

The Development Appeal Board of the Foothills County met via Zoom video conferencing platform at 1:00 p.m. on August 27, 2020. Present were Chairman G. Beacom; Board members, L. Spilak, B. Robson, D. MacDonald, K. Popova and Clerk, S. Barrett.

MEULLER - 20D 129 – RELAXATION OF SETBACKS

The hearing was opened at 1:02 p.m. In attendance were Landowner/Appellant Robert Mueller and the Development Authority for Foothills County, Logan Cox.

The appeal was received from the appellants on August 5, 2020, against the refusal of Development Permit 20D 129 for a relaxation of setbacks to an existing structure on PLAN 1510293, BLOCK 7, LOT 21; PTN: W 04-22-29 W4M.

Upon having read the materials provided, and upon having heard the representations from the Appellant and the Development Authority for the Foothills County with respect to the appeal filed by the Appellant in accordance with Section 685 of the Municipal Government Act against the refusal of Development Permit 20D 129, the Subdivision and Development Appeal Board for the Foothills County has decided to:

Allow the appeal and overturn the Development Authority's decision to refuse Development Permit 20D 129 for a relaxation of setbacks to an existing structure on PLAN 1510293, BLOCK 7, LOT 21; PTN: W 04-22-29 W4M.

The application is thereby APPROVED.

WILLUMSEN/EARTH SMART SOLUTIONS – 20D 080 – AGRICULTURAL SERVICES OPERATION

The hearing was opened at 2:00 p.m. In attendance were Landowner Tania Willumsen, Applicant Kelly Otto/Earth Smart Solutions, the Applicant's Agent Kristi Beunder, Appellant Sharon Hart, and the Development Authority for Foothills County, Drew Granson.

The appeal was received from the appellants on July 30, 2020, against the approval of Development Permit 20D 080 for an Agricultural Support Services Business on PLAN 0411477, BLOCK 1, LOT 2; PTN. W½ 25-20-01 W5M.

Upon having read the materials provided, and upon having heard the representations from the Landowner, Applicant, Appellant and the Development Authority for the Foothills County with respect to the appeal filed by the Appellant in accordance with Section 685 of the Municipal Government Act against the approval of Development Permit 20D 080, the Subdivision and Development Appeal Board for the Foothills County has decided to:

Deny the appeal and uphold the Development Authority's decision to approve Development Permit 20D 080 for an Agricultural Support Services Business on PLAN 0411477, BLOCK 1, LOT 2; PTN. W½ 25-20-01 W5M.

The application is thereby APPROVED, subject to the following REVISED conditions:

PRE-RELEASE CONDITION:

(Pre-release Conditions must be complied with 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 this pre-release condition on or before December 31, 2020, will see this approval be deemed null and void.)

1. The applicant shall submit a Professional Engineer signed and stamped Storm water Management Plan, for review and acceptance by the Foothills County Public Works Department;
2. The applicant is required to submit a refundable compliance deposit in the amount of \$5,000 in order to ensure compliance with conditions of this approval herein;

ADDITIONAL CONDITIONS:

1. Upon satisfaction of the Pre-Release Conditions, this approval will allow for the operation of an Agriculture Support Services Business on the subject property, as per the submitted Development Permit application for Earth Smart Solutions;
2. The applicant shall construct and maintain the development in accordance with all conditions of approval and plans that have been acknowledged by the County. Any revisions and/or additions to use of this land shall not proceed except under benefit of appropriate approvals;
3. The applicant shall obtain any necessary building and safety code permits from the County, to the discretion of the Safety Codes Officer. The development is required to illustrate compliance with the requirements of the Alberta Building, Plumbing, Electrical, and Fire Codes at all times. Requirements may include but not be limited to: an engineer's confirmation of completion, illustration of: water for firefighting and fire department connections meeting NFPA 1142 requirements and testing, travel distances, fire extinguishers, emergency and exit lighting, and water closet requirements based upon occupancy load (including barrier free). Occupancy for the proposed use shall not be granted until authorized by the Safety Codes Officer and the Fire Inspector. It is the applicant's responsibility to provide proof of such to the Development Authority;
4. This approval allows for a 13,312+/- sq.ft. Building for the purpose of an Office and Shop space in support of on site operations. Being a primary structure on the subject property, this building shall not exceed a maximum height of 12 meters (39.37 ft.);
5. This approval allows for a 3,200+/- sq.ft. Accessory Building for the purpose of Storage Space in support of on-site operations. Being an accessory building on the subject property, this building shall not exceed a maximum height of 10.67 meters (35 ft.);
6. No portion of the proposed buildings, shall be used as a residence or living dwelling unit; this includes any overnight accommodations;

Note: approval of this permit will be circulated to landowners within the subject quarter section, as well as advertised in two issues of the Western Wheel, and on the Municipal website: www.mdfoothills.com. Page 3 of 4

7. It is the applicant's responsibility to adhere to any applicable requirements and/or limitations of Alberta Transportation including but not limited to construction of legal and physical access to the subject property from Highway 549 West;
8. 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 yard setbacks has been considered under this approval;
9. It is the applicant's responsibility to adhere to any applicable requirements and/or limitations of Alberta Culture, Multiculturalism and Status of Women;
10. All loading areas and laneways must be kept free of all debris, materials and/or equipment, and access for fire department apparatus is provided for at all times;
11. Parking for the physically handicapped shall be provided as per the provincial regulations and shall be clearly identified for use by the physically disabled;
12. Absolutely no production, use, transportation or storage of ammonium nitrate is to take place on the property at any time;
13. It is the applicant's responsibility to contact the Foothills County Mapping Department for the purpose of obtaining additional and/or updated emergency addresses for the proposed and existing buildings, as deemed appropriate for the proposed use and occupancy of each;
14. Emergency address signage shall be installed and maintained as recommended by the Foothills Fire Department;
15. Hours of operation are approved as follows:
 - a. January 1st though June 30th: - 7 days/week - 6:00am to 6:00pm
 - b. July 1st through December 31st: - Mondays - 8:30am to 5:00pm
- Tues. through Fri. - 9:00am to 5:00pm
- Sun. & Sat. - Closed
16. It is the landowner's responsibility to obtain and maintain an annual Business License from Foothills County;
17. No offensive noise, vibration, smoke, dust, odour, heat, glare, electrical, and/or radio disturbance is to be detectable beyond the boundary of the lot;
18. In addition to permitted signage as identified within Section 4.2 of the Land Use Bylaw, this approval allows for one fascia mounted identification sign to be located on the primary building and one gate/entrance pillar mounted sign, to be located wholly within the boundary of the subject property, as illustrated within the accepted application. Prior to installation of any signage, it is the applicant's responsibility to provide design and location specifics to be reviewed and accepted by the Development Authority. The applicant is responsible for obtaining all necessary approvals from Alberta Transportation with respect to signage, proof of such shall be provided to the Development Authority. No additional signage is permitted without first obtaining appropriate approvals through the Foothills County and Alberta Transportation. All signage must be kept in a safe and clean state of repair. This approval does not allow for any illumination of the proposed signs;
19. The applicant shall provide a Construction Safety Plan prior to any construction, as well as a Comprehensive Emergency Response Plan/Fire Safety Plan, to the satisfaction of the Foothills Emergency Services and Fire Department;
20. The development shall 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;

21. Water provided to the public, including employees, must comply with Section 11 of the Alberta Public Health Act, Nuisance and General Sanitation Regulation 243/2003; Note: approval of this permit will be circulated to landowners within the subject quarter section, as well as advertised in two issues of the Western Wheel, and on the Municipal website: www.mdfoothills.com. Page 4 of 4
22. A maximum of seven (7) non-resident employees are permitted to attend the subject property at any given time;
23. A maximum of five (5) business related vehicles trips are permitted on any given day for the purpose of deliveries to or from the subject property;
24. For the purpose of customers/clients attending the property for viewing/observing test crops, a maximum of ten (10) business related vehicle trips are permitted to access the property from 20th Street West, on any given week;
25. Individuals and agricultural equipment attending the property for the purpose of General Agricultural uses, as defined within the Land Use Bylaw, and vehicle trips by residents or private guests of the residence on the subject property are exempt from limitations for vehicle trips;
26. No outdoor storage of business related materials has been considered within this application. Any outdoor storage of materials shall be for the purpose of general agricultural uses only, or for personal use accessory to the residence on the subject property;
27. It is the applicant's responsibility to ensure all outdoor parking and loading areas, are generally screened from adjacent lands and roadways, as illustrated within the accepted site plan;
28. All parking and loading spaces shall be designed and located so that all vehicles using that space can be parked and maneuvered entirely within the bounds of the subject property without backing to or from adjacent public roadways;
29. Natural drainage of the property must be maintained. Alteration to natural drainage may proceed as recommended within the accepted Stormwater Management Plan;
30. No topsoil is permitted to be removed from the subject property;
31. The development must meet the requirements of all pertinent Federal and/or Provincial Acts, regulations and/or guidelines including, but not limited to compliance with the Alberta Public Health Act which identifies that no person shall create, commit or maintain any condition that is or may become injurious or dangerous to the public health;
32. The areas designated for parking under the approved plan are to be observed at all times. Non-passenger vehicles and/or equipment shall be located to the rear/south of the primary building or within the approved buildings on site. Use of designated parking stalls for the long term storage of any vehicle or equipment is not permitted;
33. The development must meet all requirements of Alberta Health Services and Alberta Environment, including that all waste materials must be disposed of at an approved waste disposal site or recycling facility. There shall be no long term storage of waste materials nor burning of waste materials on the property. All garbage and recycling materials shall be stored in weather-proof and animal-proof containers that are visibly

screened from adjacent lands and roadways, as illustrated within the accepted application;

34. All installations of exterior lighting applications must adhere to the guidelines and technical specifications as outlined within the Dark Sky Bylaw;
35. Prior to the Municipality acknowledging completion of the development, it is the responsibility of the applicant to submit as-built drawings by the respective Professional Engineer(s) verifying all improvements are consistent with the plans and recommendations within the Storm water Management Plan, as accepted by the County;
36. Issuance of a development permit by the County does not relieve the applicant of the responsibility of complying with all other relevant municipal bylaws or requirements, nor excuse violation of any provincial or federal regulation or act which may affect use of the land;
37. The applicant shall be responsible for payment of any professional costs including legal fees that may be incurred by the Municipal District with respect to the development approved on this permit.

IRVING – 20D 075 – HOME BASED BUSINESS MINOR – AUTOMOTIVE REPAIR

The hearing was opened at 3:06 p.m. In attendance were Landowner Cheryl Irving, Applicant Kyle Irving, Appellants Philip and Anne Gysemans, Members of the Gallery J. Tink and H. Rees and the Development Authority for Foothills County, Logan Cox.

The appeal was received from the appellants on August 14, 2020, against the approval of Development Permit 20D 075 for a Home Based Business, Minor – Automotive Repair on PTN. SE 09-20-01 W5M; PLAN 9010353, LOT 1.

Upon having read the materials provided, and upon having heard the representations from the Appellants, Applicant, members of the Gallery, and the Development Authority for Foothills County with respect to the appeal filed by the Appellant in accordance with Section 685 of the Municipal Government Act against the approval of Development Permit 20D 075, the Subdivision and Development Appeal Board for the Foothills County has decided to:

Deny the appeal and uphold the Development Authority's decision to approve Development Permit 20D 075 for a Home Based Business, Minor – Automotive Repair on PTN. SE 09-20-01 W5M; PLAN 9010353, LOT 1.

The application is thereby APPROVED subject to the following REVISED conditions:

PRE-RELEASE CONDITIONS:

(Pre-release Conditions must be complied with 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 this pre-release condition on or before December 31, 2020, will see this approval be deemed null and void.)

1. The applicants are required to obtain any necessary building, plumbing, gas, septic and electrical permits and inspections from Foothills County for the intended use and occupancy of the existing involved building, to the discretion of the County's Safety Codes Officer. The applicant shall submit a signed copy of the passing inspections to the Development Authority to consider this condition as complete;
2. The applicant is required to obtain a passing fire inspection prior to occupancy of the structure, to the satisfaction of the Foothills Fire Department. The applicant shall submit a signed copy of the passing inspection to the Development Authority to consider this condition as complete. *Should the operation commence prior to all necessary building, safety and fire code inspections this approval will be considered null and void.*
3. The applicant is required to submit a screening plan illustrating the number, type, and location of trees to be planted or other materials to be installed for the purpose of screening the automotive shop from adjacent lands and roadways; to be reviewed and accepted by the Development Authority. Partial Screening is used when the intent is to visually block approximately 50% of the activity or facility from adjacent properties or roadways. A combination of walls/fences, coniferous/deciduous plant material, and earth berms can be used to create partial screening. The screening plan must be submitted no later than **October 31, 2020**, or this decision will be considered null and void. The applicant will have until February 28, 2022 to fully implement the screening plan.

ADDITIONAL CONDITIONS:

1. Following completion of the Pre-Release conditions of this permit, this approval is for a Home Based Business, Minor for the purpose of automotive service, repair and maintenance from within the Shop on the property. The applicants shall maintain business operations in accordance with the application for development permit and those conditions as contained herein. **Addition to, or revision to the uses approved herein may occur only upon obtaining appropriate municipal approvals;**
2. all business materials or goods related to the business shall be contained within the existing Shop and/or principal dwelling on the property. No outdoor storage of material related to the business shall be permitted, parking is to occur within the designated parking stalls submitted with the application or within the Shop;
3. installation of screening, as approved through Pre-Release Condition #3 of this Board Order, shall be implemented by February 28, 2022 or this approval shall be deemed null and void;
4. no additional garage space, nor accessory buildings will be permitted to be constructed on the parcel without first applying for and obtaining a development permit. This includes two or three sided buildings with roofs, horse shelters, sheds, tents and/or buildings with temporary foundations;
5. the development and use of the land are to comply with all requirements of the Alberta Building, Safety, and Fire Codes at all times. Compliance items include:
 - 5.1. Address of the property to be posted
 - 5.2. Ensure access for Fire department apparatus as per the Alberta Fire Code 2019 Div. B Sec. 2.5.1
 - 5.3. Fire Extinguishers are to be installed as per the Alberta Fire Code 2019 Div. B Sec. 2.1.5 and NFPA 10
 - 5.4. Fire Safety Plan is to be posted as per the Alberta Fire Code 2019 Div. B Sec. 3.2.2
 - 5.5. Doors and means of egress as per the Alberta Fire Code 2019 Div. B Sec. 2.7.1

- 5.6. Exit lighting, exit signs and emergency lighting to comply with the Alberta Fire Code 2019 Div. B Sec. 2.7.3
- 5.7. Indoor storage of flammable and combustible liquids and gases as per the Alberta Fire Code 2019 Div. B Sec. 3.2
- 5.8. Storage of used oil on site as per Alberta Fire Code 2019 Div. B Sec. 4.3 and all tanks will be required to be registered/approved by Petroleum Tank Management Association of Alberta (PTMAA) and/or Safety Codes Council
6. it is the applicant's responsibility to arrange for an annual fire inspection of the involved buildings by the Foothills Fire Department prior to commencement of operations, and to ensure that appropriate 9-1-1 addressing is installed and maintained;
7. a fire safety/emergency response plan shall be submitted, for review and acceptance by the County;
8. the applicant must maintain an annual Business License from Foothills County. Failure to obtain this each year will result in this permit being considered null and void;
9. one business identification sign, no larger than 5.92 sq. ft. in area, is permitted to be placed within the legal ultimate property boundary, at the entry to the lot or attached to the exterior of the Shop;
10. there shall be no long term storage of waste materials on the property, nor burning of waste materials on the property. All garbage and recycling materials shall be stored in weather-proof and animal-proof containers, and subsequently disposed of at an approved facility;
11. no more than four business related visits to the property are permitted on any given day;
12. hours of operations shall be between the hours of 9:00 AM and 5:00 PM, Monday through Friday;
13. a maximum of one non-resident employee is permitted to attend the property at any given time;
14. no offensive noise, vibration, smoke, dust, odor, heat, glare, electrical or radio disturbance detectable beyond the boundary of the lot to be produced by the business;
15. any new installation(s) of exterior lighting must adhere to the guidelines and technical specifications as outlined within the Foothills Dark Sky Bylaw;
16. it is the applicant's responsibility to provide notification to the Development Authority upon completion of the development;
17. issuance of a development permit by the municipality does not relieve the applicants 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;
18. the applicants shall be responsible for payment of any professional costs including legal fees that may be incurred by the Municipal District with respect to the development approved on this permit.

ADJOURN

B. Robson moved that the meeting be adjourned at 4:27 p.m.

CARRIED

CHAIRMAN

SECRETARY