

PLANNING AND DEVELOPMENT SERVICES

TO: Municipal Planning Commission
DATE: February 24, 2021 **DIVISION:** 3
FILE: 04714176 **APPLICATION:** PRDP20203988
SUBJECT: Single-lot Regrading / Discretionary use, with no Variances

APPLICATION: Single-lot regrading, placement of clean fill and topsoil, for site landscaping.

GENERAL LOCATION: Located approximately 0.81 km (1/2 mile) east of Rg. Rd. 32 and 0.12 km (1/8 mile) south of Lower Springbank Rd.

LAND USE DESIGNATION: Residential, Country Residential District (R-CRD) under Land Use Bylaw C-8000-2020.

EXECUTIVE SUMMARY: The Applicant is proposing the placement of clean fill and topsoil not exceeding ± 1.00 m (3.28 ft.) in grade change, for site landscaping purposes. This application is the result of an enforcement investigation, DC202009-0218. The application is consistent with the relevant policies of the Land Use Bylaw. It is the interpretation of the Development Authority that the proposed development on the subject land, in conjunction with the conditions of approval, will not pose any impact to adjacent lands nor impact the enjoyment of value of neighbouring properties.

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

OPTIONS:

Option #1: THAT Development Permit Application PRDP20203988 be approved with the conditions noted in Attachment 'A'.

Option #2: THAT Development Permit Application PRDP20203988 be refused for the following reasons:

1. That in the opinion of the Municipal Planning Commission, the development unduly interferes with the amenities of the neighbourhood and materially interferes with and affects the use, enjoyment, and value of neighbouring parcels of land.

AIR PHOTO & DEVELOPMENT CONTEXT:



APPLICATION EVALUATION:

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

<p>APPLICABLE POLICY AND REGULATIONS:</p> <ul style="list-style-type: none"> • Land Use Bylaw • Montebello Conceptual Scheme • Central Springbank Area Structure Plan 	<p>TECHNICAL REPORTS SUBMITTED:</p> <ul style="list-style-type: none"> • Building Grade Slip / prepared by MPE Engineering Ltd. / dated March 5, 2019 • Site satellite image map before Building Construction and Land Grading; • Site Survey map before Building Construction and Land Grading; • House Building and Elevation Plan before Landscaping; • Landscaping Plan / Drawing prepared by Treasure House Building & Renovation Ltd.; • Windhorse Storm Water Management Drainage Plan
<p>DISCRETIONARY USE:</p> <ul style="list-style-type: none"> • Stripping and Grading is a discretionary use within the Land Use Bylaw 	<p>DEVELOPMENT VARIANCE AUTHORITY:</p> <ul style="list-style-type: none"> • Municipal Planning Commission

Additional Review Considerations

The proposal is for the single-lot regrading, placement of clean fill and topsoil for site landscaping. The technical reports are being reviewed and acceptance is pending.

The Applicant has proposed to regrade the subject land, approximately $\pm 7,718$ sq. m (1.90 acres) in size to meet Windhorse Community's Landscaping requirements and the Land Use Bylaw.

- The applicant has indicated they will also use the native topsoil on-site and they will not be removing any material.



ROCKY VIEW COUNTY

- The highest grade change the applicant is proposing is approximately 1.00 m (3.28 ft.) for the Southwest portion of the subject land. The grade change for the rest of the site is approximately 0.5 m (1.64 ft.).
- It is anticipated that approximately 926 cubic meters of material will be brought on site. The applicant has noted this is approximately 150 truckloads.
- The subject land is located in the community of Windhorse, surrounded by residential parcels. Currently, a single family dwelling is located on the subject land.

CONCLUSION:

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

Respectfully submitted,

Concurrence,

“Theresa Cochran”

“Al Hoggan”

Executive Director
Community Development Services

Chief Administrative Officer

BC/sl

ATTACHMENTS:

ATTACHMENT ‘A’: Development Permit Report Conditions
ATTACHMENT ‘B’: Maps and Other Information



ATTACHMENT 'A': DEVELOPMENT PERMIT REPORT CONDITIONS

Option #1:

Approval, subject to the following conditions:

Description:

1. That single-lot regrading and the placement of clean fill and topsoil shall be permitted in general accordance with the drawings submitted and the application details and includes:
 - i. Total area of approximately $\pm 7,718$ sq. m (1.90 acres) and placement of approximately 926 cubic meters of clean fill and topsoil not exceeding 1.00 m (3.28 ft.) in grade change.

Prior to Release:

2. That prior to release of this permit, the Applicant/Owner shall submit an \$10,000.00 Irrevocable Letter of Credit or Refundable Security deposit to the Rocky View County, to ensure that the conditions of the permit are met. If the conditions are not met, Rocky View County may use the funds, enter onto the described land, and carry out the work necessary to meet the condition.
3. That prior to release of this permit, the Applicant/Owner shall contact County Road Operations with haul details for materials and equipment needed during construction/site development to confirm if Road Use Agreements will be required for any hauling along the County road system and to confirm the presence of County road ban restrictions
 - i. Written confirmation shall be received from County Road Operations confirming the status of this condition. Any required agreement or permits shall be obtained unless otherwise noted by County Road Operations.
4. That prior to release of this permit, the Applicant/Owner shall submit a grade slip from MPE Engineering verifying that the as-built grading plan is in accordance with the overall development stormwater management plan, to the satisfaction of the County.

Permanent:

5. That the applicant/owner shall provide compaction testing verifying that the fill areas greater than 1.2 m in depth were placed in accordance with the Deep Fills report accepted by the County.
6. That upon completion of the proposed development, the Applicant/Owner shall provide a Deep Fills Report, prepared by a qualified geotechnical professional, indicating the as-built cut and fill areas of the site, and providing compaction testing results of the graded areas.
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 Release 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 upon completion of the proposed development, the Applicant/Owners shall submit an as-built survey, confirming that the development proposal and post grades align with the supporting technical submissions for the file.
10. That any material entering to or leaving from the site, shall be hauled on/off in a covered trailer/truck, which will prevent blowing of dust/small rocks onto the road or cause issues with other vehicles on the road.



- i. That the clean-up of any mud tracking and/or dirt that enters onto any County roads during hauling, shall be the responsibility and cost of the Applicant/Owner for clean-up.
11. That no topsoil shall be removed from the site.
12. That the fill shall not contain large concrete, rebar, asphalt, building materials, organic materials, or other metal.
13. 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.
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.
16. That if this permit is not issued by **AUGUST 31, 2021** or the approved extension date, then this approval is null and void and the Development Permit shall not be issued.
17. That once this Development Permit is issued, the proposed development of single-lot regrading and placement of clean fill/topsoil shall be completed within twelve (12) months of the date of issue.

Advisory:

18. That the site shall remain free of restricted and noxious weeds and be maintained in accordance with the Alberta Weed Control Act [*Statutes of Alberta, 2008 Chapter W-5.1; Current as of December 15, 2017*].
19. That the subject development shall conform to the County's Noise Bylaw C-5773-2003 in perpetuity.
20. That any other government permits, approvals, or compliances are the sole responsibility of the Applicant/Owner.

That the Applicant/Owner shall be responsible for all Alberta Environment approvals/compensation, under the Water Act, if any wetland is impacted/disturbed by the proposed development

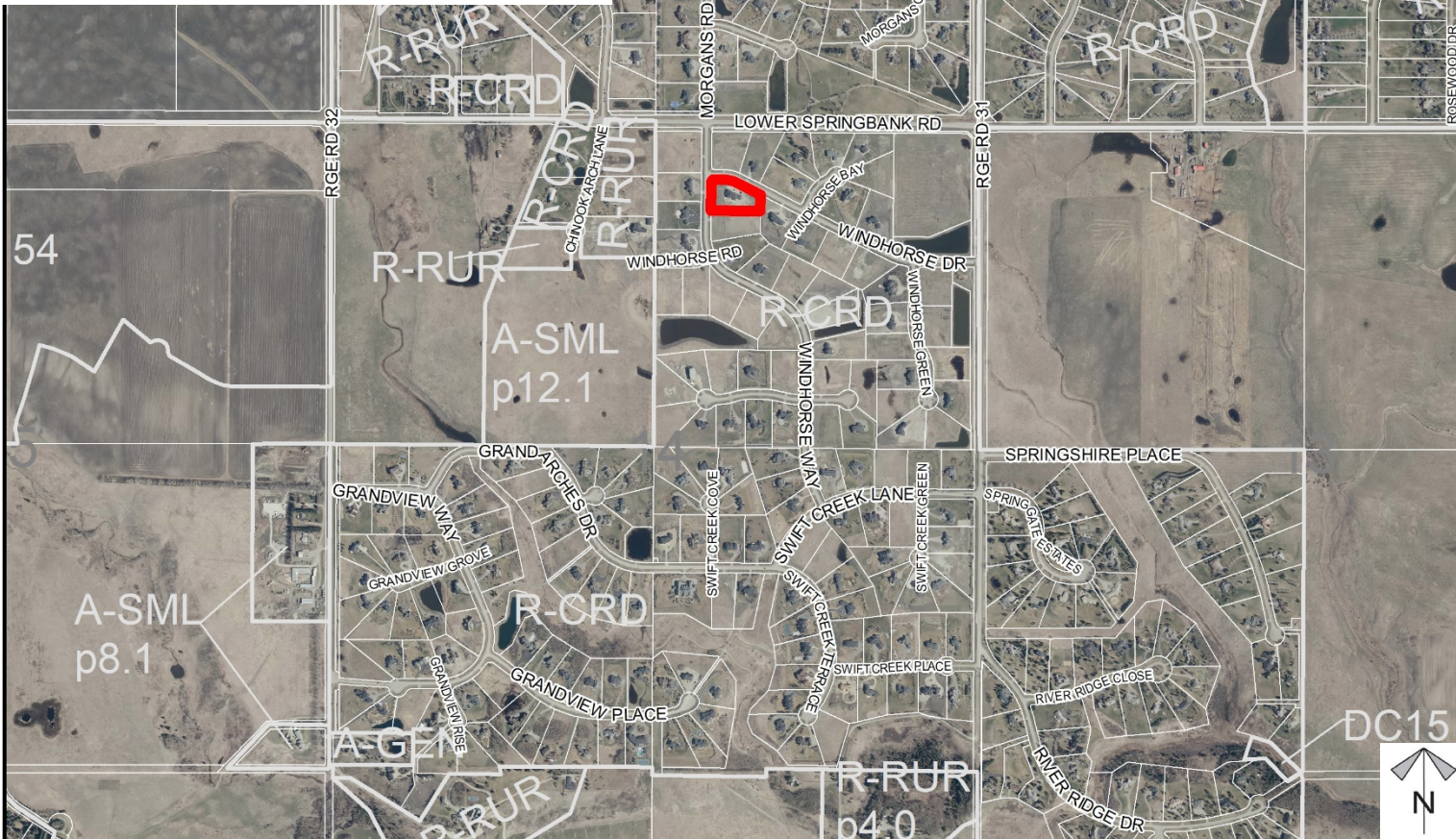
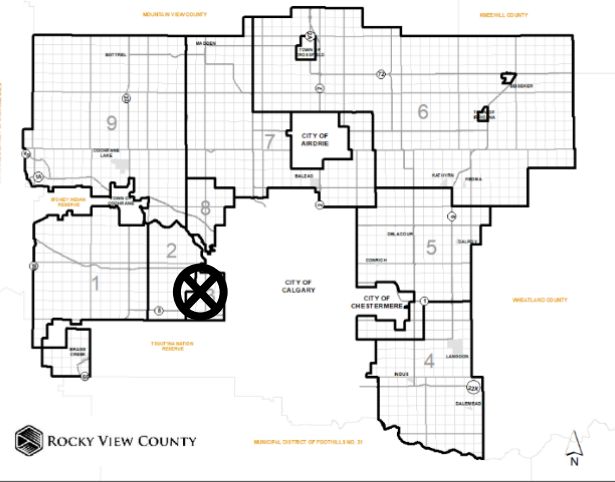
ATTACHMENT 'B': MAPS AND OTHER INFORMATION

APPLICANT: Wenyan Cheng	OWNER: Wenyan Cheng
DATE APPLICATION RECEIVED: December 4, 2020	DATE DEEMED COMPLETE: December 23, 2020
GROSS AREA: ± 0.81 hectares (± 2.02 acres)	LEGAL DESCRIPTION: NE-14-24-03-W05M, Lot:21 Block:3 Plan:0914791 (31103 WINDHORSE DRIVE)
APPEAL BOARD: Subdivision and Development Appeal Board	
HISTORY: <p>May 15, 2019: Building Permit (PRBD20191091) New Single Family Dwelling – PSR in Compliance</p> <p>November 28, 2018: Development Permit (PRDP20183934) Construction of a dwelling, single detached, relaxation of the maximum height requirement – Closed- Approved</p>	
PUBLIC & AGENCY SUBMISSIONS: <p>The application was circulated to internal and external agencies and, where appropriate, conditions of approval have been proposed based on these comments.</p>	

Development Proposal

Single-lot regrading,
placement of clean fill and
top soil for site
landscaping

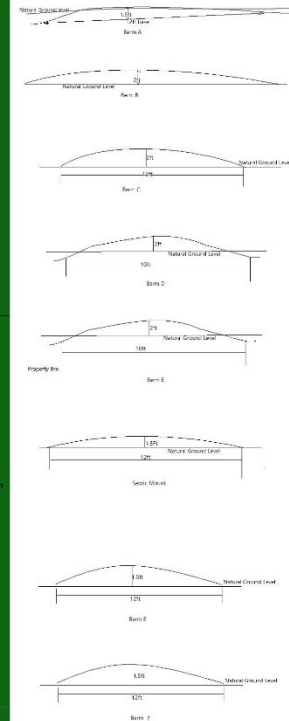
Division: 03
Roll: 04714176
File: PRDP20203988
Printed: Jan 15, 2021
Legal: Lot:21 Block:3
Plan:0914791 within NE-14-
24-03-W05M



Site Plan

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