

## NOTICE OF DECISION FOR DE-24-001

NAME: Village of Elnora (Sharon Westgate, CAO)  
ADDRESS: P.O. Box 629, Elnora, AB, T0M 0Y0  
MUNICIPAL ADDRESS  
(BLUE SIGN): 524 3<sup>rd</sup> Ave, Village of Elnora  
PHONE NUMBER: 403-773-3922  
EMAIL ADDRESS: cao@villageofelnora.com  
OWNER NAME: The Village of Elnora  
USE: Public Utility (Water Treatment Plant)  
SQUARE METERS: 199 m<sup>2</sup>  
VALUE: \$2,494,365.21  
LEGAL: NE 10-035-23-4, Lot 42, Block 8, Plan 7920267  
ZONING: General Commercial District (C1)  
ROLL NUMBER: 23100

As described on the application for development and plans submitted by the applicants. This Notice of Decision refers only to the development outlined above and, pursuant to the motion of the **Village of Elnora Municipal Planning Commission** meeting dated **May 2, 2024**, is subject to the following conditions being met to the satisfaction of the Development Officer:

1. The proposed development shall be undertaken and completed in accordance with the approved plans and construction drawings, site layout, and building elevations as submitted by the applicant.
2. Construction must not commence until the issuance of a building permit.
3. The Development must meet the minimum Safety Code requirements.
4. Where the development permit is issued for the construction of a building, the exterior of the building, including painting, shall be completed within one year of the date of issue.
5. The subject development shall not alter the existing drainage where water drains onto neighbouring properties. It will be the developer's responsibility to provide corrective drainage structures, including retaining walls, to divert water from neighbouring properties.
6. The applicant is to provide any revised construction drawings clearly indicating any changes to the approved drawing set, if applicable.
7. After the development is completed, the applicant must provide one set of 'as-built' drawings confirming the building location, site work and drainage provisions are in accordance with the approved plans and drawings.
8. The Development shall be attractive, and shall complement existing buildings located on adjacent parcels, and shall be constructed of materials that comply with the Safety Code Act.

9. Once all improvements are constructed, the Applicant shall arrange for a fire inspection through the Red Deer County Fire Department within 30 days of occupancy of the building. All costs associated for same shall be at the applicant's expense.
10. Failure to comply with the conditions will result in Development Permit revocation and the issuance of a stop order pursuant to the Municipal Government Act.
11. The decision being advertised on Village of Elnora's website and no appeal against said decision being successful.

**Notes:**

- a) It is the responsibility of the Applicant to ensure they obtain Building, Gas, Plumbing and Electrical Permits from the County Safety Codes department. Please call 403.350.2170 for more information.
- b) The Applicant is required to obtain Safety Codes Permits. It is the responsibility of the Applicant to ensure they obtain Building, Gas, Plumbing and Electrical Permits from the County Safety Codes department. Please be aware that these permits are required for your project in accordance with the Safety Codes Act of Alberta. Please note that a refundable security deposit may be required as part of the Building Permit application. Please call 403.350.2170 for more information.
- c) The Applicant shall provide to the County a copy of the required Roadside Development Permit from Alberta Transportation under the Public Highways Department Act for all developments within 800 meters of a Provincial Highway.  
<https://www.alberta.ca/roadside-development-permits.aspx>
- a) In compliance with the Municipal Development Plan permanent structures shall be located outside the 1:100-year flood plain of any body of water.
- b) Applicant is responsible for ensuring the subject development shall not disturb, affect or alter conditions of all utilities and appurtenances, drainage right of way, and access right of way, as they exist, over, under, or through the Lands.
- c) Applicant is responsible for ensuring all development is outside active utility right of ways.
- d) Applicant is responsible for making suitable arrangements with the utility companies for provision of services and/or necessary easements.
- e) A 2-metre separation shall be provided between the water table and footings for the buildings.
- f) For topsoil removal associated with the development approval, the Applicant is responsible for ensuring conformance with the Soil Conservation Act.
- g) The granting of this permit and compliance with the requirements of this permit and the Land Use Bylaw does not exempt any person from the requirements of, or excuse or authorize the violation of any regulation, by-law, or act administered by this or any other agencies or levels of government that may affect the proposed project.
- h) Nothing in this permit or the Land Use Bylaw exempts a person to obtain a development permit as required by the Land Use Bylaw or to obtain any other permit, license or other authorization required by the Land Use Bylaw or any other Bylaw.
- i) In addition to the provisions and requirements of this permit and the Land Use Bylaw, a person is also required to comply with all federal, provincial and other municipal legislation.

A development permit for permitted uses will be issued once all conditions of the notice of decision have been complied with to the satisfaction of the Development Authority.

Providing all conditions of the notice of decision have been met to the satisfaction of the Development Officer, a development permit may be issued for discretionary uses in accordance with this notice of decision twenty one (21) days after the date that this decision has been mailed to adjacent assessed landowners, or published in a newspaper, unless an appeal is lodged with the Development Appeal Board pursuant to Section 29 of the Land Use Bylaw. If an appeal is

lodged a permit shall not be issued until the Development Appeal Board has determined the appeal and this notice of decision may be approved, modified or nullified thereby. No development permit shall be issued if the application has been refused.

**All conditions as listed on this Notice of Decision must be met within one year of the date of this decision in order for your Development Permit to be issued.**

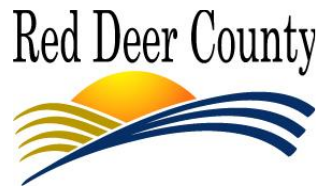
A handwritten signature in blue ink that reads "Francoise Joynt". The signature is written in a cursive style.

May 3, 2024

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Francoise Joynt, Development Officer

Note: A person claiming to be affected by the decision of a Development Officer or a Municipal Planning Commission, made under the Land Use Bylaw, other than where the development permit is issued for the reason that the proposed use complies with the provisions of the Bylaw relating to permitted uses, may appeal to the Development Appeal Board within twenty one (21) days after the notice of decision is mailed or posted on the site or published in a newspaper.



**DEVELOPMENT APPLICATION DECISIONS - APPEAL PROVISIONS  
STOP ORDERS ISSUED - APPEAL PROVISIONS**

**How to Appeal**

Subject to Part 17, Division 10, of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26 (MGA), an appeal must be made **in writing** to the Red Deer County Subdivision and Development Appeal Board.

**Who to Appeal With**

Subject to Section 686(1) of the MGA:

Land and Property Rights Tribunal  
<https://www.alberta.ca/land-and-property-rights-tribunal.aspx>

**OR**

The County's Subdivision and Development Appeal Board

**Address of Appeal Authority**

Land and Property Rights Tribunal  
2<sup>nd</sup> Floor, Summerside Business Centre,  
1229- 91 Street SW.  
Edmonton, AB T6X 1E9  
[mgbmail@gov.ab.ca](mailto:mgbmail@gov.ab.ca)

**Address of Appeal Authority**

Subdivision & Development Appeal Board  
Red Deer County  
38106 Rge Rd. 275  
Red Deer County, AB T4S 2L9

**What May be Appealed**

Regarding a development application decision of the Development Authority, being either the Municipal Planning Commission (MPC) or a Development Officer of Red Deer County, it is possible to appeal:

- (a) the decision of the Development Authority; or
- (b) a condition placed on decision of approval.

Regarding a stop order issued by the Development Authority pursuant to Section 645 of the Municipal Government Act, it is possible to appeal said stop order.

### **Who May File An Appeal**

- (a) the person applying for the permit;
- (b) the person affected by the order issued pursuant to Section 645;
- (c) any person affected by an order, decision or development permit made or issued by the development authority.

No appeal is available in respect of a development permit issued for a Permitted Use unless the provisions of the Land Use Bylaw were relaxed, varied or misinterpreted.

### **Fees -- Subdivision and Development Appeal Board** - \$400

In the event an appeal is successful, appeal fees will be refunded to the appellant.

### **Time Limit For Appeal**

An appeal may be commenced by filing a Notice of Appeal

- (a) for a development permit application decision, within 21 days of the date on which the person is notified (either by direct correspondence or by advertisement in the local paper) of the decision or the issuance of the development permit;
- (b) for a stop order issued, within 21 days of the date on which the person is notified of the order.

### **A Letter of Appeal Must Contain:**

- (a) the legal description and municipal location, where applicable, of the lands subject of the development permit application or stop order;
- (b) the name and address of the appellant; and
- (c) the reasons for the appeal.

### **Cautionary Notes**

As an appeal can be filed by persons other than the applicant, Red Deer County reserves the right to not issue the Development Permit until the above-noted appeal period has expired.