

STOP ORDER

May 31, 2011

HAND DELIVERED

File: Roll# [REDACTED]

[REDACTED]
[REDACTED]
Edmonton, Alberta
T6R [REDACTED]

Attention: [REDACTED]

RE: Pt. NW [REDACTED]; [REDACTED] Twp Rd [REDACTED]

LEGAL DESCRIPTION

PLAN [REDACTED]

LOT [REDACTED]

EXCEPTING THEREOUT ALL MINES AND MINERALS
AREA: 1.50 HECTARES (3.71 ACRES) MORE OR LESS

In my capacity as Development Officer I am hereby issuing a STOP ORDER pursuant to Section 645 of the Municipal Government Act with respect to the aforementioned lands.

The Municipal Government Act states:

645(1) Despite section 545, if a development authority finds that a development, land use or use of a building is not in accordance with

- (a) this Part or a land use bylaw or regulations under this Part, or
- (b) a development permit or subdivision approval,

the development authority may act under subsection (2).

(2) If subsection (1) applies, the development authority may, by written notice, order the owner, the person in possession of the land or building or the person responsible for the contravention, or any or all of them, to

- (a) stop the development or use of the land or building in whole or in part as directed by the notice,

- (b) demolish, remove or replace the development, or
- (c) carry out any other actions required by the notice so that the development or use of the land or building complies with this Part, the land use bylaw or regulations under this Part, a development permit or a subdivision approval,

within the time set out in the notice.

At present, the Lands do not comply with Leduc County Land Use Bylaw 7-08 given that the following conditions of development permit D11-█, which was issued for the lands at Lot █, Plan █, have not been met or complied with. Specifically:

Condition no. 4: The development shall not cause any adverse drainage impact on adjacent properties or flooding of nearby ditches in excess of their capabilities.

A site inspection done on May 30, 2011, found numerous large piles of stockpiled soil placed on four different parts of the subject property. Given that there is a drainage channel which runs along the north side of the property, it is unknown what effect the additional soil will have on surface water drainage onto the nearby properties or the adjacent road allowance.

Condition no. 7: No further development, expansion or change in use is permitted unless approved by Leduc County.

Development permit D11-█ was approved by the Subdivision and Development Appeal Board on April 7, 2011, for a 40' X 90' accessory building. Any landscaping associated with that building would not require a separate development permit. Part 3.2.1 (s) of the Land Use Bylaw (Development Not Requiring A Permit) states that a Development Permit is not required for:

Landscaping where the amount of topsoil deposited does not exceed 100 cubic metres, and does not impede or interfere with the natural flow of surface water onto adjacent lands or into public ditches.

The amount of soil currently stockpiled and/or landscaped on the subject property clearly exceeds the amount normally associated with landscaping for a new development. This represents an expansion to the development activity beyond what was approved by development permit D11-█.

Further, development on the subject property is subject to the following sections of Land Use Bylaw 7-08.

Part 6.14.3 Site grading shall not be permitted to impede or interfere with the natural flow of surface water onto adjacent lands or public ditches.

As mentioned above, it is unknown what effect the additional soil on the subject property will have on surface water drainage for the nearby properties or the adjacent road allowance

Part 6.14.5 Materials used for filling on a site shall be free of contaminants and debris to the satisfaction of the Development Authority and the Province.

Leduc County has not received any information about the composition or point of origin of the infilling material, nor any indication that it is free of debris or contaminants.

Part 7.13.1 *Where a proposed excavation, stripping or grading operation is not part of the overall development of a site for which a development permit has been approved, or is not required as a condition of a development agreement with the County, a development permit for the operation shall be required.*

The level of soil stockpiling and infilling clearly exceeds the 100 cubic metres allowed under the existing development permit (D11-█).

Part 7.13.2 *In addition to the information requirements of Section 3.3, an applicant shall submit plans showing the location and dimensions of proposed excavations, stripping and grading, the effect on drainage patterns, a description of the site restoration and proposals for preventing nuisance.*

Leduc County has not received any plans or information about the location of any grading activities or the effects that lot grading will have on local surface water drainage patterns.

Part 3.3.2 *Lot grading and/or storm water drainage plans shall be required for all commercial and industrial developments and any other applications, if in the opinion of the Development Authority, the proposed development is likely to significantly alter the natural drainage on the site or increase run-off onto adjacent lands.*

Due to the nature of the surface water drainage pattern through the west side of the █ subdivision, Leduc County is concerned that the soil stockpiling and lot grading activities currently occurring on the subject property may alter the natural flow of surface water across this property and onto nearby properties or the adjacent road allowance.

Therefore, I hereby order that all activities authorized under development permit D11-█, and all related activities that have not been authorized by a development permit, on the lands subject of this order be discontinued by no later than 4:30 pm, May 31, 2011.

You are hereby advised that you have the right to appeal this Order to the Subdivision and Development Appeal Board. If you wish to exercise this right, then written notice of appeal, together with the applicable fee of one hundred and fifty dollars (\$150.00) must be received by the Secretary of the Subdivision and Development Appeal Board within fourteen (14) days of the receipt of this letter.

Please be advised that if a person fails or refuses to comply with an Order directed to them under Section 645 of the Municipal Government Act, the Municipality may, in accordance with Section 542 of the Act, enter on the land or building and take any action necessary to carry out the Order and further that the Municipal Council has the authority to put costs and expenses of carrying out this Stop Order on the tax rolls for the Lands (Municipal Government Act Section 553(l) (h.1)).

Sincerely,

André Legris
Development Officer
Leduc County

cc. [REDACTED], Director Planning and Development
[REDACTED], Manager Safety Codes
[REDACTED], Public Works and Engineering
[REDACTED], Councillor Division 2