

## **ROCKY VIEW COUNTY GLENBOW RANCH AREA STRUCTURE PLAN - UPDATE**

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### **EXECUTIVE SUMMARY**

The City of Calgary is committed to a collaborative approach in which The City of Calgary joins together to develop our region with a positive vision: a place for opportunity and growth with vibrant communities and towns, built in a fiscally responsible manner with supportive services, fair taxation, equitable funding for municipal services, and healthy distinct wilderness and agricultural areas. This approach includes monitoring and reviewing development and planning applications in neighbouring municipalities.

The City of Calgary has been reviewing Rocky View County's Glenbow Ranch Area Structure Plan (GBRASP). As part of Administrations review of the GBRASP, a number of deficiencies have been identified to City Council that are likely to have a detrimental impact upon The City of Calgary. Examples of these impacts include increased pressure on transportation and transit systems, greater demand for soft services and increased likelihood of contamination to the Bearspaw Reservoir and the broader watershed.

Over the last year, The City of Calgary has requested that Rocky View County delay the plan to allow significant impacts to be addressed. In spite of The City's efforts, Rocky View County has continued to move forward with the planning approvals process. It is now expected that Rocky View County will consider third reading on the GBRASP in the next few months - potentially as soon as 2017 June 27. To date neither Rocky View County Council nor Administration has proposed changes to the GBRASP that would address any of The City of Calgary's concerns.

In order to provide policy support to the GBRASP, Rocky View County is also proposing amendments to their Municipal Development Plan. The County Plan amendment is to establish a hamlet location that aligns with the GBRASP.

Given The City of Calgary's outstanding concerns, it is recommended that The City of Calgary initiate a formal intermunicipal dispute and file a Municipal Government Board appeal against both plans as authorized under Section 690 of the Municipal Government Act. It is anticipated that the first outcome of filing the Municipal Government Board appeal will be mediation. Mediation may provide a potential path to address The City of Calgary issues. Rocky View County has the option of not supporting mediation.

### **ADMINISTRATION RECOMMENDATION(S)**

That the Intergovernmental Affairs Committee recommend that Council:

1. Authorize the Deputy City Manager to file Municipal Government Board appeals with respect to Rocky View County Bylaws C-7667-2017 (the "Glenbow Ranch Area Structure Plan") and C-7665-2017 (the "County Plan" ) as provided for under Section 690 of the Municipal Government Act; and
2. Direct Administration to provide further updates and decisions on the appeals and mediation to Intergovernmental Affairs Committee as required.

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### RECOMMENDATION OF THE INTERGOVERNMENTAL AFFAIRS COMMITTEE, DATED 2017 JULY 06:

That the Administration Recommendations contained in Report IGA2017-0572 be approved.

### PREVIOUS COUNCIL DIRECTION / POLICY

Council considered the Glenbow Ranch Area Structure Plan under Report IGA2017-0119 as an in-camera item as part of the 2017 March 13 Combined Meeting of Council.

Further direction to Administration was provided by Council as part of IGA2015-0864 as an in-camera item at the 2015 December 14 Regular Session of Council.

### BACKGROUND

The Terms of Reference for the Glenbow Area Structure Plan project were approved by Rocky View County on 14 February 2015. The proposed plan area, shown in Attachment 1, is bounded by The Town of Cochrane (west), The City of Calgary (east), Highway 1A (north) and the Bow River (south). These lands currently form the southern portion of the existing Bearspaw ASP. The Terms of Reference state that the creation of a new plan for the lands is intended to better reflect the recent dedication of the Glenbow Ranch Provincial Park and to align with the policies of the Rocky View County County Plan and the South Saskatchewan Regional Plan (SSRP).

The GBRASP area is identified as a Rocky View County growth corridor within the Rocky View-Calgary Intermunicipal Development Plan (IDP). Policy 8.1.1 of the IDP states growth corridors "...represent areas for potential future development of the municipalities with the Plan Area." The Rocky View County *County Plan* identifies the lands as a "Country Residential".

As originally proposed, the GBRASP plan area would have a population at build-out of 15,726 (5,242 units). At full build out, the GBRASP would achieve an overall residential density of 3.4 units per acre. The plan notes that this is significantly higher than current Rocky View County residential density.

Following the conclusion of the Rocky View County Public Hearing held on 2017 April 25, Rocky View County Council directed Rocky View County Administration to consider potential amendments to provide reductions in density to select development areas within the plan. These amendments are expected be considered on 2017 June 27 and could potentially reduce the overall population at build-out and overall residential density. The City of Calgary Administration has yet to receive review proposed amendments.

The City of Calgary has consistently had a broad range of concerns with the GBRASP. The City of Calgary formal submission to Rocky View County was contained in Administrations letter to Rocky View County dated 2017 March 01 (Attachment 2) and a letter from Mayor Nenshi to Reeve Boehlke dated 2017 April 05 (Attachment 3). Attachment 4 is The City of Calgary submission with respect to Bylaw C-7665-2017, which proposed amendments to the County Plan.

## **ROCKY VIEW COUNTY GLENBOW RANCH AREA STRUCTURE PLAN - UPDATE**

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### **INVESTIGATION: ALTERNATIVES AND ANALYSIS**

It is expected that Rocky View County will give third and final reading to Bylaw C-7667-2017 (the "Glenbow Ranch Area Structure Plan") and C-7665-2017 (the "County Plan") on 2017 June 27. Bylaw C-7667-2017 would approve the Glenbow Ranch Area Structure Plan while Bylaw C-7665-2017 would amend Rocky View County's County Plan by adding a hamlet to the lands covered by the GBRASP. A third bylaw to amend the Bearspaw Area Structure Plan to remove the lands within the GBRASP is also being considered.

Based on all of our conversations with Rocky View County to date, Administration anticipates that the GBRASP will likely be approved without fully resolving the outstanding issues that are detrimental to The City of Calgary. Attachments 2 & 3 provides a thorough overview of all of The City of Calgary concerns with respect to the GBRASP prior to any amendments. The range of concerns may still be increased or decreased by any amendments that may be approved by Rocky View County Council.

The Municipal Government Act enables municipalities to appeal a statutory plan adopted by an adjacent municipality that has or may have a detrimental effect on it. This is detailed in Section 690 of the Municipal Government Act that states:

*If a municipality is of the opinion that a statutory plan or amendment or a land use bylaw or amendment adopted by an adjacent municipality has or may have a detrimental effect on it and if it has given written notice of its concerns to the adjacent municipality prior to second reading of the bylaw, it may, if it is attempting or has attempted to use mediation to resolve the matter, appeal the matter to the Municipal Government Board by*

- (a) filing a notice of appeal and statutory declaration described in subsection (2) with the Board, and*
- (b) giving a copy of the notice of appeal and statutory declaration described in subsection (2) to the adjacent Municipality within 30 days after the passing of the bylaw to adopt or amend a statutory plan or land use bylaw.*

### Alternatives

In the event the GBRASP is approved, The City of Calgary has the following alternatives:

1. Take no further action,
2. Request that Rocky View County work with The City on a voluntary, bilateral basis to address outstanding concerns;
3. File an application for annexation; or
4. File appeals of both bylaws to the Municipal Government Board.

Administration recommends that Council support filing appeals against both the GBRASP and the County Plan amendments. Doing so would provide The City of Calgary with greatest opportunity to have the concerns identified in Attachments 2 and 3 addressed.

## **ROCKY VIEW COUNTY GLENBOW RANCH AREA STRUCTURE PLAN - UPDATE**

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Under the Municipal Government Act, municipalities are expected to either attempt mediation or demonstrate why mediation was not undertaken. Should mediation be undertaken, it should occur with an aim to resolve The City of Calgary's areas of concern. If mediation is agreed to by Rocky View County, Administration will bring a mediation strategy to Intergovernmental Affairs Committee for approvals.

### **Stakeholder Engagement, Research and Communication**

The City of Calgary was engaged as a stakeholder in Rocky View County's ASP preparation process. The City has held discussions on the GBRASP with both Alberta Transportation and The Town of Cochrane.

### **Strategic Alignment**

Section 1.3.2 of The City of Calgary Municipal Development Plan states that "Regional alignment with Rocky View County is administered through the Rocky View/Calgary Intermunicipal Development Plan. The IDP provides a framework for dispute resolution that is consistent with the strategy outlined in this report.

### **Social, Environmental, Economic (External)**

There are no direct social, environmental or economic impacts associated with this report. Should the Glenbow Ranch Area Structure Plan be approved and development occur, negative impacts on The City of Calgary's Transportation and Transit systems are anticipated as well as risks to Calgary's source water quality. There is also likely to be increased demands for services provided by The City of Calgary from residents with the Glenbow Ranch Area Structure Plan communities.

### **Financial Capacity**

#### **Current and Future Operating Budget:**

Entering into mediation would involve hiring a mediator and associated costs. Taking an appeal of the GBRASP to a Municipal Government Board full hearing would have significant costs in terms of consulting work required to support the appeal and administrative time. Recent appeals in the Calgary region have cost upwards of \$500,000.

#### **Current and Future Capital Budget:**

There are no direct capital budget impacts associated with this report. The development of the Glenbow Ranch ASP area has the potential to impact the timing and size of City infrastructure including roads, transit facilities and water treatment facilities. Specific impacts would be considered as part of future reports.

### **Risk Assessment**

As the Growth Management Board members, governance and mandate are established, it will be important for The City to maintain positive working relationships with other future board members. Specifically, decisions on this report may impact administrative and Council relationships with Rocky View County.

## **ROCKY VIEW COUNTY GLENBOW RANCH AREA STRUCTURE PLAN - UPDATE**

---

The development of the Glenbow Ranch Area Structure Plan area without a cost-sharing agreement will impact the need, timing and cost of infrastructure and services within The City of Calgary that may be utilized by residents within Rocky View County. These include transportation/transit infrastructure and various soft services such as recreation.

### **REASON(S) FOR RECOMMENDATION(S):**

A City of Calgary position is required from Council with respect to the potential appeal of the Glenbow Ranch Area Structure Plan and County Plan amendments. Administration recommends that a Municipal Government Board appeal against the Glenbow Ranch Area Structure Plan be filed. An appeal provides the greatest opportunity to have detrimental impacts to The City resolved.

### **ATTACHMENT(S)**

1. Glenbow Ranch Area Structure Plan Location Map
2. Letter from City of Calgary Administration to Rocky View County Administration with respect to Bylaw C-7667-2017
3. Letter from Mayor Nenshi to Reeve Boehlke
4. Letter from City of Calgary Administration to Rocky View County Administration with respect to Bylaw C-7665-2017