



PLANNING

TO: Subdivision and Development Appeal Board
DATE: June 27, 2022 **DIVISION:** 4
FILE: 05630022 **APPLICATION:** PL20210130
SUBJECT: Subdivision Item – Residential Subdivision Appeal

APPLICATION: To create a \pm 1.65 hectare (4.07 acre) parcel with a \pm 4.92 hectare (12.15 acre) remainder.

Note: Original application parcel sizes and configurations varied from the approved subdivision; this information reflects the approved subdivision.

GENERAL LOCATION: Located approximately 1.9 kilometres (1.25 miles) west of the city of Calgary, on the east side of Bearspaw Road, approximately 1.20 kilometres (0.75 miles) north of Highway 1A.

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

EXECUTIVE SUMMARY: Subdivision application PL20210130 was approved on May 12, 2022, by the Municipal Planning Commission (MPC) subject to conditions. The appeal against the subdivision conditions of approval was filed by the Applicant and landowner on June 2, 2022, appealing conditions 2 through 6, 8, and 9.

A summary of agency comments was provided to the applicant during processing, and prior to the MPC decision. The summary included the recommended conditions of approval and was emailed to the applicant on April 7, 2022. The applicant acknowledged the comments and confirmed their desire to proceed with the application. No concerns were raised by the applicant with regards to the comments and recommended conditions at that time.

The summary of comments referenced conditions 1, 4 through 7, and 9. Three additional conditions (2, 3, and 8), pertaining to a Site Plan for building and septic system setbacks, approach upgrades, and payment of the subdivision endorsement fee were required. These were included as part of the agendaized MPC report.

During and subsequent to the MPC meeting, Administration identified errors with various conditions of approval. Recommended updates to these conditions have been identified within this report; Administration respectfully requests the Board amend the conditions of approval in accordance with these changes and as shown in Attachment 'G' of this report.

A review of each appealed condition is included under the *Conditions of Approval* section of this report.

DECISION: Approved

DEVELOPMENT / SUBDIVISION AUTHORITY: Municipal Planning Commission

DECISION DATE:
May 11, 2022

APPEAL DATE:
June 2, 2022

ADVERTISED DATE:
May 12, 2022

Administration Resources

Sangeeta Vishwakarma, Planning & Development Services



AIR PHOTO & DEVELOPMENT CONTEXT:



VARIANCE SUMMARY: Not applicable

APPLICATION EVALUATION:

The application was evaluated based on the technical documents submitted with the application and the applicable policies and regulations noted below.

APPLICABLE POLICY AND REGULATIONS:	TECHNICAL DOCUMENTS SUBMITTED:
<ul style="list-style-type: none"> • <i>Municipal Government Act;</i> • Subdivision and Development Regulations; • Municipal Development Plan (County Plan); • Bears paw Area Structure Plan; • Land Use Bylaw; and • County Servicing Standards. 	<ul style="list-style-type: none"> • Level 3 PSTS Assessment prepared by Almor Testing Services Ltd., dated September 14, 2021. • Rocky View Water Co-op Ltd. Confirmation letter, dated July 26, 2021.

SUBDIVISION APPROVAL:

MPC approved the proposed subdivision at the May 11, 2022, meeting, revising the tentative plan and two conditions. The tentative plan was amended to remove the eight meter strip of land proposed between Lot 1 and the adjacent northern site, aligning the north property line of Lot 1 against the existing north property line of the subject site. As a result, the proposed lot sizes were revised as shown on the approved tentative plan (See Attachment 'F').

In addition, MPC deleted Condition 2 (c) requiring confirmation of setbacks to water wells as none are existing or required for the site, and edited Condition 6 for the Deferred Services Agreement requirement to exclude "piped water" as the existing lot is serviced by piped water and Condition 5 requires piped connection to the new lot.

**CONDITIONS OF APPROVAL:**

The Transmittal of Decision letter was sent to the applicant on May 12, 2022, including conditions of approval 1 through 10 (See Attachment 'C'). The applicant has appealed conditions 2 through 9, inclusive, within the *Notice of Appeal* (See Attachment 'D').

As a result of errors and omissions, Administration finds that some conditions of approval require amendment. These amendments are shown using a red-line version of the condition below and the updated recommended conditions of approval can be found in Attachment 'G'. Further, a summary for requiring each of the appealed conditions has been provided below.

Condition 2:

The Owner is to provide a Site Plan, prepared by an Alberta Land Surveyor, which illustrates the following in relation to the new property lines:

- a) All existing buildings and structures are to conform to the setback requirements in relation to the new property line, as described in the Residential, Rural Land Use District, as per the Land Use Bylaw C-~~8092-8000~~-2020, as amended; and*
- b) Site Plan to confirm that all existing private sewage treatment systems are located within the boundaries of Lot ~~4-2~~, in accordance with The Alberta Private Sewage Systems Standard of Practice ~~2009~~-2015.*

Purpose of Condition: Using the County's mapping software, the existing mobile home and the trailer on proposed Lot 2 would be in close proximity to the proposed property lines. The applicant did provide setback dimensions by email; however, confirmation of setbacks is required on a Site Plan prepared by an Alberta Land Surveyor as a recommended standard condition for residential subdivisions to ensure compliance of setbacks to existing structures on site as well as the location of the existing private sewage treatment system to meet Provincial requirements.

Proposed Amendment: The recommended amendments to this condition are to update the Bylaw number for the Land Use Bylaw and the updated Private Sewage Systems Standard of Practice.

Condition 3:

~~*The Owner shall upgrade the existing road approach from Bearspaw Loop to a mutual approach, as shown on the Approved Tentative Plan, in accordance with the County's servicing standard (paved), to provide access to Lots 1 and 2; the Owner shall:*~~

- ~~*a) Contact County Road Operations for a pre-construction inspection of the proposed approach location;*~~
- ~~*b) Contact County Road Operations for a post-construction inspection of the proposed approach for final acceptance; and*~~
- ~~*c) Prepare and register respective easements on each title, where required.*~~

Purpose of Condition: The existing approach requires upgrades in order to provide access to both Lot 1 and 2 in accordance with Section 409 of the County's Servicing Standards. A mutual approach is required to have a seven metre width, whereas the current width of the approach lies at approximately four metres.

The applicant and landowner requested this condition be waived, noting that the existing approach is well-constructed and can accommodate access to the new lot via the existing driveway. Further, they have indicated that the new lot will not generate significant traffic to necessitate the upgrade.



Engineering has reviewed the rationale and has no concerns with the existing approach remaining in its current form to provide access to both lots. They have determined that the condition may be waived at this time, should the board support that direction.

Proposed Amendment: Administration requests the condition be removed by the Board.

Condition 4:

The Owner shall provide a Site-Specific Stormwater Implementation Plan (SSIP) conducted by a professional engineer that is in accordance with the Bearspaw Master Drainage Plan and the County Servicing Standards.

Purpose of Condition: The Site-Specific Stormwater Plan is required to show that future development in the proposed lots will not result in a major increase in runoff, it will not cause any adverse effects to the neighbouring properties, and that there will not be any offsite impacts.

Proposed Amendment: There are no required changes to this condition.

Condition 5:

The Owner is to provide confirmation of a tie-in for connection to Rocky View Water Co-op, an Alberta Environment licensed piped water supplier, for servicing of one additional lot, as shown on the Approved Tentative Plan. This includes providing information regarding:

- a) *Documentation proving that water supply has been purchased and secured for ~~the~~ proposed ~~lots~~ Lot 1; and*
- b) *Documentation proving that all necessary water infrastructure including servicing to the lots is secured between the developer and water supplier, to the satisfaction of the water supplier and the County.*

Purpose of Condition: The existing lot is serviced by piped water and a confirmation letter from Rocky View Water Co-op Ltd. has been provided showing that they have the capacity to service up to four new lots. Therefore, confirmation of a connection is required for Lot 1. This is a standard condition required when a piped water service is proposed.

Proposed Amendment: The recommended amendment to this condition is to clarify which lot requires a purchased and secured water supply.

Condition 6:

The Owner is to enter into a Deferred Services Agreement with the County to be registered on title for each proposed Lots 1 and 2, indicating:

- a) *Each future Lot Owner is required to connect to County wastewater and stormwater systems at their cost when such services become available; and*
- b) *Requirements for decommissioning and reclamation of the onsite systems once County servicing becomes available.*

Purpose of Condition: A Deferred Services Agreement is standard in applications where the County does not currently have piped services available at the time of approval. This agreement is added to the condition set to ensure future landowners are aware of the expectation and requirement to connect to County piped services when they are available in that area. The MPC edited this condition



on May 12, 2022, to delete “piped water” as the water connection is already in place for the existing lot, and confirmation of connection is required through Condition 5.

Proposed Amendment: There are no required changes to this condition.

Condition 7:

The Owner is to enter into a Development Agreement (Site Improvements / Services Agreement) with the County which shall include the following:

- a) *The construction of a packaged sewage treatment system on the proposed Lot 1 in accordance with the Level 3 PSTS Assessment prepared by Almor Testing Services Ltd., dated September 14, 2021; and*
- b) *Any improvements recommended as part of the accepted Site-Specific Stormwater Implementation Plan (SSIP).*

Purpose of Condition: The Level 3 Private Sewage Treatment System (PSTS) Assessment concluded that a packaged sewage treatment system is suitable for the proposed lot. Given this is an advanced system, a Site Improvements / Services Agreement (SISA) is required to ensure that the construction of the system will happen during the future building permit stage. If the Stormwater Implementation Plan, required under Condition 4, requires any improvements to manage runoff, then those requirements would also be added to the Agreement.

Proposed Amendment: There are no required changes to this condition.

Condition 8:

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

Purpose of Condition: In accordance with the County’s Master Rates Bylaw C-8258-2022 an endorsement fee of \$1035 is applicable for an application where one additional lot is proposed. The Applicant/Owner is required to pay \$1035 for the endorsement for the creation of one new lot.

The Applicant/Owner is required to pay a \$1035 endorsement fee for the creation of one new lot, in accordance with County’s Master Rates Bylaw C-8258-2022.

Proposed Amendment: There are no required changes to this condition.

Condition 9:

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) Either from the total gross acreage of the Lands to be subdivided as shown on the Plan of Survey; or~~
- ~~b) a) from the total gross acreage of Lots 1 and 2 as shown on the Plan of Survey.~~

Purpose of Condition: The agency comments summary accurately indicated that the TOL is applicable to Lot 1, noting the estimated amount payable. However, conditions 9 (a) and (b) in the Transmittal of Decision letter inaccurately require TOL payable on both lots.

Proposed Amendment: Administration recommends revision to remove the TOL requirement for Lot 2.



ROCKY VIEW COUNTY

Respectfully submitted,

“Justin Rebello”

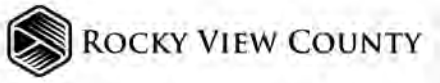
Supervisor
Planning and Development Services

SV/ltt



ATTACHMENT 'A': APPLICATION INFORMATION

APPLICANT: Collins, David	OWNER: Wilson, Maralyn J.
DATE APPLICATION RECEIVED: July 16, 2021	DATE DEEMED COMPLETE: April 4, 2022
MUNICIPAL PLANNING COMMISSION DECISION DATE: May 12, 2022	
APPELLANT: David Collins and Maralyn Wilson	
GROSS AREA: ± 6.62 hectares (± 16.36 acres)	LEGAL DESCRIPTION: NW ¼ 30-25-02-W05M, Block 1, Plan 731224
APPEAL BOARD: Subdivision and Development Authority Board (SDAB)	
HISTORY: May 12, 2022: PL20210130: Creation of a 4-acre parcel (Lot 1) approved by MPC on subject lands with a 12.36 remainder (Lot 2) August 9, 1979: Existing dwelling developed	
PUBLIC & AGENCY SUBMISSIONS: The application was circulated to 198 adjacent landowners. No responses were received from the notification to landowners. The application was also circulated to a number of internal and external agencies and, where appropriate, conditions of approval were recommended based on these comments.	



PLANNING

TO:	Municipal Planning Commission Subdivision Authority	DIVISION: 4
DATE:	May 11, 2022	APPLICATION: PL20210130
FILE:	05630022	
SUBJECT:	Subdivision Item – Residential Subdivision	

APPLICATION: To create a \pm 1.62 hectare (4.00 acre) parcel with a \pm 5.00 hectare (12.36 acre) remainder.

GENERAL LOCATION: Located approximately 1.9 kilometres (1.25 miles) west of the city of Calgary, on the east side of Bearspaw Road, approximately 1.20 kilometres (0.75 miles) north of Highway 1A.

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

EXECUTIVE SUMMARY: The proposal is to subdivide subject lands to create one new four-acre parcel (Lot 1) with a 12.36 acre remainder (Lot 2). The applicant noted that the landowner wishes for their granddaughter to reside on Lot 1, with the intention of developing a dwelling in the future. There is an existing Barn on Lot 1 and a dwelling, a vacant mobile home and two accessory buildings on remainder Lot 2.

Access to both lots is proposed via the existing approach off Bearspaw Loop. The mutual approach would be required to be upgraded per County standards as a condition of the subdivision. Site servicing has been confirmed by a letter from Rocky View Water Co-op with a capacity for up to four lots and a Level III PSTS assessment proposes a packaged sewage treatment system for the subject lands. Agreements with respect to the above are required as conditions of subdivision.

The Applicant has proposed an eight-metre-wide portion of land immediately north of Lot 1 proposed as a connection between the east and west portion of remainder Lot 2. The Applicant wishes to retain this strip as a buffer between the adjacent north parcel and the subject lands as a common green pathway. Administration has concerns over the planning rationale for this strip and the challenges this could present in the event of further subdivision of the subject lands; however, the proposal overall is compliant with all applicable statutory and non-statutory policy.

The application was assessed against the Bearspaw Area Structure Plan (ASP) and the County's Land Use Bylaw. The application aligns with land use (Section 8.11), subdivision parcel size (Section 8.1.20), and transportation (Section 8.5) policies of the plan. The proposed lots also meet the minimum parcel size and setback requirements of the Land Use Bylaw, however, confirmation of setbacks is being required through a new Survey Plan.

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

OPTIONS:

Option #1: THAT Subdivision Application PL20210130 be approved with the conditions noted in Attachment 'A'.

Option #2: THAT Subdivision Application PL20210130 be refused.

Administration Resources

Sangeeta Vishwakarma, Planning and Development Services

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.

APPLICABLE POLICY AND REGULATIONS: <ul style="list-style-type: none"> • <i>Municipal Government Act;</i> • Subdivision and Development Regulations; • Municipal Development Plan (County Plan); • Bearspaw Area Structure Plan; • Land Use Bylaw; and • County Servicing Standards. 	TECHNICAL DOCUMENTS SUBMITTED: <ul style="list-style-type: none"> • Level 3 PSTS Assessment prepared by Almor Testing Services Ltd., dated September 14, 2021. • Rocky View Water Co-op Ltd. Confirmation letter, dated July 26, 2021.
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Payments and Levies

APPLICABLE FEE/LEVY	AMOUNT OWING (ESTIMATE)
TRANSPORTATION OFFSITE LEVY <i>Payable on Lot 1 (totaling 4 acres)</i>	\$ 18,380.00
MUNICIPAL RESERVE (\$/ACRE)	N/A (previously provided)

Additional Review Considerations

Conditions were set based on the following items:

Accessibility to a Road

There are no new approaches proposed to the subject lands. There is an existing mutual road approach located off Bearspaw Loop which will be utilized for access to Lot 1 and remainder Lot 2. As a condition of subdivision, a shared easement agreement will be required to this effect.

Road Right of Way(s)

To meet the full 40-metre road right-of-way requirement from Bearspaw Road, a road widening of 5 metres by Plan of Survey, and a road right-of-way by caveat of an additional 5 metres is required as a condition of subdivision from the west property line of remainder Lot 2. The additional right-of-way requirement does not impede the subdivision proposal of Lot 1.

Bearspaw Area Structure Plan***General Land Use***

The proposed subdivision remains as residential land use that is supported by Country Residential Policy 8.11. Note that administration has not required a Concept Plan as the subject land is identified within an area under Figure 3 as not generally requiring a Concept Plan, and that the proposal is for a one lot subdivision creating minimal impacts to adjacent infrastructure or lands.

Subdivision

Policy 8.1.19 outlines several considerations for evaluation, including integration of natural conditions of land within the tentative plan, serviceability, suitability of lands to accommodate future development, compatibility of proposed subdivision lands with the context (site conditions, parcel sizes, visual impact etc.), flexibility of design to accommodate future subdivision and integration of the land with existing road systems.

The proposed subdivision generally aligns with these considerations. The subject land is not located within any of the environmentally sensitive areas identified under Figure 6 of the plan such as having a high-water table, steep slopes, or known areas of potential archeological, historical, and/or cultural significance. Proposed Lot 1 and remainder Lot 2 have adequate water capacity confirmed by a letter from Rocky View Water Co-op. Confirmation by a Level III PSTS assessment is received that a packaged sewage treatment system is suitable and required for the subject land. No new approaches are proposed for the land. The owner proposes to retain and upgrade the existing approach to be a mutual approach, thereby there is no visible/physical impact to adjacent infrastructure or lands.

With respect to the siting and layout of the subdivision, the application proposes an eight-meter wide by approximately 83 meter long strip of land to the north of Lot 1, connecting the east and west portions of the remainder Lot 2. The Applicant has indicated that the area is intended to function as a common green buffer or walkway accessible to all owners.

At present, there is no statutory or non-statutory policy within the ASP or the County Plan that invalidates the proposed strip. However, Administration has concerns over the usability, management, and limited development potential of this portion in the event of a future subdivision proposal being brought forward for Lot 2. Further, the eight-metre width could not be converted to a standard panhandle or road per County Servicing Standards, as the minimum panhandle width required is 12.5 metres. Administration expects that a future subdivision application may necessitate a boundary adjustment to mitigate some of the above-mentioned concerns.

In addition, the subdivision proposal for Lot 1 as four (4) acres meets the minimum parcel size requirement of the same as per Policy 8.1.20. With regards to Policy 8.1.25, Municipal Reserves are not required as cash-in-lieu was previously provided under Plan 952 LK.

Transportation

As per Figure 5 of the plan, Bearspaw Road, located west of the subject land is identified as a major collector road. Policy 8.5.5 strongly limits direct access to major collector roads. The subdivision application proposes access via the existing approach off Bearspaw Loop. No other approaches are proposed. As such there is no impact to adjacent roads and a Traffic Impact Analysis is also not required.

Stormwater

As a condition of subdivision, the applicant is required to provide a Site-Specific Stormwater Implementation Plan (SSIP) conducted by a professional engineer.

Site Servicing

Water Supply

There is sufficient water supply to service proposed Lots 1 and 2 as per the letter received from the Rocky View Water Co-op Limited. The letter also confirms that the Co-op has the capacity to service up to four lots on the subject lands if the need arises in future. As a condition of subdivision, the Applicant is required to confirm a tie-in connection to the co-op for proposed Lot 1. The existing home located on remainder Lot 2 is already tied into the system.

Sanitary/ Wastewater

A Level III PSTS report was submitted in accordance with Policy 411 Residential Water and Sewer Requirements which concludes a septic field application with packaged sewage treatment systems is suitable PSTS for the subject lot. There are no further sanitary or wastewater requirements.

Land Use Bylaw (LUB)

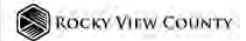
The site contains four existing structures: one dwelling constructed in 1979, a barn with an attached lean-to used for equipment storage, a vacant mobile home with an attached lean-to, and a trailer used for storage, as noted by the landowner.

Parcel Sizes

The minimum parcel size required for Residential, Rural (R-RUR) District under Section 319 is 1.6 hectares (3.95 acres). Proposed Lot 1 is \pm 1.62 hectares (4.00 acres) and the remainder Lot 2 is \pm 5.00 hectares (12.36 acres) in size, thereby meeting minimum parcel size requirements.

Setbacks

All existing buildings meet the front, side, and rear setback requirements of the R-RUR District, Section 323. However, the setbacks shall be confirmed with a Site Plan prepared by an Alberta Land Surveyor.

[illegible]

Subdivision Proposal

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: 8
Roll: 05630022
File: PL20210130
Printed: April 6, 2022
Legal: Block:1 Plan:731224
within NW-30-25-02-W05M

CONCLUSION:

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

Respectfully submitted,

Concurrence,

“Dominic Kazmierczak”

“Byron Riemann”

Manager
Planning and Development Services

Acting Executing Director
Community Development Services

SV/llt

ATTACHMENTS:

ATTACHMENT ‘A’: Approval Conditions

ATTACHMENT ‘B’: Application Information

ATTACHMENT ‘C’: Map Set

ATTACHMENT 'A': APPROVAL CONDITIONS

- A. The application to create a ± 1.62 hectare (4.00 acre) parcel with a ± 5.00 hectare (12.36 acre) remainder within NW-30-25-02-W5M, Block 1, Plan 731224; 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 westerly boundary of Lot 2, Block 1, Plan 731224; and
 - b) The Owner is to dedicate, by caveat, an additional ± 5.0 m portion of land as a road Right of Way along the entire western boundary of Lot 2, Block 1, Plan 731224.

Site Plan

- 2) The Owner is to provide a Site Plan, prepared by an Alberta Land Surveyor, which illustrates the following in relation to the new property lines:
 - a) All existing buildings and structures are to conform to the setback requirements in relation to the new property line, as described in the Residential, Rural Land Use District, as per the Land Use Bylaw C-8092-2020, as amended;
 - b) Site Plan to confirm that all existing private sewage treatment systems are located within the boundaries of Lot 1, in accordance with The Alberta Private Sewage Systems Standard of Practice 2009; and
 - c) Site Plan to confirm that all water wells are located within the boundaries of Lot 1.

Transportation and Access

- 3) The Owner shall upgrade the existing road approach from Bearspaw Loop to a mutual approach, as shown on the Approved Tentative Plan, in accordance with the County's servicing standard (paved), to provide access to Lots 1 and 2; the Owner shall:
 - a) Contact County Road Operations for a pre-construction inspection of the proposed approach location;
 - b) Contact County Road Operations for a post-construction inspection of the proposed approach for final acceptance; and
 - c) Prepare and register respective easements on each title, where required.

Stormwater

- 4) The Owner shall provide a Site-Specific Stormwater Implementation Plan (SSIP) conducted by a professional engineer that is in accordance with the Bearspaw Master Drainage Plan and the County Servicing Standards.

Site Servicing

- 5) The Owner is to provide confirmation of a tie-in for connection to Rocky View Water Co-op, an Alberta Environment licensed piped water supplier, for servicing of one additional lot, as shown on the Approved Tentative Plan. This includes providing information regarding:
 - a) Documentation proving that water supply has been purchased and secured for the proposed lots; and
 - b) Documentation proving that all necessary water infrastructure including servicing to the lots has been installed or installation is secured between the developer and water supplier, to the satisfaction of the water supplier and the County.
- 6) The Owner is to enter into a Deferred Services Agreement with the County to be registered on title for each 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; and
 - b) Requirements for decommissioning and reclamation of the onsite systems once County servicing becomes available.
- 7) The Owner is to enter into a Development Agreement (Site Improvements / Services Agreement) with the County which shall include the following:
 - a) The construction of a packaged sewage treatment system on the proposed Lot 1 in accordance with the Level 3 PSTS Assessment prepared by Almor Testing Services Ltd., dated September 14, 2021; and
 - b) Any improvements recommended as part of the accepted Site -Specific Stormwater Implementation Plan (SSIP).

Payments and Levies

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

- 9) 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) Either from the total gross acreage of the Lands to be subdivided as shown on the Plan of Survey; or
 - b) from the total gross acreage of Lots 1 and 2 as shown on the Plan of Survey.

Taxes

- 10) 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:

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.



Notice of Appeal **Subdivision and Development Appeal Board** **Enforcement Appeal Committee**

Appellant Information
Name of Appellant(s) David Collins (Planner & Applicant) and Maralyn Wilson (Land Owner)
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Site Information	
Municipal Address .207 Bears paw Loop	Legal Land Description (lot, block, plan OR quarter-section-township-range-meridian) NW 30-25-2-W5M
Property Roll # 05630022	Development Permit, Subdivision Application, or Enforcement Order # Subdivision Application File No: PL20210130

I am appealing: (check one box only)		
Development Authority Decision <input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal	Subdivision Authority Decision <input type="checkbox"/> Approval <input checked="" type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal	Decision of Enforcement Services <input type="checkbox"/> Stop Order <input type="checkbox"/> Compliance Order

Reasons for Appeal (attach separate page if required) <p>Regretfully, we must appeal this Subdivision Application (PL 20210180) for 1 lot.</p> <p>The Subdivision Authority Conditions of Approval were obviously canned, inconsistent and contain mistakes. We (Applicant and Land Owner) were not able to meet with staff or see the conditions before the decision was made. Subsequent to the decision by the Subdivision Development Authority, staff advised that they did not have the authority to legally render any changes to the conditions of approval.</p> <p>Unfortunately, we have no other alternative but to appeal the conditions in the public domain as follows:</p> <p>.2) i), ii). .3) a), b), c). .4) .5) a), b), .6) a), b). .8) .9) a), b).</p> <p>Details and reasons for this appeal will be presented at the Hearing of the Board</p>
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This information is collected for Rocky View County's Subdivision and Development Appeal Board or Enforcement Appeal Committee under section 33(c) of the Freedom of Information and Protection of Privacy Act (FOIP Act) and will be used to process your appeal and create a public record of the appeal hearing. Your name, legal land description, street address, and reasons for appeal will be made available to the public in accordance with section 40(1)(c) of the FOIP Act. Your personal contact information, including your phone number and email address, will be redacted prior to your appeal being made available to the public. If you have questions regarding the collection or release of this information, please contact the Municipal Clerk at 403-230-1401.

David Collins June 01, 2022
Appellant's Signature Date

Received by Legislative and
Intergovernmental Services
June 2, 2022



Decision of the Municipal Planning Commission

Issue date: May 12, 2022

David Collins

File: PL20210130

Rocky View County's Municipal Planning Commission conditionally approves the following:

- A. The application to create a ± 1.62 hectare (4.00 acre) parcel with a ± 5.00 hectare (12.36 acre) remainder within NW-30-25-02-W5M, Block 1, Plan 731224; 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.
 - i) The Owner is to dedicate, by Plan of Survey, a ± 5.0 m wide portion of land for road widening along the westerly boundary of Lot 2, Block 1, Plan 731224; and
 - ii) The Owner is to dedicate, by caveat, an additional ± 5.0 m portion of land as a road Right of Way along the entire western boundary of Lot 2, Block 1, Plan 731224.

Site Plan

- 2) The Owner is to provide a Site Plan, prepared by an Alberta Land Surveyor, which illustrates the following in relation to the new property lines:
 - i) All existing buildings and structures are to conform to the setback requirements in relation to the new property line, as described in the Residential, Rural Land Use District, as per the Land Use Bylaw C-8092-2020, as amended; and
 - ii) Site Plan to confirm that all existing private sewage treatment systems are located within the boundaries of Lot 1, in accordance with The Alberta Private Sewage Systems Standard of Practice 2009.

Transportation and Access

- 3) The Owner shall upgrade the existing road approach from Bearspaw Loop to a mutual approach, as shown on the Approved Tentative Plan, in accordance with the County's servicing standard (paved), to provide access to Lots 1 and 2; the Owner shall:
 - a) Contact County Road Operations for a pre-construction inspection of the proposed approach location;
 - b) Contact County Road Operations for a post-construction inspection of the proposed approach for final acceptance; and
 - c) Prepare and register respective easements on each title, where required.

Stormwater

- 4) The Owner shall provide a Site-Specific Stormwater Implementation Plan (SSIP) conducted by a professional engineer that is in accordance with the Bearspaw Master Drainage Plan and the County Servicing Standards.

Site Servicing

- 5) The Owner is to provide confirmation of a tie-in for connection to Rocky View Water Co-op, an Alberta Environment licensed piped water supplier, for servicing of one additional lot, as shown on the Approved Tentative Plan. This includes providing information regarding:
 - a) Documentation proving that water supply has been purchased and secured for the proposed lots; and
 - b) Documentation proving that all necessary water infrastructure including servicing to the lots has been installed or installation is secured between the developer and water supplier, to the satisfaction of the water supplier and the County.

- 6) The Owner is to enter into a Deferred Services Agreement with the County to be registered on title for each proposed Lots 1 and 2, indicating:
 - a) Each future Lot Owner is required to connect to County wastewater and stormwater systems at their cost when such services become available; and
 - b) Requirements for decommissioning and reclamation of the onsite systems once County servicing becomes available.
- 7) The Owner is to enter into a Development Agreement (Site Improvements / Services Agreement) with the County which shall include the following:
 - a) The construction of a packaged sewage treatment system on the proposed Lot 1 in accordance with the Level 3 PSTS Assessment prepared by Almor Testing Services Ltd., dated September 14, 2021; and
 - b) Any improvements recommended as part of the accepted Site -Specific Stormwater Implementation Plan (SSIP).

Payments and Levies

- 8) The Owner shall pay the County Subdivision Endorsement fee, in accordance with the Master Rates Bylaw, for the creation one new lot.
- 9) 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) Either from the total gross acreage of the Lands to be subdivided as shown on the Plan of Survey; or
 - b) from the total gross acreage of Lots 1 and 2 as shown on the Plan of Survey.

Taxes

- 10) 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 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.

Prior to submitting any final endorsement documents, the applicant is advised that the following must be completed within one year of the date of subdivision approval:

- all conditions of approval must be satisfied;
- all subdivision approval fees must be paid; and
- Rocky View County has received proof to this effect.

Please contact Planning and Development Services at development@rockyview.ca or 403-520-8158 for assistance with this decision or the subdivision endorsement process.

An appeal against the decision of the Municipal Planning Commission must be filed in accordance with section 678 of the *Municipal Government Act*. An appeal against this decision will be heard by the Subdivision and Development Appeal Board and must be filed using the prescribed form within the prescribed appeal period. To file an appeal or for assistance with filing an appeal please contact Legislative Services at sdab@rockyview.ca or 403-230-1401.

Municipal Planning Commission



Kevin Hanson, Chair



Tentative Plan

Subdivision Proposal

To create a \pm 1.65 hectare (4.07 acre) parcel with a \pm 4.92 hectare (12.15 acre) remainder.

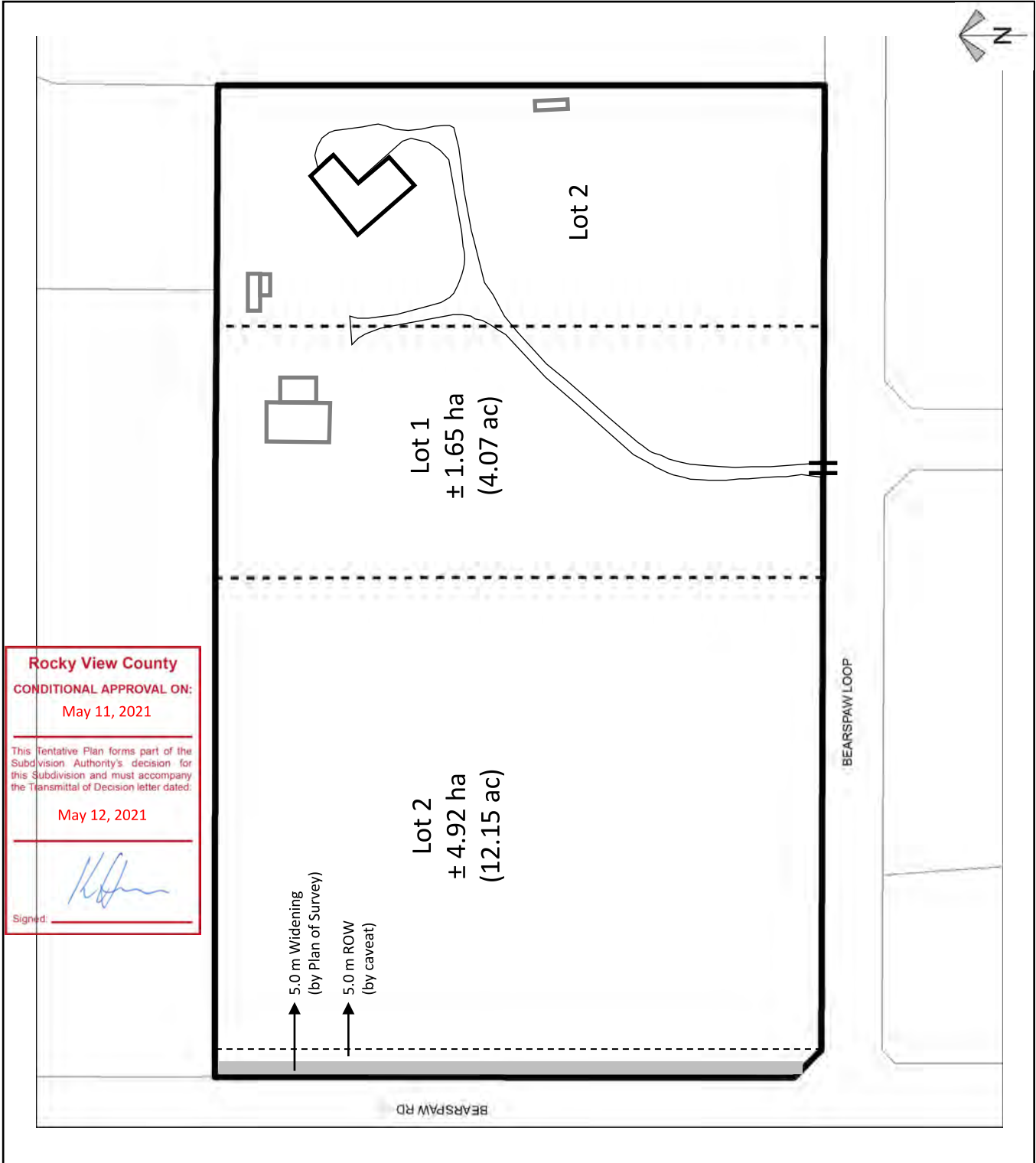
Legend

	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: 8
 Roll: 05630022
 File: PL20210130
 Printed: April 6, 2022
 Legal: Block:1 Plan:731224
 within NW-30-25-02-W05M

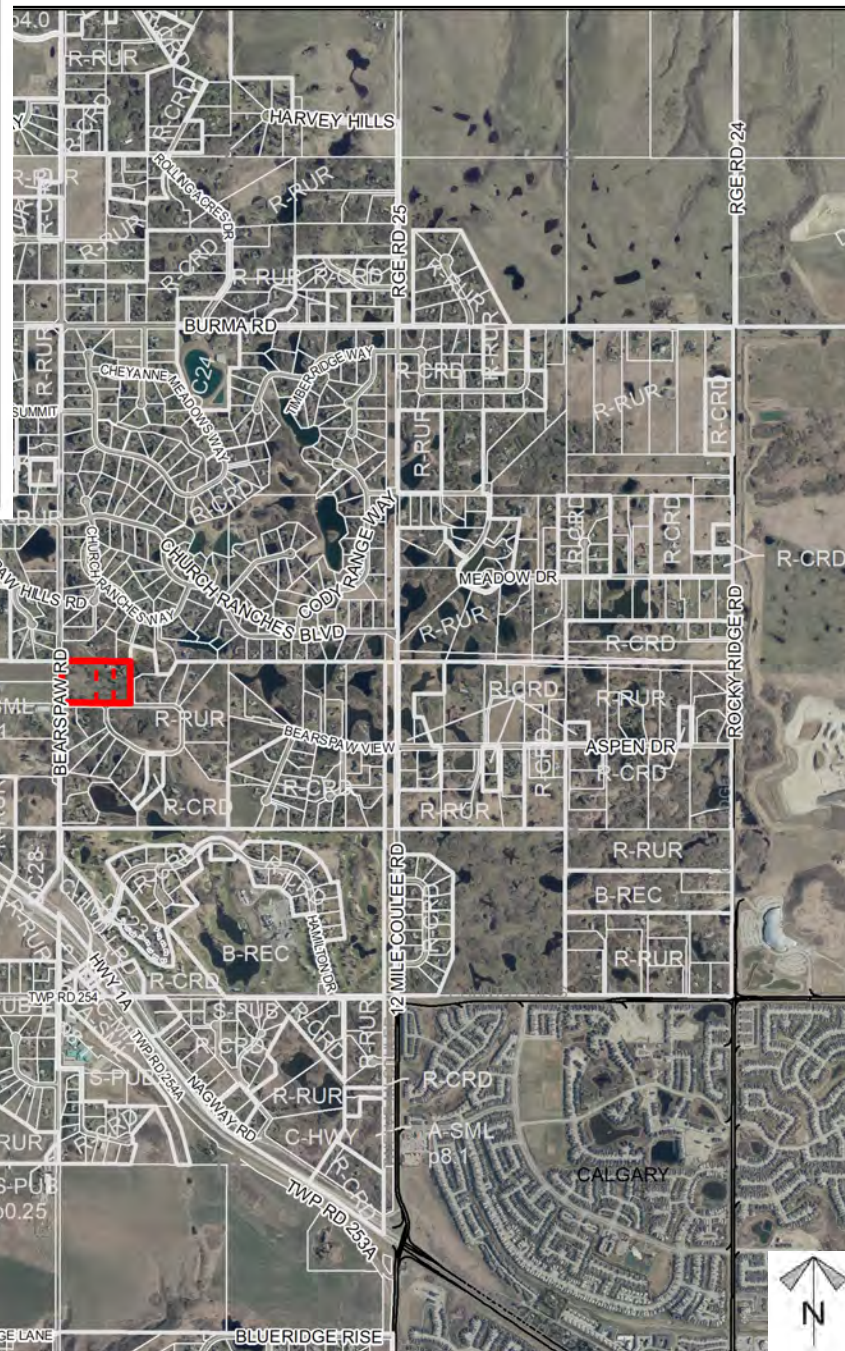
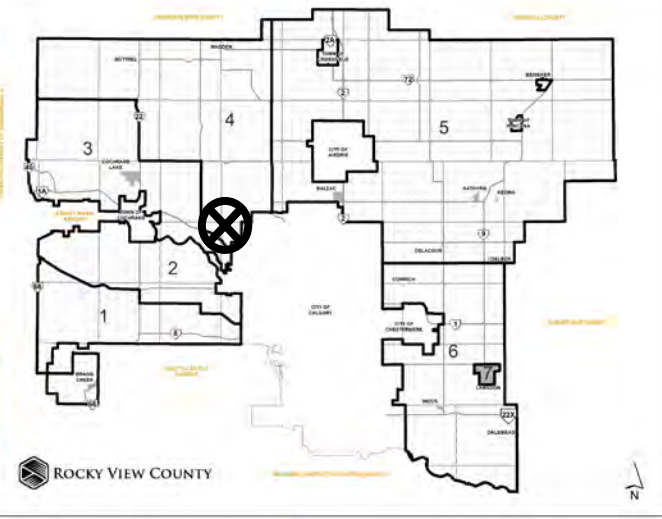




Location & Context

Approved Subdivision

To create a ± 1.65 hectare (4.07 acre) parcel (Lot 1) with a ± 4.92 hectare (12.15 acre) remainder (Lot 2).



Division: 4
Roll: 05630022
File: PL20210130
Printed: June 9, 2022
Legal: Block:1 Plan:731224
within NW-30-25-02-W05M

Development Proposal

Approved Subdivision

To create a ± 1.65 hectare
(4.07 acre) parcel (Lot 1)
with a ± 4.92 hectare
(12.15 acre) remainder
(Lot 2).



Division: 4
Roll: 05630022
File: PL20210130
Printed: June 9, 2022
Legal: Block: 1 Plan: 731224
within NW-30-25-02-W05M

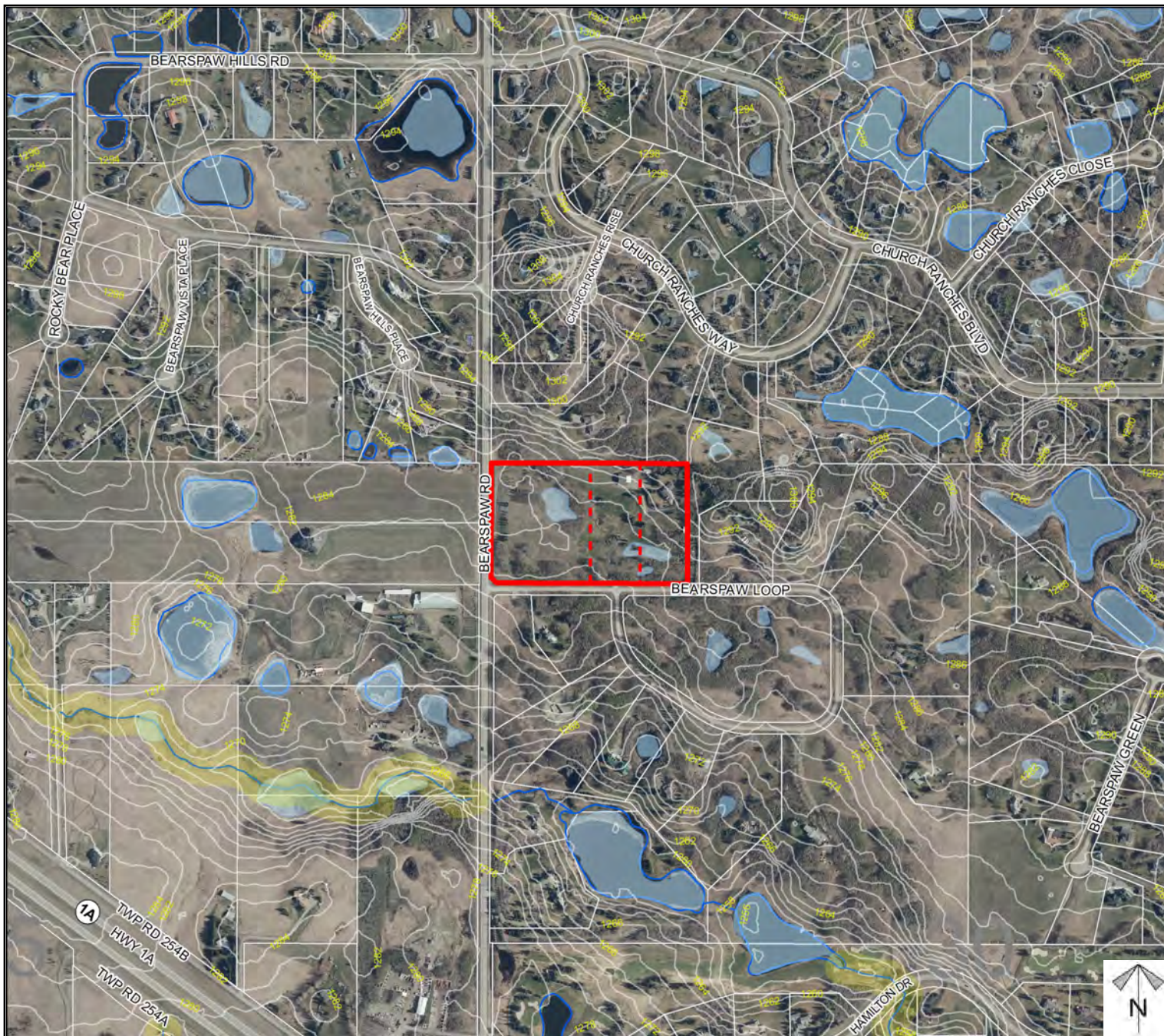
Environmental

Approved Subdivision

To create a ± 1.65 hectare (4.07 acre) parcel (Lot 1) with a ± 4.92 hectare (12.15 acre) remainder (Lot 2).

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

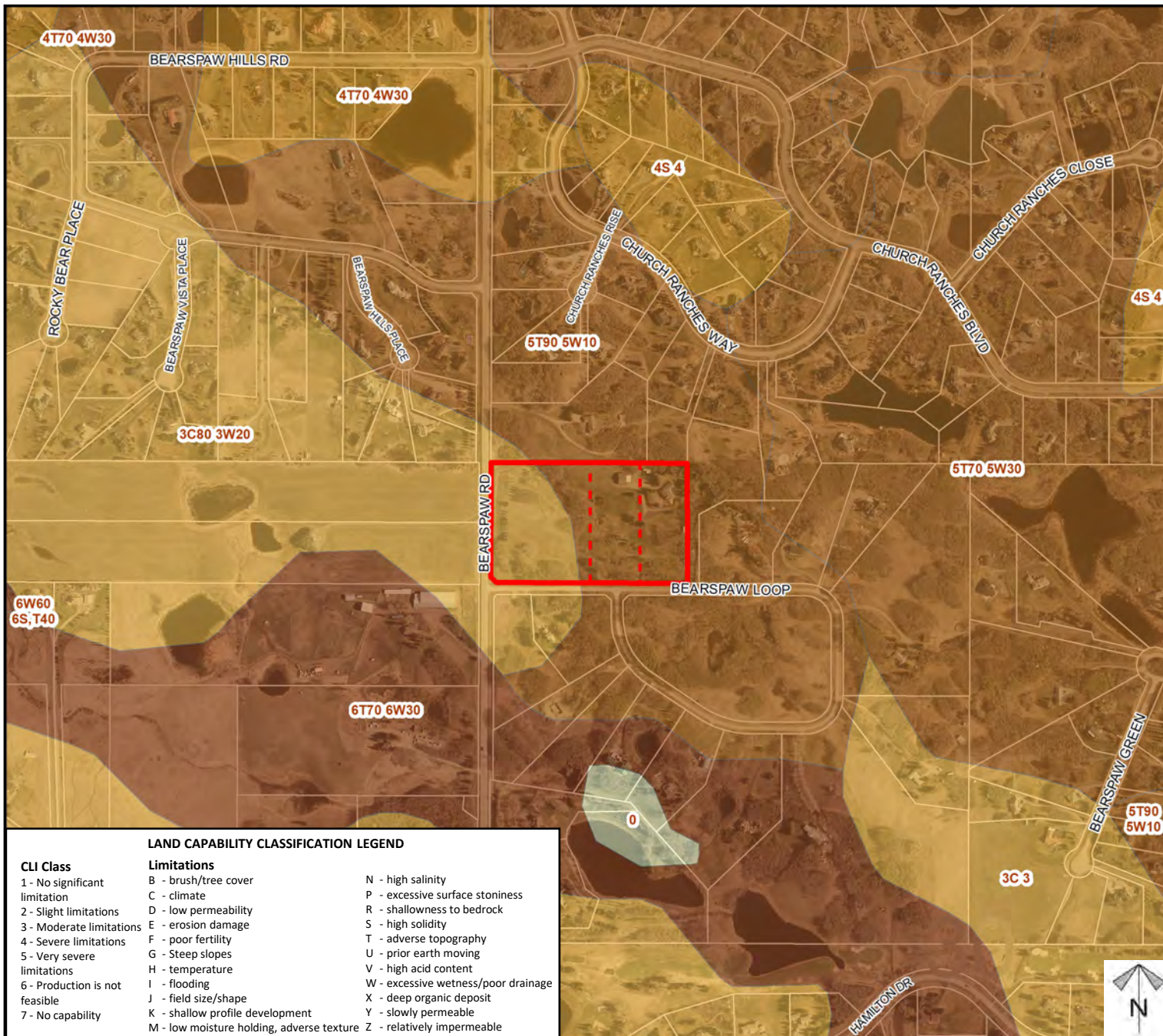
Division: 4
 Roll: 05630022
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 Legal: Block:1 Plan:731224
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Soil Classifications

Approved Subdivision

To create a ± 1.65 hectare (4.07 acre) parcel (Lot 1) with a ± 4.92 hectare (12.15 acre) remainder (Lot 2).



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

Division: 4
Roll: 05630022
File: PL20210130
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within NW-30-25-02-W05M

Approved Subdivision

To create a ± 1.65 hectare (4.07 acre) parcel (Lot 1) with a ± 4.92 hectare (12.15 acre) remainder (Lot 2).

Legend

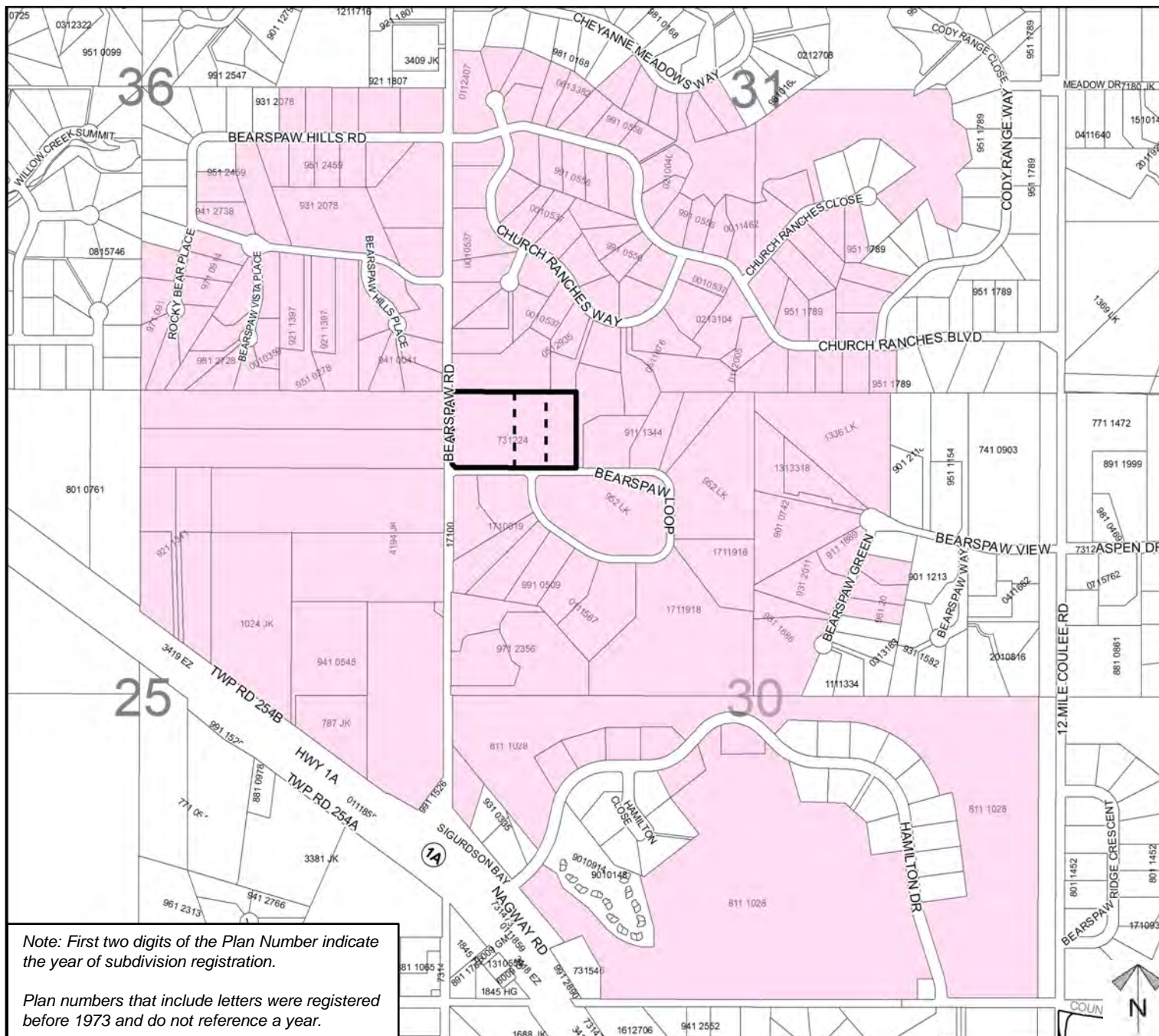
Support



Not Support



Division: 4
Roll: 05630022
File: PL20210130
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Legal: Block:1 Plan:731224
within NW-30-25-02-W05M



Tentative Plan

Subdivision Proposal

To create a ± 1.65 hectare (4.07 acre) parcel with a ± 4.92 hectare (12.15 acre) remainder.

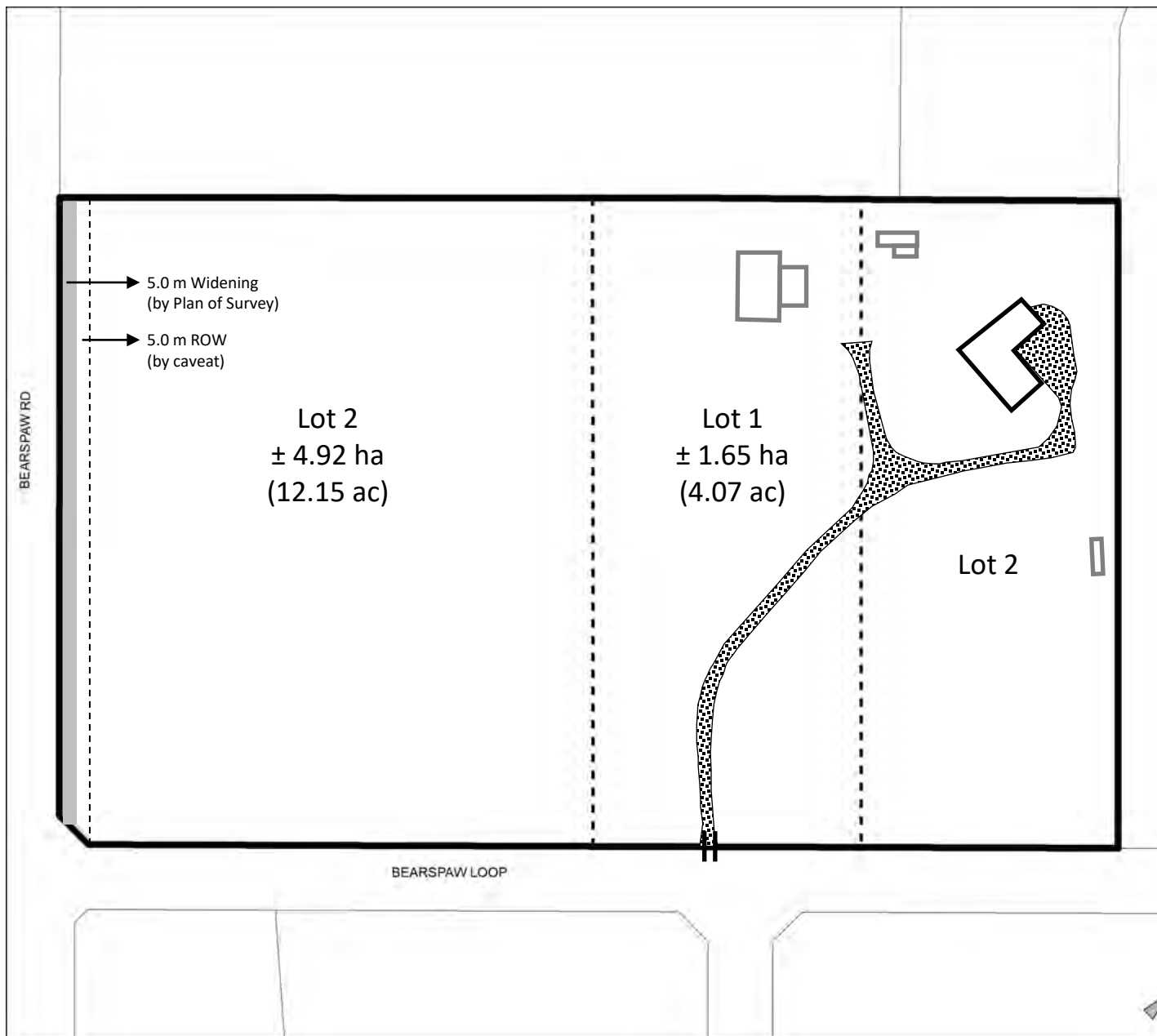
Legend

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: 05630022
File: PL20210130
Printed: April 6, 2022
Legal: Block:1 Plan:731224
within NW-30-25-02-W05M



ATTACHMENT 'F': AMENDED APPROVAL CONDITIONS

- A. The application to create a ± 1.65 hectare (4.07 acre) parcel with a ± 4.92 hectare (12.15 acre) remainder within NW-30-25-02-W5M, Block 1, Plan 731224; 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 westerly boundary of Lot 2, Block 1, Plan 731224; and
 - b) The Owner is to dedicate, by caveat, an additional ± 5.0 m portion of land as a road Right of Way along the entire western boundary of Lot 2, Block 1, Plan 731224.

Site Plan

- 2) The Owner is to provide a Site Plan, prepared by an Alberta Land Surveyor, which illustrates the following in relation to the new property lines:
 - a) All existing buildings and structures are to conform to the setback requirements in relation to the new property line, as described in the Residential, Rural Land Use District, as per the Land Use Bylaw C-8000-2020, as amended;
 - b) Site Plan to confirm that all existing private sewage treatment systems are located within the boundaries of Lot 2, in accordance with The Alberta Private Sewage Systems Standard of Practice 2015;

Administration Resources

Sangeeta Vishwakarma, Planning and Development Services

Transportation and Access

- 3) The Owner shall prepare an access right of way plan and prepare and register respective easements on each title (where required) to use the existing approach as a mutual approach to access Lots 1 and 2.

Stormwater

- 4) The Owner shall provide a Site-Specific Stormwater Implementation Plan (SSIP) conducted by a professional engineer that is in accordance with the Bearspaw Master Drainage Plan and the County Servicing Standards.

Site Servicing

- 5) The Owner is to provide confirmation of a tie-in for connection to Rocky View Water Co-op, an Alberta Environment licensed piped water supplier, for servicing of one additional lot, as shown on the Approved Tentative Plan. This includes providing information regarding:
 - a) Documentation proving that water supply has been purchased and secured for proposed Lot 1; and
 - b) Documentation proving that all necessary water infrastructure including servicing to the lots has been installed or installation is secured between the developer and water supplier, to the satisfaction of the water supplier and the County.
- 6) The Owner is to enter into a Deferred Services Agreement with the County to be registered on title for each proposed Lots 1 and 2, indicating:
 - a) Each future Lot Owner is required to connect to County wastewater and stormwater systems at their cost when such services become available; and
 - b) Requirements for decommissioning and reclamation of the onsite systems once County servicing becomes available.
- 7) The Owner is to enter into a Development Agreement (Site Improvements / Services Agreement) with the County which shall include the following:
 - a) The construction of a packaged sewage treatment system on the proposed Lot 1 in accordance with the Level 3 PSTS Assessment prepared by Almor Testing Services Ltd., dated September 14, 2021; and
 - b) Any improvements recommended as part of the accepted Site -Specific Stormwater Implementation Plan (SSIP).

Payments and Levies

- 8) The Owner shall pay the County Subdivision Endorsement fee, in accordance with the Master Rates Bylaw, for the creation one new lot.
- 9) 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

- 10) 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:

- 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.