

# **APRIL 10<sup>TH</sup> COUNCIL HEARING SUMMARY**

- **TAX RECOVERY SALE PROVIDES RESERVE BIDS**
- **BEARSPAW MOSQUE APPLICATION REFUSED**
  - **FIRST PARCEL OUT PROCESS SIMPLIFIED**

## **TAX RECOVERY SALE:**

Did you know that Alberta's Municipal Government Act allows for a municipality to put a property up for auction if its owner are three years in arrears on their taxes? This year 5 properties were brought to Council for this very reason.

The reserve bids (market values) are established by the County's assessment team and the County's Financial services manager acts as the auctioneer. Past data has shown that the owners who find themselves in such a position end up paying their taxes, however, the ability for the County to takeover their property is there if they do not. Hopefully, that's what happened in these 5 cases.

Please pay your taxes, I don't ever want to make the decision to sell your home.

## **BEARSPAW MOSQUE APPLICATION REFUSED**

The application to place a 22,000 sq. ft. Mosque with 400+ parking spaces at the southwest corner of Rocky Ridge Rd and 12 Mile Coulee was refused on a vote of 7-2. This 4 and a half-hour hearing sought to change the land-use designation from residential to public service.

Administration recommended refusal as the application did not comply with County Plan Section 11.2 – that it provide a benefit to the local community and is compatible with local land uses. Over 50 letters of opposition and 14 letters of approval were received.

This application was brought forward in November 2015 and the public was notified of the original hearing in 2016. However, the application was put on hold while the applicant addressed technical concerns.

When the application was originally circulated it went to 14 landowners. Despite this small distribution area, it received 22 letters of opposition. When the application came forward again, because of the scale of the proposed development and its intended land use change, our previous Councillor, Eric Lowther, asked that the circulation area be expanded when it was recirculated.

At the commencement of the hearing, the applicant's lawyer sought to have the application postponed so that they could address the letters of oppositions and engage the public. They claimed that the original application had not received this amount of opposition and they now wanted to address the concerns raised.

Of note, all land-use applications that come before council provide the public with the ability to comment. Notification comes from circulation letters and advertisements in the local paper. Approximately one week prior to the hearing, the applicant receives copies of all letters of opposition and support so they can prepare comments in response and address them at the hearing.

In this particular case, the applicants already had the letters of opposition and support from 2016. It is true there were new letters of opposition, however, none of these letters raised concerns over and above those submitted against the original application. Furthermore, the applicant had sufficient time to engage the public in the 2+ years the application had been in the works.

After speaking with the County lawyer and listening to those who had come to Council to speak on the issue, Council denied the extension and allowed the application to proceed on a vote of 8-1. Councillor Kim McKylor was in opposition.

Speaking in favour of the application were residents from both the County and the city. It was stated that the proposed facility would provide a much needed place of worship and recreation for the Muslim community of not only Bearspaw but northwest Calgary.

There were claims about difficulties in finding suitable locations and the space their current facility occupied had major issues with parking. It was also stated that land in the city was expensive. The applicant addressed resident concerns over technical issues like drainage and noise and indicated they had no problem paying for necessary road improvements to address traffic concerns.

Those who spoke in opposition stated that while no one had an issue with the intended use of the facility, given the land's residential zoning, its location was not appropriate. The application was referred to as a "retrofit" and it was stated that the applicant had not engaged the public.

Traffic was a major concern, citing the facility could generate over 1000 traffic trips per day (on a city road – meaning upgrades are under the city's authority not the County's). It was also claimed that there was no additional need for recreational and meeting space in Bearspaw given that we had the newly built YMCA, the Bearspaw Lifestyle Centre, Lions Hall and RockPointe Church - all with ample availability already.

After a lengthy debate, Council moved to refuse the application 7-2, (Councillors Kamachi and McKylor were the two in opposition). I do believe that all people deserve a place to worship, but it needs be to the scale of the community in which it is located and it has to fit with the designated land use. It is not what people bought into, which is country residential.

The public overwhelmingly voiced its opposition not only on the potential impacts on traffic, noise and water, but also the lack of need for such a facility and its ability to service the Bearspaw community.

Furthermore, Administration had recommended refusal. If we are to go against the County Plan, there must be compelling reasoning to do so. I do not believe the applicant presented this reasoning.

## **FIRST PARCEL OUT PROCESS SIMPLIFIED**

In an effort to improve customer service, the process to simplify the County's first parcel out process was approved unanimously.

Opposition to applications to first parcel out are rare, however, the process can be quite arduous. To facilitate a more streamlined approach, so long as applicants follow all rules and applications are not contested, they will not come to Council for approval - rather Administration will have approval discretion.

Of note, of the 16 first parcel out applications between January 2015 and December 2016, only 2 did not follow the rules. Still, all 16 applications were approved by Council. Under the new rules, 14 of them would be processed by Administration and only the 2 non-conforming applications would come to Council.

There was considerable debate over the wording around accessory buildings and the inclusion of riding arenas. However, it was finally agreed that for parcels less than 20 acres, an accessory building can be no more than 2000 sq. ft. For parcels greater than 20 acres, an accessory building cannot be less than 2000 sq. ft and no more than 4000 sq. ft. Regarding riding arenas, they will only be permitted on a first parcel out that is greater than 14.83 acres (6 hectares).