


**MISCELLANEOUS PLANNING ITEM
PLANNING AND DEVELOPMENT REPORT TO COUNCIL
DEVELOPMENT PERMIT APPLICATION
October 16, 2024**

APPLICATION INFORMATION		FILE NO. 24D 173
	DATE APPLICATION DEEMED COMPLETE: August 14, 2024	
	LEGAL DESCRIPTION: Plan 2411845, Block 3, Lot 7; Ptn. SW 17-20-02 W5M	
	LANDOWNER: McChesney Contracting Ltd.	
	APPLICANT: Midwest Pipelines Inc.	
PROPOSAL: Contractor, General; Outdoor Storage; & Offices - Temporary		
DIVISION NO: 3		COUNCILLOR: Barb Castell
FILE MANAGER: Brenda Bartnik		

EXECUTIVE SUMMARY:

Location of Subject Lands:

The subject 4.69 acre Direct Control District #31 property is located on the south side of Miners Road west. The approach to this recently subdivided lot is approximately 140m to the west of 168th Street.

Background:

A synopsis of historical County record regarding this property 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.

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

Summary of Proposal:

Application for Development Permit to allow for use of the subject property for a temporary location, to be used for a period of approximately 90 days, in support of completion of and reclamation of lands disturbed during a pipeline project located in the Longview and Turner Valley area(s).

Proposed are: temporary office and support trailers; outdoor storage; and vehicle parking.

On site facilities are to consist of:

- two office trailers
- two trailer warehouse structures for the storage of small tools, cleaning supplies, safety supplies, etc.
- one bathroom facility trailer

- one 40 ft. sea-can
- five waste bins
- outdoor storage for fuel, fence posts, barbed wire, geotextile, etc.
- parking areas for passenger vehicles
- fuel tanks

All development is proposed to be temporary and is to be removed at the end of the project.

The application notes that:

- Hours of operation are 6:30am to 5:00pm
- It is anticipated that there will be between 50 and 100 people in the yard in the mornings, who will then travel from this location out to the work site.
During the day, there will be approximately 10 people on site working in the office and warehouse.
A security company will provide night security.
- Water will be provided by a potable water truck and waste water is to be removed by vac truck.
- Exterior temporary lighting will be used in the area of the offices.
- A diesel generator will be used to power the offices and warehouse trailers.
- Vehicle trips:
 - o 30 pick up trucks attending the property once, possibly twice daily
 - o 1 one-ton picker truck two to four visits per day

SITE CONSIDERATIONS:

Access

This newly subdivided property is accessed from Miners Road, a recently completed paved road surface that obtained a construction completion certificate last month. Access to/from this area to Highway #22 is provided from 168th Street west via 1160 Drive and 402nd Avenue west.

POLICY:

Land Use Bylaw 60/2014 (LUB)

Direct Control District #31 *see Appendix B of this report.*

The purpose and intent of this district is to allow operation of industrial related businesses on the lands. This district recognizes the necessity for uses to remain primarily light/medium industrial in nature due to the proximity to waste disposal sites, natural resource extraction activities in the area, and in response to limited reclamation and remediation of the lands in the area. The importance of maintaining minimal nuisance factor extending beyond the boundaries of the site must be considered when looking at new uses on these lands to reduce impact on the Town of Black Diamond.

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

BUSINESS OFFICES means a facility or portion of a building primarily for the provision of professional, management, administrative, consulting, or financial services. Typical uses include the offices of lawyers, accountants, engineers, architects, and real estate, insurance, clerical, secretarial, employment, telephone answering and office support services.

CONTRACTOR, GENERAL means development used for industrial service support and construction. Typical uses include oilfield support services, laboratories, cleaning, and maintenance contractors, building construction, landscaping, concrete, electrical, excavation, drilling, heating, plumbing, paving, road construction, sewer or similar services of a

construction nature which may require on-site storage space for materials, construction equipment or vehicles normally associated with the contractor service. Any sales, display, office, or technical support service areas shall be accessory to the principal general contractor use.

OUTDOOR STORAGE means the accessory storage of equipment, vehicles, goods, and materials in the open air where such storage of goods and materials does not involve the erection of permanent structures or the material alteration of the existing state of the land. This does not include Recreation Vehicle Storage.

4.7 TEMPORARY USE APPROVALS

- 4.7.1 A temporary use or development may only be permitted where the use or development is a permitted or a discretionary use in that District.
- 4.7.2 A temporary Development Permit may permit a development or use to be carried out for a specific period of time which may be limited by reference to a date or by reference to the occurrence of an event.
- 4.7.3 Upon expiration of a temporary Development Permit, the development or use thereby authorized shall cease to be carried on. All uses and/or buildings, structures, equipment, and things erected, placed upon, or used in or upon lands or buildings in connection with the development shall be removed from the lands or buildings upon or in which the development was being carried out. The County is not liable for any costs involved in the cessation or removal of the development at the expiration of the time period stated in the permit.
- 4.7.4 An Approving Authority may require the applicant to enter into an agreement with the County guaranteeing the removal of the temporary development or use when the intended use is changed or discontinued and the estimated cost of site remediation after removal of the development. This agreement may require the applicant to post security, acceptable to the Approving Authority, guaranteeing the removal of the development. Where buildings are involved, an Approving Authority may require a security to be provided.
- 4.7.5 A temporary development permit may be renewed upon application to the Development Authority, provided that no changes have been made to the original application. The development shall not be carried on after expiration of the development permit and prior to renewal of the Development Permit unless the Development Authority has agreed to allow it to continue during the processing of the renewal application.
- 4.7.6 When a permit for a temporary use expires, a new application is required. Such application shall be dealt with as a new application and there shall be no obligation to approve it on the basis that a previous permit had been issued.

CIRCULATION REFERRALS	
REFEREE	COMMENTS
INTERNAL	
Engineering / Public Works	Miners Road is built and has received CCC. No concerns with the traffic as it will be pick up trucks.

CIRCULATION REFERRALS

Foothills Fire Department	<p>This is for a temporary project. The applicant has a Health and Safety Plan that exceeds the Fire Code.</p> <p>A Fire Code Review is not required for this application.</p>
EXTERNAL	
Alberta Health Services	<p>Alberta Health Service – Environmental Public Health (AHS-EPH) has reviewed the development permit application 24D 173, which proposes to construct temporary outdoor storage areas on a parcel located at SW 17-20-02 W5M. AHS-EPH does not have any objections at this time based on the information provided.</p>
Alberta Transportation & Economic Corridors	<p>Transportation and Economic Corridors offers the following comments and observations with respect to the proposed development(s);</p> <ul style="list-style-type: none"> Pursuant to section 618.3(1) of the Municipal Government Act (MGA), the department expects that the municipality will comply with any applicable items related to provincial highways in an ALSA plan if applicable. Pursuant to 618.4(1) of the MGA, the department expects that the municipality will mitigate the impacts of traffic generated by developments approved on the local road connections to the highway system, in accordance with Policy 7 of the Provincial Land Use Policies. <ol style="list-style-type: none"> The proposed development is exempted from the requirements of a permit pursuant to Section 25 of the Highways Development and Protection Regulation. This exemption is subject to the provisions of Sections 11-23 and Sections 55-59 of the Highways Development and Protections Act (Chapter H-8.5, RSA, 2004) and amendments thereto, and Sections 8-15, Sections 24-25, and Sections 35-36 of the Highways Development and Protection Regulation (Alberta Regulation 326/2009) and amendments thereto. This exemption, and associated terms and conditions, apply to the development referenced herein at the location shown, and any new or additional development activity must obtain approval from Transportation and Economic Corridors. The landowner shall indemnify and hold harmless the Minister and his employees and agents from any and all claims, demands, action and costs whatsoever that may arise, directly or indirectly, from anything done or omitted to be done in the construction, maintenance, operation, or alteration of the work described. The landowner (or designated representative) is responsible for obtaining any other necessary municipal, provincial, or federal approvals. Any peripheral lighting (yard lights/area lighting) that may be considered a distraction to the motoring public or deemed to create a traffic hazard will not be permitted.

CIRCULATION REFERRALS

Town of Diamond Valley	Response to referral not received at the time of submission.
PUBLIC	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.

SUMMARY

The request before Council is for approval of development permit application 24D 173 to allow for Contractor, General; Outdoor Storage; and Offices, as Temporary Uses in support of pipeline construction projects in the area.

OPTIONS FOR COUNCIL CONSIDERATION:

OPTION #1 – APPROVAL

The suggested motion for Option #1 is as follows:

Moved that Development Permit 24D 173 to allow for Contractor, General; Outdoor Storage; and Offices as Temporary Uses on Plan 2411845, Lot 7, Block 3; Ptn. SW 17-20-02 W5M be approved subject to the following conditions:

APPROVAL DESCRIPTION

Upon completion of the pre-release condition, this approval allows for use of Ptn. SW 17-20-02 W5M; Plan 2411845, Block 3, Lot 7 as follows:

- a. Contractor General; Outdoor Storage; and Offices in support of completion of and reclamation of lands disturbed during a pipeline project located in the Longview and Turner Valley area(s);
- b. Ancillary supporting facilities including office and warehouse trailers, fuel tanks, and lighting and security in accordance with the submitted application for development permit;
- c. Use of the lands, as authorized herein, may be carried out for a period of 90 days from the time of issuance of the development permit.

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 March 16, 2025, will see this approval be deemed null and void.

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

1. The applicant is required to submit a refundable security deposit in the amount of \$5,000 in order to ensure complete removal of the development at the time of expiry of this permit.

This security will be refunded at such time that that removal and any required remediation of the lot have occurred.

CONDITIONS OF APPROVAL

The following requirements must be completed within **90 days** from the date that the Development Permit is signed and issued. Failure to complete the conditions of approval will see the Development Permit deemed null and void.

1. The development shall be executed in accordance with all conditions of approval and plans that have been acknowledged by the municipality to be appropriate. **Any revisions and/or additions to the use of these lands shall not proceed unless appropriate approvals and permits have been obtained;**
2. All necessary building and safety code permits and inspections applicable to use and occupancy of the proposed development shall be obtained, to the discretion of the County's Safety Codes Officer;
3. Access to the property is to occur via the existing allocated approach to the subject lot from Miners Road. No additional ingress/egress location(s) have been considered under this approval;
4. It is the applicant's responsibility to properly post the municipal address prior to occupancy. Please contact the County's GIS department to fulfill this requirement;
5. Prior to installation of any signage on the subject property, detailed sign dimensions and location specifications shall be provided for review and acceptance by Foothills County;
6. Upon expiration of this permit, the uses shall cease to be carried on. All uses and/or buildings, structure, equipment and things erected, placed upon, and/or used in or upon the lands in connection with the development shall be removed;
7. The applicant shall provide written notification to the File Manager upon completion of the development;
8. The applicant shall be responsible for payment of any professional costs including legal fees that may be incurred by the County with respect to implementation of this permit.

ADVISORY CONDITIONS

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

1. The development is to be maintained in accordance with all conditions of approval, plans and agreements that have been acknowledged by the municipality to be appropriate;
2. Development is to comply with the requirements of the applicable Building, Safety, and Fire Codes at all times;
3. The County is not liable for any costs involved in the cessation or removal of the development at the expiration of the time period stated in the permit;
4. Stormwater and drainage facilities shall at all times be maintained as per the existing plan(s) for this area and must at all times be safe, functional, and in a good state of repair. The development shall at all times have a generally neat and orderly appearance and be free of weeds;
5. All installations of exterior lighting shall adhere to the guidelines and technical specifications as outlined within the County's Dark Sky Bylaw;

6. The applicant is responsible to ensure that on-site parking and loading are at all times able to sustain use and occupancy. At no time shall the local road surfaces be used for the purpose of loading/unloading, parking, or as a stacking space.
It is the landowner's responsibility to ensure appropriate internal access for fire department apparatus and emergency access at all times;
7. Containers for garbage or recycling materials that are located outdoors shall be weatherproof and animal-proof. There shall be no long term storage of waste materials on the property, nor burning of waste materials on the property. All waste materials must be disposed of at an approved waste disposal and/or recycling site. Secondary containment for fluids shall be implemented wherever appropriate;
8. No portion of the buildings are permitted to be used as a residence, or for the purposes of overnight accommodations at any given time;
9. No offensive noise, vibration, smoke, dust, odour, heat, glare, electrical, or radio disturbance detectable beyond the boundary of the subject property is to be produced by these operations;
10. The issuance of a development permit by the County does not relieve the landowners of the responsibility of complying with all other relevant County bylaws, requirements and agreements, nor excuse violation of any provincial or federal regulation or act which may affect use of the land;
11. The applicant(s) and landowners indemnify and hold harmless the County against the of any claims or actions, or awards for loss or damage to the Owner(s) and/or Occupant(s) arising from the use of and/or development of the subject properties.

OPTION #2 – REFUSE

Should Council not support the application, they may wish to consider the following motion of refusal:

Moved that Development Permit application 24D 173 for Contractor, General; Outdoor Storage; and Offices, as Temporary Uses for the purpose of supporting pipeline construction projects in the area be refused.

APPENDICES

APPENDIX A:

MAP SET

MAP 1 – LOCATION AND ORTHO

MAP 2 - LAND USE MAP

MAP 3 - SITE PLAN

APPENDIX B:

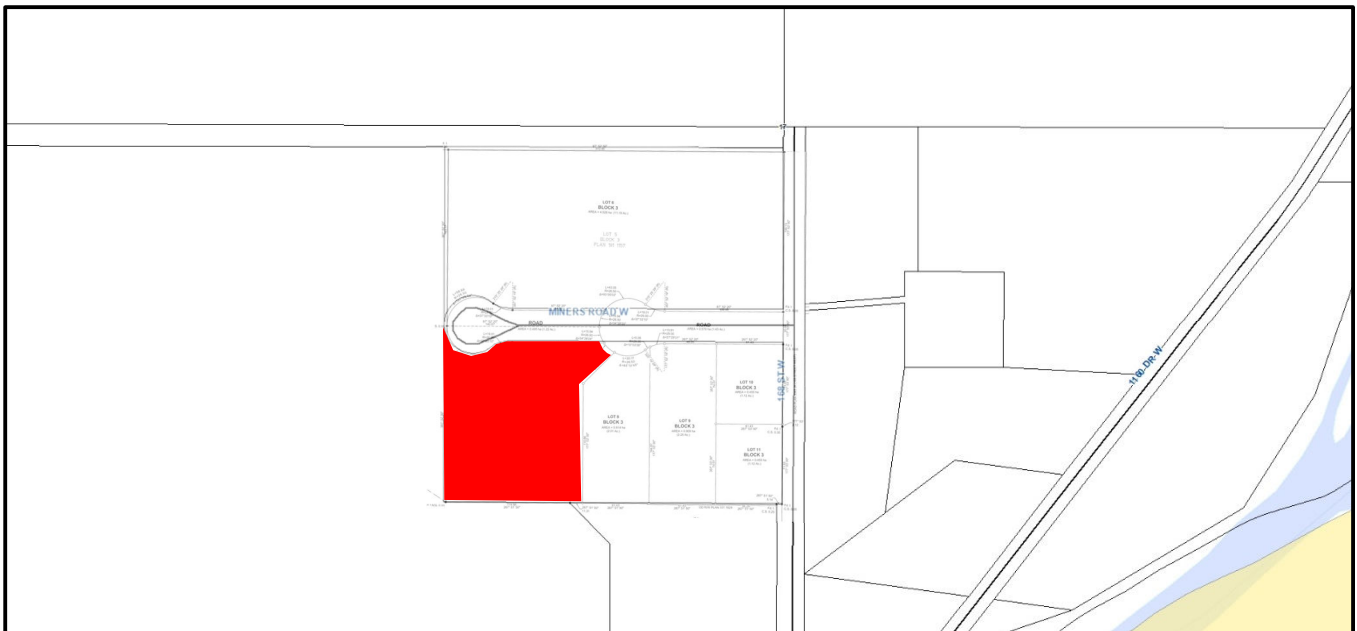
DC#31 DISTRICT

APPENDIX C:

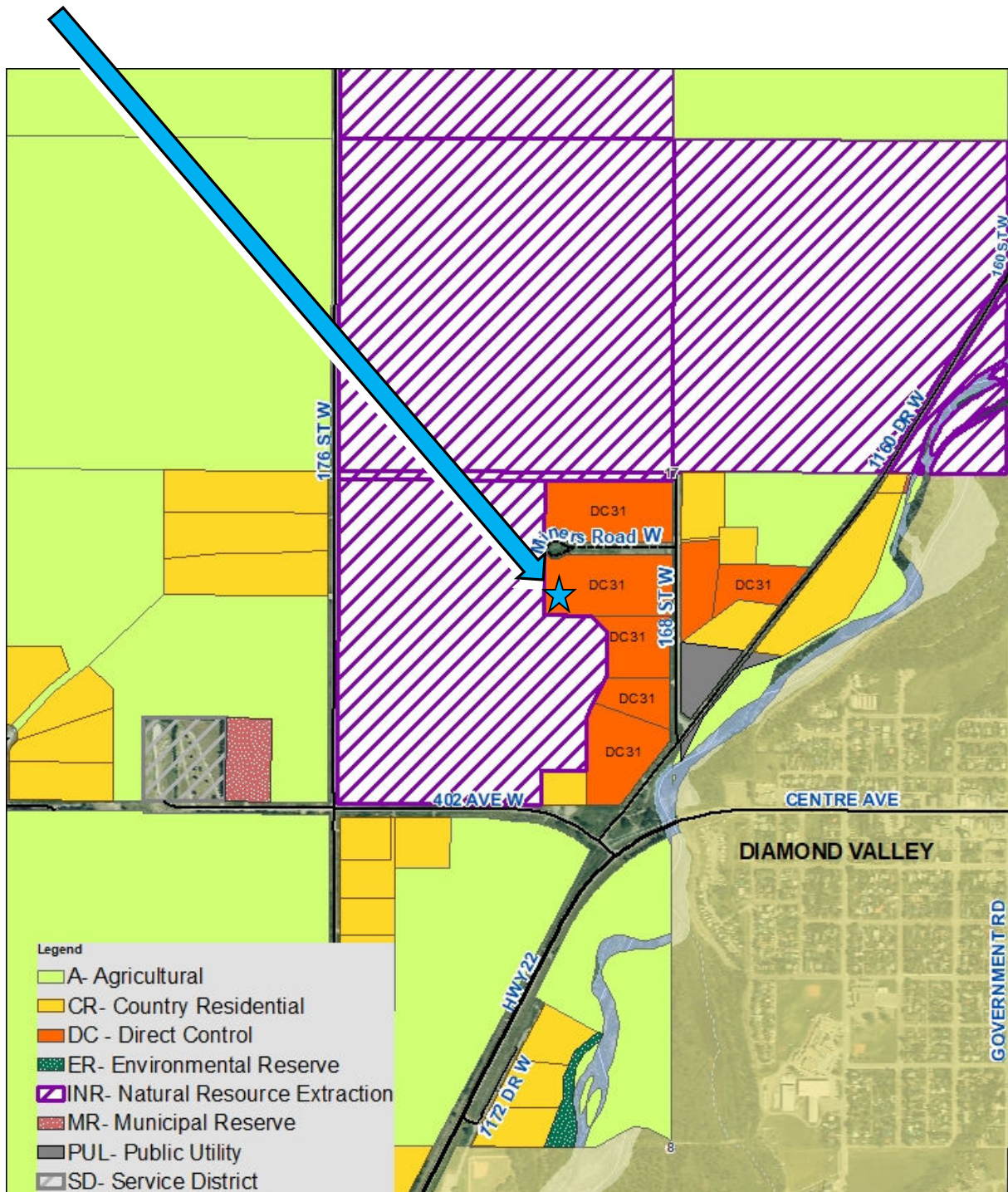
BACKGROUND

APPENDIX A: MAP SET

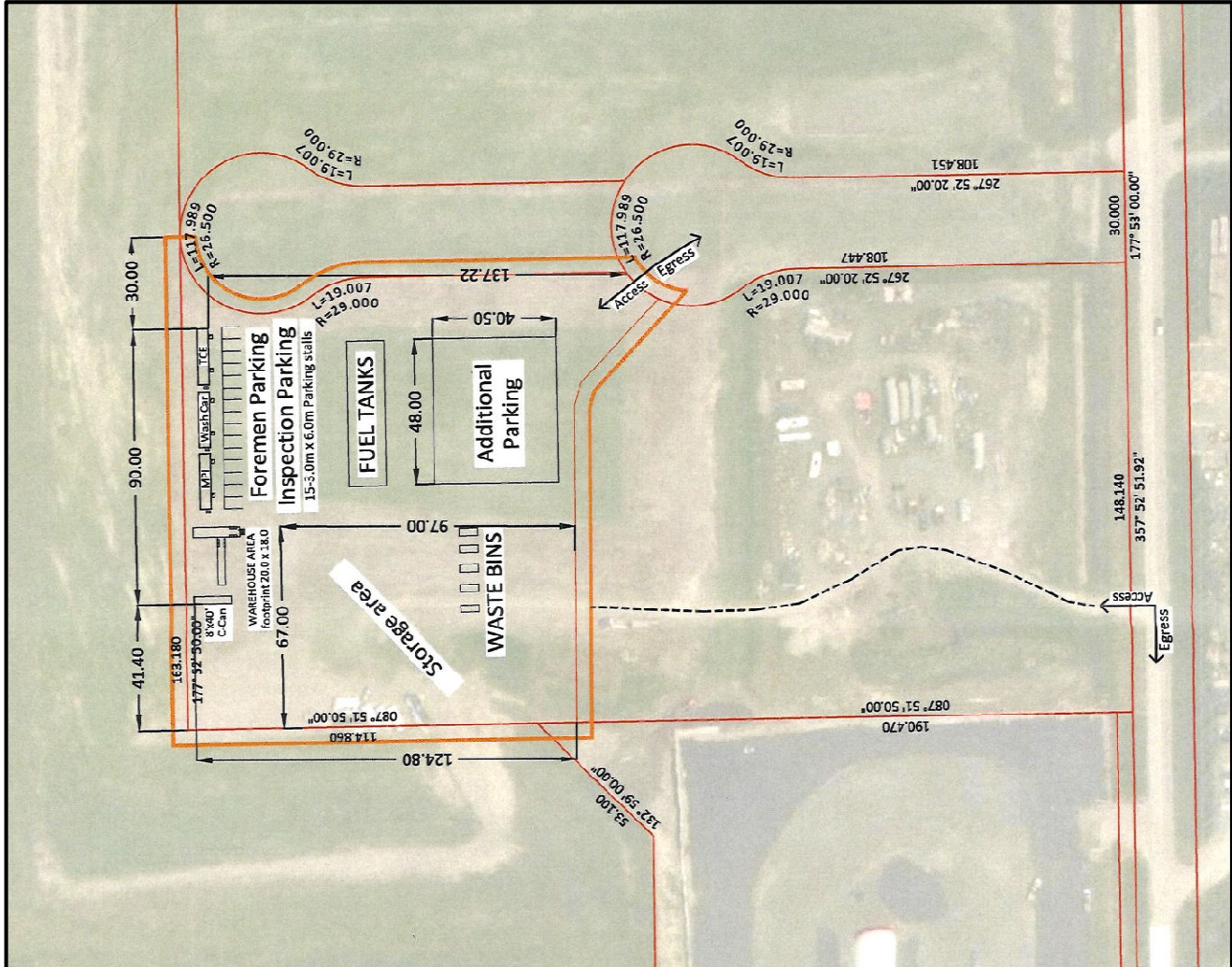
MAP 1 – LOCATION & ORTHO



MAP 2 – LAND USE MAP



MAP 3 - SITE PLAN



Foothills County Land Use Bylaw |

18.31 DIRECT CONTROL DISTRICT #31 (DC 31)
BLACK DIAMOND INDUSTRIAL RURAL
DC#31**18.31.1 PURPOSE AND INTENT**

To allow operation of industrial related businesses on the lands. This district recognizes the necessity for uses to remain primarily light/medium industrial in nature due to the proximity to waste disposal sites, natural resource extraction activities in the area, and in response to limited reclamation and remediation of the lands in the area. The importance of maintaining minimal nuisance factor extending beyond the boundaries of the site must be considered when looking at new uses on these lands to reduce impact on the Town of Black Diamond. This district will allow for the Direct Control by Council over development on the following lands:

- Plan 0512737, Block 1, Lot 3, SE 17-20-02-W5
- Plan 0512737, Block 1, Lot 4, SE 17-20-02-W5
- Plan 1011623, Block 2, Lot 2, SW 17-20-02-W5
- Plan 1011623, Block 2, Lot 3, SW 17-20-02-W5
- Plan 0712752, Block 2, Lot 1, SW 17-20-02-W5
- Plan 1911157, Block 3, Lots 4 & 5, SW 17-20-02-W5

18.31.2 PERMITTED USES

Accessory Buildings not requiring a development permit
 Agricultural General
 Office (in conjunction with primary industrial use on site)
 Contractor Limited
 Industry Light
 Manufacturing, Light
 Public Works
 Signs not requiring a development permit
 Solar Power System, Private (Not requiring a Development Permit)

18.31.3 DISCRETIONARY USES

Accessory Building requiring a development permit;
 Accessory Uses
 Agricultural Processing and Distribution
 Agricultural Support Services
 Auto Body
 Auto Repair
 Auto Sales
 Auto Wreckers
 Car/Truck Wash
 Card Lock Fuel Dispensing Facility
 Commercial Storage
 Contractor General
 Farm Equipment Sales and Service
 Industry, General
 Industrial, Manufacturing/Processing
 Industrial, Storage and Warehousing
 Lot Grading
 Man-made water bodies, privates requiring a permit

Outdoor Display area (in conjunction with principal business)
Outdoor Storage
Public Quasi Public Installations and Facilities
Recreation Vehicle Sales
Recreation Vehicle Storage
Recycling Depot
Signs requiring a Development Permit
Solar Power System, Private (Requiring a Development Permit)
Storage Compound
Utility Services, Minor
Warehousing and Storage
Warehouse Sales
Waste management, Minor

18.31.4 LAND USE REQUIREMENTS

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

18.31.5 DEVELOPMENT REQUIREMENTS

18.31.5.1 Maximum Height of Structures:

- a. All Buildings
 - i. 12m (39.37 ft. ft.);
- b. Radio antennas, internet towers and wind turbines:
 - i. 16m (52.49 ft.);
 - ii. Or as determined by Council.

18.31.5.2 Maximum Lot Coverage

- a. No building or group of buildings including their accessory buildings and impervious surfaces shall cover more than sixty (60) percent of the lot area.

18.31.5.3 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. 64m (209.97 ft.) from the centreline 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.
 - v. Or as determined by Council.
- b. Side Yard Setback:
 - i. 1.5m (4.92 ft.) from property line.
 - ii. Or as determined by Council.
- c. Rear Yard Setback:
 - i. 15m (49.21 ft.) from property line.
 - ii. Or as determined by Council.

- d. If the title to a lot is subject to a caveat in respect of a land dedication or an agreement for the acquisition of land for road widening purposes, the dedicated area or area of future road widening shall be considered the future property boundary for which setback distances set out shall apply.

18.31.5.4 Corner Parcel Restrictions:

- a. In accordance with Sections 9.27.9 - 9.27.12.

18.31.5.5 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.

18.31.6 SPECIAL PROVISIONS

18.31.6.1 The number of employees working on site shall be at the discretion of Council.

18.31.6.2 The maximum number of Business Visits per day shall be at the discretion of Council.

18.31.6.3 Storage:

- a. Exterior storage may be allowed if adequately screened with partial to full screening as required by the Approving Authority.

18.31.6.4 Safety and Fire Code Requirements:

- a. 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 development unless requested to do so by Council as part of the Land Use Bylaw amendment application.

18.31.6.5 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.

18.31.6.6 Nuisance:

- a. Minimal offensive noise, vibration, smoke, dust, odor, heat, glare, electrical or radio disturbance detectable beyond the boundary of the lot.

18.31.6.7 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 accessory building to be constructed.
- b. Development setbacks.
- c. Hours of operation.
- d. Number of employees.
- e. Number of vehicle visits per day.
- f. Size and number of structures permitted on site.

- g. Requirements for evacuation and emergency response plans.
- h. Upgrades on municipal roads.
- i. Mitigation of impacts on municipal roads.
- j. Compliance reporting requirements.
- k. Noise.
- l. Buffering.
- m. Lighting.
- n. Outdoor storage.
- o. Parking requirements.
- p. Screening of facilities.
- q. Proof of compliance with fire and safety codes inspections of the facility.
- r. Any other condition that Council deems necessary.

18.31.6.8 Lighting:

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

18.31.6.9 Lot Drainage:

- a. A Development agreement shall be entered into for lot grading to the satisfaction of the Director, Public Works and Engineering.
- b. Lot grading and drainage shall be in accordance with Section 9.17 of the Land use bylaw.

18.31.6.10 Other:

- a. The Approving Authority may allow a building to be occupied by a combination of one or more of the above mentioned uses listed for this district and each use shall be considered as a separate use.

18.31.7 PROCEDURE

- 18.31.7.1 Notwithstanding the procedure established for development permit applications in Section 4, an application for development permit in respect of lands referred to in Section 18.31.1 shall be referred by the Development Officer to the Council for its approval or refusal.
- 18.31.7.2 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 18.31.1. The council may approve a development permit application with or without conditions or may refuse an application for development permit.
- 18.31.7.3 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 18.31.1.

Sand and gravel operations in this area previously involved the subject lands.

2016

Phase I Environmental Site Assessment

The ESA noted that as of 2016, the former gravel pit had been reclaimed

2017

Reclamation issued by Alberta Environment and Parks

2017

Redesignation of the then 25.05 acre Direct Control District #6 (Natural Resource Extraction) parcel to Direct Control District #31 (Black Diamond Industrial Rural) to permit future subdivision.

2019

Subsequent subdivision of two +/- 11.29 acre lots.

2023

Development Permit 23D 016 for use of Lot 4 (the subject area) and Lot 5 for a temporary (8 month) office site, outdoor storage and staging yard in support of a pipeline construction project in the area. This permit was completed in February of 2024.

2024

Subdivision (5 lots) of what was the +/-11.29 acre lot 4 that falls to the south side of Miners Road.