

PLANNING AND DEVELOPMENT SERVICES

TO: Municipal Planning Commission
Development Authority
DIVISION: 5

DATE: April 14, 2021
APPLICATION: PRDP20210294

FILE: 03326001

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

APPLICATION: Single-lot Regrading and placement of clean topsoil, for agricultural purposes.

GENERAL LOCATION: located approximately 1.61 km (1 mile) east of Hwy. 22 and on the south side of Hwy. 567.

LAND USE DESIGNATION: Agricultural, General District (A-GEN)

EXECUTIVE SUMMARY: The application to place up 105,582.00 cubic metres of top soil on 46.20 hectares (114 acres) of land, at a maximum depth of 22.96 cm (9 inches) for agricultural purposes. The placement of loam will help to improve the productivity of the land and will provide agricultural benefit to the subject site disturbed by the owner.

This application is the result of an enforcement file. The applicant originally applied under PRDP20191283. However, the application was filled out incorrectly and identified the adjacent parcel to the north as the subject property. The development permit was issued and worked commenced before the error was recognized. This application is to rectify the mistake.

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

OPTIONS:

Option #1: THAT Development Permit Application PRDP20210294 be approved with the conditions noted in Attachment 'A'.

Option #2: THAT Development Permit No. PRDP20210294 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.

Administration Resources

Scott Thompson, Planning and Development



AIR PHOTO & DEVELOPMENT CONTEXT:



APPLICATION EVALUATION:

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

APPLICABLE POLICY AND REGULATIONS: <ul style="list-style-type: none"> • <i>Municipal Government Act;</i> • Subdivision and Development Regulations; • Land Use Bylaw; and • County Servicing Standards. 	TECHNICAL REPORTS SUBMITTED: <ul style="list-style-type: none"> • No technical reports were submitted.
PERMITTED USE: Stripping, Grading, Excavation and Fill	DEVELOPMENT VARIANCE AUTHORITY: Municipal Planning Commission

Additional Review Considerations

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

No supporting technical information has been provided as part of this application. The applicant has not confirmed where the fill is from, but has said that the material will be coming from several different sources. The applicant is committed to provide testing to ensure it is not contaminated per provincial guidelines. The testing will be performed by a qualified agronomist.

The hauling will take place over the course of several months, but may be stopped entirely for periods of time to facilitate client needs. This will result in 10 to 15 trucks hauling to site per day.

**CONCLUSION:**

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

Respectfully submitted,

Concurrence,

“Brock Beach”

“Al Hoggan”

Acting Executive Director
Community Development Services

Chief Administrative Officer

ST/lt

ATTACHMENTS :

ATTACHMENT ‘A’: Development Permit Report Conditions

ATTACHMENT ‘B’: Maps and Other Information



ROCKY VIEW COUNTY

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 topsoil (loam) shall be permitted in accordance with the drawings submitted with the application, [*as prepared by Ironclad Earthworks, dated February 17, 2021*] as amended, and includes:
 - i. The placement of approximately 105,582.00 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 submit written details confirming how much topsoil material has been placed onsite, related to the subject development proposal, to the satisfaction of the County.
4. 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 \$5,000.00/disturbed acre of the development area.
5. 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.*
6. 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.
7. That prior to release of this permit, the Applicant/Owner shall submit a soil testing analysis, of three individual samples, of the topsoil material that has already been placed on the subject site. The samples shall 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;
 - iii. SAR/EC rating is at least "good"; and
 - iv. PH value is in the "acceptable" range for crop growth.



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1. That if the Soil Samples are deemed inadequate, the Applicant shall work with the County to determine an acceptable solution for the material placed onsite.
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 (to be placed onsite), 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;
 - 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. 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 Stormwater Management Plan, for the subject lands prepared by a professional engineer, licensed by APEGA, in accordance with County Servicing Standards. The plan shall include the following items:
 - i. The report shall evaluate possible impacts that the proposed site grading will have on adjacent lands and any on-site wetlands.
 - ii. The report shall provide mitigating measures, if necessary, for any impacts the work may have on adjacent lands and any on-site wetlands.
 - iii. Both pre and post-development site grading must be included in the report.

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.



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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;
 - 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.



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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 Applicant/Owners shall be responsible for rectifying any adverse effect on adjacent lands from drainage alteration.
24. 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.

Advisory:

25. That the subject development shall conform to the County's Noise Bylaw C-5773-2003 in perpetuity.
26. 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*].
27. That if the Development Permit is not issued by **SEPTEMBER 30, 2021** or the approved extension date, then this approval is null and void and the Development Permit shall not be issued.
28. That if the development authorized by this Development Permit is not completed within twelve (12) months of the date of issuance, or an approved extension date, the permit is deemed to be null and void.
29. 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 if required.

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.



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ATTACHMENT 'B': MAPS AND OTHER INFORMATION

APPLICANT: Ironclad Earthworks Ltd	OWNER: 311466 Alberta Ltd.
DATE APPLICATION RECEIVED: 01/22/2021	DATE DEEMED COMPLETE: 02/23/2021
GROSS AREA: ± 64.7 hectares (± 160 acres)	LEGAL DESCRIPTION: SE-26-23-28-04
APPEAL BOARD: Municipal Government Board	
HISTORY: <i>No prior application history</i>	
PUBLIC & AGENCY SUBMISSIONS: 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.	



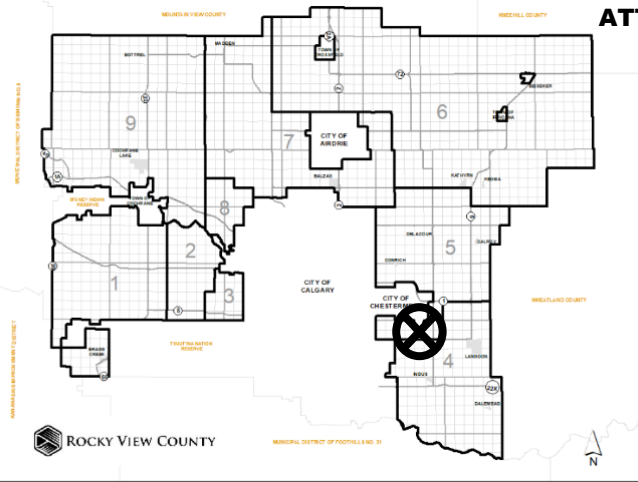
Location & Context

Development Proposal

Application to place up
105,582.00 cubic metres
of top soil on 46.2
hectares (114 acres) of
land at a maximum depth
of 22.96 cm (9 inches) for
agricultural purposes to
help improve the
productivity of the land

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ATTACHMENT 'B': MAPS AND OTHER INFORMATION



Site Plan

Development Proposal

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