

April 9, 2021

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Rocky View County

Attention: Reeve

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Your reference

Our reference

Bylaw C-7991-2020 (the “Proposed Bylaw”), to amend Land Use Bylaw C-8000-2020 – Notice of Public Hearing dated March 23, 2021 – Proposed Ascension Conceptual Scheme (the “Ascension Development”) – Application No. PL20170153 (05618039/05619004/006/054) (the “Application”)

This letter is being delivered to you on behalf of the Twelve Mile Coulee Group, a steering committee comprised of several individuals resident in Rocky View County who are helping to organize and advance the significant concerns of several hundred individuals regarding the Proposed Bylaw and the Ascension Development.

The purpose of this letter is not to identify those concerns (in respect of which we reserve all rights), but rather to put Rocky View County (the “County”) on notice as to numerous material deficiencies respecting the Application process, including:

1. The Notice of Public Hearing is dated March 23, 2021 and was not received by many addressees until several days thereafter, thereby providing as few as four (4) to five (5) business days notice in advance of the arbitrary April 7, 2021 deadline imposed by the County for written submissions. It is noteworthy the notice period mentioned above included the Easter holidays. The proposed April 20, 2021 hearing date also did not allow concerned stakeholders adequate time to prepare for and respond to the Application, particularly given that video presentations will need to be prepared and there will be no ability for stakeholders to make representations in person. The aforesaid timelines represent entirely inadequate notice periods in relation to a project the size, nature and location of the Ascension Development, and the numerous affected stakeholders who will be materially affected thereby, including but not limited to:
 - (a) the numerous proximate communities, including but not limited to Watermark, Blue Ridge, Bearspaw Village, Tuscany, Royal Oak and Rocky Ridge;
 - (b) the Royal Oak commercial development (including the Coop), the Tuscany commercial development (including Sobeys), and the Crowfoot Crossing commercial development;
 - (c) the City of Calgary; and
 - (d) the Calgary Metropolitan Region Growth Board (CMRB).

April 9, 2021

As you are no doubt aware, the Application process deficiencies are exacerbated by the challenges arising by virtue of the on-going COVID pandemic. The proposed process and timelines represent a failure of due process and procedural fairness.

2. The Ascension Development developers refused to provide to concerned County residents copies of the technical studies which presumably will be used by them as support for their Application. Certain of these studies were only recently obtained by way of a FOIP request, but there has been insufficient time to fully study them. It should be obvious to Council that the aforesaid stakeholders will need the opportunity to receive and review them, including by way of retaining their own technical experts in connection with that review. You should note that it is apparent on the face of the developers' studies that many of the relatively more important ones are more than five (5) years old, are clearly stale (which is of particular concern given the profound impacts the COVID pandemic has had on commercial and retail real estate), and should certainly not be relied upon by Council. Furthermore, we have not been provided with technical reports addressing key elements of the Application/Ascension Development, including reports pertaining to water supply and waste water treatment and associated considerations (required infrastructure and the design thereof, and applicable assumptions and analyses). Again, the foregoing represents a failure of due process and procedural fairness, and materially prejudices the ability of stakeholders to provide an informed response to the Application.
3. The County has scheduled a public hearing on the Proposed Bylaw and the Ascension Development notwithstanding that critical County planning documents are under review, including the County Plan and the Bearspaw Area Structure Plan. It is inconceivable that the Ascension Development, having regard to its size, location and potential material impacts on neighboring communities and stakeholders, would be entertained by Council without the County first completing these plans. It is not conceivable that Council could possibly discharge in a satisfactory manner, with appropriate due diligence, its duties and obligations without such plans in place.
4. According to Bylaw C-8165-2021 dated March 9, 2021, the County is currently in the process of acquiring the Blazer Water System. This represents a direct and material conflict of interest, and prevents the County from independently assessing the Application on its merits alone. An independent process and consideration is warranted.
5. There has been no meaningful public consultation by the developers in respect of the Ascension Development since 2017, despite material changes to the scope and nature of the proposed project and other intervening events since that time. Furthermore, the recent mailings by the developers appear to be based on an out-dated mailing list that is more than four (4) years old. Finally, the developers have indicated they have spoken to both MacDonald Development (the current owners of Blazer Water System – see above) and the County about waste water treatment to be located in Watermark, but no one has consulted the Watermark community.

April 9, 2021

We request that the County confirm in writing to the undersigned by no later than 5:00pm on April 14, 2021 that the contemplated public hearing will be adjourned to an appropriate later date having regard to the concerns identified above. If the County elects to nonetheless proceed with the public hearing on April 20, 2021, please be advised that the Twelve Mile Coulee Group: (a) will continue to contact, consult with and mobilize the various stakeholders noted above and ensure this matter continues to receive the media attention it deserves; (b) will be contacting Ric McIver, the Minister of Municipal Affairs; and (c) reserves all rights of appeal having regard to, among things, the failure of due process and procedural fairness, noting the wealth of grounds for such an appeal as noted above.

Yours truly,



Wayne Fedun
Senior Partner

WWF/jg

Cc Twelve Mile Coulee Group

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