


**MISCELLANEOUS PLANNING ITEM
APPLICATION AND DEVELOPMENT REPORT TO COUNCIL
DIRECT CONTROL #27 – DEVELOPMENT PERMIT APPLICATION
November 22, 2023**

APPLICATION INFORMATION		File No. 23D 142
	LEGAL DESCRIPTION: Plan 0813661, Block 4, Lot 7; Ptn. SW 01-21-29 W4M	
	LANDOWNERS: Jerome & Glenda Kleinsasser	
	AGENT: Township Planning + Design Inc.	
	AREA OF SUBJECT LANDS: 7.42 acres	
	CURRENT LAND USES: Direct Control #27 (Home Based Business, Type III)	
LOCATION: The subject property is located on the north side of 338 th Avenue East, approximately 420 metres east of Highway 2 and the Town of Okotoks municipal boundary.		
PROPOSAL: Request for Development Permit approval under Direct Control #27 to allow for the operation of a Home Based Business, Type III being a wellness studio including yoga, meditation and sound bath instructional sessions on the subject property.		
DIVISION NUMBER: 7		COUNCILLOR: R.D. McHugh
FILE MANAGER: Brittany Domenjoz		

EXECUTIVE SUMMARY:

Summary of Proposal:

An application for Development Permit has been submitted for:

- a) The operation of a Home Based Business, Type III to allow wellness instruction sessions, including yoga, meditation and sound bath;
- b) Replacement of the previously approved Major Home Based Business (20D 057) to allow for a specialty plant sales business;
- c) Acknowledgement of total cumulative size of accessory buildings; and
- d) Acknowledgement of existing sea-cans including a relaxation of setbacks.

Policy Evaluation:

The application was reviewed in terms of the County's Land Use Bylaw 60/2014.

Referral Considerations:

Referred to required Provincial and Municipal bodies, as well as Utilities.

BACKGROUND:

June 24, 2020 – Council granted 3rd and final reading to bylaw 42/2020 authorizing the redesignation of the 7.42 +/- acre portion of Plan 0813661, Block 4, Lot 7; Ptn. SW 01-21-29 W4M from Country Residential District to Direct Control District #27 – Major Home Based Business to allow for a Greenhouse Sales Business, and a Site Specific Amendment to the Direct Control District #27 land use rules to allow for up to 16 business related trips per day.

July 8, 2020 – Council granted approval to Development permit 20D 057 to allow for a Major Home Based Business – specialty plants and horticultural lessons and sales, the use of two sea-cans, and oversized cumulate accessory buildings on Plan 0813661, Block 4, Lot 7; Ptn. SW 01-21-29 W4M.

PURPOSE OF APPLICATION:

Request of the Development Authority to approve Development Permit 23D 142 to allow for the operation of a Home Based business, Type III on the subject parcel. The application identifies:

- Operation of:
 - Wellness Sessions including yoga, meditation and sound bath instructional sessions.
 - 3 sessions are anticipated per day with a maximum of 16 people per session.
 - Specialty Plant business to operate in association with the proposed wellness sessions.
 - This business will no longer open to the public, customer visits are to be by appointment only.
 - Construction of a 720 sq. ft. addition to the existing accessory building.
 - The proposed addition would accommodate for a reception area and waiting room.
 - Acknowledgement of the existing accessory buildings, having a total area of +/- 6,376 sq. ft. which include:
 - Shop & Lean-to (3,600 sq. ft.);
 - two sea-cans (320 sq. ft. each)
 - Greenhouse (128 sq. ft.);
 - Garden Shed (64 sq. ft.);
 - Horse shelter (840 sq. ft.)
 - Horse shelter (384 sq. ft.)
 - Acknowledgment of the previously approved Relaxation of Setbacks; the existing sea-cans are to remain in the location as identified on the site plan and are to be located no closer than 7 metres from the west property line.
 - Vehicle trips:
 - Wellness Sessions: 16 trips, 3 times per day (Maximum of 48 vehicle trips per day).
- Note:** the total vehicle trips are listed as the highest potential trips per day, assuming all three classes are scheduled each day at full capacity with each individual driving.
- Specialty Plant Business: by appointment only to ensure trips to site are monitored.
 - 1 non-resident employee is anticipated.
 - Hours of operation:
 - Wednesday, Thursday, Friday: By appointment only between 12:00 pm - 4:00 pm
 - Saturday, Sunday, Monday: By appointment only between 12:00 pm - 5:00pm
 - One 40" x 60" sign is proposed to replace the existing sign near the entrance of the property as well as one fascia sign is to remain as previously approved.
 - 23 parking stalls are provided along the west side of the property and on the east side of the accessory building. The parking layout has been reconfigured to accommodate the proposed accessory building addition with an additional 7 stalls.
 - No changes to water: potable water is to be provided to clients by utilization of bottled water and/or stand-up water cooler.
 - No changes to wastewater: existing conventional septic systems and field.
 - No changes to access: the property is currently accessed from an existing approach on 338th Avenue E. Public Works has provided that the approach meets the commercial approach standards. In addition, Alberta Transportation and Economic Corridors provided that the applicants should be aware that all existing "at grade" public and private intersections will be removed resulting in more circuitous and less convenient access to this site.

Should Council choose to support this application, the previously approved Major Home Based Business (20D 057) shall be replaced in its entirety. The key differences between the approved Development Permit 20D 057 and the current application for the Home Based Business, Type III are as follows:

- The plant business will remain operational however this business will no longer be open to the public. All access will be by appointment only to ensure vehicle trips are not exceeded in association with the wellness sessions.
- Increase the cumulative size of the existing structures having a total of +/- 6,376 sq.ft.
- Increase vehicle trips per day from 16 to a maximum of 48 trips per day. **Note:** the total vehicle trips are listed as the highest potential trips per day, assuming all three classes are scheduled each day at full capacity with each individual driving.

A copy of Development Permit 20D 057 (Major Home Based Business) is included as Appendix C.

REFERRAL CIRCULATION:

CIRCULATION REFERRALS	
REFEREE	COMMENTS
INTERNAL	
Public Works	Public Works provided the following comments: <ul style="list-style-type: none"> • No concerns with additional traffic as the plant business is being moved to appointment only. • Area of addition is already a graded, impermeable surface, no concerns. • Approach meets commercial standards.
Municipal Fire	Municipal Fire provided the following comments: <ul style="list-style-type: none"> • Fire inspection of building required once completed. • Address of property is to be posted. • Fire extinguishers are to be installed as per the National Fire Code 2019 Div. B Sec. 2.1.5 and NFPA 10. • Fire Safety Plan is to be posted as per the National Fire Code 2019 Div. B Sec. 2.8.2.
EXTERNAL	
Alberta Transportation and Economic Corridors	Transportation and Economic Corridors offers the following comments and observations with respect to the proposed development(s): <ul style="list-style-type: none"> • Pursuant to Section 618.3(1) of the Municipal Government Act (MGA), the department expects that the municipality will comply with any applicable items related to provincial highways in an ALSA plan if applicable. • Pursuant to 618.4(1) of the Municipal Government Act, the department expects that the Municipality will mitigate the impacts of traffic generated by developments approved on the local road connections to the highway system, in accordance with Policy 7 of the Provincial Land Use Policies. <p>Transportation and Economic Corridors has the following additional comments and/or requirements with respect to this proposal:</p>

CIRCULATION REFERRALS

	<ol style="list-style-type: none"> 1. The proposed development is exempted from the requirement of a permit pursuant to Section 25 of the Highways Development and Protection Regulation. This exemption is subject to the provisions of Sections 11-23 and Sections 55-59 of the Highways Development and Protection Act (Chapter H-8.5, RSA, 2004) and amendments thereto, and Sections 8-15, Sections 24-25, and Sections 35-36 of the Highways Development and Protection Regulation (Alberta Regulation 326/2009) and amendments thereto. 2. This exemption, and associated terms and conditions, apply to the development referenced herein at the location shown, and any new or additional development activity must obtain approval from Alberta Transportation. 3. The landowner shall indemnify and hold harmless the Minister and his employees and agents from any and all claims, demands, actions and costs whatsoever that may arise, directly or indirectly, from anything done or omitted to be done in the construction, maintenance, operation, or alteration of the work described. 4. The landowner (or a designated representative) is responsible for obtaining any other necessary municipal, provincial, or federal approvals. 5. Alberta Transportation accepts no responsibility for the noise or other impacts of highway traffic upon any development or occupants thereof. Noise impacts and the need for attenuation should be thoroughly assessed. The applicant is advised that provisions for noise attenuation and/or visual screening are the sole responsibility of the landowner. 6. Any peripheral lighting (yard lights/area lighting) that may be considered a distraction to the motoring public or deemed to create a traffic hazard will not be permitted. 7. The municipality and the applicant should be aware that this Highway is classified as a freeway. With this ultimate condition, all existing "at-grade" public and private intersections will be removed. The only access to and from the Highway will be via grade separated interchanges, resulting in more circuitous and less convenient access to this site. The attached plan shows the future interchange and access management plan for this area.
PUBLIC	
	Development Permit applications on Direct Control District properties are not advertised in the Western Wheel or circulated to neighbouring landowners unless a Public Meeting is held.

POLICY EVALUATION:

Land Use Bylaw 60/2014:

2.5 Definitions

BUSINESS VISITS means round trips to and from the site by individuals for the purpose of doing business on site of a home based business. This includes materials and/or equipment, travelling to

and from a job site. Business visits do not include vehicle trips to the property by residents or employees, nor is it intended that the occupants of the vehicle be counted each as a business visit. A load of individuals transported by way of a vehicle exceeding seating capacity of fourteen (14) passengers, are excluded from this definition under regular business visits as this implies a larger scale operation than a home based business and would require site-specific amendment and/or land use redesignation prior to a Development Permit.

HOME BASED BUSINESS TYPE III means a business or occupation conducted within a dwelling and/or accessory building(s) or on a parcel on which a dwelling is located and where one or more residents of the parcel is the primary owner of the occupation or business and the following requirements apply:

- A maximum of twelve (12) business visits per day; or as determined by the Approving Authority in Direct Control Districts;
- No More than six (6) non-resident employees working on the property; or as determined by the Approving Authority in Direct Control Districts;
- A maximum of twelve (12) business vehicles on the property per day; or as determined by the Approving Authority in Direct Control Districts;
- Parking is provided in accordance with the requirements set out in Section 9.19 of this bylaw;
- Large commercial vehicles, used in conjunction with the business, may be permitted on the parcel at the discretion of the Approving Authority based on parcel size, proximity of adjacent residences, and site screening;
- Outdoor storage of business-related goods and materials, large commercial vehicles, trailers, and equipment may be allowed if, in the opinion of the Approving Authority, the outdoor storage is adequately screened from adjacent lands.
- Home business shall not generate noise, smoke, odor, dust fumes, exhaust, vibration, heat, glare, refuse matter or other nuisances considered offensive or excessive by the Approving Authority.
- At all times, the privacy of the adjacent residential dwellings shall be preserved, and the homebased business shall not in the opinion of the Development Authority, unduly offend or otherwise interfere with live ability or enjoyment of the neighboring properties;

all in accordance with Section 10.12 of this bylaw.

Table 4.2.1.7A – Size of Accessory Building

5.0 – 9.99 acres in size	Maximum of four (4) buildings with a total cumulative size not to exceed 325.2 sq. m. (3,500 sq. ft.) accessory to the residence.
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Table 9.19 C – Parking requirements for residential related land uses.

Home Based Business - 1 parking stall per non-resident employee on the property, plus 1 additional parking space for each business visitor on the property at the same time, all in addition to the required residential parking OR as determined by the Development Authority as a condition of Development Permit.

18.27 Direct Control District #27

- Attached as Appendix D of this report.

SUMMARY:

Requesting approval of Development Permit 23D 142 to allow for:

- a) The operation of a Home Based Business, Type III to allow wellness instruction sessions, including yoga, meditation and sound bath;
- b) The operation of a specialty plant sales business, as amended;
- c) Acknowledgement of total cumulative size of accessory buildings; and
- d) Acknowledgement of existing sea-cans including a relaxation of setbacks.

OPTIONS FOR COUNCIL CONSIDERATION:

OPTION #1 – APPROVAL

Should Council choose to approve Development Permit 23D 142 to allow for the operation of a Home Based Business, Type III on the subject parcel being Ptn. SW 01-21-29 W4M; Plan 0813661, Block 4, Lot 7, the following motion has been provided for Council's consideration:

Council moved that Development Permit 23D 142 to allow for an operation of a Home Based Business, Type III for the operation of wellness sessions and a specialty plant sales business, as amended, with acknowledgement of two sea-cans and total cumulative size of accessory buildings; be approved, subject to the following conditions:

APPROVAL DESCRIPTION:

Upon completion of the Pre-Release Condition, this approval allows for the development and use of Ptn: SW 01-21-29 W4M; Plan 0813661, Block 4, Lot 7, in accordance with the submitted application, and as accepted by the Foothills County Council as the Development Authority, as follows:

- Operation of a Home Based Business, Type III - wellness instruction sessions, including yoga, meditation and sound bath;
- Operation of a specialty plant sales business;
- Construction of a 720 sq. ft. accessory building addition;
- Acknowledgement of total cumulative size of accessory buildings;
- Acknowledgement of two (2) existing sea-cans and relaxation of setbacks;
- A maximum of six (6) non-resident employees, as per the Land Use Bylaw;
- Hours of operation:
 - o Wednesday, Thursday, Friday: By appointment only between 12:00 pm - 4:00 pm
 - o Saturday, Sunday, Monday: By appointment only between 12:00 pm - 5:00 pm

CONDITIONS OF APPROVAL FOR COUNCIL'S CONSIDERATION:

Council may wish to provide any of the following conditions, or any additional conditions, as pre-release condition(s) should they be of the opinion that the requirement be addressed prior to the Development Permit being signed and issued.

PRE-RELEASE CONDITIONS:

Pre-release condition(s) must be complied with before the Development Permit will be signed and issued. Failure to complete the pre-release condition(s) on or before April 22, 2024, will see this development permit decision deemed null and void, unless a time extension is issued under agreement between the Development Authority and the Applicant(s).

1. The applicant is required to submit a refundable security deposit in the amount of \$1,000 in order to ensure compliance with the applicable Building, Safety and Fire Codes for the proposed use and occupancy of the development. This security will be refunded at such time that all required permits and inspections have been obtained meets the intent of the Codes for use and occupancy, is provided by the Safety Codes Officer and the Foothills Fire Department Fire Inspector.

CONDITIONS OF APPROVAL:

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

1. The applicant shall obtain all necessary building and safety code permits and inspections from the County, prior to construction of the proposed development, to the satisfaction of the Safety Codes Officer;
2. The applicant shall obtain a passing Fire Inspection from the Foothills Fire Department and shall submit proof of such to the Development Authority, prior to the operation of the business;

3. It is the landowner's responsibility to obtain and maintain an annual Business License(s) from Foothills County. Failure to obtain this each year will result in this permit being considered null and void;
4. In addition to permitted signage as identified within Section 4.2 of the Land Use Bylaw, this approval allows for one additional identification sign having an area of 16.7 sq.ft. (40" x 60") or 1.55 sq. m. to be located wholly within the boundary of the subject property, as illustrated within the accepted site plan. No additional signage is permitted without first obtaining appropriate approvals through the Foothills County;
5. The existing Sea-Cans shall be located as identified within the accepted site plan and shall be a minimum of 7.0 meters (23 ft.) from the west property line at their closest points. All other developments on the property shall adhere to applicable setback requirements as identified within the Land Use Bylaw;
6. This approval acknowledges the existing accessory buildings on the subject property, being +/- 3,600 sq.ft. Accessory Building (Shop & Lean-To), +/- 720 sq. ft. addition, two(2) Sea-Cans of 320 sq.ft. each, two (2) Horse Shelters of +/- 840 sq.ft. and +/- 384 sq.ft., +/- 128 sq. ft., Greenhouse, and +/- 64 sq. ft. Garden Shed, having a total cumulative size of +/- 6,376 sq.ft.
7. It is the applicant's responsibility to provide written notification to the Development Authority upon completion of the development, as approved herein.

ADVISORY COMMENTS:

The following requirements are provided by Foothills County to inform the applicant(s) and landowner(s) of their necessity and do not form part of the approval description or conditions of approval. It is the sole responsibility and liability of the applicant(s) and landowner(s) to ensure adherence with these requirements.

1. This approval wholly replaces Development Permit 20D 057, which shall be considered null and void upon approval of this permit;
2. The applicant shall maintain the development in accordance with all conditions of approval and plans that have been acknowledged by the municipality to be appropriate. Any revisions and/or additions to use of this land shall not proceed except under benefit of appropriate approvals;
3. The development is required to illustrate compliance with the requirements of the Alberta Building, Plumbing, Electrical, Safety, and Fire Codes, at all times;
4. The proposed building shall not exceed a maximum height, from grade to peak, of 10.67 meters (35 ft.) which is the maximum permitted within the Direct Control #27 Land Use district;
5. All signage must conform to the dimensions and design as submitted within the application for Development Permit and shall at all times be kept in a safe and clean state of repair. This approval does not allow for any illumination of the proposed signs;
6. Providing variance for the Oversized Accessory Buildings exhausts the area of permitted accessory buildings on a property of this size. As such, absolutely no additional accessory buildings or additional garage space is permitted on the subject property without first obtaining the necessary approvals through Foothills County. This includes any structure with a roof; such as, any tent, shelter, lean-to, shed, greenhouse, and/or any buildings with temporary foundations;
7. No portion of any accessory buildings or sea-cans are permitted to be used as a secondary residence, or for the purpose of overnight accommodations at any given time, unless prior appropriate approvals of such are obtained from Foothills County;
8. No outdoor storage of business related materials is permitted on the subject property;
9. It is the landowner's responsibility to ensure existing visual screening of the Sea-Cans and outdoor parking areas is maintained and is responsible for the maintenance and replacement of existing landscaping materials for the purpose of screening from adjacent properties and roadways;

10. Should either or both Sea-Can(s) be removed from the subject property for greater than 60 consecutive days, for any reason, the Sea-Can(s) will not be permitted to return to the subject property without first obtaining appropriate approvals from Foothills County;
11. It is the landowner's responsibility to maintain the exterior finish of the Sea-Cans in a consistent manner and to ensure they aesthetically complement the primary structure(s) on the property. The Sea-Cans shall not be structurally altered unless appropriate permits for such have been obtained from the Building and Safety Codes Department;
12. The Sea-Cans shall be used exclusively for the landowner's personal storage and/or approved business related storage purposes on the subject property, and shall not be rented out or leased at any time;
13. Emergency address signage it to be installed and maintained to the satisfaction of the Foothills Emergency Services Departments;
14. It is the applicant's responsibility to ensure sufficient on-site parking is available for all business related vehicles in attendance to the subject property;
15. Natural drainage of the property must be maintained. Alteration to natural drainage may only proceed only under the authorization of an approved Development Permit for Lot Grading permit;
16. The applicant shall comply with all applicable requirements of Alberta Environment with respect to water use and shall obtain all required licenses and approvals from that Provincial authority, or waiver of such, prior to any use of well water. The applicant is advised that the use of well water for business related purposed without appropriate licensing is prohibited. Failure to obtain appropriate licensing from Alberta Environment shall require the use of water from a licensed off-site source;
17. All installation(s) of exterior lighting must adhere to the guidelines and technical specifications as outlined within the Dark Sky Bylaw;
18. No offensive noise, vibration, smoke, dust, odour, heat, glare, electrical, and/or radio disturbance is to be detectable beyond the boundary of the lot. Should the applicant fail to mitigate any odour nuisance caused by the painting and/or staining of business related materials on the subject property, the approval of this use shall be considered null and void and the applicant would be required to cease all painting and/or staining on the subject property;
19. The applicant shall ensure compliance with any requirement provided by the registered documents listed on the certificate of title;
20. The landowners indemnify and hold harmless the County against the cost of any claims or actions, or awards for loss or damage to the owner, arising from soils being relocated to/on this property;
21. The issuance of a development permit by the County does not relieve the applicant of the responsibility of complying with all other relevant County bylaws and requirements, nor excuse violation of any provincial or federal regulation or act which may affect use of the land;
22. The applicant shall be responsible for payment of any professional costs including legal fees that may be incurred by the County with respect to the implementation of this permit;

APPENDICES:

APPENDIX A: MAP SET

LOCATION MAP

LAND USE MAP

HALF MILE MAP – PARCEL SIZES

SITE PLAN

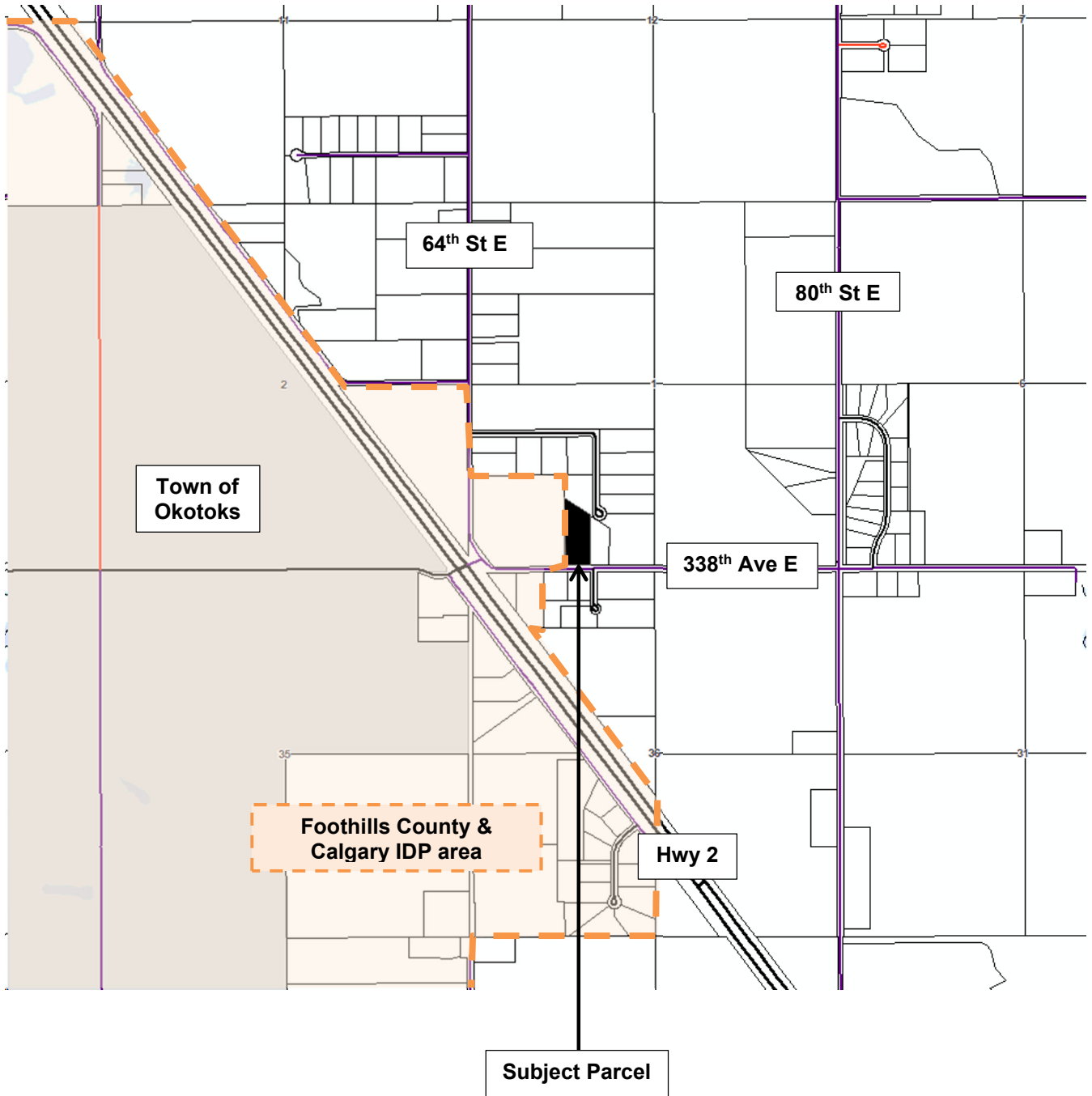
ORTHO PHOTO

APPENDIX B: APPLICATION COVER LETTER

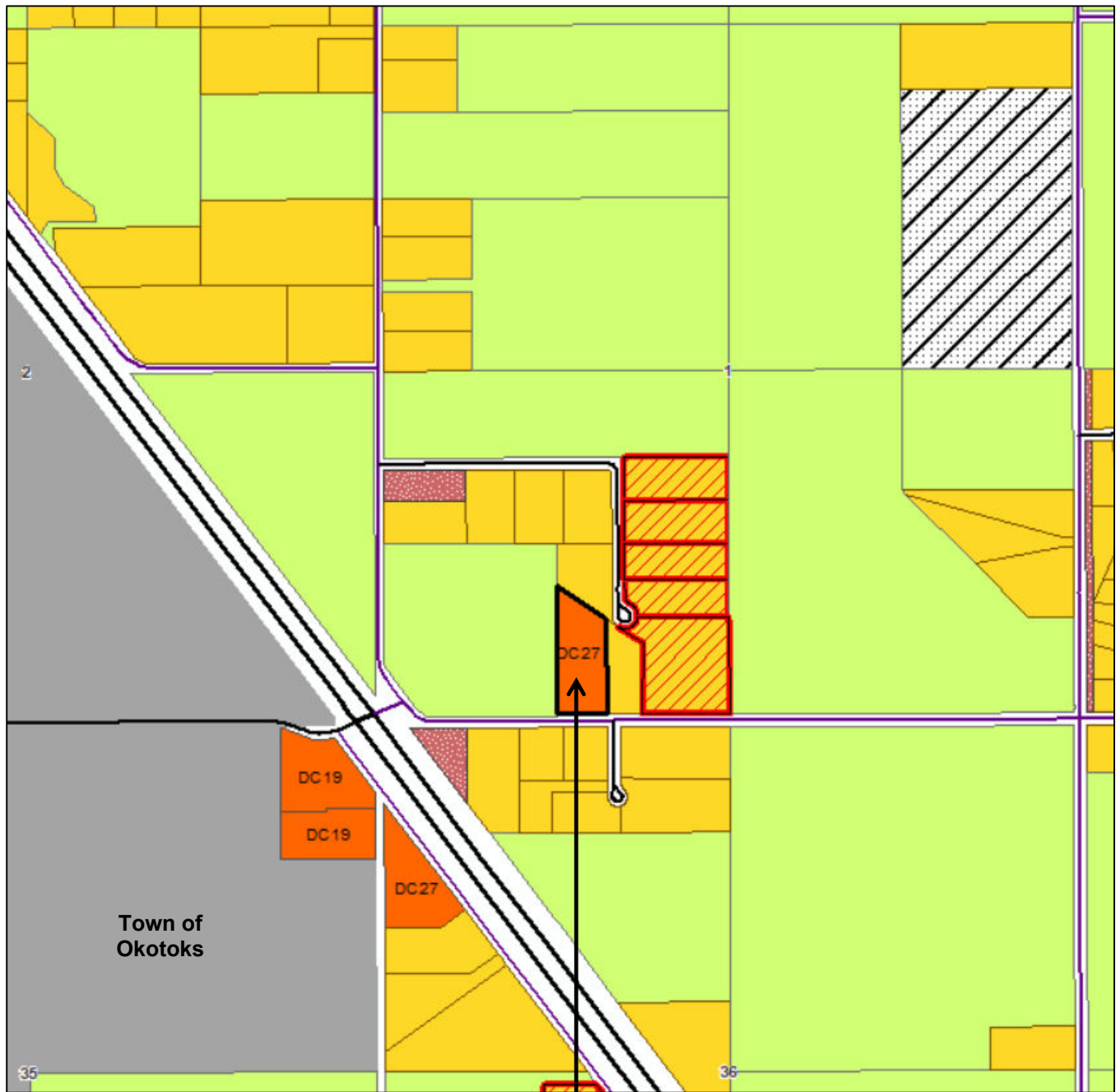
APPENDIX C: DEVELOPMENT PERMIT 20D 057

APPENDIX D: DIRECT CONTROL DISTRICT #27

APPENDIX A: LOCATION MAP

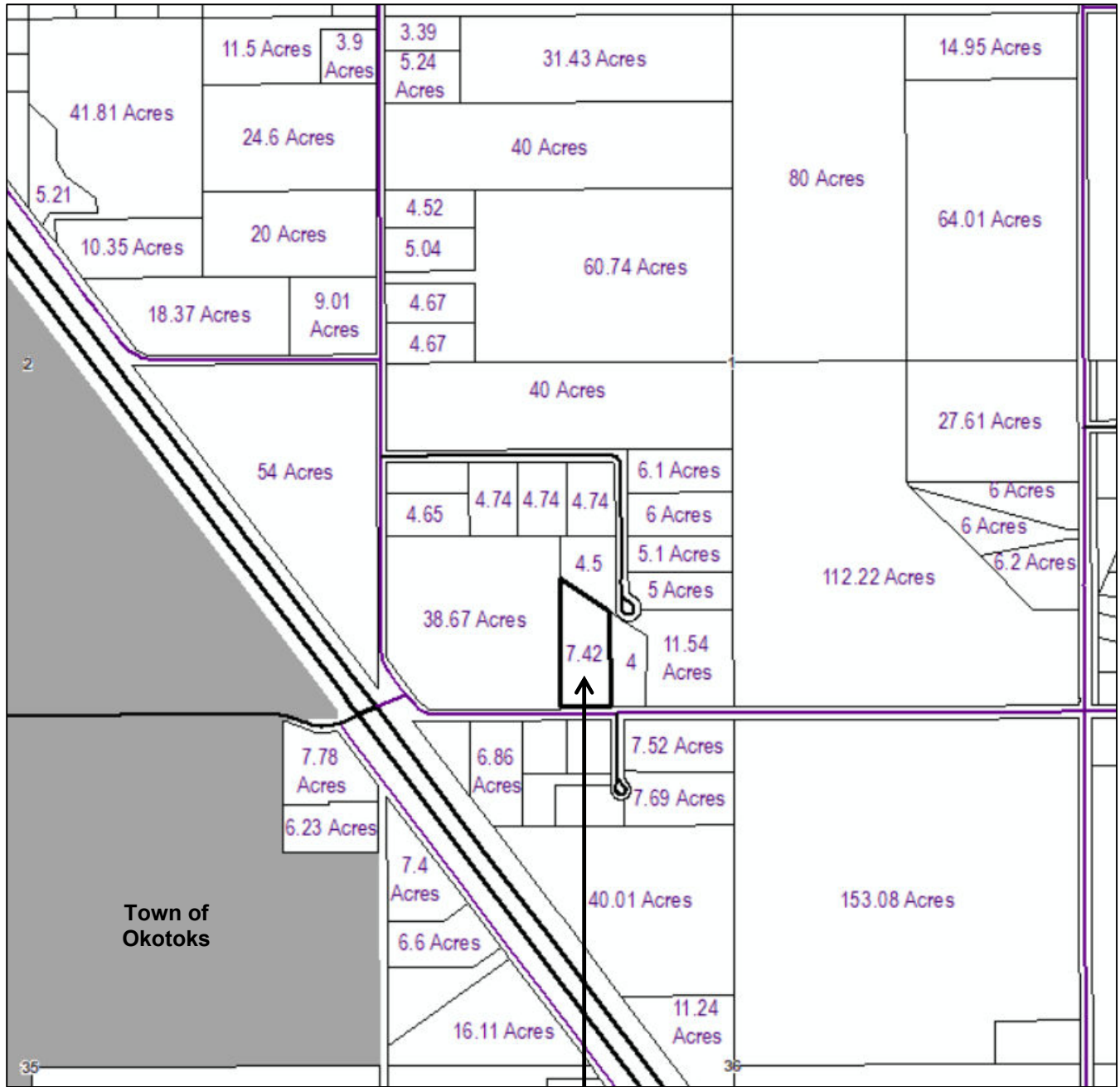


APPENDIX A: LAND USE MAP



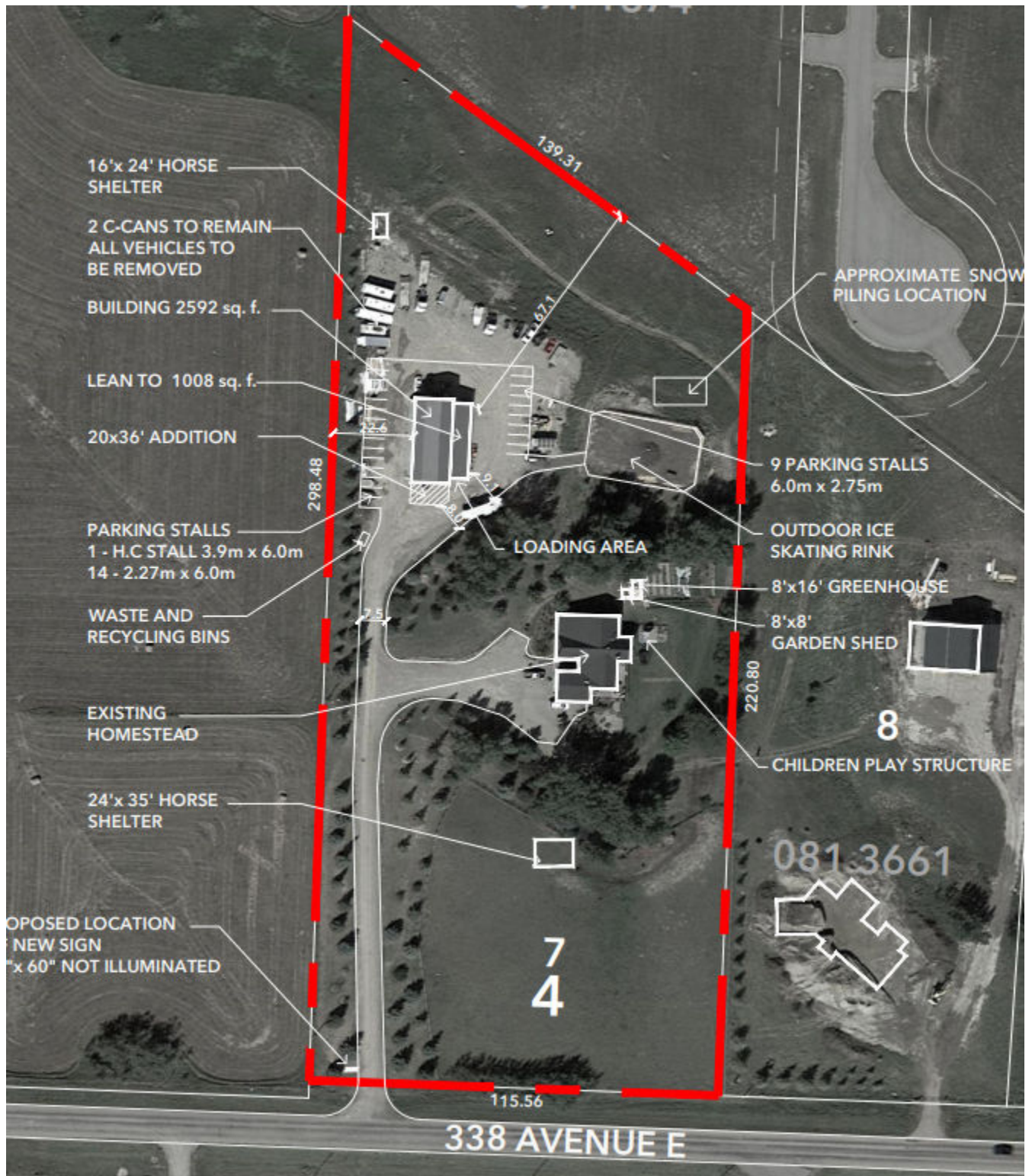
Subject Parcel

APPENDIX A: HALF MILE MAP – PARCEL SIZES



Subject Parcel

APPENDIX A: SITE PLAN



APPENDIX A: ORTHO PHOTO



APPENDIX B: APPLICATION COVER LETTER

321-259 Midpark Way SE
Calgary, Alberta T2X 1M2

Phone: 403.880.8921
TWPplanning.com



Foothills County
Box 5605
High River, Alberta
T1V 1M7

June 23, 2023

ATTN: Mrs. Samantha Payne, Planning Applications Supervisor

RE: Development Permit for a Home-Based Business Type 3 use to allow wellness instruction sessions on behalf of Jerome and Glenda Kliensasser located on lands legally described as SW 1-21-29 W4M, Plan 0813661, Block 4, Lot 7 (3.001 ha) +/- 7.42 acres within Foothills County.

Dear Mrs. Payne,

Please find enclosed the following:

- A completed Development Permit Application form;
- A Credit Card Authorization for the Development Permit Application Fee in the amount of \$900.00 and the Processing Fee in the amount of \$100.00, totaling \$1,000.00;
- An Agency Agreement allowing Township Planning + Design (TWP) to represent the landowner;
- An Abandoned Well Statement Map; and
- Site plan showing the location of the existing buildings, the proposed office addition, snow clearing details, and parking.

To assist the Planning and Development Department with the evaluation of this application we offer the following additional information:

Application Summary:

The enclosed Development Permit (DP) application seeks to allow for a Type 3 Home-Based Business to accommodate wellness instruction, which includes yoga, meditation, and sound bath instructional sessions. This application proposes a 720 sq. ft. (66.89 sq. m) addition to the existing accessory building to serve as a reception area and waiting room.

The subject parcel is +/- 7.42 acres and within the Direct Control #27 (DC#27) land use district. A previous DP to allow for a Major Home-Based Business was approved by Council on July 8, 2020 (Development Permit 20D 057). The previous DP approval acknowledged that the Accessory Buildings on the property exceeded the permitted square footage of 3,500 sq. ft. allowed on a 5.0 to 9.99-acre parcel and approved a relaxation for the approximate 1,964 sq. ft. excess. We are requesting another relaxation to accommodate the 720 sq.ft addition to the existing Accessory Building.

The site is 435 meters directly east of Highway 2; therefore, we expect a Roadside Development Permit will be required from Alberta Transportation and we have filed an application with them.

Proposed Business Operations:

We are requesting that the Planning and Development Department acknowledge the following components of this application:

- The proposed office addition will add 720 sq. ft. to the total accessory building area and we recognize a relaxation will be required to accommodate it; however, it is an addition to an existing building and does not represent a new structure unit on site.
- We are requesting that the vehicle trips per day be acknowledged at 16 trips, three (3) times a day during business hours (discussed below), given there will be a maximum of three (3), 16-person instructional sessions per day.
- ~~Business days and hours of operations are proposed to be Monday-Saturday by appointment only and closed on Sundays.~~ **Updated hours noted in Purpose of Application Section.**
- There is one resident employee, Glenda Kliensasser who is the owner and operator of the business. She will be assisted by one off-site employee during the regular business hours. The business has a website and utilizes social media platforms to advertise and market their services.

It is also worth noting that the business owner intends to operate the existing plant business that was previously approved under DP20D 057. The plant business will no longer be open to the general public and all access will be appointment only in association with the proposed wellness instruction operation.

Parking and Servicing Considerations:

We are proposing a new site sign (40' x 60') at the entry to the property as identified on the enclosed site plan. This exterior signage will not be illuminated. There is also an existing fascia sign on the building that meets the requirements as outlined in the Foothills County Land Use Bylaw. All exterior lighting on-site is compliant with Bylaw 27/2009 regarding Dark Skies.

No lot grading is required to accommodate the Type 3 Home-Based Building and extension to the Accessory Building. There is significant existing site landscaping on the south side of the property at the entrance and along the drive aisle to the store front. The landscaping is mature and screens the subject site from both 338th and adjacent County Residential parcels.

We have reconfigured the existing parking layout on-site to accommodate the proposed Accessory Building extension; please refer to our enclosed site plan. Employee and client parking are located on the west and east of the building. We are proposing 23 parking stalls total inclusive of one (1) barrier free stall. We have also identified a loading space to the south of the building. The site is supplied by a groundwater well; however, potable water is provided to clients by utilization of bottled water and/or a stand-up water cooler. The washroom is tied to a conventional septic field and tile septic system.

The existing Accessory Building itself is a fully constructed tin building comprised of non-combustible materials and the proposed addition will be consistent with existing materials. A fire extinguisher is available within the building in a well identified location. Emergency exits to for the building are also identified on the site plan. Existing waste and recycling bins are enclosed within the building and located to the southwest of the building.

Alignment with Foothills County Goals:

Although TWP recognizes that we are asking for a relaxation to accommodate the proposed Type 3 Home Based Business, based on our review of County policies we content this application generally aligns with broader County economic development goals. Not only does the Municipal Development Plan emphasize the importance of economic diversification by providing different types of jobs and services within the community, but it also highlights the importance of minimizing conflicts between Home-Based Businesses and other residential uses. Specifically, the MDP notes that home-based businesses must be compatible with the area it is in and must have minimal impact on the environment, agriculture, water, and municipal infrastructure. The proposed Home-Base Business provides a unique business offering within the community and, given the relatively small nature of the proposed change on the site, will have minimal negative impacts to surrounding parcels, existing industry and operations, the municipality, or the environment.

We trust the above provides you with the information necessary to review the application. Please do not hesitate to contact us should you have any questions or concerns.

Sincerely,
Township Planning + Design Inc.



Jenn Chesworth, B.A (Hons.), M.A., RPP, MCIP
Senior Planner

Cc: Glenda Kliensasser, Business Owner

APPENDIX C: DEVELOPMENT PERMIT 20D 057

Re: Development Permit 20D 057 - Ptn. SW 01-21-29 W4M; Plan 0813661, Block 4, Lot 7

Please be advised that at its July 8, 2020 meeting, Council passed the following resolution:

MOVED that Development Permit 20D 057 to allow for a Major Home Based Business – specialty plants and horticulture lessons and sales, the use of two Sea-cans, and oversized cumulate accessory buildings on Plan 0813661, Block 4, Lot 7; portion of SW 01-21-29 W4M be approved subject to the following conditions:

PRE-RELEASE CONDITION: (Pre-release Conditions must be fulfilled before the Development Permit will be signed and released. Unless a time extension is issued under agreement between the Development Authority and the Applicant, failure to complete these Pre-Release Conditions on or before September 15, 2020 will see this approval be deemed null and void).

1. The applicant shall submit a refundable compliance deposit in the amount of \$5,000.00. This deposit will be refunded at such time that the involved professional(s) provide written verification that all aspects of the *Letter of Required Building Alterations to Achieve Compliance* have been satisfied, all applicable requirements of the Building, Safety, and Fire Codes have been satisfied, and the project has been completed as approved herein;

ADDITIONAL CONDITIONS:

1. Upon satisfaction of the Pre-Release Condition, this approval will allow for a Major Home Based Business of a specialty plants and horticulture lessons and sales business to be located on the subject property, as proposed within the submitted application, and as accepted by the Foothills County Council as the Development Authority. Revisions and/or additions to this approval shall be acknowledged and accepted by the Development Authority prior to implementation;
2. The applicant shall obtain all applicable Building and Safety Codes Permits and provide proof of satisfying all necessary requirements of the Building, Safety, and Fire Codes prior to any occupancy of the business facility by any non-resident employees or members of the public;
3. This approval allows for the placement and use of two Sea-Cans for the purpose of personal and/or business related storage on the subject property;
4. The Sea-Cans shall be located as identified within the accepted site plan, and shall be a minimum of 7.0 meters (23 ft.) from the west property line at their closest points. All other developments on the property shall adhere to applicable setback requirements as identified within the Land Use Bylaw;
5. Should either or both Sea-Can(s) be removed from the subject property for greater than 60 consecutive days, for any reason, the Sea-Can(s) will not be permitted to return to the subject property without first obtaining appropriate approvals from Foothills County;
6. It is the landowner's responsibility to maintain the exterior finish of the Sea-Cans in a consistent manner and to ensure they aesthetically complement the primary structure(s) on the property. The Sea-Cans shall not be structurally altered unless appropriate permits for such have been obtained from the Building and Safety Codes Department;
7. It is the landowner's responsibility to ensure existing visual screening of the Sea-Cans and outdoor parking areas is maintained and is responsible for the maintenance and replacement of existing landscaping materials for the purpose of screening from adjacent properties and roadways;

8. The Sea-Cans shall be used exclusively for the landowner's personal storage and/or approved business related storage purposes on the subject property, and shall not be rented out or leased at any time;
9. This approval allows for the hosting of a maximum of two group classes per month for the purpose of horticultural related educational lessons. These classes shall host the lesser of a maximum of 10 individuals or the approved occupancy load of the accessory building as determined by the Building, Safety, and Fire Codes. These classes may occur outside of regular business hours provided they adhere to the permitted business related vehicle trips approved herein;
10. A maximum of sixteen (16) business related vehicle trips to the subject property are permitted on any given day. This includes but is not limited to any non-resident employees, customers, and/or business related deliveries;
11. A maximum of five (5) non-resident employees are permitted to attend the property at any given time;
12. Hours of operation are approved as follows:
 - a) Wednesday, Thursday, Friday: 12:00pm to 4:00pm
 - b) Saturday: 12:00pm to 5:00pm
 - c) Sunday, Monday, Tuesday: by appointment between 12:00pm and 5:00pm
13. It is the landowner's responsibility to obtain and maintain an annual Business License from Foothills County. Failure to obtain this each year will result in this permit being considered null and void;
14. No offensive noise, vibration, smoke, dust, odour, heat, glare, electrical, and/or radio disturbance is to be detectable beyond the boundary of the lot;
15. In addition to permitted signage as identified within Section 4.2 of the Land Use Bylaw, this approval allows for one additional identification sign having an area of 16.7 sq.ft. (40"x60") or 1.55 sq.m. to be located wholly within the boundary of the subject property, as illustrated within the accepted site plan. No additional signage is permitted without first obtaining appropriate approvals through the Foothills County;
16. All signage must conform to the dimensions and design as submitted within the application for Development Permit, and shall at all times be kept in a safe and clean state of repair. This approval does not allow for any illumination of the proposed signs;
17. Road Bans issued for municipal road surfaces are to be adhered to at all times. Vehicles entering or exiting the property shall travel only at the permitted legal weights;
18. All loading areas and laneways must be kept free of all debris, materials and/or equipment, and access for fire department apparatus is provided for at all times;
19. This approval acknowledges the existing accessory buildings on the subject property, being the 3,600+/- sq.ft. Accessory Building (Shop & Lean-To), and Two Horse Shelters of 840+/- sq.ft. and 384+/- sq.ft., as well as the two approved Sea-Cans of a maximum of 320 sq.ft. each, totaling approximately 5,464 sq.ft.;
20. Providing variance for the Oversized Accessory Buildings exhausts the area of permitted accessory buildings on a property of this size. As such, absolutely no additional accessory buildings or additional garage space is permitted on the subject property without first obtaining the necessary approvals through Foothills County. This includes any structure with a roof; such as, any tent, shelter, lean-to, shed, greenhouse, and/or any buildings with temporary foundations;
21. No portion of any accessory buildings or sea-cans are permitted to be used as a secondary residence, or for the purpose of overnight accommodations at any given time, unless prior appropriate approvals of such are obtained from Foothills County;
22. No outdoor storage of business related materials is permitted on the subject property;
23. It is the applicant's responsibility to ensure all outdoor parking and loading areas, are generally screened from adjacent lands and roadways, as illustrated within the accepted site plan;
24. All loading spaces shall be designed and located so that all vehicles using that space can be parked and maneuvered entirely within the bounds of the subject property without backing to or from adjacent public roadways;
25. Natural drainage of the property must be maintained. Alteration to natural drainage may proceed as recommended within the accepted Stormwater Management Plan;
26. No topsoil is permitted to be removed from the subject property;

27. All waste materials are to be handled and disposed of under guidelines provided by governing Provincial regulatory bodies, at an approved waste disposal and/ or recycling site. There shall be no long term storage of waste materials on the property, nor burning of waste materials on the property. Garbage and waste must be stored in weatherproof and animal proof containers that are required to be fully screened from neighbouring lands, as illustrated within the accepted application;
28. It is the landowner's responsibility to contact Foothills Fire Department and obtain all necessary approvals and inspections and provide proof of the same to the Development Authority;
29. It is the landowner's responsibility to contact Foothills County Mapping Department to obtain individual addresses for the dwelling and main business structure. Assigned addresses shall be posted as per the recommendations of the Foothills Fire Department;
30. The applicants indemnify and hold harmless the County against the cost of any claims or actions, or awards for loss or damage to the Owner(s) arising from the use of the subject property;
31. It is the landowner's responsibility to provide notification to the Development Authority upon completion of the development;
32. Prior to the County acknowledging completion of the development, it is the responsibility of the applicant to submit as-built drawings and/or completion certificate, executed by the designated professional(s), confirming that all improvements are consistent recommendations with the submitted *Letter of Required Building Alterations to Achieve Compliance, dated April 30, 2020, signed by Branden Kidd P.Eng.*, and any revisions of such, as accepted by the County;
33. The issuance of a development permit from the County does not relieve the applicant of the responsibility of complying with all other relevant municipal bylaws and requirements, nor excuse violation of any provincial or federal regulation or act which may affect use of the land;
34. The applicant shall be responsible for payment of any professional costs including legal fees that may be incurred by the Municipal District with respect to the development approved on this permit.

Foothills County Land Use Bylaw |

**18.27 DIRECT CONTROL DISTRICT #27 (DC 27)
HOME BASED BUSINESS TYPE III DISTRICT**

DC#27

18.27.1 PURPOSE AND INTENT

To allow for the development of Type III home based businesses to operate, on lots with a single family residence and to allow for the Direct Control by Council over development on the following lots:

NW 36-20-29-W4M, PLAN 0012098, BLOCK 1
SE 32-19-02-W5, PLAN 0910606, BLOCK 2, LOT 1
SE 24-21-29-W4, PLAN 1113203, BLOCK 1, LOT 1
NW 31-21-28-W4, PLAN 0112113, BLOCK 7, LOT 1
SE 26-21-01-W5, PLAN 0413714, BLOCK 2, LOT 3
SW 20-20-01-W5, PLAN 9412786, LOT 1
NW 21-20-28-W4, PLAN 9211875, BLOCK C
SW21-20-03-W5, PLAN 9112603, BLOCK 3
NE 05-21-29-W4, PLAN 0312952, BLOCK 1, LOT 1
SE 14-20-01-W5, PLAN 1912019, BLOCK 2, LOT 2
SW 25-21.01-W5, PLAN 0010571, BLOCK 1, LOT 3
SW 01-21-29-W4, PLAN 0813661, BLOCK 4, LOT 7 (7.42 ACRE PTN. OF SITE)
NW 33-18-02-W5 (2.5 ACRE PTN OF SITE)
NE 01-20-29-W4 PLAN 9010611, BLOCK 13, LOT 2, (8.97 ACRES)
SW 30-20-27-W4, PLAN 1411521, BLOCK 1, LOT 1, (8.30 ACRES PTN.)

18.27.2 PERMITTED USES

Accessory Buildings not requiring a development permit (accessory to the Dwelling)
Agricultural, General
Accessory Uses to the dwelling
Dwellings, Single Family

- No more than 1 such dwelling is permitted on a single lot less than 32.4 ha (80 ac) in size
- No more than 2 such dwellings are permitted on a single lot 32.4 (80 ac) or greater in size

Dwelling, Mobile Home

- Permitted use only on lots 32.4 (80 acres) or greater in size

Home based business Type I
Home based business Type II
Home Office
Public Works
Signs not requiring a development permit
Solar Power System, Private (Not requiring a Development Permit)
Temporary storage of up to 5 unoccupied recreation vehicles
Utility services, minor

18.27.3 DISCRETIONARY USES

- Accessory Uses to the major home based business
- Accessory Building to the major home based business
- Dwelling, Mobile Home - one only
 - Discretionary use on lots less than 80 acres in size
- Dwelling, moved on,
- Home based business Type III
 - Kennel (Private)
- Lot Grading
- Manmade water features requiring a permit
- Signs requiring a Development Permit
- Solar Power System, Private (Requiring a Development Permit)
- Special Event (accessory to the business use)
 - Discretionary use only on parcels over 21 acres in size
- Temporary storage of between 6-10 unoccupied recreation vehicles
- Public Quasi Public Installations and Facilities

18.27.4 LAND USE REQUIREMENTS

18.27.4.1 Standards of the development shall be at the discretion of Council.

18.27.5 DEVELOPMENT REQUIREMENTS

18.27.5.1 Maximum Height of Structures:

- a. Principal buildings, first vehicle garage, and car ports:
 - i. 12m (39.37 ft.)
- b. Accessory Buildings and Arenas:
 - i. 10.67m (35 ft.)
- c. Radio antennas, internet towers and wind turbines:
 - i. 16m (52.49 ft.);
- d. Or as determined by Council

18.27.5.2 Maximum Lot Coverage

- a. No building or group of buildings including their accessory buildings and impervious surfaces shall cover more than sixty (60) percent of the lot area;

18.27.5.3 Maximum Dwelling Unit Density

- a. Maximum dwelling unit density for a parcel under 80 acres is one Dwelling, Single Family and either one Dwelling, Secondary Suite, or one Dwelling, Temporary, where the use is listed as a permitted or discretionary use in the specific district in accordance with Section 10.26 Secondary Suites and Section 10.10 on Dwellings.
- b. Maximum dwelling unit density for a parcel 80 acres or larger in size is two Dwellings, Single Family and either one Dwelling, Secondary Suite, or one Dwelling, Temporary, where the use is listed as a permitted or discretionary use in the specific district in accordance with Section 10.26 Secondary Suites and Section 10.10 Dwellings.

18.27.5.4 Minimum Yard Setback Requirements

- a. Front Yard Setback:
 - i. 15m (49.21 ft.) from the right of way of an Internal Subdivision Road;
 - ii. 48m (157.48ft.) from the centre line of a Municipal Road;
 - iii. 40m (131.23 ft.) from the ultimate right of way or 70 meters from the centreline of a Provincial highway, whichever is greater;
 - iv. Or as determined by Council.
- b. Side Yard Setback:
 - i. 15m (49.21 ft.) from property line
 - ii. Or as determined by Council
- c. Rear Yard Setback
 - i. 15m (49.21 ft.) from property line
 - ii. Or as determined by Council
- d. If the title to a lot is subject to a caveat in respect of a land dedication or an agreement for the acquisition of land for road widening purposes, the dedicated area or area of future road widening shall be considered the future property boundary for which setback distances set out shall apply.

18.27.5.5 Corner Parcel Restrictions:

- a. In accordance with Section 9.27.9 - 9.27.12.

18.27.5.6 Other Minimum Setback Requirements:

- a. See Section 9.27 "Special Setback Requirements" of Land use bylaw for additional setback requirements that may apply.
- b. The Approving Authority may require a greater building setback for any industrial use which, in the opinion of the Approving Authority, may interfere with the amenity of adjacent uses.

18.27.5.7 Minimum habitable area per dwelling;

- a. 100 m² (1,077 sq. ft.)

18.27.6 SPECIAL PROVISIONS

- 18.27.6.1 Home based businesses do not include Cannabis Production.
 - 18.27.6.2 No more than six (6) non-resident employees working on the property; OR as determined by the Approving Authority in Direct Control Districts;
 - 18.27.6.3 Maximum of twelve (12) Business Visits per day; OR as determined by Approving Authority in Direct Control Districts;
 - 18.27.6.4 A maximum of Twelve (12) business vehicles on the property per day; OR as determine by the Approving Authority in Direct Control Districts;
 - 18.27.6.5 The business or occupation must be conducted within a dwelling and/or accessory building(s) or on a parcel on which a dwelling is located and where one or more residents of the parcel is/are involved in the occupation or business;
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- 18.27.6.6 Large commercial vehicles, used in conjunction with the business, may be permitted on the parcel at the discretion of the Approving Authority based on parcel size, proximity of adjacent residences, and site screening;
- 18.27.6.7 Material Storage:
- a. Outdoor storage of business-related goods and materials, large commercial vehicles, trailers, and equipment may be allowed if, in the opinion of the Approving Authority, the outdoor storage is adequately screened from adjacent lands.
- 18.27.6.8 Landscaping and Screening:
- a. Landscaping shall be completed in accordance with the Municipal Screening Standards;
 - b. Levels and methods of screening of the site shall be completed in accordance with the Municipal Screening Standards;
- 18.27.6.9 Nuisance:
- a. Home business shall not generate noise, smoke, odour, dust fumes, exhaust, vibration, heat, glare, refuse matter or other nuisances considered offensive or excessive by the Approving Authority.
 - b. At all times, the privacy of the adjacent residential dwellings shall be preserved, and the home-based business shall not in the opinion of the Development Authority, unduly offend or otherwise interfere with liveability or enjoyment of the neighbouring properties;
- 18.27.6.10 The Approving Authority, may, as a condition of issuing a Development Permit impose any condition that addresses a relevant planning and development matter, including but not limited to:
- a. Location and maximum size of facilities to be constructed;
 - b. Development setbacks;
 - c. Hours of operation;
 - d. Number of non-resident employees;
 - e. Number of vehicle visits per day;
 - f. Noise;
 - g. Buffering;
 - h. Lighting;
 - i. Outdoor storage;
 - j. Parking requirements;
 - k. Screening of facilities.

18.27.6.11 Design Guidelines:

- a. All development located within the Highway 2A Industrial Area structure plan (H2AI Area Structure Plan) area shall comply with the Highway 2A Corridor Design Guidelines (2021), as may be amended, or replaced by Council from time to time.

18.27.6.12 Lighting:

- a. All lighting must be in accordance with Section 9.15 of this Land use bylaw and with the Municipal Dark Sky Bylaw.

18.27.6.13 Lot Drainage:

- a. A Development agreement shall be entered into for lot grading to the satisfaction of the Director, Public Works and Engineering;
- b. Lot grading and drainage shall be in accordance with Section 9.17 of the Land use bylaw.

18.27.7 PROCEDURE

18.27.7.1 Notwithstanding the procedure established for development permit applications in Section 4, an application for development permit in respect of lands referred to in Section 18.27.1 shall be referred by the Development Officer to the Council for its approval or refusal.

18.27.7.2 Notwithstanding the procedure established for the issuance of development permits in Section 5, the Council shall decide on all applications for development permits with respect to lands referred to in Section 18.27.1. The council may approve a development permit application with or without conditions or may refuse an application for development permit.

18.27.7.3 There is no appeal to the Development Appeal Board from a decision of the Council on an application for a development permit in respect of the lands referred to in Section 18.27.1.