

PLANNING AND DEVELOPMENT SERVICES

TO:: Municipal Planning Commission
DIVISION: 9
SUBJECT: Development Item: *Single-lot Regrading*
USE: Discretionary use, with no Variances

DATE: December 10, 2020
APPLICATION: PRDP20202966

APPLICATION: single-lot regrading, for the construction of a sports court

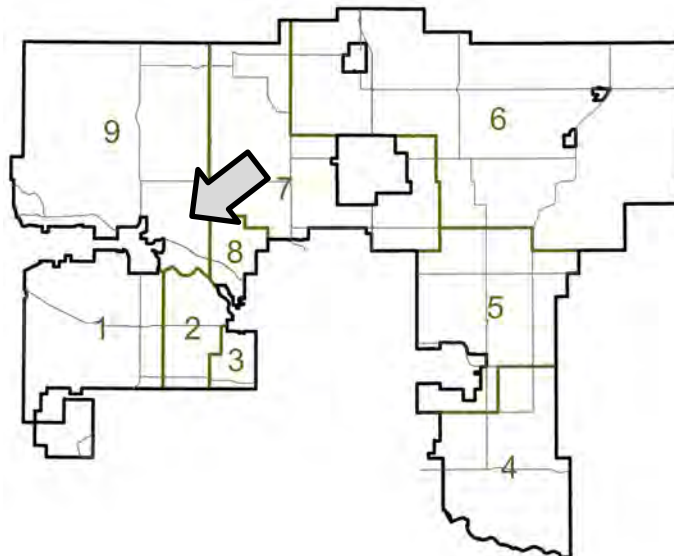
GENERAL LOCATION: located approximately 0.41 km (1/4 mile) north of Twp. Rd. 262 and 0.41 km (1/4 mile) west of Rge. Rd 33

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

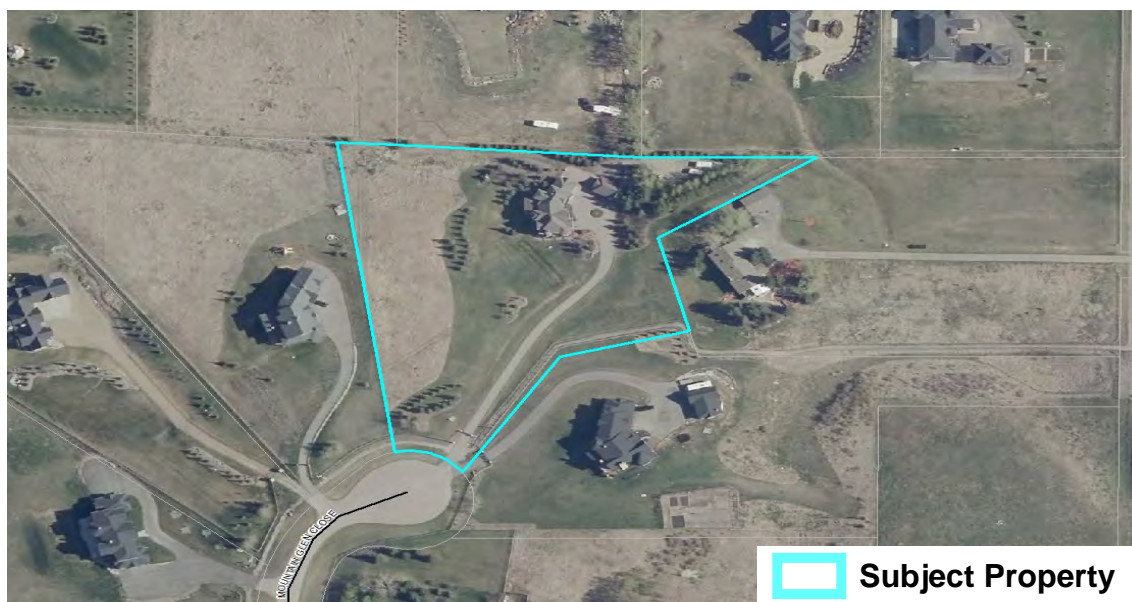
ADMINISTRATION RECOMMENDATION:
 Administration recommends Approval in accordance with Option #1.

OPTIONS:

- Option #1: THAT Development Permit Application PRDP20202966 be approved with the conditions noted in the Development Permit Report, attached.
- Option #2: THAT Development Permit Application PRDP20202966 be refused as per the reasons noted.



AIR PHOTO & DEVELOPMENT CONTEXT:



Administration Resources

Jacqueline Targett - Planning and Development Services



DEVELOPMENT PERMIT REPORT

Application Date: September 25, 2020	File: 06716025
Application: PRDP20202966	Applicant: On-Growing Works Inc. (Heather Campbell) Owner: Tracey Taylor
Legal Description: Lot 13, Block 1, Plan 0513431, SE-16-26-03-05	General Location: located approximately 0.41 km (1/4 mile) north of Twp. Rd. 262 and 0.41 km (1/4 mile) west of Rge. Rd 33
Land Use Designation: Residential Rural District (RUR) under Land Use Bylaw C-8000-2020.	Gross Area: ± 1.61 hectares (± 4.00 acres)
File Manager: Jacqueline Targett	Division: 9

PROPOSAL:

The proposal is for single-lot regrading, for the construction of a sports court. The application is proposing the regrading to excavate an area to accommodate a sports court.

- Court Dimensions
 - Height (depth) – an 8.00 inch (0.66 ft.)
 - Length – 25.60 m (84.00 ft.)
 - Width – 16.45 m (54.00 ft.)
 - Area – 421.41 sq. m (4,536.00 sq. ft.)
 - Volume – 561.88 cu. m (6,048.00 cu. ft.)
- Estimated Truck loads – Not required;

Land Use Bylaw

Section 157 Site stripping, grading, excavation, or fill is a discretionary use in all land use districts.

- As the proposed application is changing the grades onsite and the subject site is located within an area of the County which is prone to flooding issues, a Development Permit is required to ensure no negative impact to adjacent properties.

STATUTORY PLANS:

The subject property falls under the Bearspaw Area Structure Plan. The plan gives no guidance on the nature of this application. The application was assessed in accordance with Land Use Bylaw C-8000-2020.

INSPECTOR'S COMMENTS:

Inspection: October 20, 2020



- Site area slightly sloped; on edge of parcel to adjacent parcels
- Small area of fill stockpiled at time of inspection
- Short fence separating parcels
- No other concerns

CIRCULATIONS:

Development Compliance Officer Review (October 15, 2020)

- Development Compliance has no comments or concerns with the attached application.

Agricultural and Environmental Services Review (October 15, 2020)

- No agricultural concerns.

Planning and Development Services - Engineering Review (November 18, 2020)

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:

- The proposed application involves excavation of 86 m³ to construct a sport court on the property.
- 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:

- Access to the parcel is provided off Mountain Glen Close.
- Prior to issuance, the applicant is required to contact County Road Operations to determine if a Road Use Agreement is required for hauling excavated material off the subject land. Should a Road Use agreement be required by County's Road Operations Department, the applicant shall enter into a Road Use Agreement with the County in accordance with Road Use Agreement Bylaw C-8065-2020 and submit a copy of the executed agreement.
- As the proposed development is an accessory use and is unlikely to increase traffic on local road networks, Traffic Impact Assessment and TOL are not required.
- Engineering has no requirements at this time.

Sanitary/Waste Water:

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

Water Supply and Waterworks:

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

Storm Water Management:



- Based on County GIS, site contours are pointed towards south west direction.
- The proposed development is close to the western boundary of the subject lot. This may not provide sufficient space for added stormwater to disperse before exiting the property.
- Prior to issuance, the applicant shall provide a stormwater memo, prepared by a qualified professional, confirming whether the addition of the proposed sport court conforms with the overall stormwater management strategy for the subject land or further improvements are required. Should improvements be necessary, the applicant will be required to provide a site specific stormwater management report, prepared by a qualified professional, addressing the necessary improvements to be implemented on the subject land to support the proposed development in accordance with Nose Creek Watershed Water Management Plan and County servicing standards.
- 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 an advisory, the applicant is responsible for ensuring that proper dust mitigations measures and ESC controls are adhered to on site.

I&O Review

- No comments received;

OPTIONS:

Option #1: (this would grant the requested proposal)

APPROVAL subject to the following conditions:

Description:

1. That single-lot regrading, for construction of Sports Court, approximately 421.41 sq. m (4,536.00 sq. ft.) in area, may take place on the subject lands, in general accordance with submitted application and approved site plan, as prepared by OnGrowing Works, dated September 18, 2020, Job #18-752; Dwgs. SITE and 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.
3. That prior to issuance of this permit, the Applicant/Owner shall submit a stormwater memo, prepared by a qualified professional, confirming whether the addition of the proposed sport court conforms with the overall stormwater management strategy for the subject land or further improvements are required, to the satisfaction of the County.
 - i. That if improvements are necessary, the Applicant/Owner shall submit a site specific stormwater management report, prepared by a qualified professional, addressing the necessary improvements to be implemented on the subject land to support the proposed

development in accordance with Nose Creek Watershed Water Management Plan and County's Servicing Standards.

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 the Applicant/Owner shall not screen and/or sell the excess topsoil to others without written approval from the County, as there is potential for additional off-site impacts.
6. That topsoil from the subject site:
 - i. Be used whenever possible on the subject site, for landscaping purposes;
 - ii. Any additional or excess topsoil may be removed from the subject site;
 - A separate Development Permit shall be required to place the topsoil on a property if located within the County.
 - iii. All topsoil remaining on the subject site shall be spread and seeded to grass or landscaped.
7. That upon completion of the proposed development and request of the County, 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.
8. That the Applicant/Owner shall take effective measures to control dust in the regrading areas of the subject properties, so that dust originating therein shall not cause annoyance or become a nuisance to adjoining property owners and others in the vicinity.
 - i. That the Owner shall be responsible for ensuring that proper dust mitigations measures and Erosion and Sediment Controls are adhered to on site.
9. That any materials removed from the site shall be hauled 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 Applicant/Owner shall take whatever means necessary to avoid the transfer of dirt onto public roadways.
10. That the Applicant/Owner shall be responsible for rectifying any adverse effect on adjacent lands from drainage alteration.
11. That the fill shall not contain construction rubble or any hazardous substances, including but not limited to large concrete, rebar, asphalt, building materials, organic materials, or other metal.
12. That the entire site shall be maintained in a neat and orderly manner at all times to the satisfaction of the County.

Advisory:

13. That the subject development shall conform to the *County's Noise Bylaw C-5773-2003* in perpetuity.
14. That the Applicant/Owner shall be responsible for onsite weed control and shall adhere to the regulations in the Alberta Weed Control Act [*Statutes of Alberta, 2008 Chapter W-5.1, December 2017*] at all times.



15. That the grading activities shall be completed within twelve (12) months from the date of issuance of this permit.
16. That any other government permits, approvals, or compliances are the sole responsibility of the Applicant/Owner.
17. 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.

Note: That the Applicant/Owner shall be responsible for all Alberta Environment & Park approvals/ compensation as there may be wetlands on site that could be impacted by the proposed grading activities.

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

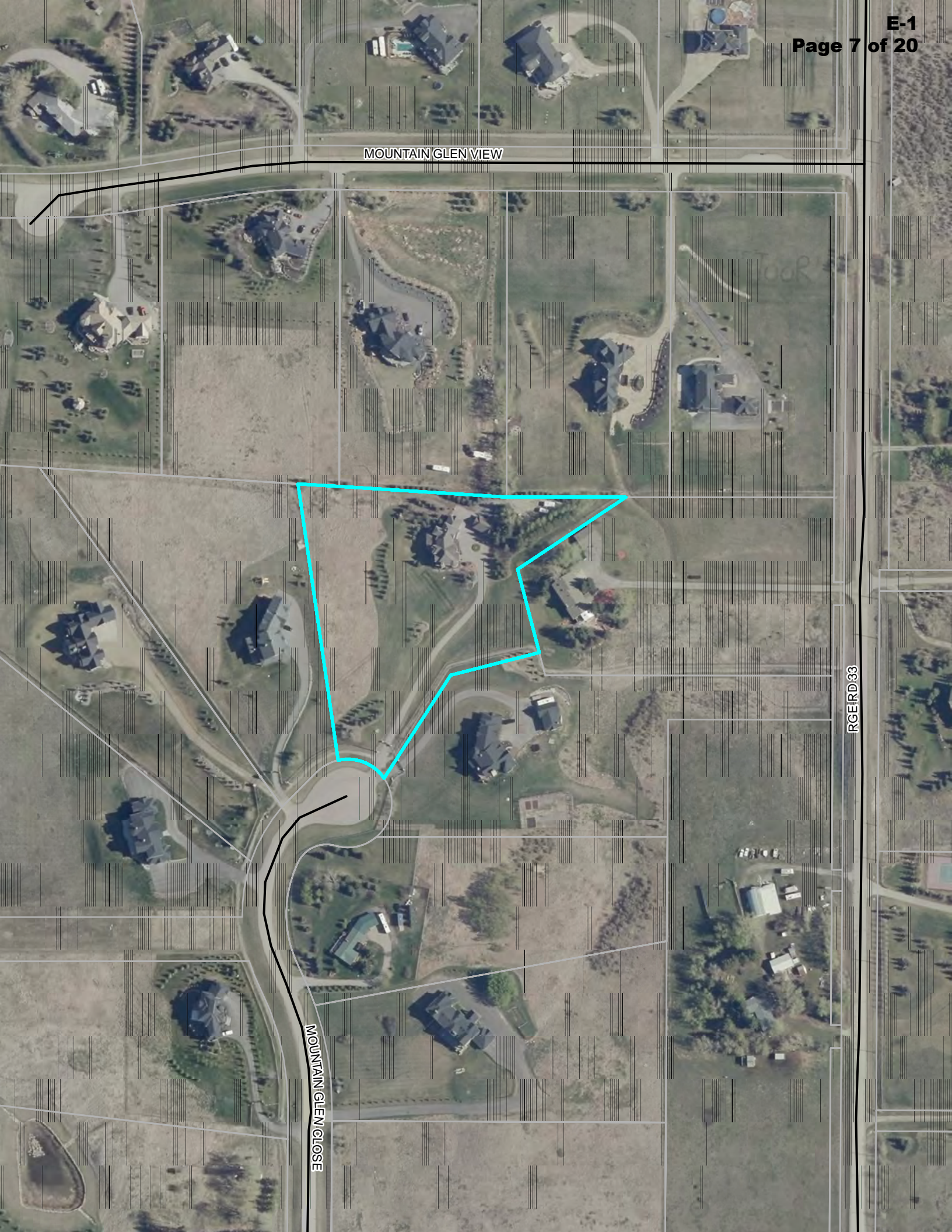
REFUSAL, for the following reasons:

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.

MOUNTAIN GLEN VIEW

RGEIRD 33

MOUNTAIN GLEN CLOSE



16

WILLOW WAY

15

MOUNTAIN GLEN VIEW

MOUNTAIN GLEN CLOSE

RGE RD 33

TWP RD 262

WILLOW LANE

9

10



ROCKY VIEW COUNTY
Cultivating Communities

20202966

APPLICATION FOR A DEVELOPMENT PERMIT

FOR OFFICE USE ONLY	
Fee Submitted \$450.00	File Number 0676025
Date of Receipt Sept 25, 2020	Receipt # 202002594

Name of Applicant HEATHER CAMPBELL Email [REDACTED]

For Agents please supply Business/Agency/ Organization Name ONGROWING WORKS

Registered Owner (if not applicant) TRACEY TAYLOR

1. LEGAL DESCRIPTION OF LAND

- a) All / part of the _____ 1/4 Section _____ Township _____ Range _____ West of _____ Meridian
- b) Being all / parts of Lot 13 Block 1 Registered Plan Number 0513431
- c) Municipal Address 43 MOUNTAIN GLEN CLOSE
- d) Existing Land Use Designation _____ Parcel Size _____ Division _____

2. APPLICATION FOR

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 HEATHER CAMPBELL 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 [Signature]
Date 2020-09-16

Owner's Signature [Signature]
Date 2020-9-18

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

 2020/09/16
Signature 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 HEATHER CAMPBELL

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? THE INTENT IS TO EXCAVATE AN 8" DEEP 80'-0" x 50'-0" AREA TO HOUSE A SPORT COURT ON THE NW CORNER OF THE PROPERTY.

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

THERE WILL BE NO EFFECTS ON EXISTING DRAINAGE ON ENVIRONMENTALLY SENSITIVE AREAS

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

3. TYPE

Height 8" (max)
 Width 50'-0" 54'
 Length 80'-0" 84'
 Area 4000 sq. ft (1219.2) square metres 4536 SF
 Volume 3039 86.05 507.9 507.9 meters cubed
 Truckload 50 N/A (approximately)
 Slope Factor _____ (if applicable)

* 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.
- 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
 - iii. 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:

1. 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

I HEATHER CAMPBELL 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.



125 River Avenue, Cochrane Alberta, T4C 2C2
www.OnGrowing.com

To Whom It May Concern,

DATE: 2020-09-16 Scope of Work Statement

ADDRESS:

43 Mountain Glen Close, Cochrane, AB T4C-0G6

OnGrowing Works is conducting a landscape project at the residence. As a portion of the landscape project, the client has a request to add a sport court onto the NW corner of the property. The 80'-0" x 50'-0" sport court should be excavated to subgrade with an anticipated depth of 8" to allow for proper compaction soil and appropriate sport court surface.

Regards,
Heather Campbell
Designer
BID (Applied) NCIDQ
OnGrowing Works Ltd.



LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0031 320 419 0513431;1;13 121 159 717

LEGAL DESCRIPTION
PLAN 0513431
BLOCK 1
LOT 13
EXCEPTING THEREOUT ALL MINES AND MINERALS
AREA: 1.62 HECTARES (4 ACRES) MORE OR LESS

ESTATE: FEE SIMPLE
ATS REFERENCE: 5;3;26;16;SE

MUNICIPALITY: ROCKY VIEW COUNTY

REFERENCE NUMBER: 081 413 839

REGISTERED OWNER(S)				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
121 159 717	26/06/2012	TRANSFER OF LAND	\$2,300,000	CASH & MORTGAGE

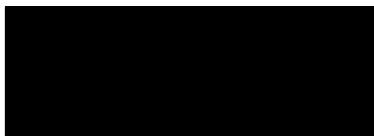
OWNERS

DOUGLAS HELMERSON

AND

TRACEY TAYLOR

BOTH OF:



ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
741 018 553	28/02/1974	EASEMENT AS TO PORTION OR PLAN:PORTION OVER AND FOR BENEFIT SEE INSTRUMENT

(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

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121 159 717

REGISTRATION

NUMBER	DATE (D/M/Y)	PARTICULARS
761 141 577	17/11/1976	ZONING REGULATIONS SUBJECT TO SPRINGBANK AIRPORT ZONING REGULATIONS
051 381 775	11/10/2005	UTILITY RIGHT OF WAY GRANTEE - TELUS COMMUNICATIONS INC. 10020 - 100 STREET EDMONTON ALBERTA T5J0N5 GRANTEE - ATCO GAS AND PIPELINES LTD. 909 11TH AVENUE S.W. CALGARY ALBERTA T2P1L8 GRANTEE - FORTISALBERTA INC. 320-17 AVE SW CALGARY ALBERTA T2S2V1 GRANTEE - THE MUNICIPAL DISTRICT OF ROCKY VIEW NO. 44. 911-32 AVE NE CALGARY ALBERTA T2E6X6 AS TO PORTION OR PLAN:0513432
051 381 776	11/10/2005	UTILITY RIGHT OF WAY GRANTEE - THE MUNICIPAL DISTRICT OF ROCKY VIEW NO. 44. AS TO PORTION OR PLAN:0513433
051 381 777	11/10/2005	AGREEMENT EASEMENT, RESTRICTIVE COVENANT & UTILITY RIGHT OF WAY (SEE INSTRUMENT).
051 381 781	11/10/2005	ENCUMBRANCE ENCUMBRANCEE - MOUNTAIN GLEN ESTATES HOMEOWNERS ASSOCIATION. 7140 - 40TH STREET SE CALGARY ALBERTA T2C2B6
051 381 782	11/10/2005	RESTRICTIVE COVENANT
051 417 535	05/11/2005	RESTRICTIVE COVENANT
161 098 333	26/04/2016	MORTGAGE MORTGAGEE - THE TORONTO DOMINION BANK. 500 EDMONTON CITY CENTRE E 10205-101 ST, 5TH FLR EDMONTON ALBERTA T5J5E8 ORIGINAL PRINCIPAL AMOUNT: \$1,259,000

(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

PAGE 3
121 159 717

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
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171 065 555	24/03/2017	MORTGAGE MORTGAGEE - THE TORONTO DOMINION BANK. 500 EDMONTON CITY CENTRE E 10205-101 ST, 5TH FLR EDMONTON ALBERTA T5J5E8 ORIGINAL PRINCIPAL AMOUNT: \$341,898
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TOTAL INSTRUMENTS: 010

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 16 DAY OF
SEPTEMBER, 2020 AT 01:45 P.M.

ORDER NUMBER: 40120897

CUSTOMER FILE NUMBER:



END OF CERTIFICATE

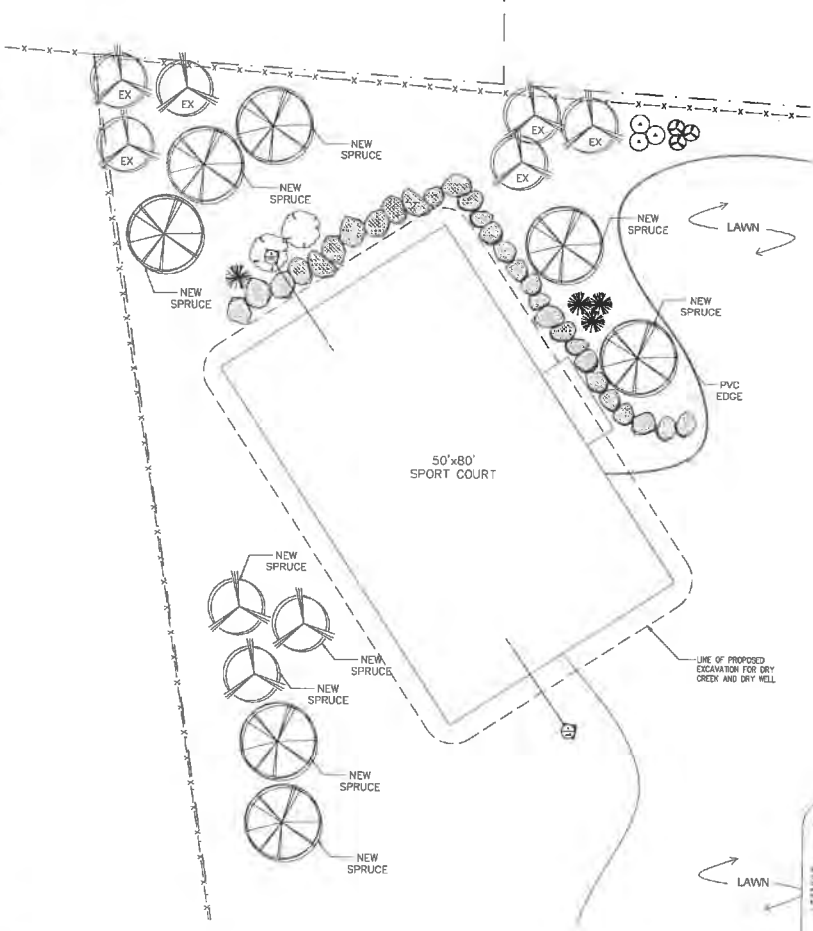
THIS ELECTRONICALLY TRANSMITTED LAND TITLES PRODUCT IS INTENDED
FOR THE SOLE USE OF THE ORIGINAL PURCHASER, AND NONE OTHER,
SUBJECT TO WHAT IS SET OUT IN THE PARAGRAPH BELOW.

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).









2 SPORT COURT ENLARGED PLAN
1/8" = 1'-0"



3 SPORT COURT EXCAVATION SECTION
1/8" = 1'-0"

LANDSCAPE DESIGN

18-152

18-123 TAYLOR HELMERSEN

SITE