



Area Structure Plan Servicing Connection Policy Review

Electoral Division: N/A

File: N/A

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Department:	Planning

REPORT SUMMARY

The purpose of this report is to present a review of potable water and wastewater servicing policies within the County’s 20 existing Area Structure Plan (ASPs).

In a recent decision (Board Order 2024-SDAB-004), the County’s Subdivision and Development Appeal Board (SDAB) overturned a condition of a development permit that required connection to the piped water system in Langdon. In providing its decision, the Board concluded that the ASP does not specify a time at which servicing connections are required; therefore, even though the SDAB deferred the connection requirement at the time of its decision, this still complied with the statutory plan by setting out criteria that would trigger future connection in the conditions of the development permit.

Administration presented a detailed analysis of this SDAB decision to the Governance Committee on July 24, 2024. Following Administration’s report, Governance Committee directed Administration to review the servicing policies within the County’s ASPs, and specifically to identify gaps in policy that require new development to connect to municipal servicing.

In light of the reasons presented in Board Order 2024-SDAB-004, Administration’s analysis explored whether the policies in each ASP provided specific triggers for connection timing. While 15 of the County’s 20 ASPs include policy wording requiring new development connect to municipal servicing infrastructure if available, only two ASPs included policy wording that identifies specific trigger timing for servicing connection. These two ASPs refer to the subdivision approval stage as the required connection time.

Administration also conducted a cross-jurisdictional review, which identified that no ASPs from the five studied municipalities included policies relating to the specific timing of connection to municipal services.

Importantly, within the County’s different growth areas, and within other municipalities, the supported development form and/or location of a growth area may not require a comprehensive piped servicing solution. Administration recommends that particular focus on strengthening piped servicing requirements be directed to areas of higher development intensity or those with environmental sensitivities.

Administration will continue to update servicing policies as ASPs are reviewed in accordance with Council’s Planning Project Prioritization Policy (Council Policy C-322). Forthcoming amendments to higher order statutory planning documents, including the County’s Municipal Development Plan, will also provide clearer guidance on how servicing requirements should be addressed in County growth areas.

Administration advises that amending policy wording within ASPs to include more specific triggers for utility connections may result in appeals bodies upholding the County’s development and subdivision approving authority’s decisions in situations similar to 2024-SDAB-004; however, the County has a variety of other bylaws and policies that guide servicing of development, and a broader review of this framework would support more informed decision making by the approving authority.

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ADMINISTRATION'S RECOMMENDATION

THAT Council receives the Area Structure Plan Servicing Requirement Review report for information.

BACKGROUND

SDAB Decision – PRDP20223318 in Langdon

The Development Authority issued a notice of decision on November 28, 2023, to conditionally approve PRDP20223318 for the development of a multi-tenant commercial building located at 143 Centre Street NW in Langdon. The condition set included requirements to connect to the piped water and wastewater systems in Langdon as per the policies of the statutory Langdon (ASP). On appeal, the SDAB overturned the condition, allowing the development to proceed with an interim servicing solution. The SDAB added a new condition identifying triggers by which the development would be required to connect in the future.

Administration presented a detailed review of 2024-SDAB-004 to the Governance Committee on July 24, 2024. Administration noted that servicing policies in the Langdon ASP and many other County ASPs do not specify a timeframe for connection, leaving ambiguity for decision-makers over the necessity of servicing connections. In response to Administration's analysis, the Committee directed Administration to prepare a further report reviewing the policies within all the existing County ASPs:

[That Governance Committee directs] Administration to present report to Council by Q4, 2024 reviewing servicing policies within all of the County's existing Area Structure Plans (ASPs), specifically exploring how any policy gaps relating to the timing of connections to piped water and wastewater servicing in each ASP could be addressed.

LPRT Decision – LPRT2024/MG0588

In a recent decision, issued on November 28, 2024, the LPRT overturned a condition of a subdivision approval that required connection to the piped water utility system operated by Rocky View Water Co-op in Bearspaw. In its reasons, the LPRT noted that the Bearspaw ASP allows for some flexibility in how water is to be provided.

ANALYSIS

Due to the variety of development types that occur throughout the County, there are varying approaches to servicing development. The County's regulatory framework to ensure proper servicing includes bylaws (including the Land Use Bylaw, Area Structure Plan bylaws, and dedicated servicing bylaws), and policies (including policies related specifically to servicing, and the County's Servicing Standards).

In its 2024-SDAB-004 decision, the SDAB did not describe exactly what wording an ASP should contain to trigger connection at a specific time; however, the SDAB did indicate in its decision three triggers it considered would be specific enough to compel connection at a certain time in this case:

“That upon the tenancy approval of the Establishment (Eating) use, through a development permit application (change of use or New business tenant), or the piped water service is brought up Centre Street to the Lands,”

Extrapolating from this decision, Administration assumed that if an ASP's policy wording identified certain conditional triggers for connection such as those that the SDAB included in their added condition, a future SDAB would adhere to those. For example, if section 23.14 of the Langdon ASP had included wording such as “All new development be required to connect to the County's wastewater system at the time of development permit”, the SDAB may not have varied the condition, on the basis that it was bound to comply with the statutory plan. Based on this premise, Administration investigated the County's 20 ASPs to determine whether any of them contain such wording.

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ASP Review

Administration reviewed the County’s ASPs to identify each policy approach to servicing requirements. Generally, the servicing policies set out in an ASP are intended to achieve safe, reliable, and cost-effective utility infrastructure to serve a community. When preparing ASPs, significant effort is put into preparing a servicing strategy to accommodate the development contemplated in the ASP.

Administration analyzed servicing policies for both water and wastewater utilities. Table 1 includes a comparison of the policy approach of each ASP, with a summary of the policy wording. Full policy excerpts are presented in Attachment A.

Table 1 summarizes the policy requirements listed in the ASPs:

Table 1 - ASP Connection to Servicing

ASP	Policy Approach to Potable Water System	Policy Approach to Wastewater System	Reference to Specific Timing as per 2024-SDAB-004
Balzac East	Developments required to connect where “immediately available” and “when required by the Municipality”. Connections may be deferred in some areas under the plan	Developments required to connect “when and where appropriate”. ASP policy was written prior to East Rocky View Waste Water Transmission Main being installed. Connections may be deferred in some areas under the plan.	No
Balzac West	Water servicing strategy to be prepared at Conceptual Scheme stage.	Wastewater servicing strategy to be prepared at Conceptual Scheme stage.	No
Bearspaw	Defers to policy established by Council.	“shall be handled on a site-specific basis”.	No
Cochrane Lake Hamlet Plan	To be determined at redesignation stage.	Servicing strategy to be prepared for ASP area, but no explicit requirement to connect.	No
Cochrane North	In some areas within the plan, connection required as a condition of subdivision approval. In other areas, servicing may be deferred.	In some areas within the plan, connection required as a condition of subdivision approval. In other areas, servicing may be deferred.	Yes, for some areas within plan area.
Conrich	“All new development shall connect to the County’s potable water system”.	“All new development shall connect to the County’s wastewater system”.	No
Dalroy	Deferred servicing until infrastructure becomes available.	Deferred servicing until infrastructure becomes available.	No

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Delacour	None	None	No
Elbow Valley	Water system to be determined at subdivision, but no explicit connection timing.	Connection via the City of Calgary/Elbow Valley system prior to subdivision approval.	Yes, for wastewater service connections prior to subdivision.
Glenbow Ranch	“All new development shall connect...”	“All new development shall connect...”	No.
Greater Bragg Creek	No explicit requirement to connect.	No explicit requirement to connect.	No; however, connection is mandatory under Bylaw C-7662-2017
Indus	None.	None.	No
Janet	None.	None.	No
Langdon	“All new development shall connect...”	“All new development shall connect...”	No
Moddle	None.	None.	No
North Central Industrial	“All new comprehensive development should connect to a municipal potable water system.”	“All new comprehensive development should connect to a municipal wastewater system.”	No
OMNI	“All new development shall connect to the County’s East Rocky View Potable Water system.”	“All new development shall connect to the County’s East Rocky View Potable Water system.”	No
Shepard	None.	None.	No
Springbank Central	“Connection to an existing water distribution system is required for residential purposes where access is feasible and/or cost effective”.	“Lots less than 2 acres in size must be serviced through a wastewater collection system.”	No
Springbank North	“The provision of water to subdivisions and developments within the Plan Area shall be in accordance with policy established by Council...”	“Sewage disposal and/or treatment shall be handled on a site-specific basis... considered appropriate by the municipality”.	No

Those ASPs that address water and wastewater utilities take a variety of approaches to servicing connection policies. These can generally be grouped as follows:

- The same policy approach as in the Langdon ASP, to the effect of “all new development shall connect”;
- Very general policy wording, and reference to other County policy for the details of servicing connection;
- Reference to connection being required as part of the subdivision stage.



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Most ASPs describe that a servicing strategy shall be prepared as part of the development process, but without explicitly stating when connection is required. No ASP explicitly states that connection shall occur at the development permit stage, as seems to be the intent of SDAB in 2024-SDAB-004. The Cochrane North and Elbow Valley ASPs do identify the subdivision stage as a specific trigger for connection to servicing.

Some ASPs included provisions allowing for service connections to be deferred via a caveat registered on the land title. These deferred servicing agreements may or may not specify when connection would be triggered. Six ASPs were identified as having policy allowing deferred servicing agreements:

- Balzac East ASP;
- Cochrane North ASP;
- Dalroy ASP;
- Greater Bragg Creek ASP;
- Central Springbank ASP; and
- Dalroy ASP.

The Langdon ASP does not include policy guiding deferral of servicing connections, so it is unclear how the SDAB would address such a policy in light of 2024-SDAB-004.

Other Bylaws and Policies

Aside from ASPs, the County guides servicing connections through other bylaws and policies. Since some ASPs refer to the County's greater policy framework on utility connections, it is useful to consider the implications of these.

Water/Wastewater Utilities Bylaw

The County's Water/Wastewater Utilities Bylaw C-7662-2017 regulates and provides terms, conditions, rates, and charges for the supply and use of municipal water and wastewater utilities. This bylaw includes connection timing requirements—specifically, where municipal servicing is located adjacent to a parcel, the owner of said parcel may be required to connect to municipal servicing at the time the Chief Administrative Officer deems necessary.

Requirements for Wastewater Treatments Systems Policy 449

This policy outlines requirements for wastewater treatment systems. It prioritizes regional wastewater systems as the preferred option, but also allows for consideration of decentralized systems, or private systems, according to feasibility.

Rocky View County Land Use Bylaw C-8000-2020

The County's Land Use Bylaw refers to policies and procedures as adopted and amended by Council including, but not limited to, Area Structure Plans, Area Redevelopment Plans, and any Infrastructure Master Plans as they pertain to transportation, water, sanitary and/or stormwater management infrastructure. Notably, these policies and procedures may be considered in conditions of development permits.

Cross-Jurisdictional ASP Review

A cross-jurisdictional review of other rural municipalities in Alberta was completed to understand how requirements to connect to piped water and wastewater servicing are being considered in ASPs across the province. The five studied rural municipalities were: Parkland County, Foothills County, County of Grande Prairie No. 1, Sturgeon County, and Red Deer County. They were selected as the five most populous municipal districts following Rocky View County.

In total, 34 ASPs from the five municipalities were reviewed with varying development focuses of residential, industrial, commercial, and overall hamlet developments.

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Table 2 - Cross-Jurisdictional Scan

Primary Development Form	Number of ASPs	Connection to Piped Water and Wastewater	Deferred Servicing Agreement Requirement	Policy for timing requirements
Residential	18	7	0	0
Industrial	7	4	1	0
Commercial	3	2	1	0
Hamlet	6	2	1	0
Total	34	15	3	0

The cross-jurisdictional scan identified that in general, it is reasonable that ASPs include policy that new development connect to municipal servicing when available. However, similar to Rocky View County, no ASPs included policy specifying the timing of when development would be required to connect to municipal servicing.

The cross-jurisdictional scan also concluded that policy requiring deferred servicing agreements be registered against new certificate of titles was limited.

Conclusions

Connecting all new development to piped water servicing within the County's growth areas is considered important to provide communities with a safe, reliable, and cost-effective water supply. Systems are designed to provide servicing in a planned area, and are constructed at significant expense. Deferring or exempting individual developments from connecting to the piped water or wastewater systems may impact the ability to expand systems as planned. Cost-effectiveness of utility systems often relies on levies collected at the time of development.

Administration's review reveals that policy wording with respect to utility connections within the County's ASPs varies greatly. It is uncertain how each ASP might be interpreted by the SDAB or higher appeal bodies, if a similar appeal to 2024-SDAB-004 were brought forward. In light of the recent SDAB and LPRT decisions discussed above, Administration will consider the following approaches as it prepares ASPs:

- ASP wording should include a specific trigger condition (or conditions) for when developments must connect to utility systems. This may provide greater clarity for the SDAB about when the ASP intends connections to be made.
- ASPs could also include explicit policy wording prohibiting deferral of connection. Administration has considered such wording in its recent ASP review projects—for example, Administration recently proposed policy wording specifically prohibiting deferral of servicing connections for development in the Conrich ASP. It is uncertain whether this approach would result in a different outcome than that in 2024-SDAB-004.

The County's efforts to grow and develop a municipal utility system requires a strategic approach that includes planning, policy, operation, maintenance, and funding. Area Structure Plans are only one aspect of the County's servicing framework. A broader review of the County's utility servicing strategy—including mechanisms like Water/Wastewater Utilities Bylaw C-7662-2017 and the Requirements for Wastewater Treatments Systems (Council Policy 449)—is necessary to identify other policy gaps and to ensure that all development is connected to appropriate utilities at the appropriate time.

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COMMUNICATIONS / ENGAGEMENT

No communication or public engagement was undertaken at this time.

IMPLICATIONS

Financial

There are no financial implications arising from this report.

STRATEGIC ALIGNMENT

Key Performance Indicators		Strategic Alignment	
Effective Service Delivery	SD1: Services levels are clearly defined, communicated and transparent to citizens	SD1.1: Services with defined service levels	ASP policies are one aspect of the County's regulatory framework that guides utility services, to ensure an appropriate level of service is provided for certain development types.
Thoughtful Growth	TG2: Defined land use policies and objectives are being met and communicated	TG2.3: Statutory plans that align with the Regional Growth Plan and receive an approval recommendation from Calgary Metropolitan Regional Board (CMRB) Administration	In the County's growth areas, the CMRB prefers regional utility services. The County's ASP should include policies guiding this level of service.

ALTERNATE DIRECTION

Administration has no alternate direction at this time.

ATTACHMENTS

Attachment A: Area Structure Plan Servicing Connection Policies

APPROVALS

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