



PLANNING AND DEVELOPMENT SERVICES

TO: Municipal Planning Commission
Development Authority

DATE: January 26, 2022

FILE: 06421011

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

DIVISION: 5

APPLICATION: PRDP20214139

APPLICATION: Single-lot regrading and placement of clean fill, for site improvements and reclamation.

GENERAL LOCATION: Located approximately 0.41 km (1/4 mile) west of Range Road 293 and 0.41 km (1/4 mile) north of Township Road 263.

LAND USE DESIGNATION: Agricultural, Small District (A-SML p8.1) under Land Use Bylaw C-8000-2020 (LUB).

EXECUTIVE SUMMARY: This proposal is for single-lot regrading and the placement of clean fill to correct various site improvements that commenced on the subject property since 2007, without the proper approvals in place. Various regrading and material was placed in the south-west corner of the property for the construction of a dirt track; an area of 1,235.61 sq. m (13,300.00 sq. ft.).

The intention of this application is to reclaim the site back to the pre-development grades, remove the dirt track and ensure that any adverse drainage impacts to neighbouring properties is corrected. Site improvements including removal of the dirt track, site regrading, and removal of the resulting standing water have commenced onsite but have since stopped until a decision on the application has been obtained.

This application is a result of enforcement action. If approved and issued, this application would help bring the property into compliance with the Land Use Bylaw on this matter.

The application was assessed against the Balzac East Area Structure Plan (ASP), and the County's LUB. The property also falls under the City of Airdrie Intermunicipal Development Plans, with no response received from the City.

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

OPTIONS:

- Option #1: THAT Development Permit No. PRDP20214139 be approved with the conditions noted in Attachment 'A'.
- Option #2: THAT Development Permit No. PRDP20214139 be refused noted below:
1. That in the opinion of the Municipal Planning Commission, the development unduly interferes with the amenities of the neighbourhood and materially interferes with and affects the use, enjoyment, and value of neighbouring parcels of land.



AIR PHOTO & DEVELOPMENT CONTEXT:



APPLICATION EVALUATION:

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

<p>APPLICABLE POLICY AND REGULATIONS:</p> <ul style="list-style-type: none"> • <i>Municipal Government Act;</i> • Subdivision and Development Regulations; • Municipal Development Plan; • City of Airdrie Intermunicipal Development Plan; • Balzac East Area Structure Plan; • Land Use Bylaw C-8000-2020; and • County Servicing Standards. 	<p>TECHNICAL REPORTS SUBMITTED:</p> <ul style="list-style-type: none"> • Application Site Plan, Real Property Report, as prepared by Jones Geomatics Ltd., dated March 4, 2015
<p>DISCRETIONARY USE:</p> <ul style="list-style-type: none"> • Stripping, Grading, Excavation and Fill 	<p>DEVELOPMENT VARIANCE AUTHORITY:</p> <ul style="list-style-type: none"> • Land and Property Rights Tribunal

Additional Review Considerations

The application was assessed in accordance with Sections 272-278, and 280-283 of the LUB, which requires that any Stripping, Grading, Filling or Excavation proposal requires a Development Permit. The application appears to comply with the regulations as the intention is to reverse any negative impacts that may have been caused from the subject development and return the development area to pre-development condition. The site also includes an active wetland area, located in the north-east corner of the property.



The estimated development details include:

- Total Area of Work: 1,235.61 sq. m (13,300.00 sq. ft.)
 - Length: 57.91 m (190.00 ft.)
 - Width: 21.33 m (70.00 ft.)
 - Height: up to 1.22 m (up to 4.00 ft.)
- Total Volume: Estimated 1,506.00 cu. m (53,200.00 cu. ft.)
- Total Number of Truckloads: 200

As the complete extent of the development completed to date is unknown, as it was not completed by the landowner but rather a tenant, various technical submissions as pre-release conditions are required.

CONCLUSION:

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

Respectfully submitted,

Concurrence,

“Dominic Kazmierczak”

“Brock Beach”

Manager
Planning

Acting Executive Director
Community Development Services

JT/xx

ATTACHMENTS:

ATTACHMENT ‘A’: Development Permit Report Conditions

ATTACHMENT ‘B’: Maps & Other Information



ROCKY VIEW COUNTY

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

1. That single-lot regrading and the placement of clean fill for site improvements shall be permitted on the subject property in accordance with the application submitted, as amended, and includes:
 - i. A total Area of work of 1,235.61 sq. m (13,300.00 sq. ft.);
 - ii. A total Volume of ~1,506.00 cu. m (~53,200.00 cu. ft.).

Prior to Release:

2. 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.
3. That prior to release of this permit, the Applicant/Owner shall confirm the final depth of fill required, and a Geotechnical Investigation shall be provided in accordance with the County's Servicing Standards, addressing deep fill placement. *Any areas of fill in excess of 1.20 m (3.93 ft.) require the submission of a Deep Fill report, including compaction certification post activity.*
4. That prior to release of this permit, the Applicant/Owner shall submit a grading analysis in accordance with the County's Servicing Standards, prepared by a qualified engineering professional, analyzing the pre and post site grades. The analysis shall determine if there are any impacts to adjacent properties or the public road network with the subject development. Conditions associated with site stormwater storage, site releases and offsite drainage conditions shall be confirmed by the engineer in both pre and post grading. The analysis shall also include recommendations for mitigating measures for Erosion & Sediment Control as a result of the activity.
5. That prior to release of this permit, the Applicant/Owner shall submit a Wetland Assessment and Impact Report, prepared by a qualified wetland professional, to confirm development setbacks, wetlands mitigation and other details.
 - i. Alternatively, the Applicant/Owner may submit a written letter from a qualified professional biologist, confirming that there is no wetland onsite and/or there has been no impact from the subject development proposal, to the satisfaction of the County;

Upon Final Completion:

6. That upon completion of the proposed development, the Applicant/Owner shall submit an as-built grading plan survey/submission, prepared by a qualified engineering professional, confirming as-constructed grades and drainage conditions comply with the approve grading and drainage analysis for the file.

Permanent:

7. That for any areas with greater than 1.20 m (3.93 ft.) of material placed, compaction testing results shall be submitted to County, in accordance with County Servicing Standards, upon completion.
8. That no native topsoil shall be removed from the site.



ROCKY VIEW COUNTY

9. That the proposed development graded area, as per the approved application, shall be spread with topsoil and seeded to native vegetation or landscaped upon completion.
10. 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.
11. That for any imported topsoil, if needed, soil testing analysis shall be completed before hauling to the site and shall be submitted to the County for approval. The analysis shall include 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.
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 any material entering into 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.
15. That the Applicant/Owners shall be responsible for rectifying any adverse effect on adjacent lands from drainage alteration.
16. That the subject lands shall be maintained in a clean and tidy fashion at all times.
17. That all proposed site works shall be completed within twelve (12) months from the date of issuance of this permit.
18. That any plan, technical submission, agreement, or other matter submitted and approved as part of the Development Permit application or submitted in response to a Prior to Release or Occupancy condition, shall be implemented and adhered to in perpetuity.
19. That if the Development Permit is not issued by **AUGUST 31, 2022**, or the approved extension date, then this approval is null and void and the Development Permit shall not be issued.

Advisory:

- That during construction, the dust control shall be maintained on the site and that the Applicant/Owner shall take whatever means necessary to keep visible dust from blowing onto adjacent lands.
- That the Applicant/Owners shall be responsible for all required payments of 3rd party reviews and/or inspections as per the Master Rates Bylaw.

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



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- That the subject development shall conform to the County's Noise Bylaw C-8067-2020 & Road Use Agreement Bylaw C-8065-2020, in perpetuity.
- That the site shall remain free of restricted or noxious weeds, in accordance with the Weed Control Act [Statutes of Alberta, 2008 Chapter W-5.1; Current as of December 15, 2017].
- That any other government permits, approvals, or compliances are the sole responsibility of the Applicant/Owner.

Note: The Applicant/Owner shall be responsible for all Alberta Environment and Park (AEP) approvals for any impact to any wetland areas or watercourse disturbances for the proposed development if required.



ATTACHMENT 'B': MAPS AND OTHER INFORMATION

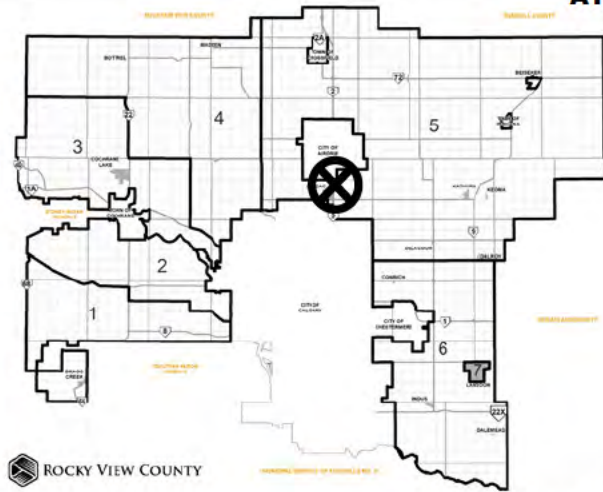
APPLICANT: Manjit & Sim Brar	OWNER: Brar Investment Corp. Ltd.
DATE APPLICATION RECEIVED: September 8, 2021	DATE DEEMED COMPLETE: October 13, 2021
GROSS AREA: ± 6.95 hectares (± 17.18 acres)	LEGAL DESCRIPTION: Block 5, Plan 1419 LK, SE-21-26-29-W04M
APPEAL BOARD: Land and Property Rights Tribunal	
HISTORY: <i>Planning Applications:</i> <ul style="list-style-type: none"> 1972-C-334 / 03330001; Subdivision (<i>To create 4 agricultural lots, ranging in size from 15.61 acres to 19.96 acres</i>); Approved; <i>Development Permits</i> <ul style="list-style-type: none"> PRDP20150611 (home-based business, type II, for vehicle sales and storage); Expiry: May 13, 2016 <i>Building Permits</i> <ul style="list-style-type: none"> No history on record <i>Assessment:</i> <ul style="list-style-type: none"> Dwelling w/ attached garage (1975) Detached garage x 2 (1978) 	
AGENCY SUBMISSIONS: The application was circulated to internal and external agencies and, where appropriate, conditions of approval have been proposed based on these comments.	



Location & Context

Development Proposal

single-lot regrading and
placement of clean fill, for
site improvements and
reclamation



Division: 5
Roll: 06421011
File: PRDP20214139
Printed: October 13, 2021
Legal: Block:5 Plan:1419 LK
within SE-21-26-29-W04M



Environmental Factors

Development Proposal

single-lot regrading and
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Aerial Comparison

Development Proposal

single-lot regrading and placement of clean fill, for site improvements and reclamation



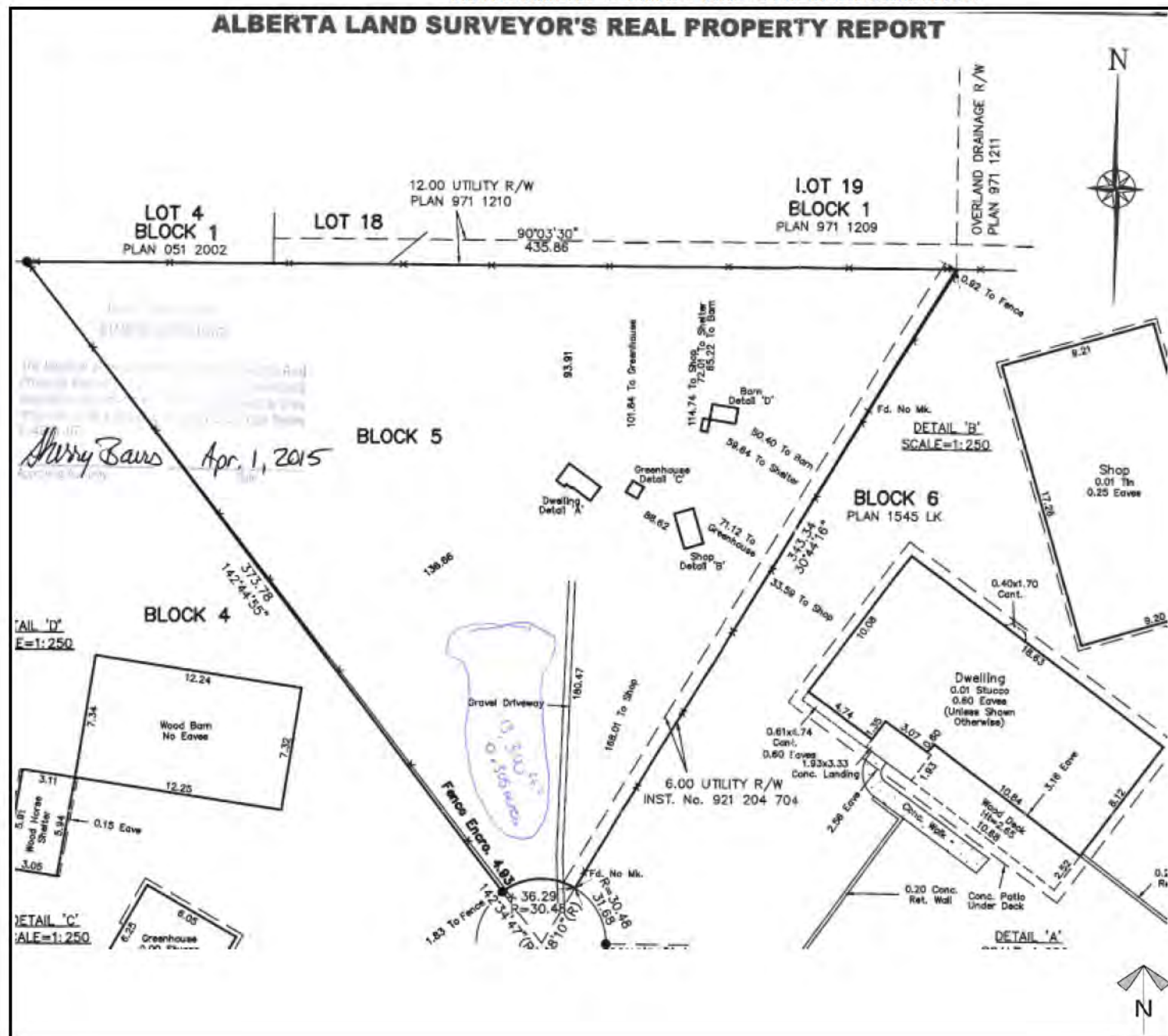
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Application Site Photos

Development Proposal

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Site Photos*January 14, 2022***Development Proposal**

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Roll: 06421011
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Printed: October 13, 2021
Legal: Block: 5 Plan: 1419 LK
within SE-21-26-29-W04M





ROCKY VIEW COUNTY

DEVELOPMENT PERMIT APPLICATION

FOR OFFICE USE ONLY

APPLICATION NO.	PRDP20214139
ROLL NO.	06421011
RENEWAL OF	
FEES PAID	450.00
DATE OF RECEIPT	Sept 8, 2021

APPLICANT/OWNER

Applicant Name: MANJIT BRAR / SIM BRAR

Email:

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

Business/Organization Name (if applicable): BRAR INVESTMENT CORP LTD.

Mailing Address: 67 CASTLEBROOK DRIVE NE

Postal Code: T3J 1T2

Telephone (Primary): (403) 690-1780

Email:

LEGAL LAND DESCRIPTION - Subject site

All/part of: SE ¼ Section: 28 Township: 28N26W Range: 28W West of: 04 Meridian Division:

All parts of: 5 Block: 1419 Plan: LK Parcel Area (ac/ha): 17.18

Municipal Address: 263080 RR293A

Land Use District:

APPLICATION FOR - List use and scope of work

- RESTORE LAND TO ORIGINAL STATE (PRE-2009). TENANT MADE BIKE TRACK (DIRT) ON PROPERTY WITHOUT OWNER'S CONSENT + KNOWLEDGE.
- ARIAL PICTURES EMAILED OVER BY OFFICER ANDREW WIEBE HAS PIC OF 2007 + 2010.

Variance Rationale included: ☐ YES ☐ NO ☐ N/A DP Checklist Included: ☐ YES ☐ NO Name of RVC Staff Member Assisted:

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, SIM BRAR (Full name in Block Capitals), hereby certify (initial below):

- ☒ That I am the registered owner OR ☒ That I am authorized to act on the owner's behalf.
- ☒ 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.
- ☒ 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.
- ☒ 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

Date

Landowner Signature

Date



STRIPPING, GRADING, EXCAVATION AND/OR FILL INFORMATION SHEET

FOR OFFICE USE ONLY	
APPLICATION NO.	PRDP20214139
ROLL NO.	06421011
DISTRICT	A-SML p.81

DETAILS		APPLICATION FOR:
Total area of work (m ² / ft ² / ac.)	13,300 ft ²	<input type="checkbox"/> Site Stripping <input checked="" type="checkbox"/> Fill
Length (m / ft.)	190	<input type="checkbox"/> Grading <input type="checkbox"/> Re-contouring
Width (m / ft.)	70	<input type="checkbox"/> Excavation (cut-to-fill) <input type="checkbox"/> Excavation (borrow areas)
Height (m / ft.)	4 ft	<input type="checkbox"/> Construction of artificial waterbody (not including dugouts)
Volume (m ³ / ft ³ .)	4-5 ft ³	<input type="checkbox"/> Stockpiling
Number of truckloads (approx.)	200	<input type="checkbox"/> Other:
Slope factor (if applicable)		

DESCRIPTION OF WORK

Describe the purpose and intent of the work proposed (include cover letter for detailed description):

Indicate the timing/duration of work (which shall not coincide with bird nesting seasons, as determined):

TO BE COMPLETED BEFORE END OF SEPTEMBER

Indicate the effect(s) on existing drainage patterns or environmentally sensitive areas (i.e. riparian, wetland, other waterbodies etc.) if applicable:

Confirm if proposed fill contains 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

Sim Bear

Date AUGUST 30, 2021

AUGUST 31, 2021

TO WHOM IT MAY CONCERN,

I AM WRITING TO YOU IN RELATION TO A LETTER I RECEIVED ON AUGUST 25TH (RE-VIOLATION OF LAND BYLAW) FOR OUR PROPERTY LOCATED AT 263080 RR293A, BALZAC, ALBERTA.

WE RECEIVED ANOTHER LETTER IN OR AROUND AUGUST 2020, RELATED TO RAINWATER THAT WAS POOLED ON OUR PROPERTY, DUE TO THE 2020 RAIN/HAILSTORMS. I CONTACTED MR. EVAN NIELSEN (DEVELOPMENT ASSISTANT) IMMEDIATELY TO DISCUSS THE PROCESS AND PLANS TO RECTIFY THE SITUATION. THIS ALL OCCURRED DUE TO ONE OF OUR PREVIOUS RENTERS WHO DID NOT GET ANY APPROVALS OR CONSENT FROM BRAR INVESTMENT CORPORATION, AS THE DIRECTOR/MANAGER WHO WAS MY FATHER WAS IN THE HOSPITAL IN APRIL 2009, AND PASSED AWAY ON APRIL 30, 2009.

THE TENANT WAS EVICTED THE SAME YEAR, ~~AND~~ AND THE LAND REMAINED UNTOUCHED. AFTER NOT HEARING BACK FROM EVAN FROM OCTOBER TO APRIL, I SENT AN EMAIL TO FOLLOWUP TO SEE WHY WE NEEDED A PERMIT WHEN OUR ONLY INTENTION IS TO RESTORE THE LAND AS BEST AS POSSIBLE TO ITS STATE PRE 2009. OFFICER ANDREW WIERE WAS VERY HELPFUL TO PROVIDE US WITH THE ARIAL SHOTS OF THIS LAND FROM 2007 ONWARDS. EVAN NIELSEN RESPONDED TO MY EMAIL DATED APRIL 19, 2021 (PRIOR TO WHEN WORK STARTED) STATING THAT "ROCKY VIEW COUNTY WILL NOT BE REQUIRING A DEVELOPMENT PERMIT TO RESTORE THE LAND MORE OR LESS BACK TO ITS ORIGINAL STATE. WE ARE KINDLY REQUESTING AN APPROVAL TO OUR REQUEST SO WE CAN COMPLETE THIS AS SOON AS POSSIBLE - BEFORE WINTER. THANK YOU. SIM BRAR