

The Development Appeal Board of Foothills County met via the Zoom video conferencing platform at 12:45 p.m. on June 24, 2021. Present were Chairman G. Beacom; Board members, D. Miller, G. Wilkinson, B. Robson, P. Stier and Clerk, F. Fairweather.

## **MINUTES**

D. Miller moved to adopt the April 8, 2021 morning session Development Appeal Board Minutes.

CARRIED

G. Beacom moved to adopt the April 8, 2021 afternoon session Development Appeal Board Minutes.

CARRIED

## **1651993 ALBERTA LTD. – 21D 053 – NW 21-21-29 W4M – INTENSIVE VEGETATION OPERATION AND AGRICULTURAL PROCESSING AND DISTRIBUTION**

The hearing was opened at 1:12 p.m. In attendance was Landowner 1651993 Alberta Ltd. - Scott Lower, Applicant's Agent Township Planning + Design - Kristi Beunder, Hydrogeologist - Ken Hugo, Appellant Calvin Harvey, and the Development Authority for Foothills County, Brenda Bartnik.

Also in attendance were members of the gallery R. and E. McKellar, D. Martin, A. Birney, C. Hick, K. and G. Hurd, D. James, G. and R. White, M Luedtke, C, Luedtke, C. Holditch, E. Perry, D. Callum, S. Hemphill, E. Walter, L. Woods, A. Balfour, A. Bobick, B. and J. Baker, N. Baldwin, R. King, T. Sharpe and D. Crawford.

The appeal was received from the Appellants Calvin and Dianne Harvey on May 31, 2021 against the approval of Development Permit 21D 053 for an Intensive Vegetation Operation and Agricultural Processing and Distribution on Ptn: NW 21-21-29 W4M.

Prior to the commencement of the hearing, Agent for the Applicant K. Beunder brought a preliminary matter forward to the Board for consideration. The Agent submitted that Section 232(2) of the Municipal Government Act regulates petitions under Part 17 – Planning and Development and that a hearing before the SDAB would fall under this regulation. Further, Section 224 regulates what must be included within that petition. It was the Agents opinion that the petitions as submitted does not meet the requirements of Section 224 and should therefore be struck from the record. The Board considered the request and determined that Section 232(2) regulates petitions that are presented to a Council to petition for a new bylaw or a bylaw to amend or repeal an existing bylaw, and not petitions submitted to a tribunal. As such the Board found that the evidence should not be defined as a petition under the Act but rather as indication of support for the appeal by area residents.

Upon having read the materials provided, and upon having heard the representations from the Landowner, Applicant's Agent, the Appellants and the Development Authority for Foothills County with respect to the appeal filed by the Appellants in accordance with Section 685 of the Municipal Government Act against the approval of Development Permit 21D 053, the Subdivision and Development Appeal Board for Foothills County has decided to:

DENY the appeal and UPHOLD the Development Authority's decision to approve Development Permit 21D 053 for an Intensive Vegetation Operation and Agricultural Processing and Distribution on Ptn: NW 21-21-29 W4M.

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

**APPROVAL DESCRIPTION**

This approval is for lot development and use in accordance with the plans accepted to be appropriate by the Development Authority; and includes the following development, in support of hemp production and processing under authorization of Federal Industrial Hemp Regulations (IHR):

- three polyhoop buildings of up to 3,000 sq. ft. in area each, and having a height of 12 to 14 ft.; for use as greenhouses for the production of seedlings for seasonal transplant, and seed production
- one storage building of up to 10,000 sq. ft. for the storage of bails, related equipment and farming equipment, and including a drying unit and the mulching of Industrial Hemp biomass produced on the subject property, within the building
- use of the existing 2,400 sq. ft. quonset building for the processing of Industrial Hemp biomass and seed produced on the subject property
- wholesale sales and distribution of product grown and produced on the subject property

**PRE-RELEASE CONDITIONS:**

Pre-release conditions must be complied with before the Development Permit will be signed and issued. Failure to complete the pre-release condition(s) on or before October 12, 2021 will see this approval be 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 submit a refundable compliance deposit in the amount of \$3,000 in order to ensure compliance with the applicable Building and Fire Codes for the proposed occupancy of the development. This security will be refunded at such time that written confirmation for occupancy of the structures is provided by the County's Safety Codes Officer and the Foothills Fire Department's Fire Inspector.

**CONDITIONS OF APPROVAL:**

Please note that the following requirements must be completed within the identified 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. Failure to complete the

conditions of approval as per the identified dates will see the Development Permit deemed null and void.

1. The applicant shall construct the development in accordance with all conditions of approval and plans that have been acknowledged by the municipality to be appropriate;
2. All necessary building and safety code permits, and inspections shall be obtained from the County for the buildings to be used in conjunction with the approved development. Plans shall address the required articles including, but not limited to access route design, water for fire fighting, emergency lighting and exit lights, means of egress, travel distances, portable fire extinguishers, the posting of a fire safety plan, and washrooms (including barrier free requirements);
3. The applicant shall contact the Foothills Fire Department and obtain all necessary approvals and inspections prior to occupancy. Occupancy of the buildings/any portion thereof, shall not be granted until authorized by the Safety Codes Officer and Fire Inspector. It is the applicant's responsibility to provide proof of such to the Development Authority;
4. An Emergency Response Plan shall be submitted for review and acceptance by the County's Director of Emergency Management;
5. Addressing for the site shall be updated to the satisfaction of the County's GIS/Mapping Services department;
6. The applicant shall obtain a roadside development permit from Alberta Transportation. Proof of such is to be submitted to the Development Authority;
7. The applicant shall be responsible for payment of any professional costs including legal fees that may be incurred by the County with respect to the implementation of this permit.

**ADVISORY REQUIREMENTS:**

The following requirements are provided by Foothills County to inform the applicant 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.

1. The development shall be maintained in accordance with all conditions of approval and plans as accepted by the County to be appropriate. Addition to, or revisions to the development and use approved herein may occur only upon obtaining appropriate approvals.  
*This decision provides approval ONLY for activities authorized by license issued under the IHR, and/or those exempted from Federal licensing and regulation. Activities not included under IHR licensing or exemption, shall not proceed except under benefit of appropriate independent approvals from the County;*
2. Development is required to illustrate compliance with the requirements of the applicable Building, Plumbing, Electrical, and Fire Codes at all times;
3. The applicant shall maintain an annual business license with Foothills County;
4. It is the responsibility of the applicant to ensure that the natural drainage on the property is maintained. Alteration to natural drainage may proceed only under the authorization of an approved Development Permit for Lot Grading and Alberta Environment if required;

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. Waste materials shall be disposed of in compliance with local requirements and those regulations and guidelines as put forth by the provincial authorities having jurisdiction;
6. Buildings and structure use in conjunction with these operations shall not exceed a height of 10.67m (35 ft.);
7. All loading areas and laneways must be kept free of all debris, materials and/or equipment. It is the applicant's responsibility to ensure that access for fire department apparatus is provided for at all times;
8. All installation(s) of exterior lighting shall adhere to the guidelines and technical specifications as outlined within the Foothills Dark Sky Bylaw;
9. Signage has not been considered under this approval. Any installation of signage shall proceed only under the approval of an independent application for Development Permit;
10. 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. This includes, but is not limited to:
  - The cultivation and processing of Industrial Hemp at this location may occur only at such time that appropriate authorization has been provided by the Federal authority having jurisdiction.
  - All required licensing and approvals shall be obtained from Alberta Environment and Parks, including, but not limited to: licensing for water use, and approval for any activities that encroach within the setback area to the recurring stream that exists on site;
11. It is the applicant's responsibility to provide notification to the Development Authority upon completion of the development.
12. Water monitoring is to take place as per Alberta Environment Guidelines.

**Notes:**

1. ***Contravention of any of the above conditions and/or requirements will result in this permit being considered null and void.***
2. ***Notification of this decision will be advertised in two issues of the Western Wheel and circulated to area landowners (according to County Records at this time) within the subject ¼ section. Development Permit Notices can also be viewed on the County's website, [www.foothillscountyab.ca](http://www.foothillscountyab.ca).***
3. ***This Development Permit shall thereafter be null and void if the development or use is abandoned for a period of six months.***
4. ***The conditions and requirements 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.***

**ADJOURN**

D. Miller moved that the meeting be adjourned at 4:13 p.m.

CARRIED

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CHAIRMAN

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SECRETARY