



## PLANNING AND DEVELOPMENT SERVICES

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**TO:** Municipal Planning Commission  
Development Authority

**DATE:** March 10, 2021 **DIVISION:** 6

**FILE:** 06315001 **APPLICATION:** PRDP20210473

**SUBJECT:** Single-lot Regrading / Discretionary Use, with no Variances

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**APPLICATION:** single-lot regrading and the placement of clean topsoil (loam), for agricultural purposes and site improvements

**GENERAL LOCATION:** located at the northwest junction of Highway 566 and Range Road 282

**LAND USE DESIGNATION:** Agricultural, General District (A-GEN), under Land Use Bylaw C-8000-2020.

**EXECUTIVE SUMMARY:** This proposal is for the phased placement of loam to the subject site for site improvements and agricultural purposes. The subject site is a quarter section of 64.74 hectares [160.00 acres], developed with two dwelling, single detached and multiple accessory buildings.

Over the phased development, a total of 150,000.00 cubic meters will be placed onsite, at a maximum depth of 1.50 m (4.92 ft.), over an area of 42.63 hectares [105.34 acres, 426,300.00 sq. m]. Phased hauling is proposed in periods of time between spring 2021 through Summer 2022, between March through October. Upon completion of material placement, the Owner of the site will re-cultivate the area(s) and seed them for future agricultural use.

As the proposal will add agricultural benefit to the subject site desired by the Owner, and will assist and accommodate future commercial development within the High Plains Industrial Park, this application is being supported by Administration.

This file was presented to the Municipal Planning Commission on February 24, 2021 and was tabled to the current Commission meeting.

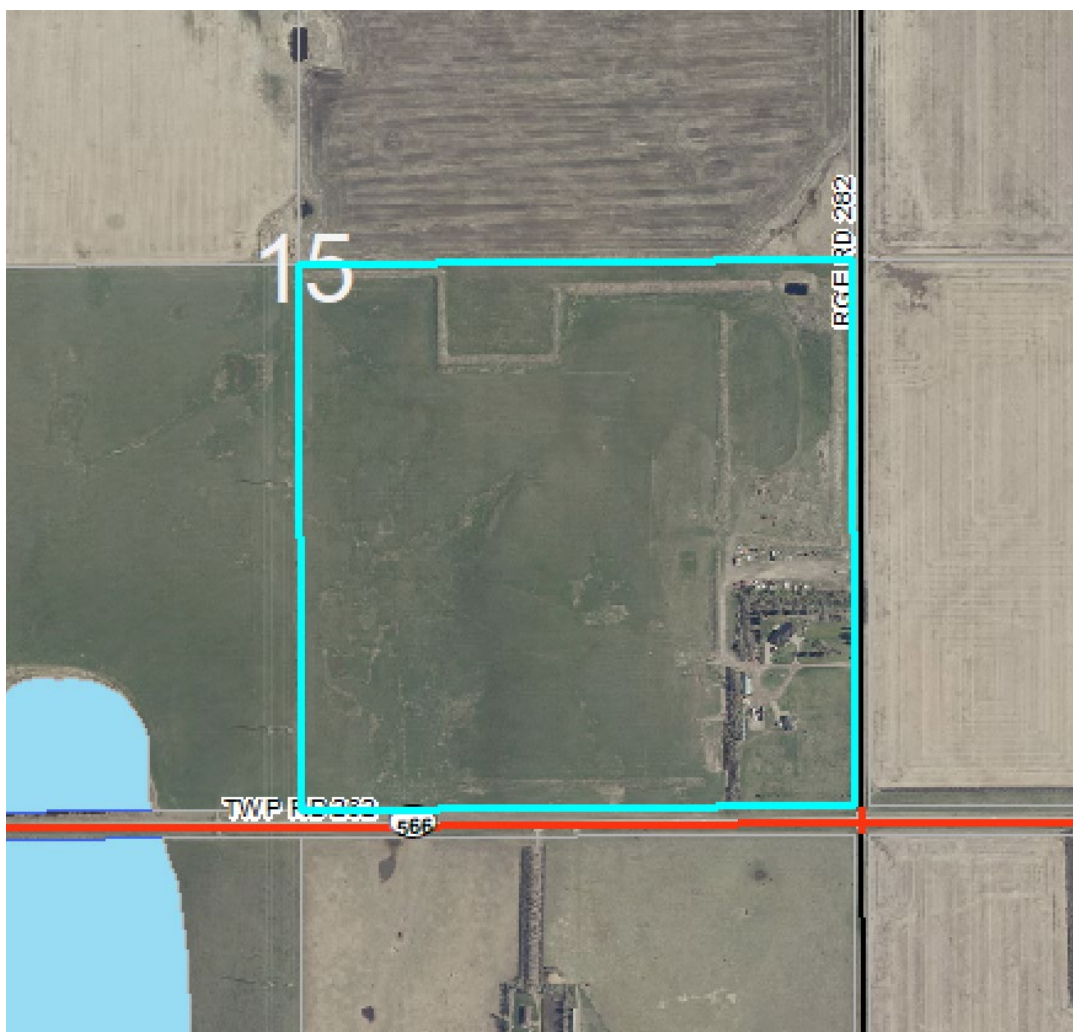
**ADMINISTRATION RECOMMENDATION:** Administration recommends approval in accordance with Option #1.

### OPTIONS:

- Option #1: THAT Development Permit No. PRDP20210473 be approved with the conditions noted in Attachment 'A'.
- Option #2: THAT Development Permit No. PRDP20210473 be refused noted below
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 application submitted and the applicable policies and regulations.

<p><b>APPLICABLE POLICY AND REGULATIONS:</b></p> <ul style="list-style-type: none"> <li>• <i>Municipal Government Act</i>;</li> <li>• Subdivision and Development Regulations;</li> <li>• Land Use Bylaw C-8000-2020 [LUB];</li> <li>• County Servicing Standards.</li> </ul>	<p><b>TECHNICAL REPORTS SUBMITTED:</b></p> <ul style="list-style-type: none"> <li>• Construction Management Plan including: <ul style="list-style-type: none"> <li>○ Sedimentation and Erosion Control Current Requirements &amp; Erosion and Sedimentation Plans</li> <li>○ Deep Fill Report and Topsoil Erodibility Report</li> <li>○ Grading Plan</li> <li>○ Weed Management Plan</li> </ul> </li> </ul>
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<b>DISCRETIONARY USE:</b> <ul style="list-style-type: none"><li>• Stripping, Grading, Fill and Excavation</li></ul>	<b>DEVELOPMENT VARIANCE AUTHORITY:</b> <ul style="list-style-type: none"><li>• Subdivision and Development Appeal Board</li></ul>
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Additional Review Considerations

The application was assessed in accordance the Sections 157 and 158 of the LUB, which required that any Stripping, Grading, Filling or Excavation proposals require a Development Permit. The application appears to comply with the regulations.

The Applicant has submitted supporting technical information that is currently under review with Administration. As the technical information is under review, the proposed conditions of approval have included all technical requirements.

The origin of topsoil is from the High Plains Industrial Park, within the Balzac Regional Business Centre. The materials are required to be exported from the area, in order to support new commercial proposals within the park.

A Roadside Development Permit with Alberta Transportation and a Road Hauling Agreement with the County is required. One gravel approach is proposed off Range Road 282, to accommodate the development proposal.

**CONCLUSION:**

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

Respectfully submitted,

Concurrence,

“Theresa Cochran”

“Al Hoggan”

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Executive Director  
Community Development Services

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Chief Administrative Officer

JT/ltt

**ATTACHMENTS:**

ATTACHMENT ‘A’: Development Permit Report Conditions

ATTACHMENT ‘B’: Maps & Other Information

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## **ATTACHMENT 'A': DEVELOPMENT PERMIT REPORT CONDITIONS**

### **Description:**

1. That single-lot regrading and the placement of clean topsoil (loam) shall be permitted in accordance with the drawings submitted with the application, [*as prepared by CIMA Canada Inc., File W758 / C04-00384.02; "Farmers Earthworks Fill," dated February, 2021*] as amended, and includes:
  - i. The placement of approximately 150,000.00 cubic metres;

### **Prior to Issuance:**

2. That prior to release of this permit, the Applicant/Owner shall submit a Construction Management Plan, to the satisfaction of Rocky View County ("the County") in accordance with the County's Servicing Standards, Section 1100. The Construction Management Plan shall:
  - i. Include a Weed Management Plan;
  - ii. Provide details regarding how dust mitigation will be provided onsite, along with a process for how any complaints will be handled;
  - iii. Provide details regarding the supply and use of water for dust suppression; and
  - iv. Provide construction notification sign design including proposed locations for the signs situated on the subject lands, identifying the Owner, Engineer, Contractor and contact information for local resident questions or concerns, in accordance with the County's Servicing Standards.
3. That prior to release of this permit, the Applicant/Owner shall obtain and submit proof of \$5,000,000.00 liability insurance with the County named as an additional insured for the works associated with the permit, to the satisfaction of the County.
4. That prior to release of this permit, the Applicant/Owner shall submit proof of \$2,000,000.00 commercial vehicle insurance, for the commercial truck hauling related to the works associated with the permit.
5. That prior to release of this permit, the Applicant/Owner(s) shall submit a Letter of Credit or refundable security in accordance with the County Policy C-407. The requirement shall be \$1,250.00/disturbed acre of the development area.
6. That prior to release of this permit, the Applicant/Owner shall submit an Erosion Sediment Control Plan, in accordance with the County's Servicing Standards. *Note: based on the size of the disturbed area, a full ESC Report is required.*
7. That prior to release of this permit, the Applicant/Owner shall submit a stamped and endorsed statement from a Professional Agrologist or Certified Crop Advisor, to the satisfaction of the County. The statement shall confirm the soil quality improvements achieved by the proposed addition of topsoil and the anticipated agricultural benefits, to the satisfaction of the County.
8. That prior to release of this permit, the Applicant/Owner submit a soil testing analysis, to the satisfaction of the County, completed on the proposed topsoil, which includes where the topsoil originated from and confirm 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;

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- iii. SAR/EC rating is at least “good”; and
  - iv. PH value is in the “acceptable” range for crop growth.
9. 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. The Applicant shall also discuss and submit a New Approach application to County Road Operations, for the proposed gravel approach off Range Road 282.
  - ii. Written confirmation shall be received from County Road Operations, confirming the status of this condition. Any agreement or permit shall be issued by the County, unless otherwise confirmed by County Road Operations.
10. That prior to release of this permit, the Applicant/Owner shall submit a limited scope storm drainage report, prepared by a qualified stormwater management engineering professional, to the satisfaction of the County, confirming:
- i. Stormwater management requirements and recommendations to accommodate the construction period;
  - ii. Verify that post development site grades will not result in impacts to downstream properties or infrastructure;
  - iii. The report shall include recommendations for any short term or permanent stormwater management facilities on the site.

**Permanent:**

11. 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.
- i. That if any future development occurs on the subject development graded area, the Applicant/Owner shall obtain any required approvals from the County, with the proper supporting technical documentation approved by the County, prior to commencement. *Note: For future applications, unless otherwise conditioned, the Applicant/Owner shall register a Caveat on title, including a site plan attachment, stating that the identified area may be limited/restricted for future development, with the exception of minor agricultural pursuits.*
12. That if conditions of this permit are not satisfied, the County may draw upon the Letter of Credit or Refundable Security, once registered with the County, without recourse to the Applicant/Owner, to cover the costs in surface reclamation of any or all of the disturbed areas or costs involved in actions necessary to ensure compliance with any other conditions of this permit.
13. 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.
14. That the Applicant/Owner shall conduct a completion soil testing, by a qualified professional, at the destination location of the topsoil material, at a frequency of 1 test per 10,000 cu. m. (with standard processing times).
- i. Texture is balanced and not over 40.00% clay;

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- 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.

The results shall be recorded and summarized to confirm compliance within the standards specified above. Once completed, the recorded results shall be submitted to the County, for review and acceptance. Should the results not be within tolerance of the standards specified above, the County reserves the right to suspend all hauling activities and not permit further material to be placed at the destination location.

- 15. That for any areas with greater than 1.20 m (3.93 ft.) of topsoil placed, a Deep Fill report shall be submitted to County, in accordance with County Servicing Standards, upon completion.
- 16. That no native topsoil shall be removed from the site.
- 17. That it shall be the responsibility of the Applicant/Owners to ensure the material has been placed in a safe manner that does not cause slope stability issues, slumping, or any other related safety issues.
- 18. That the Applicant/Owners shall ensure no organic material is buried and capped in a manner that will cause methane gas related issues.
- 19. That the material shall not contain large concrete, large rocks, rebar, asphalt, building materials, organic materials, or other metal.
- 20. 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.
  - i. That no potable water shall be used for grading and/or construction purposes.
  - ii. That water trucks shall be available at all times onsite to control dust blowing from the site and/or roadways.
  - iii. That if at any time the removal/placement of the fill creates a visible dust problem, the removal or handling of the fill shall cease immediately until remedial measures are taken.
- 21. That any material entering to or leaving from the site, shall be hauled on/off in a covered trailer/truck, to help 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 adjacent Highway and/or County roads during hauling shall be the responsibility and cost of the Applicant/Owner for clean-up.
- 22. That the proposed development graded area, as per the approved application, shall be spread and seeded to native vegetation or farm crop, to the satisfaction of the County, upon completion.
- 23. That the County staff or agents shall have access to the site at all times.
- 24. That the Applicant/Owners shall be responsible for rectifying any adverse effect on adjacent lands from drainage alteration.
- 25. 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

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regularly removed from the property to prevent any debris from blowing onto adjacent property or roadways.

**Advisory:**

26. That the Applicant/Owners shall be responsible for all required payments of 3<sup>rd</sup> party reviews and/or inspections as per the Master Rates Bylaw.

*Note: For any 3rd party review work completed prior to Issuance of the Development Permit, the invoices shall be paid prior to the Development Permit being issued. For any work completed after Permit issuance, the invoices shall be paid as per the required deadline.*

27. That the subject development shall conform to the County's Noise Bylaw C-5773-2003 in perpetuity.
28. That the site shall adhere to any requirements of Instrument #751 098 545 [Utility Right of Way (UROW)]. Any impact to the UROW, the Applicant/Owner shall contact Rocky View Gas Co-op, prior to commencement.
29. 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*].
30. 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 the issued Roadside Development Permit from Alberta Transportation, to the County once obtained, for hauling activities.

***Note: The Applicant/Owner shall be responsible for all Alberta Environment approvals/compensation if any wetland is impacted by the placement of the topsoil, prior to commencement.***

**ATTACHMENT 'B': MAPS AND OTHER INFORMATION**

<b>APPLICANT:</b> CIMA Canada Inc.	<b>OWNER:</b> Clinton & Beverley Havens
<b>DATE APPLICATION RECEIVED:</b> February 8, 2020	<b>DATE DEEMED COMPLETE:</b> February 16, 2021
<b>GROSS AREA:</b> ± 64.74 hectares (± 160.00 acres)  <b>DEVELOPMENT AREA:</b> ± 42.63 hectares (± 105.34 acres)	<b>LEGAL DESCRIPTION:</b> SE-15-26-28-W04M; 262027, 262031 Range Road 282
<b>APPEAL BOARD:</b> Subdivision and Development Appeal Board	
<b>HISTORY:</b>  <i>Development Permits:</i> <ul style="list-style-type: none"> <li>• PRDP20180920; Additional Farm Dwelling; Issued May 16, 2018</li> <li>• PRDP20170718: Commercial Communications Tower, Type C; Issued June 8, 2017</li> <li>• 2004-DP-10900 through 1990 (1990-Dp-3698): Farm Dwelling, Mobile Home (renewal); Issued June 30, 2004; Closed upon Expiry</li> </ul> <i>Building Permits:</i> <ul style="list-style-type: none"> <li>• PRBD20184435; Manufactured Dwelling; PSR with Deficiency April 19, 2019</li> <li>• 2006-BP-18952; Dwelling; Final inspection December 6, 2006</li> </ul> <i>Assessment History:</i> <ul style="list-style-type: none"> <li>• 2006 Dwelling, Single Detached, with attached garage</li> </ul>	
<b>AGENCY SUBMISSIONS:</b>  The application was circulated to internal and external agencies and, where appropriate, conditions of approval have been proposed based on these comments.	

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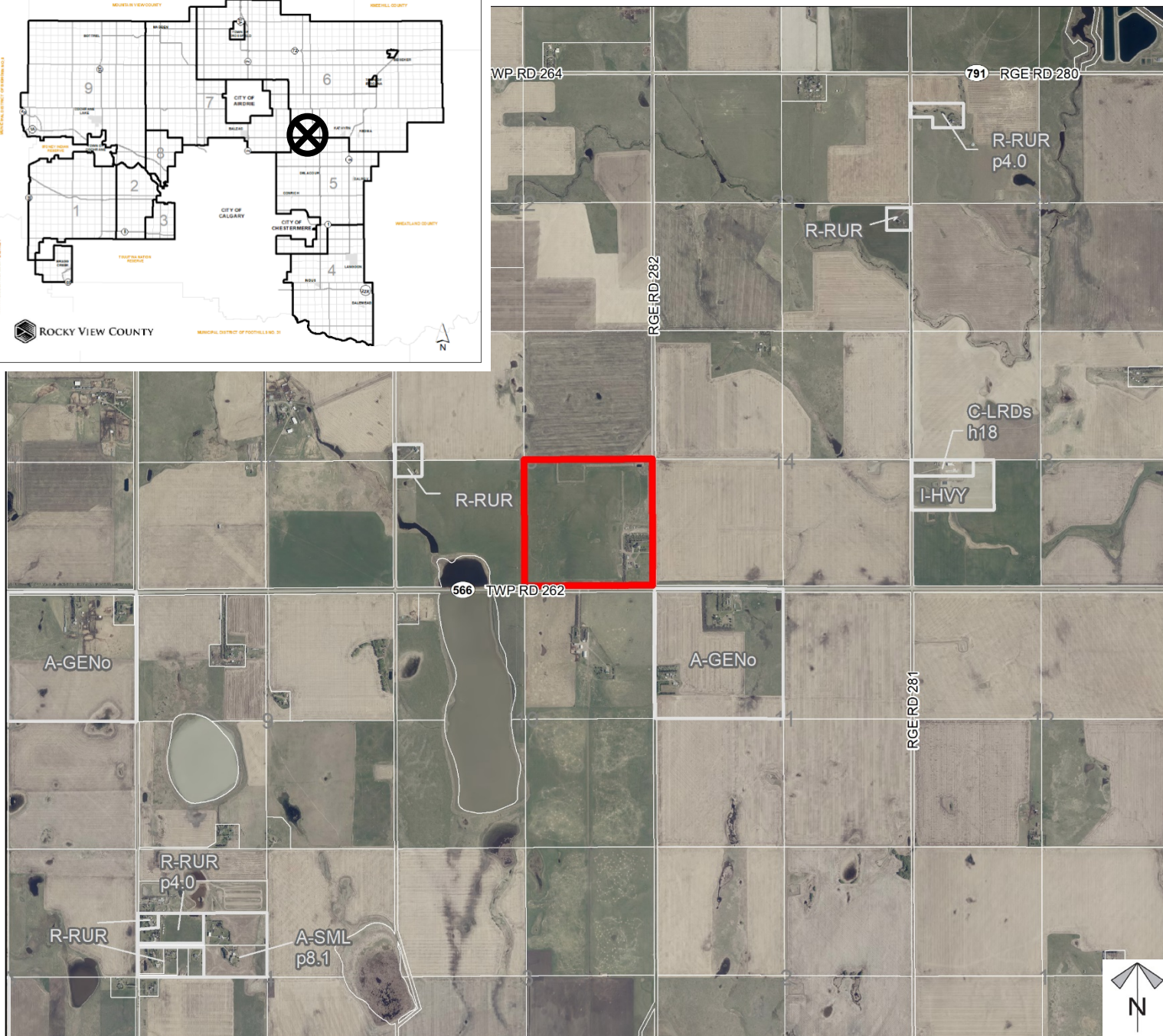
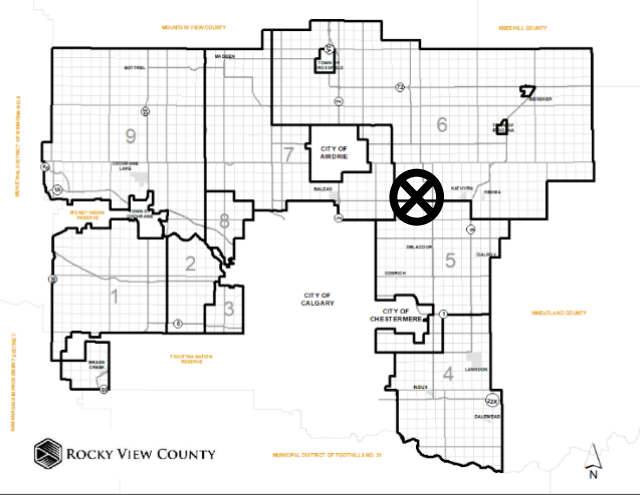


## Location & Context

### Development Proposal

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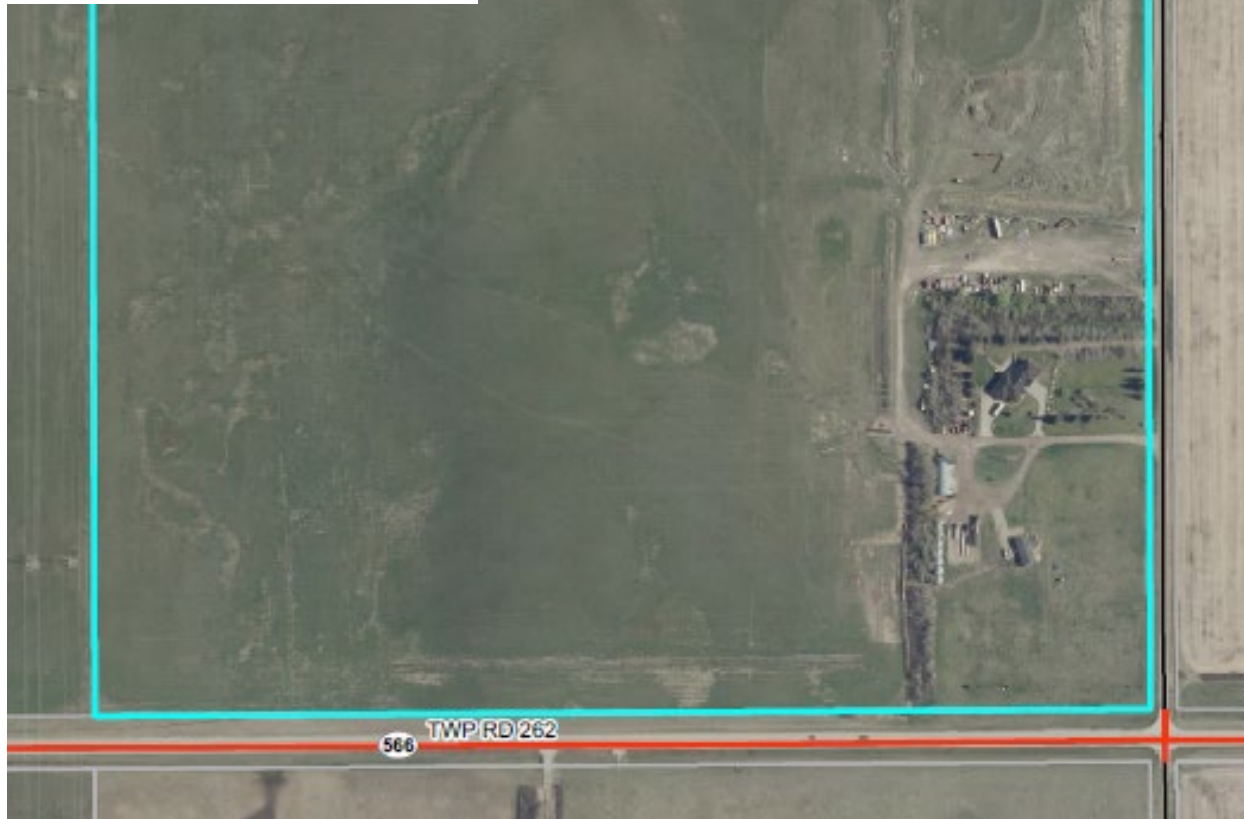
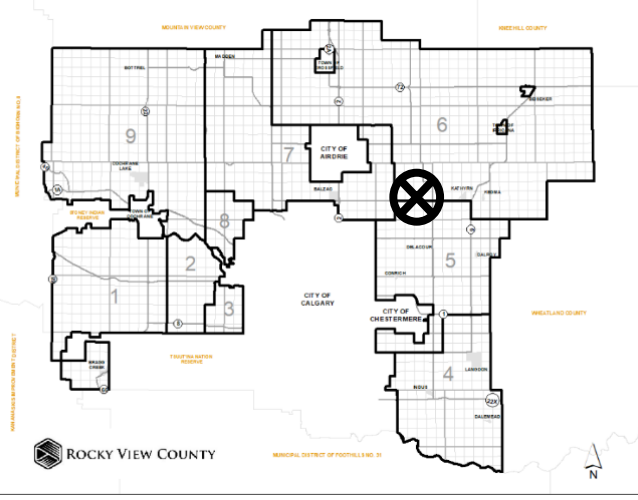


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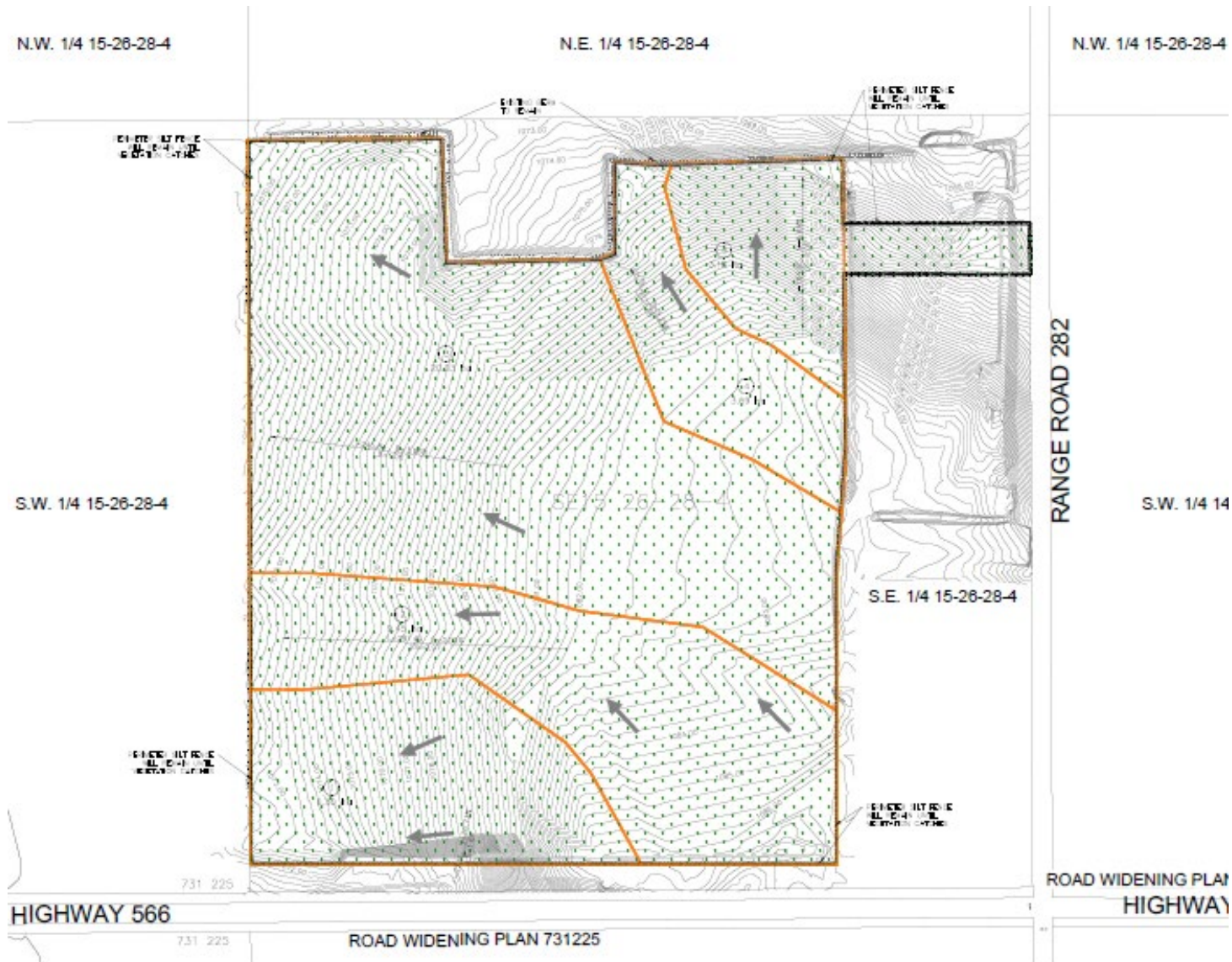




## SITE PLAN

### Development Proposal

*single-lot regrading and the placement of clean topsoil, for agricultural purposes and site improvements*



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## SITE PHOTOS

### Development Proposal

*single-lot regrading and  
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Looking N



Looking S



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