


**MISCELLANEOUS PLANNING ITEM  
PLANNING AND DEVELOPMENT REPORT TO COUNCIL  
DEVELOPMENT PERMIT APPLICATION  
October 2, 2024**

<b>APPLICATION INFORMATION</b>		<b>FILE NO. 24D 197</b>
	<b>DATE APPLICATION DEEMED COMPLETE:</b> September 18, 2024	
	<b>LEGAL DESCRIPTION:</b> Plan 1211902, Block 1, Lot 3; Ptn. NE 22-22-03 W5M	
	<b>LANDOWNERS:</b> Micah Hoeschele & Kristy Hammill	
<b>PROPOSAL:</b> Development Permit application for a Direct Control District #22 (DC#22) property to allow for: <ul style="list-style-type: none"> <li>a. Construction a 1,200 sq. ft. Attached Garage/Shop</li> <li>b. Relaxation of Setbacks</li> </ul>		
<b>DIVISION NO:</b> 4	<b>COUNCILLOR:</b> Suzanne Oel	
<b>FILE MANAGER:</b> Brittany Smith		

**EXECUTIVE SUMMARY:**

**Location of Subject Lands**

The subject property is located within the Hamlet of Priddis, adjacent to the north side of Priddis Ridge Road and approximately 120m west of the intersection with Priddis Valley Road.

**Background**

The property has an existing Singe Family Dwelling and one temporary detached storage building (+/- 385 sq. ft). No prior Development Permits have been issued for this property as the dwelling was built in 2017 and at that time the Land Use Bylaw did not require a Development Permit for dwellings and accessory buildings on parcels zoned Direct Control District. In June 2021, the Land Use Bylaw was amended and now requires that Development Permits be obtained for Dwellings and Accessory buildings/structures for all parcels zoned Direct Control District.

**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.

**Council may require a Public Meeting prior to deciding on any application within the Direct Control District.**

## Summary of Proposal

Approval of the following development and uses is being requested on the subject 1.16 acre Direct Control District #22 parcel:

1. Construction of a 1,200 sq. ft. Attached Garage/Shop for personal use.



2. Relaxation of Setbacks to allow for the proposed development to be located 30m from the north property line (highway right of way) rather than the required setback of 40m from the Provincial Highway 22.

Please Note: Alberta Transportation and Economic Corridors has issued a roadside development permit to allow for the proposed garage and reduced setback.

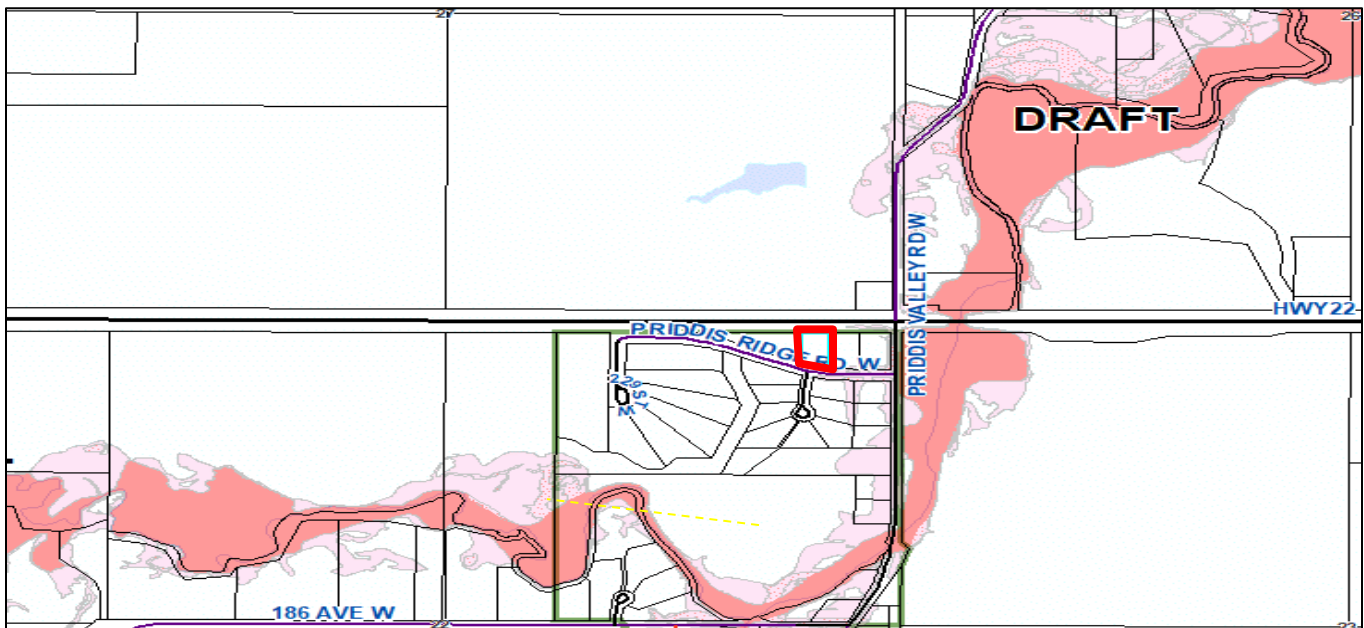
## **SITE CONSIDERATIONS:**

### Access:

The subject parcel is accessed by an existing approach from Priddis Ridge Road.

### Physiography and Interests:

- The property is relatively flat and is outside of any influence respecting Provincial Flood Fringe mapping and the Priddis Flood Hazard study.



## **POLICY CONSIDERATIONS:**

### **Priddis Meadows Area Structure Plan**

#### Plan Policies

#### Land Uses

#### **Direct Control**

The Direct Control area is to accommodate retail sales and services, which may include food, giftwares, offices and lodging for visitors to the area. Residential uses will be allowed in the premises for the owner. The Direct Control lots are located in an area that is suitable for residential and commercial purposes due to their proximity to Highway 22 and the “surrounding” road network. The lots can be accessed readily from any direction without traffic increases in the residential areas.

Commercial uses will be approved by Council in its discretion. Developments within the Direct Control area will also require provincial approvals.

#### **Land Use Bylaw 60/2014**

As per the below Land Use Bylaw Sections, a development permit is required to be obtained for the proposed garage as the subject parcel is zoned direct control district and the requested relaxation of setbacks does not exceed the 25% variance.

#### **Development Permit Not Required**

**4.2.1.23** The construction of a first Dwelling, Single Family, Dwelling Manufactured Home; or addition thereto where it is a permitted use and meets the maximum allowable dwelling density under the applicable land use district and the lot has legal physical access to an approved municipal road or Provincial highway, excluding any lands designated Sub-district “A”, Direct Control District, or Flood Hazard Protection Overlay District.

#### **Accessory Buildings/Garages**

**4.2.1.9** Permanent dwellings are permitted up to two private garages, attached to the permitted dwelling or detached, in addition to the accessory buildings allowed under Section 4.2.1.7A, where:

- a. the total cumulative area of the garage(s) does not exceed 167.23 sq. m. (1,800 sq. ft.), on Agricultural zoned properties; or
- b. the total cumulative area of the garage(s) does not exceed 111.48 sq. m. (1,200 sq. ft.) on all other land use districts.

Excluding any lands designated Sub-District ‘A’, Direct Control District, Flood Hazard Protection Overlay, or within lands defined under policy 11.2.4.2 within the Airport Protection Overlay, in which a Development Permit is required.

#### **DC#22 Setback Requirements**

### 18.22.5.2 Minimum Yard Setback requirements:

#### a. Front Yard Setback

- i. 10m (32.80 ft) from Priddis Ridge Road – Property Line
- ii. 15m (49.21 ft) from Priddis Valley Road – Property Line
- iii. 64m (209.97 ft) from the centerline of a Municipal Road, Major
- iv. 40m (131.23 ft) from the ultimate right of way or 70 meters from the centreline of a Provincial Highway, whichever is greater; or
- v. the distance to the ultimate extent of the right-of-way as determined by Alberta Transportation.

#### b. Side Yard Setback

- i. 1.5m (4.92 ft) from Property line; or
- ii. May be reduced to 0m (0ft) at the discretion of Council

### VariANCES

**5.6.4** The Development Authority may allow with respect to a proposed development, a variance of any yard setbacks to a maximum of 25% of the setback required by the Land Use Bylaw.

<b>CIRCULATION REFERRALS</b>	
<b>REFEREE</b>	<b>COMMENTS</b>
<b>INTERNAL</b>	
Public Works Department	Recommends a Lot Grading and Overland Drainage Plan
Safety Codes Officer	Building and Fire Code requirements will need to be complied with.
<b>EXTERNAL</b>	
Alberta Transportation (ATEC)	Transportation and Economic Corridors Permit No. 2023-0036311 has been issued to ease the Northern highway setback by 10m to allow the garage addition to be located on the property as per the submitted site plan.
<b>PUBLIC</b>	<i>Public notification/referral does not occur with respect to Development Permits on Direct Control District lands unless review of the application involves a Public Meeting.</i>

## **SUMMARY**

Request for approval of Development Permit application 24D 197 for construction a 1,200 sq. ft. Attached Garage/Shop to be located no closer than 30m from the north property line on Plan 1211901, Block 1, Lot 3; Ptn. NE 22-22-03 W5M.

## **OPTIONS FOR COUNCIL'S CONSIDERATION:**

### **OPTION #1 – APPROVAL**

Should Council choose to approve Development Permit 24D 197, the following motion has been provided for consideration:

*Moved that Development Permit application 24D 197 for a 1,200 sq. ft. Attached Garage/Shop to be located no closer than 30m from the north property line on Plan 1211902, Block 1, Lot 3; Ptn. NE 22-22-03 W5M be approved subject to the following conditions and requirements.*

### **APPROVAL DESCRIPTION**

This approval allows for the following development on Plan 1211902, Block 1, Lot 3; Ptn. NE 22-22-03 W5M:

1. One 1,200 sq. ft. Attached Garage/Shop to be located no closer than 30m from the north property line in accordance with the plans and reports accepted by the County, and any recommendations provided by designated professionals, subject to the following conditions:

## **CONDITIONS OF APPROVAL FOR COUNCIL'S CONSIDERATION:**

### **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 Applicants, failure to complete these pre-release conditions on or before February 28, 2025, will see this approval be deemed null and void.

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

1. The Applicant shall submit a Lot Grading/Overland Drainage Plan to the satisfaction of the 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 construct and maintain the development in accordance with all conditions of approval, advisory requirements, and plans that have been accepted by the municipality to be appropriate. Any revisions and/or additions to use of this land shall not proceed except under benefit of appropriate approvals;
2. All necessary building and safety code (plumbing, gas, septic and electrical) permits and inspections shall be obtained from the County.

3. It is the landowner's responsibility to provide notification to the File Manager upon completion of the development;
4. 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.

### **ADVISORY REQUIREMENTS**

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The following requirements are provided by Foothills County to inform 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. Development on the property shall at all times comply with the requirements of the applicable Building, Safety, and Fire Codes;
3. No portion of the resulting Attached Garage/Shop shall be used in association with any business, or used as a secondary living unit or tourist home without first obtaining all necessary approvals from the Foothills County;
4. Excepting the location of the resulting Attached Garage/Shop, as approved and acknowledged under this permit; development is to adhere to municipal setback requirements from the boundaries of the legally titled property. No further variance for yard setbacks has been considered under this approval;
5. The proposed attached Garage/Shop shall not exceed a maximum height, from grade to peak, of 10 meters (32.8 ft.) which is the maximum permitted within the Direct Control District #22 Land Use district;
6. Lot drainage and grading shall be maintained as per the final accepted and verified Plans;
7. All exterior lighting applications must adhere to the guidelines and technical specifications as outlined within the Foothills Dark Sky Bylaw;
8. The landowner indemnifies and hold harmless the County against the cost of any claims or actions, or awards for loss or damage to the owner(s) and/or occupant(s) arising from development on this property;
9. 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.

#### **Notes:**

1. Contravention of any of the above conditions and/or requirements will result in this permit being considered null and void.
2. This Development Permit shall thereafter be null and void if the development or use is abandoned for a period of six months.
3. The conditions of this Development Permit must be met and adhered to at all times. Fines and/or Enforcement action may occur if operating outside of the Development Permit.

### **OPTION #2 POSTPONE A DECISION ON THE APPLICATION**

Council may choose to postpone determination on Development Permit application 24D 197 for one Attached Garage/Shop (1,200 sq. ft.) to be located no closer than 30m from the north property line on Plan 1211901, Block 1, Lot 3; Ptn. NE 22-22-03 W5M.; if Council requires additional information from the Applicant prior to rendering a decision.

**Council may wish to consider the following motion for Option #2:**

*Moved that Council postpone making a decision on Development Permit application 24D 197 until such time as the applicant has provided [the requested information] for Council's consideration.*

At their discretion, Council may also request that a Public Meeting be held respecting this application for Development Permit.

## **APPENDICES**

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### **APPENDIX A: MAP SET:**

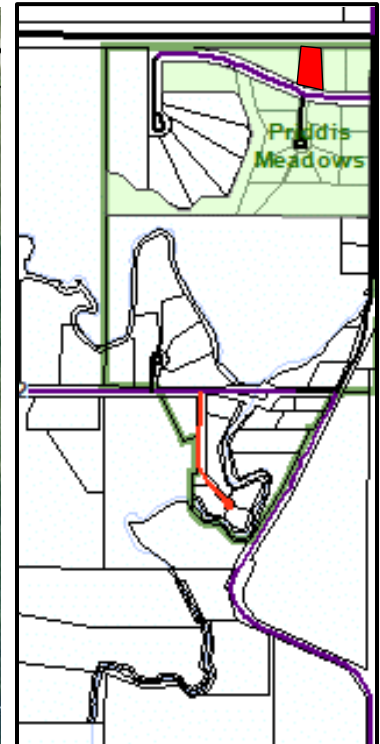
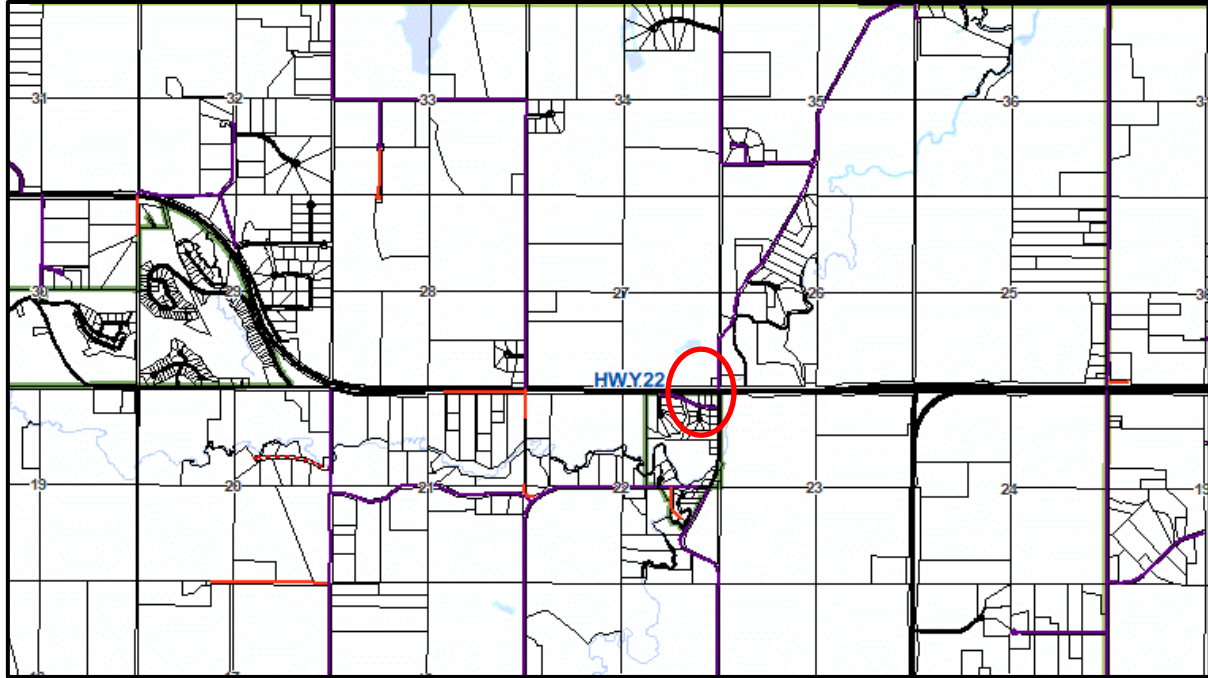
**LOCATION MAPS**

**SITE PLAN**

### **APPENDIX B: DIRECT CONTROL DISTRICT #22**



APPENDIX A: LOCATION MAPS





**18.22 DIRECT CONTROL DISTRICT #22 (DC 22)**

**DC#22**

**18.22.1 PURPOSE AND INTENT**

The purpose and intent of this district is to allow for a wide range of commercial uses consistent with the Priddis Meadows Area Structure Plan and Direct Control by Council over the development on the following lands (Priddis Meadows Direct Control Lots):

Plan O214370, Block 1, Lot 1 (5.65 acres more or less)

To be subdivided into 4 Direct Control Lots pursuant to the Priddis Meadows Area Structure Plan.

**18.22.2 PERMITTED USES**

- Accessory Buildings
- Home Office
- Single Family Dwellings
- Signs not requiring a Development Permit
- Solar Power System, Private (Not requiring a Development Permit)

**18.22.3 DISCRETIONARY USES**

- Accessory Buildings and Uses
- Home Based Business Type I
- Home Based Business Type II
- Home Based Business Type III
- Bed and Breakfast
- Convenience/Grocery Store
- Restaurants
- Appliance Service and Repair
- Business Offices
- Retail/Wholesale Outlets
- Veterinary Clinic
- Health Services
- Community Services
- Lot Grading
- Public/Quasi Public
- Public Works
- Secondary Suite, Detached
- Secondary Suite, Principal
- Signs requiring a Development Permit
- Solar Power System, Private (Requiring a Development Permit)

**18.22.4 REQUIREMENTS**

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

**18.22.5 MINIMUM REQUIREMENTS**

18.22.5.1 Area of Lot:

- a. One acre; or
- b. Area allowed for by bylaw amending this section

18.22.5.2 Minimum Yard Setback Requirements:

- a. Front Yard Setback

## Foothills County Land Use Bylaw |

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- i. 10m (32.80 ft.) from Priddis Ridge Road – Property line
  - ii. 15m (49.21 ft.) from Priddis Valley Road – Property line
  - iii. 40m (131.23 ft.) from the ultimate right of way or 70 meters from the centreline of a Provincial highway, whichever is greater; or
  - iv. The distance to the ultimate extent of the right-of-way as determined by Alberta Transportation.
- b. Side Yard Setback
    - i. 1.5m (4.92 ft.) from Property line; or
    - ii. May be reduced to 0m (0ft.) at the discretion of Council.

### 18.22.6 MAXIMUM LIMITS

#### 18.22.6.1 Number of Lots:

- a. Four (as provided for in the Priddis Meadows Area Structure Plan);

#### 18.22.6.2 Height of Buildings:

- a. 10m (32.80 ft.); or
- b. If higher than 10m, at the discretion of Council.

#### 18.22.6.3 Coverage of lot:

- a. 60%

### 18.22.7 PROCEDURE

18.22.7.1 Notwithstanding the procedure established for development permit applications in Section 4 and Section 5, an application for development permit in respect of lands referred to in Section 18.22.1 shall be referred by the Development Officer to the Council for its approval or refusal.

18.22.7.2 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 18.22.1. The council may approve a development permit application with or without conditions or may refuse an application for development permit.

18.22.7.3 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 18.22.1.