


**PUBLIC HEARINGS AND MEETINGS
 PLANNING AND DEVELOPMENT REPORT TO COUNCIL
 DEVELOPMENT PERMIT APPLICATION
 May 8, 2024
 To be heard at 1:30 PM**

APPLICATION INFORMATION		FILE NO. 23D 225
	DATE APPLICATION DEEMED COMPLETE: December 14, 2023	
	LEGAL DESCRIPTION: Plan 9610215, Block 1; Ptn. NW 24-17-04 W5M and Ptn. NE 24-17-04 W5M	
	LANDOWNER: Maureen Broadbent	
	AGENT: Township Planning + Design Inc.	
PROPOSAL: 2 nd phase development of the existing retreat/event venue, to allow for the following uses: Events; Guest Ranch, and a Restaurant and Lounge; Tourist Cabins; Relaxations/variance to Setbacks Requirements; Dwelling, Temporary during construction of a new principal residence.		
DIVISION NO: 2	REEVE: Delilah Miller	
FILE MANAGER: Brenda Bartnik		

EXECUTIVE SUMMARY:

Location of Subject Lands:

The subject properties are located on the east side of Highway #541, approximately 23 km to the southwest of the Village of Longview and 20 km east of Highway #40; west of the Highwood River, and across from the Eden Valley Reserve. The Greenford Provincial Recreation Area is located immediately to the north of this site (across 658th Avenue W).

Background:

A synopsis of historical County record regarding these properties has been included under *Appendix C* of this report.

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.

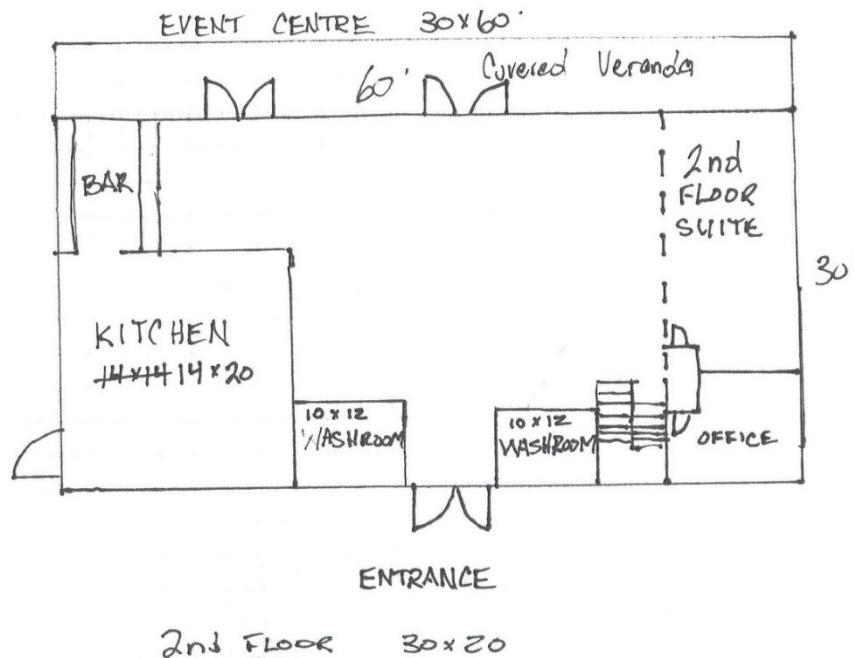
Summary of Proposal:

The purpose for this application is to allow for an expansion of River Retreat Kananaskis' programming to accommodate additional uses.

Approval of the following uses is being requested on the subject 6.65 and 2.4 acre Direct Control District #35 parcels:

1. Events

- Events and Special Events; for example: weddings, celebrations of life, fishing school events, corporate retreat, scrap booking/creative events, yoga and wellness retreats
- +/- 2,400 sq. ft. (on two levels) indoor event centre



- +/- 800 sq. ft. seasonal outdoor event centre (for illustration purposes only)



- Weekly events (having no greater than a two-day duration) are proposed.
 - maximum 100 visitors
 - event venue renters will be required to pay a security person for the exit to ensure that no impaired driving occurs.
 - The entry/exit gate will be closed at 11:00 pm

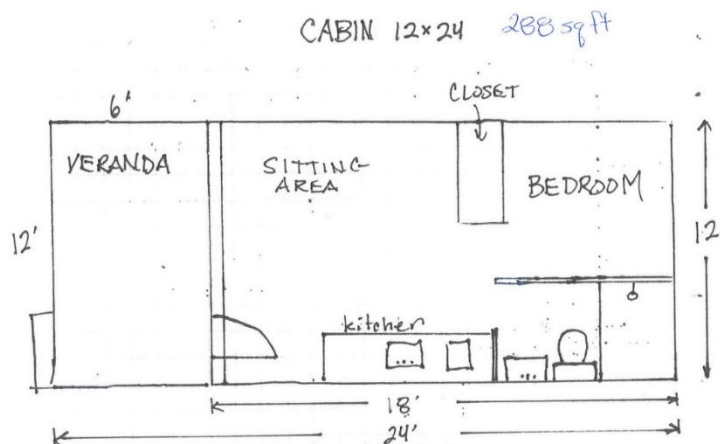
2. Dwellings & Guest Ranch*

- The landowners currently occupy the main floor of the existing +/- 3,000 sq. ft. dwelling (future Guest Ranch) that is located on the involved west parcel.
- It is proposed that this existing building will be redeveloped into a Guest Ranch that is to include six boutique lodging rooms for year-round accommodation.
- A new +/- 1,200 sq. ft. principal residence is proposed to be constructed on the west property and the owners propose to vacate the current residence when the new Dwelling, Single Family is complete, with the main living quarters in the current residence to be converted to an additional rented lodging room.
- A new +/- 1,200 sq. ft. detached garage is to be constructed, Accessory to the new principal residence.
- The Guest Ranch is proposed to include 6 boutique accommodation suites for short term year-round accommodation, and an 80 seat Restaurant and Lounge that includes a +/- 2,000 sq. ft. outdoor patio (to accommodate on site guests as well as the travelling public). The existing +/- 900 sq. ft. attached garage is proposed to be converted into a commercial kitchen.

***See the POLICY section of this report.**

3. Tourist Cabins

- A total of 8 +/- 288 sq. ft. tourist cabins are proposed to be located on the properties for short term, year-round accommodation.
- The current drive-in camping sites (13) will be reduced in numbers to accommodate for the proposed Tourist Cabins along the river escarpment. The submitted site plan identifies 9 RV camp sites.



4. Additional Accessory Buildings and Uses

- Proposed outdoor pool for guests, as well as a +/- 500 sq. ft. pool house is proposed.
- Previously existing temporary storage building 12 x 24
- Previously existing 64 sq. ft. gazebo
- New existing gathering shelter/horse shelter 12 x 30

5. Relaxations/Variances

- The existing 12 x 24 temporary storage structure and the gazebo are permitted to remain where they are located as per Council's acknowledgement under Development Permit 21D 106.
- It is requested that the existing 12 x 30 shelter that straddles property line and sits at 25.23m from the water be permitted to remain as non-conforming.
- It is requested that the southernmost proposed cabin be located 66.48m from the centreline of the highway at its nearest point, and 41.48m from the west property line.
- It is requested that the 20 x 40 seasonal outdoor event center be located at 0m from the west property line of the eastern parcel.
- It is requested that the proposed 30 x 40 garage be located 41.65m from the centreline of the municipal road to the north.

The application notes:

- Operations are to be manned principally by the two owners of the property, with an additional ten employees required for daily operations.
- The future may see the necessity for employee accommodations on-site.
- There will be a cumulative maximum of 212 patrons permitted on the site for the restaurant and lounge, event centres, guest ranch, and tourist cabins at any one time.
- Maximum visitors during peak season (and accounting for restaurant turnover) is 3,360 weekly.
- The existing food trailer will be used in the interim while the restaurant is developed/established.
- Trees are proposed to be used for screening along the highway boundary of the facility.

SITE CONSIDERATIONS:

Access

Existing access to the site is on the east side of Highway #541 via the 658th Avenue road allowance. The intersection with the highway is noted to have clear sight lines in both directions. This road allowance is identified to be a paved surface for approximately 45m in from the edge of the Highway.

Two approaches (one to each legally titled property) from 658th Avenue are proposed on the site plan.

The private internal laneways are to be surfaced with crushed gravel, and the posted on-site speed limit is to be 5km/hr.

Vehicle Trips:

- Employees - up to 10 vehicle trips daily in passenger vehicles. There will be encouragement to carpool.
- Visitor vehicles (including for special events) up to 117 vehicles anticipated at one time. These are the maximum assumptions based on individuals driving themselves, along with carpooling/couples.
- Average once per week food and beverage delivery truck.
- Average once per week garbage removal truck.

Servicing Considerations

- Potable water services are proposed to be provided by treated groundwater via the existing well on the subject site. Filling of the guest pool is to be via trucked in water.
 - Approximately 500 gallons per day will be used by the guest ranch and 3,000 gallons per day for the for the restaurant.
- Sanitary servicing is to be managed in three ways:
 - The Guest Ranch and proposed new principal residence are to be serviced by the existing septic tank and field on the subject site;
 - The Tourist Cabins are to have individual water and septic tanks;
 - New demands for sanitary servicing will be trucked out of the subject site via pump out tanks.
- Additional electrical servicing will be sought through building mounted solar power, particularly for the Tourist Cabins and proposed new buildings.

Physiography:

The properties are influenced by the Highwood River, which lies to the east.

On the west 6.65 acre parcel, the land slopes relatively gently to a crest that drops sharply down to the river.

The 2.4 acre easternmost property includes an upper bench which drops in elevation by approximately 5m to a ~60m wide strip (at it's widest) prior to land giving way to river.

These lands do not show as affected within the Alberta Government's Draft Flood Awareness Map Application. All development is proposed to be atop of the escarpment.

POLICY:

Land Use Bylaw 60/2014 (LUB)

Direct Control District #35 see *Appendix B of this report*

The purpose and intent of this district is to allow for an indoor facility or outdoor area of land to be used for events, weddings, receptions, gatherings, celebrations, community events, education events, concerts, corporate functions, assembly use, meetings, or similar types of activities. This district may be appropriate for event venues capable of accommodating events

that vary significantly in size; it is intended that Council will control this through the development permit process. This district also allows for the Direct Control by Council over ...

Definitions for all uses can be found under *section 2.5* of the Land Use Bylaw.

The following have been specifically provided as reference respecting the question posed to Council under Option 1 for Approval.

CONFERENCE CENTRE means an establishment used for the holding of meetings, conventions, seminars, workshops, product and trade shows, or similar activities, and may include dining and lodging facilities for the use of participants, as well as compatible accessory facilities.

GUEST RANCH means development of a privately owner-occupied ranch house which includes sleeping facilities which are rented on a daily basis to registered guests and meals are prepared in a residential kitchen.

CIRCULATION REFERRALS	
REFEREE	COMMENTS
INTERNAL	
Engineering / Public Works	<p>It is recommended that all approaches be built to Commercial Standards to accommodate RV's and camper trailers.</p> <p>A geotechnical report should be provided for any existing and/or proposed buildings that are to be located within 30 metres from the escarpment edge.</p> <p>A Lot Grading and Site Drainage Plan is required to ensure cumulative development will not alter existing drainage.</p> <p>A license application is to be made to Alberta Environment for the use of groundwater for the development.</p> <p>Recommended Conditions:</p> <ul style="list-style-type: none"> • Geotechnical Report for Slope Stability • Lot Grading/Overland Drainage Plan
Foothills Fire Department	<ul style="list-style-type: none"> • Address of the property is to be posted. • Ensure access for Fire department apparatus as per the National Fire Code 2019 Div. B. Sec. 2.5.1 • 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. • Doors and means of egress as per the National Fire Code 2019 Div. B Sec. 2.7.1. • Commercial Cooking Equipment exhaust and fire protection systems shall be designed and installed as per the National Fire Code 2019 Div. B Sec. 2.6.1. <p>The applicant will need to update their Emergency Response Plan with Foothills County Emergency Services once expansion to current</p>

CIRCULATION REFERRALS

	<p>operations is complete. Extra consideration will need to be given to Environmental Emergencies such as Wildfire, Overland Flooding, Public Evacuation and Fire Department Access within the recreational area during an Emergency Event.</p>
EXTERNAL	
<p>Alberta Health Services</p>	<p>Alberta Health Service – Environmental Public Health (AHS-EPH) has no objections to the proposal based on the information provided, but there are a lot of things being proposed in the application that will require review and approval by AHS-EPH.</p> <p>AHS-EPH understands that this application proposes to expand current operations and develop a restaurant and lounge, indoor event center, outdoor event center, outdoor pool with a pool house, and tourist cabins located at NW and NE 24-17-04 W5M in Foothills County.</p> <ol style="list-style-type: none"> a) The construction of a restaurant and lounge, and the construction of a kitchen and bar inside the indoor events centre. As required by the Food Regulation (AR31/2006) of the Alberta Public Health Act (RSA 2000): The applicant must ensure that the renovation design plans and specifications for all commercial food establishments are submitted to AHS-EPH for approval prior to construction. The design of the food establishments must meet the requirements under this legislation. <ul style="list-style-type: none"> • The applicant must ensure that the water supply to each commercial food establishment is potable. • A food handling permit is required prior to the operation of any commercial food establishment, which includes the former food trailer onsite. b) The construction of the recreational camping area and tourist cabins will need to meet requirements set out under the Recreation Area Regulation 198/2004. c) The construction of an outdoor guest pool and pool house. As required by the Swimming Pool Regulation (AR 293/2006) and 2014 Pool Standards of the Albert Public Health Act (RSA 2000): The applicant must ensure that the renovation design plans and specifications for the public swimming pool is submitted to AHS-EPH for approval prior to construction. <ul style="list-style-type: none"> • A pool permit is required prior to the operation of any public swimming pool. d) The installation of a potable water system. Water supplying the tourist cabins, pool house, restaurant and lounge, events center, guest ranch, or any water intended for public consumption shall be potable. AHS-EPH would appreciate receiving information regarding the proposed source and treatment of any drinking water that will be accessible to the public. Please note that the

CIRCULATION REFERRALS

	<p>drinking water must be potable and of sufficient supply for the proposed public uses outlined in the application.</p>
<p>Alberta Parks</p>	<p>Alberta Parks has reviewed the development permit and can provide the following comments:</p> <p>The submitted proposal outlines a river retreat/event space adjacent to a Provincial Park campground. There are concerns that the campground will be negatively affected by the increased use of the neighbouring site. The noise associated with an event space has the potential to disrupt the campground resulting in complaints. The applicant states that, <i>“No offensive noise, vibration, smoke, dust, odor, heat, glare, electrical or radio disturbances will be detectable beyond the boundaries of the Subject Site”</i>, however there are no clear plans as to how that will be accomplished. Given they propose the site will be used every weekend of the year Parks would like clarity on how noise/interference from events will not affect the guests experience at Greenford.</p> <p>The applicants identify the construction of a new 2m wide gravel pathway along the Highwood River that travels from their site to the boundary with Greenford PRA however they are not clear on how they will stop guests from entering the PRA. Should guests at River Retreat be allowed to access Greenford PRA via the pathway we expect conflicts between guests and campers as the pathway is near campsites along the river. This may be complicated by guests at River Retreat booking campsites for their event/overflow for the event and travelling back and forth throughout their stay. The allowance of guests to walk to Greenford PRA may be seen as promoting day use on site which is currently prohibited. Increased guest/day use presence would result in additional use of facilities and increased load on infrastructure, including garbage and outhouses, which would be the responsibility of Parks to manage. Additionally, the use of this site as a day use site outside of Alberta Parks operating season may lead to vandalism, overuse, and illegal fires/camping as the site is not regularly patrolled at that time.</p> <p>There is no discussion in their proposal as to how they plan to mitigate human-wildlife conflict. Given the proposal includes an outdoor restaurant patio, outdoor event centre, and pool we would like to see the addition of bear proof garbage bins and a bear proof garbage enclosure to the site. As any wildlife conflicts have the potential to affect guests at Greenford PRA we would like to see action taken to mitigate any potential issues.</p> <p>Currently there is infrastructure in place preventing illegal/off-season vehicle access to the campground. To accommodate this proposal Parks would need to relocate/install gates in various areas that would now be accessible given the additional RV loop proposed. This is an expectation of the proponent that was not communicated to Parks though they note a considerable number of times that they’ve communicated with adjacent landowners and that they are supportive.</p>

CIRCULATION REFERRALS

	<p>To date, Parks has not been contacted by the proponent to discuss the proposed event space or any concerns/questions Parks may have.</p> <p><i>January 26th Amendment</i> – Since submitting the comments Alberta Parks has had the opportunity to speak with the proponent’s consultant regarding the above concerns and are working toward solutions. Alberta Parks will continue to work with River Retreat Kananaskis to ensure all concerns are addressed.</p>
Alberta Transportation & Economic Corridors	<p>Transportation and Economic Corridors (TEC) has no concerns with this proposal. TEC has previously issued a development permit for the expansion (Permit Number 2023-0037555). Overall, TEC is satisfied with the proposed development(s) and the Type IV highway intersection should be adequate for the proposed additional traffic to be generated by the developments. Therefore, the Department accepts the referral submission as additional information for the proposal.</p>
PUBLIC	
	<p>Notice of this Public Meeting was mailed to landowners within the subject quarter sections 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 2nd phase development of the existing retreat/event venue properties, to allow for the following uses: Events; Guest Ranch and a Restaurant and Lounge; Tourist Cabins; Relaxations/variance to Setbacks Requirements; Dwelling, Temporary during construction of a new principal residence.

OPTIONS FOR COUNCIL CONSIDERATION:

OPTION #1 – APPROVAL

The suggested motion for Option #1 is as follows:

Moved that Development Permit 23D 225 to allow for Events; Conference Centre/Retreat with guest lodging and a Restaurant and Lounge; Tourist Cabins; Relaxations/variance to Setback Requirements; Dwelling, Temporary during construction of a new principal residence on Plan 9610215, Block 1 Ptn. NW 24-17-04 W5M and Ptn. NE 24-17-04 W5M be approved subject to the following conditions:

Council’s direction is additionally requested with respect to the following:

1. As per comments and recommendations from the Public Works department respecting the approaches to the properties, are conditions of this approval to reflect that the subject approach must be:
 - a. Upgraded to commercial standards (add condition), or
 - b. Will be permitted to be upgraded to a lesser standard (add condition), or
 - c. Permitted to remain as is

2. Does Council acknowledge that the new, existing 12 ft x 30 ft shelter/gathering space that straddles the property line and sits at 25.23m from the water (rather than the required 30m) is permitted to remain as non-conforming?
3. With respect to the Dwelling, Temporary during construction, is it appropriate to include a Pre-Release Condition for a deposit for assurance in this circumstance? (add pre-release condition)
4. Provide direction as to if they wish to delegate authority to the Development Officer to review and accept completion of conditions for this permit.
5. As noted throughout this report, the application includes the request for a Guest Ranch however, the File Manager respectfully suggests that the use *Guest Ranch* be replaced by *Conference Centre/Retreat with guest lodging* in order to ensure sustainability and longevity of any approval. This is due to the fact that, as per the application; at completion of this development permit, the intent is that the current principal building on the property will not be a privately owner-occupied ranch house, nor will the involved kitchen be a residential kitchen. **As per conversation with the landowner's agent, it is requested that Council confirm which use is most applicable/being approved.*

APPROVAL DESCRIPTION

Upon completion of the Pre-Release Conditions, this approval allows for the following proposed development of Plan 9610215, Block 1 Ptn. NW 24-17-04 W5M and NE 24-17-04 W5M in accordance with the application for Development Permit and the plans as accepted by the Development Authority to be appropriate, subject to the following conditions:

1. This approval does not replace, and is in addition to the approval under Development Permit 21D 106, however revises the number of approved RV campsites to 9;
2. Events – one weekly, having a maximum of 100 attendees over no greater than a two-day period;
3. Conference Centre/Retreat – one 3,000 sq. ft. Conference Centre/Retreat building including 6 boutique lodging rooms, and an 80 seat Restaurant and Lounge with a 2,000 sq. ft. covered patio;
4. Dwelling, Temporary – during construction of a new 1,200 sq. ft. principal residence, a residence is permitted to be maintained in the proposed Conference Centre/Retreat building;
5. A new 1,200 sq. ft. garage, Accessory to the proposed new principal residence
6. Tourist Cabins – 8 one-bedroom Tourist Cabins, including kitchen facilities and bathrooms;
7. The proposed southernmost Tourist Cabin is permitted to be located no closer than 41.48m from the west property line (66.48m from the centreline of Highway #541) of Plan 9610215, Block 1, as depicted on the accepted site plan;
8. The proposed 20 ft x 40 ft seasonal outdoor event centre is permitted to be located at 0m from the west property line of NE 24-17-04 W5M at its nearest point;
9. The proposed 30 ft x 40 ft garage is permitted to be located 41.65m from the centreline of the municipal road to the north at its nearest point.

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 CONDITIONS

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.

The Development shall not proceed until such time as the County has issued a signed Development Permit.

1. The applicant is required to submit refundable security deposit in the amount of \$3,000.00 to ensure compliance with the Building, Safety, 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 by the County's Safety Codes Officer and the Foothills Fire Department;
2. The applicant shall submit a Professionally prepared Geotechnical Report for Slope Stability, as well as a Lot Grading/Overland Drainage Plan, to the satisfaction of the County's Public Works department.

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. The applicant shall execute the development in accordance with all conditions of approvals and requirements, and as per the plans that have been acknowledged by the municipality to be appropriate;
2. Building permits and all necessary safety code permits and inspections shall be obtained from Foothills County;
3. Prior to any occupancy, the applicant shall contact the Foothills Fire Department in order to arrange for a fire inspection. It is the applicant's responsibility to provide proof of such to the File Manager;
4. An updated Emergency Response Plan is required to be submitted for review and acceptance by the County;
5. Addressing for the property is to be updated, to the satisfaction of the County's GIS department;
6. One Dwelling, Single Family is permitted on a single lot of less than 80 acres in size. As such, the Dwelling, Temporary must be converted into a boutique lodging room within the Conference Centre within 60 days of occupancy of the new 1,200 sq. ft. Dwelling, Single Family;

7. Proof of having obtained licensing for the use of groundwater, or a waiver in this regard from Alberta Environment, is to be submitted to the Development Authority;
8. Prior to the County acknowledging completion of the development, it is the responsibility of the applicant to illustrate that any recommendations and/or requirements respecting the Geotechnical Report and Grading/Drainage Plan have been adhered to;
9. A landscaping and maintenance plan is to be provided to the County for review and acceptance;
10. Appropriate parking stops (bumpers), and freestanding signage for barrier free parking stalls shall be installed;
11. It is the applicant's responsibility to provide notification to the File Manager upon completion of the development.

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

1. The development shall be maintained in accordance with all conditions of approval and plans as submitted to and acknowledged or approved by the Council. Additions to, or revisions to the development and use approved herein may occur only upon obtaining appropriate independent approvals;
2. The development and use of the land are to comply with the requirements of the applicable Building, Safety, and Fire Codes at all times;
3. No offensive noise, vibration, smoke, dust, odor, heat, glare, electrical or radio disturbances are to be detectable beyond the boundaries of the properties;
4. The number of campground sites shall not exceed 8 sites. No decks or similar structure on the campsite(s), whether temporary or permanent in nature, have been considered under this approval;
5. The maximum length of stay for short-term accommodation (Campsite and/or Tourist Cabin) is not to exceed 16 consecutive days;
6. The business shall maintain an annual business license with Foothills County;
7. The landowner shall take all necessary measures to control nuisances and contain them within the property boundary;
1. Approaches, landscaping, screening and drainage facilities shall at all times be safe, functional, and in a good state of repair;
8. All installation(s) of exterior lighting must adhere to the guidelines and technical specifications as outlined within the Dark Sky Bylaw;
9. Relaxations of setbacks are limited to as have been provided under the Approval Description. All other development is required to meet County setback requirements;
10. Refuse and recycling containers should be sited as far away from the watercourse as possible. Containers for garbage and recycling materials shall be weatherproof and animal-proof and must be fully screened from adjacent lands. Waste materials shall be disposed of at an approved waste disposal site;
11. The issuance of a development permit by Foothills County does not relieve the applicants of the responsibility of complying with all other applicable municipal bylaws and requirements, nor excuse violation of any Provincial or federal regulation or act which may affect use of the land;

12. The applicant agrees to indemnify and hold harmless Foothills County, its employees and agents from any and all claims, demands, or actions and costs whatsoever may arise, directly or indirectly from any done, or omitted to be done in the construction, maintenance, alteration or operation(s) of the approved development. In addition, the applicant will carry insurance to cover general liability including bodily injury and property damage to a third party;
13. The applicant shall be responsible for payment of any professional costs including legal fees that may be incurred by the County with respect to this permit.

OPTION #2 REFUSE THE APPLICATION

The suggested motion for Option #2 is as follows:

Moved to refuse Development Permit application 23D 225 that requests approval to allow for Events; Guest Ranch and a Restaurant and Lounge; Tourist Cabins; Relaxations/variance to Setback Requirements; Dwelling, Temporary during construction of a new principal residence on Plan 9610215, Block 1 Ptn. NW 24-17-04 W5M and Ptn. NE 24-17-04 W5M.

There is no supporting plan in place that establishes efficient and sustainable use of land and land-use patterns in this area.

Council is unable to support approval of these uses at this location due to consideration of: the efficient use of land (reducing the rate at which land is converted from an undeveloped state into permanent, built environment); and minimizing the potential conflict of land uses within and adjacent to areas prone to flooding, erosion, and subsidence.

APPENDICES

APPENDIX A:

MAP SET

MAP 1 – LOCATION AND ORTHO

MAP 2 - LAND USE MAP

MAP 3 - SITE PLANS

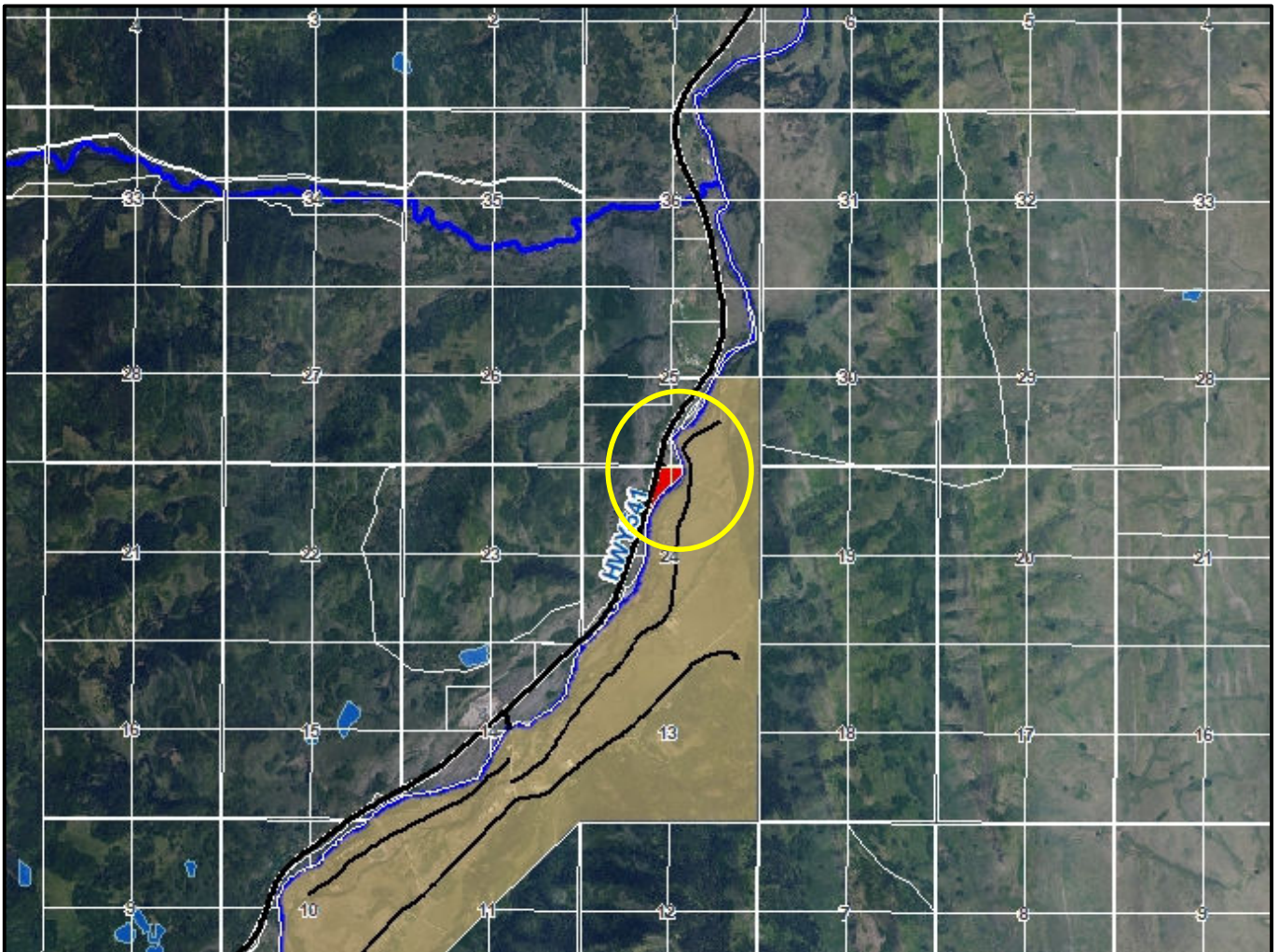
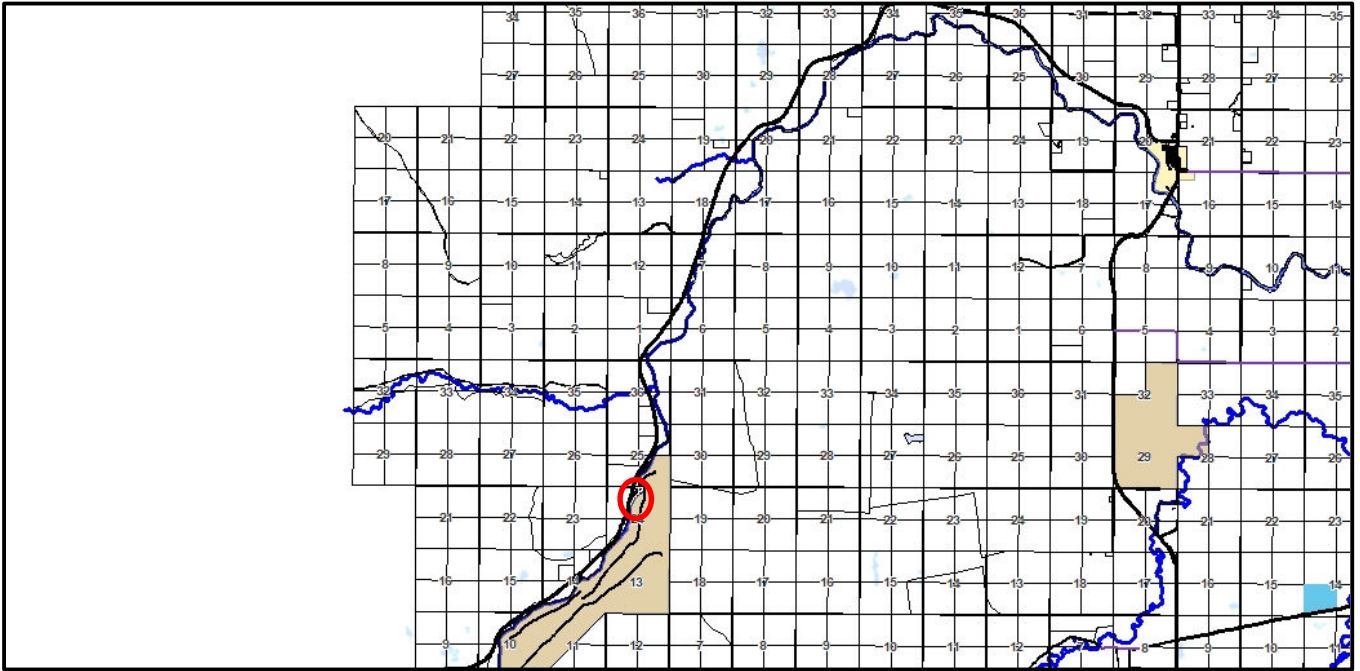
APPENDIX B:

DIRECT CONTROL #35 DISTRICT

APPENDIX C:

BACKGROUND

MAP 1 – LOCATION & ORTHO



MAP 2 – LAND USE MAP



MDF General Project



- A- Agricultural
- AA- Agricultural Sub A
- CR- Country Residential
- DC - Direct Control
- FPJ-Federal/ Provincial District
- Townships
- First Nation

Date Printed: 2024-01-22

1:27,197

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Data Sources include Municipal Records and AltaLIS.
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MAP 3 - SITE PLANS

TOWNSHIP
planning - design inc.

CLIENT
BROADBENT PROPERTIES

PROJECT NUMBER
23-026

LEGAL ADDRESS
PLAN 9610215, BLOCK 1
NW 24-17-04 W5M &
NE 24-17-04 W5M

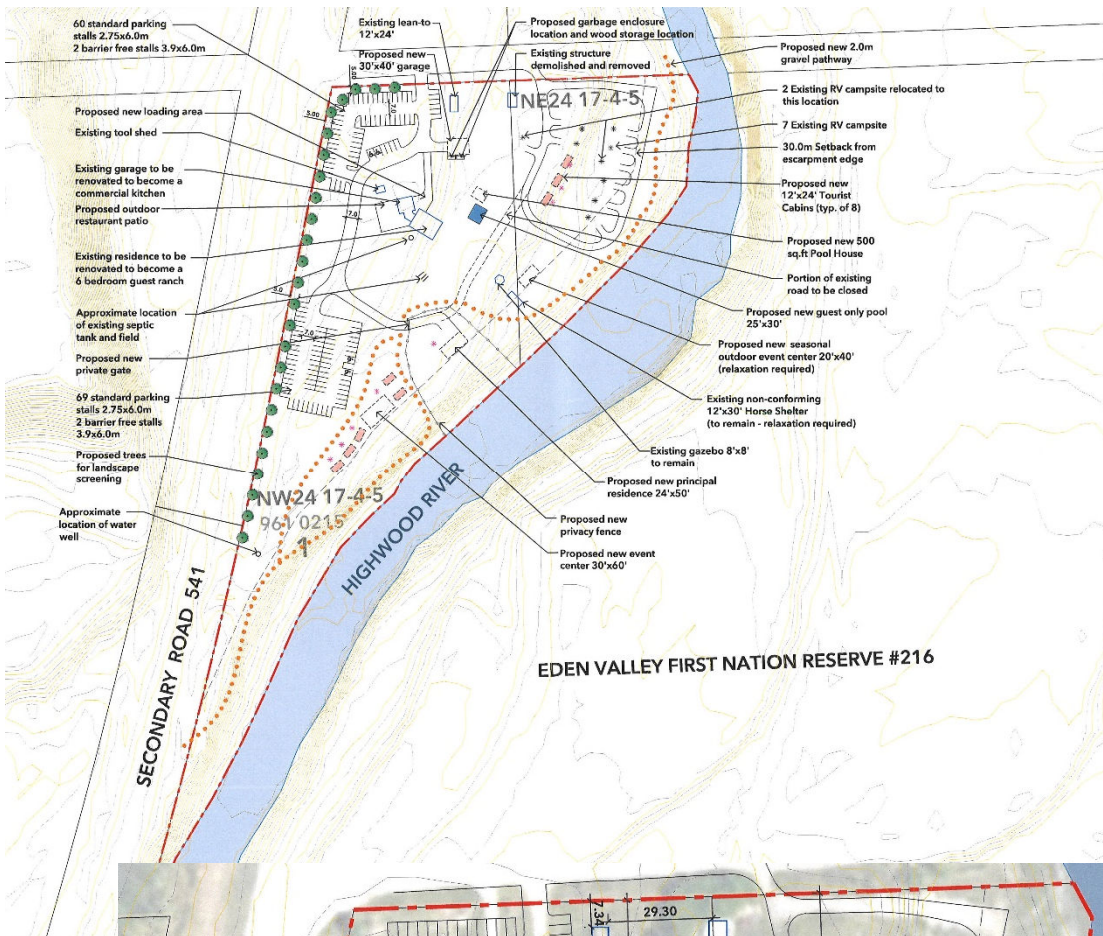
DATE
December 6, 2023

Parcel size
NW 24-17-04 W5M (±6.65ac)
NE 24-17-04 W5M (±2.4ac)

- LEGEND**
- Subject Boundary
 - 30.0m Escarpment/Setback
 - - - Privacy Fence
 - Proposed 2.0m Gravel Pathway
 - Existing RV Campsites
 - ☆ Existing RV site to be removed
 - Existing Structures
 - Proposed New Structures

DEVELOPMENT PERMIT
GUEST LODGE, GUEST CABIN

SCALE
1:2000



Foothills County Land Use Bylaw |

**18.35 DIRECT CONTROL DISTRICT #35 (DC 35)
EVENT VENUE**

DC#35

18.35.1 PURPOSE AND INTENT

To allow for an indoor facility or outdoor area of land to be used for events, weddings, receptions, gatherings, celebrations, community events, education events, concerts, corporate functions, assembly use, meetings, or similar types of activities. This district may be appropriate for event venues capable of accommodating events that vary significantly in size; it is intended that Council will control this through the development permit process. This district also allows for the Direct Control by Council over development on the following lands:

SE 12-21-02-W5, PLAN 1710460, BLOCK 7, LOT 1
 SE 36-20-01-W5, PLAN 9710440, LOT 2
 SE 02-22-01-W5, PLAN 8911981, BLOCK 1
 NE 25-17-04-W5 (47.88 ACRES)
 NE 24-17-04-W5 (2.4 ACRES) & PLAN 9610215, BLOCK 1, NW 24-17-04-W5
 (6.65 ACRE PTN.)
 NW 11-21-01-W5 (143.11 ACRES)

18.35.2 PERMITTED USES

Accessory Buildings not requiring a development permit
 Accessory Uses to the Dwelling
 Agricultural, General
 Administrative Office Accessory to an approved use
 Dwelling, 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 ha (80 ac) or greater in size.

 Dwelling, Mobile Home

- permitted use only on lots 32.4 ha (80 acres) or greater in size.

 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 recreational vehicles
 Utility services, minor

18.35.3 DISCRETIONARY USES

Accessory Buildings, Detached
 Accessory Use
 Agricultural, Intensive
 Antenna structures, private
 Arena, private
 Assembly Use
 Bed and Breakfast
 Campground accessory to the Event Venue Use
 Community Buildings and Facilities

Foothills County Land Use Bylaw |

Conference Centre / Retreat
Corporate Functions
Dwelling, mobile home on lots less than 80 acres in size
Dwelling, Moved On
Dwelling, Temporary
Education Centre
Events
Food Service accessory to the Event Venue use
Greenhouse, private
Guest Ranch
Guest Rooms
Guest Rooms, Detached
Intensive Vegetation Operation
Kennels, private
Lot Grading
Manmade water features requiring a development permit
Personal Services accessory to the Event Venue use
Personal Use Radio Antenna or Internet Tower
Private Amenity Space
Public/Quasi Public Installations and Facilities
Retail Kiosk accessory to an approved use
Special Events
Temporary Structures, accessory to the Event Venue use or for Special Events
Signs requiring a Development Permit
Solar Power System, Private (Requiring a Development Permit)
Wind Energy Conversion System, personal or accessory to an approved use

18.35.4 LAND USE REQUIREMENTS

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

18.35.5 DEVELOPMENT REQUIREMENTS

18.35.5.1 Maximum Height of Structures:

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

18.35.5.2 Maximum Lot Coverage

- a. No building or group of buildings including their accessory buildings and impervious surfaces shall cover more than forty (40) percent of the development area.

18.35.5.3 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.
 - e. Corner Parcel Restrictions:
 - i. In accordance with Sections 9.27.9 - 9.27.12.
- 18.35.5.4 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 use which, in the opinion of the Approving Authority, may interfere with the amenity of adjacent uses.
- 18.35.5.5 Minimum habitable area per Dwelling:
- a. 100 m² (1,077 sq. ft.)
- 18.35.6 SPECIAL PROVISIONS**
- 18.35.6.1 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.
- 18.35.6.2 Nuisance:
- a. no offensive noise, vibration, smoke, dust, odor, heat, glare, electrical or radio disturbance detectable beyond the boundary of the lot;
- 18.35.6.3 The Development 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 guest rooms;
- e. Maximum number of days of stay.
- f. Number of employees;
- g. Number of vehicle visits per day;
- h. Number, duration, and size of events permitted;
- i. Noise;
- j. Buffering;
- k. Lighting;
- l. Outdoor storage;
- m. Parking requirements;
- n. Screening of facilities.

18.35.6.4 Lighting:

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

18.35.6.5 Lot Drainage:

- a. a Development agreement shall be entered into for any 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.

18.35.7 PROCEDURE

- 18.35.7.1 Notwithstanding the procedure established for development permit applications in Section 4, an application for development permit in respect of lands referred to in Section 18.35.1 may be referred by the Development Officer to the Council for its approval or refusal.
- 18.35.7.2 Notwithstanding the procedure established for the issuance of development permits in Section 5, the Council or their delegate shall decide on all applications for development permits with respect to lands referred to in Section 18.35.1. The council or their delegate may approve a development permit application with or without conditions or may refuse an application for development permit.
- 18.35.7.3 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 18.35.1.

18.35.8 DEFINITIONS

CORPORATE FUNCTION means a private event, held by corporations or businesses for their staff, clients, or stakeholders, for the purposes of holiday parties, team buildings, etc.

EVENT means an event or gathering open to the general public, including but not limited to: Exhibitions, expositions, fairs, festivals, entertainment, cause-related awareness, fundraising, and leisure events. Event does not include family events such as, but not limited to birthday parties or holiday celebrations. Depending on the event type, location and size, and the zoning of the property where it is to be held, an event may or may not be considered a Special Event that must comply with the Special Event Bylaw.

GUEST ROOM means a room to rent for no more than 14 days, within a dwelling for the lodging of guests.

GUEST ROOM, DETACHED means a separate building on the property that contains one room or more, to be rented for not more than 14 days for the lodging of guests.

March 6, 2023

Council postponed a decision on Development Permit application 23D 225 to allow for Events; Conference Centre/Retreat with guest lodging and a Restaurant and Lounge; Tourist Cabins; Relaxations/variance to Setback Requirements; Dwelling, Temporary during construction of a new principal residence on Plan 9610215, Block 1 Ptn. NW 24-17-04 W5M and Ptn. NE 24-17-04 W5M.

June 30, 2021

Development permit 21D 106 for Campground, Minor; a Food Trailer; Firewood Processing and Sales; and Signage on Plan 9610215, Block 1; Ptn. NW 24-17-04 W5M (6.65 acres) and Ptn. NE 24-17-04 W5M (2.4 acres) and which includes the following acknowledgement by Council:

The lean to, the 31 ft. x 24 ft. storage shed, and the gazebo shall be permitted to remain in their existing location(s) provided that they are verified to be wholly within the boundaries of one of the involved legally titled lots (do not encroach across property boundaries).

June 23, 2021

Council provided all three readings to redesignate the subject lands from Country Residential District to Direct Control District #35 and including a Site Specific Amendment to allow for: a Campground; Tourist Cabins; Restaurant and Lounge; and Mobile Sales Vehicles as Discretionary Uses on the properties.

July, 2020

Further to complaint filed with Foothills Protective Services regarding the operation of a commercial campground and food services (food truck) on the subject properties, any such operations were noted to have been ceased.

June, 2015

Council provided all three readings to the redesignation of the 6.65 acre parcel from Commercial Highway to Country Residential District.

County records from that time identify that the property was for sale, and that the commercial designation of the land made it difficult for potential buyers obtain a financing. It is noted in assessment records that the property was to be used for residential purposes only going forward.

March, 2008

Development permit 07D 203 for a Hotel/Motel (8 guest rooms and a 25 person restaurant) on the 6.65 acre parcel, a discretionary use under the then Commercial Highway District, was issued in order to bring operations on the property into compliance, as a prior development permit had never been obtained.

1998

Third and final reading to redesignation of the 6.65 acre parcel from Agricultural Conservation District to Highway Commercial District to allow for a hotel/motel.

1996

Development permit for a home occupation application (Bed & Breakfast) on the 6.65 acre parcel.

1995

Subdivision of +/- 6.7 acre parcel from 10.91 acre parcel creating blocks 1 and 2 of NW 24-17-04 W5 along the east side of HWY 541.

1983

Subdivision of NW 24, SW 24, and NE 24 to create 5 new parcels ranging from 2.4 acres to 109.58 acres in size.