

7

# PLANNING AND DEVELOPMENT SERVICES

TO: Municipal Planning Commission

DIVISION:

SUBJECT: Development Item: Single-Lot Regrading

**USE:** Discretionary use, no Variances

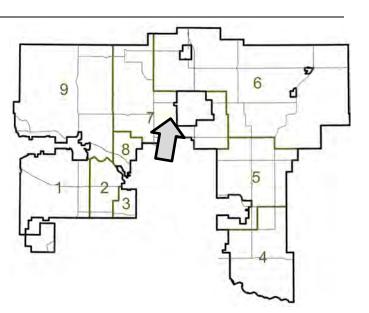
**APPLICATION:** Single-lot regrading and placement of clean fill for the construction of a berm, ditch, and swale.

**GENERAL LOCATION:** located approximately 1.61 km (1 mile) north of Twp. Rd. 264 and on the west side of Rge. Rd. 14

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

ADMINISTRATION RECOMMENDATION:

Administration recommends Approval in accordance with Option #1.



# **OPTIONS:**

- Option #1: THAT Development Permit Application PRDP20202773 be approved with the conditions noted in the Development Permit Report, attached.
- Option #2: THAT Development Permit Application PRDP20202773 be refused as per the reasons noted.

# AIR PHOTO & DEVELOPMENT CONTEXT:



DATE: November 12, 2020

APPLICATION: PRDP20202773

# **DEVELOPMENT PERMIT REPORT**

Application Date: September 15, 2020	File: 06532010
Application: PRDP20202773	Applicant/Owner: Wearmouth, Dan & Vicki
Legal Description: Block 2, Plan 8310789, SE-32-26-01-05	<b>General Location:</b> located approximately 1.61 km (1 mile) north of Twp. Rd. 264 and on the west side of Rge. Rd. 14
Land Use Designation: Residential, Rural District (R-RUR) under Land Use Bylaw, C-8000-2020.	Gross Area: 2.02 hectares (± 5.00 acres)
File Manager: Sandra Khouri	Division: 7

# PROPOSAL:

The proposal is for the single-lot regrading and placement of clean fill for the construction of a berm, ditch, and swale. *Note, this application was assessed in accordance with Land Use Bylaw C-8000-2020.* 

Under Section 157 of Land Use Bylaw C-8000-2020, site stripping, grading, excavation, or fill is a discretionary use in all land use districts.

The intent of the application is to keep standing water from accumulating on the property by redirecting drainage towards the ditch in the County road right-of-way.

• A **swale** will be constructed along half of the north property line (from west to east) to pool water draining from Harmen Lane. Swale dimensions:

o 49.00 m (160.76 ft.) L x 5.00 m (16.40 ft.) W x 0.30 m (0.98 ft.) D

• Then a **v-ditch** will be constructed on the second half of the north property line to direct flow towards the County ditch. V-ditch dimensions:

o 89.00 m (291.99 ft.) L x 9.00 m (29.52 ft.) W x 0.90 m (2.95 ft.) D

• There are **two existing culverts** at the end of the proposed v-ditch that will facilitate water flow to the County ditch. The 12" culvert will be removed, the 24" culvert will be re-centered, and the County ditch will be dropped by 30 cm. The existing approach here will be moved further south to facilitate construction of the v-ditch.

o Note: work within a County road ROW needs authorization from Road Operations.

• A **berm** will be constructed just north of the proposed v-ditch to prevent water from flowing to the north neighbor's property. The berm will be landscaped in the future. Berm dimensions:

o 40.00 m (131.23 ft.) L x 4.00 m (13.12 ft.) W x 0.50 m (1.64 ft.) H

• There is a **low area** on the property just east of the house where water pools. This area will be filled to meet the current grade and slightly sloped towards the north so that water will flow towards the proposed ditch. Area dimensions are:

o 28.00 m (91.86 ft.) L x ~4.00 m - 12.00 m (~13.12 ft. – 39.37 ft.) W x 0.45 m (1.47 ft.) H



#### Riparian Protection Area

There is a Riparian Protection Area on the southeast corner of the parcel, with the fill area indicated on the site plan appearing to almost encroach into the protection area. However, as the protection area encompasses an existing driveway and road approach, any earthworks north of the driveway would not be of concern.

#### STATUTORY PLANS:

The subject property is not located within any statutory plans. As such, the application was evaluated in accordance with the Land Use Bylaw.

#### **INSPECTOR'S COMMENTS:**

#### October 16, 2020

- Site well kept
- No construction started
- No concerns at time of inspection

#### CIRCULATIONS:

#### Alberta Environment and Parks

No comments received.

#### **Development Compliance Officer Review**

Development Compliance has no comments or concerns related to the attached application.

#### Planning and Development Services – Engineering Review

#### **General**

• The review of this file is based upon the application submitted. These conditions/recommendations may be subjected to change to ensure best practices and procedures.

#### Geotechnical - Section 300.0 requirements:

- Based on County GIS review, site slopes are less than 15%.
- As per the application, the proposal is to construct a ditch and berm for drainage purposes.
- As a permanent condition, the applicant will be required to provide compaction testing results, prepared and provided by a qualified professional, for any areas of the site filled greater than 1.2m in depth.
- Engineering has no requirements at this time.

#### Transportation - Section 400.0 requirements:

- Access to the parcel is provided off Range Road 14.
- This is unlikely to increase traffic on local road networks. Traffic Impact Assessment and TOL are not required.
- The proposal involves moving the existing approach on north side of the property to facilitate the construction and tie-in of the V-ditch to the road ditch.
- Prior to issuance, the applicant shall obtain all necessary permits/approvals from Road Operations to perform any work within the road allowance to the satisfaction of Road Operations.



## Sanitary/Waste Water - Section 500.0 requirements:

- No information was provided.
- Engineering has no requirements at this time.

# Water Supply and Waterworks - Section 600.0 & 800.0 requirements:

- No information was provided.
- Engineering has no requirements at this time.

## Storm Water Management - Section 700.0 requirements:

- As per the application, the proposed development involves excavation, stripping and filling throughout the north portion of the property to eliminate the water pooling caused by the water runoff from the properties to the west and north of the subject land. The plan is to fill low areas on the property and build a swale to direct water to road ditch of Range Road 14. A berm will be constructed along the northern property line to prevent water from running into the subject land.
- Prior to issuance, applicant shall provide a stormwater memo, prepared by a qualified profession, to confirm that proposed solution/development is adequate to manage on-site stormwater without causing any adverse impacts to drainage patterns and neighboring properties. If the findings of the memo require local improvements, site specific stormwater management plan should be provided identifying onsite stormwater management strategy for the proposed development in accordance with the County Servicing Standards and Nose Creek Watershed Water Management Plan.
- As a permanent condition, the applicant will be required to implement and maintain the approved stormwater management system in perpetuity.

#### Environmental – Section 900.0 requirements:

- As per County's GIS system, proposed development is in proximity of nose creek tributary and associated riparian area.
- As a permanent condition, the applicant will be required to obtain all necessary approvals from AEP under the Water Act for any watercourse disturbance.
- As a permanent condition, the applicant shall conserve and manage the riparian land in accordance with County Policy # 419: Riparian Land Conservation and Management.
- As an advisory, the applicant is responsible for ensuring that proper dust mitigations measures and ESC controls are adhered to on site.

## **OPTIONS:**

Option #1 (this would allow the development to commence)

APPROVAL, subject to the following conditions:

## **Description:**

1. That single-lot regrading and placement of clean fill for the construction of a berm, ditch, and swale shall be permitted in general accordance with the drawings submitted with the application and the conditions of this permit.



## Prior to Issuance:

- 2. That prior to issuance of this permit, the Applicant/Owner shall contact County Road Operations:
  - i. 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;
  - ii. To obtain a consent letter, permit, and/or approvals for any construction within the County road right-of-way, including filling, regrading, culvert work, and approach relocation; and
  - iii. Written confirmation shall be received from County Road Operations confirming all components of this condition. Any required agreement or permits shall be obtained unless otherwise noted by County Road Operations.
- 3. That prior to issuance of this permit, the Applicant/Owner shall provide a stormwater memo, prepared by a qualified professional, to confirm that the proposal is adequate to manage on-site stormwater without causing any adverse impacts to drainage patterns and neighboring properties.
  - i. If the findings of the memo require local improvements, a Site Specific Stormwater Management Plan should be provided identifying an onsite stormwater management strategy for the proposed development, in accordance with the County Servicing Standards and Nose Creek Watershed Water Management Plan.

## Permanent:

- 4. That any plan, technical submission, agreement, matter or understanding submitted and approved as part of the application or in response to a Prior to Issuance condition shall be implemented and adhered to in perpetuity.
- 5. That upon completion of the proposed development, should there be areas of fill that are greater than 1.20 m (3.93 ft.) in depth, the Applicant/Owner shall submit compaction testing results prepared by a qualified professional.
- 6. 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.
- 7. That upon completion of the proposed development, the Applicant/Owners shall submit an asbuilt survey, confirming that the development proposal and post grades align with the supporting technical submissions for the file.
- 8. 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.
- 9. That no topsoil shall be removed from the site.
- 10. That the Applicant/Owners shall ensure no organic material is buried and capped in a manner that will cause methane gas related issues.
- 11. That the fill shall not contain large concrete, rebar, asphalt, building materials, organic materials, or other metal.

ROCKY VIEW COUNTY

- 12. 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.
- 13. That the Applicant/Owners shall be responsible for rectifying any adverse effect on adjacent lands from drainage alteration.
- 14. 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.

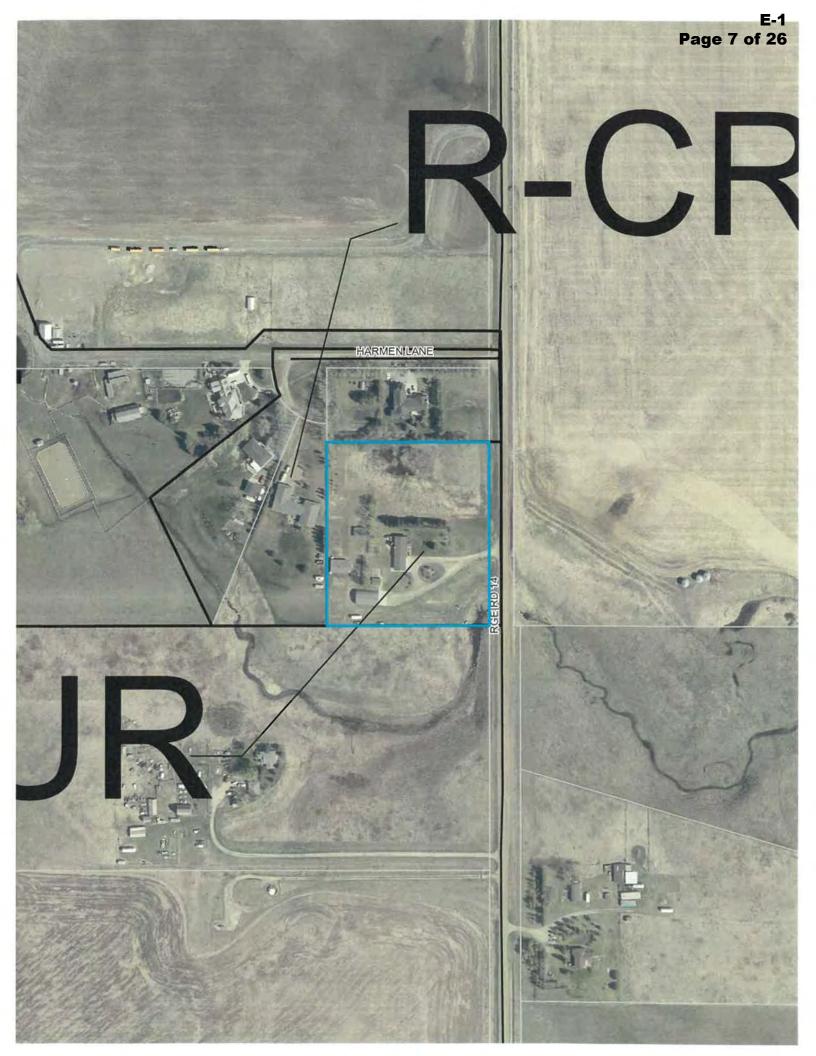
# Advisory:

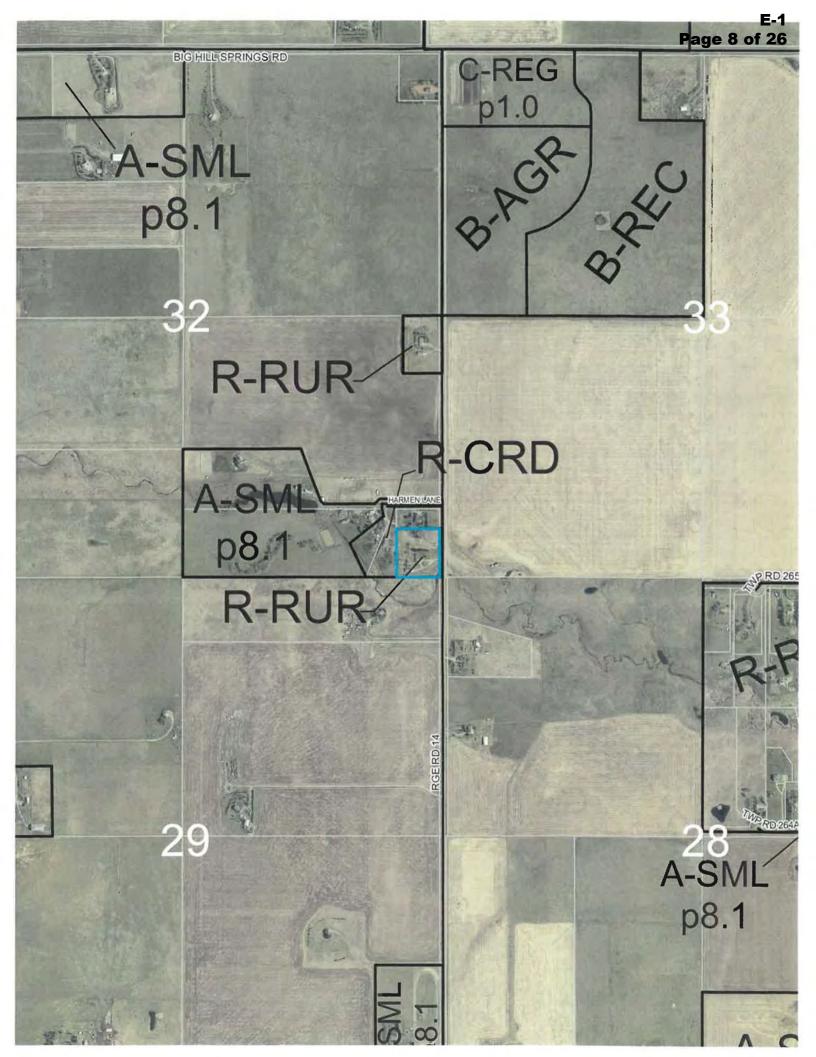
- 15. That any other government permits, approvals, or compliances are the sole responsibility of the Applicant/Owner.
- 16. That the subject development shall conform to the County's Noise Bylaw C-5773-2003 in perpetuity.
- 17. That the site shall remain free of restricted and noxious weeds and be maintained in accordance with the Alberta Weed Control Act [Statutes of Alberta, 2008 Chapter W-5.1; Current as of December 15, 2017].
- That if the development authorized by this Development Permit is not completed within twelve (12) months of the date of issuance, the permit is deemed to be null and void.
- 19. That if this Development Permit is not issued by **May 31, 2021** or the approved extension date, then this approval is null and void and the Development Permit shall not be issued.

# Option #2 (this would not allow the development to commence)

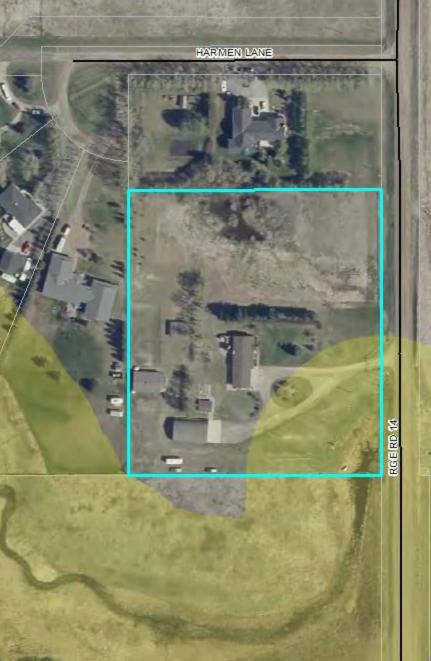
REFUSAL, for the following reasons:

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.





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ſ	ROCKY VIEW COUNTY 2	0202113		\$450.0	06532010
2	Cultivating Communities	LICATION FOR A		Date of Recei	
	DEVELO	<b>PMENT PE</b>	RMIT	09/15/20	10 100000
	Name of Applicant Dan & Vicki Wearmout	ıth	Email		
	Mailing Address				
			Postal Cod	a second and a second s	
	Telephone (B)	1111111111111111		Fax	
	For Agents please supply Business/Agency/ Or	rganization Name			
	Registered Owner (if not applicant)				-
	Mailing Address				
	T-lashar (D)	4.0	Postal Code		
		(H)		Fax	
	a) All / part of the SE 1/4 Section 32	Township 26	Range 1	West of 5	5 Meridian
	b) Being all / parts of Lot Block	2 Regis	tered Plan Num		
	c) Municipal Address 265015 Range	Road 14, Rocky V	iew County		
	d) Existing Land Use Designation Resident	tial 2 Parcel Size	5.00 Acres	Division 7	
2.	APPLICATION FOR				
	Stripping, filling, excava	ating & grading of parcel of	land and create a	new approach	
3.	ADDITIONAL INFORMATION				
	a) Are there any oil or gas wells on or within 1	00 metres of the subj	ect property(s)?	Yes	No X
			7	Yes	No
	<ul> <li>b) Is the proposed parcel within 1.5 kilometres (Sour Gas facility means well, pipeline or p</li> </ul>				
		lant)		Yes	No X
	(Sour Gas facility means well, pipeline or p	lant) peline on the property?	,	Yes Yes X	No X
٤.	<ul> <li>(Sour Gas facility means well, pipeline or p</li> <li>c) Is there an abandoned oil or gas well or pip</li> <li>d) Does the site have direct access to a devel</li> <li>REGISTERED OWNER OR PERSON AC</li> </ul>	lant) beline on the property? loped Municipal Road <b>TING ON HIS BEH</b>	?		
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#### 5. RIGHT OF ENTRY

I hereby authorize Rocky View County to enter the above parcel(s) of land for purposes of investigation and enforcement related to this Development Permit application.

Applicant's/Owner's Signature

Please note that all information provided by the Applicant to the County that is associated with the application, including technical studies, will be treated as public information in the course of the municipality's consideration of the development permit application, pursuant to the Municipal Government Act, R.S.A 2000 Chapter M-26, the Land Use Bylaw and relevant statutory plans. By providing this information, you (Owner/Applicant) are deemed to consent to its public release. Information provided will only be directed to the Public Information Office, 262075 Rocky View Point, Rocky View County, AB, T4A 0X2; Phone: 403-520-8199. EAI

hereby consent to the public release and 1. Carangle disclosure of all information contained within this application and supporting documentation as part of the development process.

UL

Signature

Date

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0			FOR OFFICE	USEONLY
ROCKY VIEW CC Cultivating Communitie	DUNTY		Fee Submitted	File Number
$\sim$	RIPPINE, FILL	ING, EXCAVATION RADING	Date of Receipt	Receipt #
Name of Applicant Dan & Vicki Wearmou				
Address of Applicant				
Telephone (C)	(H)		(Fax)	
1. NATURE OF THE APPLICAT Type of application (Please check o				
x Site stripping		12 Re-contouring		
& Filling		Stockpiling		
Excavation (including removale	of topsoil)	Construction of artificial	water bodies and/or	dugouts
C Grading		D Other		
2. PURPOSE				
What is the intent of the proposal?	Construct a ditch for	drainage purposes and to l	keep standing wat	er from
	accumulating on the	a landscaped area and the u	ndeveloped area.	
	Construct a berm be	eside the drainage ditch to p	revent water from	running
	out of the ditch onto	neighbouring property.		
ndicate the effect(s) on existing dra applicable)	inage patterns or enviro	nmentally sensitive areas (i.e. ri	parian, wetland, wate	erbodies) (if
The excess	water will be channel	ed away to the main County	ditch and will not	pool on
the property				_
The fill does not contain constru	ction rubble or any haza	rdous substances (please cheo	:k)	
B. TYPE				
Height 60 cm	-	Volume	meters of	
Width	-	Truckload	(approxir	
Length	The second second	Slope Factor 4 - 1	(if applic	able)
Area	square metres			

\* Please show all measurements in detail on your site plan.

## 4. TERMS AND CONDITIONS

(a) General statement about conditions:

- The Development Authority may include any condition necessary to satisfy a Land Use Bylaw provision, a County Plan, Area Structure Plan, Conceptual Scheme, Master Site Development Plan policy and/or County Servicing Standard.
- 2. Where on-site works are proposed the County may, by condition, require the provision of a Construction Management Plan and/or Stormwater Management Plan.
- The Development Authority may impose any condition to meet a requirement of the Municipal Government Act or Subdivision and Development Regulation.
- As a condition of development approval, the Development Authority may include the requirement to update technical reports submitted with the application.

- 5. The Development Authority shall impose relevant requirements for the payment of levies associated with Bylaws for transportation, wastewater, water supply and stormwater:
  - i. Transportation Offsite Levy Bylaw;
  - ii. Water and Wastewater Offsite Levy Bylaw; and
  - Such other Bylaws as may be in force or come into force and be applicable to development or activities on or services provided to the subject land from time to time.
- The Development Authority shall determine any oversizing requirements for services and infrastructure required to be constructed as part of the proposed development. The County will determine Cost Recovery arrangements through preparation and execution of documents prior to endorsement of a plan of survey for registration.

(b) Technical reports are defined as any report or any information regarding a matter identified in the Municipal Government Act, Subdivision and Development Regulations, Statutory Plan, County Policy, Servicing Standards or Bylaw.

(c) General statement about technical reports:

 Additional technical reports may be required after the time of application, based upon the ongoing assessment of the application.

(e) All costs of development are borne by the landowner / applicant including, but not limited to, all on and off-site construction works, infrastructure development, securities, levies, contributions, additional fees associated the preparation and review of reports and technical assessments, endorsement fees imposed by the County, registration fees and such other costs as may be associated with the development of the land. Further, that it is the landowner / applicant responsibility to identify and consider all costs of development.

(f) The applicant and landowner acknowledge that not providing the information required in this form or failing to provide accurate information may prejudice the assessment of the application.

(g) The applicant and landowner acknowledge that the County including individual staff members have not provided an advisory role with respect to the preparation and making of this application and that the decision to make the application is entirely that of the applicant and landowner.

(h) It should be noted that while every effort is made to ensure the applicants are provided with clear information regarding the requirement for application, that over the course of the application assessment process, particularly following a full technical review and also following submissions from agencies, additional technical information may be required. In addition to the requirement for further technical information, further justification regarding the merits of a development proposal may also be required.

#### 5. ADDITIONAL INFORMATION

		_
VICKI WEARMOUTH	/	
Davie Wege most hereby certify that	I am the registered owner	
(Print Full Name)	I am authorized to act on behalf of the registered owner	

and that the information given on this form and the material provided with this application is full and complete and is, to the best of my knowledge, a true statement of the facts relating to this application for subdivision approval. Further, I have read, understood and accept the contents, statements and requirements contained and referenced in this document – STRIPPING, FILLING, EXCAVATION AND GRADING.

PLEASE PROVIDE ALL OF THE ABOVE INFORMATION. THANK YOU.

September 15, 2020

Rocky View County Planning and Development 262075 Rocky View Point Rocky View County, AB T4A 0X2

To Whom it May Concern;

We are submitting for your consideration the attached Development Permit application. We are wanting to do some excavating, stripping and filling throughout the north portion of our 5 acre property in an attempt to eliminate the excessive water pooling that is occurring. We receive substantial water runoff from properties to the west and north of us and it pools in low areas on our land. Our plan is to fill low areas on the property and build a swale to direct water from the west to a v-trench which will channel excess water to the ditch running along range road 14. A berm constructed along a portion of the northern property line will prevent water from running both into and out of our property. This berm will be landscaped

Any extra topsoil will be used to lift the grade in low areas. Any extra common materials will be placed on the access road.

We are also wanting to create a new approach which will include contouring the ditch to create a positive slope and digging up the existing culver and entering it in the ditch.

Thank you,

Dan & Vicki Wearmouth



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Looking West, Fill Area



Looking North, County ROW Ditch and Culverts



LAND TITLE CERTIFICATE

A states and					
LINC	SHORT LEG	AL			TITLE NUMBER
0014 813 620	8310789;2				991 089 519
LEGAL DESCRIP	TION				
PLAN 8310789	2.2.2.2				
BLOCK 2					
EXCEPTING THE	REOUT ALL MI	NES AND MI	INERALS		
AREA: 2.02 HE				SS	
ESTATE: FEE S	IMPLE				
ATS REFERENCE	: 5;1;26;32;	SE			
MUNICIPALITY:	ROCKY VIEW	COUNTY			
REFERENCE NUM	BER: 971 217	149			
	R				
REGISTRATION				VALUE	CONSIDERATION
		********			
991 089 519	06/04/1999	TRANSFER	OF LAND	\$245,000	\$245,000
OWNERS					
DAN WEARMOUTH					
AND					
VICKI WEARMOU	ጥዞ				
BOTH OF:					
Born of .					
AS JOINT TENA	NTS				
	DATED BY: CHA	NCE OF NA	ME 01122	1367)	
			am orrer		
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REGISTRATION					
REGISTRATION	ENC DATE (D/M/Y)				
REGISTRATION NUMBER	DATE (D/M/Y)	PAI	RTICULARS		
REGISTRATION	DATE (D/M/Y)	PAI	RTICULARS		
REGISTRATION NUMBER	DATE (D/M/Y) 20/05/1975	PAN UTILITY RI	RTICULARS		

-----Page 20 of 26 ENCUMBRANCES, LIENS & INTERESTS PAGE 2 REGISTRATION # 991 089 519 NUMBER DATE (D/M/Y) PARTICULARS ------751 057 400 11/06/1975 UTILITY RIGHT OF WAY GRANTEE - ROCKYVIEW GAS CO-OP LTD. "AS TO THE INTEREST OF ALLEY HASSEN" 831 041 299 08/03/1983 CAVEAT RE : ROADWAY CAVEATOR - THE MUNICIPAL DISTRICT OF ROCKY VIEW NO. 44 VALERIE SCHMALTZ, ASSISTANT MUNICIPAL ADMINISTRATOR P.O. BOX 3009, STATION B CALGARY ALBERTA

TOTAL INSTRUMENTS: 003

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN ACCURATE REPRODUCTION OF THE CERTIFICATE OF TITLE REPRESENTED HEREIN THIS 15 DAY OF SEPTEMBER, 2020 AT 11:27 A.M.

ORDER NUMBER: 40107824

CUSTOMER FILE NUMBER:

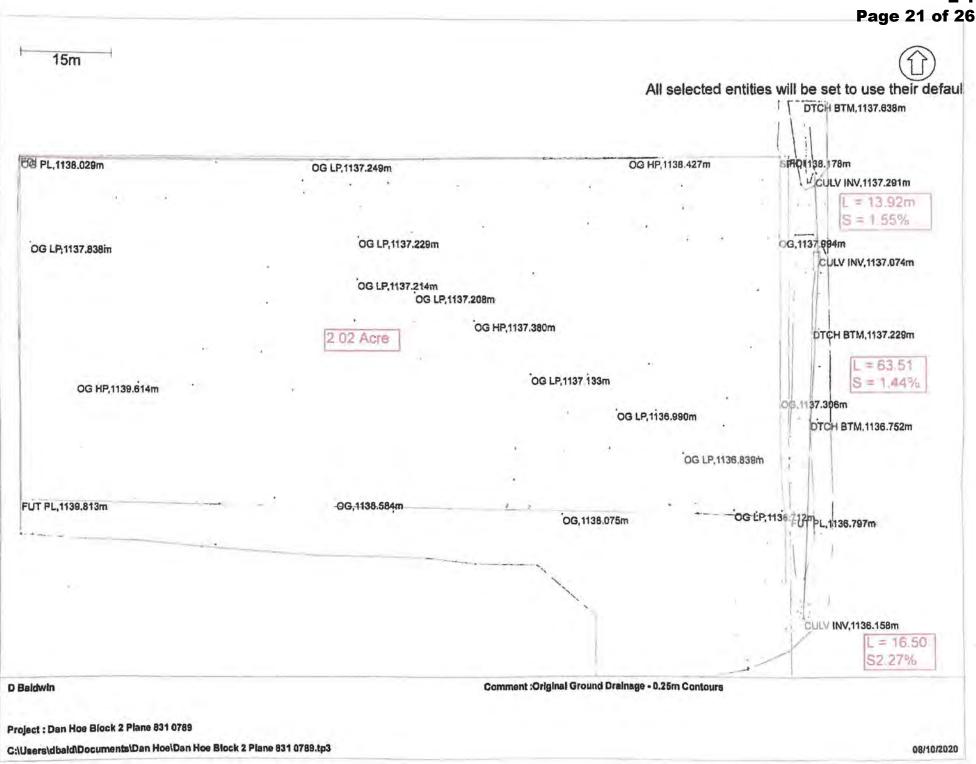


E-1

\*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).



# E-1

APPLICANT:       Dan & Vicki Wearmouth       FILE#         ADDRESS:	DATE:	August 24			20	20			DIVISION: 7
ADDRESS:	APPLICANT:	Dan & Vicki We	armouth					FILE#	
HOME: FAX:							PHONE:	BUS	
FAX:         LEGAL DESCRIPTION OF PARCEL REQUIRING ACCESS         I/A SE_section 32									
LEGAL DESCRIPTION OF PARCEL REQUIRING ACCESS         I/4       SEsECTION 32TOWNSHIP 26BLOCK 2	1.1						-		
IMA_SESECTION 32TOWNSHIP 26							-	PAA:	
PLAN     8310789     LOT     BLOCK     2       PURPOSE FOR APPROACH:     To create entrance to proposed new lot       DMGRAM SHOWING LOCATION OF REQUESTED APPROACH:       Prease indicate distances to approach from a corner or other landmark; road names; and legal description.       Prease indicate distances to approach from a corner or other landmark; road names; and legal description.       Prease indicate distances to approach from a corner or other landmark; road names; and legal description.       Prease indicate distances to approach from a corner or other landmark; road names; and legal description.       Prease indicate distances to approach from a corner or other landmark; road names; and legal description.       Prease indicate distances to approach from a corner or other landmark; road names; and legal description.       Prease indicate distances to approach from a corner or other landmark; road names; and legal description.       Prove       Image: Image	4.2							MENA	
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Prease indicate distances to approach from a corner or other landmark; road names; and legal description. Physically marking the desired location (with a ribbon or a stake) is appreciated.) That have long a lo	PURPOSE FOR	APPROACH:	To create	entrance	to propos	ed new	lot		
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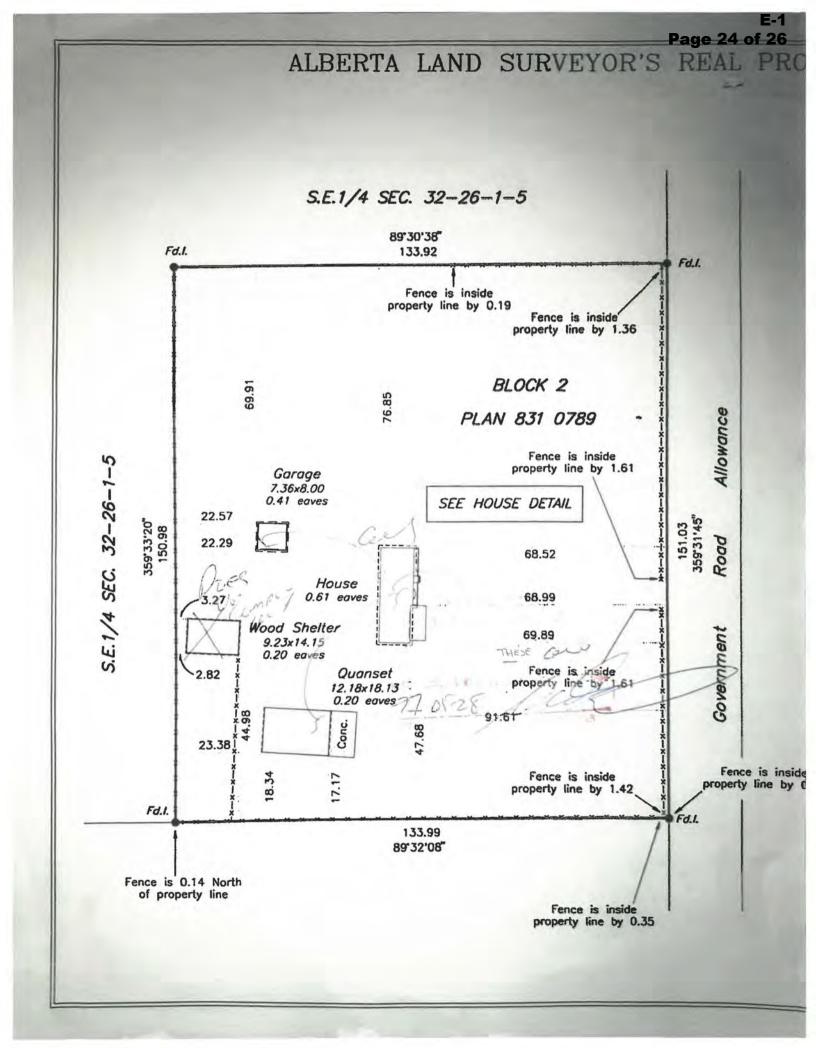


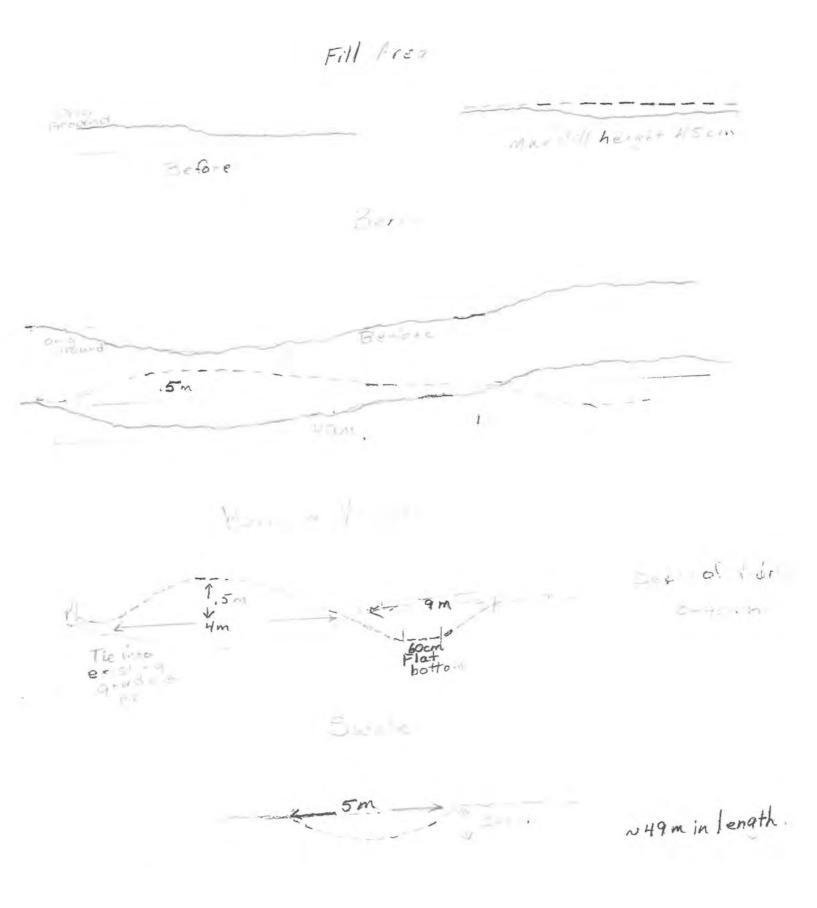




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