

## PLANNING AND DEVELOPMENT SERVICES

**TO:** Municipal Planning Commission  
**SUBJECT:** Development Item: Single-Lot Regrading  
**USE:** Discretionary use, with no Variances

**DATE:** November 26, 2020  
**APPLICATION:** PRDP20202738

**APPLICATION:** single-lot regrading and placement of clean fill

**GENERAL LOCATION:** Located approximately 1.21 km (3/4 mile) south of Twp. Rd. 264 on the east side of Rge. Rd. 43

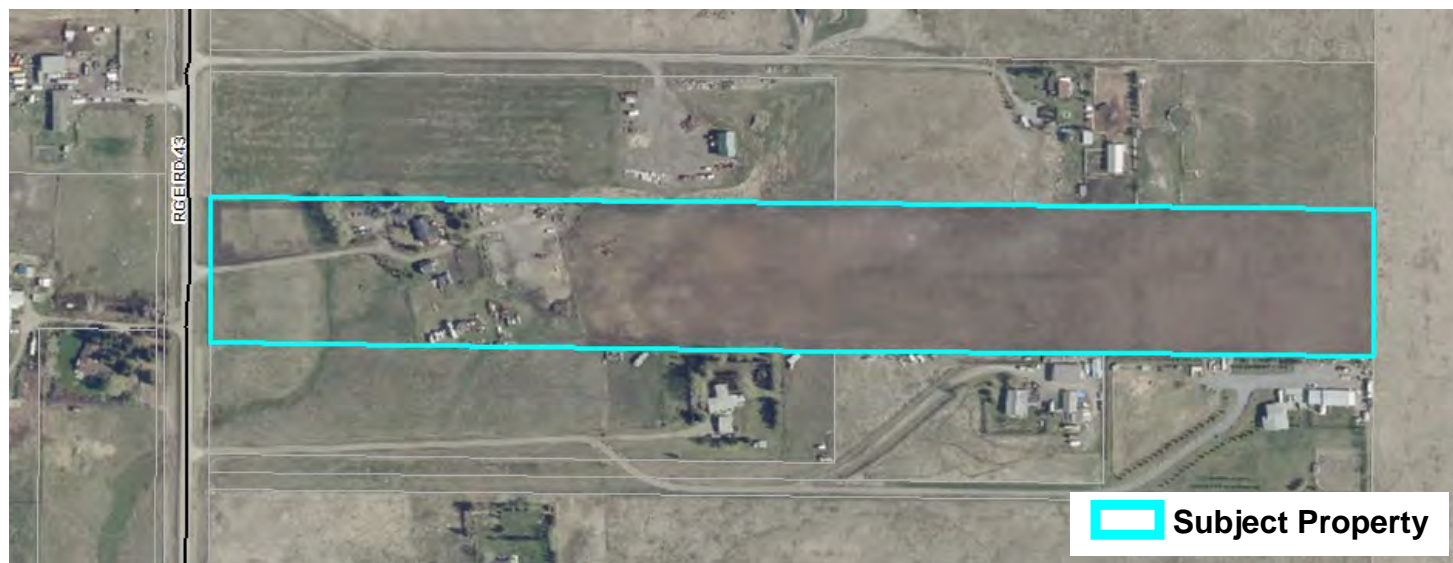
**LAND USE DESIGNATION:** Residential, Rural District (R-RUR) under Land Use Bylaw C-8000-2020.

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

### OPTIONS:

- Option #1: THAT Development Permit Application PRDP20202738 be approved with the conditions noted in the Development Permit Report, attached.
- Option #2: THAT Development Permit Application PRDP20202738 be refused as per the reasons noted.

### AIR PHOTO & DEVELOPMENT CONTEXT:



### Administration Resources

Sandra Khouri – Planning and Development Services



## DEVELOPMENT PERMIT REPORT

<b>Application Date:</b> September 14, 2020	<b>File:</b> 06822004
<b>Application:</b> PRDP20202738	<b>Applicant/Owner:</b> Paul Jacobs / Stormwater Solutions
<b>Legal Description:</b> Lot 5, Block , Plan 7810737, SW-22-26-04-05	<b>General Location:</b> located approximately 1.21 km (3/4 mile) south of Twp. Rd. 264 on the east side of Rge. Rd. 43
<b>Land Use Designation:</b> Residential, Rural District (R-RUR) under Land Use Bylaw C-8000-2020.	<b>Gross Area:</b> ±8.02 hectares (±19.82 acres)
<b>File Manager:</b> Sandra Khouri	<b>Division:</b> 9

### PROPOSAL:

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

The intent of the application is to regrade a 2,500.00 sq. m (26,909.78 sq. ft.) portion of the property, located east of the dwelling, to provide a smooth area for turning site vehicles around. This includes the import of up to 1,200.00 m<sup>3</sup> (42,377.60 ft.<sup>3</sup>) of clean fill. If a commercial or business operation is occurring on site, a separate development permit will be required.

There is a subdivision application that has been conditionally approved (PL20200043) for the creation of a 9.91 acre lot with a 9.91 acre remainder. At the time of inspection for this application, the resident indicated that some of the fill on site will be used for an access road for the new lot.

#### *Re-grading east of the dwelling:*

- **Height:** up to 1.20 m (3.94 ft.)
- **Width:** 50.00 m (164.04 ft.)
- **Length:** 50.00 m (164.04 ft.)
- **Area:** 2,500.00 sq. m (26,909.77 sq. ft.)
- **Volume:** 1,200.00 m<sup>3</sup>
- **Truckloads:** 150 (tandem)
- **Slope factor:** n/a

#### Development Compliance:

- The application is the result of an enforcement file with Development Compliance.
- The work is already underway as indicated in the inspection photos.

Development Permit History:

PRDP20184209	Existing accessory buildings (studio, two wood sheds, Quonset and tin barn), relaxation of the side yard setback requirement (studio and wood shed) and relaxation of the maximum number of accessory buildings	Issued November 30, 2018
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Planning History:

PL20200043	Subdivision to create a $\pm 4.01$ hectare ( $\pm 9.91$ acre) parcel (Lot 1) with a $\pm 4.01$ hectare ( $\pm 9.91$ acre) remainder.	Approved Waiting for Conditions to be Satisfied
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**STATUTORY PLANS:**

The subject property is located in the Cochrane North Area Structure Plan (ASP). The ASP does not provide guidance for applications of this nature. As such, the application was evaluated in accordance with Land Use Bylaw C-8000-2020.

**INSPECTOR'S COMMENTS:**October 16, 2020

- Fill present at time of inspection
- Some regrading at time of inspection
- Piles of fill evident on northern part of graded area
- Resident mentioned that some fill was to be used for access road for proposed subdivision

**CIRCULATIONS:**Development Compliance Officer Review

This application is the result of an enforcement issue. It was stated that approximately 50 truck loads of dirt have been moved onto the property and spread in hopes of getting their subdivision approved.

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:**

- As per the application, approximately 1000-1200 m<sup>3</sup> of clean fill material is proposed to be imported to re-contour approximately 2500 m<sup>2</sup> of an area.
- 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.

**Transportation:**

- Access to the parcel is provided off Range Road 43.
- As per the application, approximately 1000-1200 m<sup>3</sup> of fill is expected to be hauled onto the site. Prior to issuance, the applicant is required to contact County Road Operations to determine if a Road Use Agreement is required for the hauling of the fill to the subject land.
- This is unlikely to increase traffic on local road networks. Traffic Impact Assessment and TOL are not required.

**Sanitary/Waste Water:**

- No information was provided or require at this time.

**Water Supply and Waterworks:**

- No information was provided or require at this time.

**Storm Water Management:**

- Applicant submitted a site plan, prepared by Stormwater Solutions, dated September 04, 2020.
- Based on the review of the site plan, the proposed development is unlikely to have significant impacts to the drainage patterns on site.
- Engineering has no requirements at this time.

**Environmental:**

- As an advisory, the applicant is responsible for ensuring that proper dust mitigations measures and ESC controls are adhered to on site.

Agricultural and Environmental Services

- No agricultural concerns.

**OPTIONS:**

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

APPROVAL, subject to the following conditions:

**Description:**

1. That single-lot regrading and the placement of clean fill, approximately 1,200.00 cubic metres, 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 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:**

3. 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.
4. 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 verifying that the fill areas greater than 1.20 m (3.93 ft.) in depth were placed in accordance with the Deep Fills report accepted by the County.
5. 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.
6. 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.
7. 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.
8. That no topsoil shall be removed from the site.
9. That the fill shall not contain large concrete, rebar, asphalt, building materials, organic materials, or other metal.
10. That the Applicant/Owners shall take effective erosion and sediment controls and 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.
11. That if no future development of the proposed graded area occurs, the proposed graded area shall have a minimum of six (6) inches of topsoil placed on top, which shall then be spread and seeded to native vegetation, farm crop, or landscaped to the satisfaction of the County.
12. That the Applicant/Owners shall be responsible for rectifying any adverse effect on adjacent lands from drainage alteration.
13. 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:**

14. That any other government permits, approvals, or compliances are the sole responsibility of the Applicant/Owner.
15. That the subject development shall conform to the County's Noise Bylaw C-5773-2003 in perpetuity.
16. 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*].



17. That if the development authorized by this Development Permit is not completed within eight (8 months of the date of issuance, the permit is deemed to be null and void.
18. That if this Development Permit is not issued by **JUNE 30, 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.



22

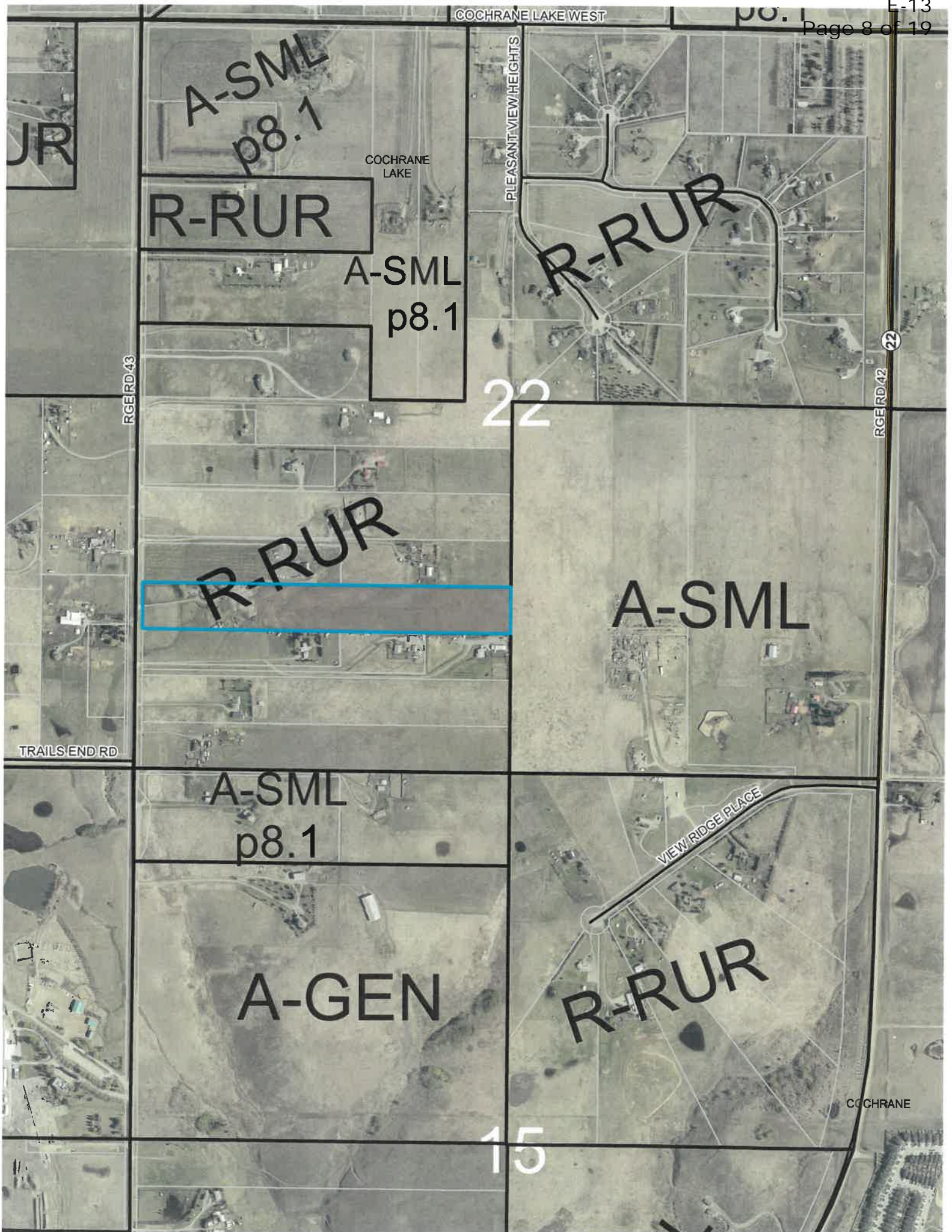
COCHRANE  
LAKE

RGE RD 43

TRAILS END RD











ROCKY VIEW COUNTY  
Cultivating Communities

20202738

# APPLICATION FOR A DEVELOPMENT PERMIT

FOR OFFICE USE ONLY	
Fee Submitted \$450.00	File Number 06822004
Date of Receipt Sept 14/2020	Receipt # 2020025412

Name of Applicant PAUL JACOBS / STORMWATER SOLUTIONS Email \_\_\_\_\_

For Agents please supply Business/Agency/ Organization Name \_\_\_\_\_

Registered Owner (if not applicant) JUDY B ROSS ROBERS

Mailing Address \_\_\_\_\_

Postal Code \_\_\_\_\_

Telephone (B) \_\_\_\_\_

(H) \_\_\_\_\_

Fax \_\_\_\_\_

## 1. LEGAL DESCRIPTION OF LAND

- a) All / part of the SW  $\frac{1}{4}$  Section 22 Township 26 Range 4 West of 5 Meridian
- b) Being all / parts of Lot 5 Block \_\_\_\_\_ Registered Plan Number 7810737
- c) Municipal Address #263056 RANGE RD 43
- d) Existing Land Use Designation R-2 Parcel Size 8 Ha Division \_\_\_\_\_

## 2. APPLICATION FOR

STRIPPING, FILLING, GRADING

## 3. ADDITIONAL INFORMATION

- a) Are there any oil or gas wells on or within 100 metres of the subject property(s)? Yes No
- b) Is the proposed parcel within 1.5 kilometres of a sour gas facility?  
(Sour Gas facility means well, pipeline or plant) Yes No
- c) Is there an abandoned oil or gas well or pipeline on the property? Yes No
- d) Does the site have direct access to a developed Municipal Road? Yes No

## 4. REGISTERED OWNER OR PERSON ACTING ON HIS BEHALF

I PAUL JACOBS hereby certify that \_\_\_\_\_ I am the registered owner  
(Full Name in Block Capitals)

☒ I am authorized to act on the owner's behalf

and that the information given on this form  
is full and complete and is, to the best of my knowledge, a true statement  
of the facts relating to this application.

Affix Corporate Seal  
here if owner is listed  
as a named or  
numbered company

Applicant's Signature \_\_\_\_\_

Date \_\_\_\_\_

Owner's Signature \_\_\_\_\_

Date \_\_\_\_\_

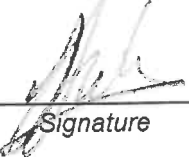
## 5. RIGHT OF ENTRY

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.

I, PAUL JACOBS, hereby consent to the public release and disclosure of all information contained within this application and supporting documentation as part of the development process.

  
Signature

4 September 2020  
Date



**ROCKY VIEW COUNTY**  
Cultivating Communities

## STRIPPING, FILLING, EXCAVATION AND GRADING

### FOR OFFICE USE ONLY

Fee Submitted

File Number

Date of Receipt

Receipt #

Name of Applicant PAUL JACOBS

Address of Applicant [REDACTED]

Telephone (C) [REDACTED]

### 1. NATURE OF THE APPLICATION

Type of application (Please check off all that apply):

☐ Site stripping

☐ Re-contouring

☒ Filling

☐ Stockpiling

☒ Excavation (including removal of topsoil)

☐ Construction of artificial water bodies and/or dugouts

☒ Grading

☐ Other \_\_\_\_\_

### 2. PURPOSE

What is the intent of the proposal? To provide an area for turning site vehicles around by importing 1000-1200 m<sup>3</sup> of clean fill material and re-contouring an area approximately 2500 m<sup>2</sup>

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

The proposed development area is not located near any water bodies. It will not impede or alter any drainage patterns

☒ The fill does not contain construction rubble or any hazardous substances (please check)

### 3. TYPE

Height 0-1.2m

Volume 1000-1200 meters cubed

Width 50m

Truckload 150 (tandem) (approximately)

Length 40m

Slope Factor na (if applicable)

Area 2000-2500 square metres

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

### 4. TERMS AND CONDITIONS

(a) General statement about conditions:

1. 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.
3. The Development Authority may impose any condition to meet a requirement of the Municipal Government Act or Subdivision and Development Regulation.
4. 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:
- Transportation Offsite Levy Bylaw;
  - 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.
6. 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

The source of the material to be imported is from The  
Willows subdivision, from new basement excavation.

I PAUL JACOB hereby certify that  
(Print Full Name)

- ☐ I am the registered owner  
☒ 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.**





LAND TITLE CERTIFICATE

S  
LINC                      SHORT LEGAL                      TITLE NUMBER  
0017 426 339           7810737;;5           181 229 554

LEGAL DESCRIPTION  
PLAN 7810737  
LOT 5  
EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: FEE SIMPLE  
ATS REFERENCE: 5;4;26;22;SW

MUNICIPALITY: ROCKY VIEW COUNTY

REFERENCE NUMBER: 121 319 154

REGISTERED OWNER(S)				
REGISTRATION	DATE(DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
181 229 554	25/10/2018	TRANSFER OF LAND	\$817,500	\$817,500

OWNERS

ROSS ERIC ROGERS

AND

JUDITH ELAINE ROGERS

BOTH OF:

[REDACTED]  
[REDACTED]  
[REDACTED]

AS JOINT TENANTS

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
751 117 984	22/10/1975	UTILITY RIGHT OF WAY GRANTEE - COCHRANE LAKE GAS CO-OP LTD.
961 155 720	11/07/1996	UTILITY RIGHT OF WAY GRANTEE - FORTISALBERTA INC.

( CONTINUED )

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ENCUMBRANCES, LIENS & INTERESTS

PAGE 2  
# 181 229 554

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

-----  
[REDACTED]  
[REDACTED]  
[REDACTED]

PORTION AS DESCRIBED

(DATA UPDATED BY: TRANSFER OF UTILITY RIGHT  
OF WAY 001298804)

(DATA UPDATED BY: CHANGE OF NAME 051029435)

181 229 555 25/10/2018 MORTGAGE

MORTGAGEE - THE TORONTO DOMINION BANK.

[REDACTED]  
[REDACTED]  
[REDACTED]

ORIGINAL PRINCIPAL AMOUNT: \$250,000

TOTAL INSTRUMENTS: 003

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN  
ACCURATE REPRODUCTION OF THE CERTIFICATE OF  
TITLE REPRESENTED HEREIN THIS 3 DAY OF  
SEPTEMBER, 2020 AT 02:51 P.M.

ORDER NUMBER: 40039651

CUSTOMER FILE NUMBER:



\*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).







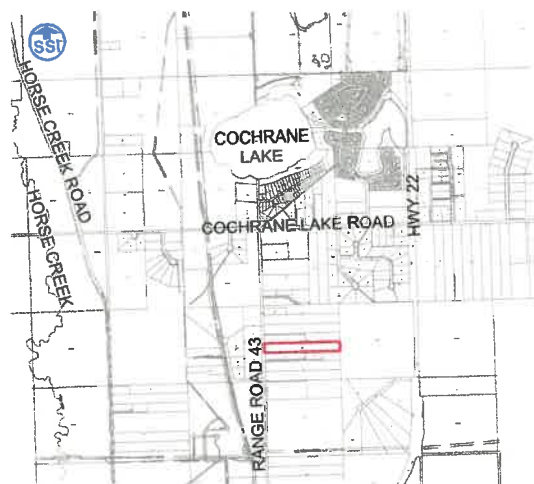




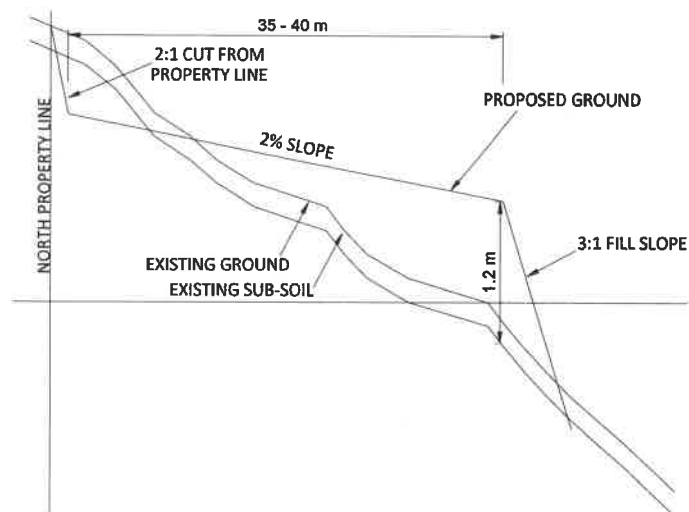




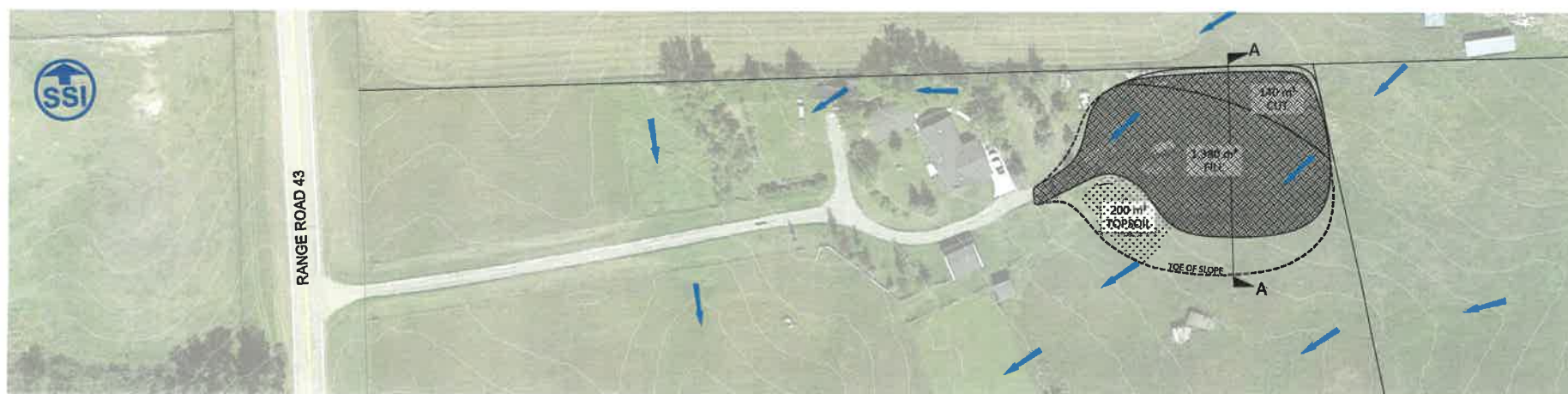




LOCATION PLAN (1:50,000)



CROSS-SECTION A-A THROUGH FILL  
SCALE: 1:400 (H); 1:40 (V)



SITE PLAN (1:1,000)

Stormwater  
Solutions

A ISSUED FOR APPROVAL 2020-09-04

Scale AS NOTED

**LEGEND**

- PROPERTY BOUNDARY
- ➔ OVERLAND FLOW ROUTE

Client: Mr & Mrs Rogers

Project Name:

#263056 Range Road 43

Development Permit for Imported Fill

Drawing Title: SITE PLAN

Drawing Number: Figure 1

Project Number: 0264-001