



# DEVELOPMENT AUTHORITY DECISION

DATE OF DECISION: July 31, 2024

**THIS IS NOT A DEVELOPMENT PERMIT OR BUILDING PERMIT. PLEASE REFER TO THE NOTES SECTION BELOW FOR ADDITIONAL INFORMATION.**

**DEVELOPMENT PERMIT APPLICATION FILE NUMBER: 24D 121**

**LANDOWNER(S): MARCUS & ANA BATEMAN**

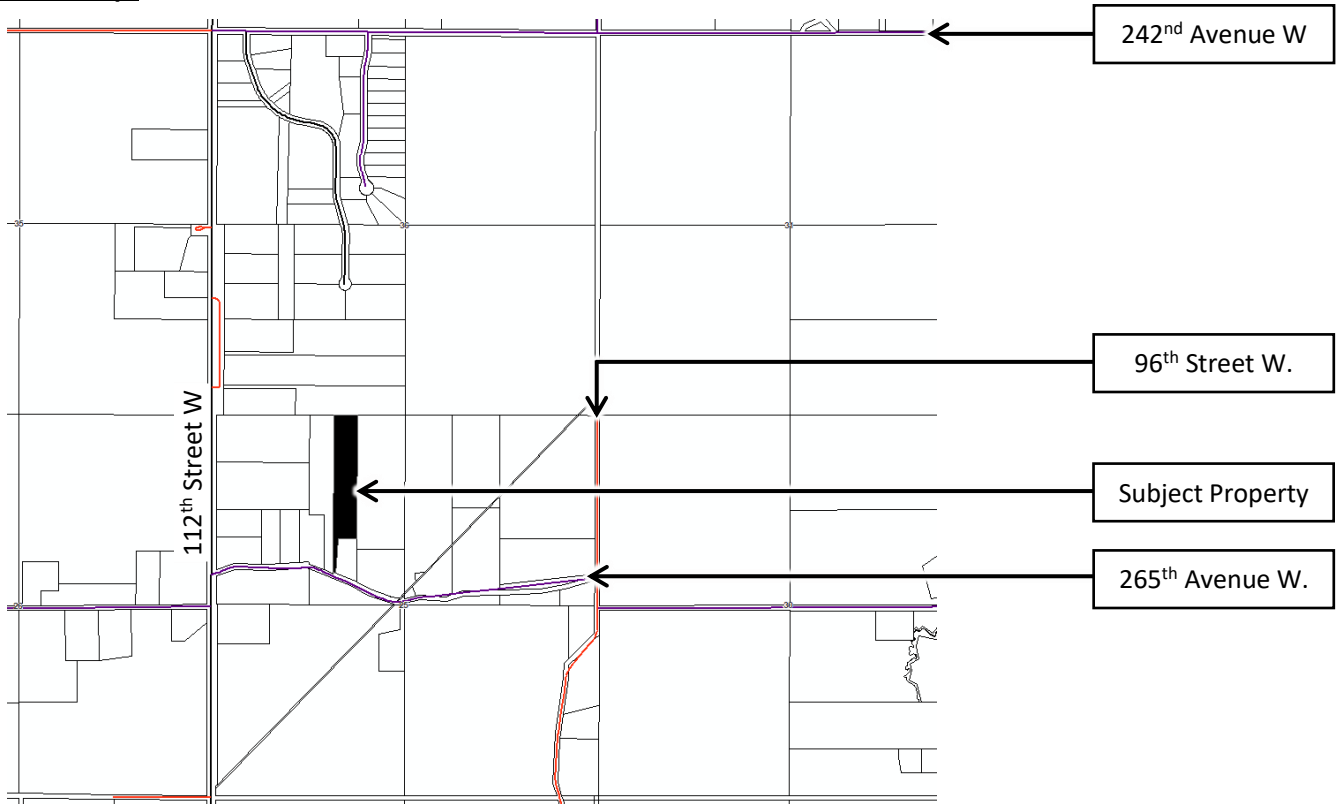
**PROPOSAL DESCRIPTION: SECONDARY SUITE, DETACHED**

**LEGAL DESCRIPTION: PTN. NW 25-21-02 W5M; PLAN 9711274, BLOCK 3, LOT 2**

### LOCATION AND DESCRIPTION OF SUBJECT PARCEL:

The subject property is an existing 13.54 acre Country Residential District parcel located on 265<sup>th</sup> Avenue W approximately 1.6 kilometres south of 242<sup>nd</sup> Avenue W, 1.0 kilometre west of 96<sup>th</sup> Street W and 500 metres east of 112<sup>th</sup> Street W.

### Location Map:



### INTENT OF THE DEVELOPMENT PERMIT APPLICATION:

An application for Development Permit has been submitted to allow for the construction of a new +/- 1,539 sq. ft. Secondary Suite, Detached on the subject parcel.

*Secondary Suite, Detached* means a Dwelling, Secondary Suite, which is detached from and subordinate to, the principal dwelling on the same parcel. A Secondary Suite, Detached on parcels 1 acre and larger in size shall be smaller than the habitable area of the principal dwelling, to a maximum of 1,400 sq. ft. in size; so long as all other requirements under the land use district are met.

Section 5.6.10 of the of the Land Use Bylaw 60/2014 identifies that it is within the discretion of the Development

Officer to allow for a 10% variance to the maximum size requirements for a new Secondary Suite, where the Development Authority, is of the opinion the variance will not materially interfere with or affect the use, enjoyment, or value of the neighbouring properties.

Secondary Suite, Detached is listed as a Discretionary Use within the Country Residential land use district; therefore, decisions on applications for Development Permit for this use are to the discretion of the Development Officer and subject to a 21-day appeal period.

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The application for a Development Permit in accordance with the provisions of Land Use Bylaw 60/2014 of Foothills County in respect of the proposed two-bedroom Secondary Suite, Detached on the subject parcel, being portion of NW 25-21-02 W5M; Plan 9711274, Block 3, Lot 2, has been considered by the Development Officer and is **APPROVED** subject to the following:

#### **APPROVAL DESCRIPTION:**

This approval allows for the development and use of Ptn. NW 25-21-02 W5M; Plan 9711274, Block 3, Lot 2 for:

- a. The proposed two-bedroom Secondary Suite, Detached; having a total area of +/- 1,539 sq.ft. (143 sq. m.), in accordance with the submitted and accepted Development Permit application, as accepted by the County.

#### **PRE-RELEASE CONDITIONS:**

*Pre-release condition(s) must be complied with before the Development Permit will be signed and issued. Failure to complete the pre-release condition(s) on or before **January 3, 2025**, will see this development permit decision deemed null and void, unless a time extension is issued under agreement between the Development Authority and the Applicant(s).*

1. Building Envelope Report is to be provided which identifies slopes (15% or greater) in relation to the proposed building location, prepared by a professional Engineer, to the satisfaction of the Public Works department. The building location shall meet all required setback distances including but not limited to the minimum 30 m setback to slopes 15% or greater. Should the report determine that the proposed location does not meet the 30 m setback, a Slope Stability Report is to be submitted to support the proposed location, prepared by a professional Engineer, to the satisfaction of the Public Works department. *The applicant is advised that review and acceptance of the required report may be subject to payment of review fee(s) as per the Foothills County fee schedule;*
2. Lot Grading and Drainage Plan is to be provided for the subject lands, to the satisfaction of the Public Works Department. *The applicant is advised that review and acceptance of the required report may be subject to payment of review fee(s) as per the Foothills County fee schedule;*

#### **CONDITIONS OF APPROVAL:**

*The following requirements must be completed within twenty-four (24) months from the date the Development Permit is signed and issued unless a time extension is approved under agreement between the Development Authority and the Applicant(s). Failure to complete the conditions of approval will see the Development Permit be deemed null and void.*

1. The applicant shall maintain the development in accordance with all conditions of approval and the application for development permit that has been acknowledged by the municipality to be appropriate. **Any revisions and/or additions to use of this land shall not proceed except under benefit of appropriate approvals and permits;**
2. The applicant is required to obtain all necessary building and safety code permits and inspections from Foothills County for the Secondary Suite, Detached, to the discretion of the County's Safety Codes Officer;
3. It is the applicant's responsibility to obtain and properly post independent County address(es) for the principal dwelling and secondary suite prior to occupancy. Please contact the County's GIS Department to be assigned new address(es) and obtain information regarding address signage. *The applicants are advised that additional addressing may result in changes to the existing mailing address for the property;*
4. Prior to the Municipality acknowledging completion of the development, the applicant shall submit a review from the designated professional(s), confirming that all improvements are consistent with the submitted reports, and any recommendations/revisions as have been accepted;
5. The applicant shall provide written notification to the Development Authority upon completion of the development, as approved herein;

## ADVISORY REQUIREMENTS:

*The following requirements are provided by Foothills County to inform the applicant(s) and landowner(s) of their necessity. It is the responsibility and liability of the applicant(s) and landowner(s) to ensure adherence with these requirements for the life of the development.*

1. Development and use of the land shall comply with all requirements of the applicable Building, Safety, and Fire Codes at all times;
2. A minimum of two parking spaces located entirely within the boundaries of the legally titled parcel shall be available for use by the occupant(s) of the Secondary Suite, Detached, at all times;
3. Emergency address signage shall be installed and maintained for the life of the development;
4. The applicant is responsible to comply with the requirements of Alberta Health Services, including but not limited to the regulatory requirements under the Alberta Public Health Act, Housing Regulation 173/99 and the Minimum Housing and Health Standards (MHHS);
5. As per the executed Declaration of Understanding submitted with the application, it is the landowners' responsibility to ensure that water servicing and sanitary sewer servicing are adequately provided, maintained, and operated; in compliance with all pertinent regulatory requirements, for the life of the development;
6. The applicants are responsible to ensure that road bans issued for municipal road surfaces are adhered to at all times. Permits for any overweight loads (whether during construction, or for hauling water) must first be obtained from Roadata (1-888-444-9288);
7. Any new installation(s) of exterior lighting must adhere to the guidelines and technical specifications as outlined within the Dark Sky Bylaw;
8. All storage on the property shall be in compliance with the requirements of the Land Use Bylaw and the Community Standards Bylaw;
9. The applicant is responsible for payment of any professional costs including legal fees that may be incurred by the County with respect to the implementation of this permit;
10. The applicant agrees to indemnify and hold harmless Foothills County from any and all third party claims, demands, or actions for which the applicant is legally responsible, including those arising out of negligence or willful acts by the applicant or the applicant's agent(s). In addition, the applicant will carry insurance to cover general liability including bodily injury and property damage to a third party;
11. The issuance of a development permit by the County does not relieve the landowner(s) of the responsibility of complying with all other relevant County bylaws and requirements, nor excuse violation of any provincial or federal regulation or act or encumbrance held under title to the property; which may affect use of the land.

## NOTES:

1. **This is not a Building Permit.** Construction practices and standards of construction of any building or any structure authorized by the Development Permit, once signed and issued, must be in accordance with the Building and Safety Codes Permits. An application must be made for all required Building and/or Safety Codes Permits.
2. **This is not a Development Permit.** The Development Permit may be signed and issued upon completion of the 21-day appeal period; should no appeals be received, and completion of all Pre-Release Conditions (if any). Development can not proceed until this permit has been signed and issued.
3. Notification of this Development Permit Decision will be advertised in two issues of the Western Wheel and circulated to area landowners (according to County Records at this time) within the subject quarter-section and for one-half mile surrounding the subject parcel. Development Permit Notices can also be viewed on our website, [www.foothillscountyab.ca](http://www.foothillscountyab.ca).
4. This Development Permit Decision is subject to a 21-day appeal period. Pursuant to Section 685(2) of the Municipal Government Act, a person affected by this decision has a right of appeal.
5. The Development Permit, once signed and issued, shall thereafter be null and void if the development or use is abandoned for a period of six months.
6. The conditions of this Development Permit Decision must be met and adhered to at all times. Fines and/or Enforcement action may occur if operating outside of the Development Permit Decision.