

ROCKY VIEW COUNTY
COUNCIL MEETING MINUTES
November 8, 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 November 8, 2016 commencing at 9:00 a.m.

Present: Deputy Reeve E. Solberg, Division 5
Councillor L. Breakey, Division 1
Councillor M. Bahcheli, Division 3 (Arrived at 9:05 a.m.)
Councillor R. Ashdown, Division 4
Councillor L. Habberfield, Division 7
Councillor E. Lowther, Division 8
Councillor B. Kendall, Division 9

Absent: Reeve G. Boehlke, Division 6
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
M. Wilson, Senior Planner - Team Lead, Development Services
A. Zaluski, Senior Planner
D. Kazmierczak, Senior Planner
J. Kwan, Planner
S. Kunz, Planner
A. Pare, Engineering Services
J. Sinclair, Legislative Clerk - Council
C. Satink, A/Municipal Clerk

Call to Order

The Chair (Deputy Reeve Solberg) called the meeting to order at 9:00 a.m. with all members present with the exception of Councillor Bahcheli.

1-16-11-08-01

Updates/Acceptance of Agenda

MOVED by Councillor Ashdown that the November 8, 2016 Council meeting agenda be approved, as presented.

Carried
Absent: Councillor Bahcheli

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1-16-11-08-02
Confirmation of Minutes

MOVED by Councillor Ashdown that the October 25, 2016 Organization meeting minutes be approved.

Carried
Absent: Councillor Bahcheli

MOVED by Councillor Habberfield that the October 25, 2016 Council meeting minutes be approved.

Carried
Absent: Councillor Bahcheli

1-16-11-08-07 (J-1)
Division 9 – Subdivision Item – Creation of One Residential Two District parcel
File: PL20150078 (06705014)

Councillor Bahcheli arrived to the meeting at 9:05 a.m.

MOVED by Councillor Kendall that the Applicant be permitted to address questions of Council.

Carried

Person(s) who spoke: David Wyatt, B & A Planning Group (Applicant) (J-1 Exhibit 1)

The Chair called a recess at 9:58 a.m. and called the meeting back to order at 10:15 a.m. with all previously mentioned members present.

MOVED by Councillor Kendall that Subdivision Application No. PL20150078 be tabled pending submission of a Conceptual Scheme for the Glenview Road area, incorporating the subject land and the property immediately to the South in accordance with Policy 8.1.1 and Figure 3 of the BASP.

Carried

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1-16-11-08-03 (C-1)

**Division 1- Bylaw C-7602-2016- Greater Bragg Creek Area Structure Plan Amendments – Hamlet Policies
File: 1011-531**

1-16-11-08-04 (C-2)

**Division 1- Bylaw C-7603-2016- Greater Bragg Creek Area Structure Plan Amendments – Hamlet Design
Guidelines
File: 1011-532**

MOVED by Councillor Breakey that public hearings for items C-1 and C-2 be opened concurrently at 10:19 a.m.

Carried

Person(s) who spoke in favour: Johnson Kwan, Rocky View County (Applicant)
Michael von Hausen, MVH Designs (on behalf of Applicant)

MOVED by Councillor Breakey that late letters from Nancy Greenlaugh, Richard Brown, Craig Stokke, Bruce C. Eagar and Louise-Marie Eagar be accepted for information.

Carried

In Favour

Councillor Kendall
Councillor Lowther
Councillor Ashdown
Deputy Reeve Solberg
Councillor Bahcheli
Councillor Breakey

In Opposition

Councillor Habberfield

The Chair called a recess at 10:58 a.m. and called the meeting back to order at 11:10 a.m. with all previously mentioned members present.

Person(s) who spoke in favour: Baruch Laskin, Rocky View County Resident

Person(s) who spoke in opposition: Michele McDonald, Rocky View County Resident
Suzanne Jackett, Bragg Creek Area Chamber of Commerce
Barb Tegtmeyer, Rocky View Resident
Gail Gold, Rocky View County Resident
Karen Norgaard, Rocky View County Resident
Heather O'Bray, Rocky View County Resident
Elizabeth Hertz, Rocky View County Resident
Les Lubenow, Rocky View County Resident
Gordon McIlwain, Rocky View County Resident
Karen Lubenow, Rocky View County Resident

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Person(s) who spoke in rebuttal: Johnson Kwan, Rocky View County (Applicant)
Michael von Hausen, MVH Designs (on behalf of Applicant)

MOVED by Councillor Breakey that the public hearing for item C-1 and C-2 be closed at 12:18 p.m.

Carried

The Chair called a recess at 12:19 p.m. and called the meeting back to order at 12:31 p.m. with all previously mentioned members present.

MOVED by Councilor Breakey that Schedule A of Bylaw C-7602-2016 be amended to insert a new policy as 7.22 e), which reads:

Residential Subdivision to a minimum lot size of 929 sq. m (± 0.23 acres) may be considered within the Hamlet Boundary, if the following criteria are met:

- The proposed site is fully serviced by a piped water and wastewater system;
- The proposed access is acceptable to the County;
- There are no physical constraints to subdivision;
- Considerations for building placement and tree retention and placement to the County's satisfaction.

Carried

In Favour

Councillor Kendall
Councillor Lowther
Councillor Ashdown
Deputy Reeve Solberg
Councillor Breakey

In Opposition

Councillor Habberfield
Councillor Bahcheli

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MOVED by Councillor Breakey that:

- a) Schedule B of Bylaw C-7603-2016 be renamed as 'Hamlet of Bragg Creek Design Standards'; and
- b) Without changing the meaning or intent of the Bylaw, replace 'Design Guidelines' with 'Design Standards' whenever 'Design Guidelines' is referenced in the Greater Bragg Creek Area Structure Plan.

Carried

In Favour

Councillor Kendall
Councillor Habberfield
Councillor Ashdown
Deputy Reeve Solberg
Councillor Bahcheli
Councillor Breakey

In Opposition

Councillor Lowther

MOVED by Councillor Breakey that Bylaw C-7602-2016 be given first reading, as amended.

Carried

MOVED by Councillor Bahcheli that Bylaw C-7602-2016 be given second reading, as amended.

Carried

MOVED by Councillor Kendall that Bylaw C-7602-2016 be considered for third and final reading, as amended.
Carried

MOVED by Councillor Breakey that Bylaw C-7602-2016 be given third and final reading, as amended.

Carried

MOVED by Councillor Breakey that Bylaw C-7603-2016 be given first reading, as amended.

Carried

MOVED by Councillor Bahcheli that Bylaw C-7603-2016 be given second reading, as amended.

Carried

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MOVED by Councillor Kendall that Bylaw C-7603-2016 be considered for third and final reading.

Carried

MOVED by Councillor Breakey that Bylaw C-7603-2016 be given third and final reading.

Carried

MOVED by Councillor Breakey that the Bragg Creek Design Review Committee Terms of Reference be rescinded and the Bragg Creek Design Review Committee be disbanded.

Carried

1-16-11-08-05 (C-3) (Related to Item C-1)

Division 1- Bylaw C-7604-2016- Land Use Bylaw Amendments –Hamlet Residential Single Family District (HR-1), Hamlet of Bragg Creek Exception

File: 1011-531

MOVED by Councillor Breakey that the public hearing for item C-3 be opened at 12:49 p.m.

Carried

Person(s) who spoke in favour: Johnson Kwan, Rocky View County
Suzanne Jackett, Bragg Creek Chamber of Commerce

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

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

MOVED by Councillor Breakey that the public hearing for item C-3 be closed at 12:57p.m.

Carried

MOVED by Councillor Breakey that Bylaw C-7604-2016 be given first reading.

Carried

MOVED by Councillor Bahcheli that Bylaw C-7604-2016 be given second reading.

Carried

MOVED by Councillor Kendall that Bylaw C-7604-2016 be considered for third and final reading.

Carried

MOVED by Councillor Breakey that Bylaw C-7604-2016 be given third and final reading.

Carried

1-16-11-08-09 (K-1)

All Divisions – In-Camera Item – Balzac West Update

MOVED by Councillor Ashdown, that Council moves into Committee of the Whole, in camera, at 1:00 p.m., in accordance with:

- (a) the *Municipal Government Act*, Section 197(2)
- (b) the *Freedom of Information and Protection of Privacy Act* sections:
 - i. Intergovernmental Relations - 21(1)(a)(ii);
 - ii. Local Public Body Confidences – 23(1)(b); and
 - iii. Advice from Officials - 24(1)(b)(i) & (d)
 - iv. Disclosure Harmful to Economic or Other Interest of a Public Body – Section 25(1)(c)(iii)

Carried

MOVED by Councillor Ashdown that Committee of the Whole move into open session at 1:58 p.m. with all previously mentioned members present.

Carried

1-16-11-08-06 (C-4)

**Division 1– Bylaw C-7614-2016– Application to close for Consolidation Road Plan TRL237W
File: 1011-531**

MOVED by Councillor Breakey that the public hearing for item C-4 be opened at 1:57 p.m.

Carried

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

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

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

MOVED by Councillor Breakey that the public hearing for item C-4 be closed at 2:03 p.m.

Carried

MOVED by Councillor Breakey that Bylaw C-7614-2016 be given first reading.

Carried

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1-16-11-08-08 (J-2)

Division 8 – Subdivision Item – Silverhorn Residential District Phase 2

File: PL20150071 (06714021/003)

MOVED by Councillor Lowther that the Tentative Plan be replaced with an amended Tentative Plan be that reflects “To create 43 residential lots, each ≥ 0.50 hectares (≥ 1.25 acres) and ≤ 0.79 hectares (≤ 1.94 acres), 2 Municipal Reserve lots, 2 Public Utility lots and to dedicate internal roads”

Carried

MOVED by Councillor Lowther that Subdivision Application PL20150071 be approved with the conditions as noted below, as amended;

- A. That the application to create a 43 residential lots, 2 Municipal Reserve lots, 2 Public Utility lots, and to dedicate internal roads within NE & SE 14-26-03-W5M, 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, be approved as per the Tentative Plan for the reasons listed below:
 1. The application is consistent with the Statutory Policy;
 2. The subject lands hold the appropriate land use designation;
 3. The technical aspects of the subdivision proposal have been considered and are further addressed through the conditional approval requirements.
- B. The Applicant/Owner is required, at their expense, to complete all conditions attached to and forming part of this conditional subdivision approval prior to Rocky View County (the County) authorizing final subdivision endorsement. This requires submitting all documentation required to demonstrate each specific condition has been met, or agreements (and necessary securities) have been provided to ensure the conditions will be met, in accordance with all County Policies, Standards, and Procedures, to the satisfaction of the County, and any other additional party named within a specific condition. Technical reports required to be submitted as part of the conditions must be prepared by a qualified professional, licensed to practice in the Province of Alberta within the appropriate field of practice. The conditions of this subdivision approval do not absolve an Applicant/Owner from ensuring all permits, licenses, or approvals required by Federal, Provincial, or other jurisdictions are obtained.
- C. Further, in accordance with Section 654 and 655 of the *Municipal Government Act*, the application 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, satisfactory to the Registrar of the South Alberta Land Titles District;
- 2) The Plan of Survey required by Condition 1 above shall designate Lot 14, Block 1, Plan 1510793 as a Public Utility Lot (PUL), in accordance with the approved Tentative Plan.

Development Agreement

- 3) The Owner is to enter into a Development Agreement, pursuant to Section 655 of the Municipal Government Act, at the Owner's expense, in accordance with the Servicing Standards for Subdivision and Road Construction, to the satisfaction of the County, respecting provision of the following:
 - a) Construction of a public internal road system (Secondary Emergency Access), complete with cul-de-sacs, in accordance with the County Servicing Standards, and any necessary easement agreements, including complete approaches to each lot, as shown on the Tentative Plan, at the Owner's expense.

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- b) Construction of the Emergency Access in accordance with section 400 of the County Servicing Standards.
 - 1. Access to Equestrian Drive.
 - 2. Access from Silverhorn Ridge North (Phase 1) to Phase 2 lands.
 - c) Water to be supplied through a water distribution system, in accordance with the Rocky View County Servicing Standards, as approved by Council, as amended;
 - d) Implementation and construction of stormwater facilities, in accordance with the recommendations of the approved and revised Stormwater Management Plan, and the registration of any overland drainage easements and/or restrictive covenants, as determined by the Stormwater Management Plan, all to the satisfaction of Alberta Environment and the County. Service roads are to be constructed to all Stormwater Facilities located within PULs, in accordance with the County Servicing Standards.
 - e) Installation of power, natural gas, and telephone lines, and any associated easements or utility rights-of-way.
 - f) Mailbox locations are to be located in consultation with Canada Post, to the satisfaction of the County;
 - g) Construction of landscaped area and pathways in accordance with the approved landscaping plan.
 - h) Implementation and construction of overall site and lot grading.
 - i) Implementation of the approved Construction Management Plan.
 - j) Implementation of the approved Erosion and Sedimentation Control Plan.
- 4) The Owner is to enter into a Special Improvements Development Agreement, pursuant to Section 655 of the Municipal Government Act, at the Owner's expense, to the satisfaction of the County, respecting provision of the following:
- a) Design and construction of the expansion of the onsite wastewater collection, secondary treatment and dispersal system, and registration of any necessary easement documents. Wastewater is to be serviced by a communal collection system, with a common disposal field placed on Lot 15PUL, Block 1, Plan 1510793 and Lot 14, Block 1, Plan 1510793, as approved by Alberta Environment and registration of any necessary easement agreements.

Sanitary Sewer System

- 5) The Owner is to provide Access Easement Agreements, allowing for Operator and County Access on each individual residential lot (Lots 1 through 43) to allow for septic tank maintenance, to the satisfaction of the County.
- 6) Prior to subdivision endorsement, the Developer is to enter into a Master Servicing Agreement, which will outline the ownership, operation, maintenance, and system-transfer obligations for the sanitary servicing infrastructure, to the satisfaction of the County;

Geotechnical Investigation

- 7) The Owner is to provide, at their own expense, an update to the February 2007 Soil and Enviro Consultant Inc. Geotechnical Assessment, prepared by a qualified professional licensed to practice in the Province of Alberta, in accordance with the County Servicing Standards (as amended), to the satisfaction of the County;

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- a. The update is to include evaluations of the soil characteristics, existing groundwater conditions and development constraints in relation to the final subdivision design, to the satisfaction of the County.
 - b. Regrading and/or the constructed depth of fill exceeding 1.2 meters will require a Deep Fill report. The report shall be completed by a Geotechnical Engineer, shall include general recommendations for the construction or building of foundations, and shall include and summarize compaction testing of fill.

Access

- 8) The Owner is to provide a right-of-way plan and access easement agreement, in order to provide emergency-vehicle access across portions of Lot 1, Block 1 Plan:0714091, and NE-14-26-3-W5M, to the satisfaction of the County;

Transportation

- 9) The Owner is to provide confirmation from Alberta Transportation that the intersection upgrade of Highway 1A and Highway 766, comprising the channelization of the westbound right turn to accommodate the subdivision, has been established to the satisfaction of Alberta Transportation and the County, in accordance with the Bunt & Associates TIA Memo Update dated June 2016.
- 10) The Owner shall receive approval for a road naming application from the County.

Storm Water Collection and Disposal

- 11) The Owner is to provide a finalized Stormwater Management Plan, including an emergency outlet to a County road allowance and/or County lands, through a combination of Lift Station and/or Gravity Drainage, in accordance with the Bearspaw Master Drainage Plan, the Nose Creek Watershed Management Plan, and the Servicing Standards for Subdivisions and Road Construction as amended, prepared by a qualified professional licensed to practice in the Province of Alberta, all to the satisfaction of the County. Also to the satisfaction of the County, the Owner shall:
 - a. Implement the recommendations of the Stormwater Management Plan;
 - b. Implement the recommendations of the Stormwater Management Plan, and register any Overland Drainage Easements, Public Utility Lots, and/or Restrictive Covenants, as determined by the Stormwater Management Plan, for isolation and protection of stormwater facilities and drainage areas on private and public lands;
 - c. Provide a geotechnical analysis to ensure that Low Impact Development techniques can be effectively utilized in the stormwater management system;
 - d. Obtain necessary approvals and provide compensation to Alberta Environment for wetland loss and mitigation.

Final Grading Plan

- 12) The Owner shall provide an Overall Site and Lot Grading Plan, which shall include all proposed lots, in accordance with the County Standards, to the satisfaction of the County.

Erosion and Sediment Control Plan

- 13) The Owner shall submit an Erosion & Sediment Control Plan, completed by a CPESC professional. The plan shall include, but not be limited to, cut/fill details, erosion and sediment control measures, detailed information as to how erosion and sediment will be controlled on-site (including Best Management Practices), stockpile locations and dimensions, and any other pertinent information as outlined in the County Servicing Standards.

Fire Suppression

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- 14) The Owner shall provide evidence, to the satisfaction of County, that fire suppression apparatus has been provided for the entire Silverhorn development, in general accordance with the Fire Hydrant Water Suppression Bylaw C-7259-2013, through construction of a dry fire hydrant within Phase 1 of the development.

Reserves

- 15) Reserves are to be provided by the dedication of Lots 1MR and 2MR, being 100% of the Reserves owing in respect to Phase 2, as indicated on the Approved Tentative Plan, pursuant to Section 666 of the Municipal Government Act, the satisfaction of the County.
- 16) The Owner is to provide a Landscaping Plan for Phase 2, at their own expense, prepared by a qualified professional, which shows pathways, community landscaping provisions, and amenities, all to the satisfaction of the County;

Levies and Servicing Obligations

- 17) The Owner shall pay the Transportation Off-Site Levy in accordance with Bylaw C-7356-2014 (as amended) prior to endorsement. The County shall calculate the total amount owing, from the total gross acreage of the lands (excluding Lot 14, Block 1, Plan 1510793), as shown on the Plan of Survey.
- 18) The Applicant/Owner shall pay the County subdivision endorsement fee, in accordance with the Master Rates Bylaw, for the creation of 43 new lots.
- 19) The Owner is to provide a Construction Management Plan, which is to include, but not be limited to, dust, noise, and erosion control, utility installations, construction traffic management, landscaping and construction management details, to the satisfaction of the County;
- 20) The Owner is to enter into all required easement agreements with utility service providers, to the satisfaction of the County;
- 21) The Owner is to obtain a Crossing Approval for crossing of the TransCanada pipeline right-of-way, to the satisfaction of the County;
- 22) The Owner is to prepare and submit a Solid Waste Management Plan, to the satisfaction of the County, which will outline the responsibilities of the developer and/or homeowners' association to manage solid waste.
- 23) An encumbrance or instrument shall be registered against the title of each residential lot created, requiring that each Lot Owner becomes a member of the existing 'Silverhorn Residents Homeowner's Association', which requires each homeowner to pay the annual membership fee to the Bears paw Glendale Recreation District, to the satisfaction of the County;
- 24) The Owner shall prepare and register a Restrictive Covenant on the title of each new lot created within the development, requiring that each Lot Owner be subject to the development's Architectural Controls, which require: use of water conservation strategies; mandatory water meters; Site Development Guidelines with reduced building envelopes, protected natural areas on each lot and landscaping provisions; Low Impact Development design strategies; use of green building technologies in accordance with the *Built Green* standard; and any other items, as required, to the satisfaction of the County.

Taxes

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

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D. SUBDIVISION AUTHORITY DIRECTION:

1. Prior to final endorsement of the Subdivision, the Planning Department 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.
2. Council hereby authorizes the Reeve and Municipal Clerk to sign the Development Agreement.

Carried

1-16-10-25-11
Council Reports

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

1-16-11-08-09 (K-1)
All Divisions – In-Camera Item – Balzac West Update

MOVED by Councillor Habberfield, that Council moves into Committee of the Whole, in camera, at 2:25 p.m., in accordance with:

- (a) the *Municipal Government Act*, Section 197(2)
- (b) the *Freedom of Information and Protection of Privacy Act* sections:
 - i. Intergovernmental Relations - 21(1)(a)(ii);
 - ii. Local Public Body Confidences – 23(1)(b); and
 - iii. Advice from Officials - 24(1)(b)(i) & (d)
 - iv. Disclosure Harmful to Economic or Other Interest of a Public Body – Section 25(1)(c)(iii)

Carried

MOVED by Councillor Habberfield that Committee of the Whole move into open session at 3:52 p.m. with all previously mentioned members present.

Carried

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MOVED by Councillor Habberfield that;

- (a) The County Manager, or designate be authorized to proceed based on the option one (1) mandate received In-Camera; and
- (b) Direct that the In-Camera Balzac West Update Report, discussion and mandate remain confidential pursuant to Section 21(1)(a)(ii), 23(1)(b) and 24(1)(a) and (c), of the Freedom of Information and Protection of Privacy Act, until negotiations have concluded.

Carried

In Favour

Councillor Kendall
Councillor Lowther
Councillor Habberfield
Deputy Reeve Solberg

In Opposition

Councillor Ashdown
Councillor Bahcheli
Councillor Breakey

MOTION ARISING

MOVED by Councillor Ashdown that the County Manager book a workshop at the first available opportunity so that Council can discuss the next steps with the accepted mandate.

Carried

In Favour

Councillor Kendall
Councillor Ashdown
Councillor Bahcheli
Councillor Breakey

In Opposition

Councillor Lowther
Councillor Habberfield
Deputy Reeve Solberg

Adjournment

MOVED by Councillor Ashdown that the November 8, 2016 Council meeting be adjourned at 4:09 p.m.

REEVE

CAO or Designate