

PLANNING AND DEVELOPMENT SERVICES

TO: Municipal Planning Commission
Subdivision Authority

DIVISION: 8

DATE: June 9, 2021

APPLICATION: PL20200183

FILE: 05630095

SUBJECT: Residential Subdivision

APPLICATION: To create a \pm 1.29 hectare (3.18 acre) parcel with a \pm 0.84 hectare (2.08 acre) remainder.

GENERAL LOCATION: Located approximately 1.2 km (3/4 mile) west of the city of Calgary, on the western side of Bears paw Green, approximately 0.20 km (1/8 mile) south of Bears paw View.

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

EXECUTIVE SUMMARY: The application is generally consistent with the relevant policies of the Bears paw Area Structure Plan, Land Use Bylaw, and the County Plan.

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

OPTIONS:

Option #1: THAT Subdivision Application PL20200183 be approved with the conditions noted in Attachment 'A'.

Option #2: THAT Subdivision Application PL20200183 be refused.

AIR PHOTO & DEVELOPMENT CONTEXT:



Administration Resources

Scott Thompson, Planning and Development Services



APPLICATION EVALUATION:

The application was evaluated based on the technical reports submitted with the application and the applicable policies and regulations.

APPLICABLE POLICY AND REGULATIONS: <ul style="list-style-type: none"> • <i>Municipal Government Act;</i> • Subdivision and Development Regulations; • Municipal Development Plan; • Greater Bragg Creek Area Structure Plan; • Land Use Bylaw; and • County Servicing Standards. 	TECHNICAL REPORTS SUBMITTED: <ul style="list-style-type: none"> • Level 3 Private Sewage Site Assessment by Osprey Engineering Inc. dated April 20, 2021
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Payments and Levies

APPLICABLE FEE/LEVY	AMOUNT OWING (ESTIMATE)
TRANSPORTATION OFFSITE LEVY [Base = \$4595/acres x 3.18 acres = \$14,612.10]	\$14,612.10

Additional Review Considerations

Conditions were set based on the following items:

Accessibility to a Road

Access to Lot 1 is currently provided by a paved approach and driveway off of Bearspaw Green. Based on the Administration's assessment of the site, it is recommended a shared approach be constructed to access both Lot 1 and Lot 2. As a condition of subdivision, the Applicant shall upgrade the existing paved approach to mutual approach standards. In addition, they shall register an access right of way plan and easements on the title to the satisfaction of the County.

Stormwater

No stormwater report was provided as part of the application. As a condition of the subdivision, the Applicant shall provide a Site-Specific Stormwater Implementation Plan for Lot 2, conducted by a qualified professional. This report must be consistent with the Bearspaw Master Drainage Plan and the County's servicing standards. Should any lot-specific improvements be recommended within the site-specific stormwater implementation, as a condition of the subdivision, the applicant/owner will enter into a Site Improvements/Servicing Agreement for the construction of such improvements.

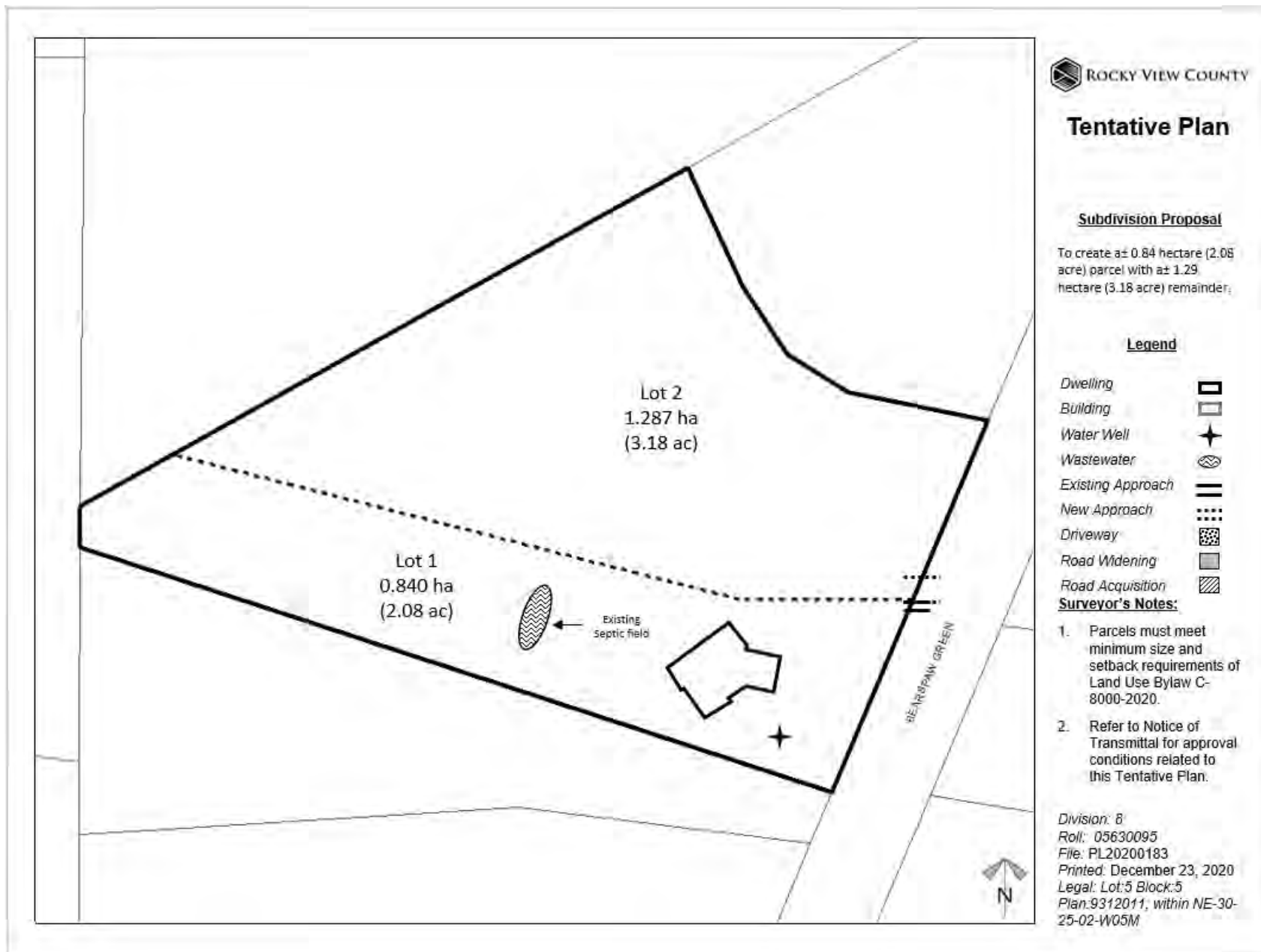
Servicing

The applicant has provided a Level 3 Private Sewage Treatment Assessment, prepared by Osprey Engineering dated April 20, 2021. The assessment confirms that a treatment field is a suitable option for the new lot (Lot 2). As a condition of the subdivision, the owner shall enter into a Site Improvements/Services Agreement for Lot 2 for the construction of a Packaged Sewage Treatment System in accordance with the PSTS report and meets the Bureau de Normalisation du Quebec (BNQ) standards for treatment.

Lot 2 shall be serviced by way of connection to the Rocky View Water Co-op distribution system which has been included in the condition of the subdivision. The existing home on Lot 1 is currently serviced by an existing potable water well and private sewage system.

*Bearspaw Area Structure Plan*

The subject lands fall within the Bearspaw Area Structure Plan, and therefore the application was evaluated with the requirements of the ASP and the LUB. The subject lands are located within Area 1 policy area and are identified as country residential lands. Policy 8.1.20 states that the minimum parcel size should not be less than four (4) acres in size. Through policy 8.1.21, the Administration may consider applications for the subdivision with parcels less than four (4) acres in size if it is supported by a Concept Plan. Due to the limited scope of this subdivision (1 new parcel), a concept plan would not provide any greater clarity on future development in the area. In addition, most of the surrounding parcels are of a similar size to the proposed subdivision.





ROCKY VIEW COUNTY

CONCLUSION:

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

Respectfully submitted,

Concurrence,

“Brock Beach”

“Kent Robinson”

Acting Executive Director
Community Development Services

Acting Chief Administrative Officer

ST/llt

ATTACHMENTS:

ATTACHMENT ‘A’: Approval Conditions

ATTACHMENT ‘B’: Maps and Other Information

ATTACHMENT ‘C’: Public Submissions

**ATTACHMENT 'A': APPROVAL CONDITIONS**

- A. The application to create a, ± 0.84 hectare (2.08 acre) and ± 1.29 hectare (3.18 acre) remainder within Lot: 5 Block: 5 Plan: 9312011 within NE-30-25-02-W05M, having been evaluated in terms of Section 654 of the *Municipal Government Act* and Section 7 AND 14 of the Subdivision and Development Regulations, and having considered adjacent landowner submissions, is approved as per the Tentative Plan for the reasons listed below:
1. The application is consistent with the Statutory Policy;
 2. The subject lands hold the appropriate land use designation;
 3. The technical aspects of the subdivision proposal have been considered and are further addressed through the conditional approval requirements.
- B. The Applicant/Owner is required, at their expense, to complete all conditions attached to and forming part of this conditional subdivision approval prior to Rocky View County (the County) authorizing final subdivision endorsement. This requires submitting all documentation required to demonstrate each specific condition has been met, or agreements (and necessary securities) have been provided to ensure the conditions will be met, in accordance with all County Policies, Standards, and Procedures, to the satisfaction of the County, and any other additional party named within a specific condition. Technical reports required to be submitted as part of the conditions must be prepared by a qualified professional, licensed to practice in the province of Alberta within the appropriate field of practice. The conditions of this subdivision approval do not absolve an Applicant/Owner from ensuring all permits, licenses, or approvals required by Federal, Provincial, or other jurisdictions are obtained.
- C. Further, in accordance with Section 654 and 655 of the *Municipal Government Act*, the application shall be approved subject to the following conditions of approval:

Survey Plans

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

Transportation and Access

- 2) The Owner shall upgrade the existing road approach to a mutual paved standard as shown on the Approved Tentative Plan, in order to provide access to Lots 1 & 2;
 - a) Provide an access right of way plan; and
 - b) Prepare and register respective easements on each title, where required.

Site Servicing

- 3) The Owner/Applicant is to enter into a Site Improvements / Services Agreement on Lot 2 with the County and shall include the following:
 - a) In accordance with the Level 3 PSTS Assessment prepared by Osprey Engineering Inc. (April 20, 2021).
 - b) For the construction of a Packaged Sewage Treatment System which meets Bureau de Normalisation du Quebec (BNQ) standards for treatment.
- 4) The Owner/Applicant is to provide confirmation of 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 information regarding:
 - a) Documentation proving that water supply has been purchased for proposed Lot 2; and



ROCKY VIEW COUNTY

- b) Documentation proving that water supply infrastructure requirements including servicing to the new lot have been installed or installation is secured between the developer and water supplier, to the satisfaction of the water supplier and the County.
- 5) The Owner is to enter into a Deferred Services Agreement with the County to be registered on title for each proposed Lot(s) 1 & 2, indicating:
 - a) Each future Lot Owner is required to connect to County potable water, wastewater, and stormwater systems at their cost when such services become available; and
 - b) Requirements for decommissioning and reclamation of the onsite water, wastewater, and stormwater systems once County servicing becomes available.

Developability

- 6) The Owner/Applicant is to provide and implement a Site-Specific Stormwater Management Plan. Implementation of the Stormwater Management Plan shall include:
 - a) If the recommendations of the Stormwater Management Plan require improvements, then a Site Improvements / Services Agreement shall be entered into;
 - b) Registration of any required easements and/or utility rights of way;
 - c) Necessary approvals and compensation provided to Alberta Environment for wetland loss and mitigation; and
 - d) Necessary Alberta Environment licensing documentation for the stormwater infrastructure system.

Payments and Levies

- 7) The Applicant/Owner shall pay the Transportation Off-Site Levy in accordance with Bylaw C-8007-2020 prior to Subdivision Endorsement. The County shall calculate the total amount owing:
 - a) From the gross acreage of Lot 2 as shown on the Plan of Survey.
- 8) The Owner shall pay the County Subdivision Endorsement fee, in accordance with the Master Rates Bylaw, for the creation of one (1) new lot.

Utility

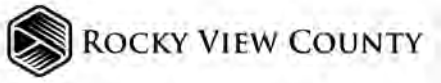
- 9) Utility Easements, Agreements, and Plans are to be provided and registered to the satisfaction of ATCO Gas.

Taxes

- 10) 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 a final endorsement of the subdivision, the Planning Department is directed to present the Applicant/Owners with a Voluntary Recreation Contribution Form and ask them if they will contribute to the Fund in accordance with the contributions prescribed in the Master Rates Bylaw.



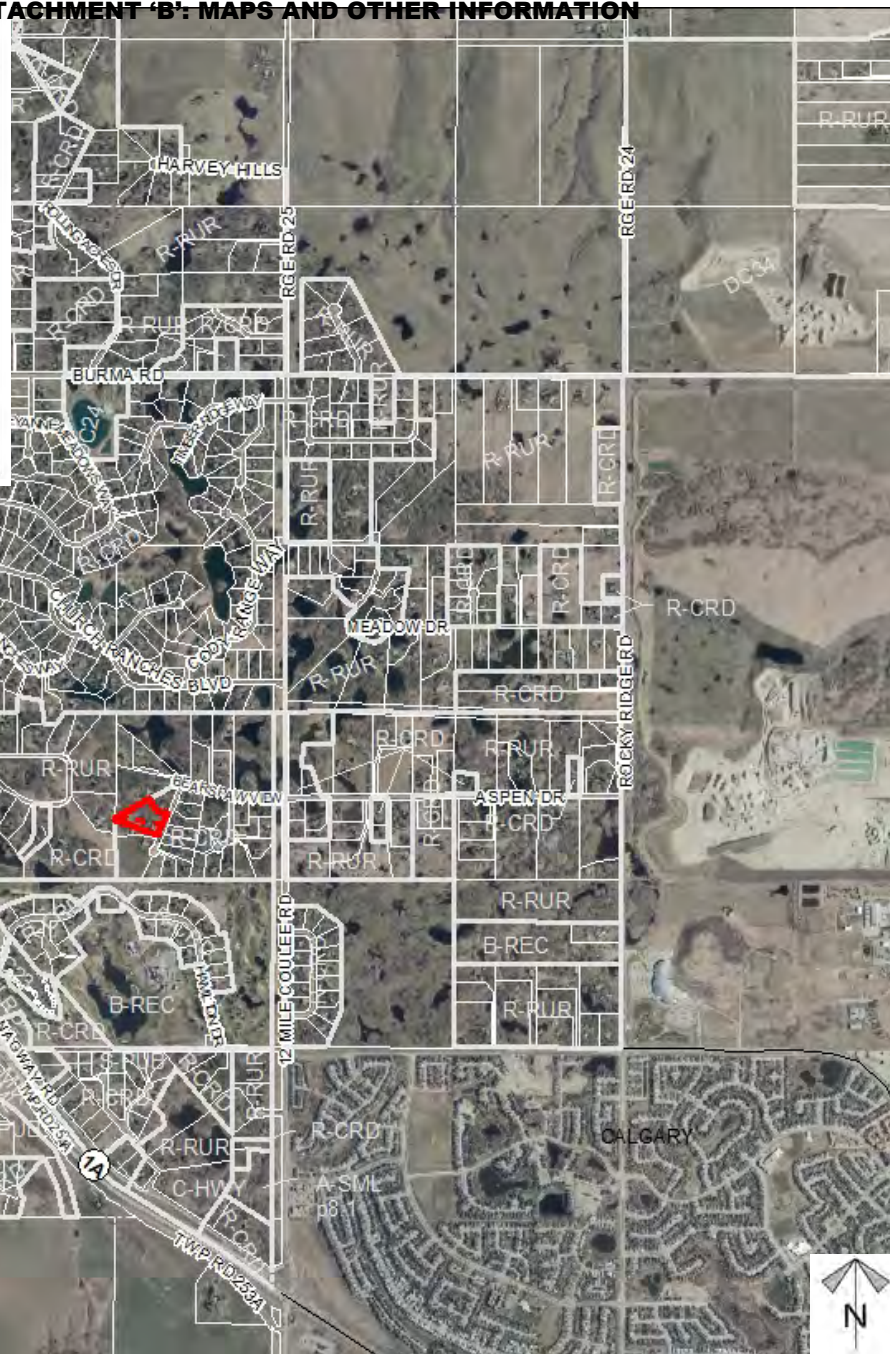
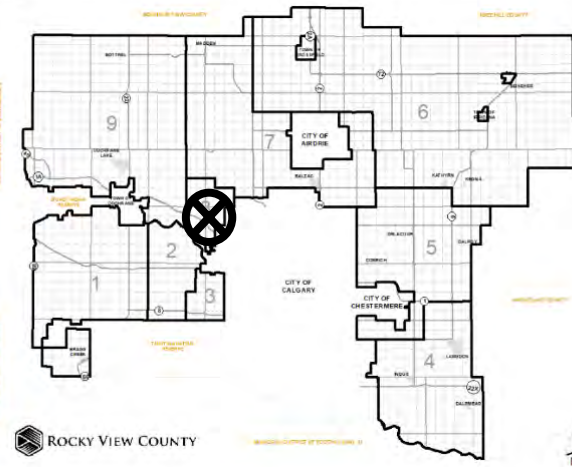
ATTACHMENT 'B': MAPS AND OTHER INFORMATION

APPLICANT: Maidment Land Surveys Inc.	OWNER: Albert M. Karulovic
DATE APPLICATION RECEIVED: December 22, 2020	DATE DEEMED COMPLETE: January 15, 2021
GROSS AREA: ± 2.13 hectares (± 5.26 acres)	LEGAL DESCRIPTION: Lot: 5, Block: 5, Plan: 931 2011 NE-30-25-02-W5M
APPEAL BOARD: Rocky View County Subdivision and Development Appeal Board	
HISTORY: <i>July 27, 1993:</i> Council approved the subdivision of 93-RV-126 to create two new lots.	
PUBLIC & AGENCY SUBMISSIONS: <p>The application was circulated to 189 adjacent landowners. 4 letters were received in opposition. The responses have been included in Appendix 'C.'</p> <p>The application was also circulated to a number of internal and external agencies and, where appropriate, conditions of approval have been proposed based on these comments.</p>	

Location & Context

Subdivision Proposal

To create a ± 0.84 hectare (2.08 acre) parcel with a ± 1.29 hectare (3.18 acre) remainder.



Division: 8
 Roll: 05630095
 File: PL20200183
 Printed: December 23, 2020
 Legal: Lot: 5 Block: 5
 Plan: 9312011; within NE-30-25-02-W05M

Development Proposal

Subdivision Proposal

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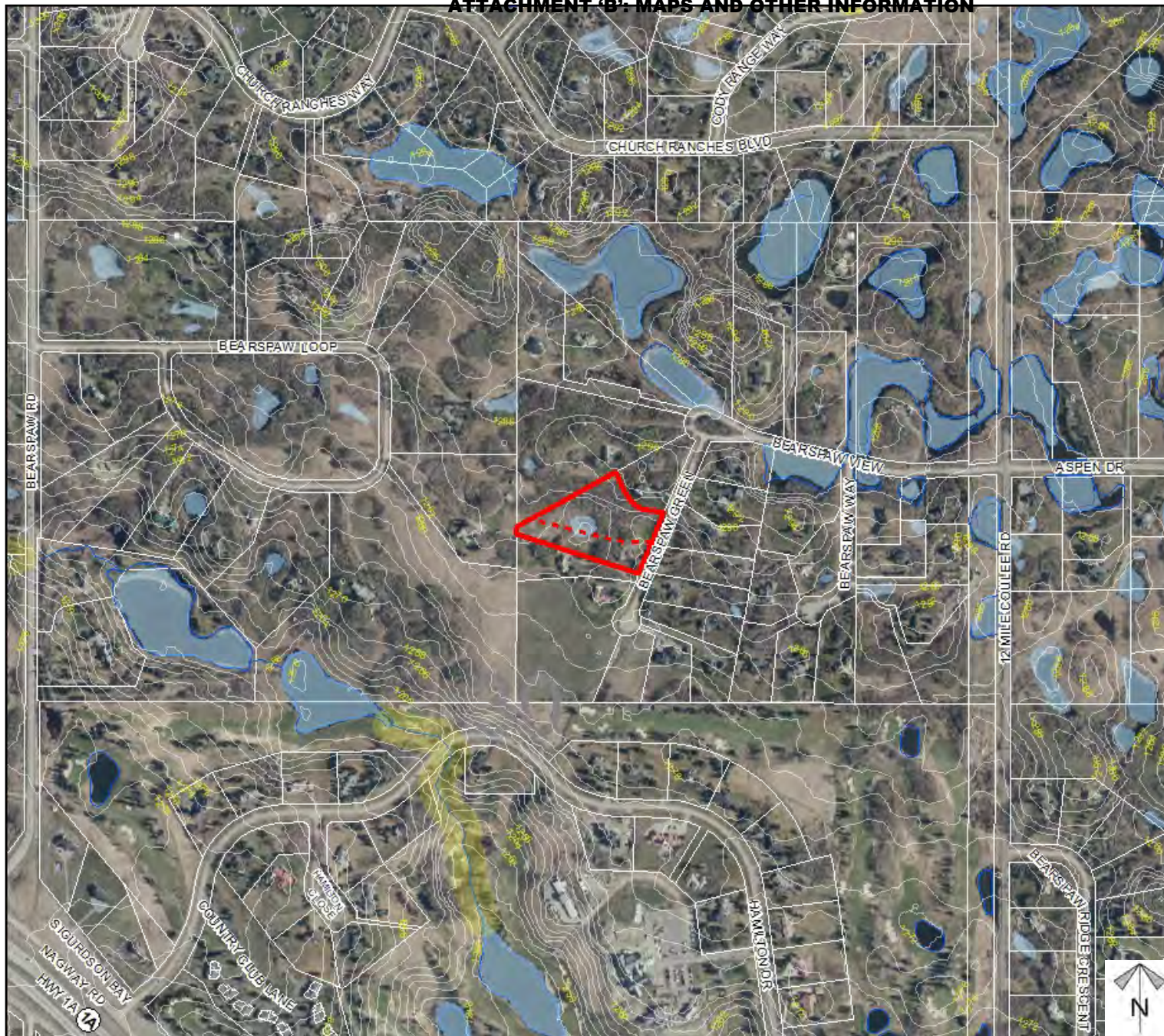


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Environmental

Subdivision Proposal

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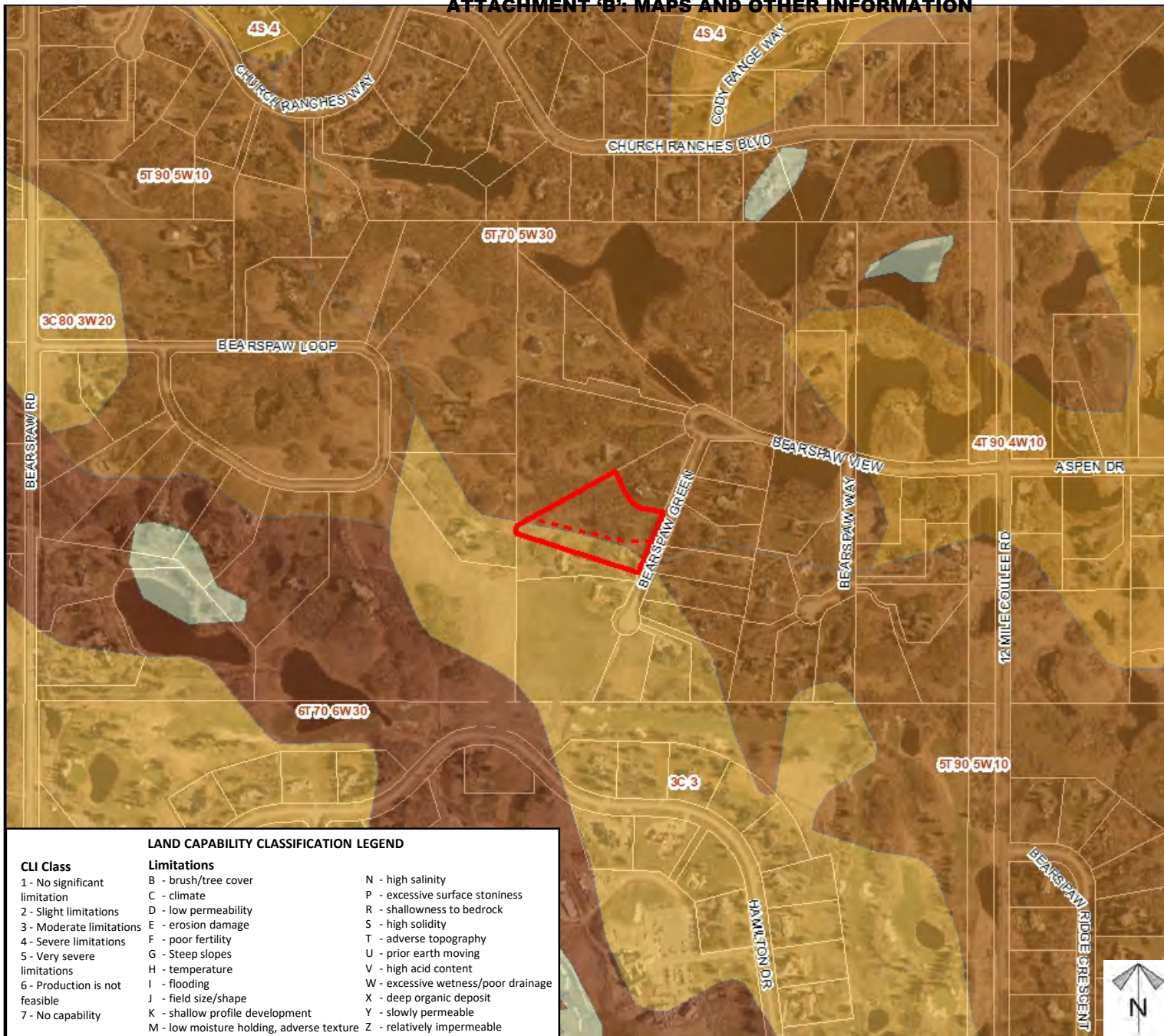
-  Subject Lands
-  Contour - 2 meters
-  Riparian Setbacks
-  Alberta Wetland Inventory
-  Surface Water

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Soil Classifications

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Legend

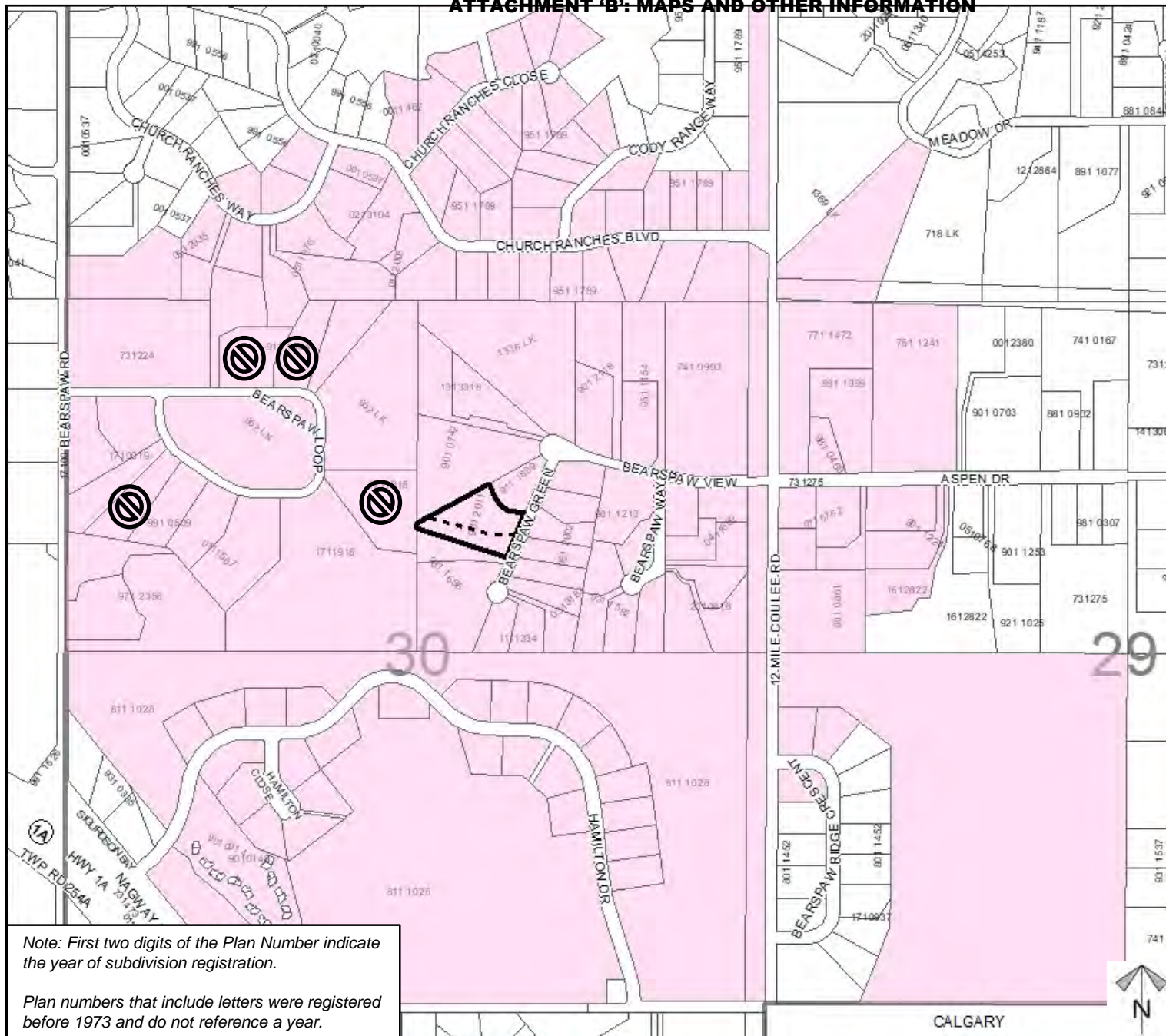
Support



Opposition



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Tentative Plan

Subdivision Proposal

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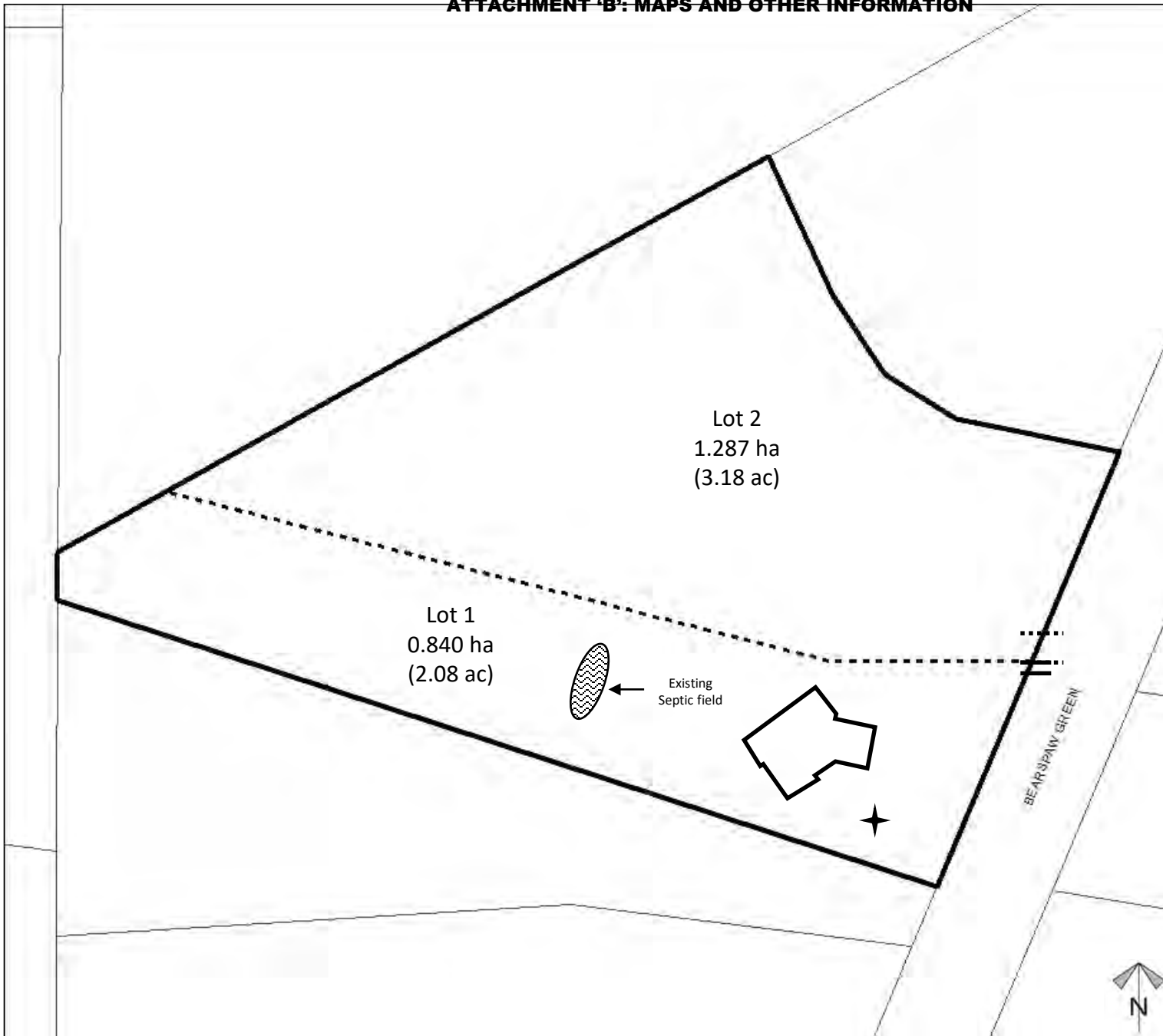
Legend

Dwelling	
Building	
Water Well	
Wastewater	
Existing Approach	
New Approach	
Driveway	
Road Widening	
Road Acquisition	

Surveyor's Notes:

1. Parcels must meet minimum size and setback requirements of Land Use Bylaw C-8000-2020.
2. Refer to Notice of Transmittal for approval conditions related to this Tentative Plan.

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K&C SCHAERER

February 9, 2021

ROCKY VIEW COUNTY
262075 ROCKY VIEW POINT
ROCKY VIEW COUNTY, AB T41 0X2

RE: FILE #05630095

APPLICATION# PL20200183

Attention: Planning and Development Services Department & Scott Thompson

We are located at 63 Bearspaw Loop and opposed to the proposed subdivision for application of parcels less than four acres. We fully support 4 acres & Zoning of R-RUR which supports livestock and animals that we and the residents have in our neighborhood of horses, llamas, and chickens. The neighborhood has properties in the following acre parcels: twenty-seven, sixteen, twelve, eight, and four-acre parcels. At the core of our neighborhood is the 15-acre Municipal Reserve. We are the neighborhood that formed the Bearspaw Loop Municipal Reserve Preservation Society (BLMRPS) in 2007, with the vision of preserving the natural ecosystem of the 15-acre parcel, off Bearspaw Road. This has pathways for horse trails. To be clear we do not support subdividing existing properties into this proposed two or three acres as feel it is not compatible with the size and zoning of the existing neighborhood parcels. Our aim is to preserve this area and its R-RUR zoning of a minimum of 4-acre parcels so we can continue to have livestock for our families.

Cheryl & Kurt Schaerer
63 Bearspaw Loop
Rocky View County, AB, T3R 1K2
[REDACTED]

Sincerely,

Cheryl & Kurt Schaerer

Attention; **Scott Thompson**

File Number: 05630095

Application Number: PL20200183

Division: 8

February 9, 2021

We are responding to the subdivision request of Albert M. Karulovic's subdivision of his 5.25 acre lot into two lots.

Although we are not adamantly opposed to this subdivision, we are opposed to 2 acre lots within the Bearspaw area, as the density greatly deters from the rural setting the majority of Bearspaw residents have moved here for.

Although our property is not directly adjacent to the requested subdivision, we are very concerned that this opens up 20-acre landowners within Bearspaw Loop (our community), to the increased revenue potential that approving this subdivision will set precedence on.

Additionally, we are members of the Bearspaw Loop Preservation Society, which is a 15 acre municipal reserve that I am both the treasurer on and caretaker of. The area is frequented by an abundance of wildlife and we find ourselves loving the rural setting that we are fortunate to live within. Permitting 2 acre parcels will have a huge impact on the development potential of the municipal reserve land, and once that happens, the sale sign will be going up on our property. For this reason, our group will fight hard to protect this hidden treasure of land.

We have had some recent subdivisions within the loop from a 20 acre parcel to four 4 acre parcels, which in our opinion is the maximum density of housing that is able to preserve the rural feeling that we currently enjoy. To be honest, the recent subdivision here was fueled by greed when the property owner split off and sold three parcels of land after their parents passed away, all in the name of squeezing as much revenue out of the property as possible. This has already increased traffic considerably within our small community, especially during the construction phase. By setting precedence of permitting 2-acre subdivisions, this opens the door to the majority of residents within our loop to further divide their properties, thereby negatively impacting both our property's value as well as altering the rural feeling which is what makes this area such a great place to live.

Again, as this particular subdivision does not directly affect our property, we are mainly concerned with setting a precedence of approving 2-acre parcels and would appreciate some assurance that if this subdivision in question is approved, it will not change or alter subdivision zoning requirements within Bearspaw Loop.

Kind Regards,
Jeff & Theresa Deitz
165 Bearspaw Loop
Calgary, Alberta
T3R1K2

From: [REDACTED]
To: [Scott Thompson](#)
Subject: [EXTERNAL] - Re: FILE #05630095 #PL20200183
Date: February 9, 2021 2:36:19 PM

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

Scott;

I trust you received my letter of concern dated January 29th to the proposed subdivision to my east?

Warm Regards,

Tim Beach

On Fri, Jan 29, 2021 at 11:57 AM Tim Beach [REDACTED] wrote:

>
> Good Day Scott;
>
> I hope this finds you safe and healthy.
>
> I'm writing to you with some questions and potential concerns in
> relation to FILE #05630095 #PL20200183. As you can probably
> appreciate the reason for country living is because we like space,
> quietness and all around tranquility. One of the main reasons for me
> choosing to live where I live is because of the acreage sizes all
> around me at 4+ acres in size. I realize the desire to subdivide for
> monetary reasons; however, this may be cause for concern as more and
> more of our neighbors chop off 2 acre sites eliminating the benefits
> listed above. Lastly I have a desire to one day build a personal
> shop/storage building on the east side of my property line, and the
> last thing I want is restrictions because of this potential
> subdivision. Would you be able to answer the following couple
> questions?
>
> 1) What is the intent of the proposed subdivided parcel that does not
> currently have a residence?
> 2) What is the setback of development from the proposed property line?
>
> Sincerely,
>
> Tim Beach

Attention; **Scott Thompson**

File Number: 05630095

Application Number: PL20200183

Division: 8

I am responding to the subdivision of Albert M. Karulovic's subdivision of his 5.25 acre lot into two lots.

I'd like to say I am opposed to the subdivision.

My main concern is sewer and ground water contamination as a result of increase sewer. Two acre spacing should not be allowed throughout all areas of Bearspaw. The county has no sewer water treatment facility or pipeline system to deal with higher housing development. If present 4 and 5 acre lots are allowed to divide into 2 to 2+ acre lots ground water contamination will become a huge issue. Residents with water wells will incur contamination.

I presently live on a 4+ acre lot. By the criteria of allowing this sort of subdivision I could subdivide by back 2 acres off through a pan handle drive way. I know of 3 Bearspaw neighbors\residents that this would impact their residents and detract from the rural setting their homes live/reside in. As a Bearspaw resident we moved into this area to provide a rural lifestyle. Purchasing 4 and 5 acre lots to give us room to experience our surroundings.

Generally, the smallest land unit in our area are 4/5 acres with the exception of the Church Ranch. Church Ranches area has left large areas as natural areas or pond/lake areas. Part of living in Bearspaw is the peace and tranquility of the area. This lower density housing provides natural area for wildlife to find space to live. On a weekly basis moose, deer, coyotes, porcupine, fox and a mass of different birds live freely in this area. Increased density to 2 acres everywhere will place pressure on these animals and thus detract from the beauty of the area.

I can only think the 05630095 subdivision is one of monetary value to the present residence. Based on Mr. and Mrs. Karulovic's desires they should sell their present home with the 5 acres and move into a higher density area. There are entire subdivisions to the south and north that are 2 acre lots. The regional development of those areas started with 2-acre units from the start.

Bearspaw is a beautiful area. Increasing housing density will only detract from that. Impacting your neighbors to gain a monetary value is not why we moved into Bearspaw in the first place. We moved here for the rural setting. Please don't take that away from us. Many more will follow if you allow this sort of division of land on 4 or 5 acre units.

Sincerely Keith Miller
153 Bearspaw Loop Calgary, AB T3R1K2