

PLANNING AND DEVELOPMENT SERVICES

TO: Municipal Planning Commission DATE: December 10, 2020

DIVISION: 9 **APPLICATION**: PRDP20202332

SUBJECT: Development Item: Stripping and Grading

USE: Discretionary use, with no Variances

APPLICATION: single-lot regrading and placement of clean fill, for stormwater pond improvements.

GENERAL LOCATION: Located on the northwest junction of Twp. Rd. 262 and Mountain Glen Close.

LAND USE DESIGNATION: Residential, Rural Parcel 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 PRDP20202332 be approved with the conditions noted in the Development

Permit Report, attached.

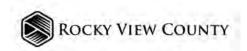
Option #2: THAT Development Permit Application PRDP20202332 be refused as per the reasons

noted.

AIR PHOTO & DEVELOPMENT CONTEXT:







DEVELOPMENT PERMIT REPORT

Application Date: August 13, 2020	File: 06716008					
Application: PRDP20202332	Applicant: Ray Sergent Owner: Aaron Renert					
Legal Description: SE-16-26-03-W5M Lot: 18, Block: 1, Plan: 0513431 (5 Mountain Glen Close)	General Location: located on the northwest corner of the junction of Twp. Rd. 262 and Mountain Glen Close.					
Land Use Designation: Residential, Rural District (R-RUR) under Land Use Bylaw C-8000-2020.	Gross Area: ±1.62 hectares (± 4.00 acres)					
File Manager: Wayne Van Dijk	Division: 9					

PROPOSAL:

The proposal is for single-lot regrading and the placement of clean fill, for removal of vegetation, placement of a pond liner and filling within a stormwater pond.

The applicant proposes to install a liner within a stormwater pond, remove some adjacent vegetation and also install some sand on the stormwater pond edge, as per application site plan. These improvements would, as per the applicant, make the stormwater pond more of a water feature and more appealing. The storm pond was designed to manage the stormwater run-off for the Mountain Glen subdivision.

The stormwater pond is protected by an Overland Drainage right of way, registered on title under the instrument number #051 381 777. The drainage is registered with Alberta Environment and has been issued the registration number 219832-00-00. Alberta Environment has not expressed any concerns as no changes to the capacity and function of the pond have been proposed.

The Applicant has retained an engineering consultant who has confirmed that the placement of the liner does not impact the drainage of the area and maintains the integrity and design:

- The only work proposed is the installation of a synthetic liner, to prevent stormwater infiltration within the pond,
- All existing infrastructure, inlets and outlets, remain the same,
- No work is proposed to be done on the emergency spill, therefore, elevations remain the same.

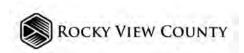
PERMIT HISTORY:

- 2002-DP-10073 issued Dec. 13, 2002 for a Animal health care services
 2004-DP-10988 issued Nov.3, 2004 for stripping and grading of 22 lots
- 2005-DP-11722 refusal for a sign

LAND USE BYLAW:

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

 Application is for the stripping and grading for the installation of a liner, within an existing stormwater pond.



273 Site stripping, filling, excavation, grading, and/or re-contouring (including construction of an artificial waterbody, but not a dugout) requires a Development Permit

 The Applicant proposes to excavate the current stormwater pond and install a liner to stop the inpond infiltration of stormwater. No changes to the current drainage pattern and all elevations are to remain the same, as per drawings submitted (Bearspaw Pond Liner, dated November 5, 2020) and accepted by County Engineering Services on November 23, 2020.

STATUTORY PLANS:

• This property falls within the Bearspaw Area Structure Plan. This plan does not provide guidance for applications such as this one. This application was assessed in accordance with the Land Use Bylaw C-8000-2020.

INSPECTOR'S COMMENTS:

Inspection: August 24, 2020

- No construction on site
- No water in pond at time of inspection
- No concerns at time of inspection

CIRCULATIONS:

Transportation Services

Planning should be aware that the pond is part of an existing drainage easement.

Development Compliance

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

Utility Services

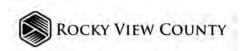
No concerns

Agricultural Services

No agricultural concerns

Planning and <u>Development Services</u> - Engineering Review

- The storm pond is protected by an Overland Drainage right-of-way registered on the title under the instrument number 051 381 777. The storm pond was designed to address the stormwater run-off for the entire subdivision and as such any alternation (including replacement of the liner and adding water) will require it to be engineered to ensure that we are not negatively impacting the upstream run-off. Prior to issuance, the Applicant will be required to hire a Professional Engineer to complete the design of the liner for the stormwater pond. The submission must include detailed engineering drawings and a technical memo to confirm that the proposed improvements to the stormwater facility remain as per the original approved design with similar pond characteristics and adhere to the current release rate;
- A Construction Completion Certificate (CCC). The CCC must be certified by the Consultant Engineer that the stormwater infrastructure has been installed and completed in accordance with the examined drawings prior to occupancy.



Assessment Rational:

- Engineering Services is satisfied with the drawings prepared by Morrison Hershfield and that no major impact to the current drainage pattern is expected.
- A security has been requested, based on reclamation security of \$5,000 per disturbed acre for the construction/installation of the liner is completed to County satisfaction and this protects the County investment in the stormwater pond.
- The approval is for the installation of the liner only and no other disturbance to the stormwater utility right of way is permitted.
- Alberta Environment, responded to an email, dated October 14, 2020, and stated that they
 required no change to existing approval, or additional approval, for the installation of a liner in a
 stormwater pond as long as there are no changes to the characteristics of the pond.

OPTIONS:

Option 1: (this would allow the proposed development)

APPROVAL, subject to the following conditions:

Description:

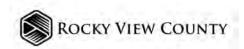
 That single-lot regrading and the placement of clean fill, for a stormwater pond improvement, including the installation of a liner, may commence in accordance with the Plan and Sections drawing, as prepared by Morrison Hershfield, Project Name: Bearspaw Pond Liner; dated November 5, 2020.

Prior to Issuance:

- 2. That prior to issuance of this permit, the Applicant/Owner shall submit a design/drawing, for the liner, prepared and stamped by a professional engineer, that demonstrates that the proposed development (liner) is in accordance with and meets the stormwater targets of the registered drainage (confirm that the proposed improvements do not alter the original, approved design, with similar pond characteristics and adhere to the current release rate), to the satisfaction of the County.
- 3. That prior to issuance of this permit, the Applicant/Owner shall submit an Erosion and Sedimentation Control (ESC) plan, conducted and stamped by a qualified professional, that provides sediment and erosion control measures and protects the drainage right of way from sediment caused by the proposed development, in accordance with County Servicing Standards.
- 4. That prior to issuance of this permit, the Applicant/Owner shall submit a Reclamation security of \$5,000 per disturbed acre, in accordance with the County Servicing Standards.

Development Completion/Prior to Occupancy:

5. That upon Development completion/Prior to Occupancy, the Applicant/Owner shall submit a Construction Completion Certificate (CCC) that must be certified, by the Consultant Engineer, that the stormwater infrastructure has been installed and completed in accordance with the examined drawings

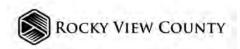


Permanent:

- 6. That any plan, technical submission, agreement, matter or understanding submitted and approved as part of the application, in response, to a prior to issuance condition, shall be implemented and adhered to in perpetuity.
- 7. The Applicant/Owner shall not alter the drainage right of way and/or stormwater pond in any manner, other than changes approved with this permit approval, that could alter the flow, capacity or appearance of the stormwater drainage.
- 8. That the Applicant/Owner shall maintain and adhere to all conditions of the drainage right of way, Registered Instrument #051 381 777, and shall not plant and/or alter the drainage, in any manner, that could negatively impact the drainage patterns, surface grades, flow of water and interfere with the County gaining access to drainage right of way for maintenance and other such activities.
- 9. That the Applicant/Owner shall be responsible for rectifying any adverse effect on adjacent lands and/or adjacent infrastructure from drainage alteration.
- 10. That the entire site shall be maintained in a neat and orderly manner at all times to the satisfaction of the County.
- 11. That no native topsoil shall be removed from the subject parcel.
- 12. That the Reclamation Security shall be held by the County, until the development is completed in its entity.
 - Upon completion of the proposal, the County shall complete an inspection and/or obtain written documentation that confirms the development is completed as per the application requirements. If accepted, the Reclamation Security shall be returned to the Applicant/Owner.

Advisory:

- 13. That the site shall remain free of restricted and noxious weeds and be maintained in accordance with the Alberta Weed Control Act Act [Statutes of Alberta, 2008 Chapter W-5.1; Current as of December 15, 2017].
- 14. That all construction and building materials shall be maintained on-site, in a neat and orderly manner. Any debris or garbage shall be stored/placed in garbage bins and disposed of at an approved disposal facility.
- 15. That the Applicant/Owner shall adhere to the County's Noise Bylaw (C-5772-2003) at all times.
- 16. That if the development authorized by this Development Permit is not completed within 12 months of the date of issuance, the permit is deemed to be null and void.
- 17. That any other government permits, approvals, or compliances are the sole responsibility of the Applicant/Owner
 - i. That the Applicant/Owner shall obtain and conform to all required environmental approvals and regulations, including Alberta Environment and Alberta Health Services, for any recreational use of the stormwater pond.
- 18. That if this Development Permit is not issued by **August 31, 2021** or the approved extension date, then this approval is null and void and the Development Permit shall not be issued.

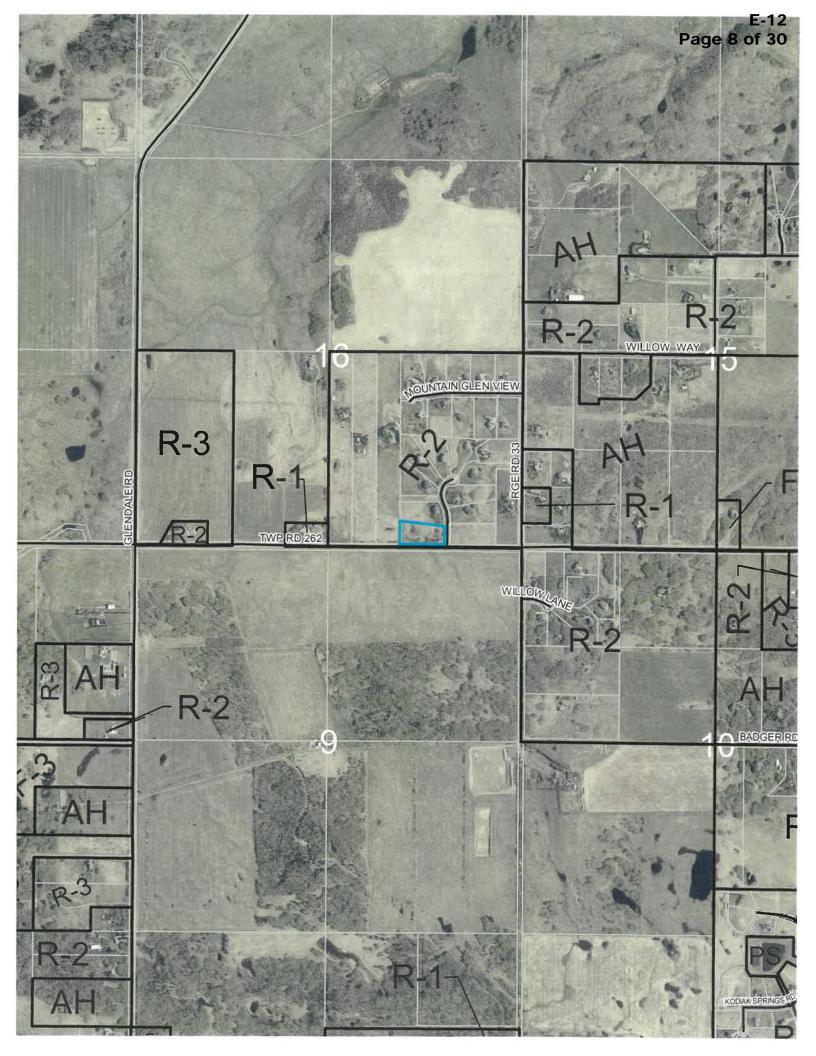


Option 2: (this would not allow the proposed development)

REFUSAL, for the following reasons:

1. 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.







20202332

APPLICATION FOR A DEVELOPMENT PERMIT

Page 9 of FOR OFFICE USE ONLY							
Fee Submitted	File Number						
Date of Receipt	Receipt #	50					

Name of Applicant_Ray & Janelle Sergent							
For Agents please supply Business/Agency/ Organization Name							
Registered Owner (if not applicant)Aaron Renert							
LEGAL DESCRIPTION OF LAND							
a) All / part of the SE 1/4 Section 16 Township 26 Range 3 West of 5 Meridian							
b) Being all / parts of Lot 18 Block 1 Registered Plan Number 513431							
c) Municipal Address <u>5 Mountain Glen Close</u>							
d) Existing Land Use Designation R1 Parcel Size 4 AC Division							
APPLICATION FOR							
Remove weeds, bushes and debris from inside the pond area that are preventing it from being a usable							
space. Add a pond liner, water and fountain to existing dry storm pond.							
ADDITIONAL INFORMATION							
a) Are there any oil or gas wells on or within 100 metres of the subject property(s)? Yes NoX							
b) Is the proposed parcel within 1.5 kilometres of a sour gas facility? Yes NoX (Sour Gas facility means well, pipeline or plant)							
c) Is there an abandoned oil or gas well or pipeline on the property?							
d) Does the site have direct access to a developed Municipal Road? Yes NoX							
REGISTERED OWNER OR PERSON ACTING ON HIS BEHALF							
I RAY SERGENT hereby certify that I am the registered owner							
(Full Name in Block Capitals)							
X 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 Affix Corporate Seal here if owner is listed							
of the facts relating to this application.							
numbered company							
DocuSigned by:							
Applicant's Signature Owner's Signature Laron Runt Deta July 24, 2020 Deta De64B87C3B8C47July 26, 2020 8:29 P							
Date July 24, 2020 Date 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.

DocuSigned by:

| ANON | RUNT
| D864887C3B8C473...

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.

l,	Aaron	Renert				hereby	consent	to ti	he pu	blic	release	and
		information	contained	within this	application	and su	oporting o	locun	nentat	ion a	as part c	of the
developn	neni pro	icess.										

Docusigned by:

July 26, 2020 | 8:29 PM MDT

Date

Date

Hi Evan,

Here is the info you requested as well I have attached a copy of the land titles. If you have any further questions or need more info please let us know. For payment of the permit please call my cell 403-369-3131 and I can give you the credit card info at that time.

Picture Legend - for Pond Development at 5 Mountain Glen.

RED: these piles of rocks circled in red are full of weeds and debris and we would clear them out

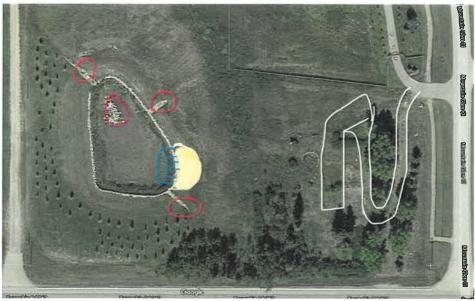
BLUE: this area would be opened to allow for entry into the pond. Either through building rock steps into the pond or creating a light slope <u>inside</u> the pond so that one could access the water for such activities as paddle boarding or kayak, etc.

BEIGE: this small area we would like to add some sand to create a "beach" area by the pond

WHITE: This is just for perspective on where our new build site maybe and that the pond is in view of our living area/deck area. We would like to create a nice clean area to view from our deck and back yard.

***At this time we are not requesting a change to the grade or slope into the pond so we don't foresee any changes to the water flow.

***Any changes to grade or slope on this lot could be addressed at the time we submit a new home build application and the grading required for the home site. Currently, we need to know if the <u>inside</u> of the pond can be improved and made into a usable space. This will impact if we want to proceed with a firm sale on this property.



Thank you,

Ray Sergent



November 24, 2020 File: 2100004

Rocky View County 262075 Rocky View Point Rocky View County, AB, T4A 0X2,

Attn: Jeannette Lee, P.Eng., PMP

Re: Bearspaw Subdivision Pond Liner - Rocky View County, AB

Morrison Hersfield Ltd. prepared the design of the liner for the pond to hold water in the pond. A Geosynthetic Clay Liner (GCL) is recommended for this site with a cover of native Silty Clay Till of 300mm in thickness.

Installation of GCL will be installed below existing pond bottom in a way that:

- 1) There is no change to the existing pond bottom, shape, or size of the pond.
- 2) Pond design and storage capacity will remain as existing.
- 3) There will not be any change to inlet, outlet, or release rate of the pond.
- 4) Location, elevation, and shape of the emergency spillway will remain as existing.
- 5) ESC will be implemented as required to carry out the construction

We hope this clarifies design assumptions and will help you accept the pond liner.

Yours truly, Morrison Hershfield Limited

Irshad Ahmad. P.Eng. Project Manager

Enclosure

cc: Luis Narvaes



LAND TITLE CERTIFICATE

S

LINC

SHORT LEGAL

0031 320 476 0513431;1;18

TITLE NUMBER

141 102 773

LEGAL DESCRIPTION

PLAN 0513431

BLOCK 1

LOT 18

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: 121 073 991

REGISTERED OWNER(S)

REGISTRATION DATE (DMY) DOCUMENT TYPE VALUE CONSIDERATION

141 102 773 01/05/2014 TRANSFER OF LAND \$355,000 CASH

OWNERS

AARON RENERT

ENCUMBRANCES, LIENS & INTERESTS

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

(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2

141 102 773

REGISTRATION

NUMBER DATE (D/M/Y)

PARTICULARS

909 11TH AVENUE S.W.

GRANTEE - ATCO GAS AND PIPELINES LTD.

CALGARY

ALBERTA T2P1L8

GRANTEE - FORTISALBERTA INC.

320-17 AVE SW

CALGARY

ALBERTA T2S2V1

GRANTEE - THE MUNICIPAL DISTRICT OF ROCKY VIEW NO.

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.

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

TOTAL INSTRUMENTS: 007

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN ACCURATE REPRODUCTION OF THE CERTIFICATE OF TITLE REPRESENTED HEREIN THIS 29 DAY OF JUNE, 2020 AT 10:20 A.M.

ORDER NUMBER: 39605159

CUSTOMER FILE NUMBER: 367-001

END OF CERTIFICATE

(CONTINUED)



PAGE 3 # 141 102 773

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.

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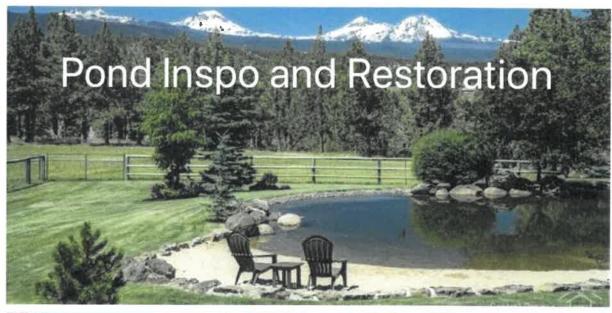




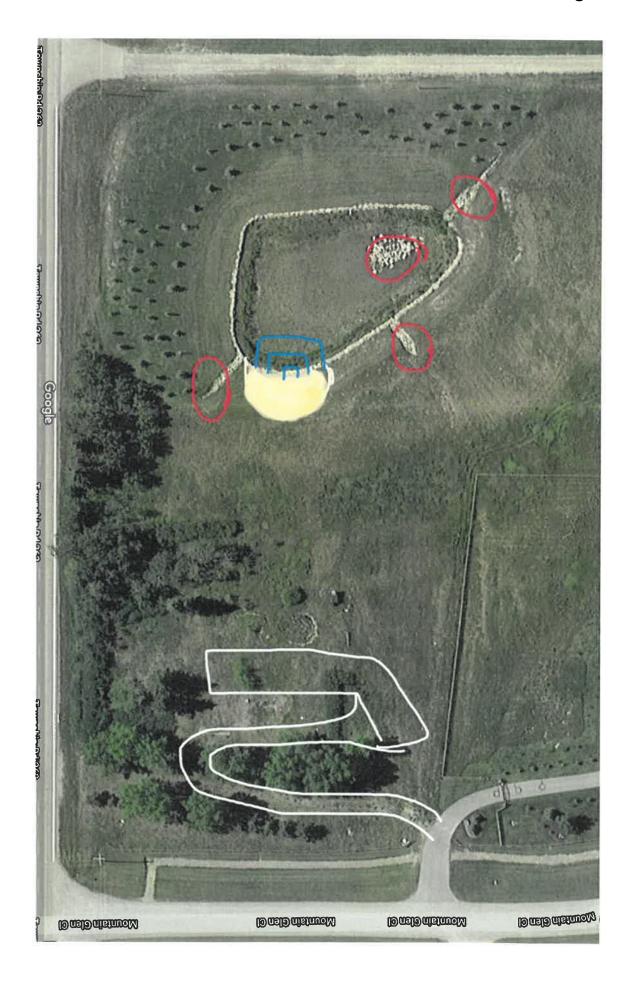














October 15, 2020

Rocky View County 262075 Rocky View Point Rocky View County, AB T4A 0X2

Attention: Jeannette Lee, P.Eng., PMP

Senior Municipal Engineer

Reference: Mountain Glen Estates - SE16-26-03-W5M

Your File No. 2004086 South Storm Pond

The existing south storm pond, outlined in red in the attached drawing is not holding water. The developer would like to add a liner to ensure that water does not infiltrate into the subsoils and water is detained as per the original design. The approved Stormwater Management Plan was prepared by Morrison Hershfield in association with Operational Solutions Ltd. on May 16, 2003 and the Pond drawings were prepared by Morrison Hershfield on March 21, 2005.

The plan is to add a liner as recommended by a Professional Geotechnical Engineer ensuring that the final pond remains as per the original approved design; this is, maintaining the design elevations, volume and shape.

As requested by you, I contacted Alberta Environment and Parks to request information of any approvals required to perform this change. Attached is a copy of the email I received from Aster Wang, Water Approvals Team Lead – Calgary. In it, she indicates that no approvals are required from Alberta Environment to install a liner without changing the pond characteristics. They only require copies of the updated drawings with the liner to be added.

Once we receive approval from your office, we will consult with a Professional Geotechnical Engineer on the appropriate liner for this pond, prepare updated pond drawings and submit them for your approval.

I am available, at your convenience, to discuss any aspect of the proposed change. Please call me if you require additional information or clarification.

Yours sincerely,

Luis G. Narvaez, B.Sc., P.Eng.

Consulting Engineering Ltd

Senior Stormwater Engineer

Inarvaez@lgneng.ca

From: Aster Wang <Aster.Wang@gov.ab.ca>

Sent: October 14, 2020 4:15 PM
To: Inarvaez@lgneng.ca
Subject: RE: Pond liner

Hello Luis,

You don't need to obtain any approval from Alberta Environment to install a liner in a stormwater pond without changing the characteristics of the pond, but we would like to be informed. Please email me an updated drawings including the liner. I will add it to our file.

Regards,

Aster Wang

Water Approvals Team Lead - Calgary Southern Region Alberta Environment and Parks

2938 – 11 Street NE Calgary, AB T2E 7L7

Tel 403-297-5891 Fax 403-297-2749 aster.wang@gov.ab.ca



Classification: Protected A

From: Inarvaez@lgneng.ca < Inarvaez@lgneng.ca>

Sent: October 7, 2020 12:26 PM

To: Aster Wang <Aster.Wang@gov.ab.ca>

Subject: Pond liner

CAUTION: This email has been sent from an external source. Treat hyperlinks and attachments in this email with care.

Good afternoon Aster,

The pond outlined in the attached drawing was constructed back in 2005 and registered with Alberta Environment. This pond was designed and constructed without a liner. The pond is not holding water as was intended; therefore, the developer would like to install a synthetic liner. The intent is to obtain the proper recommendation from a geotechnical

engineer for a liner design. The pond shape and characteristics (volume, depth, etc.) will remain as per the approved Stormwater Management report.

I spoke with Rocky View County and they requested a letter from me indicating that the pond characteristics will not change from the approved report and construction drawings. My question to you is what process do I need to follow to obtain approval from Alberta Environment to install the liner.

Your help is appreciated, thank you,

LGN Consulting Engineering Ltd.

Luis G. Narvaez, B.Sc., P.Eng. Senior Stormwater Engineer (403) 975-0598

Please consider the environment before printing this email

