



Application for Development Permit

Land Use Bylaw No. 60-2014

Foothills County

309 Macleod Trail, Box 5605, High River, AB T1V 1M7 • Tel: 403-652-2341 Fax: 403-652-7880

www.foothillscountyab.ca

THIS IS NOT A BUILDING PERMIT. Construction practices and standards of construction of any building or any structure authorized by this Development Permit must be in accordance with the Building Bylaw. An application must be made for a Building Permit under the requirements of the Building Bylaw and a Permit must be secured before any work or construction on any building may commence or proceed.

FOR OFFICE USE ONLY

Fee Submitted: \$500. - Application No: 23D 217
Receipt No.: 406962 Tax Roll No: 2204267520
Date Received: Aug. 30/23. Date Deemed Complete: _____

PART 1 APPLICANT/AGENT INFORMATION

Applicant's Name: Barkhas Batbayar
Email: [REDACTED]
Applicant's Mailing Address: [REDACTED]
Telephone: [REDACTED]
Legal Land Description: Plan _____, Block _____, Lot _____, LSD _____,
Quarter NE, Section 26, Township 22, Range 4, West of the 5 Meridian.
Registered Owner of Land: Barkhas Batbayar, Igor Kovalchuk, Olga Kovalchuk
Registered Owner Mailing Address: [REDACTED]
Email: [REDACTED] Telephone: [REDACTED]
Interest of Applicant if not owner of site: _____

PART 2 PROPOSED DEVELOPMENT

I/We hereby make application in accordance with the plans and supporting information submitted herewith. (which forms part of this application). Please give a brief description of the proposed development, including name of development where applicable.

We wish to develop the NE corner of our property by utilizing containers to construct a single family dwelling. If approved, we will hire a professional engineer to illustrate the grading required to place the lot does not impact the natural drainage direction or volume into, out of, or through a property or the natural drainage storage capacity of the property, nor affect the adjoining municipal road allowance or highway driving surface.

PART 3 SITE INFORMATIONArea Of Lot: (In Acres Or Hectares) 18.4 acresSize Of Proposed Building: 32ft x 40ft Height: 18ftIs There A Dwelling (Residence) On The Site: Yes _____ No x If Yes, How Many? _____Utilities Presently On Site: Electrical Permit IssuedAre There Sour Gas Or High Pressure Facilities On Site? NoUtilities Proposed: water and gasOther Land Involved In Application: N/A

DISCLAIMER: Please note that the personal information collected on this form is authorized under the Municipal Government Act and is required for the purpose of the County's Planning and Development processes. This information may also be shared with appropriate government agencies and may also be kept on file by those agencies. The application and related file contents will become available to the public and are subject to the provisions of the Freedom of Information and Protection of Privacy Act (FOIP). If you have any questions about the collection and use of this information, please contact the FOIP Coordinator at 403-652-2341.

PART 4 DEVELOPMENT

Specify other supporting material attached that forms part of this application. (e.g., Site Plan, Plot Plan, Architectural Drawings, etc.):

Site Plan showing: the entire parcel, the proposed dwelling and accessory buildings with measurementsIssued Electrical PermitProposed dwelling planEstimated Date of Commencement: pending building permit approval Estimated Date of Completion: N/AI, Barkhas Batbayar

hereby certify that I am:

☐ The Registered Owner; or☐ Authorized to act on behalf of the Registered OwnerDate: 08/30/2023**RIGHT OF ENTRY**

I, being the owner or person in possession of the above described land and any building thereon, hereby consent to an authorized person designated by Foothills County to enter upon the land for the purpose of inspection during the processing of this application.

08/30/2023

Date


Signature of Owner or Authorized Agent

FOR OFFICE USE ONLY

1. Land use district: CR.
2. Listed as a permitted/discretionary use: _____
3. Meets setbacks: _____ Yes _____ No If "NO", deficient in _____

4. Other information: _____

PART 5 DECISION

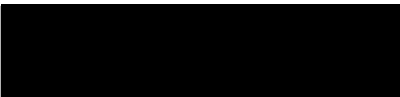
Date of Decision: October 30/23 Date Application Accepted: _____

This Development Permit Application is:

- ☐ APPROVED
- ☐ APPROVED subject to the attached conditions
- ☒ REFUSED for the attached reasons

Notice of Decision Advertised: _____

Date of Issuance of Development Permit: _____

 _____
 Development Officer

NOTE: Development must commence within 12 months of the date of the Date of Issuance of the Permit and be completed within 24 months of the Date of Issuance, unless otherwise stated in the Development Officer's decision.

Melanie Michaud

From: FC_Planning
Sent: October 30, 2023 2:01 PM
To: [REDACTED]
Cc: Brenda Bartnik
Subject: Development Officer's Decision - Development Permit 23D 217
Attachments: 23D 217 DO Decision.pdf; 23D 217 LO Letter.pdf; Appeal Form.pdf

Good afternoon,

Please see attached a copy of the Development Officers Decision for 23D 217, originals to follow in the mail. **Please reply stating you have received this email and attachment.**

If you have any questions please contact **Brenda Bartnik** of our Planning Department at brenda.bartnik@foothillscountyab.ca .

Regards,

**Foothills County
Planning & Development**

FC_Planning@foothillscountyab.ca

Foothills County, 309 Macleod Trail S. /Box 5605, High River, AB T1V 1M7
P. (403) 652-2341 | F. (403) 652-7880



W. www.foothillscountyab.ca

**FOOTHILLS COUNTY**

309 Macleod Trail, Box 5605

High River, Alberta T1V 1M7

Phone: 403-652-2341

Fax: 403-652-7880

www.FoothillsCountyAB.ca
planning@foothillscountyab.ca

October 30, 2023

Barkhas Batbayar



COPY

Dear Sir/Madam:

Re: Development Permit Application 23D 217**Ptn: NE 26-22-04 W5M****Construction of a Single Family Dwelling**

Your development permit application for the above-noted operation has been refused for the attached reasons.

Please be advised that you have the right to appeal this decision to the Development Appeal Board. If you were to appeal the above decision, the Development Appeal Board would base their decision on an appeal hearing which would be open to the applicant and to any landowners within at least one-half mile who have concerns about the proposed development.

You can submit your Appeal notices to the Secretary of the Development Appeal Board, at the above noted address. Notices of Appeal, including payment of the appeal fee are to be received **no later than November 21, 2023**. Notices of Appeal received after the 21-day notification period will be invalid. If you choose to submit an appeal, please complete the enclosed 'Notice of Development Appeal' form and mail, drop off, email to appeals@foothillscountyab.ca or fax to 403-652-7880. We will notify you when your appeal is received.

There is a \$100.00 charge to file an appeal. However, this will be returned 2 to 3 weeks after the appeal hearing if there is record that the appellant or someone authorized to act on behalf of the appellant was in attendance the evening of the scheduled appeal hearing.

Should you have any further questions or concerns, please contact the undersigned at the above address and telephone number.

NOTE: APPEAL SUBMISSION REQUIREMENTS ARE OUTLINED ON THE ENCLOSED
'NOTICE OF DEVELOPMENT APPEAL' FORM

Yours truly,
FOOTHILLS COUNTY

Brenda Bartnik
Development Officer
brenda.bartnik@foothillscountyab.ca
(403) 603-6222

BB/mm

Encl.

cc: Landowners – Igor & Olga Kovalchuk

Brenda Bartnik

From: Brenda Bartnik
Sent: September 13, 2023 3:52 PM
To: Barkhas Batbayar
Cc: [REDACTED]
Subject: Foothills County - Notice of Incomplete Application
Attachments: Notice of Incomplete Application KovalchukBatbayar0830.pdf

NOTICE OF INCOMPLETE APPLICATION

Ptn. NE 26-22-04 W5M

This correspondence is being sent to you to serve as notice that the application for Development Permit, submitted on August 30, 2023 is considered **incomplete** as of September 13, 2023.
Attached are the Planning and Development Officer's comments & questions regarding this application.

You are encouraged to contact the under signed with any questions that you may have.

Brenda Bartnik
Planning & Development Officer
Foothills County
Direct line: (403) 603-6222
Brenda.bartnik@foothillscountyab.ca

**FOOTHILLS COUNTY**

309 Macleod Trail, Box 5605

High River, Alberta T1V 1M7

Phone: 403-652-2341

Fax: 403-652-7880

www.FoothillsCountyAB.ca

September 13, 2023

Barkhas Batbayar

VIA email:

Dear Sir/Madam;

**Re: NOTICE OF INCOMPLETE APPLICATION - DEVELOPMENT PERMIT
PTN. NE 26-22-04 W5M**

The Municipal Government Act requires the Development Authority to determine whether an application for Development Permit is complete or incomplete. This letter is being sent to you to serve as notice that the application submitted to this office on August 30, 2023 is considered **incomplete** as of today's date.

For the application to be considered complete, response to the following items must be submitted to the undersigned on or before **September 30, 2023** in order to avoid having the application being refused. Alternately, you may submit written request to have this application withdrawn on or before September 30, 2023.

1. The intent of the application is unclear. Confirm as to if this is an application for Lot Grading.
2. If this is an application for Lot Grading:
Provide engineered plans and a written description of the proposed development describing:
 - a. The location and dimensions for the proposed disturbed area
 - b. Existing conditions of the land including topography, vegetation, surface drainage patterns and water courses
 - c. The type of lot grading activity proposed including:
 - i. Proposed grade elevations over all disturbed areas;
 - ii. Proposed surface drainage patterns;
 - iii. Amount of topsoil to be removed and replaced;
 - iv. Amount off clay cut and/or fill;
 - d. Any impact on existing drainage in terms of volume and flow rate;
 - e. Engineering analysis will be required for changing of existing drainage pattern;
 - f. Proposed access, haul routes and haul activities;
 - g. Proposals for preventing nuisance from dust;
 - h. A reclamation plan that includes measures for controlling erosion and sediment, vegetation, weeds, etc.; and
 - i. The costs required to reclaim the property.

You are encouraged to contact me if you have any questions.

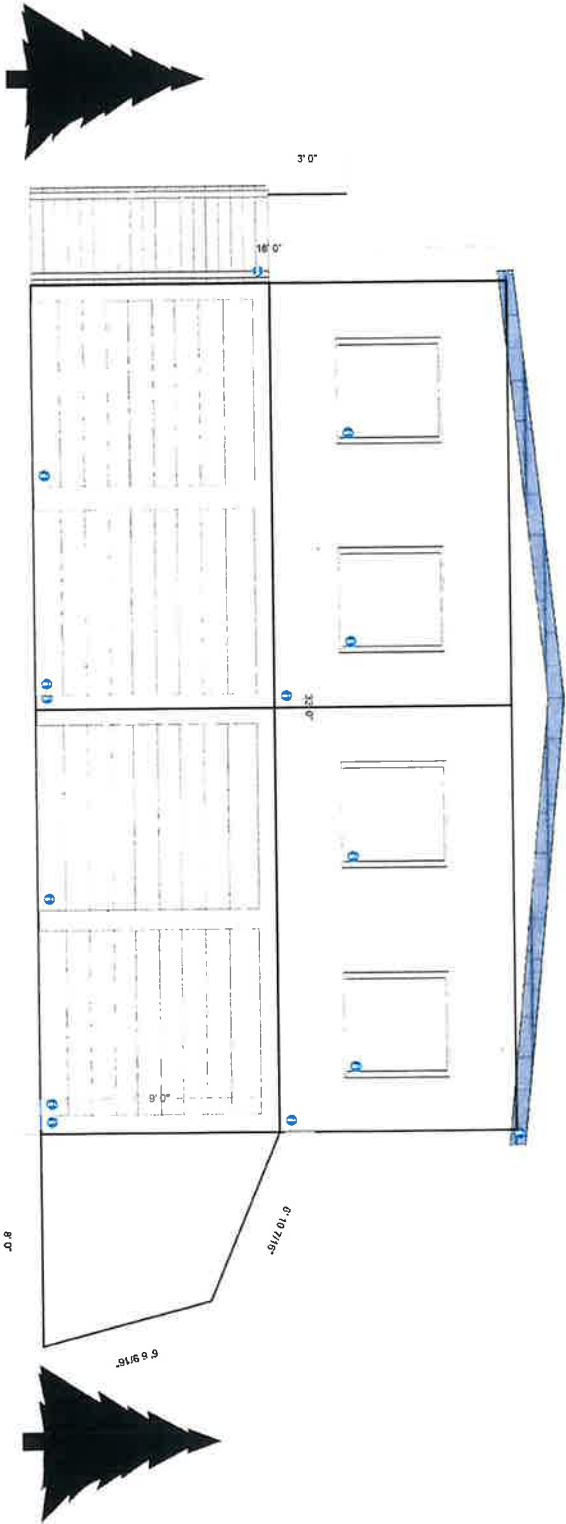
Yours truly,
FOOTHILLS COUNTY

Brenda Bartnik
Development Officer
P. 403-603-6222

Brenda.bartnik@Foothillscountyab.ca

/bb

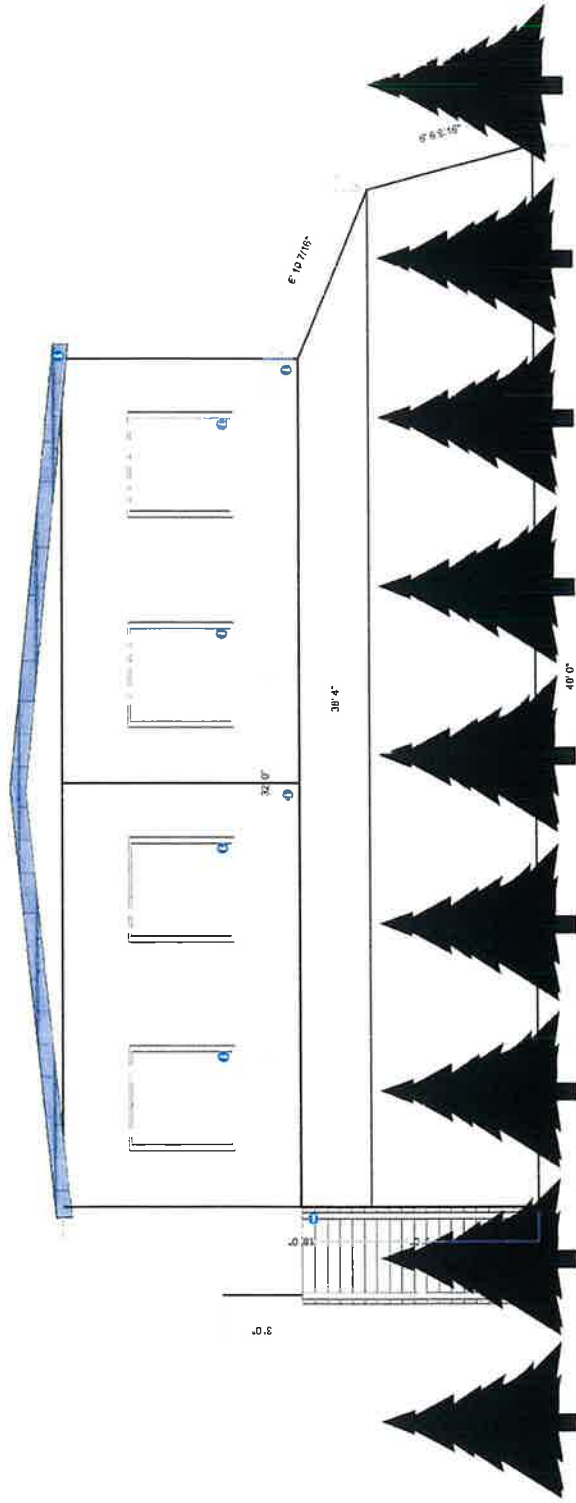
Cc: Landowners; Olga Kovalchuk, Igor Kovalchuk



West View Elevation

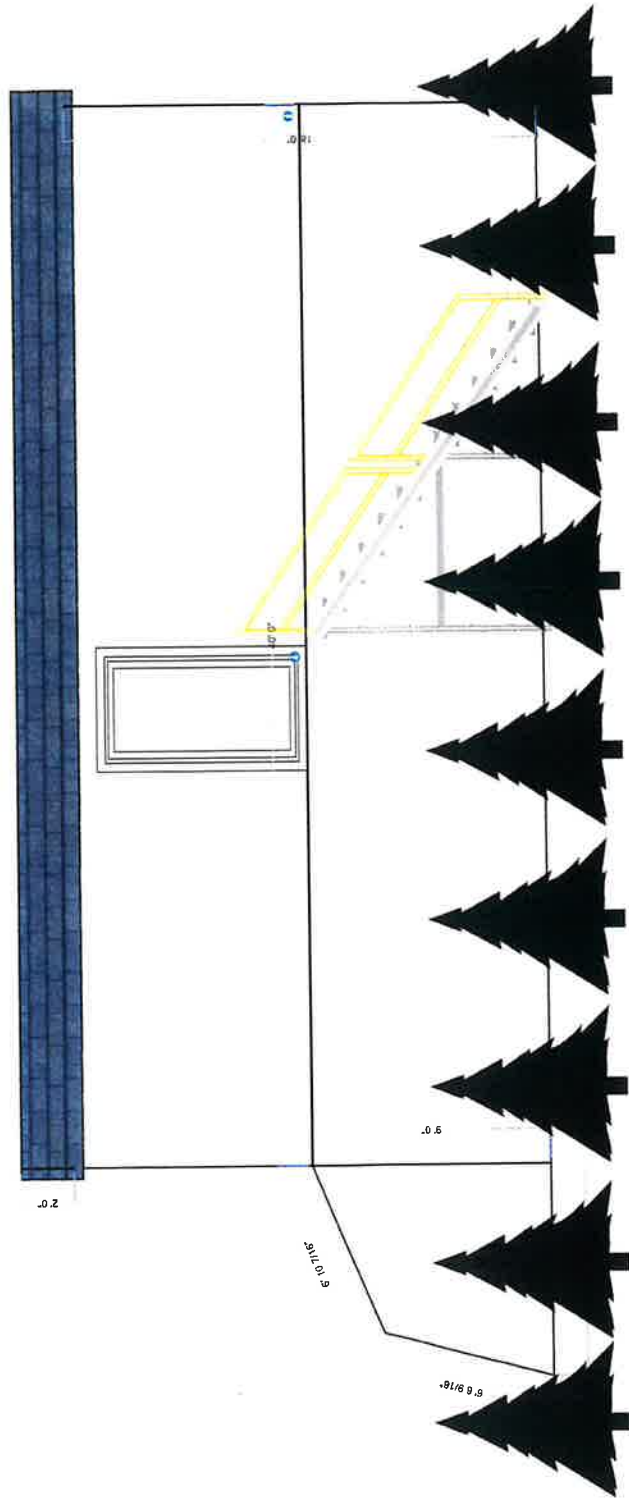
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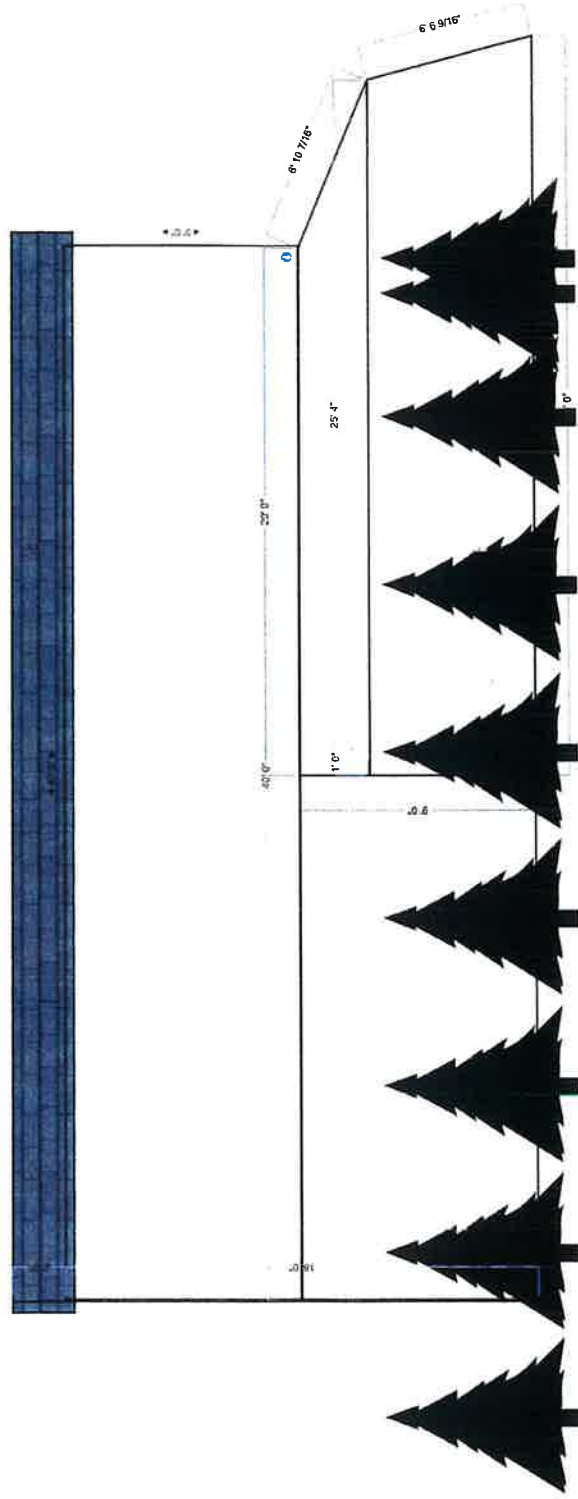
East View Elevation

Scale: 1/4" = 1'-0"



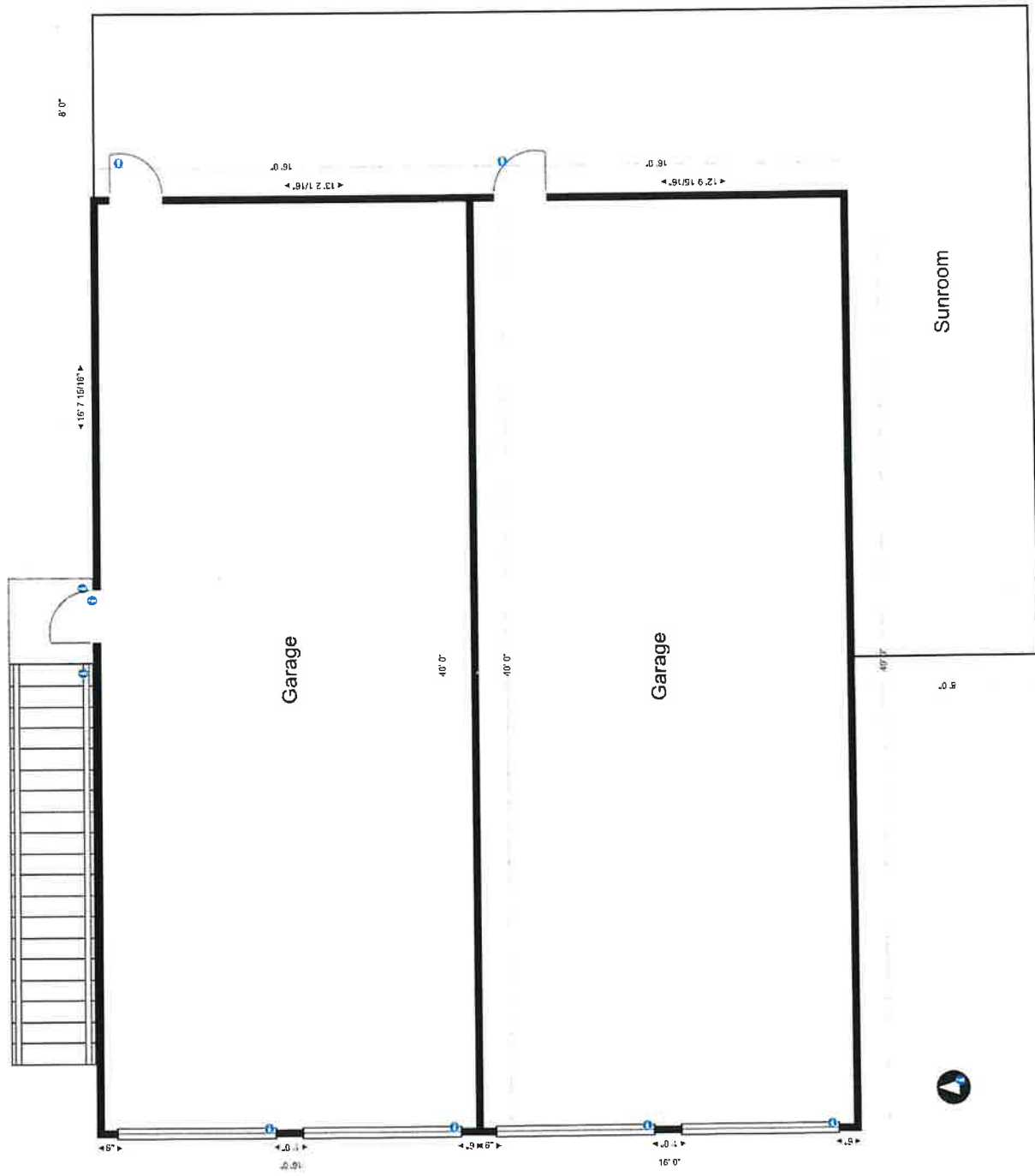
North View Elevation

Scale 1/4" = 1'-0"



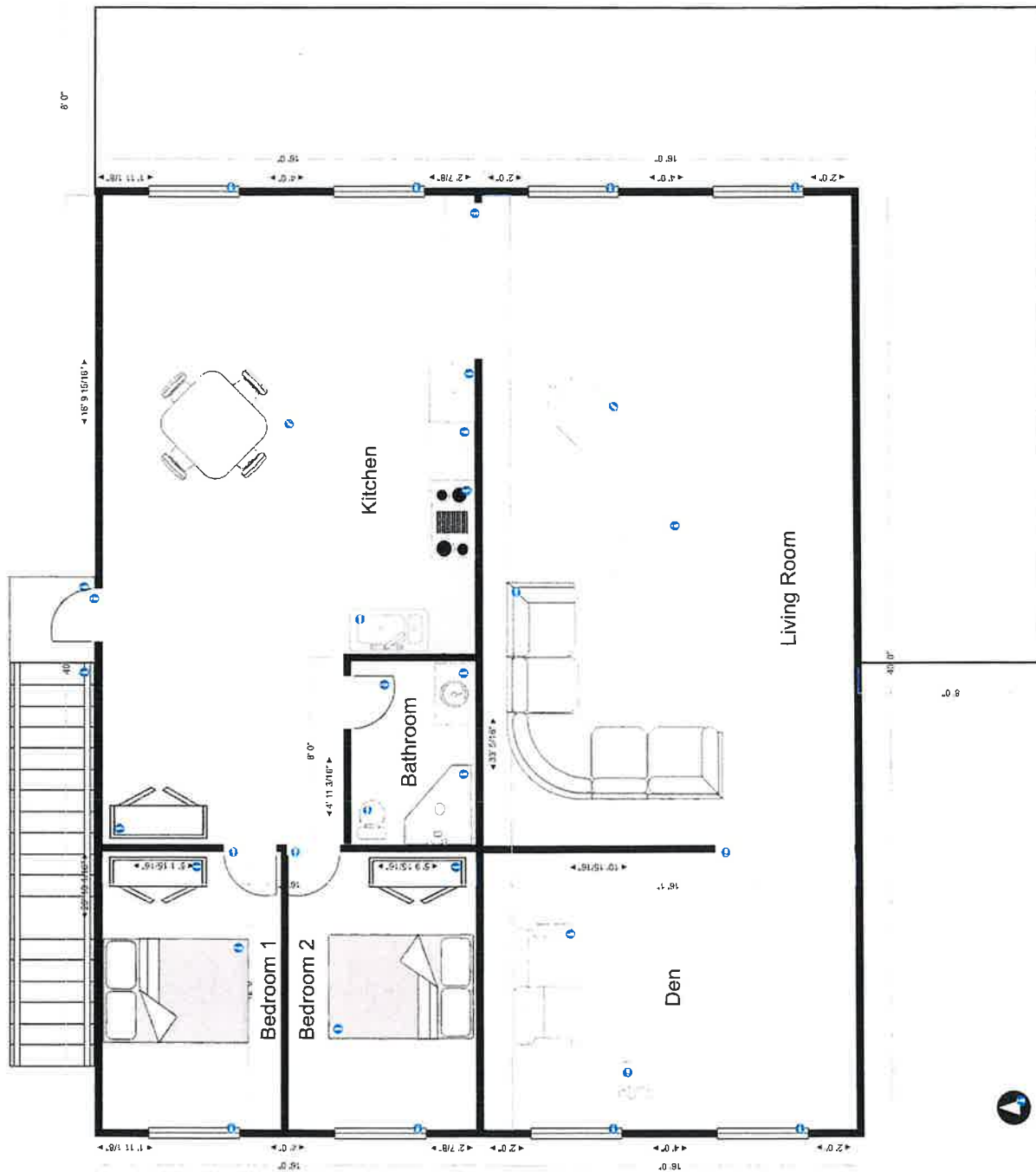
South View Elevation

Scale: 1/4" = 1'-0"



Ground Floor Plan

Scale: 1/4" = 1'-0"



Second Floor Plan

Scale: 1/4" = 1'-0"

Brenda Bartnik

From: Barkhas Batbayar [REDACTED]
Sent: October 20, 2023 3:57 PM
To: Brenda Bartnik
Subject: Re: Foothills County - Notice of Incomplete Application
Attachments: C8CF8DAC-9900-4BBD-B36A-D1321D73619F.jpeg

Hi Brenda,

Hereby, I request that our development permit application be processed as submitted.

As you know, the intent of our development permit was to comply with the orders that have been issued for our property and use containers as prefabricated modules for a single family dwelling development.

Therefore, we have been removing our containers one by one and doing modifications to comply with building and safety codes.

The A277 fabricator BRT Consulting is in the process of receiving permits for prefabricated single family dwelling.

Since our only option is to place it in the middle of wet areas we applied for a development permit with no lot grading as its in 1:1000 flood event.

Please find attached photo of our prefabricated container module sided with cedar.

Sincerely,
Barkhas

On Wednesday, October 18, 2023, Brenda Bartnik <Brenda.Bartnik@foothillscountyab.ca> wrote:

Hi Barkhas,

The submitted application information (August 30, 2023) does not include an accessory building.

If a future accessory building is of concern to you, it is my suggestion that you proceed as follows:

1. Comply with the orders that have been issued for the property
2. Obtain the appropriate building and safety code permits to construct a dwelling
3. Construct a dwelling

4. Once the dwelling is constructed, make an appropriate and complete application for a lot grading permit so that an accessory building may be subsequently located on the property

Prior to the end of day on Friday, October 20, 2023 please identify to me how you would like to proceed with the submitted application. You may:

1. Provide me with notification that you wish to withdraw the application or,
2. Request that it be processed as submitted. If this option is how you choose to proceed, I must advise that as per the Notice of Incomplete (September 13, 2023) the application would be refused.

Failure to identify how you wish to proceed, on or before the end of day October 20, 2023 will see the application refused.

Brenda Bartnik

Planning & Development Officer

Foothills County

Direct line: (403) 603-6222

Brenda.bartnik@foothillscountyab.ca

From: Barkhas Batbayar [REDACTED]
Sent: Wednesday, October 11, 2023 10:45 AM
To: Brenda Bartnik <Brenda.Bartnik@FoothillsCountyAB.ca>
Subject: Re: Foothills County - Notice of Incomplete Application

Hi Brenda,

Our concern is 1:1000 flood event and where we would develop our accessory building to comply with your stop order and store agricultural equipment and supplies.

Please note that we are moving one by one our containers to our fabricator BRT Consulting to get the necessary modifications done as per your Safety Codes officer Kurtis Dyck advice.

On Friday, October 6, 2023, Brenda Bartnik <Brenda.Bartnik@foothillscountyab.ca> wrote:

Hi Barkhas,

The site plan submitted with this application indicates that the dwelling would be located outside of the inundated area(s). If this is the case, then no development permit would be required.

If this is an application for Lot Grading:

Provide engineered plans and a written description of the proposed development describing:

- a. The location and dimensions for the proposed disturbed area
- b. Existing conditions of the land including topography, vegetation, surface drainage patterns and water courses
- c. The type of lot grading activity proposed including:
 - i. Proposed grade elevations over all disturbed areas;
 - ii. Proposed surface drainage patterns;
 - iii. Amount of topsoil to be removed and replaced;
 - iv. Amount off clay cut and/or fill;
- d. Any impact on existing drainage in terms of volume and flow rate;
- e. Engineering analysis will be required for changing of existing drainage pattern;
- f. Proposed access, haul routes and haul activities;
- g. Proposals for preventing nuisance from dust;
- h. A reclamation plan that includes measures for controlling erosion and sediment, vegetation, weeds, etc.; and
- i. The costs required to reclaim the property.

6. A Development Permit is always required for dwellings within Direct Control and Sub-district "A" properties, and may be required if the property is subject to the Flood Hazard Protection Overlay.
7. All **Dwelling, Mobile Home[s]**, and **Dwelling, Manufactured Home[s]** shall comply with the following:
 - a. Where dwellings are considered, and unless the maximum density is identified differently within a district or plan area:
 - i. Only one dwelling is allowed on parcels under 80 acres in size;
 - ii. Two dwellings may be allowed on parcels over 80 acres in size;
 - iii. Special regulations may apply if the density is currently exceeded by existing dwellings or if under a condominium title.
 - b. A Building Permit and all necessary Safety Code Permits are required.
 - c. All applicable property setback distances shall be met.
 - d. A mobile/manufactured home must be prefabricated later than September 2, 2007 and have C.S.A. certification (or an equivalent deemed satisfactory by the Safety Codes Officer):
 - i. Proof of the above must be provided with the Building Permit application;
 - ii. Without a C.S.A. certification require an engineer's report shall be provided by the applicant.
 - e. If being used as a permanent dwelling, mobile/manufactured homes must be placed on a proper foundation in accordance with the Building Code Regulations.
 - f. The undercarriage of a mobile/manufactured home must be completely screened to the satisfaction of

Brenda Bartnik

Planning & Development Officer

Foothills County

Direct line: (403) 603-6222

Brenda.bartnik@foothillscountyab.ca

From: Barkhas Batbayar [REDACTED]
Sent: Thursday, September 21, 2023 7:40 PM
To: Brenda Bartnik <Brenda.Bartnik@FoothillsCountyAB.ca>
Subject: Re: Foothills County - Notice of Incomplete Application

Hi Brenda,

Due to previous concerns from the county regarding our parcel being potentially a flood zone, and with the attached snippet from county bylaws regarding our planned manufactured home, I thought a development permit is always required as stated.

Please confirm if the below development permit is acceptable or will be approved.

Sincerely,

Barkhas

On Wednesday, September 13, 2023, Brenda Bartnik <Brenda.Bartnik@foothillscountyab.ca> wrote:

NOTICE OF INCOMPLETE APPLICATION

Ptn. NE 26-22-04 W5M

This correspondence is being sent to you to serve as notice that the application for Development Permit, submitted on August 30, 2023 is considered **incomplete** as of September 13, 2023.

Attached are the Planning and Development Officer's comments & questions regarding this application.

You are encouraged to contact the under signed with any questions that you may have.

Brenda Bartnik

Planning & Development Officer

Foothills County

Direct line: (403) 603-6222

Brenda.bartnik@foothillscountyab.ca

[EXTERNAL EMAIL] This email has originated from outside of the Foothills County organization. Do not click on any links or open any attachments unless you recognize the senders Name and Email address.

[EXTERNAL EMAIL] This email has originated from outside of the Foothills County organization. Do not click on any links or open any attachments unless you recognize the senders Name and Email address.

[EXTERNAL EMAIL] This email has originated from outside of the Foothills County organization. Do not click on any links or open any attachments unless you recognize the senders Name and Email address.

I, Barkhas Batbayar being the registered
Owner(s) or agent acting on behalf of the registered owner(s)

of NE 26-22-4 W5M

(Legal Description)

Do hereby confirm that I have done my due diligence as required by Alberta Municipal Affairs, Foothills County, and the AER by obtaining required information from the 'Abandoned Well Map Viewer" and/or through the AER Information Services, and hereby attach "Schedule A" containing a map of the search area from the viewer and a statement identifying that no abandoned well sites were noted on the above legal description.



Owner/Agent

DATED: this 30th day of August, 2023.

OR

If wells are listed on-site:

I, _____ being the registered
Owner(s) or agents acting on behalf of the registered owner(s)

of _____

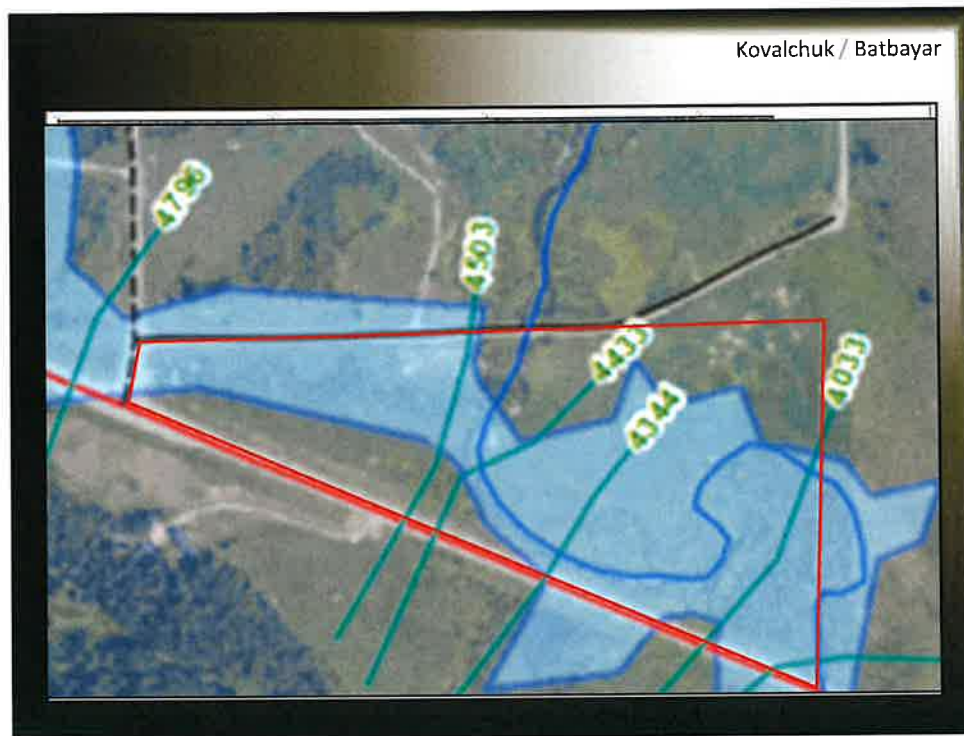
(Legal Description)

Do hereby confirm that I have done my due diligence as required by Alberta Municipal Affairs, Foothills County, and the AER, by obtaining required information from the 'Abandoned Well Map Viewer" and/or through the AER Information Services, and hereby attach "Schedule A" containing a list and map identifying the locations of abandoned wells within the search area, including the surface coordinates, written confirmation that I have contacted the licensee for each well and that the exact location of each well has been confirmed, a sketch of the proposed development incorporating the necessary setback area for each well, and a statement confirming that abandoned wells will be temporarily marked with on-site identification to prevent contact during construction, if the development will result in construction activity within the setback area.

Owner/Agent

DATED: this _____ day of _____, 20____.

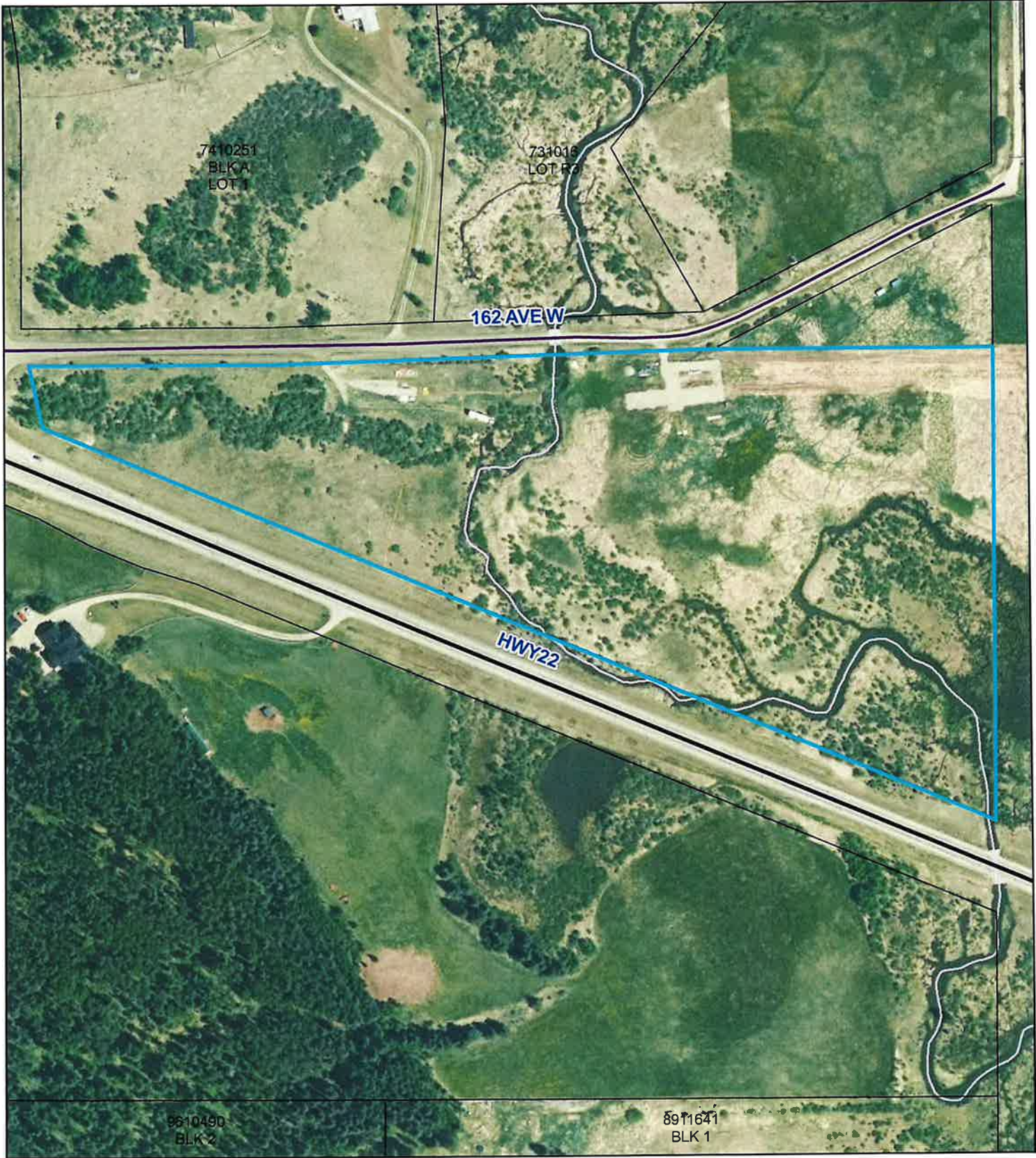
***This form shall accompany all applications for Land use,
Subdivisions, Development Permits and Building Permits.***



Additionally, the property can be seen in the Priddis Creek Dam Breach Inundation Study *. The property outline, here in red, is drawn for reference only and may not depict exact property lines.



NE 26-22-04 W5M



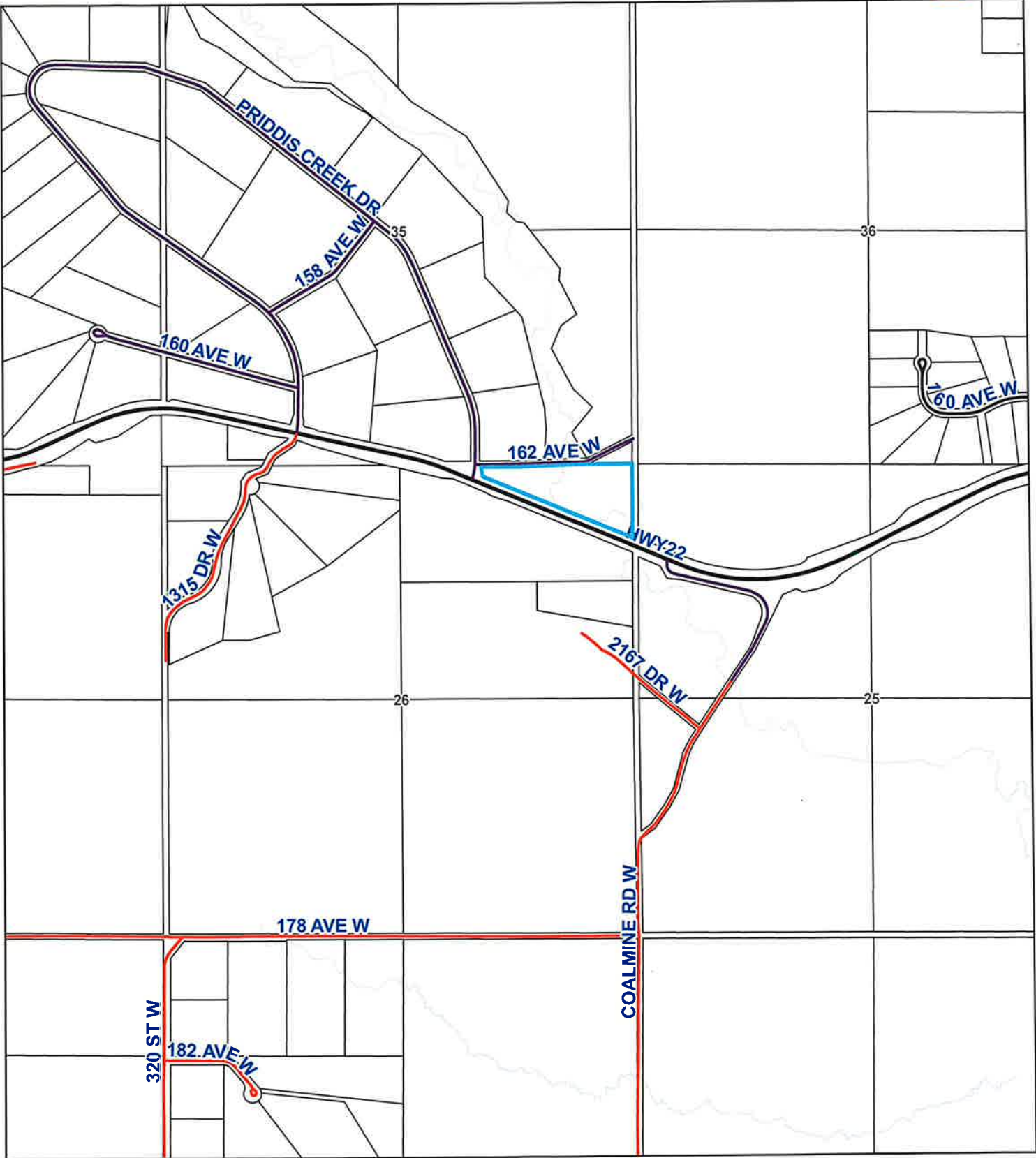
Legend
Townships
Parcels

Date Printed: 2023-10-26
1:2,844

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Data Sources Include Municipal Records and AltaLIS.
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NE 26-22-04 W5M



Legend
Townships
Parcels

Date Printed: 2023-10-26
1:18,201

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Data Sources Include Municipal Records and AltaLIS.
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LAND TITLE CERTIFICATE

S

LINC

SHORT LEGAL

TITLE NUMBER

0021 351 564

5;4;22;26;NE

201 221 934

LEGAL DESCRIPTION

MERIDIAN 5 RANGE 4 TOWNSHIP 22

SECTION 26

THAT PORTION OF THE NORTH HALF OF THE NORTH EAST QUARTER
WHICH LIES TO THE NORTH EAST OF THE NORTH LIMIT OF THE
ROAD ON PLAN 8511059

CONTAINING 7.704 HECTARES (19.04 ACRES) MORE OR LESS
EXCEPTING THEREOUT

THE UNCANCELLED PORTION OF ROAD PLAN 511LK
CONTAINING 0.259 HECTARES (0.64 ACRES) MORE OR LESS
EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: FEE SIMPLE

MUNICIPALITY: FOOTHILLS COUNTY

REFERENCE NUMBER: 031 398 721

REGISTERED OWNER(S)					
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION	
201 221 934	02/12/2020	TRANSFER OF LAND	\$240,000	\$240,000	

OWNERS

BARKHAS BATBAYAR

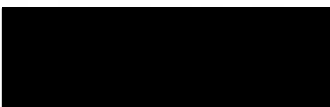
AND

IGOR KOVALCHUK

AND

OLGA KOVALCHUK

ALL OF:



ALL AS JOINT TENANTS

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2
201 221 934

REGISTRATION

NUMBER	DATE (D/M/Y)	PARTICULARS
751 124 756	05/11/1975	UTILITY RIGHT OF WAY GRANTEE - CANADIAN WESTERN NATURAL GAS COMPANY LIMITED.
211 130 690	07/07/2021	MORTGAGE MORTGAGEE - FARM CREDIT CANADA. 2ND FLOOR, 12040-149 STREET NW EDMONTON ALBERTA T5V1P2 ORIGINAL PRINCIPAL AMOUNT: \$185,000

TOTAL INSTRUMENTS: 002

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 26 DAY OF
OCTOBER, 2023 AT 02:44 P.M.

ORDER NUMBER: 48720218

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
INCLUDING THIS UNMODIFIED PRODUCT IN ANY REPORT, OPINION,
APPRAISAL OR OTHER ADVICE PREPARED BY THE ORIGINAL PURCHASER AS
PART OF THE ORIGINAL PURCHASER APPLYING PROFESSIONAL, CONSULTING
OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).

SECTION 13 RESIDENTIAL DISTRICTS

13.1 COUNTRY RESIDENTIAL DISTRICT

CR

13.1.1 PURPOSE AND INTENT

To provide for acreage development consistent with the policies outlined in the Municipal Development Plan.

13.1.2 SUB-DISTRICT

- 13.1.2.1 Parcels may include the following sub-district in cases where Council feels that there is a need. Not all parcels will be separated into sub-districts. Should a parcel include the sub-district, all district rules apply with the addition of the special provisions noted in accordance with the sub-district.
- 13.1.2.2 Sub-district "A" is a designation added to the land use district indicating a requirement for special consideration on the development of the site and/or placement and construction of buildings or structures on the lands through approval of a development permit. Reference Section 2.4 of this Bylaw for more details on special provisions for parcels with sub-district "A".

13.1.3 GENERAL REQUIREMENTS:

- 13.1.3.1 Refer to Section 4.2 "No Development Permit Required" in the Land Use Bylaw for uses not requiring a development permit.
- 13.1.3.2 Refer to Section 9 and Section 10 respectively for the general and specific land use regulations and provisions that apply to this District.

13.1.4 PERMITTED USES	13.1.5 DISCRETIONARY USES
Accessory buildings not requiring a development permit Accessory uses Agricultural (general) Dwelling, single family Home Based Business Type I Home office Signs not requiring a development permit Solar Power System, Private (Not requiring a Development Permit) Temporary storage of no more than 1 unoccupied recreation vehicles (within Hamlet boundary) Temporary storage of up to 5 unoccupied recreation vehicles (outside a Hamlet boundary) Public works Utility services, minor	Accessory buildings requiring a development permit Agricultural intensive – on lots 3 acres or more in size Agricultural specialty Antenna structures, private Arenas, private Bed & breakfast Day home services Dwelling, moved on Dwelling, temporary Home based business Type II Home based business Type III Intensive vegetation operation Kennels, private Lot grading Manmade water bodies, private Secondary Suites, Accessory (Outside Hamlet Boundaries)

13.1.4 PERMITTED USES	13.1.5 DISCRETIONARY USES
	Secondary Suite, Principal (Outside Hamlet Boundaries) Signs requiring a Development Permit Solar Power System, Private (Requiring a Development Permit) Temporary storage of no more than 2 unoccupied recreation vehicles (within Hamlet boundary)

13.1.6 LAND USE REQUIREMENTS

- 13.1.6.1 A person who wishes to subdivide land in this district into additional lots must first apply for and be granted approval of a land use bylaw amendment.
- 13.1.6.2 In order to facilitate the purpose and intent of this district and ensure the comprehensive development of country residential uses within the District, the following applies to applications for subdivision:
- a. Parcel Density:
 - i. Maximum one lot per 2.02 ha (5 acres) of existing land contained under the same title to a maximum of 32 lots per quarter section.
 - b. Minimum Parcel Size:
 - i. The area in title at the time of passage of this Bylaw; or
 - ii. A parcel of land no less than 0.81 ha (2.0 acres).
 - c. Maximum Parcel size:
 - i. 8.49 ha (20.99 ac); or
 - ii. The area in title at the time of passage of this Bylaw.
- 13.1.6.3 Required Developable Area:
- a. In accordance with Section 9.8 of this Bylaw.
- 13.1.6.4 Utility Servicing Criteria
- a. Individual wells and individual wastewater disposal systems;
 - b. Communal water and communal wastewater disposal systems; or
 - c. A combination of a. and b. as determined by Bylaw amending this section.

13.1.7 DEVELOPMENT REQUIREMENTS

- 13.1.7.1 Maximum Lot Coverage
- a. No building or group of buildings including their accessory buildings and impervious surfaces shall cover more than forty (40) percent of the lot area.
- 13.1.7.2 Maximum Dwelling Unit Density
- a. Maximum dwelling unit density for a parcel under 80 acres is one Dwelling, Single Family and either one Dwelling, Secondary Suite, or one Dwelling, Temporary in accordance with Section 10.26 Secondary Suites and Section 10.10 on Dwellings.

13.1.7.3 Minimum Yard Setbacks Requirements

- a. Front Yard Setbacks:
 - i. 40m (131.23 ft.) from the ultimate right of way or 70 meters from the centreline of a Provincial highway, whichever is greater;
 - ii. 48m (157.48 ft) from the centreline of a Municipal road;
 - iii. 15m (49.21 ft.) from the right of way of an internal subdivision road.
- b. Side Yard Setbacks:
 - i. 15m (49.21 ft.) from the property line.
- c. Rear Yard Setbacks:
 - i. 15m (49.21 ft.) from the property line.
- d. If the title to a lot is subject to a caveat in respect of a land dedication or an agreement for the acquisition of land for road widening purposes, the dedicated area or area of future road widening shall be considered the future property boundary for which setback distances set out shall apply.
- e. See Section 13.1.8 “Exceptions” for any setbacks exemptions that have been approved by Bylaw.

13.1.7.4 Corner Parcel Restrictions:

- a. In accordance with Section 9.27.9 - 9.27.12.

13.1.7.5 Other Minimum Setback Requirements:

- a. See Section 9.27 “Special Setback Requirements” of this bylaw for additional setback requirements that may apply.

13.1.7.6 Maximum Height of Structures:

- a. Principal buildings, first vehicle garage, and car ports:
 - i. 12m (39.37 ft.)
- b. Accessory buildings and arenas:
 - i. 10.67m (35 ft)
- c. Radio antennas, internet towers and wind turbines:
 - i. 16m (52.49 ft.);

13.1.7.7 Minimum habitable area per dwelling

- a. 100 m² (1,077 sq. ft.)

13.1.8 EXCEPTIONS:

Silvertip:

- 13.1.8.1 Front yard setback: 5m (16.4 ft) from Internal Subdivision Road – Property Line; for those properties registered under Condominium Plan 0010395 (Silvertip) and having an area of less than 1.99 acres;
- 13.1.8.2 Front yard setback: 15m (49.21 ft) from property line adjacent to any Municipal Road; for those properties registered under Condominium Plan 0010395 (Silvertip);

- 13.1.8.3 Side yard setback: 1.5m (4.92 ft) from Property Line; for those properties registered under Condominium Plan 0010395 (Silvertip) and having an area of less than 1.99 acres;
- 13.1.8.4 Rear yard setback: Principal Building - 8m (26.25 ft) from Property Line; for those properties registered under Condominium Plan 0010395 (Silvertip) and having an area of less than 1.99 acres;
- 13.1.8.5 Rear yard setback: Accessory Building - 1m (3.28 ft) from Property Line; for those properties registered under Condominium Plan 0010395 (Silvertip) and having an area of less than 1.99 acres.

Sirroco:

- 13.1.8.6 For the following properties within the Sirroco Area Structure Plan: Plan 1311328, Block 1, Lot 6-9, Plan 1311328, Block 2, Lot 1, and Plan 1311328, Block 3, Lot 1:
- Front yard setback: 5m (16.4 ft.) from the property line;
 - Side yard setback: 1.5m (4.92 ft.) from the property line;
 - Rear yard setback: 8m (26.25 ft.) from the property line for the principle building and 1m (3.28 ft.) from the property line for any accessory building;

Mazzepa:

- 13.1.8.7 For the following properties in Mazeppa:

Plan 7893FT, Block A, S $\frac{1}{2}$ and N $\frac{1}{2}$ (1.38 acres)

Front yard setback:

- 4m (13.12 ft) from the right of way of the municipal road on the west side;
- 15m to the right of way of a municipal road on south side;

Side yard setback: 1.5m (4.92 ft.) from the property line;

Rear yard setback:

- 8m (26.25ft.) from the property line for the principal building;
- 1m (3.28 ft.) from the property line for any accessory building.

Plan 4098EL, Block 1, Lot 2 and Lot 3 & Plan 4098EL Lot 1, (0.35 acres)

Front yard setback: 4m (13.12 ft) from the property line;

Side yard setback: 1.5m (4.92 ft.) from the property line;

Rear yard setback:

- 8m (26.25ft.) from the property line for the principal building;
- 1m (3.28 ft.) from the property line for any accessory building.

Plan 9610255, Lot 4 all within NW 30-19-27-W4 (2.57 acres – 34m strip):

Front yard setback: 15m (49.21 ft) from the property line;

Side yard setback: 1.5m (4.92 ft.) from the property line;

Rear yard setback: 15m (49.21 ft.) from the property line.

NW 30-19-27-W4 (14.06 acres)

Front yard setback: 15m (49.21 ft) from the property line;

Dwellings:

- 4.2.1.23 The construction of a first Dwelling, Single Family, Dwelling Manufactured Home; or addition thereto where it is a permitted use and meets the maximum allowable dwelling density under the applicable land use district and the lot has legal physical access to an approved municipal road or Provincial highway, excluding any lands designated Sub-district "A", Direct Control District, or Flood Hazard Protection Overlay District.
- 4.2.1.24 The placement of a Dwelling, Mobile Home on a parcel 80 acres or more in size, where it is a permitted use and meets the maximum allowable dwelling density under the applicable land use district in conformance with Section 10.10 and has physical legal access to an approved Municipal road or Provincial highway, excluding any lands designed Sub-district "A", Direct Control District, or Flood Hazard Protection Overlay District.
- 4.2.1.25 Where there is one other Dwelling Unit existing on a lot 32.37 ha (80 acres) or more in size (gross lot area), the construction of a second Dwelling, Single Family or placement of a Dwelling, Manufactured Home, or Dwelling, Mobile Home where it is a permitted use and meets the maximum allowable dwelling density under the applicable land use district, excluding any lands designated Sub-district "A", Direct Control District, or Flood Hazard Protection Overlay District

Please note that Dwelling, Single Family or Dwelling, Manufactured Home that have been previously lived in or used as a residence and is being relocated to a new parcel is considered a Dwelling, moved on and is not included under Section 4.2.1 and shall require a Development Permit

Provisions on dwellings can be found under Section 10.10 of this Bylaw.

Fences/Gates:

- 4.2.1.26 The erection, construction or maintenance of post and rail fence, standard wire fencing or other equivalent means of enclosure that do not create a shelterbelt or visual barrier, located wholly within the lot, constructed in accordance with all provisions of Section 9.14 of this bylaw.
- 4.2.1.27 On Commercial and industrial zoned properties, the erection, construction or maintenance of a chain link fence less than 2.44m (8 ft.) in height located wholly within the lot;
- 4.2.1.28 The erection, construction or maintenance of a solid fence or similar structural means of enclosure that may create a visual barrier (including chain link fence with solid slats or equivalent), equal to or less than 2m (6.56 ft.) in height, constructed in accordance with all other provisions this bylaw, that meet the following criteria:
- a. located wholly within the lot, and is located no closer than:
 - i. 20 m (65.62 ft.) from the centerline of a municipal road or municipal right of way;
 - ii. 25m. (82.02 ft.) from the centerline of a secondary highway and Dunbow road; and

9.12 KEEPING OF DOGS

- 9.12.1 In accordance with Section 4.2.1, no permit is required for the keeping of up to three (3) adult dogs over 6 months of age at any one time, on a lot containing a dwelling, in all land use districts so long as the dogs are managed in accordance with all other municipal bylaws.
- 9.12.2 For circumstances outside of the above referenced provisions and additional information on the keeping of dogs, please see Section 10.13 Kennels for regulations and permit requirements.
- 9.12.3 The keeping of dogs in the County shall be done so in accordance with “The Regulation and Control of Dogs”, attached as *Appendix K* of this Bylaw and the “*Community Standards Bylaw*” attached as Appendix J.

9.13 LAND SUBJECT TO FLOODING

- 9.13.1 The *Flood Hazard Area* is defined in Section 2.5 as the total area flooded by a 1:100 year flood and is divided into the following zones and is identified in the diagram 9.13 1 A
 - a. **FLOODWAY:** The portion of the flood hazard area where flows are deepest, fastest and most destructive. Floodway is described in the Alberta Environment’s Flood Hazard Identification Program (<http://floods.alberta.ca>).
 - b. **FLOOD FRINGE:** Floodwater in the flood fringe is generally shallower and flows more slowly than in the floodway. Flood fringe is the outer portion of the flood hazard area. Flood fringe is described in the Alberta Environment’s Flood Hazard Identification Program (<http://floods.alberta.ca>).
- 9.13.2 *Lands Impacted by 2013 Flood Event* are those lands which the County believes were impacted by flooding on June 20th, 2013. These lands may or may not be within the flood hazard area. Some of these lands may only have been partially flooded or minimally impacted, while some may have been significantly impacted.
- 9.13.3 *Flood Hazard Protection Overlay Area* are those lands included within one or all of the following areas:
 - a. Floodway;
 - b. Flood Fringe; or
 - c. Lands impacted by 2013 Flood Event.
- 9.13.4 Provisions for land subject to flooding are provided for in Section 11.1 Flood Hazard Protection Overlay.
- 9.13.5 It is the landowner’s responsibility to determine if their lands are located within the Flood Overlay District and comply with all provisions thereof.
- 9.13.6 More information can be found on provisions for land subject to flooding under Section 11.1 Flood Hazard Protection Overlay District.

PART 5 OVERLAY DISTRICTS

SECTION 11 OVERLAY DISTRICTS

11.1 2013 FLOOD HAZARD PROTECTION OVERLAY

FHP

11.1.1 PURPOSE AND INTENT

The general purpose of this section is to provide for the safe and efficient use of lands within the floodway and flood fringe of all the rivers, streams, creeks, and waterways as they are defined under the Alberta Environment's Flood Hazard Identification Program, as well as the areas impacted by June 2013 flood event within the Foothills County.

The intent of this section is to discourage new development on lands subject to flooding and achieve the long term goal of maintaining and decreasing the overall density of development on lands that may be subject to flooding.

11.1.2 APPLICATION

11.1.2.1 The provisions of this section shall apply to the following areas of the County:

- a. Areas within floodway;
- b. Areas within flood fringe;
- c. Areas impacted by June 2013 flood event.

See below for definitions and in Section 2.5 "Definitions" of this bylaw for more information.

The areas within *floodway* and *flood fringe* can be viewed at Alberta Environment web site:

(<https://floods.alberta.ca/>)

11.1.2.2 The *areas impacted by June 2013 flood event* can be viewed in Map A and are subject to this overlay district.

11.1.2.3 In the *Flood Hazard Protection Overlay*, the permitted and discretionary uses listed in the land use district in which the site is located shall continue to apply if supported by engineering and technical studies and meet all applicable development requirements.

11.1.2.4 Where provisions of the *Flood Hazard Protection Overlay* appear to be in conflict with the regulations of the land use district, the provisions of the overlay shall take precedence and be applied in addition to the regulations of the district.

11.1.3 DEVELOPMENT REQUIREMENTS

11.1.3.1 A Development permit is required for all permitted and discretionary uses and activities within the *Flood Hazard Protection Overlay*.

11.1.3.2 Notwithstanding Section 11.1.3.1, no development permit is required for a detached accessory building having an area of 20.8 sq.m. (224 sq. ft.) or less in size in accordance with Section 4.2.1.7;

- 11.1.3.3 The Approving Authority may issue a signed waiver to allow for development on a site without the requirements of a Development Permit in accordance with Section 4.2.1 of the Land Use Bylaw, where the landowner/applicant can provide proof that the development is located outside of the designated Flood Hazard Protection Overlay area on the property.
- 11.1.3.4 For new development proposed within the *floodway*, proof must be provided that no other lands are available to locate the development within the lot. Should other lands be available on the lot that are outside of the floodway, new development within the *floodway* will not be permitted.
- 11.1.3.5 Development may be permitted in areas identified as *Lands impacted by the 2013 Flood Event* on Map A, if proof is submitted to the satisfaction of the Approving Authority, that the land subject to the proposed development was not impacted in any way by the June 2013 flood event.
- 11.1.3.6 Development may be permitted in the *Flood Hazard Protection Overlay* at the discretion of the Approving Authority based on the following plans, studies and information which are certified by a qualified and registered professional engineer:
- a. Appropriate engineering and technical studies supporting development safely within the *Flood Hazard Protection Overlay area* will be required at the time of development permit application;
 - b. An application for a development permit, accompanied by detailed drainage studies and plans drawn to metric scale showing the nature, location, dimensions, elevation of the site and the location of existing or proposed structures, fill, storage of materials, and drainage facilities;
 - c. Any structure proposed including habitable rooms, electrical panels and heating units and operable windows will be *flood-proofed* where required, as specified in the applicable Building Code;
 - d. Information on grade elevation in relation to the 1:100 year flood elevation and/or the elevation of the 2013 flood event;
 - e. Canadian Mortgage and Housing Corporation guidelines for building in flood susceptible areas;
 - f. Basement drainage; and/or
 - g. Site drainage.
- 11.1.3.7 The Approving Authority may refer to Alberta Environment, for comment on any development permit application for development within the *flood hazard area*.
- 11.1.3.8 The Approving Authority shall not issue a development permit until it is satisfied through the submission of engineering reports that adequate *flood proofing* exists.
- 11.1.3.9 The Approving Authority shall permit minor renovations and repairs to an existing building, whether structural or not, in the *flood fringe* without requiring the *flood proofing* of a building.
- 11.1.3.10 All mechanical and electrical equipment within a building shall be located at or above the *designed flood level*.
- 11.1.3.11 Basements shall be discouraged in new buildings within the *flood fringe, floodway and on lands impacted by 2013 Flood*, unless they are *flood proofed* to the satisfaction of the Approving Authority.

- 11.1.3.12 Within the *Flood Hazard Protection Overlay Area*, no inside or outside storage of chemicals, explosives, flammable liquids, toxic or waste materials that cannot readily removed in the event of a flood shall be allowed.

11.1.4 FLOOD HAZARD WARNING AND DISCLAIMER OF LIABILITY

- 11.1.4.1 The degree of flood protection intended to be provided by this section is considered reasonable for regulatory purposes and is based on historical records and engineering and scientific methods of study for river and lakeshore settings. Larger floods may occur, or the flood height may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This section does not imply that areas outside the floodway and flood fringe boundaries will always be totally free from flooding or flood damages, nor shall this section create a liability on the part of or be a cause of action against the Foothills County or any officer or employee thereof for any flood damages that result from the reliance on this section.
- 11.1.4.2 Map A titled *Lands Impacted by the 2013 Flood Event* shows the outside perimeter of the 2013 flood affected areas based on all information that the Foothills County has available. The area identified as *Lands Impacted by the 2013 Flood Event* on this map may be amended if landowners submit adequate proof to the satisfaction of the Approving Authority that their land was not impacted by the June 2013 flood.

11.1.5 DEFINITIONS

Designed Flood Level: is the flood level that is used to delineate the flood limits. For Alberta's Flood Hazard Identification Program, the minimum frequency would be 1:100 year return period flood calculated at the time of the study. The design flood may also be a historical open water and ice jam flood.

Flood Hazard Area: The total area flooded by a 1:100 year flood. It is usually divided into floodway and flood fringe zones.

Floodway: The portion of the flood hazard area where flows are deepest, fastest, and most destructive. Floodway is described in the Alberta Environment's Flood Hazard Identification Program (<http://www.alberta.ca/final-flood-maps.aspx>).

Flood Fringe: Floodwater in the flood fringe is generally shallower and flows more slowly than in the floodway. Flood fringe is the outer portion of the flood hazard area. Flood fringe is described in the Alberta Environment's Flood Hazard Identification Program (<http://www.alberta.ca/final-flood-maps.aspx>).

Flood Proofing: With respect to a building or building extension, a design, manner of construction or siting thereof for the purpose of preventing damage by floods of a specified magnitude.

Lands impacted by 2013 Flood Event: are those lands which the County identifies were impacted by flooding on June 20th, 2013. These lands may or may not be within the flood hazard area. Some of these lands may only have been partially flooded or minimally impacted, while some may have been significantly impacted.

Flood Hazard Protection Overlay area or Lands Subject to Flooding are those lands included within one or all of the following areas:

- a. Floodway;
- b. Flood Fringe; or
- c. Lands impacted by 2013 Flood Event.

- (b) enter into a written agreement with the subdivision authority to extend the time prescribed in the subdivision and development regulations.

(2) If an agreement to extend is entered into pursuant to subsection (1)(b) and the subdivision authority fails or refuses to make a decision within the time prescribed in the agreement, the applicant may, within 14 days after the expiration of the extended period, treat the application as refused and appeal it in accordance with section 678.

(3) A subdivision authority may not deal with an application for subdivision approval after the expiration of the period of time prescribed in the subdivision and development regulations for making the decision unless an agreement is entered into pursuant to subsection (1)(b).

RSA 2000 cM-26 s681;2015 c8 s72

Endorsement of subdivision plan

682(1) When on an appeal the Land and Property Rights Tribunal or the subdivision and development appeal board approves an application for subdivision approval, the applicant must submit the plan of subdivision or other instrument to the subdivision authority from whom the appeal was made for endorsement by it.

(2) If a subdivision authority fails or refuses to endorse a plan of subdivision or other instrument submitted to it pursuant to subsection (1), the member of the subdivision and development appeal board or Land and Property Rights Tribunal, as the case may be, that heard the appeal who is authorized to endorse the instrument may do so.

RSA 2000 cM-26 s682;2020 cL-2.3 s24(34)

Development Permits

Permit

683 Except as otherwise provided in a land use bylaw, a person may not commence any development unless the person has been issued a development permit in respect of it pursuant to the land use bylaw.

1995 c24 s95

Development applications

683.1(1) A development authority must, within 20 days after the receipt of an application for a development permit, determine whether the application is complete.

(2) An application is complete if, in the opinion of the development authority, the application contains the documents and other information necessary to review the application.

(3) The time period referred to in subsection (1) may be extended by an agreement in writing between the applicant and the development authority or, if applicable, in accordance with a land use bylaw made pursuant to section 640.1(a).

(4) If the development authority does not make a determination referred to in subsection (1) within the time required under subsection (1) or (3), the application is deemed to be complete.

(5) If a development authority determines that the application is complete, the development authority must issue to the applicant an acknowledgment in the form and manner provided for in the land use bylaw that the application is complete.

(6) If the development authority determines that the application is incomplete, the development authority must issue to the applicant a notice in the form and manner provided for in the land use bylaw that the application is incomplete and that any outstanding documents and information referred to in the notice must be submitted by a date set out in the notice or a later date agreed on between the applicant and the development authority in order for the application to be considered complete.

(7) If the development authority determines that the information and documents submitted under subsection (6) are complete, the development authority must issue to the applicant an acknowledgment in the form and manner provided for in the land use bylaw that the application is complete.

(8) If the applicant fails to submit all the outstanding information and documents on or before the date referred to in subsection (6), the application is deemed to be refused.

(9) If an application is deemed to be refused under subsection (8), the development authority must issue to the applicant a notice in the form and manner provided for in the land use bylaw that the application has been refused and the reason for the refusal.

(10) Despite that the development authority has issued an acknowledgment under subsection (5) or (7), in the course of reviewing the application, the development authority may request additional information or documentation from the applicant that the development authority considers necessary to review the application.

(11) Repealed 2020 c39 s10(49).

2016 c24 s125;2020 c39 s10(49)

Development Appeals

Permit deemed refused

684(1) The development authority must make a decision on the application for a development permit within 40 days after the receipt by the applicant of an acknowledgment under section 683.1(5) or (7) or, if applicable, in accordance with a land use bylaw made pursuant to section 640.1(b).

(2) A time period referred to in subsection (1) may be extended by an agreement in writing between the applicant and the development authority.

(3) If the development authority does not make a decision referred to in subsection (1) within the time required under subsection (1) or (2), the application is, at the option of the applicant, deemed to be refused.

(4) Section 640(5) does not apply in the case of an application that was deemed to be refused under section 683.1(8).

RSA 2000 cM-26 s684;2016 c24 s126;2018 c11 s13

Grounds for appeal

685(1) If a development authority

- (a) fails or refuses to issue a development permit to a person,
- (b) issues a development permit subject to conditions, or
- (c) issues an order under section 645,

the person applying for the permit or affected by the order under section 645 may appeal the decision in accordance with subsection (2.1).

(1.1) A decision of a development authority must state whether an appeal lies to a subdivision and development appeal board or to the Land and Property Rights Tribunal.

(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal the decision in accordance with subsection (2.1).

(2.1) An appeal referred to in subsection (1) or (2) may be made

- (a) to the Land and Property Rights Tribunal

- (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

- (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

687

(4) In the case of an appeal of the deemed refusal of an application under section 683.1(8), the board must determine whether the documents and information that the applicant provided met the requirements of section 683.1(2).

RSA 2000 cM-26 s687;2009 cA-26.8 s83;2015 c8 s74;
2017 c21 s28;2018 c11 s13;2020 c39 s10(52)

Court of Appeal

Law, jurisdiction appeals

688(1) An appeal lies to the Court of Appeal on a question of law or jurisdiction with respect to

- (a) a decision of the subdivision and development appeal board, and
- (b) a decision made by the Land and Property Rights Tribunal
 - (i) under section 619 respecting whether a proposed statutory plan or land use bylaw amendment is consistent with a licence, permit, approval or other authorization granted under that section,
 - (ii) under section 648.1 respecting the imposition of an off-site levy or the amount of the levy,
 - (iii) under section 678(2)(a) respecting a decision of a subdivision authority,
 - (iii.1) under section 685(2.1)(a) respecting a decision of a development authority, or
 - (iv) under section 690 respecting an intermunicipal dispute.

(2) An application for permission to appeal must be filed and served within 30 days after the issue of the decision sought to be appealed, and notice of the application for permission to appeal must be given to

- (a) the Land and Property Rights Tribunal or the subdivision and development appeal board, as the case may be, and