



PLANNING AND DEVELOPMENT SERVICES

TO: Municipal Planning Commission
Subdivision Authority **DIVISION:** 8

DATE: June 23, 2021 **APPLICATION:** PL20200131

FILE: 06713071 / 06713072

SUBJECT: Subdivision Item - Residential Subdivision, with Variances

APPLICATION: To create a ± 2.08 acre parcel (Lot 1); a ± 2.11 acre parcel (Lot 2); a ± 1.85 acre parcel (Lot 3); and a ± 1.72 acre parcel (Lot 4).

GENERAL LOCATION: Located approximately 5.7 kilometres northwest of the city of Calgary; located at the northeast corner of the intersection of Township Road 262 and Poplar Hill Drive.

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

EXECUTIVE SUMMARY: The application is largely consistent with the relevant policies of the Bearspaw Area Structure Plan and only two (2) of the four (4) proposed parcels meet the minimum required by the Land Use Bylaw. As such, Administration recommends a variance to two (2) of the proposed parcel sizes.

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

OPTIONS:

- Option #1: THAT a variance to Subdivision Application PL20200131 be approved with the conditions noted in Attachment 'A', and:
 - a) Varying the minimum parcel size of Lot 3 to ± 0.75 hectares (± 1.85 acres);
 - b) Varying the minimum parcel size of Lot 4 to ± 0.70 hectares (± 1.72 acres).
- Option #2: THAT Subdivision Application PL20200131 be refused for the following reason:
 - 1. Two of the proposed parcels do not meet the minimum size required by the Land Use Bylaw.
- Option #3: THAT the application be tabled and referred back to the applicant to create lot sizes that meet the minimum parcel sizes per the Land Use Bylaw.

AIR PHOTO & DEVELOPMENT CONTEXT:



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; • Municipal Development Plan; • Bearspaw Area Structure Plan; • Land Use Bylaw; and • County Servicing Standards. 	<p>TECHNICAL REPORTS SUBMITTED:</p> <ul style="list-style-type: none"> • Level 3 PSTS Assessment prepared by Strom Engineering, Inc., dated December 2019 • Stormwater Management Report prepared by Osprey Engineering Inc., dated May 11, 2020
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Payments and Levies

APPLICABLE FEE/LEVY	AMOUNT OWING (ESTIMATE)
<p>TRANSPORTATION OFFSITE LEVY <i>Payable on Lots 2, 3, and 4 (totaling 5.95 acres)</i></p>	<p>\$27,340.25</p>
<p>MUNICIPAL RESERVE (\$/ACRE)</p>	<p>N/A (was previously provided)</p>

Additional Review Considerations

Conditions were set based on the following items:

Accessibility to a Road

Lots 1 and 3 would utilize their respective existing access to Poplar Hill Drive, and Lots 2 and 4 would share mutual access to TWP Road 264, requiring the update of the existing single approach to a mutual standard from the adjacent parcel to the east (owned by the applicant). In summary, no new approaches would be created.

Bearspaw Area Structure Plan

The subject lands are located in the Bearspaw Area Structure Plan, which states that the minimum parcel size is four acres, however, with the preparation of a conceptual scheme, parcels of reduced size are

permissible. A conceptual scheme was not determined to be required and was therefore not prepared. Redesignation to Residential Two District subsequently changed to Rural, Country Residential District in the new Land use bylaw, was approved by Council thereby allowing for parcels of two acres.

As such, this application is in keeping with Council's decision to redesignate under the Bearspaw Area Structure Plan.

Stormwater

The applicant prepared a Stormwater Management Report. A condition of approval requiring a Site Improvements Services Agreement to comply with the recommendations of the report is included.

Site Servicing

The applicant would be connected to the Rockyview Water Co-op distribution system and would be required to demonstrate connection for three lots. The existing home is already tied into the system.

In terms of septic servicing, Policy C-449 does not support private sewage treatment for parcels less than 1.98 acres, so two of the parcels do not meet the requirements of the policy. However, as this stems from the requirement that the parcel lines be redrawn per ATCO's requirements, and is further exacerbated by the required road dedications, Administration is of the position that the servicing can be achieved and the intent of the policy is met. A condition requiring an updated Level 3 PSTS to account for the undersized parcels has been recommended.

Developability

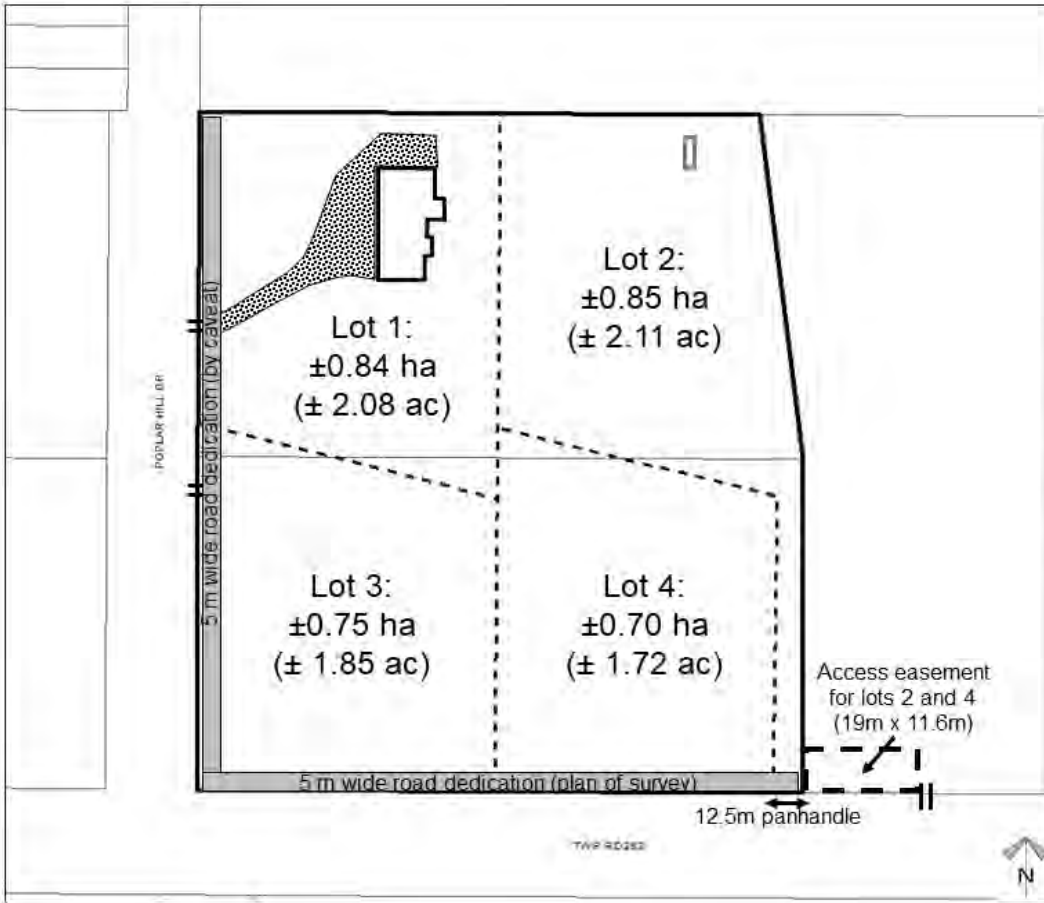
Existing ATCO Pipelines cross the subject lands, which restrict development on all proposed parcels. ATCO initially responded to the application stating their opposition to the creation of lots smaller than five acres. The applicant worked with the utility, and the proposed tentative plan was approved by ATCO Pipelines, where their concerns were withdrawn. ATCO required the applicant to align the rear property lines to run parallel to the existing utility ROW plan area.

Land Use Bylaw

The gross size of the subject lands is 8.0 acres.

It should be noted that the presence of a high-pressure ATCO Pipeline bisecting the property creates difficulty in evenly apportioning the lands. These parcels are further reduced by required road widening dedication requirements on both Poplar Hill Drive and Township 262. As such, two of the parcels do not meet the 1.98 acre minimum required by the land use bylaw but do not unduly negatively impact neighbouring properties given similar lot sizes exist in the area. Administration, therefore, recommends a 6.65% variance for Lot 3 and 13.13% variance for Lot 4.

Tentative Plan



Tentative Plan

Subdivision Proposal

To create a ±0.84 hectare (±2.08 acre) parcel (Lot 1); a ±0.85 hectare (±2.11 acre) parcel (Lot 2); a ±0.75 hectare (±1.85 acre) parcel (Lot 3); and a ±0.70 hectare (±1.72 acre) parcel (Lot 4).

Legend

- Dwelling 
- Building 
- Existing Approach 
- Driveway 
- Road Widening 

Surveyor's Notes:

1. This subdivision will result in two under-sized parcels (Lots 3 and 4) as per the requirements of Land Use Bylaw C-8000-2020.
2. Refer to Notice of Transmittal for approval conditions related to this Tentative Plan.

Division: 8
Roll: 08713071/06713072
File: PL20200131
Printed: May 28, 2021
Legal: Lot:1 Block:1
Plan:0512801, within SE-13-26-03-W05M

CONCLUSION:

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

Respectfully submitted,

Concurrence,

“Brock Beach”

“Kent Robinson”

Acting Executive Director
Community Development Services

Acting Chief Administrative Officer

ON/lt

ATTACHMENTS:

ATTACHMENT ‘A’: Approval Conditions

ATTACHMENT ‘B’: Maps and Other Information

**ATTACHMENT 'A': APPROVAL CONDITIONS**

- A. The application to create a ± 0.84 hectare (± 2.08 acre) parcel (Lot 1); a ± 0.85 hectare (± 2.11 acre) parcel (Lot 2); a ± 0.75 hectare (± 1.85 acre) parcel (Lot 3); and a ± 0.70 hectare (± 1.72 acre) parcel (Lot 4). within SE-13-26-03-05 Lots 1 and 2, Block 1, Plan 0512801, having been evaluated in terms of Section 654 of the *Municipal Government Act* and Section 7 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.
 - a) The Owner is to dedicate, by Plan of Survey, a ± 5.0 m wide portion of land for road widening along the southerly boundary of Lot 2, Block 1, Plan 0512801;
 - b) The Owner is to dedicate, by caveat, a ± 5.0 m wide portion of land for road widening along the entire western boundaries of Lot 2, Block 1, Plan 0512801, and Lot 1, Block 1, Plan 0512801;

Transportation and Access

- 2) The Owner shall upgrade the existing road approach on Township Road 262 to a mutual paved standard as shown on the Approved Tentative Plan, in order to provide access to Lots 2 and 4. No upgrade is required for the approaches to Lots 1 and 3. The Owner shall also:
 - a) Provide an access right of way plan; and
 - b) Prepare and register access easement on title of Lots 2 and 4 and where required.

Stormwater

- 3) The Owner is to enter into a Site Improvements / Services Agreement with the County and shall include the following:
 - a) In accordance with the recommendation of the Stormwater Management Report by Osprey Engineering Inc., dated September 25, 2019;



- b) For the construction of absorbent landscaping/rain gardens on each lot.

Site Servicing

- 4) The Owner/Applicant shall submit a revised Level 3 PSTS Assessment, prepared by a qualified professional as indicated in the Model process Reference Document, which clarifies:
 - a) The ability for the two undersized lots to accommodate a PSTS; and,
 - b) The type of PSTS system required for each and any additional requirements/considerations.
- 5) The Owner shall enter into a Site Improvements / Services Agreement with the County to implement the recommendations of the updated Level 3 PSTS Assessment.
- 6) The Owner is to provide confirmation of a tie-in for connection to Rockyview Water Co-op, an Alberta Environment licensed piped water supplier, for servicing of three additional lots, as shown on the Approved Tentative Plan. This includes providing information regarding:
 - a) Confirmation from the water supplier that an adequate and continuous piped water supply is available for the proposed new Lots;
 - b) Documentation proving that water supply has been purchased for the three (3) new proposed Lots; and,
 - c) Documentation proving that all necessary water infrastructure is installed.
- 7) The Owner is to enter into a Deferred Services Agreement with the County to be registered on title for each proposed Lots 1, 2, 3, and 4, indicating:
 - a) Each future Lot Owner is required to connect to County piped wastewater, and stormwater systems at their cost when such services become available;
 - b) Requirements for decommissioning and reclamation of the onsite systems once County servicing becomes available.

Site Construction

- 8) The landowner shall adhere to the requirements of ATCO Pipelines requirements included in the May 25, 2021 letter to include red fence post placement every 15m and restrictive covenant.

Payments and Levies

- 9) The Owner shall pay the County Subdivision Endorsement fee, in accordance with the Master Rates Bylaw, for the creation of two new lots.
- 10) The Owner shall pay the Transportation Off-Site Levy in accordance with Bylaw C-8007-2020 prior to subdivision endorsement. The County shall calculate the total amount owing;
 - a) from the total gross acreage of lots 2, 3, and 4 as shown on the Plan of Survey

Taxes

- 11) 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.



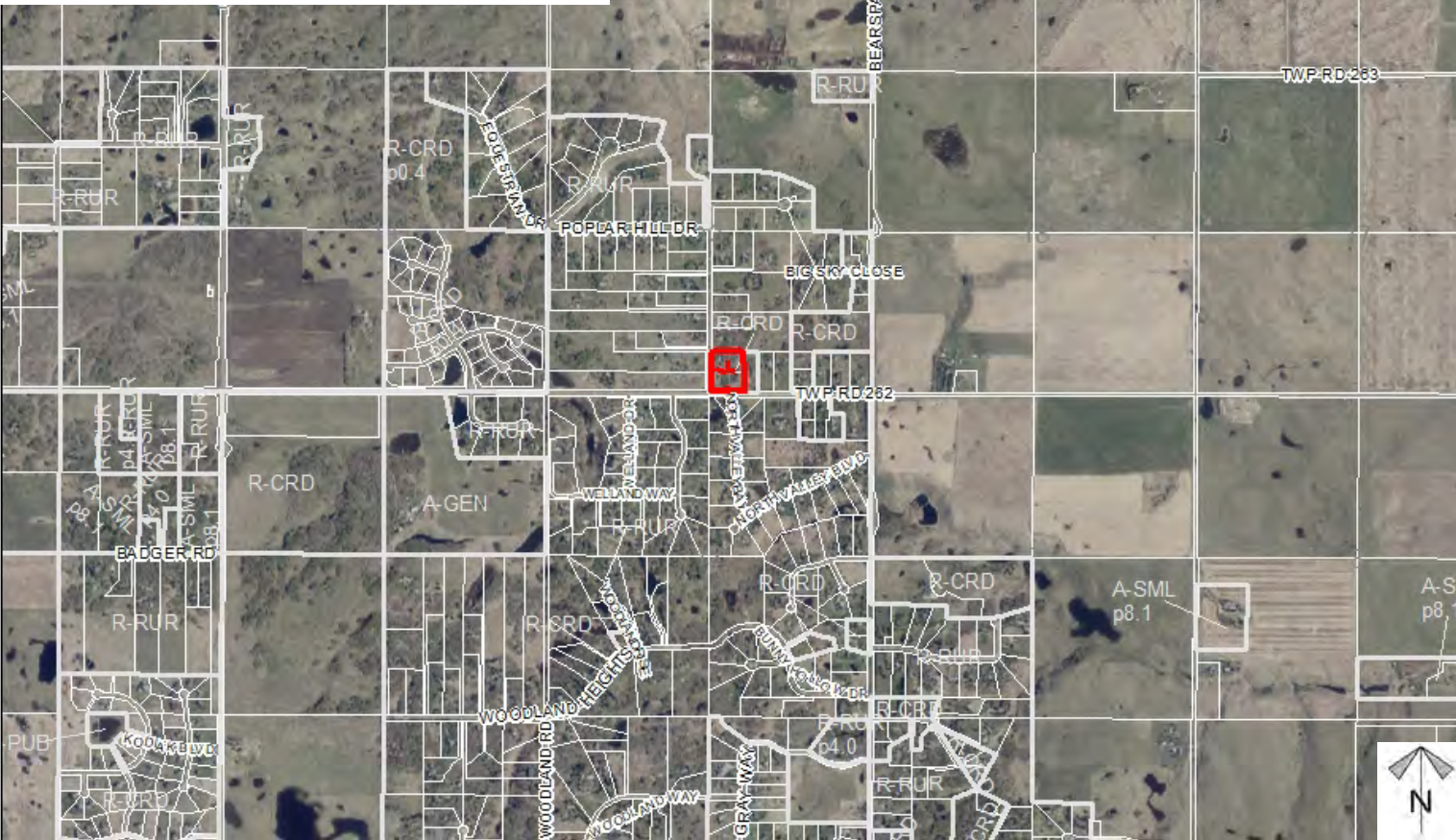
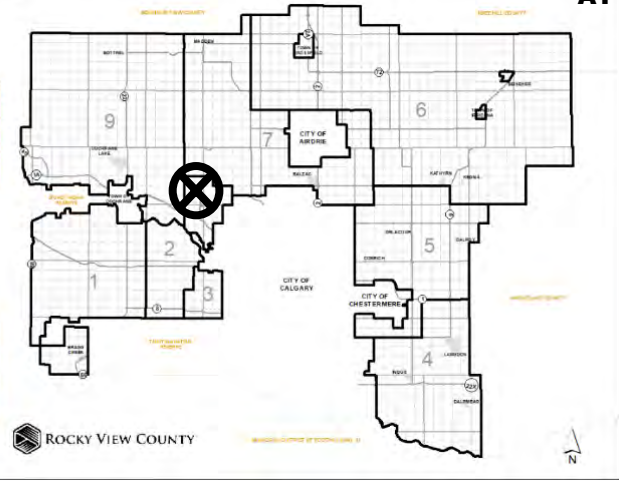
ATTACHMENT 'B': MAPS AND OTHER INFORMATION

<p>APPLICANT: Planning Protocol 3, Inc. (Rodney Potrie)</p>	<p>OWNER: Inderjit & Harpal Wadhwa</p>
<p>DATE APPLICATION RECEIVED: September 18, 2020</p>	<p>DATE DEEMED COMPLETE: September 21, 2020</p>
<p>GROSS AREA: ± 3.24 hectares (± 8.01 acres)</p>	<p>LEGAL DESCRIPTION: SE-13-26-03-05 Lots 1 and 2, Block 1, Plan 0512801</p>
<p>APPEAL BOARD: Subdivision and Development Appeal Board</p>	
<p>HISTORY:</p> <p>July 28, 2020: Council approved the application to redesignate the subject lands from Residential Two District to Residential One District for future subdivision into four two-acre lots.</p> <p>April 22, 2008: Council denied the application to redesignate seven existing parcels from Residential Two District to Residential One District, to facilitate the creation of approximately twenty-seven ± 2 acre parcels, noting a conceptual scheme was required pursuant to the Bearspaw Area Structure Plan (2007-RV-553)</p> <p>July 6, 2004: Council approved the application which created the subject parcels (2004-RV- 141)</p>	
<p>PUBLIC & AGENCY SUBMISSIONS:</p> <p>The application was circulated to 159 adjacent landowners. Two responses in opposition were received. 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 ±0.84 hectare (±2.08 acre) parcel (Lot 1); a ±0.85 hectare (±2.11 acre) parcel (Lot 2); a ±0.75 hectare (±1.85 acre) parcel (Lot 3); and a ±0.70 hectare (±1.72 acre) parcel (Lot 4).



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Development Proposal

Subdivision Proposal

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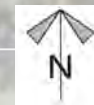
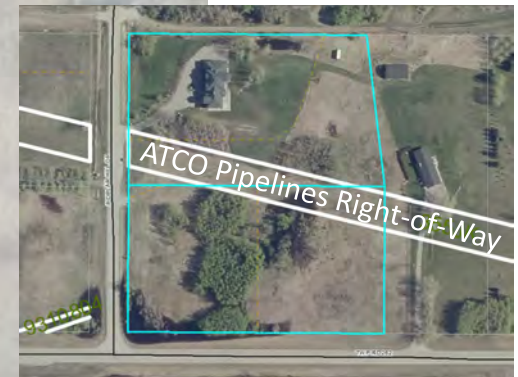
POPLAR HILL DR

Lot 1:
±0.84 ha
(± 2.08 ac)

Lot 2:
±0.85 ha
(± 2.11 ac)

Lot 3:
±0.75 ha
(± 1.85 ac)

Lot 4:
±0.70 ha
(± 1.72 ac)

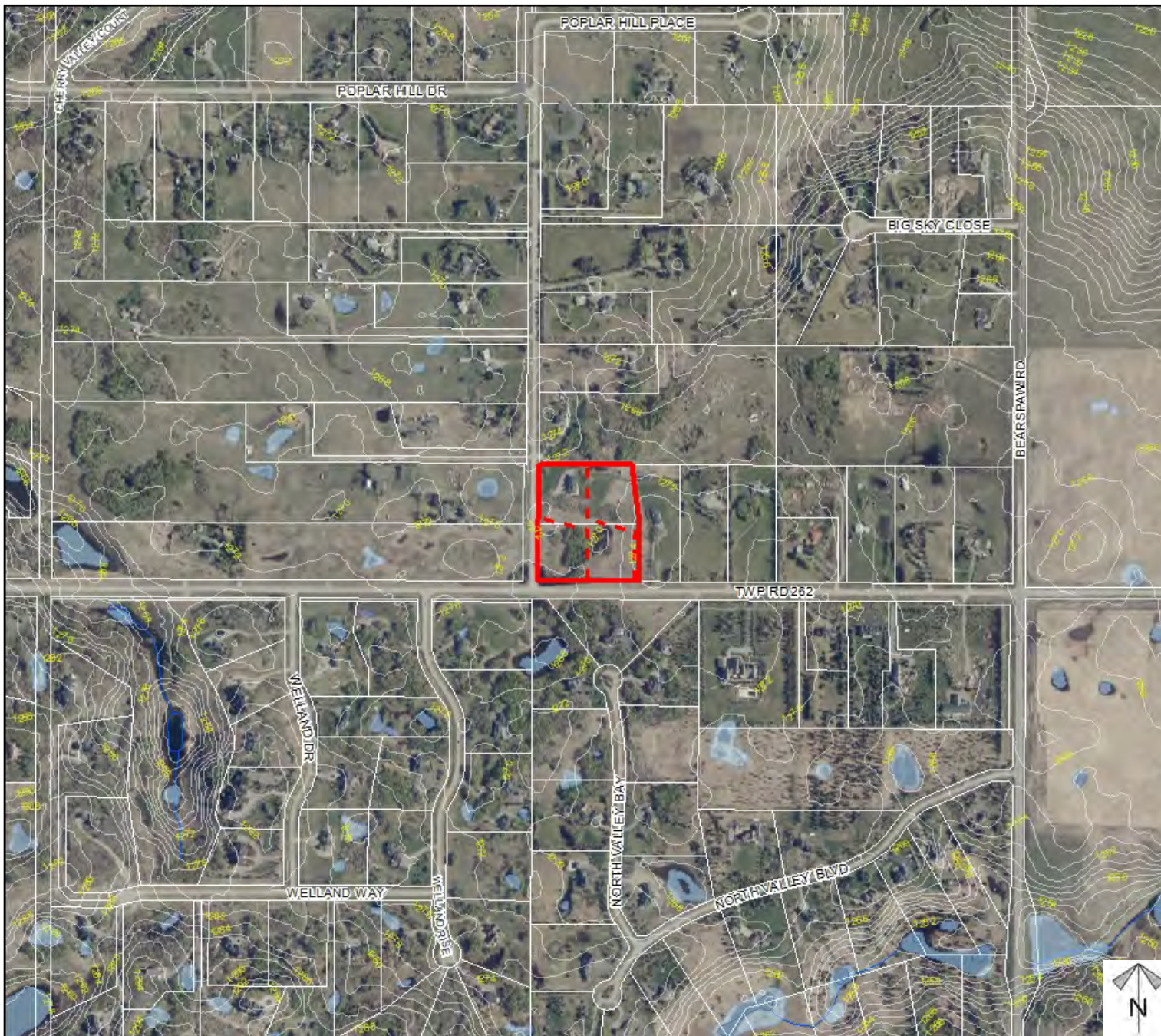


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Environmental

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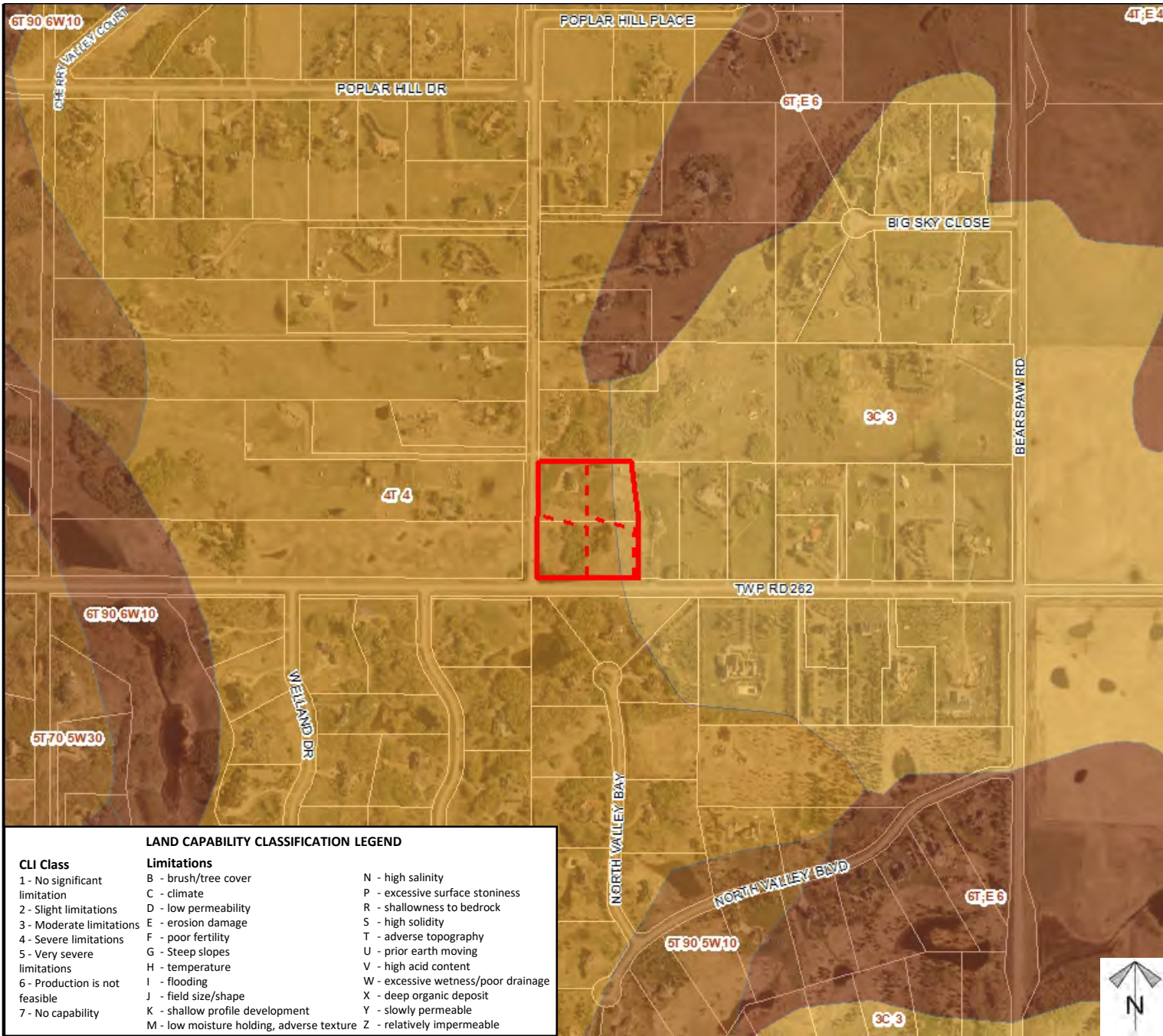
-  Subject Lands
-  Contour - 2 meters
-  Riparian Setbacks
-  Alberta Wetland Inventory
-  Surface Water

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Soil Classifications

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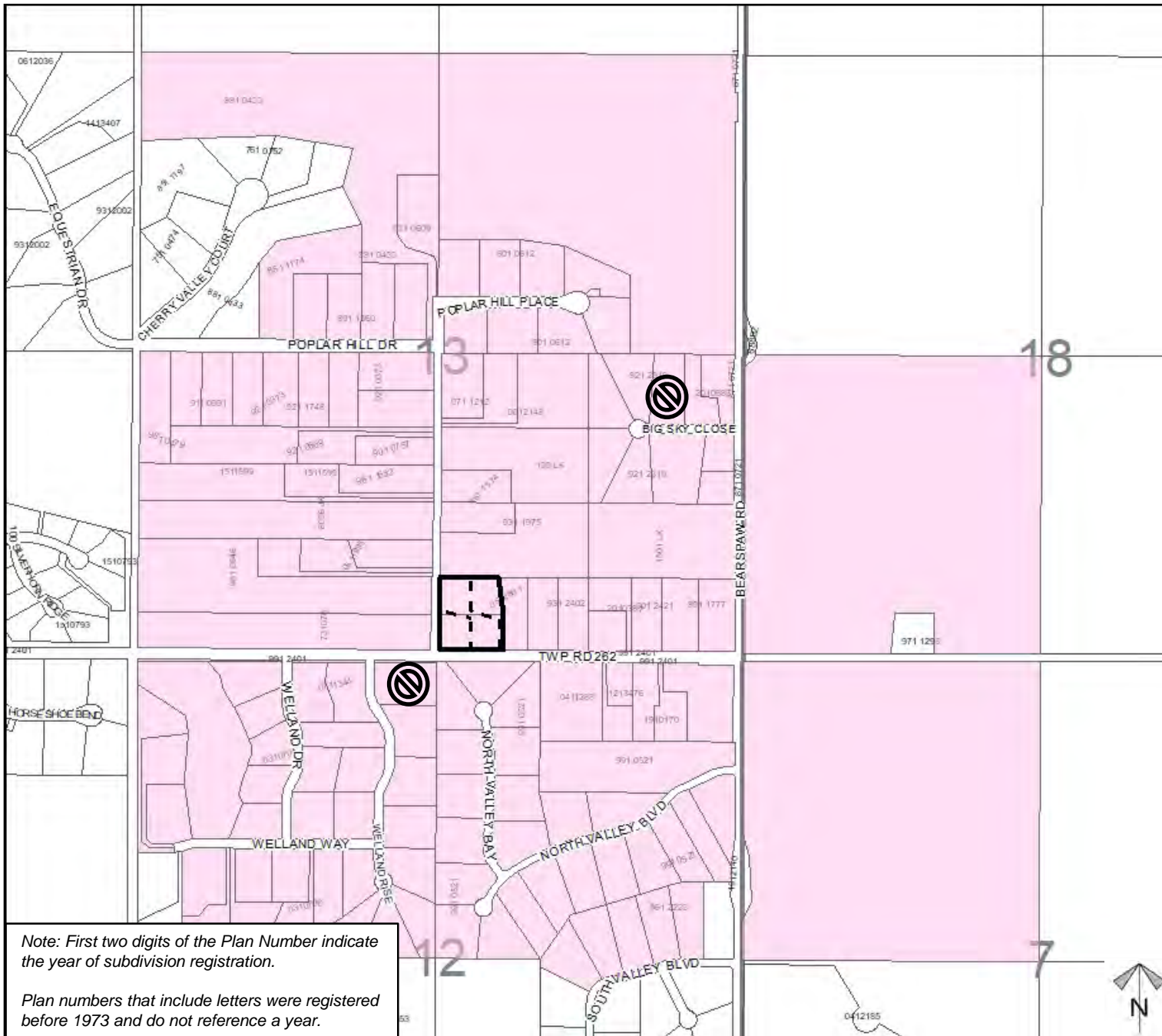
LAND CAPABILITY CLASSIFICATION LEGEND		
CLI Class	Limitations	
1 - No significant limitation	B - brush/tree cover	N - high salinity
2 - Slight limitations	C - climate	P - excessive surface stoniness
3 - Moderate limitations	D - low permeability	R - shallowness to bedrock
4 - Severe limitations	E - erosion damage	S - high solidity
5 - Very severe limitations	F - poor fertility	T - adverse topography
6 - Production is not feasible	G - Steep slopes	U - prior earth moving
7 - No capability	H - temperature	V - high acid content
	I - flooding	W - excessive wetness/poor drainage
	J - field size/shape	X - deep organic deposit
	K - shallow profile development	Y - slowly permeable
	M - low moisture holding, adverse texture	Z - relatively impermeable

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Landowner Circulation Area

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Legend

Support



Not Support



Note: First two digits of the Plan Number indicate the year of subdivision registration.

Plan numbers that include letters were registered before 1973 and do not reference a year.

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Tentative Plan

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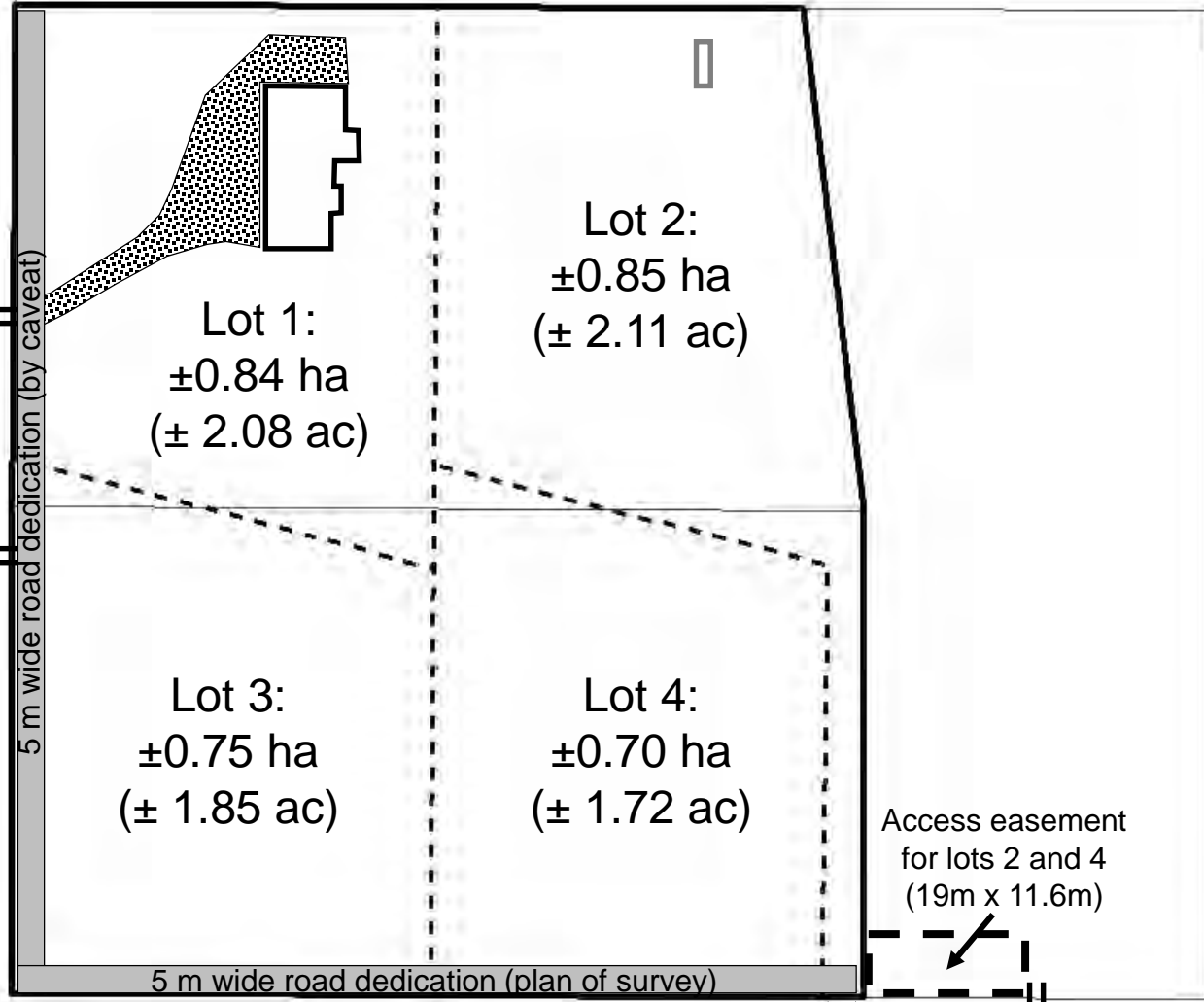
Legend

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- Existing Approach 
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- Road Widening 

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From: [REDACTED]
To: [Oksana Newmen](#)
Cc: [REDACTED]
Subject: [EXTERNAL] - Objection (File 06713071 / 06713072 ; Application PL20200131)
Date: October 11, 2020 10:27:24 AM

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

Hi,

I would like to object to the planning application with the following concerns:

- **Ground Water Management** - Proposed Lot 3 suffers from notable ground water retention issues. As there has been considerable localized flooding in the recent past, loss of natural habitat to absorb ground water in the area is very concerning. Any application would need to deal with this issue and be responsible for costs of mitigation measures.
- **Septic Provision** - concern over the number of houses requiring septic provision on an area where ground water retention is an existing issue.
- **Access / Egress** - Access to both Proposed Lots 3 & 4 will present increased hazards for road users. Lot 3 will presumably have access via Poplar Hill Rd, very close to its intersection with Township Rd 262. Access close to an intersection raises hazard level. More worrying is that access to Lot 4 will be onto Township Rd 262 very close to the brow of a blind hill. For road users travelling westbound on Township Rd 262, this will present a clear hazard with vehicles entering the road from the proposed property on a blind hill.

Thank you,
Keith Thomson
251250 Welland Way, Calgary.
[REDACTED]

From: [REDACTED]
To: [Oksana Newmen](#)
Cc: [Division 8, Samantha Wright](#)
Subject: [EXTERNAL] - Application PL20200131
Date: October 19, 2020 3:23:43 PM

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

Hi Oksana,

I am writing once again to object to further development of this property. This process has been ongoing for years and just like the gravel issue, is waiting for a favorable council to approve yet another bad idea. This property is not suitable for further subdivision.

There is severe flooding in the area designated as Lot 3, are we as taxpayers going to pay additional monies to pump this out when it gets built or floods out the road ?

Where will the access be for Lot 4 ? Another driveway on this high speed road is not a good idea

Part of Lot 2 may be buildable, possible there is a contiguous acre ? For sure Lots 3 and 4 with the multiple high pressure large diameter natural gas pipelines running right through are not buildable. Lets say they get this through and the new owners discover the problem later ? Then what another lawsuit against the county for approving another bad idea ?

I know at the end of the day it doesn't matter a tinkers dam what the residents think or what the facts are, this council will pass whatever they want with no regard to the rules.

A frustrated resident,

Regards,

Darrin Durda