



DEVELOPMENT PERMIT DECISION

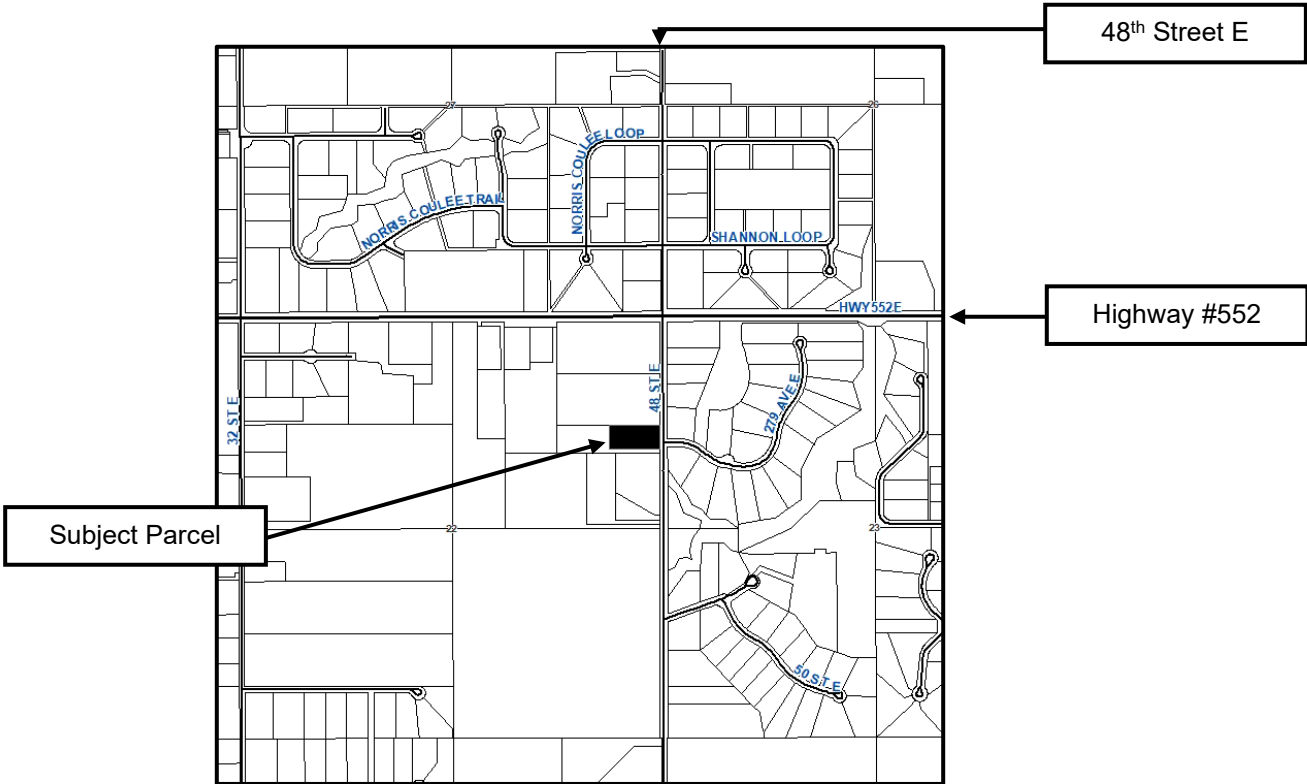
DATE OF DECISION: November 1, 2023

THIS IS NOT A DEVELOPMENT PERMIT OR BUILDING PERMIT. PLEASE REFER TO THE NOTES SECTION BELOW FOR ADDITIONAL INFORMATION.

APPLICATION FILE NUMBER: 23D 190
LANDOWNER(S)/APPLICANT(S): PETER T. NIEMANS/TROY NIEMANS
PROPOSAL DESCRIPTION: HOME BASED BUSINESS, TYPE III – WATER & SEPTIC SYSTEMS
LEGAL DESCRIPTION: PTN. NE 22-21-29 W4M; PLAN 1013059, BLOCK 2, LOT 5

LOCATION AND DESCRIPTION OF SUBJECT PARCEL:

The subject property is an existing 4.40 acre Country Residential District parcel located on the west side of 48th Street East, approximately 400m to the south of highway #552.



INTENT OF THE DEVELOPMENT PERMIT APPLICATION:

An application for Development Permit has been submitted to allow for the operation of a full service water and septic systems service provider, operating under the criteria of a Home Based Business, Type III.

The application identifies:

- Two existing Accessory Buildings will remain and one new +/- 2,400 sq. ft. Accessory Building is to be constructed. These buildings will be used for the storage of business related materials and vehicles.
 - Hours of operations are identified as: 8 am to 4 pm; Monday to Friday
- A maximum of 6 non-resident employees may be on the property at any given time
- A maximum of 10 business visits may occur per day
- Deliveries to the site are not anticipated
- Large equipment (ie: excavator) normally remains off site however in the case that large a large commercial vehicle returns to the property, it will be stored within a visually screened (commercial screening system) parking area

Additionally, it is requested that one 40 ft. storage container be located on the property temporarily, to serve as storage during construction of the proposed new Accessory Building.

Home Based Business, Type III is a Discretionary Use under the Country Residential Land Use District; therefore, decisions on applications for Development Permit for this use are to the discretion of the Development Officer, and subject to a 21-day appeal period.

The application for a Development Permit in accordance with the provisions of Land Use Bylaw 60/2014 of Foothills County in respect of Home Based Business, Type III, on the subject parcel being a portion of NE 22-21-29 W4M; Plan 1013059, Block 2, Lot 5 has been considered by the Development Officer and is **APPROVED** subject to the following.

APPROVAL DESCRIPTION:

Upon completion of the below pre-release condition, this approval allows for the development and use of Ptn. NE 22-21-29 W4M; Plan 1013059, Block 2, Lot 5 for:

- a. Construction of one +/- 2,400 sq. ft. accessory building to be located in accordance with the site plan provided with this application for development permit;

- b. A water and septic systems services business operating under the criteria for a Home Based Business, Type III; in accordance with the submitted and accepted Development Permit application and the conditions included herein;
 - Hours of Operation: 8 am to 4 pm; Monday to Friday
- c. Maximum of 6 non-resident employees may attend the property in relation to the business
- d. Maximum of 10 business visits may occur per day
- e. A fenced (visually screened with commercial screening system) outdoor parking area will be used to obscure large vehicles
- f. One 40 ft. storage container, having an area of +/- 320 sq. ft., to be located 30m from the centreline of 48th Street East at it's nearest point, for the purpose of storing business materials and equipment on a temporary basis, during construction of the new Accessory Building on the property

PRE-RELEASE CONDITION(S):

*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 1, 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 \$2,500 to ensure removal of the storage container from the property, no later than 60 days following completion of the new Accessory Building.

CONDITIONS OF APPROVAL:

The following requirements must be completed within 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 be deemed null and void.

1. The development shall be executed in accordance with all conditions of approval and plans that have been acknowledged by the municipality to be appropriate;
2. All necessary building and safety code permits and inspections for the development are to be obtained from the County, this includes any required certification for the storage container, to the satisfaction of the County's Safety Codes Officer;
3. It is the applicant's responsibility to contact the County's Fire Inspector and obtain all necessary approvals and inspections from the Foothills Fire Department. Proof of such is to be submitted to the File Manager, prior to occupancy. Requirements to be met include, but are not limited to: National Fire Code 2019 Div. B Sec. 2.1.5 and NFPA 10 compliant fire extinguisher(s) to be installed; a Fire Safety Plan is to be posted; and doors and means of egress are to meet the National Fire Code 2019 Div. B Sec 2.7.1;
4. Visual screening of the parking area is to be installed as per the submitted plan;
5. **Screening for that area adjacent to the storage container shall be in place concurrently with locating the unit on the property.** This storage container is to be wholly removed from the property within 60 days of completion of the new Accessory Building;
6. The applicant is to obtain and properly post an independent County address for the business. Please contact the County's GIS Department to be assigned a new address and to obtain information regarding address signage and any potential changes to the current address for the property;
7. An Emergency Response Plan shall be submitted for review and acceptance by the County's Emergency Management department;
8. The applicant shall provide written notification to the Development Authority upon completion of the development, as approved herein.

ADVISORY REQUIREMENTS:

The following requirements are provided by Foothills County to inform the applicant(s) and landowner(s) of their necessity. It is the responsibility and liability of the applicant(s) and landowner(s) to ensure adherence with these requirements for the life of the development.

1. 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 the use of this land shall not proceed unless appropriate approvals and permits have been obtained;**
2. Development is to comply with the following criteria:
 - a. One or more residents of the parcel must be the primary owner of the business;
 - b. Limitations to the number of business visits to the subject property on any given day are identified under this approval, this includes any clients and business-related courier and/or deliveries;
 - c. A maximum of six (6) non-resident employees are permitted to work on site at any given time;
 - d. Business related goods and materials are to be stored within the Accessory Buildings on the parcel. Any large commercial vehicles, trailers, and/or equipment related to the business that are parked outdoors are to be located within the screened parking area;
 - e. The business shall not generate noise, smoke, odor, dust, fumes, exhaust, vibration, heat, glare, refuse matter, or other nuisances;
 - f. A minimum of one parking stall per non-resident employee attending the property is to be provided;
3. One sign, no larger than 0.55 sq. m. (5.93 sq. ft.) in area is permitted. This sign may be placed at the entry of the property, provided it is solely on the landowner's property and not in the road right of way;
4. The storage container is permitted to be temporarily located 30.5m from the east property line at it's nearest point. All other development is to be located in compliance with the setback requirements under the Country Residential District;
5. Development is to comply with the requirements of the Alberta Building, Plumbing, Electrical, and Fire Codes at all times;

6. The applicant is responsible to maintain an annual business license;
7. All on site business operations shall be wholly contained within the boundaries of the legally titled lot.
Internal access roads for business related traffic, sufficient parking, and turnaround space shall be provided within the boundaries of the titled parcel. All laneways and loading areas must be kept free of all debris, materials and/or equipment, and it is the landowner's responsibility to ensure that access for fire department apparatus is provided for at all times;
8. Containers for garbage and recycling materials that are located outdoors shall be weatherproof and animal-proof and must be visibly screened from adjacent lands.
Waste materials shall be disposed of at an approved waste disposal site.
Secondary containment for fluids shall be implemented wherever appropriate;
9. No topsoil shall be removed from the subject property and natural drainage of the property must be maintained. Alterations to natural drainage may proceed only under the authorization of an issued Development Permit for Lot Grading. All development is to observe the existing Overland Drainage Right of Way and Environmental Reserve Easement that exist on these lands;
10. Screening shall be maintained and must at all times be safe, functional and in a good state of repair. The lot shall have a neat and orderly appearance and be free of weeds;
11. Any new installation(s) of exterior lighting must adhere to the guidelines and technical specifications as outlined within the Dark Sky Bylaw;
12. The issuance of a development permit by the County does not relieve the landowners 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.
This includes, but is not limited to compliance with the requirements of Alberta Environment and Parks respecting any use of well water for business uses;
13. The applicants 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.

NOTES:

1. **This is not a Building Permit.** Construction practices and standards of construction of any building or any structure authorized by the Development Permit, once signed and issued, must be in accordance with the Building and Safety Codes Permits. An application must be made for all required Building and/or Safety Codes Permits.
2. **This is not a Development Permit.** The Development Permit may be signed and issued upon completion of the 21-day appeal period; should no appeals be received, and completion of all Pre-Release Conditions (if any). Development can not proceed until this permit has been signed and issued.
3. Notification of this Development Permit Decision will be advertised in two issues of the Western Wheel and circulated to area landowners (according to County Records at this time) within the subject quarter-section and for one-half mile surrounding the subject parcel. Development Permit Notices can also be viewed on our website, www.foothillscountyab.ca.
4. This Development Permit Decision is subject to a 21-day appeal period. Pursuant to Section 685(2) of the Municipal Government Act, a person affected by this decision has a right of appeal.
5. The Development Permit, once signed and issued, shall thereafter be null and void if the development or use is abandoned for a period of six months.
6. The conditions of this Development Permit Decision must be met and adhered to at all times. Fines and/or Enforcement action may occur if operating outside of the Development Permit Decision.