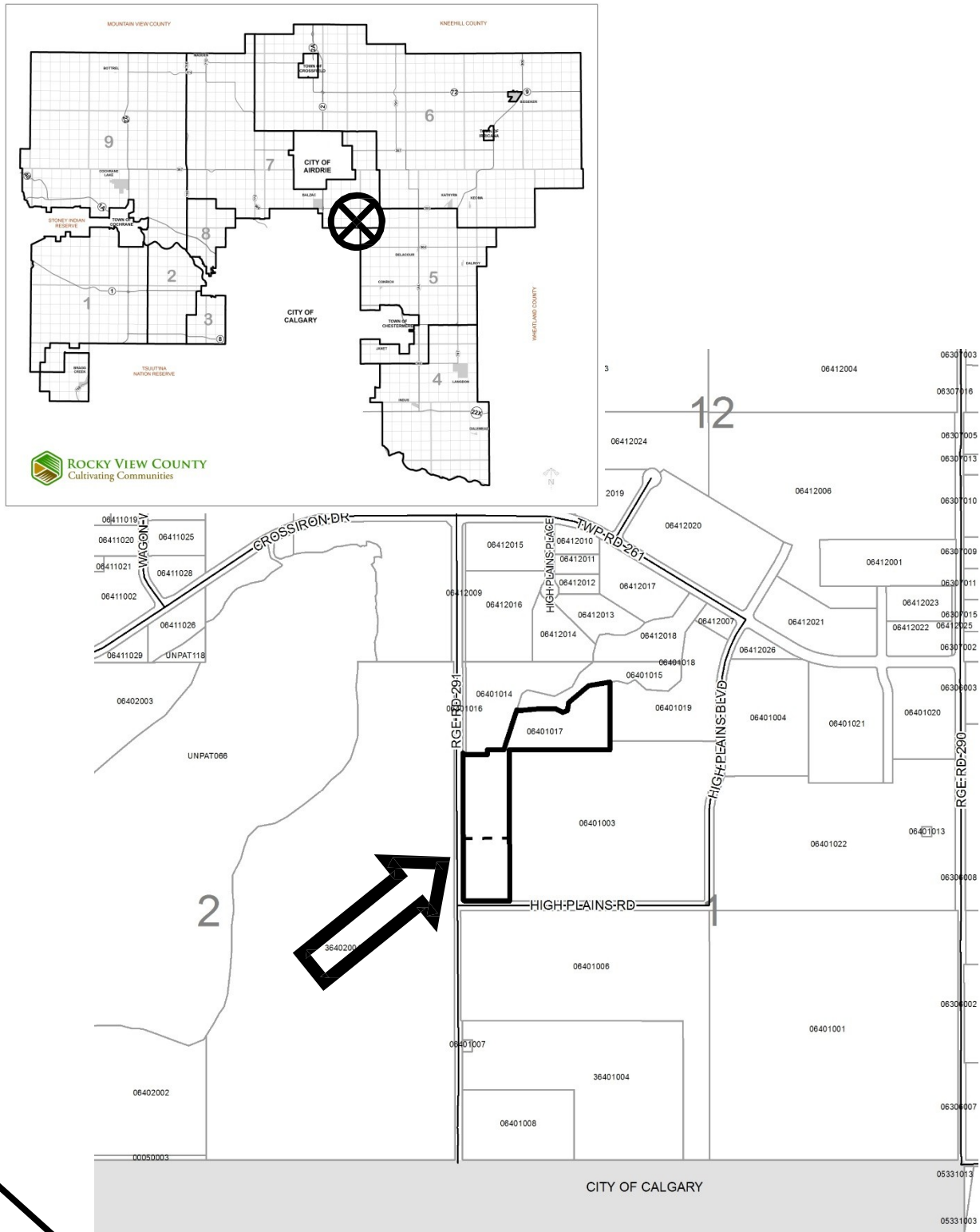
APPENDIX ‘C’: Letters



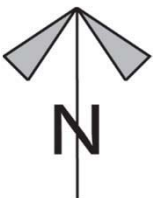


#### APPENDIX 'A': MAPS AND OTHER INFORMATION

<b>DATE APPLICATION RECEIVED:</b> May 27, 2019	<b>DATE DEEMED COMPLETE:</b> September 11, 2019
<b>GROSS AREA:</b> ± 30.50 acres	<b>LEGAL DESCRIPTION:</b> NW-01-26-29-W04M
<b>APPEAL BOARD:</b> Subdivision and Development Appeal Board	
<b>HISTORY:</b> <p><i>June 23, 2016:</i> Registration of Plan 161 1477 creating a 20.87 acre PUL lot and the subject 30.00 acre remainder within</p>	
<b>PUBLIC &amp; AGENCY SUBMISSIONS:</b> <p>The application was circulated to 16 adjacent landowners. No letters were received in response. The responses have been included in Appendix 'C.'</p> <p>The application was also circulated to a number of internal and external agencies and, where appropriate, conditions of approval have been proposed based on these comments.</p>	



## LOCATION PLAN



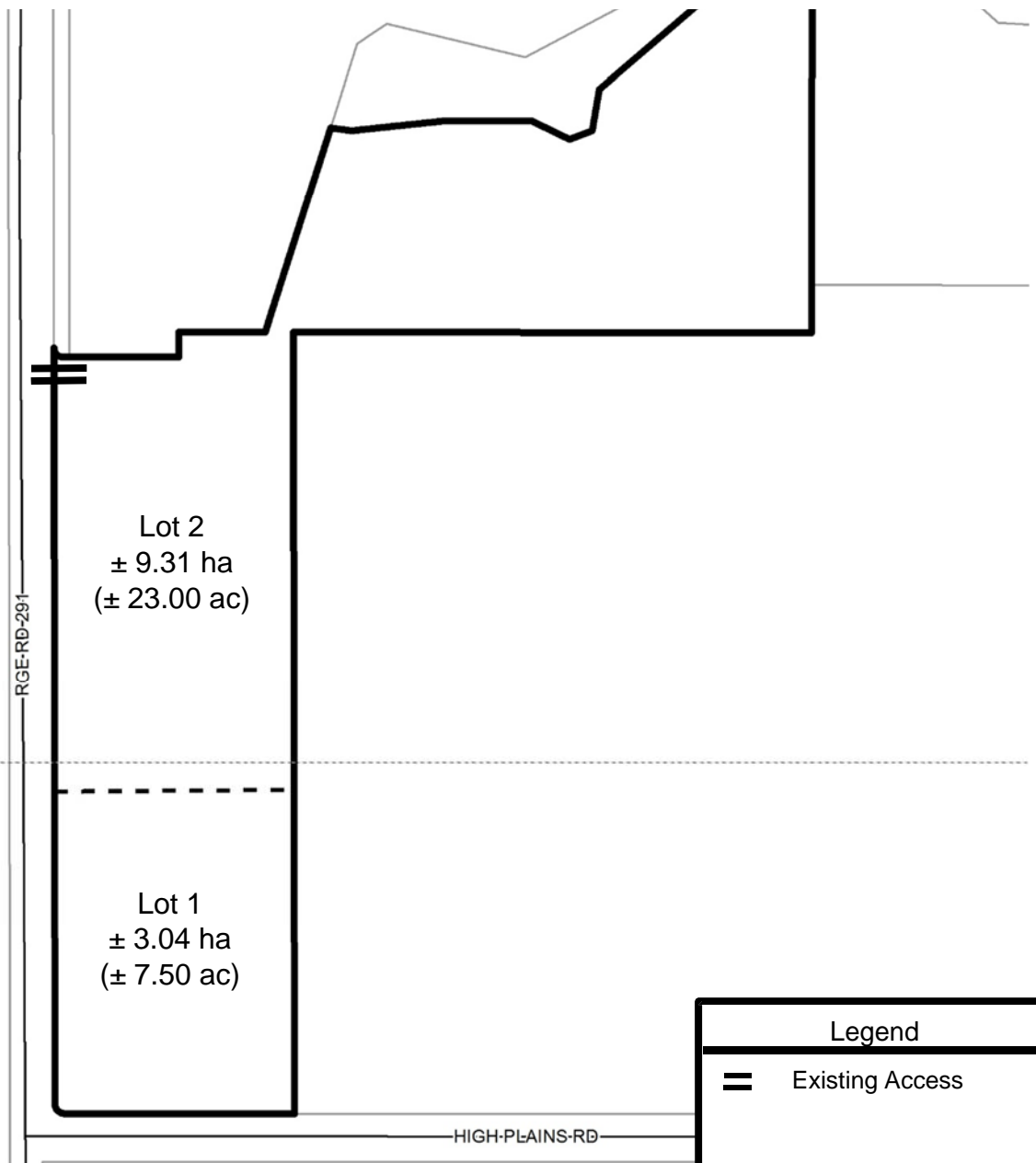
NW-01-26-29-W04M

**Date: June 07, 2019**

## Division # 7

**File: 06401017**

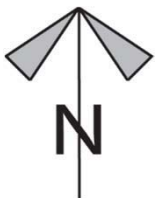
**Subdivision Proposal:** To create a  $\pm 3.04$  hectare ( $\pm 7.50$  acre) parcel (Lot 1) with a  $\pm 9.31$  hectare ( $\pm 23.00$  acre) remainder (Lot 2).



**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**

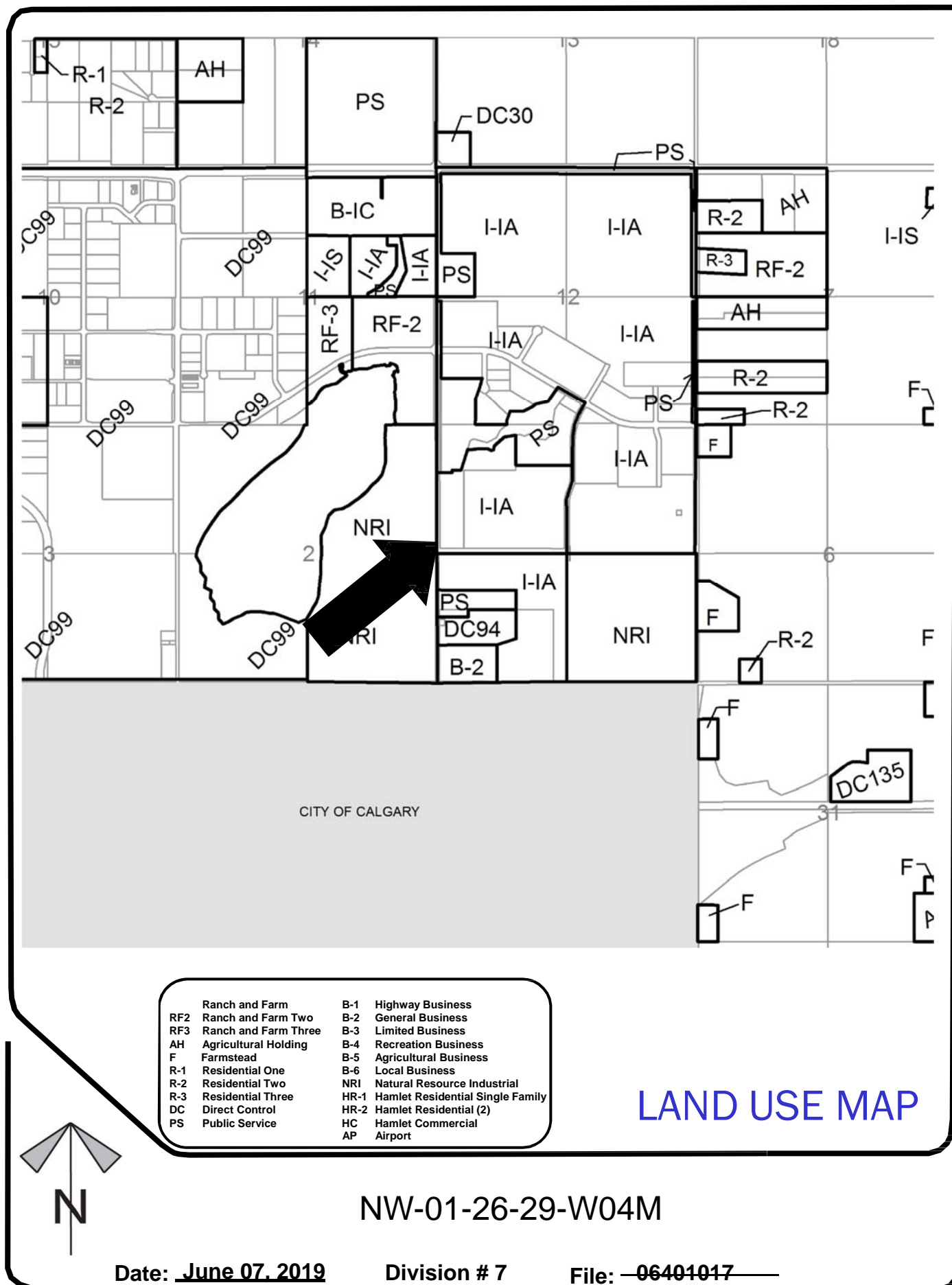


NW-01-26-29-W04M

Date: June 07, 2019

Division # 7

File: 06401017



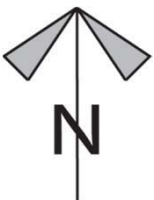




Contours are generated using 10m grid points, and depict general topographic features of the area. Detail accuracy at a local scale cannot be guaranteed. They are included for reference use only.

## TOPOGRAPHY

*Contour Interval 2 M*

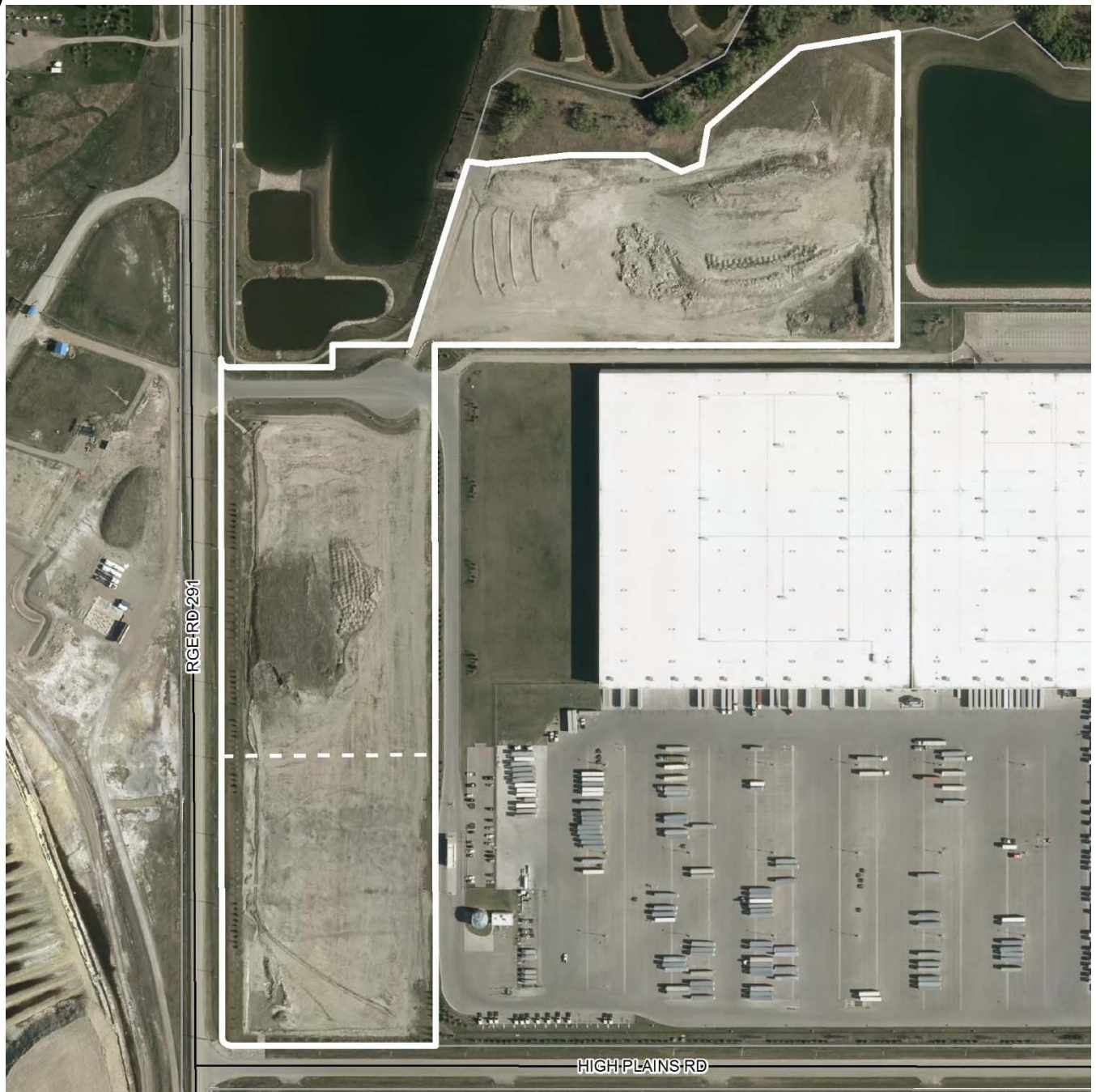


NW-01-26-29-W04M

Date: June 07, 2019

Division # 7

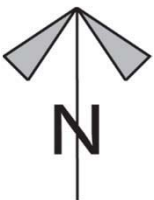
File: 06401017



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

**AIR PHOTO**

*Spring 2018*



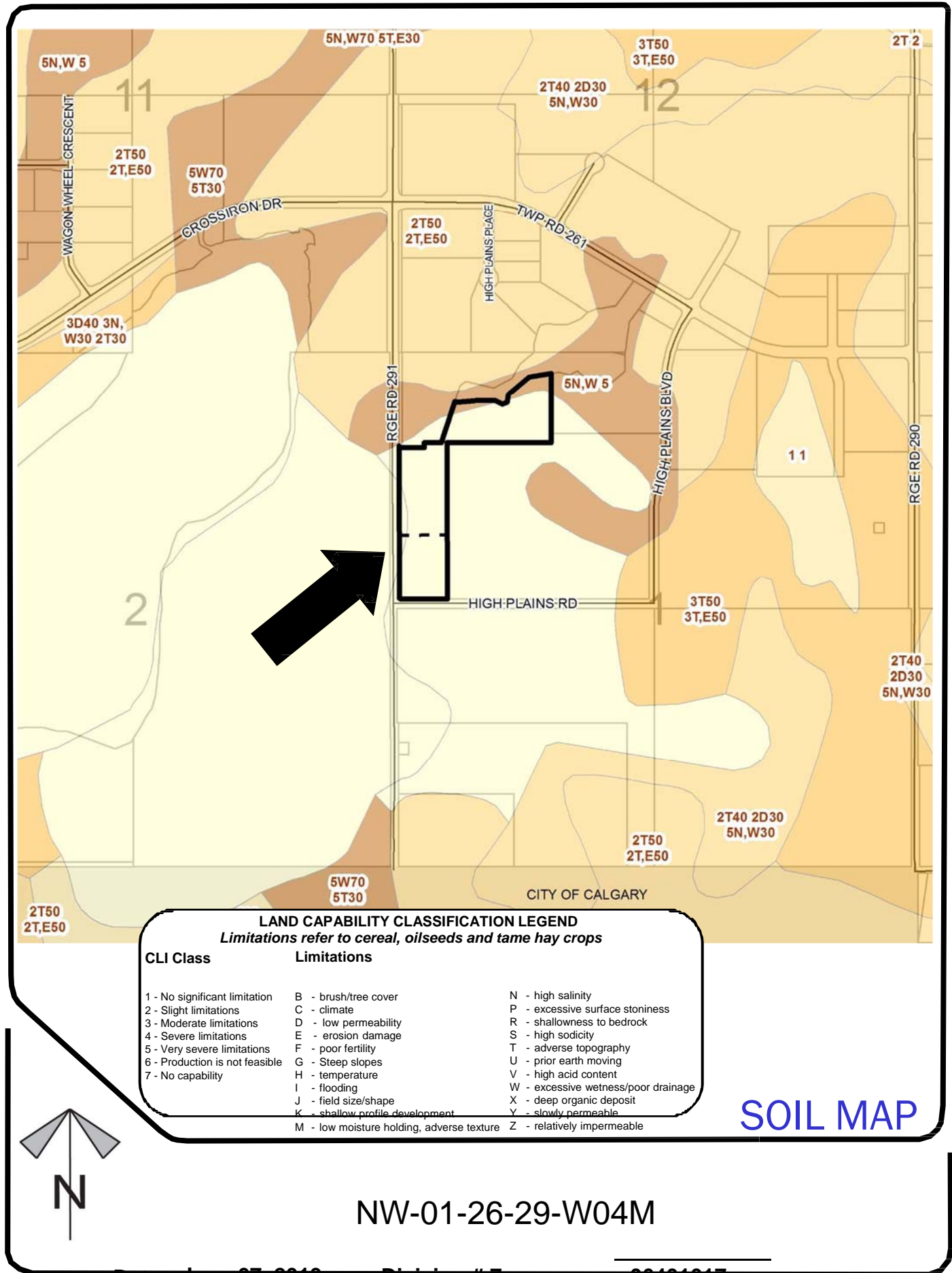
NW-01-26-29-W04M

Date: June 07, 2019

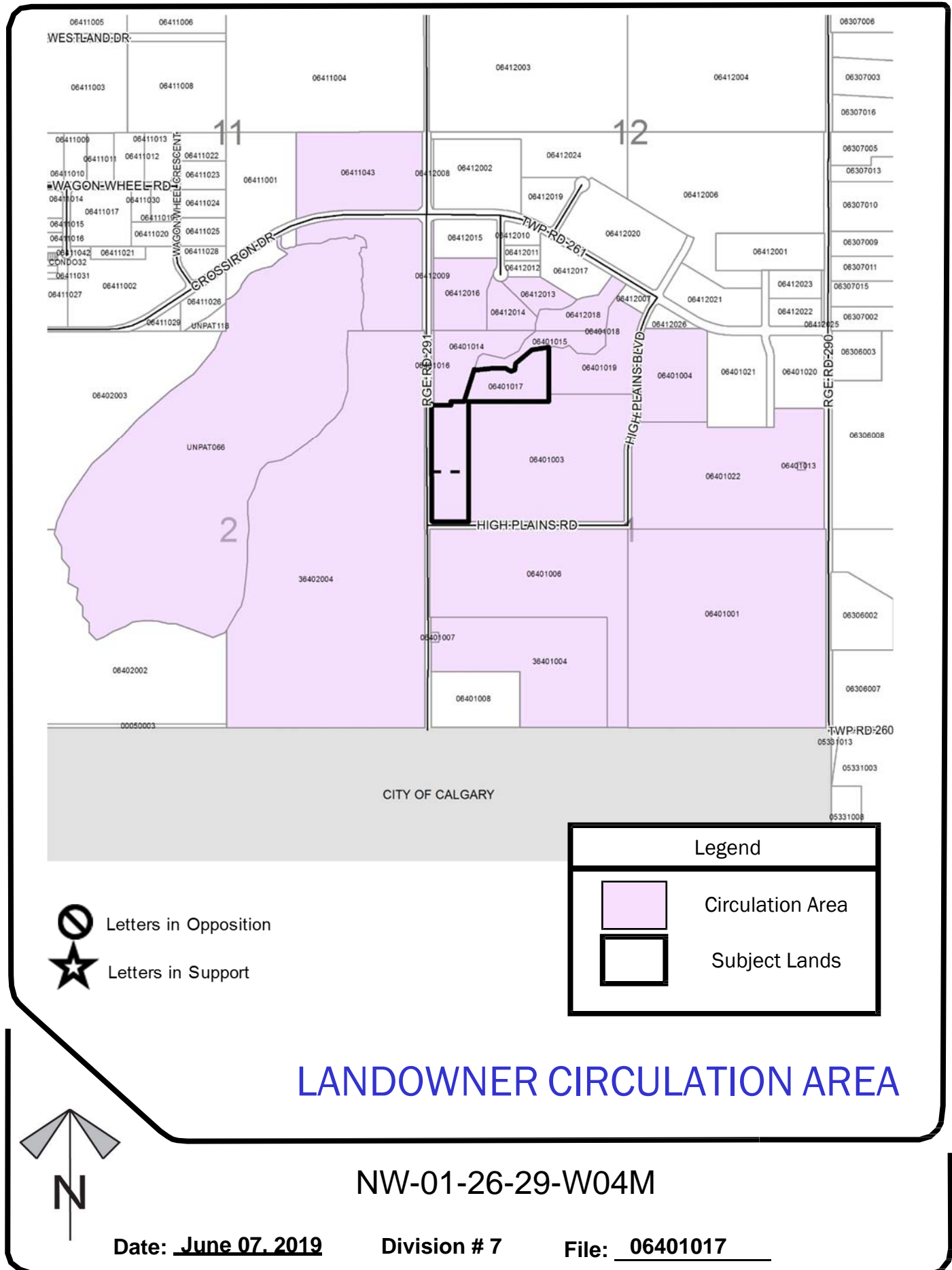
Division # 7

File: 06401017



Date: June 07, 2013Division # 7File: 00401017







## APPENDIX 'B': APPROVAL CONDITIONS

- A. That the application to create a  $\pm 7.50$  acre parcel with a  $\pm 23.00$  acre remainder from a portion of NW-01-26-29-W04M has been evaluated in terms of Section 654 of the *Municipal Government Act* and Section 7 of the Subdivision and Development Regulations. 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 Balzac East 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.
- C. Further, in accordance with Section 654 and 655 of the *Municipal Government Act*, the application be approved subject to the following conditions of approval:

### *Plan of Subdivision*

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

### *Transportation and Access*

- 2) The Applicant/Owner is to provide a Traffic Impact Assessment (TIA) in accordance with the Rocky View County 2013 Servicing Standards and the Balzac Global TIA.
  - i. If the recommendations of the Traffic Impact Assessment require additional improvements to the existing roadway and intersection network, then the Development Agreement shall address these improvements.

### *Developability*

- 3) The Applicant/Owner shall submit a Stormwater Management Report and detailed stormwater servicing design, including any improvements related water re-use, LID measures, purple pipe system, and irrigation system for the proposed development in accordance with the County Servicing Standards and any applicable provincial regulations, standards, and/or guidelines.
  - i. All improvements shall be constructed under a Development Agreement.
  - ii. Acquiring any related provincial licensing and registration requirements are the responsibility of the developer.

### *Site Servicing*

- 4) The Applicant/Owner shall submit a Detailed Sanitary Servicing Study to support this phase of the development. The study shall confirm the servicing capacity required for the development of the proposed parcel and determine if offsite upgrades to the regional system are required.



- i. If offsite upgrades or additional lift station capacity are required, then all improvement shall be constructed under a Development Agreement.
  - ii. Improvements that benefit other lands will qualify for cost recovery in accordance with Rocky View County Policy 406.
- 5) The Applicant/Owner shall submit a Detailed Potable Water Servicing and Hydraulic Design Study to ensure the pipelines are sized adequately considering existing and future phases. The study shall confirm servicing requirements for this phase are in place and include provision for fire protection in accordance with County Servicing Standards.
  - i. If upgrades or improvements are identified in the potable water servicing and hydraulic design study, then the Applicant/Owner shall enter into a Development Agreement.
- 6) The Applicant/Owner shall enter into a Capacity Allocation Agreement for servicing allocation to the lot created in this Phase based upon the servicing need identified in the potable water servicing and sanitary servicing reports.

#### *Association Information*

- 7) The Owner is to prepare a Solid Waste Management Plan, which will outline the responsibility of the Lot Owners' Association for the management of solid waste.

#### *Payments and Levies*

- 8) The Applicant/Owner shall pay the Transportation Off-Site Levy (including the Base Levy and the Special Area Levy) in accordance with the Transportation Off-Site Bylaw C-7356-2014. The County shall calculate the total owing:
  - o From the total gross acreage of Lot 1 as shown on the Plan of Survey.
- 9) The Applicant/Owner shall pay the Water and Wastewater Off-Site Levy in accordance with Bylaw C-7273-2013, for Lot 1.
  - o If required, the Applicant/Owner shall enter into any related agreements for payment of the Water and Wastewater Off-Site Levy for the subject lands.
- 10) The Owner shall pay the County subdivision endorsement fee, in accordance with the Master Rates Bylaw, for the creation of one new Lot.

#### *Municipal Reserve*

- 11) The provision of Reserve in the amount of 10 percent of the area of Lots 1 and 2 as determined by the Plan of Survey, is to be provided by payment of cash-in-lieu in accordance with the per acre value listed in the land appraisal prepared by Altus Group, project number 13120.102658.033, dated July 13, 2019, pursuant to Section 666(3) of the *Municipal Government Act*.

#### *Taxes*

- 12) 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.



**ROCKY VIEW COUNTY**  
Cultivating Communities

**APPENDIX 'C': LETTERS**

None received.





## PLANNING AND DEVELOPMENT SERVICES

**TO:** Subdivision Authority  
**DIVISION:** 9  
**SUBJECT:** Subdivision Item: Boundary Adjustment

**DATE:** October 22, 2019

**APPLICATION:** PL20190042

**APPLICATION:** To adjust the boundaries between a  $\pm 160.00$  acre parcel and a  $\pm 107.29$  acre parcel in order to create a  $\pm 50.00$  acre parcel and a  $\pm 217.29$  acre parcel.

**GENERAL LOCATION:** Located at the northeast junction of Highway 40 and Range Road 55, approximately 7.0 miles west of Cochrane.

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

### **ADMINISTRATION RECOMMENDATION:**

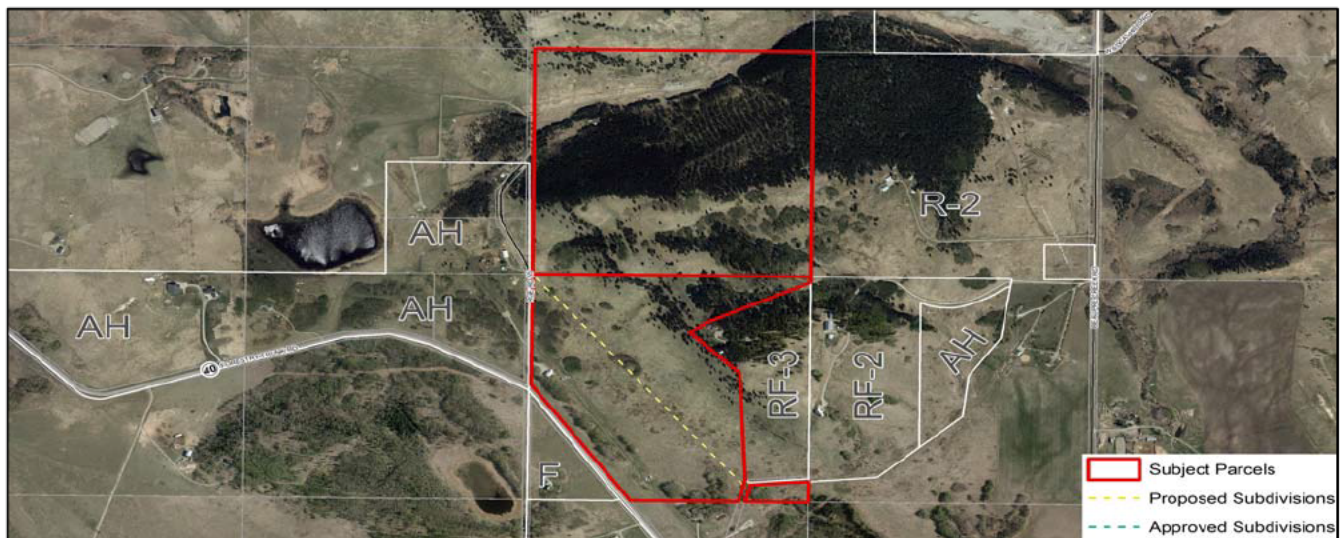
Administration recommends approval in accordance with Option #1.

### **OPTIONS:**

Option #1: THAT Subdivision Application PL20190042 be approved with the conditions noted in Appendix B.

Option #2: THAT Subdivision Application PL20190042 be refused.

### **AIR PHOTO & DEVELOPMENT CONTEXT:**



<sup>1</sup> Administration Resources

Jessica Anderson and Milan Patel, Planning and Development Services



**APPLICANT:** C Hugh & Pauline McGregor

**OWNER:** C Hugh & Pauline McGregor

**APPLICATION EVALUATION:**

The application was evaluated based on the technical reports submitted with the application and the applicable policies and regulations.

<p><b>APPLICABLE POLICY AND REGULATIONS:</b></p> <ul style="list-style-type: none"> <li>• <i>Municipal Government Act</i>;</li> <li>• Subdivision and Development Regulations;</li> <li>• Land Use Bylaw; and,</li> <li>• County Servicing Standards.</li> </ul>	<p><b>TECHNICAL REPORTS SUBMITTED:</b></p> <ul style="list-style-type: none"> <li>• None.</li> </ul>
--	--

*Payments and Levies*

Levies are not applicable in this case.

Reserves will not be collected at this time in accordance with section 663 (b) of the *Municipal Government Act*.

*Accessibility to a Road:*

Both parcels currently gain accessed from Range Road 55 from a gravel approach in good condition.

*Servicing*

The lands are not currently serviced and are not required to demonstrate servicing in this case where both parcels are over 30 acres in size as per the County Servicing Standards.

*Application Purpose*

The purpose of the application is to adjust the boundaries between two parcels to improve access to the quarter to the north and consolidate farming operations on the lands.

*Adjacent Landowner Opposition*

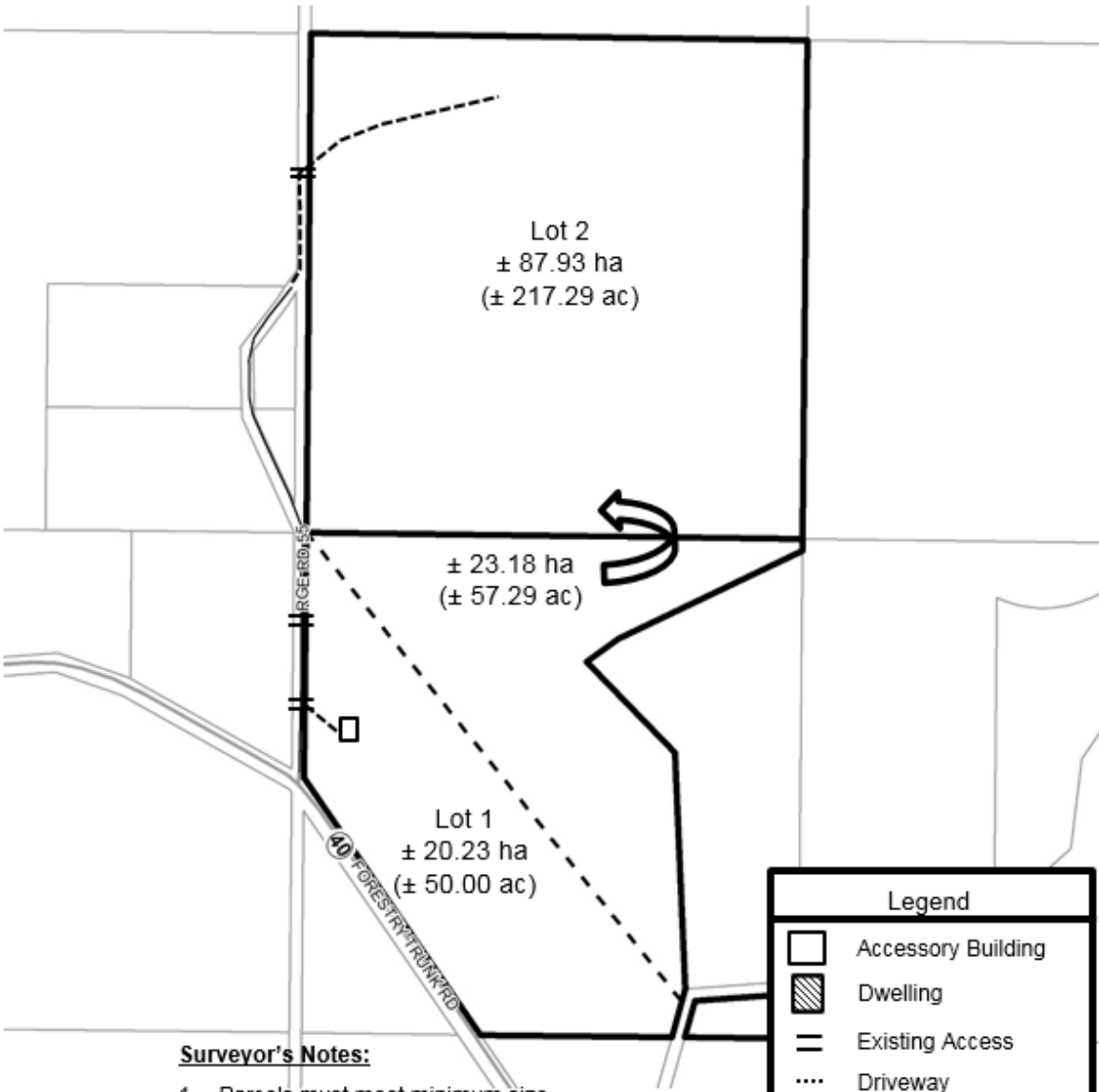
The application meets the provisions for a delegated subdivision decision as per the Subdivision Authority Bylaw section 4.1; however, in this case an adjacent landowner has submitted a letter and requested an opportunity to speak to Council on this matter. Therefore, the application is presented for Council's consideration.



ROCKY VIEW COUNTY  
Cultivating Communities

*Tentative Plan*

**Subdivision Proposal:** To adjust the boundaries between a  $\pm 64.74$  hectare ( $\pm 160.00$  acre) parcel and a  $\pm 43.42$  hectare ( $\pm 107.29$  acre) parcel in order to create a  $\pm 20.23$  hectare ( $\pm 50.00$  acre) parcel and a  $\pm 87.93$  hectare ( $\pm 217.29$  acre) parcel.



**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**



**NW-29-26-05-W05M & SW-32-26-05-W05M**

Date: 8-Oct-19

Division # 9

File: 06929004/017



**CONCLUSION:**

Subject to the proposed conditions of approval, the application is recommended for approval.

Respectfully submitted,

Concurrence,

“Matthew Wilson”

“Al Hoggan”

---

Acting Executive Director  
Community Development Services

---

Chief Administrative Officer

JA/lt

**APPENDICES:**

APPENDIX ‘A’: Maps and Other Information

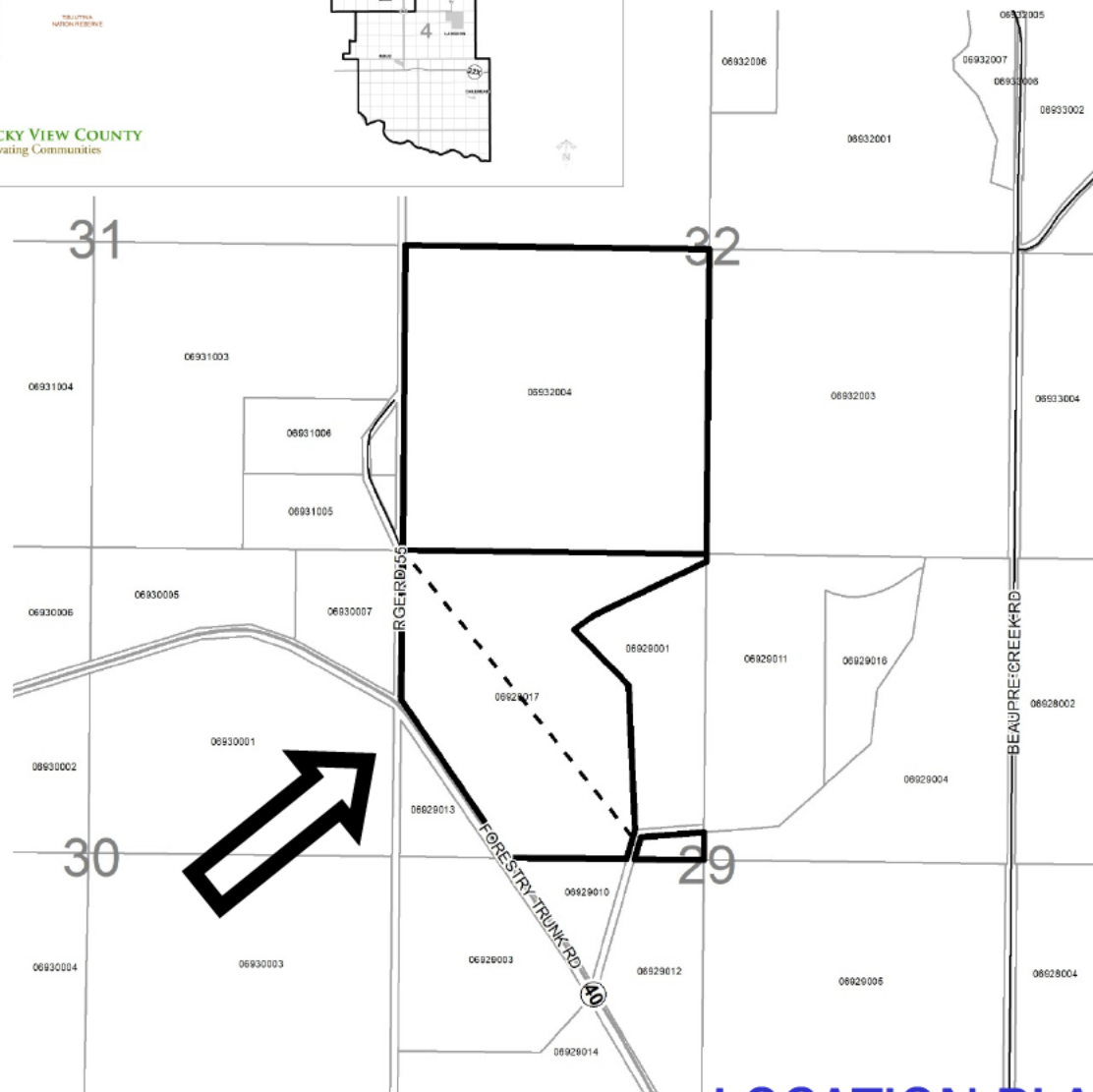
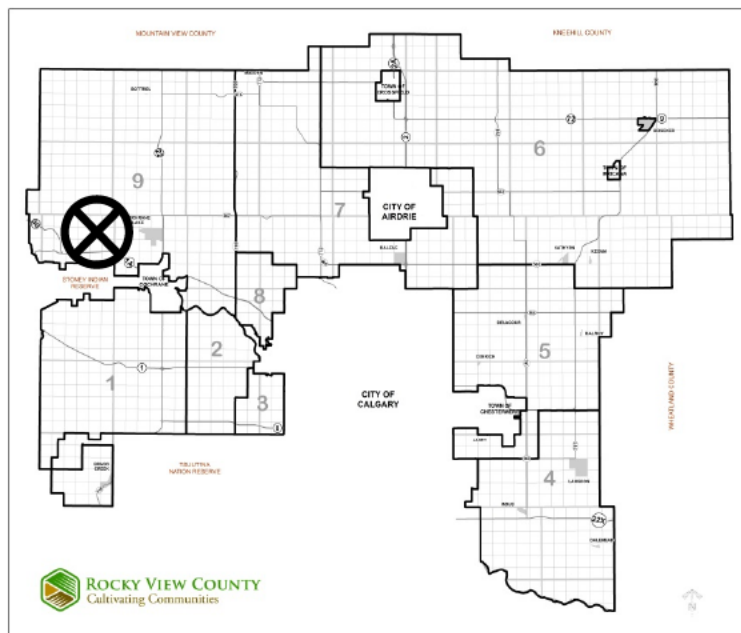
APPENDIX ‘B’: Approval Conditions

APPENDIX ‘C’: Letters

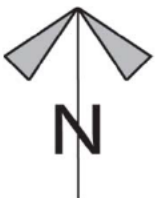


#### APPENDIX 'A': MAPS AND OTHER INFORMATION

<b>DATE APPLICATION RECEIVED:</b> April 2, 2019	<b>DATE DEEMED COMPLETE:</b> April 2, 2019
<b>GROSS AREA:</b> ± 108.17 HECTARES (± 267.29 ACRES)	<b>LEGAL DESCRIPTION:</b> NW-29-26-05-W05M and SW-32-26-05-W05M
<b>APPEAL BOARD:</b> Subdivision and Development Appeal Board	
<b>HISTORY:</b> <b>FEBRUARY 19, 2016:</b> Registration of Plan 1610586 creating a 35.83 acre parcel with the subject lands as a remainder (Lot 1).	
<b>PUBLIC &amp; AGENCY SUBMISSIONS:</b> <p>The application was circulated to 29 adjacent landowners. One letter was received in opposition (see Appendix 'C').</p> <p>The application was also circulated to a number of internal and external agencies and, where appropriate, conditions of approval have been proposed based on these comments.</p>	



## LOCATION PLAN



**NW-29-26-05-W05M & SW-32-26-05-W05M**

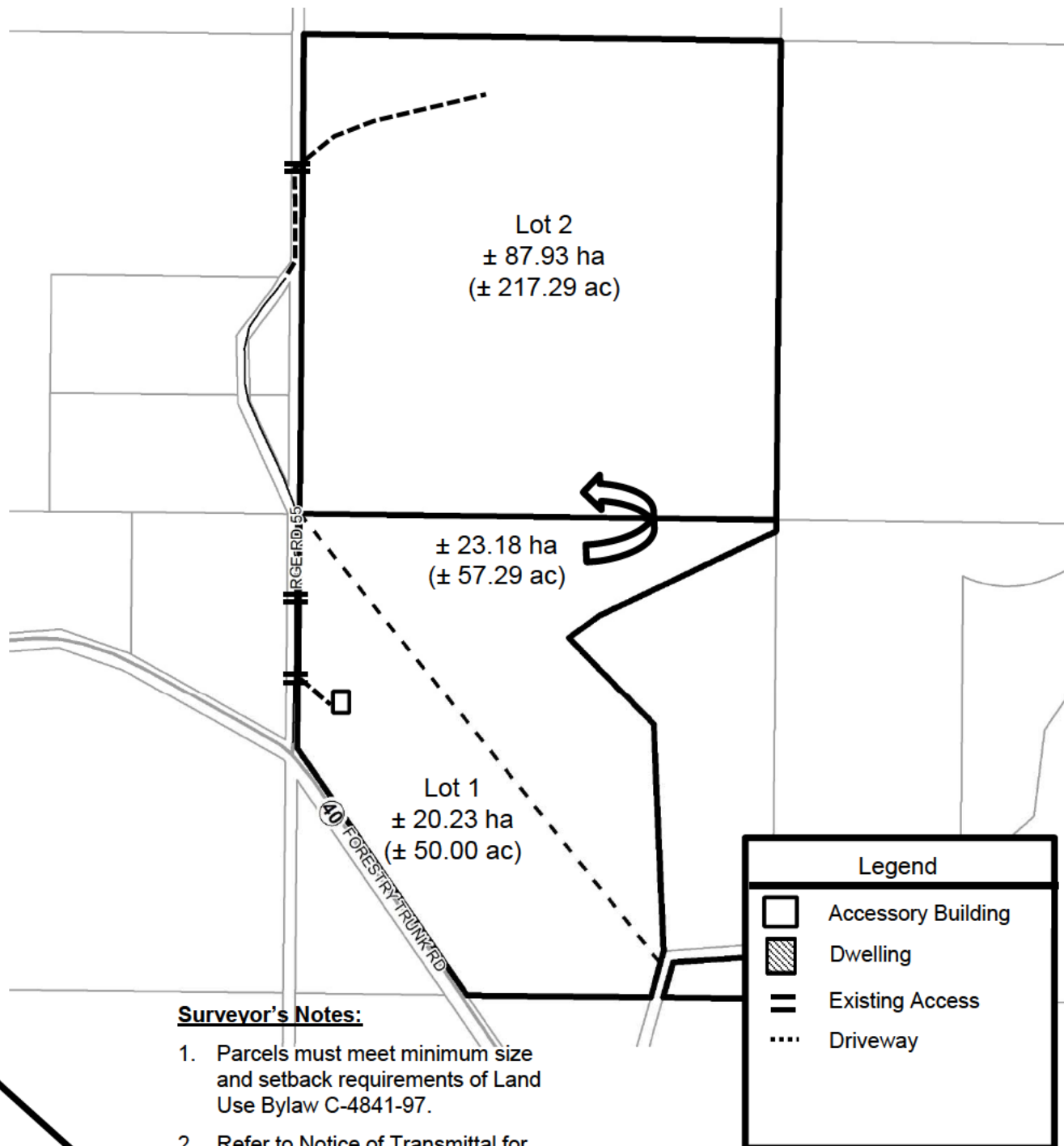
Date: 9-Oct-19

## Division # 9

File: 06929004/017

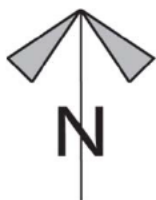


**Subdivision Proposal:** To adjust the boundaries between a  $\pm 64.74$  hectare ( $\pm 160.00$  acre) parcel and a  $\pm 43.42$  hectare ( $\pm 107.29$  acre) parcel in order to create a  $\pm 20.23$  hectare ( $\pm 50.00$  acre) parcel and a  $\pm 87.93$  hectare ( $\pm 217.29$  acre) parcel.



**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.

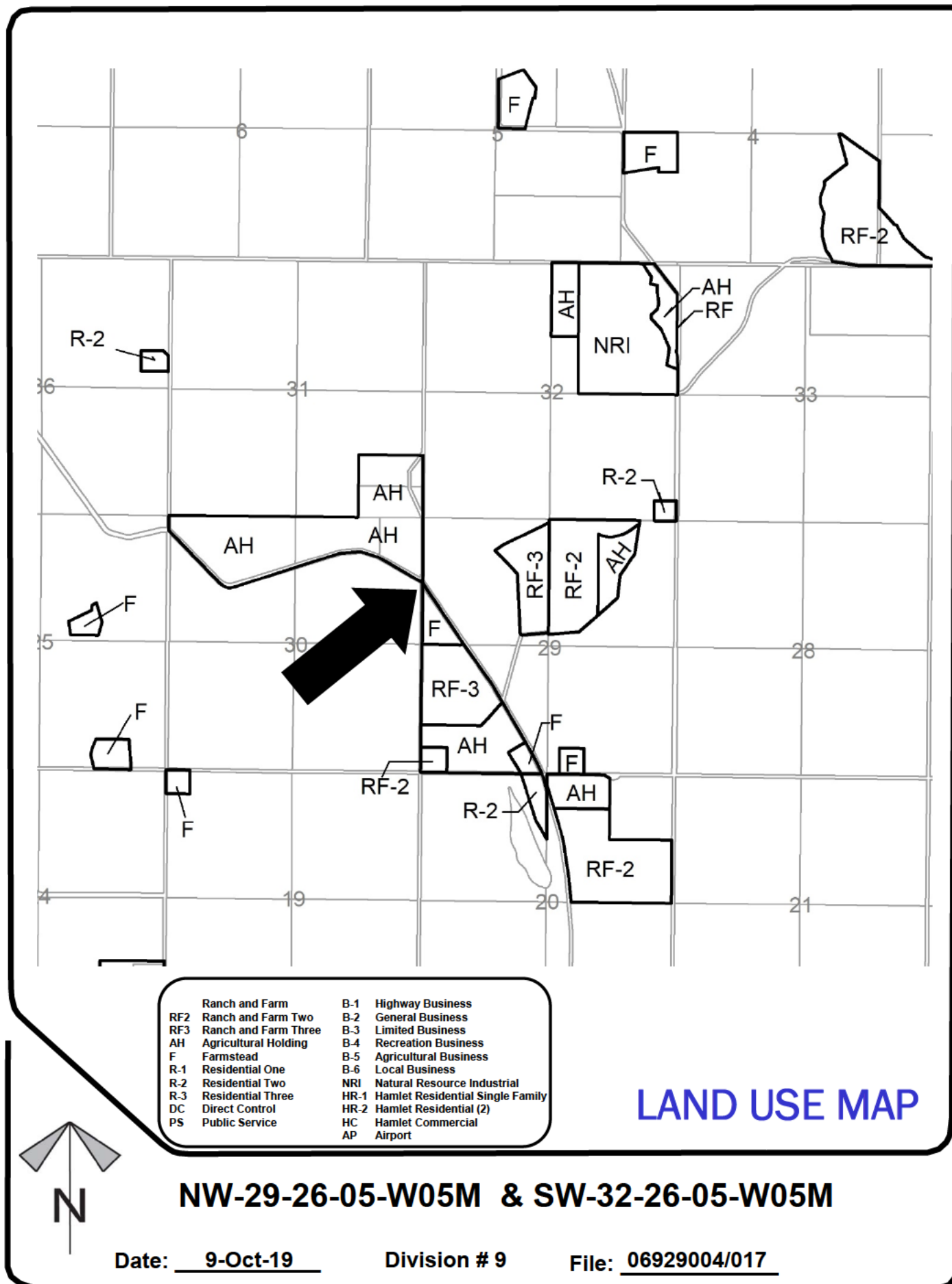


**NW-29-26-05-W05M & SW-32-26-05-W05M**

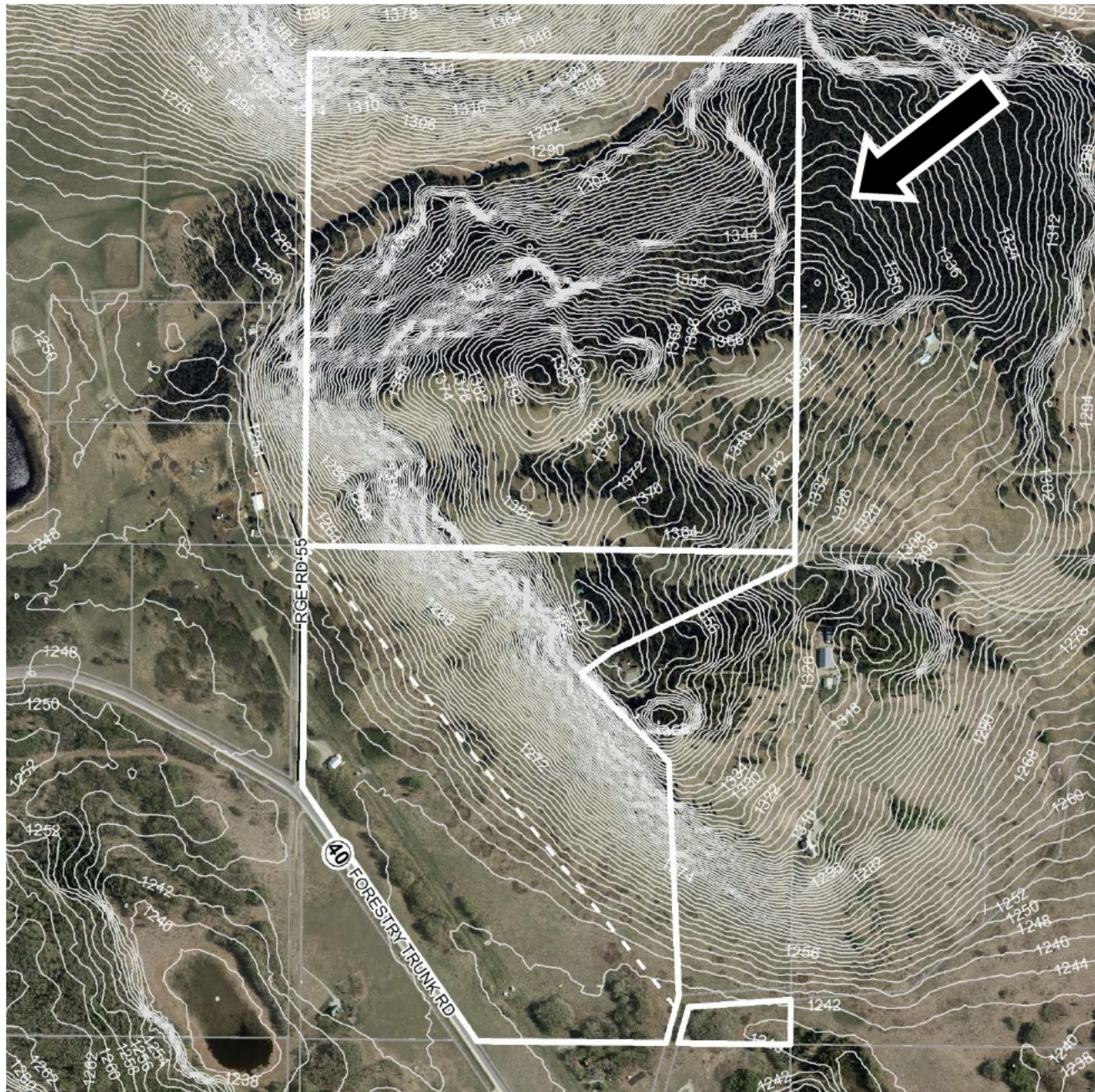
Date: 9-Oct-19

Division # 9

File: 06929004/017

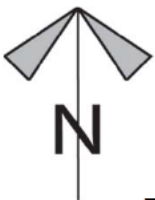






Contours are generated using 10m grid points, and depict general topographic features of the area. Detail accuracy at a local scale cannot be guaranteed. They are included for reference use only.

**TOPOGRAPHY**  
Contour Interval 2 M



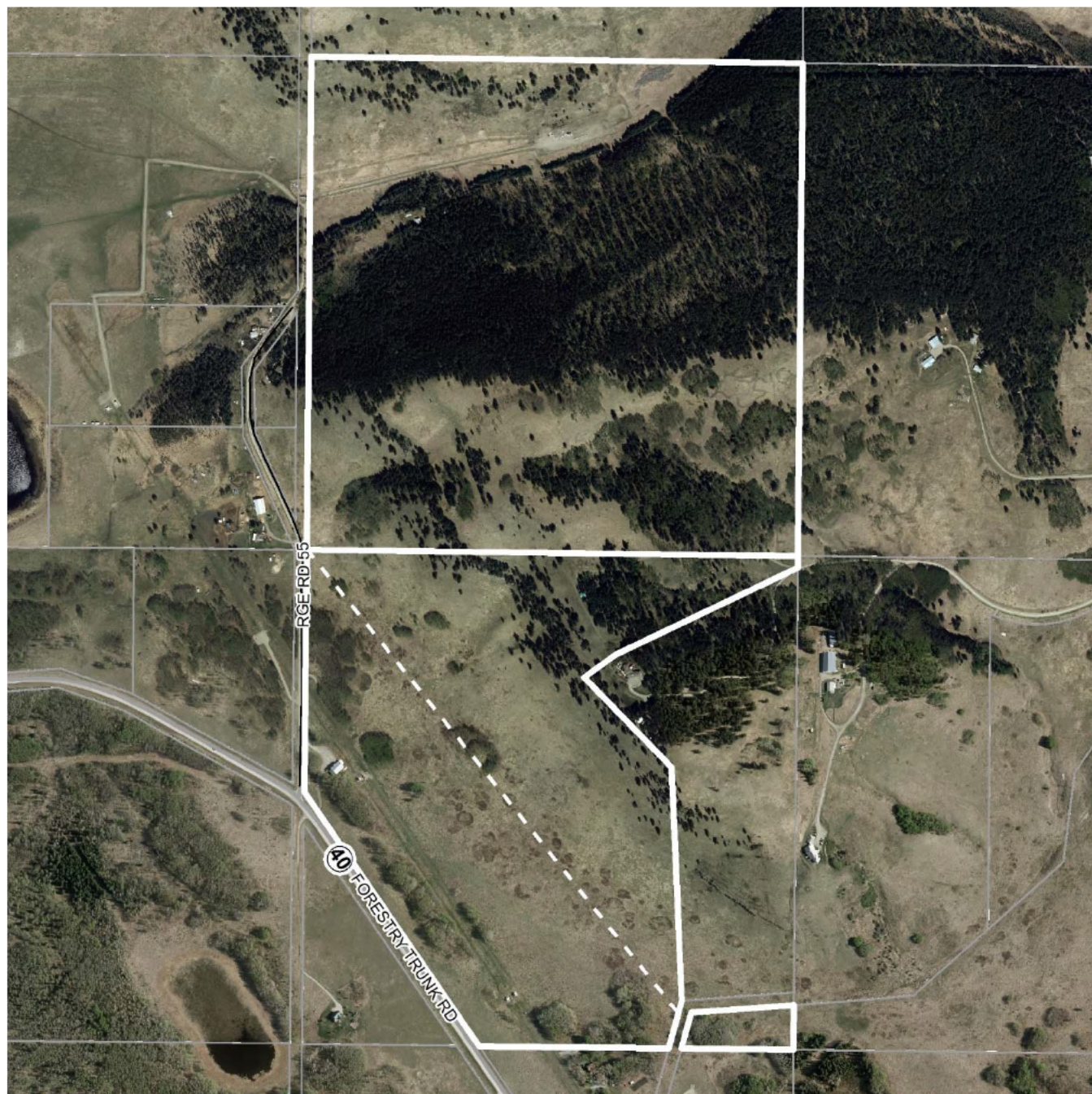
**NW-29-26-05-W05M & SW-32-26-05-W05M**

Date: 9-Oct-19

Division # 9

File: 06929004/017

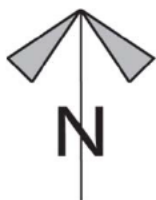




Note: Post processing of raw aerial photography may cause varying degrees of visual distortion at the local level.

**AIR PHOTO**

*Spring 2018*

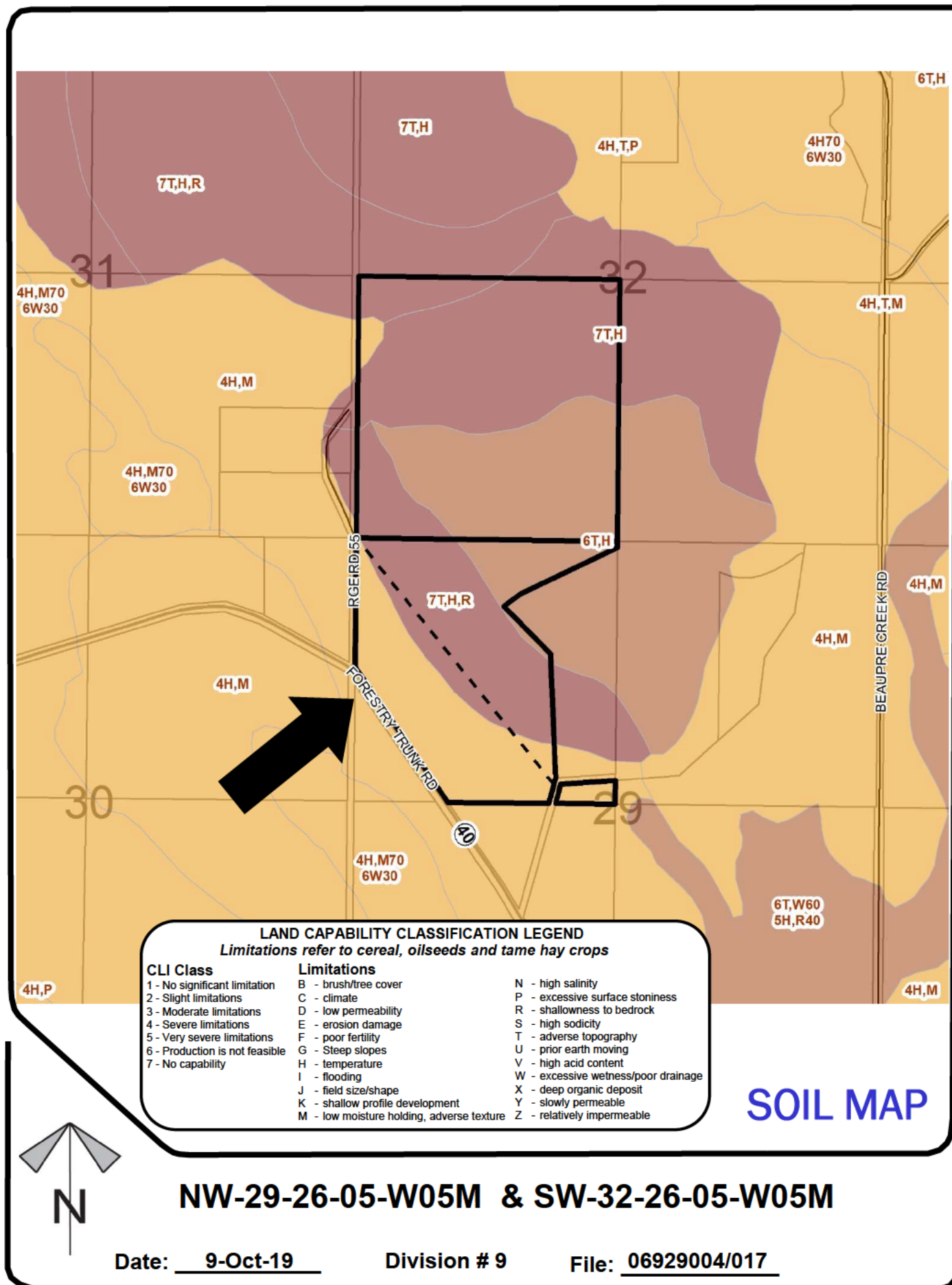


**NW-29-26-05-W05M & SW-32-26-05-W05M**

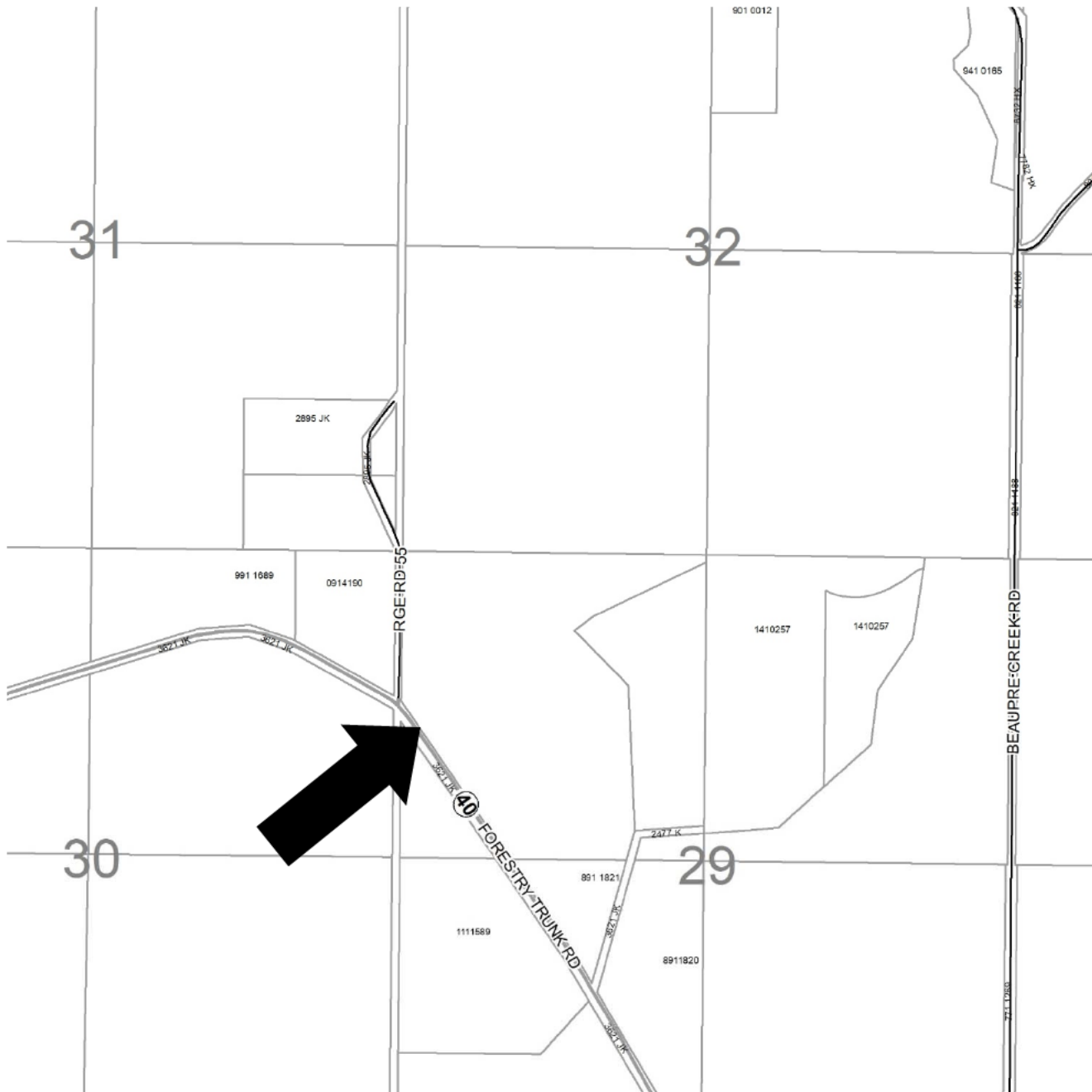
Date: 9-Oct-19

Division # 9

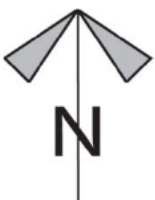
File: 06929004/017



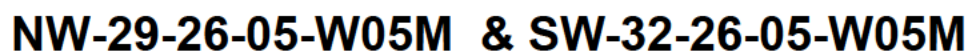


**Legend – Plan numbers**

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

**HISTORIC SUBDIVISION MAP****NW-29-26-05-W05M & SW-32-26-05-W05M**Date: 9-Oct-19Division # 9File: 06929004/017





File: 06929004/017



## APPENDIX 'B': APPROVAL CONDITIONS

- A. That the application to adjust the boundaries between a  $\pm 160.00$  acre parcel and a  $\pm 107.29$  acre parcel in order to create a  $\pm 50.00$  acre parcel and a  $\pm 217.29$  acre parcel at NW-29-26-05-W05M and SW-32-26-05-W05M has been evaluated in terms of Section 654 of the *Municipal Government Act* and Section 7 of the Subdivision and Development Regulations. 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 County 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.
- C. Further, in accordance with Section 654 and 655 of the *Municipal Government Act*, the application be approved subject to the following conditions of approval:

### *Plan of Subdivision*

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

### *Fees*

- 2) The Owner shall pay the County subdivision endorsement fee, in accordance with the Master Rates Bylaw, for a boundary adjustment affecting two parcels.

### *Taxes*

- 3) 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.

Dear Council members and RVC staff,

We are the homeowners adjacent to the proposed Mc Gregor application, shown on the circulated file as 06929003. We were recently notified of the Mc Gregor's intention to subdivide another portion of their parcel.

We write this to you with significant concern and in all due fairness to other adjacent property owners and in support of ensuring policies in place apply to 'everyone' fairly regarding access for roads and driveways encompassed within the Development permit terms approved.

We support the subdivision application PL20190042 with the condition that the developer meet at least the minimum requirements for apron and road upgrades as well as fix the deficiencies on their other prior application regarding the same parcel.

Jack Brown Development officer with RVC made it clear in a letter to the applicants that the permit issued does not excuse violation of any regulation or Act which may affect the McGregor's prior subdivision as per policy 642. As is customary an oath was sworn by the applicant to comply with the Development Agreement which was previously approved by council.

Lorne Stevens Municipal engineering Technologist with RVC flagged and acknowledged the deficiencies to the road, culvert and apron among other items to be built regarding permit specs to the applicant. Regardless of acknowledging they needed to be fixed and then the applicant acknowledging it would be directed to the consulting Engineering firm Doran Engineering, Doran Engineering signed off on the CCC.

At any time RVC could have and should have enforced the conditions of the road build but chose not to.

A caveat could and should have been placed by RVC on Lot 1 Plan 981 3287 in the event deficiencies were present and not fixed prior to transfer of title but was not. The terms of the permit were not enforced by RVC.

This allowed a property and home that was supposedly built by and for the applicant Chris McGregor to be sold to a third party (Joanny Gotta) without meeting the required obligations that the applicant agreed to under oath.

Failure by RVC prior staff to ensure the terms of the permit were followed means RVC is left fixing the deficiency or even worse an attempt is made to pass it on to other land owners who get hit with the cost upgrade to not just their own property but also the cost of other bad faith developers that did not meet the terms of their permit.

We would respectfully request of Council members to consider that given that neither applicant complied with the terms of their building permit in the past that it be a condition of approval that they agree to correct the deficiencies on their prior development Lot 1 Plan 981 3287

(Currently Joanny Gotta's residence adjacent to the newly proposed development) as a condition of their new development given it was part of the same parcel they now wish to subdivide.

We would also request that the applicant agree to no compensation from third parties for that build. Not from Joanny Gotta (the current homeowner) nor anyone else. Given past conduct, refusal by the applicant to agree to honor their sworn oath would result in us strongly opposing their application.

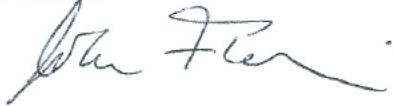
Please feel free to contact us if you so choose.

Thank you

Respectfully

Homeowners,

John Fiorino



Elise Puusepp





July 14, 2019

Attn to: RVC Staff  
Attn to: RVC Councilors  
Attn to: Jessica Anderson  
Attn to : Psimon,

To whom this may concern,

Apologies in advance for the long winded message but myself and my wife felt it important to relay to RVC council and RVC staff that today I received a call from Chris McGregor re his application.

Chris McGregor called in regards to my lack of support for his current application whereby we requested his application approval be contingent upon the McGregor's fix deficiencies from their prior application(s). Mr. McGregor insisted that he did not complain about my application therefore I should not complain about his. I reminded him that applications are based on the merit, pros and cons of each project and not on a 'buddy buddy system' or coercion. (You don't approve mine I won't approve yours scenario, you don't give me that concrete contract on your home I will oppose you). I encouraged Mr. McGregor that if he had opposition to my project to submit a letter to council as well as stating why such opposition exists. Chris McGregor had no objection and stated that I should not object because he did not object my application.(I am not interested in playing the buddy buddy system, I ran across this nonsense in my first application that subsequently did not pass where one person objected and put "I oppose" without explanation and another from the neighbor across street from my parcel who went hostile after I turned down his concrete contract whereby he and his wife charge me almost double for concrete work, among other issues that plagued our file. I had a verbal proposal of coercion on my subsequent Rezoning application relayed to me by Keith Lashmore on behalf of owner North of my subject property a Dr. Bobby Whitfield that she would not oppose my file as long as I waved all latecomer fees for her parcel, of which I declined.)

Chris McGregor went on multiple tangents for one hour stating that when the McGregor's did the road across the street from their current application that RVC had no measures in place and the McGregors' did not know whatever Rockyview did or did not do and that the road was built to RVCs specs of that time(this is false.... I checked the specs of that time and reviewed the submitted drawings and the McGregor's binder).

I want to ensure that the Council of RVC is aware that a while back the McGregor's gave me an entire binder with all their disclosure regarding this file with the understanding I would make copies. At the time of the request I suspected inconsistencies but not to this extent, the authorization to make copies of the entire book saved me the hassle of filing for a FOI(Freedom of Information). At that time I had no knowledge the McGregor's would submit a new application. Since then the relations have deteriorated even though I told Chris this is not a personal matter but rather a risk, potential expense and aggravation unjustly added to my application.

Within the binder there are multiple supporting documents with attempts by the McGregor's to undermine Authority of RVC and the Agreement entered into by lobbying the local MLA, contacting different levels of government including the Alberta Transportation Minister, there was clear acknowledgment of the approved plans and from the files clear understanding what those requirements were.

The McGregor's complained why they had to put in a culvert, complaining why they had to put in an apron, complaining why they had to put in a road and a driveway off that road in addition to all this Doran Engineering gave them their CCC knowing that even by the lowest threshold of professional standards the road did not meet requirements. RockyView had every opportunity to follow up and not grant a building permit, not grant an occupancy permit, to put a caveat on the McGregor title to ensure the work was done to RVC Councils approval terms but never did,. The supposed home that Chris McGregor lobbied the entire time was to be his principal residence was subsequently sold there after to Joanny Gotta. Terms were agreed to and sworn under oath by the McGregor's.

I wish to make it clear to RVC that I am not interested in building a road and apron that is supposed to exist but does not.

My project economics are already at a loss and cannot sustain carrying the burden of paying for others mistakes or favors.

My own application is going to council within 2 weeks and our proposed road ties onto the road constructed by the McGregors.

I hope the Council takes this opportunity to ensure those who benefitted from past development are not allowed to further develop within RVC without correcting intentional past deficiencies.

In the event my word and convictions are not enough, RVC should have all documentation regarding this file within your own internal documentation.

I wish to politely remind council that development is fueled by economic benefit, entrepreneurs then creates jobs in the community and stimulates the economy. It is prejudice to allow one developer to put all the money in their pocket and leave RVC with the bill, while another loses their shirt and then loses more money when they are faced with fixing other developer's deficiencies. With the creation of only one new lot there is absolutely no budget for us to absorb this, I am basically putting more good money into bad money in the hopes of getting an exit and cutting my losses.

I would like to stop complaining about this project and move on with my life but I cannot keep carrying the burdens of costs, of time and money among other things.

I sincerely hope that the Council makes it a condition of the McGregor's who swore an oath on their initial development that their new application approval is contingent upon them correcting past deficiencies.

I request that given Chris McGregor took it upon himself to aggravate me today and that I suspect that he will deflect my initial letter of opposition that this letter be added as an addendum.

I have been hesitant in being vocal over this matter for an extended amount of time but after today's call felt compelled to speak up. I trust this will send a clear message to the rest of those who still rely on a questionable at best 'buddy system or coercion' that not everyone who is persecuted is going to lay down and take it.

Sincerely,

John Fiorino & Family



Cc: janderson@rockyview.ca

Cc: PSimon@rockyview.ca

Cc: ckissel@rockyview.ca



Cc:



October 9, 2019

With reference to letters written by John Fiorino objecting to our proposed Boundary Adjustment.

1. He refers to this as a Subdivision. It is not a subdivision, it is a Boundary Adjustment.
2. Many of his complaints have nothing whatsoever to do with the current application and in my view amount to extortion.
3. The road approach he refers to was duly completed as required by Rocky View in 1998 and an endorsed Construction Completion Certificate was mailed to us by Rocky View on December 23, 1998. The refundable security deposit was duly returned to us. Alberta Transport told us they did not require paving. It was referred to as a Temporary Minor Intersection "The access shall be suitably constructed with native material and overlaid with gravel". On page 3 of the agreement with Rocky View #6 Travelling Surface: "On completion of the finished subgrade, the Developer shall apply to the subgrade surface of a 50 mm thick compacted layer of 20 mm crushed gravel."

Please note that we have always complied with Rocky View's rules and had there been anything further required we most certainly would have done so. With regard to a paved approach to the Highway a relaxation of this requirement was obtained from the M.D. and Alberta Transportation.

4. We have always enjoyed a good working relationship with Rocky View and considered them to be more than fair.
5. We, as farmers, understand and share concerns for the land and the environment. We enjoy a good, friendly relationship with our neighbours and are good caretakers of the land.
6. Please note that Mr. Fiorino is a developer, not a resident of Alberta and not one of our immediate neighbours nor is he a rancher or understands the difficulties of ranching in this area. We, as friendly neighbours, tried to welcome him and I even loaned him my work binder regarding the approach to help him with the continuation of the municipal road in order that he would be able to reach his property on the west side of Beaupre Lake.
7. I am 87 years old and trying to make a living ranching along with my son after the death of my husband. I cannot tolerate any more of Mr. Fiorino's bullying and profane language.

We respectfully request that you will understand our situation and approve this boundary adjustment to assist us in our ranching endeavour. This land will all remain Farm and Ranch.

Respectfully submitted by:

.....

Pauline McGregor

.....

Chris McGregor