

SUBDIVISION AND DEVELOPMENT APPEAL BOARD AGENDA

ROCKY VIEW COUNTY
COUNCIL CHAMBERS
262075 ROCKY VIEW POINT
ROCKY VIEW COUNTY, AB
T4A 0X2

January 9, 2019

A CALL MEETING TO ORDER

B DEVELOPMENT APPEALS

9:00 AM APPOINTMENTS

1. Division 4 File: 04212004; PRPD20183928 Page 3

Appeal against the Development Authority's decision to conditionally approve a development permit for the single-lot regrading and the placement of clean fill, approximately 34,841.03 cubic metres at 241191 Boundary Road, NE-12-24-27-W04M, located approximately 0.81 km (1/2 mile) east of Range Road 271 and on the south side of Highway 1.

Applicant/Owner/Appellant: Harold and Elvira Boldt

2. Division 5 File: 05322017; REX201807-0689 Page 58

Appeal against the Development Authority's decision to issue a Stop Order in regards to fill material being placed without the benefit of a development permit at 282099 Township Road 254, NE-22-25-28-W4M, located approximately 0.41 km (1/4 mile) west of Range Road 282, and on the south side of Highway 564.

Applicant/Owner/Appellant: 2044799 Alberta Ltd.

10:30 AM APPOINTMENTS

3. Division 2 File: 04716008; PRPD20184421 Page 87

Appeal against the Development Authority's decision to refuse a development permit for the construction of an Accessory Dwelling Unit (garden suite), relaxation of the maximum building area for an existing accessory building (garage/kennel building), and relaxation of the total building area for all accessory buildings at 242209 Range Road 33, NE-16-24-03-W5M, located at the southwest junction of Range Road 33 and Township Road 243.

Owner: Ronald L Spensley and Carolyn M Spensley
Applicant/Appellant: Anthony Spensley

4. ~~Division 7 File: 06516014; PL20170030 Page 116~~

Appeal
Withdrawn

~~Appeal against the Development Authority's conditional approval of a subdivision application at 12 Calterra Estates Drive, NE 16-26-01-W5M, located approximately 0.8 kilometres (0.5 mile) north of the City of Calgary, 0.2 kilometers (0.12 mile) west of Range Road 13, and on the south side of Calterra Estates Drive.~~

~~Owners: Jonathon Friesen and Kristen Friesen
Applicants/Appellants: Terry Ohlhauser and Helen Ohlhauser~~

SUBDIVISION AND DEVELOPMENT APPEAL BOARD AGENDA

January 9, 2019

**Rocky View County
Council Chambers
262075 Rocky View Point
Rocky View County, AB
T4A 0X2**

- C CLOSE MEETING**
- D NEXT MEETING: January 30, 2018**

PLANNING & DEVELOPMENT SERVICES

TO: Subdivision and Development Appeal Board
DATE: January 9, 2019 **DIVISION:** 04
FILE: 04212004 **APPLICATION:** B-1; PRDP20183928
SUBJECT: Single-lot Regrading and Placement of Clean Fill

PROPOSAL: The proposal is for single-lot regrading and the placement of clean fill.	GENERAL LOCATION: Located approximately 0.81 km (1/2 mile) east of Rge Rd 271 and on the south side of Hwy 1.
APPLICATION DATE: September 27, 2018	DEVELOPMENT AUTHORITY DECISION: Discretionary – Approved
APPEAL DATE: December 18, 2018	DEVELOPMENT AUTHORITY DECISION DATE: November 27, 2018
APPELLANTS: Harold and Elvira Boldt	APPLICANTS: Harold and Elvira Boldt
LEGAL DESCRIPTION: NE-12-24-27-W04M	MUNICIPAL ADDRESS: 241191 Boundary Road
LAND USE DESIGNATION: Ranch and Farm District (RF)	GROSS AREA: ± 56.80 hectares (± 140.36 acres)
DISCRETIONARY USE: All stripping, filling, excavation, grading and/or re-countouring requires a Development Permit.	DEVELOPMENT VARIANCE AUTHORITY: The application was approved by the Development Authority, and no variance was required.
PUBLIC SUBMISSIONS: The application was circulated to 41 adjacent landowners (both Rocky View and Wheatland Counties). At the time this report was prepared, no letters were received in support or objection to the application.	LAND USE POLICIES AND STATUTORY PLANS: <ul style="list-style-type: none"> County Plan (C-7280-2013) Land Use Bylaw (C-4841-97)

EXECUTIVE SUMMARY:

The proposal is to permit single-lot regrading and placement of clean fill on the property.

This is allowed in all districts, but is subject to a Development Permit. As such, the application was assessed in accordance with Section 33.1 of the Land Use Bylaw. The application was conditionally approved by the Development Authority on November 27, 2018, subject to prior to issuance conditions. The conditions include a pre- and post-development impact assessment with a lot grading plan demonstrating that the proposed grading works on the subject site do not have any impact on any adjacent lands; statement of soil quality improvements, soil testing analysis for off-site topsoil; and obtaining a Road Use Agreement with Wheatland County (if required).

On December 18, 2018, the Applicant appealed the decision of the Development Authority, specifically Condition 2, which is the requirement to provide a grading plan demonstrating that the fill will not impact adjacent lands or road infrastructure.



The applicant has stated their reason for appealing this condition, paraphrased here for brevity, is that it represents an unfair requirement (both in terms of effort and cost) as the reason they are seeking regrading and fill on their lands has been caused by other off-site development and grading activities. Their full statement regarding the reason for appeal is included as an attachment to this report.

PROPERTY HISTORY:

None

APPEAL:

See attached report and exhibits.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'M. Wilson', written over a horizontal line.

Matthew Wilson
Manager, Planning & Development

ON/rp



DEVELOPMENT PERMIT REPORT

Application Date: September 27, 2018	File: 04212004
Application: PRDP20183928	Applicant/Owner: Harold and Elvira Boldt
Legal Description: NE-12-24-27-W04M	General Location: Located approximately 0.81 km (1/2 mile) east of Rge. Rd. 271 and on the south side of Hwy. 1
Land Use Designation: Ranch and Farm District (R-1)	Gross Area: ± 56.80 hectares (± 140.36 acres)
File Manager: Oksana Newmen	Division: 04

PROPOSAL:

The proposal is for single-lot regrading and the placement of fill. Under Section 33.1 of the Land Use Bylaw, all stripping, filling, excavation, grading and/or re-contouring requires a Development Permit.

The applicants indicated that commercial development to the east of their land has created drainage issues on their property. In order to mitigate the additional water on their site, the Applicants will fill low spots to improve farmability.

A review of County mapping shows several wetlands on the site, including in the areas where the proposed fill is to occur.

The applicants identified nine locations across the site that will receive fill:

Placement of fill (along entire length of eastern portion of the property):

- Height: 0.61 m (2.00 ft.)
- Width: 60.96 m (200.00 ft.)
- Length: 804.67 m (2,640.00 ft.)
- Area: 49,052.81 sq. m (528,000.00 sq. ft.)
- Volume: 29,902.59 cubic metres

Placement of fill (along northern portion of the property):

- Height: 0.61 m (2.00 ft.)
- Width: 30.48 m (100.00 ft.)
- Length: 60.96 m (200.00 ft.)
- Area: 1,858.06 sq. m (20,000.00 sq. ft.)
- Volume: 113.27 cubic metres

Placement of fill (along western portion of the property):

- Height: 0.61 m (2.00 ft.)
- Width: 30.48 m (100.00 ft.)
- Length: 76.2 m (250.00 ft.)
- Area: 2,322.58 sq. m (25,000.00 sq. ft.)



- Volume: 1,415.84 cubic metres

Placement of fill (along south-western portion of the property):

- Height: 0.61 m (2.00 ft.)
- Width: 18.29 m (60.00 ft.)
- Length: 24.38 m (80.00 ft.)
- Area: 445.93 sq. m (4,800.00 sq. ft.)
- Volume: 271.84 cubic metres

Placement of fill (along south-eastern portion of the property):

- Height: 0.61 m (2.00 ft.)
- Width: 45.72 m (150.00 ft.)
- Length: 60.96 m (200.00 ft.)
- Area: 2,787.09 sq. m (30,000.00 sq. ft.)
- Volume: 1,699.01 cubic metres

Placement of fill (in central-west portion of the property):

- Height: 0.61 m (2.00 ft.)
- Width: 15.24 m (50.00 ft.)
- Length: 15.24 m (50.00 ft.)
- Area: 232.26 sq. m (2,500.00 sq. ft.)
- Volume: 141.58 cubic metres

Placement of fill (in central portion of the property):

- Height: 0.61 m (2.00 ft.)
- Width: 15.24 m (50.00 ft.)
- Length: 15.24 m (50.00 ft.)
- Area: 232.26 sq. m (2,500.00 sq. ft.)
- Volume: 141.58 cubic metres

Placement of fill (in central-east portion of the property):

- Height: 0.61 m (2.0 ft.)
- Width: 6.096 m (20 ft.)
- Length: 6.096 m (20 ft.)
- Area: 37.16 sq. m (400 sq. ft.)
- Volume: 22.65 cubic metres

Placement of fill (in north-central portion of the property):

- Height: 0.61 m (2.00 ft.)
- Width: 30.48 m (100.00 ft.)
- Length: 60.96 m (200.00 ft.)



- Area: 1,858.06 sq. m (20,000.00 sq. ft.)
- Volume: 1,132.67 cubic metres

Total volume of fill: 34,841.03 cubic metres

Development Permit History:

- None.

STATUTORY PLANS:

- None.

INSPECTOR'S COMMENTS:

- No inspection completed at the time of the writing of this report.

CIRCULATIONS:

Agricultural Services, Rocky View County

- Agricultural Services Staff Comments: If the applicant intends to bring topsoil onsite (soil that originated from offsite) then prior to issuance of the permit, the applicant/owner shall provide a stamped and endorsed statement from a Professional Agrologist, or Certified Crop Advisor, confirming the soil quality improvements achieved by the proposed addition of topsoil. The anticipated agricultural benefits must be identified. The applicant also needs to provide a soil testing analysis, completed on the proposed topsoil, that includes where the topsoil originated from. The report and approval shall be to the satisfaction of the County's Agricultural Services Staff (See attached). Lastly, if the applicant intends to alter or fill in any wetlands they will need to obtain the proper approvals from Alberta Environment.
- The soil analysis report will need to confirm that:
 - i. *Texture is balanced and not over 40% clay; and
 - ii. **Organic matter is a minimum of 3%, and equal to or greater than the organic matter of the soil on the application site; and
 - iii. **SAR/EC rating is at least 'good'; and
 - iv. **PH value is in the 'acceptable' range for crop growth.

Alberta Transportation

- In reviewing the application, it appears that the applicant wishes to grade and place fill at the above noted location. As this proposal falls within the referral distance of Alberta Transportation, a Roadside Development Permit will be required from this office.
- By copy of this letter, a Roadside Development Application will be forwarded to the applicant for completion and return to this office. Therefore, we suggest delaying issuance of your permit until such time that a Roadside Development Permit has been issued by the department.
- Please note that the Roadside Development Application must identify the means of access from the highway to the proposed development as well as a detail drainage plan for the proposed work.

Alberta Environment and Parks

- No response received.

Alberta Energy Regulator

- No response received.

ATCO Gas

- ATCO Gas has no objection to the proposed however the land owner will be required to contact southlandadmin@atcogas.com with the following information to obtain consent to do work; we will require 21 days notice to provide an agreement:
- ATCO Gas requires the following information to process your request for a crossing and/or proximity Agreement within the 30M Controlled Area referenced on your Alberta 1st Call as a CONFLICT:
 - Contact information: Name, Phone Number and Email, if available
 - Titleholder of Land, if different from Contact
 - Survey Plan and/or 1st Call Locate Sketch
 - Legal Land Description [e.g. NE 32-30-15-W4M and/or Lot/Block/Plan]
 - Brief description of proposed work including what type of equipment to be used
 - *if you expect to cross the ATCO Gas Facilities, please indicate where on sketch plan.
- If you are working in proximity and/or parallel to the ATCO Gas Facilities, please provide the approximate distance from your work area to our facilities;
- If the landowner has any questions they can phone 403-245-7845.

ATCO Pipelines

- ATCO PIPELINES has no objection.

Ember Resources

- Please find attached; Ember Resource Inc.'s plan of Survey for Padsite & A/R: 16-12-24-27 W4M
- Right of Way:
 - 10-11 WELL TO 9-12-24-27 W4M P/L (57358-255)
 - 16-1 WELL TO 2-13-24-27 W4M P/L (57358-257)
- If the work is going to cross/encroach on any of the above, please use Earth Berm or Rig Mats as well as contact our Field Foreman before work is to commence.

Enforcement Services, Rocky View County

- Enforcement has no concerns.

Engineering Services, Rocky View County*General:*

- The review of this file is based upon the application submitted. These conditions/ recommendations may be subject to change to ensure best practices and procedures.

Geotechnical - Section 300.0 requirements:

- ES has no requirements at this time.

Transportation - Section 400.0 requirements:

- ES has no concerns;
- Access to the proposed lot is from an existing paved approach off of Twp Rd 270, which belongs to Wheatland County;
- The Applicant is to enter into a road use agreement with Wheatland County;
- The Applicant has to obtain a Roadside Development Permit from Alberta Transportation.

Sanitary/Waste Water - Section 500.0 requirements:

- ES has no requirements at this time.

Water Supply And Waterworks - Section 600.0 & 800.0 requirements:

- ES has no requirements at this time.

Storm Water Management – Section 700.0 requirements:

- As a condition of DP, the Applicant is required to provide a site grading plan and a letter from a professional engineer confirming the placement of fill will have no impacts on adjacent lands and road infrastructure.

Environmental – Section 900.0 requirements:

- The County's Wetland Impact Model has identified wetlands within the site. As a condition of DP, the Applicant is to obtain AEP approval prior to any disturbances or impacts to wetlands onsite.

Erosion & Sediment Control:

- ES has no requirements at this time.

Infrastructure & Operations

- No comments received.

Manitok Energy

- No response received.

Western Irrigation District

- WID has no objections to the placement of fill in locations as depicted on the attached drawing within NE 12-24-27 W4M;
- Please note that there should be no alterations made to the grade of the lands, that will affect the current drainage or the Districts works.

Wheatland County

- Thank you for providing Wheatland County the opportunity to comment on this application.
- The proposed infilling of wet areas on NE-12-24-27-4 could result in the alteration of drainage on the parcel, which could potentially have an effect on Wheatland County's roads and/or drainage on other ratepayers' properties. Drainage of water is an issue in the area, so we would ask that consideration be given to the effects of the infilling and be fully understood and mitigated in the project plan prior to allowing the work to go ahead. An approval from Alberta Environment is likely required in this case for the infilling of wetlands. This is important for the review of potential impacts to other properties and the surrounding hydrology.
- The Applicant will be required to enter into a road use agreement with Wheatland County. This road use agreement will detail types of vehicles and intensity during the project.

OPTIONS:**Option #1** (this would allow the on-site grading and placement of fill)

That the appeal against the conditions of the Development Authority to approve a Development Permit for single-lot regrading and placement of fill on NE-12-24-27-W04M (241191 Boundary Rd.) be upheld, that the decision of the Development Authority be varied, and that a Development Permit be conditionally approved, subject to the following conditions:

Description:

1. That single-lot regrading and the placement of clean fill, approximately 34,841.03 cubic metres, shall be permitted in general accordance with the drawings submitted with the application and the conditions of this permit.

Prior to Issuance:

- ~~2. That prior to issuance of this permit, the Applicant/Owner shall submit a site grading plan and a letter from a professional engineer confirming that the placement of fill will have no impacts on adjacent lands or road infrastructure. Site drawings shall be submitted showing the extent of proposed work (with dimensions) and pre and post site grades. The plan drawings shall confirm pre-placement of fill grades, existing grades, and proposed finished grades of the parcel, and confirmation that fill placement will not impact adjacent lands or road infrastructure:
i. If the fill depth exceeds 1.20 m (3.94 ft.) a Deep Fill Report shall be submitted.~~

3. That prior to issuance of this permit, the Applicant/Owner shall confirm whether topsoil from offsite is being used on the subject site land, and if so, shall submit a stamped and endorsed statement from a Professional Agrologist, or Certified Crop Advisor, confirming the soil quality improvements achieved by the proposed addition of topsoil. The anticipated agricultural benefits must be identified.

Note: If topsoil is not being imported onto the subject property, this condition is null and void.

4. That prior to issuance of this permit, the Applicant/Owner shall confirm whether topsoil from offsite is being used on the subject land, and if so, shall submit a soil testing analysis completed on the proposed topsoil that includes where the topsoil originated from and confirms that:
 - i. Texture is balanced and not over 40.00% clay;
 - ii. Organic matter is a minimum of 3.00%, and equal to or greater than the organic matter of the soil on the application site;
 - iii. SAR/EC rating is at least "good"; and
 - iv. PH value is in the "acceptable" range for crop growth.

Note: If topsoil is not being imported onto the subject property, this condition is null and void.

5. That prior to issuance of this permit, the Applicant/Owner shall enter into a Road Use Agreement with Wheatland County if required. A copy of the issued agreement or confirmation that an agreement is not required shall be submitted to the County prior to release.

Permanent:

6. That if any fill is to be imported onto the property utilizing the County road system, the Applicant/Owner shall contact Rocky View County Road Operations with haul details to determine if a Road Use Agreement is required for use of the County road system for hauling of fill material onto the property.

7. That any plan, technical submission, agreement, matter, or understanding submitted and approved as part of the application or in response to a Prior to Issuance or Occupancy condition shall be implemented and adhered to in perpetuity.
8. That it shall be the responsibility of the Applicant/Owners to ensure the fill has been placed in a safe manner that does not cause slope stability issues, slumping, or any other related safety issues.
9. That no topsoil shall be removed from the site.
10. That the Applicant/Owners shall ensure no organic material is buried and capped in a manner that will cause methane gas related issues.
11. That the fill shall not contain large concrete, rebar, asphalt, building materials, organic materials, or other metal.
12. That the Applicant/Owners shall take effective measures to control dust on the parcel so that dust originating therein shall not cause annoyance or become a nuisance to adjoining property owners and others in the vicinity.
13. That if no future development of the proposed graded area occurs, the proposed graded area shall have a minimum of six (6) inches of topsoil placed on top, which shall then be spread and seeded to native vegetation, farm crop, or landscaped to the satisfaction of the County.
14. That the Applicant/Owners shall be responsible for rectifying any adverse effect on adjacent lands from drainage alteration.
15. That the subject land shall be maintained in a clean and tidy fashion at all times, and all waste material shall be deposited and confined in an appropriate enclosure. All waste material shall be regularly removed from the property to prevent any debris from blowing onto adjacent property or roadways. That all garbage and waste shall be stored in weatherproof and animal proof containers and be in a location easily accessible to containerized garbage pickup.

Advisory:

16. That the site shall remain free of restricted and noxious weeds and maintained in accordance with the Alberta Weed Control Act.
17. That at no point shall there be any alterations made to the site grade of the land, which will affect the current drainage or operation of the Western Irrigation District works.
18. The Applicant/Owner shall contact ATGO Gas (southlandadmin@atcogas.com) at least 21 days in advance of work commencing to provide an agreement with the following information to obtain consent to do work:
 - i. ATCO Gas requires the following information to process the request for a crossing and/or proximity Agreement within the 30M Controlled Area referenced on the Alberta 1st Call as a CONFLICT:
 - a. Contact information: Name, Phone Number and Email, if available;
 - b. Titleholder of Land, if different from Contact;
 - c. Survey Plan and/or 1st Call Locate Sketch;
 - d. Legal Land Description [e.g. NE 32-30-15-W4M and/or Lot/Block/Plan];
 - e. Brief description of proposed work including what type of equipment to be used:

Note: If crossing of the ATCO Gas Facilities is expected, the location should be indicated on the sketch plan.



- f. If working occurs in proximity and/or parallel to the ATCO Gas Facilities, please provide the approximate distance from the work area to ATCO's facilities.
 - ii. If the landowner has any questions regarding the above, they can contact 403-245-7845.
19. The Applicant/Owner shall contact Ember Resources in advance of any work commencing if work is to cross/encroach on any of the following:
 - i. Right of Way: 10-11 WELL TO 9-12-24-27 W4M P/L (57358-255)
 - ii. Right of Way: 16-1 WELL TO 2-13-24-27 W4M P/L (57358-257)

If the work is going to cross/encroach on any of the above, the Applicant/Owner is to use Earth Berm or Rig Mats, and shall contact the Ember Resources Field Foreman before work is to commence at 403-507-5858.
20. That any other government permits, approvals, or compliances are the sole responsibility of the Applicant/Owners.
 - i. The Applicant/Owner shall submit a copy of an approved Roadside Development Permit from Alberta Transportation, once obtained.
21. That if the development authorized by this Development Permit is not completed within six months of the date of issuance, the permit is deemed to be null and void.
22. That if this Development Permit is not issued by **JUNE 30, 2019**, or the approved extension date, then this approval is null and void and the Development Permit shall not be issued.

Note: The Applicant/Owner shall be responsible for all Alberta Environment approvals/compensation if any wetland is impacted by the placement of the fill.

Option #2 (this would allow the on-site grading and placement of fill)

That the appeal against the conditions of the Development Authority to approve a Development Permit for single-lot regrading and placement of fill on NE-12-24-27-W04M (241191 Boundary Rd.) be denied, and that the decision of the Development Authority be confirmed, and that a Development Permit be conditionally approved subject to the following conditions:

Description:

1. That single-lot regrading and the placement of clean fill, approximately 34,841.03 cubic metres, shall be permitted in general accordance with the drawings submitted with the application and the conditions of this permit.

Prior to Issuance:

2. That prior to issuance of this permit, the Applicant/Owner shall submit a site grading plan and a letter from a professional engineer confirming that the placement of fill will have no impacts on adjacent lands or road infrastructure. Site drawings shall be submitted showing the extent of proposed work (with dimensions) and pre and post site grades. The plan drawings shall confirm pre-placement of fill grades, existing grades, and proposed finished grades of the parcel, and confirmation that fill placement will not impact adjacent lands or road infrastructure:
 - i. If the fill depth exceeds 1.20 m (3.94 ft.) a Deep Fill Report shall be submitted.
3. That prior to issuance of this permit, the Applicant/Owner shall confirm whether topsoil from offsite is being used on the subject site land, and if so, shall submit a stamped and endorsed statement from a Professional Agrologist, or Certified Crop Advisor, confirming the soil quality improvements achieved by the proposed addition of topsoil. The anticipated agricultural benefits must be identified.



Note: If topsoil is not being imported onto the subject property, this condition is null and void.

4. That prior to issuance of this permit, the Applicant/Owner shall confirm whether topsoil from offsite is being used on the subject land, and if so, shall submit a soil testing analysis completed on the proposed topsoil that includes where the topsoil originated from and confirms that:
 - i. Texture is balanced and not over 40.00% clay;
 - ii. Organic matter is a minimum of 3.00%, and equal to or greater than the organic matter of the soil on the application site;
 - iii. SAR/EC rating is at least "good"; and
 - iv. PH value is in the "acceptable" range for crop growth.

Note: If topsoil is not being imported onto the subject property, this condition is null and void.

5. That prior to issuance of this permit, the Applicant/Owner shall enter into a Road Use Agreement with Wheatland County if required. A copy of the issued agreement or confirmation that an agreement is not required shall be submitted to the County prior to release.

Permanent:

6. That if any fill is to be imported onto the property utilizing the County road system, the Applicant/Owner shall contact Rocky View County Road Operations with haul details to determine if a Road Use Agreement is required for use of the County road system for hauling of fill material onto the property.
7. That any plan, technical submission, agreement, matter, or understanding submitted and approved as part of the application or in response to a Prior to Issuance or Occupancy condition shall be implemented and adhered to in perpetuity.
8. That it shall be the responsibility of the Applicant/Owners to ensure the fill has been placed in a safe manner that does not cause slope stability issues, slumping, or any other related safety issues.
9. That no topsoil shall be removed from the site.
10. That the Applicant/Owners shall ensure no organic material is buried and capped in a manner that will cause methane gas related issues.
11. That the fill shall not contain large concrete, rebar, asphalt, building materials, organic materials, or other metal.
12. That the Applicant/Owners shall take effective measures to control dust on the parcel so that dust originating therein shall not cause annoyance or become a nuisance to adjoining property owners and others in the vicinity.
13. That if no future development of the proposed graded area occurs, the proposed graded area shall have a minimum of six (6) inches of topsoil placed on top, which shall then be spread and seeded to native vegetation, farm crop, or landscaped to the satisfaction of the County.
14. That the Applicant/Owners shall be responsible for rectifying any adverse effect on adjacent lands from drainage alteration.
15. That the subject land shall be maintained in a clean and tidy fashion at all times, and all waste material shall be deposited and confined in an appropriate enclosure. All waste material shall be regularly removed from the property to prevent any debris from blowing onto adjacent



property or roadways. That all garbage and waste shall be stored in weatherproof and animal proof containers and be in a location easily accessible to containerized garbage pickup.

Advisory:

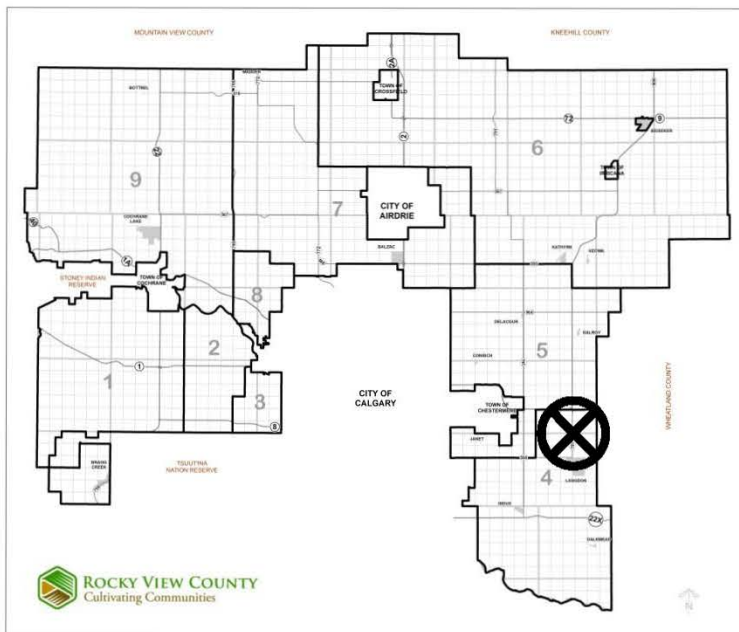
16. That the site shall remain free of restricted and noxious weeds and maintained in accordance with the Alberta Weed Control Act.
17. That at no point shall there be any alterations made to the site grade of the land, which will affect the current drainage or operation of the Western Irrigation District works.
18. The Applicant/Owner shall contact ATGO Gas (southlandadmin@atcogas.com) at least 21 days in advance of work commencing to provide an agreement with the following information to obtain consent to do work:
 - i. ATCO Gas requires the following information to process the request for a crossing and/or proximity Agreement within the 30M Controlled Area referenced on the Alberta 1st Call as a CONFLICT:
 - a. Contact information: Name, Phone Number and Email, if available;
 - b. Titleholder of Land, if different from Contact;
 - c. Survey Plan and/or 1st Call Locate Sketch;
 - d. Legal Land Description [e.g. NE 32-30-15-W4M and/or Lot/Block/Plan];
 - e. Brief description of proposed work including what type of equipment to be used:
Note: If crossing of the ATCO Gas Facilities is expected, the location should be indicated on the sketch plan.
 - f. If working occurs in proximity and/or parallel to the ATCO Gas Facilities, please provide the approximate distance from the work area to ATCO's facilities.
 - ii. If the landowner has any questions regarding the above, they can contact 403-245-7845.
19. The Applicant/Owner shall contact Ember Resources in advance of any work commencing if work is to cross/encroach on any of the following:
 - i. Right of Way: 10-11 WELL TO 9-12-24-27 W4M P/L (57358-255)
 - ii. Right of Way: 16-1 WELL TO 2-13-24-27 W4M P/L (57358-257)
If the work is going to cross/encroach on any of the above, the Applicant/Owner is to use Earth Berm or Rig Mats, and shall contact the Ember Resources Field Foreman before work is to commence at 403-507-5858.
20. That any other government permits, approvals, or compliances are the sole responsibility of the Applicant/Owners.
 - i. The Applicant/Owner shall submit a copy of an approved Roadside Development Permit from Alberta Transportation, once obtained.
21. That if the development authorized by this Development Permit is not completed within six months of the date of issuance, the permit is deemed to be null and void.
22. That if this Development Permit is not issued by **JUNE 30, 2019**, or the approved extension date, then this approval is null and void and the Development Permit shall not be issued.

Note: The Applicant/Owner shall be responsible for all Alberta Environment approvals/compensation if any wetland is impacted by the placement of the fill.



Option #3 (this would not allow the single-lot regrading and placement of fill)

That the appeal against the conditions of the Development Authority to approve a Development Permit for single-lot regrading and placement of fill on NE-12-24-27-W04M (241191 Boundary Rd.) be denied, that the decision of the Development Authority be revoked, and that a Development Permit not be issued.



LOCATION PLAN

NE-12-24-27-W04M



Contours are generated using 10m grid points, and depict general topographic features of the area. Detail accuracy at a local scale cannot be guaranteed. They are included for reference use only.

TOPOGRAPHY
Contour Interval 2 M

NE-12-24-27-W04M

Date: Dec 19, 2018

Division # 4

File: 04212004 **Agenda Page 17 of 179**





Note: Post processing of raw aerial
photography may cause varying degrees
of visual distortion at the local level.

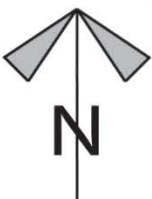
AIR PHOTO
Spring 2018

NE-12-24-27-W04M

Date: Dec 19, 2018

Division # 4

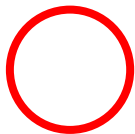
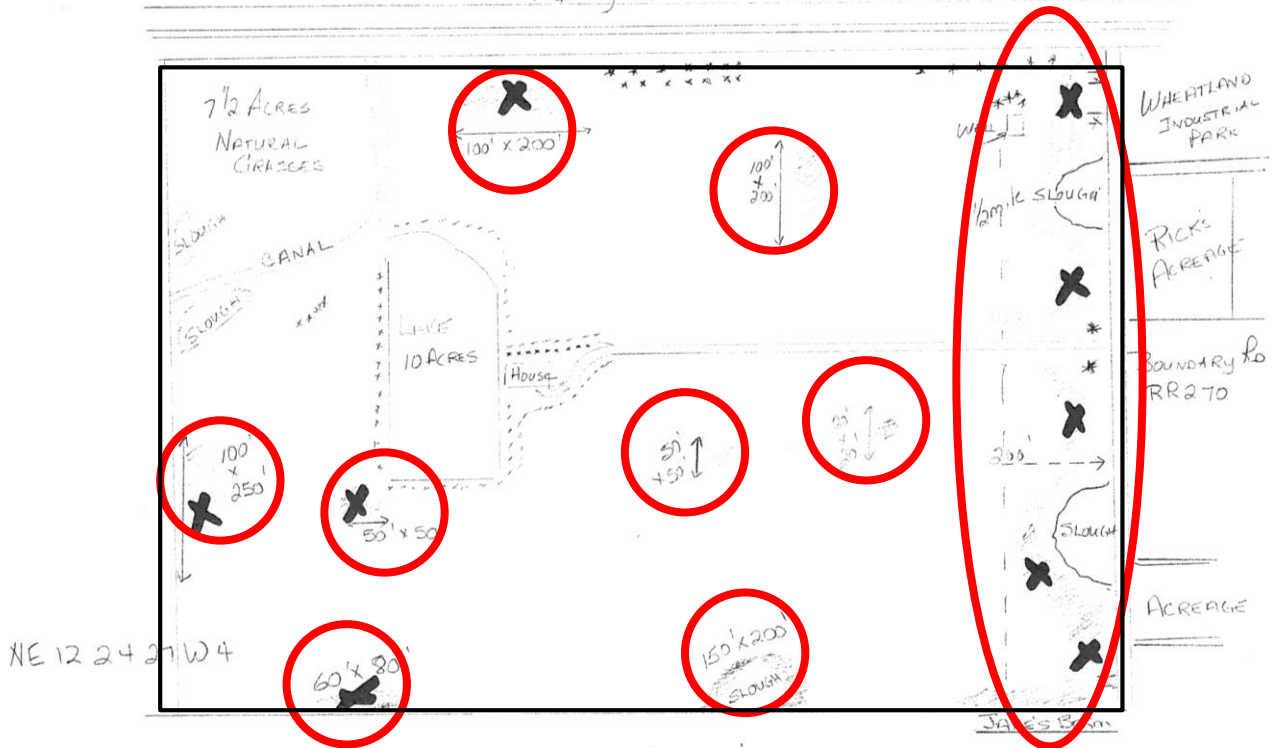
File: 04212004 **Agenda Page 18 of 179**



* TREES

FOOTAGE IS APPROXIMATE

#1 Highway RR242



Fill locations and approximate
fill area dimensions

DEVELOPMENT PROPOSAL

NE-12-24-27-W04M

Date: Dec 19, 2018

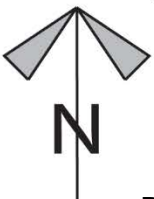
Division # 4

File: 04212004

Agenda Page 19 of 179



SITE PHOTOS



NE-12-24-27-W04M

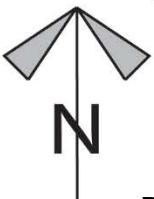
Date: Dec 19, 2018

Division # 4

File: 04212004



SITE PHOTOS



NE-12-24-27-W04M

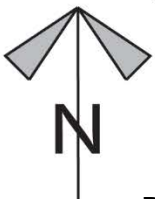
Date: Dec 19, 2018

Division # 4

File: 04212004



SITE PHOTOS



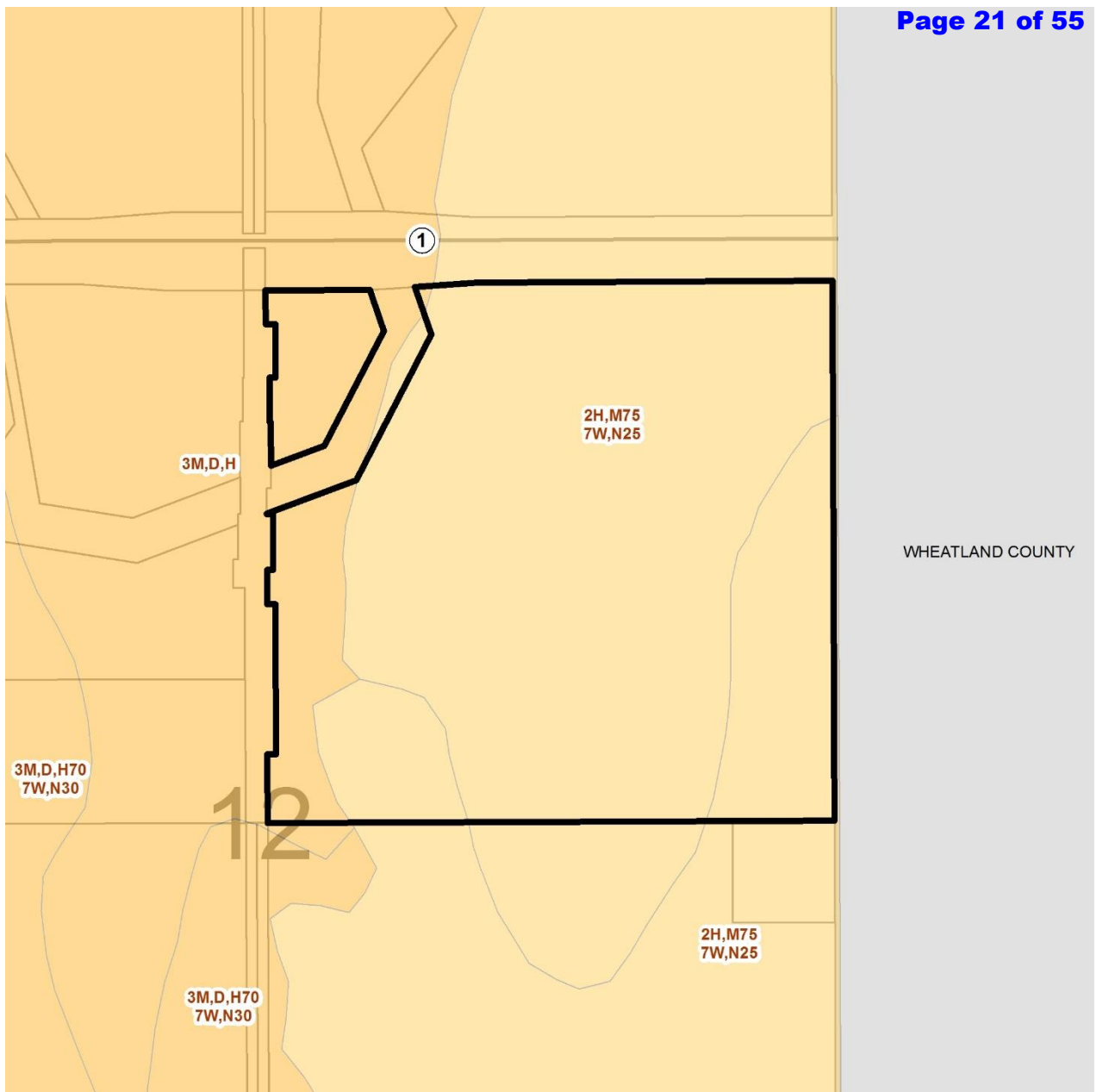
NE-12-24-27-W04M

Date: Dec 19, 2018

Division # 4

File: 04212004

Agenda Page 22 of 179



LAND CAPABILITY CLASSIFICATION LEGEND

Limitations refer to cereal, oilseeds and tame hay crops

CLI Class

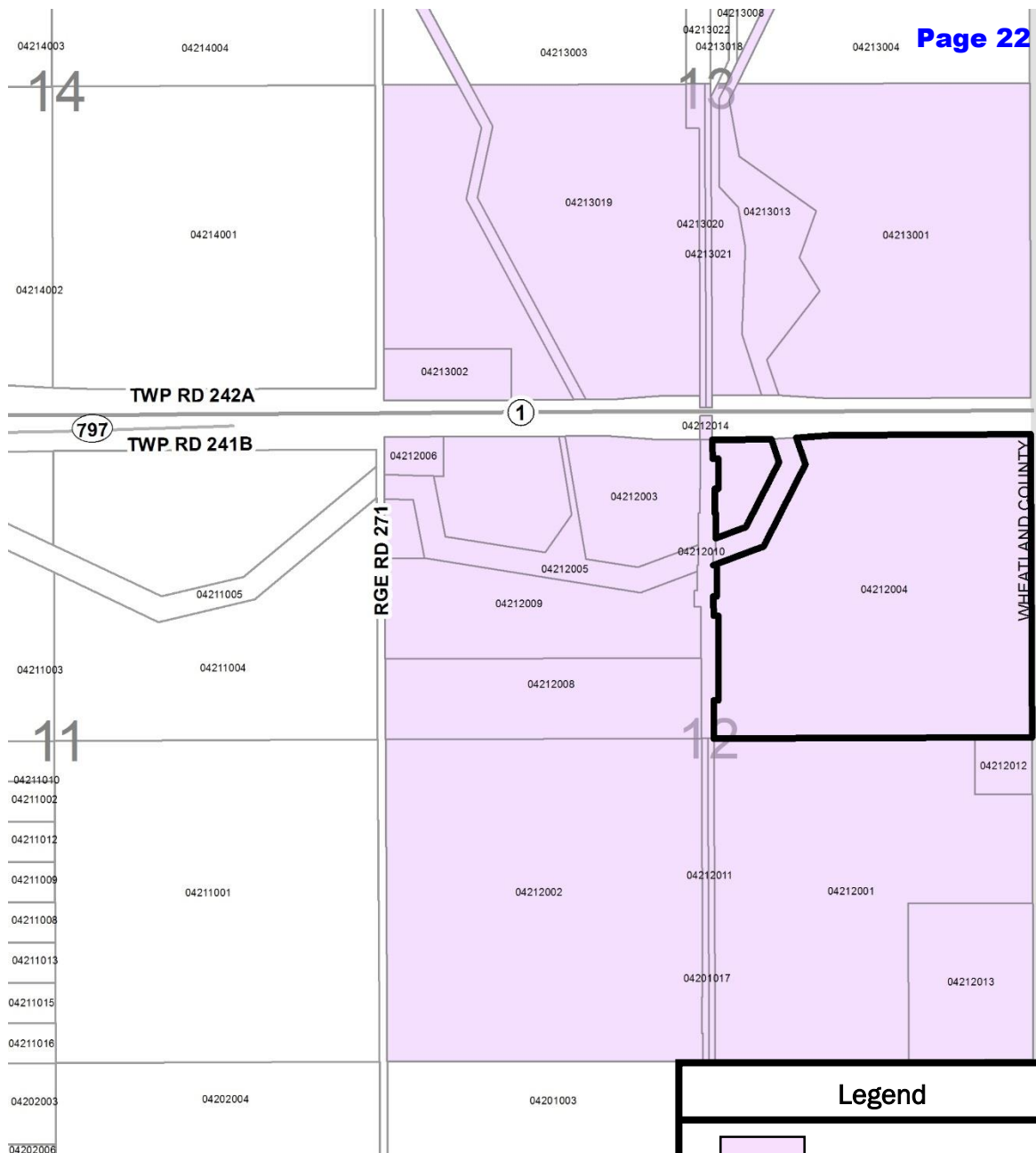
- 1 - No significant limitation
- 2 - Slight limitations
- 3 - Moderate limitations
- 4 - Severe limitations
- 5 - Very severe limitations
- 6 - Production is not feasible
- 7 - No capability

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 sodicity
- 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

SOIL MAP

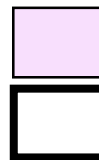
NE-12-24-27-W04M



Letters in Opposition

Letters in Support

Legend



Circulation Area

Subject Lands

LANDOWNER CIRCULATION AREA

NE-12-24-27-W04M





Notice of Appeal

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

Appellant Information			
Name of Appellant(s) HAROLD AND ELVIRA BOLDT			
Mailing Address		Municipality	Postal Code
[REDACTED]		[REDACTED]	[REDACTED]
Main Phone #	Alternate Phone #	Email Address	
[REDACTED]	[REDACTED]	[REDACTED]	
Site Information			
Municipal Address		Legal Land Description (lot, block, plan OR quarter-section-township-range-meridian)	
241191 Boundary Rd (RR270)		NE 12 24 27 W 4	
Property Roll #	Development Permit, Subdivision Application, or Enforcement Order #		
04212004	PRDP 20183928		
I am appealing: (check one box only)			
Development Authority Decision <input type="checkbox"/> Approval <input checked="" type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal	Subdivision Authority Decision <input type="checkbox"/> Approval <input 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 style="font-size: 1.5em; color: blue;">AS ATTACHED</p> <div style="text-align: center; margin-top: 100px;"> </div>			

This information is collected for the Subdivision and Development Appeal Board or Enforcement Appeal Committee of Rocky View County and will be used to process your appeal and to create a public record of the appeal hearing. The information is collected in accordance with the *Freedom of Information and Protection of Privacy Act*. If you have questions regarding the collection or use of this information, contact the Municipal Clerk at 403-230-1401.

Appellant's Signature

Dec 17, 2018
Date

December 18, 2018

Rocky View County

262075 Rocky View Point

Rocky View County AB

T4A 0X2

Attention Subdivision and Development Appeal Board

Notice of Appeal

Development Permit # PRDP 20183928

NE-12-24-27-04 (241191 Boundary Rd)

We are appealing Section # 2 re Site Grading and Placement of Fill:

states that we shall submit a site grading plan and a letter from a professional engineer confirming placement of fill shall have no impacts on adjacent lands and road infrastructure. Let me give you some background information.

1. The grading that we are proposing is in response to flooding that occurs because of the development of, and under development of adjacent lands that are flooding our property (County of Wheatland – Wheatland Industrial Park) In 2004 when the proposal for development was revealed, we had questions regarding water flow. The land to the east of us is uphill. We were assured by the developers and the county that they would contain all the water on their property. The Department of Transportation insisted on a berm along the highway limiting distraction for drivers using the highway. Roadways and culverts at the highway were modified, roadways ditches, culverts and ponds were put in place on the development. The berm along the highway acted as a snow fence holding back snow. Small dams were put in the ditches forcing the water under the road at # 1 and RR270 intersection and onto the west side of RR270. The ditches in the development all lead the water down to the pond at the corner of RR270 and # 1 highway. The resultant change in water flow, and stripped soils (clay) that hold no water have produced a virtual flood of water coming down to RR270. The pond over flows the road and all the water comes onto our land. We have appealed to the County and the Industrial Park owners since 2004 when development started that this was our major concern, but to no avail. Initially the Isle of Mann acknowledged our plight, with managers representing the company recommending to the owners that compensation be paid, and modifications be made. This has not been done. We appealed to the County of Wheatland to help put pressure on the developer to do something. Again, with no results. Apparently the "Good Neighbor " law does not apply.
2. Wheatland County did a road upgrade this past fall on RR270 (Boundary Rd). We were told before the road up grade started that they would do their best to direct the water south towards Hartel Coulee. They did the upgrade, they put new culverts in, placing the culverts in such a way that it makes a virtual well (the lowest spot) in the SE corner of our property which effectively directs all ditch water on both sides of the road onto our

property. In order for the water to flow south, 3 -4 feet of water will have to accumulate in this corner before it ever even thinks of flowing south down the new ditches that they have created.

3. The continuous flooding of our property by the adjacent development has been an onerous burden to us. In spring we pump the run off over the hills that we have on the property to disperse the water. We seed, then spring rains come and we flood again. The front of our quarter section has much of it turning saline because of the constant flooding, and some does not support crop growth any more. The cost to us over the past 8 years has been enormous.
4. We are not in objection to the site grading plan in and of itself but feel that the now additional cost of the Site Grading and Placement of fill should be borne by the County of Wheatland, Rocky View and Department of Transportation because they all approved the Wheatland Industrial Park development and the resulting change in water flow.
5. Your permit states that we must be held accountable for the placement of the soil if it impacts adjacent properties. It appears that the rules governing the site upgrading plan and lack of impact on adjacent property only applies to us and not to the people and developments around us. We have been impacted, but nothing is being done to even mitigate some of the flooding.
6. It seems that the cost of the Site Grading and Placement of fill is just another added burden to the costs that are already foisted upon us.
7. In desperation, we have applied for a regrading and placement of fill permit to protect our land from further flooding and soil destruction. If this is the wrong route to take, please advise us. Our investment is being devalued, good land is being destroyed, and the pumping of the water is getting harder for us to accomplish as we are not getting any younger. We feel that the County of Rocky View, and the County of Wheatland, as benefactors of the taxes we all pay, with their political clout, should take the initiative, come to the table and help us resolve this situation.

Thank you for hearing our appeal, and giving us direction in this regard.

Sincerely,

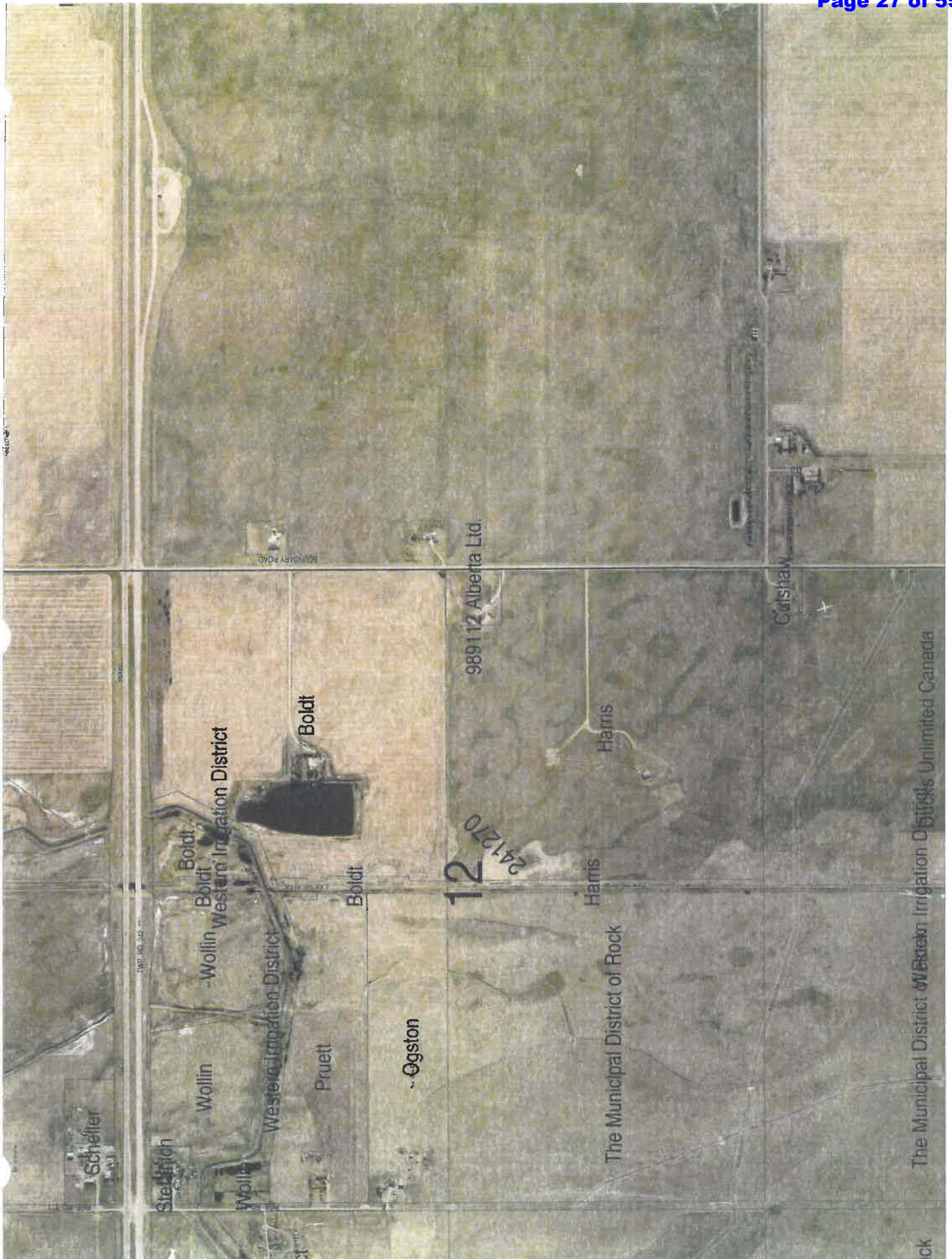
Harold and Elvira Boldt



PICTURES ATTACHED



2008
MINIMAL SLOUGHS



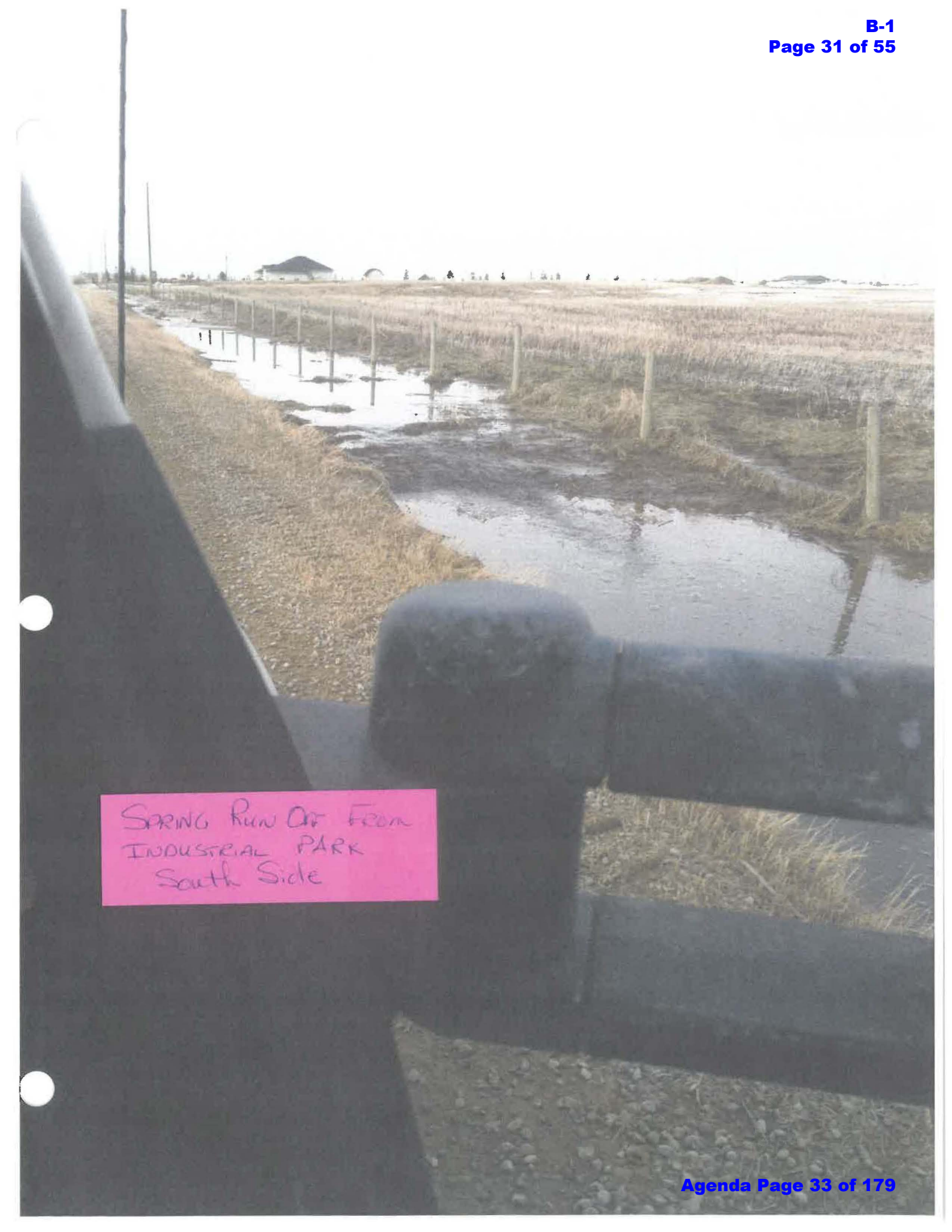




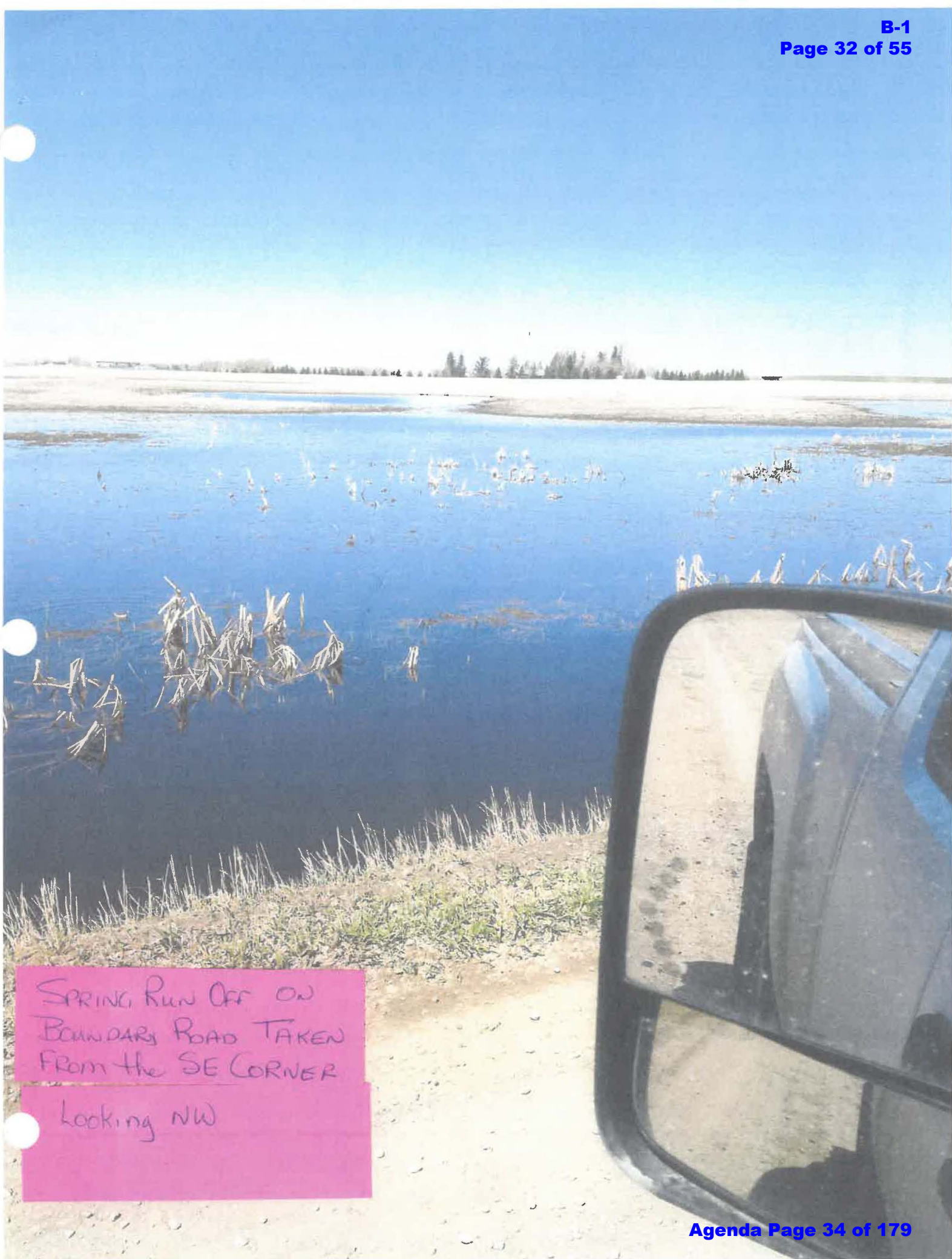
Looking East From
Our Driveway 2008

2013/04/08

Print Run
off 2013
Jackson South



Spring Run Off From
INDUSTRIAL PARK
South Side



SPRING Run Off ON
BOUNDARY ROAD TAKEN
FROM THE SE CORNER

Looking NW



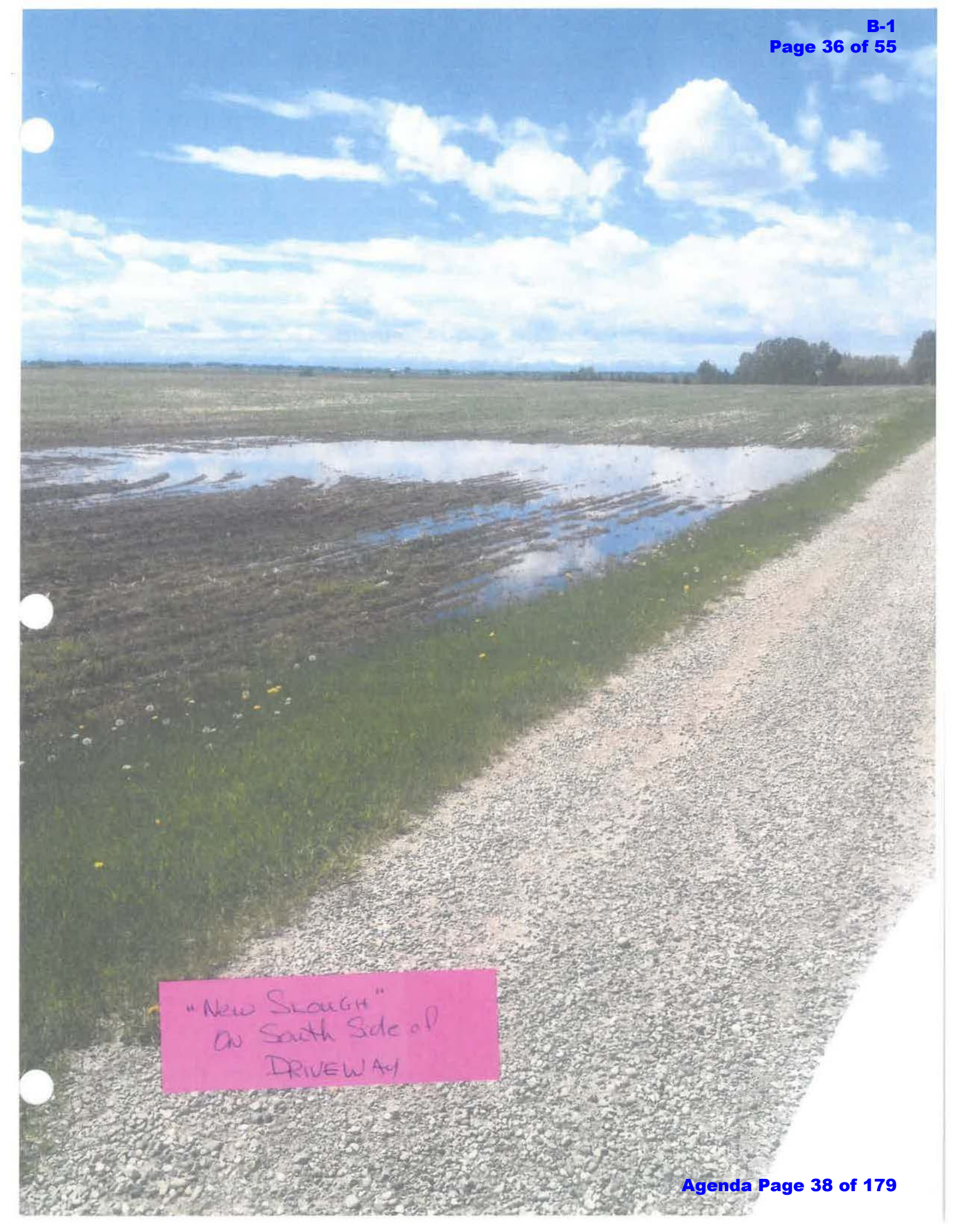
SAINT MAKING SOILS
NON PRODUCTIVE
NE CORNER OF QUARTER

05.27.2011

Example of Over
Road Flooding
May 27/11

Moving WATER Out
of their ponds

RAINING - WE ARE
Flooded - wheatland
Still Running SPARKERS



"New Slough"
on South Side of
DRIVEWAY

WATER FLOW OFF INDUSTRIAL
PARK on South Side of
RICKS ACREE

SPRINKLERS GOING EVEN
THOUGH GROUND
SATURATED

EMPTYING POND INTO
HIGHWAY DITCH TO FLOW
ONTO OUR LAWN

MOWERS STAYING
STUCK ON HILLS
(BERMS)

Flooding on North
Side of Driveway
Looking West And North



EAST SIDE DITCH FEN
BY WATER OFF INDUSTRIAL
PARK ON SOUTH SIDE OF

RICKS PROPERTY

DAM' FORCING WATER
UNDER BOUNDARY RD TO
WEST SIDE DITCH



Highway Flow - Along
Water High
North Side Highway
Berm



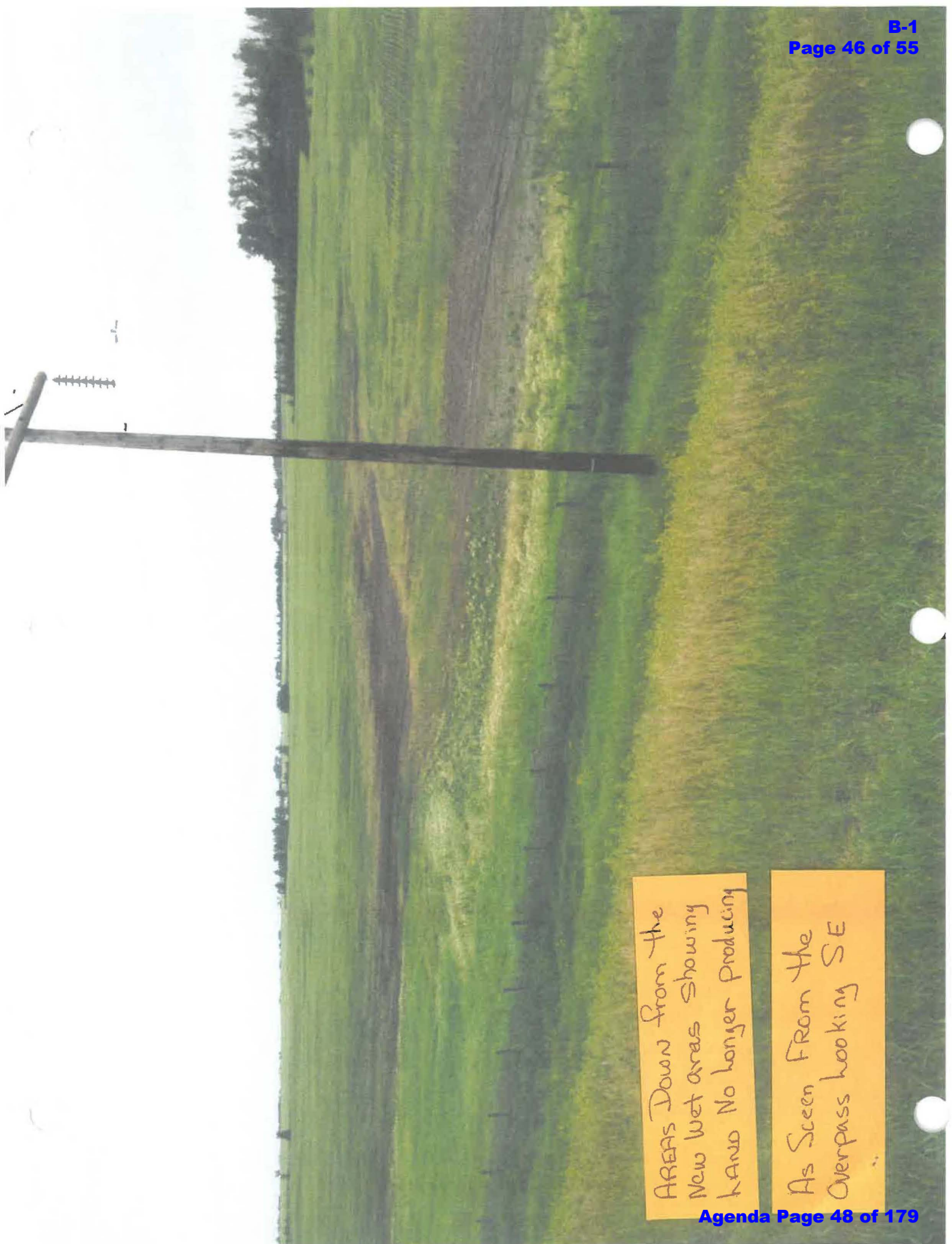
STANDING ON NEIGHBOR
DRIVEWAY looking NORTH
SEE ROADWAY DISTURBANCE



WATER FLOW ON EAST RR 270
FLOWING SOUTH - CROSSES
TO OUR LAND JUST BEFORE
THE TREES ON WEST SIDE
OF THE ROAD

CAUSED BY RUNOFF
FROM INDUSTRIAL PARK

Looking East From
OUR HOUSE - SHOWING DEEP
PODS "through" New Slough



AREAS DOWN FROM THE
NEW WET AREAS SHOWING
LAND NO LONGER PRODUCING

AS SEEN FROM THE
OVERPASS LOOKING SE



THIS IS NOT A DEVELOPMENT PERMIT

Please note that the appeal period *must* end before this permit can be issued and that any Prior to Issuance conditions (if listed) *must* be completed.

NOTICE OF DECISION

Boldt, Harold & Elvira

Page 1 of 4

Tuesday, November 27, 2018

Roll: 04212004

RE: Development Permit #PRDP20183928
NE-12-24-27-04; (241191 BOUNDARY ROAD)

The Development Permit application for single-lot regrading and placement of clean fill has been **conditionally-approved** by the Development Officer subject to the listed conditions below (**PLEASE READ ALL CONDITIONS**):

Description:

1. That single-lot regrading and the placement of clean fill, approximately 34,841.03 cubic metres, shall be permitted in general accordance with the drawings submitted with the application and the conditions of this permit.

Prior to Issuance:

2. That prior to issuance of this permit, the Applicant/Owner shall submit a site grading plan and a letter from a professional engineer confirming that the placement of fill will have no impacts on adjacent lands or road infrastructure. Site drawings shall be submitted showing the extent of proposed work (with dimensions) and pre and post site grades. The plan drawings shall confirm pre-placement of fill grades, existing grades, and proposed finished grades of the parcel, and confirmation that fill placement will not impact adjacent lands or road infrastructure:
 - i. If the fill depth exceeds 1.20 m (3.94 ft.) a Deep Fill Report shall be submitted.
3. That prior to issuance of this permit, the Applicant/Owner shall confirm whether topsoil from offsite is being used on the subject site land, and if so, shall submit a stamped and endorsed statement from a Professional Agrologist, or Certified Crop Advisor, confirming the soil quality improvements achieved by the proposed addition of topsoil. The anticipated agricultural benefits must be identified.
 - i. Note: If topsoil is not being proposed to be imported on the subject property, then this condition is not null and void



Boldt, Harold & Elvira #PRDP20183928

Page 2 of 4

4. That prior to issuance of this permit, the Applicant/Owner shall confirm whether topsoil from offsite is being used on the subject land, and if so, shall submit a soil testing analysis completed on the proposed topsoil that includes where the topsoil originated from and confirms that:
 - i. Texture is balanced and not over 40.00% clay;
 - ii. Organic matter is a minimum of 3.00%, and equal to or greater than the organic matter of the soil on the application site;
 - iii. SAR/EC rating is at least "good"; and
 - iv. PH value is in the "acceptable" range for crop growth.
 - i. Note: If topsoil is not being proposed to be imported on the subject property, then this condition is not null and void
5. That prior to issuance of this permit, the Applicant/Owner shall enter into a Road Use Agreement with Wheatland County if required. A copy of the issued agreement or confirmation that an agreement is not required shall be submitted to the County prior to release.

Permanent:

6. That if any fill is to be imported onto the property utilizing the County road system, the Applicant/Owner shall contact Rocky View County Road Operations with haul details to determine if a Road Use Agreement is required for use of the County road system for hauling of fill material onto the property.
7. That any plan, technical submission, agreement, matter, or understanding submitted and approved as part of the application or in response to a Prior to Issuance or Occupancy condition shall be implemented and adhered to in perpetuity.
8. That it shall be the responsibility of the Applicant/Owners to ensure the fill has been placed in a safe manner that does not cause slope stability issues, slumping, or any other related safety issues.
9. That no topsoil shall be removed from the site.
10. That the Applicant/Owners shall ensure no organic material is buried and capped in a manner that will cause methane gas related issues.
11. That the fill shall not contain large concrete, rebar, asphalt, building materials, organic materials, or other metal.
12. That the Applicant/Owners shall take effective measures to control dust on the parcel so that dust originating therein shall not cause annoyance or become a nuisance to adjoining property owners and others in the vicinity.
13. That if no future development of the proposed graded area occurs, the proposed graded area shall have a minimum of six (6) inches of topsoil placed on top, which shall then be spread and seeded to native vegetation, farm crop, or landscaped to the satisfaction of the County.
14. That the Applicant/Owners shall be responsible for rectifying any adverse effect on adjacent lands from drainage alteration.



Boldt, Harold & Elvira #PRDP20183928

Page 3 of 4

15. That the subject land shall be maintained in a clean and tidy fashion at all times, and all waste material shall be deposited and confined in an appropriate enclosure. All waste material shall be regularly removed from the property to prevent any debris from blowing onto adjacent property or roadways. That all garbage and waste shall be stored in weatherproof and animal proof containers and be in a location easily accessible to containerized garbage pickup.

Advisory:

16. That the site shall remain free of restricted and noxious weeds and maintained in accordance with the Alberta Weed Control Act.
17. That at no point shall there be any alterations made to the site grade of the land, which will affect the current drainage or operation of the Western Irrigation District works.
18. The Applicant/Owner shall contact ATGO Gas (southlandadmin@atcogas.com) at least 21 days in advance of work commencing to provide an agreement with the following information to obtain consent to do work:
 - i. ATCO Gas requires the following information to process the request for a crossing and/or proximity Agreement within the 30M Controlled Area referenced on the Alberta 1st Call as a CONFLICT:
 - a. Contact information: Name, Phone Number and Email, if available;
 - b. Titleholder of Land, if different from Contact;
 - c. Survey Plan and/or 1st Call Locate Sketch;
 - d. Legal Land Description [e.g. NE 32-30-15-W4M and/or Lot/Block/Plan];
 - e. Brief description of proposed work including what type of equipment to be used:
Note: If crossing of the ATCO Gas Facilities is expected, the location should be indicated on the sketch plan.
 - f. If working occurs in proximity and/or parallel to the ATCO Gas Facilities, please provide the approximate distance from the work area to ATCO's facilities.
 - ii. If the landowner has any questions regarding the above, they can contact 403-245-7845.
19. The Applicant/Owner shall contact Ember Resources in advance of any work commencing if work is to cross/encroach on any of the following:
 - i. Right of Way: 10-11 WELL TO 9-12-24-27 W4M P/L (57358-255)
 - ii. Right of Way: 16-1 WELL TO 2-13-24-27 W4M P/L (57358-257)
If the work is going to cross/encroach on any of the above, the Applicant/Owner is to use Earth Berm or Rig Mats, and shall contact the Ember Resources Field Foreman before work is to commence: Greg Grover at 403-507-5858.
20. That any other government permits, approvals, or compliances are the sole responsibility of the Applicant/Owners.



ROCKY VIEW COUNTY

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

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

Boldt, Harold & Elvira #PRDP20183928

Page 4 of 4

- i. The Applicant/Owner shall submit a copy of an approved Roadside Development Permit from Alberta Transportation, once obtained.
21. That if the development authorized by this Development Permit is not completed within six months of the date of issuance, the permit is deemed to be null and void.
22. That if this Development Permit is not issued by **JUNE 30, 2019**, or the approved extension date, then this approval is null and void and the Development Permit shall not be issued.

Note: The Applicant/Owner shall be responsible for all Alberta Environment approvals/compensation if any wetland is impacted by the placement of the fill.

If Rocky View County does not receive any appeal(s) from you or from an adjacent/nearby landowner(s) by **Tuesday, December 18, 2018**, a Development Permit may be issued, unless there are specific conditions which need to be met prior to issuance. If an appeal is received, then a Development Permit will not be issued unless and until the decision to approve the Development Permit has been determined by the Development Appeal Committee.

Regards,

Matthew Wilson
Manager, Planning & Development
Phone: 403-520-8158
E-Mail: development@rockyview.ca

THIS IS NOT A DEVELOPMENT PERMIT



ROCKY VIEW COUNTY
Cultivating Communities

20183928

APPLICATION FOR A DEVELOPMENT PERMIT

FOR OFFICE USE ONLY	
Fee Submitted \$1000	File Number 0422004
Date of Receipt Sept 27/18	Receipt #

Name of Applicant HAROLD & ELVIRA BOLDT Email [REDACTED]

Mailing Address [REDACTED]

Postal Code [REDACTED]

Telephone (B) [REDACTED]

(H) [REDACTED]

Fax [REDACTED]

For Agents please supply Business/Agency/ Organization Name [REDACTED]

Registered Owner (if not applicant) [REDACTED]

Mailing Address [REDACTED]

Postal Code [REDACTED]

Telephone (B) [REDACTED]

(H) [REDACTED]

Fax [REDACTED]

1. LEGAL DESCRIPTION OF LAND

a) All / part of the NE ¼ Section 12 Township 24 Range 27 West of 4 Meridian

b) Being all / parts of Lot [REDACTED] Block [REDACTED] Registered Plan Number [REDACTED]

c) Municipal Address [REDACTED]

d) Existing Land Use Designation Farm Parcel Size 160± Division [REDACTED]

2. APPLICATION FOR

Dirt Fill in affected areas

3. ADDITIONAL INFORMATION

a) Are there any oil or gas wells on or within 100 metres of the subject property(s)? Yes ☒ No ☐

b) Is the proposed parcel within 1.5 kilometres of a sour gas facility?
(Sour Gas facility means well, pipeline or plant) Yes ☐ No ☒

c) Is there an abandoned oil or gas well or pipeline on the property? Yes ☐ No ☒

d) Does the site have direct access to a developed Municipal Road? Yes ☒ No ☐

4. REGISTERED OWNER OR PERSON ACTING ON HIS BEHALF

HAROLD BOLDT hereby certify that ☒ I am the registered owner
(Full Name in Block Capitals)

ELVIRA

☐ I am authorized to act on the owner's behalf

and that the information given on this form
is full and complete and is, to the best of my knowledge, a true statement
of the facts relating to this application.

**Affix Corporate Seal
here if owner is listed
as a named or
numbered company**

Applicant's Signature [Signature]


Date [Signature]

Owner's Signature [Signature]

Date Sept 27/18


5. RIGHT OF ENTRY

I hereby authorize Rocky View County to enter the above parcel(s) of land for purposes of investigation and enforcement related to this Development Permit application.


Applicant's/Owner's Signature

Please note that all information provided by the Applicant to the County that is associated with the application, including technical studies, will be treated as public information in the course of the municipality's consideration of the development permit application, pursuant to the Municipal Government Act, R.S.A 2000 Chapter M-26, the Land Use Bylaw and relevant statutory plans. By providing this information, you (Owner/Applicant) are deemed to consent to its public release. Information provided will only be directed to the Public Information Office, 911 – 32 Ave NE, Calgary, AB, T2E 6X6; Phone: 403-520-8199.

I, Harold Boldt, hereby consent to the public release and disclosure of all information contained within this application and supporting documentation as part of the development process.


Signature

Sept
Date



STRIPPING, FILLING, EXCAVATION AND GRADING

FOR OFFICE USE ONLY	
Fee Submitted \$1000	File Number 042/2004
Date of Receipt Sept 27/18	Receipt #

Name of Applicant HAROLD AND ELVIRA BOLDT

Address of Applicant [REDACTED]

Telephone (C) [REDACTED] (H) [REDACTED] (Fax) [REDACTED]

1. NATURE OF THE APPLICATION

Type of application (Please check off all that apply):

- | | |
|--|---|
| <input type="checkbox"/> Site stripping | <input type="checkbox"/> Re-contouring |
| <input checked="" type="checkbox"/> Filling | <input type="checkbox"/> Stockpiling |
| <input type="checkbox"/> Excavation (including removal of topsoil) | <input type="checkbox"/> Construction of artificial water bodies and/or dugouts |
| <input type="checkbox"/> Grading | <input type="checkbox"/> Other _____ |

2. PURPOSE

What is the intent of the proposal? RECLAIM ALKALINE SOILS CAUSED BY CONTINUOUS OVERLAND FLOODING CAUSED BY WHEATLAND INDUSTRIAL PARK, AND OVER FILLING OF WEED LAKE

Indicate the effect(s) on existing drainage patterns or environmentally sensitive areas (i.e. riparian, wetland, waterbodies) (if applicable) _____

OVERLAND FLOODING COMES FROM WHEATLAND INDUSTRIAL PARK (POOR WATER MANAGEMENT - SOILS STRIPPED TO CLAY SURFACE). THEIR DITCHES FEED AND DIRECT THE WATER OVER OUR LAND.

☒ The fill does not contain construction rubble or any hazardous substances (please check)

3. TYPE

Height <u>1-2 feet</u>	Volume _____ meters cubed
Width <u>200 feet</u>	Truckload _____ (approximately)
Length <u>1/2 mile</u>	Slope Factor _____ (if applicable)
Area _____ square metres	

*** Please show all measurements in detail on your site plan.**

4. TERMS AND CONDITIONS

(a) General statement about conditions:

- The Development Authority may include any condition necessary to satisfy a Land Use Bylaw provision, a County Plan, Area Structure Plan, Conceptual Scheme, Master Site Development Plan policy and/or County Servicing Standard.
- Where on-site works are proposed the County may, by condition, require the provision of a Construction Management Plan and/or Stormwater Management Plan.
- The Development Authority may impose any condition to meet a requirement of the Municipal Government Act or Subdivision and Development Regulation.
- As a condition of development approval, the Development Authority may include the requirement to update technical reports submitted with the application.

5. The Development Authority shall impose relevant requirements for the payment of levies associated with Bylaws for transportation, wastewater, water supply and stormwater:
 - i. Transportation Offsite Levy Bylaw;
 - ii. Water and Wastewater Offsite Levy Bylaw; and
 - iii. Such other Bylaws as may be in force or come into force and be applicable to development or activities on or services provided to the subject land from time to time.
6. The Development Authority shall determine any oversizing requirements for services and infrastructure required to be constructed as part of the proposed development. The County will determine Cost Recovery arrangements through preparation and execution of documents prior to endorsement of a plan of survey for registration.

(b) *Technical reports* are defined as any report or any information regarding a matter identified in the Municipal Government Act, Subdivision and Development Regulations, Statutory Plan, County Policy, Servicing Standards or Bylaw.

(c) General statement about technical reports:

1. Additional technical reports may be required after the time of application, based upon the ongoing assessment of the application.

(e) All costs of development are borne by the landowner / applicant including, but not limited to, all on and off-site construction works, infrastructure development, securities, levies, contributions, additional fees associated the preparation and review of reports and technical assessments, endorsement fees imposed by the County, registration fees and such other costs as may be associated with the development of the land. Further, that it is the landowner / applicant responsibility to identify and consider all costs of development.

(f) The applicant and landowner acknowledge that not providing the information required in this form or failing to provide accurate information may prejudice the assessment of the application.

(g) The applicant and landowner acknowledge that the County including individual staff members have not provided an advisory role with respect to the preparation and making of this application and that the decision to make the application is entirely that of the applicant and landowner.

(h) It should be noted that while every effort is made to ensure the applicants are provided with clear information regarding the requirement for application, that over the course of the application assessment process, particularly following a full technical review and also following submissions from agencies, additional technical information may be required. In addition to the requirement for further technical information, further justification regarding the merits of a development proposal may also be required.

5. ADDITIONAL INFORMATION

Wheatland County is upgrading RR270. WITH THE Culvert placement (Low) east to west under Boundry RD and placement south on the west side (high) of RR270 we will have more flooding than ever. Downward flow of water to Hartell Coulee (South) will not happen. Do Not understand how a commercial developments water problem has become ours. Sloughs are all dry now - IDEAL TIME TO REPAIR Damage.

I _____ hereby certify that

☒ I am the registered owner

(Print Full Name)

HAROLD & EWIRA BOLDT

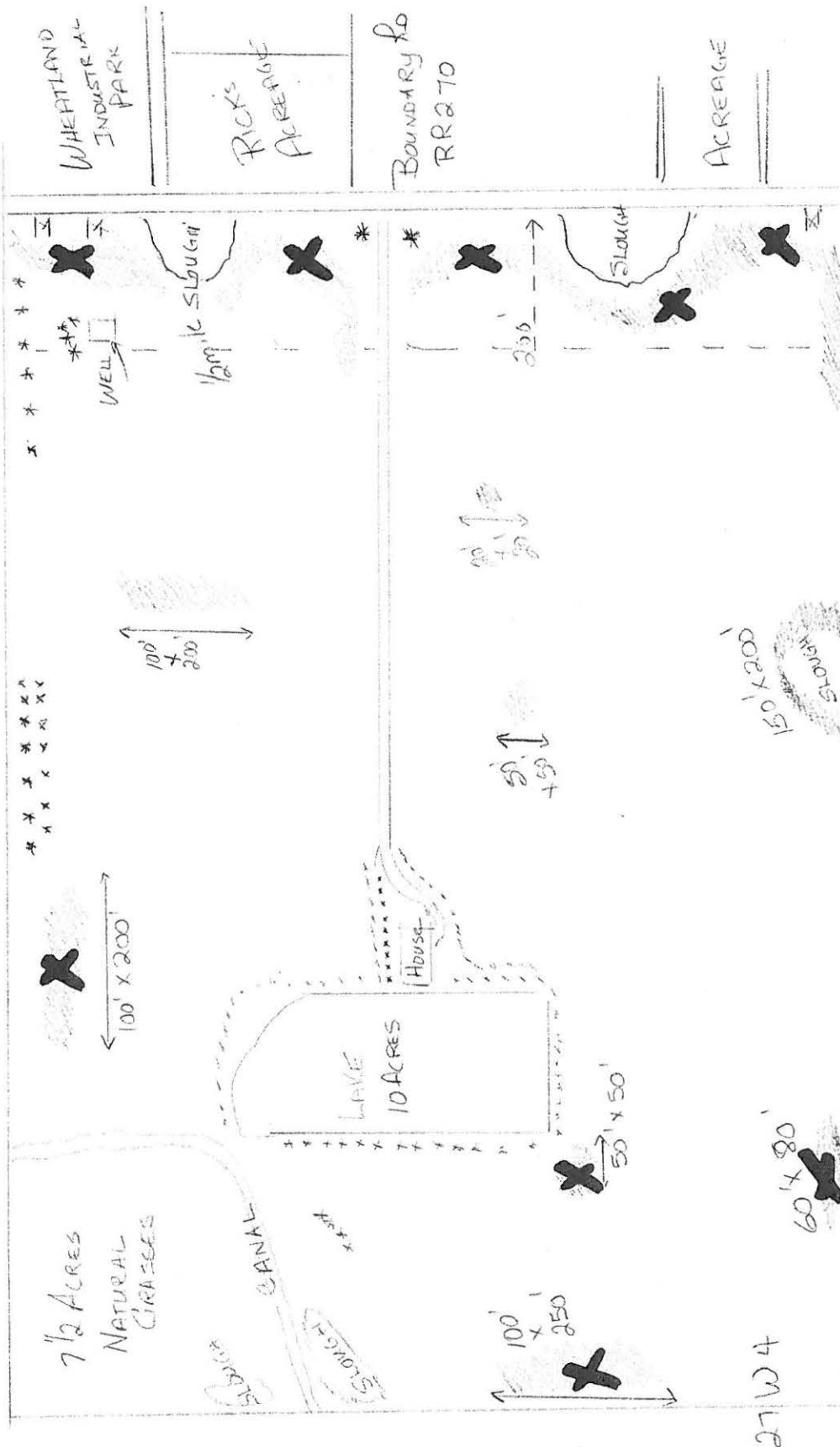
☐ I am authorized to act on behalf of the registered owner

and that the information given on this form and the material provided with this application is full and complete and is, to the best of my knowledge, a true statement of the facts relating to this application for subdivision approval. Further, I have read, understood and accept the contents, statements and requirements contained and referenced in this document – **STRIPPING, FILLING, EXCAVATION AND GRADING.**

PLEASE PROVIDE ALL OF THE ABOVE INFORMATION. THANK YOU.

FOOTAGE IS APPROXIMATE

#1 Highway RR 242



Jack's Best

THOSE WITH ALKALINE SOIL AREAS SUPPORTING ONLY PLANTS
(WEEDS) THAT CAN ENDURE SALT. THOSE ARE THE AREAS WHERE
NEW SOIL NEEDS TO COME IN. OVER WATERING CAUSED BY WHEATLAND
TRANSFERRAL PARK ON THE EAST WOULD MAKE OVERFLOWING ON THE WEST

SUBDIVISION AND DEVELOPMENT APPEAL BOARD REPORT

TO: Development Appeal Board	APPEAL DATE: January 9, 2019																
PROPOSAL: Appeal against the Order of the Development Authority (Enforcement) for the removal of fill placed without a development permit.	FILE: 05322017 EFILE: 2612 REX #: 201807-0689																
LEGAL DESCRIPTION: NE-22-25-28-W04M THE WEST HALF OF THE NORTH EAST QUARTER CONTAINING 32.4 HECTARES (80 ACRES) MORE OR LESS EXCEPTING THEREOUT: <table><tr><td>PLAN</td><td>NUMBER</td><td>HECTARES</td><td>ACRES</td></tr><tr><td colspan="4">MORE OR LESS</td></tr><tr><td>ROAD WIDENING</td><td>960LK</td><td>0.206</td><td>0.51</td></tr><tr><td>SUBDIVISION</td><td>9912511</td><td>5.66</td><td>14.99</td></tr></table> EXCEPTING THEREOUT ALL MINES AND MINERALS AND THE RIGHT TO WORK THE SAME	PLAN	NUMBER	HECTARES	ACRES	MORE OR LESS				ROAD WIDENING	960LK	0.206	0.51	SUBDIVISION	9912511	5.66	14.99	GENERAL LOCATION: South side of Township Road 254 (Hwy 564), just west of Range Road 282.
PLAN	NUMBER	HECTARES	ACRES														
MORE OR LESS																	
ROAD WIDENING	960LK	0.206	0.51														
SUBDIVISION	9912511	5.66	14.99														
APPELLANT: 2044799 Alberta Ltd.	OWNER: 2044799 Alberta Ltd.																
LAND USE DESIGNATION: RF	MUNICIPAL ADDRESS: 282099 Township Road 254																
GROSS AREA: 64.5 Acres	DIVISION: 5																

HISTORY:

On July 18, 2018, after the Subdivision and Development Board Hearing, a complaint was received that fill material (gravel) was being hauled into and dumped on the subject lands over the past few weeks. The property is owned by Gas Plus Inc, under a numbered company. The complainant had appealed the Notice of Decision conditionally approving PRDP20181527 and the fill was being added even as the appeal was being heard.

The enforcement officer attended the subject property and spoke with an employee of the trucking company that was placing the fill. The enforcement officer took pictures of the fill and directed that no more be placed.

On August 2, 2018, Board Order No. 41-18 revoked the Development permit.

On October 12, 2018, in response to a new complaint from the complainant, the enforcement officer attended the property and confirmed that the fill was still present and that no more fill had been placed. The enforcement officer spoke by phone with the owner of Gas Plus Inc, Sal Handel, who explained that a new application would be made as soon as possible. The enforcement officer explained that the fill should be removed before a new application was made. Mr. Handel did not feel that the fill should be removed. The enforcement officer stated that a Stop Order may be issued. Mr. Handel stated that he would appeal such an order.

In November 2018, the enforcement officer discussed the issue with the bylaw supervisor to determine the avenue for enforcement. It was determined that a Stop Order should be issued.

On November 28, 2018, the Stop Order was sent by registered mail.

On December 18, 2018, the enforcement officer was notified that the Stop Order had been appealed.

PURPOSE OF THE ORDER:

For the removal of all fill placed without permits.

APPEAL DETAILS:

The appeal was received on December 18, 2018. The grounds for the appeal are included in this report.

LAND USE BYLAW REVIEW:

The Land use Bylaw provides that:

Section 6 No development, other than that designated in Section 7 as being “deemed approved”, shall be undertaken within the county unless an application for it has been approved and a Development Permit has been issued therefor.

Section 33

33.1 Site stripping, filling, excavation, grading, and/or re-contouring (including construction of artificial water bodies and dugouts) require a Development Permit.

Section 18

18.1 Where the *Development Authority* finds that a *development* or use of land or *buildings* is not in accordance with:

- (a) the *Act* or the *Regulations*;
- (b) a *Development Permit* or subdivision approval; and
- (c) the Municipal Development Plan, an Area Structure Plan, Area Redevelopment Plan, a Conceptual Scheme, the Land Use *Bylaw* or the Land Use Regulations;

the *Development Authority* may take such action as specified in this *Bylaw* and/or in the Municipal Government Act.

MUNICIPAL GOVERNMENT ACT:

The Municipal Government Act (MGA) provides further discretionary authority to the Development Appeal Board. Section 687(3)(c) indicates that the Appeal Board may confirm, revoke or vary the order, decision or Development Permit or any condition attached to any of them or make or substitute an order, decision or Permit of its own.

APPEAL:

See attached exhibits.

OPTIONS:

Option #1: (This would allow for time to remove, giving an extension to be removed)

That the appeal against the Order of the Development Authority for the removal of all fill placed without permits on:

THE WEST HALF OF THE NORTH EAST QUARTER
CONTAINING 32.4 HECTARES (80 ACRES) MORE OR LESS
EXCEPTING THEREOUT:

PLAN	NUMBER	HECTARES	ACRES	MORE OR LESS
ROAD WIDENING	960LK	0.206	0.51	
SUBDIVISION	9912511	5.66	14.99	

in the NE-22-25-28-W04M, be upheld and that the Order of the Development Authority be varied to allow time for the appellant to remove all unapproved items by _____ date _____.

(minimum of 2 reasons required)

Option #2: (This would allow for no time to remove, acknowledging that sufficient time has already been given, and proceed immediately to legal action)

That the appeal against the Order of the Development Authority for the removal of all fill placed without permits on:

THE WEST HALF OF THE NORTH EAST QUARTER
CONTAINING 32.4 HECTARES (80 ACRES) MORE OR LESS
EXCEPTING THEREOUT:

PLAN	NUMBER	HECTARES	ACRES	MORE OR LESS
ROAD WIDENING	960LK	0.206	0.51	
SUBDIVISION	9912511	5.66	14.99	

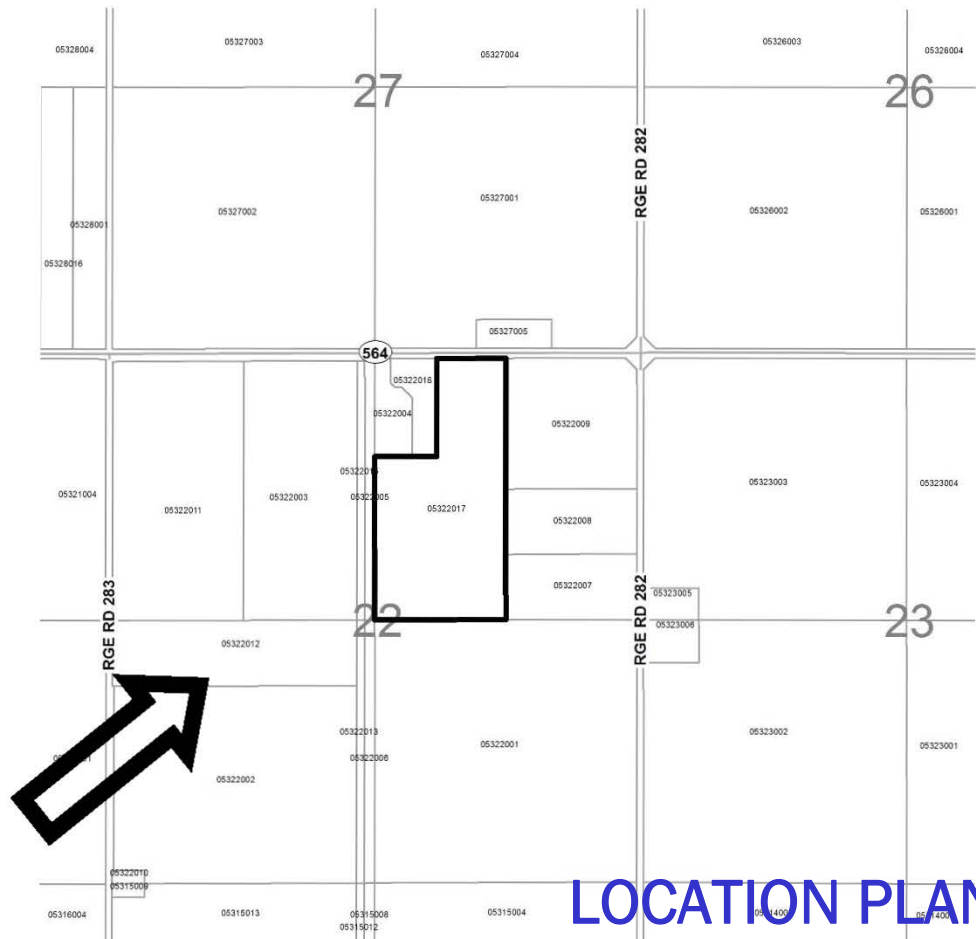
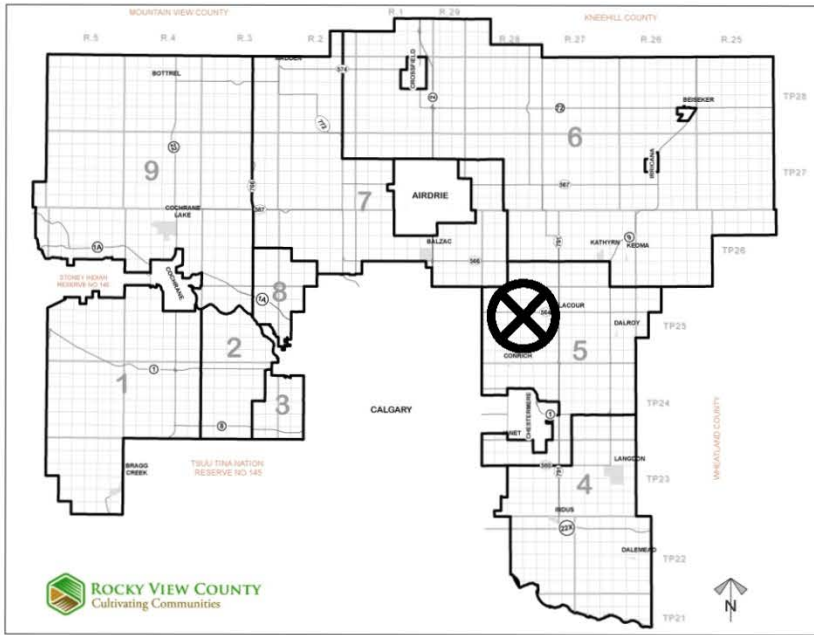
in the NE-22-25-28-W04M, be denied and the Order of the Development Authority stand.

(minimum of 2 reasons required)

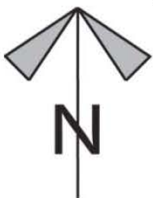
Respectfully submitted,

“Lorraine Wesley-Riley”

Lorraine Wesley-Riley
Manager – Enforcement Services



LOCATION PLAN

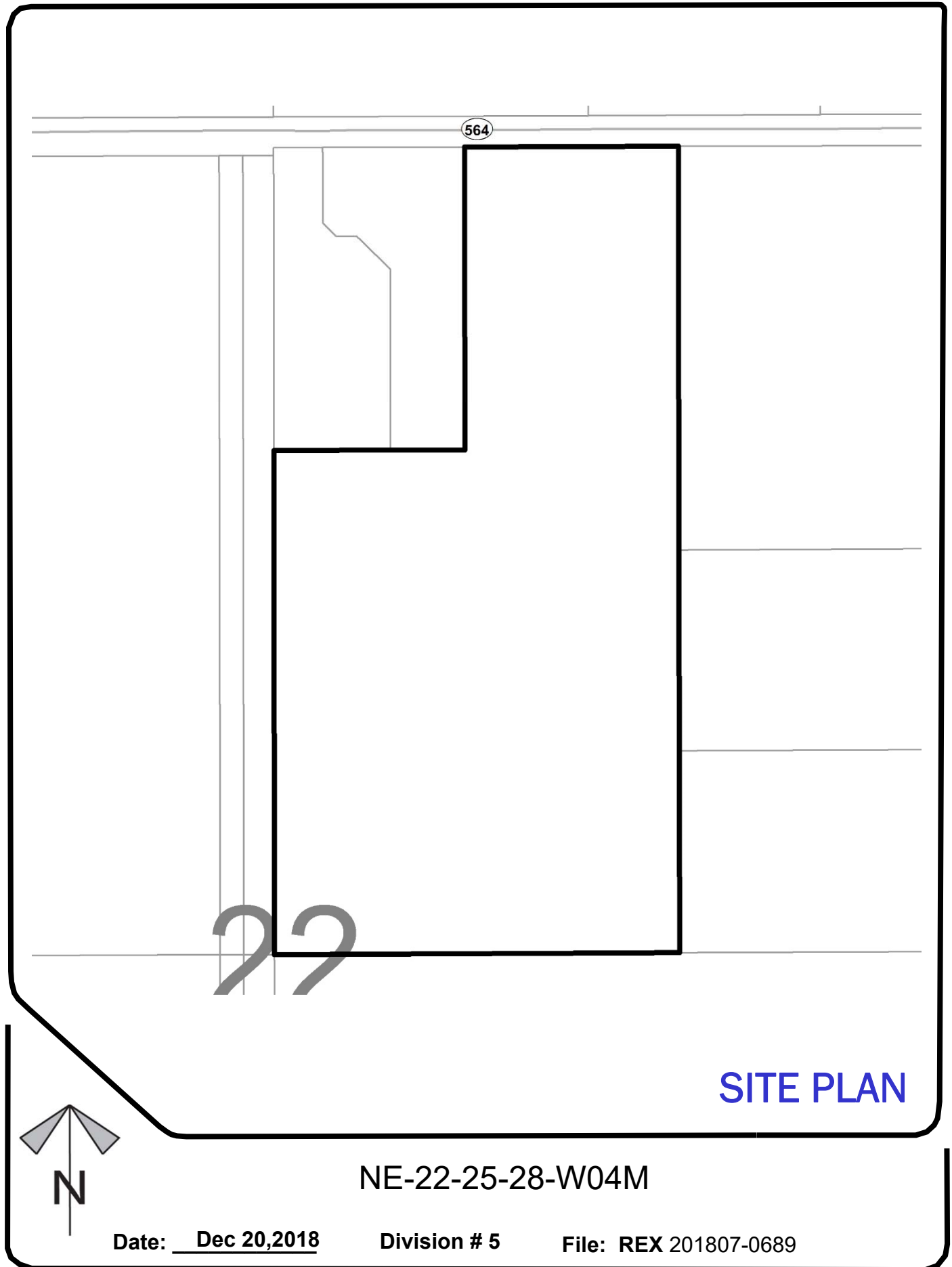


NE-22-25-28-W04M

Date: Dec 20, 2018

Division # 5

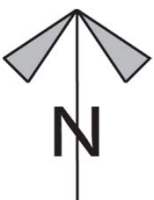
File: REX 201807-0689





Note: Post processing of raw aerial
photography may cause varying degrees
of visual distortion at the local level.

AIR PHOTO
Spring 2018

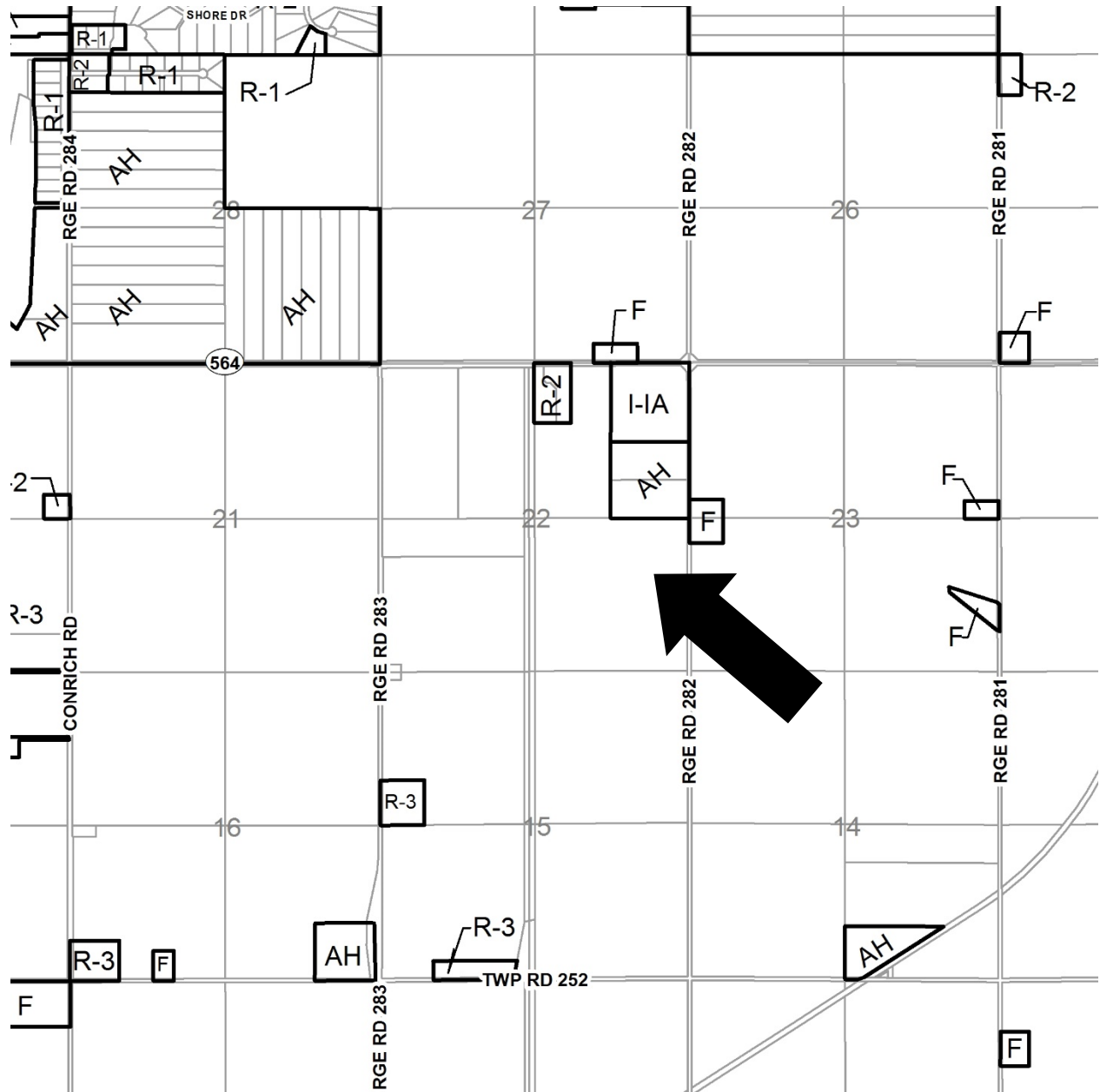


NE-22-25-28-W04M

Date: Dec 20, 2018

Division # 5

File: REX 201807-0689



Ranch and Farm	B-1 Highway Business
RF2 Ranch and Farm Two	B-2 General Business
RF3 Ranch and Farm Three	B-3 Limited Business
AH Agricultural Holding	B-4 Recreation Business
F Farmstead	B-5 Agricultural Business
R-1 Residential One	B-6 Local Business
R-2 Residential Two	NRI Natural Resource Industrial
R-3 Residential Three	HR-1 Hamlet Residential Single Family
DC Direct Control	HR-2 Hamlet Residential (2)
PS Public Service	HC Hamlet Commercial
	AP Airport

LAND USE MAP

NE-22-25-28-W04M

Date: Dec 20, 2018

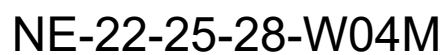
Division # 5

File: REX 201807-0689

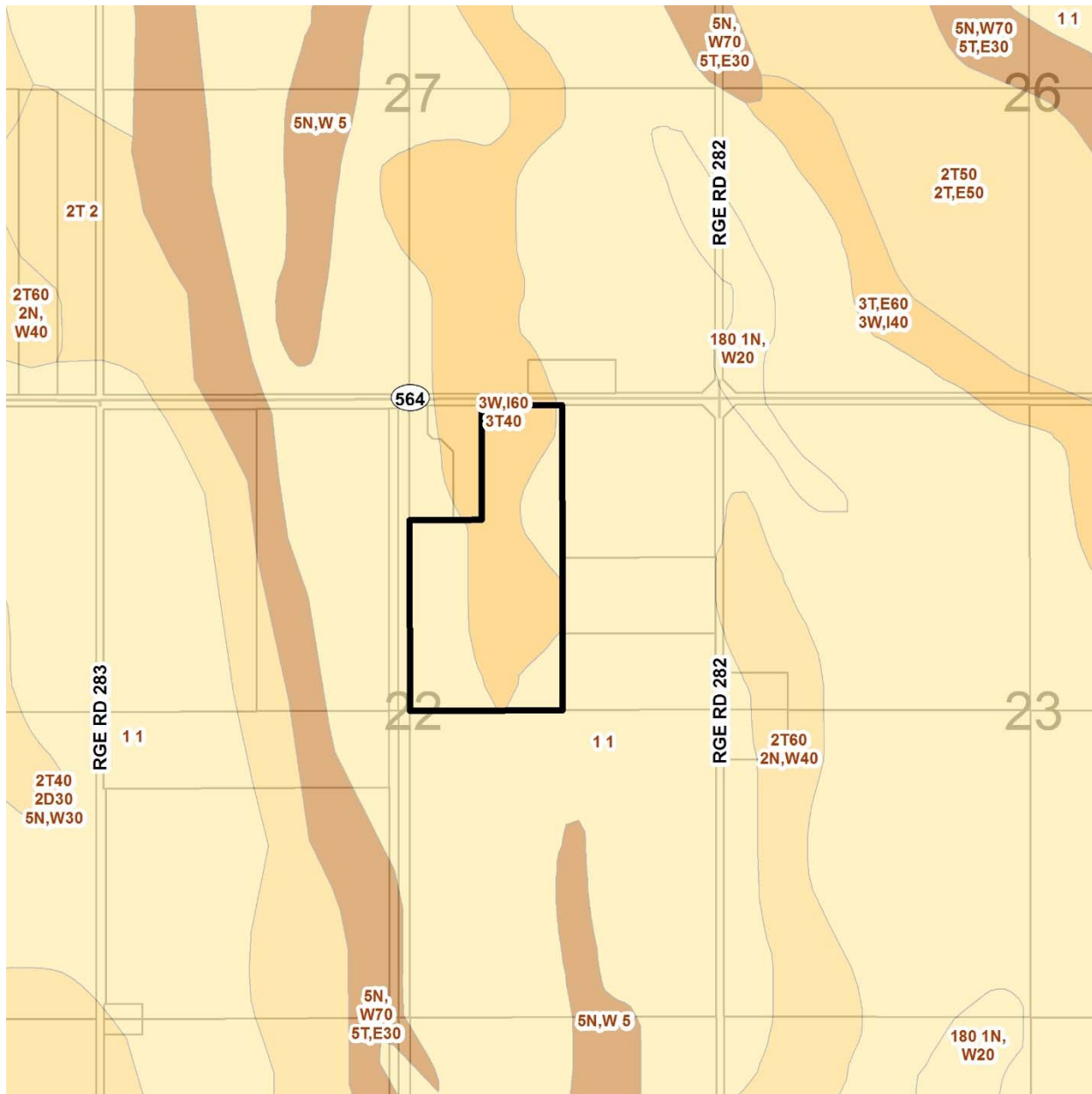


TOPOGRAPHY

Contour Interval 2 M



File: REX 201807-0689



LAND CAPABILITY CLASSIFICATION LEGEND
Limitations refer to cereal, oilseeds and tame hay crops

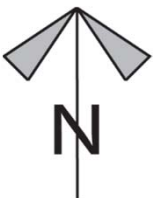
CLI Class

- 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 sodicity
- 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

SOIL MAP



NE-22-25-28-W04M

Date: **Dec 20, 2018**

Division # **5**

File: **REX 201807-0689**



Legend – Plan numbers

- First two numbers 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

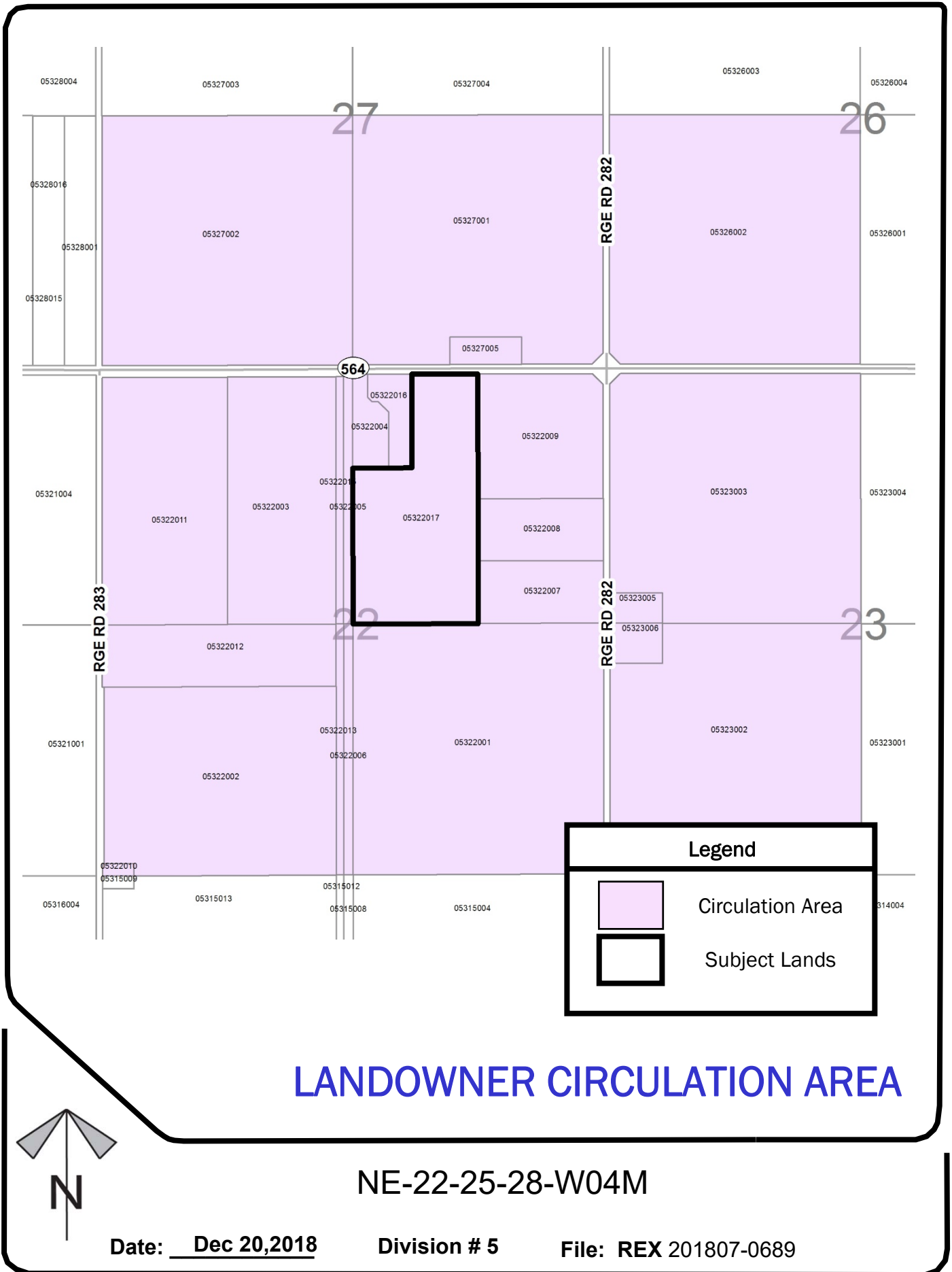
HISTORIC SUBDIVISION MAP

NE-22-25-28-W04M

Date: Dec 20, 2018

Division # 5

File: REX 201807-0689



ROCKY VIEW COUNTY SUBDIVISION AND DEVELOPMENT APPEAL BOARD

Board Order No.: 41-18

File No.: 05322017; PRDP20181527

Appeal By: Muneer Gilani on behalf of 1126362 Alberta Ltd.

Appeal Against: Development Authority of Rocky View County

Applicant/Owner: 2044799 Alberta Ltd., a subsidiary of Gas Plus Inc.

Hearing Date: 2018 July 18

Decision Date: 2018 August 2

Board Members: D. Kochan, Chair
K. Hanson, Vice Chair
I. Galbraith
H. George
W. Metzger

DEVELOPMENT APPEAL DECISION

INTRODUCTION

[1] This is an appeal to the Rocky View County Subdivision and Development Appeal Board [the Board] from a decision dated June 5, 2018 of the Development Authority of Rocky View County to conditionally approve a development permit for single-lot regrading and the placement of clean fill at 282099 Township Road 2254 [the Lands]. Upon notice being given, this appeal was heard on July 18, 2018 in the Council Chambers of Rocky View County, located at 911-32 Avenue NE, Calgary, Alberta.

DECISION

[2] The appeal is allowed and the decision of the Development Authority to conditionally approve a development permit is revoked. A development permit shall not be issued.

BACKGROUND

[3] On April 26, 2018, 2044799 Alberta Ltd., a subsidiary of Gas Plus Inc. [the Applicant], applied for a development permit for single-lot regarding and the placement of clean fill on the Lands. Section 33.1 of Rocky View County Bylaw C-4841-97, *Land Use Bylaw* [the *Land Use*

Bylaw] requires a development permit for site stripping, filling, excavation, grading and/or re-contouring.

[4] The Lands are owned by the Applicant and located at NE-22-25-28-W4, approximately 0.41 km west of Range Road 282 and on the south side of Highway 564. The land use designation is Ranch and Farm District.

[5] On June 5, 2018, the Development Authority conditionally approved a development permit for single-lot regarding and placement of approximately 106,101.2 cubic metres of clean fill/topsoil. The development permit would be issued once the Applicant satisfied six conditions. These conditions included submitting a grading analysis for the impact on adjacent properties, an Erosion and Sedimentation Control plan, a fill analysis that demonstrates quality improvements and agricultural benefits, confirmation from County Road operations regarding transport to fill materials onto the Lands, and information about the top soil to be used.

[1] On June 25, 2018, 1126362 Alberta Ltd., represented by owner Muneer Gilani [the Appellant], appealed the Development Authority's decision. The Notice of Hearing for the appeal was circulated to 16 adjacent landowners in accordance with the *Municipal Government Act*, RSA 2000, c M-26 and Rocky View County Council Policy C-327, *Circulation and Notification Standards*.

[6] As of the date of the hearing, no development permit for fill and re-grading was issued to the Applicant.

SUMMARY OF EVIDENCE

[7] The Board heard verbal submissions from:

- (a) J. Kwan, Municipal Planner for the Development Authority;
- (b) V. Diot, Supervisor Engineer for the Development Authority;
- (c) M. Gilani, representative of the Appellant and adjacent land owner to the Property;
- (d) W. Campbell, Rocky View County resident, in support of the appeal;
- (e) L. McAlister, Rocky View County resident, in support of the appeal;
- (f) M. Gilani, Rocky View County resident, in support of the appeal;
- (g) T. Stepper, legal counsel for the Applicant, in opposition to the appeal; and,
- (h) L. Wesley-Riley, Manager, Enforcement Services for Rocky View County.

[8] No letters in support or opposition of the appeal were received.

Board Report

[9] The Board report forms part of the evidence presented to the Board. It contains the Development Authority's decision respecting the development permit application, materials submitted by the Development Authority that pertain to the application, the notice of appeal and the documents, materials and written submissions of the Appellant.

[10] The following is an excerpt from "Stripping, Filling, Excavation and Grading" portion of the development permit application completed by the Applicant (Applicant's response in italics):

"What is the intent of the proposal?

To make the farmable portion of land accessible year round

Indicate the effect(s) on existing drainage patterns or environmentally sensitive areas (i.e. riparian, wetland, waterbodies) (if applicable)

Will facilitate drainage patterns to maintain drainage to the north and south side of the property"

[11] The Applicant further states on the development permit application that approximately 5,731 truckloads of fill are required for an area of 97,607.6 square meters and a volume of 106,101.2 meters cubed.

Development Authority's Submissions

[12] Johnson Kwan, Municipal Planner, and Vince Diot, Supervisor Engineer, spoke on behalf of the Development Authority and confirmed with the Board that:

- (a) the Applicant's development permit application was assessed in accordance with section 33.1 of the *Land Use Bylaw*. The Lands are not located within the policy area of any area structure plan or conceptual schemes;
- (b) the Alberta Merged Wetland Inventory indicates several wetlands on the Lands;
- (c) the Applicant did not provide the Development Authority with information about any wetlands on the Lands, including potential impacts on any wetlands by the fill and grading process, or any approvals from Alberta Environment and Parks for filling a wetland;
- (d) the onus is on an applicant to produce baseline information about the area proposed for re-grading, to produce evidence that the soil used in the fill will achieve the benefits sought in the application, and to obtain the necessary permissions from the provincial government regarding wetlands or roadside development; and,
- (e) analysis of three of the four soil samples submitted by the Applicant showed the soil proposed for the development fell below the requirements of Rocky View County.

[13] The Development Authority noted to the Board that the Property is adjacent to the east of land also owned by the Applicant and the Applicant intends to re-designate that land from Residential Two District into Business – Highway Frontage District for a service station and a convenience store.

Appellant's Submission

[14] Muneer Gilani represents 1126362 Alberta Ltd. Mr. Gilani's family has lived and farmed in the area for over 40 years. He owns land adjacent to the Property.

[15] The Appellant is concerned that:

- (a) the Applicant was stockpiling fill and may be running a fill business using the Lands without the required permits,
- (b) the snow piles were stored on the Lands without the required permits,
- (c) the re-grading work has commenced on the Lands without the required permits,
- (d) the fill used on the Lands contained concrete in contradiction to the *Land Use Bylaw*, and
- (e) the re-grading the Lands will have a detrimental impact on the area's storm water/drainage system.

[16] The Appellant stated that he believes the soil that was stockpiled on the Lands and the soil used for filling is not of a quality for farming. His opinion is based on his many years of farming experience and what he has witnessed from his property. He admits he has not entered the Property to inspect the fill.

[17] The Appellant stated he has witnessed truckloads of fill being brought onto the Lands and the commencement of filling and re-grading. He provided photographs of piles of fill on the Lands and the progression of re-grading work.

[18] The Appellant is also concerned the Applicant did not intend to make the land farmable. The Appellants opinion is based on the fill he saw being stockpiled and used, the work being done on the property and the Applicant's proposed gas station on the adjacent property. The Appellant believes the Applicant may be preparing the land for industrial use or a parking lot to service the proposed gas station.

[19] More generally, the Appellant is concerned that the Applicant appears to be operating without regard to the *Land Use Bylaw* or Rocky View County standards and to the detriment of adjacent properties.

[20] When asked for a rebuttal, the Appellant presented a video to the Board. The video was taken by the Appellant's father, Meb Gilani, the day before the hearing. The video showed filling and re-grading work taking place on what was reportedly the Lands. The proposed fill area appeared to be filled.

Wade Campbell's Submissions

[21] Wade Campbell spoke in support of the appeal. Mr. Campbell is a nearby landowner.

[22] Mr. Campbell is concerned that the development on the Lands has created a safety issue and reported some near misses and traffic backups with trucks entering and exiting the

Property. He submitted a letter from Transport Canada issued to a neighbour stating that no more approaches were permitted on Highway 564.

[23] Mr. Campbell is also concerned that Gas Plus Inc. was recently in the media for contaminated land issues. He noted that there is a sign on the property adjacent to the Lands which proposes a gas station on that site.

Lorrie M^cAlister's Submissions

[24] Lorrie M^cAlister spoke in support of the appeal. Mr. M^cAlister owns land close the Lands.

[25] Mr. M^cAlister submitted to the Board that due to the local topography he receives his neighbour's water. He has a slough on his property that is two to four acres in size in which water has remained almost every year. He believes that the proposed fill will displace water onto his property.

[26] Mr. M^cAlister also reported seeing snow piled on the Lands in early 2018. He believes this will further increase the amount of water that will drain onto his land.

Meb Gilani's Submissions

[27] Meb Gilani spoke in support of the appeal. He is the father of Muneer Gilani and part owner of the Appellant organization 1126362 Alberta Ltd. He has owned the land adjacent to the Lands since 1976.

[28] Mr. M. Gilani is concerned that the fill on the Lands will cause water to run onto his land, where he recently started to build a confined feeding operation.

[29] Mr. M. Gilani submitted he witnessed development on the Lands and questioned what the Applicant's agenda was in filling and re-grading the Lands.

Applicant's Submissions

[30] Tom Stepper, general counsel for the Applicant, Gas Plus Inc., and the family that holds these corporations, spoke in opposition to the appeal.

[31] Mr. Stepper stated he had no knowledge of fill or top soil being brought onto the Lands, the contents of the fill, that three of the four fill samples fell in the unsuitable range, or the commencement of work on the Lands.

[32] Mr. Stepper advised the Board that the Applicant intended to fulfill the Development Authority's pre-issuance conditions.

Lorraine Wesley-Riley's Submissions

[33] Lorraine Wesley-Riley, Enforcement Services Manager, was called on by the Board for questioning about the Lands and information about Enforcement Services' processes.

[34] Ms. Wesley-Riley stated that Enforcement Services had received no complaints for the Lands regarding the stockpiling of fill or work commencing without the necessary permits and

permissions. The only recent complaint received was in respect to the piling of snow this past winter.

[35] Ms. Wesley-Riley confirmed to the Board that the enforcement of Rocky View County bylaws is complaints driven. Enforcement Services was unaware that the Property may be in violation of County bylaws until the time of the hearing. She advised that as she was now in receipt of a written complaint, in the form of the Notice of Appeal received at the hearing, Enforcement Services could open a file on the Lands and investigate the alleged contraventions.

FINDINGS

[36] The Board considered the area's topography, the movement of storm water and the potential for flooding in addition to the proposed development's impact on a wetland in making their findings (s 20.1 *Land Use Bylaw*).

[37] The Lands are zoned Ranch and Farm District. Section 43.1 of the *Land Use Bylaw* states, "The purpose and intent of this District is to provide for agricultural activities as the primary land use on a quarter section of land or on large balance lands from a previous subdivision, or to provide for residential and associated minor agricultural pursuits on a small first parcel out."

[38] The Board accepts the evidence submitted by the Development Authority that the Alberta Merged Wetland Inventory indicates the proposed fill area is a wetland. Wetlands are environmentally sensitive areas that play an important part in sustaining healthy watersheds.

[39] The Board notes that three of the four samples of the soil the Applicant proposed to use in this development failed to meet the Rocky View County's soil quality standards. These standards require the identification of agricultural benefits and soil quality improvements from the proposed fill on land that is zoned for agricultural activities, such as Ranch and Farm District (*Land Use Bylaw* s 43.1).

[40] The Board finds that the proposed fill area is likely part of the local area's drainage system and filling it would therefore impact drainage to the Lands and surrounding properties. This is evidenced from the aerial photographs and topographical information of the Lands presented to the Board, in addition to the accounts of long-time nearby landowners about water drainage and collection in the area. The Applicant had no comment on this issue when asked by the Board.

[41] In submitting a development permit application for the placement of fill and re-grading, the onus is on the Applicant to demonstrate that the proposed filling will not adversely affect adjacent lands as a result of any drainage alternations the development may cause pursuant to section 33.6(a) of the *Land Use Bylaw*.

[42] The Board also finds development, being bringing of fill onto the Lands, the placement of fill and re-grading, has occurred on the Lands. This development is evidenced by the photographs, video and eye-witness accounts presented at the hearing. The development occurred without a development permit and therefore contravenes section 683 of the *MGA* and sections 33.1 and 33.6 of the *Land Use Bylaw*. A pre-grade/post-grade analysis, required by the Development Authority in the conditional approval decision, is no longer possible because re-grading has taken place.

REASONS FOR DECISION

[43] The Board is satisfied that single-lot re-grading and the placement of clean fill are discretionary uses that require a development permit in accordance with sections 33.1 and 33.6 of the *Land Use Bylaw*.

[44] Pursuant with section 33.6(a) of the *Land Use Bylaw*, the Board cannot verify that the proposed fill and re-grading will enhance the Lands and will not negatively impact adjacent properties as a result of any drainage alteration for the following reasons:

- (1) There is evidence that the proposed fill will impact drainage.
- (2) There is evidence that the proposed fill will impact a wetland.
- (3) There is evidence that the proposed fill may negatively impact adjacent properties.
- (4) The Applicant provided no evidence on the impact the proposed fill will have on watershed or drainage.

[45] The Lands are zoned Ranch and Farm District and there is evidence that the Applicant's proposed fill material does not promote agricultural uses or improve the quality of the soil on land designated for agricultural activities.

[46] In consideration of the reasons above, the application for single-lot re-grading and the placement of clean fill does not meet the requirements to grant a development permit.

[47] In review of the evidence and findings, the Board is not satisfied that a conditional approval of a development permit can sufficiently mitigate the risk to the Lands, nearby properties, or wetlands and drainage systems in the area. Notably, the Applicant has failed to meet requirements of the *Land Use Bylaw* and has proceeded to develop the Lands without the necessary authority to do so.

CONCLUSION

[48] For the reasons set out above, the appeal is allowed and the decision of the Development Authority is revoked. A development permit shall not be issued.

Dated at the City of Calgary, in the Province of Alberta this 2nd day of August, 2018.



Don Kochan, Chair
Subdivision and Development Appeal Board

EXHIBIT LIST

DOCUMENTS PRESENTED AT THE HEARING AND CONSIDERED BY THE BOARD

NO.	ITEM
1.	Subdivision and Development Appeal Board Report (52 pages)
2.	8 photographs from the Appellant (8 pages)
3.	1 video from the Appellant
4.	Correspondence from Development Authority to Appellant (2 pages)
5.	Letter from Alberta Transportation to Allison Tatton dated 2017 September 08 (1 page)



November 28, 2018

2044799 Alberta Ltd (Gas Plus)
 Attn: Sal Handel
 5910 – 50 Ave SE
 Calgary, AB T2B 3C1

☐ Registered Mail
☐ Regular Mail
☐ Email

Roll#: 05322017
REX#: 201807-0689

STOP ORDER OF THE DEVELOPMENT AUTHORITY

RE: 282099 TOWNSHIP ROAD 254
MERIDIAN 4 RANGE 28 TOWNSHIP 25
SECTION 22
THE WEST HALF OF THE NORTH EAST QUARTER
CONTAINING 32.4 HECTARES (80 ACRES) MORE OR LESS
EXCEPTING THEREOUT:

PLAN	NUMBER	HECTARES	ACRES	MORE OR LESS
ROAD WIDENING	960LK	0.206	0.51	
SUBDIVISION	9912511	5.66	14.99	

EXCEPTING THEREOUT ALL MINES AND MINERALS
AND THE RIGHT TO WORK THE SAME
HEREIN AFTER SOMETIMES REFERRED TO AS THE "LANDS"

As a Designated Officer for Rocky View County (herein referred to as the "*County*"), I hereby issue this Stop Order of the Development Authority pursuant to **Section 645** of the ***Municipal Government Act*** (herein referred to as the "*Act*") with respect to the *Lands*.

It has been observed through my investigation that fill material has been placed on the *Lands* without benefit of an issued development permit, in contravention of the *County's* Land Use Bylaw C-4841-97 (herein referred to as the "*Bylaw*"). On August 2, 2018, the Subdivision and Development Appeal Board revoked the conditional approval of development permit application PRDP20181527 for the placement of fill material on the *Lands*.

On October 12, 2018, I attended the *Lands* and observed that fill material remained on the *Lands*, despite no development permit having been issued.

Section 6 of the *Bylaw* states:

"No development, other than that designated in Section 7 as being 'deemed approved', shall be undertaken within the County unless an application for it has been approved and a Development Permit has been issued therefore."

In accordance with **Section 18** of the *Bylaw* and **Section 645** of the *Act*, **2044799 Alberta Ltd (Gas Plus)** are **HEREBY ORDERED** to take the following steps **on or before December 31, 2018**:

- (i) Remove from the *Lands*, all fill material placed without benefit of permits, and return the *Lands* to their predevelopment grades; and
- (ii) Provide evidence, from a qualified engineer in good standing, that the fill material has been removed, and that the *Lands* have been returned to their predevelopment grade.

Please be advised that failure to comply with the directions set out above may result in the *County* taking steps, at your sole expense, to enforce this Stop Order. Such enforcement steps include but are not limited to:

1. Entering upon the *Lands* and taking any action necessary to bring the *Lands* into compliance with the *Bylaw*. Such action may include but is not limited to any or all of the following:
 - (i) Removing from the *Lands*, all fill material placed without benefit of permits, and returning the *Lands* to their predevelopment grades; and
 - (ii) Engaging the services of a qualified engineer in good standing to confirm that the *Lands* have been returned to their predevelopment grade.
2. Registering this Stop Order against the Certificate of Title to the *Lands* pursuant to **Section 130** of the *Land Titles Act* and **Section 646** of the *Act*; and
3. Legal action including but not limited to obtaining injunctive relief from the Alberta Court of Queen's Bench pursuant to **Section 554** of the *Act*.

Please be advised that in the event that you do not comply with this Stop Order and the *County* is thereby required to take any or all of the above noted steps, you will be liable for the *County's* costs of taking such steps (including legal costs calculated by a solicitor and his own client basis). In the event that you fail to pay the *County's* enforcement costs upon demand, be advised that in accordance with **Section 553(1)(c)** of the *Act*, the *County* may add these costs to the respective tax rolls of the *Lands*. Such amounts will form a special lien against the *Lands*, will be deemed to be property taxes, and will be subject to the same collection provisions as property taxes.

You may appeal this Stop Order to the Rocky View County Subdivision and Development Appeal Board in accordance with **Sections 685** and **686** of the *Act* by delivering a written notice of appeal, setting out the reasons for the appeal, together with the \$500.00 appeal fee to the:

Subdivision and Development Appeal Board
262075 Rocky View Point
Rocky View County, AB
T4A 0X2

Within 21 days of the date of this Stop Order.

Sincerely,



K. Janke


Community Peace Officer #15776
403.230.1401

KJ:rb



Notice of Appeal

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

Appellant Information			
Name of Appellant(s) 2044799 Alberta Ltd			
Mailing Address 5910 - 50th Avenue S.E.,		Municipality Calgary	Province Alberta
		Postal Code T2B 3C1	
Main Phone # 403-273-4199	Alternate Phone #	Email Address	
Site Information			
Municipal Address 282099 Township Road 254		Legal Land Description (lot, block, plan OR quarter-section-township-range-meridian) West half of NE 22-25-28 W4	
Property Roll # 05322017		Development Permit, Subdivision Application, or Enforcement Order # REX# 201807-0689	
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 type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal	Decision of Enforcement Services <input checked="" type="checkbox"/> Stop Order <input type="checkbox"/> Compliance Order	
Reasons for Appeal (attach separate page if required)			
<p>The appellant has applied for a Farm Building Location Permit, and through its agent, believed honestly that it could add a limited amount of fill to serve as a base for equipment required for the construction prior to the onset of winter.</p> <div style="text-align: right; margin-top: 100px;">  </div>			

This information is collected for the Subdivision and Development Appeal Board or Enforcement Appeal Committee of Rocky View County and will be used to process your appeal and to create a public record of the appeal hearing. The information is collected in accordance with the *Freedom of Information and Protection of Privacy Act*. If you have questions regarding the collection or use of this information, contact the Municipal Clerk at 403-230-1401.


Appellant's Signature

December 18, 2018
Date



ROCKY VIEW COUNTY

RECEIPT OF PAYMENT

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

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

GP Fuels Inc.
For 2044799 Alberta Ltd
201807-0689

Receipt Number: 398737
Date: December 19, 2018

Type	Account / Ref. #	Description	Quantity	Amount Paid	Balance Remaining
General	DAPF	Devel Appeal Fees Stop Order	N/A	\$500.00	\$0.00

Cheque Number: 0152

Subtotal:	\$500.00
Taxes:	\$0.00
Total Receipt:	\$500.00
Cheque:	\$500.00

Total Amount Received:	\$500.00
Rounding:	\$0.00
Amount Returned:	\$0.00





2018 07 18



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2018 07 18



2018 07 18



2018 07 18



PLANNING & DEVELOPMENT SERVICES

TO: Subdivision and Development Appeal Board

DATE: January 9, 2019 **DIVISION:** 02

FILE: 04716008 **APPLICATION:** B-3; PRDP20184421

SUBJECT: Accessory Dwelling Unit and Accessory Building

PROPOSAL: The proposal is for the construction of an Accessory Dwelling Unit (garden suite), relaxation of the maximum building area for an existing accessory building (garage/kennel building) and relaxation of the total building area for all accessory buildings.	GENERAL LOCATION: Located at the southwest junction of Rge Rd 33 and Twp Rd 243.
APPLICATION DATE: October 30, 2018	DEVELOPMENT AUTHORITY DECISION: Discretionary – Refused
APPEAL DATE: December 27, 2018	DEVELOPMENT AUTHORITY DECISION DATE: December 21, 2018
APPELLANT: Anthony Spensley	APPLICANT: Anthony Spensley
LEGAL DESCRIPTION: Lot 1, Plan 1380 LK; NE-16-24-03-W05M	MUNICIPAL ADDRESS: 242209 Rge. Rd 33
LAND USE DESIGNATION: Residential Two District (R-2)	GROSS AREA: ± 7.71 hectares (± 19.06 acres)
DISCRETIONARY USE: Accessory buildings and accessory dwelling units are a discretionary use in the Residential Two District when in accordance with Section 50 of the Land Use Bylaw.	DEVELOPMENT VARIANCE AUTHORITY: The Development Authority has the ability to grant a variance provided it does not exceed 10.00% of the maximum building area. The Development Authority does not have any variance discretion related to the total building area for all accessory buildings.
PUBLIC SUBMISSIONS: The application was circulated to 15 adjacent landowners. At the time this report was prepared, no letters were received in support or objection to the application	LAND USE POLICIES AND STATUTORY PLANS: <ul style="list-style-type: none"> • County Plan (C-7280-2013) • Land Use Bylaw (C-4841-97) • Central Springbank ASP (C-5354-2001)

EXECUTIVE SUMMARY:

The proposal is for the construction of an Accessory Dwelling Unit (garden suite), relaxation of the maximum building area for an existing accessory building (garage/kennel building) and relaxation of the total building area for all accessory buildings. The proposed garden suite will be 105.91 sq. m. (1,140.00 sq. ft.), containing three bedrooms, two bathrooms, kitchen and living/dining room.

The property has direct access off Range Rd 33 and currently contains an existing single family dwelling totaling 161.654 sq. m (1,740.00 sq. ft.), as well as an existing detached garage with attached boarding kennel totaling 720.00 sq. m (7,750.00 sq. ft.). The kennel portion includes indoor and covered outdoor runs, though the kennel is not currently in operation. There are no Development Permits on file for the site. A dog kennel has been located the site since approximately 1972 or 1973, though it is currently not operating, and has not done so in the last few years. The applicants have no immediate plans to resume operations, but have expressed the desire to possibly reopen in the future.

The application has been assessed in accordance with Sections 28 and 50 of the Land Use Bylaw.

As per Section 50.3, the permitted building area for accessory buildings on the property is 150.00 sq. m (1,614.59 sq. ft.) and less than 225.00 sq. m (2,421.87 sq. ft.). The existing accessory building (garage/kennel building) is 720.00 sq. m (7,750.00 square feet), which exceeds the discretionary amount and requires a relaxation of 220.00%. The Development Authority has discretion to relax the area for an accessory building up to 10.00%.

The size of the existing accessory building (garage/kennel building) exceeds the discretionary value of 225.00 sq. m (2,421.87 sq. ft.); the addition of the additional dwelling unit (garden suite) would add 105.91 sq. m (1,140 sq. ft.) above the oversized building. In total the existing and proposed accessory buildings, 825.91 sq. m (8,890.02 sq. ft.) will require a relaxation of 267.07%. The Development Authority has no variance discretion related to the total building area.

As the noted relaxation requests exceed the discretion of the Development Authority, this application was refused on December 21, 2018. The application meets all other requirements of the Land Use Bylaw.

On December 27, 2018, the Applicant/Owner appealed the decision of the Development Authority on the grounds that the property had existed in the family for generations, and for the ability to allow the aging landowner to remain on the property longterm, with the applicant being able to assist in site upkeep and the landowner's wellbeing.

PROPERTY HISTORY:

1974	Single family dwelling – building permit issued.
1975	Detached garage – building permit issued.

APPEAL:

See attached report and exhibits.

Respectfully submitted,



Matthew Wilson
Manager, Planning & Development

ON/rp

DEVELOPMENT PERMIT REPORT

Application Date: October 30, 2018	File: 04716008
Application: PRDP20184421	Applicant/Owner: Anthony Spensley
Legal Description: Lot 1, Plan 1380JK; NE-16-24-03-W05M	General Location: Located at the southwest junction of Rge Rd 33 and Twp Rd 243
Land Use Designation: Residential Two District (R-2)	Gross Area: ± 7.71 hectares (± 19.06 acres)
File Manager: Oksana Newmen	Division: 02

The proposal is for the construction of an Accessory Dwelling Unit (garden suite), relaxation of the maximum building area for an existing accessory building (garage/kennel building) and relaxation of the total building area for all accessory buildings. The proposed garden suite will be 105.91 sq. m. (1,140 sq. ft.), containing three bedrooms, two bathrooms, kitchen and living/dining room.

The site currently contains an existing single family dwelling totaling 161.654 sq. m (1,740.00 sq. ft.), as well as an existing detached garage with attached boarding kennel totaling 720 sq. m (7,750.00 sq. ft.). The kennel portion includes indoor and covered outdoor runs, though the kennel is not currently in operation.

Section 8 Definitions

ACCESSORY DWELLING UNIT (ADU) means a subordinate dwelling unit attached to, created within or detached from the principal dwelling, single detached, where both dwelling units are located on the same parcel. Accessory dwelling units include Secondary Suites, Suites within a Building, and Garden Suites.

DWELLING UNIT means a self-contained building or portion of a building with one common cooking/eating facility, living, sleeping, and sanitary facilities for domestic use of one or more individuals;

GARDEN SUITE means a detached dwelling unit which is smaller than the principal dwelling, single detached and is located on the same lot in close proximity to the principal dwelling and shall constitute part of the total allowed building area for accessory buildings and total number of accessory buildings allowed according to the applicable land use district;

Section 12 Decisions on Development Permit Applications

12.2 (c) *Upon receipt of a completed application for a Development Permit for a use, discretionary, the Development Authority may decide upon an application for a Development Permit, notwithstanding that the proposed development does not comply with required yard, front, yard, side, yard, rear or building height dimensions set out in this Bylaw, if, in the opinion of the Development Authority, the granting of the variance would not:*

- (i) unduly interfere with the amenities of the neighbourhood;*
- (ii) materially interfere with or affect the use, enjoyment, or value of the neighbouring properties and the amount of the variance does not exceed 25% of the required distance or height, or does not exceed 10% of the required maximum building area for*

an accessory building or does not exceed 10% of the required maximum floor area for an Accessory Dwelling Unit;

Section 28.4 Accessory Dwelling Units

(a) All Accessory Dwelling Units shall be constructed on a permanent foundation.

- A permanent foundation will be required as part of the building permit.

(b) A lot shall be limited to one Accessory Dwelling Unit, unless the lot is approved for two principal dwellings, single detached.

- There is no existing accessory dwelling unit, and this approval will only result in a single accessory dwelling unit.

(c) An Accessory Dwelling Unit:

(i) may be allowed within a Dwelling, Single Detached, within a building other than the principal dwelling, or as a detached Garden Suite;

- The applicant is proposing a pre-fabricated dwelling as a garden suite on the site.

(ii) shall be subordinate to a principal dwelling;

- The accessory dwelling unit is smaller than the principal dwelling, and will be subordinate.

(iii) shall comply with the height and setback regulations in the applicable land use district, except where otherwise permitted in this Bylaw;

- The subject property falls under the Residential Two District requirements:

Height Requirements:

- Section 50.7 of the Land Use Bylaw is not applicable to the accessory dwelling unit height. Section 28.4(f) specifically identifies a specific height for garden suites of 5.50 m (18.04 ft.).

Setback Requirements:

- As per Section 50.5 of the Land Use Bylaw, the minimum requirement front yard setback from any road, County is 45.00 m (147.64 ft.).
 - The proposed setback (from the eastern property line) is 308.76 m (1013.00 ft.)
- As per Section 50.5 of the Land Use Bylaw, the minimum requirement side yard setbacks 45.00 m (147.64 ft.) from any road, County and 3.00 m (9.84 ft.) all other.
 - The proposed setback (from the eastern property line) is 99.67 m (327.00 ft.)
 - The proposed setback (from the western property line) is 95.40 m (313.00 ft.)
- As per Section 50.5 of the Land Use Bylaw, the minimum requirement rear yard setback from all other is 7.00 m (22.96 ft.).
 - The proposed setback (from the southern property line) is 77.72 m (255.00 ft.).

(iv) shall have a minimum floor area of not less than 36.00 sq. m. (387.49 sq. ft.);

- The proposed garden suite is 105.91 sq. m (1,140.00 sq. ft.)

(v) shall contain at least two (2) rooms and includes sleeping, sanitary, and cooking facilities;

- The garden suite includes three bedrooms, two bathrooms, and open kitchen, dining, and great room area.

(vi) shall comply with the Alberta Building Code;

- The garden suite shall be required to obtain building permits.

(vii) shall provide a minimum of one dedicated on-site parking stall in accordance with Section 30 of this Bylaw;

- The garden suite will have shared use of the existing two car garage.

(viii) shall have adequate sanitary sewer servicing consisting of either: 1. Private Sewage Treatment System; or 2. connection to a piped communal collection system.

- The garden suite will include construction of a new private sewage treatment system.

(ix) shall have adequate water servicing consisting of either:

1. *a groundwater well with confirmation of no interference with existing local wells; or*
2. *connection to a piped communal distribution system.*

- The garden suite will share the existing groundwater well.

(x) shall have a distinct County address to facilitate accurate emergency response.

- The garden suite has been assigned the address of 242203 Range Road 33.

(d) The maximum allowable habitable floor area of an Accessory Dwelling Unit shall be determined based on all storeys, but excluding basements, the garage area and common areas of egress, and shall be the lesser than the following:

(ii) 110.00 sq. m. (1,184.00 sq. ft.) for a Suite within a Building or a Garden Suite; or

- The proposed garden suite will be 105.91 sq. m (1,140.00 sq. ft.).

(iii) 80% of the principal dwelling (calculated using all storeys, excluding the garage area and common areas of egress). This regulation applies, notwithstanding that the definition of Floor Area excludes basements in Section 8.

- The proposed garden suite will be 105.91 sq. m (1,140.00 sq. ft), which is 65.52% of the principle dwelling.

(f) *A Garden Suite:*

(i) *shall not exceed 5.50 m (18.04 ft.) in height;*

- The proposed garden suite will be 4.11 m (13.50 ft).

(ii) *shall not be a Dwelling, Mobile Home; and*

- The building is a pre-fabricated dwelling, 6.40 m (21.00 ft wide).

(iii) *shall be considered an accessory building for the purposes of the total allowable number of accessory buildings and total building area.*

- The garden suite will be the second accessory building on site, in compliance with the Residential Two District, and has been considered in the total area of all accessory buildings.

(g) *In considering a Development Permit application for Accessory Dwelling Units, the Development Authority may consider such factors as:*

(i) *any significant adverse impacts on the adjacent properties and dwellings (for example: drainage, fire protection, access, sun shadow, view sheds, etc.);*

- There is no anticipated adverse impact on adjacent properties and dwellings.

(ii) *the architectural character of the Accessory Dwelling Unit, including:*

1. *the similarity of the Accessory Dwelling Unit to the principal dwelling in architectural design, character, and appearance by use; for example, of the same exterior wall materials, window types, door and window trims, roofing materials, and roof pitch;*

- The garden suite will have a similar roof pitch to the principal dwelling, and the share the same exterior colour.

2. *the availability of an indoor storage area for use of the residents of the Accessory Dwelling Unit.*

- The applicant has indicated that there is shared space available in the existing detached garage for storage.

Section 50 *Residential Two District (R-2)*

50.2 *Uses, Permitted*

Accessory buildings less than 150.00 sq. m (1,614.59 sq. ft.) building area.

50.3 *Uses, Discretionary*

Accessory buildings between 150.00 sq. m (1,614.59 sq. ft.) and 225.00 sq. m (2,421.87 sq. ft.)

Accessory dwelling units

- Existing accessory building (garage/kennel building): 720.00 sq. m (7,750.00 sq. ft.)
 - The size of the existing accessory building (garage/kennel building) exceeds the discretionary value of 225.00 sq. m (2,421.87 sq. ft.). The existing accessory building will require a relaxation of 220.00%. The Development Authority only has the ability to grant a relaxation up to 10.00% of the building area for an accessory building under Section 12 of the Land Use Bylaw. As

such, the existing accessory building is included as a reason for refusal of the application.

- Proposed accessory dwelling unit (garden suite): 105.91 sq. m (1,140.00 sq. ft.)

50.5 *Setback Requirements*

(b)(i) *Front yard setback from a County road:*

- **Permitted:** 45.00 m (147.64 ft.)
- **Existing** accessory building (garage/kennel building): 240.00 m (787.40 ft.)
- **Proposed** accessory dwelling unit (garden suite): 308.76 m (1,013.00 ft.)

(c)(i) *Side yard setback from a County road:*

- **Permitted:** 45.00 m (147.64 ft.)
- **Existing** accessory building (garage/kennel building): 130.00 m (426.51 ft.)
- **Proposed** accessory dwelling unit (garden suite): 99.67 m (327.00 ft.)

(c)(iv) *Side yard setback from all other:*

- **Permitted:** 3.00 m (9.84 ft.)
- **Existing** accessory building (garage/kennel building): 60.00 m (196.85 ft.)
- **Proposed** accessory dwelling unit (garden suite): 95.40 m (313.00 ft.)

(d)(ii) *Rear yard setback from all other:*

- **Permitted:** 7.00 m (22.96 ft.)
- **Existing** accessory building (garage/kennel building): 118.00 m (387.14 ft.)
- **Proposed** accessory dwelling unit (garden suite): 77.72 m (255.00 ft.)

50.7 *Maximum height of accessory buildings*

- **Permitted:** 7.00 m (22.96 ft.)
- **Existing** accessory building (garage/kennel building): approximately 4.27 m (14.00 ft.)

50.8 *Maximum dwelling units per lot is one Dwelling, Single Detached, and one Accessory Dwelling Unit.*

- There is one existing single family dwelling on the site and no accessory dwelling units. Approval of this accessory dwelling unit would be compliant with regulation.

50.9 *Total building area for all accessory buildings*

- **Permitted:** 225.00 sq. m (2,421.88 sq. ft.)
- **Proposed:** 825.91 sq. m (8,890.02 sq. ft.)
 - The existing accessory building (garage/kennel building) is 225.00 sq. m (2,421.87 sq. ft.) and the proposed accessory dwelling unit (garden suite) would add 105.91 sq. m (1,140.00 sq. ft.) to the accessory building area. In total, the existing and proposed accessory buildings have an area of 825.91 sq. m (8,890.02 sq. ft.) and require a relaxation of 267.07%. The Development Authority only has the ability to grant a relaxation up to 10.00% of the building area for an accessory building under Section 12 of the Land Use Bylaw, but has no discretion as to the total area for all accessory buildings. As such, the total

building area for all accessory buildings is included as a reason for refusal of the application.

50.10 Maximum number of accessory buildings

- **Permitted:** Three
- **Proposed:** Two
 - The number of accessory buildings falls within the permitted amount.

Building Permit History:

- Detached Garage – 1975 (from County Assessment history records)
- Single Family Dwelling – 1974 (from County Assessment history records)

Development Permit History:

There are no Development Permits on file for the site. A dog kennel has been located the site since approximately 1972 or 1973, though it is currently not operating, and has not done so in the last few years. The applicants have no immediate plans to resume operations, but have expressed the desire to possibly reopen in the future.

STATUTORY PLANS:

The site is located within the Central Springbank Area Structure Plan. Policies are high level, and do not speak to individual development permits for additional dwelling units or accessory buildings.

INSPECTOR'S COMMENTS:

Inspection Date: December 20, 2018

- No ADU visible;
- Multiple cars parked on site; and
- No evidence of kennel operations.

CIRCULATIONS:

Building Services, Rocky View County

- Full set of drawings and Engineering if required for foundation.

Enforcement Services, Rocky View County

- Enforcement has no concerns.

Engineering Services, Rocky View County

General

- The review of this file is based upon the application submitted. These conditions/ recommendations may be subject to change to ensure best practices and procedures.
- The applicant will be required to provide payment of \$200.00 development application engineering review fee in accordance with the Master Rates Bylaw at time of Development Permit approval.
 - *Note: this fee was paid at time of application submission.*

Geotechnical - Section 300.0 requirements:

- Engineering Services has no requirements at this time.

Transportation - Section 400.0 requirements:

- The parcel is currently accessed from an approach on Range Road 33, which is a paved road.
- At this time, payment of the Transportation Offsite Levy shall be deferred, as the parcel is a residential land use district and the permit is associated with construction of a dwelling (TOL Bylaw 6.b.iii).

Sanitary/Waste Water - Section 500.0 requirements:

- Wastewater disposal will be by a new private sewage treatment system (PSTS).
- The applicant submitted a site plan showing the location of the proposed PSTS. Engineering Services has no further concerns.
- As a permanent condition, the applicant shall be responsible for obtaining all necessary building permits for the installation of a new PSTS.

Water Supply And Waterworks - Section 600.0 & 800.0 requirements:

- Water is supplied by an existing groundwater well.
- Engineering Services has no requirements at this time.

Storm Water Management – Section 700.0 requirements:

- Engineering Services has no requirements at this time.

Environmental – Section 900.0 requirements:

- As a permanent condition, any approvals required through Alberta Environment shall be the sole responsibility of the Applicant/Owner.

Geographic Information Services, Rocky View County

- I've assigned the accessory dwelling unit an address of 242203 Rge Rd 33, Rocky View County. Please ensure the applicant is aware of the new address and our signage standards.

Engineering – Infrastructure and Operations, Rocky View County

- Utility Services – No concerns.
- Road Operations – Applicant to contact County Road Operations with equipment and material haul details related to accessory dwelling unit construction to confirm if Road Use Agreement is required.
- Road Maintenance – No concerns.

OPTIONS:

Option #1 (this would allow the on-site grading and placement of fill)

That the appeal against the conditions of the Development Authority to approve a Development Permit for single-lot regrading and placement of fill on NE-12-24-27-W04M (241191 Boundary Rd) be upheld, that the decision of the Development Authority be varied, and that a Development Permit be conditionally approved, subject to the following conditions:

Description:

- 1) That an accessory dwelling unit (secondary suite) approximately 105.91 sq. m (1,140.00 sq. ft.) in area, may be constructed on the subject parcel in accordance with the site plan and drawing submitted with the application, and conditions of this permit.



- 2) That the existing accessory building (garage/kennel building), approximately 720.00 sq. m (7,750 sq. ft.) in area, may remain on the subject land in accordance with the site plan submitted with the application and conditions of this permit.
- 3) That the maximum building area for the existing accessory building (garage/kennel building) is relaxed from **225.00 sq. m (2,421.87 sq. ft.) to 720.00 sq. m (7,750.00 sq. ft.)**.
- 4) That the total building area for all accessory buildings is relaxed from **225.00 sq. m (2,421.88 sq. ft.) to 825.91 sq. m (8,890.02 sq. ft.)**.

Prior to Issuance:

- 5) That prior to issuance of this permit the Applicant shall confirm acceptance of or refusal to participate in the Voluntary Recreation Contribution for Community Recreation Funding on the form provided by the County and that the contribution, if accepted, is \$800, calculated at \$800.00 for each new residential unit.

Permanent:

- 6) That the accessory building (garage/kennel building) shall not be used for commercial purposes at any time, except for the Home-Based Business, Type I or an approved Home-Based Business, Type II.
- 7) That the accessory building (garage/kennel building) shall not be used for residential occupancy at any time.
- 8) That there shall be a minimum of one (1) parking stall maintained on-site at all times dedicated to the accessory dwelling unit (secondary suite).
- 9) That there shall be a distinct municipal address maintained for each dwelling unit (the dwelling, single detached and secondary suite) located on the subject site, to facilitate accurate emergency response.
- 10) That there shall be adequate water servicing provided for the accessory dwelling unit (garden suite) and it is the Applicant/Owner's responsibility to provide water quantity in accordance with the recommendations found in Module 2 of the document "Water Wells That Last for Generations" published by Agriculture and Agri-Food Canada, Alberta Environment, Alberta Agriculture and Food.
- 11) That it is the Applicant/Owner's obligation/responsibility to undertake water quality testing in accordance with the Guidelines for Canadian Drinking Water Quality and Alberta Health Services criteria. Should there be any adverse results or should questions arise concerning the interpretation of the results of the analyses, it will be the obligation/responsibility of the Owner/Applicant to contact the local Public Health Inspector for recommendations/requirements.
- 12) That there shall be adequate sanitary sewer servicing provided for the accessory dwelling unit (secondary suite).
- 13) That any plan, technical submission, agreement, matter or understanding submitted and approved as part of the application, in response to a Prior to Issuance or Occupancy condition, shall be implemented and adhered to in perpetuity.

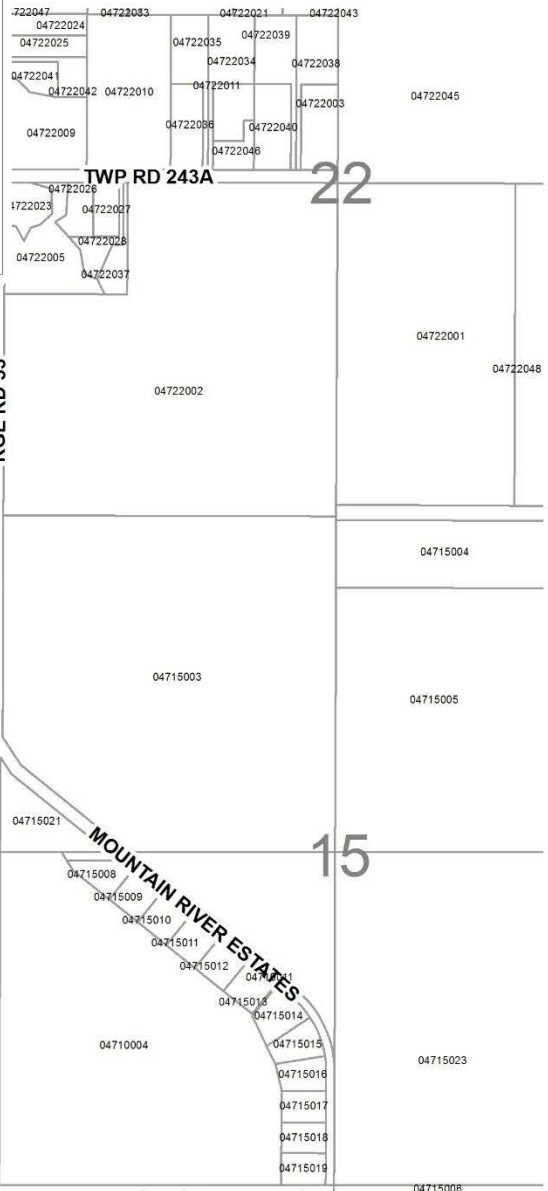
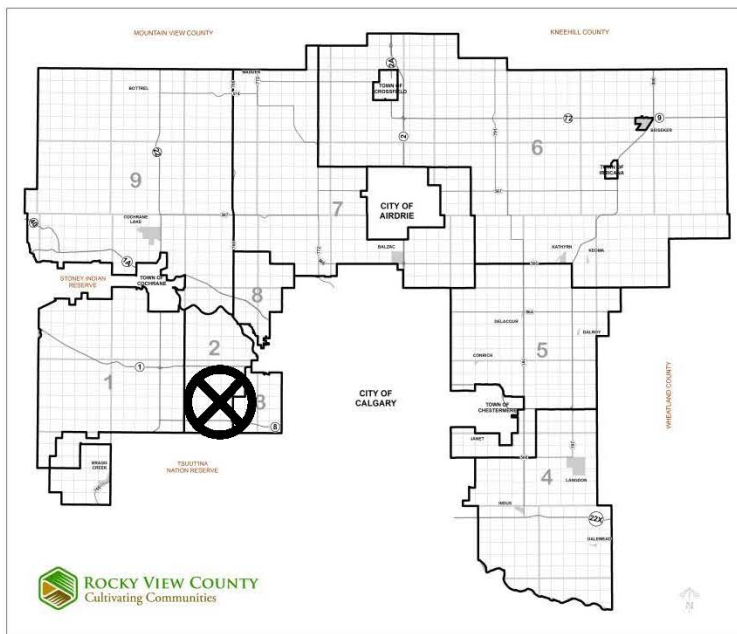
Advisory:

- 14) That a building permit for the accessory dwelling unit (secondary suite) shall be obtained through Building Services prior to any construction taking place.

- 15) That the Applicant/Owner shall be responsible for obtaining all necessary building permits for the installation of a new private sewage treatment system.
- 16) That during construction, County Bylaw C-5772-2003, the "Noise Bylaw", shall be adhered to at all times.
- 17) That the site shall be maintained in compliance with County Bylaw No. C-7690-2017, the "Nuisance and Unsightly Property Bylaw", at all times. Any debris or garbage generated on the site shall be stored/placed in garbage bins and disposed of at an approved disposal facility.
- 18) That any other federal, provincial or County permits, approvals, and/or compliances, are the sole responsibility of the Applicant/Owner.
- 19) That if the development authorized by this Development Permit is not commenced with reasonable diligence within 12 months from the date of issue, and completed within 24 months of the issue, the permit is deemed to be null and void, unless an extension to this permit shall first have been granted by the Development Officer.
- 20) That if this Development Permit is not issued by **June 30, 2019** or the approved extension date, then this approval is null and void and the Development Permit shall not be issued.

Option #2 (this would not allow the requested relaxations)

That the appeal against the decision of the Development Authority to refuse a Development Permit for construction of an Accessory Dwelling Unit (garden suite), relaxation of the maximum building area for an existing accessory building (garage/kennel building) and relaxation of the total building area for all accessory buildings at Lot 1, Plan 1380JK, NE-16-24-03-W05M (242209 Rge Rd 33) be denied, and that the decision of the Development Authority be upheld.



LOCATION PLAN

NE-16-24-03-W05M
Lot:1 Plan:1380 LK

Date: 2-Jan-19

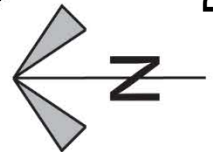
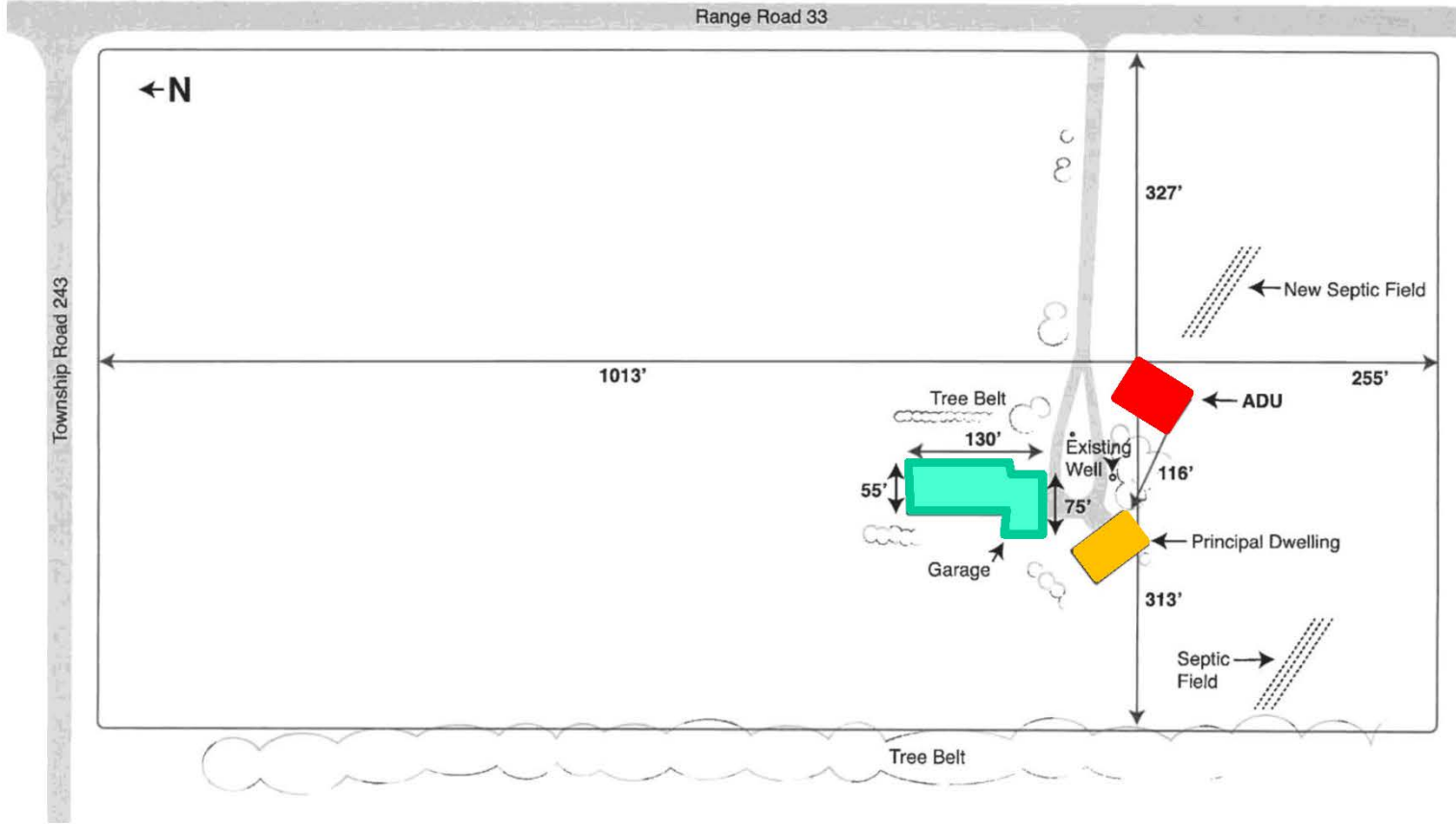
Division # 2

File: 04716008

ADU Site Plan - 242209 Range Road 33

All measurements approximate

SITE PLAN

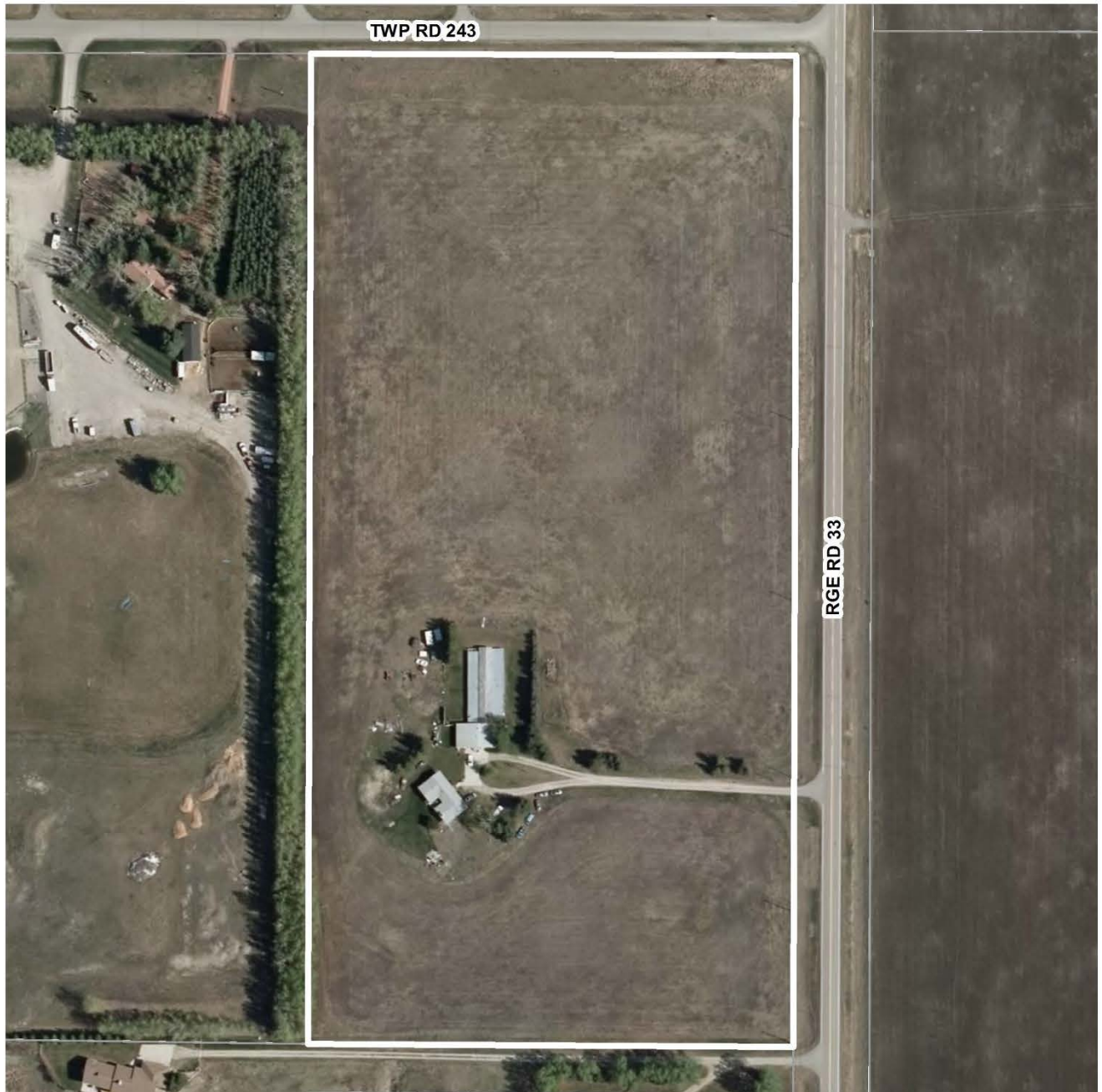


NE-16-24-03-W05M
Lot:1 Plan:1380 LK

Date: 2-Jan-19

Division # 2

File: 04798006
Appendix Page 99 of 179



Note: Post processing of raw aerial
photography may cause varying degrees
of visual distortion at the local level.

AIR PHOTO
Spring 2018

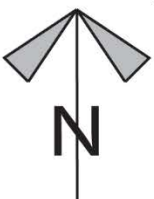
NE-16-24-03-W05M
Lot:1 Plan:1380 LK

Date: 2-Jan-19

Division # 2

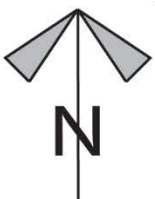
File: 04716008

Agenda Page 100 of 179





SITE PHOTOS



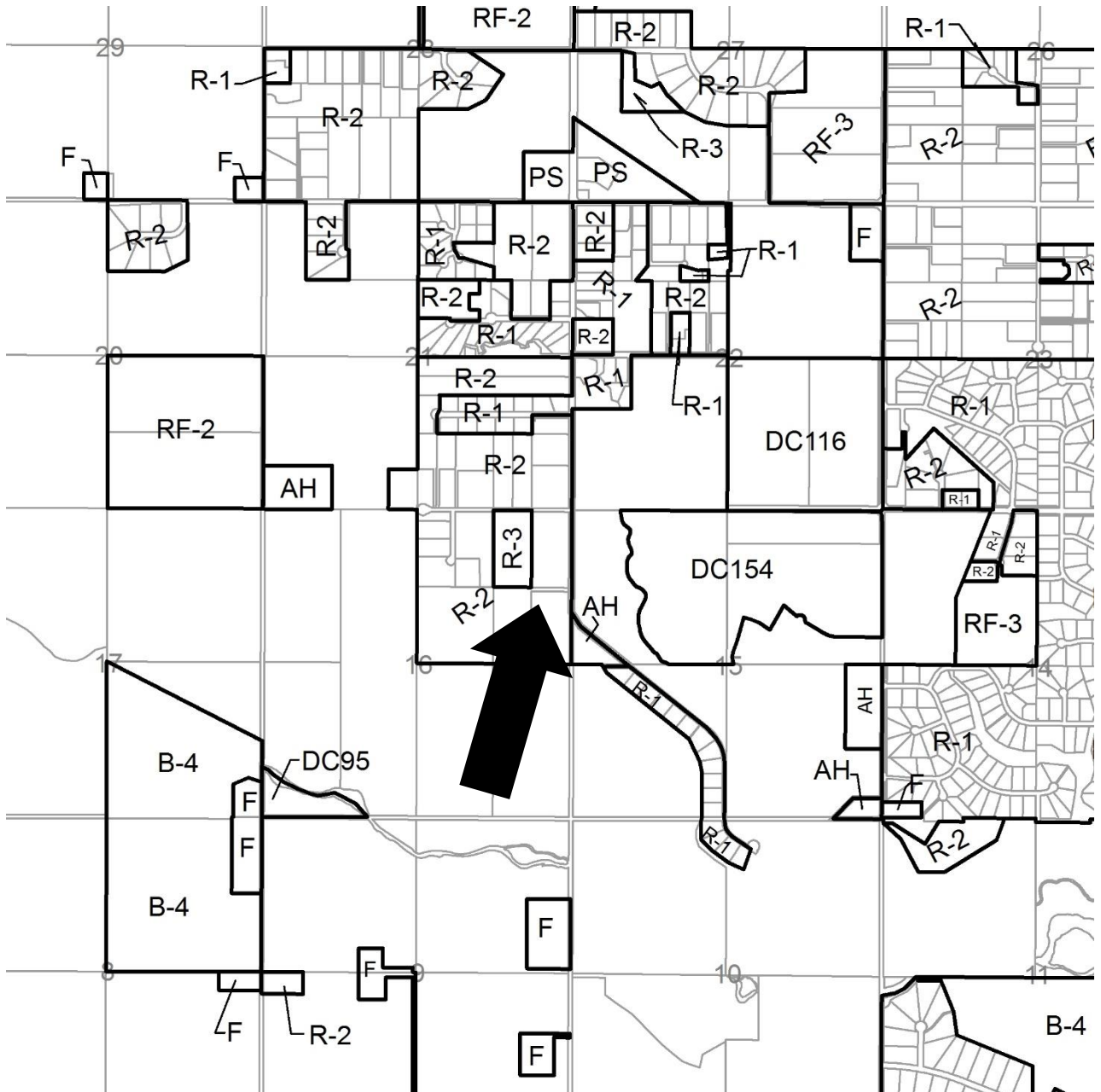
NE-16-24-03-W05M
Lot:1 Plan:1380 LK

Date: 2-Jan-19

Division # 2

File: 04718008

[Agenda Page 101 of 179](#)



Ranch and Farm	B-1 Highway Business
RF2 Ranch and Farm Two	B-2 General Business
RF3 Ranch and Farm Three	B-3 Limited Business
AH Agricultural Holding	B-4 Recreation Business
F Farmstead	B-5 Agricultural Business
R-1 Residential One	B-6 Local Business
R-2 Residential Two	NRI Natural Resource Industrial
R-3 Residential Three	HR-1 Hamlet Residential Single Family
DC Direct Control	HR-2 Hamlet Residential (2)
PS Public Service	HC Hamlet Commercial
	AP Airport

LAND USE MAP

NE-16-24-03-W05M

Lot:1 Plan:1380 LK

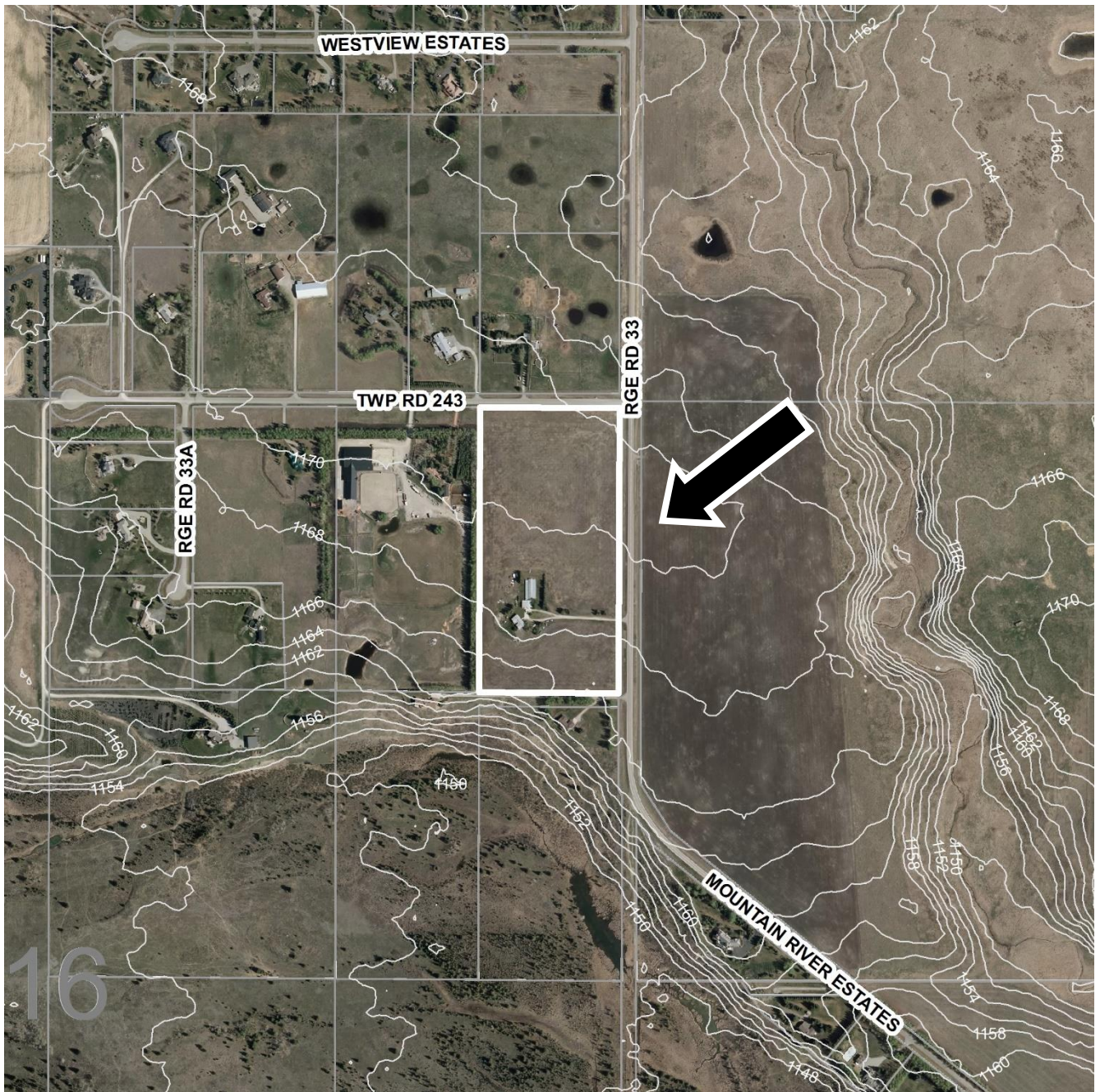
Date: 2-Jan-19

Division # 2

File: 04716008

Agenda Page 102 of 179





Contours are generated using 10m grid points, and depict general topographic features of the area. Detail accuracy at a local scale cannot be guaranteed. They are included for reference use only.

TOPOGRAPHY
Contour Interval 2 M

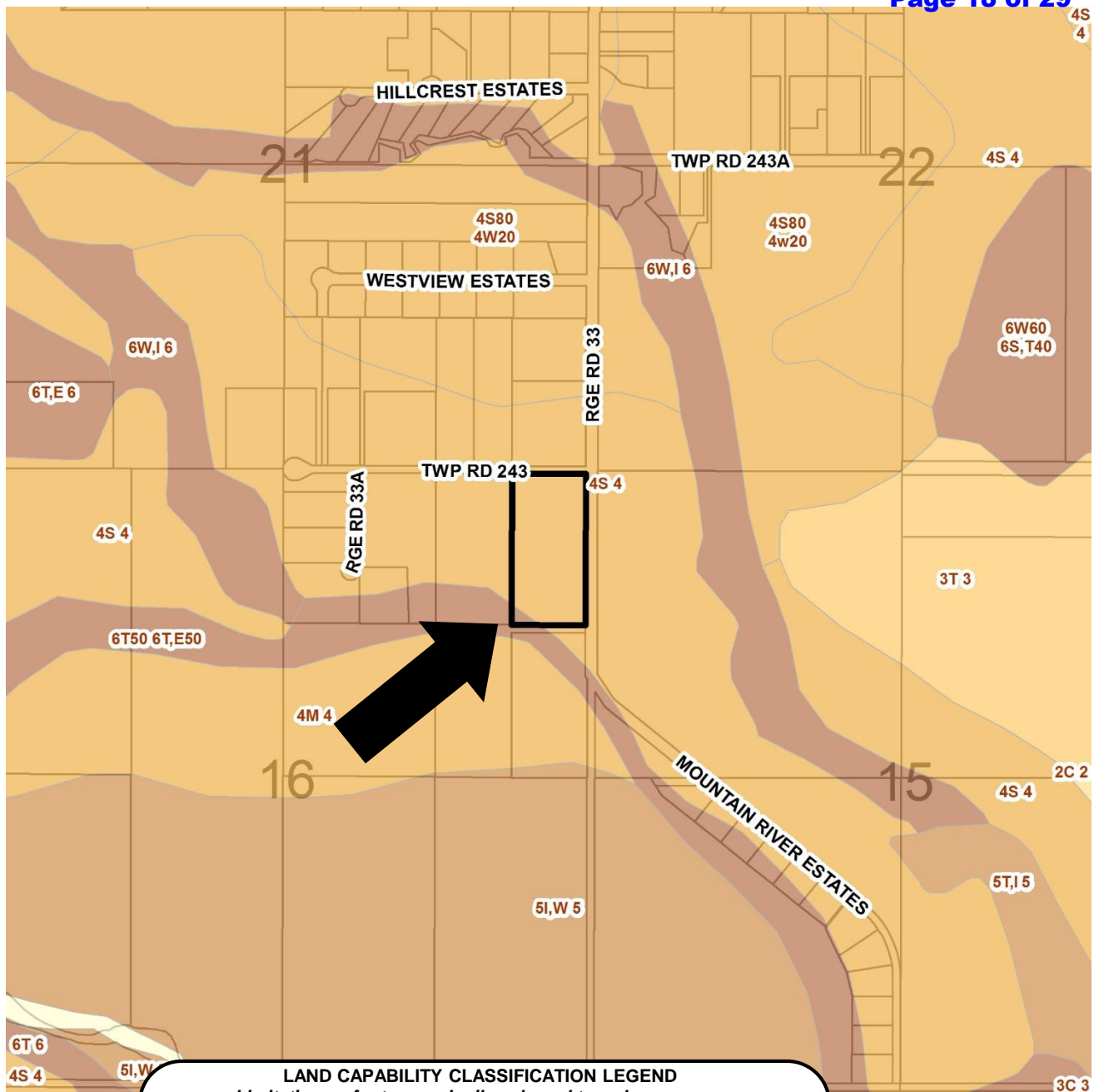
NE-16-24-03-W05M
Lot:1 Plan:1380 LK

Date: 2-Jan-19

Division # 2

File: 04718008 [Agenda Page 103 of 179](#)





LAND CAPABILITY CLASSIFICATION LEGEND
Limitations refer to cereal, oilseeds and tame hay crops

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 sodicity
- 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

SOIL MAP

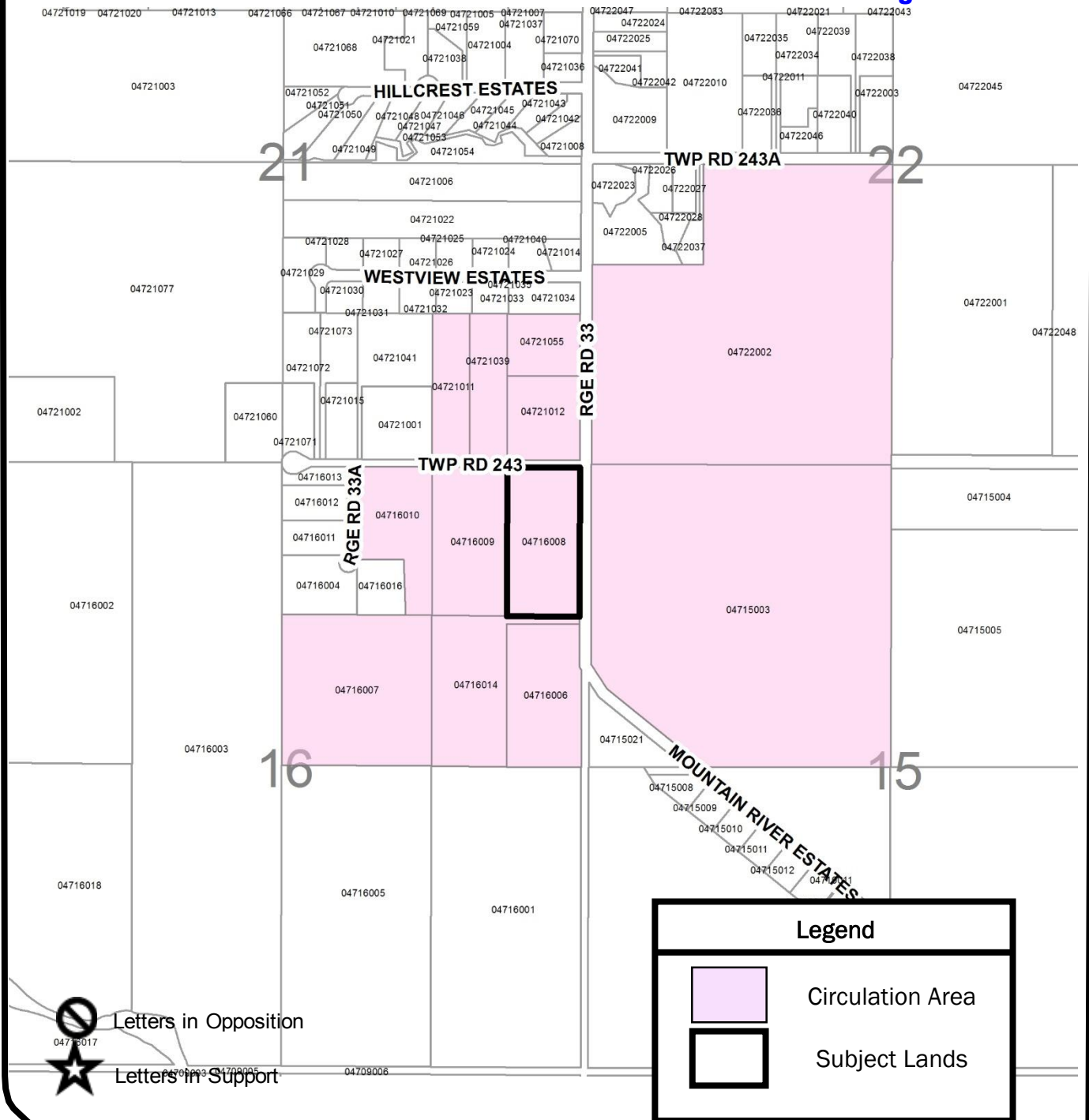
NE-16-24-03-W05M

Lot:1 Plan:1380 LK

Date: 2-Jan-19

Division # 2

File: 04716008



LANDOWNER CIRCULATION AREA

NE-16-24-03-W05M

Lot:1 Plan:1380 LK

Date: 2-Jan-19

Division # 2

File: 04716008 Agenda Page 105 of 179



Notice of Appeal

Subdivision and Development Appeal Board

[illegible]

This information is collected for the Subdivision and Development Appeal Board of Rocky View County and will be used to process your appeal and to create a public record of the appeal hearing. The information is collected under the authority of the *Freedom of Information and Protection of Privacy Act*, section 33(c) and sections 645, 678, and 686 of the *Municipal Government Act*. If you have questions regarding the collection or use of this information, contact the Manager of Legislative and Legal Services at 403-230-1401.

Anthony Spensley

24/12/2018

Appellant's Signature

Date _____

Last updated: November 16, 2017

Page 1 of 2



262075 Rocky View Point
 Rocky View County, AB, T4A 0X2
 403-230-1401
 questions@rockyview.ca
 www.rockyview.ca

REFUSAL

Anthony Spensley

Development Permit #: PRDP20184421

Date of Issue: December 21, 2018

Roll #: 04716008

Your Application dated October 30, 2018 for a Development Permit in accordance with the provisions of the Land Use Bylaw C-4841-97 of Rocky View County in respect of:

Construction of an accessory dwelling unit, garden suite; relaxation of the maximum accessory building size, and relaxation of the total building area of all accessory buildings

at Lot 1, Plan 1380LK; NE-16-24-03-W05M (242209 Rge Rd 33)

has been considered by the Development Authority and the decision in the matter is that your application be **REFUSED** for the following reasons:

- 1) That the maximum building area of the existing accessory building (garage/kennel building) exceeds the maximum area as defined in Section 50.3 of the Land Use Bylaw C-4841-97.
 (maximum building area permitted – 225.00 sq. m (2,421.87 sq. ft.);
 proposed building area (oversize shop) – 720.00 sq. m (7,750.00 sq. ft.))
- 2) That the requested variance exceeds the total building area for all accessory buildings as defined in Section 50.9 of Land Use Bylaw C-4841-97.
 (permitted total building area – 225.00 sq. m (2,421.88 sq. ft.);
 proposed total building area – 825.91 sq. m (8,890.02 sq. ft.))

Matthew Wilson
 Manager, Planning

NOTE: An appeal from this decision may be made to the Subdivision and Development Appeal Board of Rocky View County. Notice of Appeal to the Subdivision and Development Appeal Board from this decision shall be filed with the requisite fee of \$350 with Rocky View County no later than 14 days following the date on which this Notice is dated.



ROCKY VIEW COUNTY
Cultivating Communities

20184421

APPLICATION FOR A DEVELOPMENT PERMIT

FOR OFFICE USE ONLY	
Fee Submitted \$515	File Number 047/6008
Date of Receipt Oct 30/18	Receipt #

Name of Applicant ANTHONY SPENSLEY Email [REDACTED]

Mailing Address [REDACTED]

Postal Code [REDACTED]

Telephone (B) [REDACTED] (H) [REDACTED] Fax [REDACTED]

For Agents please supply Business/Agency/ Organization Name [REDACTED]

Registered Owner (if not applicant) CAROL SPENSLEY

Mailing Address [REDACTED]

Postal Code [REDACTED]

Telephone (B) [REDACTED] (H) [REDACTED] Fax [REDACTED]

1. LEGAL DESCRIPTION OF LAND

a) All / part of the NE ¼ Section 16 Township 24 Range 3 West of 5 Meridian

b) Being all / parts of Lot 1 Block 1380 Registered Plan Number LK

c) Municipal Address 242209 RANGE ROAD 33 CALGARY AB T3Z 3J4

d) Existing Land Use Designation R2 Parcel Size ± 20 ACRES Division [REDACTED]

2. APPLICATION FOR

ACCESSORY DWELLING UNIT.

3. ADDITIONAL INFORMATION

a) Are there any oil or gas wells on or within 100 metres of the subject property(s)? Yes ☐ No ☒

b) Is the proposed parcel within 1.5 kilometres of a sour gas facility?
(Sour Gas facility means well, pipeline or plant) Yes ☐ No ☒

c) Is there an abandoned oil or gas well or pipeline on the property? Yes ☐ No ☒

d) Does the site have direct access to a developed Municipal Road? Yes ☒ No ☐

4. REGISTERED OWNER OR PERSON ACTING ON HIS BEHALF

I ANTHONY SPENSLEY hereby certify that ☐ I am the registered owner.
(Full Name in Block Capitals)

☒ I am authorized to act on the owner's behalf

and that the information given on this form
is full and complete and is, to the best of my knowledge, a true statement
of the facts relating to this application.

**Affix Corporate Seal
here if owner is listed
as a named or
numbered company**

Applicant's Signature [Signature]

Date 08/23/2018

Owner's Signature _____

Date _____



ROCKY VIEW COUNTY
Cultivating Communities

APPLICATION FOR AN ACCESSORY DWELLING UNIT

FOR OFFICE USE ONLY	
Fee Submitted	File Number
Date of Receipt	Receipt #

Name of Applicant ANTHONY SPENSLEY

Email

Mailing Address

Postal Code

Telephone (E)

(H)

Fax

1. ACCESSORY DWELLING UNIT

☐ Secondary suite within an existing dwelling ☐ Suite within an accessory building ☒ Garden suite

Total floor area of ADU 1140 SQ FT

Number of parking spaces for ADU 3

Describe availability of storage space accessible to the occupants of ADU SHARED USE OF TWO CAR GARAGE AS WELL AS EXISTING OUT BUILDING

Describe the outdoor space allocated to the ADU SHARED YARD WITH EXISTING HOUSE.

2. WATER SOURCE

☐ Connection to Communal Water System (Provide Letter of Confirmation from system operator)

☒ Share Existing Groundwater Well

☐ New Well

(The location of new or existing wells is to be shown on a site plan; Groundwater Interference Report required when there are 6 or more parcels on a quarter-section)

3. SEWAGE TREATMENT AND DISPOSAL

☐ Connection to Communal Sewage Collection System (Provide Letter of Confirmation from system operator)

☐ Connection to Existing Private Sewage Treatment System (show location on Site Plan)

☐ Expansion of Existing Private Sewage Treatment System (show location on Site Plan)

☒ Construction of New Private Sewage Treatment System (show location on Site Plan)

4. ADDITIONAL INFORMATION REQUIRED

Describe how the ADU will complement the primary dwelling (i.e. roof pitch, exterior finishing, windows, etc.)

THE ADU WILL SHARE SIMILAR ROOF PITCH AS WELL AS EXTERIOR COLOUR AS THE EXISTING DWELLING.

Describe how the impact of the ADU on the neighboring properties is minimized (i.e. location of ADU on parcel, design of building, screening/landscaping etc.)

AFTER THE ADU IS PLACED TREES WILL BE PLANTED ON THE SOUTH EAST SIDE OF THE BUILDING FROM THE ROAD AND NEIGHBOURS.

Please provide a photograph of the primary dwelling along with a site plan of the proposed development.

Signature of Applicant

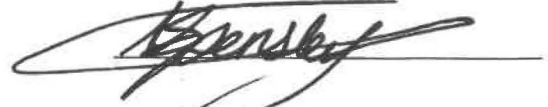
Date:

08/23/2018

NOTE: Remember to apply the Development Permit Application Review Fee (Engineering Services) - \$200.00

5. RIGHT OF ENTRY

I hereby authorize Rocky View County to enter the above parcel(s) of land for purposes of investigation and enforcement related to this Development Permit application.


Applicant's/Owner's Signature

Please note that all information provided by the Applicant to the County that is associated with the application, including technical studies, will be treated as public information in the course of the municipality's consideration of the development permit application, pursuant to the Municipal Government Act, R.S.A 2000 Chapter M-26, the Land Use Bylaw and relevant statutory plans. By providing this information, you (Owner/Applicant) are deemed to consent to its public release. Information provided will only be directed to the Public Information Office, 911 – 32 Ave NE, Calgary, AB, T2E 6X6; Phone: 403-520-8199.

I, ANTHONY SPENSLEY, hereby consent to the public release and disclosure of all information contained within this application and supporting documentation as part of the development process.


Signature

08/23/2013

Date



ROCKY VIEW COUNTY
Cultivating Communities

LETTER OF AUTHORIZATION

I, (We) CAROLYN MURIEL SPENSLEY being the owner (s) of
Lot 1 Block 1380 Plan LK

Legal:

NW/NE/SE/SW Section 16 Township 24 Range 3 W 5 M
give ANTHONY LAWRENCE DREW SPENSLEY permission to act on my
(our) behalf in applying for a Development Permit for the above subject property.

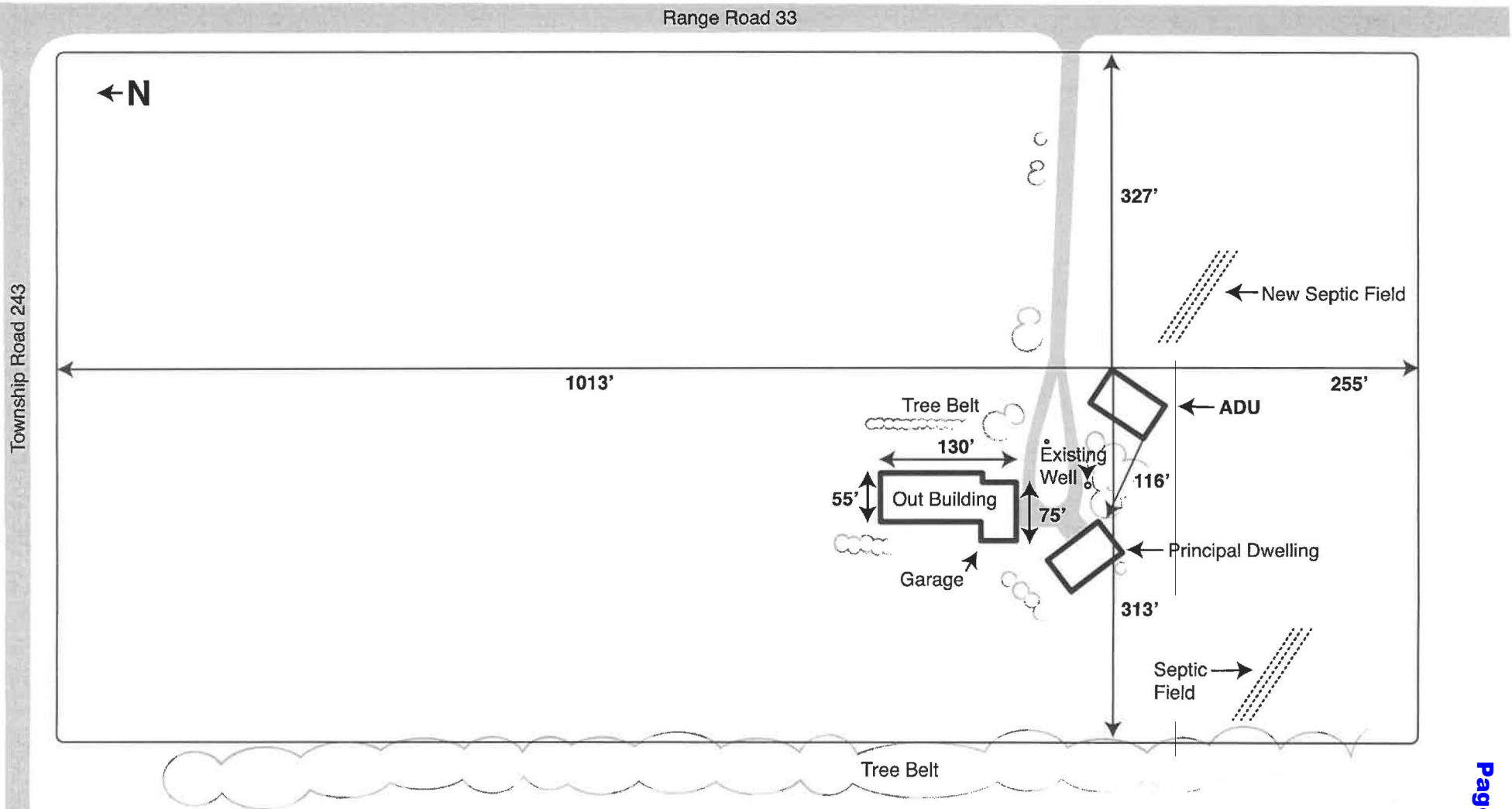
Carolyn Muriel Spensley
Signature

Signature

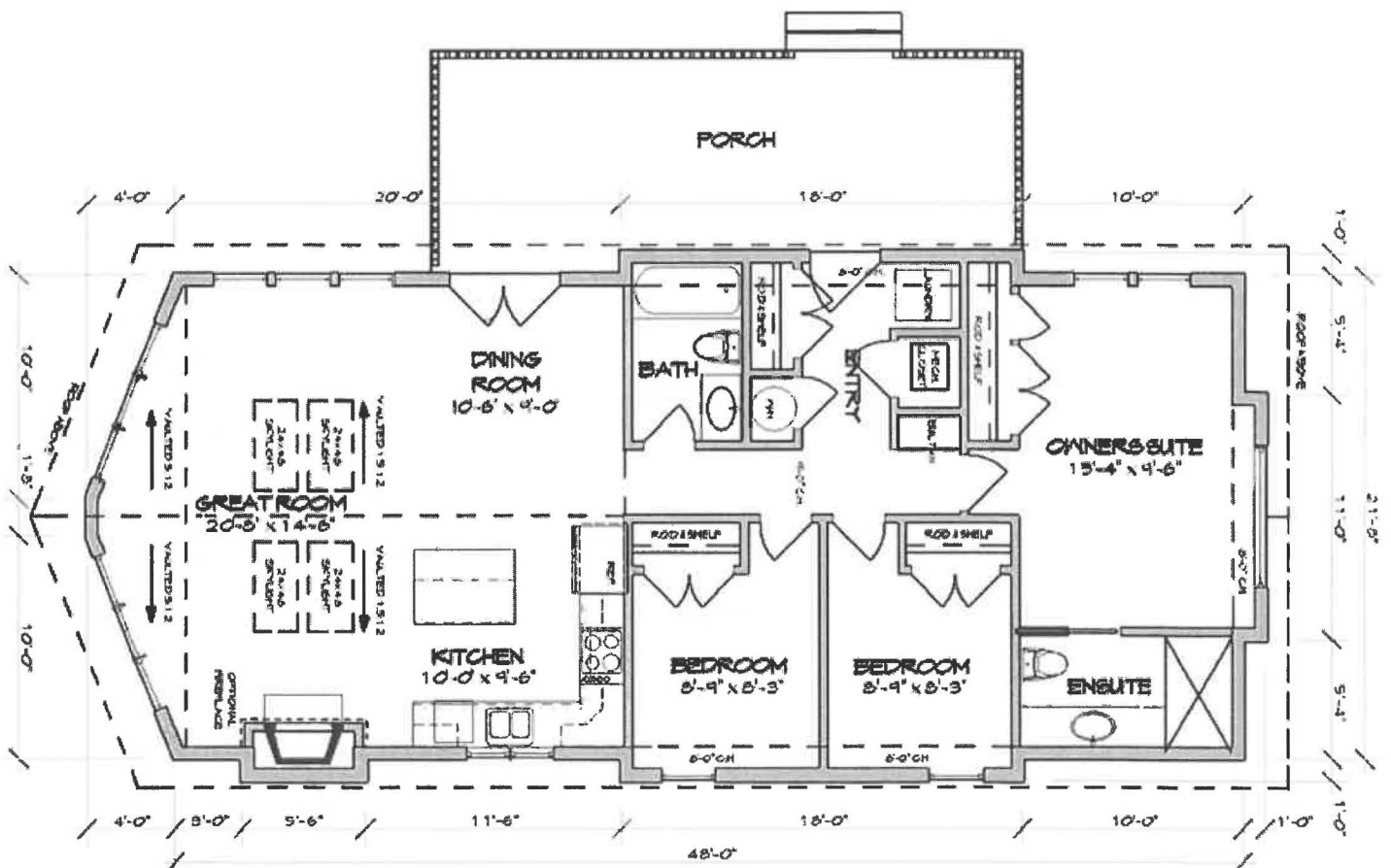
August 1 / 2018
Date

ADU Site Plan - 242209 Range Road 33

All measurements approximate



Elevation & Floor Plan



SUMMARY TABLE

	Building Area (sq. m)	Front Yard Setback (m)	Side Yard Setback (m)	Side Yard Setback (m)	Rear Yard Setback (m)	Height (m)	Total Building Area for all Accessory Buildings (sq. m)	Total Number of Accessory Buildings
<i>Bylaw Requirement</i>	150.00	<i>Internal Subdivision or Service Road</i>	<i>County Road</i>	<i>Other</i>	<i>Other</i>	7.00	225.00	3
	≤ 225.00	15.00	45.00	3.00	7.00			
Accessory Building (Garage/Kennel)	720.00	240.00	130.00	60.00	118.00	4.27	825.91	2
Variance Required?	220.00%	N/A	N/A	N/A	N/A	N/A	267.07%	N/A
	Building Area (sq. m)	Front Yard Setback (m)	Side Yard Setback (m)	Side Yard Setback (m)	Rear Yard Setback (m)	Height (m)		
<i>Bylaw Requirement</i>		<i>Internal Subdivision or Service Road</i>	<i>County Road</i>	<i>Other</i>	<i>Other</i>	5.50		
	≤ 110.00	15.00	45.00	3.00	7.00			
Accessory Dwelling Unit	105.91	308.76	99.67	95.40	77.72	4.11		
Variance Required?	N/A	N/A	N/A	N/A	N/A	N/A		

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED] [mailto:gkfellows@gmail.com]
Sent: December-29-18 4:54 PM
To: Sonya Hope
Subject: Accessory Dwelling Unit Letter of Support- Anthony Spensley

Ms. Hope,

I am writing to you to express my support for an application for an accessory dwelling unit by Mr. Anthony Spensley at address 242209 Range Rd 33.

I own and reside on a ~10 acre parcel very near to the Spensley's ~20 acre parcel (my address is 33048 Twp Rd. 243). While my property is not strictly adjacent to the Spensley's property, it is separated by less than 100 meters.

I purchased this property (33048 Twp Rd 243) from my parents almost 2 years ago, but I have lived at this residence for my entire life (I am 33 years old). I have known the Spensley family for that entire time and have found them to be exemplary neighbours. I am happy to provide specific examples if desired, but for the sake of brevity I won't elaborate here.

As I understand it, Mr. Spensley's application (to construct an accessory dwelling unit on his family's ~20 acre property) is under review/appeal by Rocky View County. It is my opinion that approval of this application would do no detriment to the local community and is very much within the spirit of local zoning in this area.

While I understand the intent of the zoning restriction that an "Accessory Dwelling Unit" should be less than "80% of the principal dwelling" size, I will note that the Spensley's primary dwelling is now one of the smaller ones in the neighbourhood. That building was one of the first in the area (along with the house I currently reside in) but subsequent residential building construction, particularly near the end of Township Road 243 (on range road 33A and on parcels to the north), have significantly larger footprints. Because of this, it is my opinion that Mr. Spensley's application would be consistent with the spirit of the zoning restrictions in place.

There are myriad other reasons I support Mr. Spensley's application, but again for the sake of brevity I won't elaborate here. I would be happy to discuss further over the phone if such a conversation would be useful to you. I can be reached at [REDACTED].

Cheers and Thanks,
Kent Fellows
33048 Township Road 243

PLANNING & DEVELOPMENT SERVICES

TO: Subdivision & Development Appeal Board
DATE: January 9, 2019
FILE: 06516014
SUBJECT: Subdivision Item – Residential One District

DIVISION: 7
APPLICATION: PL20170030

Appeal Withdrawn

PROPOSAL: To create a ± 0.81 hectare (± 2.00 acre) parcel with a ± 0.81 hectare (± 2.00 acre) remainder.	GENERAL LOCATION: Located approximately 0.8 kilometres (0.5 mile) north of the city of Calgary, 0.2 kilometers (0.12 mile) west of Range Road 13, and on the south side of Calterra Estates Dr.
LEGAL DESCRIPTION: Lot 5, Plan 0010692, NE-16-26-1-W5M	GROSS AREA: ± 1.62 hectares (± 4.00 acres)
APPLICANT: Terry & Helen Ohlhauser OWNER: Jonathon & Kirsten Friesen	RESERVE STATUS: Municipal Reserves have been provided by a cash-in-lieu payment on Plan 9510253
LAND USE DESIGNATION: Residential One District (R-1)	LEVIES INFORMATION: Transportation Off-Site Levy is outstanding
DATE SUBDIVISION APPLICATION RECEIVED: February 15, 2017	APPEAL BOARD: Subdivision & Development Appeal Board
TECHNICAL REPORTS SUBMITTED: <ul style="list-style-type: none"> Private Sewage Treatment System Assessment (Soilworx, 2016) Stormwater Management Plan (Osprey Engineering, 2017) 	LAND USE POLICIES AND STATUTORY PLANS: <ul style="list-style-type: none"> County Plan (C-7280-2013) Rocky View/Calgary IDP (C-7197-2012) Calterra Estates Conceptual Scheme (C-5208-2000) Land Use Bylaw (C-4841-97)

EXECUTIVE SUMMARY:

On November 27, 2018, Council, acting as the Subdivision Authority, conditionally approved application PL20170030. The conditions of approval are intended to satisfy the requirements of the *Municipal Government Act*, the Subdivision and Development Regulations, statutory plans, bylaws, County policies, and Servicing Standards.

On December 27, 2018, the Applicant appealed Council's decision to include condition #3, which reads:

- 3) *The Owner shall pay the Transportation Off-Site Levy in accordance with Bylaw C-7356-2014 prior to endorsement. The County shall calculate the total amount owing:*
 - a) *from the total gross acreage of the Lands to be subdivided as shown on the Plan of Survey.;*

The Applicant provided reasons for appeal, which are included in the Notice of Appeal attached to this report.



Timeline of Appeal

Administration submits that the appellant is out of time and that the deadline for appeal is December 24, 2018, per section 678(2) of the *Municipal Government Act*.

678(2) *An appeal under subsection (1) may be commenced by filing a notice of appeal within 14 days after receipt of the written decision of the subdivision authority or deemed refusal by the subdivision authority in accordance with section 681*

The appellant also had constructive notice of the approval on November 27, 2018, placing the deadline for appeal on December 11, 2018. Constructive notice has been upheld by the Court of Appeal in **Coventry Home Inc. v. Beaumont** (2001) and **Masellis v. Edmonton** (2011).

As stated in court's analysis of **Coventry Home Inc. v. Beaumont** (2001):

"The Dictionary of Canadian Law (2d ed.) contains the following definition of actual and constructive notice:

ACTUAL NOTICE. "...[A]ctual knowledge of the very fact required to be established, whereas constructive notice means knowledge of other facts which put a person on inquiry to discover the fact required to be established. ..."

The Court found in **Coventry Home Inc. v. Beaumont** (2001) that the appellant had earlier knowledge (constructive notice) of a permit being issued (actual notice). Since the appellant in that case had knowledge of the approval more than 14 days before submitting the appeal, the Court deemed she was out of time when she did.

Professor Frederick A. Laux, QC provides a helpful explanation of the importance of constructive notice through the following comments with regards to *Masellis v. Edmonton* (2011) in his book *Planning Law and Practice in Alberta*:

"The case of Masellis v. Edmonton (Subdivision and Development Appeal Board) illustrates that once an affected party has some indication, through telephone communications for example, that a permit is issued and it may have been with a variance, it is incumbent on the party seeking to appeal to do so within fourteen dates of acquiring such knowledge, even though the state of knowledge is superficial and even though the fact of a variance is denied by the municipal planning administration. Delaying in order to find out more information which takes the matter beyond the fourteen days is not a good idea. Once there is some knowledge about a development permit it is wise to file the appeal immediately and ask questions later. The rather hard line taken by the court in Masellis is reflective of the need for certainty and finality in planning matters and is likely fair in the overall scheme of things."

Therefore, regardless of if the Subdivision and Development Appeal Board calculates the deadline for appeal from either the date of receiving actual notice (December 10, 2018) or when the appellant had constructive notice (November 27, 2018), the appeal was made too late and is out of time.

A timeline of the appeal process is as follows:

November 27, 2018	Council acting as the Subdivision Authority conditionally approves application PL20170030. (Constructive Notice)
December 3, 2018	The decision transmittal letter was sent to the applicant. (Actual Notice)
December 10, 2018	The deemed receipt of the decision, per 678(3) of the <i>Municipal Government Act</i> .
December 11, 2018	The deadline for the appellant to submit the based-on constructive notice of the approval. (Constructive Notice)
December 24, 2018	The deadline for the appellant to submit the notice of appeal per 678(3) of



the *Municipal Government Act*. (Actual Notice)

December 27, 2018 Appellant submits the Notice of Appeal.

Transportation Off-Site Levy

The ability to collect Off-Site levies is enacted in section 648(1) of the *Municipal Government Act* and is implemented through the County's Transportation Off-Site Levy Bylaw (C-7356-2014). Section 5 of the Transportation Off-Site Levy Bylaw outlines levy applicability.

Transportation Off-Site Levy Bylaw (C-7356-2014) Section 5:

- e) *The Transportation Levy shall be imposed in the approval of the following Subdivisions:*
 - i) *All Lands within the County for which approval of a Residential Subdivision with parcel sizes less than **4.0 hectares** (9.88 acres).*
 - ii) *Notwithstanding the above, all Lands within the County for which approval of a Residential Subdivision with parcel sizes equal or greater than **4.0 hectares** (9.88 acres) in which the County is of the opinion will not be subdivided or redeveloped further due to technical limitations.*
 - iii) *All Lands within the County for which Subdivision Approval of Residential Three District or Agricultural Holdings District parcels of all lot sizes is granted, the Transportation Off-Site Levy will be deemed applicable for 1.2 hectares (3.0 acres) of each of those parcels.*

Proposed Lots 1 and 2 are ± 0.81 hectares (± 2.00 acres) significantly less than 4.0 hectares (9.88 acres) in size; as such, TOL is required to be collected on the total gross acreage of Lots 1 and 2.

Administration submits that, in accordance with the *Municipal Government Act*, the scope of the appeal regarding levies is limited to whether the levy was applied correctly in accordance with the TOL bylaw.

Summary

As detailed in the staff report attached (Appendix 'A'), Administration submits that the appeal is out of time. Should the Subdivision and Development Appeal Board determine that the decision was made within the timeline for appeal, the decision of the Subdivision Authority should be upheld as the approval and conditions of approval are consistent with statutory policy, and the Transportation Off-Site Levy (C-7356-2014) has been applied correctly. The conditions of approval presented for Council's consideration were intended to satisfy the requirements of the *Municipal Government Act*, the Subdivision and Development Regulations, statutory plans, bylaws, County policies and Servicing Standards. Administration submits that the removal of condition #3 would be contrary to the Transportation Off-Site Levy Bylaw (C-7356-2014). Upholding the decision ensures that the obligations under the *Municipal Government Act* have been met.

Administration is prepared to discuss this application and provide further information at the appeal hearing.

Respectfully submitted,

Matthew Wilson
Manager, Planning & Development Services



SM/rp

APPENDICES:

APPENDIX 'A': Original November 27, 2018 Staff Report

APPENDIX 'B': Notice of Appeal Form

PLANNING SERVICES

TO:	Subdivision Authority	DIVISION:	7
DATE:	November 27, 2018	APPLICATION:	PL20170030
FILE:	06516014		
SUBJECT:	Subdivision Item – Residential One District		

¹POLICY DIRECTION:

The application was evaluated against the terms of Section 654 of the *Municipal Government Act*, Section 7 of the Subdivision and Development Regulations, the policies found within the County Plan, and the Calterra Estates Conceptual Scheme, and was found to be compliant:

- The application is consistent with the County Plan;
- The proposal is consistent with the Calterra Estates Conceptual Scheme;
- The subject lands hold the appropriate land use designation; and
- The technical aspects of the subdivision proposal were considered and are further addressed through the conditional approval requirements.

EXECUTIVE SUMMARY:

The purpose of this application is to create a ± 0.81 hectare (± 2.00 acre) parcel (Lot 1, west) with a ± 0.81 hectare (± 2.00 acre) remainder (Lot 2, east).

The subject lands consist of a 4.00 acre parcel that accesses Calterra Estates Drive. The parcel currently contains a dwelling, which is located within the boundaries of proposed Lot 1. Servicing to the existing dwelling is provided by connection to the Rocky View Water Co-op. and a private sewage treatment system. Lot 2 is proposed to be serviced by the same means. Access is currently provided by a paved approach within the boundaries of proposed Lot 2. Construction of an additional approach to service Lot 1 is therefore required. The subject lands hold the Residential One District land use designation, which allows for the creation of a 2.00 acre parcel.

Administration determined that the application meets policy.

PROPOSAL: To create a ± 0.81 hectare (± 2.00 acre) parcel with a ± 0.81 hectare (± 2.00 acre) remainder.	GENERAL LOCATION: Located approximately 0.8 kilometres (0.5 mile) north of the city of Calgary, 0.2 kilometers (0.12 mile) west of Range Road 13, and on the south side of Calterra Estates Dr.
LEGAL DESCRIPTION: Lot 5, Plan 0010692, NE-16-26-1-W5M	GROSS AREA: ± 1.62 hectares (± 4.00 acres)
APPLICANT: Terry & Helen Ohlhauser	RESERVE STATUS: Municipal Reserves have

¹ Administration Resources

Stefan Kunz, Planning Services
 Erika Bancila, Engineering Services



OWNER: Jonathon & Kirsten Friesen	been provided by a cash-in-lieu payment on Plan 9510253
LAND USE DESIGNATION: Residential One District	LEVIES INFORMATION: Transportation Off-Site Levy is outstanding
DATE SUBDIVISION APPLICATION RECEIVED: February 15, 2017	APPEAL BOARD: Subdivision and Development Appeal Board
TECHNICAL REPORTS SUBMITTED: <ul style="list-style-type: none"> • Private Sewage Treatment System Assessment (Soilworx, 2016) • Stormwater Management Plan (Osprey Engineering, 2017) 	LAND USE POLICIES AND STATUTORY PLANS: <ul style="list-style-type: none"> • County Plan (C-7280-2013) • Rocky View/Calgary IDP (C-7197-2012) • Calterra Estates Conceptual Scheme (C-5208-2000) • Land Use Bylaw (C-4841-97)

PUBLIC & AGENCY SUBMISSIONS:

The application was circulated to 42 landowners. At the time of report preparation, six responses were received (see Appendix 'D'). The application was also circulated to a number of internal and external agencies. Those responses are available in Appendix 'B'.

HISTORY:

November 13, 2018	An amendment to the Calterra Estates Conceptual Scheme is approved, allowing for a minimum parcel size of 1.98 acres within a portion of the plan area affecting the subject lands (PL20170150). Additionally, the lands are redesignated from Residential Two District to Residential One District (PL20180091).
July 14, 2015	An amendment to the Calterra Estates Conceptual Scheme is approved, allowing for a minimum parcel size of 1.98 acres within a portion of Phase 2 of the plan area. No other phases are affected by the decision (PL20140089).
July 3, 2012	An amendment to the Calterra Estates Conceptual Scheme is approved, allowing for a minimum parcel size of 1.98 acres within Phase 5 of the plan area. No other phases are affected by the decision (2011-RV-082).
February 24, 2009	Phase Three of the Conceptual Scheme was approved by the Subdivision Authority (2008-RV-276).
June 15, 2005	Phases Two and Four of the Conceptual Scheme were approved by the Subdivision Authority (2005-RV-070).
September 18, 2001	Subject lands are redesignated from Residential Two District to Residential One District (2001-RV-104).
February 6, 2001	Phase One of the Conceptual Scheme was approved by the Subdivision Authority (2000-RV-272).
June 6, 2000	The Calterra Estates Conceptual Scheme is adopted, providing comprehensive planning direction for the creation of 4 acre parcels within the quarter section.
2000	Plan 0010692 is registered, resulting in the creation of the subject lands as a 4 acre parcel with a remainder and a portion for future road dedication.
1995	Plan 9510253 is registered, resulting in the creation of two 2 acre lots, one 4 acre



lot, and the subject lands, which at the time was registered as a 10 acre remainder parcel.

1994

Application to redesignate and subdivide a 20 acre portion of the subject lands to 2 acre lots is refused by Council, but was permitted through appeal to the Alberta Planning Board. The Board's decision would result in the future registration of Plan 9510253.

TECHNICAL CONSIDERATIONS:

This application was evaluated in accordance with the matters listed in Section 7 of the Subdivision and Development Regulation, which are as follows:

a) The site's topography

The topography of the land is rather flat, and features very little in the way of measureable slopes. There are no significant waterbodies, drainage courses, or stands of natural vegetation located on-site. No constraints to the proposed subdivision were identified with regard to the topography of the site. No further concerns.

Conditions: None

b) The site's soil characteristics

The soils on site are Class 1 and Class 3, with either no significant limitations, or moderate limitations for cereal, oilseed, and tame hay crop production due to adverse topography and past erosion damage. As the lands are intended for residential purposes, there are no concerns with regard to soil considerations.

Conditions: None

c) Stormwater collection and disposal

The applicant provided a Stormwater Management Plan (SWMP), prepared by Osprey Engineering Inc., dated August 2017, in support of the application. The SWMP proposes the construction of a rain garden on site in order to effectively manage release rates and volumes generated by the additional development proposed on the lot. As a condition of subdivision approval, the Applicant would be required to enter into a Site Improvements/Services Agreement with the County in order to ensure the implementation of the stormwater management strategies identified in the SWMP.

Conditions: 6

d) Any potential for flooding, subsidence or erosion of the land

The lands do not feature any on-site wetlands as identified by Alberta Environment's Wetland Impact Model. There are no drainage courses or other waterbodies on site, so there are no concerns with regard to flooding, subsidence, or erosion of the land.

Conditions: None

e) Accessibility to a road

The subject lands currently feature one existing dwelling located within proposed Lot 1. This dwelling accesses Calterra Estates Drive via a paved approach. The approach is in good condition, requires no upgrades, and is located a safe distance from the intersection with Range Road 13. As the approach is located within the boundary of proposed Lot 2, a new approach would be required to be constructed in order to provide access to Lot 1.

The Transportation Offsite Levy is outstanding for the total gross acreage of the lands proposed to be subdivided, and is required to be provided through the conditions of subdivision approval.



- Base Levy = \$4,595/acre. Acreage = (2 parcels)*(2.00 acres/parcel) = 4.00 acres.
Estimated TOL payment = (\$4,595/acre)*(4 acres) = \$18,380.

Conditions: 2, 3.

f) Water supply, sewage and solid waste disposal

The Applicant provided a Level I Variation Assessment for the existing septic field on the subject lands that indicates that the system is in good working order. The parcel currently contains a dwelling within the boundaries of proposed Lot 1. Servicing to the existing dwelling is provided by connection to Rocky View Water Co-op. and a private sewage treatment system. Servicing to Lot 2 is proposed to be provided by the same means.

The Applicant submitted a letter from Rocky View Water Co-op. confirming the availability of water supply to the newly created lot. In order to ensure connection to the water provider, as a condition of subdivision approval, the Applicant/Owner would be required to provide a copy of the completed Water Services Agreement to confirm the extension of the existing water distribution system to the subject lands.

A Private Sewage Treatment System Assessment was submitted as well, and review of that report indicates that the use of a treatment mound or a packaged sewage treatment plant is recommended. This is supported by the Calterra Estates Conceptual Scheme, which requires that "lots less than 4 acres in size must be serviced by Packaged Sewage Treatment Plants" (Policy 6.1.4).

As a condition of subdivision approval, the Applicant/Owner would be required to enter into a Site Improvements Services Agreement with the County in order to ensure the installation of a treatment mound or a packaged sewage treatment system.

Conditions: 5, 6.

g) The use of the land in the vicinity of the site

The lands are located within the Calterra Estates community. This is a quarter section of land located north of the city of Calgary and southwest of the city of Airdrie featuring Residential One and Two District Parcels. Parcel sizes range from 2.0 to 4.0 acres, although one 20.0 acre parcel is located in the northeastern corner of the quarter section. The lands surrounding Calterra Estates are predominantly agricultural in nature. Unsubdivided quarter sections are interspersed with small agricultural parcels such as Farmstead, Ranch and Farm Two District, and Agricultural Holdings District. Residential uses are scattered and are largely restricted to first parcel out Residential Two and Three District parcels. There are no concerns that the subdivision proposal is in misalignment with the land use in the area.

Conditions: None

h) Other matters

Municipal Reserves

Municipal Reserves were provided by a cash-in-lieu payment on Plan 9510253.

Conditions: None

POLICY CONSIDERATIONS:

The application was assessed against the policies of the Rocky View County/City of Calgary Intermunicipal Development Plan, the County Plan, and the existing Calterra Estates Conceptual Scheme.



Rocky View County/City of Calgary Intermunicipal Development Plan

The lands are within the Policy Area of the Rocky View County/City of Calgary Intermunicipal Development Plan, and in accordance with the policies of that document, the City of Calgary was notified of the application. The City has no concerns with the proposal. The subject lands are located within an area that is identified as a residential growth area, so the further subdivision of the lands is in accordance with the provisions of the IDP.

Calterra Estates Conceptual Scheme

Policy review of the Calterra Estates Conceptual Scheme (CECS) was provided within the report considering the conceptual scheme amendment (PL20170150). Generally, review of the CECS revealed that there are no concerns with allowing the subdivision to proceed as proposed.

Land Use Bylaw

The Residential One District land use designation allows for parcels a minimum of 0.80 hectares (1.98 acres) in size and is intended for primarily residential purposes. The proposed parcel meets the minimum size provision, and the proposal appears to be in alignment with the provisions of the Land Use Bylaw.

CONCLUSION:

The application was evaluated against the terms of Section 654 of the *Municipal Government Act*, Section 7 of the Subdivision and Development Regulations, the policies found within the County Plan and the Calterra Estates Conceptual Scheme, and was found to be compliant:

- The application is consistent with the County Plan;
- The proposal is consistent with the Calterra Estates Conceptual Scheme;
- The subject lands hold the appropriate land use designation; and
- The technical aspects of the subdivision proposal were considered and are further addressed through the conditional approval requirements.

OPTIONS:

Option #1: THAT Subdivision Application PL20170030 be approved with the conditions noted in Appendix A.

Option #2: THAT Subdivision Application PL20170030 be refused as per the reasons noted.

Respectfully submitted,

Concurrence,

“Sherry Baers”

“Rick McDonald”

Executive Director
Community Development Services

Interim County Manager

SK/rp



APPENDICES:

APPENDIX 'A': Approval Conditions

APPENDIX 'B': Application Referrals

APPENDIX 'C': Map Set

APPENDIX 'D': Landowner Comments

APPENDIX A: APPROVAL CONDITIONS

- A. That the application to create a ± 0.81 hectare (± 2.00 acre) parcel with a ± 0.81 hectare (± 2.00 acre) remainder from Lot 5, Plan 0010692, NE-16-26-1-W5M, having been evaluated in terms of Section 654 of the *Municipal Government Act* and Sections 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 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 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 condition 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 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 is 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;

Transportation and Access

- 2) The Owner shall construct a new paved approach on Calterra Estates Drive in order to provide access to Lot 1.

Fees and Levies

- 3) The Owner shall pay the Transportation Off-Site Levy in accordance with Bylaw C-7356-2014 prior to endorsement. The County shall calculate the total amount owing:
 - a) from the total gross acreage of the Lands to be subdivided as shown on the Plan of Survey.
- 4) The Owner shall pay the County subdivision endorsement fee, in accordance with the Master Rates Bylaw, for the creation of one new lot.

Site Servicing

- 5) The Owner is to provide confirmation of the tie-in for connection to Rocky View Water Co-op., an Alberta Environment licensed piped water supplier, for Lot 2, as shown on the Approved Tentative Plan. This includes providing the following information:
 - a) Confirmation from the water supplier that an adequate and continuous piped water supply is available for the proposed new Lot 2;



- b) Documentation proving that water supply has been purchased for proposed Lot 2;
 - c) Documentation proving that water supply infrastructure requirements, including servicing to the property, have 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 Development Agreement (Site Improvements / Services Agreement) with the County that includes the following:
- a) The implementation of the onsite stormwater management strategies in accordance with the findings of the Site Specific Stormwater Management Plan prepared by Osprey Engineering Inc. (August 2017);
 - b) The installation of a packaged sewage treatment system meeting BNQ or NSF 40 Standards, in accordance with the findings of the Private Sewage Treatment System Assessment and Site Evaluation prepared by SOILWORX (December 2016).

Taxes

- 7) 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, Administration is directed to present the Owner with a Voluntary Recreation Contribution Form and to ask them if they will contribute to the Fund in accordance with the contributions prescribed in the Master Rates Bylaw.

APPENDIX 'B': APPLICATION REFERRALS

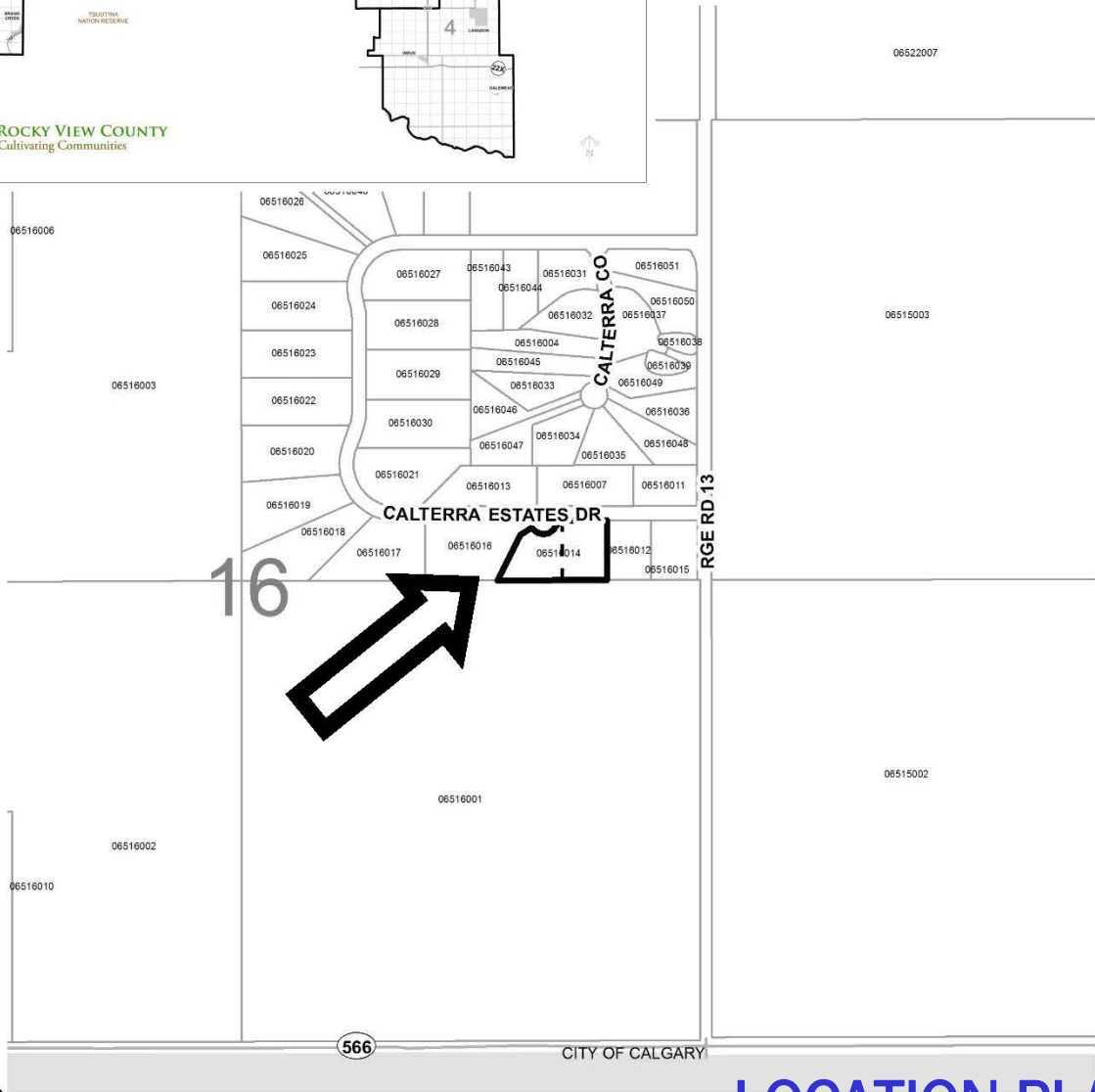
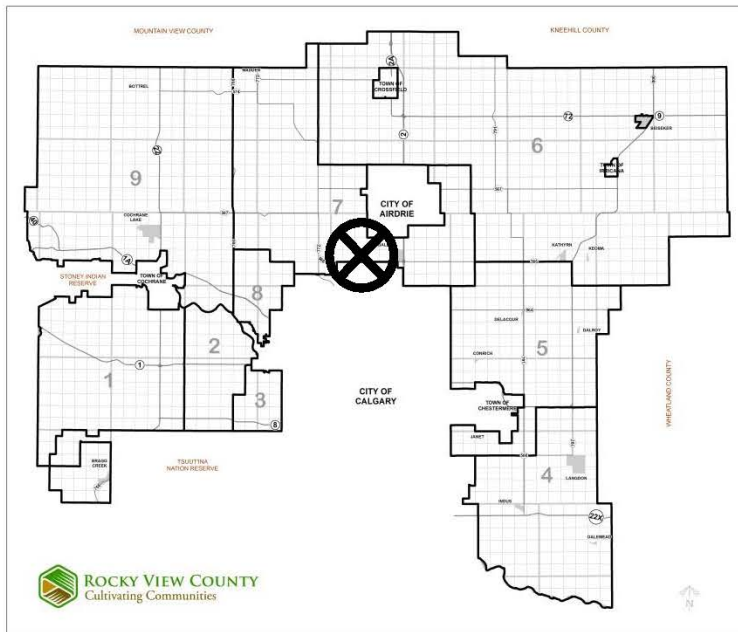
AGENCY	COMMENTS
<i>School Authority</i>	
Rocky View Schools	No objection.
Calgary Catholic School District	Calgary Catholic School District (CCSD) has no objection to the above-noted circulation (PL2017-0030 0150) in Calterra Estates.
Public Francophone Education	No comment.
Catholic Francophone Education	No comment.
<i>Province of Alberta</i>	
Alberta Environment	Not required.
Alberta Transportation	<p>Alberta Transportation has reviewed the proposal and has determined that the lands subject to this application are located greater than 800 metres from the centreline of Highway 566.</p> <p>The proposal to amend the Conceptual Scheme and the subsequent subdivision application will not affect Highway 566 in any significant manner.</p>
Alberta Sustainable Development (Public Lands)	Not required.
Alberta Culture and Community Spirit (Historical Resources)	Not required.
Energy Resources Conservation Board	No comment.
Alberta Health Services	<p>Based on the information provided, AHS has no objections to this application. We provide the following comments for your consideration with regard to planning future development on the site:</p> <ol style="list-style-type: none"> 1. The application indicates that potable water will be supplied by the Rocky View Water Co-op. AHS wishes to be notified if this plan changes. 2. Any existing or proposed private sewage disposal systems should be completely contained within the proposed property boundaries and must comply with the setback distances outlined in the most recent Alberta Private Sewage Systems Standard of Practice. Prior to installation of any sewage disposal system, a proper geotechnical assessment should be conducted by a qualified professional engineer and the system should be installed in an approved manner. 3. The property must be maintained in accordance with the

AGENCY	COMMENTS
	<p>Alberta Public Health Act, Nuisance and General Sanitation Guideline 243/2003 which stipulates,</p> <p><i>No person shall create, commit or maintain a nuisance. A person who creates, commits or maintains any condition that is or might become injurious or dangerous to the public health or that might hinder in any manner the prevention or suppression of disease is deemed to have created, committed or maintained a nuisance.</i></p>
<i>Public Utility</i>	
ATCO Gas	No objection.
ATCO Pipelines	No objection.
AltaLink Management	No comment.
FortisAlberta	No easement required.
Telus Communications	No objections.
TransAlta Utilities Ltd.	No comment.
Rockyview Gas Co-op Ltd.	No comment.
<i>Other External Agencies</i>	
EnCana Corporation	No comment.
Canadian Pacific Railway	No comment.
City of Calgary	No comments.
<i>Rocky View County</i>	
<i>Boards and Committees</i>	
ASB Farm Members and Agricultural Fieldmen	No concerns.
Rocky View Central Recreation Board	As Municipal Reserves were previously provided on Plan 9510253, Rocky View Central Recreation District Board has no comments on this circulation.
<i>Internal Departments</i>	
Municipal Lands	No concerns.
Development Authority	No comment.

AGENCY	COMMENTS
GeoGraphics	No comment.
Building Services	No comment.
Enforcement Services	No concerns.
Emergency Services	No concerns.
Infrastructure and Operations – Engineering Services	<p data-bbox="618 552 813 583">Geotechnical:</p> <ul data-bbox="618 594 1162 625" style="list-style-type: none"> <li data-bbox="618 594 1162 625">• ES have no requirements at this time. <p data-bbox="618 642 834 674">Transportation:</p> <ul data-bbox="618 695 1461 1167" style="list-style-type: none"> <li data-bbox="618 695 1461 789">• The parcel has an existing access from Calterra Estates Drive, approximately 210m from the intersection of Calterra Estates Drive and Rge Rd 13; <li data-bbox="618 800 1461 1031">• As a condition of subdivision the applicant is required to provide payment of the Transportation Offsite Levy in accordance with applicable levy in accordance with Bylaw C-7356-2014 for the total gross acreage of the lands proposed to be subdivided. The estimated levy payment owed at time of subdivision endorsement is \$18,380 (Base = \$4,595/ac x 4.0 ac = \$18,380; <li data-bbox="618 1041 1461 1167">• As condition of subdivision, the owner will be required to construct a new paved approach from Calterra Estates Drive to access the proposed parcel in accordance with the requirements of the County Servicing Standards; <p data-bbox="618 1184 927 1215">Sanitary/Waste Water:</p> <ul data-bbox="618 1236 1461 1734" style="list-style-type: none"> <li data-bbox="618 1236 1461 1604">• The applicant provided a PSTS Assessment and Site Evaluation prepared by SOILWORX.ca dated December 2016. The assessment contains recommendations based on site evaluation and soil analysis results from test pits dug on the subject lands. It recommends the use of a treatment mound or a packaged sewage treatment plant. As a condition of subdivision, the applicant will be required to enter into a Site Improvements Services Agreement with the County, for the future installation of a treatment mound or a packaged sewage treatment system meeting BNQ or NSF 40 Standards; <li data-bbox="618 1614 1461 1734">• The applicant provided a Level I Variation Assessment for the existing septic field on the subject lands indicating that the system is in good working order. ES has no further concerns. <p data-bbox="618 1751 1052 1782">Water Supply And Waterworks:</p> <ul data-bbox="618 1803 1461 1902" style="list-style-type: none"> <li data-bbox="618 1803 1461 1902">• As part of the application, the applicant provided a memo from Rocky View Water Co-Op dated January 27, 2017. The memo confirms that :

AGENCY	COMMENTS
	<ul style="list-style-type: none"> ○ The applicant has completed all paperwork for water supply request; ○ The applicant has paid all necessary fees of said application; ○ The utility has sufficient capacity to service the proposed new lot <ul style="list-style-type: none"> • As a condition of subdivision the applicant will be required to provide a copy of the completed Water Services Agreement with Rocky View Water Co-Op Ltd confirming the confirming the extension of the existing water distribution system to the subject lands. It is to be noted that there is an existing water service to connection to the existing parcel. <p>Storm Water Management:</p> <ul style="list-style-type: none"> • As part of the application, the applicant provided a Stormwater Management Plan prepared by Osprey Engineering Inc dated August 2017. The Stormwater Management Plan proposed a rain garden to manage release rates and volumes as well as other LID improvements and Best Management Practices on the proposed lot. As a condition of subdivision, the applicant is required to enter into a Site Improvements/Services Agreement with the County for the future implementation of the onsite stormwater management strategies identified in the Stormwater Management Plan prepared by Osprey Engineering Inc dated August 2017 <p>Environmental</p> <ul style="list-style-type: none"> • ES have no requirements at this time.
Infrastructure and Operations – Maintenance	No issues.
Infrastructure and Operations - Capital Delivery	No concerns.
Infrastructure and Operations - Operations	Concerns addressed through conditions.
Agriculture and Environmental Services - Solid Waste and Recycling	No concerns.

Circulation Period: September 7, 2017 to September 28, 2017



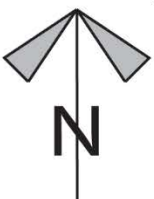
LOCATION PLAN

Lot:5 Plan:0010692
NE-16-26-01-W05M

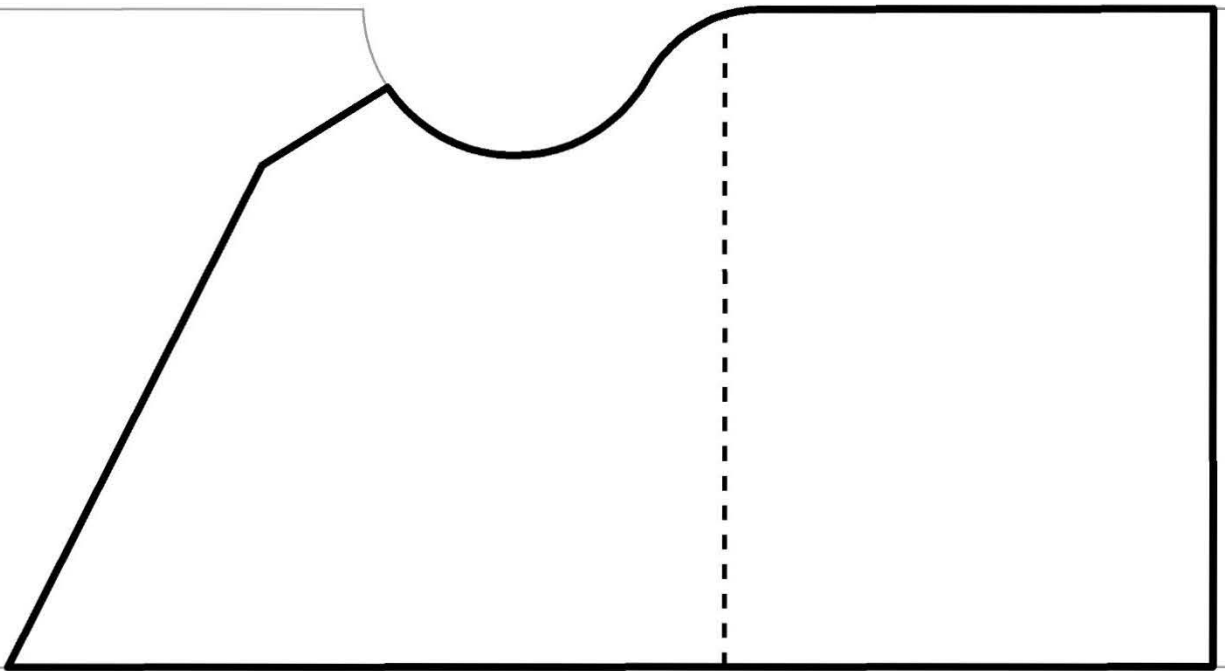
Date: Dec 27, 2018

Division # 7

File: 06516014 **Agenda Page 132 of 179**

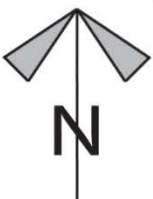


CALTERRA ESTATES DR



DEVELOPMENT PROPOSAL

Lot:5 Plan:0010692
NE-16-26-01-W05M



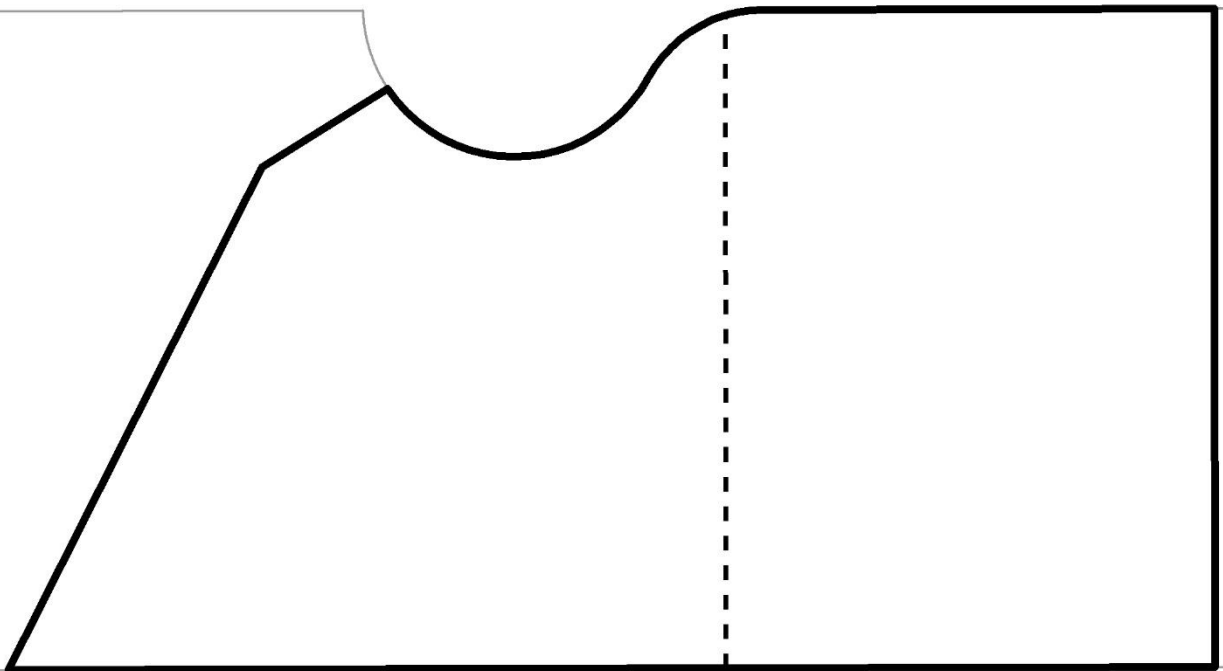
Date: Dec 27, 2018

Division # 7

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CALTERRA ESTATES DR



Surveyor's Notes:

1. Parcels must meet minimum size and setback requirements of Land Use Bylaw C-4841-97.
2. Refer to Notice of Transmittal for approval conditions related to this Tentative Plan.

TENTATIVE PLAN

**Lot:5 Plan:0010692
NE-16-26-01-W05M**

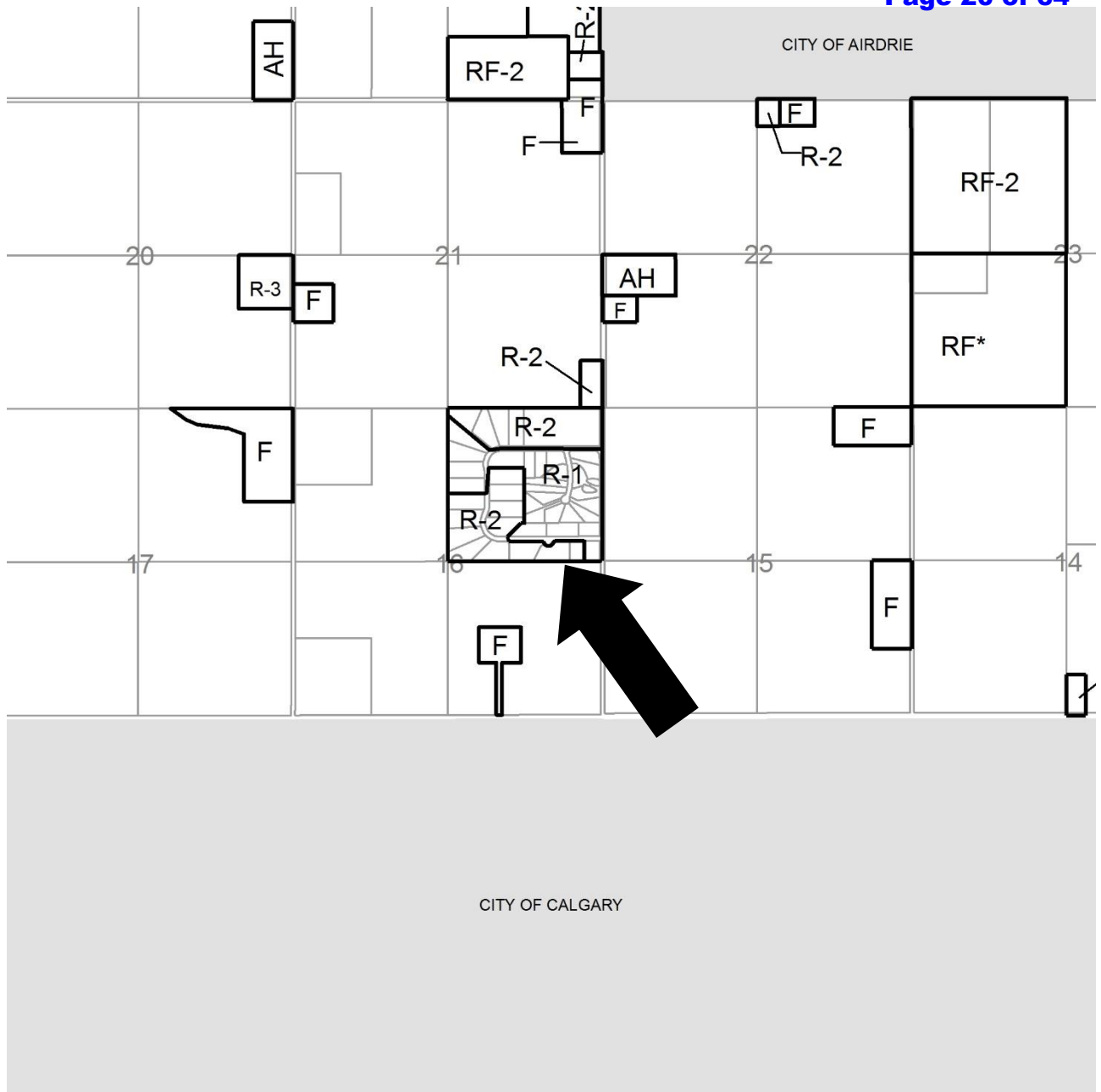


Date: Dec 27, 2018

Division # 7

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Ranch and Farm	B-1 Highway Business
RF2 Ranch and Farm Two	B-2 General Business
RF3 Ranch and Farm Three	B-3 Limited Business
AH Agricultural Holding	B-4 Recreation Business
F Farmstead	B-5 Agricultural Business
R-1 Residential One	B-6 Local Business
R-2 Residential Two	NRI Natural Resource Industrial
R-3 Residential Three	HR-1 Hamlet Residential Single Family
DC Direct Control	HR-2 Hamlet Residential (2)
PS Public Service	HC Hamlet Commercial
	AP Airport

LAND USE MAP

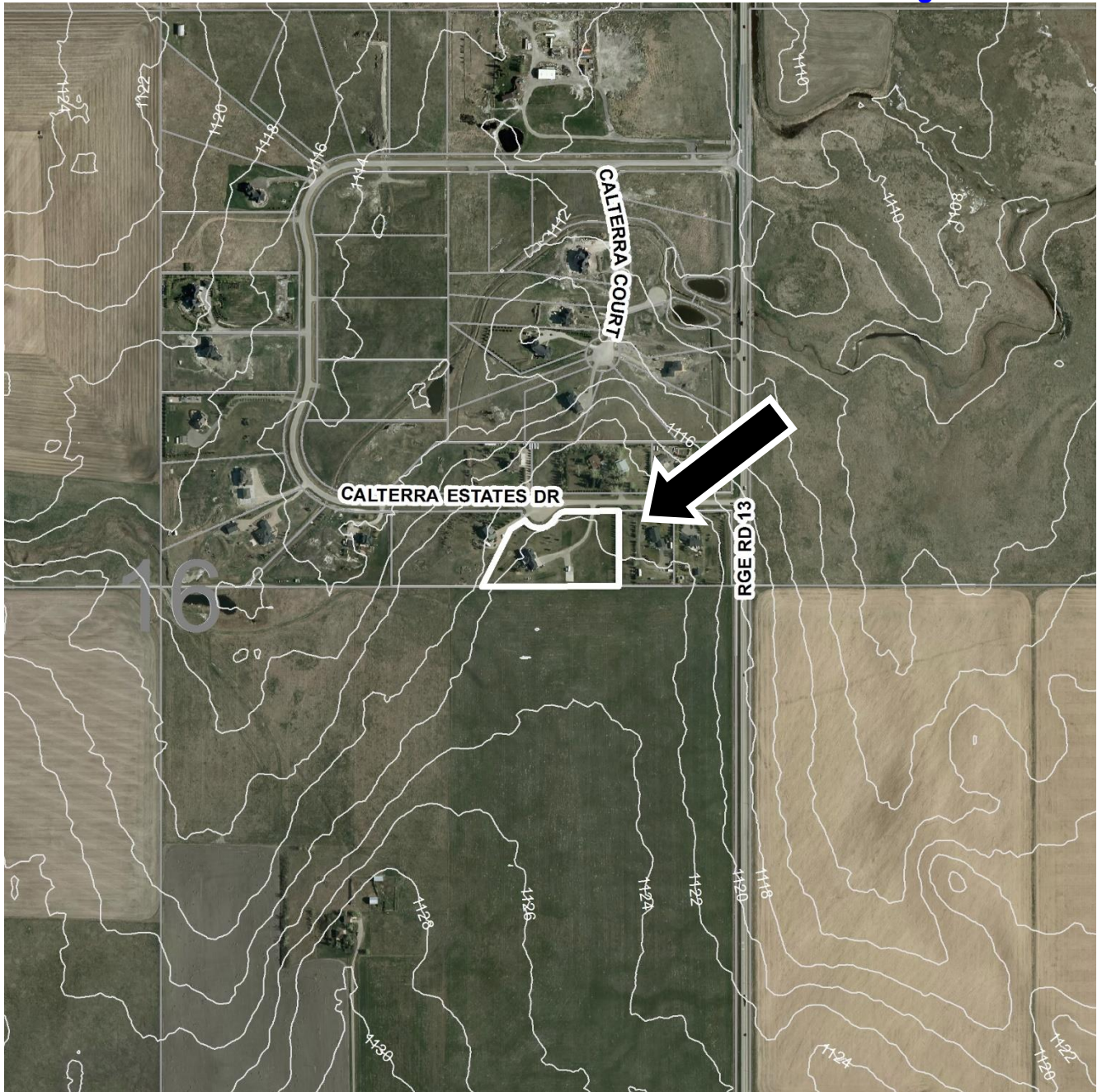
Lot:5 Plan:0010692
NE-16-26-01-W05M

Date: Dec 27, 2018

Division # 7

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Contours are generated using 10m grid points, and depict general topographic features of the area. Detail accuracy at a local scale cannot be guaranteed. They are included for reference use only.

TOPOGRAPHY
Contour Interval 2 M

Lot:5 Plan:0010692
NE-16-26-01-W05M

Date: Dec 27, 2018

Division # 7

File: 00516014 [Agenda Page 136 of 179](#)





Note: Post processing of raw aerial photography may cause varying degrees of visual distortion at the local level.

AIR PHOTO

Spring 2016

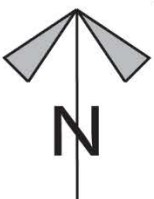
**Lot:5 Plan:0010692
NE-16-26-01-W05M**

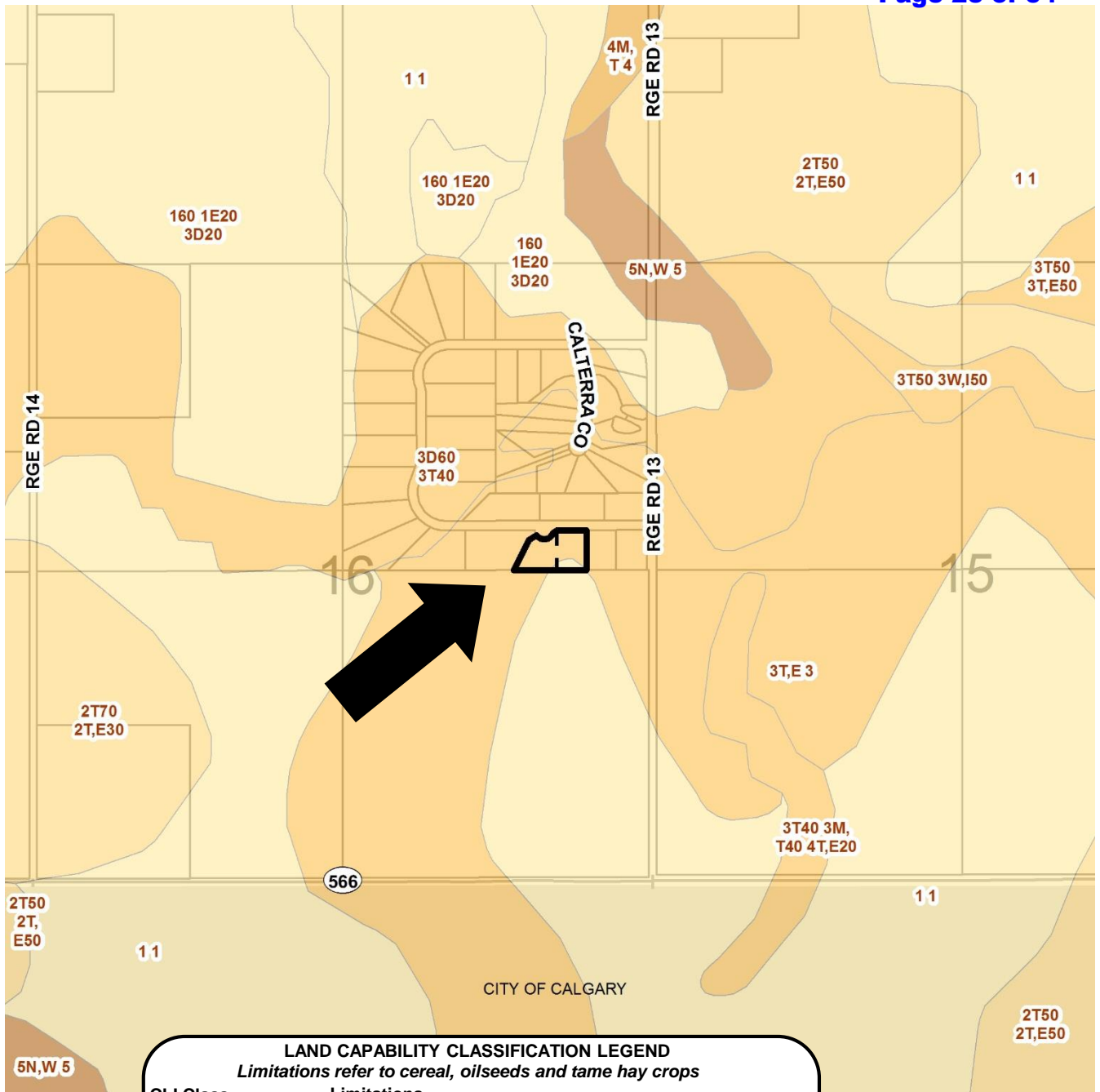
Date: Dec 27, 2018

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LAND CAPABILITY CLASSIFICATION LEGEND
Limitations refer to cereal, oilseeds and tame hay crops

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 sodicity
- 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

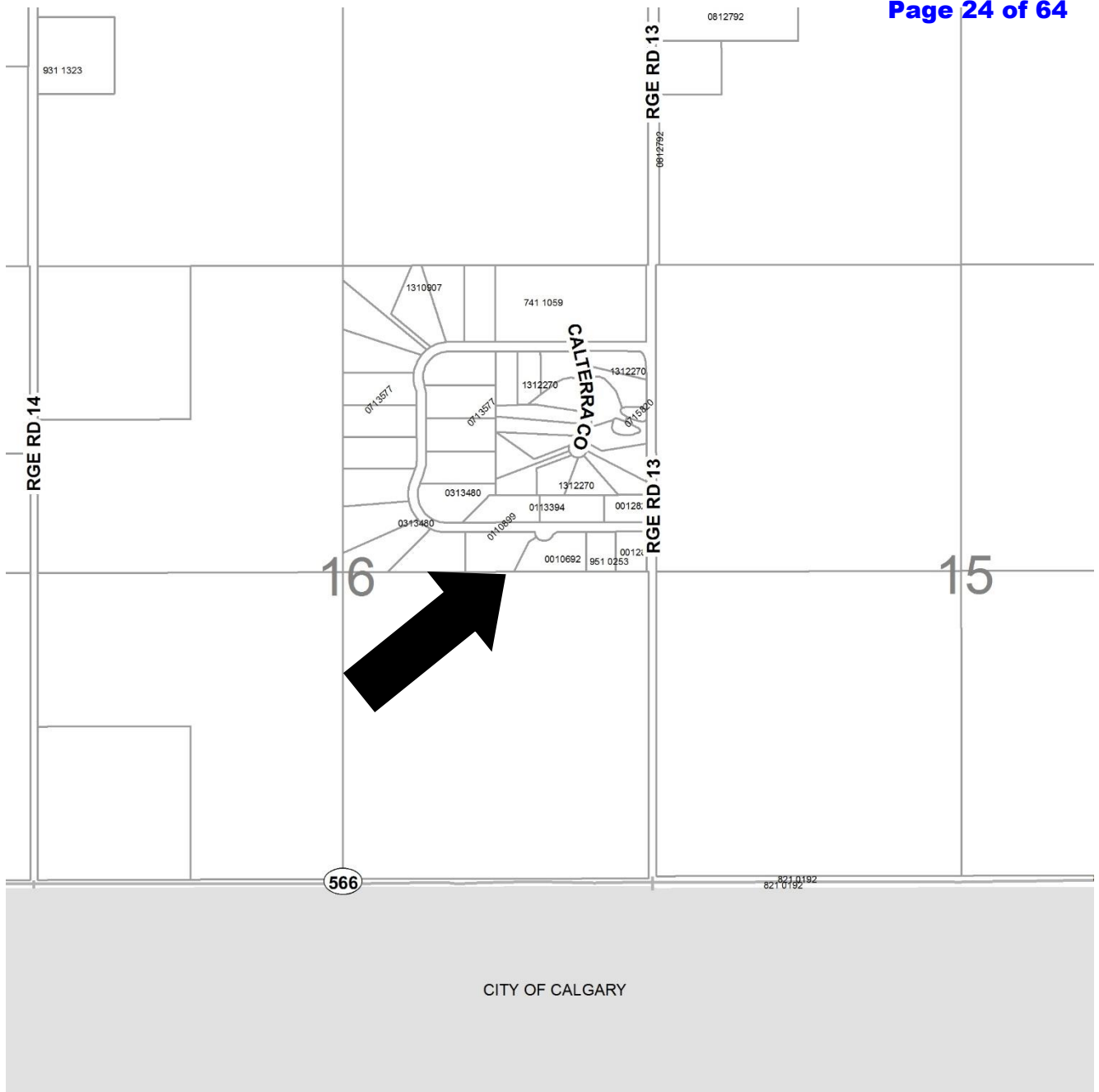
SOIL MAP

Lot:5 Plan:0010692
NE-16-26-01-W05M

Date: Dec 27, 2018

Division # 7

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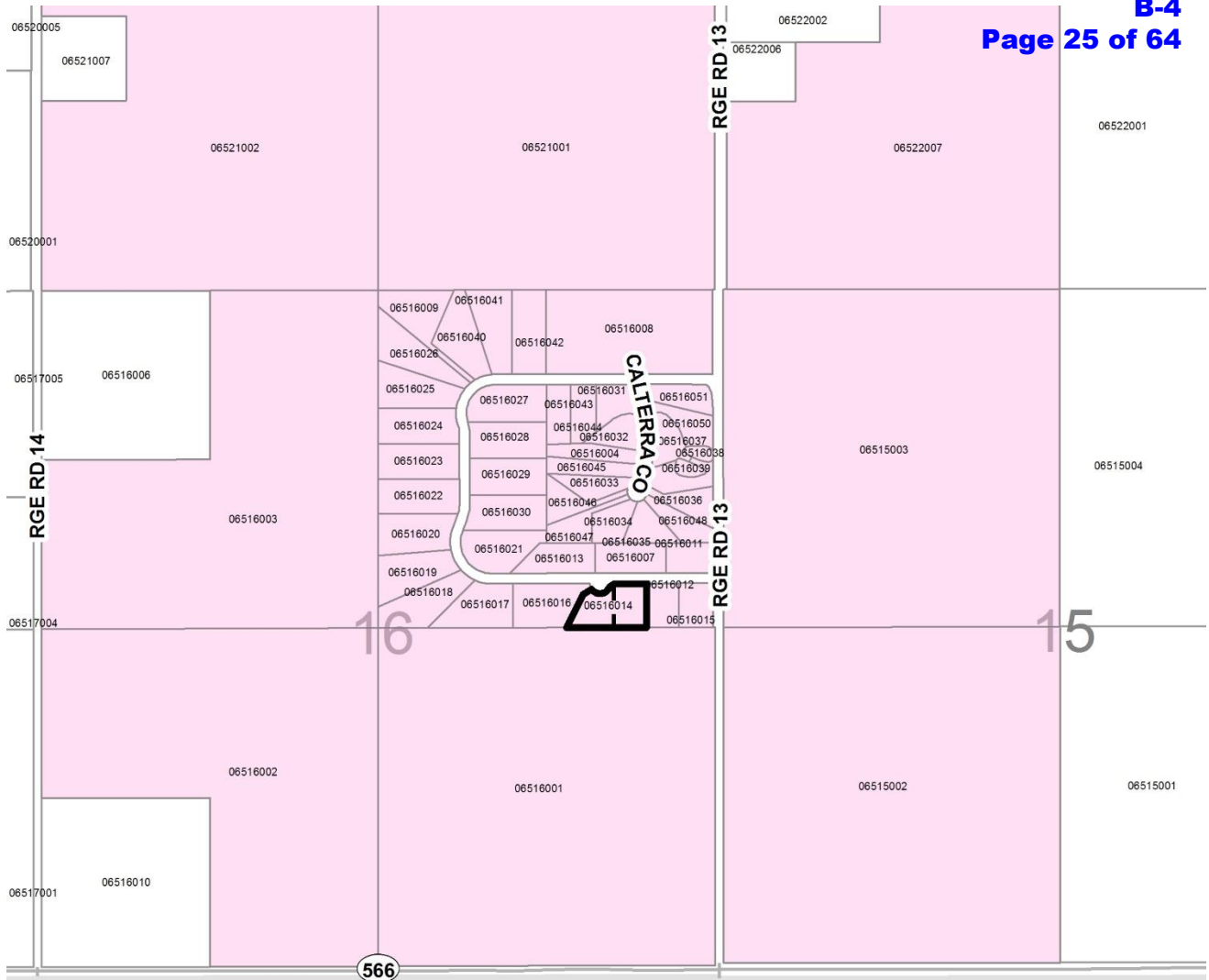
**Legend – Plan numbers**

- First two numbers 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

HISTORIC SUBDIVISION MAP

Lot:5 Plan:0010692
NE-16-26-01-W05M

Date: Dec 27, 2018Division # 7File: 06516014 **Agenda Page 139 of 179**

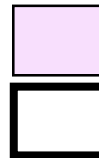


Letters in Opposition



Letters in Support

Legend



Circulation Area

Subject Lands

LANDOWNER CIRCULATION AREA

Lot:5 Plan:0010692
NE-16-26-01-W05M

Date: Dec 27, 2018

Division # 7

File: [Agenda Page 140 of 179](#)



Notice of Appeal

Subdivision and Development Appeal Board

Appellant Information			
Name of Appellant(s) TERRY & HELEN OHLHAUSER			
Mailing Address 143 RANCHERO PL. N.W.	Municipality CALGARY	Province AB	Postal Code T3G-1C6
Site Information			
Municipal Address 12 CALTERRA EST. DR	Legal Land Description (lot, block, plan and/or quarter-section-township-range-meridian) S, 0010692, NE-16-26-1-W5M		
Development Permit, Subdivision Application, or Stop Order # PL 2017 0030		Roll #	
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	
Reasons for Appeal (attach separate page if required)			
SEE ATTACHED			



ROCKY VIEW COUNTY
LEGISLATIVE SERVICES
DEC 27 2018

This information is collected for the Subdivision and Development Appeal Board of Rocky View County and will be used to process your appeal and to create a public record of the appeal hearing. The information is collected under the authority of the *Freedom of Information and Protection of Privacy Act*, section 33(c) and sections 645, 678, and 686 of the *Municipal Government Act*. If you have questions regarding the collection or use of this information, contact the Manager of Legislative and Legal Services at 403-230-1401.

Terry Ohlhausen
Appellant's Signature

Last updated: November 16, 2017

Date Dec 27/2018

Page 1 of 2

December 27, 2018

Clerk, Subdivision and Development Appeal Board
262075 Rocky View Point
Rocky View County, AB, T4A 0X2

Reference: Appeal of Conditions of Approval noted in Subdivision Transmittal of Decision

File Number: PL20170150

Location: Lot 5 (Plan 0010692; NE-16-26-1-W5M)

Dear Sir or Madam:

Please accept this as an appeal under the applicable provisions of the *Municipal Government Act* of certain conditions contained in the Subdivision Transmittal of Decision issued by Rocky View County on December 3, 2018 (the "Decision") in relation Lot 5 (Plan 0010692; NE-16-26-1-W5M). In particular, we are appealing the portion of the Decision that makes the relevant subdivision conditional upon the payment of the Transportation Off-Site Levy in accordance with Bylaw C-7805-2014 (the "Bylaw").

It is our view that Section 6(b)(iii)(3) of the Bylaw should be applied in relation to the relevant subdivision on the basis that the subdivision "is unlikely to result in an increase in traffic on the local road network". If applied, the relevant subdivision would be exempted from the imposition of the Base Levy Rate and the Special Area Levy Rate.

Certain circumstances that we have become aware of during the process associated with this subdivision warrant the application of this exemption, including:

1. The Object and Scope of the Bylaw is to establish a Levy which shall be imposed upon Lands within the County which are the subject of Subdivision or Development, where no previous off-site levies have been collected for the same services under any previous bylaw, for the purpose of collecting funds to be allotted towards financing of the Capital Cost of: i) new or expanded Roads required for or impacted by Subdivision or Development; and ii) the acquisition of Lands required for or in connection with any such new or expanded Roads.
2. Item C-3 from the agenda for the Nov. 13, 2018 meeting states that:
 - a. "[t]he subject lands currently feature a paved approach servicing the existing dwelling via Calterra Estates Drive. The approach is in good condition and requires no upgrades. As the approach is located within the boundary of the eastern proposed lot, a new approach would be required to be constructed in order to provide access to the existing dwelling"; and
 - b. "Alberta Transportation has reviewed the proposal and has determined that the lands subject to this application are located greater than 800 metres from the centreline of Highway 566. The proposal to amend the Conceptual Scheme and the subsequent subdivision application will not affect Highway 566 in any significant manner"

3. During discussion on Item C-3 at the November 13th meeting representatives for the Rocky View County stated that:

- a. Consultation with engineer resulted in no Traffic Impact Analysis (at 2:22:00); and
- b. Council discussed the Traffic Impact Analysis in further detail and (i) the response from was past improvement have already been completed at the intersection for Calterra Estates Drive and RR13 and therefore based on these improvements a TIA is not considered required for this subdivision; (ii) improvements made at the intersection are appropriate at the time for this subdivision and also indicated this would be applicable to future subdivisions in the area; and (iii) existing roadway is sufficient (at 2:29:25).

Based on the forgoing, we request that the Rocky View County reconsider the portion of the Decision related to the payment of the Transportation Off-Site Levy and exempt the payment of the Base Levy Rate (as well as the Special Area Levy Rate) and exempt the application of these rates to the applicable subdivision by applying Section 6(b)(iii)(3) of the Bylaw.

Should you want to discuss this request further, please do not hesitate to contact me at [REDACTED].

Yours truly,


Terry Ohlhauser



ROCKY VIEW COUNTY 20170030
Cultivating Communities

PLANNING SERVICES FORM 3.6 SUBDIVISION APPLICATION RESIDENTIAL PURPOSES

FOR OFFICE USE ONLY	
Date of Receipt 02/15/17	File Number 06516014
Fee Submitted \$2340.00	Accepted by AL

Please note that the information provided in these forms is crucial to the assessment of your Application. Further, that in making this Application you are certifying the accuracy of the information contained in the pages of this form and any other material submitted with your application. Erroneous or inaccurate information provided in these forms or within the material submitted with your application may prejudice the validity of the Application and/or any decision issued regarding the Application. This form incorporates the details required in section 4(2) of the Subdivision and Development Regulation *Schedule Form 1 Subdivision and Development Regulation (section 4) Application for Subdivision* and the requirements specified in section 4(3), 4(4) and 4(5) of the Subdivision and Development Regulation. This form is to be completed in full wherever applicable by the registered owner of the land that is the subject of the application or by a person authorized to act on the registered owner's behalf.

NATURE OF PROPOSED APPLICATION

☒ Subdivision

1. APPLICANT / AGENT

Applicant / Agent TERRY & HELEN OHLHAUSER

Mailing Address [REDACTED] Postal Code [REDACTED]

Telephone (B) [REDACTED] Fax [REDACTED]

Email [REDACTED]

☐ Owner Same As Applicant

2. OWNER

Registered Owner JONATHAN & KIRSTEN FRIESEN

Mailing Address [REDACTED] Postal Code [REDACTED]

Telephone (B) [REDACTED] (H) [REDACTED] Fax [REDACTED]

Email [REDACTED]

3. LEGAL DESCRIPTION AND AREA OF LAND TO BE SUBDIVIDED

All / part of the N.E ¼ section 16 township 26 range 1 west of 5 meridian

Being all / parts of lot 5 block [REDACTED] Registered Plan Number 0010692 Certificate of Title Number 011026274

Municipal Address (if applicable) 12 CALTERRA ESTATES DR, ROCKY VIEW COUNTY

Total Area of the above parcel of land to be subdivided is .810 hectares (2 acres)

PLANNING SERVICES FORM 3.6

4. LOCATION OF LAND TO BE SUBDIVIDED

- (a) The land is situated in the municipality of **ROCKY VIEW COUNTY**. ☒ YES
- (b) Is the land situated immediately adjacent to the municipal boundary? ☐ YES ☒ NO
If "yes", the adjoining municipality is _____
- (c) Is the land situated within 0.8 kilometres of the right-of-way of a highway? ☒ YES ☐ NO
If "yes", the highway is Number RR #13
- (d) Does the proposed parcel contain or is it bounded by a river, stream, lake or other body of water, or by a canal or drainage ditch? No
If "yes", state its name _____
- (e) Are there any oil or gas wells on or within 100 metres of the subject property(s)? ☐ YES ☒ NO
- (f) Is the proposed parcel within 1.5 kilometres of a sour gas facility? ☐ YES ☒ NO
- (g) Is the sour gas facility ☐ active, ☐ abandoned, or currently being ☐ reclaimed?
- (h) Is there an abandoned oil or gas well or pipeline on the property? ☐ YES ☒ NO

5. EXISTING AND PROPOSED USE OF LAND TO BE SUBDIVIDED

Describe: (a) Existing use of the land BARE-VACANT

(b) Proposed use of the land RESIDENTIAL-SINGLE FAMILY

(c) The designated use of the land as classified under a Land Use Bylaw R-1

6. PHYSICAL CHARACTERISTICS OF LAND TO BE SUBDIVIDED (WHERE APPROPRIATE)

- (a) Describe the nature of the topography of the land (flat, rolling, steep, mixed)
flat
- (b) Describe the nature of the vegetation and water on the land (brush, shrubs, tree stands, woodlots etc., sloughs, creeks, etc.) grass
- (c) Describe the kind of soil on the land (sandy, loam, clay, etc.) LOAM & CLAY

7. EXISTING BUILDINGS ON THE LAND TO BE SUBDIVIDED

Describe any buildings (historical or otherwise), and any structures on the land and whether or not they are to be demolished or moved. GARAGE PAD - TO BE REMOVED

8. WATER AND SEWER SERVICES

If the proposed subdivision is to be served by other than a water distribution system and a wastewater collection system, describe the manner of providing water and sewage disposal.

9. PROPOSED LOTS

- (a) Number of parcels being created ONE
- (b) Size of parcels being created 72 m frontage, 77 m rear, Side 103-104 m

PLANNING SERVICES FORM 3.6

10. MUNICIPAL RESERVE STATUS

(a) Disposition of Municipal Reserve, please check appropriate box:

☐ Deferral

☐ If dedicated, area of Reserves and designation

☐ Deferral to balance

☒ Cash in lieu of land, value to be determined by appraisal.

PLANNING SERVICES FORM 3.6

11. MANDATORY SUPPORTING INFORMATION – SUBDIVISION

PART A: General requirements

- ☒ Application forms.
- ☒ Authorization from owner of the parcel for the making of the application.
- ☒ Proposed plan of subdivision or other instrument.
- ☒ Payment of fees.
- ☐ Land title for all properties affected by the subdivision must be within 30 days of the date of application.
- ☒ Description of the use or uses proposed for the land that is the subject of the application.
- ☒ Signed appraisal agreement and time extension agreement (if applicable)
- ☐ Information provided by the Alberta Energy Regulator (AER) as set out in AER Directive 079, *Surface Development in Proximity to Abandoned Wellbores*, identifying the location or confirming the absence of any abandoned wells within the proposed subdivision, and if an abandoned well is identified in the information a map showing the actual wellbore location of the abandoned well, and a description of the minimum setback requirements in respect of an abandoned well in relation to existing or proposed building sites as set out in AER Directive 079, *Surface Development in Proximity to Abandoned Wellbores*. not required for a boundary realignment.

Note: It should be noted that while every effort is made to ensure that applicants are provided with clear information regarding the requirements for applications, that over the course of the application assessment process, particularly following a full technical review and also following the receipt of submissions from agencies and landowners, additional technical information may be required. In addition to the requirement for further technical information, further justification regarding the merits of a development proposal may also be required.

PLANNING SERVICES FORM 3.6

PART B: For subdivision of land for **Residential Purposes** (other than a residential first parcel out or farmstead)

Wastewater

- ☐ Where the County determines that the subject land is in proximity to a piped wastewater system, the Applicant shall provide evidence that the system has sufficient capacity to accommodate the proposed development in accordance Alberta Environment Sustainable Resource Development (AESRD) requirements.

OR

- ☒ Where the County determines that a regional or decentralized wastewater system is required, the Applicant shall provide a Wastewater Treatment & Disposal Plan which details facility construction, management, operation and ownership including demonstrating that the necessary applications have been made to AESRD and providing a copy of that application to the County.

Conditions of subdivision may include but not be limited to:

- A requirement to connect to a piped wastewater system capable of servicing the site in accordance with AESRD standards.
- A requirement to develop or make upgrades to a wastewater treatment and disposal system capable of accommodating the development in accordance with AESRD and Rocky View County standards and requirements. This may be under a Development Agreement.
- A requirement to register instruments detailing wastewater systems limitations and Home Owner's Association obligations.
- Payment of relevant Levies.

Water supply

- ☐ Where the Applicant proposes that the subject land is in proximity to a piped water supply system, the Applicant shall provide evidence that the system has sufficient capacity to accommodate the proposed development in accordance with AESRD requirements.

OR

- ☒ Where the County determines that a regional or decentralized water supply system is required, the Applicant shall provide a Water Supply Plan which details facility construction, management, operation and ownership including demonstrating that the necessary applications have been made to AESRD and providing a copy of that application to the County.

Conditions of subdivision may include but not be limited to:

- A requirement to connect to a piped water supply system capable of servicing the site in accordance with Alberta Environment standards.
- A requirement to develop or make upgrades to a water treatment and supply system capable of accommodating the development in accordance with Alberta Environment and Rocky View County standards and requirements. This may be under a Development Agreement.
- A requirement to register instruments detailing water systems limitations and Lot Owners Association obligations.
- Payment of relevant levies.

PLANNING SERVICES FORM 3.6

- Provision of confirmation from the private water supply provider that connection rights have been secured.

Water supply and wastewater treatment and disposal (no piped services)

- ☐ A Supply Evaluation (Phase 1) OR Water Well Driller's Report (demonstrating a minimum supply rate of 1 IGPM) to determine the likelihood of installing a successful well. Alternatively, the Applicant shall demonstrate that the proposed parcel is capable of connection to piped water supply with sufficient capacity and in accordance with provincial requirements.
- ☒ Where the County has determined that a piped wastewater system is not available for connection and a regional or decentralized system is either not proposed or not required, the Applicant shall provide a Private Sewage Treatment System (PSTS) Report in accordance with the County's Servicing Standard which demonstrates, based on on-site soil analysis, the capacity of the lands to cater for treatment and disposal of wastewater.

Conditions of subdivision may include but not be limited to:

- A requirement to enter into a Development Agreement regarding the type of private sewage treatment system to be installed as part of the development of a new dwelling.
- A requirement to install a well/s and demonstrate in accordance with the County's Servicing Standards that the well is adequate to supply each new dwelling.
- Payment of relevant levies.
- Confirmation from the a private water supply provider that connection has been secured for the subject parcels.
- Provision of a Supply Evaluation (Phase II).

Stormwater management

- ☐ A statement from a suitably qualified stormwater Engineer (P.Eng) regarding the necessity for a detailed stormwater management report or plan including the general rationale for this position. If the statement indicates that a Site Specific Stormwater Implementation Plan (where the subdivision involves fewer than 10 lots) or Stormwater Management Report (where the subdivision involves 10 or more lots) is required, the Plan / Report with recommendations regarding any required works to manage stormwater shall be provided including identification of downstream conveyance requirements. Regardless of the statement prepared by a stormwater engineer, the County may determine the required technical reporting associated with stormwater management.
- ☐ A Subcatchment Master Drainage Plan (SCMDP) in accordance with the County Servicing Standards, if required.

Conditions of subdivision may include but not be limited to:

- A requirement to comply with the recommendations of a Site Specific Stormwater Implementation Plan / Stormwater Management Report prepared for the site (including constructing stormwater management facilities under a Development Agreement).
- A requirement to make amendments to the Site Specific Stormwater Implementation Plan / Stormwater Management Report to address deficiencies in the plan or report or meet standards of practice including standards set by the County's servicing standards.
- Registration of easements to secure downstream conveyance and accept upstream disposal arrangements.

PLANNING SERVICES FORM 3.6

- Any other stormwater management requirements deemed necessary on the basis of the County's Servicing Standards.

Geotechnical matters

- ☐ A statement from a suitably qualified professional (P.Eng) regarding the necessity for a Geotechnical Report including the general rationale for this position. An assessment of subsurface characteristics of the land (Geotechnical Report) that is to be subdivided including but not limited to, susceptibility to slumping or subsidence, depth to water table and suitability for any proposed on-site sewage disposal facilities. These matters may be addressed in the PSTS. Should the statement identify the requirement for the preparation of a Geotechnical Report, then a Geotechnical Report shall be prepared. Notwithstanding the preceding comments, a Geotechnical Report shall be prepared in the following circumstances:

- ☐ The County requires preparation of a Geotechnical Report.
- ☐ The proposal includes the construction of a road, stormwater pond, infrastructure or civil works for other public facilities including municipal reserve.

Conditions of subdivision may include but not be limited to:

- A requirement to enter into a Development Agreement for carrying out civil works or road construction on the site.
- The protection of areas susceptible to geotechnical constraints for development.
- Any other requirements deemed necessary on the basis of the County's Servicing Standards.

Traffic Impacts

- ☐ A statement from a suitably qualified traffic engineer (P.Eng) regarding the necessity for a Traffic Impact Assessment (TIA) including the general rationale for this position. Should the statement identify the requirement for the preparation of a TIA, then a TIA shall be prepared. Notwithstanding the preceding comments, a TIA shall be prepared if:

- ☐ The County requires preparation of a Traffic Impact Assessment in order to process the application;

Conditions of subdivision may include but not be limited to:

- A requirement to make the necessary improvements identified under the Traffic Impact Assessment under Development Agreement.
- Make the necessary road dedications including road widening dedications.
- A requirement to construct new roads under Development Agreement.
- Installation of approaches to service new lots.
- Registration of any necessary permanent or temporary instruments to provide for appropriate access and road service delivery management.
- Any other requirements deemed necessary on the basis of the County's Servicing Standards.

Biophysical Impact Assessment

- ☐ Where there is evidence of wetlands (or mapped wetlands regardless of status) on the parcel proposed for subdivision, a statement from a suitably qualified person (P.Eng) regarding the necessity for a Biophysical Impact Assessment. If the statement indicates that a Biophysical Impact Assessment is required, or the County so determines, a Biophysical Impact Assessment with recommendations regarding any required works to facilitate the development. Alternatively, the Applicant shall provide a Biophysical Impact Assessment.

PLANNING SERVICES FORM 3.6

Conditions of subdivision may include but not be limited to:

- A requirement to comply with the recommendations of the Biophysical Impact Assessment;
- Dedication of any relevant Environmental Reserve or Environmental Reserve Easements; and
- Compliance with any AESRD requirements for wetland dedication or compensation.

Slope Stability

- ☐ If there is evidence that the subject land has slopes equal to, or in excess of, 15% (with greater than 2m of vertical rise), the Applicant shall incorporate a site plan identifying future dwelling/building sites, PSTS and Water Well locations within a minimum developable area of 1 acre together with private access roads. Where there is evidence of slopes equal to, or in excess of, 15% (with greater than 2m of vertical rise) on the site and development (future building construction, filling or excavation or the construction of private access or roads) is to incorporate this portion of the lands, or development is to be in close proximity to these sloped areas, a Slope Stability Assessment prepared by a suitably qualified professional (P.Eng) shall be provided which shall incorporate recommendations for the management of these areas with respect to the proposed development.

OR

- ☐ If there is evidence that the subject land has slopes equal to, or in excess of, 30% (with greater than 3m of vertical rise), the Applicant shall incorporate a site plan identifying future dwelling/building sites, PSTS and Water Well locations within a minimum developable area of 1 acre together with private access roads. Where there is evidence of slopes equal to or in excess of 30% (with greater than 3m of vertical rise) on the site and development (future building construction, filling or excavation or the construction of private access or roads) is to incorporate this portion of the lands, or development is to be in close proximity to these sloped areas, a Slope Stability Analysis prepared by a suitably qualified professional (P.Eng) shall be provided which shall incorporate recommendations for the management of these areas with respect to the proposed development.

Conditions of subdivision may include but not be limited to:

- A requirement to comply with the recommendations of the Slope Stability Assessment or Slope Stability Analysis.

Environmental Site Assessment

- ☐ If a proposed residential parcel is adjacent to rail lands or there is any evidence of site history which may have contributed to the contamination of the site, the Applicant shall provide an Environmental Site Assessment.

Conditions of subdivision may include but not be limited to:

- ☐ A requirement to comply with the recommendations of the Environmental Site Assessment including any site reclamation required.

Other matters

- ☐ Any other technical reports determined to be necessary in order to assess the suitability of land for subdivision including those items identified within the County Servicing Standards.

PLANNING SERVICES FORM 3.6

Terms, conditions and additional notes regarding subdivision applications

The following terms, conditions and additional notes are not limiting on the Subdivision Authority or the County in the requirement of supporting information for an application or the imposition of conditions on a subdivision approval.

- (a) *Boundary realignments*: requirement for applications regarding boundary realignments do not typically demand additional technical studies, unless the application is considered to significantly reduce the size of one of the parcels the subject of the application such that technical considerations need to be addressed (for example, a residential lot is reduced in size as a result of redesignation and boundary realignment for R-2 to R-1 demanding a higher level of proof for servicing). However, the County reserves the right to request additional technical reports if it is considered that previous servicing (including wastewater, stormwater, traffic and water supply) arrangements are insufficient.
- (b) **It should be noted that all information provided with an application is available for public review and comment.**
- (c) General statement about conditions:
 - 1. The Subdivision Authority may include any condition necessary to satisfy a Land Use Bylaw provision, a County Plan, Area Structure Plan, Conceptual Scheme, or Master Site Development Plan policy or County Servicing Standard.
 - 2. Where on-site works are proposed the County may, by condition, require the provision of a Construction Management Plan.
 - 3. The Subdivision Authority may impose any condition to meet a requirement of the Municipal Government Act or Subdivision and Development Regulation.
 - 4. As a condition of subdivision approval, the Subdivision Authority may include the requirement to update technical reports submitted with the application.
 - 5. The Subdivision Authority shall impose relevant requirements for the payment of levies associated with Bylaws for transportation, wastewater, water supply and stormwater:
 - i. Transportation Offsite Levy Bylaw;
 - ii. Water and Wastewater Offsite Levy Bylaw; and
 - iii. Such other Bylaws as may be in force or come into force and be applicable to development or activities on or services provided to the subject land from time to time.
 - 6. The Subdivision Authority shall determine any oversizing requirements for services and infrastructure required to be constructed as part of the proposed subdivision. The County will determine Cost Recovery arrangements through preparation and execution of documents prior to endorsement of a plan of survey for registration.
 - 7. The Subdivision Authority shall determine any outstanding municipal reserve dedications, cash-in-lieu payments or deferrals.
- (d) *Technical reports* are defined as any report or any information regarding a matter identified in the Municipal Government Act, Subdivision and Development Regulations, Statutory Plan, County Policy, Servicing Standards or Bylaw.

PLANNING SERVICES FORM 3.6

(e) General statement about technical reports:

1. Additional technical reports may be required after the time of application, based upon the ongoing assessment of the application.
- (f) All costs of development are borne by the landowner or developer including, but not limited to, all on and off-site construction works, infrastructure development, securities, levies, contributions, reserve payments, additional fees associated the preparation and review of reports and technical assessments, endorsement fees imposed by the County, registration fees and such other costs as may be associated with the development of the land and the registration of any and all documents to create separate title for proposed parcels. Further, that it is the landowner's and developer's responsibility to identify and consider all costs of development.
- (g) The applicant and landowner acknowledge that not providing the information required in this form or failing to provide accurate information may prejudice the assessment of the application.
- (h) The applicant and landowner acknowledge that the County including individual staff members have not provided an advisory role with respect to the preparation and making of this application and that the decision to make the application is entirely that of the applicant and landowner.

12. REGISTERED OWNER OR PERSON ACTING ON HIS BEHALF

I TERRY OHLHAUSER & hereby certify that ☐ I am the registered owner
(Print Full Name) ☒ I am authorized to act on behalf of
HELEN OHLHAUSER the registered owner

and that the information given on this form and the material provided with this application is full and complete and is, to the best of my knowledge, a true statement of the facts relating to this application for subdivision approval. Further, I have read, understood and accept the contents, statements and requirements contained and referenced in this document – **SUBDIVISION APPLICATION PLANNING SERVICES FORM 3.6**.

Address [REDACTED] (Signed) Terry Ohlhauser
Phone Number [REDACTED] Date Feb. 13/17

13. RIGHT OF ENTRY

I hereby authorize Rocky View County to enter my land for the purpose of conducting a site inspection in connection with my application for subdivision approval.

Applicant / Owner's Signature

Terry Ohlhauser



ROCKY VIEW COUNTY
Cultivating Communities

LETTER OF AUTHORIZATION

I, (We) Jonathan & Kirsten Friesen being the owner (s) of

Lot 5 Block _____ Plan 0010692

Legal:

NW NE SE/SW Section NE-16 Township 26 Range 1 W 5 M

give TERRY & HELEN ONLHAUSER permission to act on my (our) behalf in
the Redesignation and/or Subdivision of the subject property.

Signature _____

Signature _____

Date 13 FEB 2017

Owner(s) contact information:

Mailing Address: _____

_____ Postal Code _____

Telephone (H) _____ Cell (C) _____ Other _____

Email _____



PLANNING SERVICES APPRAISAL AGREEMENT

APPLICANT: TERRY & HELEN OHLHAUSER

LEGAL
DESCRIPTION:



Section 667(1)(a) of the Municipal Government Act states that

If money is required to be provided in place of municipal reserve, school reserve or municipal and school reserve, the applicant must provide

- (a) *a market value appraisal of the existing parcel of land as of a specified date occurring within the 35-day period following the date on which the application for subdivision approval is made*

In accordance with Section 667(1)(a) of the Municipal Government Act the applicant agrees:

- ☒ To provide Rocky View County with a market value appraisal of the subject property within 35 days of the subdivision application fees being paid

or

- ☐ To pay the subdivision appraisal fee (refer to Master Rates Bylaw) and have Rocky View County obtain the market value appraisal on your behalf

Feb. 13 / 17
Date

Terry Ohlhauser
Applicant's Signature



Planning Services

06516014.

File Number

Time Extension Agreement for Subdivision Applications

APPLICANT:

TERRY & HELEN OHLHAUSER

LEGAL
DESCRIPTION:



Section 6 of the Subdivision and Development Regulations requires Rocky View County to make a decision on a completed application within **60 days** of its receipt, unless an agreement is entered into with the applicant to extend this period.

In order to permit Rocky View County to make a decision on your application, we are requesting that you enter into the Time Extension Agreement as set out below. Without this agreement, we will be unable to deal with your application after the 60 day period has expired.

If you concur with our request, please complete the agreement set out below and forward it to:

ROCKY VIEW COUNTY
Planning and Development Services
911 – 32nd Avenue N.E.
Calgary, Alberta T2E 6X6

In accordance with Section 681 (1)(b) of the Municipal Government Act,

I/We,

TERRY & HELEN OHLHAUSER

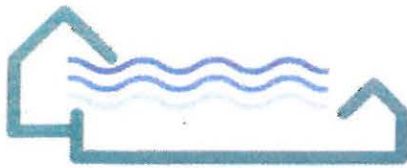
hereby enter into an agreement with Rocky View County to extend the time prescribed under Section 6 of the Subdivision and Development Regulations

Feb. 13/17

Date

Terry Ohlhauser

Applicant's Signature



ROCKY VIEW WATER CO-OP LTD.

January 27, 2017

Kirsten and Jonathon Friesen
12 Calterra Estates Drive
Rocky View County, AB T4B 3P4

Re: Confirmation of Water Supply, Lot 5, Plan 0010692

Dear Mr. and Mrs. Friesen:

Your proposed subdivision of this property and future access to water from Rocky View Water Co-op Ltd. requires one capacity unit with Rocky View Water Co-op Ltd. We hereby confirm that Rocky View Water Co-op has the capacity to service this property, Lot 5, Plan 0010692.

We confirm that you have secured this access, have a membership in Rocky View Water Co-op Ltd. and have fully paid for one Capacity Unit in reserve for this purpose.

You will be required to enter into a Water Services Agreement with Rocky View Water Co-op Ltd. prior to development. We confirm that there is an existing water service connection to this property

All Rocky View Water Co-op standards must be followed and all of the water lines will be inspected during installation and at completion. Please contact me for any further information.

Sincerely,

Brad Mason
General Manager



Box 19 Ste 10 RR1
Okotoks, AB T1S1A1
Tel / Fax 1-855-201-7767
chad@soilworx.ca

| PSTSAssessment and Site Evaluation |

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0.0 INTRODUCTION

The following contains a PSTSAssessment and Site Evaluation for the proposed parcel at NE-16-26-01-W5M L5 P0010692 [12 CALTERRA ESTATES DR, ROCKYVIEW AB] that was completed by SOILWORX.ca. The assessment provides detailed information regarding the suitability for a Private Sewage Treatment System in the proposed parcel(s).

1.0 SCOPE OF WORK

- The following items detail the scope of work for this site:
- 1. Coordinate field activities, property access and safety considerations between SOILWORX.ca and contractor personnel
 - 2. Conduct line locates (public and/or private) if necessary, prior to site assessment.
 - 3. Conduct a tailgate meeting with all contractors, landowners and other personnel onsite prior to beginning the assessment.
 - 4. Conduct a site assessment based on information provided by the client, including lot boundaries, easements, etc and the likely locations of a PSTS
 - 5. Summarize field observations, logs, analytical data, etc and provide report.
 - 6. Provide recommendations on suitability for each lot or parcel.

2.0 BACKGROUND

The proposed subdivision is located at 12 Calterra Estates Dr, Rockyview, AB, which is west of Centre St N.

Figure 1 – AGRISD Location

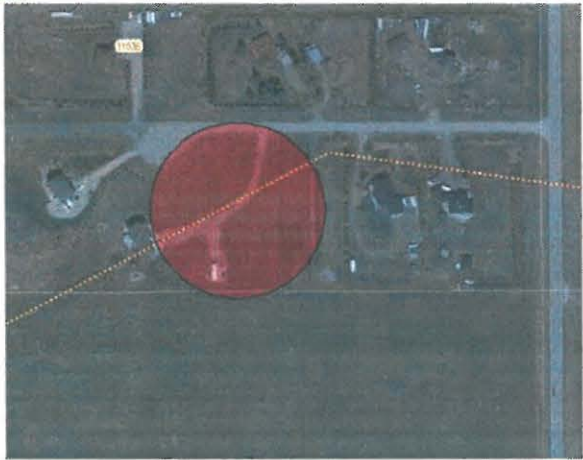
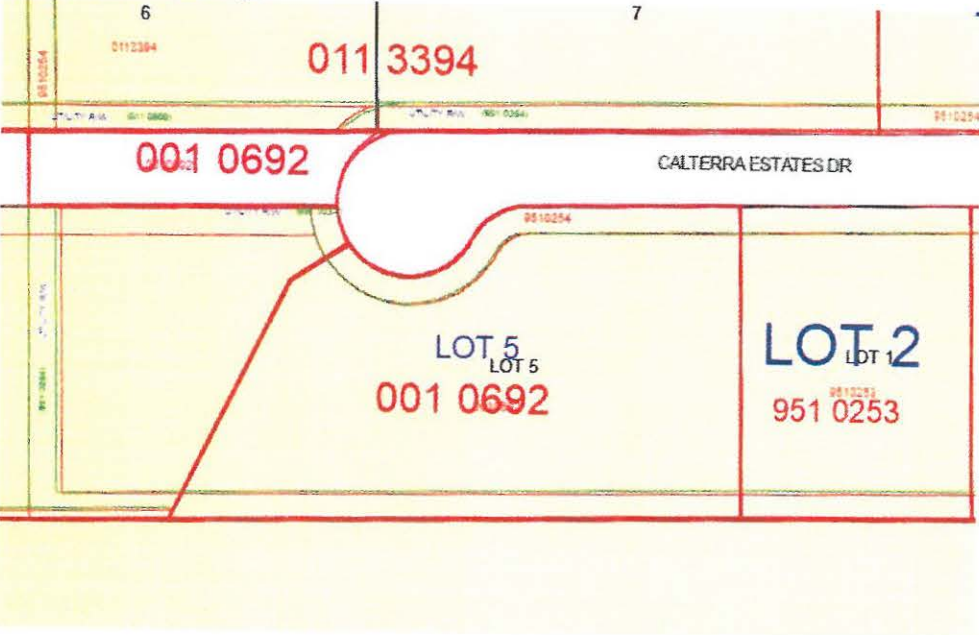


Figure 2 – Proposed Subdivision Location (* estimated only – actual dims to be verified/confirmed)



Figure 3 – SPIN Database Image



3.0 SAFETY

Standard personal protective equipment was worn by SOILWORX.ca personnel while onsite. SOILWORX.ca is insured under WCB. Occupational Health and Safety regulations for pits, trenches, and excavations were followed at all times (Part 32).

4.0 METHODS

SOILWORX.ca conducted a telephone conversation with Terry Ohlhauser prior to beginning work, who provided permission to Chad Widmer of SOILWORX.ca to conduct the assessment on the parcel(s).

Lines were located by all associated utilities via Alberta One Call.

The test pits were excavated in the approximate areas for the PSTS system based on standard setback distances and topography of the parcel(s). Test pits were excavated using a Bobcat E45 mini excavator to an initial depth of 5 ft then to a final depth of 9 ft (if able) to satisfy the current SOP requirements for vertical separations if restrictive layers were present.

For: Terry Ohlhauser

PROJECT: NE-16-26-1-W5M L5 P0010692

5/13

The Occupational Health and Safety regulations for pits, trenches and excavations were followed at all times. For entry of pits and examination of pit walls, a maximum excavation depth of 5 ft is allowed.

The Canadian System of Soil Classification was used to assess and describe the soil profiles and samples taken from each test pit. The samples were collected at specific depths in the soil profile based on location, depth, hand texturing, and other indicators to identify the most limiting or restricting conditions for an on-site sewage treatment system. The samples were placed in sealed plastics bags and transported to Down To Earth Labs in Lethbridge, AB where they were analyzed to determine the soil texture using a Hydrometer test.

5.0 SUBDIVISION / PARCEL(S) DESCRIPTION

A documented proposed subdivision plan was not supplied to SOILWORX.ca, however general size and property lines were discussed onsite. A home location has been assumed. At such time as a development is proposed, this report can be used to guide the future location of the home and estimated placement of Private Sewage Treatment System.

5.1 Surface water and drainage

The existing landform (within the soil polygon) includes low relief areas. Drainage is mostly towards the east.

A proper drainage plan will have to be incorporated into the overall parcel to ensure that proper drainage occurs, and is directed away from any PSTS.

5.2 Density

The new proposed parcel will be appx 2.2 acres (estimated), and have a single family residence built onto it.

5.3 Water Supply

The proposed parcel will be serviced by Rockyview Co-op water utility.

5.4 Vegetation

The dominant vegetation of the proposed development is currently open field / acreage yard. It appears that this parcel has been utilized / this for several years based on the history of satellite imagery.

5.5 Topography

The proposed parcel is mainly flat, with a small slope on the east side of up to 1%.

5.6 Encumbrances

Encumbrances were not investigated by nor supplied to SOILWORX. There is a utility ROW on the south property line. Other covenants, encumbrances, etc must be verified and confirmed prior to installation of a wastewater system.

5.7 Soils

Based on the soils information available from the AGRISD (CAESA Soil Inventory Project Working Group, 1998) and the soil survey of the proposed area, the main soil type in the proposed area is:

Orthic Black Chernozem on medium textured (L, CL) till (ADY).
Orthic Black Chernozem on medium textured (L, SiCL, CL) materials over medium (L, CL) or fine (C) textured till (RKV).
The polygon may include soils that are not strongly contrasting from the dominant or co-dominant soils (1).
Hummocky over bedrock, low relief landform with a limiting slope of 6% (H5I).

Figure 6 – Soil Polygon(s) for Development and Landforms

Soil Polygon Information		
POLY NUMB	11005	
HECTARES	806.9969079	
LSR SRATING	3HT(10)	
MUNAME	ADRK1/H5I	

Soil Components		
NEW_SYMBOL	ADY	RKV
PERCENT	50	50
SERIES	ACADEMY	ROCKYVIEW
DRAINAGE	W	W
MAS_PM	M4	L3
SG	O.BLC	O.BLC
COMPONENT	1	2

5.8 General Comment on Soil Conditions

It is noted that the majority of the site has moderate slope and drainage.

Actual test pit results concurr with the AGRISD Soil Polygon information. Clays and Clay loams were encountered in the soil horizons, with a restrictive layer (BEDROCK) found at approx 70" below the surface in both test pits. See Appendix A for soil logs.

In order to meet the current Alberta Private Sewage System Standard of Practice requirements for primary treated effluent a vertical separation distance of 60" is required between the design boundary and a limiting layer, restrictive layer or highly permeable layer. For secondary treatment a vertical separation of 36" is required between the design boundary and a limiting layer, restrictive layer or highly permeable layer.

6.0 LOT DESCRIPTION/ TEST PITS AND RECOMMENDATION

The following describes the development and makes the recommendations based on site conditions observed in the field and soil texture analysis results from Down To Earth Labs and SOILWORX.ca. Soil logs capture the hand texturing, structure, and grading of the soils from each test pit while the lab captures and confirms the soil texture and sieve analysis (if required) based on the samples that were taken.

Table 1 summarizes the suitability of the development to support PSTS over the long term and the recommended type(s) of system(s).

Daily flows were assumed to be from a 4 bedroom residence with 2.5 bathrooms, kitchen sink, laundry pair, no high flow showers, no garbage disposal, no water softener, no water treatment or iron filter, no soaker tub and an occupancy of 4 persons.

Table 1 – Ste Suitability for PSTS

New Proposed Lot @ 12 Calterra Estates Dr	
Design Soil Texture	Clay
Design Soil Structure	Blocky, Grade 2
Drainage	Moderate
Depth of Suitable Soil	70"
Soil Horizons	Soil horizons have minor textural contrast between test pits
Depth to Water Table	N/A
Topography	Mainly flat
Flooding	Low risk
Encumbrances	Not investigated
Surface Water	Effect on surface water is not a concern with proper onsite design
Overall Rating	Moderate
System Type	Pressurized treatment mound or;
Recommendation	a shallow burial treatment field (receiving secondary treated effluent from a treatment plant)

6.1 New Proposed Lot

The new proposed lot is approx 2.2 acres (estimated). It is serviced by Rockyview Co-op water, as well as other underground utilities. Test pits investigated revealed a restrictive layer around 70"-72". Lab results confirm the design soil texture to be a Clay.
Rockyview County Policy 449 states that any new developments after May 2011 between 1 and 4 acres require a treatment plant (certified to BNQ or NSF40). The onsite soils support secondary treated effluent only. The vertical separation distances are tight, leaving two final treatment options for the homeowner. First option is a pressurized treatment mound; second option is a pressurized treatment field, but would require a shallow burial depth to keep the proper vertical separation distances from the restrictive layer. In both cases, a certified treatment plant is required.

7.0 SYSTEM DESCRIPTION

7.1 General horizontal separation setback requirements

For actual system design the specifics of the planned home must be considered and the soil conditions should be confirmed at the final location selected for the sewage treatment system.

Setback Distances – (see current SOP for complete setback requirements)

	Treatment Field	Treatment Mound
Water source or water well	15 m (50 ft)	15 m (50 ft)
Licensed municipal water well	100 m (330 ft)	100 m (330 ft)
Water course, except as per 2.1.2.4	15 m (50 ft)	15 m (50 ft)
(2.1.2.4) Water Course (River, lake, stream, creek)	90 m (300 ft)	90 m (300 ft)
Property line	1.5 m (5 ft)	3 m (10 ft)
Septic tank	5 m (17 ft)	3 m (10 ft)
Basement, cellar, crawl space	10 m (33 ft)	10 m (33 ft)
Building without a basement, cellar or crawl space	5 m (17 ft)	10 m (33 ft)
Building without a permanent foundation	1 m (3.25 ft)	-

8.0 GENERAL RECOMMENDATIONS

An investigation of the possibility of groundwater mounding due to PSTS operation was not considered in this Assessment, therefore no measurements or calculations have been performed to predict or quantify potential groundwater mounding. However, SOILWORX.ca believes that because of the nature and the Clay textured soil of the site chosen that groundwater mounding will not be a significant consideration as effluent/water applied to the soil at proper loading rates will move at a sufficient rate both vertically and horizontally.

SOILWORX.ca recommends that once a home location is finalized, the location of the PSTS site (and also an optional reserve PSTS site) is identified and protected from traffic and development to preserve soil structure and increase long-term viability of the system. SOILWORX.ca recommends that the location(s) of the PSTS site(s) be documented in the subdivision and individual lot plans to ensure protection before, during and after initial development is complete. Homeowners, home builders, and land developers and planners must all understand the importance of keeping the PSTS site(s) undisturbed; otherwise significant increased installation costs and additional planning may be required. These areas must also remain free of underground utilities, services, and structures.

9.0 MAINTENANCE EXPECTATIONS

A private sewage treatment system is a significant investment and integral part of residence or development. When properly designed and maintained, they effectively reduce or eliminate most human and environmental threats posed by pollutants found in the wastewater. Failing systems are extremely expensive to repair or replace, so an active maintenance schedule must be followed. Most maintenance is annual or semi-annual.

TANK CLEANING: For a new home, the first pumping of the tank should be done within 6 to 12 months from startup. For an existing home, every 1 to 3 years is normal. Most modern installations will also have inline filters that will need to be cleaned yearly or semi-yearly. Pumps, floats, and electrical components (if installed) should also be checked regularly for proper operation.

TREATMENT FIELD MAINTENANCE: Direct surface water from drains, downspouts, driveways, sump pumps, etc away from the area of the wastewater treatment field. Maintain the grass cover over the field by regular mowing. If the final treatment component is a treatment mound, or a "pressurized system" setup, the orifices in the laterals should be scrubbed every 3-5 years and squirt heights tested by a qualified professional.

ADVANCED TREATMENT UNITS (SECONDARY TREATMENT) : ATU's require strict semi-annual or annual maintenance by a qualified professional in order to maintain the high quality effluent output. Filter media, pumps, aeration components, etc must be checked, tested, and cleaned.

COSTS OF MAINTENANCE: The electrical requirements of a standard system might cost from \$3-\$10 per month. A yearly maintenance visit for a primary treatment system might cost from \$100-\$200,

while a maintenance contract for an ATU might be \$250-\$400 per year. Tank pump-out/cleaning might cost \$200-\$300 every 3-5years. All costs are estimated and vary from location to location and depend completely on actual system sizes and components.

10.0 CONCLUSIONS

The overall suitability of this proposed parcel for the use of PSTS is Moderate. This classification is based on the test pit excavations and other readily available data. The features found by the soil assessment conducted indicate the majority of the parcel is suitable for an onsite wastewater treatment system.

11.0 LIMITATIONS OF LIABILITY

Recommendations presented herein are based on the suitability of the proposed parcel as described in Section 1.0.

No other warranty is made, either expressed or implied. Professional judgment has been exercised in developing the recommendations for this report.

12.0 CLOSURE

SOILWORX.ca appreciates the opportunity to provide this PSTSAssessment and Site Evaluation to Terry Ohlhauser, and trusts it meets the present requirements. If there are any questions or comments regarding any aspect of this report, please contact the undersigned at your convenience.



Chad Widmer
PSTSCertified Designer - Alberta
SOILWORX.ca

/// END OF REPORT ///

| APPENDIX A |

For: Terry Ohlhauser

PROJECT: NE-16-26-1-W5M L5 P0010692

13/13

Owner Name or Job ID.					TERRY OHLHAUSER					Date of Site Evaluation				
Legal Land Location										Test Pit GPS Coordinates				
LSD-1/4		Sec	Twp	Rg	Mer	Lot	Block	Plan						
NE		16	26	01	W5M	5		0010692		51°13'12.52"N		114° 4'27.24"W		
Vegetation notes:			OPEN FIELD				Overall site slope %			0-1				
							Slope position of test pit:			UPSLOPE				
Test hole No.		Soil Subgroup			Parent Material			Drainage		Depth of Lab sample #1		Depth of Lab sample #2		
TP-1		O.BLC						M		36"		70"		
Horizon	Depth (cm) (in)	Texture	Lab or HT	Colour	Gleying	Mottling	Structure	Grade	Consistence	Moisture	% Coarse Fragments			
1	0-12"	L	HT	10YR 2/1 - BLACK	-	-	BK	3	SH	DRY	<5			
2	12-21"	L	HT	10YR 3/3 - DARK BROWN	-	-	BK	2	SH	DRY	<5			
3	21-50"	C	LAB	2.5Y 5/2 - GRAYISH BROWN	-	-	BK	2	SH	DRY	<5			
4	50-72"	L	LAB	2.5Y 5/2 - GRAYISH BROWN	-	-	BK	2	SH	DRY	<5			
5	72"	SHALE					M	0	R					
Depth to Groundwater			N/A		Restricting Soil Layer Characteristic			BEDROCK/SHALE, MASSIVE, GRADE 0						
Depth to Seasonally Saturated Soil			N/A		Depth to restrictive Soil Layer			72"						
Site Topography			NOM FLAT		Depth to Highly Permeable Layer Limiting Design									
Key Soil Characteristics applied to system design effluent loading			CLAY, BK 2											
Weather Condition notes:														
SUNNY, -10°C														
Comments: such as root depth and abundance or other pertinent observations:														
ROOTS TO 20". VERY DIFFICULT DIGGING WITH TOOTH/RIPPING BUCKET AT 72". BEDROCK OR SHALE-TYPE LAYER, IMPERVIOUS														

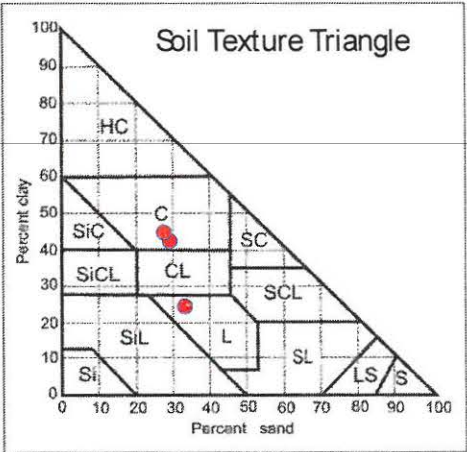
Owner Name or Job ID.				TERRY OHLHAUSER				Date of Site Evaluation			
Legal Land Location								Test Pit GPS Coordinates			
LSD-1/4	Sec	Twp	Rg	Mer	Lot	Block	Plan				
NE	16	26	01	W5M	5		0010692	51°13'13.38"N		114° 4'26.82"W	
Vegetation notes:			OPEN FIELD			Overall site slope %			0-1		
						Slope position of test pit:			DOWNSLOPE		
Test hole No.		Soil Subgroup		Parent Material		Drainage		Depth of Lab sample #1		Depth of Lab sample #2	
TP-2		O.BLC				M		36"			
Horizon	Depth (cm) (in)	Texture	Lab or HT	Colour	Gleying	Mottling	Structure	Grade	Consistence	Moisture	% Coarse Fragments
1	0-8"	L	HT	10YR 2/1 - BLACK	-	-	BK	3	SH	DRY	<5
2	8-15"	L	HT	10YR 3/3 - DARK BROWN	-	-	BK	2	SH	DRY	<5
3	15-26"	CL	HT	10YR 4/3 - BROWN	-	-	BK	2	SH	DRY	<5
4	26-70"	C	HT	2.5Y 5/2 - GRAYISH BROWN	-	-	BK	2	SH	DRY	<5
5	70"	SHALE					M	0	R		
Depth to Groundwater			N/A		Restricting Soil Layer Characteristic			BEDROCK/SHALE, MASSIVE, GRADE 0			
Depth to Seasonally Saturated Soil			N/A		Depth to restrictive Soil Layer			70"			
Site Topography			NOM FLAT		Depth to Highly Permeable Layer Limiting Design						
Key Soil Characteristics applied to system design effluent loading			CLAY, BK 2								
Weather Condition notes:											
Comments: such as root depth and abundance or other pertinent observations:											
VERY DIFFICULT DIGGING WITH TOOTH/RIPPING BUCKET AT 70". BEDROCK OR SHALE-TYPE LAYER, IMPERVIOUS.											



Down To Earth Labs Inc.
The Science of Higher Yields

Chad Widmer SOILWORX.CA Box 19 Site 10 RR1 Okotoks, AB T1S 1A1	Report #: 33409 Report Date: 12/6/2016 Received: 12/2/2016 Completed: 12/6/2016 Test Done: ST	Project : Ohlhauser PO: Notes:	3510 6th Ave North Lethbridge, AB T1H 5C3 403-328-1133 www.downtoearthlabs.com info@downtoearthlabs.com
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Sample ID:			161202N009	161202N010	161202N011
Cust. Sample ID:			TP1	TP1	TP2
Analyte	Units	Limit	36"	70"	36"
Sand	%	0.1	29.4	33.4	27.8
Silt	%	0.1	28.4	42.4	27.6
Clay	%	0.1	42.2	24.2	44.6
Soil Texture	-	1	Clay	Loam	Clay



Raygan Boyce - Chemist

POLICY

#449



ROCKY VIEW COUNTY
Cultivating Communities

Title:
Performance Requirements for Wastewater
Treatment Systems

Legal References:
Municipal Government Act
Safety Codes Act
Safety Codes Council – Alberta Private Sewage
Systems Standard of Practice 2009

Policy Category:
Infrastructure & Operations

Cross References:
Policy 430 – Communal Wastewater System
Management
Procedure #PRO 449 Performance Requirements for
Wastewater Treatment Systems
Rocky View County Servicing Standards

Effective Date: May10, 2011
Revision Date:

- Purpose:**
The purpose of this policy is to provide Administration with guidance for sewage disposal based upon three options:
1. Regional Wastewater Treatment Systems & Connections
 2. Decentralized Wastewater Treatment Systems
 3. Private Sewage Treatment Systems (PSTS)

- Definitions:**
- 1. "County" means Rocky View County.
 - 2. "Decentralized Wastewater Treatment Systems" consist of a communal system that collects typical wastewater strength effluent from multiple lots, conveys effluent to a wastewater treatment plant for treatment and discharges to an approved discharge location.
 - 3. "Development" means development as defined in the *Municipal Government Act*, R.S.A. 2000, c. M-26.
 - 4. "FAC" means Final Acceptance Certificate.
 - 5. "Master Servicing Strategy" is a detailed analysis of servicing options, best possible locations and ultimate discharge strategies for wastewater for a defined service area.
 - 6. "Odour Control Mechanisms" means an air outlet discharging air that has been filtered/treated to remove/minimize human detectable odours with the use of UV light or other appropriate means.
 - 7. "Packaged Sewage Treatment Plant" means a manufactured unit that is used to substantially improve the effluent quality beyond the quality of effluent expected of a septic tank that meets the requirements of BNQ 3680-910 and NFS/ANSI Standard 40 specifications.
 - 8. "Private Sewage Treatment Systems" provide on-site wastewater treatment and include septic tank and tile fields, treatment mounds, and packaged sewage treatment plants.
 - 9. "Regional Wastewater Treatment Systems" consists of a communal system that collects sewage from large developed or developing areas and conveys the sewage to a regional treatment facility.
 - 10. "Transfer Agreement" means an agreement supported by a Cost Feasibility and Sustainability Analysis that sets out the terms and timelines for the transfer of wastewater infrastructure and/or operational responsibility from one party to another.
 - 11. "Typical Wastewater" means wastewater that:
 - a. 80% of the time has
 - i) BOD_5 of less than 200mg/L,
 - ii) TSS of less than 220 mg/L, and
 - iii) oil and grease content of less than 50 mg/L, and

- b. does not exceed
 - i) BOD_5 of 300 mg/L,
 - ii) TSS of 350 mg/L, and
 - iii) oil and grease content of 70 mg/L.

Note: Assumed design peak daily flow of 340 L per person per day.

Policy Statements:

1. The County is committed to sustainable sewage disposal practices and shall, at a minimum, require sanitary sewage systems to be designed, installed, tested and manufactured in accordance with the current legislation, regulation, codes, standards and practices set out in Procedure 449.
2. For Regional or Decentralized Wastewater Treatment Systems the County shall require proponents of development to provide a detailed assessment of sanitary sewage disposal options prepared by qualified engineering consultant for County review.
3. In evaluating sanitary sewage disposal options, the County shall primarily consider the design life, the ease of maintenance and the ease of operation of the proposed system(s).
4. Proponents of development shall provide a Cost Feasibility and Sustainability Analysis report outlining the life-cycle cost of the construction, operation, maintenance and replacement of proposed Wastewater Management Systems for County review and consideration. This report must also outline projected utility rates and number and type of system users required to reach a breakeven point.

Regional Wastewater Treatment Systems

5. The County shall encourage the use of Regional Wastewater Treatment Systems and connections whenever it is feasible to do so.
6. Regional Wastewater Treatment Systems and connections must follow the guidelines and recommendations set out in the applicable County Master Servicing Strategy (if available).
7. Regional Wastewater Treatment Systems constructed in Rocky View must be sited on public utility lots where the title is held by the County and the Developer shall be responsible for ensuring they meet or exceed all Federal, Provincial and municipal guidelines and regulations and design requirements.
8. County Subdivision Authority may grant relaxation for setbacks of proposed Regional Wastewater Treatment Systems based on proven system technology subject to applicable Alberta Environment consent.
9. Ownership of Regional Wastewater Treatment Systems will be transferred from the Developer to the County in accordance with system-specific terms and conditions set out in an executed Transfer Agreement and in accordance with Policy 430.

Decentralized Wastewater Treatment Systems

10. When a proposed subdivision will result in the creation of any lot(s) less than 4 acres and where development density exceeds 60 proposed, conditionally approved or existing lots within a 600m radius of the centre of the proposed development, the County will not permit the use of PSTS to support the development, but will require a Decentralized or Regional Wastewater Treatment System.
11. Where connection to a Regional Wastewater Treatment System is not feasible, the feasibility of proposed developments hooking up to an existing Decentralized Wastewater Treatment System shall be investigated
12. All primary, secondary, tertiary and disinfection treatment components of a Decentralized Wastewater Treatment System constructed in Rocky View must be sited on public utility lots where the title is held by the County and the Developer shall be responsible for ensuring they meet or exceed all Federal, Provincial and municipal guidelines and regulations and design requirements.
13. County Subdivision Authority may grant relaxation for setbacks of proposed Decentralized Wastewater Treatment Systems based on proven system technology subject to applicable Alberta Environment

consent.

14. Ownership of Decentralized Wastewater Treatment Systems will be transferred from the Developer to the County in accordance with system-specific terms and conditions set out in an executed Transfer Agreement.

Private Sewage Treatment Systems (PSTS)

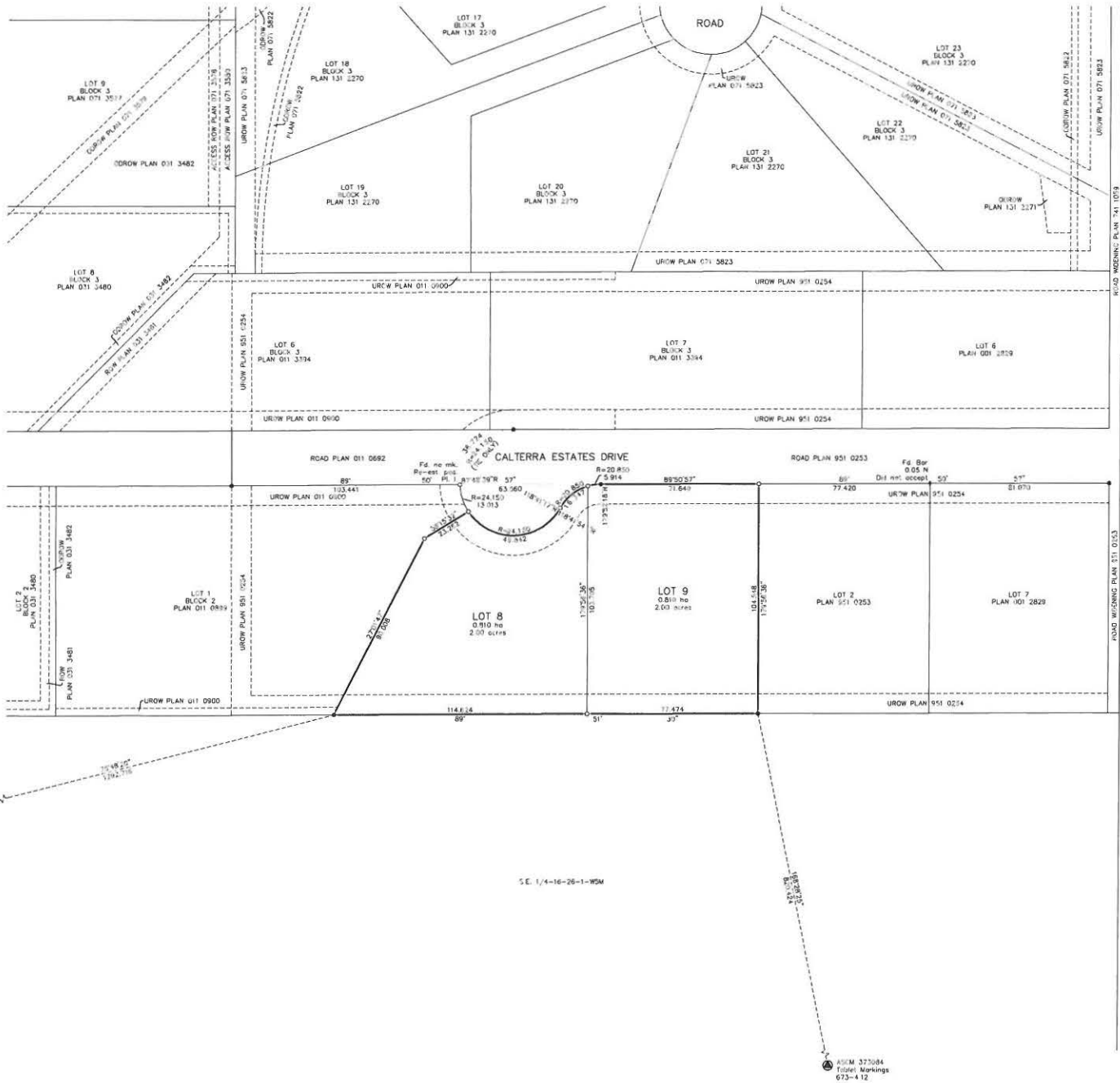
15. Where hook-up to a Regional or Decentralized Wastewater Treatment System is not feasible, Private Sewage Treatment Systems will be considered.
16. The County shall not support the use of sewage holding tanks to support residential subdivision.
17. For residential developments relying on PSTS, where lot sizes are equal to, or greater than, 1 acre but less than 4 acres, the County requires the use of Packaged Sewage Treatment Plant methods that meet the Bureau de Normalisation du Quebec (BNQ) standards for treatment and the requirements set out in Procedure 449. For lot sizes less than 1 acre, the County does not support the use of PSTS.
18. For residential developments relying on PSTS where lot sizes are equal to or greater than 4 acres but less than 10 acres, the County encourages the use of Packaged Sewage Treatment Plant methods that meet the Bureau de Normalisation du Quebec (BNQ) standards for treatment and the requirements set out in Procedure 449, but permits the use of conventional PSTS systems.
19. The County relies on the *Model Process Reference Documents* and the *Alberta Private Sewage Systems Standard of Practice* to guide its decisions on the testing, installation, permitting and compliance monitoring requirements for PSTS.
20. The County requires the approval of a permit prior to the installation of a PSTS.
21. The installation of PSTS must be completed by a certified installer and must meet the requirements of the Safety Codes Act.
22. The County recommends the use of sewage holding tanks for industrial, commercial and institutional land uses when it is not feasible to connect to a Regional or Decentralized systems. The County does not permit the use of PSTS for any purpose other than typical wastewater strength and volume wastewater treatment and disposal.

A.D. REGISTRAR

ALS	-ALBERTA LAND SURVEYOR
ASCM	-ALBERTA SURVEY CONTROL MARKER
CH	-CHUCK
CHD	-CALCULATED DISTANCE
CM	-CHECK MEASURE
CNO	-CROWN
CR	-CRILL HOLE
E	-EAST
Est.	-ESTABLISHED
F	-FOUND
FT	-FOOTINGS
IR	-IRON PILE
IR	-IRON BAR
L.S.D.	-LEGAL SUBDIVISION
M	-MILES
Mk	-MERIDIAN
Mk	-MARK
Mp	-MANHOLE POST
ND	-MUNICIPAL DISTRICT
ND	-MUNICIPAL RESERVE
NTS	-NORTH
NTS	-NOT TO SCALE
OV	-OVERLAND DRAINAGE
P	-POINT OF C.L.S. (POINT OF DRAIN CAP)
P	-POINT OF INTERSECTION
PL	-PLANTED
PL	-PULPIT
PL	-PUBLIC UTILITY LOT
R	-RADARS
R	-RADIAL
RCE	-RANGE
RCE	-RE-ESTABLISHED
ROW	-RIGHT OF WAY
S	-SOUTH
SEC	-SECTION
sq	-SQUARE
TWO	-TOWNSHIP
U	-UTILITY
W	-WEST
Wb	-WILCOX POST
WIL	-WINDING
WIL	-CENTRAL ANGLE OF CURVE

TERRAMATIC TECHNOLOGIES INC.		PHONE (403) 214 3655
#12-5080-12A ST. S.E., CALGARY		E-MAIL: survey@terramatic.com
DRAWING FILE NAME: 1620863S		CLIENT: TERRY & HELEN OHLMÄUSER
DRAFTED BY: DUTAJ		FILE No.: 1620863S
CHECKED BY: KL		





SOUTH ALBERTA LAND REGISTRATION DISTRICT

REGISTRAR
LAND TITLES OFFICE

PLAN NO. _____

ENTERED AND REGISTERED
ON _____

INSTRUMENT NO.: _____

A.D. REGISTRAR

ROCKY VIEW COUNTY
— ALBERTA —

PLAN SHOWING SURVEY of
SUBDIVISION
affecting LOT 5, PLAN 001 0692
in N.E. 1/4 SEC. 16, TWP. 26, RGE. 1, W5M
BY: KRISTA D. LOVSE, A.L.S. 2016



LEGEND

STATUTORY IRON PILES FOUND SHOWN THUS: MARKED PILE

STATUTORY IRON SURVEY POSTS PLANTED SHOWN THUS: MARKED PILE

ALL DISTANCES ARE IN METRES AND DECIMALS THEREOF.

DISTANCE ON CURVED STANDARDS ARE ARE DISTANCES.

BEARINGS ARE GIVEN AND DERIVED FROM GPS BES TO ASSUM: 92416 AND 373084

THE GEO-REFERENCED POINT IS AT 92416 AND 373084 AND SHOWN THUS:

PUBLISHED T.M. NAD83 COORDINATES: 92416 9250 N, -9602 7600 E

DATUM USED: NORTH AMERICAN DATUM 1983

PROJECTION USED: 3° TRANSVERSE MERCATOR

REFERENCE MERIDIAN USED: 114°

COMBINED FACTOR USED: 0.999725

ALBERTA SURVEY CONTROL MARKERS SHOWN THUS:

AREA TO BE REGISTERED BY THIS PLAN SHOWN OUTLINED THUS:

AND CONTAINS 2 LOTS TOTALING 1620 HECTARES

- A.L.S. — ALBERTA LAND SURVEYOR
- A.S.M. — ALBERTA SURVEY CONTROL MARKER
- Bk. — BLOCK
- Calc. — CALCULATED DISTANCE
- Ch. — CHECK MEASURE
- Ch. — CHAIN
- C.S. — COUNTER SINK
- D.H. — DRILL HOLE
- E. — EAST
- E.H. — ESTABLISHED
- F.L. — FOUND
- ha. — HECTARES
- I. — STATUTORY IRON POST
- I. Bar — IRON BAR
- L.S.D. — LEGAL SUBDIVISION
- m. — METRES
- M. — MERIDIAN
- mk. — MARK
- MP. — MARKER POST
- M.D. — MUNICIPAL DISTRICT
- MR. — MUNICIPAL RESERVE
- N. — NORTH
- NTS. — NOT TO SCALE
- OD. — OVERLAND DRAINAGE
- P. — STANDARD C.L.S. POST (GRAYS CAP)
- P.I. — POINT OF INTERSECTION
- PL. — PLANTED
- PUL. — PUBLIC UTILITY LOT
- R. — RADIUS
- R. — RADIAL
- R.E. — RANGE
- Re-est. — RE-ESTABLISHED
- R.W. — RIGHT OF WAY
- S. — SOUTH
- SEC. — SECTION
- sq. — SQUARE
- TWP. — TOWNSHIP
- U. — UTILITY
- W. — WEST
- W.C. — WOODEN POST
- W.L. — WITNESS
- Δ — CENTRAL ANGLE OF CURVE

SURVEYOR

NAME: KRISTA D. LOVSE

SURVEYED BETWEEN THE DATES OF
JANUARY 19, 2015

AND

IN ACCORDANCE WITH THE
PROVISIONS OF THE SURVEYS ACT



REGISTERED OWNERS

JERATHON FRIEDEN
KRISTA FRIEDEN

SUBDIVISION AUTHORITY

NAME: ROCKY VIEW COUNTY

TERRAMETRIC TECHNOLOGIES INC. PHONE (403) 214 3655
#12-5090-12A ST. S.E. - CALGARY E-MAIL: survey@terrametric.com
DRAWING FILE NAME: 16208635 CLIENT: KRISTA D. LOVSE
DRAWN BY: (007A) FILE NO.: 16208635
CHECKED BY: RL