

Public Hearing Submissions

June 9, 2020

Council Meeting



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

Public hearings were held electronically on June 9, 2020 in accordance with the Meeting Procedures (COVID-19 Suppression) Regulation, Alberta Regulation 50/2020. Email submissions were received before and during the public hearings in lieu of verbal presentations due to the closure of the County Hall to the public.

C APPOINTMENTS/PUBLIC HEARINGS

MORNING PUBLIC HEARINGS / APPOINTMENTS 10:00 A.M.

1. Division 5 – File: PL20190180 (05308014) – Bylaw C-7982-2019 – Redesignation Item – Residential Two District to Live-Work District

Email Submissions

Page 2

2. Division 5 – File: PL20190201 (05308009) – Bylaw C-7993-2020 – Redesignation Item – Residential Two District to Live-Work District

Email Submissions

Page 5

3. Division 9 – File: PL20190196 (06836003) – Bylaw C-8027-2020 – Redesignation Item – From Ranch and Farm District to Industrial – Industrial Activity District

Email Submissions

Page 8

AFTERNOON PUBLIC HEARINGS / APPOINTMENTS 1:30 P.M.

4. Division 5 – File: PL20190189 (03331171/173/175-181) – Bylaw C-8005-2020 – Redesignation Item – Site-Specific Direct Control District Amendment

Email Submissions

None

5. All Divisions – File: N/A – Bylaw C-8007-2020 – Regional Transportation Off-Site Levy

6. All Divisions – File: N/A – Bylaw C-8008-2020 – Regional Stormwater Off-Site Levy

7. All Divisions – File: N/A – Bylaw C-8009-2020 – Regional Water and Wastewater Off-Site Levy

Email Submissions

Page 14

Michelle Mitton

From: bob picketts [REDACTED]
Sent: June 9, 2020 10:33 AM
To: Public Hearings
Subject: [EXTERNAL] - C 7982 2019

Do not open links or attachments unless sender and content are known.

This is Bob Picketts at 251223 Sunshine Road NE.

I am on the same side of the street as the applicant. I endorse the the application by the Atwell,s to change the classification to Live/ work.

Thanks

Bob Picketts

Michelle Mitton

From: Jagdev Sidhu [REDACTED]
Sent: June 9, 2020 10:35 AM
To: Public Hearings
Subject: [EXTERNAL] - public hearing

Do not open links or attachments unless sender and content are known.

Bylaw Number: C-7982-2019

Owners: Harpal & Jatinder Atwal

My name: *Jagdev Sidhu and Sukhwinder Sidhu*

My address: *251171 Sunshine Road*

I own property on Sunshine Road and I am a neighbour to the Applicant. I support this application for a change to Live/Work.

Thank you

Michelle Mitton

From: Zoulfikar H [REDACTED]
Sent: June 9, 2020 10:17 AM
To: Public Hearings
Subject: [EXTERNAL] - RE: Bylaw Number: C-7982-2019

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Bylaw Number: C-7982-2019

Owners: Harpal & Jatinder Atwal

My name: ***Zoulfikar Hammoud***

My address: 251203 Sunshine Road- **3, 4, 0412583 NW, 08, 25, 28, 04**

I live next to Harpal's property, and I support him and all of my neighbours, in this change to allow residents on Sunshine Road to Live/Work." I am planning to submit my application to do the same very soon, just connecting ends now.

If you have any questions, I can be reached via email or phone.

Thank you

Zoulfikar Hammoud

[REDACTED]

Michelle Mitton

From: Jagdev Sidhu [REDACTED]
Sent: June 9, 2020 10:36 AM
To: Public Hearings
Subject: [EXTERNAL] - public hearing

Categories: Blue category

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Bylaw Number: C-7993-2020
Owners: Janet Mansfield and Robert Picketts
My name: *Jagdev Sidhu and Sukhwinder Sidhu*
My address: *251171 sunshine road, rocky view , T2M4L5*
I own property on Sunshine Road and am a neighbour to the Applicant. I support this application for a change to Live/Work.

Thank you

Michelle Mitton

From: Tu Nguyen [REDACTED]
Sent: June 9, 2020 10:47 AM
To: Public Hearings
Subject: [EXTERNAL] - Re: Bylaw Number: C-7993-2020

Categories: Blue category

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Bylaw Number: C-7993-2020

Owners: Janet Mansfield and Robert Picketts

My name: Tu Nguyen

My address: 251207 Sunshine Road- 3, 4, 0412583 NW, 08, 25, 28, 04

I live next to Robert and Janet's property, and I support them and all of my neighbours, in this change to allow residents on Sunshine Road to Live/Work."

If you have any questions, I can be reached via email or phone.

Thank you

Tu Nguyen
[REDACTED]

Michelle Mitton

From: Zoulfikar H [REDACTED]
Sent: June 9, 2020 10:18 AM
To: Public Hearings
Subject: [EXTERNAL] - RE:Bylaw Number: C-7993-2020

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Bylaw Number: C-7993-2020

Owners: Janet Mansfield and Robert Picketts

My name: ***Zoulfikar Hammoud***

My address: 251203 Sunshine Road- **3, 4, 0412583 NW, 08, 25, 28, 04**

I live next to Robert and Janet's property, and I support them and all of my neighbours, in this change to allow residents on Sunshine Road to Live/Work."

I am planning to submit my application to do the same very soon, just connecting ends now.

If you have any questions, I can be reached via email or phone.

Thank you

Zoulfikar Hammoud

[REDACTED]



May 22, 2020

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

Attention: Johnson Kwan – Senior Planner

Letter Received from Brown and Associates in Response to Proposed Redesignation at SE ¼ 36-26-04-W5M (Your file PL20190196)

Dear Johnson,

Thank you for sending the letter forwarded on behalf of 1410266 Alberta Ltd. (Mountain Ash Limited Partnership) from Mr. Ken Venner, with B&A Planning Group, dated March 31, 2020. Dillon Consulting Limited (Dillon) has reviewed the letter and we appreciate the opportunity to provide the Rocky View County (the County) with a response on behalf of Volker Stevin Highways Ltd. (Volker Stevin) on this matter.

Notwithstanding other contents of the letter, it should be noted that Mountain Ash Limited Partnership (Mountain Ash) recognizes the importance of highway maintenance facilities to maintain quality and safety of Alberta's transportation network. To prepare for the redesignation application submission, the neighbouring pit owners were consulted numerous times throughout the redesignation pre-application process resulting in those parties expressing positive support for this application. Therefore, Dillon is confident a resolution between parties can be reached.

Stakeholder Efforts with Mountain Ash Limited Partnership

- As part of our stakeholder engagement process, Sedulous Engineering Inc. (Sedulous Engineering) and Volker Stevin met with Mountain Ash on May 30, 2019, in person at the Volker Stevin offices to introduce the project and discuss synergies.
- In July 2019, Sedulous Engineering completed site survey work which included a portion of Mountain Ash lands and began discussions on access coordination. It was determined that site access would be given via RR40 (due to legal and physical access requirements in subdivision regulations), and Volker Stevin requested the County relax upgrade requirements for RR40 to minimize the investment in the portion of RR40 that Mountain Ash intended to mine in the future.
- In November 2019, Dillon, Sedulous Engineering and Volker Stevin held an open house attended by the owner's representative of Mountain Ash, Mr. Tige Brady. After further discussions regarding access requirements for the

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Dillon Consulting
Limited

Rocky View County
Page 2
May 22, 2020



highway maintenance facility and the future intent of the pit mining operation, no additional concerns were raised by Mr. Brady regarding proposed highway maintenance facility.

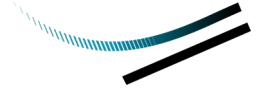
- Sedulous Engineering and Volker Stevin also met with the other gravel pit neighbour, Lafarge, on August 12, 2019, during which time Lafarge expressed support for the project.
- Dillon understands that as it is written, the Summit Pit Master Site Development Plan commits Mountain Ash to upgrading the RR40 and Highway 567 intersection. As part of this application, Volker Stevin will construct the upgrades at RR40 and Highway 567; which will benefit both gravel pits with paving terminating at their access point.
- Upon receiving the letter from B&A, Volker Stevin met with Mountain Ash on May 15, 2020, to discuss the concerns raised in their letter. Volker Stevin believes the information provided herein has addressed the concerns raised by Mountain Ash as much as Volker Stevin is able to, given the differences between the Volker Stevin operations and the Mountain Ash operations. The two parties have committed to an ongoing dialogue and to working collaboratively as neighbours over the long term.

The two primary concerns cited in the B&A letter pertain primarily to site access, and operational standards. Please see Dillon's response below:

Concerns relative to Range Road 40

- The requirement to upgrade RR40 is the core concern of the respondent; however, the upgrade is required to satisfy the County Roads Department. Dillon, the applicant acting on behalf of the landowner and Volker Stevin, has no concern should the County waive the upgrade requirements to appease the neighbouring pit owners.
- Should Council approve the proposed applications as currently agreed to, the respondent assumes the upgrade of the entire +/- 800 m of RR40 would be required, unless it is otherwise stated by the County when the associated subdivision is approved. If upgrades are required to RR40, Dillon proposes the upgrade meet a gravel standard only, with County approval, upon completion of the intersection improvements.
- It is our understanding the current approvals attained by the Summit Pit and the Hughes Pit do not include the aggregate operations to mine the road allowance. Mountain Ash requires an amendment to County approvals in order to have proper consent to mine the road. Dillon recognizes that the mining of this portion of the roadway would be associated with the final phase, and likely several years away. The plan to mine the road is supported

Rocky View County
Page 3
May 22, 2020



by Volker Stevin as a prudent means of utilizing the natural resource under the road, but suggest the plan is subject to a future Council approval process.

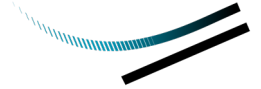
Concerns relative to the Big Hill Spring Aggregate Producers Group's Joint Operating Standards

- The respondent is concerned that the highway maintenance facility would not be held to the same development and environmental standards as the adjacent aggregate operations. Dillon would stress that activities on-site do not include open pit mining operations, and all activities associated with the facility will have a significantly lower impact on adjacent landowners than an open pit mine. The site will not include any crushing, mining, dust, water use or any other disruptive activities linked with aggregate mining.
- Please see the attached Environmental Management Plan requirements for details on Volker Stevin's ongoing operational controls that will be in place at this facility. The plan includes groundwater monitoring, salt management planning and risk management.
- While engaging neighbouring landowners, the primary concern heard by Dillon with regard to the highway maintenance facility was the assumption that mining operations were incorporated in the application. Once a thorough description of activities that will occur on-site was given, landowners expressed little further concern. Therefore, the concern by Mountain Ash that complaints that arise from facility operations may be confused with pit activities are unfounded, and likely the reverse is a more likely event.

Mountain Ash Request

- Dillon on behalf of Volker Stevin, are committed to working collaboratively with the neighbours, Mountain Ash included, to resolve concerns related to the RR40 site access. Volker Stevin is prepared to accept a temporary alternate access right-of-way over Mountain Ash lands, providing this would be acceptable to the County, and the highway maintenance facility would not be adversely impacted by such an arrangement. If a temporary alternate access arrangement can be found, it would be expected that Volker Stevin would not be required to construct the previously agreed-to road upgrades on RR40, and that these upgrades would not be required as a condition of subdivision approval. This approach would allow Mountain Ash to mine the RR40 prior to its final grading and construction, at which time RR40 would provide permanent and legal access to lands within SW-36-26-04-W5M.
- Volker Stevin operates in numerous rural areas, including in Rocky View County, and make relations with their neighbours a priority. In addition to the comprehensive environmental controls and reporting requirements proposed at this facility, Volker Stevin will continue to act as good neighbours in the

Rocky View County
Page 4
May 22, 2020



communities they serve. Volker Stevin will continue to operate the Big Hill Springs highway transportation facility in this manner.

On behalf of Volker Stevin Highways Ltd., we appreciate the opportunity to work with the County to address such matters as they are brought forward and look forward to achieving a resolution that satisfies the County.

Sincerely,

DILLON CONSULTING LIMITED

Kristen Harder
Planner, BA, MPI

Attachment: Environmental Management Plan Regulations
Our file: 19-1095

Michelle Mitton

From: Ken Venner <kvenner@bapg.ca>
Sent: June 9, 2020 11:28 AM
To: Public Hearings
Subject: [EXTERNAL] - Item C3 Volker Stevin

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Council.

MALP **does not oppose** this land use amendment application provided the matters specified in B&A Planning Group's May 27, 2020 correspondence can be implemented by the RVC Subdivision and/or Development Authority described below-noted:

1. Upgrade Range Road 40 to a gravel standard in accordance with the requirements of the County Servicing Standards (subject to Council's approval of the proposed land use amendment);
2. Implement dust control measures along the entire portion of Range Road 40 which includes a gravel standard (e.g. calcium chloride application);
3. Upgrade the Highway 567/Range Road 40 intersection to a 'TYPE III' standard to the satisfaction of the County and Alberta Transportation;
4. Absolve MALP from any obligation to provide a 'cost recovery' as affecting the upgrade to Range Road 40 and the intersection at Highway 567 / Range Road 40;
5. Require equipment operating within the Highway Transportation Maintenance Facility to use "back up strobes" instead of sirens (where possible and practical);
6. Work collaboratively to accommodate an interim access arrangement should MALP wish to temporarily close the Range Road 40 ROW to enable MALP to mine the underlying aggregate deposits, subject to the approval of the County and the Province;
7. Operate their Highway Maintenance Facility in accordance with the all applicable municipal and Provincial requirements.

Respectfully,



Ken Venner | RPP | MCIP
Partner | Planner
d | 403.692.4530 c | 403.614.2185
kvenner@bapg.ca

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delete this communication and destroy any printed copy. B&A Planning Group thanks you for your attention and cooperation.

Michelle Mitton

From: Kimber Higa <kimber.higa@bildcr.com>
Sent: June 9, 2020 1:35 PM
To: Public Hearings
Cc: Byron Riemann; Beverly Jarvis; Brian Hahn
Subject: [EXTERNAL] - June 9th RVC Council Meeting RE: Off-Site Levy Bylaws C-8007-2020, C-8008-2020, C-8009-2020
Attachments: BILD Letter to RVC Council RE OSL Bylaws (2020-06-09).pdf

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Good afternoon,

Please accept the attached letter of support for the Rocky View Council public hearing on June 9th for agenda items:

- Item C5, Bylaw C-8007-2020 Regional Transportation Off-Site Levy
- Item C6, Bylaw C-8008- 2020 Regional Stormwater Off-Site Levy
- Item C7, Bylaw C-8009-2020 Regional Water and Wastewater Off-Site Levy

Regards,

Kimber Higa

Manager, Government Relations & Committees
Calgary Region

Ph: 403.235.1911 Ext: 265

Cell: 403-797-0704

BILD CALGARY REGION

212 Meridian Road NE, Calgary, AB, T2A 2N6

bildcr.com



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June 9, 2020

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

via email

Re: Bylaw C-8007-2020 – Regional Transportation Off-Site Levy
Bylaw C-8008-2020 – Regional Stormwater Off-Site Levy
Bylaw C-8009-2020 – Regional Water and Wastewater Off-Site Levy

Dear Reeve Boehlke and Councillors,

BILD Calgary Region (BILD) is pleased to offer this letter of support for the proposed Off-Site Levy Bylaws C-8007-2020 (Transportation), C-8008-2020 (Stormwater) and C-8009-2020 (Water/Wastewater) going forward to Council for consideration of 2nd and 3rd reading.

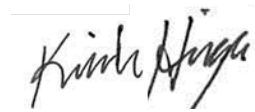
I would like to acknowledge and thank Mr. Riemann and his team for the ongoing engagement, most recently by taking the time to attend and present the proposed bylaw changes at the BILD Rocky View County Developer Committee meeting on May 21, 2020.

BILD is encouraged by the direction of Council and the work of Administration to demonstrate their leadership in being open for business and the importance of economic growth. We are happy to see the proposed changes that allows for:

- A different payment collection for levies; closer to the timing of receiving securities back and registration of lots.
- The added recognition of developer-built infrastructure contributions and the application of appropriate developer credit; eliminating the previously raised concern regarding “double dipping”.
- The overall reduction of levy rates and inclusion of updated data and capacity allocations where possible.

BILD CR, and our Rocky View County Developer Committee, look forward to continued engagement on any future Off-Site Levy Bylaw adjustments or changes. We are committed to continued collaboration on important matters that impact our industry.

Sincerely,
BILD Calgary Region

A handwritten signature in black ink, appearing to read "Kimber Higa".

Kimber Higa;
Manager, Government Relations & Committees

Cc Byron Riemann, Executive Director of Operations, Rocky View County
Brian Hahn, CEO, BILD Calgary Region
Beverly Jarvis, Director of Policy, Projects & Government Relations, BILD Calgary Region

Michelle Mitton

From: Bridget Honch <bhonch@bapg.ca>
Sent: June 9, 2020 1:40 PM
To: Public Hearings
Subject: [EXTERNAL] - Response to Rocky View County Transportation Off-site Levy
Attachments: TOSL Primary Committee Response_08JUN20.docx

Do not open links or attachments unless sender and content are known.

As part of public input process for the June 9, 2020, Transportation Off-Site Levy (TOSL) Public Hearing, please see attached comments on behalf of Lafarge Canada Limited, BURNCO Rock Products Ltd., Lehigh Hanson Materials Limited and McNair Sand and Gravel Ltd.

Thank you for your consideration,



Bridget Honch
Senior Communications & Engagement Specialist
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June 9, 2020

Re: Proposed Transportation Off-Site Levy Bylaw (Bylaw C-8007-2020)
Public Hearing Emails (to be submitted during hearing)

Opening Statement:

Please accept the following comments as part of public input process for the June 9, 2020, Transportation Off-Site Levy (TOSL) Public Hearing. This is submitted on behalf of Lafarge Canada Limited, BURNCO Rock Products Ltd., Lehigh Hanson Materials Limited and McNair Sand and Gravel Ltd.

This submission reflects our opposition to the TOSL as it is currently proposed based on the following reasons:

1. The bylaw does not recognize grandfathering provisions previously provided.

- Operators must renew development permits on a continuous basis which could result in long running sites now being subject to the TOSL. This impact has the potential to change the viability of an existing operation.

2. The bylaw does not recognize the temporary and seasonal use of operations.

- Aggregate extraction is temporary not permanent development. Once mining is complete, the lands are reclaimed and returned to agricultural use. Municipalities normally charge an OSL on the end use or permanent development of land which generates permanent long-term traffic necessitating County wide road network improvements and maintenance obligations.

3. The bylaw does not recognize the time limited development permits of operations.

- Aggregate extraction and processing operations are typically granted temporary development permits to ensure performance standards are met. These permits must be regularly renewed which can cause development uncertainty. Part 11(a)(ii) of the proposed TOSL bylaw exempts temporary developments or those that are subject to renewal within either a residential or agricultural district, but does not include aggregate extraction and processing activities under a temporary development permit within a DC or NRI land use district.

4. The bylaw does not recognize gravel operations on par with golf courses.

- Like aggregate operations, land used for golf courses and horticultural activities are typically land intensive, seasonal, and only occupies a small area for a development at a given time. Within schedule K of the proposed TOSL, special provisions to reduce levy

amounts for golf courses have been granted but are not considered for aggregate operations.

5. The bylaw does not recognize the CAP levy and other financial contributions from industry.

- The aggregate industry differs from other land uses because it is subject to the CAP levy in which funds are used to improve and maintain the local road network. The Community Aggregate Payment Levy Regulation 263/2005, Section 6(2) states “No levy may be imposed on shipments of sand and gravel that are subject to another tax, levy or payment that is established and payable to a municipality.” Industry feels that without changes to the proposed TOSL, they are providing two payments which does not seem equitable.

6. The bylaw may incentivize non-agricultural uses contrary to County planning policy.

- We believe the County is best served economically by collecting the CAP levy from an aggregate extraction and processing operation *and* collecting the TOSL from the subsequent permanent land use. When the TOSL is applied to aggregate extraction and processing operations the County prematurely relinquishes its right to charge the TOSL on the permanent uses. In other words, the County may be better off charging the TOSL against a future residential or non-residential subdivision or development if that is the intended end use after the gravel is mined. On the other hand, if it remains the County planning policy to protect agriculture use on a parcel after the gravel is extracted then this intent will be served best by ensuring that the one-time TOSL has not already been paid on the agricultural parcel.

7. There is no precedent of a municipality charging both a CAP levy and Transportation OSL.

Based on the following, we respectfully request the following amendments to the proposed bylaw are considered by Council:

Exemption:

- 1. Amend Section 11(a) to include the Natural Resource Industrial District (NRI) and exempt aggregate extraction and processing operations from the application of the TOSL.**

If the County maintains it has the statutory authority to continue to charge the TOSL in addition to the CAP levy and other financial contributions, then we request that the following bylaw amendments are considered:

Grandfathering:

- 2. Amend the bylaw to include previous grandfathering clarity provided in Section 4(c)(1-9) of the current TOSL which spoke to the timing of development permit issuance and levies.**

Reduce Impact:

- Amend Schedule K(p) of the proposed TOSL bylaw to establish a mechanism which recognizes the land intensive, low impact nature of aggregate extraction and processing operations is equal to how golf courses and horticultural operations are treated in the bylaw. This could include an amendment to the definition of “Development Area” as contained with Schedule K of the proposed bylaw to read as follows:

- **(p) (viii) (iii) “with respect to development permits issued for aggregate extraction and processing operations, the development area only includes all structures and areas listed above.”**

We trust that these comments will be useful in your review and deliberation of this matter. Thank you for your consideration.

Sincerely,

Alberta Sand and Gravel Association

Tyler Andreasen

From: Bart Carswell <bart.carswell@carswellplanning.ca>
Sent: Monday, June 08, 2020 11:04 PM
To: Public Hearings; Tyler Andreasen
Subject: [EXTERNAL] - Fwd: 2020 TOL Bylaw

Do not open links or attachments unless sender and content are known.

Councillors,

Regarding the Transportation Offsite Levy (TOL), please find the forwarded correspondence. My apologies for the late submission.

There is some confusion in the 2020 TOL. It is suggested that there be some wording to repeal the 2014 TOL as part of the Bylaw wording because of two different interpretations.. There is ambiguity leading to misinterpretation of how to apply the TOL. The MGA speaks to Development as a change of intensity of use which, as I understand it from the information provided here, applies to the Development Area and not the gross acreage. 2020 TOL Schedule "K" (p) "Development Area" seems inclusionary of items (i) through (viii) applied to Development Permits and Subdivision approval. A Notwithstanding clause also exempts "Development Area" from being applied to the created lot with an existing residence.

I leave this with you.
Thanks and stay well,
Bart Carswell

----- Forwarded message -----

From: Tom Taylor <ttaylor@tomtaylorlaw.ca>
Date: Mon, Jun 8, 2020 at 11:48 AM
Subject: 2020 TOL Bylaw
To: Bart Carswell <bart.carswell@carswellplanning.ca>

Bart:

At issue is the definition of the words, "Development Area", at Schedule "K" to the 2020 TOL Bylaw.

At item 'p' to that Schedule the words are defined as "gross acreage of Lands which are the subject of the proposed Development or Subdivision, including" items (i) through (viii).

The question is whether the list of items (i) through (viii) are intended to be inclusionary or exhaustive.

The County's approach is that the list is inclusionary. The County intends to charge the levy on the gross acreage. However, if the drafter of the Bylaw had intended that the levy be charged on the gross acreage, without reference to the list at (i) through (viii), there would be no need for that list. The list would be

illustrative but, for the purpose of calculating the levy, it would be redundant. One of the rules of legislative interpretation is that redundancies are to be avoided.

Another rule is that if there are two pieces of legislation dealing with the same subject matter (the 2014 Bylaw and the 2020 Bylaw), and one way of reading the later legislation would place it in conflict with the earlier legislation, that reading ought to be avoided unless the legislator explicitly stated that it intended to repeal the earlier legislation. Here, the 2014 Bylaw stated that the TOL was to be charged on the gross acreage, less certain defined areas. If the drafter of the 2020 legislation intended that the levy be charged on the gross acreage, that would have been stated in the 2020 Bylaw, generally in the preamble. The drafter would have left out the list at Schedule “K”, (p) (vi) through (viii).

It is a generally accepted canon of construction that legislators do not make major changes in a vague or unclear manner. Changes to the legislative status quo which are vague or ambiguous will usually be rejected by the Courts.

The drafter of the 2020 Bylaw clearly set out the legislative background for the Bylaw in its’ preamble. Any major change to the calculation of the offsite levy to be charged should have been stated in the preamble, both to avoid the ambiguity which arose from the inclusion of the list at (i) through (viii) and to give notice of that change so that voters have notice of the legislators’ intentions.

Finally, I note that the definition of the word “development” at paragraph 616(b) of the Municipal Government Act (the “Act”) states that a development is a change of use of land... or an act done in relation to land... that results in or is likely to result in a change of intensity of use of the land...” The granting of a subdivision which does not change the use of some portion of the land subdivided and which is not likely to change the intensity of use of that portion of the land, is not a “development” of that portion of the land within the meaning of the Act.

With the exception of item (vii) , the items listed in the definition of “Development Area” at Schedule “K” to the Bylaw are all portions of the land which will sustain a change in the intensity of use. That is the reason the drafter listed them. Portions of the land which will not be subject to a change in the intensity of use are to be excluded from the calculation of the Development Area. The drafter intended that portions of the land which were not anticipated to sustain a change of intensity of use ought to be excluded from the calculation of the levy.

Taylor Law, Barristers and Solicitors

Attention: Thomas J. Taylor

#240, 550 - 71st Avenue SE, Calgary, AB T2H 0S6

Direct Phone: 403-259-4028 Fax: 403-640-0103

[mailto: ttaylor@tomtaylorlaw.ca](mailto:ttaylor@tomtaylorlaw.ca)

<https://www.tomtaylorlaw.ca/>

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--



Bart Carswell, MA, RPP, MCIP
Carswell Planning Inc.

Office Address: #209, 1324 – 11 Av, SW Calgary, AB T3C 0M6

Mailing Address: Box 223, 104 – 1240 Kensington Rd. NW Calgary, AB T2N 3P7

Phone: 587 437-6750 (Direct)

Alternate: 403-498-4145 (Admin)

Bart.Carswell@carswellplanning.ca

Michelle Mitton

From: Bill & Sharon Corbett [REDACTED]
Sent: June 9, 2020 10:29 AM
To: Public Hearings; legeslativeservices@rockyview.ca
Subject: [EXTERNAL] - Proposed Transportation Off-Site Levy (TOL) Bylaw and request by ASGA for an exemption

Do not open links or attachments unless sender and content are known.

My wife and I are long time residents of Division 8 in Rocky View County (RVC) and would request these comments be considered as part of the public hearing process on proposed bylaw C-8007-2020. I believe the public hearing is scheduled for this afternoon.

For ease of reference i will comment on some of the observations in the ASGA submission using the headings in its submission.

Grandfathering

Although the aggregate industry may historically have been grandfathered from paying TOL in the past that is no justification for incorporating a failed policy in the proposed TOL Bylaw. The aggregate industry is one of the heaviest users of the County highways and as it expands its operations within the County should bear its share of the costs of the regional highway infrastructure occasioned by such development. Costs to the operator of the TOL can be easily addressed by pricing adjustments.

Temporary Use

To suggest that open pit gravel mines are a temporary use stretches credibility. These operations, as acknowledged by the industry, often exist for 30 to 50 years. If the costs of the regional network used by the aggregate industry during these long term operations are not appropriately attributed to the industry those costs must be borne by others in the County. This is not fair. Generally speaking the County should be following a user pay principle.

Low Impact Land Use

To suggest that open pit gravel mining is a low impact land use is disingenuous at best. To equate the use of regional highways within the County by the aggregate industry with golf courses and horticultural operations is absurd. One does not have to be an engineer to understand that a multi ton gravel truck is going to be causing more damage to a highway than someone driving to a golf course or taking some products from a greenhouse. The aggregate industry should bear its fair share of the cost of regional highway development.

Time Limited Development Permits and Financial Incentives for Non Agricultural Use

These 2 comments are simply a distraction and red herrings. The real issue is that aggregate operators are using the regional highway network for their operations but are attempting to offload the costs of such use on others; either present or future ratepayers or developers.

Cap Levy

On its website ASGA describes the purpose of the CAP levy as providing local communities with "a visible and tangible benefit" from local aggregate operations. That is a different purpose than the TOL which is to require new development to pay the costs of road upgrades to support such development.

Summary

There is no justification for either exempting or treating the aggregate industry differently, than others subject to the TOL. To do so would be to breach the user pay principle and off load what should be a cost to the aggregate industry of doing business within the County on others. Nothing in the ASGA submission justifies such a course of action

Respectfully
William T. Corbett

Michelle Mitton

From: Charlotte Satink
Sent: Tuesday, June 09, 2020 8:18 AM
To: Public Hearings
Subject: FW: [EXTERNAL] - Transportation Levies public hearing today

For today's public hearing.

CHARLOTTE SATINK

Municipal Clerk | Municipal Clerk's Office

ROCKY VIEW COUNTY

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

Phone: 403-520-1651

csatink@rockyview.ca | www.rockyview.ca

From: Bruce Kendall [REDACTED]
Sent: June 9, 2020 8:15 AM
To: Charlotte Satink <CSatink@rockyview.ca>
Subject: [EXTERNAL] - Transportation Levies public hearing today

Do not open links or attachments unless sender and content are known.

Charlotte please include this for today's hearing.
Thank you,
Bruce

Yesterday my clients application to create 4 lots (3 new units) from an existing parcel of 15.81 acres, was faced with \$252,000 in levies, most of which was a special transportation levy. This is for a development that would generate 30 vehicle trips per day based upon North American trip generation standards for single family residential development. Now if that application had been for a density of 3 units per acre, 47 units overall, then the impact on the road network would be 470 vehicle trips per day.

The math per unit is \$84,000/unit vs \$5362/unit.

I would strongly recommend that the standard for levies for residential development be based upon density and not upon acres as is proposed, it is both fair and equitable.

Thank you for your consideration
Bruce Kendall
[REDACTED]

Sent from my iPad

Michelle Mitton

From: Travis Coates <Travis.Coates@burnco.com>
Sent: June 9, 2020 1:42 PM
To: Public Hearings
Subject: [EXTERNAL] - BURNCO - Rocky View County Transportation Off-site Levy
Attachments: 2020-6-9-TOSL-BURNCO Rock Products Ltd (final).pdf

Do not open links or attachments unless sender and content are known.

Pls see attached letter regarding the Rocky View County Transportation Off-site Levy Public Hearing.

Regards,

Working remotely in adherence with COVID-19 social distancing measures.
Contact me via email or phone @ (403) 640-9217.

Thank you and take care,



Travis Coates, P. Eng
Land and Resource Manager Alberta and Saskatchewan
Phone: (403) 640-9217
Email: travis.coates@burnco.com
Excellence · Integrity · Passion

June 9, 2020

Re: Proposed Transportation Off-Site Levy Bylaw (Bylaw C-8007-2020)
Public Hearing Emails (to be submitted during hearing)

Opening Statement:

Please accept the following comments as part of public input process for the June 9, 2020, Transportation Off-Site Levy (TOSL) Public Hearing.

As a trusted operator in the region, we have significant interest in the outcome of the proposed TOSL bylaw. We acknowledge that the County needs to plan and pay for County wide roadway network improvements and maintenance, however we encourage consideration of the unique value aggregate extraction and processing operations bring to the County and Region.

This submission reflects our opposition to the TOSL as it is currently proposed based on the following reasons:

- 1. The bylaw does not recognize grandfathering provisions previously provided.**
 - Operators must renew development permits on a continuous basis which could result in long running sites now being subject to the TOSL. This impact has the potential to change the viability of an existing operation.
- 2. The bylaw does not recognize the temporary and seasonal use of operations.**
 - Aggregate extraction is temporary not permanent development. Once mining is complete, the lands are reclaimed and returned to agricultural use. Municipalities normally charge an OSL on the end use or permanent development of land which generates permanent long-term traffic necessitating County wide road network improvements and maintenance obligations.
- 3. The bylaw does not recognize the time limited development permits of operations.**
 - Aggregate extraction and processing operations are typically granted temporary development permits to ensure performance standards are met. These permits must be regularly renewed which can cause development uncertainty. Part 11(a)(ii) of the proposed TOSL bylaw exempts temporary developments or those that are subject to renewal within either a residential or agricultural district, but does not include aggregate extraction and processing activities under a temporary development permit within a DC or NRI land use district.
- 4. The bylaw does not recognize gravel operations on par with golf courses.**
 - Like aggregate operations, land used for golf courses and horticultural activities are typically land intensive, seasonal, and only occupies a small area for a

development at a given time. Within schedule K of the proposed TOSL, special provisions to reduce levy amounts for golf courses.

5. **The bylaw does not recognize the CAP levy and other financial contributions from industry.**
 - The aggregate industry differs from other land uses because it is subject to the CAP levy in which funds are used to improve and maintain the local road network. The Community Aggregate Payment Levy Regulation 263/2005, Section 6(2) states “No levy may be imposed on shipments of sand and gravel that are subject to another tax, levy or payment that is established and payable to a municipality.” Industry feels that without changes to the proposed TOSL, they are providing two payments which does not seem equitable.
6. **The bylaw may incentivize non-agricultural uses contrary to County planning policy.**
 - We believe the County is best served economically by collecting the CAP levy from an aggregate extraction and processing operation *and* collecting the TOSL from the subsequent permanent land use. When the TOSL is applied to aggregate extraction and processing operations the County prematurely relinquishes its right to charge the TOSL on the permanent uses. In other words, the County may be better off charging the TOSL against a future residential or non-residential subdivision or development if that is the intended end use after the gravel is mined. On the other hand, if it remains the County planning policy to protect agriculture use on a parcel after the gravel is extracted then this intent will be served best by ensuring that the one-time TOSL has not already been paid on the agricultural parcel.
7. **There is no precedent of a municipality charging both a CAP levy and Transportation OSL.**

Based on the following, we respectfully request the following amendments to the proposed bylaw are considered by Council:

Exemption:

1. **Amend Section 11(a) to include the Natural Resource Industrial District (NRI) and exempt aggregate extraction and processing operations from the application of the TOSL.**

If the County maintains it has the statutory authority to continue to charge the TOSL in addition to the CAP levy and other financial contributions, then we request that the following bylaw amendments are considered:

Grandfathering:

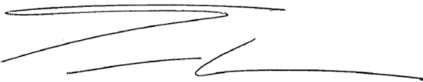
2. **Amend the bylaw to include previous grandfathering clarity provided in Section 4(c)(1-9) of the current TOSL which spoke to the timing of development permit issuance and levies.**

Reduce Impact:

- Amend Schedule K(p) of the proposed TOSL bylaw to establish a mechanism which recognizes the land intensive, low impact nature of aggregate extraction and processing operations is equal to how golf courses and horticultural operations are treated in the bylaw. This could include an amendment to the definition of "Development Area" as contained with Schedule K of the proposed bylaw to read as follows:
 - **(p) (viii) (iii) "with respect to development permits issued for aggregate extraction and processing operations, the development area only includes all structures and areas listed above."**

Sincerely,

BURNCO Rock Products Ltd



Travis Coates, P. Eng
Land and Resource Manager – Alberta and Saskatchewan

Tyler Andreasen

From: Dan Courcy [REDACTED]
Sent: Monday, June 08, 2020 12:00 PM
To: Public Hearings
Subject: [EXTERNAL] - Bylaw c8007-2020, c8008-2020, 8009-2020

Do not open links or attachments unless sender and content are known.

My legal land description is SW 1-5-26-03-05 Lot 1-2-9712380 Daniel Courcy, Catherine Courcy

Dear Council ,

We are not in support of the proposed lower levies to new development . These costs should be the responsibility of the developer and not existing land owners .We are senior citizens and live on a fixed income. It sounds like the developers have control over the council .

Regards

Daniel Courcy

Catherine Courcy

Sent from my iPad

Tyler Andreasen

From: Debra McPherson [REDACTED]
Sent: Monday, June 08, 2020 1:29 PM
To: Public Hearings
Subject: [EXTERNAL] - Revised Off-Site Levy Bylaws - June 9th Council Meeting

Do not open links or attachments unless sender and content are known.

Dear Sirs:

I am writing to share my input on the captioned subject.

To lower levies to attract "development" in Rockyview is ludicrous. The Developers will still come. It demonstrates how connected Council is to Developers, and how dis-connected they are to their stakeholders...the people who live here and pay taxes.

Historically, I have noticed that if you don't get the money from the Developers "upfront", they are not going to be there after-the-fact, when infrastructure problems occur. Developers seem to "underestimate" the impact of their developments on the surrounding areas and I think "lowering levies to attract new development" is a definite step backwards.

In support of the "little guy" who has a few acres that he wants to subdivide so his family can build a home, I think the levies should not be the same as commercial development and urban style development levies. Obviously the use of infrastructure from another family or two is not going to put the same stress on infrastructure as an urban-style development, or commercial development.

I think you need to go back to the drawing board on this one. Growth should pay for itself, and leave a little contingency in the bank for unplanned or unforeseen problems that invariably occur down the road.

So as a voter, I am asking my Councillor to vote against these by-law revisions.

Debra McPherson
Division 2

Tyler Andreasen

From: Dusty [REDACTED]
Sent: Monday, June 08, 2020 3:17 PM
To: Public Hearings
Subject: [EXTERNAL] - Proposed off - site levy concessions

Do not open links or attachments unless sender and content are known.

This email is to express my deep concern regarding the proposed off-site levy concessions for new development. I want to see developers (and new residents/businesses) cover the costs of new infrastructure required as a result of their development. I am opposed to existing residents/taxpayers covering these costs and thus being unduly burdened by the same. Rocky View County has a stated commitment to the principle that growth pays for growth; these changes are not in line with that principle.

Sincerely,

Glenn Lott
50119 township road 272

Rocky View County

Michelle Mitton

From: Rocky View Forward <info@rockyviewforward.com>
Sent: June 9, 2020 9:09 AM
To: Public Hearings
Cc: Division 1, Mark Kamachi; Division 2, Kim McKylor; Division 3, Kevin Hanson; Division 4, Al Schule; Division 5, Jerry Gautreau; Division 6, Greg Boehlke; Division 7, Daniel Henn; Division 8, Samanntha Wright; Division 9, Crystal Kissel
Subject: [EXTERNAL] - Off-Site Levy Bylaws C-8007-2020, C-8008-2020, C-8009-2020
Attachments: rvc-offsitelevies-rvfpresentation-publichearings-june9-2020.pdf

Do not open links or attachments unless sender and content are known.

Greetings:

Please find attached the presentation that I would be making at the public hearings today on the off-site levy bylaws on behalf of Rocky View Forward if, under the current circumstances, Rocky View had provisions for me to do so. To ensure that our presentation becomes part of the public record, we would appreciate it if it can be read into the record.

Thank you,
Janet Ballantyne for
Rocky View Forward
240036 Range Road 35

Rocky View County
C-8007-2020 Regional Transportation Off-Site Levy Bylaw
C-8008-2020 Regional Stormwater Off-Site Levy Bylaw
C-8009-2020 Regional Water and Wastewater Off-Site Levy Bylaw

Presentation at the June 9, 2020 Public Hearings by
Rocky View Forward

My name is Janet Ballantyne and I am presenting this submission on behalf of Rocky View Forward and the over 400 families we represent.

While we sympathize with wanting to give concessions in the current economic conditions, Council needs to remember, as Mr. Hoggan pointed out last December, the choices in these public hearings are a simple math problem. If the County doesn't collect levies to pay for infrastructure, property taxes have to pay for it.

Council's decisions on levies comes down to who pays for the costs associated with new development – the new development or existing ratepayers. Rocky View has always claimed it follows the principle that growth pays for growth; that new development pays its own way. One of the key themes of Council's Strategic Plan is managing growth responsibly.

These off-site levy bylaws appear to be seriously weakening the growth pays for growth principle by pushing significant costs of new development onto existing ratepayers. In these tough economic times, how can Council justify expecting ratepayers who have lived and/or operated businesses in Rocky View for years to subsidize those who may come in the future?

Rocky View's councils have maintained for years that commercial and industrial development is important because their property taxes exceed the costs of their servicing. The rationale is that the County can then use the excess non-residential property tax revenue to cover the costs of servicing residential ratepayers whose property taxes do not cover the full costs of their servicing.

However true that might be, there are limits to using the same rationale to set off-site levies too low to recoup infrastructure costs. If surplus non-residential property taxes cover the shortfall between property tax revenues and servicing costs for residential properties, that surplus cannot also cover levy shortfalls – the same dollar cannot be used more than once. There needs to be enough extra surplus from the non-residential properties benefiting from the infrastructure to cover the levy shortfall. If there isn't, the "growth pays for growth" principle fails. The County has never, to our knowledge, demonstrated that there is enough non-residential property tax "surplus" to fund both demands. What is that surplus? This information is critical to understand the choices council is making.

Shifting the cost of incremental infrastructure to property tax revenues also shifts the risk from the landowners who initially develop the land to existing ratepayers. In the risk/reward trade-off, what reward is gained by ratepayers for taking on this risk?

There might be a belief that setting off-site levy rates unsustainably low is acceptable because they can be raised in the future. However, in the meantime, existing ratepayers pay. Given that it has taken three years to get to these hearings, how long will it take future councils to increase rates sufficiently to make up the shortfalls? These are obviously not easy, overnight decisions.

Transportation Off-Site Levies

One of the clear messages from the public consultations was the need for a stronger correlation between the levy and benefits received. Ideally, many people wanted a “per house” levy for residential and a traffic-volume levy for commercial and industrial. Staff listened; but indicated that this was too complex and recommended differential rates for urban versus rural development. Denser residential development and commercial/industrial development require more infrastructure, so a higher rate makes sense.

The TOL is designed to have an urban and a rural base levy rate. Freezing the rural rate at \$4,595/acre only worked because of the higher \$14,701/acre urban rate. Without differential rates, the TOL would have been \$9,348/acre for all properties to collect the \$1.2 billion required for the County’s long-term regional transportation network.

Now, by freezing both the urban and rural base levy rates at \$4,595/acre, the County will only collect \$585 million – less than half the amount needed. While we realize that future Councils can reinstate urban/rural differential rates, until then how does Council intend to pay for this shortfall?

Storm Water Off-Site Levies

The storm water off-site levy was introduced in 2016 to address ongoing drainage issues in east Rocky View. The CSMI regional storm water drainage ditch will support the Master Drainage Plans in the Langdon, Conrich, Janet, and Omni ASPs to facilitate development in those areas.

As the engineering firm MPE pointed out in its January 2020 update on storm water levy costs, the County “has a number of Area Structure Plans that intend to connect their stormwater systems to the future Cooperative Stormwater Management Initiative (CSMI) system.” Given that fact, the 2018 bylaw was drafted to include a base levy for the CSMI system itself (\$57.1 million) and special area levies (\$91.4 million) to recoup the costs of infrastructure in the ASPs to connect to the CSMI system.

The proposed bylaw removes the special area levies, except in Langdon. It seems reasonable to assume that the connecting infrastructure will be built – otherwise, there is no point in building CSMI. How does Council intend to pay for the \$83.6 million in costs for the other ASPs?

Water / Wastewater Off-Site Levies

The existing water / wastewater off-site levies are a cautionary example of what happens when levies do not recover the cost of infrastructure. When the initial investments were made in the east Rocky View systems in the early 2000s, ratepayers were assured that the debt would be repaid within the decade. The argument was “build it and development will come”.

However, by 2013 only \$32.2 million had been collected in levies against the original \$135.1 million. Since then, a bit more than \$25 million has been collected. This leaves the County with \$42.7 million in external debt and \$34.7 million owing to the Tax Stabilization Reserve.

These continue to be included in the levy calculations and will, theoretically, be repaid from future levies. However, it is getting harder for ratepayers to see how or when this will ever happen when almost half of the levies collected to date have been eaten up by accumulating interest. Does the County have an estimate of how long it will take, at current development rates, for levies to repay the original investment?

Our concerns with this levy are heightened since it also includes \$123.5 million in upgrade costs. Given that the levies have failed to repay the initial investment, how long will it take for them to recover almost as much again in upgrade costs?

Conclusion

Rocky View Forward has always maintained that growth should be responsible – that it should pay for itself. Existing ratepayers should not be expected to subsidize the costs of new development.

Council’s Strategic Plan emphasizes maintaining financial health, ensuring responsible growth, and enhancing transparency. These are all objectives that Rocky View Forward supports wholeheartedly. They should point Council towards off-site levies that recoup the costs of growth from those undertaking the growth.

Instead, these bylaws must be expecting ratepayers to subsidize new development to cover over \$700 million in costs only incurred because levies have not or will not recoup these costs from development – \$605 million from not implementing the differential TOL rates; \$84 million from removing necessary connecting infrastructure in the Conrich, Janet and Omni ASPs from the storm water levy, and \$35 million owed to the Tax Stabilization Reserve from past water/wastewater levy shortfalls.

Tyler Andreasen

From: Johanna [REDACTED]
Sent: Monday, June 08, 2020 1:20 PM
To: Public Hearings
Subject: [EXTERNAL] - Off site Levi bylaws

Do not open links or attachments unless sender and content are known.

To whom it may concern

I am wondering what it is that existing Springbank residents get for their tax dollars? Education, even though many have no children in school, education is important. We unlike other areas within the MD of Rockyview get very little in the way of services. We pay for our garbage and recycling pickup, water supply and our wastewater (septic systems). Drainage issues (ditches) exist and continue even though many of us have complained and must deal with these issues at our own cost. The roads within our communities are cleared for us in the winter, who is responsible for the maintenance? I have sent a complaint regarding 2 large holes that are formed in Crocus Ridge Estates and the condition of the rest of the roads. I have not heard back from anyone. These holes are as a result of water damage. I am not in favour of subsidizing new communities and developments in the MD at the expense of my community. Again what is it that I get for the taxes I pay?
Why should my taxes increase, while I receive nothing extra for it?

Concerned and upset
Johanna and Renato Cussigh
20 Crocus Ridge Court
Sent from my iPad

Tyler Andreasen

From: [REDACTED]
Sent: Monday, June 08, 2020 12:22 PM
To: Public Hearings
Subject: [EXTERNAL] - off site Levy's

Do not open links or attachments unless sender and content are known.

This council is in full favor of developers and not the residents. I feel R.V. already over tax's their resident for the services you provide. Developers direct your decisions and they make the money. How many projects are we the tax payers having to pay for.

A good example is the water and sewer in Bragg Creek, not everyone hooked in, sewer should have been mandatory, but you can not force people to drink water when the sewer outlet is above the fresh water intake.

Developers will always build in R.V., keep the off-site levy.

Judie Norman

Michelle Mitton

From: Jennifer WESLOWSKI <jennifer.weslowski@lafargeholcim.com>
Sent: June 9, 2020 1:52 PM
To: Public Hearings
Subject: [EXTERNAL] - Proposed Regional Transportation Off-Site Levy Bylaw (Bylaw C-8007-2020)
Attachments: TOSL Lafarge Canada Inc. Response_09JUN20.pdf

Do not open links or attachments unless sender and content are known.

Good Afternoon,

As part of the public input process for the June 9, 2020, Transportation Off-Site Levy (TOSL) Public Hearing, please see attached comments on behalf of Lafarge Canada Ltd.

Thanks,

Jennifer Weslowski

Land Manager, GCA & WCAN Cement

Lafarge Canada Inc.

2213 - 50th Avenue SE Calgary, AB T2B 0R5

Mobile (403) 312-0480

Email jennifer.weslowski@lafargeholcim.com



A Member of LafargeHolcim

This e-mail is confidential and intended only for the use of the above named addressee. If you have received this e-mail in error, please delete it immediately and notify us by e-mail or telephone.

June 9, 2020

Re: Proposed Transportation Off-Site Levy Bylaw (Bylaw C-8007-2020)
Public Hearing Emails (to be submitted during hearing)

Opening Statement:

Please accept the following comments as part of public input process for the June 9, 2020, Transportation Off-Site Levy (TOSL) Public Hearing.

As a trusted operator in the region, we have significant interest in the outcome of the proposed TOSL bylaw. We acknowledge that the County needs to plan and pay for County wide roadway network improvements and maintenance, however we encourage consideration of the unique value aggregate extraction and processing operations bring to the County and Region.

This submission reflects our opposition to the TOSL as it is currently proposed based on the following reasons:

1. The bylaw does not recognize grandfathering provisions previously provided.

- Operators must renew development permits on a continuous basis which could result in long running sites now being subject to the TOSL. This impact has the potential to change the viability of an existing operation.

2. The bylaw does not recognize the temporary and seasonal use of operations.

- Aggregate extraction is temporary not permanent development. Once mining is complete, the lands are reclaimed and returned to agricultural use. Municipalities normally charge an OSL on the end use or permanent development of land which generates permanent long-term traffic necessitating County wide road network improvements and maintenance obligations.

3. The bylaw does not recognize the time limited development permits of operations.

- Aggregate extraction and processing operations are typically granted temporary development permits to ensure performance standards are met. These permits must be regularly renewed which can cause development uncertainty. Part 11(a)(ii) of the proposed TOSL bylaw exempts temporary developments or those that are subject to renewal within either a residential or agricultural district, but does not include aggregate extraction and processing activities under a temporary development permit within a DC or NRI land use district.

4. The bylaw does not recognize gravel operations on par with golf courses.

- Like aggregate operations, land used for golf courses and horticultural activities are typically land intensive, seasonal, and only occupies a small area for a development at a given time. Within schedule K of the proposed TOSL, special provisions to reduce levy amounts for golf courses.

5. The bylaw does not recognize the CAP levy and other financial contributions from industry.

- The aggregate industry differs from other land uses because it is subject to the CAP levy in which funds are used to improve and maintain the local road network. The Community Aggregate Payment Levy Regulation 263/2005, Section 6(2) states “No levy may be imposed on shipments of sand and gravel that are subject to another tax, levy or payment that is established and payable to a municipality.” Industry feels that without changes to the proposed TOSL, they are providing two payments which does not seem equitable.

6. The bylaw may incentivize non-agricultural uses contrary to County planning policy.

- We believe the County is best served economically by collecting the CAP levy from an aggregate extraction and processing operation *and* collecting the TOSL from the subsequent permanent land use. When the TOSL is applied to aggregate extraction and processing operations the County prematurely relinquishes its right to charge the TOSL on the permanent uses. In other words, the County may be better off charging the TOSL against a future residential or non-residential subdivision or development if that is the intended end use after the gravel is mined. On the other hand, if it remains the County planning policy to protect agriculture use on a parcel after the gravel is extracted then this intent will be served best by ensuring that the one-time TOSL has not already been paid on the agricultural parcel.

7. There is no precedent of a municipality charging both a CAP levy and Transportation OSL.

Based on the following, we respectfully request the following amendments to the proposed bylaw are considered by Council:

Exemption:

- 1. Amend Section 11(a) to include the Natural Resource Industrial District (NRI) and exempt aggregate extraction and processing operations from the application of the TOSL.**

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- 2. Amend the bylaw to include previous grandfathering clarity provided in Section 4(c)(1-9) of the current TOSL which spoke to the timing of development permit issuance and levies.**

Reduce Impact:

- Amend Schedule K(p) of the proposed TOSL bylaw to establish a mechanism which recognizes the land intensive, low impact nature of aggregate extraction and processing

operations is equal to how golf courses and horticultural operations are treated in the bylaw. This could include an amendment to the definition of "Development Area" as contained with Schedule K of the proposed bylaw to read as follows:

- **(p) (viii) (iii) "with respect to development permits issued for aggregate extraction and processing operations, the development area only includes all structures and areas listed above."**

Sincerely,



Jennifer Weslowski
Lafarge Canada Inc.
Land Manager, GCA & WCAN Cement

Michelle Mitton

From: Haaf, Valerie A (Calgary) CAN <Valerie.Haaf@LehighHanson.com>
Sent: June 9, 2020 1:44 PM
To: Public Hearings
Cc: Krahn, Walter (Calgary) CAN
Subject: [EXTERNAL] - Proposed Regional Transportation Off-Site Levy Bylaw (Bylaw C-8007-2020)
Attachments: TOSL Lehigh Hanson Response_09JUN20.pdf

Do not open links or attachments unless sender and content are known.

Hello,

Please find attached written comments on behalf of Lehigh Hanson Materials Limited regarding the proposed Transportation Off-Site Levy (TOSL) and associated Public Hearing.

Regards,
Val

Valerie Haaf, P.Eng.
Land Manager – S.AB/SK/MB

Lehigh Hanson Materials Limited
885 – 42 Ave SE
Calgary, AB T2G 1Y8
Phone: 403-214-4140
Fax: 403-531-3001
Cell: 306-450-6995
Valerie.haaf@lehighhanson.com

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June 9, 2020

Re: Proposed Transportation Off-Site Levy Bylaw (Bylaw C-8007-2020)
Public Hearing Emails (to be submitted during hearing)

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a given time. Within schedule K of the proposed TOSL, special provisions to reduce levy amounts for golf courses.

5. The bylaw does not recognize the CAP levy and other financial contributions from industry.

- The aggregate industry differs from other land uses because it is subject to the CAP levy in which funds are used to improve and maintain the local road network. The Community Aggregate Payment Levy Regulation 263/2005, Section 6(2) states “No levy may be imposed on shipments of sand and gravel that are subject to another tax, levy or payment that is established and payable to a municipality.” Industry feels that without changes to the proposed TOSL, they are providing two payments which does not seem equitable.

6. The bylaw may incentivize non-agricultural uses contrary to County planning policy.

- We believe the County is best served economically by collecting the CAP levy from an aggregate extraction and processing operation *and* collecting the TOSL from the subsequent permanent land use. When the TOSL is applied to aggregate extraction and processing operations the County prematurely relinquishes its right to charge the TOSL on the permanent uses. In other words, the County may be better off charging the TOSL against a future residential or non-residential subdivision or development if that is the intended end use after the gravel is mined. On the other hand, if it remains the County planning policy to protect agriculture use on a parcel after the gravel is extracted then this intent will be served best by ensuring that the one-time TOSL has not already been paid on the agricultural parcel.

7. There is no precedent of a municipality charging both a CAP levy and Transportation OSL.

Based on the following, we respectfully request the following amendments to the proposed bylaw are considered by Council:

Exemption:

- 1. Amend Section 11(a) to include the Natural Resource Industrial District (NRI) and exempt aggregate extraction and processing operations from the application of the TOSL.**

If the County maintains it has the statutory authority to continue to charge the TOSL in addition to the CAP levy and other financial contributions, then we request that the following bylaw amendments are considered:

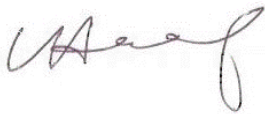
Grandfathering:

- 2. Amend the bylaw to include previous grandfathering clarity provided in Section 4(c)(1-9) of the current TOSL which spoke to the timing of development permit issuance and levies.**

Reduce Impact:

- Amend Schedule K(p) of the proposed TOSL bylaw to establish a mechanism which recognizes the land intensive, low impact nature of aggregate extraction and processing operations is equal to how golf courses and horticultural operations are treated in the bylaw. This could include an amendment to the definition of “Development Area” as contained with Schedule K of the proposed bylaw to read as follows:
 - **(p) (viii) (iii) “with respect to development permits issued for aggregate extraction and processing operations, the development area only includes all structures and areas listed above.”**

Sincerely,



Valerie Haaf, P.Eng.
Land Manager – S.AB/SK/MB

Lehigh Hanson Materials Limited
885 – 42 Ave SE
Calgary, AB T2G 1Y8
Phone: 403-214-4140
Fax: 403-531-3001
Cell: 306-450-6995
Valerie.haaf@lehighhanson.com

Tyler Andreasen

From: [REDACTED]
Sent: Monday, June 08, 2020 10:33 AM
To: Public Hearings
Subject: [EXTERNAL] - proposal to reduce offsite levies

Do not open links or attachments unless sender and content are known.

Dear Council,

Please note that we are very much against reducing the levies as this would mean that the ratepayers would be picking up the bill for others who will be enjoying the use of the sites.

Warm regards,

Lynn Chambers
31124 Woodland Heights
Bears paw

Michelle Mitton

From: maria ward [REDACTED]
Sent: June 9, 2020 9:22 AM
To: Public Hearings
Cc: sam
Subject: [EXTERNAL] - Re: Levies

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As a resident of Bears paw, I completely disagree with the elimination or reduction of levies on businesses and developers. If a developer wants to develop an area then they should be responsible for the appropriate infrastructure, as they will be the ones reaping the benefits and profits. The current residents should not be responsible to subsidize profitable companies.

If a councilor votes to eliminate or reduce a developers cost of infrastructure, it makes me wonder one of two things:

1. The councilor has no financial sense and should maybe take a workshop on profit vs loss.
2. The councilor is receiving a "kick back" from the developer

If a councilor really wants to support the multi million dollar profitable development companies, then why don't they take the tax hike and even a pay cut.

Time to listen to the residents, whom you are suppose to represent, we don't want our taxes increased to subsidize multimillion dollar profitable companies.

Thanks,
Maria Ward
Division 8

Michelle Mitton

From: Nancy MacDonald nancy.m@globalcanuck.com <nancy.m@globalcanuck.com>
Sent: June 9, 2020 9:07 AM
To: Public Hearings
Subject: [EXTERNAL] - Transportation Off-Site Levy Bylaw C-8007-2020 Item C-5 on the June 9/20 Agenda

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Dear Sir or Madame,

Global Canuck Energy Ltd. located in Rocky View County at: 136 Eagle Butte Ranch would like Council to ensure that the changes to Bylaw c-8007-2020 do not add to the tax burden of the county ratepayer. Development should pay for it's self.

Note 1: page 2 of 43 of the Agenda, under Benefits of New Levy Bylaw C-8007-2020 " Calculated with 76% of the funding necessary to construct the long range transportation network coming from new subdivision and development via the levy; 24% from general revenues ..." what are the sources of those general revenues? And, would increases to the taxes of established businesses and residents be required to fund those general revenues?

Note 2: : page 2 of 43 of the Agenda, under Benefits of New Levy Bylaw C-8007-2020 " Rocky View County's contributions towards Provincial Infrastructure is reduced/set at 12.5% of total costs..." this wording is unclear to me: does it mean that the Levy is reduced to 12.5% of total costs, and if so, where is RVC going to find the funds to pay the remainder of the County's contribution towards provincial infrastructure?

Given these questions I would like council to choose Option #2, and work to limit tax payers costs re Development in Rocky View and specifically the Transportation Off-Site Levy Bylaw.

Regards,

Global Canuck Energy Ltd.
Gordie MacDonald

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Global Canuck Energy Ltd.
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Calgary, AB T3H 0J0
PH: (403)247-3400
FX: (403)247-3490
nancy.m@globalcanuck.com

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Tyler Andreasen

From: lott.p [REDACTED]
Sent: Monday, June 08, 2020 8:23 PM
To: Public Hearings
Subject: [EXTERNAL] - revised off-site levy bylaws

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I want to express my concern regarding the proposed off-site levy concessions for new development. Developers (and new residents/businesses) ought to be required to cover the entire costs of new infrastructure required as a result of their development. I am opposed to existing residents/taxpayers covering these costs. The proposed changes are not in line with Rocky View County's stated commitment to the principle that "growth pays for growth".

Sincerely,

Patti Lott
50119 township road 272
Rocky View County

Michelle Mitton

From: Steve Grande <steve@terradygm.ca>
Sent: June 9, 2020 9:16 AM
To: Public Hearings
Subject: [EXTERNAL] - Bylaw C-8008-2020 - Opposed

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I am writing in opposition to Bylaw C-8008-2020, the Regional Stormwater Off-Site Levy. I represent landowners in both the CSMI and Langdon Benefitting Areas.

CSMI

With respect to properties in the CSMI area, any developers working in this area at this time must develop a stormwater system that works to achieve the County's zero discharge policy if they wish to proceed. This Bylaw would make them pay the levy even on the lands that are used to provide a fully operational storm water management facility because the CSMI facility is not ready. In essence, they build a fully functional system at their own cost and then pay for a solution that is not available yet.

Furthermore, when developing the "interim facility" there is no discussion as to how this would eventually connect to the CSMI solution. So it can be assumed that, when the CSMI solution does become available, someone will have to pay again to decommission the existing facility and connect to the CSMI facility.

A more reasonable approach would be to charge the levy to the full development, but only collect a portion of it at this time - perhaps 20%. The County could register an interest on the parcel containing the interim ponds for the balance of the levy. In this way, the County receives some money for the design of the CSMI solution and collects the majority of the levy when there is a clear plan on how to redevelop the interim pond parcels and connect to the new system. If, at the time it is possible to connect to the CSMI facility, it is clear that the interim facility is fully functional and there is no need to connect to the larger facility, the developer is not required to pay 80% of the levy toward a system that will not be used.

Langdon

With respect to properties in the Langdon area, this new Bylaw collects levies from non-benefitting properties. For example, Settler's Green, located in the southeast corner of Langdon, will be required to pay a levy that pays for the Glenmore Redirection and Municipal Ditch Upgrades. Neither of these improvements affect Settler's Green in any way. A more reasonable approach would be to assign the levy on an area by area basis, much like the approach in the Regional Water and Wastewater Off-Site Levy Bylaw.

In summary, this Bylaw proposes charging levies to properties that in certain cases may never benefit the property or, in other cases, will certainly never benefit the property. A more reasonable equitable approach is possible in both cases.

Take care,

Steve Grande
President, Broker
403-650-6474



www.terradigm.ca

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