

PLANNING AND DEVELOPMENT SERVICES

TO:	Municipal Planning Commission Subdivision Authority	DIVISION: 6
DATE:	May 12, 2021	APPLICATION: PL20210038
FILE:	07315033	
SUBJECT:	Subdivision Item – Creation of Two Residential Lots	

APPLICATION: To create a ± 0.84 hectares (± 2.065 acres) new lot (Lot 1) with a ± 0.84 hectares (± 2.065 acres) remainder (Lot 2).

GENERAL LOCATION: Located approximately 5.63 km (3.5 miles) east of the city of Airdrie, immediately west of Range Road 282, and north of Highway 567.

LAND USE DESIGNATION: Residential, Country Residential District (R-CRD)

ADMINISTRATION RECOMMENDATION: Administration recommends approval as per Option #1.

OPTIONS:

Option #1: THAT Subdivision Application PL20210038 be approved with the conditions noted in Appendix 'A'.

Option #2: THAT Subdivision Application PL20210038 be refused as per the reasons noted.

AIR PHOTO & DEVELOPMENT CONTEXT:



Administration Resources

Xin Deng, Planning and Development Services

**APPLICATION EVALUATION:**

The application was evaluated based on the technical reports submitted with the application and the applicable policies and regulations.

APPLICABLE POLICY AND REGULATIONS: <ul style="list-style-type: none"> • <i>Municipal Government Act;</i> • Subdivision and Development Regulations; • County Plan; • Land Use Bylaw; and • County Servicing Standards. 	TECHNICAL REPORTS SUBMITTED: <ul style="list-style-type: none"> • Level 1 Variant Model Process Assessment (Western Water Resources Inc., June 20, 2013) • Level 2 Model Process Assessment (Western Water Resources Inc., June 24, 2013) • Phase 1 Groundwater Feasibility Assessment (Western Water Resources Inc., June 10, 2013)
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Transportation:

The subject land is accessed by the existing mutual approach shared with the adjacent land to the south. That adjacent landowner wishes not to share the existing mutual access with the Owner. As a condition of subdivision, the Owner is required to construct a new mutual approach to provide access to both Lot 1 & Lot 2, covert the existing mutual approach to a single approach so that it would provide access to that adjacent land only. Transportation Off Site Levy will be required on the new lot and exempted on the remainder lot, as the remainder lot contains the existing dwelling.

Water and Wastewater:

The existing dwelling is serviced by a water well and private sewage treatment system. The proposed new lot will be serviced in the same manner. The Applicant provided a Phase I Groundwater Feasibility Assessment and Level II PSTS Assessment, which conclude that there is sufficient water supply for the proposed new lot, and soil is able to support the private sewage treatment system. As a condition of subdivision, the Owner is required to provide a Phase II Groundwater Report, and enter into a Site Improvements Services Agreement to install a Packaged Sewage Treatment Plant on the new lot.

Stormwater:

As a condition of subdivision, the Owner is required to provide a detailed Site-Specific Stormwater Implementation Plan.

Municipal Reserves:

MR owing was provided by cash in lieu payment through the previous subdivision application 1996-RV-024. There are no further requirements at this time.

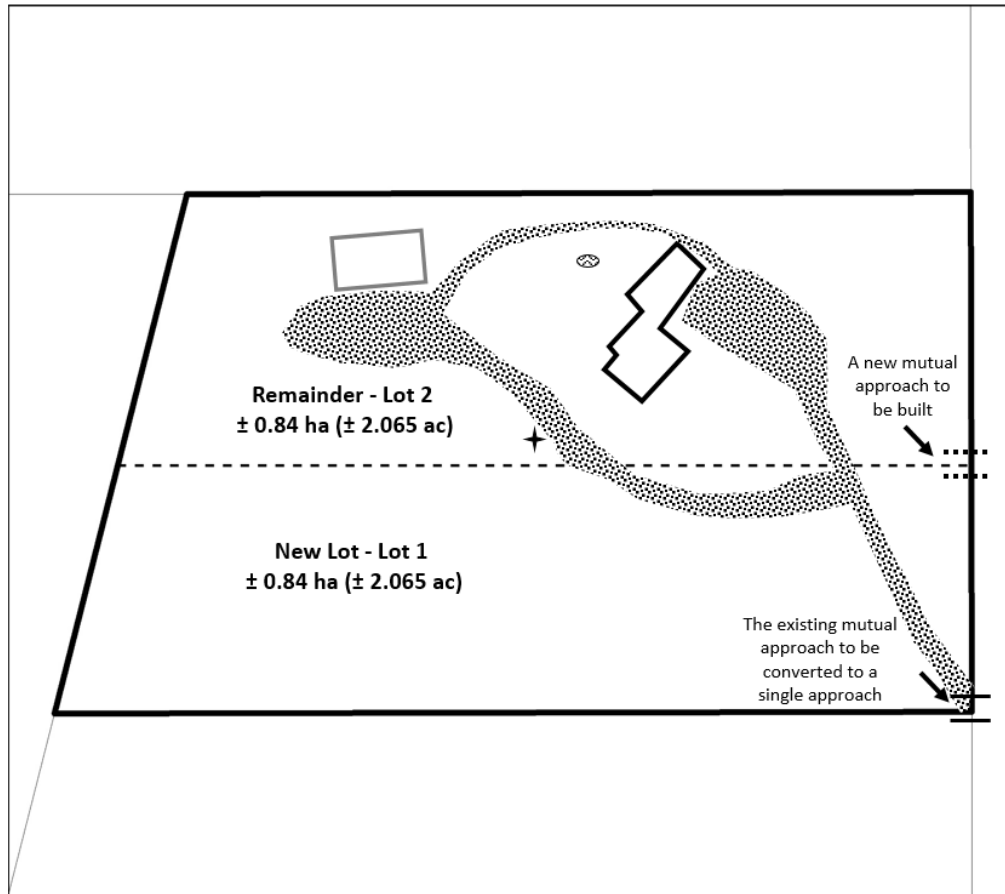
Payments and Levies:

APPLICABLE FEE/LEVY	AMOUNT OWING (ESTIMATE)
TRANSPORTATION OFF SITE LEVY	\$9,488.68 Development Area = 2.065 acres (new lot only) Base Levy \$4,595 per acre x 2.065 acres = \$9,488.68

*Land Use Bylaw:*

The proposal meets the parcel size and setback requirements of Residential, Country Residential District (R-CRD) within the Land Use Bylaw.

Tentative Plan



Tentative Plan

Subdivision Proposal

To create a ± 0.84 hectares (± 2.065 acres) new lot (Lot 1) with a ± 0.84 hectares (± 2.065 acres) remainder (Lot 2).

Legend

Dwelling	
Building	
Water Well	
Wastewater	
Existing Approach	
New Approach	
Driveway	
Road Widening	
Road Acquisition	

Surveyor's Notes:

1. Parcels must meet minimum size and setback requirements of Land Use Bylaw C-8000-2020.
2. Refer to Notice of Transmittal for approval conditions related to this Tentative Plan.

Division: 06
 Roll: 07315033
 File: PL20210038
 Legal: Lot: 1 Block: 8
 Plan: 9611667 within SE-15-27-28-W04M
 Printed: Mar 2, 2021



ROCKY VIEW COUNTY

CONCLUSION:

Subject to the proposed conditions of approval, the application is recommended for approval in accordance with Option #1.

Respectfully submitted,

Concurrence,

“Brock Beach”

“Kent Robinson”

Acting Executive Director
Community Development Services

Acting Chief Administrative Officer

XD/llt

ATTACHMENTS:

ATTACHMENT ‘A’: Approval Conditions

ATTACHMENT ‘B’: Maps and Other Information

ATTACHMENT ‘C’: Public Submission



ROCKY VIEW COUNTY

ATTACHMENT 'A': APPROVAL CONDITIONS

- A. The application to create a ± 0.84 hectares (± 2.065 acres) new lot (Lot 1) with a ± 0.84 hectares (± 2.065 acres) remainder (Lot 2) within Lot 1, Block 8, Plan 9611667, SE-15-27-28-W04M, having been evaluated in terms of Section 654 of the *Municipal Government Act* and Section 7 and 14 of the Subdivision and Development Regulations, and having considered adjacent landowner submissions, is approved as per the Tentative Plan for the reasons listed below:
1. The application is consistent with the Statutory Policy;
 2. The subject lands hold the appropriate land use designation;
 3. The technical aspects of the subdivision proposal have been considered and are further addressed through the conditional approval requirements.
- B. The Applicant/Owner is required, at their expense, to complete all conditions attached to and forming part of this conditional subdivision approval prior to Rocky View County (the County) authorizing final subdivision endorsement. This requires submitting all documentation required to demonstrate that each specific condition has been met, or agreements (and necessary securities) have been provided to ensure the conditions will be met, in accordance with all County Policies, Standards, and Procedures, to the satisfaction of the County, and any other additional party named within a specific condition. Technical reports required to be submitted as part of the conditions must be prepared by a qualified professional, licensed to practice in the province of Alberta within the appropriate field of practice. The conditions of this subdivision approval do not absolve an Applicant/Owner from ensuring all permits, licenses, or approvals required by Federal, Provincial, or other jurisdictions are obtained.
- C. Further, in accordance with Section 654 and 655 of the *Municipal Government Act*, the application shall be approved subject to the following conditions of approval:

Plan of Subdivision

- 1) Subdivision is to be effected by a Plan of Survey, pursuant to Section 657 of the *Municipal Government Act*, or such other means satisfactory to the Registrar of the South Alberta Land Titles District.

Transportation

- 2) The Owner shall construct a new gravel approach off Range Road 282 in order to provide access to Lots 1 & 2. In addition, the Owner shall:
 - a) Provide an access right of way plan; and
 - b) Prepare and register Access Easement Agreement on each title.
- 3) The Owner shall remove and reclaim the existing mutual approach shared with the adjacent land to the south (Roll: 07315034) to a single approach, as shown on the Tentative Plan.

Site Servicing

- 4) The Owner shall provide a Phase II Groundwater Report, which is to include aquifer testing and the location of the water well on the new lot (Lot 1):
 - a) Confirming a minimum pump rate of 1.0 IGPM, and
 - b) The results of the aquifer testing meet the requirements of the *Water Act*;
- 5) The Owner shall enter into a Development Agreement (Site Improvements/Services Agreement) with the County for the new lot (Lot 1), which shall include the following:
 - a) In accordance with Level 2 Model Process Assessment prepared by Western Water Resources Inc. (June 24, 2013); and



ROCKY VIEW COUNTY

- b) The construction of a Packaged Sewage Treatment Plan that meets Bureau de Normalisation du Quebec (BNQ) standards for treatment.

Stormwater

- 6) The Owner shall provide a Site-Specific Stormwater Management Plan for Lot 1, in accordance with the County's Servicing Standards. Implementation of the Stormwater Management Plan shall include:
 - a) Registration of any required easements and/or utility rights-of-way;
 - b) Should the Site-Specific Stormwater Management Plan indicate that improvements are required, the Applicant/Owner shall enter into a Development Agreement (Site Improvements/Services Agreement) with the County.

Payments and Levies

- 7) The Owner shall pay the Transportation Off-Site Levy in accordance with Bylaw C-8007-2020. The County shall calculate the total amount owing for:
 - a) the total gross acreage of new lot (Lot 1) as shown on the Plan of Survey.
- 8) The Owner shall pay the County Subdivision Endorsement fee, in accordance with the Master Rates Bylaw, for the creation of one (1) new lot.

Taxes

- 9) All taxes owing up to and including the year in which subdivision is to be registered are to be paid to Rocky View County prior to signing the final documents pursuant to Section 654(1) of the *Municipal Government Act*.

D. SUBDIVISION AUTHORITY DIRECTION:

- 1. Prior to final endorsement of the subdivision, the Planning Department is directed to present the Applicant/Owners with a Voluntary Recreation Contribution Form and ask them if they will contribute to the Fund in accordance with the contributions prescribed in the Master Rates Bylaw.



ROCKY VIEW COUNTY

ATTACHMENT 'B': MAPS AND OTHER INFORMATION

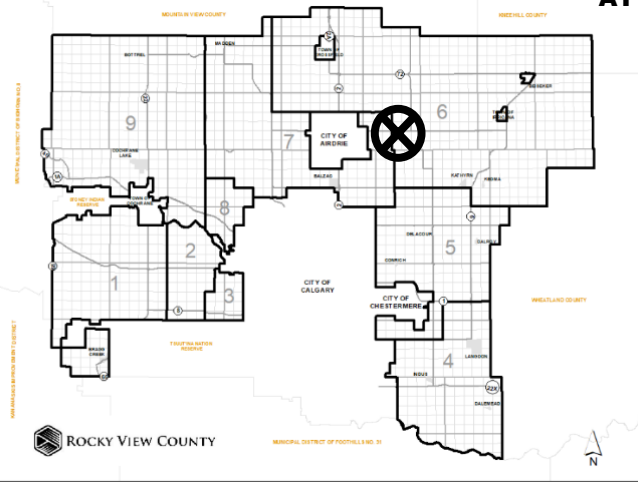
APPLICANT: Lidia Unrau	OWNER: Lidia Unrau
DATE APPLICATION RECEIVED: March 2, 2021	DATE DEEMED COMPLETE: March 2, 2021
GROSS AREA: ± 1.67 hectares (± 4.13 acres)	LEGAL DESCRIPTION: Lot 1, Block 8, Plan 9611667, SE-15-27-28-W04M
APPEAL BOARD: Development and Subdivision Appeal Board	
HISTORY: <div> <div>February 23, 2021</div> <div>Council approved redesignation application PL20200142, to redesignate the subject land from Residential, Rural District (R-RUR) to Residential, Country Residential District (R-CRD), in order to facilitate the creation of two residential lots.</div> </div> <div> <div>1996</div> <div>The parent 20 acres parcel was subdivided in order to create four parcels including the subject land. Municipal Reserves were previously paid by cash-in-lieu. The subdivision was registered in Plan 9611667.</div> </div>	
PUBLIC & AGENCY SUBMISSIONS: The application was circulated to 42 adjacent landowners. 2 letters with comments were received. The application was also circulated to a number of internal and external agencies and, where appropriate, conditions of approval have been proposed based on these comments.	



Location & Context

Subdivision Proposal

To create a ± 0.84 hectares (± 2.065 acres) new lot (Lot 1) with a ± 0.84 hectares (± 2.065 acres) remainder (Lot 2).




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Development Proposal

Subdivision Proposal

To create a ± 0.84 hectares (± 2.065 acres) new lot (Lot 1) with a ± 0.84 hectares (± 2.065 acres) remainder (Lot 2).



Remainder - Lot 2
 ± 0.84 ha (± 2.065 ac)

New Lot - Lot 1
 ± 0.84 ha (± 2.065 ac)

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Environmental

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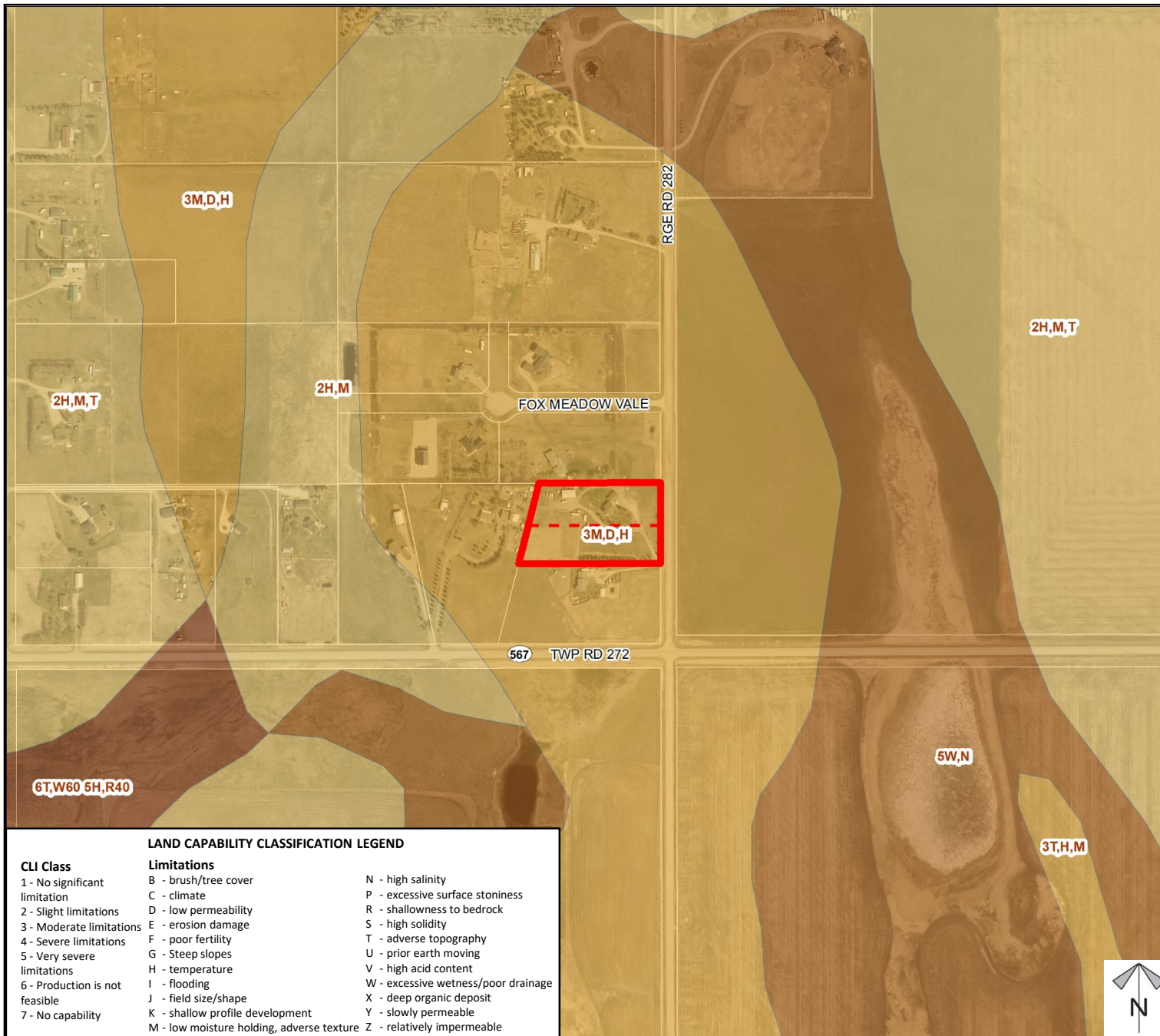
-  Subject Lands
-  Contour - 2 meters
-  Riparian Setbacks
-  Alberta Wetland Inventory
-  Surface Water

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Soil Classifications

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**Landowner
Circulation Area**

Subdivision Proposal

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Legend

Support



Opposition



Concerns (2)



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Tentative Plan

Subdivision Proposal

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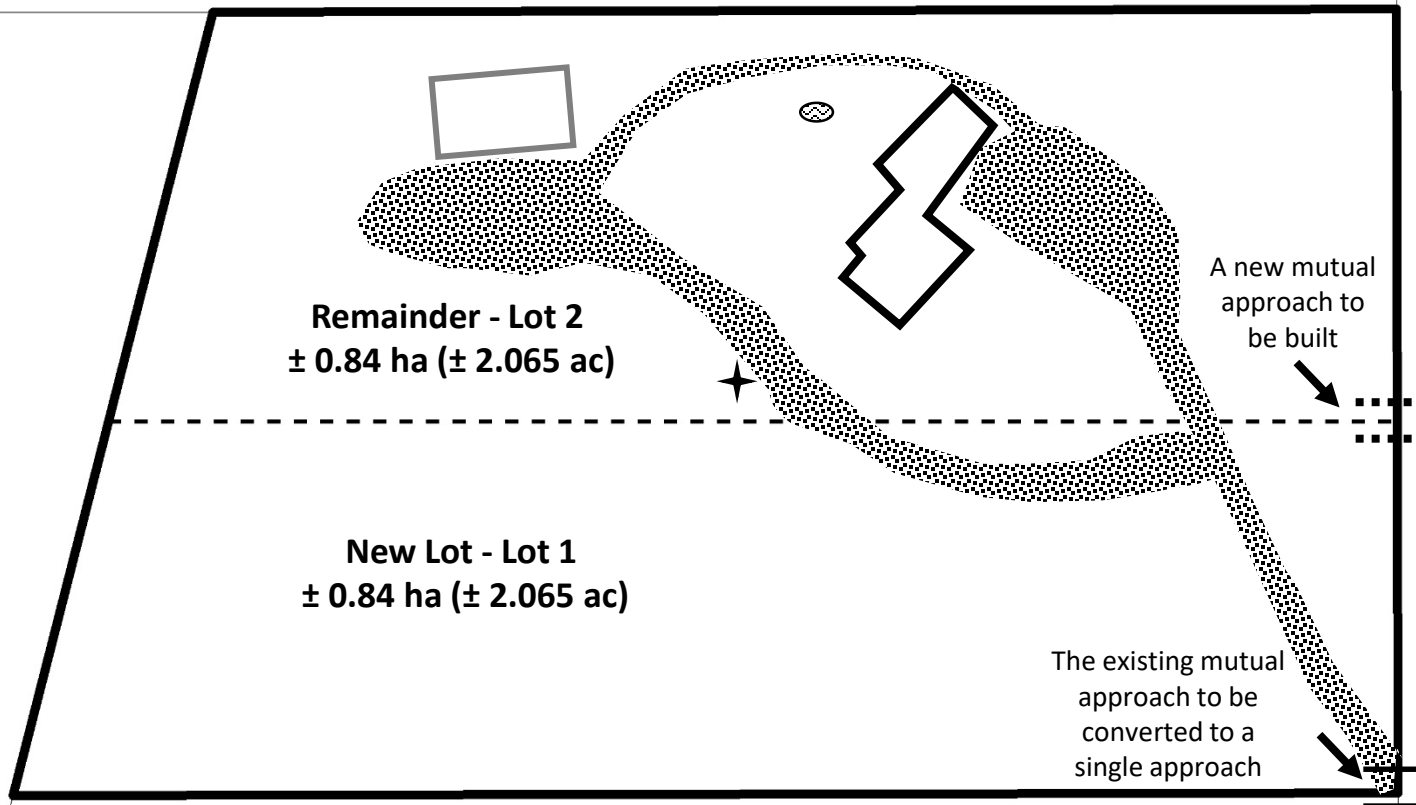
Legend

Dwelling	
Building	
Water Well	
Wastewater	
Existing Approach	
New Approach	
Driveway	
Road Widening	
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Surveyor's Notes:

1. Parcels must meet minimum size and setback requirements of Land Use Bylaw C-8000-2020.
2. Refer to Notice of Transmittal for approval conditions related to this Tentative Plan.

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 Printed: Mar 2, 2021



Date: 2021 Mar 30
 To: Planning & Development Services Department
 Rocky View County
 c/o Xin Deng
 xdeng@rockyview.ca
 Re: File Number 07315033
 Application Number PL20210038
 From: Horwood; John (Dave), Barbara, William (Mac), Gina
 Physical Address: 282020 Fox Meadow Vale

Concerns:

These concerns include the future of the half section bounded by HWY 567, Range Roads 283 and 282 and the line parallel to and 0.5 miles north of HWY 567, as well as the lots in question. This document will refer to this area as "the block".

1. Planning Time Frame. (Long term vs. piecemeal). (see p2)
2. Lack of a 'PROPOSED USE' in the communication asking for comments. (see p3)
3. Septic field inundation in 'wet' years (e.g. 2013/4). (see p4 - p8)
4. Septic overload as population density increases. (see p9)
5. Aquifer demands for potable water as population density increases. (see p10)
6. Surface flooding in 'wet' years as population density increases. (see p11)
7. The precedence of subdividing lots without reference to a long term plan. (see p9)

Conclusions:

1. That the process be delayed until a proper 'PROPOSED USE' is indicated.
2. That the proposal be denied until 'wet-year' concerns are properly addressed.
3. Since the pressure for more residential properties will continue to increase as Canada's, Alberta's and Rocky View County's population increases, proper future 'Land Use' and 'Environmental Impact' studies should be carried out. This will enable the county to maintain a reputation for good forward looking planning.
4. The problems with the ditch along RR 282 must be addressed before future development is considered,

We thank the county for this opportunity to comment and for its expected thoughtful addressing of our concerns.

P.S.

One of more of us would be more than willing to appear before the Planning and Development committee to explain our concerns and or answer questions that you might have.

A satellite map showing a residential area with several roads and a large pond. The roads are labeled: Stewart Rd, Appleson Ln, Pinto Ln, and Farries Dr. A road sign for 291 is visible. The area is mostly green with some brown patches, possibly indicating fields or bare ground. A large, dark, irregularly shaped pond is located in the lower right quadrant. The map is overlaid with a grid of white lines. At the bottom, there is a copyright notice: "Image © 2021 Maxar Technologies © 2021 Google" and a date/location string: "Imagery Date: 5/29/2020 51°16'29.88" N 113°57'27.02" W".

Stewart Rd

Appleson Ln

Pinto Ln

Farries Dr

291

Image © 2021 Maxar Technologies
© 2021 Google

Imagery Date: 5/29/2020 51°16'29.88" N 113°57'27.02" W

Imagine the unappealing aesthetics of the situation.

The jurisdiction that approved the development obviously did not consider the long-term in which a wet year might occur.

Could it be, that a 'dry-year' decision is to be made about the current proposal?

Since wet years will occur again, it is imperative that a long range plan be conducted before approval, to prevent possible future flooding of current and future septic fields.

Concern 2: An omission in the current 'request for comments' form.

The documents sent to us have a section; 'What is the application proposing'

Later, there is a section 'Notes'

The first noted section indicates a creation of a new lot. **This is not a 'use'.**

The first note asks for comments on the 'proposed use(s).'

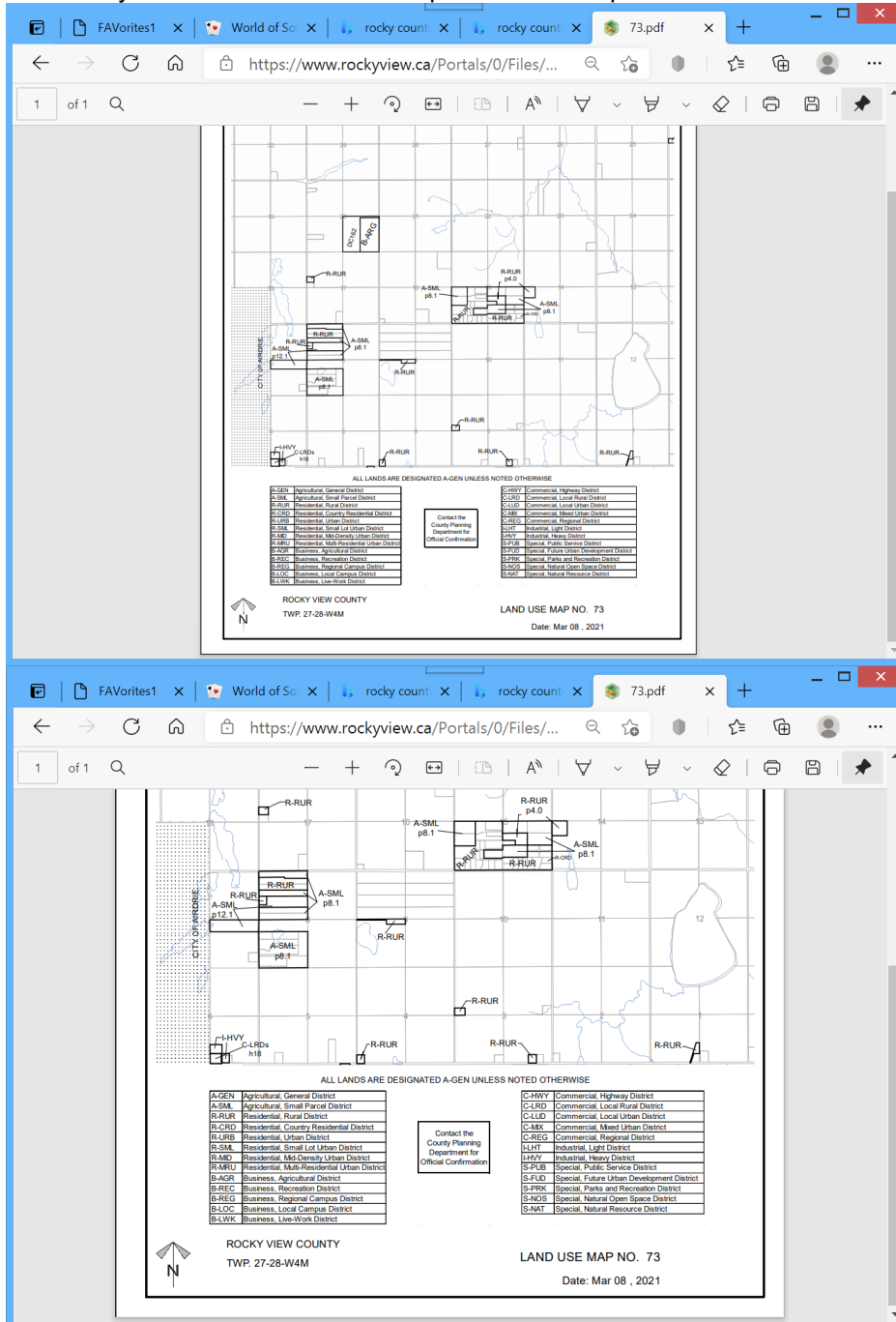
Since there is no 'use' indicated, it is impossible to comment on 'proposed use(s).'

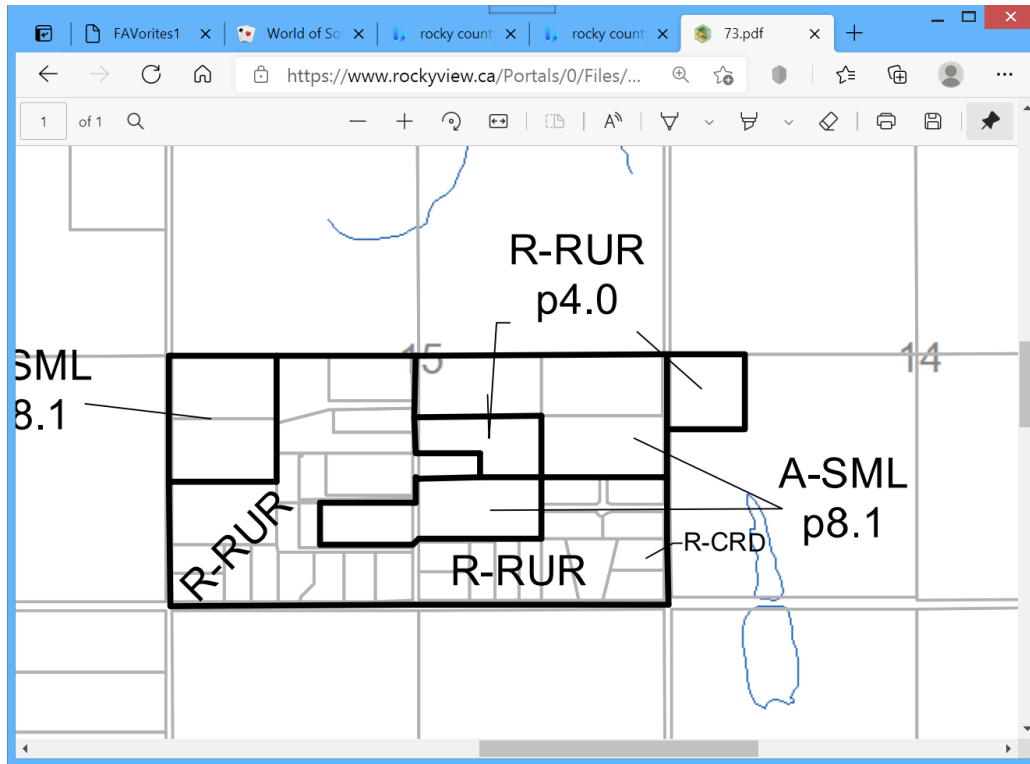
We can only make an assumption! Presumably, the use will include another residence or some use that will include more people who will require water and septic facilities.

Concern 3: Septic field inundation in wet years.

Maps of the current areas to help orient readers to the area of the proposal. This will help the reader to assess the affect of flooding.

www.rockyview.ca/Portals/0/Files/Maps/LandUse/73.pdf

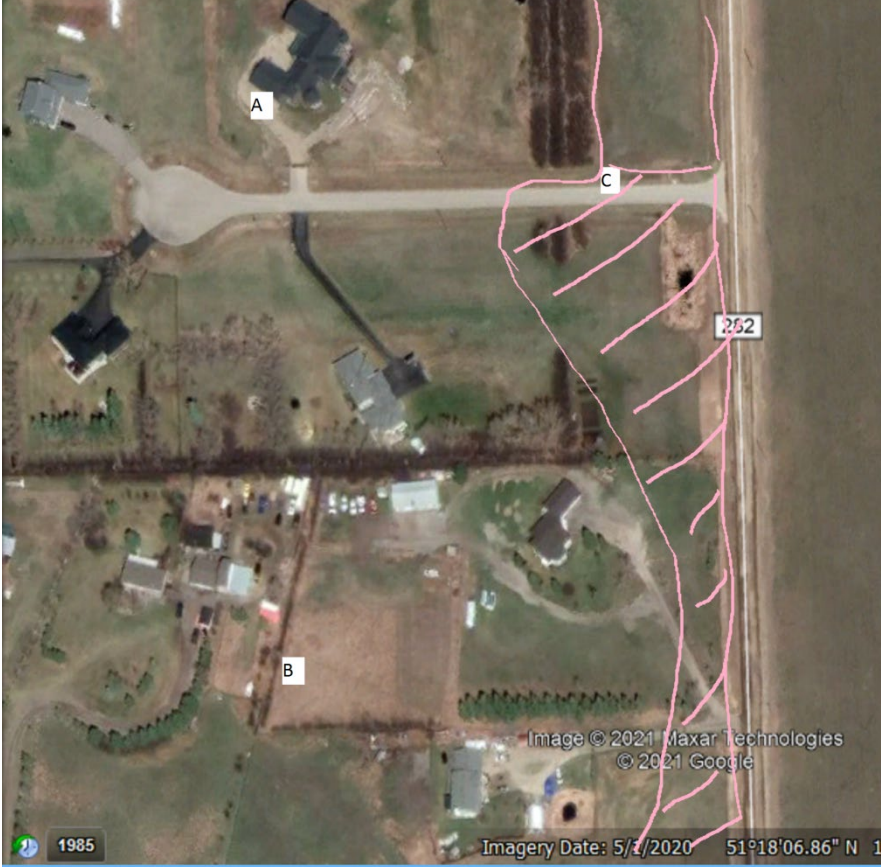




Notes:

- The heavy black line indicates 'the block', an area that is drained by the ditch on the west side of RR 282, and is the same area indicated by the white heavy line in the documentation sent to us.
- The size of the slough in the lower right, just east of RR 282 and south of HWY 567 illustrates how large it can be in a wet year, whereas now, the size is much smaller. In fact, as of this date, it is dry.
- The property in question in the proposal is zoned as R-CRD.

A smaller part view of 'the block' illustrating Fox Meadow Vale and some of the lots just southward.

	<p>Elevation of A is 3389 ft</p> <p>Elevation of C is 3376 ft</p> <p>Elevation of B is 3385 ft</p>
<p>Pink lines and hatching indicate high water levels.</p> <p>At point 'C', water was 6 - 8 inches deep at the pavement centre line.</p> <p>Note that C is a point on Fox Meadow Vale.</p> <p>Note that 'B' is a point on the new proposed lot and is located approximately at the highest elevation of that lot.</p> <p>Elevation difference between intersections of hwy 567 and range roads 283 and 282 is 223 ft. These points are 1 mile apart and water can move eastward in both the north and south ditches quite easily.</p> <p>However, the elevation difference along 282, from hwy 567 to the creek almost a mile north, is only 50 ft. This fact indicates that water moves much slower from south to north and thus helps accounts for the flooding that occurred.</p> <p>One fact that is most important regarding runoff, is that in the wet years of 2013/4, neither may NOT have been the wettest year in recent history! As well, since the west ditch of 282 seems to be the only water course draining the whole half section in question, plus an unknown portion of the section south of this section, we must be very cautious in making changes that will cause more devastating flooding in future wet years.</p> <p>Note: Elevations were taken from Google Earth.</p>	



Taken from intersection of 282 and Fox Meadow Vale looking North West 2014 Mar 10.



Taken from intersection of 282 and Fox Meadow Vale looking West 2014 Mar 10.

Unfortunately we lost the pictures taken the previous year. (Our dry-waller covered Mac's old iPad somewhere in the building while he (Mac) was at work in the city.)



Taken 2014 Mar 17 from a point on
282 South of Fox Meadow Vale
looking North West.



Taken 2014 Mar 17 from a point on
282 North of Fox Meadow Vale
looking slightly South of West.

Concern 4: Septic overload as population density increases.
and
Concern 7: The precedence of subdividing lots.



This picture of 'the block' and land east, indicates that there are 'empty' areas that owners may want to develop in the future.

The precedence set by approval of the current proposal, suggests that the population density could increase tremendously.

Such an increase would require a great increase in the number of septic fields. Without a proper survey by qualified septic field experts, piecemeal approval of subdivision of these lots **could be very unfair for the last owners who wanted to subdivide**. Their requests for approval for subdivision might very well have to be denied since there would be no more capacity for the land to accommodate septic fields, especially, in wet years, when it would be impossible to divert runoff from flooding such fields.

A fact that is often overlooked, is that buildings and paved roads prevent the normal absorption of rainwater and snowmelt by the land, thus increasing the amount of runoff **and often causing flooding in areas that had never experienced such flooding in the past**.

Again, the above comments, indicate the need for long range planning.

We must emphasize that the only way to treat current and future owners fairly, and at the same time prevent hazardous conditions from occurring in the future, is to do **Land Use and Environmental Impact** studies now, **before any approval for subdividing is given**.

Concern 5: Aquifer demands:


We know nothing about the quality of the water from the aquifers that provided residential water when Yankee Valley Estates was flooded. Perhaps Rocky View authorities should investigate the situation that prevailed there at that time.

Such a review along with a similar review for 'the block' would ensure future development of a safe supply of water. Excessive development without a plan could have very expensive consequences for 'the block' owners, current and future.

I'm sure we are all aware of the costs involved in bringing water from the Red Deer river south to communities such as Crossfield and Carstairs. As well, Rocky View knows the details in providing water to the Cross Iron development area.

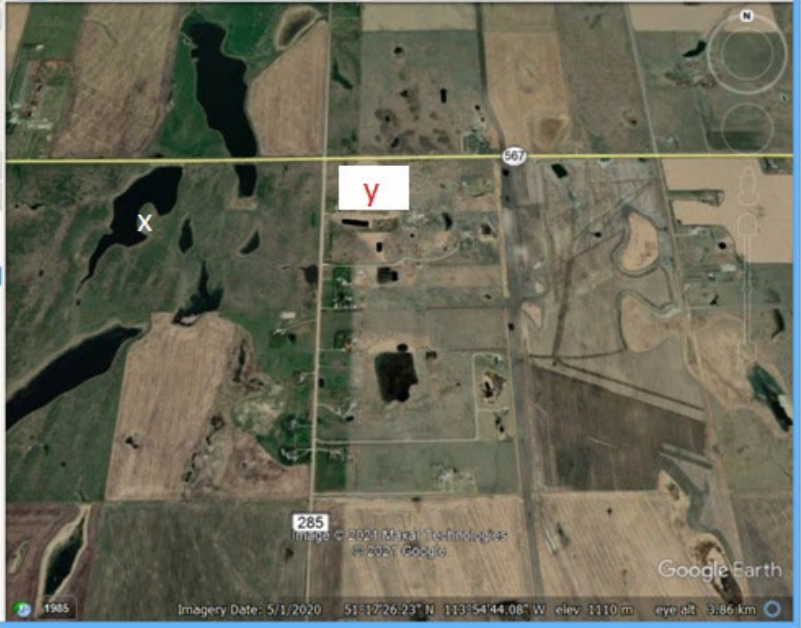
Again, we must emphasize the need is to do **Land Use and Environmental Impact** studies now!

Concern 6: Surface flooding.

 <p>Image © 2021 Maxar Technologies © 2021 Google</p>	<p>Wet and dry years have been cyclical over the past years.</p> <p>Decisions based on dry years only, can have very unfortunate consequences in wet years.</p> <p>Good planning takes into account the cyclical nature of the weather conditions.</p>
<p>Pink lines again show approximate area flooded in the wet year. Yellow lines and arrows show approximate water courses and Directions.</p> <p>We repeat: Elevation difference between intersections of hwy 567 and range roads 283 and 282 is 223 ft. These points are 1 mile apart and water can move eastward in both the north and south ditches quite easily. However, the elevation difference from hwy 567 to the creek almost a mile north is only 50 ft. This fact indicates that water moves much slower from south to north.</p> <p>The ditch along 282 carries surface runoff from a fairly large area. This area includes 'the block', farmland south and southwest of the block, farmland north of the block, and even some east of the block.</p>	<p>Flooding occurrence in the area shown, demonstrates that the ditch along 282 is inadequate to carry away the water in a wet year.</p> <p>It would be prudent for the county to modify the ditch by making it deeper and / or wider or both.</p> <p>Such a modification could be done more easily in the current dry cycle.</p> <p>Land surveys are easier in dry weather and conditions.</p>

Again, we must emphasize the need is to do **Land Use and Environmental Impact** studies now!

Other examples of wet vs. dry year conditions.

This is a Google Map image date 2020 May	
	<p>The white 'x' indicates a knoll in the slough that was actually an island back in the wet years.</p> <p>The white square containing a red 'y' was filled with water. Mac told his kids at the time, that there must have been 'dry' years because there was a fence (and is now) through the water and parallel to the highway.</p>
These observations were made by us since nearly every day we drove from Airdrie to our new lot during our building phase beginning in 2011.	

Definitions:

Legal Land Description FAQ (legallandconverter.com)

"Township" also describes the six mile by six mile square formed when the range and township lines intersect. These townships are further divided into 36 sections, each measuring one mile by one mile (one square mile). One section contains 640 acres. A section can be further divided into quarters (NE, NW, SE, SW) of 160 acres each or into 16 legal subdivisions (LSDs).

Wet year:

Wet years occur apparently in some cyclical manner. The wet years are obvious when sloughs are full, ditches are often full, and unusually heavy rainfalls occur. One aesthetic advantage is the greenness of the area.

Date: April 1, 2021

To: Planning & Development Services Department

Rocky View County

c/o Xin Deng

xdeng@rockyview.ca

Re: File Number 07315033

Application Number PL20210038

To the Rocky View County Planning Services Department,

Recently, we received a notice in the mail from Rocky View County regarding the application for land redesignation and the creation of two 2.065 acre lots from an existing 4.13 acre lot that sits adjacent to our property.

We have had a good relationship with the owner of this property, Lidia Unrau, so it is with some hesitation that we are providing comments in regards to this application, for fear that it could cause damage to that relationship. We have had conversations with Lidia regarding her proposal, but unfortunately, she moved ahead with her application before addressing the concerns we shared with her so we feel we must write to the County in order to share our unaddressed concerns. Some of these concerns could be addressed by the County themselves, but some of them are independent of the County.

One of our first concerns with the proposed creation of a new property has to do with water - both surface runoff, but also the unintended consequences that could result from drilling a new well. Whenever a new well is drilled, the potential exists for the water table to be impacted. In the 4 years we have lived on our property, we have already noticed changes in the quality of our water. This change has resulted in more sediment in our water, placing a heavier strain on our water filtration system. It is our understanding that drilling a new well in close proximity to other well heads could worsen water quality and alter the behaviour of the underground water supply, and for that reason, we are uncomfortable with a new well being created so close to our property.

The other issue relating to water would be the resulting runoff that will occur from the addition of another property. Runoff would be impacted by the creation of more solid surface collection points such as buildings and driveways, and also near-surface runoff from another septic field or mound. Currently, most runoff from the adjacent properties runs to a storm water retention pond which is located on the corner of our property at Range Road 282 and Fox Meadow Vale. In the 4 years we have lived here, this storm water retention pond has reached or exceeded its capacity every spring. The water level has risen so high some years, that it has flooded the road (Fox Meadow Vale) leading to our home. This is something that the County could remedy by expanding the depth and overall size of the retention pond, to alleviate the current issues and any additional water runoff from a new property.

Lastly, one of our biggest concerns of all, has to do with precedent. Currently, all the acreages in the area of our property are at least 4 acres in size. It is our understanding that when the houses on Fox Meadow Vale were built, planning of our road incorporated future access to additional acreages which could be built in the future, should the farmers surrounding this area choose to subdivide and sell off their land. If this proposal were to be approved, those two lots would be the first in this area to be two acre lots. This would set a precedent moving forward for any other land owner in the area, to pursue subdivision of their land to two acre lots, thus creating more congestion in the area and the potential for more water issues.

Like us, most of our neighbours chose to purchase property in this area, as the larger four acre lots allow for more space and openness. If the county allows for the creation of two acre lots in this area, that desired standard of living would no longer be attainable for the current residents, especially if others sought to

subdivide their four acre lots to sell in the future for an increased profit.

We don't like to meddle in the business of what our neighbours do on their property as we feel that it is their business. However, when we are talking about the creation of smaller lots and more congestion, it causes shared concern for our community. It is no longer restricted to just Lidia's property, but has consequences for others in the area.

We wish no ill toward Lidia, and hope that our opposition to her application doesn't cause damage to our relationship. However we don't feel that we can silently allow this application to be approved.

Thank you to the Planning and Development Services Department for the work you do for our County, and thank you for taking the time to process our concerns.

Sincerely,

A black rectangular redaction box covering a signature.

and

A black rectangular redaction box covering a signature.