

SUBDIVISION AND DEVELOPMENT APPEAL BOARD AGENDA

October 28, 2020

**Rocky View County
Council Chambers
262075 Rocky View Point
Rocky View County, AB
T4A 0X2**

A CALL MEETING TO ORDER

B DEVELOPMENT APPEALS

9:00 AM APPOINTMENT

1. Division 2 File: 04222018 PRDP20201265 page 2

An appeal against the Development Authority's decision to refuse a development permit application for single-lot regrading and placement of clean topsoil, for agricultural purposes, at 272013 Inverlake Road (NE-22-24-27-W4M) and located at the southwest junction of Inverlake Road and Highway 9.

Appellant/Applicant: Todd Slaney (Horizon Excavating Ltd.)

Owners: Michael and Dawn Tessemaker

C CLOSE MEETING

D NEXT MEETING: November 18, 2020

PLANNING AND DEVELOPMENT SERVICES

TO: Subdivision and Development Appeal Board

DATE: October 28, 2020 **DIVISION:** 5

FILE: 04222018 **APPLICATION:** PRDP20201265

SUBJECT: Single-Lot Regrading and Placement of Clean Topsoil

PROPOSAL: Deposition of approximately 40,000 cu. m of clean topsoil on approximately 13.49 acres of a 15.84 acre parcel.	GENERAL LOCATION: Located approximately 6.5 km east of the City of Chestermere; located at the southwest junction of Inverlake Road and Highway 9.
APPLICATION DATE: May 26, 2020	DECISION (MUNICIPAL PLANNING COMMISSION): Refused
APPEAL DATE: September 29, 2020	MUNICIPAL PLANNING COMMISSION DECISION DATE: September 24, 2020
APPELLANT: Todd Slaney (Horizon Excavating Ltd.)	APPLICANT: Horizon Excavating Ltd.
LEGAL DESCRIPTION: NE-22-24-27-W4M	MUNICIPAL ADDRESS: 272013 Inverlake Road
LAND USE DESIGNATION: Agricultural Holdings District (AH)	GROSS AREA: ± 6.41 hectares (± 15.84 acres)
DISCRETIONARY USE: Grading and fill are discretionary uses in all districts.	DEVELOPMENT VARIANCE AUTHORITY: N/A
PUBLIC SUBMISSIONS: The application was circulated to 16 adjacent landowners. At the time this report was prepared, no letters were received in support or objection to the application, excepting the appeal.	LAND USE POLICIES AND STATUTORY PLANS: <ul style="list-style-type: none"> Land Use Bylaw

EXECUTIVE SUMMARY:

On May 26, 2020, the Applicant submitted an application for a Development Permit for single-lot regrading and placement of clean topsoil. The subject lands is included in the Agricultural Holdings District, located at the southwest junction of Inverlake Road and Highway 9.

The applicant proposes placement of 40,000 cubic metres of topsoil over 13.49 acres of a 15.84 acre parcel. Fill will be placed at a depth of up to 0.61 m. (2.00 ft.) across 54,600 sq. m. (587,709.51 sq. ft.).

The application was first presented to the Municipal Planning Commission on July 30, 2020, and tabled, directing the applicant to prepare technical studies requested by Administration (stormwater management and soils evaluation) by September 30, 2020.



The applicant prepared the soils evaluation, which was found to be sufficient by Administration. The stormwater management report was incomplete. The application was then presented to the Municipal Planning Commission on September 24, 2020 for consideration.

Administration recommended refusal, as the depth of soil placement was considered excessive for agricultural purposes. The Municipal Planning Commission concurred, and refused the application. The reasons for refusal are included in the agenda package.

The Appellant appealed the decision of the Development Authority on September 29, 2020, with reasoning specified within the agenda package.

Administration continues to recommend refusal due to the depth of the proposed placement of topsoil.

PROPERTY HISTORY:

Date	File/Application #	Type	Result
N/A	N/A	N/A	N/A

APPEAL:

See attached report and exhibits.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S MacLean'.

Sean MacLean
Supervisor, Planning and Development Services

ON/lt

ATTACHMENTS:

- ATTACHMENT 'A': Municipal Planning Commission Report
- ATTACHMENT 'B': Application
- ATTACHMENT 'C': Map Set
- ATTACHMENT 'D': Inspection Report and Site Photos
- ATTACHMENT 'E': Site Plan
- ATTACHMENT 'F': Notice of Decision
- ATTACHMENT 'G': Notice of Appeal

PLANNING AND DEVELOPMENT SERVICES

TO: Municipal Planning Commission **DATE:** September 24, 2020
DIVISION: 5 **APPLICATION:** PRDP20201265
SUBJECT: Development Item: *Single-lot regrading and placement of clean topsoil*
USE: Discretionary use, with no Variances

APPLICATION: Single-lot regrading and placement of clean topsoil, for agricultural purposes.

GENERAL LOCATION: Located at the southwest junction of Inverlake Road and Highway 9

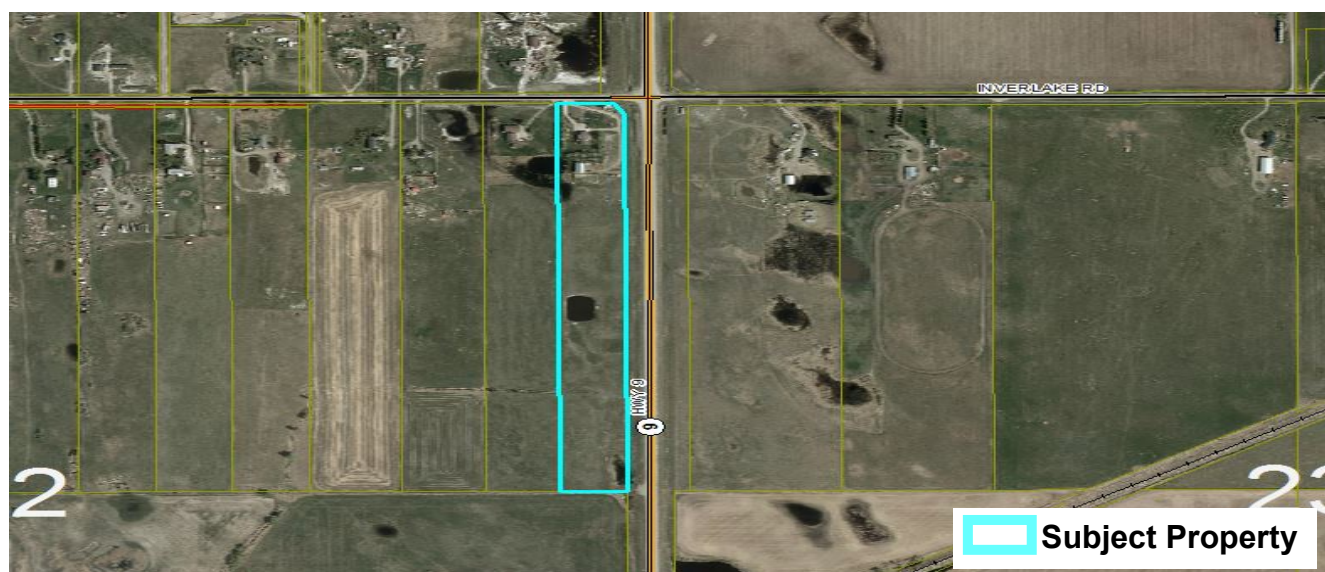
LAND USE DESIGNATION: Agricultural Holdings (AH) under Land Use Bylaw C-4841-97.

ADMINISTRATION RECOMMENDATION:
Administration recommends REFUSAL in accordance with Option #2.

OPTIONS:

- Option #1: THAT Development Permit Application PRDP20201265 be approved with the conditions noted within the report.
- Option #2: THAT Development Permit Application PRDP20201265 be refused as per the reasons noted within the report.
- Option #3: THAT Development Permit Application PRDP20201265 be tabled until the Site Specific Implementation Plan has been reviewed by Administration.

AIR PHOTO & DEVELOPMENT CONTEXT:



DEVELOPMENT PERMIT REPORT

Application Date: May 26, 2020	File: 04222018
Application: PRDP20201265	Applicant: Horizon Excavating Ltd. Owner: Michael and Dawn Tessemaker.
Legal Description: NE-22-24-27-W4M Municipal Address: 272013 Inverlake Road	General Location: Located at the southwest junction of Inverlake Road and Highway 9.
Land Use Designation: Agricultural Holdings District (AH)	Gross Area: ± 6.41 hectares (± 15.84 acres)
File Manager: Oksana Newmen	Division: 5

PROPOSAL:

The application is for single-lot regrading and placement of clean topsoil for agricultural purposes. *Note, the application was assessed in accordance with Land Use Bylaw C-4841-97, as the application was received prior to September 8, 2020.*

As shown on the submitted Site Plan dated June 20, 2020, includes:

- Topsoil Placement Area: Deposition of clean topsoil on approximately 13.49 acres of a 15.84 acre parcel.
 - Excludes wetland areas
 - 54,600 sq. m (587,709.51 sq. ft.)
 - Depth of up to 0.61m (2.00 ft.)
 - Two to three months hauling
 - Approximately 2,500 truck loads
- Volume: Approximately 40,000 cubic meters of topsoil
- The proposed topsoil placement is to enhance the land for farming purposes

This file was presented to the Municipal Planning Commission (MPC) on July 30, 2020, where the Commission tabled the item, directing the Applicant to prepare technical studies to support the application and return to MPC by September 30, 2020. The Applicant submitted two studies on September 10, 2020, however Administration was unable to review the Site Specific Implementation Plan (SSIP) in advance of the writing of this report. The agricultural and soils reports were reviewed and forms the basis for Administration's recommendation. MPC may consider tabling the item to a future date pending review of the SSIP, or render a decision on the file based on the information currently available.

SITE INFORMATION:

- Existing wetlands on site
- Adjacent lands – Agricultural (Farmstead and Ranch and Farm districts)



LAND USE BYLAW (C-4841-97):

Section 33 – *Stripping, Filling, Excavation and Grading* of the Land Use Bylaw is applicable to the proposed use for the land, specifically subsections 33.2, 33.3, 33.6 - *Placing of Fill*.

STATUTORY PLANS:

The site does not fall within an Area Structure Plan, Intermunicipal Development Plan, or a Conceptual Scheme area. As such, it was evaluated in accordance with the County's Land Use Bylaw C-4841-97.

INSPECTOR'S COMMENTS: (August 5, 2020)

- No grading at time of visit
- Land appears used for pasture with 2 horses present at time of visit
- Site immediately adjacent to Hwy 9 and photos taken from road
- One small pond on site.

CIRCULATIONS:

Alberta Environment and Parks:

- No comments received.

Alberta Transportation (June 29, 2020)

- In reviewing the application, the proposed development falls within the control distance of a provincial highway as outlined in the *Highways Development and Protection Act / Regulation*, and will require a roadside development permit from Alberta Transportation.
- The application form and instructions can be obtained from the department's website at <https://www.alberta.ca/roadside-development-permits.aspx>

Agricultural and Environmental Services, Rocky View County (September 11 and June 25, 2020)

Comments from September 11, 2020:

- The soil quality report and statement from the Agrologist meets our requirements. There is still a concern with regards to the amount of topsoil that the applicant is requesting to put on the land. Adding a few inches of topsoil could increase productivity and resilience of the soil but topsoil reclamation research has shown diminished or negligible positive responses from 6 inches or more of topsoil.

Comments from June 25, 2020:

- The applicant/owner shall provide a stamped and endorsed statement from a Professional Agrologist, or Certified Crop Advisor, confirming the soil quality improvements achieved by the proposed addition of topsoil. The anticipated agricultural benefits must be identified.
- The applicant also needs to provide a soil testing analysis, completed on the proposed topsoil, that includes where the topsoil originated from. The report and approval shall be to the satisfaction of the County's Agricultural Services Staff (See attached).
- There is a concern with regards to the amount of topsoil that the applicant is requesting to put on the land. Adding a few inches of topsoil could increase productivity and resilience of the soil but topsoil reclamation research has shown diminished or negligible positive responses from 6 inches or more of topsoil. If the applicant intends to alter or fill in any wetlands they will need to obtain the proper approvals from Alberta Environment.



- Lastly, the applicant will need to ensure compliance with the Alberta Weed Control Act. It may be of benefit to the applicant to create a Weed Management Plan and have a contractor available (or be personally prepared) to control any regulated weeds.
- The soil analysis report will need to confirm that:
 - *Texture is balanced and not over 40% clay; and
 - **Organic matter is a minimum of 3%, and equal to or greater than the organic matter of the soil on the application site; and
 - **SAR/EC rating is at least 'good'; and
 - **PH value is in the 'acceptable' range for crop growth.

Development Compliance, Rocky View County (June 23, 2020)

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

Planning and Development Services – Engineering Review - Rocky View County (July 3, 2020)

General:

- The review of this file is based upon the application submitted. These conditions/recommendations may be subject to change to ensure best practices and procedures.
- Prior to issuance, the applicant/owner will be required to submit a construction management plan addressing noise mitigation measures, traffic accommodation, sedimentation and dust control, management of stormwater during construction, erosion and weed control, construction practices, waste management, firefighting procedures, evacuation plan, hazardous material containment and all other relevant construction management details.
- The application will need to be circulated to Alberta Transportation for review and comment since the proposed development is located adjacent to Highway 9.

Geotechnical:

- Should the grading plan accepted by the County propose any areas of fill that are greater than 1.2 m in depth, prior to issuance, the applicant/owner will be required to provide a deep fills report conducted by a professional geotechnical engineer for all areas of fill greater than 1.2 m in depth.
- As a permanent condition, the applicant/owner shall provide compaction testing verifying that the fill areas greater than 1.2 m in depth were placed in accordance with the Deep Fills report accepted by the County.

Transportation:

- Access to the subject land is provided via a road approach off of Inverlake Road.
- Prior to the issuance, the applicant is required to contact County Road Operations to determine if any permits or if a Road Use Agreement is required (dependent on the quantity of the fill) during the construction of the proposed development.
- The applicant/owner will not be required to pay the transportation offsite levy, as per the applicable TOL bylaw at time of DP approval, since the subject land is located within an agricultural land use district and the development is not expected to increase traffic to the local road network.



Sanitary/Waste Water:

- Engineering has no requirements at this time.

Water Supply and Waterworks:

- Engineering has no requirements at this time.

Stormwater Management:

- Prior to issuance, the applicant/owner will be required to provide a detailed Site-Specific Stormwater Implementation Plan (SSIP) conducted and stamped by a professional engineer that is in accordance with the conditions set by the CSMI and the County Servicing Standards, to the satisfaction of the County.
 - Note: A Drainage Review Analysis was submitted with the application but was deemed inadequate for the subject proposal by Administration.
- Prior to issuance, the applicant/owner will be required to submit a grading plan drawing that is in accordance with the SSIP accepted by the County that shows pre-development and post-development grades.

Environmental:

- There are wetlands on the subject land that appear to potentially be impacted by the proposed development. Should the wetlands be directly impacted by the proposed development, prior to issuance, the applicant/owner will be required to provide a Biophysical Impact Assessment (BIA) conducted by a qualified professional that assesses the existing wetland and the impacts as well as provides recommendations on mitigation and compensation measures to address the impacts.
- The applicant/owner will be responsible to obtain all required AEP approvals should the proposed development impact any wetlands.

Transportation Services, Rocky View County:

- No response received.

Utility Services, Rocky View County (June 22, 2020):

- No Concerns.

OPTIONS:

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

APPROVAL subject to the following conditions:

Description:

1. That single-lot regrading and placement of clean topsoil, for agricultural purposes, over a total area of approximately 54,600 sq. m (13.49 acres) may take place on the subject lands, in accordance with the submitted Site Plan, cover report, supporting documents, and conditions of this permit including the following:
 - i. Topsoil Depth up to 0.61 m (2.00 ft.)
 - ii. Topsoil Volume up to 40,000.00 cu. m



Prior to Issuance:

2. That prior to issuance of this permit, the Applicant/Owner shall submit an Irrevocable Letter of Credit or Refundable Security, in the amount of \$20,000, to be deposited with the County to ensure that conditions of this permit are met. If conditions of this permit are not met, the County may use the funds, enter onto the described land, and carry out the work necessary to meet the conditions.
3. That prior to issuance of this permit, the Applicant/Owner shall submit a detailed site-specific Stormwater Implementation Plan (SSIP) for the subject lands, in accordance with County Servicing Standards. The report shall be stamped by a qualified professional and should address the following:
 - i. The report shall include both pre- and post-development site grading in the vicinity of the work, and shall confirm post-development site run-off characteristics;
 - ii. The report shall evaluate possible impacts the proposed placement of topsoil will have on adjacent lands and adjacent County and Provincial road right of ways. The report shall provide mitigating measures, if necessary, for any impacts the work may have on adjacent lands; and
 - iii. The report shall provide erosion and sedimentation control measures for the proposed activities.
4. 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.
5. That prior to issuance of this permit, the Applicant/Owner shall submit written confirmation that the existing wetlands onsite shall not be impacted by the proposed development, to the satisfaction of the County.
 - i. That should the wetlands be directly impacted by the proposed development, the Applicant/Owner shall submit a Biophysical Impact Assessment (BIA) conducted by a qualified professional that assesses the existing wetland and the impacts as well as provides recommendations on mitigation and compensation measures to address the impacts.
6. That prior to the issuance of this permit, the Applicant/Owner shall submit a construction management plan addressing noise mitigation measures, traffic accommodation, sedimentation and dust control, management of stormwater during construction, erosion and weed control, construction practices, waste management, firefighting procedures, evacuation plan, hazardous material containment and all other relevant construction management details, in accordance with County Servicing Standards.

Permanent:

7. That upon completion of the proposed development, the Applicant/ Owner 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 for all areas where over 1.20 m (3.93 ft.) of topsoil is placed, the Applicant/Owner shall provide a Deep Fill Report, prepared by a qualified professional, providing the compaction testing of the topsoil and general recommendations for the suitability of different types of building foundations as there is potential that future landowners could construct a structure over the filled area.
9. 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.
10. That any material 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.
11. That the Applicant/ Owner shall take whatever means necessary to avoid the transfer of dirt onto public roadways.
 - i. That the clean-up of any mud tracking and/or dirt that enters onto adjacent highway and/or County roads during hauling shall be the responsibility and cost of the Applicant/Owner for clean-up.
12. That the Applicant/Owner shall take effective measures to control dust in the regrading area of the Lands, so that dust originating therein shall not cause annoyance or become a nuisance to adjoining property owners and others in the vicinity.
 - i. That if at any time the removal or handling of topsoil creates a visible dust problem, the removal or handling of topsoil shall cease immediately until remedial measures are taken.
13. That the Applicant/Owner shall be responsible for rectifying any adverse effect on adjacent lands from drainage alteration.
14. That any grading areas shall have a minimum of six 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.
15. That the topsoil 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.
16. That the County may draw upon the Letter of Credit, without recourse to the Applicant/Owner, to cover the costs in surface reclamation of any or all of the disturbed areas or costs involved in actions necessary to ensure compliance with any other conditions of this permit.
17. That the entire site shall be maintained in a neat and orderly manner at all times to the satisfaction of the Development Authority.
18. 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.

Advisory:

19. 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.
20. That the subject development shall conform to the County's Noise *Bylaw C-5773-2003* in perpetuity.



21. That any other government permits, approvals, or compliances are the sole responsibility of the Applicant/ Owner.
 - i. That the Applicant/Owner shall apply for the required Roadside Development Permit with Alberta Transportation before commencing any work.
22. That the grading activities shall be completed within twelve (12) months from the date of issuance of this permit.
23. That if this Development Permit is not issued by **April 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 and Parks (AEP) approvals/ compensation for existing waterbodies/ riparian areas/ tributary/ stream on site that may be impacted by the proposed placement of topsoil.

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

REFUSAL as per 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.

Option #3: (this would table the proposed development to a future date)

TABLED as per the following reasons:

1. That the application be tabled to a future date until Administration has reviewed the Site Specific Implementation Plan provided on September 10, 2020.



ROCKY VIEW COUNTY
Cultivating Communities

20201265
APPLICATION FOR A
DEVELOPMENT PERMIT

FOR OFFICE USE ONLY	
Fee Submitted 1015.00	File Number 0422018
Date of Receipt 05/25/2020	Receipt #

Name of Applicant Horizon Excavating Ltd. Email [REDACTED]

Registered Owner (if not applicant) Michael / Dawn Tessemaker

1. LEGAL DESCRIPTION OF LAND

- a) All / part of the NE ¼ Section 22 Township 24 Range 27 West of 04 Meridian
 b) Being all / parts of Lot — Block — Registered Plan Number —
 c) Municipal Address 272013 LIVERLAKE ROAD
 d) Existing Land Use Designation AM Parcel Size 15.84 Division 05

2. APPLICATION FOR

Add Topsoil for Agriculture Enhancement

3. ADDITIONAL INFORMATION

- a) Are there any oil or gas wells on or within 100 metres of the subject property(s)? Yes — No X
 b) Is the proposed parcel within 1.5 kilometres of a sour gas facility? Yes — No X
 (Sour Gas facility means well, pipeline or plant)
 c) Is there an abandoned oil or gas well or pipeline on the property? Yes — No X
 d) Does the site have direct access to a developed Municipal Road? Yes ✓ No —

4. REGISTERED OWNER OR PERSON ACTING ON HIS BEHALF

I Todd Slaney 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 Todd Slaney
Date Mar. 24, 2020

Owner's Signature Dawn Tessemaker
Date Mar. 25/20

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, Michael / Dawn Tessemaker, 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

Mon 25/20

Date

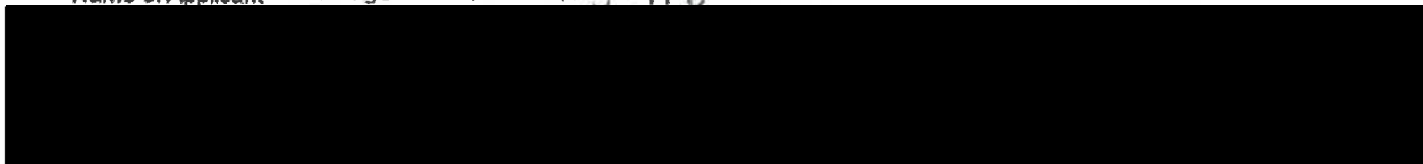


ROCKY VIEW COUNTY
Cultivating Communities

STRIPPING, FILLING, EXCAVATION AND GRADING

FOR OFFICE USE ONLY	
Fee Submitted 1015	File Number 0422-2018
Date of Receipt 05/15/2020	Receipt #

Name of Applicant Horizon Excavation LTD



Type of application (Please check off all that apply):

- | | |
|--|---|
| <input type="checkbox"/> Site stripping | <input type="checkbox"/> Re-contouring |
| <input checked="" type="checkbox"/> Filling | <input type="checkbox"/> Stockpiling |
| <input type="checkbox"/> Excavation (including removal of topsoil) | <input type="checkbox"/> Construction of artificial water bodies and/or dugouts |
| <input type="checkbox"/> Grading | <input type="checkbox"/> Other _____ |

2. PURPOSE

What is the intent of the proposal? To add topsoil to land to enhance farming.

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

* see attached over land drainage plan.

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

3. TYPE

Height 0.61m (2ft)	Volume 40,000 +/- meters cubed
Width _____	Truckload _____ (approximately)
Length _____	Slope Factor _____ (if applicable)
Area 54600 square metres	

* Please show all measurements in detail on your siteplan.

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:
- Transportation Offsite Levy Bylaw;
 - Water and Wastewater Offsite Levy Bylaw; and
 - 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:

- 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

Michael (Dawn) Tassemaier 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.

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 AM
- ☒ Concept Plan / ASP Info. NIA
- ☐ Parcel Information / Land Use Maps / Air Photo

	Road Type	Bylaw	Proposed
Front Yard Setback Minimum			
Side Yard Setback Minimum			
Rear Yard Setback Minimum			
Height Maximum			
Principal Building Size			

Comments _____

☒ **APPLICATION IS COMPLETE**


Staff Signature

May 25th, 2020

HORIZON EXCAVATING LTD.



To Whom It May Concern:

We are hereby applying for a Development Permit to haul topsoil to a farmer's field for the purpose of agricultural enhancement. The mentioned property is located at HWY 9/Inverlake Road, Calgary, Alberta.

Please find attached the following ... Completed Application Form, Letter of Authorization from the landowner, Certificate of Title, Excavation & Grading details, as well as the Overland Drainage Report.

Please let us know if there are any other details that would help review this application.

Yours Truly,

Horizon Excavating Ltd.

A handwritten signature in black ink, appearing to read "Kent Knudson", written over a horizontal line.

Kent Knudson



IBI GROUP
3rd Floor – 227-11 Avenue SW
Calgary AB T2R 1R9 Canada
tel 403 270 5600 fax 403 270 5610
ibigroup.com

March 23, 2020

Ms. Sherry Baers
Manager Planning
Planning and Community Services
Rocky View County
911 32nd Avenue NE
Calgary, AB T2E 6X6

Dear Mrs. Baers:

**RE: TESSEMAKER PROPERTY
NE-22-24-27-04
HWY 9 / INVERLAKE ROAD
DRAINAGE REVIEW ANALYSIS**

As per your request, we have reviewed the proposed topsoil placement operation located at the captioned property location.

Attached is Sheet C1.0-Drainage Review Analysis which presents the existing and proposed conditions for the site.

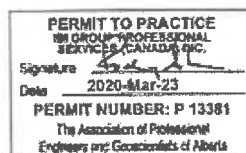
The existing overland drainage for the Tessemaker property is split from the centre to the southeast and northwest onto the adjoining lots. The proposed work will retain these existing conditions and will not affect any other neighboring property.

Silt fence will be installed around the existing low area in the south east of the lot and in the northwest corner of the loaming operation as well as around the existing dug out area in the centre of the site, to protect the existing depression and off-site areas from sedimentation during stormwater runoff.

I trust the above is sufficient as per your request. Should you have any questions, or require further information, please do not hesitate to contact the undersigned at (403) 270-5600.

Yours truly,

IBI GROUP



Rod Sieker, P. Eng.
Director

cc: File No. 33946.4

\\canwest.ibigroup.com\U:\CA\33946_Hrzn\Misc\OnSrv\2.2 Corres-External\CT\Baers_Tessemaker_Drainage_Review_Analysis_2020-03-23.docx

IBI Group Professional Services (Canada) Inc. is a member of the IBI Group of companies

27

26

AH

R-3

R-2

B-2

R-2

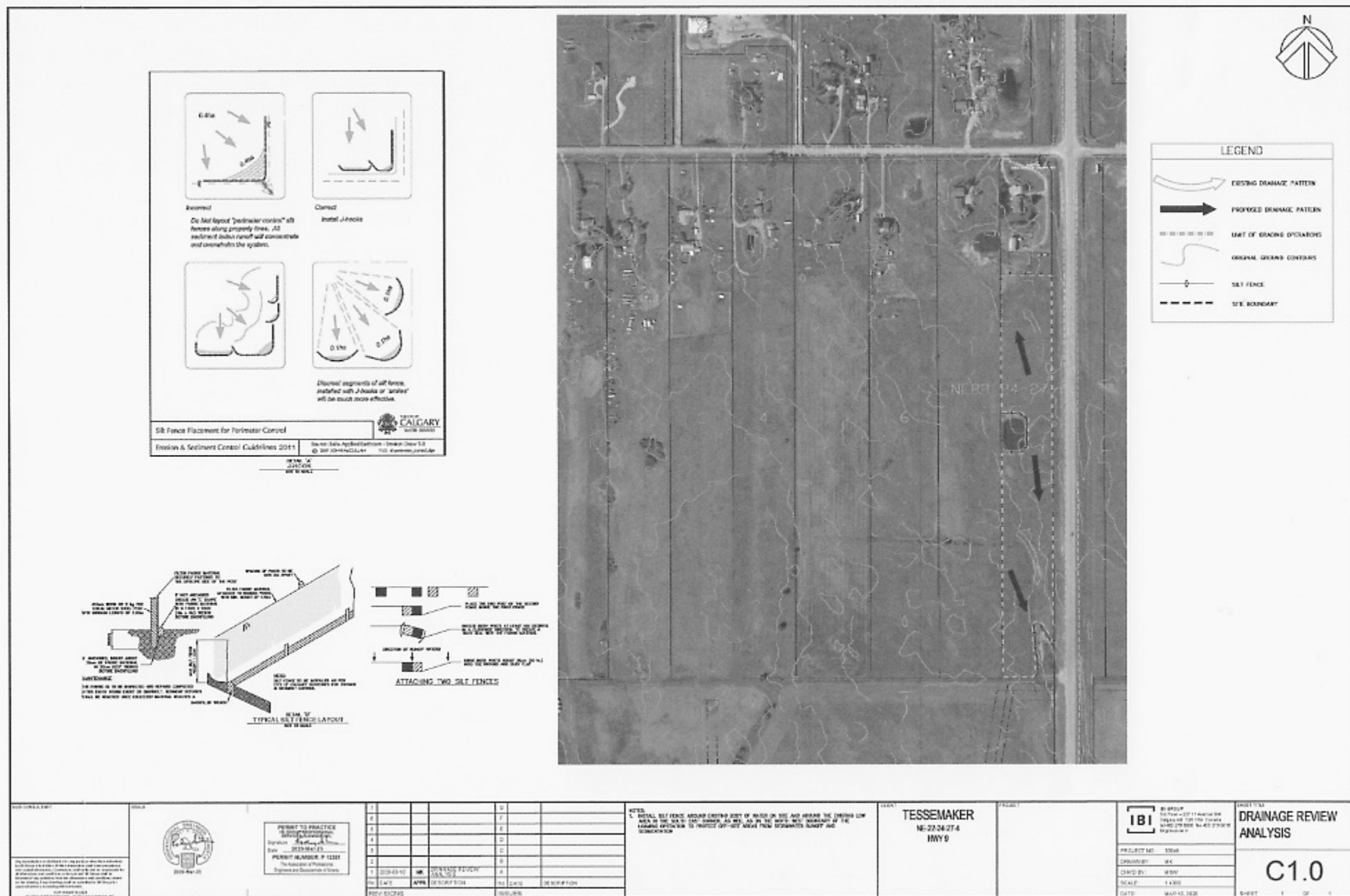
INVERLAKE RD

AH

22

23

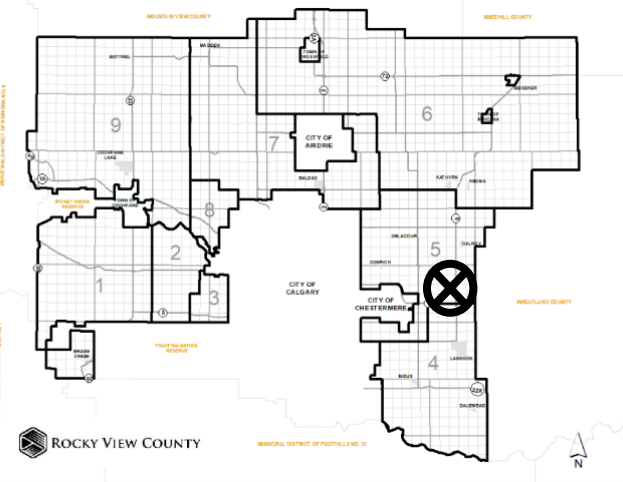
HWY 9
6



Location & Context

Development Proposal

Deposition of approximately
 40,000 cu. m of clean topsoil
 on approximately 13.49
 acres of a 15.84 acre parcel



Division: 5
 Roll: 04222018
 File: PRDP20201265
 Printed: September 29, 2020
 Legal: NE-22-24-27-W04M

Development Proposal

Development Proposal

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Environmental

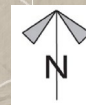
Development Proposal

Deposition of approximately 40,000 cu. m of clean topsoil on approximately 13.49 acres of a 15.84 acre parcel



- Subject Lands
- Contour - 2 meters
- Riparian Setbacks
- Alberta Wetland Inventory
- Surface Water

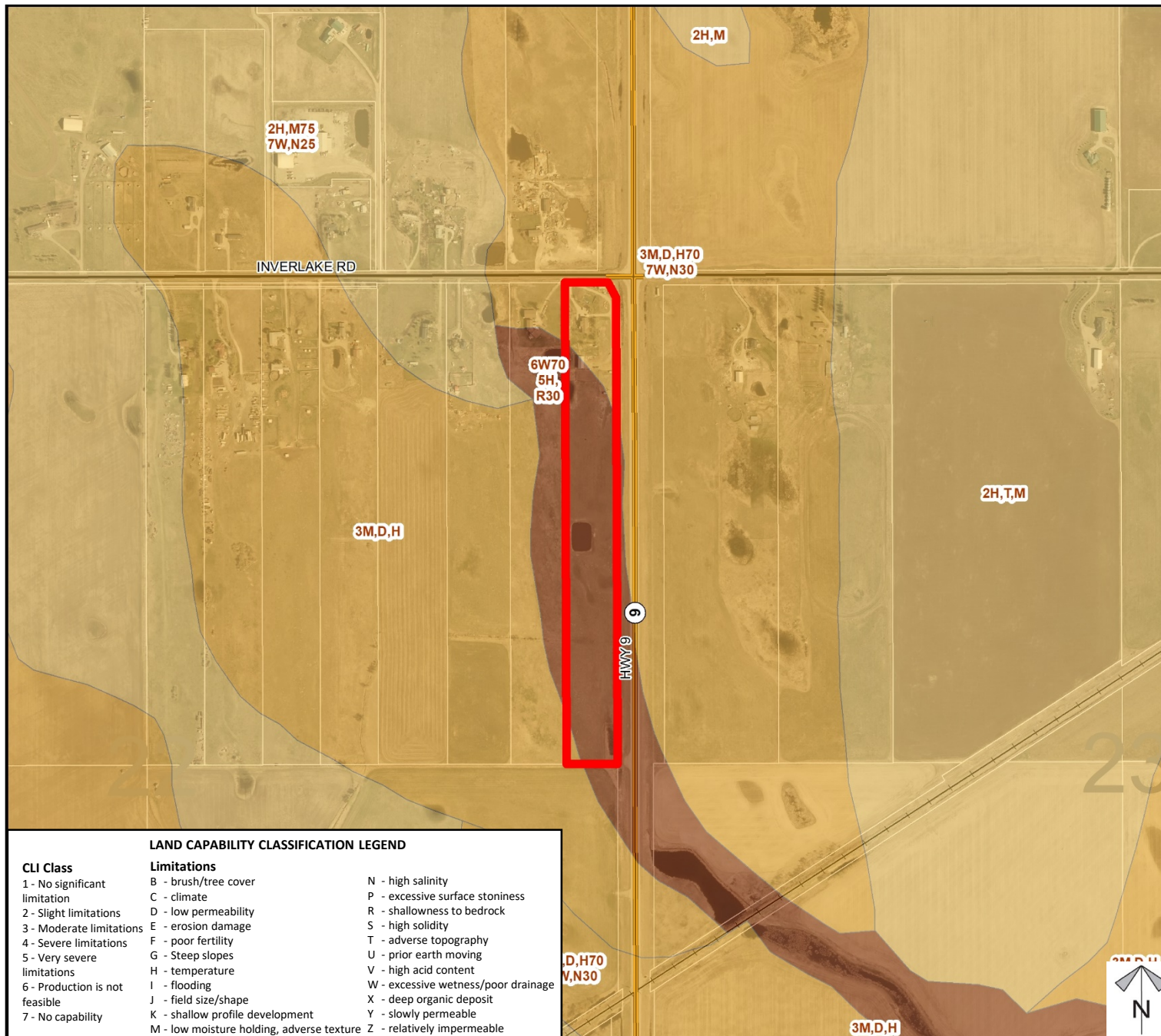
Division: 5
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Development Proposal

Division: 5
Roll: 04222018
File: PRDP20201265
Printed: September 29, 2020
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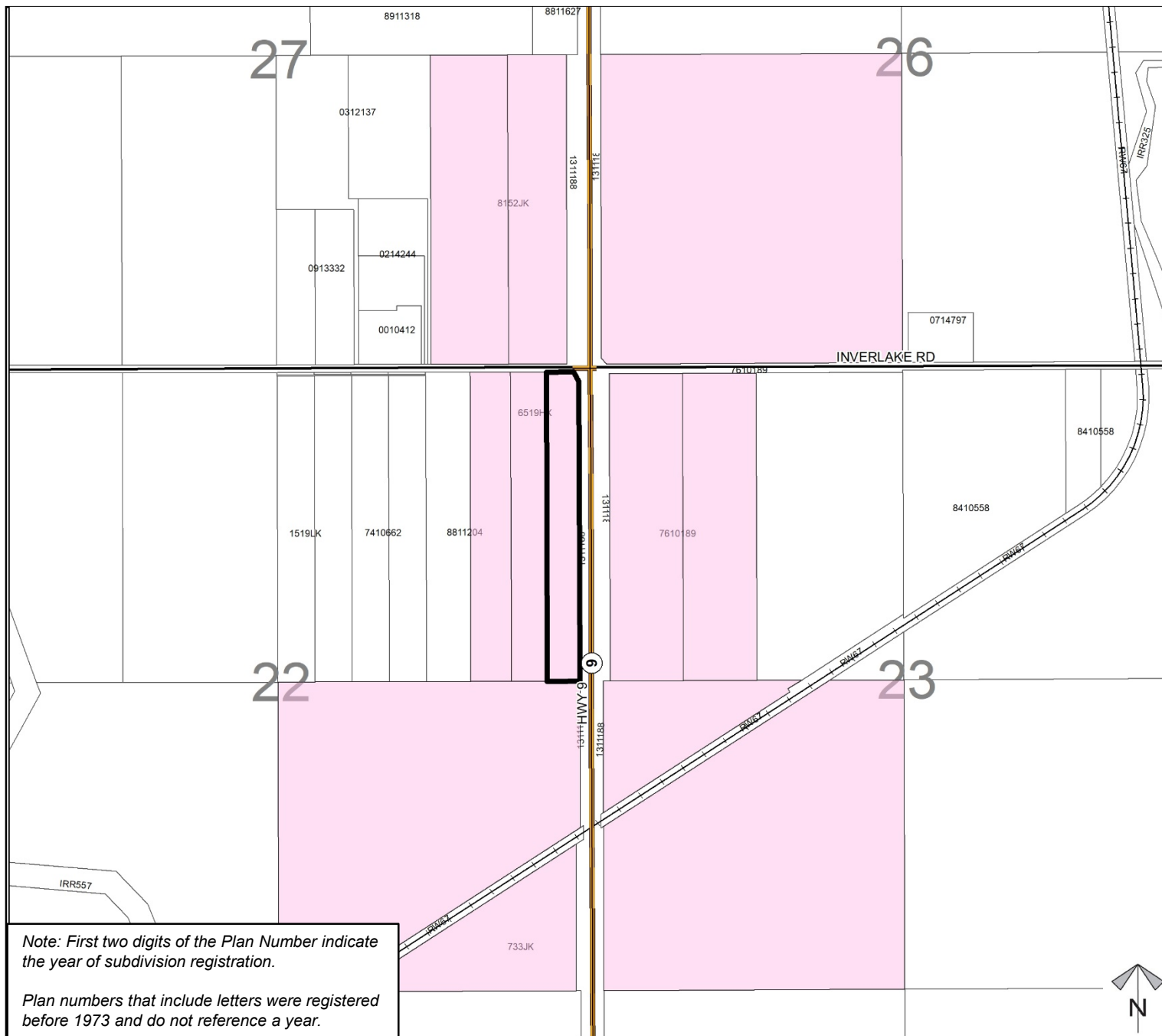
Agenda
Page 24 of 42



Landowner Circulation Area

Development Proposal

Deposition of approximately
 40,000 cu. m of clean topsoil
 on approximately 13.49
 acres of a 15.84 acre parcel



Legend

Support



Opposition



Note: First two digits of the Plan Number indicate the year of subdivision registration.

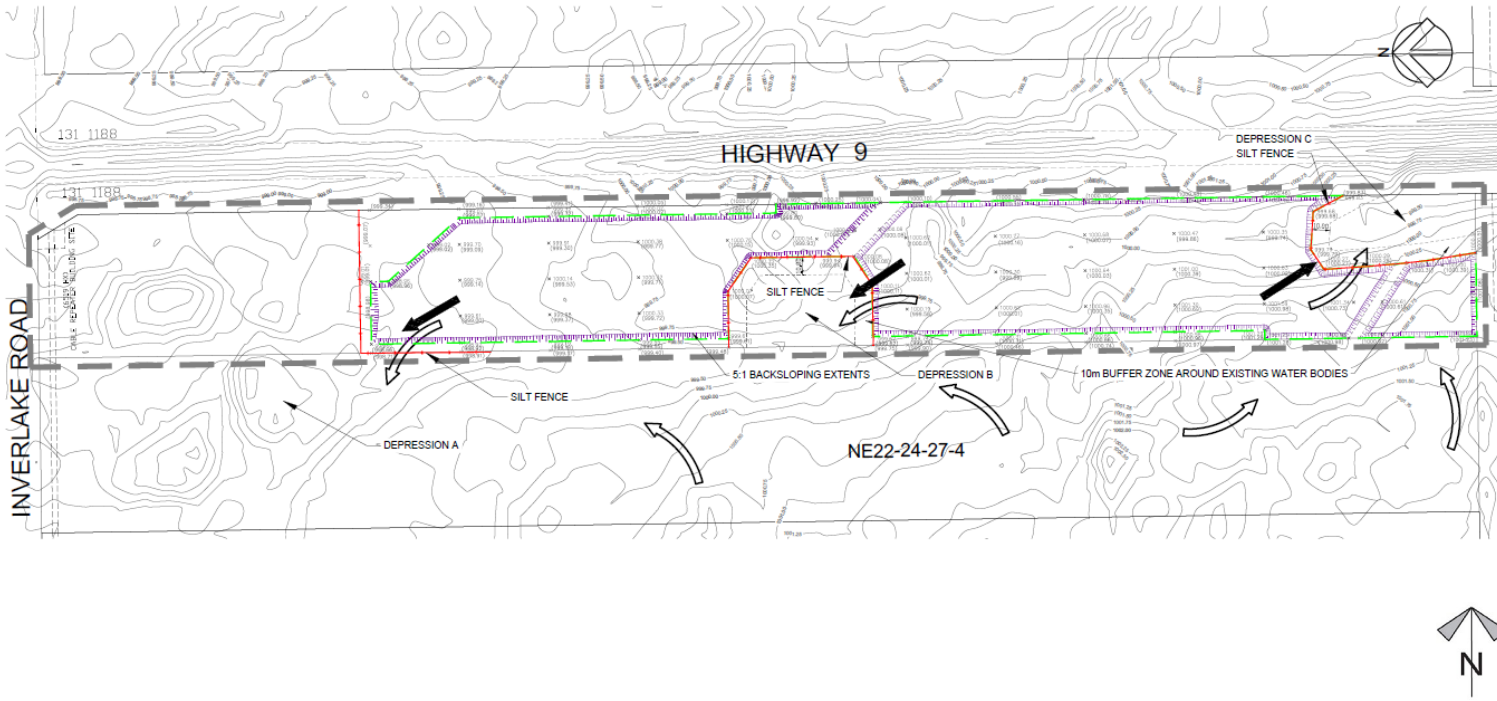
Plan numbers that include letters were registered before 1973 and do not reference a year.

Division: 5
 Roll: 04222018
 File: PRDP20201265
 Printed: September 29, 2020
 Legal: NE-22-24-27-W04M

Development Proposal

Development Proposal

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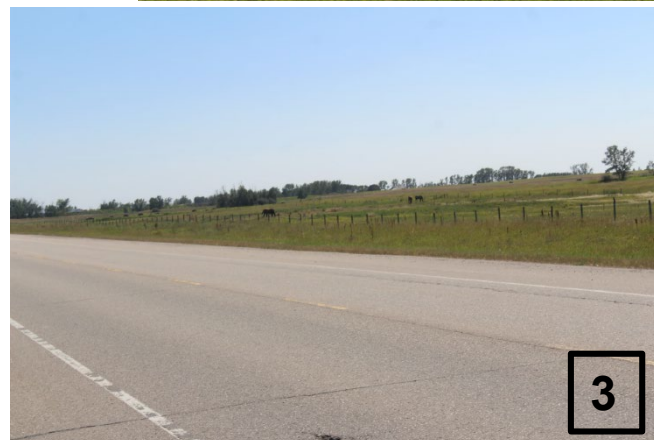


Division: 5
Roll: 04222018
File: PRDP20201265
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Site Photos

Development Proposal

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Tabled -
inspection
still
required

Drone ~~Page 27~~ of 41 B-1



ROCKY VIEW COUNTY

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

403-230-1401
questions@rockyview.ca
www.rockyview.ca

May 14

Inspection Request

Roll #: 04222018 DP #: PRDP20201265

Applicant/Owner: Horizon Excavating Ltd
Legal Description: NE-22-24-27-04
Municipal Address: 272013 INVERLAKE ROAD, Rocky View County AB
Land Use: AH
Reason for Inspection: Single lot fill

Inspection Report

Date of Inspection:

Aug 5, 2020

Permission granted for entrance? yes

Observations:

- no grading at time of visit. Land appears
used for pasture w/ 2 horses present at time
of visit. Site immediately adjacent to Hwy 9
and photos taken from road. One small pond
on site.

Signature: _____



















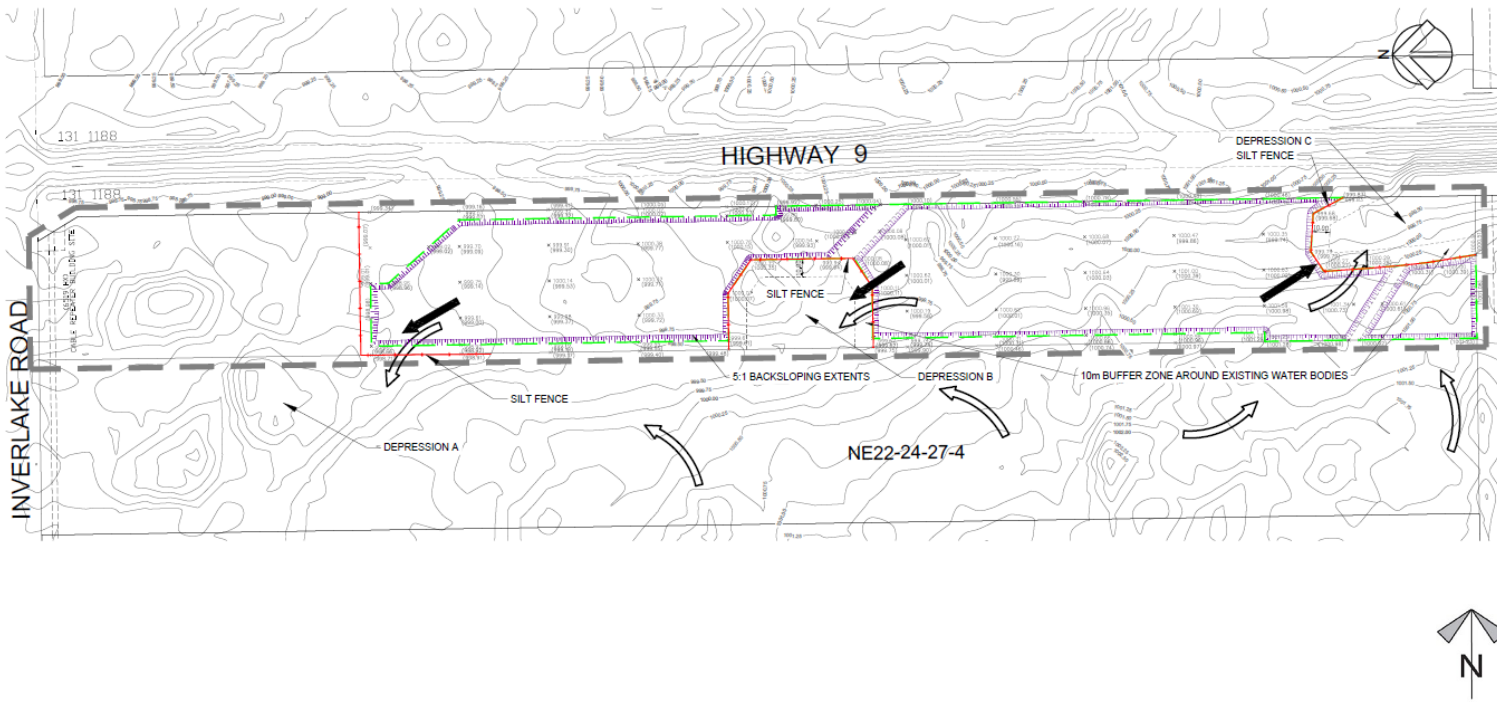




Development Proposal

Development Proposal

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ROCKY VIEW COUNTY

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

403-230-1401
questions@rockyview.ca
www.rockyview.ca

Decision of the Municipal Planning Commission

This is not a development permit

Horizon Excavating Ltd
[REDACTED]

Development file #: PRDP20201265

Issue Date: September 25, 2020

Roll #: 04222018

Rocky View County's Municipal Planning Commission has refused your May 26, 2020 development permit application for single-lot regrading and placement of clean topsoil for agricultural purposes at 272013 Inverlake Road (NE-22-24-27-W4M) 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.

Please contact Planning and Development Services at development@rockyview.ca or 403-520-8158 for assistance with this decision.

An appeal of the Municipal Planning Commission's decision must be filed to the Subdivision and Development Appeal Board (SDAB) in accordance with section 686 of the *Municipal Government Act*. To file an appeal or for assistance with filing an appeal, please contact the Municipal Clerk's Office at sdab@rockyview.ca or 403-230-1401. More information on the SDAB can also be found at www.rockyview.ca.

A blue ink signature of Jerry Gautreau, consisting of a large loop and a trailing flourish.

Jerry Gautreau, Chair
Municipal Planning Commission

This is not a development permit



Notice of Appeal

Subdivision and Development Appeal Board Enforcement Appeal Committee

Appellant Information

Name of Appellant(s)

Todd Slaney

Mailing Address

982 Coopers Drive

Municipality

Airdrie

Province

AB

Postal Code

Main Phone #

Alternate Phone #

Email Address

Site Information

Municipal Address

272013 Inverlake Rd

Legal Land Description (lot, block, plan OR quarter-section-township-range-meridian)

4 27 24 22NE

Property Roll #

Development Permit, Subdivision Application, or Enforcement Order #

PRDP 20201265

I am appealing: (check one box only)

Development Authority Decision

- ☐ Approval
☐ Conditions of Approval
☒ Refusal

Subdivision Authority Decision

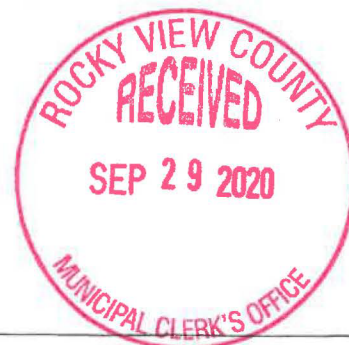
- ☐ Approval
☐ Conditions of Approval
☐ Refusal

Decision of Enforcement Services

- ☐ Stop Order
☐ Compliance Order

Reasons for Appeal (attach separate page if required)

We are trying to Kill the Fox Tail weeds by adding topsoil to my land and we want to level the land so we can utilize more of the land. If we are able to do this I can use all 21 Acres to plant Hay!



This information is collected for Rocky View County's Subdivision and Development Appeal Board or Enforcement Appeal Committee under section 33(c) of the Freedom of Information and Protection of Privacy Act (FOIP Act) and will be used to process your appeal and create a public record of the appeal hearing. Your name, legal land description, street address, and reasons for appeal will be made available to the public in accordance with section 40(1)(c) of the FOIP Act. Your personal contact information, including your phone number and email address, will be redacted prior to your appeal being made available to the public. If you have questions regarding the collection or release of this information, please contact the Municipal Clerk at 403-230-1401.

Appellant's Signature

Date