

ROCKY VIEW COUNTY
COUNCIL MEETING MINUTES
May 10, 2016

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A regular meeting of the Council of Rocky View County was held in Council Chambers of the Municipal Administration Complex, 911 – 32nd Avenue NE, Calgary, Alberta on May 10, 2016 commencing at 9:00 a.m.

Present: Reeve G. Boehlke, Division 6
 Deputy Reeve E. Solberg, Division 5
 Councillor L. Breakey, Division 1
 Councillor J. Arshinoff, Division 2
 Councillor R. Ashdown, Division 4
 Councillor L. Habberfield, Division 7 (Arrived at 9:02 a.m.)
 Councillor E. Lowther, Division 8
 Councillor B. Kendall, Division 9

Absent: Councillor M. Bahcheli, Division 3

Also Present: K. Greig, County Manager
 K. Robinson, General Manager
 B. Riemann, General Manager
 C. O'Hara, General Manager
 S. Baers, Manager, Planning Services
 M. Wilson, Senior Planner Team Lead
 A. Zaluski, Senior Planner
 S. Lamola, Development Officer
 J. Anderson, Planner
 M. Norman, Planner
 A. Pare, Engineering Services Technician
 R. Wiljamaa, Manager, Engineering Services
 J. Klauer, County Solicitor
 J. Sinclair, Legislative Clerk - Council
 N. Housenga, Municipal Clerk

Call to Order

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

1-16-05-10-01

Updates/Acceptance of Agenda

MOVED by Deputy Reeve Solberg that an In Camera Item, K-1, Conrich Area Structure Plan–
Chestermere/Rocky View Mediation Update, be added to the agenda for the May 10, 2016 Council Meeting
Carried
Absent: Councillor Habberfield

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MOVED by Councillor Ashdown that the May 10, 2016 Council meeting agenda be approved, as amended.

Carried

Absent: Councillor Habberfield

1-16-05-10-02

Confirmation of Minutes

MOVED by Councillor Ashdown that the April 26, 2016 Council meeting minutes be approved, as presented.

Carried

Absent: Councillor Habberfield

Councillor Habberfield arrived to the meeting at 9:02 a.m.

1-16-05-10-04 (D-1)

Division 1 – West Bragg Creek Emergency Access Study

File: 1021-275/1025-600

MOVED by Councillor Breakey that the attached 2016 Budget Adjustment of \$139, 279 to receive funding from the Government of Alberta for the completion of West Bragg Creek Emergency Access Study be approved as presented.

Carried

1-16-05-10-05 (D-2)

Division 1 – Terms of Reference – Comprehensive Land Use Bylaw Review

File: 1015-656

MOVED by Councillor Habberfield that agenda item D-2 be tabled to the June 14, 2016 Council meeting.

Lost

In Favour

Councillor Arshinoff
Councillor Ashdown
Councillor Habberfield
Councillor Lowther

In Opposition

Councillor Breakey
Reeve Boehlke
Deputy Reeve Solberg
Councillor Kendall

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MAIN MOTION

MOVED by Councillor Kendall that the comprehensive Land Use Bylaw Review Terms of Reference be adopted, as presented.

MOTION TO TABLE

MOVED by Councillor Habberfield that agenda item D-2 be tabled to the June 14, 2016 Council meeting.

Carried

1-16-05-10-06 (E-1)

Division 6 – Bylaw C-7501-2015 – Closure of 4 portions of undeveloped Road Allowance known as Range Road 271.

File: PL2015010025

MOVED by Deputy Reeve Solberg that Bylaw C-7501-2015 be given second reading.

Carried

In Favour

Councillor Breakey
Reeve Boehlke
Deputy Reeve Solberg
Councillor Ashdown
Councillor Habberfield
Councillor Lowther
Councillor Kendall

In Opposition

Councillor Arshinoff

MOVED by Councillor Habberfield that Bylaw C-7501-2015 be given third reading.

Carried

In Favour

Councillor Breakey
Reeve Boehlke
Deputy Reeve Solberg
Councillor Ashdown
Councillor Habberfield
Councillor Lowther
Councillor Kendall

In Opposition

Councillor Arshinoff

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MOVED by Deputy Reeve Solberg that the 15.91 Acres of land be transferred to the applicant Hutterian Brethren Church of Beiseker, is subject to:

- (a) A sales agreement being signed at the established value of \$2,400 per acre for a rounded total of \$38,000.00, plus \$650 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-7501-2015 receives third and final reading.

Carried

1-16-05-10-07 (J-1)

Division 9 – Subdivision Item – Residential Two District (R-2) and Residential Three District (R-3)

File: PL20150103 (06812001)

MOVED by Councillor Kendall that Subdivision Application No. PL20150103 be approved as per the conditions noted in Attachment “A”.

- A. The application to create a ± 2.43 hectare (± 6.00 acre) parcel with a ± 4.82 hectare (± 11.90 acre) remainder parcel within NE-12-26-04-W05M, having been evaluated in terms of Section 654 of the *Municipal Government Act*, 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. Conditions which require technical reports to be submitted 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 be approved subject to the following conditions of approval:

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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 shall construct a new paved approach on Range Road 40 in order to provide access to Lot 2 in accordance with the County Servicing Standards.

Stormwater/Developability

3. The Owner is to provide and implement a Site Specific Stormwater Management Plan. Implementation of the Stormwater Management Plan shall include:
 - i. If the recommendations of the Stormwater Management Plan require improvements, then a Site Improvements/Services Agreement or Development Agreement shall be entered into;
 - ii. Registration of any required easements and / or utility rights of way;
 - iii. Necessary approvals and compensation provided to Alberta Environment for wetland loss and mitigation;
 - iv. Necessary Alberta Environment licensing documentation for the stormwater infrastructure system;
4. Water is to be supplied by an individual well on Lot 2. The subdivision shall not be endorsed until:
 - a) A Phase 2 Detailed Groundwater Evaluation Report is provided, which is to include aquifer testing and the location of the well on Lot 2; and
 - b) If the results of the testing do not meet the requirements of the Water Act, the subdivision shall not be endorsed or registered;

Payments and Levies

5. The Applicant/Owner shall pay the County subdivision endorsement fee, in accordance with the Master Rates Bylaw, for the creation of one (1) new Lot.
6. The Applicant/Owner shall pay the Transportation Off-Site Levy in accordance with applicable levy at time of subdivision approval, as amended, for the total gross acreage of the lands proposed to be subdivided. The County shall calculate the total amount owing from the total gross acreage of the Lands to be subdivided as shown on the Plan of Survey as follows:
 - a) The TOL will be applicable on the entire portion of Lot 1; and,
 - b) The TOL will be applicable on 3.0 acres of Lot 2.
7. The provision of Reserve as required by Caveat 2255KU for the area of Lot 1, 0.35 acres, is to be provided by payment of cash-in-lieu in the amount of \$50,000.00 per acre, as per the Appraisal Report provided by Douglas Pollard, dated March 18, 2016, pursuant to Section 666(3) of the Municipal Government Act;
 - a) The provision of Reserve as required by Caveat 2255KU outstanding on Lot 2 (0.70 acres) is to be deferred by Caveat pursuant to Section 669 of the Municipal Government Act;

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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.

Other

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

Carried

The Chair called a recess at 9:56 a.m. and called the meeting back to order at 10:09 a.m. with all members present with the exception of Councillor Kendall.

1-16-05-10-03 (C-1)

Division 4 – Bylaw C-7547-2015– Proposed Langdon Area Structure Plan

File: 1013-550

MOVED by Councillor Ashdown that the public hearing be opened at 10:10 a.m.

Carried

Absent: Councillor Kendall

Councillor Kendall returned to the meeting at 10:11 a.m.

Meghan Norman, Rocky View County / Colin McNab and David Seeliger, MPE Engineering (Exhibit 1) addressed Council on behalf of the Applicant, Rocky View County.

Councillor Lowther departed the meeting at 11:05 a.m. and returned at 11:09 a.m.

The Chair called a recess at 11:11 a.m. and called the meeting back to order at 11:26 a.m. with all members present.

Tomasz Kroman and Elisabeth Hofbauer- Spitzer, DA Watt addressed Council on behalf of the Applicant, Rocky View County.

Person(s) who spoke in favour:

Bob Orysiuk, Encompass Lands (Exhibit 2)
Janet Ballantyne, Rocky View Resident
Ben Mercer, Qualico Communities
Doug White, Rocky View Resident (Exhibit 3)
Vince Young, Rocky View Resident

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MOVED by Councillor Ashdown that late submissions from Sue Collins and Richard Geleta be accepted.

Carried

In Favour

Councillor Kendall
Councillor Lowther
Councillor Ashdown
Deputy Reeve Solberg
Reeve Boehlke
Councillor Arshinoff
Councillor Breakey

In Opposition

Councillor Habberfield

1-16-04-26-15 (K-1)

**All Divisions – In-Camera Item – Conrich Area Structure Plan – Chestermere/Rocky View Mediation Update
File: N/A**

MOVED by Deputy Reeve Solberg, that Council moves into Committee of the Whole, in camera, at 12:40 p.m., in accordance with:

- (a) the *Municipal Government Act*, Section 197(2)
- (b) the *Freedom of Information and Protection of Privacy Act*, Sections 21(1)(a)(ii), 24(1)(b)(i) and 25(1)(c)(iii)

Carried

The Chair called the meeting back to order at 1:37 p.m. with all members present.

MOVED by Deputy Reeve Solberg that Committee of the Whole move into open session at 1:38 p.m.

1-16-05-10-03 (C-1)

Division 4 – Bylaw C-7547-2015– Proposed Langdon Area Structure Plan

File: 1013-550

Person(s) who spoke in opposition: Paul Mercer, B & A Consulting (Exhibit 5)
Nancy Sanborn, BSEI Engineering
Richard Geleta, BSEI Engineering
George Trutina, Rocky View Resident

The Chair called a recess at 2:13 p.m. and called the meeting back to order at 2:22 p.m. with all members present.

Person(s) who spoke in opposition: Mike Scalia, Rocky View Resident (Exhibit 6)

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The Chair called a recess at 2:54 p.m. and called the meeting back to order at 3:01 p.m. with all previously mentioned members present.

Person(s) who spoke in opposition: Al Schule, Rocky View Resident
Alana Casement, Rocky View Resident

Person(s) who spoke in rebuttal: Janet Ballantyne, Rocky View Resident
Vince Young, Rocky View Resident

The Chair called a recess at 3:33 p.m. and called the meeting back to order at 3:53 p.m. with all previously mentioned members present.

Person(s) who spoke in rebuttal: Meghan Norman for Rocky View County (Applicant)
Colin McNab, MPE Engineering

MOVED by Councillor Ashdown that the public hearing be closed at 4:37 p.m.

Carried

MOVED by Councillor Ashdown that the May 10, 2016 Council meeting proceed past 5:00 p.m.

Carried

<u>In Favour</u>	<u>In Opposition</u>
Councillor Lowther	Councillor Kendall
Councillor Habberfield	Councillor Breakey
Councillor Ashdown	
Deputy Reeve Solberg	
Reeve Boehlke	
Councillor Arshinoff	

The Chair called a recess at 4:50 p.m. and called the meeting back to order at 5:17 p.m. with all previously mentioned members present.

MOVED by Councillor Ashdown that agenda item C-1 be tabled to the May 24, 2016 Council meeting to prepare a list of proposed amendments.

Lost

<u>In Favour</u>	<u>In Opposition</u>
Councillor Lowther	Councillor Kendall
Councillor Ashdown	Councillor Habberfield
Deputy Reeve Solberg	Councillor Arshinoff
Reeve Boehlke	Councillor Breakey

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MOVED by Councillor Ashdown that Administration be directed to prepare amendments that address:

1. Proposed new hamlet boundary
 - a. Part of the ASP policy
 - b. Less restrictive development policy area
2. Wider ASP boundary
 - a. Policies for development may be more restrictive than the hamlet boundary area
3. Wide future study area
 - a. Same policies within the ASP existing

Lost

In Favour

Councillor Lowther
Councillor Ashdown
Deputy Reeve Solberg
Reeve Boehlke

In Opposition

Councillor Kendall
Councillor Habberfield
Councillor Arshinoff
Councillor Breakey

The Chair called a recess at 5:55 p.m. and called the meeting back to order at 6:04 p.m.

MOVED by Councillor Lowther that Administration be directed to assess a possible amendment to Item 24 "Stormwater management" reflect that objectives, be planned, applied and implemented across the entire Langdon ASP study area.

Carried

In Favour

Councillor Kendall
Councillor Lowther
Councillor Ashdown
Deputy Reeve Solberg
Reeve Boehlke

In Opposition

Councillor Habberfield
Councillor Arshinoff
Councillor Breakey

MOVED by Councillor Lowther that Administration be directed to assess a possible amendment to Item 27, page 183 to reflect that Concept schemes and/or Master Site Development Plans will be accepted for consideration on the lands within the Greater Langdon ASP Study area and be evaluated within the themes and priorities of the ASP.

Lost

In Favour

Councillor Lowther
Councillor Ashdown
Deputy Reeve Solberg

In Opposition

Councillor Kendall
Councillor Habberfield
Reeve Boehlke
Councillor Arshinoff
Councillor Breakey

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Councillor Kendall departed the meeting at 6:30 p.m.

MOVED by Councillor Ashdown that the Langdon Area Structure Plan Bylaw C-7564-2016 be amended as follows:

(a) a new Section 22.9 to read:

22.9 The County encourages and supports opportunities to connect to a regional public / private transportation system. Development of such a system shall consider design standards, costs associated with upgrading the road network, and long term operation and maintenance requirements.

(b) the following sections be renumbered respectively.

Carried
Absent: Councillor Kendall

MOVED by Councillor Ashdown that the Langdon Area Structure Plan Bylaw C-7564-2016 be amended as follows:

(a) that Section 22.16 be amended by deleting 'a rural' and replacing with ' an urban'

Carried
Absent: Councillor Kendall

The Chair called a recess at 6:43 p.m. and called the meeting back to order at 7:10 p.m. with all previously mentioned members present.

The Chair called a recess at 7:10 p.m. and called the meeting back to order at 7:18 p.m. with all previously mentioned members present.

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MOVED by Councillor Ashdown that the Langdon Area Structure Plan Bylaw C-7564-2016 be amended as follows;

- (a) Section 1, 'Plan Interpretation' be amended to add "Must" after "Shall" with the definition to read

Shall/**Must** : a directive term that indicates the actions outlined are mandatory and therefore must be complied with, without discretion, by Administration, the developer, the Development Authority, and Subdivision Authority.

Carried

In Favour

Councillor Breakey
Reeve Boehlke
Deputy Reeve Solberg
Councillor Ashdown
Councillor Habberfield
Councillor Lowther
Councillor Kendall

In Opposition

Councillor Arshinoff

- (b) Section 4, be amended to correct the date Langdon became a Hamlet to 1976

In ~~1946~~ **1976** Langdon lost its village status and was designated a Hamlet under the Administration of the M.D. of Rocky View No. 44 (County).

Carried

- (c) Section 21.3 be amended to read

21.3 ~~Prior to the approval of a development that will result in the Hamlet area's population exceeding 5,000 residents;~~ **the County should review the policing requirements for the Hamlet area and identify additional needed resources.**

Carried

In Favour

Councillor Breakey
Reeve Boehlke
Deputy Reeve Solberg
Councillor Ashdown
Councillor Habberfield
Councillor Lowther
Councillor Kendall

In Opposition

Councillor Arshinoff

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(d) Section 24.21 be amended to read;

24.21 Developers relying on regional County stormwater services may be required to front-end **or contribute to** the costs of service upgrades where deemed necessary by the County.

Carried

MOVED by Councillor Ashdown that Administration be directed to assess proposed amendments to the Langdon Area Structure Plan Bylaw C-7564-2016 as follows;

(e) Section 24.7 be revisited in light of the motion made by Councillor Lowther regarding Stormwater Management that reads "Administration be directed to assess a possible amendment to Item 24 "Stormwater management" reflect that objectives, be planned, applied and implemented across the entire Langdon ASP study area."

- a. Section 24, third paragraph be revisited for clarity and textual amendments for 2 conveyance routes
- b. Section 24. 18(c) be revisited for textual amendments
- c. Section 24.19 be revisited for textual amendments

Lost

In Favour

Councillor Lowther
Councillor Ashdown
Deputy Reeve Solberg

In Opposition

Councillor Kendall
Councillor Habberfield
Reeve Boehlke
Councillor Arshinoff
Councillor Breakey

(f) Section 27, Part 3 titled Implementation to add a phasing or sequential plan

Lost

In Favour

Councillor Lowther
Councillor Ashdown
Deputy Reeve Solberg
Reeve Boehlke

In Opposition

Councillor Kendall
Councillor Habberfield
Councillor Arshinoff
Councillor Breakey

MOVED by Councillor Ashdown that Bylaw C-7564-2016 be given second reading, as amended.

Carried

MOVED by Councillor Ashdown that Bylaw C-7564-2016 be given third and final reading, as amended.

Carried

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Adjournment

MOVED by Councillor Ashdown the May 10, 2016 Council Meeting be adjourned at 7:34 p.m.

Carried

REEVE

CAO or Designate