



## PLANNING AND DEVELOPMENT SERVICES

<b>TO:</b>	Municipal Planning Commission Subdivision Authority	<b>DIVISION:</b> 4
<b>DATE:</b>	July 28, 2021	<b>APPLICATION:</b> PL20210075
<b>FILE:</b>	03309002/001	
<b>SUBJECT:</b>	Subdivision Item – Creation of Twelve Residential Lots	

**APPLICATION:** To create twelve residential lots on the  $\pm 23.31$  hectares ( $\pm 57.59$  acres) of land with the consolidation of  $\pm 0.7$  hectares ( $\pm 1.74$  acres) of land from SE-9-23-28-W04M, with a  $\pm 16.69$  hectares ( $\pm 41.24$  acres) remainder and a  $\pm 48.38$  hectares ( $\pm 119.55$  acres) remainder.

**GENERAL LOCATION:** Located approximately 0.5 miles east of the city of Calgary, east of Range Road 284 and on the north side of Township Road 231.

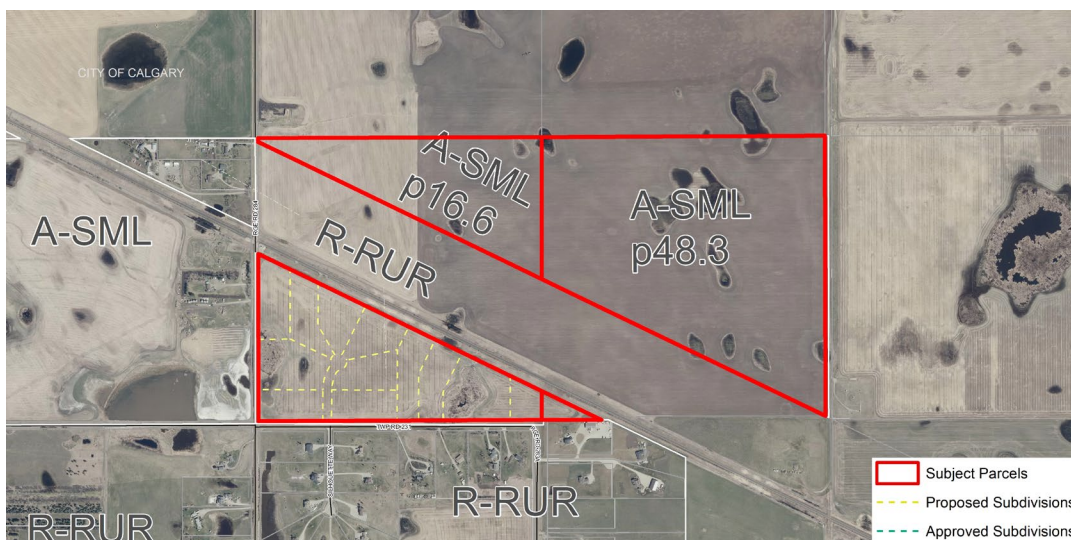
**LAND USE DESIGNATION:** Residential, Rural District (R-RUR), Agricultural, Small Parcel District (A-SML p16.6) and Agricultural, Small Parcel District (A-SML p48.3)

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

### OPTIONS:

- Option #1: THAT Subdivision Application PL20210075 be approved with the conditions noted in Appendix 'A'.
- Option #2: Motion #1 THAT Condition 3.c) regarding Emergency Access be removed;  
Motion #2 THAT Subdivision Application PL20210075 be approved with the conditions noted in Appendix 'A', as amended.
- Option #3: THAT Subdivision Application PL20210075 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.

<b>APPLICABLE POLICY AND REGULATIONS:</b>	<b>TECHNICAL REPORTS SUBMITTED:</b>
<ul style="list-style-type: none"> <li>• <i>Municipal Government Act</i>;</li> <li>• Subdivision and Development Regulations;</li> <li>• Rocky View County/City of Calgary Intermunicipal Development Plan (IDP);</li> <li>• Land Use Bylaw; and</li> <li>• County Servicing Standards.</li> </ul>	<ul style="list-style-type: none"> <li>• Geotechnical Report (Tetra Tech, September 2019)</li> <li>• Transportation Impact Assessment Memo (ISL Engineering, March 23, 2020)</li> <li>• Phase 1 Aquifer Analysis (Solstice Environmental Management, August 5, 2020)</li> <li>• Level 4 PSTS Assessment (Solstice Environmental Management, August 4, 2020)</li> <li>• Shepard Estates Conceptual Scheme Stormwater Management Plan (Idea Group, April 2020)</li> <li>• Biophysical Impact Assessment (Tannas Conservation Services Ltd. April 2020)</li> <li>• Appraisal Report (Altus Group, May 18, 2021)</li> </ul>

#### **Transportation:**

Lots 1, 2 and 4-8 will be accessed through a proposed new internal subdivision road while Lot 3 will have direct access to Range Road 284. Lots 9-12 will have direct access to Township Road 231. The Applicant provided a Traffic Impact Assessment (TIA) memo at the redesignation stage, which concluded that the amount of traffic generated from the development is relatively low and would have minimal impact on existing traffic operations. Range Road 284 is currently a gravelled road that experiences a relatively high volume of traffic between Township Road 232 & 230 (400 – 500 vehicles per day).

It is also noted that Township Road 231/Range Road 283A/Township Road 230B is a dead-end road with a single point of access as there are currently 27 lots using this route for access. The County Servicing Standards require at least two access points when roadways are providing access to 10 lots or greater. Due to this, an emergency access point is required through the proposed development.

As a condition of subdivision, the Applicant is required to enter into a Development Agreement for the construction of an internal road, emergency access road, and new road approaches. The Applicant is also required to enter into an Access Easement Agreement for the emergency access road. The Applicant has requested that the condition for an emergency access road be waived. Should MPC grant the request, Option #2 is available.

The Transportation Off-Site Levy is also applicable and has been included in the conditions of approval.

#### **Water and Wastewater:**

The proposed new lots would be serviced by individual groundwater wells and private sewage treatment systems. The Applicant provided a Phase I Groundwater study at the redesignation stage, which concluded that there should be adequate groundwater for the proposed development. A Level IV PSTS Assessment was also provided at the redesignation stage, indicating favourable soil

conditions to support treatment. As a condition of subdivision, the Owner is required to drill a new well on each proposed lot and provide a Phase II Groundwater Assessment. The applicant will also be required to enter into a Site Improvements Services Agreement to ensure future Private Sewage Treatment Systems are constructed in accordance with the Level IV PSTS Assessment.

**Stormwater:**

The Applicant provided a Conceptual Stormwater Management Plan at the redesignation stage, which provided for an overland stormwater collection system that conveys stormwater to two (2) existing wetlands. As a condition of the subdivision, the Owner is required to enter into a Development Agreement to implement the recommendations of the stormwater management plan, conduct a Wetland Impact Assessment and obtain approval from Alberta Environment for wetland disturbance.

**Municipal Reserves:**

The Applicant proposes to pay cash-in-lieu of payment for the development area ( $\pm 57.59$  acres). The remainder is greater than 40 acres in size. Municipal Reserves for the remainder parcels are not required in accordance with Section 663 of the *Municipal Government Act* (MGA).

**Payments and Levies:**

APPLICABLE FEE/LEVY	AMOUNT OWING (ESTIMATE)
TRANSPORTATION OFF-SITE LEVY	<p>\$264,626</p> <p>Development Area = <math>\pm 57.59</math> acres (development area)</p> <p>Base Levy \$4,595 per acre x 57.59 acres = \$264,626</p>
<p>MUNICIPAL RESERVE</p> <p>(cash in lieu payment)</p>	<p>\$201,500</p> <p>\$2,015,000 (market value for the development area) x 10% = \$201,500</p>

**Rocky View County/City of Calgary Intermunicipal Development Plan (IDP):**

The land is located in the future residential growth area within IDP. The IDP states that the land in this area should be governed by the local planning document of the County. The proposal was evaluated in accordance with the County Plan. The City was circulated and they opposed the application stating that fragmented rural lands could pose a challenge in transforming to a future urban land use pattern.

**Land Use Bylaw:**

The proposed new lots and the remainder meet the parcel size requirements of Residential, Rural District (R-RUR) and Agricultural, Small Parcel District (A-SML) within the Land Use Bylaw.

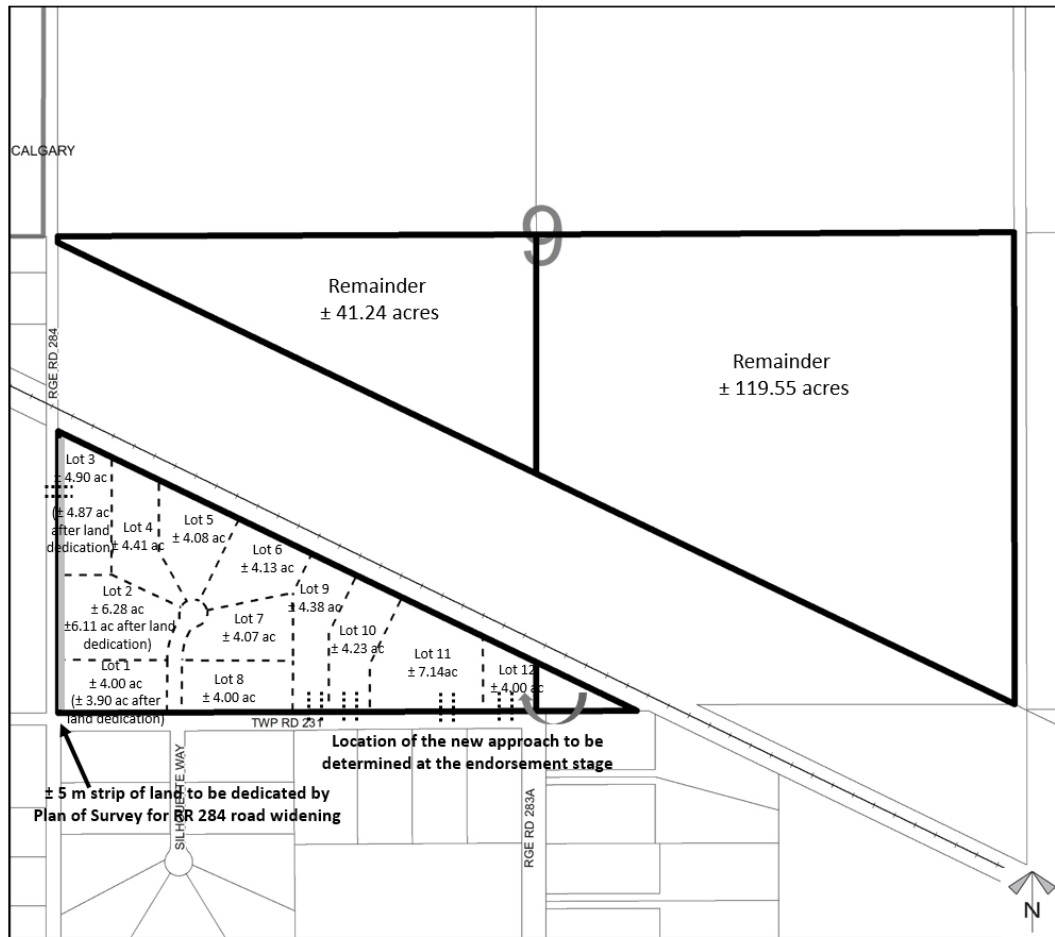
It is noted that after a 5 m wide strip of land is being dedicated along the western property line to facilitate future widening for Range Road 284, resulting in reduced lot size for Lot 1, 2 and 3.

	Proposed Lot Size	Lot Size After Land Dedication
Lot 1	$\pm 1.62$ ha ( $\pm 4.00$ ac)	<p><math>\pm 1.57</math> ha (<math>\pm 3.90</math> ac)</p> <p>*slightly undersized, as the required minimum parcel size is <math>\pm 1.6</math> ha (<math>\pm 3.95</math> ac), <math>\pm 1.88\%</math> undersized</p>
Lot 2	$\pm 2.54$ ha ( $\pm 6.28$ ac)	$\pm 2.47$ ha ( $\pm 6.11$ ac)
Lot 3	$\pm 1.98$ ha ( $\pm 4.90$ ac)	$\pm 1.97$ ha ( $\pm 4.87$ ac)



Section 654 (2) of the *MGA* allows the Subdivision Authority to vary the lot sizes if it deems that the application will not materially interfere with or affect the use, enjoyment, or value of neighbouring parcels of land.

*Tentative Plan*



**Tentative Plan**

**Subdivision Proposal**

To create twelve residential lots on the ± 23.31 hectares (± 57.59 acres) of land with the consolidation of ± 0.7 hectares (± 1.74 acres) of land from SE-9-23-28-W04M, with a ± 16.69 hectares (± 41.24 acres) remainder and a ± 48.38 hectares (± 119.55 acres) 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-8000-2020.
2. Refer to Notice of Transmittal for approval conditions related to this Tentative Plan.

Division: 4  
Roll: 03309001 / 03309002  
File: PL20210075  
Legal: A portion of SW/SE-09-23-28-W04M  
Printed: April 30, 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 twelve residential lots on the  $\pm 23.31$  hectares ( $\pm 57.59$  acres) of land with the consolidation of  $\pm 0.7$  hectares ( $\pm 1.74$  acres) of land from SE-9-23-28-W04M, with a  $\pm 16.69$  hectares ( $\pm 41.24$  acres) remainder and a  $\pm 48.38$  hectares ( $\pm 119.55$  acres) remainder, within SW & SE-9-23-28-W4M, 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.
- 2) A 5 m wide strip of land, along the west boundary of the subject lands, shall be dedicated by Plan of Survey, to facilitate Range Road 284 future road widening.

***Development Agreement***

- 3) The Owner shall enter into and comply with a Development Agreement pursuant to Section 655 of the *Municipal Government Act* in accordance with the approved tentative plan and shall include the following:
  - a) Construction of a public internal road system (Country Residential Standard) complete cul-de-sacs, tie-in onto TWP Road 231 and any necessary easement agreements, including complete approaches to each lot, as shown on the Tentative Plan, at the Owner's expense, in accordance with Section 400.0 of the Rocky View County Servicing Standards;
  - b) Construction of a new gravel approach off Range Road 284 for access to Lot 3; and Construction of new gravel approaches off Township Road 231 for access to Lots 9-12.
  - c) Construction of a gated Emergency Access road to the satisfaction of the County and enter into any necessary access easement agreements with the County;





- d) Construction of stormwater management facilities, in accordance with the recommendations of the approved Stormwater Management Plan, and the registration of any overland drainage easements and/or restrictive covenants as determined by the Stormwater Management Plan, all to the satisfaction of Alberta Environment and Parks, and the County;
- e) All necessary site grading;
- f) Implementation of the identified Erosion & Sedimentation Control (ESC) measures in accordance with the recommendations of the approved Erosion & Sedimentation Control Plan;
- g) Implementation of the recommendations of the Construction Management Plan accepted by the County;
- h) Obtain all necessary approvals from AEP for the impact to the onsite wetlands;
- i) Mailbox locations, to be located in consultation with Canada Post, to the satisfaction of the Municipality;
- j) Installation of power, natural gas, and communication utilities.

#### *Geotechnical*

- 4) The Owner shall provide a revised geotechnical report conducted and stamped by a qualified professional geotechnical engineer that provides recommendations on a road structure design and provides a site-specific CBR value used in the road structure design, in accordance with the County Servicing Standards.
- 5) The Owner shall submit finished grade plans, and cut and fill plans.
- 6) The Owner shall provide a Geotechnical Developable Area assessment, indicating that there is at least one contiguous acre of developable area for each parcel.

#### *Transportation*

- 7) The Owner shall obtain approval for a road name by way of application to the County.
- 8) The Owner shall construct a new gravel approach on Range Road 284 in order to provide access to Lot 3, and construct new gravel approaches on Township Road 231 to provide access to Lots 9-12.

#### *Site Servicing*

- 9) Water is to be supplied by an individual well on the new Lots 1-12. 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 well on the new Lots 1-12, in accordance with the County's Servicing Standards and requirements of the *Water Act*; and
  - b) A Well Driller's Report confirming a minimum pump rate of 1.0 IGPM for the new well is provided
- 10) The Owner shall enter into a Development Agreement (Site Improvements/Services Agreement) with the County for the proposed 12 new lots and shall include the following:
  - a) For the implementation of PSTS systems to be in accordance with the Level IV PSTS Assessment conducted by Solstice Environmental Management dated August 4, 2020.

#### *Developability*





- 11) The Owner shall provide a Wetland Impact Assessment for the impacts to the onsite wetlands in accordance with AEP requirements.
- 12) The Owner shall submit an Erosion and Sediment Control Plan and Report in accordance with the County's Servicing Standards.
- 13) The Owner shall provide a Construction Management Plan which is to include, but not be limited to, noise, sedimentation and erosion control, traffic accommodation, construction waste management, and construction management details. Specific other requirements include:
  - a) Weed management during the construction phases of the project;
  - b) Implementation of the Construction Management Plan recommendations will be ensured through the Development Agreement.

#### *Stormwater*

- 14) The Owner shall provide a Stormwater Management Plan that includes detailed design drawings of the proposed stormwater improvements that are in accordance with the Shepard Regional Plan and the County Servicing Standards, to the satisfaction of the County. Implementation of the Stormwater Management Plan shall include:
  - a) Registration of any required easements and/or utility rights-of-way;
  - b) Provision of necessary approvals and compensation to Alberta Environment and Parks for wetland loss and mitigation;
  - c) Provision of necessary Alberta Environment and Parks registration documentation and approvals for the stormwater infrastructure system.

#### *Municipal Reserve*

- 15) The provision of Municipal Reserve in the amount of 10 % of the development area, 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 Altus Group. dated May 18, 2021, pursuant to Section 666(3) of the *Municipal Government Act*.
  - a) Municipal Reserve owing on the remainder lands to be deferred by Caveat to the remainder lands, pursuant to Section 669 of the *Municipal Government Act*.

#### *Payments and Levies*

- 16) The Owner shall pay the Transportation Off-Site Levy in accordance with the Transportation Off-Site Bylaw C-8007-2020. The County shall calculate the total owing for:
  - a) the proposed lots created in the subdivision, as shown in the Plan of Survey.
- 17) The Owner shall pay the County Subdivision Endorsement fee, in accordance with the Master Rates Bylaw, for the creation of twelve (12) new lots.

#### *Utility*

- 18) Utility Easements, Agreements, and Plans are to be provided and registered concurrent with a plan of survey for the installation of all underground shallow utilities with all necessary utility providers to the satisfaction of the County.

#### *Taxes*

- 19) 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 a 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**

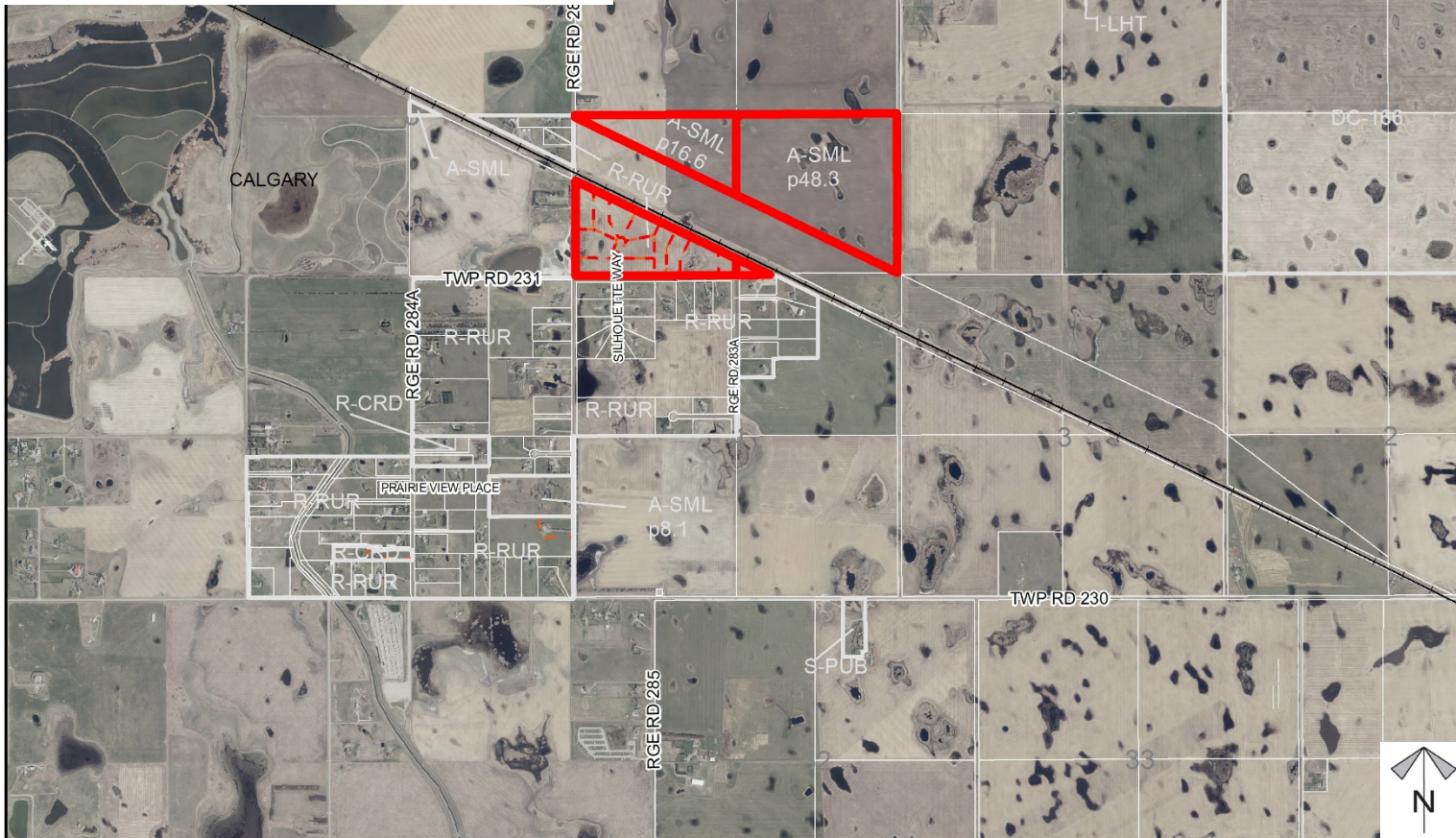
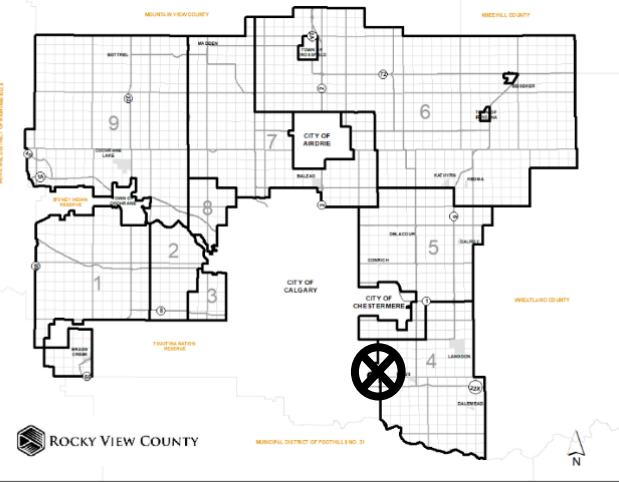
<b>APPLICANT:</b> IDEA Group Inc.	<b>OWNER:</b> Simpson Ranching Ltd.
<b>DATE APPLICATION RECEIVED:</b> April 28, 2021	<b>DATE DEEMED COMPLETE:</b> May 18, 2021
<b>GROSS AREA:</b> ± 88.07 hectares (± 217.63 acres)	<b>LEGAL DESCRIPTION:</b> A portion of SW & SE-9-23-28-W4M
<b>APPEAL BOARD:</b> Development and Subdivision Appeal Board	
<b>HISTORY:</b>  <b>January 26, 2021:</b> Council approved Shepard Estates Conceptual Scheme application (PL20190192), to adopt the Shepard Estates Conceptual Scheme that provides a policy framework to guide future redesignation and subdivision for the residential development.  Council approved Redesignation application (PL20190191), to redesignate a portion of the subject lands from Agricultural, General District (A-GEN) to Residential, Rural District (R-RUR), and redesignate the remainder lands to Agricultural, Small Parcel District (A-SML p16.6) and Agricultural, Small Parcel District (A-SML p48.3), in order to facilitate the creation of 12 residential lots on ± 57.59 acres of land with ± 160.04 acres remainder.	
<b>PUBLIC &amp; AGENCY SUBMISSIONS:</b>  The application was circulated to 63 adjacent landowners. No letters were received.  The application was also circulated to a number of internal and external agencies and, where appropriate, conditions of approval have been proposed based on these comments.	



## Location & Context

### Subdivision Proposal

To create twelve residential lots on the  $\pm 23.31$  hectares ( $\pm 57.59$  acres) of land with the consolidation of  $\pm 0.7$  hectares ( $\pm 1.74$  acres) of land from SE-9-23-28-W04M, with a  $\pm 16.69$  hectares ( $\pm 41.24$  acres) remainder and a  $\pm 48.38$  hectares ( $\pm 119.55$  acres) remainder



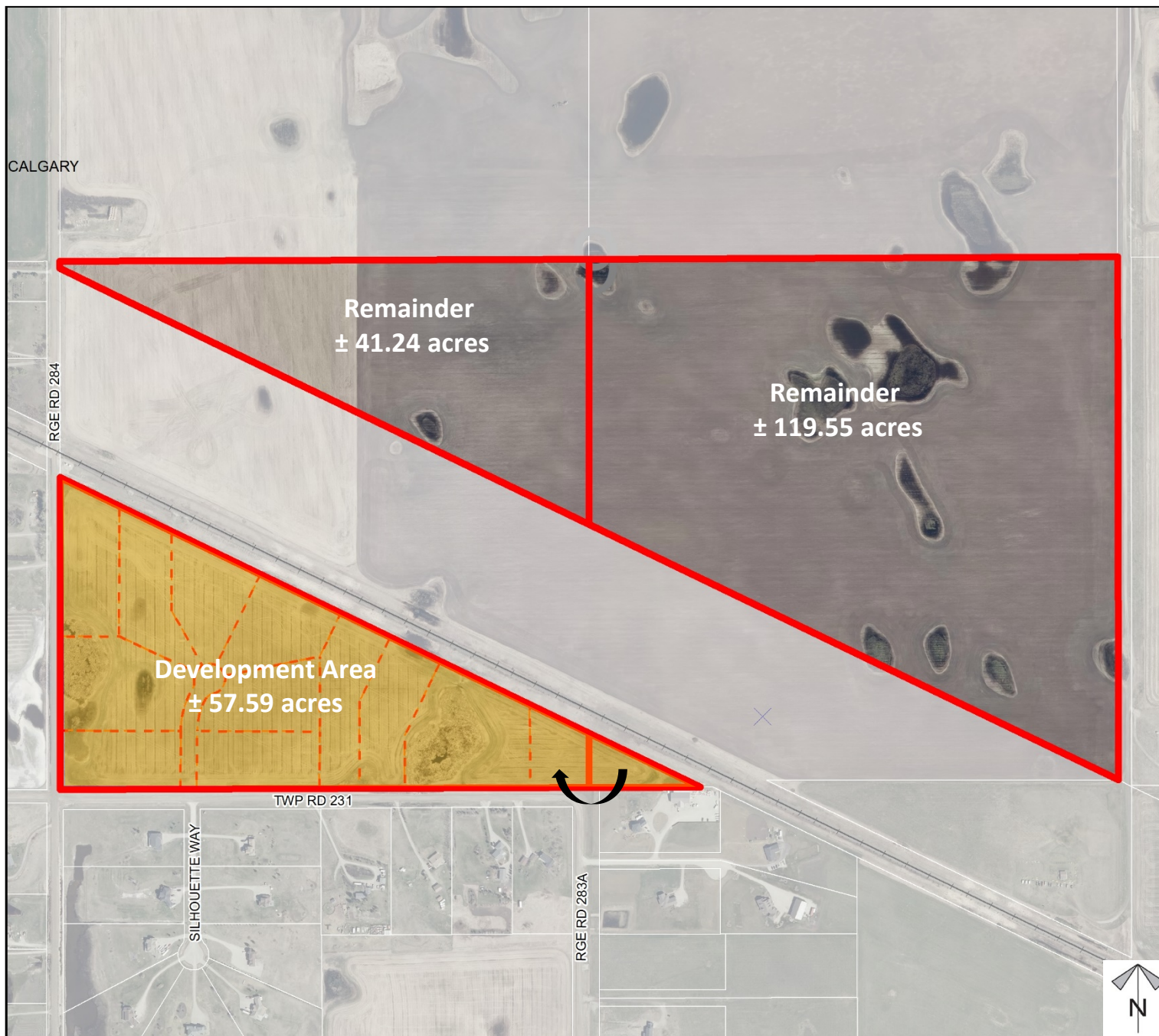
Division: 4  
 Roll: 03309001 / 03309002  
 File: PL20210075  
 Legal: A portion of SW/SE-  
 09-23-28-W04M  
 Printed: April 30, 2021



## Development Proposal

### Subdivision Proposal

To create twelve residential lots on the  $\pm$  23.31 hectares ( $\pm$  57.59 acres) of land with the consolidation of  $\pm$  0.7 hectares ( $\pm$  1.74 acres) of land from SE-9-23-28-W04M, with a  $\pm$  16.69 hectares ( $\pm$  41.24 acres) remainder and a  $\pm$  48.38 hectares ( $\pm$  119.55 acres) remainder



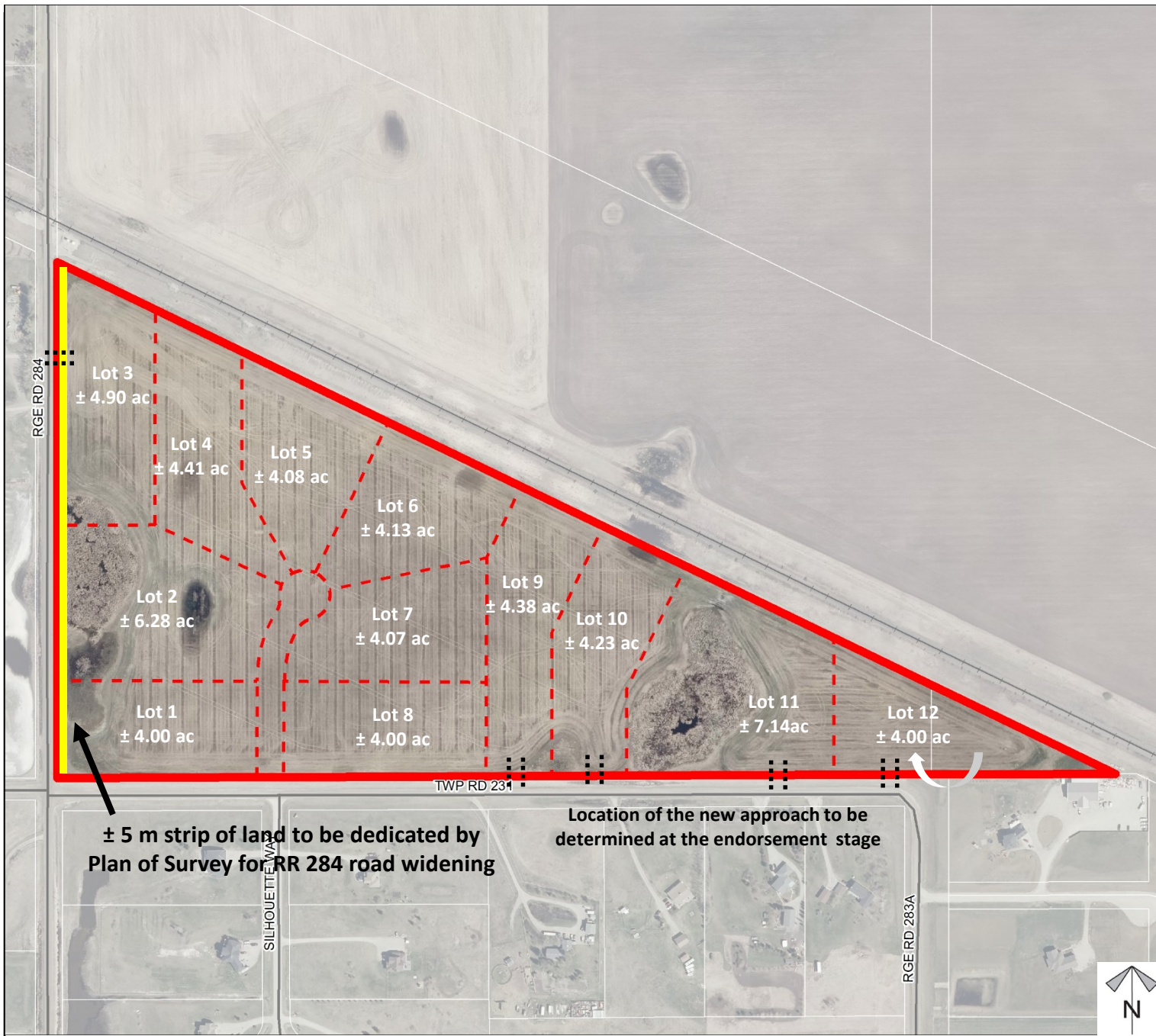
*Division: 4*  
*Roll: 03309001 / 03309002*  
*File: PL20210075*  
*Legal: A portion of SW/SE-09-23-28-W04M*  
*Printed: April 30, 2021*



## Development Proposal

### Subdivision Proposal

To create twelve residential lots on the  $\pm 23.31$  hectares ( $\pm 57.59$  acres) of land with the consolidation of  $\pm 0.7$  hectares ( $\pm 1.74$  acres) of land from SE-9-23-28-W04M, with a  $\pm 16.69$  hectares ( $\pm 41.24$  acres) remainder and a  $\pm 48.38$  hectares ( $\pm 119.55$  acres) remainder



Division: 4  
 Roll: 03309001 / 03309002  
 File: PL20210075  
 Legal: A portion of SW/SE-  
 09-23-28-W04M  
 Printed: April 30, 2021





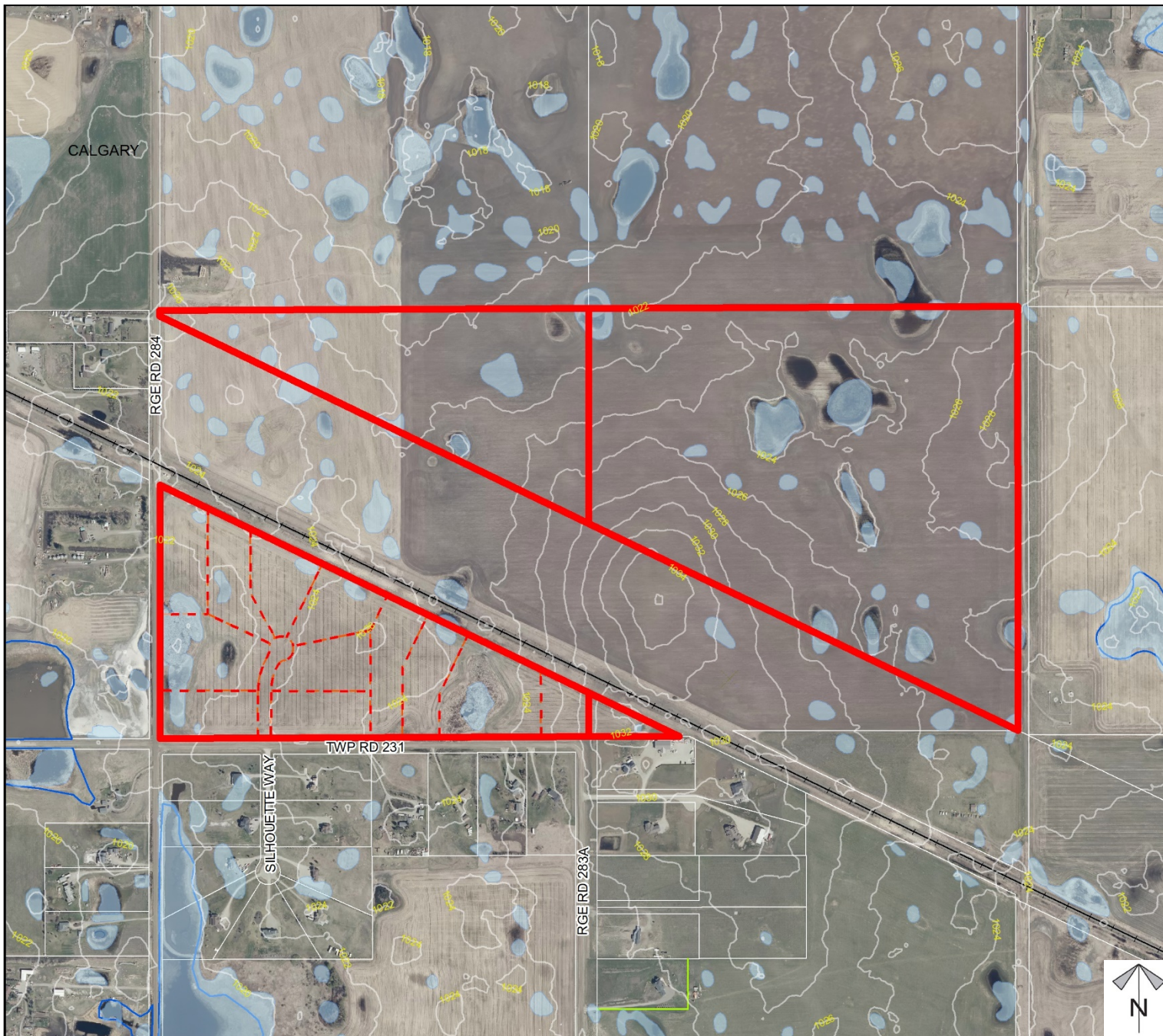
## Environmental

### Subdivision Proposal

To create twelve residential lots on the  $\pm$  23.31 hectares ( $\pm$  57.59 acres) of land with the consolidation of  $\pm$  0.7 hectares ( $\pm$  1.74 acres) of land from SE-9-23-28-W04M, with a  $\pm$  16.69 hectares ( $\pm$  41.24 acres) remainder and a  $\pm$  48.38 hectares ( $\pm$  119.55 acres) remainder

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

Division: 4  
 Roll: 03309001 / 03309002  
 File: PL20210075  
 Legal: A portion of SW/SE-  
 09-23-28-W04M  
 Printed: April 30, 2021

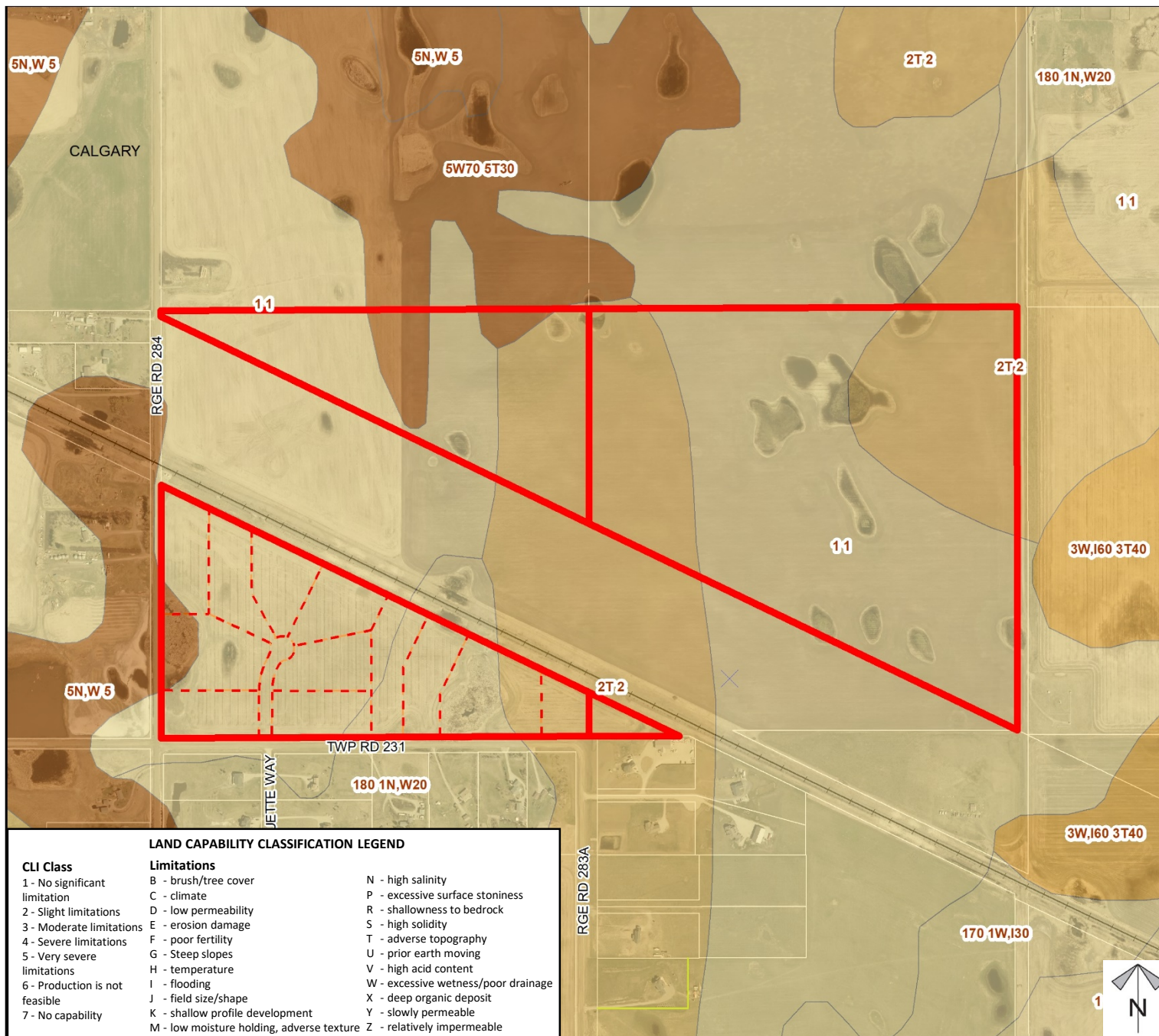




# Soil Classifications

## Subdivision Proposal

To create twelve residential lots on the  $\pm$  23.31 hectares ( $\pm$  57.59 acres) of land with the consolidation of  $\pm$  0.7 hectares ( $\pm$  1.74 acres) of land from SE-9-23-28-W04M, with a  $\pm$  16.69 hectares ( $\pm$  41.24 acres) remainder and a  $\pm$  48.38 hectares ( $\pm$  119.55 acres) remainder



Division: 4  
Roll: 03309001 / 03309002  
File: PL20210075  
Legal: A portion of SW/SE-09-23-28-W04M  
Printed: April 30, 2021

## Subdivision Proposal

To create twelve residential lots on the  $\pm$  23.31 hectares ( $\pm$  57.59 acres) of land with the consolidation of  $\pm$  0.7 hectares ( $\pm$  1.74 acres) of land from SE-9-23-28-W04M, with a  $\pm$  16.69 hectares ( $\pm$  41.24 acres) remainder and a  $\pm$  48.38 hectares ( $\pm$  119.55 acres) remainder

**Legend**

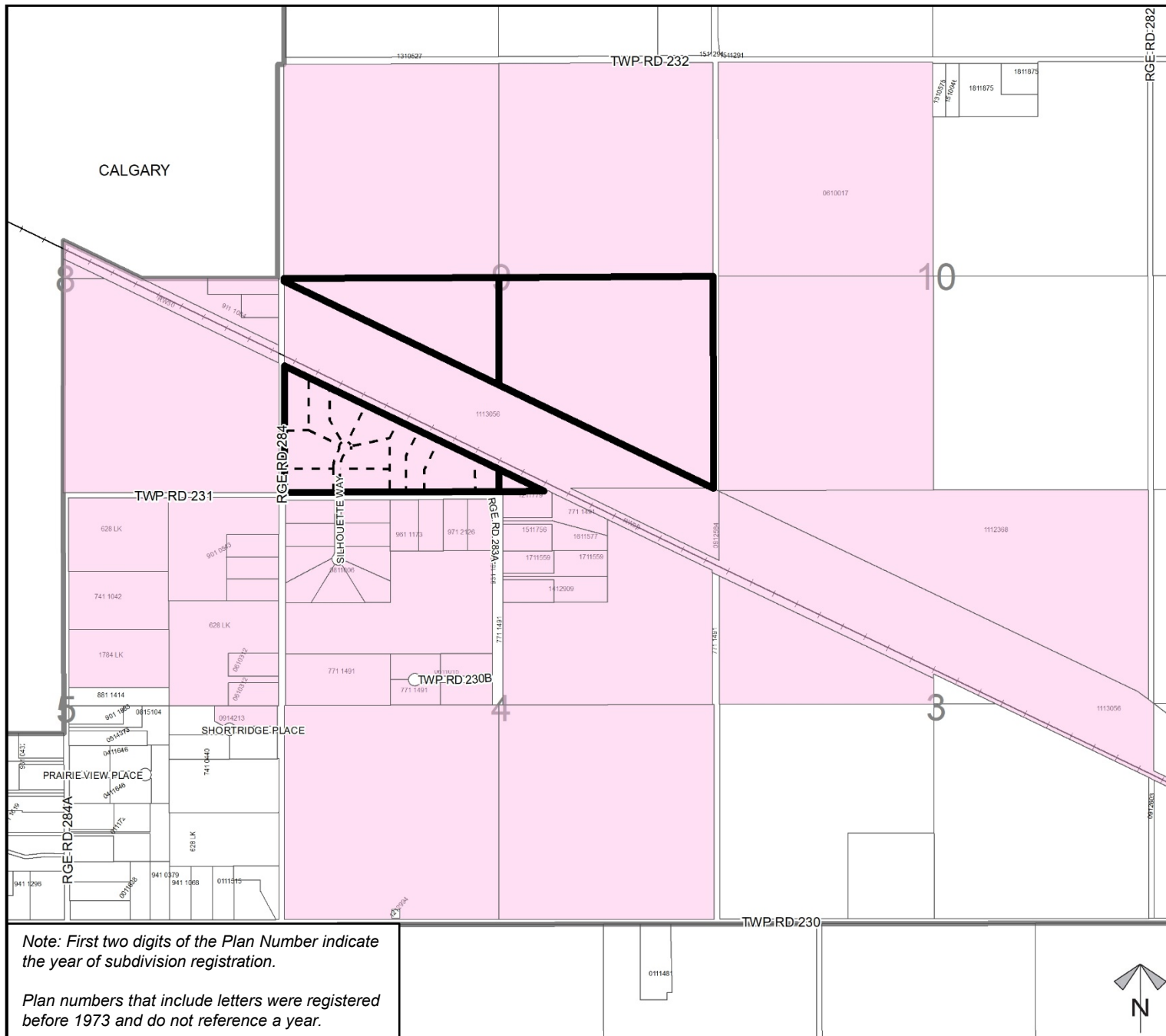
## Support



*Not Support*



Division: 4  
Roll: 03309001 / 03309002  
File: PL20210075  
Legal: A portion of SW/SE-  
09-23-28-W04M  
Printed: April 30, 2021





## Tentative Plan

### Subdivision Proposal

To create twelve residential lots on the  $\pm 23.31$  hectares ( $\pm 57.59$  acres) of land with the consolidation of  $\pm 0.7$  hectares ( $\pm 1.74$  acres) of land from SE-9-23-28-W04M, with a  $\pm 16.69$  hectares ( $\pm 41.24$  acres) remainder and a  $\pm 48.38$  hectares ( $\pm 119.55$  acres) 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-8000-2020.
2. Refer to Notice of Transmittal for approval conditions related to this Tentative Plan.

Division: 4

Roll: 03309001 / 03309002

File: PL20210075

Legal: A portion of SW/SE-09-23-28-W04M

Printed: April 30, 2021

