

## PLANNING AND DEVELOPMENT SERVICES

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**TO:** Municipal Planning Commission

**DATE:** April 28, 2021 **DIVISION:** 5

**FILE:** 04328007 **APPLICATION:** PRDP20203910

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

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**APPLICATION:** Single-lot regrading and placement of clean fill, to address stormwater issues.

**GENERAL LOCATION:** located approximately 0.81 km (1/2 mi) west of Rg. Rd. 283 and on the northside of Twp. Rd. 244B.

**LAND USE DESIGNATION:** Residential, Rural District (R-RUR) under Land Use Bylaw C-8000-2020.

**EXECUTIVE SUMMARY:** The Applicant is proposing the placement of clean fill to address stormwater issues on the property. This application is the result of an enforcement investigation, DC202009-0224. The application is incomplete, therefore, the specific details are unknown. As a complete assessment could not be undertaken, it is the interpretation of the Development Authority that the proposed development on the subject land, will pose an impact to adjacent lands and may impact the enjoyment and value of neighbouring properties.

**ADMINISTRATION RECOMMENDATION:** Administration recommends refusal in accordance with Option #2.

### OPTIONS:

- Option #1: THAT Development Permit Application PRDP20203910 be approved with the conditions noted in Attachment 'A'.
- Option #2: THAT Development Permit Application PRDP20203910 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:



### Administration Resources

Bronwyn Culham, Planning & Development Services



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The application was evaluated based on the information and site plan submitted with the application and the applicable policies and regulations.

<b>APPLICABLE POLICY AND REGULATIONS:</b> <ul style="list-style-type: none"> <li>• Land Use Bylaw</li> <li>• Conrich Area Structure Plan</li> <li>• City of Calgary Intermunicipal Development Plan</li> <li>• Town of Chestermere Intermunicipal Development Plan</li> </ul>	<b>TECHNICAL REPORTS SUBMITTED:</b> <ul style="list-style-type: none"> <li>• None</li> </ul>
<b>DISCRETIONARY USE:</b> <ul style="list-style-type: none"> <li>• Stripping and Grading is a discretionary use within the Land Use Bylaw</li> </ul>	<b>DEVELOPMENT VARIANCE AUTHORITY:</b> <ul style="list-style-type: none"> <li>• Municipal Planning Commission</li> </ul>

Additional Review Considerations

There were no technical considerations that warranted additional discussion or conditioning.

**CONCLUSION:**

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

Respectfully submitted,

Concurrence,

"Brock Beach"

"Kent Robinson"

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Acting Executive Director  
Community Development Services

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Acting Chief Administrative Officer

BC/ltt

**ATTACHMENTS:**

ATTACHMENT 'A': Development Permit Report Conditions

ATTACHMENT 'B': Maps and Other Information



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**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 shall be permitted in general accordance with the drawings submitted and the application details.

**Prior to Release:**

2. That prior to release of this permit, the Applicant/Owner shall submit written details, confirming the proposed amount of the fill required and the total scope of the application. The details shall include fill depth, volume, dimensions, locations, and total site area, to the satisfaction of the County. The details shall also include confirmation of how much material has already been placed onsite, and how much material remains outstanding to be imported to the subject site.
3. That prior to release of this permit, the Applicant/Owner(s) shall submit a Letter of Credit or refundable security in accordance with County Policy C-407. The requirement shall be \$5,000.00/disturbed acre of the development area.
4. 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.
5. That prior to release of this permit, the Applicant/owner shall submit a limited-scope site-specific storm water management plan for the subject lands, in accordance with County Servicing Standards. The report shall be stamped by a qualified professional and can be limited to addressing the following:
  - i. The report shall include both pre- and post-development site grading in the vicinity of the work, and shall confirm post-development site run-off characteristics;
  - ii. The report shall evaluate possible impacts the proposed placement of fill will have on adjacent lands. The report shall provide mitigating measures, if necessary, for any impacts the work may have on adjacent lands; and
  - iii. The report shall provide Erosion and Sedimentation Control measures for the proposed activities.

**Permanent:**

6. 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.



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7. 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.
8. 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.
9. That for any areas with greater than 1.20 m (3.93 ft.) of fill placed, a Deep Fill report shall be submitted to County, in accordance with County Servicing Standards, upon completion.
10. That no native topsoil shall be removed from the site.
11. 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.
12. That the Applicant/Owners shall ensure no organic material is buried and capped in a manner that will cause methane gas related issues.
13. That the material shall not contain large concrete, large rocks, rebar, asphalt, building materials, organic materials, or other metal.
14. 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 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.
15. 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.
16. 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.
17. That the Applicant/Owners shall be responsible for rectifying any adverse effect on adjacent lands from drainage alteration.
18. 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.
19. That if this permit is not issued by **October 31, 2021** or the approved extension date, then this approval is null and void and the Development Permit shall not be issued.



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20. 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:**

21. 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*].
22. That the subject development shall conform to the County's Noise Bylaw C-5773-2003 in perpetuity.
23. 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***



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## ATTACHMENT 'B': MAPS AND OTHER INFORMATION

<b>APPLICANT:</b> Amrik & Harpreet Bassi	<b>OWNER:</b> Amrik & Harpreet Bassi
<b>DATE APPLICATION RECEIVED:</b> December 1, 2020	<b>DATE DEEMED COMPLETE:</b> December 24, 2020
<b>GROSS AREA:</b> ± 8.02 hectares (± 19.82 acres)	<b>LEGAL DESCRIPTION:</b> NW-28-24-28-04; (283190 TWP RD 244B)
<b>APPEAL BOARD:</b> Subdivision and Development Appeal Board	
<b>HISTORY:</b> <p><b>January 3, 2017:</b> Development Permit (PRDP20160206) Single-lot regrading and placement of clean fill and topsoil – Closed-Approved</p> <p><b>October 9, 2012:</b> Development Permit (2012-DP-15077) Single-lot regrading and placement of clean fill – Closed-Complete</p> <p><b>November 25, 2008:</b> Development Permit (2008-DP-13296) single lot regrading, construction of a berm and pond (placed without permits) – Closed-Complete</p> <p><b>Jun 16, 2009:</b> Building Permit (2009-BP-21903) Relocate existing House on new foundation with addition – PSR Not in Compliance Replaced</p> <p><b>Jun 16, 2009:</b> Building Permit (2009-BP-22220) Construction of a Single Family Dwelling – Occupancy Granted</p> <p><b>Aug 20, 1980:</b> Building Permit (1980-BP-8335) Construction of a Single Family Dwelling – Closed</p>	
<b>PUBLIC &amp; AGENCY SUBMISSIONS:</b> <p>The application was circulated to internal and external agencies and, where appropriate, conditions of approval have been proposed based on these comments.</p>	

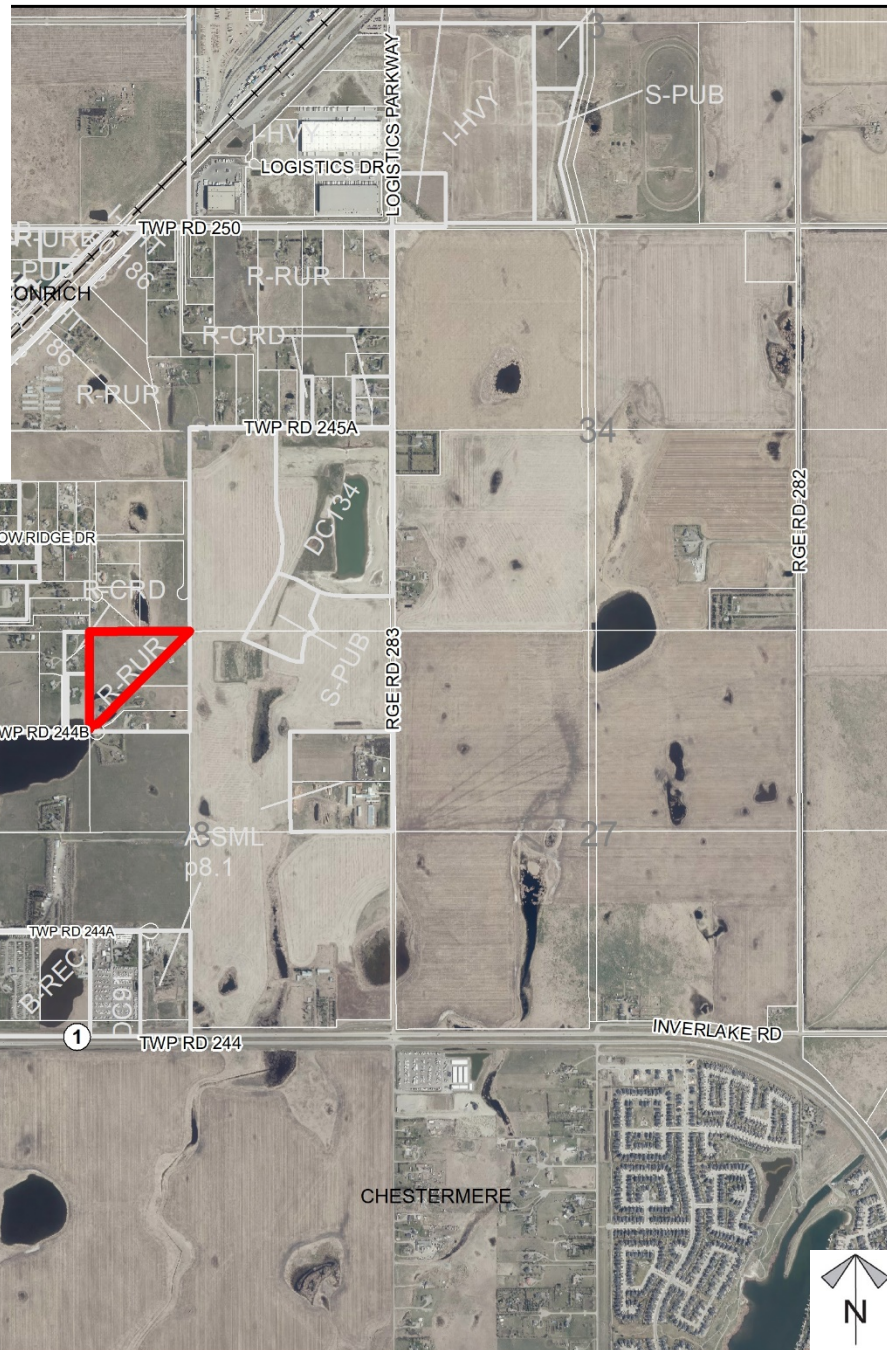
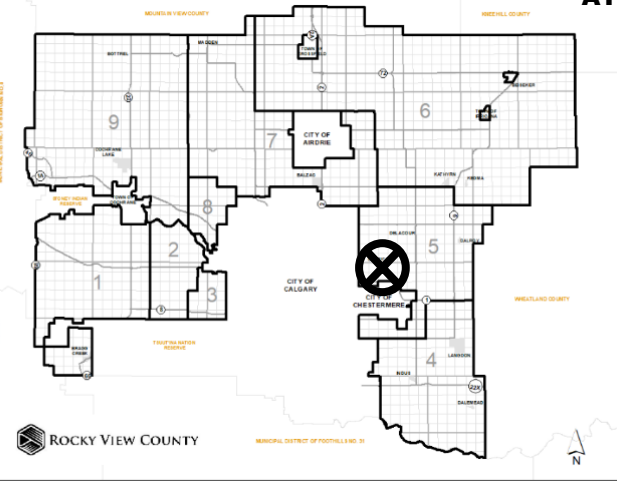




## Location & Context

### Development Proposal

Single-lot regrading and placement of clean fill to address stormwater issues.



Division: 05  
Roll: 04328007  
File: PRDP20203910  
Printed: April 8, 2021  
Legal: A portion of NW-28-24-28-W04M





## Location & Context

### Development Proposal

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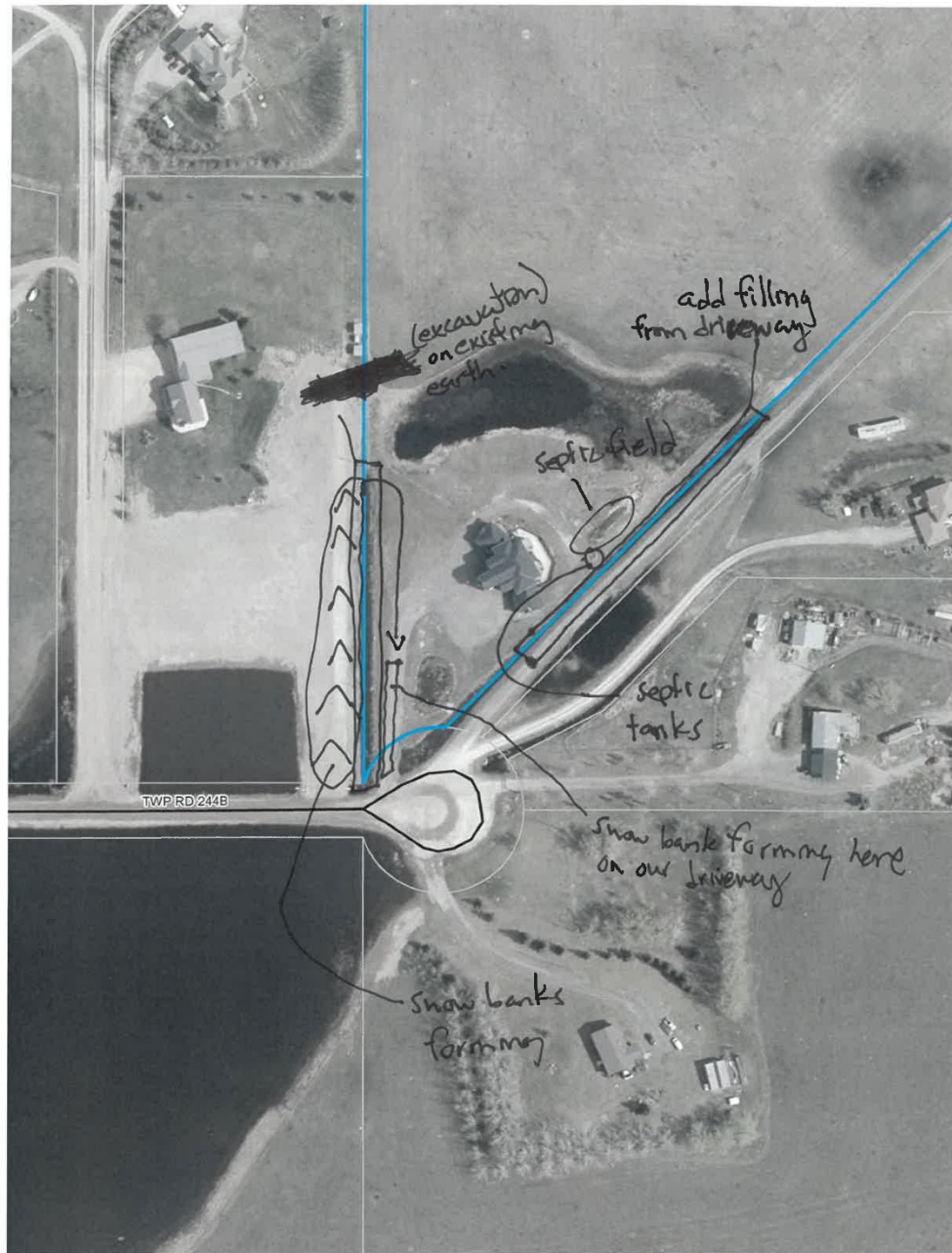




## Site Plan

### Development Proposal

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Inspection Photos  
April 13, 2021



13 04 2021



Inspection Photos  
April 13, 2021



13 04 2021



Inspection Photos  
April 13, 2021



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**Inspection Photos**  
April 13, 2021



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