STRIPPING, FILLING, EXCAVATION AND GRADING

SECTION 33 Stripping, Filling, Excavation and Grading

33.1 Site stripping, filling, excavation, grading and/or re-contouring (including construction of artificial water bodies and dugouts) require a Development Permit.

(a) Notwithstanding Section 33.1, the following uses do not require a Development Permit:
   (i) Development as part of a signed Development Agreement; independent of, or prior to, other development on the same parcel or site;
   (ii) Ponds under 0.60 m (1.97 ft.) in depth;
   (iii) Dugouts or ponds on parcels of land exceeding 16.19 hectares (40.00 acres), where there is continued use of the land for agriculture; or
   (iv) Development as part of a resource extraction use on the same parcel or site which has a Development Permit for that use.

33.2 A Development Permit application for site stripping, filling, excavation, grading and/or re-contouring (including construction of artificial water bodies and dugouts) shall include the following information:

(a) location and area of the site on which the development is proposed;
(b) existing land use and vegetation;
(c) type of excavation, stripping or grading proposed, showing dimensions of the operation or the area of the land and depth to which the topsoil is to be removed, and the effect on existing drainage patterns;
(d) location on the lot where the excavation, stripping or grading is to be made on the lot; and
(e) condition in which the excavation, stripping or grading is to be left when the operation is complete (including submission of site grading or re-contouring plans if required by the Development Authority) or the use of the area from which the topsoil is removed.

33.3 Pond construction in excess of 1.21 hectares (3.00 acres), including artificial water bodies and dugouts for agricultural purposes, is a discretionary use and requires a Development Permit.

33.4 Where, in the process of development, areas require levelling, filling or grading, the topsoil shall be removed before work commences, stockpiled and replaced following the completion of the work.

33.5 Developments involving the construction of artificial water bodies or dugouts may require as a condition of development approval, that it shall be the sole responsibility of the developer to ensure that such signs, fences, and boarding are put in place as the developer shall consider necessary to protect the public generally and the residents of the area in particular from any danger arising as a result of the construction or installation of the artificial water body or dugout on the developer’s property.

33.6 Placing of Fill

(a) The placing or storage of fill and topsoil may be allowed in any land use district, providing that a Development Permit and/or other County approved mechanism for approval has been issued to verify there is no adverse effect on adjacent lands as a result of any drainage alteration. Requirement and conditions of the permit may include but not be limited to:
   (i) a Site Specific Stormwater Management/Implementation Plan;
(ii) a Deep Fill Report, if the fill is more than 1.20 m (3.94 ft.) in depth;

(iii) a Biophysical Impact Study, if the fill may impact a body of water. Such as a wetland or natural watercourse;

(iv) an Erosion and Sediment Control Plan;

(v) a Reclamation Plan;

(vi) registration of Drainage Easement(s) and/or other agreements on the title;

(vii) confirmation that the fill does not contain construction rubble or any contaminants; and

(viii) a Road Use Agreement permitting the hauling of fill.

(b) Notwithstanding Section 33.6(a), the placing and storage of fill and topsoil may be allowed without a Development Permit in the following circumstances, providing that there is no adverse effect on adjacent lands as a result of any drainage alternation:

(i) The placing of up to 1.00 m (3.28 ft.) of fill and topsoil adjacent to or within 15.00 m (49.21 ft.) of a building under construction that has a valid Building Permit, during the course of the construction to be used to establish approved final grades;

(ii) The placing of up to 20 cm (± 7.87 inches) in depth of clean topsoil for general landscaping or agricultural purposes. Construction of berm(s) and re-grading does not constitute general landscaping or agricultural purposes.

(c) Notwithstanding Section 33.6(b), the Development Authority may require a Statutory Declaration that details how the fill and topsoil will be placed.

(d) Notwithstanding Section 33.6(b), the County requires a Road Use Agreement (RUA) or a written confirmation from the County that a Road Use Agreement is not required for the hauling of fill and topsoil.

(e) Notwithstanding Section 33.6(a) and (b), no fill and topsoil shall be place and stored in a Flood Hazard Area, wetlands, Riparian Protection Area, and drainage courses, unless otherwise approved by the Development Authority and the applicable authority.

33.7 Stripping and Grading Permit

(a) In all land use districts, stripping, and grading in connection with an approved subdivision is a use, permitted and may include road construction up to but not the final layer of asphalt, and underground utilities.

33.8 Removal of Topsoil - unless specifically permitted in a Development Permit, topsoil shall not be removed from any site.

33.9 Borrow Areas

(a) That notwithstanding Section 33.1, the excavation of borrow areas may be allowed as a use, discretionary, in any land use district providing:

(i) a Development Permit has been issued for that use;

(ii) the excavated material is used as fill in a development within the County or an adjacent County and the development is fully approved by that County authority;

(iii) the maximum area of excavation does exceed 8.00 hectares (19.76 acres), the maximum material to be removed from the site is 40,000 cubic metres (52,317 cubic yards) and the excavated material does not contain sand or gravel;
(iv) there is no negative impact on water flows to or from adjacent lands;

(v) a Reclamation Plan satisfactory to the County has been prepared for the site, with the reclamation financially secured in favour of the County, and

(vi) the time from commencement of excavation to completion of reclamation does not exceed 120 days.
Development Permit Checklist

The following information including digital copies must be included with your application. Without it, your application will be considered incomplete, and will not be processed until it has been supplied.

☐ APPLICATION FORM(S)
All forms must be completed and signed by the registered owner and/or the person authorized to act on their behalf (if any).

☐ APPLICATION FEE
Refer to Planning and Development Fee Schedule located in the Master Rates Bylaw

☐ CURRENT COPY OF THE CERTIFICATE OF TITLE INCLUDING DIGITAL NON-FINANCIAL CAVEATS AND COVENANTS REGISTERED ON THE TITLE
Searched within 30 days prior to the application, the copy of the title may be obtained from any Provincial Registry Office.

☐ AUTHORIZATION FROM REGISTERED OWNER ON TITLE

  □ INDIVIDUALS NAME ON TITLE
      Attach a Letter of Authorization signed by the owner (every individual on title) giving the applicant authorization.

  OR

  □ COMPANY NAME ON TITLE
      An affidavit or Company Seal is required when the registered owner shown on the title is listed as a Company. If you do not have a Company Seal, provide an affidavit Commissioned (stamped and signed by a Commissioner of Oaths), granting you authorization to legally act on behalf of the Company. If you have a Company Seal, please affix said seal to every place that your signature is required.

☐ COVER LETTER
A cover letter, detailing the nature of the application and description of uses, must accompany all applications.

☐ SITE PLAN OF THE PROPOSED DEVELOPMENT
Showing all dimensions, setbacks and slopes steeper than 15% – refer to page 2

☐ OTHER DOCUMENTATION
To determine the documents required specific to the Development Permit proposal, please visit www.rockyview.ca. Additional information may be required upon receipt and review of the application, depending on the nature.

FOR OFFICE USE ONLY

☐ Proposed Development_______________________  ☐ Land Use Designation_______________________
☐ Concept Plan / ASP Info_______________________  ☐ Parcel Information / Land Use Maps / Air Photo

<table>
<thead>
<tr>
<th>Road Type</th>
<th>Bylaw</th>
<th>Proposed</th>
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<tr>
<td>Front Yard Setback Minimum</td>
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<td>Side Yard Setback Minimum</td>
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<td>Rear Yard Setback Minimum</td>
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<td>Height Maximum</td>
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<td>Principal Building Size</td>
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Comments

☐ APPLICATION IS COMPLETE

______________________________________________
Staff Signature
APPLICATION FOR A DEVELOPMENT PERMIT

Name of Applicant________________________________________ Email ____________________________________
Mailing Address__________________________________________ Postal Code ____________________________
__________________________________________________________ __________________________________________________
Telephone (B) ______________________ (H) ______________________ Fax ________________________________
For Agents please supply Business/Agency/Organization Name __________________________________________

Registered Owner (if not applicant) __________________________________________
Mailing Address ____________________________________________________________ Postal Code ______________________
Telephone (B) ______________________ (H) ______________________ Fax ________________________________

1. LEGAL DESCRIPTION OF LAND
a) All / part of the _____ ¼ Section ______ Township _______ Range ______ Range ______ West of ______ Meridian
b) Being all / parts of Lot _____________ Block _____________ Registered Plan Number ______________________
c) Municipal Address ______________________________________________________________
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 ________________________________ 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.

Applicant’s Signature __________________________ Owner’s Signature __________________________
Date __________________________ Date __________________________

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

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*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, ____________________________________________, 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                              Date
Name of Applicant
Address of Applicant
Telephone (C) (H) (Fax)

1. NATURE OF THE APPLICATION
Type of application (Please check off all that apply):
- Site stripping
- Filling
- Excavation (including removal of topsoil)
- Grading
- Re-contouring
- Stockpiling
- Construction of artificial water bodies and/or dugouts
- Other
- The fill does not contain construction rubble or any hazardous substances (please check)

2. PURPOSE
What is the intent of the proposal?
Indicate the effect(s) on existing drainage patterns or environmentally sensitive areas (i.e. riparian, wetland, waterbodies) (if applicable)

3. TYPE
<table>
<thead>
<tr>
<th>Height</th>
<th>Volume</th>
<th>Width</th>
<th>Truckload (approximately)</th>
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Area 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:
   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 hereby certify that I am the registered owner (Print Full Name) 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.
This is an example of a drawing. Please provide your own drawing.
Above are examples of parcels with areas shown for fill. Give approximate dimensions for area.

Length x Width x Height

Please submit your own plan showing (cubic measurements)
Frequently Asked Questions – Placing of Topsoil and Fill

• Why do I need a permit for placing soil on my property?

There are four major issues related to placing fill and/or topsoil on your properties, including the quality of materials, traffic impact, visual impact, and drainage impact.

A permit is required to ensure the placing of topsoil/fill would not negatively impact the surrounding areas.

Quality of materials:
Potential contamination and/or degrading of the soil due to quality of materials and risk of weed infestation.

Traffic impact:
The amount of hauling may have traffic impact on local roads and safety issues, particularly in residential areas.

Visual impact:
There are concerns for unsightly properties if the fill area is not properly managed and/or landscaped within the same season.

Drainage Impact:
If the fill/topsoil is changing the drainage pattern in the area, it may potentially cause flooding issues and degrade environmentally sensitive areas.

• When do I need a permit?

Placing of up to 20 cm. (± 8 inches) of topsoil for agricultural operation and general landscaping may only need a Statutory Declaration with the associated submissions (given that there is no evidence of negative impact(s) to surrounding properties and environmentally sensitive areas). In all other cases, a Development Permit will be required.
Do I need a permit for gardening?

No, when placing *topsoil* for general landscaping you can apply for a Statutory Declaration with the associated submissions (i.e. site plan/landscaping plan, confirmation of source and quality of *topsoil*, and road use/road haul agreement).

Please note that building a berm and/or re-grading your property is not considered as general landscaping.

Do I need a permit for bringing in new soil for crop production?

No, when placing *topsoil* for an agricultural operation you can apply for a Statutory Declaration with the associated submissions (i.e. site plan, soil assessment, and road use/road haul agreement).

Do I need a permit for re-grading my property?

Yes, re-grading the property may affect the drainage and may lead to flooding issues in the surrounding area.

A Development Permit and associated technical assessments (i.e. Stormwater Management Plan and Engineering Review) will be required to confirm the re-grading would not negatively impact the surrounding areas.

- **Why 20 cm (± 8 inches)?**

  A few inches of *topsoil* may increase the productivity and resilience of the soil. However, *topsoil* reclamation research has shown diminished or minimal positive responses from six (6) inches or more of *topsoil*.

  Typical farm machinery can handle up to six (6) inches or so of new soil. Adding additional soil will have no additional positive impact on yield potential (i.e. this would be considered only topsoil disposal practice by Alberta Agriculture). Due to the inability of packing to an even
density and lack of structure, it is expected that there may be pitting, tire trenching, slope-wash, wind movement, and other mechanical issues. Slopes and drainage areas could change. This could all result in a higher risk of waterway contamination, county ditch filling, uneven crops, and weed growth opportunities.

- **What is the difference between fill and topsoil?**

  *Topsoil* is defined as the uncontaminated uppermost part of the soil profile (A or Ap horizons) that is ordinarily moved during tillage, containing a balance of clay, silt, and sand, with an organic matter content of at least 3%, a SAR/EC rating of ‘good’, and PH values in an ‘acceptable’ range for crop growth. To qualify as *topsoil*, a soil assessment and confirmation of the source will be required. The County’s Agricultural Services section will review the soil assessment for each statutory declaration and confirm whether it meets the definition of *topsoil*.

- **What is the difference between a Statutory Declaration and a Development Permit?**

<table>
<thead>
<tr>
<th>Statutory Declaration</th>
<th>Development Permit</th>
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<tbody>
<tr>
<td><strong>Technical Requirements:</strong></td>
<td><strong>Technical Requirements:</strong></td>
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<tr>
<td>• Site Plan/Landscaping Plan;</td>
<td>Please refer to Section 33 of the Land Use Bylaw for detailed technical requirements. Technical studies are required to ensure no negative impact to surrounding properties and any environmentally sensitive areas.</td>
</tr>
<tr>
<td>• Confirmation of the source and quality of the <em>topsoil</em>;</td>
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<tr>
<td>• Approved Road Use Agreement or confirmation from the County that such agreement is not required.</td>
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<tr>
<td><strong>Timeline:</strong></td>
<td><strong>Timeline:</strong></td>
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<td>1-2 weeks, if all technical submissions are in place.</td>
<td>6-8 weeks (involves agency circulation) plus 14 days appeal period after decision of the permit is mailed out and advertised on local newspaper.</td>
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<tr>
<td><strong>Cost:</strong></td>
<td><strong>Cost:</strong></td>
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<tr>
<td>The County currently does not charge for a Statutory Declaration.</td>
<td>Please refer to latest Master Rates Bylaw for Development Permit application fees.</td>
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</table>
LETTER OF AUTHORIZATION

I, (We) ________________________________ being the owner (s) of
Lot_______ Block ________ Plan ______________________

Legal:
NW/NE/SE/SW Section _____ Township ______ Range ______ W _____M

give ______________________________ permission to act on my
(or) behalf in applying for a Development Permit for the above subject property.

________________________________________________
Signature

________________________________________________
Signature

________________________________________________
Date