


**MISCELLANEOUS PLANNING ITEM  
 PLANNING AND DEVELOPMENT REPORT TO COUNCIL  
 DIRECT CONTROL DISTRICT #29 - DEVELOPMENT PERMIT APPLICATION  
 June 5, 2024**

<b>DEVELOPMENT PERMIT</b>		<b>FILE NO. 24D 061</b>
	<b>LEGAL DESCRIPTION:</b> SE 27-19-29 W4M; Plan 0013143, Block 1, Lot 1	
	<b>LANDOWNER:</b> Rhonda Anderson	
	<b>AREA OF SUBJECT LANDS:</b> 40.01 acres	
	<b>CURRENT LAND USE:</b> Direct Control District #29	
<b>PROPOSAL:</b> Development Permit to allow for the use of the existing arena as a Limited Public Riding Facility including horse boarding, training, lessons, and clinics on the subject parcel.		
<b>DIVISION NO:</b> 2		<b>REEVE:</b> Delilah Miller
<b>FILE MANAGER:</b> Brittany Domenjoz		

**EXECUTIVE SUMMARY:**

**Proposal**

A Development Permit application has been submitted on the Direct Control District #29 (DC29) property to use the existing +/- 13,008 sq. ft. arena as a Limited Public Facility. This application includes consideration for an Intensive Livestock Operation, Horse Boarding, Training, Lessons, Clinics and approximately 6 Events per year. Users of the facility will not exceed 16 per day and a maximum of 20 horses are proposed to be kept on the property.

**Location**

The subject parcel is located north of and adjacent to 466 Avenue E, approximately 2.4 kilometres east of Highway 783 and 3.8 kilometres northwest of the Town of High River.

**Policy Evaluation**

The application was reviewed within the terms of the Land Use Bylaw 60/2014.

**Referral Considerations**

The application was circulated to all required internal and external agencies. Public Works had no concerns and Municipal Fire provided that a fire inspection is required prior to operation of the facility.

**BACKGROUND:**

**2010** Development Permit 10D 134 was approved for the horse boarding with a maximum of 13 horses on the subject property.

**2010** Development Permit 10D 179 was approved to allow for a private riding arena and boarding of a maximum of 13 horses. This application included the construction of a +/-10,560 sq. ft. addition to the existing barn having a total square footage of +/-13,008 sq. ft.

**Note:** Should Council choose to approve the current development permit application the existing development permits (10D 134 and 10D 179) would be wholly replaced.

**April 17, 2024:** Council granted 3<sup>rd</sup> and final reading to Bylaw 70/2023 authorizing authorize the redesignation of the subject parcel being Ptn. SE 27-19-29 W4M; Plan 0013143, Block 1, Lot 1 from Agricultural District to Direct Control District #29 (Limited Public or Commercial Riding Arena) to allow for the use of the existing arena as a Limited Public Arena, horse boarding, training, lessons, and clinics.

**PURPOSE OF APPLICATION:**

Request of the Development Authority to approve Development Permit 24D 061 to allow for the operation of a Limited Public Riding Facility on the subject parcel. The application identifies:

- Use of the existing +/- 13,008 sq. ft. arena and barn as a Limited Public Facility to create a facility offering a specialized service for riding, lessons, clinics, retreats, and learning horsemanship and small animal husbandry;
- Overall hours of operation are 9:00 AM to 9:00 PM, daily;
- Intensive Livestock Operation to allow for a maximum of 22 animal units to be location on the property at any given time. This includes:
  - o 20 horses;
  - o 2 additional animal units (25 chickens, 1 mini donkey and 2 mini goats);

**Note:** On a property of 40 acres, a maximum of 13 animal units are permitted without the benefit of a development permit. Consideration of an Intensive Livestock Operation has been included to allow for the additional animal units on site.

- No non-resident employees are anticipated at this time;
- Non-resident users will not exceed 16 vehicle trips per day;
- Events / Clinics: approximately 6 events per year are anticipated. This includes equine energy workshops, play days, clinics, children’s birthday parties, kid’s camps (learning to care for and feed animals, teaching animal husbandry);
  - o Maximum of 15 attendees;
  - o General hours are 9:00 AM – 4:00 PM, Saturdays and Sundays;
- Parking: the application proposes a parking area for all boarders and visitors the east side of the property, this parking area has been identified on the site plan.
- Manure is stored in a fenced enclosure beside the hayshed at the rear of the property and will be hauled away when needed.

**SITE CONSIDERATIONS:**

**Access**

The parcel is accesses via an existing approach located on 466<sup>th</sup> Avenue E. No access changes are proposed within this application. The County’s Public Works Department provided that the approach appears to meet the Commercial Standards and no upgrading is required.

**Site Improvements**

Site improvements include the residence, arena/barn (+/- 13,008 sq. ft.), quonset (+/- 3,245 sq. ft.), shop (+/- 3,004 sq. ft.), shed (+/- 375 sq. ft.), and 9 horse shelters (approximately +/- 162 sq. ft. each). No development is proposed to support the proposed Limited Public Facility.

**Servicing Considerations**

Water wells used in conjunction with the facility would be required to obtain a licence from Alberta Environment or provide water from a licensed off site source for potable uses. The application indicates that there are two existing water wells on site which have both been registered.

**REFERRAL CIRCULATION:**

<b>CIRCULATION REFERRALS</b>	
<b>REFEREE</b>	<b>COMMENTS</b>
<b>INTERNAL</b>	
Public Works	Public Work provided: <ul style="list-style-type: none"> <li>• Approach appears to meet Commercial standards, no upgrading required.</li> <li>• No comments or concerns.</li> </ul>

<b>CIRCULATION REFERRALS</b>	
Municipal Fire	<p>Municipal Fire provided:</p> <ul style="list-style-type: none"> <li>• Address of the property is to be posted.</li> <li>• Ensure access for Fire department apparatus as per the National Fire Code 2019 Div. B Sec. 2.1.5.</li> <li>• Fire extinguishers are to be installed as per the National Fire Code 2019 Div. B Sec. 2.1.5 and NFPA 10.</li> <li>• Fire Safety Plan is to be posted as per the National Fire Code 2019 Div. B Sec. 2.8.2.</li> <li>• Doors and means of egress as per the National Fire Code 2019 Div. B Sec. 2.7.1.</li> <li>• Fire inspection of building required once complete.</li> </ul>
Municipal Addressing	<p>GIS Mapping / Addressing provided:</p> <ul style="list-style-type: none"> <li>• No concerns. Please be advised that an additional address will be required for the arena.</li> </ul>
<b>EXTERNAL</b>	
Alberta Health Services	<p>No additional comments were provided upon circulation of the Development Permit Application. Alberta Health Services provided the following comments during the Redesignation application:</p> <ul style="list-style-type: none"> <li>• AHS-EPH notes that the source water for the site is an existing water well. AHS-EPH would like to remind the applicant that any water wells on the subject lands should be completely contained within the proposed property boundaries. A drinking water source must conform to the most recent Canadian Drinking Water Quality Guidelines and the Alberta Public Health Act, Nuisance and General Sanitation Guideline (AR 243/2003), which states: <ul style="list-style-type: none"> <li>a. A person shall not locate a water well that supplies water that is intended or used for human consumption within <ul style="list-style-type: none"> <li>i. 10 metres of any watertight septic tank, pump out tank or other watertight compartment of a sewage or wastewater system,</li> <li>ii. 15 metres of a weeping tile field, an evaporative treatment mound or an outdoor toilet facility with a pit,</li> <li>iii. 30 metres of a leaching cesspool,</li> <li>iv. 50 metres of sewage effluent on the ground surface,</li> <li>v. 100 metres of a sewage lagoon, or</li> <li>vi. 450 metres of any area where waste is or may be disposed of at a landfill within the meaning of the Waste Control Regulation (AR 192/96)</li> </ul> </li> </ul> </li> <li>• Any existing or future private sewage disposal systems must be completely contained within the property boundaries and must comply with the most recent Alberta Private Sewage Systems Standard of Practice. Prior to installation of any new sewage disposal system, a proper geotechnical assessment should be conducted by a qualified professional engineer.</li> <li>• AHS-EPH would like an opportunity to review and comment on any building permit applications to construct any public facilities on the subject lands (e.g. food establishments). Forwarding building plans for these facilities to our department for approval before the building permit is granted helps to ensure that the proposed facilities will meet the requirements of the Public Health Act and its regulations.</li> </ul>
<b>PUBLIC</b>	
	<p>Development Permit applications on Direct Control District properties are not advertised in the Western Wheel or circulated to neighbouring landowners unless a Public Meeting is held.</p>

**POLICY EVALUATION:**

**Land Use Bylaw 60/2014:**

**2.5 DEFINITIONS:**

*ANIMAL BOARDING SERVICES* means a business providing animal care services to the public in the nature of boarding, caring or training of horses and/or other domestic animals, which are not owned by the residents of the parcel, and which create more than three vehicle trips per day to the parcel by individuals who are not resident on the parcel.

*ARENA, LIMITED PUBLIC* means a building or structure within which equestrian, athletic, recreational activities or contests are carried on and intended to be used by persons other than occupants of the residence, if any, located on the lot upon which the arena is located, which will result in the generation of no more than sixteen (16) additional vehicle trips on any single day to or from the site of the arena or use of the arena for any purpose on any single day by no more than sixteen (16) persons other than occupants of the residence.

**10.3 RIDING ARENAS:**

A Development Permit is required for all Limited Public riding arenas. Provisions for a Limited Public Arena are identified within Table 10.3B:

**Table 10.3 B Criteria for Limited Public Use Arenas:**

Limited Public Use Arena	
Facility or structure intended for equestrian related activities to be used by primarily by the occupants of residence on the property and/or with limited public use of no more than sixteen (16) non-resident users per day which result in the generation of no more than sixteen (16) additional vehicle trips to the site on any single day.	
Animal Units	1 animal unit per 3 acres of land or as determined by the Council
Non-resident vehicle trips per day	To a maximum of 16 vehicle trips to the site per day in addition to those by the occupants of the residence on the property.
Arena structure size	As determined by the Council;
Overnight camping	As determined by Council;
Engineering Requirements	Professionally Engineered stamped plans (structural, mechanical, and fire) Must meet Alberta Building Code and Fire Code provisions for public buildings Other requirements as deemed necessary by Council
Other Requirements	Manure Management Plan to the satisfaction of the Approving Authority any others as determined by the County

**10.1 LIVESTOCK REGULATIONS:**

The keeping of more than 1 animal unit per 3 acres in excess of 9 acres will require a Development Permit.

TYPE OF ANIMAL	# OF ANIMALS EQUIVALENT TO ONE ANIMAL UNIT
<b>Poultry:</b>	
Chickens or Ducks	30
<b>Horses:</b>	
Horse (1 year and older)	1
Mare with Foal	1
Weanling	2
Miniature	4
<b>Miscellaneous:</b>	
Donkeys	2
Goats	5

**18.29 DIRECT CONTROL DISTRICT #29**

Attached as Appendix B of this report.

## OPTIONS FOR COUNCIL CONSIDERATION:

### **OPTION #1 – APPROVAL**

Council may choose to approve Development Permit 24D 061 for the use of the existing arena as a Limited Public Facility including horse boarding, training, lessons, and clinics on the subject parcel being portion of SE 27-19-29 W4M; Plan 0013143, Block 1, Lot 1, as proposed within the submitted application, and as accepted by the Foothills County Council as the Development Authority.

Council is requested to provide direction on whether they wish to delegate authority to the Development Officer to review and accept conditions.

### **APPROVAL DESCRIPTION:**

Upon completion of the Pre-Release Condition, this approval allows for the development and use of Ptn. SE 27-19-29 W4M; Plan 0013143, Block 1, Lot 1, in accordance with the submitted application and as accepted by Foothills County Council as the Development Authority, as follows:

- An equine facility, operating under the regulations for an Arena, Limited Public; including the use of existing +/- 13,008 sq. ft. riding arena/barn, horse boarding, training, lessons, and clinics;
- 6 Events per year having a maximum of 16 attendees;
- Hours of operation where by the facility may be open to the public are approved between 9:00 AM and 9:00 PM, daily.
- A maximum of 16 non-resident users are permitted on any given day which results in the generation of no more than 16 vehicle trips to the site.
- Allowance for a maximum of 22 animal units to be location on the property at any given time. This includes horses and other animals as noted within the application.

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

### **PRE-RELEASE CONDITION:**

*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 **November 5, 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 obtain all required building and safety code permits and inspections, and illustrate any/all existing buildings proposed to have public access as suitable for the intended use(s) and occupancy;

### **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 applicant shall construct and maintain the development in accordance with all conditions of approval and plans that have been acknowledged by the County to be appropriate. Any revisions and/or additions to the use of this land shall not proceed except under benefit of appropriate approvals;
2. The applicant shall obtain a passing Fire Inspection from the Foothills Fire Department and shall submit proof of such to the Development Authority, prior to the operation of the facility;
3. The applicant shall obtain and maintain an annual Business License(s) from Foothills County. Failure to obtain this each year will result in this permit being considered null and void;
4. The applicant shall obtain an emergency/civic addresses for the arena/barn, to the satisfaction of the GIS/Mapping Department. Please Contact the County's Mapping Department 403-652-2341 for assistance in this regard;
5. The applicant shall provide a Comprehensive Emergency Response Plan/Fire Safety Plan, to the

satisfaction of the Foothills Emergency Services and Fire Department. The applicant is advised that these plans should address procedures during normal operations, as well shall address additional requirements during the annual events;

6. A manure management plan that includes specifics as to the type and volume of containment and storage area, as well as specifics with respect to setbacks from water/drainage area(s), shall be submitted to the development authority for review and acceptance.

Manure storage facilities must be illustrated to be designed, constructed and maintained in order to avoid contamination of any groundwater, prevent contaminated surface water from leaving the property, and reduce any nuisance. The composting and short term storage of manure shall comply with all requirements and recommendations of Alberta Agriculture and Forestry and the applicable regulation(s). Manure in excess of that which may be used to benefit the lands is to be removed from the site and disposed of in a manner consistent with regulatory requirements;

7. A parking plan that includes specifics as to number of spaces, laneways, aisles, and loading spaces shall be provided to the size and specifications as outlined in Section 9.19 of the Land Use Bylaw. It is the applicant's responsibility to ensure that a minimum of 26 parking stalls are available at any given time for use by employees, clients, and/or guests attending the facility;
8. It is the applicant's responsibility to 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. This approval wholly replaces Development Permits 10D 134 and 10D 179, which shall be considered null and void upon approval of this permit;
2. The development is required to illustrate compliance with the requirements of the Alberta Building, Plumbing, Electrical, Safety, and Fire Codes, at all times;
3. The total cumulative number of animals located on the property at any given time is not to exceed 22. Additional animal units on the parcel would first require appropriate independent approval from the County;
4. All parking, loading areas, and laneways must be kept free of all debris, materials and/or equipment, and is the landowner's responsibility to ensure access for fire department apparatus is provided for at all times. Loading/parking areas shall be located so that all vehicles using that space can be easily parked and maneuvered entirely within the bounds of the subject property without backing to or from adjacent public roadways;
5. No portion of the proposed arena/barn structure is permitted to be used for residential use, or for the purpose of overnight accommodations, without first obtaining any applicable approvals;
6. All structures shall be located as to adhere to Municipal and Provincial setback requirements from the boundaries of the legally titled property. No variance for property line setbacks has been considered under this approval;
7. No offensive noise, vibration, smoke, dust, odor, heat, glare, electrical, or radio disturbance shall be detectable beyond the boundary of the titled property;
8. Natural drainage of the property must be maintained. Alteration to natural drainage may only proceed only under the authorization of an approved Development Permit for Lot Grading permit;
9. Excepting those existing on the subject property at the time of this approval, no additional buildings are permitted to be constructed or located on the subject property without first obtaining necessary approvals from the Foothills County. This includes any structure with a roof; such as, any garage, tent, shelter, lean-to, shed, greenhouse, and/or any building(s) with temporary foundations;
10. Water provided to the public for all of the facilities on-site must comply with Section 11 of the Alberta Public Health Act, Nuisance and General Sanitation Regulation 243/2003;

11. The development shall at all times comply with the requirements of Alberta Environment, including with respect to water use. All required licenses and approvals from the Provincial authority shall be obtained if well water is to be used in support of the facility;
12. All waste materials are to be handled and disposed of under guidelines provided by governing Provincial regulatory bodies, at an approved waste disposal and/ or recycling site. There shall be no long-term storage of waste materials on the property, nor burning of waste materials on the property. All garbage, waste, and recycling materials shall be stored in weatherproof and animal proof containers that are required to be fully screened from neighbouring lands and roadways;
13. All installation(s) of exterior lighting and signage must adhere to the guidelines and technical specifications as outlined within the Dark Sky Bylaw;
14. The landowners indemnify and hold harmless the County against the cost of any claims or actions, or awards for loss or damage to the owner, arising from soils being relocated to/on this property;
15. The issuance of a development permit by the County does not relieve the applicant of the responsibility of complying with all other relevant County bylaws and requirements, nor excuse violation of any provincial or federal regulation or act which may affect use of the land;
16. The applicants indemnify and hold harmless the County against the cost of any claims or actions, or awards for loss or damage to the Owner(s) arising from the use of the subject property;

### **OPTION #2: POSTPONE APPLICATION**

Council may choose to postpone determination on Development Permit 24D 061 for the use of the existing arena as a Limited Public Facility including horse boarding, training, lessons, and clinics on the subject parcel being portion of SE 27-19-29 W4M; Plan 0013143, Block 1, Lot 1, for the following reasons:

- To allow for submission of additional information and/or clarification.
- At their discretion, Council may also request that a Public Meeting be held respecting this application for Development Permit.

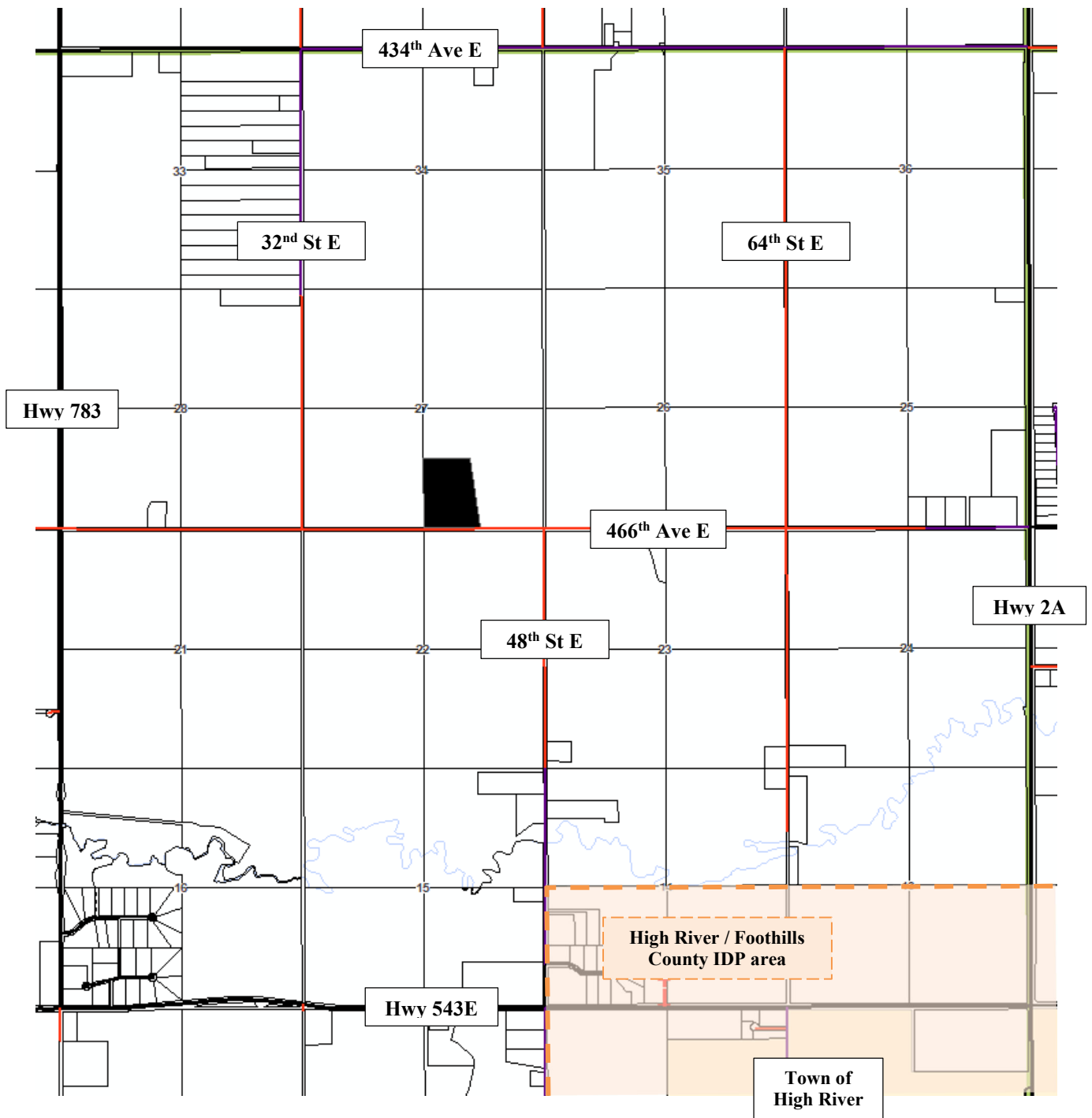
### **APPENDICES:**

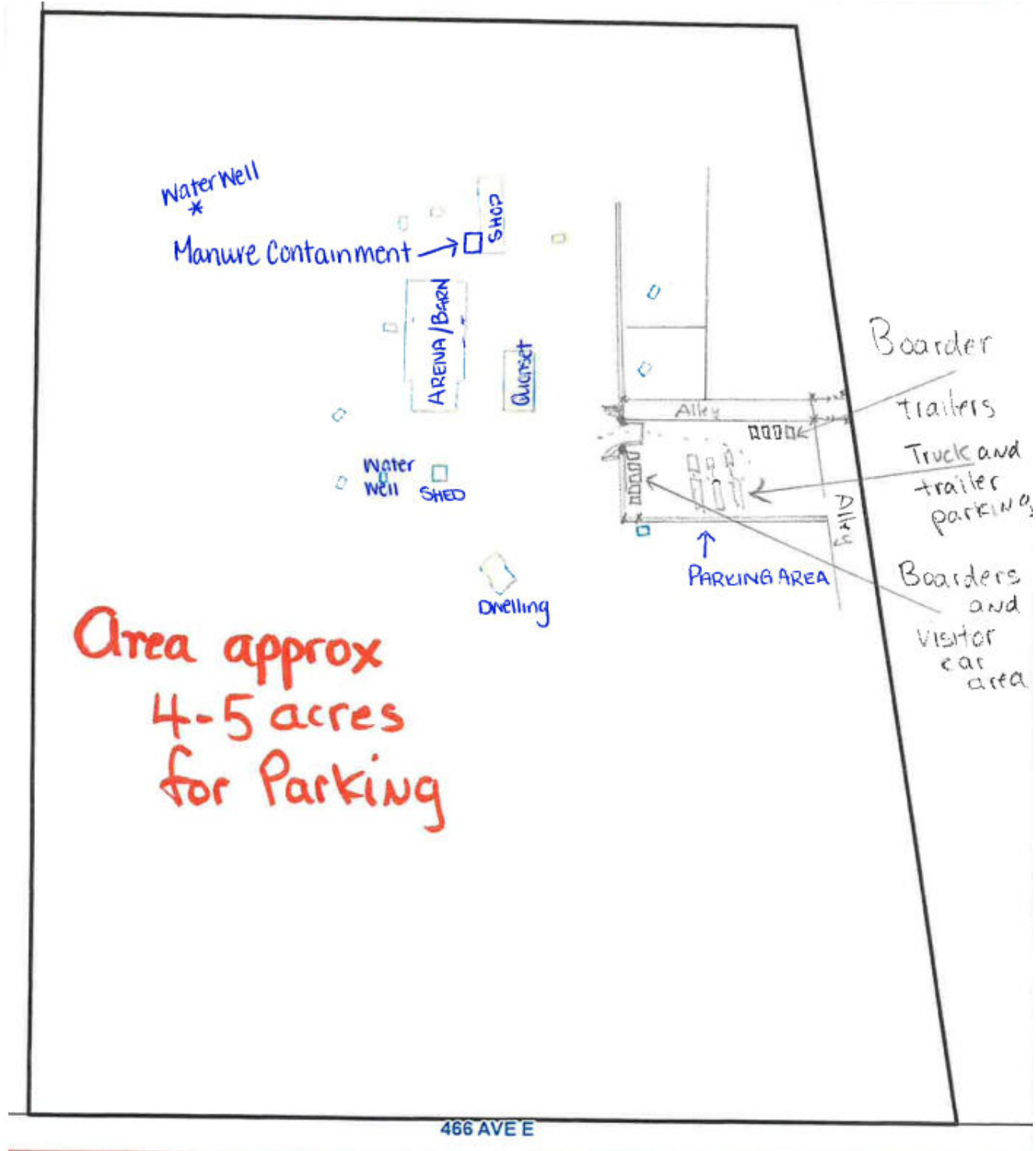
#### **APPENDIX A:**

- MAP 1 – LOCATION MAP
- MAP 2 – SITE PLAN
- MAP 3 – ORTHO PHOTO

#### **APPENDIX B:**

- DIRECT CONTROL DISTRICT #29





MAP 3 – ORTHO PHOTO



## Foothills County Land Use Bylaw |

### **18.29 DIRECT CONTROL DISTRICT #29 (DC 29) LIMITED PUBLIC OR COMMERCIAL RIDING ARENA**

# DC#29

#### **18.29.1 PURPOSE AND INTENT**

To allow for the development of a Limited Public or Commercial Arena, as defined in Section 2.5 of this bylaw, to operate on lots, with or without a single family residence, and to allow for the Direct Control by Council over development on the following lots:

NW 12-20-02-W5M, PLAN 0810029, LOT 5 (87.7 ACRES)  
 NW 12-20-02-W5, PLAN 0810029, BLOCK 1, LOT 5 (87.70 ACRES)  
 NW 08-21-28-W4 (40.0 ACRES)  
 NE 35-20-29-W4 (23 +/- ACRES)  
 NW 21-20-02-W5 (134.85 ACRES)  
 SE 22-20-02-W5, PLAN 1012174, BLOCK 1, LOT 3 (74.06 ACRES)  
 SW 07-22-01-W5, PLAN 0212015, BLOCK 2, LOT 16 (92.67 ACRES)  
 SW 34-21-29-W4, PLAN 9913092, BLOCK 1, LOT 6  
 S ½ NE 35-19-01-W5, PLAN 731046, BLOCK 3 (19.82 ACRE PTN.)  
 SE 35-21-02-W5 (119 ACRES)  
 SW 24-21-02-W5 (64.43 ACRES)  
 PLAN 0716214, BLOCK 1, LOT 2, NE 34-19-01-W5 (81.52 ACRES)  
 SW 13-20-01-W5, PLAN 9711715, LOT 6 (29.31 ACRES)

#### **18.29.2 PERMITTED USES**

Accessory Buildings not requiring a development permit (accessory to the Dwelling)  
 Agricultural, General  
 Accessory Uses to the Dwelling  
 Dwellings, Single Family  
 Dwelling, Manufactured Home  
 Dwelling, Mobile home on lots 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 recreation vehicles

#### **18.29.3 DISCRETIONARY USES**

Accessory Use  
 Accessory Building  
 Animal Boarding Services  
 Arena, Commercial  
 Arena, Limited Public  
 Campground, Minor - Accessory to the Arena on parcels 8.49 ha (21 acres) or greater in size  
 Dwelling, Mobile Home on lots less than 80 acres in size  
 Dwelling, Moved On  
 Dwelling Temporary  
 Home Based Business Type I - only on parcels with a residence  
 Home Based Business Type II - only on parcels with a residence  
 Home Based Business Type III - only on parcels with a residence

## Foothills County Land Use Bylaw |

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Intensive Livestock Operation  
Lot Grading  
Manmade water features requiring a permit  
Public Quasi Public Installations and Facilities  
Secondary Suite, Accessory (outside of Hamlet Boundaries)  
Secondary Suite, Principal (outside of Hamlet Boundaries)  
Special Event (accessory to the Arena or Business use)

- Discretionary use only on parcels 8.49 ha (21 acres) or greater in size

Signs requiring a Development Permit  
Solar Power System, Private (Requiring a Development Permit)  
Temporary (short-term) Manure Storage  
Utility Services, Minor

### 18.29.4 LAND USE REQUIREMENTS

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

### 18.29.5 DEVELOPMENT REQUIREMENTS

18.29.5.1 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.

18.29.5.2 Maximum Floor Area of Arena Building:

- a. The maximum allowable size of the Arena Building for an Arena, Limited Public or Arena, Commercial shall be at the discretion of Council.

18.29.5.3 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.

18.29.5.4 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.

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### 18.29.5.5 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.

### 18.29.5.6 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.

### 18.29.5.7 Minimum habitable area per Dwelling:

- a. 100 m<sup>2</sup> (1,077 sq. ft.)

## 18.29.6 SPECIAL PROVISIONS

- 18.29.6.1 Home Based Business (Major) does not include Cannabis Production.
- 18.29.6.2 No more than five (5) non-resident employees shall be working on site for an Arena, Limited Public.
- 18.29.6.3 The number of non-resident employees working on site for an Arena, Commercial shall be at the discretion of Council.
- 18.29.6.4 Maximum of sixteen (16) Business Visits permitted per day, or as determined by Council for Arena, Limited Public.

## Foothills County Land Use Bylaw |

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- 18.29.6.5 The maximum number of Business Visits per day for Arena, Commercial shall be at the discretion of Council.
- 18.29.6.6 Any minor or major home 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.
- 18.29.6.7 Any minor or major home business shall not occupy more than 50% of the gross floor area of the principle dwelling plus the area of accessory structures.
- 18.29.6.8 Material Storage:
- a. On parcels 10 acres and larger, exterior storage may be allowed if, in the opinion of the Approving Authority, the exterior storage is adequately screened, a maximum of 5 vehicles or equipment may be stored outdoors.
- 18.29.6.9 Manure Management:
- Applicants for Arena, Commercial or Arena, Limited Public shall provide a manure management plan to the satisfaction of Council as a part of the development permit application for their facility unless requested to do so by Council as part of the Land Use Bylaw amendment application.
- 18.29.6.10 Safety and Fire Code Requirements:
- Applicants shall be required to provide proof of compliance or the ability to become compliant with all Provincial Safety Code and Fire Code requirements as part of the development permit application for their facility unless requested to do so by Council as part of the Land Use Bylaw amendment application.
- 18.29.6.11 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.
- 18.29.6.12 Nuisance:
- a. No offensive noise, vibration, smoke, dust, odor, heat, glare, electrical or radio disturbance detectable beyond the boundary of the lot.
- 18.29.6.13 Camping:
- a. Whether camping is permitted in support of special events at an Arena, Commercial or Arena, Limited Public, shall be at the discretion of Council and will be outlined in the Development Permit. Council may also specify:
    - i. The maximum number of camping units permitted per event;
    - ii. The maximum length of stay; and
    - iii. Number of events where camping shall be permitted annually.

## Foothills County Land Use Bylaw |

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18.29.6.14 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 Arena building to be constructed;
- b. Development setbacks;
- c. Hours of operation;
- d. Number of non-resident employees;
- e. Number of vehicle visits per day;
- f. Number of Animal units permitted on the property;
- g. Size and number of structures permitted on site;
- h. Number of events or contests permitted annually;
- i. Requirements for evacuation and emergency response plans;
- j. Upgrades on municipal roads;
- k. Mitigation of impacts on municipal roads;
- l. Compliance reporting requirements;
- m. Noise;
- n. Buffering;
- o. Lighting;
- p. Outdoor storage;
- q. Parking requirements;
- r. Screening of facilities;
- s. Proof of compliance with fire and safety codes inspections of the facility;
- t. Manure Storage provisions;
- u. Any other condition that Council deems necessary.

18.29.6.15 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.

18.29.6.16 Lighting:

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

18.29.6.17 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.

## Foothills County Land Use Bylaw |

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### 18.29.7 PROCEDURE

- 18.29.7.1 Notwithstanding the procedure established for development permit applications in Section 4, an application for development permit in respect of lands referred to in Section 18.29.1 shall be referred by the Development Officer to the Council for its approval or refusal.
- 18.29.7.2 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 18.29.1. The council may approve a development permit application with or without conditions or may refuse an application for development permit.
- 18.29.7.3 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 18.29.1.