

PLANNING AND DEVELOPMENT SERVICES

TO: Subdivision and Development Appeal Board
DATE: April 15, 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 Range Road 32 and 0.12 km (1/8 mile) south of Lower Springbank Road.

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

EXECUTIVE SUMMARY: The subject land is designated Residential, Country Residential District (R-CRD) and is located in the Windhorse community, surrounded by residential parcels. Currently, a single family dwelling is located on the property. The proposal is for the single-lot regrading, 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. There are no variances requested and the application appears to be 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. On February 24, 2021, the Municipal Planning Commission approved Development Permit PRDP20203988 with the conditions noted in **Attachment ‘B’**. The Notice of Decision was circulated on March 2, 2021 to 110 adjacent landowners. The decision was appealed on March 18, 2021 by an affected party and the reasons of appeal are included in **Attachment ‘F’**.

DECISION: Approved

DEVELOPMENT / SUBDIVISION AUTHORITY: Municipal Planning Commission

DECISION DATE:
February 24, 2021

APPEAL DATE:
March 18, 2021

ADVERTISED DATE:
March 2, 2021

AIR PHOTO & DEVELOPMENT CONTEXT:



Administration Resources
Bronwyn Culham, Planning & Development Services



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>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

APPEAL:

See attached report and exhibits.

Respectfully submitted,

“Heather McInnes”

Supervisor Development & Compliance

BC/lt



ATTACHMENT 'A': APPLICATION INFORMATION

APPLICANT: Wenyan Cheng	OWNER: Wenyan Cheng
DATE APPLICATION RECEIVED: December 4, 2020	DATE DEEMED COMPLETE: December 23, 2020
MUNICIPAL PLANNING COMMISSION DECISION DATE: February 24, 2021	
APPELLANT: Turowiski, Agnieszka & Robert	
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) 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 110 adjacent landowners. At the time this report was prepared, not including Appeal Exhibits, no letters were received in support or objection to the application.</p>	

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'.

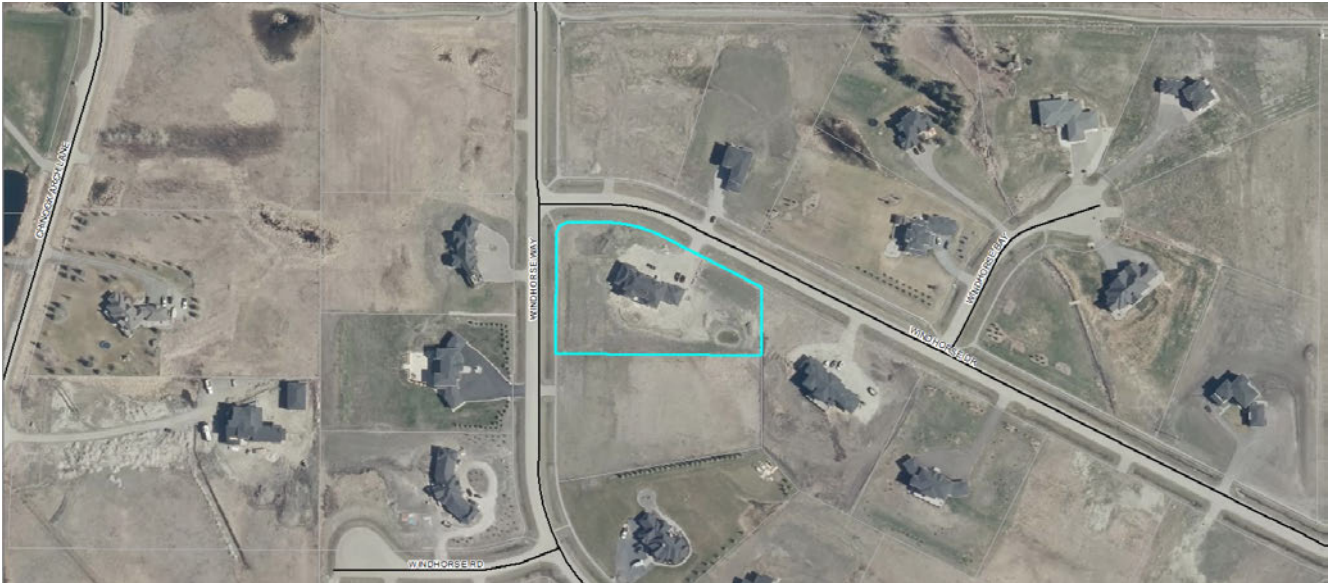
Option #2: THAT Development Permit Application PRDP20203988 be refused for the following reasons:

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.

Administration Resources

Bronwyn Culham, Planning & Development Services

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 ± 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.



- 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.



ROCKY VIEW COUNTY

- 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><i>May 15, 2019:</i> Building Permit (PRBD20191091) New Single Family Dwelling – PSR in Compliance</p> <p><i>November 28, 2018:</i> 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 PERMIT APPLICATION

APPLICATION NO.	PRDP20203988
ROLL NO.	04714176
RENEWAL OF	---
FEES PAID	\$615.00
DATE OF RECEIPT	Dec 4, 2020

APPLICANT/OWNER

Applicant Name: Wenyan Cheng Email: [REDACTED]

Business/Organization Name (if applicable):

Mailing Address [REDACTED] Postal Code: [REDACTED]

Telephone (Primary): [REDACTED] Alternative [REDACTED]

Landowner Name(s) per title (if not the Applicant):

Business/Organization Name (if applicable):

Mailing Address: Postal Code:

Telephone (Primary): Email:

LEGAL LAND DESCRIPTION - Subject site

All/part of: NE ¼ Section: 14 Township: 24 Range: 3 West of: 5 Meridian Division:

All parts of Lot(s)/Unit(s): 21 Block: 3 Plan: 0914791 Parcel Size (ac/ha): 2.02 ac

Municipal Address: 31103 Windhorse Drive Rocky View County, AB Land Use District: R-1

APPLICATION FOR - List use and scope of work

Landscaping & Grading

Variance Rationale included: YES NO N/A DP Checklist Included: YES NO

SITE INFORMATION

- a. Oil or gas wells present on or within 100 metres of the subject property(s) YES NO
- b. Parcel within 1.5 kilometres of a sour gas facility (well, pipeline or plant) YES NO
- c. Abandoned oil or gas well or pipeline present on the property YES NO
(Well Map Viewer: <https://extmapviewer.aer.ca/AERAbandonedWells/Index.html>)
- d. Subject site has direct access to a developed Municipal Road (accessible public roadway) YES NO

AUTHORIZATION

I, WENYAN CHENG (Full name in Block Capitals), hereby certify (initial below):

W.C. That I am the registered owner OR _____ That I am authorized to act on the owner's behalf.

W.C. That the information given on this form and related documents, is full and complete and is, to the best of my knowledge, a true statement of the facts relating to this application.

W.C. That I provide consent to the public release and disclosure of all information, including supporting documentation, submitted/contained within this application as part of the review process. I acknowledge that the information is collected in accordance with s.33(c) of the *Freedom of Information and Protection of Privacy Act*.

W.C. **Right of Entry:** I authorize/acknowledge that Rocky View County may enter the above parcel(s) of land for purposes of investigation and enforcement related to this application in accordance with Section 542 of the Municipal Government Act.

Applicant Signature _____ Landowner Signature _____

Date Dec.4, 2020 Date Dec. 4, 2020



STRIPPING, GRADING, EXCAVATION AND/OR FILL INFORMATION SHEET

FOR OFFICE USE ONLY	
APPLICATION NO.	
ROLL NO.	
DISTRICT	

DETAILS		APPLICATION FOR:
Total area of work	7718 (m ²)	<input checked="" type="checkbox"/> Site Stripping <input type="checkbox"/> Fill <input checked="" type="checkbox"/> Grading <input checked="" type="checkbox"/> Re-contouring <input type="checkbox"/> Excavation (cut-to-fill) <input type="checkbox"/> Excavation (borrow areas) <input type="checkbox"/> Construction of artificial waterbody (not including dugouts) <input type="checkbox"/> Stockpiling <input type="checkbox"/> Other:
Length	(m / ft.)	
Width	(m / ft.)	
Height	(m / ft.)	
Volume	926 (m ³)	
Number of truckloads (approx.)	approx. 150	
Slope factor (if applicable)	W-E 2-3° ; N-S 7-8°	

DESCRIPTION OF WORK

Describe the purpose and intent of the work proposed (include cover letter for detailed description):
 Final Grading & Landscaping to meet Windhorse Community's Landscaping requirements and Rocky View County's Land Use Bylaw

Indicate the timing/duration of work (which shall not coincide with bird nesting seasons, as determined):
 The work is scheduled to be completed by June 2021.

Indicate the effect(s) on existing drainage patterns or environmentally sensitive areas (i.e. riparian, wetland, other waterbodies etc.) if applicable:
 This work has no environmental impact and does not change the existing public drainage pattern (see attached Windhorse Community Drainage Plan)

Confirm if proposed fill contains any rubble or hazardous substances:
 The contractor will do its diligence to make sure that purchased topsoil doesn't contain any rubble or hazardous substances;

ADDITIONAL REQUIREMENTS, in addition to DP Checklist - General requirements

- The following must be included with the application (select if provided):**
- Pre-development and Post-development grading plans
 - Other documents: Stormwater Management Plan, Fill Management Plan, Soil Quality Report may be required
 - Cover letter shall address ALL of the following:**
 - Soil-handling plan depicting movement of fill on the site and confirmation that soil will be transported when it is in a favourable condition (include this information on the Site/Grading Plan as necessary)
 - Traffic control plan
 - Weed Management Plan
 - Costs (anticipated) to reclaim the site
 - Methods to dust and erosion resulting from ongoing work
- On the Site/Grading Plans:**
- Dimensions and area(s) of excavation, fill, and/or grading
 - Location of wetlands and watercourses and any ecologically sensitive features
 - Location where the excavation, stripping, or grading is to be taking place
 - Proposed access, haul routes, and haul activities

Applicant Signature _____

Date Dec.4, 2020 _____



DEVELOPMENT PERMIT APPLICATION CHECKLIST - GENERAL

All plans shall be submitted as one (1) legible hard copy and in DIGITAL form (pdfs)

Select [x] all that are included within application package. Incomplete applications may not be accepted for processing

- APPLICATION FORM(S) AND CHECKLIST:** All parts completed and signed.
- APPLICATION FEE:** Refer to Planning and Development Fee Schedule within the [Master Rates Bylaw](#).
- CURRENT LAND TITLES CERTIFICATE COPY - dated within 30 days of application, and:**
 - Digital copy of non-financial instruments/caveats registered on title
- LETTER OF AUTHORIZATION:** Signed by the registered landowner(s) authorizing person acting on behalf (if not the Applicant). If registered owner on title is a company, authorization to be provided on a company letterhead or as an affidavit (signed by a Commissioner of Oaths).
- COVER LETTER, shall include:**
 - Proposed land use(s) and scope of work on the subject property
 - Detailed rationale for any variances requested
 - For businesses - Complete operational details including days/hours of work, number of employees, parking provisions, types of vehicles, outdoor storage areas, site access/approach, traffic management, etc.
 - Reference to any *Supporting Documents*, images, studies, plans etc. provided within application package
- SITE PLAN, shall include:**
 - Legal description and municipal address
 - North arrow
 - Property dimensions (all sides)
 - Setbacks/dimensions from all sides of the property line(s) to existing/proposed buildings, structures (cantilevers, decks, and porches), outdoor storage areas etc.
 - Dimensions of all buildings/structures
 - Location and labels for existing/proposed approach(s)/access to property
 - Identify names of adjacent internal/municipal roads and highways
 - Identify any existing/abandoned/proposed oil wells, septic fields/tanks, or water wells on site, including their distances to existing/proposed buildings
 - Identify any existing/proposed site features such as trees, shelterbelts, canals, waterbodies, etc.
 - Identify site slopes greater than 15% and distances from structures
 - Location and labels for easements and/or rights-of-way on title
- FLOOR PLANS/ELEVATIONS, shall include:**
 - Overall dimensions on floor plans for all buildings/structures (for new construction, additions, renovations etc.)
 - Indicate floor area and existing/proposed uses on floor plans and height(s) on elevations
 - Indicate type of building/structure on floor plans and elevations
- COLOUR PHOTOGRAPHS (Min. 3) - one hard and digital copy:** Of existing site, building(s), structure(s), signage, site features, taken from all sides including surrounding context, and when existing floor plans/elevations are not available
- SUPPORTING DOCUMENTS (as applicable):** Include technical studies/reports and any additional plans relating to the proposed development (lot grading, site lighting, storm water management plans etc.). Refer to the Land Use Bylaw for use or district specific requirements.

FOR OFFICE USE ONLY

Proposed Use(s): Stripping, filling grading and excavating | Land Use District: C-LRD

Applicable ASP/CS/IDP/MSDP: Central Springbank ASK/ Montebello

Included within file: Information Sheet Parcel Summary Site Aerial Land Use Map Aerial Site Plan

NOTES:

Staff Signature: _____



LAND TITLE CERTIFICATE

S		
LINC	SHORT LEGAL	TITLE NUMBER
0034 088 146	0914791;3;21	161 133 467

LEGAL DESCRIPTION
 PLAN 0914791
 BLOCK 3
 LOT 21
 EXCEPTING THEREOUT ALL MINES AND MINERALS
 AREA: 0.819 HECTARES (2.02 ACRES) MORE OR LESS

ESTATE: FEE SIMPLE
 ATS REFERENCE: 5;3;24;14;NE

MUNICIPALITY: ROCKY VIEW COUNTY

REFERENCE NUMBER: 121 147 500 +2

REGISTERED OWNER(S)				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
161 133 467	09/06/2016	ORDER	\$345,000	ORDER

OWNERS

WENYAN CHENG

AND

SHENGBAO GAN

BOTH OF:

[REDACTED]
 [REDACTED]
 [REDACTED]

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
091 325 193	29/10/2009	UTILITY RIGHT OF WAY GRANTEE - FORTISALBERTA INC.
091 327 337	30/10/2009	UTILITY RIGHT OF WAY

ENCUMBRANCES, LIENS & INTERESTS

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161 133 467

REGISTRATION

NUMBER	DATE (D/M/Y)	PARTICULARS
		GRANTEE - FORTISALBERTA INC. GRANTEE - TELUS COMMUNICATIONS INC. GRANTEE - ATCO GAS AND PIPELINES LTD. GRANTEE - SHAW COMMUNICATIONS INC. GRANTEE - ROCKY VIEW COUNTY. AS TO PORTION OR PLAN:0914792
091 327 339	30/10/2009	EASEMENT AS TO PORTION OR PLAN:0914793 OVER AND FOR BENEFIT SEE INSTRUMENT
091 327 344	30/10/2009	CAVEAT RE : DEVELOPMENT AGREEMENT PURSUANT TO MUNICIPAL GOVERNMENT ACT CAVEATOR - ROCKY VIEW COUNTY. 911 - 32ND AVENUE NE CALGARY ALBERTA T2E6X6
091 327 345	30/10/2009	CAVEAT RE : DEFERRED SERVICES AGREEMENT CAVEATOR - ROCKY VIEW COUNTY. 911 - 32ND AVENUE NE CALGARY ALBERTA T2E6X6
091 327 346	30/10/2009	CAVEAT RE : EASEMENT
091 327 347	30/10/2009	ENCUMBRANCE ENCUMBRANCEE - WINDHORSE ESTATES (SPRINGBANK) HOMEOWNERS ASSOCIATION. 1, 5925 12 STREET SW CALGARY ALBERTA T2H2X9 (DATA UPDATED BY: CHANGE OF ADDRESS 181037417)
091 327 348	30/10/2009	AGREEMENT SEE INSTRUMENT
111 303 272	22/11/2011	UTILITY RIGHT OF WAY GRANTEE - FORTISALBERTA INC. GRANTEE - TELUS COMMUNICATIONS INC. GRANTEE - SHAW COMMUNICATIONS INC. AS TO PORTION OR PLAN:1113386
121 336 742	31/12/2012	CAVEAT RE : AGREEMENT CHARGING LAND CAVEATOR - FOX AND OX LANDS CORPORATION. C/O KRESTIVE LAW GROUP

(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

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REGISTRATION

NUMBER	DATE (D/M/Y)	PARTICULARS
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SUITE 800, FIRST CANADIAN CENTRE
 350 - 7 AVENUE SW
 CALGARY
 ALBERTA T2P3N9
 AGENT - ANDREA RICCIO

TOTAL INSTRUMENTS: 010

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN ACCURATE REPRODUCTION OF THE CERTIFICATE OF TITLE REPRESENTED HEREIN THIS 9 DAY OF DECEMBER, 2020 AT 03:35 P.M.

ORDER NUMBER: 40660711

CUSTOMER FILE NUMBER: PRDP20203988



END OF CERTIFICATE

THIS ELECTRONICALLY TRANSMITTED LAND TITLES PRODUCT IS INTENDED FOR THE SOLE USE OF THE ORIGINAL PURCHASER, AND NONE OTHER, SUBJECT TO WHAT IS SET OUT IN THE PARAGRAPH BELOW.

THE ABOVE PROVISIONS DO NOT PROHIBIT THE ORIGINAL PURCHASER FROM INCLUDING THIS UNMODIFIED PRODUCT IN ANY REPORT, OPINION, APPRAISAL OR OTHER ADVICE PREPARED BY THE ORIGINAL PURCHASER AS PART OF THE ORIGINAL PURCHASER APPLYING PROFESSIONAL, CONSULTING OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).

From:
Wendy Cheng

To:
Evan Neilsen
Development Assistant | Planning Services
262075 Rocky View Point
Rocky View County | AB | T4A 0X2
403-520-7285

SUBJECT: 31103 WINDHORSE DRIVE DP APPLICATION FOR LANDSCAPING

Dear Mr. Neilsen,

I am writing to apply for a **Development Permit** for my new residence’s landscaping and final grading at 31103 Windhorse Drive, according to Section 90 of Rocky View County Land Use Bylaw C-8000-2020.

Our new house built at 31103 Windhorse Drive with Building Permit # PRBD20191091 (valid until 05 June 2021) has been completed in July 2020 and a compliance report was issued by Rocky View County, then the rough grading near the house commenced. With this upcoming DP application we plan to perform the final grading and landscaping all around our house and rest of our whole land area. For your reference, I have attached all the forms, drawings, and other supporting documents as follows:

- Application Form(s) And Checklist;
- Application Fee (being remitted to rocky view county as instructed);
- Stripping, Grading, Excavation And/Or Fill Information Sheet;
- 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 by Treasure House Building & Renovation Ltd.;
- Windhorse Storm Water Management Drainage Plan;

In this landscaping project, the main work is to move the dirt in the west of the constructed house to the East lower area in order to effectively direct the surface water around the house to the west public drainage ditch (see Windhorse Storm Water Management Drainage Plan), and we will make sure that

all work complies with or exceeds the rocky view county current municipal standards and specifications as per the land use bylaws. Our contractor will be responsible for hauling of all excess materials off the site and contractor along with us will ensure that the landscape features meet or exceed the standards outlined in the "windhorse manor country estates - architectural guidelines"

Please let me know if more information is needed.

Sincerely,

Wendy Cheng

From: [REDACTED]
To: Bronwyn.Culham
Cc: [REDACTED]
Subject: RE: [EXTERNAL] - RE: PRDP20203988 Development Permit Application - Stripping & Grading
Date: January 19, 2021 1:24:17 PM

Hi Bronwyn,

Thanks for your proceeding regarding our Development Permit application. The followings are the missing information you are inquiring:

- The material we are hauling in on site is clean fill material and top soil, Plus we also use the native top soil on site.
- We are not removing any material on site.
- The highest grade change we are proposing is around 1 meter in Southwest part of our land where the original berm is being flattened for the surface water runoff. The grade change in the rest of the land is around 0.5 meter.

For the security, I don't really understand as I never heard of this kind of security. Is that a refundable deposit? What is it for? And how much it would be? Can we get the fund back after the work is done and passes the inspection?

Regards,

Wendy and Simon

Sent from [Mail](#) for Windows 10

From: BCulham@rockyview.ca
Sent: January 19, 2021 11:59 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: [EXTERNAL] - RE: PRDP20203988 Development Permit Application - Stripping & Grading

Hi Wendy and Simon,

Could you please provide the following missing information regarding your Development Permit application?

- What material are you hauling in on site? Is it clean fill material only or top soil? Or are you using the native top soil on site?
- Are you removing any material on site?
- What is the highest grade change (m or ft.) you are proposing?



Summary

Roll Number	04714176	
Legal Desc	NE-14-24-03-W05M	
Divison	03	
Lot Block Plan	Lot:21 Block:3 Plan:0914791	
Linc Number	34088146	
Title Number	161133467	
Parcel Area	2.02000	
Municipal Address	31103 WINDHORSE DRIVE	
Contact Information	Cheng, Wenyan	00000000000000
	Calgary AB T3H 0R5	00000000000000
Land Use Information	R-CRD	

Plan

Planning Applications Information

{There is no related Application}

Area Structure Plan

Plan Name	RV Number
Central Springbank	2008-RV-187

Conceptual Scheme

Plan Name	RV Number	Planner
MONTEBELLO	2004-RV-212	

Permit

Building Permit

Permit Number	Permit Type	Date Issued
PREL20201399	Electrical	Fri Jun 05, 2020
PRPS20191132	Private Sewage	Fri Jun 28, 2019
PRBD20191091	Building	Wed May 15, 2019
PREL20191128	Electrical	Wed May 15, 2019
PRPL20191129	Plumbing	Wed May 15, 2019
PRGS20191130	Gas	Wed May 15, 2019
PRGS20191131	Gas	Wed May 15, 2019

Development Permit Information

Permit Number
PRDP20183934

Date Issued
Wednesday, November 28, 2018

Alert

Department	Issued By	Date Issued	Date Closed	Status	Reference No.	Description	Severity
	AryshaL	Tuesday, November 4, 2014		O		Submit letter confirmation from ATCO Gas stating payments for gas servicing has been received.	1
CE	EmilyGo	Thursday, June 16, 2016	Thursday, July 14, 2016	C	CEWC20160174	Case Number: CEWC20160174 Case Description: oxeye, henbane, canada	1
CE	PennyC	Tuesday, August 21, 2018	Thursday, September 6, 2018	C	CEWC20180626	Case Number: CEWC20180626 Case Description: Canada Thistle, Scentless Chamomile and Perennial Sow Thistle	1
CE	JaymeL	Tuesday, June 13, 2017	Monday, August 21, 2017	C	CEWC20170075	Case Number: CEWC20170075 Case Description: Oxeye daisy, Canada thistle, burdock and common tansy foind at front of property around soil piles.	1

Geospatial Boundary

Boundary	Category
Division	3
Area Structure Plan	Central Springbank
Conceptual Scheme	MONTEBELLO
IDP	No IDP
Airport Vicinity	No APVA
Engineer	
Water Coop	
Gas Coop Service	
No.of Lots Within 600 M	93
No.of App Subdiv Within 600 M	0
Developed Road Allowance	Yes
Riparian Area	Yes
School	No School Boundary
Recreation	Rocky View West
Fire District	SPRINGBANK
Primary Fire Station	102
Secondary Fire Station	101
Tertiary Fire Station	120

Geospatial Adjacency

Boundary	Category	Distance
Closest Highway	No HWY within 800 M	
Closest Gravel Pit	Kennel Pit	7676.65 M
Sour Gas	No Sour Gas Pipe passes	From closest sour pipe:12604.98 M
Closest Road Name	WINDHORSE WY(Surface Type:Paved)	9.39 M
Closest Railway	CPR	6266.59 M
Closest Western Irrigation Districts	Within 10Km	
Closest Waste Water Treatment	Within 10Km	317.15 M

Boundary	Category	Distance
Closest Waste Transfer Site	Within 3 Km	
Closest Municipality	CITY OF CALGARY	3671.53 M
Closest Confined Feeding Operation		3437.33 M

MORGANS RD

LOWER SPRINGBANK RD

WINDHORSE WAY

WINDHORSE DR

WINDHORSE RD



23

R-CRD

A-GEN

MORNING VISTA MANOR

MORNING VISTA WAY

MORGANS WAY

MORGANS VIEW

MORGANS RIDGE

MORGANS RD

MORGANS CLOSE

MORGANS COURT

LOWER SPRINGBANK RD

MURRAY PLACE

R-CRD

STERLING SPRINGS CRESCENT

R-CRD

CHINOOK ARCHILANE

R-RUR

WINDHORSE WAY

WINDHORSE BAY

RGE RD 31

WINDHORSE RD

WINDHORSE DR

UR

A-SML

p12.1

R-CRD

WINDHORSE GREEN

100 WINDHORSE COURT

200 WINDHORSE COURT

GRAND ARCHES DR

14

SPRINGSHIRE PLACE

GRANDVIEW WAY

R-CRD

SWIFT CREEK COVE

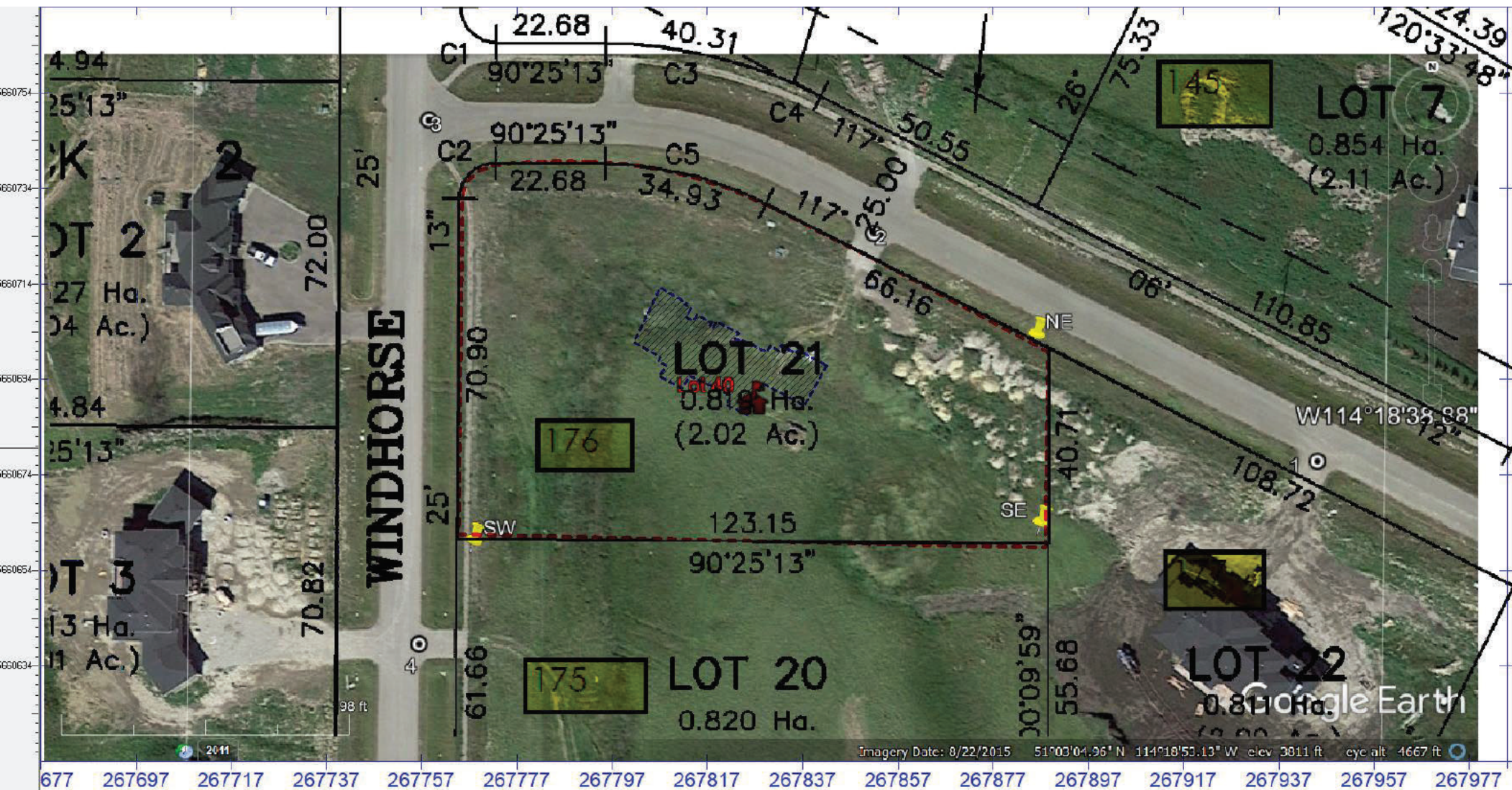
SWIFT CREEK LANE

SWIFT CREEK GREEN

SPRING GATE ESTATES

SWIFT CREEK TERRACE

Site satellite image map before Building Construction and Land Grading



SITE PLAN

LEGEND

ELEVATIONS ARE SHOWN THUS: * = 1000.00 METRES. (GEODETTIC)
 DISTANCES ARE IN METRES AND DECIMALS THEREOF.
 ELEVATIONS ARE REFERRED TO GEODETTIC DATUM
 USING ALBERTA SURVEY CONTROL MAKER 119602
 AND ARE DERIVED BY GLOBAL POSITIONING SYSTEM (GPS)
 CONTOUR INTERVAL=0.20M
 THE FOLLOWING ABBREVIATIONS MAY APPEAR ON THIS PLAN:

- X ----- denotes Calculation points
- ----- denotes Water Valve
- denotes Utility Right of Way Line
- denotes Property Line

SCALE 1:500

LEGAL DESCRIPTION:

Lot 21
 Block 3
 Plan 091 4791

MUNICIPAL ADDRESS:

31103 Windhorse Drive
 Rocky View County, Alberta

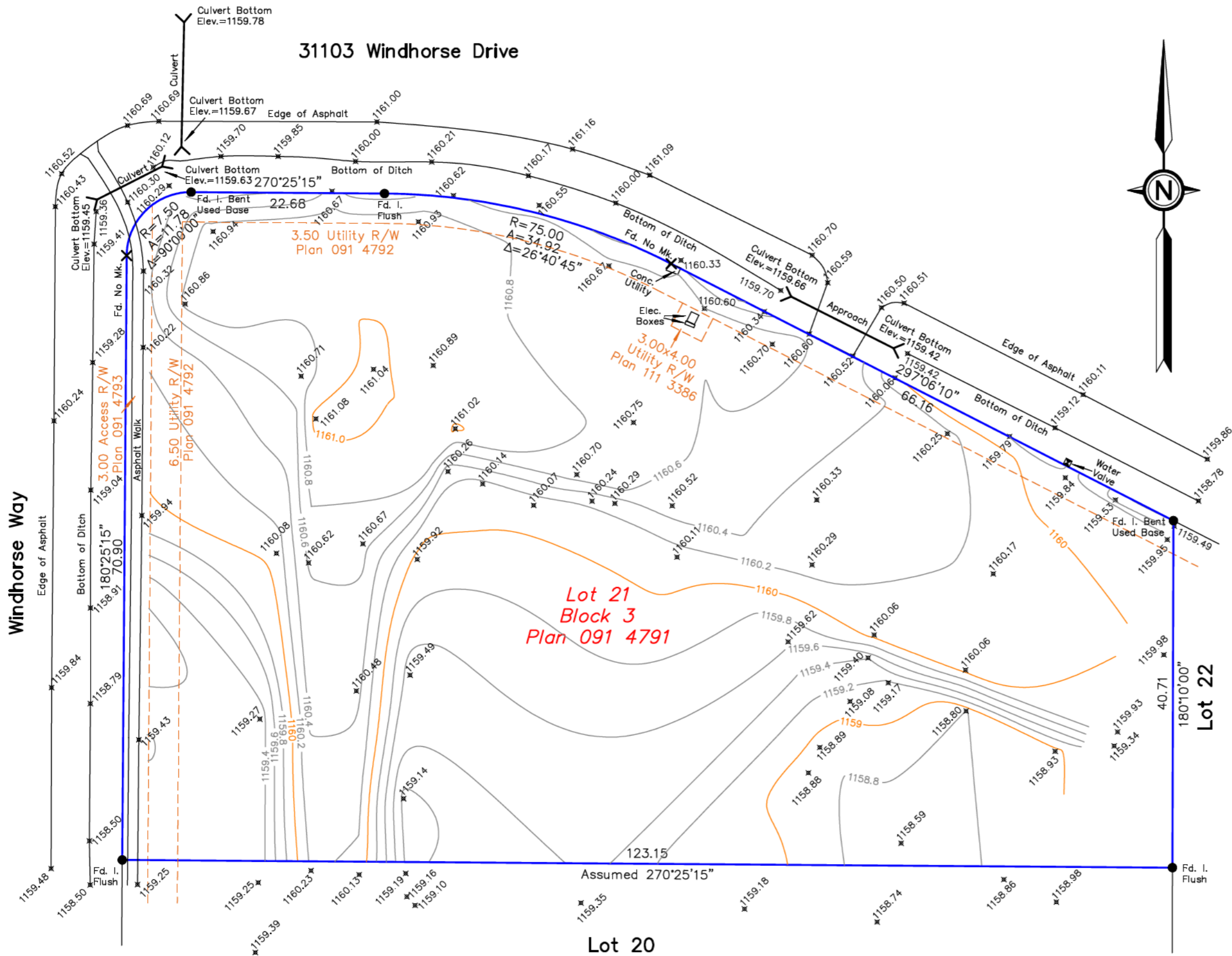
PREPARED FOR: Wenyan Cheng

DATE OF SURVEY: July 24th, 2018.

NOTE:

Title information is based on the C. of T. 161 133 467
 which was searched on the 23rd day of July, 2018,
 and is subject to the following instruments:

- Utility Right of Way No. 091 325 193, 091 327 337, 111 303 272
- Easement No. 091 327 339
- Caveat No. 091 327 344, 091 327 345, 091 327 346, 121 336 742
- Encumbrance No. 091 327 347
- Agreement No. 091 327 348



© Copyright Horizon Land Surveys Inc., 2018

Horizon Land Surveys Inc.	
#1, 3175 68 Street N.W. Calgary, Alberta, T3B 2J4	P. 403-542-0679 F. 403-775-4171
Surveyed: XW	Drawn: SZ
File No.: 180247	Date: 27/Jul/2018





DESIGN.LTD
(403) 970 0460

XX

WINDHORSE

Single house

SITE PLAN

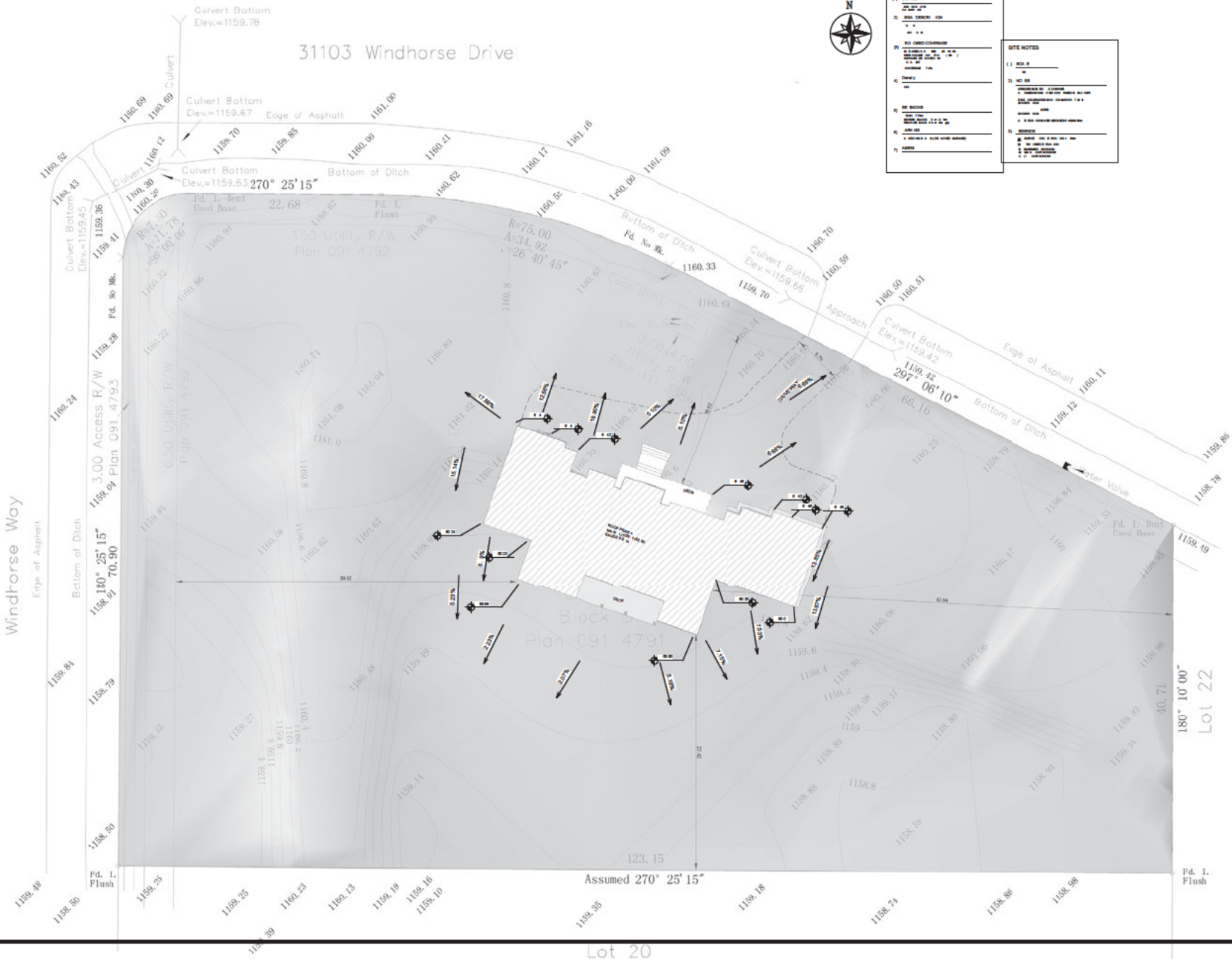
DATE: 2011-07-18
BY: JACKY
CHECKED BY: JACKY
DATE: 2011-07-18

AS Indicated

S-1

SITE INFORMATION (S-)	
1) D.R. NO.	
2) D.R. DATE	
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SITE NOTES	
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3) SEE S-3	
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Treasure HOUSE

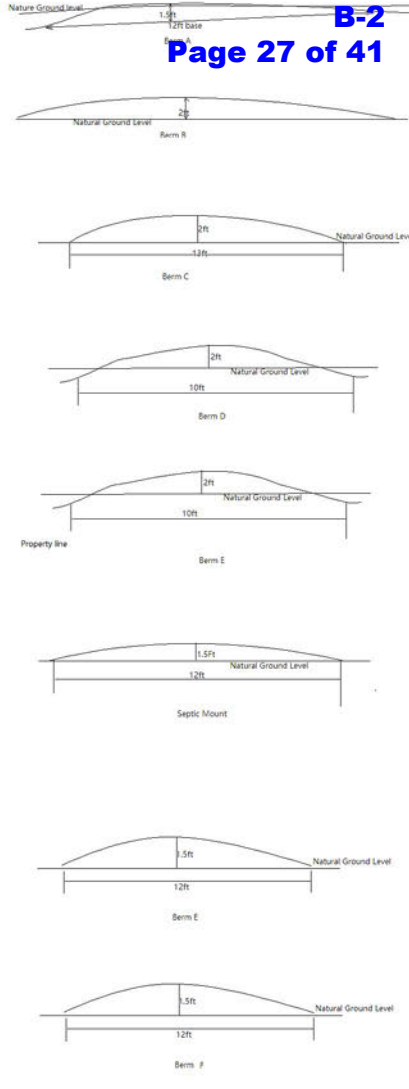
Designed By TREASURE HOUSE BUILDING & RENOVATION LTD.
587-4156866 403-2896866
ALL RIGHTS RESERVED!
Last revised: July 24, 2020

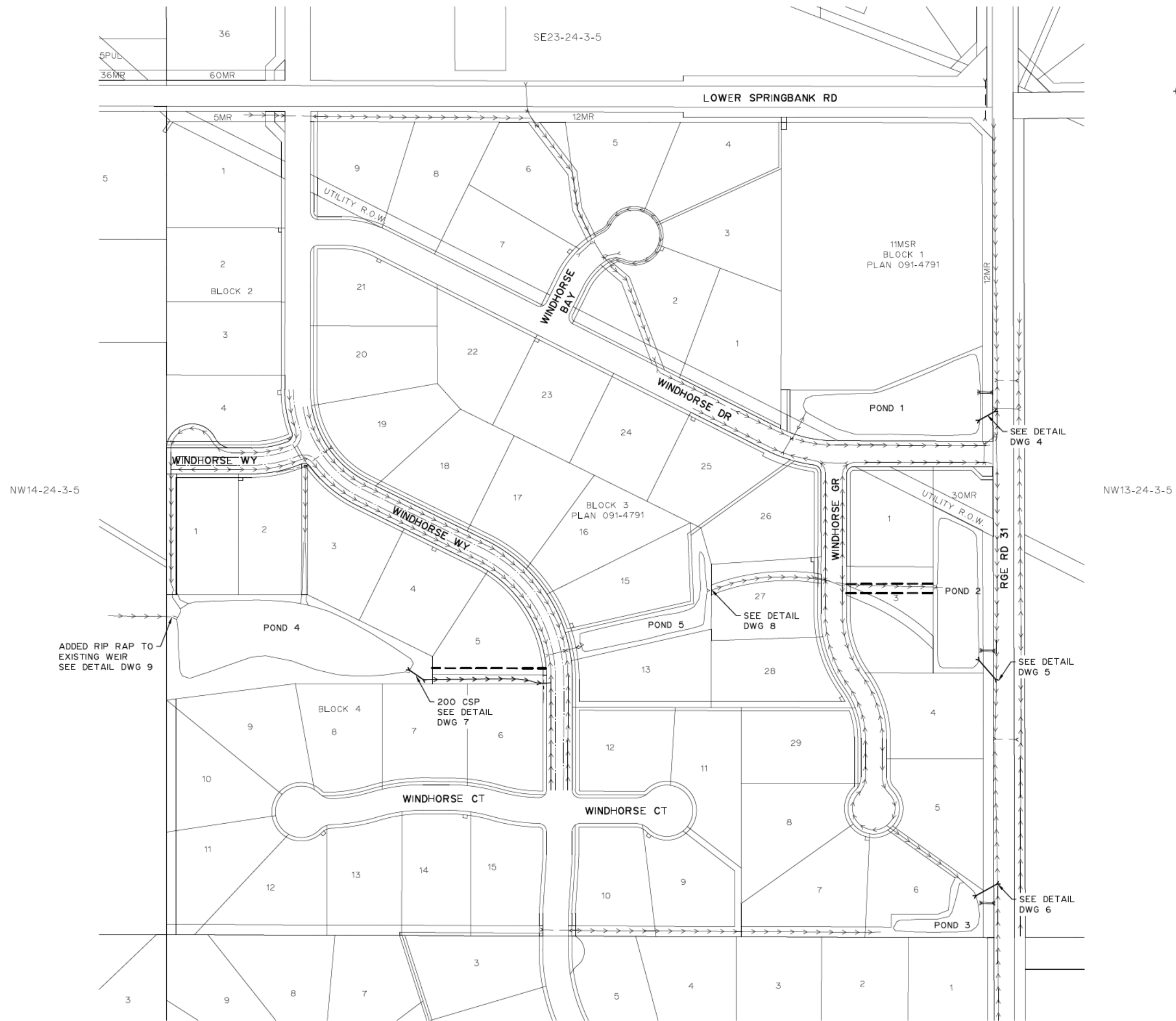
House Area: 456 m²
Lot Area: 8174 m²
Building Coverage: 5.56 %
Scale: 1=120

JOB#: LP2019068
CUSTOMER: Wendy
ADDR#: 31103 Windhorse drive
LOT 21 BLOCK 3



- General Notes**
- All work to comply with or exceed the rocky view county current municipal standards and specifications as per the land use bylaws.
 - Underground utilities shown on these landscape drawings for information only. Engineering drawings shall be referred to for size and location of all sanitary, storm, water, gas, cable and electrical services, kiosks and rows.
 - Contractor is responsible for hauling of all excess materials off the site.
 - Owner/contractor to ensure that the landscape features meet or exceed the standards outlined in the "windhorse manor country estates - architectural guidelines"





- NOTES:
1. ALL WORK TO BE PERFORMED IN ACCORDANCE WITH CURRENT ROCKY VIEW COUNTY SERVICING STANDARDS UNLESS NOTED OTHERWISE.
 2. ALL ELEVATIONS AND STATIONS ARE IN METRES, UNLESS NOTED OTHERWISE.
 3. THE EXISTENCE, LOCATION, AND ELEVATION OF ALL UTILITIES AS SHOWN ON ANY PLANS MAY BE BASED ON INFORMATION RECEIVED FROM THE RESPECTIVE AUTHORITIES AND ARE NOT GUARANTEED BY THE ENGINEER. NO RESPONSIBILITY IS IMPLIED OR ASSUMED BY THE ENGINEER AS TO THE LOCATION AND ELEVATION OF ALL SUCH UTILITIES. THE CONTRACTOR MUST CONTACT UTILITY COMPANIES FOR ON SITE INFORMATION PRIOR TO COMMENCEMENT OF ANY OPERATIONS.
 4. ALL STORM PIPE SHALL BE PVC DR35, CSA-B182.2. ALL ENDS TO BE MITERED TO MATCH GROUND SLOPE.
 5. ALL ASPHALT SHALL BE NEATLY SAW CUT BEFORE REMOVAL AND PATCHED TO MAINTAIN EXISTING CROWN. ASPHALT JOINTS SHALL BE CUT SQUARE, AND PREPARED WITH TACK COAT.
 6. PATHWAY STRUCTURE SHALL BE 100mm OF 25mm GRANULAR BASE (SEE SECTION 2265 OF SPECIFICATIONS) AND 75mm OF MIX B ASPHALTIC CONCRETE.
 7. ALL STRUCTURAL FILL MUST BE COMPACTED TO 98% SPD AND ±3% OF OMC. FILL IS TO BE FREE OF FROST AND/OR ORGANIC MATERIAL.

ALBERTA 1 CALL
CALL BEFORE YOU DIG
1-800-948-3447

NOTE: ALL PIPE SIZES ARE IN MILLIMETERS AND ALL DIMENSIONS ARE IN METRES UNLESS OTHERWISE NOTED.

THIS DRAWING MAY HAVE BEEN MODIFIED FROM ITS ORIGINAL SIZE. ALL SCALE NOTATIONS INDICATED (i.e. 1:1000 etc) ARE BASED ON 11"x17" FORMAT DRAWINGS

6	19-08-19	RE-ISSUED FOR RECORD
5	18-11-06	FOR RECORD
4	18-09-28	FOR CONSTRUCTION
3	18-08-22	FOR TENDER REVISION No.1
2	18-08-02	FOR TENDER
1	18-01-05	FOR APPROVAL
ISSUE	YY-MM-DD	REVISION

PERMIT TO PRACTICE
MPE ENGINEERING LTD.
PERMIT NUMBER: P 3680
The Association of Professional
Engineers and Geoscientists of Alberta



ROCKY VIEW COUNTY
WINDHORSE STORMWATER
MANAGEMENT
DRAINAGE PLAN

DESIGNED	D.W.S.	JOB	2285-048-04
DRAWN	M.M.B.	SCALE	1:4000
DATE	JANUARY 2018	DRAWING	2

THIS RECORD DRAWING CERTIFIES THAT THE DESIGN INFORMATION CONTAINED IN THESE DRAWINGS ACCURATELY REFLECTS THE ORIGINAL DESIGN AND THE MATERIAL DESIGN CHANGES MADE DURING CONSTRUCTION THAT WERE BROUGHT TO THE PROFESSIONAL'S ATTENTION. THESE DRAWINGS ARE INTENDED TO INCORPORATE ADDENDA, CHANGE ORDERS, AND OTHER MATERIAL DESIGN CHANGES, BUT NOT NECESSARILY ALL SITE INSTRUCTIONS. MPE DOES NOT WARRANT OR GUARANTEE, NOR ACCEPT ANY RESPONSIBILITY FOR THE ACCURACY OR COMPLETENESS OF THE RECORD INFORMATION SUPPLIED BY OTHERS CONTAINED IN THESE DRAWINGS, BUT DOES, BY SEALING AND SIGNING, CERTIFY THAT THE AS-CONSTRUCTED INFORMATION, IF ACCURATE AND COMPLETE, PROVIDES AN AS-CONSTRUCTED SYSTEM WHICH SUBSTANTIALLY COMPLIES IN ALL MATERIAL RESPECTS WITH THE ORIGINAL DESIGN INTENT.



ROCKY VIEW COUNTY

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

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

SW - Jan 15, 2020

Bronwyn

Inspection Request

Roll #: 04714176 DP #: PRDP20203988

Applicant/Owner: Cheng, Wenyan
 Legal Description: Lot 21 Block 3 Plan 0914791, NE-14-24-03-05
 Municipal Address: 31103 WINDHORSE DRIVE, Rocky View County AB
 Land Use: R-CRD
 Reason for Inspection: Single-lot regrading, stripping and re-contouring for landscaping purposes

Inspection Report

Date of Inspection: January 8, 2021 1250 hrs

Permission granted for entrance? Yes

Observations:

- 1. Fill is stockpiled on site
 - 2. No machinery on site.
 - 3. No employees or workers present
-
-
-
-
-
-
-
-
-
-

Signature: Andy Wiebe



Inspection Photos
January 8, 2021



Inspection Photos
January 8, 2021



Inspection Photos
January 8, 2021

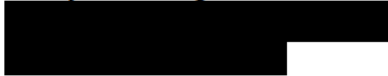




Decision of the Municipal Planning Commission

This is not a development permit

Wenyan Cheng



Development file #: PRDP20203988
Issue Date: February 25, 2021
Roll #: 04714176
Legal description: NE-14-24-03-W05M, Lot:21 Block:3 Plan:0914791

The Municipal Planning Commission conditionally approves the following:

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 ± 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.

This is not a development permit

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.

This is not a development permit

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.

It is the responsibility of the applicant to meet and always follow the conditions outlined in this decision. Fines or enforcement action may occur if operating outside of the conditions of approval. Please contact Planning and Development Services at development@rockyview.ca or 403-520-8158 for assistance with this decision or the process for meeting development conditions.

An appeal of the Municipal Planning Commission's decision must be filed to the Subdivision and Development Appeal Board (SDAB) in accordance with section 686 of the *Municipal Government Act*. To file an appeal or for assistance with filing an appeal, please contact Legislative Services at sdab@rockyview.ca or 403-230-1401. More information on the SDAB can also be found at www.rockyview.ca.

Municipal Planning Commission



Jerry Gautreau, Chair

This is not a development permit



Notice of Appeal
Subdivision and Development Appeal Board
Enforcement Appeal Committee

Appellant Information			
Name of Appellant(s) TUROWSKI, AGNIESZKA & ROBERT			
Mailing Address 54 VALLEY RIDGE POINT N.W.	Municipality CALGARY	Province AB	Postal Code T3B 5R7

Site Information	
Municipal Address 31103 WINDHORSE DRIVE	Legal Land Description (lot, block, plan OR quarter section township range meridian) LOT 21, BLOCK 3, PLAN 0914791, NE-14-24-03-05
Property Roll # 04714176	Development Permit, Subdivision Application, or Enforcement Order # PRDP20203988

I am appealing: (check one box only)		
Development Authority Decision <input checked="" 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 type="checkbox"/> Stop Order <input type="checkbox"/> Compliance Order

Reasons for Appeal (attach separate page if required)

We are the owners of lot 20, Block 3, Plan 0914791, next to lot 21, address: #242230 Windhorse Way, and we would like to appeal for already placed soil OR for additional placement of soil. Owner(s) of lot 21 has already placed loads of soil starting back in year of 2019. Since Spring of 2019 we have had ongoing problems with natural drainage of rain water, caused by raising of the ground surface of lot 21 and by the building a berm along of our property line.



Before these actions took place, and the natural topography was changed, there were no drainage issues on our lot. Now, after rain, we have a huge puddle and our soil is soaked with a lot of water (*please see photos next page*). We're unable to cut our grass for many days. Even once the water is visibly gone, the top-soil is too soft for us to drive a tractor without leaving deep grooves from tires. This situation has already occurred before (in 2019), when heavy equipment from the owners of lot 21 were driving on our property without our permission, and damaged our land - (we can provide photos of damage on request).

- Continued Next Page -

This information is collected for Rocky View County's Subdivision and Development Appeal Board or Enforcement Appeal Committee under section 33(c) of the Freedom of Information and Protection of Privacy Act (FOIP Act) and will be used to process your appeal and create a public record of the appeal hearing. Your name, legal land description, street address, and reasons for appeal will be made available to the public in accordance with section 40(1)(c) of the FOIP Act. Your personal contact information, including your phone number and email address, will be redacted prior to your appeal being made available to the public. If you have questions regarding the collection or release of this information, please contact the Municipal Clerk at 403 230 1401.

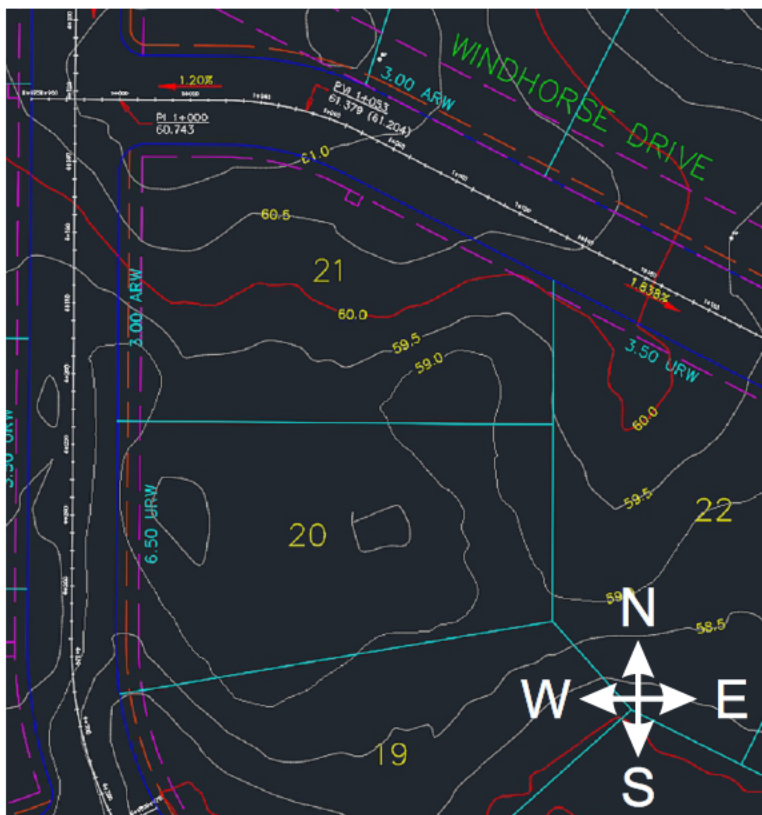
A. Turawski
Appellant's Signature

18th March 2021
Date



Originally, the water drained very close to the property line (slightly on the side of lot 21 - see left, below photo) The black arrow represents how water used to drain into that small pond, which was shared between our two properties. The pink line represents the perimeter of our current issue, where water accumulates and creates a huge puddle shown in above photos. **This is the main reason of our appeal.**

At the time of this writing, the pond no longer exists, as the owner(s) of lot 21 has filled the pond in completely with soil. This includes trespassing over the property line, and filling in our side of the pond as well. (*Please see the photos below*).



We fail to understand the reasoning behind changing the topography of lot 21. Raising the South end of the property, to avoid water draining towards the structure (basement), is misguided. As shown on the left, you can see that there was an existing natural grade sloping away from lot 21, towards lot 20.

In summary, before construction on lot 21 started in 2019, our lot never had any issues with water accumulation or drainage for over 5 years.

We understand that everyone wants to have beautiful landscaping, but not when it impacts your surrounding neighbors negatively.

We're hopeful that this appeal will show the owner(s) of lot 21 the negative impact of their actions, and how they can be resolved amicably.

Regards,
Agnieszka and Robert Turowski



Notice of Appeal
Subdivision and Development Appeal Board
Enforcement Appeal Committee

Submitting an Appeal

Appeals must be submitted on time and with the required fee

Sections 547, 645, 678, and 686 of the *Municipal Government Act*, RSA 2000, c M-26, and Rocky View County's *Master Rates Bylaw* require that your Notice of Appeal be submitted to the Subdivision and Development Appeal Board (SDAB) or Enforcement Appeal Committee (EAC) within the legislated timeframe and with the required fee. Fees are as follows:

Subdivision and Development Appeal Board		Fee
Development Authority decision	appeal by the owner of the subject property	\$350.00
Development Authority decision	appeal by an affected party	\$250.00
Development Authority decision	appeal of a Stop Order issued under section 645 of the <i>Municipal Government Act</i>	\$500.00
Subdivision Authority decision (paid at time of application and used as a credit on endorsement fees except where the owner appeals the subdivision)		\$1,000.00
Enforcement Appeal Committee		
Compliance Order - appeal as per section 545 or 546 of the <i>Municipal Government Act</i>		\$500.00

How to submit your appeal and pay your fee

You can submit your Notice of Appeal by mail or deliver it in person. Arrangements can also be made to e-mail your Notice of Appeal and pay over the phone. If you e-mail your appeal to the SDAB clerk, you must call the SDAB clerk for verbal confirmation of receipt. Regardless of how you submit your Notice of Appeal, it must be received on or before the final appeal deadline.

Mail or deliver to:

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

Please make cheques payable to "Rocky View County".

What happens after my appeal is submitted?

Once your Notice of Appeal is submitted on time and with the required fee, the appeal will be heard by the SDAB or EAC within 30 days. The Clerk of the SDAB will be in touch with you about the appeal hearing. You and the landowners who are adjacent to the property in question will receive a written Notice of Hearing.

More information

For more information about filing an appeal or SDAB/EAC procedures, please contact the SDAB Clerk at:

Phone: 403-230-1401

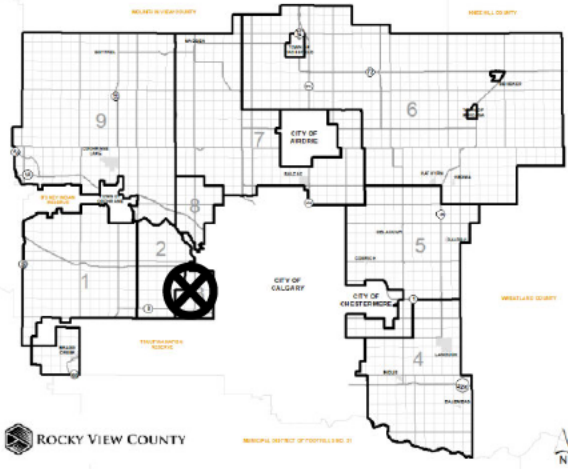
Email: sdab@rockyview.ca

Website: www.rockyview.ca

Location & Context

Development Proposal

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

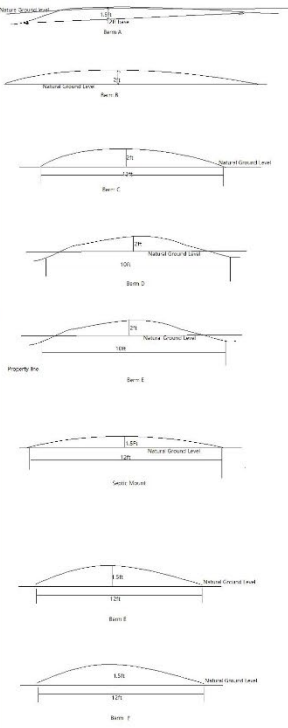


Division: 03
Roll: 04714176
File: PRDP20203988
Printed: Jan 15, 2021
Legal: Lot:21 Block:3
Plan:0914791 within NE-14-
24-03-W05M

Site Plan

Development Proposal

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



General Notes

1. All work to comply with or exceed the City of Rocky View or any municipal code or in its modification as per the local by-laws.
2. Landscaping will be done in accordance with the City of Rocky View's Landscaping Ordinance.
3. Contractor to supply and install all plants and materials.
4. Contractor to supply and install all materials and labor for the site.
5. Contractor to supply and install all materials and labor for the site.
6. Contractor to supply and install all materials and labor for the site.
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