

PLANNING AND DEVELOPMENT SERVICES

TO:	Municipal Planning Commission Subdivision Authority	DIVISION: 8
DATE:	June 23, 2021	APPLICATION: PL20210013
FILE:	05629083	
SUBJECT:	Subdivision Item – Creation of One Residential Lot	

APPLICATION: To create a ± 1.62 hectare (± 4.00 acre) parcel (Lot 1) with a ± 3.49 hectare (± 8.63 acre) remainder (Lot 2).

GENERAL LOCATION: Located within the Bearspaw community, approximately 0.25 mile west of the city of Calgary, and on the north side of Aspen Drive.

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

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

OPTIONS:

Option #1: THAT Subdivision Application PL20210013 be approved with the conditions noted in Appendix 'A'.

Option #2: THAT Subdivision Application PL20210013 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.

<p>APPLICABLE POLICY AND REGULATIONS:</p> <ul style="list-style-type: none"> • <i>Municipal Government Act;</i> • Subdivision and Development Regulations; • County Plan; • Land Use Bylaw; and • County Servicing Standards. 	<p>TECHNICAL REPORTS SUBMITTED:</p> <ul style="list-style-type: none"> • Appraisal Report (Weleschuk Associates Ltd. January 18, 2021) • Confirmation Letter from Rocky View Water Co-op (March 5, 2021) • Level 4 PSTS Assessment (Osprey Engineering Inc., April 23, 2021) • Stormwater Management Plan (Stormwater Solutions, March 25, 2021) • Final Stormwater Management Plan (Stormwater Solutions, June 8, 2021)
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Transportation:

The property is accessed by the existing paved approach off Aspen Drive. As a condition of the subdivision, the Owner is required to upgrade the existing approach to a mutual paved approach for the two lots, enter into an Access Easement Agreement.

The applicant will also be required to provide payment of the Transportation Off-Site Levy for the new lot (Lot 1).

Water and Wastewater:

The Applicant provided a letter from Rocky View Water Co-op, confirming that there is sufficient capacity to service the proposed two lots (Lot 1 & 2). A Level 4 PSTS Assessment was also received, which recommended that a treatment mound be installed. As a condition of the subdivision, the Owner is required to connect to Rocky View Water Co-op distribution system and enter into a Site Improvements Services Agreement to install a treatment mound and a treatment field system on each lot.

Stormwater:

There have been historic stormwater concerns in this area, and the adjacent landowner to the west and east have expressed concerns about overland flooding issues. In response, Administration advised the Applicant to provide a Site-Specific Stormwater Management Plan at the application review stage to address these concerns.

The submitted Site-Specific Stormwater Management Plan indicated that the development will not measurably increase the rate or volume of drainage runoff after the implementation of rain gardens and a bio-retention area. The rain gardens and the retention ponds are designed to accommodate a 1:500 year flooding capacity. The proposed solution would support the subdivision and reduce the amount of release of runoff to the downstream receiving bodies, which helps address the existing drainage concerns from the adjacent properties. As a condition of the subdivision, the Owner is required to enter into a Site Improvements Services Agreement with the County to implement the recommendations of the Stormwater Management Plan.

Municipal Reserves (MR):

MR owing for the subject land will be provided by cash-in-lieu payment through this application.

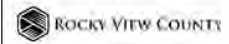
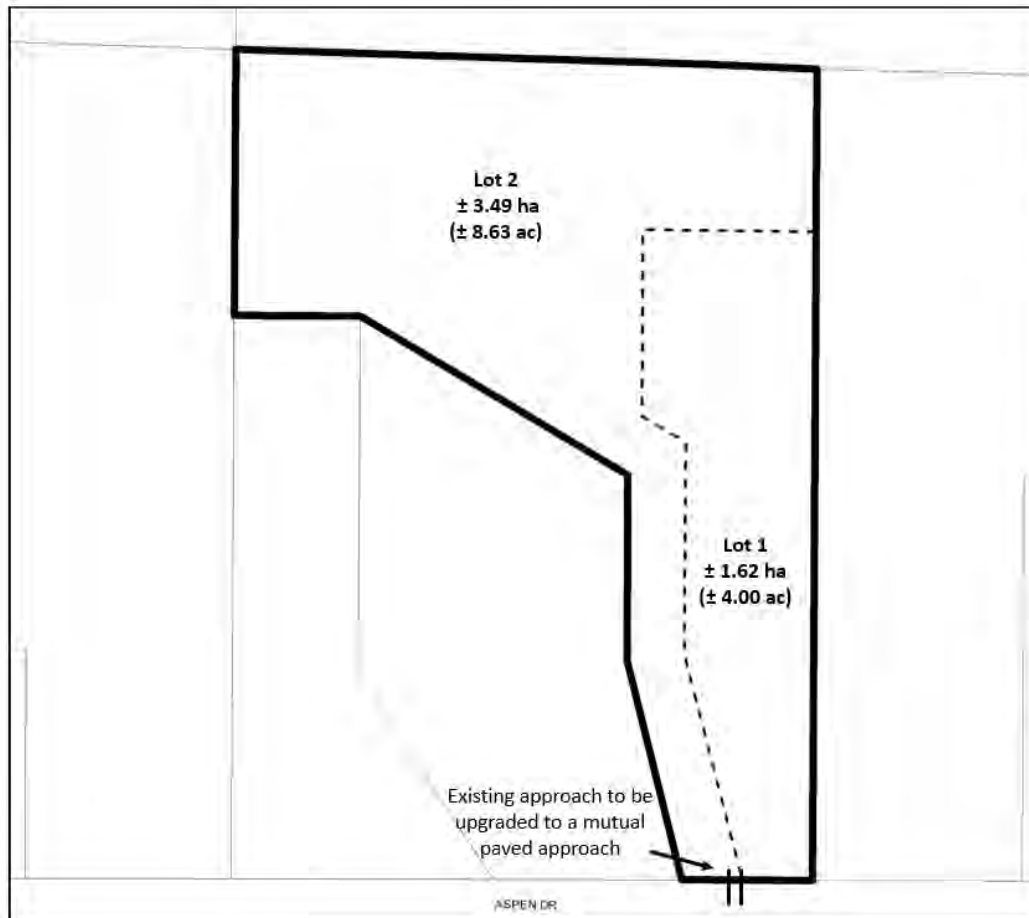
*Payments and Levies:*

APPLICABLE FEE/LEVY	AMOUNT OWING (ESTIMATE)
<i>Transportation Off-Site Levy</i>	\$18,380 Development Area = 4.00 acres (new lot only) Base Levy \$4,595 per acre x 4.00 acres = \$18,380
<i>Municipal Reserve</i> <i>(cash in lieu payment)</i>	\$74,000 \$740,000 (market value for the subject land) x 10% = \$74,000

Land Use Bylaw:

The proposal meets the parcel size requirements of the Residential, Rural District (R-RUR) within the Land Use Bylaw.

Tentative Plan



Tentative Plan

Subdivision Proposal

To create a ± 1.62 hectare (± 4.00 acre) parcel (Lot 1) with a ± 3.49 hectare (± 8.63 acre) 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: 05629083
File: PL20210013
Legal: Lot 6, Block 10
Plan: 1911658
NE-29-25-02-W05M
Printed: Jan 25, 2021



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 'A': APPROVAL CONDITIONS

- A. The application to create a ± 1.62 hectare (± 4.00 acre) parcel (Lot 1) with a ± 3.49 hectare (± 8.63 acre) remainder (Lot 2) within Lot 6, Block 10, Plan 1911658, NE-29-25-02-W05M, 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 upgrade the existing approach to a mutual paved approach, 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.

Site Servicing

- 3) The Owner shall provide confirmation of a tie-in for connection to the Rocky View Water Co-op, for the proposed lots as shown on the Approved Tentative Plan. This includes providing the following information:
 - a) Confirmation from the water supplier that an adequate and continuous piped water supply is available for the proposed Lots 1 & 2;
 - b) Documentation proving that water supply has been purchased for the proposed two (2) lots;
 - c) Documentation proving that water supply infrastructure requirements, including servicing to the property, have been installed, or installation is secured between the developer and water supplier, to the satisfaction of the water supplier and the County.



ROCKY VIEW COUNTY

- 4) The Owner shall enter into a Development Agreement (Site Improvements/Services Agreement) with the County for the proposed Lots 1 & 2, which shall include the following:
 - a) For the construction of a treatment mound system in accordance with the Level 4 PSTS Assessment prepared by Osprey Engineering Inc., dated April 23, 2021
 - b) For the construction of rain gardens and bio-retention areas in accordance with the recommendations of the Stormwater Management Plan prepared by Stormwater Solutions, dated June 8, 2021

Municipal Reserve

- 5) The provision of Municipal Reserve in the amount of 10 % of the subject land, as determined by the Plan of Survey, is to be provided by payment of cash-in-lieu in accordance with the market value shown in the appraisal report prepared by Weleschuk Associates Ltd., dated January 18, 2021, pursuant to Section 666(3) of the *Municipal Government Act*.

Payments and Levies

- 6) 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 the new lot (Lot 1) as shown on the Plan of Survey.
- 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.

Taxes

- 8) 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 the 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.

**ATTACHMENT 'B': MAPS AND OTHER INFORMATION**

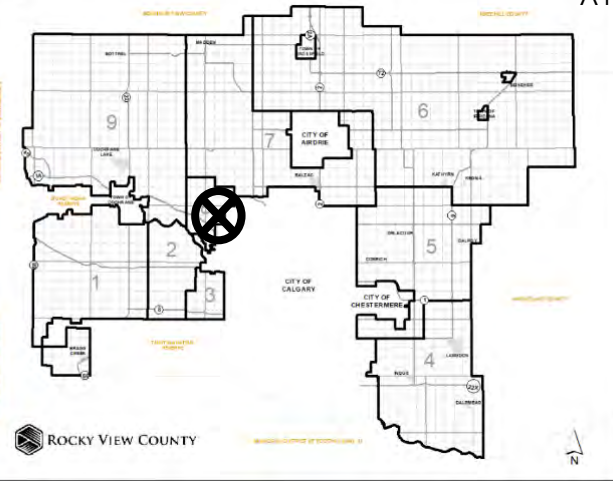
APPLICANT: Konschuk Consulting	OWNER: Muhammad & Nida Basit
DATE APPLICATION RECEIVED: January 21, 2021	DATE DEEMED COMPLETE: June 8, 2021
GROSS AREA: ± 5.11 hectares (± 12.63 acres)	LEGAL DESCRIPTION: Lot 6, Block 10, Plan 1911658, NE-29-25-02-W05M
APPEAL BOARD: Subdivision and Development Appeal Board	
HISTORY: <p>September 19, 2017: Subdivision Authority approved subdivision application PL20170081, to adjust the boundaries between a ± 1.77 hectare (± 4.38 acre) parcel and a ± 5.66 hectare (± 14 acre) parcel in order to create a ± 2.33 hectare (± 5.76 acre) parcel and a ± 5.11 hectare (± 12.62 acre).</p> <p>July 28, 2015: Subdivision Authority approved subdivision application PL20140123, to create a ≥ 1.60 hectare (≥ 3.95 acre) lot with a ± 5.84 hectare (± 14.43 acre) remainder.</p>	
PUBLIC & AGENCY SUBMISSIONS: <p>The application was circulated to 94 adjacent landowners. Two (2) letters with concerns were received.</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 ± 1.62 hectare
(± 4.00 acre) parcel (Lot 1)
with a ± 3.49 hectare
(± 8.63 acre) remainder
(Lot 2).



Division: 08
Roll: 05629083
File: PL20210013
Legal: Lot:6, Block:10
Plan:1911658
NE-29-25-02-W05M
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Development Proposal

Subdivision Proposal

To create a ± 1.62 hectare
(± 4.00 acre) parcel (Lot 1)
with a ± 3.49 hectare
(± 8.63 acre) remainder
(Lot 2).



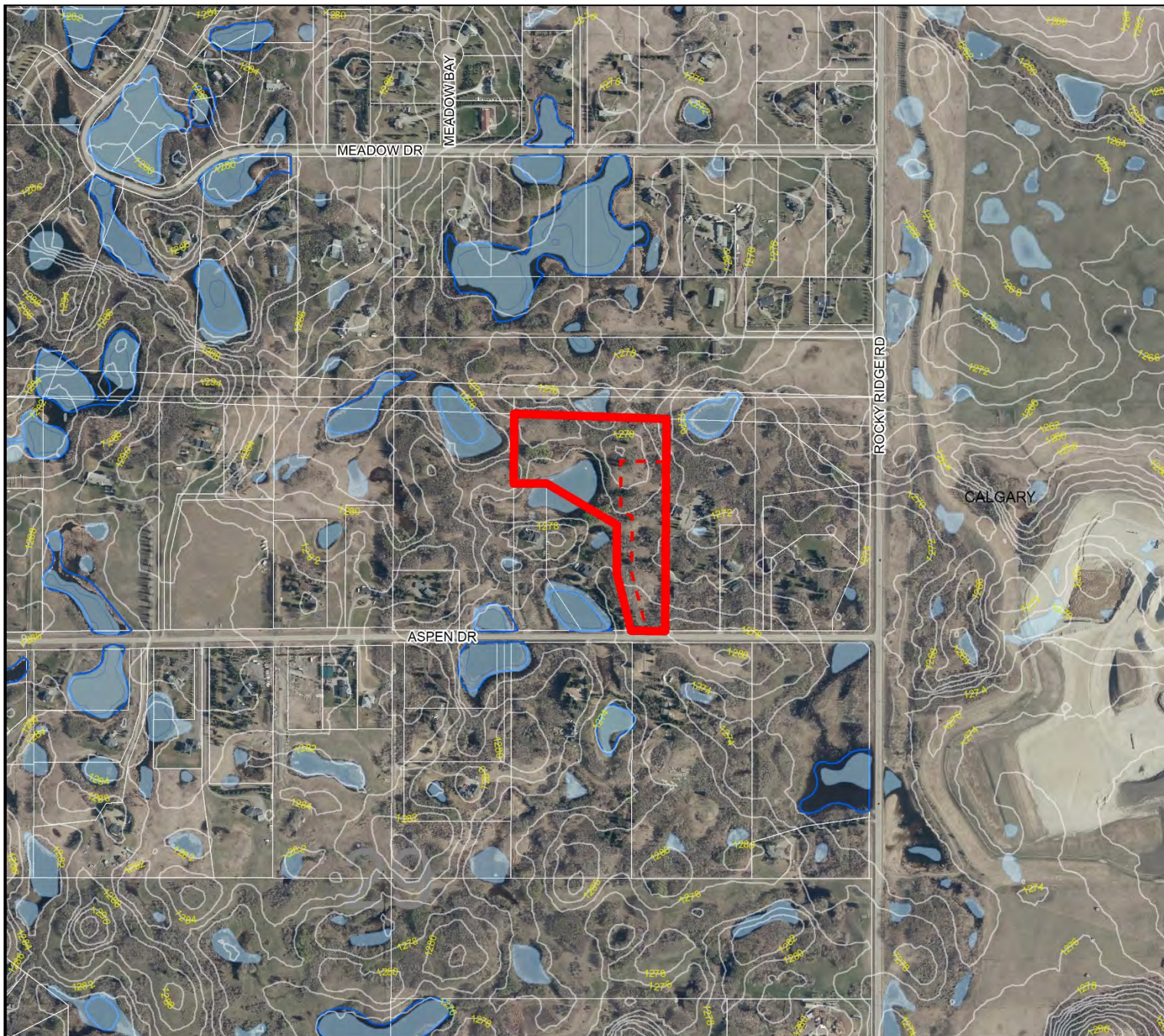
Division: 08
Roll: 05629083
File: PL20210013
Legal: Lot:6, Block:10
Plan: 1911658
NE-29-25-02-W05M
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Environmental

Subdivision Proposal

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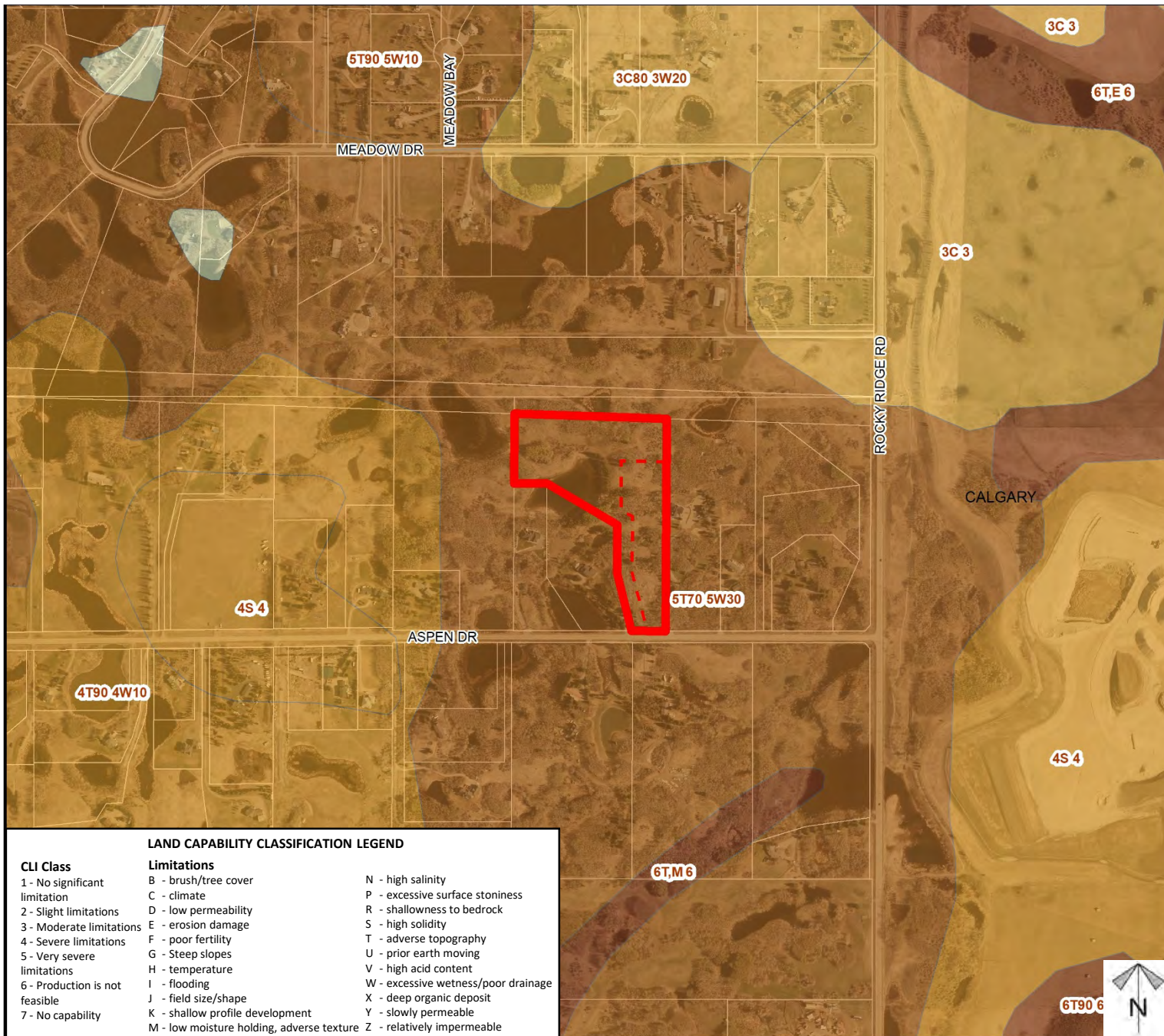
- Subject Lands
- Contour - 2 meters
- Riparian Setbacks
- Alberta Wetland Inventory
- Surface Water

Division: 08
 Roll: 05629083
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Soil Classifications

Subdivision Proposal

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Landowner Circulation Area

Subdivision Proposal

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Legend

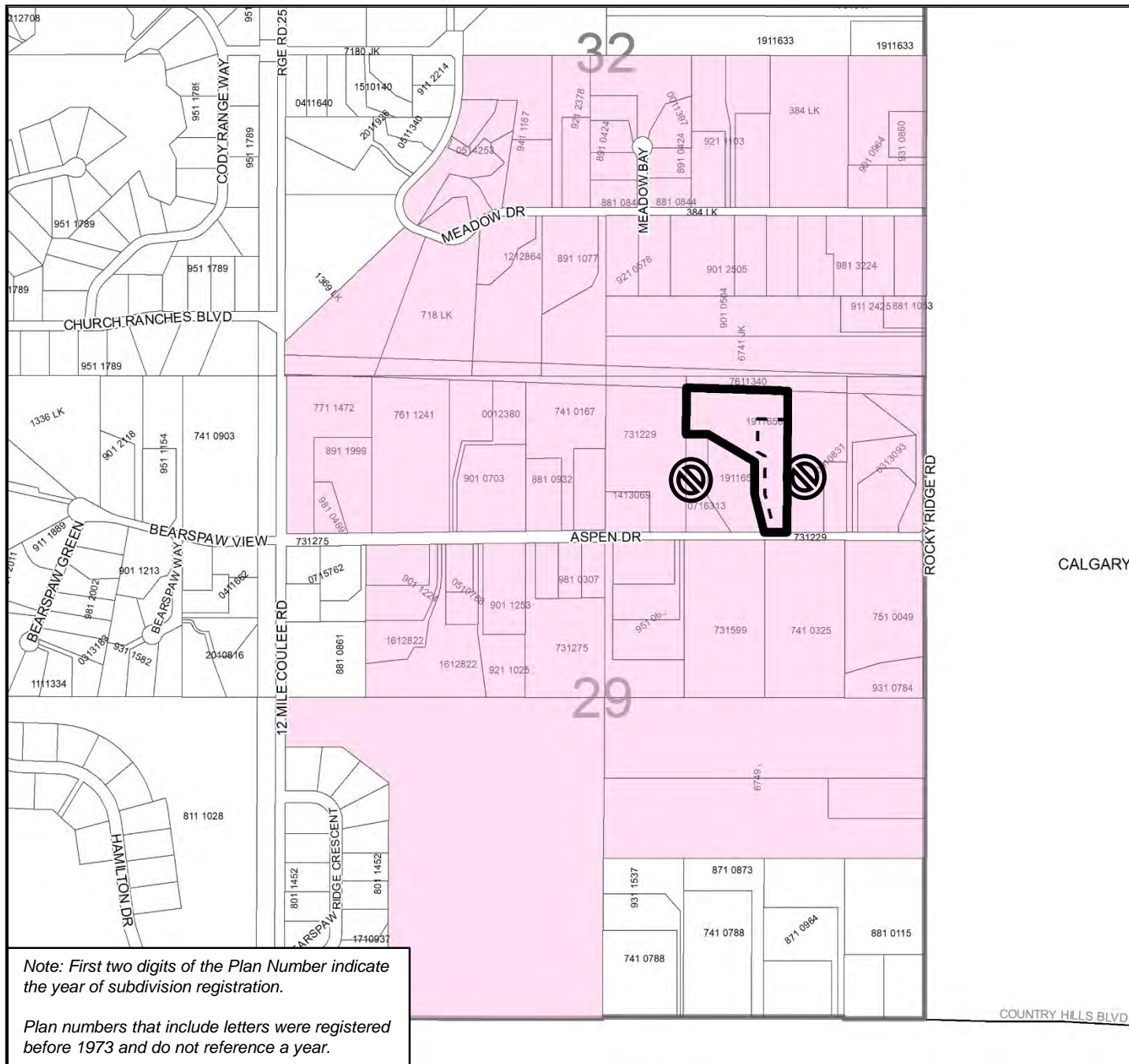
Support



Not Support (2)



Division: 08
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Tentative Plan

Subdivision Proposal

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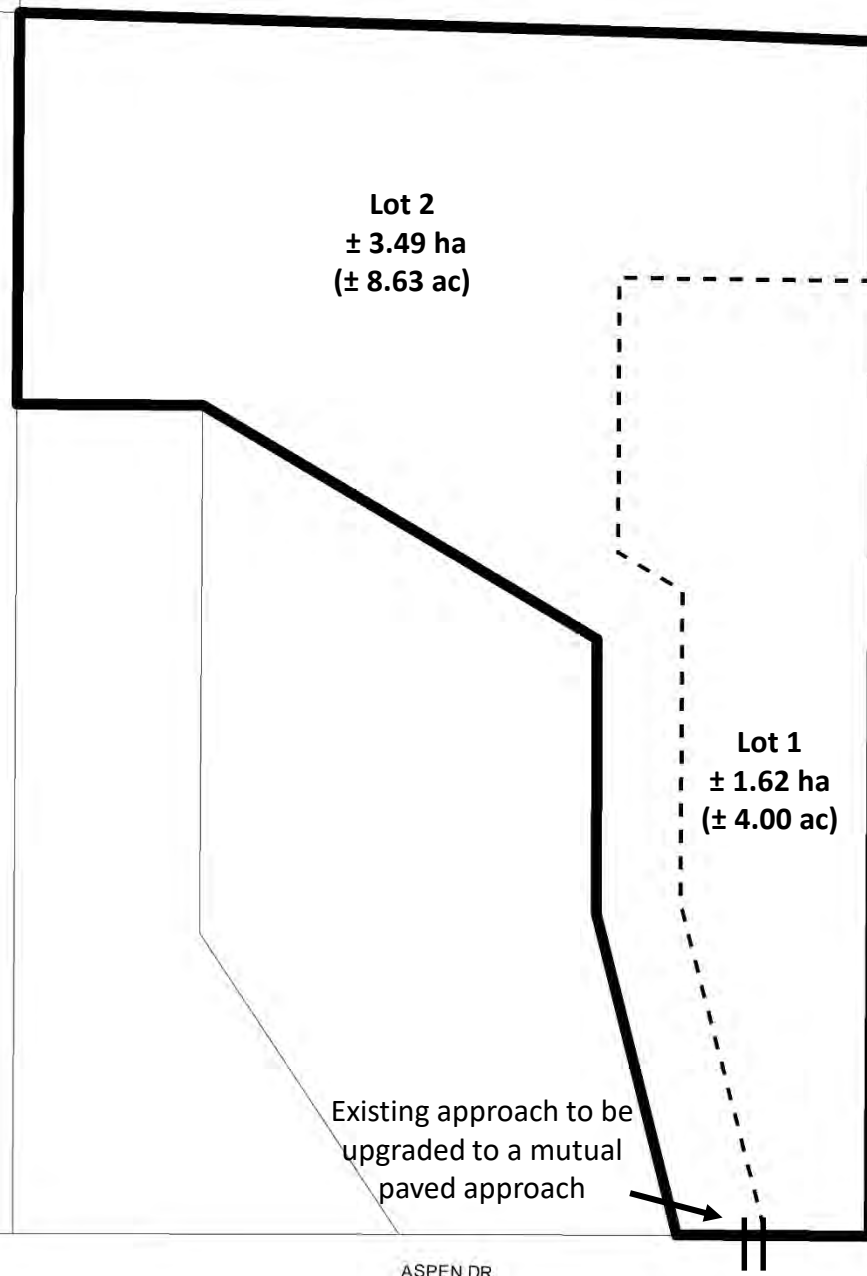
Legend

Dwelling	
Building	
Water Well	
Wastewater	
Existing Approach	
New Approach	
Driveway	
Road Widening	
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: 08
 Roll: 05629083
 File: PL20210013
 Legal: Lot:6, Block:10
 Plan: 1911658
 NE-29-25-02-W05M
 Printed: Jan 25, 2021



*Mark & Colleen Kwasnicki
20402 Aspen Drive
Bears paw, Alberta
T3R1A5*

Planning and Development Services Department,
Rocky View County – 262075 Rocky ViewPoint,
Rocky View County, AB T4A 0X2

February 25, 2021

File Number: 05629083

Subject: Regarding Application #PL20210013

Dear Xin,

- I live directly east of the proposed subdivision (Next door). I have been a resident here with my wife and family for 25 years, and a resident of Bears paw for 29 years.
- Over the past 12 years I have had Randy Sweeny – Environmental protection officer and other staff from Alberta Environment and Rocky View County Bylaw Enforcement Staff attend to our property in an attempt to stop the pumping of water from this property onto my property. Including last year.
- I have had to repair damage to my back yard twice, due to flooding which was caused by pumping from this property onto our property. Re-seeding and the replacement of dead trees was required to bring our land back to what it was prior to the pumping of water. As a preventative measure I have been forced to build dry creek beds to minimize future damage.
- In November 2014, when Ben Mercer was a planner at Rocky View County, the previous owner tried to subdivide this same parcel into two lots as per file #05629001. Along with Michele Habrylo engineer at Rocky View County, they had determined that this wasn't sustainable due to storm water issues and was left as the 12+ acres. Nothing has changed in this time frame to mitigate any of these issues. See emailed attachment.
- The subject lands hold a large volume of surface water (approx. 3 – 4 acres) in multiple ponds throughout the property which continue to accumulate surface drainage from other upstream lands. Any additional clearing of the existing vegetation and filling in of low-lying areas, will cause further damage. The previous landowner has already stripped and cleared a portion of these lands in anticipation of subdivision approval, without acquiring any permits. The subdivision was never approved. With the vegetation removed, the water is now running more quickly and freely, directly onto my property. This property was just sold a few months ago, we are concerned that these new owners may have been sold a story about being able to subdivide. Arial Photos are attached in email that shows clearing, after 2014 and before.
- There is a safety hazard caused by the water filling the ditches along Rocky Ridge Road and Aspen Drive which the County is aware of and have been pumping off for years. Nevertheless, there has never been an approved long term solution in place. **Someone needs to be accountable before another subdivision is approved, and not in anticipation of something happening, such as additional flooding.**
- Past councilors and Councilor Samantha Wright, who has worked diligently with the community on matters related to storm water and subdivision, has worked with County Engineers and surrounding neighbors to come up with some kind of solution in our area. They were working with MPE Engineering and other engineers on behalf of the County to address this issue. It seems counterproductive to allow

any subdivision in this catchment area until the issue is rectified in a way that is satisfactory to all stakeholders.

- All the water from approximately 300 to 400 acres is goes through our land. When everyone upstream from our land starts pumping water during heavy rain events it just adds more water that is flooding into our land, as we are at the low end of the land. This has been caused by all of the fragmented subdivisions that have taken place over the years, without a solid storm water management plan being implemented.
- In the RVC's "Report to Bearspaw" from July of 2014 it states, "Proposals must protect the safety of residents and protect their property from flooding." **Adding more gas to the fire does not make sense.**
- This subdivision or any subdivision in any of the areas affected needs to have an **overall conceptual plan, a master site development plan and a master storm water drainage plan** before any subdivision is approved.
- As most of the properties in this effected area are 10-20 acre parcels, and with the city on our doorstep, it is inevitable that they will ultimately try to subdivide which will cause more stress on the storm water problems that are in place now and in the coming years. **Therefore, a storm water master plan is desperately needed and needs to be paid for by people developing their lands.**
- **It is the RVC's duty to protect the current landowners before any subdivision is approved in all the catchment area.** I am in an extremely vulnerable location at the end of this drainage system where all the storm water is proposed to flow through. It is not acceptable or reasonable to burden one land owner with this onus, without knowing what the final outcome will be increased densities in the area.
- I feel that until the planning issues are resolved there should be no consideration for any subdivision in this area including right next door to our property, with all the underlying storm water issues. Rocky View County did not even consider two lots on this back in 2014 as referenced above because of the storm water situation. And here we are again, with the new land owners trying to subdivide the same parcel into two lots.
- Our area of Aspen Drive needs an approved overall **conceptual scheme, a master site development plan and a master storm water drainage plan** for the entire 400 acres (or affected areas). Which should be the burden of the person subdividing their land or any other lands in our area.
- **This subdivision or any subdivision in this area should not be considered until the existing long-standing storm water issues are rectified.**
- The "one off" approach to development in this part of Bearspaw has had a negative impact on drainage, creating damming, flooding and the destruction of vegetation and usable land. This has to stop and the County needs a viable, long-term plan for growth. Especially in certain areas like this where we are susceptible to major flooding.

It's time in this area that any individual coming forward with a proposed subdivision should be burdened with the cost of a conceptual scheme, master site development plan and stormwater management plan, just as developers are required to do.

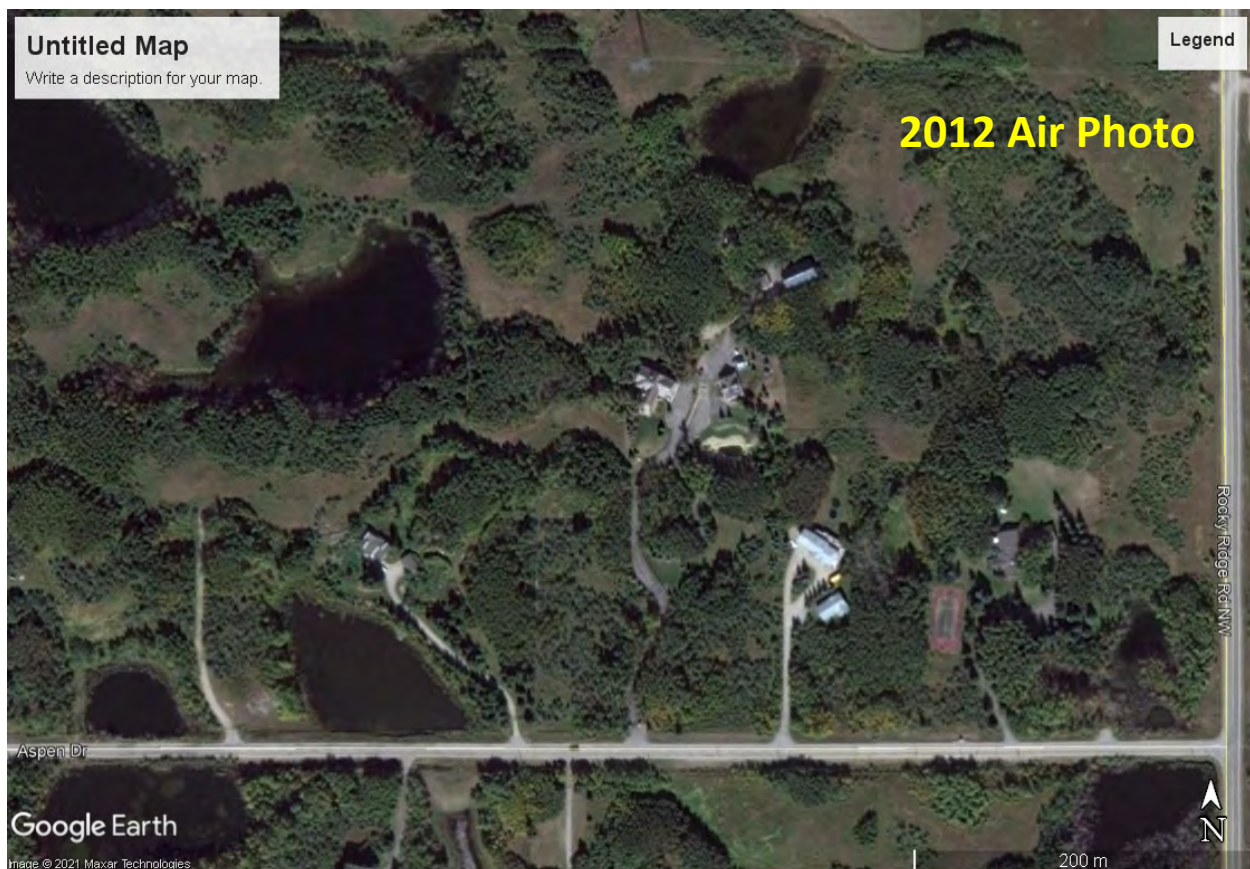
Given the situation on Meadow Drive as it does affect us and this area directly.

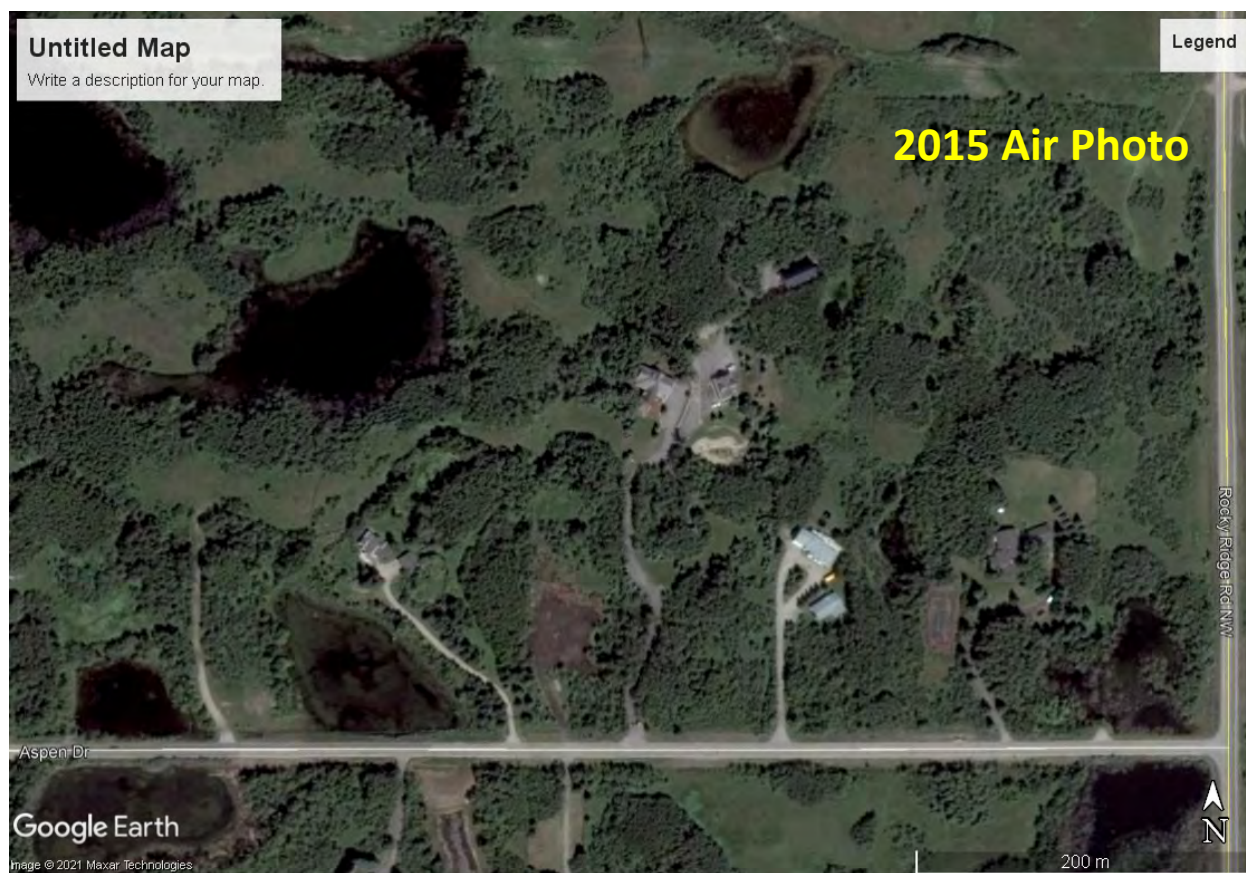
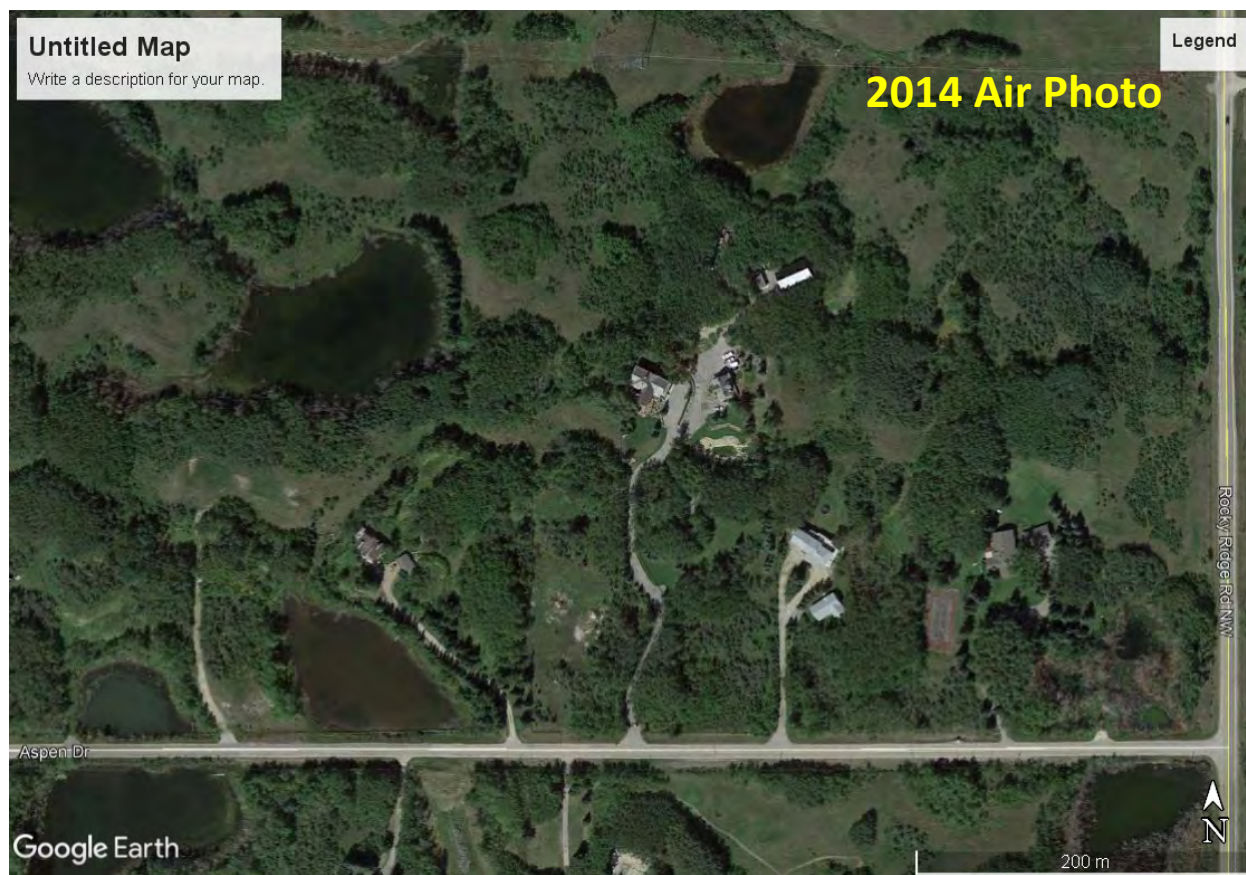
Please keep me informed on how the County plans to address this matter and my comments.

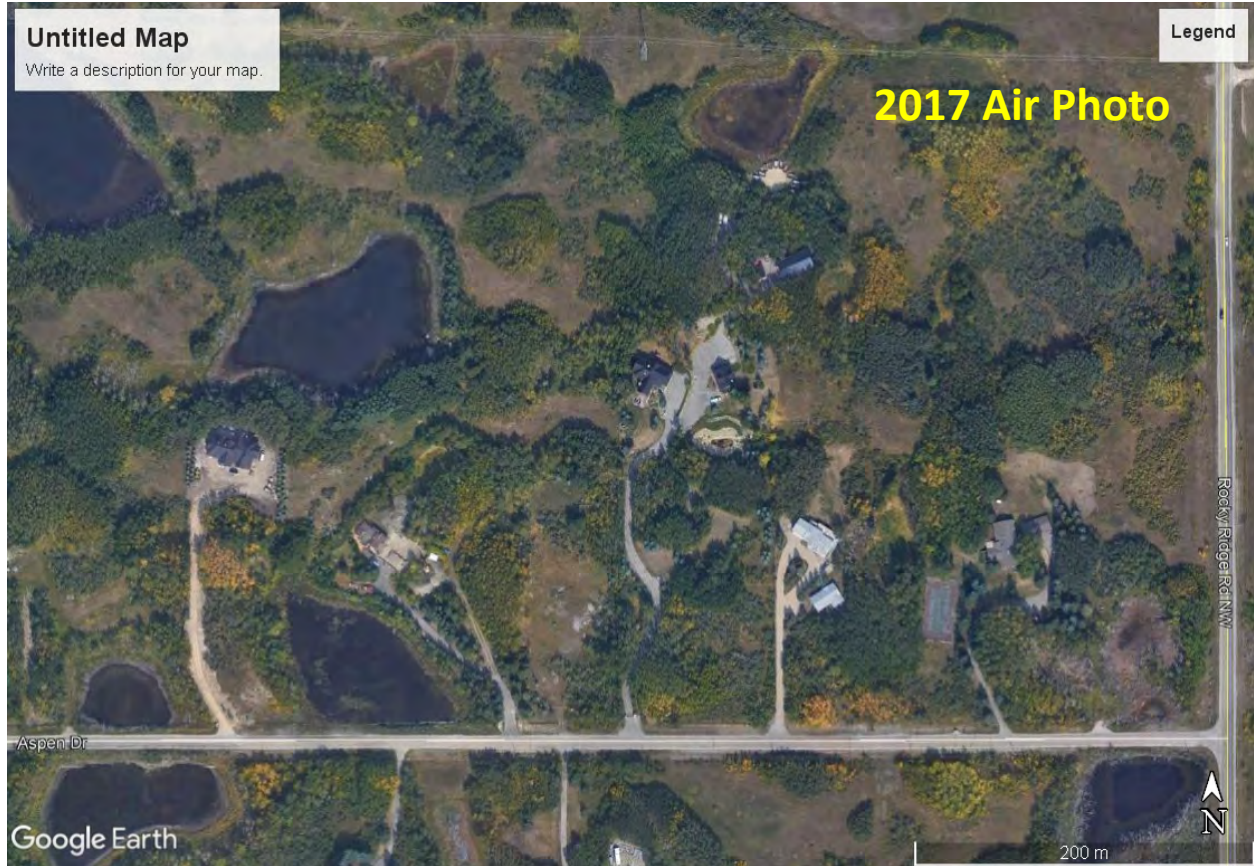
Best Regards,

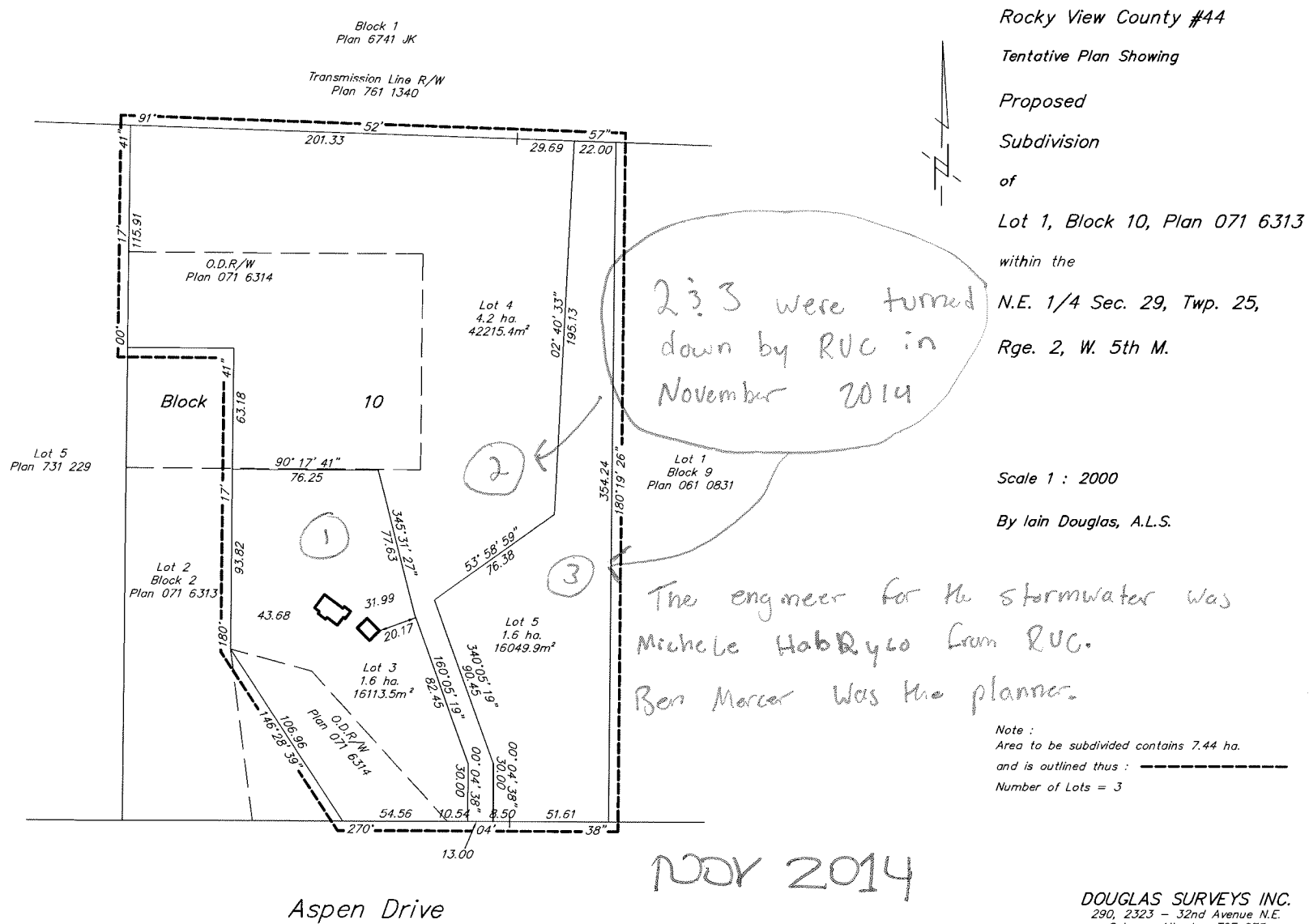
Mark & Colleen Kwasnicki

[REDACTED]
[REDACTED]









Subdivision Proposal: To create a ≥ 1.60 hectare (≥ 3.95 acre) lot (Lot 1) with a ± 5.84 hectare (± 14.43 acre) remainder (Lot 2).

**LOT 2
(REMAINDER)**
 ± 5.84 ha
(± 14.43 ac)

LOT 1
 ≥ 1.60 ha
(≥ 3.95 ac)

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.

ASPEN DR

Existing approach to be upgraded to mutual standard, including ROW Plan and easement agreement

TENTATIVE PLAN

**Lot 1, Block 10, Plan 0716313
within NE 29-25-02-W5M**

Date: July 28, 2015

Division # 8

File: 05629001

THIS PASSED 1 EXTRA LOT

Wayne Bobye
24100 Aspen Dr.
Bearspaw, Alberta
T3R1A5

Planning and Development Services Department,
Rocky View County- 262075 Rocky ViewPoint,
Rocky View County, AB, T4A 0X2

February 25, 2021

Application Number: PL20210013

File Number: 05629083

Subject: Applicant proposing parcel lot 1 with 4.00 acres and lot 2 with 8.63 acres

To whom it may concern:

Past situation

As per file #05629001 in 2014 the previous owner of 24066 tried to subdivide this same parcel into two lots. Along with county engineer, Michele Habrylo had determined that this was not viable due to storm water issues and remained as the 12+ acres. MPE Engineering submitted to Ms Linda Hajjar (Capital Projects Engineer) on Sept 7, 2018 the Bearspaw Meadows Drive Drainage Relief Stormwater Management Report. This report was not approved, and it would have caused more flooding to residents of Aspen Dr. lots 24066, 24050, and 24042. The Bearspaw Meadows Drive Drainage Report was too narrow in scope and needed to address impact on Aspen Dr. residents. Nothing has changed in this time frame to mitigate any of the the water drainages issues.

Prior to obtaining separate titles, all these conditions are to be met by the applicant.

For any subdivision to be considered a stormwater plan to address how storm water drainage will be effectively managed within the site and surrounding resident acreages. The applicant will be required for the implementation of any stormwater infrastructure and/or easements as recommended by the stormwater management plan and approved by the County. In reviewing the Stormwater Management Plan resident concerns will need to be addressed through the plan. Also, a plan for septic fields that does not drain into any ponds and does not drain on to another property needs to be approved by the County for the subdivision of lot 24050.

Present situation

Storm water drainage especially after a storm is a major issue for residents along Aspen Drive. RVC county has conducted emergency pumping from ponds along Aspen Drive. In this situation, my property at 24100 Aspen Dr. has ponds in front and back of my house. These ponds drain to the east through 24066, 24050, and floods the property at 24050 and 24042. A subdivision of property would result in an increase in water runoff due roads and removal of trees without a proper storm water drainage plan for this subdivision.

Suggested Way Forward

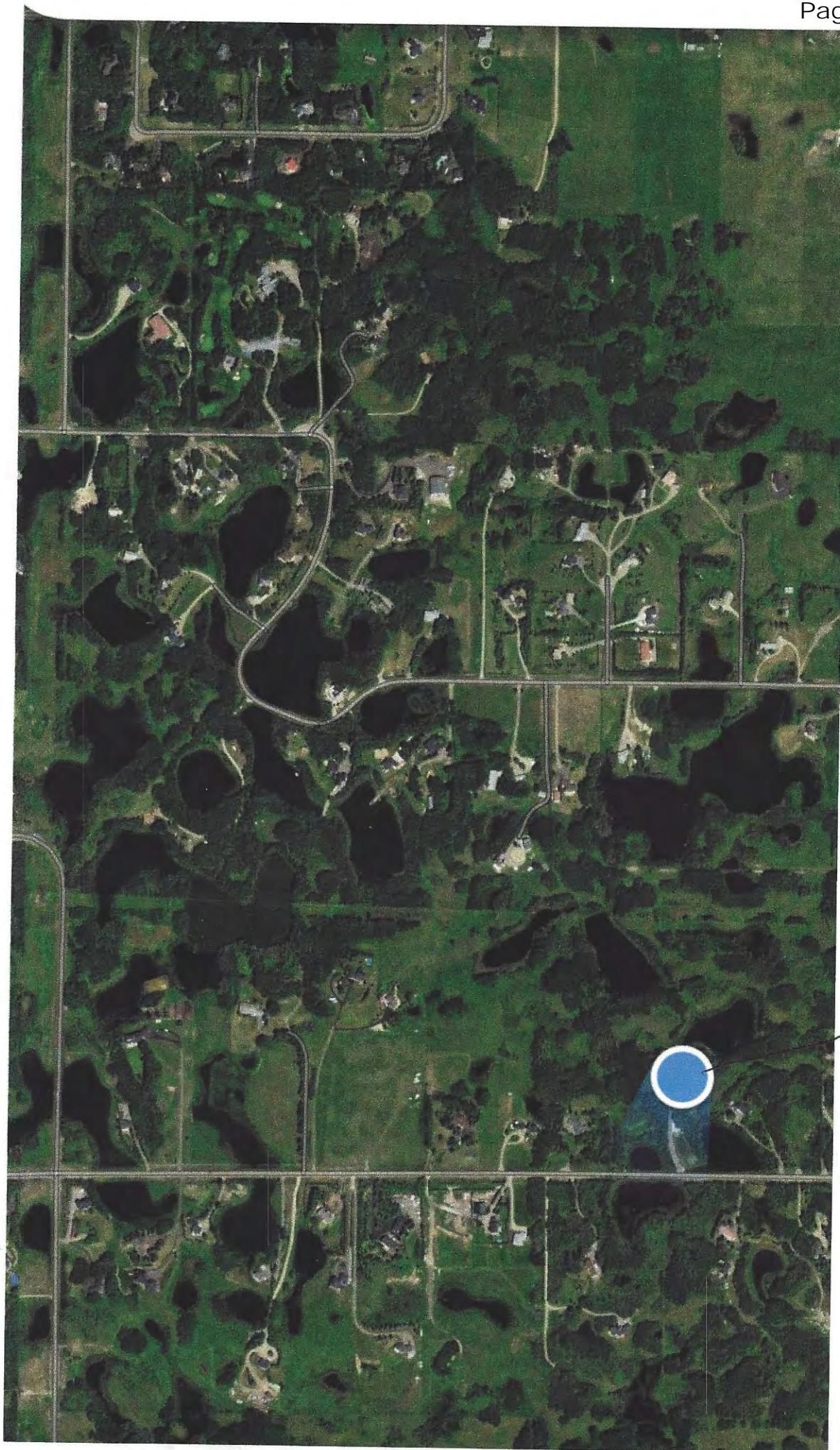
- 1. Until the storm water planning, and drainage issues are resolved there should be no approval for this subdivision.
- 2. The Rocky View County needs an approved (with input from landowners) conceptual scheme, a site development plan and a master storm water drainage plan for the affected areas. In the surrounding area between and Meadows Drive and Aspen Drive there numerous 10-20 acreages. The County must develop a comprehensive storm water management plan that would be effective for the entire area for any subdivision to proceed. Otherwise, this area could end up like the Meadows Drive flood zone.
- 3. In rural areas like Rocky View County, some insurance companies are not providing overland flooding insurance coverage to residents. This could have unintended consequences for property owners, developers, and Rocky View County.

At this time, a Stormwater Management Plan has not been submitted to the County and residents. Please keep me informed of the plan to address the Storm water management issues.

Yours very truly,

Wayne Bobye

A black rectangular redaction box covering the signature of Wayne Bobye.



Meadow Dr

24100
Aspen Dr

Aspen Drive

