

ROCKY VIEW COUNTY
COUNCIL MEETING MINUTES
September 27, 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 September 27, 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 M. Bahcheli, Division 3
Councillor R. Ashdown, Division 4
Councillor L. Habberfield, Division 7
Councillor E. Lowther, Division 8
Councillor B. Kendall, Division 9 (Departed at 1:52 p.m.)

Absent: Councillor J. Arshinoff, Division 2

Also Present: K. Greig, County Manager
K. Robinson, General Manager
B. Riemann, General Manager
C. O'Hara, General Manager
S. Baers, Manager, Development Services
R. Barss, Manager, Intergovernmental Relations
B. Woods, Manager, Business Services
D. Kalinchuk, Manager, Economic Development
M. Wilson, Senior Planner - Team Lead, Development Services
D. Kazmierczak, Senior Planner
J. Kirychuk, Planner
J. Sinclair, Legislative Clerk - Council
C. Satink, A/Municipal Clerk

Call to Order

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

1-16-09-27-01

Updates/Acceptance of Agenda

MOVED by Deputy Reeve Solberg that the September 27, 2016 Council meeting agenda be approved.

Carried

1-16-09-27-02

Confirmation of Minutes

MOVED by Councillor Ashdown that the September 13, 2016 Council meeting minutes be approved.

Carried

1-16-09-27-04(D-1)

All Divisions – Notice of Motion Response – Performance Review of Rocky View County Council – Councillor Kendall

File: N/A

MOVED by Councillor Kendall that Administration be directed to design and incorporate an enhanced governance training component in the Council Orientation Package for the 2017 Municipal Election, including a session to be developed and provided to perspective nominees so that they are better informed of the roles and responsibilities.

Carried

1-16-09-27-05 (D-2)

All Divisions – Notice of Motion Response – Langdon Wastewater Treatment Plant – Councillor Kendall

File: N/A

MOVED by Councillor Kendall that Council direct Administration to provide options to fund the design and construction of the Langdon phase two wastewater treatment plant project to include but not limited to, a borrowing bylaw, funding from reserves, possible grant opportunities, levies and developer funding options or a combination thereof for consideration of Council prior to December 1, 2016.

The Chair called a recess at 9:37 a.m. and called the meeting back to order at 9:43 a.m. with all previously mentioned members present.

Voting resumed on the motion and it was Carried.

1-16-09-27-06 (D-3)

All Divisions – Notice of Motion Response – Genesis Corporation Omni Area Structure Plan – Deputy Reeve Solberg

File: N/A

MOVED by Deputy Reeve Solberg that based on a formal commitment from the Genesis Corporation to absorb all costs incurred in creating the Omni Area Structure Plan, Genesis Corporation be instructed to immediately proceed with creation of the Omni Area Structure Plan.

MOVED by Councillor Habberfield to table agenda item D-3 to immediately follow the September 27, 2016 morning hearings.

Carried

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The Chair called a recess at 10:00 a.m. and called the meeting back to order at 10:08 a.m. with all previously mentioned members present.

1-16-09-27-03 (C-1)

Division 6– Bylaw C-7601-2016– Redesignation Item – New or Distinct Agricultural Use
File: PL20160067 (08509001)

Reeve Boehlke vacated the chair it was assumed by Deputy Reeve Solberg at 10:09 a.m.

MOVED by Reeve Boehlke that the public hearing for item C-1 be opened at 10:09 a.m.

Carried

Person(s) who spoke in favour: Larry Konschuk, Konschuk Consulting (Applicant)

MOVED by Reeve Boehlke that the late submission (C-1 Exhibit 1) provided by Larry Konschuk be accepted.

Carried

Person(s) who spoke in favour: Brenda Silbernagel, (Owner)
Kyle Silbernagel, Son of Property Owner

Person(s) who spoke in opposition: No one came forward

Person(s) who spoke in rebuttal: No one came forward

MOVED by Reeve Boehlke that the public hearing for item C-1 be closed at 11:14 a.m.

Carried

MOVED by Reeve Boehlke that Bylaw C-7601-2016 be given first reading.

Carried

In Favour

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

In Opposition

Councillor Bahcheli
Councillor Breakey

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MOVED by Councillor Ashdown that Bylaw C-7601-2016 be given second reading.

Carried

In Favour

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

In Opposition

Councillor Bahcheli
Councillor Breakey

MOVED by Councillor Habberfield that Bylaw C-7601-2016 be considered for third and final reading.

Carried

MOVED by Reeve Boehlke that Bylaw C-7601-2016 be given third reading.

Carried

In Favour

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

In Opposition

Councillor Bahcheli
Councillor Breakey

The Chair called a recess at 11:20 a.m. and called the meeting back to order at 11:35 a.m. with all previously mentioned members present.

Deputy Reeve Solberg vacated the chair and it was re-assumed by Reeve Boehlke at 11:35 a.m.

1-16-09-27-06 (D-3)

All Divisions – Notice of Motion Response – Genesis Corporation Omni Area Structure Plan – Deputy Reeve Solberg

File: N/A

MOVED by Deputy Reeve Solberg that agenda item D-3 be lifted from the table.

Carried

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MAIN MOTION

MOVED by Deputy Reeve Solberg that based on a formal commitment from the Genesis Corporation to absorb all costs incurred in creating the Omni Area Structure Plan, Genesis Corporation be instructed to immediately proceed with creation of the Omni Area Structure Plan.

Carried

In Favour

Councillor Kendall
Councillor Lowther
Councillor Ashdown
Deputy Reeve Solberg
Reeve Boehlke

In Opposition

Councillor Habberfield
Councillor Bahcheli
Councillor Breakey

1-16-09-27-10 (K-1)

All Divisions – In-Camera Item – Proposed Annexation

File: N/A

1-16-09-27-11 (K-2)

All Divisions – In-Camera Item – List of County Legal Matters

File: N/A

MOVED by Deputy Reeve Solberg, that Council moves into Committee of the Whole, in camera, at 12:03 p.m., in accordance with:

- (a) the *Municipal Government Act*, Section 197(2)
- (b) the *Freedom of Information and Protection of Privacy Act* section:
 - i. Advice from Officials - 24(1)(b)(i) and (d)
 - ii. Harmful to Economic and Other Interests – 25(1)(c)(iii)
 - iii. Privileged Information – 27(1)(b)(iii)

Carried

Councillor Kendall departed the meeting at 1:51 p.m.

MOVED by Deputy Reeve Solberg that Committee of the Whole move into open session at 1:52 p.m. with all previously mentioned members present with the exception of Councillor Kendall.

Carried
Absent: Councillor Kendall

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1-16-09-27-07 (D-4)

All Divisions – Economic Development Strategy Terms of Reference

File: 2016-100

MOVED by Councillor Ashdown that the Economic Development Strategy Terms of Reference be approved as presented.

Carried
Absent: Councillor Kendall

1-16-09-27-08 (D-5)

Division 1 – Bragg Creek Local Improvement Tax

File: 2025-100

MOVED by Councillor Lowther that the request to reduce the Local Improvement Tax calculation for Roll #03913101 be denied.

Carried

MOVED by Councillor Lowther that the Local Improvement Tax calculation for Roll #03912101 be adjusted to reflect 4.34 acres.

Carried

In Favour

Councillor Lowther
Councillor Habberfield
Councillor Ashdown
Deputy Reeve Solberg
Reeve Boehlke
Councillor Bahcheli

In Opposition

Councillor Breakey

MOVED by Councillor Breakey that the Local Improvement Tax calculation for Roll # 03912105 be adjusted to reflect 1.10 acres Non-Residential Land Use and 2.87 acres Residential Land Use.

Carried

1-16-09-27-09 (J-1)

Division 5 – Subdivision Item – Agricultural Holdings District

File: PL20160023 (04325007)

MOVED by Deputy Reeve Solberg that Condition 11 be amended to defer collection of Reserve in the amount of 10 percent of the area of Lots 1 and 2.

Carried

In Favour

Reeve Boehlke
Deputy Reeve Solberg
Councillor Ashdown
Councillor Lowther

In Opposition

Councillor Breakey
Councillor Bahcheli
Councillor Habberfield

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MOVED by Deputy Reeve Solberg that Subdivision Application No. PL20160023 be approved with the conditions noted below, as amended.

- A. That the application to create a ≥ 8.10 hectare (≥ 20.01 acre) parcel (Lot 1) with a ≥ 8.10 hectare (≥ 20.01 acre) (Lot 2) remainder within a portion of NE-25-24-28-W04M, 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. Technical reports required to be submitted within the conditions must be prepared by a qualified professional, licensed to practice in the Province of Alberta, within the appropriate field of practice. The conditions of this subdivision approval do not absolve an Applicant/Owner from ensuring all permits, licenses, or approvals required by Federal, Provincial, or other jurisdictions are obtained.
- C. Further, in accordance with Section 654 and 655 of the *Municipal Government Act*, the application shall be approved subject to the following conditions of approval:

Plan of Subdivision

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

Transportation and Access

2. The Applicant/Owner shall construct a new paved approach in order to provide access to Lots 1 and 2. As a mutual approach is required, the Applicant/Owner shall:
 - a) Provide an access right-of-way plan.
 - b) Prepare and register respective easements on each title, where required.
 - c) Obtain a Roadside Development Permit from Alberta Transportation for the construction of the new paved mutual approach.
3. The Applicant/Owner shall remove and reclaim the existing approach, as shown on the approved Tentative Plan, to the satisfaction of Alberta Transportation.
4. The Applicant/Owner shall obtain a Roadside Development Permit from Alberta Transportation for the removal of the existing approach.
5. The Applicant/Owner is to dedicate by Caveat a 30 m wide service road along the highway frontage of Lots 1 and 2, as shown on the approved Tentative Plan, to the satisfaction of Alberta Transportation.

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6. The Applicant/Owner is to enter into a Road Acquisition Agreement with the County, to be registered by Caveat on the title of Lot 1, to serve as notice that those lands are intended for future development as a County road, as per the approved Tentative Plan. The Agreement shall include:
 - a) The provision of a 12.5 m wide panhandle road acquisition off Highway 791.
 - b) Land is to be purchased for \$1.00 by the County.
7. The Applicant/Owner is to enter into a Restrictive Covenant, to be registered by Caveat prepared by the County, on the title of Lot 1 that restricts the erection of any structure on or within 15 metres of a future road right-of-way, as shown on the approved Tentative Plan.

Site Servicing

8. Water is to be supplied by an individual well on Lot 2. The subdivision shall not be endorsed until:
 - a) The Applicant/Owner has provided a Well Driller's Report to determine whether an adequate supply of water is available for Lot 2.
 - b) Verification is provided that each new well is located within each respective proposed Lot's boundaries.
 - c) It has been demonstrated that the new well is capable of supplying a minimum of one (1) IGPM of water for household purposes.

Payments and Levies

9. 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.
10. The Applicant/Owner shall pay the Transportation Off-Site Levy (TOL) in accordance with Bylaw C-7356-2014 prior to subdivision endorsement.
 - i. The TOL will be applicable on 3.00 acres of Lot 1.
 - ii. The TOL will be applicable on 3.00 acres of Lot 2.

Municipal Reserve

11. The provision of Reserve in the amount of 10 percent of the area of Lots 1 and 2, as determined by the Plan of Survey, is to be deferred, in accordance with the per acre value as listed in the land appraisal prepared by Douglas Pollard, file 16-029-MDRV, dated June 28, 2016, pursuant to Section 666(3) of the Municipal Government Act.

Taxes

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

D. SUBDIVISION AUTHORITY DIRECTION:

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

Carried

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Council Reports

The Councillors reported on the activities and meetings they attended during the past two weeks in their respective divisions.

Adjournment

MOVED by Councillor Ashdown that the September 27, 2016 Council meeting be adjourned at 2:55 p.m.

REEVE

CAO or Designate