



Mountain View
COUNTY

July 25, 2016

Sent via email: barb.hazelton@kneehillcounty.com

Kneehill County
Post Office Box 400
1600 – 2nd Street NE
Threehills, AB T0M 2A0

Attn: Barb Hazelton

Dear Ms. Hazelton:

Re: Proposed Land Use Bylaw 1718

Thank you for your letter dated June 29, 2016 with respect to the above noted proposal. The letter and material was circulated to the Planning and Development Services Department as well as the Operational Services Department.

There were no comments on this circulation from the Planning and Development Services Department nor the Operational Services Department.

Thank you for your consideration to include us in your referral agencies.

Sincerely,

Lee-Ann Gaudette, Administrative Assistant
Planning and Development Services
/lg

For PV systems, do you want rated DC output capacity or rated AC output capacity? I hope you want rated DC output capacity because that is the international standard for PV and because it is only DC that is the driver that generates the electricity. Rated AC output capacity is only used for conductor sizing, and is only weakly linked to rated DC output capacity.

PART VIII - SPECIFIC USE REGULATIONS

46. Alternative Energy Systems

what is it that you define as "alternative"?
"alternative" and "renewable" are not the same.

- (1) Alternative Energy Systems shall require a Development Permit application which shall include the following information where applicable:

(a) The Manufacturers specifications indicating:

- (i) The rated output in kilowatts
- (ii) Safety features and sound characteristics
- (iii) Type and material used
- (iv) CSA or ULC approval, if applicable

I suggest that you do NOT want to ask for CSA or ULC approval... rather you want to know that it meets Canadian Electrical Code standards. Then it needs to be the CE Code that decides on the approvals process, not Kneehill County. So just ask for its certification mark as per Alberta STANDATA LEG-ECR-2.

how does this apply to solar energy systems on roofs?

- (2) Any alternative energy system shall be located and screened, to the extent possible, by land forms, natural vegetation or other means to minimize its visual impact on adjacent residences, public roads, trails or other public areas.
- (3) Upon abandonment or termination of any alternative energy system's use, the entire facility and all components associated with the system, including towers or support structures, shall be removed and the site restored to its pre-construction condition.
- (4) All plumbing, reservoirs, pumps and other equipment associated with solar or geothermal heating or cooling systems shall require plumbing, electrical and building permits as required and must meet all applicable provincial plumbing, electrical and building code and any other municipal requirements
- (5) Alternative Energy Systems can be applied to residential, commercial, industrial and standalone energy solution applications.

I think it might be better to say "can be applied to grid-connected or stand-alone configurations in agricultural, residential, commercial and industrial applications."

47. Auxiliary Dwelling Unit

- (1) Auxiliary Dwelling Units, where permitted in this Bylaw as an Accessory use, shall comply with the following regulations:
- (a) Auxiliary Dwelling Units shall be limited to one (1) within a Principal Housing, Single-Detached.
 - (b) Auxiliary Dwelling Units are not permitted in a Housing, Single-Detached that is used as a Boarding or Lodging House or a Bed and Breakfast Establishment.
 - (c) Auxiliary Dwelling Units shall occupy no more than 92.9 m² (1000 ft.²).
 - (d) Auxiliary Dwelling Units must meet Alberta Building Code standards.

48. Bed & Breakfast Establishments

- (1) The operation of a Bed and Breakfast Establishment shall be Accessory to the Principal use of an owner-occupied dwelling.

Comments by
Gordon Howell, P.Eng.
Howell Mayhew Engineering, Inc.
Solar PV Systems Engineering
Edmonton
Office : +1 780 484 0476
E-mail : ghowell@hme.ca

- a) water modeling may be required.
- (6) Landscaping and screening shall be completed to the satisfaction of the Development Authority.
- (7) The Development Authority may impose the following conditions pertaining to a medical marijuana production facility:
 - (a) Setbacks from roads, residential uses, and other developments;
 - (b) Delivery route requirements and location of access to the lands; and
 - (c) Provision of a waste management plan, completed by a qualified environmental engineering professional that includes detail on:
 - i. the incineration of waste products and airborne emissions, including odour;
 - ii. the quantity and characteristics of liquid and waste material discharged by the facility; and
 - iii. the method and location of collection and disposal of liquid and waste material.

61. Portable Storage Containers

- (1) On a Lot designated Agriculture, Commercial or Industrial and larger than 20 acres, any number of **Portable Storage Containers** of any size are permitted provided they meet the minimum **Setback** requirements for that Land Use District.
- (2) On a lot designated Agriculture 8.09 ha (20 acres) or less, one **portable storage container** of any size per 1.6 ha (4 acres) is permitted provided they meet the minimum **Setback** requirements for that Land Use District. Less than 1.6 ha (4 acres) may have one (1) portable storage container. **so-called "solar panels" don't matter as they are merely an assembly of components. The only thing that matters is a complete system or project.**
- (3) In all other designated Residential districts, one (1) **Portable Storage Container**, no larger than 6.1 m (20 ft.) in length and 3.0 m (10 ft.) in width, is permitted provided it meets the minimum **Setback** requirements for that Land Use District.
- (4) The exterior finish should match or compliment the exterior finish of the Principal building or be screened from view to the satisfaction of the Development Authority.

62. Solar Energy

- (1) Applications for ~~ground-mounted solar panels~~ projects will only be considered in lands zoned Agriculture (A), Country Residential (CR), Light Industrial (LI), Industrial (I), Local Rural Commercial (LRC), Highway Commercial (HWY-C), Recreational (R) and Hamlet Industrial (HI).

solar energy systems with ground-mounted arrays

Solar energy systems with ground-mounted arrays

solar energy system with a ground-mounted array

arrays

(2) ~~Ground-mounted solar panels~~ and associated equipment which covers a total area of less than 9.3 m^2 (100 ft^2) will not require a development permit but they will still need to meet setbacks for the district.

(3) ~~Solar panels~~ may be installed on the roof of any building or may be ground mounted in a rear or side yard.

(4) Approval from the Alberta Utilities Commission (AUC) and any other provincial or federal agency or utility company is required prior to the operation of ~~the ground-mounted solar panels/project~~ as required.

any grid-connected solar energy system

(5) In no way may a ~~ground-mounted solar panel/project~~ to unduly interfere or effect the enjoyment or value of neighbouring parcels.

(6) The Development Authority may require the applicant to provide a **Basic Environmental Review** to be prepared by a qualified professional.

(7) If the ~~panel/project~~ is decommissioned, the applicant is required to return the project location to the same or better land capability it had before the project started. For example, top soil, altered drainage systems, or compacted soil resulting from construction, operation, or decommissioning of the site should be mitigated. A decommissioning and or mitigation plan may be required.

a solar array is

(8) If ~~solar panels~~ are being mounted on a tower/pole, the applicant will have to adhere to the height requirements of the applicable district as stated in the Bylaw.

(9) There shall be no aboveground portion of an ~~alternative energy~~ structure located in a front or side yard, with the exception of ~~solar panels~~ being ground mounted in a side yard, provided the structure complies with the minimum side yard setback requirements of the District.

a solar array

(10) A ~~solar panel~~ that is mounted on a wall may project a maximum of:

- (a) 1.5 m (5 ft.) from the surface of that wall, when the wall is facing a rear lot line; and
- (b) in all other cases, 0.6 m (2 ft.) from the surface of that wall.

array

(11) If a roof mounted ~~solar panel~~ requires raising of the top of the panel for solar alignment, the top of the panel shall not project above the highest roofline by more than 0.3 metres (1 ft.)

(12) Safety code permits are required.

63.Stripping, Filling, Excavation, Extraction & Grading

(1) A development permit application for site **stripping, filling, excavation, extraction, grading and/or re-contouring** (including construction of artificial water bodies and Dugouts) shall include the following information:

- (a) Location and dimensions of the proposed disturbed area on the lot;
- (b) Existing land use;

when you say "from" are you meaning horizontally perpendicular to the wall or above the wall or to the wide of the wall?

Standards are very important for clarity in communication and business. The international solar PV industry has long-developed standard terms that are used world wide, as described in the International Electrotechnical Commission glossary standard IEC 61836. I am a member of the IEC committee that developed 61836 and am a co-author of the document. As a result, I would recommend the following text be considered for these definitions:

"Solar Energy Conversion Device" means a device that converts energy contained in sunlight into electrical or heat energy.

"Solar Array" means one or more Solar Energy Conversion Devices plus the mounting structure for the devices. Note that this energy is not in a form that is useable by its intended energy loads. The energy is merely used to feed into other components that together form a Solar Energy System.

"Solar Array, Ground Mount" means a Solar Array that is mounted on a stand-alone structure mounted on the ground, on tower(s) or on pole(s) specifically intended for the array. A Solar Energy System incorporating a Solar Array, Ground Mount is used to provide energy service to buildings located on-site. (I would recommend that you modify this definition as solar farms use giant ground-mounted solar arrays. What is the reason to include that the ground mount system would only provide energy to an on-site building? I recommend that you eliminate the last sentence.)

"Solar Array, Roof Mount" means a Solar Array that are mounted on the roof of a structure.

"Solar Energy System" means a system of components that convert energy contained in sunlight into useable electrical or heat energy.

"Solar Farm" is an installation or area of land in which a large Solar Energy System is installed in order to generate electrical or heat energy for commercial sale to off-site customers.
property lines as defined in Section 34, Corner Parcel & Site Triangles of this Bylaw.

"Solar Farm" is an installation or area of land in which a large number of solar panels are set up in order to generate electricity for structures located off of the parcel upon which the Solar Farm is located. A Solar Farm is primarily for commercial purposes.

"Solar Panel" means a device used to convert energy contained within the sun's rays into electrical (photovoltaic) or heat energy and may be a single unit or an array of units into a single panel.

"Solar Panel, Ground Mount" means a panel to collect solar energy that is a stand-alone structure mounted on the ground or a tower/pole. A Solar Panel, Ground Mount is used to provide services to buildings located on the parcel upon which the Solar Panel, Ground Mount is located.

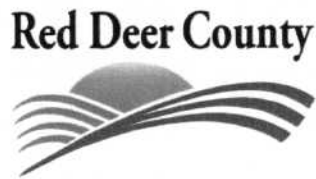
"Solar Panel, Roof Mount" means a panel to collect solar energy that is mounted on the roof of a structure.

"Street" means a road other than a lane.

"Stripping" means to take away or remove the earth in thin strips or layers.

"Subdivision and Development Appeal Board" means the board established by Council.

"Subdivision and Development Authority" means the authority established by Council by bylaw to make decisions on subdivision applications and other subdivision-related matters.



PLANNING & DEVELOPMENT SERVICES

38106 Range Road 275
Red Deer County, AB T4S 2L9
Phone: 403.350.2150
Fax: 403.346.9840

August 9th, 2016

Kneehill County Planning and Development
PO Box 400, 1600 – 2nd Street NE
Three Hills, AB
T0M2A0

Attn: Barb Hazelton

RE: Draft Land Use Bylaw 1718

Dear Barb,

Thank you for providing us with the opportunity to comment on the Kneehill County draft Land Use Bylaw. Our comments are limited to the Agriculture (A) District as the lands adjacent to Red Deer County are primarily Agriculture districted lands. Upon review of the document we have noted that there are a number of Discretionary land Uses within the Agriculture district that are of cause of some concern on our behalf. These uses include:

Abattoir,
Airport,
Airstrip,
Auction Mart,
Auction Mart Livestock,
Waste Management Facility, Major, and
Waste Management Facility, Minor.

Given the potential negative impacts of these uses on surrounding residents, within and outside of the municipality, we would strongly suggest that Specific Use regulations be developed and included in the Land Use Bylaw for the above mentioned land uses.

Do not hesitate to contact me if you require further clarification or information. I can be contacted via email at rbarr@rdcounty.ca or via phone at 403-357-2390.

Sincerely,

Ron Barr
Long Range Planning Manager
Red Deer County

Reeve Long, Kneehill Councilors and, of course most important of all, my fellow Kneehill County Ratepayers.

I would like to address what is most near and dear to me in our newly proposed Land Use Bylaw # 1718. That would be Part IV-Development Permit Procedures.... #24 Environmental Review starting page 26.

Under (1) "The following requirements of this regulation may be applied by the Development Authority prior to approving any development on lands located within an Environmentally Significant Areas (ESA) as identified in the Kneehill County Environmentally Significant Areas Final Report (February 2010), and any updates thereto."

Now, before I go on, I would refer to The Summit ESA report of 2010. The Report this Law Use Bylaw #1718 is referring to. On page 83, 7.1 Management Objectives For ESA's. "In order to meet the environmental objectives of Kneehill County and work towards the Government of Alberta's recently adopted Land-Use Framework, planners should set the management goals to preserve the most significant ESA's (ESA-1 and -2) and limit disturbance to or improve less significant ones (ESA-3 and -4)." It goes on to say "Generally, development within an ESA-1 or -2 should be avoided or minimized." And "Developments in ESA-3 and -4 should be minimized, with the end goal of improving ESA function to better meet criteria." Which, I'm sure means the goal is improving ESA-3 and -4's to meet ESA-1 standards.

Back to Land Use Bylaw #1718. Part IV...#24...(1) ...

(d) page 27.

"A full environmental review shall be required for proposed land uses or developments inside ESA's the are considered to have a high likelihood of having detrimental impacts on environmental features of importance. Full environmental reviews will include a field-based environmental impact and mitigation report undertaken during the season appropriate to observe the ecological functions of concern."

(e) page 28. " A basic environmental review may be required for proposed land uses or developments inside ESA's that are considered to have a moderate likelihood of having detrimental impacts on environmental features of importance. Basic environmental reviews do not include a field-based environmental impact and mitigation report."

I think our Environmental Reviews in this Land Use Bylaw are missing teeth and quite honestly missing the boat. What was the point of doing an ESA report if you are not going to follow the recommendations. If a land use or development proposed in our ESA's has a high or moderate likelihood of having detrimental impacts on the environment and can be avoided for heaven's sake avoid it, period. This council is leaving the county wide open to the downgrading of all our ESA's. You are going exactly the opposite way you should be going. EIA's are easy to come by and mitigation, in my mind is a dumb word. Do you know what the word "mitigate" means?

I'm glad this council is not responsible for protecting our forests. A logging company would come in, do a EIA, list their mitigation procedures (only cut trees when birds and animals are not breeding, only cut 95 out of a 100 trees etc.) Stamp, done, go ahead!!! How long before we have no forest? Same here, how long before we have no ESA's left in Kneehill. 20 years, 50, 100??

Ecotourism is the future and we need our ESA's if we are going to compete for our share of the tourist dollar.

Just a few comments about the racetrack proposed in the Rosebud River Valley.

DC4—Specific Direct Control District...Page 122 of our Land Use Bylaw #1718....Purpose.. " To accommodate a comprehensive motorsports resort "

In whose mind is this unavoidable, of course it is avoidable. Who really believes there is no other place in southern Alberta to build a racetrack but in a River Valley that has been deemed environmentally significant. Give me a break.

August 10th, 2016

Attention: Reeve Long, Kneehill Councilors and Kneehill County Ratepayers:

For what then is government – if not for the people? Throughout this racetrack debacle, there is one factor that has deeply offended my sense of political integrity. How is it that the voters, the rate-payers, the residents of this rural democracy are abandoned to protect their own rights? What wrong have we witnessed as people are moved to strike against their own elected officials, the very chosen who are placed to protect them? I am no policy expert and I am not politically motivated, but I do know right from wrong.

I urge you to examine your motives, then examine your conscience. Consider your public reputation, then your personal integrity. Then ask yourself - how can you possibly continue to push this development through? Stand up for your constituents who have been forced to act independently against this development. For God's sake stand up for yourselves – before it's too late.

I would like to address what is most near and dear to my family in your newly proposed Land Use Bylaw # 1718. That would be Part IV-Development Permit Procedures.... #24 Environmental Review starting page 26.

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Back to Land Use Bylaw #1718. Part IV...#24...(1) ...

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In whose mind is this unavoidable, of course it is avoidable. Who really believes there is no other place in southern Alberta to build a racetrack but in a River Valley that has been deemed environmentally significant?

Karen & Perry McMillan
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Kneehill County
1600, 2nd Street NE
Three Hills, Alberta
August 10, 2016

Dear Reeve Long, and Board Members:

Re: Proposed Land Use Bylaw #1718

First I would like to thank the board for the huge undertaking of updating this important Bylaw and ensuring it is aligned with the provincial Land Use bylaws already legislated. I appreciate the opportunity you have given ratepayers to speak to the draft.

Part II Approving Authorities (2) f, 11 page 11

Overall I am deeply concerned with the powers this Bylaw gives to the Development Officer acting as the Development Authority. Particularly I am extremely concerned that this person at his or her own discretion can decide whether a permit application needs to be referred for comments to those authorities whose interest or jurisdiction may be affected. In this Bylaw you have attempted to provide guidance for every situation, but there are always situations that deviate and I believe you have allowed for this person to have too much authority to make subjective decisions. I am certainly aware that corruption and bribery can occur at any level of government.

The wording of point 11 is unclear. I am also concerned that Council give equal weight to all objections from adjacent landowners regardless of whether the particular landowner is within Kneehill County, or not. If they are an adjacent landowner their concerns should be heard and valued.

Agricultural Concerns

Part XII Land Use Districts (8) b

To begin I would like to thank you for the Agricultural Initiative that was spoken of in the most recent Kneehill County "Neighbourhood Notes". I was extremely pleased with the following information, "With this strong heritage, Economic Development's goal will be to **work with and expand existing agricultural operations**; in growth, market development and potential diversification. Economic Development will also look to **attract new business to the County related to agriculture and Agri-tourism** through the promotion of social, economic and logistical assets of the region." I would like to congratulate the county on its recognition of the importance of agriculture, and also in realizing that tourism should have a strong connection to agriculture. I understand your definition of Agri-Tourism to mean a use, or building that provides for tourism ventures related to agriculture.

I am concerned with language in this draft bylaw that implies that land not considered "better" land for farming, could be redesignated, and used for other purposes. This classification of lands is based on the Canada Land Inventory Capability for Agriculture rating system. With all the new technology and farming expertise available today I would suggest that even poorer soils have a great potential if farmed correctly and wisely. Now I am trying to make sense of your decision to take 160 acres of highly productive farmland out of agriculture and place it under Direct Control to allow it to be paved over

and turned into a racetrack for cars solely for recreation. (DC4 pages 122-125) This land was not "poor" farmland. I am absolutely confused as to how doing this fits in with what I read in your newsletter. I cannot make any sense of how this racetrack development is connected with Agri-tourism, unless you are somehow going to tell me that it will be a requirement that all the cars run on biodiesel made from Canola, or ethanol. Since I know that would be absurd I need you to help me understand how this fits together because I see the racetrack development as being at the opposite end of the spectrum. **Please explain to me Council's argument for not encouraging agricultural land to be preserved for agricultural purposes.**

I also would like to comment that an extremely high percentage of Canadians have become obese and I personally think Kneehill County should be looking at promoting types of recreation that encourage activity. Somehow I fail to see how grabbing a steering wheel and racing around a European racetrack promotes healthy living.

Part VII General Land Use Regulations 39 Livestock Allotted per Acre on Parcels 20 Acres or Less Page 41

I am absolutely opposed to this table. Overall the table is very unclear. Would you be allowed to have every single one of the animal categories on your 20 acres? I am absolutely aghast at the numbers of animals that you would allow on 20 acres. These numbers would promote overgrazing and poor land management. Allowing such numbers of animals on 20 acres will only lead to animals breaking the fence and getting into adjoining crop land and destroying valuable crops. Please, please reconsider what you are doing here. There are far too many acreages already in existence with substandard makeshift fencing, and way too many animals on these acreage sites making the countryside look absolutely awful. It distresses me to drive by these yards and see these poor animals trying to survive on way too little pasture.

Topographic Features 45 (2) Slopes page 44

What is the slope where the proposed Badlands Motorsport Resort Area is to be constructed? I have personal experience about the instability of lands along the Rosebud River Valley and I would caution you to be very careful in thinking about slope restrictions.

Part IV Development Permit Procedures 24 (1) (a), page 26, (c) page 27, and (d)

Kneehill County requested permission to enter my lands to do the research necessary for the report prepared by the Summit Environmental Consultants Ltd. February 2010 in regard to Environmentally Significant Areas. Page 83, and 84 of that reports advised Council to preserve the most significant ESAs (ESA-1 and -2) and limit disturbance to or improve less significant ones (ESA-3 and -4) "Generally, development within an ESA-1 or -2 should be avoided or minimized. I would encourage Council to reread the entire section Management Objectives for ESAs contained in this report. **Would Council please explain to me why you bothered me to access my land and used my taxes to have this study done when it appears to me you are ignoring the report?** Your draft Bylaw speaks to mitigation. Why are we discussing mitigation when the Summit Report clearly advises you to preserve the most significant ESAs. You shouldn't even get past step one which is a simple NO development on ESAs. Who decides what are the environmental features of importance in the area potentially impacted by the proposed development or land use? Where is the rating for that, and who had the power to rate these features? What standard was used for that? Did you list all the ESAs in the County and do a study on every single one, deciding what the specific features were? I can reassure you that there are many coulees in Kneehill County, but the particular river valley slated to be destroyed by a racetrack is one that has unique features and pristine beauty found no where else in Alberta. How did you decide which ESAs would have a high likelihood of having detrimental impacts on environmental features of

importance? Did the developer make that decision? What statistical data did you use for making that decision? What is your definition of a qualified environmental professional who must undertake both basic reviews and full reviews? What actions or strategies are recommended to minimize negative impacts and maximize positive impacts? You would not be needing to ask this question in regard to the Badlands Motorsports development if you would follow the advice in your Summit report in the first place.

Part VIII Specific Use Regulations 63, Stripping, Filling, Excavation, Extraction & Grading Page 57 (1) (e)

Your Summit Report speaks to a number of times throughout the year when stripping, and development would be prohibited. On page 91 it states that critical ungulate winter ranges need to have no development between January 1 and April 30. This includes river valleys. Page 43 of that same report protects migratory birds from April 1 to July 31. Page 43. You are to curtail land use during key times of the year to avoid impact to water fowl nesting (generally spring and fall) Page 90 Then, what if there are dens, or nests for snakes. They are to be protected from September 1 to April 30 of the next year. Just wondering when you plan to have the developer for the Badlands Motorsports do his digging and building? Please advise me as to his plan and how you have considered this?

98. Direct Control District (3) (a) i and (b) iii Page 116

Why did Council think in their opinion that the site for the Badlands Motorsport was appropriate given the Summit Report recommendations?

Council did hold public meetings to allow objections to be voiced, but I was extremely unhappy that adjacent landowners were not given enough time to address their concerns. Adjacent landowners are very much affected by this development and in my opinion, I was NOT heard. Also the proposed development was to respond to my concerns. Since I was not allowed to speak to all my concerns I certainly would say the developer has not responded to my needs. The developer has never personally contacted me, nor made any effort to resolve these issues. I am strongly opposed to this development being allowed to go forward. It is absolutely not appropriate for this beautiful serene river valley. This valley is home to many birds and animals and this area should be preserved as their habitat, not destroyed.

Definitions "Motor Vehicle Racking Track"

I object to the inclusion of motorcycles in this definition. If motorcycles are to be allowed at the proposed Badlands Motorsport development then the "sound" testing has to include them.

I would be most appreciative if Council would take the time to answer my questions because I would like to understand the rational behind ignoring the Summit Report, and the developments that can occur in ESAs. I am very aware of the fact that "words" can have hidden meanings, and can be interpreted by others in differing ways, and I would like your explanation on why you see this totally different than I do. If passed this Bylaw could totally affect land that I and my family have owned for many years.

I am concerned with many areas in this Draft Bylaw and I would encourage this Council to reconsider the passing of this Draft. You are headed in the wrong direction. I am a strong supporter of protecting wildlife habitat, and wildlife in general. I beg you to think seriously about the consequences that will follow if this Bylaw is passed. Nature can never be rebuilt. Once lost, river valleys can never be restored. Once noise is allowed to have its way, quiet can never again exist. Once gone, my grandchildren, and others, may never experience the joys I have known in discovering birds, animals, and wild flowers in the most peaceful setting in the world. That will be very sad.

Thank you for your time and consideration.

Sincerely,


Elaine Bellamy
Will Farms Ltd.

To: Reeve Long, Kneehill County Councillors

Subject: proposed Land Use Bylaw #1718
Part IV-Development Permit Procedures #24 Environmental Review

As an outsider and non-county resident, I am hesitant to offer the good people and government of Kneehill County counsel; however, as someone who cut his research teeth on studies of the area's plants and animals back in the early 1970s, I cannot stand idly by while the few remaining wonderful natural environments face extraordinary threats.

Until recently, I have watched with interest at strides made by Kneehill County towards an environmentally richer future. The support for the continuation by Summit of work that I started on environmentally significant areas (ESAs) for the county back in the 1990s has been gratifying. I was pleased to see substantive protection of these important landscapes in the most recent Municipal Development Plan. It is important that local authorities seize opportunities to show leadership on environmental protection and support the noble and evolving environmental protection aspirations of its residents. It helps avoid future acrimony and perhaps having environment protection defined even more prescriptively for local authorities by higher levels of government.

Most recently, things have started to go awry on ESA protection related to the proposed Badlands Motorsports Resort and various steps taken by the County to facilitate its development. In my professional opinion, the proposed wording of Bylaw 1718 is internally contradictory, both supporting and undermining protection, or at least contributing to uncertainty about protection of vulnerable natural environments, areas identified in county and provincial documents as environmentally significant.

Land Use Bylaw #1718 identifies DC4—Specific Direct Control District...Purpose.. "To accommodate a comprehensive motorsports resort". This is completely at odds with other parts of the Bylaw dealing with protection of ESAs and promotes the loss of significant natural habitat and establishes inappropriate land use.

In some parts, Land Use Bylaw #1718 appropriately deals with areas defined by Summit's 2010 ESA report:

- "The following requirements of this regulation may be applied by the Development Authority prior to approving any development on lands located within Environmentally Significant Areas (ESAs) as identified in the Kneehill County Environmentally Significant Areas Final Report (February 2010), and any updates thereto."
- "In order to meet the environmental objectives of Kneehill County and work towards the Government of Alberta's recently adopted Land-Use Framework, planners should set the management goals to preserve the most significant ESAs (ESA-1 and -2) and limit disturbance to or improve less significant ones (ESA-3 and -4)."
- "Generally, development within an ESA-1 or -2 should be avoided or minimized."
- "Developments in ESA-3 and -4 should be minimized, with the end goal of improving ESA function to better meet criteria."

The problem comes in Part IV which states:

- "A full environmental review shall be required for proposed land uses or developments inside ESA's that are considered to have a high likelihood of having detrimental impacts on environmental features of importance. Full environmental reviews will include a field-based environmental impact and mitigation report undertaken during the season appropriate to observe the ecological functions of concern."
- "A basic environmental review may be required for proposed land uses or developments inside ESA's that are considered to have a moderate likelihood of having detrimental impacts on environmental features of importance. Basic environmental reviews do not include a field-based environmental impact and mitigation report."

While this seems benign on the surface, unfortunately, there is nothing in the Bylaw that identifies this review as an "independent review" nor is there anything that identifies how ESAs must be protected to avoid having "detrimental impacts on environmental features of importance" (earlier referenced provision in the Bylaw).

Mitigation does not imply or guarantee protection or avoidance of residual environmental impacts. Mitigation is only a way of reducing impact, not eliminating it. Reducing the intensity of impacts does not negate the fact that inappropriate developments will diminish the values contained within ESAs and contradict the land use goals stated provincially and within this Bylaw.

We most often continue to lose valuable natural environments through a "death by a thousand cuts". In my professional opinion, this bylaw perpetuates further cuts to the County's ESAs and should be rethought so that developments like Badlands Motorsports Resort cannot be conceived of in areas of such environmental significance.

Thanks for considering my views. I wish you a successful outcome and enhanced environmental protection for the residents of Kneehill County through your deliberations on this important subject.

Cliff Wallis P. Biol.
Cottonwood Consultants Ltd.

To Whom It May Concern, I am responding to the Kneehill County Land Use Draft Bylaw 1718.

According to the Alberta Government, Municipal Development Plan establishes policies for land use in the entire municipality. In my opinion, the Land Use Draft Bylaw 1718 directly contradicts much of what is written in the Kneehill County Municipal Development Plan 1651 and that was approved on July 16/13.

Section 9 of the Kneehill County Municipal Development Plan, Open space and Environment, Objective number 9.2.3 is to promote the protection of environmentally significant areas and the environment in general. The document named on 9.3.2 Environmentally Significant areas prepared by Summit Environment (2010) was prepared for and paid by Kneehill County identifies these areas. On page 83, 7.1 Management Objectives for ESA's, "In order to meet the environmental objectives of Kneehill County and work towards the Government of Alberta's recently adopted Land-Use Framework, planners should set the management goals to preserve the most significant ESA's (ESA-1 and -2) and limit disturbance to or improve less significant ones (ESA-3 and -4)." It goes on to say "Generally, development within an ESA-1 or -2 should be avoided or minimized." And "Developments in ESA-3 and -4 should be minimized, with the end goal of improving ESA function to better meet criteria." 9.3.2 states that the county recognizes the following environmental areas listed above. This would mean to me that in recognizing these ESAs, the county is accepting that these areas are environmentally significant.

Draft bylaw 1718, Environmental Review (page 26) again acknowledges the Summit Report done in 2010. under (1) "The following requirements of this regulation may be applied by the Development Authority prior to approving any development on lands located within an Environmentally Significant Areas (ESA) as identified in the Kneehill County Environmentally Significant Areas Final Report (February 2010), and any updates thereto."

Despite being acknowledged in both the Municipal Development Plan and in this draft bylaw, the report prepared by Summit Environmental Ltd., is only interconnected by these written reports, sadly it becomes a stand alone document because there is no "follow through" with policies or bylaws to reflect what was written and accepted by Kneehill County in February of 2010. This council shows no commitment to protecting the environment by building policies that protect Environmentally Significant Areas. This report should be the **foundation** for any discussion about ESAs and the protection of these areas however it seems that this report will only be used to define or establish what areas are classified as ESAs and will need mitigating as directed in draft bylaw 1718.

Nowhere in draft bylaw 1718 are there any recommendations pertaining to why an ESA should not be developed, there are only recommendations for impact mitigation. This current draft bylaw would lead most readers, including myself, to believe that no environmentally significant area would be safe from development in Kneehill County as long as mitigation is able to be done. Are there any areas in Kneehill County that would be considered non developable based on the Summit Report in 2010 by this current council, is every ESA negotiable to developers? The definition of mitigate is to make less severe or intense; moderate or alleviate or in the world of reason, to make alterations to (land) to make it less

polluted or more hospitable to wildlife which in this case is the reverse... sadly enough to have to write, this council is moving backwards according to this definition.

How does one mitigate an ESA area? Is the reasoning behind this draft bylaw to allow for minimal mitigation so that the mitigated ESA will still be classified as an ESA area with the same level of significance? Will it be acceptable to this council to have mitigated ESA area shifted down to a 3 or 4 classification from a 1 or 2 or be mitigated so much that the area is no longer considered an ESA? In my opinion, this type of bylaw leaves the door open to every kind of developer in the country and beyond, no ESA in Kneehill County is safe as long as an environmental professional, feels that an area can be mitigated. For example, when the developer mitigates the Rosebud Valley by building a racetrack, filling in wetlands, and recreating and enhancing a wetland, builds a chain link fence around the racetrack and scares all the wild life away because of the noise and lack of prey for food, will this valley stay ESA level 2 as it was before this "mitigation" or what level will it be after this extreme altering of the natural structure of this land?

According to the draft bylaw 1718, the decision of mitigation is left to a qualified environmental professional who must undertake this review. Who will this professional represent? The developer or the county, shouldn't any professional making these kinds of decisions be neutral? A qualified environmental professional working for a developer does have a conflict of interest in the decision making of any mitigation of an ESA and a development.

What is the purpose of mitigation of an ESA? Kneehill County lost 25% of its ESA from 1990 to 2009. You were given this presentation in 2013 and ignored it. How much of the county ESA has been lost since 2009? Is this council willing to open the flood gates to developers and lose even more ESA? Who does this draft bylaw benefit and is it acceptable that valuable Environmentally Significant Areas are being sacrificed in the name of development? This has become a game and there are no winners, the losers are the wild life that lives in these areas who are being evicted because of prospects of financial gains by Kneehill County and the developer and the other losers are the constituents of Kneehill County who will see the considerable losses of Environmentally Significant Areas because of this bylaw.

If this council does not believe that protection of Environmentally Significant Areas is a high priority of your council, then say it, be open, be transparent, and don't hide behind badly written policies that discuss mitigation and how it is going to be done. These sections of the draft by law are oxymoron statements, this council has added words like "mitigation" with "Environmentally Significant Areas", the wording ESA is used by professionals to define areas that **should not** be altered or changed or mitigated based on assessments by other professionals. If this council believes that development is your priority, just say it, be open and transparent! At this point this council is changing all of your bylaws and policies to reflect the needs to this current developer, why not stop hiding behind badly written by laws and just say it. Just say, we do not believe that protecting the environment is our priority and we believe our focus should be on how we accommodate business. Be clear, be transparent, be open about your priorities!!!

In next municipal election in 2017, will your campaign propaganda include this proposed bylaw? "I was on the council who developed a land use bylaw that invited every developer to come and destroy any of the ESA that Kneehill County has left". Developers go to Kneehill county and buy some ESA land...just put forward a mitigation proposal and hire a qualified environmental professional to agree with you, plan it out and bingo, according to bylaw 1718 you are accepted. Kneehill County has rewritten their bylaws to ensure that the developments with big promises get approved. Again, be open, be transparent, say what your actions, not your words are showing the people living in Kneehill County, Wheatland County and the rest of Alberta.

As a council, I understand that all of you have been on the council for a number of years and during this time you have made good decisions that have benefited Kneehill County; do you want these good decisions to be overshadowed by this badly written by law? Do you want this badly written by law to be your claim to fame when historians look back to previous council members and their impact on council? And if the answer is no, then please do the right thing and vote to send this draft bylaw back to be rewritten.

Thank you,

Debra McIsaac
171 Pinecliff Close NE
Calgary AB T1Y 4N4

PS. For those of you that feel that I have no right to interfere in your decision making, I want to remind you that I am part of a family who has farmed for over 100 years in the Rosebud area. My parents still reside there and someday I will inherit this land.

Barb Hazelton

From: Barb Hazelton
Sent: Thursday, August 11, 2016 4:49 PM
To: Barb Hazelton
Subject: FW: Proposed Motorsports Resort: to be read at the

From: Al Hoggan
Sent: Wednesday, August 10, 2016 12:02 PM
To: Barb Hazelton <Barb.Hazelton@kneehillcounty.com>
Subject: FW: Proposed Motorsports Resort: to be read at the



Al Hoggan, CLGM
Chief Administrative Officer
Office: 1-866-443-5541 Cell: 1-403-443-1643
Fax: 403-443-5115 al.hoggan@kneehillcounty.com
PO Box 400 Three Hills, Alberta,
T0M2A0 www.kneehillcounty.com



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From: David Snider [<mailto:djsnider@hotmail.com>]
Sent: Wednesday, August 10, 2016 11:48 AM
To: Al Hoggan <Al.Hoggan@kneehillcounty.com>; Bob Long <blong@kneehillcounty.com>
Subject: Proposed Motorsports Resort: to be read at the

Dear Mr. Hoggan and Reeve Long,

I write to you as a family in my community of Rosebud in Wheatland County, alongside a large number of neighbors in Kneehill County, working together to champion the preservation of an environmentally-sensitive piece of land currently being planned for development as a high-end motor sports resort.

After reading bylaw #1718 regarding Environmentally Significant Areas, attending a hearing of the proposed development at the Kneehill County chamber in Three Hills back in 2015 and a town hall meeting lead by M.L.A. Derek Fildebrandt in Rosebud on Monday June 27, I am convinced that the provincial Municipal Act and the Environment Act would have to be disregarded to go ahead with the development.

I am grieved by the lack of response from Kneehill County's leadership to the bylaw when the development so clearly would damage the environment. Please stop the development process now, and rejoin the efforts already in place to cultivate ecotourism and arts and culture tourism through the Canadian Badlands cooperative.

If there truly is believed to be a long-term sustainability plan for a recreational driving resort business, then find a fitting location for it that heeds the bylaws of the county, and the mandates of the province to address our environment's future.

Please stop the development process now.

Rejoin the efforts already in place to cultivate ecotourism and arts and culture tourism through the Canadian Badlands.

Please meet with the landowners nearest the property to resolve the broken faith and trust in your leadership. They are the true multi-generational stewards of that region who are offering their own money to purchase the land back from the developers.

Respectfully,

David Snider
Rosebud, Alberta

From: Al Hoggan
Sent: Wednesday, August 10, 2016 2:07 PM
To: Barb Hazelton
Subject: Fwd: Bylaw #1718

Al Hoggan, CLGM
Chief Administrative Officer
Kneehill County

Begin forwarded message:

From: bob.long5 <bob.long5@gmail.com>
Date: August 10, 2016 at 2:01:01 PM MDT
To: Al Hoggan <Al.Hoggan@kneehillcounty.com>
Subject: Fwd: Re: Bylaw #1718

Sent from my Samsung device over Bell's LTE network.

----- Original message -----

From: Lois Melville <dazz@telus.net>
Date: 2016-08-10 1:05 PM (GMT-07:00)
To: blong@kneehillcounty.com, al.haggan@kneehillcounty.com
Cc: savetherosebud@hotmail.com
Subject: Re: Bylaw #1718

Dear Sirs: I am a taxpayer in Wheatland County and a resident of Rosebud. I fully support the following letter of Sharleen Douglas.

Sent: Wednesday, August 10, 2016 7:54 AM
To: blong@kneehillcounty.com
Subject: Rosebud OUR Kneehill Neighbours

Good morning Reeve Long,

Please add this to your councillor's reading packet for the 4:00pm bylaw deadline today.

When we spoke on the phone last month about all of the common ground we cover in Tourism, other counties, Canadian Badlands and taxable development I forget to mention that you already have the best thing in the badlands for tourism, the hamlet of Rosebud.

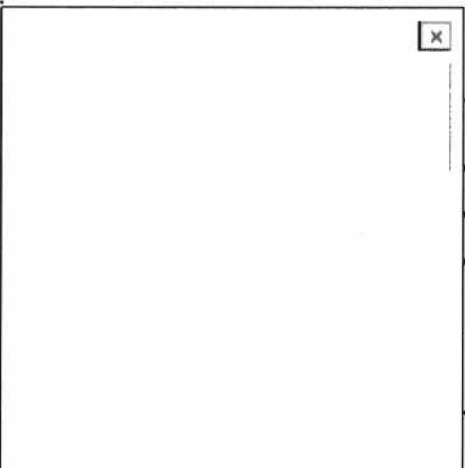
Never mind the mounting hornet's nest you have created with some 50 resilient farming families and 500 Theatre Affectionadoes, what possible logic could you have as previous Chairman of Canadian Badlands to be leading these noisy disruptive fancy car clowns into the pastoral, stunningly beautiful natural setting of Rosebud? Rational?

Last September I had the pleasure of leading a two hour walkabout in and around Rosebud. It was before the book launch of "Slick Water" at the community hall. The vehicular traffic was moving around at a snail's pace, people were walking (strolling really), bicycles were going quietly around everywhere. IT was so silent, so tranquil, so "successful". Seriously you want to mess with that for this new thing with absolutely no "track record"?

When I eased into the ranching area along the Red Deer River at UNESCO Dinosaur Provincial Park I was humble, bringing funds, and begging for a little more land for parking and a Visitor's Interpretative Centre. I was the Brooks Chamber President and at first I was lucky to escape without a broken nose. It took a lot of convincing and converting and sitting around kitchen tables. What happened to that approach?

This rewriting of some goofy little rule book to override your neighbors in agriculture is plumb haywire Bob. You can do better. Who are these yahoo's anyway? Would you go away for the weekend with them or leave your grandkids around them for a couple of hours? I had a really good look after we talked and I know I wouldn't. We are in rough water economically. Yes we are, however, based on the racetrack land title accumulating debt, who cleans up if they screw up, your farmers? Nice.

Sustain your existing tax base, make your people proud, take your foot off the gas and look at



what you have to lose. Please.

Nice chatting.

Best'

Sharleen Douglass

Sent from Yahoo Mail on Android

SUBMISSION TO LAND USE BYLAW #1718

Reeve Long, Kneehill Councilors and, of course most important of all, my fellow Kneehill County Ratepayers.

I would like to address what is most near and dear to me in our newly proposed Land Use Bylaw # 1718. That would be Part IV-Development Permit Procedures.... #24 Environmental Review starting page 26.

Under (1) "The following requirements of this regulation may be applied by the Development Authority prior to approving any development on lands located within an Environmentally Significant Areas (ESA) as identified in the Kneehill County Environmentally Significant Areas Final Report (February 2010), and any updates thereto."

Now, before I go on, I would refer to The Summit ESA report of 2010. The Report this Law Use Bylaw #1718 is referring to. On page 83, 7.1 Management Objectives For ESA's. "In order to meet the environmental objectives of Kneehill County and work towards the Government of Alberta's recently adopted Land-Use Framework, planners should set the management goals to preserve the most significant ESA's (ESA-1 and -2) and limit disturbance to or improve less significant ones (ESA-3 and -4)." It goes on to say "Generally, development within an ESA-1 or -2 should be avoided or minimized." And "Developments in ESA-3 and -4 should be minimized, with the end goal of improving ESA function to better meet criteria." Which, I'm sure means the goal is improving ESA-3 and -4's to meet ESA-1 standards.

Back to Land Use Bylaw #1718. Part IV...#24...(1) ...

(d) page 27.

"A full environmental review shall be required for proposed land uses or developments inside ESA's the are considered to have a high likelihood of having detrimental impacts on environmental features of importance. Full environmental reviews will include a field-based environmental impact and mitigation report undertaken during the season appropriate to observe the ecological functions of concern."

(e) page 28. " A basic environmental review may be required for proposed land uses or developments inside ESA's that are considered to

have a moderate likelihood of having detrimental impacts on environmental features of importance. Basic environmental reviews do not include a field-based environmental impact and mitigation report."

I think our Environmental Reviews in this Land Use Bylaw are missing teeth and quite honestly missing the boat. What was the point of doing an ESA report if you are not going to follow the recommendations. If a land use or development proposed in our ESA's has a high or moderate likelihood of having detrimental impacts on the environment and can be avoided for heaven's sake avoid it, period. This council is leaving the county wide open to the downgrading of all our ESA's. You are going exactly the opposite way you should be going. EIA's (environmental impact assessment) are easy to come by and mitigation, in my mind is a dumb word. Do you know what the word "mitigate" means?

I'm glad this council is not responsible for protecting our forests. A logging company would come in, do a EIA, list their mitigation procedures (only cut trees when birds and animals are not breeding, only cut 95 out of a 100 trees etc.) Stamp, done, go ahead!!! How long before we have no forest? Same here, how long before we have no ESA's left in Kneehill. 20 years, 50, 100??

Ecotourism is the future and we need our ESA's if we are going to compete for our share of the tourist dollar.

Just a few comments about the racetrack proposed in the Rosebud River Valley.

DC4—Specific Direct Control District...Page 122 of our Land Use Bylaw #1718....Purpose.. " To accommodate a comprehensive motorsports resort "

In whose mind is this unavoidable, of course it is avoidable. Who really believes there is no other place in southern Alberta to build a racetrack but in a River Valley that has been deemed environmentally significant. Give me a break.

Rick Skibsted
Box 747
Rosebud, AB T0J 2T0

NW25-27-21 w4th
Kneehill County

403 820 1523

From: Al Hoggan
Sent: Wednesday, August 10, 2016 1:20 PM
To: Barb Hazelton
Subject: Fwd: Bylaw #1718

For Public Hearing.

Al Hoggan, CLGM
Chief Administrative Officer
Kneehill County
(403)-443-5541
(403)-443-1643 (cell)

Begin forwarded message:

From: Lois Melville <dazz@telus.net>
Date: August 10, 2016 at 1:15:37 PM MDT
To: <blong@kneehillcounty.com>, <al.hoggan@kneehillcounty.com>
Cc: <savetherosebud@hotmail.com>
Subject: Bylaw #1718

Dear Sirs: I am a ratepayer in Wheatland County and a resident of Rosebud. I full support the following letter by Rick Skibsted.

Reeve Long, Kneehill Councilors and, of course most important of all, my fellow Kneehill County Ratepayers.

I would like to address what is most near and dear to me in our newly proposed Land Use Bylaw # 1718. That would be Part IV-Development Permit Procedures.... #24 Environmental Review starting page 26.

Under (1) "The following requirements of this regulation may be applied by the Development Authority prior to approving any development on lands located within an Environmentally Significant Areas (ESA) as identified in the Kneehill County Environmentally Significant Areas Final Report (February 2010), and any updates thereto."

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(d) page 27.

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August 10, 2016

PO Box 1088
Drumheller, AB T0J 0Y0
403-823-9984
rwclark@cciwireless.ca

Kneehill County
Planning and Development Department
Three Hills, AB

Dear Reeve and Council Members:

RE: Land Use Bylaw #1718 Written Submission

Last year I wrote a long submission with recommendations for this Land Use Bylaw. I spoke with your then Senior Planner and he wanted to meet to discuss my concerns further. No meeting happened. No changes happened. Why would you listen to me? For three years I have studied what I consider to be the biggest environmental mistake Kneehill Council has ever made, that being the Area Structure Plan and DC-4 to accommodate a racetrack above and in the Rosebud River Valley. You adopted an Environmentally Significant Areas Report that said you shouldn't allow it, you passed a Municipal Development Plan that said you shouldn't allow it, you listened to two packed public hearings of your residents and neighbouring Wheatland County that you shouldn't allow it, Alberta Land Use Policies and the Land Use Framework say you shouldn't allow it, and the Alberta Guidelines for Protection of Species at Risk say you shouldn't allow it. You had reports from at least three environmental experts in this area that said you shouldn't allow it. You had a third party letter from your own environmental experts, Summit Environmental, that said an operational racetrack likely could not be mitigated.

Now you have given first reading to a bylaw that encourages the same destruction to all the Environmentally Significant Areas in Kneehill County. Consider developments with Hazardous/Noxious Uses, destruction of more than 10,000 square metres of riparian area, major recreational, a Waste Management Facility, a Wrecking Yard. Do you realize those are actually written in this bylaw as possible uses in an Environmentally Significant Area? AVOIDANCE is the first line of defense to save our most precious natural areas in this county. Your own Municipal Development Plan and Environmentally Significant Areas Report confirm that.

River valleys are particularly important ESAs. Valleys form a connected ecosystem and are the wildlife sanctuaries on our mostly cultivated landscape. If you fragment a chunk out of a valley you affect the whole system. That is why your Municipal Development Plan offers valleys special protection. In the case of the Rosebud River Valley, every environmental report recognizes the significant and important biodiversity of the valley. All wildlife is the property of the crown whether on private or public land. The Province of Alberta has delegated the responsibility of protecting that wildlife to you as council for Kneehill County. If you choose to pass this bylaw as is then you are encouraging the destruction of

wildlife in those areas you promised to protect for future generations. The people of this province are depending on you to protect the wildlife in your care.

An Environmental Review is not some magical tool that can make any development work in an ESA. The Badlands Motorsports Resort Environmental Impact Assessment is a clear example of how just such a review can only propose mitigation, makes all sorts of statements unsubstantiated by fact, and can simply leave out important environmental information. If you actually read the report and consider the evidence of other professionals you will see that this environmental review actually proves that environmental concerns have not been met and Badlands Motorsports Resort must be refused. Here are a few examples. I have many more.

- Setbacks for Species at Risk as outlined by Alberta Environment are not considered – Manitoba setbacks are used. Why? If the year round Alberta setbacks for Prairie Falcons are respected the whole development can neither be constructed nor operated without loss of this special status species.
- According to Alberta Environment the construction and operation phases of this development will be high impact activities. The environmental review submitted by the developer off handedly suggests wildlife will simply move to adjacent habitats. Yet the report does not identify if suitable habitats exist and if they are already occupied. I own land adjacent. It does not have the unique wetland habitat of the development site.
- Bank swallows are afforded no protection in the environmental review. They are a federally threatened species and are not even identified as such. They feed over the wetlands put at risk of destruction. Among the biggest risks to their survival is vehicle impact and loss of foraging habitat.
- No environmental review has been done for the extensive access road construction into the river valley and next to the Rosebud River itself.

Environmental reviews must be independent, they must be available for the public to comment on and discuss, and they must seriously consider whether a development can be built elsewhere. They are not just an item on a checklist. Please let developers in Kneehill County know your environmental protection is taken seriously and has teeth.

In regards to the Badlands Motorsports Resort DC-4, you already understand my position on this part of the bylaw. It has been suggested that council has been backed into a corner by earlier approvals for the Badlands Motorsports Resort. Although the environmental review should have been done much sooner, it is available now and if you actually study it and have discussion about it you will clearly see that mitigations cannot stop the destruction. They cannot preserve and protect the area.

I implore you to make the language for protecting Environmentally Significant Areas actually protect them.

Do not reaffirm the DC-4. I am attaching a Rosebud Racetrack Information Package as information for council on the DC-4 for Badlands Motorsports Resort. The last page contains electronic links to numerous reports. All those reports are relevant for consideration by councillors of the DC-4 and are part of my submission.

I fully support the written comments made by Elaine Bellamy particularly on the powers of the Development Authority.

Sincerely,

Wendy J. Clark, Farmer
SW-14-28-21-W4

Attachments:

Kneehill County Municipal Development Plan excerpt on ESAs (end of document)

More concerns on other parts of bylaw #1718 (end of document)

Rosebud Racetrack Information Package July 8.pdf

(consider all the electronic links in this package as relevant information for council to the DC-4)

Kneehill County Municipal Development Plan

For redesignation or approval of an application for subdivision or development Near/In Environmentally Significant Areas (ESA). Note: **“if unavoidable”**

Generally, development on lands within an ESA Level 1 or ESA Level 2 should be avoided or minimized. If unavoidable, and unless this requirement is waived by Council or the MPC, the proponent shall submit an environmental impact assessment (EIA) by a qualified professional addressing the potential impact of the proposal on lands designated and any actions that should be taken to prevent or minimize any impacts.

Development on lands within an ESA Level 3 or ESA Level 4 should be minimized, with an end goal of improving ESA function to meet better criteria. Improvement can be through weed management programs, riparian fencing, review of grazing practices, reclamation with native plant species, buffering the perimeters of these ESAs, collaborating with conservation groups (e.g. Ducks Unlimited, Cows and Fish etc.) and several other management strategies as per the County's ESA Study (Summit Environmental 2010).

More concerns on other parts of bylaw #1718

- Protecting Agricultural land and the rural lifestyle to foster and encourage multi-generations to continue as farmers and stewards of the land should be a paramount consideration for any land use change.

To this end any use that anticipates rezoning more than 20 acres of any productive land should not be considered unless there is overwhelming public support for the benefits of that land use, especially in the local area surrounding it.

The plans for 4th parcel out in an Agricultural District does not encourage the preservation of agricultural land as required in our MDP and Alberta Land Use Policies. A quarter section is already a small parcel size. 4th parcel out encourages purchase of agricultural land for subdivision potential, increasing land values and the ability of family farms to continue.

When the pressures of urban growth do come knocking Kneehill County will need to stand firm to retain their agricultural land. We have several wonderful towns and villages in our County which are already serviced with infrastructure. Let's encourage residential development there.

- Process and public input to any decision making process is extremely important.

To respect that, consultation especially on land use changes for major developments, must happen between the developer, the development authority and the public in the form of opportunities not only to have public input but to debate and exchange questions. The development authority should accept arguments from both the public and the developer until all have had an opportunity to reply to the other. All aspects of the process, including studies, must be available for the public to scrutinize. This is generally an agricultural community. Farmers are not likely able to participate in public forums and public comment during their busiest times. Consider making a practice of bringing major changes to statutory documents and major developments to the public consistently at the same time each year.

Consultation must be sooner than later in the process and should not happen piece meal. For example, when contemplating a major development that requires an ASP, the development authority should request all studies, and detailed plans be made available for public scrutiny and debate at the same time, not some at ASP time, some at rezoning time, and some at development permit time. This is not an onerous requirement for a developer. Firstly, the developer should have initiated enough public consultation to know if their development will likely be acceptable to the community, secondly the developer will show they are capable and committed to the development financially and as a member of the community, and thirdly the developer will know early on in the process whether their development application will likely receive approval.

When studies are required before any development decision the Land Use Bylaw must be more specific as to what study outcomes will be deemed acceptable for a development to proceed. There is no point doing the study unless it is actually used for a decision. For instance, if a land use decision will create a nuisance as defined under that definition then the results of the related studies must meet standards set out in the bylaw. A major reason people choose to live in a rural area is because they appreciate the peace, quiet, and natural environment. Any sustained increase in ambient noise is unacceptable and must be considered a serious deficiency.

This Land Use Bylaw is heavy on giving the Development Authority ultimate power to make any land use decision or waive any regulation or requirement and light on requiring that same Development Authority to be accountable to the communities by upholding the bylaw. The phrase "opinion" is used in terms of an authority many times, "Development Authority may" is used many times, and "Development Authority shall" is used few times. Consider defining that when an authority is exercising their opinion they shall take into account public input and technical studies in forming that opinion. Carefully review the occurrences of "may" and "shall". It could be that more members of the public will consider being active in municipal governance if decision making is easier.

More specifically please consider the following:

Part IV 15.1 xvii: Not only should a noise study be required, there should be acceptable levels that must be met considering current ambient levels. A noise study is not just an item on a checklist. For example, the Badlands Motorsports Resort Noise Study was done with inputs supplied by the proponent and for that reason the results were disavowed by the qualified professional. Further the proponent only asked for average noise levels and not maximums. The Development Authority must recognize that "minimizing impacts" is not necessarily enough. Sometimes development must be refused.

Part IV 18.1:

Part IV 19: Anytime a use is changed the public should be notified, including a Direct Control District. This could be a notification through an automated system where email updates are sent. Residents can request to be included in that notification system.

Part IV 21.2: There should be practical requirements limiting commercial traffic and penalties for failure to do so. Particular attention should be paid to limiting traffic in an adjacent municipality.

Part IV 24: MDP 9.3.4 Proximity to ESAs – "Proposals for redesignation, subdivision and/or development within 0.8 km (0.5 mile) of an identified ESA shall be referred to the appropriate agencies for comment before the County makes a decision on the application."

The Land Use Bylaw should be consistent with this.

Remember also that the MDP in section 9.3.6 has limited development in a River Valley to non-intensive agricultural uses, parks, and open spaces. The Land Use Bylaw should be consistent with this.

MDP Section 1.3.1 Policies identifies information to be provided when making decisions concerning redesignation, subdivision or development Near/In Environmentally Significant Areas. Use that wording.

Part IV 24.1

Add a section which defines on what basis an Environmental Review will be approved using the stipulations in the ESA report (eg. ESA level status change, any activity which degrades or destroys habitat for special status species of wildlife and plants)

Remember, we have defined the ESAs as a whole to avoid fragmenting them. By allowing development there will be holes in that ESA , thereby degrading it as a whole. For example, developing a motorsports resort in a river valley.

Not all professional biologists are equal when assessing the areas in Kneehill County. There should be some mechanism to ensure that an Environmental Review is done by a professional qualified to make recommendations in this County or a third party review should be done at the developer's expense.

Environmental Reviews must be timely. When they are to be reviewed by the Development Authority they must have been completed within a certain period (maybe 2 years). They must be updated anytime a new use is considered in an ESA. They must be based on the final comprehensive plan for a development.

Specify what authority actually reads and analyzes the Environmental Review. Be careful of developers providing environmental consultants with skewed input and requesting only limited conclusions.

Environmental Reviews must be available for public review so third reading is not soon enough. (It's questionable whether an ASP even makes sense in an ESA since it implies complex development and that would likely not be allowed)

Part IV 24.1.(d)&(e) Should read plural "seasons appropriate" and not just "season appropriate".

(eg: plant species must be studied in more than one season since they bloom at different times)

Honestly, have a look at uses listed a) to m) and a) to m) ... most of those uses are avoidable and are an insult to the whole philosophy of a defining an ESA. Basically NO development should be allowed in an ESA 1 or 2 and minimal development in an ESA 3 or 4. How can many of these uses possibly be appropriate in an ESA. How can destruction or alteration of more than 10,000 square meters in an ESA possibly be allowed? That is crazy! Make use of Alberta Sustainable Resource Development (2011) defining High Impact Activities as *"disturbances that are high in frequency, involve vehicles and machinery, permanently modify the habitat by altering vegetation, soils and perhaps hydrology (e.g., buildings, roads) and the impact is long term (i.e., more than 10 years)."* Remember the MDP has already stated guidelines for ESAs 1 to 4. Make use of Summit's ESA report section 7.1 on management considerations.

- Part IV 24.1.(f) A principal residence may be considered to be unavoidable in an ESA. Multiple dwellings as allowed in other parts of the county are avoidable. However, all these uses should not get a blanket approval in an ESA. The location they are being placed in, the landscaping around them, the laneway access to them, and the placement of utilities should all be considered in a Minor Environmental Review.
- Part VI 29. For an ASP and a DC-District, given that these are statutory documents, if the development authority becomes aware that a considerable change in development plans is expected or that any development standards cannot be met they will be considered non-compliant. The ASP and DC-District must then be amended or rescinded using the appropriate process.
- Part VII There should be something similar to section 7.12 that encompasses all adjacent and differing land uses (including DC-Districts). When applying for development, all should be accountable for respecting the land use adjacent. (eg. a Campground next to a Hamlet must not be a nuisance)
- Section VII 32. A public utility, road, highway, or park cannot necessarily be permitted in an ESA.
- Section VII 42. Levels of noise and pollutants should be defined considering current ambient levels.
- Section VII 43. Levels of noise and pollutants should be defined considering current ambient levels.

- Section VII 45. If the Development Authority is going to relax setback standards the adjacent landowners should be notified. An automated email system could accomplish this.
- Section VIII 49. Campgrounds in an ESA should be limited, especially grading and stripping.
- Section VIII 50. Must be clear that a development cannot alter the current drainage coming from adjoining property.
If development is within an ESA Evaluation Area (within 800m of an ESA) the Development Authority must consider impacts to the ESA.
- Section VIII 51. Dugouts and man made water features in ESAs require an Environmental review
- Section VIII 54. Parameters for noise, smell, smoke, etc should be defined based on the ambient quality of the location before the development.
- Why are all these nuisance items not listed under the other land use sections?
- Section VIII 65.(3)(b) Public consultation should be required.
- Section IX Landscaping is limited in an ESA.
- Section XII. Parameters for noise or pollutants need to be defined in relation to the ambient levels currently at the location. Require a noise study if there is public concerns.
- Definitions **Riparian Area** should be clarified. The ESA Report (Summit 2010) defines Riparian Areas in section 4.3.2 . For instance Riparian Area encompasses all of a River Valley including woodlands and shrubs, wildlife corridors, and the steep coulees on the river bank.
- Hotel** includes **Recreational, Minor** with a whole list of outdoor uses that should not be included and should be listed separately.
- Nuisance** - Noise should be addressed with a noise study and define acceptable levels compared to the ambient noise at the location. Noise should be considered also by tonality, maximums (not just averages), time of day, and length of time. Also include lighting. We are faced with numerous instances of night time lighting that is a nuisance in a rural area.

Environmental Review – All environmental features that are important to maintaining our ecosystems should be considered. At minimum a site meeting for a Basic Review should be required. Please refer to all comments on section 4.11.1 but generally the requirements must be clearer (more “shall” and less “may”) and it must be clear that certain review results will deem the development be located outside an ESA.

Environmental Impact Assessment - The following would be a good definition:

An environmental impact assessment is an activity designed to identify, predict, interpret and communicate information about the impact of an action on human health and well-being, including the well-being of ecosystems on which human survival depends.

Tilleman, W.A., *The Dictionary of Environmental Law and Science*, Environmental Law Centre (Alberta), 2005

Mobile Home District

Page 54 #56. Manufactured Housing Type #1.

Double wide mobile homes are not applicable to Torrington Mobile Home Park.

Page 55 #57. Manufactured Housing Type #2.

Single wide mobile homes 14', 16', 18', 20' & 22' feet widths will move as 1 piece.

#1. Must be acceptable by the County Development Authority as well as by the Park Management.

#1A. This should have "metal roofs" added to this list.

Page 55 # 57 #2 (Are 24"x 24" x 3" treated pads & cribbed blocks accepted with well packed gravel pads on our rented lots?)

#57 #6 For Type 2 Mobile Homes 20 years or older, if they need exterior repairs, this should include the satisfaction of the Park Management as well as the County Development Officer.

want to be exempt from 20 year discretionary use for MH District

97 Manufactured Home District

#1 D&E. Ask about Recreation Areas & Storage Areas.

#1B. The Torrington Mobile Home Park has 28 serviced lots & are all 40'- 43' wide x 150' long which covers over 6,000 sq. ft.

#97 U. I'm not satisfied with the Development Permit Regulations. From 2004 to 2012 or 2013 your Development Officer did not agree either. My Tenants only had to have a Building Permit then. His reasoning was that the Park was permitted when it was first built & each individual Mobile Home is renting a lot monthly & can give notice to move out anytime.

Doesn't feel they should be required to pay a Development Permit fee.

I certainly do not agree with the tenants having a say on who can live next door to them. These people are renters of our land and it should be the Park Managements decision where the best location is to place a new tenants home.

Would like to add Park Models as a permitted use.

Bill Hansen

Dear Reeve Long and Kneehill Councilors:

I am writing to express my opposition to Land Use Bylaw #1718. I am an Environmental Science student studying wetland reclamation, and I understand firsthand the difficulty in constructing wetlands or ever returning disturbed wetlands back to function in a way a natural wetland would. I spent a lot of time growing up in the area near the proposed Badlands Motorsports Resort and hence have an attachment to the region, and an interest in this proposed development. I would love to move back to Alberta knowing that municipalities in the province place a high value on Environmentally Significant Areas such as those found in the Rosebud River Valley.

In particular, I am concerned with Part IV-Development Permit Procedures.... #24 Environmental Review starting page 26.

Under (1) "The following requirements of this regulation may be applied by the Development Authority prior to approving any development on lands located within an Environmentally Significant Areas (ESA) as identified in the Kneehill County Environmentally Significant Areas Final Report (February 2010), and any updates thereto."

This is referring to The Summit ESA report of 2010, the same report this Law Use Bylaw #1718 is referring to. On page 83, 7.1 Management Objectives For ESA's:

"In order to meet the environmental objectives of Kneehill County and work towards the Government of Alberta's recently adopted Land-Use Framework, planners should set the management goals to preserve the most significant ESA's (ESA-1 and -2) and limit disturbance to or improve less significant ones (ESA-3 and -4)." It goes on to say "Generally, development within an ESA-1 or -2 should be avoided or minimized." And "Developments in ESA-3 and -4 should be minimized, with the end goal of improving ESA function to better meet criteria."

To me this sounds like the goal is improving ESA-3 and -4's to meet ESA-1 standards, which is a logical objective given the importance of ESA's of any classification.

Land Use Bylaw #1718. Part IV...#24...(1) ...

(d) page 27. "A full environmental review shall be required for proposed land uses or developments inside ESA's that are considered to have a high likelihood of having detrimental impacts on environmental features of importance. Full environmental reviews will include a field-based environmental impact and mitigation report undertaken during the season appropriate to observe the ecological functions of concern."

(e) page 28. "A basic environmental review may be required for proposed land uses or developments inside ESA's that are considered to have a moderate likelihood of having detrimental impacts on environmental features of importance. Basic environmental reviews do not include a field-based environmental impact and mitigation report."

I think that the Environmental reviews in this Land Use Bylaw are not sufficient, specifically because the Environmental Impact Assessment completed for this development was made by the project proponent. The EIA was unsubstantiated by fact and left out important environmental information. I believe that a land use or development proposal in an ESA that has a high or moderate likelihood of having detrimental impacts on the environment should be avoided and that no proposed mitigation procedures can alleviate destruction made to a pristine river valley. Overall, I believe that the Rosebud River Valley is not an appropriate location for a racetrack.

Sincerely,

Kimberley Murray
BSc (Hons)
MSc Candidate
University of Waterloo
Geography and Environmental Management

From: Al Hoggan
Sent: Wednesday, August 10, 2016 2:26 PM
To: Barb Hazelton
Subject: FW: Bylaw #1718 comment

Al Hoggan, CLGM
Chief Administrative Officer
Office: 1-866-443-5541 Cell: 1-403-443-1643
Fax: 403-443-5115 al.hoggan@kneehillcounty.com PO Box 400 Three Hills, Alberta, T0M2A0 www.kneehillcounty.com

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-----Original Message-----

From: Jon Groves [mailto:grovesjon@hotmail.com]
Sent: Wednesday, August 10, 2016 2:24 PM
To: Al Hoggan <Al.Hoggan@kneehillcounty.com>
Subject: Bylaw #1718 comment

I'm writing to comment on the proposed bylaw intended to relax the development restrictions in Kneehill County described Environmentally Significant Areas. It's imperative that Kneehill County protects these areas from further development and increases protective measures. These ESAs are unique from an ecological perspective providing habitat for numerous species at risk and should not be developed for large scale industrial or commercial purposes. With a county containing vast tracts of land disturbed for agricultural purposes these ESAs are critical in sustaining sensitive wildlife. The grasslands of Alberta contain the greatest number of species at risk and Kneehill County should be acting as a steward for the environment. This proposed bylaw is a pathetic excuse for what local council should be doing. There are plenty of areas in the county that are suitable for development outside of these ESAs that will have minimal cumulative effects on a landscape scale. Do the right thing!

Regards,

Jon Groves
Kneehill County

Sent from my iPhone

From: Al Hoggan
Sent: Wednesday, August 10, 2016 3:02 PM
To: Barb Hazelton
Subject: Fwd: Bylaw 1718

Al Hoggan, CLGM
Chief Administrative Officer
Kneehill County

Begin forwarded message:

From: Della <cactushp@cciwireless.ca>
Date: August 10, 2016 at 2:56:32 PM MDT
To: <al.hoggan@kneehillcounty.com>
Subject: Bylaw 1718

Good morning,

Please think again about what you are approving. The beautiful Rosebud River Valley will be destroyed for ever. Have you no idea how unstable the banks are? Take a drive up the Taylor Siding south hill and pay attention to all the slides happening. This is with no development on top. Maybe a better location would be the answer. Maybe next door to the Three Hills Airport. Then all these rich men could fly to and from their Resort. How convenient.

Sent from my iPhone

From: Al Hoggan
Sent: Wednesday, August 10, 2016 3:47 PM
To: Barb Hazelton
Subject: FW: Bylaw#1718



Al Hoggan, CLGM
Chief Administrative Officer
Office: 1-866-443-5541 Cell: 1-403-443-1643
Fax: 403-443-5115 al.hoggan@kneehillcounty.com
PO Box 400 Three Hills, Alberta,
T0M2A0 www.kneehillcounty.com



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From: FTG [mailto:ftgent@netago.ca]
Sent: Wednesday, August 10, 2016 3:42 PM
To: Al Hoggan <Al.Hoggan@kneehillcounty.com>
Subject: Bylaw#1718

Good morning Reeve Long,

Please add this to your councilor's reading packet for the 4:00 pm bylaw deadline today.

When we spoke on the phone last month about all of the common ground we cover in Tourism, other counties, Canadian Badlands and taxable development I forget to mention that you already have the best thing in the badlands for tourism, the hamlet of Rosebud.

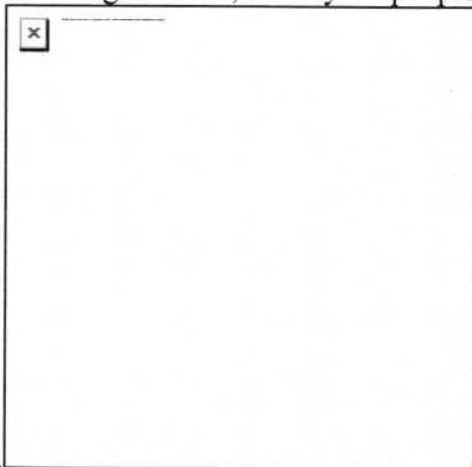
Never mind the mounting hornet's nest you have created with some 50 resilient farming families and 500 Theatre Affectionadoes, what possible logic could you have as previous Chairman of Canadian Badlands to be leading these noisy disruptive fancy car clowns into the pastoral, stunningly beautiful natural setting of Rosebud? Rational?

Last September I had the pleasure of leading a two hour walkabout in and around Rosebud. It was before the book launch of "Slick Water" at the community hall. The vehicular traffic was moving around at a snail's pace, people were walking (strolling really), bicycles were going quietly around everywhere. IT was so silent, so tranquil, so "successful". Seriously you want to mess with that for this new thing with absolutely no "track record"?

When I eased into the ranching area along the Red Deer River at UNESCO Dinosaur Provincial Park I was humble, bringing funds, and begging for a little more land for parking and a Visitor's Interpretative Centre. I was the Brooks Chamber President and at first I was lucky to escape without a broken nose. It took a lot of convincing and converting and sitting around kitchen tables. What happened to that approach?

This rewriting of some goofy little rule book to override your neighbors in agriculture is plumb haywire Bob. You can do better. Who are these yahoo's anyway? Would you go away for the weekend with them or leave your grandkids around them for a couple of hours? I had a really good look after we talked and I know I wouldn't. We are in rough water economically. Yes we are, however, based on the racetrack land title accumulating debt, who cleans up if they screw up, your farmers? Nice.

Sustain your existing tax base, make your people proud, take your foot off the gas and look at what you have to



lose. Please.

Jeannette Parkin

box 82

Monitor, Ab

T0C-2A0

403-577-3214



Western Sky Land Trust

Conserving Our Sense of Place

August 10, 2016

Mr. Al Hoggan
Chief Administration Officer
Municipal District of Kneehill
1600, 2nd Street NE
Three Hills, Alberta T0M 2A0

Dear Mr. Hoggan,

RE: Draft Bylaw #1718

Please accept this letter as an introduction to Western Sky Land Trust, and as information regarding the above mentioned draft bylaw.

Introduction: Western Sky is a regional land trust that is a non profit charitable organization operating in southern Alberta. Our main areas of conservation focus are important watershed features including rivers, streams, valleys and water bodies. Since 2005, over 13,000 acres have been voluntarily conserved with landowners, providing significant natural capital or ecological goods and services. Western Sky works collaboratively with landowners, all levels of government and industry. The following website excerpt provides more detail:

Vision: *To achieve a significant and measurable conservation impact in the Calgary region and southern Alberta*

Mission: *Conservation of open and natural landscapes that have important natural, agricultural, scenic, recreational and heritage values*

Focus: *Western Sky protects critical watersheds in our region.*

We champion the conservation of environmentally sensitive lands that support the health and integrity of our watersheds.

We also work with other agencies and organizations, both public and private, to further protect and enhance natural areas and the important contribution of these lands to society and the environment.

Western Sky accepts donations, voluntary transfers of land, conservation easements and other agreements

Champion exemplary open space management and conservation practices

Conserve and nurture its assets from an ecological perspective including reclamation of habitat and wildlife corridors

Draft Bylaw #1718: Western Sky supports the identification of Environmentally Sensitive Areas (ESAs) within the MD of Kneehill and a comprehensive protocol that will effectively address land use impacts throughout the municipal district. Together, this will align with and support Alberta's Land Use Framework and the Land Stewardship Act. The ESA lands and other associated areas have important natural, scenic, soft recreational and heritage values.

Western Sky Land Trust

City of Calgary, Water Resources Spring Gardens Building D
861 – 40th Avenue N.E. Mail Code #64 P.O. Box 2100 Stn. M Calgary, AB T2P 2M5
P: 403 268 4721 F: 403 268 6906
www.westernskylandtrust.ca

The Rosebud River Valley has tremendous natural esthetic value. As heritage lands, there are a number of anthropogenic features that highlight a rich history. Additionally, this area is of major socio-economic and agronomic importance. These values present a strong case that the ESAs merit a land conservation strategy which will preserve, enhance and protect land for future generations. A diverse array of flora and fauna, as well as species at risk have habitat in this river valley.

The Rosebud River area has complex jurisdictional boundaries and regulatory authorities. Equally complex are the important but hard to quantify natural capital that the river valley offers. They are nonetheless important to the community. Western Sky is currently exploring voluntary conservation options with many landowners along the Rosebud River who have a shared concern over development impacts along the river valley. It is Western Sky's intention to be helpful to the community and local residents. We welcome any questions and an open dialogue.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jerry Brunen". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Jerry Brunen
Executive Director
Western Sky Land Trust

From: Al Hoggan
Sent: Wednesday, August 10, 2016 3:51 PM
To: Barb Hazelton
Subject: FW: Bylaw #1718

Al Hoggan, CLGM
Chief Administrative Officer
Office: 1-866-443-5541 Cell: 1-403-443-1643
Fax: 403-443-5115 al.hoggan@kneehillcounty.com PO Box 400 Three Hills, Alberta, T0M2A0 www.kneehillcounty.com

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-----Original Message-----

From: Lois Melville [mailto:dazz@telus.net]
Sent: Wednesday, August 10, 2016 3:48 PM
To: Bob Long <blong@kneehillcounty.com>; Al Hoggan <Al.Hoggan@kneehillcounty.com>
Cc: savetherosebud@hotmail.com
Subject: Re: Bylaw #1718

Dear Sirs: As a taxpayer in Wheatland County and a resident of Rosebud, I wish to applaud and fully support the letters submitted of Wendy Clark and Elaine Bellamy in this matter. It has taken nature eons to create this pristine environment and a misstep to undo it in no time at all.

Lois Melville,
Rosebud, AB

From: Al Hoggan
Sent: Wednesday, August 10, 2016 3:54 PM
To: Barb Hazelton
Subject: Fwd: Bylaw # 1718

Al Hoggan, CLGM
Chief Administrative Officer
Kneehill County

Begin forwarded message:

From: FTG <ftgent@netago.ca>
Date: August 10, 2016 at 3:50:21 PM MDT
To: <al.hoggan@kneehillcounty.com>
Subject: Bylaw # 1718

Dear Reeve Long

In my opinion this race-track is a big mistake. Are you sure that this company can commit to finishing this endeavor!!!! What a shame it would be if you allowed them to start construction and they could not finish the construction... Who then is left to clean up the mess.

Why have the chosen this area to build when there are so many other options like Calgary, Drumheller, Edmonton to name a few.

The People base to spend money here in this quiet landscape just isn't here...

Your municipality will be allowing this company to destroy a beautiful landscape with the only return being ruining the country side and upsetting the residents that have long lived in this area.

Save the Rosebud, Please keep our county and our heritage from being ruined.

Jeannette Parkin
Box 82
Monitor, AB.
T0C-2A0
403-577-3214

From: Al Hoggan
Sent: Wednesday, August 10, 2016 4:05 PM
To: Barb Hazelton
Subject: FW: Kneehill County Land Use bylaw #1718



Al Hoggan, CLGM
Chief Administrative Officer
Office: 1-866-443-5541 Cell: 1-403-443-1643
Fax: 403-443-5115 al.hoggan@kneehillcounty.com
PO Box 400 Three Hills, Alberta,
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From: Joanne Skibsted [<mailto:cocamo001@hotmail.com>]
Sent: Wednesday, August 10, 2016 4:04 PM
To: Al Hoggan <Al.Hoggan@kneehillcounty.com>
Cc: savetherosebud@hotmail.com
Subject: Kneehill County Land Use bylaw #1718

Dear Kneehill County Council,

Re: Land Use bylaw #1718

Below is a letter submitted by Rick Skibsted that also reflects many of my concerns regarding the proposed Badlands Race Track. Yet I have another question regarding this proposal .. Is there not another suitable site in the Kneehill County that is more suitable to accommodate a race car road track and proposed facilities? I am aware of another area near Dry Island Buffalo Jump that was suggested and an option to buy. Why has this area not been suggested or looked into as an alternative? It has more infrastructure in place and the location is more accessible and has spectacular views.

Sincerely,
Joanne Skibsted

Get [Outlook for iOS](#)

Reeve Long, Kneehill Councilors and, of course most important of all, my fellow Kneehill County Ratepayers.

I would like to address what is most near and dear to me in our newly proposed Land Use Bylaw # 1718. That would be Part IV-Development Permit Procedures.... #24 Environmental Review starting page 26.

Under (1) "The following requirements of this regulation may be applied by the Development Authority prior to approving any development on lands located within an Environmentally Significant Areas (ESA) as identified in the Kneehill County Environmentally Significant Areas Final Report (February 2010), and any updates thereto."

Now, before I go on, I would refer to The Summit ESA report of 2010. The Report this Law Use Bylaw #1718 is referring to. On page 83, 7.1 Management Objectives For ESA's. "In order to meet the environmental objectives of Kneehill County and work towards the Government of Alberta's recently adopted Land-Use Framework, planners should set the management goals to preserve the most significant ESA's (ESA-1 and -2) and limit disturbance to or improve less significant ones (ESA-3 and -4)." It goes on to say "Generally, development within an ESA-1 or -2 should be avoided or minimized." And "Developments in ESA-3 and -4 should be minimized, with the end goal of improving ESA function to better meet criteria." Which, I'm sure means the goal is improving ESA-3 and -4's to meet ESA-1 standards.

Back to Land Use Bylaw #1718. Part IV...#24...(1) ...

(d) page 27.

"A full environmental review shall be required for proposed land uses or developments inside ESA's that are considered to have a high likelihood of having detrimental impacts on environmental features of importance. Full environmental reviews will include a field-based environmental impact and mitigation report undertaken during the season appropriate to observe the ecological functions of concern."

(e) page 28. "A basic environmental review may be required for proposed land uses or developments inside ESA's that are considered to have a moderate likelihood of having detrimental impacts on environmental features of importance."

Basic environmental reviews do not include a field-based environmental impact and mitigation report."

I think our Environmental Reviews in this Land Use Bylaw are missing teeth and quite honestly missing the boat. What was the point of doing an ESA report if you are not going to follow the recommendations. If a land use or development proposed in our ESA's has a high or moderate likelihood of having detrimental impacts on the environment and can be avoided for heaven's sake avoid it, period. This council is leaving the county wide open to the downgrading of all our ESA's. You are going exactly the opposite way you should be going. EIA's are easy to come by and mitigation, in my mind is a dumb word. Do you know what the word "mitigate" means?

I'm glad this council is not responsible for protecting our forests. A logging company would come in, do an EIA, list their mitigation procedures (only cut trees when birds and animals are not breeding, only cut 95 out of a 100 trees etc.) Stamp, done, go ahead!!!! How long before we have no forest? Same here, how long before we have no ESA's left in Kneehill. 20 years, 50, 100??

Ecotourism is the future and we need our ESA's if we are going to compete for our share of the tourist dollar.

Just a few comments about the racetrack proposed in the Rosebud River Valley.

DC4—Specific Direct Control District...Page 122 of our Land Use Bylaw #1718....Purpose.. "To accommodate a comprehensive motorsports resort"

In whose mind is this unavoidable, of course it is avoidable. Who really believes there is no other place in southern Alberta to build a racetrack but in a River Valley that has been deemed environmentally significant. Give me a break.

From: Al Hoggan
Sent: Wednesday, August 10, 2016 4:15 PM
To: Barb Hazelton
Subject: Fwd: Bylaw#1718

Al Hoggan, CLGM
Chief Administrative Officer
Kneehill County

Begin forwarded message:

From: Ann Gray-Elton <gray-elton@shaw.ca>
Date: August 10, 2016 at 4:10:35 PM MDT
To: <al.hoggan@kneehillcounty.com>
Cc: <savetherosebud@hotmail.com>
Subject: Bylaw#1718

To Reeve Long, and Kneehill County Councillors,

I am concerned that you are considering changes to the existing Bylaw #1718 to accommodate a racetrack development. This development is not appropriate for the Rosebud River Valley. We reside in Beynon and the attraction of this area for us is the peacefulness and the unique environment. We know this to an area that many of our visitors from different parts of Canada, the U.K.,

Denmark and Australia have marvelled at- never having experienced a place like it. Even our Calgary friends are awestruck to know this bit of heaven is right on their doorstep!

A racetrack development would impact the land, air and water for miles around. And of course, once touched, this piece of environmentally sensitive land - and its plants and animals - would never be a place to attract ecotourists.

I hope, Councillors and Reeve Long, that you will be bold enough stand up to the pressure of the developer to change the Land Use Bylaw; and instead, protect this Environmentally Significant Area so that it remains a unique feature and attraction for visitors to KneeHill County.

Respectfully submitted,
Ann Gray-Elton

From: Al Hoggan
Sent: Wednesday, August 10, 2016 7:54 PM
To: Barb Hazelton
Subject: Fwd: Proposed land Use Bylaw 1718

Al Hoggan, CLGM
Chief Administrative Officer
Kneehill County
(403)-443-5541
(403)-443-1643 (cell)

Begin forwarded message:

From: JOHN ELTON <jads2@shaw.ca>
Date: August 10, 2016 at 7:51:11 PM MDT
To: <Al.Hoggan@kneehillcounty.com>
Cc: <rwclark@cciwireless.ca>
Subject: RE: Proposed land Use Bylaw 1718

Dear Mr. Hoggan,

The following email was sent to Kneehill County shortly before 4 pm today, August 10, 2016. Unfortunately, although it was received by the county by the 4 pm deadline it could not be delivered to you as I used an incorrect email address for you. I do apologize about this and hope that you will still be able to include it in the information considered before the August 16 public hearing.

Sincerely

John Elton

On Aug 10, 2016 4:21 PM, Richard&Wendy Clark <rwclark@cciwireless.ca> wrote:

Wrong email I'm afraid.

Al Hoggan [Al.Hoggan@kneehillcounty.com]

From: John Elton [<mailto:jads2@shaw.ca>]
Sent: Wednesday, August 10, 2016 3:57 PM

To: alhogan@kneehillcounty.com
Cc: Richard&Wendy Clark; Ann Gray-Elton
Subject: Proposed land Use Bylaw 1718

Dear Sir,

With respect to proposed land use bylaw 1718 I have a concern with Environmental Review, Section 24 (1) (a). The clause indicates that the **Development Authority** will have the power to approve mitigation recommendations prepared by a qualified environmental professional. The clause also indicates that the **Development Authority** will have the authority approve an **environmental review**. It is apparent that Kneehill County is not qualified to approve either an **environmental review**, or mitigation recommendations. However, Alberta Environment and Parks has the necessary review and approval qualifications. Therefore I recommend that Section 24 (1) (a) be reworded as follows:

"Recommendations for impact mitigation resulting from the approved **environmental review** shall be applied and adhered to as a condition of the **development permit**. Alberta Environment and Parks shall be the authority required to approve the environmental review and the associated mitigation recommendations"

I am strongly opposed to regarding this proposed development. It is located in a beautiful environmentally significant area that should be preserved the way it is for the future enjoyment of the general public. It should not developed for the use by a privileged few whose main interest has nothing to do with the environment. No measures can adequately mitigate the environmental impacts that will result from the development.

Sincerely,

John Elton

From: Al Hoggan
Sent: Wednesday, August 10, 2016 3:54 PM
To: Barb Hazelton
Subject: Fwd: Draft Land Use Bylaw 1718

Al Hoggan, CLGM
Chief Administrative Officer
Kneehill County

Begin forwarded message:

From: Crystal Elliott <elliottc@ucalgary.ca>
Date: August 10, 2016 at 3:53:16 PM MDT
To: "al.hoggan@kneehillcounty.com" <al.hoggan@kneehillcounty.com>
Cc: "savetherosebud@hotmail.com" <savetherosebud@hotmail.com>
Subject: Draft Land Use Bylaw 1718

Dear Members of Kneehill County Council

As an Albertan, an ecologist, and a Kneehill County landowner whose land includes part of an Ecologically Sensitive Area (ESA), I am very concerned about the draft Land Use Bylaw #1718 for the following reasons:

1. Section 25 (3) states that developments cannot be appealed unless it can be shown that "the provisions of the Land Use Bylaw were relaxed, varied or misinterpreted". So it's extremely important that the Land Use Bylaw be drawn up properly.
2. An ecological-environmental assessment of Kneehill County was recently done by several highly qualified scientists – the Kneehill County Environmentally Significant Areas Final Report, February 2010 (2010 ESA Report), to give residents and government information on which to make rational practical decisions on the best use of land in all parts of the county, and the protection and maintenance of ecologically important areas (according to provincial and national standards). As far as I and other residents know, this report was fully accepted and is the present standard by which Kneehill County Council was supposed to base land use decisions.
3. Then, along comes the Badlands Motorsports corporation from outside Kneehill County, who buys over a section of land, nearly all contained in a ESA-2 (where no or very little development should be allowed, according to the 2010 ESA Report) with plans to build a very large motorsport amusement park and resort with nearly 9 km of racetracks, a hotel, condominiums, etc, which will destroy an important part of the Rosebud River ecosystem, where one of more endangered or "at risk" species occur.
4. People who saw this plan said it can't be done in that location according to most of the Kneehill County land use regulations, (a) because it will seriously damage an Environmentally Significant Area, and (b) because its construction and operation will cause major disruption and disturbance in the lives of hundreds of residents in and around the development and in the nearby town of Rosebud. Several meetings and hearings have been held in Kneehill County, attended by hundreds of people, and the vast majority (about 95%) were opposed!

5. As a result, Council created a Direct Control District which allowed them to ignore all the guidelines in the 2010 ESA Report and comply with all the demands of the Badlands Motorsports corporation resulting in major environmental destruction in an ESA.
6. I am alarmed by this use of a Direct Control District. The purpose of a Direct Control District is not to allow for the abandonment of approved environmental guidelines such as those in the 2010 ESA Report. If this is an example of the type of Direct Control District Kneehill County Council is likely to create in future, then all our ESA's are in danger of destruction!
7. Council seems determined to allow the building of this destructive, disruptive resort in violation of its own 2010 ESA Report and in direct opposition to the strong wishes of the people who elected them.

In this case, a Direct Control District has been created to give Council dictatorial control. This will set a precedent for future actions by Council. You, as Council Members have the chance to stop it now before it grows and spreads like cancer. If you are complacent and let things like this go through, it is only a matter of time before all our freedoms and democratic majority rule are gone.

Robert Clive Elliott, BSc, MSc
Kneehill County Landowner

August 10, 2016

Kneehill County
Planning & Development
Three Hills, Alberta

Dear Reeve and Council Members:

Re: Land Use Bylaw #1718

Regarding Bylaw, #1718, I am stunned that this development has progressed as far as it has.

Having been a Realtor in Calgary and the MD's of Wheatland, Kneehill and Rockyview over the past 17 years; I have worked with various developers and have observed the processes involved. I have seen developments that have succeeded and I've also seen those that have **not** done well due to poor planning and ego driven mind-sets. Homes that were built and subsequently purchased with the vision of it being a sought after development, are now white elephants in the housing market. Images of luxurious clubhouses that were used to lure in investors were pipedreams. I've seen plans and promises that have gone unmet. Investors and residents are very unhappy with the outcome and are devastated by the tragic results of their investments.

Personally, I cannot see this development being successful. Simply stated, the location doesn't make sense; it does not seem to be conducive to a destination resort and/or race course. I believe the distance from Calgary, or any other major centre, makes it unlikely that people would travel to the Rosebud area to race their cars. For example; Rosebud isn't like Las Vegas where their motor speedway is supported by a huge population base and a steady influx of tourists. I agree that another race track or race course is something that is needed to serve the Calgary area race car enthusiasts, but this remote and environmentally sensitive location is not the place to build it. Do the feasibility studies actually show that this would be a successful venture in this area?

Given the environmental sensitivity of the Rosebud River Valley and having read the environmental reports; again, I am shocked to see this proposed development advance as it has. Considering the Rosebud Valley as a suitable spot for this kind of development is an absolute travesty.

I'm not only concerned for environmental reasons, but for the area residents; as their quality of life will definitely be affected. I am also genuinely concerned for anyone thinking this would be a solid investment opportunity; and I am concerned for the Kneehill County councillors and development officers who could potentially have a failed development as their lasting legacies.

For the sake of everyone involved, I urge you to reconsider.

Sincerely,

Shauna Kenworthy, Associate
Aztec Real Estate Inc.
Strathmore, Alberta
403-803-4605

