



COUNCIL MEETING AGENDA

Date: Tuesday, October 22, 2024
Time: 9:00 AM
Location: Council Chambers
262075 Rocky View Point
Rocky View County, AB T4A 0X2

	Pages
A. CALL MEETING TO ORDER	
B. UPDATES/APPROVAL OF AGENDA	
C. APPROVAL OF MINUTES	
1. October 2, 2024 Special Council Meeting Minutes	3
2. October 8, 2024 Council Meeting Minutes	7
D. PUBLIC HEARINGS / APPOINTMENTS	
The following public hearings were advertised on September 24, 2024 and October 1, 2024 on the Rocky View County website in accordance with the <i>Municipal Government Act</i> and <i>Public Notification Bylaw C-7860-2019</i> .	
<u>MORNING PUBLIC HEARINGS / APPOINTMENTS 9:00 AM</u>	
1. Division 4 - Bylaw C-8575-2024 - Redesignation Item: Residential	18
File: PL20240113 (06701012)	
2. Division 5 - Bylaw C-8571-2024 - Local Plan and Redesignation Item: Business	38
File: PL20230146 and PL20240141 (05314001)	
E. CLOSED SESSION	
F. GENERAL BUSINESS	
G. BYLAWS	
1. All Divisions - Bylaw C-8555-2024 - Adoption of an Updated Procedure Bylaw	111
File: N/A	
H. SUBDIVISION APPLICATIONS	
1. Division 6 - Subdivision Item: Residential	196
File: PL20220103 (03231018)	
2. Division 5 - Subdivision Item: Residential	225
File: PL20230152 (05225001)	

3. Division 3 - Subdivision Item: Residential	245
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File: PL20240093 (06715024)	

I. UNFINISHED BUSINESS

J. NOTICES OF MOTION

K. ADJOURN THE MEETING



ROCKY VIEW
COUNTY

SPECIAL COUNCIL MEETING MINUTES
DRAFT MINUTES – subject to approval

Wednesday, October 2, 2024
9:00 AM

Council Chambers
262075 Rocky View Point
Rocky View County, AB T4A 0X2

Present: Reeve C. Kissel
Deputy Reeve D. Kochan
Councillor G. Boehlke
Councillor K. Hanson
Councillor S. Samra
Councillor A. Schule
Councillor S. Wright

Also Present: R. McCullough, Chief Administrative Officer
D. Kazmierczak, A/Executive Director, Community Services
B. Riemann, Executive Director, Operations
K. Robinson, Executive Director, Corporate Services
G. van den Burg, Director/Municipal Clerk, Legislative Services
A. Chell, Senior Planner, Planning
C. Maddock, Planner 1, Planning
M. Mitton, Legislative Officer, Legislative Services
M. Nakonechny, Legislative Officer, Legislative Services

A Call Meeting to Order

The Chair called the meeting to order at 9:03 a.m.

Councillor Samra arrived at 9:06 a.m.

B Updates/Approval of Agenda

MOVED by Councillor Hanson that the October 2, 2024 Special Council meeting agenda be approved as presented.

Carried



ROCKY VIEW COUNTY

D-1 Divisions 1 & 2 – Bylaw C-8568-2024 – Springbank Area Structure Plan File: 1015-550

MOVED by Deputy Reeve Kochan that the public hearing for item D-1 be opened at 9:07 a.m.
Carried

Persons(s) who presented: C. Maddock, Planner 1, Planning
D. Kazmierczak, Manager, Planning

Councillor Boehlke left the meeting at 10:20 a.m.

Councillor Boehlke returned to the meeting at 10:22 a.m.

The Chair called for a recess at 10:28 a.m. and called the meeting back to order at 10:42 a.m.

MOVED by Deputy Reeve Kochan that Council receive the late submissions for item D-1 pursuant to section 185 of the *Procedure Bylaw*.
Carried

Person(s) who presented in support: Catherine Connolly, on behalf of the Pinebrook Estates Homeowners Association
Brad Wanchulak
Scott Burns
Stefan Frick

Persons(s) who presented in opposition: Mike Longeway, on behalf of the Longeway family
Shawn Munro, on behalf of Lynn Munro, Milo Munro, and Corbin Munro & Kari Munro
Ian Galbraith, on behalf of Cindy Turner, Jamal Ramadan, Zhuo Liu, and John Ryman & Diane Ryman

The Chair called for a recess at 12:00 p.m. and called the meeting back to order at 1:02 p.m.

Persons(s) who presented in opposition: Terry Dowsett, on behalf of the Springbank Community Association
Jan Erisman
Alvin Mak, on behalf of Arbor Memorial Inc.
Ben Mercer, on behalf of Qualico Communities
Maureen Bennett
Charles Spence
Jackie Glen
Rachelle Starnes

Person(s) who submitted pre-recorded audio/video presentations in support: None



ROCKY VIEW
COUNTY

Person(s) who submitted pre-recorded audio/video presentations in opposition: Janet Ballantyne, on behalf of Kim Magnuson and Shelley Wilson

The Chair called for a recess at 2:01 p.m. and called the meeting back to order at 2:14 p.m.

Person(s) who presented rebuttal: D. Kazmierczak, Manager, Planning

MOVED by Deputy Reeve Kochan that the public hearing for D-1 be closed at 2:44 p.m.
Carried

Main Motion

MOVED by Deputy Reeve Kochan that Bylaw C-8568 (Springbank Area Structure Plan) be referred to Administration to allow Administration to compile amendments received from Council, Administration, and further discuss with the City of Calgary proposed amendments;

AND THAT Bylaw C-8568 (Springbank Area Structure Plan) return to Council for consideration no later than November 30, 2024.

Amending Motion

MOVED by Councillor Hanson that the main motion be amended as follows:

THAT Bylaw C-8568 (Springbank Area Structure Plan) be referred to Administration to allow Administration to compile amendments received from Council **by October 4, 2024**, Administration, and further discuss with the City of Calgary proposed amendments;

AND THAT Bylaw C-8568 (Springbank Area Structure Plan) return to Council for consideration no later than November 30, 2024.

Defeated

The Chair then called for a vote on the main motion.

Main Motion

MOVED by Deputy Reeve Kochan that Bylaw C-8568 (Springbank Area Structure Plan) be referred to Administration to allow Administration to compile amendments received from Council, Administration, and further discuss with the City of Calgary proposed amendments.

AND THAT Bylaw C-8568 (Springbank Area Structure Plan) return to Council for consideration no later than November 30, 2024.

Carried



ROCKY VIEW
COUNTY

K Adjourn the Meeting

MOVED by Councillor Samra that the October 2, 2024 Council meeting be adjourned at 2:57 p.m.

Carried

Reeve or Deputy Reeve

Chief Administrative Officer or designate

DRAFT



ROCKY VIEW
COUNTY

COUNCIL MEETING MINUTES
DRAFT MINUTES – subject to approval

Tuesday, October 8, 2024
9:00 AM

Council Chambers
262075 Rocky View Point
Rocky View County, AB T4A 0X2

Present: Reeve C. Kissel
Deputy Reeve D. Kochan
Councillor G. Boehlke
Councillor K. Hanson
Councillor S. Samra
Councillor A. Schule (left at 3:11 p.m.)
Councillor S. Wright (arrived at 9:06 a.m.)

Also Present: R. McCullough, Chief Administrative Officer
M. Boscariol, Executive Director, Community Services
B. Riemann, Executive Director, Operations
K. Robinson, Executive Director, Corporate Services
G. van den Burg, Director/Municipal Clerk, Legislative Services
A. Zaluski, Director, Intergovernmental Services and Regional Planning
D. Lang, Manager, Recreation, Parks and Community Support
J. Lee, Manager, Capital & Engineering Services
D. Kazmierczak, Manager, Planning
G. Rowland, Manager, Transportation Services
L. Cox, Supervisor, Planning and Development, Planning
T. Andreasen, Lead Legislative Officer, Legislative Services
K. Andrew, Intergovernmental Advisor, Intergovernmental Services and Regional Planning
A. Chell, Senior Planner, Planning
B. Leyeza, Planner 2, Planning
B. Manshanden, Intergovernmental Strategist, Intergovernmental Services and Regional Planning
O. Newmen, Senior Planner, Planning
C. Shelton, Planner 1, Planning
M. Mitton, Legislative Officer, Legislative Services
M. Nakonechny, Legislative Officer, Legislative Services

A Call Meeting to Order

The Chair called the meeting to order at 9:02 a.m.



B Updates/Approval of Agenda

MOVED by Deputy Reeve Kochan that the October 8, 2024 Council meeting agenda be approved.

Carried
Absent: Councillor Wright

C-1 September 24, 2024 Council Meeting Minutes

MOVED by Councillor Samra that the September 24, 2024 Council meeting minutes be approved as presented.

Carried
Absent: Councillor Wright

C-2 September 25, 2024 Special Council Meeting Minutes

MOVED by Councillor Samra that the September 25, 2024 Council meeting minutes be approved as presented.

Carried
Absent: Councillor Wright

Councillor Wright arrived at the meeting at 9:06 a.m.

D-1 Division 3 - Bylaw C-8570-2024 - Direct Control Amendment Item: Residential File: PL20240092 (10013186)

Reeve Kissel vacated the Chair in accordance with section 10 of the *Procedure Bylaw* as the subject of the public hearing was located in her electoral division.

Deputy Reeve Kochan assumed the Chair.

MOVED by Reeve Kissel that the public hearing for item D-1 be opened at 9:07 a.m.

Carried

Persons(s) who presented: Molly Seguin, Arc Surveys Ltd.

Person(s) who presented in support: None

Person(s) who presented in opposition: None

Persons(s) who presented rebuttal: None

MOVED by Reeve Kissel that the public hearing for item D-1 be closed at 9:21 a.m.

Carried



MOVED by Reeve Kissel that Bylaw C-8570-2024 be given first reading. Carried

MOVED by Reeve Kissel that Bylaw C-8570-2024 be given second reading. Carried

MOVED by Reeve Kissel that Bylaw C-8570-2024 be considered for third reading. Carried Unanimously

MOVED by Reeve Kissel that Bylaw C-8570-2024 be given third and final reading. Carried

Deputy Reeve Kochan vacated the Chair and Reeve Kissel resumed the chair.

D-2 Division 2 - Bylaw C-8574-2024 - Direct Control Amendment Item: Residential and Business
File: PL20240006 (Hamlet of Harmony)

MOVED by Deputy Reeve Kochan that the public hearing for item D-2 be opened at 9:25 a.m. Carried

Persons(s) who presented: Birol Fisekci, Harmony Developments Inc.
David Symes, Stantec Consulting Ltd.

Person(s) who presented in support: None

Person(s) who presented in opposition: None

Persons(s) who presented rebuttal: David Symes, Stantec Consulting Ltd.

MOVED by Deputy Reeve Kochan that the public hearing for item D-2 be closed at 10:16 a.m. Carried

MOVED by Deputy Reeve Kochan that Bylaw C-8574-2024 be given first reading, as amended. Carried

MOVED by Deputy Reeve Kochan that Bylaw C-8574-2024 be given second reading, as amended. Carried

MOVED by Deputy Reeve Kochan that Bylaw C-8574-2024 be considered for third reading, as amended. Carried Unanimously

MOVED by Deputy Reeve Kochan that Bylaw C-8574-2024 be given third and final reading, as amended. Carried



The Chair called for recess at 10:18 a.m. and called the meeting back to order at 10:28 a.m.

H-1 Division 6 - Subdivision Item: Residential
File: PL20240072 / 03232008

MOVED by Councillor Wright that the Subdivision Authority permit Larry Konschuk to speak on item H-1 for 5 minutes in accordance with section 116 of the *Procedure Bylaw*.

Defeated

MOVED by Councillor Samra that application PL20240072 be refused for the following reasons:

1. The application does not comply with the Municipal Development Plan (County Plan).
2. The application does not comply with section 654(1)(b) of the *Municipal Government Act*.

Defeated

MOVED by Councillor Samra that application PL20240072 be approved with the conditions noted in Attachment F.

Carried

E-1 All Divisions – Closed Session Item – Regional Engagement Framework
File: RVC2024-28

E-2 All Divisions – Closed Session Item – Spray Lake Sawmills Centre – Management and Operations
File: RVC2024-33

MOVED by Deputy Reeve Kochan that Council move into closed session at 10:54 a.m. to consider the following confidential items pursuant to the following sections of the *Freedom of Information and Protection of Privacy Act*:

E-1 – Regional Engagement Framework

- Section 21 – Disclosure harmful to intergovernmental relations
- Section 24 - Advice from officials

E-2 – Spray Lake Sawmills Centre – Management and Operations

- Section 21 – Disclosure harmful to intergovernmental relations
- Section 24 - Advice from officials
- Section 25 – Disclosure harmful to economic and other interests of a public body

Carried



Council held the closed session for item E-1 with the following additional people in attendance:

Rocky View County: R. McCullough, Chief Administrative Officer (arrived at 11:02 a.m.)
M. Boscarion, Executive Director, Community Services
B. Riemann, Executive Director, Operations
G. van den Burg, Director/Municipal Clerk, Legislative Services
A. Zaluski, Director, Intergovernmental Services and Regional Planning
B. Manshanden, Intergovernmental Strategist, Intergovernmental Services and Regional Planning

Council held the closed session for item E-2 with the following additional people in attendance:

Rocky View County: R. McCullough, Chief Administrative Officer
M. Boscarion, Executive Director, Community Services
B. Riemann, Executive Director, Operations
G. van den Burg, Director/Municipal Clerk, Legislative Services
D. Lang, Manager, Recreation, Parks and Community Support

MOVED by Councillor Hanson that Council move into open session at 11:47 a.m.

Carried
Absent: Councillor Samra

Councillor Samra returned to the meeting at 11:47 a.m. immediately after the preceding motion was carried.

**E-1 All Divisions – Closed Session Item – Regional Engagement Framework
File: RVC2024-28**

MOVED by Councillor Hanson that Council approves the confidential Regional Engagement Framework, as per attachment A.

Carried

**E-2 All Divisions – Closed Session Item – Spray Lake Sawmills Centre – Management and Operations
File: RVC2024-33**

MOVED by Deputy Reeve Kochan that Council direct Administration to proceed with Option #1, as outlined in the closed session report RVC2024-33.

Carried

The Chair called for a recess at 11:48 a.m. and called the meeting back to order at 1:00 p.m.



F-3 All Divisions - Aggregate Resource Plan: Analysis of Stakeholder Advisory Committee Recommendations, and Presentation of Terms of Reference
File: N/A

The Chair called for a recess at 2:06 p.m. and called the meeting back to order at 2:13 p.m.

MOVED by Councillor Wright that Aggregate Resource Plan Terms of Reference as noted in Attachment D be amended as follows:

- Remove the strikethrough from the last bullet within the Project Focus Section Carried

MOVED by Councillor Wright that Council amends the Aggregate Resource Plan Terms of Reference, previously approved on April 11, 2023, in accordance with Attachment D, as amended. Carried

MOVED by Councillor Wright that Council approves a budget adjustment of \$40,000 for the Aggregate Resource Plan project as presented in Attachment E. Carried

MOVED by Councillor Wright that Council directs Administration to request proposals from appropriately qualified consultants to offer the following services:

- undertake regular inspections of aggregate sites within the County;
- produce site inspection reports and work with aggregate operators to secure compliance with all relevant permits, where necessary;
- act as the primary municipal representative for public inquiries and the sharing of information relating to aggregate development.
- third-party review of technical studies submitted in support of planning applications and development permit applications; and
- technical review in relation to the ongoing monitoring of approved aggregate sites, including support of complaint investigations.

AND THAT Council directs Administration to present submitted proposals, together with a recommended proponent and budget adjustment for Council's consideration and appointment in Q1 2025. Carried

F-1 Division 5 – Proposed Speed Limit Change on Highway 2A from Highway 2/2A/72 to the Town of Crossfield
File: 1044-450 / 1021-275

MOVED by Councillor Boehlke that Council direct Administration to issue a letter of support to Alberta Transportation and Economic Corridors combining the 100km/hr and 80km/hr speed zones to a continuous 80km/hr on Highway 2A from the Highway 2/2A/72 interchange to the South Boundary of the Town of Crossfield. Carried



F-2 Division 6 - Conrich Area Servicing – Request for Extension
File: 1012-800 / 05045-300

MOVED by Councillor Samra that Council approves a time extension to Q1 of 2025 for Administration to provide a report to Council on options for expanding water and wastewater services in the Conrich area.

Carried

F-4 All Divisions - Planning Project Prioritization Policy C-322 Amendments
File: N/A

MOVED by Councillor Samra that Council approve amendments to Council's Area Structure Plan Priority Policy (C-322), and the associated ranking list established from the Policy's criteria, as set out in Attachment A.

Carried

Main Motion

MOVED by Councillor Boehlke that Council direct Administration to create terms of reference and budget requests for the following:

- Conrich ASP Review project;
- Beacon AI Hub ASP project.

Amending Motion

MOVED by Councillor Boehlke that Council direct Administration to create terms of reference and budget requests for the following:

- Conrich ASP Review project;
- Beacon AI Hub ASP project.
- **To amend the North Central Industrial Area Structure Plan for interim water and wastewater servicing.**

Defeated

Amending Motion

MOVED by Councillor Samra that Council direct Administration to create terms of reference and budget requests for the following:

- Conrich ASP Review project;
- Beacon AI Hub ASP project.
- **OMNI ASP**

Defeated

The Chair then called for a vote on the main motion.

Main Motion

MOVED by Councillor Boehlke that Council direct Administration to create terms of reference and budget requests for the following:

- Conrich ASP Review project;
- Beacon AI Hub ASP project.

Carried



The Chair called for a recess at 3:11 p.m. and called the meeting back to order at 3:23 p.m. Councillor Schule did not return to the meeting.

Motion to Reconsider

MOVED by Councillor Samra that the previous amending motion to include the OMNI ASP be reconsidered.

Defeated
Absent: Councillor Schule

F-5 All Divisions - Establishment of a Policy Review Committee
File: N/A

MOVED by Councillor Boehlke that the Governance Committee remain the primary forum to provide guidance on Council policies.

Defeated
Absent: Councillor Schule

MOVED by Councillor Wright that Council approve the Policy Review Advisory Committee Terms of Reference, as presented in Attachment A.

Carried
Absent: Councillor Schule

MOVED by Councillor Wright that Council approve the amendments to the Governance Committee Terms of Reference by deleting section 1(2) providing guidance on Council policy and appropriately numbering, as presented in Attachment C.

Carried
Absent: Councillor Schule

F-6 Divisions 2 and 3 - Bearspaw Reservoir Taskforce Update
File: N/A

MOVED by Deputy Reeve Kochan that Council receives the Bearspaw Reservoir Taskforce Update for information.

Carried
Absent: Councillor Schule

F-7 Division 6 - Request for Support for an Alberta Community Partnership Grant for an Economic Study to Support the Prairie Economic Gateway Initiative
File: N/A

MOVED by Councillor Samra that Rocky View County support The City of Calgary's application for a 2024/2025 Alberta Community Partnership Grant Application to prepare a public sector marketing plan for the Prairie Economic Gateway Initiative.

Carried
Absent: Councillor Schule



F-8 All Divisions - Consideration of Motion - Direction to Draft a Terms of Reference for the Beacon Artificial Intelligence (AI) Hub and Solar Farm Area Structure Plan (ASP)
File: N/A

Main Motion

MOVED by Councillor Samra that Administration be directed to draft a terms of reference for a developer-led and wholly developer-funded Area Structure Plan for the lands identified in Attachment A for Council's consideration in Q1 2025. The Terms of Reference shall:

- Require the ASP to demonstrate alignment with all relevant regional and County plans, policies and regulations.
- Ensure strong engagement with provincial agencies, CMRB member municipalities, and affected landowners.
- Be supported by all necessary technical studies to provide assessment of matters, including, but not limited to:
 - Servicing;
 - Transportation;
 - Environmental impacts;
 - Stormwater management; and
 - Fiscal impacts.

With the unanimous permission of Council, Councillor Samra withdrew the main motion, as the Beacon ASP project was included in the motion for item F-4 - Planning Project Prioritization Policy C-322 Amendments.

G-1 All Divisions - Bylaw C-8573-2024 - Adoption of an Updated Election Bylaw
File: N/A

MOVED by Councillor Boehlke that the definition of treatment centre in section 36 of Schedule 'A' of Bylaw C-8573-2024 be amended as follows:

"Treatment centre" has the same meaning as provided for in the *Local Authorities Election Act*, which means:

- (1) a hospital or facility under the *Mental Health Act*; or
- (2) any facility not referred to in subsection ~~27(1)~~ **36(1)** of this schedule that provides medical treatment or care on an in-patient basis.

Carried
Absent: Councillor Schule



MOVED by Councillor Hanson that the wording of section 31(2) of Bylaw C-8573-2024 regarding criminal record checks for candidates be amended as follows:

a criminal record check, at the sole expense of the candidate, completed **within** ~~at least~~ six months **of the** ~~prior to the~~ date the nomination is submitted as provided for in section 21.1 of the *Local Authorities Election Act*.

Carried
Absent: Councillor Schule

MOVED by Councillor Hanson that section 31(2), 37(2), and the definition of criminal record check of Bylaw C-8573-2024 be deleted in its entirety;

AND THAT section 37(3) of Bylaw C-8573-2024 be amended as follows:

37(3) the Returning Officer may further redact any personal information in the nomination papers, ~~but not the criminal records checks accompanying the nomination papers,~~ that, in their opinion, would compromise the personal safety of candidates as provided for in section 28(6.1) of the *Local Authorities Election Act*.

Defeated
Absent: Councillor Schule

MOVED by Councillor Hanson that Bylaw C-8573-2024 be given first reading, as amended.

Carried
Absent: Councillor Schule

MOVED by Councillor Hanson that Bylaw C-8573-2024 be given second reading, as amended.

Carried
Absent: Councillor Schule

MOVED by Councillor Hanson that Bylaw C-8573-2024 be considered for third reading, as amended.

Carried Unanimously
Absent: Councillor Schule

MOVED by Councillor Hanson that Bylaw C-8573-2024 be given third and final reading, as amended.

Carried
Absent: Councillor Schule



ROCKY VIEW
COUNTY

K Adjourn the Meeting

MOVED by Councillor Samra that the October 8, 2024 Council meeting be adjourned at 4:46 p.m.
Carried
Absent: Councillor Schule

Reeve or Deputy Reeve

Chief Administrative Officer or designate

DRAFT



COUNCIL REPORT

Redesignation Item: Residential

Electoral Division: 4

File: PL20240113 / 06701012

Date:	October 22, 2024
Presenter:	Carter Shelton, Planner 1
Department:	Planning

REPORT SUMMARY

The purpose of this report is to assess the redesignation of Lot 1, Plan 8010152 within SE-01-26-03-W05M from Residential, Rural Residential District (R-RUR) to Residential, Country Residential District (R-CRD) to facilitate future subdivision of one ±0.87 hectare (±2.14 acre) lot with a ±0.87 hectare (±2.14 acre) remainder.

The application was evaluated pursuant to the policies and regulations of the Calgary Metropolitan Region Growth Plan, the Municipal Development Plan (County Plan), the Bearspaw Area Structure Plan (ASP), and the *Land Use Bylaw*.

The application was found to align with Section 5.0 (Agriculture) and Section 10.0 (Country Residential Development) of the County Plan, and with the land use strategy and country residential subdivision policies of the Bearspaw ASP.

The subject parcel is located within an area of the ASP recommended to be guided by concept plan preparation; however, given the existing pattern of fragmentation in the surrounding area, it is considered that a concept plan to support the proposed single residential lot provides limited benefit. The proposed redesignation facilitates the creation of parcels that meet the minimum parcel size of the Residential, Country Residential District land use district.

ADMINISTRATION'S RECOMMENDATION

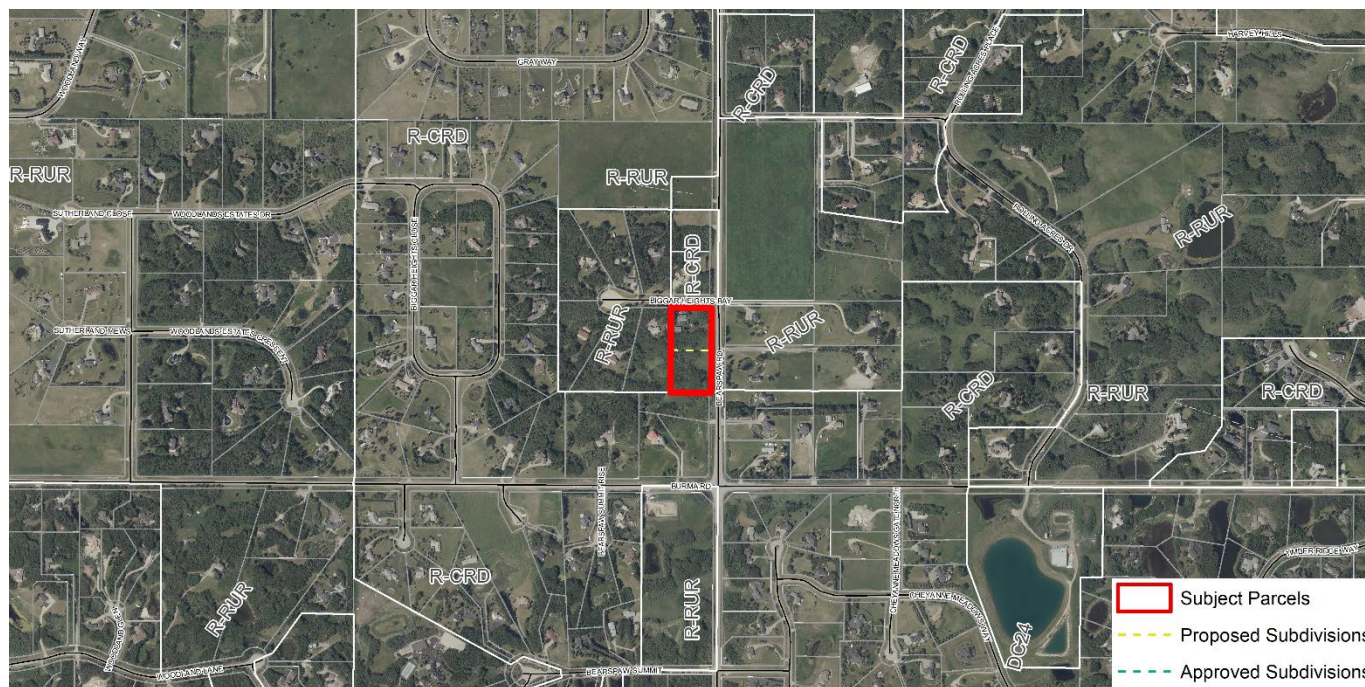
- THAT Bylaw C-8575-2024 be given first reading.
- THAT Bylaw C-8575-2024 be given second reading.
- THAT Bylaw C-8575-2024 be considered for third reading.
- THAT Bylaw C-8575-2024 be given third and final reading.

Redesignation Item: Residential

BACKGROUND

Location (Attachment A)

Located in Bearspaw, approximately 3.20 kilometres (1.98 miles) west of the city of Calgary, 0.21 kilometres (0.13 miles) north of Burma Road, and on the west side of Bearspaw Road (Range Road 30).



Site History (Attachment B)

In February 1980, the first subdivision within the quarter section was registered via Plan 801 0152, which created eight parcels of approximately 4 acres in size, including the creation of a 4.28 acre MR lot (Lot 8), and the internal subdivision road, Biggar Heights Bay.

In the 1990s, the MR designation of the northerly adjacent Lot 8 was discharged. In 2021, subsequent owners redesignated and subdivided that lot to create two ± 2.00 acre parcels. The redesignation and subdivision for this lot was approved without a conceptual scheme as a concept plan was determined to provide limited benefit.

Intermunicipal and Agency Circulation (Attachment C)

The application was circulated to all necessary internal and external agencies.

This application is not within an area guided by intermunicipal policy or requirements.

Landowner Circulation (Attachment D)

The application was circulated to 670 adjacent landowners in accordance with the *Municipal Government Act* and County Policy C-327 (Circulation and Notification Standards); no public submissions were received.

Redesignation Item: Residential

ANALYSIS

Policy Review (Attachment E)

The application was reviewed pursuant to Section 5.0 (Managing Residential Growth) and Section 10.0 (Country Residential Development) of the County Plan; the application was found to be consistent with the goals and policies therein. Section 5.0 indicates the subject lands to be located within an existing country residential community, and Section 10.0 supports the development of country residential communities in alignment with their respective Area Structure Plans.

The application is consistent with the land use strategy, phasing, and plan objectives of the Bearspaw ASP. While policies 8.1.20 and 8.1.21 stipulate the submission of a concept plan guiding proposals for the parcel size indicated (below 4 acres), the existing pattern of fragmentation in the quarter section would limit the potential for further comprehensive subdivision and therefore the need for a concept plan. The parcel configuration as presented would necessitate the creation of an additional approach from a Major Collector Road, which is discouraged through Policy 8.5.5. However, the application provided technical analysis indicating minimum sight distances and approach spacing requirements can be met; therefore, no negative impacts are anticipated.

The proposed future parcel sizes of ± 0.87 hectares (± 2.14 acres) meet the minimum size restriction of the proposed Residential, Country Residential (R-CRD) land use designation. Topographical constraints including steep slopes have been identified; however, site design can accommodate the proposed residential development, which may be addressed at time of future subdivision and development permit applications (as necessary).

COMMUNICATIONS / ENGAGEMENT

Consultation was conducted in accordance with statutory requirements and County Policy C-327.

IMPLICATIONS

Financial

No financial implications identified at this time.

STRATEGIC ALIGNMENT

This report is a statutory obligation under the *Municipal Government Act*.

ALTERNATE DIRECTION

No alternative options have been identified for Council's consideration.

ATTACHMENTS

Attachment A: Map Set

Attachment B: Application Information

Attachment C: Application Referral Responses

Attachment D: Public Submissions [No Submissions Received]

Attachment E: Policy Review

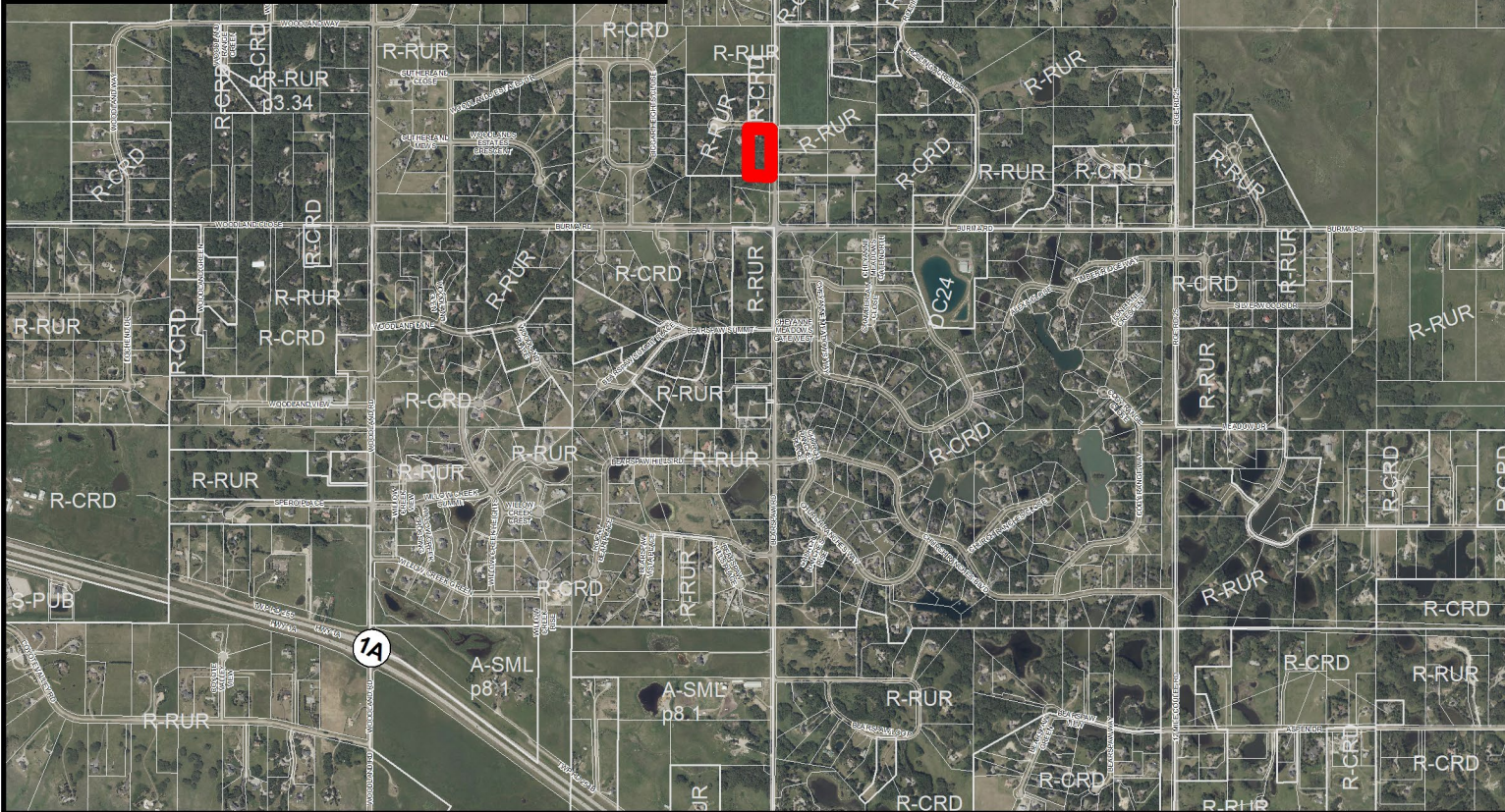
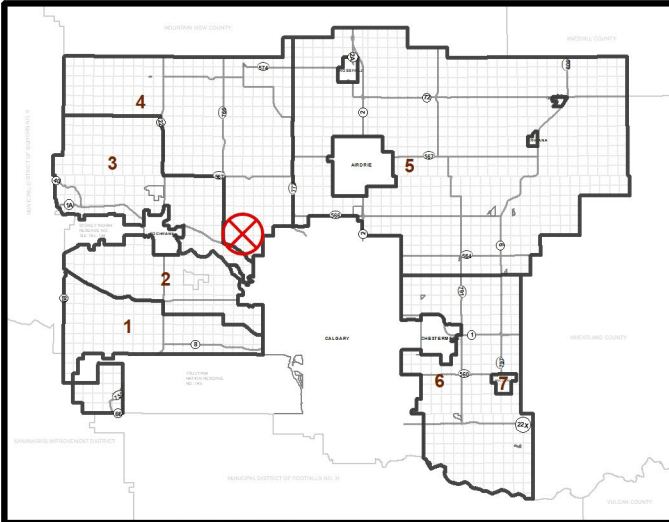
Attachment F: Draft Bylaw C-8575-2024

Redesignation Item: Residential

APPROVALS

Manager:	Dominic Kazmierczak
Executive Director/Director:	Matt Boscarol
Chief Administrative Officer:	Reegan McCullough





Location & Context

To redesignate the subject lands from Residential, Rural Residential (R-RUR) District to Residential, Country Residential (R-CRD) District to accommodate future subdivision of a ± 0.87 hectare (±2.14 acre) parcel with a ± 0.87 hectare (± 2.14 acre) remainder.

Division: 4
Roll: 06701012
File: PL20240113
Printed: 6/11/2024
Legal: A portion of
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Development Proposal

To redesignate the subject lands from Residential, Rural Residential (R-RUR) District to Residential, Country Residential (R-CRD) District to accommodate future subdivision of a ± 0.87 hectare (±2.14 acre) parcel with a ± 0.87 hectare (± 2.14 acre) remainder.



Environmental

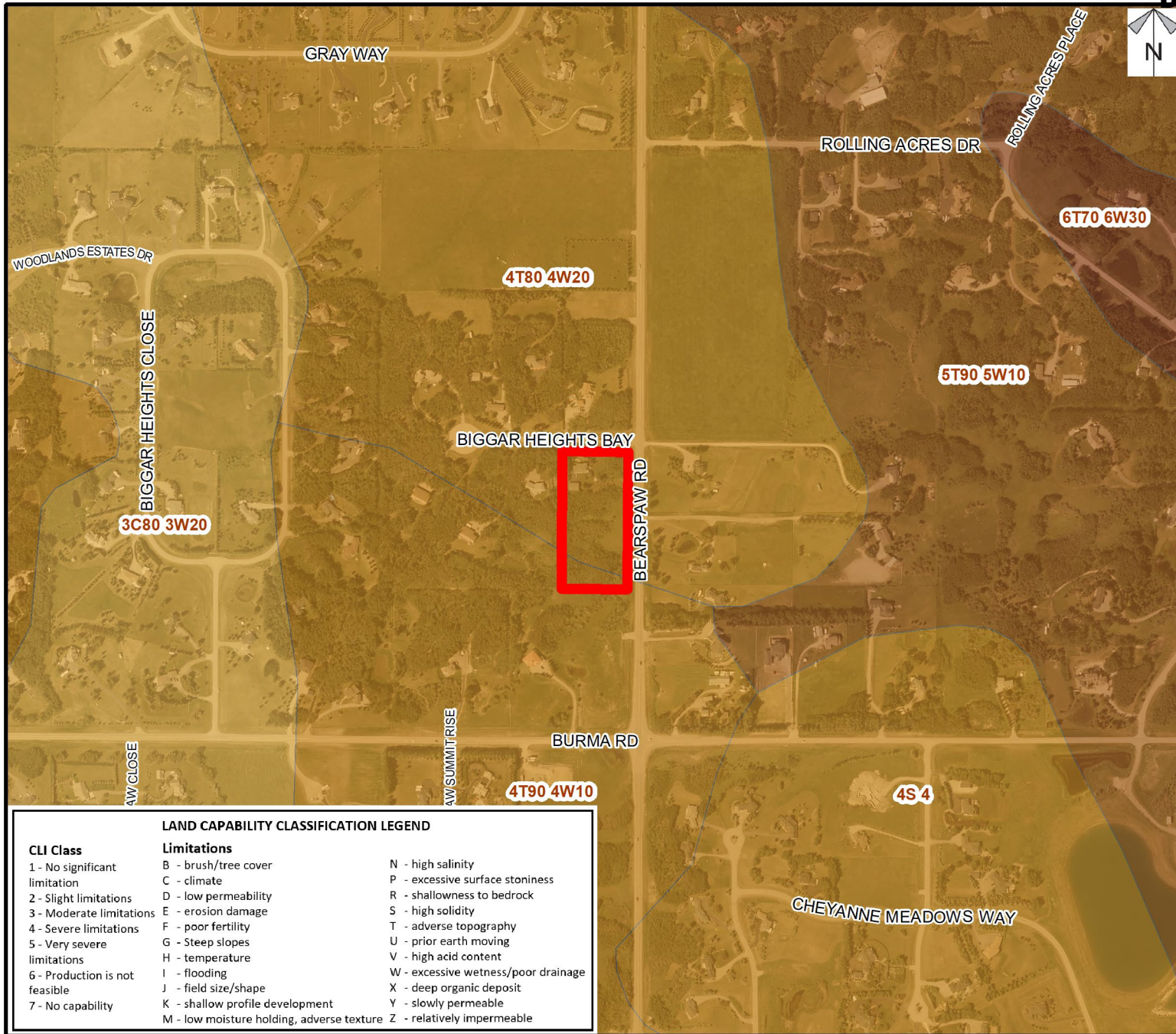
To redesignate the subject lands from Residential, Rural Residential (R-RUR) District to Residential, Country Residential (R-CRD) District to accommodate future subdivision of a ± 0.87 hectare (±2.14 acre) parcel with a ± 0.87 hectare (± 2.14 acre) remainder.



Legend

-  Subject Lands
-  Contour - 2 meters
-  Riparian Setbacks
-  Alberta Wetland Inventory
-  Surface Water

Division: 4
Roll: 06701012
File: PL20240113
Printed: 6/11/2024
Legal: A portion of
Page 24 of 300



Soil Classifications

To redesignate the subject lands from Residential, Rural Residential (R-RUR) District to Residential, Country Residential (R-CRD) District to accommodate future subdivision of a ± 0.87 hectare (±2.14 acre) parcel with a ± 0.87 hectare (± 2.14 acre) remainder.

LAND CAPABILITY CLASSIFICATION LEGEND		
CLI Class	Limitations	
1 - No significant limitation	B - brush/tree cover	N - high salinity
2 - Slight limitations	C - climate	P - excessive surface stoniness
3 - Moderate limitations	D - low permeability	R - shallowness to bedrock
4 - Severe limitations	E - erosion damage	S - high solidity
5 - Very severe limitations	F - poor fertility	T - adverse topography
6 - Production is not feasible	G - Steep slopes	U - prior earth moving
7 - No capability	H - temperature	V - high acid content
	I - flooding	W - excessive wetness/poor drainage
	J - field size/shape	X - deep organic deposit
	K - shallow profile development	Y - slowly permeable
	M - low moisture holding, adverse texture	Z - relatively impermeable

Division: 4
 Roll: 06701012
 File: PL20240113
 Printed: 6/11/2024
 Legal: A portion of
 Section 25 of 300



Landowner Circulation Area

To redesignate the subject lands from Residential, Rural Residential (R-RUR) District to Residential, Country Residential (R-CRD) District to accommodate future subdivision of a ± 0.87 hectare (±2.14 acre) parcel with a ± 0.87 hectare (± 2.14 acre) remainder.

Legend

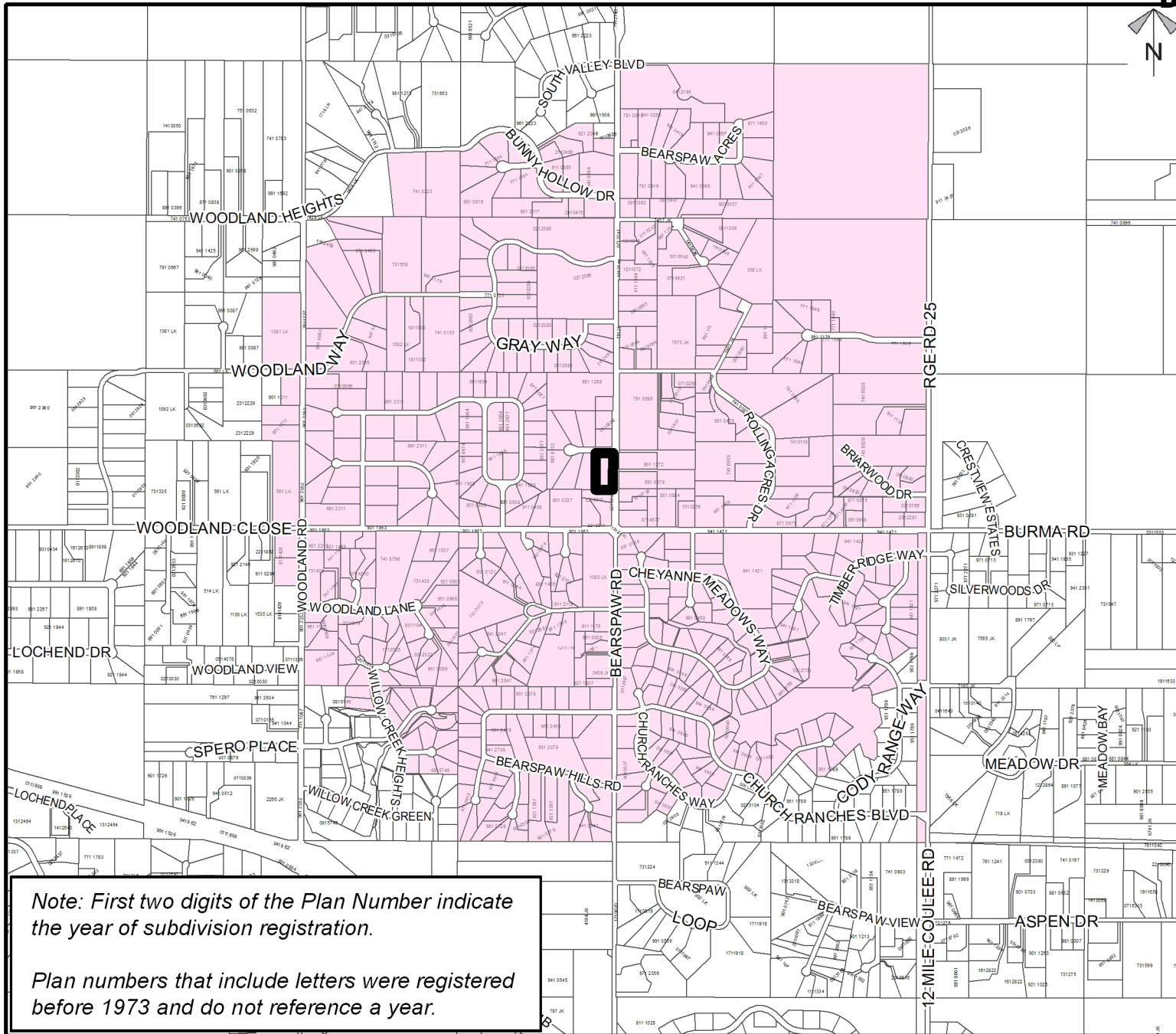
Support



Not Support



Division: 4
Roll: 06701012
File: PL20240113
Printed: 6/11/2024
Legal: A portion of
Page 26 of 300



Note: First two digits of the Plan Number indicate the year of subdivision registration.

Plan numbers that include letters were registered before 1973 and do not reference a year.

ATTACHMENT B: APPLICATION INFORMATION

APPLICANT/OWNERS: René Pahlavan (Studio Inkognito) / Putvinderjit Bhandal	DATE APPLICATION RECEIVED: June 11, 2024
GROSS AREA: ±1.73 hectares (±4.27 acres)	LEGAL DESCRIPTION: Lot 1, Plan 8010152 within SE-01-26-03-W05M
Pre-Application Meeting Held: <input type="checkbox"/>	Meeting Date: N/A
SOILS (C.L.I. from A.R.C.): 4T80, 4W20: Severe limitations to cereal crop production due to adverse topography across 80% of the site with severe limitations due to excessive wetness / poor drainage across 20% of the site.	
HISTORY: February 1, 1980: Creation of the subject lot registered with Alberta Land Titles Office via Plan no. 801 0152. This included the creation of 6 additional lots of equal size, an internal subdivision road Biggar Heights Bay, and a dedication of 4.28 acres of land as Municipal Reserve. 1990s: Municipal Reserve status discharged from Lot 8 MR (northerly adjacent to the subject lands), lot subsequently redesignated (2020) and subdivided to create two ±2.00 acre lots (2021).	
TECHNICAL REPORTS SUBMITTED: <ul style="list-style-type: none"> Level 3 Private Sewage Treatment System Assessment, JUA Environmental Ltd., May 2024. Traffic Memo Re: Subdivision Access Review, Watt Consulting Group Ltd., February 2024. 	

ATTACHMENT C: APPLICATION REFERRAL RESPONSES

AGENCY	COMMENTS
<i>Province of Alberta</i>	
Alberta Environment (& Protected Areas)	No concerns.
Alberta Health Services	No concerns.
<i>Public Utility</i>	
ATCO Gas	No objections.
ATCO Transmission	No objections.
Telus Communications	No concerns.
Rocky View Water Co-Op	This proposal will not adversely affect the Rocky View Water Co-op infrastructure.
<i>Internal Departments</i>	
Recreation, Parks and Community Support	No comments.
Building Services	No comments.
Fire Services & Emergency Management	No comments.
Enforcement Services	No comments.
Enforcement Services	No comments.
Capital and Engineering Services	<p data-bbox="488 1415 610 1440">General:</p> <ul data-bbox="537 1465 1503 1629" style="list-style-type: none"> <li data-bbox="537 1465 1503 1629">• The application is proposing to redesignate the subject lands from Residential, Rural Residential District (R-RUR) to Residential, Country Residential District (R-CRD) to accommodate future subdivision of one ± 0.87 hectare (± 2.14 acre) parcel with a ± 0.87 hectare (± 2.14 acre) remainder. <p data-bbox="488 1654 675 1680">Geotechnical:</p> <ul data-bbox="537 1705 1503 1978" style="list-style-type: none"> <li data-bbox="537 1705 1130 1730">• There are slopes of 30% or greater onsite. <li data-bbox="537 1755 1503 1978">• At the time of future subdivision, the applicant shall submit a Slope Stability Analysis in accordance with County's servicing standards, conducted by a qualified professional geotechnical engineer to address the slope on the subject lands since the slope is greater than 30%. The report shall provide the recommendations for the slope stability including registration of any required easements and / or restrictive covenants.

AGENCY	COMMENTS
	<p data-bbox="485 180 699 210">Transportation:</p> <ul data-bbox="537 233 1503 1304" style="list-style-type: none"><li data-bbox="537 233 1503 327">• The proposed northern lot gains access off Biggar Heights Bay from a single paved approach. The proposed southern lot will gain access off of Bearspaw Road from a new approach.<li data-bbox="537 352 1446 415">• As per the Bearspaw ASP, the Bearspaw Road is a major collector road, so direct lot access to Bearspaw Road should be avoided.<li data-bbox="537 438 1503 699">• As part of the application, the applicant provided an Access Review Memo prepared by Watt Consulting Group (Watt), dated February 29, 2024. The memo concluded that the proposed access location on Bearspaw Road was reviewed and compared to the sight distance and spacing requirements outlined by ATEC and the County. The proposed location meets the ATEC sight distance requirement as well as the access spacing requirements for the County and ATEC. Access via Bearspaw Road is recommended by Watt for the new south property.<li data-bbox="537 722 1503 936">• As a condition of future subdivision, the applicant shall construct a new paved approach on Bearspaw Road, in accordance with the County Servicing Standards, in order to provide access to the proposed southern lot.<ul data-bbox="634 873 1479 936" style="list-style-type: none"><li data-bbox="634 873 1479 936">○ Contact County Road Operations for a pre-construction and a post-construction inspection for final acceptance.<li data-bbox="537 959 1479 1119">• Bearspaw Road is part of the Long Range Transportation Network 4 Lane Arterial Road, requiring 40 m Road Right-of-Way (ROW). The current ROW is 30 m. As a condition of future subdivision, the Owner shall be required to dedicate, by Plan of Survey, a +/- 5.0 m strip of land as road ROW along entire eastern boundary of subject lands.<li data-bbox="537 1142 1503 1304">• As a condition of future subdivision, the applicant will be required to pay the transportation offsite levy as per the applicable TOL Bylaw, as amended, at the time of subdivision approval. The TOL will be applied to proposed new lot (southern lot). The TOL does not apply to the remainder lot (northern lot) since it has an existing residence. <p data-bbox="485 1327 797 1356">Sanitary/Waste Water:</p> <ul data-bbox="537 1379 1503 1890" style="list-style-type: none"><li data-bbox="537 1379 1503 1539">• As part of the application, the applicant provided a Level 3 PSTS Assessment prepared by JUA Environmental Ltd., dated May 29, 2024. The assessment recommended that based on County requirements (lot sizes/density), the proposed new lot is only suitable for packaged sewage treatment plant.<li data-bbox="537 1562 1503 1890">• As the proposed future lots are less than 4 acres in size and in accordance with County Policy 449, as a condition of future subdivision, the Owner shall enter into a Site Improvements / Services Agreement (SISA) with the County, which shall be registered on title of the new lot and shall include the following:<ul data-bbox="634 1745 1503 1890" style="list-style-type: none"><li data-bbox="634 1745 1503 1808">○ For the construction of a Packaged Sewage Treatment Plant meeting Bureau de Normalisation du Quebec (BNQ) standards.<li data-bbox="634 1831 1503 1890">○ The system to be in accordance with the recommendations of Level 3 PSTS Assessment.

AGENCY	COMMENTS
	<p data-bbox="488 163 919 197">Water Supply and Waterworks:</p> <ul data-bbox="488 216 1511 863" style="list-style-type: none"> <li data-bbox="488 216 1511 348">• Rocky View Water Co-op piped distribution system is adjacent to the subject lots. The applicant provided a letter from the service provider (Rocky View Water Co-op Ltd.) confirming that potable water capacity is available to service one additional lot. <li data-bbox="488 367 1511 863">• As a condition of future subdivision, the applicant is to provide confirmation of the tie-in for connection to RVC Water Co-op for both future lots. This includes providing the following information: <ul style="list-style-type: none"> <li data-bbox="581 485 1446 548">○ The completion of all paperwork for water supply allocation e.g. Water Service Agreement; <li data-bbox="581 567 1446 630">○ The payment of all necessary fees for the purchase of required capacity units for the proposed subdivision; <li data-bbox="581 648 1365 682">○ The allocation and reservation of the necessary capacity; <li data-bbox="581 701 1507 863">○ The obligations of the Owner and/or utility to bring water lines to the subdivision (i.e. whether the water utility is to construct the water line to the limits of the subdivision and applicant is to construct all internal water lines, or whether the water utility will be responsible for all connections to individual lots, etc.). <p data-bbox="488 882 857 915">Storm Water Management:</p> <ul data-bbox="488 934 1511 1297" style="list-style-type: none"> <li data-bbox="488 934 1511 1297">• At the time of future subdivision, Applicant is required to provide a site-specific stormwater implementation plan (SSIP), prepared by a qualified professional, providing the onsite stormwater management strategy for the proposed subdivision in accordance with the Nose Creek Watershed Water Management Plan and Bearspaw-Glenbow Master Drainage Plan. The SSIP shall define volume runoff target and peak flow runoff rates based on recommendations of MDPs. Should any lot-specific improvements be recommended in the site-specific Storm Water Implementation Plan, as a condition of subdivision, the applicant/Owner will be required to enter into a Site Improvement/Service Agreement for the construction of such improvements. <p data-bbox="488 1316 703 1350">Environmental:</p> <ul data-bbox="488 1369 1479 1598" style="list-style-type: none"> <li data-bbox="488 1369 1479 1598">• There are wetlands on the subject land that appear to potentially be impacted by the proposed development. Should the wetland be directly impacted by the proposed development, as a condition of future subdivision, the applicant/owner may be required to provide a Wetland Impact Assessment conducted by a qualified professional that assesses the existing wetland and the impacts the proposed development will have on the wetland.

Circulation Period: June 27, 2024, to July 19, 2024.

From: [Carter Shelton](#)
To: [H Singh](#)
Subject: RE: Application #: PL20240113, Lands Redesignation
Date: July 4, 2024 4:52:00 PM

Good Afternoon Harry,

While the land use redesignation would need to be approved prior to the subdivision going forward, the current proposal is to have one approach for the northern lot from Biggar Heights Bay, and a separate approach from Bears paw Road for the southern Lot.

Please let me know if you have any further questions.

Thank you,

CARTER SHELTON, BA
Planner 1 | Planning and Development
ROCKY VIEW COUNTY
262075 Rocky View Point | Rocky View County | AB | T4A 0X2
Phone: | 403.520.8165
CShelton@rockyview.ca | www.rockyview.ca

-----Original Message-----

From: H Singh [REDACTED]
Sent: Thursday, July 4, 2024 4:10 PM
To: Carter Shelton <CShelton@rockyview.ca>
Subject: Application #: PL20240113, Lands Redesignation

Hello Carter,

I am inquiring regarding the following:

FILE #: 06701012
Application #: PL20240113

I understand that this application is to redesignate the lands for a future subdivision. I would like to inquire as to the future access to the newly created lot as per the development proposal (map provided in notice). Is there a plan for that currently?

Thank you,

Harry

ATTACHMENT E: POLICY REVIEW

Definitions		
Consistent	Generally Consistent	Inconsistent
Clearly meets the relevant requirements and intent of the policy.	Meets the overall intent of the policy and any areas of inconsistency are not critical to the delivery of appropriate development.	Clear misalignment with the relevant requirements of the policy that may create planning, technical or other challenges.

Calgary Metropolitan Region Growth Plan	
Blueprint for Growth – Region Wide Policies	
3.1.5.2	<i>Rural and Country Cluster Placetype, when it is not clustered shall comply with the following: (a) the development shall not be located within a Preferred Growth Area; and (b) the maximum Density is 1.2 dwelling units / hectare (0.5 dwelling units/acre).</i>
Consistent	The subject lands are not located within an identified preferred growth area and the proposed density is approximately 0.5 upa.

Municipal Development Plan (County Plan)	
Managing Residential Growth – Country Residential	
5.8	<i>Support the development of existing country residential communities (identified on Map 1) in accordance with their area structure plan.</i>
Consistent	The subject lands are located within the identified country residential community of Bearspaw, therefore development is supported in alignment with the Bearspaw ASP as further outlined below.
Country Residential Development – Country Residential Communities	
10.1	<i>Development within Greater Bragg Creek, Bearspaw, North and Central Springbank, Elbow Valley, Balzac East (Sharp Hills/Butte Hills), Cochrane North, and Glenbow Ranch shall conform to their relevant area structure plan.</i>
Consistent	The application is in alignment with the applicable Bearspaw ASP as further outlined below, therefore consistent Section 10.1.
10.4	<i>Country residential development shall address the development review criteria identified in section 29.</i>
Consistent	The application provided reports addressing the provision of sanitary servicing, confirmation of capacity to service via piped potable water infrastructure in the area, and traffic assessment guiding the approach location addressing site lines and separation distances. Further technical assessment of slope stability and stormwater management will be addressed the time of future subdivision application; therefore, the application has sufficiently addressed the development review criteria identified in section 29.
Reserves – Municipal, School, and Community Reserves	
13.1	<i>When acquiring reserves, the County shall require that the owners of land proposed for subdivision provide reserves in the form of: a. land; b. money in place of land; or c. a combination of land and money.</i>
Not Applicable	Municipal reserves were previously provided for the subject lands through the registration of Plan 8010152.

Utility Services – General	
17.1	<i>New development shall, in accordance with master plans:</i> a. <i>make use of, extend, and enhance existing utility infrastructure where feasible;</i> b. <i>provide water, wastewater, and shallow utility services; and</i> c. <i>provide stormwater systems where necessary.</i>
Consistent	Through the conditions of future subdivision, potable water will be provided via Rocky View Water Co-op Infrastructure, waste water and stormwater will be treated onsite in accordance with the technical assessments to be provided, and deferred servicing agreements may be registered ensuring connection to regional piped utility servicing when such infrastructure becomes available.

Bearspaw Area Structure Plan C-4129-93	
7.0 Land Use and Phasing	
7.2 Phasing	
7.2.1	<i>To facilitate a logical, efficient and planned development pattern within the Plan Area and to reflect public input, Phasing has been established in Figure 8. Appendix B provides the general criteria for determining Development Priority Areas.</i>
Consistent	The subject lands are located within Development Priority Area 1. The existing pattern of fragmentation within the quarter section indicates near full build-out of density in the area.
8.0 Plan Policies	
8.1 Country Residential	
General Land Use	
8.1.3	<i>Applications for redesignation that propose country residential land uses should be considered pursuant to the provisions of Figure 7 and attendant Plan policies.</i>
Consistent	The subject lands are located within an area identified for future Country Residential Land use in accordance with Figure 7; technical submissions addressing provision of potable water, wastewater, and physical legal access from Bearspaw road establish the applications alignment with attendant plan policies.
Concept Plans	
8.1.9	<i>Figure 3 identifies lands within the Plan Area where the preparation of Concept Plans is required prior to the redesignation of these lands for country residential land use.</i>
Generally Consistent	The subject parcel is located with development priority area 1, and identified as an area generally not requiring concept plan submission in accordance with Figure 3.
Subdivision	
8.1.20	<i>Within the country residential areas identified in Figure 7, the minimum parcel size should not be less than four (4) acres.</i>
Generally Consistent	While the proposed future parcel size is less than 4 acres, Administration has determined that the limited scale of the proposed development in conjunction with the limited benefit that a concept plan would have for the area establish broad alignment with the overarching policies and objectives of the Bearspaw ASP.
8.1.21	<i>Notwithstanding Policy 8.1.20 and Figure 3, the Municipality may consider redesignation proposals and/or application for subdivision contemplating parcel sizes of less than four (4) acres in size, provided these proposals are supported by a Concept Plan that is prepared and adopted pursuant to the provisions of this Plan.</i>
Generally Consistent	There is an existing pattern of fragmentation throughout the subject quarter section, sufficient internal road network, and piped utility servicing is available through much of the larger area. A concept plan at this stage of build-out at the quarter-section scale provides limited benefit as much of the country residential form has already been developed.

8.5 Transportation	
General	
8.5.1	<i>Figure 5 identifies the municipal road hierarchy for the Plan Area.</i>
Consistent	The subject parcel is bordered by roads identified as Major Collector Road (Bears paw Rd) to the east, and local road Biggar Heights Bay to the north.
8.5.5	<i>Roads not identified as service roads or major/minor collector roads within the Transportation Hierarchy (Figure 5) are considered local roads which are intended to provide access and egress to local traffic only. Direct lot access to major and minor collector roads should be avoided.</i>
Generally Consistent	There is an existing approach via local intern road Biggar Heights Bar servicing the proposed northern lot. The additional lot is proposed to be accessed via new approach from the major collector road (Bears paw Rd.); Transportation impact memo provided with the application assessed the approach location site lines and minimum separation distances and determined feasibility of approach construction as proposed thereby aligning the application with the transportation policies of the ASP.

Land Use Bylaw C-8000-2020	
Residential, Country Residential District (R-CRD)	
326	MINIMUM PARCEL SIZE: a) 0.8 ha (1.98 ac) b) The minimum size of parcels designated with the letter "p" is the number indicated on the Land Use Map c) Notwithstanding b), the number following the "p" shall not be less than 0.4 ha (0.98 ac).
Consistent	The proposed future parcel sizes of ±0.87 hectares (±2.14 acres) meet the minimum parcel size restriction of R-CRD designation.



BYLAW C-8575-2024

A bylaw of Rocky View County, in the Province of Alberta, to amend Rocky View County Bylaw C-8000-2020, being the *Land Use Bylaw*.

The Council of Rocky View County enacts as follows:

Title

1 This bylaw may be cited as *Bylaw C-8575-2024*.

Definitions

2 Words in this Bylaw have the same meaning as those set out in the *Land Use Bylaw* and *Municipal Government Act* except for the definitions provided below:

- (1) **“Council”** means the duly elected Council of Rocky View County;
- (2) **“Land Use Bylaw”** means Rocky View County Bylaw C-8000-2020, being the *Land Use Bylaw*, as amended or replaced from time to time;
- (3) **“Municipal Government Act”** means the *Municipal Government Act*, RSA 2000, c M-26, as amended or replaced from time to time; and
- (4) **“Rocky View County”** means Rocky View County as a municipal corporation and the geographical area within its jurisdictional boundaries, as the context requires.

Effect

3 THAT Schedule B, Land Use Maps, of Bylaw C-8000-2020 be amended by redesignating Lot: 1 Plan: 8010152 within SE-01-26-03-W05M from Residential, Rural Residential District (R-RUR) to Residential, Country Residential District (R-CRD) as shown on the attached Schedule 'A' forming part of this Bylaw.

4 THAT Lot: 1 Plan: 8010152 within SE-01-26-03-W05M is hereby redesignated to Residential, Country Residential District (R-CRD) as shown on the attached Schedule 'A' forming part of this Bylaw.

Effective Date

5 Bylaw C-8575-2024 is passed and comes into full force and effect when it receives third reading and is signed in accordance with the *Municipal Government Act*.



READ A FIRST TIME this _____ day of _____, 2024

READ A SECOND TIME this _____ day of _____, 2024

UNANIMOUS PERMISSION FOR THIRD READING this _____ day of _____, 2024

READ A THIRD AND FINAL TIME this _____ day of _____, 2024

Reeve

Chief Administrative Officer

Date Bylaw Signed

BIGGAR HEIGHTS BAY



Schedule 'A'

Bylaw
C-8575-2024

Amendment

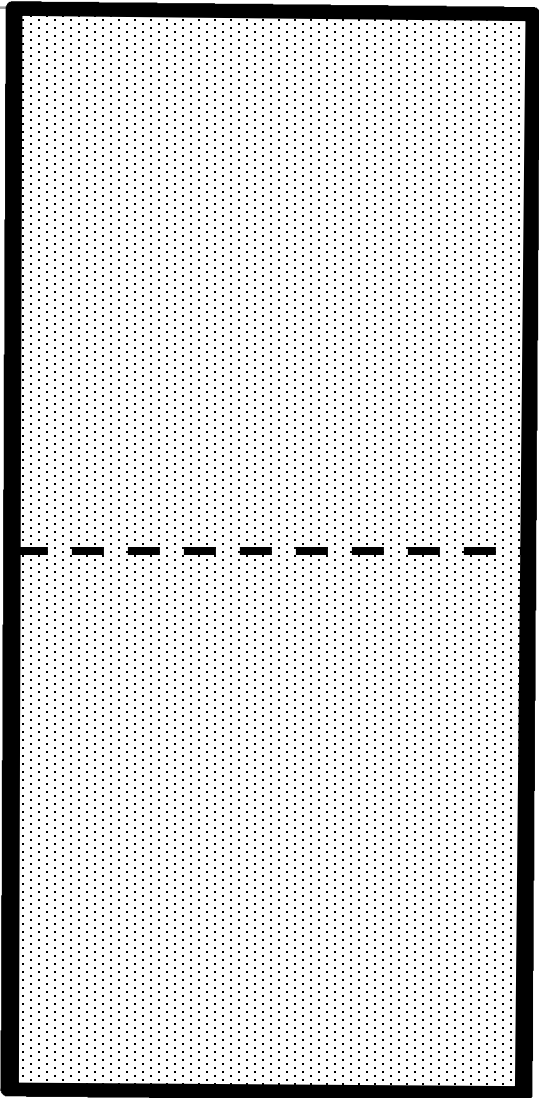
FROM

Residential, Rural
Residential District
(R-RUR)



TO

Residential,
Country Residential
District (R-CRD)



BEARSPAW RD



Local Plan & Redesignation Item: Business

Electoral Division: 5

File: PL20230146/PL20240141
05314001

Date:	October 22, 2024
Presenter:	Oksana Newmen, Senior Planner
Department:	Planning

REPORT SUMMARY

The purpose of this report is to assess a proposed Master Site Development Plan (MSDP), and redesignation of a 32.66 acre parcel within SE-14-25-28-W04M from Agricultural General District (A-GEN) to Industrial, Heavy Industrial District (I-HVY) to facilitate permitting of an auto-dismantling facility.

The application has come forward due to enforcement action; the application does not have land use or a development permit for the uses being undertaken on site.

The proposal was evaluated pursuant to the policies and regulations of the Calgary Metropolitan Region Growth Plan, the Municipal Development Plan (County Plan), the Conrich Area Structure Plan (ASP) and the *Land Use Bylaw*.

The applications were found to not align with the majority of the relevant policies of the County Plan, including those within Section 8.0 (Agriculture); Section 14.0 (Business Development); and, Section 17.0 (Utility Services). The plan also does not align with the majority of the relevant sections of the ASP, including Section 7.0 (Conrich Development Strategy); Section 13.0 (Agriculture Interface); Section 23.0 (Utility Services); and, Section 24.0 (Stormwater).

The Applicant submitted technical studies on October 3, 2024, including a Potable Water Demand Analysis, Conceptual Stormwater Management Plan, and Wastewater Demand Analysis. No updated MSDP reflecting the studies was submitted. Administration will endeavor to review the reports in time for the public hearing, but was unable to complete the review as part of the staff report due to the lateness of the Applicant's submission.

Based on the inconsistencies with the County Plan and ASP, Administration recommends refusal of both the land use redesignation and MSDP applications.

ADMINISTRATION'S RECOMMENDATION

THAT application PL20230146 (redesignation) be refused.

THAT application PL20240141 (MSDP) be refused.

Local Plan & Redesignation Item: Business

BACKGROUND

Location (Attachment A)

Located in the Conrlich ASP, northwest of the junction of Range Road 281 and Township Road 252, approximately 7.60 kilometres (4.70 miles) east of the city of Calgary.



Site Context (Attachment B)

The subject lands include two existing single-family dwellings, a 236 sq. m (2545.57 sq. ft) accessory building (farm building), three small accessory buildings (sheds), and a 20.85 sq.m (224.41 sq. ft.) steel frame building. The site is serviced by well and septic. The vicinity is composed of agricultural lands under active farming.

An application for a salt storage depot (redesignation and MSDP) was made in December 2015, and subsequently abandoned. The files were closed by the County in October 2018 for inactivity after no response was received from the Applicant regarding status.

On February 21, 2023, Rocky View County Enforcement Services began inquiry into a complaint regarding vehicles being brought onto the subject lands. The operation continued to grow, and staff made numerous visits and attempts to encourage the Applicant to make required applications for land use and development permits. Two preapplication meetings (May 28, 2023, with Planning, and December 6, 2023, with Planning and Enforcement) detailed the concerns and steps needed to seek to bring the operation into compliance.

A date of February 12, 2024, was given as a deadline to submit a complete application, to be composed of a land use redesignation application and MSDP, to include the required technical studies.

A redesignation application form was submitted on December 8, 2023, and after a subsequent extension to May 24, 2024, an MSDP was received on July 16, 2024. Staff circulated and reviewed the file, finding the MSDP incomplete and lacking any detail or technical study.

A stop order was issued on August 16, 2024, which was subsequently appealed. The Subdivision and Development and Appeal Board (SDAB) held a hearing on September 12, 2024, and the decision gave the deadline to comply with the order to remove all equipment, vehicles, materials, structures or modifications to the lands associated with the unauthorized business be extended to no later than 4 p.m., November 29, 2024. As well, the deadline to comply with the order to immediately cease all activity on

Local Plan & Redesignation Item: Business

the lands associated with the business remains unchanged from the original deadline of 4 p.m., August 19, 2024. The full Board Order is provided as Attachment H: September 27, 2024 Decision of the Subdivision and Development Appeal Board.

Intermunicipal and Agency Circulation (Attachment C)

The application was circulated to all necessary intermunicipal neighbours, internal and external agencies.

This application is not within an area guided by intermunicipal policy or requirements.

Comments from CN were received, requiring minimum building setbacks, and required fencing, and the opportunity to review detailed site plan and stormwater recommendations.

Engineering requested a traffic impact assessment, wastewater servicing study, water demand analysis at this time, and biophysical impact assessment at future development to address mitigation and compensation for onsite impacts to wetlands.

Landowner Circulation (Attachment D)

The application was circulated to 39 adjacent landowners in accordance with the *Municipal Government Act* and County Policy C-327 (Circulation and Notification Standards); one letter in support, and six letters in opposition sent from two parcels were received.

ANALYSIS

MSDP Overview

The MSDP proposed compliance of an enforcement file of an “un-serviced industrial storage yard to accommodate a professionally managed and maintained dismantling operation that capitalizes on low proximity to residential neighbours”.

The subject lands include a single-family dwelling and associated accessory buildings, as well as Quonset building for equipment storage. Servicing is provided by an existing private sewage treatment system (PSTS) and groundwater well. Access is provided from Township Road 252 via an existing approach and gravel driveway.

Comments regarding basic business operations (site layout, hours of operation, specific operations, etc.) were not provided. Topic headings relating to historical resources, biophysical, geotechnical, architectural design, landscaping, lighting, signage, fencing, traffic, utilities and agricultural boundary design consideration were included, but no detail, technical study, or specific policy matters were provided.

Administration notified the Applicant that the MSDP was incomplete on August 28, 2024, at which time agency comments from the circulation were also provided, and adjacent landowner comments. No revised MSDP was submitted to address the noted deficiencies.

The Applicant did submit technical studies on October 3, 2024, including a Potable Water Demand Analysis, Conceptual Stormwater Management Plan, and Wastewater Demand Analysis. However, no updated MSDP reflecting the studies was submitted. Regardless of the completeness of the MSDP and technical documents, Administration finds that the proposal does not meet the wider policy requirements of the County Plan or Conrich ASP, as highlighted below.

Policy Review (Attachment E)

The application was reviewed pursuant to the Conrich Area Structure Plan, County Plan, and *Land Use Bylaw*, and was found to be largely inconsistent.

The application was evaluated pursuant to the County Plan, and was found to not align with the policies of Sections 6.0 (Financial Sustainability); 7.0 (Environment); 8.0 (Agriculture); Section 14.0 (Business Development); Section 16.0 (Transportation); and, Section 17.0 (Utility Services).

Local Plan & Redesignation Item: Business

The plan also does not align with various sections of the ASP, including Section 7.0 (Conrich Development Strategy); Section 13.0 (Agriculture Interface); Section 19.0 (Natural Environment); Section 20.0 (Reserves); Section 22.0 (Transportation); Section 23.0 (Utility Services); Section 24.0 (Stormwater); Section 25.0 (Solid Waste); Section 27.0 (Implementation).

The application aligns with Section 11.0 (Industrial) of the ASP, and with the *Land Use Bylaw*.

COMMUNICATIONS / ENGAGEMENT

Consultation was conducted in accordance with statutory requirements and County Policy C-327.

IMPLICATIONS

Financial

No financial implications identified at this time.

STRATEGIC ALIGNMENT

This report is a statutory obligation under the *Municipal Government Act*.

ALTERNATE DIRECTION

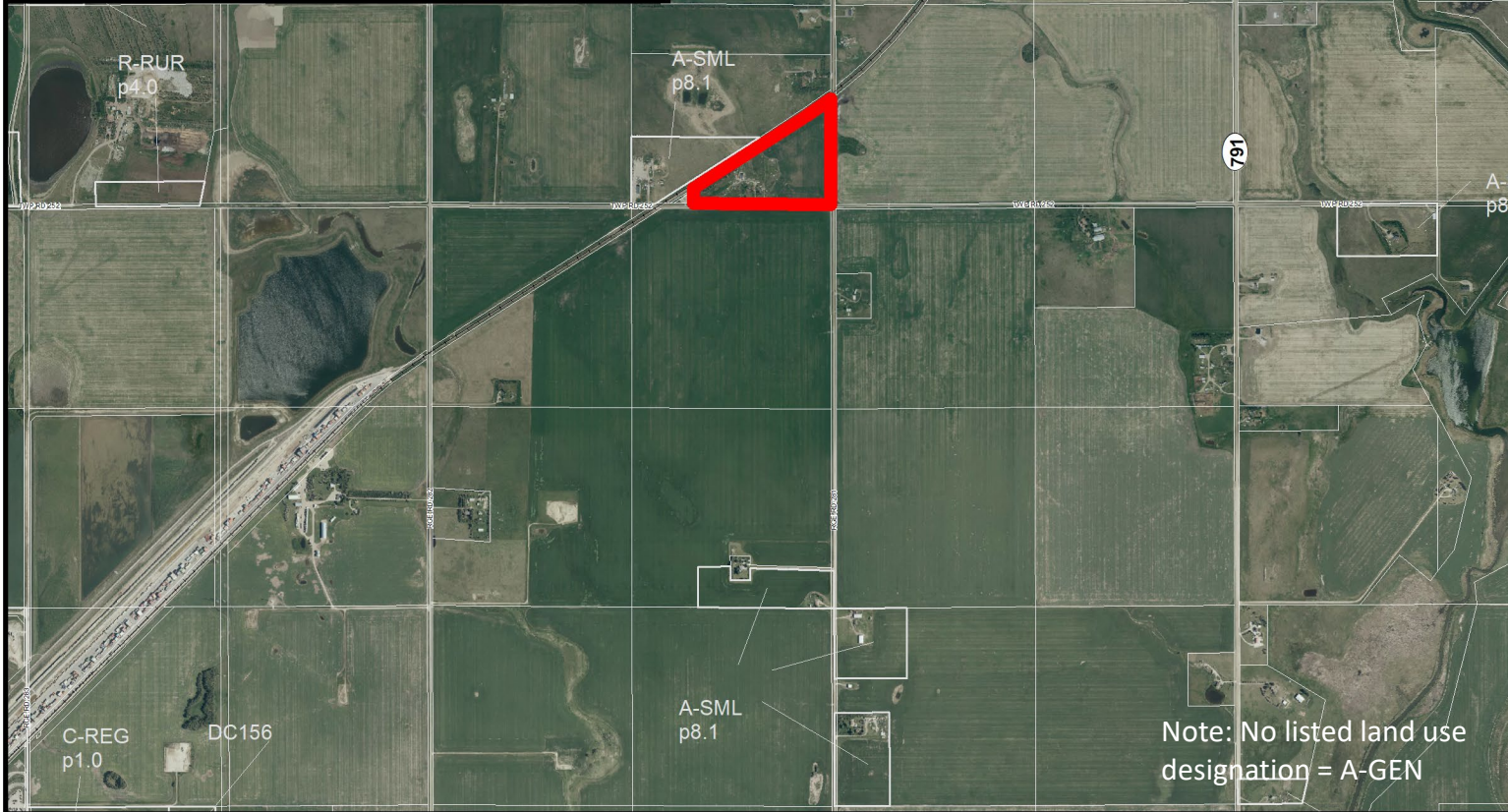
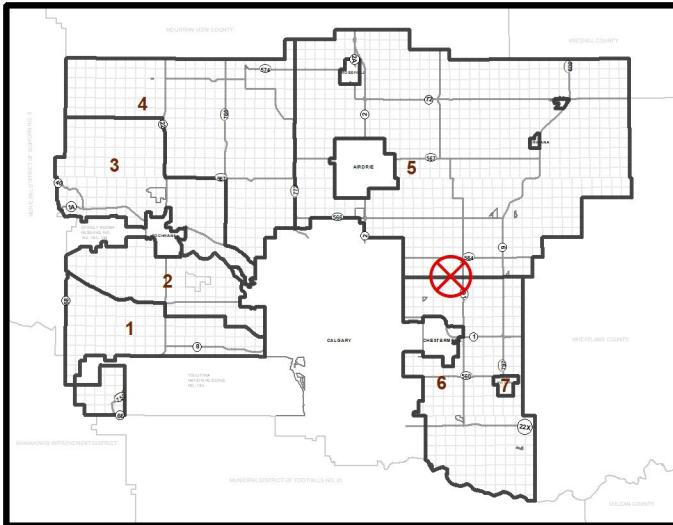
No alternative options have been identified for Council’s consideration as this operation has been under enforcement for an extended period without sufficient progress toward obtaining legal operations.

ATTACHMENTS

- Attachment A: Map Set
- Attachment B: Application Information
- Attachment C: Application Referral Responses
- Attachment D: Public Submissions
- Attachment E: Policy Review
- Attachment F: Master Site Development Plan
- Attachment G: Draft Bylaw C-8571-2024
- Attachment H: September 27, 2024 Decision of the Subdivision and Development Appeal Board

APPROVALS

Manager:	Dominic Kazmierczak
Executive Director/Director:	Matt Boscariol
Chief Administrative Officer:	Reegan McCullough



Location & Context

To redesignate the subject lands from Agriculture, General District (A-GEN) to Industrial, Heavy District (I-HVY) to accommodate future development of an auto recycling business. Note: There is an accompanying Master Site Development Plan.

Note: No listed land use designation = A-GEN

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A-GEN → I-HVY
±13.22 ha
(±32.66 ac)

RGE RD 281

TWP RD 252

Development Proposal

To redesignate the subject lands from Agriculture, General District (A-GEN) to Industrial, Heavy District (I-HVY) to accommodate future development of an auto recycling business. Note: There is an accompanying Master Site Development Plan.

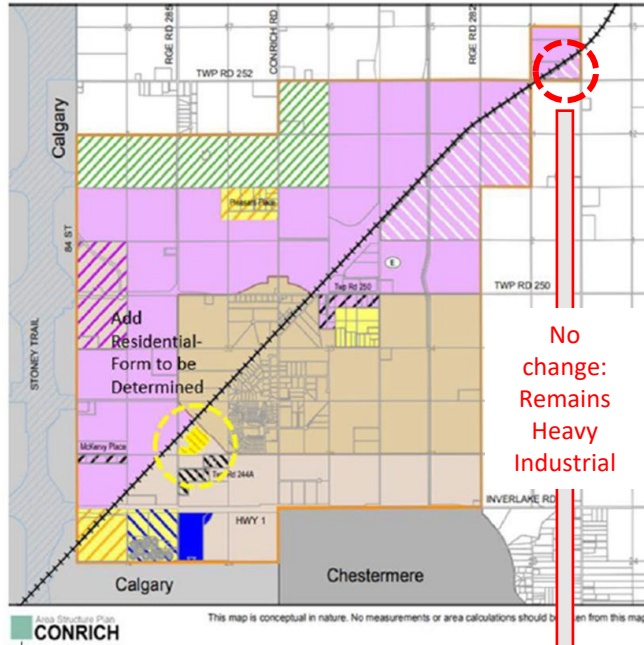
Division: 5
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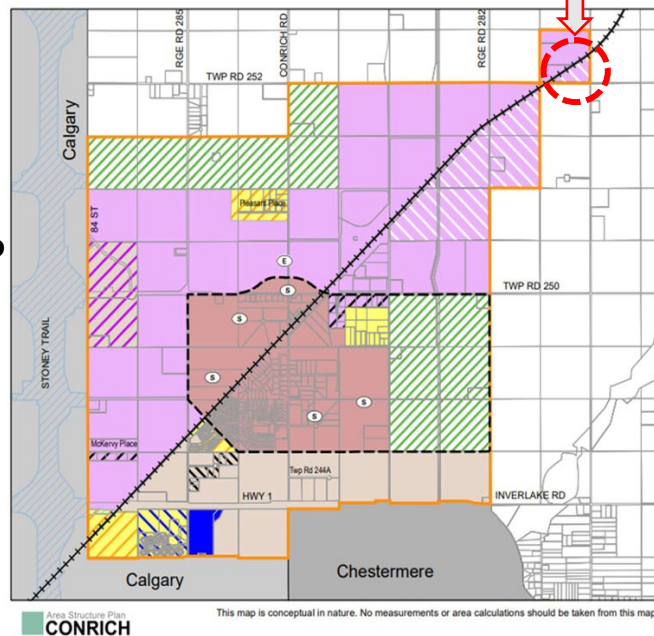
Location & Context

To redesignate the subject lands from Agriculture, General District (A-GEN) to Industrial, Heavy District (I-HVY) to accommodate future development of an auto recycling business. Note: There is an accompanying Master Site Development Plan.

Current
Conrich ASP
Land Use
Strategy



Proposed
Conrich ASP
Land Use
Strategy

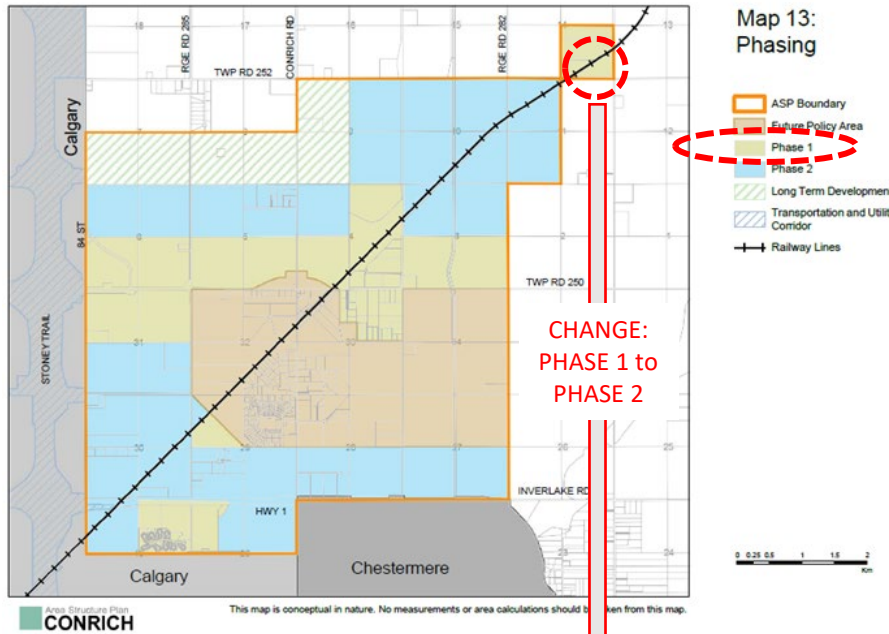




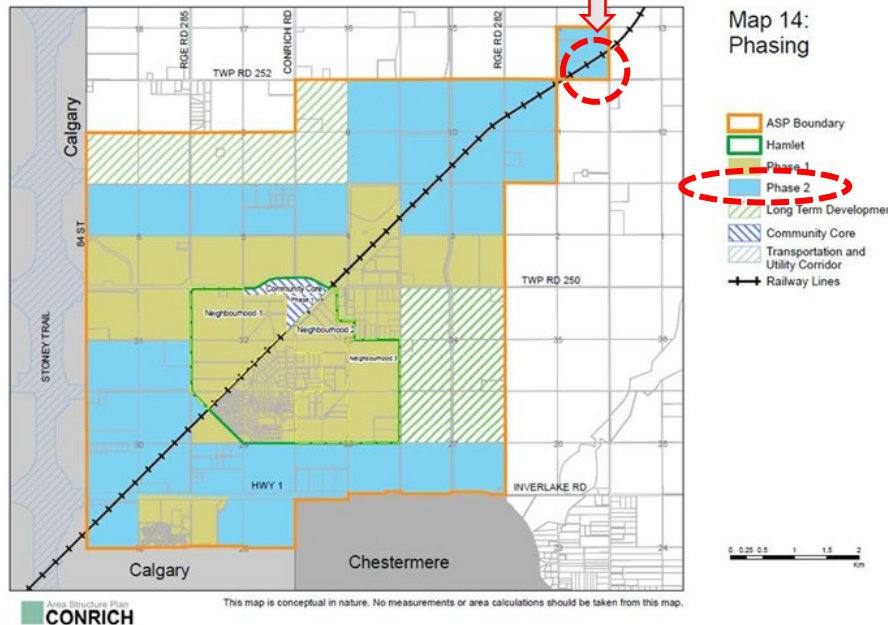
Location & Context

To redesignate the subject lands from Agriculture, General District (A-GEN) to Industrial, Heavy District (I-HVY) to accommodate future development of an auto recycling business. Note: There is an accompanying Master Site Development Plan.

Current
Conrich ASP
Phasing



Proposed
Conrich ASP
Phasing

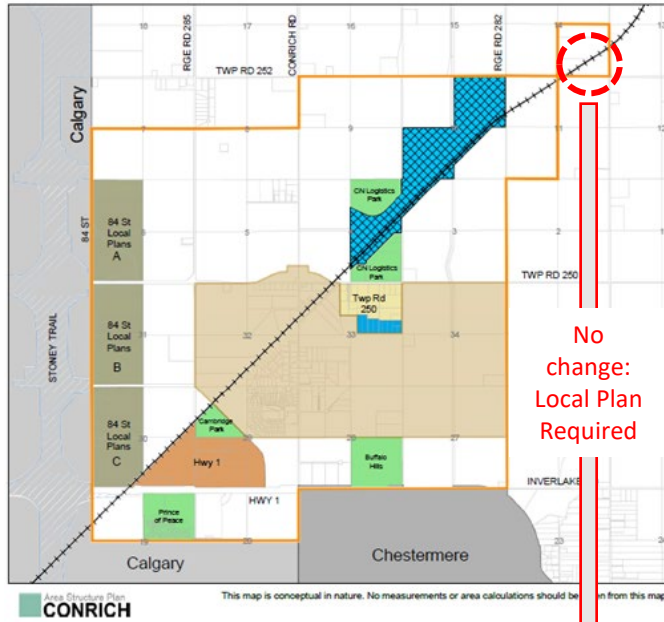




Location & Context

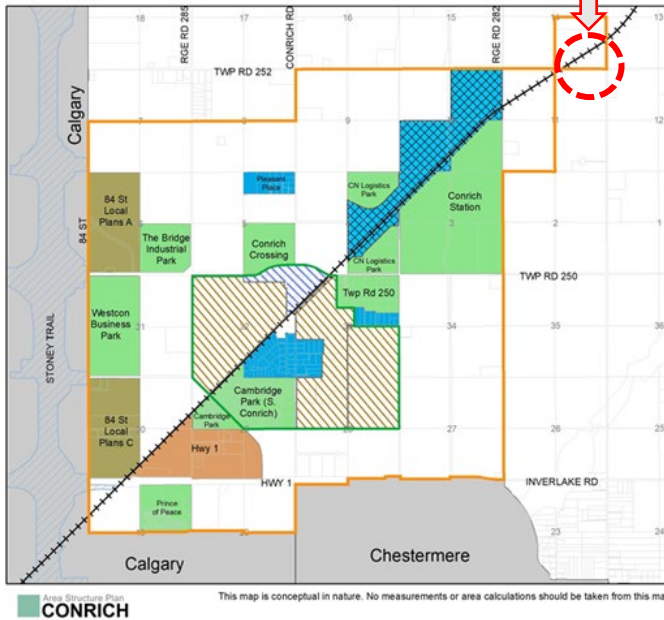
To redesignate the subject lands from Agriculture, General District (A-GEN) to Industrial, Heavy District (I-HVY) to accommodate future development of an auto recycling business. Note: There is an accompanying Master Site Development Plan.

Current
Conrich ASP
Local Plan
Required



No change:
Local Plan
Required

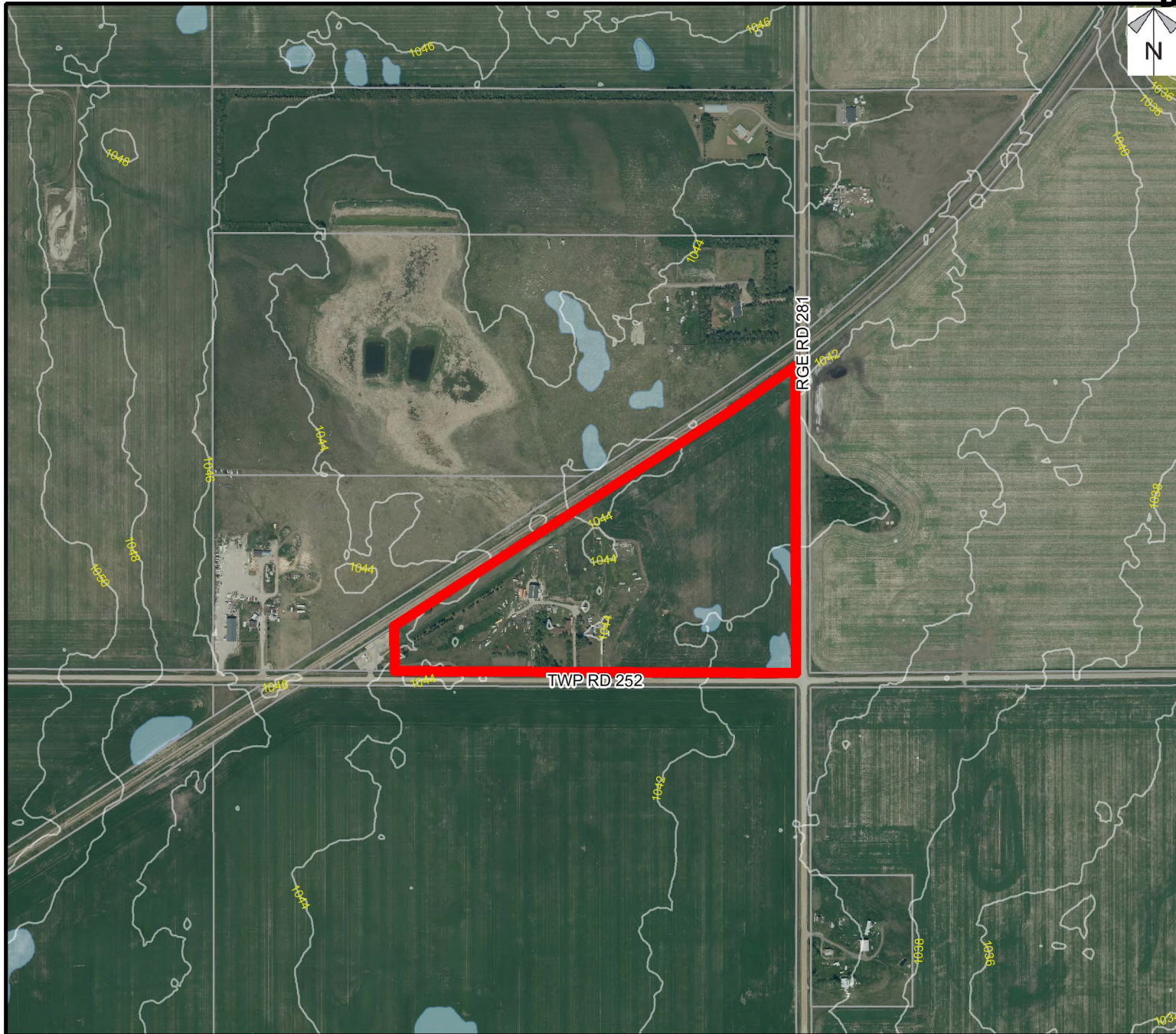
Proposed
Conrich ASP
Local Plan
Required





Environmental

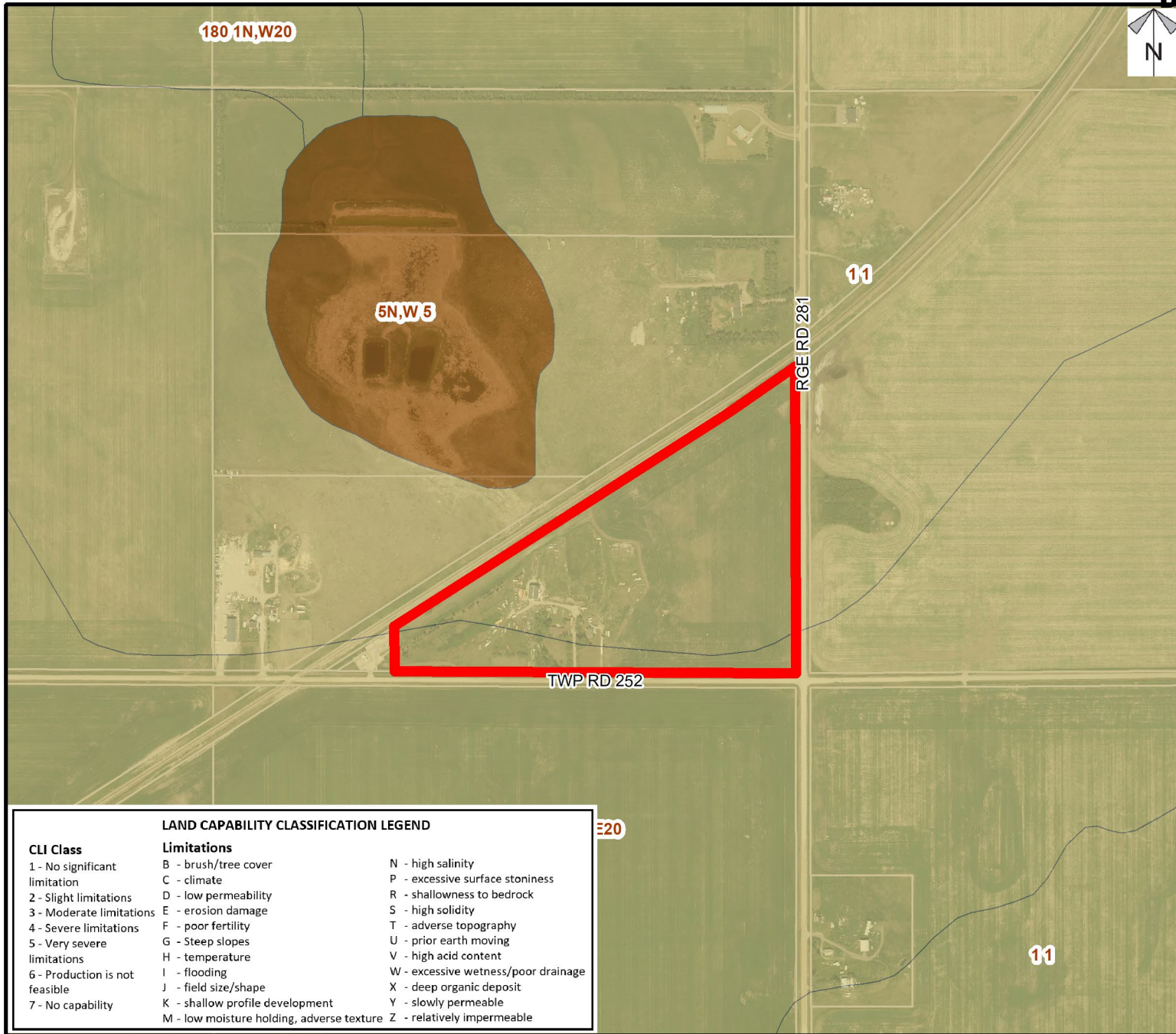
To redesignate the subject lands from Agriculture, General District (A-GEN) to Industrial, Heavy District (I-HVY) to accommodate future development of an auto recycling business. Note: There is an accompanying Master Site Development Plan.



Legend

- Subject Lands
- Contour - 2 meters
- Riparian Setbacks
- Alberta Wetland Inventory
- Surface Water

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Soil Classifications

To redesignate the subject lands from Agriculture, General District (A-GEN) to Industrial, Heavy District (I-HVY) to accommodate future development of an auto recycling business. Note: There is an accompanying Master Site Development Plan.

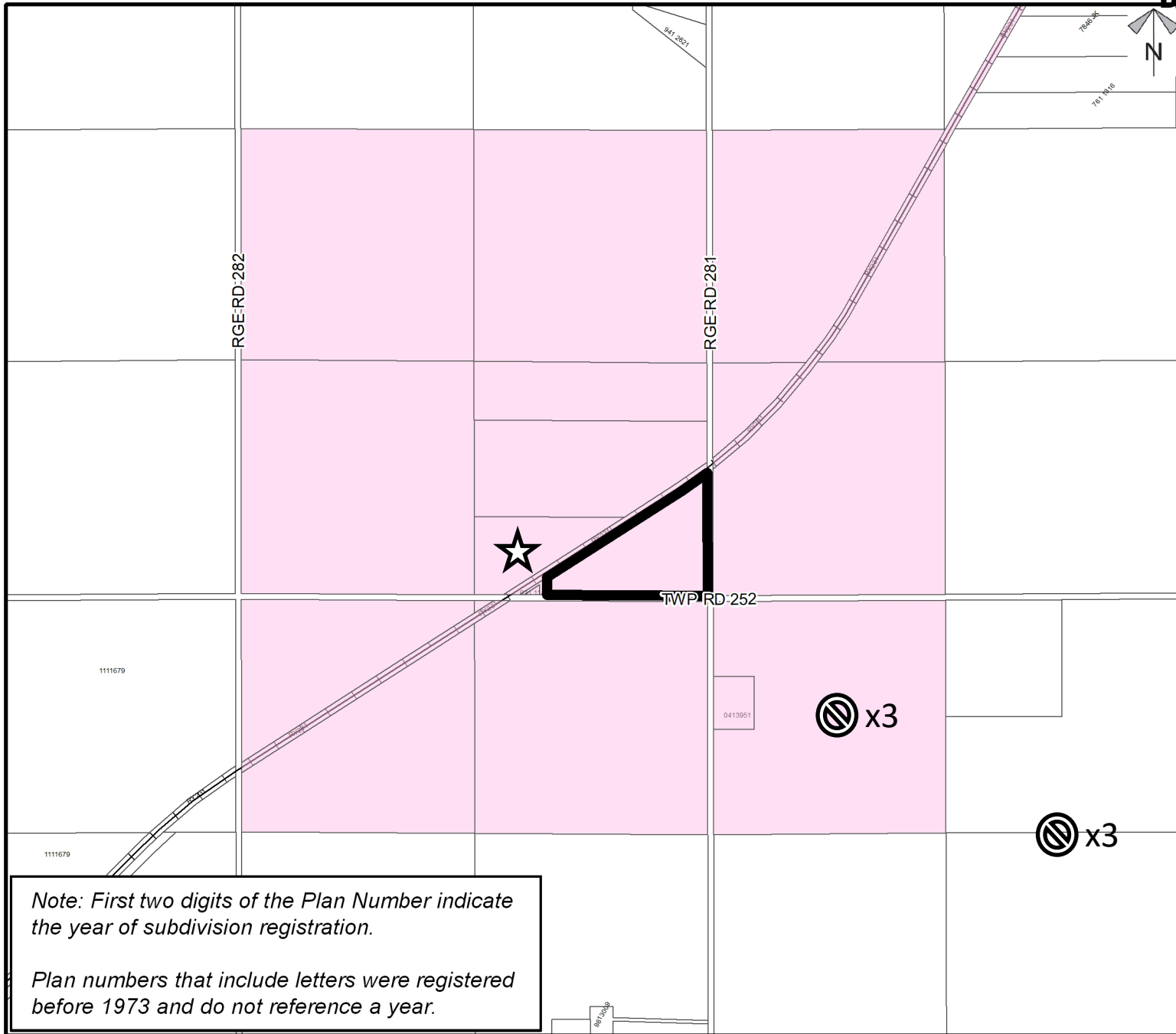
LAND CAPABILITY CLASSIFICATION LEGEND		
CLI Class	Limitations	
1 - No significant limitation	B - brush/tree cover	N - high salinity
2 - Slight limitations	C - climate	P - excessive surface stoniness
3 - Moderate limitations	D - low permeability	R - shallowness to bedrock
4 - Severe limitations	E - erosion damage	S - high solidity
5 - Very severe limitations	F - poor fertility	T - adverse topography
6 - Production is not feasible	G - Steep slopes	U - prior earth moving
7 - No capability	H - temperature	V - high acid content
	I - flooding	W - excessive wetness/poor drainage
	J - field size/shape	X - deep organic deposit
	K - shallow profile development	Y - slowly permeable
	M - low moisture holding, adverse texture	Z - relatively impermeable

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 SE 1/4 25 48 W0200
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Landowner Circulation Area

To redesignate the subject lands from Agriculture, General District (A-GEN) to Industrial, Heavy District (I-HVY) to accommodate future development of an auto recycling business. Note: There is an accompanying Master Site Development Plan.



Legend

- Support
- Not Support

Note: First two digits of the Plan Number indicate the year of subdivision registration.

Plan numbers that include letters were registered before 1973 and do not reference a year.

ATTACHMENT B: APPLICATION INFORMATION

APPLICANT/OWNERS: Rolly Ashdown / James E & Laurel E Roberts	DATE APPLICATION RECEIVED: December 8, 2023 / July 16, 2024
GROSS AREA: ±13.22 hectares (±32.66 acres)	LEGAL DESCRIPTION: Parcel within SE-14-25-28-W04M
Pre-Application Meetings Held: ☒	Meeting Dates: May 28, 2023, and December 6, 2023
SOILS (C.L.I. from A.R.C.): 1, 1 – No significant limitation	
HISTORY: <p>September 12, 2024: SDAB hearing – Applicant appealed stop-work order.</p> <p>August 16, 2024: Stop Order issued by Enforcement Services</p> <p>July 16, 2024: Application for PL20240141 (MSDP) received. No technical studies included.</p> <p>December 8, 2023: Application PL20230146 (redesignation) form received. MSDP not submitted.</p> <p>December 6, 2023: Second Preapplication/Enforcement meeting held. Deadline of February 12, 2024 for submission of redesignation and MSDP.</p> <p>May 28, 2023: First Preapplication meeting held.</p> <p>December 4, 2015: Application PL20150143 to redesignate the subject property from agricultural to industrial for operation of a salt storage depot, and PL20150144 for the MSDP were made. Applications were abandoned and subsequently closed by the County on October 25, 2018.</p>	
TECHNICAL REPORTS SUBMITTED: <ul style="list-style-type: none"> • None. 	

ATTACHMENT C: APPLICATION REFERRAL RESPONSES

AGENCY	COMMENTS
<i>School Authority</i>	
Rocky View Schools	No response received
Calgary Catholic School District	No concerns
Public Francophone Education	No response received
Catholic Francophone Education	No response received
<i>Province of Alberta</i>	
Alberta Ministry of Environment and Protected Areas	No response received
Alberta Transportation and Economic Corridors	<p>Alberta Transportation and Economic Corridors offers the following comments and observations with respect to the proposed land use amendment (s):</p> <ol style="list-style-type: none"> 1. Pursuant to Section 618.3(1) of the Municipal Government Act (MGA), the department expects that the municipality will comply with any applicable items related to provincial highways in an ALSA plan if applicable 2. Pursuant to 618.4(1) of the Municipal Government Act, the department expects that the Municipality will mitigate the impacts of traffic generated by developments approved on the local road connections to the highway system, in accordance with Policy 7 of the Provincial Land Use Policies. 3. The proposed development is outside of the development control zone and the subdivision referral zone, as a result Alberta Transportation and Economic Corridors has no comments on the proposed development.
Alberta Culture and Community Spirit (Historical Resources)	No response received
Energy Resources Conservation Board	No response received
Alberta Health Services	No concerns
<i>Public Utility</i>	
ATCO Gas	No objection
ATCO Pipelines	No response received

AGENCY	COMMENTS
AltaLink Management	No response received
FortisAlberta	No response received
TELUS Communications	No concerns
TransAlta Utilities Ltd.	No response received
<i>Other External Agencies</i>	
EnCana Corporation	No response received
CN Rail	<p data-bbox="488 709 1511 772">It is noted that the subject site is adjacent to CN's Main Line. CN recommends the following protective measures for non-residential uses adjacent Main Lines:</p> <ul data-bbox="537 793 1511 1497" style="list-style-type: none"> <li data-bbox="537 793 1511 888">• A minimum 15 metre building setback, from the railway right-of-way, is recommended for heavy industrial, warehouse, manufacturing and repair use (i.e. factories, workshops, automobile repair and service shops). <li data-bbox="537 898 1511 993">• A chain link fence of minimum 1.83 metre height is required to be installed and maintained along the entire mutual property line, to be constructed by the owner entirely on private property. <li data-bbox="537 1003 1511 1224">• The storm water management facility must be designed to control storm water runoff to pre-development conditions including the duration and volume of the flow and accordingly have no impacts on CN right of way, including ditches, culverts and tracks. Any proposed alterations to the existing drainage pattern affecting railway property must receive prior concurrence from CNR and be substantiated by a drainage report to the satisfaction of the Railway. <li data-bbox="537 1234 1511 1497">• While CN has no noise and vibration guidelines that are applicable to non-residential uses, it is recommended the proponent assess whether railway noise and vibration could adversely impact the future use being contemplated (hotel, laboratory, precision manufacturing). It may be desirable to retain a qualified acoustic consultant to undertake an analysis of noise and vibration, and make recommendations for mitigation to reduce the potential for any adverse impact on future use of the property. <p data-bbox="488 1518 1511 1644">Under the applicable federal legislation, CN is responsible for ensuring the safety of its railway operations. Additionally, as safety is a core value at CN, CN is committed to the health and safety of their employees, the customers we serve and the communities and environment in which we operate, at all times.</p> <p data-bbox="488 1686 1511 1946">In order to ensure the safety of railway operations, CN's operations and infrastructure are not to be impaired or affected by any construction works or any other works. Additionally, any work performed on CN's property must be arranged through a work permit. A work permit ensures that the proponents of the work, its authorized employees, servants, agents or contractors comply with CN's instructions and will take any safety precautions that CN may reasonably deem necessary in order to ensure that railway operations remain safe.</p>

AGENCY	COMMENTS
<i>Internal Departments</i>	CN anticipates the opportunity to review a detailed site plan, a storm water management report taking into consideration our recommendations.
Recreation, Parks, and Community Support	As municipal reserves are not required, recreation has no comment at this time.
Enforcement Services	<p><u>Current Enforcement</u> Enforcement File # 202302-0202 – Unsightly Property.</p> <p><u>Historical Enforcement</u> Enforcement File # 202007-0171 – Unsightly Property. Enforcement File # 202308-1017 – Unsightly Property. Enforcement File # DC202007-0171 – Unsightly Property</p> <p><u>Enforcement Services recommends:</u></p> <ul style="list-style-type: none"> • That since this application is the result of an ongoing complaint and investigation double fees should apply.
GIS Services	No response received
Building Services	No comments
Fire Services & Emergency Management	Fire services has no concerns at this time. Subject to access route design and water supply requirements as per the NBC (AE), NFC (AE) and County Bylaws.
Capital and Engineering Services	<p>General:</p> <ul style="list-style-type: none"> • As per the application, the applicant is proposing redesignate the subject parcels within SE-14-25-28-W04M from Agricultural, General District (A-GEN) to Industrial, Heavy District (I-HVY) to facilitate future development of an auto recycling business. An accompanying Master Site Development Plan was also submitted. • Prior to the issuance of a future development permit, the applicant may be required to provide a detailed landscaping plan to the satisfaction of the County’s Municipal Lands department. • Prior to the issuance of a future development permit, the applicant may be required to submit a Construction Management Plan addressing noise mitigation measures, traffic accommodation, sedimentation and dust control, management of stormwater during construction, erosion and weed control, construction practices, waste management, firefighting procedures, evacuation plan, hazardous material containment and all other relevant construction management details. <p>Geotechnical:</p> <ul style="list-style-type: none"> • Based on a desktop GIS review, slopes steeper than 15% were not identified on the subject lands. • Engineering has no requirements at this time.

AGENCY	COMMENTS
	<p>Transportation:</p> <ul style="list-style-type: none"> • The existing lot gains access off Township Road 252, which is currently a gravel road that is classified as a Network B Road on the Long Range Transportation Network. <ul style="list-style-type: none"> ○ Prior to the issuance of a future development permit, any approach upgrades shall be in accordance with the County Servicing Standards and to the satisfaction of County Road Operations. • The subject parcel is also adjacent to Range Road 281, which is also currently a gravel road that is classified as a Network B Road on the Long Range Transportation Network. • As per Policy 14.22 of the County Plan, all business development outside of a business area should have direct and safe access to a paved County road or Provincial highway. • As per Policy 22.1 of the Conrich Area Structure Plan, a Transportation Impact Assessment is required as part of the local plan preparation. <ul style="list-style-type: none"> ○ At this time, the applicant shall submit a TIA, prepared by a qualified professional, assessing the impacts of the proposed development on the municipal road network and consider the impact of planned and/or approved subdivision developments in the surrounding area. • Prior to the issuance of a future development permit, <ul style="list-style-type: none"> ○ the applicant shall be required to provide payment of the Transportation Off-Site Levy, in accordance with the applicable levy at time of subdivision approval, for the total gross acreage of the developable area. ○ the applicant will be required to enter into a Development Agreement with the County for the improvement of Township Road 252 to a Regional Transitional Paved standard in accordance with the requirements of the County's Servicing Standards. The applicant will be eligible to receive cost recoveries from others for fronting the costs associated with the construction of offsite infrastructure which provides direct benefit to others. <p>Sanitary/Waste Water:</p> <ul style="list-style-type: none"> • As per the MSDP, the applicant is proposing to utilize the existing PSTS system to support the auto recycling business. As per Policy 23.15 of the Conrich Area Structure Plan, all new development shall connect to the County's wastewater system. • The applicant provided a Wastewater Demand Analysis prepared by a Osprey Engineering Inc., dated September 30, 2024. The report is currently under review by Engineering Services. <p>Water Supply and Waterworks:</p> <ul style="list-style-type: none"> • As per the MSDP, the applicant is proposing to utilize the existing groundwater well to support the auto recycling business. As per Policy 23.9 of the Conrich Area Structure Plan, all new development shall connect to the County's potable water system. • A Rocky View County Transmission Line runs adjacent to the east side of the subject parcel. Based on a desktop GIS review, there appears to be a service connection to the subject parcel.

AGENCY	COMMENTS
Agriculture & Environment Services	<ul style="list-style-type: none"> • The applicant provided a Potable Water Demand Analysis prepared by a Osprey Engineering Inc., dated September 30, 2024. The report is currently under review by Engineering Services. <p>Storm Water Management:</p> <ul style="list-style-type: none"> • The applicant provided a Conceptual Stormwater Management Plan prepared by a Osprey Engineering Inc., dated September 30, 2024. The report is currently under review by Engineering Services. • Prior to the issuance of a future development permit, the applicant will be required to provide payment of the stormwater levy, in accordance with the applicable levy bylaw. <p>Environmental:</p> <ul style="list-style-type: none"> • Based on a desktop review, there appears to be environmentally sensitive features near the development. • Prior to the issuance of a future development permit, the applicant shall submit a Biophysical Impact Assessment prepared by a qualified professional to support the proposed development. <ul style="list-style-type: none"> ○ Should any wetlands be directly impacted by the proposed development, prior to the issuance of a future development permit, the applicant/owner will be required to provide an updated Biophysical Impact Assessment (BIA) conducted by a qualified professional that assesses the existing wetland and the impacts the proposed development will have on the wetland. The BIA shall also provide recommendations on mitigation and compensation measures to address the impacts to the wetland.

Circulation Period: July 30, 2024, to August 30, 2024.

From: [Baljinder Judge](#)
To: [Oksana Newmen](#)
Subject: File# 05314001 application number pL20230146. Division 5
Date: Tuesday, August 20, 2024 1:02:52 AM

Dear sir

My name is Baljinder Singh judge I am not in favour of this development this will create trouble in the area like noise pollution and soil contamination because I own property next to this

Thank you

Regard

From: [Tanya Cairney](#)
To: [Oksana Newmen](#)
Subject: FW: File # 05314001 Application number pl 20230146 Division 5
Date: Wednesday, August 21, 2024 10:02:01 AM

FYI

TANYA CAIRNEY

Call Center Representative | Planning

ROCKY VIEW COUNTY

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

Phone: 403-520-8158

tcairney@rockyview.ca | www.rockyview.ca

-

This e-mail, including any attachments, may contain information that is privileged and confidential. If you are not the intended recipient, any dissemination, distribution or copying of this information is prohibited and unlawful. If you received this communication in error, please reply immediately to let me know and then delete this e-mail. Thank you.

From: Joginder Jhand [REDACTED]
Sent: Wednesday, August 21, 2024 9:53 AM
To: PAA_Development <Development@rockyview.ca>
Subject: File # 05314001 Application number pl 20230146 Division 5

Dear Sir/Madam

I am not in favour of in this development . This will create noise pollution and soil contamination that will be not good for the environment and natural habitat. Secondly I own the property next to that property.

Thanks Joginder Jhand

From: [N. McElroy](#)
To: [Oksana Newmen](#); [Rhonda Pusnik](#)
Subject: File # 05314001
Date: Monday, August 12, 2024 9:28:31 AM

Good morning,

I'd like to register my opposition to the proposed redesignation from Agriculture, General District to Industrial, Heavy District on SE-14-25-28-WO4M.

This parcel is less than a mile from our property, is located in an agricultural area and is not a fit with our community. Sadly our community has become known as a dumping ground not only for garbage, refrigerators, mattresses and other furniture but last week's shooting of one of your own marks at least the 5th corpse in our immediate area over the last 15 years! Now you want to bring in dead cars to add to the ambience? NO THANK YOU! I trust you will do the right thing and maintain this agricultural community just as it has been since our grandfather who came here in 1890 to farm. You'll be doing all of us a favour.

Best wishes,

Nancy McElroy

From: [Sahib Judge](#)
To: [Oksana Newmen](#)
Cc: [Questions](#)
Subject: Land proposal (file #05314001) (app. # pl20230146)
Date: Tuesday, August 20, 2024 12:37:06 PM

Hello Oksana,

We do not feel that we would like the land to be used in this fashion, we believe it would have a significant negative impact on the land around the area. The land may become contaminated which is a serious concern to business owners already in the vicinity. Thank you,

-Sahib Judge.

From: [Matt McElroy](#)
To: [Oksana Newmen](#)
Subject: File PL202301446
Date: Friday, August 9, 2024 11:19:05 AM

As I sit here pondering the last year of dealing with this file frustration is the only viable term that would sum up my experience with this nightmare of a project. The dozens of letters and phone calls to the municipality seem to have fallen on deaf and indifferent ears. Your letter to me states that the development of an auto recycling business which is being applied for is very misleading since this garbage dump has been operating on that premise for two years. This happened inspite of our municipality being fully aware of its activities. It's unsightly appearance was detected by area residents early on and inspite of blatant disregard the a negative community response was allowed to operate as a business. The bylaws and protocols put in place by the municipality where all ignored by this fly by night operation. Inspite of the negative thoughts and response from the community this ugly eyesore was allowed to flourish with seemly a positive response from the municipality. Now we have gone from a small operation with a few derelict cars to literally hundreds of them in a mess that is a real benefit to a community of rural agriculture people. This seems to be the pattern of what my municipality is looking for as many similar operations are being accommodated. So much for the sermons of seventy's and eighty's where your agricultural department preached substantial agricultural at its citizens. Now the area I live in looks like garbage dump alley as the municipality rushes to accommodate the people looking for a place to house their junkyards. So much for the cultivation of my community as the municipality accommodates this style of depressing new eyesores. What a disservice you are doing to your citizens and what a gross violations of your mandates. If you approve this particular enterprise then all other people should be accommodated for what ever they wish to do with there properties as it looks like there is no standard low enough for the municipality. This is a disgusting display of governance and should be called out for what it is and that is politicians with no respect for there citizens and future development that sets proper standards for a respectable community. Lastly and more importantly it is well known that this style of operation attracts criminal activities. We have had a abundance of activities that are of the criminal nature including the recent shooting of a municipal worker. This is not isolated as number of people have been found murdered in our community. The list of criminal activities is large and growing in this area. Going on line and reading about these car recycling businesses doesn't give you a sense of encouragement as to having them in the neighborhood. Shake your heads Rocky Views decision makers this has become a huge problem and will only get more of a problem as you approve this style of operation. Remember they have already shown their character by the way they have snuck around and misused the subdivision process by the way they misrepresented themselves during this process. Please spare me from having this operation as a neighbor. Yours truly Matthew McElroy.

From: [Matt McElroy](#)
To: [Oksana Newmen](#)
Subject: The games people play.
Date: Sunday, August 11, 2024 5:44:09 PM

As soon as I seen the applicatants name I knew the nature of this project would be as slimy as they come. As I thought about the way this project was promoted I knew that it was being guided by a person of unscrupulous principles. For the last year the process has been one of the less opposition knows the better. In spite of numerous inquiries I always felt that I was being kept in the dark. As I would ask what is going on I would be shuffled onto the next person. I believe that this is part of the procedure to irritate the people in opposition to the project in question. This would put the opposition in a state of hopelessness as they try to gain information on project being discussed. Indeed I can confirm that this way of dealing with the constituents in opposition seeking information on the project to be very effective. Even in the letter of information to me proved to be very aggravating as the contact person in charge of this file was on holidays and unavailable until after the date provided on the letter. Numerous phone call attempts turned out to be similar in nature including a call to my councillors number leaving you with the impression that your concerns where not important. That is a thyme that I have heard from a large number of fellow citizens trying to get things done at Rocky View County. One of the worst experiences they have had done is dealing with the county on any level and getting anything done is impossible. I am hoping to be pleasantly surprised and find out that my opposition to this unwanted project is taken seriously and not thrown into the garbage can as a mindless joke. The opposition I can assure you is well established so don't be quick to write this off as a inconsequential opposition and pay heed to the fact that our neighbouring is saying no to this unwanted intrusion into our lives.

From: [DanBrunette/SeelServices](#)
To: [Oksana Newmen](#)
Subject: Subject: File # 05314001 application number pL20230146. Division 5
Date: Thursday, August 29, 2024 9:07:14 PM

Hello, I'm writing as the direct neighbor to Jim Roberts or Babalon auto parts I'm the closest neighbor directly across the tracks located at 281118 twp 252 and I'd like to express my favor to the development plan proposed the gentlemen that have acquired the property. They are very courteous and neighbor friendly and I look forward to an on going relationship as they are a great help to everyone around. If you have any questions or concerns please feel free to give me a call Dan [REDACTED] and thank you for your time.

Sent from Proton Mail for iOS

ATTACHMENT E: POLICY REVIEW

Definitions		
Consistent	Generally Consistent	Inconsistent
Clearly meets the relevant requirements and intent of the policy.	Meets the overall intent of the policy and any areas of inconsistency are not critical to the delivery of appropriate development.	Clear misalignment with the relevant requirements of the policy that may create planning, technical or other challenges.

Municipal Development Plan (County Plan)	
The Planning Framework	
4.1	<i>Where an area structure plan or subordinate plan is silent on a policy matter contained in this Plan, the policies of the County Plan shall apply.</i>
Consistent	The application has been evaluated and policies applied per the relevant statutory document(s).
Financial Sustainability – Development	
6.1	<i>Direct new development to areas of existing infrastructure.</i>
Inconsistent	The immediate area is agricultural, and beyond existing roadways, no infrastructure development has occurred in the area.
6.2	<i>On-site and off-site hard infrastructure costs related to new development are the developer's responsibility.</i>
Inconsistent	The applicant has not provided sufficient detail of the proposed operation, and no supporting documentation of use or need, to determine what infrastructure costs might be.
6.3	<i>Developers are strongly encouraged to build, or contribute to the building of soft infrastructure.</i>
Inconsistent	The applicant has not indicated any contribution to soft infrastructure.
6.4	<i>All identified hard infrastructure, or land necessary for infrastructure placement, shall be provided by the developer as part of the subdivision or development permit approval process.</i>
Inconsistent	The applicant has not provided sufficient detail of the proposed operation, and no supporting documentation of use or need, to determine what infrastructure costs might be.
6.5	<i>Depending on the scope and scale of a proposed development, a fiscal impact analysis of the proposed development shall be required, in accordance with County Policy.</i>
Inconsistent	The applicant has not provided sufficient detail of the proposed operation, and no supporting documentation of use or need, to determine what infrastructure costs might be.
Financial Sustainability – Operating	
6.8	<i>Direct the majority of new commercial and industrial businesses to locate in the business areas identified on Map 1.</i>
Consistent	Map 1 identifies Conrich as a Regional Business Centre and Full Service Hamlet. The site is located in the Conrich ASP, and is therefore consistent.

Environment – Stormwater and Wastewater	
7.6	<i>Require environmentally sustainable wastewater disposal practices to protect watersheds and surface/ground water quality. Wastewater treatment systems should not exceed the land's carrying capacity.</i>
Inconsistent	The applicant has not provided sufficient detail of the proposed operation, and no supporting documentation to determine wastewater requirements.
7.7	<i>Effectively treat stormwater to protect surface water, riparian areas, and wetlands.</i>
Inconsistent	The applicant has not provided sufficient detail of the proposed operation, and no supporting documentation to determine stormwater requirements.
7.8	<i>Encourage and support Low Impact Development as an approach to treat and manage stormwater.</i>
Inconsistent	The applicant has not provided sufficient detail of the proposed operation, and no supporting documentation to determine if Low Impact Development is possible.
7.9	<i>Stormwater treatment should avoid the use of natural wetlands.</i>
Inconsistent	The applicant has not provided sufficient detail of the proposed operation, and no supporting documentation to determine stormwater requirements.
7.10	<i>Support the use of constructed stormwater wetlands for treatment and storage of surface runoff.</i>
Inconsistent	The applicant has not provided sufficient detail of the proposed operation, and no supporting documentation to determine stormwater requirements.
Environment – Land and Environmental Stewardship	
7.12	<i>Encourage the efficient use of rural land and infrastructure by directing residential, commercial, and industrial development to the defined growth areas and by encouraging infill development within those areas.</i>
Generally Consistent	Map 1 identifies Conrich as a Regional Business Centre and Full Service Hamlet. The site is located in the Conrich ASP, however on the farthest edge, where development has yet to reach.
7.13	<i>Support the conservation and effective management of riparian areas and wetlands in accordance with County Policy.</i>
Inconsistent	The applicant has not provided sufficient detail of the proposed operation, and no supporting documentation to determine how wetlands on site will be addressed.
7.15	<i>Encourage development to retain and reintroduce natural habitat and native grasslands.</i>
Inconsistent	The applicant has not provided sufficient detail of the proposed operation, and no detail regarding natural habitat or native grassland retention or reintroduction.
7.16	<i>Development shall be planned, designed, and constructed to protect alluvial aquifers.</i>
Inconsistent	The applicant has not provided sufficient detail of the proposed operation, and no supporting documentation regarding aquifers.
7.17	<i>Development applications may require the preparation and implementation of a bio-physical impact assessment to protect environmentally sensitive areas.</i>
Inconsistent	The applicant has not provided sufficient detail of the proposed operation, and no supporting documentation regarding biophysical impacts.
7.18	<i>Environmental site assessments shall be required when a previous use may have contaminated the proposed development area.</i>
Inconsistent	The applicant has not provided sufficient detail of the proposed operation, and no supporting documentation regarding possible prior contamination. In particular, the proximity to a rail line should be considered.

7.20	<i>Require the control and eradication of regulated weeds on private and public land in accordance with the provincial regulations and County Policy.</i>
Inconsistent	The applicant has not provided sufficient detail of the proposed operation, and no supporting documentation regarding weed control.
Environment – Construction Practices	
7.24	<i>Require best management construction practices to reduce wind and water erosion of soils and to suppress dust dispersion.</i>
Inconsistent	The applicant has not provided sufficient detail of the proposed operation, and no supporting documentation regarding best management construction practices.
7.25	<i>Encourage and support proper disposal and recycling of solid waste from construction.</i>
Inconsistent	The applicant has not provided sufficient detail of the proposed operation, and no supporting documentation regarding disposal and recycling has been provided.
Environment – Conservation	
7.29	<i>Maintain dark skies by:</i> <i>a. ensuring dark sky principles are incorporated when developing or amending area structure plans;</i> <i>b. requiring public and business lighting in outdoor areas to be downward directed and conform to the Land Use Bylaw; and</i> <i>c. encouraging residents to use downward directed lighting.</i>
Generally Consistent	The applicant has noted that dark sky principles will be considered
Agriculture – Land Use	
8.16	<i>All redesignation and subdivision approvals shall address the development requirements of section 29.</i>
Inconsistent	The applicant has not provided any technical reports or submissions.
Agriculture – Minimize Land Use Conflict	
8.25	<i>Discourage intrusive and/or incompatible land use in the agricultural area.</i>
Inconsistent	The nearest permitted industrial development is 3 kilometers to the southwest of the site, meaning that development in the area has not begun. The area remains agricultural. This application may be considered premature.
8.26	<i>Applicants proposing new residential, institutional, commercial, and industrial land uses shall design and implement measures to minimize their adverse impacts on existing agriculture operations, based on the County's 'agriculture boundary design guidelines.'</i>
Inconsistent	The applicant has not provided any detail regarding minimizing adverse impacts to agriculture.
Business Development – General Business	
14.2	<i>Direct business development to locate in identified business areas as identified on Map 1.</i>
Consistent	Map 1 identifies Conrich as a Regional Business Centre and Full Service Hamlet. The site is located in the Conrich ASP, and is therefore consistent.
14.3	<i>Encourage the infilling or intensification of existing business areas and hamlet main streets in order to complement other businesses, maximize the use of existing infrastructure, minimize land use conflicts with agriculture uses, and minimize the amount of traffic being drawn into rural areas.</i>

Inconsistent	The nearest permitted industrial development is 3 kilometers to the southwest of the site, meaning that development in the area has not begun. The area remains agricultural. This application may be considered premature, as there is no infrastructure (water, wastewater) that exists in the area yet. This operation will draw additional traffic into the rural area.
14.4	<i>A business area shall have an adopted area structure plan in place prior to development, with the exception of lands in business areas that already have the appropriate land use designation allowing business development.</i>
Consistent	The lands are located with the Conrich ASP.
14.6	<i>Business development shall address the:</i> a. <i>County's Commercial, Office, and Industrial Design Guidelines; and</i> b. <i>development review criteria identified in section 29.</i>
Inconsistent	The applicant has not provided any details regarding industrial design guidelines, and Section 29 criteria have not been met, as no technical reports have been submitted.
Business Development – Industrial Storage	
14.23	<i>Applications to redesignate land for industrial storage shall:</i> a. <i>Adhere to policies 14.19 to 14.22;</i> b. <i>Locate in a manner that minimizes traffic and dust on nearby lands;</i> c. <i>Provide a landscape and site development plan to reduce visual impact through the use of existing landscaping or topographical elements and visually attractive perimeter screening that incorporates vegetation, fencing, and/or berms; and</i> d. <i>Provide a management plan for the handling and storage of waste materials, including leakage from vehicles or other sources.</i>
Inconsistent	The applicant has not provided any justification for selecting this location to operate, and has not included any detail to reduce visual impact, nor the handling and storage of waste materials, including leakage from vehicles or other sources.
Transportation	
16.3	<i>New development shall make use of, extend, and enhance existing transportation infrastructure where feasible.</i>
Inconsistent	No technical study has been provided to determine if support to transportation infrastructure may be required. The application may be subject to transportation off-site levy at the development permit stage.
Transportation – Railways	
16.20	<i>Area structure plans and conceptual schemes in close proximity to active rail lines should provide the minimum building setback and/or buffering requirements requested by the rail line owners.</i>
Generally Consistent	CN rail noted 15m building setbacks and 1.83m high fence. The applicant provided a real property report that shows the existing buildings exceed this requirements. No detail about possible future development or buffering.
Utility Services – General	
17.1	<i>New development shall, in accordance with master plans:</i> a. <i>make use of, extend, and enhance existing utility infrastructure where feasible;</i> b. <i>provide water, wastewater, and shallow utility services; and</i> c. <i>provide stormwater systems where necessary.</i>
Inconsistent	The applicant has indicated that no water or wastewater beyond the existing dwelling is required, and does not intend to connect to the Conrich water and wastewater systems as required by the ASP. No technical studies pertaining to water, wastewater, or stormwater were submitted.

Utility Services – Water Supply	
17.6	<i>Water well performance and deliverability testing shall be required of all development relying on ground water, in accordance with the requirements of the Water Act.</i>
Inconsistent	The applicant has not provided any well performance information.
Utility Services – Wastewater Management	
17.10	<i>New business development shall provide wastewater treatment, in accordance with County Policy, by:</i> <i>a. connecting to, or constructing, regional or decentralized wastewater services; or</i> <i>b. using pump out tanks in non-serviced areas.</i>
Inconsistent	The applicant has indicated that no wastewater treatment beyond the existing dwelling is required, and does not intend to connect to the Conrich wastewater system as required by the ASP. No technical studies pertaining to wastewater were submitted.
17.12	<i>The ownership, operation, and maintenance of private on-site wastewater treatment systems, or wastewater holding tanks shall be the responsibility of the landowner.</i>
Consistent	The applicant has indicated that the existing system is a septic tank servicing the existing dwelling. It is anticipated the applicant maintains the system.
Utility Services – Stormwater	
17.14	<i>Stormwater shall be managed in accordance with provincial regulations. Where required and in accordance with provincial approvals, on-site stormwater may be effectively released into a downstream receiving water body in accordance with the following requirements:</i> <i>a. Stormwater shall be conveyed downstream in a manner that protects downstream properties; and</i> <i>b. Where required, proponents of new development shall identify and secure the downstream stormwater conveyance system.</i>
Inconsistent	The applicant has not provided any information or studies pertaining to stormwater management.
17.15	<i>Stripping, grading, or the placement of fill shall not alter the existing pattern of stormwater storage and/or movement across private land unless the activity complies with the Land Use Bylaw and a development permit has been issued for such activity.</i>
Generally Consistent	The applicant has not sufficiently detailed the operation or future operations. However, there is no apparent stripping or grading suggested as part of the application.
17.16	<i>Stormwater ponds required for stormwater storage and treatment shall be provided as per the Servicing Standards.</i>
Inconsistent	The applicant has not provided any information or studies pertaining to stormwater management.

Conrich Area Structure Plan C-7468-2015c	
Conrich Development Strategy	
7.1	<i>Local plans, land use redesignation, and new subdivision shall not be supported within the future policy area, as shown on Map 5.</i>
Not Applicable	Application is not in the future policy area.

7.2	<i>Notwithstanding Policy 7.1, development consistent with Section 12: Agriculture of this plan shall be allowed.</i>
Not Applicable	Application is not in the future policy area.
7.3	<i>Subdivisions approved prior to the adoption of this plan within the future policy area may proceed.</i>
Not Applicable	Application is not in the future policy area.
Industrial	
11.1	<i>All industrial development shall be located in the areas identified on Map 5.</i>
Consistent	The subject lands are located in the industrial heavy area shown on Map 5.
11.2	<i>Development of industrial uses should proceed in an orderly manner and be supported by cost effective and efficient changes to the County's existing infrastructure and transportation networks.</i>
Inconsistent	The subject lands are located in the furthest northeast corner of the ASP area, non-adjacent to any other ASP lands, in Phase 1 of the Conrich ASP. Developing this parcel is not orderly, logical, or sequential, however, as it is isolated from the remaining Phase 1 lands. Note: the proposed revisions to the Conrich ASP place the lands in Phase 2, should the amendments be adopted as presented.
Industrial - Land Use	
11.4	<i>Commercial and other business uses that are compatible with industrial uses, and have minimal impact on the local infrastructure, may be appropriate within an industrial area.</i>
Generally Consistent	Insufficient detail has been provided regarding the anticipated operations to determine if significant offsite nuisance factors are likely, though they are not anticipated based on the proposed use being an auto dismantler.
11.5	<i>Industrial uses with the potential for offsite impacts such as unsightly appearance, noise, odour, emission of contaminants, fire or explosive hazards, or dangerous goods may be located in the area identified as heavy industrial on Map 5.</i>
Consistent	The subject lands are located in the heavy industrial lands shown on Map 5.
Industrial - Local Plans	
11.6	<i>A local plan shall be required to support applications for industrial development. The local plan shall: a. ensure that the type of uses for the industrial area are consistent with those identified in Policies 11.3 to 11.5; b. where necessary, provide a strategy to mitigate offsite impacts; including noise reduction due to operations; c. address the policies of this plan regarding non-residential/residential interface areas, where required; d. address the County's Commercial, Office, and Industrial Design Guidelines and document how the local plan meets those guidelines; and e. provide landscaping, lot, and building design requirements that provide for high quality development.</i>
Inconsistent	The applicant has provided an MSDP, however there are no policies, no technical reports were included, little detail regarding the operations and site layout, and none of the required elements above have been addressed.
11.7	<i>All private lighting, including security and parking area lighting, shall be designed according to the County's 'dark sky' Land Use bylaw requirements, conserve energy, reduce glare, and minimize light trespass onto surrounding properties.</i>

Consistent	The MSDP notes (though there is no corresponding policy) that lighting will be in compliance with dark sky requirements, though no details are provided.
11.8	<i>Where appropriate and feasible, a local plan should incorporate policies that provide for green building techniques and energy efficient design.</i>
Not Applicable	The applicant has not clearly delineated the operation, though general understanding suggests that no new buildings are proposed.
Agriculture Interface	
13.1	<i>Until such time as the Agricultural Boundary Design Guidelines are adopted, the policies of this Plan shall guide the design of developments bordering agricultural lands.</i>
Inconsistent	The applicant makes reference to the guidelines, but provides no detail and there are no corresponding policies.
13.2	<i>Proposals for non-agricultural development adjacent to agricultural lands located either within or outside of the Plan boundary should incorporate buffering, siting, and design techniques to minimize negative impacts on agricultural lands.</i>
Inconsistent	The applicant has not provided any information on methods to minimize negative impacts on agricultural lands.
13.3	<i>Agricultural buffering techniques may include a combination of the following: a. barrier fencing to prevent access; b. vegetated berms; c. community agriculture plots; d. stormwater management facilities; e. ecological/vegetative buffers; f. use of topographic barriers such as slopes, roads, watercourses or wetlands; and g. increased setbacks for housing and other buildings.</i>
Inconsistent	The applicant has not provided any information on methods to minimize negative impacts on agricultural lands.
Natural Environment - Wetlands	
19.1	<i>Wetland protection shall be guided by County and provincial policy.</i>
Inconsistent	County records show three possible wetlands on site. The application notes there are no wetlands on site. No technical studies were provided to support that statement.
19.2	<i>The County shall require the use of the provincial system to determine wetland classification and relative wetland value.</i>
Consistent	County records show three possible wetlands on site. The application notes there are no wetlands on site. No technical studies were provided to support that statement.
19.3	<i>Local plans shall identify the classification and value of wetlands within the local plan area boundary. This shall be done as part of a wetland assessment, to be provided at the local plan preparation stage.</i>
Inconsistent	County records show three possible wetlands on site. The application notes there are no wetlands on site. No technical studies were provided to support that statement.
19.4	<i>Local plans shall determine, through consultation with the Province, whether wetlands are Crown-owned land.</i>
Inconsistent	County records show three possible wetlands on site. The application notes there are no wetlands on site. No technical studies and no suggestion of provincial correspondence were provided to support that statement.
19.5	<i>Wetlands, not claimed by the Crown, that have a high relative value should be dedicated as environmental reserve or environmental reserve easement.</i>

Inconsistent	County records show three possible wetlands on site. The application notes there are no wetlands on site. No technical studies were provided to support that statement.
19.6	<i>Wetlands that form part of a stormwater drainage conveyance system (Map 11) shall be retained.</i>
Inconsistent	The three wetlands identified are located on Map 11, which are adjacent to the regional conveyance system. The applicant has not completed technical studies, wetland or stormwater. No plan to address the wetlands has been provided.
19.7	<i>Where wetlands are not retained, developers shall provide for appropriate replacement, in accordance with provincial policy.</i>
Inconsistent	County records show three possible wetlands on site. The application notes there are no wetlands on site. No technical studies were provided to support that statement.
Reserves – Environmental Reserves	
20.11	<i>Lands that qualify as environmental reserve should be dedicated as environmental reserve or environmental reserve easement through the subdivision process, as per the Municipal Government Act.</i>
Inconsistent	County records show three possible wetlands on site. The application notes there are no wetlands on site. No technical studies were provided to support that statement, and therefore it can't be determined if environmental reserve is required.
20.12	<i>Other lands determined to be of environmental significance, but not qualifying as environmental reserve, should be protected in their natural state through alternative means as determined by the County.</i>
Generally Consistent	No biological assessment was completed to determine if any additional lands of environmental significance are located on site. However, the county does not anticipate the presence of any based on GIS/aerial cursory review.
20.13	<i>Environmental reserves should be determined by conducting:</i> <i>a. a biophysical impact analysis report;</i> <i>b. a geotechnical analysis; and/or</i> <i>c. other assessments acceptable to the County.</i>
Inconsistent	No biological assessment was completed to determine if any additional lands of environmental significance are located on site. However, the county does not anticipate the presence of any based on GIS/aerial cursory review.
Reserves –Reserve Analysis	
20.14	<i>A reserve analysis shall be required with the preparation of a local plan to determine the amount, type, and use of reserves owing within the local plan area.</i>
Inconsistent	No reserve analysis was completed.
20.15	<i>The reserve analysis shall include a determination of:</i> <i>a. the total gross area of the local plan;</i> <i>b. the type and use of reserves to be provided within the local plan area;</i> <i>c. other reserves owing on an ownership basis;</i> <i>d. the location of the reserve types and amounts in relation to the local plan area's overall open space system, with this information to be shown on a map; and</i> <i>e. the amount of residual reserves to be taken as money in place of land.</i>
Inconsistent	No reserve analysis was completed.
Transportation	
22.1	<i>A transportation impact assessment shall be required as part of the local plan preparation and/or subdivision application process.</i>

Inconsistent	No TIA was prepared.
22.2	<i>All subordinate transportation analyses must respect and conform to the Conrich Master Transportation Plan.</i>
Inconsistent	No TIA was prepared.
Transportation – Local Roads – Industrial and Commercial	
22.19	<i>Industrial areas should provide internal pathways and pathway connections to the regional trail network.</i>
Inconsistent	No pathway tie in or connection is discussion or proposed. The ASP does not include a specific requirement for pathway, however, Map 8 indicates a nearby conceptual possibility that may seek possible connection that could include this parcel.
Transportation – Development Adjacent to the Railway Line	
22.30	<i>Land uses (such as schools and child care services) which may be adversely affected by the safety and nuisance impacts of passing trains should not locate immediately adjacent to the railway.</i>
Not Applicable	The application is not sensitive to railway use.
22.31	<i>Appropriate safety measures and methods to provide noise and vibration attenuation for development adjacent to the railway should include such elements as setbacks, berming, and landscaped screening.</i>
Not Applicable	The application is not sensitive to railway use.
22.32	<i>Where a development site is located adjacent to the railway, the distance from the railway right-of-way to the closest part of any building should be in accordance with Canadian National Railway company policies and safety standards.</i>
Generally Consistent	CN rail noted 15m building setbacks and 1.83m high fence. The applicant provided a real property report that shows the existing buildings exceed this requirements. No detail about possible future development or buffering.
Utility Services – Water	
23.9	<i>All new development shall connect to the County's potable water system.</i>
Inconsistent	A Rocky View County Transmission Line runs adjacent to the east side of the subject parcel with a service connection to the subject parcel. The applicant has indicated that no additional water use beyond that existing for the dwelling is needed. No technical reports (water demand analysis) has been provided.
23.10	<i>A water use assessment conforming to the Conrich Potable Water Network Plan shall be required with local plan preparation, subdivision applications, and/or development permit applications to determine water demand and infrastructure required to meet that demand.</i>
Inconsistent	The applicant has indicated that no additional water use beyond that existing for the dwelling is needed. No technical reports (water demand analysis) has been provided.
23.11	<i>Notwithstanding Policy 23.9 and 23.10, the following uses may be allowed to attain their potable water from water wells in accordance with County and provincial requirements;</i> <i>a. country residential, 'work/live', and agriculture land uses; and</i> <i>b. golf course playing areas.</i>
Not Applicable	The application is land use and MSDP for an auto-dismantler, and do not meet these categories.

Utility Services – Wastewater	
23.15	<i>All new development shall be required to connect to the County's wastewater system.</i>
Inconsistent	The applicant has indicated that no additional wastewater use beyond that existing for the dwelling is needed. No technical reports (wastewater servicing study) has been provided.
23.16	<i>A wastewater servicing study conforming to the Conrich Wastewater Servicing Plan shall be required with local plan preparation, subdivision applications, and/or development permit applications to determine wastewater demand and infrastructure required to meet that demand.</i>
Inconsistent	The applicant has indicated that no additional wastewater use beyond that existing for the dwelling is needed. No technical reports (wastewater servicing study) has been provided.
23.17	<i>Notwithstanding Policy 23.15 and 23.16, country residential, 'work/live', and agriculture land uses may provide wastewater service by a private sewage treatment system in accordance with County policy and provincial regulation.</i>
Not Applicable	The application does not meet this criteria.
23.18	<i>Sump pumps and stormwater drainage systems shall not be connected to the wastewater system.</i>
Inconsistent	No details regarding drainage on the subject lands has been provided.
Utility Services – Emergency Service Infrastructure	
23.21	<i>All industrial and commercial buildings are required to provide fire suppression systems and shall be in compliance with the County's Fire Suppression bylaw.</i>
Inconsistent	No details have been provided regarding fire suppression.
Stormwater – Design	
24.2	<i>Until such time as a regional conveyance system is finalized, the stormwater drainage system (conveyance and storage areas) shall be designed to comply with the Shepard Regional Drainage Plan, the Cooperative Stormwater Management Initiative Plan, the Conrich Master Drainage Plan and the Western Headworks Stormwater Management Agreement (2013).</i>
Consistent	This is a requirement.
24.3	<i>Stormwater management systems should be designed at a scale that services the local plan area. The County discourages stormwater ponds designed for individual lots.</i>
Inconsistent	The application has not provided any technical studies regarding stormwater, specifically, a conceptual stormwater management report.
Stormwater – Interim Drainage Solutions	
24.11	<i>Until such time as a permanent stormwater management system is constructed, interim solutions may be allowed as per the phasing plan (Map 13). Options include: a. An interim stormwater facility designed to contain the accumulation of stormwater onsite on a continuing basis during the Western Irrigation District's irrigation season. Discharge to the canal system may be allowed at the end of the irrigation season, in accordance with Western Irrigation District's requirements and the CSMI plan. b. An irrigation or evaporation system that operates under zero discharge conditions may be allowed if the Western Irrigation District system is not available for use.</i>

Inconsistent	The application has not provided any technical studies regarding stormwater, specifically, a conceptual stormwater management report to determine stormwater solutions.
24.12	<i>Where an interim stormwater solution is permitted, those portions of stormwater ponds identified for interim storage may remain as privately owned land if the land is designated to a district that is limited to utility and other complimentary uses.</i>
Inconsistent	The application has not provided any technical studies regarding stormwater, specifically, a conceptual stormwater management report to determine stormwater solutions.
24.13	<i>Where a private interim storage pond is approved:</i> <i>a. Access to the stormwater pond shall be provided to the County;</i> <i>b. A management and operation plan for the interim stormwater pond and local stormwater system shall be provided;</i> <i>c. Management and operation of the interim stormwater pond and local stormwater system is the responsibility of the private landowner; and</i> <i>d. A transition plan that addresses the transfer of the stormwater infrastructure to the County, when an interim solution is no longer required is provided.</i>
Inconsistent	The application has not provided any technical studies regarding stormwater, specifically, a conceptual stormwater management report to determine stormwater solutions.
Stormwater – Local Stormwater Management	
24.15	<i>The location of the natural stormwater drainage conveyance system shall be protected and acquired as part of the development process, in general accordance with Map 11 and the Master Drainage Plan.</i>
Inconsistent	The application has not provided any technical studies regarding stormwater, specifically, a conceptual stormwater management report to determine needed protections.
24.16	<i>Stormwater conveyance systems should develop in an orderly, logical, and sequential pattern of development.</i>
Inconsistent	The subject lands are located in the furthest northeast corner of the ASP area, non-adjacent to any other ASP lands, in Phase 1 of the Conrich ASP. Developing this parcel is not orderly, logical, or sequential, however, as it is isolated from the remaining Phase 1 lands. Note: the proposed revisions to the Conrich ASP place the lands in Phase 2, should the amendments be adopted as presented.
24.17	<i>Stormwater shall be conveyed downstream in a manner that protects downstream properties.</i>
Inconsistent	The application has not provided any technical studies regarding stormwater, specifically, a conceptual stormwater management report to determine needed protections.
24.18	<i>Where required, proponents of new development shall identify and secure, in consultation with the County, the downstream stormwater conveyance system.</i>
Inconsistent	The application has not provided any technical studies regarding stormwater, specifically, a conceptual stormwater management report to determine needed protections.
24.19	<i>Stormwater conveyance systems must provide a right-of-way of sufficient width to accommodate upstream stormwater flow.</i>
Inconsistent	The application has not provided any technical studies regarding stormwater, specifically, a conceptual stormwater management report to determine needed accommodations.

Stormwater – Stormwater Ponds, Constructed Wetlands, and Wetlands	
24.20	<i>Stormwater ponds or constructed wetlands should be located:</i> <i>a. in general accordance with the locations identified in the Conrich Master Drainage Plan;</i> <i>b. on an accessible public utility lot; and</i> <i>c. outside of the riparian setback area.</i>
Inconsistent	The application has not provided any technical studies regarding stormwater, specifically, a conceptual stormwater management report to determine needed facilities.
24.21	<i>Natural wetlands and/or natural drainage courses that are retained should receive treated stormwater through direct or indirect flow in order to maintain the value of the wetland and the drainage course.</i>
Inconsistent	The application has not provided any technical studies regarding stormwater, specifically, a conceptual stormwater management report to determine needed protections.
Stormwater – Reduce, Recycle, and Reuse	
24.23	<i>As part of preparation of a local plan and supporting sub-catchment master drainage plan, best management practices, and alternative solutions for the improvement of stormwater quality and reduction of stormwater quantity are required. Solutions may include:</i> <i>a. design of stormwater facilities to incorporate source controls in order to reduce the amount of water moving down stream and the need for end-of-pipe stormwater treatment solutions;</i> <i>b. use of low impact development methods, such as constructed wetlands and bio-swales;</i> <i>c. reduction of impermeable surface runoff;</i> <i>d. reuse of stormwater for irrigation; and</i> <i>e. consideration of stormwater ponds at the sub-regional level to support the reuse of stormwater.</i>
Inconsistent	The application has not provided any technical studies regarding stormwater and possible solutions.
Stormwater – Standards and Design	
24.24	<i>Stormwater infrastructure shall be constructed, operated, and maintained in accordance with the County servicing standards, County policy, and provincial regulations. The stormwater management system should be designed to:</i> <i>a. operate on a gravity basis;</i> <i>b. wherever possible, use the stormwater drainage conveyance system, as generally shown on Map 11;</i> <i>c. accommodate stormwater flows from adjacent transportation networks;</i> <i>d. preserve the value of existing wetlands; and</i> <i>e. conform to an urban standard where a curb and gutter transportation system is provided.</i>
Inconsistent	The application has not provided any technical studies regarding stormwater and possible solutions.
24.25	<i>Stormwater conveyance alignments and ponds are shown conceptually on Map 11. Alternate and more cost effective alignments may be considered at the local plan stage if it can be shown that the impact on wetlands within the identified conveyance system is reduced through the use of an alternative alignment.</i>
Inconsistent	The application has not provided any technical studies regarding stormwater and possible solutions.

24.26	<i>As part of a local plan preparation process, the applicant shall submit a sub-catchment master drainage plan that is consistent with the approved Master Drainage Plan and the policies of this plan.</i>
Inconsistent	The application has not provided any technical studies regarding stormwater and possible solutions.
24.27	<i>A sub-catchment master drainage plan for a local plan area shall comply with any new stormwater plans, management policies, and interim servicing policies that may be introduced after the adoption of this plan.</i>
Inconsistent	The application has not provided any technical studies regarding stormwater and possible solutions.
Solid Waste	
25.1	<i>The developer shall be responsible for the management and disposal of solid waste generated through all stages of construction.</i>
Not Applicable	The application provides limited information about the specifics of the proposed operation, however, no construction is anticipated
25.2	<i>Waste minimization and waste diversion practices are encouraged in the plan area. A diversion target of 50 per cent is recommended.</i>
Inconsistent	The application provides limited information about the specifics of the proposed operation and waste diversion and minimization.
25.3	<i>A local plan should:</i> <i>a. address solid waste management through all stages of development, including occupancy;</i> <i>b. identify the appropriate waste collection stations that serve the local plan area;</i> <i>c. conform to the policies of the County's Solid Waste Master Plan; and</i> <i>d. set a solid waste diversion target to inform the subdivision construction management plan.</i>
Inconsistent	The application provides limited information about the specifics of the proposed operation, and no waste diversion and minimization information.
Solid Waste – Industrial and Commercial	
25.4	<i>Industrial and commercial business owners shall be responsible for providing their own solid waste services.</i>
Inconsistent	The application provides limited information about the specifics of the proposed operation, and no waste management information.
Implementation – Local Plans, Redesignation, Subdivision, and Development Applications	
27.1	<i>Applications for redesignation, subdivision, and/or development require the concurrent or prior adoption of a local plan, unless otherwise directed by the policies of this plan or determined by the County not to be required.</i>
Inconsistent	A local plan is required for industrial applications per policy 11.6. An MSDP was submitted, but contains no policies, no technical studies, and insufficient operational and site layout operation to make an evaluation.
27.2	<i>Notwithstanding Policy 27.1, applications for a development permit in an area where a land use has been approved prior to the adoption of this plan do not require a local plan.</i>
Not Applicable	The subject lands do not have appropriate land use.
27.3	<i>Local plans shall address and adhere to the requirements of the Conrich Area Structure Plan. In support of local plans and redesignation applications, the developer will be required to submit a rationale showing how their proposal is consistent with the vision and policies of the Conrich Area Structure Plan.</i>

Inconsistent	No rationale has been submitted.
Implementation – Infrastructure Costs and Levies	
27.9	<i>As part of the local plan approval process the identification, timing, and funding of any required off-site improvements is required. Off-site improvements that are: a. internal to the plan area will be determined to the satisfaction of the County; or b. external to the plan area, including provincial or adjacent municipal infrastructure will be determined to the satisfaction of the County, in consultation with the relevant municipality and/or provincial department.</i>
Inconsistent	As no technical studies have been prepared, and insufficient information regarding the specific operations of the proposed business has been provided, Administration can't determine if offsite improvements may be required.
27.11	<i>Costs associated with transportation and/or utility service improvements are the developer's responsibility.</i>
Consistent	This will be required as part of a development permit application.
27.13	<i>Development proponents shall be required to pay the Rocky View County: a. Water and Wastewater Off-Site Levy; b. Stormwater Off-Site Levy; and c. Transportation Off-Site Levy.</i>
Consistent	This will be required as part of a development permit application.
Implementation – Phasing	
27.14	<i>Phasing of development in the Conrich Area Structure Plan area should be done in a logical and cost effective manner and shall be guided by the phasing strategy of this plan, as shown on Map 13.</i>
Inconsistent	The subject lands are located in the furthest northeast corner of the ASP area, non-adjacent to any other ASP lands, in Phase 1 of the Conrich ASP. Developing this parcel is not orderly, logical, or sequential, however, as it is isolated from the remaining Phase 1 lands. Note: the proposed revisions to the Conrich ASP place the lands in Phase 2, should the amendments be adopted as presented.
27.15	<i>Phase 1 lands may proceed with development subject to the policies of this plan. If Phase 1 lands proceed to development, an irrigation or evaporation system under zero discharge conditions shall be constructed as referenced in Policies 24.11-24.14, until such time as a regional solution has been chosen and mechanisms to implement the construction of the system have been identified.</i>
Generally Consistent	The subject lands are located in the furthest northeast corner of the ASP area, non-adjacent to any other ASP lands, in Phase 1 of the Conrich ASP. Developing this parcel is not orderly, logical, or sequential, however, as it is isolated from the remaining Phase 1 lands. Note: the proposed revisions to the Conrich ASP place the lands in Phase 2, should the amendments be adopted as presented.
Implementation – Technical Requirements and Submissions	
27.21	<i>Local plans shall address the requirements as set out in the policies of this plan and Section 29 and Appendix C of the County Plan.</i>
Inconsistent	The applicant has provided an MSDP, however there are no policies, no technical reports were included, little detail regarding the operations and site layout, and none of the required elements above have been addressed.
27.22	<i>All planning or development applications, and any associated infrastructure construction, should meet the technical requirements of the County Plan, County Land Use bylaw, Conrich Area Structure Plan and associated technical studies, relevant local plan, County servicing standards, County policy, and provincial and federal requirements.</i>

Inconsistent	The applicant has provided an MSDP, however there are no policies, no technical reports were included, little detail regarding the operations and site layout, and none of the required elements above have been addressed.
Intermunicipal Coordination and Cooperation	
28.3	<i>Intermunicipal circulation of planning proposals shall comply with the Municipal Government Act, the Rocky View/Calgary Intermunicipal Development Plan and any other agreement(s) or new intermunicipal development plan(s) jointly approved by adjacent municipal councils.</i>
Consistent	The applications were circulated as required.
Intermunicipal Coordination and Cooperation – Rocky View County – City of Chestermere	
28.4	<i>Development adjacent to the city of Chestermere shall be coordinated between Rocky View County and the City of Chestermere, or as otherwise required by any future intermunicipal development plan.</i>
Not Applicable	Outside of Chestermere IDP referral area.
Intermunicipal Coordination and Cooperation – Rocky View County – The City of Calgary	
28.7	<i>Planning and development applications within the entire Conrich Area Structure Plan area shall be circulated to The City of Calgary for transportation review and comment in accordance with the circulation and response timelines as per the Rocky View County/City of Calgary Intermunicipal Development Plan.</i>
Consistent	The application was sent to the City of Calgary, who had no comments.

Land Use Bylaw C-8000-2020	
I-HVY Industrial, Heavy District	
444	<i>PURPOSE: To provide for a range of industrial activity that may have off-site nuisance impacts, including support services and storage.</i>
Consistent	The proposed auto-dismantling operation is an appropriate use for this land use.
445	<i>DISCRETIONARY USES: outdoor storage; industrial, heavy</i>
Consistent	The proposed auto-dismantling operation is a discretionary use for this land use.
450	<i>ADDITIONAL REQUIREMENTS: a) A minimum of 10% of the lands shall be landscaped b) Storage shall be screened from public ROWs and adjacent parcels</i>
Inconsistent	The applicant intends to request relaxation of the 10% requirement, and notes there may be trees that serve the purpose. No evaluation was provided regarding support of this suggestion. The application seeks to address the matter through the development permit.

MASTER SITE DEVELOPMENT PLAN

281044 TOWNSHIP ROAD 252

SE ¼ SECTION 14 25-28 W4TH

Introduction

This Master Site Development Plan (MSDP) proposes compliance with an enforcement file accommodating a land Use Application and development of an un-serviced industrial storage yard to accommodate a professionally managed and maintained dismantling operation that capitalizes on low proximity to residential neighbors and is within existing industrial areas as identified in the ASP for the area.

The MSDP is intended to describe the development within the context of the County's Municipal Development Plan (The County Plan); the Area Structure plan (C-7468-2015) and the Servicing Standards.

The MSDP describes how the site may be developed with an industrial storage yard including:

- A comprehensive assessment of existing site conditions;
- An illustrative development concept to establish expectations for how the proposed storage yard is to be developed;
- An assessment of stormwater management, transportation and utility servicing infrastructure that exists supporting the project; and
- Any implementation strategies considered.

The MSDP also demonstrates how the project can proceed without negatively impacting existing adjacent businesses, residential lots and/or surrounding agricultural parcels.

This MSDP is located within an approved Area Structure Plan, and as such, it is prepared in accordance with the Other Business Development policies of County Plan (Bylaw C-7280-2013).

Vision and Rationale

James Roberts has owned the Property for many years and has contemplated the changes that were illustrated in the Conrich Area Structure Plan he has been in the Area and in the Calgary Region for many Decades. Babylon Recycling is currently working through a Purchase Agreement and is intending to operate it's business within County Policies as contemplated in the Conrich ASP

Babylon Recycling operates in the Calgary Region, presently runs their operation within the City of Calgary. Their existing operation is located in an Industrial/Commercial area of the City of Calgary This site is currently operating at capacity which is motivating the principles to consider developing another industrial storage yard in the area.

Over the past decade, Babylon has implemented an environmentally secure operation and believes the Roberts Property can best suit their current needs by accommodating a limited-service industrial storage purpose.

The MSDP area is located along Township Road 252, a gravel municipal road beside the CN Railway Tracks and a Crossing that is often blocked by trains waiting to get into the Marshalling Yard.

The MSDP area does not require the support of municipal utility servicing. The existing regional transportation network servicing the subject lands can support the normal traffic generation contemplated by this development. Stormwater management will be accommodated within the MSDP area and the development has little impact if any.

The MSDP area is located outside established business employment areas in Rocky View and Calgary and is situated within the ASP's established future industrial growth Area.

The proposed development of the MSDP area as an industrial storage yard will provide the County with an increased non-residential assessment which is consistent with Council's strategic objective to maintain the long-term financial viability of the County².

²Assessment Base Diversification Policy No. C-197

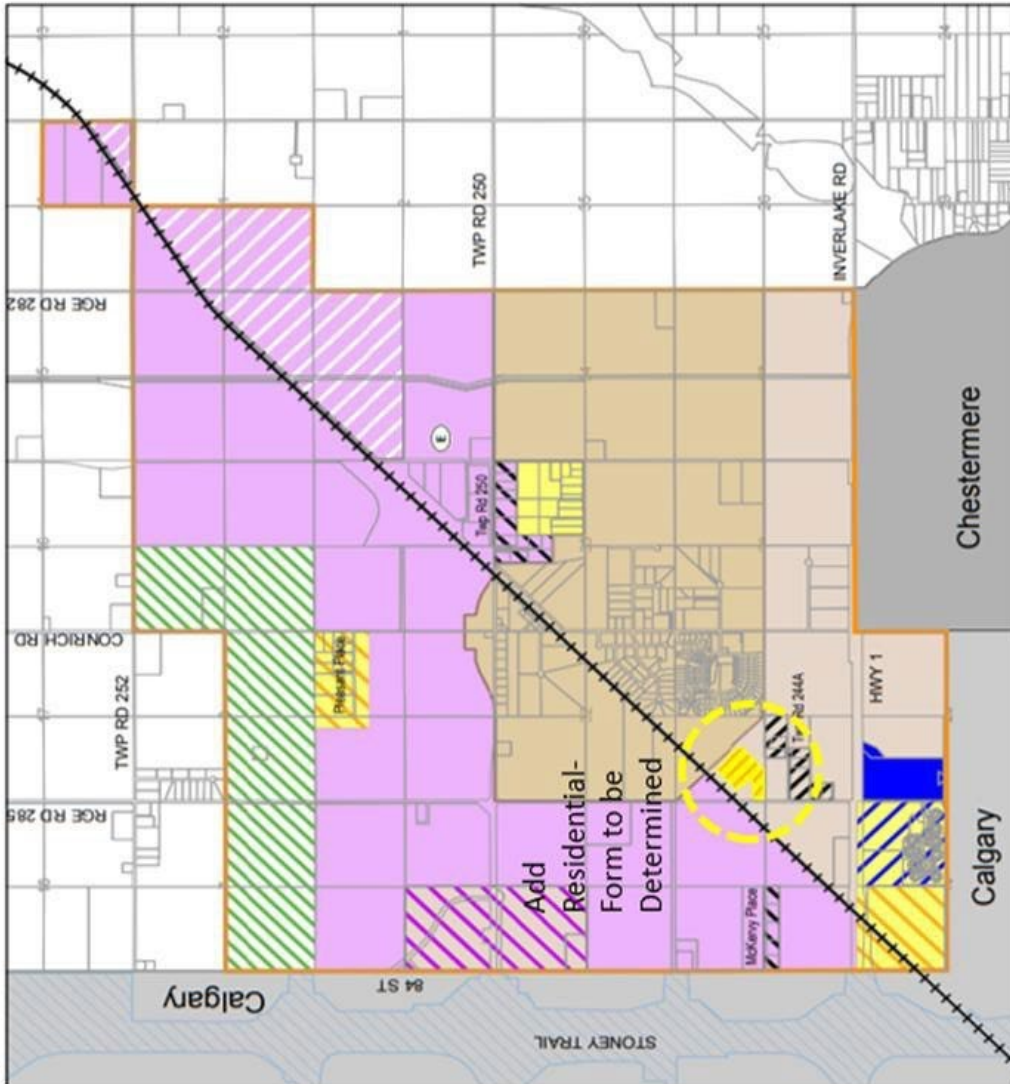
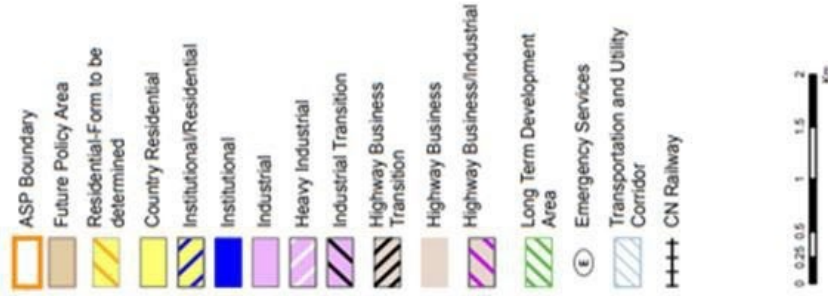
Area Context

As illustrated by **Map 5: Land Use Strategy in the Conrich Area Structure Plan**, the MSDP area is located directly east of Range Road 288, approximately 2.0 km North of Township Rd 250 (McKnight Blvd), beside the railway ROW in the NE Corner of the ASP Area

The Land use Strategy clearly indicates the Area is planned for Heavy Industrial land use and subdivision within the surrounding area is characterized by an evolving mix of rural business developments, and other Industrial uses.

Township Road 252 is more than adequate for the amount of traffic that exists or may increase with normal area growth, both of which provide important east-west transportation connections that facilitate efficient access to existing industrial business areas within Rocky View County and the City of Calgary. The subject lands are ideally-suited to accommodate the industrial business land uses outside of identified and established employment areas that are intended to accommodate more intensive business.

Map 5:
Land Use Strategy



This map is conceptual in nature. No measurements or area calculations should be taken from this map.



Existing Conditions

As illustrated by **Map 5**, the MSDP area is situated east of Range Road 282, approximately 2.0 km North of Township Road 250 (McKnight), on Township Road 252, and directly beside a Railroad Track and crossing.

As illustrated by **The Alberta Land Surveyor's Real Property Report**, the MSDP area is legally described as SE1/4 14-25-28-W4M and contains \pm ha (\pm 32 ac). The site contains undulating topography that slopes generally from northwest towards southeast and includes a mix of cultivated and non-native grasslands.

The subject land includes a single-family dwelling and associated accessory buildings developed in proximity to a mature shelterbelt. Servicing is provided by an existing private sewage treatment system (PSTS) and groundwater well. Access is provided from Township Road 252 via an existing approach and gravel driveway. The site also includes a Quonset used to store miscellaneous items and equipment situated in the west side of the parcel.

Historical Resource Considerations

The likelihood of the MSDP area containing historical and/or archaeological significance is considered low. Recently a Phase 1 Environmental report was completed with no adverse implications.

Biophysical Considerations

This land was previously Agricultural in nature and has no Biophysical Limitations. As illustrated by the Real Property Report the MSDP area contains no identified wetlands or water bodies that will influence the design of the proposed dismantling operation. There is no enhanced drainage need and as such no Stormwater problems are expected to arise.

Geotechnical Considerations

A brief Geotechnical Site Investigation was completed to assess conditions underlying the site and to establish specific mitigation recommendations that might be required to facilitate development within the MSDP area. The report's conclusions indicate that the sub-surface characteristics within the MSDP area are suitable for the proposed development and do not contain any significant constraints that might restrict the development proceeding.

Existing Land Use

The subject lands are presently designated as agriculture lands in accordance with the County's Land Use Bylaw (C-4841-97).

Lands in the area are planned to be industrial in nature in accordance with the Conrich Area Structure Plan (C-7468-2015). CN Rails operation in the area has spawned the need for Industrial Lands, this piece is the Northern most Industrial area of the ASP.

Development Concept

This MSDP contemplates the creation of an industrial storage yard to support outside storage of vehicles, equipment, materials and miscellaneous items associated with Babylon's dismantling business.

Access will be provided by Township Road 252 via the existing gravel approach leading to a gravel driveway that will generally follow the alignment of the existing gravel driveway already developed within the parcel.

Stormwater is not expected to be affected by the operation at all. The lack of need for a stormwater management system will ensure pre and post development surface drainage conditions are positively maintained, and no ponds will be required in accordance with the County Servicing Standards.

No identified wetlands are identified on the site will be determined at the development permit stage.

Landscaping will be provided in accordance with the requirements of the County's Land Use Bylaw and will generally be as the property is to screen the industrial storage area from Township Road 252 and provide an attractive gateway when viewed from surrounding lands.

Parts of the Southern portion of the industrial area will likely be enclosed with security fencing and no extensive security lighting is anticipated. Any lighting contemplated within the site will be designed with dark-sky compliant fixtures.

The existing dwelling is anticipated to remain and will be used as a caretaker's residence to provide surveillance and security for the site during non-business operating times.

Architectural Design Objectives

Detailed site plans for development will be provided by the developer at the development permit stage to address the following considerations:

- Specific size and location of industrial storage areas, stormwater management facilities and retained wetlands (if required);
- Size, setbacks and building heights and material finishes of any new structures in accordance with the requirements of the County's Land Use Bylaw (if required); and
- Treatment of parking, loading, signage and lighting in accordance with the County's Land Use Bylaw requirements (C- 4841-97).

Landscaping Objectives

Landscaping treatments for the primary land use of Industrial in a relatively unpopulated area seems redundant. The thought would be to request a relaxation from the 10% Landscaping requirement. There are many trees on the land that serve the purpose of screening the property as well as providing foliage suitable for the area. ,

- A landscaping plan shall be considered at the development permit stage.

Lighting Objectives

Development within the MSDP area is not expected to include significant outdoor lighting. However, if required to support operations after dark and/or to provide security, the developer will establish and maintain an outdoor lighting system that respects 'dark skies' within the rural area in accordance with Section 27 of the County's Land Use Bylaw (C-4841-97). The overall lighting design imperative will ensure that fixtures within the MSDP area minimize light pollution, glare and light trespass onto adjacent properties.

Signage Objectives

The implementation of signage within the MSDP area shall be consistent with the regulations established by Section 35 of the County's Land Use Bylaw (C-4841-97). The developer is expected to affix signage on the security fence situated adjacent to the site's main access from Township Road 252.

Fencing Objectives

As discussed previously, the developer is proposing to enclose portions of the site with security fencing in accordance with the prescribed regulations established by Section 35 of the County's Land Use Bylaw (C-4841-97). However, given the relatively large size of the parcel, and the practical restrictions that would prevent access, the developer may not enclose the entire site with security fencing. The specific design of the proposed fencing will be determined at the development permit stage.

Agricultural Boundary Design Considerations

The Southern Boundary of the MSDP area Township Road 252, and the balance of the land is relatively undeveloped. As such, the consideration of an appropriate agricultural boundary transition is not anticipated within the portion of the MSDP area. The North Western Boundary is beside the Railroad Tracks

However, the parcels situated directly east of the MSDP area include lands designated Agriculture – which could remain as such indefinitely. Specific design considerations should be implemented within the eastern portions of the industrial storage area to minimize the potential for conflict with these existing agricultural parcels.

The developer will propose specific design considerations at the development permit stage to implement the recommendations of the County's Agricultural Boundary Design Guidelines along the east boundary of the site.

Transportation

Traffic Impact Assessment

Additional Traffic is not anticipated to occur and as such a simple Traffic Generation Memo should suffice.

Utility Servicing

Servicing Concept

The proposed industrial storage yard is not anticipated to require any new servicing to support on-site operations.

The existing dwelling is proposed to continue operating as a caretaker's residence, and as such, the existing groundwater well and private sewage treatment system (PSTS) will remain as is.



BYLAW C-8571-2024

A bylaw of Rocky View County, in the Province of Alberta, to amend Rocky View County Bylaw C-8000-2020, being the *Land Use Bylaw*.

The Council of Rocky View County enacts as follows:

Title

1 This bylaw may be cited as *Bylaw C-8571-2024*.

Definitions

2 Words in this Bylaw have the same meaning as those set out in the *Land Use Bylaw* and *Municipal Government Act* except for the definitions provided below:

- (1) **“Council”** means the duly elected Council of Rocky View County;
- (2) **“Land Use Bylaw”** means Rocky View County Bylaw C-8000-2020, being the *Land Use Bylaw*, as amended or replaced from time to time;
- (3) **“Municipal Government Act”** means the *Municipal Government Act*, RSA 2000, c M-26, as amended or replaced from time to time; and
- (4) **“Rocky View County”** means Rocky View County as a municipal corporation and the geographical area within its jurisdictional boundaries, as the context requires.

Effect

3 THAT Schedule B, Land Use Maps, of Bylaw C-8000-2020 be amended by redesignating a portion of SE-14-25-28-W04M from Agricultural, General District (A-GEN) to Industrial, Heavy District (I-HVY) as shown on the attached Schedule 'A' forming part of this Bylaw.

4 THAT a portion of SE-14-25-28-W04M is hereby redesignated to Industrial, Heavy District (I-HVY) as shown on the attached Schedule 'A' forming part of this Bylaw.

Effective Date

5 Bylaw C-8571-2024 is passed and comes into full force and effect when it receives third reading and is signed in accordance with the *Municipal Government Act*.



READ A FIRST TIME this _____ day of _____, 2024

READ A SECOND TIME this _____ day of _____, 2024

UNANIMOUS PERMISSION FOR THIRD READING this _____ day of _____, 2024

READ A THIRD AND FINAL TIME this _____ day of _____, 2024

Reeve

Chief Administrative Officer

Date Bylaw Signed



Schedule 'A'

Bylaw
C-8571-2024

Amendment

FROM

Agriculture, General
District

TO

Industrial, Heavy
District



Division: 5
Roll: 05314001
File: PL20230146
Printed: 7/19/2024
Legal: A portion of
SP 14-25021-WP400
Page 93 of 300

SUBDIVISION AND DEVELOPMENT APPEAL BOARD FOR ROCKY VIEW COUNTY

Board Order: SDAB-2024-018

File: Stop Order 202302-0202

Appeal by: James E. Roberts
Rolly Ashdown

Hearing Date: September 12, 2024

Decision Date: September 27, 2024

Board Members: B. Doherty, Presiding Officer
M. Dunn, Member
P. Farrar, Member
K. Hubbauer, Member
D. Premi, Member

DECISION OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD

INTRODUCTION

[1] Rocky View County's (the "County's") Development Authority issued Stop Order 202302-0202 to James E. Roberts (the "Owner") on August 16, 2024 pursuant to section 645 of the *Municipal Government Act* for establishing and operating an automobile recycling and salvage business without a valid development permit at 281044 Township Road 252 (the "Lands").

[2] On August 22, 2024, James E. Roberts and Rolly Ashdown (the "Appellants") filed an appeal on behalf of the Appellant with the Subdivision and Development Appeal Board for the County (the "Board") against the Development Authority's decision to issue a stop order under section 645 of the *Municipal Government Act* for the development on the Lands.

[3] A notice of hearing was circulated by email to the Appellants and the Development Authority on September 4, 2024 and was circulated by mail to landowners within the circulation area on August 30, 2024 in accordance with the *Municipal Government Act*, RSA 2000, c M-26 (the "*Municipal Government Act*") and the County's *Circulation and Notification Standards Policy C-327*.

[4] Upon notice being given to the appropriate parties and landowners within the circulation area, the appeals were heard on September 12, 2024 in the Council Chambers at the County Hall, located at 262075 Rocky View Point, Rocky View County, Alberta.

DECISION

[5] For the reasons set out below, the appeal is allowed in part and the deadline for compliance with Stop Order 202302-0202 issued by the Development Authority on August 16, 2024 pursuant to section 645 of the *Municipal Government Act* is varied as follows:

- (1) the deadline to comply with the order to remove all equipment, vehicles, materials, structures or modifications to the Lands associated with the unauthorized business is extended to no later than 4pm, November 29, 2024.

[6] For clarity, the deadline to comply with the order to immediately cease all activity on the Lands associated with the business remains unchanged from the original deadline of 4pm, August 19, 2024.

PRELIMINARY MATTERS

Board Members

[7] At the beginning of the appeal hearing, the Presiding Officer of the hearing asked if any of the Board members that would hear and decide on the appeal had any conflicts of interest to disclose. None of the Board members had any conflicts of interest to disclose.

[8] Next, the Presiding Officer of the hearing asked if anyone in attendance objected to any of the Board members that would hear and decide on the appeal. No one in attendance objected to any of the Board members hearing and deciding on the appeal.

Exhibits

[9] Next, the Clerk of the appeal hearing noted the materials distributed to the Board in advance of the hearing and the Presiding Officer asked if anyone in attendance had any objections to the Board accepting these materials as exhibits to consider as evidence at the appeal hearing. No one in attendance objected to the Board accepting these materials as exhibits and the materials were marked as exhibits.

[10] Next, the Presiding Officer asked if anyone in attendance had any new materials to submit as exhibits that were not previously distributed to the Board. Mr. Ashdown wished to submit new materials as exhibits for the Board to consider at the appeal hearing. The new materials submitted by Mr. Ashdown were

- (1) a letter from Bunt & Associates regarding a fee proposal for the completion of a transportation impact assessment (TIA), dated September 6, 2024; and
- (2) a letter from Osprey Engineering Inc. regarding the preparation of a wastewater demand analysis, potable water demand analysis, and conceptual stormwater management report, dated September 12, 2024.

[11] Upon asking if anyone in attendance objected to the new materials submitted by Mr. Ashdown being considered as evidence at the appeal hearing, the Development Authority did not object to the new materials being considered as evidence, but it did raise the following concerns:

- (1) the letter from Osprey Engineering Inc. has the incorrect address noted on the letter; and
- (2) the letter from Bunt & Associates does not have a complete address noted on the letter.

[12] The Board carefully considered the new materials submitted by the Appellants, as well as the concerns raised by the Development Authority, and decided to receive the new materials from Mr. Ashdown and enter them as exhibits for consideration as evidence at the appeal hearing. All exhibits for the appeal hearing are noted in Appendix 'A' at the end of this decision.

Hearing Process

[13] Finally, the Presiding Officer outlined the process the Board would follow for the appeal hearing. No one in attendance objected to the process the Board would follow for the hearing.

SUMMARY OF EVIDENCE

[14] The Board received written materials and heard verbal presentations from a number of people for the appeal hearing. The exhibits considered by the Board are listed in the exhibit list in Appendix "A" at the end of this decision.

[15] The Board heard verbal submissions from:

- (1) David Nielson, Bylaw Officer with Enforcement Services, for the Development Authority;
- (2) Lorraine Wesley, Manager of Enforcement Services, for the Development Authority;
- (3) Oksana Newmen, Senior Planner with Planning Services;
- (4) Rolly Ashdown, Appellant;
- (5) James E. Roberts, Appellant and Owner; and
- (6) Dan Burnett, neighbour in support of the appeal.

(collectively referred to as the "parties").

David Nielson and Lorraine Wesley for the Development Authority and Oksana Newmen for Planning Services

[16] The Lands are located at 281044 Township Road 252, which is located at the northwest intersection of Range Road 281 and Township Road 252. The Lands are designated as Agricultural, General District (A-GEN) under *Land Use Bylaw C-8000-2020* (the "*Land Use Bylaw*") and are approximately 32.66 acres in area.

[17] The properties to the northeast and south of the Lands are also designated as A-GEN under the *Land Use Bylaw*, while the property to the northwest of the Lands is designated as Agricultural, Small Parcel District (A-SML) under the *Land Use Bylaw*. The Lands are being used by Mr. Roberts for the outside storage of business-related materials, which includes several shipping containers and a large number of vehicles in different stages of dereliction.

[18] The activities on the Lands are in contravention of sections 145, 146, and 174 of the *Land Use Bylaw*. Sections 145 and 146 of the *Land Use Bylaw* outlines site requirements for the Home-Based Business Type II use, while section 174 details the requirements for accessory buildings and shipping containers. The *Land Use Bylaw* also prescribes approved uses for each designation. The permitted and discretionary uses of the A-GEN designation are defined in section 304 of the *Land Use Bylaw*.

[19] An enforcement file was opened on February 21, 2023 after Enforcement Services received a phone call from a complainant informing them that a business may be operating on the Lands and inquiring about whether a development permit has been issued for the business and whether the Lands have the proper land use designation for the activities occurring on the Lands. According to the complainant, a number of passenger vehicles had been brought onto the Lands over a number of weeks.

[20] On March 2, 2023, Officer Nielson conducted a drive-by inspection of the Lands and noted that there were a number of vehicles neatly placed behind a row of trees running along the northwest boundary of the Lands. There were also a number of commercial-style vehicles, farm equipment, and other passenger vehicles dotted around the Lands in various stages of disrepair.

[21] On March 6, 2023, Officer Nielson spoke with Justin Robello, Supervisor of Planning and Development with Planning Services, who confirmed that the Lands are in contravention of the *Land Use Bylaw* and *Nuisance and Unightly Property Bylaw C-7690-2017* (the "*Nuisance and Unightly Property Bylaw*"). The Development Authority issued Mr. Roberts two separate bylaw compliance notices on April 2, 2023 to address both the contraventions of the *Land Use Bylaw* and the *Nuisance and Unightly Property Bylaw*.

[22] A site inspection was conducted by Officer Nielson on June 6, 2023 to determine whether the business was still operating on the Lands and whether a development permit application had been submitted for the operations on the Lands. Officer Nielson concluded that the business was continuing to operate, and that the County had yet to receive a development permit application.

[23] Officer Nielson met with Mr. Roberts on June 29, 2023 to discuss the contraventions on the Lands. It was at this time that Mr. Roberts informed Officer Nielson that he had provisionally sold the Lands to someone else, and that the new owner had been to the County Hall to submit a development permit application for the operation of the business on the Lands.

[24] The Development Authority informed the new owner that they were welcome to submit a development permit application for the operation of the business on the Lands, but that it is not permitted under the A-GEN designation of the *Land Use Bylaw* and that they would need to submit a redesignation application to have the Lands redesignated from A-GEN to the Industrial, Heavy District (I-HVY) designation of the *Land Use Bylaw*.

[25] Officer Nielson spoke with Mr. Roberts on July 6, 2023 who informed Officer Nielson that he had an understanding with his councillor that they would discuss an amendment to the Conrich Area Structure Plan needed to allow the redesignation of the Lands to move forward. The amendment to the Conrich Area Structure Plan pertains to the mandatory requirement to hook up with the County's water supply.

[26] Officer Nielson conducted a document search on September 18, 2023 and found that no development permit application had been submitted to the County for the operation of the business on the Lands. On September 20, 2023, Mr. Roberts informed Officer Nielson that he was still waiting to hear back from his councillor on an amendment to the Conrich Area Structure Plan. Officer Nielson requested that Mr. Roberts proceed with submitting his applications so that the compliance issues with the Lands could be addressed in the meantime.

[27] On September 21, 2023, Officer Nielson and his direct supervisor met with Mr. Roberts at the County Hall to discuss his resignation and development permit applications. Mr. Roberts informed Officer Nielson that he was having troubles with submitting his applications and that he was making every attempt at being in compliance. Officer Nielson conducted another document search on October 19, 2023 and again found that no development permit application had yet been submitted to the County.

[28] Officer Nielson conducted another drive-by inspection of the Lands on October 19, 2023 and noted that a number of additional vehicles had been placed on the Lands. Mr. Roberts subsequently informed Officer Nielson that he had a meeting scheduled for October 26, 2023 to discuss his resignation application and the amendment to the Conrich Area Structure Plan. At this time, Officer Nielson noted that Mr. Roberts had submitted applications for the shipping containers on the Lands.

[29] On December 6, 2023, Officer Nielson attending a pre-application meeting with Mr. Roberts, Mr. Ashdown, Lorraine Wesley (Manager of Enforcement Services), Oksana Newmen (Planner with Planning Services), and others to discuss what was needed to complete Mr. Roberts' applications and the timeframe. It was agreed at the pre-application meeting that Mr. Roberts would need to submit his applications by February 12, 2024, which included both a resignation application and a master site development plan application for the Lands. A development permit application for the operation of the business on the Lands would only be considered after the resignation and master site development plan applications are approved.

[30] Officer Nielson received word from Planning Services on February 29, 2024 that Mr. Roberts had submitted his resignation and master site development plan applications. On April 26, 2024, Planning Services informed Officer Nielson that the County still needed more information from Mr. Roberts to be able to process his applications and that he had until May 24, 2024 to provide the required information to Planning Services.

[31] On June 17, 2024, Matt Boscarior, who is the Executive Director of Community Services, sent an email to Mr. Ashdown explaining that the County would not be approving another extension for Mr. Roberts' resignation and master site development plan applications and that enforcement action would proceed. Officer Nielson spoke to Mr. Ashdown regarding the email from the Executive Director of Community Services and explained that the County had provided ample time and information for Mr. Roberts to provide complete applications. Mr. Nielson stated that he is left with little option but to move forward with enforcement action.

[32] Officer Nielson received an email from Mr. Ashdown on June 23, 2024 stating that he had spoken to Oksana Newman, who is a Senior Planner with Planning Services, and stated that he would submit the master site development application the week of June 26, 2024. On August 16, 2024, Officer Nielson received an email from Officer McKinley that he had issued a stop order to Mr. Roberts. Officer Nielson received the affidavit of service from Officer McKinley.

[33] Officer Nielson conducted a drive by inspection on August 29, 2024 and noted that the business had grown exponentially on the Lands.

- [34] In response to the Board's questions, the Development Authority and Planning Services stated:
- (1) Mr. Roberts' redesignation application requires a supporting master site development plan application, both of which would need to be approved before considering approval of a development permit application for the business operating on the Lands. Planning Services is currently dealing with the redesignation and master site development plan applications;
 - (2) the timeframe for Planning Services to process redesignation applications is generally 8-10 months, depending on the completeness of applications when they are submitted. Redesignation applications that are complete upon submission can be processed in short order, and applications that are not complete upon submission can take longer to process;
 - (3) Planning Services does not consider the information provided by Mr. Roberts for his redesignation and master site development plan applications as complete as there are technical studies that are required to be completed to support the applications which have not been provided to Planning Services;
 - (4) there is a provision within the Conrich Area Structure Plan that requires a master site development plan to support a redesignation application when a property is being redesignated to an industrial designation under the *Land Use Bylaw*. This provision in the Conrich Area Structure Plan has not been amended;
 - (5) while the Conrich Area Structure Plan anticipates the designation of the Lands to be industrial in nature and the Lands are identified in the first phase of the implementation of the Conrich Area Structure Plan, all of the properties surrounding the Lands have agricultural designations under the *Land Use Bylaw*. Although several properties are identified as industrial in the Conrich Area Structure Plan, no redesignations to facilitate industrial uses have occurred;
 - (6) despite the incompleteness of the applications, Planning Services has tentatively scheduled consideration of Mr. Roberts' redesignation and master site development planning applications by Council for October 22, 2024. The resignation application is to redesignate the Lands from A-GEN to I-HVY under the *Land Use Bylaw*;
 - (7) the timeframe for Planning Services to process a development permit application is generally 7-9 weeks, depending on the completeness of applications when they are submitted. The scale of the business operations on the Lands would far exceed the maximum allowed for a home-based business type II development permit under the *Land Use Bylaw*. It would not be a suitable nor appropriate development for a home-based business type II;
 - (8) home-based business type II under the *Land Use Bylaw* limits business operations from 18:00 hours to 8:00 hours. Officer Nielson did not observe the business operating within those prohibited hours. The enforcement action was based on a business operating on the Lands without a development permit not with the hours of operation or type of operation;
 - (9) as the Conrich Area Structure Plan requirement for mandatory hookup to a water and wastewater system is a "shall" statement, the expectation is that businesses located within the Conrich Area Structure Plan shall connect to water and wastewater services;

- (10) there were previous planning applications submitted in 2015 to facilitate a salt process facility on the Lands, but these are not related to the current applications submitted by Mr. Roberts; and
- (11) Mr. Ashdown and Mr. Roberts are not the owners of Babylon Recycling.

Rolly Ashdown, Appellant

[35] Mr. Ashdown is a consultant for Mr. Roberts, who is the owner of the Lands. The Lands are located within the Conrich Area Structure Plan which was adopted by Council in 2015. The Lands are the within furthest northeast quarter section located within the Conrich Area Structure Plan, which identifies the Lands for future heavy industrial uses. When the Conrich Area Structure Plan was adopted in 2013, it was expected that the future heavy industrial uses would be in place by now.

[36] Mr. Ashdown was on Council when the Conrich Area Structure Plan was adopted in 2013 and recalled that it would take around 8-10 years for the future uses identified in the Conrich Area Structure Plan to be implemented. Mr. Roberts spoke to Council around this time regarding the applications for a salt processing facility on the Lands.

[37] There is a CN Rail yard located to the southwest of the Lands, which is under federal jurisdiction. The CN Rail yard runs to about a half mile from the Lands and there are rail tracks that run through the Lands. There were discussions with CN Rail about running a spur line to the Lands to facilitate heavy industrial uses on the Lands, but the deal fell through.

[38] After the CN Rail spur line deal fell through, Mr. Roberts searched for new purchasers of the Lands. Babylon Recycling, which is owned by Hussein Mahmoud, was interested in purchasing the Lands as the property is well suited for industrial uses. Babylon Recycling struck a deal with Mr. Roberts to purchase the Lands.

[39] One of the allowable uses within the definition of the I-HVY designation of the *Land Use Bylaw* is wreckage and salvage yards as well as manufacturing and processing facilities, which would facilitate the business operating on the Lands. One of the nuisances of the business is the unsightly nature of the operations.

[40] Mr. Ashdown does not understand the wisdom of requiring a master site development application to support Mr. Roberts' redesignation application, as after receiving the proper land use designation the next step is to apply for a development permit for the business to operate on the Lands. The requirements of a development permit application and a master site development permit plan are the same.

[41] Because the Lands would only be used for one purpose, there does not seem to be a reason to require a master site development plan for the Lands. However, Mr. Ashdown and Mr. Roberts proceeded to submit a master site development plan after searching for previous examples of master site development plans approved by the County. They used the lightest-weight example, which is the Singer Master Site Development Plan, as the starting point for their master site development plan.

[42] There are a number of technical and engineering studies required to be completed to support the master site development plan. Mr. Ashdown and Mr. Roberts attempted to postpone the completion of these studies until their development permit application, but on the insistence of Planning Services these studies are now being completed to support the master site development plan application. Confirmation of these studies being ordered were provided by Mr. Ashdown in Exhibits #7 and #8 of this appeal hearing.

[43] Mr. Roberts and Mr. Ashdown are looking forward to being heard by Council on October 22, 2024. If their applications go well and the Lands are designated to I-HVY, they will immediately proceed to submitting a development permit application for the business operating on the Lands. They are prepared to meet the conditions of a development permit, particularly regarding screening.

[44] The operations of the business on the Lands includes the purchase of vehicles that have been written off but still have many good parts, the removal of liquids from the vehicles which are hauled offsite, and the dismantling of the vehicles to sell any of the salvageable parts at their Calgary operation. There are a few trips made to and from the Lands, which will be identified in a traffic impact assessment. There is no need for any enhanced sewage or water to facilitate the business on the Lands.

[45] When Mr. Ashdown looks through the Conrich Area Structure Plan, the Municipal Development Plan, and other statutory and non-statutory documents, he often sees the word “may” used but only sees the word “shall” used in the Conrich Area Structure Plan. The mandatory hookup to a water system required by the Conrich Area Structure Plan would be onerous.

[46] They would prefer if the Board’s decision on this appeal was in accordance with Option 1 provided in the Development Authority’s report (Exhibit #3) and would like to see that the word intensification be added to the wording of the stop order.

[47] In response to the Board’s questions, Mr. Ashdown stated:

- (1) the business operations began on the Lands shortly after Mr. Roberts and Babylon Recycling had reached an acceptable agreement on the sale and purchase of the Lands in early 2023. The business operations intensified over time until enforcement action began;
- (2) the business operating on the Lands enjoyed success and got busier and busier, which is why the operations on the Lands have intensified over time. They were not informed that the business operations could not intensify until the stop order was issued;
- (3) the first application by Mr. Roberts was submitted in early 2023 due to the business operations that were occurring the Lands and to comply with the County’s rules. Mr. Roberts is still the owner of the Lands – the business operating on the Lands and the ownership of the Lands are different. The purchase and sale of the Lands has not closed;
- (4) there is no dust generated from the business operating on the Lands, and Mr. Roberts has screening that he is prepared to install when a development permit is issued. Mr. Roberts does not want to install the screening until he knows where it must be placed as required by the conditions of a development permit;

- (5) the technical and engineering studies that were recently ordered (Exhibits #7 and #8) were not ordered sooner because they did not believe that they should be required in the first place, which is explained in their master site development plan. They were, however, informed by Planning Services that the studies would be required;
- (6) the fluids removed by the vehicles are stored on the Lands for a short time and are then shipped offsite, and tires from the vehicles are stored on the Lands and he assumes that the tires are then periodically removed and recycled;
- (7) The business operations on the Lands are for recycling purposes and are environmentally sound. Very little water is used by the business operations and there is an existing well on the Lands, which is adequate for the residential uses on the Lands;
- (8) there is no crushing occurring on the Lands, but in the future there may be an opportunity for crushing to occur on the Lands. The Lands are located next to a CN Rail yard, which could include a spur line to the Lands as considered in the previous applications for a salt processing facility on the Lands;
- (9) Mr. Roberts is responsible for completing the redesignation and master site development plan applications. The purchase and sale of the Lands was intended to close a few weeks ago but the enforcement action has delayed the closing of the sale;
- (10) the original enforcement complaint on the Lands occurred in early 2023 and the stop order was issued in August 2024; and
- (11) Mr. Ashdown is not sure if the wording of the Conrich Area Structure Plan trumps the wording of other statutory plan such as a municipal development plan. Other statutory plans mention “may” statements when referring to hooking up to water and wastewater services. It is his belief that Council is considering adjusting the wording of this part of the Conrich Area Structure Plan.

Dan Burnett, Neighbour in Support of the Appeal

[48] Mr. Burnett’s property is directly adjacent to the Lands. When Babylon Recycling moved their operations onto the Lands, they had great concern as they are the most adjacent property to the Lands. He had not interacted with the owner of the Lands, Mr. Roberts, until the purchase and sale agreement was underway.

[49] After meeting with Mr. Roberts and the others involved in the agreement, they assuaged his concerns by showing their dedication and responsibility to the Lands, specifically with how they would manage the liquids from the vehicles. Mr. Burnett has been to the Lands on numerous occasions since, as recently as the day before this appeal hearing, and did not observe any contamination or other concerns.

[50] There are fencing materials on the Lands that Mr. Roberts confirmed would be installed once they knew where on the Lands it would be required by the County. There is back and forth going on between the County and those involved with the business operations on the Lands, and this is slowing down the progress of the entire area.

[51] Mr. Burnett has owned his property for close to 10 years and he has not had agricultural uses on the Lands in that time. With the CN Rail yard nearby, the area is not a great location for residences and agricultural uses. There is a water line that runs nearby that they are not allowed to connect to, which means that any development to take place in the area involves millions of dollars of bureaucracy, which is stifling the development of the area.

James E. Roberts, Appellant and Owner

[52] Mr. Roberts is the owner of the Lands. He has been attempting to sell the Lands since the CN Rail yard moved into the area, which operates about 75 yards directly behind his residence. The CN Rail operations include what is known as “switching,” which is when they bring a train out of the yard to add more cars to the train before returning the train to the yards. This occurred at 3:00 am on the day of the appeal hearing, for example, which makes it difficult for the area to support residential uses on the Lands.

[53] In March 2016, the CN Rail operations had set portions of the Lands on fire, which left only Mr. Roberts’ residence intact – his shop, machine shed, farming equipment, tools, and other things needed to farm the Lands had been destroyed. The damages from the fire were estimated at \$1.5 million.

[54] Mr. Roberts proceeded to sue CN Rail for damages and his insurance company for recovery. His insurance covered things that he might do wrong but not things that others, including CN Rail, might do wrong. Despite being underinsured, Mr. Roberts received a payout from his insurance company, but did not receive any assistance from CN Rail during or after the fire. After entering into mediation with CN Rail, Mr. Roberts was compensated for around \$500,000 less than his claim.

[55] When the Conrich Area Structure Plan was under development, Planning Services made site visits to the Lands at the time and agreed that the Lands are no longer suitable for residential and agricultural uses due to the operations of the CN Rail yard, which is why Mr. Roberts’ and Mr. Burnett’s properties were included for future industrial uses in the Conrich Area Structure Plan. Mr. Ashdown was on Council at this time.

[56] Forty years ago, the area would have been primarily agricultural in nature, but once CN Rail moved in and Conrich and Chestermere started to expand and grow in population, the area stopped being a peaceful rural area. Mr. Roberts has had a couple of interested buyers since that time who were interested in converting the Lands for industrial uses, but he was unable to complete the sales due to interference from CN Rail. Potential buyers of the Lands would have had to construct roads around the CN Rail crossing at great expense.

[57] Babylon Recycling approached Mr. Roberts through his realtor because the Lands met the requirements that they had – they do not have intensive traffic or require additional roads, do not require additional water or wastewater infrastructure, and do not require many employees on site to operate the business. The business operates from approximately 9:00 am to 6:00 pm and had been operating at a different location prior to moving operations to the Lands before being evicted from their previous location.

[58] After being evicted from their previous location, Babylon Recycling needed a location for their business operations, and Mr. Roberts thought that they could move their vehicles onto the Lands without issues while he completed the purchase and sale agreement with Babylon Recycling and worked on securing the proper permits with the County. This began in early January 2023. Since Babylon Recycling began business operations on the Lands, Mr. Roberts has been surprised at how little mess they have left behind. Fluids, tires, and parts are removed from the vehicles and deal with as needed.

[59] After Mr. Roberts had a fairly firm deal in place with Babylon Recycling, he began looking for a new property to move to and found one northwest of the town of Olds. Mr. Roberts began packing his stuff and storing it in sea cans on the Lands. He was not aware of the requirements for sea cans and that they would require a development permit, even though they were being used temporarily during his move to the new property.

[60] In early April 2023, Mr. Roberts met with Planning Services to discuss what applications would be required for the Lands, including the pre-application meeting mentioned by Officer Nielson. The only concern at that time was the “shall” statement in the Conrich Area Structure Plan that requires mandatory hookup to a water and wastewater system.

[61] There is a potable waterline running down the east side of Township Road 281, which is intended to serve the needs of some locations in Conrich, including CN Rail. However, connection to this waterline is cost prohibitive with a cost of several million dollars. The other option was running another waterline even further than the one running down the east side of the Lands, which would be even more cost prohibitive.

[62] Mr. Roberts submitted a redesignation application in April 2023 and time passed. During that time, Mr. Roberts had discussions with Councillor Greg Boehlke who mentioned that he should carry on until fall 2023, when it was anticipated that Council would review the Conrich Area Structure Plan.

[63] This did not occur, and in the meantime Mr. Roberts’ redesignation application had yet to be brought forward for consideration by Council. The file managers with Planning Services had changed and the application stayed dormant. It is at this point that Officer Nielson visited the Lands for enforcement purposes, which had the effect of accelerating the processing of Mr. Roberts’ redesignation application.

[64] Because of issues with the redesignation application, the purchase and sale agreement has not yet been completed with Babylon Recycling. They are currently waiting on a decision from Council to proceed. He was not aware of some of the policies in the Conrich Area Structure Plan until he started the redesignation process.

[65] Mr. Roberts is pleading for more time so that his redesignation and master site development plan applications can be considered by Council. If Babylon Recycling is required to hookup to water and wastewater services, they will have to move their operations somewhere else due to the cost associated with connecting to a water and wastewater service.

[66] In response to the Board’s questions, Mr. Roberts stated:

- (1) he was not aware of the complaints filed with the County in April 2023. He did not receive the complaints until he filed his appeal with the Board. He does not believe that the complaints are sensible as there is practically no noise, dust, or debris generated by the business operations on the Lands. He monitors debris closely, as much of it is generated by the CN Rail yard; and
- (2) he was aware right away that the Lands were not in compliance with the *Land Use Bylaw* by letting Babylon Recycling move their business operations onto the Lands after more or less finalizing the sale of the Lands to Babylon Recycling in early January 2023.

Rolly Ashdown's Rebuttal, Appellant

[67] Mr. Ashdown did not have a rebuttal but did raise the issue including the wording "further intensification" into the language of the stop order if the Board were to uphold the Development Authority's decision to issue the stop order. He would like to see that language included in the stop order.

[68] Mr. Ashdown felt that he had a fair opportunity to present his evidence to the Board, but he did note that he was not permitted to present alternate wording of the stop order during the appeal hearing.

JURISDICTION, FINDINGS, AND REASONS FOR DECISION

Jurisdiction of the Board

[69] The Board finds that it has the authority to hear and decide on this appeal pursuant to section 687 of the *Municipal Government Act*. The Development Authority's August 16, 2024 decision to issue a stop order to James E. Roberts pursuant to section 645 of the *Municipal Government Act* can be appealed pursuant to section 685(1) of the *Municipal Government Act*, which allows an appeal by the person affected by the Development Authority's decision, who in this case is Mr. Roberts.

Findings of Fact

[70] The Board reviewed all evidence and arguments, written and verbal, and focused on the most relevant evidence and arguments. The Board also considered the context of the development permit application, consideration of impacts, the merits of the application, and all applicable legislation, plans, and policies.

[71] The Board finds the following as fact:

- (1) the Lands are located at 281044 Township Road 252, are designated as A-GEN under the *Land Use Bylaw*, and are owned by James E. Roberts;
- (2) an automobile recycling and salvage business has been established and is operating on the Lands without a valid development permit;
- (3) the Development Authority issued a stop order on August 16, 2024 to James E. Roberts for the establishment and operation of an automobile recycling and salvage business on the Lands without a valid development permit;
- (4) the appeal by the Appellants was filed on August 22, 2024, which was filed on time in accordance with section 686(1) of the *Municipal Government Act*; and
- (5) upon filing of the appeal by the Appellants, notice of the appeal hearing was provided in accordance with the *Municipal Government Act* and the County's *Circulation and Notification Standards Policy*.

Issue 1 – Has a Contravention of the Land Use Bylaw Occurred?

[72] The Board’s duty when deciding on an appeal of a stop order is outlined in section 687(3) of the *Municipal Government Act*, which includes the need to determine whether development is occurring on the Lands without a valid development permit in contravention of the *Land Use Bylaw*.

[73] The Board, therefore, finds it prudent to begin by considering whether a contravention of the *Land Use Bylaw* has indeed occurred, which includes considering whether there is development occurring on the Lands, whether a development permit is required for the development occurring on the Lands, and whether a development permit has been issued for the development occurring on the Lands.

[74] In determining whether a contravention of the *Land Use Bylaw* has occurred, the Board first considered how the *Land Use Bylaw* defines development, which is the following:

“Development” means:

- a) An excavation or stockpile and the creation of either of them, or
- b) A building or an addition to or replacement or repair of a building and the construction or placing of any of them on, in, over or under land, or
- c) A change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building, or
- d) A change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building.

[75] In addition to the definition of development provided by the *Land Use Bylaw*, the Board further considered section 90 of the *Land Use Bylaw*, which states:

“Except as provided in Section 92, no person shall commence any development unless a Development Permit has been issued.”

[76] The Board heard evidence from the Development Authority that a business has been established and is operating on the Lands without a valid development permit. The business operating on the Lands is an automobile recycling and salvage business, which includes the outside storage of business-related materials on the Lands. The Development Authority has observed the intensification of the business operations over time through multiple site inspections and site visits to the Lands, and the Appellants noted that the business has enjoyed success since it began operating on the Lands.

[77] The Board, after considering the sections of the *Land Use Bylaw* noted above, as well as the evidence provided by the Development Authority and the Appellants, finds that development is occurring on the Lands in the form of an automobile recycling and salvage business, which is operated on the Lands by Babylon Recycling with the permission of Mr. Roberts, who is the current owner of the Lands. The Board finds that the business operations occurring on the Lands has caused a change in the use of the Lands and a change in the intensity of the use of the Lands pursuant to subsections c) and d) of the definition of development provided in the *Land Use Bylaw*.

[78] The Board further finds, after considering section 90 of the *Land Use Bylaw*, as well as the evidence provided by the Development Authority, that a development permit is required for the development occurring on the Lands. The business operations occurring on the Lands are not exempt from the requirements of a development permit under section 92 of the *Land Use Bylaw*, which means that a development permit is required for the development occurring on the Lands pursuant to section 90 of the *Land Use Bylaw*.

[79] Finally, after considering the evidence provided by the Development Authority, the Board finds that a development permit has not been issued for the development occurring on the Lands, despite one being required under section 90 of the *Land Use Bylaw*. The Board did not hear evidence to the contrary from the Appellants. In fact, the Appellants were forthright in admitting that a business has been operating on the Lands without a valid development permit dating back to at least early 2023, and that the business operations on the Lands have steadily intensified since that time, which was corroborated by the evidence provided by the Development Authority.

[80] The Board, therefore, concludes that a contravention of the *Land Use Bylaw* has occurred and that the Development Authority was correct in issuing a stop order for the development occurring on the Lands, in the form of an automobile recycling and salvage business operating on the Lands, pursuant to section 645 of the *Municipal Government Act*.

Issue 2 – Should the Stop Order Issued by the Development Authority be Confirmed, Revoked, or Varied?

[81] Having found that a contravention of the *Land Use Bylaw* has occurred in the form of development occurring on the Lands without a valid development permit, and having found that the Development Authority was correct in issuing a stop order under section 645 of the *Municipal Government Act*, the Board next considered its powers under section 687(3) of the *Municipal Government Act* to confirm, revoke, or vary the stop order issued by the Development Authority.

[82] While the Board was provided with a detailed account of the history and background leading up to the establishment and operation of the business on the Lands, the Board was not provided with evidence from the Appellants that directly related to matters under the Board's jurisdiction, such as whether the stop order should be confirmed, revoked, or varied. The Board, ultimately, was not provided with satisfactory reasons to justify either revoking or substantially varying the stop order issued by the Development Authority.

[83] With that being said, the primary duty of the Board is to ensure that developments comply with the requirements of the *Land Use Bylaw*, and that developments that do not comply with the *Land Use Bylaw* are brought into compliance with its requirements. The stop order issued by the Development Authority issued two orders to Mr. Roberts to bring the Lands into compliance with the *Land Use Bylaw*:

- (1) to immediately cease all business activities on the Lands no later than 4 PM on August 19, 2024; and
- (2) to remove all equipment, vehicles, materials, structures, or modifications associated with the business from the Lands no later than 4 PM on October 25, 2024.

[84] When considering its duty to ensure compliance with the *Land Use Bylaw*, the Board finds it necessary to provide the Appellants with additional time to comply with the order to remove all equipment, vehicles, materials, etc. associated with the automobile recycling and salvage business from the Lands. The Board heard from Planning Services and the Appellants that Mr. Roberts' redesignation and master site development plan applications, which would facilitate a future development permit application for the development occurring on the Lands, will be considered by Council at a public hearing scheduled for October 22, 2024.

[85] To provide the best possible chance for the Lands to be brought into compliance with the *Land Use Bylaw*, the Board has extended the deadline for compliance with the second order included in Stop Order 202302-0202 from 4 PM on October 25, 2024 to 4 PM on November 29, 2024. This will provide the Appellants with an opportunity to have Mr. Roberts' redesignation and master site development plan applications considered by Council, the outcome of which will determine the possible future uses of the Lands, which may or may not allow for the operation of an automobile recycling and salvage business.

[86] Finally, the Board would like to note that Stop Order 202302-0202 was validly issued by the Development Authority under section 645 of the *Municipal Government Act* for the following reasons, even though the validity of the stop order was not raised by any of the parties during the appeal hearing:

- (1) Stop Order 202302-0202 was delivered to Mr. Roberts on the same day it was issued by the Development Authority as required by section 645(2.1) of the *Municipal Government Act*;
- (2) Mr. Roberts is the owner of the Lands and is responsible for allowing the development to occur on the Lands without a valid development permit as required by section 645(2) of the *Municipal Government Act*; and
- (3) the two orders issued to Mr. Roberts in Stop Order 202302-0202 are both permitted under section 645(2) of the *Municipal Government Act*.

[87] Given that there were previous misunderstandings on the part of the Appellants with the requirements of Stop Order 202302-0202, the Board would like to make it clear that all business operations on the Lands are to cease immediately. This portion of the order is not limited to further intensification of the Lands but instead includes all past, current, and future business operations on the Lands.

[88] While the Board heard evidence from the parties on the following matters, the Board did not consider these matters when making its decision on this appeal as they were not relevant to the Board's considerations:

- (1) the background between the Appellants and Planning Services regarding Mr. Roberts' redesignation and master site development plan applications;
- (2) the future land use strategy for the area surrounding the Lands identified in the Conrich Area Structure Plan and the timeframe and phasing for implementing the future land use strategy;
- (3) the requirement for mandatory hookup to a water and wastewater system under the Conrich Area Structure Plan and the feasibility of such requirement for the Appellants;
- (4) attempts by Mr. Roberts to sell the Lands, including the potential purchase and sale agreement between Mr. Roberts and Babylon Recycling;

- (5) past issues between the Appellants and CN Rail; and
- (6) past planning and development applications associated with the Lands.

[89] For the reasons set out above, the appeal is allowed in part and the deadline for compliance with Stop Order 202302-0202 issued by the Development Authority on August 16, 2024 pursuant to section 645 of the *Municipal Government Act* is varied as follows:

- (1) the deadline to comply with the order to remove all equipment, vehicles, materials, structures or modifications to the Lands associated with the unauthorized business is extended to no later than 4pm, November 29, 2024.

[90] For clarity, the deadline to comply with the order to immediately cease all activity on the Lands associated with the business remains unchanged from the original deadline of 4pm, August 19, 2024.

Dated at Rocky View County, in the Province of Alberta on September 27, 2024.



Bob Doherty, Presiding Officer
Subdivision and Development Appeal Board

APPENDIX 'A': EXHIBIT LIST

Submissions marked as exhibits and considered by the Board:

Exhibit	Description	Pages
1.	Notice of Appeal	1
2.	Notice of Hearing	2
3.	Development Authority Report	6
4.	Stop Order 202302-0202	5
5.	Letter in Opposition of Appeal	1
6.	Development Authority Presentation	26
7.	Letter from Bunt & Associates (submitted at the hearing)	1
8.	Letter from Osprey Engineering Inc. (submitted at the hearing)	1



Adoption of an Updated Procedure Bylaw

Electoral Division: All

File: N/A

Date: October 22, 2024

Presenter: Tyler Andreasen, Lead Legislative Officer

Department: Legislative Services

REPORT SUMMARY

The purpose of this report is for the adoption of an updated Procedure Bylaw. Some of the proposed amendments to the bylaw are required by the Municipal Affairs Statutes Amendment Act, 2024 (Bill 20), while others are based on best practices and general housekeeping, such as:

- electronic participation in public hearings;
• abstentions due to conflicts of interest;
• limitations on public hearings for residential development;
• public hearing withdrawal process;
• agenda addendum process;
• municipal election blackout period; and
• motions to postpone, motions to receive for information, and motions out of order.

While amendments have been made to the current Procedure Bylaw over time, it has not been fully reviewed by Administration since the COVID-19 pandemic necessitated changes to the bylaw. The majority of the proposed Procedure Bylaw remains the same as in the current bylaw, except for those amendments identified in Attachment A of this report.

Administration presented a draft of the proposed Procedure Bylaw to the Governance Committee at its September 17, 2024 meeting. Based on feedback from the Governance Committee, Administration has made two changes to the proposed Procedure Bylaw:

- the draft bylaw presented to the Governance Committee included changes to the secret ballot process used to appoint members to the County's various boards and committees. The proposed change would have seen members appointed by the candidate who receives the most votes rather than which candidate receives a majority of votes; and
• the effective date of the bylaw has been changed to allow for the vast majority of the proposed Procedure Bylaw to come into full force and effect on January 1, 2025, with the exception of two provisions required by Bill 20 that will come into full force and effect when Bill 20 is proclaimed.

ADMINISTRATION'S RECOMMENDATION

THAT Bylaw C-8555-2024 be given first reading.

THAT Bylaw C-8555-2024 be given second reading.

THAT Bylaw C-8555-2024 be considered for third reading.

THAT Bylaw C-8555-2024 be given third and final reading.



Adoption of an Updated Procedure Bylaw

BACKGROUND

Procedure bylaws are not a requirement under the *Municipal Government Act*. They are, however, encouraged as they ensure meetings are held in an orderly manner and decisions are made in compliance with legislation and the principles of procedural fairness.

- Procedure bylaws provide for orderly meetings by incorporating elements of parliamentary procedure to guide how decisions are made. The most common parliamentary procedure used by municipalities in Alberta is Robert's Rules of Order. The current and proposed *Procedure Bylaw* uses Robert's Rules of Order as its foundation.
- Meetings must be held in compliance with legislation, mainly the *Municipal Government Act*. Many sections of the proposed bylaw address legislative requirements. One of the main purposes behind the proposed *Procedure Bylaw* is to ensure the County is compliant with the changes to the *Municipal Government Act* introduced by Bill 20.
- Procedure bylaws also ensure that decisions are made in a procedurally fair way. Procedural fairness, also known as natural justice, is a fundamental part of administrative law, which is the body of law governing how decisions are made by public and regulatory bodies. Ensuring procedural fairness better protects decisions from legal challenges on procedural grounds.

The current *Procedure Bylaw* was adopted by Council on June 14, 2022, which introduced several significant changes to how Council and committee meetings are conducted, including clarifying the rules governing motions, discussion and debate, and electronic participation in meetings.

While the *Procedure Bylaw* is a living document and has been amended on several occasions, it has not been fully reviewed since its adoption in 2022. In its review, Administration identified the need for several amendments to the bylaw to reflect changes to the *Municipal Government Act* introduced by Bill 20, as well as additional amendments based on best practices and general housekeeping.

As of the drafting of this report, Bill 20 has yet to be proclaimed into law. Administration does not have a timeframe for the proclamation of Bill 20, but the proposed bylaw has been drafted to be compliant with the changes to the *Municipal Government Act* introduced by Bill 20.

As of the drafting of this report, Bill 20 has been passed by the Legislative Assembly of Alberta and has received royal assent from the Lieutenant Governor of Alberta, but it has yet to come into full force and effect, which will occur when it receives proclamation in fall 2024. The majority of the proposed *Procedure Bylaw* would come into full force and effect on January 1, 2025, with the following exceptions which will come into full force and effect upon the proclamation of Bill 20:

- Abstentions Due to Conflicts of Interest
- Limitations on Public Hearings for Residential Development

The delayed effective date of the proposed bylaw would allow Administration to communicate changes to the public through the County's website and through public notifications and circulations for public hearings. The current *Procedure Bylaw* would remain in effect until January 1, 2025.

Adoption of an Updated Procedure Bylaw

ANALYSIS OF BILL 20 AMENDMENTS

In the spring of 2024, the provincial government introduced Bill 20 to make a number of changes to the *Municipal Government Act* and the *Local Authorities Election Act*. As a result, the following amendments are required to the *Procedure Bylaw* to ensure compliance with the *Municipal Government Act*:

- electronic participation in public hearings;
- abstentions due to conflicts of interest; and
- limitations on public hearings for residential development.

Electronic Participation in Public Hearings

Municipalities are now required to provide electronic participation options for public hearings. The proposed bylaw, therefore, has been amended to provide for public hearing presentations through Microsoft Teams on a by request basis as detailed in Attachment A of this report.

Electronic participation options for public hearings were originally permitted, but not required, under the *Municipal Government Act* due to office closures during the COVID-19 pandemic. The desire for electronic participation in public hearings has continued since the COVID-19 pandemic.

The current *Procedure Bylaw* provides the public with the option of submitting pre-recorded audio/video presentations for public hearings, which were implemented due to the closure of County Hall during the COVID-19 pandemic. However, this participation method does not meet the definition of electronic participation in the *Municipal Government Act*. Electronic participation is defined as:

“an electronic or telephonic communication method that enables all persons attending a meeting to hear and communicate with each other during the course of the meeting”

Abstentions Due to Conflicts of Interest

Councillors are now permitted under the *Municipal Government Act* to abstain from voting on matters due to conflicts of interest if a matter could affect the councillor, the councillor’s family, or the councillor’s employer or business interests in a non-financial capacity.

There are now three scenarios in which a councillor may abstain from voting on a matter under the *Municipal Government Act*, which are for a having a conflict of interest, having a pecuniary interest, or being absent from a public hearing.

The *Municipal Government Act* states that a conflict of interest is a private interest of a councillor, a councillor’s family, or a councillor’s employer or business interests. Unfortunately, the *Municipal Government Act* does not define private interest. Instead, it defines what a private interest is not, which is:

“an interest in a matter that is of general application, affects a councillor as one of a broad class of the public, concerns the remuneration and benefits of a councillor, or is trivial”

The process for declaring and abstaining due a conflict of interest under the *Municipal Government Act* is similar to that of a pecuniary interest: the councillor must declare their interest, abstain from the discussion and voting on the matter, and must leave the room. The proposed bylaw, therefore, has been amended to permit councillors to abstain from voting on matters due conflicts of interest using the process that is currently used for pecuniary interests as detailed in Attachment A of this report.

One important distinction between conflicts of interest and pecuniary interests is that contravening the pecuniary interest sections of the *Municipal Government Act* may result in the disqualification of a councillor whereas contravening the conflict of interest sections would not.

Adoption of an Updated Procedure Bylaw

Limitations on Public Hearings for Residential Development

Municipalities are now limited to holding a maximum of one public hearing for matters dealing with residential development. Holding more than one public hearing for a matter is desired from time to time due to there being significant amendments or new information that warrants an additional public hearing.

Based on legal advice received by Administration, the limit of one public hearing would apply to individual redesignation applications as well as the *Land Use Bylaw*, Municipal Development Plan, and other statutory plans that provide for residential development in some capacity.

The proposed bylaw, therefore, has been amended to stipulate that multiple public hearings may be held for matters except for matters dealing with residential development, in which case only one public hearing may be held, as detailed in Attachment A of this report.

ANALYSIS OF BEST PRACTICE AND HOUSEKEEPING AMENDMENTS

In addition to amending the *Procedure Bylaw* to ensure compliance with the *Municipal Government Act*, Administration is also proposing a number of best practice and housekeeping amendments to the bylaw. The full list of proposed amendments to the *Procedure Bylaw* is detailed in Attachment A of this report; however, some of the more significant amendments are highlighted in this section of the report.

Public Hearing Withdrawal Process

Administration is proposing to include a process in the *Procedure Bylaw* for applicants who wish to withdraw a public hearing after it has been advertised to the public, which would complement a fee for withdrawing public hearings that was added to the *Master Rates Bylaw* in 2024.

When requesting to withdraw a public hearing, applicants are required to pay a fee of \$550 (plus an additional \$65 for each lot over four lots) under the *Master Rates Bylaw*. Withdrawal requests may be approved by:

- Administration after the public has been notified but before the agenda is published; or
- Council after the public has been notified and after the agenda is published.

The *Master Rates Bylaw* withdrawal fee would not be required if there is a legislative or legal reason why the public hearing should be withdrawn, such as advertising errors.

Agenda Addendum Process

Administration is proposing to include an agenda addendum process in the *Procedure Bylaw* for distributing additional materials that were not included in an agenda package or corrected versions of materials that were included in an agenda package.

Additional and corrected materials are currently distributed to Council and the public individually on an ad hoc basis, but the agenda addendum process would distribute these same materials to Council and the public in a consolidated addendum package. Some frequently distributed materials include:

- emergent business items;
- revised or corrected staff reports, attachments, and bylaws; and
- public submissions that were missed in the agenda package.

For a typical Tuesday meeting, the agenda package would be distributed to Council on the Tuesday before the meeting and distributed to the public on the Wednesday before the meeting. The addendum package would then be distributed to both Council and the public on the Friday before the meeting.

Adoption of an Updated Procedure Bylaw

Most significantly, the agenda addendum process would affect the deadlines for public submissions:

- Currently, public submissions are required to be submitted prior to the agenda package for the meeting being published to the public. This does not provide the public with the opportunity to review the agenda package before providing a submission.
- With the agenda addendum process, the public would be provided the opportunity to review the agenda package on the Wednesday when it is published to the public before providing a submission on the Friday when the addendum package is published to Council and the public.
- Public submissions received after the addendum package is published to Council and the public would be considered late submissions and Council would need to pass a resolution to have them distributed during the meeting.

Municipal Election Blackout Period

Administration is proposing to include a municipal election blackout period in the *Procedure Bylaw* that would prohibit scheduling regular Council and all-of-Council committee meetings between nomination day and the inaugural meeting. The purpose of blackout periods, whether at the federal, provincial, or municipal level, are to reduce the potential advantages of running for office while still occupying that office.

An informal blackout period was implemented ahead of the 2021 municipal election but was not formalized in the *Procedure Bylaw*. If the proposed *Procedure Bylaw* is adopted, the proposed blackout period would be in effect for the 2025 municipal election starting on nomination day on September 22, 2025 and ending with the inaugural meeting to be scheduled for some time in October 2025.

When the blackout period is in effect, no regular meetings of Council or all-of-Council would be scheduled but special meetings would be permitted for essential business that cannot wait until after the municipal election. Council did not schedule or hold regular Council meetings during the 2021 municipal election blackout period, and no special Council meetings were required to be called.

Motions to Postpone and Motions to Receive for Information

Administration is proposing the following amendments to the motions provided in the *Procedure Bylaw*:

- Replacing tabling motions with motions to postpone to further align the proposed bylaw with the motions provided for in Robert's Rules of Order. Tabling motions, according to Robert's Rules of Order, are commonly misused and motions to postpone should be used instead.
- Providing guidance on motions to receive for information as they are one of the most commonly used types of motions, particularly during Governance Committee meetings. While motions to receive for information are not provided for in Robert's Rules of Order, Administration supports their continued use for matters that are purely for informational purposes.

Adoption of an Updated Procedure Bylaw

Motions out of Order and Points of Privilege

Administration is proposing the following amendments to points of privilege and out of order motions in the *Procedure Bylaw*:

- Permitting motions to be ruled out of order if they would infringe on the role of the Chief Administrative Officer. This is in keeping with section 201(2) of the *Municipal Government Act* which states:

“A council must not exercise a power or function or perform a duty that is by this or another enactment or bylaw specifically assigned to the chief administrative officer or a designated officer”

- Permitting councillors to call points of privilege for inappropriate behaviour or the improper treatment of others during a meeting. This is in keeping with Robert’s Rules of Order which states:

“Questions of the privileges of the assembly may relate... to the comfort of its members with respect to heating, ventilation, lighting, and noise or other disturbance; to the conduct of its officers and employees, or of visitors”

COMMUNICATIONS / ENGAGEMENT

Should the proposed *Procedure Bylaw* be adopted by Council, Administration would communicate the changes to the public through the County’s website and through notifications and circulations for public hearings, particularly the new electronic participation options for public hearings and revised public submission deadlines associated with the agenda addendum process.

IMPLICATIONS

Financial

Administration does not foresee significant financial implications with the adoption of the proposed *Procedure Bylaw*; however, there will be significant resources required to support electronic participation in public hearings through Microsoft Teams, which is now required due to changes to the *Municipal Government Act* introduced by Bill 20.

Legislative and Legal

Several of the changes to the *Municipal Government Act* introduced by Bill 20 are new to municipalities in Alberta and will require some time to fully grasp from a legislative and legal perspective, such as allowing councillors to declare conflicts of interests and limiting the number of public hearings that can be held for matters concerning residential development.

Most of the proposed amendments to the *Procedure Bylaw* are relatively minor and did not necessitate a full legal review of the proposed bylaw; however, Administration sought legal advice on specific matters related to the changes to the *Municipal Government Act* introduced by Bill 20 and is prepared to provide advice to Council and the public on those matters.

Adoption of an Updated Procedure Bylaw

STRATEGIC ALIGNMENT

Key Performance Indicators		Strategic Alignment
Effective Service Delivery	SD3: Citizens are satisfied with Public Engagement opportunities and availability of information	SD3.1: Citizens satisfied with the information provided by the County (newspaper, website, social media)
Effective Service Delivery	SD3: Citizens are satisfied with Public Engagement opportunities and availability of information	SD3.2: Citizens satisfied with the public engagement opportunities provided by the County
		<p>Along with the <i>Public Notification Bylaw</i>, the <i>Procedure Bylaw</i> provides for notice of public hearings through the newspaper, website, social media, and direct mail to residents</p> <p>The <i>Procedure Bylaw</i> provides for public engagement opportunities through public hearings, and the proposed amendments to the bylaw would provide for electronic participation in public hearings</p>

ALTERNATE DIRECTION

Administration does not have an alternate direction for Council's consideration. However, should Council have significant amendments to the proposed *Procedure Bylaw*, Administration recommends the following motions to refer the proposed bylaw to the November 26, 2024 Council meeting to allow Council to submit its proposed amendments by email:

THAT further consideration of *Procedure Bylaw C-8555-2024* and any proposed amendments be referred to the November 26, 2024 Council meeting.

THAT proposed amendments to *Procedure Bylaw C-8555-2024* be submitted to Administration by email no later than 4:30 p.m. on Friday, November 1, 2024.

ATTACHMENTS

Attachment A: List of Significant Changes to the *Procedure Bylaw*

Attachment B: Proposed *Procedure Bylaw C-8555-2024*

Attachment C: Current *Procedure Bylaw C-8277-2024*

APPROVALS

Manager:	N/A
Executive Director/Director:	Gina van den Burg
Chief Administrative Officer:	Byron Riemann

Section Reference	Proposed Change and Rationale	Type of Change
Table of Contents	This proposed change would include an interactive table of contents in the <i>Procedure Bylaw</i> for easier navigation	Best Practice
Exclusion of the Subdivision and Development Appeal Board and Assessment Review Board Section 3(1)	<p>This proposed change would exclude the SDAB and ARB from the requirements of the <i>Procedure Bylaw</i> as they are quasi-judicial bodies that operate independently of Council and follow different processes than Council and other committees</p> <p>Most of the <i>Procedure Bylaw</i> does not apply to the SDAB and ARB in the first place, as they do not make decisions by resolution. In place of the <i>Procedure Bylaw</i>, both the SDAB and ARB are governed by the processes set out in the <i>Municipal Government Act</i> and its regulations</p>	Housekeeping
Inclusion of the Subdivision Authority and Development Authority Section 4	<p>This proposed change would specifically state that the <i>Procedure Bylaw</i> applies when Council is acting as either the Subdivision Authority or Development Authority</p> <p>Council already follows the <i>Procedure Bylaw</i> when it acts as the Subdivision or Development Authority; however, the proposed amendment would make this practice explicit in the bylaw</p>	Housekeeping
No Term Limits for Reeve and Deputy Reeve Sections 10 and 11	There are currently no limits on the number of successive terms that can be served by the Reeve and Deputy Reeve. The proposed amendment, however, would specifically state that there are no term limits for the Reeve and Deputy Reeve in the <i>Procedure Bylaw</i>	Housekeeping

Section Reference	Proposed Change and Rationale	Type of Change
<p>Chair Must Vacate Section 16</p>	<p>This proposed change would require the Chair to vacate the position if they intend to move a motion on <i>any</i> matter under consideration. This is a common practice among municipalities based on Administration’s best practice research</p> <p>Paragraph 43:29 of Robert’s Rules of Order states:</p> <p style="padding-left: 40px;">“the presiding officer ... has—as an individual—the same rights in debate as any other member; but the impartiality required of the chair in an assembly precludes his exercising these rights while he is presiding”</p> <p>Currently, the Chair is only required to vacate the position if they wish to move a motion or enter debate on a matter <i>specific to their electoral division</i> to ensure that the person presiding over the meeting is as impartial as possible</p> <p>With the proposed change, the Chair would only need to vacate the position if they wish to move a motion on a matter and would not need to vacate the position if they wish to enter into debate on a matter</p>	<p>Best Practice</p>
<p>Municipal Election Blackout Period Section 30</p>	<p>This proposed change would establish a blackout period between nomination day and the inaugural meeting in the years of a municipal election</p> <p>The blackout period would apply to meetings of Council and committees with membership comprised of all Council, such as the Governance Committee, Public Presentation Committee, and the Recreation Governance Committee</p> <p>A blackout period was established ahead of the 2021 municipal election on an informal basis; the proposed amendment, however, would formalize this practice in the <i>Procedure Bylaw</i></p>	<p>Best Practice</p>

Section Reference	Proposed Change and Rationale	Type of Change
<p>Inaugural Meetings Sections 34 and 35</p>	<p>This proposed change would provide for the first organizational meeting after a municipal election to be referred to as the inaugural meeting</p> <p>The first organizational meeting following a municipal election is different from other organizational meetings due to the swearing-in ceremony, which is when councillors can start officially performing their duties pursuant to section 156 of the <i>Municipal Government Act</i></p>	<p>Best Practice</p>
<p>Cameras Must Be Activated Section 49</p>	<p>This proposed change would require councillors to have their cameras activated when they are participating in a meeting electronically in order to be recorded as present at the meeting</p> <p>It is difficult for the public to know if a councillor is present and paying attention during a meeting if their cameras are not activated when participating electronically</p> <p>It is also difficult for Administration to record quorum in the meeting minutes when a councillor's camera is not activated when participating electronically</p> <p>Should special circumstances require otherwise, the Chair may allow a member to participate without their camera being activated</p>	<p>Housekeeping</p>

Section Reference	Proposed Change and Rationale	Type of Change
<p>Agenda Addendums Sections 72 through 75</p>	<p>This proposed change would establish agenda addendums as the method for providing Council and the public with additional and revised materials prior to a meeting. Additional and revised materials are currently distributed to Council and the public on an ad-hoc basis</p> <p>Agenda addendums would be published two business days before a meeting and would include materials such as revised staff reports, corrected bylaws, and additional public submissions</p> <p>Agenda addendums would provide the public with time to review the agenda after it has been published before they submit a public submission – currently, the deadline for public submissions is before the agenda is published to the public</p> <p>Agenda addendums would replace the current late public submission process, allowing those public submissions to be distributed prior to the public hearing without a resolution of Council rather than during the public hearing with a resolution of Council</p>	<p>Best Practice</p>
<p>Quorum and Absences Sections 101 through 104</p>	<p>This proposed change would reduce the waiting time for quorum from 30 minutes to 15 minutes, or another time agreed upon by the members present. The <i>Procedure Bylaw</i> currently requires members to wait at least 30 minutes for quorum to arrive before the meeting is rescheduled</p>	<p>Housekeeping</p>

Section Reference	Proposed Change and Rationale	Type of Change
<p>Conflicts of Interest Sections 108 through 110</p>	<p>This proposed change is required because of changes to the <i>Municipal Government Act</i> introduced by Bill 20. Councillors will now be able to abstain from voting when they have a real or perceived conflict of interest in a matter under consideration</p> <p>Bill 20 defines a conflict of interest as a “private interest” but does not provide guidance on when a private interest may be significant enough to be considered a conflict of interest</p> <p>Currently under the <i>Municipal Government Act</i>, Councillors are only able to declare pecuniary interests. The <i>Procedure Bylaw</i> would use the same process for declaring conflicts of interests as it does for pecuniary interests</p>	<p>Bill 20</p>
<p>Role of the Chief Administrative Officer Section 125(3)</p>	<p>This proposed change would allow the Chair to rule motions out of order if they would infringe on the role of the Chief Administrative Officer as outlined in the <i>Municipal Government Act</i>, the <i>Chief Administrative Officer Bylaw</i>, and other bylaws of the County</p> <p>Section 201(2) of the <i>Municipal Government Act</i> states:</p> <p style="padding-left: 40px;">“A council must not exercise a power or function or perform a duty that is by this or another enactment or bylaw specifically assigned to the chief administrative officer or a designated officer”</p> <p>Currently, the Chair may rule motions out of order for several reasons provided in the <i>Procedure Bylaw</i>, including motions that are contrary to the <i>Municipal Government Act</i>. However, the proposed amendment would specifically provide the role of the Chief Administrative Officer as a reason to consider when ruling a motion out of order</p>	<p>Best Practice</p>

Section Reference	Proposed Change and Rationale	Type of Change
<p>Motions to Receive for Information Sections 140 through 142</p>	<p>This proposed change would provide guidance on the purpose and use of motions to receive for information. Motions to receive for information are one of the most frequently used types of motions, particularly during Governance Committee meetings, but the <i>Procedure Bylaw</i> currently provides no guidance on their use or purpose</p> <p>Paragraph 51:15 of Robert’s Rules Orders states:</p> <p style="padding-left: 40px;">“A common error is to move that a report ‘be received’ after it has been read— apparently on the supposition that such a motion is necessary in order for the report to be taken under consideration or to be recorded as having been made”</p> <p>Although Robert’s Rules of Order advises that motions to receive for information are unnecessary, Administration supports their continued use for matters that are purely for informational purposes without additional action or direction being required or desired</p>	<p>Best Practice</p>

Section Reference	Proposed Change and Rationale	Type of Change
<p>Motions to Postpone Sections 150 through 153</p>	<p>This proposed change would replace tabling motions with motions to postpone to further align the <i>Procedure Bylaw</i> with Robert’s Rules, which forms the foundation of the bylaw along with the <i>Municipal Government Act</i></p> <p>Paragraph 14:1 of Robert’s Rules of Order states:</p> <p>“A question may be postponed either so that it may be considered at a more convenient time, or because debate has shown reasons for holding off on a decision until later”</p> <p>Paragraph 17:1 of Robert’s Rules of Order states:</p> <p>“[Tabling motions are] commonly misused in ordinary assemblies—in place of a motion to postpone indefinitely, postpone to a certain time, or other motions. Particularly in such misuses, it is also known as a motion ‘to table’”</p> <p>Tabling motions are often misused due to differences in the way the word “tabling” is used in American and British parliamentary traditions. In practice, there would be no substantial difference in the way tabling motions and motions to postpone function in the <i>Procedure Bylaw</i></p>	<p>Best Practice</p>

Section Reference	Proposed Change and Rationale	Type of Change
<p>Points of Privilege Sections 175 through 177</p>	<p>This proposed change would distinguish the difference between points of order and points of privilege in the <i>Procedure Bylaw</i>. Whereas points of order are intended for procedural matters, points of privilege are intended for general behaviour and conduct</p> <p>Paragraph 19:7 of Robert’s Rules of Order states:</p> <p>“Questions of the privileges of the assembly may relate... to the comfort of its members with respect to heating, ventilation, lighting, and noise or other disturbance; to the conduct of its officers and employees, or of visitors”</p> <p>The proposed amendments to the bylaw would allow councillors to call points of privilege if there is inappropriate behaviour or improper treatment of others during a meeting</p>	<p>Best Practice</p>
<p>Public Hearings for Residential Developments Section 182</p>	<p>This proposed change is required because of changes to the <i>Municipal Government Act</i> introduced by Bill 20. While multiple public hearings may be held on most matters, there will now be a limit of one public hearing on matters that consider residential development</p> <p>This change to the <i>Municipal Government Act</i> would limit Council’s ability to ensure procedural fairness when holding an additional public hearing would be prudent due to significant amendments or more information required being required after a public hearing has been held for a residential development</p>	<p>Bill 20</p>
<p>Withdrawing Public Hearings Section 186 and 187</p>	<p>This proposed change would formalize a process for applicants to withdraw public hearings after they have been scheduled by Administration, advertised to the public, and published on an agenda. The proposed process would complement the withdrawal fee added to the <i>Master Rates Bylaw</i> in 2024</p> <p>The requirement for the applicant to pay a withdrawal fee (only when the withdrawal is at their request) is intended to cover the costs of Administration for scheduling and coordinating public hearings, which involves mailing public hearing notices to residents</p>	<p>Housekeeping</p>

Section Reference	Proposed Change and Rationale	Type of Change
<p>Electronic Public Hearing Presentations Sections 188 through 192</p>	<p>This proposed change is required because of changes to the <i>Municipal Government Act</i> introduced by Bill 20. Municipalities will now be required to offer full electronic participation options for public hearings, which must allow all attendees (whether in person or online) to hear and communicate with each other</p> <p>In addition to hearing from the public in-person, through written submissions, or through pre-recorded audio/visual submissions, Council will now be required to hear from the public electronically through Microsoft Teams during public hearings, which is the County’s preferred videoconferencing platform</p>	<p>Bill 20</p>
<p>Applicant Presentation and Rebuttal Time Limit Reduction Section 206(4) and 206(7)</p>	<p>This proposed change would reduce the time permitted for applicants to present their applications at a public hearing from 20 minutes to 10 minutes, with a corresponding reduction in the rebuttal time for applicants from 10 minutes to 5 minutes</p> <p>This proposed change is based on Administration’s best practices review, which showed that most municipalities offer applicants 5 minutes for applicants to present at public hearings</p> <p>Council would still be able to extend these time limits by resolution should the matter under consideration warrant more time for an applicant to present their application or their rebuttal</p>	<p>Best Practice</p>

Section Reference	Proposed Change and Rationale	Type of Change
<p>Public Submissions and Presentations in Concern Various sections</p>	<p>This proposed change would recognize public submissions and presentations “in concern” within the <i>Procedure Bylaw</i>, as the County receives numerous submissions and presentations that are neither in support of a matter nor in opposition to a matter, but rather are general comments or raise a specific concern with a portion of a matter</p> <p>Over the past year, public submissions and presentations in concern have increasingly been denoted separately in staff reports for public hearing matters. Public submissions and presentations in concern would be grouped together and treated the same as those in opposition to allow applicants to respond to any submissions or presentations in concern during their rebuttal</p>	<p>Housekeeping</p>



ROCKY VIEW COUNTY

PROCEDURE BYLAW C-8555-2024



PROCEDURE BYLAW

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BYLAW C-8555-2024

A Bylaw of Rocky View County to provide for the orderly proceedings of meetings held by Council and the various boards, committees, and other bodies established by Council.

WHEREAS Rocky View County Council may pass bylaws establishing procedures to be followed by Council, committees, and other bodies established by Council pursuant to the *Municipal Government Act*;

AND WHEREAS Rocky View County may pass bylaws establishing procedures for public hearings pursuant to the *Municipal Government Act*;

NOW THEREFORE the Council of Rocky View County enacts as follows:

Title and Definitions

- 1 This bylaw may be cited as the *Procedure Bylaw*.
- 2 Words in this bylaw have the same meaning as set out in the *Municipal Government Act* except for the definitions provided in Schedule 'A' of this bylaw.

Application and Purpose

- 3 This bylaw applies to all Council and committee meetings and to those participating in and attending those meetings. The procedures established in this bylaw are to be used for the orderly consideration of business and are to be applied in the spirit of fairness, equality, and common sense.
 - (1) Despite the above section, this bylaw does not apply to the Subdivision and Development Appeal Board and the Assessment Review Boards.
- 4 This bylaw applies when Council acts as the:
 - (1) Subdivision Authority in accordance with the *Subdivision Authority Bylaw* or otherwise from time to time; and
 - (2) Development Authority in accordance with the *Land Use Bylaw*, a direct control bylaw, or otherwise from time to time.
- 5 Despite the procedures established in this bylaw, if a committee establishes procedures that differ from the procedures in this bylaw, the procedures of the committee take precedence to the extent of the difference.



Interpretation

- 6 Meeting procedures are a matter of interpretation by the Chair, subject to the rights and privileges of members. The Chair is encouraged to seek advice when interpreting meeting procedures.
- (1) Although meeting procedures are a matter of interpretation by the Chair, it is the responsibility of all members to ensure that the procedures in this bylaw are followed during meetings.
- 7 If a matter of procedure arises that is not contemplated in this bylaw, the matter is decided by reference to the most current edition of Robert's Rules of Order. If there is a conflict between this bylaw and the most current edition of Robert's Rules of Order, this bylaw takes precedence to the extent of the conflict.

Suspension of the Rules

- 8 Council or a committee may by resolution temporarily suspend specific rules established in this bylaw. A suspension of the rules is only in effect for the meeting at which the resolution was passed.
- (1) Rules in this bylaw originating from the *Municipal Government Act* or other governing legislation cannot be suspended.
- 9 If a suspendable rule in this bylaw is inadvertently not followed during a meeting, the rule is deemed to have been suspended for that specific case.

Term of Appointment of the Reeve and Deputy Reeve

- 10 The term of appointment of the Reeve is for one year and must not extend beyond the term of office of that person as councillor. There are no limits on the number of successive terms that can be served by the Reeve.
- (1) Only one councillor may be appointed as Reeve at a time and the position of Reeve must be filled at all times.
- 11 The term of appointment of the Deputy Reeve is for one year and must not extend beyond the term of office of that person as councillor. There are no limits on the number of successive terms that can be served by the Deputy Reeve.
- (1) Only one councillor may be appointed as Deputy Reeve at a time and the position of Deputy Reeve must be filled at all times.
- 12 The term of appointment of the Reeve and Deputy Reeve must be made, suspended, or revoked by resolution. A resolution to suspend or revoke the appointment of the Reeve or Deputy Reeve must provide for the appointment of another councillor to that position.



Reeve as Chair and Deputy Reeve as Vice-Chair

- 13 The Reeve is the Chair and presides over Council meetings when they are present and able to perform the duties of the position in accordance with section 154(1)(a) of the *Municipal Government Act*.
- 14 The Deputy Reeve is the Vice-Chair and presides over Council meetings when the Reeve is absent or unable to perform the duties of the position in accordance with section 152(2)(a) of the *Municipal Government Act*.
- (1) The Deputy Reeve has the same powers and responsibilities as the Reeve under this bylaw when presiding over Council meetings.

Responsibilities of Chairs and Vice-Chairs

- 15 The Chair of a meeting is responsible for:
- (1) presiding over the meeting when in attendance unless otherwise specified by this bylaw or other Rocky View County bylaws, policies, and procedures;
- (2) presiding over conduct at meetings, including providing for the orderly consideration of business, preserving good order and decorum, deciding on and responding to procedural questions, ruling on points of order and points of privilege, and responding to challenges of the Chair;
- (3) managing the flow of business at meetings, including changing the order of the agenda when appropriate and calling for recesses or for the meeting to stand at ease without requiring a resolution; and
- (4) providing for the orderly queuing of speakers and ensuring that each member who wishes to speak on a matter or motion is provided an opportunity to do so in accordance with this bylaw.
- 16 The Chair has the same rights and privileges as any other member except for when they intend to move a motion on a matter. When the Chair wishes to move a motion on a matter, they must:
- (1) vacate the position of Chair and request that the Vice-Chair, or an Acting Chair if required, assume the position of Chair for the duration of that matter; and
- (2) reassume the position of Chair when consideration of the matter has concluded.
- 17 When the Chair is absent from a meeting or unable to perform the duties of the position, the Vice-Chair presides over the meeting. The Vice-Chair has the same powers and responsibilities as the Chair under this bylaw when presiding over meetings.



Appointment and Responsibilities of an Acting Chair

- 18 An Acting Chair presides over meetings when both the Chair and Vice-Chair are absent or unable to perform the duties of the position. The Acting Chair has the same powers and responsibilities as the Chair under this bylaw when presiding over meetings.
- (1) The Chief Administrative Officer will call the meeting to order and preside over the appointment of the Acting Chair if both the Chair and Vice-Chair are absent or unable to preside over the appointment of the Acting Chair.
 - (2) The appointment of the Acting Chair may be made by either resolution or unanimous consent of the members in attendance at the meeting. The Acting Chair presides over the remainder of the meeting once they are appointed, or until the Chair or Vice-Chair are able to preside over the meeting.

Scheduling Regular Council and Committee Meetings

- 19 At its annual organizational meeting, Council schedules regular Council and committee meetings for the following year as required, except for the Subdivision and Development Appeal Board and Assessment Review Boards.
- 20 Council may from time-to-time schedule additional regular Council meetings by resolution.
- 21 Committees may from time-to-time schedule additional regular meetings in accordance with the committee's terms of reference, or by resolution if the terms of reference do not provide for an alternate process.
- 22 All councillors must be present when scheduling regular Council meetings pursuant to section 193(1) of the *Municipal Government Act*.

Scheduling Special Council and Committee Meetings

- 23 Special Council meetings may be called by the Reeve in accordance with section 194 of the *Municipal Government Act*.
- 24 Special committee meetings may be called by the Chair in accordance with the committee's terms of reference, or by the Chair in accordance with section 194 of the *Municipal Government Act* if the terms of reference do not provide for a process.

Notice of Council and Committee Meetings

- 25 Notice of regular Council and committee meetings, as well as organizational and inaugural meetings of Council, is provided in accordance with the *Municipal Government Act* and the *Public Notification Bylaw*.
- (1) If time permits, notice is provided for at least two consecutive weeks prior to a meeting. If time does not permit, notice is provided for as much time as possible prior to the meeting.



- 26 Notice of special Council and committee meetings is provided in accordance with the *Municipal Government Act* and the *Public Notification Bylaw*.
- (1) If time permits, notice is provided for two consecutive weeks prior to a special meeting. If time does not permit, notice is provided for as much time as possible prior to the special meeting.

Rescheduling and Cancelling Council and Committee Meetings

- 27 Council may change the date, time, or place of a meeting by resolution or with the written consent of a majority of councillors. Notice of the change is provided in accordance with the *Public Notification Bylaw* with no less than 24 hours' notice pursuant to section 193(3) of the *Municipal Government Act*.
- 28 Committees may change the date, time, or place of a meeting by resolution or with the written consent of a majority of members. Notice of the change is provided in accordance with the *Public Notification Bylaw* with no less than 24 hours' notice.
- 29 Council or committee meetings may be cancelled:
- (1) by resolution passed at a meeting prior to the meeting to be cancelled with not less than 24 hours' notice of the cancellation. Notice of the cancellation is provided in accordance with the *Public Notification Bylaw*; or
- (2) with the written consent of a majority of members with not less than 24 hours' notice of the cancellation. Notice of the cancellation is provided in accordance with the *Public Notification Bylaw*.

Council and Committee Meetings in a General Election Year

- 30 In the year of a general election, Council must not schedule regular Council meetings or regular meetings of committees with membership comprised entirely of councillors between nomination day and the inaugural meeting following the general election.
- (1) The Reeve may, if necessary, schedule special Council meetings between nomination day and the inaugural meeting to conduct business that cannot wait until the term of the new Council begins.
- (2) Their Chairs of committees with membership comprised entirely of councillors may, if necessary, schedule special committee meetings between nomination day and the inaugural meeting to conduct business that cannot wait until the term of the new Council begins.

Organizational Meetings of Council

- 31 Council holds an annual organizational meeting pursuant to section 192(1) of the *Municipal Government Act* to appoint the Reeve and Deputy Reeve, schedule Council and committee meetings, make appointments to committees and other bodies, and consider any other business on the organizational meeting agenda.



- 32 At organizational meetings, Council:
- (1) in accordance with section 159(1) of the *Municipal Government Act*, appoints the Reeve and Deputy Reeve for the term of appointment provided for in sections 10 and 11 of this bylaw;
 - (2) schedules regular Council and committee meetings as required, except for the Subdivision and Development Appeal Board and Assessment Review Boards;
 - (3) makes appointments to committees and other bodies as required using the process established by sections 36 through 40 of this bylaw; and
 - (4) considers any other matter on the organizational meeting agenda.
- 33 During organizational meetings:
- (1) the Chief Administrative Officer calls the meeting to order and presides over the appointment of the Reeve and their oath of office;
 - (2) once appointed, the Reeve presides over the appointment of the Deputy Reeve and their oath of office; and
 - (3) the Reeve then presides over the remainder of the organizational meeting.

Inaugural Meetings of Council

- 34 Inaugural meetings are the first organizational meeting of a new Council held after a general election and are held in accordance with sections 31, 32, and 33 of this bylaw.
- 35 During inaugural meetings:
- (1) the Chief Administrative Officer calls the meeting to order and presides over the oaths of office for councillors;
 - (2) the Chief Administrative Officer then presides over the appointment of the Reeve and their oath of office;
 - (3) once appointed, the Reeve presides over the appointment of the Deputy Reeve and their oath of office; and
 - (4) the Reeve then presides over the remainder of the inaugural meeting.

Appointments and Votes by Secret Ballot

- 36 When Council or a committee makes appointments to a position, either at an organizational meeting or as otherwise required from time to time, the following process will be used:
- (1) the Chair calls for nominations for the position;



- (2) members nominate their preferred candidate for the position. Members may only nominate one candidate for a position; and
 - (3) when there are no further nominations for the position, the Chair closes nominations without requiring a resolution.
- 37 If only one nomination is received for a position, they are declared the successful nominee and are appointed to the position by acclamation for the specified term of office.
- 38 If more than one nomination is received for a position, a vote by secret ballot is conducted to determine the successful nominee using the following process:
- (1) if a nominee receives a majority of votes on the first ballot, they are declared the successful nominee and are then appointed by resolution to the position for the specified term of office; or
 - (2) if no nominee receives a majority of votes on the first ballot, the nominee with the fewest votes is dropped from the ballot and subsequent ballots are conducted until only the nominee with the most votes remains. The successful nominee is then appointed by resolution to the position for the specified term of office; and
 - (3) if after multiple ballots it is clear that no one nominee will receive a majority of votes, the Chair may direct the scrutineers to draw a name to determine the successful nominee. The successful nominee is then appointed by resolution to the position for the specified term of office.
- 39 The Chief Administrative Officer will provide for scrutineers to conduct votes by secret ballot and will ensure that all ballots are destroyed after the meeting at which the vote by secret ballot was conducted is adjourned.
- 40 All appointments, including appointments determined through a vote by secret ballot, must be confirmed by resolution pursuant to section 185.1(2) of the *Municipal Government Act*.

Recording and Livestreaming of Meetings

- 41 Council meetings are recorded and livestreamed to the public with the exception of closed sessions. Committee meetings may be recorded and livestreamed to the public with the exception of closed sessions.
- 42 If there are technical difficulties while livestreaming that are unable to be resolved, the Chair advises those present at the meeting that the livestream is not available. Notice of the technical difficulties will be provided to the public on Rocky View County's public website.
- (1) The meeting may continue without a livestream provided that the meeting can still be recorded by other means and the recording can be made available on Rocky View County's public website after the meeting is adjourned.



- 43 The use of audio/video recording devices or photographs by the public or the media during a meeting is prohibited unless authorization is provided by the Chair and Chief Administrative Officer.
- 44 Meeting recordings will be retained and provided in accordance with Rocky View County's bylaws, policies, and procedures. Meeting recordings will only be transcribed by Rocky View County if required in connection with any litigation, audit, or investigation.

Electronic Participation in Meetings

- 45 Members are expected to participate in meetings in-person unless there is a clear need to participate electronically. Members may participate in an in-person meeting electronically in accordance with this bylaw.
- 46 Any member, except for the member presiding over the meeting, may participate in a meeting electronically for personal or family reasons so long as they participate in a location that is free of distractions, secure, and appropriate for participation in the meeting.
- (1) The Chair cannot electronically preside over in-person meetings and must vacate the position for that meeting if they wish to participate electronically.
- 47 The Chair has the authority to end a member's electronic participation in a meeting if, in their determination, it is disruptive to the meeting or the location of the member is not secure or appropriate.
- 48 Members must notify the Chair and Chief Administrative Officer as soon as they are aware of their need to participate in a meeting electronically.
- 49 Members participating in a meeting electronically must have their cameras activated and be visible to the other members of the meeting to be considered present, unless otherwise permitted by the Chair. Unless otherwise permitted by the Chair, members will be considered absent from the meeting if their cameras are not activated or if they are not visible during the meeting.

Holding Meetings and Hearings Electronically

- 50 Council and committee meetings and hearings may be held entirely electronically so long as they are held in accordance with section 199 *Municipal Government Act* and comply with the public notification and participation requirements of the *Municipal Government Act*.
- 51 The Chair may direct that meetings or hearings be held electronically through Microsoft Teams if, in their determination, electronic meetings are desirable or if they are required during emergency, public health, or disaster events.
- 52 When a meeting or hearing is held electronically:
- (1) all participants must identify themselves by name through their usernames on Microsoft Teams and may further identify themselves by position or organization if they wish;



- (2) members participating in a meeting electronically must have their cameras activated and be visible to the other members of the meeting to be considered present, unless otherwise permitted by the Chair. Unless otherwise permitted by the Chair, members will be considered absent from the meeting if their cameras are not activated or if they are not visible during the meeting; and
 - (3) all materials that would otherwise be available during an in-person meeting or hearing will be made available through Rocky View County's public website.
- 53 The Chair must be physically present to preside over a meeting or hearing that is being held electronically. If the Chair wishes to participate in the meeting electronically, they must vacate the position for that meeting or hearing.
- 54 The Chair has the authority to end a member's electronic participation in an electronic meeting or hearing if, in their determination, it is disruptive to the meeting or hearing or the location of the member is not secure or appropriate.

Closed Sessions

- 55 Council and committees may consider a matter, or a portion of a matter, in a closed session only in accordance with section 197 of the *Municipal Government Act* and the applicable sections of the *Freedom of Information and Protection of Privacy Act*.
- (1) Closed sessions may be held electronically and members may participate in a closed session electronically in accordance with this bylaw.
- 56 In accordance with section 197(4) of the *Municipal Government Act*, Council or the committee must pass a resolution to move into a closed session that specifies the matters to be considered in the closed session and the applicable sections of the *Freedom of Information and Protection of Privacy Act*.
- 57 The Chair of a meeting presides over any closed sessions held at that meeting and ensures that only those matters included in the resolution to move into closed session are considered during the closed session.
- 58 All members may participate in a closed session except if a member abstains from participating in the matter to be considered in the closed session in accordance with the *Municipal Government Act*.
- 59 The Chair may allow others to attend closed sessions and may direct that others leave the closed session as desired. The meeting minutes will record the names of those in attendance for the closed session.
- 60 Those attending a closed session must not record, take notes, or otherwise document the proceedings of the closed session except for the Chief Administrative Officer for the purpose of recording meeting minutes.



- 61 Council or a committee cannot pass resolutions during a closed session except for a resolution to move back into open session pursuant to section 197(3) of the *Municipal Government Act*. All decisions arising from a closed session must be made by resolution passed in open session.
- 62 All proceedings, discussion, opinions, advice, and materials provided in closed sessions are confidential and must remain in confidence indefinitely by those attending the closed session unless their release is directed by Council or the committee.
- (1) Despite this section, materials provided in closed sessions may be released through an access to information request in accordance with the *Freedom of Information and Protection of Privacy Act* without direction from Council or the committee.
- 63 Before considering motions following a closed session, the Chair of the meeting will provide reasonable notice to the public that the meeting is back in open session and will allow sufficient time for the public to return to the meeting in accordance with section 197(5) of the *Municipal Government Act*.

Meeting Minutes

- 64 The Chief Administrative Officer prepares written records of the proceedings and decisions of Council and committee meetings pursuant to section 208 of the *Municipal Government Act*, which must include, but are not limited to including, the following:
- (1) the date, time, and location of the meeting;
- (2) the names of the members present and absent from the meeting;
- (3) the names and times of members who arrive or leave throughout the course of the meeting or who are temporarily absent for a portion of the meeting;
- (4) the names of the staff who participated in the meeting by presenting or responding to questions and the names of the public who are permitted to address Council during the meeting;
- (5) the names of the public who speak at a public hearing pursuant to section 216.4(6) of the *Municipal Government Act*;
- (6) the names of everyone, including members, staff, the public, or others, in attendance during any closed sessions held at the meeting;
- (7) all motions, which member moved each motion, whether each motion was carried or defeated, and any members who were absent or abstained from the vote on the motion;
- (8) any abstentions of a conflict of interest or pecuniary interest made by members and the reasons provided by the member in their disclosure of the interest; and



- (9) if a vote is a recorded vote, then the names of which members voted in favour and in opposition to the motion if the result of the vote is not unanimous in accordance with section 185(2) of the *Municipal Government Act*.

65 Meeting minutes must be adopted by resolution of Council or the committee and be signed in accordance with section 213(1) of the *Municipal Government Act*.

66 Minor corrections may be made to approved meeting minutes without requiring a resolution of Council or the committee provided they are limited and clerical in nature, such as correcting spelling or grammar. Minor corrections to the meeting minutes must be approved by both the Chair and the Chief Administrative Officer.

67 Major corrections to approved meeting minutes must be made by resolution of Council or the committee. Major corrections include capturing the correct wording of motions, clarifying whether motions were carried or defeated, or properly recording any disclosures or abstentions made at the meeting.

Meeting Agendas

68 Council and committee meeting agendas are prepared by Administration in consultation with the Reeve and the Deputy Reeve.

69 Council meeting agendas are approved by the Reeve prior to them being published to Council, and the Reeve may reschedule agenda items to maximize the efficiency and effectiveness of the meeting.

- (1) The Deputy Reeve approves agendas and reschedules any agenda items if the Reeve is absent or unable to do so.

70 Committee meeting agendas are approved by the Chair prior to them being published to the committee, and the Chair may reschedule agenda items to maximize the efficiency and effectiveness of the meeting.

- (1) The Vice-Chair approves agendas and reschedules any agenda items if the Chair is absent or unable to do so.

71 The Chief Administrative Officer publishes Council and committee agendas to Council or the committee no later than seven days prior to each meeting and to Rocky View County's public website no later than six days prior to each meeting.

Addendums to an Agenda

72 The Chief Administrative Officer may prepare and publish addendums to Council or committee meeting agendas. Agenda addendums may include the following:

- (1) supplementary reports and materials;
- (2) revised or corrected reports and materials;



- (3) reports and materials for emergent business items;
- (4) additional public submissions or public submissions not included in the agenda; and
- (5) anything else that, in the determination of the Chief Administrative Officer, is required for consideration of business at the meeting.

73 Prior approval from the Reeve or Chair, as otherwise required by sections 69 and 70 of this bylaw, is not required for the Chief Administrative Officer to prepare and publish agenda addendums.

74 The Chief Administrative Officer publishes Council and committee agenda addendums to Council or the committee and on Rocky View County's public website no later than two business days prior to the meeting.

Updates and Adoption of an Agenda

75 Meeting agendas must be adopted by resolution prior to consideration of any business at a Council or committee meeting. When an agenda is adopted, the adoption includes any addendums to the agenda published by the Chief Administrative Officer.

76 After an agenda has been published to Council or a committee, Council or the committee may only add or remove items from an agenda by resolution. Updates to an agenda should be considered prior to the adoption of the agenda at the meeting.

- (1) Despite this bylaw, Council or a committee may only add or remove items from a special meeting agenda by resolution passed by a majority of members and only if the entire Council or committee is present at the special meeting pursuant to section 194(5) of the *Municipal Government Act*.

77 After an agenda has been adopted by Council or a committee, Council or the committee may only add or remove items from the agenda by resolution passed unanimously by all members present at the meeting.

Emergent Business

78 Only emergent business items may be added to a Council or committee meeting agenda after the agenda has been published to Council or the committee. Emergent business items are matters that were not included on a meeting agenda but due to urgency, time constraints, or unusual circumstances must be considered at the meeting.

79 The Chief Administrative Officer or a member may propose that an emergent business item be added to a meeting agenda. Emergent business items must be added to an agenda by resolution.

- (1) When Administration proposes an emergent business item, the Chief Administrative Officer provides reasons why the item should be considered as emergent business at the meeting.



- (2) When a member proposes an emergent business item, the member provides reasons why the item should be considered as emergent business at the meeting.
- 80 When considering whether to add an emergent business item to the agenda, Council or the committee should consider, but is not bound or limited to considering, the following:
- (1) the reasons provided by the Chief Administrative Officer or member;
 - (2) whether the matter could be considered at a future meeting;
 - (3) whether enough information is available to properly consider the matter; and
 - (4) whether the matter requires prior advertisement or notification in accordance with this bylaw, the *Municipal Government Act*, or other governing legislation.

Notices of Motion

- 81 A councillor who wishes to introduce a new matter for consideration at a Council meeting that is not emergent business must submit a notice of motion to the Chief Administrative Officer and the notice of motion must be seconded by another councillor.
- 82 All notices of motion are introduced at one meeting by reading the notice of motion into the public record, and the proposed motion is then considered by Council at a subsequent meeting as specified in the notice of motion.
- 83 To be included on the agenda, notices of motion must be submitted to the Chief Administrative Officer by noon not less than 11 days prior to the meeting at which the councillor wishes to introduce their notice of motion.
- 84 The notice of motion must include the following:
- (1) the date of the meeting at which the councillor will introduce the notice of motion by reading it into the public record;
 - (2) the date of the meeting at which Council will consider the motion proposed in the notice of motion;
 - (3) the name of the Councillor who seconded the notice of motion;
 - (4) an indication of the purpose and background of the proposed motion to be considered by Council; and
 - (5) the proposed motion to be considered by Council.
- 85 After a notice of motion has been read into the public record, consideration of the proposed motion will be scheduled with no further action required by Council. At the meeting where the proposed motion will be considered, a councillor must still move the motion proposed in the notice of motion, at which point Council proceeds to consider the motion.



- 86 When considering a motion proposed by a notice of motion, Council considers the motion in the same manner it would if the motion was moved without a notice of motion. Council may, for example, consider passing or defeating the motion, amending the motion, postponing the motion, or referring the motion to Administration to prepare a response to the motion.

Member Conduct at Meetings

- 87 When in attendance at a Council or committee meeting, members must maintain order and decorum during the meeting. Members must:
- (1) speak and listen respectfully to all those participating or attending the meeting;
 - (2) be acknowledged by the Chair prior to speaking;
 - (3) use parliamentary language whenever possible;
 - (4) respect the rules and proceedings of Council or the committee;
 - (5) refrain from side conversations with each other when another person is speaking; and
 - (6) respect the decisions of the Chair and of Council or committee, respect the submissions made by the public, and respect the advice provided by Administration.
- 88 If a member continues to breach the rules in this bylaw, the Chair may request that another member move a motion to remove the unruly member from either the balance of the meeting or until such a time provided in the motion so long as that time does not extend beyond the balance of the meeting. If the motion passes, the member must leave the meeting.
- 89 If the Chair continues to fail to adhere to the rules of this bylaw, a member may move a motion to remove the unruly Chair from either the balance of the meeting or until such a time provided in the motion so long as that time does not extend beyond the balance of the meeting. If the motion passes, the Chair must leave the meeting.
- 90 If the Chair or a member has been directed to leave the meeting in accordance with this bylaw, the Chair or member may provide an explanation and apology for their behaviour. If the remaining members find the statement satisfactory, the members may by resolution allow the offending member to remain or return to the meeting.

Public Conduct at Meetings

- 91 When in attendance at a Council or committee meeting, the public must maintain order, decorum, and quiet for the duration of the meeting. The public must not:
- (1) approach or address, or attempt to approach or address, Council or the committee without prior permission being granted; or
 - (2) otherwise disturb or interrupt the proceedings of Council or the committee.



- 92 The Chair may order that a member of the public be expelled from a meeting for disturbing or interrupting the proceeds of a meeting, or for otherwise acting improperly during the meeting in accordance with section 198 of the *Municipal Government Act*.

Public Requests to Address Council or a Committee

- 93 Members of the public wishing to address Council or a committee, either with a verbal presentation or with a written submission, on an agenda item that is not a public hearing must notify the Chief Administrative Officer of the request and the reasons for the request.
- 94 The Chief Administrative Officer advises Council or the committee of the request and the reasons provided by the requestor.
- 95 Council or the committee may by resolution permit the member of the public to speak on the agenda item or may by resolution receive the written submission on the agenda item. Members of the public who are permitted to address Council or the committee have a maximum speaking time of 5 minutes, unless otherwise provided for by resolution.

Meeting Proceedings

- 96 All proceedings during a meeting must be directed through the Chair, including presentations, questions, responses, and debate. The Chair, when directing the proceedings of a meeting, should apply the rules in this bylaw in the spirit of fairness and to advance the business before Council or the committee.
- 97 The order of business conducted at a meeting is determined by the Chair, subject to:
- (1) the time of any advertised public hearings or any matters scheduled for a specific time;
 - (2) a request or point of order raised by a member; or
 - (3) a request raised by Administration.
- 98 No member or participant in a meeting may speak until they are recognized by the Chair unless they are attempting to gain the attention of the Chair, in which case they must do so in the least disruptive way possible.
- 99 Unless otherwise permitted by the Chair, members may speak twice on a matter or motion, once to ask questions and once in debate. The Chair may allow members to speak more than twice on a matter or motion in the following cases:
- (1) the member is seeking clarification from another member, from Administration, or from a presenter;
 - (2) the member is responding to a question or comment made by another member, by Administration, or by a presenter;



- (3) the matter under consideration warrants, in the determination of the Chair, further questioning or debate;
 - (4) to allow the mover of a motion to close debate; or
 - (5) for any other reason that the Chair, in their determination, considers reasonable.
- 100 Councillors sit in the numerical order of their electoral division, other than the Chair and Vice Chair, with any seating changes subject to approval from the Chair.

Quorum and Absences

- 101 If a member is unable to attend a meeting, that member must advise the Chair and the Chief Administrative Officer of their absence and the reasons for their absence as soon as possible after they are aware that they will be unable to attend.
- 102 If quorum is lost at any time during a meeting, the meeting is recessed and if quorum is not regained within 15 minutes, or more than 15 minutes if agreed upon by the members present, the meeting is adjourned and all remaining business on the agenda is postponed to the next available meeting.
- 103 If quorum is not present within 15 minutes, or more than 15 minutes if agreed upon by the members present, after the advertised start time of the meeting, the meeting is adjourned and all business on the agenda is postponed to the next available meeting.
- 104 If both the Chair and the Vice-Chair are not present within 15 minutes, or more than 15 minutes if agreed upon by the members present, of the start time of a meeting but there is quorum present, the Chief Administrative Officer will call the meeting to order and the members present will appoint an Acting Chair for the meeting.

Pecuniary Interests and Abstentions

- 105 When a member is aware or reasonably believes that they have a pecuniary interest in a matter before Council or a committee, the member must disclose their pecuniary interest and abstain from participating in the matter in accordance with section 172 of the *Municipal Government Act*.
- 106 Members should make their disclosures of pecuniary interest, including the general nature of the pecuniary interest, at the onset of the meeting at which they have a pecuniary interest, as well as at the onset of the agenda item for which they have the pecuniary interest.
- 107 The member's disclosure of pecuniary interest and abstention are recorded in the meeting minutes in accordance with section 172(5) of the *Municipal Government Act*.



Conflicts of Interest and Abstentions

- 108 When a member is aware or reasonably believes that they have a conflict of interest or a perceived conflict of interest in a matter before Council or a committee, the member may disclose the general nature of their conflict of interest and abstain from participating in the matter in accordance with section 172.1 of the *Municipal Government Act*.
- 109 Members should make their disclosures of conflict of interest or perceived conflict of interest, including the general nature of the conflict of interest, at the onset of the meeting at which they have a conflict of interest, as well as at the onset of the agenda item for which they have a conflict of interest.
- 110 The member's disclosure of conflict of interest or perceived conflict of interest and abstention are recorded in the meeting minutes in accordance with section 172.1(3) of the *Municipal Government Act*.

Moving Motions

- 111 The Chair should, whenever possible, ensure a motion is on the floor before allowing debate on a matter. The Chair must not call for a vote on a motion until the members and the Chief Administrative Officer are clear on how the motion reads.
- 112 Motions may be displayed prior to the vote on the motion at the request of the Chair or a member, and the Chair may request that a motion be submitted by a member in writing or electronically prior to moving the motion.
- 113 A member may move a motion regardless of whether the member intends to vote in support of the motion and members may vote in opposition to motions that they have moved.
- 114 Motions are not required to be seconded by another member, with the exception of a notice of motion submitted in accordance with section 81 of this bylaw.
- 115 Minor corrections may be made to a motion after it has been moved but before the vote on the motion without requiring an amending motion provided that the corrections are limited and clerical in nature, such as correcting spelling and grammar.
- 116 Minor corrections to a motion require the unanimous consent of the members present. If a minor correction does not receive unanimous consent, it may be made in the form of an amending motion.
- 117 Minor corrections to a motion are not recorded in the meeting minutes, and the mover of the original motion is still considered the mover after any minor corrections have been made to the motion.

Debating Motions

- 118 After a motion has been moved by a member, debate may begin on the motion and the Chair provides each member an opportunity to speak to the motion before it is voted on unless debate is closed.



- (1) The Chair must allow the mover of a motion to open and close debate on the motion they have moved. The order of debate among the members between the opening and closing of debate on a motion is determined by the Chair.
 - (2) The Chair is encouraged to allow all other members to participate in debate before the Chair participates in debate, with the exception of allowing the mover of a motion to close debate.
- 119 When a member is speaking to a motion, other members must not interrupt the speaker unless the member is raising a point of order or point of privilege or is attempting to gain the attention of the Chair.
- 120 The Chair must call for a vote on a motion after debate on the motion has concluded. The Chair may close debate in the following circumstances:
- (1) all members have been provided an opportunity to debate and ask questions on the motion and no member wishes to further debate or ask questions the motion;
 - (2) all members have been provided an opportunity to debate and ask questions on the motion and, in the determination of the Chair, the debate or questioning has become repetitious or unproductive; or
 - (3) if the members pass a resolution to close debate on the motion.

Severing Motions

- 121 When a motion has two or more recommendations, a member may request, after a motion has been moved but before the vote on the motion, that the recommendations be severed and considered as separate motions.
- 122 The Chair determines whether the motion will be severed and the mover of the original motion is still considered the mover of the severed motions.

Withdrawing Motions

- 123 After a member moves a motion, the motion belongs to the members as a whole and may only be withdrawn by the mover with the unanimous consent of the members present. If a motion does not receive unanimous consent to be withdrawn, the members must continue with consideration of the motion.
- 124 Withdrawn motions are not recorded in the meeting minutes except when, in the determination of the Chief Administrative Officer, recording the withdrawn motion is needed to accurately record the proceedings of the meeting in the minutes.

Motions Out of Order

- 125 The Chair may rule a motion out of order. When ruling a motion out of order, the Chair must provide the reasons for their ruling and may consider, but is not limited to, the following:



- (1) whether the motion is germane to the matter under consideration;
- (2) whether an amending motion would nullify or contradict the intent of the original motion;
- (3) whether the motion would infringe on the role of the Chief Administrative Officer as provided for in section 201(2) of the *Municipal Government Act*;
- (4) whether the motion would be contrary to the bylaws of Rocky View County, the *Municipal Government Act*, or other governing legislation;
- (5) whether the motion would be contrary to the established procedures and customs of Council or the committee;
- (6) whether the motion is outside of the authority or jurisdiction of Rocky View County;
- (7) whether the motion should be made through a notice of motion or brought before Council or the committee through another means; and
- (8) whether the motion, or a substantially similar motion, has been considered within the previous six months, in which case the motion is out of order.

126 Motions ruled out of order are no longer motions and are not considered by Council or the committee and are not recorded in the meeting minutes.

Voting on Motions

127 Every member present at a meeting must vote on every motion put to a vote unless that member is permitted or required to abstain from voting on the matter in accordance with section 183(1) of the *Municipal Government Act*.

128 A motion is carried when a majority of members present vote in favour of the motion. A motion is defeated when it does not receive the required number of votes in favour or if the vote results in a tie.

- (1) Despite this section, if a motion requires more than a majority of members present to vote in favour of the motion under the *Municipal Government Act* or other governing legislation, the motion is carried when the required number of members vote in favour of the motion.

129 Votes on motions are taken as follows:

- (1) the Chair calls the question on the motion;
- (2) the Chair calls for those in favour of the motion and asks for a show of hands if an electronic voting system is unavailable; and
- (3) the Chair calls for those opposed to the motion and asks for a show of hands if an electronic voting system is unavailable.



- 130 The Chair, at their discretion, may conduct votes through an alternate method agreed upon by the members, such as voting by exception.
- 131 After the Chair calls for a vote on a motion, no member may speak to the motion or move another motion until the results of the vote are declared. Members must cease any distractions and remain in their seats after the voting process begins and until the results of the vote have been declared.
- 132 Members who incorrectly vote on a motion and wish to change how they voted may only do so during the voting process. After the Chair has declared the results of the vote, members who wish to change how they voted must do so through reconsideration of the motion.

Recorded Votes

- 133 Before the voting process on a motion begins, a member may request that the results of the vote be recorded pursuant to section 185 of the *Municipal Government Act*.
- 134 When a vote is a recorded vote, the meeting minutes show the names of the member who moved the motion, who voted in favour and in opposition to the motion, who abstained or were absent from the vote, and whether the motion was carried or defeated.

Main Motions

- 135 Motions that bring a proposed action or question on a matter before Council or a committee are known as main motions. When a main motion has been moved and is being considered, a member cannot move another motion except to:
- (1) move a subsidiary motion, such as an amending motion, a motion to postpone, or a referral motion, in accordance with this bylaw;
 - (2) move a privileged motion, such as a motion to recess or a motion to adjourn; or
 - (3) raise a point of order, raise a point of privilege, or challenge a ruling of the Chair in accordance with this bylaw.
- 136 Main motions are debatable and may be amended unless otherwise provided for in this bylaw.

Motions Arising

- 137 Motions that arise out of consideration of a matter, but are not required for the matter under consideration, are known as motions arising. Immediately after a matter has been considered, a member may move a motion arising to deal with something directly related to the matter that was just considered.
- 138 Motions arising should be used in circumstances where it is prudent to provide subsequent direction in a timely manner or when the direction provided does not require further information.



139 Motions arising are debatable and may be amended.

Motions to Receive for Information

140 A member may move to receive a report, either written or verbal, for information for the purpose of acknowledging the report and ensuring its inclusion in the corporate record. Receiving a report for information does not endorse the conclusions of the report nor does a motion to receive for information adopt any of the recommendations or actions included in the report.

141 Motions to receive for information should be used in circumstances where Council or a committee wishes to acknowledge a report under consideration when no further action or direction is required or desired.

142 Motions to receive for information are debatable and may be amended.

Subsidiary Motions

Amending Motions

143 A member may propose an amendment to a motion by moving an amending motion. The amending motion must be made after the original motion has been made and prior to the vote on the original motion.

144 Amending motions should be used to change the wording, but not the meaning, of motions. Amending motions are used for the purpose of adding words, removing words, or replacing words in the original motion. Amending motions must relate to the subject matter of the original motion and must not be contrary to the original motion.

145 Only one amending motion and only one amendment to an amending motion are permitted at the same time. When there are multiple amending motions at the same time, the amending motions are considered in reverse order of when they were moved, resulting in the original motion being considered last.

Referral Motions

146 A member may move to refer a matter or motion, including any pending amendments to a motion, to Administration or another body to complete further actions or to report further on a matter or motion under consideration.

147 Referral motions should be used in circumstances where doing something further is the main consideration, whether that is for further action or reporting, prior to making a decision on the matter or motion.

148 Referral motions should include sufficient direction to guide Administration or the other body in completing the further action or reporting on the matter or motion.

149 Referral motions are debatable and may be amended.



Motions to Postpone

- 150 A member may move to postpone a matter or motion, including any pending amendments to a motion, to consider the matter or motion at a different time. A matter or motion may be postponed to a different point in the same meeting, be postponed to a future date, or be postponed to after a specific event.
- 151 Motions to postpone should be used in circumstances where timing or convenience is the main consideration. If further action or reporting on a matter or motion is desired, a referral motion should be considered instead of a motion to postpone.
- 152 When consideration of a matter or motion resumes after being postponed, consideration of the matter or motion resumes as it was when it was postponed, including any pending amendments to a motion.
- 153 Motions to postpone are debatable and may be amended.

Privileged and Incidental Motions

Reconsidering Motions

- 154 A member may propose to reconsider a motion that has already been voted on by moving a motion to reconsider the original motion at the same meeting at which the vote on the original motion took place.
- (1) The member moving a motion to reconsider must have voted on the prevailing side of the original motion, except in the case of a motion defeated on a tie, in which case any member who voted for the original motion may move the motion to reconsider.
- 155 A motion to reconsider should be used when a motion is passed or defeated at a meeting and a member wishes to reconsider the vote on the motion at the same meeting. If a motion to reconsider passes, the original motion is brought back for consideration as if the mover of the original motion had just made the motion.
- 156 The same motion can only be reconsidered once during the same meeting, and a motion to reconsider cannot be reconsidered or rescinded.
- 157 Motions to reconsider are debatable and cannot be amended.

Rescinding Motions

- 158 A member may propose to rescind a motion passed at a previous meeting by moving a motion to rescind the original motion at a different meeting than the meeting at which the vote on the original motion took place.
- (1) The member moving a motion to rescind must have voted on the prevailing side of the original motion, except in the case of a motion defeated on a tie, in which case any member who voted for the original motion may move the motion to rescind.



- 159 A motion to rescind should be used when a motion is passed at a meeting and a member wishes to rescind the motion at a different meeting. If a motion is rescinded, the original motion is deemed null and void, but it does not undo any actions that have been taken since the original motion was passed.
- 160 When a member wishes to amend the wording of a motion passed at a previous meeting, the member should first move to rescind the original motion before proceeding to move an amended version of the original motion.
- 161 Motions to rescind are debatable, cannot be amended, and cannot be reconsidered or rescinded.

Motions to Close Debate

- 162 A member may move to close debate on a motion if, in the determination of the member, the debate has become repetitious or unproductive.
- 163 If a motion to close debate passes, no further debate on the original motion is allowed and no further amendments to the original motion are allowed. The Chair must immediately call for a vote on the original motion.
- 164 If a motion to close debate is defeated, the Chair must allow for the debate to continue and further amendments to the original motion are permitted.
- 165 Motions to close debate are not debatable, cannot be amended, and are not recorded in the meeting minutes.

Motions to Recess and to Reconvene

- 166 A member may move to recess a meeting for a specific period or until a specific time. If a meeting is recessed by resolution, it must be reconvened by resolution.
- 167 The Chair may recess a meeting for a specific period or until a specific time. If a meeting is recessed by the Chair, it may be reconvened by the Chair or by resolution.
- 168 Motions to recess or to reconvene are not debatable and cannot be amended.

Motions to Adjourn

- 169 A member may move to adjourn a meeting at any time during the meeting unless the meeting is in closed session or another motion is being considered.
- 170 If a meeting is adjourned before all the business included on the meeting agenda has concluded, the remaining business will be included on the agenda for the next available meeting or on the agenda of a special meeting.
- 171 Motions to adjourn are not debatable and cannot be amended.



Points of Order

- 172 Any member may question a procedural decision or interpretation made by the Chair or another member, or to bring attention to a potential or actual breach of the rules of this bylaw, by raising a point of order.
- 173 The member raising the point of order must state what is in question and the reasons for raising the point of order. The point of order must be raised immediately after what is in question.
- 174 The Chair must rule on the point of order by agreeing or disagreeing with the point of order and stating the reasons for their ruling. There is no debate on a point of order and points of order are not recorded in the meeting minutes.

Points of Privilege

- 175 A member may question the behaviour of another member or raise a question of comfort by raising a point of privilege. Points of privilege may include the treatment and conduct of members, employees, and the public during the meeting, the ability to see or hear the proceedings, the conditions of the room used to hold the meeting, or the effectiveness of the technology used to support the meeting.
- 176 The member raising the point of privilege must state what is in question and the reasons for raising the point of privilege. The point of privilege must be raised immediately after what is in question.
- 177 The Chair must rule on the point of privilege by agreeing or disagreeing with the point of privilege and stating the reasons for their ruling. There is no debate on a point of privilege and points of privilege are not recorded in the meeting minutes.

Challenges of the Chair

- 178 A member may challenge the ruling of the Chair, including on a on a point of order or a point of privilege, by stating that they wish to challenge the ruling of the Chair. The members then decide on the question raised by the point of order or point of privilege by voting on whether to uphold or overturn the ruling of the Chair. The decision of the members is final.
- 179 There is no debate on a challenge of the Chair and challenges of the Chair are not recorded in the meeting minutes.

Scheduling Public Hearings

- 180 Public hearings are held when required by the *Municipal Government Act* or when Council directs that a matter be considered through a public hearing.
- 181 Public hearings must be held at regular or special Council meetings in accordance with section 216.4(2)(b) of the *Municipal Government Act*.



- 182 When a public hearing is held on a proposed bylaw or resolution, the public hearing must be held before second reading of the proposed bylaw or prior to a vote on the proposed resolution in accordance with section 216.4(1) of the *Municipal Government Act*.
- (1) More than one public hearing may be held on a proposed bylaw or resolution, except for matters that consider residential development, either whole or in part, in accordance with section 216.4(5.1) of the *Municipal Government Act*.
 - (2) Despite the above subsection, only one public hearing may be held for matters that consider residential developments, either whole or in part, in accordance with section 216.4(5.1) of the *Municipal Government Act*.
- 183 When a member is absent from all of a public hearing, the member must abstain from voting on the matter in accordance with section 184(1) of the *Municipal Government Act*.
- 184 When a member is absent from a portion of a public hearing, the member may abstain from voting on the matter in accordance with section 184(2) of the *Municipal Government Act*.

Notice and Circulation of Public Hearings

- 185 Notice of public hearings is provided in accordance with section 606 of the *Municipal Government Act* and the *Public Notification Bylaw* for at least two consecutive weeks prior to a public hearing, as well as circulated to residences in the area through mail in accordance with the *Circulation and Notification Standards Policy*.
- (1) In addition to the requirements of section 606(6) of the *Municipal Government Act*, notices of public hearing must also include the process and deadlines to be followed by anyone wishing to provide a submission to be considered at the public hearing.

Withdrawing Public Hearings

- 186 After the public has been notified of a public hearing, but before the agenda has been published for the meeting at which the public hearing is scheduled to be held, the public hearing may only be withdrawn in the following circumstances:
- (1) by Administration if, in its determination, the public hearing cannot or should not proceed as scheduled. If time permits, notice of the withdrawal is provided prior to the meeting at which the public hearing would have been held in accordance with section 185 of this bylaw; or
 - (2) by Administration at the request of the applicant with the requirement to pay the required fee under the *Master Rates Bylaw*. If time permits, notice of the withdrawal is provided prior to the meeting at which the public hearing would have been held in accordance with section 185 of this bylaw.
- 187 After the public has been notified of a public hearing, and after the agenda has been published for the meeting at which the public hearing is scheduled to be held, the public hearing may only be withdrawn in the following circumstances:



- (1) by resolution of Council at the request of Administration if, in its determination, the public hearing cannot or should not proceed as scheduled; or
- (2) by resolution of Council at the request of the applicant with the requirement to pay the required fee under the *Master Rates Bylaw*.

Public Hearing Presentations

- 188 Public hearing presentations may be made in-person at the County Hall or electronically through Microsoft Teams. Instructions for how to attend and participate in a public hearing, either in-person or electronically, will be provided in the notice of public hearing.
- 189 People who wish to present in-person at a public hearing, whether on their own behalf or on behalf of a group, should register to speak at the public hearing through the sign-in sheet provided at the County Hall on the day of the public hearing.
- 190 People who wish to present electronically at a public hearing, whether on their own behalf or on behalf of a group, must register to speak at the public hearing prior to the advertised submission deadline by:
- (1) submitting a requested in the prescribed form on Rocky View County's public website; or
 - (2) emailing Legislative Services at legislativeservices@rockyview.ca
- 191 When presenting at a public hearing, each presenter must provide:
- (1) their name and how they are affected by the subject of the public hearing, preferably with a statement of whether they are in support, in opposition, or have concerns with the subject of the public hearing;
 - (2) an indication of where they live in proximity to the subject of the public hearing, preferably in the form of a municipal address or legal land description; and
 - (3) the names, if any, of any additional people that they are presenting on behalf of.
- 192 In addition to the requirements of section 191 of this bylaw, when electronically presenting at a public hearing, presenters must:
- (1) identify themselves by name through their usernames on Microsoft Teams and may further identify themselves by position or organization if they wish;
 - (2) keep their cameras and microphones deactivated before and after their presentation; and
 - (3) keep their cameras activated for the duration of their presentation, unless otherwise permitted by the Chair.



- 193 Presentations by the public at a public hearing are limited to five minutes for an individual or 10 minutes for a group, unless extended by a resolution of Council.
- 194 The Chief Administrative Officer is authorized to deactivate cameras and microphones during public hearings to avoid disruptions to the proceedings.
- 195 The Chair has the authority to end a presenter's electronic participation in a public hearing if, in their opinion, it is inappropriate or disruptive to the proceedings.
- 196 Presentations may include supplemental materials such as photos, videos, maps, and powerpoint presentations without requiring a resolution of Council. Presenters should bring at least 15 copies of any materials that they wish to distribute to Council at the public hearing.
- 197 All presentation materials provided at a public hearing will be collected by Rocky View County to retain with the meeting minutes and will be provided to the public upon request without requiring an access to information request under the *Freedom of Information and Protection of Privacy Act*.

Public Hearing Submissions

- 198 Public hearing submissions may be in the form of a written submission and/or a pre-recorded audio/video submission. An individual or group may provide a written submission for a public hearing and may also choose to do only one of the following:
- (1) present in-person at the public hearing;
 - (2) present electronically at the public hearing; or
 - (3) provide a pre-recorded audio/video submission.
- 199 For a submission to be included as part of a public hearing, either in an agenda or an agenda addendum, the submission must be received prior to the advertised submission deadline and must include the following:
- (1) the name of the person providing the submission and how they are affected by the subject of the public hearing, preferably with a statement of whether they are in support, in opposition, or have concerns with the subject of the public hearing;
 - (2) an indication of where the person lives in proximity to the subject of the public hearing, preferably in the form of a municipal address or legal land description; and
 - (3) the names, if any, of any additional people that the submission is on behalf of.
- 200 Public hearing submissions received after the advertised submission deadline for both the agenda and the agenda addendum may still be received by a resolution of Council passed at the public hearing.
- 201 Pre-recorded audio/video submissions at a public hearing are limited to five minutes for an individual or 10 minutes for a group, unless extended by a resolution of Council.



- 202 Public hearing submissions may be redacted in accordance with the *Freedom of Information and Protection of Privacy Act*.
- 203 Public hearing submissions that do not comply with the requirements of this bylaw may not be included as part of the public hearing or if, in the determination of the Chief Administrative Officer, the submission contains:
- (1) excessive personal attacks or derogatory or defamatory statements; or
 - (2) statements that promote discrimination against a person or class of persons, or is likely to expose a person or class of persons to hatred or contempt, pursuant to the *Human Rights Act*.

Group Public Hearing Presentations and Submissions

- 204 A group may present in-person, present electronically, or provide a submission for a public hearing if the group is comprised of three or more persons who claim to be affected by the subject matter of the public hearing and they have agreed to put forward common interests or concerns.
- (1) If a group wishes to provide an in-person or electronic presentation at a public hearing, the group must designate one individual as its spokesperson to be solely responsible for presenting on behalf of the group.
 - (2) If a person is part of a group that wishes to present or provide a submission for a public hearing, that person cannot also present or provide a submission as an individual for the same public hearing.
- 205 All the same requirements that apply to a presentation or submission by an individual under this bylaw also apply to a presentation or submission by a group.

Public Hearing Procedures

- 206 Public hearings are generally conducted in the following sequence for planning and development matters, but may follow a different sequence depending on the subject of the public hearing:
- (1) the Chair calls for a motion to open the public hearing. The public hearing will begin only after a motion has passed to open the public hearing;
 - (2) the Chair informs those in attendance of the general procedures to be followed during the public hearing;
 - (3) the Chair calls for a presentation by Administration to introduce the proposed bylaw, resolution, or other matter that is subject of the public hearing.
 - (a) the Chair allows questions of clarification from members to Administration during this portion of the public hearing;



- (4) if applicable, the Chair calls for the applicant to present their application;
 - (a) presentations by the applicant are limited to 10 minutes unless Council passes a resolution to extend the presentation time limit; and
 - (b) the Chair allows questions of clarification from members to the applicant and to Administration during this portion of the public hearing;
- (5) the Chair calls for presentations from the public who are in support of the bylaw, resolution, or other matter that is subject of the public hearing;
 - (a) presentations in support begin with in-person presenters followed by electronic presenters;
 - (b) questions of clarification from members to presenters in support are only permitted by the Chair during this portion of the public hearing; and
 - (c) after all presentations in support have been made, the Chair calls for any pre-recorded audio/video submissions in support to be played;
- (6) the Chair calls for presentations from the public who are in opposition or have concerns with the bylaw, resolution, or other matter that is subject of the public hearing;
 - (a) presentations in opposition begin with in-person presenters followed by electronic presenters;
 - (b) questions of clarification from members to presenters in opposition or with concerns are only permitted by the Chair during this portion of the public hearing; and
 - (c) after all presentations in opposition or with concerns been made, the Chair calls for any pre-recorded audio/video submissions in opposition or with concerns to be played;
- (7) following presentations and pre-recorded audio/video submissions from the public, the Chair calls for the applicant to provide a rebuttal to any opposition or concerns with their application raised during the public hearing;
 - (a) the rebuttal by the applicant is limited to a maximum of 5 minutes unless a resolution is passed by Council to extend the rebuttal time limit;
 - (b) the Chair allows questions of clarification from members to the applicant and to Administration during this portion of the public hearing only regarding the information provided by the applicant during their rebuttal.
- (8) the Chair calls for any final questions from members to Administration prior to closing the public hearing; and



- (9) the Chair calls for a motion to close the public hearing. The public hearing must be closed before Council considers the proposed bylaw, resolution, or other matter that was the subject of the public hearing.

Bylaws

- 207 Every proposed bylaw must have three distinct and separate readings to be passed in accordance with 187(1) of the *Municipal Government Act*.
- 208 Proposed bylaws must not have more than two readings at the same meeting unless the councillors present provide unanimous permission to consider third reading of the bylaw at the same meeting in accordance with section 187(4) of the *Municipal Government Act*.
- 209 Any bylaw that fails to receive unanimous permission to consider third reading when required by section 187(4) of the *Municipal Government Act* will be included on the agenda for the next available regular Council meeting, or on the agenda of a special Council meeting, for consideration of third reading.
- 210 Council must be provided or have had the opportunity to review a copy of a proposed bylaw before considering a motion to provide the proposed bylaw with first reading in accordance with section 187(2) of the *Municipal Government Act*.
- 211 If a proposed bylaw fails to receive first reading, it is considered defeated. If a bylaw fails to receive second or third reading, it is also considered defeated and all previous readings of the bylaw are rescinded in accordance with section 188 of the *Municipal Government Act*.
- 212 All amendments to a proposed bylaw must be made by resolution and must be made prior to consideration of third reading of the proposed bylaw. Council must be provided the opportunity to review the full text of the amendment before a vote is called on the amendment to the proposed bylaw.
- 213 Council must be provided or have had the opportunity to review a copy of a proposed bylaw before considering a motion to provide the proposed bylaw with third reading, including any amendments that have been made to the proposed bylaw, in accordance with section 187(3) of the *Municipal Government Act*.
- 214 Once a bylaw receives third reading and the final version of the bylaw is available for signing, the Reeve and Chief Administrative Officer must sign the bylaw in accordance with section 213(3) of the *Municipal Government Act*.
- 215 Once a bylaw has received third reading and has been signed by the Reeve and Chief Administrative Officer, it may only be amended or repealed by bylaw and through the same process that was used to pass the original bylaw in accordance with section 191 of the *Municipal Government Act*.

Consolidation of Bylaws

- 216 The Chief Administrative Officer is authorized to prepare consolidations of bylaws as required from time to time in accordance with section 69 of the *Municipal Government Act*.



Severability

217 Each provision of this bylaw is independent of all other provisions. If any provision of this bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this bylaw will remain valid and enforceable.

Repeal and Effective Date

218 Bylaw C-8277-2022, being the *Procedure Bylaw*, and all amendments thereto are repealed upon this bylaw passing and coming into full force and effect.

219 Bylaw C-8555-2024, being the *Procedure Bylaw*, is passed when it receives third reading and is signed in accordance with the *Municipal Government Act*.

220 Bylaw C-8555-2024, being the *Procedure Bylaw*, comes into full force and effect on January 1, 2025, with the exception of the following sections that will come into full force and effect upon the proclamation of the *Municipal Affairs Statutes Amendment Act, 2024*:

- (1) sections 108 through 110, which pertain to conflicts of interest; and
- (2) sections 182(1) and 182(2), which pertain to public hearings for residential developments.

READ A FIRST TIME this _____ day of _____, 2024

READ A SECOND TIME this _____ day of _____, 2024

UNANIMOUS PERMISSION FOR THIRD READING this _____ day of _____, 2024

READ A THIRD AND FINAL TIME this _____ day of _____, 2024

Reeve

Chief Administrative Officer

Date Bylaw Signed



Bylaw C-8555-2024

Schedule 'A' – Definitions

- 1 **“Administration”** means Rocky View County’s operations and staff under the direction of the Chief Administrative Officer.
- 2 **“Chair”** means the person appointed to the position of Chair or who has the authority to preside over a meeting and direct the proceedings and conduct of that meeting, as the context requires.
- 3 **“Chief Administrative Officer”** means the person appointed as Rocky View County’s Chief Administrative Officer, or their authorized delegate, pursuant to the *Municipal Government Act*.
- 4 **“Chief Administrative Officer Bylaw”** means Rocky View County Bylaw C-7350-2014, being the *Chief Administrative Officer (CAO) Bylaw*, as amended or replaced from time to time.
- 5 **“Circulation and Notification Standards Policy”** means Rocky View County Policy C-326, being the *Circulation and Notification Standards Policy*, as amended or replaced from time to time.
- 6 **“Closed session”** means a meeting or part of a meeting that is closed to the public in accordance with section 197 of the *Municipal Government Act*.
- 7 **“Code of Conduct Bylaw”** means, as the context requires, either:
 - (1) Rocky View County Bylaw C-8338-2022, being the *Council Code of Conduct Bylaw*, as amended or replaced from time to time; or
 - (2) Rocky View County Bylaw C-7855-2018, being the *Board and Committee Code of Conduct Bylaw*, both as amended or replaced from time to time.
- 8 **“Committee”** means a committee, board, commission, or other body of Rocky View County established by Council and with members appointed by Council but does not include the Subdivision and Development Appeal Board nor the Assessment Review Boards.
- 9 **“Conflict of interest”** means a conflict of interest pursuant to the *Municipal Government Act*.
- 10 **“Council”** means the duly elected councillors of Rocky View County.
- 11 **“Councillor”** means a duly elected councillor of Rocky View, including the Reeve and Deputy Reeve.
- 12 **“Deputy Reeve”** means the person appointed as Rocky View County’s Deputy Chief Elected Official pursuant to section 152 of the *Municipal Government Act*.



- 13 **“Emergent business”** means a matter that was not included on a meeting agenda but due to urgency, time constraints, or unusual circumstances must be considered at a specific meeting.
- 14 **“Freedom of Information and Protection of Privacy Act”** means the *Freedom of Information and Protection of Privacy Act*, RSA 2000, c F-25 as amended or replaced from time to time.
- 15 **“General election”** has the same meaning as general election in the *Local Authorities Election Act*.
- 16 **“Group”** means three or more persons with a common interest in a matter before Council.
- 17 **“Land Use Bylaw”** means Rocky View County Bylaw C-8000-2020, being the *Land Use Bylaw*, as amended from time to time.
- 18 **“Local Authorities Election Act”** means *the Local Authorities Election Act*, RSA 2000, c L-21, as amended or replaced from time to time.
- 19 **“Majority”** means more than half of the members present. For example, the majority for a body of seven members is four and the majority for a body of six members is also four.
- 20 **“Master Rates Bylaw”** means Rocky View County’s current *Master Rates Bylaw*, as amended or replaced from time to time.
- 21 **“Meeting”** means an organizational, inaugural, regular, or special meeting of Council or a committee.
- 22 **“Member”** means either:
- (1) a Councillor; or
 - (2) a person appointed by Council to a committee.
- 23 **“Motion”** means a proposal for action on a matter that is brought before Council or a committee for consideration.
- 24 **“Municipal Government Act”** means the *Municipal Government Act*, RSA 2000, c M-26, as amended or replaced from time to time.
- 25 **“Nomination day”** has the same meaning as nomination day in the *Local Authorities Election Act*, which is four weeks from election day.
- 26 **“Pecuniary interest”** means a pecuniary interest pursuant to the *Municipal Government Act*.
- 27 **“Public hearing”** means a public hearing held pursuant to the *Municipal Government Act* or any other legislation, whether statutory or non-statutory.



- 28 **“Public Notification Bylaw”** means Rocky View County Bylaw C-7860-2019, being the *Public Notification Bylaw*, as amended or replaced from time to time.
- 29 **“Quorum”** is the minimum number of members who must be present at a meeting in order to conduct business, which is a majority of members. For example, the quorum for a body of seven members is four and the quorum for a body of four members is three.
- 30 **“Reeve”** means the person elected or appointed as Rocky View County’s Chief Elected Official pursuant to section 150 of the *Municipal Government Act*.
- 31 **“Resolution”** means a motion that is passed by Council or a committee.
- 32 **“Stand at ease”** means an informal pause in the meeting called by the Chair that is not a formal recess.
- 33 **“Subdivision Authority Bylaw”** means Rocky View County Bylaw C-8275-2022, being the *Subdivision Authority Bylaw*, as amended or replaced from time to time.
- 34 **“Terms of reference”** means a terms of reference or bylaw approved by Council that establishes the functions, procedures, membership, and other governance characteristics of a board or committee.
- 35 **“Unanimous consent”** means a proposal for action on a matter that is brought before Council or a committee without requiring a motion as provided for in this bylaw. If unanimous consent is not provided, the proposal for action on a matter may be brought forward as a motion.



BYLAW C-8277-2022

OFFICE CONSOLIDATION

A Bylaw of Rocky View County to provide for the orderly proceedings of meetings held by Council and the various boards, committees, commissions, and other bodies established by Council.

WHEREAS Rocky View County Council may pass bylaws establishing procedures to be followed by Council, committees, and other bodies established by Council pursuant to the *Municipal Government Act*;

AND WHEREAS Rocky View County may pass bylaws establishing procedures for public hearings pursuant to the *Municipal Government Act*;

NOW THEREFORE the Council of Rocky View County enacts as follows:

Title and Definitions

- 1 This bylaw may be cited as the *Procedure Bylaw*.
- 2 Words in this bylaw have the same meaning as set out in the *Municipal Government Act* except for the definitions provided in Schedule 'A' of this bylaw.

Application and Interpretation

- 3 This bylaw applies to all Council and committee meetings and to those participating and attending those meetings. The procedures established in this bylaw are to be used for the orderly consideration of business and to be applied in the spirit of fairness, equality, and common sense.
- 4 Notwithstanding the procedures established in this bylaw, if a committee establishes procedures that differ from the procedures in this bylaw, the procedures of the committee take precedence to the extent of the difference.
- 5 Meeting procedure is a matter of interpretation by the Chair subject to the rights and privileges of members. The Chair is encouraged to seek advice when interpreting meeting procedures.
 - (1) Although meeting procedures are a matter of interpretation by the Chair, it is the responsibility of all members to ensure that the procedures in this bylaw are followed during meetings.
- 6 If a matter of procedure arises that is not contemplated in this bylaw, the matter is decided by reference to the most current edition of Robert's Rules of Order. If there is a conflict between this bylaw and Robert's Rules of Order, this bylaw takes precedence to the extent of the conflict.



- 7 Council or a committee may by resolution temporarily suspend the rules, or a specific rule, established in this bylaw. A suspension of the rules is only in effect for the meeting at which the resolution is passed.
- (1) Rules in this bylaw that originate in the *Municipal Government Act* or other governing legislation cannot be suspended.
- 8 If a suspendable rule in this bylaw is inadvertently not followed during a meeting, and no person's rights are infringed as a result and no member raises a point of order or otherwise brings attention to the rule not being followed, the rule is deemed to have been suspended for that specific case.

Duties of the Mayor, Deputy Mayor, Chairs, and Vice Chairs

- 9 The Chair of a meeting is responsible for:
- (1) presiding over the meeting when in attendance unless otherwise required by this bylaw or provided for in Rocky View County's bylaws, policies, and procedures;
- (2) presiding over conduct at meetings, including providing for the orderly consideration of business, preserving good order and decorum, deciding on and responding to questions of procedure, ruling on points of order and points of privilege, and responding to challenges of the Chair;
- (3) managing the flow of business at meetings, including changing the order of the agenda when appropriate and calling for recesses or for the meeting to stand at ease without requiring a motion; and
- (4) providing for the orderly queuing of speakers, including other members, Administration, and the public, and ensuring that each member who wishes to speak on a matter is provided an opportunity to do so in accordance with this bylaw.
- 10 The Mayor has the same rights and privileges as any other member except for when a matter deals specifically within the Mayor's electoral division. When the Mayor desires to participate in debate or move a motion on a matter that deals specifically in the Mayor's electoral division, the Mayor must:
- (1) vacate the Chair and request that the Deputy Mayor, or another member if required, assume the position of Chair for the duration of that matter, without requiring a motion; and
- (2) reassume the position of Chair when consideration of the matter has concluded.
- 11 The Mayor presides over Council meetings as the Chair when present. The Deputy Mayor is the Vice Chair of Council meetings when present.
- 12 The Deputy Mayor presides over Council meetings as the Chair when the Mayor is absent or unable to perform the duties of the position. The Deputy Mayor has all the same powers and responsibilities under this bylaw when presiding as the Chair.



- 13 An Acting Chair presides over Council meetings as the Chair when both the Mayor and Deputy Mayor are unable to perform the duties of the position. The Acting Chair has all the same powers and responsibilities under this bylaw when presiding as the Chair.
- (1) The Chief Administrative Officer will preside over the selection of the Acting Chair. Once the Acting Chair is selected, they will preside over the remainder of the meeting.
 - (2) An Acting Chair is chosen by general consensus of the members in attendance or, if required, by a resolution of the members in attendance.

Term of Appointment of the Mayor and Deputy Mayor

- 14 The term of appointment of the Mayor is for one year and will not extend beyond the term of office of that person as Councillor. Only one Councillor may be appointed as Mayor at a time and the position of Mayor must be filled at all times
- 15 The term of appointment of the Deputy Mayor is for one year and will not extend beyond the term of office of that person as Councillor. Only one Councillor may be appointed as Deputy Mayor at a time and the position of Deputy Mayor must be filled at all times.
- 16 The term of appointment of the Mayor and Deputy Mayor must be made, suspended, or revoked by resolution. A resolution to suspend or revoke the appointment of the Mayor or Deputy Mayor must provide for the appointment of another Councillor to that position.

Regular, Special, and Organizational Meetings

Regular Council and Committee Meetings

- 17 At its annual organizational meeting, Council establishes the dates and times of regular Council and committee meetings for the ensuing year. All Councillors must be present when establishing the dates and times of regular Council meetings pursuant to section 193(1) of the *Municipal Government Act*.
- 18 Council may from time to time establish additional regular Council meeting dates and times by resolution. All Councillors must be present when establishing the dates and times of additional Council meetings pursuant to section 193(1) of the *Municipal Government Act*.
- 19 Committees may from time to time establish additional regular meeting dates and times in accordance with the committee's terms of reference, or by resolution if the terms of reference do not provide for an alternate process.

Special Council and Committee Meetings

- 20 Special Council meetings may be called by the Mayor in accordance with and through the processes established in section 194 of the *Municipal Government Act*.¹

¹ Bylaw-8363-2023



- 21 Special committee meetings may be called by the Chair in accordance with the committee's terms of reference, or by the Chair in accordance with and through the processes established in section 195 of the *Municipal Government Act* if the committee's terms of reference does not provide for an alternate process.

Organizational Meetings

- 22 Council holds an annual organizational meeting pursuant to section 192(1) of the *Municipal Government Act* for the purpose of appointing the Mayor and Deputy Mayor, establishing Council and committee meeting dates, appointing members to committees, and any other business included on or added to the organizational meeting agenda.
- 23 At organizational meetings, Council:
- (1) appoints the Mayor and Deputy Mayor for the term of appointment provided for in this bylaw;
 - (2) establishes the dates and times of regular Council and committee meetings as required;
 - (3) makes Council and committee appointments as required, including appointments for council representatives, member at large positions, and Chair and Vice Chair positions;
 - (4) considers any other matter on or added to the organizational meeting agenda.
- 24 During organizational meetings:
- (1) the Chief Administrative Officer calls the meeting to order, presides over the appointment of the Mayor and their oath of office; and
 - (2) once elected, the Mayor presides over the appointment of the Deputy Mayor and all subsequent matters on the organizational meeting agenda.
- 25 During the appointment of vacant positions at the organizational meeting, or as otherwise required from time to time, the following procedures apply:
- (1) if only one nomination is received for a vacant position, the nominee will be appointed by acclamation; or
 - (2) if more than one nomination is received for a vacant position, a vote by secret ballot will be conducted using the following exhaustive ballot procedure:
 - (a) if no nominee receives a majority of votes on the first ballot, the nominee who received the least number of votes is dropped from the ballot and a subsequent ballot is conducted with the remaining nominees; and
 - (b) on any subsequent ballots, the nominee who receives the least number of votes is dropped from the ballot until a nominee receives a majority of votes.



- (3) If after repeated ballots it is clear that no one nominee will receive a majority of votes, Council may use an alternate method of determining the successful nominee. The alternative method may be established by general consensus or, if required, by resolution.
- 26 All appointments, including appointments determined by secret ballot, must be confirmed by resolution pursuant to section 185.1(2) of the *Municipal Government Act*.
- 27 All ballots for secret ballot votes conducted at the organizational meeting are destroyed after the meeting is adjourned.

Electronic Participation in Meetings

- 28 Members are expected to participate in meetings in-person unless there is a clear need for electronic participation. Members may participate in a meeting electronically in accordance with this bylaw.
- 29 Any member, except for the Chair of the meeting, may participate electronically in a meeting so long as the member participates in a location that is free of distractions, secure, and appropriate for participation in the meeting and:
 - (1) the member is outside of Rocky View County but desires to participate in the meeting electronically; or
 - (2) the member is within Rocky View County but is unable to attend the meeting for personal or family reason but desires to participate in the meeting electronically.
- 30 The Chair must be physically present at meetings and cannot preside over meetings electronically. To participate in a meeting electronically, the Chair must vacate the chair for that meeting.
- 31 To participate in a meeting electronically, a member must notify the Chair and Chief Administrative Officer as soon as they are aware of their need to participate electronically.
- 32 The Chair has the authority to end a member's use of electronic participation in an in-person meeting if, in their opinion, the use of electronic participation is disruptive to the meeting or the location of the member is not secure or appropriate.

Holding Meetings and Hearings Electronically

- 33 Council or committee meetings and hearings may be held electronically so long as they are held in accordance with section 199 *Municipal Government Act* and comply with the notification and participation requirements of the *Municipal Government Act* and Rocky View County's bylaws, policies, and procedures.
- 34 Council or a committee may direct that their meetings and hearings be held electronically if, in its determination, electronic meetings are desired for reasons of ease and efficiency, or if they are required during emergency, public health, or disaster events.
- 35 If directed by Council or a committee, electronic meetings may be held through a video or telephone conference platform. The Chief Administrative Officer will determine and provide



- for the specific platform, such as Microsoft Teams, through which electronic meetings will be held based on accessibility and technical limitations.
- 36 Notice of an electronic meeting or hearing must provide the methods through which the public may access and make submissions during the meeting or hearing. The Chief Administrative Officer will determine and provide for the specific methods based on accessibility and technical limitations.
- (1) The Chief Administrative Officer must, at a minimum, provide for email submissions in lieu of in-person presentations from the public when meetings and hearings are held electronically.
 - (2) The Chief Administrative Officer must also continue to permit the submission of pre-recorded audio/visual presentations for public hearing items and may provide for other methods not found in this bylaw, such as virtual presentations through the electronic meeting platform.
- 37 When a meeting or hearing is held electronically:
- (1) all participants must identify themselves by name through their usernames on the electronic meeting platform. Participants may further identify themselves by position or organization if they desire; and
 - (2) all documents that would otherwise be available to the public during an in-person meeting or hearing will be made available through Rocky View County's public website.
- 38 The Chair must be physically present at meetings and cannot preside over meetings electronically. To participate in a meeting electronically, the Chair must vacate the chair for that meeting.

Closed Sessions

- 39 Council and committees may consider a matter, or a portion of a matter, in a closed session only in accordance with section 197(1) of the *Municipal Government Act* and the relevant sections of the *Freedom of Information and Protection of Privacy Act*.
- 40 Closed sessions may be held electronically and members may participate in a closed session electronically if the member is participating in the meeting electronically in accordance with this bylaw.
- 41 The Chair of a meeting presides over any closed sessions held at that meeting and ensures that only those matters included in the resolution to move into closed session are considered during the closed session.
- 42 All members may participate in a closed session provided that the member has not abstained from participating in the matter, or is not required to abstain from participating in the matter, to be considered in the closed session.



- 43 Council or the committee may allow others to attend closed sessions and may direct that others leave the closed session as required. The meeting minutes will record the names of those in attendance for the closed session.
- 44 All proceedings, discussion, opinions, advice, and materials provided in closed sessions are confidential and must remain in confidence indefinitely by those attending the closed session unless their release is authorized by resolution of Council or the committee.
- 45 Those attending closed sessions must not record, take notes, or otherwise document the proceedings of a closed session.
- 46 Council or a committee cannot pass a resolution during a closed session except for a resolution to move back into open session. All decisions arising from a closed session must be made by resolution passed in open session pursuant to section 197(3) of the *Municipal Government Act*.
- 47 Before considering motions arising from a closed session, the Chair of the meeting will provide reasonable notice to the public that the meeting is back in open session and will allow sufficient time for the public to return to the meeting in accordance with section 197(5) of the *Municipal Government Act*.

Notice of Meetings

- 48 Notice of regular Council and committee meetings is provided in accordance with section 196 of the *Municipal Government Act* and Rocky View County's bylaws, policies, and procedures.
- 49 Notice of special Council and committee meetings will be made in accordance with section 196 of the *Municipal Government Act* and, if time permits, in accordance with this bylaw and Rocky View County's bylaws, policies, and procedures.
- 50 Council may only change the date, time, or place of regular meetings by resolution and with no less than 24 hours' notice of the change. Notice of the change will be made in accordance with section 193(3) of the *Municipal Government Act* and, if time permits, in accordance with this bylaw and Rocky View County's bylaws, policies, and procedures.
- 51 Committees may change the date, time, or place of regular meetings by resolution or by written consent of a majority of members and with no less than 24 hours' notice of the change. Notice of the change will be made in accordance with section 195 of the *Municipal Government Act* and, if time permits, in accordance with this bylaw and Rocky View County's bylaws, policies, and procedures.

Cancellation of Meetings

- 52 Council or committee meetings may be cancelled:
- (1) by resolution passed at a meeting prior to the meeting to be cancelled and with not less than 24 hours' notice of the cancellation; or
 - (2) with the written consent of a majority of members and with not less than 24 hours' notice of the cancellation.



Meeting Agendas

Agenda Preparation and Distribution

- 53 The agenda for each Council meeting is prepared by the Chief Administrative Officer in consultation with Administration, the Mayor, and the Deputy Mayor.
- (1) The agenda for each meeting is approved by the Mayor prior to distribution, and the Mayor may direct that items be rescheduled to maximize the efficiency and effectiveness of each meeting.
 - (a) Should items be rescheduled, the Mayor will inform Council of the agenda item and the reason for rescheduling; and
 - (b) In the absence of the Mayor, the Deputy Mayor will perform the approval of the agenda and any rescheduling of agenda items.
- 54 The agenda for each committee meeting is prepared by the Chief Administrative Officer in consultation with Administration, the Chair, and the Vice-Chair.
- (1) The agenda for each meeting is approved by the Chair prior to distribution, and the Chair may direct that agenda items be rescheduled to maximize the efficiency and effectiveness of each meeting.
 - (a) Should agenda items be rescheduled, the Chair will inform the committee of the agenda item and the reason for rescheduling; and
 - (b) In the absence of the Chair, the Vice Chair will perform the approval of the agenda and any rescheduling of agenda items.
- 55 The Chief Administrative Officer distributes Council and committee agendas to Council or the committee no later than seven days prior to each meeting.
- 56 The Chief Administrative Officer posts Council and committee agendas on Rocky View County's public website no later than six days prior to each meeting.

Agenda Additions and Deletions

- 57 Council or a committee may only add or remove items from an agenda by resolution. Changes to an agenda should be considered prior to the adoption of the agenda at the meeting.
- (1) Notwithstanding the above section of this bylaw, Council or a committee may only add or remove items from a special meeting agenda by a resolution passed by a majority of members and only if the entire Council or committee is present at the special meeting pursuant to section 194(5) of the *Municipal Government Act*.
- 58 After an agenda has been adopted, Council or a committee may only add or remove items from the agenda by resolution passed unanimously by all members present at the meeting.



Emergent Business Items

- 59 Only emergent business items may be added to a Council or committee meeting agenda. Emergent business items are matters that were not included on a meeting agenda but due to time constraints or unusual circumstances must be considered at a specific meeting.
- 60 Administration or a member may propose that an emergent business item be added to a meeting agenda. Emergent business items must be added to an agenda by resolution.
- (1) When Administration proposes an emergent business item, the Chief Administrative Officer provides the reasons why the item should be considered as emergent business at the meeting.
 - (2) When a member proposes an emergent business item, the member provides the reasons why the item should be considered as emergent business at the meeting.
- 61 When considering whether to add an emergent business item to the agenda, Council or the committee should consider, but is not bound or limited to considering, the following:
- (1) the reasons provided by the Chief Administrative Officer or member;
 - (2) whether the matter could be deferred to a future regular meeting or special meeting;
 - (3) whether enough information is available to properly consider the matter; and
 - (4) whether the matter requires prior notification in accordance with this bylaw, the *Municipal Government Act*, or other governing legislation.

Notices of Motion

- 62 A Councillor who wishes to introduce a new matter for consideration at a Council meeting must submit a notice of motion to the Chief Administrative Officer and the notice of motion must be seconded by another Councillor.
- 63 All notices of motion are introduced at one meeting by reading the notice of motion into the public record, and the proposed motion is then considered by Council at a subsequent meeting.
- 64 To be included on the agenda, notices of motion must be submitted to the Chief Administrative Officer by noon not less than 11 days prior to the meeting at which the Councillor wishes to introduce their notice of motion.
- 65 The notice of motion must include the following:
- (1) the meeting date at which the Councillor will introduce the notice of motion by reading it into the public record;
 - (2) the meeting date at which Council will consider the motion proposed in the notice of motion;
 - (3) the name of the Councillor who seconded the notice of motion;



- (4) an indication of the purpose and background of the proposed motion to be considered by Council; and
 - (5) the proposed motion to be considered by Council.
- 66 Consideration of the proposed motion will be scheduled on the agenda for the meeting provided in the notice of motion with no further action required by Council. At the meeting where the proposed motion will be debated, a Councillor must still move the motion provided in the notice of motion, at which point Council proceeds to consider the motion.
- 67 When considering a motion proposed by a notice of motion, Council considers the motion in the same manner it would if the motion was introduced by another means. Council may, for example, consider passing or defeating the motion, amending the motion, tabling the motion, or referring the motion to Administration to prepare a response to the motion.

Meeting Minutes

- 68 The Chief Administrative Officer prepares written records of the proceedings and decisions of all meetings that include, but are not limited to, the following:
- (1) the names of the members present and absent from the meeting;
 - (2) the names of the staff and the public who participated in the meeting by presenting or responding to questions;
 - (3) the names and times of members who arrive or leave throughout the course of the meeting or who are temporarily absent for a portion of the meeting;
 - (4) the names of members of the public who speak in support and in opposition at a public hearing;
 - (5) all motions, which member moved each motion, whether each motion was carried or defeated, and any members who were absent or abstained from the vote on the motion;
 - (6) if a vote is a recorded vote, the names of which members voted in favour and in opposition to the motion if the result of the vote is not unanimous; and
 - (7) any abstentions made by members and the reasons provided by the member in their declaration.
- 69 Meeting minutes must be approved by resolution of Council or the committee and be signed in accordance with section 213 of the *Municipal Government Act*.
- 70 Major corrections to approved meeting minutes must be made by resolution of Council or the committee. Minor corrections may be made to approved meeting minutes without requiring a resolution provided the minor corrections are limited and clerical in nature, such as correcting spelling or grammar.
- 71 Minor corrections to the meeting minutes must be approved by both the Chair and the Chief Administrative Officer.



Recording and Livestreaming Meetings

- 72 Council meetings are recorded and livestreamed to the public with the exception of closed sessions. Committee meetings may be recorded and livestreamed to the public with the exception of closed sessions.
- 73 At the start of a meeting, the Chair notifies those present whether the meeting is being livestreamed and if a recording will be made available on Rocky View County's public website after the meeting is adjourned.
- 74 If there are technical difficulties while livestreaming that are unable to be resolved, the Chair advises those present at the meeting that the livestream is not available. Notice of the technical difficulties will be provided to the public on Rocky View County's public website.
- (1) The meeting may continue without a livestream provided that the meeting can still be recorded by other means and the recording can be made available on Rocky View County's public website after the meeting is adjourned.
- 75 The use of audio/video recording devices by the public or the media during a meeting is prohibited unless authorization is provided by the Chair and Chief Administrative Officer.
- 76 Meeting recordings will be retained and provided in accordance with Rocky View County's bylaws, policies, and procedures. Meeting recordings will only be transcribed by Rocky View County if required in connection with any litigation, audit, or investigation.

Quorum and Commencement of Meetings

- 77 After the advertised start time of a meeting, and after quorum is present, the Chair:
- (1) calls the meeting to order; or
- (2) for Council, if the Mayor or Deputy Mayor are not present within 30 minutes after the start time of the meeting, the Chief Administrative Officer calls the meeting to order and the members present choose an Acting Chair for the meeting by general consensus or, if required, by resolution; or
- (3) for committees, if the Chair and Vice Chair are not present within 30 minutes after the start time of the meeting, the Chief Administrative Officer calls the meeting to order and the members present choose an Acting Chair for the meeting by general consensus or, if required, by resolution.
- 78 If quorum is not present within 30 minutes after the advertised start time of the meeting, the meeting is adjourned and all business on the agenda is rescheduled to the next available meeting.
- (1) If quorum is lost at any time during a meeting, the meeting is recessed and if quorum is not met within 15 minutes the meeting is adjourned and all remaining business on the agenda is rescheduled to the next available meeting.
- 79 Immediately after calling a meeting to order, the Chair calls for a motion to approve the agenda, subject to any additions or deletions.



- 80 Immediately after approval of the agenda, the Chair calls for a motion to approve any previous meeting minutes, subject to any corrections.
- 81 The order of business following the approval of the meeting agenda and minutes is determined by the Chair, subject to:
- (1) the time of any advertised public hearings or scheduled public presentations;
 - (2) a request or point of order raised by a member; or
 - (3) a request raised by Administration.

Pecuniary Interests and Abstentions

- 82 When a member is aware or reasonably believes that they have a pecuniary interest in a matter before Council or a committee, the member must declare their pecuniary interest and abstain from participating in the matter in accordance with section 172 of the *Municipal Government Act*.
- 83 Members should make their declarations of pecuniary interest, including the general nature of the pecuniary interest, at the onset of the meeting at which they have a pecuniary interest, as well as at the onset of the agenda item for which they have the pecuniary interest.
- 84 The member's declaration and abstention are recorded in the meeting minutes.

Meeting Proceedings

- 85 All proceedings during a meeting must be directed through the Chair, including presentations, questions, responses, and debate. The Chair, when directing the proceedings of a meeting, should apply the rules in this bylaw in the spirit of fairness and to advance the business before Council or the committee.
- 86 No member or participant in a meeting may speak until they are recognized by the Chair unless they are attempting to gain the attention of the Chair, in which case they must do so in the least disruptive way possible.
- 87 Unless otherwise permitted by the Chair, members may speak twice on a motion, once to ask questions and once in debate. The Chair may allow members to speak more than twice on a motion in the following cases:
- (1) the member is seeking clarification from another member, from Administration, or from a presenter;
 - (2) the member is responding to a question or comment made by another member, by Administration, or by a presenter;
 - (3) the matter under consideration warrants, in the opinion of the Chair or by general consensus of the members, further questioning or debate;
 - (4) to allow the mover of a motion to close debate; or
 - (5) for any other reason that the Chair, in their opinion, considers reasonable.



- 88 If a member is unable to attend a meeting, that member must advise the Chair and the Chief Administrative Officer of their absence and the reasons for their absence as soon as possible after they are aware that they will be unable to attend.
- 89 Councillors sit in the numerical order of their electoral division, other than the Chair and Vice Chair, with any seating changes subject to approval from the Chair.

Voting and Recorded Votes

- 90 Votes are taken as follows:
- (1) The Chair calls the question on the motion;
 - (2) The Chair calls for those in favour of the motion and asks for a show of hands if an electronic voting system is unavailable; and
 - (3) The Chair calls for those opposed to the motion and asks for a show of hands if an electronic voting system is unavailable.
- 91 The Chair, at their discretion, may conduct votes through an alternate method agreed upon by general consensus of the members or, if required, by resolution, such as voting by exception or through a roll call vote.
- 92 After the Chair calls for a vote on a motion, no member may speak to the motion or move another motion until the results of the vote are declared. Members must cease any distractions and remain in their seats after the voting process begins and until the results of the vote have been declared.
- 93 Every member present at a meeting must vote on every motion put to a vote unless that member is permitted or required to abstain from voting on the matter in accordance with section 183(1) of the *Municipal Government Act*.
- 94 A motion is carried when a majority of members present vote in favour of the motion. A motion is defeated when it does not receive the required number of votes in favour or if the vote results in a tie.
- (1) Alternatively, a motion is carried when the specified number of members vote in favour of the motion as otherwise required by this bylaw, the *Municipal Government Act*, or other governing legislation.
- 95 Members are only permitted to change their vote on a motion if the request is made by the member at the same meeting that the vote was held and with the unanimous consent of the members present at the meeting.
- 96 Unless a vote is a recorded vote, the meeting minutes show the name of the member who moved the motion, who abstained or were absent from the vote, and whether the motion was carried or defeated.



Recorded Votes

- 97 Before the vote on a motion is taken, a member may request that the results of the vote be recorded pursuant to section 185 of the *Municipal Government Act*.
- 98 When a vote is a recorded vote, the meeting minutes show the names of the member who moved the motion, who voted in favour and in opposition to the motion, who abstained or were absent from the vote, and whether the motion was carried or defeated.

Points of Order and Challenges of the Chair

- 99 Any member may question the behaviour of another member, a procedural decision or interpretation made by the Chair, or to bring attention to a potential or actual breach of the rules of this bylaw by raising a point of order.
- 100 The member raising the point of order must state what is in question and the reasons for raising the point of order. The point of order must be raised immediately after the action in question.
- 101 The Chair must rule on the point of order by agreeing or disagreeing with the point of order and stating the reasons for their decision.
- 102 A member may challenge the ruling of the Chair on a point of order by stating they wish to challenge the ruling of the Chair. The members then decide on the question raised by the point of order by voting on whether to uphold or overturn the ruling of the Chair. The decision of the members is final.
- 103 There is no debate on a point of order or on a challenge to the ruling of the Chair, and points of order and challenges to a ruling of the Chair are not recorded in the meeting minutes.

Points of Privilege

- 104 A member may raise a question of comfort by raising a point of privilege, including the ability to see or hear the proceedings, the conditions of the room used to hold the meeting, or the effectiveness of the technology used to support the meeting.
- 105 The member raising the point of privilege must state what is in question and reasons for raising the point of privilege.
- 106 The Chair, in consultation with the other members, rules on the point of privilege by either recessing the meeting in order to attempt to alleviate the concerns raised by the member or continues with the meeting despite the concerns raised by the point of privilege.
- 107 There is no debate on a point of privilege and they are not recorded in the meeting minutes.

Public Conduct at Meetings

- 108 When in attendance at a Council or committee meeting, the public must maintain order, decorum, and quiet for the duration of the meeting. The public must not:



- (1) approach or address, or attempt to approach or address, Council or the committee without prior permission being granted; or
 - (2) otherwise disturb or interrupt the proceedings of Council or the committee.
- 109 The Chair may order that a member of the public be expelled from a meeting for disturbing or interrupting the proceeds of a meeting, or for otherwise acting improperly during the meeting in accordance with section 198 of the *Municipal Government Act*.

Member Conduct at Meetings

- 110 When in attendance at a Council or committee meeting, members must maintain order and decorum during the meeting. Members must:
- (1) speak and listen respectfully to all those participating or attending the meeting;
 - (2) be acknowledged by the Chair prior to speaking;
 - (3) use parliamentary language whenever possible;
 - (4) respect the rules and proceedings of Council or the committee;
 - (5) refrain from side conversations with each other when another person is speaking;
 - (6) respect the decisions of the Chair and of Council or committee, respect the submissions made by the public, and respect the advice provided by Administration.
- 111 When a member continues to breach the rules in this bylaw, the Chair may request that another member move a motion to remove the unruly member from either the balance of the meeting or until such a time provided in the motion so long as that time does not extend beyond the balance of the meeting. If the motion passes, the member must leave the meeting.
- 112 When the Chair continues to fail to adhere to the rules of this bylaw, a member may move a motion to remove the unruly Chair from either the balance of the meeting or until such a time provided in the motion so long as that time does not extend beyond the balance of the meeting. If the motion passes, the Chair must leave the meeting.
- 113 If the Chair or a member has been directed to leave the meeting in accordance with this bylaw, the Chair or member may provide an explanation and apology for their behaviour. If the remaining members find the statement satisfactory, the members may by resolution allow the offending member to remain or return to the meeting.

Public Requests to Address Council or a Committee

- 114 Members of the public wishing to address Council or a committee, either with a verbal presentation or with a written submission, on an agenda item that is not a public hearing must notify the Chief Administrative Officer of the request and the reasons for the request.
- 115 The Chief Administrative Officer advises Council or the committee of the request and the reasons provided by the requestor.



- 116 Council or the committee may by resolution permit the member of the public to speak on the agenda item or may by resolution receive the written submission on the agenda item. Members of the public who are permitted to address Council or the committee have a maximum speaking time of 5 minutes, unless otherwise provided for by resolution.

Public Requests to Present to Council

- 117 Public presentations are accommodated through Rocky View County's Public Presentation Committee. The public and other stakeholders may request to present at a meeting of the Public Presentation Committee in accordance with the committee's terms of reference.

Motions

- 118 Unless otherwise allowed by the Chair, members may not debate a matter until a member has moved a motion. The Chair should, whenever possible, ensure a motion is on the floor before allowing debate on a matter.
- 119 Unless otherwise determined by the Chair, members may ask questions of clarification on the matter under consideration prior to moving a motion.
- 120 Unless otherwise determined by the Chair, members may ask questions of clarification after a motion has been made and debate has begun if the questions are specific to the motion under consideration.
- 121 A member may move a motion regardless of whether the member intends to support the motion and without requiring the motion to be seconded by another member.
- 122 Motions may be displayed prior to the vote on the motion at the request of the Chair or a member, and the Chair may request that a motion be submitted by a member in writing or electronically prior to moving the motion.
- 123 The Chair must not call for a vote on a motion until the members and the Chief Administrative Officer are clear on how the motion reads.

Debating Motions

- 124 After a motion has been moved by a member, debate may begin on the motion and each member is provided an opportunity to speak to the motion before it is voted on unless debate is closed.
- (1) The Chair must allow the mover of a motion to open and close debate on the motion they have moved. The order of debate among the members between the opening and closing of debate on a motion is determined by the Chair.
 - (2) The Chair is encouraged to allow all other members to participate in debate before the Chair participates in debate, with the exception of allowing the mover of a motion to close debate.
- 125 When a member is speaking to a motion, other members must not interrupt the speaker unless the member is raising a point of order or point of privilege or is attempting to gain the attention of the Chair.



- 126 Members may ask clarifying questions during the debate on a motion provided that the questions are directly related to the debate on the motion unless otherwise allowed by the Chair.
- 127 The Chair must call for a vote on a motion after debate on the motion has concluded. The Chair may close debate in the following circumstances:
- (1) all members have been provided an opportunity to debate and ask questions on the motion and no member wishes to further debate or ask questions the motion;
 - (2) all members have been provided an opportunity to debate and ask questions on the motion and, in the opinion of the Chair, the debate or questioning has become repetitious or unproductive; or
 - (3) if the members pass a resolution to close debate on the motion.

Motions to Close Debate

- 128 A member may move to close debate on a motion if, in the opinion of the member, the debate has become repetitious or unproductive.
- 129 If a motion to close debate passes, no further debate on the motion is allowed and no further amendments to the motion are allowed. The Chair must immediately call for a vote on the motion.
- 130 If a motion to close debate is defeated, the Chair must allow for the debate to continue and further amendments to the motion are permitted.
- 131 Motions to close debate are not debatable and cannot be amended. They are not recorded in the meeting minutes.

Withdrawing Motions

- 132 After a member moves a motion, the motion belongs to the members as a whole and may only be withdrawn by the mover with the unanimous consent of the members present.
- 133 If a motion does not receive unanimous consent to be withdrawn, the members must continue with consideration of the motion.
- 134 Withdrawn motions are not recorded in the meeting minutes except when, in the opinion of the Chief Administrative Officer, recording the withdrawn motion is needed to accurately record the proceedings of the meeting in the minutes.

Severing Motions

- 135 When a motion has two or more recommendations, a member may request, after a motion has been moved but before the vote on the motion, that the recommendations be severed and considered as separate motions. The Chair determines whether the motion will be severed.
- 136 The mover of the original motion is considered the mover of the severed motions.



Motions Out of Order

- 137 The Chair may rule a motion out of order subject to a point of order raised by a member or a challenge of the ruling of the Chair by a member.
- 138 When ruling a motion out of order, the Chair must provide the reasons for their ruling and may consider, but is not limited to, the following:
- (1) whether an amending motion would nullify or contradict the intent of the original motion;
 - (2) whether the motion would be contrary to the bylaws of Rocky View County, the *Municipal Government Act*, or other governing legislation;
 - (3) whether the motion would be contrary to the established procedures and customs of Council or the committee;
 - (4) whether the motion should be made through a notice of motion or brought before Council or the committee through another means; and
 - (5) whether the motion, or substantially similar motion, has been considered within the previous six months without first reconsidering the original motion, in which case the motion is out of order.
- 139 Motions ruled out of order are no longer motions and are not considered by Council or the committee and are not recorded in the meeting minutes.

Minor Corrections to Motions

- 140 Minor corrections may be made to a motion after it has been moved but before the vote on the motion without requiring an amending motion provided that the corrections are limited and clerical in nature, such as correcting spelling and grammar.
- 141 Minor corrections to a motion require the unanimous consent of the members present. If a minor correction does not receive unanimous consent, it may be made in the form of an amending motion.
- 142 Minor corrections to a motion are not recorded in the meeting minutes, and the mover of the original motion is still considered the mover after any minor corrections have been made to the motion.

Main Motions

- 143 Motions that bring a proposed action on a matter before Council or a committee are known as main motions. When a main motion has been moved and is being considered, a member cannot make another motion except to:
- (1) move a subsidiary motion, such as an amending motion, a tabling motion, or a referral motion, in accordance with this bylaw;
 - (2) move a privileged motion, such as a motion to recess or a motion to adjourn; or



- (3) raise a point of order, raise a point of privilege, or challenge a ruling of the Chair in accordance with this bylaw.

144 Main motions are debatable and may be amended unless otherwise provided for in this bylaw.

Motions Arising

145 Motions that arise out of consideration of a matter, but are not required for the matter under consideration, are known as arising motions. Immediately after a matter has been considered, a member may move an arising motion to deal with something directly related to the matter that was just considered.

146 Arising motions should be used in circumstances where it is prudent to provide subsequent direction in a timely manner or when the direction provided does not require further information.

147 Arising motions are debatable and may be amended.

Subsidiary Motions

Amending Motions

148 A member may propose an amendment to a motion by moving an amending motion. The amending motion must be made after the motion has been made and prior to the vote on the motion.

149 Amending motions should be used to improve the wording of motions. Amending motions are used for the purpose of adding words, removing words, or replacing words in the original motion. Amending motions must relate to the subject matter of the original motion and must not be contrary to the original motion.

150 Only one amending motion and only one amendment to an amending motion are permitted at the same time. When there are multiple amending motions at the same time, the amending motions are considered in reverse order of when they were moved, resulting in the original motion considered last.

151 All amending motions are debatable and are amendable to the extent provided for by the above section of this bylaw.

Referral Motions

152 A member may move to refer a matter or motion, and any pending amendments to a motion, to another body to complete further actions or to provide more information on a matter or motion under consideration.

153 Referral motions should be used in circumstances where doing something further is the main consideration, whether that is for further action or for more information, prior to making a decision on the matter or motion.

154 Referral motions are debatable and may be amended.



Tabling Motions

- 155 A member may move to table a matter or motion, and all amendments to a motion, either temporarily or indefinitely with the intention of bringing the matter or motion back for consideration at different time.
- (1) When the matter or motion is subsequently lifted from the table, consideration resumes at the same point at which it was left when the matter or motion was tabled.
- 156 Tabling motions should be used in circumstances where timing is the main consideration. If further action or more information on a matter or motion is desired, a referral motion should be considered instead of a tabling motion.
- 157 A matter or motion may be tabled to a different point in the same meeting, be tabled to a future date, or be tabled indefinitely with no set return date identified.
- 158 Tabling motions are debatable and may be amended.

Lifting from the Table

- 159 When a matter or motion that has been tabled is lifted from the table, either automatically or by resolution depending on the tabling motion, the matter or motion is brought back as it was when it was tabled, including any pending amendments to a motion.
- 160 If the matter or motion was tabled to a different point in the same meeting or was tabled indefinitely with no set return date or conditions identified, it must be lifted from the table by resolution prior to resuming consideration of it.
- (1) If a motion to lift from the table is defeated, the matter or motion will remain on the table until a motion to lift it from the table is passed.
- 161 If the matter or motion was tabled to a specific meeting or with a set return date or conditions identified, it is deemed to be lifted from the table without resolution by including the matter or motion on an agenda.
- 162 A matter or motion may be lifted from the table earlier than the time identified in the tabling motion provided that the matter or motion is included on an agenda or added to an agenda for a meeting.
- 163 Motions to lift from the table are debatable but cannot be amended.

Privileged and Incidental Motions

Motions to Recess and to Reconvene

- 164 A member may move to recess a meeting for a specific period or until a specific time. If a meeting is recessed by resolution, it must be reconvened by resolution.
- 165 The Chair may recess a meeting for a specific period or until a specific time. If a meeting is recessed by the Chair, it may be reconvened by the Chair or by resolution.
- 166 Motions to recess or to reconvene are not debatable and cannot be amended.

Motions to Adjourn

- 167 A member may move to adjourn a meeting at any time during the meeting unless the meeting is in closed session or another motion is being considered.
- 168 Motions to adjourn are not debatable and cannot be amended.

Motions to Reconsider and Rescind

- 169 Members may attempt to revisit previous decisions by moving a motion to either reconsider or rescind a motion that was voted on previously in accordance with this bylaw. Motions to reconsider are made at the same meeting at which the original motion was voted on, while motions to rescind are made at a different meeting.
- (1) The member moving a motion either to reconsider or rescind must have voted on the prevailing side of the original motion, except in the case of a motion defeated on a tie, in which case any member who voted for the original motion may move the motion to reconsider or rescind.
- 170 A motion to reconsider should be used when a motion is passed or defeated at a meeting and a member wishes to reconsider the vote on the motion at the same meeting. If a motion is being reconsidered, the original motion is back on the floor as if the original mover of the motion had just made the motion:
- (1) after a motion to reconsider is passed, the Chair reopens debate on the original motion; and
- (2) after debate is closed, the Chair calls for a vote on the original motion.
- 171 The same motion can only be reconsidered once during the same meeting, and a motion to reconsider cannot be reconsidered or rescinded.
- 172 A motion to rescind should be used when a resolution is passed at one meeting and the member wishes to rescind the resolution at a different meeting. To rescind a resolution on a matter, the matter must:
- (1) be included on the agenda through a notice of motion submitted in accordance with this bylaw; or
- (2) be added to an agenda through an emergent business item in accordance with this bylaw.
- 173 If a resolution is rescinded, the original motion is deemed null and void but it does not undo any actions that have been taken as a result of the resolution being passed.
- 174 A motion to rescind cannot be reconsidered or rescinded.
- 175 Motions to reconsider or rescind are debatable and cannot be amended.



Public Hearings

- 176 Public hearings are held when required by the *Municipal Government Act* or when Council directs that a matter be considered through a public hearing.
- 177 Public hearings may be held at regular or special Council meetings.
- 178 When a public hearing is held on a proposed bylaw or resolution the public hearing will be held before first reading of the proposed bylaw or prior to a vote on the proposed resolution.
- (1) Additional public hearings may be held on a proposed bylaw but any additional public hearings must be held prior to second reading of the proposed bylaw.²
 - (2) Notwithstanding the above section of this bylaw, a public hearing may be held after first reading for any bylaw that received first reading before January 1, 2023.³
- 179 Public hearings are advertised in accordance with the *Municipal Government Act* and Rocky View County's bylaws, policies, and procedures.

Public Hearing Submissions

- 180 Public hearing circulations and advertisements must meet the requirements of section 606 of the *Municipal Government Act* and must include the process and deadlines for public hearing submissions.
- 181 Public hearing submissions may be in the form of a written submission and/or a pre-recorded audio/video submission. Alternate forms of public hearing submissions may be provided if the public hearing is being held at an electronic meeting without public access to the Council Chambers.
- 182 An individual or group may provide a written submission for a public hearing and may choose to either provide a pre-recorded audio/video submission or to present at the public hearing, but not both, in addition to their written submission.
- 183 Pre-recorded audio/video submissions at a public hearing are limited to five minutes for an individual, or 10 minutes for a group, unless extended by a resolution of Council.
- 184 For a submission to be included as part of a public hearing, submissions must be received prior to the advertised submission deadline and must include the following:
- (1) the name of the person providing the submission and how they are affected by the subject of the public hearing, preferably in the form of a statement of whether they are in support or in opposition and with reasons why;
 - (2) an indication of where the person lives in proximity to the subject of the public hearing, preferably in the form of a municipal address or legal land description;

² Bylaw-8363-2023

³ Bylaw-8363-2023



- (3) the names, if any, of any additional people that the submission is on behalf of;
 - (4) an indication of where any additional people named in the submission live in proximity to the subject of the public hearing, preferably in the form of a municipal address or legal land description; and
 - (5) how any additional people named in the submission are affected by the subject of the public hearing, preferably in the form of a statement of whether they are in support or in opposition and with reasons why.
- 185 Public hearing submissions that otherwise comply with this bylaw but are received after the advertised submission deadline will only be provided at the public hearing if Council passes a motion to receive the late submissions at the public hearing.
- 186 Public hearing submissions containing the following may not be included as part of the public hearing:
- (1) excessive personal attacks or derogatory or defamatory statements; or
 - (2) statements that promote discrimination against a person or class of persons, or is likely to expose a person or class of persons to hatred or contempt, pursuant to the *Human Rights Act*.

Presenting at a Public Hearing

- 187 People who wish to present at a public hearing, whether on their own behalf or on behalf of a group, should register to speak as either in support or in opposition of the subject of the public hearing when attending the public hearing in-person.
- 188 Presentations at a public hearing are limited to five minutes for an individual, or 10 minutes for a group, unless extended by a resolution of Council.
- 189 When presenting at a public hearing, each presenter must provide:
- (1) their name and how they are affected by the subject of the public hearing, preferably in the form of a statement of whether they are in support or in opposition and the reasons why;
 - (2) an indication of where they live in proximity to the subject of the public hearing, preferably in the form of a municipal address or legal land description;
 - (3) the names, if any, of any additional people that the presentation is on behalf of;
 - (4) an indication of where any additional people named in the presentation live in proximity to the subject of the public hearing, preferably in the form of a municipal address or legal land description; and
 - (5) how any additional people named in the submission are affected by the subject of the public hearing, preferably in the form of a statement of whether they are in support or in opposition and the reasons why.



- 190 Presentations may include supplemental materials such as photos, videos, maps, and powerpoint presentations. All presentation materials provided at a public hearing will be collected by Rocky View County to retain with the meeting minutes and will be provided to the public upon request.

Group Submissions and Presentations

- 191 A group may provide a written submission, pre-recorded audio/video submission, or presentation at a public hearing if the group is comprised of three or more persons who claim to be affected by the subject matter of the public hearing and they have agreed to put forward common interests or concerns.
- (1) If a group wishes to provide a presentation at a public hearing, the group must designate one individual as its spokesperson to be solely responsible for presenting on behalf of the group.
- 192 All the same requirements under this bylaw that would apply to a presentation or submission by an individual apply to a presentation or submission by a group.

Public Hearing Procedures

- 193 The Chair calls for a motion to open the public hearing. The public hearing will begin only after a motion has passed to open the public hearing.
- 194 The Chair informs the public in attendance of the general process and procedures to be followed at the public hearing. Public hearings are generally conducted in the following sequence, but may follow a different sequence depending on the subject of the public hearing:
- (1) staff report by Administration;
- (2) presentation by the applicant;
- (3) presentations by the public in support of the proposal;
- (4) presentations by the public in opposition of the proposal;
- (5) rebuttal presentation by the applicant limited only to the comments read or heard in opposition to the proposal; and
- (6) final questions of Administration.
- 195 The Chair calls for the staff report from Administration to introduce the proposed bylaw, resolution, or other subject to the public hearing.
- (1) Questions of clarification from members to Administration are permitted by the Chair during this portion of the public hearing.
- 196 Following the staff report from Administration, the Chair calls for the applicant to present their application.



- (1) Questions of clarification from members to the applicant are permitted by the Chair during this portion of the public hearing.
 - (2) Presentations from the applicant are limited to a maximum of 20 minutes unless Council passes a motion to extend the presentation time limit.
- 197 Following the presentation from the applicant, the Chair calls for pre-recorded audio/video submissions and presentations from the public, either in support or in opposition to the proposed bylaw, resolution, or other subject to the public hearing.
- (1) Public presentations begin with those in support and the Chair calls for any audio/video submissions in support to be played first. After any audio/video submissions have been played, the Chair calls upon those who have registered to present in support in the order in which they registered;
 - (2) after every individual or group that registered to present in support is provided an opportunity to present, the Chair asks three times whether anyone else wishes to present in support and provides them an opportunity to present;
 - (3) after the public presentations in support have concluded, the Chair calls for any audio/video submissions in opposition to be played first. After any audio/video submissions have been played, the Chair calls upon those who have registered to present in opposition in the order in which they registered;
 - (4) after every individual or group that registered to present in opposition is provided an opportunity to present, the Chair asks three times whether anyone else wishes to present in opposition and provides them an opportunity to present; and
 - (5) questions of clarification from members to the public presenters, whether in support or opposition, are only permitted by the Chair during this portion of the public hearing.
- 198 Following the pre-recorded audio/video submissions and presentations from the public, the Chair invites the applicant to provide a rebuttal to any points raised in opposition to their application. The opposition must have been raised through a written submission, pre-recorded audio/video submission, or presentation provided at the public hearing.
- (1) The rebuttal by the applicant is limited to a maximum of 10 minutes unless a motion is passed by Council to extend the rebuttal time limit.
 - (2) The Chair allows questions of clarification from members to the applicant during this portion of the public hearing only regarding the information provided by the applicant during their rebuttal.
- 199 Following the rebuttal from the applicant, the Chair allows for any final questions from members to Administration.
- 200 The Chair calls for a motion to close the public hearing. The public hearing must be closed before Council votes on the proposed bylaw, resolution, or other matter that was the subject of the public hearing.



Bylaws

- 201 Proposed bylaws must be assigned a unique bylaw number, be provided a concise bylaw title, and must have a statement as to the general purpose of the bylaw.
- 202 Council must be provided or have had the opportunity to review a copy of the proposed bylaw before considering a motion to provide the bylaw with first reading.
- 203 All amendments to a bylaw must be made in the form of a motion and must be made prior to consideration of third reading of the bylaw.
- 204 When considering a proposed amendment to a bylaw, Council must be provided or have had the opportunity to review the full text of the amendment before a vote is called on the amendment.
- 205 Section deleted.⁴
- 206 Section deleted.⁵
- 207 Section deleted.⁶
- 208 Section deleted.⁷
- 209 If a proposed bylaw fails to receive first reading, it is considered defeated. If a bylaw fails to receive second or third reading, it is also considered defeated and all previous readings of the bylaw are rescinded in accordance with section 188 of the *Municipal Government Act*.
- 210 Any bylaw that fails to receive unanimous permission for third reading when required by section 187(4) of the *Municipal Government Act* will be included on the agenda for the next available regular Council meeting, or on the agenda of a special Council meeting, for consideration of third reading.
- 211 Once a bylaw receives third reading and the final version is available for signing, the Mayor and Chief Administrative Officer must sign the bylaw in accordance with section 213(3) of the *Municipal Government Act*.
- 212 The Chief Administrative Officer is authorized to prepare consolidations of bylaws as required from time to time in accordance with section 69 of the *Municipal Government Act*.

Severability

- 213 Each provision of this bylaw is independent of all other provisions. If any provision of this bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this bylaw will remain valid and enforceable.

⁴ Bylaw-8363-2023

⁵ Bylaw-8363-2023

⁶ Bylaw-8363-2023

⁷ Bylaw-8363-2023



Transitional

- 214 Bylaw C-7907-2019, being the *Procedure Bylaw*, and all amendments thereto are repealed upon this Bylaw passing and coming into full force and effect.
- 215 Bylaw C-8277-2022, being the *Procedure Bylaw*, is passed when it receives third reading and is signed in accordance with the *Municipal Government Act*.
- 216 Bylaw C-8277-2022, being the *Procedure Bylaw*, comes into full force and effect on August 1, 2022.

READ A FIRST TIME this 14th day of June, 2022

READ A SECOND TIME this 14th day of June, 2022

UNANIMOUS PERMISSION FOR THIRD READING this 14th day of June, 2022

READ A THIRD AND FINAL TIME this 14th day of June, 2022

“Don Kochan”

Mayor

“Dorian Wandzura”

Chief Administrative Officer

June 14, 2022

Date Bylaw Signed



Bylaw C-8277-2022

Schedule 'A' – Definitions

- 1 **“Administration”** means the operations and staff under the direction of the Chief Administrative Officer.
- 2 **“Bylaw”** means a Bylaw of Rocky View County.
- 3 **“Chair”** means the person with the authority to preside over a meeting and direct the proceedings and conduct of that meeting.
- 4 **“Chief Administrative Officer”** means the Chief Administrative Officer of Rocky View County pursuant to the *Municipal Government Act* or their authorized delegate.
- 5 **“Closed session”** means a meeting or part of a meeting that is closed to the public in accordance with the *Municipal Government Act* and the *Freedom of Information and Protection of Privacy Act*, or as permitted under other governing legislation.
- 6 **“Code of Conduct Bylaw”** means, as the context requires, either:
 - (1) Rocky View County Bylaw C-7768-2018, being the *Council Code of Conduct Bylaw*, as amended or replaced from time to time; or
 - (2) Rocky View County Bylaw C-7855-2018, being the *Board and Committee Code of Conduct Bylaw*, both as amended or replaced from to time.
- 7 **“Committee”** means a committee, board, appeal board, commission, or other body of Rocky View County established by Council and with members appointed by Council.
- 8 **“Council”** means the duly elected Councillors of Rocky View County.
- 9 **“Councillor”** means a duly elected Councillor of Rocky View and includes the Mayor and Deputy Mayor.
- 10 **“Deputy Mayor”** means the deputy chief elected official appointed under section 152 of the *Municipal Government Act*.
- 11 **“Election”** means a general election as defined in the *Local Authorities Election Act* but does not include a by-election or a vote on a bylaw or question.
- 12 **“Emergent business”** means matters that were not included on a meeting agenda but due to time constraints or unusual circumstances must be considered at a specific meeting.
- 13 **“Freedom of Information and Protection of Privacy Act”** means the *Freedom of Information and Protection of Privacy Act*, RSA 2000, c F-25 as amended or replaced from time to time.
- 14 **“Group”** means three or more persons with a common interest in a matter before Council or a committee pursuant to this bylaw.



- 15 **“Local Authorities Election Act”** means *the Local Authorities Election Act*, RSA 2000, c L-21, as amended or replaced from time to time.
- 16 **“Majority”** means more than half of the members present. For example, the majority for a body of seven members is four and the majority for a body of six members is also four.
- 17 **“Mayor”** means the person elected or appointed as chief elected official under section 150 of the *Municipal Government Act*.
- 18 **“Meeting”** means an organizational, regular, or special meeting of Council or a committee.
- 19 **“Member”** means either:
- (1) a Councillor; or
- (2) a person appointed by Council to a committee.
- 20 **“Motion”** means a proposal for action on a matter that is brought before Council or a committee pursuant to this bylaw.
- 21 **“Municipal Government Act”** means the *Municipal Government Act*, RSA 2000, c M-26, as amended or replaced from time to time.
- 22 **“Organizational meeting”** means an organizational meeting of Council held pursuant to the *Municipal Government Act*.
- 23 **“Pecuniary interest”** means a pecuniary interest as contemplated in the *Municipal Government Act*, or a *Code of Conduct Bylaw*, as amended or replaced from time to time.
- 24 **“Point of order”** means a question or concern raised by a member directed to the Chair to call attention to any departure from the *Procedure Bylaw*.
- 25 **“Point of privilege”** means a question or concern raised by a member directed to the Chair to call attention to the comfort of members.
- 26 **“Public hearing”** means a public hearing held pursuant to the *Municipal Government Act* or any other legislation, whether statutory or non-statutory.
- 27 **“Quorum”** is the minimum number of members who must be present at a meeting in order to conduct business. For example, the quorum for a Council of seven members is four.
- 28 **“Regular meeting”** means a regular meeting of Council held pursuant to the *Municipal Government Act* or a regular meeting of a committee held pursuant to this bylaw or the committee’s terms of reference.
- 29 **“Resolution”** means a motion that is passed by Council or a committee.
- 30 **“Special meeting”** means a special meeting of Council held pursuant to the *Municipal Government Act* or a special meeting of a committee held pursuant to this bylaw or the committee’s terms of reference.



- 31 **“Stand at ease”** means an informal pause in the meeting called by the Chair that is not a formal recess.

- 32 **“Terms of reference”** means a terms of reference or bylaw approved by Council that establishes the functions, procedures, membership, and other governance characteristics of a board or committee.



Subdivision Item: Residential

Electoral Division: 6

File: PL20220103 / 03231018

Date:	October 22, 2024
Presenter:	Carter Shelton, Planner 1
Department:	Planning

REPORT SUMMARY

The purpose of this report is to assess a proposed subdivision of a 19.00 acre parcel within SE-31-23-27-W04M to create four ± 0.81 hectare (± 2.00 acre) parcels and one ± 1.62 hectare (± 4.00 acre) parcel, leaving a ± 2.37 hectare (± 5.86 acre) remainder.

The application was evaluated pursuant to the *Municipal Government Act*, Matters Related to Subdivision and Development Regulation, Municipal Development Plan (County Plan), Northglen Estates Conceptual Scheme, and the *Land Use Bylaw*.

The application aligns with Section 5.0 (Managing Residential Growth Areas), and Section 10.0 (Country Residential) of the County Plan. The subject parcel is located within a fragmented quarter section; the Northglen Estates Conceptual Scheme guides subdivision and development in the area.

The subdivision proposal aligns with the overall phasing, land use, and conceptual lot layout identified in Cell 3 of the conceptual scheme. The Conceptual Scheme contemplates a total of 50 lots being created across the 180 acres of land in the plan area with an average parcel size of 3.6 acres.

The proposed ±0.81 hectare (±2.00 acre) lots bordering Range Road 275A meet the minimum parcel size requirement of the Residential, Country Residential District (R-CRD). The proposed ±1.62 hectare (±4.00 acre) parcel and ±2.37 hectare (±5.86 acre) remainder meet the minimum parcel size requirement of the Residential, Rural Residential District (R-RUR) as stipulated in the *Land Use Bylaw*.

Council is the Subdivision Authority for the subject application due to the receipt of a public opposition letter, in accordance with Section 5(2), of the *Subdivision Authority Bylaw* (C-8275-2022).

ADMINISTRATION'S RECOMMENDATION

THAT the Subdivision Authority approves application PL20220103 be approved with the conditions noted in Attachment F.

Subdivision Item: Residential

BACKGROUND

Location (Attachment A)

Located approximately 0.81 kilometres (0.50 miles) south of Township Road 240, at the northeast junction of Range Road 275A and Laganis Bay.



Site History (Attachment B)

On October 20, 1993, the four lots and internal subdivision road immediately south of the subject parcel was registered with Alberta Land Titles Office through Plan 931 1989.

On December 14, 1999, Council approved Bylaw C-5139-99 adopting the Northglen Estates Conceptual Scheme.

On February 28, 2006, Council approved Bylaw C-6200-2006 to redesignate the subject lands from the Agricultural Holdings District (A-H) to Residential One (R-1) and Residential Two (R-2) designations, to facilitate the subject proposal for subdivision.

Currently, the subject land is approximately 7.69 hectares (19.00 acres) and contains a dwelling and several accessory buildings, all of which are located towards the south-western portion of the parcel abutting internal subdivision road Laganis Bay.

Intermunicipal and Agency Circulation (Attachment C)

The application was circulated to all necessary intermunicipal neighbours, internal and external agencies.

This application was circulated to the City of Chestermere in accordance with Section 27.10 of the County Plan, no response was received.

Alberta Transportation and Economic Corridors (ATEC) was circulated due to the subject parcel's proximity to Highway 791. ATEC has provided no concerns on the proposed application due to the future provision of local road access.

Landowner Circulation (Attachment D)

The application was circulated to 114 adjacent landowners in accordance with the *Municipal Government Act* and County Policy C-327 (Circulation and Notification Standards); no letters in support were received, while one (1) letter in opposition with two unique signatures was received.

Subdivision Item: Residential

ANALYSIS

Policy Review (Attachment E)

The application was reviewed pursuant to the *Municipal Government Act*, Matters Related to Subdivision and Development Regulation, Municipal Development Plan (County Plan), the Northglen Estates Conceptual Scheme, and the *Land Use Bylaw*. The application was determined to be consistent with the policies of the County Plan, while aligning with the overall land use pattern and parcel configuration outlined in the Northglen Estates Conceptual Scheme. The subject lands are located within a quarter section meeting the definition of a Fragmented Quarter Section; while no lot and road plan was provided, the applicable conceptual scheme addresses the requirements that a lot and road plan would outline.

The Northglen Estates Conceptual Scheme is not located within an overarching area structure plan; however, the application is consistent with the envisioned parcel configuration and density requirements of the conceptual scheme. The Conceptual Scheme contemplates a total of 50 lots being created within 180 acres of land with an average parcel size of 3.6 acres. Further, the existing land use designation and Phase 3 conceptual layout supports the proposed two acre lots closer to Range Road 275A with four acre lots towards the eastern portion of the site.

Administration notes that the Northglen Estates area has experienced stormwater concerns in the past, with specific concern related to the large wetland/low area east of the proposed development. The application addresses these concerns through the implementation of the stormwater management plan submitted. The reviewed and accepted stormwater management plan utilizes rain gardens to temporarily store overland runoff. The rain gardens would allow for infiltration into the ground and provide a modest improvement in stormwater quality while ensuring post-development runoff rates are comparable or less than pre-development rates.

Additional servicing considerations including the provision of potable water and septic systems have been evaluated to be consistent with the conceptual scheme and are further accounted for within the recommended conditions of approval included within Attachment F.

Further, the Applicant has provided potential for alternative future road alignment throughout the quarter section through in the road acquisition agreement included in the recommended conditions of approval, as there are existing structures on the parcel immediately north of the subject property. Should those structures be removed at time of future subdivision of adjacent lands, the road acquisition as shown on the recommended tentative plan may be discharged.

Each of the two acre parcels proposed on the western portion of the subject property meet the minimum parcel size restriction of the applicable Residential, Country Residential (R-CRD) designation. Both the proposed lot 5 and remainder lot 6 meet the minimum parcel size restriction of the applicable Residential, Rural Residential (R-RUR) designation, as indicated in the *Land Use Bylaw*.

COMMUNICATIONS / ENGAGEMENT

Consultation was conducted in accordance with statutory requirements and County Policy C-327.

IMPLICATIONS

Financial

No financial implications identified at this time.

STRATEGIC ALIGNMENT

As per Section 5(2) of the *Subdivision Authority Bylaw (C-8275-2022)*, Council is the decision-making authority due to submission of landowner opposition received.

Subdivision Item: Residential

ALTERNATE DIRECTION

No alternative options have been identified for the Subdivision Authority’s consideration.

ATTACHMENTS

- Attachment A: Map Set
- Attachment B: Application Information
- Attachment C: Application Referral Responses
- Attachment D: Public Submissions
- Attachment E: Policy Review
- Attachment F: Recommended Conditions of Approval and Tentative Plan

APPROVALS

Manager:	Dominic Kazmierczak
Executive Director/Director:	Matt Boscariol
Chief Administrative Officer:	Reegan McCullough

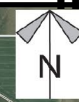
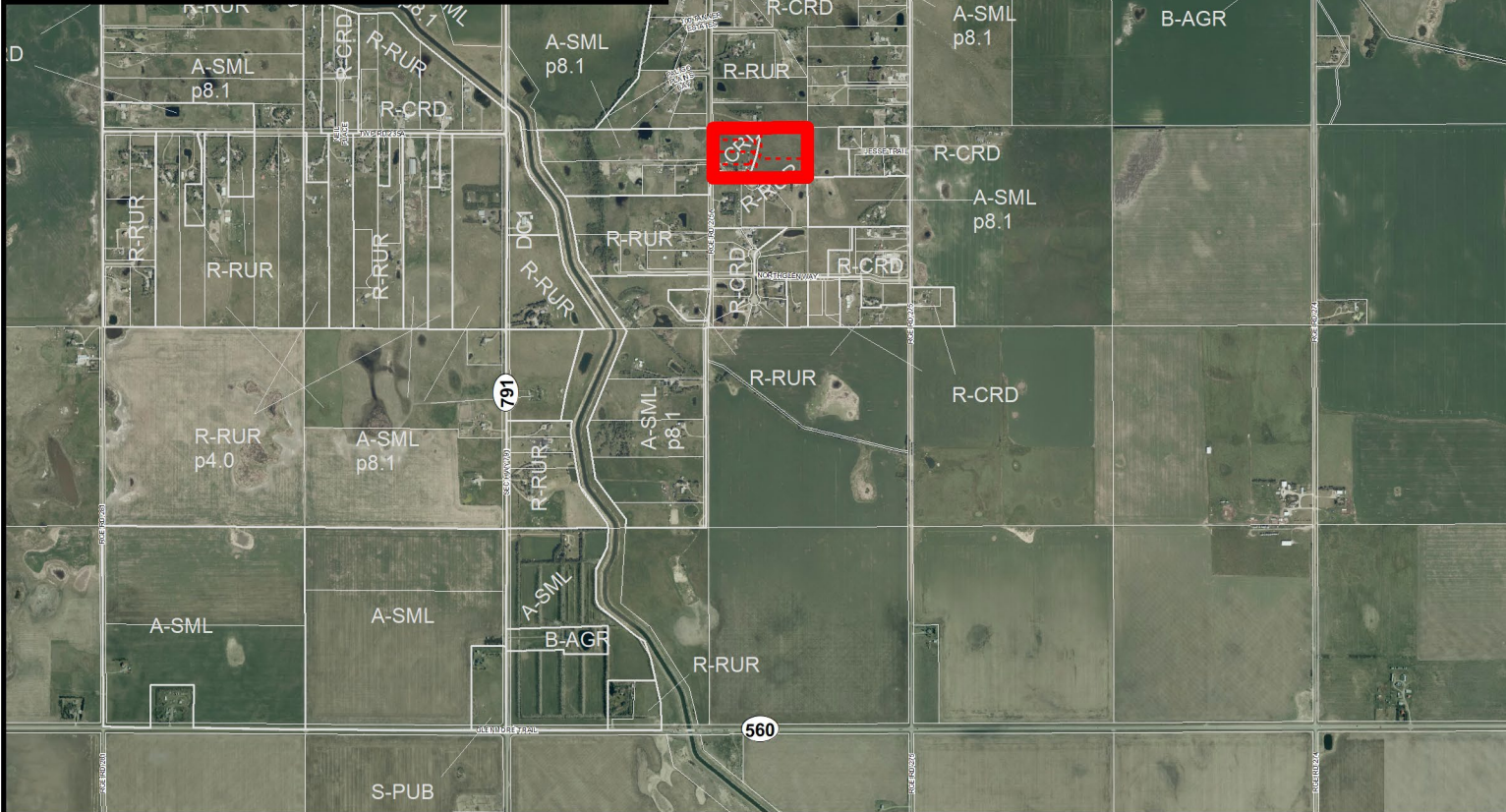
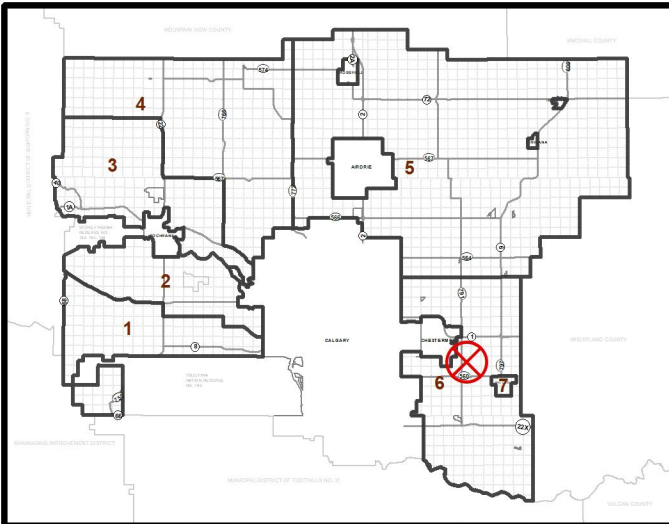




Location & Context

Subdivision Proposal

To create four ± 0.81 hectare (± 2.00 acre) parcels and one ± 1.62 hectare (± 4.00 acre) parcel, leaving a ± 2.37 hectare (± 5.86 acre) remainder.





Development
Proposal

Subdivision Proposal

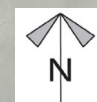
To create four ± 0.81 hectare (± 2.00 acre) parcels and one ± 1.62 hectare (± 4.00 acre) parcel, leaving a ± 2.37 hectare (± 5.86 acre) remainder.

RGE RD 275A

Road Dedication
±0.46 ha (±1.14 ac)



LAGANIS BAY





Environmental

Subdivision Proposal

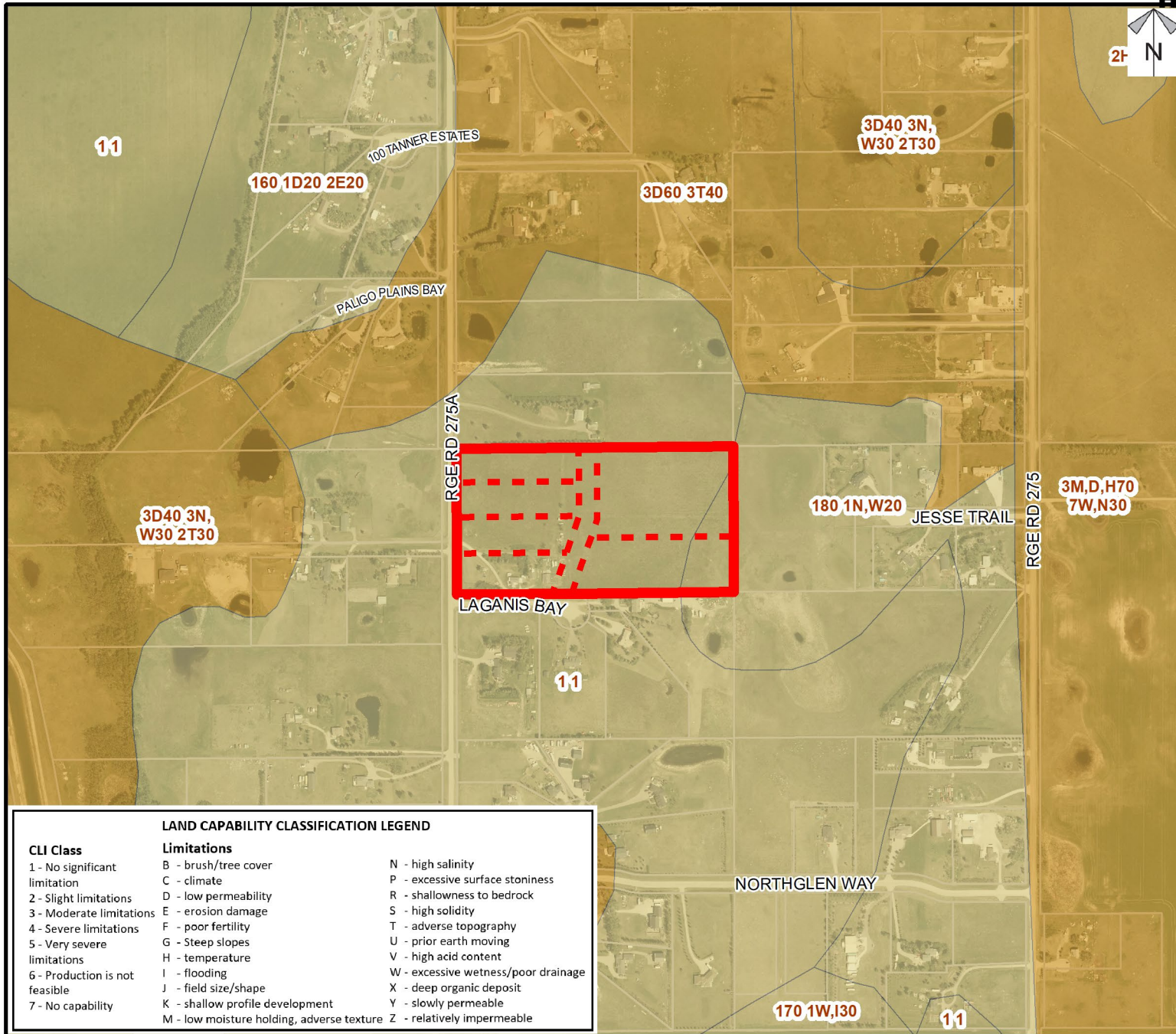
To create four ± 0.81 hectare (± 2.00 acre) parcels and one ± 1.62 hectare (± 4.00 acre) parcel, leaving a ± 2.37 hectare (± 5.86 acre) remainder.



Legend

-  Subject Lands
-  Contour - 2 meters
-  Riparian Setbacks
-  Alberta Wetland Inventory
-  Surface Water

Division: 6
Roll: 03231018
File: PL20220103
Printed: 7/19/2024
Legal: A portion of
PSR 2024-0000
Page 202 of 300



Soil Classifications

Subdivision Proposal

To create four ± 0.81 hectare (± 2.00 acre) parcels and one ± 1.62 hectare (± 4.00 acre) parcel, leaving a ± 2.37 hectare (± 5.86 acre) remainder.

LAND CAPABILITY CLASSIFICATION LEGEND

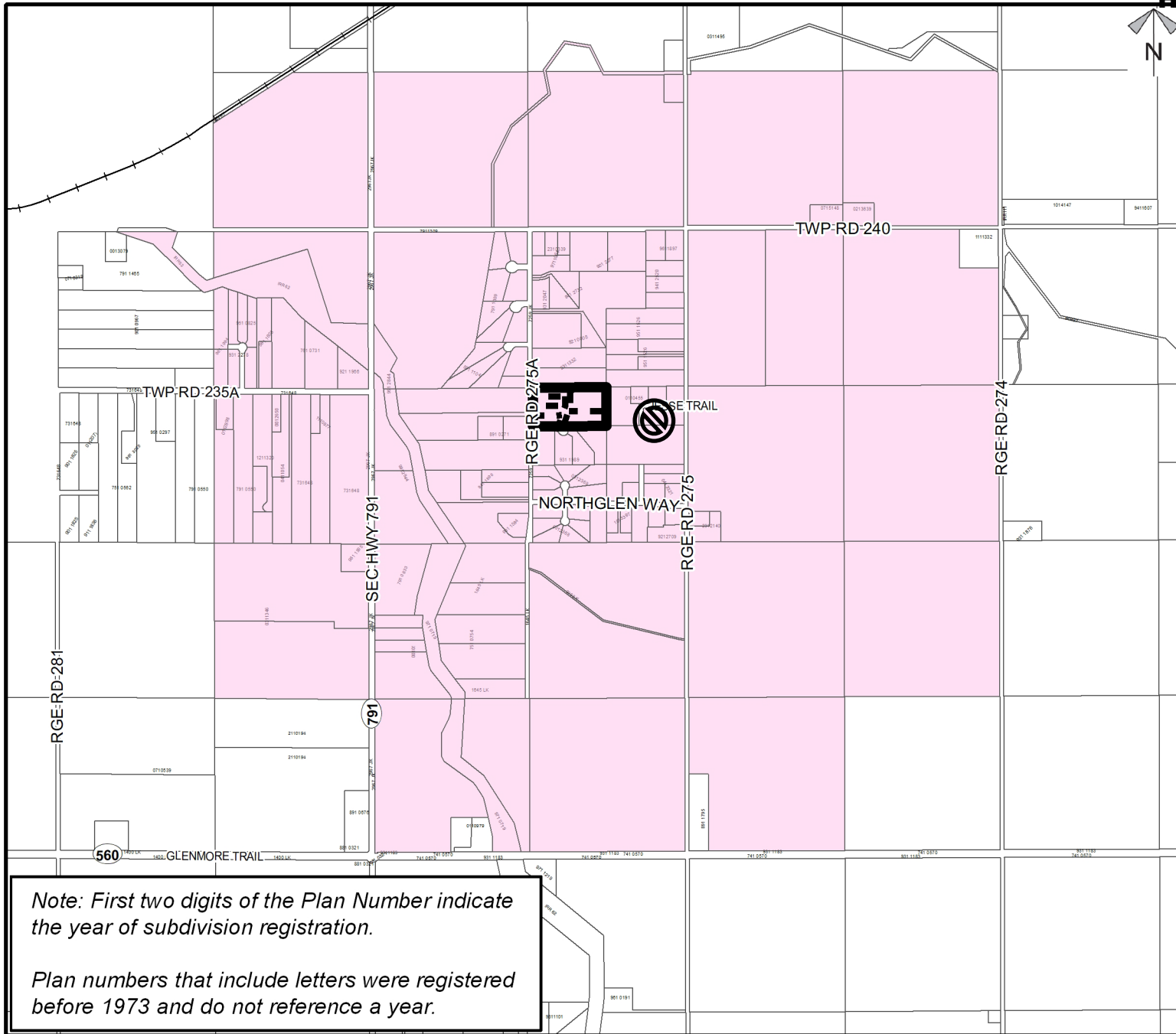
CLI Class	Limitations	
1 - No significant limitation	B - brush/tree cover	N - high salinity
2 - Slight limitations	C - climate	P - excessive surface stoniness
3 - Moderate limitations	D - low permeability	R - shallowness to bedrock
4 - Severe limitations	E - erosion damage	S - high solidity
5 - Very severe limitations	F - poor fertility	T - adverse topography
6 - Production is not feasible	G - Steep slopes	U - prior earth moving
7 - No capability	H - temperature	V - high acid content
	I - flooding	W - excessive wetness/poor drainage
	J - field size/shape	X - deep organic deposit
	K - shallow profile development	Y - slowly permeable
	M - low moisture holding, adverse texture	Z - relatively impermeable



Landowner Circulation Area

Subdivision Proposal

To create four ± 0.81 hectare (± 2.00 acre) parcels and one ± 1.62 hectare (± 4.00 acre) parcel, leaving a ± 2.37 hectare (± 5.86 acre) remainder.



Note: First two digits of the Plan Number indicate the year of subdivision registration.

Plan numbers that include letters were registered before 1973 and do not reference a year.

ATTACHMENT B: APPLICATION INFORMATION

APPLICANT/OWNERS: Teradigm Development Consultants Inc. (Michael Ulmer) / 1838154 Alberta Ltd.	DATE APPLICATION RECEIVED: June 9, 2022
GROSS AREA: ±7.69 hectares (±19.00 acres)	LEGAL DESCRIPTION: SE-31-23-27-W04M
Pre-Application Meeting Held: <input type="checkbox"/>	Meeting Date: N/A
SOILS (C.L.I. from A.R.C.): 180 1N, W20: No significant limitations to cereal crop production; 80% of the area presenting elevated salinity and 20% of the area presenting excessive wetness/poor drainage.	
HISTORY: September 23, 2010: Subdivision Application closed due to inactivity. February 28, 2006: Bylaw C-6200-2006 approved, redesignating the subject lands from the Agricultural Holdings District to Residential One and Residential Two District.	
TECHNICAL REPORTS SUBMITTED: <ul style="list-style-type: none"> • Phase 1 Groundwater Supply Assessment (Groundwater Resources Information Technologies Ltd., April, 2022) • Level 3 Private Sewage Treatment System Assessment (Almor Testing Services Ltd., May, 2019) • Trip Generation Review (Bunt & Associates, May, 2023) • Sidhu Subdivision Stormwater Management Report (Osprey Engineering Inc., January, 2024) • Wetland Assessment and Impact Report (WAIR) (Omnia Ecological Services, January, 2024) 	
APPEAL BOARD: Land and Property Rights Tribunal	

ATTACHMENT C: APPLICATION REFERRAL RESPONSES

AGENCY	COMMENTS
School Authority	
Calgary Catholic School District	After review, the Calgary Catholic School District does not have any concerns with the referenced subdivision circulation (PL20220103).
Province of Alberta	
Alberta Transportation and Economic Corridors	<p>This will acknowledge receipt of your circulation regarding the above noted proposal, which must meet the requirements of Sections 18 and 19 of the Subdivision and Development Regulation, due to the proximity of Highway 791. The department is currently protecting Highway 791 to a Multi-lane standard at this location.</p> <p>The above noted subdivision proposal does not meet Section 18 of the Regulation. The department anticipates minimal impact on the highway from this proposal. Additionally, there is no direct access to the highway and there is sufficient local road access to the subdivision satisfying Section 19 of the Regulation. Therefore, Pursuant to Section 20 of the Regulation, the department grants approval for the subdivision authority to grant a variance of Section 18 if they choose to do so.</p> <p>Pursuant to Section 678(2) of the Municipal Government Act, Alberta Transportation requires that any appeal of this subdivision be referred to the Land & Property Rights Tribunal.</p> <p>Although there will likely be minimal impact on the highway. Rocky View County may want to mitigate the impacts of traffic generated by future development within the proposed subdivision and surrounding are developments approved on the local road connection to the highway system pursuant to the Provincial Land Use Policies and/or Regional Land Use plan that may be in effect.</p>
Alberta Health Services	<p>At this time, we have no concerns with the proposal, based on the information provided. We wish to provide the following considerations:</p> <ul style="list-style-type: none"> • As individual water wells are proposed for this development, AHS-EPH would like to remind the Applicant that any water wells on the subject lands should be completely contained within the proposed property boundaries. A drinking water source must conform to the most recent Canadian Drinking Water Quality Guidelines and the Alberta Public Health Act, <i>Nuisance and General Sanitation Guideline</i> (AR 243/2003), which states: <ul style="list-style-type: none"> <i>A person shall not locate a water well that supplies water that is intended or used for human consumption within</i> <ol style="list-style-type: none"> a) 10 metres of any watertight septic tank, pump out tank or other watertight compartment of a sewage or waste water system, b) 15 metres of a weeping tile field, an evaporative treatment mound or an outdoor toilet facility with a pit, c) 30 metres of a leaching cesspool, d) 50 metres of sewage effluent on the ground surface, e) 100 metres of a sewage lagoon, or f) 450 metres of any area where waste is or may be disposed of at a landfill within the meaning of the Waste Control Regulation (AR 192/96).

AGENCY	COMMENTS
Public Utility	<ul style="list-style-type: none"> Any existing water wells on the subject site, if no longer used, must be decommissioned according to Alberta Environment & Park's standards and regulations. Any existing or future private sewage disposal systems must be completely contained within the property boundaries and must comply with the most recent Alberta Private Sewage Systems Standard of Practice. Prior to installation of any sewage disposal system, a proper geotechnical assessment should be conducted by a qualified professional engineer. Any septic tanks and fields on the subject site that are no longer used should be properly decommissioned by a licensed contractor.
ATCO Gas	<p>Please be advised that our existing/future gas line(s) on the subject property are protected by way of a Utility Right of Way Agreement, registered as Instrument(s) # 741 094 837. Therefore, ATCO Gas has no objection to the proposed subdivision.</p> <p>ATCO Gas would also like to make the municipality and landowner / developer aware of the following:</p> <ul style="list-style-type: none"> - Before any ground disturbance commences on the subject property, the landowner / developer must ensure that the location of all natural gas pipeline(s) are determined by calling Utility Safety Partners at 1-800-242-3447. - For any ground disturbance and/or construction activity proposed within 5m of an existing pipeline(s), the landowner / developer shall contact their local ATCO Gas office to consult whether the proposed activity conflicts with the pipeline(s). - ATCO Gas requires a minimum of 6 months notice to design and construct either (1) a pipeline(s) alteration when proposed ground disturbances and/or construction activities are found to be in conflict with existing pipeline(s) or (2) a pipeline(s) extension to service the proposed subdivision with natural gas. Pipeline alterations and extensions will be performed at the landowner's / developer's expense. - A crossing agreement may be required if the landowner / developer plans to cross over / under an existing pipeline(s) with a new subdivision facility. Please contact the Land Department at (403) 245-7845 for further information.
ATCO Pipelines	No objections
FortisAlberta	<p>FortisAlberta is the Distribution Wire Service Provider for this area. We have reviewed the plan and determined that no easement is required by FortisAlberta.</p> <p>The developer can arrange installation of electrical services for this subdivision through FortisAlberta.</p>
Other External Agencies	
Canada Post	No comments
City of Chestermere	No response received.

AGENCY	COMMENTS
<i>Internal Departments</i>	
Recreation, Parks and Community Support	Recreation, Parks & Community Support have no concerns.
GIS Services	Please ensure a road naming application is submitted if this subdivision will have an internal road.
Fire Services & Emergency Management	The Fire Service has no comments at this time.
Capital and Engineering Services	<p data-bbox="464 644 574 669"><u>General</u></p> <ul data-bbox="513 695 1487 1965" style="list-style-type: none"> <li data-bbox="513 695 1487 789">• The review of this file is based upon the application submitted. These conditions/recommendations may be subject to change to ensure best practices and procedures. <li data-bbox="513 800 1487 894">• The application will need to be circulated to Alberta Transportation for review and comment since the development is within the 1.6 km setback from Secondary Highway 791. <li data-bbox="513 905 1487 1965">• As a condition of subdivision, the Owner is required to enter into a Development Agreement pursuant to Section 655 of the Municipal Government Act respecting provision of the following: <ul style="list-style-type: none"> <li data-bbox="610 999 1451 1062">○ Removal and reclamation of the existing approach off of RGE RD 275A; <li data-bbox="610 1073 1487 1188">○ Construction of a public internal road system (Country Residential Standard 400.4) complete with cul-de-sacs and any necessary easement agreements, including complete approaches to each lot, as shown on the Tentative Plan; <li data-bbox="610 1199 1487 1356">○ Construction of stormwater facilities in accordance with the recommendations of an approved stormwater management plan and the registration of any overland drainage easements and/or restrictive covenants as determined by the stormwater management plan; <li data-bbox="610 1367 1474 1430">○ Mailbox locations are to be located in consultation with Canada Post to the satisfaction of the County; <li data-bbox="610 1440 997 1465">○ All necessary site grading; <li data-bbox="610 1476 1430 1539">○ Implementation of the recommendations of the geotechnical investigation; <li data-bbox="610 1549 1425 1612">○ Implementation of the recommendations of the construction management plan; <li data-bbox="610 1623 1349 1648">○ Implementation of the recommendations of ESC plan; <li data-bbox="610 1659 1409 1684">○ Installation of power, natural gas, and telephone lines; and <li data-bbox="610 1694 1235 1719">○ Obtaining all necessary approvals from AEP. <li data-bbox="610 1730 1487 1845">○ Dedicating all easements and ROWs for utility line assignments and enter into all agreements/contracts for the installation of all underground shallow utilities and street lighting with utility providers to the satisfaction of the County. <li data-bbox="610 1856 1487 1965">○ Dedicating all easements and ROWs and enter into all agreements/contracts for the installation of all underground deep utilities (water, wastewater, stormwater) to the satisfaction of the County.

AGENCY	COMMENTS
	<ul style="list-style-type: none"> • As a condition of subdivision, the applicant will be required to submit a construction management plan addressing noise mitigation measures, traffic accommodation, sedimentation and dust control, management of stormwater during construction, erosion and weed control, construction practices, waste management, firefighting procedures, evacuation plan, hazardous material containment and all other relevant construction management details. • As a condition of subdivision, the applicant will be required to submit an erosion and sediment control plan to outline ESC measures (i.e. silt fence, stabilization, seeding of topsoil, etc.) to be implemented during construction. <p><u>Geotechnical</u></p> <ul style="list-style-type: none"> • As part of the application, the applicant submitted a geotechnical investigation report prepared by Almor Testing Services Ltd. dated February 2, 2024. The report includes recommendations for the road structure, foundation design, and others. • Engineering has no further requirements at this time. <p><u>Transportation</u></p> <ul style="list-style-type: none"> • Access to the site is provided via an existing road approach to Range Road 275A. Proposed lot access is from the internal residential roadway. • The applicant submitted a Trip Generation Memo prepared by Bunt & Associates Engineering Ltd., dated May 11, 2024. The report demonstrates that the proposed development will generate a maximum of 48 trips per day and the surrounding County roadways will continue to operate well within acceptable levels of service. • As a condition of subdivision, the applicant shall enter into a Development Agreement with the County for the construction of the internal public road system to service the proposed development to a Country Residential Road (400.5) standard in accordance with the County Servicing Standards, as well as the removal and reclamation of the existing approach from Range Road 275A • As a condition of subdivision, the applicant will be required to pay the transportation offsite levy for the gross area of lands to be subdivided / developed as per the applicable TOL bylaw. <p><u>Sanitary/Wastewater</u></p> <ul style="list-style-type: none"> • The applicant indicated that the proposed new lots will be serviced by connecting to separate PSTS on each lot. • As part of the application, the applicant submitted a Level 3 PSTS Assessment, prepared by Almor Testing Services Ltd, dated February 2, 2023. This report meets the requirements outlined in the <i>Model Process for Subdivision Approval and Private Sewage</i>, and concludes each lot is moderately suitable for PSTS including Packaged PSTS, and gives specifications for treatment fields. • As a condition of subdivision, the applicant will be required to enter into a Site Improvement Servicing Agreement, to be registered on all lots, to implement the recommendations of the Level 3 PSTS Assessment, including use of Packaged Sewage Treatment Systems that meets the requirements of the Bureau de Normalisation de Quebec (BNQ) in accordance with County Policy 449.

AGENCY	COMMENTS
	<p data-bbox="464 180 889 212"><u>Water Supply And Waterworks</u></p> <ul data-bbox="513 233 1487 667" style="list-style-type: none"> <li data-bbox="513 233 1393 296">• The applicant indicated that the proposed lots will be serviced by connecting to separate water wells on each lot. <li data-bbox="513 302 1463 533">• As part of the application, the applicant submitted a Phase 1 Groundwater Supply Assessment, prepared by Groundwater Resources Information Technologies Ltd, dated April 6, 2022. The report indicates that the groundwater underlying the proposed development can supply water for household purposes at the required rate of 1250 m³/year without negative impacts to existing household users, licensees or traditional agriculture users. <li data-bbox="513 539 1487 667">• As a condition of subdivision, the applicant is required to drill a new well within each proposed new lot and provide a Phase 2 Aquifer Testing Report that includes a Well Driller's report confirming that the flow exceeds or is equivalent to 1 igpm. <p data-bbox="464 688 813 720"><u>Stormwater Management</u></p> <ul data-bbox="513 741 1487 1686" style="list-style-type: none"> <li data-bbox="513 741 1463 972">• The applicant submitted a Stormwater Management Report, prepared by Osprey Engineering Inc., dated June 6, 2024. The report proposes raingardens to provide stormwater quality improvement and volume reduction, and demonstrates the post development runoff will not exceed pre development runoff. The report also recommends onsite measures to be implemented on each lot to achieve post development runoff less than pre development runoff. <li data-bbox="513 978 1487 1104">• As a condition of subdivision, the applicant will be required to enter into a Site Improvement Servicing Agreement, to be registered on all lots, to implement the recommendations of the Stormwater Management Report, prepared by Osprey Engineering Inc., dated June 6, 2024. <li data-bbox="513 1110 1446 1245">• As a condition of subdivision, the applicant shall enter into a Development Agreement for the implementation of any stormwater infrastructure required to service the development and outlined in the final approved stormwater management plan. <li data-bbox="513 1251 1446 1314">• As a condition of subdivision, the applicant shall register any required easements, utility right of ways and/or any required public utility lots. <li data-bbox="513 1320 1446 1455">• As a condition of subdivision, the applicant shall register an encumbrance against each title to each residential lot to notify future owners of specific development obligations relative to ongoing operation and maintenance of the stormwater management facilities. <li data-bbox="513 1461 1487 1587">• As a condition of subdivision, the County will require a stormwater utility right of way be registered on all overland drainage facilities in the development granting rights to the County of Rocky View for operation and maintenance of the facilities should this be necessary in future. <li data-bbox="513 1593 1430 1686">• As a condition of subdivision, the applicant will be required to obtain AEP approval and licensing for the stormwater management infrastructure including registration of the facilities and discharge. <p data-bbox="464 1707 1065 1738"><u>Environmental</u> – Section 900.0 requirements:</p> <ul data-bbox="513 1745 1422 1934" style="list-style-type: none"> <li data-bbox="513 1745 1422 1934">• The applicant submitted a Wetland Assessment and Impact Report (WAIR) prepared by Omnia Ecological Services, dated January 17, 2024, that assesses the existing wetlands and the impacts the proposed development will have on them. The WAIR provide recommendations on mitigation and compensation measures to address the impacts to the wetland.

AGENCY	COMMENTS
	<ul style="list-style-type: none">As a condition of subdivision, the applicant shall be responsible for obtaining the required approvals from AEP for the disturbance to the wetlands identified in the WAIR.

Circulation Period: August 16, 2022, to September 6, 2022 – Some responses were received outside of this timeframe.

RE: File Number 03231018
Application Number: PL20220103
Division 6

Please be advised as landowners of 2 Lots (5 & 6 within Jesse Trail) the two properties directly east and directly adjacent to this proposed development, we are beyond opposed!

This entire section from RR275, RR240, Northglen Estates and RR275a has non-existent Storm Water movement. RVC must truck water out of this section as our storm water goes nowhere and they have done so for decades. In addition, RVC has installed a ditch block (in 2009) on the south side of Northglen reverting additional water to the retention pond in Northglen (despite each land title stating the retention pond is for the 6 lots in Northglen "INCLUSIVE") and it's our land that this water sits on, when the pond exceeds capacity. It is on a direct downward slope to our land which is the lowest point and we are expected to deal with it. In 2009 we had 9 acres of land under water, it took 5 years to dissipate and we were the second individuals to be sued by a local farmer, along with RVC, costing taxpayers and residents exorbitant amounts of money to settle (twice now), without resolution!

Until our water does NOT have to be trucked out and paid for by longstanding residents tax dollars, should ANY major development even be considered in this area! This is the second proposal Terradigm has attempted within the last 2 years (1st being the East Highway 1 ASP) and approximately 60 of us residents participated on a Teams call with Terradigm and explained for several hours, all about our water issues and our opposition, so Terradigm is more than well aware of the issues in the area, given this proposal is mere acres away from their first one.

Council should refer to the meeting with Kim Demko on July 4, 2022 with RVC's CAO Dorian Wandzura and Executive Director, Byron Riemann to which they recognize the lack of Storm Water management and the ditch block in Northglen by offering a temporary solution of sending additional water trucks to Northglen to prevent the additional water from reaching our land. This was stated to be a temporary solution, so why would RVC even entertain a proposal until such issues are rectified?

Until, we the taxpayers and longstanding residents have a permanent solution and are no longer paying for water trucks to remove our storm water, should RVC even entertain a proposal.

Should this development be approved, we would consider all options against RVC and Terradigm. I view each of these proposals, without RVC rectifying the storm water flow as blatant disregard and negligence towards us and our properties. RVC is and has been well aware of these issues and Kim has spent thousands of hours attempting to have it fixed, but until it is, this development will be met with extreme opposition.

Kim Demko & Patrick Moir

ATTACHMENT E: POLICY REVIEW

Definitions		
Consistent	Generally Consistent	Inconsistent
Clearly meets the relevant requirements and intent of the policy.	Meets the overall intent of the policy and any areas of inconsistency are not critical to the delivery of appropriate development.	Clear misalignment with the relevant requirements of the policy that may create planning, technical or other challenges.

Municipal Development Plan (County Plan)	
Managing Residential Growth – Agricultural Area	
5.10	<i>Residential development in the agricultural area shall be guided by the goals and policies of this Plan.</i>
Consistent	The subject parcel is located within an Agricultural Area of the County; however, the proposal broadly implements the development as considered by Northglen Estates Conceptual Scheme, approval of which was guided by the goals and policies of the County Plan.
Environment – Stormwater and Wastewater	
7.6	<i>Require environmentally sustainable wastewater disposal practices to protect watersheds and surface/ground water quality. Wastewater treatment systems should not exceed the land's carrying capacity.</i>
Consistent	The application provided confirmation of technical feasibility through the submission of PSTS evaluations and stormwater management reporting. Mitigation of offsite impacts and wastewater servicing on site is implemented through the conditions of subdivision requiring Development Agreements respecting various site infrastructure upgrades to be entered into.
7.7	<i>Effectively treat stormwater to protect surface water, riparian areas, and wetlands.</i>
Consistent	The approved stormwater management plan provided in support of the application addresses drainage considerations in the area to avoid offsite impacts to existing natural capital within the subject lands and adjacent parcels.
Country Residential Development – Country Residential Communities	
10.2	<i>Country residential development in the agriculture area shall be guided by the goals and policies of this Plan.</i>
Consistent	The subject parcel is located within an Agricultural Area of the County; however, the proposal broadly implements the development as considered by Northglen Estates Conceptual Scheme, approval of which was guided by the goals and policies of the County Plan.
10.4	<i>Country residential development shall address the development review criteria identified in section 29.</i>
Consistent	The application provided various technical submissions as highlighted within Attachment B – Application Information. The development review criteria contained within Section 29 and referenced with Appendix C have been addressed through these technical submissions and are further implemented through the recommended conditions of approval considered within Attachment F.

Country Residential Development – Fragmented Country Residential Areas	
10.11	<p><i>Within a fragmented quarter section, the redesignation of residential lots or agricultural parcels less than or equal to 10 hectares (24.7 acres) in size to a new residential land use may be supported if the following criteria are met:</i></p> <ul style="list-style-type: none"> <i>a. A lot and road plan is provided that: <ul style="list-style-type: none"> <i>i. plans for an area determined by the County at the time of redesignation application. The plan shall include, at a minimum, all residential or small agricultural acreages that are adjacent to the application;</i> <i>ii. includes design measures to minimize adverse impacts on existing agriculture operations; and</i> <i>iii. demonstrates potential connectivity to residential or small agricultural acreages outside of the lot and road plan area.</i> </i> <i>b. A technical assessment of the proposed design is provided, to demonstrate that the lot and road plan area is capable of supporting increased residential development. The assessment shall address: <ul style="list-style-type: none"> <i>i. the internal road network, water supply, sewage treatment, and stormwater management; and</i> <i>ii. any other assessment required by unique area conditions.</i> </i> <i>c. A technical assessment of the impact on off-site infrastructure, roads, and stormwater systems is be provided;</i> <i>d. A report is provided that documents the consultation process undertaken to involve affected landowners within the plan area in the preparation and/or review of the lot and road plan.</i>
Not Applicable	The subject parcel is located within a quarter section meeting the definition of a fragmented quarter section. However, the provision of a lot and road plan is not required as servicing and internal road configuration has been previously considered in the area through Council's approval of the Northglen Estates Conceptual Scheme.
10.13	<p><i>Subdivision of residential lots or small agricultural parcels within a fragmented quarter section may be supported if:</i></p> <ul style="list-style-type: none"> <i>a. a lot and road plan acceptable to the County has been provided;</i> <i>b. the application area has the appropriate land use designation; and</i> <i>c. the conditions of subdivision implement the lot and road plan.</i>
Not Applicable	The subject parcel is located within a quarter section meeting the definition of a fragmented quarter section. However, the provision of a lot and road plan is not required as servicing and internal road configuration has been previously considered in the area through Council's approval of the Northglen Estates Conceptual Scheme.
10.14	<i>For development within a fragmented quarter section, an internal road to service a subdivision as per the lot and road plan may be required as a condition of subdivision.</i>
Consistent	An internal road network is contemplated in general alignment with the Northglen Estates Conceptual Scheme and implemented through the recommended condition of approval including a Development Agreement to be entered into for the construction of the internal subdivision road.
Reserves – Municipal, School, and Community Reserves	
13.1	<p><i>When acquiring reserves, the County shall require that the owners of land proposed for subdivision provide reserves in the form of:</i></p> <ul style="list-style-type: none"> <i>a. land;</i> <i>b. money in place of land; or</i> <i>c. a combination of land and money.</i>
Consistent	Provision of Municipal Reserve is implemented through the recommended conditions of approval within Attachment F. Cash-in-lieu is considered in alignment with the applicable Conceptual Scheme as physical land dedication is not contemplated in the plan area.
13.4	<i>Reserves should be provided to the maximum amount allowed by the Municipal Government Act.</i>

Consistent	Reserves equivalent to 10% of the area of the subject lands are to be provided in accordance with the maximum amount allowed under Section 666(3) of the <i>Municipal Government Act</i> (MGA).
Transportation – Road Access	
16.13	<i>Residential redesignation and subdivision applications should provide for development that:</i> <i>a. provides direct access to a road, while avoiding the use of panhandles;</i> <i>b. minimizes driveway length to highways/roads;</i> <i>c. removes and replaces panhandles with an internal road network when additional residential development is proposed; and</i> <i>d. limits the number and type of access onto roads in accordance with County Policy.</i>
Consistent	The dedication of ±0.46 hectares (±1.14 acres) of road right of way and construction of internal subdivision road providing access to each of the proposed lots is considered through the recommended conditions of approval and illustrated on the tentative plan within Attachment F.
Utility Services – Water Supply	
17.6	<i>Water well performance and deliverability testing shall be required of all development relying on ground water, in accordance with the requirements of the Water Act.</i>
Consistent	Individual water wells for each individual lot shall be constructed and demonstrated to provide sufficient capacity and quality of potable water in accordance with the County's Servicing Standards as implemented through the recommended conditions of approval included in Attachment F.
Utility Services – Wastewater Management	
17.9	<i>New residential development shall provide wastewater treatment, in accordance with County Policy, by:</i> <i>a. connecting to, or constructing, regional or decentralized wastewater services; or</i> <i>b. confirming the lot(s) is capable of private wastewater treatment.</i>
Consistent	The installation of private sewage treatment systems for each individual lot is addressed through the recommended conditions of approval as considered in the Attachment F. Confirmation of soil capacity and recommended standard of system has been addressed through the submission of the level 3 PSTS report provided by the application.
17.11	<i>Wastewater treatment systems shall not exceed the land's carrying capacity; in developing such systems, consideration shall be given to the following requirements:</i> <i>a. Development proponents shall assess the land's carrying capacity to determine system requirements in accordance with County Policy. The type of private on-site wastewater treatment system will be dependent on lot density, lot size, and soil capability.</i> <i>b. Construction and connection to a regional or decentralized wastewater treatment system shall be required when the density of development exceeds thresholds identified in County Policy.</i>
Consistent	Individual wastewater treatment systems installation has been determined appropriate in the area given the density and accounted for in the approved Conceptual Scheme further highlighted below, and the submission technical reporting addressing wastewater considerations.
17.12	<i>The ownership, operation, and maintenance of private on-site wastewater treatment systems, or wastewater holding tanks shall be the responsibility of the landowner.</i>
Consistent	Agreements for the installation of appropriate system adhering to the technical recommendations stipulated in the technical reports provided by the application and the County's servicing standards shall be registered on each individual lot as considered within the recommended conditions of approval; therefore ensuring wastewater systems will be constructed to the satisfaction of the County at time of individual lot development/house construction.

Utility Services – Stormwater	
17.14	<i>Stormwater shall be managed in accordance with provincial regulations. Where required and in accordance with provincial approvals, on-site stormwater may be effectively released into a downstream receiving water body in accordance with the following requirements:</i> <i>a. Stormwater shall be conveyed downstream in a manner that protects downstream properties; and</i> <i>b. Where required, proponents of new development shall identify and secure the downstream stormwater conveyance system.</i>
Consistent	The approved stormwater management plan provided in support of the application addresses drainage considerations in the area to avoid offsite impacts to existing natural capital within the subject lands and adjacent parcels.

Northglen Estates Conceptual Scheme	
Planning Cells	
2.2.1	<i>Subdivision in the Concept Plan Area will be coordinated with three separate Planning Cells.</i>
Consistent	The subject parcel is located within Planning Cell 3 as illustrated on the Planning Cell Map.
Phasing	
3.2.3	<i>Increased density is allowed, to a minimum parcel size of 2 acres, provided higher density lots are located on the edge of the Plan Area adjacent to either Range Road 275 or 275 A.</i>
Consistent	The proposed parcel configuration includes parcels of approximately 2 acres in area adjacent to RGE RD 275A being accessed from an internal subdivision road, and larger parcels with frontage on the east side of the proposed future road, further from RGE RD 275A.
3.2.4	<i>A mix of parcel sizes within a variety of land districts, including Agricultural Holding, Residential One, Residential Two or Residential Three, is allowed and subdivision proposals within Joint Planning Areas shall be designed in accordance with the following:</i> <i>(1) clusters of development interspersed by larger tracts of land to create better views, sense of space, and more efficient servicing;</i> <i>(2) identify building sites to promote more compact built forms;</i> <i>(3) plan tighter landscaping, better views and wind screens, to promote a sense of identity, community, a sense of place and security;</i> <i>(4) minimize the number of roads and connection corridors required.</i>
Generally Consistent	The existing land use designation and proposed parcel configuration promotes lower densities towards the center of the Plan area and smaller parcels towards the exterior to the plan area and existing Range Roads; mirroring the access network considered in Planning Cell #1 to the west.
Water Servicing	
4.1.1	<i>All newly created lots within the Plan Area should be serviced by an individual well;</i>
Consistent	The recommended conditions of approval ensure the that each new lot is serviced by an individual well, to be completed through the endorsement process.
4.1.3	<i>New applications for subdivision within the Plan Area shall be accompanied by preliminary groundwater evaluation based on existing groundwater data within the vicinity of the subject lands. The groundwater evaluation shall be prepared by a consultant with expertise in groundwater analysis;</i>

Consistent	As noted within Attachment B – Application Information, the application provided a Phase 1 groundwater supply evaluation prepared by a qualified professional engineer.
4.1.4	<i>A well shall be drilled on each new lot that is created as the result of an application for subdivision, and each new well shall be tested in accordance with Alberta Environment guidelines. If the results of the testing do not fall within these guidelines, the subdivision shall not be endorsed or registered.</i>
Consistent	The recommended conditions of approval included within Attachment F ensure the provision of a well for each individual Lot is drilled and tested to confirm water quality meeting County and Provincial standards is required prior to final endorsement of the subject proposal.
Sanitary Sewer Servicing	
4.2.1	<i>Percolation and near-surface water table testing shall be required as a condition of subdivision approval for each new lot created in the Plan Area. In the event that the results of testing do not fall within the guidelines of Alberta Environment, the subdivision shall not be endorsed or registered.</i>
Generally Consistent	Aquifer testing reports are included as a recommended condition of approval; pending results of phase 2 reporting, the subdivision shall not be endorsed until confirmation of deliverability to the County and Provincial standards are achieved.
Storm Water Servicing	
4.3.1	<i>A comprehensive stormwater management plan for the entire Plan Area may be required as a condition of approval for initial subdivision applications, in accordance with the following policies: (1) A stormwater management plan may be required as a condition of subdivision approval to identify natural drainage flows, locations of stormwater retention ponds, drainage easements and treatment of stormwater if necessary; (2) Post-development volumes of stormwater shall be designed such that it does not exceed pre-development flows. (3) Natural drainage courses shall not be altered.</i>
Generally Consistent	A stormwater management plan was prepared and submitted in support of the subject application. The report proposes raingardens to provide stormwater quality improvement and volume reduction, and demonstrates the post development runoff will not exceed pre development runoff. Natural drainage courses shall be protected through the registration of Overland Drainage Right of Ways (ODRW) in accordance with the approved stormwater management plan.
Reserves	
4.4.1	<i>At the time of subdivision, landowners may be required to provide 10% of the gross areas of the subject lands as Municipal Reserve, subject to the following conditions: (1) in accordance with a plan of reserves where a plan of reserve has been prepared which identifies the location of the lands and the purpose for dedication; (2) where a plan of reserve has not been prepared, or where lands dedicated as part of a plan of reserve do not total 10%, reserves or the balance, as the case may be, will be provided as cash-in-lieu; (3) dedication for Municipal Reserves will not be required where such dedications have already been provided from prior subdivisions of the same lands</i>
Consistent	Municipal reserves shall be provided equivalent to 10% of the area of the subject land as cash-in-lieu at the value included in the approved appraisal submitted July 5, 2024; provision of reserves are considered within the recommended conditions of approval included as Attachment F.

Transportation and Access	
4.5.1.1	<i>Internal subdivision roads should not inhibit future subdivision;</i>
Generally Consistent	The proposed internal subdivision road and lot configuration does not limit future subdivision of the northern parcel; however, the location of the existing Dwelling on the northern lot may require a future road connection which varies slightly from the configuration included in the approved Conceptual Scheme. This future potential deviation from the road network configuration considered by the conceptual scheme is considered minor in nature and may not require amendments to the conceptual scheme in the future should subdivision outside of the current proposal be considered.
4.5.1.2	<i>All lands shall eventually receive primary access onto internal subdivision roads;</i>
Consistent	Construction of the internal subdivision road network as considered within Attachment F provides the opportunity to each of the proposed lots to be accessed by an internal subdivision road. Further, the northerly adjacent parcel would also have frontage along an internal subdivision should they wish to construct an access upon completion of the proposed road.
4.5.2.1	<i>Access to Range Roads 275 and 275A for new parcels within the Plan Area shall be limited to internal subdivision roads such as cul-de-sacs or crescents.</i>
Consistent	Construction of the internal subdivision road network as considered within Attachment F provides the opportunity to each of the proposed lots to be accessed by an internal subdivision road. In addition, the reclamation of existing access from Range Road 275A is considered.
4.5.2.2	<i>All internal subdivision roads and approaches shall be constructed and paved to Municipal Standards.</i>
Consistent	Development agreement(s) shall be entered into ensuring the construction is completed to the satisfaction of the County. Confirmation shall be completed through the County's construction completion and final acceptance process.

Land Use Bylaw C-8000-2020	
Residential, Rural Residential District (R-RUR)	
319	<i>Minimum Parcel Size:</i> <ul style="list-style-type: none"> a) 1.6 ha (3.95 ac) b) The minimum size of parcels designated with the letter "p" is the number indicated on the Land Use Map c) Notwithstanding b), the number following the "p" shall not be less than 1.6 ha (3.95 ac)
Consistent	Each of the proposed lots within the area of the subject parcel holding the R-RUR designation – Lots 5 and 6 – meet the minimum size restriction at 2.37 hectares (±5.86 acres) and 1.62 hectares (±4.00 acres); respectively.
Residential, Country Residential District (R-CRD)	
326	<i>Minimum Parcel Size:</i> <ul style="list-style-type: none"> a) 0.8 ha (1.98 ac) b) The minimum size of parcels designated with the letter "p" is the number indicated on the Land Use Map c) Notwithstanding b), the number following the "p" shall not be less than 0.4 ha (0.98 ac).
Consistent	Each of the proposed lots within the area of the subject parcel holding the R-CRD designation – Lots 1 through 4 – meet the minimum size restriction at ±0.81 hectare (±2.00 acres).

ATTACHMENT F: RECOMMENDED CONDITIONS OF APPROVAL

- A. THAT the application to create four ± 0.81 hectare (± 2.00 acre) parcels and one ± 1.62 hectare (± 4.00 acre) parcel, leaving a ± 2.37 hectare (± 5.86 acre) remainder from a ± 7.69 hectare (19.00 acre) parcel within SE-31-23-27-W04M, having been evaluated in terms of Section 654 of the *Municipal Government Act* and Sections 9, 18, and 19 of the *Matters Related to Subdivision and Development Regulation*, and the *Municipal Development Plan (County Plan)*, and having considered adjacent landowner submissions, is approved as per the Tentative Plan for the reasons listed below:
1. The application is consistent with the Statutory Policy;
 2. The subject lands hold the appropriate land use designation;
 3. The technical aspects of the subdivision proposal have been considered and are further addressed through the conditional approval requirements.
- B. The Applicant/Owner is required, at their expense, to complete all conditions attached to and forming part of this conditional subdivision approval prior to Rocky View County (the County) authorizing final subdivision endorsement. This requires submitting all documentation required to demonstrate each specific condition has been met, or agreements (and necessary securities) have been provided to ensure the conditions will be met, in accordance with all County Policies, Standards, and Procedures, to the satisfaction of the County, and any other additional party named within a specific condition. Technical reports required to be submitted as part of the conditions must be prepared by a qualified professional, licensed to practice in the province of Alberta within the appropriate field of practice. The conditions of this subdivision approval do not absolve an Applicant/Owner from ensuring all permits, licenses, or approvals required by Federal, Provincial, or other jurisdictions are obtained.
- C. In accordance with Section 20(1) of the *Matters Related to Subdivision and Development Regulation*, the Subdivision Authority, with authorization from Alberta Transportation and Economic Development on behalf of the Minister of Transportation, varies the requirements of Sections 18 with regards to subdivision approvals within the prescribed distance from a highway right of way.
- D. Further, in accordance with Section 654 and 655 of the *Municipal Government Act*, the application shall be approved subject to the following conditions of approval:

Survey Plans

- 1) Subdivision is to be effected by a Plan of Survey, pursuant to Section 657 of the *Municipal Government Act*, or such other means satisfactory to the Registrar of the South Alberta Land Titles District.
 - a) A Plan of Survey, including the Application number (PL20220103) and Roll number (03231018) of the parcel;
 - b) Landowner's Consent to Register Plan of Survey.
- 2) The Owner is to provide a Site Plan, prepared by an Alberta Land Surveyor, which confirms the following:
 - a) That Building A, as shown on the approved Tentative Plan, has been removed or relocated to meet the minimum setback distances from the proposed property line, as outlined in the *Land Use Bylaw C-8000-2020, as amended*.
 - b) All existing buildings and structures are to conform to the setback requirements in relation to the new property line, as described in the Residential, Country Residential Land Use District (R-CRD) for the proposed Lot 1, as per the *Land Use Bylaw C-8000-2020, as amended*.

Development Agreement

- 3) The Owner is to enter into a Development Agreement for provision of the following infrastructure and improvements (further details are provided in the various sections below):
 - i. Removal and reclamation of the existing approach off of RGE RD 275A;
 - ii. Construction of a public internal road system (Country Residential Standard 400.4) complete with cul-de-sacs and any necessary easement agreements, including complete approaches to each lot, as shown on the Tentative Plan;
 - iii. Construction of stormwater facilities in accordance with the recommendations of an approved stormwater management plan and the registration of any overland drainage easements and/or restrictive covenants as determined by the stormwater management plan;
 - iv. Mailbox locations are to be located in consultation with Canada Post to the satisfaction of the County;
 - v. All necessary site grading;
 - vi. Implementation of the recommendations of the geotechnical investigation;
 - vii. Implementation of the recommendations of the construction management plan;
 - viii. Implementation of the recommendations of ESC plan;
 - ix. Installation of power, natural gas, and telephone lines; and
 - x. Obtaining all necessary approvals from AEP.
 - xi. Dedicating all easements and URWs for utility line assignments and enter into all agreements/contracts for the installation of all underground shallow utilities and street lighting with utility providers to the satisfaction of the County.
 - xii. Dedicating all easements and ROWs and enter into all agreements/contracts for the installation of stormwater/overland drainage facilities, to the satisfaction of the County.
- 4) The Owner shall obtain approval for a road name by way of application to, and consultation with, the County;

Site Servicing

- 5) The Owner shall provide an access right of way plan for the portion of the cul-de-sac bulb to be constructed within the boundary of proposed Lot 5 as shown on the attached tentative plan; and
 - a) Prepare and register respective easements on each title, where required.
- 6) The Owner shall enter into a Road Acquisition Agreement with the County, to be registered by Caveat on the title of Lot 5, 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 approximately ± 0.05 ha (± 0.13 ac) road acquisition within the boundary of the proposed Lot 5 extending north-east from the cul-de-sac bulb to the northern boundary of Lot 5 as shown on the attached tentative plan;
 - b) Land is to be purchased for \$1.00 by the County.

- 7) The Owner is to enter into a Development Agreement (Site Improvements / Services Agreement) with the County to be registered on each of proposed lots and shall include the following:
 - a) The construction of Packaged Sewage Treatment Systems meeting the requirements of the Bureau de Normalisation de Quebec (BNQ).
 - b) Implementation of the recommendations of the Level 3 PSTS report prepared by Almor Testing Services Ltd., Job No. 099-46-22.23, dated February 2, 2023.
 - c) Implementation of the recommendations of the Stormwater Management Plan prepared by Osprey Engineering Inc., dated June 6, 2024.
- 8) Water is to be supplied by an individual well on Lot(s) 2, 3, 4, 5, & 6. The subdivision shall not be endorsed until:
 - a) An Aquifer Testing (Phase II) Report is provided, which is to include aquifer testing and the locations of the new well on the new Lot(s) 2, 3, 4, 5, & 6, in accordance with the County's Servicing Standards and requirements of the Water Act; and
 - b) A Well Driller's Report confirming a minimum pump rate of 1.0 IGPM for the new well is provided.
- 9) The Owner will be required to submit an Erosion and Sediment Control (ESC) Plan to outline ESC measures (i.e. silt fence, stabilization, seeding of topsoil, etc.) to be implemented during construction.
- 10) The Owner is to provide a Construction Management Plan that is to include, but not be limited to, noise, sedimentation and erosion control, construction waste management, fire fighting procedures, evacuation plan, hazardous material containment, construction, and management details. Other specific requirements include:
 - a) Weed management during the construction phases of the project;
 - b) Management and mitigation of environmentally significant features as identified in the approved Biophysical Assessment;
 - c) Implementation of the Construction Management Plan recommendations, which will be ensured through the Development Agreement;

Payments and Fees

- 11) The Owner shall pay the County subdivision endorsement fee, in accordance with the Master Rates Bylaw, for the creation of five new Lots.
- 12) The provision of Reserve in the amount of 10% of the subject lands, is to be provided by payment of cash-in-lieu in accordance with the appraisal prepared by Benchmark Real Estate Appraisals, File no. 2204112, Dated July 3, 2024, pursuant to Section 666(3) of the Municipal Government Act.
- 13) The Owner shall pay the Transportation Off-Site Levy in accordance with Bylaw C-7356-2014 prior to entering into the Development Agreement. The County shall calculate the total amount owing:
 - a) From the total gross acreage of the Lands to be subdivided as shown on the Plan of Survey;

Taxes

- 14) 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*.

E. ADVISORY:

- 1) The Owner shall be responsible for obtaining the required approvals from AEP for the disturbance to the wetlands identified in the WAIR.

F. 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.

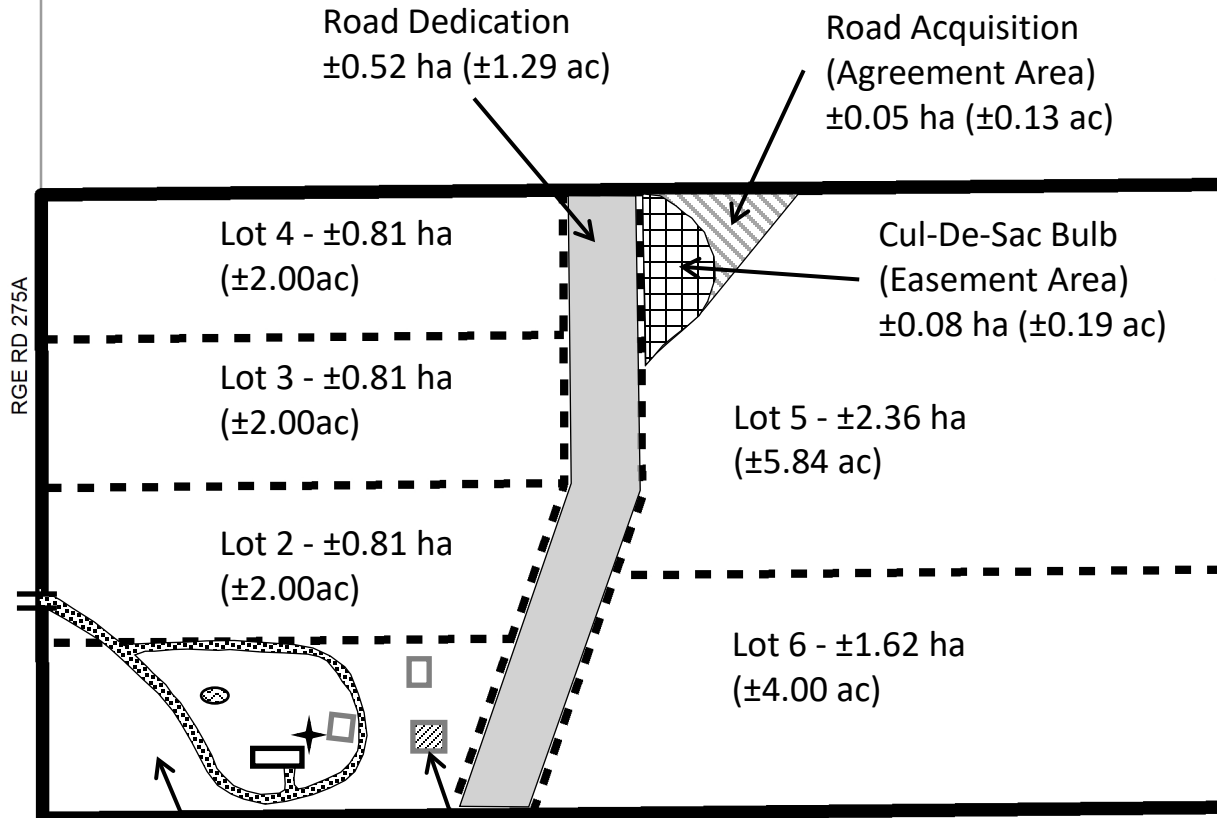


Tentative Plan
Subdivision Proposal

To create four ± 0.81 hectare (± 2.00 acre) parcels and one ± 1.62 hectare (± 4.00 acre) parcel, leaving a ± 2.37 hectare (± 5.86 acre) remainder.

Legend

Dwelling	
Building	
*Building A	
Water Well	
Wastewater	
Existing Approach	
Driveway	
Road Dedication	
Access Easement Area	
Road Acquisition Agreement Area	



Surveyor's Notes:

1. Parcels must meet minimum size and setback requirements of Land Use Bylaw C-8000-2020.
2. Refer to Notice of Transmittal for approval conditions related to this Tentative Plan.

Division: 6
Roll: 03231018
File: PL20220103
Printed: 7/19/2024
Legal: A portion of



Subdivision Item: Residential

Electoral Division: 5

File: PL20230152 / 05225001

Date:	October 22, 2024
Presenter:	Logan Cox, Supervisor, Planning & Development
Department:	Planning

REPORT SUMMARY

The purpose of this report is to assess a proposed subdivision to create a ± 2.02 hectare (± 5.00 acre) parcel, leaving a ± 32.67 hectare (± 80.74 acre) remainder.

The application was evaluated in accordance with the *Municipal Government Act*, Matters Related to Subdivision and Development Regulation, Municipal Development Plan (County Plan), and the *Land Use Bylaw*. The application aligns with Section 8.0 (Agriculture) of the County Plan and is considered to be a first parcel out, in accordance with the definition of an Un-subdivided Quarter Section within the County Plan.

Council is the Subdivision Authority for the subject application due to a letter of opposition being received during circulation, in accordance with Section 5(2) of the *Subdivision Authority Bylaw* (C-8275-2022).

ADMINISTRATION'S RECOMMENDATION

THAT the Subdivision Authority approves application PL20230152 with the conditions noted in Attachment F.

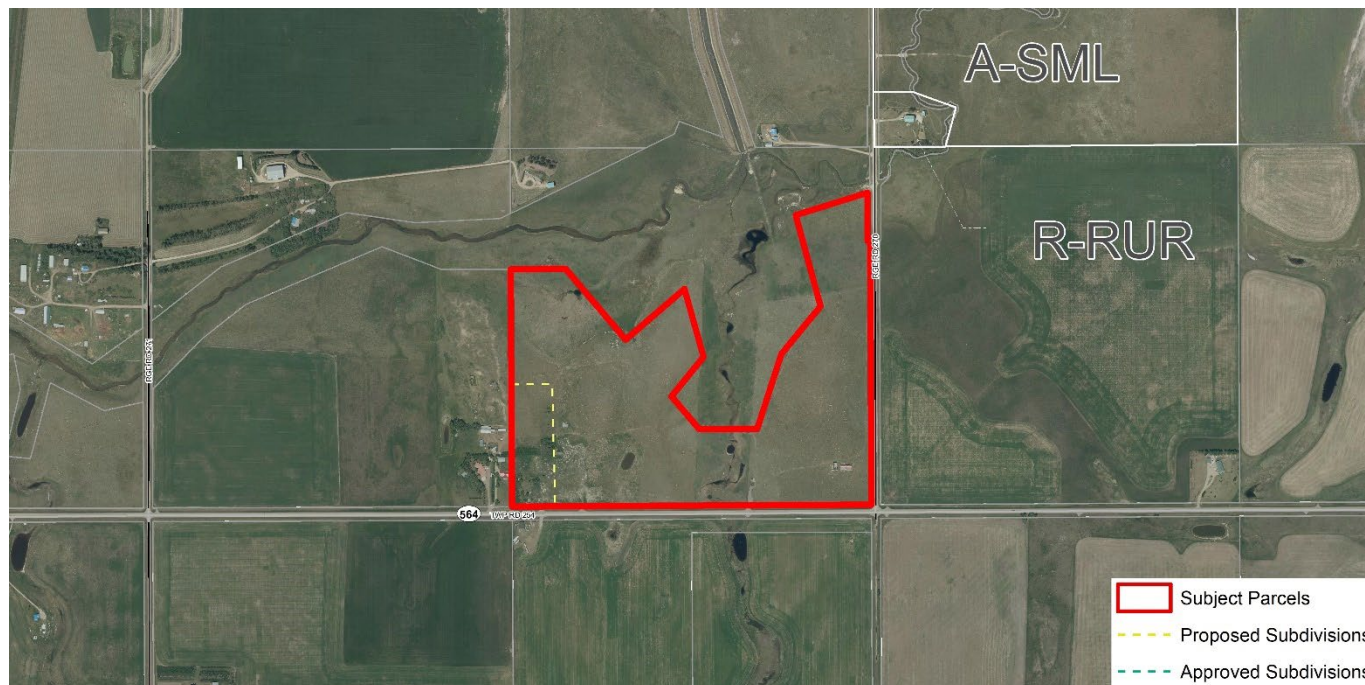


Subdivision Item: Residential

BACKGROUND

Location (Attachment A)

Located northwest of the junction of Highway 564 (Township Road 254) and Range Road 270, south of the Western Irrigation District Canal, approximately 1.60 kilometres (1.00 mile) west of the County's eastern boundary bordering Wheatland County.



Site History (Attachment B)

On June 27, 2022, Development Permit PRDP20190782 was approved for Horticultural Development (Market Garden), Construction of an Agricultural Warehouse, Office Building (Existing [Constructed from Sea Containers]), Storage Building (Existing [Constructed from Sea Containers]), and Signage (Fascia). The Applicant has identified that the landowner is no longer wishing to pursue this operation and is working on selling, and removing, the existing Office Building and Storage Building from the property. These structures do not currently have Building Permits. A recommended condition of subdivision approval would require the removal or permitting of these structures prior to final subdivision endorsement.

Intermunicipal and Agency Circulation (Attachment C)

The application was circulated to all necessary internal and external agencies.

This application is not within an area guided by intermunicipal policy or requirements.

Alberta Transportation and Economic Corridors has provided comments noting that a 30-metre-wide service road shall be dedicated along the southern boundary of the proposed ± 2.02 hectare (± 5.00 acre) parcel.

Landowner Circulation (Attachment D)

The application was circulated to thirty-one (31) adjacent landowners in accordance with the *Municipal Government Act* and County Policy C-327 (Circulation and Notification Standards); one letter in opposition was received.

Subdivision Item: Residential

ANALYSIS

Policy Review (Attachment E)

The application was reviewed pursuant to the *Municipal Government Act*, Matters Related to Subdivision and Development Regulation, Municipal Development Plan (County Plan), and the *Land Use Bylaw*. The proposal aligns with the First Parcel Out Policy 8.17 of the County Plan, as the subject lands align with the definition of an Un-subdivided Quarter Section. The County Plan defines an Un-subdivided Quarter Section as:

Un-subdivided Quarter Section is a titled area of:

- I. 64.7 hectares (160 acres) more or less; or*
- II. a gore strip greater than 32.38 hectares (80 acres) in size,*

if an un-subdivided quarter section is reduced or fragmented by any road widening, boundary adjustment, public use, or right of way for roads, utilities, railroads and canals, it shall be considered un-subdivided when assessing first parcel out proposals. this includes instances where, as a result of a boundary adjustment, public use, or right of way, separate titles have been registered for remaining fragmented portions of the quarter section

The proposed parcels align with the minimum size requirements of the Agricultural, General District (A-GEN) of the *Land Use Bylaw*.

COMMUNICATIONS / ENGAGEMENT

Consultation was conducted in accordance with statutory requirements and County Policy C-327.

IMPLICATIONS

Financial

No financial implications identified at this time.

STRATEGIC ALIGNMENT

As per Section 5(2) of the *Subdivision Authority Bylaw (C-8275-2022)*, Council is the decision-making authority due to opposition received by a landowner within the circulation area.

ALTERNATE DIRECTION

No alternative options have been identified for the Subdivision Authority's consideration.

ATTACHMENTS

- Attachment A: Map Set
- Attachment B: Application Information
- Attachment C: Application Referral Responses
- Attachment D: Public Submission
- Attachment E: Policy Review
- Attachment F: Recommended Conditions of Approval

Subdivision Item: Residential

APPROVALS

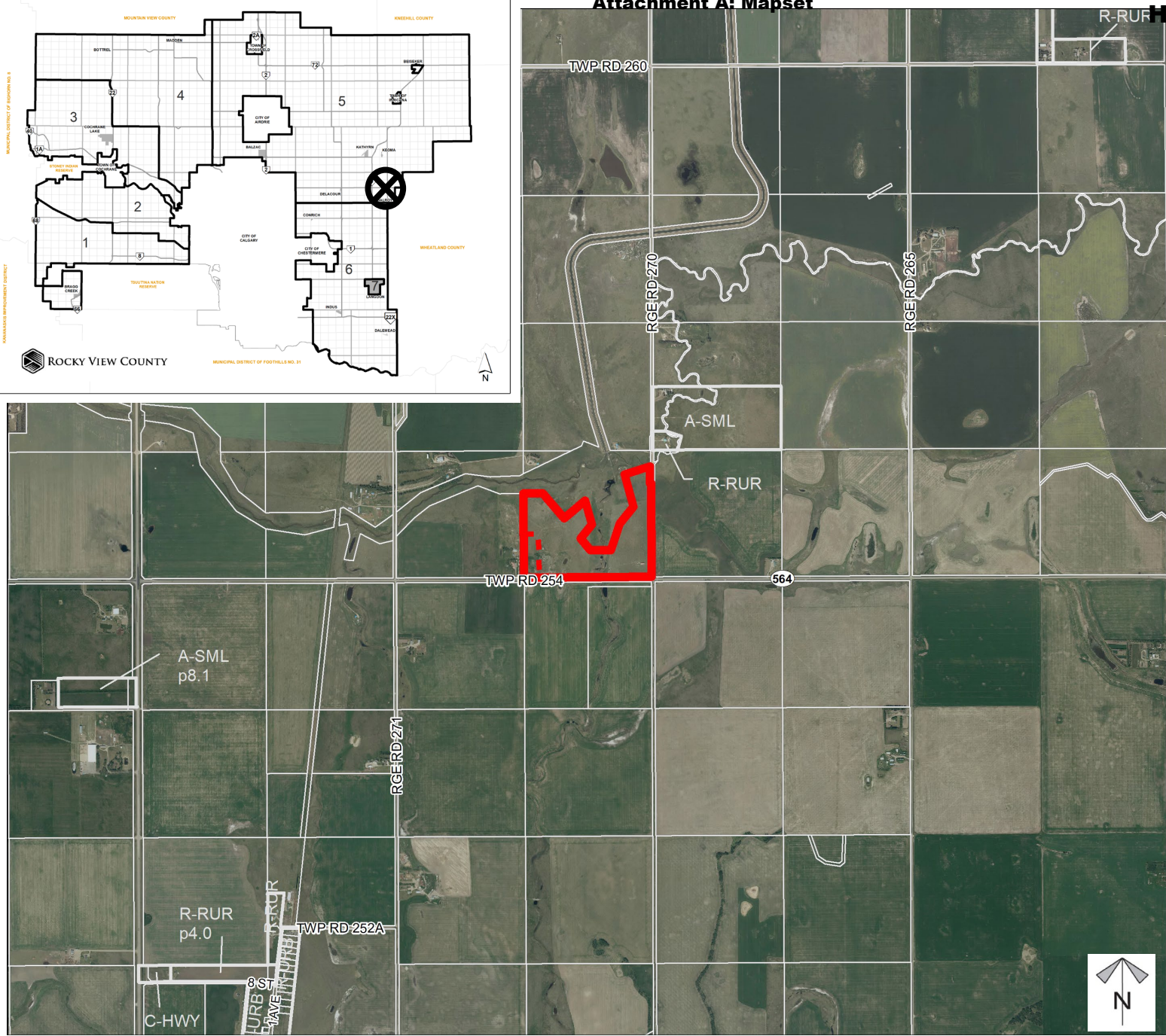
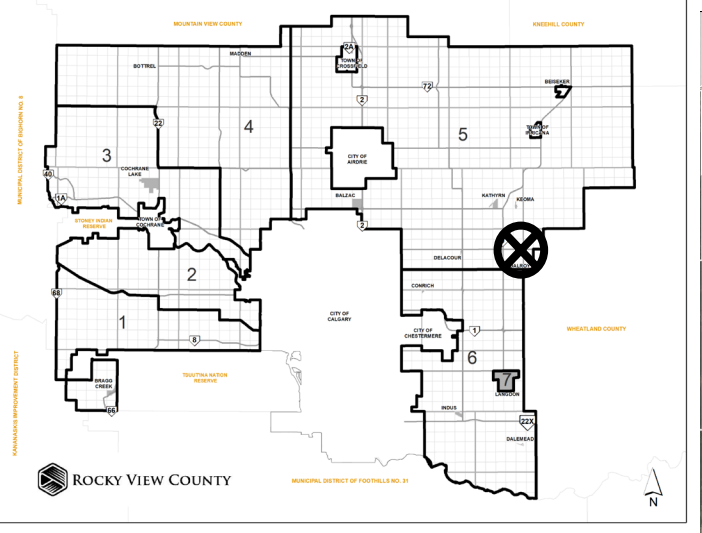
Manager:	Dominic Kazmierczak
Executive Director/Director:	Matt Boscarol
Chief Administrative Officer:	Reegan McCullough



Location
 & Context

Subdivision Proposal

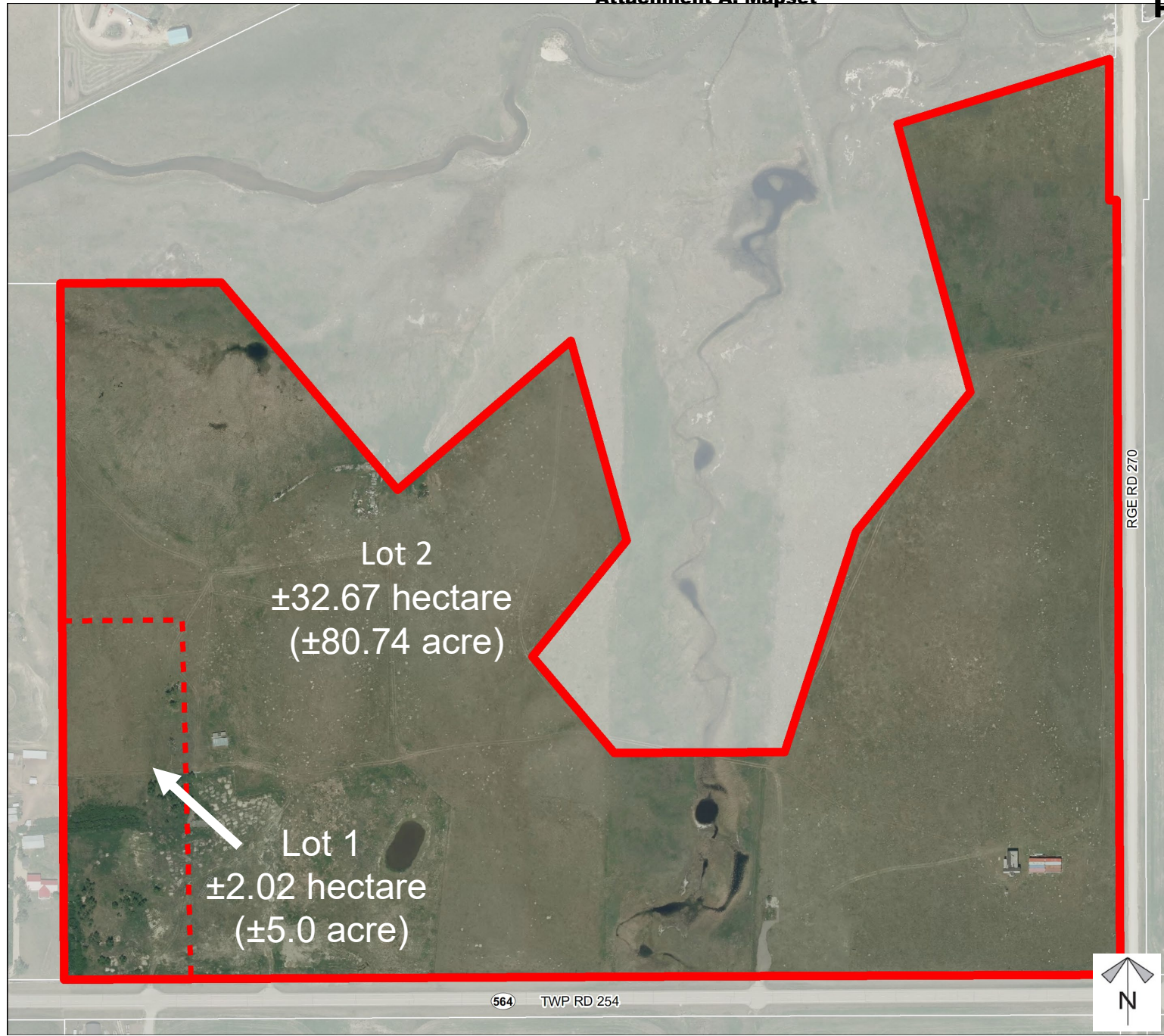
To create a ± 2.02 hectare
 (± 5.00 acre) parcel,
 leaving a ± 32.67 hectare
 (± 80.74 acre) remainder.



Development Proposal

Subdivision Proposal

To create a ± 2.02 hectare
(± 5.00 acre) parcel,
leaving a ± 32.67 hectare
(± 80.74 acre) remainder.

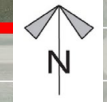


Lot 2
±32.67 hectare
(±80.74 acre)


Lot 1
±2.02 hectare
(±5.0 acre)

564 TWP RD 254

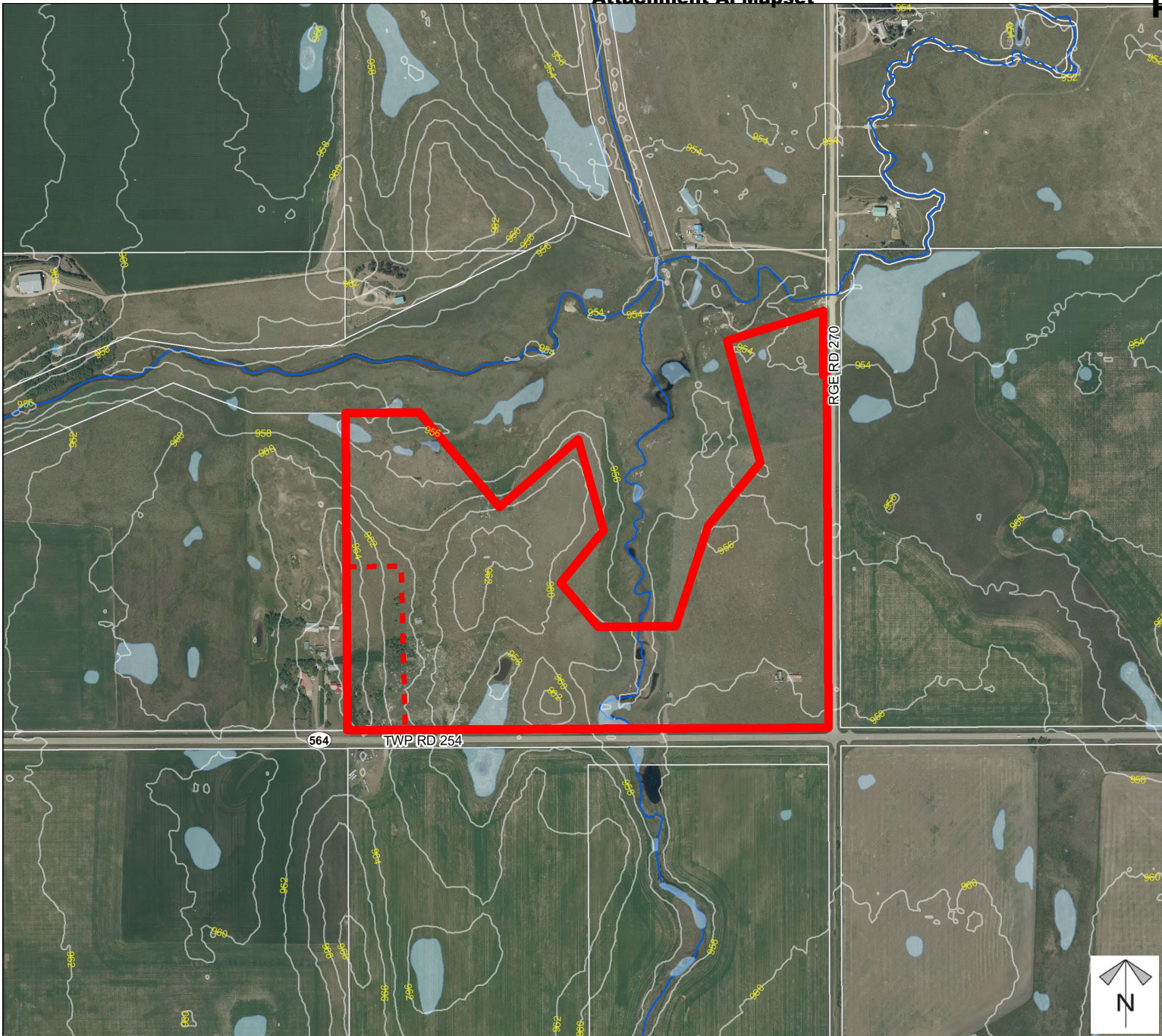
RGE RD 270



Environmental

Subdivision Proposal

To create a ± 2.02 hectare
(± 5.00 acre) parcel,
leaving a ± 32.67 hectare
(± 80.74 acre) remainder.



-  Subject Lands
-  Contour - 2 meters
-  Riparian Setbacks
-  Alberta Wetland Inventory
-  Surface Water

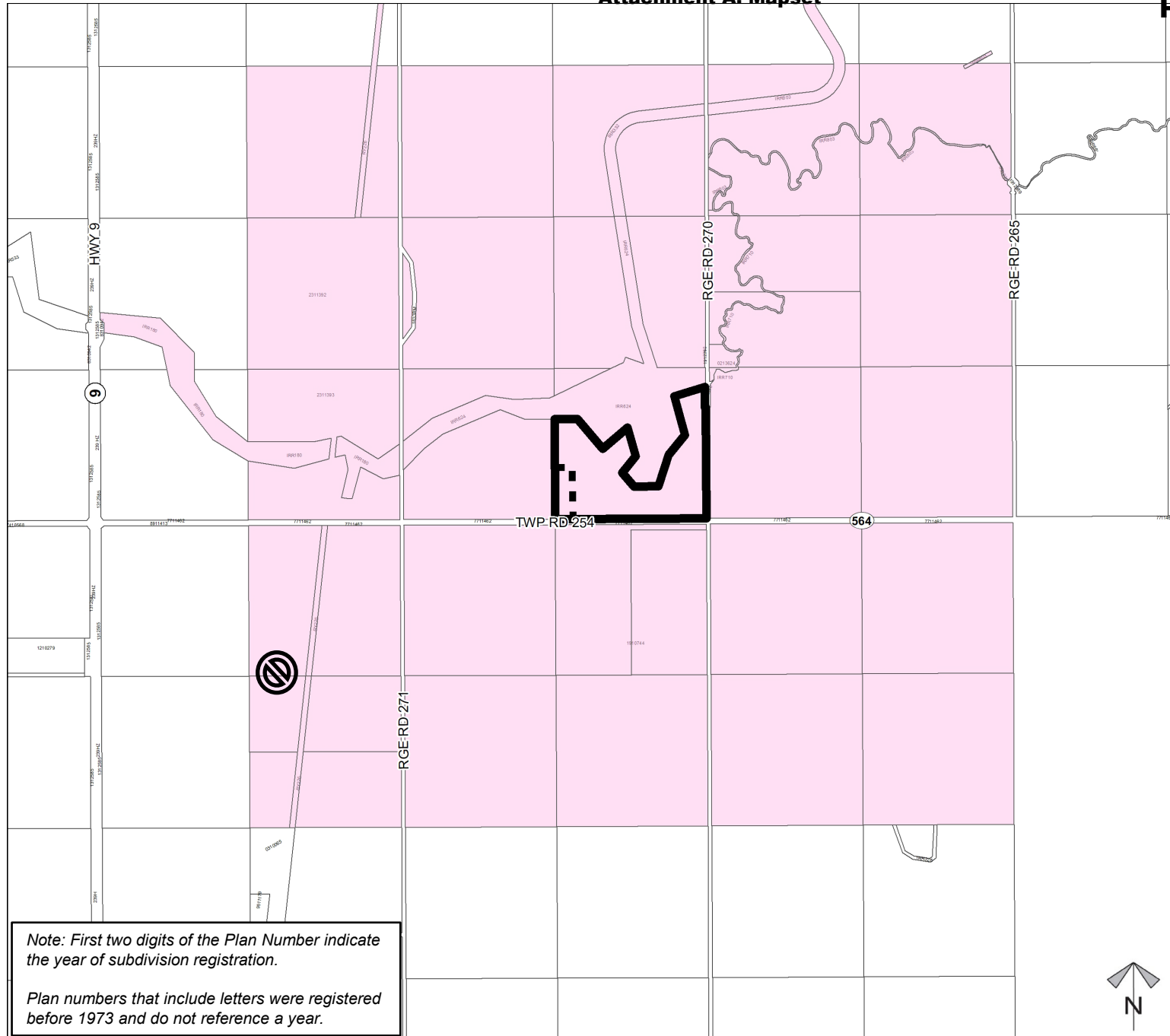
Division: 5
 Roll: 05225001
 File: PL20230152
 Printed: December 18, 2023
 Legal: A portion of SE-25-25-
 Page 231 of 300



Landowner Circulation Area

Subdivision Proposal

To create a ± 2.02 hectare (± 5.00 acre) parcel, leaving a ± 32.67 hectare (± 80.74 acre) remainder.



Note: First two digits of the Plan Number indicate the year of subdivision registration.

Plan numbers that include letters were registered before 1973 and do not reference a year.

Legend

Support



Not Support



ATTACHMENT B: APPLICATION INFORMATION

APPLICANT/OWNERS: Peter Burton	DATE APPLICATION RECEIVED: December 12, 2023
GROSS AREA: ± 35.11 hectares (±86.77 acres)	LEGAL DESCRIPTION: Portion of SE-25-25-27-W04M
Pre-Application Meeting Held: <input type="checkbox"/>	Meeting Date: N/A
SOILS (C.L.I. from A.R.C.): Moderate to very severe limitations to cereal crop production due to low moisture holding, adverse texture, erosion damage, temperature, excessive wetness/poor drainage, high salinity, shallowness to bedrock, and low permeability.	
HISTORY:	
June 27, 2022:	Development Permit PRDP20190782 issued for Horticultural Development (Market Garden), Construction of an Agricultural Warehouse, Office Building (Existing [Constructed from Sea Containers]), Storage Building (Existing [Constructed from Sea Containers]), and Signage (Fascia). Applicant has identified the landowner does not wish to continue with the proposal.
October 1, 2019:	Development Permit PRDP20192858 issued for Single Lot Regrading and the Placement of Clean Fill. Three time extensions issued, file was closed following third extension with no work completed.
July 3, 2018:	Development Permit PRDP20192858 issued for Single Lot Regrading and the Placement of Clean Fill. Permit conditions not met, subsequent enforcement action resulted in Development Permit applications PRDP20190782 and PRDP20192858.
TECHNICAL REPORTS SUBMITTED:	
<ul style="list-style-type: none"> Private Sewage Treatment System (PSTS) Assessment (Level 1), Osprey Engineering Ltd., June 2024. 	
APPEAL BOARD:	
Land and Property Rights Tribunal (LPRT)	

ATTACHMENT C: APPLICATION REFERRAL RESPONSES

AGENCY	COMMENTS
<i>School Authority</i>	
Rocky View Schools	No response received.
Calgary Catholic School District	No comment.
Public Francophone Education	No response received.
Catholic Francophone Education	No response received.
<i>Province of Alberta</i>	
Alberta Ministry of Environment and Protected Areas	No concerns.
Alberta Transportation and Economic Corridors	<p>The subsequent subdivision application would be subject to the requirements of Sections 18 and 19 of the Matters Related to Subdivision and Development Regulation (The Regulation), due to the proximity of Highway(s) 564.</p> <p>Transportation and Economic Corridors offers the following comments with respect to this application:</p> <p>The requirements of Section 18 of the Regulation are not met. The department anticipates minimal impact on the highway from this proposal. Pursuant to Section 20(1) of the Regulation, Transportation and Economic Corridors grants approval for the subdivision authority to vary the requirements of Section 18 of the Regulation.</p> <p>The requirements of Section 19 of the Regulation are not met. To ensure future access management requirements are met a service road is required. Pursuant to Section 20(1) of the Regulation, Transportation and Economic Corridors does not grant approval for the subdivision authority to vary the requirements of Section 19 of the Regulation, Transportation and Economic Corridors will accept service road dedication as described below:</p> <p style="padding-left: 40px;">A 30 metre wide parallel service road shall be dedicated by plan of survey along the highway frontage of the proposed 2 hectare parcel.</p> <p>Transportation and Economic Corridors has the following additional comments and/or requirements with respect to this proposal:</p> <ol style="list-style-type: none"> 1. The department expects that the municipality will mitigate the impacts of traffic generated by developments approved on the local road connections to the highway system, pursuant to Policy 7 of the Provincial Land Use Policies and Section 618.4 of the Municipal Government Act. 2. The existing access may remain on a temporary basis. All direct highway accesses are to be considered temporary. No compensation shall be payable to the landowner, or their assigns or successors when

AGENCY	COMMENTS
	Transportation and Economic Corridors removes or relocates the access or if highway access is removed and access provided via a municipal road or service road.
Alberta Sustainable Development (Public Lands)	No response received.
Alberta Culture and Community Spirit (Historical Resources)	No response received.
Alberta Energy Regulator	No response received.
Alberta Health Services	No concerns.
Public Utility	
ATCO Gas	No concerns.
ATCO Pipelines	No concerns.
AltaLink Management	No response received.
FortisAlberta	No concerns.
TELUS Communications	No concerns.
Other External Agencies	
Western Irrigation District	No concerns.
Internal Departments	
Recreation, Parks, and Community Support	No comment.
GIS Services	No comment.
Building Services	No records of any building permits being obtained for any of the buildings/seacans. The house looking structure is made up of stacked seacans that is apparently used as offices. The buildings would require Building Permits.

AGENCY	COMMENTS
Fire Services & Emergency Management	No comment.
Capital and Engineering Services	<p data-bbox="488 312 607 342">General:</p> <ul data-bbox="537 365 1450 531" style="list-style-type: none"> <li data-bbox="537 365 1450 464">• As per the application, the applicant is proposing to create a ± 2.02 hectare (± 5.0 acre) parcel with a ± 32.67 hectare (± 80.74 acre) remainder (First Parcel Out). <li data-bbox="537 466 1382 531">• As the parcel is adjacent to HWY 564, the application shall be circulated to ATEC for review and comment. <p data-bbox="488 552 683 581">Geotechnical:</p> <ul data-bbox="537 604 1336 669" style="list-style-type: none"> <li data-bbox="537 604 1336 634">• The subject lands do not include slopes greater than 15%. <li data-bbox="537 636 1170 669">• Engineering has no requirements at this time. <p data-bbox="488 690 704 720">Transportation:</p> <ul data-bbox="537 743 1511 1276" style="list-style-type: none"> <li data-bbox="537 743 1511 867">• There is an existing road approach off of HWY 564 providing access for the proposed new lot. There are two (2) additional existing farm approaches off of HWY 564 and one (1) existing farm approach off of RGE RD 270 that provide access to the remainder lot. <li data-bbox="537 869 1495 972">• RGE RD 270 is part of the Long-Range Transportation Network identified as a Network A Roadway, requiring 36 m Road Right of Way (ROW). The current right of way is 20 m. <li data-bbox="537 974 1511 1077">• As a condition of subdivision, the Owner shall be required to dedicate, by Plan of Survey, a +/- 5.0 m strip of land as road ROW along the east boundary of subject lands, along RGE RD 270. <li data-bbox="537 1079 1495 1182">• As a condition of subdivision, the Owner shall be required to dedicate, by Caveat, a +/- 3.0 m strip of land as road ROW along the entire east boundary of subject lands, along RGE RD 270. <li data-bbox="537 1184 1495 1276">• The applicant will not be required to pay the transportation offsite levy, as per the applicable TOL bylaw, since the proposed subdivision is a First Parcel Out. <p data-bbox="488 1297 797 1327">Sanitary/Waste Water:</p> <ul data-bbox="537 1350 1511 1516" style="list-style-type: none"> <li data-bbox="537 1350 1511 1415">• As per the application, the proposed new lot will be serviced for sanitary wastewater by a new PSTS. <li data-bbox="537 1417 1511 1482">• The applicant provided a Level 1 PSTS Assessment in accordance with the Model Process for Subdivision Approval and Private Sewage. <li data-bbox="537 1484 1170 1516">• Engineering has no requirements at this time. <p data-bbox="488 1537 919 1566">Water Supply and Waterworks:</p> <ul data-bbox="537 1589 1511 1755" style="list-style-type: none"> <li data-bbox="537 1589 1511 1654">• As per the application, the proposed new lot will be serviced for potable water by a new well. <li data-bbox="537 1656 1511 1755">• As a condition of subdivision, the applicant will be required to drill a new well on the new lot and provide the County with a Well Driller's Report confirming a minimum pump rate of 1.0 igpm. <p data-bbox="488 1776 857 1806">Storm Water Management:</p> <ul data-bbox="537 1829 1474 1919" style="list-style-type: none"> <li data-bbox="537 1829 1474 1919">• As there is no proposed change in site imperviousness due to construction of new dwellings or pavement, a significant impact on stormwater runoff is not expected with the proposed First Parcel Out.

AGENCY	COMMENTS
Agriculture & Environment Services	<p>No site-specific stormwater implementation plan is warranted at this time.</p> <ul style="list-style-type: none"> Engineering has no stormwater management requirements at this time. <p>Environmental:</p> <ul style="list-style-type: none"> Based on a desktop review, there does not appear to be any wetlands and/or environmentally sensitive features within the subject lands. Should the applicant propose development that will impact any wetlands, the applicant will be responsible for obtaining all required EPA approvals. Engineering has no requirements at this time.
	No response received.

Circulation Period: February 22, 2024, to April 1, 2024.

Dinal Manawadu

From:
Sent: Monday, April 1, 2024 9:29 AM
To: Dinal Manawadu
Subject: file# 05225001, application# PL202301525, division 5

Hello Mr. Manawadu:

I was traveling and therefore am late to respond to your letter from Feb.22, 2024. I am responding also on behalf of my wife, Renata Fiehmanova, who is also the part-owner of my property.

MD Rockyview for the long time has the position that 1 parcel subdivision is only allowed from a full 1/4 section = 160acres. Therefore this application should be refused immediately as the applicant's land is only 85.74acres. The applicant has purchased the land aware of this size limitation and cannot now claim exception.

Too many owners try to develop residences in place unsuitable and not allowed claiming various reasons but it all comes to financial gain while causing more hardship to others living in the area - more traffic on gravel road that has to be maintained, more resources demands on school, fire, police. The additional sewer loading on badly drained soil is our concern and therefore we ask you to **refuse the application**.

Thank you for recording our concerns and passing it to the council to consider, when it comes to making the decision.

Sincerely,

Vaclav Rosbek and Renata Fiehmanova

ATTACHMENT E: POLICY REVIEW

Definitions		
Consistent	Generally Consistent	Inconsistent
Clearly meets the relevant requirements and intent of the policy.	Meets the overall intent of the policy and any areas of inconsistency are not critical to the delivery of appropriate development.	Clear misalignment with the relevant requirements of the policy that may create planning, technical or other challenges.

Municipal Development Plan (County Plan)	
Managing Residential Growth – Agricultural Area	
5.10	<i>Residential development in the agricultural area shall be guided by the goals and policies of this Plan.</i>
Consistent	Application aligns with the First Parcel Out policies of the County Plan.
5.11	<i>Support first parcel out residential and agricultural subdivision in the agricultural area as per the policies of this Plan (section 8).</i>
Consistent	Application aligns with First Parcel Out policies of the County Plan, property can be considered as a Un-subdivided Quarter Section under the County Plan definition.
Agriculture – First Parcel Out	
8.17	<i>A subdivision to create a first parcel out that is a minimum of 1.60 hectares (3.95 acres) in area should be supported if the proposed site:</i> <i>a. meets the definition of a first parcel out;</i> <i>b. has direct access to a developed public roadway;</i> <i>c. has no physical constraints to subdivision;</i> <i>d. minimizes adverse impacts on agricultural operations by meeting agriculture location and agriculture boundary design guidelines; and</i> <i>e. the balance of the un-subdivided quarter section is maintained as an agricultural land use.</i>
Consistent	Application meets the definition of a first parcel out as the subject lands meet the definition of an unsubdivided quarter section, both lots have access to a developed public roadway, the proposed lot does not have physical constraints to subdivision, the application minimizes impact on the larger agricultural balance by being located in a corner of the parcel towards the highway and limits the amount of land being taken out of the remainder, and the remaining balance of the lands are maintained Agricultural, General District (A-GEN).
Reserves – Municipal, School, and Community Reserves	
13.3	<i>The acquisition, deferral, and disposition of reserve land, and use of cash-in-lieu shall adhere to County Policy, agreements with local school boards, and the requirements of the Municipal Government Act.</i>
Consistent	In accordance with s. 663 of the <i>Municipal Government Act</i> Reserves are not applicable to a first parcel out application.
Transportation	
16.3	<i>New development shall make use of, extend, and enhance existing transportation infrastructure where feasible.</i>
Consistent	Proposed subdivision will utilize existing transportation infrastructure.

Transportation – Road Access	
16.13	<i>Residential redesignation and subdivision applications should provide for development that:</i> <i>a. provides direct access to a road, while avoiding the use of panhandles;</i> <i>b. minimizes driveway length to highways/roads;</i> <i>c. removes and replaces panhandles with an internal road network when additional residential development is proposed; and</i> <i>d. limits the number and type of access onto roads in accordance with County Policy.</i>
Consistent	Application proposes direct access onto existing roadways without the use of panhandles.
Utility Services – Water Supply	
17.6	<i>Water well performance and deliverability testing shall be required of all development relying on ground water, in accordance with the requirements of the Water Act.</i>
Consistent	As a condition of approval, appropriate well testing is required to prove adequate water supply.
Utility Services – Wastewater Management	
17.9	<i>New residential development shall provide wastewater treatment, in accordance with County Policy, by:</i> <i>a. connecting to, or constructing, regional or decentralized wastewater services; or</i> <i>b. confirming the lot(s) is capable of private wastewater treatment.</i>
Consistent	The applicant provided a Level 1 PSTS assessment confirming the proposed parcel is capable of private wastewater treatment.

Land Use Bylaw C-8000-2020	
Agricultural, General District (A-GEN)	
303	Purpose: To provide for agricultural activities as the primary use on a Quarter Section of land or larger or on large remnant parcels from a previous subdivision, or to provide for residential and associated minor agricultural pursuits on a small first parcel out.
Consistent	The application proposes a small first parcel out in alignment with the purpose of the district.
305	MINIMUM PARCEL SIZE: a) An un-subdivided Quarter Section b) The portion created and the portion remaining after registration of a First Parcel Out subdivision c) The portion of a parcel remaining after approval of a redesignation and subdivision provided the remainder is a minimum of 20.23 ha (50.00 ac)
Consistent	The proposed first parcel and proposed remainder would meet the minimum parcel size in accordance with section 305 b).

ATTACHMENT F: RECOMMENDED CONDITIONS OF APPROVAL

- A. THAT the application to subdivide a ± 2.02 hectare (± 5.00 acre) parcel, leaving a ± 32.67 hectare (± 80.74 acre) remainder from that portion of the south east quarter which lies to the south of the secondary canal "c" east branch as shown on Plan IRR624 within the SE-25-25-27-W4M, having been evaluated in terms of Section 654 of the *Municipal Government Act* and Sections 9, 18, and 19 of the *Matters Related to Subdivision and Development Regulation*, and the *Municipal Development Plan (County Plan)*, and having considered adjacent landowner submissions, is approved as per the Tentative Plan for the reasons listed below:
1. The application is consistent with the Statutory Policy;
 2. The subject lands hold the appropriate land use designation;
 3. The technical aspects of the subdivision proposal have been considered and are further addressed through the conditional approval requirements.
- B. The Applicant/Owner is required, at their expense, to complete all conditions attached to and forming part of this conditional subdivision approval prior to Rocky View County (the County) authorizing final subdivision endorsement. This requires submitting all documentation required to demonstrate each specific condition has been met, or agreements (and necessary securities) have been provided to ensure the conditions will be met, in accordance with all County Policies, Standards, and Procedures, to the satisfaction of the County, and any other additional party named within a specific condition. Technical reports required to be submitted as part of the conditions must be prepared by a qualified professional, licensed to practice in the province of Alberta within the appropriate field of practice. The conditions of this subdivision approval do not absolve an Applicant/Owner from ensuring all permits, licenses, or approvals required by Federal, Provincial, or other jurisdictions are obtained.
- C. In accordance with Section 20(1) of the *Matters Related to Subdivision and Development Regulation*, the Subdivision Authority, with authorization from Alberta Transportation and Economic Development on behalf of the Minister of Transportation, varies the requirements of Sections 18 with regards to subdivision approvals within the prescribed distance from a highway right of way.
- D. Further, in accordance with Section 654 and 655 of the *Municipal Government Act*, the application shall be approved subject to the following conditions of approval:

Survey Plans

- 1) Subdivision is to be effected by a Plan of Survey, pursuant to Section 657 of the *Municipal Government Act*, or such other means satisfactory to the Registrar of the South Alberta Land Titles District.
 - a) A Plan of Survey, including the Application number (PL20230152) and Roll number (05225001) of the parcel; and
 - b) Landowner's Consent to Register Plan of Survey.
 - c) The Owner shall dedicate, by Plan of Survey, a 30.0 metre wide strip of land for service road along the southern boundary of the proposed Lot 1, in accordance with the approved Tentative Plan.
 - d) The Owner shall dedicate, by Plan of Survey, a 5.0 metre wide strip of land for road widening along the east boundary of the proposed Lot 2, remainder, in accordance with the approved Tentative Plan.

Transportation

- 2) The Owner is to enter into a Road Widening Agreement, to be registered by caveat, respecting the future acquisition of lands for road widening, and shall include:
 - a) The provision of 3.0 m road widening along the eastern boundary of the Lot 2, remainder;
 - b) Land is to be purchased for fair market value by the County.

Servicing

- 3) Water is to be supplied by an individual well on Lot 1. The subdivision shall not be endorsed until:
 - a) The Owner has provided a Well Driller's Report to demonstrate that an adequate supply of water is available for Lot 1;
 - b) Verification is provided that each well is located within each respective proposed lot's boundaries;
 - c) A Well Driller's Report confirming a minimum pump rate of 1.0 IGPM for the new well is provided.

Developability

- 4) The Owner is to obtain all necessary building & safety codes permits for the existing structures on the property, and/or, the Owner is to remove all unpermitted structures from the subject lands.

Payments and Levies

- 5) The Owner shall pay the County Subdivision Endorsement fee, in accordance with the Master Rates Bylaw, for the creation of one (1) new lot.

Taxes

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



Tentative Plan

Subdivision Proposal

Proposed subdivision to create a ± 2.02 hectare (± 5.00 acre) parcel, leaving a ± 32.67 hectare (± 80.74 acre) remainder.

Legend

Dwelling	
Building	
Water Well	
Wastewater	
Existing Approach	
New Approach	
Driveway	
Road Widening	
Road Acquisition	

Surveyor's Notes:

1. Parcels must meet minimum size and setback requirements of Land Use Bylaw C-8000-2020.
2. Refer to Notice of Transmittal for approval conditions related to this Tentative Plan.

Division: 5
 Roll: 05225001
 File: PL20230152
 Printed: December 18, 2023
 Legal: A portion of SE-25-25-
 Page 244 of 300



5 metre Road Widening by Plan of Survey

3 metre Road Widening by Caveat

Lot 1
 ± 2.02 hectare
 (± 5.00 acre)

Lot 2 (Remainder)
 ± 32.67 hectare
 (± 80.74 acre)

30 metre Service Road Dedication by Plan of Survey

RGE RD 270



COUNCIL REPORT

Subdivision Item: Residential

Electoral Division: 3

File: PL20220156 / 06718020
/ 06718010

Date:	October 22, 2024
Presenter:	Michelle Dollmaier, Senior Planner
Department:	Planning

REPORT SUMMARY

The purpose of this report is to assess a proposed subdivision of Lot 2, Plan 9010113 and Lot 2, Block 1, Plan 0612873 within SW-18-26-03-W05M to create two ±1.57 hectare (±3.88 acre) parcels and a ±1.57 hectare (±3.88 acre) remainder on Lot 2, Plan 9010113, and to create three ±1.69 hectare (±4.18 acre) parcels with a ± 1.73 hectare (±4.28 acre) remainder on Lot 2, Block 1, Plan 0612873.

The application was evaluated in accordance with the *Municipal Government Act*, Matters Related to Subdivision and Development Regulation, Rocky View County / Town of Cochrane Intermunicipal Development Plan (IDP), Municipal Development Plan (County Plan), Bearspaw Area Structure Plan (ASP), and the *Land Use Bylaw*.

The application is inconsistent with Policies 8.1.20 and 8.1.21 of the ASP, as no conceptual scheme has been submitted. However, Administration acknowledges the adoption of a conceptual scheme for this area would provide limited benefit to the subject lands as there are no wider impacts that would require further policy or technical consideration outside the recommended conditions of subdivision.

To construct the proposed internal road without acting on the road acquisition against the neighbouring lot, the proposed ±1.57 hectare (±3.88 acres) parcels do not comply with the *Land Use Bylaw* as the proposed parcels do not meet the minimum size requirement of 1.6 hectares (3.95 acres) as required by the R-RUR designation.

In addition, Section 411 – Emergency Access in the County Servicing Standards identifies that any rural development that results in 10 lots or greater shall have a secondary access to accommodate emergency vehicles. The proposed subdivision would result in an additional lot gaining access from Rolling Acres Place, for a total of 11 lots with only one access. Council could waive this requirement, at its discretion, at time of future subdivision.

Therefore, Council is the Subdivision Authority for the subject application in accordance with Section 5(2), 5(3), and 5(5), of the *Subdivision Authority Bylaw* (C-8275-2022).

ADMINISTRATION’S RECOMMENDATION

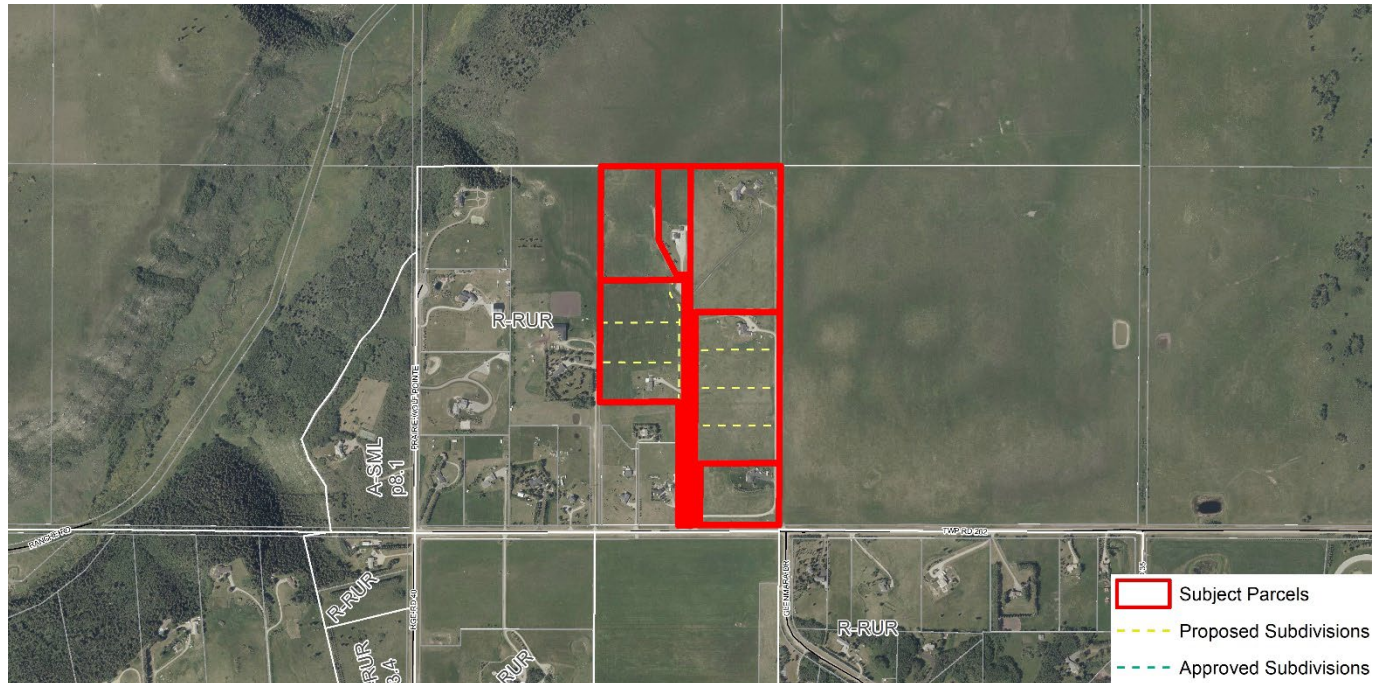
THAT the Subdivision Authority approves application PL20220156 with the conditions noted in Attachment F.

Subdivision Item: Residential

BACKGROUND

Location (Attachment A)

Located within the Bears paw ASP, approximately 3.00 kilometres (1.86 miles) east of the Town of Cochrane, on the north side of Township Road 262 and approximately 0.60 kilometres (0.37 miles) east of Range Road 40.



Site History (Attachment B)

On January 17, 1990, Lot 2, Plan 9010113 on the west side of the proposal was registered at land titles.

On August 17, 2006, Lot 2, Block 1, Plan 0612873 on the east side of the proposal was registered at land titles.

The subject parcels currently gain access through the use of a mutual driveway constructed through 4 existing panhandles.

A road acquisition agreement is registered on the land title of the lot at the very end of the existing driveway cul-de-sac to acquire enough land for a proper cul-de-sac in accordance with County Standards should an internal road be constructed.

Intermunicipal and Agency Circulation (Attachment C)

The application was circulated to all necessary intermunicipal neighbours, internal and external agencies.

This application was circulated to the Town of Cochrane in accordance with the Rocky View County / Town of Cochrane Intermunicipal Development Plan. The Town has no concerns with the application.

Landowner Circulation (Attachment D)

The application was circulated to 103 adjacent landowners in accordance with the *Municipal Government Act* and County Policy C-327 (Circulation and Notification Standards); two (2) letters in opposition were received.

Subdivision Item: Residential

ANALYSIS

Policy Review (Attachment E)

The application was reviewed pursuant to the *Municipal Government Act*, Matters Related to Subdivision and Development Regulation, Rocky View County / Town of Cochrane Intermunicipal Development Plan (IDP), Municipal Development Plan (County Plan), and the *Land Use Bylaw*.

The subject parcel is located within the Bears paw ASP and is in an identified country residential area recommended for a conceptual scheme. The proposed subdivision to create five lots with two remainders would result in three lots to be 3.88 acres in size, conflicting with Policy 8.1.20, which limits the minimum parcel size to 4 acres. However, Policy 8.1.21 does allow for subdivision of parcels less than 4 acres in size, provided it is planned through a concept plan. There is no concept plan submitted for the subdivision; however, since there are no servicing concerns for the application, Administration acknowledges that a concept plan for this area has limited benefit.

Four of the proposed parcels comply with the *Land Use Bylaw* as the proposed parcels exceed the minimum size restriction of 1.60 hectares (3.95 acres), as required by the R-RUR designation. Three of the proposed parcels do not comply with the *Land Use Bylaw* as the proposed parcels are slightly under the minimum size restriction of 1.60 hectares (3.95 acres), as required by the R-RUR designation.

In accordance with section 654(2) of the *Municipal Government Act*, a Subdivision Authority may approve an application that does not align with the *Land Use Bylaw*, so long as the subdivision would not unduly interfere with the amenities of the neighbourhood, or materially interfere with or affect the use, enjoyment, or value of neighbouring parcel of land; and the proposed subdivision conforms with the use prescribed for that land in the *Land Use Bylaw*, in the opinion of the Subdivision Authority.

COMMUNICATIONS / ENGAGEMENT

Consultation was conducted in accordance with statutory requirements and County Policy C-327.

IMPLICATIONS

Financial

No financial implications identified at this time.

STRATEGIC ALIGNMENT

As per Section 5(2), 5(3), and 5(5) of the *Subdivision Authority Bylaw* (C-8275-2022), Council is the decision-making authority due to non-compliance with section 654(1) of the *Municipal Government Act*.

ALTERNATE DIRECTION

No alternative options have been identified for the Subdivision Authority's consideration.

ATTACHMENTS

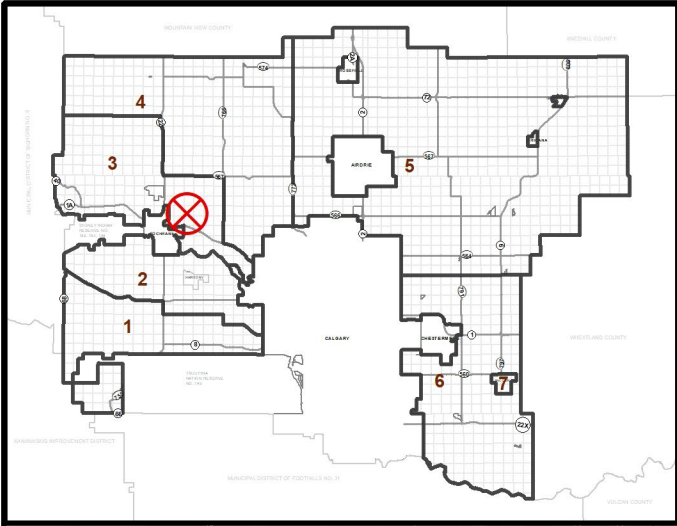
Attachment A: Map Set
 Attachment B: Application Information
 Attachment C: Application Referral Responses
 Attachment D: Public Submissions
 Attachment E: Policy Review
 Attachment F: Recommended Conditions of Approval

Subdivision Item: Residential

APPROVALS

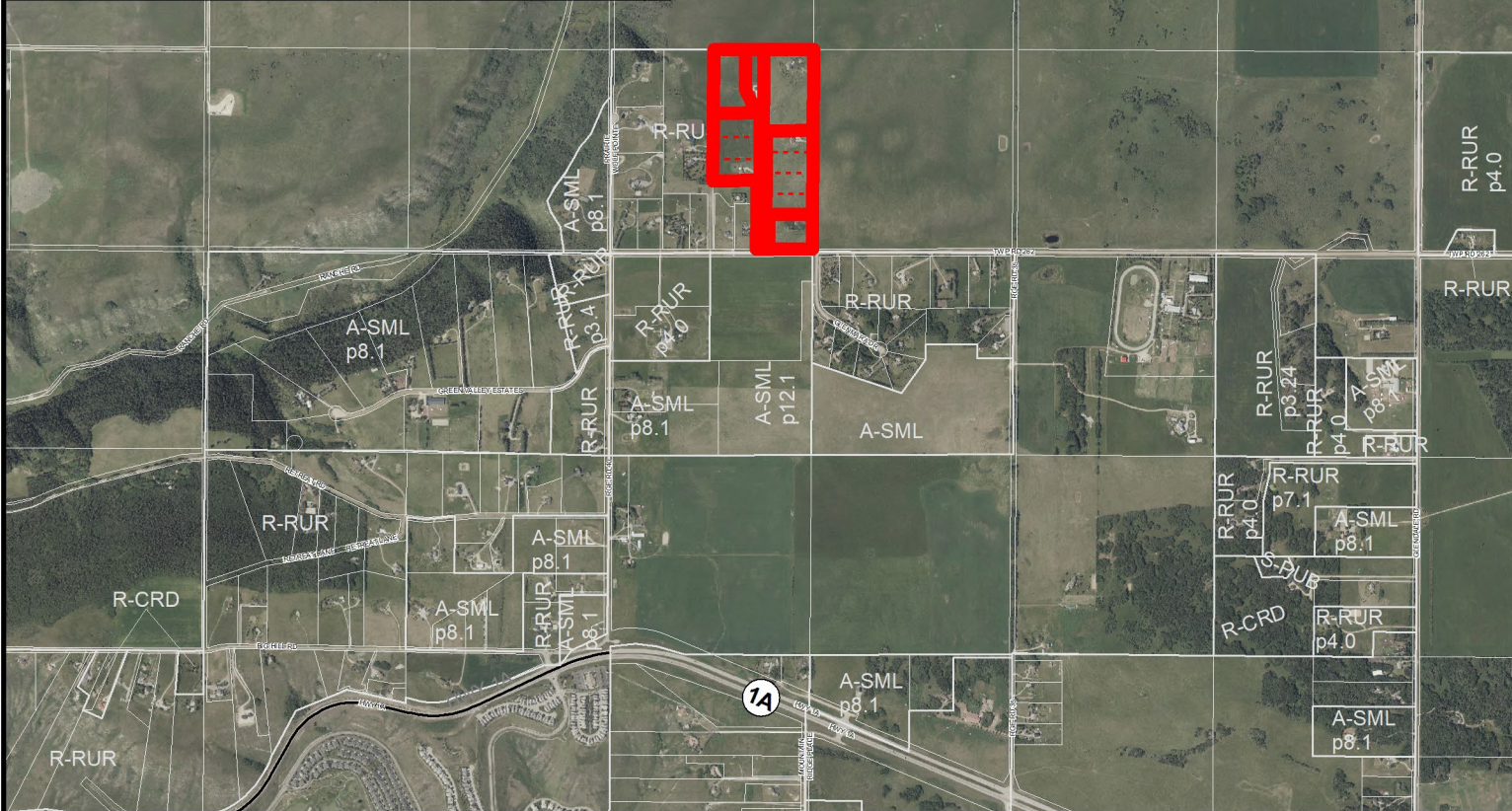
Manager:	Dominic Kazmierczak
Executive Director/Director:	Matt Boscarol
Chief Administrative Officer:	Reegan McCullough





Location & Context

To create three ± 1.69 hectare (± 4.18 acre) parcels with a ± 1.73 hectare (± 4.028 acre) remainder, two ±1.57 hectare (± 3.88 acre) parcels with a ± 1.57 hectare (± 3.88 acre) remainder, and to facilitate boundary adjustments to accommodate the construction of a new internal road within SW-18-26-3-W5.

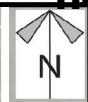


Division: 3
Roll: 06718019, 06718010,
06718020, 06718008,
06718011, 06718022
File: PL20220156
Page 2 of 3
Legal: A portion of
SW-18-26-03-W05M



Development Proposal

To create three ± 1.69 hectare (± 4.18 acre) parcels with a ± 1.73 hectare (± 4028 acre) remainder, two ± 1.57 hectare (± 3.88 acre) parcels with a ± 1.57 hectare (± 3.88 acre) remainder, and to facilitate boundary adjustments to accommodate the construction of a new internal road within SW-18-26-3-W5.



Division: 3
Roll: 06718019, 06718010,
06718020, 06718008,
06718011, 06718022
File: PL20220156
Printed: 11/13/2023
Page 2 of 3
Legal: A portion of
SW-18-26-03-W05M



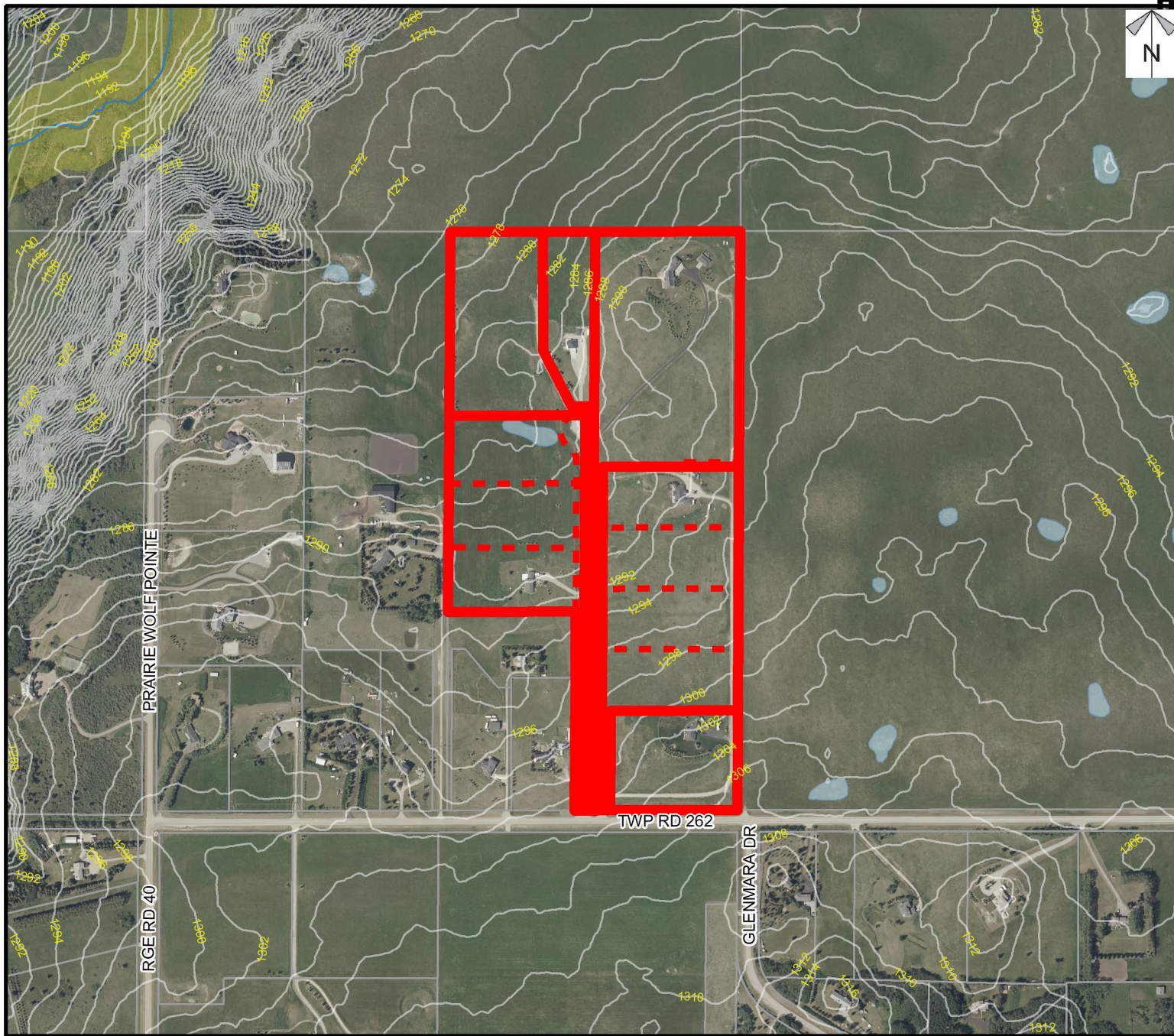
Environmental

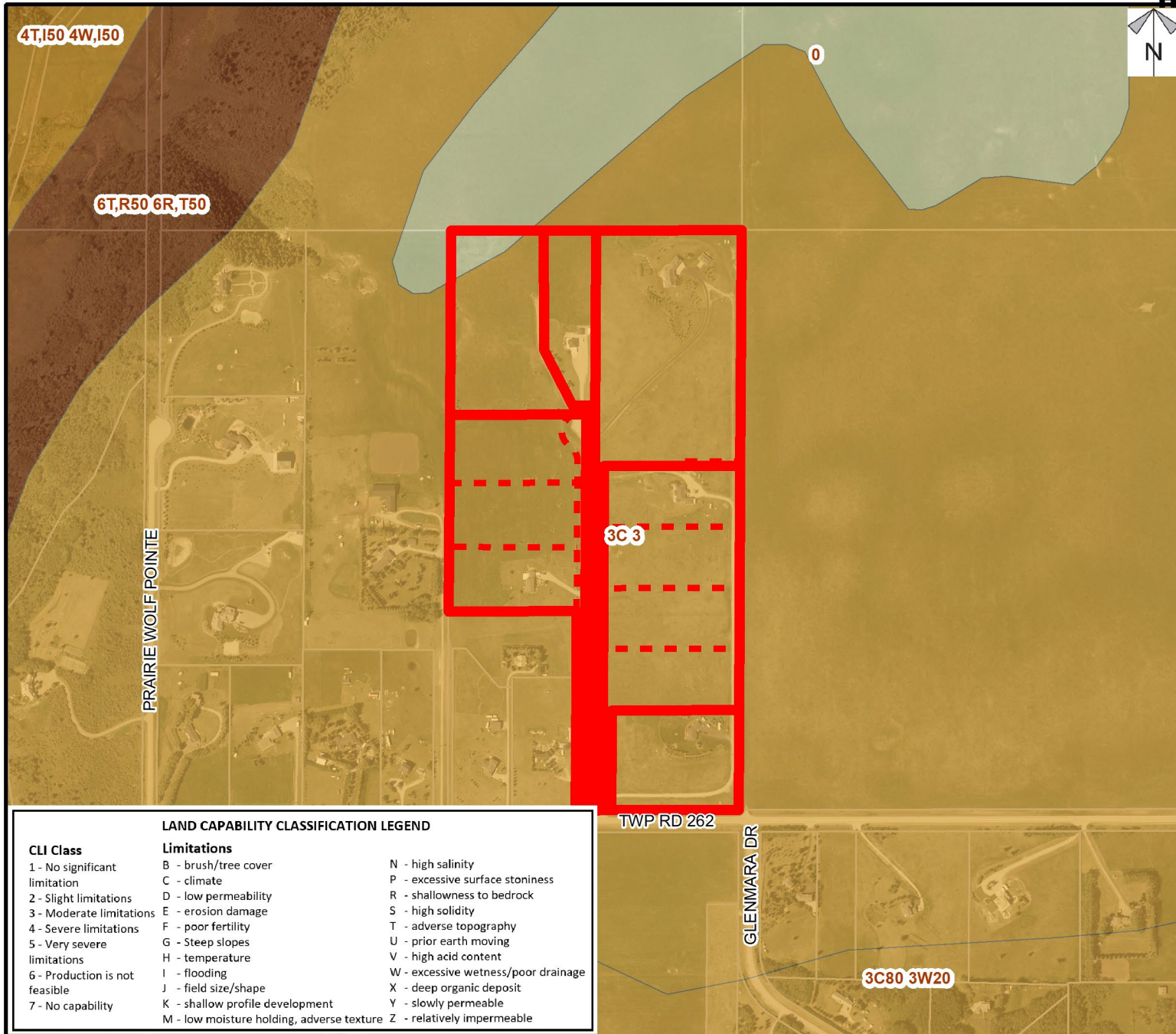
To create three ± 1.69 hectare (± 4.18 acre) parcels with a ± 1.73 hectare (± 4028 acre) remainder, two ± 1.57 hectare (± 3.88 acre) parcels with a ± 1.57 hectare (± 3.88 acre) remainder, and to facilitate boundary adjustments to accommodate the construction of a new internal road within SW-18-26-3-W5.

Legend

-  Subject Lands
-  Contour - 2 meters
-  Riparian Setbacks
-  Alberta Wetland Inventory
-  Surface Water

Division: 3
 Roll: 06718019, 06718010,
 06718020, 06718008,
 06718011, 06718022
 File: PL20220156
 Page 251 of 300
 Legal: A portion of
 SW-18-26-03-W05M





Soil Classifications

To create three ± 1.69 hectare (± 4.18 acre) parcels with a ± 1.73 hectare (± 4.028 acre) remainder, two ± 1.57 hectare (± 3.88 acre) parcels with a ± 1.57 hectare (± 3.88 acre) remainder, and to facilitate boundary adjustments to accommodate the construction of a new internal road within SW-18-26-3-W5.

LAND CAPABILITY CLASSIFICATION LEGEND

CLI Class	Limitations	
1 - No significant limitation	B - brush/tree cover	N - high salinity
2 - Slight limitations	C - climate	P - excessive surface stoniness
3 - Moderate limitations	D - low permeability	R - shallowness to bedrock
4 - Severe limitations	E - erosion damage	S - high solidity
5 - Very severe limitations	F - poor fertility	T - adverse topography
6 - Production is not feasible	G - Steep slopes	U - prior earth moving
7 - No capability	H - temperature	V - high acid content
	I - flooding	W - excessive wetness/poor drainage
	J - field size/shape	X - deep organic deposit
	K - shallow profile development	Y - slowly permeable
	M - low moisture holding, adverse texture	Z - relatively impermeable

Division: 3
 Roll: 06718019, 06718010,
 06718020, 06718008,
 06718011, 06718022
 File: PL20220156
 Printed: 10/18/23
 Page 252 of 300
 Legal: A portion of
 SW-18-26-03-W05M




Landowner Circulation Area

To create three ± 1.69 hectare (± 4.18 acre) parcels with a ± 1.73 hectare (± 4028 acre) remainder, two ± 1.57 hectare (± 3.88 acre) parcels with a ± 1.57 hectare (± 3.88 acre) remainder, and to facilitate boundary adjustments to accommodate the construction of a new internal road within SW-18-26-3-W5.

- 2 letters in opposition were received
- 1 letter was unable to be mapped

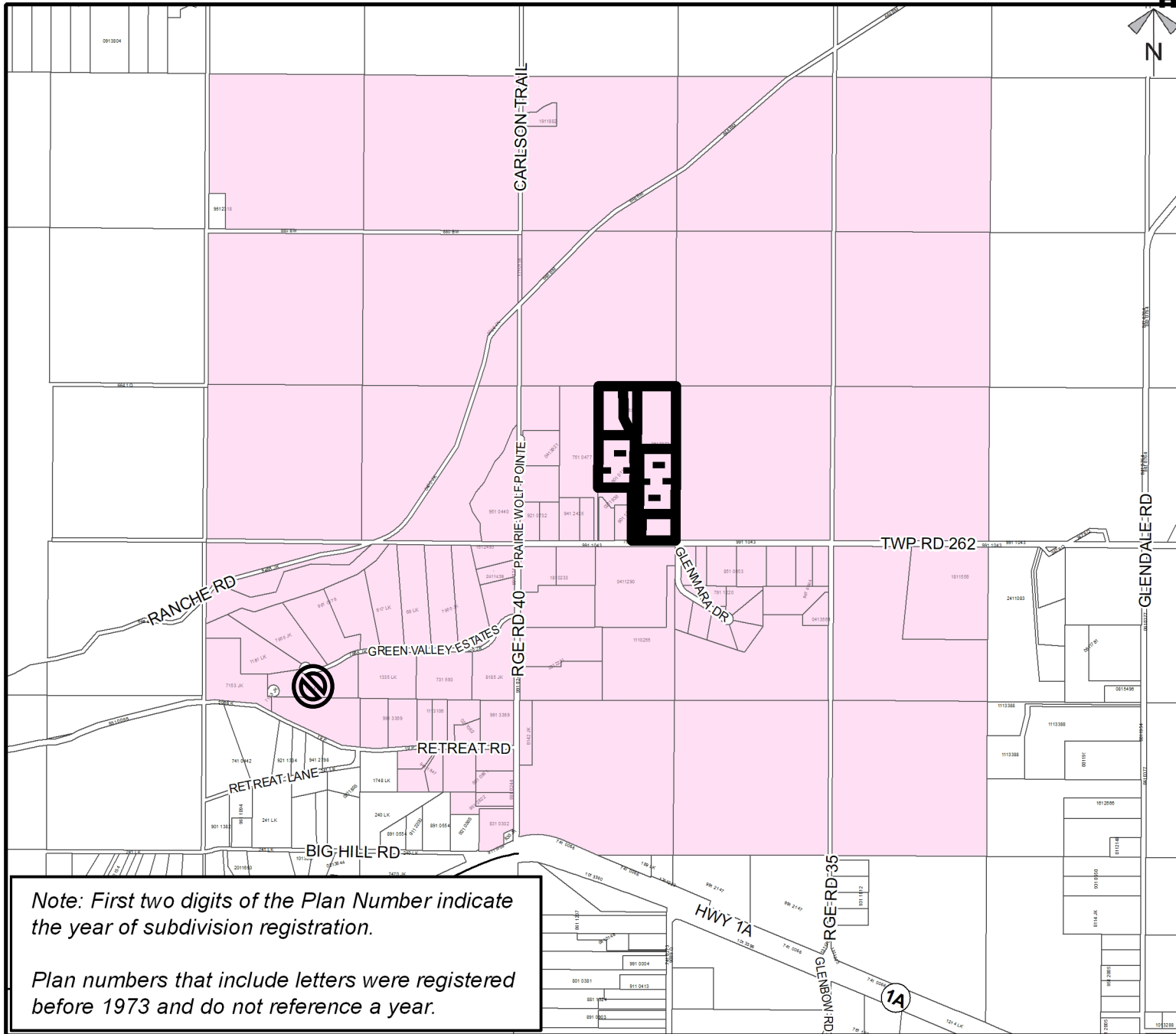
Legend

Support 

Not Support 

Division: 3
Roll: 06718019, 06718010,
06718020, 06718008,
06718011, 06718022

File: PL20220156
Printed: 10/1/2024



Note: First two digits of the Plan Number indicate the year of subdivision registration.

Plan numbers that include letters were registered before 1973 and do not reference a year.

Tentative Plan

Subdivision Proposal

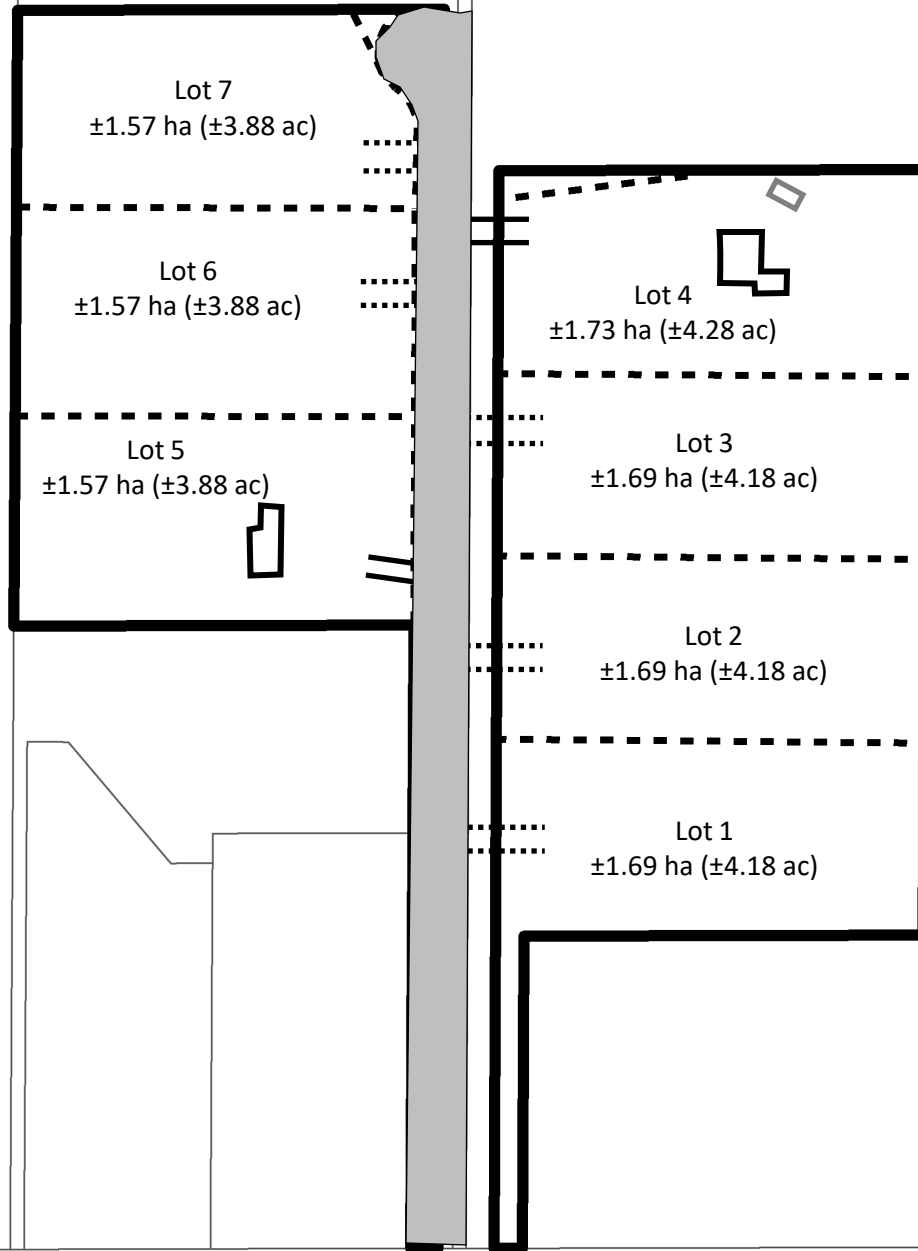
To create three ± 1.69 hectare (± 4.18 acre) parcels with a ± 1.73 hectare (± 4.28 acre) remainder, two ± 1.57 hectare (± 3.88 acre) parcels with a ± 1.57 hectare (± 3.88 acre) remainder, and to facilitate boundary adjustments to accommodate the construction of a new internal road within SW-18-26-3-W5.

Legend

Dwelling	
Building	
Water Well	
Wastewater	
Existing Approach	
New Approach	
Driveway	
Road Widening	
Road Acquisition	

Surveyor's Notes:

1. Parcels must meet minimum size and setback requirements of Land Use Bylaw C-8000-2020.
2. Refer to Notice of Tentative Plan Approval Conditions related to this Tentative Plan.



TWP RD 262



ATTACHMENT B: APPLICATION INFORMATION

APPLICANT/OWNERS: B&A Studios / Pierre-Paul Turgeon, Robert Garry, Wayne Sharp	DATE APPLICATION RECEIVED: September 14, 2022
GROSS AREA: ±12.00 hectares (±29.66 acres)	LEGAL DESCRIPTION: SW-18-26-03-W05M
Pre-Application Meeting Held: <input checked="" type="checkbox"/>	Meeting Date: 2023-09-26
SOILS (C.L.I. from A.R.C.): Moderate limitations due to climate.	
HISTORY: January 17, 1990: Lot 2, Plan 9010113 on the west side of the proposal was registered at land titles. August 17, 2006: Lot 2, Block 1, Plan 0612873 on the east side of the proposal was registered at land titles.	
TECHNICAL REPORTS SUBMITTED: <ul style="list-style-type: none"> • Level 4 Private Sewage Treatment System, Sedulous Engineering Inc, June 2024 • Conceptual Level Stormwater Management Report, Sedulous Engineering Inc., June 2024 • Groundwater Supply Evaluation, Wester Water Resources Inc., August 2014 • Almor Testing Services Ltd., Geotechnical Site Investigation, June 2013 	
APPEAL BOARD: Land and Property Rights Tribunal	

ATTACHMENT C: APPLICATION REFERRAL RESPONSES

AGENCY	COMMENTS
<i>School Authority</i>	
Calgary Catholic School District	No concerns.
<i>Province of Alberta</i>	
Alberta Environment	No concerns.
Alberta Sustainable Development (Public Lands)	No concerns.
Alberta Culture and Community Spirit (Historical Resources)	No response received.
Energy Resources Conservation Board	No response received.
Alberta Health Services	No response received.
<i>Public Utility</i>	
ATCO Gas	No concerns.
ATCO Transmission	<p>The Engineering Department of ATCO Transmission, (a division of ATCO Gas and Pipelines Ltd.) has reviewed the above named plan and has no objections subject to the following conditions:</p> <ol style="list-style-type: none"> 1. Any existing land rights shall be carried forward in kind and registered on any newly created lots, public utility lots, or other properties. 2. Ground disturbances and surface works within 30 meters require prior written approval from ATCO Transmission before commencing any work. <ul style="list-style-type: none"> • Municipal circulation file number must be referenced; proposed works must be compliant with ATCO Transmission requirements as set forth in the company's conditional approval letter. • Contact ATCO Transmission Land Department at 1-888- 420-3464 or landadmin@atco.com for more information. 3. Road crossings are subject to Engineering review and approval. <ul style="list-style-type: none"> • Road crossing(s) must be paved and cross at a perpendicular angle. • Road crossing(s) must not be over any pipeline bend. • Parallel roads are not permitted within ATCO Transmission right(s)-of-way.



AGENCY	COMMENTS
	<ul style="list-style-type: none"> • If the road crossing(s) requires a pipeline alteration, the cost will be borne by the developer/owner and can take up to 18 months to complete. <ol style="list-style-type: none"> 4. Parking and/or storage is not permitted on ATCO Transmission facility(s) and/or right(s)-of-way. 5. Encroachments are not permitted on ATCO Transmission facility(s) and/or right(s)-of-way. 6. ATCO Transmission recommends a minimum 15 meter setback from the centerline of the pipeline(s) to any buildings. 7. Any changes to grading that alter drainage affecting ATCO Transmission right-of-way or facilities must be adequate to allow for ongoing access and maintenance activities. <ul style="list-style-type: none"> • If alterations are required, the cost will be borne by the developer/owner. 8. Any revisions or amendments to the proposed plans(s) must be re-circulated to ATCO Transmission for further review
AltaLink Management	No response received.
FortisAlberta	No concerns.
Telus Communications	No concerns.
TransAlta Utilities Ltd.	No response received.
Adjacent Municipality	
Town of Cochrane	No concerns.
Internal Departments	
Recreation, Parks and Community Support	No response received.
Development Authority	No response received.
GIS Services	No response received.
Building Services	No concerns.
Fire Services & Emergency Management	No concerns.



AGENCY	COMMENTS
Enforcement Services	No concerns.
Capital and Engineering Services	<p data-bbox="464 380 581 405">General:</p> <ul data-bbox="513 432 1487 1003" style="list-style-type: none"> <li data-bbox="513 432 1487 758">• As part of the application, the applicant submitted groundwater supply evaluation reports for the existing wells within both of the eastern middle lots (lots 5 and 6 as per the report). As per the site plan within the reports, the eastern northern lot (remaining lot with existing house) has an existing water well located within the boundary of the lot. The remainder lot also has an existing septic field as per a figure provided as part of the application. As a condition of subdivision, the applicant shall confirm whether the eastern south lot and any of the proposed western lots have existing wells and/or private sewage treatment systems and whether they are located within the boundaries of each lot. <li data-bbox="513 779 1487 1003">• Prior to decision, the applicant will be required to provide an updated site plan with a revised emergency access plan. The emergency access is expected to provide secondary access to all of the lots accessing off the internal subdivision road therefore it is expected that the emergency will be constructed off the cul-de-sac down to Township Road 262. Engineering suggests that the existing driveway along the eastern boundary be used. <p data-bbox="464 1024 678 1050">Transportation:</p> <ul data-bbox="513 1077 1487 1934" style="list-style-type: none"> <li data-bbox="513 1077 1487 1612">• As a condition of subdivision, the applicant/owner shall enter into a Development Agreement pursuant to section 655 of the Municipal Government Act to construct a Country Residential road off Township Road 262 for approximately 550 meters in accordance with the County servicing standards. <ol data-bbox="578 1255 1487 1612" style="list-style-type: none"> <li data-bbox="578 1255 1487 1392">a) Design and construction of a public road system with associated infrastructure which includes the following: <ul data-bbox="618 1325 1349 1392" style="list-style-type: none"> <li data-bbox="618 1325 1349 1356">▪ Construction of internal roadway and cul-de-sac; <li data-bbox="618 1360 967 1392">▪ Sidewalks/Pathways; <li data-bbox="578 1396 1487 1465">b) Implementation of the recommendations of the Construction Management Plan; <li data-bbox="578 1470 1487 1539">c) Implementation of the recommendations of the Geotechnical Report; <li data-bbox="578 1543 1487 1612">d) obtaining approval for a road name by way of application to and consultation with the County. <li data-bbox="513 1623 1487 1791">• Township Road 262 is identified as a Long-Range Network A road requiring 36 m road right of way. The current right of way is 30 m. As a condition to subdivision, 3 m of land dedication by a caveat will be required as a condition of future subdivision along the southern boundary of all affected lots. <li data-bbox="513 1801 1487 1934">• As part of the DA, the owner will be required to provide access to all seven proposed lots from the proposed internal road. The owner shall also remove the existing eastern approach to lot 1 and replace it with an approach off the proposed internal road.



AGENCY	COMMENTS
	<ul style="list-style-type: none"> • As a condition of subdivision, the applicant is required to provide payment of the Transportation Off-Site Levy, in accordance with the Transportation off-site levy bylaw C-8007-2020. <p>Geotechnical:</p> <ul style="list-style-type: none"> • As part of a previous subdivision application, the applicant submitted a Shallow Geotechnical Site Investigation prepared by Almor Testing Services Ltd. dated June 24, 2013. A road structure was proposed based on a minimum engineered soaked condition C.B.R value of 4%. As a condition of subdivision, the developer engineer confirmed that they will conduct an updated subsurface geotechnical investigation of the road to verify that the recommendations provided by Almor for the construction of the road are in accordance with the current applicable servicing standards. The report shall also propose a road structure for the emergency access. <p>Sanitary/Waste Water:</p> <ul style="list-style-type: none"> • As part of the application, the applicant provided a septic field testing and analysis report prepared by Western Water Resources Inc. dated December 15, 2016. The report concluded that the two proposed eastern middle lots (lots 5 and 6) are suitable to be serviced by conventional treatment field systems. • The applicant provided a Level 4 PSTS Assessment prepared by Sedulous Engineering Inc., dated August 2024. The Assessment concluded that <ul style="list-style-type: none"> ○ all the proposed lots that don't have existing septic fields (proposed Lot 1, Block 2, Plan 0612873, proposed Lot 6 and 7, Block 2, Plan 9010113, and future lot, Block 1, Plan 0612873) are suitable for PSTS systems; ○ Development area is large, limitations could be easily overcome with selection of an appropriate system type and design; ○ Use of a Packaged Sewage Treatment System is recommended for the new lots; and ○ Future designers do their own field evaluation and soil test in the specific areas chosen for future fields. • As a condition of subdivision, the Owner is to enter into a Development Agreement (Site Improvements/Services Agreement) with the County for the proposed new lot and shall include the following: <ul style="list-style-type: none"> ○ Accordance with the Level 4 PSTS Assessment, prepared by Sedulous Engineering Inc., dated August 2024. ○ The installation of a Packaged Sewage Treatment System (or any other specialized PSTS) complying with NSF 40 and/or BNQ standards and any other recommendations. <p>Water Supply and Waterworks:</p>



AGENCY	COMMENTS
	<ul style="list-style-type: none"> • The owner is required to supply water to all lots by individual wells located within each lot. • As part of the application, the applicant provided groundwater supply evaluation reports for the two proposed eastern middle lots (lots 5 and 6) prepared by Western Water Resources Inc. dated September 14, 2014 and August 14, 2014, respectively. The reports concluded that both wells will have 20 year safe yields greater than 1 igpm, both wells had greater than 98% recovery after 24 hours, there were no evidence of well interference and although there are groundwater exceedances, they are not considered to be a health issue. • As a condition of subdivision, the applicant will be required to drill a well in each of the proposed western lots and provide a Phase II aquifer testing report. <p>Storm Water Management:</p> <ul style="list-style-type: none"> • As a condition of subdivision, the applicant will be required to prepare an erosion and sediment control (ESC) plan, prepared by a qualified professional, identifying ESC measures to be taken during the construction. The drawings and plans shall be in accordance with the requirements of the County's Servicing Standards and best management practices. • As part of the application, the applicant submitted a Stormwater Management Plan prepared by Western Water Resources (WWR) Inc. dated August 13, 2014. The report was prepared for four proposed eastern lots and the road and municipal ditch. WWR proposes the creation of lot-level rain gardens that discharge to the municipal ditch where a series of 23 check dams will allow for temporary ponding in the municipal ditch right of way. This infrastructure is expected to reduce peak release rate and volume to below pre-development levels and it is also expected to reduce the release rate from the four lots to below 0.99 l/s/ha. However runoff from the road and municipal ditch will not meet the maximum permissible release rate of 0.99 l/s/ha. • The applicant also provided an updated stormwater management plan prepared by Sedulous Engineering Inc., dated August 2024 for all seven proposed lots. The report concluded and recommended that <ul style="list-style-type: none"> ○ the conceptual post development conditions do not cause the peak flow rates to increase compared to the pre-development rates; ○ the study has demonstrated that through a series of source controls, release rates and volumes from the subject lands can also be controlled to not exceed pre-development levels; ○ new development combined with the stormwater improvements are actually releasing at -0.39 l/s/ha in the single event analysis and -0.61 l/s/ha in the continuous simulation, thereby achieving the intent of the MDP;



AGENCY	COMMENTS
Agriculture & Environment Services	<ul style="list-style-type: none"> ○ stormwater best management practices discussed in the report require ongoing maintenance and operation to be effective in the long term; ○ finalized architectural drawings of the buildings and driveway layouts, along with topographic survey information should be used to establish detailed design of lot grading and stormwater improvements necessary to adhere to the target release rates as discussed in the report; and ○ source controls should be identified and provided to control post development volumes discharging off-site in accordance with the targets discussed in the report. ● As a condition of subdivision, the applicant/owner shall enter into a Site Improvements Service Agreement (SISA) with the County for the proposed development and shall include recommendations of Stormwater Management Plan prepared by WWR and updated Stormwater Management Plan prepared by Sedulous. ● It is to be noted that the applicant shall be responsible for seeking all the necessary approvals from AEP for the stormwater system and acquiring required right of ways and drainage easements to service the proposed development. <p data-bbox="464 1016 756 1041">No response received.</p>

Circulation Period: January 11, 2024, to February 1, 2024.

As a resident in the affected zone of this application, I qualify to comment. I reside at P110 NW1/2 S12 Twp26 R4 W5. I object to this latest regional densification proposal for the following reasons:

1. **Land Planning** - Actually, the lack of it in RVC. I've lived at my address more than 50 years and have witnessed the haphazard way that subdivisions, despite broad area structure plans, usually evolve and become densified in an ad hoc manner. Land owners wanting to divide their land, face few restrictions. My experience is that RVC staff and councils have a history of supporting subdivision, even that which is ad hoc. It is nearly impossible for residents to successfully oppose subdivision and its implications. The guidance of good land planning at a more local level (conceptual plans) than ASPs has long been lacking. I suspect this latest proposal is another example of land speculators looking to profit through subdivision and they expect few, if any, impediments. (*Ref, MDP Section 28, need for planning upgrades; also 7.12 - defined growth areas*).

RVC has a history of inviting people to move here in order to "live the country life". Yet, it does little to provide people with preserved nature and the outdoor recreation opportunities most newcomers say they want. I see no such provisions in the above application. (*Ref, MDP Goals, Parks and Open Spaces and Parks*).

This latest application should not be approved in the absence of a proper local land plan. This plan must fairly consider its implications for the close-by Bighill Creek, the ground water supply and the wildlife that it will alienate from more of its habitat. (*Ref, MDP Section 7 - residents want water and environment protected, Goals - protect wildlife and habitat*).

2. **Ground Water** - it is noteworthy that the multiple owners of this land parcel are represented by an engineering firm specializing in ground water. Undoubtedly this firm will advise that "there's plenty" to support more development. But, does RVC have any ability to assess if this is true - does it have staff or consultants able to assess ground water stability in the area? Does the province have these?

I object to putting my area in greater jeopardy of its ground water by increasing withdrawals, especially in the face of increasing drought. I object to "more straws" into a finite resource that we (RVC especially) has no real knowledge/understanding of. While a water cooperative line could relieve the situation, none is available and if it were, it would rely on dwindling rivers. (*Ref, MDP 7.4 - protect and monitor ground water*).

I also object to withdrawing more aquifer water for this subdivision for the reason that it is perched on the escarpment of a unique spring-fed creek. Bighill creek supports a broad variety of wildlife, both aquatic and terrestrial. The health of the whole ecosystem, including riparian and upland, depends on water. Much of this water comes from the 24 or so bank springs emerging below Bighill Creek's escarpment. Several of these bank springs occur downhill from this subdivision proposal. These need consideration and protection, not dismissal by both RVC and land profiteers. (*Ref, MDP 7.13 - protect riparian and wetlands, 7.15, 7.16 - protect aquifers, 7.26 - support conservation design*).

In regards to the application number PL20220156, we as homeowners in their direct vicinity and on the same side of the road as the proposed development are writing to voice our concerns.

We are not opposed to development, and know that it cannot and will not be stopped, but there are some major concerns with the amount of potential homes being built in this subdivision alone.

1. We have lived in this area for over 25 years. Since that time, we have seen the amount and quality of water deteriorate every time a new home is built.
2. There has always been a problem with the water availability in the area, and this is a long known fact.
3. There has already been another well drilled, next door to our property in the last month, due to its drying up.
4. The power grid in this area has also been stretched to the point where brown outs are a common occurrence. How will this be addressed with this many new homes?
5. The amount of traffic on Township Rd. 262 has increased in an excessive amount over the past 5 years and it is growing rapidly. The speed in the area is already dangerous with the road in front of our property often being used as a drag strip. It is already dangerous. Adding a small, uncontrolled intersection, to allow a minimum of 10 more vehicles coming and going, is a major accident waiting to happen!
6. Has anyone given consideration to light and ground pollution?
7. What about servicing the road going to the properties?
8. Also, garbage in the area is a problem. Without proper disposal or means of disposal, the amount of wild animals coming up from the coulee is an increasing problem. We regularly see coyotes, foxes, badgers and even cougars. The amount is increasing with each new home built.

I know you might think this is excessive, but the truth is, we have lived here for a very long time. The difficulties in more than one area have only increased with the growth of population in the area. If they want to develop the area to create more homes, they should be made accountable for the increase it is going to cause from electricity, water and garbage, to the effect on wildlife and the environment. If they want to develop that many properties, they should be treated like any other developer with having to bring in water, sewer and electrical upgrades to meet the increased demand.

ATTACHMENT E: POLICY REVIEW

Definitions		
Consistent	Generally Consistent	Inconsistent
Clearly meets the relevant requirements and intent of the policy.	Meets the overall intent of the policy and any areas of inconsistency are not critical to the delivery of appropriate development.	Clear misalignment with the relevant requirements of the policy that may create planning, technical or other challenges.

Rocky View County / Town of Cochrane Intermunicipal Development Plan (IDP)	
Residential Development	
2.13.2.1	Any proposed residential developments within the Plan Area shall address compatibility with existing and future surrounding land uses, environmental impacts, infrastructure requirements, and, where appropriate, urban overlay design principles.
Consistent	The application is consistent with surrounding country residential land uses and would not have a negative impact on agriculture in the area. The proposal is meeting infrastructure requirements of the County.

Municipal Development Plan (County Plan)	
Managing Residential Growth – Country Residential	
5.8	<i>Support the development of existing country residential communities (identified on Map 1) in accordance with their area structure plan.</i>
Generally Consistent	The parcel is located within an identified country residential community and found to be generally consistent with the policies of the Bears paw ASP.
Country Residential Development – Country Residential Communities	
10.1	<i>Development within Greater Bragg Creek, Bears paw, North and Central Springbank, Elbow Valley, Balzac East (Sharp Hills/Butte Hills), Cochrane North, and Glenbow Ranch shall conform to their relevant area structure plan.</i>
Generally Consistent	The parcel is located within the Bears paw area and was found to be generally consistent with the policies in the ASP.
Transportation – Road Access	
16.13	<i>Residential redesignation and subdivision applications should provide for development that:</i> <i>a. provides direct access to a road, while avoiding the use of panhandles;</i> <i>b. minimizes driveway length to highways/roads;</i> <i>c. removes and replaces panhandles with an internal road network when additional residential development is proposed; and</i> <i>d. limits the number and type of access onto roads in accordance with County Policy.</i>
Consistent	The subdivision is proposing the construction of an internal road for each parcel to gain access.

Bears paw Area Structure Plan (ASP)	
Phasing	
7.2.2	The redesignation, subdivision and/or development of lands within the Plan Area should proceed in accordance with the priorities established in Figure 8. Notwithstanding the priorities established in Figure 8, development priorities for specific lands may be altered without amendment to this Plan, at the discretion of the Municipality, provided the consequences of development out of sequence are examined and the Municipality determines that any on-site or off-site planning issues have been resolved pursuant to the provisions of this Plan.
Consistent	The parcel is located within Development Priority Area 1 of Figure 8.
Concept Plans	
8.1.9	Figure 3 identifies lands within the Plan Area where the preparation of Concept Plans is required prior to the redesignation of these lands for country residential land use.
Inconsistent	The parcel is located within an area recommended for a concept plan. No concept plan was submitted as part of the application.
8.1.11	Where lands are designated for country residential land uses and no Concept Plan has been prepared or adopted by Council, the Municipality may require a Concept Plan to accompany an application for country residential subdivision within the Plan Area.
Consistent	The land uses are currently R-RUR and no concept plan has been prepared or adopted. However, Administration notes a concept plan for this area would have little benefit as the quarter section is heavily fragmented.
Subdivision	
8.1.16	Applications for subdivision approval that propose country residential land uses shall be considered pursuant to the provisions of Figure 7 and attendant Plan policies.
Consistent	The subject lands are within a County Residential area as identified in Figure 7.
8.1.19	When considering applications for subdivision approval, the Municipality should evaluate tentative plans of subdivision in terms of the following considerations: <ul style="list-style-type: none"> a) the natural condition of the lands proposed for subdivision and the manner in which these conditions (ie. topography, environmentally sensitive areas, etc.) have been integrated into the design of the tentative plan of subdivision; b) the serviceability of the proposed parcels by private and public utilities; c) the suitability of each of the proposed parcels to accommodate a building site of sufficient area to permit the development of a residential building and ancillary structures; d) the context of the lands proposed for subdivision and the compatibility of the proposed design with adjacent lands including, but not limited to, site conditions, parcel sizes, visual impact, etc.; e) the intensification potential of the tentative plan of subdivision and the flexibility of the proposed design to accommodate future subdivision; f) the conformity of the tentative plan of subdivision with any Concept Plan prepared and/or adopted pursuant to the provisions of this Plan; g) the design of the proposed road system having regard for Municipal Engineering Standards and integration with the Municipal and Provincial road hierarchy; h) conformity to this Plan, which may necessitate an amendment to the Plan; i) any other matter deemed appropriate by the Municipality.

Consistent	All considerations listed above were addressed during the review process through supporting documents and technical studies.
8.1.20	8.1.20 Within the country residential areas identified in Figure 7, the minimum parcel size should not be less than four (4) acres.
Generally Inconsistent	The proposal includes three lots that are 3.88 acres in size, slightly under the minimum 4.0-acre requirement. The other four proposed lots are 4.18 – 4.28 acres in size.
8.1.21	Notwithstanding Policy 8.1.20 and Figure 3, the Municipality may consider redesignation proposals and/or application for subdivision contemplating parcel sizes of less than four (4) acres in size, provided these proposals are supported by a Concept Plan that is prepared and adopted pursuant to the provisions of this Plan.
Inconsistent	The parcel is not currently part of a concept plan and there is no proposed concept plan. However, Administration acknowledges the adoption of a conceptual scheme would provide limited benefit to the subject lands.
8.1.24	Where a tentative plan of subdivision proposes a dead end cul-de-sac, the design and length of the cul-de-sac should sufficiently accommodate emergency vehicle access, or alternate provisions for emergency vehicle access shall be provided.
Consistent	The proposed internal road with a dead end cul-de-sac will be constructed to County Standards to accommodate emergency vehicles.
8.1.25	Applications for subdivision approval shall be subject to the Municipal Reserve provisions of the Planning Act and this Plan.
Consistent	The application includes cash-in-lieu dedication for outstanding MR.
Servicing and Utilities	
8.9.1	The provision of water to subdivisions within the Plan Area shall be in accordance with policy established by Council and the guidelines established by Alberta Environmental Protection.
Consistent	The proposal includes the use of private water wells for each parcel.
8.9.2	Sewage disposal and/or treatment shall be handled on a site-specific basis in accordance with guidelines established by Alberta Labour and Alberta Environmental Protection.
Consistent	The proposal includes the use of private sewage treatment systems on each lot.
8.9.3	Shallow utilities (telephone, natural gas, etc.) shall be provided by the appropriate public or private utility companies in the Plan Area.
Consistent	The application was circulated to shallow utility companies. No concerns were noted.

Land Use Bylaw C-8000-2020	
R-RUR (Residential, Rural District)	
319	Minimum Parcel Size: a) 1.6 ha (3.95 ac) b) The minimum size of parcels designated with the letter “p” is the number indicated on the Land Use Map c) Notwithstanding b), the number following the “p” shall not be less than 1.6 ha (3.95 ac)
Generally Consistent	The proposal includes the creation of four lots ranging from 4.18 acres to 4.28 acres, and the creation of three 3.88 acre lots. The proposed 3.88 acre lots are under the minimum size requirement of the LUB. However, Council has the ability to vary the LUB in accordance with section 654(2) of the MGA.

ATTACHMENT F: RECOMMENDED CONDITIONS OF APPROVAL

- A. THAT the application to subdivide Lot 2, Plan 9010113 and Lot 2, Block 1, Plan 0612873 within SW-18-26-03-W05M to create two ± 1.57 hectare (± 3.88 acre) parcels and a ± 1.57 hectare (± 3.88 acre) remainder on Lot 2, Plan 9010113 and to create three ± 1.69 hectare (± 4.18 acre) parcels with a ± 1.73 hectare (± 4.28 acre) remainder on Lot 2, Block 1, Plan 0612873, having been evaluated in terms of Section 654 of the *Municipal Government Act* and Sections 9, of the *Matters Related to Subdivision and Development Regulation*, and the *Municipal Development Plan (County Plan)*, and having considered adjacent landowner submissions, is approved as per the Tentative Plan for the reasons listed below:
1. The application is consistent with the Statutory Policy;
 2. The subject lands hold the appropriate land use designation;
 3. The technical aspects of the subdivision proposal have been considered and are further addressed through the conditional approval requirements.
- B. The Applicant/Owner is required, at their expense, to complete all conditions attached to and forming part of this conditional subdivision approval prior to Rocky View County (the County) authorizing final subdivision endorsement. This requires submitting all documentation required to demonstrate each specific condition has been met, or agreements (and necessary securities) have been provided to ensure the conditions will be met, in accordance with all County Policies, Standards, and Procedures, to the satisfaction of the County, and any other additional party named within a specific condition. Technical reports required to be submitted as part of the conditions must be prepared by a qualified professional, licensed to practice in the province of Alberta within the appropriate field of practice. The conditions of this subdivision approval do not absolve an Applicant/Owner from ensuring all permits, licenses, or approvals required by Federal, Provincial, or other jurisdictions are obtained.
- C. In accordance with Section 654(2) the Subdivision Authority is of the opinion that the proposed subdivision would not unduly interfere with the amenities of the neighbourhood, or materially interfere with or affect the use, enjoyment, or value of neighbouring parcel of land; and the proposed subdivision conforms with the use prescribed for that land in the land use bylaw.
- D. Further, in accordance with Section 654 and 655 of the *Municipal Government Act*, the application shall be approved subject to the following conditions of approval:

Survey Plans

- 1) Subdivision is to be effected by a Plan of Survey, pursuant to Section 657 of the *Municipal Government Act*, or such other means satisfactory to the Registrar of the South Alberta Land Titles District.
 - a) A Plan of Survey, including the Application number (PL20220156) and Roll numbers (06718010 / 06718020) of the parcels; and
 - b) Landowner's Consent to Register Plan of Survey.

Development Agreement

- 2) The Owner shall enter into and comply with a Development Agreement pursuant to Section 655 of the *Municipal Government Act* in accordance with the approved tentative plan and shall include the following:

- a) Construction of a Country Residential standard road for approximately 550 meters, complete with cul-de-sac, in accordance with the County Servicing Standards, and any necessary easement agreements, including signage, approaches, any necessary easements and agreements,
- b) Realignment or upgrade of the existing intersection if required,
- c) The existing eastern approach to lot 1 shall be removed and replaced with an approach off the proposed internal road,
- d) Construction of the Emergency Access in accordance with section 400 of the County Servicing Standards from the end of the proposed internal road back to Township Road 262.
- e) Preparation and Implementation of the recommendations of the Construction Management Plan;
- f) Preparation and Implementation of the recommendations of the Erosion and Sedimentation Control Plan;
- g) Preparation and Implementation of the recommendations of the Geotechnical Report; and
- h) Preparation and Implementation of the recommendations of the Stormwater Management Report
- i) Obtaining approval for a road name by way of application to and consultation with the County.

Water / Wastewater

- 3) The Owner is to provide a Site Plan, prepared by an Alberta Land Surveyor, which illustrates the following in relation to the new property lines:
 - a) The Site Plan is to confirm that all existing wells and private sewage treatment systems are located within the boundaries of each, in accordance with the Alberta Private Sewage Systems Standard of Practice 2009.
- 4) Water is to be supplied by an individual well on the three proposed western lots. The subdivision shall not be endorsed until
 - a) An Aquifer Testing (Phase II) Report is provided, which is to include aquifer testing and the locations of the new well on the three proposed western lots, in accordance with the County's Servicing Standards and requirements of the Water Act;
 - b) A Well Driller's Report confirming a minimum pump rate of 1.0 IGPM for the new well is provided.
- 5) The Owner is to enter into a Deferred Services Agreement with the County to be registered on title of all proposed lots, indicating:
 - a) Each future Lot Owner is required to connect to County piped water, wastewater, and stormwater systems at their cost when such services become available;
 - b) Requirements for the decommissioning and reclamation of the onsite water, wastewater and stormwater systems once County servicing becomes available.

- 6) The Owner is to enter into a Development Agreement (Site Improvements/Services Agreement) with the County for the proposed new lot and shall include the following:
 - a) Accordance with the Level 4 PSTS Assessment, prepared by Sedulous Engineering Inc., dated August 2024.
 - b) The installation of a Packaged Sewage Treatment System (or any other specialized PSTS) complying with NSF 40 and/or BNQ standards and any other recommendations.

Transportation

- 7) The Owner is to enter into a Road Widening Agreement, to be registered by caveat, respecting the future acquisition of lands for road widening, and shall include:
 - a) The provision of 3m road widening along the southern boundary of the property;
 - b) Land is to be purchased for \$1 by the County;

Stormwater

- 8) The Owner shall enter into a Site Improvements Service Agreement (SISA) with the County for the proposed development and shall include recommendations of Stormwater Management Plan prepared by WWR and updated Stormwater Management Plan prepared by Sedulous.

Developability

- 9) The applicant will be required to provide an updated subsurface geotechnical investigation of the road to verify that the recommendations provided by Almor for the construction of the road are in accordance with the current applicable servicing standards. The report shall also propose a road structure for the emergency access.

Reserves

- 10) The provision of Reserve in the amount of 10 percent of the area of Lot 2, Block 1, Plan 0612873 and Lot 2, Plan 9010113, as determined by the Plan of Survey, is to be provided by payment of cash-in-lieu in accordance with the per acre value as listed in the land appraisal, Sage Appraisals/September 14, 2022, pursuant to Section 666(3) of the Municipal Government Act.

Payments and Levies

- 11) The Owner shall pay the Transportation Off-Site Levy in accordance with Bylaw C-8007-2020. The County shall calculate the total owing for the gross development area, as shown in the staff report and the Plan of Survey.
- 12) The Owner shall pay the County Subdivision Endorsement fee, in accordance with the Master Rates Bylaw, for the creation of five (5) new lots.

Taxes

- 13) 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*.

E. 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.

Tentative Plan

Subdivision Proposal

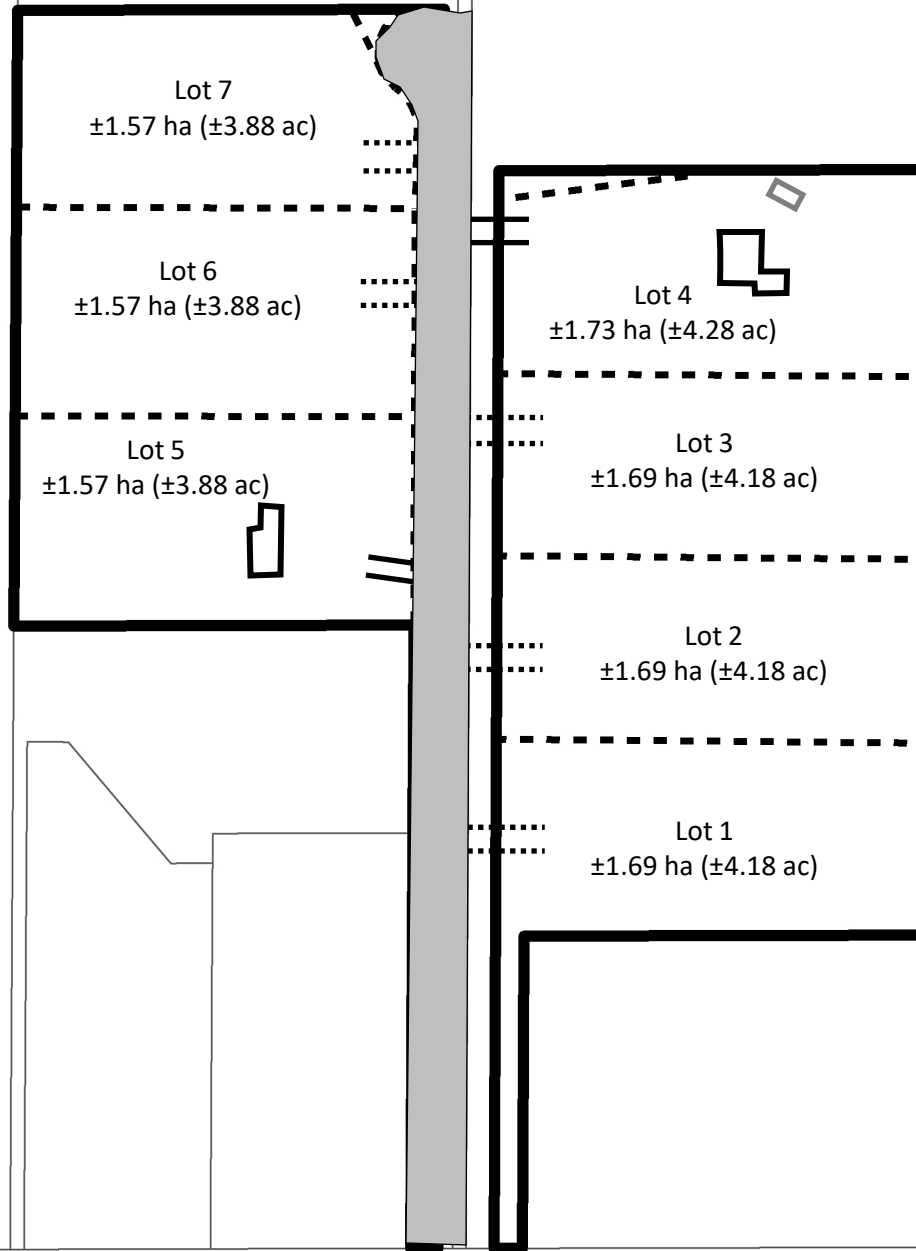
To create three ± 1.69 hectare (± 4.18 acre) parcels with a ± 1.73 hectare (± 4.28 acre) remainder, two ± 1.57 hectare (± 3.88 acre) parcels with a ± 1.57 hectare (± 3.88 acre) remainder, and to facilitate boundary adjustments to accommodate the construction of a new internal road within SW-18-26-3-W5.

Legend

Dwelling	
Building	
Water Well	
Wastewater	
Existing Approach	
New Approach	
Driveway	
Road Widening	
Road Acquisition	

Surveyor's Notes:

1. Parcels must meet minimum size and setback requirements of Land Use Bylaw C-8000-2020.
2. Refer to Notice of Transmittal for approval conditions related to this Tentative Plan.



TWP RD 262





Subdivision Item: Residential

Electoral Division: 3

File: PL20240093 / 06715024

Date:	October 22, 2024
Presenter:	Carter Shelton, Planner 1
Department:	Planning

REPORT SUMMARY

The purpose of this report is to assess a proposed subdivision of Lot: 14 Block: 9 Plan: 2411003 within NE-15-26-03-W05M to create a ± 1.72 hectare (±4.25 acre) parcel with a ± 1.71 hectare (± 4.24 acre) remainder.

The application was evaluated in accordance with the *Municipal Government Act*, Matters Related to Subdivision and Development Regulation, Municipal Development Plan (County Plan), Bearspaw Area Structure Plan (ASP), and the *Land Use Bylaw*.

The application aligns with Section 5.0 (Managing Residential Growth Areas) and Section 10.0 (Country Residential) of the County Plan. The application is further aligned with the policies of Section 8.1 (Country Residential), and Section 7.0 (Land Use and Phasing) of the Bearspaw ASP.

The proposed ± 1.72 hectare (±4.25 acre) parcel with a ± 1.71 hectare (± 4.24 acre) balance parcel complies with the *Land Use Bylaw* as the proposed parcel meets the minimum size restriction of 1.6 hectares (3.95 acres) as required by the Residential, Rural District (R-RUR) designation.

Council is the Subdivision Authority for the subject application in accordance with Section 5(2) of the *Subdivision Authority Bylaw* (C-8275-2022) due to landowner opposition received.

ADMINISTRATION'S RECOMMENDATION

THAT the Subdivision Authority approves application PL20240093 with the conditions noted in Attachment F.

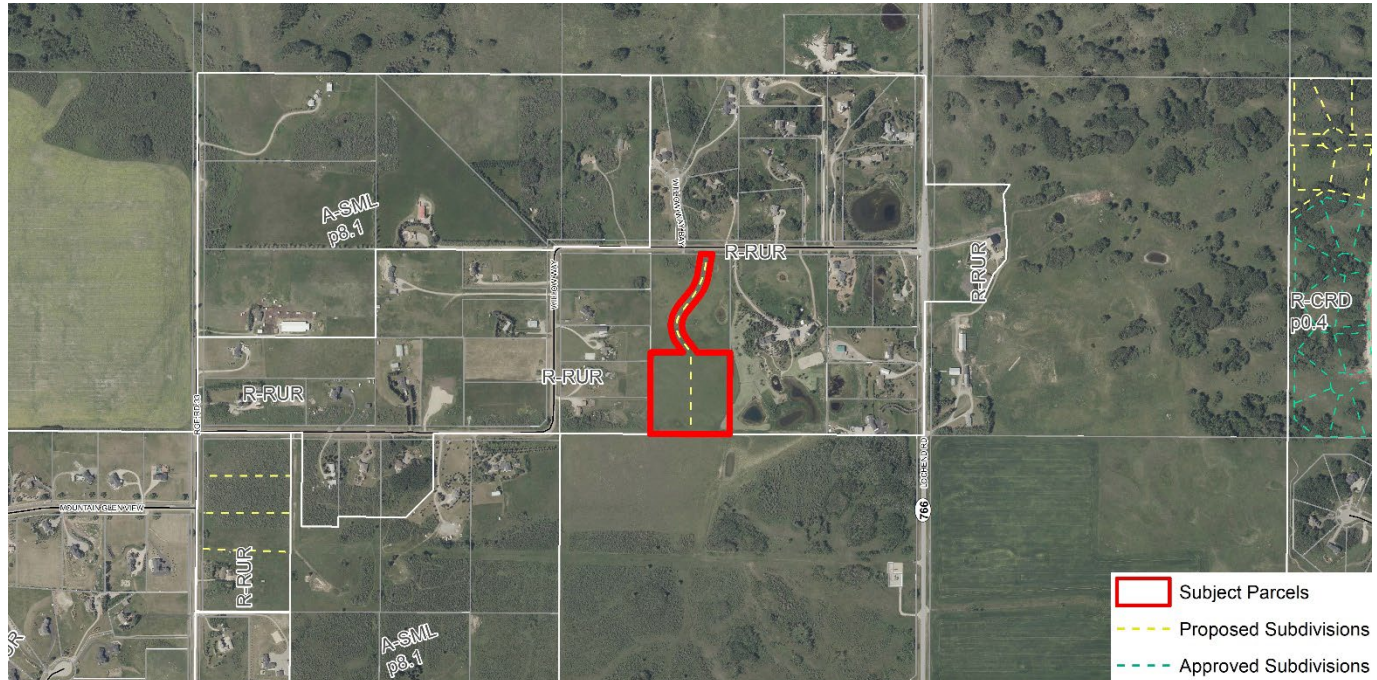


Subdivision Item: Residential

BACKGROUND

Location (Attachment A)

Located within the Bears paw ASP, approximately 0.81 kilometres (0.50 miles) north of Township Road 262 and 0.41 kilometres (0.25 miles) west of Secondary Highway 766.



Site History (Attachment B)

On November 28, 2013, the original ± 17.60 acre parcel was registered as Block: 1, Plan: 7510978. Subsequently, on May 2, 2024, the subject Lot 14, Block 9, Plan 241 1003 was registered, creating the subject parcel and the adjacent 1.64 hectare Lots 13 and 15.

The subject land is approximately ± 3.84 hectares (± 9.49 acres) and presently contains no residential development. The current width of the panhandle portion of the parcel extending north-south to the remainder of the parcel is 25.0 metres. There is an existing approach centered within the proposed boundary line available from the northerly adjacent Willow Way, providing legal access to the subject land. Approval of the subject application would create two parcels accessed via adjacent 12.5 metre panhandles. The adjacent lots 13 and 15 have separate individual approaches from Willow Way, constructed as part of the previous subdivision registration.

As part of the most recent previous subdivision registration, various technical reports were submitted and evaluated; no further technical was provided in support of current application.

Intermunicipal and Agency Circulation (Attachment C)

The application was circulated to all necessary internal and external agencies. There are no outstanding comments to be addressed and technical items have been considered through the recommended conditions of approval noted within Attachment F.

This application is not within an area guided by intermunicipal policy or requirements.

Alberta Transportation and Economic Corridors has provided no concerns on proposed application.

Landowner Circulation (Attachment D)

The application was circulated to 174 adjacent landowners in accordance with the *Municipal Government Act* and County Policy C-327 (Circulation and Notification Standards); no letters in support, and 2 letters in opposition were received.

Subdivision Item: Residential

ANALYSIS

Policy Review (Attachment E)

The application was reviewed pursuant to the *Municipal Government Act*, Matters Related to Subdivision and Development Regulation, Municipal Development Plan (County Plan), Bears paw Area Structure Plan (ASP) and the *Land Use Bylaw*. The application was determined to be consistent with the policies of the County Plan and Bears paw ASP, and therefore aligns with the *Municipal Government Act*. The subject lands are located within an identified country residential community and therefore supported by the County Plan to develop in accordance with the applicable ASP. The proposal is consistent with the overall plan objectives, land use strategy, and phasing policies of the Bears paw ASP. Further, the environmental and site servicing policies are addressed through the recommended conditions of approval noted within Attachment F.

Each of the proposed parcels comply with the *Land Use Bylaw* as the proposed sizes of (Lot 1) ± 1.72 hectares (±4.25 acres) and (Lot 2) ± 1.71 hectares (± 4.24 acres), respectively, exceed the minimum size restriction of 1.6 hectares as required by the applicable Residential, Rural Residential District (R-RUR) designation.

COMMUNICATIONS / ENGAGEMENT

Consultation was conducted in accordance with statutory requirements and County Policy C-327.

IMPLICATIONS

Financial

No financial implications identified at this time.

STRATEGIC ALIGNMENT

As per Section 5(2) of the *Subdivision Authority Bylaw* (C-8275-2022), Council is the decision-making authority due to receipt of public opposition to the application as highlighted within Attachment D.

ALTERNATE DIRECTION

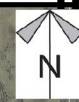
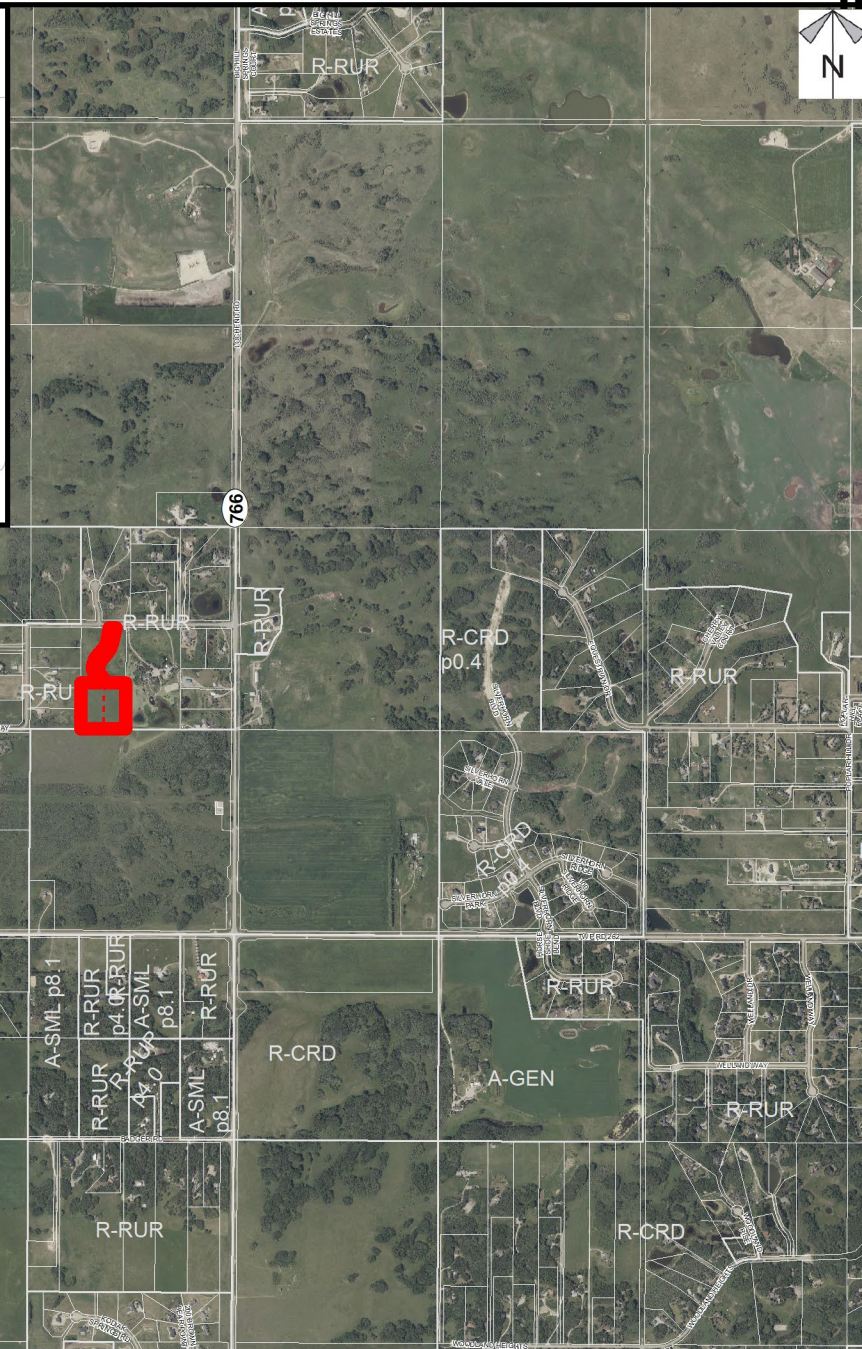
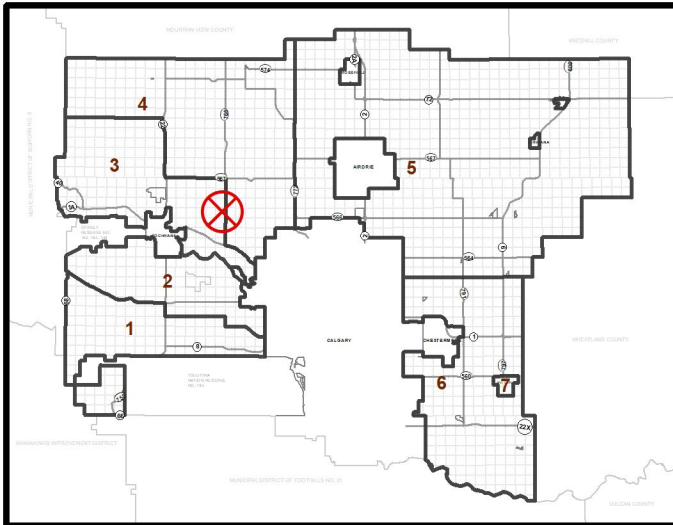
No alternative options have been identified for the Subdivision Authority’s consideration.

ATTACHMENTS

- Attachment A: Map Set
- Attachment B: Application Information
- Attachment C: Application Referral Responses
- Attachment D: Public Submissions
- Attachment E: Policy Review
- Attachment F: Recommended Conditions of Approval

APPROVALS

Manager:	Dominic Kazmierczak
Executive Director/Director:	Matt Boscariol
Chief Administrative Officer:	Reegan McCullough



Location & Context

Subdivision Proposal
To create a ± 1.72 hectare (±4.25 acre) parcel with a ± 1.71 hectare (± 4.24 acre) remainder.

Division: 3
Roll: 06715024
File: PL20240093
Printed: 5/22/2024
Legal: A portion of
Page 295 of 300



Development Proposal

Subdivision Proposal

To create a ± 1.72 hectare (±4.25 acre) parcel with a ± 1.71 hectare (± 4.24 acre) remainder.



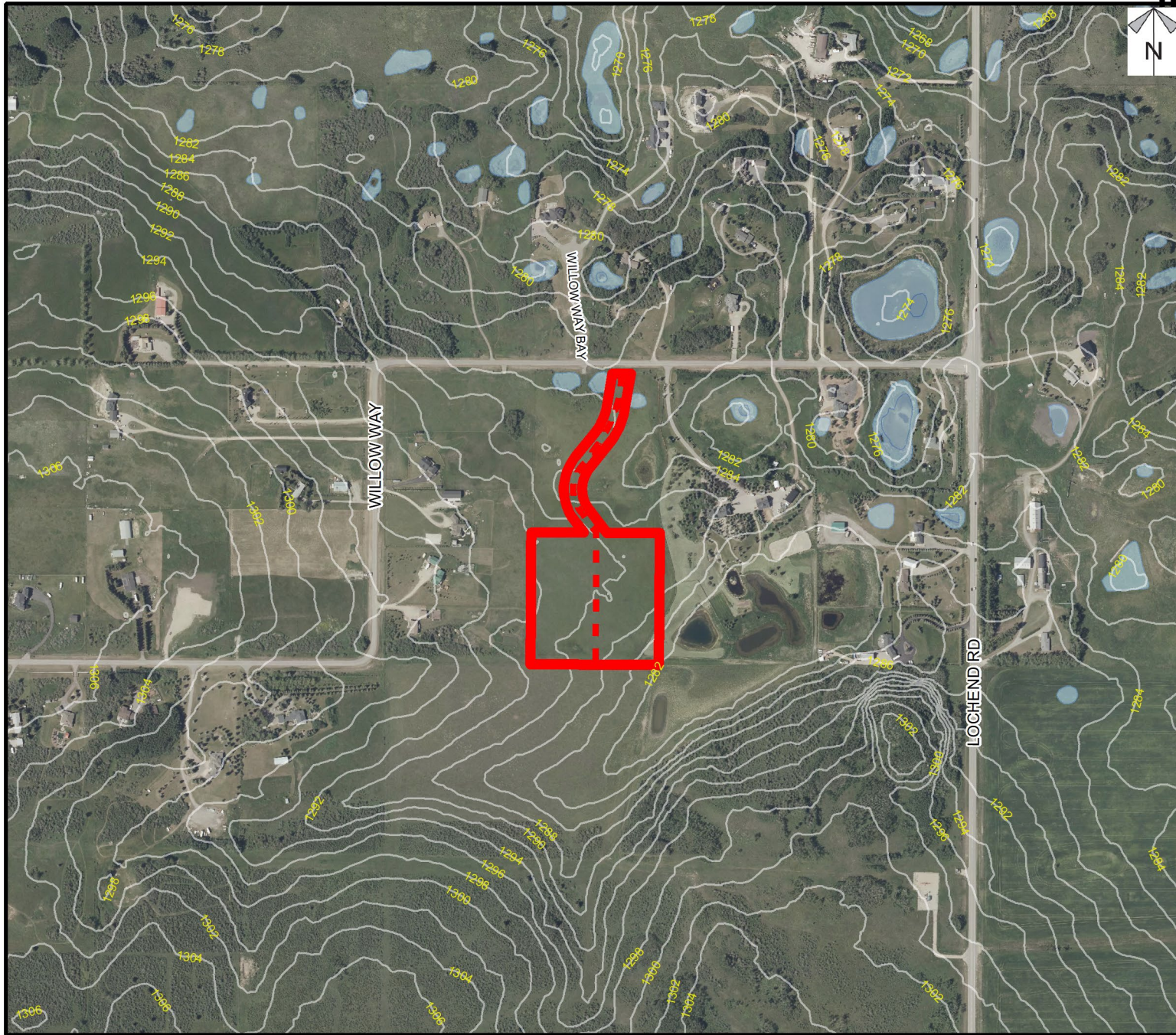
Lot 1	Lot 2
±1.72 ha	±1.71 ha
(±4.25 ac)	(±4.24 ac)



Environmental

Subdivision Proposal

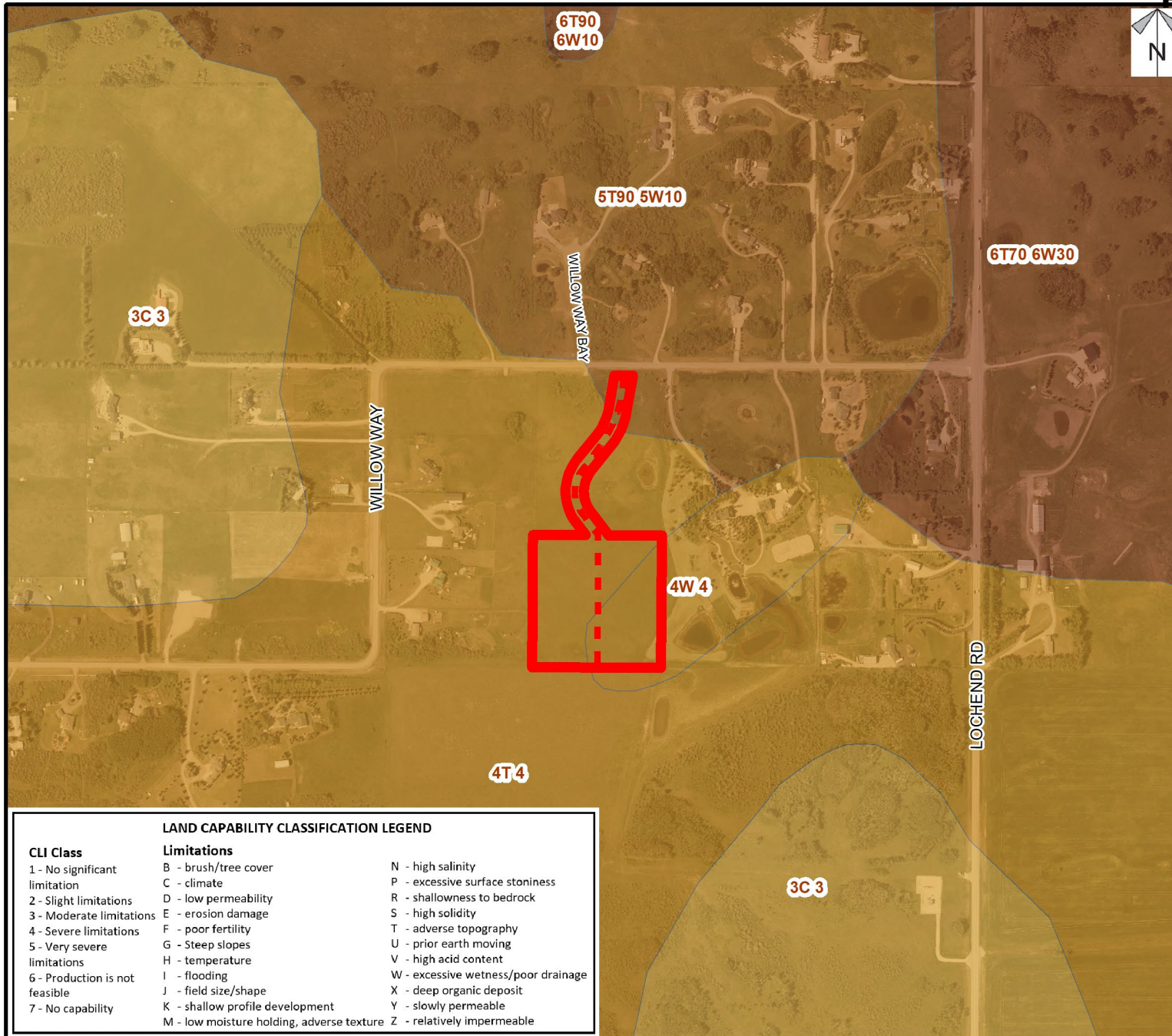
To create a ± 1.72 hectare (±4.25 acre) parcel with a ± 1.71 hectare (± 4.24 acre) remainder.



Legend

-  Subject Lands
-  Contour - 2 meters
-  Riparian Setbacks
-  Alberta Wetland Inventory
-  Surface Water

Division: 3
Roll: 06715024
File: PL20240093
Printed: 5/22/2024
Legal: A portion of
Page 2973 of 3000



Soil Classifications

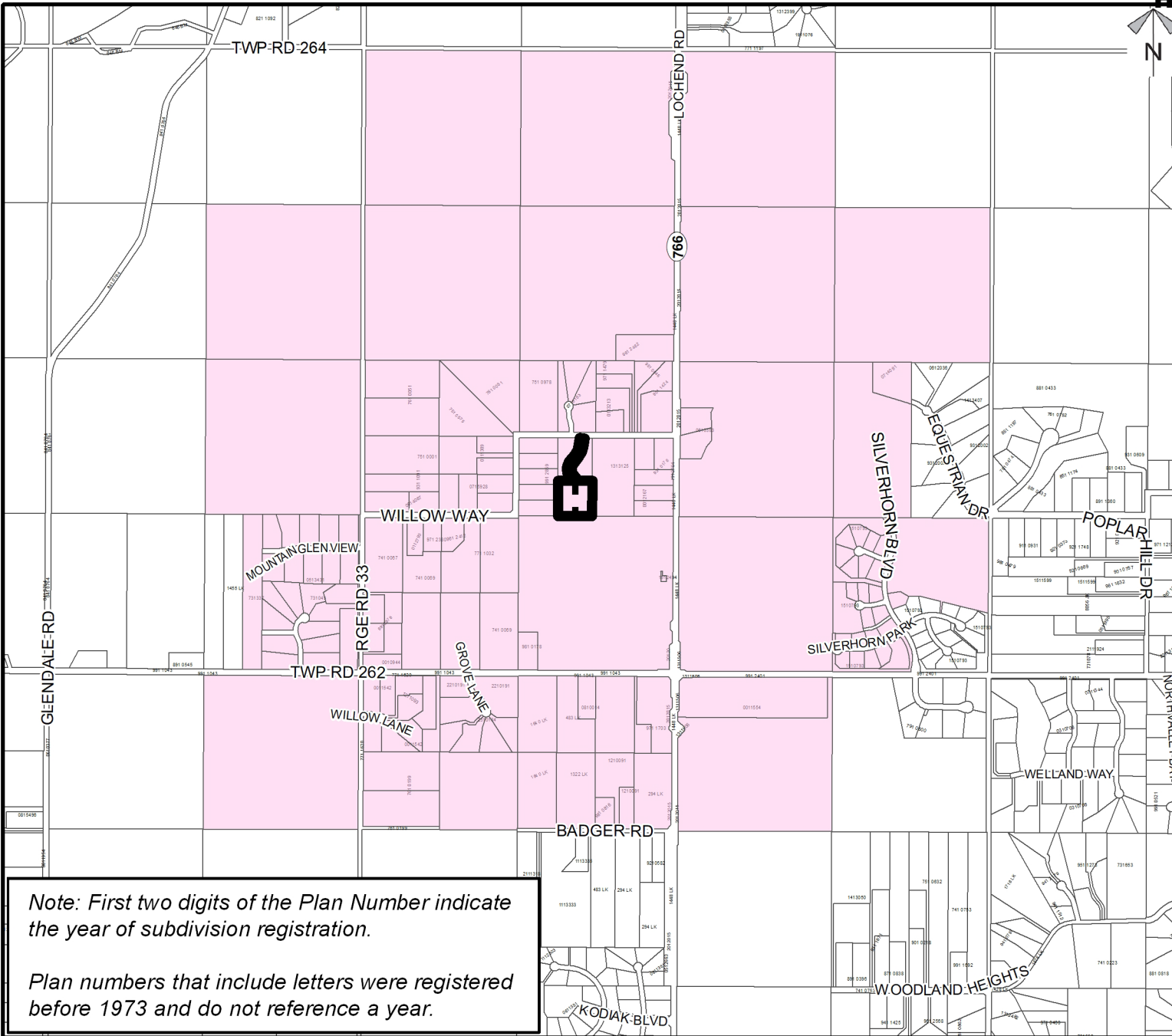
Subdivision Proposal
To create a ± 1.72 hectare (±4.25 acre) parcel with a ± 1.71 hectare (± 4.24 acre) remainder.

LAND CAPABILITY CLASSIFICATION LEGEND		
CLI Class	Limitations	
1 - No significant limitation	B - brush/tree cover	N - high salinity
2 - Slight limitations	C - climate	P - excessive surface stoniness
3 - Moderate limitations	D - low permeability	R - shallowness to bedrock
4 - Severe limitations	E - erosion damage	S - high solidity
5 - Very severe limitations	F - poor fertility	T - adverse topography
6 - Production is not feasible	G - Steep slopes	U - prior earth moving
7 - No capability	H - temperature	V - high acid content
	I - flooding	W - excessive wetness/poor drainage
	J - field size/shape	X - deep organic deposit
	K - shallow profile development	Y - slowly permeable
	M - low moisture holding, adverse texture	Z - relatively impermeable



Landowner Circulation Area

Subdivision Proposal
To create a ± 1.72
hectare (±4.25 acre)
parcel with a ± 1.71
hectare (± 4.24 acre)
remainder.



Note: First two digits of the Plan Number indicate the year of subdivision registration.

Plan numbers that include letters were registered before 1973 and do not reference a year.

Legend

Support



Not Support



Division: 3
Roll: 06715024
File: PL20240093
Printed: 5/22/2024
Legal: A portion of
Page 279 of 300

ATTACHMENT B: APPLICATION INFORMATION

APPLICANT/OWNERS: 2529559 Alberta Inc. (Renee Kaur) / 2529559 Alberta Inc.	DATE APPLICATION RECEIVED: May 8, 2024
GROSS AREA: ±3.84 hectares (±9.49 acres)	LEGAL DESCRIPTION: Lot:14, Block 9, Plan 2411003 within NE-15-26-03-W05M
Pre-Application Meeting Held: <input type="checkbox"/>	Meeting Date: N/A
SOILS (C.L.I. from A.R.C.): 4W 4: Severe limitations to cereal crop production due to excessive wetness and/or poor drainage.	
HISTORY: May 2, 2024: Subdivision plan 241 1003 registered with Alberta Land Titles, creating the subject parcel.	
TECHNICAL REPORTS SUBMITTED: <ul style="list-style-type: none"> • Appraisal, Black Valuation Group Ltd., Received September 17, 2024 • Private Sewage Treatment Systems Assessment (Level 3), Osprey Engineering, September, 2024. 	
APPEAL BOARD: Land and Property Rights Tribunal	

ATTACHMENT C: APPLICATION REFERRAL RESPONSES

AGENCY	COMMENTS
<i>Province of Alberta</i>	
Alberta Environment	No concerns.
Alberta Health Services	No concerns.
Alberta Transportation and Economic Corridors	<p>This will acknowledge receipt of your circulation regarding the above noted proposal. The subsequent subdivision application would be subject to the requirements of Sections 18 and 19 of the Matters Related to Subdivision and Development Regulation (The Regulation), due to the proximity of Highway(s) 766 Transportation and Economic Corridors offers the following comments with respect to this application:</p> <p>The requirements of Section 18 of the Regulation are not met. Based on review of the proposal, the department is satisfied that the Highway has sufficient capacity to accommodate the proposal. Pursuant to Section 20(1) of the Regulation, Transportation and Economic Corridors grants approval for the subdivision authority to vary the requirements of Section 18 of the Regulation.</p> <p>The requirements of Section 19 of the Regulation are not met. There is no direct access to the highway and there is sufficient local road access to the subdivision and adjacent lands. Pursuant to Section 20(1) of the Regulation, Transportation and Economic Corridors grants approval for the subdivision authority to vary the requirements of Section 19 of the Regulation.</p> <p>Transportation and Economic Corridors has the following additional comments and/or requirements with respect to this proposal:</p> <ol style="list-style-type: none"> 1. The department expects that the municipality will mitigate the impacts of traffic generated by developments approved on the local road connections to the highway system, pursuant to Policy 7 of the Provincial Land Use Policies and Section 618.4 of the Municipal Government Act.
<i>Public Utility</i>	
ATCO Gas	No objection.
ATCO Transmission	No objection.
Cochrane Lake Gas Co-Op	No concerns.
FortisAlberta	We have reviewed the plan and determined that no easement is required by FortisAlberta.
Telus Communications	No concerns.
<i>Internal Departments</i>	
Recreation, Parks and Community Support	No comments.

AGENCY	COMMENTS
Building Services	No concerns.
Enforcement Services	No comments.
Capital and Engineering Services	<p data-bbox="488 315 607 344">General:</p> <ul data-bbox="537 365 1487 495" style="list-style-type: none"> <li data-bbox="537 365 1463 428">• The application is proposing to create a ± 1.72 hectare (± 4.25 acre) parcel with a ± 1.71 hectare (± 4.24 acre) remainder. <li data-bbox="537 432 1487 495">• As the parcel is within 1.6 km setback of Highway 766, the application shall be circulated to TEC for review and comment. <p data-bbox="488 516 1133 546">Transportation (Road Widening and Site Plan):</p> <ul data-bbox="537 567 1511 764" style="list-style-type: none"> <li data-bbox="537 567 1511 764">• Willow Way is identified as a Network A Road in the Long Range Transportation Network, requiring 36 m Road Right of Way (ROW). The current right of way is 30 m. At previous subdivision stage (PL20230101), the applicant/owner already dedicated, by Caveat, a +/- 3 m strip of land along the northern boundary of subject lands. <ul data-bbox="631 735 1268 764" style="list-style-type: none"> <li data-bbox="631 735 1268 764">○ Engineering has no requirements at this time. <p data-bbox="488 785 1097 814">Transportation (Access and Road Network):</p> <ul data-bbox="537 835 1511 1751" style="list-style-type: none"> <li data-bbox="537 835 1503 966">• As per the application, access to the proposed Lot 1 and 2 is via an existing mutual approach off of Willow Way. The mutual approach was constructed at previous subdivision stage (PL20230101) and inspected by County Road Operations in June 2024. <li data-bbox="537 987 1503 1184">• As a condition of subdivision, the Owner shall: <ul data-bbox="631 1037 1503 1184" style="list-style-type: none"> <li data-bbox="631 1037 1203 1066">○ Provide an access right of way plan; and <li data-bbox="631 1087 1503 1184">○ Prepare and register respective easements for the mutual approach on each Land Title for each of the proposed two new lots. <li data-bbox="537 1205 1511 1562">• As a condition of subdivision, the Owner is to enter into a Road Acquisition Agreement with the County, to be registered by Caveat on the title of proposed Lot 1 and 2, to serve as notice that those lands are intended for future development as a County road, as per the approved Tentative Plan. The Agreement shall include: <ul data-bbox="631 1386 1487 1562" style="list-style-type: none"> <li data-bbox="631 1386 1487 1449">○ The provision of approximately ± 1.5 ac road acquisition along panhandles of the proposed Lot 1 and 2; <li data-bbox="631 1470 1487 1499">○ Circular cul-de-sac connecting to south end of the panhandle; <li data-bbox="631 1520 1308 1549">○ Land is to be purchased for \$1.00 by the County. <li data-bbox="537 1583 1511 1751">• As a condition of subdivision, the Owner is to enter into a Restrictive Covenant, to be registered by Caveat prepared by the County, on the title of proposed Lot 1 and 2, that restricts the erection of any structure on or within 15.0 metres of a future circular cul-de-sac, as shown on the approved Tentative Plan. <p data-bbox="488 1772 797 1801">Sanitary/Waste Water:</p> <ul data-bbox="537 1822 1471 1913" style="list-style-type: none"> <li data-bbox="537 1822 1471 1913">• Prior to decision, the Applicant/Owner shall submit a Level 2 Private Sewage Treatment Systems (PSTS) Assessment in accordance with the Model Process Reference Document for Lot 1 and 2;

AGENCY	COMMENTS
	<ul style="list-style-type: none"> ○ If the recommendations of the Model Process Assessment require improvements, then a Site Improvements / Services Agreement shall be required to be entered into. • As a condition of subdivision, The Owner is to enter into a Deferred Services Agreement with the County to be registered on title the proposed Lot 1 and 2, indicating: • Each future Lot Owner is required to connect to County piped water, wastewater, and stormwater systems at their cost when such services become available; • Requirements for the decommissioning and reclamation of the onsite water, wastewater and stormwater systems once County servicing becomes available. <p>Water Supply and Waterworks:</p> <ul style="list-style-type: none"> • As per the application, the proposed Lot 1 and 2 will be serviced by a piped water distribution system provided by Rocky View Water Co-op Ltd. • The applicant provided a letter from Rocky View Water Co-op confirming that potable water capacity is available for the proposed Lot 1 and 2. • As a condition of subdivision, the Applicant/Owner is to provide confirmation of the tie-in for connection to Rocky View Water Co-op Ltd., an Alberta Environment licensed piped water supplier. This includes providing the following information: <ul style="list-style-type: none"> ○ The completion of all paperwork for water supply allocation e.g. Water Service Agreement; ○ The payment of all necessary fees for the purchase of required capacity units for the proposed subdivision; ○ The allocation and reservation of the necessary capacity; ○ The obligations of the Owner and/or utility to bring water lines to the subdivision (i.e. whether the water utility is to construct the water line to the limits of the subdivision and applicant is to construct all internal water lines, or whether the water utility will be responsible for all connections to individual lots, etc.). • As a condition of subdivision, The Owner is to enter into a Deferred Services Agreement with the County to be registered on title the proposed Lot 1 and 2, indicating: <ul style="list-style-type: none"> ○ Each future Lot Owner is required to connect to County piped water, wastewater, and stormwater systems at their cost when such services become available; ○ Requirements for the decommissioning and reclamation of the onsite water, wastewater and stormwater systems once County servicing becomes available. <p>Storm Water Management:</p> <ul style="list-style-type: none"> • The applicant provided a Site-Specific Stormwater Implementation Plan (SSIP) prepared by Osprey Engineering Inc., dated September 28, 2023 at previous subdivision stage. The SSIP provided various

AGENCY	COMMENTS
	<p>recommendations to the future developments on the proposed lots in accordance with Nose Creek Watershed Water Management Plan.</p> <ul style="list-style-type: none"> • As a condition of subdivision, the Owner shall enter into a Site Improvements Service Agreement (SISA) with the County for the recommendations of required improvements. <p>Site Developability:</p> <ul style="list-style-type: none"> • At previous subdivision stage (PL20230101), the applicant provided a Desktop Assessment of Wetlands and Setback Guidance prepared by AAR Environmental Services (AARES), dated September 21, 2023. The desktop assessment identified wetlands within the property boundary. AARES concluded that a 6 m wetland setback combined with the recommended mitigations will prevent indirect impacts to wetlands during the future site developments such that a provincial Water Act application will not be needed. <ul style="list-style-type: none"> ○ As a permanent condition, the applicant shall adhere to the recommendations of the Desktop Assessment of Wetlands and Setback Guidance. • Should the applicant propose development that has a direct impact on any wetlands, the applicant will be responsible for obtaining all required EPA approvals. • Engineering has no concerns at this time. <p>Payments and Levies:</p> <ul style="list-style-type: none"> • As a condition of subdivision, the applicant/owner shall be required to pay the Transportation offsite levy (TOL) as per the applicable TOL Bylaw at the time of subdivision approval, as amended. The TOL will be applied to proposed Lot 1 and Lot 2. <p>Estimated TOL payment = Base Levy (\$4,595 per acre) = \$39,011.55 (using 8.49 acres)</p>

Circulation Period: May 31, 2024, to June 21, 2024.

From: [Jay Jastrebski](#)
To: [Carter Shelton](#)
Cc: [Jodie Jeworski](#)
Subject: Subdivision application PL20240003
Date: July 3, 2024 12:50:49 PM

Rocky View County planning services,

I am writing to express my frustration and concerns regarding the subdivision application PL20240003 submitted by 2275958 Alberta Inc. (Renee Kaur) for the land located at NE-15-26-03-W05M. I cannot locate any notification I received of this planned subdivision and have to assume that it was "lost" in the mail somewhere. I only learned of this issue yesterday (July 2nd) from our neighbour who has previously expressed their concern over this application. I would like to add my support to Bryan and his concerns about the ongoing development and toe approval of this new subdivision.

I wholeheartedly object to this change as one of the two residents who are most impacted by this application. These properties in question are adjacent to my property (32183 Willow Way), and I have serious concerns about reviews that have taken place as well as the sudden significant development that is occurring in our area all at once. In the last 6 years there has been a single home constructed and we are now faced with 7 or 8 planned constructions imminently.

Wildlife has been a significant part of the community and we are next to the paths of several herds of elk , moose and der. All of these species use this area as a part of their calf rearing activities and I question how the destruction of these areas will benefit the species in the area, other than pushing them onto local highways and creating increased danger for the animals and drivers. I would request that a wildlife management plan be explored and understood to determine how it will impact the community, local species and potentially increase danger to the residents and commuters.

The area under development proposal has several standing ponds of water that are home to species of amphibians. I would question if these are breeding grounds for any of the at risk species in Alberta including the Canadian Toad, Great Plains Toad, Northern Leopard frog, or plains spadefoot. I believe that I have located several members of the Northern Leopard frog in my yard over the years and believe this area may be a natural habitat for them.

Local infrastructure has been problematic lately, with the road ways requiring regular patch rework and many holes appearing yearly. Additional residential and construction traffic will exacerbate the issue and require increased maintenance for the roads that are already under heavy repair. The owners of this property have already taken to parking heavy machinery, and several construction vehicles on the road, blocking all traffic exiting the community along Willow Way. They appear to be unconcerned about the dangers they are creating by forcing

drivers into a lengthy one way stretch with no oversight or control.

The water coop system needs to be examined as we have noticed a significant drop in pressure serves in the last 2 years. These additional homes added to the potable water system will certainly produce additional strain on the system and I would request a comprehensive analysis that current services will not be impacted or threatened. The additional concern for fire suppression systems and the ability to address emergency situations with adequate water pressure is also an issue.

Many of us work from home in this region and are dependent on internet services to be productive. Telus informed me last year that they had refocused their cellular hub service away from our area, towards the higher value Airdrie community, and as such no additional Telus home service licenses were available and network performance would suffer. Xplornet offers a similar service that is limited in both upload and download capacity. Additional homes in the area will certainly impact the service quality, potentially making the ability to work locally, or operate existing businesses in the area unreliable or impossible. I would request a comprehensive examination of a plan to maintain and improve the internet to meet the Government of Canada's goal of for all Canadians to have access to high-speed Internet of at least 50 megabits per second (Mbps) download and 10 Mbps upload speeds as Canada's telecom regulator has declared broadband internet access a basic service across the country. (<https://ised-isde.canada.ca/site/high-speed-internet-canada/en/progress-toward-universal-access-high-speed-internet>). In the last years, the quality of service has degraded and appears to be going in the wrong direction with no plan to address this issue.

There are many children in the community and access to local schools is limited. Determining the ability of the elementary and high schools to continue to support a growing adolescent base is critical to the social and developmental needs of the current population in the area. Bus capacity, classroom size and access to services for children needs to be clearly understood and a plan developed if additional families are expected to move into the area. Education and schools planning should be addressed along with transportation and planning for both elementary and highschool.

For all of these reasons and several more, I echo Bryan Regular's call for the Planning Services Department to reconsider the approval of this subdivision application until a detailed environmental impact assessment (EIA) is conducted. This assessment should include:

1. **Ecological Impact:** Evaluating the potential effects on local wildlife and plant species.
2. **Water Resources:** Assessing the impact on local water tables and drainage systems.
3. **Community Infrastructure:** Reviewing the capacity of existing infrastructure to support additional development.

4. **Cultural Significance:** Ensuring that any development respects and preserves cultural and historical sites.

The sudden development of 7 or 8 new family homes in the area is a significant burden on a small community and should not be underestimated. The fact that one developer is focused on these potentially profitable locations while overlooking the environmental, social and economic effects to the existing residents should not be ignored. These developments and any further increases in the number of potential homes in the area will have a significant impact on sustainability, and quality of life. Continued development must be sustainable and avoid compromising the environmental integrity or quality of life for current and future residents.

Jay Jastrebski



From: [Bryan Regular](#)
To: [Carter Shelton](#)
Subject: Subdivision application PL20240003
Date: June 22, 2024 5:54:18 PM

Dear **Rocky View** County Planning Services,

I am writing to express my concerns regarding the subdivision application PL20240003 submitted by 2275958 Alberta Inc. (Renee Kaur) for the land located at NE-15-26-03-W05M. As a concerned community member and landowner, I believe that approving this application without thorough consideration and additional studies could lead to significant negative impacts on our environment and community.

Environmental Impact and Community Concerns

Firstly, the proposed subdivision could exacerbate existing environmental issues. Similar subdivisions in Alberta have led to severe environmental degradation, including loss of wildlife habitat, increased water usage, and higher levels of pollution. For example, the case of Fort McMurray highlighted how land development contributed to devastating wildfires, worsened by climate change and poor land management practices ([UBC Open Cases](#)) ([Alberta Enviro Laws](#)). Additionally, projects supported by the Alberta Ecotrust Foundation have demonstrated the importance of sustainable development and the need for thorough environmental assessments to avoid long-term damage ([Alberta Ecotrust Foundation](#)).

Community and Social Impact

The development could significantly impact the local community and social structure. Increased noise pollution, traffic congestion, and strain on public services can adversely affect residents' quality of life. Such developments often lead to a higher demand for schools, healthcare, and emergency services, which might not be adequately planned for, causing community-wide inconvenience and potential safety issues ([UBC Open Cases](#)) ([Alberta Enviro Laws](#)).

Cultural Impact Infrastructure and Services

It is also noteworthy that this particular land has already been subdivided into two 4-acre lots. Approving further subdivision without comprehensive studies could place undue strain on local infrastructure, including roads, water supply, and sewage systems. In other comparable areas, inadequate infrastructure has led to significant issues, including traffic congestion and reduced quality of life for residents ([UBC Open Cases](#)).

Request for Comprehensive Environmental Assessment

Given these concerns, I strongly urge the Planning Services Department to reconsider the approval of this subdivision application until a detailed environmental impact assessment (EIA) is conducted. This assessment should include:

1. **Ecological Impact:** Evaluating the potential effects on local wildlife and plant species.

2. **Water Resources:** Assessing the impact on local water tables and drainage systems.
3. **Community Infrastructure:** Reviewing the capacity of existing infrastructure to support additional development.
4. **Cultural Significance:** Ensuring that any development respects and preserves cultural and historical sites.

By conducting these studies, the county can ensure that any development is sustainable and does not compromise the environmental integrity or quality of life for current and future residents.

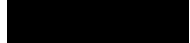
Thank you for considering my concerns. I hope that the county will prioritize thorough environmental testing and community welfare before proceeding with this subdivision application.

Sincerely,

Sources:

- [Open Case Studies - Fort McMurray and the Fires of Climate Change](#)
- [Alberta Environmental Laws 101 - Climate Case Studies](#)
- [Alberta Ecotrust Foundation - Environmental Impact Grants](#)
- [Environmental Law Centre - Environmental Assessments Guide](#)

Bryan Regular



October 11, 2024

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

Re: PL20240093 –Subdivision Application–Hearing date March 22, 2024 – Condition 3 and 4

Dear Councillors Boehlke, Hanson, Kissel, Kochan, Samra, Schule, and Wright

If Council wishes to proceed with the road acquisition, and if any other person wishes to sub-divide and build the road, that no cost recovery should be requested from the owners of the subject lands. That is only fair since we are providing 2 acres to build the road, and other persons will benefit. Hopefully this can be added as a condition to the road acquisition agreement.

Yours sincerely,



Renee Kaur

ATTACHMENT E: POLICY REVIEW

Definitions		
Consistent	Generally Consistent	Inconsistent
Clearly meets the relevant requirements and intent of the policy.	Meets the overall intent of the policy and any areas of inconsistency are not critical to the delivery of appropriate development.	Clear misalignment with the relevant requirements of the policy that may create planning, technical or other challenges.

Regional Growth Plan	
Blueprint for Growth – Rural and Country Cluster Placetype	
3.1.5.2	<i>Rural and Country Cluster Placetype, when it is not clustered shall comply with the following: (a) the development shall not be located within a Preferred Growth Area; and (b) the maximum Density is 1.2 dwelling units /hectare (0.5 dwelling units/acre).</i>
Consistent	The subject land is not located within a preferred growth area and the future density upon subdivision registration is approximately 0.25 dwelling units/acre.
Blueprint for Growth – Locational Criteria for Placetypes	
3.1.7.2	<i>The Rural and Country Cluster Placetype shall not be located in Preferred Growth Areas.</i>
Consistent	The subject lands are not located within a preferred growth area, and the subject application largely aligns with the Rural and Country Cluster Placetype, despite the configuration not considered clustered.

Municipal Development Plan (County Plan)	
Managing Residential Growth – Country Residential	
5.8	<i>Support the development of existing country residential communities (identified on Map 1) in accordance with their area structure plan.</i>
Consistent	The subject parcel is located within the identified existing country residential community of Bearspaw; therefore, the applications' alignment with the Bearspaw ASP complies with Policy 5.8 of the County Plan.
Financial Sustainability – Development	
6.2	<i>On-site and off-site hard infrastructure costs related to new development are the developer's responsibility.</i>
Consistent	The recommended conditions of approval included within Attachment F ensure the on-site improvements relating to potable water, sanitary servicing, and off-site levies are completed prior to final endorsement and registration of the proposed new lot(s).
6.4	<i>All identified hard infrastructure, or land necessary for infrastructure placement, shall be provided by the developer as part of the subdivision or development permit approval process.</i>
Consistent	While no physical land dedication for road infrastructure is contemplated through the subject approval, potential future road connectivity in the area is accounted for through the inclusion of recommended condition to enter a road acquisition agreement.
Country Residential Development – Country Residential Communities	
10.1	<i>Development within Greater Bragg Creek, Bearspaw, North and Central Springbank, Elbow Valley, Balzac East (Sharp Hills/Butte Hills), Cochrane North, and Glenbow Ranch shall conform to their relevant area structure plan.</i>

Consistent	The application aligns with the goals and policies of the applicable Bearspaw Area Structure Plan, as highlighted below.
10.4	<i>Country residential development shall address the development review criteria identified in section 29.</i>
Consistent	The recommended conditions of approval included within Attachment F ensure the proposed development meets the technical review criteria identified in section 29 of the County Plan.
Reserves – Municipal, School, and Community Reserves	
13.1	<i>When acquiring reserves, the County shall require that the owners of land proposed for subdivision provide reserves in the form of:</i> a. <i>land;</i> b. <i>money in place of land; or</i> c. <i>a combination of land and money.</i>
Consistent	The recommended conditions of approval include the provision of Municipal Reserve as cash-in-lieu in accordance with the appraisal provided by the applicant.
Transportation – Road Planning and Development	
16.4	<i>Road network development shall be based on existing development, future growth areas, area structure plans, and interconnectivity with adjacent municipalities.</i>
Generally Consistent	The proposed panhandle access is deemed appropriate based on the current level of density being considered. Future subdivision applications would require the submission of a concept plan to guide the development of further density in the area. Inclusion of a road acquisition agreement provides potential framework for interconnectivity in the area should further development occur.
Transportation – Road Access	
16.13	<i>Residential redesignation and subdivision applications should provide for development that:</i> a. <i>provides direct access to a road, while avoiding the use of panhandles;</i> b. <i>minimizes driveway length to highways/roads;</i> c. <i>removes and replaces panhandles with an internal road network when additional residential development is proposed; and</i> d. <i>limits the number and type of access onto roads in accordance with County Policy.</i>
Generally Consistent	Through registration of the previous subdivision of the subject property (PL20230101) a panhandle of 25.0m width was created, and three separate approaches were constructed. The further division of the current panhandle is generally discouraged; however, the recommended road acquisition agreement protecting future potential road connectivity should further subdivision be proposed aligns with 16.13(c).
Utility Services – General	
17.1	<i>New development shall, in accordance with master plans:</i> a. <i>make use of, extend, and enhance existing utility infrastructure where feasible;</i> b. <i>provide water, wastewater, and shallow utility services; and</i> c. <i>provide stormwater systems where necessary.</i>
Consistent	The recommended conditions of approval included within Attachment F ensure connection to future regional utility infrastructure when that becomes available while considering the potential future expansion of the County's transportation network. Provision of potable water via piped Rocky View Water Co-Op infrastructure is required to be confirmed thorough the endorsement process. The existing Site Improvement/Site Servicing Agreement registered on the subject lands ensure adherence to overarching stormwater management plans.

Bears paw Area Structure Plan C-4129-93	
7.0 Land Use and Phasing	
7.1 Land Use	
7.1.4	<i>When considering applications for subdivision approval, the Municipality shall confirm that the proposal is in conformity with Figure 7 and the applicable provisions of this Plan.</i>
Consistent	The subject lands are located within an area identified as future Country Residential land use in accordance with Figure 7, as such the applications conformity to relevant residential subdivision policies are further evaluated below.
7.2 Phasing	
7.2.1	<i>To facilitate a logical, efficient and planned development pattern within the Plan Area and to reflect public input, Phasing has been established in Figure 8. Appendix B provides the general criteria for determining Development Priority Areas.</i>
Consistent	The subject lands are located within Development Priority Area 1 recommended for concept plan submission as indicated by Figures 8, and 3.
8.0 Plan Policies	
8.1 Country Residential	
General Land Use	
8.1.1	<i>Country residential land uses may be considered appropriate within the Plan Area subject to the provisions of this Plan.</i>
Consistent	The subject lands are located within an area identified as future Country Residential land use in accordance with Figure 7, as such the applications conformity to relevant residential subdivision policies are further evaluated below.
Phasing	
8.1.8	<i>Country residential land uses as illustrated in Figure 7, should develop in accordance with the phasing sequence identified in Figure 8. Country residential development proposing to proceed out of phase shall be required to provide rationale for the proposal in accordance with the provisions of this Plan and as may be required by the Municipality.</i>
Consistent	The subject parcel is located within Development Priority Area 1 identified for country residential development in accordance with the subdivision policies reviewed below.
Concept Plans	
8.1.9	<i>Figure 3 identifies lands within the Plan Area where the preparation of Concept Plans is required prior to the redesignation of these lands for country residential land use.</i>
Consistent	The subject lands are recommended to be guided by the preparation of concept plan submissions to support country residential development. The proposal creates parcels of sizes above the minimum threshold considered by policy 8.1.20, therefore in accordance with policy 8.1.21 a concept plan submission is not requested for the proposed single additional lot being created.
Subdivision	
8.1.16	<i>Applications for subdivision approval that propose country residential land uses shall be considered pursuant to the provisions of Figure 7 and attendant Plan policies.</i>

Consistent	The subject lands are located within an area identified as future Country Residential land use in accordance with Figure 7, as such the applications conformity to relevant residential subdivision policies are further evaluated below.
8.1.19	<i>When considering applications for subdivision approval, the Municipality should evaluate tentative plans of subdivision in terms of the following considerations:</i> <i>a) the natural condition of the lands proposed for subdivision and the manner in which these conditions (ie. topography, environmentally sensitive areas, etc.) have been integrated into the design of the tentative plan of subdivision;</i> <i>b) the serviceability of the proposed parcels by private and public utilities;</i> <i>c) the suitability of each of the proposed parcels to accommodate a building site of sufficient area to permit the development of a residential building and ancillary structures;</i> <i>d) the context of the lands proposed for subdivision and the compatibility of the proposed design with adjacent lands including, but not limited to, site conditions, parcel sizes, visual impact, etc.;</i> <i>e) the intensification potential of the tentative plan of subdivision and the flexibility of the proposed design to accommodate future subdivision;</i> <i>f) the conformity of the tentative plan of subdivision with any Concept Plan prepared and/or adopted pursuant to the provisions of this Plan;</i> <i>g) the design of the proposed road system having regard for Municipal Engineering Standards and integration with the Municipal and Provincial road hierarchy;</i> <i>h) conformity to this Plan, which may necessitate an amendment to the Plan;</i> <i>i) any other matter deemed appropriate by the Municipality.</i>
Consistent	The serviceability of the proposed lots relating to potable water, waste water, and storm water has been evaluated and considered to align with the relevant technical standards of service provision. The proposed parcels have the ability to accommodate residential building sites on each lot, and flexibility to accommodate further subdivision in the area has been accounted for through the recommended conditions of approval including the registration of a road acquisition agreement across the subject lands.
8.1.20	<i>Within the country residential areas identified in Figure 7, the minimum parcel size should not be less than four (4) acres.</i>
Consistent	The proposed parcel configuration results in two parcels approximately 4.25 acres in size.
8.1.21	<i>Notwithstanding Policy 8.1.20 and Figure 3, the Municipality may consider redesignation proposals and/or application for subdivision contemplating parcel sizes of less than four (4) acres in size, provided these proposals are supported by a Concept Plan that is prepared and adopted pursuant to the provisions of this Plan.</i>
Not Applicable	In conjunction with the review of policy 8.1.9 above, the preparation of a concept plan is not requested by Administration to support the subject application.
8.1.22	<i>Where a tentative plan of subdivision proposes panhandle access, the Municipality may consider this design element appropriate only where topographic conditions preclude other design solutions.</i>
Generally Consistent	The current existing panhandle of 25.0m width was deemed appropriate in order to avoid onsite wetlands within the adjacent two 4 acre parcels at the time the subject parcel was created. The further division of the subject panhandle may be appropriate, however it should be noted that any further density beyond the current proposal would be required to be serviced via local internal subdivision road, which is accounted for in the recommended conditions of approval included within Attachment F.

8.1.24	<i>Where a tentative plan of subdivision proposes a dead end cul-de-sac, the design and length of the cul-de-sac should sufficiently accommodate emergency vehicle access, or alternate provisions for emergency vehicle access shall be provided.</i>
Not Applicable	Should the Subdivision Authority wish to consider the alternate conditions of approval included as Attachment G, future subdivision proposals in the area may create a dead end cul-de-sac as illustrated by the road acquisition area identified on the tentative plan associated with the Alternate conditions of approval.
8.1.25	<i>Applications for subdivision approval shall be subject to the Municipal Reserve provisions of the Planning Act and this Plan.</i>
Consistent	Municipal reserve is to be provided as cash-in-lieu equivalent to 10% of the parcel(s) area in accordance with the appraisal submitted with the application prepared by Black Valuation Group Ltd.
8.5 Transportation	
General	
8.5.1	<i>Figure 5 identifies the municipal road hierarchy for the Plan Area.</i>
Consistent	The subject lands are accessed via local internal roads, and the parcel configuration including a 25.0m width panhandle is appropriate for future road development in the area, supporting the integration of local roads with the area's wider collector roads and transportation network.
8.5.2	<i>The Municipality favours the long term maintenance of the existing grid network for all Major and Minor Collector Roads. Proposed internal local roads, shall integrate within the Municipality's Transportation Network.</i>
Consistent	The recommended conditions of approval implement the future integration of local subdivision roads with the existing transportation network through the registration of a road acquisition agreement.
8.9 Servicing and Utilities	
8.9.1	<i>The provision of water to subdivisions within the Plan Area shall be in accordance with policy established by Council and the guidelines established by Alberta Environmental Protection.</i>
Consistent	The application provided confirmation of piped potable water servicing capacity from the Rocky View Water Co-op. Potable water infrastructure will be extended/constructed through the subdivision endorsement and registration process.
8.9.2	<i>Sewage disposal and/or treatment shall be handled on a site-specific basis in accordance with guidelines established by Alberta Labour and Alberta Environmental Protection.</i>
Consistent	A PSTS Level 2 Assessment was provided by the applicant and reviewed and accepted by Administration.
8.9.5	<i>Where the Municipality considers it appropriate, the extension of infrastructure required to service a proposed subdivision shall be the responsibility of the applicant for subdivision approval.</i>
Consistent	Potable water infrastructure will be extended/constructed through the subdivision endorsement and registration process. Road acquisition agreement will concurrently be registered to protect the County's interest & future transportation network.

Land Use Bylaw C-8000-2020	
Residential, Rural Residential District	
319	<p><i>MINIMUM PARCEL SIZE:</i></p> <p>a) 1.6 ha (3.95 ac)</p> <p>b) <i>The minimum size of parcels designated with the letter “p” is the number indicated on the Land Use Map</i></p> <p>c) <i>Notwithstanding b), the number following the “p” shall not be less than 1.6 ha (3.95 ac)</i></p>
Consistent	Both of the proposed Lots 1 (1.72 hectare) and 2 (1.71 hectare) exceed the minimum 1.6 hectare size restriction of the R-RUR designation.

Matters Related to Subdivision and Development Regulation	
Part 3 Subdivision and Development Conditions	
11	<p><i>Every proposed subdivision must provide to each lot to be created by it</i></p> <p><i>(a) direct access to a road as defined in section 616(aa) of the Act, or</i></p> <p><i>(b) lawful means of access satisfactory to the subdivision authority.</i></p>
Consistent	Direct physical access is available via existing approach from Willow Way, with the proposal indicating both of the proposed lots to utilize this approach. Mutual access easement and right of way plan is to be registered as a recommended condition of approval, covering legal access to both lots via the single existing approach.

Municipal Government Act (MGA)	
Section 654	
654(1)	<p><i>A subdivision authority must not approve an application for subdivision approval unless</i></p> <p><i>(a) the land that is proposed to be subdivided is, in the opinion of the subdivision authority, suitable for the purpose for which the subdivision is intended,</i></p> <p><i>(b) the proposed subdivision conforms to the provisions of any growth plan under Part 17.1, any statutory plan and, subject to subsection (2), any land use bylaw that affects the land proposed to be subdivided,</i></p> <p><i>(c) the proposed subdivision complies with this Part and Part 17.1 and the regulations under those Parts, and</i></p> <p><i>(d) all outstanding property taxes on the land proposed to be subdivided have been paid to the municipality where the land is located or arrangements satisfactory to the municipality have been made for their payment pursuant to Part 10.</i></p>
Consistent	The application is consistent with the County Plan and Bears paw Area Structure Plan - the relevant statutory plans as described above; therefore aligning with Section 654(1)(b).

ATTACHMENT F: RECOMMENDED CONDITIONS OF APPROVAL

- A. THAT the application to subdivide a ± 1.72 hectare (± 4.25 acre) parcel with a ± 1.71 hectare (± 4.24 acre) remainder from Lot: 14 Block: 9 Plan: 2411003 within NE-15-26-03-W05M, having been evaluated in terms of Section 654 of the *Municipal Government Act* and Sections 9, 18, and 19 of the *Matters Related to Subdivision and Development Regulation*, and the *Municipal Development Plan (County Plan)*, and having considered adjacent landowner submissions, is approved as per the Tentative Plan for the reasons listed below:
1. The application is consistent with the Statutory Policy;
 2. The subject lands hold the appropriate land use designation;
 3. The technical aspects of the subdivision proposal have been considered and are further addressed through the conditional approval requirements.
- B. The Applicant/Owner is required, at their expense, to complete all conditions attached to and forming part of this conditional subdivision approval prior to Rocky View County (the County) authorizing final subdivision endorsement. This requires submitting all documentation required to demonstrate each specific condition has been met, or agreements (and necessary securities) have been provided to ensure the conditions will be met, in accordance with all County Policies, Standards, and Procedures, to the satisfaction of the County, and any other additional party named within a specific condition. Technical reports required to be submitted as part of the conditions must be prepared by a qualified professional, licensed to practice in the province of Alberta within the appropriate field of practice. The conditions of this subdivision approval do not absolve an Applicant/Owner from ensuring all permits, licenses, or approvals required by Federal, Provincial, or other jurisdictions are obtained.
- C. In accordance with Section 20(1) of the *Matters Related to Subdivision and Development Regulation*, the Subdivision Authority, with authorization from Alberta Transportation and Economic Development on behalf of the Minister of Transportation, varies the requirements of Sections 18 with regards to subdivision approvals within the prescribed distance from a highway right of way.
- D. In accordance with Section 654(2) the Subdivision Authority is of the opinion that the proposed subdivision would not unduly interfere with the amenities of the neighbourhood, or materially interfere with or affect the use, enjoyment, or value of neighbouring parcel of land; and the proposed subdivision conforms with the use prescribed for that land in the land use bylaw.
- E. Further, in accordance with Section 654 and 655 of the *Municipal Government Act*, the application shall be approved subject to the following conditions of approval:

Survey Plans

- 1) Subdivision is to be effected by a Plan of Survey, pursuant to Section 657 of the *Municipal Government Act*, or such other means satisfactory to the Registrar of the South Alberta Land Titles District.
 - a) A Plan of Survey, including the Application number (PL20240093) and Roll number (06715024) of the parcel;
 - b) Landowner's Consent to Register Plan of Survey.

Transportation and Access

- 2) Access to the proposed Lot 1 and 2 is via an existing mutual approach off of Willow Way. The Owner shall:
 - a) Provide an access right of way plan; and

- b) Prepare and register respective easements for the mutual approach on each Land Title for each of the proposed two new lots.
- 3) The Owner is to enter into a Road Acquisition Agreement with the County, to be registered by Caveat on the title of the proposed Lot 1 and 2, to serve as notice that those lands are intended for future development as a County road, as per the approved Tentative Plan. The Agreement shall include:
 - a) The provision of approximately \pm 2.90 acres road acquisition across the area of the existing panhandle and extending south approximately 182m in length, and 25.0m in width, centered along the proposed boundary line, to the southern boundary of the proposed Lots 1 and 2;
 - b) Land is to be purchased for \$1.00 by the County.
- 4) The Owner is to enter into a Restrictive Covenant, to be registered by Caveat prepared by the County, on the title of proposed Lot 1 and 2, that restricts the erection of any structure on or within 15.0 metres of a future road right-of-way, as shown on the approved Tentative Plan.

Site Servicing

- 5) The Owner is to provide confirmation of the tie-in for connection to Rocky View Water Co-op. This includes providing the following information:
 - a) The completion of all paperwork for potable water supply allocation e.g. Water Service Agreement;
 - b) The payment of all necessary fees for the purchase of required capacity units for the proposed subdivision;
 - c) The allocation and reservation of the necessary capacity;
 - d) The obligations of the Owner and/or utility to bring water lines to the subdivision (i.e. whether the water utility is to construct the water line to the limits of the subdivision and applicant is to construct all internal water lines, or whether the water utility will be responsible for all connections to individual lots, etc.).
- 6) The Owner is to enter into a Deferred Services Agreement with the County to be registered on title the proposed Lot 1 and 2, indicating:
 - a) Each future Lot Owner is required to connect to County piped water, wastewater, and stormwater systems at their cost when such services become available;
 - b) Requirements for the decommissioning and reclamation of the onsite water, wastewater and stormwater systems once County servicing becomes available.

Reserves

- 7) The provision of Municipal Reserve, in the amount of 10% of the area of Lots 1 and 2, is to be provided by payment of cash-in-lieu, in accordance with the appraisal report provided by Black Valuation Group, dated effective May 31, 2024, pursuant to Section 667(1) of the Municipal Government Act.

Payments and Levies

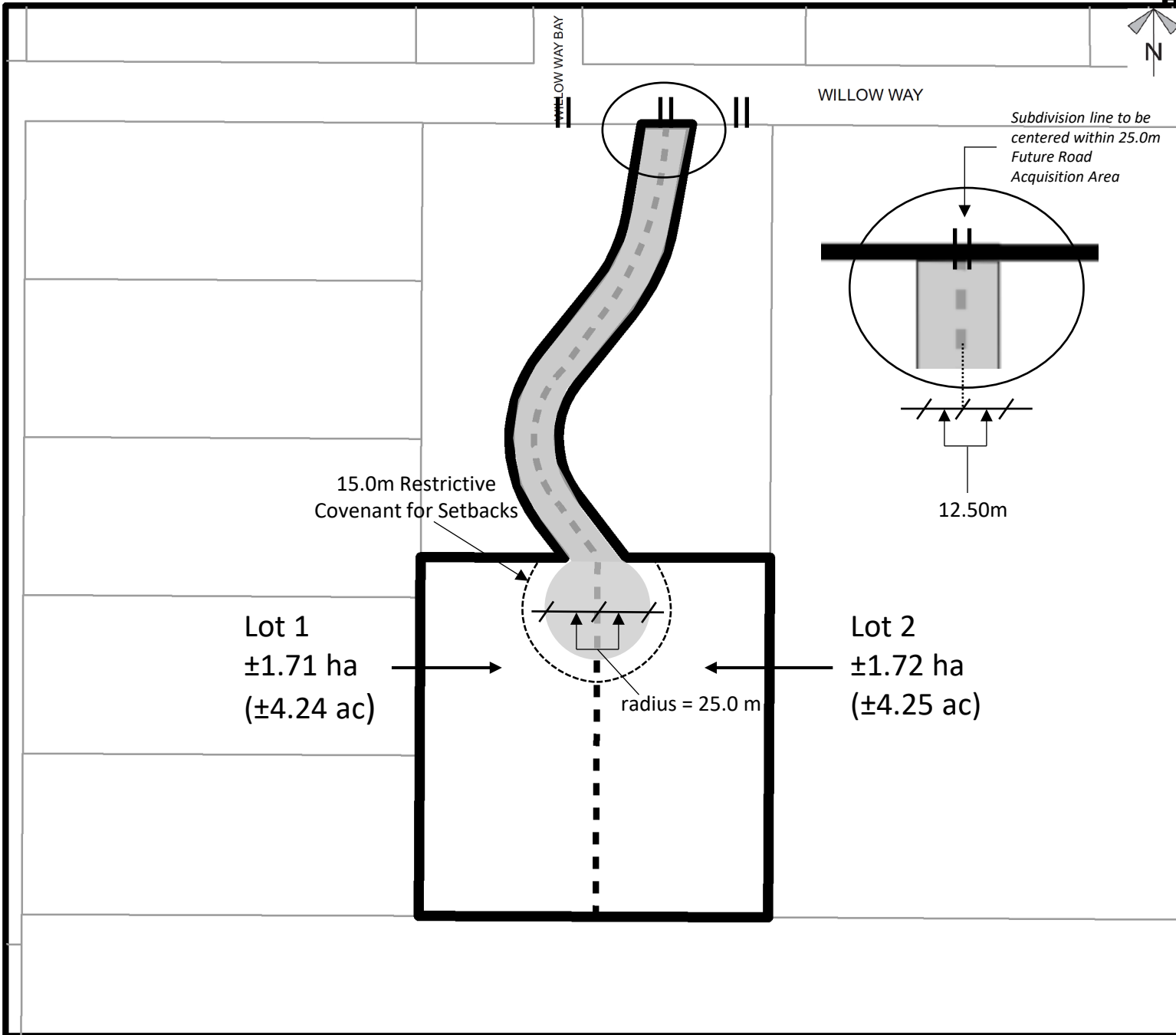
- 8) The Owner shall pay the Transportation Off-Site Levy in accordance with Bylaw C-8007-2020. The County shall calculate the total owing for the gross development area of Lots 1 and 2, as shown in the staff report and the approved Plan of Survey at time of endorsement.
- 9) The Owner shall pay the County subdivision endorsement fee, in accordance with the Master Rates Bylaw, for the creation of one (1) new Lot;

Taxes

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

F. 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.



Tentative Plan

Subdivision Proposal

To create a ± 1.72 hectare (±4.25 acre) parcel with a ± 1.71 hectare (± 4.24 acre) remainder.

Legend

- Existing Approach
- Road Acquisition

Surveyor's Notes:

1. Parcels must meet minimum size and setback requirements of Land Use Bylaw C-8000-2020.
2. Refer to Notice of Transmittal for approval conditions related to this Tentative Plan.

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