

PLANNING AND DEVELOPMENT SERVICES

TO: Municipal Planning Commission
Subdivision Authority

DIVISION: 8

DATE: September 15, 2021

APPLICATION: PL20210021

FILE: 06606046

SUBJECT: Residential Subdivision

APPLICATION: To create a ± 0.83 hectare (± 2.05 acre) parcel (Lot 1) with a ± 0.80 hectare (± 1.98 acre) remainder (Lot 2).

GENERAL LOCATION: Located approximately one mile west of the city of Calgary, on the northwest corner of Range Road 25 and Burma Road.

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

EXECUTIVE SUMMARY: The application is inconsistent with the relevant policies of the Bearspaw Area Structure Plan. However, the application would have limited benefit to the preparation of a conceptual scheme, as the existing area has extensive residential development and only one new lot is being proposed.

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

OPTIONS:

Option #1: THAT Subdivision Application PL20210021 be approved with the conditions noted in Attachment 'A'.

Option #2: THAT Subdivision Application PL20210021 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.

APPLICABLE POLICY AND REGULATIONS:	TECHNICAL REPORTS SUBMITTED:
<ul style="list-style-type: none"> • <i>Municipal Government Act;</i> • <i>Rocky View County/City of Calgary Intermunicipal Development Plan (IDP);</i> • Subdivision and Development Regulations; • Municipal Development Plan; • Bearspaw Area Structure Plan; • Land Use Bylaw; and • County Servicing Standards. 	<ul style="list-style-type: none"> • Level 3 Private Sewage Assessment (PSTS), prepared by Osprey Engineering Inc., dated February 4, 2021 • Storm Drainage Report and SSIP Clarification prepared by Osprey Engineering dated May 27, 2020, and February 4, 2021

Payments and Levies

APPLICABLE FEE/LEVY	AMOUNT OWING (ESTIMATE)
TRANSPORTATION OFFSITE LEVY	\$10,109
MUNICIPAL RESERVE (\$/ACRE)	N/A – already provided as cash-in-lieu under Plan 8711106

Additional Review Considerations

Conditions were set based on the following items:

Accessibility to a Road

The applicant has proposed access to proposed Lot 1 from the western end of the property from Burma Road. The County will require the development of a paved approach for Lot 1. Lot 2 has an existing mutual access on Range Road 25.

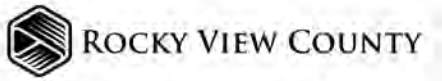
Stormwater / Developability

The applicant provided a Storm Drainage Report and SSIP clarification which notes that the proposed development will not measurably increase the rate or volume of discharge of runoff. A condition has been added to require a Site Improvements/Services Agreement to be registered on Lot 1 requiring adherence to the storm drainage report.

As there are existing drainage issues in the area, Council approved the Bearspaw Burma/Range Road 25 project as part of the 2021 budget. The 191 square metre area is required by Capital Projects for a lift station pullout at the northwest corner of Burma Road and Range Road 25. The project will include a lift station, control panel, power cabinet, and upgraded access roadway with a proposed culvert underneath. A possible transformer may also be included. As such, the lands will be required to be dedicated for this purpose, and are to be located adjacent to and northwest of the required road dedication.

Site Servicing

The existing home is serviced with potable water from the Rocky View Water Co-op, and the applicant has submitted a letter confirming capacity for Lot 1. As such, a condition requiring confirmation for tie-in to connection to Rocky View Water Co-op is provided.



In terms of wastewater, the applicant provided a Level III PSTS study, indicating a packaged sewage treatment system was appropriate. A condition is provided to require a Site Improvements / Services Agreement to be registered on Lot 1 requiring the installation of a packaged sewage treatment system in accordance with the PSTS study.

A condition has also been added for the owners of both lots to enter into deferred services agreements for future wastewater and stormwater systems when such services become available.

Bearspaw Area Structure Plan

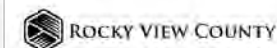
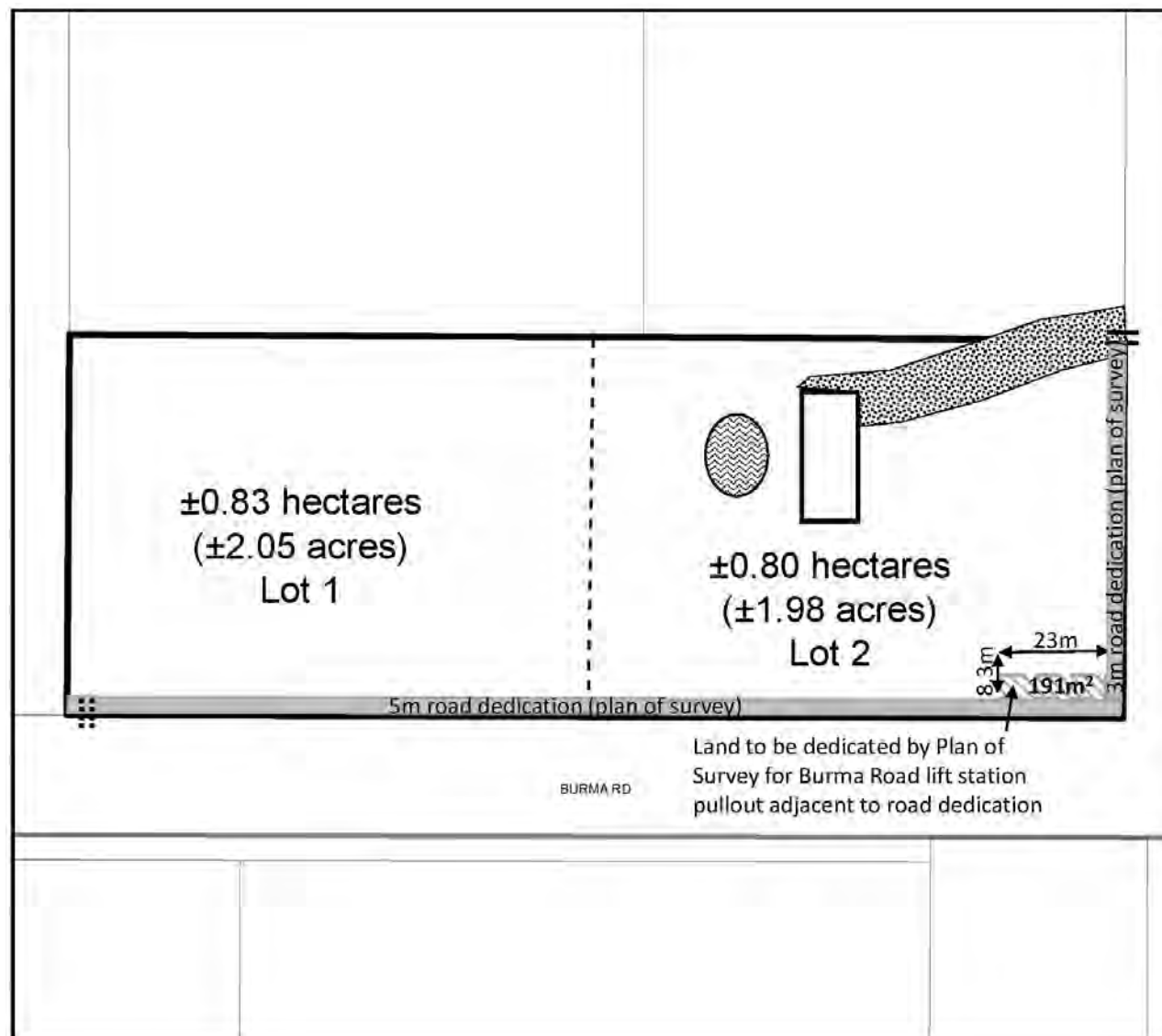
Policy 8.1.20 of the BASP requires the minimum parcel size of four acres, however, Policy 8.1.21 allows for the development of parcels less than four (4) acres with the preparation of a conceptual scheme. Administration indicated that a conceptual scheme was not required during the redesignation phase, and Council agreed. The application remains consistent with the Bearspaw ASP apart from the minimum parcel size.

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

The proposal is considered to align with the policies of the IDP. The application was referred to the City of Calgary in accordance with Section 15.1 of the IDP; no comments were received in response.



Tentative Plan



Tentative Plan

Subdivision Proposal

To create a ±0.83 hectare (±2.05 acre) parcel (Lot 1) with a ±0.80 hectare (±1.98 acre) remainder (Lot 2).

Legend

Dwelling	
Wastewater	
Existing Approach	
New Approach	
Driveway	

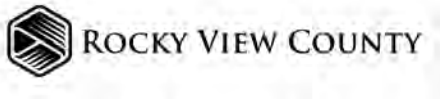
Surveyor's Notes:

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: 06806046
 File: PL20210021
 Printed: Feb 8, 2021
 Legal: Lot: 9 Block: 8
 Plan: 8711106 within SE-05-26-02-W05M

Administration Resources

Oksana Newmen, Planning and Development Services

**CONCLUSION:**

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

Respectfully submitted,

Concurrence,

"Brock Beach"

"Kent Robinson"

Acting Executive Director
Community Development Services

Acting Chief Administrative Officer

ON/lt

ATTACHMENTS:

ATTACHMENT 'A': Approval Conditions

ATTACHMENT 'B': Maps and Other Information

ATTACHMENT 'C': Public Submissions

Administration Resources

Oksana Newmen, Planning and Development Services

ATTACHMENT 'A': APPROVAL CONDITIONS

- A. The application to create a ± 0.83 hectare (± 2.05 acre) parcel (Lot 1) with a ± 0.80 hectare (± 1.98 acre) remainder (Lot 2). at Lot 9, Block 8, Plan 8711106 within SE-6-26-2-W5M, 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 m wide portion of land for road widening along the southern boundary of Lots 1 and 2
 - b) The Owner is to dedicate, by Plan of Survey, a 3 m wide portion of land for road widening along the eastern boundary of Lot 2; and,
 - c) The Owner is to dedicate, by Plan of Survey, a ± 23 m by ± 9 m portion of land for a lift station pullout at the southeast corner of Lot 2, adjacent to and northwest of the road dedication areas along the southern and eastern boundaries.

Transportation and Access

- 2) The Owner shall contact County Road Operations to construct a new paved approach on Burma Road in order to provide access to Lot 1. If a mutual approach is constructed, the Owner shall:
 - a) Provide an access right of way plan; and
 - b) Prepare and register respective easements on each title, where required.

Site Servicing

- 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 Level III Private Sewage (PSTS) Assessment prepared by Osprey Engineering Inc, Dated February 4, 2021;
 - i. For the construction of packaged sewage treatment system which meets Bureau de Normalisation du Quebec (BNQ) standards for treatment.
 - b) In accordance with the Storm Drainage Report prepared by Osprey Engineering Inc. dated May 27, 2020, and SSIP Clarification (Nose Creek Plan) prepared by Osprey Engineering Inc., dated February 4, 2021;
 - i. For the recommendations within the reports.
- 4) The Owner is to provide confirmation of tie-in for connection to Rocky View Water Coop, an Alberta Environment licensed piped water supplier, for Lot 1, 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 Lot 1;
 - b) Documentation proving that water supply has been purchased for proposed Lot 1; and,
 - c) Documentation proving that all necessary water infrastructure is installed.
- 5) The Owner is to enter into a Deferred Services Agreement with the County to be registered on the title proposed Lots 1 and 2, indicating:
 - a) Each future Lot Owner is required to connect to County piped water, wastewater, and stormwater systems at their cost when such services become available;
 - b) Requirements for the decommissioning and reclamation of the onsite water, wastewater, and stormwater systems once County servicing becomes available;
- 6) Utility Easements, Agreements, and Plans are to be provided and registered to the satisfaction of ATCO Gas.

Payments and Levies

- 7) The Owner shall pay the County Subdivision Endorsement fee, in accordance with the Master Rates Bylaw, for the creation of one new lot.
- 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 lot 1 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

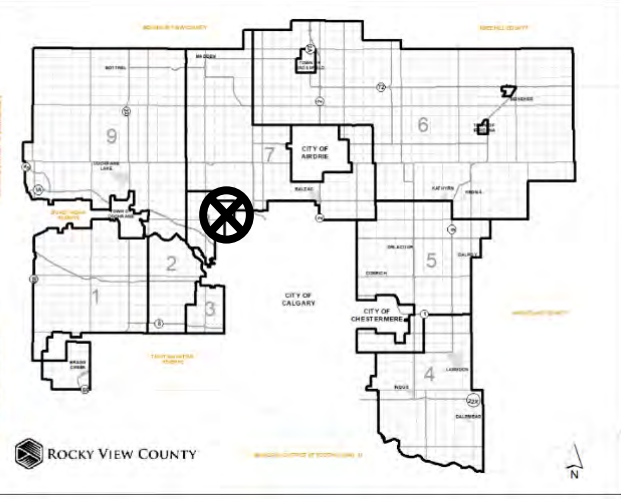
APPLICANT: Lindsey Scharf	OWNER: Ilse Scharf
DATE APPLICATION RECEIVED: February 8, 2021	DATE DEEMED COMPLETE: February 8, 2021
GROSS AREA: ± 1.78 hectares (± 4.40 acres)	LEGAL DESCRIPTION: Lot 9, Block 8, Plan 8711106 within SE-6-26-2-W5M
APPEAL BOARD: Municipal Government Board	
HISTORY: November 10, 2020: Council approved redesignation of the subject lands from Residential, Rural District to Residential, Country District. August 27, 1987: Subdivision Plan 8711106 was registered at Land Titles creating two parcels of 4.40 acres each; one being the subject property. Municipal Reserves were provided via cash-in-lieu.	
PUBLIC & AGENCY SUBMISSIONS: The application was circulated to 151 adjacent landowners. Two responses were received, one in support and one in opposition. The responses have been included in Appendix 'C.' The applicant also submitted two letters of support with the application. 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 a ± 0.83 hectare (± 2.05 acre) parcel (Lot 1) with a ± 0.80 hectare (± 1.98 acre) remainder (Lot 2).



Division: 08
 Roll: 06606046
 File: PL20210021
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 Legal: Lot:9 Block:8
 Plan:8711106 within SE-06-
 26-02-W05M

Development Proposal

Subdivision Proposal

To create a ± 0.83 hectare (± 2.05 acre) parcel (Lot 1) with a ± 0.80 hectare (± 1.98 acre) remainder (Lot 2).



± 0.83 hectares
(± 2.05 acres)
Lot 1

± 0.80 hectares
(± 1.98 acres)
Lot 2

BURMARD

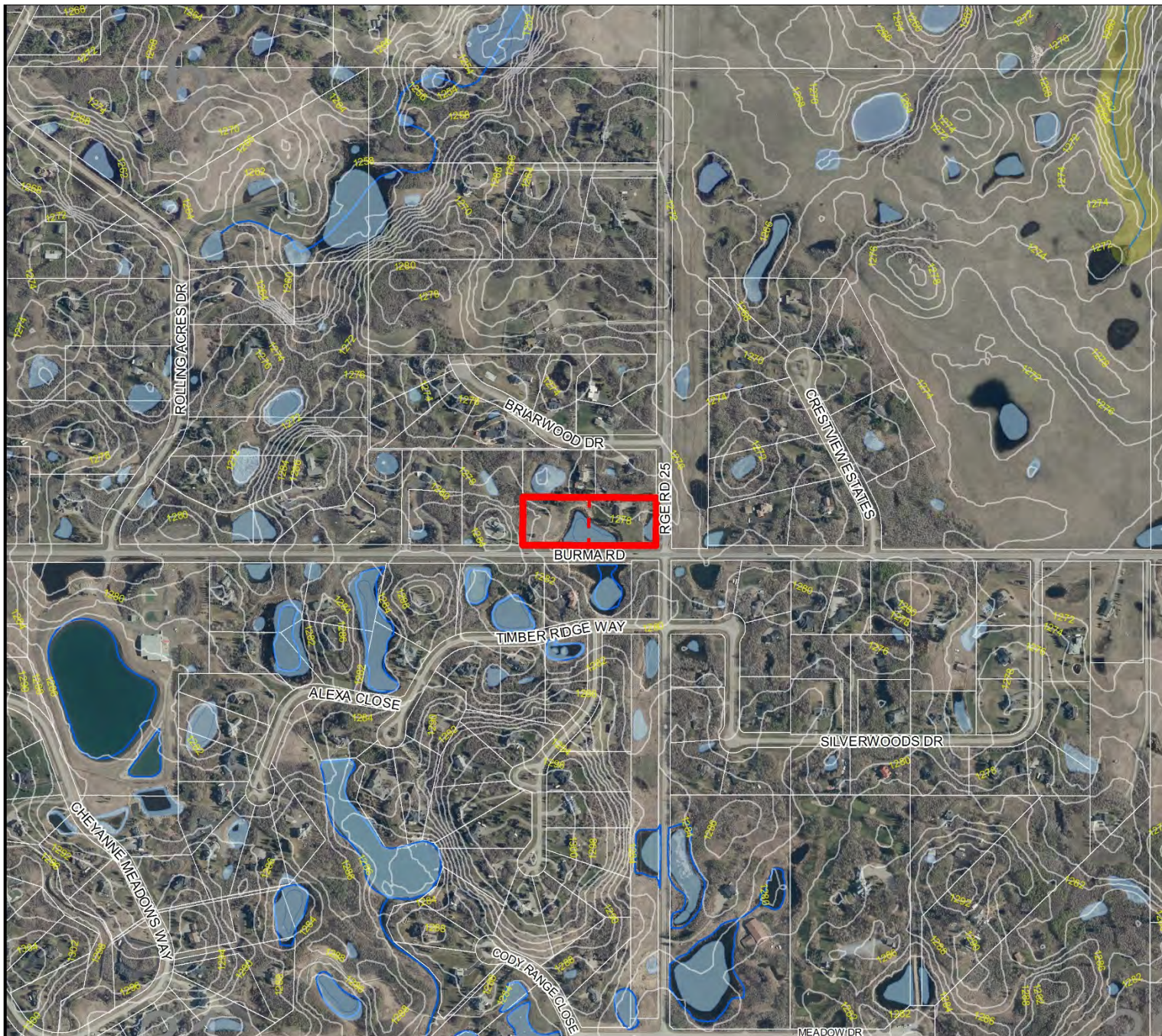
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Environmental

Subdivision Proposal

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

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Soil Classifications

Subdivision Proposal

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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

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Legend

Support

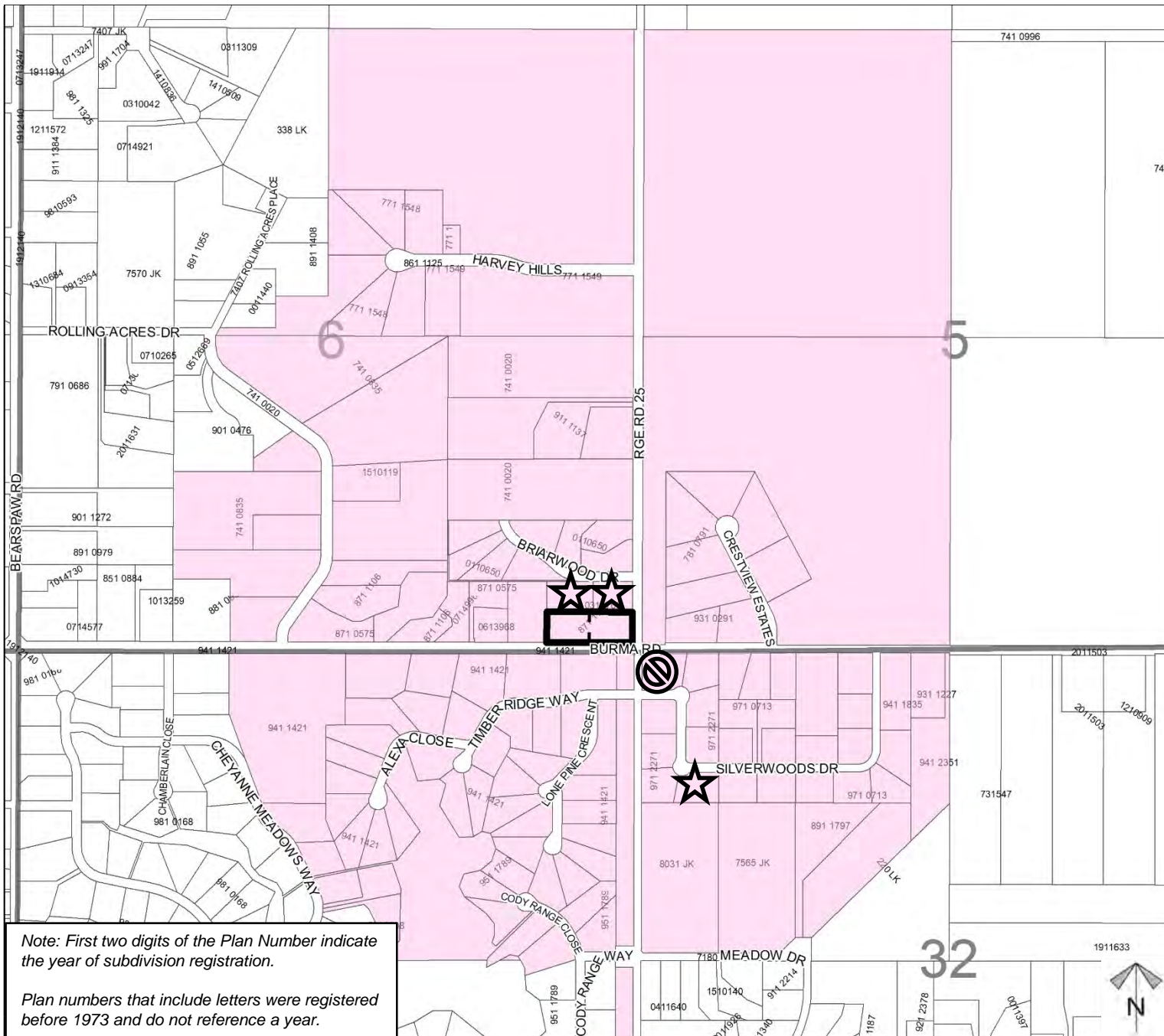


Opposition



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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 Printed: Feb 8, 2021
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 Plan:8711106 within SE-06-26-02-W05M

Dear Neighbor,

This notification is to make you aware that we (Braden and Lindsey Scharf) will be undergoing the construction of our new home next fall pending our redesignation and subdivision application which is being submitted to Koeke View County.

All construction activities will occur in accordance with the guidelines set forth by Koeke View County. We will do our best to limit the amount of noise or disruption to you and your family throughout construction process. Our new house will be approximately 1,600 sq ft. in size. Please see below the location of the proposed development.

The signature below indicates that you are in support of our application. Thank you in advance for your cooperation.

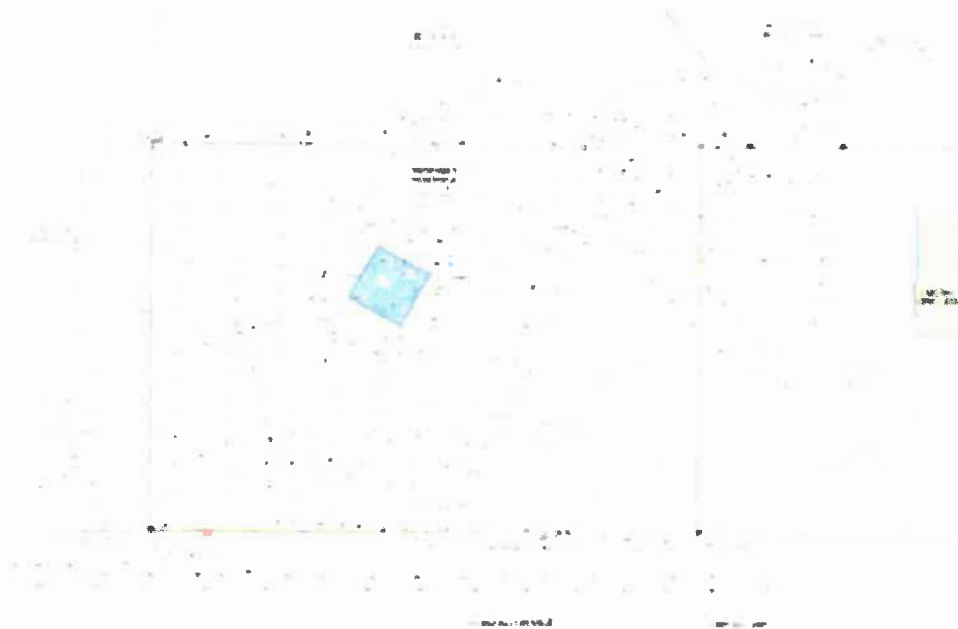
Name of resident:

Braden Scharf

Address:

25031 156th Ave SW

Signature:



This notification is to make you aware that we (Braden and Lindsey Scharf) will be undergoing the construction of our new home next fall pending our redesignation and subdivision application which is being submitted to Rocky View County.

The signature below indicates that you are in support of our application. Thank you in advance for your cooperation.



From: [REDACTED]
To: [Oksana Newmen](#)
Subject: [EXTERNAL] - Re: Application PL20210021
Date: February 17, 2021 2:05:04 PM

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

File # 06606046

Dear Ms. Newmen,

Please be advised that my wife and I are ***NOT opposed*** to the above referenced subdivision plan.
Thanks for bringing it to our attention.

Kerry Rioux
49 Silverwoods Drive
Calgary, AB T3R 1E2
[REDACTED]

From: [REDACTED]
To: [Oksana Newmen](#)
Subject: Re: [EXTERNAL] - File 06606046 and Application PL20210021
Date: February 24, 2021 12:01:47 PM

Thank you for the updated information Oksana.

I agree with not having the access off of Burma Road and to utilize the current access from Lot 2 to Lot 1 due to high traffic levels on Burma Road/144th and the speed of the traffic.

Other issues I have is due to the slope of the land on Lot 1, is having the proper spot for the septic system location due to the large water body and potential for any seepage of grey water into the water body. Also not having them disturb or reduce the water body by filling it in as that should require Alberta Environment approval.

Will these questions be addressed by the County to the applicant?

Thank you and I have no further concerns at this time.

From: "onewmen" <ONewmen@rockyview.ca>
To: "gc reiser" [REDACTED]
Sent: Monday, February 22, 2021 4:48:53 PM
Subject: RE: [EXTERNAL] - File 06606046 and Application PL20210021

Hi Graham,

The applicants have proposed access to Burma Road, near the western side of the parcel; the County is seeking access from Range Road 25.

The Municipal Planning Commission will then need to make their decision between the two possibilities.

See the attached drawing showing the approaches proposed and existing.

Water will be required to be obtained from the water co-op, and the new lot would have it's own septic system. The location has not been determined at this time, but will need to be signed off by the County prior to installation.

The proposed house on the new lot is shown on the attached drawing as well.

Hope this helps, let me know if you have further questions.

Warm regards,
~Oksana

From: Graham Reiser [REDACTED]
Sent: February 17, 2021 2:55 PM
To: Oksana Newmen <ONewmen@rockyview.ca>
Subject: [EXTERNAL] - File 06606046 and Application PL20210021

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

Ms Newmen,

I have a few questions concerning the proposed subdividing of this land parcel.

Will the access to lot 1 be off of Burma Road/144th Ave or through the current lot 2 off of range road 25?
Has this been approved by the County at this time? Please show me where with a drawing.

Will lot 1 be on Rockyview Water Coop and where is the existing water pipeline? Please show me where this is with a drawing.

Will lot 1 have its own septic system? Has this been confirmed/approved by the County on where its being proposed? Please show me where this is with a drawing.

Has the location of a house been determined by the current land owner for lot 1?

Thanks,

Graham Reiser
60 Silverwoods Drive NW

