

## Michelle Mitton

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**From:** Charles Taylor [REDACTED]  
**Sent:** May 11, 2021 10:11 AM  
**To:** Public Hearings Shared  
**Subject:** [EXTERNAL] - Bylaw C-8111-2020

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I am offended by the assertion by the applicant and your staff that suggested that there was public consultation in the development of this ASP. Some landowners may have been consulted if they own large blocks of land, but there was virtually no engagement with residents who live in the immediate area and who will be directly affected by the ASP.

Two brief on-line surveys and a one-hour virtual open house a week before the public hearing were the only public engagement opportunities.

I strongly suggest that you table the matter until there has been proper consultation.

Charles Taylor



May 7, 2021

**City File: RC20-20**

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

**SUBJECT: Elbow View Area Structure Plan Circulation – May 7, 2020**

Dear Mr. Kazmierczak,

The City would like to thank Rocky View County Administration for circulating the draft Elbow View Area Structure Plan (ASP) and County Response Letter. City of Calgary Administration has undertaken a review of the draft plans in consideration of Rocky View County / City of Calgary Intermunicipal Development Plan (IDP) and the Calgary Metropolitan Region Board Interim Growth Plan (IGP).

At this time, The City of Calgary continues to have significant concerns the potential transportation, servicing, source water and stormwater impacts that could cause detriment to The City of Calgary. The City of Calgary does not support the ASP at this time and is requesting that formal administrative mediation be entered to address the impacts to Calgary associated with full build out of the plan.

In The City's previous letter dated January 20, 2021, Calgary requested administrative meetings to collaborate further on this work occur prior to 2nd reading and that the County and City utilize the provisions outlined within IDP section 15.3 Resolution of Intermunicipal Matters. No actions have been taken by Rocky View County outside of the County's response letter, which does not provide sufficient time to collaborate. The City suggests that the ASP is premature as it is not supported by the County Plan; and requests Rocky View consider tabling it until adoption of Municipal Development Plan has occurred.

Thank you for the opportunity to review and comment on the Elbow View ASP. Please feel free to contact me at the number below if you have any questions or concerns regarding this letter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Matthew Atkinson".

**Matthew Atkinson**  
Planning and Policy Strategist | Strategic Initiatives  
Calgary Growth Strategies  
The City of Calgary



## ATTACHMENT: ADDITIONAL COMMENTS

### Elbow View Area Structure Plan Additional Comments

#### **Major Concerns**

##### **1. Collaboration and Coordination**

The City of Calgary previously requested that the provisions outlined within IDP section 15.3 Resolution of Intermunicipal Matters be utilized. This request has been ignored to date. Rather than hosting administrative meetings, The City was circulated a revised draft plan with minimal changes and a response document that did not address a number of comments. This recirculation occurred with a requested response due date that is four days prior to the Public Hearing and 2<sup>nd</sup> reading of the bylaws. The City questions the ability to collaborate sufficiently to address further concerns with the limited time frame. The Interim Growth Plan outlines that the ASP shall demonstrate collaboration to coordinate through processes that may include; a structure engagement process, circulation and review of technical studies, joint planning, and participation in mediation or other dispute resolution protocols. The City is again requesting that 2<sup>nd</sup> reading not be given until such time that mediation has occurred and the policies in the IDP section 15.3 be utilized.

##### **2. Impacts to Water**

The ASP does not provide sufficient policy to address the cumulative environmental impacts of the development, specifically on source water quality. The City of Calgary's Glenmore Reservoir, which provides drinking water to roughly 700,000 Albertans, is down stream of the proposed ASP. As such, source water protection policy needs to be included in the ASP to ensure proper mitigation of development and its downstream impacts. Water licensing, servicing and treatment should be determined prior to ASP approval. The Interim Growth Plan outlines that Settlement Areas shall be planned to make efficient and cost-effective use of existing and planned infrastructure through agreements with service providers, and connect to municipally-owned or franchised water and wastewater services.

##### **3. Impacts to City Services and Infrastructure**

Rocky View County has not made sufficient amendments to the ASP and supporting documents to ensure that the proposed development will not negatively impact The City. Further mitigations strategies should be included in the ASP and supporting documents need to reflect impacts to The City. The City requests further collaboration occur on transportation and recreation concerns identified below. In addition, The City does not consent to being identified as a service provider. The County is responsible for servicing its future development and ensuring its growth does not impact downstream neighbours.



**The following concerns are outstanding:**

**Water**

The City has the following general concerns related to water below:

- 1) The City would suggest the ASP is premature without having secured a water license for the development prior to approval.
- 2) The City has concerns around source water impacts due to land conversion to more intensive use. It is still not clear how The County has addressed source water protection in the ASP as there is no directing policy. The City acknowledges setbacks, technical studies and education in the response, however, The County should not consider itself a stakeholder in furthering The City's Source Water Protection Plan. The County is accountable and responsible for ensuring their land use and development decisions do not harm or cause detriment to the City and region's source water, specifically to the Elbow River which feeds into the Glenmore Reservoir.
- 3) The City would suggest The County complete a Cumulative Effects Assessment of residual and cumulative effects of all The County's development and land use at full build out to be included in the ASP and as an implementation action to ensure that the development will not negatively impact The City's source water quality. Particularly if the development is discharging wastewater from private wastewater treatment facility.

The County has not indicated they will conduct a cumulative effects assessment in their response, though cumulative effects are referenced in Plan.

**Servicing:**

The County has proposed three sanitary system options in the circulation package. It is The City's opinion that option 2 is likely the most preferred, however, The City would await further direction from The County on how they plan to proceed.

- 4) Option 2 involves tying into an existing HAWSCo facility upstream. This is an existing system in The County which would not involve modification to the existing Master Servicing Agreement between The County and The City. Responsibility of treatment would remain The County's through an already approved system. Has not been addressed.
- 5) The County should indicate what water licenses will be used to support the proposed densities. Without this information and the assurance that there is a water supply, we are unsure how The County could approve the ASP. It is our opinion that this is the responsibility of the municipality as the development authority. Has not been addressed.
- 6) There is the potential for wastewater to be discharged into the Elbow River upstream of The City of Calgary raw water supply. Generally, this is a concern for The City as it is increasing the risk of degraded water quality upstream of our raw water intakes. Policy should be added to the ASP to ensure consistent water quality is achieved, including how system failures would be mitigated if they were to occur. It is unclear how the



additional technical work will inform the Local Area plan and subsequent development. The City requests the opportunity to review further technical work and studies.

Stormwater:

Servicing report

- 7) The report does not consider discharges from upstream areas which will need to be accommodated in the future. The City continues to request additional discussion on this item.
- 8) The report does not consider climate change but should. The City acknowledges comments received but disagrees with The County's approach. Climate change should be reflective throughout The County's plan hierarchy, not just in stormwater management technical reports

Source Water and Environment:

Desktop Environmental and Historical Baseline Assessment:

- 9) While a desktop environmental assessment is a good start, the document provided falls short of addressing cumulative environmental impacts on the sensitive environment of the Elbow River and Lott Creek, particularly in the area of water quality. The City strongly recommends field verification of natural hydrology, riparian extents and buffers and water quality sampling to establish baselines. Analysis should inform mapping accompanied in the ASP. This work should be completed prior to The County considering the ASP. The City acknowledges comments received, but disagrees with the County's approach of not considering cumulative environmental impacts prior to approval of statutory land use policies
  - Pg 13 – The report downloads this requirement to later in the process by stating: *if development is proposed in the valley, additional hydrology, hydrogeological and biophysical work should be conducted to determine appropriate mitigation measures. Special care should be taken to reduce direct or indirect impacts to the alluvial aquifers.*
  - *Withdrawal from or outfall into the Elbow River, should include mitigation measures to protect water quantity and quality. At a minimum, they should include contingency if drought conditions require a reduction in withdrawal rate and outfall of stormwater or wastewater should meet stringent quality standards.*
  - *A detailed wetland assessment should be completed as per the AB Wetland Policy.*
  - *A detailed assessment of Lott Creek and the unnamed tributary should be completed to classify the areas of Crown-owned.... And non-Crown ownership...*

## Source Water

The ASP considers lands within The City's source watershed. This area includes lands immediately adjacent to the Elbow River. Source water protection policy in the ASP and a strategy to mitigate negative source water impacts is required to ensure detriment to the City's source water (quantity and quality) does not occur. The ASP is currently silent on source water



protection as a priority in the area. Policy direction could be taken from *The SSRP, Calgary Metropolitan Region Board Interim Growth Plan* or *City's Source Water Protection Plan*.

Given the size of the Plan area several of The *City of Calgary's Source Watershed Vulnerability Index* values appear. Generally, the closer lands are to rivers, streams and water bodies the more vulnerable / impactful development could be on source water.

Classifications include:

**Very Low:** Negligible potential for contaminants to be mobilized and transported downstream, or to enter connected aquifers.

**Low:** Contaminants could be mobilized and transported downstream during high precipitation events, with low potential for movement under most climatic conditions. Low likelihood of contaminants reaching connected acquirers.

**Moderate:** Contaminants could be mobilized and transported downstream during most runoff-producing precipitation and snowmelt events, but the time for runoff to reach a stream is long enough for mitigative measures to be implemented. Spills and other accidental releases could enter watercourses or connected aquifers if not contained.

**High:** Contaminants likely to be mobilized and transported downstream during most runoff producing precipitation or snowmelt events. The time for runoff to reach the Bow River or Elbow River is short, requiring prompt action to be effective. Spills and other accidental releases would likely enter watercourses or connected aquifers if not contained within a few hours.

**Very High:** Contaminants likely to be mobilized and transported downstream during most runoff-producing precipitation or snowmelt events. The time for runoff to reach the river is potentially very short, making response to an event difficult. Spills and other accidental releases would likely enter watercourses or connected acquirers if not contained immediately.

- 10) The City would suggest The County engage with City Administration on the *Source Water Protection Plan* and supporting Council Policy. The City recommends a joint meeting with TsuuT'ina, The City and The County to discuss cumulative environmental concerns with the ASP. The City acknowledges comments received but disagrees. Source water protection policy should be included in ASP.

General Comments:

- 11) Cumulative Effects Assessment of residual and cumulative effects of all The County's development and land use at full build out should be included in the ASP and as an implementation action; rather than defer responsibility to developers and Alberta Environment and Parks at a later state of development. The City suggests that it is The County's municipal responsibility to be accountable and monitor source water quality impacts to Calgary and other downstream users, as per the South Saskatchewan Regional Plan, Calgary Metropolitan Region Board Growth Plan, Alberta Environment



and Parks and related Council Policies. The underlying goal of the cumulative effects' assessment is to maintain baseline water quality upstream of The City, not improve water quality. The City acknowledges comments received but disagrees with statutory land use decisions being made prior to a cumulative environmental assessment to ensure alignment with the SSRP.

## **Planning**

- 1) The Elbow View ASP should not proceed for consideration until such time that the County Municipal Development Plan has been amended as there would be a conflict between the plans.
- 2) The Interim Growth Plan outlines that settlement areas shall be planned to provide access to community services and facilities, or make efficient and cost-effective use of existing and planned community services and facilities through applicable municipal agreements with service providers at the appropriate time, where and when appropriate. The Plan does not sufficiently address this and outlines that recreational services should be considered at further stages of planning. The plan must be bolstered to address this gap. If the Plan does not address this, a detrimental impact could occur on City services.

## **Transportation**

The City has concerns with potential downstream mobility impacts on City and regional infrastructure.

- 1) The TIA does not include analysis or traffic destined to/from 114 Avenue / Stoney Trail, even though this route provides a more direct connection to the ring road vs heading north to Glenmore Trail. Update analysis and identify any downstream impacts to City (114 Avenue, 84 Street, Glenmore Trail) and provide improvements to mitigate impacts identified in the TIA.
- 2) Will the County be providing public transit to these lands and how will the development connect to any nearby proposed regional transit?
- 3) Transportation recommends that approval of the ASP should follow approval of the proposed Municipal Development Plan at the CMRB in combination with further discussions on prioritization of regional growth and required transportation infrastructure to support it.

## **Transit**

- 1) The regional impacts of extra vehicle trips from the proposed plan area are yet to be addressed. RVC stated a global TIA is out of scope; however, RVC needs to provide some indication of region-wide impacts due to the regional nature of the ASP.
  - a. We agree that regional and interregional transportation/transit planning should provide guidance; however, a Global TIA is required at the ASP level to understand the impacts on City infrastructure by the proposed densities and anticipated land use, which are determined at the ASP stage. If a Global TIA is completed at a higher level of planning as opposed to the ASP stage, it will not accurately examine the impacts of the proposed development.



## Recreation

The County's Recreation Master Plan has since been approved and does not have considerations for facility development within the ASP. Although it does identify a proposed facility for the adjacent Elbow Valley area within a timeline of 5-10 years. Until such time, it is expected that any population growth in the area will impact existing recreation facilities and services in the City of Calgary.

- 1) It is unclear in the document how the Master Plan has informed the ASP – it is not directly referenced under the Policy Direction section nor the Implementation section. Specifically:
  - a) Why has it not been expanded on in the ASP, and specifically been excluded from the Implementation Section?
  - b) How will local plan's recreation planning relate to, and be informed by the County's Recreation Master Plan and other regional recreation planning direction (e.g. CMRB recreation policy, Rocky View County-City of Calgary Regional Recreation Study)?
  - c) Consider stating "Recreation and Parks Master Plan" under 18.1 to clarify applicable documents.
- 2) Policy direction on Section 18 should consider additional wording with respect to coordination of recreational services throughout the phases to encourage comprehensive recreation planning and avoid duplication of services. This is imperative as the County's plans (or its limitations) may influence The City's long-term recreation capital planning in Calgary's southwest.

## Michelle Mitton

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**From:** JANET BALLANTYNE [REDACTED]  
**Sent:** May 11, 2021 10:15 AM  
**To:** Public Hearings Shared  
**Subject:** [EXTERNAL] - Bylaw C-8111-2020

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Greetings:

Growth along Highway 8 – the consultant is correct that there was a lot of discussion of growth potential along Highway 8 before the County Plan was prepared. They conveniently ignore the fate of those discussions.

A number of proposals for such growth were brought forward and defeated by prior councils. The planning that went into the County Plan clearly knew about and considered those proposals and rejected them, largely because of serious technical hurdles and risks, all of which still exist. The identified growth areas in the County Plan explicitly did not include the Highway 8 corridor.

It is completely disingenuous to use the “favourable” half of this historic information as support for this proposal – how does the applicant explain away the reality that all earlier proposals for growth in this corridor have been rejected.

Janet Ballantyne

## Michelle Mitton

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**From:** Elgart, Churyl <celgart@osler.com>  
**Sent:** May 11, 2021 9:05 AM  
**To:** Public Hearings Shared  
**Cc:** Jessica Anderson; adam.harrison@o2design.com; Kathi & Vern Pointen; Paul Pointen  
**Subject:** [EXTERNAL] - Bylaw C-8111-2020 - Pointen submission in support of Elbow View ASP  
**Attachments:** Pointen - Bylaw C-8111-2020.pdf

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Good morning,

Please find attached a submission to Council on behalf of Kathi and Vernon Pointen.

Thank-you very much,

**OSLER**

**Churyl Elgart**

Partner

403.260.7052 | [celgart@osler.com](mailto:celgart@osler.com)

Osler, Hoskin & Harcourt LLP | [osler.com](http://osler.com)

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Calgary

May 11, 2021

Cheryl Elgart  
Direct Dial: 403.260.7052  
celgart@osler.com  
Our Matter Number: 1221337

Toronto

Montréal

**Sent By Electronic Mail**

Ottawa

Legislative Services  
262075 Rocky View Point  
Rocky View County, AB, T4A 0X2

Vancouver

New York

Dear Members of Council,

**Proposed Elbow View ASP Bylaw C-8111-2020**

Please accept this submission on behalf of our clients, Kathi and Vernon Pointen (the “Pointens”). The Pointens fully support for the Elbow View ASP, with minor amendments to allow their continued use and enjoyment of their own property.<sup>1</sup>

The requested amendments relate solely to the lands labelled “NW10”, “SE10”, and “Home Site” on the Map 02 excerpt. For ease of reference, the paragraphs below are numbered.



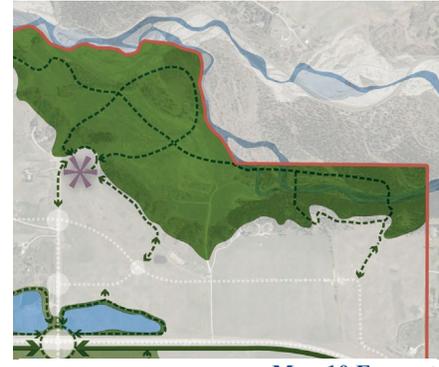
Map 02 Excerpt

1. Originally, the Pointens owned the NW10, SE10 and SW10. Legacy’s predecessor acquired an option to select portions of the lands for purchase.
2. Now:
  - a. Legacy owns the SW10.
  - b. The Pointens own the 62.5-acre Home Site (subdivided out of the SW10 and SE10).
  - c. A Trustee Corporation holds title to the NW10 and SE10 in trust for Legacy and the Pointens. On subdivision, 58.46 acres are to transfer to Legacy. The remaining 236.8 acres are to return to the Pointens.<sup>2</sup>

<sup>1</sup> In March 2021, I discussed these and other issues separately with Jessica Anderson (RVC) and Adam Harrison (O2). The Pointens appreciate the amendments that have already been incorporated.

<sup>2</sup> September 26, 2017 Agreement Between Co-Owners of Realty, section 2.1: “The Co-owners confirm ...that once subdivision approval has been obtained ..., the Trustee Corporation will transfer the Pointen Lands to Pointen and the Legacy Lands to Legacy.”

3. Map 10 labels as “Natural Environment” much of the Home Site plus most of the land that is to return to the Pointens on the NW10 and SE10 subdivision. Section 15 policies direct the Subdivision Authority to require dedication of these lands as Environmental Reserve (“ER”) on subdivision.
4. Because no developer acquired rights to the rest of the NW10 and SE10, the Pointens plan to ranch the NW10, SE10 and Home Site indefinitely. Dedication of these valuable lands is not an option.
5. Policy 12.1 states that lands designated as Natural Environment are “in general, not suitable for new development”. This compromises the Pointens’ ability to live on and ranch their land – as the 4 homes and agricultural buildings will need to be rebuilt, replaced or expanded, and other agricultural buildings may be required over time.
6. Accordingly, the Pointens respectfully request that Council amend the ASP to:
  - a. Designate the “Natural Environment” portions of the NW10, SE10 and Home Site as “Agricultural”. In the alternative, amend the ASP text to clarify that the Subdivision Authority “shall not” require ER from the NW10 or SE10.
  - b. Explicitly recognize the 4 homes on the Home Site, and provide for them to be rebuilt, replaced or expanded.
  - c. Explicitly state that the ASP does not restrict new development or redevelopment of buildings and structures on the NW10, SE10 or Home Site.



Map 10 Excerpt

The Pointens extend their appreciation for Council’s consideration of these requests.

Yours truly,

Charyl Elgart  
Partner

CAE:

- c: Kathi and Vernon Pointen, 32154 Township Rd 241  
Paul Pointen

**Michelle Mitton**

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**From:** Renee Delorme [REDACTED]  
**Sent:** May 11, 2021 11:28 AM  
**To:** Public Hearings Shared  
**Subject:** [EXTERNAL] - FILE: 1013-220 APPLICATION: N/A SUBJECT: Adoption of proposed Bylaw C-8111-2020 (Elbow View Area Structure Plan)

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**FILE:** 1013-220 **APPLICATION:** N/A **SUBJECT:** Adoption of proposed Bylaw C-8111-2020 (Elbow View Area Structure Plan)

**I am opposed** to having this development approved at this time. Assessing a project of this magnitude against various draft municipal plans is worrisome and not in the best interest of local taxpayers and local residents.

The inter-municipal draft plan must be approved first to ensure orderly planning and development of this project.

Furthermore, this new development should be considered within the scope of other approved residential developments in the area and issues such as water scarcity/availability.

**Renée Delorme**  
**Bragg Creek resident**  
[REDACTED]