

## PLANNING AND DEVELOPMENT SERVICES

<b>TO:</b>	Municipal Planning Commission Development Authority	<b>DIVISION:</b> 7
<b>DATE:</b>	June 23, 2021	<b>APPLICATION:</b> PRDP20211946
<b>FILE:</b>	06307007	
<b>SUBJECT:</b>	Single-lot Regrading / Discretionary use, with no Variances	

**APPLICATION:** The application is for the single-lot regrading and the placement of clean fill on the subject parcel.

**GENERAL LOCATION:** Located approximately 0.81 kilometres (1/2 mile) west of Range Road 285 and on the south side of Hwy. 566.

**LAND USE DESIGNATION:** Agriculture, Small District (A-SML)

**EXECUTIVE SUMMARY:** The Applicant is proposing to place approximately 25,000.00 m<sup>3</sup> (882,866.67 ft<sup>3</sup>) of fill on an area of approximately 5.41 hectares (13.37 acres) and to an approximate depth of 1.40 m (4.59 ft.). The Applicant states the topsoil is to be stripped and stockpiled from the proposed fill area; clay fill is to then be placed to level the area and the topsoil replaced. Gravel is proposed to be placed in some areas for a future truck parking area or landscape business that will require future applications for re-zoning and/or development; not yet applied for.

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

### OPTIONS:

- Option #1: THAT Development Permit Application PRDP20211946 be approved with the conditions noted in Attachment 'A'.
- Option #2: THAT Development Permit Application PRDP20211946 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

Wayne Van Dijk, Planning and Development

**APPLICATION EVALUATION:**

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

<b>APPLICABLE POLICY AND REGULATIONS:</b> <ul style="list-style-type: none"> <li>• <i>Municipal Government Act;</i></li> <li>• Land Use Bylaw C-8000-2020; and</li> <li>• Balzac East Area Structure Plan.</li> </ul>	<b>TECHNICAL REPORTS SUBMITTED:</b> <ul style="list-style-type: none"> <li>• Stormwater Management Plan</li> </ul>
<b>DISCRETIONARY USE:</b> <ul style="list-style-type: none"> <li>• Stripping, Grading, Excavation, and Fill</li> </ul>	<b>DEVELOPMENT VARIANCE AUTHORITY:</b> <ul style="list-style-type: none"> <li>• Municipal Planning Commission</li> </ul>

Additional Review Considerations

Site stripping and grading are considered discretionary in all land use districts, as per Section 157 of Land Use Bylaw C-8000-2020.

Previous development permit application PRDP20192478 was conditionally approved September 3, 2019, for the placement of approximately 1,837.00 m<sup>3</sup> (64,873.04 ft<sup>3</sup>) of fill for the construction of a parking pad and berm; has not been issued due to prior to release conditions not being met. The Applicant states that this permit expired prior to the required information being supplied and is the reason for this application, with some variations.

The Applicant states the topsoil is to be stripped, salvaged and stockpiled for replacement once the clean fill has been added to level the undulating parcel to facilitate a future truck and trailer storage area or landscape business, equipment storage. There are currently no development permit applications or applications for re-zoning for this parcel. The Applicant states the fill material will be clay and is planned to be sourced from a building excavation.

There are two wetlands in the area and the Applicant has stated that the proposed placement of fill has been designed to not impact those areas or the drainage of the area. The potential for wetland impact and drainage has been addressed in the condition set.

**CONCLUSION:**

Subject to the proposed Development Permit conditions, the application is recommended for refusal.

Respectfully submitted,

Concurrence,

"Brock Beach"

"Kent Robinson"

---

Acting Executive Director  
Community Development Services

---

Acting Chief Administrative Officer

WVD/llt



ROCKY VIEW COUNTY

**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 the single-lot regrading and placement of clean fill for the construction of a truck parking area may commence on the subject parcel, in general accordance with the submitted application and drawings.
  - i. Total area of approximately **5.41 ha (13.37 acres)** and placement of approximately **25,000.00 m<sup>3</sup> (882,866.67 ft<sup>3</sup>)** of clean fill to an approximate depth of **1.40 m (4.59 ft.)**.

**Prior to Release:**

2. That prior to release of this permit, the Applicant/Owner shall submit a Letter of Credit or refundable security in accordance with County Policy C-407. The requirement shall be \$5000.00/disturbed acre of the disturbed area.
3. That prior to release of this permit, the Applicant/Owner shall submit a Deep Fill report, conducted and stamped by a professional engineer, that provides recommendations on the placement of fill for areas where fill is greater than 1.20 m (3.93 ft.) in depth, in accordance with County Servicing Standards.
4. That prior to release of this permit, the Applicant/Owner shall submit a Site-Specific Stormwater Implementation Plan conducted and stamped by a professional engineer that adheres to the recommendations of the Wetland Impact Assessment accepted by the County in accordance with the County Servicing Standards and to the satisfaction of the County. The plan shall also assess any impacts to the wetlands resulting from the proposed development and provides recommendations on mitigation measures.
5. 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.

**Permanent:**

6. That any plan, technical submission, agreement, or other matter submitted and approved as part of the Development Permit application, or in response to a Prior to Release condition, shall be implemented and adhered to in perpetuity.
7. That the Applicant/Owner, upon completion of the proposed development, shall submit and be accepted by the County, compaction testing results verifying that the fill was placed in accordance with the Deep Fills Report.
8. That the Applicant/Owner, upon completion of the proposed development, 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 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 with the removal of any fill, the Applicant/Owner shall take whatever means necessary to avoid the transfer of dirt onto public roadways.
10. That the fill shall not contain large concrete, large rocks, rebar, asphalt, building materials, or metal.
11. That any excavation and/or stockpile of topsoil shall be completed in a safe manner that does not cause any slope stability issues, slumping, erosion, or any adverse impacts to drainage.
12. That the entire site shall be maintained in a neat and orderly manner at all times to the satisfaction of the County.
13. That the proposed development/graded area, as per the approved application, shall have a minimum of six inches of topsoil that shall be spread and seeded to native vegetation or farm crop, to the satisfaction of the County, upon completion.
14. That the Applicant/Owner shall ensure the fill has been placed in a safe manner that does not cause slope stability issues, slumping, or any adverse impacts on drainage and/or potential wetlands.
15. That the Applicant/Owner shall be responsible for rectifying any adverse effect on the adjacent lands from drainage alteration.
16. That the Applicant/Owner shall ensure that water trucks be available at all times to control dust from blowing from the site onto adjacent properties and roadways.
17. That the Applicant/Owner shall take effective measures to control dust on the parcel so that dust originating therein shall not cause annoyance or become a nuisance to the adjoining property owners and others in the vicinity.
  - i. That if at any time the removal or handling of the topsoil and/or fill creates a visible dust problem, the removal or handling of the topsoil and/or fill shall cease immediately until remedial measures are taken.
18. That if the development authorized by this Development Permit is not commenced with reasonable diligence within 6 months from the date of issue, and completed within 12 months of the issue, the permit is deemed to be null and void, unless an extension to this permit shall first have been granted by the Development Officer.
19. That if this Development Permit is not issued by **December 31, 2021**, or the approved extension date, then this approval is null and void and the Development Permit shall not be issued.

**Advisory:**

20. That the Applicant/Owner shall adhere to the County's Noise Bylaw (C-5772-2003) at all times.
21. That the Applicant/Owner shall be aware of any registered instruments on title and shall obtain appropriate approval if any potential impacts from the proposed filling and grading.
22. That the site shall remain free of restricted and noxious weeds and maintained in accordance with the *Alberta Weed Control Act [Statutes of Alberta, 2008 Chapter W-5.1, December 2017]*.
23. That any other government permits, approvals, or compliances are the sole responsibility of the Applicant/Owner.
  - i. That a copy of the required Roadside Development Permit, through Alberta Transportation, shall be submitted to the County, upon approval.



## ATTACHMENT 'B': MAPS AND OTHER INFORMATION

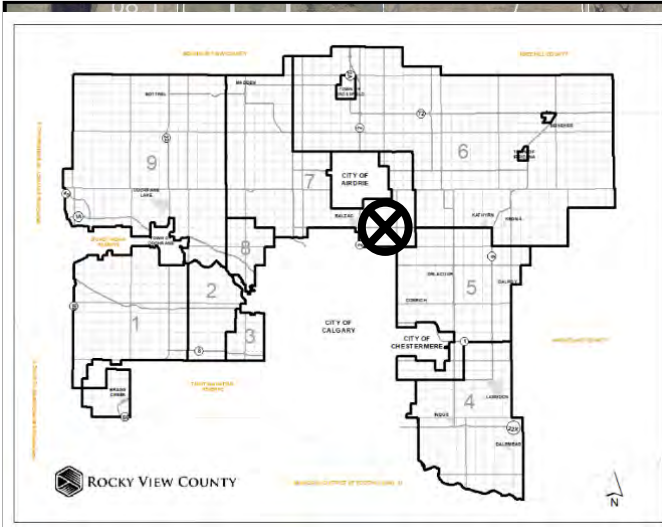
<b>APPLICANT:</b> IDEA Group Inc. (Brad O'Keefe)	<b>OWNER:</b> Jaswinder & Navdeep Kailey
<b>DATE APPLICATION RECEIVED:</b> April 21, 2021	<b>DATE DEEMED COMPLETE:</b> May 11, 2021
<b>GROSS AREA:</b> ± 7.50 hectares (± 18.53 acres)	<b>LEGAL DESCRIPTION:</b> Block: A, Plan: 893LK, NW-07-26-28-W04M (285159 Twp. Rd. 262)
<b>APPEAL BOARD:</b> Subdivision & Development Appeal Board	
<b>HISTORY:</b> <ul style="list-style-type: none"> <li>• PRDP20192478: Closed-Expired. For the placement of approximately 1,837.00 m<sup>3</sup> of fill for the construction of a parking pad and berm</li> <li>• 2013-DP-15339: construction of an oversized accessory building (shop), relaxation of the maximum height requirement</li> <li>• 2007-DP-12700: renewal of a Home-Based Business, Type II, for home renovations</li> <li>• 2006-DP-12201: renewal of a Home-Based Business, Type II for home renovations</li> <li>• 2005-DP-11613: renewal of a Home-Based Business, Type II for home renovations</li> <li>• 2004-DP-11042: renewal of a Home-Based Business, Type II, for home renovations</li> <li>• 2003-DP-10525: construction of an addition to an existing accessory building (oversized)</li> <li>• 2003-DP-10472: Home-Based Business, Type II, for home renovations</li> </ul>	
<b>PUBLIC &amp; AGENCY SUBMISSIONS:</b> <p>The application was circulated to a number of internal and external agencies and, where appropriate, conditions of approval have been proposed based on these comments.</p>	



## Aerial Imagery

### Development Proposal

Single-lot Regrading,  
placement of clean fill



Division: 7  
 Roll: 06307007  
 File: PRDP20211946  
 Printed: May 10, 2021  
 Legal: Block:A Plan:893 LK  
 within NW-07-26-28-W04M

## Aerial Imagery

### Development Proposal

Single-lot Regrading,  
 placement of clean fill

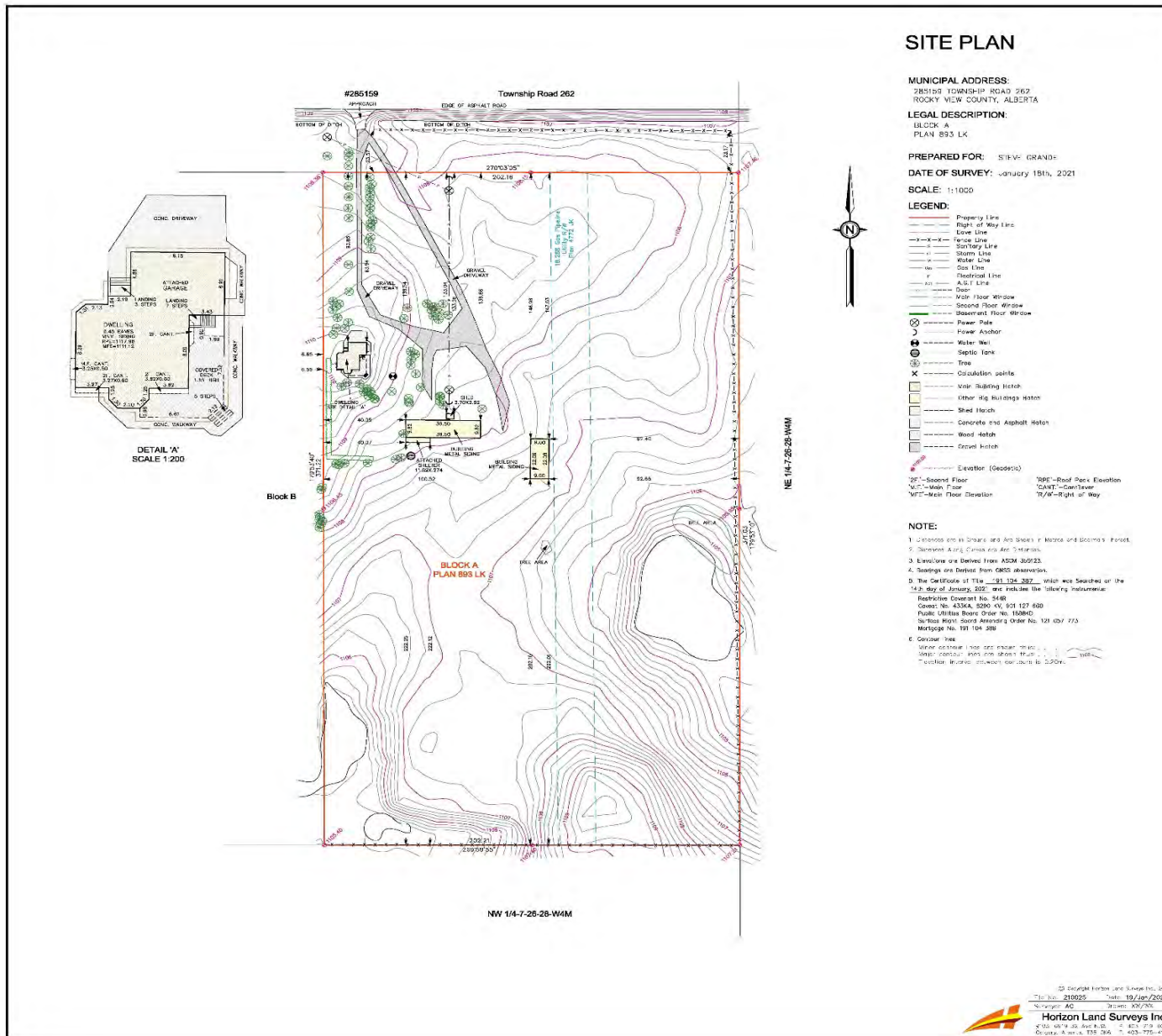


Division: 7  
 Roll: 06307007  
 File: PRDP20211946  
 Printed: May 10, 2021  
 Legal: Block:A Plan:893 LK  
 within NW-07-26-28-W04M

## Site Plan

## Development Proposal

Single-lot Regrading,  
placement of clean fill

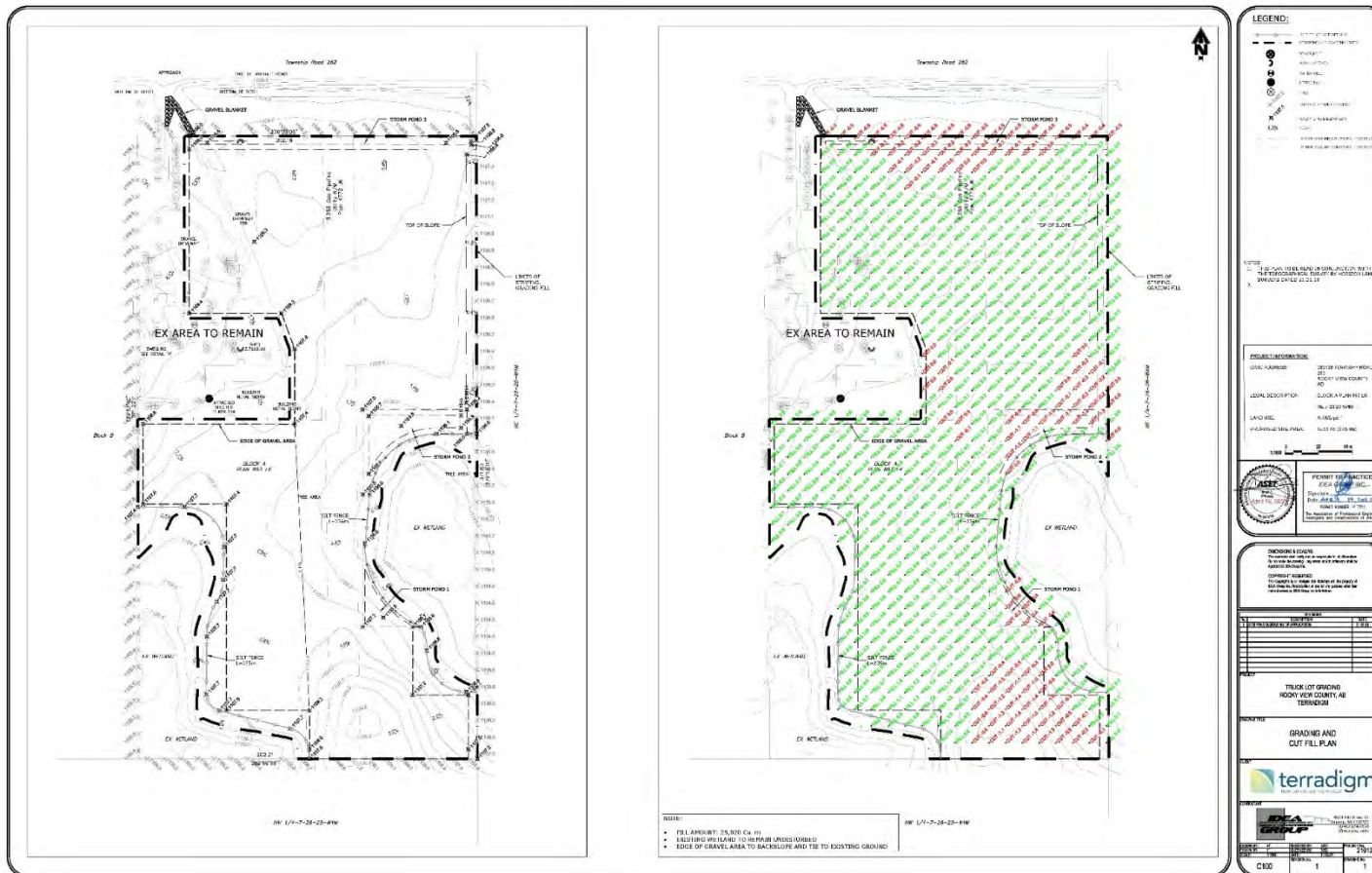


Division: 7  
Roll: 06307007  
File: PRDP20211946  
Printed: May 10, 2021  
Legal: Block:A Plan:893 LK  
within NW-07-26-28-W04M

## Site Plan

## Development Proposal

Single-lot Regrading,  
placement of clean fill



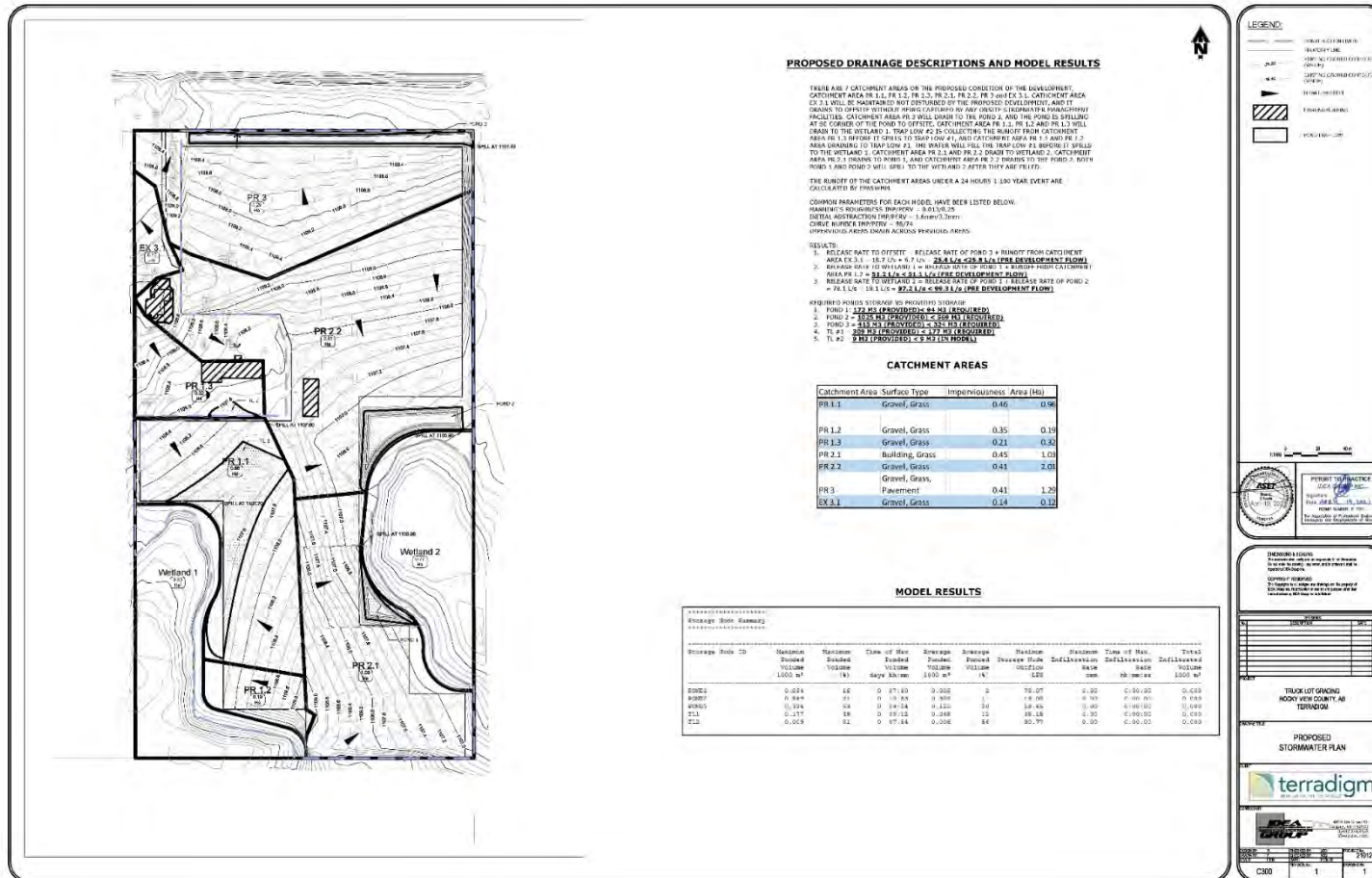
Division: 7  
Roll: 06307007  
File: PRDP20211946  
Printed: May 10, 2021  
Legal: Block:A Plan:893 LK  
within NW-07-26-28-W04M

Division: 7  
Roll: 06307007  
File: PRDP20211946  
Printed: May 10, 2021  
Legal: Block:A Plan:893 LK  
within NW-07-26-28-W04M

## Site Plan

## Development Proposal

Single-lot Regrading,  
placement of clean fill



Division: 7  
Roll: 06307007  
File: PRDP20211946  
Printed: May 10, 2021  
Legal: Block:A Plan:893 LK  
within NW-07-26-28-W04M

## Site Photos

### Development Proposal

Single-lot Regrading,  
placement of clean fill



*Division: 7  
Roll: 06307007  
File: PRDP20211946  
Printed: May 10, 2021  
Legal: Block:A Plan:893 LK  
within NW-07-26-28-W04M*

## Site Photos

### Development Proposal

Single-lot Regrading,  
placement of clean fill



*Division: 7  
Roll: 06307007  
File: PRDP20211946  
Printed: May 10, 2021  
Legal: Block:A Plan:893 LK  
within NW-07-26-28-W04M*