


**PUBLIC HEARINGS AND MEETINGS
 PLANNING AND DEVELOPMENT REPORT TO COUNCIL
 DEVELOPMENT PERMIT APPLICATION
 May 1, 2024
 To be heard at 10:00 AM**

APPLICATION INFORMATION		FILE NO. 23D 239
	DATE APPLICATION DEEMED COMPLETE: January 10, 2024	
	LEGAL DESCRIPTION: Ptn. NW 33-18-02 W5M	
	LANDOWNER / APPLICANT: Todd Bailey	
PROPOSAL: To allow for the operation of an additional business on the property, as well as a pond/dugout, and two business signs.		
DIVISION NO: 2	REEVE: Delilah Miller	
FILE MANAGER: Brenda Bartnik		

EXECUTIVE SUMMARY:

Location of Subject Lands:

The subject property is located on the southeast corner of the intersection at 530th Avenue west and Highway #22; two and one-half miles north of the Village of Longview.

A 2.5 +/- acre area of the 155.52 acre parcel is zoned as Direct Control District #27- Home Based Business Type III District (see Appendix B of this report), the remainder is zoned as Agricultural District.

Summary of Proposal:

This application for Development Permit requests approval for:

- the operation of an additional business - a heavy equipment rental company (WorkPro Rentals Ltd.) on the property, within that area designated Direct Control District #27.
- A pond/dugout in the northwest corner of the property.
- Two freestanding commercial signs in the northwest corner of the property.

PURPOSE OF APPLICATION:

As Council is the Development Approving Authority for Direct Control District lands, they may decide on a Development Permit application, or may delegate the Authority, with directions that it considers appropriate.

Upon review of this application on March 6, 2024, Council postponed their decision and directed that administration schedule a Public Meeting.

Proposal

Development Permit application under the Home Based Business Type III District for a heavy equipment rental company (WorkPro Rentals Ltd. – currently operating), two freestanding commercial signs, and a pond/dugout in addition to the current operations of a Vehicle Sales, Servicing, and Repairs company (Foothills Trucks Sales and Service) and a sign and embroidery company licensed as a Home Office (Stitchwork-Signs) on the property.

History of the existing approved development on this property can be found under Appendix C of this report.

Approval for the following is requested under this application:

- a. WorkPro Rentals supplies skid steers, excavators and a variety of related attachments.
 - i. Customers book equipment online, or call.
 - ii. All machinery will be stored outside within the 2.5 acres that is zoned as Direct Control District #27.
 - iii. The maximum number of vehicles that are parked outside for Foothills Trucks Sales and Service is 15, and the maximum for WorkPro Rentals equipment is 8.
 - iv. The existing 2,800 sq. ft. shop is being used for vehicle and equipment maintenance and service, as well as for office space for both Foothills Trucks Sales and Service, and WorkPro Rentals.
 - v. Customers can pick up equipment if they have the proper requirements to haul, or the company can deliver to their worksite.
 - vi. A maximum of 5 non-resident employees may attend the property for the combined business uses.
 - vii. The number of vehicle trips related to the businesses that may occur each day is a maximum of 16.
The daily limit of equipment rentals is 4.
For Foothills Trucks Sales and Service customers, the daily limit is 4 customers a day.
Vehicles attending the property for the equipment rental business are trucks that are able to haul a trailer and a load over 15,000 pounds.
A posted speed restriction of 30km/hr along the internal driveway is to be used to control dust.
 - viii. There will be a delivery at least once a week. Maximum deliveries per day is 4, but this would be rare. Delivery vehicles could be a van or truck (for Foothills Trucks Sales and Service) or truck and flat deck trailer (for WorkPro Rentals).



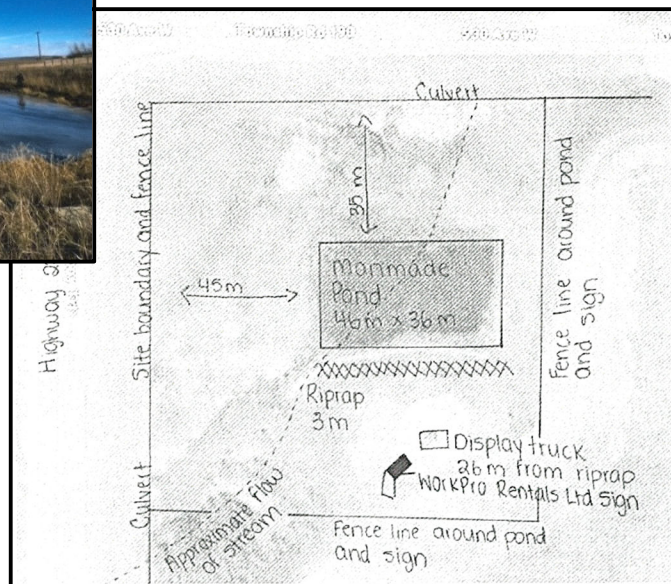
- ix. Hours of operation are 8:00 AM to 5:00 PM, Monday to Friday.
- x. The amount of water required for WorkPro Rentals is less than the required water for Foothills Trucks Sales and Service Ltd. The amount is unknown but the septic tank is 20,000L and is used between both companies.
One bathroom and two sinks are located in the shop.
Vehicles and equipment are washed at an off site car wash 99% of the time.
- xi. A disposal service picks up garbage and recycling once every two weeks. The shop has a drainage system built into the floor.
- xii. Loud work is done inside the shop to prevent noise travel.
- xiii. No additional changes to the existing building or development area have been proposed within the application. Equipment and vehicle parking on the property is noted to be screened from the view of area lands and roadway due to the existing tree line and shop.

b. An area in the northwest corner of the property has been fenced. This area includes an intermittent stream that enters the existing dugout at its southwest corner and exits on the north side.

In April of 2022, vegetation was removed south of this dugout, contouring of the land occurred, and a 3m wide strip of rip rap was installed 1m south from the water line to stabilize the bank and add visual interest to the site, in absence of local or Provincial approval. That June, grass was planted on the area between the riprap and a display truck that had been located here.



i. Surface area of the (unlined) dugout/pond is ~ 17,825 sq. ft. with an approximate depth of 27 ft.



- ii. It's location is shown as meeting setback requirements under section 9.18 of the County's Land Use Bylaw 60/2014.
- iii. The fencing keeps livestock from accessing this area of the lands.

- c. A display truck was installed to bring attention to the Foothills Trucks Sales and Service business on the property.

In addition, signage was revised (in content and to include the additional equipment rental business) and relocated.

- i. The display truck has a side area of approximately 120 sq. ft. and sits on a metal base, 26m to the south of the rip rap that was installed.
- ii. The current freestanding sign has two panels, each face measures approximately 120 sq. ft.



SITE CONSIDERATIONS:

Access

The 2.5 acre Direct Control District #27 portion of land is located within a quarter-section bounded:

- on the north by 530th Avenue: MRO surface
- on the west by Highway #22

The existing internal gravel laneway, which has a ~4m wide surface comes into the property from an approach that is located roughly 795m east of the intersection at 530th Avenue and Highway #22.

Land Use

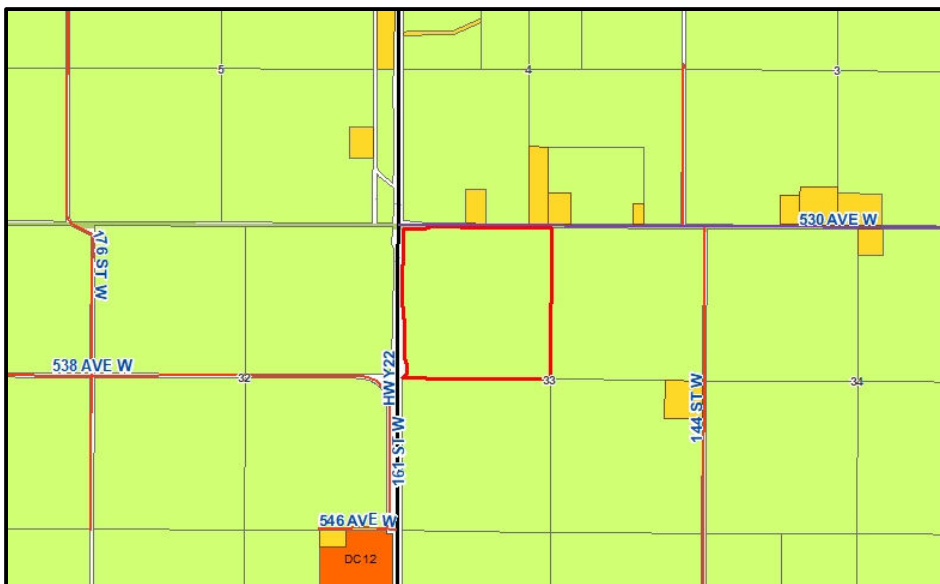
Subject Parcel

Agricultural District, with a 2.5 acre area zoned as Direct Control District #27 to allow for a Home Based Business Type III, including allowance for a maximum of 15 vehicles for sale to be stored outdoors, subject to adequate screening.

Surrounding Area:

Land use designation in the area is predominately Agricultural District, interspersed with Country Residential District properties.

A Direct Control District #12 parcel (Sweet Gas Plant) lies one-half mile to the southwest.



Existing Development on the 2.5 acre Direct Control District #27 portion of the lands:

- the existing 2,800 sq. ft. shop is proposed to be used for maintenance and repair for all Foothills Trucks Sales and Service vehicles as well as for WorkPro Rentals equipment maintenance and repair.

Physiography:

Grassland. Historical imagery alludes to periods of time during which portions of the land have been cultivated.

The lowest point on the property is at the northwest corner of the quarter-section, through which a recurring stream runs. The lands rise in elevation to that area of the parcel on which business operations occur (an apparent high point with respect to area lands).

A representative of the landowner provided description of the low area of the property based upon a September 22, 2022 site visit which notes that this area meets the Alberta Environment and Parks' definition as a wetland with an intermittent stream that flows in and out of the existing pond.

POLICY EVALUATION:

Land Use Bylaw 60/2014 (LUB)

Direct Control District #27 see Appendix B of this report

The purpose and intent of this district is 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.

CIRCULATION REFERRALS	
REFEREE	COMMENTS
INTERNAL	
Engineering / Public Works	<ul style="list-style-type: none"> • Approach meets Commercial Standards • The dugout appears to have been in place for 20 + years. Public Works has no concerns with leaving the dugout seeing as the applicant has reached out to Alberta Environment. • <i>Hauls that fall under the 10 load per day requirements for a Road Use Agreement but exceed 7 days of hauling will require a Road Use Agreement.</i> A Road Use Agreement may be required. If 10 loads are to occur consistently, they will need to enter into a Road Use Agreement by calling Roadata prior to approval. This would require a deposit made out to the County for approximately \$24,000. • Alternatives to acquiring a Road Use Agreement are as follows: <ul style="list-style-type: none"> ○ Construct County road from Highway #22 to business entrance to Industrial/Commercial Standards. ○ Seek Alberta Transportation approval to develop or use entrance off Hwy #22. <p><i>The Applicant may wish to provide further specific haul details for review if they do not agree with these conditions.</i></p>
EXTERNAL	
Alberta Transportation & Economic Corridors	<ul style="list-style-type: none"> • The impact on the existing Highway #22 intersection from the additional traffic generated by the second business should be minimal. Therefore, Alberta Transportation and Economic Corridors has no concerns with the existing second business. • The department will issue a development permit for the pond, truck and signage. However, subject to final approval from Foothills County. Proof of final approval for all development from the

CIRCULATION REFERRALS

	<p>municipality should be provided, prior to the department issuing their approval.</p>
<p>Alberta Environment and Parks</p>	<p>Response to referral of this application was not received from this Provincial department.</p> <p>Comment respecting development in the wetland area was provided by representative for the landowner, as follows:</p> <p>AEP was contacted in June 2022, given a description of the site, and requested to provide information about how to proceed. They provided links to AEP bulletins and fact sheets related to dugouts and water course development, but gave no direction about how to proceed. Their suggestion was to review the information and determine whether a Water Act application would be needed. After reviewing the AEP bulletins, it is suggested that the development around this pond and sign area does not meet the requirements for Water Act approval. Specifically, the recent work on the site has not affected or altered the dugout or the stream. The rip rap is well away from the dugout shoreline and has had no effect on the shoreline or the stream. The display truck and sign are also well away from the dugout and stream, and have no effect on either. The grass that was seeded between the riprap and the display truck does not extend into the stream/wetland area. In addition, since the dugout has been in place for 20+ years, the current wetland area is well-integrated into the site, and, as far as the landowner is aware, it has been unaffected and unchanged over that time. Furthermore, removing the dugout to restore the site back to a wetland would disrupt the existing and well-established watercourse and wetland area around the dugout.</p>
PUBLIC	
	<p>Notice of this Public Meeting was mailed to landowners within the subject quarter section and for one-half mile surrounding, on April 17, 2024.</p> <p>The Public Meeting was advertised in the Western Wheel newspaper on April 24 and May 1, 2024.</p>

SUMMARY

The application before Council is for a development permit to allow for the operation of an additional business, a heavy equipment rental company (WorkPro Rentals Ltd.) on the property, within that 2.5 acre area designated Direct Control District #27; as well as a pond/dugout and two freestanding commercial signs within the boundary of Ptn. NW 33-18-02 W5M.

OPTIONS FOR COUNCIL CONSIDERATION:

OPTION #1 APPROVAL

Should Council choose to approve Development Permit 23D 239, the following motion has been provided for consideration:

- *Council moved that Development Permit 23D 239 for the operation of a heavy equipment rental company within that 2.5 acre area designated Direct Control District #27; as well as a pond/dugout and two freestanding commercial signs within the boundary of Ptn. NW 33-18-02 W5M be approved, subject to the following conditions and requirements.*

APPROVAL DESCRIPTION

Upon completion of the below noted pre-release condition, this approval allows for use of Ptn. NW 33-18-02 W5M as follows:

This approval is in addition to and does not replace development approved under Foothills County Development Permit 21D 184.

This approval allows for

- a. the operation of a heavy equipment rental company including the outdoor storage of up to 8 pieces of heavy equipment to be stored outdoors; on that 2.5 acre Direct Control District #27 portion of Ptn. NW 33-18-02 W5M;
- b. one dugout/pond having a surface area of +/-17,825 sq. ft. and a depth of +/- 27 ft., located as per the site plan submitted with application, on Ptn. NW 33-18-02 W5M;
- c. one mounted display truck and one double panel (120 sq. ft. in area each panel/sign face) freestanding sign as per the plans submitted with application on Ptn. NW 33-18-02 W5M;

SUGGESTED CONDITIONS OF APPROVAL FOR COUNCIL'S CONSIDERATION

Council may wish to impose any of the following conditions or any additional or revised 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(s), failure to complete the pre-release condition on or before October 8, 2024, will see this approval be deemed null and void.

1. All conditions under Development Permit 21D 184 are to be completed in full.

CONDITIONS OF APPROVAL

The following requirements must be completed within the twenty-four (24) month completion period for this Development Permit unless a time extension is issued 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. It is the applicant's responsibility to provide specific haul details to the County's Public Works department and, if required:
 - a. enter into any necessary Road Use Agreement or;
 - b. upgrade the County road providing access to Industrial/Commercial Standards or;

- c. obtain approval from Alberta Transportation to develop and/or use an entrance off of Highway #22 for use as an entrance;

to the satisfaction of the County's Public Works department;

2. It is the applicant's responsibility to contact the County's Fire Inspector and obtain any necessary approvals and inspections prior to occupancy. Authorization for occupancy of the development shall not be granted until such time that required safeties and functionality are illustrated to have been met;
3. An updated Emergency Response Plan is required to be submitted for review and acceptance by the County;
4. A Roadside Development Permit and Sign Permit shall be obtained from Alberta Transportation and Economic Corridors;
5. The additional business is required to maintain an annual business license with Foothills County;
6. The applicant is to provide all required engineering review fees, to the satisfaction of the County's Public Works department;
7. The applicant shall provide written notification to the Development Authority upon completion of the development, as approved herein;
8. The applicant shall be responsible for payment of any professional costs including legal fees that may be incurred by the County with respect to implementation of this permit.

ADVISORY CONDITIONS

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)/landowner(s) to ensure adherence with these requirements for the life of the development.

1. The development is to be maintained in accordance with all conditions of approval, plans and agreements that have been acknowledged by the municipality to be appropriate. **Any revisions and/or additions to the use of these lands shall not proceed unless appropriate approvals and permits have been obtained;**
2. The approved Home Based Businesses are required to be contained within that 2.5 +/- acre portions of the property that is zoned as Direct Control District #27;
3. The number of heavy equipment vehicles stored outdoors shall not exceed 8 at any given time. These vehicles shall at all times be visually screened from area lands and roadways;
4. Hours of operations shall be Monday through Friday, from 8:00 AM to 5:00 PM;
5. The number of business related vehicle trips for all businesses combined is a maximum of 16 on any given day;
6. No more than six non-resident employees (for all businesses combined) shall work on the property at any given time;
7. Development shall at all times comply with all requirements of the applicable Building, Safety and Fire Codes;
8. Containers for garbage or recycling materials that are located outdoors shall be weatherproof and animal-proof and must be fully screened from adjacent lands. There shall be no long term storage of waste materials on the property, nor burning of waste materials on the property. All waste materials must be disposed of at an approved waste disposal site. Secondary containment for fluids shall be implemented wherever appropriate;

9. 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, requirements and agreements, nor excuse violation of any provincial or federal regulation or act which may affect use of the land.

This may include, but not be limited to; compliance with requirements of Alberta Transportation, Alberta Health Services, Alberta Environment and any holders of utility right of ways/easements;

10. The applicant(s) and landowners indemnify and hold harmless the County against the of any claims or actions, or awards for loss or damage to the Owner(s) and/or Occupant(s) arising from the use of and/or development of the subject properties.

OPTION #2 REFUSE THE APPLICATION

Moved that Development Permit application 23D 239 for the operation of a heavy equipment rental company within that 2.5 acre area designated Direct Control District #27; as well as a pond/dugout and two freestanding commercial signs within the boundary of Ptn. NW 33-18-02 W5M be refused as the proposed cumulative development implies a larger scale operation than a home based business and does not appear to meet the purpose of a home based business; which is to accommodate small, non-intrusive, low risk, low intensity development to support business activities that can be integrated into, and are compatible with, adjacent non-commercial properties.

- At their discretion, Council may provide a partial approval and/or partial refusal with respect to this application for Development Permit.

APPENDICES

APPENDIX A:

MAP SET

MAP 1 – LOCATION AND ORTHO

MAP 2 - SITE PLANS

APPENDIX B:

DC#27 DISTRICT

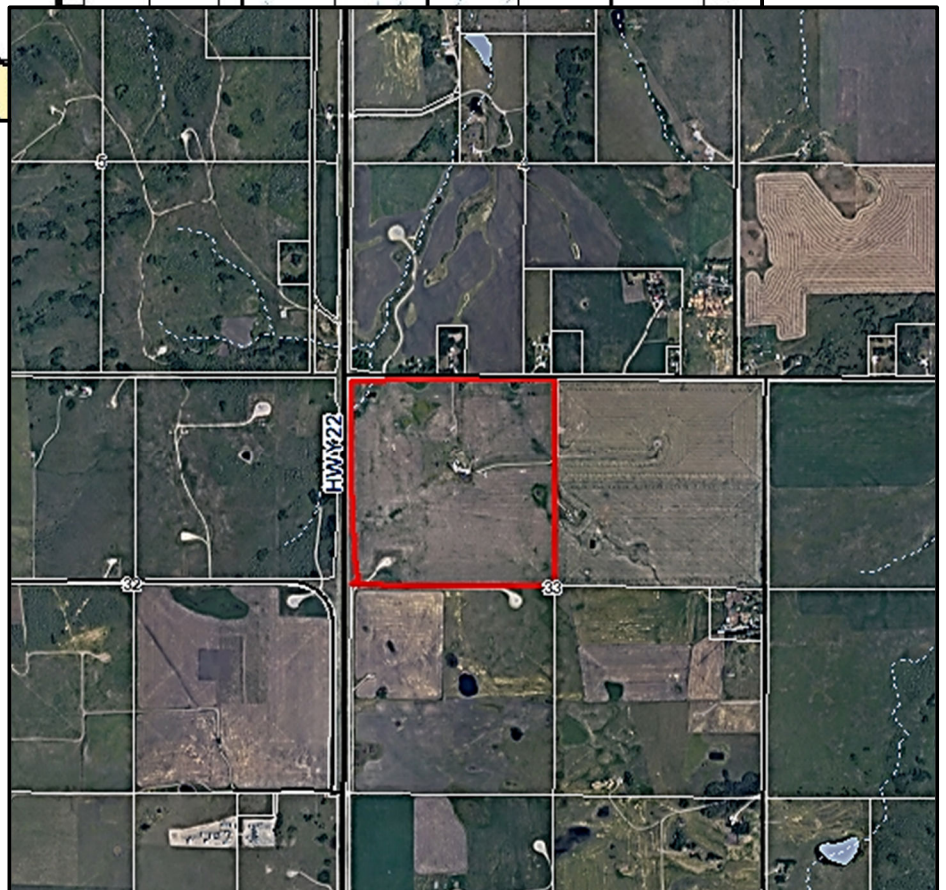
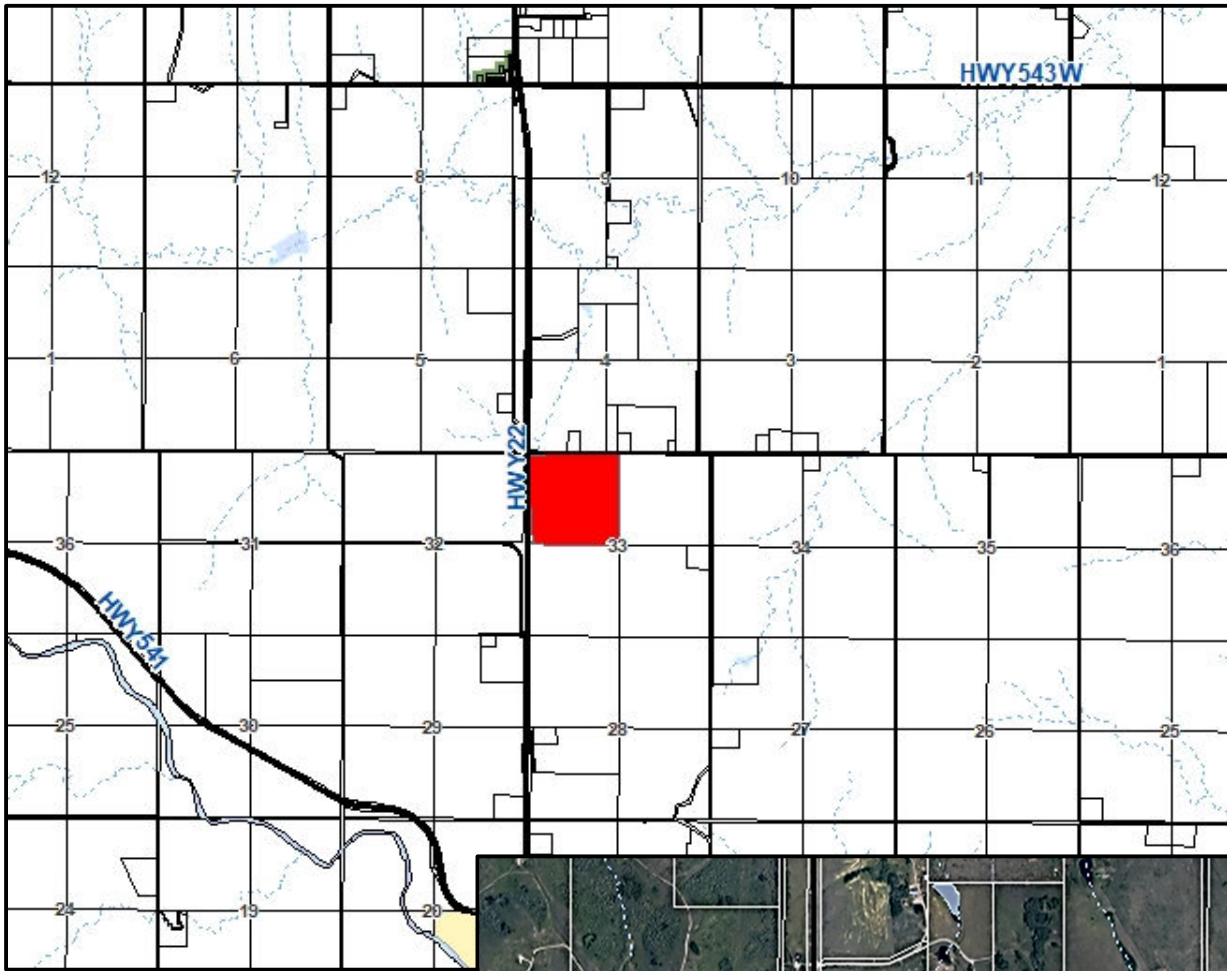
APPENDIX C:

BACKGROUND

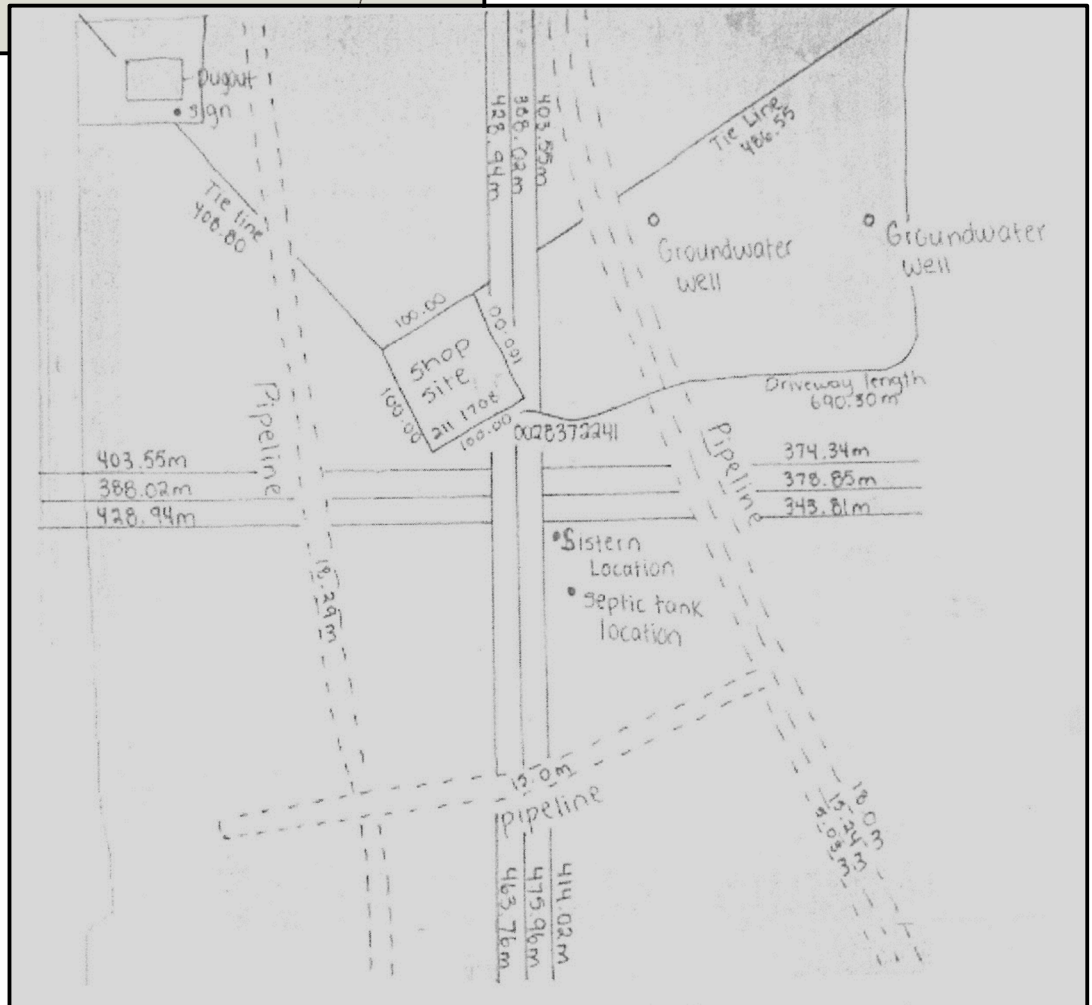
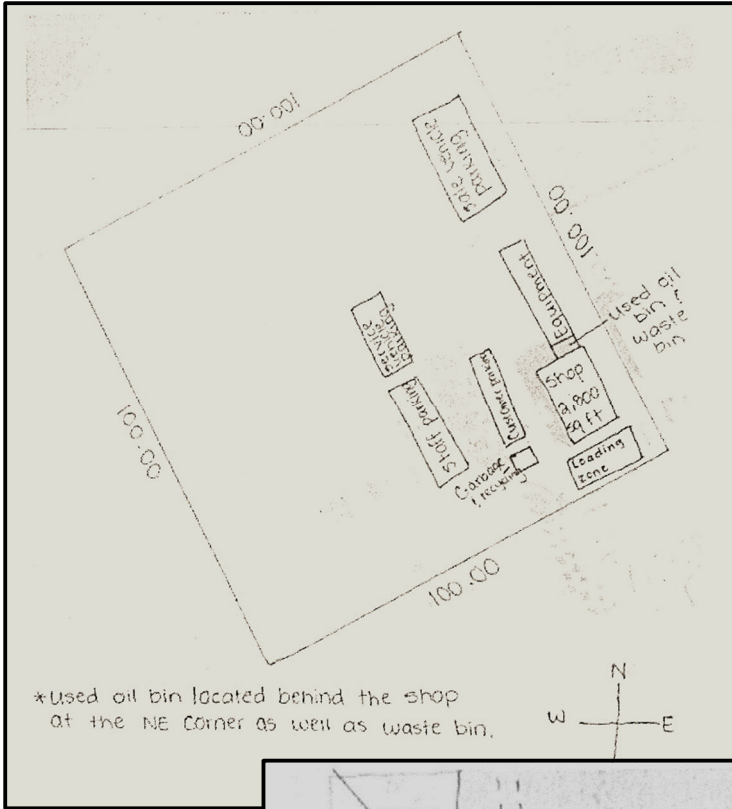
DEVELOPMENT PERMIT 21D 184

APPENDIX A: MAP SET

MAP 1 – LOCATION & ORTHO



MAP 2 - SITE PLANS



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 or Cannabis Sales.
- 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;

Foothills County Land Use Bylaw |

- 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.

Foothills County Land Use Bylaw |

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.

December, 2023

Development Permit application 23D 086 for a pond and commercial signage was withdrawn and the content included under this application.

November, 2023

An additional business license for a Home Office was issued in respect to the operation of an embroidery and sign company on the property.

March, 2022

New, unidentified development was noted to be occurring outside of that area of the property which is designated as Direct Control District #27 (at the northwest corner of the property).



August, 2021

Development Permit 21D 184 for a Home Based Business Type III – Vehicle Sales, Servicing and Repairs; including the outdoor storage of 15 vehicles for sale on the 2.5 acre Direct Control District #27 portion of the subject property.

At request of the Applicant, the time to complete was extended until June 4, 2024 by Council on November 29, 2023. This extension is to allow for the completion of condition 2. of that issued permit which reads: All required building and safety code permits and inspections must be obtained from the County, and the existing involved building verified to be suitable for intended use and occupancy.

A copy of 21D 184 has been included under Appendix C of this report.

August, 2021

Council gave third and final reading to Bylaw 23/2021 authorizing the redesignation of a 2.5 +/- acre portion of NW 33-18-02 W5M to Direct Control District #27 to allow for a Home Based Business Type III, including allowance for a maximum of 15 vehicles for sale to be stored outdoors, subject to adequate screening.

EXISTING APPROVAL UNDER 21D 184



FOOTHILLS COUNTY
309 Macleod Trail, Box 5605
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August 20, 2021

Foothills Truck Sales & Service Ltd.
Attn: Todd Bailey
PO Box 45
Longview, AB T0L 1H0

Dear Mr. Bailey:

Re: Development Permit 21D 184 - Ptn. NW 33-18-02 W5M

Please be advised that at its August 11, 2021 meeting, Council passed the following resolution:

MOVED that Development Permit 21D 184 for Home Based Business Type III – Vehicle Sales, Servicing and Repairs be approved, subject to the following revised conditions and requirements:

APPROVAL DESCRIPTION

Upon completion of the pre-release conditions, this approval allows for a Vehicle Sales, Servicing and Repairs business operating under the criteria for a Home Based Business Type III, and including the outdoor storage of a maximum of 15 vehicles for sale on that 2.5 acre Direct Control District #27 portion of the subject property.

PRE-RELEASE CONDITIONS

Pre-release conditions must be complied with before the Development Permit will be signed and issued. Failure to complete the pre-release condition(s) on or before January 11, 2022 will see this approval be deemed null and void, unless a time extension is issued under agreement between the Development Authority and the Applicant(s),

1. The applicant shall submit a refundable security deposit in the amount of \$3,000.00 to ensure compliance with the Building and Fire Codes. This deposit will be refunded at such time that all required permits and inspections have been obtained and the buildings and facilities have been verified to be suitable for intended use and occupancy.

CONDITIONS OF APPROVAL

Please note that the following requirements must be completed within the twenty-four (24) month completion period for this Development Permit unless a time extension is issued 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 construct the development in accordance with all conditions of approval and requirements, and as per plans that have been acknowledged by the municipality to be appropriate;
2. All required building and safety code permits and inspections must be obtained from the County, and the existing involved building verified to be suitable for intended use and occupancy;
3. The applicant is responsible to obtain and post an emergency address for the business. Please contact the County's GIS department;
4. An Emergency Response Plan shall be submitted for review and acceptance by the County's Director of Emergency Management;
5. A Roadside Development Permit and Sign Permit shall be obtained from Alberta Transportation;
6. Existing signage for the business has been considered under this approval. Detailed sign information shall be submitted for retention within the County record;
7. The applicant is required to receive an approved approach inspection from the County's Public Works department; and take any required action to ensure that the approach to the property is to County Standard; In addition, all necessary brush must be removed by the applicant in order to ensure clear sightlines from the approach to the Municipal Road to the satisfaction of Public Works. The applicant is required to receive approval from Public Works for any new approaches from the subject lands to the Municipal road prior to any approach construction.
8. It is the landowner's responsibility to provide notification to the File Manager upon completion of the development.

ADVISORY REQUIREMENTS

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. The development shall be maintained in accordance with all conditions of approval and plans as accepted by the County to be appropriate. Additions to, or revisions to the development and use approved herein may occur only upon obtaining appropriate independent approvals;
2. The approved Home Based Business is required to be contained within that 2.5 +/- acre portion of the property that is zoned as Direct Control District #27;
3. The number of vehicles for sale stored outdoors shall not exceed 15 at any given time. These vehicles shall at all times be visually screened from area lands and roadways. Any installation of screening/landscaping for this purpose shall be preceded by submission of a screening plan for review and acceptance by the file manager;
4. Hours of operation shall be Monday through Saturday, from 10:00 AM until 4:00 PM;
5. A maximum of 12 business visits per day are permitted;
6. No more than six non-resident employees shall work on the property at any given time;
7. The business shall not generate nuisance considered offensive or excessive by the Approving Authority and the home based business shall not unduly offend or otherwise interfere with liveability or enjoyment of neighbouring properties;
8. Development shall at all times comply with all requirements of the applicable Building, Plumbing, Electrical and Fire Codes;
9. It is the responsibility of the applicant to ensure that the natural drainage of the property is maintained. Alteration to natural drainage may proceed only under the authorization of independent approval from the County;
10. 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;
11. The applicant shall maintain an annual business license with Foothills County;
12. Emergency address signage shall be maintained, to the satisfaction of the County's GIS department;
13. All installation(s) of exterior lighting must adhere to the guidelines and technical specifications as outlined within the Dark Sky Bylaw;
14. 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. This includes, but is not limited to:
 - a. compliance with the requirements of Alberta Environment and Parks respecting any use of well water for business uses.
 - b. meeting the requirements of Alberta Transportation.
 - c. Obtaining appropriate licensing from the Alberta Motor Vehicle Industry Council.
15. The applicant shall be responsible for payment of any professional costs including legal fees that may be incurred by Foothills County with respect to the development approved on this permit.

Should you require any further assistance please contact Brenda Bartnik of our Planning Department.

Sincerely,
FOOTHILLS COUNTY

Heather Hemingway, RPP, MCIP
Director of Planning

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