

## PLANNING AND DEVELOPMENT SERVICES

**TO:** Municipal Planning Commission  
**DIVISION:** 9  
**SUBJECT:** Development Item: *Stripping and Grading*  
**USE:** Discretionary use, with no Variances

**DATE:** December 10, 2020  
**APPLICATION:** PRDP20203171

**APPLICATION:** Single-lot regrading and excavation, for construction of a pond

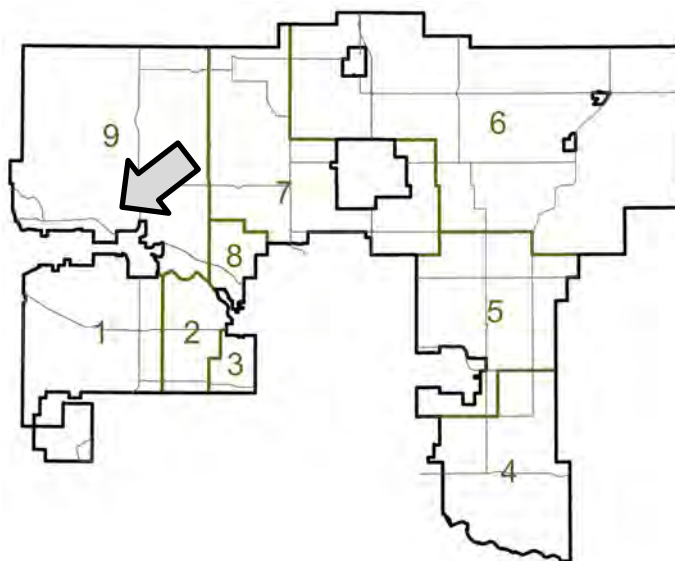
**GENERAL LOCATION:** located approximately 1.21 km (1 mile) north of Twp. Rd. 272 and on the west side of Rge. Rd. 42.

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

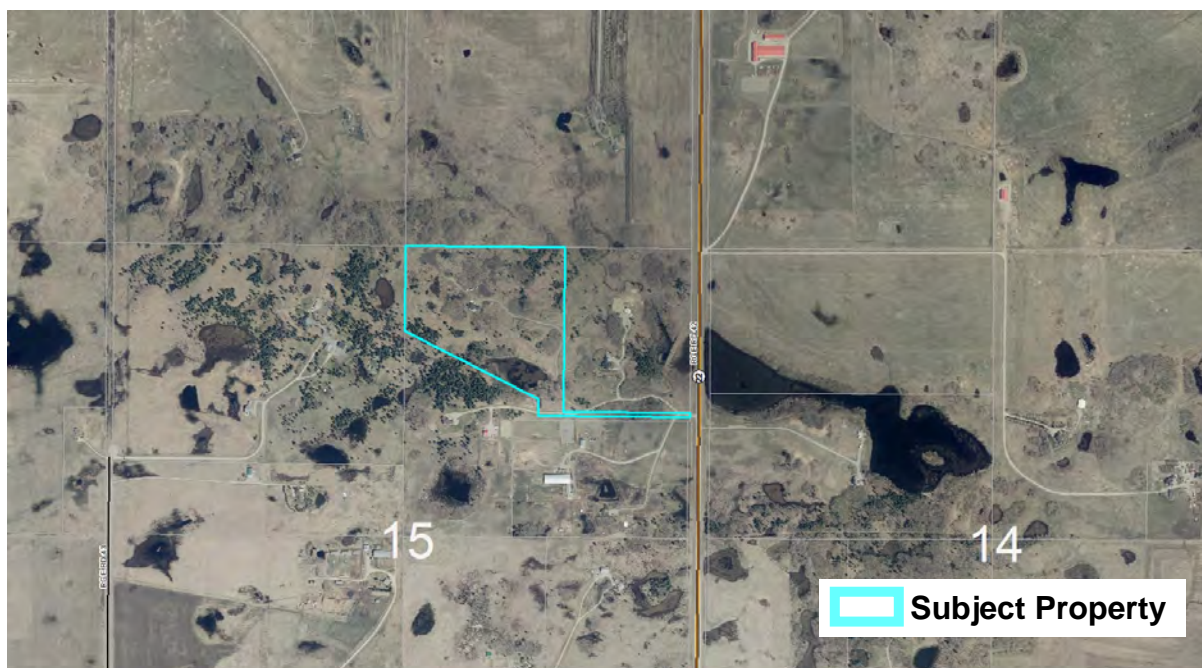
**ADMINISTRATION RECOMMENDATION:** Administration recommends Approval in accordance with Option #1.

### OPTIONS:

- Option #1: THAT Development Permit Application PRDP20203171 be approved with the conditions noted in the Development Permit Report, attached.
- Option #2: THAT Development Permit Application PRDP20203171 be refused as per the reasons noted.



### AIR PHOTO & DEVELOPMENT CONTEXT:



### Administration Resources

Wayne Van Dijk, Planning and Development Services

## DEVELOPMENT PERMIT REPORT

<b>Application Date:</b> October 7, 2020	<b>File:</b> 07815009
<b>Application:</b> PRDP20203171	<b>Applicant:</b> Anton & Sonja Kary <b>Owner:</b> Anton & Sonja Kary
<b>Legal Description:</b> NE-15-27-4 W5M <b>Municipal Address:</b> 272180 Rge. Rd. 42	<b>General Location:</b> located approximately 1.21 km (1 mile) north of Twp. Rd. 272 and on the west side of Rge. Rd. 42
<b>Land Use Designation:</b> Agricultural, Small Parcel District (A-SML) under Land Use Bylaw C-8000-2020.	<b>Gross Area:</b> ± 15.99 hectares (± 39.52 acres)
<b>File Manager:</b> Wayne Van Dijk	<b>Division:</b> 9

### PROPOSAL:

The application is for single-lot regrading and excavation for construction of a pond, to receive run off from a 15.99 hectare (39.52 acre) parcel located at 272180 Rge. Rd. 42.

The application states that the pond will be approximately 9.14 m x 9.14 m (30.00 ft. x 30.00 ft.) in size and 3.04 m (10.00 ft.) deep. This size of pond will require the excavation of approximately 254.85 cu.m. (9000 cu. ft.) of fill. The excavation is to be backsloped at approximately 3:1 slope. After speaking with the applicant, they propose to spread the excavated material, place topsoil on the excavated material and landscape and seed to grass.

The purpose of the pond is to retain water for gardening purposes.

The application stated that the pond was constructed and finished prior to development permit application. The applicant has confirmed that they were directed by Alberta Environment and Parks to fill the current pond in, due to proximity to a mapped wetland. This has been completed and the location of the proposed excavation/pond has moved slightly, as per updated site plan. Construction shall not commence until after a development permit is obtained.

The parcel currently has a dwelling, single detached and an accessory building (shop) on site. There is a pre-existing dugout located in the southeastern portion of the parcel.

### Land Use Bylaw C-8000-2020

*Table 2 (t) Ponds under 0.60 m (1.97 ft.) in depth (Not Requiring a Development Permit)*

- *As the subject proposal pond depth exceeds this requirement, the use becomes discretionary.*

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

### STATUTORY PLANS:

The site does not fall within any Area Structure Plan or Conceptual Schemes and was assessed utilizing the Land Use Bylaw (C-8000-2020).



**INSPECTOR'S COMMENTS:**

- No inspection completed at time of report writing

**CIRCULATIONS:**

Development Compliance, Rocky View County

- No comments or concerns with the attached application.

Agricultural Services

- Pending Alberta Environment approval, Agricultural Services has no concerns.

Planning and Development Services - Engineering Review

**General:**

**Geotechnical:**

- No fill is proposed to be hauled onto the site.

**Transportation:**

- Access to the parcel is provided off Highway 22.
- No Transportation Offsite Levy will be collected at this time as the proposed development is unlikely to result in an increase in traffic on the local road network

**Sanitary/Waste Water:**

- No information was provided or required.

**Water Supply And Waterworks:**

- No information was provided or required.

**Storm Water Management:**

- Proposed activities are unlikely to cause significant drainage pattern changes given the size of the parcel and proposed use (onsite watering)
- As a permanent condition, applicant shall ensure the activities are contained within the proposed disturbance and no changes to the overall site area or no adverse drainage impacts are caused to adjacent land.

**Environmental:**

- As per County GIS, wetlands are present on site, however no disturbance to the existing wetland is proposed at this time.

No other comments received at time of report writing

**OPTIONS:**

Option #1: (this would approve the proposed development)

APPROVAL subject to the following conditions:

**Description:**

1. That the single-lot regrading and excavation shall be permitted in general accordance with the drawings submitted with the application and includes:
  - i. Excavation of approximately 254.85 cu.m (9,000.00 cu. ft.) of fill to construct a pond, approximately 9.14 m x 9.14 m (30.00 ft. x 30.00 ft.) in size and 3.05 m (10.00 ft.) deep.

**Permanent:**

2. That the Applicant/Owner shall be responsible for rectifying any adverse effect on adjacent lands and/or adjacent infrastructure from drainage alteration.
3. The Applicant shall ensure that the proposed activities are contained within the proposed disturbance area and no changes are completed to the overall site area.
4. That the entire site shall be maintained in a neat and orderly manner at all times to the satisfaction of the County.
5. That there shall be no importing of clean fill or topsoil to the subject parcel, unless there is a separate Development Permit issued.
6. That no native topsoil shall be removed from the subject parcel.

**Advisory:**

7. That the subject development shall conform to the County's Noise Bylaw [C-5773-2003] in perpetuity.
8. 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].
9. That any other government permits, approvals, or compliances are the sole responsibility of the Applicant/Owners.
10. 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.

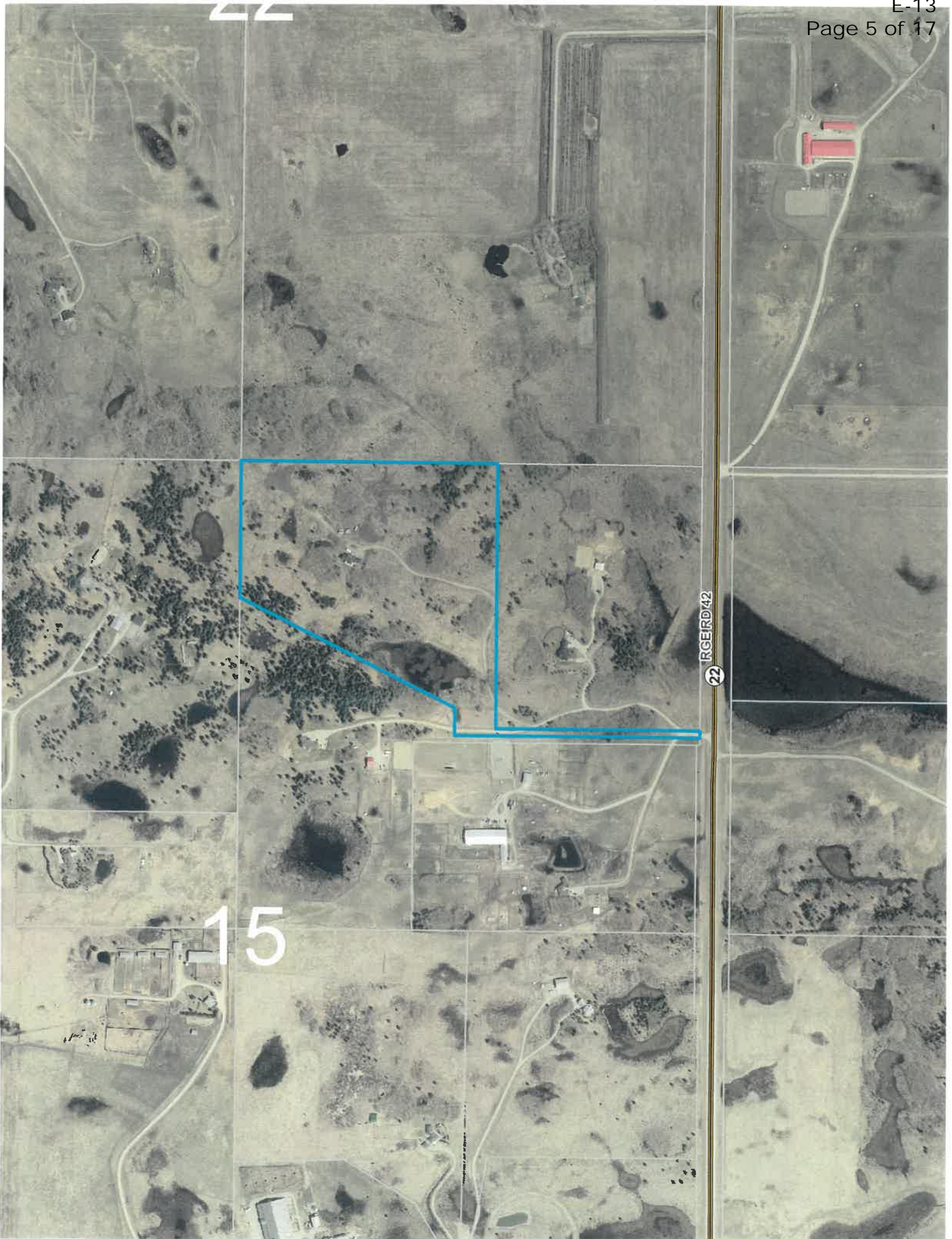
***The Applicant/Owner shall be responsible for all Alberta & Parks approvals/compensation, under the Water Act, if any wetland is impacted/disturbed by the placement of the proposed single-lot regrading activities***

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

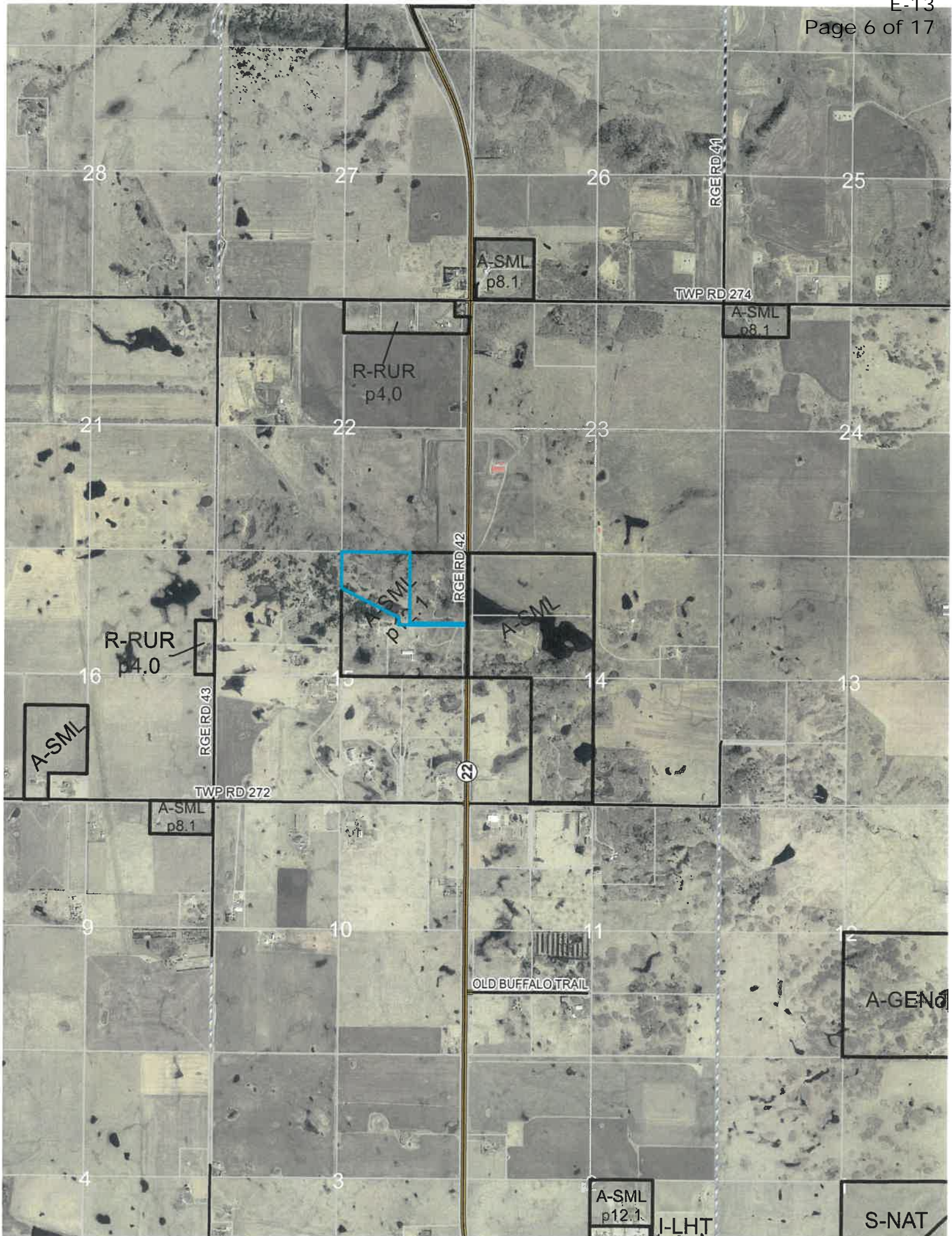
REFUSAL as per the following reasons:

1. That in the opinion of the Development Authority, 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.











# DEVELOPMENT PERMIT APPLICATION

FOR OFFICE USE ONLY

APPLICATION NO

20203171

ROLL NO

078/5009

RENEWAL OF

FEES PAID

\$450.00

DATE OF RECEIPT

OCT 7, 2020

## APPLICANT/OWNER

Applicant Name: ANTON & SONJA KARY

Business/Organization Name (if applicable):

Landowner Name(s) per title (if not the Applicant)

Business/Organization Name (if applicable):

Mailing Address:

Postal Code:

Telephone (Primary)

Email:

## LEGAL LAND DESCRIPTION - Subject site

All/part of: NE ¼ Section: 15 Township: 27 Range: 4 West of: 5 Meridian Division:  
All parts of Lot(s)/Unit(s): Block: 01 Plan: 021 2976 Parcel Size (ac/ha): 39.5  
Municipal Address: 272180 RANGE ROAD 42 Land Use District:

## APPLICATION FOR - List use and scope of work

30 X 30 X 10 Deep POND CATCH WATER  
TO WATER GARDEN

Variance Rationale included: ☐ YES ☐ NO ☐ N/A

DP Checklist Included: ☐ YES ☐ NO

## SITE INFORMATION

- a. Oil or gas wells present on or within 100 metres of the subject property(s) ☐ YES ☒ NO
- b. Parcel within 1.5 kilometres of a sour gas facility (well, pipeline or plant) ☐ YES ☒ NO
- c. Abandoned oil or gas well or pipeline present on the property ☐ YES ☒ NO  
(Well Map Viewer <https://extmapviewer.aer.ca/AERAbandonedWells/Index.html>)
- d. Subject site has direct access to a developed Municipal Road (accessible public roadway) ☐ YES ☒ NO

## AUTHORIZATION

I, ANTON & SONJA KARY (Full name in Block Capitals), hereby certify (initial below):

- ☒ That I am the registered owner OR ☐ That I am authorized to act on the owner's behalf.
- ☒ That the information given on this form and related documents, is full and complete and is, to the best of my knowledge, a true statement of the facts relating to this application.
- ☒ That I provide consent to the public release and disclosure of all information, including supporting documentation, submitted/contained within this application as part of the review process. I acknowledge that the information is collected in accordance with s.33(c) of the Freedom of Information and Protection of Privacy Act.
- ☒ Right of Entry: I authorize/acknowledge that Rocky View County may enter the above parcel(s) of land for purposes of investigation and enforcement related to this application in accordance with Section 542 of the Municipal Government Act.

Applicant Signature

Date

Sonja Kary  
SEPT 25/20

Landowner Signature

Date

Anton Kary  
SEPT 25/20





ROCKY VIEW COUNTY

# STRIPPING, GRADING, EXCAVATION AND/OR FILL INFORMATION SHEET

## FOR OFFICE USE ONLY

APPLICATION NO.

ROLL NO.

DISTRICT

## DETAILS

Total area of work		(ac / m <sup>2</sup> )
Length	30	(m / ft.)
Width	30	(m / ft.)
Height	10	(m / ft.)
Volume		(m <sup>3</sup> / ft <sup>3</sup> )
Number of truckloads (approx.)		
Slope factor (if applicable)	SLOPED TO ALMOST A POINT IN MIDDLE	

## APPLICATION FOR:

- ☐ Site Stripping    ☐ Fill  
☐ Grading    ☐ Re-contouring  
☐ Excavation (cut-to-fill)    ☐ Excavation (borrow areas)  
☒ Construction of artificial waterbody (not including dugouts)  
☐ Stockpiling  
☐ Other:

## DESCRIPTION OF WORK

Describe the purpose and intent of the work proposed (include cover letter for detailed description):

POUD TO CATCH WATER TO WATER A GARDEN.

Indicate the timing/duration of work (which shall not coincide with bird nesting seasons, as determined):

DONE SEPTEMBER

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

Confirm if proposed fill contains any rubble or hazardous substances:

## ADDITIONAL REQUIREMENTS, in addition to DP Checklist - General requirements

The following must be included with the application (select if provided):

- ☐ Pre-development and Post-development grading plans  
☐ Other documents: Stormwater Management Plan, Fill Management Plan, Soil Quality Report may be required  
☐ Cover letter shall address ALL of the following:
  - Soil-handling plan depicting movement of fill on the site and confirmation that soil will be transported when it is in a favourable condition (include this information on the Site/Grading Plan as necessary)
  - Traffic control plan
  - Weed Management Plan
  - Costs (anticipated) to reclaim the site
  - Methods to dust and erosion resulting from ongoing work

## On the Site/Grading Plans:

- ☐ Dimensions and area(s) of excavation, fill, and/or grading  
☐ Location of wetlands and watercourses and any ecologically sensitive features  
☐ Location where the excavation, stripping, or grading is to be taking place  
☐ Proposed access, haul routes, and haul activities

Applicant Signature

Date

Sept 25/20





ROCKY VIEW COUNTY

### DEVELOPMENT PERMIT APPLICATION CHECKLIST - GENERAL

All plans shall be submitted as one (1) legible hard copy and in DIGITAL form (pdfs)

Select [ ] all that are included within application package. Incomplete applications may not be accepted for processing

- ☐ APPLICATION FORM(S) AND CHECKLIST: All parts completed and signed.
- ☐ APPLICATION FEE: Refer to Planning and Development Fee Schedule within the Master Rates Bylaw
- ☐ CURRENT LAND TITLES CERTIFICATE COPY - dated within 30 days of application, and:
  - ☐ Digital copy of non-financial instruments/caveats registered on title **ONE ON FILE FROM SHOP APPLICATION \***
- ☐ LETTER OF AUTHORIZATION: Signed by the registered landowner(s) authorizing person acting on behalf (if not the Applicant) If registered owner on title is a company, authorization to be provided on a company letterhead or as an affidavit (signed by a Commissioner of Oaths)
- ☐ COVER LETTER, shall include:
  - ☐ Proposed land use(s) and scope of work on the subject property
  - ☐ Detailed rationale for any variances requested
  - ☐ For businesses - Complete operational details including days/hours of work, number of employees, parking provisions types of vehicles, outdoor storage areas, site access/approach, traffic management, etc
  - ☐ Reference to any *Supporting Documents*, images, studies, plans etc. provided within application package
- ☐ SITE PLAN, shall include:
  - ☐ Legal description and municipal address
  - ☐ North arrow
  - ☐ Property dimensions (all sides)
  - ☐ Setbacks/dimensions from all sides of the property line(s) to existing/proposed buildings, structures (cantilevers decks, and porches), outdoor storage areas etc.
  - ☐ Dimensions of all buildings/structures
  - ☐ Location and labels for existing/proposed approach(s)/access to property
  - ☐ Identify names of adjacent internal/municipal roads and highways
  - ☐ Identify any existing/abandoned/proposed oil wells, septic fields/tanks, or water wells on site, including their distances to existing/proposed buildings
  - ☐ Identify any existing/proposed site features such as trees, shelterbelts, canals, waterbodies, etc.
  - ☐ Identify site slopes greater than 15% and distances from structures
  - ☐ Location and labels for easements and/or rights-of-way on title
- ☐ FLOOR PLANS/ELEVATIONS, shall include:
  - ☐ Overall dimensions on floor plans for all buildings/structures (for new construction, additions, renovations etc )
  - ☐ Indicate floor area and existing/proposed uses on floor plans and height(s) on elevations
  - ☐ Indicate type of building/structure on floor plans and elevations
- ☐ COLOUR PHOTOGRAPHS (Min. 3) - one hard and digital copy: Of existing site, building(s), structure(s), signage, site features, taken from all sides including surrounding context, and when existing floor plans/elevations are not available
- ☐ SUPPORTING DOCUMENTS (as applicable): Include technical studies/reports and any additional plans relating to the proposed development (lot grading, site lighting, storm water management plans etc.). Refer to the Land Use Bylaw for use or district specific requirements

#### FOR OFFICE USE ONLY

Proposed Use(s): **stripping, filling, grading, excavating** Land Use District **A-54C**  
 Applicable ASP/CS/IDP/MSDP: **None NO IDP**  
 Included within file: ☒ Information Sheet ☒ Parcel Summary ☒ Site Aerial ☒ Land Use Map Aerial ☒ Site Plan

#### NOTES

Staff Signature: \_\_\_\_\_

September 28, 2020

Rockyview County

We are building a shop with all the required permits. Before the backhoe left we decided on a small pond to water the garden area from. A last minute decision and we did not realize that we needed a development permit. We moved to be near grandkids from a county that didn't even require a permit to build a shop so we didn't consider it. We apologize for that oversight.

The pond is 30 L X 30 W X 10 D. We made sure it was wide/long enough to provide a legal slope and so it slopes almost to a point in the middle from all sides. We like to be legal of course but we have grandkids who are faster than we are so need things to be as safe as possible for them.

Thank you,

Anton & Sonja Kary

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## LAND TITLE CERTIFICATE

S  
 LINC                      SHORT LEGAL                      TITLE NUMBER  
 0029 502 482           0212976;1;1           191 133 406

LEGAL DESCRIPTION  
 PLAN 0212976  
 BLOCK 1  
 LOT 1  
 EXCEPTING THEREOUT ALL MINES AND MINERALS  
 AREA: 15.993 HECTARES (39.52 ACRES) MORE OR LESS

ESTATE: FEE SIMPLE  
 ATS REFERENCE: 5;4;27;15;NE

MUNICIPALITY: ROCKY VIEW COUNTY

REFERENCE NUMBER: 171 098 738

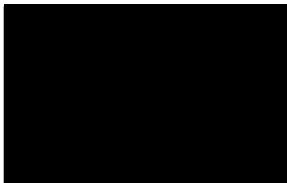
REGISTERED OWNER(S)				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
191 133 406	04/07/2019	TRANSFER OF LAND	\$1,525,000	\$1,525,000

## OWNERS

ANTON KARY

AND

SONJA KARY



## ENCUMBRANCES, LIENS &amp; INTERESTS

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
751 076 604	23/07/1975	UTILITY RIGHT OF WAY GRANTEE - COCHRANE LAKE GAS CO-OP LTD.

( CONTINUED )



## ENCUMBRANCES, LIENS &amp; INTERESTS

PAGE 2

# 191 133 406

## REGISTRATION

NUMBER	DATE (D/M/Y)	PARTICULARS
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021 318 151 11/09/2002 CAVEAT

RE : ROADWAY

CAVEATOR - HER MAJESTY THE QUEEN IN RIGHT OF ALBERTA

AS REPRESENTED BY MINISTER OF TRANSPORTATION  
LANDS TECHNOLOGIST, HIGHWAY & ROADSIDE PLANNING  
TECHNICAL STANDARDS BRANCH

2ND FL., TWIN ATRIA BLDG

4999-98 AVE

EDMONTON

ALBERTA T6B2X3

AGENT - MICHELE MCKAY

131 149 463 25/06/2013 CAVEAT

RE : EASEMENT

TOTAL INSTRUMENTS: 003

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN  
ACCURATE REPRODUCTION OF THE CERTIFICATE OF  
TITLE REPRESENTED HEREIN THIS 7 DAY OF  
OCTOBER, 2020 AT 09:52 A.M.

ORDER NUMBER: 40265026

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  
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NE 1/4 15-27-4-W5

