



Governance Committee

Subject:	Langdon Commercial Property Servicing – SDAB Decision
Date:	July 16, 2024
Presenter:	Steve Altena, Supervisor, Planning Policy
Department:	Planning

REPORT SUMMARY

The purpose of this report is to inform the Governance Committee about a recent decision made by the Subdivision and Development Appeal Board (SDAB) (the Board) and the wider implications that this may have for area structure plan policies relating to utility servicing in several of the County’s established growth areas.

The appeal related to the development of a multi-tenant commercial building, with associated Care Facility (Clinic) and Establishment (Eating) uses adjacent to Centre Street in Langdon. The Applicant appealed the conditions set out in the Development Authority’s development permit approval, which required connection to the Langdon Waterworks piped water network, some 300 metres (± 984 feet) away.

The Board amended the approval conditions to defer the connection requirements and support the use of a cistern for the interim period. Permanent conditions were added to require a connection to the piped water system by such time as when the proposed eating establishment receives tenancy approval, or such time where the water system is brought up Centre Street, whichever occurs first. The decision of the SDAB is included in Attachment A.

This decision is the most recent of three similar appeal decisions that have allowed deferral of connection to piped servicing, despite the relevant area structure plans stating that development shall connect to such servicing. The decisions have highlighted that there is scope for discretion in interpretation of the timing of required servicing connections in subdivision and development approvals, and that policies could be amended in several area structure plans to be more explicit in setting out the County’s expectations.

In undertaking future amendments to area structure plans, Administration will explore the potential for policy to offer more clarity on servicing requirements, where immediate connection to piped servicing is considered important to the efficient operation and orderly expansion of available utility services.

ADMINISTRATION’S RECOMMENDATION

THAT the Governance Committee receives the Langdon Commercial Property Servicing – SDAB Decision report for information.

BACKGROUND

The Development Authority issued a notice of decision on November 28, 2023, to conditionally approve PRDP20223318 for the development of a multi-tenant commercial building located at 143 Centre Street NW in Langdon. The condition set included requirements to connect to the piped water and wastewater systems in Langdon as per the policies of the statutory Langdon Area Structure Plan (ASP). The Applicant filed an appeal with the SDAB against the Development Authority’s decision, contesting the requirement to connect to the piped water system due to the cost of extending service to the parcel.

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The Appellant’s argument focused on the expense of connecting to the Langdon Waterworks system. The water distribution line is not adjacent to the parcel and approximately 300 metres (± 984 feet) of pipe would need to be installed at a cost of approximately \$250,000 to service the development. The Appellant argued that this cost was prohibitive to the development and would result in financial hardship. Furthermore, the Appellant asserted that a water cistern system would be adequate for the site as it would operate only as a clinic until such time where the Establishment (Eatery) obtained tenancy. The Appellant was willing to defer the connection to the water line until the eating establishment opened or the water line was constructed along Centre Street to the Lands.

Following the hearing on January 25, 2024, the Board issued its decision on February 9, 2024, with the following findings:

- The connection to the water infrastructure is mandatory under the Langdon ASP, however, there is no established time frame of when that connection is required; and,
- At the present time, connection to the Langdon Waterworks water system is not necessary for the proposed development, provided a connection is made at a time specified within the conditions of the development permit.

The Development Permit was approved with amendments including the addition of the following condition:

“That upon the tenancy approval of the Establishment (Eating) use, through a development permit application (change of use or New business tenant), or the piped water service is brought up Centre Street to the Lands, the Applicant/Owner shall provide confirmation from Langdon Waterworks that servicing capacity is available and that the piped water service connection has been established to the Lands, in accordance with Section 23.4 of the ASP, the County’s Servicing Standards and County Policy #449, or as per alternate Council direction.”

DISCUSSION

SDAB Decision

The Board determined that there were two issues to be decided:

- Does the proposed development comply with the applicable statutory plan?
- Is the water service connection necessary to serve the proposed development as required by section 650(1) of the MGA?

Policy 23.4 of the Langdon Area Structure Plan states that “all new developments shall connect to piped water and wastewater services” while Policy 23.8 requires that “all new development shall connect to the potable water system”.

In weighing the legislative requirements, the Board determined that it must comply with the mandatory Policies 23.4 and 23.8 under section 687(3)(a.2) of the MGA. At the same time, under section 650 of the MGA, the Board concluded that it cannot direct that the Appellant enter a development agreement to construct or pay for the connection to the utility services if they are not necessary to service the proposed development.

Considerations

Connecting all new development to piped water servicing within the County’s growth areas is considered important to provide communities with a safe, reliable, and cost-effective water supply. Both municipal and private piped water systems are regulated by Alberta Environment and Protected Areas (AEPA) and there are strict requirements for water quality and testing. Expansion of piped systems across a community also supports fire suppression capabilities. For cisterns and wells, the responsibility is with the landowner to inspect and maintain the system, and fire suppression may need to be provided through alternate means.

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Piped wastewater systems in the County’s growth areas are similarly regulated by the Province and provide residents and businesses with reliable wastewater treatment services that remove the maintenance obligation from the landowner. They offer a sustainable approach to accommodate more comprehensive development patterns and efficient land use, while also minimizing the cumulative environmental impacts that would otherwise be caused in the use of private sewage treatment systems to support development.

Deferring or exempting individual developments from connecting to the piped water or wastewater systems may:

- Impact the ability to expand the system to service the subject property and others. Expansion of servicing systems often relies upon new development.
- Affect the consistency of decisions and requirements for developers. Administration will include connection requirements for subdivisions and development permits in accordance with statutory policies, however, each developer will need to determine whether to appeal those requirements to the SDAB. Those who do not appeal, or who are not successful at the SDAB, may be required to construct infrastructure benefitting others.

The Board’s recent decision has highlighted that the servicing policies in the Langdon ASP and many other County ASPs do not specify a timeframe for connection and this leaves some ambiguity for decision-makers over the necessity of servicing connections.

Across the County’s other growth areas, the Conrich and Greater Bragg Creek (hamlet policies) ASPs have similar wording to Langdon in noting that new development shall connect to the County’s water and wastewater system. However, due to the time of adoption or the mix of proposed land uses within a community, many other ASPs are less prescriptive in how and when a development should connect to available piped services. For example, some ASPs highlight the presence of existing servicing and encourage connections to piped utilities where available, or note that the overall community shall be connected to piped services, but do not specifically refer to connection requirements for individual development proposals.

Considering the differing interpretations that could be taken in relation to the timing of piped servicing connection requirements, Administration will explore ways to more explicitly identify the intent of servicing policies in current and future area structure plan projects.

ALTERNATE DIRECTION

Administration does not have an alternative direction for the Committee’s consideration.

ATTACHMENTS

Attachment A: Decision of the Subdivision and Development Appeal Board

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
FOR ROCKY VIEW COUNTY**

Board Order: 2024-SDAB-004

File: PRDP20223318 Myla

Appeal by: Koti Reddy Myla

Hearing Date: January 25, 2024

Decision Date: February 9, 2024

Board Members: D. Kochan, Presiding Officer
B. Doherty, Member
D. Bunney, Member
M. Dunn, Member
P. Farrar, Member

DECISION OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD

INTRODUCTION

[1] The Development Authority for Rocky View County issued a decision on November 28, 2023 to conditionally approve a development permit for a Care Facility (Clinic) and Establishment (Eating), construction of a multi-tenant commercial building and relaxation of the minimum rear yard setback requirement, located at Lot 20-24, Block 3, Plan 4444 U; SW-22-23-27-04; (143 Centre Street NW) located in the hamlet of Langdon ("Lands").

[2] On December 18, 2023 Koti Reddy Myla filed an appeal with the Subdivision and Development Appeal Board for Rocky View County ("Board") against the Development Authority's decision.

[3] A notice of hearing was circulated to the Appellant, Development Authority, and adjacent landowners in accordance with the *Municipal Government Act*, RSA 2000, c M-26 ("*Municipal Government Act*") and Rocky View County *Policy C-327 Circulation and Notification Standards*.

[4] Upon notice being given, this appeal was heard on January 25, 2024 in the Rocky View County's Council Chambers, located at 262075 Rocky View Point, Rocky View County, Alberta.

DECISION

[5] The appeal is allowed and the Development Authority's November 28, 2023 decision on development permit application PRDP20223318 is varied.

[6] The Board has varied the conditions of the Development Authority's November 28, 2023 decision and has included them in Appendix 'B' of this decision for ease of reference.

PRELIMINARY MATTERS

Hearing Date

[7] In accordance with the *Municipal Government Act*, RSA 2000, c M-26 ("*Municipal Government Act*") the Board must hold an appeal hearing within 30 days after receipt of a notice of appeal. Following the receipt of the notice of appeal on December 18, 2024, the Board inquired with both the Appellant (Applicant) and the Development Authority if the parties would be amenable to delaying the hearing and holding it on January 25, 2024. The Appellant (Applicant) and Development Authority agreed in writing to delay the hearing to the proposed hearing date of January 25, 2024 on December 19, 2023 and December 20, 2023, respectively.

Board Members

[8] At the outset of the hearing, the Board requested confirmation from all parties in attendance that there were no objections to the composition of the Board hearing the appeal. None of the persons in attendance had any objection to the members of the Board hearing the appeal and the Board members had no conflict of interest to disclose.

Exhibits

[9] Materials received before the hearing date were posted on Rocky View County's ("County") web page. No new materials were received on the morning of the hearing, and the persons in attendance had no objections to the Board accepting the materials already posted on the County's web page as exhibits. Those exhibits are listed in Appendix 'A' of this Board Order.

Hearing Process

[10] At the outset of the hearing, the Board outlined the process it wished to follow. None of the persons in attendance had objections to the hearing process outlined.

SUMMARY OF EVIDENCE

[11] The summaries below are of the verbal evidence provided to the Board. The verbal evidence is only a portion of the overall submissions, which includes all the written materials accepted as exhibits by the Board. The Board heard verbal submissions from:

- (1) Jacqueline Targett, Senior Development Officer, for the Development Authority;
- (2) Peter Sontrop, Municipal Engineer, for the Development Authority;
- (3) Justin Rebello, Supervisor, for the Development Authority;
- (4) Koti Reddy Myla, Appellant (who is the Applicant); and
- (5) Dinesh Burad, Synchro Architecture Inc., on behalf of the Appellant.

Development Authority

[12] The development permit application is for a Care Facility (Clinic) and Establishment (Eating), construction of a multi-tenant commercial building and relaxation of the minimum rear yard setback requirement (the "proposed development").

[13] The Lands are zoned as Commercial, Local Urban District ("C-LUD district") under *Land Use Bylaw C-8000-2020* ("*Land Use Bylaw*") and are located within the Langdon Area Structure Plan.

[14] Care Facility (Clinic) and Establishment (Eating) are permitted uses in the C-LUD district.

[15] The Lands are currently undeveloped. The Lands were originally zoned as residential and included a single-family dwelling and an accessory building constructed in 1950 and 1979 respectively. Both structures have since been demolished from the Lands.

[16] The footprint of the commercial building shall be 6379 square feet. The Care Facility (Clinic) shall occupy 4784 square feet, which is the majority of the building; with the Establishment (Eating) conditionally occupying up to 1594 square feet. The proposed development requires a minimum rear yard setback variance from 19.69 feet to 4.65 feet.

[17] The rear yard setback variance was deemed appropriate in this specific case by the Development Authority, as all activity is required to be focused along the eastern portion of the site facing Centre Street and to restrict access and business activity in the existing residential laneway.

[18] The Lands include primary frontage along Centre Street, a residential rear laneway, and one existing paved access off Center Street.

[19] The proposed development intends to provide local medical services to the immediate hamlet and surrounding area, including physiotherapy, dental and medical services, and provide a local gathering spot for residents.

[20] The conditional approval requires the proposed development to connect to the County sanitary regional system and connect to the private water utility provider in Langdon (Langdon Waterworks Ltd). There are existing water lines adjacent to the Lands, however, the water piping is only sized to support residential uses. The applicant is required to upgrade the existing infrastructure to support the subject commercial development.

[21] The upgrades were deemed necessary and required in accordance with the County Plan (s.17.1) and the Langdon Area Structure Plan (s.23.4 and 23.8), the total estimated distance to be upgraded is around 984 feet.

[22] The Appellant is requesting that due to the expense of the upgrade the Board defer the connection to the water system and allow interim servicing of the proposed development through a water cistern. The Appellant is suggesting the connection be deferred until such time as the water infrastructure is upgraded and servicing is readily available. At that time the proposed development would connect.

[23] In response to Board's questions, the Development Authority stated:

- (1) The Development Authority is bound by policy, in this case policy requires new development connect to the water infrastructure and install any piping that is necessary to facilitate that connection. For this reason, servicing for the proposed development via a water cistern was not considered a viable option.
- (2) As Langdon is in transition to be entirely on a pipe water service there are currently commercial sites in Langdon that are not connected to the system, as well some residential that still run on residential wells. The long existing old commercial properties are currently serviced on cisterns and functioning, however, upon their new development they would also be required to connect in accordance with the statutory policy.
- (3) In the County's interpretation and assessment, the request for the proposed development to connect to the water servicing was deemed a feasible request.
- (4) The Development Authority assessed the application against Langdon Area Structure Plan that states new development shall be connected. The proposed development met the test within the policy and was conditioned accordingly.
- (5) The Langdon area has had significant problems with the use of existing water wells, with long standing commercial and residential properties alongside new development there has been additional pressure placed on those wells, leading to water issues. This has caused Alberta Environment to voice their concerns over the water issues specifically in Langdon.
- (6) Connecting to a piped system is a lot more reliable and reduces some of the issues and problems that arise when connected to a water well. There are several commercial developments in the County, especially in the more rural areas where a piped system is not available, that are able to operate on a water cistern.
- (7) There is a waterline adjacent to the Lands, however, it is a residential line and cannot meet the capacity requirements of a commercial development. Langdon Waterworks has requested the sizing of the line be increased to allow for higher flow and pressure to meet the fire suppression and capacity requirements for the proposed development.
- (8) If the Board allowed the Applicant to defer the connection the Applicant would be required to submit all documentation regarding the cistern to the Development Authority for review. The review of these documents would include an assessment of the cistern to ensure it is an appropriate size. If the Applicant is not tying into the system to handle fire suppression, they would need to have an alternative measure on site ensuring that it complies with the Alberta Building Code to meet the fire suppression requirements. Currently the applicant has not provided that information to the Development Authority.
- (9) The Development Authority has no concerns around the wastewater connection for the proposed development, as the Applicant has proposed to connect to the wastewater infrastructure adjacent to the Lands.

- (10) The Development Authority did take into consideration section 650(1)(c) of the *Municipal Government Act* in the assessment of the proposed development. The statutory documents for the area mandate that new commercial development connect and in keeping with the overall development policies that the County is looking to grow and develop, connection of the proposed development to the water infrastructure was deemed necessary by the Development Authority.
- (11) The connection to the water infrastructure is mandatory under the Langdon Area Structure Plan, however, there is no established time frame of when that connection is required. The Development Authority, in their interpretation, feel an instant connection is necessary when the site is occupied. However, it can be interpreted as to when that connection will occur.
- (12) If interim servicing was to be considered there should be a requirement, in the form of a permanent condition, that establishes the timeline of the connection to the infrastructure to adhere to the requirements set out in the Langdon Area Structure Plan. If this condition is not added, then the development would not need to connect until a future development proposal is submitted, which may or may not be submitted in the future.
- (13) Currently, approximately 2 kilometres of the Centre Street corridor is developed, there are very few properties that remain undeveloped. The rest of the corridor is in various stages of older development versus newer development of commercial related uses; there are also some existing residences along Center Street.
- (14) Most of the newer development along Centre Street has been required to connect to the infrastructure, the existing residential is also believed to be connected. The area of the proposed development is a little bit further South of the primary Centre Street corridor and is in transition. This is why there are some developments connected and others that still need to connect.
- (15) The Langdon Area Structure Plan has an interpretation of shall/must within the plan interpretation, it is a directive term that indicates the actions outlined are mandatory and therefore must be complied with, without discretion, by Administration, the developer, the development authority, and subdivision authority.
- (16) There was no investigation beyond the requirements of the Area Structure Plan regarding servicing, as the Development Authority is bound by the policies within the Plan. However, technically speaking a water cistern could potentially be viable to provide servicing to the proposed development.
- (17) As there was no investigation past the requirements of the Area Structure Plan the size a cistern would need to be to service the proposed development is not known. However, when looking at the County Hydrant Bylaw that governs the fire flow and volumes for commercial industrial development the minimum size of a cistern ranges from 1200 to 3200 cubic meters plus the maximum daily demand. Additional design would be needed to determine the minimum and maximum size of the cistern that would be required to service the proposed development.

- (18) If the Board wishes to move forward with servicing the proposed development with a cistern a prior to release condition would be required. There are several details that would have to be determined prior to the release of the development permit including but not limited to the location and size of the cistern and if the cistern would fit on the Lands.
- (19) There is a fair amount of confidence that the size and compatibility of both the cistern and stormwater mitigation can be sorted out prior to the release of the development permit.
- (20) There are a couple of properties on private cisterns that are south of the main Centre Street corridor where the newer developments are located.
- (21) There are some properties in the area that have longstanding well usage, however, they are strictly for residential uses.
- (22) The Langdon Area Structure Plan gives clear direction that new developments must tie into the utility systems for both water and wastewater, however there is no time stipulated on when they shall connect. Grandfathering in properties that are being serviced via a cistern is challenging, the Area Structure Plan does not state when the servicing needs to take place only that it shall take place.
- (23) If a prior to release condition were to be added to allow for water servicing via a cistern, there would also need to be a requirement to have a professional engineer calculate the size of cistern that would be needed to service the proposed development. This would include the maximum demand for the possible uses of the proposed development and the fire flow associated with the building and where it would be placed on the Lands.
- (24) The Board could condition the development permit accordingly if they wished to defer the connection to a future use. For example, the Board could add a permanent condition requiring that upon the tenancy approval of the eating establishment, the Applicant provide confirmation of connection and sign off from Langdon Waterworks. Any condition that was added to defer the connection would have to be very specific as to when that requirement is happening or required for the Development Authority to ensure that the condition is enforced at time of tenancy.
- (25) If the Applicant were to consider an alternate use for any of the approved uses that are listed within the development permit an application for a change of tenancy development permit would need to be submitted for consideration by the Development Authority.

Koti Reddy Myla, Appellant (who is the Applicant)

[24] This is a small physiotherapy business that was started with a clinic in Medicine Hat then expanding into Taber and hopefully opening a clinic in Langdon, where there is currently no physiotherapy clinic.

[25] The main reason for the appeal is the connection to the commercial water line. This line is close to the fire hall, that is approximately 300 metres away from the proposed development. The cost to connect to the line is around \$250,000, that is the total cost of the budget for the clinic. There are no banks that will give a loan for the costs of the water connection.

[26] Langdon Waterworks has given the option of cost sharing the line with the other developments that are built along Centre Street that will connect in the future. However, there is no guarantee of when or how many businesses will come to the area.

[27] The properties around the proposed development are residential and get their water from wells, none are connected to the residential water line.

[28] The cost to connect to the water line is cost prohibitive for a small business, it will take more than 10 years to get the money back.

[29] The clinic in Taber uses around 4 cubic metres and is the same size as the proposed development. If all three units in the proposed development use around the same amount of water the proposed development will only need around 5000 gallons of water a month, that is equivalent to one tanker of water which would cost \$1000 a month.

[30] From a cost perspective a cistern is more effective.

[31] The proposed development is willing to connect to the water line when the line is brought up Centre Street, at that time it will be more economical to connect.

[32] There is currently no physiotherapy clinic in Langdon, a community of 5000 people, would like to provide the residents of Langdon a place to go instead of having to drive to Calgary, Chestermere, or Strathmore.

[33] In response to Board's questions, the Appellant stated:

- (1) There will be no dental in the proposed development as there is a big dental clinic at the end of the block. The proposed development will contain three businesses a physiotherapy clinic, a medical pharmacy, and an Establishment (Eating).
- (2) There is currently no knowledge of how much water the Establishment (Eating), which could potentially be a coffee shop, may use.
- (3) Willing to defer the connection to the water line until such time as the Establishment (Eating) is opened or the water line is brought up Centre Street, whichever comes first.

Dinesh Burad, on behalf of the Appellant

[34] The closest fire hydrant to the proposed development is located approximately 300 metres away, where the fire station and the connection to the water line is located, this is a 10 minute drive from the proposed development. Consideration should be made for the proximity of the proposed development to the fire station.

[35] There are other methods that can be used to disarm a fire if there was one, additionally the building that will house the proposed development will be constructed from metal and will include non-combustible materials.

[36] The Appellant spoke with the surrounding neighbours explaining to them what the proposed development was about, there was really no neighbourhood opposition.

[37] If the connection is mandatory it will result in financial hardship for the business and may result in the proposed development not going ahead.

[38] The proposed development will eventually house a physiotherapy clinic, a pharmacy, and an Establishment (Eating) which could be a coffee shop.

[39] There has been no research done to determine how much water the Establishment (Eating) will require.

[40] In response to Board's questions, Mr. Burad stated:

- (1) The Establishment (Eating) will come later and will not open at the same time as the physiotherapy clinic. A more feasible solution for the connection is to tie the connection requirement to another part of the proposed development, for example when the Establishment (Eating) opens.
- (2) The water requirements for a residential property are higher than that of a commercial business.
- (3) The Lands do not have a dwelling on them currently, they are vacant.
- (4) The 5000 gallons cistern would be strictly for the building and would not include the water necessary to fight a fire.

REBUTTAL**Koti Reddy Myla, Appellant (who is the Applicant)**

[41] The Appellant did not wish to provide a rebuttal as they stated that they felt to have sufficiently communicated their evidence and that they had a fair opportunity to present their evidence to the Board.

JURISDICTION, FINDINGS & REASONS FOR DECISION

Jurisdiction of the Board

[42] The Board finds that it has the authority to make a decision on the matter pursuant to section 687 of the *Municipal Government Act*.

[43] The Development Authority's November 28, 2023 decision can be appealed pursuant to section 685(1)(b) of the *Municipal Government Act* which allows an appeal if a Development Authority issues a development permit subject to conditions.

[44] The Board notes that the Appellant is the Applicant who was issued a development permit subject to conditions and therefore has standing in front of the Board. Under section 687(1) of the *Municipal Government Act*, the Board is required to hear from the Appellant.

[45] The Development Authority's November 28, 2023 decision can be appealed pursuant to section 685(3) of the *Municipal Government Act* which allows an appeal of a development permit for a permitted use if the provisions of the land use bylaw were relaxed or varied.

[46] Under section 687(3)(a.2) of the *Municipal Government Act*, the development permit must comply with any applicable statutory plans.

[47] Under section 687(1) of the *Municipal Government Act*, the Board must hear from the Development Authority from whose order, decision or development permit the appeal is made.

[48] The Board received written materials from persons who claimed they are affected by the proposed development. After considering the written materials, the Board finds that the persons are affected by the proposed development. Under section 687(1) of the *Municipal Government Act*, the Board is required to hear from affected persons.

Findings of Fact

[49] The Board reviewed all evidence and arguments, written and verbal, submitted by the parties and focused on the most relevant evidence and arguments. The Board also considered the context of the proposed development permit, consideration of impacts, the merits of the application, and all applicable legislation, plans, and policies. The Board finds the following as fact:

- (1) The Development Authority for Rocky View County issued a decision on November 28, 2023 to conditionally approve a development permit for a Care Facility (Clinic) and Establishment (Eating), construction of a multi-tenant commercial building and relaxation of the minimum rear yard setback requirement.
- (2) The appeal was filed on December 18, 2023 and it was received on time in accordance with section 686(1) of the *Municipal Government Act*.
- (3) The Lands are designated Commercial, Local Urban District (C-LUD) under the *Land Use Bylaw* and located at Lot 20-24, Block 3, Plan 4444 U; SW-22-23-27-04; (143 Centre Street NW) located in the hamlet of Langdon.

- (4) Care Facility (Clinic) and Establishment (Eating) are permitted uses in the C-LUD district.
- (5) The proposed development requires a variance to the minimum rear yard setback from 19.69 feet to 4.65 feet.

Issues to be Decided and Reasons

[50] In reviewing the verbal and written evidence, the parties' arguments were focused entirely on proposed condition 15 of the Development Authority's December 18, 2023 decision on development permit application PRDP20233318. The Board heard no other concerns about the Development Authority's decision and the Board determined no other issues upon reviewing all the evidence.

[51] Proposed condition 15 requires the Appellant to connect to Langdon Waterworks for water servicing. The Board determined there are two intertwined issues to be decided, the Board will address them together:

- (1) Does the proposed development comply with the applicable statutory plans?
- (2) Is the water service connection necessary to serve the proposed development as required by section 650(1) of the *Municipal Government Act*?

Does the proposed development comply with the applicable statutory plans?

Is the water service connection necessary to serve the proposed development as required by section 650(1) of the Municipal Government Act?

[52] The Board determined the following regarding the applicable statutory plans:

- (1) The Lands are subject to the Langdon Area Structure Plan;
- (2) The Langdon Area Structure Plan is a statutory plan;
- (3) Policy 23.4 of the Langdon Area Structure Plan states that "all new developments shall connect to piped water and wastewater services"; and
- (4) Policy 23.8 of the Langdon Area Structure Plan states that "all new development shall connect to the potable water system".

[53] The Board must determine the necessity of the water service connection to serve the proposed development as outlined in section 650(1) of the *Municipal Government Act*:

Condition of issuing development permit

650(1) A council may in a land use bylaw require that, as a condition of a development permit's being issued, the applicant enter into an agreement with the municipality to do any or all of the following:

- (c) to install or pay for the installation of a public utility described in section 616(v)(i) to (ix) that is necessary to serve the development, whether or not the public utility is, or will be, located on the land that is the subject of the development;

- [54] The Board heard evidence from the Development Authority on the applicable statutory plans that:
- (1) The conditional approval requires the proposed development to connect to the County sanitary regional system and connect to the private water utility provider in Langdon (Langdon Waterworks Ltd). There are existing water lines adjacent to the Lands, however, the water piping is only sized to support residential uses. The applicant is required to upgrade the existing infrastructure to support the subject commercial development.
 - (2) The Development Authority is bound by policy, in this case policy requires new development connect to the water infrastructure and install any piping that is necessary to facilitate that connection. For this reason, servicing for the proposed development via a water cistern was not considered a viable option.
 - (3) The Development Authority assessed the application against Langdon Area Structure Plan that states new development shall be connected. The proposed development met the test within the policy and was conditioned accordingly.
 - (4) The Langdon Area Structure Plan has an interpretation of shall/must within the plan interpretation, it is a directive term that indicates the actions outlined are mandatory and therefore must be complied with, without discretion, by Administration, the developer, the development authority, and subdivision authority.

[55] The Board heard evidence from the Development Authority on the necessity of the water service connection that:

- (1) The upgrades were deemed necessary and required in accordance with the County Plan (s.17.1) and the Langdon Area Structure Plan (s.23.4 and 23.8), the total estimated distance to be upgraded is around 984 feet.
- (2) The Appellant is requesting that the Board allow interim servicing of the proposed development through a water cistern, with connection to the water system deferred, due to the expense of the upgrade. The Appellant is suggesting a deferral of the connection until such time as the water infrastructure is upgraded and servicing of the development is readily available, at that time the proposed development would connect.
- (3) As Langdon is in transition to be entirely on a pipe water service there are currently commercial sites in Langdon that are not connected to the system, as well some residential that still run on residential wells. The long existing old commercial properties are currently serviced on cisterns and functioning, however, upon their new development they would also be required to connect in accordance with the statutory policy.
- (4) Connecting to a piped system is a lot more reliable and reduces some of the issues and problems that arise when connected to a water well. There are several commercial developments in the County, especially in the more rural areas where a piped system is not available, that are able to operate on a water cistern.

- (5) If the Board allowed the Applicant to defer the connection the Applicant would be required to submit all documentation regarding the cistern to the Development Authority for review. The review of these documents would include an assessment of the cistern to ensure it is an appropriate size. If the Applicant is not tying into the system to handle fire suppression, they would need to have an alternative measure on site that it complies with the Alberta Building Code to meet the fire suppression requirements. Currently the applicant has not provided that information to the Development Authority.
- (6) The connection to the water infrastructure is mandatory under the Langdon Area Structure Plan, however, there is no established time frame of when that connection is required. The Development Authority, in their interpretation, feel an instant connection is necessary when the site is occupied. However, it can be interpreted as to when that connection will occur.
- (7) If interim servicing was to be considered there should be a requirement, in the form of a permanent condition, that establishes the timeline of the connection to the infrastructure to adhere to the requirements set out in the Langdon Area Structure Plan. If this condition is not added, then the development would not need to connect until a future development proposal is submitted, which may or may not be submitted in the future.
- (8) There was no investigation beyond the requirements of the Area Structure Plan regarding servicing, as the Development Authority is bound by the policies within the Plan. However, technically speaking a water cistern could potentially be viable to provide servicing to the proposed development.
- (9) As there was no investigation past the requirements of the Area Structure Plan the size a cistern would need to be to service the proposed development is not known. However, when looking at the County Hydrant Bylaw that governs the fire flow and volumes for commercial industrial development the minimum size of a cistern ranges from 1200 to 3200 cubic meters plus the maximum daily demand. Additional design would be needed to determine the minimum and maximum size of the cistern that would be required to service the proposed development.
- (10) If the Board wishes to move forward with servicing the proposed development with a cistern a prior to release condition would be required. There are several details that would have to be determined prior to the release of the development permit including but not limited to the location and size of the cistern and if the cistern would fit on the Lands.
- (11) The Board could condition the development permit accordingly if they wished to defer the connection to a future use.

[56] The Appellant's arguments did not focus on the Board's authority to determine an appeal subject to a statutory plan and instead focused on asking the Board to not mandate the connection due to:

- (1) The main reason for the appeal is the connection to the commercial water line. This line is close to the fire hall, that is approximately 300 metres away from the proposed development. The cost to connect to the line is around \$250,000, that is the total cost of the budget for the clinic. There are no banks that will give a loan for the costs of the water connection.

- (2) Langdon Waterworks has given the option of cost sharing the line with the other developments that are built along Centre Street that will connect in the future. However, there is no guarantee of when or how many businesses will come to the area.
- (3) The properties around the proposed development are residential and get their water from wells, none are connected to the residential water line.
- (4) The cost to connect to the water line is cost prohibitive for a small business, it will take more than 10 years to get the money back. If the connection is mandatory it will result in financial hardship for the business and may result in the proposed development not going ahead.
- (5) The Applicant is willing to defer the connection to the water line until such time as the Establishment (Eating) is opened or the line is brought up Centre Street, whichever comes first.

[57] The Board has found:

- (1) Policy 23.4 of the Langdon Area Structure Plan states that “all new developments shall connect to piped water and wastewater services”;
- (2) Policy 23.8 of the Langdon Area Structure Plan states that “all new development shall connect to the potable water system”;
- (3) the connection to the water infrastructure is mandatory under the Langdon Area Structure Plan, however, there is no established time frame of when that connection is required; and
- (4) at the present time connection to the Langdon Waterworks water system is not necessary for the proposed development, provided a connection is made at a time specified within the conditions of the development permit.

[58] The Board must comply with the mandatory policies 23.4 and 23.8 under section 687(3)(a.2) of the *Municipal Government Act*. At the same time, under section 650 of the *Municipal Government Act* the Board cannot direct that the Appellant enter a development agreement to construct or pay for the connection to the utility services if they are not necessary to service the proposed development.

[59] The Board has considered whether it is possible to comply with both provisions and concluded that it is possible. The Board’s conclusion about the necessity to connect to the Langdon Waterworks water utility, currently and allowing the proposed development to utilize interim water servicing until a time that is specified within the permanent conditions of the development permit. In coming to its conclusion, the Board has considered the Appellant’s submissions that it does not object to the connection to the utilities, but that now is not the time.

[60] To allow alternative water servicing to the proposed development via a cistern the Board has amended the proposed conditions of the development permit as follows:

(1) Removal of proposed conditions 15 and 24;

(2) Amendment of proposed condition 14 to read:

14. That prior to release of this permit, the Applicant/Owner shall submit a site servicing plan, to support the detailed servicing analysis, that includes the allowed temporary onsite water servicing solution of a water cistern. The plan shall include the proposed cistern location and all spec dimensions, in accordance with the County's Servicing Standards and County Policy #449.

(3) Amendment of proposed condition 40 to read:

40. That the site shall be serviced by the County's piped East Rocky View Wastewater Transmission Main, the temporary water servicing (cistern) and future piped-water supplier for the area Langdon Waterworks Ltd.

i. That upon connection to the piped-water supplier, the Applicant/Owner shall be required to obtain any agreements/confirmation requirements from Langdon Waterworks Ltd., which includes payment of the Water Connection Fee, relocation of the water hydrant and any other requirements, as needed.

[61] The Board determined that it would be necessary to connect to the piped services at a future date, this is outlined in the addition of a proposed permanent condition that states:

That upon the tenancy approval of the Establishment (Eating) use, through a development permit application (change of use or New business tenant), or the piped water service is brought up Centre Street to the Lands, the Applicant/Owner shall provide confirmation from Langdon Waterworks that servicing capacity is available and that the piped water service connection has been established to the Lands, in accordance with Section 23.4 of the ASP, the County's Servicing Standards and County Policy #449, or as per alternate Council direction.

CONCLUSION

[62] For the reasons set out above, the appeal is allowed and the Development Authority's November 28, 2023 decision on development permit application PRDP20223318 is varied.

Dated at Rocky View County, in the Province of Alberta on February 9, 2024.



Don Kochan, Presiding Officer
Subdivision and Development Appeal Board

APPENDIX 'A': EXHIBIT LIST

Submissions marked as exhibits and considered by the Board:

Exhibit	Description	Pages
1.	Notice of Appeal	6
2.	Notice of Hearing	2
3.	Development Authority Report	48
4.	Development Authority Presentation	11

APPENDIX 'B': DEVELOPMENT PERMIT CONDITIONS**Description:**

1. That Care Facility (Clinic) & Establishment (Eating), construction of a multi-tenant commercial building may take place on the subject site in general accordance with the submitted application drawings, as prepared by *Synchro-Architecture Inc., Project No. 2023-15; dated September 2020, revised August 24, 2023; (Dwgs 8)* (as amended to meet conditions of this permit) and includes:
 - i. Construction of one multi-tenant building, approximately 592.70 sq. m (6,379.76 sq. ft.) building footprint, as amended;
 - a. That an Establishment (Eating) may be permitted onsite in accordance with Condition #3 (Parking Assessment) of this approval and may only compose up to 148.17 sq. m (1,594.88 sq. ft.) of tenancy area within the building footprint.
 - ii. Single-lot Grading and placement of clean fill for final site grading, (as required) to accommodate the development.
2. That the minimum rear yard setback requirement shall be relaxed from **6.00 m (19.68 ft.)** to **1.42 m (4.65 ft.)**.

Prior to Release:

3. That prior to release of this permit, the Applicant/Owner shall submit a revised site plan and supporting details that confirms:
 - i. that one only access approach is proposed off Centre Street (existing site access) and that the minimum required access approach width is confirmed at 10.00 m (32.81 ft.), in accordance with Table 400D – Approach Design of the County's Servicing Standards, as amended;
 - ii. The removal of the noted adjacent street references along the north and south property lines;
 - iii. The addition of a bicycle parking rack and/or bench for local pedestrian activity, in accordance with Sections 9.17, 9.32, and 9.34 of the Langdon Area Structure Plan (ASP);
 - iv. The addition of a decorative wood screening fence, up to but not exceeding 1.82 m (6.00 ft.) in height, along the north, south and western property to provide buffering between the commercial activity and neighbouring residential uses, in accordance with Sections 9.29 and 9.35 of the ASP and Sections 265-268 of the County's Land Use Bylaw C-8000-2020 (LUB); and
 - v. The minimum parking stall requirement of 16 stalls, including two (2) barrier-free, in accordance with Section 236: Table 5 – Parking Minimums of the LUB.
 - a. Alternatively, as the development consists of mix of uses, the Applicant/Owner may submit a Parking Assessment, prepared by a qualified engineer, that demonstrates that there will be complementary demand for parking that warrants a reduction in the total requirement, in accordance with Section 243 of the LUB, to the satisfaction of the County.
 - b. That if the Parking Assessment is not accepted by the County, the proposed use of Establishment (Eating) is not allowed to operate onsite, unless approved through a separate development permit approval.

4. That prior to the release of this permit, the Applicant/Owner shall submit a revised Landscape Plan, demonstrating conformity with the ASP, the LUB and the County's Servicing Standards. The plan revisions shall include:
 - i. Revised drawings to reference the County's policy requirements for landscaping and/or general landscaping best practices;
 - ii. Confirmation of site proposed seed mix standard for any new fills placed, in accordance with Section 110(k) of the LUB and County Servicing Standards;
 - iii. Submission of the noted Soil Analysis to the County;
 - iv. The incorporation of additional landscaping (2 trees / 3 shrubs) around the proposed garbage receptacle, in accordance with Section 9.28 and 9.30 of the ASP and Section 100 of the LUB.
 - v. Written confirmation of irrigation onsite and proposed water source(s), in accordance with Section 110(n) of the LUB and County Policy #600.
5. That prior to the release of this permit, the Applicant/Owner shall submit revised building elevations that include the proposed colour legend, to support the provided materials legend, in accordance with Section 9.29 of the ASP and Section 167 of the LUB.
6. That prior to the release of this permit, the Applicant/Owner shall submit revised garbage receptacle renderings that includes the final design with the extended posts, the colour legend and materials legend, in accordance with Section 250-251 of the LUB.
7. That prior to release of this permit, the Applicant/Owner shall submit a site lighting plan and lighting spec details for the proposed gooseneck lighting fixtures and confirm any other mounted or site pole lighting proposed with the development, in accordance with Sections 9.16 and 9.29 of the ASP and Sections 225-230 of the LUB. The plan shall also include a description of any measures taken to shield direct glare onto adjacent properties and the projected light patterns in relation to adjacent properties and roadways, to the satisfaction of the County.
8. That prior to release of this permit, the Applicant/Owner shall contact County Road Operations with haul details for materials and equipment needed during construction/site development to confirm if Road Use Agreements or permits shall be required for any hauling along the County road system and to confirm the presence of County road ban restrictions.
 - i. The Applicant/Owner shall also discuss the proposed approach and submit Road Approach applications for the new road approaches off Centre Street, prior to installation, as the County will need to approve the requested approaches.
 - ii. Written confirmation shall be received from County Road Operations confirming the status of this condition. Any required agreement or permits shall be obtained unless otherwise noted by County Road Operations.
9. That prior to release of this permit, the Applicant/Owner shall submit a drawing showing turning movements for waste vehicles and emergency vehicles showing onsite movements and for offsite turning for southbound and northbound directions from the site, in accordance with the County's Servicing Standards. *Waste vehicles and emergency vehicles shall be able to complete turning movements without veering into oncoming traffic in accordance with the County's Servicing Standards.*

10. That prior to release of this permit, the Applicant/Owner shall submit a trip generation memo, prepared by a professional engineer, in accordance with the County's Servicing Standards.
 - i. That dependent on the memo content and noted recommendations to support the development, a Traffic Impact Assessment may also be required, prepared by a professional engineer, in accordance with the County's Servicing Standards.
11. That prior to release of this permit, the Applicant/Owner shall submit a Construction Management Plan, in accordance with the County's Servicing Standards. The plan shall address any noise mitigation measures, traffic accommodation, sedimentation and dust control, management of storm water during construction, erosion and weed control, construction practices, waste management, firefighting procedures, evacuation plan, hazardous material containment, access to the site, and all other relevant construction management detail to the satisfaction of the County.
12. That prior to release of this permit, the Applicant/Owner shall submit, the Applicant/Owner shall submit a grading plan, prepared and duly authenticated by a professional engineer, in accordance with the County's Servicing Standards. The grading plans shall include the original ground profile and contours; the proposed rough grading cut and fills and the total amount of soil to be imported/exported from the site as required.
 - i. That if any fill grade geodetics greater than 1.20 m (3.93 ft.) are identified, the Applicant/Owner shall also include a Deep Fills Report, prepared by a professional geotechnical engineer.
13. That prior to release of this permit, the Applicant/Owner shall submit, a detailed servicing analysis, that demonstrates the wastewater demands of the proposed development based on the use and occupancy, in accordance with the County's Servicing Standards.
14. That prior to release of this permit, the Applicant/Owner shall submit a site servicing plan, to support the detailed servicing analysis, that includes the allowed temporary onsite water servicing solution of a water cistern. The plan shall include the proposed cistern location and all spec dimensions, in accordance with the County's Servicing Standards and County Policy #449.
15. That prior to release of this permit, the Applicant/Owner shall submit a Site-Specific Stormwater Implementation Plan (SSIP), prepared by a qualified professional engineer, in accordance with the Langdon Comprehensive Stormwater Review and the County's Servicing Standards. The SSIP shall include the grading plan that illustrates the original ground profile; the depth of proposed fill; the total amount of soil to be imported/exported from the site; and analysis of the pre and post construction grades to determine whether there are any impacts to adjacent properties, the public road network and include recommendations for Erosion and Sediment control mitigation measures. The consulting engineer shall also confirm pre and post construction conditions associated with site stormwater storage, site releases and offsite drainage.
16. That prior to release of this permit, the Applicant/Owner shall submit a Refundable Security of \$10,000.00 per the new road approach, as amended, to secure that proposed development does not impact the County's existing sidewalk or constructed approved.
17. That prior to release of this permit, the Applicant/Owner shall submit payment of the Transportation Off-Site Levy in accordance with County Bylaw C-8007-2020, for the total gross acreage of the site (0.37 acres). *The subject site falls under the Base Levy Area and Special Area 7; The levy amount required is \$1,843.34.*

18. That prior to release of this permit, the Applicant/Owner shall submit payment of the Stormwater Off-Site Levy in accordance with County Bylaw C-8008-2020, for the total gross acreage of the site (0.37 acres). *The subject site falls under the CSMI Levy Area and Schedule A-2 Langdon Regional Drainage Levy; the estimated levy amount required is \$3,396.60 + interest on the cost of borrowing, calculated to the date of payment. Final levy amount to be confirmed by the County.*
19. That prior to release of this permit, the Applicant/Owner shall submit payment of the Wastewater Off-Site Levy in accordance with County Bylaw C-8009-2020. *Final levy amount to be confirmed by the County upon confirmation of wastewater demand, once submitted by the Applicant/Owner.*

Prior to Occupancy:

20. That prior to occupancy of the site and buildings, the Applicant/Owner shall submit compaction testing, certified by a professional engineer, verifying that the fill area(s) greater than 1.20 m (3.93 ft,) in depth were placed in accordance with the onsite Deep Fills report if accepted by the County.
21. That prior to occupancy of the site and buildings, all landscaping, parking, lighting, addressing, and final site surface completion shall be in place.
 - i. Development Services shall complete an inspection of the site to verify all development items have been completed on-site; and
 - ii. That should permission for occupancy of the site and/or building be requested during the months of October through May inclusive, occupancy shall be allowed without landscaping, parking, lighting, and final site surface completion provided that an Irrevocable Letter of Credit or Refundable Security in the amount of 150.00% of the total cost of completing all the remaining development components required, shall be placed with the County to guarantee the works shall be completed by the 30th day of June immediately thereafter.
22. That prior to occupancy of the site and buildings, the Applicant/Owner shall contact the County's Road Operations or Engineering Services, for a post-construction inspection of the proposed/constructed approach and shall include confirmation that there was no negative impact to the County's constructed concrete sidewalk, running along Centre Street.
 - i. Written confirmation shall be received from County Road Operations or Engineering Services, confirming the status of the condition. If any deficiencies are noted, they shall be corrected before final approval; and
 - ii. Upon confirmation of the approach, the Letter of Credit/Refundable Security registered for this development of the approaches, shall be returned to the Applicant/Owner.
23. That prior to occupancy of the site and buildings, the Applicant/Owner shall contact County Utility Operations for an inspection of the sanitary sewer service connection and the sanitary test manhole.
24. That prior to occupancy of the site and prior to connecting to the offsite wastewater mains, the Owner shall enter into a Customer Service Agreement for the wastewater use on the subject land. The agreement shall reflect the total capacity allocation required to accommodate the subject development.
 - i. That should the Applicant's use require additional servicing capacity, then the Applicant shall be required to provide payment for additional capacity in accordance with the County's Master Rates Bylaw, as amended.

25. That prior to occupancy of the site and building, the Applicant/Owner shall submit as-built drawings, prepared, and certified by qualified professionals, in accordance with County Servicing Standards. The as-built drawings shall include verification of as-built sanitary & water infrastructure, as-built pond volumes, liner verification, and any other information that is relevant to the onsite site servicing and onsite Stormwater Management Plan.
 - i. Following receiving the as-built drawings, Engineering Services shall complete an inspection of the site to verify that the infrastructure has been completed on-site.

Permanent:

26. That if the prior to release conditions have not been met by **OCTOBER 31, 2024**, or through an approved extension date, then this approval is null and void and the Development Permit shall not be issued.
27. That upon the tenancy approval of the Establishment (Eating) use, through a development permit application (change of use or New business tenant), or the piped water service is brought up Centre Street to the Lands, the Applicant/Owner shall provide confirmation from Langdon Waterworks that servicing capacity is available and that the piped water service connection has been established to the Lands, in accordance with Section 23.4 of the ASP, the County's Servicing Standards and County Policy #449, or as per alternate Council direction
28. That all garbage containers for the site shall be stored in the garbage enclosure at all times and maintained per the final approved site plan.
29. That there shall be a minimum of 16 parking stalls (*including two (2) barrier-free stalls*), maintained on-site at all times and/or as approved within the noted Parking Assessment, if approved by the County.
30. That all landscaping shall be in accordance with the approved onsite Landscape Plan.
 - i. That the Applicant/Owner shall be responsible for irrigation and maintenance of all landscaped areas including the replacement of any deceased trees, shrubs, or plants within 30 days or by June 30th of the next growing season; and
 - ii. That no potable water shall be used for landscaping or irrigation purposes. Water for irrigation and landscaping shall only be supplied by the re-use of stormwater or a private irrigation system.
31. That any onsite lighting all private lighting including site security lighting and parking area, shall meet Sections 9.16 and 9.29 of the ASP and Sections 225-230 of the LUB. Lighting shall be designed to conserve energy, reduce glare, and reduce uplift by including full-cut-off (shielded) outdoor fixtures. No flashing, strobe or revolving lights shall be installed on any structure, which may impact the safety of motorists using adjacent public roadways. All development will be required to demonstrate lighting design that reduces the extent of spill-over glare and minimizes glare as viewed from nearby residential properties.
32. That there shall be no Outside Storage of products or equipment at any time, in accordance with Section 9.19 of the ASP.

33. That any future business signage shall require separate Development Permit approval, and shall adhere to any Signage Guidelines of the LUB.
 - i. That any required onsite wayfinding or directional signage is permitted and does not require separate development permit approval; and
 - ii. That no temporary signs shall be placed on the site at any time except any temporary signs required during development or building construction.
34. That the entire site shall be maintained in a neat and orderly manner at all times to the satisfaction of the County.
35. That any onsite mechanical housing proposed onsite, for the building or onsite, shall be screened, in accordance with Section 168 of the LUB, to the satisfaction of the County.
36. That there shall be no exterior tables or patio areas at any time unless approved through a separate development permit approval.
37. That during business operations, the Applicant/Owner/Tenant shall attempt to maintain dust control on-site at all times and that the Applicant/Owner should take whatever means necessary to prevent visible dust associated with the development from escaping the site and having adverse effects on adjacent roadways and properties.
38. That the Applicant/Owner shall be responsible for rectifying any adverse effect on adjacent lands from any drainage alteration. Post-development drainage shall not exceed pre-development drainage and there shall be no additional overland surface drainage directed offsite nor negatively impact existing drainage patterns in the County's road right-of-way.
39. That the site shall be serviced by the County's piped East Rocky View Wastewater Transmission Main, the temporary water servicing (cistern) and future piped-water supplier for the area Langdon Waterworks Ltd.
 - i. That upon connection to the piped-water supplier, the Applicant/Owner shall be required to obtain any agreements/confirmation requirements from Langdon Waterworks Ltd., which includes payment of the Water Connection Fee, relocation of the water hydrant and any other requirements, as needed.
40. That if the facility changes commercial usage, the Applicant/Owner shall submit to the County, a revised description of process and subsequent wastewater requirements.
41. That the facility shall be subject to wastewater monitoring by the County's Utility Operations, in order to ensure compliance with Bylaw C-7662-2017, as amended.
42. That connection to existing sanitary mains and waste mains shall not be permitted without the authorization of the County's Utility Operations.
43. That any future tenant(s) of the buildings shall require a development permit application for tenancy and signage (change of use) or a New Business Tenant approval, whichever is applicable at the time of tenancy.
44. That any new road approach, as amended, for the subject site shall be constructed in accordance with the County's Servicing Standards and shall at minimum match the road structure of the road providing access to the lot per Table 400D – Approach Design of the County's Servicing Standards.
45. That no native topsoil shall be removed from the subject site.

46. That any dirt removed from the site during construction shall be hauled off in a covered trailer/truck that will prevent the blowing of dust/small rocks onto the road or issues with other vehicles on the road.
 - i. That the clean-up of any mud tracking and/or dirt that enters onto adjacent roadways during construction shall be the responsibility and cost of the Owner.
47. That any plan, technical submission, agreement, or other matter submitted and approved as part of the Development Permit application or submitted in response to a Prior to Release or Occupancy condition, shall be implemented and adhered to in perpetuity.
48. That if the development authorized by this Development Permit is not commenced with reasonable diligence within 12 months from the date of issue, and completed within 24 months of the issue, the permit is deemed to be null and void, unless an extension to this permit shall first have been granted by the Development Officer.

Advisory:

- That during construction, all construction and building materials shall be maintained onsite in a neat and orderly manner. Any debris or garbage shall be stored/placed in garbage bins and disposed of at an approved disposal facility.
- That during construction, the dust control shall be maintained on the site and that the Applicant/Owner shall take whatever means necessary to keep visible dust from blowing onto adjacent lands.
- All customer and employee parking shall be restricted to the subject land and there shall be no offsite parking along the County Road Right-of-Way(s) (Centre Street or rear laneway).
- That the subject development shall conform to the County's Noise Bylaw C-8067-2020 & Road Use Agreement Bylaw C-8065-2020, in perpetuity.
- That it is the Applicant/Owner's responsibility to obtain and display a distinct municipal address in accordance with the County Municipal Addressing Bylaw (Bylaw C-7562-2016), for the principal building located on the subject site, to facilitate accurate emergency response. *The preliminary municipal address for the site is 143 CENTRE STREET.*
- That water conservation strategies shall be implemented and maintained at all times, in accordance with the County's Water Conservation Policy #C-600.
- That the site shall remain free of restricted or noxious weeds, in accordance with the *Alberta Weed Control Act [Statutes of Alberta, 2008 Chapter W-5.1, November 16, 2022]*.
- That wherever possible, parking areas should incorporate Low Impact Development (LID) stormwater management principles such as permeable pavement, on-site stormwater detention & treatment areas, rainwater capture/re-use, and vegetated swales to implement 'source control' stormwater best management practices to reduce volume and improve surface drainage quality prior to its release into the roadside ditch system.
- That a Building Permit and all applicable sub-trade permits shall be obtained, through Building Services, prior to any construction taking place, using the Commercial/Industrial/Institutional checklist and shall include any requirement noted within the *Building Code Comments for Proposed Development Letter, dated July 20, 2022. The Development shall conform to the current National Energy Code & National Fire Code of Canada.*

- That the Applicant/Owner shall be aware of any registered instrument on title and shall adhere to any requirements of those registered document(s).
- That any other government permits, approvals, or compliances are the sole responsibility of the Applicant/Owner.

Note: The Applicant/Owner shall be responsible for all Ministry of Environment and Protected Area approvals for any impact to any wetland areas or watercourse disturbances for the proposed development or constructed infrastructure if required.