

## PLANNING AND DEVELOPMENT SERVICES

<b>TO:</b>	Municipal Planning Commission Subdivision Authority	<b>DIVISION:</b> 5
<b>DATE:</b>	June 23, 2021	<b>APPLICATION:</b> PL20200042
<b>FILE:</b>	03231064	
<b>SUBJECT:</b>	Subdivision Item - Residential Subdivision	

**APPLICATION:** To create a  $\pm 2.00$  acre (Lot 1); a second  $\pm 2.00$  acre parcel (Lot 2); and a  $\pm 2.02$  acre remainder (Lot 3).

**GENERAL LOCATION:** Located approximately 1.5 kilometres east of the city of Chestermere; located at the southeast junction of Township Road 240 and Range Road 275A.

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

**EXECUTIVE SUMMARY:** In 2006 at the time of redesignation (2006-RV-057), Council deemed it appropriate to redesignate the lands to facilitate the subdivision of one new parcel, therefore Administration recommends approval. This application is for the creation of two new parcels.

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

### OPTIONS:

- Option #1: THAT Subdivision Application PL20200042 be approved with the conditions noted in Attachment 'A'.
- Option #2: THAT Subdivision Application PL20200042 be refused.

### AIR PHOTO & DEVELOPMENT CONTEXT:



### Administration Resources

Oksana Newmen, 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.

<b>APPLICABLE POLICY AND REGULATIONS:</b> <ul style="list-style-type: none"> <li>• <i>Municipal Government Act;</i></li> <li>• Subdivision and Development Regulations;</li> <li>• Municipal Development Plan;</li> <li>• Land Use Bylaw; and</li> <li>• County Servicing Standards.</li> </ul>	<b>TECHNICAL REPORTS SUBMITTED:</b> <ul style="list-style-type: none"> <li>• Shallow Subsoil &amp; Groundwater Site Investigation prepared by Almor Testing Services Ltd. dated December 2019</li> <li>• Level III PSTS Assessment prepared by Almor Testing Services Ltd. dated April 1, 2021</li> <li>• Phase I Groundwater Supply Evaluation prepared by Solstice Environmental Management dated October 21, 2019</li> </ul>
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### *Payments and Levies*

APPLICABLE FEE/LEVY	AMOUNT OWING (ESTIMATE)
<b>TRANSPORTATION OFFSITE LEVY</b> <i>Base Levy + Special Area 7</i> $\$4,595/\text{ac} + \$387/\text{ac} \times 4 \text{ acres} = \$19,928$	\$19,928
<b>MUNICIPAL RESERVE (\$/ACRE)</b>	N/A – previously provided on Plan 9711064

### Additional Review Considerations

Conditions were set based on the following items:

#### *Accessibility to a Road*

An existing approach off of Range Road 275A provides access to Lot 3, while Lots 1 and 2 would be required to construct two new road approaches from Township Road 240 in accordance with County Servicing Standards.

#### *Site Servicing*

The applicant provided a Level III Private Sewage Treatment System (PSTS) report, recommending the use of packaged sewage treatment plant with a mounded system and/or a raised field to achieve a 2.5 m height above the water table. As such, a Site improvements/Services Agreement (SISA) would be required to be registered on the titles of Lots 1 - 3 to ensure that all lots are serviced.

In regards to water service, the applicants provided a Phase I Groundwater Supply Evaluation that determines that future wells would provide the necessary water supply. Therefore, a condition has been added requiring the applicant to conduct an Aquifer Testing (Phase II) assessment and the drilling of new wells for each of the lots 1 - 3 and providing a well driller's report confirming flows meet or exceed 1 igpm. It is to be noted that the requirement to conduct Aquifer Testing (Phase II) is included in the County Servicing Standards however the Commission has chosen to waive this requirement on previous applications.

*Stormwater Management*

The applicant would be required to provide a detailed Site-Specific Stormwater Implementation Plan (SSIP) as a condition of approval, and should any improvements be required, enter into a Site improvements/Services Agreement (SISA) for the implementation of the required infrastructures.

*County Plan*

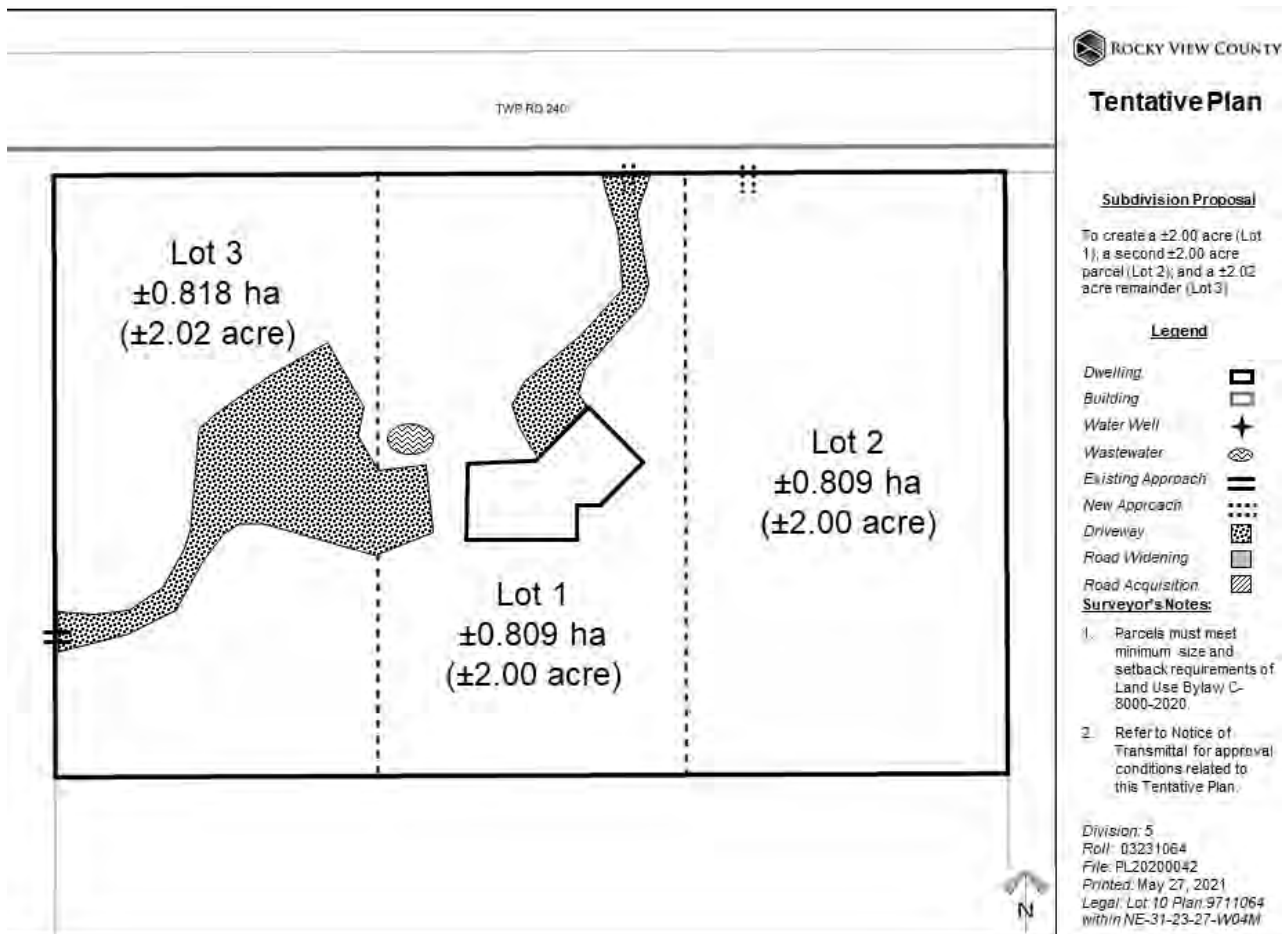
In 2006 at the time of redesignation (2006-RV-057), Council deemed it appropriate to redesignate the lands to facilitate the subdivision of one new parcel. Subdivision application 2006-RV-058 was approved by Council in 2006 but has since expired and was not endorsed.

Administration reviewed the change from one new parcel to two new parcels and have determined it is in keeping with the original intent of the redesignation.

*Land Use Bylaw*

The proposed parcel sizes are consistent with the Land Use Bylaw.

*Tentative Plan*





**CONCLUSION:**

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

Respectfully submitted,

Concurrence,

“Brock Beach”

“Kent Robinson”

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Acting Executive Director  
Community Development Services

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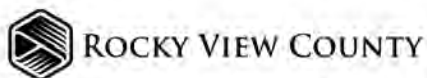
Acting Chief Administrative Officer

ON/It

**ATTACHMENTS:**

ATTACHMENT ‘A’: Approval Conditions

ATTACHMENT ‘B’: Maps and Other Information



### ATTACHMENT 'A': APPROVAL CONDITIONS

- A. The application to create a  $\pm 0.809$  hectare ( $\pm 2.00$  acre) parcel (Lot 1); a second  $\pm 0.809$  hectare  $\pm 2.00$  acre parcel (Lot 2); and a  $\pm 0.818$  hectare ( $\pm 2.02$  acre) parcel (Lot 3) at Lot 10, Plan 9711064 within NE-31-23-27-W4M, 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*

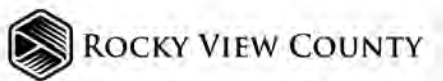
- 1) Subdivision is to be effected by a Plan of Survey, pursuant to Section 657 of the *Municipal Government Act*, or such other means satisfactory to the Registrar of the South Alberta Land Titles District.

#### *Transportation and Access*

- 2) The Owner shall construct new gravel approaches onto Township Road 240 in order to provide access to Lots 1 and 2 and ensure the existing approach to Lot 3 meets County Servicing Standards.

#### *Stormwater/Developability*

- 3) The Owner is to provide and implement a detailed Site-Specific Stormwater Implementation Plan conducted and stamped by a professional engineer that is in accordance with CSMI and the County Servicing Standards, to the satisfaction of the County. Implementation of the Stormwater Management Plan shall include:
  - a) If the recommendations of the Stormwater Management Plan require improvements, then a Site Improvements / Services Agreement or Development Agreement shall be entered into;
  - b) Registration of any required easements and/or utility rights of way;
  - c) Necessary approvals and compensation provided to Alberta Environment for wetland loss and mitigation;



- d) Necessary Alberta Environment licensing documentation for the stormwater infrastructure system;

#### *Site Servicing*

- 4) The Owner is to enter into a Site Improvements / Services Agreement with the County and shall include the following:
  - a) For the construction of a Packaged Sewage Treatment Plant meeting Bureau de Normalisation du Quebec (BNQ) standards with a mounded system in accordance with the Level III, PSTS Assessment conducted by Almor Testing Services Ltd. dated April 1, 2021
- 5) The Owner is to provide a Level 1 Variation Assessment that identifies the location of the groundwater water well and PSTS and drain field that is existing on the subject lands and demonstrates that the proposed development meets adequate setbacks in accordance with the Alberta SOP.
- 6) Water is to be supplied by an individual well on Lots 2 and 3. The subdivision shall not be endorsed until:
  - a) An Aquifer Testing (Phase II) Report is provided, which is to include aquifer testing and the locations of the new wells on the new Lots 2 and 3, in accordance with the County's Servicing Standards and requirements of the *Water Act*, and
  - b) Well Driller's Reports confirming a minimum pump rate of 1.0 IGPM for the new wells are provided.

#### *Payments and Levies*

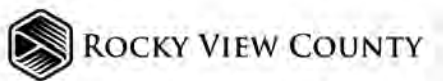
- 7) The Owner shall pay the County Subdivision Endorsement fee, in accordance with the Master Rates Bylaw, for the creation of two new lots.
- 8) The Owner shall pay the Transportation Off-Site Levy in accordance with Bylaw C-8007-2020 prior to subdivision endorsement. The County shall calculate the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

#### *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.



## ATTACHMENT 'B': MAPS AND OTHER INFORMATION

<b>APPLICANT:</b> Terradigm Development Consultants Inc. (Steve Grande)	<b>OWNER:</b> Satwant and Karmit Shergill
<b>DATE APPLICATION RECEIVED:</b> April 2, 2020	<b>DATE DEEMED COMPLETE:</b> April 6, 2021
<b>GROSS AREA:</b> ± 2.44 hectares (± 6.03 acres)	<b>LEGAL DESCRIPTION:</b> Lot 10, Plan 9711064, NE-31-23-27-W4M
<b>APPEAL BOARD:</b> Municipal Government Board	
<b>HISTORY:</b> <p><b>June 6, 2006:</b> Redesignation of the subject lands from Residential Two to Residential One was approved by Council (2006-RV-057)</p> <p><b>June 6, 2006:</b> Subdivision of the subject lands into two ± 3.0 acre parcels approved by Council (2006-RV-058). Expired.</p> <p><b>June 10, 1997:</b> Subject parcel created and registered at land titles.</p>	
<b>PUBLIC &amp; AGENCY SUBMISSIONS:</b> <p>The application was circulated to 50 adjacent landowners. Two (2) responses were received in opposition. 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>	

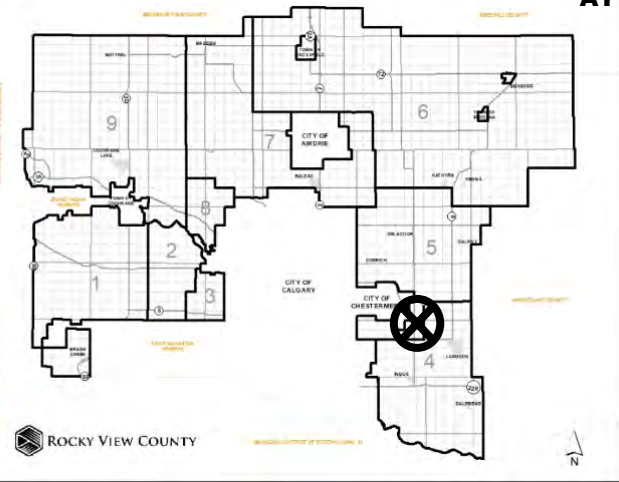




## Location & Context

### Subdivision Proposal

To create a  $\pm 2.00$  acre (Lot 1); a second  $\pm 2.00$  acre parcel (Lot 2); and a  $\pm 2.02$  acre remainder (Lot 3).



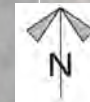
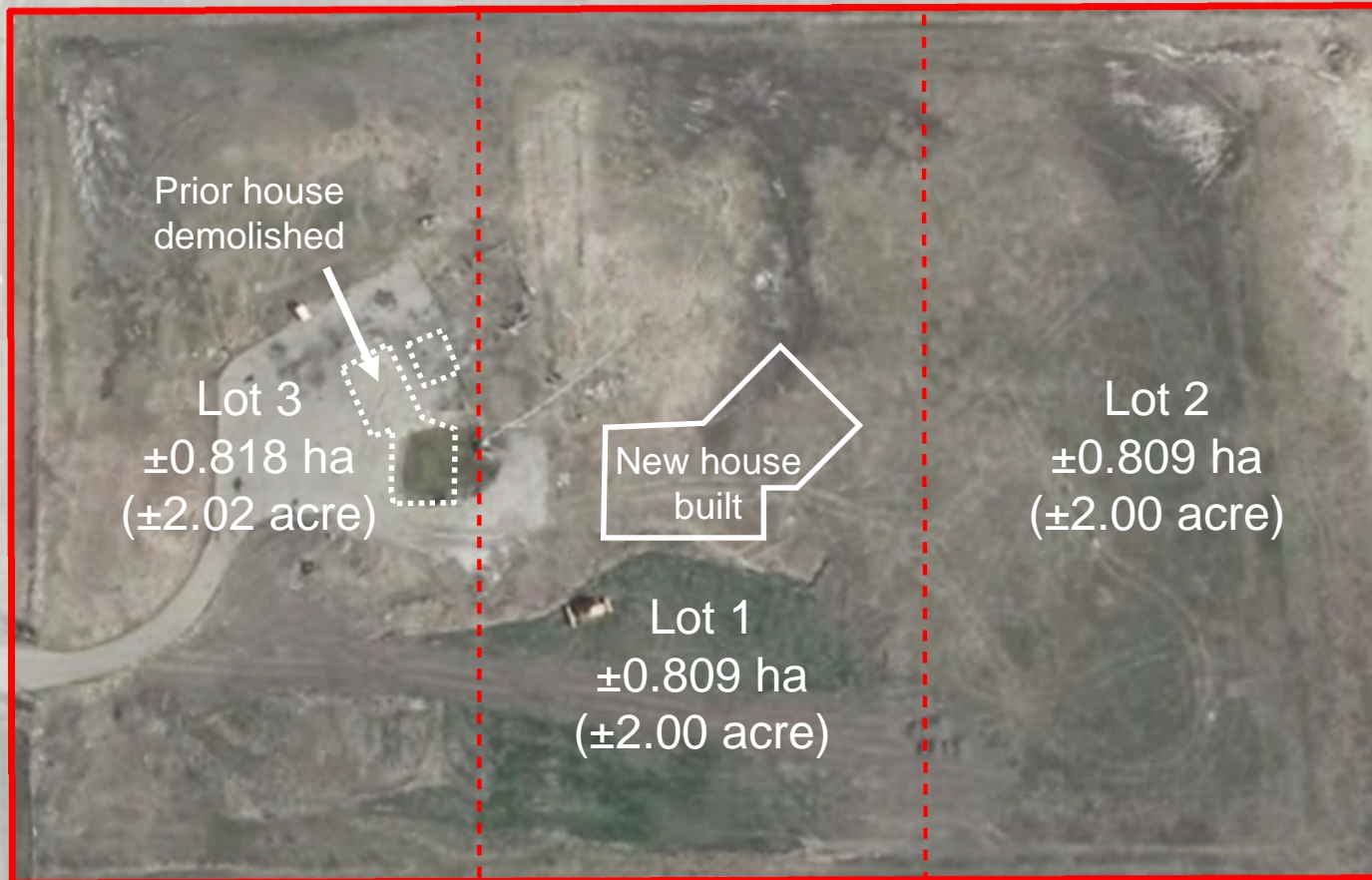
Division: 5  
Roll: 03231064  
File: PL20200042  
Printed: May 27, 2021  
Legal: Lot:10 Plan:9711064  
within NE-31-23-27-W04M



## Development Proposal

### Subdivision Proposal

To create a  $\pm 2.00$  acre (Lot 1); a second  $\pm 2.00$  acre parcel (Lot 2); and a  $\pm 2.02$  acre remainder (Lot 3).



Division: 5  
Roll: 03231064  
File: PL20200042  
Printed: May 27, 2021  
Legal: Lot: 10 Plan: 9711064  
within NE-31-23-27-W04M



## Environmental

### Subdivision Proposal

To create a  $\pm 2.00$  acre (Lot 1); a second  $\pm 2.00$  acre parcel (Lot 2); and a  $\pm 2.02$  acre remainder (Lot 3).



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

Division: 5  
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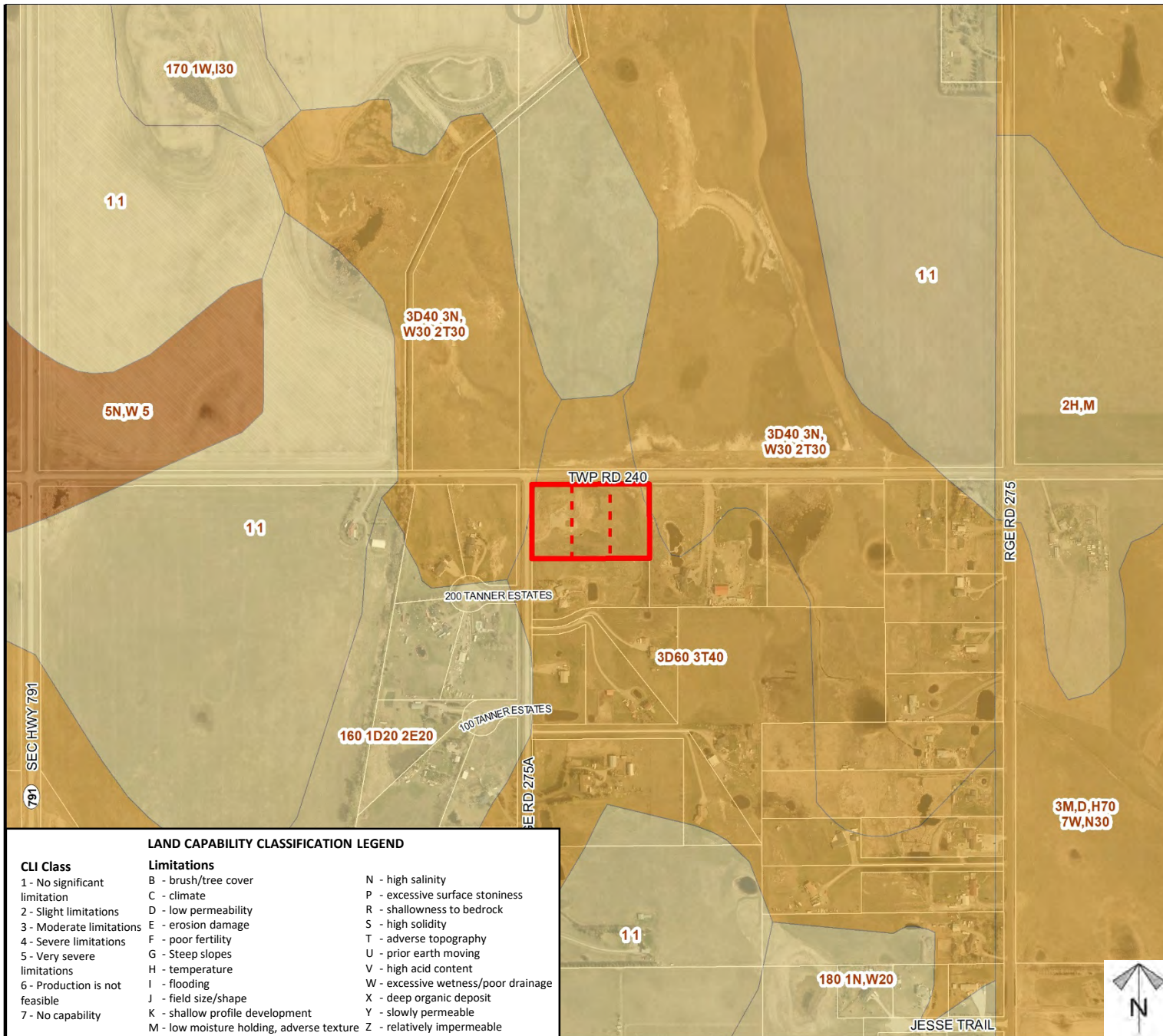




## Soil Classifications

### Subdivision Proposal

To create a  $\pm 2.00$  acre (Lot 1); a second  $\pm 2.00$  acre parcel (Lot 2); and a  $\pm 2.02$  acre remainder (Lot 3).



#### LAND CAPABILITY CLASSIFICATION LEGEND

##### CLI Class

- 1 - No significant limitation
- 2 - Slight limitations
- 3 - Moderate limitations
- 4 - Severe limitations
- 5 - Very severe limitations
- 6 - Production is not feasible
- 7 - No capability

##### Limitations

- B - brush/tree cover
- C - climate
- D - low permeability
- E - erosion damage
- F - poor fertility
- G - Steep slopes
- H - temperature
- I - flooding
- J - field size/shape
- K - shallow profile development
- M - low moisture holding, adverse texture
- N - high salinity
- P - excessive surface stoniness
- R - shallowness to bedrock
- S - high solidity
- T - adverse topography
- U - prior earth moving
- V - high acid content
- W - excessive wetness/poor drainage
- X - deep organic deposit
- Y - slowly permeable
- Z - relatively impermeable

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**Landowner  
Circulation  
Area**

## Subdivision Proposal

To create a  $\pm 2.00$  acre (Lot 1); a second  $\pm 2.00$  acre parcel (Lot 2); and a  $\pm 2.02$  acre remainder (Lot 3).

### Legend

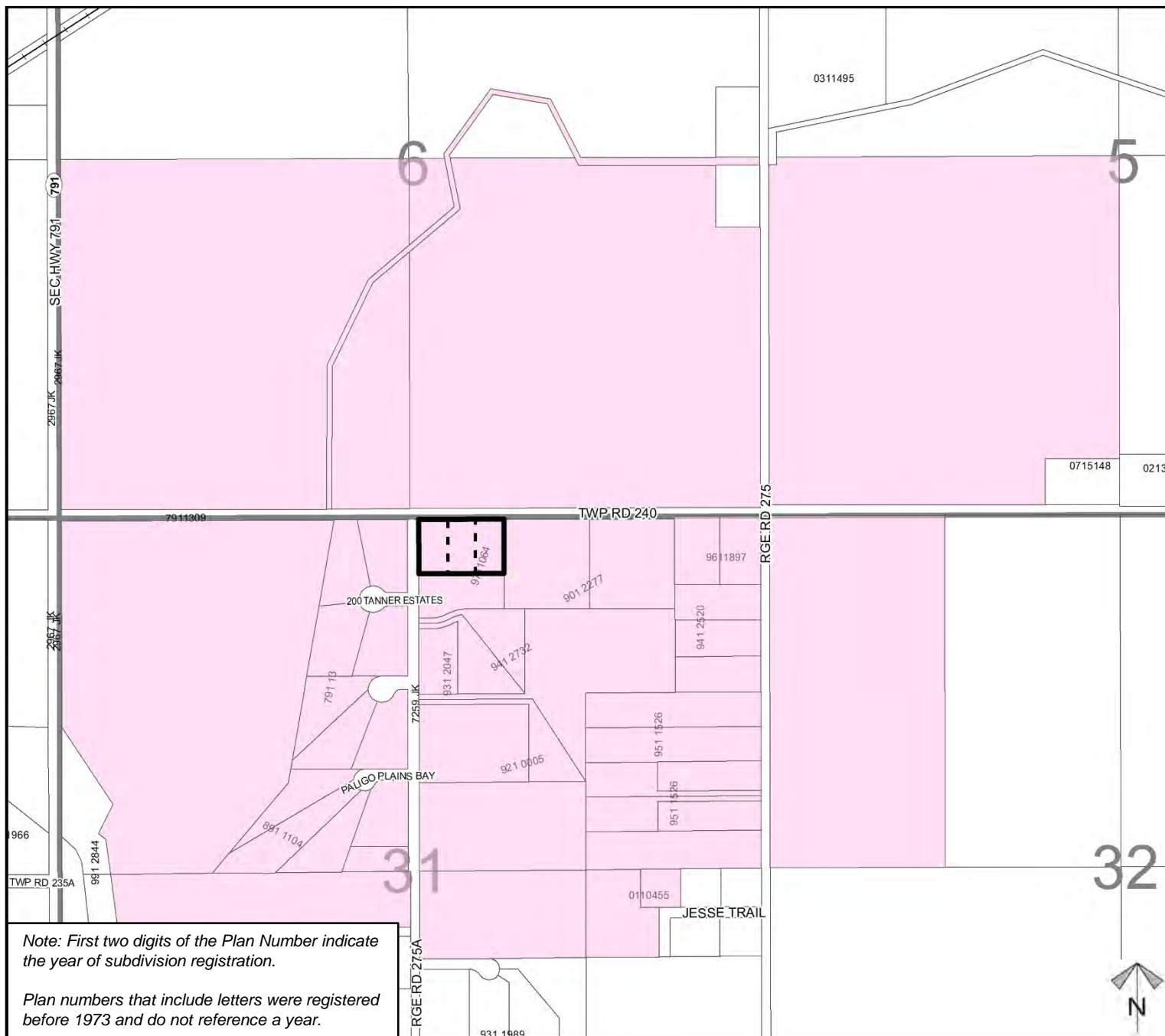
## Support



*Not Support*



Division: 5  
Roll: 03231064  
File: PL20200042  
Printed: May 27, 2021  
Legal: Lot:10 Plan:9711064  
within NE-31-23-27-W04M



## Tentative Plan

### Subdivision Proposal

To create a  $\pm 2.00$  acre (Lot 1); a second  $\pm 2.00$  acre parcel (Lot 2); and a  $\pm 2.02$  acre remainder (Lot 3).

### 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: 5  
 Roll: 03231064  
 File: PL20200042  
 Printed: May 27, 2021  
 Legal: Lot:10 Plan:9711064  
 within NE-31-23-27-W04M

TWP RD 240

Lot 3  
 $\pm 0.818$  ha  
 ( $\pm 2.02$  acre)

Lot 2  
 $\pm 0.809$  ha  
 ( $\pm 2.00$  acre)

Lot 1  
 $\pm 0.809$  ha  
 ( $\pm 2.00$  acre)



**Oksana Newmen**

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**From:** Bonnie D. [REDACTED]  
**Sent:** Wednesday, May 06, 2020 8:05 AM  
**To:** Oksana Newmen  
**Subject:** [EXTERNAL] - Fwd: applicant PL20200042

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

----- Forwarded message -----

**From:** **Bonnie D.** [REDACTED]  
**Date:** Wed, May 6, 2020 at 8:01 AM  
**Subject:** applicant PL20200042

I called the development department last Friday to ask if this person had a permit to haul 16-20 truck loads of dirt DAILY.

This is a problem for surrounding properties, as the water flow is flooding us out with all this dirt being brought in. This property is a swamp , and should be left as such.

Please check for permit and save us from flooding.

thank you

Arthur & M'Laurel Thompson  
Box 46 Site 7 RR 7 LCD 1  
235222 Range Rd. 275A Rocky View County  
Calgary, AB T2P 2G7

Tuesday, May 5, 2020

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

Re: File Number 03431064, Application Number PL20200042

Dear Planning and Services Department,

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

We have a few concerns about the development of these lands. Particularly, stormwater and snow melt drainage and septic fields on Lot 2 (on map of Tentative Plan). It wasn't mentioned in the notification letter, but the house on the existing land burned down in April of last year. There are no structures currently on the land.

For reference on the Location Plan map:

We (Thompson) are 03231043, triangular lot to the south of the subdivision proposal.  
Shergill property is the proposed subdivision lands, 03231064  
Da Costa property is 03231039, 03231040 immediately to the east.  
Gallant property is 03231041, triangular lot to the south of us.  
Former Parks property is 03231004 (new owners that we do not know names) south of proposal.

#### Stormwater and Snow Melt

Over the last few years, there has been a problem with flooding on our lands with spring snow melt. We have attached pictures from April 2020 showing this. There is no stormwater plan for our area. Despite objections, Da Costa was allowed to fill in his land and put in berms that stopped any water from flowing through his land as it had done before he built. Although he manually pumps the stormwater from the Former Parks land, this is not done often enough as is shown by the pictures. Apparently, there is a Drainage Easement on Da Costa's land (see File # 03431039; PRD20164835 Development Appeal Decision, Prior to Issuance #4), but this seems inadequate as his land is still higher than Lot 2 and the east end of the Former Parks land which are both totally flooded in the pictures. 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 road ditches. The water came to about 7 meters of our detached garage. Although the water eventually drained, the April 27 photo shows that Lot 2 is still saturated and lower than the surrounding lands.



Our concern is that any building and filling, especially on Lot 2 will further exacerbate the snow melt drainage problem on our lands. The Shergill's have already started bringing in and spreading fill on Lot 1 of the tentative subdivision. Although not currently a concern, the new owners of the Former Parks property may also decide to fill in the east side of their property where the water naturally flows. We therefore ask that any development of these lands takes stormwater drainage for the adjacent properties under serious consideration.

#### Septic Field

Septic fields freezing in the area are not uncommon. The last attached picture shows the remnants of above ground septic pipe from the original house on the Shergill's property that was in place before the house fire. Any new housing development would most likely also have this problem, especially since proposed Lots 1 and 2 are lower than the original.

In conclusion, there is already a stormwater problem in the area, especially in the spring, and we are very concerned that any proposed development of the subject lands without consideration of surface water flooding and septic field issues will be a major problem for us and surrounding landowners.

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

A black rectangular redaction box covering the signature of Arthur Scott & M'Laurel Thompson.

Attachments:

Pictures

Notice of Application















**ROCKY VIEW COUNTY**

403-230-1401 questions@rockyview.ca www.rockyview.ca

262075 Rocky View Point  
Rocky View County, AB. T4A 0X2

Wednesday, April 22, 2020

Thompson, Arthur & M'Laurel  


File Number: 03231064

Application Number: PL20200042

Division 5

**TO THE LANDOWNER**

Take notice that an application(s) has been received by the Planning Services Department of Rocky View County.

Where is the land?

Located at the southeast junction of Township Road 240 and Range Road 275A.

What is the applicant proposing?

To create two  $\pm 0.809$  hectare ( $\pm 2.00$  acre) parcels with a  $\pm 0.818$  hectare ( $\pm 2.02$  acre) remainder.

Please see the map attached to this notice for more information.

How do I comment?

As your property is adjacent to, or in the immediate vicinity of the land subject to the application, we are notifying you in the event that you may wish to provide comments.

If you have any comments, please reference the file number and application number and send your comments to the attention of the Planning Services Department, Rocky View County - 262075 Rocky View Point, Rocky View County, AB, T4A 0X2

PLEASE REPLY PRIOR TO:

Wednesday, May 13, 2020

County Contact: Oksana Newman

E-mail: ONewmen@rockyview.ca Phone: 403.520.7265

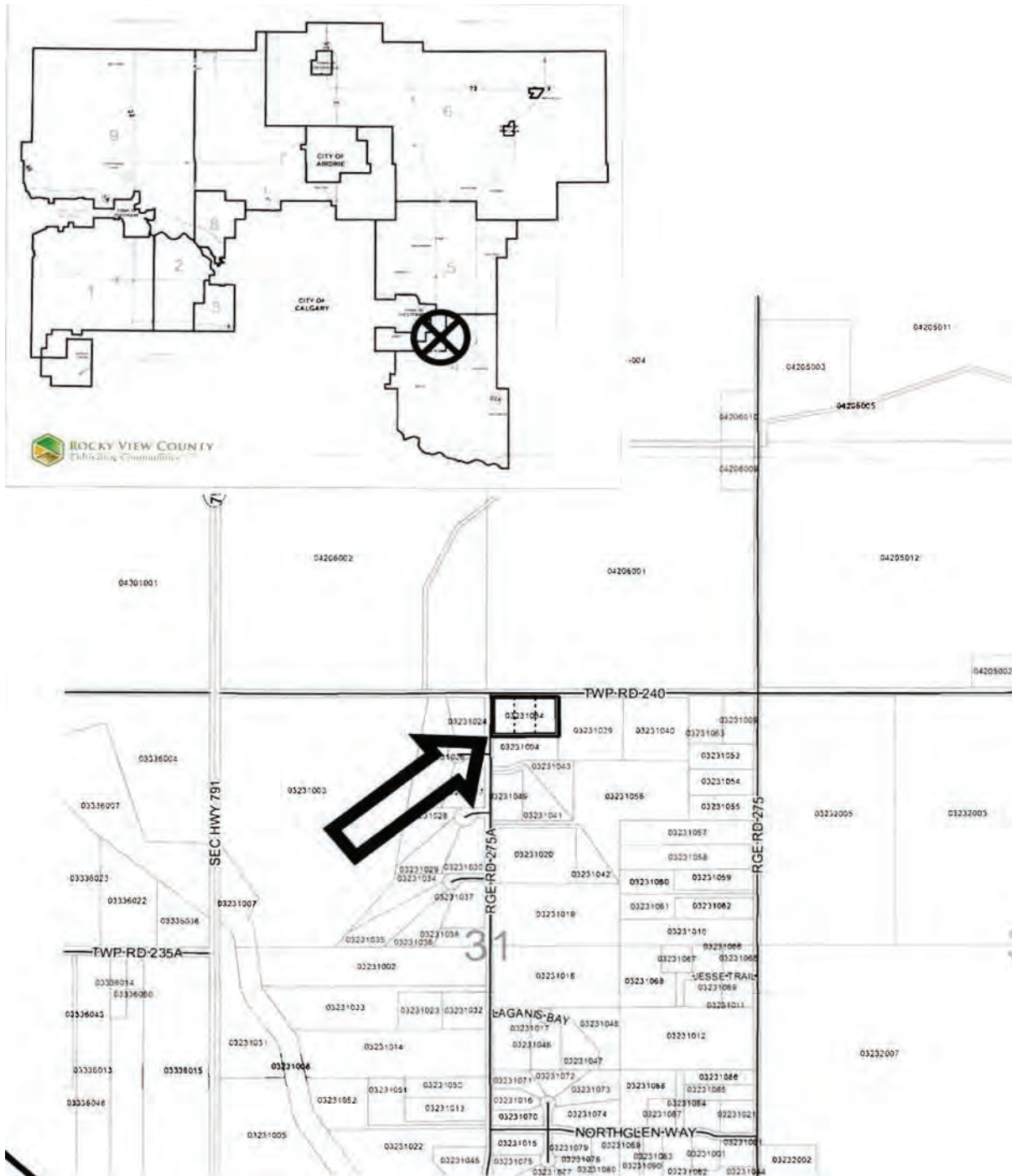
Other application details and notes:

Applicant(s):	Terradigm Development Consultants Inc. (Steve Grande)
Owner(s):	Satwant & Karmjit K Shergill
Size:	$\pm 2.44$ hectares ( $\pm 6.03$ acres)
Legal:	Lot 10, Plan 9711064, within NE-31-23-27-W04M

Notes:

1. Any comments on an area structure plan, conceptual scheme, master site development plan or redesignation application should address whether the proposed use(s) is compatible with the other existing uses in your neighbourhood. Any comments on a subdivision application should address technical matters only, such as parcel size, access, provision of water, disposal of sewage, etc.
2. Please be advised that any written submissions submitted in response to this notification is considered a matter of public record and will become part of the official record. Submissions received may be provided to the applicant, or interested parties, prior to a scheduled council meeting, subject to the provisions of the Freedom of Information and Protection of Privacy Act. Please note that your response is considered consent to the distribution of your submission.





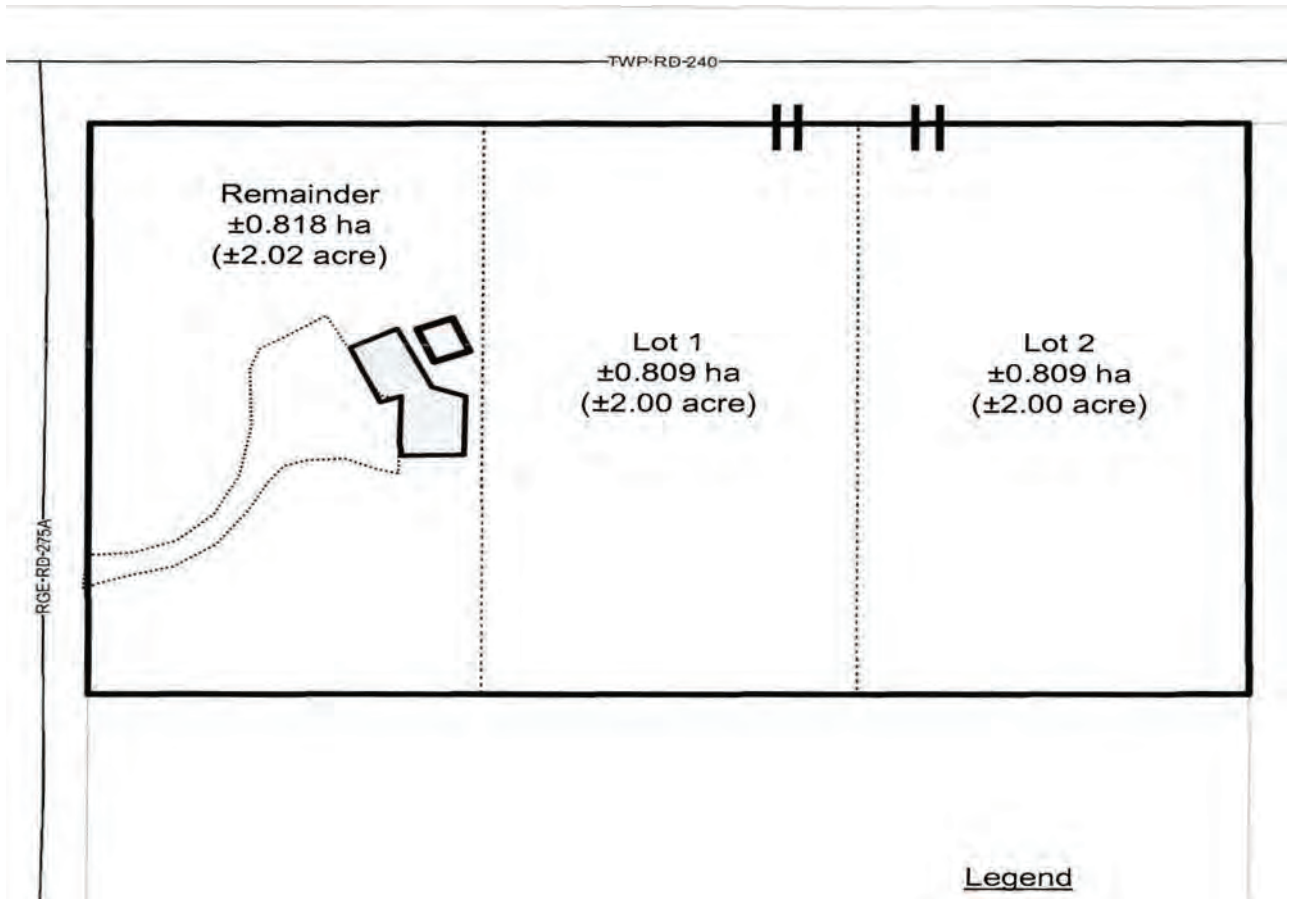
## LOCATION PLAN

NE-31-23-27-W04M

Lot: 10 Plan • 9711064

Date: April 8, 2020 Division # 5 File: 03231064

Subdivision Proposal: To create two  $\pm 0.809$  hectare ( $\pm 2.00$  acre) parcels (Lots 1 and 2) with a  $\pm 0.818$  hectare ( $\pm 2.02$  acre) remainder.



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.

**TENTATIVE  
PLAN**





NE-31-23-27-W04M Lot: 10 Plan:9711064

Date: April 8, 2020 Division # 5 File: ~~03231064~~