

May 12, 2021

#### **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



Dear Sir/Madam:

TAKE NOTICE that, in accordance with Land Use Bylaw No. 60/2014, a Development Permit has been approved subject to conditions (attached), for a parcel of land that is located within one half mile of your property. The details of the Development Permit are as follows:

**Development Permit Application File#:** 

21D 053

**Legal Description:** 

NW 21-21-29 W4M

**Description:** 

Intensive Vegetation Operation & Agricultural Processing

& Distribution

Applicant/Owner

Township Planning + Design (Applicant) /

1651993 Alberta Ltd. (Owner)

Location:

Located on the south side of Highway 552 & east of the

overpass at Highway 2

Pursuant to Section 685(2) of the Municipal Government Act, a person affected by this decision has a right of appeal. Notices of Appeal, including payment of the appeal fee are to be filed with the Subdivision and Development Appeal Board within 21 days from the date of the development officer decision (attached). Notices of Appeal and payment of the appeal fee are to be received **no later than June 3, 2021**. Notices of Appeal received after the 21-day notification period will be invalid.

You should not rely on Notices of Appeal filed by other persons as giving you the right to be heard at an appeal hearing, as only the appellant, applicant or authorized representative of either party is guaranteed the opportunity to be heard at an appeal hearing. If you choose to submit an appeal, please complete the enclosed 'Notice of Development Appeal' form and return to the County by email at appeals@FoothillsCountyAB.ca or by fax at 403-652-7880.

The appeal fee will be returned 2 to 3 weeks after the appeal hearing if there is record that the appellant or someone authorized to act on behalf of the appellant was in attendance at the time of the scheduled appeal hearing.

Should you have any questions, concerns, or require clarification on the appeal process, please contact the undersigned.

# NOTE: APPEAL SUBMISSION REQUIREMENTS ARE OUTLINED ON THE ENCLOSED 'NOTICE OF DEVELOPMENT APPEAL' FORM

Yours truly, FOOTHILLS COUNTY

Original Signed By...

Brenda Bartnik
Development Officer
brenda.bartnik@foothillscountyab.ca
(403) 603-6222

BB/de Encl.



## DEVELOPMENT AUTHORITY DECISION

DATE OF DECISION: MAY 12, 2021

**DEVELOPMENT PERMIT APPLICATION FILE NUMBER: 21D 053** 

LANDOWNER(S): 1651993 ALBERTA LTD.

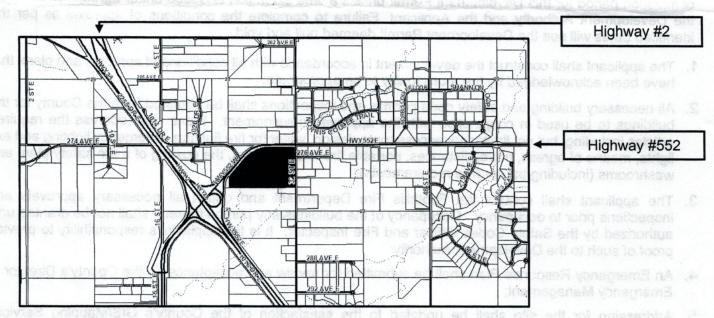
APPLICANT(S): TOWNSHIP PLANNING + DESIGN INC.

**PROPOSAL DESCRIPTION: INTENSIVE VEGETATION OPERATION &** 

AGRICULTURAL PROCESSING AND DISTRIBUTION

LEGAL DESCRIPTION: PTN. NW 21-21-29 W4M

**LOCATION:** The subject property is an existing 85.34 acre Agricultural District property that is located on the south side of Highway #552, just the east of the overpass at Highway #2.



**INTENT OF APPLICATION:** The application requests approval for the construction and use of three greenhouses to be used for the growing of Industrial Hemp nursery stock and seed, as well as: one 10,000 sq. ft. storage, drying and processing building; and use of an existing 2,400 sq. ft. quonset, for the processing of Industrial Hemp that is proposed to be grown on the subject lands.

Section 4.2.1 (No Development Permit Required) of Land Use Bylaw 60/2014 allows for Agricultural general uses in a district which lists Agricultural General as a permitted use. AGRICULTURAL GENERAL means systems of tillage and animal husbandry which involve methods used on large areas of land for the raising of crops.

Section 12.1 Agricultural District, includes the following as Discretionary Uses:

INTENSIVE VEGETATION OPERATION means a system of tillage for the concentrated raising of specialty crops for retail or wholesale distribution, including but not limited to tree farms, greenhouses, plant nurseries, sod farms, berry farms, u-pick operations, and similar uses. This definition does not include cannabis production.

AGRICULTURAL PROCESSING AND DISTRIBUTION means the use of land or a building for the upgrading of a product, for distribution or for sale that was originally produced in an agricultural operation but does not include an abattoir or cannabis production.

The application for a Development Permit in accordance with the provisions of Land Use Bylaw 60/2014 of Foothills County in respect of an Intensive Vegetation Operation and Agricultural Processing & Distribution at the 85.34 acre property identified as Ptn. NW 21-21-29 W4M has been considered by the Development Officer and is **APPROVED** subject to the following:

#### 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 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. 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);
- 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;
- 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.

- 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;
- 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;
- Buildings and structure use in conjunction with these operations shall not exceed a height of 10.67m (35 ft.);
- 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;
- 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.

#### Notes:

- 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.
- 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.



**Notice of Development Appeal** 

Subdivision and Development Appeal Board (SDAB) www.foothiliscountyab.ca **Foothills County** 

309 Macleod Trail, Box 5605, High River, AB T1V 1M7 • Tel: 403-652-2341 Fax: 403-652-7880

### SEND NOTICE OF APPEAL AND APPEAL FEE VIA:

Mall/Deliver:

SDAB Clerk, Foothills County

Box 5605, 309 Macleod Tr. S., High River, AB T1V 1M7

Fax: 403-652-7880 or Email (scanned pdf): appeals@FoothillsCountyAB.ca

For more information contact SDAB Clerk at: 403-652-2341 or appeals@FoothillsCountyAB.ca

Office Use Only Appeal Received:

A notice for development appeal under section 686 of the Municipal Government Act should contain the following information and must be filed with the SDAB within 21 days after the date of the decision of the development authority or deemed refusal by the development authority in accordance with section 684.

THE APPEAL FEE MUST ACCOMPANY THE NOTICE OF DEVELOPMENT APPEAL FORM.

DEVELOPMENT APPEAL						Fee	
Appeal by Landowner or Affected Party (fee to be refunded if appellant appears before SDAB)						\$100 \$575 \$575	
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Person Authorized to Act on Behalf of Appellar	nt(s)
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