

## PLANNING AND DEVELOPMENT SERVICES

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

**DATE:** December 10, 2020  
**APPLICATION:** PRDP20203619

**APPLICATION:** Single-lot regrading and placement of clean fill.

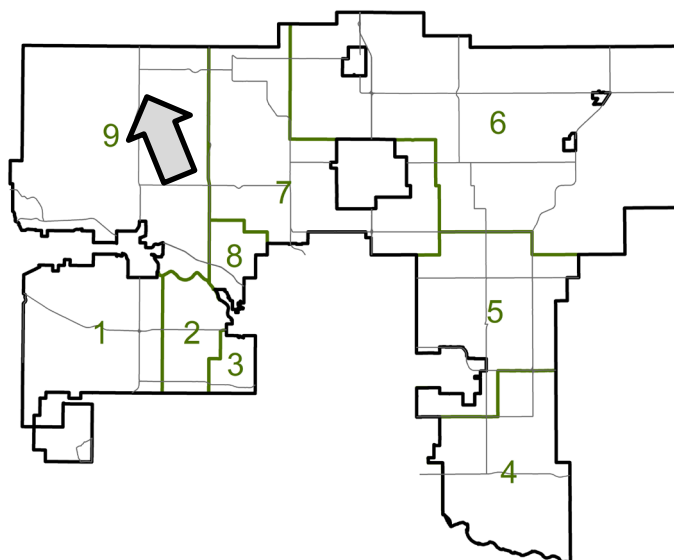
**GENERAL LOCATION:** Located approximately 0.81 km (1/2 mile) south of Twp. Rd. 274 and on the east side of Hwy. 22.

**LAND USE DESIGNATION:** Agricultural, General District (A-GEN) under Land Use Bylaw C-8000-2020.

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

### OPTIONS:

- Option #1: THAT Development Permit Application PRDP20203619 be approved with the conditions noted in the Development Permit Report, attached.
- Option #2: THAT Development Permit Application PRDP20203619 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> November 6, 2020	<b>File:</b> 07823004
<b>Application:</b> PRDP20203619	<b>Applicant/Owner:</b> McLeod, Colby Allen
<b>Legal Description:</b> SW-23-27-04-05	<b>General Location:</b> located on the east side of Hwy. 22, approximately 0.81 km (1/2 mile) south of Twp. Rd. 274
<b>Land Use Designation:</b> Agricultural, General District (A-GEN) under Land Use Bylaw C-8000-2020.	<b>Gross Area:</b> ± 63.72 hectares (± 157.45 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.

This application is a result of an enforcement file with Development Compliance. The Applicant has already completed the work, which involved placement of clean fill and regrading a portion of the northwest corner of the property. Based on the County's aerial mapping and measuring tool, the disturbed area appears to be approximately 1.41 hectares (3.50 acres) in size.

The subject property is a quarter section located off of Highway 22, surrounded by other agricultural parcels. The property appears to be developed with a dwelling, a private riding arena (2004-DP-11226), and various farm buildings.

**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 and the County Servicing Standards.

**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 shall be permitted in general accordance with the approved drawings and the conditions of this permit.

**Prior to Issuance:**

2. That prior to issuance of this permit, the Applicant/Owner shall submit a grading plan, conducted and stamped by a professional engineer, which provides pre-development and post-development grades, in accordance with County Servicing Standards.
  - i. That should there be any areas of fill that are greater than 1.20 m (3.93 ft.) in depth, the Applicant/Owner shall submit a Deep Fills report, conducted by a professional

geotechnical engineer for all areas of fill greater than 1.20 m (3.93 ft.) in depth, in accordance with County Servicing Standards.

3. That prior to issuance of this permit, the Applicant/Owner shall submit a stormwater memo, prepared by a qualified professional, confirming if there are any stormwater implications due to proposed development.
  - i. Should improvements be 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 the County 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 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 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.
14. That if this 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.

**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 maintained in accordance with the *Alberta Weed Control Act*.
18. 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.

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

REFUSAL, for the following reasons:

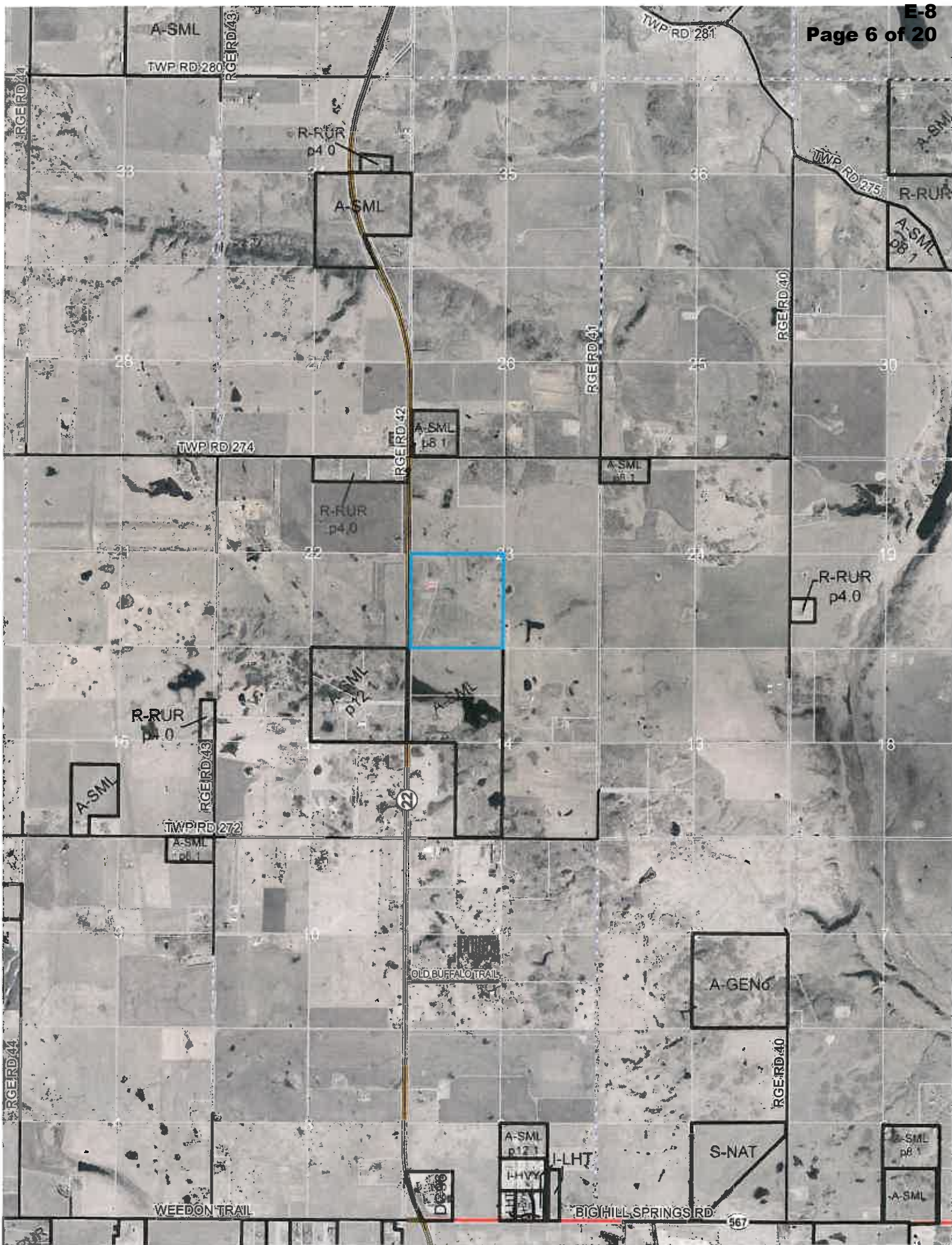
1. That in the opinion of the Municipal Planning Commission, the development unduly interferes with the amenities of the neighbourhood and materially interferes with and affects the use, enjoyment, and value of neighbouring parcels of land.

23

RCE RD 42 22









20203619

Name of Applicant

Colby Allen McLeod

Registered Owner (if not applicant)

and Meled Earthworks Ltd

**LEGAL DESCRIPTION OF LAND**

a) All / part of the SW ¼ Section 23 Township 27 Range 4 West of 5 Meridian

b) Being all / parts of Lot \_\_\_\_\_ Block \_\_\_\_\_ Registered Plan Number \_\_\_\_\_

c) Municipal Address 273120 Range Road 42.

d) Existing Land Use Designation Agriculture Parcel Size 157.45 acres Division \_\_\_\_\_

**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? *Hwy 22* Yes ☒ No \_\_\_\_\_

1. Colby McLeod  
(Full Name in Block Capitals)

**hereby certify that**

**I am the registered owner**

**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 \_\_\_\_\_

1/13/1913

Nov. 6/20

**Owner's Signature**

Date \_\_\_\_\_

W. H. Evans

Nov. 8/20

President - ~~include~~ Earthquakes

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

Colby McLeod Nov. 6/20  
Signature Date





LAND TITLE CERTIFICATE

S		
LINC	SHORT LEGAL	TITLE NUMBER
0021 370 804	5;4;27;23;SW	201 102 055

LEGAL DESCRIPTION

MERIDIAN 5 RANGE 4 TOWNSHIP 27  
SECTION 23  
QUARTER SOUTH WEST  
CONTAINING 64.7 HECTARES (160 ACRES) MORE OR LESS  
EXCEPTING THEREOUT FIRSTLY: THE ROAD WIDENING ON  
PLAN 2344JK CONTAINING 1.04 ACRES MORE OR LESS  
SECONDLY: THE ROAD WIDENING ON PLAN 731575  
CONTAINING 1.51 ACRES MORE OR LESS  
EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: FEE SIMPLE

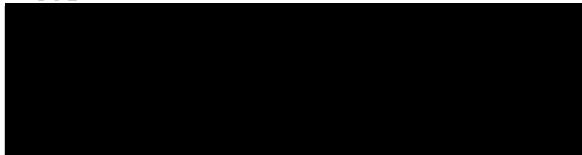
MUNICIPALITY: ROCKY VIEW COUNTY

REFERENCE NUMBER: 181 240 699

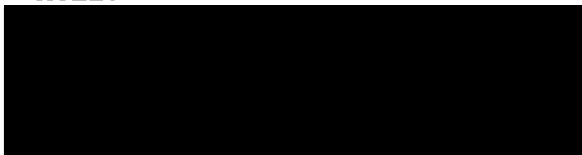
REGISTERED OWNER(S)				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
201 102 055	05/06/2020	TRANSFER OF LAND	\$1,760,000	\$1,760,000

OWNERS

COLBY ALLEN MCLEOD



MCLEOD EARTHWORKS LTD.



## ENCUMBRANCES, LIENS &amp; INTERESTS

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# 201 102 055

## REGISTRATION

NUMBER	DATE (D/M/Y)	PARTICULARS
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051 181 427	26/05/2005	CAVEAT RE : RESTRICTIVE COVENANT CAVEATOR - THE MUNICIPAL DISTRICT OF ROCKY VIEW NO. 44. 911-32 AVE NE CALGARY ALBERTA T2E6X6
051 415 827	04/11/2005	UTILITY RIGHT OF WAY GRANTEE - COCHRANE LAKE GAS CO-OP LTD.
201 080 547	28/04/2020	CAVEAT RE : EASEMENT
201 102 056	05/06/2020	MORTGAGE MORTGAGEE - FARM CREDIT CANADA. 2ND FLOOR, 12040-149 STREET NW EDMONTON ALBERTA T5V1P2 ORIGINAL PRINCIPAL AMOUNT: \$2,000,000

TOTAL INSTRUMENTS: 004

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN  
ACCURATE REPRODUCTION OF THE CERTIFICATE OF  
TITLE REPRESENTED HEREIN THIS 6 DAY OF  
NOVEMBER, 2020 AT 03:55 P.M.

ORDER NUMBER: 40471654

CUSTOMER FILE NUMBER: PRDP20203619



\*END OF CERTIFICATE\*

THIS ELECTRONICALLY TRANSMITTED LAND TITLES PRODUCT IS INTENDED  
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2 Messages



Filled out development app...



to let me know and then delete this e-mail. Thank you.

