


**MISCELLANEOUS PLANNING ITEM
 PLANNING AND DEVELOPMENT REPORT TO COUNCIL
 DEVELOPMENT PERMIT - REQUEST FOR EXTENSION
 November 13, 2024**

APPLICATION INFORMATION		FILE NO. 24D 037
	DATE OF REQUEST: October 23, 2024	
	LEGAL DESCRIPTION: Plan 9511238, Block 6, Lot 1; PTN: SE 24-20-29 W4M	
	LANDOWNER: Dianne Atkins	
	APPLICANT: Jessie Klimove	
REQUEST: Request for time extension to complete Pre-Release Conditions		
DIVISION NO: 7	COUNCILLOR: R.D. McHugh	
FILE MANAGER: Brenda Bartnik		

EXECUTIVE SUMMARY:

Summary:

This is a request to Council to extend the time to fulfill the Pre-Release Conditions under Council resolution for Development Permit 24D 037 which approves the operation of an auto and equipment repair and maintenance; and towing services business; including the storage of up to 10 unlicensed or inoperative vehicles, or parts thereof; and four (4) 20 ft. Sea-Cans on this Direct Control District #10 parcel.

As Council is the Development Authority for Direct Control District #10 lands; unless having authorized a person or persons to carry out such duties, they shall consider and decide on requests regarding Development Permits pertaining to lands zoned under this Direct Control District.

The subject property is located to the west of the 79th Street east service road that parallels Highway #2; approximately 70m south of the Sheep River and just less than 1000m to the north of the intersection with Highway #7/#547.

Subject Approval and Previous Council Direction:

Development Permit application 24D 037 – the operation of an auto and equipment repair and maintenance and towing services business; including the storage of up to 10 unlicensed or inoperative vehicles or parts thereof; and four (4) 20 ft. Sea-Cans.

On May 22, 2024, Council approved an application for Development Permit to allow for the approved uses for a period of 24 months from the date that the Development Permit is issued.

Pre- Release Conditions precedent to the issuance of a Development Permit are included within the resolution as follows:

1. The applicant is required to submit a refundable security deposit in the amount of \$3,000 in order to ensure compliance with the applicable Building, Safety and Fire Codes for the proposed use and occupancy of the development. This security will be refunded at such time that all reviews and inspections have occurred, and written confirmation that the

development meets the intent of the Codes for use and occupancy, is provided by the Safety Codes Officer and the Foothills Fire Department Fire Inspector;

2. The applicant is required to submit a refundable compliance deposit in the amount of \$2,500 to ensure that operations cease should renewal of the temporary Development Permit not be achieved. This deposit will be refunded at the end of the twenty-four (24) month temporary approval period providing that the applicant successfully renews the Development Permit or alternately ceases operations.

In accordance with section 5.4.4 of the Land Use Bylaw 60/2014, the applicant was to complete the pre-release conditions on or before October 22, 2024.

A copy of the decision approving this development is included under appendix C of this report.

Request to Council:

1. The Applicant is requesting that the time to complete the Pre-Release Conditions be extended for a period of up to one year.

A copy of the Applicant's request has been included under Appendix B of this report.

OPTIONS FOR CONSIDERATION

Following are three (3) possible options for Council's consideration:

OPTION #1: APPROVAL

Council may choose to grant a time extension, to allow the applicant additional time to complete the Pre-Release Conditions under Development Permit application 24D 037.

OPTION #2: POSTPONE

Council may choose to postpone making a decision on the time extension request in order to request any additional information from the Applicant that may assist in making a determination.

OPTION #2: REFUSAL

Council may choose to refuse the request to grant an extension to the time to complete the Pre-Release Conditions included under the resolution for Development Permit application 24D 037.

APPENDICES

APPENDIX A:

MAP SET

MAP 1 – LOCATION AND ORTHO

MAP 2 - SITE PLANS

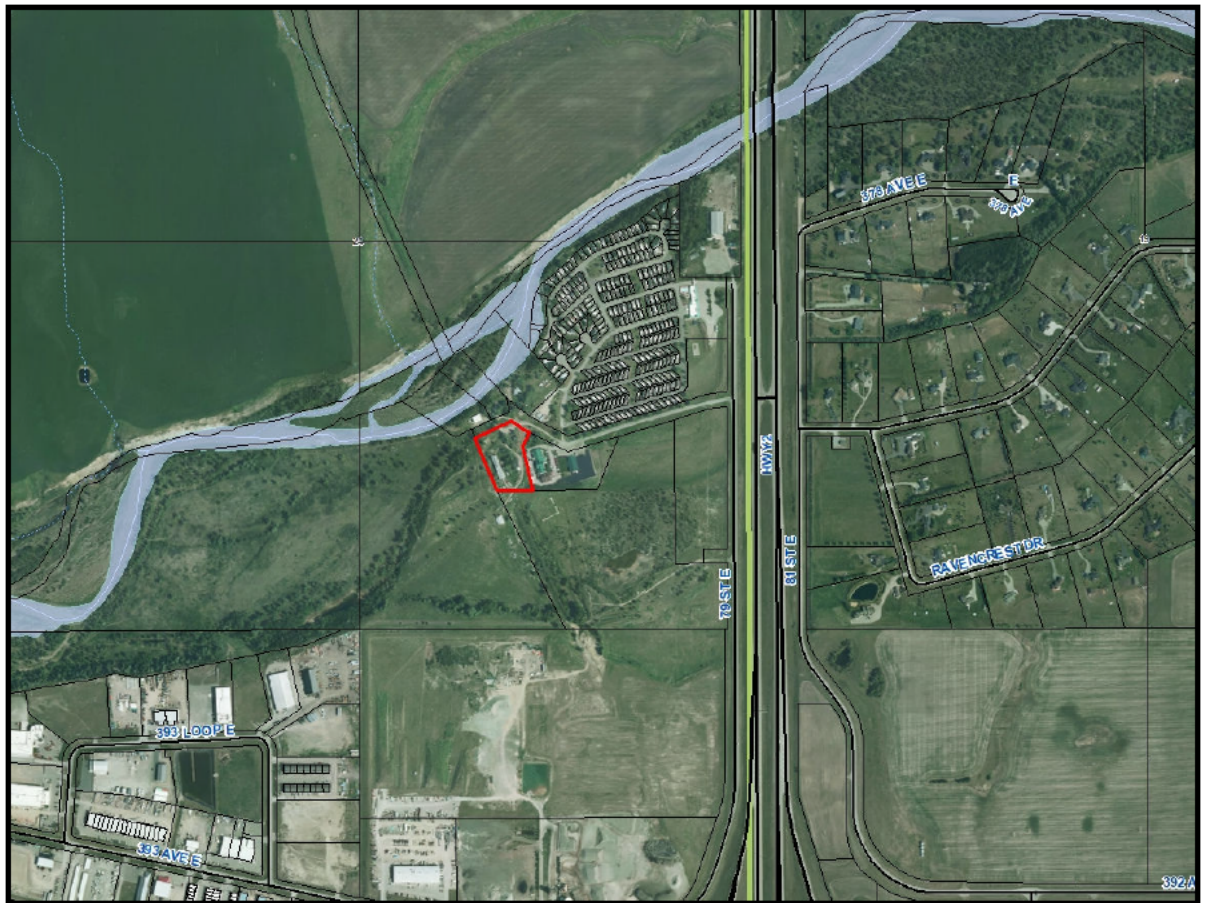
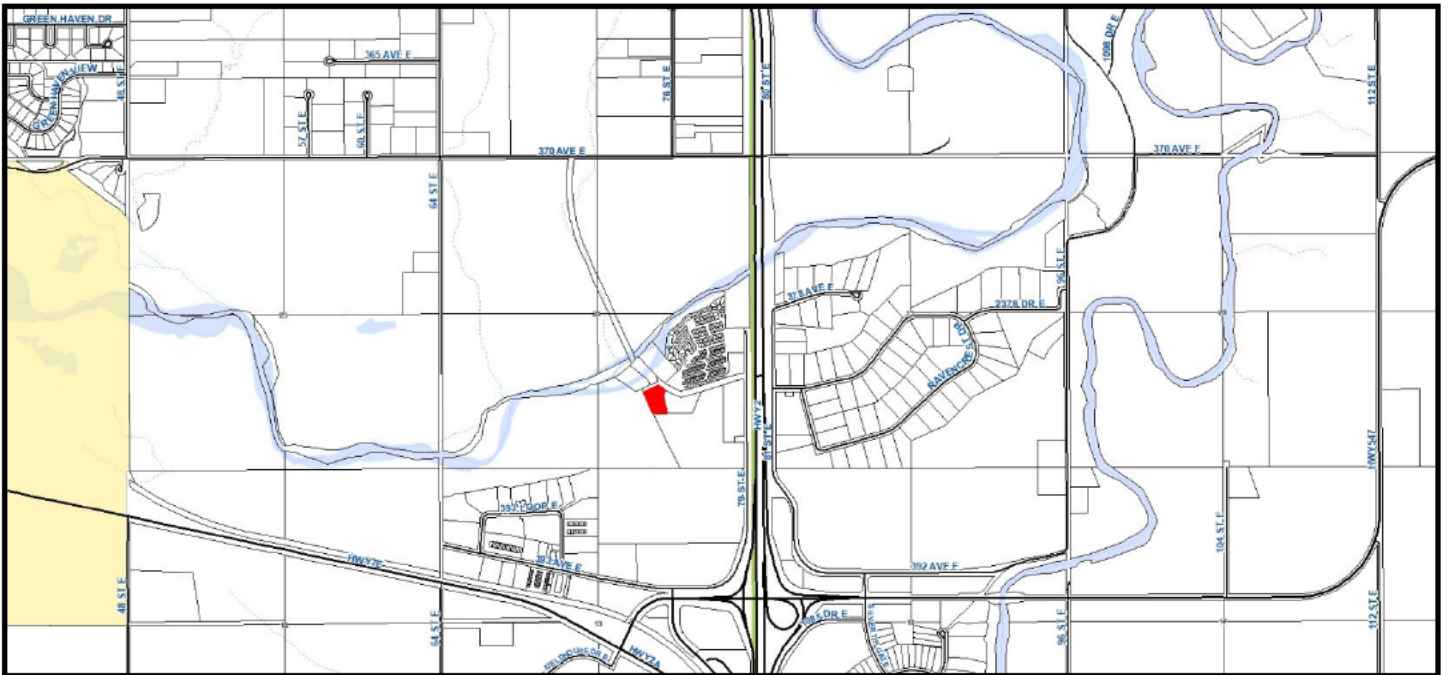
APPENDIX B:

REQUEST FROM APPLICANT

APPENDIX C:

DEVELOPMENT PERMIT APPLICATION 24D 037 - DECISION

MAP 1 – LOCATION & ORTHO



October 23, 2024

Dear Foothills County Council,

My name is Jessie Klimove, my business is Broken Spoke Garage and Towing. I came in front of council to propose my Application for Development Permit earlier this year where it was approved and I was set to pay the fees by October of 2024.

On September 1, 2024 I was in a dirt biking accident where I broke my foot and ankle in 4 places and also developed a pressure wound that has become a far larger problem than the actual break. As of today, it is not discernable what the outcome will be with the possibility of amputation still very real. Because of this, I am unable to work at the pace I was and finances have become a real concern. The money we had saved has been used to keep afloat for the last couple of months. So, I am asking for a grace period of up to a year to get the fees paid in full as I'm not sure what the timeline will be for recovery and getting back to generating a liveable income. I thank you for your consideration, please let me know if there is anything I can provide to you further in this matter.

Sincerely,

Jessie Klimove

Broken Spoke Garage and Towing
[REDACTED]



FOOTHILLS COUNTY
309 Macleod Trail, Box 5605
High River, Alberta T1V 1M7
Phone: 403-652-2341
Fax: 403-652-7880
www.FoothillsCountyAB.ca
planning@foothillscountyab.ca

June 3, 2024

Jessie Klimove
Site 5, Box 25 RR1
High River, AB T1V 1N1

COPY

Dear Sir/Madam:

Re: Development Permit 23D 037 Ptn. SE 24-20-29 W4M; Plan 9511238 Block 6 Lot 1

Please be advised that at its May 22, 2024 meeting, Council passed the following resolution:

MOVED That Council approve a temporary use Development Permit 24D 037 for the operation of an auto and equipment repair and maintenance; and towing services business at Plan 9511238, Block 6, Lot 1; Ptn. SE 24-20-29 W4M, subject to the following conditions and requirements:

APPROVAL DESCRIPTION

Upon completion of the below noted pre-release condition, this approval allows for development and use of Plan 9511238, Block 6, Lot 1; Ptn. SE 24-20-29 W4M as follows:

- a. the operation of an auto and equipment repair and maintenance; and towing services business including the storage of up to 10 unlicensed or inoperative vehicles, or parts thereof; and four (4) 20 ft. Sea-Cans.

PRE-RELEASE CONDITION

Pre-Release Conditions must be fulfilled before the Development Permit will be signed and released. Unless a time extension is issued under agreement between the Development Authority and the Applicant(s), failure to complete the pre-release condition on or before October 22, 2024, will see this approval be deemed null and void.

1. The applicant is required to submit a refundable security deposit in the amount of \$3,000 in order to ensure compliance with the applicable Building, Safety and Fire Codes for the proposed use and occupancy of the development. This security will be refunded at such time that all reviews and inspections have occurred, and written confirmation that the development meets the intent of the Codes for use and occupancy, is provided by the Safety Codes Officer and the Foothills Fire Department Fire Inspector;
2. The applicant is required to submit a refundable compliance deposit in the amount of \$2,500 to ensure that operations cease should renewal of the temporary Development Permit not be achieved. This deposit will be refunded at the end of the twenty-four (24) month temporary approval period providing that the applicant successfully renews the Development Permit or alternately ceases operations.

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. This permit is approved for a period of twenty-four (24) months only, from the date that the Development Permit is issued and is subject to renewal in accordance with the Land Use Bylaw;
2. The four existing Sea-Cans must be colored and suitably maintained to be similar in material and character to the involved principal building. Alternatively, the four Sea-Cans may be located within the hay shed on the parcel. Upon expiration of this development permit, or at such time that the business ceases to operate, two of the Sea-Cans are to be wholly removed from the property;

3. 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;
4. All necessary building and safety code permits and inspections shall be obtained from the County;
5. It is the applicant's responsibility to contact the County's Fire Inspector and obtain any necessary approvals and inspections prior to occupancy. Authorization for occupancy of the development shall not be granted until such time that required safeties and functionality are illustrated to have been met;
6. It is the applicant's responsibility to obtain and properly post municipal address(es) prior to occupancy. Please contact the County's GIS department to fulfill this requirement;
7. An Emergency Response Plan is required to be submitted for review and acceptance by the County;
8. The business is required to maintain an annual business license with Foothills County;
9. Any required licensing shall be obtained from the Alberta Motor Vehicle Industry Council;
10. The applicant shall provide written notification to the Development Authority upon completion of the development, as approved herein;
11. The applicant shall be responsible for payment of any professional costs including legal fees that may be incurred by the County with respect to implementation of this permit.

ADVISORY CONDITIONS

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

1. The development is to be maintained in accordance with all conditions of approval, plans and agreements that have been acknowledged by the municipality to be appropriate. Any revisions and/or additions to the use of these lands shall not proceed unless appropriate approvals and permits have been obtained;
2. The number of unlicensed or inoperative vehicles or parts thereof located on the property shall not exceed 10 at any given time. These vehicles shall at all times be visually screened from area lands and roadways;
3. Development shall at all times comply with all requirements of the applicable Building, Safety and Fire Codes;
4. The applicant is responsible to ensure that on-site parking and loading are at all times able to sustain use and occupancy. It is the landowner's responsibility to ensure appropriate internal access for fire department apparatus and emergency access at all times;
5. Containers for garbage or recycling materials that are located outdoors shall be weatherproof and animal-proof and must be fully screened from adjacent lands. There shall be no long term storage of waste materials on the property, nor burning of waste materials on the property. All waste materials must be disposed of at an approved waste disposal site. Secondary containment for fluids shall be implemented wherever appropriate;
6. Installation of exterior lighting must adhere to the guidelines and technical specification as outlined within the Dark Sky Bylaw;
7. 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;

8. The landowner is responsible for ensuring that setback requirements for development on the property are being met;
9. 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.

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

Sincerely,
FOOTHILLS COUNTY



Heather Hemingway, RPP, MCIP
Director of Planning
HH/as

cc. Assessment
cc. Landowner-Diane Atkins
cc. Attendee & Written Submission-Kim Fleury