



COUNCIL MEETING AGENDA

Date: Tuesday, November 26, 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. November 12, 2024 Council Meeting Minutes

3

D. PUBLIC HEARINGS / APPOINTMENTS

The following public hearings were advertised on October 29, 2024 and November 5, 2024 on the Rocky View County website in accordance with the *Municipal Government Act* and *Public Notification Bylaw C-7860-2019*.

MORNING PUBLIC HEARINGS / APPOINTMENTS 9:00 AM

1. Division 3 - Bylaw C-8585-2024 - Direct Control Amendment Item: Residential

11

File: PL20240071 (10013172)

2. Division 3 - Bylaw C-8584-2024 - Direct Control Amendment Item: Residential

45

File: PL20240128 (10013317)

AFTERNOON PUBLIC HEARINGS / APPOINTMENTS 1:00 PM

3. Division 5 - Bylaw C-8512-2024 - Direct Control Amendment Item: Business

74

File: PL20240004 (06410068)

E. CLOSED SESSION

1. RVC2024-41 - Update to Sell County Lands – Cochrane Gravel Pit

THAT Council move into closed session to consider the confidential item "Update to Sell County Lands – Cochrane Gravel Pit" pursuant to the following sections of the *Freedom of Information and Protection of Privacy Act*:

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

2. RVC2024-43 - Council Code of Conduct Complaints - Final Reports from the Complaints Adjudicator

THAT Council move into closed session to consider the confidential item "Council Code of Conduct Complaints - Final Reports from the Complaints Adjudicator" pursuant to the following sections of the *Freedom of Information and Protection of Privacy Act*:

- Section 17 – Disclosure harmful to personal privacy
- Section 23 – Local public body confidences
- Section 24 – Advice from officials

- F. GENERAL BUSINESS**
- G. BYLAWS**
- H. SUBDIVISION APPLICATIONS**
- I. UNFINISHED BUSINESS**
- J. NOTICES OF MOTION**
- K. ADJOURN THE MEETING**



ROCKY VIEW COUNTY

COUNCIL MEETING MINUTES

Tuesday, November 12, 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 (participated electronically)
Councillor S. Wright

Also Present: R. McCullough, Chief Administrative Officer
B. Riemann, A/Chief Operating Officer, Infrastructure Services
I. Agbonkhese, A/Executive Director, Financial Services
B. Beach, A/Executive Director, Community Services
A. Zaluski, A/Executive Director, Corporate Services
T. Andreasen, A/Manager, Legislative Services
A. Latimer, Manager, Economic Development
M. Austen, A/Supervisor, Utility Services
L. Cox, Supervisor Planning and Development, Planning
A. Chell, Senior Planner, Planning
R. Deans, Utility Services Strategist, Utility Services
X. Deng, Senior Planner, Planning
M. Dollmaier, Senior Planner, Planning
B. Leyeza, Planner 2, Planning
C. Shelton, Planner, Planning
D. Wang, Planner 2, Planning
M. Nakonechny, Legislative Officer, Legislative Services

A Call Meeting to Order

The Chair called the meeting to order at 9:01 a.m.

B Updates/Approval of Agenda

MOVED by Deputy Reeve Kochan that the November 12, 2024 Council meeting agenda be approved as presented.

Carried



C-1 October 15, 2024 Organizational Meeting Minutes

MOVED by Councillor Hanson that the October 15, 2024 Organizational meeting minutes be approved as presented.

Carried

C-2 October 16, 2024 Special Council Meeting Minutes

MOVED by Councillor Hanson that the October 16, 2024 Special Council meeting minutes be approved as presented.

Carried

C-3 October 22, 2024 Council Meeting Minutes

MOVED by Councillor Hanson that the October 22, 2024 Special Council meeting minutes be approved as presented.

Carried

**D-1 Division 1 - Bylaw C-8581-2024 - Redesignation Item: Residential
File: PL20230157 (04618033)**

MOVED by Councillor Hanson that the public hearing for item D-1 be opened at 9:05 a.m.

Carried

Person(s) who presented: Yuhang (Alex) Jiang, Horizon Land Surveys Ltd.
(Applicant)
Clint Dalziel, on behalf of the Landowners

Person(s) who presented in support: None

Person(s) who presented in opposition: None

Persons(s) who presented rebuttal: None

MOVED by Councillor Hanson that the public hearing for item D-1 be closed at 9:26 a.m.

Carried

MOVED by Councillor Hanson that Bylaw C-8581-2024 be given first reading.

Carried

MOVED by Councillor Hanson that Bylaw C-8581-2024 be given second reading.

Carried

MOVED by Councillor Hanson that Bylaw C-8581-2024 be considered for third reading.

Carried Unanimously



MOVED by Councillor Hanson that Bylaw C-8581-2024 be given third and final reading.

Carried

The Chair called for a recess at 9:30 and called the meeting back to order at 9:34 a.m.

Councillor Schule was not present when the meeting was called back to order.

**D-2 Division 5 - Bylaw C-8578-2024 - Redesignation Item: Agricultural
File: PL20240002 (07533003)**

MOVED by Councillor Boehlke that the public hearing for item D-2 be opened at 9:34 a.m.

Carried

Absent: Councillor Schule

Councillor Schule returned to the meeting at 9:36 a.m.

Persons(s) who presented: Elan Lees (Applicant)

Person(s) who presented in support: None

Person(s) who presented in opposition: None

Persons(s) who presented rebuttal: None

MOVED by Councillor Boehlke that the public hearing for item D-2 be closed at 9:47 a.m.

Carried

MOVED by Councillor Boehlke that Bylaw C-8578-2024 be given first reading.

Carried

MOVED by Councillor Boehlke that Bylaw C-8578-2024 be given second reading.

Carried

MOVED by Councillor Boehlke that Bylaw C-8578-2024 be considered for third reading.

Carried Unanimously

MOVED by Councillor Boehlke that Bylaw C-8578-2024 be given third and final reading.

Carried



E-1 RVC2024-42 - Joint Planning Area 1 and 2 Context Studies Negotiating Mandate
File: RVC2024-42

MOVED by Councillor Wright that Council move into closed session at 9:50 a.m. to consider the confidential item "Joint Planning Area 1 and 2 Context Studies Negotiating Mandate" pursuant to the following sections of the *Freedom of Information and Protection of Privacy Act*:

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

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
B. Riemann, A/Chief Operating Officer, Infrastructure Services
B. Beach, A/Executive Director, Community Services
A. Zaluski, A/Executive Director, Corporate Services
D. LaFleche, Manager, Regional Planning
K. Andrew, Intergovernmental Advisor, Intergovernmental Services and Regional Planning

MOVED by Councillor Hanson that Council move into open session at 11:19 a.m.

Carried

MOVED by Deputy Reeve Kochan that County representatives on the Trilateral Joint Planning Area 1 Committee be directed to pursue good faith negotiations with the City of Airdrie and The City of Calgary for the contents of the Joint Planning Area 1 Context Study as per the mandate approved by Council in Closed Session Report RVC2024-42.

Carried

MOVED by Councillor Samra that County representatives on the Trilateral Joint Planning Area 2 Committee be directed to pursue good faith negotiations with the City of Airdrie and The City of Calgary for the contents of the Joint Planning Area 2 Context Study as per the mandate approved by Council in Closed Session Report RVC2024-42.

Carried

H-1 Division 1 - Subdivision Item: Agricultural
File: PL20230042 (04710001)

MOVED by Councillor Hanson that the owners be permitted to address the Subdivision Authority on item H-1 for 5 minutes in accordance with section 116 of the *Procedure Bylaw*.

Defeated

MOVED by Councillor Hanson that the applicants be permitted to address the Subdivision Authority on item H-1 for 5 minutes in accordance with section 116 of the *Procedure Bylaw*.

Defeated



The Chair called for a recess at 11:47 a.m. and called the meeting back to order at 11:56 a.m.

MOVED by Councillor Hanson that the Subdivision Authority refers application PL20230042 back to Administration to work with the applicants and the owners on the following revisions:

- to ensure that agricultural access for proposed Lots 1 and 2 is provided directly off of the existing Highway 8 access;
- to condition road use on the existing Elbow River Drive and its proposed new extension and residential use through the new extension is available.

Defeated

MOVED by Councillor Samra that the Subdivision Authority approves application PL20230042 with the conditions noted in Attachment F.

Defeated

The Chair called for a recess at 12:06 p.m. and called the meeting back to order at 1:06 p.m.

MOVED by Councillor Wright that subdivision application PL20230042 be refused for the following reasons:

- 1) The use of land in the vicinity of the subject proposal may conflict with the proposed subdivision in accordance with section 9(h) of the *Matters Related to Subdivision and Development Regulation*.
- 2) Access to the proposed subdivision was not satisfactory to the Subdivision Authority in accordance with Section 11(b) of the *Matters Related to Subdivision and Development Regulation*.

Carried

**D-3 Division 7 - Bylaw C-8579-2024 - Redesignation Item: Residential
File: PL20240091 (03215004)**

MOVED by Deputy Reeve Kochan that the public hearing for item D-3 be opened at 1:08 p.m.

Carried

| | |
|---------------------------|--|
| Persons(s) who presented: | Alan Boucher, BLV Development Management, on behalf of Pollyco Development Ltd. (Applicant/Owner) Bill Maher, Lee Maher Engineering, on behalf of Pollyco Development Ltd. (Applicant/Owner) |
|---------------------------|--|

Person(s) who presented in support: None

Person(s) who presented in opposition: None

| | |
|------------------------------------|---|
| Persons(s) who presented rebuttal: | Alan Boucher, BLV Development Management, on behalf of Pollyco Development Ltd. (Applicant/Owner) |
|------------------------------------|---|



MOVED by Councillor Schule that the public hearing for item D-3 be closed at 1:24 p.m. Carried

MOVED by Councillor Schule that Bylaw C-8579-2024 be given first reading. Carried

MOVED by Councillor Schule that Bylaw C-8579-2024 be given second reading. Carried

MOVED by Councillor Schule that Bylaw C-8579-2024 be considered for third reading. Carried Unanimously

MOVED by Councillor Schule that Bylaw C-8579-2024 be given third and final reading. Carried

The Chair called for a recess at 1:27 p.m. and called the meeting back to order at 1:33 p.m.

**F-1 All Divisions - SCADA Master Plan Partnership - Alberta Community Partnership Grant and Project Endorsement
File: 1025-450**

MOVED by Deputy Reeve Kochan that Rocky View County supports the Town of Crossfield and Rocky View County's application under the Alberta Community Partnership (ACP) program for the development of a Supervisory Control and Data Acquisition (SCADA) Master Plan;

AND THAT Council designates Rocky View County as the managing partner for the Supervisory Control and Data Acquisition (SCADA) Master Plan Alberta Community Partnership (ACP) program application.

Carried

**F-2 Division 6 - Beacon AI Hub Area Structure Plan Terms of Reference
File: 1011-475**

The Chair called for a recess at 2:04 p.m. and called the meeting back to order at 2:10 p.m.

MOVED by Councillor Boehlke that the Beacon AI Hub Area Structure Plan Terms of Reference as presented in Attachment A be amended as follows:

Strive to ensure that the overall development has a positive fiscal impact on the County, balancing assessment growth with service provision.

Carried

MOVED by Councillor Samra that Council approves the Beacon AI Hub Area Structure Plan Terms of Reference as presented in Attachment A, as amended.

Carried



MOVED by Councillor Samra that Council approves a budget adjustment of \$50,000 for the Beacon AI Hub Area Structure Plan project as presented in Attachment B.

Carried

**J-1 Division 5 - Notice of Motion Item - Councillor Boehlke and Councillor Schule - Direction to Review the OMNI Area Structure Plan
File: N/A**

This notice of motion was read into the Council record on November 12, 2024. The motion as read into the record will be debated on November 26, 2024.

- TITLE: Direction to Review the OMNI Area Structure Plan
- WHEREAS Council approved amendments to *Planning Project Prioritization Policy C-322* at the October 8, 2024 Council meeting, as well as approved a planning project ranking list that will guide the review of Rocky View County's area structure plans and other key planning documents;
- AND WHEREAS the approved planning project ranking list includes a review of the OMNI Area Structure Plan, which is ranked as the seventh priority out of fourteen on the approved planning project ranking list;
- AND WHEREAS the adopted OMNI Area Structure Plan is one of the County's key planning documents, and the Area Structure Plan area has the potential to support significant economic growth and sustainable community development within Rocky View County and the surrounding region;
- AND WHEREAS the Province of Alberta has funded an upgrade to the Airport Trail and Stoney Trail NE interchange, a significant investment in regional infrastructure that will provide a catalyst for growth within the OMNI Area Structure Plan;
- AND WHEREAS the OMNI Area Structure Plan could accommodate a mix of commercial, light industrial, agricultural, and residential land uses in accordance with the strategic objectives of the Calgary Metropolitan Region Board's Regional Growth Plan;
- AND WHEREAS a review of the OMNI Area Structure Plan would align with the goals of Council's Strategic Plan and Economic Development Strategy;
- AND WHEREAS Council may proceed with the creation of a Terms of Reference for a review of the OMNI Area Structure Plan under *Planning Project Prioritization Policy C-322* despite it being ranked as the seventh priority out of fourteen on the approved planning project ranking list;
- AND WHEREAS the majority landowner within the OMNI Area Structure Plan is prepared to finance a developer-funded amendment to the OMNI Area Structure Plan;



THEREFORE BE IT RESOLVED THAT Council direct Administration to prepare a terms of reference and budget request for a review of the OMNI Area Structure Plan.

K Adjourn the Meeting

MOVED by Councillor Samra that the November 12, 2024 Council meeting be adjourned at 2:17 p.m.

Carried

Reeve or Deputy Reeve

Chief Administrative Officer or designate



Direct Control Amendment Item: Residential

Electoral Division: 3

File: PL20240071 / 10013172

| | |
|-------------|-----------------------------|
| Date: | November 26, 2024 |
| Presenter: | Christine Berger, Planner 2 |
| Department: | Planning |

REPORT SUMMARY

The purpose of this report is to assess the proposed site-specific amendment to Direct Control Bylaw C-6586-2007 (DC-123) to allow the existing detached garage to have a minimum side yard setback of 2.16 metres (7.09 feet) instead of the current required 2.4 metres (7.87 feet) on the subject lands (Attachment A).

This application was evaluated pursuant to the policies of the Municipal District of Bighorn / Rocky View County Intermunicipal Development Plan (IDP), the Municipal Development Plan (County Plan), the CottageClub Ghost Lake Conceptual Scheme (CS), and the regulations of the Direct Control Bylaw C-6586-2007 (DC-123). The CottageClub Ghost Lake CS has a policy (12.0.1) stating that setbacks are to be established within the Direct Control District. The County Plan and the Municipal District of Bighorn / Rocky View County IDP are silent on property line setbacks.

The application is consistent with the intent of the IDP, County Plan, CS, and DC-123 and is not anticipated to create any adverse effects on County infrastructure or the environment.

ADMINISTRATION’S RECOMMENDATION

- THAT Bylaw C-8585-2024 be given first reading.
- THAT Bylaw C-8585-2024 be given second reading.
- THAT Bylaw C-8585-2024 be considered for third reading.
- THAT Bylaw C-8585-2024 be given third and final reading.

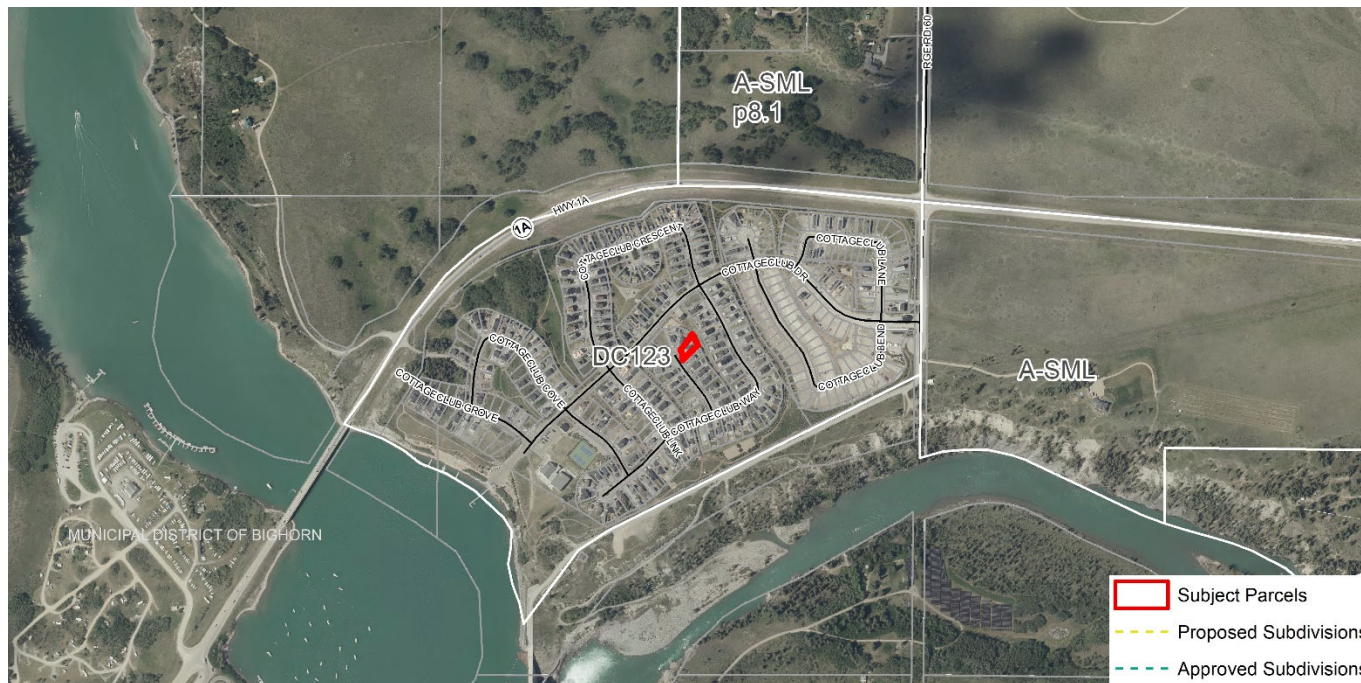


Direct Control Amendment Item: Residential

BACKGROUND

Location (Attachment A)

Located approximately 0.41 kilometres (0.25 miles) south of Highway 1A and 0.41 kilometres (0.25 miles) west of Range Road 60, within the CottageClub Ghost Lake Conceptual Scheme.



Site History (Attachment B)

On January 15, 2008, Council approved Direct Control Bylaw C-6586-2007 (DC-123) to provide a comprehensively planned 'recreation-based' residential development with limited service and seasonal occupancy. Since then, multiple amendments to the Bylaw have been approved to allow existing structures to remain.

On January 13, 2020, a building permit was issued for the single family dwelling.

On December 11, 2019, a building permit was issued for the detached garage.

Intermunicipal and Agency Circulation (Attachment C)

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

The application was circulated to the Municipal District of Bighorn in accordance with the Intermunicipal Development Plan (IDP) between the Municipal District of Bighorn and Rocky View County. The Municipal District of Bighorn did not provide comment.

Alberta Transportation and Economic Corridors was circulated due to the subject property's proximity to Highway 1A and have provided no concerns with the proposed application.

Landowner Circulation (Attachment D)

The application was circulated to 395 adjacent landowners in accordance with the *Municipal Government Act* and County Policy C-327 (Circulation and Notification Standards); two letters in opposition were received.

Direct Control Amendment Item: Residential

ANALYSIS

Policy Review (Attachment E)

The County Plan does not contain policies specific to building setbacks and the application aligns with the intent of Section 10.0 (Country Residential). The application was reviewed pursuant to the Municipal District of Bighorn / Rocky View County IDP, the CottageClub Ghost Lake CS, and DC-123 regulations; the application was found to be consistent with the intent and policies these documents. No adverse impacts to County infrastructure, the environment, or adjacent properties are anticipated.

There are no specific policies within the CottageClub Ghost Lake CS that speak to setbacks, rather, Policy 12.0.1 states that setbacks will be established by the Direct Control Bylaw. Furthermore, the application does not compromise the intent of the Conceptual Scheme, which includes objectives such as accommodating growth and change, creating safe and livable environments, and preservation and conservation of significant/sensitive environments.

Lastly, similar site-specific amendments within DC-123 have been approved by Council in the past to accommodate minor construction errors. DC-123 specifies a minimum side yard setback of 2.40 metres (7.87 feet).

| Year | Application Number | Bylaw No. | Structure Requiring Amendment | Variance Required/Granted |
|------|--|-------------|--|---|
| 2013 | 2013-RV-025 | C-7303-2013 | Dwelling, Single Detached & Accessory Building (detached garage) | 8.33% |
| 2023 | PL20230038 | C-8444-2023 | Dwelling, Single Detached | 1.67% |
| 2024 | PL20230024 | C-8506-2024 | Dwelling, Single Detached | 12.92% |
| 2024 | PL20230131 | C-8577-2024 | Detached Garage | 78.80% |
| 2024 | PL20240092 | C-8570-2024 | Dwelling, Single Detached Lean-to Shed | 5.83% (Dwelling); 41.67% (Shed) |
| 2024 | PL20240071 (Current proposal) | C-8585-2024 | Detached Garage | 10.00% |
| 2024 | PL20240128 (Item D-2 on November 26, 2024 Council Agenda) | C-8584-2024 | Dwelling, Single Detached Detached Garage | 2.16% (Dwelling); 34.56% (Detached Garage) |

COMMUNICATIONS / ENGAGEMENT

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

IMPLICATIONS

Financial

No financial implications identified at this time.

Direct Control Amendment Item: Residential

Enforcement

If the proposed application is not supported, the existing garage would not be in compliance and the garage would need to be moved, or altered, to meet the necessary property line setbacks or be removed from the property.

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
- Attachment E: Policy Review
- Attachment F: Draft Bylaw C-8585-2024
- Attachment G: DC-123 Redline with Proposed Amendments

APPROVALS

| | |
|-------------------------------|---------------------|
| Manager: | Dominic Kazmierczak |
| Acting Executive Director: | Dominic Kazmierczak |
| Chief Administrative Officer: | Reegan McCullough |



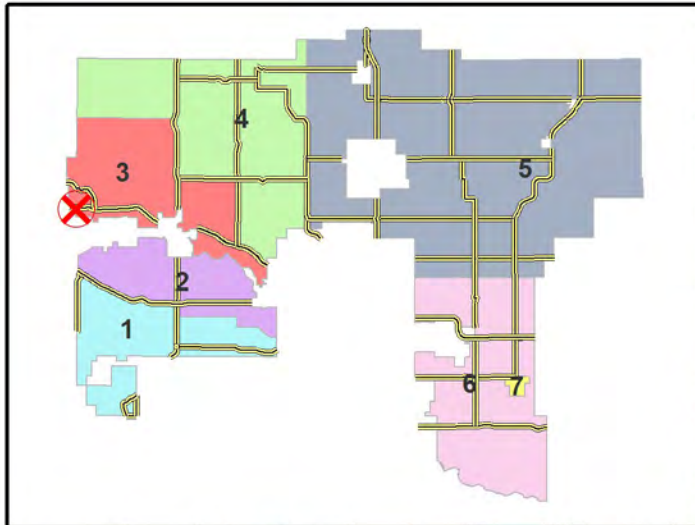


Location & Context

Site-Specific Amendment Proposal

A site-specific amendment to DC-123 Bylaw at 314 CottageClub Green (Unit 170, Plan 1111762) to reduce the minimum side yard setback to 2.16 metres (7.09 ft), instead of the current required minimum 2.40 metres (7.87 ft). The purpose of this amendment is to accommodate a garage that has already been built.

Division: 3
Roll: 10013172
File: PL20240071
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Development Proposal

Site-Specific Amendment Proposal

A site-specific amendment to DC-123 Bylaw at 314 CottageClub Green (Unit 170, Plan 1111762) to reduce the minimum side yard setback to 2.16 metres (7.09 ft), instead of the current required minimum 2.40 metres (7.87 ft). The purpose of this amendment is to accommodate a garage that has already been built.



Development
Proposal

Site-Specific
Amendment Proposal

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ABBREVIATIONS

- A--Arc Length
- Acc.--Accessory
- A/C--Air Conditioner
- Bldg--Building
- B/C--Back of Curb
- B/W--Back of Walk
- Calc.--Calculated
- Cant.--Cantilever
- Conc.--Concrete
- C.S.--Countersunk
- DH--Drill Hole
- Enc.--Encroaches
- Fd.--Found
- I.--Iron Post
- I.B.--Iron Bar
- M.A.--Maintenance Access
- Mk.--Mark
- O.D.--Overland Drainage
- P/L--Property Line
- R--Radius
- Reg.--Registration
- Ret.--Retaining
- R/W--Right of Way
- W/O--Walkout Basement
- W.W.--Window Wall

NOTE:

UNLESS NOTED OTHERWISE LINES OUTSIDE OF PROPERTY ARE NOT TO SCALE

The following items may not be shown on the RPR:
 -Detached sheds that are less than 10 sq.m.
 -Retaining walls or interior fences that do not define the property line
 -Hot tubs
 -Patios less than 0.80m in height
 -Planters, garden borders and ground level landscaping features
 -Ground level features covered by snow and ice

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Environmental

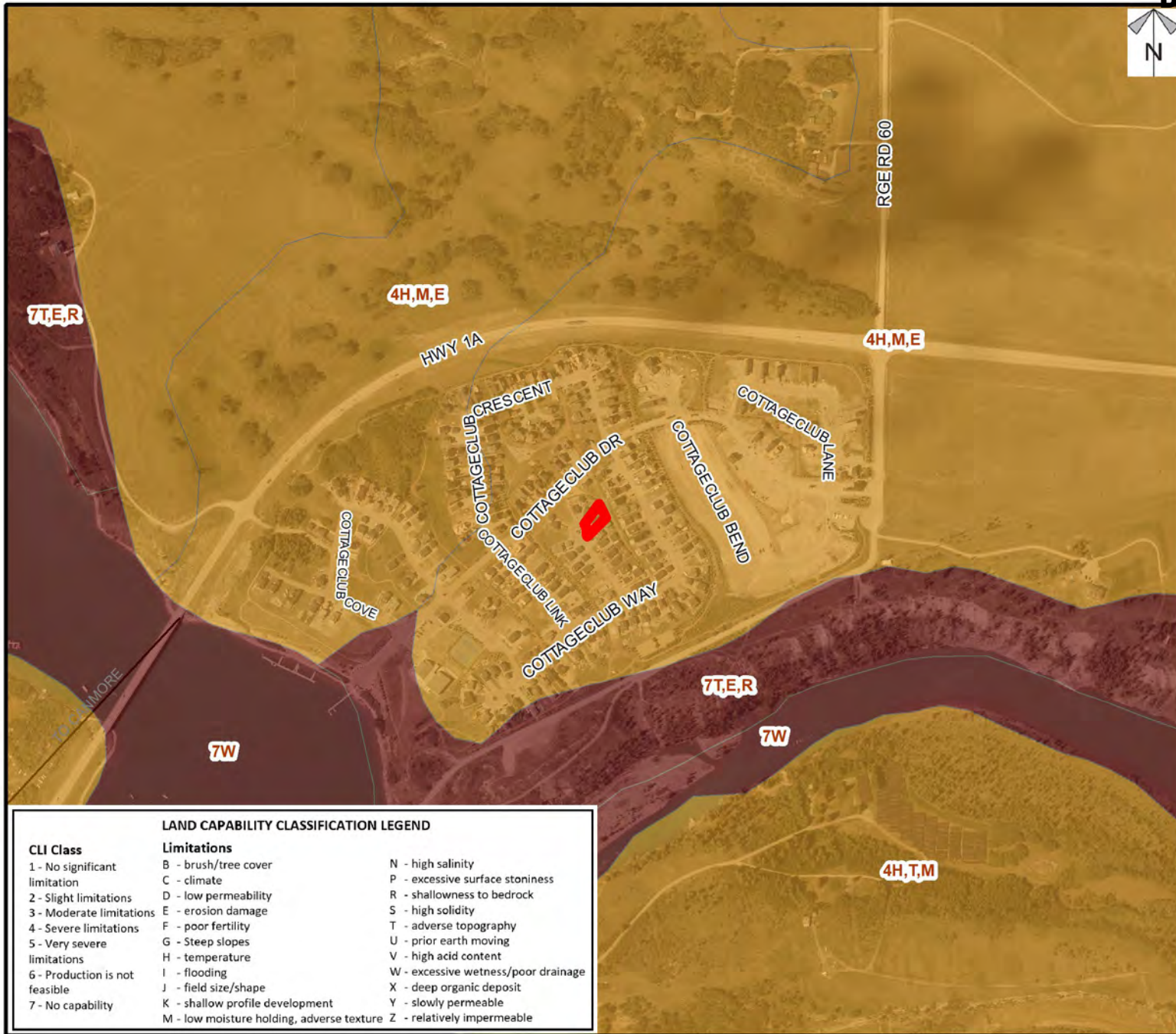
Site-Specific
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A site-specific amendment to DC-123 Bylaw at 314 CottageClub Green (Unit 170, Plan 1111762) to reduce the minimum side yard setback to 2.16 metres (7.09 ft), instead of the current required minimum 2.40 metres (7.87 ft). The purpose of this amendment is to accommodate a garage that has already been built.



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

Division: 3
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Soil Classifications

Site-Specific Amendment Proposal

A site-specific amendment to DC-123 Bylaw at 314 CottageClub Green (Unit 170, Plan 1111762) to reduce the minimum side yard setback to 2.16 metres (7.09 ft), instead of the current required minimum 2.40 metres (7.87 ft). The purpose of this amendment is to accommodate a garage that has already been built.

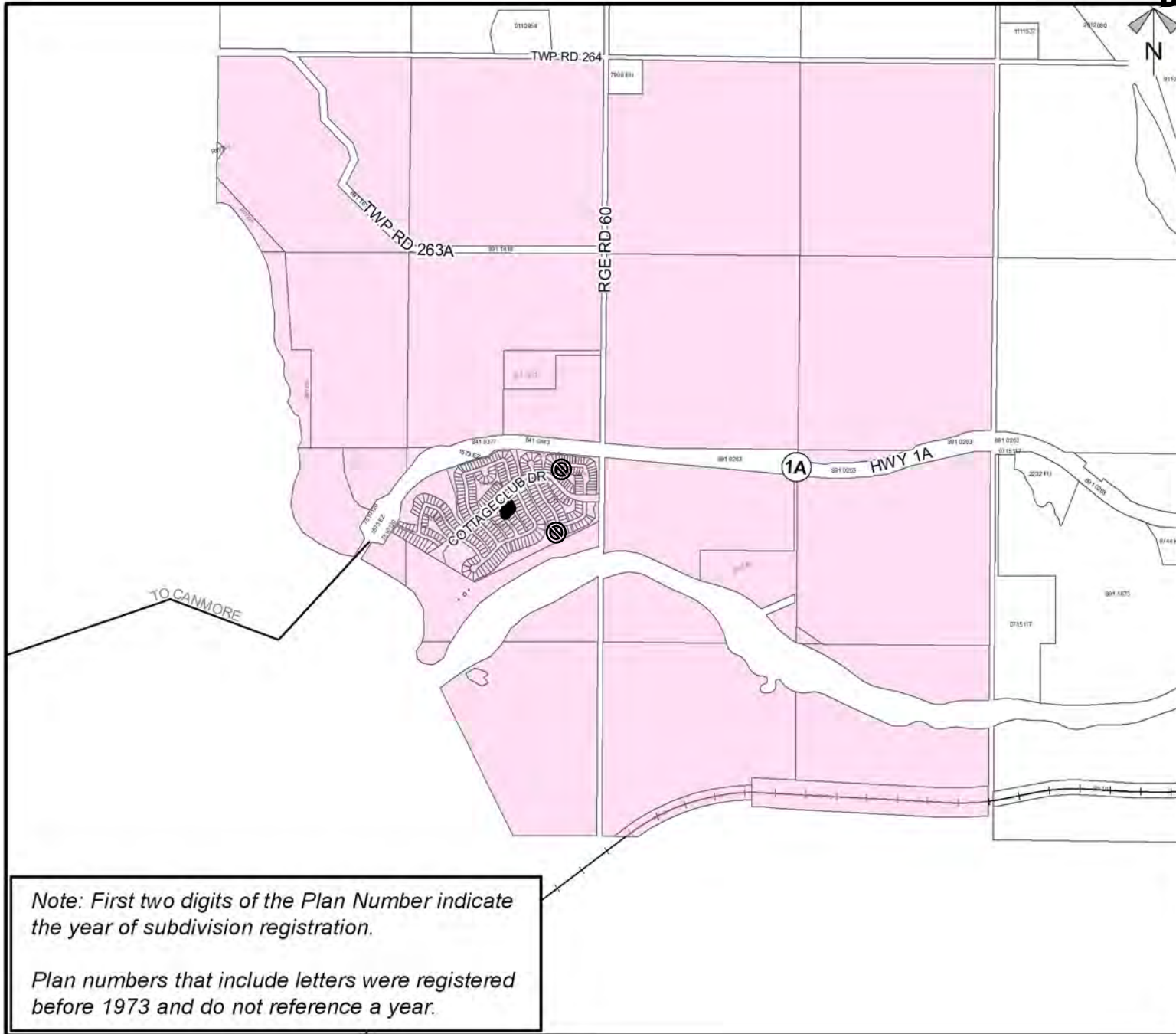
| LAND CAPABILITY CLASSIFICATION LEGEND | | |
|---------------------------------------|---|-------------------------------------|
| CLI Class | Limitations | |
| 1 - No significant limitation | B - brush/tree cover | N - high salinity |
| 2 - Slight limitations | C - climate | P - excessive surface stoniness |
| 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

Site-Specific Amendment Proposal

A site-specific amendment to DC-123 Bylaw at 314 CottageClub Green (Unit 170, Plan 1111762) to reduce the minimum side yard setback to 2.16 metres (7.09 ft), instead of the current required minimum 2.40 metres (7.87 ft). The purpose of this amendment is to accommodate a garage that has already been built.



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.

Division: 3
Roll: 10013172
File: PL20240071
Printed: 4/25/2024
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ATTACHMENT B: APPLICATION INFORMATION

| | |
|--|---|
| APPLICANT/OWNERS: Diane Hawkes / Tiberio Lopes | DATE APPLICATION RECEIVED: April 9, 2024 |
| GROSS AREA: ± 0.057 hectares (± 0.14 acres) | LEGAL DESCRIPTION: Unit 170, Plan 111 1762 within NE-13-26-06-W05M |
| Pre-Application Meeting Held: <input type="checkbox"/> | Meeting Date: N/A |
| SOILS (C.L.I. from A.R.C.): Severe limitations; temperature, low moisture holding & adverse texture, erosion damage. | |
| HISTORY: | |
| January 13, 2020: | Building permit no. PRBD20194177 issued, approving construction of the Dwelling, Single Detached on the subject lot. |
| December 11, 2019: | Building permit no. PRBD20194179 issued, approving construction of the Detached Garage on the subject lot. |
| 2013 – 2024: | Five separate applications for site-specific amendments relaxing minimum setback requirements for individual lots have been approved. |
| May 26, 2011: | Plan 111 1762 registered with the Alberta land titles office, creating the subject lot. |
| January 15, 2008: | Bylaw C-6857-2007 approved – Cottageclub Ghost Lake Conceptual Scheme adopted by Council. |
| TECHNICAL REPORTS SUBMITTED: | |
| <ul style="list-style-type: none"> • Not Applicable. | |

ATTACHMENT C: APPLICATION REFERRAL RESPONSES

| AGENCY | COMMENTS |
|---|---|
| <i>School Authority</i> | |
| Rocky View Schools | No response received. |
| Calgary Catholic School District | No response received. |
| Public Francophone Education | No response received. |
| Catholic Francophone Education | No response received. |
| <i>Province of Alberta</i> | |
| 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 exempted from the requirement of a permit pursuant to Section 25 of the Highways Development and Protection Regulation. This exemption is subject to the provisions of Sections 11-23 and Sections 55-59 of the Highways Development and Protection Act (Chapter H-8.5, RSA, 2004) and amendments thereto, and Sections 8-15, Sections 24-25, and Sections 35-36 of the Highways Development and Protection Regulation (Alberta Regulation 326/2009) and amendments thereto. 4. This exemption, and associated terms and conditions, apply to the development referenced herein at the location shown, and any new or additional development activity must obtain approval from Transportation and Economic Corridors. 5. Transportation and Economic Corridors accepts no responsibility for the noise or other impacts of highway traffic upon any development or occupants thereof. Noise impacts and the need for attenuation should be thoroughly assessed. The applicant is advised that provisions for noise attenuation and/or visual screening are the sole responsibility of the landowner. 6. The landowner shall indemnify and hold harmless the Minister and his employees and agents from any and all claims, demands, actions and costs whatsoever that may arise, directly or indirectly, from anything done or omitted to be done in the construction, maintenance, operation, or alteration of the work described. |

| AGENCY | COMMENTS |
|--|--|
| Alberta Health Services | <p>7. Any peripheral lighting (yard lights/area lighting) that may be considered a distraction to the motoring public or deemed to create a traffic hazard will not be permitted.</p> <p>8. The landowner (or a designated representative) is responsible for obtaining any other necessary municipal, provincial, or federal approvals.</p> |
| Public Utility | |
| ATCO Gas | No concerns. |
| ATCO Pipelines | <p>ATCO Transmission high pressure pipelines has no objections.</p> <p>Questions or concerns related to ATCO high pressure pipelines can be forwarded to hp.circulations@atco.com.</p> |
| TELUS Communications | No concerns. |
| Adjacent Municipality | |
| M.D. of Bighorn | No response received. |
| Internal Departments | |
| Recreation, Parks, and Community Support | No concerns. |
| Building Services | <p>As part of the Planning Permit application process, please be advised your proposed application was reviewed by one of our Safety Codes Officers in our Building Services Department, for comments relating to Construction Codes and Building regulations.</p> <p>This review is an overview, highlighting some of the more significant items and it is not a complete list of all Code items applicable to the project, and is based on the design plans and specifications available at this time.</p> <p>This review is based on the plans submitted and dated June 26th, 2024.</p> <p>The following items have been identified:</p> <p>1) There are no comments from Building services for the site-specific bylaw amendment due to the detached garage being situated at a 2.16m setback instead of the required 2.4m. Relevant Building Services Forms, Guidelines and Checklists can be found on our website:</p> <p>https://www.rockyview.ca/building-forms-documents</p> <p>If you have any questions or require clarification of this report, please contact Rocky View County Building Services: building@rockyview.ca</p> |

| AGENCY | COMMENTS |
|--|--|
| Fire Services & Emergency Management | No concerns at this time due to the minimal reduction. |
| Capital and Engineering Services | No requirements at this time. |

Circulation Period: June 26, 2024, to July 29, 2024.

Michelle Mitton

From: Amanda Stephenson [REDACTED]
Sent: Monday, November 4, 2024 2:33 PM
To: Legislative Services
Subject: Fwd: Bylaw C-8585-2024-PL20240071 (10013172)

Dear Legislative services,

I am writing to formally express my concerns regarding the ongoing construction of homes at Cottage Club that do not adhere to the setback requirements prescribed in our community bylaws. These setbacks were implemented for important reasons, including fire safety and maintaining appropriate spacing between properties.

As a property owner, I invested considerable time and financial resources to work with an architect in designing a home that complies with these setback guidelines, assuming they would be enforced. I understood these guidelines to be non-negotiable standards designed to protect our community. However, I am increasingly frustrated to see other homes constructed without the same adherence, which negatively impacts neighboring properties and the community overall.

Firstly, these setback violations affect comparative real estate values, as some homes are built larger and encroach on setbacks, disregarding the bylaws. Secondly, our community is located in an area where fire risk is a concern, and our distance from emergency services heightens this risk. Studies, such as those following the Maui fires, have shown that homes with adequate spacing were more resilient to fire spread. The setback requirements play a crucial role in providing this spacing.

Moreover, I am concerned with the approval and inspection processes that appear to permit these violations. As property owners, we submit our plans for permitting, and there are several inspections throughout the construction process. I believe that Rocky View County has a responsibility to ensure that these plans align with the bylaws. Either plans are being approved that don't meet the setback requirements, or inspections are not verifying compliance with approved plans.

This issue has become increasingly problematic as more homes are built, and as general contractors and builders continue to disregard setback rules without consequence. While I understand that new homeowners may be unaware if their homes do not meet setback standards, there must be accountability for builders and contractors who fail to follow regulations.

I appreciate your attention to these concerns and urge that action be taken to enforce setback compliance in future builds and address current violations to ensure our community's safety, fairness, and integrity.

Thank you for your consideration.

Sincerely,
Amanda Stephenson
Unit 310, 49 CottageClub Lane, Rocky View County

Christine Berger

From: Terry Tucker [REDACTED]
Sent: Thursday, July 4, 2024 9:07 AM
To: Christine Berger
Subject: Re: File Number 10013172 and Application Number PL20240071

Good morning Christine and sincere thanks for the clarification and detailed information.

Sincerely appreciate it.

Have a nice week ahead.

Mit freundlichen Grüßen
Terry

On Wed, 3 Jul 2024 at 21:54, Christine Berger <CBerger@rockyview.ca> wrote:

Hi Terry,

Direct Control Bylaw (DC-123) (referenced in the notice sent out) can be found on the County's website here:
<https://www.rockyview.ca/Portals/0/Files/Government/Bylaws/DC/DC-123.pdf>

That is correct – your emails will be included in the agenda package for Council to review before making a decision on the application. Your comments will also be sent to the applicant for review. All personal contact information (phone number, email) would be redacted. If you wish to send in new formal comments instead of this email chain, please let me know and we can add those to the Council report instead.

This application is currently in circulation stage, and requires the applicant to give confirmation to proceed after they receive comments from circulation. If they confirm they wish to proceed, Administration will complete a report with a recommendation and schedule a Public Hearing. As mentioned previously, a Public Hearing notice would be sent out prior to the hearing. If you are unable to attend the Public Hearing, you can submit your comments in writing, or through audio/video submission (specific instructions would be included in the Public Hearing notice). Public Hearing notices are also posted on the County website here:
<https://www.rockyview.ca/public-notices>

If you wish to review previous Council decisions, you can review meeting minutes/previous videos here:
<https://www.rockyview.ca/meetings-hearings>

Amendment dates are on the office consolidation page of the Direct Control Bylaw (first page), so you can use those dates to find the corresponding Council minutes/video. Administration’s reports, including policy review, are also available at that link if you wish to review.

As for your comments regarding recourse for adjacent landowners to require the Applicant to "remove the garage and build it within the guidelines required" – since Council is the decision-making authority on the application, they determine if it will be approved or refused. Adjacent owner comments are included in the agenda for Council to review when making their decision, and they will also hear anyone wishing to speak at the Public Hearing. Council will take all the information given to them at the Public Hearing (such as Administration’s review and recommendation, adjacent owner comments submitted in response to the circulation and/or Public Hearing notice, comments from the Public Hearing, the Applicant’s rationale, etc) and will make their decision based on this information.

I hope this clarifies your questions/comments.

Sincerely,

CHRISTINE BERGER, MPLAN

Planner 2 | Planning

ROCKY VIEW COUNTY

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

Office Phone: 403-520-3904

cberger@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: Terry Tucker [REDACTED]
Sent: Wednesday, July 3, 2024 8:00 AM

To: Christine Berger <CBerger@rockyview.ca>

Subject: Re: File Number 10013172 and Application Number PL20240071

Good afternoon and thank you to reply

Thank you for the comment about an “existing bylaw” but I can find no reference to the specific bylaw you refer . Where can I view this bylaw?

Your comments suggest that my email will be sent to council for review. Please confirm .

Where are decisions of Council posted in matters such as this .. say for example approving the amendment sought in this specific notice? Is this online? How does Council make a decision on “When/If “ a hearing is held vs just approving the amendment?

You have provided clarity on the process but you have not addressed any of my comments or questions but I assume that is not for you to comment.

I live in Switzerland so attending a meeting is literally impossible.

Kind regards

Terry Tucker, P.Geog

[REDACTED]

On Jul 2, 2024, at 23:35, Christine Berger <CBerger@rockyview.ca> wrote:

Good afternoon Terry,

As this application proposes to amend an existing bylaw, a Public Hearing will be held and Council will be the decision-making authority. County Administration includes all comments received from adjacent landowners in the agenda package for Council to consider when making a decision on an application. If/when a Public Hearing is eventually scheduled for the application, all adjacent landowners will be notified of the date and time should they wish to attend in person and/or speak to Council.

I hope this provides some clarity on the process. Let me know if you have any questions/updated comments.

Sincerely,

CHRISTINE BERGER, MPLAN

Planner 2 | Planning

ROCKY VIEW COUNTY

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

Office Phone: 403-520-3904

cberger@rockyview.ca | www.rockyview.ca

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From: Terry Tucker [REDACTED]
Sent: Tuesday, July 2, 2024 1:51 AM
To: Christine Berger <CBerger@rockyview.ca>
Cc: Debbie Froese [REDACTED]
Subject: File Number 10013172 and Application Number PL20240071

Good morning Ms Christine Berger

Thank you for the recent notice with regards to the File and Application Numbers noted above.

As you know we, as property owners in the immediate vicinity of the noted land subject to the application for amendment, receive several of these notices for these types of amendments numerous times per year.

What I would like to understand is that this application is for a "garage that has already been built". What recourse is there for us as adjacent landowners to actually do anything meaningful about this structure and require the Applicant to "remove the garage and build it within the guidelines required"? What would it take for example to have this application denied? I have reviewed the guidelines of the community and information from the Rocky View County website and can find little information on how these amendments can be denied.

I have never provided comments on these applications before but given the precision of survey equipment in 2024 and the ability of a builder to follow the rules, why are so many builders not just building it right in the first place and if not then what recourse is there for local or adjacent landowners to actually deny these applications?

It really only makes sense to make an amendment application before you build.

--

Kind regards,

Terry L. Tucker, P.Geo.

[REDACTED]

--

Kind regards,

Terry L. Tucker, P.Geo.



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 District of Bighorn / Rocky View County Intermunicipal Development Plan | |
|--|---|
| Land Use Policies – General Land Use Policies | |
| 3.2.1 | <i>Applications for land use redesignation, subdivision, and development permit should be evaluated in accordance with the Municipal Development Plan (MDP), Land Use Bylaw (LUB), and any statutory or non-statutory plans relevant to the municipality in which they are received.</i> |
| Consistent | The IDP does not have regulations surrounding building setbacks, however, the application was evaluated against Rocky View County regulations. |
| 3.2.2 | <i>Applications for a new Area Structure Plan, Concept Plan, MDP, LUB, and MDP or LUB amendments within the IDP Area should be evaluated in accordance with any relevant regional plan as well as the Municipal Development Plan (MDP), Land Use Bylaw (LUB), and any statutory or non-statutory plans relevant to the municipality in which they are received.</i> |
| Consistent | The application for the DC-123 Amendment was reviewed against Rocky View County plans. |

| Municipal Development Plan (County Plan) | |
|---|--|
| 10.0 Compact Residential Development | |
| Intent | <i>Compact residential design sensitively integrates housing with the natural features and topography of a site by grouping homes on smaller lots, while permanently preserving a significant amount of buildable land for conservation, recreation, or agriculture uses.</i> |
| Consistent | The County Plan does not have specific policies to building setbacks, however, the application to amend DC-123 to allow the existing dwelling to remain does not have an adverse effect on the overall intent outlined in the County Plan. |
| 10.8 | <i>Compact residential development shall be designed to achieve:</i> <ul style="list-style-type: none"> a. <i>a reduction in the overall development footprint through a permanent retention of a portion of developable land as open land;</i> b. <i>a portion of open land that is publicly accessible and used for greenways, regional pathways, and/or trails;</i> c. <i>an efficient, compact, walkable building area;</i> d. <i>servicing and transportation efficiencies, minimizing operational costs, and retention of viewsapes;</i> e. <i>minimal impacts on adjacent agricultural operations; and</i> f. <i>environmental best practices, interconnected open land, efficient development, and retention of rural character.</i> |
| Consistent | The proposed amendment to the side yard setback for Unit 170 does not contradict any design policies in section 10.8 of the County Plan. |

| Cottage Club Ghost Lake Conceptual Scheme | |
|--|--|
| 7.4 Subdivision Design | |
| 7.4.1 | <i>The layout of Cottage Club Ghost Lake shall generally be in accordance with Figure 9.</i> |
| Consistent | Although the Conceptual Scheme does not have policies specific to building setbacks, the application follows the subdivision design policies. |
| 12.0 Proposed Land Use | |
| 12.0.1 | <i>Applications for land use amendments within the Plan Area shall establish land uses, appropriate building setbacks and development regulations, and shall be consistent with the intent of this Conceptual Scheme</i> |
| Consistent | The application is requesting a variance to the building setback to allow for an existing dwelling to remain, while remaining consistent with the intent of the Conceptual Scheme. |

| Direct Control District Bylaw C-6586-2007 (DC-123) | |
|---|--|
| Land Use Regulations – Residential Area – Cell ‘A’ – Minimum Yard Requirements | |
| 2.4.2 | Side Yard: 2.4 m (7.87 ft.) |
| Generally Consistent | The application is for an amendment to the side yard setback for Unit 170, to allow an existing dwelling to remain. The existing side yard setback is 2.16 metres (7.09 feet), which is a variance of 0.24 metres (0.79 feet), or approximately 10%. |



BYLAW C-8585-2024

A bylaw of Rocky View County, in the Province of Alberta, to amend Rocky View County Bylaw C-6586-2007, being Direct Control (DC-123).

The Council of Rocky View County enacts as follows:

Title

1 This bylaw may be cited as *Bylaw C-8585-2024*.

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 Direct Control Bylaw C-6586-2007, known as “DC-123” be amended as shown on the attached Schedule ‘A’ forming part of this Bylaw.

Effective Date

4 Bylaw C-8585-2024 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'
FORMING PART OF BYLAW C-8585-2024

Amendment #1:

Add the following to Section 2.4.2:

2.4.2.6 Notwithstanding section 2.4.2, Unit 170, Plan 111 1762 within NE-13-26-06-W05M is permitted a minimum side yard setback of 2.16 metres (7.09 feet), in order to allow an existing detached garage to remain.

Amendment #2:

Numbering to be updated as necessary.

**MUNICIPAL DISTRICT OF ROCKY VIEW NO. 44
BYLAW C-6586-2007**

OFFICE CONSOLIDATION

This document has been consolidated for convenience only. A copy of the original Bylaw and all amending Bylaws can be obtained from Rocky View County. This office consolidation comprises the following Bylaws:

| Bylaw | Amendment Type | Date of Approval |
|--------------------|-------------------------------|-------------------------|
| C-6586-2007 | Original Bylaw | June 1, 2010 |
| C-7303-2013 | Amending Section 2.4.2.1 | December 10, 2013 |
| C-7610-2016 | Amending Section 5.12.0 | October 11, 2016 |
| C-7808-2018 | Amending Sections 4.1.0 | January 28, 2020 |
| C-8444-2023 | Amending Section 2.4.2.2 | October 31, 2023 |
| C-8506-2024 | Amending Section 2.4.2 | April 23, 2024 |
| C-8577-2024 | Amending Section 2.4.2 | September 24, 2024 |
| C-8570-2024 | Amending Section 2.4.2 | October 8, 2024 |
| C-8585-2024 | Amending Section 2.4.2 | |

A Bylaw of the Municipal District of Rocky View No. 44 to amend Bylaw C-4841-97 (The Land Use Bylaw).

WHEREAS the Council deems it desirable to amend the said Bylaw; and

WHEREAS the Council of the Municipal District of Rocky View No. 44 has received an application to amend Part 5, Land Use Map 69 of Bylaw C-4841-97 to redesignate Lot 1, Block 1, Plan 031 2312 and a portion of the N ½ Sec. 13, Twp. 26, Rge. 6, W5M from Ranch & Farm District to Direct Control District as shown on attached Schedule “A” and Schedule “B”; and

WHEREAS a notice was published on Tuesday, December 4, 2007 and Tuesday, December 11, 2007 in the Rocky View Weekly, a newspaper circulating in the Municipal District of Rocky View No. 44, advising of the Public Hearing for Tuesday, January 15, 2008; and

WHEREAS Council held a Public Hearing and have given consideration to the representations made to it in accordance with Section 692 of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta, 2000, and all amendments thereto.

NOW THEREFORE the Council enacts the following:

1. That Part 5, Land Use Map No. 69 of Bylaw C-4841-97 be amended to redesignate Lot 1, Block 1, Plan 031 2312 and a portion of the N ½ Sec. 13, Twp. 26, Rge. 6, W5M from Ranch and Farm District to Direct Control District, as shown on the attached Schedule “A” and Schedule “B” attached hereto and forming part of the Bylaw; and
2. That a portion of the lands within Lot 1, Block 1, Plan 031 2312 and a portion of the N ½ Sec. 13, Twp. 26, Rge. 6, W5M are hereby redesignated to Direct Control District, as shown on Schedule “A” and Schedule “B” attached to and forming a part of this Bylaw; and

3. That the regulations of the Direct Control District comprise:
- 1.0.0 General Regulations
 - 2.0.0 Land Use Regulations – Residential Area - Cell ‘A’
 - 3.0.0 Land Use Regulations – Lake Access Area - Cell ‘B’
 - 4.0.0 Subdivision Regulations
 - 5.0.0 Development Regulations
 - 6.0.0 Definitions
 - 7.0.0 Implementation

1.0.0 GENERAL REGULATIONS

- 1.1.0 Parts 1, 2 and 3 of the Land Use Bylaw C-4841-97 shall apply to all uses contemplated by this Bylaw except where noted otherwise in this Bylaw.
- 1.2.0 That the Development Authority shall be responsible for the issuance of Development Permit(s) for the Lands subject to this Bylaw.
- 1.3.0 Notwithstanding Section 1.2.0, a *Dwelling, Single-detached* and *Accessory Buildings* are deemed approved without the requirement for a Development Permit when all other criteria of this Bylaw are met.
- 1.4.0 Council may, through a Development Agreement(s) required by any subdivision and/or development permit affecting these Lands, specify any regulation, criteria, or condition necessary to ensure all Subdivision and Development on the Lands conform to the development proposals and representations upon which this Bylaw is based, as determined by and to the satisfaction of the Council and its sole and unfettered discretion.

2.0.0 LAND USE REGULATIONS – RESIDENTIAL AREA - CELL ‘A’

2.1.0 Purpose and Intent

The purpose and intent is to provide for a comprehensively planned ‘recreation-based’ residential development with limited service and seasonal occupancy.

2.2.0 Uses

- 2.2.1 Accessory Buildings
- 2.2.2 Caretaker’s Residence
- 2.2.3 Communal Washroom & Shower Facilities
- 2.2.4 *Dwelling, Single-detached*
- 2.2.5 Local Convenience Store
- 2.2.6 Private Open Space
- 2.2.7 Public Park
- 2.2.8 Learning & Recreation Center
- 2.2.9 Sales Centre/Professional Office
- 2.2.10 Show Homes
- 2.2.11 Signs
- 2.2.12 Utility Infrastructure

2.3.0 Maximum Requirements

- 2.3.1 Maximum Number of Dwelling Units: 350
- 2.3.2 Maximum Number of Dwelling Units per titled area: 1
- 2.3.3 Maximum Number of Caretaker’s Residences: 1

- 2.3.4 Maximum Building Areas:
- a) Dwelling, *Single-detached*:
Main Floor – 56 m² (603 ft²)
Total – 88 m² (950 ft²)
 - b) Caretaker's Residence:
Main Floor – 139.4 m² (1,500 ft²)
Total – 278.7 m² (3,000 ft²)
 - c) Learning & Recreation Centre: 1393.5 m² (15,000 ft²)
 - d) Sales Centre/Professional Office (to be included as part of the Main Floor of the Caretaker's Residence): 55.7 m² (600 ft²)
 - e) Local Convenience Store (to be included as part of the Main Floor of the Learning & Recreation Centre): 186 m² (2,002 ft²)
 - f) Accessory Buildings:
Main Floor – 37.2 m² (400 ft²)
Total – 60.4 m² (650 ft²)
- 2.3.5 Maximum Number of Accessory Buildings per titled area: 1
- 2.3.6 Maximum Building Height:
- Accessory Buildings: 6 m (19.7 ft)
Caretaker's Residence: 11 m (36 ft)
Dwelling, *Single detached*: 9 m (29.5 ft)
Recreation & Learning Center: 11 m (36 ft)
- 2.3.7 Maximum Site Coverage (all buildings): 35%

2.4.0 Minimum Yard Requirements

- 2.4.1 Front Yard: 2.4 m (7.87 ft.)
- 2.4.2 Side Yard: 2.4 m (7.87 ft.)
- 2.4.2.1 Notwithstanding section 2.4.2, Unit 54, Plan 0914699 within N-13-26-6-W5M is permitted a minimum yard setback of 2.20 metres (7.22 feet), in order to allow an existing dwelling and garage to remain.
 - 2.4.2.2 Notwithstanding section 2.4.2, Unit 298, Plan 201 0713 within NE-13-26- 6W5M is permitted a minimum yard setback of 2.36 metres (7.74 feet), in order to allow an existing dwelling to remain.
 - 2.4.2.3 Notwithstanding section 2.4.2, Unit 259, Plan 201 0713 within NE-13-26-6-W5M is permitted a minimum side yard setback of 2.09 metres (6.86 feet), in order to allow an existing dwelling and detached garage to remain.
 - 2.4.2.4 Notwithstanding section 2.4.2, Unit 149, Plan 111 1762 within NE-13-26-6-W5M is permitted a minimum side yard setback of 0.51 metres (1.67 feet), in order to allow an existing detached garage to remain.
 - 2.4.2.5 Notwithstanding section 2.4.2, Unit 184, Plan 1111762 within NE-13-26-06-W5M is permitted a minimum side yard setback of 2.26 metres (7.41 feet) for the Dwelling, Single Detached, and 1.40 metres (4.59 feet) for Accessory Building, in order to allow an existing house and shed to remain.
 - 2.4.2.6 Notwithstanding section 2.4.2, Unit 170, Plan 111 1762 within NE-13-26-06-W05M is permitted a minimum side yard setback of 2.16 metres (7.09 feet), in order to allow an existing detached garage to remain.
- 2.4.3 Rear Yard: 0.6 m (2.0 ft.) - when backing onto a common greenspace; 2.4 m (7.87 ft.) - all others

3.0.0 LAND USE REGULATIONS - LAKE ACCESS AREA - CELL 'B'

3.1.0 The purpose and intent is to facilitate the site's ongoing use for power generation and transmission infrastructure related to the Ghost River Reservoir, and to provide for a boat dock, boat launch, and a private road to facilitate access from the Residential Area to the Ghost Lake Reservoir.

3.2.0 Uses

- 3.2.1 Boat Dock
- 3.2.2 Boat Launch
- 3.2.3 Private Open Space
- 3.2.4 Signs
- 3.2.5 Utility Infrastructure

4.0.0 SUBDIVISION REGULATIONS

4.1.0 As per Section 11.0 of the Cottage Club Ghost Lake Conceptual Scheme, all applications for phased subdivision approvals must be supported by the following technical documentation:

- a) A Construction Management Plan, prepared by a qualified professional, in a form and substance satisfactory to the Municipality.
- b) A Stormwater Management Plan, prepared by a qualified professional, in a form and substance satisfactory to the Municipality and all relevant Federal & Provincial Authorities.
- c) A Traffic Impact Analysis, prepared by a qualified professional, in a form and substance satisfactory to the Municipality and Alberta Transportation.
- d) A Biophysical Impact Analysis, prepared by a qualified professional, in a form and substance satisfactory to the Municipality, to assess existing wildlife movements within the site, and recommend appropriate implementation measures to mitigate same.
- e) An Emergency Response Plan, prepared by a qualified professional, in a form and substance satisfactory to the Municipality, to assess appropriate emergency response levels as required by the development in consideration of the site's limited service and proximity to the Wildcat Hills Gas Plant.
- f) A Landscaping Plan that details plantings and other related improvements proposed within the development, prepared by a qualified Landscaping Professional, in accordance with the Conceptual Scheme's Policy 7.7.1, in a form and substance satisfactory to the Municipality.
- g) Confirmation of a treated water supply, to be licensed by the Province of Alberta, in a form and substance satisfactory to the Municipality.
- h) Confirmation of a wastewater system, to be approved by the Province of Alberta, in a form and substance satisfactory to the Municipality.
- i) Confirmation that the proposed Condominium Bylaws and Architectural Controls associated with this development ensure that all owners within the development are notified of the community's recreational occupancy restrictions as per Policies 9.1.3, 9.1.4 and 9.3.1 of the Cottage Club Ghost Lake Conceptual Scheme, in a form and substance satisfactory to the Municipality.
- j) An outline of all recreational amenities planned within the site, that discusses the intended use and intended users of each amenity, with a detailed Site Plan illustrating

the location and configuration of the amenities within the site, in a form and substance satisfactory to the Municipality.

- 4.2.0 Approval conditions may be imposed by the Subdivision Authority to facilitate the implementation of appropriate development considerations as per the technical documentation listed in Section 4.1.0, to the satisfaction of the Municipality.
- 4.3.0 As per Sections 7.6 & 11.0, and Policy 7.6.8 of the Cottage Club Ghost Lake Conceptual Scheme, the pedestrian connection to the Bow River must be resolved prior to the 3rd phase of subdivision proceeding, to the satisfaction of the Municipality.
- 4.4.0 Private Roads shall be designed and constructed to the satisfaction of the Municipality.

5.0.0 DEVELOPMENT REGULATIONS

- 5.1.0 The Development Authority may issue a Development Permit for Stripping and/or Grading within any portion of the development, provided the Municipality has endorsed a Construction Management Plan and a Stormwater Management Plan, as required by 4.1.0.
- 5.2.0 Subject to the terms of a Development Permit issued pursuant to 5.1.0, the Development Authority may approve crushing and processing of excavated materials on-site only for subsequent use of such materials within the development.
- 5.3.0 Approval from the Development Authority for any use contemplated by this Bylaw may be subject to approval from all relevant Federal and/or Provincial Authorities.
- 5.4.0 No occupancy of any *Dwelling, Single detached* shall occur until the construction of all required roads and utilities have been substantially completed to the satisfaction of the Municipality and Alberta Transportation.
- 5.5.0 The Development Authority may issue a Development Permit for up to five (5) Show Homes prior to the endorsement of a conditionally approved Plan of Subdivision. No occupancy of a Show Home shall occur until all required roads and utilities have been substantially completed, and a Plan of Survey has been registered with Alberta Land Titles.
- 5.6.0 No outside storage shall be permitted within any parcel containing a *Dwelling, Single detached*.
- 5.7.0 Notwithstanding 5.6.0, the outside storage of a maximum of one (1) recreational vehicle and one (1) boat may be permitted within parcels containing *Dwellings, Single detached*, but only between April 1 and October 31.
- 5.8.0 Parking shall not be permitted abutting any road within the development.
- 5.9.0 Fencing shall not be permitted within any lot that contains a *Dwelling, Single detached*.
- 5.10.0 Construction of a wood, stone, or chain link fence, not greater than 1.8 m (6 ft.) in height, may be permitted within the common greenspace to enclose the development, to provide security for utility infrastructure, and to provide screening associated with recreational facilities.
- 5.11.0 The total area of any deck shall not exceed 37 m² (400 ft²) and may be attached and/or detached from a *Dwelling, Single detached*. The maximum height of a deck (not including railings) shall not exceed the height of the *Dwelling, Single detached* Main Floor elevation.
- 5.12.0 Notwithstanding 5.11.0, an additional deck incidental to a Loft Area of a *Dwelling, Single detached* may be permitted, provided it does not exceed 3.7 m² (40 ft²). The maximum height of this deck (not including railings) shall not exceed the maximum height of the *Dwelling, Single detached* Loft Area Floor elevation.
- a) excepting UNIT 148, Plan 1111762, which may retain the two existing upper decks; each approximately 40.00 sq. ft. in area.
- 5.13.0 In all cases, a deck may be covered, but shall not be enclosed, and shall not encroach into any required yard setback.
- 5.14.0 *Accessory Buildings* shall not be attached to any *Dwelling, Single detached*, and construction of carports, breezeways, lean-tos, and/or any other similar structure between a *Dwelling, Single detached* and an *Accessory Building* shall not be permitted.

6.0.0 DEFINITIONS - ALL USES NOT OTHERWISE HEREIN DESCRIBED HAVE THE SAME MEANING TO THE USES DEFINED IN THE LAND USE BYLAW C-4841-97.

- 6.1.0 “*Boat Dock*” - means a structure, attached to and forming part of the mainland, for the temporary mooring of water craft and does not include overnight moorage;
- 6.2.0 “*Boat Launch*” - means a ramp that extends from the mainland into a water body, the purpose of which is to facilitate the placement and removal of water craft;
- 6.3.0 “*Caretaker’s Residence*” - means a *Dwelling, Single detached* which may be used as a permanent residence by a caretaker who provides year-round security and a professional office to facilitate site management activities related to the premises;
- 6.4.0 “*Communal Washroom & Shower Facilities*” - means a private facility which is commonly owned or reserved for residents within the development that includes communal washroom and shower facilities;
- 6.5.0 “*Community Sign*” - means a sign displaying the name of the community;
- 6.6.0 “*Construction Management Plan*” - means a program that details site management of all construction activity that may include, but is not limited to, the management of construction debris and dust, stormwater, site erosion, sedimentation control, noise control, traffic control and groundwater monitoring;
- 6.7.0 “*Local Convenience Store*” - means an establishment supplying groceries and other daily household necessities to the residents of the development;
- 6.8.0 “*Private Open Space*” - means improvement of land specifically designed or reserved for residents of the development for active or passive recreational use and includes all commonly-owned natural and man-made landscaping, parking areas, playing fields, maintenance facilities, garbage storage, recycling facilities and other related structures;
- 6.9.0 “*Recreation & Learning Center*” - means a private facility which is commonly owned or reserved for residents within the development that may include meeting rooms, parking facilities, a swimming pool with related change rooms & shower facilities, patios, laundry facilities and a local convenience store for community, social, educational and recreational purposes;
- 6.10.0 “*Recreation Vehicle*” - means a motor home, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational occupancy;
- 6.11.0 “*Recreational Occupancy*” – means human habitation that occurs primarily between April 1 and October 31 of the calendaryear, and only on random and discontinuous occasions outside of these dates, subsequent to a deliberate mix of public and private regulatory mechanisms that restrict the availability of basic utilities, amenities and services and restrict the maximum area of residential building footprints & ancillary structures;
- 6.11.0 “*Qualified Landscaping Professional*” - means a professional landscape architect licensed to practice within the Province of Alberta who is a member in good standing with the Alberta Association of Landscape Architects (AALA);
- 6.12.0 “*Sales Centre/Professional Office*” - means a portion of the *Caretaker’s Residence* to be used for activities related to the initial marketing and sale of *Dwellings, Single detached* within the development and for ongoing site management activities related to the premises once the site has been built-out;

- 6.13.0 *“Substantially Completed”* - means Construction Completion Certificates have been issued by the Municipality;
- 6.14.0 *“Utility Infrastructure”* - means public and/or privately-owned communal water treatment & distribution systems, communal wastewater systems, natural gas, electricity, cable and telephone transmission lines (and related facilities), solid waste collection and recycling, and general maintenance facilities related to on-site development.

7.0.0 IMPLEMENTATION

7.1.0 This bylaw comes into effect upon the date of its third and final reading.

Division: 9
File: 10013010/002/001 2006-RV-183

First reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta, on Tuesday, November 27, 2007, on a motion by Councillor McLean.

Second reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta, on Tuesday, January 15, 2007, on a motion by Councillor McLean.

Third reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta, on _____, on a motion by Councillor _____.

REEVE OR DEPUTY REEVE

MUNICIPAL SECRETARY



Direct Control Amendment Item: Residential

Electoral Division: 3

File: PL20240128 / 10013317

| | |
|-------------|------------------------------------|
| Date: | November 26, 2024 |
| Presenter: | Michelle Dollmaier, Senior Planner |
| Department: | Planning |

REPORT SUMMARY

The purpose of this report is to assess the proposed site-specific amendment to the Direct Control Bylaw C-6586-2007 (DC-123) to allow the existing detached garage and covered decks to have a minimum front yard setback of 1.57 metres (5.15 feet), and minimum side yard setbacks of 2.38 metres (7.80 feet) and 2.35 metres (7.70 feet) instead of the current required 2.4 metres (7.87 feet) on the subject lands (Attachment A).

This application was evaluated pursuant to the policies of the Municipal District of Bighorn / Rocky View County Intermunicipal Development Plan (IDP), the Municipal Development Plan (County Plan), the CottageClub Ghost Lake Conceptual Scheme (CS), and the regulations of the Direct Control Bylaw C-6586-2007 (DC-123). The CottageClub Ghost Lake CS has a policy (12.0.1) stating that setbacks are to be established within the Direct Control District. The County Plan and the Municipal District of Bighorn / Rocky View County IDP are silent on property line setbacks.

The application is consistent with the intent of the IDP, County Plan, CS, and DC-123 and is not anticipated to create any adverse effects on County infrastructure or the environment.

ADMINISTRATION'S RECOMMENDATION

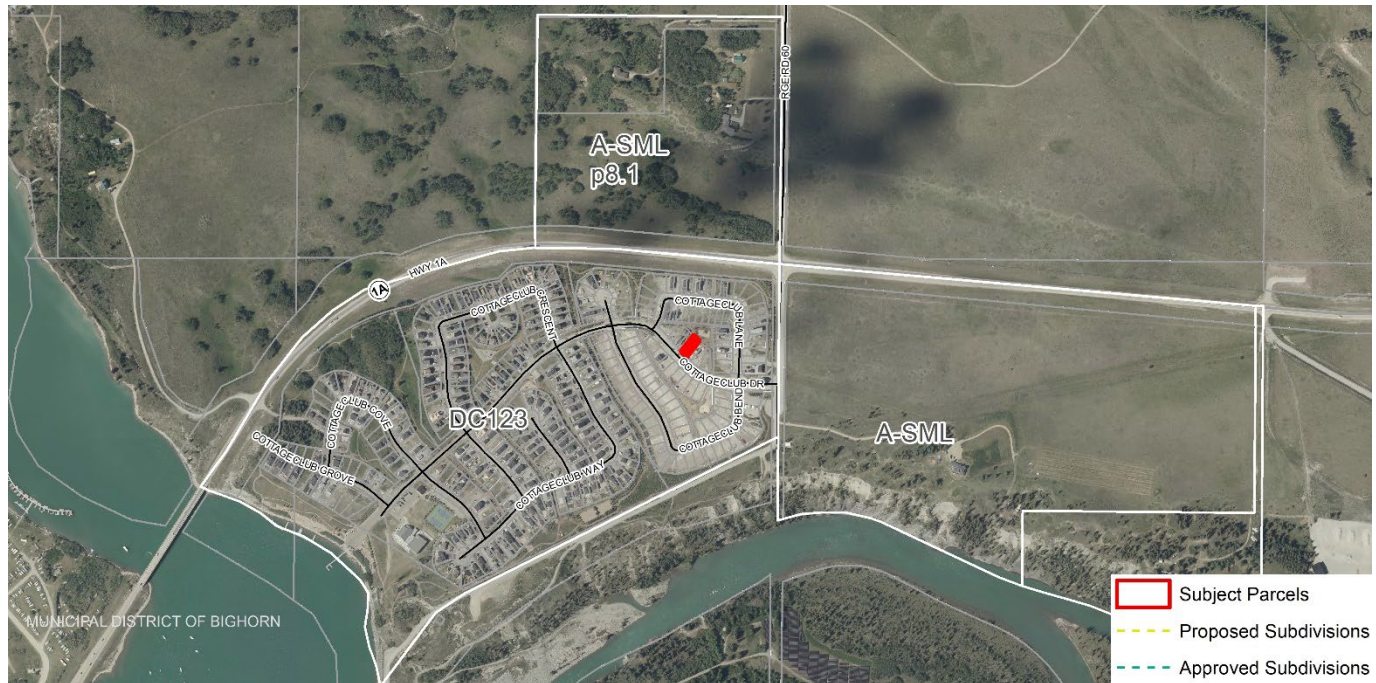
- THAT Bylaw C-8584-2024 be given first reading.
- THAT Bylaw C-8584-2024 be given second reading.
- THAT Bylaw C-8584-2024 be considered for third reading.
- THAT Bylaw C-8584-2024 be given third and final reading.

Direct Control Amendment Item: Residential

BACKGROUND

Location (Attachment A)

Located approximately 0.14 kilometres (0.09 miles) south of Highway 1A and 0.13 kilometres (0.08 miles) west of Range Road 60, within the CottageClub Ghost Lake Conceptual Scheme.



Site History (Attachment B)

On January 15, 2008, Council approved Direct Control Bylaw C-6586-2007 (DC-123) to provide a comprehensively planned 'recreation-based' residential development with limited service and seasonal occupancy. Since then, multiple amendments to the Bylaw have been approved to allow existing structures to remain.

On January 27, 2022, a building permit was issued for the single family dwelling with covered front and rear decks.

On November 14, 2023, a building permit was issued for the detached garage. The permit included an administrative error and was approved with a 1.70 metre front yard.

Intermunicipal and Agency Circulation (Attachment C)

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

The application was circulated to the Municipal District of Bighorn in accordance with the Intermunicipal Development Plan (IDP) between the Municipal District of Bighorn and Rocky View County. The Municipal District of Bighorn did not provide comment.

Alberta Transportation and Economic Corridors was circulated due to the subject property's proximity to Highway 1A and have provided no concerns with the proposed application.

Landowner Circulation (Attachment D)

The application was circulated to 403 adjacent landowners in accordance with the *Municipal Government Act* and County Policy C-327 (Circulation and Notification Standards); one letter of concern, and three letters in opposition were received.

Direct Control Amendment Item: Residential

ANALYSIS

Policy Review (Attachment E)

The County Plan does not contain policies specific to building setbacks and the application aligns with the intent of Section 10.0 (Country Residential). The application was reviewed pursuant to the Municipal District of Bighorn / Rocky View County IDP, the CottageClub Ghost Lake CS, and DC-123 regulations; the application was found to be consistent with the intent and policies these documents. No adverse impacts to County infrastructure, the environment, or adjacent properties are anticipated.

There are no specific policies within the CottageClub Ghost Lake CS that speak to setbacks, rather, Policy 12.0.1 states that setbacks will be established by the Direct Control Bylaw. Furthermore, the application does not compromise the intent of the Conceptual Scheme, which includes objectives such as accommodating growth and change, creating safe and livable environments, and preservation and conservation of significant/sensitive environments.

Lastly, similar site-specific amendments within DC-123 have been approved by Council in the past to accommodate minor construction errors. DC-123 specifies a minimum side yard setback of 2.40 metres (7.87 feet).

| Year | Application Number | Bylaw No. | Structure Requiring Amendment | Variance Required/Granted |
|------|--|-------------|--|---|
| 2013 | 2013-RV-025 | C-7303-2013 | Dwelling, Single Detached & Accessory Building (detached garage) | 8.33% |
| 2023 | PL20230038 | C-8444-2023 | Dwelling, Single Detached | 1.67% |
| 2024 | PL20230024 | C-8506-2024 | Dwelling, Single Detached | 12.92% |
| 2024 | PL20230131 | C-8577-2024 | Detached Garage | 78.80% |
| 2024 | PL20240092 | C-8570-2024 | Dwelling, Single Detached Lean-to Shed | 5.83% (Dwelling); 41.67% (Shed) |
| 2024 | PL20240128 (Current Proposal) | C-8584-2024 | Dwelling, Single Detached Detached Garage | 2.16% (Dwelling); 34.56% (Detached Garage) |
| 2024 | PL20240071 (Item D-1 on November 26, 2024 Council Agenda) | C-8585-2024 | Detached Garage | 10.00% |

COMMUNICATIONS / ENGAGEMENT

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

IMPLICATIONS

Financial

No financial implications identified at this time.

Direct Control Amendment Item: Residential

Enforcement

If the proposed application is not supported, the existing dwelling & garage would not be in compliance and they would need to be moved, or altered, to meet the necessary property line setbacks or be removed from the property.

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.

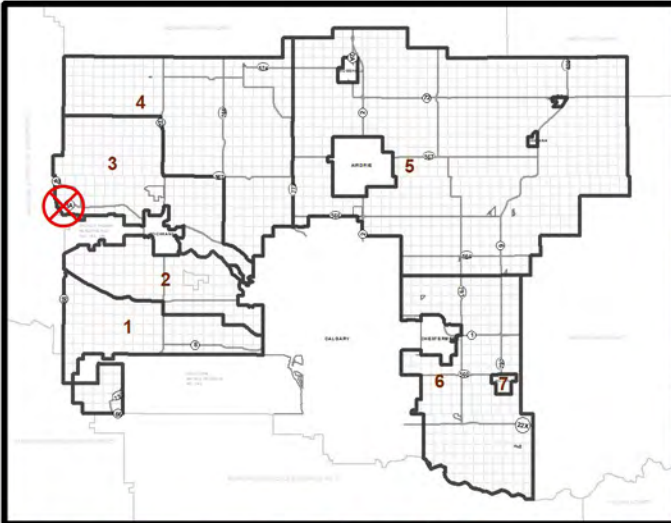
ATTACHMENTS

- Attachment A: Map Set
- Attachment B: Application Information
- Attachment C: Application Referral Responses
- Attachment D: Public Submissions
- Attachment E: Policy Review
- Attachment F: Draft Bylaw C-8584-2024
- Attachment G: DC-123 Redline with Proposed Amendments

APPROVALS

| | |
|-------------------------------|---------------------|
| Manager: | Dominic Kazmierczak |
| Acting Executive Director: | Dominic Kazmierczak |
| Chief Administrative Officer: | Reegan McCullough |





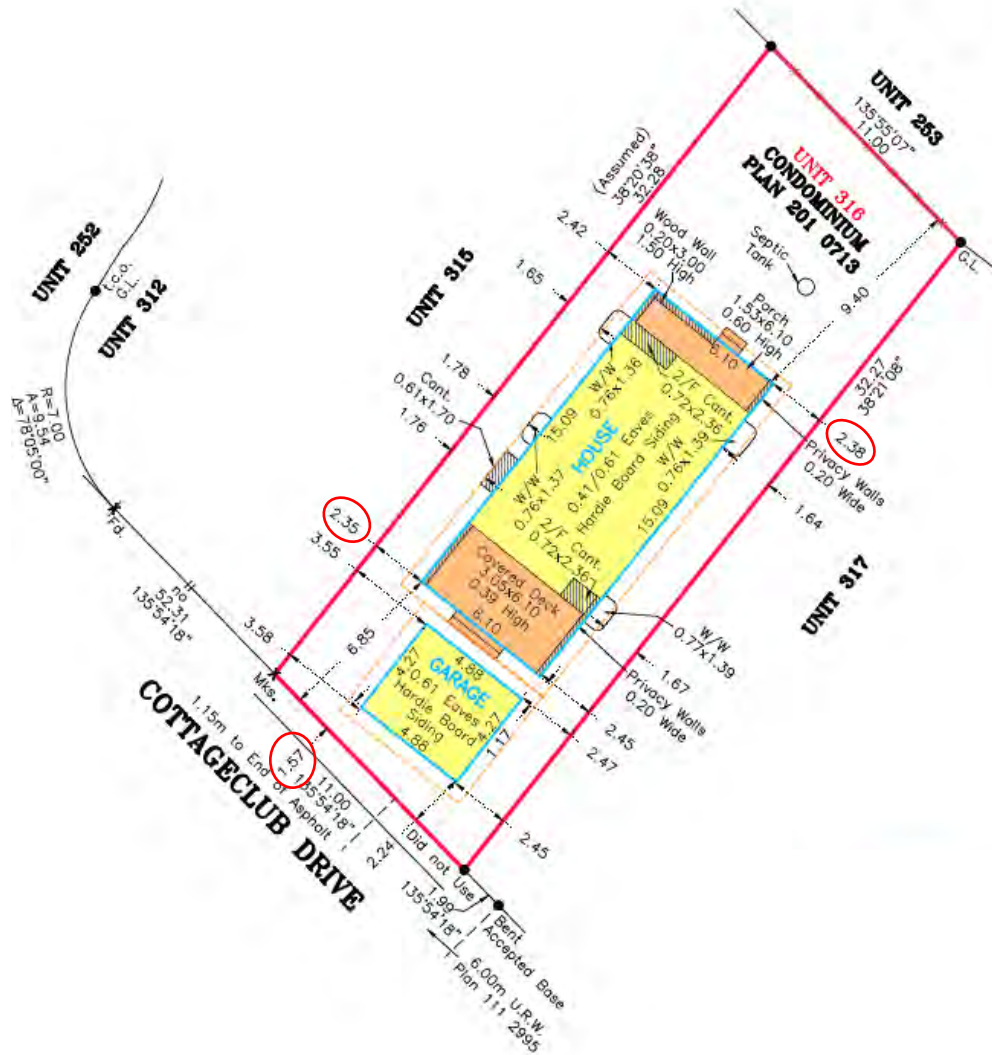
Location & Context

An amendment to Direct Control District (DC-123) to allow the structures on Unit 316 to have a minimum front yard setback of 1.57 metres (5.15 feet), and minimum side yard setbacks of 2.38 metres (7.80 feet) and 2.35 metres (7.70 feet) instead of the current required 2.4 metres (7.87 feet); this is to allow for the existing garage and covered decks to remain.



Development Proposal

An amendment to Direct Control District (DC-123) to allow the structures on Unit 316 to have a minimum front yard setback of 1.57 metres (5.15 feet), and minimum side yard setbacks of 2.38 metres (7.80 feet) and 2.35 metres (7.70 feet) instead of the current required 2.4 metres (7.87 feet); this is to allow for the existing garage and covered decks to remain.





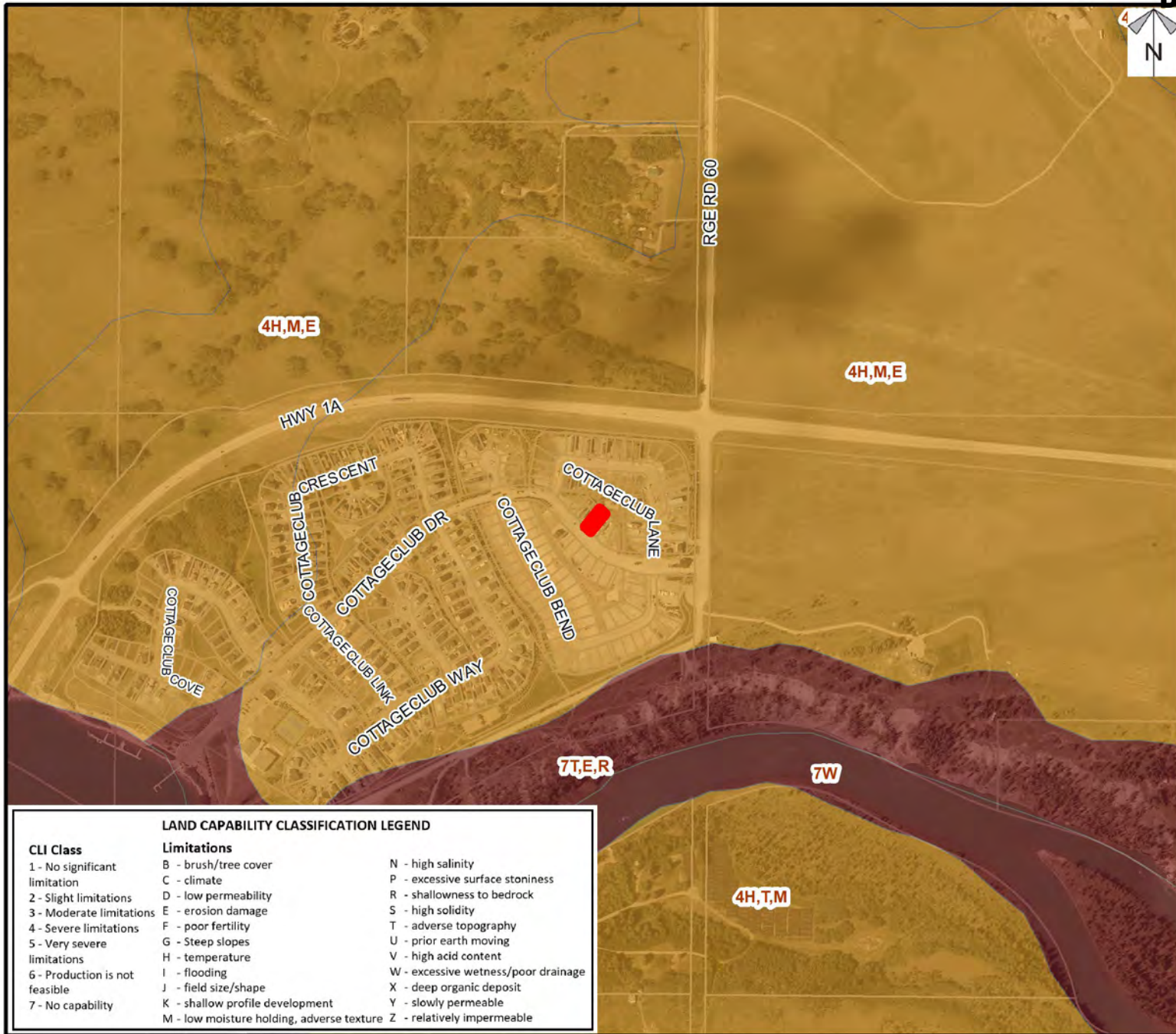
Environmental

An amendment to Direct Control District (DC-123) to allow the structures on Unit 316 to have a minimum front yard setback of 1.57 metres (5.15 feet), and minimum side yard setbacks of 2.38 metres (7.80 feet) and 2.35 metres (7.70 feet) instead of the current required 2.4 metres (7.87 feet); this is to allow for the existing garage and covered decks to remain.

Legend

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

Division: 3
Roll: 10013317
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Printed: 7/10/2024
Legal: A portion of
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Soil Classifications

An amendment to Direct Control District (DC-123) to allow the structures on Unit 316 to have a minimum front yard setback of 1.57 metres (5.15 feet), and minimum side yard setbacks of 2.38 metres (7.80 feet) and 2.35 metres (7.70 feet) instead of the current required 2.4 metres (7.87 feet); this is to allow for the existing garage and covered decks to remain.




| 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 |



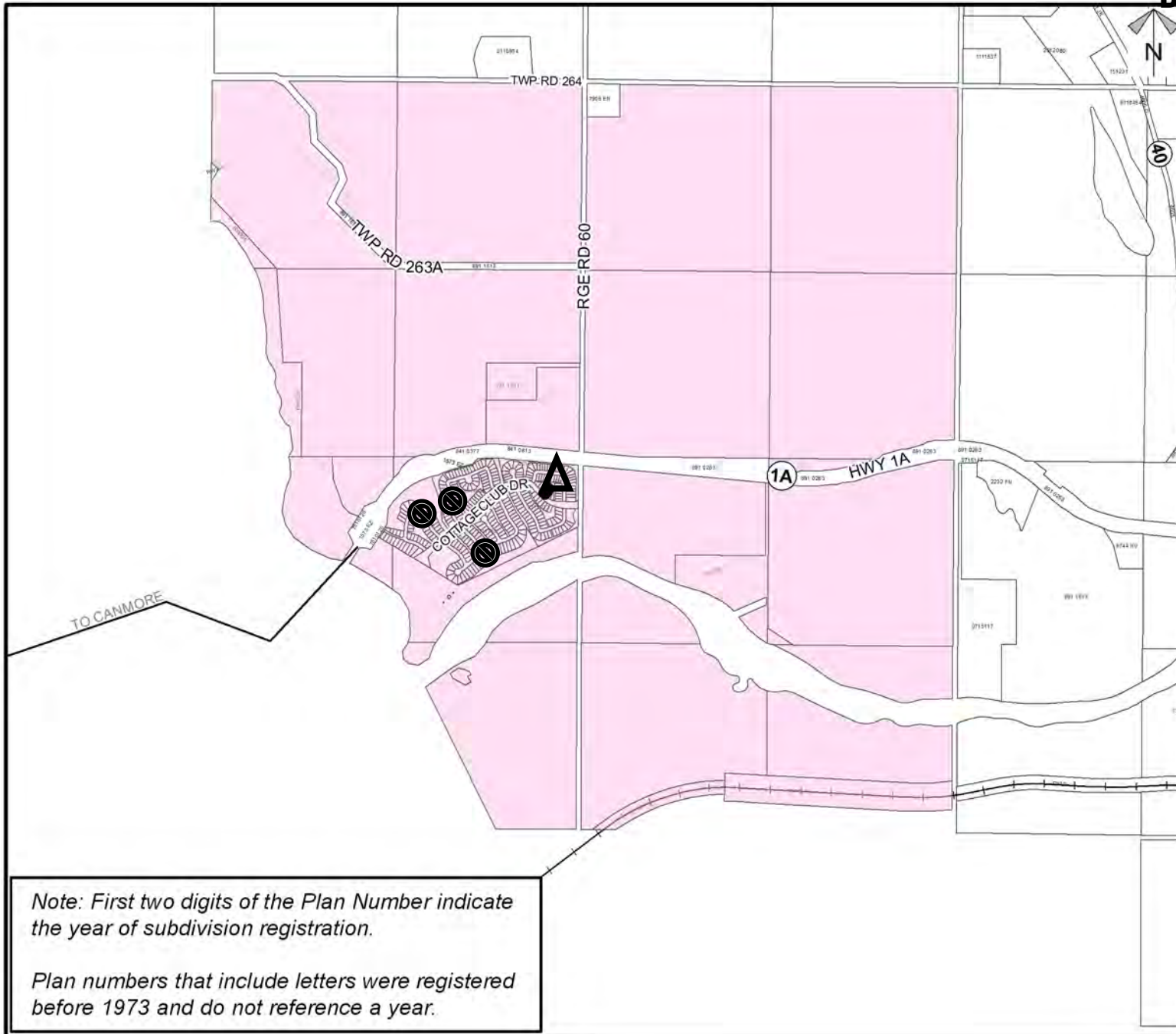
Landowner Circulation Area

An amendment to Direct Control District (DC-123) to allow the structures on Unit 316 to have a minimum front yard setback of 1.57 metres (5.15 feet), and minimum side yard setbacks of 2.38 metres (7.80 feet) and 2.35 metres (7.70 feet) instead of the current required 2.4 metres (7.87 feet); this is to allow for the existing garage and covered decks to remain.

Legend

- Support 
- Concern 
- Not Support 

Division: 3
Roll: 10013317
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Printed: 7/10/2024
Legal: A portion of
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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: Monique Feser and Rob Ness | DATE APPLICATION RECEIVED: June 27, 2024 |
| GROSS AREA: ±0.036 hectares (±0.09 acres) | LEGAL DESCRIPTION: NE-13-26-06-W05M |
| Pre-Application Meeting Held: <input type="checkbox"/> | Meeting Date: N/A |
| SOILS (C.L.I. from A.R.C.): Severe limitations due to temperature, low moisture holding, adverse texture, and erosion damage. | |
| HISTORY: | |
| November 14, 2023: | Building permit no. PRBD20235767 issued, approving construction of the Detached Garage on the subject lot. |
| January 27, 2022: | Building permit no. PRBD20214820 issued, approving construction of the Dwelling, Single Detached on the subject lot. |
| 2013 – 2024: | Four separate applications for site-specific amendments relaxing minimum setback requirements for individual lots have been approved. |
| April 14, 2020: | Cottageclub Phase Four (4) (Condominium Plan 201 0713) registered with the Alberta land titles office, creating the subject lot. |
| January 15, 2008: | Bylaw C-6857-2007 approved – Cottageclub Ghost Lake Conceptual Scheme adopted by Council. |
| 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. |
| <i>Province of Alberta</i> | |
| Alberta Ministry of Environment and Protected Areas | No response received. |
| Alberta Transportation and Economic Corridors | No concerns. |
| 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 response received. |
| <i>Public Utility</i> | |
| ATCO Gas | No concerns. |
| ATCO Pipelines | No concerns. |
| AltaLink Management | No response received. |
| FortisAlberta | No concerns. |
| TELUS Communications | No concerns. |
| TransAlta Utilities Ltd. | No response received. |
| Rockyview Gas Co-op Ltd. | No response received. |

| AGENCY | COMMENTS |
|--|-----------------------|
| <i>Adjacent Municipality</i> | |
| Municipal District of Bighorn | No response received. |
| <i>Internal Departments</i> | |
| Recreation, Parks, and Community Support | No concerns. |
| GIS Services | No response received. |
| Building Services | No concerns. |
| Fire Services & Emergency Management | No concerns. |
| Capital and Engineering Services | No concerns. |
| Agriculture & Environment Services | No response received. |

Circulation Period: July 18, 2024, to August 19, 2024.

From: [Chords 4me](#)
To: [Michelle Dollmaier](#)
Subject: File #10013317, Appl.#PL20240128 comments
Date: Thursday, August 8, 2024 9:14:09 AM

Attention: planning services dept, RV

Thank you for providing an opportunity to comment on application #PL20240128 file #10013317 to revise DC-123 for yet another setback infraction by a builder.

In the few cases that have gone to Rocky View for an exception to the side/back yard setback rules, the infraction has been a few inches, so immaterial human error can be accepted.

In this application, the accessory building was additionally placed over the well-known FRONT setback by a significant 32.64 inches. The owner is a developer-approved builder and so the error seems to be a blatant disregard for the DC-123 setback rule.

Any Front setback infractions lead to Negative Impact in the community to:

- a) neighbour sight-lines,
- b) emergency vehicle clearance,
- c) public in-ground utility corridor access,
- d) limit required parking spaces for the owner,
- e) be a collision hazard every time a vehicle backs out of this building onto the roadways (in this case it's on the main road into cottageclub so has high traffic)
- f) set a precedent for future builders/owners to disregard DC-123 front setback rules.

Other builders plan for smaller accessory buildings or find placement in the back of the lot within all setbacks. Many owners built within the DC-123 rules here and precedent should not be set that it's ok to intentionally do otherwise.

Respectfully,
Katherine Achen
418 Cottageclub Cove

From: [judy.humphries](#)
To: [Michelle Dollmaier](#)
Cc: [Division 3, Crystal Kissel](#); [Heather Haydu](#)
Subject: File number 10013317
Date: Monday, August 5, 2024 1:23:36 PM

Hi Michelle,

This is regarding file number 10013317, Application number PL20240128
Division 3

I am not in agreement with allowing this amendment.

I believe it does not leave proper amount of space required for vehicle parking.

Also this is a unit built by a builder that is familiar with the regulations on this site, having built other homes here.

It also should never have been passed by Rocky View once the foundation was poured, the error should have been discovered at that time, now it is coming to light when the home has been sold by the builder.

I am not sure how this can be mitigated at this stage, especially not feeling like the new owners should be held accountable for the builders error.

Judy Humphries
256 Cottageclub Cr

From: [Wendy Taylor](#)
To: [Legislative Services](#); [Michelle Dollmaier](#)
Cc: [Greg Harris](#)
Subject: BYLAW C-8584-2024-PL20240128(10013317)
Date: Saturday, November 9, 2024 12:45:36 PM

To Michelle Dollmaier, File Manager.

Good day

When is "Enough is Enough?"

Here is yet another example of a contractor doing what he wants, blatantly disregarding the bylaws, and asking forgiveness afterwards, sometimes after the property has sold. There are bylaws for a reason, when we purchased our lot we signed agreeing to the bylaws and we have followed them, along with many others.

What is stopping these Contractors and home owners from building other properties and pushing the bylaws even further?.

The once level playing field has been eroded, Rocky View County is now allowing, for example, full basements, larger homes, etc etc, which has moved the goal posts even further apart. This has an impact on our property values and these Contractors and home owners that disregard the bylaws are eroding the playing field even further.

Going forward, we hope Rocky View County does a better job of inspecting such properties during construction and to put a stop to the disregard of the bylaws.

Bylaw C-8584-2024 for a site-specific amendment to the Direct Control Bylaw C-6586-2007 (DC-123) should be rejected.

Greg Harris and Wendy Taylor
Unit 113

Sent from my iPad

From: [Amanda Stephenson](#)
To: [Michelle Dollmaier](#)
Subject: Bylaw C-8585-2024-PL20240071 (10013172)
Date: Monday, November 4, 2024 2:27:43 PM

Dear [Recipient's Name/Community Association/County Planning Department],

I am writing to formally express my concerns regarding the ongoing construction of homes at Cottage Club that do not adhere to the setback requirements prescribed in our community bylaws. These setbacks were implemented for important reasons, including fire safety and maintaining appropriate spacing between properties.

As a property owner, I invested considerable time and financial resources to work with an architect in designing a home that complies with these setback guidelines, assuming they would be enforced. I understood these guidelines to be non-negotiable standards designed to protect our community. However, I am increasingly frustrated to see other homes constructed without the same adherence, which negatively impacts neighboring properties and the community overall.

Firstly, these setback violations affect comparative real estate values, as some homes are built larger and encroach on setbacks, disregarding the bylaws. Secondly, our community is located in an area where fire risk is a concern, and our distance from emergency services heightens this risk. Studies, such as those following the Maui fires, have shown that homes with adequate spacing were more resilient to fire spread. The setback requirements play a crucial role in providing this spacing.

Moreover, I am concerned with the approval and inspection processes that appear to permit these violations. As property owners, we submit our plans for permitting, and there are several inspections throughout the construction process. I believe that Rocky View County has a responsibility to ensure that these plans align with the bylaws. Either plans are being approved that don't meet the setback requirements, or inspections are not verifying compliance with approved plans.

This issue has become increasingly problematic as more homes are built, and as general contractors and builders continue to disregard setback rules without consequence. While I understand that new homeowners may be unaware if their homes do not meet setback standards, there must be accountability for builders and contractors who fail to follow regulations.

I appreciate your attention to these concerns and urge that action be taken to enforce setback compliance in future builds and address current violations to ensure our community's safety, fairness, and integrity.

Thank you for your consideration.

Sincerely,
Amanda Stephenson
Unit 310, 49 CottageClub Lane, Rocky View County

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 District of Bighorn / Rocky View County Intermunicipal Development Plan | |
|--|--|
| Land Use Policies – General Land Use Policies | |
| 3.2.1 | Applications for land use redesignation, subdivision, and development permit should be evaluated in accordance with the Municipal Development Plan (MDP), Land Use Bylaw (LUB), and any statutory or non-statutory plans relevant to the municipality in which they are received. |
| Consistent | The IDP does not have regulations surrounding building setbacks, however the application was evaluated against Rocky View County regulations. |
| 3.2.2 | Applications for a new Area Structure Plan, Concept Plan, MDP, LUB, and MDP or LUB amendments within the IDP Area should be evaluated in accordance with any relevant regional plan as well as the Municipal Development Plan (MDP), Land Use Bylaw (LUB), and any statutory or non-statutory plans relevant to the municipality in which they are received. |
| Consistent | The application for the DC-123 Amendment was reviewed against Rocky View County plans. |

| Municipal Development Plan (County Plan) | |
|--|--|
| Country Residential Development – Compact Residential Development | |
| Intent | Compact residential design sensitively integrates housing with the natural features and topography of a site by grouping homes on smaller lots, while permanently preserving a significant amount of buildable land for conservation, recreation, or agriculture uses |
| Consistent | The County Plan does not have specific policies to building setbacks, however the application to amend DC-123 to allow the existing dwelling to remain does not have an adverse effect on the overall intent outlined in the County Plan. |
| 10.8 | Compact residential development shall be designed to achieve: <ul style="list-style-type: none"> a. a reduction in the overall development footprint through a permanent retention of a portion of developable land as open land; b. a portion of open land that is publicly accessible and used for greenways, regional pathways, and/or trails; c. an efficient, compact, walkable building area; d. servicing and transportation efficiencies, minimizing operational costs, and retention of viewscales; e. minimal impacts on adjacent agricultural operations; and f. environmental best practices, interconnected open land, efficient development, and retention of rural character. |
| Consistent | The proposed amendment to the front and side yard setbacks for Unit 316 does not contradict any design policies in section 10.8 of the County Plan. |

| Cottage Club Ghost Lake Conceptual Scheme | |
|--|---|
| Subdivision Design | |
| 7.4.1 | The layout of Cottage Club Ghost Lake shall generally be in accordance with Figure 9. |
| Consistent | Although the Conceptual Scheme does not have policies specific to building setbacks, the application follows the subdivision design policies. |
| Proposed Land Use | |
| 12.0.1 | Applications for land use amendments within the Plan Area shall establish land uses, appropriate building setbacks and development regulations, and shall be consistent with the intent of this Conceptual Scheme |
| Consistent | The application is requesting a variance to the building setback to allow an existing covered porch and detached garage to remain, while remaining consistent with the intent of the Conceptual Scheme. |

| Direct Control District Bylaw C-6586-2007 (DC-123) | |
|---|--|
| Land Use Regulations – Residential Area – Cell ‘A’ – Minimum Yard Requirements | |
| 2.4.2 | Side Yard: 2.4 m (7.87 ft.) |
| Generally Consistent | <p>The application is for an amendment to the front and side yard setbacks for Unit 316, to allow an existing covered decks and a detached garage to remain.</p> <p>The existing side yard setback to the covered decks is 2.38 m (7.80 ft.) and 2.35 m (7.70 ft.) resulting in a 0.02 m (0.07 ft.) variance and a 0.05 m (0.17 ft.) variance.</p> <p>The existing front yard setback to the detached garage is 1.57 m (5.15 ft.) resulting in a 0.83 m (2.72 ft.) variance.</p> |



BYLAW C-8584-2024

A bylaw of Rocky View County, in the Province of Alberta, to amend Rocky View County Bylaw C-6586-2007, being the *Direct Control Bylaw (DC-123)*.

The Council of Rocky View County enacts as follows:

Title

1 This bylaw may be cited as *Bylaw C-8584-2024*.

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-6586-2007 be amended as detailed in Schedule 'A' forming part of this Bylaw.

Effective Date

4 Bylaw C-8584-2024 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 _____, 20__

READ A SECOND TIME this _____ day of _____, 20__

UNANIMOUS PERMISSION FOR THIRD READING this _____ day of _____, 20__

READ A THIRD AND FINAL TIME this _____ day of _____, 20__

Reeve

Chief Administrative Officer

Date Bylaw Signed



SCHEDULE 'A'
FORMING PART OF BYLAW C-8584-2024

Amendment #1:

Add the following to Section 2.4.1:

2.4.1.1 Notwithstanding section 2.4.1, Unit 316, Plan 201 0713 within NE-13-26- 6W5M is permitted a minimum yard setback of 1.57 metres (5.15 feet), in order to allow an existing detached garage to remain.

Amendment #2:

Add the following to Section 2.4.2:

2.4.2.7 Notwithstanding section 2.4.2, Unit 316, Plan 201 0713 within NE-13-26- 6W5M is permitted a minimum yard setback of 2.38 metres (7.80 feet), and 2.35 m (7.70 ft.) in order to allow an existing covered deck to remain.

Amendment #3:

Numbering to be updated as necessary.

**MUNICIPAL DISTRICT OF ROCKY VIEW NO. 44
BYLAW C-6586-2007**

OFFICE CONSOLIDATION

This document has been consolidated for convenience only. A copy of the original Bylaw and all amending Bylaws can be obtained from Rocky View County. This office consolidation comprises the following Bylaws:

| Bylaw | Amendment Type | Date of Approval |
|-------------------------------|---|--------------------------|
| C-6586-2007 | Original Bylaw | June 1, 2010 |
| C-7303-2013 | Amending Section 2.4.2.1 | December 10, 2013 |
| C-7610-2016 | Amending Section 5.12.0 | October 11, 2016 |
| C-7808-2018 | Amending Sections 4.1.0 | January 28, 2020 |
| C-8444-2023 | Amending Section 2.4.2.2 | October 31, 2023 |
| C-8506-2024 | Amending Section 2.4.2 | April 23, 2024 |
| C-8577-2024 | Amending Section 2.4.2 | September 24, 2024 |
| C-8570-2024 | Amending Section 2.4.2 | October 8, 2024 |
| C-8585-2024 | Amending Section 2.4.2 | November 26, 2024 |
| <i>Pending Amendment from</i> | <i>Item D-1 on November 26, 2024</i> | <i>Council Agenda</i> |
| C-8584-2024 | Amending Section 2.4.1 & 2.4.2 | November 26, 2024 |

A Bylaw of the Municipal District of Rocky View No. 44 to amend Bylaw C-4841-97 (The Land Use Bylaw).

WHEREAS the Council deems it desirable to amend the said Bylaw; and

WHEREAS the Council of the Municipal District of Rocky View No. 44 has received an application to amend Part 5, Land Use Map 69 of Bylaw C-4841-97 to redesignate Lot 1, Block 1, Plan 031 2312 and a portion of the N ½ Sec. 13, Twp. 26, Rge. 6, W5M from Ranch & Farm District to Direct Control District as shown on attached Schedule “A” and Schedule “B”; and

WHEREAS a notice was published on Tuesday, December 4, 2007 and Tuesday, December 11, 2007 in the Rocky View Weekly, a newspaper circulating in the Municipal District of Rocky View No. 44, advising of the Public Hearing for Tuesday, January 15, 2008; and

WHEREAS Council held a Public Hearing and have given consideration to the representations made to it in accordance with Section 692 of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta, 2000, and all amendments thereto.

NOW THEREFORE the Council enacts the following:

1. That Part 5, Land Use Map No. 69 of Bylaw C-4841-97 be amended to redesignate Lot 1, Block 1, Plan 031 2312 and a portion of the N ½ Sec. 13, Twp. 26, Rge. 6, W5M from Ranch and Farm District to Direct Control District, as shown on the attached Schedule “A” and Schedule “B” attached hereto and forming part of the Bylaw; and

2. That a portion of the lands within Lot 1, Block 1, Plan 031 2312 and a portion of the N ½ Sec. 13, Twp. 26, Rge. 6, W5M are hereby redesignated to Direct Control District, as shown on Schedule “A” and Schedule “B” attached to and forming a part of this Bylaw; and
3. That the regulations of the Direct Control District comprise:
 - 1.0.0 General Regulations
 - 2.0.0 Land Use Regulations – Residential Area - Cell ‘A’
 - 3.0.0 Land Use Regulations – Lake Access Area - Cell ‘B’
 - 4.0.0 Subdivision Regulations
 - 5.0.0 Development Regulations
 - 6.0.0 Definitions
 - 7.0.0 Implementation

1.0.0 GENERAL REGULATIONS

- 1.1.0 Parts 1, 2 and 3 of the Land Use Bylaw C-4841-97 shall apply to all uses contemplated by this Bylaw except where noted otherwise in this Bylaw.
- 1.2.0 That the Development Authority shall be responsible for the issuance of Development Permit(s) for the Lands subject to this Bylaw.
- 1.3.0 Notwithstanding Section 1.2.0, a *Dwelling, Single-detached* and *Accessory Buildings* are deemed approved without the requirement for a Development Permit when all other criteria of this Bylaw are met.
- 1.4.0 Council may, through a Development Agreement(s) required by any subdivision and/or development permit affecting these Lands, specify any regulation, criteria, or condition necessary to ensure all Subdivision and Development on the Lands conform to the development proposals and representations upon which this Bylaw is based, as determined by and to the satisfaction of the Council and its sole and unfettered discretion.

2.0.0 LAND USE REGULATIONS – RESIDENTIAL AREA - CELL ‘A’

2.1.0 Purpose and Intent

The purpose and intent is to provide for a comprehensively planned ‘recreation-based’ residential development with limited service and seasonal occupancy.

2.2.0 Uses

- 2.2.1 Accessory Buildings
- 2.2.2 Caretaker’s Residence
- 2.2.3 Communal Washroom & Shower Facilities
- 2.2.4 *Dwelling, Single-detached*
- 2.2.5 Local Convenience Store
- 2.2.6 Private Open Space
- 2.2.7 Public Park
- 2.2.8 Learning & Recreation Center
- 2.2.9 Sales Centre/Professional Office
- 2.2.10 Show Homes
- 2.2.11 Signs
- 2.2.12 Utility Infrastructure

2.3.0 Maximum Requirements

- 2.3.1 Maximum Number of Dwelling Units: 350
- 2.3.2 Maximum Number of Dwelling Units per titled area: 1

- 2.3.3 Maximum Number of Caretaker's Residences: 1
- 2.3.4 Maximum Building Areas:
- a) Dwelling, *Single-detached*:
Main Floor – 56 m² (603 ft²)
Total – 88 m² (950 ft²)
 - b) Caretaker's Residence:
Main Floor – 139.4 m² (1,500 ft²)
Total – 278.7 m² (3,000 ft²)
 - c) Learning & Recreation Centre: 1393.5 m² (15,000 ft²)
 - d) Sales Centre/Professional Office (to be included as part of the Main Floor of the Caretaker's Residence): 55.7 m² (600 ft²)
 - e) Local Convenience Store (to be included as part of the Main Floor of the Learning & Recreation Centre): 186 m² (2,002 ft²)
 - f) Accessory Buildings:
Main Floor – 37.2 m² (400 ft²)
Total – 60.4 m² (650 ft²)
- 2.3.5 Maximum Number of Accessory Buildings per titled area: 1
- 2.3.6 Maximum Building Height:
- Accessory Buildings: 6 m (19.7 ft)
Caretaker's Residence: 11 m (36 ft)
Dwelling, *Single detached*: 9 m (29.5 ft)
Recreation & Learning Center: 11 m (36 ft)
- 2.3.7 Maximum Site Coverage (all buildings): 35%
- 2.4.0 Minimum Yard Requirements
- 2.4.1 Front Yard: 2.4 m (7.87 ft.)
- 2.4.1.1 Notwithstanding section 2.4.1, Unit 316, Plan 201 0713 within NE-13-26- 6W5M is permitted a minimum yard setback of 1.57 metres (5.15 feet), in order to allow an existing detached garage to remain.
- 2.4.2 Side Yard: 2.4 m (7.87 ft.)
- 2.4.2.1 Notwithstanding section 2.4.2, Unit 54, Plan 0914699 within N-13-26-6-W5M is permitted a minimum yard setback of 2.20 metres (7.22 feet), in order to allow an existing dwelling and garage to remain.
 - 2.4.2.2 Notwithstanding section 2.4.2, Unit 298, Plan 201 0713 within NE-13-26- 6W5M is permitted a minimum yard setback of 2.36 metres (7.74 feet), in order to allow an existing dwelling to remain.
 - 2.4.2.3 Notwithstanding section 2.4.2, Unit 259, Plan 201 0713 within NE-13-26-6-W5M is permitted a minimum side yard setback of 2.09 metres (6.86 feet), in order to allow an existing dwelling and detached garage to remain.
 - 2.4.2.4 Notwithstanding section 2.4.2, Unit 149, Plan 111 1762 within NE-13-26-6-W5M is permitted a minimum side yard setback of 0.51 metres (1.67 feet), in order to allow an existing detached garage to remain.
 - 2.4.2.5 Notwithstanding section 2.4.2, Unit 184, Plan 1111762 within NE-13-26-06-W5M is permitted a minimum side yard setback of 2.26 metres (7.41 feet) for the Dwelling, Single Detached, and 1.40 metres (4.59 feet) for Accessory Building, in order to allow an existing house and shed to remain.

2.4.2.6 Notwithstanding section 2.4.2, Unit 170, Plan 111 1762 within NE-13-
Pending Amendment from Item D-1 on November 26, 2024 Council Agenda

2.4.2.7 Notwithstanding section 2.4.2, Unit 316, Plan 201 0713 within NE-13-26- 6W5M is permitted a minimum yard setback of 2.38 metres (7.80 feet), and 2.35 m (7.70 ft.) in order to allow an existing covered deck to remain.

2.4.3 Rear Yard: 0.6 m (2.0 ft.) - when backing onto a common greenspace; 2.4 m (7.87 ft.) - all others

3.0.0 LAND USE REGULATIONS - LAKE ACCESS AREA - CELL 'B'

3.1.0 The purpose and intent is to facilitate the site's ongoing use for power generation and transmission infrastructure related to the Ghost River Reservoir, and to provide for a boat dock, boat launch, and a private road to facilitate access from the Residential Area to the Ghost Lake Reservoir.

3.2.0 Uses

- 3.2.1 Boat Dock
- 3.2.2 Boat Launch
- 3.2.3 Private Open Space
- 3.2.4 Signs
- 3.2.5 Utility Infrastructure

4.0.0 SUBDIVISION REGULATIONS

4.1.0 As per Section 11.0 of the Cottage Club Ghost Lake Conceptual Scheme, all applications for phased subdivision approvals must be supported by the following technical documentation:

- a) A Construction Management Plan, prepared by a qualified professional, in a form and substance satisfactory to the Municipality.
- b) A Stormwater Management Plan, prepared by a qualified professional, in a form and substance satisfactory to the Municipality and all relevant Federal & Provincial Authorities.
- c) A Traffic Impact Analysis, prepared by a qualified professional, in a form and substance satisfactory to the Municipality and Alberta Transportation.
- d) A Biophysical Impact Analysis, prepared by a qualified professional, in a form and substance satisfactory to the Municipality, to assess existing wildlife movements within the site, and recommend appropriate implementation measures to mitigate same.
- e) An Emergency Response Plan, prepared by a qualified professional, in a form and substance satisfactory to the Municipality, to assess appropriate emergency response levels as required by the development in consideration of the site's limited service and proximity to the Wildcat Hills Gas Plant.
- f) A Landscaping Plan that details plantings and other related improvements proposed within the development, prepared by a qualified Landscaping Professional, in accordance with the Conceptual Scheme's Policy 7.7.1, in a form and substance satisfactory to the Municipality.
- g) Confirmation of a treated water supply, to be licensed by the Province of Alberta, in a form and substance satisfactory to the Municipality.

- h) Confirmation of a wastewater system, to be approved by the Province of Alberta, in a form and substance satisfactory to the Municipality.
 - i) Confirmation that the proposed Condominium Bylaws and Architectural Controls associated with this development ensure that all owners within the development are notified of the community's recreational occupancy restrictions as per Policies 9.1.3, 9.1.4 and 9.3.1 of the Cottage Club Ghost Lake Conceptual Scheme, in a form and substance satisfactory to the Municipality.
 - j) An outline of all recreational amenities planned within the site, that discusses the intended use and intended users of each amenity, with a detailed Site Plan illustrating the location and configuration of the amenities within the site, in a form and substance satisfactory to the Municipality.
- 4.2.0 Approval conditions may be imposed by the Subdivision Authority to facilitate the implementation of appropriate development considerations as per the technical documentation listed in Section 4.1.0, to the satisfaction of the Municipality.
- 4.3.0 As per Sections 7.6 & 11.0, and Policy 7.6.8 of the Cottage Club Ghost Lake Conceptual Scheme, the pedestrian connection to the Bow River must be resolved prior to the 3rd phase of subdivision proceeding, to the satisfaction of the Municipality.
- 4.4.0 Private Roads shall be designed and constructed to the satisfaction of the Municipality.

5.0.0 DEVELOPMENT REGULATIONS

- 5.1.0 The Development Authority may issue a Development Permit for Stripping and/or Grading within any portion of the development, provided the Municipality has endorsed a Construction Management Plan and a Stormwater Management Plan, as required by 4.1.0.
- 5.2.0 Subject to the terms of a Development Permit issued pursuant to 5.1.0, the Development Authority may approve crushing and processing of excavated materials on-site only for subsequent use of such materials within the development.
- 5.3.0 Approval from the Development Authority for any use contemplated by this Bylaw may be subject to approval from all relevant Federal and/or Provincial Authorities.
- 5.4.0 No occupancy of any *Dwelling, Single detached* shall occur until the construction of all required roads and utilities have been substantially completed to the satisfaction of the Municipality and Alberta Transportation.
- 5.5.0 The Development Authority may issue a Development Permit for up to five (5) Show Homes prior to the endorsement of a conditionally approved Plan of Subdivision. No occupancy of a Show Home shall occur until all required roads and utilities have been substantially completed, and a Plan of Survey has been registered with Alberta Land Titles.
- 5.6.0 No outside storage shall be permitted within any parcel containing a *Dwelling, Single detached*.
- 5.7.0 Notwithstanding 5.6.0, the outside storage of a maximum of one (1) recreational vehicle and one (1) boat may be permitted within parcels containing *Dwellings, Single detached*, but only between April 1 and October 31.
- 5.8.0 Parking shall not be permitted abutting any road within the development.
- 5.9.0 Fencing shall not be permitted within any lot that contains a *Dwelling, Single detached*.
- 5.10.0 Construction of a wood, stone, or chain link fence, not greater than 1.8 m (6 ft.) in height, may be permitted within the common greenspace to enclose the development, to provide security for utility infrastructure, and to provide screening associated with recreational facilities.
- 5.11.0 The total area of any deck shall not exceed 37 m² (400 ft²) and may be attached and/or detached from a *Dwelling, Single detached*. The maximum height of a deck (not including railings) shall not exceed the height of the *Dwelling, Single detached* Main Floor elevation.
- 5.12.0 Notwithstanding 5.11.0, an additional deck incidental to a Loft Area of a *Dwelling, Single detached* may be permitted, provided it does not exceed 3.7 m² (40 ft²). The maximum height of this deck (not including railings) shall not exceed the maximum height of the *Dwelling, Single detached* Loft Area Floor elevation.
- a) excepting UNIT 148, Plan 1111762, which may retain the two existing upper decks; each approximately 40.00 sq. ft. in area.
- 5.13.0 In all cases, a deck may be covered, but shall not be enclosed, and shall not encroach into any required yard setback.
- 5.14.0 *Accessory Buildings* shall not be attached to any *Dwelling, Single detached*, and construction of carports, breezeways, lean-tos, and/or any other similar structure between a *Dwelling, Single detached* and an *Accessory Building* shall not be permitted.

6.0.0 DEFINITIONS - ALL USES NOT OTHERWISE HEREIN DESCRIBED HAVE THE SAME MEANING TO THE USES DEFINED IN THE LAND USE BYLAW C-4841-97.

- 6.1.0 “*Boat Dock*” - means a structure, attached to and forming part of the mainland, for the temporary mooring of water craft and does not include overnight moorage;
- 6.2.0 “*Boat Launch*” - means a ramp that extends from the mainland into a water body, the purpose of which is to facilitate the placement and removal of water craft;
- 6.3.0 “*Caretaker’s Residence*” - means a *Dwelling, Single detached* which may be used as a permanent residence by a caretaker who provides year-round security and a professional office to facilitate site management activities related to the premises;
- 6.4.0 “*Communal Washroom & Shower Facilities*” - means a private facility which is commonly owned or reserved for residents within the development that includes communal washroom and shower facilities;
- 6.5.0 “*Community Sign*” - means a sign displaying the name of the community;
- 6.6.0 “*Construction Management Plan*” - means a program that details site management of all construction activity that may include, but is not limited to, the management of construction debris and dust, stormwater, site erosion, sedimentation control, noise control, traffic control and groundwater monitoring;
- 6.7.0 “*Local Convenience Store*” - means an establishment supplying groceries and other daily household necessities to the residents of the development;
- 6.8.0 “*Private Open Space*” - means improvement of land specifically designed or reserved for residents of the development for active or passive recreational use and includes all commonly-owned natural and man-made landscaping, parking areas, playing fields, maintenance facilities, garbage storage, recycling facilities and other related structures;
- 6.9.0 “*Recreation & Learning Center*” - means a private facility which is commonly owned or reserved for residents within the development that may include meeting rooms, parking facilities, a swimming pool with related change rooms & shower facilities, patios, laundry facilities and a local convenience store for community, social, educational and recreational purposes;
- 6.10.0 “*Recreation Vehicle*” - means a motor home, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational occupancy;
- 6.11.0 “*Recreational Occupancy*” – means human habitation that occurs primarily between April 1 and October 31 of the calendaryear, and only on random and discontinuous occasions outside of these dates, subsequent to a deliberate mix of public and private regulatory mechanisms that restrict the availability of basic utilities, amenities and services and restrict the maximum area of residential building footprints & ancillary structures;
- 6.11.0 “*Qualified Landscaping Professional*” - means a professional landscape architect licensed to practice within the Province of Alberta who is a member in good standing with the Alberta Association of Landscape Architects (AALA);
- 6.12.0 “*Sales Centre/Professional Office*” - means a portion of the *Caretaker’s Residence* to be used for activities related to the initial marketing and sale of *Dwellings, Single detached* within the development and for ongoing site management activities related to the premises once the site has been built-out;

- 6.13.0 *“Substantially Completed”* - means Construction Completion Certificates have been issued by the Municipality;
- 6.14.0 *“Utility Infrastructure”* - means public and/or privately-owned communal water treatment & distribution systems, communal wastewater systems, natural gas, electricity, cable and telephone transmission lines (and related facilities), solid waste collection and recycling, and general maintenance facilities related to on-site development.

7.0.0 IMPLEMENTATION

7.1.0 This bylaw comes into effect upon the date of its third and final reading.

Division: 9
File: 10013010/002/001 2006-RV-183

First reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta, on Tuesday, November 27, 2007, on a motion by Councillor McLean.

Second reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta, on Tuesday, January 15, 2007, on a motion by Councillor McLean.

Third reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta, on _____, on a motion by Councillor _____.

REEVE OR DEPUTY REEVE

MUNICIPAL SECRETARY



Direct Control Amendment Item: Business

Electoral Division: 5

File: PL20240004 / 06410068

| | |
|-------------|-------------------------------|
| Date: | November 26, 2024 |
| Presenter: | Oksana Newmen, Senior Planner |
| Department: | Planning |

REPORT SUMMARY

The purpose of this report is to assess a site-specific amendment to Direct Control District 99 (DC99) for Lot 1, Block 6, Plan 161 1467 within NW-10-26-29-W4M to allow a reduced setback on the northern side yard to 3.00 metres from 10.00 metres (70% variance); the rear yard setback to 3.00 metres from 10.00 metres (70%); and the southern side yard to 6.00 metres from 10.00 metres (40% variance). The stated purpose of the request is to allow the building locations on the north and south and for rear outdoor storage, and to maximize outdoor storage space on the east side.

The application was reviewed pursuant to the Municipal Development Plan (County Plan), Balzac East Area Structure Plan, and the Balzac Commercial Campus Conceptual Scheme; the application was found to align with the overarching policy.

The application as presented is not consistent with the existing regulations within Direct Control Bylaw C-6031-2005 (DC99), which requires a 10.00 metre setback; however, as the application is seeking to reduce the setbacks in the bylaw, if the bylaw amendments are approved, the proposal would then be compliant.

The southern side yard setback cannot be less than 6.00 metres (as proposed) due to the existing County stormwater trunk line. The Applicant submitted a geotechnical report which addressed all Engineering concerns with the proposed lesser setback and locating a proposed building in close proximity to the existing line. No concerns were raised with the proposed 3.00 metre setbacks on the north and east sides.

As the proposal is not expected to impact adjacent property owners, nor existing County infrastructure, Administration therefore recommends approval.

ADMINISTRATION'S RECOMMENDATION

- THAT Bylaw C-8512-2024 be given first reading.
- THAT Bylaw C-8512-2024 be given second reading.
- THAT Bylaw C-8512-2024 be considered for third reading.
- THAT Bylaw C-8512-2024 be given third and final reading.

Direct Control Amendment Item: Business

BACKGROUND

Location (Attachment A)

Located approximately 0.40 kilometres (0.25 miles) south of Highway 566 and 1.61 kilometres (1.00 mile) west of Range Road 292.



Site History (Attachment B)

The subject lands are currently vacant, though a development permit has been approved for General Industry, Type II for construction of an office/warehouse building (Phase 1). To complete phase 2 plans for two additional buildings, an amendment to DC99 is being requested.

DC99 was adopted by Council in March 2005, and the Balzac Commercial Campus Conceptual Scheme was adopted in July 2008. This specific parcel was part of a larger subdivision which was registered at land titles on June 23, 2016. A site-specific amendment to DC99 was approved in June 2017, allowing for a greater range of uses on site.

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 no concerns on the proposed application, noting exemption from Section 25 of the Highways Development and Protection Regulation. The Calgary Airport Authority provided summary comments included information pertaining to maximum building heights, electronic facilities protection, bird hazard, and land use compatibility. There were no stated concerns.

An initial Engineering concern pertaining to an existing stormwater trunk on the property and necessary setbacks was addressed through a geotechnical report submitted by the Applicant. The report was accepted by the County, and resulted in the increased 6m setback requirement on the southern boundary.

Landowner Circulation (Attachment D)

The application was circulated to 191 adjacent landowners in accordance with the *Municipal Government Act* and County Policy C-327 (Circulation and Notification Standards); no letters were received.

Direct Control Amendment Item: Business

ANALYSIS

Policy Review (Attachment E)

The application was reviewed in accordance with the County Plan, Balzac East Area Structure Plan, Balzac Commercial Campus Conceptual Scheme, and Direct Control District 99 and was found to generally align.

The application was reviewed pursuant to Section 4 (Planning Framework), Section 7 (Environment), Section 14 (Business Development), and Section 17 (Utility Services) of the County Plan and was found to align.

It was also assessed under the Balzac East Area Structure Plan Section 4.3 (Business), Section 4.4 (Business Use Performance Standards and Development Guidelines), Section 4.7.4 (Special Development Area #4), and Section 6.3 (Airports) and was found to align.

The site is located within the Balzac Commercial Campus Conceptual Scheme, and was assessed pursuant to Section 3.0 (Land Use and Subdivision), Section 6.0 (Development Standards), and Section 8.0 (Implementation) and was found to align.

Finally, the application was reviewed pursuant to Direct Control District 99. As the Applicant is seeking to amend DC99 to expand the setbacks, the applicable Policy 3.13.1 was considered. With an approved amendment to the policy, allowing reduced setbacks from the 10 metre requirement, the application will be consistent.

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 Letters Received]
- Attachment E: Policy Review
- Attachment F: Draft Bylaw C-8512-2024
- Attachment G: DC-99 Redline with Proposed Amendments

Direct Control Amendment Item: Business

APPROVALS

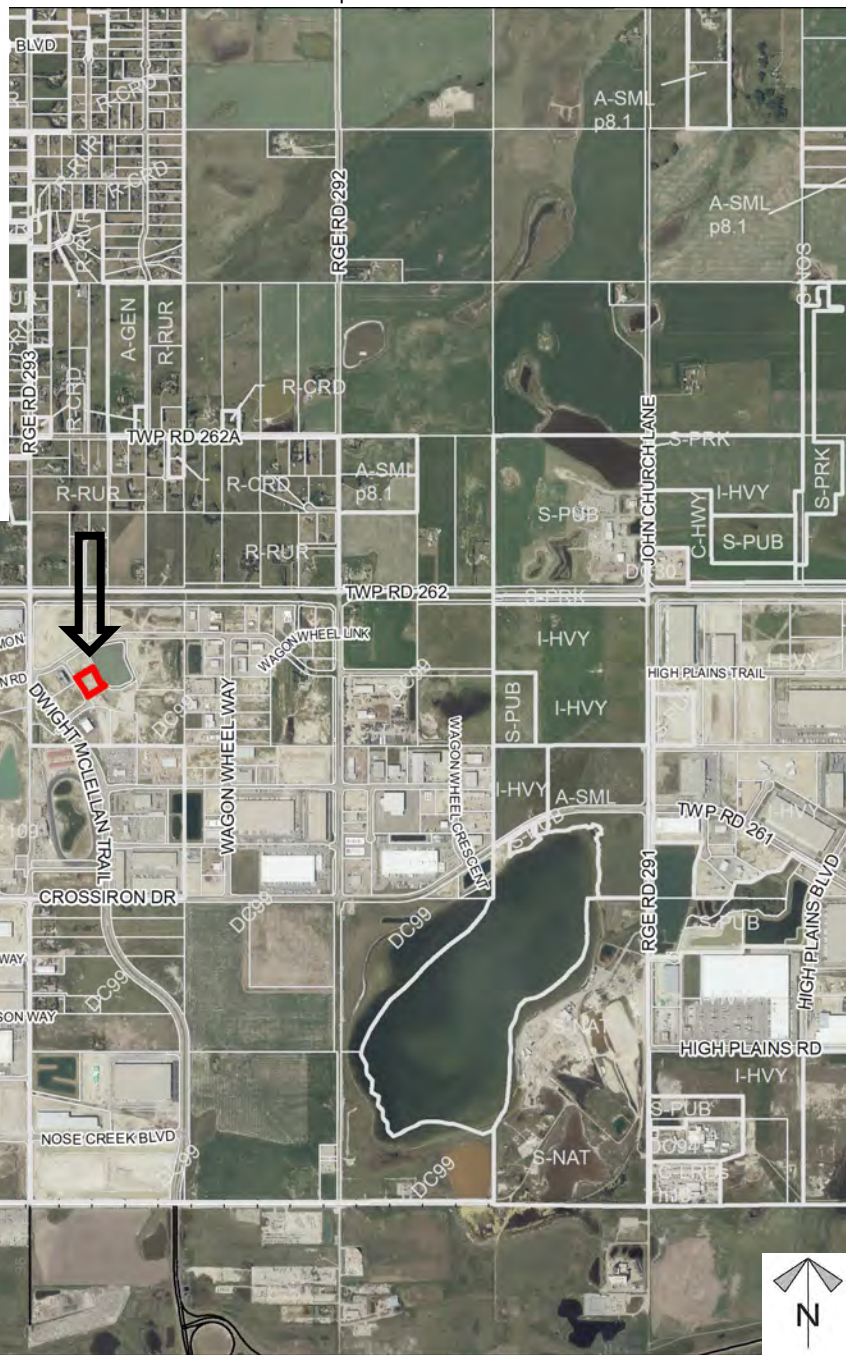
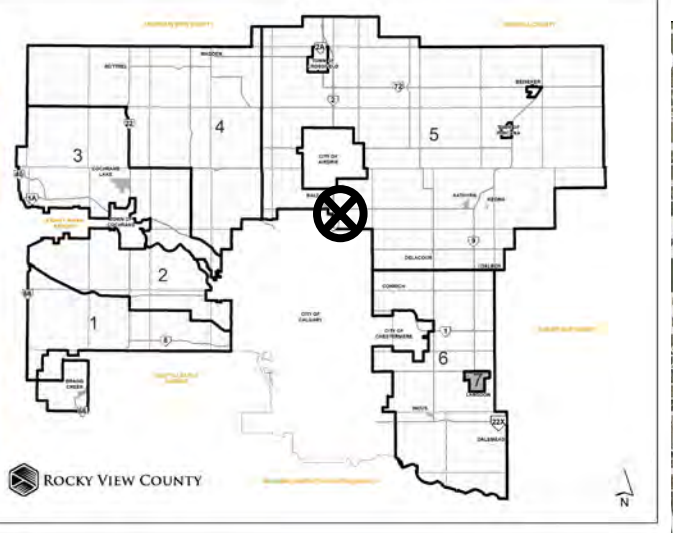
| | |
|-------------------------------|---------------------|
| Manager: | Dominic Kazmierczak |
| Acting Executive Director: | Dominic Kazmierczak |
| Chief Administrative Officer: | Reegan McCullough |



Location & Context

Redesignation Proposal

A site-specific amendment to Direct Control District 99 to allow reduced setback on the northern side yard to 3.00m from 10.00m; the rear yard setback to 3.00m from 10.00m; and the southern side yard to 1.00m from 10.00m.



Development Proposal

Redesignation Proposal

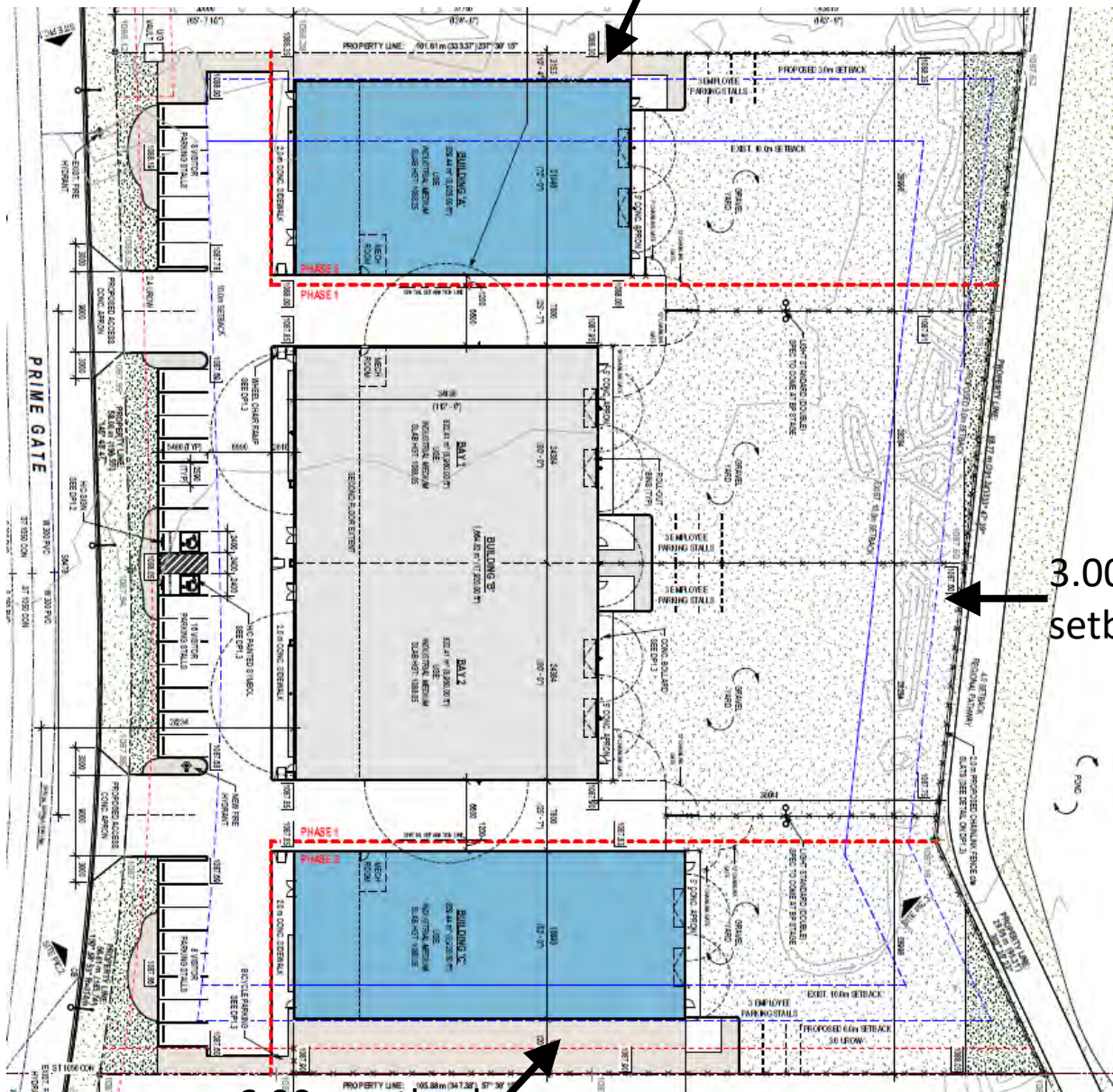
A site-specific amendment to Direct Control District 99 to allow reduced setback on the northern side yard to 3.00m from 10.00m; the rear yard setback to 3.00m from 10.00m; and the southern side yard to 1.00m from 10.00m.



Development Proposal

Redesignation Proposal

A site-specific amendment to Direct Control District 99 to allow reduced setback on the northern side yard to 3.00m from 10.00m; the rear yard setback to 3.00m from 10.00m; and the southern side yard to 1.00m from 10.00m.



3.00m setback

6.00m setback

Environmental

Redesignation Proposal

A site-specific amendment to Direct Control District 99 to allow reduced setback on the northern side yard to 3.00m from 10.00m; the rear yard setback to 3.00m from 10.00m; and the southern side yard to 1.00m from 10.00m.



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

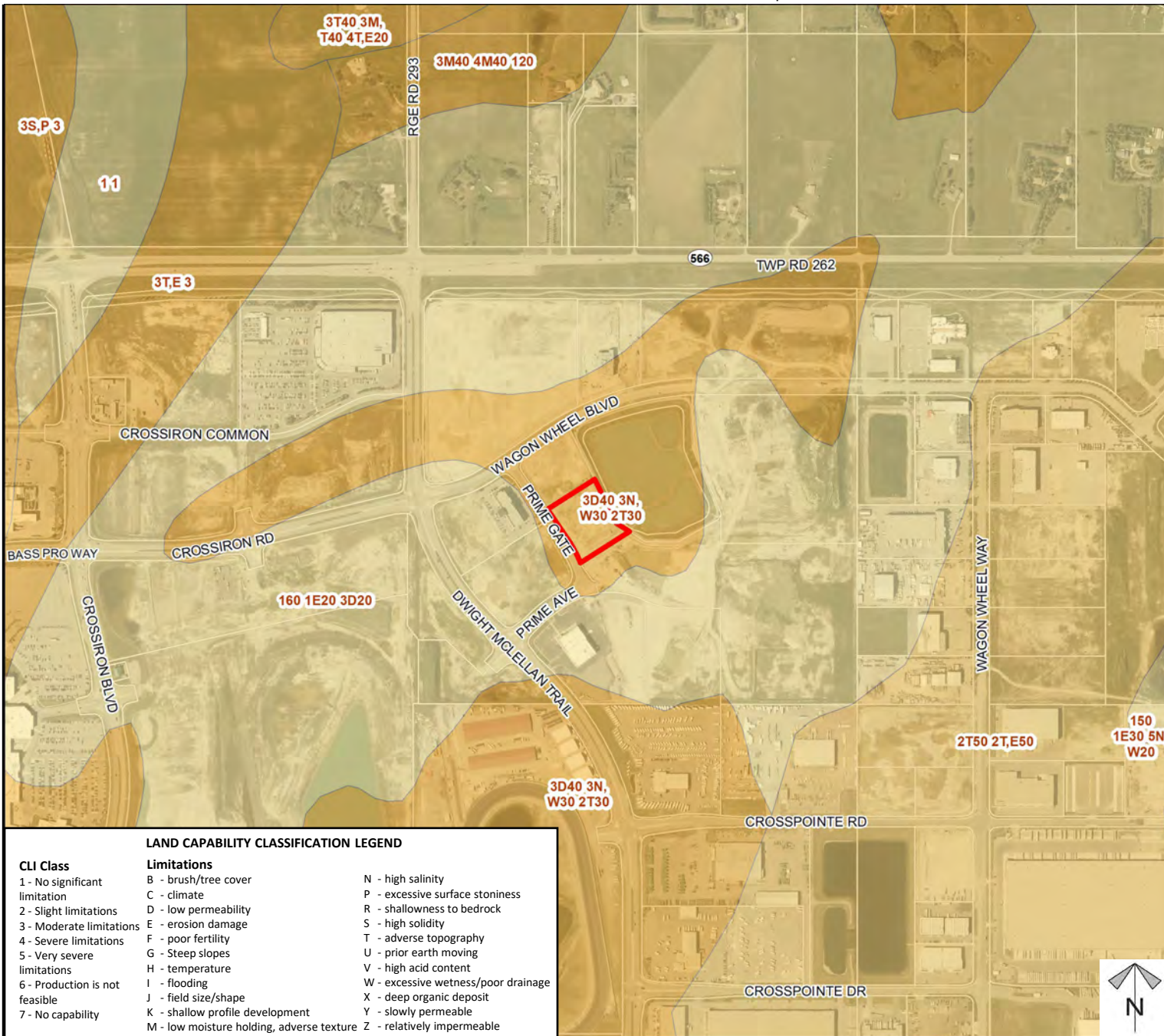
Division: 5
 Roll: 06410068
 File: PL20240004
 Printed: January 12, 2024
 Legal: A portion of NW-10-26
 Page 4 of 112



Soil Classifications

Redesignation Proposal

A site-specific amendment to Direct Control District 99 to allow reduced setback on the northern side yard to 3.00m from 10.00m; the rear yard setback to 3.00m from 10.00m; and the southern side yard to 1.00m from 10.00m.



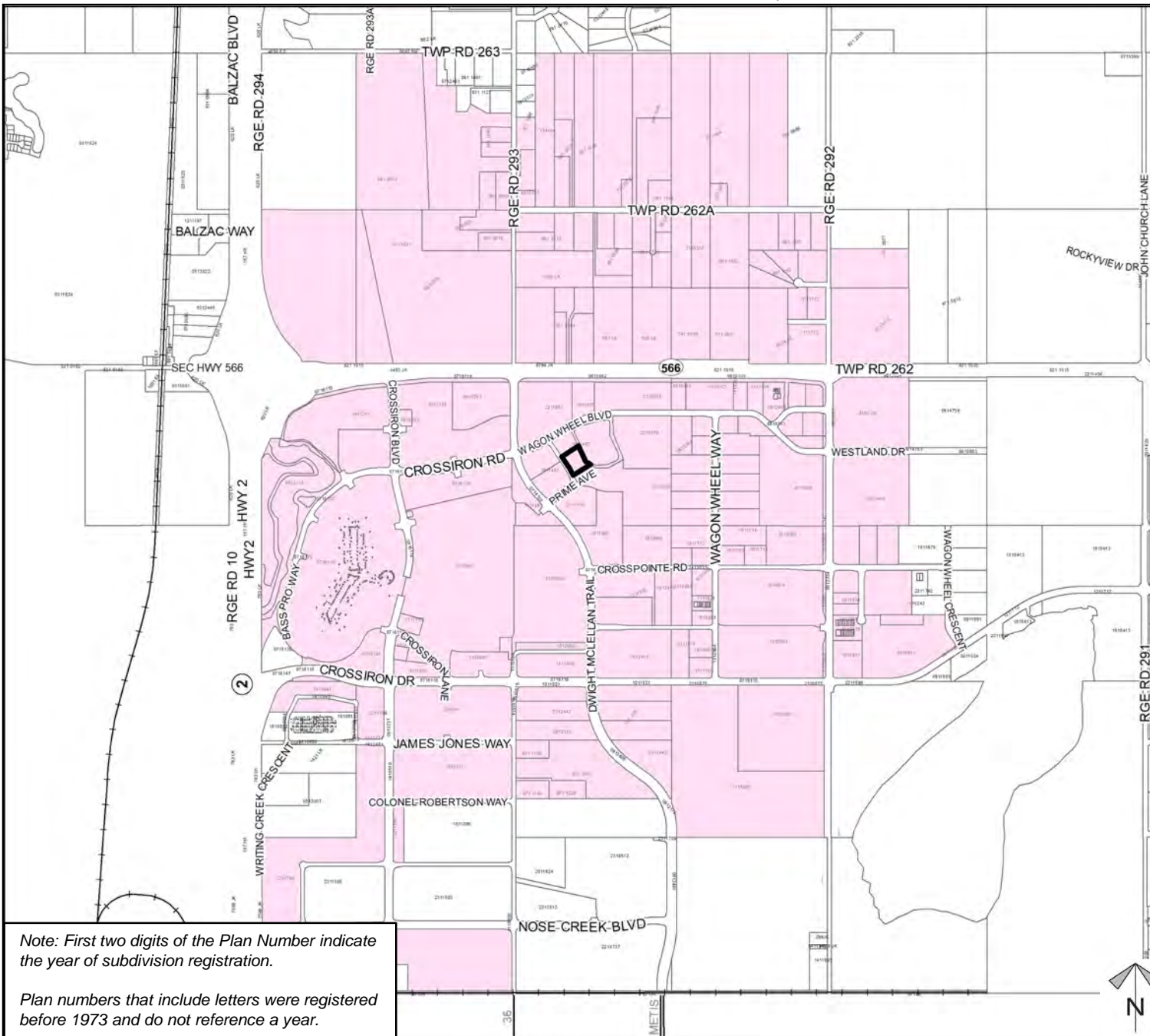
LAND CAPABILITY CLASSIFICATION LEGEND

| 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

Redesignation Proposal

A site-specific amendment to Direct Control District 99 to allow reduced setback on the northern side yard to 3.00m from 10.00m; the rear yard setback to 3.00m from 10.00m; and the southern side yard to 1.00m from 10.00m.



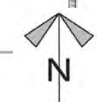
Legend

- 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.

Division: 5
 Roll: 06410068
 File: PL20240004
 Printed: January 12, 2024
 Legal: A portion of NW-10-26
 Page 6 of 112



ATTACHMENT B: APPLICATION INFORMATION

| | |
|--|---|
| APPLICANT/OWNERS: COM-TECH Drafting & Design Services (Layne Martin) / 1804947 Alberta Ltd. | DATE APPLICATION RECEIVED: January 10, 2024 |
| GROSS AREA: ±1.10 hectares (±2.72 acres) | LEGAL DESCRIPTION: Lot 1, Block 6, Plan 161 1467 |
| Pre-Application Meeting Held: <input checked="" type="checkbox"/> | Meeting Date: October 10, 2023 |
| SOILS (C.L.I. from A.R.C.): 3D40, 3N, W30 2T30 – Moderate limitations due to low permeability, high salinity, excessive wetness/poor drainage, and slight limitations due to adverse topography. | |
| HISTORY: | |
| June 13, 2017: | Council approves site-specific amendment to DC99 to allow for a range of additional uses. |
| June 23, 2016: | Subdivision plan 161 1467 for Balzac Commercial Campus Phase 1 registered at land titles. |
| July 22, 2008: | Council adopts Balzac Commercial Campus Conceptual Scheme. |
| March 8, 2005: | Council adopts Direct Control District 99 (DC99). |
| TECHNICAL REPORTS SUBMITTED: | |
| <ul style="list-style-type: none"> South Property Line Utility Right-of-Way (ROW) Review dated August 12, 2024, prepared by Englobe Corp. | |

ATTACHMENT C: APPLICATION REFERRAL RESPONSES

| AGENCY | COMMENTS |
|---|--|
| <i>School Authority</i> | |
| Rocky View Schools | No response received |
| Calgary Catholic School District | No response received |
| Public Francophone Education | No response received |
| Catholic Francophone Education | No response received |
| <i>Province of Alberta</i> | |
| Alberta Transportation and Economic Corridors | <ol style="list-style-type: none"> <li data-bbox="532 745 1528 848">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 <li data-bbox="532 867 1528 999">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. <li data-bbox="532 1018 1528 1283">3. The proposed development is exempted from the requirement of a permit pursuant to Section 25 of the Highways Development and Protection Regulation. This exemption is subject to the provisions of Sections 11-23 and Sections 55-59 of the Highways Development and Protection Act (Chapter H-8.5, RSA, 2004) and amendments thereto, and Sections 8-15, Sections 24-25, and Sections 35-36 of the Highways Development and Protection Regulation (Alberta Regulation 326/2009) and amendments thereto. <li data-bbox="532 1302 1528 1467">4. Alberta Transportation accepts no responsibility for the noise or other impacts of highway traffic upon any development or occupants thereof. Noise impacts and the need for attenuation should be thoroughly assessed. The applicant is advised that provisions for noise attenuation and/or visual screening are the sole responsibility of the landowner. <li data-bbox="532 1486 1528 1619">5. This exemption, and associated terms and conditions, apply to the development referenced herein at the location shown, and any new or additional development activity must obtain approval from Alberta Transportation. <li data-bbox="532 1638 1528 1803">6. The landowner shall indemnify and hold harmless the Minister and his employees and agents from any and all claims, demands, actions and costs whatsoever that may arise, directly or indirectly, from anything done or omitted to be done in the construction, maintenance, operation, or alteration of the work described. <li data-bbox="532 1822 1528 1887">7. The landowner (or a designated representative) is responsible for obtaining any other necessary municipal, provincial, or federal approvals. <li data-bbox="532 1906 1528 1999">8. Any peripheral lighting (yard lights/area lighting) that may be considered a distraction to the motoring public or deemed to create a traffic hazard will not be permitted. |

| AGENCY | COMMENTS |
|---|---|
| Alberta Culture and Community Spirit (Historical Resources) | No response received |
| Energy Resources Conservation Board | No response received |
| Alberta Health Services | No concerns |
| Public Utility | |
| ATCO Gas | No response received |
| ATCO Pipelines | No response received |
| AltaLink Management | No response received |
| FortisAlberta | No response received |
| TELUS Communications | No response received |
| TransAlta Utilities Ltd. | No response received |
| Other External Agencies | |
| EnCana Corporation | No response received |
| NavCan | <p>NAV CANADA has evaluated the captioned airport proposal and has no objection to the project as submitted.</p> <p>NAV CANADA does not require notification of construction; however, if you should decide not to proceed with this project, please advise us accordingly so that we may formally close the file. If you have any questions, contact Stakeholder and Commercial Relations by email at commercialrelations@navcanada.ca.</p> |
| Calgary Airport Authority | <p><u>Calgary International Airport Vicinity Protection Area (AVPA) Regulation</u></p> <p>The proposed development is not located within the NEF (Noise Exposure Forecast) contours. Constructions are not considered prohibited uses within this area, however the City and Owner are responsible for ensuring uses are compatible with the AVPA. All buildings constructed on land in the Protection Area must comply with the acoustical requirements set out in the Alberta Building Code.</p> <p><u>Building Height and Use of Cranes</u></p> <p>The highest point above sea level of any building, structure or object is to be used when calculating the final height of the development. This includes parapets, rooftop equipment, antennas, and all other objects. The applicant must ensure there is adequate room for all objects to ensure conformity with the Calgary International Airport Zoning Regulations. It is also important to note that use of construction equipment such as cranes may also have an</p> |

| AGENCY | COMMENTS |
|--|---|
| | <p>impact on Airport Zoning and cannot violate the regulations during the construction of these buildings.</p> <p><u>Calgary International Airport Zoning Regulations</u></p> <p>The proposed development is located within the Runway 17L-35R Approach Surface as defined in the Calgary International Airport Zoning Regulations and is therefore subject to regulated height restrictions. The maximum height for any structure in this area is 1,249.68 above sea level.</p> <p>The applicant must contact Transport Canada directly for a thorough review and determination of any restrictions on their proposal, for both the building and cranes that may be used during construction.</p> <p>Transport Canada Aerodrome Safety, Air Navigation and Airspace Prairie and Northern Region Email: casprn-sacrpn@tc.gc.ca Website: http://www.tc.gc.ca</p> <p><u>Electronic Zoning Regulations</u></p> <p>The proposed development is affected by the Electronic Facilities Protection Area Zoning Plan and is located within the critical area of the Terminal Surveillance Radar. Structure height limits exist in this area.</p> <p>The applicant must contact Nav Canada directly for a thorough review and determination of any restrictions on their proposal, for both the building and any cranes that may be used during construction.</p> <p>NAV CANADA AIS Data Collection Unit and Land Use Office 1601 Tom Roberts Road P.O. Box 9824, Station T Ottawa, Ontario, K1G 6R2 Phone: 866.577.0247 Fax: 613.248.4094 Email: landuse@navcanada.ca Website: http://www.navcanada.ca</p> <p><u>Bird Hazard Considerations</u></p> <p>Incompatible land uses that attract bird activity by providing food sources or water must be avoided or mitigated. Calgary Airport Authority strongly discourages any fruit bearing trees and shrubs due to bird strike risk to Aviation Safety and proximity to the airport. For further information on mitigation measures please contact the Calgary Airport Authority Environmental Group at 403.735.1499.</p> <p><u>Land Use in the Vicinity of Airports</u></p> <p>As this development is occurring outside of the Calgary International Airport property boundary, the proposed development should ensure compatibility to the land use recommendations and guidelines as set out in TP1247 – Land Use in the Vicinity of Airports.</p> |
| Internal Departments | |
| Recreation, Parks, and Community Support | No response received |
| GIS Services | No response received |

| AGENCY | COMMENTS |
|--------------------------------------|---|
| Building Services | Building Services doesn't have concerns with the setback request on this planning file and would provide comments at the DP stage on Fire department access routes, hydrant locations and building separation and fire resistance ratings of the buildings at 3M, as this information is not provided at this stage or on this application. |
| Fire Services & Emergency Management | Based on comments from building services "Building Services doesn't have concerns with the setback request on this planning file and would provide comments at the DP stage on Fire department access routes, hydrant locations and building separation and fire resistance ratings of the buildings at 3M, as this information is not provided at this stage or on this application." " |
| Capital and Engineering Services | <p>General:</p> <ul style="list-style-type: none"> • We note the County has provided comments to the applicant on onsite engineering submittals under County DP file PRDP20236510. See that file for details. • The applicant will be responsible for all required payments of 3rd party reviews as per the Master Rates Bylaw C-8515-2024. • We note the application is proposing to amend the setbacks for the parcel adjacent to an existing County utility right of way. We note the presence of a County 1055mm concrete stormwater trunk at property line along the east boundary of the parcel: <ul style="list-style-type: none"> ○ As a result, and to ensure there is no impact on the County's existing underground stormwater main, the applicant was required to submit the following engineering deliverable for County records: <ul style="list-style-type: none"> ○ Letter from a Geotechnical Engineer (Englobe Corp) dated August 14th, 2024 addressing geotechnical impacts related to the proximity of the building foundation to a future excavation of the County's utility. ○ Letter from a Structural Engineer (Wolsey Structural Engineering Ltd.) dated August 2nd, 2024 addressing any impacts to the future buildings foundation resulting from an excavation of the existing pipe in the future. ○ The two letter submissions are stamped by the respective responsible engineers and adequately address the relocation of building foundations that would result from the setback change. |
| Agriculture & Environment Services | No response received |

Circulation Period: March 4, 2024, to April 3, 2024.

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 | This has been considered where appropriate. |
| 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> |
| Not Applicable | This will be considered as part of future development permit. |
| 7.25 | <i>Encourage and support proper disposal and recycling of solid waste from construction.</i> |
| Not Applicable | This will be considered as part of future development permit. |
| Business Development – General Business | |
| 14.2 | <i>Direct business development to locate in identified business areas as identified on Map 1.</i> |
| Consistent | The subject lands are in the Balzac East ASP, and within a regional business centre. |
| 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> |
| Consistent | The subject lands are in the Balzac East ASP, and within an area currently undergoing infill of areas with appropriate land use and planning. |
| 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 subject lands are in the Balzac East ASP |
| 14.6 | <i>Business development shall address the:</i> <i>a. County's Commercial, Office, and Industrial Design Guidelines; and</i> <i>b. development review criteria identified in section 29.</i> |
| Not Applicable | This will be considered as part of future development permit. |
| Business Development – Regional Business Centres | |
| 14.8 | <i>Direct new commercial and industrial development to existing, identified regional business centres and ensure development complies with existing area structure plans.</i> |
| Consistent | The subject lands are in the Balzac East ASP, and within a regional business centre. |

| Utility Services – Wastewater Management | |
|---|---|
| 17.10 | <i>New business development shall provide wastewater treatment, in accordance with County Policy, by:</i> a. <i>connecting to, or constructing, regional or decentralized wastewater services; or</i> b. <i>using pump out tanks in non-serviced areas.</i> |
| Consistent | This will be evaluated as part of future development permit, however, it is anticipated the development will connect to the existing utilities in Balzac. |
| Utility Services – Stormwater | |
| 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> |
| Not Applicable | This will be evaluated as part of future development permit. |

| Balzac East Area Structure Plan C-5177-2000 | |
|--|---|
| 4.3 Business | |
| 4.3.1 a. | <i>Development within the business areas should proceed in an orderly and efficient manner.</i> |
| Consistent | The subject lands are located within an approved conceptual scheme, and have land use. There is extensive development in the vicinity already. |
| 4.3.1 c. | <i>Applications for business uses, redesignations and subdivisions shall consider the importance of visual impacts on the landscape and the Highway 2 and Highway 566 corridors, particularly for lands adjacent to them. Integration of building design with surrounding landforms with links to potential open space systems should be considered.</i> |
| Consistent | This will be evaluated as part of future development permit. Regarding the requested reduction in setbacks, the lands are not adjacent to the highways, and the adjacent MR is sufficiently setback from anticipated buildings. |
| 4.3.1 f. | <i>Figure 4 identifies where Conceptual Schemes may be required for redesignation and subdivision applications proposing business uses deemed to have an impact on adjacent land use, the long-term land use scenario, servicing requirements, future road network, or development pattern of surrounding lands.</i> |
| Consistent | The subject lands are located in the Balzac Commercial Conceptual Scheme. |
| 4.3.1 i. | <i>Where appropriate and feasible, the Municipality encourages construction and building best management practices, including Leadership in Energy and Environmental Design (LEED).</i> |
| Not Applicable | This will be evaluated as part of future development permit. |
| 4.4 Business Use Performance Standards and Development Guidelines | |
| 4.4.1 | <i>When considering applications for redesignation, subdivision and/or development approval of business uses, applications must meet or exceed the minimum performance standards and development guidelines of the BEASP. Council may, at its sole discretion, vary the performance standards and development guidelines from time to time to accommodate individual proposals.</i> |
| Consistent | The application is seeking to reduce the setbacks from 10m to 3m and 6m. Any further deviations from development requirements would be assessed through development permit. |
| 4.7.4 Special Development Area #4 (SDA#4) | |
| 4.7.4.f | <i>Phasing of development in SDA#4 shall be predicated by the installation and construction of infrastructure and market demand.</i> |

| | |
|---------------------|---|
| Consistent | Servicing and infrastructure is developed and is available to the site. |
| 4.7.4.h | <i>Any new redesignation, subdivision and/or development, shall be subject of an approved conceptual scheme.</i> |
| Consistent | The application is not proposing redesignation, but amending the setbacks, however the parcel is located within the approved Balzac Commercial Campus Conceptual Scheme. |
| 4.7.4.j | <i>SDA#4 is divided into three development cells: i. Cell A – Located immediately adjacent to Highway 566, north of the modified service road. This cell will allow commercial, retail and other uses that may be compatible with the adjacent residential uses. There will be setbacks from the modified service road, all Highway 566 future road widening will be taken on the south side and within this Cell. Landscaped buffers will be mandatory here, sensitive signage and lighting will be mandatory, rear yards and side yards, where visible, will be treated like a front yard and require landscaping, a lighting plan will be mandatory and no outdoor storage will be allowed to occur within the area of any required yard setback. Development heights, landscaping, frontages and parking will be compatible with the residential scale of development north of Highway 566.</i> |
| Consistent | The subject lands are seeking only to amend setbacks. Any development will be required to comply with these requirements. |
| 6.3 Airports | |
| 6.3.d | <i>Applications for redesignation, subdivision, and/or development in the Plan Area that are proposed within the AVPA shall be referred to the Calgary Airport Authority.</i> |
| Consistent | The application was referred, and comments included information pertaining to maximum building heights, electronic facilities protection, bird hazard, and land use compatibility. There were no stated concerns. |

| | |
|---|--|
| Balzac Commercial Campus Conceptual Scheme Bylaw C-6664-2008 | |
| 3.0 Land Use and Subdivision | |
| 3.2.1 | <i>Land uses within the Conceptual Scheme Area shall include a full range of industrial, business, commercial and institutional land uses in conformity with the policies of the Balzac East Area Structure Plan (as amended).</i> |
| Consistent | The proposal is in conformity with the BEASP. |
| 3.2.5 | <i>Land uses within the Conceptual Scheme Area shall be governed by DC-99 Bylaw C-6031-2005 and SDA #4 policies in the Balzac East Area Structure Plan that will establish landscaping, architectural control, and other means to ensure that development is compatible with existing and planned land uses adjacent to any specific development site.</i> |
| Consistent | The application seeks to reduce the setbacks on the subject parcel, and as such was considered against all relevant documents to ensure compatibility with existing and planned uses adjacent to the site. |
| 6.0 Development Standards | |
| 6.1.1 | <i>Building setbacks and site coverage as described in Section 6.1 shall be implemented in accordance with DC-99, Bylaw C-6031-2005, to provide an attractive, comprehensively designed industrial park and ensure that new development is compatible with surrounding land uses.</i> |
| Consistent | The application seeks to reduce the setbacks on the subject parcel, and is amending DC99 to enable it to be compliant. With amendment, the application is consistent with this policy. |

| | |
|---------------------------|---|
| 8.0 Implementation | |
| 8.2.1 | <i>In addition to the policies of this Conceptual Scheme, the policies identified in the Balzac East Area Structure Plan in Section 4.7.4 for Special Development Area #4, and the Business Policies identified in Section 4.3 shall be considered by the approval authority during the subdivision and development approval processes.</i> |
| Consistent | The application seeks to reduce the setbacks on the subject parcel, and as such was considered against all relevant documents to ensure compatibility. |

| | |
|---|---|
| Direct Control District 99 Bylaw C-6031-2005 | |
| 3.13.0 Minimum Setbacks | |
| 3.13.1 | <i>All buildings shall be set back a minimum of 10.00 metres from any property line excepting out the following: (i) Fifty (50.00) metres from the north property boundary of Cell A for those lots immediately adjacent to Highway 566; (ii) Thirty (30.00) metres for those lots adjacent to the Municipal Reserve land that borders Highway 566. (iii) Within the SE 10-26-29-W4M, 25.00 metres from Range Road 292 and Township Road 261. (iv) For Commercial Communication Tower Type (A), Type (B), or Type (C) use on Lot 3, Block 1, Plan 0811034: 1. The rear property line setback shall be 2 metres, and 2. The west side property line setback shall be 2 metres.</i> |
| Consistent | The application seeks to reduce the setback requirement of 10m, and with approval of this amendment, will be consistent with this policy. |



BYLAW C-8512-2024

A bylaw of Rocky View County, in the Province of Alberta, to amend Rocky View County Bylaw C-6031-2005, being Direct Control District 99.

The Council of Rocky View County enacts as follows:

Title

1 This bylaw may be cited as *Bylaw C-8512-2024*.

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 Bylaw C-6031-2005 (Direct Control District 99) be amended in accordance with the amendments as shown on the attached Schedule ‘A’ forming part of this Bylaw.

Effective Date

4 Bylaw C-8512-2024 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
FORMING PART OF BYLAW C-8512-2024

Amendment #1:

Add section (v) to Section 3.13.0 Minimum setbacks:

- (v) Lot 1, Block 6, Plan 161 1467 within NW-10-26-29-W4M, where the northern side yard is 3.00 metres; the rear yard setback is 3.00 metres; and the southern side yard is 6.00 metres.

**ROCKY VIEW COUNTY
DIRECT CONTROL BYLAW C-6031-2005**

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| DC-99 |
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OFFICE CONSOLIDATION

This document has been consolidated for convenience only. A copy of the original Bylaw and all amending Bylaws can be obtained from Rocky View County. This office consolidation comprises the following Bylaws:

| Bylaw | Amendment Type | Date of Approval |
|--------------|---|-------------------------|
| C-6031-2005 | Original Bylaw | March 8, 2005 |
| C-6191-2005 | Insert <i>Section 2.3.17, 2.4.11 & 2.5.28</i> - Dwelling, mobile home for farm help | February 07, 2006 |
| C-6234-2006 | Amended Schedule A & B | April 25, 2006 |
| C-6983-2010 | To make setbacks along Highway 566 and Rg. Rd. 294 consistent with existing Conceptual Schemes | November 23, 2010 |
| C-7451-2015 | To add: 1) provision 2.5.28 to "Cell C List of Uses"; 2) (ii) to 2.5.15 to except out A Portion of lots; 3) (i) to Section 3.14.0 to Amend Site Coverage; and 4) to add Schedule 'C' to this Bylaw. | March 10, 2015 |
| C-7651-2017 | To add: 2.3.18 for lot specific amendments. To add Schedule D. | June 13, 2017 |
| C-7730-2017 | To add a provision for site coverage under Section 3.14.0 ii) To Amend Schedule C | November 28, 2017 |
| C-7872-2019 | To add site-specific uses of Cannabis Cultivation and Cannabis Facility to Section 2.5.0, and to add Schedule E | April 30, 2019 |
| C-7930-2019 | To add site-specific uses under 2.5.0 and 3.14.0 | October 22, 2019 |
| C-8230-2021 | To add site-specific amendment to add a Religious Assembly, Child Care Facility, and Recreation (Public) use within Lot 2, Block 5, Plan 1611467, NW 10-26-29-W4M | September 13, 2022 |
| C-8318-2022 | To amend Section 1.0.0, 3.12.0 and 3.14.0 | September 27, 2022 |
| C-8280-2022 | To amend site-specific uses in 2.3.18, and to amend Schedule 'D' | October 11, 2022 |
| C-8389-2023 | To amend Section 2.5.0, 3.14.0, Schedule C, and delete Schedule E | July 4, 2023 |
| C-8417-2023 | To amend section 3.8.0 and 3.14.0, amend Schedule 'B', and add Schedule 'G' | July 18, 2023 |
| C-8413-2023 | To amend site-specific uses in 2.5.31 and setbacks in 3.13.1.iv. | September 19, 2023 |
| C-8461-2023 | To amend Schedule B | November 28, 2023 |

**ROCKY VIEW COUNTY
DIRECT CONTROL BYLAW C-6031-2005**

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| DC-99 |
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| | | |
|-------------|---|-------------------|
| C-8465-2023 | To remove Section 3.8.0, to amend Section 3.14.0 by increasing maximum site coverage for Cell C, and to remove Schedule C. | December 5, 2023 |
| C-8468-2023 | Add Section 2.3.19 to Section 2.3.0 Cell A, add Section 2.5.32 to Section 2.5.0 Cell C, add Section 3.12.1 (b) to Section 3.12.0, add Section 3.14.0 (i) under Cell A, add Section 3.14.0 (v) under Cell C, amend Section 3.15.0 by adding Sections 3.15.0 (b) and (c) under Special Development Regulations, and add Schedule H. | December 5, 2023 |
| C-8473-2023 | Add section 2.3.20 to 2.3.0, Cell A – List of Uses, add section 4.3.0 to 4.0.0, Definitions, add Schedule 'I', and add section 3.15.0 d). | December 12, 2023 |
| C-8523-2024 | Add Section 3.12.1 (b) to Section 3.12.0 | April 23, 2024 |
| C-8512-2024 | Add Section 3.13.1 (v) to Section 3.13.0 | November 26, 2024 |

(NOTE: DC 99 no longer applies to SW 10-2-29 W4M. It was repealed from SW 10 and DC 109 Bylaw C-6234-2006 has replaced it)

**ROCKY VIEW COUNTY
DIRECT CONTROL BYLAW C-6031-2005**

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| DC-99 |
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DIRECT CONTROL BYLAW REGULATIONS

1.0.0 GENERAL REGULATIONS

- 1.1.0 For the purposes of this Bylaw, the boundaries and description of the Lands shall be more or less as indicated in Schedule "A" attached hereto and forming part hereof, except as otherwise approved by Council.
- 1.2.0 Parts One, Two, and Three of Land Use Bylaw C-4841-97, as amended, are applicable unless otherwise stated in this Bylaw.
- 1.3.0 Notwithstanding any provisions to the contrary, this area shall be known as the Balzac East Special Development Area #4 Lands.
- 1.4.0 Except where specifically noted that Council approval is required, the Development Officer shall consider and decide on applications for development permits for listed uses in each development cell in this bylaw provided the provisions of Sections 1, 2 and 3 are completed in a form and substance satisfactory to the *County*.
- 1.5.0 For the purposes of this bylaw, the lands shall be divided into Development Cells, the boundaries and description of which shall be more or less as indicated in attached Schedule "B".
- 1.6.0 No subdivision of lands within SDA#4 shall be permitted until the County has adopted a Conceptual Scheme for the lands.
 - 1.6.1 Notwithstanding Section 1.6.0, a subdivision may be permitted if the intent of the subdivision is to create blocks of land that will facilitate Conceptual Scheme planning within the NW ¼ 3-26-29-W4M.
- 1.7.0 The *County* may, through *Development Agreement* and *Development Permits*, specify any development regulation, criteria or condition necessary to ensure all subdivision and *development* on the lands conforms with the provisions of the Balzac East Area Structure Plan, as amended, and with the purpose and intent of the respective Conceptual Scheme.
- 1.8.0 The Development Officer may grant a variance to the minimum landscaped width, maximum building height, maximum site coverage, by a maximum of 5%.
- 1.9.0 Notwithstanding Section 3.9.0, for the lots adjacent to the 20 m landscaped Municipal Reserve land that borders Highway 566, the minimum landscaped width may calculate to an average of 9.5 m (31.17 ft.) in total.

2.0.0 LAND USE REGULATIONS

- 2.1.0 The purpose and intent of this District is to provide for the *development* of the Balzac East Special Development Area #4 Lands for commercial and light industrial uses that do not impact adjacent residential development.
- 2.2.0 The Balzac East Area Structure Plan area has divided the subject land into three distinct cells that have unique characteristics relating to the

**ROCKY VIEW COUNTY
DIRECT CONTROL BYLAW C-6031-2005**

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adjacent uses, access issues, and existing uses. These cells have been detailed in Schedule "B." For each cell, a specific list of uses has been developed.

2.3.0 Cell A – List of Uses

- 2.3.1 *Agriculture, General*
- 2.3.2 *Childcare Facilities*
- 2.3.3 *Churches and Religious Assembly*
- 2.3.4 *Commercial Communication Facilities – Type A, Type B*
- 2.3.5 *Country Inn (not to exceed 10 suites)*
- 2.3.6 *Dwelling Unit, accessory to principal use*
- 2.3.7 *General Industry Type I*
- 2.3.8 *Indoor Participant Recreation Services*
- 2.3.9 *Health Care Services*
- 2.3.10 *Museum*
- 2.3.11 *Offices*
- 2.3.12 *Personal Service Businesses*
- 2.3.13 *Public Buildings, uses, utilities and services*
- 2.3.14 *Retail Store (less than 25 000 square feet)*
- 2.3.15 *School – Private*
- 2.3.16 *Signs*
- 2.3.17 *Dwelling, mobile home for farm help*
- 2.3.18 *The following additional uses are allowed within a portion of NW-10-26-29-W4M as shown on Schedule 'D':*
 - Animal Health Services, small animal;*
 - Banks or Financial Institutions;*
 - Convenience Store;*
 - Drinking Establishment;*
 - General Store;*
 - Grocery Stores, Local;*
 - Grocery Stores, Regional;*
 - Liquor Sales;*
 - Restaurant;*
 - Retail Food Store;*
 - Patio, accessory to the principal business use;*
 - Service Station; and*
 - Specialty Food Store.*
- 2.3.19 *The following additional uses are allowed within Lot 1, Block 1, Plan 061 4759 in NW-11-26-29-W4M, as shown on Schedule 'H':*
 - Outdoor Storage;*
 - Truck Trailer;*
- 2.3.20 *The following additional uses are allowed on Parcel A, Plan 4156JK, NW-11-26-29-W4M within Cell A as shown on Schedule 'I': Dealership/Rental Agency, Implement and Equipment*

2.4.0 Cell B – List of Uses

- 2.4.1 *Agriculture, General*
- 2.4.2 *Accessory Buildings*
- 2.4.3 *Bed and Breakfast Home*

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- 2.4.4 *Commercial Communication Facilities – Type A, Type B*
 - 2.4.5 *Dwelling, single family detached*
 - 2.4.6 *General Industry – Type I*
 - 2.4.7 *Home Based Businesses – Type I*
 - 2.4.8 *Home Based Businesses – Type II*
 - 2.4.9 *Special Care Facility (less than 5 clients)*
 - 2.4.10 *Signs*
 - 2.4.11 *Dwelling, mobile home for farm help*
- 2.5.0 Cell C – List of Uses**
- 2.5.1 *Agriculture, General*
 - 2.5.2 *Accessory Buildings*
 - 2.5.3 *Accommodation and Convention Services*
 - 2.5.4 *Agricultural Processing*
 - 2.5.5 *Agricultural Support Services*
 - 2.5.6 *Amusement and Entertainment Services*
 - 2.5.7 *Animal Health Care Services*
 - 2.5.8 *Automotive, Equipment and Vehicle Services*
 - 2.5.9 *Bulk storage, processing and distribution of peat moss and potting soil*
 - 2.5.10 *Commercial Communication Facilities – Type A, Type B*
 - 2.5.11 *Colleges and Post Secondary Education Institutions*
 - 2.5.12 *Dwelling Unit, accessory to principal use*
 - 2.5.13 *General Industry Type I*
 - 2.5.14 *General Industry Type II*
 - 2.5.15 *General Industry Type III*
 - (i) Excepting out all lots adjacent to Dwight McLellan Trail.
 - (ii) Excepting out all lots within a portion of SE 10-26-29-W4M as shown on Schedule 'C'.
 - 2.5.16 *Horticultural Development, where there is a surface water supply*
 - 2.5.17 *Offices*
 - 2.5.18 *Outdoor Participant Recreation Services*
 - 2.5.19 *Power Co-Generation Station*
 - 2.5.20 *Public Buildings, uses, utilities and services*
 - 2.5.21 *Restaurant*
 - 2.5.22 *Retail Store*
 - 2.5.23 *Signs*
 - 2.5.24 *Warehouse*
 - 2.5.25 *Warehouse Stores*
 - 2.5.26 *Schools – public, private and separate*
 - 2.5.27 *Dwelling, mobile home for farm help*
 - 2.5.28 *The following uses are allowed within a portion of SE 10-26-29-W4M as shown on Schedule 'C':*
 - Auctioneering Services*
 - Automotive Services*
 - Child Care Facility*
 - Religious Assembly*
 - Dealership/Rental Agency, Automotive*
 - Health Care Services*
 - Indoor Participant Recreation Services*

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Mini-Storage

Personal Service Business

2.5.29 *The following uses are allowed within a portion of SW-03-26-29-W4M as shown on Schedule 'F':*

Auctioneering Services

Automotive Services

Dealership/Rental Agency Automotive

Indoor Participant Recreation Service

Health Care Service

Mini Storage

Personal Service Business

Religious Assembly

2.5.30 *The following uses are allowed within Lot 2, Block 5, Plan 1611467, NW-10-26-29-W04M as shown on Schedule 'G':*

Religious Assembly

Child Care Facility

Recreation (Public)

2.5.31 *The following use is allowed on Lot 3, Block 1, Plan 0811034:*

Commercial Communication Facility (Type C)

2.5.32 *The following uses are allowed within Lot 1, Block 1, Plan 061 4759 in NW-11-26-29-W4M, as shown on Schedule 'H':*

Outdoor Storage

Truck Trailer

3.0.0 DEVELOPMENT REGULATIONS

3.1.0 All *development* within the subject lands shall conform to the provisions and policies set out in the Balzac East Area Structure Plan, as amended.

3.2.0 No *development* of the lands shall be permitted without and until the Developer has prepared and submitted a Management Plan for the handling and storage of hazardous or other waste materials proposed to be generated from the development in form and substance satisfactory to each of the *County* and / or Alberta Environment.

3.3.0 No subdivision and/or *development* of the lands shall be permitted without and until the Developer has prepared and submitted a Storm Water Management Plan in form and substance satisfactory to each of the *County* and / or Alberta Environment.

3.4.0 No subdivision and/or *development* shall be permitted until the developer has prepared a Transportation Impact Assessment that takes into account all proposed, approved and existing development, and identifies any necessary transportation improvements, to the satisfaction of the *County* and/or Alberta Transportation. Recommendations regarding infrastructure improvements shall be implemented as conditions of development permit or subdivision to the satisfaction of the *County*.

3.5.0 Notwithstanding any provision of this bylaw to the contrary, a *Development Permit* for foundations, grading of the lands and installation of utilities may be issued by the Development Officer provided the conditions are satisfactory to the

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- County* in form and substance, including a Stormwater Management Plan to guide such *development*.
- 3.6.0 Road widening will be dedicated prior to or concurrent with registration of the first plan of subdivision or bare land condominium affecting any lots abutting Highway 566, Range Roads 292 and 293, Township Roads 260 and 261.
- 3.7.0 Landscaping will be required in accordance with the provisions of the Balzac East Area Structure Plan.
- 3.8.0 Removed by Bylaw C-8465-2023 on December 5, 2023.
- 3.9.0 A minimum of 30 metres in width for those lots adjacent to Highway 566, or a minimum of 10 metres in width for those lots adjacent to the Municipal Reserve land that borders Highway 566, shall be landscaped.
- 3.10.0 An emergency access must be available, constructed, and signed for any development with more than 2 lots, or for a single lot over 20 acres.
- 3.11.0 All internal roads to access any development on any site must be constructed in accordance with the *County's* Servicing Standards for Subdivision and Development, as amended.

3.12.0 Maximum Building Height:

3.12.1 Cell A

Principal Building: 12 metres (39.4 ft)

Accessory Building: 8.00 metres

- a) Notwithstanding section 3.11.1, Lot 4, Block 2, Plan 0810343 within NE-10-26-29-W4M is permitted a maximum building height requirement of 11.7 m for *religious assembly* uses.
- b) Notwithstanding Section 3.12.1, the Maximum Building Height for General Industry Type I uses within Lot 1, Block 1, Plan 061 4759 in NW-11-26-29-W4M is 16 m (52.49 ft.).

3.12.2 Cell B

Principal Building: 10.00 metres

Accessory Building: 8.00 metres

3.12.3 Cell C

Principal Building: 20.00 metres

Accessory Building: 15.00 metres

- a) The maximum height of machinery and structures subordinate to the industrial process or principal use on the site will be at the discretion of the Development Authority.

3.13.0 Minimum Setbacks

3.13.1 All buildings shall be set back a minimum of 10.00 metres from any property line excepting out the following:

- (i) Fifty (50.00) metres from the north property boundary of Cell A for those lots immediately adjacent to Highway 566;
- (ii) Thirty (30.00) metres for those lots adjacent to the Municipal Reserve land that borders Highway 566.

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- (iii) Within the SE 10-26-29-W4M, 25.00 metres from Range Road 292 and Township Road 261.
- (iv) For Commercial Communication Tower Type (A), Type (B), or Type (C) use on Lot 3, Block 1, Plan 0811034:
 1. The rear property line setback shall be 2 metres, and
 2. The west side property line setback shall be 2 metres.
- (v) **Lot 1, Block 6, Plan 161 1467 within NW-10-26-29-W4M, where the northern side yard is 3.00 metres, the rear yard setback is 3.00 metres, and the southern side yard is 6.00 metres.**

3.14.0 Site Coverage

Maximum Site Coverage for Cell A is 45%

- (i) Notwithstanding Section 3.14.0, the Maximum Site Coverage within Lot 1, Block 1, Plan 061 4759 in NW-11-2629-W4M, as shown on Schedule 'H', is 55%.

Maximum Site Coverage for Cell B is 25%

Maximum Site Coverage for Cell C is 55%

- (v) Notwithstanding Section 3.14.0, the Maximum Site Coverage within Lot 1, Block 1, Plan 061 4759 in NW-11-2629-W4M, as shown on Schedule 'H', is 55%.

3.15.0 Special Development Regulations

A Parking Assessment prepared by a qualified person shall be submitted to determine parking requirements for *religious assembly* uses for Lot 4, Block 2, Plan 0810343 within NE-10-26-29-W4M to the satisfaction of the *Development Authority*.

- b) A Landscaping Plan, prepared by a qualified person, shall be submitted to demonstrate the Outdoor Storage, Truck Trailer use within Lot 1, Block 1, Plan 061 4759 in NW-11-26-29-W4M is appropriately screened from Highway 566 to the satisfaction of the Development Authority.
- c) All Development Permit plans for Lot 1, Block 1, Plan 061 4759 in NW-11-26-29-W4M abutting Highway 566 shall be in conformity with the Special Architectural and Landscape Guidelines contained in Section 6.4 of the Wagon Wheel Industrial Park Conceptual Scheme. Emphasis on design shall be placed on the northern façade, or any direction facing a residential area.
- d) Outdoor storage will be allowed on Parcel A, Plan 4156JK, NW-11-26-29-W4M where appropriate landscaping and buffering is provided to the satisfaction of the Development Authority, and shall be predominantly located to the south of buildings. All Development Permit plans for Parcel A, Plan 061 4759 in NW-11-26-29-W4M abutting Highway 566 or Range Road 292 shall be in conformity with the Special Architectural and Landscape Guidelines contained in Section 6.4 of the Wagon Wheel Industrial Park Conceptual Scheme. Emphasis on design shall be placed on the northwestern façade and any direction facing a residential area.

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4.0.0 DEFINITIONS

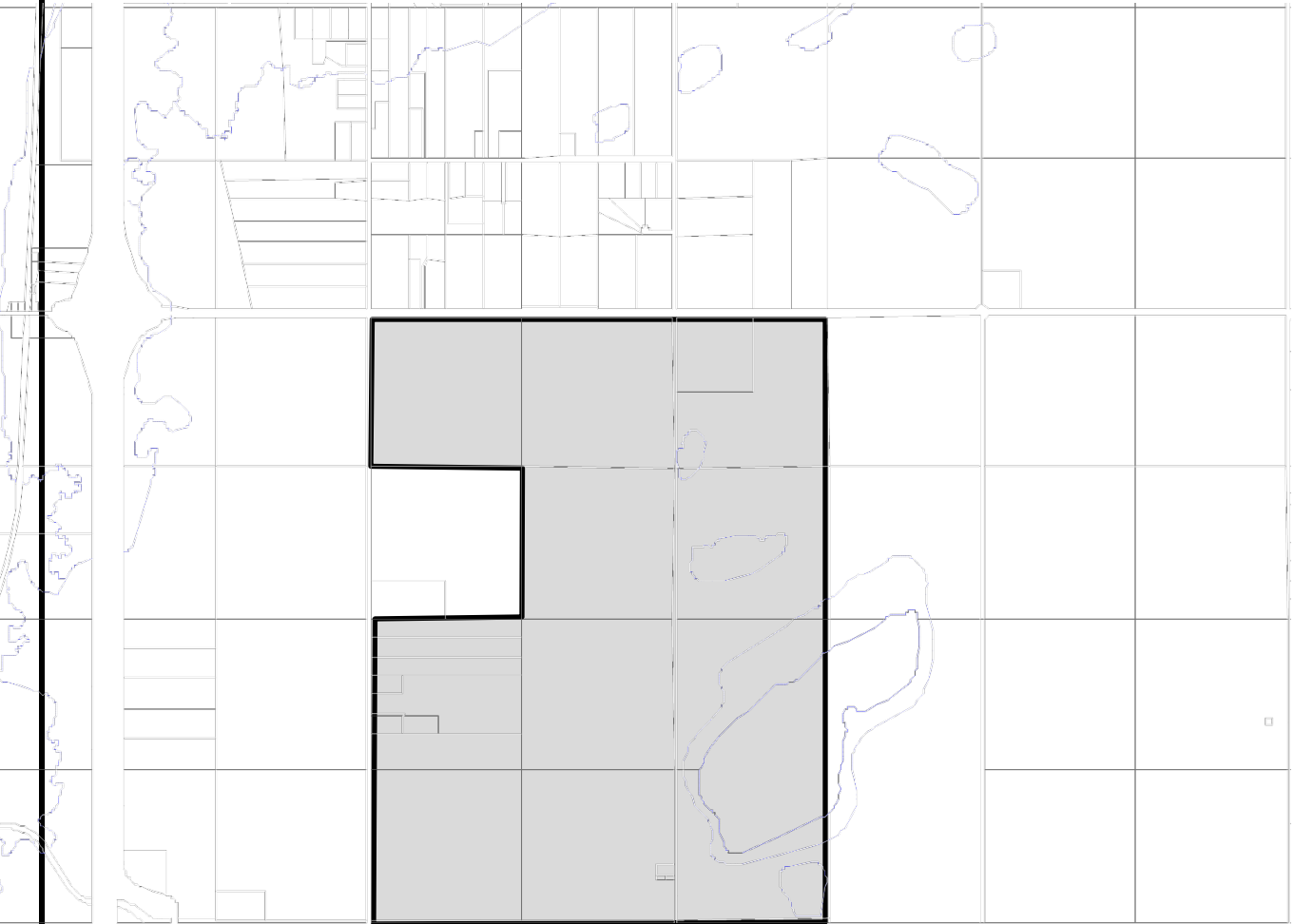
- 4.1.0 Colleges and Post-Secondary Education Institutions – means a facility where the primary use of the site is for provision of post secondary education to students, including student housing and research facilities.
- 4.2.0 Co-Generation Station – means a facility for the joint generation of electricity and thermal energy (usually steam). A steam turbine may be bedded to produce more energy from high-pressure steam recovered from the hot flue gases from first stage gas turbine, creating the production of two forms of useful power from a single fuel source in a single process.
- 4.3.0 Dealership/Rental Agency, implement and equipment means an establishment having as its main use the storage of agriculture implements and industrial equipment for sale, rent or lease. Accessory uses may include facilities for the repair or maintenance of such implements.

5.0.0 IMPLEMENTATION

- 5.1.0 The boundaries of the cells will be confirmed through the subdivision process and may require amendments to the schedules of this bylaw.
- 5.2.0 This Bylaw comes into effect upon the date of its third reading.

SCHEDULE "A"

Office Consolidation Version



DIRECT CONTROL BYLAW AREA



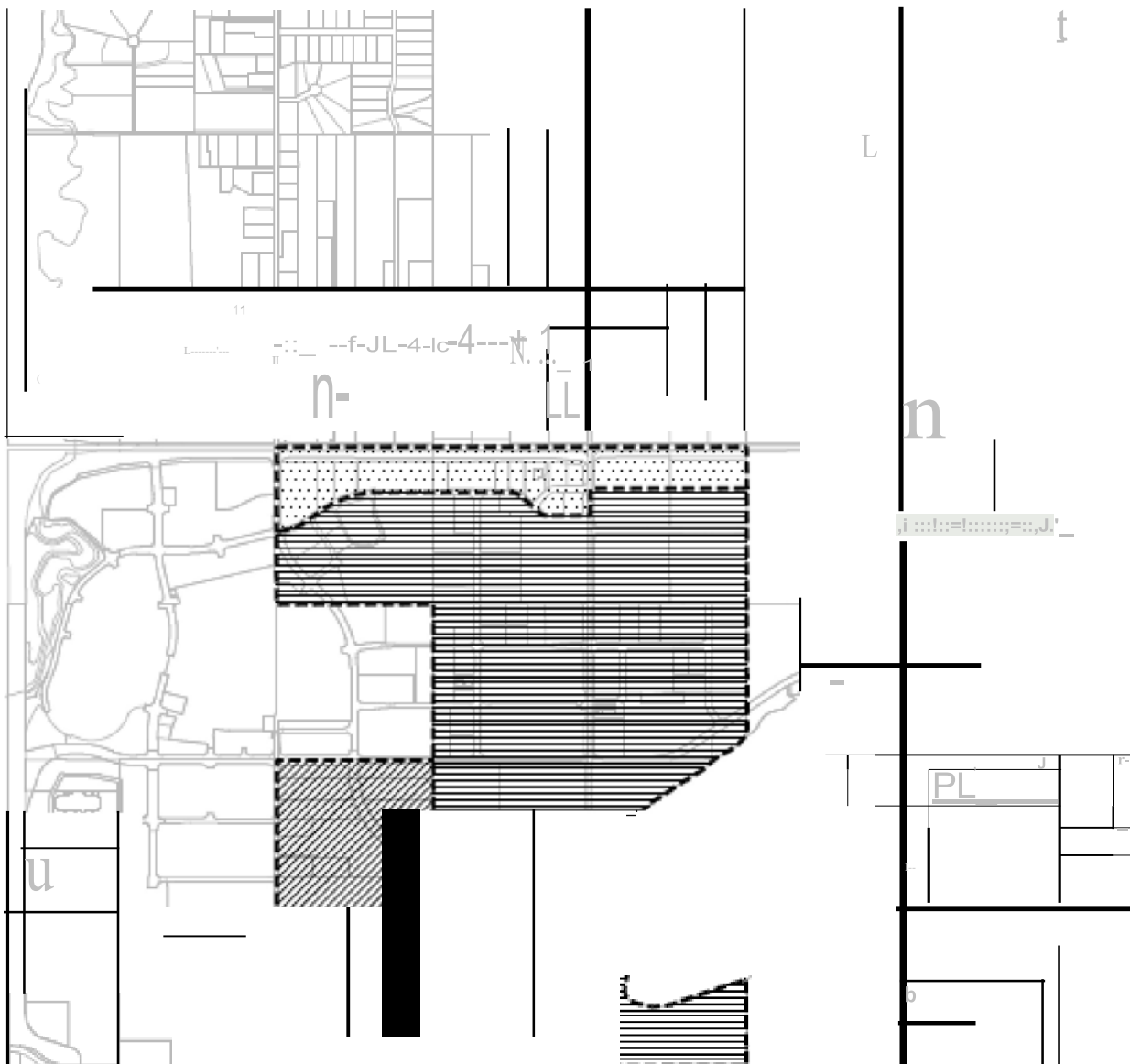
LEGAL DESCRIPTION: All of Section 3, portions of Section 10 and the W ½ of Section 2 and Section 11 all in Twp 26, Rge 29 W4M

Division 7



SCHEDULE 'B'

Office Consolidation Version



Legend

 Cell A

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Schedule C removed by Bylaw C-8465-2023 on 2023-12-05.

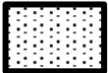
Schedule 'D'

**Bylaw
C-8280-2022**

Amendment

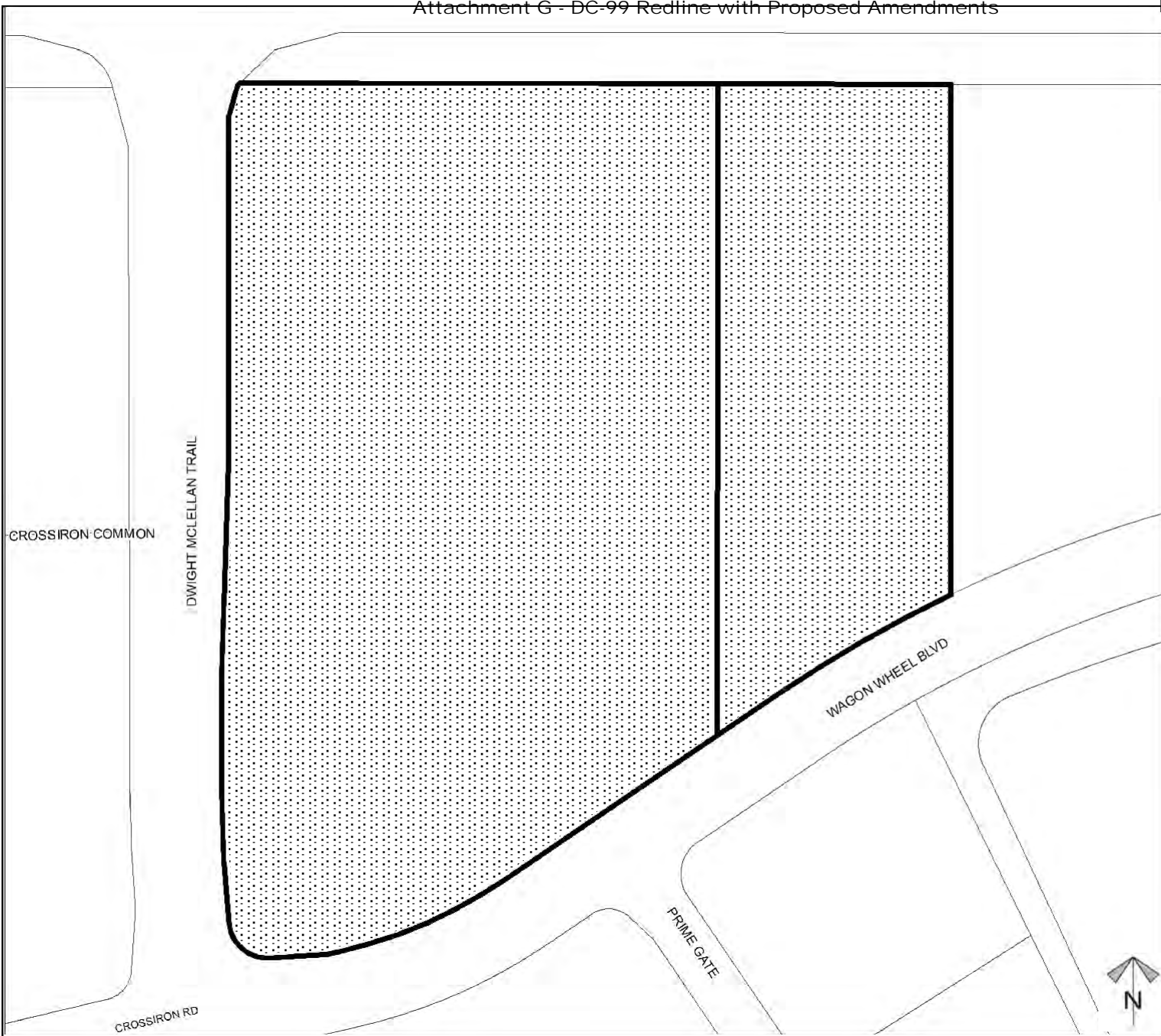
FROM

Direct Control
District (DC-99)

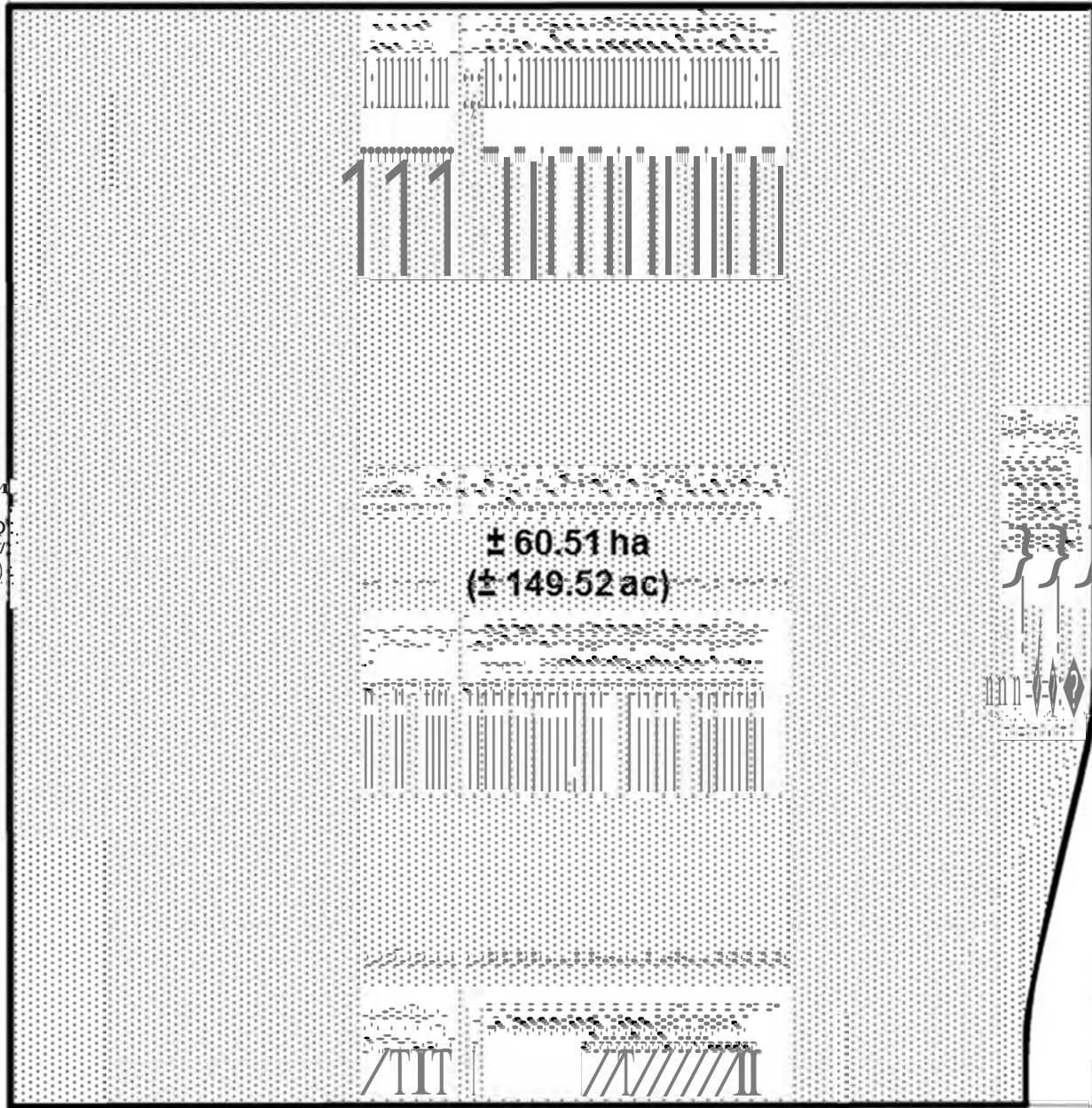


TO

Direct Control
District (DC-99) Amended



SCHEDULE 'E' Office Consolidation Version



AMENDMENT

FROM

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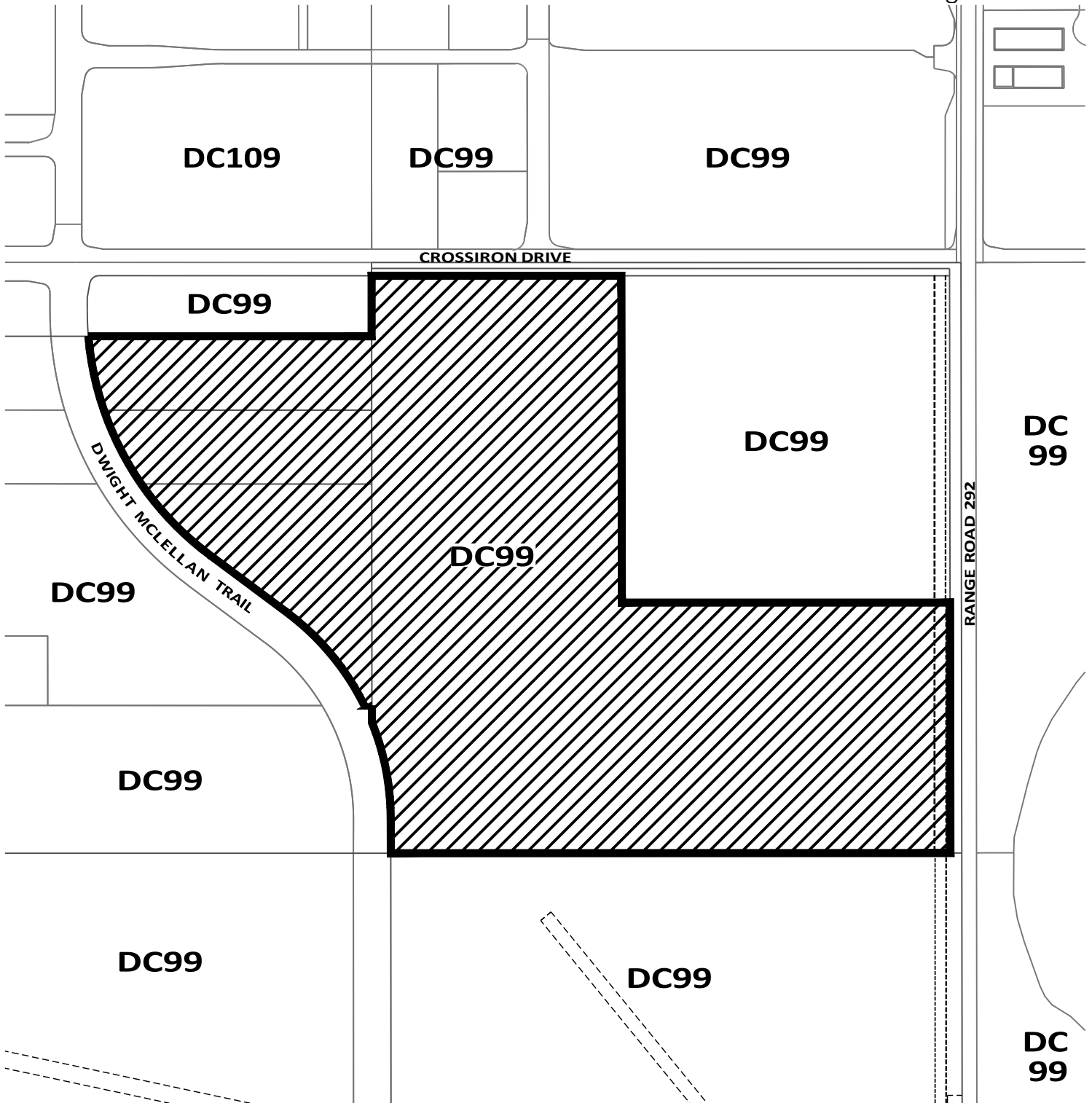
Subject Land

LEGAL DESCRIPTION: SW-03-26-29-W04M



FILE:PL20180139-06403002

DIVISION: 7

ROCKY VIEW COUNTY
Cultivating Community



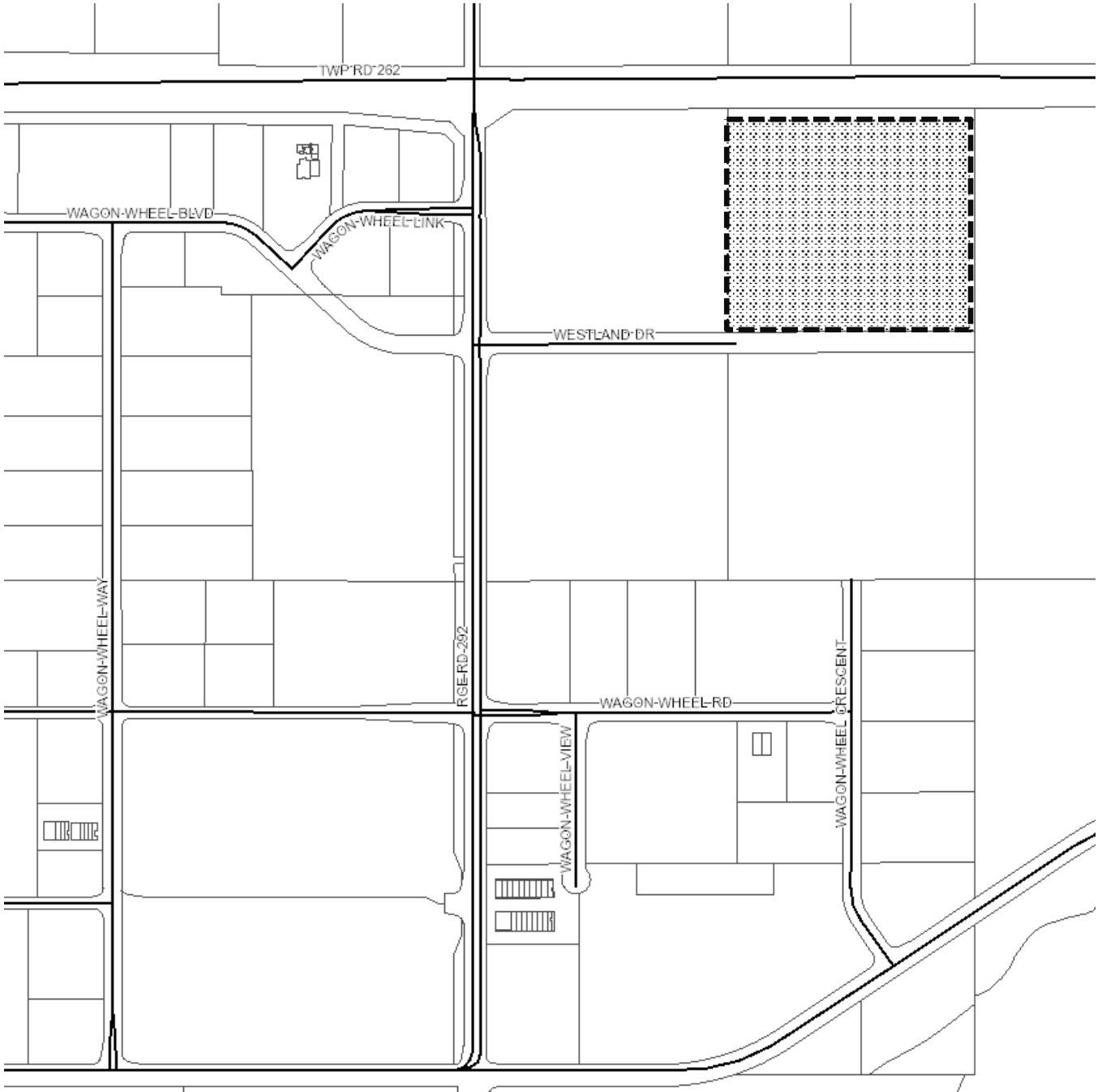
SCALE 1:7500

- Legend**
-  Proposed Land Use Amendment Boundary
 -  DC99 (Direct Control District)
53.5 ha (132.2 ac)

LAND USE AMENDMENT SCHEDULE G
 Lot 2, Block 1, Plan 1413400
 Block 1, Plan 731479
 Block 2, Plan 731479
 Lot 2, Block 3, Plan 8711165

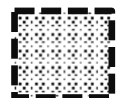
SCHEDULE 'H'

Office Consolidation Version



AMENDMENT

FROM DC- 99 to DC-99 (amended)



LEGAL DESCRIPTION: Lot 1, Block 1, Plan 061 4759 within NW 11-26-29-W4M

FILE: _____ DIVISION: 5

Schedule 'I'

Office Consolidation Version

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AMENDMENT

From DC99___ **to** _DC99 (amended) 

Legal Description: _Block A, Plan 4156JK within NW-11-26-29-W04M_

File:_PL20230061, 06411005 **Division:** 5