

Section 6: General Regulations

6.1 General Provisions

- 6.1.1 The general development regulations of this Section apply in all districts. Where there appears to be a conflict with the regulations in other Sections, these regulations apply unless those Sections specifically exclude or modify these general development regulations.
- 6.1.2 No building or portion thereof shall be located on municipal lands, road rights-of-way and easements, without the prior written consent of the County. **(Bylaw 14-2008)**

6.2 Municipal Services

- 6.2.1 Where sewer, water, stormwater services or other essential services such as natural gas or power for individual lots or bareland condominium lots are required by the County Engineer, a Development Officer may refuse a use or development or impose a condition requiring the applicant to enter into a development agreement with Strathcona County to construct or pay for the construction or upgrading of services necessary to serve the development.
- 6.2.2 Servicing for private or public sewer, water, and stormwater, shall comply with Strathcona County bylaws and be to the satisfaction of the County Engineer having regard for the need for services to serve the development and the protection of the quality of surface and ground water.
- 6.2.3 Where servicing is required for individual lots or bareland condominium lots pursuant to Sections 6.2.1 and 6.2.2, a Development Officer may impose a condition requiring the applicant to provide a guaranteed security to ensure that all on-site servicing, including surface drainage, is constructed to the satisfaction of the County Engineer. The security may take the following forms:
- a) Cash to a value equal to 110% of the estimated costs; or
 - b) An irrevocable letter of credit having the value equivalent to 110% of the established costs. **(Bylaw 79-2004)**
- 6.2.4 Where security has been submitted for on-site services pursuant to Section 6.2.1 security of Section 6.2.3 is not required. **(Bylaw 79-2004)**
- 6.2.5 If cash is offered as security, interest may be payable and it shall be held by Strathcona County until the on-site servicing has been installed and the County Engineer is satisfied through site inspection, Lot Grading Certificate and/or Final Acceptance Certificate, that this has occurred. **(Bylaw 79-2004)**
- 6.2.6 If a letter of credit is offered as security, it shall be in a form satisfactory to Strathcona County. The initial term of the letter of credit shall be one year. The letter of credit shall be automatically renewable, until such time as the conditions of approval of the development permit, or the terms of a development agreement have been fulfilled to the satisfaction of the County Engineer. **(Bylaw 79-2004)**
- 6.2.7 The owner shall notify Strathcona County 30 day's prior completion of on-site servicing, in order to provide sufficient time for the County Engineer to inspect the on-site servicing to ensure it was constructed in accordance with the construction drawings. If conditions are satisfactory to the County Engineer, the letter of credit may be released by a Development Officer after the Lot Grading Certificate and/or Final Acceptance Certificate has been issued. If inspection cannot be made within this 30-day period due to weather conditions or other extenuating circumstances, a Development Officer will not release the security until a satisfactory inspection, Lot Grading Certificate and or Final Acceptance Certificated can be issued. **(Bylaw 79-2004)**

- 6.2.8 Any letter of credit shall allow for partial draws. If the on-site servicing is not completed in accordance with the approved construction drawings. Strathcona County may draw on a cash security or a letter of credit and the amount thereof shall be paid to Strathcona County for its use absolutely. All expenses incurred by Strathcona County to renew or draw upon a letter of credit shall be reimbursed by the owner to Strathcona County by payment of invoice or from the proceeds of the letter of credit. **(Bylaw 79-2004)**
- 6.2.9 In the event the owner does not complete the required on-site servicing to the satisfaction of the County Engineer and the cash or the proceeds from the letter of credit are insufficient for Strathcona County to complete the required work, should it elect to do so, then the owner shall pay such deficiency to Strathcona County immediately upon being invoiced. Strathcona County shall provide an accounting to the owner indicating how the proceeds of the letter of credit were applied within 60 days of completing on-site servicing. **(Bylaw 79-2004)**

6.3 Access to Sites

- 6.3.1 No use or development shall be permitted without provision for physical road access unless a Development Officer imposes a condition requiring the applicant to enter into a development agreement with Strathcona County to construct or pay for the construction or upgrading of public roads or walks necessary to serve the development.
- 6.3.2 All site access from roads shall be to the satisfaction of the County Engineer with respect to location, design, and construction standards. The County Engineer shall take into account safety and the physical capability of roads that are proposed to serve the development.
- 6.3.3 Unless otherwise required by the County Engineer, where a site abuts two roads, either existing or proposed, access to the site shall be to the road of lesser traffic volume, which is usually the lower classification road.

6.4 Setbacks from Rural Roads

- 6.4.1 No development permit shall be issued for any development within 300 meters of the highway right-of-way boundary or within 800 metres of the centre point of an intersection of the highway with another public road outside of the Sherwood Park Urban Service Area without prior approval by Alberta Transportation. **(Bylaw 13-2003)**
- 6.4.2 No development permit shall be issued for any development within 40 m of the centre line of a rural road, unless it is only a temporary use.

6.5 Setbacks from Intersections

- 6.5.1 No development shall be located adjacent to any intersection of a provincial highway, urban arterial road, or rural road unless approved by the County Engineer and/or Alberta Transportation.
- 6.5.2 Setbacks from intersection shall be in accordance with the setback distances shown on *Schedule "C"*.

Schedule C: Setbacks from Road Intersections

SCHEDULE C

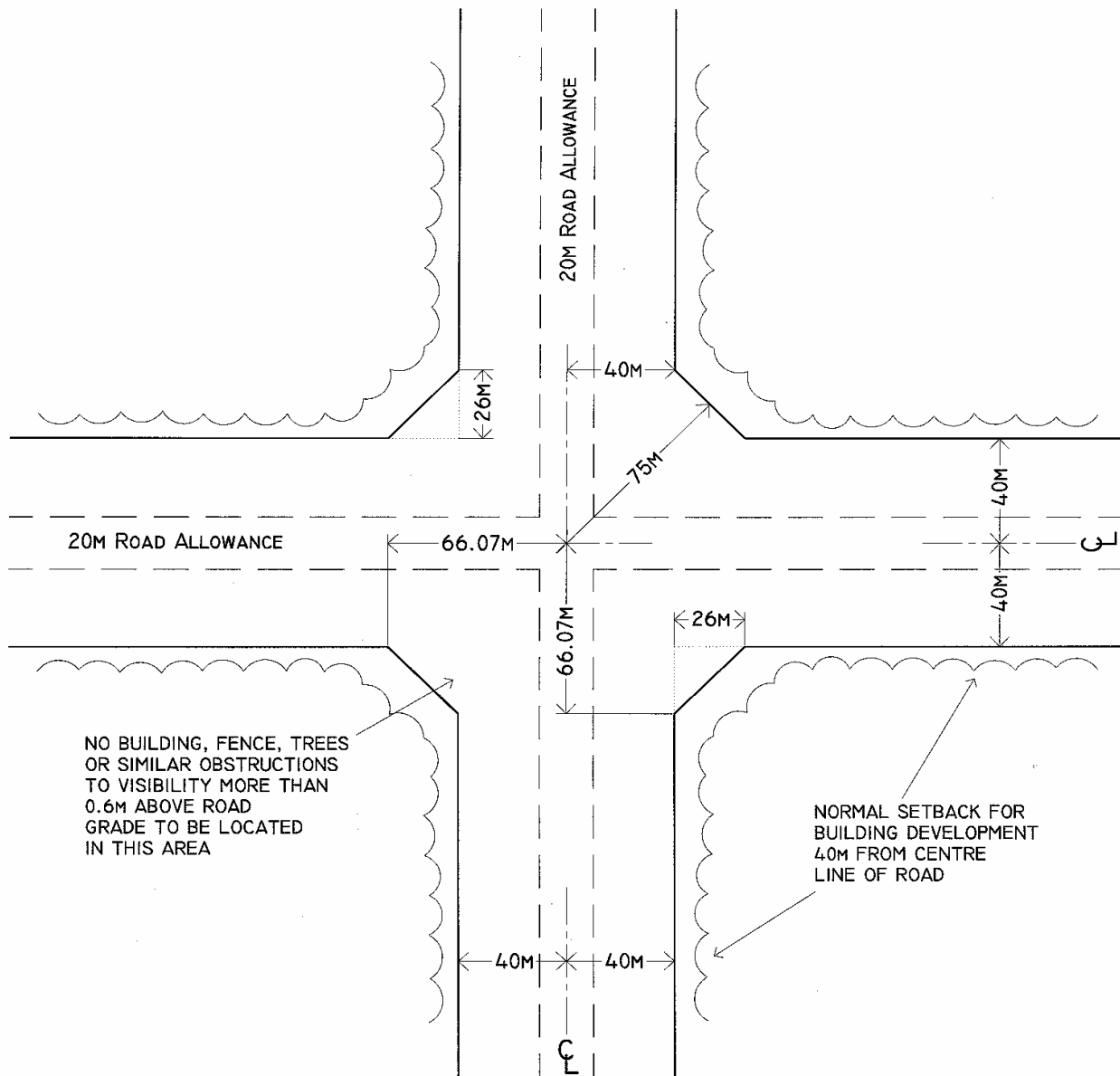


FIGURE I

D--A0146

SCHEDULE C

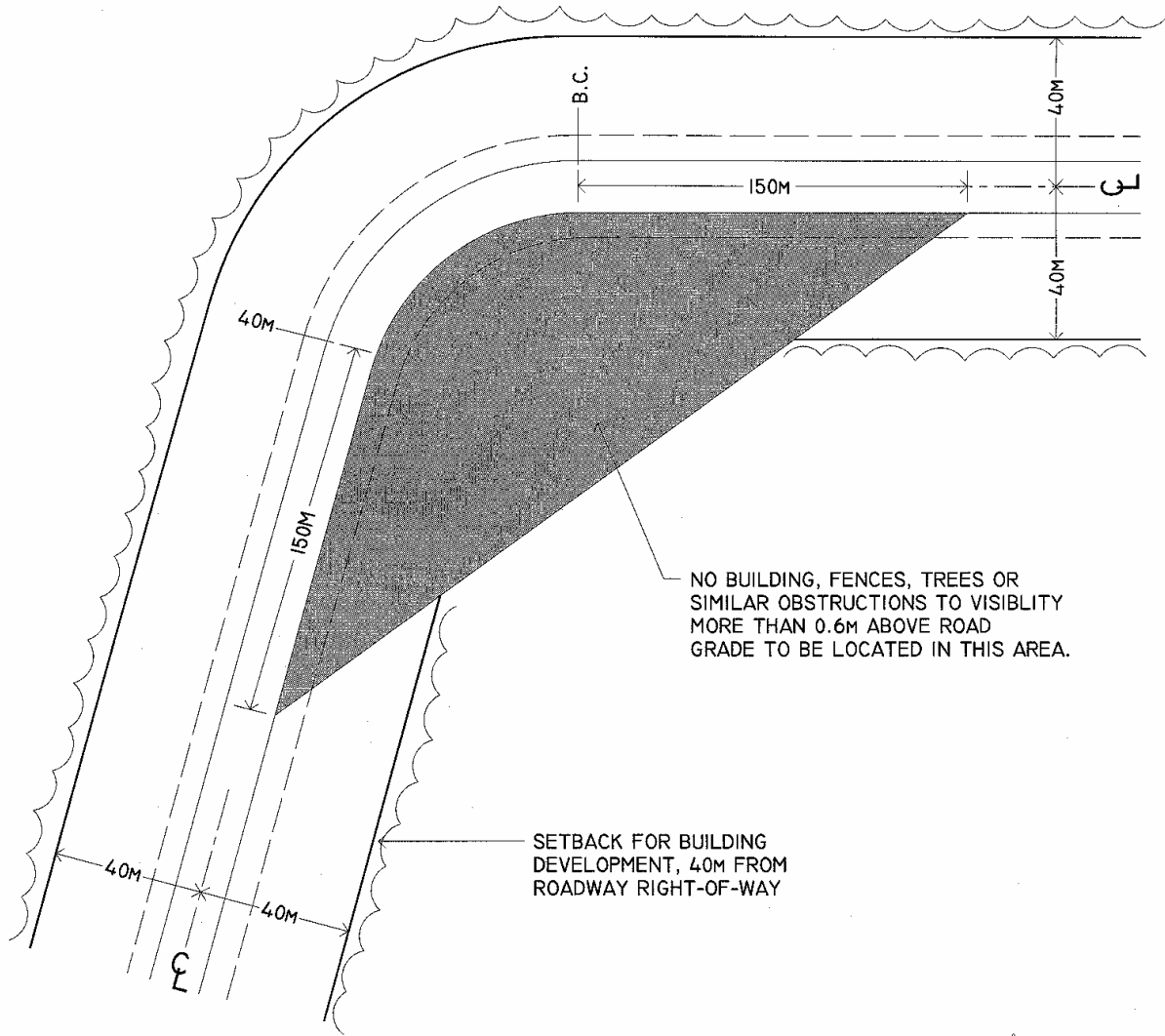


FIGURE 2

D--A0146

6.6 Environmental Setbacks

- 6.6.1 Except for the provisions of Section 9.8.12, a minimum setback of 50 m is required from the top of bank on the North Saskatchewan River Valley. If, under unique planning circumstances, a Development Officer is satisfied by submission of a professional environmental and geotechnical assessment that a lesser setback may be warranted, the setback may be reduced. Should a professional assessment determine the need for a setback greater than 50 m, a Development Officer shall require it. Within the required setback, any land disturbance shall be managed to reduce environmental effects and manage risk.
- 6.6.2 A minimum setback of 30 m is required from the top of bank of any other watercourse unless a Development Officer is satisfied by submission of a professional environmental and geotechnical assessment that a lesser setback is warranted. Should a professional assessment determine the need for a setback greater than 30 m, a Development Officer shall require it. Within the required setback, any land disturbance shall be managed to reduce environmental effects and manage risk.
- 6.6.3 The minimum setback in Section 6.6.2 may be reduced or eliminated at the discretion of a Development Officer where a watercourse is considered to be of a minor nature and there is no risk of adverse effect on development or the environment as determined by a Development Officer. The setback may be reduced where a Development Officer determines that the structure (such as a boathouse) is minor and is necessary for the proposed location.
- 6.6.4 A Development Officer shall not approve permanent buildings within the 1:100 year floodway of any watercourse. A Development Officer may approve developments in the 1:100 year floodfringe subject to floodproofing provisions to mitigate potential damage, provided Strathcona County is indemnified from any potential liability.
- 6.6.5 A Development Officer may increase any required setback or yard for any permitted or discretionary use where the regulation in the District would allow development that may be detrimental to the preservation of shoreland or environmentally sensitive areas, may be affected by being in a floodplain or in proximity to steep or unstable slopes, or may increase the degree of hazard.
- 6.6.6 When new lots in the Rural Service Area are created that contain watercourses, building site areas shall be designated that will conform to these required environmental setbacks. The building site areas shall have a minimum developable area of 0.4 ha with a near surface ground water table of not less than 2.0 m below the surface. They shall be located to ensure positive drainage to the nearest receiving watercourse.

6.7 Setbacks from Pipelines

- 6.7.1 A minimum setback from the right of way of a petroleum products pipeline with a maximum licensed operating pressure of 3447.5 kPa or greater shall be provided for the following uses:
- a)(i) Urban Service Area: 15.0 m for a principal residential, commercial, or industrial building. For residential development only, and subject to the approval of the Development Officer, the pipeline setback may be reduced to 7.5 m if the applicant for development permanently fences the property line adjacent to the pipeline right of way before the construction of abutting development. Prior to any construction, a plan shall be provided to the Development Officer that accurately indicates the location of the pipeline right of way. Within the Urban Service Area, any proposed development in the AD Future Development, RC Country Residential or RA Rural Residential/Agriculture district shall adhere to Section 6.7.1 (a)(ii). (Bylaw 24-2002)

- (ii) Hamlets and Rural Areas: 15.0 m for a principal residential, commercial, or industrial building, provided it is clearly marked with identification posts and flags from a surveyed pipeline right of way. Prior to any construction, a plan shall be provided to the Development Officer that accurately indicates the location of the pipeline right of way. **(Bylaw 24-2002)**
 - b) 1.0 m for an accessory residential, commercial, or industrial building, and
 - c) 200 m for a principal building for community recreation services, private education, public education, emergency services, spectator entertainment, exhibition and convention facilities, major health services, religious assemblies, or spectator sports.
- 6.7.2 A minimum setback of 5.0 m shall be provided from a pipeline right of way with a maximum licensed operating pressure of less than 3447.5 kPa for all principal buildings.
- 6.7.3 Subject to the approval of the Development Officer, petrochemical plant sites may be exempt from the pipeline setback requirements of Sections 6.7.1 and 6.7.2. **(Bylaw 24-2002)**

6.8 Front Yards

- 6.8.1 In the case of a corner lot, the front yard shall be the narrower of the two frontages. If they are equal, it shall be at the discretion of a Development Officer.
- 6.8.2 Where a corner site comprises more than one lot, the front yard of the site shall be taken on the same road as the front yard of the corner lot.
- 6.8.3 A Development Officer may require a corner site to provide additional front yard than is required by the district having regard for the orientation and access of the development and adjacent properties.
- 6.8.4 A Development Officer may require a double fronting lot to provide a front yard on each road for consistency with development on adjacent properties.
- 6.8.5 A Development Officer may require a double fronting lot to provide a front yard on each road to improve the appearance when viewed from a provincial highway or urban arterial.

6.9 Projections into Yards

- 6.9.1 The following may project up to 0.6 m into a required yard 1.2 m or greater, provided the projection meets the provisions of the Alberta Building Code:
- a) Architectural or ornamental features such as cornices, leaders, eaves, gutters, pilasters, sills and awnings;
 - b) Cantilevered projections with or without windows but in all cases at least 1.2 m shall be maintained between the wall of the projection and the property line;
 - c) Fireplaces and chimneys, provided the horizontal length of the projection shall not exceed a total of 1.55 m; and.
 - d) Satellite dishes less than 1.0 m in diameter and air conditioning units. **(Bylaw 14-2008)**
- 6.9.2 Where there is more than one cantilevered projection and/or fireplace, the total horizontal length shall not exceed one-third of the length of the building wall exclusive of the garage walls. **(Bylaw 14-2008)**
- 6.9.3 Where the cantilevered projection in Section 6.9.1b) is in a required side yard that is not flanking a road, the horizontal length of any one projection shall not exceed 3.0 m. **(Bylaw 14-2008)**

- 6.9.4 The following may project into a required yard as outlined below, provided that there is no encroachment onto an easement:
- a) Patios, a maximum of 2.0 m into a required front yard and up to the lot line of a side and rear yard;
 - b) Decks, a maximum of:
 - i) 0.6 m into a required yard less than 4.0 m;
 - ii) 2.0 m into a required yard of 4.0 m to 7.4 m; and
 - iii) 3.5 m into a required yard of greater than 7.4 m;
 - c) Unenclosed steps, landings and stairs (attached to a principal building and providing direct access to the principal building from ground level), a maximum of 2.0 m into a front and rear yard and not less than 0.3 m from the lot line of a side yard; and
 - d) Balconies, a maximum of 2.0 m into a required front yard, 3.5 m into a required rear yard and 0.6 m into a required side yard. (Bylaw 14-2008)
- 6.9.5 Utilities, underground parking, and similar structures constructed entirely beneath the surface of the ground may encroach into required yards provided such underground encroachments do not result in a grade inconsistent with abutting properties and the encroachments are covered by sufficient soil depth or surface treatment to foster landscaping.

6.10 Height and Grade

- 6.10.1 The proposed building grade shall, to the extent practical, retain the natural contour of the land, minimize the necessity to use retaining walls, and ensure positive drainage to appropriate receiving watercourses.
- 6.10.2 In determining whether a development conforms to the maximum height permitted in any district, structures such as industrial processing towers, chimney stacks, monuments, steeples, elevator housings, roof stairway entrances, ventilating equipment, skylights, or flagpoles for federal, provincial, or municipal flags shall not be considered for the purpose of determining the height except in the Airport Vicinity Protection Overlay. (Bylaw 4-2002)

6.11 Accessory Development

General

- 6.11.1 Accessory structures are permitted when accessory to a permitted use and discretionary when accessory to a discretionary use. An accessory structure or use is not permitted without a principal building or use.
- 6.11.2 An accessory structure shall not be used as a dwelling unless it is an approved additional agricultural dwelling, a secondary dwelling, a secondary suite, or a residential security/operator suite. (Bylaw 16-2008)
- 6.11.3 An accessory structure shall not be constructed over an easement.

Accessory structures in non-residential districts

- 6.11.4 Accessory structures are subject to the development regulations for the district.
- 6.11.5 Accessory structures which abut a lot in a residential district shall not be less than 1.5 m from the boundary of the residential district and shall not be higher than the permitted height of a principal building in the residential district.

Accessory structures in residential districts except RA & RC

- 6.11.6 Accessory structures shall not exceed 4.5 m in height.

- 6.11.7 Accessory structures shall be located no closer than 18.0 m to the front lot line. An accessory structure may not be located in a front yard, except in accordance with subsection 6.11.17. **(Bylaw 14-2008)**
- 6.11.8 The site coverage for accessory structures on a site shall not exceed a maximum of:
- a) 67 m² for a single accessory structure; and
 - b) 94 m² for a combined total of all accessory structures on-site, except in an R1C and R2A District, accessory structures shall not exceed a combined total of 52 m² for all accessory structures on-site. **(Bylaw 14-2008)**
- 6.11.9 Accessory structures shall be located:
- a) no closer than 1.0 m from the side lot line and rear lot line; and
 - b) not less than 0.9 m from the principal building; or
 - c) as otherwise required in the respective district. **(Bylaw 14-2008)**
- 6.11.10 In districts that allow for zero lot line development, an accessory structure that is a mutual garage, may be developed on a common property line. A minimum side yard of 1.0 m is required for the other side lot line that is not attached to another building by a mutual wall. **(Bylaw 50-2007)**

Accessory structures in RA & RC district

- 6.11.11 Accessory structures shall not exceed:
- a) 6.6 m in height in an RC District; and
 - b) 8.0 m in height in an RA District. **(Bylaw 14-2008)**
- 6.11.12 The total site coverage of accessory structures on a RC site shall not exceed 225 m². A Development Officer may grant a variance provided that there is no garage attached to the principal building which can accommodate two vehicles and, that there will not be an adverse effect on adjacent uses. In granting a variance, the Development Officer must have regard for the location of adjacent development, topography and natural screening. This variance shall not exceed 90 m². **(Bylaw 50-2007)**
- 6.11.13 The total site coverage of accessory structures on a RA site shall not exceed 425 m². A Development Officer may grant a variance where the structure is being proposed in conjunction with an agricultural, general use and, provided that there will not be an adverse effect on adjacent uses. In granting a variance, the Development Officer must have regard for the location of adjacent development, topography and natural screening. This variance shall not exceed 100 m². **(Bylaw 50-2007)**
- 6.11.14 Accessory structures shall comply with the siting requirements for principal buildings.
- Accessory structures on corner, double fronting, or lakefront sites**
- 6.11.15 The setback for an accessory structure shall not be less than the side yard required for the principal building on the side lot line abutting a flanking road.
- 6.11.16 An accessory structure on a double fronting lot shall be sited as if a front yard is required on both lot lines abutting roads unless it is a residential lot with its vehicle access from one street consistent with lots on the same block.
- 6.11.17 Where residential lots are located along a lakeshore, a Development Officer may allow the location of accessory structures in the front yard along the roadway provided this is consistent with the development in the nearby area.

Containers

- 6.11.18 Containers shall:
- a) only be considered as accessory to a principal building within the following districts:

- i) AG Agriculture: General;
 - ii) RA Rural Residential/Agriculture; and
 - iii) RC Country Residential; and
 - b) be used for storage purposes only, excluding any dangerous or hazardous materials or containers;
 - c) not be stacked one upon another;
 - d) have an exterior finish to match or compliment the exterior finish of the principal building; or be screened from view to the satisfaction of the Development Officer. **(Bylaw 15-2008)**
- 6.11.19 The maximum number of containers that shall be allowed on a parcel or parcels of land is as follows:
- a) less than 8 ha – one container
 - b) 8 ha to 16 ha – two containers
 - c) 16 ha or more – four containers **(Bylaw 15-2008)**

6.12 Design Standards

Purpose

- 6.12.1 Design standards provide basic design that contributes to the enhancement and aesthetic improvement of form, scale, character and general aesthetic appearance.

General

- 6.12.2 In all developments, the design, use of exterior finishing materials and construction shall be to the satisfaction of a Development Officer who shall ensure, as far as reasonably practicable, that materials will be similar to, or better than the standard of surrounding development. Building materials shall be durable and of high quality.
- 6.12.3 Each site shall be designed with due regard and sensitivity to adjoining sites in order to ensure developments are complimentary and compatible.
- 6.12.4 The predominant building material shall consist of brick, stone, stucco, wood, architecturally finished block or concrete, or prefabricated metal or other durable and aesthetically pleasing materials, having regard to the objective of ensuring that material is appropriate to the development style.
- 6.12.5 All sides of building exposed to view from a street or other public space shall be treated as principal facade and finished in a pleasing architectural manner.
- 6.12.6 Rooflines and building facades shall be articulated and varied to reduce perceived mass and linearity of large buildings. A box-like appearance in building design and large expanses of uninterrupted building surfaces shall be avoided.

Crime Prevention through Environmental Design

- 6.12.7 Design shall discourage crime by reducing concealment opportunities; providing lighting to minimize dark spaces; placing of windows in order to maximize informal surveillance; and easily identifying street addresses.

Design Elements

- 6.12.8 Through attention to detail and by utilizing positive design principles, development can generally be constructed more attractively by the following:
- a) Gas utility enclosures shall be located away from street facing facades and screened from view.
 - b) Satellite dishes, when exposed to public view, shall be as inconspicuous as possible.
 - c) Where covered parking is provided, the scale form and character shall be consistent with the

building design.

- d) Pedestrian walks shall be designed at a gradient and with a surface that meets the safety and access requirements of all individuals.
- e) Rooflines and building facades shall be articulated and varied to reduce the perceived mass and bulk of the building.
- f) Other than in agricultural and industrial districts, mechanical equipment shall be screened or incorporated in the roof envelope.

Colour

- 6.12.9 Colour is one of the most powerful design elements used to establish character and appearance. An overall colour scheme shall unify various elements of the façade. Some general colour guidelines include using earth tones and natural pigment colours as the most appropriate choice; using warm subdued background shades which blend as a whole throughout the block; and using brighter accent colours discretely to create subtle areas of focus (i.e. doorways, window frames, fascia trim).

Lighting

- 6.12.10 Appropriate lighting of commercial and industrial development shall be undertaken to provide security and to add visual interest. Lighting standards and fixtures shall be of consistent design and complimentary to the overall architecture.
- 6.12.11 Outdoor lighting shall be located and arranged so that no direct rays of light are directed at any adjoining properties or interfere with the effectiveness of any traffic control device.
- 6.12.12 Public access areas shall be lit in keeping with the principles of crime prevention through environmental design and require site lighting as is necessary to encourage pedestrian safety and allow casual surveillance from adjacent buildings and roads of parking and walkways.

Commercial & Institutional Development

- 6.12.13 The design of commercial and institutional development shall enhance the overall appearance as seen by the travelling public and to ensure appropriate separation and buffering from adjacent uses.
- 6.12.14 The design of each commercial and institutional site shall ensure architectural compatibility of structures such that the principal design elements, finishing materials, colours and roof style shall be applied to each building with appropriate variations.
- 6.12.15 Buildings fronting onto arterial and collector roads shall have a significant building orientation towards the road.
- 6.12.16 The building form encompassing the height, scale and massing of the building height be consistent and complementary to the built environment in the surrounding area.
- 6.12.17 Sloped, as opposed to flat, roofs are encouraged. If not sloped, they shall have the appearance of being sloped.
- 6.12.18 Doorway entrances and window frames shall be highlighted through vertical façade articulation including roofline accents, the use of awnings or other architectural features.
- 6.12.19 Direct and clearly marked pedestrian walks shall connect building entrances to parking lots and sidewalks of abutting streets.
- 6.12.20 The design of each commercial and institutional site shall ensure the privacy of adjacent residential development.

Multiple Residential Development

- 6.12.21 Multiple residential development shall be designed with a visual appearance and building form (height, scale and massing) complementary to the surrounding built environment.

- 6.12.22 The design of each site shall ensure architectural compatibility of structures such that the principal design elements, finishing materials, colours and roof style shall be applied to each building with appropriate variations.
- 6.12.23 Sloped, as opposed to flat, roofs are encouraged. If not sloped, they shall have the appearance of being sloped. Roofs shall be finished with wood shingles, clay tiles, or asphalt shingles.
- 6.12.24 The predominant building material shall consist of brick, stone, stucco, wood, architecturally finished block or concrete, or prefabricated metal or other durable and aesthetically pleasing materials, having regard to the objective of ensuring that material is appropriate to the development and is compatible with the location.
- 6.12.25 Doorway entrances and window frames shall be highlighted through vertical façade articulation including roofline accents, the use of awnings or other architectural features.
- 6.12.26 Canopies or awnings shall promote weather protection.
- Commercial/Residential Mixed Use Development**
- 6.12.27 Preference shall be to maintain the commercial (retail or office) space on the first two levels above grade as the dominant visual components on the façade of the building facing the street.
- 6.12.28 Residential development shall be stepped back from the street facing sides of the building, allowing for the dominance of lower level commercial development.
- 6.12.29 Attractive façade treatment is encouraged with coordination of materials, colours, architectural composition, windows, rooflines, awnings and other elements.
- 6.12.30 Separation of commercial and residential traffic is desirable.

6.13 Site Grading (Bylaw 7-2009)

- 6.13.1 The regulations contained within this section are intended to apply primarily to those situations where site grading (including construction of an artificial water body, but not a dugout), is proposed independent of, or prior to other development on the same parcel or site.
- 6.13.2 Although not listed in the districts, site grading, is a discretionary use in all districts and requires a development permit unless it is exempted by Section 3.1.
- 6.13.3 An applicant for site grading shall, in addition to the information requirements of Section 3, submit plans and a written description of the proposal, including:
- a) the location and dimensions of the proposed disturbed area;
 - b) existing site conditions of the land including topography, vegetation and water courses;
 - c) the type of site grading activity proposed showing dimensions of the operation or the area of the land to be included, the depth to which the topsoil is to be removed or added; and the effect on existing drainage patterns;
 - d) proposed access, haul routes and haul activities;
 - e) proposals for preventing nuisance from dust and erosion;
 - f) a reclamation plan that includes measures for controlling erosion, weeds, etc.; and
 - g) the costs required to reclaim the site.
- 6.13.4 In considering whether to approve an application the Development Officer shall have regard for:
- a) the purpose of this Bylaw and the general purpose of the district in which the activity is located and, the future use of the site as proposed in a reclamation plan;
 - b) the provisions of Strathcona County's Municipal Development Plan and any other relevant statutory plan;

- c) relevant guidelines prepared by Alberta Environment, Alberta Agriculture, and any comments or recommendations provided with provincial approval;
 - d) County standards and policies regarding wetlands;
 - e) Alberta Transportation and Strathcona County standards and policies regarding berms and setbacks adjacent to Municipal and Provincial road rights-of-way;
 - f) the use of top soil or clay materials as a beneficial resource to the region;
 - g) conservation of topsoil for agricultural purposes;
 - h) a letter signed by a professional soil testing/geotechnical firm confirming the quality of the topsoil or fill being placed on the property;
 - i) conservation of designated historical resources;
 - j) conservation of trees and maintenance of habitat during the critical wildlife nesting periods of April 15 to July 31;
 - k) conservation of prime agricultural land in a productive state;
 - l) conservation of environmentally significant and sensitive areas, including areas adjacent to Elk Island National Park, with special consideration given to areas identified as High Priority Management Area within Strathcona County's Municipal Development Plan;
 - m) conservation of watercourses, maintenance of positive drainage, and potential drainage effects on adjacent or nearby properties;
 - n) the potential nuisance effect on adjacent properties to ensure there are no negative impacts on adjacent properties;
 - o) potential damage to County roadways and surface structure.
- 6.13.5 A road use agreement, between Strathcona County (Transportation and Agriculture Services) and the landowner incorporating haul routes, maintenance, signage, and other related clauses, may be required as a condition of a development permit and shall be provided to the satisfaction of the Manager, Transportation and Agriculture Services.
- 6.13.6 Top soil: Where, in the process of development, areas require site grading, filling or excavation, the topsoil shall be removed before work commences and replaced following the completion of the work.
- 6.13.7 Placing of fill: Unless exempted by Section 3.1, the placing of fill, or the storage of fill shall not be allowed in any land use district:
- a) until a development permit has been issued for site grading;
 - b) unless the fill does not contain construction rubble or any hazardous substance; and
 - c) until a reclamation plan has been prepared for the site, to the satisfaction of a Development Officer.
- 6.13.8 Providing there is no negative impact on water flows, to or from adjacent lands, Section 6.13.7 does not apply:
- a) to the placing of clean topsoil for agricultural purposes;
 - b) to the placing of up to 1m of fill, including topsoil, providing topsoil is stripped and stockpiled prior to placing of fill and then replaced;
 - c) when the topsoil is seeded to natural grass or agricultural crop within the same growing season;
 - d) when no fill is placed in natural wetlands or drainage courses.
- 6.13.9 Borrow Area: Borrow areas may be allowed in any land use district provided that:
- a) a development permit has been issued for site grading;
 - b) the excavated material is used as fill in a development within Strathcona County or an adjacent municipality for development that has been approved by that municipality;

- c) the maximum area of excavation does not exceed 8 ha; the maximum amount of material to be removed from the site does not exceed 40,000 m³ and; the excavated material does not contain sand or gravel; and
 - d) there is no negative impact on water flows to or from adjacent lands; and
 - e) a reclamation plan has been prepared for the site, to the satisfaction of a Development Officer; and
 - f) the time from commencement of excavation to completion of reclamation does not exceed 120 days.
- 6.13.10 Security Requirements: A Development Officer may require, as a condition of a development permit, that the owner provide a guaranteed security to ensure that reclamation is completed to a state that is satisfactory to Strathcona County. The security may be either cash or an automatically renewable irrevocable letter of credit in the amount of 110% of the established reclamation costs.
- 6.13.11 Reclamation security requirements can be staged with development, provided that security must be in place for reclamation of any disturbed area before that stage commences.
- 6.13.12 The owner, or the owner's representative, based on the information provided in the reclamation plan, shall calculate the reclamation costs. If a Development Officer does not accept the costs identified by the owner or the owner's representative, a Development Officer may establish a higher reclamation cost figure for the purpose of determining the value of the reclamation security.
- 6.13.13 Where cash is provided as the reclamation security, interest may be payable and, it shall be held by Strathcona County until the reclamation has been completed and a Development Officer is satisfied, through site inspection, that this has occurred.
- 6.13.14 Where a letter of credit is provided as the reclamation security, it shall be held by Strathcona County until a Development Officer is satisfied, through site inspection, that the reclamation has been completed.
- 6.13.15 The owner shall notify Strathcona County 30 days prior to completion of the reclamation plan to allow for scheduling of a site inspection and to determine if the reclamation is being completed in accordance with the requirements of the approved reclamation plan. If reclamation conditions are satisfactory to a Development Officer, the letter of credit may be released. If inspection cannot be made within this 30 day time period due to weather conditions or other extenuating circumstances, a Development Officer may require renewal of the letter of credit until a satisfactory inspection can be made.
- 6.13.16 In the event the owner does not complete the required reclamation in the time specified in the approved reclamation plan and the cash or the proceeds from the letter of credit are insufficient for Strathcona County to complete the required work, should it elect to do so, then the owner shall pay such deficiency to Strathcona County immediately upon being invoiced. Strathcona County shall provide an accounting to the owner indicating how the proceeds of the letter of credit were applied, within 60 days of completing the reclamation.

6.14 Rural Development (Bylaw 42-2004)

- 6.14.1 All proposed lots are lands which are physically severed from the remainder of a property, whether due to natural or man-made features, that are not serviced by a communal or

municipal water and sewer system, shall have a minimum contiguous developable area of 0.4 hectares (1.0 acre) with a near surface ground water table of not less than 2.0 meters (6.6 feet) below the surface. This will ensure that there is adequate room on site to separate residential, sewer and potable water needs. The lots shall be located to ensure positive drainage to the nearest watercourse. (Bylaw 5-2007)

6.15 Public Acquisition Of Lands (Bylaw 95-2005)

- 6.15.1 Where, in the opinion of the Development Officer, a lot is reduced in size due to the unanticipated taking of additional lands for public use by the Municipality, Provincial or Federal Agency or a public utility by dedication, expropriation or purchase, the lot shall be considered to exist as it did prior to the taking of the lands for the purpose of further development upon the lot under its existing district regulations, provided such taking:
- a) does not affect required on-site sewage disposal;
 - b) does not result in the parcel being rendered unsuitable for any of the uses listed in the district in which the lot is located;
 - c) does not affect the minimum parcel size or yard requirements of the district in which the lot is located; and
 - d) does not increase the maximum density approved at the time of subdivision of the lands.

6.16 Dugouts (Bylaw 15-2008)

- 6.16.1 Unless a dugout is exempted by Section 3.1 from the requirement for a development permit, an applicant shall submit plans and specifications in accordance with Section 3.2.
- 6.16.2 Dugouts shall:
- a) meet the minimum setback requirements of the applicable district;
 - b) be located a minimum of 20 m from the centreline of an internal subdivision road and/or 40 m from the centreline of a rural road; and
 - c) not encroach upon, or affect, any watercourse or drainage easement.

SCHEDULE C-1

Dugout Cross Section

