

PLANNING AND DEVELOPMENT SERVICES

TO:	Municipal Planning Commission Subdivision Authority	DIVISION: 5
DATE:	May 26, 2021	APPLICATION: PL20200138
FILE:	03231039	
SUBJECT:	Subdivision Item: Residential	

APPLICATION: To create a \pm 5.02 acre parcel with a \pm 4.94 acre remainder.

GENERAL LOCATION: Located approximately 2.0 km east of the city of Chestermere, 1.21 km (3/4 mile) east of Hwy. 791 and south of Twp. Rd. 240.

LAND USE DESIGNATION: Residential Rural District (R-RUR)

EXECUTIVE SUMMARY: The application is consistent with the relevant policies of the County Plan and the Land Use Bylaw.

ADMINISTRATION RECOMMENDATION: Administration recommends approval in accordance with Option #1.

OPTIONS:

- Option #1: THAT Subdivision Application PL20200138 be approved with the conditions noted in Attachment 'A'.
- Option #2: THAT Subdivision Application PL20200138 be refused.

AIR PHOTO & DEVELOPMENT CONTEXT:



Administration Resources

Christina Lombardo, 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; • Municipal Development Plan; • Land Use Bylaw; and • County Servicing Standards. 	TECHNICAL REPORTS SUBMITTED: <ul style="list-style-type: none"> • Stormwater Management Update by Osprey Engineering Ltd (Jan 2021) • Groundwater Supply Evaluation by Groundwater Exploration & Research Ltd (Sept 2002) • Private Sewage Treatment System Assessment by Osprey Engineering Ltd. (Nov 2020) • Appraisal by Sage Appraisals (2020)
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Payments and Levies

APPLICABLE FEE/LEVY	AMOUNT OWING (ESTIMATE)
TRANSPORTATION OFFSITE LEVY Base Levy + Special Area 7 Levy (\$4,595.00/acre + \$387.00/acre) x 5.02 acres	\$25,009.64
MUNICIPAL RESERVE (\$/ACRE) \$325,000.00 / 10.01 acres \$32,467.53 / acre (10.01 acres x 10%)	\$32,467.53

Additional Review Considerations

Conditions were set based on the following items:

Transportation and Access

The proposal will be accessed via an existing gravel approach off Twp Rd 240 and facilitated through a mutual approach and shared driveway. As a condition of the subdivision, an Access Easement Agreement and associated Right of Way Plan will be required for the shared driveway.

Lot 1 contains an existing dwelling and Lot 2 contains an accessory building that will remain on site. The applicant/owner is to provide payment of the Transportation Offsite Levy (calculated with base and special area) for the gross area of Lot 2.

Servicing

Lot 1 is serviced by a water well and private sewage treatment system. Lot 2 is proposed to be serviced via the same means. The existing groundwater wells located on both proposed lots are capable of servicing each lot respectively. A PSTS assessment was completed which determined that a treatment mound system is currently being utilized for Lot 1 and will also be required for Lot 2. A Site Improvements / Services Agreement is required to be registered on Lots 1 & 2, to detail all necessary improvements.

In 2016 the applicant applied for a development permit for site grading and placement of fill on the site. A stormwater management plan prepared by Osprey Engineering evaluated the impacts of the fill including



pre and post-development grades of the lands and was determined to be to the satisfaction of the county in 2017.

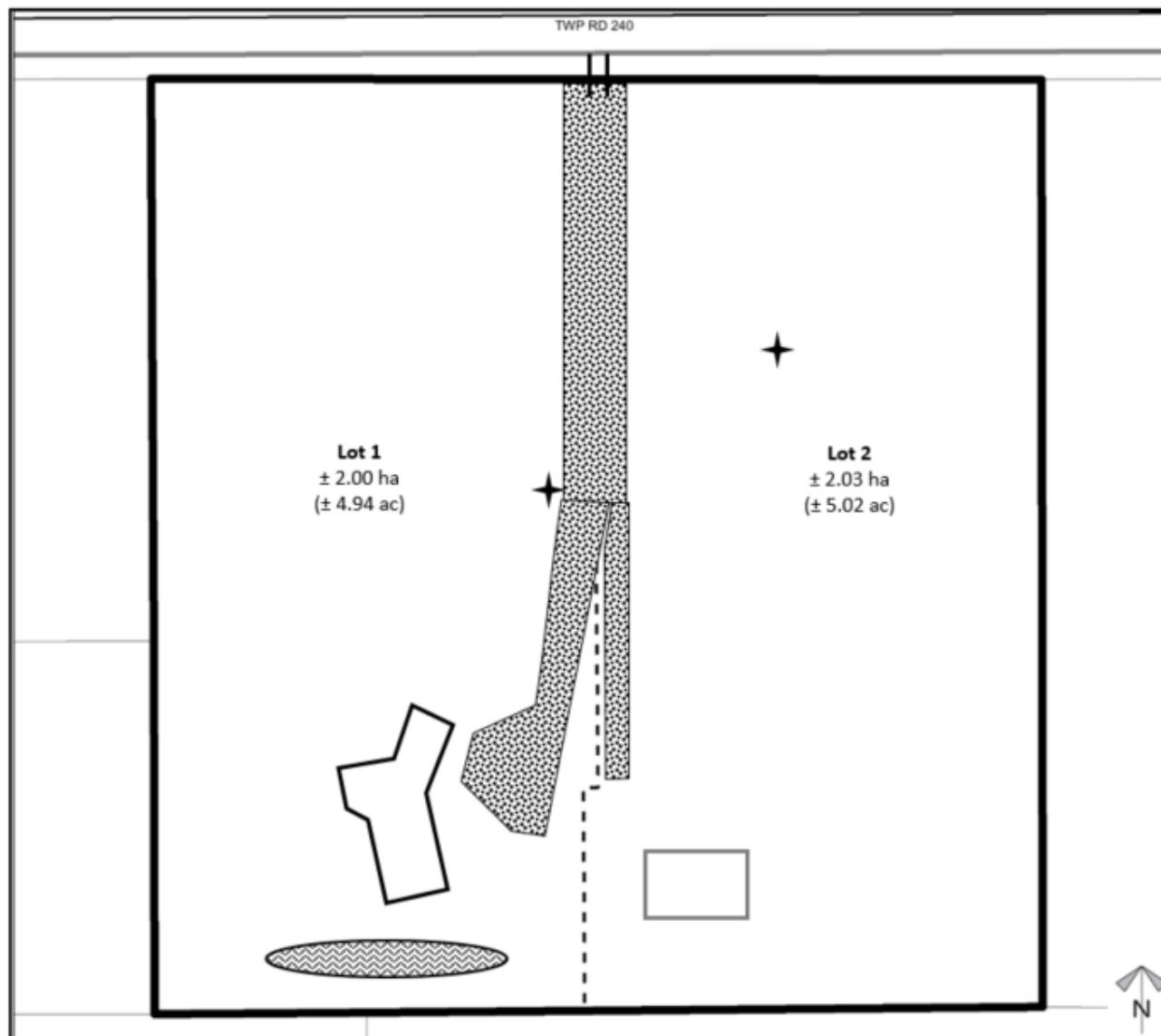
Municipal Reserve

Based on the proposed parcel size and having no policy support for further subdivision, if approved, Administration recommends taking cash-in-lieu on the full 10% of the parcel and a partial discharge of the existing DRC on the subject lands.

Policy Analysis

The parcel is located primarily within an agricultural area with residential properties to the south and west of the subject lands. As per the County Plan, there is no area structure plan, however; the quarter is considered as a fragmented quarter section based on the number of parcels and acreage sizes within the quarter section. As per Section 10.13, further subdivision can be supported within a fragmented quarter section if a lot and road plan is provided. A defined lot and road plan for the subject lands has not been applied for and the application is not consistent with the County Plan policies. However, based on the context of the parcel, Administration does not feel a Lot and Road plan is warranted in this area to guide further development of the lands.

If approved, the proposed parcels would be consistent with the Residential, Rural District minimum parcel size and minimum setback requirements.

Tentative Plan**Tentative Plan**Subdivision Proposal

To create a ± 2.03 hectare (± 5.02 acre) parcel with a ± 2.00 hectare (± 4.94 acre) remainder.

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-4841-97.
2. Refer to Notice of Transmittal for approval conditions related to this Tentative Plan.

Division: 5
 Roll: 03231039
 File: PL20200138
 Printed: October 9, 2020
 Legal: Lot 2, Plan 9012277,
 within
 NE-31-23-27-W04M

Administration Resources

Christina Lombardo, Planning and Development Services

**CONCLUSION:**

Subject to the proposed conditions of approval, the application is recommended for approval.

Respectfully submitted,

Concurrence,

“Brock Beach”

“Kent Robinson”

Acting Executive Director
Community Development Services

Interim Chief Administrative Officer

CL/llt

ATTACHMENTS:

ATTACHMENT ‘A’: Approval Conditions

ATTACHMENT ‘B’: Maps and Other Information

ATTACHMENT ‘C’: Public Submissions



ATTACHMENT 'A': APPROVAL CONDITIONS

- A. The application is to create a ± 2.03 hectare (± 5.02 acre) parcel with a ± 2.00 hectare (± 4.94 acre) remainder at NE-31-23-27-W4M, having been evaluated in terms of Section 654 of the *Municipal Government Act* and Section 7 and Section 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 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:

Survey Plans

- 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.
- 2) The Applicant/Owner shall upgrade the existing road approach on Twp Rd 240 in order to provide access to Lots 1 and 2; In addition, the Owner shall:
 - a) Provide an access right of way plan; and
 - b) Prepare and register respective easements on each title, where required.

Developability

- 3) The Owner shall enter into a Development Agreement (Site Improvements / Services Agreement), registered on Lots 1 & 2 with the County and shall include the following:
 - a) In accordance with the Private Sewage Treatment System Assessment submitted by Osprey Engineering Ltd. (dated November 30, 2020)
- 4) The Owner shall provide a detailed Site-Specific Stormwater Implementation Plan (SSIP), prepared by a qualified professional, which is consistent with the conditions set in the Co-operative Stormwater Management Initiative (CSMI) and County Servicing Standards. Implementation of the SSIP shall include the following:
 - a) Should the SSIP indicate that improvements are required, the Applicant/Owner shall enter into a Development Agreement (Site Improvements/ Services Agreement) with the County for the implementation of the improvements outlined in the SSIP accepted by the county.



ROCKY VIEW COUNTY

- b) Should the SSIP indicate that a geotechnical report is warranted for the design of the required improvements; the Owner shall provide a geotechnical report prepared by a qualified professional geotechnical engineer, which provides recommendations and direction on the design and construction of the stormwater infrastructure.
- c) Registration of any required easements and/or utility rights of way;
- d) Provision of necessary approvals and compensation provided to Alberta Environment and Parks for wetland loss and mitigation; and
- e) Provision of necessary Alberta Environment and Parks registration documentation and approvals for the stormwater infrastructure system.

Payments and Levies

- 5) The Owner shall pay the Transportation Off-Site Levy in accordance with Bylaw C-8007-2020. The County shall calculate the total amount owing on the total gross acreage of Lot 1 as shown on the Plan of Survey.
- 6) The provision of Reserve in the amount of 10 percent of the area of Lots 1 & 2, as determined by the Plan of Survey, is to be provided by payment of cash-in-lieu in accordance with the per-acre value as listed in the land appraisal prepared by (Sage Appraisals/file # 20201494 / December 14, 2020) pursuant to Section 666(3) of the *Municipal Government Act*:
 - a) The existing Deferred Reserve Caveat, Instrument # 6014KO., is to be partially discharged.
- 7) The Owner shall pay the County Subdivision Endorsement fee, in accordance with the Master Rates Bylaw, for the creation of one (1) new lot.

Utilities

- 8) Utility Easements, Agreements, and Plans are to be provided and registered (prior to registration) to the satisfaction of Fortis Alberta.

Taxes

- 9) All taxes owing up to and including the year in which the 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

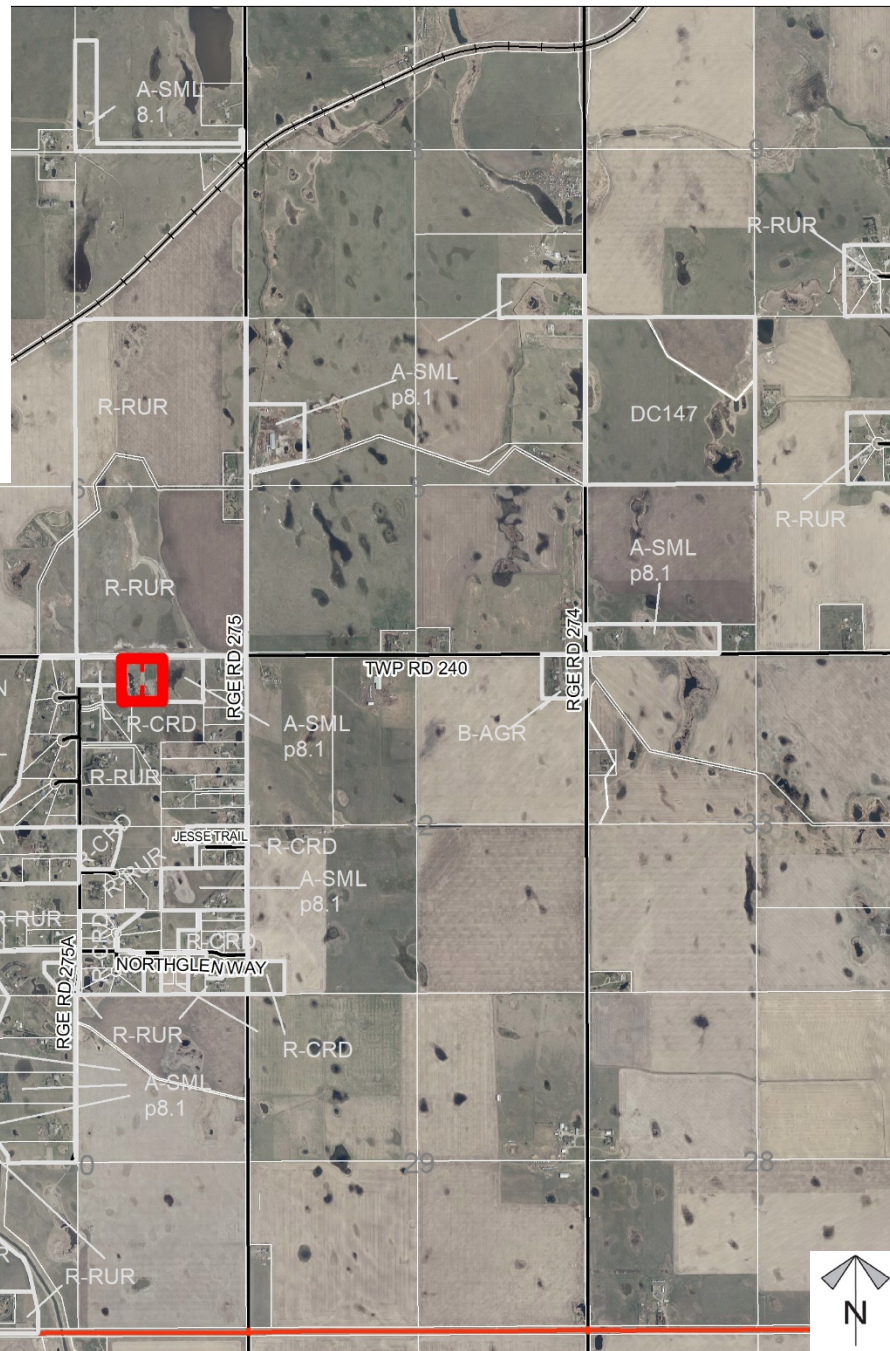
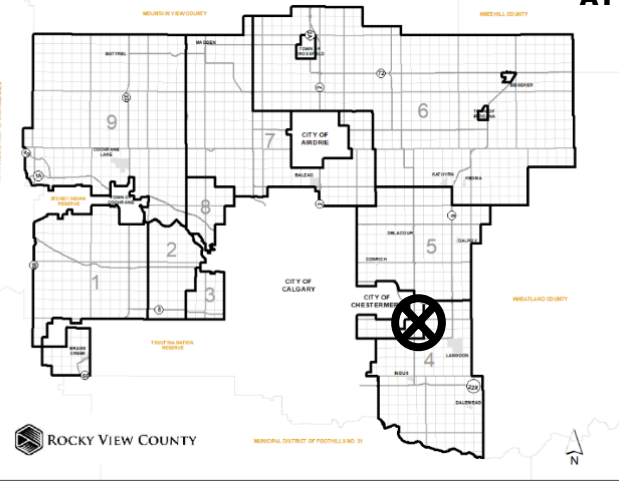
ATTACHMENT 'B': MAPS AND OTHER INFORMATION

APPLICANT: Michael Kitchen (Osprey Engineering)	OWNER: Joao & Isabel da Costa
DATE APPLICATION RECEIVED: October 7, 2020	DATE DEEMED COMPLETE: October 19, 2020
GROSS AREA: ± 4.05 hectares (± 10.01 acres)	LEGAL DESCRIPTION: NE-32-23-27-W4M
APPEAL BOARD: Municipal Government Appeal Board	
HISTORY: <p>February 12, 2002: To redesignate the subject lands from Agricultural Holdings District to Residential Two District to facilitate the creation of one ± 5.00 acre parcel with one ± 5.00 acre remainder</p> <p>November 28, 1990: The subject lands were created through a multi-lot subdivision and was registered on Plan 9012277</p>	
PUBLIC & AGENCY SUBMISSIONS: <p>The application was circulated to 65 adjacent landowners. We received two letters of concern about the application. The responses have been included in Appendix 'C.'</p> <p>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.</p>	

Location & Context

Subdivision Proposal

To create a ± 2.03 hectare (± 5.02 acre) parcel with a ± 2.00 hectare (± 4.94 acre) remainder.



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Development Proposal

Subdivision Proposal

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Environmental

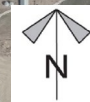
Subdivision Proposal

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

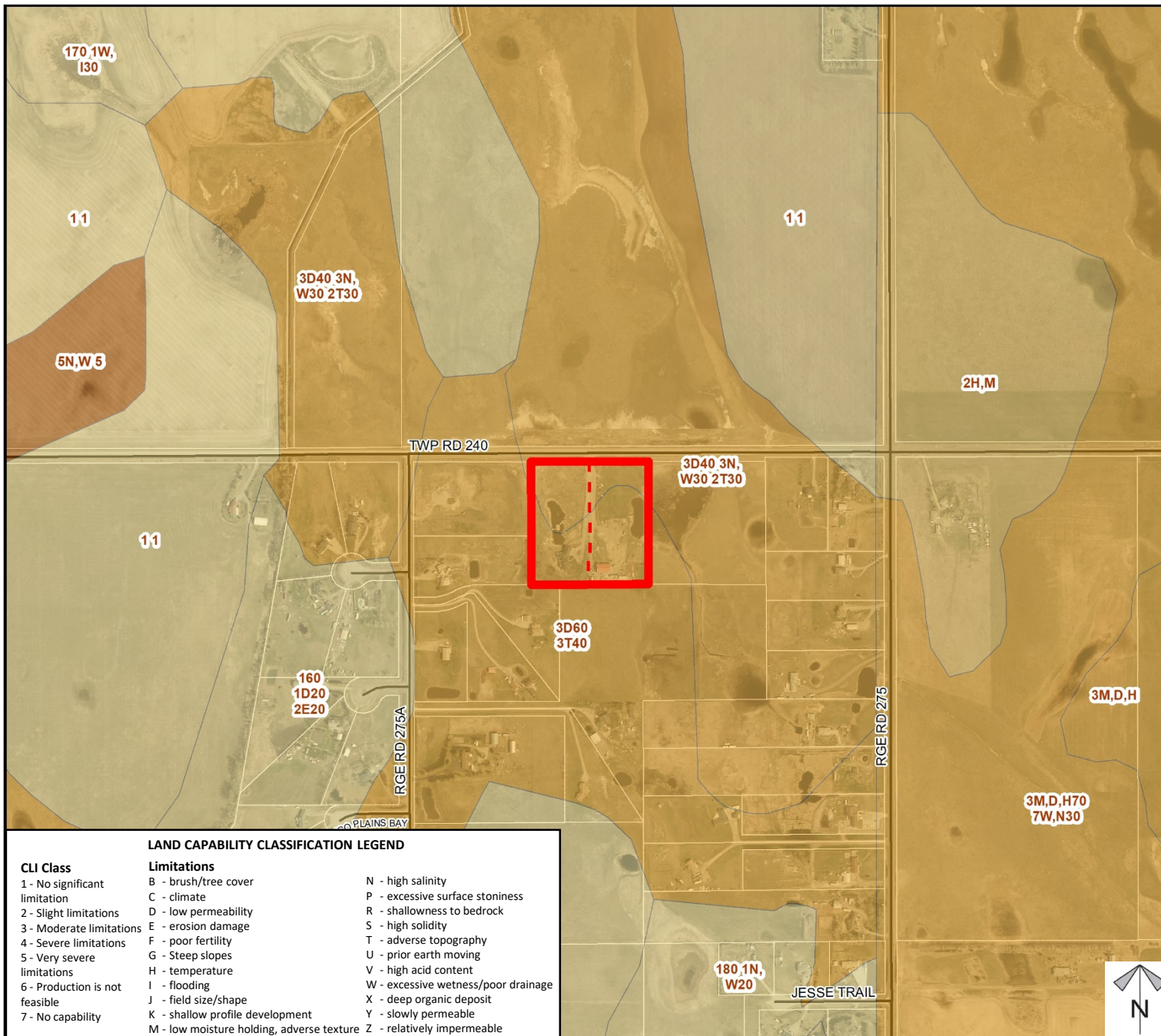
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Soil Classifications

Subdivision Proposal

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Legend

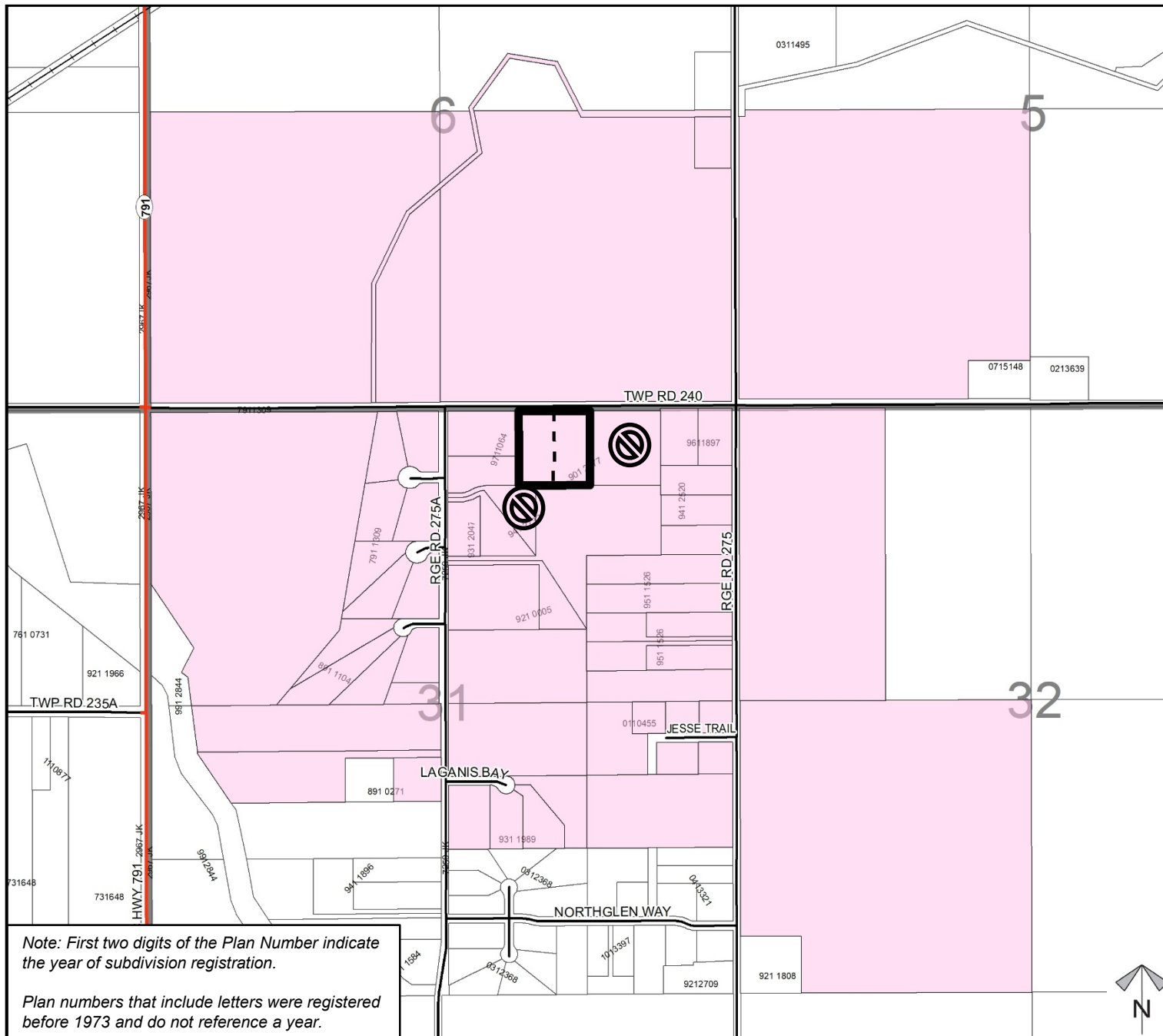
Support



Opposition



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Tentative Plan

Subdivision Proposal

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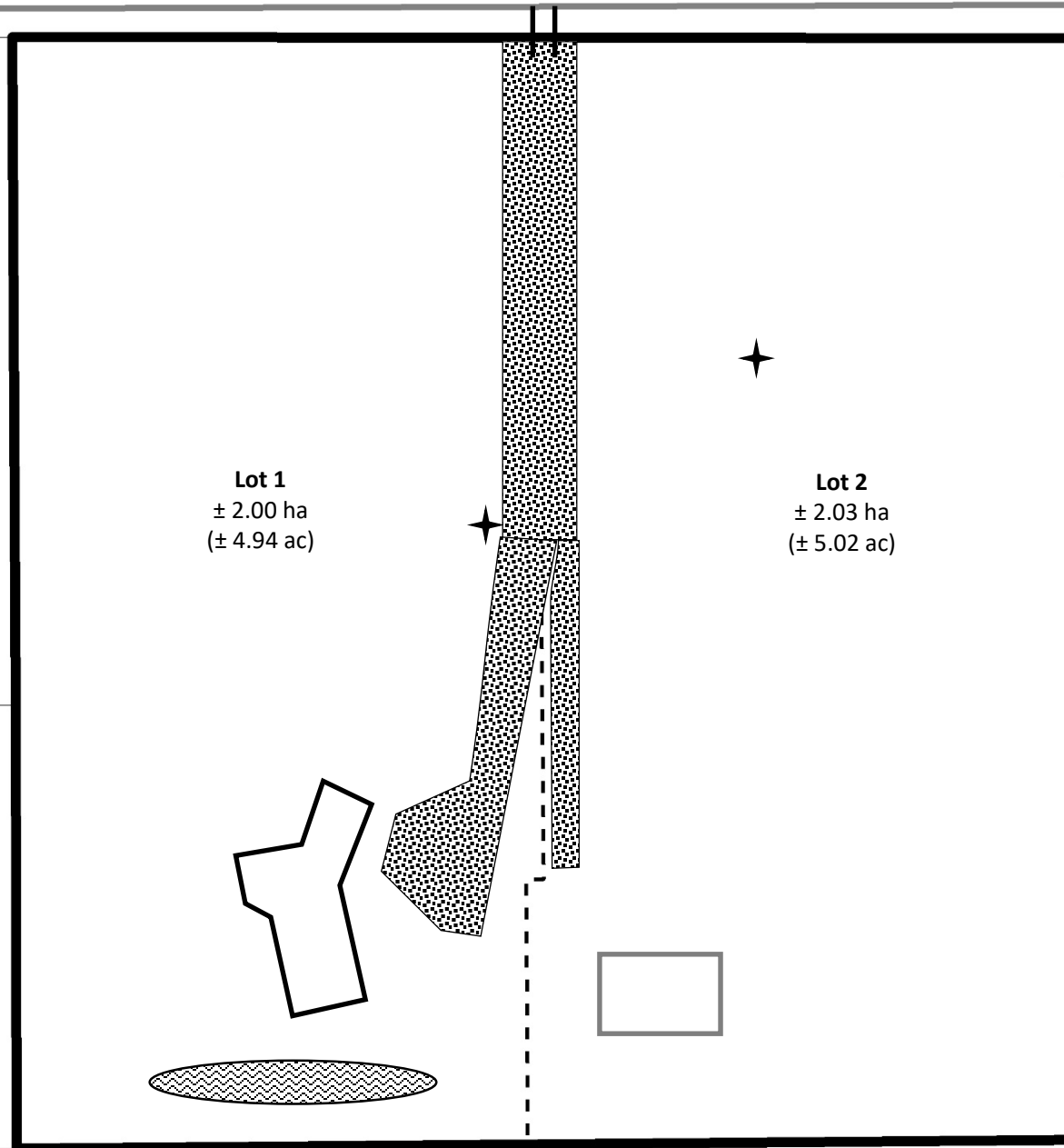
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Wastewater	
Existing Approach	
New Approach	
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Road Widening	
Road Acquisition	

Surveyor's Notes:

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2. Refer to Notice of Transmittal for approval conditions related to this Tentative Plan.

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From: [REDACTED]
To: [Althea Panaguaiton](#)
Subject: [EXTERNAL] - Response to Da Costa proposed Subdivision, File #03231039, Application # PL20200138
Date: November 19, 2020 12:39:10 PM
Attachments: [Thompson response PL20200138 submit.pdf](#)
[Subdivision PL20200138 notice.pdf](#)
Importance: High

Do not open links or attachments unless sender and content are known.

Hello Althea,

Attached is our response to the proposed subdivision of the Da Costa property, File # 03201039, Application # PL20200138.

In short, we don't oppose the subdivision but have concerns with overland snow melt flooding which has been a problem in the spring. Future development may exacerbate this issue.

Note, Canada Post has changed our address from Box 46, Site 7 RR 7, Calgary AB T2P 2G7 which was on the notice letter to 235222 RGE RD 275A, Rocky View County AB T1X 2H3

Please let us know that you received it.

Thanks.

Sincerely,

A. Scott & M'Laurel Thompson

Arthur S. & M'Laurel Thompson
235222 Range Rd. 275A
Rocky View County, AB T1X 2H3

Thursday, November 19, 2020

Planning Services Department
Rocky View County
262075 Rocky View Point
Rocky View County AB T4A 0X2

ATTN: Althea Panaguiton

Re: File Number 03231039, Application Number PL20200138

Dear Planning Services Department,

This letter is in response to the notification of the proposed subdivision of the lands in this application.

Our concern about the development of these lands is about stormwater and snow melt drainage.

For reference on the Location Plan map:

Da Costa property proposed subdivision is 275079 TWP RD 240, 03231039,
Our land (Thompson), 235222 RGE RD 275A, lot bordering southwest of the subdivision proposal.
Shergill property where a new house is being built west of proposal, 235248 RGE RD 275A
Gallant property is triangular lot to the south of us, 235218 RGE RD 275A.
Former Parks property (new owners that we do not know names) west of proposal, 235226 RGE RD 275A.

Since 2017, there has been a problem with flooding on our lands from spring snow melt. There is no formal stormwater plan for our area. We have attached pictures from April 2020 showing this. The snow melt flooded the north and west parts of our property, nearly flowing over our driveway, and backed up onto the Gallant's property as there was no place for the water to drain into the ditches on TWP RD 240. The water came to about 6 meters of our detached garage. We could not access this part of our land to cut the grass due to it being wet until mid August 2020

Also attached are pages with highlighted points from the 2017 Subdivision & Development Appeal Decision File (Board Order No.:18-17, File No.: 03431039; PRD20164835). Despite objections, the Da Costas were allowed to fill in their land that stopped any water from flowing though their land as it had done before they built. Although they manually pump the stormwater from the Former Parks land, this is not done often enough as is shown by the pictures.

In the section Prior to Issuance #4 it states, *"That Prior to issuance of this permit, a 1.5m (4.92 ft) Drainage Easement shall be added to the west side of the Lands"* which is the west side of the proposed subdivision. Although there is an easement, this seems inadequate as his land is still higher than the east sides of the adjoining Shergill and Former Parks properties which are flooded in the pictures and water doesn't flow through his lands to TWP RD 240.

Also in the Development Appeal Decision, in the Reasons for Decision on page 11 it states in point 2, *"the proposed development would not (B) Materially interfere with or affect the use, enjoyment or value of the neighbouring parcels of land"*. As stated, we could not access north part of our land for most of the summer. Point 3 says that *"the Applicant/Owner has agreed to work with adjacent neighbours to work a local Storm Water Management Plan to alleviate flood impact on adjacent landowners."* The Da Costas have not contacted us about a plan since then.

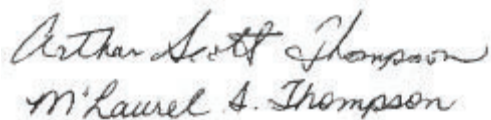
Because of our concerns, we had a Home Flood Risk Assessment done this July through the program offered by Rocky View County and have attached pertinent pages from that report. The assessment map indicates the overland water pooling marked as "A" in the maps. We have started some mitigating landscaping in this area after consulting a contractor but not sure this will be adequate.

The new house being currently built on the Shergill's property has brought in fill around the house. Although they have not filled in the east side of their land, adjacent to Da Costa, we are not sure how the change in topography will affect the snow melt pooling in the spring.

In conclusion, we do not oppose the subdivision of the proposed lands, but want to make sure that existing and future developments adhere to the conditions of storm water management from the 2017 Subdivision & Development Appeal Board Decision and any additional development, especially if more fill is required, strongly considers the effects on neighbouring properties.

Please take our concerns under advisement for your approval of this subdivision and contact us if you have any questions.

Sincerely,



Arthur Scott & M'Laurel Thompson



Attachments:

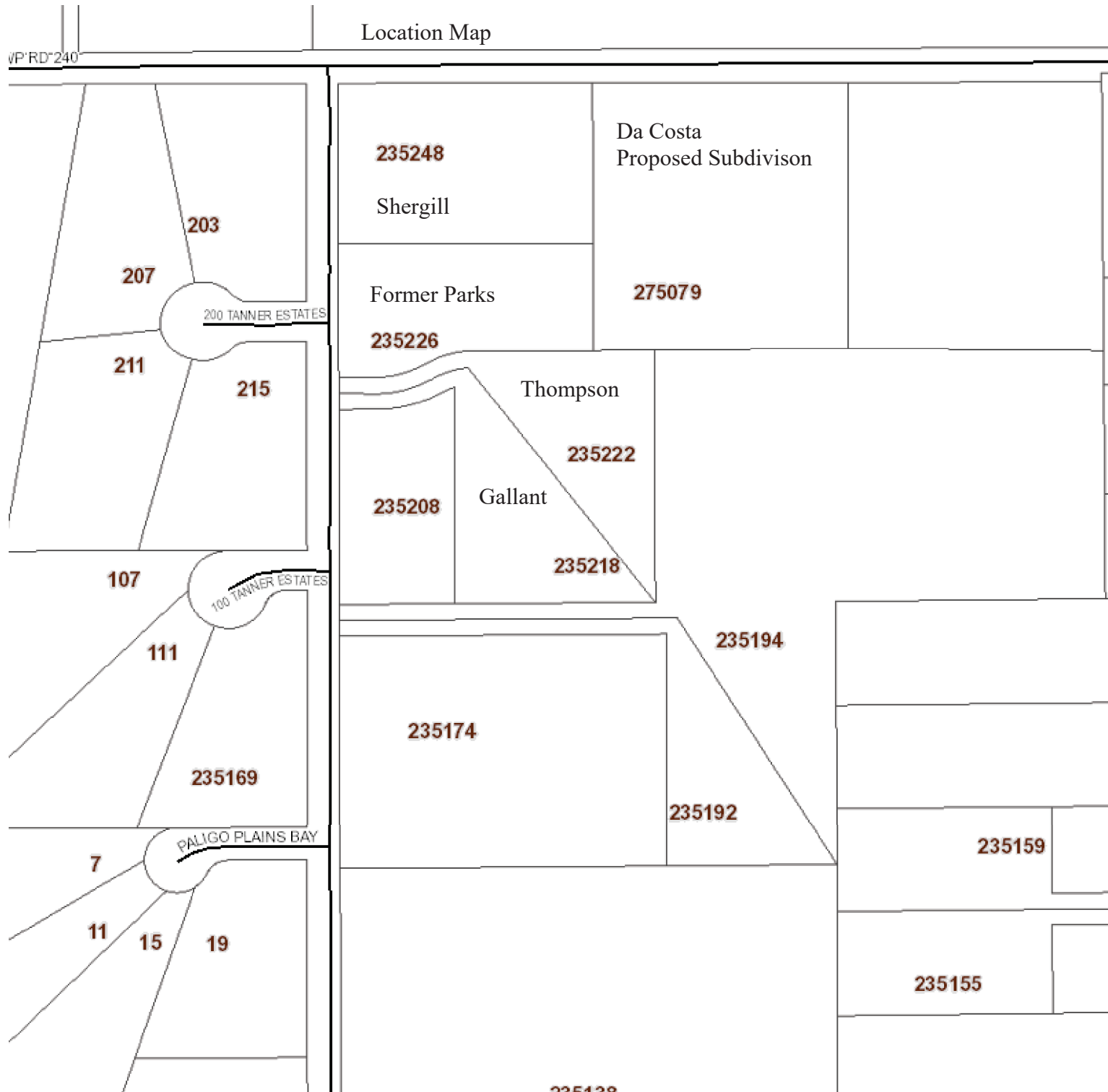
Location map

Pictures of overland water pooling

Pages from Subdivision & Development Appeal Decision File (Board Order No.:18-17, File No.: 03431039; PRD20164835)

Pages from Home Flood Risk Assessment Report

Location Map



Pictures of overland flooding from snow melt, April 2020



Pictures of overland flooding from snow melt, April 2020



Board Order No.: 18-17

Hearing Held: February 22, 2017

File No.: 03231039; PRDP20164835

ROCKY VIEW COUNTY
SUBDIVISION & DEVELOPMENT APPEAL BOARD
Development Appeal Decision

Chair: B. Kendall

Board Member: H. George

Board Member: D. Kochan

Board Member: L. Breakey

Board Member: I. Galbraith

Board Member: S. Hartley

APPELLANTS:Arthur Scott & M'Laurel Thompson
**APPLICANT/OWNER:**Joao Da Costa
76 Erin Park Drive SE
Calgary, AB T2B 2Z8**I DECISION:**

Having been satisfied that notice of this hearing was provided in accordance with the *Municipal Government Act*, R.S.A. 2000, Chapter M-26; upon having read the materials provided; and upon having heard the representations from the Appellant and the Development Authority with respect to the appeal filed by the Appellant of decision of the Development Officer, dated January 24, 2017, to approve a Development Permit for placement of clean fill (continuation of PRDP20152445) at Lot 2, Plan 9012277 in the NE-31-23-27-W4M (the "Lands"); the Rocky View County Development Appeal Board has decided to **DENY** the appeal and **VARY** the decision of the Development Officer. Development Permit PRDP20164835 is **APPROVED** subject to the following conditions:

Description:

1. That the placement of approximately 3,000.00 cubic metres of clean fill shall be permitted, in general accordance with Site Plan prepared by Osprey Engineering Inc. (dated November 2016) and the conditions of this permit.

Prior to Issuance:

2. That prior to issuance of this permit, an update to the Stormwater Management Plan prepared by Osprey Engineering shall be submitted, evaluating the impacts of the increased amount of fill placement and the new fill to be placed. The report shall also evaluate the pre and post development grades to determine if there are any new off-site impacts or impact to the existing on-site ponds due to the spreading of the proposed fill and re-grading of the subject lands. The evaluation shall also look at the impacts of the numerous stockpiles as shown in the included sketch in the Development Permit application, as well as after the fill has been spread over the subject lands.
3. That prior to issuance of this permit, the Applicant/Owner shall provide a soil testing analysis to the satisfaction of the County that confirms:
 - a. Texture is balanced and not over 40.00% clay;

- b. Organic matter is a minimum of 3.00%, and equal to or greater than the organic matter of the soil on the application site;
- c. SAR/EC rating is at least "good"; and
- d. PH value is in the "acceptable" range for crop growth.

4. That prior to issuance of this permit, a 1.5 m. (4.92 ft.) Drainage Easement shall be added to the west side of the Lands.

Permanent:

- 5. That the Applicant/Owner shall contact Rocky View County Road Operations for any fill to be imported to the subject land, and to provide truck haul details to determine if a Road Use Agreement is required for use of the County road system for hauling of fill material onto the property.
- 6. That a Deep Fill Report, prepared by a qualified geotechnical professional, providing the compaction testing results of the fill placed onsite, shall be submitted for any areas where the depth of fill placed exceeds 1.20 m (3.94 ft.). The Applicant/Owner shall be required to complete the site work in accordance with the approved Deep Fill Report.
- 7. That it shall be the responsibility of the Applicant/Owners to ensure the fill has been placed in a safe manner that does not cause slope stability issues, cause slumping, or cause any other related safety issues:
- 8. That no topsoil shall be removed from the site.
- 9. That the Applicant/Owners shall ensure no organic material is buried and capped in a manner that will cause methane gas related issues.
- 10. That the fill shall not contain large concrete, rebar, asphalt, building materials, organic materials, or other metal.
- 11. That the Applicant/Owners shall take effective measures to control dust on the parcel so that dust originating therein shall not cause annoyance or become a nuisance to adjoining property owners and others in the vicinity.
- 12. That if no future development of the proposed graded area occurs, the proposed graded area shall have a minimum of six inches of topsoil placed on top, which shall then be spread and seeded to native vegetation, farm crop, or landscaped, to the satisfaction of the County.
- 13. That the Applicant/Owners shall be responsible for rectifying any adverse effect on adjacent lands from drainage alteration.
- 14. That the site shall remain free of restricted and noxious weeds, and be maintained in accordance with the Alberta Weed Control Act.
- 15. That any plan, technical submission, agreement, matter or understanding submitted and approved as part of the application or in response to a Prior to Issuance or Occupancy condition, shall be implemented and adhered to in perpetuity.

Advisory:

- e. On June 10, 2016, development permit (PRDP20152445) was issued by the Development Authority for single lot regrading and the placement of approximately 1,200.00 cubic metres of clean fill.
 - f. On December 8, 2016, building permit (2013-BP-25813) for a dwelling, single-detached has had a progress inspection and is waiting on verification of the completion of several items outlined by the Safety Codes Officer. A framing inspection and final inspection for occupancy has not been completed to date.
8. The development permit application is for placement of clean fill. The development permit application is a continuation of a previously approved Development Permit (PRDP20152445) that was issued on June 10, 2016 for single lot regrading and the placement of clean fill.
- a. The proposed fill under Development Permit (PRDP20152445) was to be located around the dwelling, single-detached, with a volume of approximately 1,200.00 cubic meters.
 - b. As a result of Enforcement Services, it was determined that the Applicant/Owner was operating outside of the approved conditions of Development Permit (PRDP20152445) and, as a result, a new Development Permit is required.
9. The current Development Permit application (PRDP20164835) requests additional fill to be placed around the dwelling, with a volume of approximately 1,800.00 cubic metres. The total volume of fill being placed around the dwelling, single-detached, will be 3,000.00 cubic metres.
10. The Applicant/Owner is also requesting placement of fill to the north of an existing accessory building (barn/shop). The total volume of fill to be placed to the north of the existing accessory building (barn/shop) is 1,120.00 cubic metres.
11. The total amount of fill being proposed with the current development permit application is 2,920.00 cubic metres.
12. On January 24, 2017, the Development Authority conditionally approved the development permit application because the Development Permit application met the requirements of the Land Use Bylaw.
13. The Lands do not fall within any approved Statutory Plans and has been evaluated in accordance with the provisions of the Land Use Bylaw. The Land falls under the City of Chestermere notification area and the City of Chestermere was circulated with notification of the application and no comments were received.
14. On February 6, 2017, the decision of the Development Authority was appealed by an adjacent landowner on the grounds that:
- a. The current clean fill grading of the property has been directed downward to our property, which is causing storm water drainage issues for us. Our north side of our property and Northeast septic field is wet and saturated making the field and land unusable.
15. The Lands do not fall within any approved Statutory Plans and were evaluated in accordance with the provisions of the Land Use Bylaw.
16. Arthur Scott Thompson, the Appellant, was in attendance at the hearing and stated that:

in the north portion of their property. Overflow from this dugout flows north into an adjacent property to the west of Mr. Da Costa's land. Culverts exist through Mr. Da Costa's property to drain the land to the west toward the east. It must be noted that this situation has existed unchanged for several years, at least prior to 2007 according to Google Earth air photos.

- b. The placement of material near Mr. Da Costa's dwelling directs most runoff towards the existing pond in the west half of the property.
- c. The proposed placement of fill does not alter grades along the property line and does not alter the overland flow to Township Road 240.

26. The Board confirmed that the Development Appeal Board does not make decisions based on precedence and that each and every development permit appeal is heard on its own merit

27. The Board confirmed with Administration that the notification of the Development Appeal Board hearing was circulated to thirty-two (32) adjacent neighbours in accordance with the notification requirements of the *Municipal Government Act*.

III REASONS FOR DECISION

The Board is **DENYING** the appeal and **VARYING** the decision of the Development Officer. The Development Permit PRDP20164835 is **APPROVED** for the following reasons:

1. The Board is satisfied that stripping, filling, excavation, and grading activities are appropriate discretionary uses in a Residential Two (R-2) District.
2. The Board's variance power is set out in Section 687(3)(d) of the *Municipal Government Act* which provides that the Board may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
 - (i) the proposed development would not:
 - (A) Unduly interfere with the amenities of the neighbourhood, or
 - (B) Materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land, and
 - (ii) The proposed development conforms to the use prescribed for that land or building in the land use bylaw.
3. The Board heard and is satisfied that the Applicant/Owner has agreed to work with adjacent neighbours to work a local Storm Water Management Plan to alleviate flood impact on adjacent landowners.
4. The Board is satisfied that condition # 2 in the conditional approval of the development permit will satisfy the Appellant's concerns that the water flow will be managed.
5. The Board is satisfied that the fill work will be restricted to the east side of the Lands.



Home Flood Risk Assessment Report

Prepared for Scott Thompson

Box 46 Site 7 RR7 LCD 1, 235222 Rge Rd 275A Calgary , AB T2P2G7



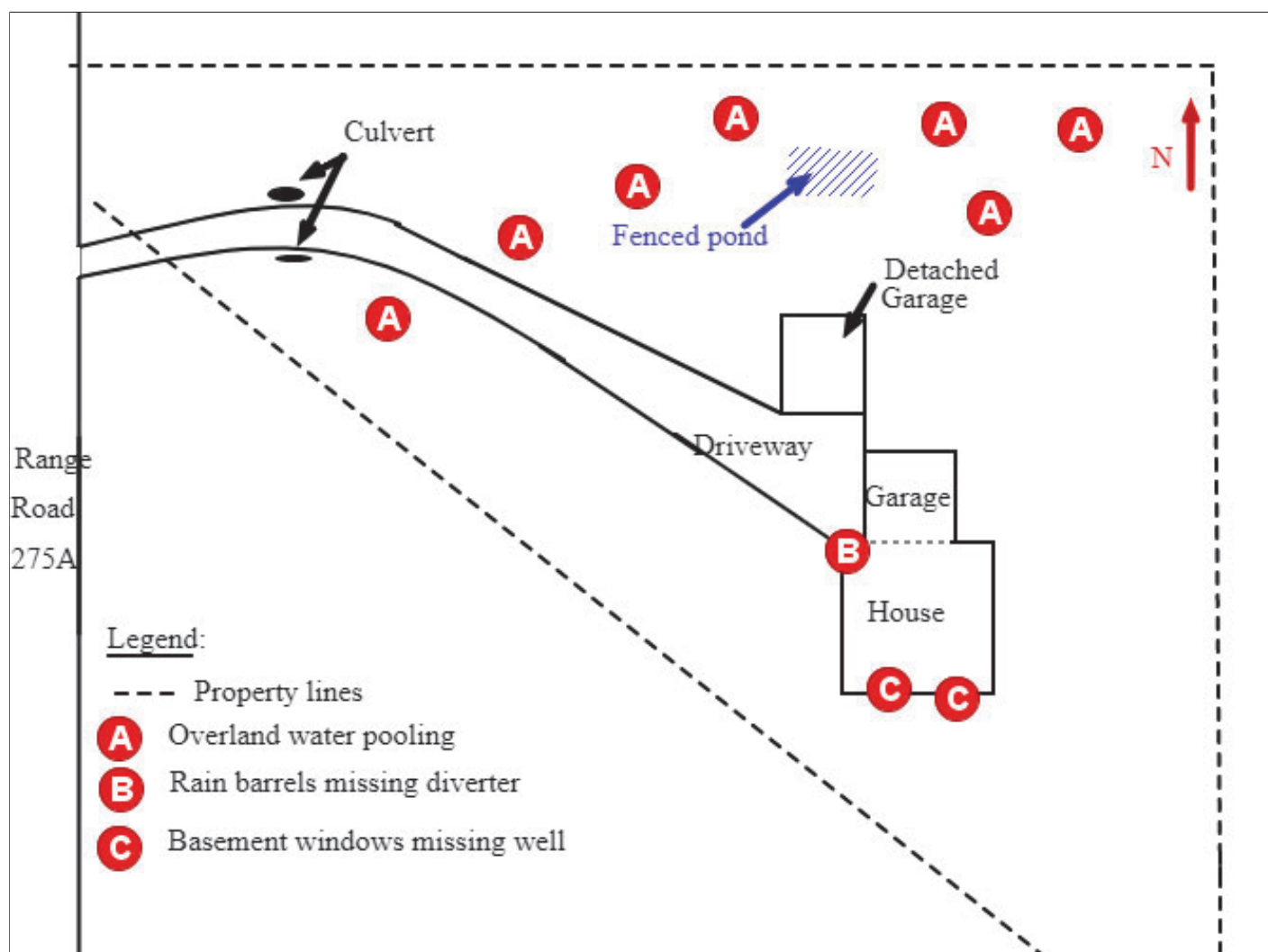
Date Completed: July 30, 2020
Assessor Name: Guy Brunel
Assessor Email: gbrunel@aet98.com

Prepared on behalf of AET Group www.aet98.com 1-877-876-9235



Outside Assessment Summary Top-Ranked Opportunities to Reduce Flood Risk

All features and maintenance practices that were assessed as "poor/ needs further investigation", require specific mention based on questions asked by the homeowner or are marked as "out of scope" but deserve further consideration, have been compiled into this summary.



Outside Diagram

Assessed Features

Fig	Assessed Feature and Best Practice	Type of Water Damage	Assessment	Opportunity to Reduce Risk
A	Overland drainage of property- Twenty four hours after a heavy rain do you see ponding or pooling on your property or in nearby storm drains or drainage ditches? Twenty four hours after a heavy rain, water does not pool on the subject property or in nearby storm drains or drainage ditches. If drainage swales are present on the property they are unblocked and are at least 15cm (6") deep.	OW	Twenty four hours after a heavy rain, water pools heavily on the subject property or in nearby storm drains or drainage ditches. If drainage swales are present on the property, they are blocked or are less than 15cm (6") deep.	See A on Outside Diagram .. Homeowner reports water pooling heavily on the subject property. Correct property grading to ensure water flows away from foundation AND/OR work with a qualified contractor to improve the ability of the property to soak up water. Consider working with a qualified landscape professional to install a French drain, bioswale, rain garden or infiltration gallery/ drainage swale at least 5m (15') away from the foundation to soak up extra water. Contact the government department with jurisdictional authority if storm drain or drainage ditch is not emptying within 24 hours. Note: Consult the government department with jurisdictional authority about drainage by-laws if any significant grading or drainage change is being considered.
B	Rain barrels- Are rain barrels installed to prevent overflow? The rain barrel has a diverter and overflow discharge pipe that delivers water at least 1.8m (6') from the foundation or to a drainage swale.	GS	The rain barrel has no diverter and/or has an overflow discharge pipe that delivers water 1-1.8m (3'6"-6') from the foundation or to a drainage swale.	See B on Outside Diagram .. Install a diverter and extend the overflow pipe to at least 1.8m (6') away from foundation or to a drainage swale.
C	Window wells - Are window wells installed in such a way that they reduce flood risk? For each window that is less than 10-15cm (4-6") above the ground surface, a window well is present and sits at least 10-15cm (4-6") above grade. The window well is sealed at the foundation and the grading adjacent to wells slopes away from the home at a minimum of 5%. Consider installing window wells covers to further reduce risk.	OW	For each window that is less than 10-15cm (4-6") above the ground surface, a window well is not present . OR Requires further investigation.	See C on Outside Diagram .. Consider installing window wells on South side basement windows. Work with a qualified professional to install a window well with adequate drainage. Correct grading adjacent to the window wells to slope 5% away from home. Consider installing window well covers to further reduce risk.

Additional Comments: Homeowners reports water pooling on their property since newer property was built on Northeast corner with additional grading. Water is not draining properly away from subject property and is heavily pooling on the north side of land and around driveway.

From: [Deborah blum](#)
To: [Althea Panaguiton](#)
Subject: [EXTERNAL] - file 03231039 Lot 2 Block Plan 9012277 NE 31 23 27 W04M
Date: November 23, 2020 9:46:43 AM

Do not open links or attachments unless sender and content are known.

I am writing with respect to the above property Lot 2, and subdivision plans. I will be grateful if we could speak on this.

I cannot object to subdivision and development that benefits the neighborhood/is positive and allows greater enjoyment of that unique area, and does not negatively impact adjoining property. The subdivision (and continued development) of Lot 2 is however worrying if it directly negatively impacts water levels on Lot 3, my mother's /my property. I assume it may do so, depending on where a new property demarcation/ boundary is placed. Please note following.

When I was at Lot 3 last month, I compared aerial photos of the area from the last 20+ years (obtained from Rocky View County). I lived overseas until about 5 years ago, and my mother owned the property, but due to ill health had not visited it for some time. She died last year and I have tried to manage it. I am concerned with activity on Lot 2 that substantially regraded it and substantially impacted a large pond that straddled Lot 2 and my adjoining property at TWP RD 240/RGE RD 275A, NE 31 23 27 04 **Lot 3** Plan 9012277.

Early photos show a single pond area that straddled Lots 2 and 3, and also abutted TWP RD 240. Later photos show evidence of activity that filled a large section of that pond area on Lot 2, adjacent to the property boundary between Lots 2 and 3. (From the photos, that activity also created a separate pond on Lot 2.) That segment of filled in pond on Lot 2 (and what now appears to be a road) and adjacent ground seems also to have been raised by 3+ feet higher than the remaining section of pond on Lot 3.

I was told by some in the area that fill appears to be added intermittently to that boundary area on Lot 2.

I am concerned that activity on Lot 2 continues to increase the water burden on Lot 2. I'm concerned whether prospective subdivision and development on Lot 2 property will further increase the water burden on Lot 2. (Although I'm told that Rocky View County planners don't typically approve development activity that diverts water courses or features that impact other properties.)

I would be grateful to discuss this with you. As a courtesy, I had sent a mail with these thoughts to the landowner of Lot 2, but have not received a response. (I am currently in Nanaimo British Columbia.)

Thank you,
Yours sincerely,

Deborah Blum

[REDACTED]

[REDACTED]

Sent from [Outlook](#)