

## STRATHCONA COUNTY

## LAND USE BYLAW 6-2015

- s) pedestrian access ramp locations;
  - t) adjacent existing and proposed road, trails and sidewalks;
  - u) all utilities and related ancillary structures;
  - v) setbacks from utilities in accordance with County standards;
  - w) landscape details (i.e. tree, shrub, retaining wall, fencing);
  - x) plant list showing quantities, common and botanical name, size and condition;
  - y) proposed landscape planting to be labelled and shown at mature size; and
  - z) minimum planting requirements and proposed plant material on the landscape plans.
- 3.10.4. Unless covered by the provisions of a development agreement, any landscaping area between the property line and the existing curb shall be incorporated into the landscape plan and shall be landscaped concurrently with the development to the standard of landscaping required by County standards.
- 3.10.5. Existing landscaping or natural vegetation should be conserved in accordance with the landscape plan and used to meet the requirements of this Section unless removal, in the opinion of the Development Officer, is necessary to efficiently accommodate the proposed development. Where practical, vegetation should be relocated on-site.
- 3.10.6. Where a site is to be developed in phases an overall concept plan for landscaping shall be approved prior to the first phase approval. Landscaping may be limited to that portion of the parcel being developed for that phase. Landscaping shall be required in subsequent phases on the remainder of the site at the time of approval for each development phase. Any areas within the overall site that are to be left undeveloped for extended periods of time shall be landscaped with an approved ground cover.
- 3.10.7. In the event that plant material required in an approved development is inappropriate or fails to survive, the Development Officer may allow or require alternative materials to be substituted.
- 3.10.8. Where a landscape plan or security or both is required by this Bylaw, no development shall commence unless the Development Officer has approved the landscape plan and received the required security for landscaping pursuant to Section 3.10.9.
- Landscaping Security**
- 3.10.9. The Development Officer may require, as a condition of a development permit that the owner provide a guaranteed security to ensure that landscaping is provided and maintained for two (2) ~~years~~ **growing seasons**. The security shall be cash or an irrevocable letter of credit having the value equivalent to ~~115%~~ **a minimum of 50%** of the established landscaping costs.
- 3.10.10. Where applicable, the Development Officer shall require an applicant to prepare and forward an estimate received for the cost of supplying and installing materials shown on a landscape plan. The estimate shall be prepared by a qualified individual or company, and shall outline the cost of individual landscape and labour to the satisfaction of the Development Officer.
- 3.10.11. Where security has been submitted for a reclamation plan related to Section 6.2, the landscaping security of Section 3.10.9 is not required.
- 3.10.12. If cash is offered as the landscaping security, it shall be held by the County until the landscaping has been installed, successfully maintained for two (2) ~~years~~ **growing seasons** and the Development Officer is satisfied through site inspection that this has occurred.
- 3.10.13. If a letter of credit is offered as the landscaping security, it shall be in a form satisfactory to the County. The initial term of the letter of credit shall be one (1) year. The letter of credit shall be automatically renewed for a further one (1) year

term, sixty (60) days prior to expiry. This process shall be repeated as many times as is necessary so that the letter of credit is maintained until the installation of landscaping has occurred and maintenance of the landscaping has been carried out for ~~two (2) years~~ two (2) growing seasons, as determined by and to the satisfaction of the Development Officer.

- 3.10.14. The owner shall notify the County sixty (60) days prior to the expiry date of the letter of credit, in order to provide sufficient time for the Development Officer to inspect the site and to determine if the landscaping is installed and maintained in accordance with the regulations of this Bylaw. If landscaping conditions are satisfactory to the Development Officer, the letter of credit may be released. If inspection cannot be made within this sixty (60) day period due to weather conditions or other extenuating circumstances, the letter of credit shall automatically renew for a further one (1) year term.
- 3.10.15. Upon application by the owner's representative, a letter of credit may be reduced at the discretion of the Development Officer, when any of the following events occur and are to the satisfaction of the Development Officer:
- z) the required landscaping has been properly installed; or
  - aa) the required landscaping has been maintained and is in a healthy condition after one (1) growing season.
- 3.10.16. At the request of the owner, a letter of credit shall be released by the Development Officer when the Development Officer is satisfied that the required landscaping has been installed and maintained and is in a healthy condition after two (2) growing seasons.
- 3.10.17. Any letter of credit shall allow for partial draws. If the landscaping is not installed and maintained in accordance with the approved landscape plan within one (1) growing season after completion of the development or if the landscaping is not well maintained and in a healthy condition two (2) ~~years~~ growing seasons after completion of the landscaping, the County may draw on the cash security or the letter of credit and the amount thereof shall be paid to the County for its use absolutely. All expenses incurred by the County to renew or draw upon a letter of credit shall be reimbursed by the owner to the County by payment of invoice or from the proceeds of the letter of credit.
- 3.10.18. Where the owner does not complete the required landscaping, or if the owner fails to maintain the landscaping in the healthy condition to the satisfaction of the Development Officer for the specified periods of time and the cash or the proceeds from the letter of credit are insufficient for the County to complete the required work, should it elect to do so, then the owner shall pay such deficiency to the County immediately upon being invoiced. The County shall provide an accounting to the owner indicating how the proceeds of the letter of credit were applied within sixty (60) days of completing or maintaining the landscaping.
- 3.10.19. Upon receipt of a written request from the parties involved in the development, including but not limited to, the property owner, condominium association or the issuer of the letter of credit, an inspection of the finished landscaping may be scheduled by the Development Officer. Inspections may be made during the normal growing season, approximately June 1 through September 30. All reasonable effort shall be made by the Development Officer to perform the inspection within ten (10) working days of receipt of the inspection request.

#### **Landscape Requirements for Parking and Screening**

- 3.10.20. A parking area having eight (8) or more parking spaces and which is visible from an adjacent site in a residential Zoning District or from a road other than a lane, shall be fenced or have a screen planting. The location, length, thickness and height of such fence or screening shall be to the satisfaction of the Development Officer.

- material is to be removed or added and the effect on existing drainage patterns;
- d) proposed access, haul routes and haul activities;
  - e) proposed methods for preventing nuisance from dust and erosion;
  - f) measures for controlling erosion, weeds, and any other information related to reclaiming the site; and
  - g) the costs required to reclaim the site.
- 3.14.12. The owner shall provide a letter or report signed by a qualified soil testing or geotechnical firm confirming the quality of the topsoil or fill being placed on the property.
- 3.14.13. Where it is required that the owner provide a guaranteed security, the owner shall provide a record drawing(s) to verify that the works carried out have been completed according to the approved plan.
- 3.14.14. The Development Officer, when making a decision respecting site grading, shall consider the following:
- z) the provisions of the Municipal Development Plan and any other relevant statutory documents;
  - aa) the intent of the area and of the specific Zoning District in which the activity is located;
  - bb) the future use of the site as proposed in a reclamation plan;
  - cc) relevant guidelines prepared by the Province of Alberta and any comments and recommendations provided with a provincial approval;
  - dd) County standards and policies regarding wetlands;
  - ee) the Province of Alberta and County standards and policies regarding berms and setbacks adjacent to municipal roads and provincial highways;
  - ff) the use of top soil or clay materials as a beneficial resource to the region;
  - gg) conservation of designated historical resources;
  - hh) conservation of trees and maintenance of habitat during the critical wildlife nesting periods of April 15<sup>th</sup> through to July 31<sup>st</sup>;
  - ii) conservation of prime agricultural lands in a productive state;
  - jj) conservation of environmentally significant and sensitive areas, with special consideration given to areas identified within a biophysical assessment;
  - kk) conservation of watercourses, maintenance of positive drainage, and potential drainage effects on adjacent or nearby properties;
  - ll) the potential nuisance effect on adjacent properties to mitigate negative impacts; and
  - mm) potential damage to County roads and surface structure.
- 3.14.15. The Development Officer may require an applicant to enter into a road use agreement as a condition of development permit approval.

### **Security**

- 3.14.16. The Development Authority or the Subdivision Authority may impose a condition of approval requiring the applicant to provide a guaranteed security to ensure that all site servicing, grading, and reclamation, is constructed in accordance with the County standards to the satisfaction of the Development Authority.
- 3.14.17. Estimates for site servicing, grading, and reclamation costs shall be provided by the owner to the satisfaction of the Development Authority.
- 3.14.18. The security required under Section 3.14.16 shall be in the form of cash or an irrevocable letter of credit to a value equal to ~~115%~~ 50% of the County accepted estimated site servicing, grading, and reclamation or a minimum of \$10,000.