

THE FOOTHILLS COUNTY SUBDIVISION AND DEVELOPMENT APPEAL BOARD REVISED
AGENDA

Thursday, June 11, 2026, 1:00 p.m.
Foothills County Administration Office
309 Macleod Trail South – High River



Chair: Gar Beacom

Board Members: Dan MacDonald, Marcia Reid, Brian Saltman, Benita Estes

	Pages
1. Call Meeting to Order	
2. Adoption of Minutes from Last Meetings - May 7, 2026 and May 21, 2026	
2.1 Minutes - May 7, 2026	3
2.2 Minutes - May 21, 2026	
That the minutes of the May 21, 2026 Subdivision and Development Appeal Board Hearing be postponed to the next meeting date.	
3. HEARD AT 1:00 p.m. - Development Permit 26D 078	
Applicant/Landowner: Harley, Marian and Joel Stav	
Appellant: Harley Stav	
DESCRIPTION: Appeal against the AUTOMATIC REFUSAL of Development Permit 26D 078 for Dwelling, Temporary for Child of Landowner.	
LEGAL: Plan 6353JK, Block E; Ptn. SW 18-20-02 W5M	
3.1 Notice of Appeal	10
3.2 Development Authority's Decision	12
3.3 Development Permit 26D 078 File Documents	14
4. HEARD AT 2:00 p.m. - Development Permit 26D 011	
Agent: Kristi Beunder	
Landowners: James and Jaime Love	
Appellants: Phil Roberts and Sheree Mason	
DESCRIPTION: Appeal against the APPROVAL of Development Permit 26D 011 for Home Based Business, Type II	
LEGAL: Plan 402LK, Block 2; Ptn. NW 22-20-28 W4M	
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4.2 Development Authority's Decision	38
4.3 Development Permit 26D 011 File Documents	41
4.4 Written Submission - Roberts	80

*4.5 Evidence Package - Township Planning and Design Inc.

83

5. HEARD AT 3:00 p.m. - Development Permit 26D 075

Agent: Nuvo Renewables Inc.

Landowners: John and Catherine Bye

Appellants: Mark and Shannon Kharfan/ Yolanda Zhong

DESCRIPTION: Appeal against the APPROVAL of Development Permit 26D 075 for a Ground Mount Solar Power System, Private

LEGAL: Plan 0110200, Block 3, Lot 7; Ptn. NW 26-21-01 W5M

5.1	Notice of Appeal	182
5.2	Development Authority's Decision	187
5.3	Development Permit 26D 075 File Documents	189
5.4	Written Submission - Gersten	241
*5.5	Written Submission (Landowner/Applicant) - Witten LLP - L. Kelly	242
*5.6	Witten Submission (Appellants) - Chris Davis Law - C. Davis	309

The Subdivision and Development Appeal Board for Foothills County met at Foothills County Administration Building at 12:50 p.m. on May 7, 2026. Present were Chairman P. Stier, Board Members R. Siewert, C. Stormes, T. Mills, D. McDonald and Subdivision and Development Appeal Board Clerks J. Schuler and M. Michaud.

R. Siewert moved that the minutes of the April 14, 2026 Subdivision and Development Appeal Board Hearing be approved as circulated.

MCDONALD LUXURY HOMES – NE 06-22-03 W4M – REFUSAL OF DEVELOPMENT PERMIT 26D 022 FOR AN OVERSIZED ATTACHED GARAGE AND VARIANCE TO CUMULATIVE SIZE OF ACCESSORY BUILDINGS

The hearing was opened at 1:03 p.m. In attendance were the Appellants D. McDonald and M. Brace and Landowner G. Patterson, the Planning Officer for Foothills County P. Karolyi, and Subdivision and Development Appeal Board Clerk J. Schuler.

On March 16, 2026, the Development Authority for Foothills County refused Development Permit 26D 022 for an Oversized Attached Garage and Variance to Cumulative Size of Accessory Buildings.

The hearing was closed at 1:54 p.m.

Having been satisfied that notice of this hearing was provided in accordance with the Municipal Government Act, R.S.A 2000, Chapter M-26;

And upon having read the materials provided, and upon having heard the representations from the Agent, Landowner 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 refusal of Development Permit 26D 022 for an Oversized Attached Garage and Variance to the Cumulative Size of Accessory Buildings on Plan 9710710, Block 3; Ptn. NE 06-22-03 W5M (The “Property”),

The Subdivision and Development Appeal Board for Foothills County (The “Board”) has decided to:

ALLOW the appeal and OVERTURN the Development Authority’s decision to refuse Development Permit 26D 022 for an Oversized Attached Garage and Variance to the Cumulative Size of Accessory Buildings on Plan 9710710, Block 3; Ptn. NE 06-22-03 W5M.

The application is thereby APPROVED.

APPROVAL DESCRIPTION:

Upon completion of the below noted pre-release condition(s), this approval granted by Board Order 09/2026 allows for the following:

1. Oversized attached garage with a footprint no greater than 159.2 square meters and (1,713.6 Sq. ft.); and
2. Relaxation to the cumulative size of accessory buildings to allow for a total size of accessory buildings to remain at 397.79 sq. m (4,282 sq. ft.) consisting of an existing 119.5 sq. m (1,286 sq. ft.) pool house, an existing 139 sq. m (1,496 sq. ft) shop, and addition of a 139.29 sq. m (1,499 sq. ft) carport, conditional on the removal of the 64.4 sq. m. (693 sq. ft) greenhouse and AC unit.

PRE-RELEASE CONDITION:

*Pre-release condition(s) must be complied with before the Development Permit will be signed and issued. Failure to complete the pre-release condition(s) on or before **August 12, 2026** will see this development permit decision 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 \$2,500 to ensure that the existing AC Unit and Greenhouse are removed from the subject property. This deposit will be refunded at such time that these two structures have been removed in their entirety; and
2. The applicant is required to submit a Slope Stability Analysis prepared by a qualified Professional which indicates that the developable area is suitable for residential construction, to the satisfaction of Public Works.

CONDITIONS OF APPROVAL:

The following requirements must be completed within twenty-four (24) months from the date the Development Permit is signed and issued. Failure to complete the conditions of approval will see the Development Permit be deemed null and void unless a time extension is approved under agreement between the Development Authority for Foothills County and the Applicant(s).

1. The applicant shall maintain the development in accordance with all conditions of the Subdivision and Development Appeal Board Order 09/2026 and plans that have been acknowledged by the Subdivision and Development Appeal Board to be appropriate. Any revisions and/or additions to use of this land shall not proceed except under benefit of appropriate approvals and permits;
2. All necessary building and safety code permits and inspections for the development are to be obtained from the County;
3. Prior to the County acknowledging completion of the development and refunding the compliance deposit, the existing 0.75m x 0.80m AC unit and the existing 5.15m x 12.50m greenhouse shall be removed from the subject property in their entirety, with proof provided to the satisfaction of the Development Authority. It is the applicant's responsibility to ensure appropriate and proper disposal of any materials resulting from the removal of the structures; and
4. It is the applicant's responsibility to provide written notification to the Development Authority upon completion of the development, as approved herein.

ADVISORY REQUIREMENTS:

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) and landowner(s) to ensure adherence with these requirements for the life of the development.

1. Providing variance for the oversize garage and accessory buildings exhausts the area of permitted Accessory Buildings and Garages on a property of this size. As such, no additional Accessory Buildings or additional garage space is permitted on the subject property without first obtaining any required approval(s) from Foothills County. This includes any structure with a roof; and/or any buildings with temporary foundations;
2. The development is to be maintained in accordance with all conditions of approval and plans that have been acknowledged by the municipality to be appropriate. Any revision and/or additions to the use of this land shall not proceed unless appropriate approvals and permits have been obtained;
3. Development of the land shall comply with the requirements of the Building, Safety, and Fire Codes at all times;
4. Any new installation(s) of exterior lighting must adhere to the guidelines and technical specifications as outlined within the Dark Sky Bylaw;
5. No topsoil shall be removed from the subject property and natural drainage of the property must be maintained. Alterations to natural drainage may proceed only under the authorization of an issued Development Permit for Lot Grading;
6. 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 and requirements, nor excuse violation of any provincial or federal regulation or act which may affect use of the land;
7. The applicants will indemnify and hold harmless the County against the cost of any claims or actions, or awards for loss or damage to the Owner(s) arising from the use of h subject property; and
8. The applicants 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.

NOTES:

1. This is not a Building Permit. Construction practices and standards of construction of any building or any structure authorized by the Development Permit, once signed and issued, must be in accordance with the Building and Safety Codes Permits. An application must be made for all required Building and/or Safety Codes Permits.
2. This is not a Development Permit. The Development Permit may be signed and issued upon completion of all Pre-Release Conditions (if any). Development can not proceed until this permit has been signed and issued.
3. The Development Permit, once signed and issued, shall thereafter be null and void if the development or use is abandoned for a period of six months.

4. The conditions of this Development Permit Decision must be met and adhered to at all times. Fines and/or Enforcement action may occur if operating outside of the Subdivision and Development Appeal Board Order D9/2026.

JADICK – NE 20-20-03 W5M – APPROVAL OF DEVELOPMENT PERMIT 26D 018 FOR A KENNEL, PRIVATE

The hearing was opened at 2:06 p.m. In attendance were the Appellant R. Davidson, the Applicant/Landowner C. Jadick, affected parties I. Bagient, B. Olive and P. Olive and the Development Authority for Foothills County, S. Kotlar, and Subdivision and Development Appeal Board Clerk M. Michaud.

On March 18, 2026, the Development Authority for Foothills County approved Development Permit 26D 018 for a Kennel, Private.

The hearing was closed at 3:09 p.m.

Having been satisfied that notice of this hearing was provided in accordance with the Municipal Government Act, R.S.A. 2000, Chapter M-26;

And upon having read the materials provided, and upon having heard the representations from the Appellant/Applicant/Landowners, the Development Authority for Foothills County and affected parties 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 26D 018 for a Kennel, Private on Ptn. NE 20-20-03 W5M (The "Property"),

The Subdivision and Development Appeal Board for Foothills County (the "Board") has decided to:

DENY the appeal and UPHOLD the Development Authority's decision to approve Development Permit 26D 018 for a Kennel, Private on Ptn. NE 20-20-03 W5M.

The application is thereby APPROVED.

APPROVAL DESCRIPTION:

This approval is for a Kennel, Private to allow for no more than four (4) dogs owned by the permanent resident(s) of a dwelling located on the subject property. In determining the number of dogs, pups less than six months of age shall not be included.

CONDITIONS OF APPROVAL:

Failure to maintain compliance with the conditions of approval will see the Development Permit be deemed null and void.

1. As this permit is for a Kennel, Private; no boarding of dogs, the grooming of dogs for profit, nor the training of dogs other than those owned by a permanent resident of the property shall occur;
2. The dogs are not permitted to be left unattended in the area defined as the fenced alpaca pasture, which is located to the west (rear) of the residence, and must be

- under the immediate control of the owner or an authorized representative when attending this area of the property;
3. The dogs must be contained within an enclosed building between 9:00 p.m. and 7:00 a.m. daily, unless under the immediate control of the owner or an authorized representative;
 4. 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; and
 5. All perimeter fencing, including gates must be adequately installed to prevent the escape of any dogs from the property and must at all times be maintained, inspected and repaired.

ADVISORY REQUIREMENTS:

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

1. The applicant shall maintain the development in accordance with all conditions of approval and plans that have been submitted by the applicant and acknowledged by the municipality to be appropriate;
2. As this permit is for Kennel, Private; no boarding of dogs, the breeding or grooming of dogs for profit, nor the training of dogs other than those owned by a permanent resident of the property shall occur. Any revisions and/ or additions to the use of this land shall not proceed except under benefit of appropriate approvals; and
3. The issuance of a development permit by the County does not relieve the landowners of the responsibility of complying with other relevant County bylaws and requirements, nor excuse violation of any provincial or federal regulation or act which may affect the use of the land. The County's Regulation and Control of Dogs Bylaw, Responsible Dog Ownership Bylaw, and Community Standards Bylaw apply.

NOTES:

1. **This is not a Building Permit.** Construction practices and standards of construction of any building or any structure authorized by the Development Permit, once signed and issued, must be in accordance with the Building and Safety Codes Permits. An application must be made for all required Building and/ or Safety Codes Permits.
2. **This is not a Development Permit.** The Development Permit may be signed and issued upon completion of all Pre-Release Conditions (if any). Development can not proceed until this permit has been signed and issued.
3. The Development permit, once signed and issued, shall thereafter be null and void if the development or use is abandoned for a period of six months.

4. The conditions must be met and adhered to at all times. Fines and/ or Enforcement action may occur if operating outside of the Subdivision and Development Appeal Board Order D10/2026.

ADJOURN

P. Stier adjourned the meeting at 3:41 p.m.

CHAIRMAN

CLERK

Unadopted

Subdivision and Development Appeal

1:00 p.m.

Development Appeal 26D 078



Notice of Appeal

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

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

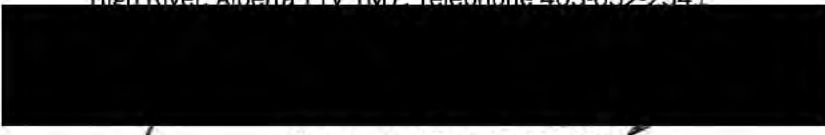
APPELLANT INFORMATION (e.g. Landowner or Affected Party)			
Name of Appellant(s) <u>HARLEY MARIAN AND JOEL STAV</u>			
Mailing Address [REDACTED]		Province <u>AB</u>	Postal Code [REDACTED]
Main Phone # [REDACTED]	Alternate Phone #		
I consent to receive documents by email: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
Email Address: [REDACTED]			
AGENT INFORMATION & CERTIFICATION (complete section if applicable)			
Name of Organization:			
Contact Name:			
Mailing Address <u>N/A</u>		Province	Postal Code
Main Phone #			
I consent to receive documents by email: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Email Address:			
I (We) _____ hereby authorize _____ to act on my (our) behalf on matters pertaining to this appeal.			
Signature of Appellant(s)	Date	Signature of Appellant(s)	Date
SITE INFORMATION			
Municipal Address (house and street number): [REDACTED] <u>FOOTHILLS COUNTY</u>			
Legal Land Description: Quarter-Section	Plan Township	Block Range	Lot Meridian
<u>18-20-2-WSM</u>			

I AM APPEALING (check only one)		
Development Authority Decision <input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input checked="" type="checkbox"/> Refusal Development Permit # _____ Date of Decision: (Y/M/D) <u>26/04/26</u>	Subdivision Authority Decision <input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal Subdivision Application # _____ Date of Decision: (Y/M/D) _____	Decision of Enforcement Services <input type="checkbox"/> Stop Order <input type="checkbox"/> Compliance Order Enforcement Order # _____ Date of Decision: (Y/M/D) _____
REASON FOR APPEAL (attach separate page(s) if required)		
All appeals should contain the reasons for the appeal, including the issues in the decision or the conditions imposed in the approval that are the subject of the appeal.		
<u>APPEAL RE: SECTION 12.1.7.2 OF THE AGRICULTURE LAND USE DISTRICT.</u>		
<u>SEE REVERSE SIDE:</u>		

TURN OVER AND COMPLETE REVERSE SIDE

- DEVELOPMENT PERMITS HAVE BEEN APPROVED SINCE 1987 AND 1998 RESPECTIVELY
- NO MENTION OF THIS HAS SECTION OF THE AGRICULTURE LAND USE UNTIL THIS YEAR.
- THIS DEVELOPMENT PERMIT IS REQUIRED FOR FARMING OPERATIONS AND CAREGIVING OF AN ELDERLY DISABLED PARENT.
- EXISTING INFRASTRUCTURE HAS BEEN IN PLACE SINCE 1987 REQUIRING THE RANCH TO CONTINUE UPGRADING OVER TIME COSTING LARGE AMOUNTS OF MONEY.

Please note that the personal information collected is authorized under the Municipal Government Act and the Protection of Privacy Act (POPA), Section 4(c). Your comments and name will become a part of a public agenda. Inquiries about the collection of this information should be directed to the Foothills County Access to Information Coordinator, P.O. Box 5605, High River, Alberta T1V 1M7. Telephone 403-652-2341



MAY 13/26
Date

Signature of Appellant(s) OR
Person Authorized to Act on Behalf of Appellant(s)

A hearing must be held within 30 days from the receipt of your Notice of Appeal. Written notice of the date and time of the hearing will be sent by regular mail. If the appeal is against the decision of a Subdivision Authority, notice will be sent to the appellant, landowner(s) of the subject property, and to landowners adjacent to the subject property. If the appeal is against the decision of a Development Authority, notice will be sent to the appellant, landowner(s) of the subject property and to landowners located within the half mile surrounding the subject property.

**NOTE FOR EMAIL SUBMISSIONS ONLY: IF YOU DO NOT RECEIVE AN EMAIL CONFIRMATION NOTIFYING YOU OF RECEIPT OF YOUR APPEAL, PLEASE CONTACT THE SDAB CLERK IMMEDIATELY. **

PAYMENT OF APPEAL FEE

If submitting the Notice of Appeal form and paying the appeal fee in person, you do not need to complete this section.
If submitting the Notice of Appeal form by email, you must complete this section.

Appeal fees are outlined on the attached information sheet - Submitting an Appeal

&

CREDIT CARD INFORMATION	
Card type:	<input type="checkbox"/> Visa <input type="checkbox"/> Master Card <input type="checkbox"/> American Express
Name as it appears on Card:	Card Number:
Date of Expiry:	CVC:
Authorization: I authorize Foothills County to charge \$ _____ to my credit card.	
Signature of Card Holder:	Date:

FOR OFFICE USE ONLY		
Authorized By:	Date:	Receipt #:



DEVELOPMENT PERMIT DECISION

DATE OF DECISION: April 23rd, 2026

THIS IS NOT A DEVELOPMENT PERMIT OR BUILDING PERMIT. PLEASE REFER TO THE NOTES SECTION BELOW FOR ADDITIONAL INFORMATION.

APPLICATION FILE NUMBER: 26D078

LANDOWNER(S)/APPLICANT(S): HARLEY, JOEL AND MARIAN STAV

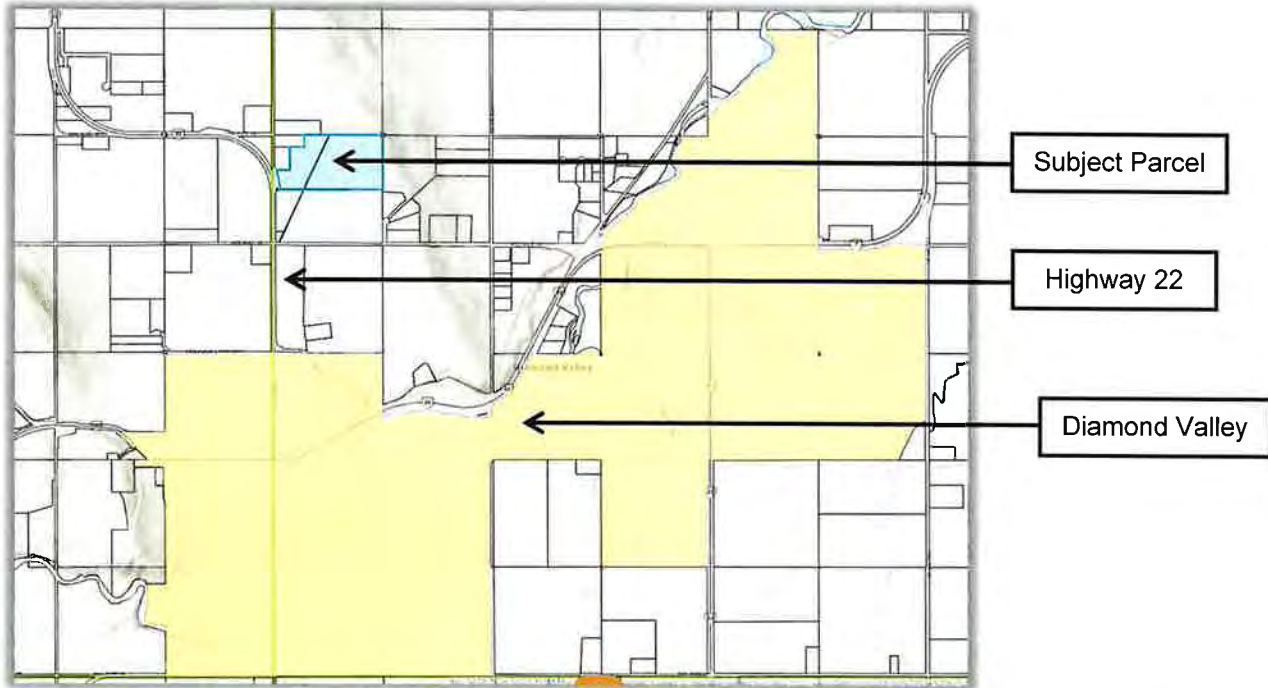
PROPOSAL DESCRIPTION: DWELLING, TEMPORARY FOR CHILD OF LANDOWNER

LEGAL DESCRIPTION: PLAN 6353JK, BLOCK E, PTN: SW 18-20-02-W5M

LOCATION AND DESCRIPTION OF SUBJECT PARCEL:

The subject property is an existing 68.52 acre Agricultural District parcel, located directly east of Highway 22, one quarter mile north of 402nd Avenue West.

Location Map:



INTENT OF THE DEVELOPMENT PERMIT APPLICATION:

An application for Development Permit has been submitted for a Dwelling, Temporary for a Child of a Landowner, identified to exist approximately 200 metres east of Highway 22 and 70 metres north of the south boundary of the property, as per the applicants site plan, which has been active under renewals, intermittently, since 1987.

Section 10.10.27 of the Land Use Bylaw identifies that a development permit for a Dwelling, Temporary for Child of a Landowner, not to be placed on a permanent foundation, may be issued when it is to be occupied by the child of a landowner, for a period not to exceed 36 months, for a maximum renewal period not to exceed six (6) years. As the six year renewal period has expired the applicants are required to make a new development permit application in order to retain the Dwelling, Temporary for a Child of a Landowner.

Section 12.1.7.2 of the Agricultural Land Use District identifies that the maximum dwelling unit density for a parcel under 80 acres is one Dwelling, Single Family and either one Dwelling, Secondary Suite or Dwelling, Temporary.

Dwelling, Temporary for Child of a Landowner is a Discretionary Use under the Agricultural Land Use District; therefore, decisions on applications for Development Permit for this use are to the discretion of the Development Officer, and subject to a 21-day appeal period.

The application for a Development Permit in accordance with the provisions of Land Use Bylaw 60/2014 of Foothills County in respect of Dwelling, Temporary for a Child of a Landowner, approximately located 200 metres east of Highway 22 and 70 metres north of the south boundary of the property, on the subject parcel being Plan 6353JK, Block E, PTN: SW 18-20-02-W5M has been considered by the Development Officer and is **REFUSED** for the following reason:

REFUSAL DESCRIPTION:

Section 12.1.7.2 of the Agricultural Land Use District identifies that the maximum dwelling unit density for a parcel under 80 acres is one Dwelling, Single Family and either one Dwelling, Secondary Suite or Dwelling, Temporary.

The Development Authority, as per Section 12.1.7.2 of the Agricultural District, cannot approve the development permit application for a second Dwelling, Temporary for a Child of a Landowner, as the property is under 80 acres in size, and currently contains one permanent residence and one Dwelling, Temporary for a Child of a

Landowner, as approved under Development Permit 26D079. The Development Authority, therefore, as per Section 12.1.7.2 of the Agricultural District, has refused development permit application 26D078.

As this is considered an automatic refusal, should the applicants choose to appeal, the appeal will be given further consideration by the Subdivision and Development Appeal Board.

LAND USE MAP





Application for Development Permit

Land Use Bylaw No. 60-2014

Foothills County

www.foothillscountyab.ca

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

THIS IS NOT A BUILDING PERMIT. Construction practices and standards of construction of any building or any structure authorized by this Development Permit must be in accordance with the Building Bylaw. An application must be made for a Building Permit under the requirements of the Building Bylaw and a Permit must be secured before any work or construction on any building may commence or proceed.

FOR OFFICE USE ONLY	
Fee Submitted: \$500.00	Application No: 260078
Receipt No.: 450889	Tax Roll No: 2002182510
Date Received: Dec. 15/25	Date Deemed Complete: Feb 25/26

PART 1 APPLICANT/AGENT INFORMATION

Applicant's Name: HARLEY MARIAN JOEL STAV

Email: [REDACTED]

Applicant's Mailing Address: [REDACTED]

Telephone: [REDACTED]

Legal Land Description: Plan 6353JK, Block E, Lot _____, LSD _____, Quarter S.W., Section 18, Township 20, Range 02, West of the 5 Meridian.

Registered Owner of Land: HARLEY MARIAN JOEL STAV

Registered Owner Mailing Address: [REDACTED]

Email: [REDACTED] Telephone: [REDACTED]

Interest of Applicant if not owner of site: _____

PART 2 PROPOSED DEVELOPMENT

I/We hereby make application in accordance with the plans and supporting information submitted herewith. (which forms part of this application). Please give a brief description of the proposed development, including name of development where applicable.

Development Permit # 220065

SW 18-20-02 WSM

PLAN 6353JK BLOCK E

RENEWAL OF TEMPORARY DWELLING

FOR CHILDREN OF LANDOWNER

PART 3 SITE INFORMATION

Area Of Lot: (In Acres Or Hectares) _____

Size Of Proposed Building: 16 x 82 Height: 16'

Is There A Dwelling (Residence) On The Site: Yes No _____ If Yes, How Many? _____

Utilities Presently On Site: POWER GAS PHONE WATER

Are There Sour Gas Or High Pressure Facilities On Site? NO

Utilities Proposed: N/A

Other Land Involved In Application: N/A

DISCLAIMER: Please note that the personal information collected on this form is authorized under the Municipal Government Act and is required for the purpose of the County's Planning and Development processes. This information may also be shared with appropriate government agencies and may also be kept on file by those agencies. The application and related file contents will become available to the public and are subject to the provisions of the Freedom of Information and Protection of Privacy Act (FOIP). If you have any questions about the collection and use of this information, please contact the FOIP Coordinator at 403-652-2341.

PART 4 DEVELOPMENT

Specify other supporting material attached that forms part of this application. (e.g., Site Plan, Plot Plan, Architectural Drawings, etc.):

SITE PLAN

AER ABANDONED WELL REPORT

Estimated Date of Commencement: N/A Estimated Date of Completion: N/A

I, _____ hereby certify that I am:

- The Registered Owner; or
- Authorized to act on behalf of the Registered Owner

Date: Dec 15 / 2025

RIGHT OF ENTRY

I, being the owner or person in possession of the above described land and any building thereon, hereby consent to an authorized person designated by Foothills County to enter upon the land for the purpose of inspection during the processing of this application.

Dec 15 / 2025 _____
 Date Signature of Owner or Authorized Agent

FOR OFFICE USE ONLY

1. Land use district: Agricultural District

2. Listed as a permitted/discretionary use: Discretionary Use

3. Meets setbacks: Yes _____ No If "NO", deficient in _____

4. Other information: _____

PART 5 DECISION

Date of Decision: _____ Date Application Accepted: _____

This Development Permit Application is:

- APPROVED
- APPROVED subject to the attached conditions
- REFUSED for the attached reasons

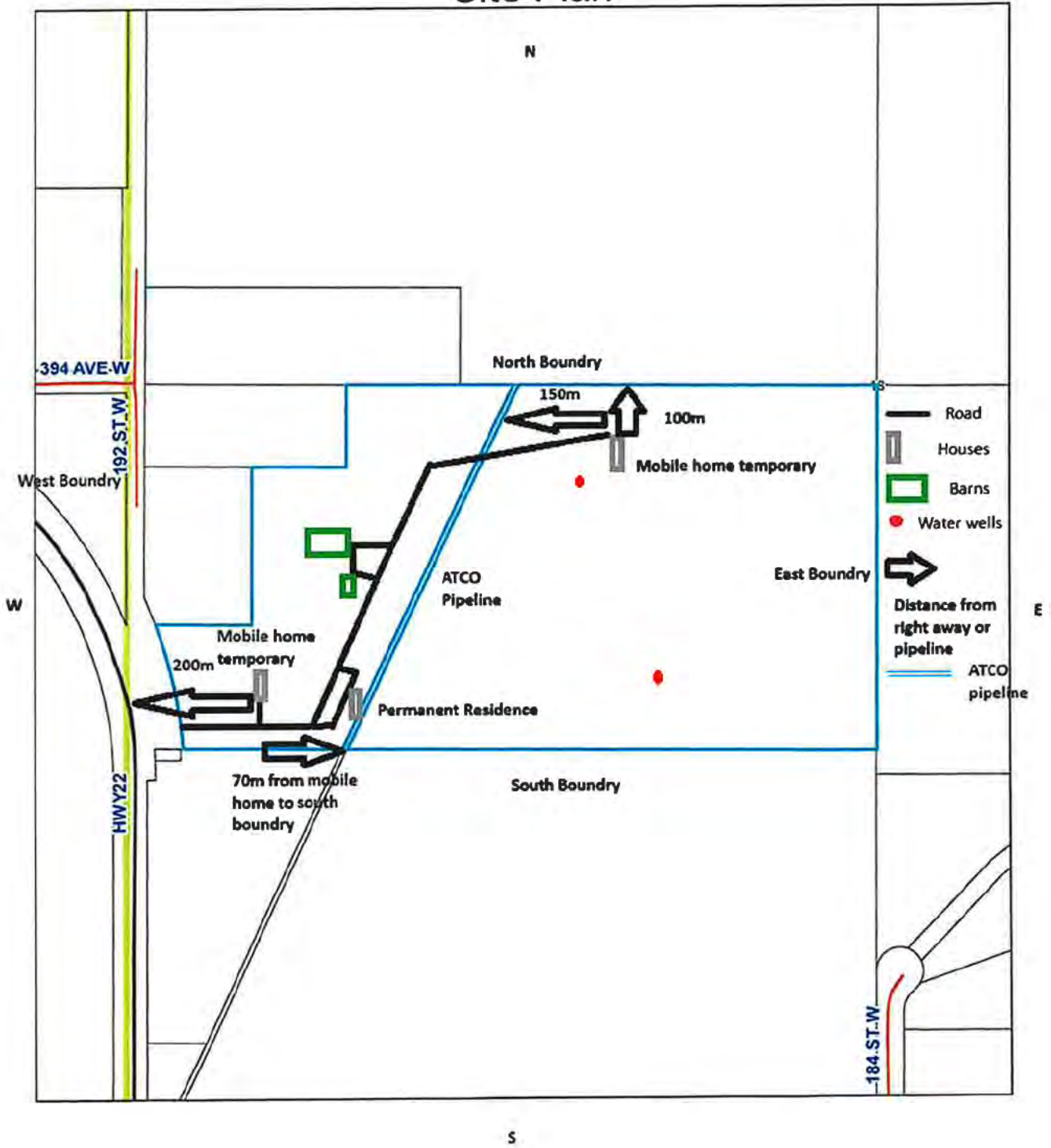
Notice of Decision Advertised: _____

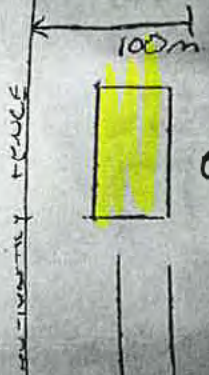
Date of Issuance of Development Permit: _____

Development Officer

NOTE: Development must commence within 12 months of the date of the Date of Issuance of the Permit and be completed within 24 months of the Date of Issuance, unless otherwise stated in the Development Officer's decision.

Stav Temporary Mobile Homes Site Plan





EXISTING TRAILER SITE #1

⊗ EXISTING WATERWELL LOCATION ①

⊙ WATERWELL LOCATION
⊗

NEW PIPELINE INSTALLED BY ATCO GAS

EXISTING MAIN RESIDENCE.

250m

PIPELINE RIGHT-OF-WAY
OLD LINE TO BE REMOVED

ROADWAY

ARENA
AND BARN.

EXISTING TRAILER SITE #2

ROADWAY

Correct City 2010
Correct June 27/002
Correct Aug 20/008
Correct FEB 2015
Correct July 20/004
Correct
K. Stav
K. Stav
K. Stav
Nov 30/2012. K. Stav
K. Stav
K. Stav

MDF General Project



Not Survey Quality

1:3,908

Date Printed: 2022-04-07

Document Path: C:\PI\Projects\MDF_018.mxd

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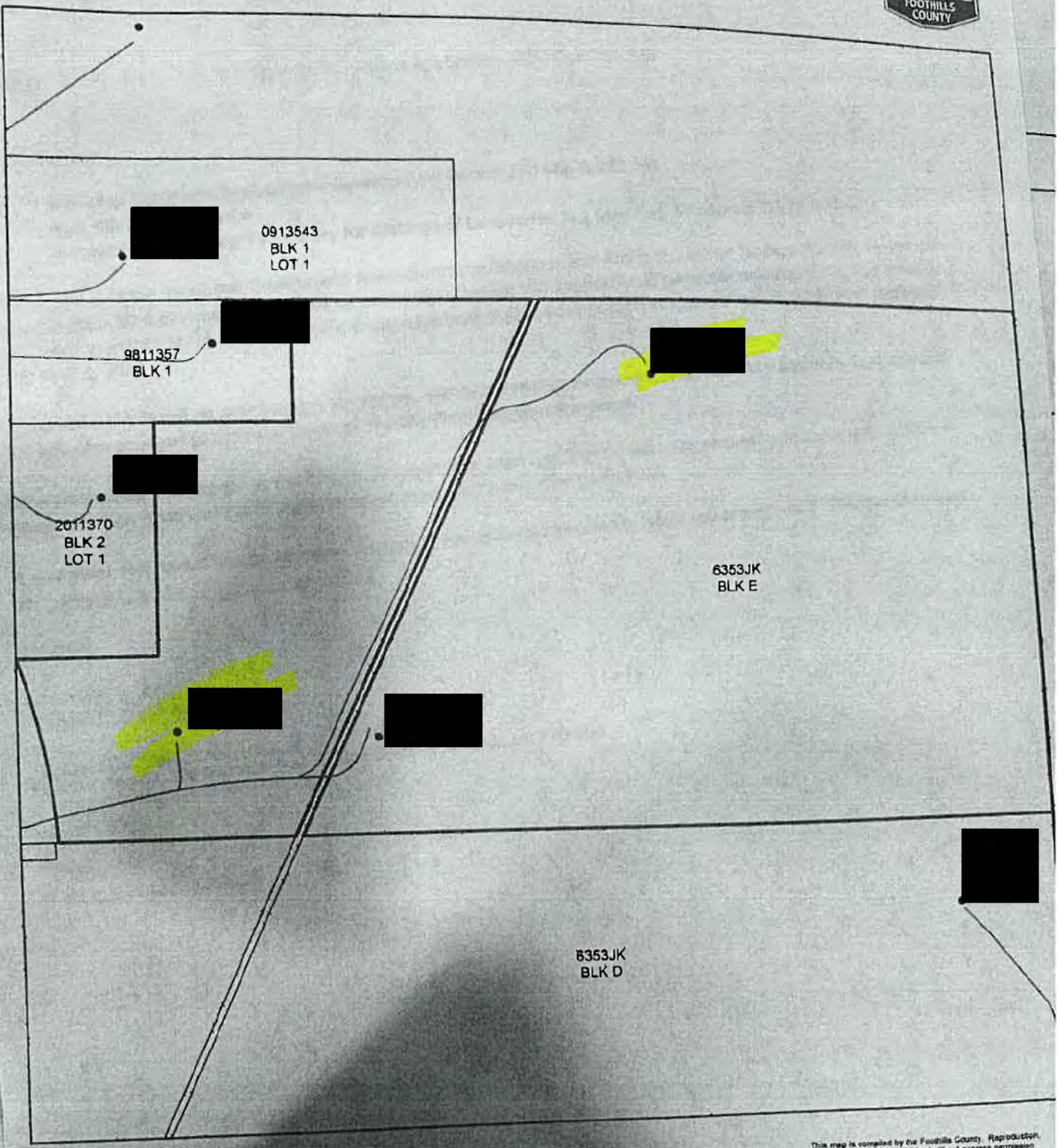
Data Sources include Municipal Records and Aerials.
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NAVIC
NOM

SW 18-20-02 W5N

D
E
S
I
G
N

MDF General Project



Legend
Township
Parcels

Not Survey Quality

1:3,908

Date Printed: 2022-04-07

Document Path: C:\Projects\MDF_GIS.mxd

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Data sources include Municipal Records and Atlas5.
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LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0038 685 518 6353JK;E 201 200 116

LEGAL DESCRIPTION

PLAN 6353JK
BLOCK E
CONTAINING 31.998 HECTARES (79.07 ACRES) MORE OR LESS
EXCEPTING THEREOUT:

PLAN	NUMBER	HECTARES	ACRES	MORE OR LESS
GASLINE R/W	GL48	0.223	0.55	
SUBDIVISION	9811357	2.023	5.00	
SUBDIVISION	2011370	2.024	5.00	

EXCEPTING THEREOUT ALL MINES AND MINERALS

ATS REFERENCE: 5;2;20;18;SW
ESTATE: FEE SIMPLE

MUNICIPALITY: FOOTHILLS COUNTY

REFERENCE NUMBER: 201 141 728 +1

REGISTERED OWNER(S)				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
201 200 116	30/10/2020	TRANSFER OF LAND	\$1,000,000	CASH & MORT

OWNERS

MARIAN STAV

AND

HARLEY STAV

AND

JOEL STAV

ALL OF:



ALL AS JOINT TENANTS

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2
201 200 116

REGISTRATION

NUMBER	DATE (D/M/Y)	PARTICULARS
5413GT	30/11/1954	UTILITY RIGHT OF WAY GRANTEE - CANADIAN WESTERN NATURAL GAS COMPANY LIMITED.
6353JG	29/10/1965	CAVEAT RE : RIGHT OF WAY AGREEMENT CAVEATOR - PLAINS MIDSTREAM CANADA ULC. ATTN: LAND DEPARTMENT 1400, 607-8 AVE SW CALGARY ALBERTA T2P0A7 "DATA UPDATED BY: TRANSFER OF MORT #861004529 AND 871070701" (DATA UPDATED BY: TRANSFER OF CAVEAT 921104092) (DATA UPDATED BY: TRANSFER OF CAVEAT 971378758) (DATA UPDATED BY: CHANGE OF NAME 031214960) (DATA UPDATED BY: TRANSFER OF CAVEAT 091176894)
781 059 432	21/04/1978	UTILITY RIGHT OF WAY GRANTEE - CANADIAN WESTERN NATURAL GAS COMPANY LIMITED.
061 067 607	14/02/2006	UTILITY RIGHT OF WAY GRANTEE - ATCO GAS AND PIPELINES LTD.
071 249 016	22/05/2007	CAVEAT RE : AMENDING AGREEMENT CAVEATOR - ATCO GAS AND PIPELINES LTD. 909 ELEVENTH AVE SW CALGARY ALBERTA T2R1L8
071 268 933	01/06/2007	DISCHARGE OF UTILITY RIGHT OF WAY 061067607 PARTIAL EXCEPT AS TO PLAN 0712308
191 041 751	28/02/2019	CAVEAT RE : ROADWAY CAVEATOR - ATCO GAS AND PIPELINES LTD. 10035-105 ST EDMONTON ALBERTA T5J2V6
201 141 729	13/08/2020	CAVEAT RE : DEFERRED RESERVE CAVEATOR - FOOTHILLS COUNTY. BOX 5605

(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

PAGE 3
201 200 116

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

HIGH RIVER
ALBERTA T1V1M7

231 029 379 27/01/2023 CAVEAT
RE : UTILITY RIGHT OF WAY
CAVEATOR - FORTISALBERTA INC.
320-17 AVE SW
CALGARY
ALBERTA T2S2V1
AGENT - ROB GUNN

231 348 949 10/11/2023 MORTGAGE
MORTGAGEE - ROYAL BANK OF CANADA.
10 YORK MILLS ROAD
3RD FLOOR
TORONTO
ONTARIO M2P0A2
ORIGINAL PRINCIPAL AMOUNT: \$800,000

TOTAL INSTRUMENTS: 010

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 5 DAY OF MARCH,
2026 AT 12:37 P.M.

ORDER NUMBER: 56473246

CUSTOMER FILE NUMBER: AS_Planning



END OF CERTIFICATE

THIS ELECTRONICALLY TRANSMITTED LAND TITLES PRODUCT IS INTENDED
FOR THE SOLE USE OF THE ORIGINAL PURCHASER, AND NONE OTHER,
SUBJECT TO WHAT IS SET OUT IN THE PARAGRAPH BELOW.

THE ABOVE PROVISIONS DO NOT PROHIBIT THE ORIGINAL PURCHASER FROM
INCLUDING THIS UNMODIFIED PRODUCT IN ANY REPORT, OPINION,
APPRAISAL OR OTHER ADVICE PREPARED BY THE ORIGINAL PURCHASER AS
PART OF THE ORIGINAL PURCHASER APPLYING PROFESSIONAL, CONSULTING
OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).

Alison Schori

From: FC_Planning <Planning@Foothillscountyab.ca>
Sent: March 5, 2026 1:48 PM
To: [REDACTED]
Cc: Theresa Chipchase
Subject: Notice of Complete Application – Development Permit 26D 078

Good Afternoon,

Re: Notice of Complete Application – Development Permit 26D 078
Ptn: SW 18-20-2 W5M; Plan 6353JK, Block E
Dwelling, Temporary for Compassionate Reasons

This letter is being sent to you to serve as a notice of acknowledgement that the application as noted above is considered **complete** as of March 5, 2026.

Please note, this is not an approval of your permit, but indicates that your application has been accepted by the County and will now proceed to the next stages of the development permit process.

Notwithstanding the above, in the course of processing your application, we may request additional information or documentation from you that is considered necessary to review your application.

If you have any questions or concerns regarding the information in this letter, please contact **Theresa Chipchase** at Theresa.Chipchase@foothillscountyab.ca.

Regards,

Foothills County
Planning & Development

FC_Planning@foothillscountyab.ca
Foothills County, 309 Macleod Trail S. /Box 5605, High River, AB T1V 1M7
P. (403) 652-2341 | F. (403) 652-7880



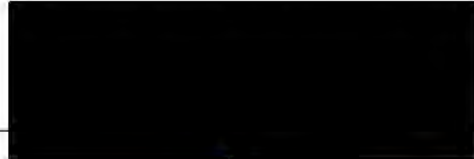
w. www.foothillscountyab.ca

If no wells are listed on-site:

I, HARLEY MARIAN JOEL STAV being the registered
Owner(s) or agent acting on behalf of the registered owner(s)

of S.W 18-20 -02 - 45M PLAN 63531K BLOCK 1E
(Legal Description)

Do hereby confirm that I have done my due diligence as required by Alberta Municipal Affairs, the M.D. of Foothills, and the AER by obtaining required information from the 'Abandoned Well Map Viewer' and/or through the AER Information Services, and hereby attach "Schedule A" containing a map of the search area from the viewer and a statement identifying that no abandoned well sites were noted on the above legal description.



Owner/Agent

DATED: this 15th day of December, 2025.

OR

If wells are listed on-site:

I, _____ being the registered
Owner(s) or agents acting on behalf of the registered owner(s)

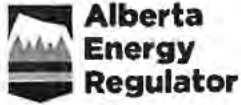
of _____
(Legal Description)

Do hereby confirm that I have done my due diligence as required by Alberta Municipal Affairs, the M.D. of Foothills, and the AER, by obtaining required information from the 'Abandoned Well Map Viewer' and/or through the AER Information Services, and hereby attach "Schedule A" containing a list and map identifying the locations of abandoned wells within the search area, including the surface coordinates, written confirmation that I have contacted the licensee for each well and that the exact location of each well has been confirmed, a sketch of the proposed development incorporating the necessary setback area for each well, and a statement confirming that abandoned wells will be temporarily marked with on-site identification to prevent contact during construction, if the development will result in construction activity within the setback area.

Owner/Agent

DATED: this _____ day of _____, 20_____.

This form shall accompany all applications for Land use, Subdivisions, Development Permits and Building Permits.



Abandoned Well Map

Getting Around

Annotate

Analysis



Print



Help



Zoom In



Full Extent



Previous Extent



Next Extent



Polygon



Rectangle



Export To E

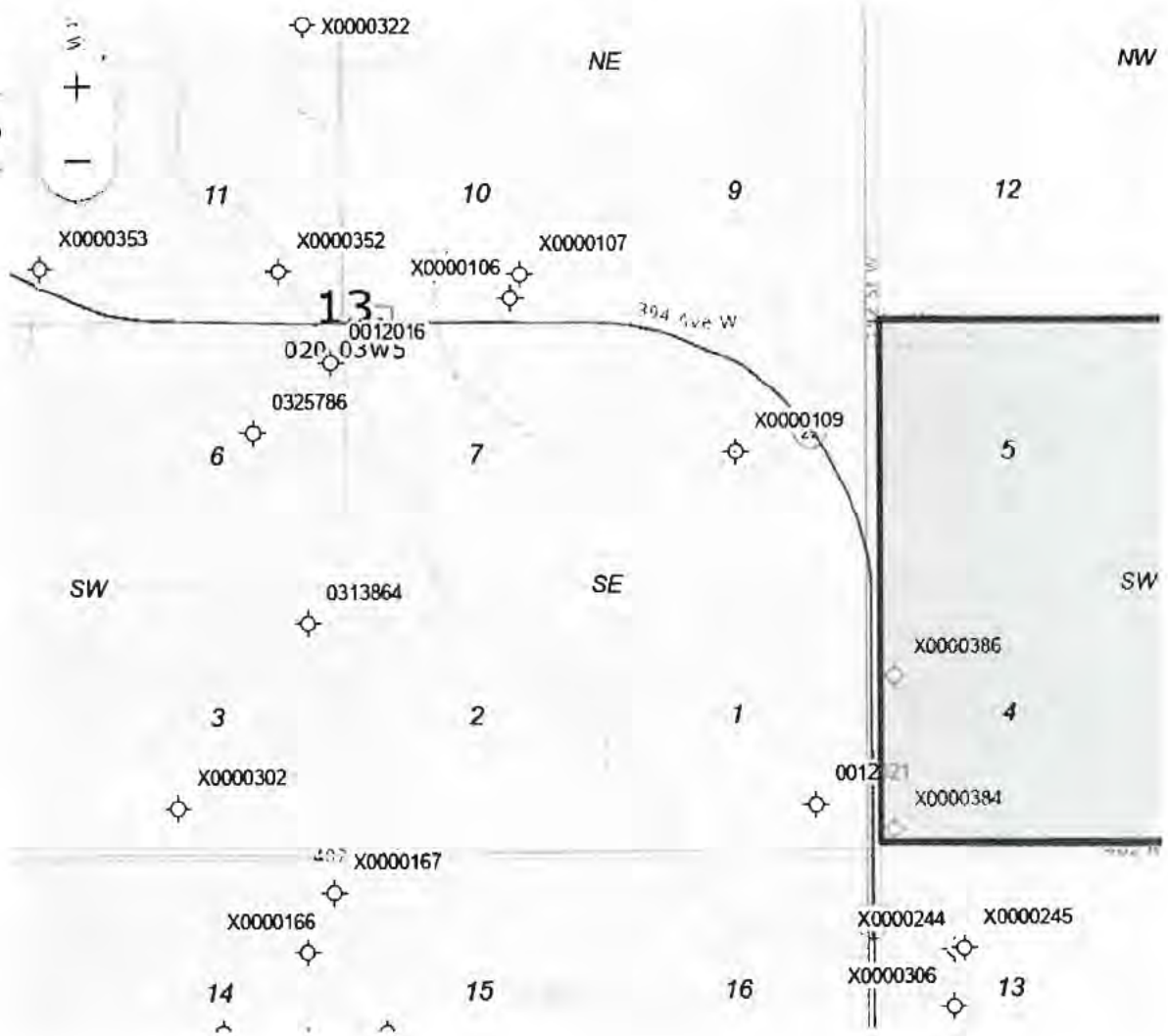
< rs Legend D

which is a grid network that divides the province into parcels of land. Enter the Legal Subdivision/Quarter Section/Half Section (LSD/QS/HS), Section (S), Township (T), Range (R) and Meridian (M) that you'd like to search for. If no section is specified, the tool will zoom to the Township. Otherwise, if LSD/QS/HS is "Any", the tool will zoom to the Section. Otherwise, the tool will zoom to the specified LSD/QS/HS.

Query

Clear

Cancel



WEB MERCATOR AUS SPHERE X: -12720041.043328 Y: 6567324.797334



Transportation and Economic Corridors Notice of Referral Decision

Municipal Development in Proximity of a Provincial Highway

Municipality File Number:	26D 078 <i>refused temp mobile</i>	Highway(s):	22
Legal Land Location:	QS-SW SEC-18 TWP-020 RGE-02 MER-5	Municipality:	Foothills County
Decision By:	Andy Juma	Issuing Office:	Southern Region / Calgary
Issued Date:	April 27, 2026	AT Reference #:	RPATH0070537
Description of Development:	Dwelling, Temporary for Compassionate Reasons		



This will acknowledge receipt of your circulation regarding the above noted proposal. Transportation and Economic Corridors primary concern is protecting the safe and effective operation of provincial highway infrastructure, and planning for the future needs of the highway network in proximity to the proposed development(s).

Transportation and Economic Corridors offers the following comments and observations with respect to the proposed development(s):

- 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 Municipal Government Act, 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.

Transportation and Economic Corridors has the following additional comments and/or requirements with respect to this proposal:

1. In reviewing the application, the proposed development falls within the permit area of a provincial highway as outlined in the Highways Development and Protection Act / Regulation. The proposed development, however, will not cause any concern for ongoing highway operation or future highway expansion. The Ministry of Transportation and Economic Corridors, therefore, issues an exemption from the permit requirements for the development listed above pursuant to Section 25 of the Highways Development and Protection Regulation.
2. This approval does not excuse violation of any other legislation, regulation, bylaw, or act, which may affect the proposed operation. This permit is issued subject to any other municipal, provincial, or federal approvals that may be required. Issuance of a permit by Transportation and Economic Corridors does not guarantee the permittee will be able to obtain other required approvals. The permit holder is responsible for obtaining any other permits or approvals from other agencies and jurisdictions as required.

Please contact Transportation and Economic Corridors through the [RPATH Portal](#) if you have any questions, or require additional information



Issued by **Andy Juma, Development and Planning Technologist**, on **April 27, 2026** on behalf of the Minister of Transportation and Economic Corridors

Foothills County Land Use Bylaw 60/2014 – Dwelling Temporary - Section 10.10.27

Foothills County Land Use Bylaw

- 10.10.21 All required structural and exterior renovations to a Dwelling, Moved On are to be completed within one year of the issuance of the Development Permit.
- 10.10.22 Should the dwelling not be completed in accordance with the terms of the Development Permit within the required timeline, the County may use the security funds to complete the building in accordance with the conditions of the Development Permit. Any surplus funds left over upon completion, will be returned.

Dwelling, Temporary

- 10.10.23 A Development Permit shall be obtained for all Dwelling, Temporary in the County.
- 10.10.24 A Development Permit may only be issued for a Dwelling, Temporary where it is listed as a permitted or discretionary use in the applicable land use district.
- 10.10.25 Where a Dwelling, Temporary is a permitted use under the applicable land use district but does not meet all other provision under this bylaw, it shall be considered a discretionary use.
- 10.10.26 A Dwelling, Temporary shall meet all applicable Building and Safety Code requirements and be in accordance with all provisions under Section 10.10.
- 10.10.27** A Development Permit for a Dwelling, Temporary, not placed on a permanent foundation may be approved in accordance with Section 10.10 for a temporary period not exceeding:
- a. 36 months where it is to be used for farm help purposes whereby the temporary dwelling, is to be occupied by a person who is engaged on a full time basis for at least six months each year in an agricultural pursuit that include the parcel that is subject of the application.
 - b. 36 months where it is to be used as a Dwelling, Temporary while the principal dwelling on the lot is under construction provided that either:
 - i. Construction of the principal dwelling has progressed to the stage where the basement has been enclosed; or
 - ii. Before accepting the Development Permit as complete, the applicant must submit a Letter of Credit or cash deposit, to ensure the removal of the Dwelling, Temporary.
 - c. 36 months when it is used for the housing of a housekeeper/nanny, parents or children, aunts, uncles, siblings, and grandparents of the landowners.
- 10.10.28 An application for renewal of a temporary Development Permit shall be made prior to expiration of the temporary Development Permit and in accordance with Section 4.7 "Temporary use approvals".
- 10.10.29 Maximum term for renewals on Development Permits for Dwelling, Temporary shall not exceed six (6) years. Applications for Dwelling, Temporary exceeding this time shall be considered as a new application.
- 10.10.30 In considering a Development Permit application for any Dwelling Unit requiring a Development Permit, the Development Authority may consider factors such as:
- a. Any significant adverse impacts on the adjacent properties (for example: drainage, fire protection, access, etc.).
 - b. Adequate water and wastewater services for the additional use on the site.
 - i. Where the permit constitutes more than 3 Dwelling Units per parcel, this may include confirmation of a licensed water source or a letter from Alberta Environment waiving such requirement.

Foothills County Land Use Bylaw 60/2014

12.1.7 Development Requirements – Maximum Dwelling Unit Density

Foothills County Land Use Bylaw |

- ii. That portion of a parcel remaining after approval of a re-designation which facilitates a subdivision and after the subsequent registration of said subdivision reduces the area of the parent parcel to a size of 21 acres or greater in size; or
 - iii. The area in title at the time of passage of this Bylaw.
 - c. Maximum Parcel size:
 - i. None.
 - 12.1.6.3 Required Developable Area:
 - a. In accordance with Section 9.8 of this Bylaw.
 - 12.1.6.4 Utility Servicing Criteria
 - a. Individual wells and individual wastewater disposal systems;
 - b. Communal water and communal wastewater disposal systems;
 - c. A combination of a. and b. as determined by Bylaw amending this section.
 - 12.1.7 DEVELOPMENT REQUIREMENTS**
 - 12.1.7.1 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.
 - 12.1.7.2 Maximum Dwelling Unit Density**
 - a. Maximum dwelling unit density for a parcel under 80 acres is one Dwelling, Single Family and either one Dwelling, Secondary Suite, or one Dwelling, Temporary in accordance with Section 10.26 Secondary Suites and Section 10.10 on Dwellings.
 - b. Maximum dwelling unit density for a parcel 80 acres or larger in size is two Dwellings, Single Family and either one Dwelling, Secondary Suite, or one Dwelling, Temporary in accordance with Section 10.26 Secondary Suites and Section 10.10 on Dwellings.
 - 12.1.7.3 Minimum Yard Setback Requirements
 - a. Front Yard Setbacks:
 - i. 15m (49.21 ft.) from the right of way of an internal subdivision road.
 - ii. 48m (157.48 ft.) from the centreline 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.
 - b. Side Yard Setbacks:
 - i. 15m (49.21 ft.) from the property line.
 - c. Rear Yard Setbacks:
 - i. 15m (49.21 ft.) from the property line.
 - d. In addition, 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.

**THE DEVELOPMENT OFFICER REFUSED DEVELOPMENT PERMIT 26D078
AND THEREFORE, DOES NOT SUPPORT A DECISION TO APPROVE THIS APPLICATION.**

However, should the Board choose to overturn the development officer's decision to refuse Development Permit 26D078 for a Second Dwelling, Temporary For A Child Of A Landowner, the following development permit conditions would typically be applied:

CONDITIONS OF APPROVAL:

*The following requirements must be completed within twenty-four (24) months from the date the Development Permit is signed and issued unless a time extension is approved under agreement between the Development Authority and the Applicant(s). **Failure to complete the conditions of approval will see the Development Permit be deemed null and void.***

1. The applicant shall maintain the development in accordance with all conditions of this approval and plans that have been acknowledged by the municipality to be appropriate. Any revisions and/or additions to the use of this land shall not proceed except under benefit of appropriate approvals.
2. The Dwelling, Temporary for a Child of a Landowner is approved for a period of 36 months only, from the date of the decision. The Dwelling, Temporary for a Child of a Landowner is to be used solely as a residence for the child of the landowner.

ADVISORY REQUIREMENTS:

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) and landowner(s) to ensure adherence with these requirements for the life of the development.

1. The applicants are advised that, as per Section 10.10 of the Land Use Bylaw 60/2014, the maximum term for renewals on Development Permits for a Dwelling, Temporary (Mobile Home) for a Child of a Landowner shall not exceed six (6) years.
2. The applicants are advised that this approval does not allow for the replacement of the Dwelling, Temporary for the Child of a Landowner. Should replacement of the Dwelling, Temporary for the Child of a Landowner be required for any reason, issuance of a new development permit would be necessary prior to placement of a new Dwelling, Temporary for the Child of a Landowner, and would be subject to and considered under the policies within the Land Use Bylaw at the time of application;
3. This approval does not permit the Dwelling, Temporary for the Child of a Landowner to be placed on a permanent foundation, nor will any permanent attachments be permitted (i.e. enclosed porch, additions, attached deck or attached garage);
4. Emergency address signage shall be installed and maintained. The installation of any farm identification signage, or directional signage shall occur only under appropriate permit/authorization from the Foothills County, and as identified within the Land Use Bylaw;
5. Upon expiration of this approval, should the applicant(s) and/or landowner(s) fail to make a new application or make a new application that is not successful, the Dwelling, Temporary for a Child of a Landowner must be removed within 60 days from the subject property in its entirety.
6. Should the Dwelling, Temporary for the Child of a Landowner no longer be utilized for its approved use as a residence for the son of the landowner, then the Dwelling, Temporary for the Child of a Landowner must be removed immediately from the parcel. Should any future

application for this use be unsuccessful, the landowners are responsible for having the Dwelling, Temporary for the Child of a Landowner removed immediately from the property. 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 this permit;

7. The Dwelling, Temporary for the Child of a Landowner shall be assessed for taxation purposes;
8. All structures shall be located to adhere to Municipal setback requirements from the boundaries of the legally titled property. No variance for yard setbacks has been considered under this approval;
9. Development shall comply with the applicable Building and Fire Codes at all times. The applicants are required to obtain all necessary building, plumbing, gas, septic, and electrical permits and inspections applicable to use and occupancy as a single family dwelling;
10. No topsoil shall be removed from the subject property and natural drainage of the property must be maintained. Alterations to natural drainage may proceed only under the authorization of an issued Development Permit for Lot Grading;
11. All installation(s) of exterior lighting must adhere to the guidelines and technical specifications as outlined within the Dark Sky Bylaw;
12. 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 and requirements, nor excuse violation of any provincial or federal regulation or act which may affect use of the land;
13. The applicants 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;

NOTES:

1. **This is not a Building Permit.** Construction practices and standards of construction of any building or any structure authorized by the Development Permit, once signed and issued, must be in accordance with the Building and Safety Codes Permits. An application must be made for all required Building and/or Safety Codes Permits.
2. **This is not a Development Permit.** The Development Permit may be signed and issued upon completion of the 21-day appeal period; should no appeals be received, and completion of all Pre-Release Conditions (if any). Development cannot proceed until this permit has been signed and issued.
3. Notification of this Development Permit 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 quarter-section and for one-half mile surrounding the subject parcel. Development Permit Notices can also be viewed on our website, **www.foothillscountyab.ca**.
4. This Development Permit Decision is subject to a 21-day appeal period. Pursuant to Section 685(2) of the Municipal Government Act, a person affected by this decision has a right of appeal.
5. The Development Permit, once signed and issued, shall thereafter be null and void if the development or use is abandoned for a period of six months.

6. The conditions of this Development Permit Decision must be met and adhered to at all times. Fines and/or Enforcement action may occur if operating outside of the Development Permit Decision.

Subdivision and Development Appeal

2:00 p.m.

Development Appeal 26D 011



Notice of Appeal

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

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

APPELLANT INFORMATION (e.g. Landowner or Affected Party)			
Name of Appellant(s) Phil Roberts and Sheree Mason			
Mailing Address		Province	Postal Code
Main Phone #		Fax #	
I (We) understand the consequences of this appeal: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
Email Address:			
AGENT INFORMATION & CERTIFICATION (complete section if applicable)			
Name of Organization:			
Contact Name:			
Mailing Address	Received MAY 21 2026	Province	Postal Code
Main Phone #			
I consent to receive documents by email: <input type="checkbox"/> Yes <input type="checkbox"/> No			
Email Address:			
I (We) _____ hereby authorize _____ to act on my (our) behalf on matters pertaining to this appeal.			
Signature of Appellant(s)	Date	Signature of Appellant(s)	Date
SITE INFORMATION			
Municipal Address (house and street number):			
Legal Land Description:	Plan	Block	Lot
Quarter-Section	Township	Range	Meridian
NE-22-20-28-4			

I AM APPEALING (check only one)		
Development Authority Decision <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal <u>Development Permit #</u> 26D 011 Date of Decision: (Y/M/D) _____	Subdivision Authority Decision <input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal <u>Subdivision Application #</u> Date of Decision: (Y/M/D) _____	Decision of Enforcement Services <input type="checkbox"/> Stop Order <input type="checkbox"/> Compliance Order <u>Enforcement Order #</u> Date of Decision: (Y/M/D) _____

REASON FOR APPEAL (attach separate page(s) if required) All appeals should contain the reasons for the appeal, including the issues in the decision or the conditions imposed in the approval that are the subject of the appeal. Water useage : there is no water in the area already and wine making uses a substantial amount of water (approx 6-10 gallons for 1 gallon of wine) our homes become worthless without well water, if the plan to water truck that needs to be in the stipulated in the application.
--

TURN OVER AND COMPLETE REVERSE SIDE

Submitting an Appeal – Subdivision Authority Decisions

Appeals of decisions on subdivision applications are covered by sections 678 to 682 of the Municipal Government Act.

A decision on an application for subdivision may be appealed by the applicant, by a Government department (if that department is required to be circulated on the application) or by the School Authority (with respect to matters related to municipal reserve or school reserve lands).

Appeals must be made by filing a notice of appeal within **14 days** of receipt of the decision with either the local Subdivision and Development Appeal Board or the Land and Property Rights Tribunal. Which board is the appropriate board to hear the appeal will depend on certain factors with respect to the land involved. The Land and Property Rights Tribunal hears subdivision appeals where there is a provincial interest. Otherwise, the appeals are heard by the local SDAB.

Notice of appeal should be filed with the Land and Property Rights Tribunal when the subject property is:

- within Alberta's "Green Area"
- 'adjacent' to or contains a body of water
 - adjacent means contiguous or would be contiguous if not for a railway, road, utility right of way or reserve land
- adjacent to or contains (either partially or wholly) land identified on the Listing of Historic Resources or public land set aside for use as historic resource
- the subject of a license, permit, approval or other authorization granted by the Natural Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator, Alberta Energy and Utilities Board or Alberta Utilities Commission
- the subject of a license, permit, approval or other authorization granted by the Minister of Environment and Protected Areas
- within the following distances:
 - 1600 metres of a provincial highway
 - 450 metres of a hazardous waste management facility
 - 450 metres of the working area of an operating landfill
 - 300 metres of the disposal area of any landfill
 - 300 metres of a wastewater treatment plant
 - 300 metres of the working area of a non-hazardous waste storage site

Some of the distances may be varied in writing by a provincial government department, in which case the SDAB will hear the appeal.

Submitting an Appeal – Development Authority Decisions

Appeal of development authority decisions are covered by Sections 684 to 687 of the Municipal Government Act.

A decision on an application for development may be appealed by the person applying for the permit or by any person affected by an order, decision or development permit made or issued by a development authority.

An order issued under a decision of Enforcement Services, being a Stop Order or Compliance Order, may be appealed by the person affected by the order.

Appeals must be made by filing a notice of appeal within **21 Days** after the date on which the written decision is given with either the local Development Appeal Board or the Land and Property Rights Tribunal. Which board is the appropriate board to hear the appeal will depend on certain factors with respect to the land involved. The Land and Property Rights Tribunal hears development appeals where there is a provincial interest. Otherwise, the appeals are heard by the local Subdivision and Development Appeal Board.

Notice of appeal should be filed with the Land and Property Rights Tribunal when the subject property is:

- The subject of a license, permit, approval or other authorization granted by the Natural Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator, Alberta Energy and Utilities Board or Alberta Utilities Commission
- The subject of a license, permit, approval or other authorization granted by the Minister of Environment and Protected Areas

THE APPEAL FEE MUST ACCOMPANY THE NOTICE OF APPEAL FORM

**Appeal fees are set in the County's Fee Bylaw, which is generally reviewed and amended annually.*

Appeal Type	Fee
Development Authority Decision (fee refunded if appellant appears before the Subdivision and Development Appeal Board)	\$100
Development Authority Decision – Automatic Refusal	\$575
Stop Order	\$575
Subdivision Authority Decision (paid at time of subdivision application and used as a credit on endorsement fees except where the owner/agent appeals the subdivision decision or a condition of the subdivision)	\$2,000



DEVELOPMENT PERMIT DECISION

DATE OF DECISION: April 29, 2026

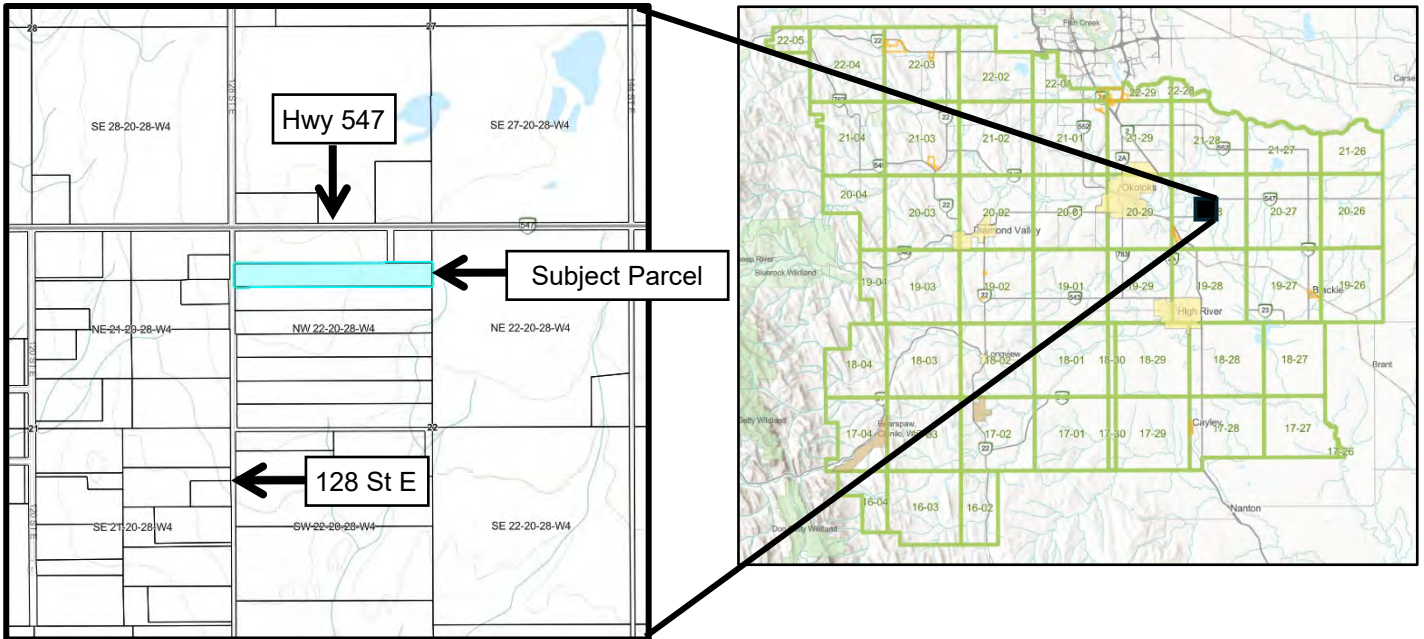
THIS IS NOT A DEVELOPMENT PERMIT OR BUILDING PERMIT. PLEASE REFER TO THE NOTES SECTION BELOW FOR ADDITIONAL INFORMATION.

APPLICATION FILE NUMBER: 26D 011
LANDOWNER(S): JAMES & JAIME LOVE
APPLICANT(S): KRISTI BEUNDER OF TOWNSHIP PLANNING + DESIGN INC.
PROPOSAL DESCRIPTION: HOME BASED BUSINESS TYPE II
LEGAL DESCRIPTION: NW 22-20-28 W4M; PLAN 402LK, BLOCK 2

LOCATION AND DESCRIPTION OF SUBJECT PARCEL:

The subject property is an existing 18.98 acre Country Residential District parcel, located on 128 St E, and 130 m south of Highway 547.

Location Map:



INTENT OF THE DEVELOPMENT PERMIT APPLICATION:

An application for Development Permit has been submitted to allow for a Home Based Business, Type II, to operate a small-scale winery and wine tasting room. The application proposes:

- Winemaking process including grape crushing and pressing, fermentation, clarifying and filtering, aging in steel tanks or barrels, and bottling;
- Primary Sales are business to business through Alberta Gaming, Liquor & Cannabis (AGLC);
- Secondary Sales direct to consumer through wholesale, online sales and wine club sales;
- Onsite wine tasting room available by prepaid appointments (following AGLC regulations);
- No retail sales or storefront sales proposed for this application;
- Maximum of six (6) business visits per day, appointment only for tastings and online sales pick up;
- Business activity to be contained within existing structure "Workshop" (18.32m x 16.97m);
- Hours of Operation proposed to be Monday-Thursday by special reservation only, Friday – Sunday 11am-6pm appointments;
- Three (3) non-resident employees during winemaking in October, two (2) non-resident employees mid-June to mid-September;
- One (1) business owned 3 Ton refrigerated van.

Home Based Business, Type II is a Discretionary Use under the Country Residential Land Use District; therefore, decisions on applications for Development Permit for this use are to the discretion of the Development Officer, and subject to a 21-day appeal period.

The application for a Development Permit in accordance with the provisions of Land Use Bylaw 60/2014 of Foothills County in respect of Home Based Business, Type II, on the subject parcel being a portion of NW 22-20-28 W4M; Plan 402LK, Block 2 has been considered by the Development Officer and is **APPROVED** subject to the following.

APPROVAL DESCRIPTION:

Upon completion of the below noted pre-release condition, this approval allows for the development and use of NW 22-20-28 W4M; Plan 402LK, Block 2 for:

- a. *Hello Someday Wine* operating under the criteria of Home Based Business, Type II, in accordance with the submitted and accepted Development Permit Application and the conditions and requirements included herein;
- b. Hours of Operation are to be Friday to Sunday, 11am-6pm, Monday to Thursday by special reservation;
- c. Maximum three (3) non-resident employees;
- d. Maximum of six (6) business visits per day;
- e. No additional outside storage was considered in this approval.

PRE-RELEASE CONDITION(S):

*Pre-release condition(s) must be complied with before the Development Permit will be signed and issued. Failure to complete the pre-release condition(s) on or before **September 29, 2026** will see this development permit decision deemed null and void, unless a time extension is issued under agreement between the Development Authority and the Applicant(s).*

1. The applicants are to submit a written verification of waiver or approval of Commercial Well License from Alberta Environmental Protection Agency to the satisfaction of the Development Authority.

CONDITIONS OF APPROVAL:

*The following requirements must be completed within twenty-four (24) months from the date the Development Permit is signed and issued unless a time extension is approved under agreement between the Development Authority and the Applicant(s). **Failure to complete the conditions of approval will see the Development Permit be deemed null and void.***

1. The applicant shall maintain the development 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 this land shall not proceed unless appropriate approvals and permits have been obtained;**
2. The applicants are required to obtain all necessary Building and Safety Code permits and inspections applicable to use and occupancy of the existing development on site. Development shall comply with the applicable Building and Fire Codes at all times;
3. It is the applicant's responsibility to contact the County's Fire Inspector and obtain all necessary approvals and inspections prior to the operations of the business. Proof of such is to be submitted to the Development Authority;
4. The applicant is required to maintain an annual business license with Foothills County;
5. An Emergency Response Plan shall be submitted for review and acceptance by the County's Director of Emergency Management;
6. The applicant is required to obtain a Highway Roadside Development Application and subsequent development permit from Alberta Transportation and Economic Corridors;
7. It is the applicant's responsibility to obtain and properly post independent County address(es) for the business building. Please contact the County's GIS Department to be assigned the new address and obtain information regarding address signage.
8. The landowner shall be responsible for ensuring that the use and occupancy of the facility are undertaken in full compliance with all applicable Alberta Gaming, Liquor and Cannabis (AGLC) licensing requirements.
9. The applicants shall provide written notification to the Development Authority upon completion of the development, as approved herein;

ADVISORY REQUIREMENTS:

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) and landowner(s) to ensure adherence with these requirements for the life of the development.

1. Development is to comply with the criteria for Home Based Business Type II that exists at the time of issuance of this approval, and includes:
 - a. One or more residents of the parcel must be the primary owner of the business;
 - b. Parking is provided in accordance with the requirements set out in Section 9.19 of this bylaw;
 - c. Home business shall not generate noise, smoke, odor, dust fumes, exhaust, vibration, heat, glare, refuse matter or other nuisances considered offensive or excessive by the Development Authority;
 - d. Signage no larger than 0.55 sq. m. (5.92 sq. ft) in area. This sign is permitted to be placed at the entry of the property, provided it is solely on the landowner's property and not in the road right of way;
 - e. At all times, the privacy of the adjacent residential dwellings shall be preserved. The home based business shall not in the opinion of the Development Authority, unduly offend or otherwise interfere

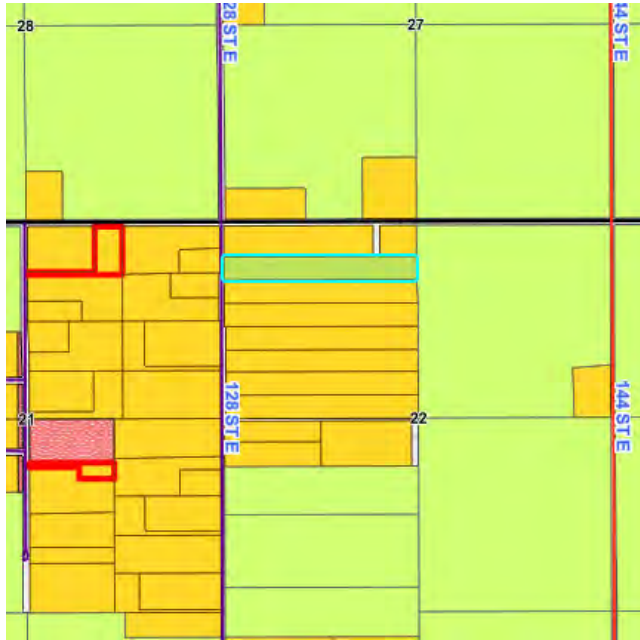
with live ability or enjoyment of the neighboring properties and is required to comply with the Community Standards Bylaw.

2. Containers for garbage and recycling materials that are located outdoors shall be weatherproof and animal-proof and must be visibly screened from adjacent lands. Waste materials shall be disposed of at an approved waste disposal site. Secondary containment for fluids shall be implemented wherever appropriate;
3. No topsoil shall be removed from the subject property and natural drainage of the property must be maintained. Alterations to natural drainage may proceed only under the authorization of an issued Development Permit for Lot Grading;
4. All installation(s) of exterior lighting must adhere to the guidelines and technical specifications as outlined within the Dark Sky Bylaw;
5. 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 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:
 - a. Compliance with the requirements of Alberta Environment and Parks respecting any use of well water for business uses;
 - b. Compliance with the requirements of Alberta Transportation and Economic Corridors;
 - c. Compliance with the requirements of Alberta Health Services;
6. The landowner/applicant indemnify and hold harmless the County against the cost of any claims or actions, or awards for loss or damage to the Owner(s) arising from the use of the subject property;
7. The applicants 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;

NOTES:

1. **This is not a Building Permit.** Construction practices and standards of construction of any building or any structure authorized by the Development Permit, once signed and issued, must be in accordance with the Building and Safety Codes Permits. An application must be made for all required Building and/or Safety Codes Permits.
2. **This is not a Development Permit.** The Development Permit may be signed and issued upon completion of the 21-day appeal period or submission of the executed appeal notification period waiver; should no appeals be received, and completion of all Pre-Release Conditions (if any). Development can not proceed until this permit has been signed and issued.
3. Notification of this Development Permit 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 quarter-section and for one-half mile surrounding the subject parcel. Development Permit Notices can also be viewed on our website, www.foothillscountyab.ca.
4. This Development Permit Decision is subject to a 21-day appeal period. Pursuant to Sections 685(1) and 685(3) of the Municipal Government Act, a person affected by this decision has a right of appeal.
5. The Development Permit, once signed and issued, shall thereafter be null and void if the development or use is abandoned for a period of six months.
6. The conditions of this Development Permit Decision must be met and adhered to at all times. Fines and/or Enforcement action may occur if operating outside of the Development Permit Decision.

Land Use Map



Land Use Districts

- NA - Not Applicable
- A - Agricultural
- AA - Agricultural Sub A
- AB - Agriculture Business
- BP - Business Park
- CMC - Community Commercial
- HC - Highway Commercial
- RB - Rural Business
- CR - Country Residential
- CRA - Country Residential Sub A
- CERA - Country Estate Residential Sub Dist A
- DC - Direct Control
- EPA - Environmental Protection Sub A
- ER - Environmental Reserve
- EP - Environmental Protection
- OS - Open Space
- IE - Industrial Edge
- INR - Natural Resource Extraction

Land Use Bylaw

Table 10.12 B: Home Based Business Type II

Home Based Business – Type II	
Development Permit	Yes, Development Permit is required.
Employees	Maximum three (3) non-resident employees working on the site.
Business visits	Maximum six (6) business visits to the site per day.
Business Vehicles on Site	Maximum three (3) business vehicles or related equipment stored outdoors on site per day on parcels under 10 acres. Maximum six (6) business vehicles or related equipment stored outdoors on site per day on parcels 10 acres in size and larger. Large commercial vehicles, used in conjunction with the business, may be permitted on the parcel at the discretion of the Approving Authority based on parcel size, proximity of adjacent residences, and site screening;
Storage of Business Material	No outside storage of business-related material or goods. All storage within the principal dwelling or accessory building.
Nuisances	Home business shall not generate noise, smoke, odor, dust fumes, exhaust, vibration, heat, glare, refuse matter or other nuisances considered offensive or excessive by the Development Authority.
Privacy	At all times, the privacy of the adjacent residential dwellings shall be preserved, and the home-based business shall not in the opinion of the Development Authority, unduly offend or otherwise interfere with livability or enjoyment of the neighboring properties.
Parking	Minimum 1 parking stall per non-resident employee on the property, plus a minimum of 1 additional parking space for each business visitor on the property at the same time, all in addition to the required residential parking or as determined by the Development Authority as a condition of Development Permit.
Signage	Sign no larger than 0.55 sq. m. (5.92 ft.) in area. This sign is permitted to be placed at the entry of the property, provided it is solely on the landowner's property and not in the road right of way;
Business license	Yes, annual Foothills County Business license required.

HOME BASED BUSINESS TYPE II means a business or occupation conducted within a dwelling and/or accessory building(s) on a parcel on which a dwelling is located and where one or more residents of the parcel is the primary owner of the occupation or business, and the following requirements apply:

- A maximum of six (6) *Business Visits* per day.
- A maximum of three (3) non-resident employees working on the property.
- No outdoor storage of business-related materials or goods are permitted. Storage of materials or goods related to the business must be stored within the principal dwelling or accessory building.
- A maximum of three (3) business vehicles or related equipment may be stored outdoors on parcels under 10 acres in size.
- A maximum of six (6) business vehicles or related equipment may be stored outdoors on parcels 10 acres and larger.
- Large commercial vehicles, used in conjunction with the business, may be permitted on the parcel at the discretion of the Approving Authority based on parcel size, proximity of adjacent residences, and site screening.
- Parking is provided in accordance with the requirements set out in Section 9.19 of this bylaw.
- Home business shall not generate noise, smoke, odor, dust fumes, exhaust, vibration, heat, glare, refuse matter or other nuisances considered offensive or excessive by the Development Authority.
- At all times, the privacy of the adjacent residential dwellings shall be preserved, and the home-based business shall not in the opinion of the Development Authority, unduly offend or otherwise interfere with live ability or enjoyment of the neighboring properties.

all in accordance with *Section 10.12* of this bylaw.

110-259 Midpark Way SE | Phone: 403.300.2220
Calgary, AB T2X 1M2 | TWPplanning.com



Foothills County
Box 5605
High River, AB
T1V 1M7

23rd September 2025

ATTN: Samantha Payne, Manager of Planning Applications

RE: Application for a Development Permit to allow for a Home Based Business Type II as a discretionary use for a small-scale winery, and wine tasting room on the land legally described as Block 2, Plan 402LK, NW 22-20-28 W4M, consisting of ± 18.98 ac (± 7.68 ha) within Foothills County.

Landowners: Jim Love and Jaime Love

Dear Mrs. Payne,

Please find enclosed the following in support of the above-mentioned Development Permit Application:

- A signed Development Permit application to allow for a Home Based Business Type II discretionary use;
- The Agency Agreement allowing Township Planning + Design Inc. to act as agent for the landowner;
- A credit card authorization for the DP application fees of \$500.00 (\$100.00 filing fee + \$400.00 for Home Based Business Type II);
- The abandoned well map and declaration, showing no abandoned wells on the property;
- A detailed Business Plan providing information for the proposed business operations;
- A site plan with and without air photo; and
- The Certificate of Title.

To assist the Planning Department with the evaluation of this application we offer the following additional information:

Application Overview + Site Context

This application seeks the approval of a Development Permit for a Home Based Business Type II discretionary use on the subject site. The subject site is located within Foothills County along 128 St E with close proximity to Highway 547, and approximately 9 km east of the Town of Okotoks. It is surrounded by Country Residential (CR) District parcels to the north, west and south, and an Agriculture (A) District quarter section to the east. The subject site will continue to be accessed from the existing approach off 128 St E.

The subject site has an existing residence, existing barn and shed, and an existing workshop structure. The subject site is currently zoned as Country Residential - CR District under which the Home Based Business Type II is listed as a discretionary use. Hence, we are applying for a DP to allow for a small-scale winery, and wine tasting room to be operated from the workshop building. The proposed use aligns with the definition of the Home Based Business Type II, and complies with the criteria listed under Table 10.12B of the Foothills County Land Use Bylaw.

Business Description

Hello Someday Wine has been operating as a virtual winery since 2019. The landowners bought the subject property in September 2024 with the vision of establishing a boutique winery that fits within the rural setting and surrounding community. The small-scale home-based venture is intended to be operated from the property while maintaining the country residential character of the property.

Operations Considerations

The business owners reside in the existing residence, and all the business operations will be conducted within the existing 3,360 sqft workshop building on the subject site. All business visits to the site will be restricted and made by reservation and appointment only. The maximum number of occupants in the workshop building at given time is estimated to be no more than 8-10 people. Small gatherings or private tastings may be considered on the subject site, however large-scale events like weddings are not intended as part of the current application. Additional details regarding hours of operation, visitor hours, staffing details, delivery schedules, etc. have been included in the enclosed business plan document.

The business will not store any noxious, toxic, radioactive, flammable, or explosive materials on the subject site. Only winemaking cleaning and sanitizing products, which are generally very low in toxicity, will be used and stored on the subject site. No additional noise is expected beyond normal conversation levels, with all noise generated within the enclosed workshop building. No additional dust will be generated, and vehicle traffic will be limited to 5 km/h.

Development Permit Details

The Development Permit application seeks for a small-scale winery, and wine tasting room operations to be permitted as a Home Based Business Type II use, and also includes a request to permit the following proposed changes / additions on the subject site:

- A portico structure over the proposed main entrance of the workshop building;
- A winery sign and gate at the entrance of the existing approach to the subject site;
- A new gravel parking area to accommodate up to six (6) passenger vehicles for visitors, and an overflow parking area for staff;
- A fenced-in enclosure area for garbage bins;
- Additional tree plantings for screening to the north of the existing workshop building;
- A loading zone to the south of the existing workshop building; and
- A concrete sidewalk from the proposed gravel parking area to the entrance of the workshop building.

As such, this application does not propose any new buildings on the subject site.

Servicing Considerations

The workshop building, proposed to house the winery operations, has natural gas and electricity connections, as well as water supply from the existing groundwater well and a 3,000-gallon cistern on the subject site. Approximately 2.2 cubic meter of water per month (or 26.4 cubic meter per year) is required for the winery operations, which does not compromise the groundwater well and does not exceed the annual household use of 1240 cubic meter per annum. Any grey and black water generated by the winery operations will be collected in the existing building sump and pumped to the existing septic system or removed by a vac truck. There is no land contouring or berming proposed as part of this application and as such, no additional drainage will be required on the subject site. Appropriate landscaping and screening will be provided as per County direction.

We trust the enclosed application meets the County's expectations and requirements. Please let us know if you have any questions or require any additional information.

Sincerely,
Township Planning + Design Inc.



Kristi Beunder, B.A.,M.E.Des.
RPP MCIP
Principal/Senior Planner
Urban + Regional Planning

Cc: *Jim Love and Jaime Love*



Application for Development Permit

Land Use Bylaw No. 60-2014

Foothills County

www.foothillscountyab.ca

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

THIS IS NOT A BUILDING PERMIT. Construction practices and standards of construction of any building or any structure authorized by this Development Permit must be in accordance with the Building Bylaw. An application must be made for a Building Permit under the requirements of the Building Bylaw and a Permit must be secured before any work or construction on any building may commence or proceed.

FOR OFFICE USE ONLY	
Fee Submitted: _____	Application No: _____
Receipt No.: _____	Tax Roll No: _____
Date Received: _____	Date Deemed Complete: _____

PART 1 APPLICANT/AGENT INFORMATION

Applicant's Name: Kristi Beunder, RPP, MCIP - Township Planning + Design Inc.
 Email: Kristi@twppanning.com
 Applicant's Mailing Address: 110-259 Midpark Way SE, Calgary, AB T2X 1M2
 Telephone: 403.880.8921
 Legal Land Description: Plan 402LK, Block 2, Lot _____, LSD _____,
 Quarter NW, Section 22, Township 20, Range 28, West of the 4 Meridian.
 Registered Owner of Land: James Henry Love and Jaime Anne Love
 Registered Owner Mailing Address: _____
 Email: _____ Telephone: _____
 Interest of Applicant if not owner of site: Agent

PART 2 PROPOSED DEVELOPMENT

I/We hereby make application in accordance with the plans and supporting information submitted herewith. (which forms part of this application). Please give a brief description of the proposed development, including name of development where applicable.

***Please refer to the attached cover letter and supplementary documentation.**

PART 3 SITE INFORMATION

Area Of Lot: (In Acres Or Hectares) ± 18.98 ac (7.68 ha)
 Size Of Proposed Building: NA Height: _____
 Is There A Dwelling (Residence) On The Site: Yes No _____ If Yes, How Many?: One (1)
 Utilities Presently On Site: Gas, water, electricity
 Are There Sour Gas Or High Pressure Facilities On Site?: NA
 Utilities Proposed: NA
 Other Land Involved In Application: NA

DISCLAIMER: Please note that the personal information collected on this form is authorized under the Municipal Government Act and is required for the purpose of the County's Planning and Development processes. This information may also be shared with appropriate government agencies and may also be kept on file by those agencies. The application and related file contents will become available to the public and are subject to the provisions of the Freedom of Information and Protection of Privacy Act (FOIP). If you have any questions about the collection and use of this information, please contact the FOIP Coordinator at 403-652-2341.

PART 4 DEVELOPMENT

Specify other supporting material attached that forms part of this application. (e.g. Site Plan, Plot Plan, Architectural Drawings, etc.):

Site plan, Business Plan document outlining the rationale for the application.

Estimated Date of Commencement: Fall 2025 Estimated Date of Completion: Summer 2026

I, Kristi Beunder, RPP, MCIP - Township Planning + Design Inc.

hereby certify that I am:

- The Registered Owner; or
- Authorized to act on behalf of the Registered Owner

Date: 24 September 2025

RIGHT OF ENTRY

I, being the owner or person in possession of the above described land and any building thereon, hereby consent to an authorized person designated by Foothills County to enter upon the land for the purpose of inspection during the processing of this application.

24 September 2025 _____
Date Signature of Owner or Authorized Agent

FOR OFFICE USE ONLY

1. Land use district: _____
2. Listed as a permitted/discretionary use: _____
3. Meets setbacks: ____ Yes ____ No If "NO", deficient in _____

4. Other information: _____

PART 5 DECISION

Date of Decision: _____ Date Application Accepted: _____

This Development Permit Application is:

- APPROVED
- APPROVED subject to the attached conditions
- REFUSED for the attached reasons

Notice of Decision Advertised: _____

Date of Issuance of Development Permit: _____

Development Officer

NOTE: Development must commence within 12 months of the date of the Date of Issuance of the Permit and be completed within 24 months of the Date of Issuance, unless otherwise stated in the Development Officer's decision.



LAND TITLE CERTIFICATE

S LINC SHORT LEGAL TITLE NUMBER
0018 263 970 402LK;2 241 304 669

LEGAL DESCRIPTION
PLAN 402LK
BLOCK 2
EXCEPTING THEREOUT ALL MINES AND MINERALS
AREA: 7.68 HECTARES (18.98 ACRES) MORE OR LESS

ESTATE: FEE SIMPLE
ATS REFERENCE: 4;28;20;22;NW

MUNICIPALITY: FOOTHILLS COUNTY

REFERENCE NUMBER: 011 326 795

Table with 5 columns: REGISTRATION, DATE (DMY), REGISTERED OWNER(S), DOCUMENT TYPE, VALUE, CONSIDERATION. Row 1: 241 304 669, 25/11/2024, TRANSFER OF LAND, \$1,400,000, CASH & MORTGAGE

OWNERS
JAMES HENRY LOVE

AND
JAIME ANNE LOVE
BOTH OF:



ENCUMBRANCES, LIENS & INTERESTS

Table with 3 columns: REGISTRATION NUMBER, DATE (D/M/Y), PARTICULARS. Row 1: 3705LE, 15/11/1971, CAVEAT CAVEATOR - THE CALGARY REGIONAL PLANNING COMMISSION.

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2
241 304 669

REGISTRATION

NUMBER	DATE (D/M/Y)	PARTICULARS
761 056 196	06/05/1976	UTILITY RIGHT OF WAY GRANTEE - SUNSHINE GAS CO-OP LTD.

241 304 670	25/11/2024	MORTGAGE MORTGAGEE - ATB FINANCIAL. 2, 413 HIGHLANDS BLVD W LETHBRIDGE ALBERTA T1J5E8
-------------	------------	---

TOTAL INSTRUMENTS: 003

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN ACCURATE REPRODUCTION OF THE CERTIFICATE OF TITLE REPRESENTED HEREIN THIS 29 DAY OF AUGUST, 2025 AT 01:37 P.M.

ORDER NUMBER: 54732092

CUSTOMER FILE NUMBER: 25-031



END OF CERTIFICATE

THIS ELECTRONICALLY TRANSMITTED LAND TITLES PRODUCT IS INTENDED FOR THE SOLE USE OF THE ORIGINAL PURCHASER, AND NONE OTHER, SUBJECT TO WHAT IS SET OUT IN THE PARAGRAPH BELOW.

THE ABOVE PROVISIONS DO NOT PROHIBIT THE ORIGINAL PURCHASER FROM INCLUDING THIS UNMODIFIED PRODUCT IN ANY REPORT, OPINION, APPRAISAL OR OTHER ADVICE PREPARED BY THE ORIGINAL PURCHASER AS PART OF THE ORIGINAL PURCHASER APPLYING PROFESSIONAL, CONSULTING OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).

AGENCY AGREEMENT

James and Jamie Love

authorize

Kristi Beunder RPP, MCIP - Township Planning + Design Inc.

to provide

Planning and Design Services

for

The preparation of a site plan and Development Permit application to allow for a Home-Based Business Type II, for land legally described as NW 22-20-28 W4M 18.98 acres (7.68 ha) in Foothills County.

Client agrees that services are to be provided in accordance with the letter proposal from Township Planning + Design Inc. to the landowners dated 22 August 2025, which outlines the scope of services, deliverables, and fee basis for the project.

[Redacted Signature]

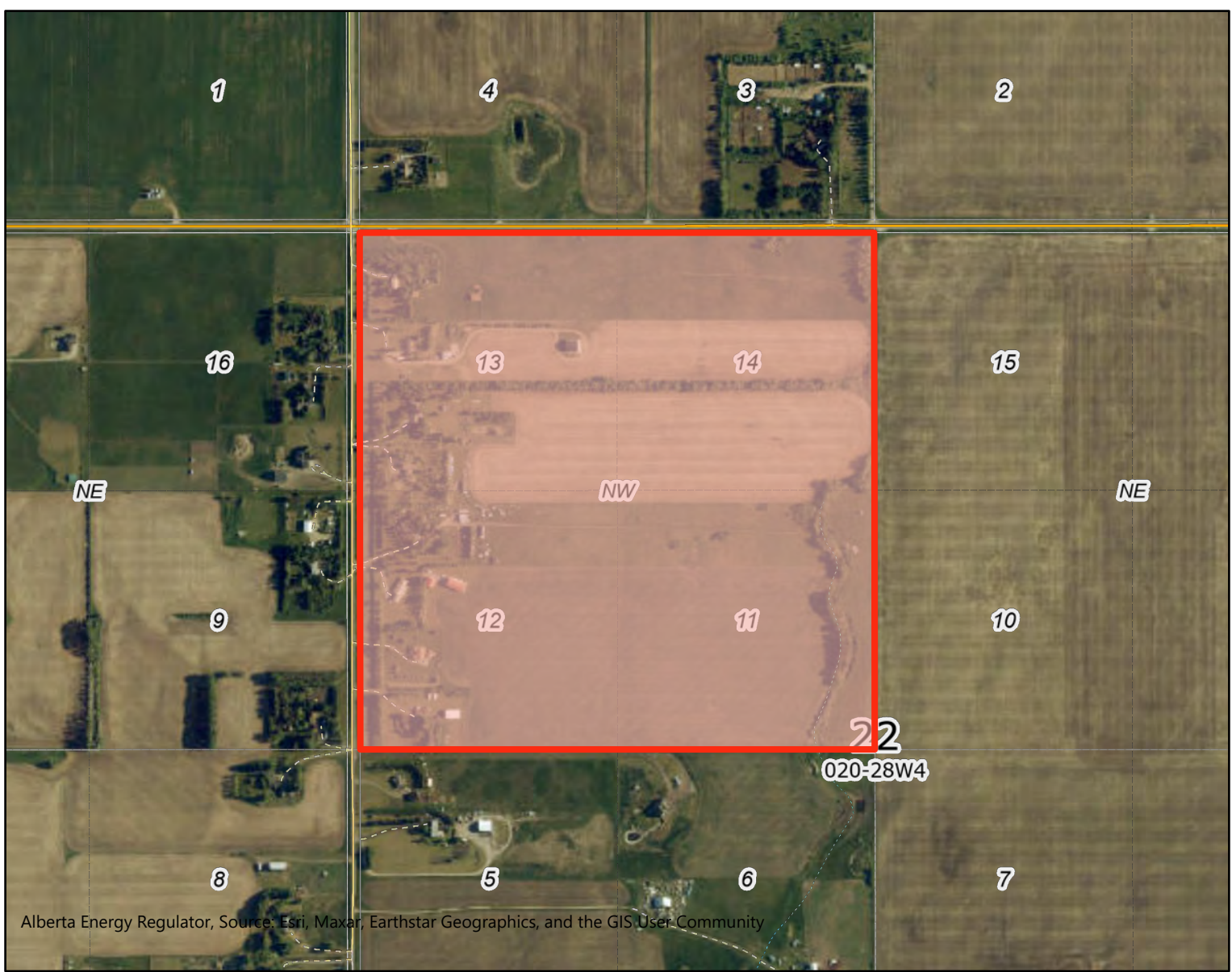
James Love

Aug 20/25
Date

[Redacted Signature]

Jamie Love

Aug 24/25
Date



Alberta Energy Regulator, Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

Abandoned Well Map

Base Data provided by: Government of Alberta

Author:

TWP

Print Date:

9/18/2025

Legend

- | | | |
|--|---|---|
| <ul style="list-style-type: none"> Abandoned Wells Revised Location Revised Location Pointer | <h3>Roads - Other</h3> <ul style="list-style-type: none"> Unimproved Unclassified Truck Trail Winter Ford Winter Crossing Ferry Route <h3>Gravel Road (20K)</h3> <ul style="list-style-type: none"> Primary Undivided 2L Primary Undivided 1L Secondary Undivided 2L Secondary Undivided 1L <h3>Railway (20K Large Scale)</h3> <ul style="list-style-type: none"> Single Line Double Line Multiple Line Spur Line Abandoned ATS LSD label | <ul style="list-style-type: none"> ATS LSD with Road ATS Quarter Section label ATS Quarter Section with ATS Section label (large ATS Section with Road ATS Township (large scale) Provincial Boundary Lake Label (20K) River Label (20K) <h3>Lake/River (20K)</h3> <ul style="list-style-type: none"> Lake or River Lake or River Reservoir Icefield Major Canal Oxbow Quarry Dugout <h3>Intermittent Lake</h3> <ul style="list-style-type: none"> Intermittent Lake Intermittent Oxbow <h3>Sandbar / Wetland /</h3> <ul style="list-style-type: none"> Sandbar |
|--|---|---|

The Alberta Energy Regulator (AER) has not verified and makes no representation or warranty as to the accuracy, completeness, or reliability of any information or data in this document or that it will be suitable for any particular purpose or use. The AER is not responsible for any inaccuracies, errors or omissions in the information or data and is not liable for any direct or indirect losses arising out of any use of this information. For additional information about the limitations and restrictions applicable to this document, please refer to the AER Copyright & Disclaimer webpage: <http://www.aer.ca/copyright-disclaimer>



Projection and Datum
WGS 1984 Web Mercator Auxiliary Sphere

Scale 1:15,016



**Alberta
Energy
Regulator**

If no wells are listed on-site:

I, Kristi Beunder RPP, MCIP - Township Planning + Design Inc. being the registered
Owner(s) or agent acting on behalf of the registered owner(s)
of Plan 402LK Block 2 NW 22-20-28 W4M
(Legal Description)

Do hereby confirm that I have done my due diligence as required by Alberta Municipal Affairs, Foothills County, and the AER by obtaining required information from the 'Abandoned Well Map Viewer' and/or through the AER Information Services, and hereby attach "Schedule A" containing a map of the search area from the viewer and a statement identifying that no abandoned well sites were noted on the above legal description.



Owner/Agent

DATED: this 22 day of September, 20 25.

OR

If wells are listed on-site:

I, _____ being the registered
Owner(s) or agents acting on behalf of the registered owner(s)
of _____
(Legal Description)

Do hereby confirm that I have done my due diligence as required by Alberta Municipal Affairs, Foothills County, and the AER, by obtaining required information from the 'Abandoned Well Map Viewer' and/or through the AER Information Services, and hereby attach "Schedule A" containing a list and map identifying the locations of abandoned wells within the search area, including the surface coordinates, written confirmation that I have contacted the licensee for each well and that the exact location of each well has been confirmed, a sketch of the proposed development incorporating the necessary setback area for each well, and a statement confirming that abandoned wells will be temporarily marked with on-site identification to prevent contact during construction, if the development will result in construction activity within the setback area.

Owner/Agent

DATED: this _____ day of _____, 20 _____.

***This form shall accompany all applications for Land use,
Subdivisions, Development Permits and Building Permits.***

HELLO SOMEDAY

BUSINESS PLAN AND DEVELOPMENT PERMIT APPLICATION



Prepared by:

TOWNSHIP
planning + design inc.

October, 2025

Page 54 of 388

Purpose

Development Permit Application

Prepared by

Township Planning + Design Inc.

Prepared for

Hello Someday Wine

Project Team

Township Planning + Design Inc.

Project Contact Information

Kristi Beunder, RPP, MCIP, B.A., M.E.Des, ICD.D
Principal



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1.1 Business Summary

Hello Someday Wine has been operating as a virtual winery since 2019. The business collaborates with a winemaker based in the Okanagan to source grapes from British Columbia and Washington State, which are processed into wine at a winery located in West Bank, Kelowna, BC.

Currently, the wine is produced and bottled in Okanagan, and shipped to the Alberta Gaming, Liquor and Cannabis (AGLC) in Alberta for distribution. The company primarily markets its wine to liquor stores, restaurants, and hotels within Alberta.

The winemaking process involves several stages, including grape crushing and pressing, fermentation, clarifying and filtering, aging in steel tanks or barrels, and bottling.

1.2 Application Summary

Township Planning + Design Inc. is supporting Hello Someday Wine with the Development Permit application to facilitate a Home Based Business Type II in Foothills County, which will enable the operation of a small-scale home-based venture from their residence while preserving the property's residential character.

The subject site is ±18.98 acres in size and located in the East District of Foothills County. It is zoned as Country Residential District under the Foothills County Land Use Bylaw, which has Home Based Type II listed as a discretionary use. The property was purchased in September 2024 with the intention of establishing a boutique winery that aligns with the rural atmosphere and community of the area.



2. Business Description

2.1 Products

Hello Someday Wine currently produces two (2) white wines, one (1) rosé wine, and two (2) red wines. All products are packaged in traditional glass bottles with screwcap or cork enclosures. Some of their products include the Riesling, Pinot Gris, Syrah Rosé, Crossroads, and Syrah.

2.2 Production Volumes

Hello Someday Wine currently produces approximately 100 cases per vintage (in the Okanagan) and sell 300+ cases of wine per year. They have sold over 11,300 bottles to date. Their goal is to produce and sell approximately 500 cases of wine per year.

2.3 Distribution

The current distribution for Hello Someday Wine is as follows:

- Number of stores: 75
- Number of restaurants/hotels: 15
- Number of cities: 24

All sales product is currently distributed through the AGLC warehouse in St. Albert and is shipped to stores, restaurants, and hotels in Alberta. The future sales channels will be primarily through wholesale and direct to customer:

- Wholesale (business to business): Sales through the AGLC warehouse in St. Albert to stores, restaurants and hotels.
- Direct to consumer: onsite sales, online sales and wine club sales.



2.4 Additional Products & Services

Merchandise

Alongside their wines, Hello Someday Wine will offer a selection of branded merchandise both in the tasting room and through their website. This will include items such as wooden gift boxes, clothing and hats, and other thoughtfully designed products featuring their logo and branding.

Functions

Hello Someday Wine does not plan to host weddings at this time, as the focus is on creating a relaxed and intimate wine experience. While they may consider small gatherings or private tastings in the future, large-scale events such as wedding are not part of the current vision for the property.

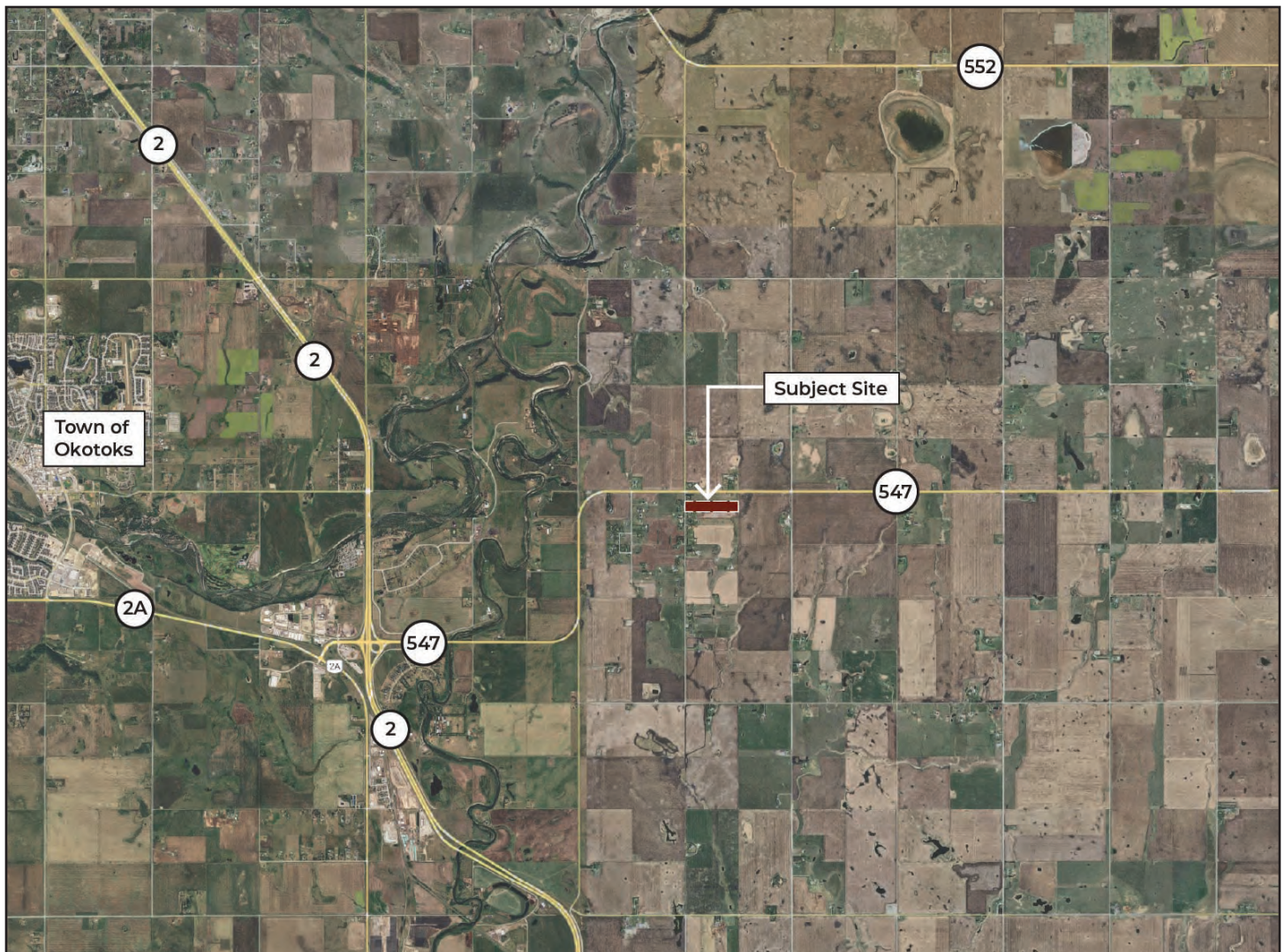


3. Existing Site Conditions

3.1 Location & Context

The subject site is located within Foothills County along 128 St E with close proximity to Highway 547, and approximately 9 km east of the Town of Okotoks. It is designated as Country Residential (CR) District as per the Foothills County Land Use Bylaw.

The subject site is surrounded by Country Residential (CR) District parcels to the north, west and south, and an Agriculture (A) District quarter section to the east. Hello Someday Wine have spoken to their neighbours prior to the formal submission.

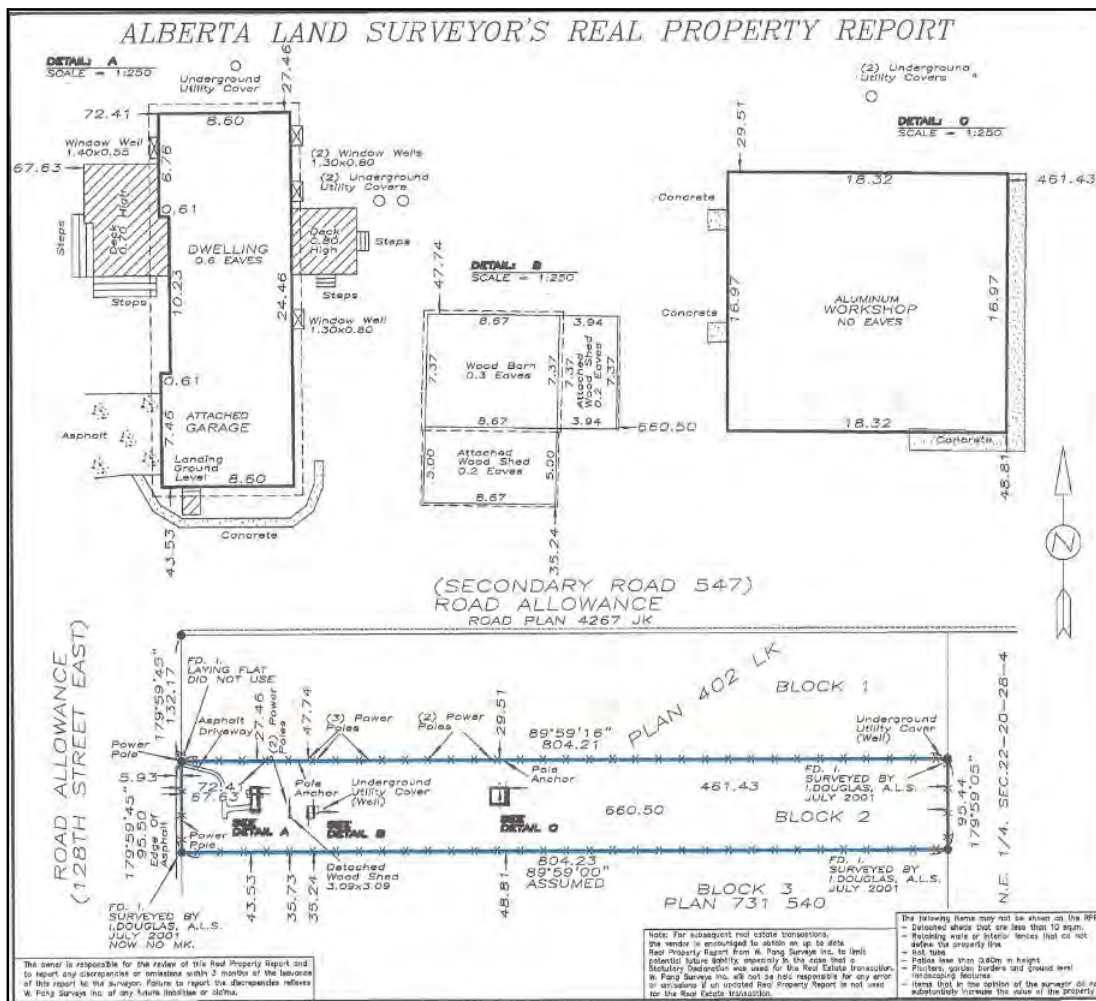


3. Existing Site Conditions

3.2 Existing Structures

The subject site has the following existing structures which are intended to remain:

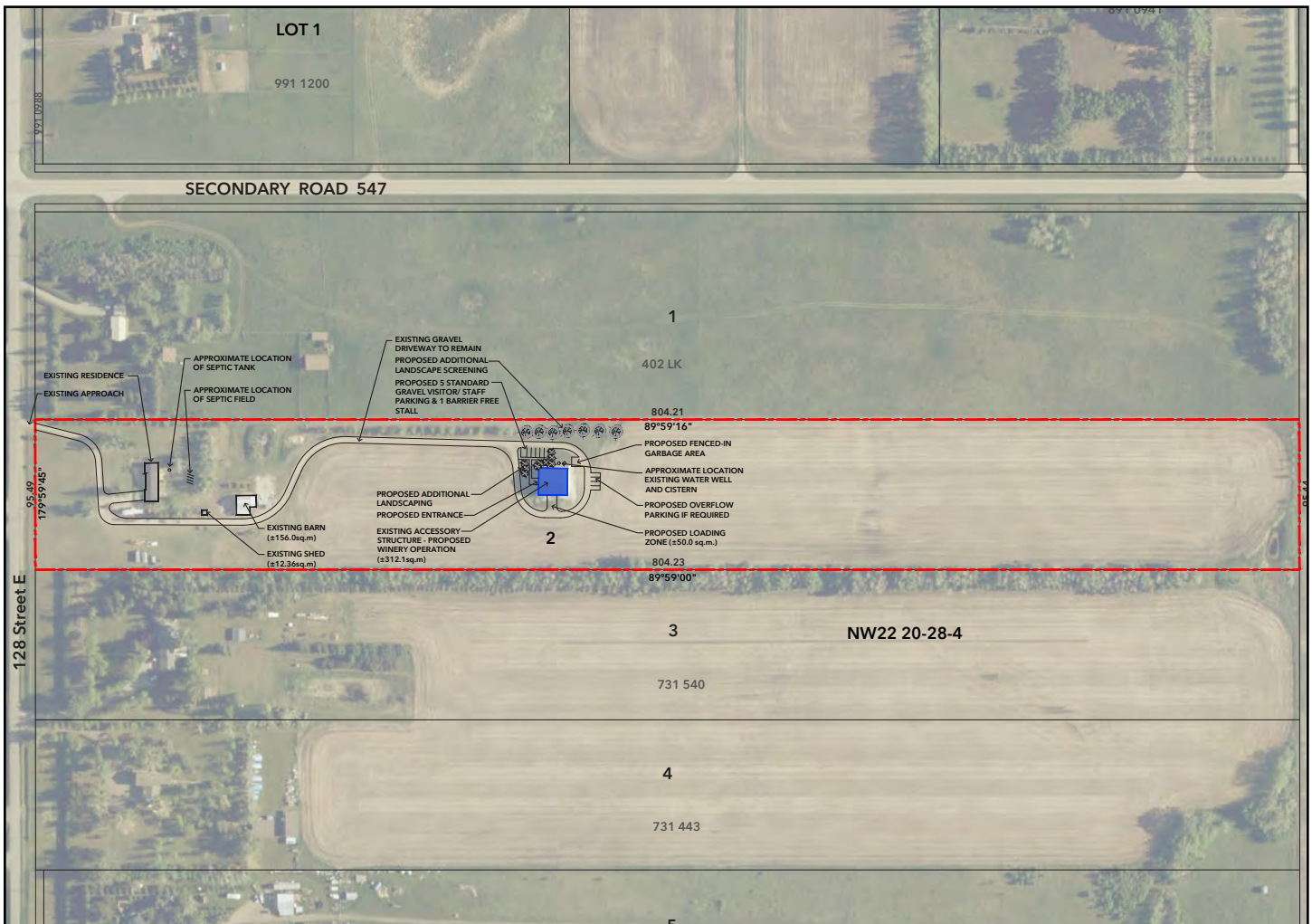
Description	Dimensions	Building Size (sqft)
Main residence including the Garage	8.60m x 24.46m	2,240 sqft
Wood Barn	12.61m x 12.37m	1,680 sqft
Workshop	18.32m x 16.97m	3,360 sqft



The existing workshop is proposed to be used for all business operations. It contains a roughed-in mezzanine which will not be developed at this point in time. The existing workshop has the following services already in place: Natural Gas (Sunshine Gas Coop), Electricity (Direct Energy), Water (on-site well and cistern).

4.1 Proposed Site Plan

The application does not propose any new buildings or outdoor storage areas to be constructed on the subject site for the business operations.



4.2 Proposed Updates

The following updates are proposed on the subject site:

- A - Workshop (existing - no change)
- B - Road access (existing - no change)
- C - Portico over the proposed main entrance to the building (new)
- D - Winery sign (new)
- E - Proposed parking (new)
- F - Proposed garbage/septic enclosure (new)
- G - Proposed additional trees to be planted (new)
- H - Concrete sidewalk (new)
- I - Gate + Sign for Winery (new)
- J - Proposed overflow parking (if required)



4.3 Miscellaneous

Loading and Parking	<ul style="list-style-type: none"> • Gravel parking will be provided (as per the diagram) on the Northside of the building and will accommodate up to 6 parked passenger vehicles. • Loading will take place on the South side of the building through the overhead door.
Garbage and Storage Areas	<ul style="list-style-type: none"> • The garbage and storage areas will be on the North side of the building (as per the diagram). They will be fenced with screened metal mesh fencing. • Garbage, recycling, and compost will be picked up and disposed of weekly by a local disposal company.
Lot Grading and Land Contouring	<ul style="list-style-type: none"> • Lot grading and land contouring will not be required. The building has already been constructed and the land has already been appropriately sloped.
Landscaping	<ul style="list-style-type: none"> • Additional trees will be planted to the north of the building across from the proposed parking stalls. • A portico will be built over one of the existing man doors on the west side of the building.
Screening Requirements	<ul style="list-style-type: none"> • There are no screening requirements.
Irrigation Requirements	<ul style="list-style-type: none"> • There are no irrigation requirements.
Site Access	<ul style="list-style-type: none"> • Access to the building will be via the existing road to the property which is off 128 St E. • The highway that is used to access 128 St E is Highway 547 which is paved.
Sidewalks, Curbs, Gutters and Ditches	<ul style="list-style-type: none"> • A concrete sidewalk from the entrance with the portico will be poured and will extend to the edge of the parking lot. • Six concrete parking curbs will be installed for each parking stall against the north side of the building. • No gutters or ditches are required.
Proposed Signage	<ul style="list-style-type: none"> • There will be a wood sign at the entrance to the property on 128 St E and a wood sign in front of the building by the entrance. • The size of the signs will be approximately 3 feet wide by 4 feet high. • The design of the signs will include the company logo and submark.
Abandoned Well Search	<ul style="list-style-type: none"> • No abandoned wells on the property have been found using the AER Abandon well map. See additional documentation provided.

5.1 Hours of Operation

The proposed hours for visitors are as below:

Hours of Operations	April - October (Spring/Summer/Fall)	November - March (Winter)
Monday	By reservation only	By reservation only
Tuesday		
Wednesday		
Thursday		
Friday	11am -6pm	
Saturday	11am -6pm	
Sunday	11am -6pm	

5.2 Visitor Traffic

All visits to the winery will be **by reservation only**. The maximum number of occupants in the workshop at any given time on average will be 8-10 people. The estimated visitor traffic is as follows:

Average Visitors	April - October (Spring/Summer/Fall)	November - March (Winter)
Monday	By reservation only	By reservation only
Tuesday		
Wednesday		
Thursday		
Friday	11am -6pm 2-4 visitors/day	
Saturday	11am -6pm 2-4 visitors/day	
Sunday	11am -6pm 2-4 visitors/day	

- The estimated traffic for the winter season (November - March) is approximately 1-2 vehicles a week.
- The estimated traffic for the spring/summer/fall season (April - October) is approximately 2-4 vehicles a day, approximately 3 days a week.
- The type of vehicle expected would be a passenger car, SUV, pickup or van.

5.3 Employee Traffic

The estimated employee traffic and work hours are as below:

Position	Work Hours	Type of Vehicle
Crush Staff	2-3 people mid-Oct for 3-4 days. See Staffing Plan for details.	Passenger car/ SUV / pickup
Bottling Staff	2-3 people mid-Oct for 3-4 days. See Staffing Plan for details.	Passenger car/ SUV / pickup
Tasting Room Staff	1-2 people for 1-2 days for approximately 12 weeks (mid-Jun to mid-Sept). See Staffing Plan for details	Passenger car/ SUV / pickup

5.4 Delivery Traffic

The estimated delivery traffic is as below:

Type	Details	Frequency	Type of Vehicle
Outgoing shipments	To the AGLC, online delivery and wine club delivery	1x per month	3 Ton refrigerated Van
Grapes/Juice	Delivery from vineyard to winery of grapes and juice (in totes).	1x per year	3 Ton refrigerated Van
Glass bottles, barrels, and packaging materials	Delivery to winery	1x per year	Truck

6.1 Permanent Staff

The business will have the following permanent staff:

Permanent Position	Work Hours	Details
General Manager & Facility Operations	Full time, Permanent	These positions will be held by Jaime Love
Winery Operations	Part time, Permanent	This position will be held by Jim Love

6.2 Temporary Staff

The business will have the following permanent staff:

Temporary Positions	Work Hours	Number of People	Number of Hours/Day	Number of Days/Week	Total Hours
Winemaker	Part time temporary, Remote	Our current winemaker will provide consulting services for up to 3 years remotely from West Bank, Kelowna			
Crush Staff	Part time temporary, Onsite	2-3 during crush season (mid-Oct)	10 hours/day	3-4 days	30-40 hours per person annually
Bottling Staff	Part time temporary, Onsite	2-3 during bottling (mid- Apr)	10 hours/day	3-4 days	30-40 hours per person annually
Tasting Room Staff	Part time temporary, Onsite	1-2 for Spring/ Summer/Fall hours	06 hours/day	1-2 days for 10-12 weeks	6-12 hours per person per week

7.1 Hazardous Materials Management

The business will not have any noxious, toxic, radioactive, flammable, or explosive materials on site or stored on the property. The business will store winemaking cleaning and sanitizing products which are generally very low in toxicity.

7.2 Noise Management

No additional noise will be generated. Below are test results from a small winery showing noise levels just above normal conversation levels. Any noise generated will occur within the enclosed building.

Operations	L50/Leq Noise Level (dBa)	Details
Refrigeration	60 dBa	In a non shielded environment
Compressor	62 dBa	In a non shielded environment
Crush Operations	64 dBa	In a non shielded environment
Bottling	67 dBa	In a non shielded environment

7.3 Dust Management

No additional dust will be generated. Vehicle traffic will be limited to a speed control of 5 km/h.

7.4 Wastewater, Storm Water and Drainage Management

Management of wastewater and storm water is as follows:

- No drainage required as land will not be altered, and surrounding field will absorb any rainwater runoff.
- Grey and black water will be discharged through the existing septic system.
- Any winery wash water will be collected in the existing building sump and pumped out to the existing septic system or removed by a vac truck.

7.5 Water Management

The property has:

- A 3,000-gallon cistern that is supplied by an existing well.
- The water will be UV filtered and softened (to be installed in the future).
- We do not plan to have water delivered to the property.

Approximately 2,200L of water is required a month. Water is required for:

- Operating the bathroom, dishwasher, etc.
- The winemaking process to wash grapes.
- Cleaning equipment such as tanks and totes after bottling is complete.

8.1 Conclusion

With this development permit application, Hello Someday Wine seeks to own and operate a small-scale winery - a place to not only craft wine with care and passion, but also share the experience with the community. The landscape, the peaceful setting, and the sense of community in Foothills County makes it the perfect setting for the winery which will offer a welcoming space for locals and visitors to gather, connect, and enjoy the beauty of this region.

The proposed updates on site as part of the development permit application are designed to align with both the company's vision, and the County's planning framework. The operations are expected to integrate smoothly into the local context and allow Hello Someday Wine to bring an enriching experience to the area.



"Our winery will be a space for locals and visitors to connect, and inspire them to chase their dreams."

- Jim and Jaime Love, Hello Someday Wine



Prepared by:



891 0941

LOT 1

991 1200

991 0988

SECONDARY ROAD 547

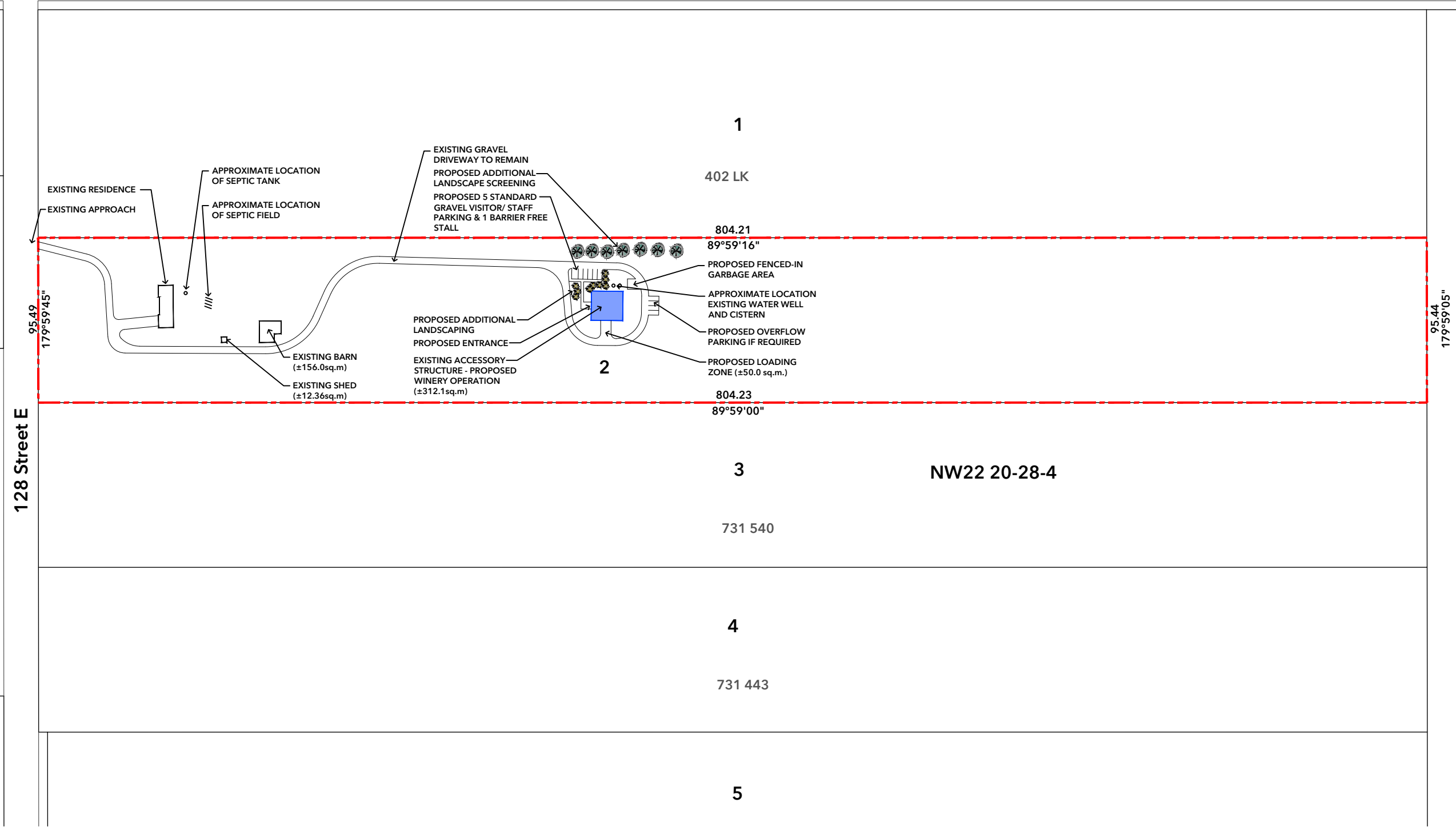
CLIENT
James & Jaime Love

PROJECT NUMBER
25-031

LEGAL ADDRESS
Block 2, Plan 401 LK
NW 22-20-28 W4M
±18.98ac (7.68ha)

DATE
September 22, 2025

GENERAL NOTES
Owner to provide signage for barrier free parking stall and the installation of parking bumpers once parking stalls are establish on site



DEVELOPMENT PERMIT
Site Plan

SCALE
1:3000

SHEET

S1
SITE PLAN Page 71 of 388

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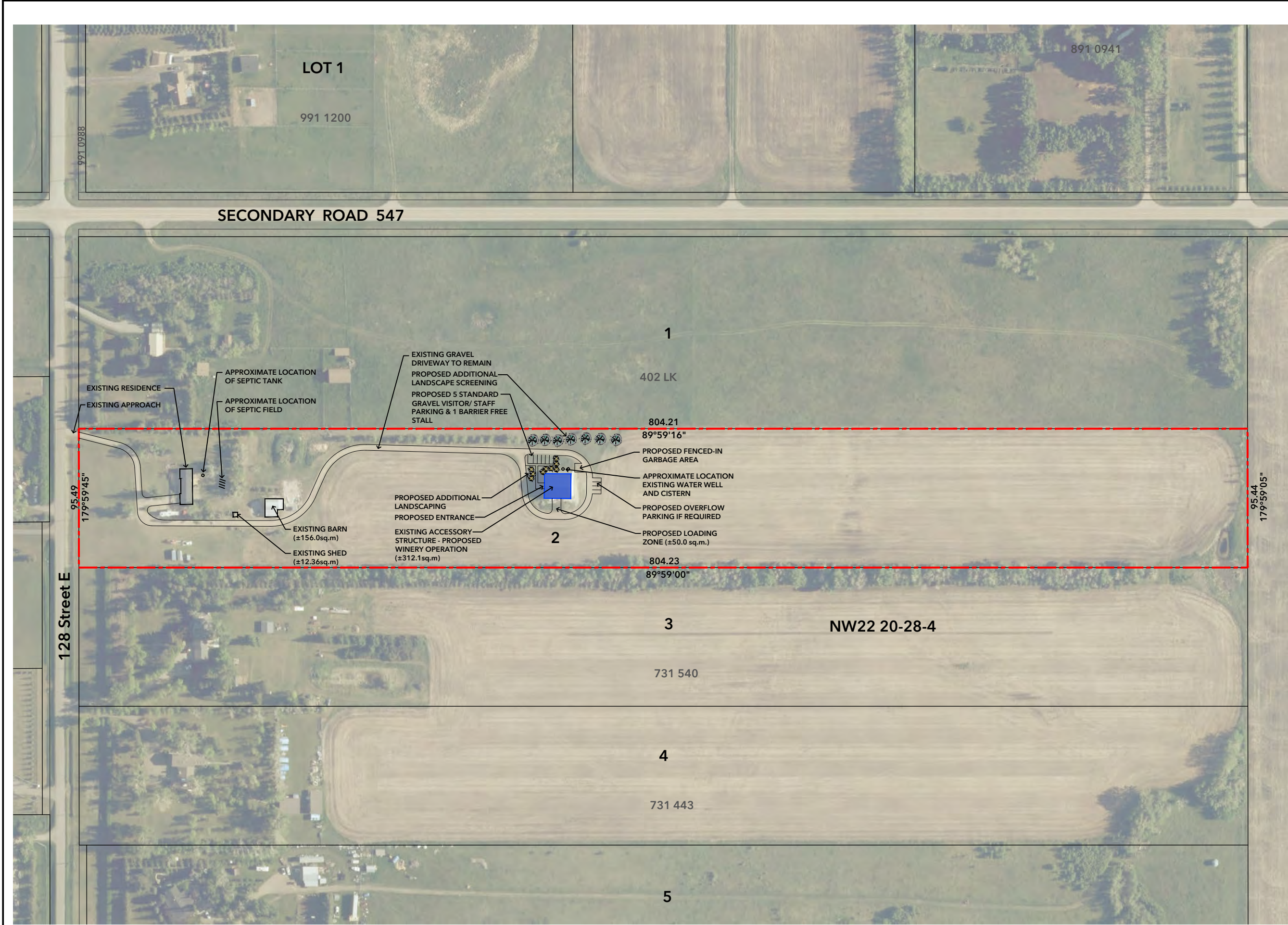
DEVELOPMENT PERMIT

Site Plan

N SCALE
1:3000

SHEET

S1
SITE PLAN





PLANNING & DEVELOPMENT CIRCULATION

PUBLIC WORKS DEPARTMENT - CIRCULATION RESPONSE

FILE NUMBER: 26D 011	LANDOWNER: James & Jaime Love
FILE MANAGER: Stacey Kotlar	AGENT: Township Planning + Design Inc.
CURRENT LAND USE: CR	PROPOSED LAND USE:
LEGAL DESCRIPTION: NW 22-20-28 W4; Plan 402LK, Block 2	
MUNICIPAL ADDRESS: [REDACTED]	
ROLL NUMBER: 2028225050	
DATE REFERRED: January 22, 2026	
PROPOSAL: Home Based Business Type II	

PROPOSAL INFORMATION:

Development Permit

- Internal Road Proposed:
- Construction on Road Allowance Proposed:
- Approaches exist on:
 - Other:

Information pertaining to roads on side of the subject lands:

Servicing Comments or Review required:

- Other:
- Road Widening -

OTHER COMMENTS:

This is a wine making operation with tasting room

PUBLIC WORKS RECOMMENDATIONS:

SUGGESTED CONDITIONS FOR CONSIDERATION:

Proposed Balance

- | | | | |
|---|--------------------------------------|--------------------------------------|--------------------------------------|
| <input type="radio"/> Geotechnical Report for Slope Stability | <input type="checkbox"/> Redes/Amend | <input type="checkbox"/> Subdivision | <input type="checkbox"/> Development |
| <input type="radio"/> High Water Table Testing for Foundation Design: | <input type="checkbox"/> Redes/Amend | <input type="checkbox"/> Subdivision | <input type="checkbox"/> Development |
| <input type="radio"/> Septic Disposal Evaluation (PSTS) | <input type="checkbox"/> Redes/Amend | <input type="checkbox"/> Subdivision | |
| <input type="radio"/> Stormwater Management Plan | <input type="checkbox"/> Redes/Amend | <input type="checkbox"/> Subdivision | <input type="checkbox"/> Development |
| <input type="radio"/> Lot Grading/Overland Drainage Plan | <input type="checkbox"/> Redes/Amend | <input type="checkbox"/> Subdivision | <input type="checkbox"/> Development |
| <input type="radio"/> Flood Plain Report (1 in 100 years) | <input type="checkbox"/> Redes/Amend | <input type="checkbox"/> Subdivision | <input type="checkbox"/> Development |
| <input type="radio"/> Overland Drainage Easement | <input type="checkbox"/> Redes/Amend | <input type="checkbox"/> Subdivision | |
| <input type="radio"/> Building Envelopes | <input type="checkbox"/> Redes/Amend | <input type="checkbox"/> Subdivision | <input type="checkbox"/> Development |
| <input type="radio"/> Traffic Impact Assessment (TIA) | <input type="checkbox"/> Redes/Amend | <input type="checkbox"/> Subdivision | <input type="checkbox"/> Development |
| <input type="radio"/> Environmental Site Assessment (Phase 1 / Phase 2) | <input type="checkbox"/> Redes/Amend | <input type="checkbox"/> Subdivision | <input type="checkbox"/> Development |
| <input type="radio"/> Other: _____ | <input type="checkbox"/> Redes/Amend | <input type="checkbox"/> Subdivision | <input type="checkbox"/> Development |

ADDITIONAL ROAD WIDENING REQUIRED:

No Caveat Survey Out

Amount _____m Location of Widening Required: N E S W

Other: _____

No Caveat Survey Out

Amount _____m Location of Widening Required: N E S W

Other: _____

RECOMMENDATIONS ON APPROACH REQUIREMENTS:

Number of new approaches and/or existing approaches requiring upgrades: _____

Recommendations: _____

None proposed or required for this application

RECOMMENDATIONS REGARDING INFRASTRUCTURE:

The property provides a significant area of absorbent landscaping (established grassland), which will provide sufficient infiltration of any increased runoff caused by the minimal parking/sidewalk addition.

Agree that Alberta Environment will need to be consulted regarding the proposed commercial use of the well.

ROAD REQUIREMENTS / LIMITATIONS:

- Road Ban on road Yes No
- Load Restricted Bridge Yes No
- Road Use Agreement Required Yes No

Road comments and requirements: _____

128 Street E is banned at 90%, any hauling will need to adhere

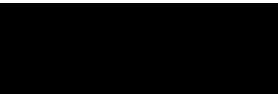
PUBLIC WORKS SUPPORTING DOCUMENTS (PLEASE ATTACH TO THIS REFERRAL IF ANY):

Yes* No

*If Yes – Number of Pages: _____

Date Reviewed: February 20 2026

Reviewer: Patrick Antle

Signature: 

Stacey Kotlar

From: Ala Taremi <Ala.Taremi@albertahealthservices.ca>
Sent: Tuesday, February 10, 2026 12:21 PM
To: Stacey Kotlar
Subject: RE: Circulation package for Development Permit File# 26D 011 - Please review and respond prior to February 23, 2026

You don't often get email from ala.taremi@albertahealthservices.ca. [Learn why this is important](#)

Good Afternoon Stacey,

I would like to confirm that Alberta Health Services, Environmental Public Health (AHS-EPH) has received the above-noted application. AHS-EPH understands that this application is develop a type II home-based business located at NW 22-20-28 W4M; Plan 402LK, Block 2.

AHS-EPH would like an opportunity to review and comment on building permit applications to construct any public facilities on the subject lands (e.g. food establishments). Forwarding building plans for these facilities to our department for approval before the building permit is granted helps to ensure that the proposed facilities will meet the requirements of the Public Health Act and its regulations.

AHS-EPH understands that the business will be connected to a water well and cistern. AHS-EPH would like to remind the applicant that any water wells on the subject lands should be completely contained within the proposed property boundaries. A drinking water source must conform to the most recent Canadian Drinking Water Quality Guidelines and the Alberta Public Health Act, Nuisance and General Sanitation Guideline (AR 243/2003), which states: A person shall not locate a water well that supplies water that is intended or used for human consumption within

- a) 10 metres of any watertight septic tank, pump out tank or other watertight compartment of a sewage or waste water system,
- b) 15 metres of a weeping tile field, an evaporative treatment mound or an outdoor toilet facility with a pit,
- c) 30 metres of a leaching cesspool,
- d) 50 metres of sewage effluent on the ground surface,
- e) 100 metres of a sewage lagoon, or
- f) 450 metres of any area where waste is or may be disposed of at a landfill within the meaning of the Waste Control Regulation (AR 192/96).

AHS-EPH notes that potable water will be provided by a cistern. Please note that the Alberta Public Health Act, Nuisance and General Sanitation Regulation (AR 243/2003) specifies that: The owner of a cistern that is used to hold a potable water supply intended for consumption by the public shall ensure that the cistern

- a) is maintained in a clean and sanitary condition, and
- b) is not used for any other purpose.

Bacteriological sampling of the potable water supply may be required prior to the business becoming operational as well as routinely after that. Applicants should contact AHS-EPH to speak directly with a Public Health Inspector regarding this requirement.

At this time, we do not have any concerns with the information as provided. Feel free to contact me if the application is changed in any way, or you have any questions or concerns.

Thanks,

Ala Taremi, BSc, BEH, CPHI(C)
Environmental Public Health
Safe Healthy Environments
Email: Ala.Taremi@albertahealthservices.ca
Phone: +1-587-943-2790



Environmental Public
Health

ahs.ca/eph | ahs.ca/injuryprevention | ahs.ca/suicideprevention

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From: Jessie Aldana <Jessie.Aldana@albertahealthservices.ca>
Sent: Monday, January 26, 2026 8:53 AM
To: Ala Taremi <Ala.Taremi@albertahealthservices.ca>
Subject: FW: Circulation package for Development Permit File# 26D 011 - Please review and respond prior to February 23, 2026

From: FC_Planning <Planning@Foothillscountyab.ca>
Sent: Friday, January 23, 2026 2:35 PM
To: CAL.chr land applications <chr.landapplications@ahs.ca>; aep.epeaapprovcal@gov.ab.ca; Kurtis Dyck <Kurtis.Dyck@FoothillsCountyAB.ca>; Robert Miller <Robert.Miller@FoothillsCountyAB.ca>; Sunshine Gas Co-op Ltd. <sungas@sunshinegascoop.com>
Cc: Stacey Kotlar <Stacey.Kotlar@FoothillsCountyAb.ca>
Subject: Circulation package for Development Permit File# 26D 011 - Please review and respond prior to February 23, 2026

Caution - This email came from an external address and may contain unsafe content. Ensure you trust this sender before opening attachments or clicking any links in this message

Good afternoon,

Find attached our circulation package for Development Permit File # 26D 011. Please review and respond **prior to February 23, 2026.**

Should you have any questions or comments, please direct them to **Stacey Kotlar** at Stacey.Kotlar@foothillscountyab.ca .

Regards,

**Foothills County
Planning & Development**

FC_Planning@foothillscountyab.ca

Foothills County, 309 Macleod Trail S. /Box 5605, High River, AB T1V 1M7

P. (403) 652-2341 | F. (403) 652-7880



W. www.foothillscountyab.ca

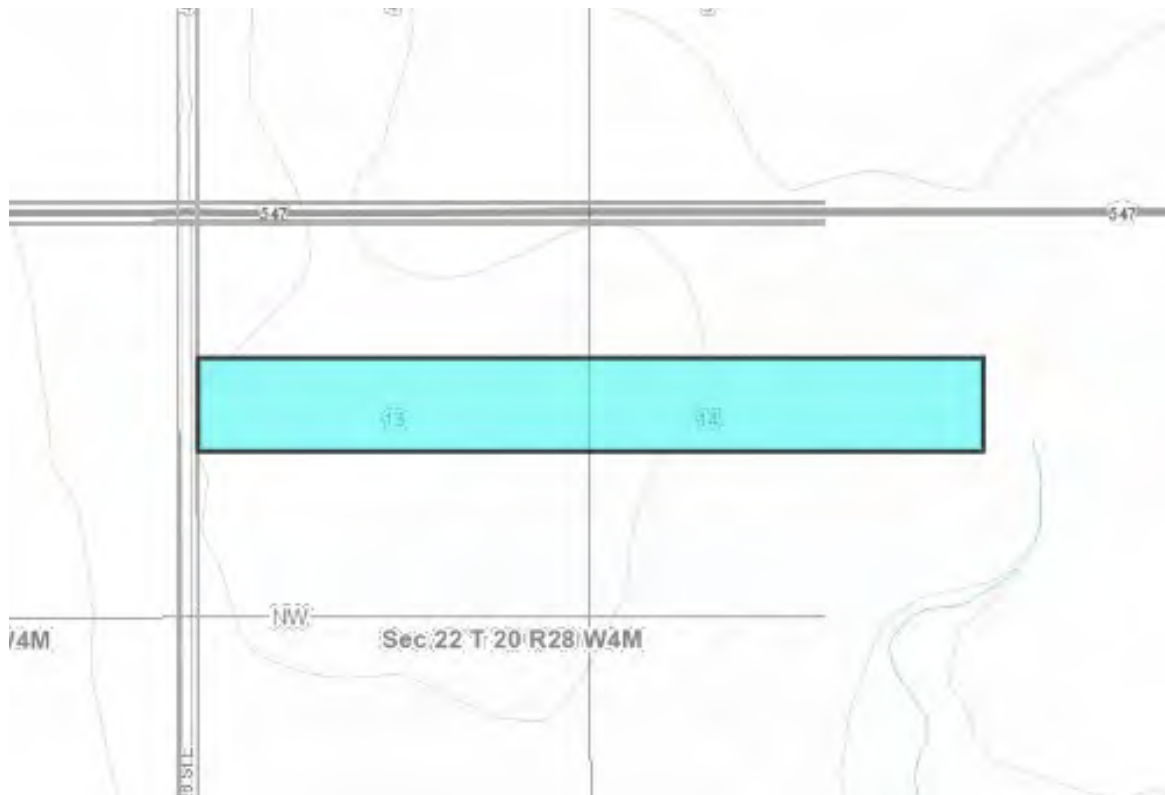
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[EXTERNAL EMAIL] This email has originated from outside of the Foothills County organization. Do not click on any links or open any attachments unless you recognize the senders Name and Email address.

Transportation and Economic Corridors Notice of Referral Decision

Municipal Development in Proximity of a Provincial Highway

Municipality File Number:	26D 011	Highway(s):	547
Legal Land Location:	QS-NW SEC-22 TWP-020 RGE-28 MER-4	Municipality:	Foothills County
Decision By:	Gerry Benoit	Issuing Office:	Southern Region / Calgary
Issued Date:	January 26, 2026	AT Reference #:	RPATH0069460
Description of Development:	Home Based Business Type II		



This will acknowledge receipt of your circulation regarding the above noted proposal. Alberta Transportation and Economic Corridors primary concern is protecting the safe and effective operation of provincial highway infrastructure, and planning for the future needs of the highway network in proximity to the proposed development(s).

Alberta Transportation and Economic Corridors offers the following comment and observation with respect to the proposed development:

- The proposed development will require a Highway Roadside Development Application and subsequent development permit from the department. Information for the applicant is available on Alberta Transportation and Economic Corridors website at the following website link:
<https://www.alberta.ca/roadside-development-permits.aspx>

Please contact Transportation and Economic Corridors through the [RPATH Portal](#) if you have any questions, or require additional information.



Issued by **Gerry Benoit, Development & Planning Tech**, on January 26, 2026, on behalf of the Minister of Transportation and Economic Corridors.

Phil Roberts and Sheree Mason

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

1st June 2026

In regard to:

Appeal Board Hearing against the approval of Development Permit # 26D 011 scheduled for June 11, 2026 at 2:00 p.m.

To the Members of the Board,

We are writing to express serious concerns regarding the proposed winery and associated retail operation on Gladys Ridge. While I am not opposed to the business itself, I strongly believe that the proposal requires significantly more investigation before any approvals are granted, particularly with respect to water consumption, water sourcing, and the suitability of the location.

The most pressing concern for residents is water availability. Gladys Ridge does not have a direct municipal water supply. Most homes in the area rely on private wells, many of which already produce limited quantities of water. Some residents must regularly haul water to meet their household needs. Water is not simply a convenience in our community; it is a critical resource that determines whether our properties remain livable and retain their value.

If the existing groundwater supply is depleted or negatively impacted by commercial operations, homeowners could face severe consequences. A home without a reliable water source becomes extremely difficult to occupy, finance, insure, or sell. In practical terms, the loss of water can render a property nearly worthless.

The proposed winery raises legitimate concerns because wine production is a water-intensive industry. Studies indicate that wineries commonly use between three and ten gallons of water for every gallon of wine produced, with six gallons of water per gallon of wine often used as a planning benchmark by regulatory authorities. Water is required not only for processing grapes, but also for cleaning equipment, sanitizing tanks, barrel washing, bottling operations, wastewater management, and facility maintenance. Even relatively small wineries can consume substantial quantities of water over the course of a year.

At this stage, residents have not been provided with sufficient information regarding:

- The total volume of water the winery is expected to consume annually
- Whether the water will be drawn from local groundwater sources
- The potential impact on neighboring wells and aquifers
- Contingency plans should water shortages occur
- Long-term monitoring and mitigation measures

Before any approvals are considered, a comprehensive hydrogeological assessment should be completed and made available to residents. The burden should not fall on existing homeowners to discover after the fact that a new commercial operation has negatively affected their water supply.

In addition to water concerns, many residents chose to live on Gladys Ridge because of its rural character, quiet environment, and low traffic volumes. People moved here seeking a particular lifestyle—one based on open space, agriculture, and peaceful country living. They did not choose this area to have a retail destination operating down the road from their homes.

A winery with a retail component has the potential to generate significant additional traffic, including customers, delivery vehicles, suppliers, tour operators, event attendees, and service contractors. Increased traffic affects road safety, noise levels and the overall rural character of the community. These impacts should be carefully evaluated and not dismissed as secondary concerns.

There may be more appropriate alternatives that would allow the business to succeed while minimizing impacts on local residents. For example:

- Water required for wine production could be trucked into the facility rather than sourced from local groundwater
- The retail component could be located in an existing commercial or business district designed to accommodate customer traffic
- Production activities could be subject to strict monitoring and reporting requirements regarding water use

In our view, if the intention is to establish a winery on Gladys Ridge, the current location is the wrong choice because of the area's limited and already stressed water supply. This is not an objection to the winery industry or to local business development. Rather, it is a request for responsible planning that recognizes the unique limitations of this rural area and protects the residents who already live here.

We respectfully ask the Board to require further investigation into the project's water demands, water sourcing, traffic impacts, and long-term effects on neighboring properties before proceeding with any approvals.

Thank you for your consideration.

Sincerely,

Phil Roberts & Sheree Mason

110-259 Midpark Way SE | Phone: 403.300.2220
Calgary, AB T2X 1M2 | TWPplanning.com



Foothills County
Box 5605
High River, AB
T1V 1M7

30 March 2026

ATTN: Samantha Payne, Manager of Planning Applications

RE: Application for a Development Permit to allow for a Home Based Business Type II as a discretionary use for a small-scale winery, and wine tasting room on the land legally described as Block 2, Plan 402LK, NW 22-20-28 W4M, consisting of ± 18.98 ac (± 7.68 ha) within Foothills County.

Landowners: Jim Love and Jaime Love

Dear Mrs. Payne,

Please find enclosed the following in support of the above-mentioned Development Permit Application:

- A signed Development Permit application to allow for a Home Based Business Type II discretionary use;
- The Agency Agreement allowing Township Planning + Design Inc. to act as agent for the landowner;
- A credit card authorization for the DP application fees of \$500.00 (\$100.00 filing fee + \$400.00 for Home Based Business Type II);
- The abandoned well map and declaration, showing no abandoned wells on the property;
- A detailed Business Plan providing information for the proposed business operations;
- A site plan with and without air photo; and
- The Certificate of Title.

To assist the Planning Department with the evaluation of this application we offer the following additional information:

Application Overview + Site Context

This application seeks the approval of a Development Permit for a Home Based Business Type II discretionary use on the subject site. The subject site is located within Foothills County along 128 St E with close proximity to Highway 547, and approximately 9 km east of the Town of Okotoks. It is surrounded by Country Residential (CR) District parcels to the north, west and south, and an Agriculture (A) District quarter section to the east. The subject site will continue to be accessed from the existing approach off 128 St E.

The subject site has an existing residence, existing barn and shed, and an existing workshop structure. The subject site is currently zoned as Country Residential - CR District under which the Home Based Business Type II is listed as a discretionary use. Hence, we are applying for a

DP to allow for a small-scale winery, and wine tasting room to be operated from the workshop building. The proposed use aligns with the definition of the Home Based Business Type II, and complies with the criteria listed under Table 10.12B of the Foothills County Land Use Bylaw.

Business Description

Hello Someday Wine has been operating as a virtual winery since 2019. The landowners bought the subject property in September 2024 with the vision of establishing a boutique winery that fits within the rural setting and surrounding community. The small-scale home-based venture is intended to be operated from the property while maintaining the country residential character of the property.

The winery will be used for the winemaking process to produce wine on the subject site, and will involve crushing and pressing the grapes, fermentation, clarifying and filtering, aging the wine in steel tanks or barrels, and bottling. Currently, the wine is produced and bottled in Okanagan, but the landowners would like to have the winery operations on their property in Foothills County. The wine tasting room will have visiting hours for private tastings, available only by reservation for customers, and follow all AGLC regulations. The AGLC (Alberta Gaming, Liquor & Cannabis) regulates wine tastings in Alberta by setting specific rules for licensing, sample sizes, and whether a fee can be charged. They are responsible for overseeing various public and private tastings held by licensees across the province. The landowners will obtain a license from AGLC once they have an approved DP from the County for the intended use on the subject site. The wine will be sold wholesale directly to restaurants, stores, hotels, etc.

All customer visits to the subject site will be by appointment only. The total number of visits to the site per day will be limited to a maximum of six (6) business visits, in alignment with Table 10.12 B of the Land Use Bylaw. Customers that have made prepaid appointments will be allowed to visit the subject site for wine tastings. Customers will be able to purchase the wine and branded Hello Someday Wine merchandise online and pick up on site during their appointment. The wholesale online sales will require a minimum purchase of a half case of wine (6 bottles). Any wholesale online sales will require an appointment to be picked up on site. There will be no retail storefront or retail sales on the subject site.

The landowners do not wish to pursue a rezoning of the subject site at this time, as it would require a significant financial investment without certainty of long-term viability of the business.

Operations Considerations

The landowners reside in the existing residence, and all the business operations will be conducted within the existing 3,360 sqft workshop building on the subject site. All business visits to the site will be restricted and made by reservation and appointment only. The maximum number of occupants in the workshop building at any given time is estimated to be no more than 8-10 people. Additional details regarding hours of operation, visitor hours, staffing details, delivery schedules, etc. have been included in the enclosed business plan document.

The business will not store any noxious, toxic, radioactive, flammable, or explosive materials on the subject site. Only winemaking cleaning and sanitizing products, which are generally very low in toxicity, will be used and stored on the subject site. No additional noise is expected

beyond normal conversation levels, with all noise generated within the enclosed workshop building. No additional dust will be generated, and vehicle traffic will be limited to 5 km/h.

Development Permit Details

The Development Permit application seeks for a small-scale winery, and wine tasting room operations to be permitted as a Home Based Business Type II use, and also includes a request to permit the following proposed changes / additions on the subject site:

- A portico structure over the proposed main entrance of the workshop building;
- A winery sign and gate at the entrance of the existing approach to the subject site;
- A new gravel parking area to accommodate up to six (6) passenger vehicles for visitors, and an overflow parking area for staff;
- A fenced-in enclosure area for garbage bins;
- Additional tree plantings for screening to the north of the existing workshop building;
- A loading zone to the south of the existing workshop building; and
- A concrete sidewalk from the proposed gravel parking area to the entrance of the workshop building.

As such, this application does not propose any new buildings on the subject site.

Servicing Considerations

The workshop building, proposed to house the winery operations, has natural gas and electricity connections, as well as water supply from the existing groundwater well and a 3,000-gallon cistern on the subject site. Approximately 2.2 cubic meter of water per month (or 26.4 cubic meter per year) is required for the winery operations, which does not compromise the groundwater well and does not exceed the annual household use of 1240 cubic meter per annum. Any grey and black water generated by the winery operations will be collected in the existing building sump and pumped to the existing septic system or removed by a vac truck. There is no land contouring or berming proposed as part of this application and as such, no additional drainage will be required on the subject site. Appropriate landscaping and screening will be provided as per County direction.

We trust the enclosed application meets the County's expectations and requirements. Please let us know if you have any questions or require any additional information.

Sincerely,
Township Planning + Design Inc.



Kristi Beunder, B.A.,M.E.Des.
RPP MCIP
Principal/Senior Planner
Urban + Regional Planning

Cc: *Jim Love and Jaime Love*



Application for Development Permit

Land Use Bylaw No. 60-2014

Foothills County

www.foothillscountyab.ca

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

THIS IS NOT A BUILDING PERMIT. Construction practices and standards of construction of any building or any structure authorized by this Development Permit must be in accordance with the Building Bylaw. An application must be made for a Building Permit under the requirements of the Building Bylaw and a Permit must be secured before any work or construction on any building may commence or proceed.

FOR OFFICE USE ONLY	
Fee Submitted: _____	Application No: _____
Receipt No.: _____	Tax Roll No: _____
Date Received: _____	Date Deemed Complete: _____

PART 1 APPLICANT/AGENT INFORMATION

Applicant's Name: Kristi Beunder, RPP, MCIP - Township Planning + Design Inc.
 Email: Kristi@twppanning.com
 Applicant's Mailing Address: 110-259 Midpark Way SE, Calgary, AB T2X 1M2
 Telephone: 403.880.8921
 Legal Land Description: Plan 402LK, Block 2, Lot _____, LSD _____,
 Quarter NW, Section 22, Township 20, Range 28, West of the 4 Meridian.
 Registered Owner of Land: James Henry Love and Jaime Anne Love
 Registered Owner Mailing Address: _____
 Email: _____ Telephone: _____
 Interest of Applicant if not owner of site: Agent

PART 2 PROPOSED DEVELOPMENT

I/We hereby make application in accordance with the plans and supporting information submitted herewith. (which forms part of this application). Please give a brief description of the proposed development, including name of development where applicable.

The application is for a small-scale winery, and wine tasting room. The winery will be used for the winemaking process to produce wine on the subject site, and will involve crushing and pressing the grapes, fermentation, clarifying and filtering, aging the wine in steel tanks/barrels, and bottling. Currently, the wine is produced and bottled in Okanagan, but the landowners would like to have the winery operations on their property in Foothills County. The wine tasting room will have visiting hours for private tastings, available only by reservation for customers, and follow all AGLC regulations. The AGLC (Alberta Gaming, Liquor & Cannabis) regulates wine tastings in Alberta by setting specific rules for licensing, sample sizes, and whether a fee can be charged. They are responsible for overseeing various public and private tastings held by licensees across the province. The wine will be sold wholesale directly to restaurants, stores, hotels, etc. Customers that have made prepaid appointments will be allowed to visit the site for wine tastings. Customers will be able to purchase the wine and branded Hello Someday Wine merchandise online, and pick up on site during their appointment. The wholesale online sales will require a minimum purchase of a half case of wine (6 bottles). The wholesale online sales will require an appointment to be picked up on site. The proposed use aligns with the definition of the Home Based Business Type II, and complies with the criteria listed under Table 10.12B of the Foothills County Land Use Bylaw. Please refer to the cover letter and supplementary documentation.

PART 3 SITE INFORMATION

Area Of Lot: (In Acres Or Hectares) ± 18.98 ac (7.68 ha)
 Size Of Proposed Building: NA Height: _____
 Is There A Dwelling (Residence) On The Site: Yes No _____ If Yes, How Many?: One (1)
 Utilities Presently On Site: Gas, water, electricity
 Are There Sour Gas Or High Pressure Facilities On Site?: NA
 Utilities Proposed: NA
 Other Land Involved In Application: NA

DISCLAIMER: Please note that the personal information collected on this form is authorized under the Municipal Government Act and is required for the purpose of the County's Planning and Development processes. This information may also be shared with appropriate government agencies and may also be kept on file by those agencies. The application and related file contents will become available to the public and are subject to the provisions of the Freedom of Information and Protection of Privacy Act (FOIP). If you have any questions about the collection and use of this information, please contact the FOIP Coordinator at 403-652-2341.

PART 4 DEVELOPMENT

Specify other supporting material attached that forms part of this application. (e.g. Site Plan, Plot Plan, Architectural Drawings, etc.):

Site plan, Business Plan document outlining the rationale for the application.

Estimated Date of Commencement: Fall 2025 Estimated Date of Completion: Summer 2026

I, Kristi Beunder, RPP, MCIP - Township Planning + Design Inc.

hereby certify that I am:

The Registered Owner; or

Authorized to act on behalf of the Registered Owner

Date: 25 March 2026

RIGHT OF ENTRY

I, being the owner or person in possession of the above described land and any building thereon, hereby consent to an authorized person designated by Foothills County to enter upon the land for the purpose of inspection during the processing of this application.

25 March 2026



Date

Signature of Owner or Authorized Agent

FOR OFFICE USE ONLY

- 1. Land use district: _____
- 2. Listed as a permitted/discretionary use: _____
- 3. Meets setbacks: Yes No If "NO", deficient in _____

- 4. Other information: _____

PART 5 DECISION

Date of Decision: _____ Date Application Accepted: _____

This Development Permit Application is:

APPROVED

APPROVED subject to the attached conditions

REFUSED for the attached reasons

Notice of Decision Advertised: _____

Date of Issuance of Development Permit: _____

Development Officer

NOTE: Development must commence within 12 months of the date of the Date of Issuance of the Permit and be completed within 24 months of the Date of Issuance, unless otherwise stated in the Development Officer's decision.



LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0018 263 970 402LK;2 241 304 669

LEGAL DESCRIPTION
PLAN 402LK
BLOCK 2
EXCEPTING THEREOUT ALL MINES AND MINERALS
AREA: 7.68 HECTARES (18.98 ACRES) MORE OR LESS

ESTATE: FEE SIMPLE
ATS REFERENCE: 4;28;20;22;NW

MUNICIPALITY: FOOTHILLS COUNTY

REFERENCE NUMBER: 011 326 795

REGISTERED OWNER(S)				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
241 304 669	25/11/2024	TRANSFER OF LAND	\$1,400,000	CASH & MORTGAGE

OWNERS
JAMES HENRY LOVE

AND
JAIME ANNE LOVE

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

AS JOINT TENANTS

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION	DATE (D/M/Y)	PARTICULARS
NUMBER		
3705LE .	15/11/1971	CAVEAT CAVEATOR - THE CALGARY REGIONAL PLANNING COMMISSION.

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2
241 304 669

REGISTRATION

NUMBER	DATE (D/M/Y)	PARTICULARS
761 056 196	06/05/1976	UTILITY RIGHT OF WAY GRANTEE - SUNSHINE GAS CO-OP LTD.
241 304 670	25/11/2024	MORTGAGE MORTGAGEE - ATB FINANCIAL. 2, 413 HIGHLANDS BLVD W LETHBRIDGE ALBERTA T1J5E8 ORIGINAL PRINCIPAL AMOUNT: \$1,400,000

TOTAL INSTRUMENTS: 003

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN ACCURATE REPRODUCTION OF THE CERTIFICATE OF TITLE REPRESENTED HEREIN THIS 29 DAY OF AUGUST, 2025 AT 01:37 P.M.

ORDER NUMBER: 54732092

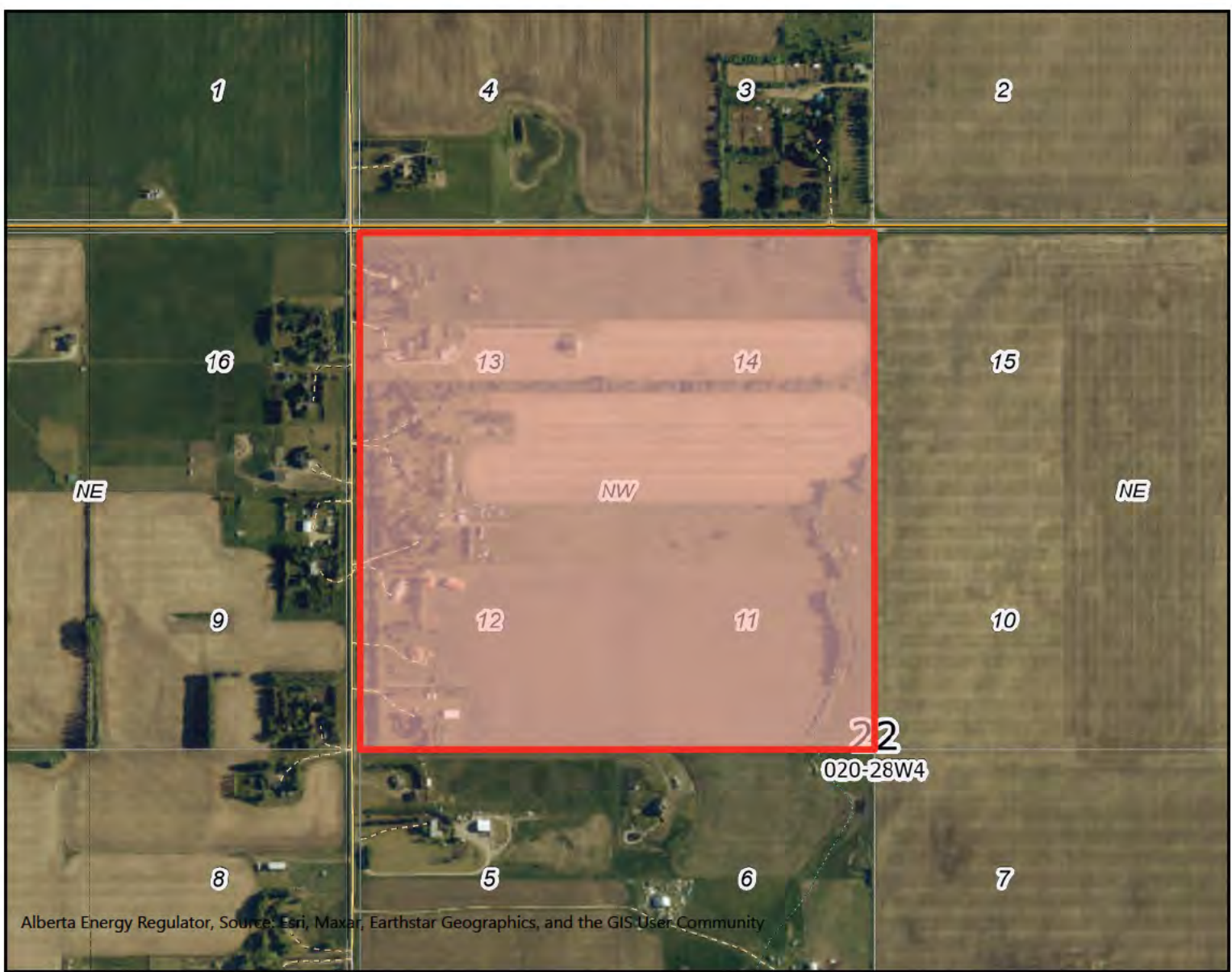
CUSTOMER FILE NUMBER: 25-031



END OF CERTIFICATE

THIS ELECTRONICALLY TRANSMITTED LAND TITLES PRODUCT IS INTENDED FOR THE SOLE USE OF THE ORIGINAL PURCHASER, AND NONE OTHER, SUBJECT TO WHAT IS SET OUT IN THE PARAGRAPH BELOW.

THE ABOVE PROVISIONS DO NOT PROHIBIT THE ORIGINAL PURCHASER FROM INCLUDING THIS UNMODIFIED PRODUCT IN ANY REPORT, OPINION, APPRAISAL OR OTHER ADVICE PREPARED BY THE ORIGINAL PURCHASER AS PART OF THE ORIGINAL PURCHASER APPLYING PROFESSIONAL, CONSULTING OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).



Alberta Energy Regulator, Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

Abandoned Well Map

Base Data provided by: Government of Alberta

Author:

TWP

Print Date:

9/18/2025

Legend

- | | | |
|--|--|---|
| <ul style="list-style-type: none"> ◆ Abandoned Wells ○ Revised Location ○ Revised Location Pointer Paved Road (20K) — Primary Divided — Primary Divided — Primary Undivided 4L — Primary Undivided 4L — Primary Undivided 2L — Primary Undivided 1L — Primary Undivided 1L — Interchange Ramp — Interchange Ramp — Secondary Divided — Secondary Undivided — Secondary Undivided 4L — Secondary Undivided 4L — Secondary Undivided 2L — Secondary Undivided 2L — Secondary Undivided 2L — Secondary Undivided 1L — Secondary Undivided 1L | <ul style="list-style-type: none"> Roads - Other — Unimproved — Unclassified — Truck Trail — Winter — Ford Winter Crossing — Ferry Route Gravel Road (20K) — Primary Undivided 2L — Primary Undivided 1L — Primary Undivided 1L — Primary Undivided 1L — Secondary Undivided 2L — Secondary Undivided 1L — Secondary Undivided 1L Railway (20K Large Scale) — Single Line — Double Line — Multiple Line — Spur Line — Abandoned — ATS LSD label | <ul style="list-style-type: none"> □ ATS LSD with Road □ ATS Quarter Section label □ ATS Quarter Section with □ ATS Section label (large □ ATS Section with Road □ ATS Township (large scale) □ Provincial Boundary □ Lake Label (20K) □ River Label (20K) Lake/River (20K) ■ Lake or River ■ Lake or River ■ Reservoir ■ Icefield ■ Major Canal ■ Oxbow ■ Quarry ■ Dugout Intermittent Lake ■ Intermittent Lake ■ Intermittent Oxbow Sandbar / Wetland / ■ Sandbar |
|--|--|---|

The Alberta Energy Regulator (AER) has not verified and makes no representation or warranty as to the accuracy, completeness, or reliability of any information or data in this document or that it will be suitable for any particular purpose or use. The AER is not responsible for any inaccuracies, errors or omissions in the information or data and is not liable for any direct or indirect losses arising out of any use of this information. For additional information about the limitations and restrictions applicable to this document, please refer to the AER Copyright & Disclaimer webpage: <http://www.aer.ca/copyright-disclaimer>



Projection and Datum
WGS 1984 Web Mercator Auxiliary Sphere

Scale 1:15,016



**Alberta
Energy
Regulator**

If no wells are listed on-site:

I, Kristi Beunder RPP, MCIP - Township Planning + Design Inc. being the registered
Owner(s) or agent acting on behalf of the registered owner(s)
of Plan 402LK Block 2 NW 22-20-28 W4M
(Legal Description)

Do hereby confirm that I have done my due diligence as required by Alberta Municipal Affairs, Foothills County, and the AER by obtaining required information from the 'Abandoned Well Map Viewer" and/or through the AER Information Services, and hereby attach "Schedule A" containing a map of the search area from the viewer and a statement identifying that no abandoned well sites were noted on the above legal description.



Owner/Agent

DATED: this 22 day of September, 2025.

OR

If wells are listed on-site:

I, _____ being the registered
Owner(s) or agents acting on behalf of the registered owner(s)
of _____
(Legal Description)

Do hereby confirm that I have done my due diligence as required by Alberta Municipal Affairs, Foothills County, and the AER, by obtaining required information from the 'Abandoned Well Map Viewer" and/or through the AER Information Services, and hereby attach "Schedule A" containing a list and map identifying the locations of abandoned wells within the search area, including the surface coordinates, written confirmation that I have contacted the licensee for each well and that the exact location of each well has been confirmed, a sketch of the proposed development incorporating the necessary setback area for each well, and a statement confirming that abandoned wells will be temporarily marked with on-site identification to prevent contact during construction, if the development will result in construction activity within the setback area.

Owner/Agent

DATED: this _____ day of _____, 20_____.

**This form shall accompany all applications for Land use,
Subdivisions, Development Permits and Building Permits.**

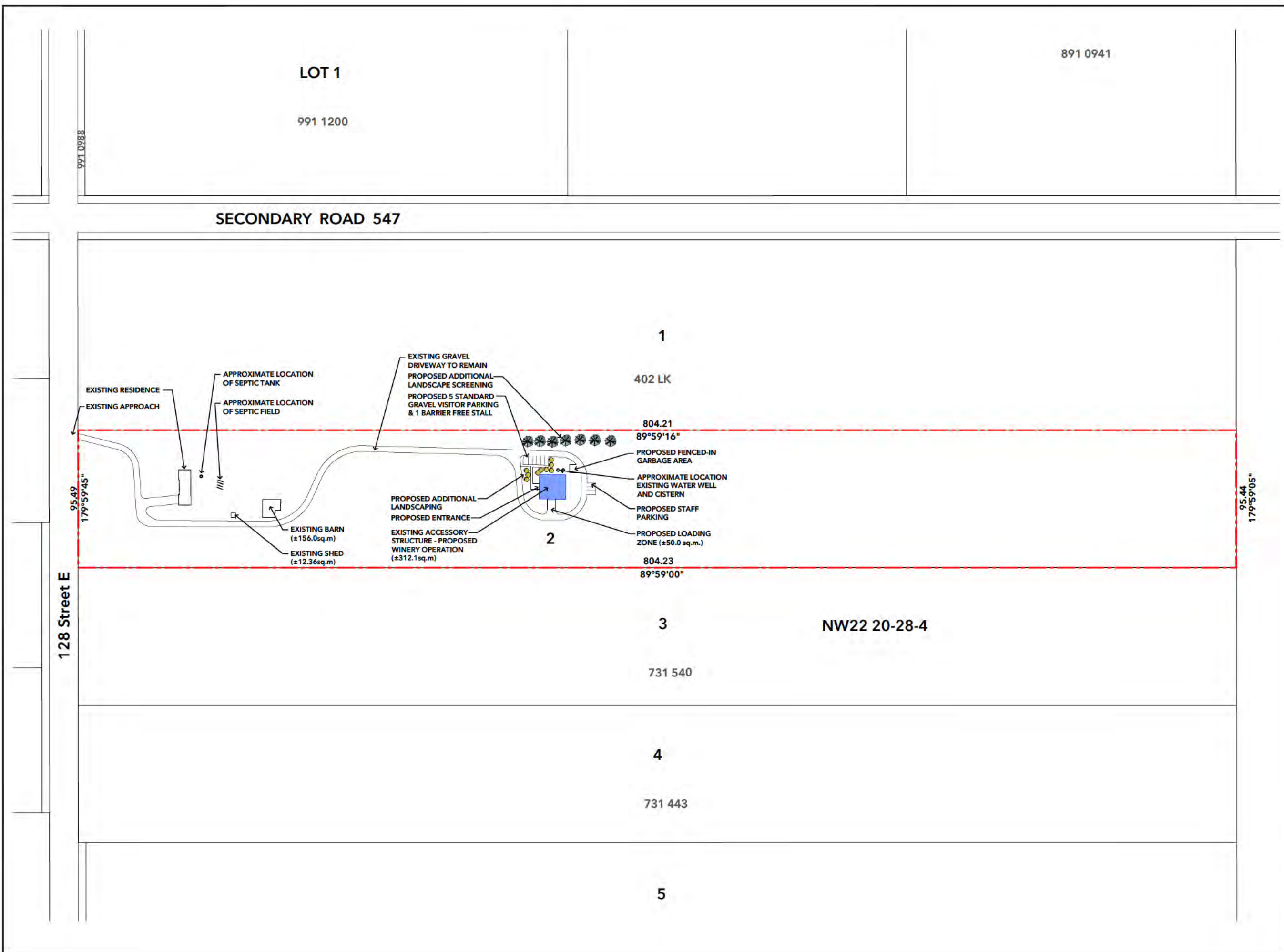
CLIENT
James & Jamie Love

PROJECT NUMBER
25-031

LEGAL ADDRESS
Block 2, Plan 401 LK
NW 22-20-28 W4M
±18.98ac (7.68ha)

DATE
December 9, 2025

GENERAL NOTES
Owner to provide signage for barrier free parking stall and the installation of parking bumpers once parking stalls are established on site



DEVELOPMENT PERMIT
Site Plan

N SCALE
1:3000

CLIENT

James & Jamie Love

PROJECT NUMBER

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Block 2, Plan 401 LK
NW 22-20-28 W4M
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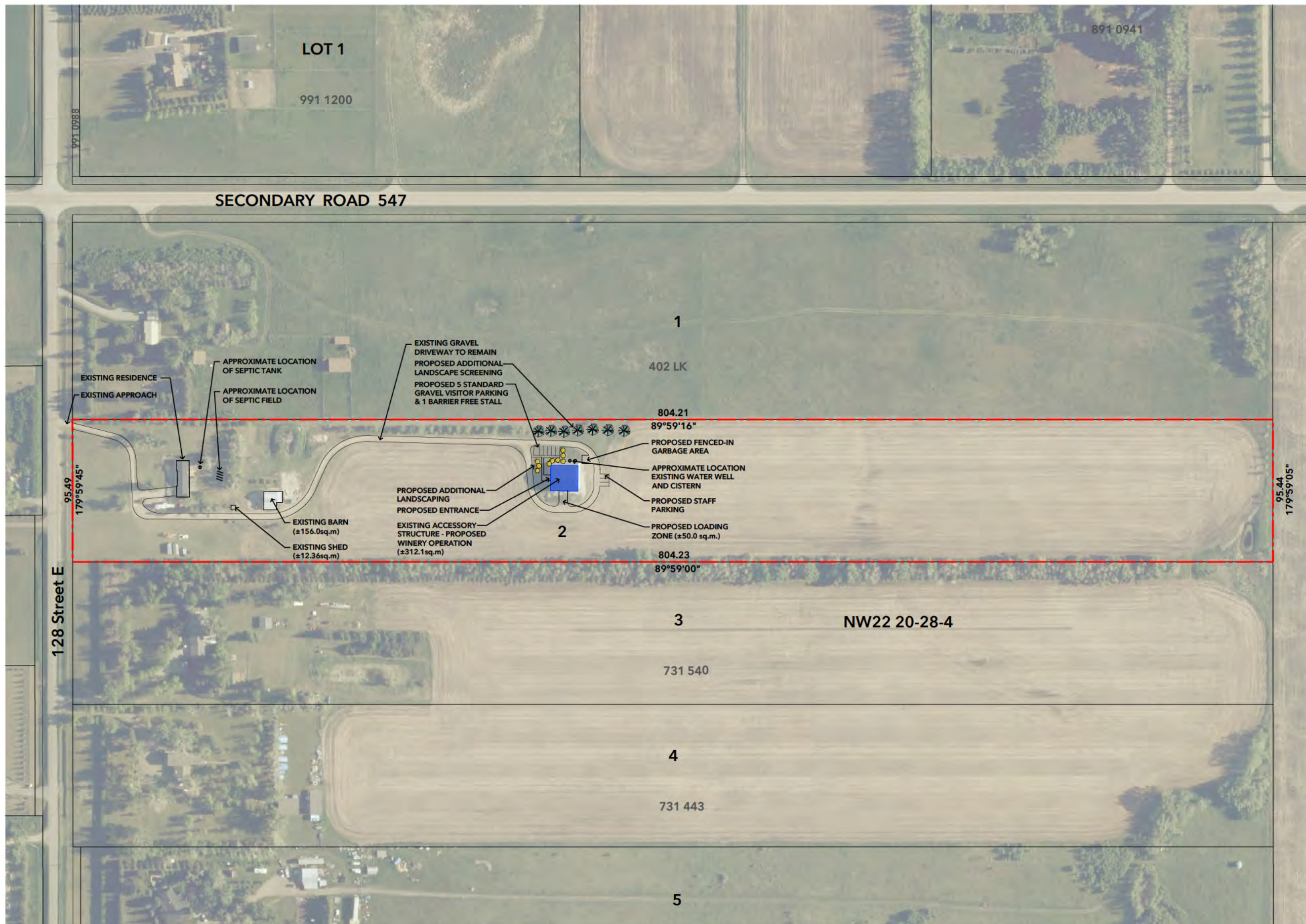
DEVELOPMENT PERMIT

Site Plan

N SCALE
1:3000

SHEET

S1
SITE PLAN



HELLO SOMEDAY

BUSINESS PLAN AND DEVELOPMENT PERMIT APPLICATION



Prepared by:

TOWNSHIP
planning + design inc.

March 2026

Purpose

Development Permit Application

Prepared by

Township Planning + Design Inc.

Prepared for

Hello Someday Wine

Project Team

Township Planning + Design Inc.

Project Contact

Kristi Beunder, RPP, MCIP, B.A., M.E.Des, ICD.D
Principal



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1.1 Business Summary

Hello Someday Wine has been operating as a virtual winery since 2019. The business collaborates with a winemaker based in the Okanagan to source grapes from British Columbia and Washington State, which are processed into wine at a winery located in West Bank, Kelowna, BC.

Currently, the wine is produced and bottled in Okanagan, and shipped to the Alberta Gaming, Liquor and Cannabis (AGLC) in Alberta for distribution. The company primarily markets its wine to liquor stores, restaurants, and hotels within Alberta.

The winemaking process to produce wine at the subject site will involve several stages, including grape crushing and pressing, fermentation, clarifying and filtering, aging in steel tanks or barrels, and bottling.

1.2 Application Summary

Township Planning + Design Inc. is supporting Hello Someday Wine with the Development Permit application to facilitate a Home Based Business Type II in Foothills County, which will enable the operation of a small-scale home-based venture (small-scale winery and wine tasting room) from their residence while preserving the property's residential character.

The subject site is ±18.98 acres in size and located in the East District of Foothills County. It is zoned as Country Residential District under the Foothills County Land Use Bylaw, which has Home Based Type II listed as a discretionary use. The property was purchased in September 2024 with the intention of establishing a boutique winery that aligns with the rural atmosphere and community of the area.



2. Business Description

2.1 Products

Hello Someday Wine currently produces two (2) white wines, one (1) rosé wine, and two (2) red wines. All products are packaged in traditional glass bottles with screwcap or cork enclosures. Some of their products include the Riesling, Pinot Gris, Syrah Rosé, Crossroads, and Syrah.

2.2 Production Volumes

Hello Someday Wine currently produces approximately 100 cases per vintage (in the Okanagan) and sell 300+ cases of wine per year. They have sold over 11,300 bottles to date. Their goal is to produce and sell approximately 500 cases of wine per year.



2.3 Distribution

The current distribution for Hello Someday Wine is as follows:

- Number of stores: 75
- Number of restaurants/hotels: 15
- Number of cities: 24

All sales product is currently distributed through the AGLC warehouse in St. Albert and is shipped to stores, restaurants, and hotels in Alberta. The future sales channels will be primarily through wholesale and direct to consumer:

- Wholesale (business to business): Sales through the AGLC warehouse in St. Albert to stores, restaurants and hotels.
- Direct to consumer: wholesale, online sales, and wine club sales.



2.4 Additional Products & Services

Merchandise

Alongside their wines, Hello Someday Wine will offer a selection of branded merchandise through their website. This will include items such as wooden gift boxes, clothing and hats, and other thoughtfully designed products featuring their logo and branding.

Activities & Services

Hello Someday Wine's focus is on creating a relaxed and intimate wine experience. The wine tasting room will have visiting hours for private tastings, available only by prepaid appointments for customers, and will follow all AGLC regulations. The AGLC (Alberta Gaming, Liquor & Cannabis) regulates wine tastings in Alberta by setting specific rules for licensing, sample sizes, and whether a fee can be charged. They are responsible for overseeing various public and private tastings held by licensees across the province.

All customer visits to the subject site will be by appointment only. The total number of visits to the site per day will be limited to a maximum of six (6) business visits, in alignment with Table 10.12 B of the Land Use Bylaw. Customers that have made prepaid appointments will be allowed to visit the site for wine tastings. Customers will be able to purchase the wine and branded Hello Someday Wine merchandise online and pick up on site during their appointment. The wholesale online sales will require a minimum purchase of a half case of wine (6 bottles). Any wholesale online sales will require an appointment to be picked up on site. There will be no retail storefront or retail sales on the subject site.



3. Existing Site Conditions

3.1 Location & Context

The subject site is located within Foothills County along 128 St E with close proximity to Highway 547, and approximately 9 km east of the Town of Okotoks. It is designated as Country Residential (CR) District as per the Foothills County Land Use Bylaw.

The subject site is surrounded by Country Residential (CR) District parcels to the north, west and south, and an Agriculture (A) District quarter section to the east. Hello Someday Wine have spoken to their neighbours prior to the formal submission.

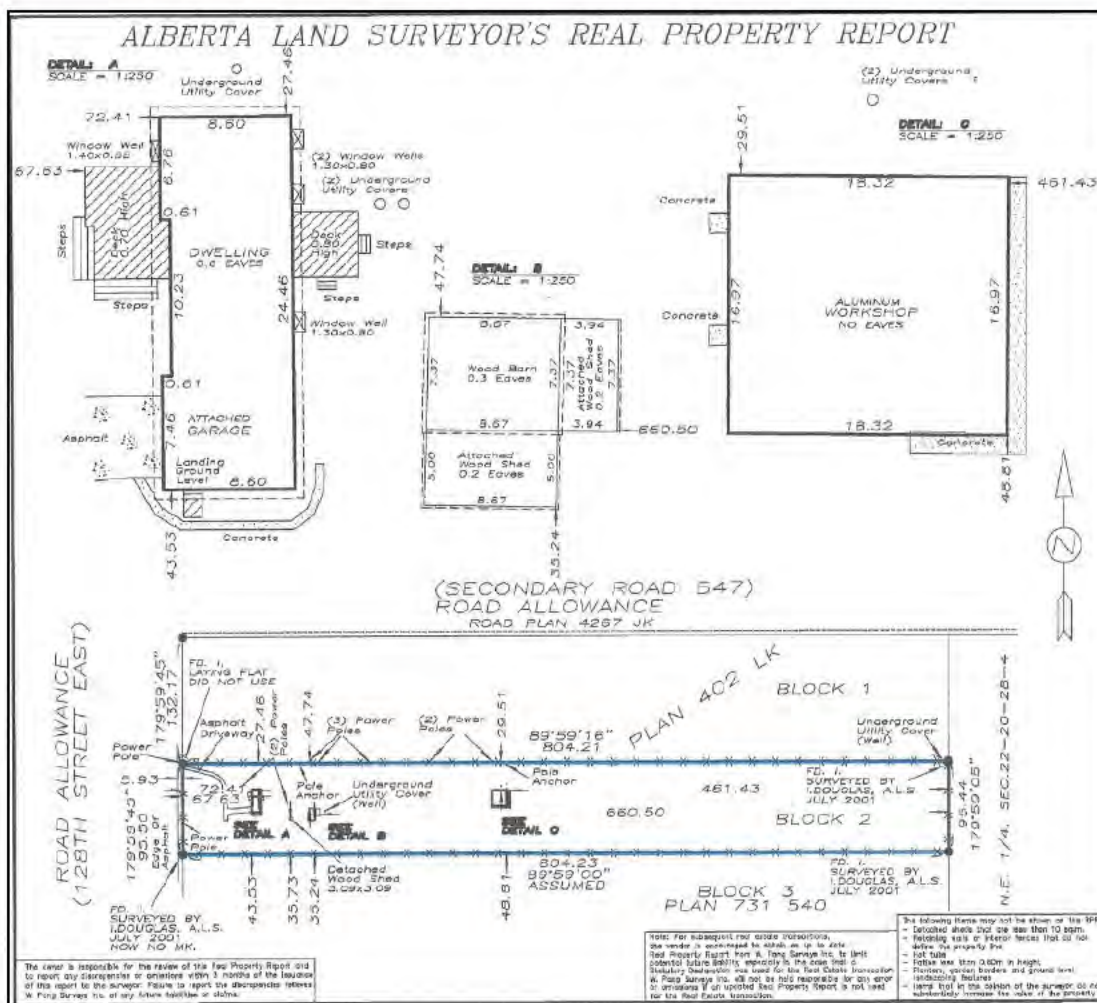


3. Existing Site Conditions

3.2 Existing Structures

The subject site has the following existing structures which are intended to remain:

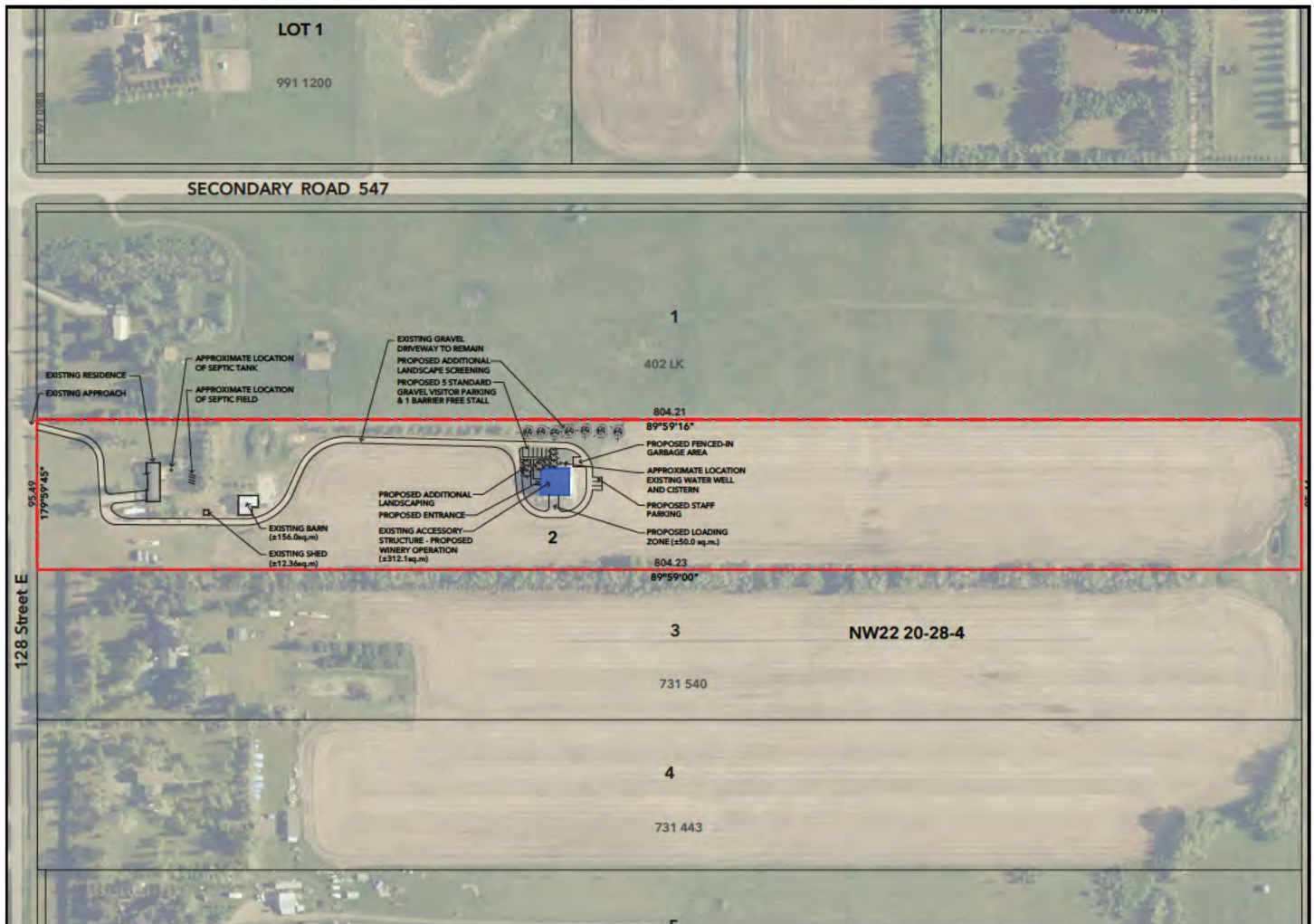
Description	Dimensions	Building Size (sqft)
Main residence including the Garage	8.60m x 24.46m	2,240 sqft
Wood Barn	12.61m x 12.37m	1,680 sqft
Workshop	18.32m x 16.97m	3,360 sqft



The existing workshop is proposed to be used for all business operations. It contains a roughed-in mezzanine which will not be developed at this point in time. The existing workshop has the following services already in place: Natural Gas (Sunshine Gas Coop), Electricity (Direct Energy), Water (on-site well and cistern).

4.1 Proposed Site Plan

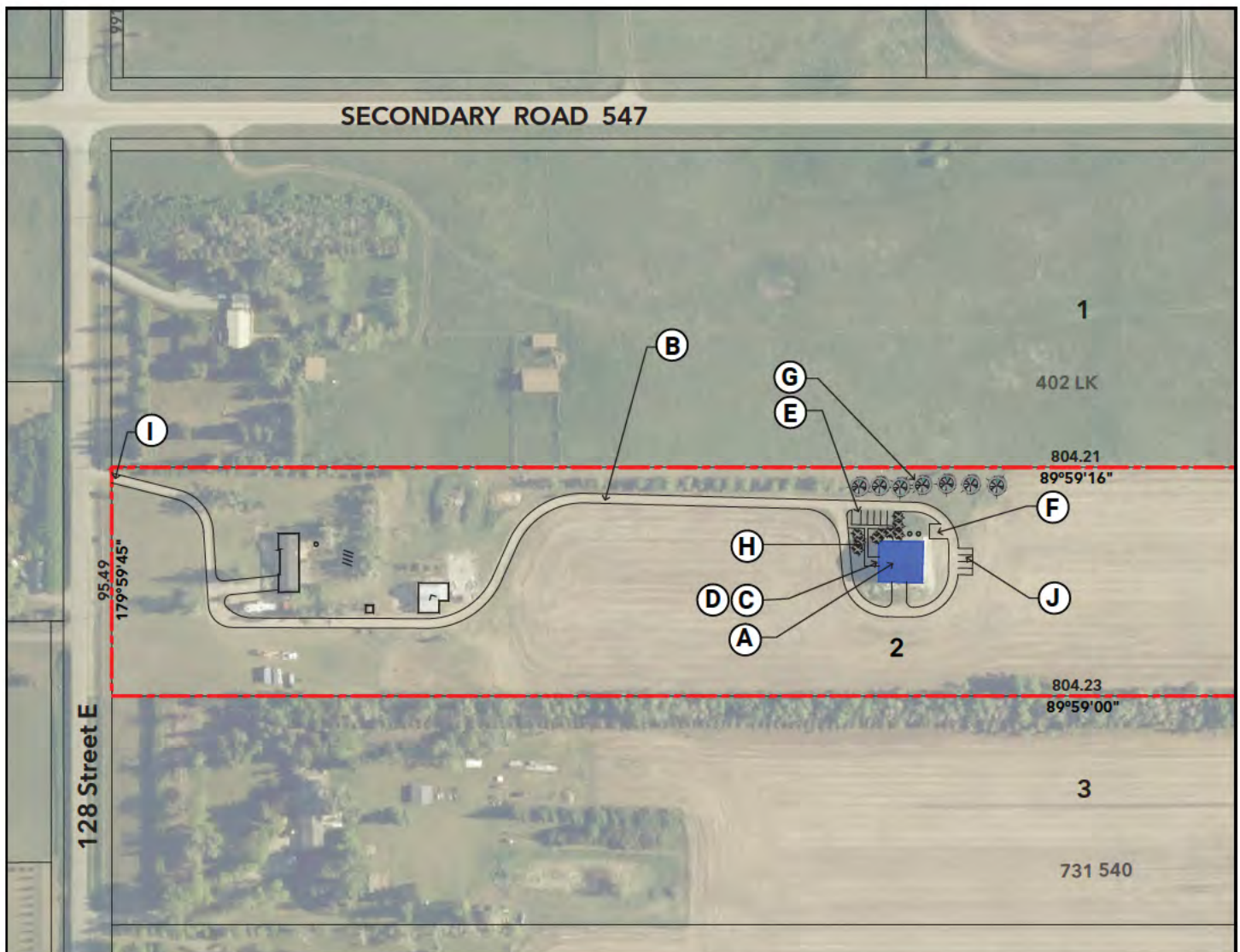
The application does not propose any new buildings or outdoor storage areas to be constructed on the subject site for the business operations.



4.2 Proposed Updates

The following updates are proposed on the subject site:

- A - Workshop (existing - no change)
- B - Road access (existing - no change)
- C - Portico over the proposed main entrance to the building (new)
- D - Winery sign (new)
- E - Proposed visitor parking (new)
- F - Proposed garbage/septic enclosure (new)
- G - Proposed additional trees to be planted (new)
- H - Concrete sidewalk (new)
- I - Gate + Sign for Winery (new)
- J - Proposed staff parking (if required)



4.3 Miscellaneous

Loading and Parking	<ul style="list-style-type: none"> • Gravel parking will be provided (as per the site plan) on the Northside of the building and will accommodate up to 6 parked passenger vehicles. • Loading will take place on the South side of the building through the overhead door.
Garbage and Storage Areas	<ul style="list-style-type: none"> • The garbage and storage areas will be on the North side of the building (as per the site plan). They will be fenced with screened metal mesh fencing. • Garbage, recycling, and compost will be picked up and disposed of weekly by a local disposal company.
Lot Grading and Land Contouring	<ul style="list-style-type: none"> • Lot grading and land contouring will not be required. The building has already been constructed and the land has already been appropriately sloped.
Landscaping	<ul style="list-style-type: none"> • Additional trees will be planted to the north of the building across from the proposed parking stalls. • A portico will be built over one of the existing main doors on the west side of the building.
Screening Requirements	<ul style="list-style-type: none"> • There are no screening requirements.
Irrigation Requirements	<ul style="list-style-type: none"> • There are no irrigation requirements.
Site Access	<ul style="list-style-type: none"> • Access to the building will be via the existing road to the property which is off 128 St E. • The highway that is used to access 128 St E is Highway 547 which is paved.
Sidewalks, Curbs, Gutters and Ditches	<ul style="list-style-type: none"> • A concrete sidewalk from the entrance with the portico will be poured and will extend to the edge of the parking lot. • Six concrete parking curbs will be installed for each parking stall against the north side of the building. • No gutters or ditches are required.
Proposed Signage	<ul style="list-style-type: none"> • There will be a wood sign at the entrance to the property on 128 St E and a wood sign in front of the building by the entrance. • The sign will be no larger than 0.55 sqm (5.92 sqft.) in area, as permitted under the Land Use Bylaw. • The design of the signs will include the company logo and submark.
Abandoned Well Search	<ul style="list-style-type: none"> • No abandoned wells on the property have been found using the AER Abandon well map. See additional documentation provided.

5.1 Hours of Operation

The proposed hours during which visitors may book appointments are outlined below:

Hours of Operations	April - October (Spring/Summer/Fall)	November - March (Winter)
Monday	By reservation only	By reservation only
Tuesday		
Wednesday		
Thursday		
Friday	11am - 6pm	
Saturday	11am - 6pm	
Sunday	11am - 6pm	

5.2 Visitor Traffic

All visits to the winery will be **by reservation only**. The maximum number of occupants in the workshop at any given time will be 8-10 people. The estimated visitor traffic is as follows:

Average Visitors	April - October (Spring/Summer/Fall)	November - March (Winter)
Monday	By reservation only	By reservation only
Tuesday		
Wednesday		
Thursday		
Friday	11am - 6pm 2-4 visitors/day	
Saturday	11am - 6pm 2-4 visitors/day	
Sunday	11am - 6pm 2-4 visitors/day	

- The estimated traffic for the winter season (November - March) is approximately 1-2 vehicles a week.
- The estimated traffic for the spring/summer/fall season (April - October) is approximately 2-4 vehicles a day, approximately 3 days a week.
- The type of vehicle expected would be a passenger car, SUV, pickup or van.

5.3 Employee Traffic

The estimated employee traffic and work hours are as below:

Position	Work Hours	Type of Vehicle
Crush Staff	2-3 people mid-Oct for 3-4 days. See Staffing Plan for details.	Passenger car / SUV / pickup
Bottling Staff	2-3 people mid-Oct for 3-4 days. See Staffing Plan for details.	Passenger car / SUV / pickup
Tasting Room Staff	1-2 people for 1-2 days for approximately 12 weeks (mid-Jun to mid-Sept). See Staffing Plan for details	Passenger car / SUV / pickup

5.4 Delivery Traffic

The estimated delivery traffic is as below:

Type	Details	Frequency	Type of Vehicle
Outgoing shipments	To the AGLC, online delivery and wine club delivery	1x per month	3 Ton refrigerated Van
Grapes/Juice	Delivery from vineyard to winery of grapes and juice (in totes).	1x per year	3 Ton refrigerated Van
Glass bottles, barrels, and packaging materials	Delivery to winery	1x per year	Truck

6.1 Permanent Staff

The business will have the following permanent staff:

Permanent Position	Work Hours	Details
General Manager & Facility Operations	Full time, Permanent	These positions will be held by Jaime Love
Winery Operations	Part time, Permanent	This position will be held by Jim Love

6.2 Temporary Staff

The business will have the following permanent staff:

Temporary Positions	Work Hours	Number of People	Number of Hours/Day	Number of Days/Week	Total Hours
Winemaker	Part time temporary, Remote	Our current winemaker will provide consulting services for up to 3 years remotely from West Bank, Kelowna			
Crush Staff	Part time temporary, Onsite	2-3 during crush season (mid-Oct)	10 hours/day	3-4 days	30-40 hours per person annually
Bottling Staff	Part time temporary, Onsite	2-3 during bottling (mid- Apr)	10 hours/day	3-4 days	30-40 hours per person annually
Tasting Room Staff	Part time temporary, Onsite	1-2 for Spring/ Summer/Fall hours	06 hours/day	1-2 days for 10-12 weeks	6-12 hours per person per week

7.1 Hazardous Materials Management

The business will not have any noxious, toxic, radioactive, flammable, or explosive materials on site or stored on the property. The business will store winemaking cleaning and sanitizing products which are generally very low in toxicity.

7.2 Noise Management

No additional noise will be generated. Below are test results from a small winery showing noise levels just above normal conversation levels. Any noise generated will occur within the enclosed building.

Operations	L50/Leq Noise Level (dBa)	Details
Refrigeration	60 dBa	In a non shielded environment
Compressor	62 dBa	In a non shielded environment
Crush Operations	64 dBa	In a non shielded environment
Bottling	67 dBa	In a non shielded environment

7.3 Dust Management

No additional dust will be generated. Vehicle traffic will be limited to a speed control of 5 km/h.

7.4 Wastewater, Storm Water and Drainage Management

Management of wastewater and storm water is as follows:

- No drainage required as land will not be altered, and surrounding field will absorb any rainwater runoff.
- Grey and black water will be discharged through the existing septic system.
- Any winery wash water will be collected in the existing building sump and pumped out to the existing septic system or removed by a vac truck.

7.5 Water Management

The property has:

- A 3,000-gallon cistern that is supplied by an existing well.
- The water will be UV filtered and softened (to be installed in the future).
- We do not plan to have water delivered to the property.

Approximately 2,200L of water is required a month. Water is required for:

- Operating the bathroom, dishwasher, etc.
- The winemaking process to wash grapes.
- Cleaning equipment such as tanks and totes after bottling is complete.

8.1 Conclusion

With this development permit application, Hello Someday Wine seeks to own and operate a small-scale winery - a place to not only craft wine with care and passion, but also share the experience with the community. The landscape, the peaceful setting, and the sense of community in Foothills County makes it the perfect setting for the winery which will offer a welcoming space for locals and visitors to connect, and enjoy the beauty of this region.

The proposed updates on site as part of the development permit application are designed to align with both the company's vision, and the County's planning framework. The operations are expected to integrate smoothly into the local context and allow Hello Someday Wine to bring an enriching experience to the area.



"Our winery will be a space for locals and visitors to connect, and inspire them to chase their dreams."

- Jim and Jaime Love, Hello Someday Wine



Prepared by:

TOWNSHIP
planning + design inc.



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

April 29, 2026

Township Planning + Design Inc.
110, 259 Midpark Way SE
Calgary, AB T2X 1M2

Dear Sir/Madam:

**Re: Notice of Decision Re: Development Permit 26D 011
Ptn: NW 22-20-28 W4M; Plan 402LK, Block 2
Home Based Business Type II**

The above-noted development permit application has been approved subject to conditions (copy attached) and subject to a 21-day appeal period. The Development Permit may be signed and issued upon completion of the 21-day appeal period; should no appeals be received, and completion of all Pre-Release Conditions (if any).

The County will advertise the approval of this development permit application in two issues of the Western Wheel and circulate to area landowners (according to County records at this time) within the subject quarter section and for one half mile surrounding the subject property. Notices for Development Permit Decisions are also posted on the County website, www.foothillscountyab.ca.

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 received **no later than May 21, 2026**. Notices of Appeal received after the 21-day notification period will be invalid. If you choose to submit an appeal, please use the enclosed '**Notice of Development Appeal**' form. We will notify you if we receive appeals from other persons.

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

Stacey Kotlar
Development Officer
stacey.kotlar@foothillscountyab.ca
(403) 603-6207

SK/as
Encl.

cc. Landowners - James Henry & Jaime Anne Love



DEVELOPMENT PERMIT DECISION

DATE OF DECISION: April 29, 2026

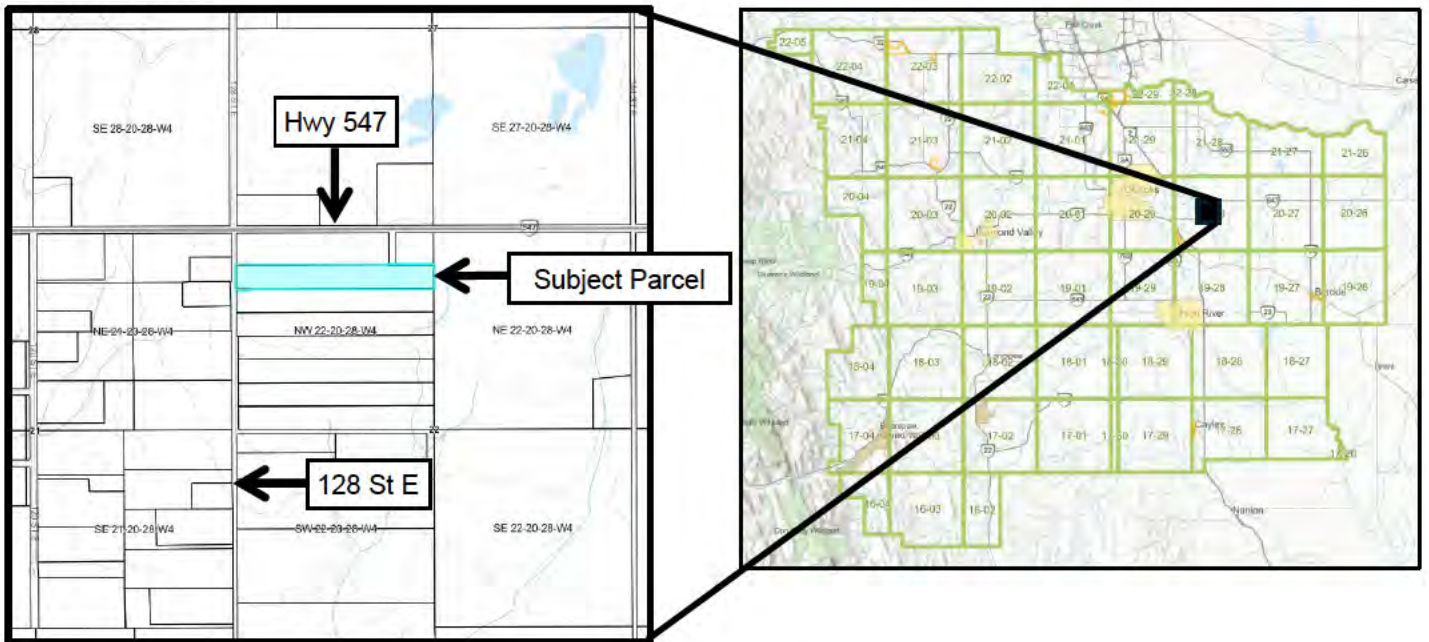
THIS IS NOT A DEVELOPMENT PERMIT OR BUILDING PERMIT. PLEASE REFER TO THE NOTES SECTION BELOW FOR ADDITIONAL INFORMATION.

APPLICATION FILE NUMBER: 26D 011
LANDOWNER(S): JAMES & JAIME LOVE
APPLICANT(S): KRISTI BEUNDER OF TOWNSHIP PLANNING + DESIGN INC.
PROPOSAL DESCRIPTION: HOME BASED BUSINESS TYPE II
LEGAL DESCRIPTION: NW 22-20-28 W4M; PLAN 402LK, BLOCK 2

LOCATION AND DESCRIPTION OF SUBJECT PARCEL:

The subject property is an existing 18.98 acre Country Residential District parcel, located on 128 St E, and 130 m south of Highway 547.

Location Map:



INTENT OF THE DEVELOPMENT PERMIT APPLICATION:

An application for Development Permit has been submitted to allow for a Home Based Business, Type II, to operate a small-scale winery and wine tasting room. The application proposes:

- Winemaking process including grape crushing and pressing, fermentation, clarifying and filtering, aging in steel tanks or barrels, and bottling;
- Primary Sales are business to business through Alberta Gaming, Liquor & Cannabis (AGLC);
- Secondary Sales direct to consumer through wholesale, online sales and wine club sales;
- Onsite wine tasting room available by prepaid appointments (following AGLC regulations);
- No retail sales or storefront sales proposed for this application;
- Maximum of six (6) business visits per day, appointment only for tastings and online sales pick up;
- Business activity to be contained within existing structure "Workshop" (18.32m x 16.97m);
- Hours of Operation proposed to be Monday-Thursday by special reservation only, Friday – Sunday 11am-6pm appointments;
- Three (3) non-resident employees during winemaking in October, two (2) non-resident employees mid-June to mid-September;
- One (1) business owned 3 Ton refrigerated van.

Home Based Business, Type II is a Discretionary Use under the Country Residential Land Use District; therefore, decisions on applications for Development Permit for this use are to the discretion of the Development Officer, and subject to a 21-day appeal period.

The application for a Development Permit in accordance with the provisions of Land Use Bylaw 60/2014 of Foothills County in respect of Home Based Business, Type II, on the subject parcel being a portion of NW 22-20-28 W4M; Plan 402LK, Block 2 has been considered by the Development Officer and is **APPROVED** subject to the following.

APPROVAL DESCRIPTION:

Upon completion of the below noted pre-release condition, this approval allows for the development and use of NW 22-20-28 W4M; Plan 402LK, Block 2 for:

- a. *Hello Someday Wine* operating under the criteria of Home Based Business, Type II, in accordance with the submitted and accepted Development Permit Application and the conditions and requirements included herein;
- b. Hours of Operation are to be Friday to Sunday, 11am-6pm, Monday to Thursday by special reservation;
- c. Maximum three (3) non-resident employees;
- d. Maximum of six (6) business visits per day;
- e. No additional outside storage was considered in this approval.

PRE-RELEASE CONDITION(S):

*Pre-release condition(s) must be complied with before the Development Permit will be signed and issued. Failure to complete the pre-release condition(s) on or before **September 29, 2026** will see this development permit decision deemed null and void, unless a time extension is issued under agreement between the Development Authority and the Applicant(s).*

1. The applicants are to submit a written verification of waiver or approval of Commercial Well License from Alberta Environmental Protection Agency to the satisfaction of the Development Authority.

CONDITIONS OF APPROVAL:

*The following requirements must be completed within twenty-four (24) months from the date the Development Permit is signed and issued unless a time extension is approved under agreement between the Development Authority and the Applicant(s). **Failure to complete the conditions of approval will see the Development Permit be deemed null and void.***

1. The applicant shall maintain the development 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 this land shall not proceed unless appropriate approvals and permits have been obtained;**
2. The applicants are required to obtain all necessary Building and Safety Code permits and inspections applicable to use and occupancy of the existing development on site. Development shall comply with the applicable Building and Fire Codes at all times;
3. It is the applicant's responsibility to contact the County's Fire Inspector and obtain all necessary approvals and inspections prior to the operations of the business. Proof of such is to be submitted to the Development Authority;
4. The applicant is required to maintain an annual business license with Foothills County;
5. An Emergency Response Plan shall be submitted for review and acceptance by the County's Director of Emergency Management;
6. The applicant is required to obtain a Highway Roadside Development Application and subsequent development permit from Alberta Transportation and Economic Corridors;
7. It is the applicant's responsibility to obtain and properly post independent County address(es) for the business building. Please contact the County's GIS Department to be assigned the new address and obtain information regarding address signage.
8. The landowner shall be responsible for ensuring that the use and occupancy of the facility are undertaken in full compliance with all applicable Alberta Gaming, Liquor and Cannabis (AGLC) licensing requirements.
9. The applicants shall provide written notification to the Development Authority upon completion of the development, as approved herein;

ADVISORY REQUIREMENTS:

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) and landowner(s) to ensure adherence with these requirements for the life of the development.

1. Development is to comply with the criteria for Home Based Business Type II that exists at the time of issuance of this approval, and includes:
 - a. One or more residents of the parcel must be the primary owner of the business;
 - b. Parking is provided in accordance with the requirements set out in Section 9.19 of this bylaw;
 - c. Home business shall not generate noise, smoke, odor, dust fumes, exhaust, vibration, heat, glare, refuse matter or other nuisances considered offensive or excessive by the Development Authority;
 - d. Signage no larger than 0.55 sq. m. (5.92 sq. ft) in area. This sign is permitted to be placed at the entry of the property, provided it is solely on the landowner's property and not in the road right of way;
 - e. At all times, the privacy of the adjacent residential dwellings shall be preserved. The home based business shall not in the opinion of the Development Authority, unduly offend or otherwise interfere

with live ability or enjoyment of the neighboring properties and is required to comply with the Community Standards Bylaw.

2. Containers for garbage and recycling materials that are located outdoors shall be weatherproof and animal-proof and must be visibly screened from adjacent lands. Waste materials shall be disposed of at an approved waste disposal site. Secondary containment for fluids shall be implemented wherever appropriate;
3. No topsoil shall be removed from the subject property and natural drainage of the property must be maintained. Alterations to natural drainage may proceed only under the authorization of an issued Development Permit for Lot Grading;
4. All installation(s) of exterior lighting must adhere to the guidelines and technical specifications as outlined within the Dark Sky Bylaw;
5. 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 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:
 - a. Compliance with the requirements of Alberta Environment and Parks respecting any use of well water for business uses;
 - b. Compliance with the requirements of Alberta Transportation and Economic Corridors;
 - c. Compliance with the requirements of Alberta Health Services;
6. The landowner/applicant indemnify and hold harmless the County against the cost of any claims or actions, or awards for loss or damage to the Owner(s) arising from the use of the subject property;
7. The applicants 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;

NOTES:

1. **This is not a Building Permit.** Construction practices and standards of construction of any building or any structure authorized by the Development Permit, once signed and issued, must be in accordance with the Building and Safety Codes Permits. An application must be made for all required Building and/or Safety Codes Permits.
2. **This is not a Development Permit.** The Development Permit may be signed and issued upon completion of the 21-day appeal period or submission of the executed appeal notification period waiver; should no appeals be received, and completion of all Pre-Release Conditions (if any). Development can not proceed until this permit has been signed and issued.
3. Notification of this Development Permit 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 quarter-section and for one-half mile surrounding the subject parcel. Development Permit Notices can also be viewed on our website, www.foothillscountyab.ca.
4. This Development Permit Decision is subject to a 21-day appeal period. Pursuant to Sections 685(1) and 685(3) of the Municipal Government Act, a person affected by this decision has a right of appeal.
5. The Development Permit, once signed and issued, shall thereafter be null and void if the development or use is abandoned for a period of six months.
6. The conditions of this Development Permit Decision must be met and adhered to at all times. Fines and/or Enforcement action may occur if operating outside of the Development Permit Decision.



Foothills County
Box 5605,
High River, AB
T1V 1M7

May 8th, 2026

ATTN: Stacey Kotlar, Development Officer
RE: Development Permit 26D 011
Ptn: NW 22-20-28 W4M; Plan 402LK, Block 2
Home Based Business Type II
Landowner: James & Jaime Love

Dear Stacey,

Regarding Development Permit 26D 057 - Application for Development Permit for Home Based Business, Type II, to operate a small-scale winery and wine tasting room on lands legally described as NW 22-20-28 W4M; Plan 402LK, Block 2 within Foothills County.

Please find here our response in "red" to the circulation comments:

PRE-RELEASE CONDITION(S):

Pre-release condition(s) must be complied with before the Development Permit will be signed and issued. Failure to complete the pre-release condition(s) on or before September 29, 2026 will see this development permit decision deemed null and void, unless a time extension is issued under agreement between the Development Authority and the Applicant(s).

1. The applicants are to submit a written verification of waiver or approval of Commercial Well License from Alberta Environmental Protection Agency to the satisfaction of the Development Authority;
Acknowledged.

CONDITIONS OF APPROVAL:

The following requirements must be completed within twenty-four (24) months from the date the Development Permit is signed and issued unless a time extension is approved under agreement between the Development Authority and the Applicant(s). Failure to complete the conditions of approval will see the Development Permit be deemed null and void.

1. The applicant shall maintain the development 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 this land shall not proceed unless appropriate approvals and permits have been obtained;
Acknowledged.
2. The applicants are required to obtain all necessary Building and Safety Code permits and inspections applicable to use and occupancy of the existing development on site. Development shall comply with the applicable Building and Fire Codes at all times;
Acknowledged.



3. It is the applicant's responsibility to contact the County's Fire Inspector and obtain all necessary approvals and inspections prior to the operations of the business. Proof of such is to be submitted to the Development Authority;
Acknowledged.
4. The applicant is required to maintain an annual business license with Foothills County;
Acknowledged.
5. An Emergency Response Plan shall be submitted for review and acceptance by the County's Director of Emergency Management;
Acknowledged.
6. The applicant is required to obtain a Highway Roadside Development Application and subsequent development permit from Alberta Transportation and Economic Corridors;
Acknowledged. A Highway Roadside Development Application is submitted on April 29, 2026. (RPATH0072187)
7. It is the applicant's responsibility to obtain and properly post independent County address(es) for the business building. Please contact the County's GIS Department to be assigned the new address and obtain information regarding address signage;
Acknowledged.
8. The landowner shall be responsible for ensuring that the use and occupancy of the facility are undertaken in full compliance with all applicable Alberta Gaming, Liquor and Cannabis (AGLC) licensing requirements;
Acknowledged.
9. The applicants shall provide written notification to the Development Authority upon completion of the development, as approved herein;
Acknowledged.

We hope this satisfies the requirements of this Development Permit. Please let us know if you have any questions or concerns.

Sincerely,
Township Planning + Design Inc.



Kristi Beunder, B.A, M.E.Des, ICD.D.
Principal RPP, MCIP
Urban + Regional Planning

Cc: *James & Jaime Love*

5 June 2026

Foothills County
Box 5605
High River
Alberta T1V 1M7

ATTN: Subdivision and Development Appeal Board
RE: Development Permit 26D 011, Plan 402LK, Block 2, NW-22-20-28-W4M

To the Members of the Appeal Board,

We are the landowners immediately north of and contiguous to the subject parcel. We have reviewed the Development Permit (DP) as issued, the conditions of approval, and the application materials, and we wish to advise the Board that we fully **support** this DP approval and the Home Based Business Type II use on the subject parcel.

We have had conversations with the landowners of the subject parcel. Based on our understanding of the proposed business operations for Hello Someday Wine, we do not believe the business will create any negative impacts on neighbouring properties, local infrastructure, or the rural character of the community at large. As neighbouring landowners, we are most directly affected and want to reiterate that we are in support of the local business the landowner intends to run from this property. We will be the only parcel on the quarter section that will be driven past by anyone visiting this business.

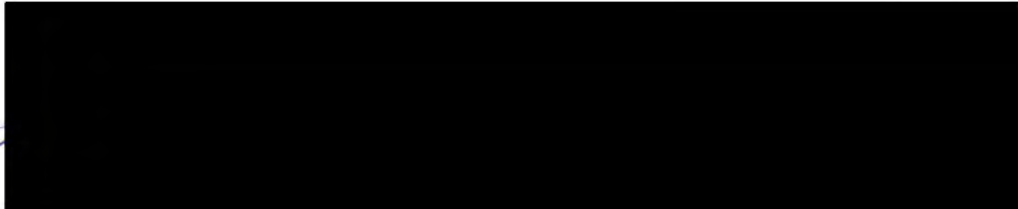
The owners of Hello Someday Wine are good neighbours who have been transparent regarding their plans and have demonstrated a clear commitment to operating within the County's bylaws, regulations, and policies. They have made significant efforts to ensure that the business remains compatible and blends in with the rural residential character.

Through conversations with the landowners, it is our understanding that the water usage by the business is well within the amount they are allowed under a household license and that a commercial water license was not required. We have been told that this has also been confirmed by Alberta Environment.

We understand that the DP allows for a maximum of 6 business visits per day. This is not a significant increase in traffic for an area that has multiple parcels on the quarter sections and other businesses that operate along this road. We do not believe the additional vehicle trips will create negative impacts on the neighbouring properties, or ours as adjacent neighbours.

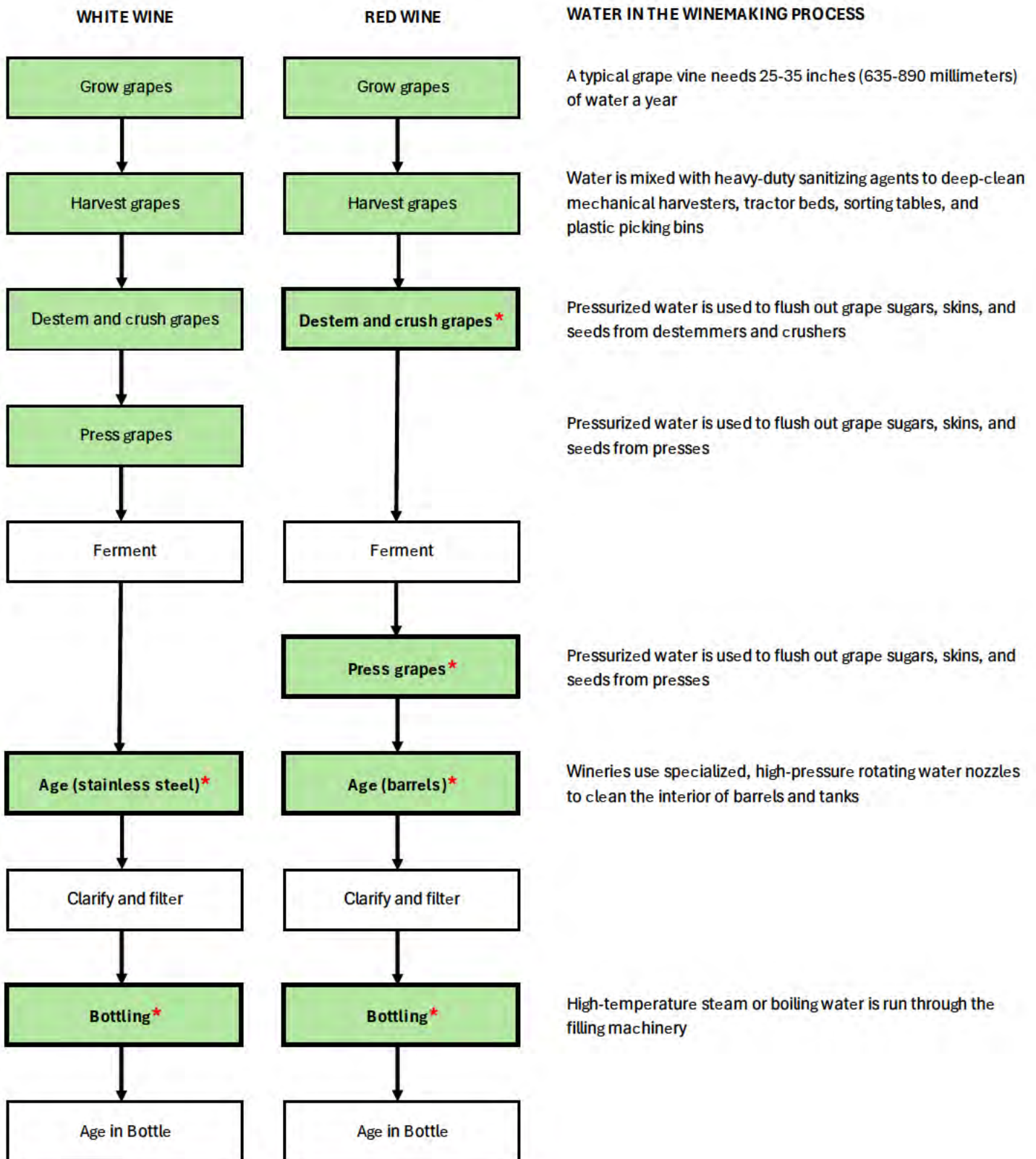
For these reasons, we believe the Development Permit approval is reasonable, and the business use is appropriate and compatible with the context, and we support the addition of Hello Someday Wine on this parcel as a local business.

Sincerely,



Our Legal Description:
Plan 2511295, Block 1, Lot 1, NW 22-20-28 W4M

Wine Making Process and Water Usage



**Indicates where Hello Someday Wine will use water in the wine making process*

Hello Someday Wine

Estimated Water Usage in the Winery

SUMMARY

Estimated blue water usage for the winery is 2,208L monthly or 26,491L annually.

This includes water usage for wine production and winery operations (dishwasher, bathroom, additional cleaning).

Estimated Annual Blue Water Usage ^{1,2}	Proposed Winery	Average Household
Average monthly usage	2,208	28,000
Average annual usage	26,491	336,000

The average household water usage is approximately 28,000L per month or 336,000. Compared to the average annual household water usage, the winery is estimated to use approximately 7.9%.

ESTIMATED ANNUAL PRODUCTION

Estimated Annual Production	Bottles of wine	Cases of wine (12 bottles/case)	Liters of wine (9L/case)
Red wine	3,000	250	2,250
White wine	3,000	250	2,250
Total	6,000	500	4,500

Estimated annual production is 2,250L (250 cases) of red wine and 2,250L (250 cases) of white wine

VINEYARD AND WINERY WATER FOOTPRINT (WF)

Vineyard and Winery per Liter Water Footprint (WF)	Vineyard (35% usage)	Winery (65% usage)	Vineyard and Winery WF /L of Wine
WF Blue, Green, Grey /L ⁴	221.3	410.9	632.2
WF Blue /L % ⁴	0.5%	0.5%	0.5%
WF Blue /L Vineyard and Winery	1.1	2.1	3.2

WF Blue /L Winery (red wine)	2.1
WF Blue /L Winery (white wine) ⁵	1.3

Approximately 2.1L of blue water is required for 1L of red wine and 1.3L of blue water is required for 1L of white wine

Note: Green water is used solely in the vineyard and grey water is used primarily in the vineyard to dilute fertilizers and pesticides back to acceptable, safe environmental levels

ESTIMATED WINERY WATER USAGE IN PRODUCTION

Estimated Annual Production	WF Blue/L	Liters of wine (9L/case)	Annual Production WF Blue
Red wine	2.1	2,250	4,623
White wine	1.3	2,250	2,959
Total Estimated Annual Production		4,500	7,582

Approximately 7,582L of blue water is required to produce 250 cases of red wine and 250 cases of white wine per year

ESTIMATED WINERY WATER USAGE IN OPERATIONS

Estimated Annual Operations	Annual Operations WF Blue
Dishwasher ⁷	1,476
Bathroom Toilet ⁸	7,450
Bathroom Faucet ⁹	6,984
Additional cleaning/safety factor	3,000
Total Estimated Annual Operations	18,910

Approximately 18,910L of blue water is required for the dishwasher, bathroom and additional cleaning

ESTIMATED WINERY WATER USAGE IN OPERATIONS

Winery per Liter Water Footprint (WF)	Annual WF Blue
Total Estimated Annual Production	7,582
Total Estimated Annual Operations	18,910
Total Estimated Annual Usage	26,491

Total estimated blue water usage for the winery is 26,491L annually

REFERENCES AND SOURCES

1. Blue Water Footprint (WF_{blue}) is a metric used to measure the amount of surface and groundwater required.

Source: <https://watercalculator.org/footprint/what-is-a-water-footprint>, Initial paragraph

2. $WF = WF_{blue} + WF_{green} + WF_{grey}$

Blue water – The volume of fresh surface and ground water (well, aquifer, run-off, etc.) withdrawn from the land and consumed during the winery production process.

Green water – The volume of rainwater that infiltrates the soil and is available to plants during their growth cycle.

Grey water – An estimate of the virtual volume of water needed to dilute pollutants. Grey water is directly associated to pollution and degradation of the water resource.

Source: <https://www.wineindustrynetwork.com/c/post?fid=d63lHeG2MyejNayO>

3. "In Calgary, the average person uses about seven cubic metres (m³) – or roughly 7,000 litres – of water every month"

Source: <https://www.calgary.ca/water/programs/saving-water-in-your-home.html>

4. "The final result is obtained with an allocation procedure based on the cropped surface (considering only the grapevines used in the product assembly) and on the total amount of wine processed in the cellar. The study shows that **the water footprint of a 0.75 L wine bottle is 632.2 L**. The green water footprint is the dominant contribution (98.3%), while grey and **blue water footprints** account for 1.2% and **0.5%**, respectively."

Source: <https://www.mdpi.com/2071-1050/7/9/12190>, Section 6

5. "Due to greater needs for waste removal, **red wine production requires** an additional 50–**64 % more water** than white wine."

Note: This estimate may still be high for our white wines, as we will have the vineyard supplying the grapes destem and press them thereby reducing cleaning costs for all white wines.

Source: <https://www.sciencedirect.com/science/article/pii/S0048969724053488#bb0050>, Section 4

6. "On average, to produce 1L of wine we need 1L of water. This is an estimate since some companies may even use 1.5L for each liter of wine produced."

Source: <https://training.thewinelab.eu/training-area/sustainability/management-and-recovery-of-water-in-wineries/unit-1-water-in-the-winery>, Opening paragraph

7. Dishwasher water usage: "typical rack conveyor machines consume up to 1.2 gallons per rack."

Yearly estimates:

April to October (30 weeks) 2 dishwasher cycles per day x 4 times per week @ 4.5L/cycle = 1,080L annually

November to March (22 weeks) 1 dishwasher cycles per day x 4 times per week @ 4.5L/cycle = 396L annually

Total = 1,476 annually

Source: <https://danamark.com/resources/water-usage-commercial-dishwashers>, Paragraph 5

8. "Low flow toilet (per flush) uses 4.8L."

Yearly estimates:

April to October (30 weeks) 10 bathroom visits per day x 4 times per week @ 4.8L/cycle = 5,760L annually

November to March (22 weeks) 4 bathroom visits cycles per day x 4 times per week @ 4.8L/cycle = 1,690L annually

Total = 7,450 annually

Source: <https://www.calgary.ca/water/programs/saving-water-in-your-home.html>, Typical Home Use section

9. WaterSense® Certified "faucets deliver a powerful water flow that uses only 1.2 gallons of water per minute."

Yearly estimates:

April to October (30 weeks) 10 bathroom visits per day x 1 minute of use x 4 times per week @ 4.5L/cycle = 5,400L annually

November to March (22 weeks) 4 bathroom visits cycles per day x 4 times per week @ 4.8L/cycle = 1,690L annually

Total = 7,450 annually

Source: <https://www.americanstandard.ca/pages/watersense>, Bath Faucets section

From: Brajesh Gautam <Brajesh.Gautam@gov.ab.ca>
Date: Tuesday, May 26, 2026 at 3:10 PM
To: Kristi Beunder <Kristi@twpplanning.com>
Subject: RE: Request for clarification & direction - Calgary District

Hi Kristi,

The use you have described below falls under “household” purpose, hence no licence is required. It is your responsibility to meet all AHS and drinking water requirements.

Thanks
Brajesh

Brajesh Gautam, M.Sc., P.Eng.
Water Approvals Team Lead
ALBERTA ENVIRONMENT AND PROTECTED AREAS
Regulatory Assurance Division – Southern Region
Deerfoot Square | 2938 – 11 Street NE | Calgary, AB | T2E 7L7
Phone: 403-297-7199 | Email: brajesh.gautam@gov.ab.ca



Classification: Protected A

From: Andrew Patton <Andrew.Patton@gov.ab.ca>
Sent: Friday, May 22, 2026 5:01 PM
To: Brajesh Gautam <Brajesh.Gautam@gov.ab.ca>
Cc: Kristi Beunder <Kristi@twpplanning.com>
Subject: Fw: Request for clarification & direction - Calgary District

Hello Sir,

Could you please assist with this inquiry in Calgary District?

Thank you for your help.

Kind regards,

Andrew

Andrew Patton, P.Eng., Water Team Lead, Northern Region - Capital District, Environment and Protected Areas, Twin Atria Building, Edmonton AB. See [Guide to preparing a complete Water Act Application for a licence or an approval](#)

From: Kristi Beunder <Kristi@twpplanning.com>
Sent: Friday, May 22, 2026 4:03 PM
To: Andrew Patton <Andrew.Patton@gov.ab.ca>
Subject: Request for clarification & direction

CAUTION: This email has been sent from an external source. Treat hyperlinks and attachments in this email with care.

Hello Mr. Patton,

I used to have to speak with Claude Eckert, a long time ago, I'm so sorry if you're not the right contact. Recently, we obtained a Development Permit for a winery in Foothills County. It is a home-based business Type II. The Development Permit approval is attached. As you may note, a pre-release condition of this permit is to obtain a "verdict" on whether or not a commercial water well license is required for this use.

We have advised the County that water usage will not exceed the 1240m³ per annum allowed under the Act for household use. They have asked me to ascertain a confirmation (or not) of that with AEP.

In terms of water use, this use will use the following quantities for the wine making:

Here is the breakdown of how we got to the 26,400L/year estimate.

- Water used for winemaking is ~1.5L of water for every 1L of wine produced. If we estimate 500 cases of wine (4500L) we would use 6,750 liters of water per year. This is used for cleaning of tools and tanks.
- Water used for dishwashing is ~4.5L of water per cycle. If we estimate 2 cycles per day 4 times per week (48 weeks) we would use 1,728 liters of water per year.

- Water used for bathroom visit is ~9L of water per visit. If we estimate 8 bathroom visits per day 4 times per week (48 weeks) we would use 13,824 liters of water per year.
- We added in ~4000 liters per year for general cleaning and as a safety factor.

Total usage was 26,302 which we rounded up to 26,400 litres per year or 26.4 m³ annually. We find the typical rural household is using 400 to 500m³ annually, well under the 1240m³ threshold allowed by the Water Act. the combination of household use and home-based business use do not exceed the 1240 m³. The groundwater will be used in the wine making process as outlined above, but bottled water would be provided to guests under AHS regulations. We have also successfully received a Roadside Development permit for this use from ATEC.

Can you kindly review this request, and let us know by reply if we are okay or require a commercial water well.

Best,

Kristi

Kristi Beunder, B.A., M.E.Des., ICD.D

Principal + Senior Planner, RPP, MCIP

Township Planning + Design Inc.

Urban + Regional Planning, Principal

C: 403.880.8921

E: Kristi@twppanning.com



Classification: Protected A



Reconnaissance Report

[View in Metric](#)

[Export to Excel](#)

Groundwater Wells

Please click the water Well ID to generate the Water Well Drilling Report.

GIC Well ID	LSD	SEC	TWP	RGE	M	DRILLING COMPANY	DATE COMPLETED	DEPTH (ft)	TYPE OF WORK	USE	CHM	LT	PT	WELL OWNER	STATIC LEVEL (ft)	TEST RATE (igpm)	SC_DIA (in)
125920	13	22	20	28	4	UNKNOWN DRILLER	1952-01-18	995.00	Structure Test Hole	Industrial				HUDSON'S BAY OIL & GAS #STH 1			0.00
131193	14	22	20	28	4	DEN-ALTA DRILLING LTD.	1972-04-21	50.00	New Well	Domestic	1	2		KNIGHT, MURRAY	15.00	12.00	0.00
131193	14	22	20	28	4	NIEMANS DRILLING & SONS LTD.			Existing Well- Decommissioned	Unknown				LAIRD, ROB			
131195	13	22	20	28	4	GEOSERVE DRLG	1971-07-01	280.00	New Well	Domestic		4		MORGAN, R.	114.00	0.50	0.00
131199	14	22	20	28	4	NIEMANS DRILLING (1980) LTD.	1978-07-24	108.00	New Well	Domestic		8		MUNKACSI, KELLY	29.00	2.50	5.50
1610871	13	22	20	28	4	PETER NIEMANS WATER WELL DRILLING	2015-01-29	215.00	New Well	Domestic		16	17	NICHOLS, JOE	12.27	3.90	6.63
9682048	14	22	20	28	4	NIEMANS DRILLING & SONS LTD.	2024-06-20	70.00	New Well	Domestic		5	26	LAIRD, ROB	12.07	2.80	6.63

Phase II Groundwater Supply Assessment

14-22-20-28W4
GIC Well ID 9682048
Foothills County
Lat/Long: 50.716795, -113.802202

Project #: AW.131.01
July 2024



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1. EXECUTIVE SUMMARY

Analysis of well construction and aquifer conditions was undertaken on a recently installed water well within a residential subdivision in 14-22-20-28W4 to determine if the aquifer underlying the Site can provide water for a future residential lot at a sustained rate of 3.4 m³/day, for an annual volume as defined in the *Water Act*, of 1,250 m³.

The well obtains water from a confined sandstone bedrock aquifer at depths of 9.1 – 12.2 metres below ground. Approximately 3 metres of mixed clay and rocks, and at least 6 metres of interbedded sandstone and shale bedrock overlying the screened interval should aid in preventing surface water contaminants, such as septic field effluents, from migrating to the aquifer. However, water chemistry data shows the aquifer is likely impacted by surface agricultural activities.

A pumping test was conducted June 26th, 2024 by personnel from Niemans Drilling & Sons Ltd. The supply well was pumped at a rate of 2.8 imperial gallons per minute (igpm) for 720 minutes. Water levels were measured during the pumping period and for an additional 720 minutes following pumping cessation.

A twenty-year safe yield (Q_{20}) of 24.6 m³/day (3.8 imperial gallons per minute or 9000 m³/year) is calculated. The analysis indicates the well can supply more than the required 1,250 m³/year to a residence on the proposed lot and is thus suitable for the intended use. The calculations show that the well can supply needs as defined by the *Water Act*.

No adverse effects to existing domestic, licensed, or traditional agricultural groundwater users should result due to production of water from this well for domestic purposes.

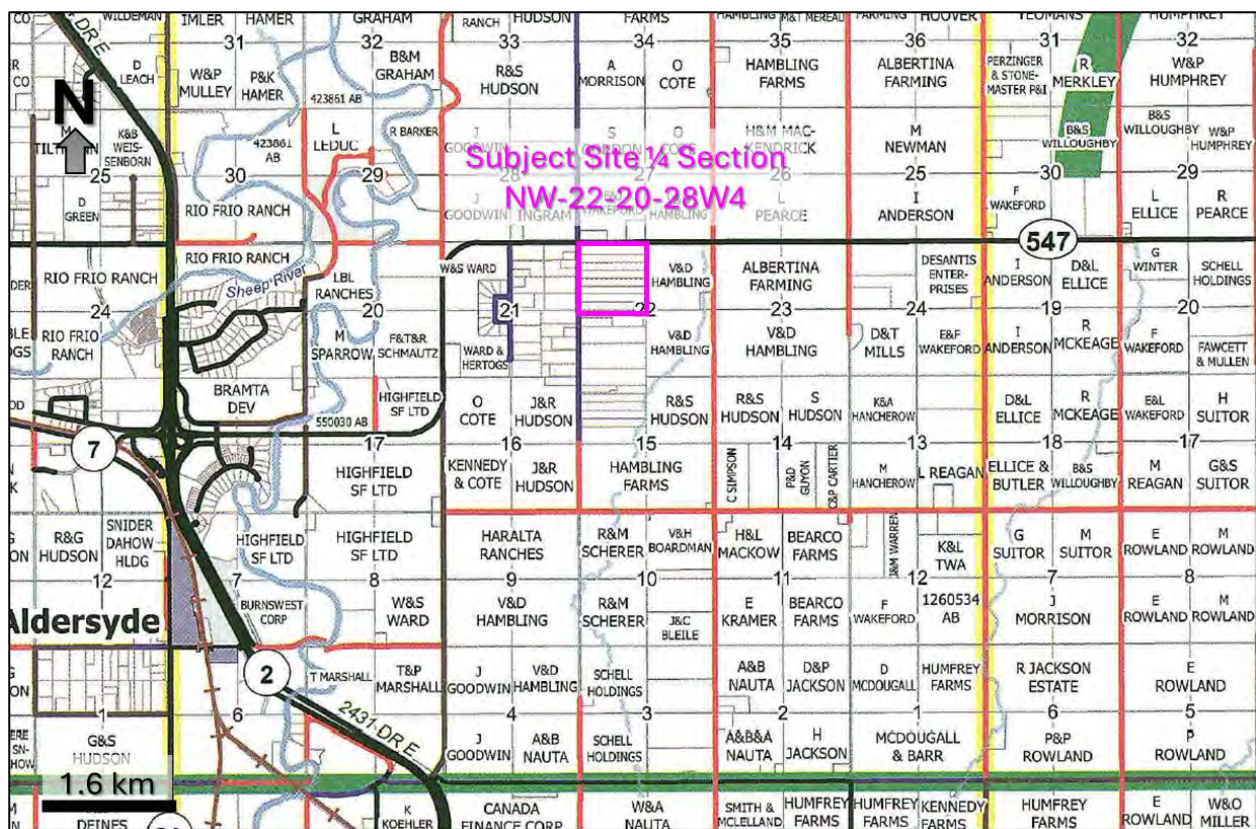
A water sample was obtained from the supply well for routine chemistry analysis. The water from the supply well has a total dissolved solids (TDS) concentration of 1,450 mg/L, above the aesthetic objective set for drinking water. The maximum allowable concentration guideline (health-based) for nitrate concentration was exceeded in the well. The water from the well will require treatment to reduce nitrate concentration to within acceptable limits (10 mg/L or less) prior to long term human consumption/use. Testing of the water for bacterial content is also recommended.

2. INTRODUCTION

Arletta Water Resources (Arletta) was retained by Rob & Wendy Laird to determine if a recently installed groundwater well could provide water for a new residential subdivision lot located in 14-22-20-28W4, herein referred to as "the Site" at a rate of 1,250 m³/year (3.4 m³/day), without causing adverse effects to current groundwater users.

The Site is in Foothills County, 8.1 km east of the Town of Okotoks boundary. The Site area is predominantly occupied by moderate density acreage development and sections or agricultural land. A portion of the Foothills County landownership map and subject site quarter section location is shown in Figure 1.

Figure 1. Foothills County landownership map and subject site ¼ section location



An aerial photo of the Site showing the property and the supply well location is shown in Figure 2.

Figure 2. Air photo of subdivision site with supply well location



3. WATER WELL SUPPLY NEEDS

The well is proposed for residential (domestic) use. According to the *Water Act* each residential lot is entitled to water at a rate of 1,250 m³/year (3.4 m³/day).

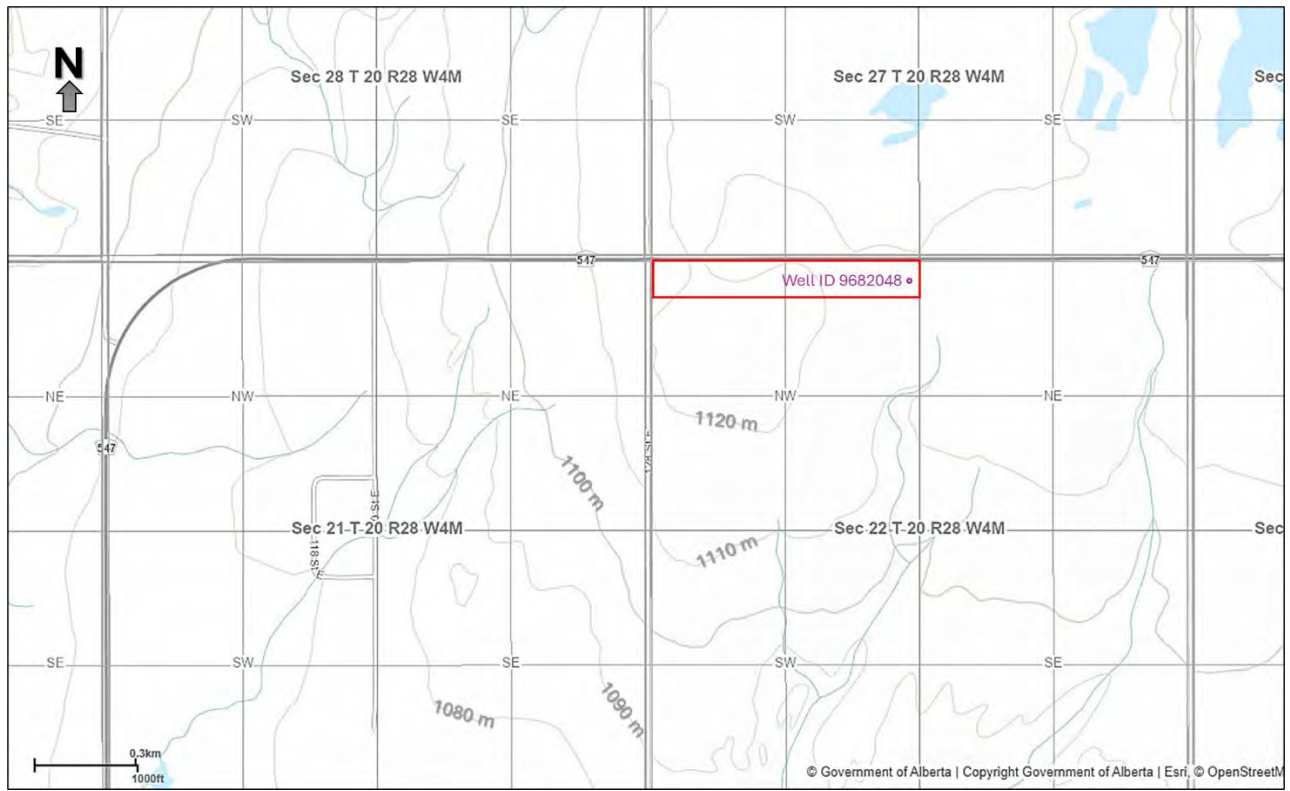
4. SITE DESCRIPTION

4.1. TOPOGRAPHY

The land surface of the new lot dips locally towards the east, with elevations ranging less than 5 metres. The approximate elevation of the new supply well head is 1,118 metres above sea level (masl). There is no water filled localized topographic lows located within the Site boundaries. Drainage is southward towards an unnamed creek that drains into Frank Lake.

A topographic map showing surface topography contours of the Site area land surface at 10 metre contour intervals is shown in Figure 3.

Figure 3. Topographic map showing Site location



4.2. SURFICIAL GEOLOGY

The surficial strata in the area are mapped in *Surficial Geology of the Calgary-Lethbridge Corridor* (Hartman, 2016) and consist of fluted moraine (till) composed of a mixture of clay, silt, sand and minor pebbles, cobbles and boulders. The terrain is glacially streamlined.

According to the Water Well Drilling Report for the new supply well the surficial sediment is described as 3.1 metres of mixed clay and rock, which is consistent with the surficial mapping. The presence of clay within the surficial deposits is favorable in preventing contamination from surface sources (such as septic effluent) from entering lowering aquifers. The clay and shale units above the aquifer are relatively thin and the barrier may not be effective.

4.3. BEDROCK GEOLOGY

The underlying bedrock geology consists of the early/lower Paleocene fluvial sandstones of the Paskapoo Formation. The Paskapoo Formation is a non-marine fluvial deposit consisting of interbedded sandstone channel bodies and overbank mudstone, siltstone and shale. The formation is one of Alberta's largest and most prolific aquifers, supporting more wells than any other aquifer in Alberta's prairies. The priority target aquifers in the formation are the permeable and porous channel sandstones, while the surrounding mud and shale act as confining aquitards.

5. AREA GROUNDWATER USERS

A search of Alberta Environment and Parks water well data base was done to determine the number of water wells and their associated use in the area. A search was conducted of the wells within 1.6 km (1-mile) of the Site. The search shows a total of 68 wells within the area. Most of these wells are designated for domestic use, with eight wells also dedicated to stock watering and two wells exclusively for stock watering.

A search of AEP’s authorization viewer water license database was undertaken to determine if any groundwater licenses are present in the area. A search of licenses and registrations for the subject site and adjoining eight sections was undertaken. A summary of the groundwater licenses and registrations in the area is as follows:

Table 1. Groundwater licences and registrations

Location	Licences/ Registration	Licensed Depth Interval (m)	Licensed Volume (m ³)	Licensee/ <i>Registrant</i>
14-20-28W4	0/2	--	--	<i>Omelian Korol</i>
		--	--	<i>Russell Hudson</i>
16-20-28W4	0/1	--	--	<i>Russell Hudson</i>
22-20-28W4	0/1	--	--	<i>Hambling Farms</i>
23-20-28W4	0/1	--	--	<i>Hambling Farms</i>
27-20-28W4	0/1	--	--	<i>Hambling Farms</i>

Licenses for surface water withdrawals were not included in the Table 1 summary. No licenses for groundwater extraction were found in the area. There were six registrations in the area. Registrations may include surface water or groundwater diversions up to 6,250 m³ per year. The groundwater use in the area can be described as low, consisting largely of individual unregistered domestic groundwater users with no licensed groundwater usage.

6. PUMPING TEST

6.1. SUPPLY WELL DETAILS

The supply well was installed on Site June 20th, 2024, by personnel from Niemans Drilling & Sons Ltd. The supply well location is shown in Figure 2, and the well details are summarized in Table 2. The Water Well Drilling Report is attached in Appendix I.

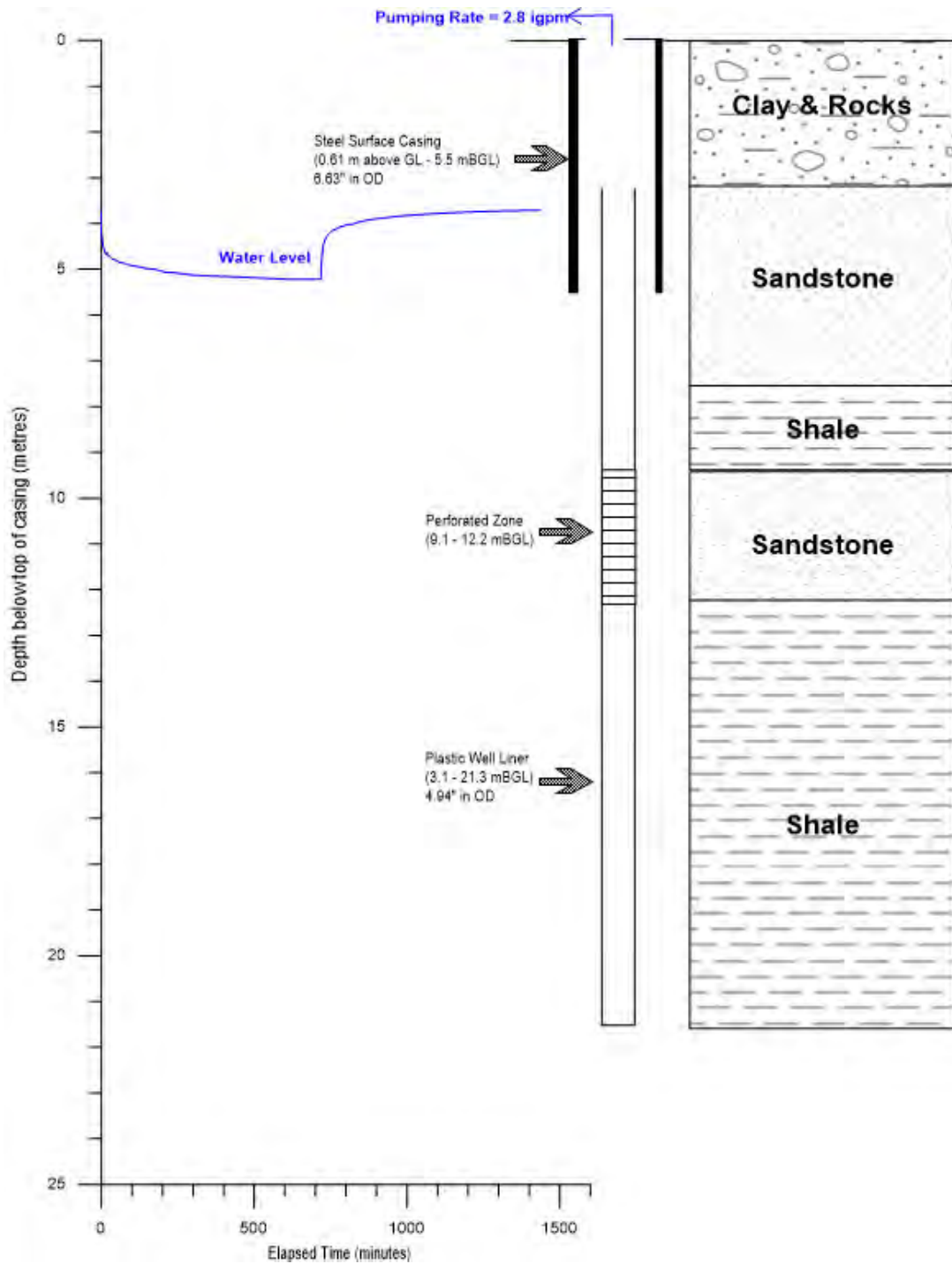
Table 2. Supply well details.

Well	Supply Well
GIC Well ID	9682048
GPS Location	50.716795° N, -113.802202° E
Well depth (m BGS ¹)	21.3
Aquifer zone (m BGS)	9.1 – 12.2
Completion Zone (m BGS)	9.1 – 12.2
Surface Casing (m BGS)	+0.61 – 5.5
Static water level after installation (m BTC ²)	3.68
¹ below ground surface ² below top of casing	

6.2. PUMPING TEST DETAILS

A pumping test was conducted June 26th, 2024 by personnel from Niemans Drilling & Sons Ltd. The supply well was pumped at a rate of 2.8 imperial gallons per minute (igpm) for 720 minutes. Water levels were measured during the pumping period and for an additional 720 minutes following pumping cessation. A graph showing water levels with time and a schematic of the well construction, and strata of the supply well is shown in the figure below.

Figure 4. Pumping well schematic and water levels during pumping test

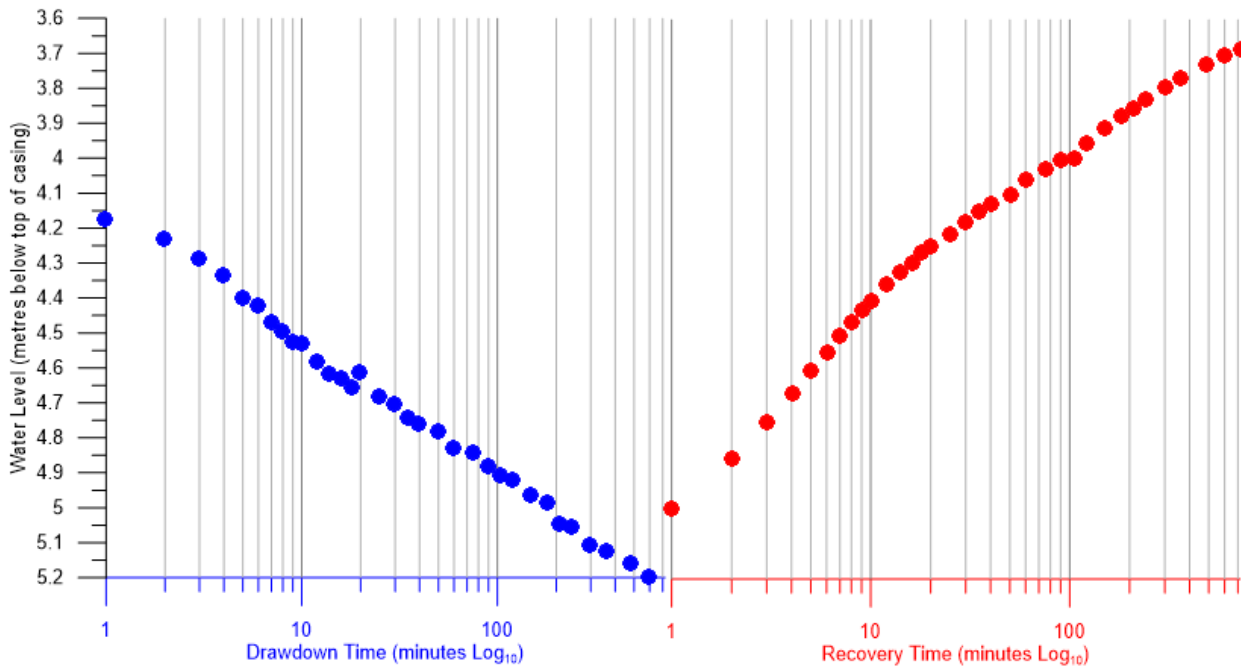


The well had an initial static water level of 3.68 metres below the top of the well casing prior to pumping and drew down 1.52 metres to 5.20 metres below the top of the well casing (m BTC) by the end of the pumping period. By the end of the recovery period the water level in the well had built back up to 3.69 m BTC, for nearly 100% recovery.

6.3. PUMPING TEST INTERPRETATION

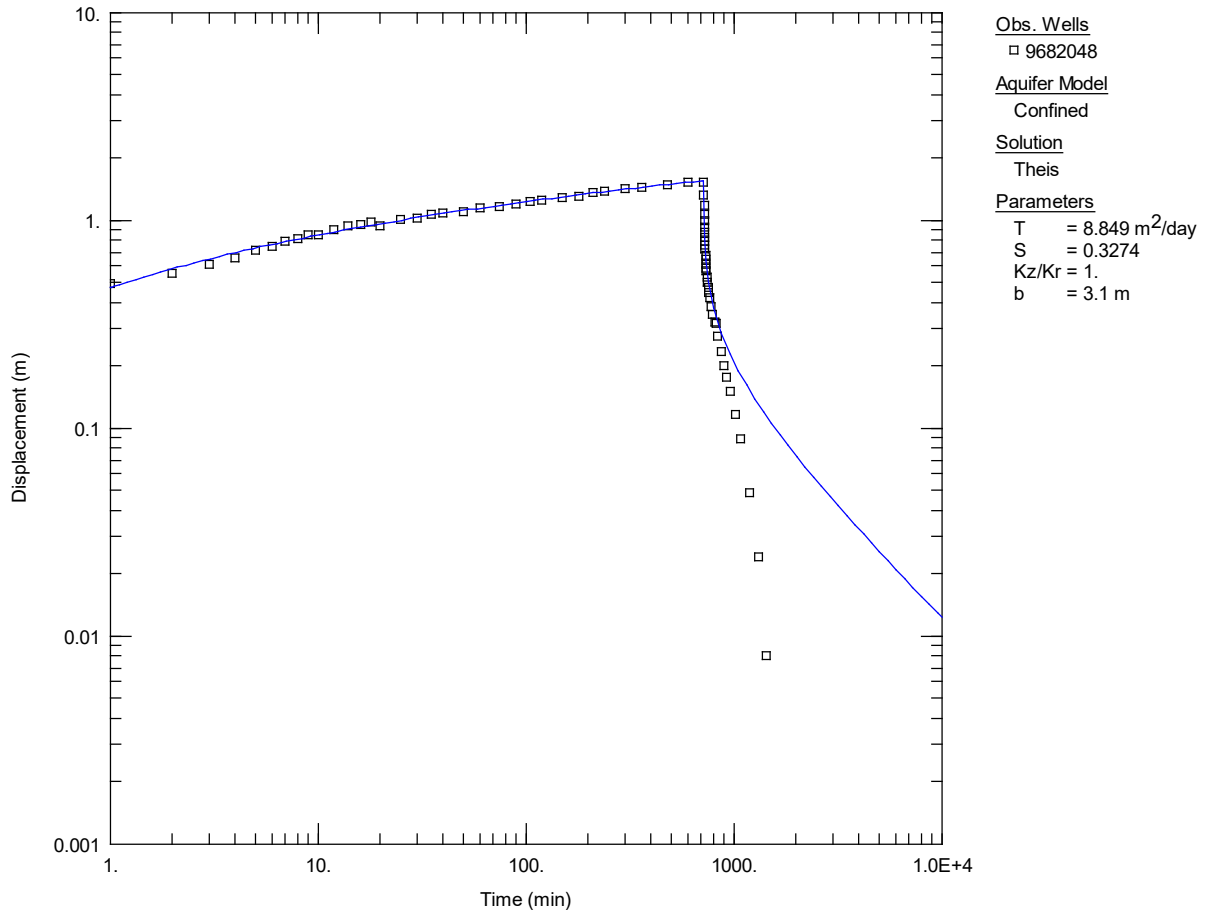
A dual semi-log graph showing water level in the supply well during the drawdown (pumping) and recovery portions of the pumping test is displayed in the figure below. A moderate productivity aquifer is indicated by the relatively constant (linear) rate of drawdown given the low-moderate pumping rate, and the steady recovery to static conditions. No aquifer recharge or boundary effects are interpreted from the pumping test.

Figure 5. Dual semi-log plot of drawdown and recovery water levels in the pumping well



The pumping test data was interpreted with the aid of the program AQTESOLV, developed by Hydrossoft Inc. The Theis solution was used for a confined aquifer with radial groundwater flow. A graph showing water level displacement with time and a fitted solution curve is shown in Figure 6. The Theis solution curve was a reasonable fit to the pumping test data, indicating the solution is appropriate. An aquifer transmissivity of 8.8 m²/day is calculated, indicating a moderate permeability aquifer.

Figure 6. Theis solution curve fit to pumping test data



6.4. WELL YIELD (Q_{20})

The twenty-year safe yield of the supply well (Q_{20}) was calculated using the modified Moell method as suggested in Alberta Environments Guide to Groundwater Authorization (February 2023) as follows:

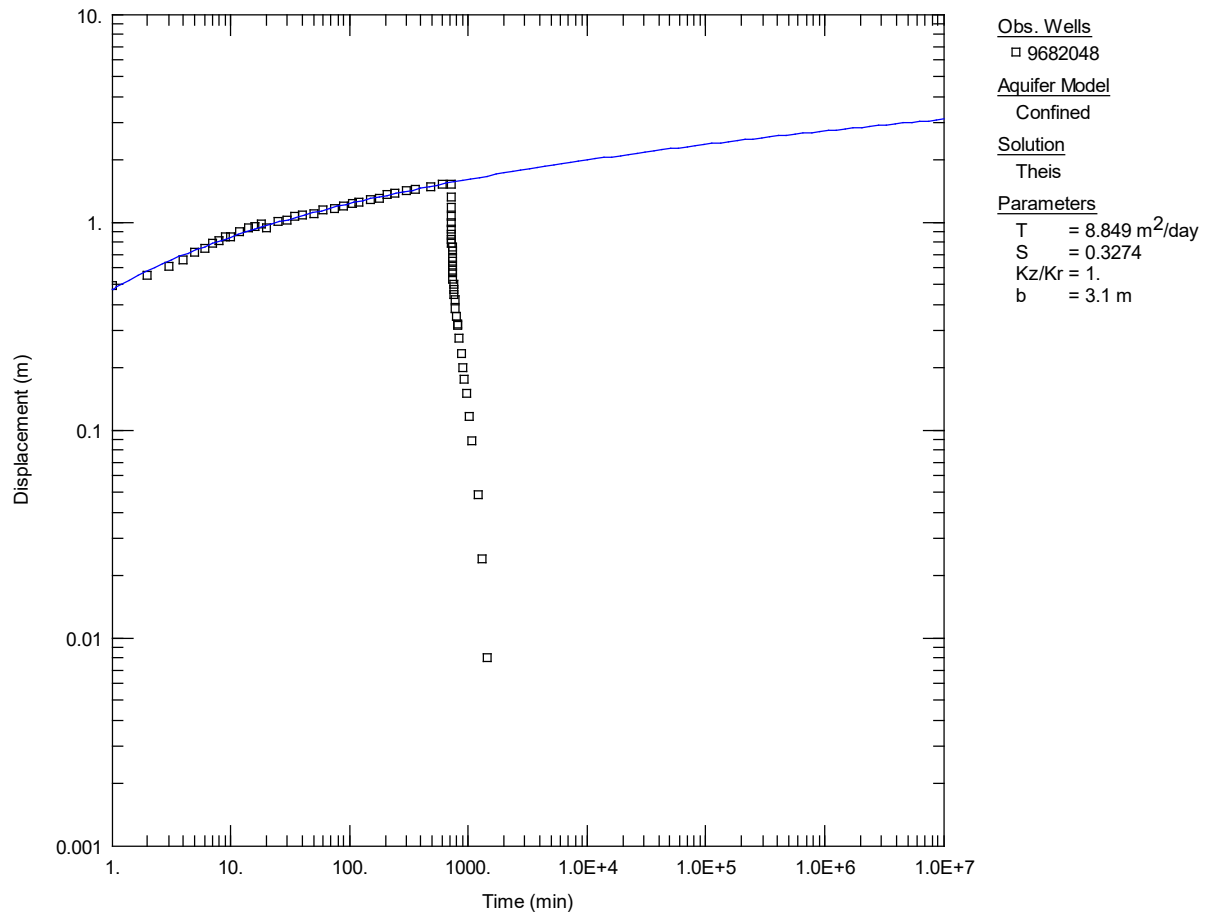
$$Q_{20} = \frac{(0.7 \times Q \times H_a)}{s_{100min} + (s_{20yrs} - s_{100th})}$$

Where:

- Q - Pump test flow rate = 18.3 m³/day (2.8 igpm)
- H_a - Available Head = 9.1 m - (3.68 - 0.61 m) = 6.0 m
- S_{100 min} - Observed drawdown at 100 minutes = 1.21 m
- (S_{20yrs} - S_{100 th}) - Difference between drawdown at 20 years and 100 min
(3.12 m - 1.21 m = 1.91 m)
- 0.7 - Safety factor

The theoretical twenty-year drawdown was determined by extrapolating the Theis solution curve as shown in Figure 7.

Figure 7. Theis solution extrapolated to 20-years of pumping



Substituting in the above values a twenty-year safe yield (Q_{20}) of 24.6 m³/day (3.8 imperial gallons per minute or 8,998 m³/year) was calculated. The analysis indicates the well can supply more than the required 1,250 m³/year to a residence on the proposed lot and is thus suitable for the intended use.

7. EFFECT ON EXISTING GROUNDWATER USERS

Using the Cooper-Jacob equation the expected drawdown through time can be calculated at various radial distances from the supply well as follows:

$$s = \frac{(0.183 \times Q)}{T} \times \text{Log} \left(\frac{2.25 \times T \times t}{r^2 \times S} \right)$$

Where:

s	-	Drawdown (m)
S	-	Storativity (S) (5.0 x 10 ⁻⁵)
Q	-	Pump rate (3.4 m ³ /day)
T	-	Transmissivity (8.8 m ² /day)
t	-	Time (days)
r	-	Radial distance from pumping well (m)

Water level drawdown at various distances from the pumping well are tabulated as a function of time in Table 3.

Table 3. Cooper-Jacob distance drawdown calculations

Distance (m)/ Time (days)	100	300	500	850	1000	1600	3000
1	0.11	0.05	0.01	-	-	-	-
7	0.17	0.11	0.07	0.04	0.03	0.00	-
30	0.22	0.15	0.12	0.09	0.08	0.05	0.01
365	0.29	0.23	0.20	0.16	0.15	0.12	0.09
1826	0.34	0.28	0.24	0.21	0.20	0.17	0.13
3652	0.36	0.30	0.27	0.23	0.22	0.19	0.16
7305	0.39	0.32	0.29	0.25	0.24	0.22	0.18

The following assumptions were included in the above calculation: A conservative storativity value of 5.0 x 10⁻⁵ for a confined aquifer, a continuous consumption rate of 3.4 m³/day, aquifer transmissivity as determined from the pumping test interpretation (8.8 m²/day), no recharge is occurring, and all wells are screened over the same aquifer.

From the above table, we can infer that a neighboring well (< 100 metres) in the same aquifer could experience up to 0.39 metres of additional drawdown over a 20-year (7305 day) pumping period due to pumping from the current supply well for domestic purposes. This additional drawdown is small over a 20-year pumping period and pumping from the new supply well for domestic purposes will not impact the ability of existing wells to provide water.

8. WATER QUALITY

A water sample was obtained from the supply well for routine chemistry analysis by personnel from Niemans Drilling & Sons Ltd. on June 26th, 2024, and submitted to WSH Labs (1992) Ltd. in Calgary, AB for routine analysis on the same day. The water analysis report from WSH Labs (1992) Ltd. is attached in Appendix II and a summary of the results, with a comparison to the Guidelines for Canadian Drinking Water Quality (2022) is as follows:

Table 4. Water chemistry summary

Parameter	Units	Well ID 9682048	CDWQ MAC/AO
pH	pH	7.97	7.0 – 10.5
EC (@ 25°C)	µS/cm	2210	--
Calcium	mg/L	199	--
Magnesium	mg/L	99.3	--
Sodium	mg/L	178	200
Potassium	mg/L	7.3	--
Chloride	mg/L	173	250
Nitrate	mg/L	15.45	10
Nitrite	mg/L	0.24	1
Sulfate	mg/L	505	500
Manganese	mg/L	0.01	0.12
Bicarbonate	mg/L	553	--
Iron	mg/L	0.10	0.3
Total Dissolved Solids	mg/L	1450	500
Fluoride	mg/L	0.24	1.5
T-Alkalinity	mg/L	454	--
AO – Aesthetic Objective MAC – Maximum Allowable Concentration			

The water from the supply well has a moderate-high concentration of salts, with a total dissolved solids (TDS) concentration of 1,450 mg/L, above the aesthetic objective set for drinking water. The aesthetic objective (AO) guideline for the concentration of sulfate was also slightly exceeded.

The maximum allowable concentration guideline (health-based) for nitrate concentration was exceeded in the well. The water from the well will require treatment to reduce nitrate concentration to within acceptable limits (10 mg/L or less). The source of nitrate is unknown but may be related to the relatively shallow aquifer accessed by the supply well and the location of the Site adjacent to agricultural fields, septic fields and an equestrian facility. Improperly abandoned test holes or existing old or poorly completed wells in the area may be a conduit for these surface agricultural nitrate sources to migrate to the underlying confined bedrock aquifers.

The water was not tested for bacterial content (E. Coli, total and fecal coliform bacteria). These parameters should also be tested for prior to the water being used as a drinking water source due to the high nitrate concentration found.

9. REFERENCES

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- Hartman, G.M.D. 2016. Surficial Geology of the Calgary-Lethbridge Corridor NTS 82O, 82P, 82J, 82I, 82G and 82H. Map 579. Alberta Energy Regulator and Alberta Geological Survey
- Health Canada. 2022. Guidelines for Canadian Drinking Water Quality – Summary Tables. Water and Air Quality Bureau, Healthy Environments and Consumer Safety Branch, Health Canada, Ottawa, Ontario. Retrieved May 2023 from https://www.canada.ca/content/dam/hc-sc/migration/hc-sc/ewh-semt/alt_formats/pdf/pubs/water-eau/sum_guide-res_recom/summary-tables-sept-2022-eng.pdf

10. CLOSURE

This report has been prepared for the sole use of Rob and Wendy Laird and their agents. Any third party that intends to rely on this report must obtain the prior written consent of Arletta Environmental Consulting Corp. Any use of, or reliance on, this report by a third party without the prior written consent of Arletta Environmental Consulting Corp. is the sole responsibility of any such third party. Arletta Environmental Consulting Corp. as author of this report, assumes no liability for damages whatsoever suffered by any party as a result of decisions made or actions taken based on this report. This limitation of liability includes decisions to either purchase or sell the Property.

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If you require additional information, please feel free to contact the undersigned.

Arletta Water Resources

Alanna Felske, P.Geol.
Junior Hydrogeologist

Ken Hugo, P.Geol.,
Senior Hydrogeologist

APPENDICES

**Appendix I:
Water Well Drilling Report**



Water Well Drilling Report

[View in Imperial](#) [Export to Excel](#)

GIC Well ID 9682048
GoA Well Tag No.
Drilling Company Well ID
Date Report Received 2024/07/15

The driller supplies the data contained in this report. The Province disclaims responsibility for its accuracy. The information on this report will be retained in a public database.

GOWN ID

Well Identification and Location										Measurement in Metric	
Owner Name LAIRD, ROB		Address			Town		Province ALBERTA		Country CANADA	Postal Code	
Location	1/4 or LSD	SEC	TWP	RGE	W of MER	Lot	Block	Plan	Additional Description		
	14	22	20	28	4						
Measured from Boundary of					GPS Coordinates in Decimal Degrees (NAD 83)						
_____ m from					Latitude <u>50.716795</u> Longitude <u>-113.802202</u>					Elevation <u>1117.00 m</u>	
_____ m from					How Location Obtained					How Elevation Obtained	
					Differential corrected handheld GPS 5-10m					Differential corrected handheld GPS 5-10m	

Drilling Information	
Method of Drilling Rotary - Air	Type of Work New Well
Proposed Well Use Domestic	

Formation Log			Measurement in Metric
Depth from ground level (m)	Water Bearing	Lithology Description	
3.05		Brown Clay & Rocks	
7.62		Gray Sandstone	
9.14		Gray Shale	
12.19	Yes	Gray Sandstone	
21.34		Gray Shale	

Yield Test Summary			Measurement in Metric
Recommended Pump Rate		<u>22.73 L/min</u>	
Test Date	Water Removal Rate (L/min)	Static Water Level (m)	
2024/06/26	12.73	3.68	

Well Completion				Measurement in Metric
Total Depth Drilled	Finished Well Depth	Start Date	End Date	
21.34 m	21.34 m	2024/06/20	2024/06/20	
Borehole				
Diameter (cm)	From (m)	To (m)		
20.00	0.00	5.49		
14.29	5.49	21.34		
Surface Casing (if applicable)		Well Casing/Liner		
Steel		Plastic		
Size OD:	<u>16.83 cm</u>	Size OD: <u>12.55 cm</u>		
Wall Thickness:	<u>0.478 cm</u>	Wall Thickness: <u>0.630 cm</u>		
Bottom at:	<u>5.49 m</u>	Top at: <u>3.05 m</u>		
		Bottom at: <u>21.34 m</u>		
Perforations				
From (m)	To (m)	Diameter or Slot Width (cm)	Slot Length (cm)	Hole or Slot Interval (cm)
9.14	12.19	0.318	20.32	30.48
Perforated by <u>Saw</u>				
Annular Seal <u>Bentonite Chips</u>				
Placed from		<u>0.00 m to 5.49 m</u>		
Amount		<u>50.00 Pounds</u>		
Other Seals				
Type	At (m)			
Shale Trap	8.84			
Screen Type				
Size OD: _____ cm				
From (m)	To (m)	Slot Size (cm)		
Attachment _____				
Top Fittings _____		Bottom Fittings _____		
Pack				
Type _____		Grain Size _____		
Amount _____				

Contractor Certification	
Name of Journeyman responsible for drilling/construction of well CHAD NIEMANS	Certification No 46340A
Company Name NIEMANS DRILLING & SONS LTD.	Copy of Well report provided to owner <u>Yes</u> Date approval holder signed 2024/07/15



Water Well Drilling Report

[View in Imperial](#) [Export to Excel](#)

GIC Well ID 9682048

GoA Well Tag No.

Drilling Company Well ID

Date Report Received 2024/07/15

The driller supplies the data contained in this report. The Province disclaims responsibility for its accuracy. The information on this report will be retained in a public database.

GOWN ID

Well Identification and Location										Measurement in Metric
Owner Name LAIRD, ROB		Address			Town		Province ALBERTA	Country CANADA	Postal Code	
Location	1/4 or LSD 14	SEC 22	TWP 20	RGE 28	W of MER 4	Lot	Block	Plan	Additional Description	
Measured from Boundary of					GPS Coordinates in Decimal Degrees (NAD 83)					
_____ m from _____					Latitude <u>50.716795</u> Longitude <u>-113.802202</u>			Elevation <u>1117.00 m</u>		
_____ m from _____					How Location Obtained Differential corrected handheld GPS 5-10m			How Elevation Obtained Differential corrected handheld GPS 5-10m		

Additional Information										Measurement in Metric
Distance From Top of Casing to Ground Level <u>60.96 cm</u>										
Is Artesian Flow _____					Is Flow Control Installed _____					
Rate _____ L/min					Describe _____					
Recommended Pump Rate <u>22.73 L/min</u>					Pump Installed _____		Depth _____ m			
Recommended Pump Intake Depth (From TOC) <u>18.29 m</u>					Type _____		Make _____		H.P. _____	
Model (Output Rating) _____										
Did you Encounter Saline Water (>4000 ppm TDS) _____					Depth _____ m		Well Disinfected Upon Completion <u>Yes</u>			
Remedial Action Taken _____					Gas _____		Depth _____ m		Geophysical Log Taken _____	
Submitted to ESRD _____										
Additional Comments on Well _____					Sample Collected for Potability _____		Submitted to ESRD _____			

Yield Test			Taken From Top of Casing	Measurement in Metric																																																																																	
Test Date	Start Time	Static Water Level	Depth to water level																																																																																		
2024/06/26	9:00 AM	3.68 m																																																																																			
Method of Water Removal																																																																																					
Type <u>Pump</u>																																																																																					
Removal Rate <u>12.73 L/min</u>																																																																																					
Depth Withdrawn From <u>18.29 m</u>																																																																																					
If water removal period was < 2 hours, explain why																																																																																					
			<table border="1"> <thead> <tr> <th>Pumping (m)</th> <th>Elapsed Time Minutes:Sec</th> <th>Recovery (m)</th> </tr> </thead> <tbody> <tr><td>3.68</td><td>0:00</td><td></td></tr> <tr><td>4.17</td><td>1:00</td><td>5.00</td></tr> <tr><td>4.23</td><td>2:00</td><td>4.86</td></tr> <tr><td>4.29</td><td>3:00</td><td>4.75</td></tr> <tr><td>4.33</td><td>4:00</td><td>4.67</td></tr> <tr><td>4.40</td><td>5:00</td><td>4.61</td></tr> <tr><td>4.24</td><td>6:00</td><td>4.55</td></tr> <tr><td>4.47</td><td>7:00</td><td>4.51</td></tr> <tr><td>4.50</td><td>8:00</td><td>4.47</td></tr> <tr><td>4.53</td><td>9:00</td><td>4.34</td></tr> <tr><td>4.53</td><td>10:00</td><td>4.41</td></tr> <tr><td>4.58</td><td>12:00</td><td>4.36</td></tr> <tr><td>4.62</td><td>14:00</td><td>4.32</td></tr> <tr><td>4.63</td><td>16:00</td><td>4.30</td></tr> <tr><td>4.66</td><td>18:00</td><td>4.27</td></tr> <tr><td>4.61</td><td>20:00</td><td>4.25</td></tr> <tr><td>4.68</td><td>25:00</td><td>4.21</td></tr> <tr><td>4.71</td><td>30:00</td><td>4.18</td></tr> <tr><td>4.74</td><td>35:00</td><td>4.15</td></tr> <tr><td>4.76</td><td>40:00</td><td>4.13</td></tr> <tr><td>4.78</td><td>50:00</td><td>4.10</td></tr> <tr><td>4.83</td><td>60:00</td><td>4.06</td></tr> <tr><td>4.84</td><td>75:00</td><td>4.03</td></tr> <tr><td>4.88</td><td>90:00</td><td>4.00</td></tr> <tr><td>5.11</td><td>300:00</td><td>3.80</td></tr> <tr><td>5.20</td><td>720:00</td><td>3.69</td></tr> </tbody> </table>		Pumping (m)	Elapsed Time Minutes:Sec	Recovery (m)	3.68	0:00		4.17	1:00	5.00	4.23	2:00	4.86	4.29	3:00	4.75	4.33	4:00	4.67	4.40	5:00	4.61	4.24	6:00	4.55	4.47	7:00	4.51	4.50	8:00	4.47	4.53	9:00	4.34	4.53	10:00	4.41	4.58	12:00	4.36	4.62	14:00	4.32	4.63	16:00	4.30	4.66	18:00	4.27	4.61	20:00	4.25	4.68	25:00	4.21	4.71	30:00	4.18	4.74	35:00	4.15	4.76	40:00	4.13	4.78	50:00	4.10	4.83	60:00	4.06	4.84	75:00	4.03	4.88	90:00	4.00	5.11	300:00	3.80	5.20	720:00	3.69
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			Rob Laird.pdf																																																																																		

Water Diverted for Drilling		
Water Source	Amount Taken	Diversion Date & Time

Contractor Certification			
Name of Journeyman responsible for drilling/construction of well CHAD NIEMANS		Certification No 46340A	
Company Name NIEMANS DRILLING & SONS LTD.		Copy of Well report provided to owner Yes	Date approval holder signed 2024/07/15



Water Well Drilling Report

[View in Imperial](#) [Export to Excel](#)

GIC Well ID 9682048
GoA Well Tag No.
Drilling Company Well ID
Date Report Received 2024/07/15

The driller supplies the data contained in this report. The Province disclaims responsibility for its accuracy. The information on this report will be retained in a public database.

GOWN ID

Well Identification and Location										Measurement in Metric
Owner Name LAIRD, ROB		Address			Town		Province ALBERTA		Country CANADA	Postal Code
Location	<i>1/4 or LSD</i> 14	<i>SEC</i> 22	<i>TWP</i> 20	<i>RGE</i> 28	<i>W of MER</i> 4	<i>Lot</i>	<i>Block</i>	<i>Plan</i>	<i>Additional Description</i>	
Measured from Boundary of					GPS Coordinates in Decimal Degrees (NAD 83)					
_____ m from					<i>Latitude</i> 50.716795		<i>Longitude</i> -113.802202		<i>Elevation</i> 1117.00 m	
_____ m from					<i>How Location Obtained</i>					<i>How Elevation Obtained</i>
					Differential corrected handheld GPS 5-10m					Differential corrected handheld GPS 5-10m
ALDERSYDE FILL STATION				2273.05		L		2024/06/20 11:00 AM		

Contractor Certification			
<i>Name of Journeyman responsible for drilling/construction of well</i> CHAD NIEMANS		<i>Certification No</i> 46340A	
<i>Company Name</i> NIEMANS DRILLING & SONS LTD.		<i>Copy of Well report provided to owner</i> Yes	<i>Date approval holder signed</i> 2024/07/15

**Appendix II:
Water Quality Report**



Niemans Drilling & Sons Ltd.

Box 5752
High River, AB T1V 1P3

Phone: (403) 652-6388 **Lab Number:** 97264

Fax:

Email: chad@niemansdrilling.com **PO Number:**

Sample Info: Laird

Sampled By: Chad

Date Sampled: 6/26/2024

Date Received: 6/26/2024

Date Reported: 6/29/2024

TEST REPORT

Analyte	Units	Result	CDW Guideline Maximum	Detection Limit
Calcium	mg/L	199	No Guideline	0.02
Iron	mg/L	0.10	AO: 0.3	0.03
Magnesium	mg/L	99.3	No Guideline	0.02
Manganese	mg/L	0.01	AO: 0.02, MAC: 0.12	0.01
Potassium	mg/L	7.3	No Guideline	0.02
Sodium	mg/L	178	AO: 200	0.02
Bicarbonates	mg/L	553	No Guideline	-
Bromides	mg/L	0.3	No Guideline	0.2
Carbonates	mg/L	0	No Guideline	-
Chlorides	mg/L	173	AO: 250	0.1
Fluorides	mg/L	0.24	MAC: 1.5	0.02
Nitrates as N	mg/L	15.45	MAC: 10	0.04
Nitrites as N	mg/L	0.24	MAC: 1	0.05
NO ₃ + NO ₂ as N	mg/L	15.69	No Guideline	0.04
Sulfates	mg/L	505	AO: 500	0.9

Parameter	Units	Result	CDW Guideline Maximum	Detection Limit
Electrical Conductivity (at 25°C)	µS/cm	2210	No Guideline	0.2
pH	pH	7.97	7.0 - 10.5	-
Hardness (as CaCO ₃)	mg/L	906	No Guideline	0.1
Total Alkalinity (as CaCO ₃)	mg/L	454	No Guideline	3
P-Alkalinity (as CaCO ₃)	mg/L	0	No Guideline	-
Hydroxide (as CaCO ₃)	mg/L	0	No Guideline	-
Total Dissolved Solids (calculated)	mg/L	1450	AO: 500	4

WSH Labs (1992) Ltd. as per: KBW

Sum of Cations	26.02	TDS / EC Ratio	0.66
Sum of Anions	25.59	Sodium Adsorption Ratio	2.57
Ion Balance	1.02	Saturation Index	1.34

Legalities

Lab Number: 97264

- (1) The results above are related only to the items analyzed.
- (2) Results apply to the sample(s) as received.
- (3) Analytical determinations were performed in Calgary, AB. 3851B - 21 Street NE.
- (4) Condition of sample(s) upon receipt:
Acceptable
- (5) External provider(s) of laboratory results:

References

- (1) Accredited by CALA to ISO/IEC 17025 for specific tests.
- (2) Guidelines for Canadian Drinking Water Quality are provided courtesy of Health Canada, September 2022.
https://www.canada.ca/content/dam/hc-sc/migration/hc-sc/ewh-semt/alt_formats/pdf/pubs/water-eau/sum_guide-res_recom/summary-tables-sept-2022-eng.pdf

Acronyms & Nomenclatures

< denotes less than detection limit	MAC = Maximum Acceptable Concentration
> denotes greater than	OG = Operational Guidance Value
AO = Aesthetic Objective	TNTC = Too Numerous To Count (>80 colonies)
CDW = Canadian Drinking Water	

Standard Methods for the Examination of Water and Wastewater 23rd Edition (2017)

- Alkalinity.** 2320 B. Titration Method.
- Ammonia Nitrogen.** 4500-NH₃ C. Titrimetric Method.
- Anions.** 4110 B. Ion Chromatography with Chemical Suppression of Eluent Conductivity.
- Biochemical Oxygen Demand.** 5210 B. 5-Day BOD Test.
- Color.** 2120 B. Visual Comparison Method.
- Conductivity.** 2510 B. Laboratory Method.
- Fluoride.** 4500-F⁻ C. Ion-Selective Electrode Method.
- Hardness.** 2340 B. Hardness by Calculation.
- Metals.** 3125 B. Inductively Coupled Plasma / Mass Spectrometry (ICP-MS) Method.
- Organic Carbon.** 5310 B. High-Temperature Combustion Method.
- pH.** 4500-H⁺ B. Electrometric Method.
- Total Kjeldahl Nitrogen / Nitrogen (Organic).** 4500-Norg B. Macro-Kjeldahl Method.
- Total Suspended Solids.** 2540 D. Total Suspended Solids Dried at 103-105°C.
- Turbidity.** 2130 B. Nephelometric Method.

Hach Methods

- Chemical Oxygen Demand.** Hach Method 8000.
- Chlorine, Total & Free.** As per Hach CN66 Test Kit Instructions.
- Coliforms, Total and E. coli. (Membrane Filtration).** Hach Method 10029.
- Ortho-Phosphate.** Hach Method 8048.
- Sulfides.** Hach Method 8131.
- Tannin & Lignin.** Hach Method 8193.
- Total Phosphate.** Hach Method 8190.

Transportation and Economic Corridors Permit
Request for Development Permit - On Private Property
in Proximity of a Provincial Highway - Approved

Permit Number:	2026-0072187	Highway(s):	547
Issued to (Permittee):	James & Jamie Love		
Legal Land Location:	QS-NW SEC-22 TWP-020 RGE-28 MER-4	Municipality:	Foothills County
Approved By:	Gerry Benoit	Issuing Office:	Southern Region / Calgary
Issued Date:	April 30, 2026		
Description of Development:	Establish a Home based Business - Small-scale winery and wine tasting room		



Transportation and Economic Corridors Permit No. **2026-0072187** is issued to the above named Permittee under authority of Section 14 of the *Highways Development and Protection Act* (the Act) authorizing the development(s) listed herein, and a further application is required for any changes or additions.

The approved site plan forms a part of this permit and any changes to the approved site plan will require an amendment or a new permit application.

This permit is subject to the following terms and conditions, which should be carefully reviewed:

1. This permit is subject to the provisions of Section 11-19 inclusive of the Highways Development and Protection Act (Chapter H-8.5 2004), amendments thereto, and Highways Development and Protection Regulation (Alberta Regulation 326/2009) and amendments thereto.
2. This permit is issued subject to any other municipal, provincial, or federal approvals that may be required. Issuance of a permit by Transportation and Economic Corridors does not guarantee the permittee will be able to obtain other required approvals and does not excuse violation of any regulation, bylaw, or Act that may affect the proposed development.
3. The Permittee consents to a person designated by Transportation and Economic Corridors to enter upon land during construction and again upon completion of construction for the purpose of inspection to ensure the terms and conditions of this permit are met.
4. All works authorized by this permit shall be constructed, altered, maintained or operated at the sole expense of the Permittee. The permittee expressly waives any right to claim damages or compensation (including injurious affection) for development, signs or other encumbrances that are placed in an area required for future widening of the highway right of way for highway improvement purposes
5. In consideration of the permit issued in respect to this development, the Permittee shall indemnify and hold harmless Transportation and Economic Corridors, its employees and agents from any and all claims, demands, actions and costs whatsoever that may arise, directly or indirectly from anything done or omitted to be done in the construction, maintenance, alteration or operation of the works authorized.
6. The Permittee shall conform to the approved site plan. Failure to conform to the approved site plan without an approved amendment may result in enforcement measures as laid out in the Act
7. The proposed development is to be set back from the highway right of way, as shown on the attached site plan. No encroachment within this setback distance is permitted without an amendment to this permit.
8. Any yard lights, area lighting or other lights that are considered distracting to the motoring public, or create a traffic hazard, are not permitted.
9. This permit approves only the development contained herein, and a further application is required for any changes or additions.
10. Transportation and Economic Corridors is under no obligation to reissue a permit if the development is not commenced before expiry of this permit.
11. Access shall be via the local municipal road network.
12. Transportation and Economic Corridors accepts no responsibility for the noise impacts or other impacts of highway traffic upon any development or occupants thereof.

Failure to comply with the terms and conditions of this permit is an offense pursuant to Section 35 of the Highways Development and Protection Regulation (the Regulation), and may result in enforcement or penalties as described in Section 55 of the Act and Section 35-36 of the Regulation.

This permit is valid for a period of **two years from the date of issuance**. If the works authorized by this permit have not commenced within this timeframe, the permit expires and the Permittee must submit a request for an extension, or reapply for a new permit, if they wish to proceed. Transportation and Economic Corridors is under no obligation to reissue a permit if the development is not commenced before expiry of this permit.

Please contact Transportation and Economic Corridors through [RPATH application](#) if you have any questions, updates, additions, or require additional information.

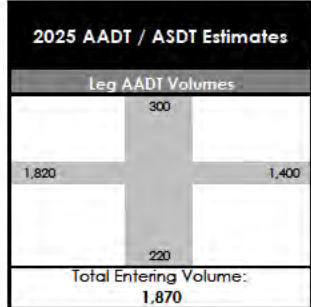


Issued by **Gerry Benoit, Development and Planning Technologist**, on April 30, 2026, on behalf of the Minister of Transportation and Economic Corridors

Reference Number:
91160

Intersection of:
547 & RGE RD 283 128 ST

North On: RGE RD 283	Vehicle Type	Volume	%
	A: Passenger Vehicle	218	72.7%
	B: Recreational Vehicle	5	1.7%
	C: Bus	5	1.7%
	D: Single Unit Truck	11	3.7%
	E: Tractor Trailer Unit	61	20.3%
	AADT	300	
	ASDT	370	



From North			
	Right	Thru	Left
	110	10	10
A	97	10	8
B	2	0	2
C	2	0	0
D	7	0	0
E	2	0	0

To North			
	Left	Thru	Right
A		103	
B		1	
C		3	
D		4	
E		59	

To West	
Volume	%
2,180	
A	706
B	18
C	9
D	39
E	88

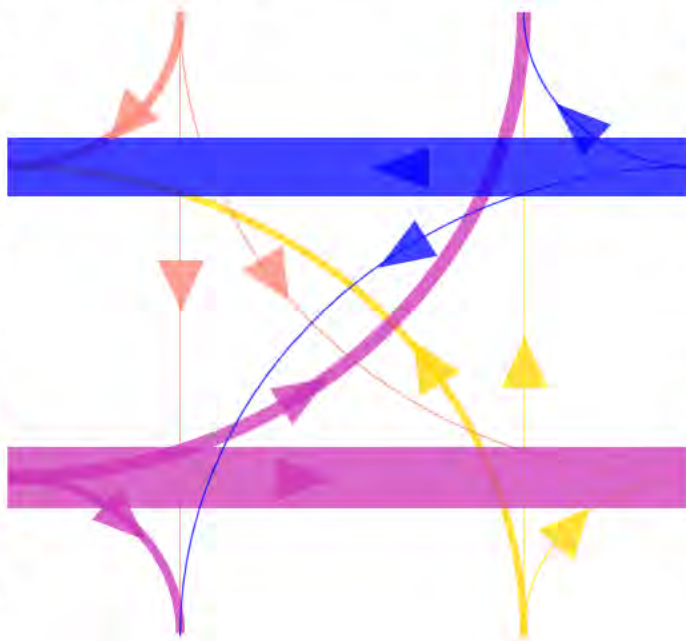
West On: 547	Vehicle Type	Volume	%
	A	1,444	79.3%
	B	45	2.5%
	C	18	1.0%
	D	67	3.7%
	E	246	13.5%
	AADT	1,820	
	ASDT	2,180	

From West			
	Left	Thru	Right
	160	700	100
A	94	554	90
B	1	26	0
C	2	4	3
D	4	17	7
E	59	99	0

From East			
	Left	Thru	Right
	10	670	0
A	9	536	0
B	0	15	0
C	0	6	0
D	1	27	0
E	0	86	0

East On: 547	Vehicle Type	Volume	%
	A	1,115	79.6%
	B	43	3.1%
	C	10	0.7%
	D	47	3.4%
	E	185	13.2%
	AADT	1,400	
	ASDT	1,700	

To East	
Volume	%
720	
A	570
B	28
C	4
D	19
E	99



To South			
	Left	Thru	Right
A	109		
B	0		
C	3		
D	8		
E	0		

From South			
	Left	Thru	Right
	80	10	10
A	73	9	8
B	1	0	0
C	1	1	0
D	5	0	2
E	0	0	0

South On: RGE RD 283	Vehicle Type	Volume	%
	A: Passenger Vehicle	199	90.5%
	B: Recreational Vehicle	1	0.5%
	C: Bus	5	2.3%
	D: Single Unit Truck	15	6.8%
	E: Tractor Trailer Unit	0	0.0%
	AADT	220	
	ASDT	250	

ABBREVIATIONS:

AADT: Annual Average Daily Traffic.
Average daily traffic expressed as vehicles per day for the period from January 1 to December 31 (inclusive), 365 days.

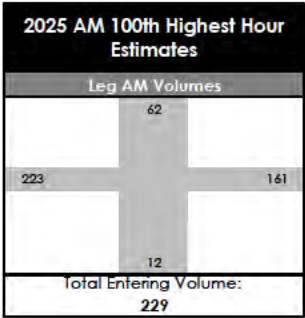
ASDT: Average Summer Daily Traffic.
Average daily traffic expressed as vehicles per day for the period from May 1 to September 30 (inclusive), 153 days.

NOTE:
Coloured line thickness corresponds to turning movement volume.

Reference Number:
91160

Intersection of:
547 & RGE RD 283 128 ST

North On: RGE RD 283	Vehicle Type	Volume	%
	A: Passenger Vehicle	43	69.4%
	B: Recreational Vehicle	0	0.0%
	C: Bus	0	0.0%
	D: Single Unit Truck	0	0.0%
	E: Tractor Trailer Unit	19	30.6%
	AM	62	



From North

	Right	Thru	Left
	31	0	0
A	31	0	0
B	0	0	0
C	0	0	0
D	0	0	0
E	0	0	0

To North

	Volume
	31
A	12
B	0
C	0
D	0
E	19

To West

	Volume
	111
A	93
B	0
C	0
D	12
E	6

From East

	Left	Thru	Right
	0	74	0
A	0	56	0
B	0	0	0
C	0	0	0
D	0	12	0
E	0	6	0

West On: 547

Volume	%
A	160 71.7%
B	0 0.0%
C	0 0.0%
D	25 11.2%
E	38 17.0%
AM	223

East On: 547

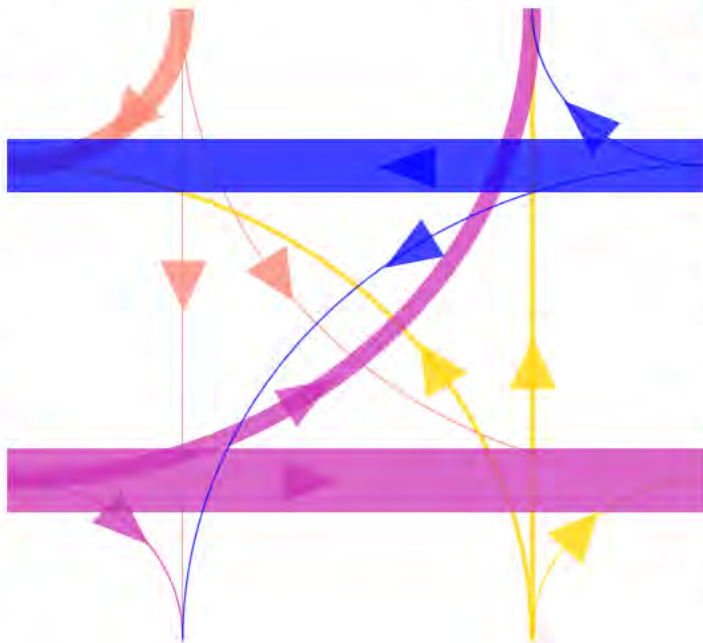
Vehicle Type	Volume	%
A	117	72.7%
B	0	0.0%
C	0	0.0%
D	25	15.5%
E	19	11.8%
AM	161	

From West

	Left	Thru	Right
	25	87	0
A	6	61	0
B	0	0	0
C	0	0	0
D	0	13	0
E	19	13	0

To East

	Volume
	87
A	61
B	0
C	0
D	13
E	13



To South

	Volume
	0
A	0
B	0
C	0
D	0
E	0

From South

	Left	Thru	Right
	6	6	0
A	6	6	0
B	0	0	0
C	0	0	0
D	0	0	0
E	0	0	0

South On: RGE RD 283

Vehicle Type	Volume	%
A: Passenger Vehicle	12	100.0%
B: Recreational Vehicle	0	0.0%
C: Bus	0	0.0%
D: Single Unit Truck	0	0.0%
E: Tractor Trailer Unit	0	0.0%
AM	12	

NOTE:
Coloured line thickness corresponds to turning movement volume.

Reference Number:
91160

Intersection of:
547 & RGE RD 283 128 ST

North On: RGE RD 283	Vehicle Type	Volume	%
	A: Passenger Vehicle	17	68.0%
	B: Recreational Vehicle	0	0.0%
	C: Bus	8	32.0%
	D: Single Unit Truck	0	0.0%
	E: Tractor Trailer Unit	0	0.0%
	PM	25	

2025 PM 100th Highest Hour Estimates		
Leg PM Volumes		
	25	
221		183
	29	
Total Entering Volume: 229		

From North			
21			
	Right	Thru	Left
	17	4	0
A	13	4	0
B	0	0	0
C	4	0	0
D	0	0	0
E	0	0	0

To North		
4		
A	0	
B	0	
C	4	
D	0	
E	0	

To West	
94	
A	74
B	0
C	4
D	4
E	12

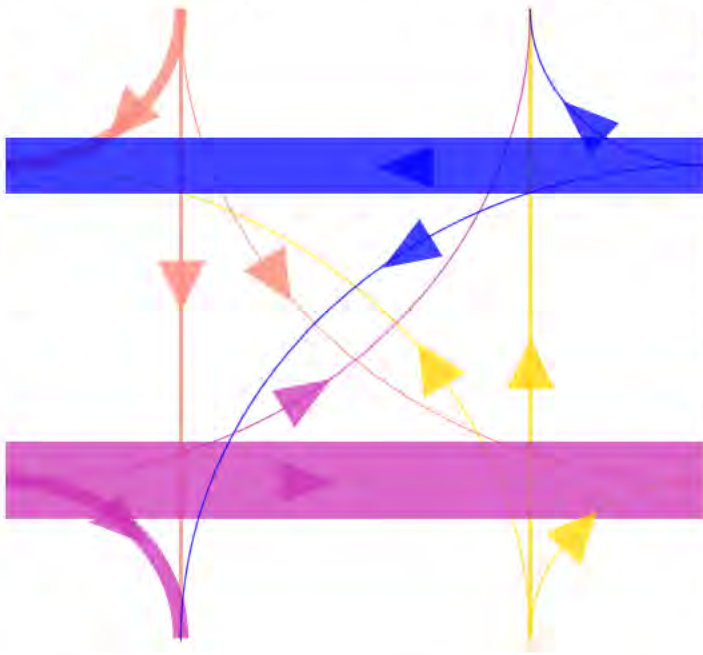
From East		
77		
Left	Thru	Right
0	77	0
0	61	0
0	0	0
0	0	0
0	4	0
0	12	0

West On: 547	Volume	%
A	173	78.3%
B	12	5.4%
C	8	3.6%
D	4	1.8%
E	24	10.9%
PM	221	

East On: 547	Volume	%
A	143	78.1%
B	12	6.6%
C	0	0.0%
D	4	2.2%
E	24	13.1%
PM	183	

From West		
127		
Left	Thru	Right
0	106	21
A	0	82
B	0	12
C	0	0
D	0	0
E	0	12

To East	
106	
A	82
B	12
C	0
D	0
E	12



To South	
25	
A	21
B	0
C	4
D	0
E	0

From South		
4		
Left	Thru	Right
0	4	0
A	0	0
B	0	0
C	0	4
D	0	0
E	0	0

South On: RGE RD 283	Vehicle Type	Volume	%
	A: Passenger Vehicle	21	72.4%
	B: Recreational Vehicle	0	0.0%
	C: Bus	8	27.6%
	D: Single Unit Truck	0	0.0%
	E: Tractor Trailer Unit	0	0.0%
	PM	29	

NOTE:
Coloured line thickness corresponds to turning movement volume.



Province of Alberta

WATER ACT

Revised Statutes of Alberta 2000 Chapter W-3

Current as of March 11, 2026

Office Consolidation

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- (ii) any other thing defined as a diversion in the regulations for the purposes of this Act;
- (n) “document” includes but is not limited to a book, sound recording, videotape, film, photograph, chart, graph, map, plan, survey, book of account and any other information that is recorded or stored by any means;
- (o) “drill” means to drill, bore or otherwise make, construct, extend, alter or recondition;
- (p) “driller” means a person who is authorized under this Act to drill or reclaim a water well;
- (q) “drilling machine” means a machine that is designed to be used or is used to drill a water well;
- (r) “environment” means the components of the earth and includes
 - (i) air, land and water,
 - (ii) all layers of the atmosphere, and
 - (iii) all organic and inorganic matter and living organisms, and the interacting natural systems that include components referred to in subclauses (i) to (iii);
- (s) “Environmental Appeals Board” means the Environmental Appeals Board established under Part 4 of the *Environmental Protection and Enhancement Act*;
- (t) “farm unit” means farm unit as defined in the regulations for the purposes of this Act;
- (u) “give notice” means to give or serve written notice in accordance with section 166;
- (v) “groundwater” means all water under the surface of the ground whether in liquid or solid state;
- (w) “household” means a household as defined in the regulations for the purposes of this Act;
- (x) “household purposes” means the use of a maximum of 1250 cubic metres of water per year per household for the purposes of human consumption, sanitation, fire prevention and watering animals, gardens, lawns and trees;

licence and a supplementary interim licence, granted under a predecessor Act that on January 1, 1999 authorizes the drainage, flood control, erosion control, channel realignment or other similar matters, is a deemed approval under this Act that does not have a priority number.

- (2) Every permit granted under a predecessor Act that on January 1, 1999 authorizes an activity
 - (a) in the case of a permit, including an exploration permit, that was issued for a specified period of time, continues as a permit, and the *Water Resources Act*, RSA 1980 cW-5, continues to apply to that permit as if that Act were still in force, and
 - (b) in the case of a permit that does not have an expiry date, is deemed to be an approval under this Act that expires on December 31, 1999.
- (3) A deemed approval under this section is subject to this Act.
1996 cW-3.5 s20

Household purposes

- 21(1)** Subject to subsection (3) and section 23 and any exemptions specified in the regulations, a person who owns or occupies land that adjoins a river, stream, lake, natural watercourse or other natural water body
 - (a) has the right to commence and continue the diversion of the water that adjoins that land for household purposes, whether or not that water is reserved under section 35, and
 - (b) may not obtain a licence for the diversion of water that adjoins that land for household purposes.
- (2) Subject to subsection (3) and section 23 and any exemptions specified in the regulations, a person who owns or occupies land under which groundwater exists
 - (a) has the right to commence and continue the diversion of the groundwater for household purposes, and
 - (b) may not obtain a licence for the diversion of the groundwater for household purposes.
- (3) The number of households on a parcel of land for the purposes of this section is limited to
 - (a) the number permitted under an applicable approved water management plan, or

(b) if there is no applicable approved water management plan, the number permitted by an order of the Minister.

(4) A person who diverts water under subsection (1) or (2) may, without an approval, licence or registration, pump or otherwise convey water to the point of use for household purposes.

1996 cW-3.5 s21

Riparian owner or occupant

22(1) Notwithstanding the common law, a riparian owner, riparian occupant or person who owns or occupies land under which groundwater exists has the right to divert water only in accordance with section 21 and may not divert water for any other purpose unless authorized by this Act or under an approval, licence or registration.

(2) A person described in subsection (1) may commence an action with respect to a diversion of water only in respect of a diversion of water that is not authorized by this Act or under an approval, licence or registration.

(3) Nothing in this Act is to be construed so as to repeal, remove or reduce any rights held at common law by a riparian owner or occupant of land or by a person who owns or occupies land under which groundwater exists, other than the right to the continued flow or diversion of water.

1996 cW-3.5 s22

Household diversions

23(1) If the Director is of the opinion that there is or may be a significant adverse effect on the aquatic environment or on a licensee or traditional agriculture user resulting from a diversion of water pursuant to section 21, the Director may, subject to the regulations,

(a) issue a water management order under section 97, and

(b) declare that a person described in section 21 who did not divert water as described in section 21 prior to the date of the declaration may not, as of the date of the declaration, divert water as described in section 21 from a source of water specified in the declaration or from any sources of water within the water management area specified in the declaration.

(2) The Director must provide notice of a declaration in a form and manner satisfactory to the Director.

(3) If, on or after January 1, 1999, a subdivision of land of a type or class of subdivision specified in the regulations is approved under the *Municipal Government Act*, a person residing within that subdivision on a parcel of land that adjoins or is above a source of water described in section 21 has the right to commence and continue the diversion of water under section 21 only if

- (a) a report certified by a professional engineer or professional geoscientist, as defined in the *Engineering and Geoscience Professions Act*, was submitted to the subdivision authority as part of the application for the subdivision under the *Municipal Government Act*, and the report states that the diversion of 1250 cubic metres of water per year for household purposes under section 21 for each of the households within the subdivision will not interfere with any household users, licensees or traditional agriculture users who exist when the subdivision is approved, and
- (b) the diversion of water for each of the households within the subdivision under section 21 is not inconsistent with an applicable approved water management plan.

(4) Notwithstanding subsection (3), a person residing within a subdivision as described in subsection (3) has the right to commence and continue the diversion of water under section 21 if

- (a) the written consent of the subdivision authority is provided to the Director,
- (b) the Director is of the opinion that there are or were extenuating circumstances with respect to the submission of the report under subsection (3), and
- (c) the Director has approved in writing the right to divert under section 21.

RSA 2000 cW-3 s23;2011 c3 s33

Traditional agriculture user

24(1) A person who owns or occupies land

- (a) to which a registration is appurtenant, and
- (b) that adjoins a river, stream, lake, natural watercourse or other natural water body, or under which groundwater exists,

has the right to commence and continue the diversion of water from the sources authorized in the registration for the purpose of raising animals or applying pesticides to crops, as part of a farm unit, as authorized by the registration.

- (bb.1) “school building project” has the same meaning as in the *Education Act*;
- (bb.2) “school division” has the same meaning as in the *Education Act*;
- (cc) “school reserve” means the land designated as school reserve under Division 8;
- (dd) “statutory plan” means an intermunicipal development plan, a municipal development plan, an area structure plan and an area redevelopment plan adopted by a municipality under Division 4;
- (ee) “subdivision” means the division of a parcel of land by an instrument and “subdivide” has a corresponding meaning;
- (ff) “subdivision authority” means a subdivision authority established under Division 3;
- (gg) “subdivision and development appeal board” means a subdivision and development appeal board established under Division 3;
- (hh) “subdivision and development regulations” mean regulations made under section 694(1).

RSA 2000 cM-26 s616;RSA 2000 c21(Supp) s3;2004 cH-8.5 s69;
2008 c37 s4;2012 cE-0.3 s279;2016 c24 s91;2019 c22 s10;
2020 c39 s10(3);2023 c9 s19(17);2025 c13 s2(15)

Purpose of this Part

617 The purpose of this Part and the regulations and bylaws under this Part is to provide means whereby plans and related matters may be prepared and adopted

- (a) to achieve the orderly, economical and beneficial development, use of land and patterns of human settlement, and
- (b) to maintain and improve the quality of the physical environment within which patterns of human settlement are situated in Alberta,

without infringing on the rights of individuals for any public interest except to the extent that is necessary for the overall greater public interest.

1995 c24 s95

Hearing and decision

687(1) At a hearing under section 686, the board hearing the appeal must hear

- (a) the appellant or any person acting on behalf of the appellant,
- (b) the development authority from whose order, decision or development permit the appeal is made, or a person acting on behalf of the development authority,
- (c) any other person who was given notice of the hearing and who wishes to be heard, or a person acting on behalf of that person, and
- (d) any other person who claims to be affected by the order, decision or permit and that the subdivision and development appeal board agrees to hear, or a person acting on behalf of that person.

(2) The board hearing the appeal referred to in subsection (1) must give its decision in writing together with reasons for the decision within 15 days after concluding the hearing.

(3) In determining an appeal, the board hearing the appeal referred to in subsection (1)

- (a) repealed 2020 c39 s10(52);
- (a.1) must comply with any applicable land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clauses (a.4) and (d), must comply with any land use bylaw in effect;
- (a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;
- (b) must have regard to but is not bound by the subdivision and development regulations;
- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;

- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
 - (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,
 - and
 - (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

(4) In the case of an appeal of the deemed refusal of an application under section 683.1(8), the board must determine whether the documents and information that the applicant provided met the requirements of section 683.1(2).

RSA 2000 cM-26 s687;2009 cA-26.8 s83;2015 c8 s74;2017 c21 s28;
2018 c11 s13;2020 c39 s10(52)

Court of Appeal

Law, jurisdiction appeals

688(1) An appeal lies to the Court of Appeal on a question of law or jurisdiction with respect to

- (a) a decision of the subdivision and development appeal board, and
- (b) a decision made by the Land and Property Rights Tribunal
 - (i) under section 619 respecting whether a proposed statutory plan or land use bylaw amendment is consistent with a licence, permit, approval or other authorization granted under that section,
 - (ii) under section 648.1 respecting the imposition of an off-site levy or the amount of the levy,
 - (iii) under section 678(2)(a) respecting a decision of a subdivision authority,
 - (iii.1) under section 685(2.1)(a) respecting a decision of a development authority, or



We have a variety of businesses in the MD of Foothills No. 31 providing goods, services, and jobs to residents. The MD welcomes both new and existing businesses to locate here. This expands local job opportunities and helps us weather economic downturns. As well, these businesses are important generators of municipal revenue to help create a balanced and stable tax base in the MD.

The Highway 2A Industrial Corridor, Figure 3, offers an excellent site for a strategic regional employment and service node. This area will accommodate the majority of new business development within the MD.

There are five categories of business activities supported in the Municipal District:

Agricultural Business Development

While agricultural production is a significant contributor to the economy of the MD in and of itself, there has been a demonstrated need to provide for more commercialized agricultural operations. The Agricultural Business District land use was created with the adoption of Land Use Bylaw 60/2014. It is intended to provide for agricultural-related business in agricultural areas. Uses include primarily agricultural processing, retailing of agricultural products and business uses related to agricultural activity while allowing for limited services related to agriculture.

Commercial Development

Commercial use includes businesses such as stores, offices, gas stations, and restaurants. Hamlets, both existing and new, as well as service nodes in planned communities, may be suitable for commercial development. Development of commercial services outside hamlets or planned commercial areas must be carefully managed to maintain the rural character of the MD. Recently there has been increased demand for the MD to allow the development of commercial equestrian facilities and dog related facilities. It is recognized that these facilities contribute to the area economy; however, they have the potential to impact adjacent lands and therefore should be considered carefully to avoid conflicts.

Industrial Development

The MD will continue to encourage increased and diverse industrial activity by creating a supportive business environment for industrial users within the Highway 2A corridor. Industrial uses include intensive business activity that usually involves the manufacturing, transforming, storing, transporting, and/or servicing of goods.

Natural Resource Extraction Industry

Subsurface resources such as gas, oil, and gravel will continue to be extracted, transported, and processed in the MD of Foothills. The extractions and/or harvesting of these resources are generally controlled through Provincial legislation. This type of industry is appropriate in rural areas and provides a valuable contribution to the economic sustainability of the region.

Home Based Business

There is continued demand to allow home based businesses in the MD of Foothills. The Land Use Bylaw classifies this type of economic activity into either minor or major home based businesses. Careful management of this type of economic development is necessary to minimize conflicts, particularly when located in the vicinity of existing residential development.

GOAL

Work independently and with other private and public agencies to drive economic growth by accommodating a variety of complementary business uses, services, and employment opportunities within the boundaries of the MD of Foothills.

OBJECTIVES

1. Support economic development activity which results in a more diverse tax base.
2. Support economic development as a means of providing local residents with a greater choice of employment opportunities.
3. Encourage economic development in identified employment areas, such as the Highway 2A corridor, to concentrate development and maximize economies of scale for servicing and infrastructure.
4. Ensure that industrial and commercial development is done in a manner that reduces land use conflict.
5. Facilitate economic development through pro-active land use planning (statutory and non-statutory plans) and implementation (zoning, subdivision).
6. Support commercial developments in hamlets, new comprehensively planned community development, and/or redevelopment areas on the basis of an approved Area Structure Plan, Outline Plan, or Area Redevelopment Plan.
7. Encourage existing and future businesses to introduce sustainable initiatives.



“Facilitate economic development through pro-active planning and implementation strategies.”

MDP2010 Steering
Committee



8. Direct new subdivision and development, particularly residential uses, away from valuable gravel deposits and other non-renewable resources so as not to constrain the extraction of the resource.
9. Encourage home-based businesses which cause minimal land use and neighbourhood conflict.
10. Ensure that the intensity of a home-based business is compatible with the area it is located in and has minimal impact on the environment, agriculture, water, and municipal infrastructure.

POLICY

General Criteria

1. The MD shall require the preparation of an Area Structure Plan, Outline Plan, or other such plan for Commercial and Industrial developments are in accordance with the guidelines found within Appendix C, Planning Framework.
2. Proposals for commercial or industrial developments, in addition to Natural Resource Extraction, should be developed to be compatible with the surrounding area and existing land uses. Consideration shall be given to size, design, noise, odor, traffic, dust, and the visual impact of the proposal on the adjacent lands. Proposals shall also be considered on the basis of the following criteria:
 - 2.1. Appropriate transportation and utility infrastructure;
 - 2.2. Land use conflicts are minimized;
 - 2.3. Impact on adjoining lands;
 - 2.4. Reasonable privacy is afforded to residents;
 - 2.5. Design does not preclude the possible development of adjoining lands;
 - 2.6. Retention of the natural site features;
 - 2.7. Efficiency of use of land;
 - 2.8. Weed control program.
3. Proposals for home-based businesses shall be considered on the basis of the following criteria:
 - 3.1. Impact on area residents;
 - 3.2. Impact on adjoining lands;

- 3.3. Impact on the environment;
- 3.4. Traffic generation;
- 3.5. Water consumption;
- 3.6. Sewage disposal;
- 3.7. Dust, odor, noise, exterior lighting, visual impacts; and
- 3.8. Proximity to Heritage Pointe.

Location

4. Industrial and commercial developments shall be encouraged to locate in existing and new industrial and commercial parks or in Hamlets where plans are in place to allow for these developments and where they can serve the everyday needs of the surrounding community.
5. Intensification of existing *industrial and commercial parks* shall be encouraged as a means of promoting the efficient use of land and infrastructure.
6. Compatible commercial uses may be allowed in industrial areas.
7. Industrial parks should be located within 1.6 km (one mile) of a primary *highway*.
8. Industrial development, including natural *resource extraction industries* should be discouraged from locating in close proximity to urban centers, hamlets, or areas which are known to possess unique historical and/or environmental features that would be disturbed or destroyed by resource extraction.
9. Any business development that creates an increase in heavy vehicle traffic should not be located within 2 km of the Hamlet of Heritage Point.

Environment

10. Where the MD believes that natural resource extraction industry may have negative impacts on area residents, an Environmentally Significant Area, a critical wildlife habitat, an important fish spawning area, or a historical or archaeological resource the developer shall take the necessary measures to mitigate possible impacts.
11. Industrial developments, including natural resource extraction industries, shall not be allowed to contribute to the degradation of watercourses or groundwater aquifers. The MD will



FIGURE 1 – THE FIVE DISTRICTS

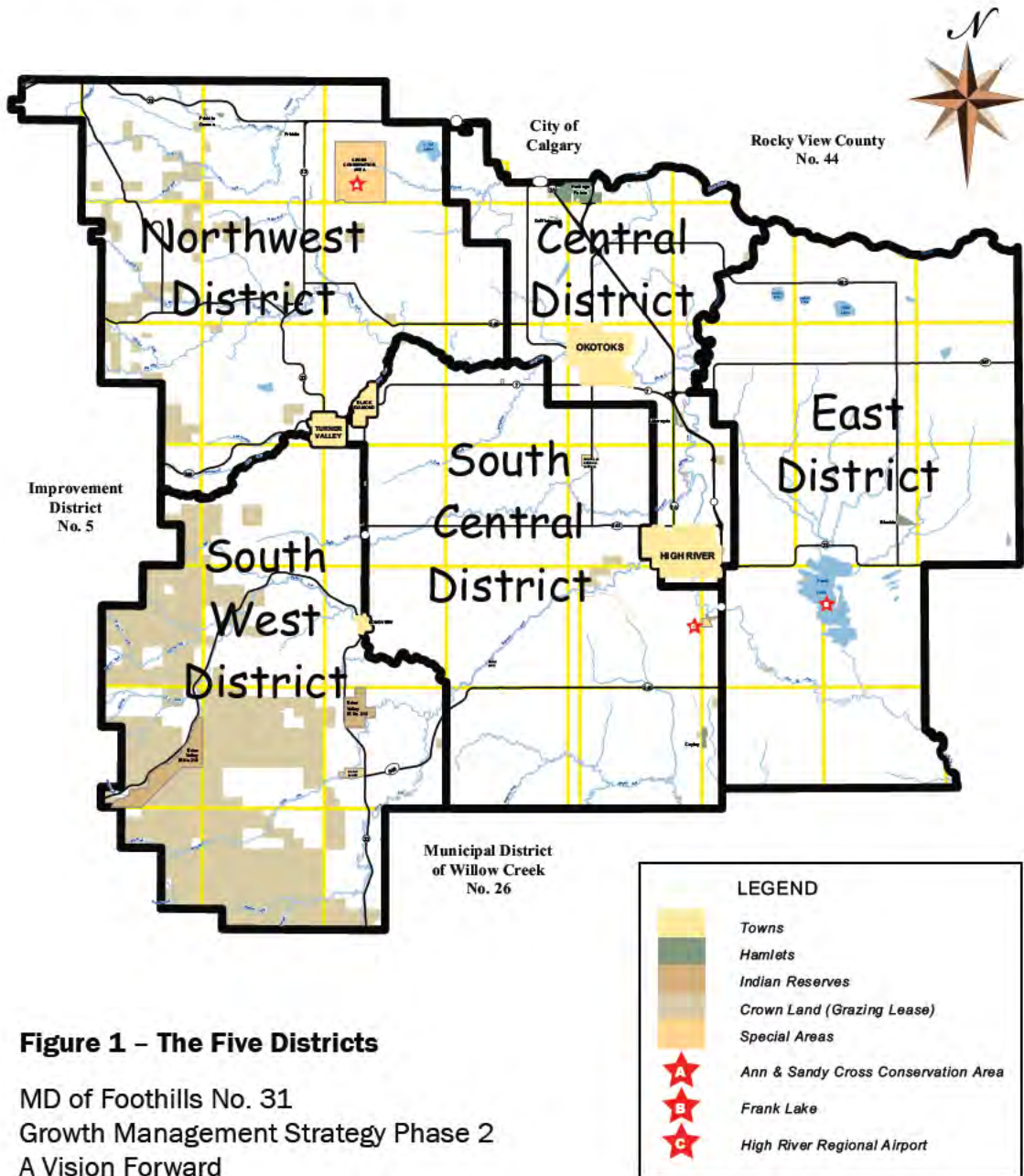


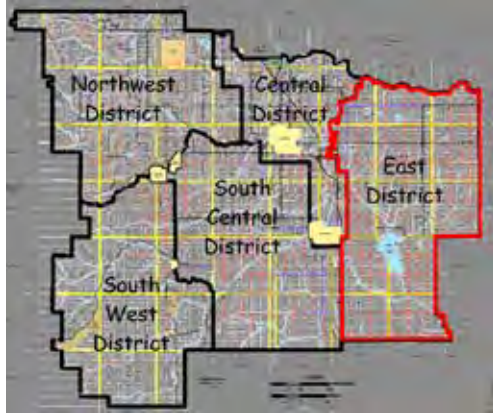
Figure 1 – The Five Districts

MD of Foothills No. 31
 Growth Management Strategy Phase 2
 A Vision Forward



2 THE DISTRICTS

2.1 The East District



Geographically, this district is bordered by Highway 2 on the west, Vulcan County to the east, and the MD of Willow Creek to the south. Its northern border is provided by the Highwood and Bow Rivers.

The land in this district is flat to rolling prairie; it is largely un-fragmented and is home to predominantly agricultural uses, with significant natural resource extraction.

The East District contains the Hamlet of Blackie and features abundant wetlands including Frank Lake – the largest project undertaken by Ducks Unlimited in

all of Canada at the time of its construction.¹

In the early images from this district we get a sense of an area deeply rooted in farming. Images of farming or bumper crops are common. We also see that they were sometimes greatly impacted by dramatic events such as fires, dust storms and blizzards.

Also in the early images, we get a sense of Blackie as a busy centre servicing the surrounding farms. However, as our population has become more mobile the necessity of having goods and services close at hand has diminished and the hamlet is not as busy and vibrant as it once was.

Glenbow Archives NA-1682-3



Stacking prairie wool west of Blackie 1913



Glenbow Archives NA-2685-4

Spring snow at Blackie, May 1919

Growth Management Strategy

Today, agriculture continues to be the dominant land use in the East District. The land is largely un-fragmented with little country residential development. The district has experienced some oil and gas development such as the gas processing plant at Mazeppa.



Main Street Blackie, 1918



Main Street Blackie, 2011

The residents from this area who were surveyed appreciated the beauty and the peace and quiet of the area as well as the productivity of the land; they also talked about the sense of community they felt and their caring neighbours. The majority of residents supported minimal or moderate growth in their district.



Frank Lake, 2012



Harvest in the East District, 2011

4 MANAGING GROWTH IN EACH DISTRICT

In this section of the document some growth strategies and a growth management vision are suggested for each of the five growth management districts.

4.1 Managing Growth in the East District



The East District is predominantly made up of agricultural lands with little fragmentation. In order to keep agriculture viable fragmentation should be carefully managed so while it is possible that first parcels out may continue to be supported, more intensive development is less likely to be. There are abundant wetlands that should be acknowledged for their value as aquifer recharge areas and afforded an appropriate level of protection. The Hamlet of Blackie has the potential to accommodate moderate growth and development and it will be important to ensure that the ASP for Blackie remains current and up to date and provides opportunities for investment in the Hamlet. Land use conflicts in this area should be carefully considered both in terms of the impact of new development on agriculture and the impact of agricultural activities on new development. Following are some strategies for managing growth and development in the East District of the MD:

- Identify the East District as the district of the MD where Agriculture is and will continue to be the dominant land use;
- Continue to support limited subdivision and development in accordance with the MDP2010 and the MD of Foothills Land Use Bylaw;
- Recommend regular reviews of the Hamlet of Blackie ASP;
- Be particularly mindful when considering approval of new development that may conflict with agricultural uses.

Growth Management Vision for the East District:

Outside of the area defined within the Blackie ASP, very little growth is anticipated in the East district. Blackie will continue to develop as a residential hamlet with some commercial and industrial uses. Agriculture will continue to be the dominant land use for future generations. Council will ensure that careful consideration will be given to the impact on agriculture when applications for land use change in this district are before them.

4.2 Managing Growth in the South Central District



The South Central District is the most diverse of the five districts in the MD. Its land uses comprise everything from country residential to intensive agriculture. The proximity of Okotoks and High River and Highway 2 create development pressure on the east side of the district while the west side is still largely agricultural with a number of large mixed farming ranching operations. The Highwood and Sheep Rivers run through the South West District creating opportunities for recreation and some development, but the impact of development on these waterways must be carefully managed. The Hamlet of Cayley has seen some recent development and with the completion of the water line from High River, could be poised for more growth. A review of the Hamlet of Cayley ASP is warranted. That having been said, most of the growth of the South Central District should be directed north of the Highwood River particularly in the area between

SECTION 13 RESIDENTIAL DISTRICTS

13.1 COUNTRY RESIDENTIAL DISTRICT

CR

13.1.1 PURPOSE AND INTENT

To provide for acreage development consistent with the policies outlined in the Municipal Development Plan.

13.1.2 SUB-DISTRICT

13.1.2.1 Parcels may include the following sub-district in cases where Council feels that there is a need. Not all parcels will be separated into sub-districts. Should a parcel include the sub-district, all district rules apply with the addition of the special provisions noted in accordance with the sub-district.

13.1.2.2 Sub-district “A” is a designation added to the land use district indicating a requirement for special consideration on the development of the site and/or placement and construction of buildings or structures on the lands through approval of a development permit. Reference Section 2.4 of this Bylaw for more details on special provisions for parcels with sub-district “A”.

13.1.3 GENERAL REQUIREMENTS:

13.1.3.1 Refer to Section 4.2 “No Development Permit Required” in the Land Use Bylaw for uses not requiring a development permit.

13.1.3.2 Refer to Section 9 and Section 10 respectively for the general and specific land use regulations and provisions that apply to this District.

13.1.4 PERMITTED USES	13.1.5 DISCRETIONARY USES
Accessory buildings not requiring a development permit Accessory uses Agricultural (general) Dwelling, single family Home Based Business Type I Home office Signs not requiring a development permit Solar Power System, Private (Not requiring a Development Permit) Temporary storage of no more than 1 unoccupied recreation vehicles (within Hamlet boundary) Temporary storage of up to 5 unoccupied recreation vehicles (outside a Hamlet boundary) Public works Secondary Suite, Principal Utility services, minor	Accessory buildings requiring a development permit Agricultural intensive - on lots 3 acres or more in size Agricultural specialty Antenna structures, private Arena, private Bed and Breakfast Family Day Home Dugout (for general ag use) Dwelling, moved on Dwelling, temporary Home based business Type II Home based business Type III Intensive vegetation operation Kennels, private Lot grading Man-made water bodies, private Secondary Suites, Detached Signs requiring a Development Permit

HIGHWAY means a primary highway or a secondary highway or either of them, as the context may require.

HIGHWAY (PRIMARY) means a primary highway, or a proposed highway designated as a primary highway under the Public Highways Development Act.

HIGHWAY (SECONDARY) means a secondary highway designated by the Minister of Infrastructure as a secondary road pursuant to the Public Highways Development Act.

HOME BASED BUSINESS TYPE I means a business or occupation conducted within a dwelling and/or an accessory building on a parcel on which a dwelling is located and where one or more residents of the parcel is the primary owner of the business, and the following requirements apply:

- A maximum of three (3) business visits per day
- A Maximum of one (1) non-resident employees working on the property-
- Maximum of one (1) business vehicle may be permitted on property per day.
- Parking is provided in accordance with the requirements set out in Section 9.19 of this bylaw.
- No outdoor storage of business-related material or goods permitted on the property. Storage of business-related materials or goods related to the business must be stored within the principal dwelling or accessory building.
- Large Commercial vehicles, used in conjunction with the business are **not** permitted on the parcel as part of a Home Based Business Type I.
- The business shall not create any impacts outside the dwelling or its accessory building.
- At all times, the privacy of the adjacent residential dwellings shall be preserved, and the home-based business shall not in the opinion of the Development Authority, unduly offend or otherwise interfere with live ability or enjoyment of the neighboring properties.

all in accordance with *Section 10.12* of this bylaw.

HOME BASED BUSINESS TYPE II means a business or occupation conducted within a dwelling and/or accessory building(s) on a parcel on which a dwelling is located and where one or more residents of the parcel is the primary owner of the occupation or business, and the following requirements apply:

- A maximum of six (6) *Business Visits* per day.
- A maximum of three (3) non-resident employees working on the property.
- No outdoor storage of business-related materials or goods are permitted. Storage of materials or goods related to the business must be stored within the principal dwelling or accessory building.
- A maximum of three (3) business vehicles or related equipment may be stored outdoors on parcels under 10 acres in size.
- A maximum of six (6) business vehicles or related equipment may be stored outdoors on parcels 10 acres and larger.
- Large commercial vehicles, used in conjunction with the business, may be permitted on the parcel at the discretion of the Approving Authority based on parcel size, proximity of adjacent residences, and site screening.
- Parking is provided in accordance with the requirements set out in Section 9.19 of this bylaw.
- Home business shall not generate noise, smoke, odor, dust fumes, exhaust, vibration, heat, glare, refuse matter or other nuisances considered offensive or excessive by the Development Authority.
- At all times, the privacy of the adjacent residential dwellings shall be preserved, and the home-based business shall not in the opinion of the Development Authority, unduly offend or otherwise interfere with live ability or enjoyment of the neighboring properties.

all in accordance with *Section 10.12* of this bylaw.

10.12 HOME BASED BUSINESSES

The purpose of a home based business is to accommodate small, non-intrusive, low risk, low intensity developments to support business activities that can be integrated into, and are compatible with, adjacent non-commercial or non-industrial properties. Uses that exceed the business standards of a home based business should be located within an alternative and compatible land use district.

Home Office:

- 10.12.1 No Development Permit is required for a *Home Office* where it is listed as a permitted use under the applicable land use district in accordance with Section 4.2.1 of this bylaw.
- 10.12.2 Notwithstanding Section 10.12.1, an annual Foothills County business license shall be obtained for any *Home Office* operating in the County.
- 10.12.3 There is no limit to the number of employees for a *Home Office* where a portion of the dwelling and/or accessory building is the office for a business that operates off site (construction, landscaping, etc.), provided all interaction with the employees is off the property and employee vehicles are not on the premises and all other provisions of the *Home Office* are met.
- 10.12.4 When a Home office is situated on a property in support of another business use approved for the site (for example uses such as event venue or dog kennel), the home office should be incorporated as part of the Development Permit approval and appropriate provisions included under the Development Permit for office in conjunction with the approved business use.

Home Based Businesses:

- 10.12.5 A Development Permit is required for all Home Based Businesses that are not exempt from obtaining a Development Permit under Section 4.2.1 of this Bylaw.
- 10.12.6 Upon issuance of a Development Permit for any home based business, the applicant shall obtain a Foothills County Business Licence from the County. If the business licence is not obtained or is revoked or suspended, the Development Permit shall be and remain suspended until the business licence is obtained or reinstated.
- 10.12.7 All *Home Based Business* shall provide parking in accordance with Section 9.19 of this bylaw.
- 10.12.8 Large commercial vehicles to be used in conjunction with a Type II and Type III Home Based Business, may be permitted at the discretion of the Approving Authority based on parcel size, proximity of adjacent residences, site screening, etc.
- 10.12.9 Home Based Businesses must comply with the criteria in the corresponding Home Based Business Tables as follows:
 - a. Home Based Business Type I - Table 10.12A.
 - b. Home Based Business Type II - Table 10.12B
 - c. Home Based Business Type III - Table 10.12CIf more than one Home Based Business is operating on a parcel, the cumulative numbers of employees, business visits and vehicles stored on site shall be utilized to determine the level of Home-Based Business that is applicable.
- 10.12.10 A Home Based Business Type I, II, or III shall not be operated from a *Dwelling temporary* on a parcel.

- 10.12.11 A Home Based Business Type I, II, or III, listed as a permitted use in a land use district shall be considered a Discretionary Use, and require a Development Permit where situated in a Secondary Suite on a parcel.
- 10.12.12 Home based businesses do not include Cannabis Production or Cannabis Sales.
- 10.12.13 The cumulative impact of things such as business visits to the site, number of employees, vehicles or equipment stored on site, for all businesses or uses outside of the principal use on the site (for example Kennels, Event venue) shall be taken into consideration when Development Permits are being considered.

Table 10.12 A Home Based Business Type I

Home Based Business – Type I	
Development Permit	No Development Permit required where listed as a permitted use. Where listed as a discretionary use, a Development Permit is required.
Employees	Maximum one (1) non-resident employee working on the site.
Business visits	Maximum three (3) business visits on site per day.
Business Vehicles on Site	Maximum one (1) business vehicle per day. Large Commercial vehicles, used in conjunction with the business are <u>NOT</u> permitted on the parcel as part of a Home Based Business Type I.
Storage of Business Material	No outside storage of business-related material or goods. All storage within the principal dwelling or accessory building.
Nuisances	The business shall not create any impacts outside the dwelling or its accessory building.
Privacy	At all times, the privacy of the adjacent residential dwellings shall be preserved, and the home-based business shall not in the opinion of the Development Authority, unduly offend or otherwise interfere with live ability or enjoyment of the neighboring properties.
Parking	Minimum 1 parking stall per non-resident employee on the property, plus a minimum of 1 additional parking space for each business visitor on the property at the same time, all in addition to the required residential parking or as determined by the Development Authority as a condition of Development Permit.
Signage	Sign no larger than 0.55 sq. m. (5.92 ft.) in area. This sign is permitted to be placed at the entry of the property, provided it is solely on the landowner’s property and not in the road right of way.
Business license	Yes, annual Foothills County Business license required.

Table 10.12 B: Home Based Business Type II

Home Based Business – Type II	
Development Permit	Yes, Development Permit is required.
Employees	Maximum three (3) non-resident employees working on the site.
Business visits	Maximum six (6) business visits to the site per day.
Business Vehicles on Site	<p>Maximum three (3) business vehicles or related equipment stored outdoors on site per day on parcels under 10 acres.</p> <p>Maximum six (6) business vehicles or related equipment stored outdoors on site per day on parcels 10 acres in size and larger.</p> <p>Large commercial vehicles, used in conjunction with the business, may be permitted on the parcel at the discretion of the Approving Authority based on parcel size, proximity of adjacent residences, and site screening;</p>
Storage of Business Material	<p>No outside storage of business-related material or goods.</p> <p>All storage within the principal dwelling or accessory building.</p>
Nuisances	Home business shall not generate noise, smoke, odor, dust fumes, exhaust, vibration, heat, glare, refuse matter or other nuisances considered offensive or excessive by the Development Authority.
Privacy	At all times, the privacy of the adjacent residential dwellings shall be preserved, and the home-based business shall not in the opinion of the Development Authority, unduly offend or otherwise interfere with livability or enjoyment of the neighboring properties.
Parking	Minimum 1 parking stall per non-resident employee on the property, plus a minimum of 1 additional parking space for each business visitor on the property at the same time, all in addition to the required residential parking or as determined by the Development Authority as a condition of Development Permit.
Signage	Sign no larger than 0.55 sq. m. (5.92 ft.) in area. This sign is permitted to be placed at the entry of the property, provided it is solely on the landowner’s property and not in the road right of way;
Business license	Yes, annual Foothills County Business license required.

Subdivision and Development Appeal

2:00 p.m.

Development Appeal 26D 011



RECEIVED
MAY 28 2026

Notice of Appeal

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

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

APPELLANT INFORMATION (e.g. Landowner or Affected Party)			
Name of Appellant(s) Mark Kharfam and Shannon Kharfam / Yolanda Zhong			
Mailing Address [REDACTED]			
Main Phone [REDACTED]			
I consent to receive documents by email: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
Email Address [REDACTED]			
AGENT INFORMATION & CERTIFICATION (complete section if applicable)			
Name of Organization: Christopher Davis Law			
Contact Name: Chris Davis			
Mailing Address [REDACTED]			
Main Phone [REDACTED]			
I consent to receive documents by email: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
Email Address [REDACTED]			
I (We) <u>M. & S. Kharfam and Yolanda Zhong</u> hereby authorize <u>Christopher Davis</u>			
to act on my (our) behalf on matters pertaining to this appeal.			
Christopher S. Davis <small>Digitally signed by Christopher S. Davis Date: 2026.05.28 08:46:47 -0600</small>	May 28, 2026	Christopher S. Davis <small>Digitally signed by Christopher S. Davis Date: 2026.05.28 08:49:06 -0600</small>	May 28, 2026
Signature of Appellant(s)	Date	Signature of Appellant(s)	Date
SITE INFORMATION			
Municipal Address (house and street number) [REDACTED]			
Legal Land Description:	Plan	Block	Lot
Quarter-Section	Township	Range	Meridian
NW26	21	3 1	7 5
I AM APPEALING (check only one)			
Development Authority Decision <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal Development Permit # _____ Date of Decision: (Y/M/D) 2026/5/6	Subdivision Authority Decision <input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal Subdivision Application # _____ Date of Decision: (Y/M/D) _____	Decision of Enforcement Services <input type="checkbox"/> Stop Order <input type="checkbox"/> Compliance Order Enforcement Order # _____ Date of Decision: (Y/M/D) _____	
REASON FOR APPEAL (attach separate page(s) if required)			
All appeals should contain the reasons for the appeal, including the issues in the decision or the conditions imposed in the approval that are the subject of the appeal.			
Re Development Permit 26D 075 - Please see attached "Appendix A" - Summary of Reasons in Support of Appeal			

TURN OVER AND COMPLETE REVERSE SIDE

APPENDIX A

SUMMARY OF REASONS IN SUPPORT OF APPEAL

Development Permit 26D 075 (PLAN 0110200, BLOCK 3, LOT 7)

**Approval Description: Ground Mount Solar Power System, Private
(Discretionary use in the “CR” / Country Residential land use district)**

CHRISTOPHER DAVIS LAW, agent for

Mark and Shannon Kharfan [REDACTED]

-and-

Yolanda Zhong [REDACTED]

1. The approval of DP2025-06150 (the “2025 DP”) was approved on May 6, 2026, and notice of the approval was subsequently delivered to the Appellants by letter. The letter advises that any appeal is due “no later than May 28, 2026”.
2. The proposed discretionary development of “private solar power system” is a grid tied 36.9 kW DC / 26.4 kW AC ground mounted solar array of an area of 1,744 square feet set on mounts at 11.9 feet above grade (the “Development”).
3. The location of the subject application site is directly west of the Zhong residence and directly northwest (across a bulb road turnaround) from the Kharfan residence. As a result, the Appellants believe they are “affected persons” pursuant to sections 686(1)(b) and 685(2) of the *Municipal Government Act* (MGA).
4. “Solar Power System, Private” is a discretionary use in the Country Residential (CR) land use district. The Appellants believe that the application may not meet the limitations and requirements for a “solar power system, private” and, if correct, the application should have been refused.
5. Pursuant to section 5.5.1 of the Foothills County Land Use Bylaw (the “LUB”), the Appellants further believe that the Municipality’s development authority failed to exercise its discretion appropriately as the applicant and / or site owners failed to demonstrate that the proposed Development:
 - a. Is consistent with the Municipal Development Plan, an applicable area structure plan or area redevelopment plan, and policies adopted by County.
 - b. Is compatible with the general purpose of the district.
 - c. Is serviceable with adequate capacity for drainage, water, sewage, and other utilities (including any connections to the local power grid).
 - d. Is compatible with surrounding areas in terms of land use (including the use, function, enjoyment, and value of adjacent lots), scale of development, and potential effects on the stability or rehabilitation of the area.

- e. Had adequately mitigated potential adverse effects; and
 - f. Is consistent with municipal land, right of way or easement requirements.
6. Further to section 5.5.2 of the LUB, the Appellants further believe that the Municipality's development authority failed to adequately determine or consider the significance of the potential adverse effects or nuisance factors associated with the proposed Development in failing to adequately and sufficiently consider:
- a. The expected magnitude and consequence of the effect or nuisance.
 - b. The expected extent, frequency, and duration of exposure to the effect or nuisance.
 - c. The use and sensitivity of adjacent or nearby sites relative to the effect or nuisance.
 - d. Adherence to relevant environmental legislation or widely recognized performance standards; and
 - e. The reliability and record of the proposed methods, equipment, and techniques in controlling or mitigating detrimental effects or nuisances.
7. Plans of the Development have not been reviewed by the Appellants, and they request that they be provided pursuant to section 686(4) of the MGA.
8. The Development site and the Appellants' parcels are all subject to a registered restrictive covenant (Land Titles instrument 011 018 834; the "Covenant"). While such covenants are registered on title and are enforceable as a private civil matter (the covenant itself acknowledging that its restrictions are "additional restrictions" to any bylaw requirements) is, the content and expectations of the Covenant are public and the development authority would have been aware of them. As such, the Appellants had a reasonable expectation that the provisions of the Covenant should have been a valid planning consideration in considering the Development as a "discretionary use". Relevant elements in the Covenant include but are not limited to the following:
- a. The Covenant was registered to preserve a "planned housing subdivision", with an intent that "it will increase the value of the lots and ... protect the owner of each lot against the improper development and use of surrounding lots ... and that it will prevent haphazard or inharmonious improvements or improper designs or materials...".
 - b. That buildings erected on lots "include, only, a private single dwelling house with attached double or triple garage ... (a) structure to conceal recreational trailers and (RVs) ... provided it conforms to the architectural style and exterior finish of the dwelling house ... (with no construction of) any detached garage, storage sheds, or structures to conceal heavy equipment, gasoline tanks and other fuel tanks and stands therefore".
 - c. Garden sheds and greenhouses were permitted subject to not exceeding three hundred square feet in area. They were further required to be "architecturally compatible with the said dwelling house or commensurate with the country residential subdivision...".

- d. Site to be “maintained in a dust-free condition by landscaping with trees, shrubs, suitable ground cover or undisturbed natural growth”.
- e. Fences were to be limited to a maximum height of 4 feet 6 inches and “not be of solid board construction”.
- f. “Garbage containers and receptacles (to) be enclosed or screened from view”.
- g. “No heavy equipment or tractor trailers (are allowed to) be stored or operated on the property”.

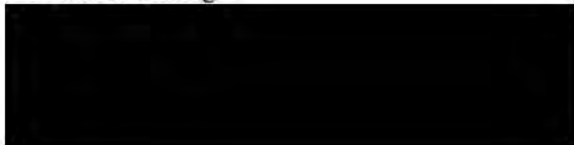
In the result, the development authority in failing to consider the Covenant and its features failed to consider the compatibility of the Development with the surrounding community.

- 9. That this matter will be considered “de novo” pursuant to the recent Alberta Court of Appeal decision in *Landry v Rocky View County* (Subdivision and Development Appeal Board), 2025 ABCA 34, where the Court found that the statutory jurisdiction of the Board allows an SDAB to determine all matters afresh.
- 10. That in the event that the Subdivision and Development Appeal Board finds that the proposed Development is a lawful but an appropriate discretionary use on the subject site, that it condition the approval to relocate the proposed Development to the west side of the subject site, where the subject owners will be incented to address any negative impacts of the proposed Development and any negative impacts on the Appellants screened by the existing dwelling on the subject site.
- 11. Such other reasons as presented in the written submissions and verbal submissions at the anticipated “merit” hearing.

Mark Kharfan and Shannon Kharfan



Yolanda Zhong



As submitted by our agent:
Christopher Davis Law / Christopher Davis

May 27, 2026



DEVELOPMENT PERMIT DECISION
DATE OF DECISION: May 6, 2026

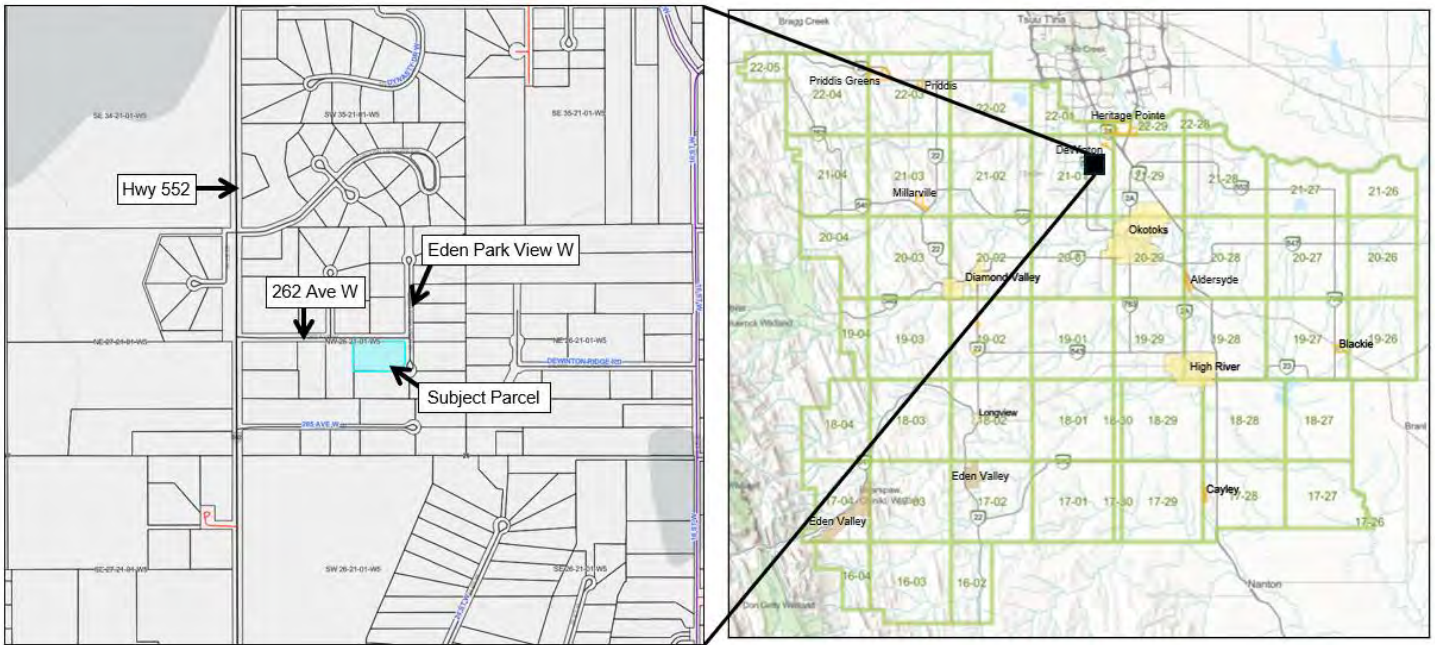
THIS IS NOT A DEVELOPMENT PERMIT OR BUILDING PERMIT. PLEASE REFER TO THE NOTES SECTION BELOW FOR ADDITIONAL INFORMATION.

APPLICATION FILE NUMBER: 26D 075
LANDOWNER(S): JOHN & CATHERINE BYE
AGENT: NUVO RENEWABLES INC.
PROPOSAL DESCRIPTION: GROUND MOUNT SOLAR POWER SYSTEM, PRIVATE
LEGAL DESCRIPTION: PTN. NW 26-21-01 W5M; PLAN 0110200, BLOCK 3, LOT 7

LOCATION AND DESCRIPTION OF SUBJECT PARCEL:

The subject property is an existing 4.57 acre Country Residential District parcel located within Eden Park Estates, directly south of 262 Ave W and west of Eden Park View W, and approximately 400m east of Hwy 552.

Location Map:



INTENT OF THE DEVELOPMENT PERMIT APPLICATION:

An application for Development Permit has been submitted to allow for the installation of a grid tied 36.9kW DC / 26.4 kW AC ground mounted solar array on the subject parcel for personal use.

The proposed system is to be an area of 1,744 sq. ft and 11.9 ft (height/elevation from ground).

The proposed system is to be placed to meet all setback distance requirements as per the Land Use Bylaw 60/2014.

Solar Power System, Private is a Discretionary Use under the Country Residential Land Use District; therefore, decisions on applications for Development Permit for this use are to the discretion of the Development Officer, and subject to a 21-day appeal period.

The application for a Development Permit in accordance with the provisions of Land Use Bylaw 60/2014 of Foothills County in respect to a Ground Mount Solar Power System, Private, on the subject parcel being a portion of NW 26-21-01 W4M; Plan 0110200, Block 3, Lot 7, has been considered by the Development Officer and is **APPROVED** subject to the following.

APPROVAL DESCRIPTION:

This approval allows for the development and use of Ptn. NW 26-21-01 W4M; Plan 0110200, Block 3, Lot 7 for:

- a. One +/- 35.42 sq. m (1,744 sq. ft) by 3.65 m (11.9 ft.) in height at highest angle, ground mounted solar power system, private, in accordance with the submitted and accepted Development Permit application.

CONDITIONS OF APPROVAL:

The following requirements must be completed within twenty-four (24) months from the date the Development Permit is signed and issued unless a time extension is approved under agreement between the Development Authority and the Applicant(s). Failure to complete the conditions of approval will see the Development Permit be deemed null and void.

1. The applicant shall maintain the development 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 this land shall not proceed unless appropriate approvals and permits have been obtained;**

2. The applicant shall obtain any necessary building and safety code permits and inspections to the discretion of the Safety Codes Officer.
3. The applicants shall provide written notification to the Development Authority upon completion of the development, as approved herein;

ADVISORY REQUIREMENTS:

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) and landowner(s) to ensure adherence with these requirements for the life of the development.

1. The applicant shall comply with all requirements of the Alberta Utilities Commission for this installation;
2. The applicant is required to ensure all installations are located at least 3.0 metres from all FORTIS Alberta Infrastructure;
3. Development on the property shall at all times comply with the requirements of the Alberta Building, Safety, and Fire Codes;
4. Natural drainage of the property must be maintained. Alteration to natural drainage may only proceed only under the authorization of an approved Development Permit for Lot Grading permit;
5. All development shall be located as to adhere to Municipal setback requirements from the boundaries of the legally titled property. No variance for yard setbacks has been considered under this approval;
6. The landowners indemnify and hold harmless the County against the cost of any claims or actions, or awards for loss or damage to the owner, arising from soils being relocated to/on this property;
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 and requirements, nor excuse violation of any provincial or federal regulation or act which may affect use of the land;
8. The applicants 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;

NOTES:

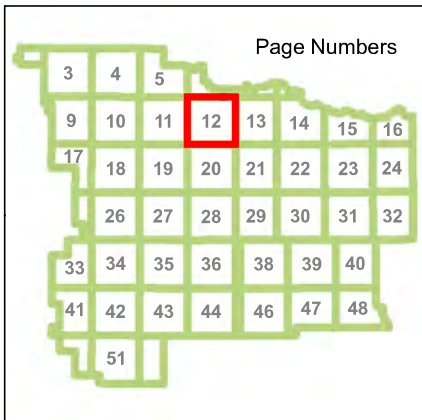
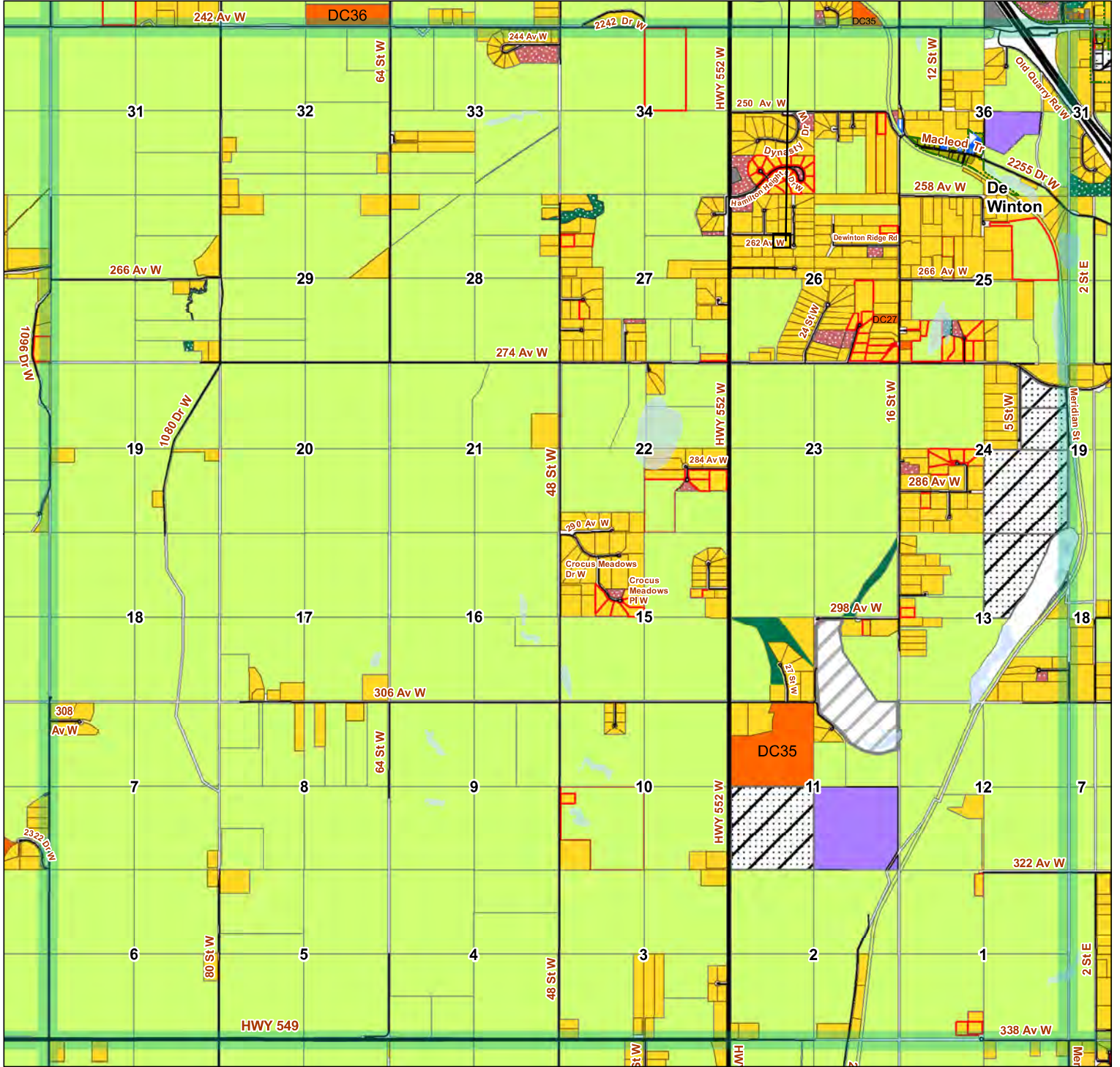
1. **This is not a Building Permit.** Construction practices and standards of construction of any building or any structure authorized by the Development Permit, once signed, and issued, must be in accordance with the Building and Safety Codes Permits. An application must be made for all required Building and/or Safety Codes Permits.
2. **This is not a Development Permit.** The Development Permit may be signed and issued upon completion of the 21-day appeal period; should no appeals be received, and completion of all Pre-Release Conditions (if any). Development cannot proceed until this permit has been signed and issued.
3. Notification of this Development Permit 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 quarter-section and for one-half mile surrounding the subject parcel. Development Permit Notices can also be viewed on our website, **www.foothillscountyab.ca**.
4. This Development Permit Decision is subject to a 21-day appeal period. Pursuant to Section 685(2) of the Municipal Government Act, a person affected by this decision has a right of appeal.
5. The Development Permit, once signed and issued, shall thereafter be null and void if the development or use is abandoned for a period of six months.
6. The conditions of this Development Permit Decision must be met and adhered to at all times. Fines and/or Enforcement action may occur if operating outside of the Development Permit Decision.



Foothills County
Land Use Map Book

Subject Parcel

21-01



Legend

- County Roads
- Highways
- ⋯ In Transition
- NA - Not Applicable
- A- Agricultural
- AA- Agricultural Sub A
- CMC- Community Commercial
- CR- Country Residential
- CRA- Country Residential Sub A
- DC - Direct Control
- ER- Environmental Reserve
- EP- Environmental Protection
- INR- Natural Resource Extraction
- MR- Municipal Reserve
- REC- Recreation
- PUL- Public Utility
- RC- Residential Community District
- RMFA- Residential Multi Family Subdistrict A
- SD- Service District

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Data Sources Include Municipal Records and AltALIS.
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February 28, 2026



Page 12



Application for Development Permit

Land Use Bylaw No. 60-2014

Foothills County

www.foothillscountyab.ca

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

THIS IS NOT A BUILDING PERMIT. Construction practices and standards of construction of any building or any structure authorized by this Development Permit must be in accordance with the Building Bylaw. An application must be made for a Building Permit under the requirements of the Building Bylaw and a Permit must be secured before any work or construction on any building may commence or proceed.

FOR OFFICE USE ONLY	
Fee Submitted: <u>\$500</u>	Application No: <u>26D 075</u>
Receipt No.: <u>455533</u>	Tax Roll No: <u>2101265080</u>
Date Received: <u>February 13, 2026</u>	Date Deemed Complete: <u>March 4, 2026</u>

PART 1 APPLICANT/AGENT INFORMATION

Applicant's Name: Nuvo Renewables Inc

Email: projectcoordination@nuvorenewables.com

Applicant's Mailing Address: 2875 107 Ave SE, Calgary, AB T2Z 4S8

Telephone: [REDACTED]

Legal Land Description: Plan 0170200, Block 3, Lot 7, LSD _____

Quarter NW, Section 26, Township 21, Range 1, West of the 5 Meridian.

Registered Owner of Land: John Howard Bye and Catherine Laumne Bye

Regist: [REDACTED]

Email: [REDACTED]

Interest of Applicant if not owner of site: _____

PART 2 PROPOSED DEVELOPMENT

I/We hereby make application in accordance with the plans and supporting information submitted herewith. (which forms part of this application). Please give a brief description of the proposed development, including name of development where applicable.

Installation of 36.9kW DC / 26.4kW AC Ground mount residential/private Grid-Tied solar system on the above noted property as per the attached Site Plan and Single Line Diagram. The location of the array has been discussed and approved by the landowners.

PART 3 SITE INFORMATION

Area Of Lot: (In Acres Or Hectares) 4.36 Acres

Size Of Proposed Building: 35.42M Height: 3.65M

Is There A Dwelling (Residence) On The Site: Yes yes No If Yes, How Many? 1

Utilities Presently On Site: electric, gas, water, telecommunication, internet

Are There Sour Gas Or High Pressure Facilities On Site? No

Utilities Proposed: electirical

Other Land Involved In Application:

DISCLAIMER: Please note that the personal information collected on this form is authorized under the Municipal Government Act and is required for the purpose of the County's Planning and Development processes. This information may also be shared with appropriate government agencies and may also be kept on file by those agencies. The application and related file contents will become available to the public and are subject to the provisions of the Freedom of Information and Protection of Privacy Act (FOIP). if you have any questions about the collection and use of this information, please contact the FOIP Coordinator at 403-652-2341.

PART 4 DEVELOPMENT

Specify other supporting material attached that forms part of this application. (e.g., Site Plan, Plot Plan, Architectural Drawings, etc.):

Site Plan, Single Line Diagram, Material Specs Sheets

Estimated Date of Commencement: March/2026 Estimated Date of Completion: March/2026

I, Cam Perdonic of Nuvo Renewable

hereby certify that I am:

- The Registered Owner; or
- Authorized to act on behalf of the Registered Owner

Date: 2026-02-12

RIGHT OF ENTRY

I, being the owner or person in possession of the above described land and any building thereon, hereby consent to an authorized person designated by Foothills County to enter upon the land for the purpose of inspection during the processing of this application.

2026-02-12 

Date Signature of Owner or Authorized Agent

FOR OFFICE USE ONLY

- 1. Land use district: _____
Country Residential
- 2. Listed as a permitted/discretionary use: _____
Discretionary
- 3. Meets setbacks: _____ Yes _____ No If "NO", deficient in _____
x
- 4. Other information: _____

PART 5 DECISION

Date of Decision: May 6, 2026 Date Application Accepted: _____

This Development Permit Application is:

- APPROVED
- APPROVED subject to the attached conditions
- REFUSED for the attached reasons

Notice of Decision Advertised: May 6 & 13, 2026

Date of Issuance of Development Permit: _____

Development Officer

NOTE: Development must commence within 12 months of the date of the Date of Issuance of the Permit and be completed within 24 months of the Date of Issuance, unless otherwise stated in the Development Officer's decision.



LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0028 719 177 0110200;3;7 131 277 407

LEGAL DESCRIPTION
PLAN 0110200
BLOCK 3
LOT 7
EXCEPTING THEREOUT ALL MINES AND MINERALS
AREA: 1.85 HECTARES (4.57 ACRES) MORE OR LESS

ESTATE: FEE SIMPLE
ATS REFERENCE: 5;1;21;26;NW

MUNICIPALITY: FOOTHILLS COUNTY

REFERENCE NUMBER: 071 113 475

REGISTERED OWNER(S)				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
131 277 407	28/10/2013	TRANSFER OF LAND	\$1,375,000	\$1,375,000

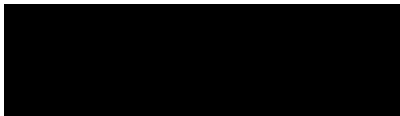
OWNERS

CATHERINE LAVONNE BYE

AND

JOHN HOWARD BYE

BOTH OF:



AS JOINT TENANTS

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
001 075 831	22/03/2000	UTILITY RIGHT OF WAY GRANTEE - ATCO GAS AND PIPELINES LTD.

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2
131 277 407

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

011 018 806 18/01/2001 CAVEAT
RE : DEVELOPMENT AGREEMENT PURSUANT TO MUNICIPAL
GOVERNMENT ACT
CAVEATOR - THE MUNICIPAL DISTRICT OF FOOTHILLS NO.
31.
BOX 5605
HIGH RIVER
ALBERTA T1V1M7

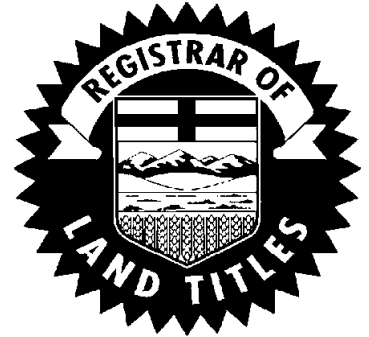
011 018 834 18/01/2001 RESTRICTIVE COVENANT

TOTAL INSTRUMENTS: 003

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 5 DAY OF MARCH,
2026 AT 08:13 A.M.

ORDER NUMBER: 56466541

CUSTOMER FILE NUMBER: AS_Planning



END OF CERTIFICATE

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FOR THE SOLE USE OF THE ORIGINAL PURCHASER, AND NONE OTHER,
SUBJECT TO WHAT IS SET OUT IN THE PARAGRAPH BELOW.

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INCLUDING THIS UNMODIFIED PRODUCT IN ANY REPORT, OPINION,
APPRAISAL OR OTHER ADVICE PREPARED BY THE ORIGINAL PURCHASER AS
PART OF THE ORIGINAL PURCHASER APPLYING PROFESSIONAL, CONSULTING
OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).

Brittany Smith

From: FC_Planning
Sent: March 4, 2026 3:51 PM
To: projectmanagersouthernalberta@sjrb.ca; [REDACTED]
Cc: Brittany Smith
Subject: Notice of Complete Application – Development Permit 26D 074

Good Afternoon ,

**Re: Notice of Complete Application – Development Permit 26D 074
Ptn: NW 26-21-1 W5M; Plan 0110200, Block 3, Lot 7
Solar Power System, Private**

Section 683.1 of the Municipal Government Act requires the Development Authority, within 20 days after the receipt of an application for a development permit, to determine whether the application is complete or incomplete. This letter is being sent to you to serve as a notice of acknowledgement that the application as noted above is considered **complete** as of March 4, 2026.

Please note, this is not an approval of your permit, but indicates that your application has been accepted by the County and will now proceed to the next stages of the development permit process.

Notwithstanding the above, in the course of processing your application, we may request additional information or documentation from you that is considered necessary to review your application.

If you have any questions or concerns regarding the information in this letter, please contact **Brittany Smith** at Brittany.Smith@foothillscountyab.ca .

Regards,

**Foothills County
Planning & Development**

FC_Planning@foothillscountyab.ca

Foothills County, 309 Macleod Trail S. /Box 5605, High River, AB T1V 1M7

P. (403) 652-2341 | F. (403) 652-7880



W. www.foothillscountyab.ca



Client Name : Catherine Bye
Address : Plan 0170200, Block 3, Lot 7 (NW 26 21 1 W5) De Winton AB
Site ID : 0040000539156
Inverter : APS DS3

Module Type : LR7-72HTH-615M
No. of Modules : 60





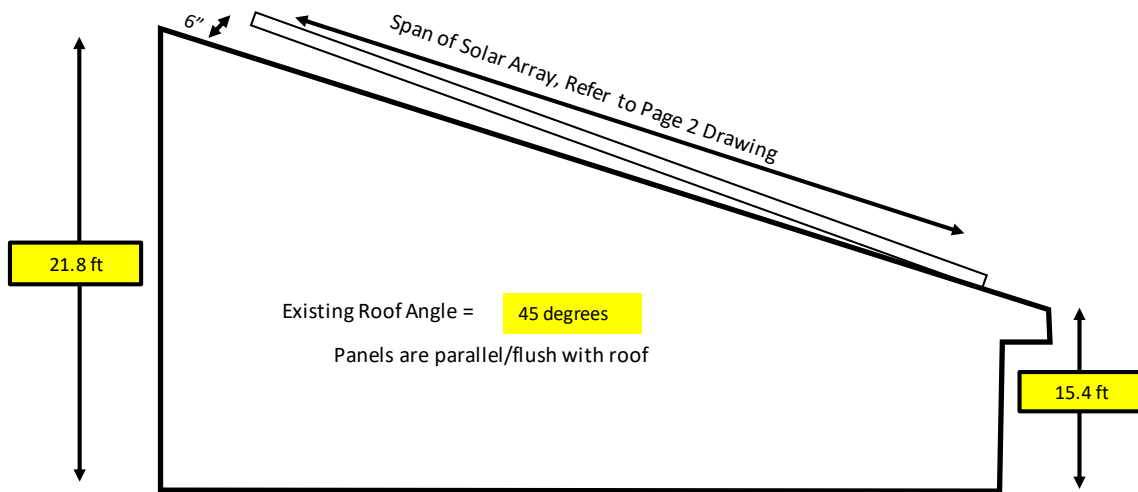
Solar Information Form	
Client Name	Catherine Bye
Client Address	Plan 0170200, Block 3, Lot 7 (NW 26 21 1 W5) De Winton AB TOL OXO
Site ID	0040000539156
PV System Capacity (DC) [kW]	36.90
PV System Capacity (AC) [kW]	26.40
Module Manufacturer & Type	Longi 615W
Module Model Number	LR7-72HTH-615M
Module Power Rating	615
Total Number of Modules	60
Module Warranty	25 years
Inverter Manufacturer	APSystems
No. of Modules (House)	60
No of Modules (Detached Garage)	N/A
Inverter Model	APS DS3
Number of Inverters	30
Array / Orientation #1	
Number of Modules in Array	60
Array Area (ft ²)	1744.8
Tilt/Slope (Degrees)	45.00
Azimuth (Degrees)	180 S



Client Name	: Catherine Bye	Module Type	: LR7-72HTH-615M
Address	: Plan 0170200, Block 3, Lot 7 (NW 26 21 1 W5) De Winton AB	No. of Modules	: 60
Site ID	: TOL 0X0		
Inverter	: 0040000539156		
	: APS DS3		



Client Name	: Catherine Bye	Module Type	: LR7-72HTH-615M
Address	: Plan 0170200, Block 3, Lot 7 (NW 26 21 1 W5) De Winton AB	No. of Modules	: 60
Site ID	: TOL 0X0		
Inverter	: 0040000539156		
	: APS DS3		



- All solar panels do not exceed maximum roof elevation (roof peak)
- Panels sit approximately 4-6" above roof surface

This authorizes the application of the Certification Mark(s) shown below to the models described in the Product(s) Covered section when made in accordance with the conditions set forth in the Certification Agreement and Listing Report. This authorization also applies to multiple listee model(s) identified on the correlation page of the Listing Report.

This document is the property of Intertek Testing Services and is not transferable. The certification mark(s) may be applied only at the location of the Party Authorized To Apply Mark.

Applicant:	Clenergy Technology Co., Ltd	Manufacturer:	Clenergy Technology Co., Ltd
Address:	1001,1003,1005,1007,1009,Minan,Rd,Torch,High-tech,Ind.Dev.Zone,Xiangan District, Xiamen, Fujian 361101	Address:	1001,1003,1005,1007,1009,Minan,Rd,Torch,High-tech,Ind.Dev.Zone,Xiangan District, Xiamen, Fujian 361101
Country:	China	Country:	China
Party Authorized To Apply Mark:	Same as Manufacturer		
Report Issuing Office:	Intertek Testing Services Shanghai Limited		
Control Number:	<u>4005834</u>	Authorized by:	 for L. Matthew Snyder, Certification Manager



This document supersedes all previous Authorizations to Mark for the noted Report Number.

This Authorization to Mark is for the exclusive use of Intertek's Client and is provided pursuant to the Certification agreement between Intertek and its Client. Intertek's responsibility and liability are limited to the terms and conditions of the agreement. Intertek assumes no liability to any party, other than to the Client in accordance with the agreement, for any loss, expense or damage occasioned by the use of this Authorization to Mark. Only the Client is authorized to permit copying or distribution of this Authorization to Mark and then only in its entirety. Use of Intertek's Certification mark is restricted to the conditions laid out in the agreement and in this Authorization to Mark. Any further use of the Intertek name for the sale or advertisement of the tested material, product or service must first be approved in writing by Intertek. Initial Factory Assessments and Follow up Services are for the purpose of assuring appropriate usage of the Certification mark in accordance with the agreement, they are not for the purposes of production quality control and do not relieve the Client of their obligations in this respect.

Intertek Testing Services NA Inc.
545 East Algonquin Road, Arlington Heights, IL 60005
Telephone 800-345-3851 or 847-439-5667 Fax 312-283-1672

Standard(s):	Mounting Systems, Mounting Devices, Clamping/Retention Devices, and Ground Lugs for Use with Flat-Plate Photovoltaic Modules and Panels [UL 2703:2015 Ed.1+R:24Mar2021] PV Module and Panel Racking Mounting System and Accessories [CSA TIL No. A-40:2020]
Product:	Mounting Systems for Use with Flat-Plate Photovoltaic Modules and Panels
Brand Name:	CLENERGY, PV-ezRACK, SOLARROOF
Models:	SolarRoof with L feet, SolarRoof with ezClick L feet, SolarRoof with Tilt Legs, SolarRoof with Roof Hook, SolarRoof Tripod Light



DS3 Series

The most powerful Dual Microinverter

- One microinverter connects to two solar modules
- Max output power reaching 640VA, 768VA or 880VA
- Two independent input channels (MPPT)
- CA Rule 21 (UL 1741 SB) compliant
- NEC 2020 690.12 Rapid Shutdown Compliant
- Encrypted Wireless ZigBee Communication
- Phase Monitored and Phase Balanced

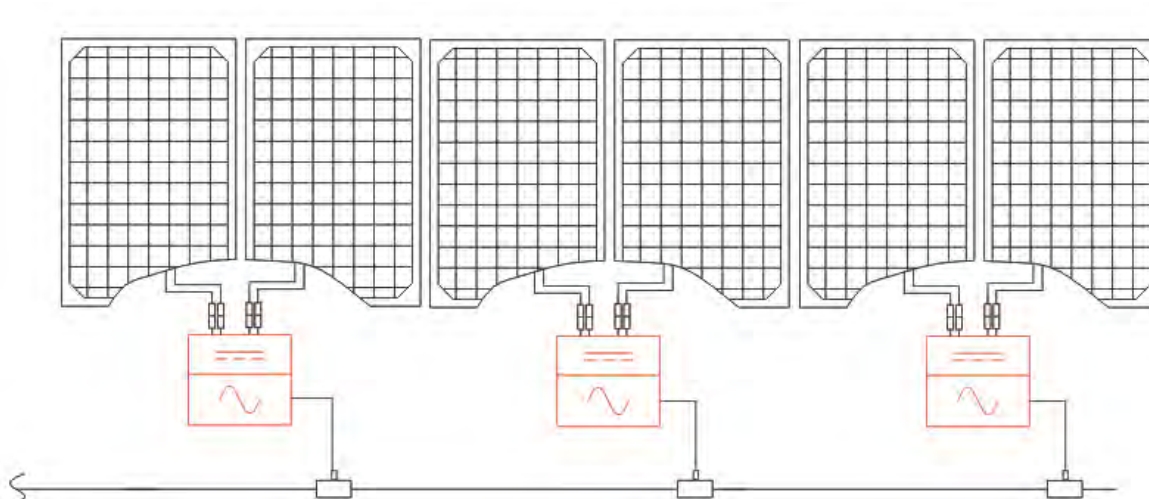
PRODUCT FEATURES

APsystems' 3rd generation of dual-module microinverters, the DS3 product family represents the culmination of years of power conversion expertise and innovation in high-efficiency, high-density power conversion to maximize the peak performance of today's high-capacity PV modules.

The DS3 series reaches unprecedented levels of power output. It features 2 input channels, each with independent MPPT, and encrypted wireless ZigBee communication. An innovative and compact design makes the product lighter while maximizing power production, and silicone-encapsulated components reduce stress on electronics, facilitate thermal dissipation, and enhance weatherproofing. Reliability is significantly increased thanks to 20% fewer components than previous generations. A 24/7 energy access through apps or web based portal facilitate remote diagnosis and maintenance.

The DS3 series is grid-interactive and fully compliant with CA Rule 21 requirements. With an excellent performance and high conversion efficiency, a unique integration with less components, the APsystems DS3 series is a gamechanger for residential and commercial solar.

WIRING SCHEMATIC

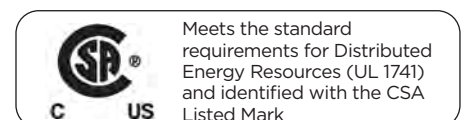


Datasheet | DS3 Microinverter Series

Model	DS3-S	DS3-L	DS3
Region	USA / Canada		
Input Data (DC)			
Recommended PV Module Power (STC) Range	250Wp-480Wp+	265Wp-570Wp+	300Wp-660Wp+
Peak Power Tracking Voltage	28V-45V		
Operating Voltage Range	26V-60V		
Maximum Input Voltage	60V		
Maximum Input Current	16A x 2	18A x 2	20A x 2
Maximum input short circuit current	20A per input	22.5A per input	25A per input
Output Data (AC)			
Maximum Continuous Output Power	640VA	768VA	880VA
Nominal Output Voltage/Range ⁽¹⁾	240V / 211V-264V		
Nominal Output Current	2.66A	3.2A	3.7A
Maximum Output Fault Current (ac) And Duration	5.691Apk, 26.75ms of duration; 3.307Arms		
Nominal Output Frequency/ Range ⁽¹⁾	60Hz/58.8Hz-61.2Hz(HECO:57Hz-63Hz)		
Power Factor (Default/Adjustable)	0.99/0.8 leading...0.8 lagging		
Maximum Units per 12AWG Branch ⁽²⁾	6 (20A breaker)	5 (20A breaker)	4 (20A breaker)
Maximum Units per 10AWG Branch ⁽²⁾	9 (30A breaker)	7 (30A breaker)	6 (30A breaker)
Efficiency			
Peak Efficiency	97.3%		
CEC Efficiency	97%		
Nominal MPPT Efficiency	99.5%		
Night Power Consumption	20mW		
Mechanical Data			
Operating Ambient Temperature Range ⁽³⁾	-40°F to +149°F (-40°C to +65°C)		
Storage Temperature Range	-40°F to +185°F (-40°C to +85°C)		
Dimensions (W x H x D)	10.3" x 8.6" x 1.6" (263mm x 218mm x 41.2mm)	10.3" x 8.6" x 1.7" (263mm x 218mm x 42.5mm)	
Weight	5.7lbs(2.7kg)	6.8lbs(3.1kg)	
DC Connector Type	Stäubli MC4 PV-ADBP4-S2&ADSP4-S2		
Cooling	Natural Convection - No Fans		
Enclosure Environmental Rating	Type 6		
Features			
Communication (Inverter To ECU) ⁽⁴⁾	Encrypted ZigBee		
Isolation Design	High Frequency Transformers, Galvanically Isolated		
Energy Management	Energy Management Analysis (EMA) system		
Warranty ⁽⁵⁾	10 Years Standard ; 25 Years Optional		
Compliance			
Safety and EMC Compliance	UL1741; CSA C22.2 No. 107.1-16; UL1741SA; UL1741SB; IEEE1547; Rule 21; SRD-V2.0; FCC Part15; ICES-003; NEC2014&NEC2017&NEC2020 Section 690.11 DC Arc-Fault circuit Protection; NEC2014&NEC2017&NEC2020 Section 690.12 Rapid Shutdown of PV systems on Buildings		

(1) Nominal voltage/frequency range can be extended beyond nominal if required by the utility.
 (2) Limits may vary. Refer to local requirements to define the number of microinverters per branch in your area.
 (3) The inverter may enter to power de-grade mode under poor ventilation and heat dissipation installation environment.
 (4) Recommend no more than 80 inverters register to one ECU for stable communication.
 (5) To be eligible for the warranty, APsystems microinverters need to be monitored via the EMA portal. Please refer to our warranty T&Cs available on usa.APsystems.com.

© All Rights Reserved
 Specifications subject to change without notice please ensure you are using the most recent update found at web : usa.APsystems.com





Certificate of Compliance

Certificate: 80069963

Master Contract: 259077

Project: 80125194

Date Issued: 2022-05-28

Issued to: Altenergy Power System Inc.
No.1 Yatai Road
Jiaxing, Zhejiang, 314050
CHINA

Attention: Kevin Lu

The products listed below are eligible to bear the CSA Mark shown with adjacent indicators 'C' and 'US' for Canada and US or with adjacent indicator 'US' for US only or without either indicator for Canada only



Issued by: *Magic Zhang*
Magic Zhang

PRODUCTS

CLASS - C531109 - POWER SUPPLIES - Distributed Generation Power Systems Equipment

CLASS - C531189 - POWER SUPPLIES - Distributed Generation-Power Systems Equipment - Certified to U.S. Standards

Grid Support Utility Interactive Microinverter, Models DS3-H, DS3, DS3-L and DS3-S, rack mounted.

For details related to rating, size, configuration, etc., reference should be made to the CSA Certification Record, Certificate of Compliance Annex A, or the Descriptive Report.

APPLICABLE REQUIREMENTS

CSA-C22.2 No.107.1-16 - Power Conversion Equipment
*UL Std No. 1741-Third Edition - Inverters, Converters, Controllers and Interconnection System Equipment for Use With Distributed Energy Resources (Third Edition, Dated September 28, 2021)



Certificate: 80069963
Project: 80125194

Master Contract: 259077
Date Issued: 2022-05-28

***Note:** Conformity to UL 1741(Third Edition, Dated September 28, 2021) includes compliance with applicable requirements of IEEE 1547-2003 (R2008), IEEE 1547.1-2005(R2011), California Rule 21 and Supplement SA8-SA18.

***Note:** This product is PV Rapid Shut Down Equipment and conforms with NEC-2014, NEC-2017 and NEC-2020 Article 690.12 and CEC-2018, CEC-2021 Sec 64-218 Rapid Shutdown of PV Systems, for AC and DC conductors, when installed according manufacturer's instructions.

Notes:

Products certified under Class C531109 have been certified under CSA's ISO/IEC 17065 accreditation with the Standards Council of Canada (SCC). www.scc.ca





Designed for Canada



SolarTerrace III-A

A versatile fixed-tilt ground-mount solar racking system designed to suit challenging Canadian environments and soil conditions Last



SolarTerrace III-A

A universal and earthed ground mount frame designed for corrosive environments and challenging soil conditions

Manufactured from high-quality structural-grade anodized aluminum, the PV-ezRack® SolarTerrace III-A (STIII-A) is the ideal mounting solution for locations across the vast Canadian landscape. The support legs, complete with girder caps, can be installed using helical piles, concrete ballast or other pre-engineered foundations suited to local soil conditions. Its user-friendly prefabrication simplifies installation, making it practical for both commercial projects and residential installations.

Key Benefits

Preassembled Support Legs

The support legs of the STIII-A are fully preassembled. They only need to be unfolded and secured to the foundation. This design saves valuable time in assembly and logistics, making it one of the fastest systems on the market.

Engineered for Canada

The ST III-A is designed to withstand Canada's diverse climate conditions, ensuring reliable performance in extreme temperatures and heavy snow loads. Its adaptable support legs can be installed with concrete ballast or screw pile, making it suitable for challenging soil conditions across the country. The standardised supports for Canada are designed at 30° and 45° and can accommodate panels up to 2400mm, subject to panel clamping zones.

Durable in Harsh Environments

The STIII-A is constructed from 6005 aluminum alloy with 304 stainless steel fasteners (316 stainless steel available upon request), making it ideal for the toughest environments, including corrosive sites near coastlines.

Full Grounding Function

The STIII-A features a UL-compliant grounding system. With pre-fitted pressure bolts and star washers in the preassembled supports, it ensures earthing continuity from the T-Rail to the support, providing a fully grounded system. Furthermore, the grounded Akashi module clamps, which can be used as mid or end clamps for panel frame heights of 30-46mm, make installations and logistics easier.

Technical Details

Configuration	Preassembled and modular; standard 30° and 45° tilt with customized options available
Tilt Angle	30° - 45°
Tilt Mechanism	Fixed
Base Compatibility	Concrete ballast footings and screw piles
East West Slope Tolerance	3° as standard and up to 30° with E-W adapters
Material	Aluminum alloy and stainless steel

- Commercial
- Residential





ER-R-T110
T-Rail 110

The rail profile has been specifically developed to achieve larger spans reducing the number of legs to be installed. These have a Z-Module channel for panel mounting and are secured with the Rail Clamps to the support legs.



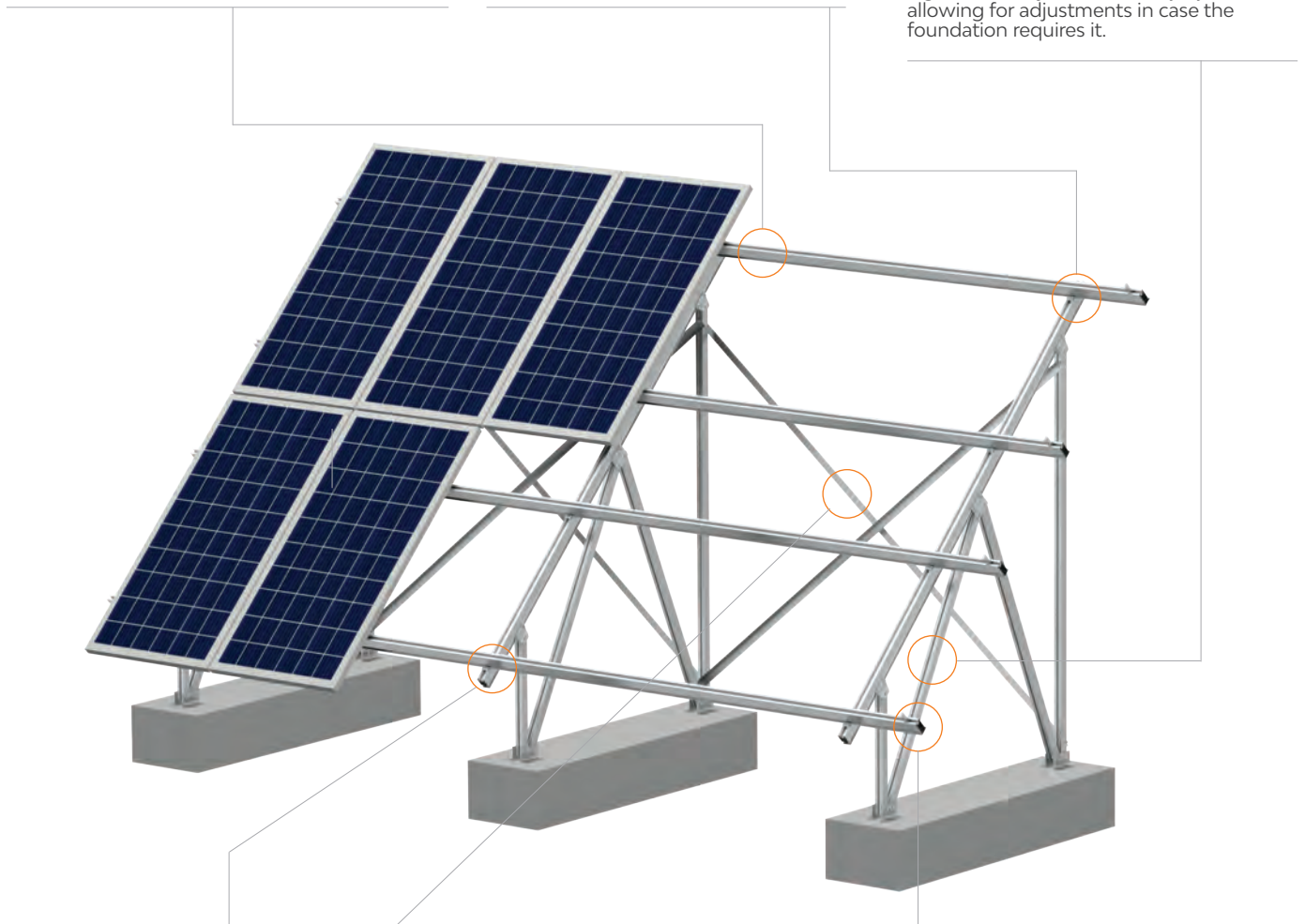
ER-RC-T/G
Rail Clamp for T-Rail with grounding /earthing pins

Rail-Clamps establish a secure connection between support legs and rails with our patented Z-Module technology. Available with grounding pins for earthing.



ER-S-STIIIA
Support

The STIII-A supports are completely pre-assembled, they only need to be unfolded and secured to the foundation. The anodised aluminium alloy profiles are connected with stainless steel fasteners. Furthermore through this new design the legs can be adjusted vertically by 50mm allowing for adjustments in case the foundation requires it.



BR-R110/EW/G (optional)
East/West Adjustable Bracket for T-Rail 110 with grounding

The East/West Adjustable Bracket is specially designed for the projects installed in sloped areas and can significantly reduce the installation accuracy along east-west direction.



ER-AA-50/4250
Angle AL

The Angle AL as a reinforcement to make the system suitable for even harsh environments.



Akashi Clamp
C-U/30/46

PVezRack® Akashi Clamp, with dual functionality (inter and end clamp), is applicable with most common framed PV modules from 30 mm to 46mm in height. Inbuilt grounding clip is also available.

Available accessories

- Cable clips
- Cable trays
- Inverter/joint box bracket
- Rail and girder caps

Materials

AL6005-T5 | SUS304

Contact us or one of our qualified resellers for a personalised quotation today.







PV-ezRACK®

Clenergy

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Australia

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Email: sales@clenergy.com.au
Web: www.clenergy.com.au

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A Clenergy Technologies Company



SolarTerrace III-A

Code-Compliant Planning and Installation V 4.1



Introduction

Clenergy PVezRack® SolarTerrace III-A is a pre-assembled ground mount system suitable for large scale commercial and utility scale installations. PVezRack® SolarTerrace III-A has been developed to fit any PV module. The innovative and patented SolarTerrace III-A T-Rails simplify and improve the accuracy of the installation. Using high quality engineered components SolarTerrace III-A saves developers and installers, time and money when delivering large scale projects.

Please review this manual thoroughly before installing your SolarTerrace III-A system. This manual provides

1) Simple introduction of the installation relating to PVezRack® SolarTerrace III-A Mounting systems.

2) Planning and installation instructions for SolarTerrace III-A.

SolarTerrace III-A parts, when installed in accordance with this guide, will be structurally sound and meet the National Building Code of Canada 2020, Ontario Building Code 2012 with 2022 amendments & Ontario Building Code 2024, British Columbia Building Code 2018 & British Columbia Building Code 2024, National Building Code-Alberta Edition 2019 & Alberta Edition 2023, National Building Code 2010 with Manitoba Amendments, CAN/CSA S157-17, "Strength Design in Aluminum, CAN/CSA S16-14(R2019), "Design of Steel Structures" standard. During installation please comply with the appropriate safety regulations, and please also comply with the relevant regulations of your local region.

Please check that you are using the current version of the Installation Manual by contacting Clenergy Australia by email on www.clenergy.com.au or your local representative.

Product Warranty:

Please refer [PVezRack® Product Warranty](#) on our website.

List of contents

Introduction	01
Tools & Components	02
System Overview	04
Installation Instruction	06

The installer is solely responsible for:

- Complying with all applicable local or national building codes, including any that may supersede this manual;
- Ensuring that PV-ezRack® and other products are appropriate for the particular installation and the installation environment;
- Using only PV-ezRack® parts and installer supplied parts as specified by PV-ezRack® (substitution of parts may void the warranty and invalidate the letter of certification);
- Recycle according to the local relative statute;
- Removal: Reverse installation process;
- Ensure that there are no less than two professionals working on panel installation;
- Ensure the installation of all electrical equipment is performed by licensed electricians;

Introduction

Clenergy PVezRack® SolarTerrace III-A is a pre-assembled ground mount system suitable for large scale commercial and utility scale installations. PVezRack® SolarTerrace III-A has been developed to fit any PV module. The innovative and patented SolarTerrace III-A T-Rails simplify and improve the accuracy of the installation. Using high quality engineered components SolarTerrace III-A saves developers and installers, time and money when delivering large scale projects.

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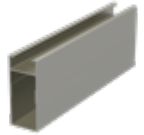






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- Removal: Reverse installation process;
- Ensure that there are no less than two professionals working on panel installation;
- Ensure the installation of all electrical equipment is performed by licensed electricians;

Tools and Components

Tools

				
Allen Key 6 mm (M8Hexagon Socket Screw)	Electric Drill (ST4.8x16 self-tapping screw & M8 Hexagon Socket Screw)	Tape	Torque Wrench	String
				
Mark Pen	Wrench	Socket Wrench M8/M12	Total Station or Equivalent Instrument	

Components

				
ER-EC-ST End Clamp	ER-IC-ST Inter Clamp	ER-R-T110 T -Rail110	ER-SP-T110 Splice for T-110 Rail	ER-RC-T Rail Clamp for T Rail
				
ER-S-STIIIA Support (Pre-assembled)	ER-CAP-T110 Cap for T-110 Rail	ER-CAP-G/A Cap for Square Girder	EZ-GC-ST Grounding Clip	EZ-GL-ST Grounding Lug

Components

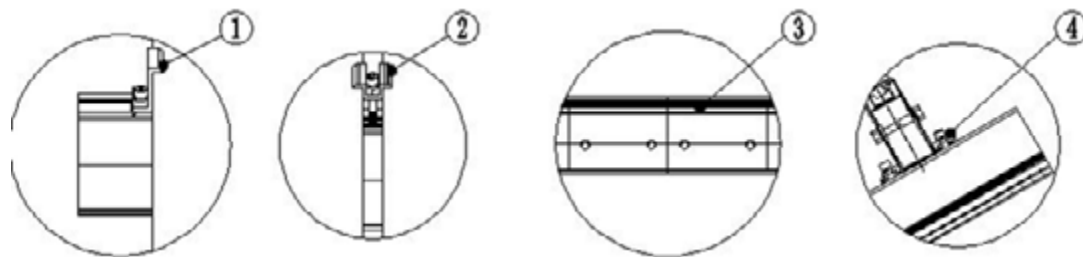
				
<p>C-U/30/46-G Akashi Clamp for Frame Height 30-46mm with Grounding Clip</p>	<p>C-U/30/46 Akashi Clamp for Frame Height 30-46mm</p>	<p>BR-R110/EW/G (Optional) PVezRack® East/West Adjustable Bracket for T-Rail 110 with grounding</p>	<p>ER-AA-50 Angel AL</p>	<p>GE-STA/200 (Optional) Girder Extension</p>

System Overview

Overview of PVezRack® SolarTerrace III-A



- 1. End Clamp
- 2. Inter Clamp
- 3. Splice for T-110 Rail
- 4. Rail Clamp
- 5. T Rail 110*L
- 6. Cap for T-110 Rail
- 7. Support (Pre-assembled)
- 8. Angle AL



Precautions during Stainless Steel Fastener Installation

Improper operation may lead to deadlock of Nuts and Bolts. The steps below should be applied to stainless steel nut and bolt assembly to reduce this risk.

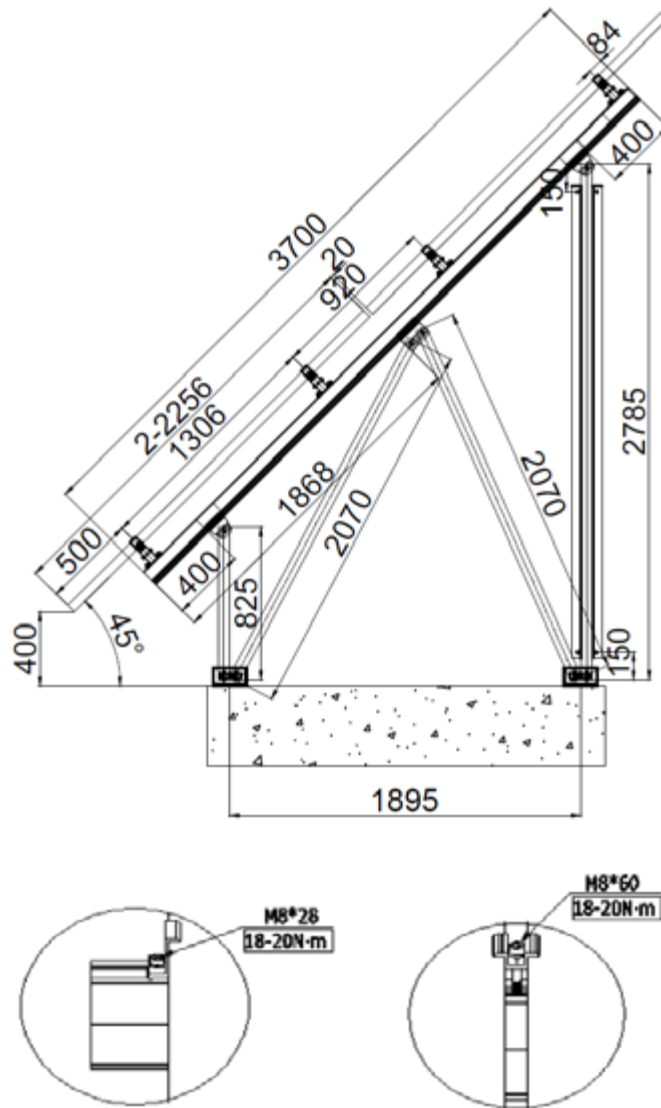
General installation instructions

- (1) Apply force to fasteners in the direction of thread
- (2) Apply force uniformly, to maintain the required torque
- (3) Professional tools and tool belts are recommended
- (4) In some cases, fasteners could be seized over time. As an option, if want to avoid galling or seizing of thread, apply lubricant (grease or 40# engine oil) to fasteners prior to tightening.

Safe Torques

Please refer to safe torques defined in this guide as shown in the figure below. If power tools are required, Clenergy recommends the use of low speed only. High speed and impact drivers increase the risk of bolt galling (deadlock). If deadlock occurs and you need to cut fasteners, please make sure that there is no load on the fastener before you cut it. Avoid damaging the anodized or galvanized surfaces.

These steps should be applied for every stainless steel nut and bolt assembly.



Safe Torques

Installation Dimensions

All drawings and dimensions in this installation guide are for a generic reference. PV-ezRack® SolarTerrace III-A is to be optimized to suit specific conditions for each project and documented in a construction drawing. As a result, major components of PV-ezRack® SolarTerrace III-A may be provided in section sizes and lengths that vary from those shown in this guide. The installation process detailed in this instruction guide remains the same regardless of the component size. In case you need to do any on-site modifications or alteration of the system in a way that would be different from the construction drawing please provide marked up drawings/sketches for Clenergy’s review prior modification for comment and approval.

Installation Instructions

Pre-assembled Support Installation

Unfold the Pre-assembled Support

Solution 1 (For 30 degree tilt support)

Step 1:

Unfold the pre-assembled support as shown in Fig. 2;

Step 2:

Unfold the Slotted Al-Tube as shown in Fig.3;

Step 3:

Unlock the M12*100 bolts from the H Joint first and fasten the Al-Tube and H Joint lightly with M12*100 again as shown in Fig.4;

Step 4:

Rotate the L-anchor and U-anchor plates to ensure they align as shown as Fig. 5.

Note:

The bolt heads have to be kept in same direction.



Fig. 1



Fig. 2

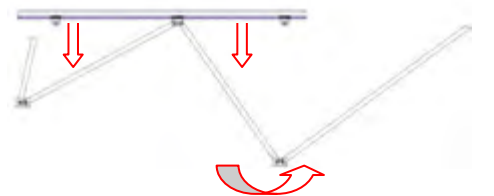


Fig. 3

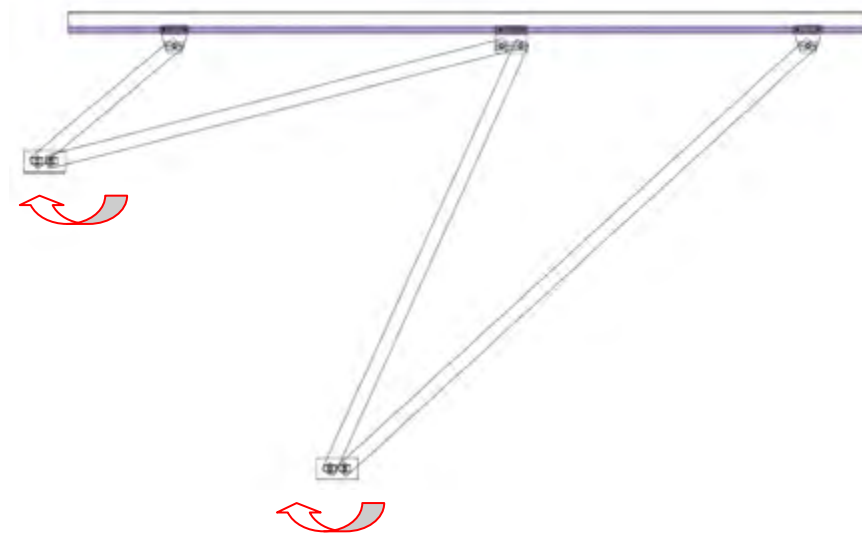


Fig. 4



Fig. 5

Fix the Pre-assembled Support to the Concrete Footings.

Connect the Pre-assembled Support and Concrete Footings by using embedded M16 (Grade 5.8 Carbon Steel anchor studs or similar). Adopt the minimum anchor embedded depth according the anchors manufacturer's Manual. The up-down adjustable range of the Front/Rear leg is $\pm 20\text{mm}$. The north-south adjustable range of the Front/Rear leg is $\pm 7.5\text{mm}$.

Recommended Torque:
M16: 135~150N·m

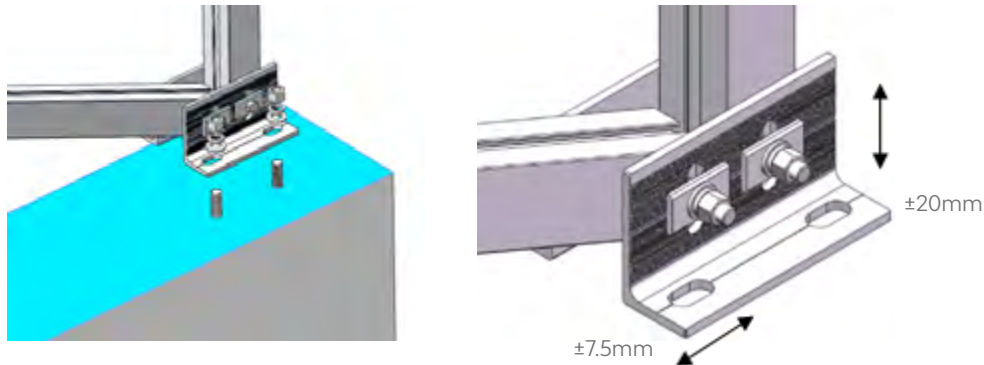


Fig. 6

Check the System and Fasten all Bolts with Recommended Torque(please refer to Page 5).

Recommended
Torque: M8 Bolt: 13N·m;
M8 Nut: 18~20N·m
M12: 40~45N·m

According to Engineering Drawing, Repeat the Above Operations to Install Other Pre-assembled Supports

Ensure all the Tri-Groove Beams of Pre-assembled Support are aligned and all Pre-assembled Supports are parallel to each other.
Now fasten all bolts tightly.

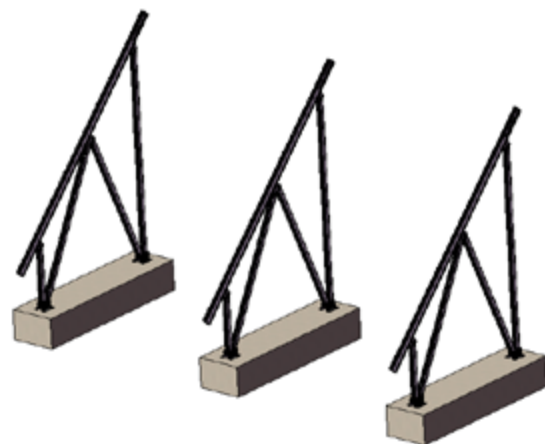


Fig. 7

T Rail Installation

Direct Installation

According to the engineering drawing, mark the locations for the Rail on the Tri-groove beam. The dimensions shown in the figure on the right is an example.

Slide the T Rail on to the Tri-Groove Beam. Apply one Rail Clamp to the T Rail on each side of Rail, and fasten lightly with the 6mm Allen Key as shown in the Figures below.

Recommended Torque:

M8: 18~20N·m

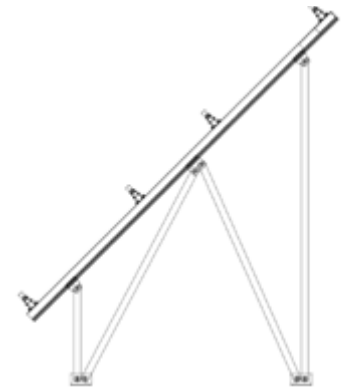


Fig. 8



Fig. 9



Fig. 10

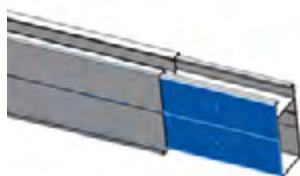
Note:

If the Pre-assembled Support has pre-positioned Rail Clamps for the T Rail, slide another Rail Clamp in other side of the T Rail.

If the T Rail is not long enough, connect two T Rails together using the Splice for the T-110 Rail as shown in the diagram below. Insert half of the Splice into the T Rail and fasten with two sets of Selftapping screws in each side of the T Rail, and then insert the other Splice into the T Rail and again fasten with Self-tapping screws. To prevent thermal expansion problems, the Rails shall not exceed 30m long.

Note:

Please fasten the Self-tapping screw until the rubber washer grips firmly, attaching the T Rails tightly onto the splice.



Insert half of Splice into the T Rail



Then use two sets of Self-tapping screws in each side of the T Rail

Fig. 11



Insert half of the Splice into the T Rail

Two sets of Self-tapping screws each side of the T Rail

Fig. 12

Place the T Rails one by one in the planned position on the supports.

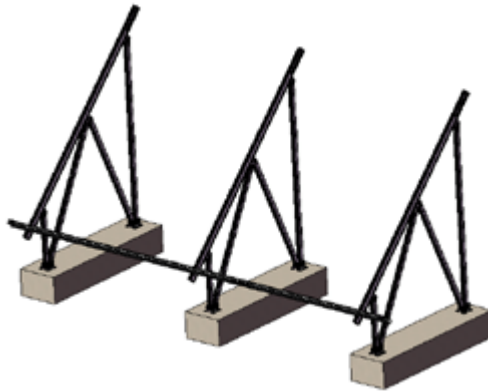


Fig. 13

Repeat the above operations and install all other T Rails. Ensure the end faces of the Rails are aligned and all Rails are at same height. Now fasten all the bolts tightly.

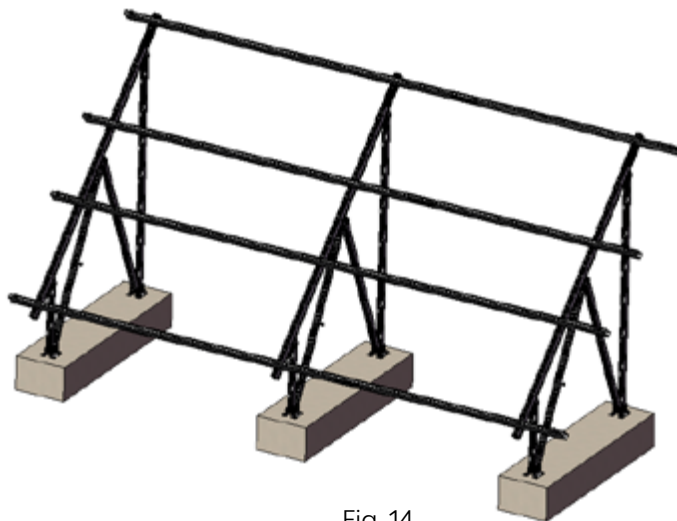


Fig. 14

East/West Adjustable Bracket Installation (optional)

Click the pre-assembled East/ West Adjustable Bracket into the Tri- Groove Beams and adjust properly as shown in Fig.15. Fasten the M8 bolt slightly with the Allen key.



Fig. 15

Click the corrugated shim and Z Mould/bolt into the Tri-Groove Beams and move them into the opening slot hole of East/West Adjustable Bracket. After the bolt is at the end of slot hole, fasten the M8 bolts slightly as shown in Fig. 16.

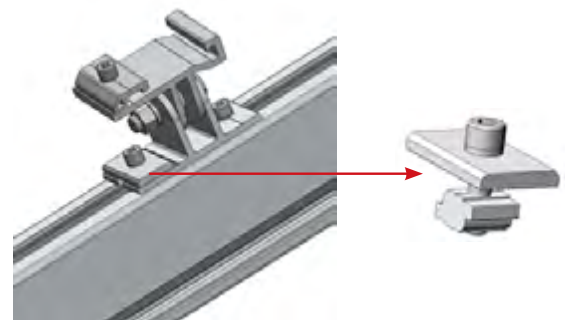


Fig. 16

Repeat above steps to install other East/West Adjustable Brackets. Adjust all brackets and make the brackets sit at the right positions.

Now fasten all M8 bolts tightly within 18~20 N·m.

Tilt the T Rail to a certain angle and slide into the groove of East/West Adjustable Brackets of the same height on the Tri-Groove Beams. Then use a 6mm Allen key (Hex) to fasten on another side via Rail Clamp for T-Rail. Fasten all the M12 bolts on the East/ West Adjustable Brackets.

Recommended Torque:

M8: 18~20 N·m

M12: 50~55 N·m

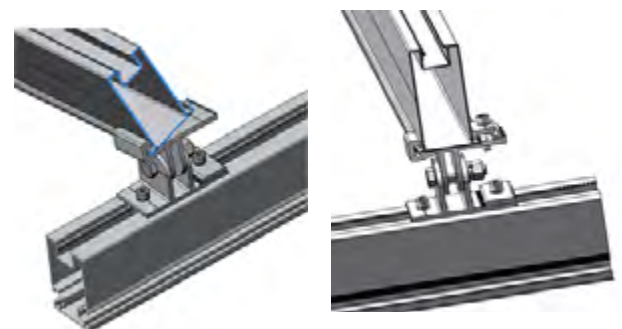


Fig. 17

Angle AL Installation (optional)

Apply T-head bolt M8*25 for Angle AL installation. Slide the bolt head into the U-slot of Slotted Al-Tube and rotate the bolt slightly as shown in right Figures.

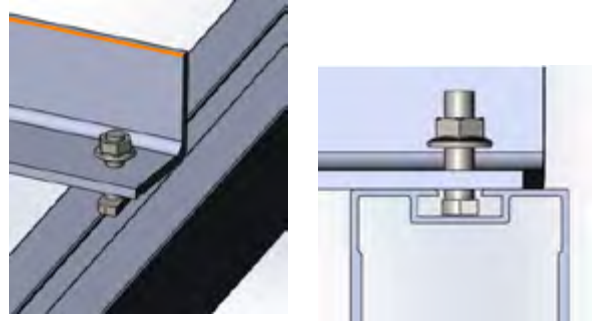


Fig. 18

Fasten the bolts slightly after the installation position is determined.

Repeat above steps to install all Angle AL.

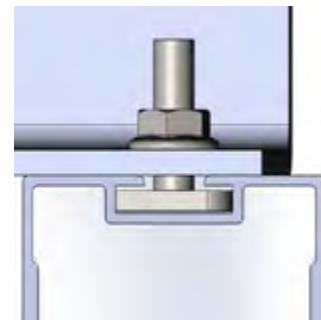


Fig. 19

Girder Extension Installation (optional)

Connect the Girder Extension by using Flange Facing Self-Tapping Screw (Washer) ST6.3*22.

Note:

Please fasten the Self-tapping screw until the rubber washer attach the Girder tightly.



Fig. 20

The whole installation is completed now as shown in right Figure.

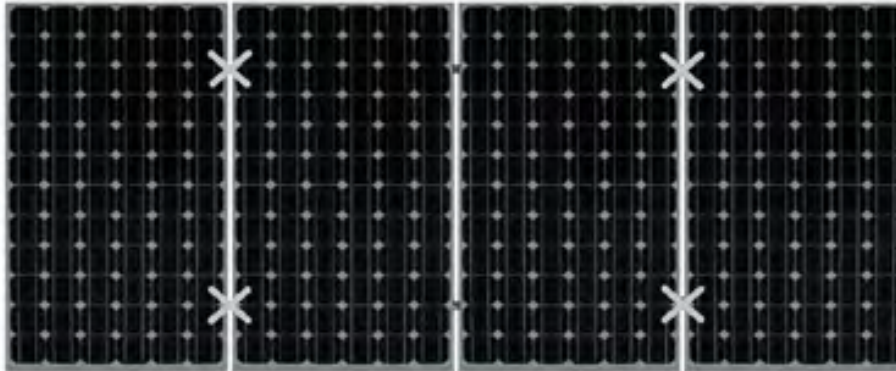


Fig. 21

PV Module Installation

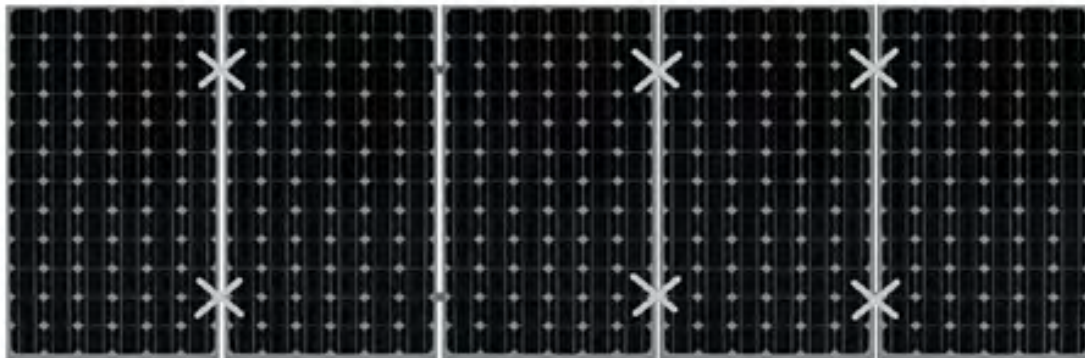
Deployment of Grounding Clip (Even and Odd)

1) When there is an even number of PV Module in each row



Install the Grounding clips at the positions marked X in the figure shown. Then the number of Grounding clips = number of PV Modules. Eg: 4 Grounding clips in the figure shown.

2) When there is an odd number of PV Module in each row



Install the Grounding clips at the positions marked X in the figure shown. Then the number of Grounding clips = number of PV Modules +1. Eg: 6 Grounding clips in the figure shown.

Key point:

When replacing a defective single PV Module, it is required to replace the Grounding Clip under the PV Module, as they are intended for single use only.

Note: Please refer to Grounding System Installation for other options of grounding clip arrangement

Place the PV Modules on the Rails, and fix them with End Clamps and Inter Clamps or Universal Clamps, then fasten them with the Allen key. Please choose either Solution 1 or 2 below, according to your project.

Solution 1 (Apply End Clamps and Inter Clamps)

Step 1:

Place the first PV Module on the T Rails according to your plan and apply the End Clamps to fix it in place. Then fasten lightly with the Allen Key as shown in Fig. 22.

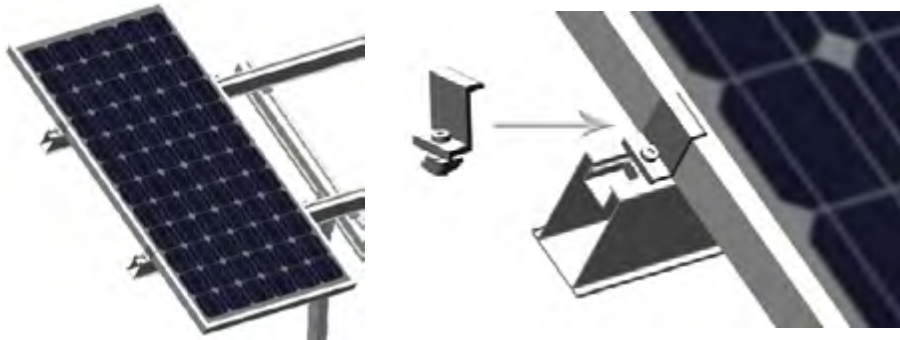


Fig. 22

Step 2:

Slightly lift the PV Module and slide the Inter Clamps and Grounding Clips into position. The teeth on Grounding Clip will be automatically aligned when the Inter Clamp is properly installed as shown in Fig. 23.

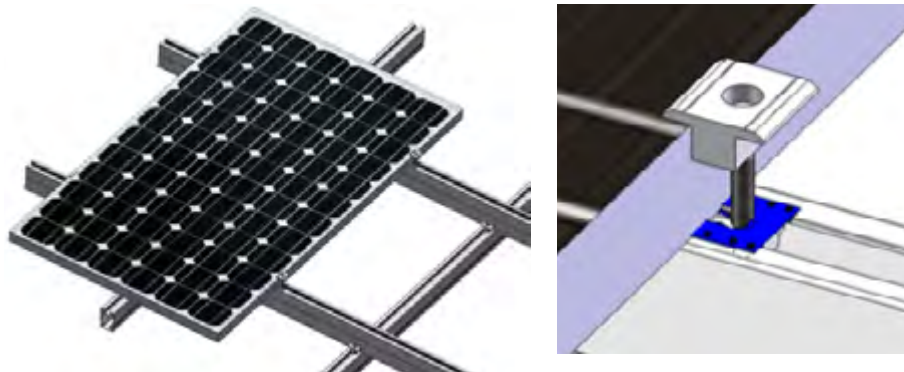


Fig. 23

Step 2:

Slightly lift the PV Module and slide the Inter Clamps and Grounding Clips into position. The teeth on Grounding Clip will be automatically aligned when the Inter Clamp is properly installed as shown in Fig. 23.

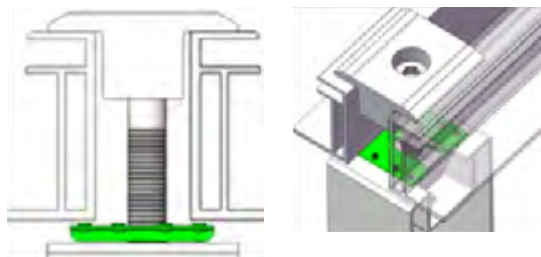


Fig. 24

Important Notes:

To fix the Grounding Clip properly, ensure the frames of the PV Modules are now firmly pressed against the Inter Clamp and Grounding Clip and visually check that Grounding Clips are positioned properly. (Grounding Clips are intended for SINGLE USE ONLY!) Only fasten the bolts down when you are sure the PV modules are in the correct position and lightly tighten the bolts at this stage to keep the PV Modules in place.

Step 4:

When using End and Inter clamps, maintain 20mm vertical gap and 18/20mm horizontal gap (as per design drawings) between the two adjacent rows of PV Modules. You can use two Inter Clamps as separation between two PV Modules to achieve this and remove them after the installation is completed as shown in Fig. 25.

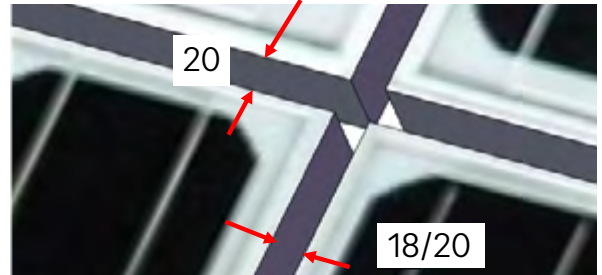


Fig. 25

Step 5:

Repeat the above steps to install all PV Modules. Fasten all the End and Inter Clamps tightly with 18~20N.m until all the PV Modules are correctly installed.

Solution 2 (Apply Universal Clamps)

Step1:

Twisting the head of the Universal Clamp changes the functionality from end to inter clamp as shown in Fig. 26.

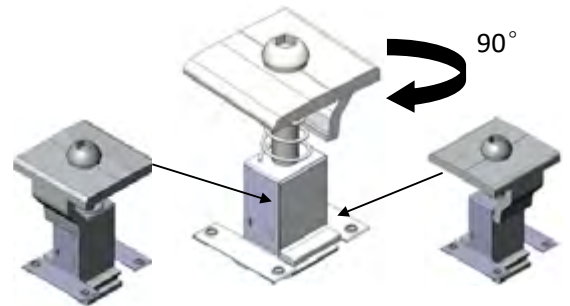


Fig. 26

Note:

Please ensure the Universal Clamp C-U/30/46 or Universal Clamp with Grounding clip C-U/30/46-G is positioned correctly according to Deployment of Grounding clip.

Step 2:

Incline the Universal Clamp to place the channel on its lower part against the lower channel of the T Rail. Then press the Universal Clamp down towards the other side of the T Rail to engage the channel on its upper part against the upper channel of T Rail as shown in Fig. 27.

Note:

Before installation, make sure there will be enough clearance between the screw and module of Universal Clamp as shown in Fig. 27 (next page).

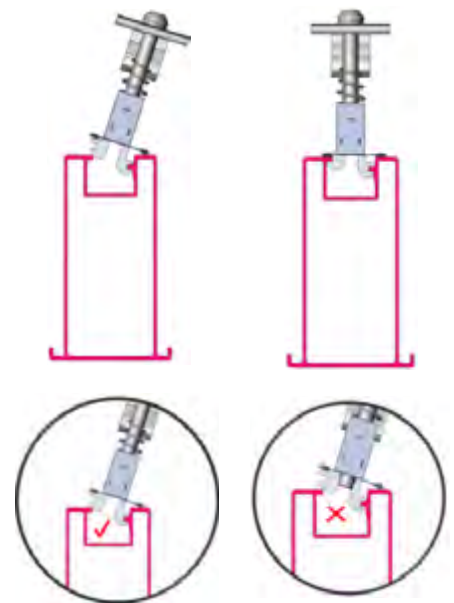


Fig. 27

Step 3:

Place the first PV Module on the T Rails and position the Universal Clamp as an End Clamp to fix it and then fasten lightly with Allen Key. Make sure the frame of the PV Module is fully in contact with the Universal Clamp as shown in Fig.28. Visually check the Universal Clamp and PV module are correctly installed.

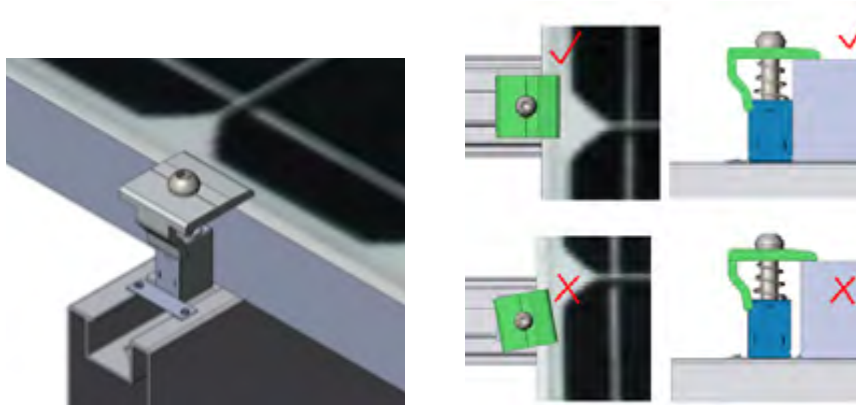


Fig. 28

Step 4:

When using as Inter Clamp, click the Universal Clamp into the channel of T Rail and then slightly lift the framed PV Module to make sure the Grounding Clip of Universal Clamp is fully covered as shown in Fig. 29.

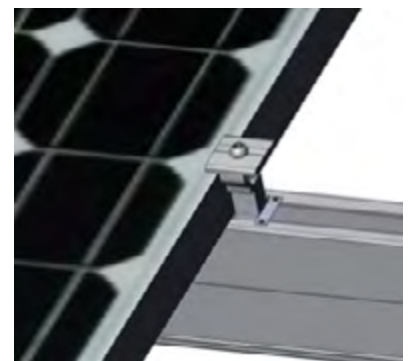


Fig. 29

Step 5:

Place the next framed PV Module into the other side of Universal Clamp. Make sure the Grounding Clip of the Universal Clamp will be fully covered and ensure the frame of PV Module is closely in contact with Universal Clamp as shown in Fig. 30. Note the 20mm gap when using Universal Clamps.

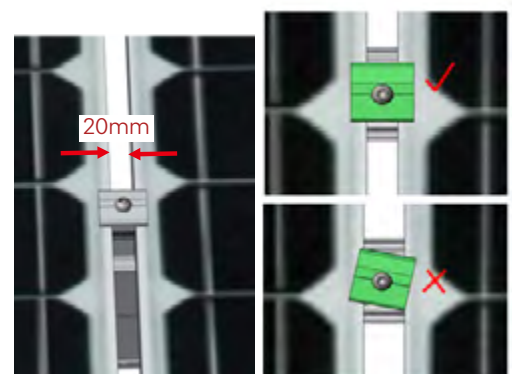


Figure 30

Step 6:

Repeat the above steps to install all PV Modules. Visually check the Universal Clamps and PV modules are properly positioned and then tighten all Clamps.

The recommend torque for Universal Clamps that are used as End Clamps is 13-14N·m. The recommend torque for Universal Clamps that are used as Inter Clamps is 18-20N·m.

Apply one pre-assembled Grounding Lug per T Rail. Click the Grounding Lug into the channel of the T Rail and insert the Copper Wire. (the maximum size is 6AWG or similar) Then fasten the bolt M6*10 with 10N·m and fasten the bolt M8*25 with 13.5N·m as shown in the Fig.31.



Figure 31

Now the installation is completed as shown in Fig.32. Please recheck all Bolts and fasten them tightly according to the recommended torque.



Figure 32




PV-ezRACK®

Clenergy

3/10 Duerdin St
Clayton VIC 3168
Australia

Phone: +61 3 9239 8088
Email: sales@clenergy.com.au
Web: www.clenergy.com.au

 @ClenergyGlobal / @ClenergyClub / ClenergyAUS  @Clenergy  @ClenergyClub
 @Clenergy_global  @Clenergy

A Clenergy Technologies Company

Hi-MO X6^{Max} Explorer

LR7-72HTH

605~615M

- Suitable for Distribution Market
- Simple design embodies modern style
- Highest efficiency with the best energy generation performance
- Better product warranty, better service



15-year Warranty for Materials and Processing



25-year Warranty for Extra Linear Power Output

Complete System and Product Certifications

IEC 61215, IEC 61730, UL 61730

ISO9001:2015: ISO Quality Management System

ISO14001: 2015: ISO Environment Management System

ISO45001: 2018: Occupational Health and Safety

IEC62941: Guideline for module design qualification and type approval

LONGI



22.8%
MAX MODULE
EFFICIENCY

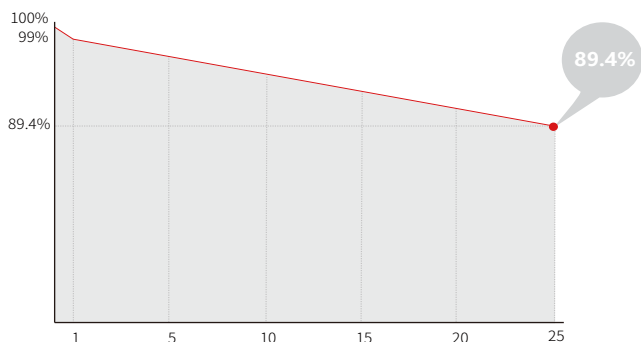
0~3%
POWER
TOLERANCE

<1%
FIRST YEAR
POWER DEGRADATION

0.40%
YEAR 2-25
POWER DEGRADATION

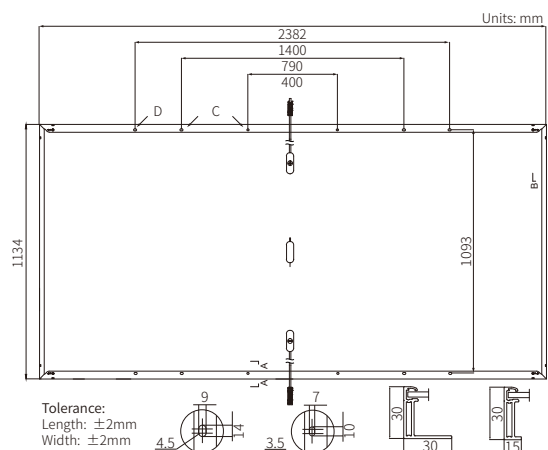
Additional Value

25-Year Power Warranty



Mechanical Parameters

Cell Orientation	144 (6×24)
Junction Box	IP68
Output Cable	4mm ² , +400, -200mm/±1400mm length can be customized
Glass	Single glass, 3.2mm coated tempered glass
Frame	Anodized aluminum alloy frame
Weight	28.5kg
Dimension	2382×1134×30mm
Packaging	36pcs per pallet / 144pcs per 20' GP / 720pcs per 40' HC



Electrical Characteristics

STC : AM1.5 1000W/m² 25°C

NOCT : AM1.5 800W/m² 20°C 1m/s

Test uncertainty for Pmax: ±3%

Module Type	LR7-72HTH-605M		LR7-72HTH-610M		LR7-72HTH-615M	
	STC	NOCT	STC	NOCT	STC	NOCT
Maximum Power (Pmax/W)	605	452.1	610	455.9	615	459.6
Open Circuit Voltage (Voc/V)	52.27	49.17	52.42	49.22	52.57	49.36
Short Circuit Current (Isc/A)	14.74	11.91	14.80	11.95	14.87	12.01
Voltage at Maximum Power (Vmp/V)	44.03	40.18	44.18	40.32	44.33	40.46
Current at Maximum Power (Imp/A)	13.75	11.26	13.81	11.31	13.88	11.36
Module Efficiency(%)	22.4		22.6		22.8	

Operating Parameters

Operational Temperature	-40°C ~ +85°C
Power Output Tolerance	0 ~ 3%
Maximum System Voltage	DC1500V (IEC/UL)
Maximum Series Fuse Rating	25A
Nominal Operating Cell Temperature	45±2°C
Protection Class	Class II
Fire Rating	IEC Class C

Mechanical Loading

Front Side Maximum Static Loading	5400Pa
Rear Side Maximum Static Loading	2400Pa
Hailstone Test	25mm Hailstone at the speed of 23m/s

Temperature Ratings (STC)

Temperature Coefficient of Isc	+0.050%/°C
Temperature Coefficient of Voc	-0.230%/°C
Temperature Coefficient of Pmax	-0.280%/°C

DEVELOPMENT PERMIT CIRCULATION MEMORANDUM

From: Foothills County
Box 5605 // 309 Macleod Trail
High River, AB T1V 1M7
planning@foothillscountyab.ca

File Number: 26D 075

Date: 9-Mar-2026

Landowner: John Howard Bye/Catherine Laumne Bye **Agent:** Bye Nuvo Renewables Inc.

Legal Land Description: NW 26-21-1 W5M;Plan 0110200, Block 3, Lot 7

Parcel Size: 4.57 Acre

Proposal: Solar Power System, Private

Enclosed is a copy of the plans for the above-mentioned development. We would appreciate receiving your comments on the proposal within 30 days of the date of this letter.

If you require further information or clarification, please contact the Development Department in High River at (403) 652-2341 by phone or through email using the below address. **Please quote our file name when returning your comments to the attention of our Development Department.** Thank you for your cooperation.

30 DAY CIRCULATION

Contact: **Brittany Smith** Brittany.Smith@FoothillsCountyAB.ca

Application to be referred to:

Division Councillor	_____	Economic Development	_____
Development Officer Site Insp.	_____	AB Comm. Development	_____
Alberta Health Services	_____	AB Energy Regulator	_____
Alberta Transportation	_____	AB Agriculture & Forestry	_____
AB Environment	_____	AB Agriculture, Sustainable Resource	_____
Public Works	X		
Building & Safety Codes	X	AB Agriculture, Public Lands Div.	_____
Municipal Fire Services	_____	Fortis Alberta	X
Municipal Addressing	_____	ATCO Gas	X
Municipal Community Services	_____	AltaLink	_____
AFICA	_____	Other:	_____
Erin Frey (HR Airport only)	_____		_____

Notes: _____



PLANNING & DEVELOPMENT CIRCULATION

PUBLIC WORKS DEPARTMENT - CIRCULATION RESPONSE

FILE NUMBER: 26D 075	LANDOWNER: John & Catherine Bye
FILE MANAGER: Brittany Smith	AGENT: Nuvo Renewables Inc
CURRENT LAND USE: CR	PROPOSED LAND USE: Same
LEGAL DESCRIPTION: NW 26-21-01 W5; Plan 0110200, Block 3, Lot 7	
MUNICIPAL ADDRESS: [REDACTED]	
ROLL NUMBER: 2101265080	
DATE REFERRED: March 9, 2026	
PROPOSAL: Ground Mount Solar System, private	

PROPOSAL INFORMATION:

Development Permit

- o Internal Road Proposed: _____
- o Construction on Road Allowance Proposed: _____
- o Approaches exist on: _____ _____
 - Other: _____

Information pertaining to roads on side of the subject lands:

Servicing Comments or Review required:

- Other: _____
- o Road Widening -

OTHER COMMENTS:

Please provide any comments you may have on this application, thanks!

PUBLIC WORKS RECOMMENDATIONS:

SUGGESTED CONDITIONS FOR CONSIDERATION:

Proposed Balance

- | | | | |
|--|--------------------------------------|--------------------------------------|--------------------------------------|
| <input type="checkbox"/> Geotechnical Report for Slope Stability | <input type="checkbox"/> Redes/Amend | <input type="checkbox"/> Subdivision | <input type="checkbox"/> Development |
| <input type="checkbox"/> High Water Table Testing for Foundation Design: | <input type="checkbox"/> Redes/Amend | <input type="checkbox"/> Subdivision | <input type="checkbox"/> Development |
| <input type="checkbox"/> Septic Disposal Evaluation (PSTS) | <input type="checkbox"/> Redes/Amend | <input type="checkbox"/> Subdivision | |
| <input type="checkbox"/> Stormwater Management Plan | <input type="checkbox"/> Redes/Amend | <input type="checkbox"/> Subdivision | <input type="checkbox"/> Development |
| <input type="checkbox"/> Lot Grading/Overland Drainage Plan | <input type="checkbox"/> Redes/Amend | <input type="checkbox"/> Subdivision | <input type="checkbox"/> Development |
| <input type="checkbox"/> Flood Plain Report (1 in 100 years) | <input type="checkbox"/> Redes/Amend | <input type="checkbox"/> Subdivision | <input type="checkbox"/> Development |
| <input type="checkbox"/> Overland Drainage Easement | <input type="checkbox"/> Redes/Amend | <input type="checkbox"/> Subdivision | |
| <input type="checkbox"/> Building Envelopes | <input type="checkbox"/> Redes/Amend | <input type="checkbox"/> Subdivision | <input type="checkbox"/> Development |
| <input type="checkbox"/> Traffic Impact Assessment (TIA) | <input type="checkbox"/> Redes/Amend | <input type="checkbox"/> Subdivision | <input type="checkbox"/> Development |
| <input type="checkbox"/> Environmental Site Assessment (Phase 1 / Phase 2) | <input type="checkbox"/> Redes/Amend | <input type="checkbox"/> Subdivision | <input type="checkbox"/> Development |
| <input type="checkbox"/> Other: _____ | <input type="checkbox"/> Redes/Amend | <input type="checkbox"/> Subdivision | <input type="checkbox"/> Development |

ADDITIONAL ROAD WIDENING REQUIRED:

No Caveat Survey Out

Amount _____m Location of Widening Required: N E S W

Other: _____

No Caveat Survey Out

Amount _____m Location of Widening Required: N E S W

Other: _____

See reverse side.....

Brittany Smith

From: Tracy Davidson <tracy.davidson@fortisalberta.com> on behalf of Land Service <landserv@fortisalberta.com>
Sent: March 31, 2026 3:44 PM
To: Brittany Smith
Subject: FW: [CAUTION] Circulation for Development Permit 26D 075, Please reply by April 9, 2026
Attachments: 26D 075_Circ Pkg.pdf

Hello,
Please be advised FortisAlberta Inc. has no concerns regarding this development permit.

Please ensure the applicant knows they must contact 310-WIRE if working within 8 meters of our facilities to arrange for an onsite safety orientation and to make arrangements for any electrical services or visit www.fortisalberta.com.



Thank you,

Tracy Davidson | Land Coordinator

FortisAlberta Inc. | 100 Chippewa Road, Sherwood Park, AB, T8A 4H4 | Direct 780-464-8815



We are FortisAlberta. We deliver the electricity that empowers Albertans to succeed. We keep the power on, not just because it's our job, but because we care about the people we serve. We are reliable, honest and dedicated to our work because our employees, customers and communities matter to us.



ATCO TRANSMISSION_DISTRIBUTION 4902: Circulation for Development Permit 26D 075, Please reply by April 9, 2026

From Newton, Shannon (Contractor) <shannon.newton@atco.com>
Date Fri 4/17/2026 2:28 PM
To FC_Planning <Planning@Foothillscountyab.ca>

ATCO Distribution and ATCO Transmission wish to confirm we have no objection as we have no pipelines in the proposed area.
Thank you for allowing ATCO to review your proposal and provide feedback.

Shan Newton, CONTRACTOR

Administrator, Circulations Team

E: Shannon.newton@atco.com

ATCO Pipelines & Liquids Global Business Unit

From: FC_Planning <Planning@Foothillscountyab.ca>
Sent: Monday, March 9, 2026 8:31 AM
To: Kurtis Dyck <Kurtis.Dyck@FoothillsCountyAB.ca>; Land Service <landserv@fortisalberta.com>; CirculationsGrowthandImprovement <CirculationsGrowthandImprovement@atco.com>; Gas Land Department <land.admin@atco.com>
Cc: Brittany Smith <Brittany.Smith@FoothillsCountyAB.ca>
Subject: Circulation for Development Permit 26D 075, Please reply by April 9, 2026

CAUTION: This email originated outside of ATCO. Do not click links or open attachments unless you trust the sender and know the content is safe. Immediately report suspicious emails using the **Phish Alert Report button**.

Good Morning,
Find attached our circulation for development permit 26D 075. Please review and respond **prior to April 9, 2026**.

Should you have any questions or comments, please direct them to **Brittany Smith** at Brittany.Smith@foothillscountyab.ca .

Regards,

**Foothills County
Planning & Development**

FC_Planning@foothillscountyab.ca

If no wells are listed on-site:

I, Cam Perdonic being the registered
Owner(s) or agent acting on behalf of the registered owner(s)
of Nuvo Renewables
(Legal Description)

Do hereby confirm that I have done my due diligence as required by Alberta Municipal Affairs, the M.D. of Foothills, and the AER by obtaining required information from the 'Abandoned Well Map Viewer" and/or through the AER Information Services, and hereby attach "Schedule A" containing a map of the search area from the viewer and a statement identifying that no abandoned well sites were noted on the above legal description.

Cam Perdonic
Owner/Agent
DATED: this 12 day of 02, 2026.

OR

If wells are listed on-site:

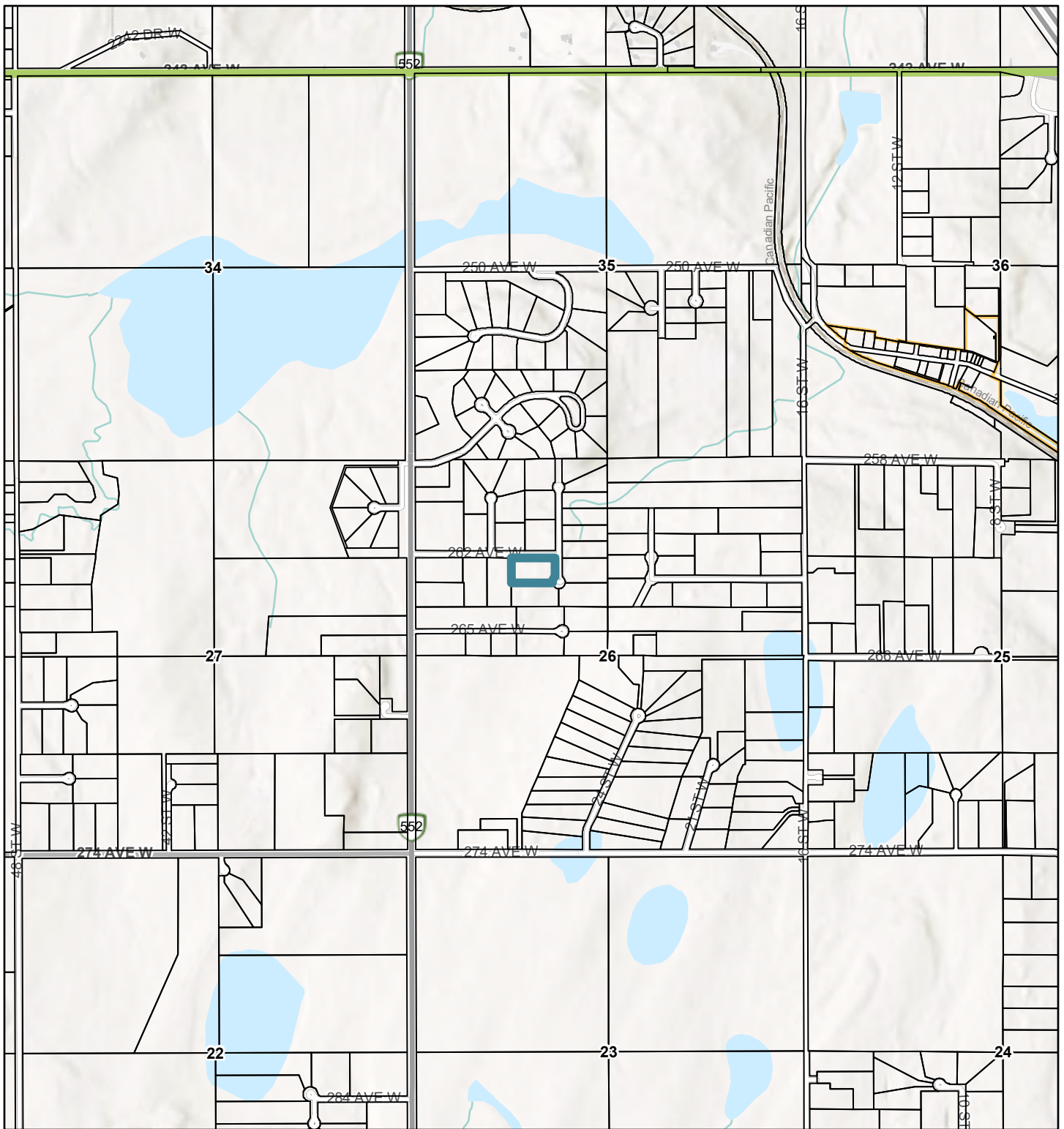
I, _____ being the registered
Owner(s) or agents acting on behalf of the registered owner(s)
of _____
(Legal Description)

Do hereby confirm that I have done my due diligence as required by Alberta Municipal Affairs, the M.D. of Foothills, and the AER, by obtaining required information from the 'Abandoned Well Map Viewer" and/or through the AER Information Services, and hereby attach "Schedule A" containing a list and map identifying the locations of abandoned wells within the search area, including the surface coordinates, written confirmation that I have contacted the licensee for each well and that the exact location of each well has been confirmed, a sketch of the proposed development incorporating the necessary setback area for each well, and a statement confirming that abandoned wells will be temporarily marked with on-site identification to prevent contact during construction, if the development will result in construction activity within the setback area.

Owner/Agent
DATED: this _____ day of _____, 20_____.

**This form shall accompany all applications for Land use,
Subdivisions, Development Permits and Building Permits.**

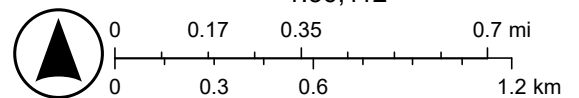
NW 26-21-1 W5M; Plan 0110200, Block 3, Lot 7



2026-03-04, 3:45:22 p.m.

-  Parcels
- Settlement**
-  Hamlet
-  Townships

World_Hillshade



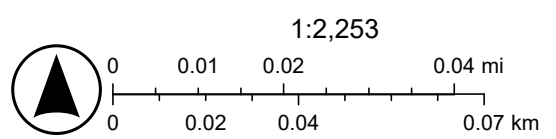
Esri, NASA, NGA, USGS, FEMA

NW 26-21-1 W5M; Plan 0110200, Block 3, Lot 7



2026-03-04, 3:44:06 p.m.

 Parcels





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

May 6, 2026

Nuvo Renewables Inc.
2875 107 Ave SE
Calgary, AB T2Z 4S8

Dear Sir/Madam:

**Re: Notice of Decision Re: Development Permit 26D 075
Ptn: NW 26-21-1 W5M; Plan 0110200, Block 3, Lot 7
Ground Mount Solar Power System, Private**

The above-noted development permit application has been approved subject to conditions (copy attached) and subject to a 21-day appeal period. The Development Permit may be signed and issued upon completion of the 21-day appeal period; should no appeals be received, and completion of all Pre-Release Conditions (if any).

The County will advertise the approval of this development permit application in two issues of the Western Wheel and circulate to area landowners (according to County records at this time) within the subject quarter section and for one half mile surrounding the subject property. Notices for Development Permit Decisions are also posted on the County website, www.foothillscountyab.ca.

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 received **no later than May 28, 2026**. Notices of Appeal received after the 21-day notification period will be invalid. If you choose to submit an appeal, please use the enclosed '**Notice of Development Appeal**' form. We will notify you if we receive appeals from other persons.

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

Brittany Smith
Development Officer
Brittany.Smith@foothillscountyab.ca
(403) 603-6257

BS/as
Encl.

cc. Landowners – John & Catherine Bye

From: [REDACTED]
To: [Appeals](#)
Subject: Appeal against the Approval of 26D for Ground Solar Power System, Private.
Date: June 1, 2026 2:35:30 PM

We, the undersigned, Dr. Doron Gersten and Mrs Zvia Gersten, owners of residential property at [REDACTED] appeal against the approval of 26D for Ground Solar Power System, at Plan 0110200, Block 3, lot 7; Ptn. NW 26-21-01 W5M.

The reason for our objection is - we want to keep DeWinton as it is now, green agricultural beauty, not ugly urban industrial.

We escaped 5 years ago the city of Calgary with its congestion, pollution and noisy suburbs.

Our property is overlooking this proposed monstrous Solar Power Plant.

We want to continue to enjoy nature, mountain views and green space.

Let us not destroy this beautiful place called DeWinton.

Dr. D. Gersten

[EXTERNAL EMAIL] This email has originated from outside of the Foothills County organization. Do not click on any links or open any attachments unless you recognize the senders Name and Email address.



LIAM C. KELLY

Direct Telephone: 780-702-3410

E-Mail Address: lkelly@wittenlaw.com

Debbie Riddle, Paralegal to Liam C. Kelly

Direct Telephone: 780-702-8542

E-Mail Address: driddle@wittenlaw.com

File No.: **137339.1** LCK

June 9, 2026

VIA EMAIL: appeals@foothillsCountyAB.ca

Foothills County
Subdivision and Development Appeal Board
309 Macleod Trail South
High River, AB T1V 1M7

Dear Sir/Madam:

**RE: Kharfan and Zhong v. John and Catherine Bye
Appeal Hearing 26D075
June 11, 2026**

We enclose the submissions on behalf of our clients, John and Catherine Bye.

We trust the foregoing to be satisfactory.

Yours truly,

WITTEN LLP

per:

LIAM C. KELLY

/dr

Enclosure

**FOOTHILLS COUNTY
SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

**Re: Development Permit Application 26D075 and Appeal Against the Approval of
26D075 for a Ground Mount Solar Power System, Private**

APPELLANTS:	MARK and SHANNON KHARFAN and YOLANDO ZHANG
RESPONDENTS:	CATHERINE and HOWARD BYE
APPLICANT:	NOVO RENEWABLES INC.
LEGAL:	Plan 0110200, Block 3, Lot 7 Pin NW26-21-01W

WRITTEN SUBMISSION OF THE RESPONDENTS

Witten LLP
Barristers & Solicitors
#2500, 10303 Jasper Avenue
Edmonton, AB T5J 3N6

Attention: Liam C. Kelly
Counsel for the Respondents

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I. INTRODUCTION

1. Catherine and Howard Bye (the “Byes”) were approved for a Development Permit for a Solar System, Private, for their property located at [REDACTED], [REDACTED], a 4.57 acre residential parcel (the “Home”).
2. The Home uses geothermal heat pumps for heating and cooling. While environmentally beneficial, geothermal heat pumps rely on electricity and as such, the Bye’s electricity consumption is well above average.
3. In order to mitigate the cost of electricity, to be self-sufficient and to ensure local resilience, the Bye’s engaged NUVO Renewables to design and install a solar system to offset their electricity consumption (the “Solar Array”). NUVO engaged with Fortis, the electricity provider in the area, who reviewed the proposed system and determined that it was suitable for microgeneration for the Home.
4. The Appellants, Mark and Shannon Kharfan reside on [REDACTED], and Yolanda Zhang resides on [REDACTED]. Both Appellants’ residences are due east of the Home.
5. The Appellants grounds of appeal should be limited to the two articulated grounds related to the definition of Solar Power System, Private, and the effect of the Restrictive Covenant. The other challenge to the Development Authority’s exercise of discretion lacks any particularity to be a meaningful challenge and attempts to reverse the onus of proof in SDAB appeals.

II. ISSUES

- A. The Respondents Solar Array meets the definition of Solar System, Private; is properly sited and there are no planning considerations that should impede its development.
- B. Private contracts, including restrictive covenants, are outside of the jurisdiction of the Development Authority or the Board to consider
- C. The challenge to the Development Authority’s exercise of discretion lacks reasonable particularity and is procedurally unfair

A. The Respondents Solar Array meets the definition of Solar System, Private; is properly sited, and there are no planning considerations that should impede its development

6. “Solar Power System, Private” is defined in the Foothills County Land Use Bylaw (“LUB”) as:

any device used to collect sunlight that is part of a system used to convert radiant energy from the sun into thermal or electrical energy for a single landowner, resident, business, or occupant of a site, for personal, domestic, business use, and/or agriculture uses on-site. Annual electricity produced for the site is generally expected to be equal to consumption. More information can be found in Section 10.22.

7. Micro-Generation is a legally defined framework for solar and other electricity production that is governed pursuant to the *Electric Utilities Act*, SA 2003, c E-5.1 and the *Micro-generation Regulation*, Alta Reg 27/2008 (the “Regulation”).

8. Section 1(h) of the Regulation defines “micro-generation generating unit” as:

(h) “micro-generation generating unit” means a generating unit of a customer or an energy storage resource of a customer that stores or discharges electric energy produced by the customer’s generating unit that

- (i) exclusively uses sources of renewable or alternative energy to supply electric energy,
- (ii) is intended to meet all or a portion of the customer’s total annual energy consumption at the customer’s site or aggregated sites,
- (iii) has a total nameplate capacity that does not exceed the lesser of 5 MW or the rating of the customer’s service,
- (iv) supplies electric energy only to a site that is located on property that the customer owns or leases, and
- (v) is located

(A) on the property referred to in subclause ...

9. We submit the LUB definition accords with the requirements set out in the Regulation. By virtue of being approved as a Micro-generation system, we submit the Solar Array necessarily meets the definition set out in the LUB.

10. As per the attached letter from Nuvo Renewables, the Solar Array was specifically designed to be within the Micro-generation legal requirements. The Solar Array is solely for the personal electrical consumption of the Home and is not a commercial development.

The Siting is Appropriate

11. The Solar Array is sited facing south on the south east portion of the Bye's property. It is 115' long, 11' 9" high, and approximately 12 feet wide. The narrow end faces the cul de sac where the Appellants each access their lots.
12. Directly west of the Solar Array on the Bye's land is the underground septic and geothermal systems. As these are buried services, the Solar Array cannot be moved due west as it would impact the septic and geothermal systems.
13. Attached are pictures that show the location of the septic and geothermal systems.

There are no planning considerations that should impede the installation of the Solar Array

14. The Court of Appeal in *Landry v Rocky View County (Subdivision and Development Appeal Board)*, 2025 ABCA 34 stated that there must be a legitimate planning consideration to deny a discretionary permit:

In deciding whether to issue a development permit, a development authority is bound by land use policies, development regulations, land use bylaws, and statutory plans. This ensures "certainty and predictability in planning law. . . The public must have confidence that the rules governing land use will be applied fairly and equally": *Flagstaff* at paras [22-29](#). Even though the issuance of a development permit for a discretionary use is discretionary, the planning "authority must have a sound planning reason for refusing a discretionary use": *Planning Law* s 9.5. In other words, the development authority must operate within the "legal constraints" applicable to the process and to the decision: *Mason v Canada*, [2023 SCC 21](#) at paras [10-11](#), 64, 485 DLR (4th) 583 citing *Vavilov* at para [101](#); *TransAlta Generation Partnership v Alberta*, [2024 SCC 37](#) at paras [17](#), 38, 64.

Landry v Rocky View County (Subdivision and Development Appeal Board),
2025 ABCA 34 at para 36

15. The Solar Array will have no drainage, serviceability, noise, odor, traffic, glare, or hazardous material negative impacts. Furthermore, five of seven neighbors have consented to the development. The Solar Array is more than consistent with the neighborhood as it allows for independent, self-sufficient and responsible electricity

production that does not cost the County to maintain or support. Attached are the letters from the neighbors confirming their support.

16. With respect to both Appellant's residences, they have limited view of the Solar Array from their homes as they are screened by trees on their lots. They would see the Solar Array, very briefly, while driving in and out of their homes, at more than 80 feet away¹. We submit the balancing act of allowing private development of your own land weighs heavily in favour of the Respondents compared to the minimal impact the Solar Array will have on the Zhangs and Kharfans while they drive in and out of their homes.
17. Attached are pictures of the view of the Appellant's homes from the location of the Solar Array.

B. Private contracts, including restrictive covenants, are outside of the jurisdiction of the Development Authority or the Board to consider

18. The Appellants seek to limit the development by virtue of the Restrictive Covenant that is registered on the Applicants and Respondents respective land titles. The board is limited to the jurisdiction set forth in Section 687(3) of the *Municipal Government Act*. No where in Section 687(3) does it allow a Subdivision and Development Appeal Board to consider the effect and consequence of a private agreement between parties. That would fetter the discretion of the Courts, who are the proper forum for that interpretation. The SDAB is not a surrogate for civil action.
19. This Board is a creature of statute and is limited in its jurisdiction to those matters set out in its creating statute. 687(3)(a.1) to (c) is the only framework that applies. As no variance has been sought, 687(3)(d) is not relevant to these proceedings.

s. 687(3)(a.1) to (c) of the MGA
20. The Court of Appeal, in a decision released June 8, 2026, confirmed that private contracts, like the Restrictive covenant are outside the jurisdiction of an SDAB:

[15] The interpretation and application of this easement to the parking stall issue is a disputed matter between the parties and further comment on this issue on the brief record available before me is neither necessary nor helpful. The key distinction for these purposes is that the easement reflects an agreement between private parties. That is distinct from the public function performed by the SDAB under the *Municipal Government Act*.

...

¹ At 80 feet away (from the cul de sac) the narrow side of the Solar Array would appear as being no more than 4" wide.

[18] ... Third, at least as between Natures Edge, Worldmark and Grand Canadian, the dispute around the issue of the parking stalls is a private matter, rather than a land use or development issue in the circumstances of this case. Issues surrounding the interpretation and enforcement of the easement and questions surrounding the indefeasibility of title as acquired by Natures Edge are matters to be resolved between those parties. The SDAB committed no extricable error of law in concluding that the proposed development complied with the current LUB.

Worldmark, the Club, Inc v Canmore (Town)
2026 ABCA 187 at para 18

C. The challenge to the Development Authority's exercise of discretion lacks reasonable particularity and is procedurally unfair.

21. At paragraph 5 and 6 of the Notice of Appeal, the Appellants include a generic recital of the factors set out for discretionary uses and alleges, without any particularity, that the Development Authority and/or the Applicant failed to satisfy the tests in sections 5.5.1 and 5.5.2 of the LUB. There is no allegation as to which of the discretionary matters were not exercised, or which of the nuisance factors were not considered.
22. This is a procedurally unfair method of appeal and goes directly against the *Landry* decision cited by the Appellants.
23. A respondent who receives a notice of appeal that says nothing more than "nuisance factors were not considered" faces an impossible task if they are expected to:
 - Anticipate which of potentially many nuisance factors is being complained about
 - Assemble evidence pre-emptively on all of them
 - Defend against a case they cannot identify
24. That is precisely the kind of mind-reading the Court in *Landry* condemned. The principle of procedural fairness that protected Ms. Landry equally protects a respondent who cannot know what case they have to meet.

III. CONCLUSION

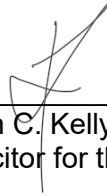
25. The Appellants' properly articulated grounds of appeal should be dismissed, and those they failed to particularize should be ignored. The Solar Array satisfies the definition of Solar Power System, Private. The siting is appropriate. The Restrictive Covenant has no bearing on matters before the SDAB as the SDAB has no jurisdiction to consider private contracts. There are no legitimate planning considerations that should impede the development of the Solar Array.

26. We therefore submit the Appeal should be dismissed.

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 9th day of June, 2026.

WITTEN LLP

Per:



Liam C. Kelly
Solicitor for the Respondents

Foothills County Subdivision and Development Appeal Board

Box 5605
High River, Alberta T1V 1M7

To the Members of the Subdivision and Development Appeal Board,

RE: Development Permit Application 26D 075

Appellants: Mark and Shannon Kharfan, Yolanda Zhong

Landowners: John and Catherine Bye

Applicant: NUVO Renewables Inc.

Legal Description: Plan 0110200, Block 3, Lot 7; Portion NW 26-21-01 W5M (the "**Property**")

Ground Mount Solar Power System, Private

NUVO Renewables Inc. ("**Nuvo**") submits this letter to provide information regarding the design methodology, sizing calculations, land use compatibility, and micro-generation compliance of the proposed ground-mounted solar photovoltaic system approved under Development Permit Application 26D 075 (the "**System**")

PURPOSE OF THE PROPOSED SYSTEM

The proposed System was designed as a private micro-generation system intended to offset the electrical consumption of the Property. The System was not designed as a commercial electrical generation facility, utility-scale project, industrial power generation project, or profit-driven power production operation.

The Property's current primary source of heating and cooling is geothermal. Geothermal as a heating and cooling source is one prong of a renewable energy approach to a property. The second prong is providing a renewable energy source to power the distribution of the geothermal system and the other electrical needs of a property. In this case – that renewable power source is the System.

RURAL CHARACTER AND LAND USE COMPATIBILITY

Ground-mounted solar systems approved under Alberta's Micro-Generation framework are a recognized and increasingly common form of agricultural and rural infrastructure throughout Alberta. As rural Albertan's look to integrate independent and sustainable energy solutions into their homes, solar arrays are becoming a common asset to farmlands and acreages – similar to water wells, greenhouses, quonsets, and barns.

Similar to other common rural structures, a solar array does not create additional residential density, commercial activity, public access, traffic generation, municipal servicing requirements, or any of the characteristics typically associated with urban development. Instead, the Property continues to function as a rural acreage property.

In terms of noise pollution, the System utilizes module-level microinverters. These microinverters contain no fans, engines, compressors, turbines, cooling equipment, generators, or moving mechanical components and produce no audible operational noise during normal operation. Unlike many forms of utility or industrial infrastructure, the System does not contain equipment that generates continuous mechanical noise and would not affect the quiet enjoyment of any adjacent lands.

METHODOLOGY USED FOR SYSTEM SIZING

Nuvo designed the proposed solar photovoltaic system using the industry-standard methodology required for residential and agricultural micro-generation projects within Alberta.

The design process begins with an analysis of the property's historical electrical consumption. Energy consumption records for the previous twelve months were reviewed to establish annual Property energy demand and develop a representative consumption profile for the property. The previous annual electricity consumption for the property was determined to be 41,542 kWh per year. This consumption data formed the foundation of System's design.

It is worth noting that the Property's electrical demand is influenced by its renewable geothermal heating and cooling system. Geothermal systems require energy to distribute the captured heat and cooling.

Once the annual consumption profile is determined, Nuvo's design team completes a detailed production analysis using industry-standard solar engineering and production modelling practices. The analysis considered previous electrical consumption, geographic location, solar irradiance data, seasonal production characteristics, sun path analysis, shading impacts, array orientation, array tilt, equipment specifications, expected system losses, and weather-based factors. Using these inputs, the design team determined that a 36.90 kW DC photovoltaic system consisting of 60 solar modules would produce approximately 44,482 kWh annually.

This projected production represents approximately 107% of the property's prior annual electricity consumption. A small variance above prior annual consumption is industry-practice within Alberta solar design due to weather variability, annual consumption fluctuations, system degradation allowances, and production modelling uncertainty. The projected 7% variance remains consistent with a system designed to offset consumption of the Property rather than generate commercial revenues.

PROPERTY CONSUMPTION ANALYSIS

Prior annual electricity consumption: 41,542 kWh per year
Average monthly electricity consumption: 3,462 kWh per month

SOLAR PRODUCTION ANALYSIS

Proposed system size: 36.90 kW DC
Panel quantity: 60 photovoltaic modules
Projected annual energy production: 44,482 kWh per year

OFFSET CALCULATION

Projected Annual Solar Production: 44,482 kWh
Prior Annual Consumption: 41,542 kWh
Rounded Energy Offset: 107%
Projected Surplus: 2,940 kWh annually

As mentioned above, modelling for a small variance above the previous twelve month consumption is industry standard to account for aspects such as weather variability, annual consumption fluctuations, system degradation allowances, and production modelling uncertainty.

FORTISALBERTA MICRO-GENERATION APPROVAL

The purpose of Alberta's micro-generation framework is to allow property owners to generate electricity for their own use and offset site consumption. It is not intended for and does not allow approval of commercial power generation facilities.

The System, together with the Property's historical consumption information and projected annual production, was submitted to FortisAlberta through the Micro-Generation application process. FortisAlberta reviewed the relationship between the Property's electrical demand and the proposed generating capacity. The proposed 36.90 kW System, including the supporting relationship between the Property's prior annual electricity consumption of 41,542 kWh and the projected annual solar production of 44,482 kWh, was approved by FortisAlberta as a qualifying Micro-Generation project.


This approval is not simply a procedural acknowledgement. It is a substantive utility review of whether the proposed System qualifies for interconnection as micro-generation. Had the proposed system been sized primarily for commercial electricity production, or had it been disconnected from the Property's consumption profile, it would not have qualified for approval through the FortisAlberta Micro-Generation process.

CONCLUSION

The System is a private micro-generation installation intended to offset the electrical requirements of the Property. The project does not constitute commercial electrical generation, does not alter the rural nature or intended use of the lands, and remains consistent with Alberta's Micro-Generation framework and the approvals already granted by FortisAlberta.

Respectfully Submitted,

NUVO Renewables Inc.

Signed by:
Per: 
2206AE6498F43D...
Rob Papworth
Senior Manager

Acreage 2007 Septic and Geothermal

Write a description for your map.

Legend



Acreage 2015 Septic and Geothermal

Write a description for your map.

Legend



Acreage 2017 Septic and Geothermal

Write a description for your map.

Legend

262 Ave W

Google Earth

Image © 2025 Maxar Technologies



In the Court of Appeal of Alberta

**Citation: Landry v Rocky View County (Subdivision and Development Appeal Board),
2025 ABCA 34**

**Date: 20250205
Docket: 2301-0023AC
Registry: Calgary**

2025 ABCA 34 (CanLII)

Between:

Regine Landry

Appellant

- and -

**Subdivision and Development Appeal Board of Rocky View County
and Rocky View County**

Respondents

Corrected concurring judgment: A corrigendum to the concurring judgment of The Honourable Justice Thomas W. Wakeling was issued on February 14, 2025; the corrections have been made to the text and the corrigendum is appended to this judgment.

The Court:

**The Honourable Justice Thomas W. Wakeling
The Honourable Justice Dawn Pentelchuk
The Honourable Justice Bernette Ho**

**Memorandum of Judgment of The Honourable Dawn Pentelchuk
and The Honourable Justice Bernette Ho**

**Memorandum of Judgment of The Honourable Justice Thomas W. Wakeling
Concurring in the Result**

Appeal from the Decision of
Subdivision and Development Appeal Board of Rocky View County

Memorandum of Judgment

The Majority:

I. Introduction

[1] The central issue in this appeal is the scope of a *de novo* hearing before a subdivision and development appeal board. Specifically, whether the Subdivision and Development Appeal Board of Rocky View County (the Board) had the jurisdiction to consider all conditions and variances of a development permit issued for a discretionary use, or whether it was limited to considering only those issues raised on appeal.

[2] The appellant Regine Landry purchased land zoned Agricultural, General, situated between the Town of Irricana and the Village of Beiseker, with the dream of one day building a residence and retiring there. The parcel is irregular in shape, a long narrow triangle¹. The west portion of the parcel is bordered by a walking/pedestrian path owned by Alberta TrailNet Society. The north portion of the land is bordered by an open, undeveloped government road allowance requiring any development to be set back 45-metres (the side yard setback). The south portion is bordered by a Canadian National Railway (CNR) right of way.

[3] Manufactured dwellings are a discretionary use under the County's *Land Use Bylaw C-8000-2020*. Ms Landry applied for a development permit and relaxation of the minimum side yard setback requirement so that her residence could be situated in the middle of the parcel. In response to the development application, CNR recommended to the Development Authority that there be a minimum building setback of 30-metres from the railway and that a 6-foot chain link fence be constructed along the entire length of the southern property line to mitigate safety concerns. Although neither of CNR's recommendations were contained within the applicable land use bylaw, the Development Authority adopted the recommendations, approving Ms Landry's development permit on two conditions, that she:

- 1) submit a revised plan showing a 30-metre setback between the proposed residence and the CNR right of way; and
- 2) construct a 6-foot chain link fence parallel to the CNR right of way.

The Development Authority otherwise varied the 45-metre side yard setback to 3 metres.

¹ 280003 Range Road 262 (NE-34-27-26-04). The parcel is located approximately 0.81 kilometres north of Highway 9 on the west side of Range Road 262 and is approximately 1.82 hectares (4.50 acres) in size. Attached as Schedule A is the proposed location of Ms Landry's residence submitted in her development permit application.

[4] Ms Landry appealed both conditions of the development permit to the Board arguing compliance with the 30-metre setback would drastically reduce the scope of her usable property and that given the land's rural location, neither the setback nor the chain link fence were necessary to address the safety concerns raised by CNR.

[5] In its decision, the Board not only dismissed Ms Landry's appeal, but reversed the Development Authority's decision to relax the side yard setback and revoked the development permit that had been issued to her.

[6] Ms Landry obtained permission to appeal to this Court on two questions of law: *Landry v Rocky View County (Subdivision and Development Appeal Board)*, 2023 ABCA 189.

- a) When hearing Ms Landry's appeal of the condition on her development permit, did the Board err in law in revoking the entire permit?
- b) Was Ms Landry given reasonable notice of the Board's intention to revoke the permit, or to consider the impact of the development on the road allowance?

[7] As we discuss below, a *de novo* hearing by the Board involves a broad jurisdiction that is not limited to the specific issues raised on appeal. However, if the Board intends to address matters beyond those raised on appeal, the principles of natural justice demand that reasonable notice of the Board's concerns be given to the interested parties and an opportunity to address those concerns must be provided. In these circumstances, Ms Landry did not receive a fair hearing because she received neither. The Board did not advise her of its concerns, and she was deprived of an opportunity to respond to those concerns. Further, there is no evidence on this record to support a legitimate planning objective in the Board's decision to reverse the side yard setback variance granted by the Development Authority.

[8] We allow the appeal, quash the decision of the Board and remit the matter back to the Board for reconsideration.

II. The Board hearing and decision

[9] The Board heard Ms Landry's appeal on November 24 and December 15, 2022. The hearing focused on the two conditions of the development permit, particularly the 30-metre setback from the CNR right of way. In its submissions, the Development Authority referenced CNR's May 2013, *Guidelines for New Development in Proximity to Railway Operations* (Railway Guidelines). The Development Authority explained that CNR's setback recommendation responded to CNR's

safety concerns in the event of a train derailment.² The fencing recommendation otherwise mitigated the risk of people or animals travelling onto the railway tracks. The Development Authority acknowledged that the recommendations were not regulations within the applicable land use bylaw, nor were they federal regulations required under the *Railway Safety Act*, RSC 1985, c 32 (4th Supp). Nevertheless, the Development Authority was of the view the two conditions served a valid planning objective relating directly to the safety of site occupants.

[10] Alberta TrailNet Society provided a letter to the Board supporting Ms Landry’s appeal of the 30-metre setback from the south property line abutting the railway. It also indicated it “does not support the lease, closure, or sale of the undeveloped open road allowance (TWP RD 280) to the north of the subject lands”.

[11] In her submissions, Ms Landry highlighted that compliance with the two conditions added expense and reduced the developable area of her land. She also argued that ss 682.2(1)-(3) of the *Municipal Government Act*, RSA 2000, c. M-26 (*MGA*), mandated that if the Development Authority wished to rely on the Railway Guidelines, it must be adopted as policy and published on the municipality’s website, which had not been done. Finally, Ms Landry argued that given the rural location of the parcel, there were no significant safety concerns that warranted imposition of the conditions. She also tendered a letter of support from a neighboring landowner.

[12] Throughout the hearing the Board questioned Ms Landry about various possible locations for her proposed residence. At the end of the first hearing date, Ms Landry accepted the Chair’s offer of an adjournment to think about the best options:

. . . So, if the Board feels that there’s a safety issue here and we’re trying to work our way through all these -- there’s a lot of moving parts on this piece of land. Would you consider the changes that you recommended -- there was a couple that you put forward. One was the change from one to nine in the orientation of the house. That could change, maybe moving it a little back. Would you consider that? Would you want time to consider that? I would just like to know what you would like us to do. We don’t want to not give you the opportunity to sit down and think about what would be the best options. (Transcript at 20, 1 36 – 21, 1 1)

[13] When the hearing reconvened on December 15, 2022, Ms Landry tendered expert evidence from Grete Bridgewater, an expert in rail safety. Ms Bridgewater opined that the rural location of the lands did not require the same safety mitigation as an urban setting. Particularly, her expert

² The Board heard submissions that the railway is a mainline, and that four trains use the railway daily.

report provided that the Railway Guidelines are not mandatory and were never intended to require specific setbacks in rural areas but were aimed at urban developments to “permit dissipation of rail-oriented emissions as well as noise and vibration”. The report further provided that there was no history of derailments associated with the lands, and “no factual evidence to [] suggest this rural location has any known risk factors”. In Ms Bridgewater’s view, there was a misunderstanding of the intended purpose and application of the Railway Guidelines, and she “recommended that Rocky View County avoid a general application of the 30-metre setback for the Landry Property due to its specific context, and [an] upcoming” review of the Railway Guidelines by the Railway Association of Canada and the Federation of Canadian Municipalities.

[14] Ms Landry also submitted that her proposed orientation of the residence would result in only one corner of the residence being exposed to the railway but advised that if the Board felt safety concerns remained, another option was to “mirror the house” to put the garage nearest the railway, thus pushing back the living space. The Board Chair asked the Development Authority’s representative, Mr Rebello, to comment on whether that proposal “would make any difference”. He said that it would:

Yes, that would. We have done some due diligence in terms of other municipalities, especially the City of Calgary and how they regulate these uses. What they call it is sensitive uses. So any residential or living areas related to this application. You know, those would be required to be setback from -- I would have a setback distance that the Board deems appropriate. So anything that's non-livable -- as you mentioned, an accessory building or a part of the house which is storage or the garage or a mechanical room, I guess -- would be then appropriate to be in that setback area. (Transcript at 37, ll 13-20)

[15] The Board issued its decision December 30, 2022, dismissing Ms Landry’s appeal, overturning the Development Authority’s variance of the side yard setback and revoking the development permit in its entirety: Board Order No 2022-SDAB-019.

[16] The Board accepted Ms Landry’s argument that it did not have the authority to enforce the Railway Guidelines because they “were not cemented in law or regulation and have not been adopted by the County as formal policy”. However, the Board preferred CNR’s recommendations over Ms Landry’s expert and concluded the 30-metre setback was appropriate.

[17] The Board then considered the relaxation of the side yard setback to 3 metres. The Board concluded it “has concerns with the impact of the proposed development on the future development of the open road allowance” and that it is “not appropriate for the proposed development to be so close to an open road allowance”. The Board reviewed the location options

put forward by Ms Landry and since none of the options complied with both set back requirements, the Board refused the development permit:

. . . The Board understands the Appellant’s concerns about the associated costs if the proposed development were to be located on the more western portion of the Lands but, in the Board’s opinion, the best use of the Lands would be to develop it in a way that is as respectful as possible of the required setbacks. The Board cannot consider developer costs a primary factor when making its decision.

III. Did the Board err in law by revoking the entire development permit?

Appeals before the Board are de novo hearings

[18] While the *MGA* does not expressly state an appeal before the Board is a *de novo* hearing, this point is settled: *Mahal & Sons Inc v Edmonton (City of)*, 2022 ABCA 22 at para 17 [*Mahal*], citing Laux and Stewart-Palmer, *Planning Law and Practice in Alberta*, 4th ed (Edmonton: Juriliber, 2019), s 10.4(5)(b) [*Planning Law*]; *Stewart v Lac Ste Anne (County) Subdivision and Development Appeal Board*, 2006 ABCA 264 at paras 10-12, 397 AR 185 [*Stewart*]. The real question is what is the scope of a *de novo* hearing before the Board?

[19] There is no universally accepted definition of a *de novo* hearing. Courts in different contexts have interpreted the scope of a *de novo* hearing in various ways. As this Court observed in *Pacer Construction Holdings Corporation v Pacer Promec Energy Corporation*, 2018 ABCA 113 at para 65 [*Pacer*]:

It appears, then, that some courts treat a “hearing *de novo*” as “an entirely new case. . . independent of the original case”, while other courts use the terminology of “hearing *de novo*” to denote a hearing where “new evidence” or “new grounds” may be considered, while still other courts use the term “*de novo*” to describe that a reviewing court may substitute its own opinion for that of the original decision-maker.

[20] Drawing on *Pacer* at paragraphs 64-67, *Stewart* at paragraph 11, and *Mahal* at paragraphs 18-19, a *de novo* hearing means no deference is owed to the Development Authority and the Board:

- in all but exceptional cases, is not required to review the Development Authority’s decision for error and can cure almost all errors of the Development Authority without having to remit the decision;
- can make whatever decision is appropriate on the merits;

- can hear evidence and argument that was not before the Development Authority;
- can take into account circumstances that may have changed since the Development Authority's decision; and,
- can confirm decisions of the Development Authority that it agrees are within the range of reasonable options.

[21] To date, this Court has not addressed the particular question in this appeal: whether the statutory jurisdiction of the Board to conduct a *de novo* hearing on appeal, allows it to determine *all* matters afresh, including matters not raised on appeal.

[22] To answer this question, it is appropriate to start with the words of the *MGA*. The words must be considered in the entire context, in their grammatical and ordinary sense and in harmony with the legislative scheme, its object and the intention of the Legislature: *Quebec (Human Rights and Youth Rights Commission) v Director of Youth Protection of CISSS A*, 2024 SCC 43 at paras 23, 28 [*Director of Youth*], citing E.A. Driedger, *Construction of Statutes* (2nd ed. 1983), at p. 87, as quoted in *Rizzo & Rizzo Shoes Ltd (Re)*, 1998 CanLII 837 (SCC) at para 21, [1998] 1 SCR 27; *Auer v Auer*, 2024 SCC 36 at para 64 [*Auer*]; *Northern Sunrise County v Virginia Hills Oil Corp*, 2019 ABCA 61 at para 37; *Edmonton (City of) Library Board v Edmonton (City of)*, 2021 ABCA 355 at para 29 [*Library Board*].

[23] As the Supreme Court of Canada recently clarified in *Director of Youth* at paragraph 24, the words or text is the “anchor of the interpretive exercise” which goal is to “find harmony between the words of the statute and its object”. The text specifies the means chosen by the legislature to achieve its purposes and may disclose any qualifications to those purposes. “[J]ust as the text must be considered in light of the context and object, the object of a statute and that of a provision must be considered with close attention always being paid to the text of the statute”.

[24] In addition to assessing the text and context, “legislative intent can be understood only by reading the language chosen by the legislature in light of the *purpose* of the provision and the entire relevant context” (emphasis added): *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at para 118, [2019] 4 SCR 653 [*Vavilov*], citing R. Sullivan, *Sullivan on the Construction of Statutes* (6th ed. 2014), at p. 217. “Therefore, the meaning of a provision must have regard to its text, context and purpose: *Vavilov* at paras 118-121; *1193652 BC Ltd v New Westminster (City)*, 2021 BCCA 176 at para 64”: *Library Board* at para 30; *Auer* at para 64.

[25] The statutory framework for land development in Alberta is set out in the *MGA*. This framework “is designed to give effect to the public interest in private land use decisions but not at the undue expense of private rights”: *Library Board* at para 31, citing *Love v Flagstaff (County*

of) *Subdivision and Development Appeal Board*, 2002 ABCA 292 at para 23, 222 DLR (4th) 538 [*Flagstaff*]. Municipalities can achieve these broad planning objectives through the creation of statutory plans, land use policies, development regulations and land use bylaws. A land use bylaw “may prohibit or regulate and control the use and development of land and buildings in a municipality”: *MGA* s 640(1.1). The land use bylaw must set out the permitted and discretionary uses of the land or buildings: *MGA* s 640(2)(b). A key difference exists between permitted and discretionary uses: a development permit must be issued if the proposed development is for a permitted use and complies with the land use bylaw, whereas a development permit for a discretionary use is a matter of discretion and need not be issued at all: *MGA* ss 642(1) and (2).

[26] In deciding whether to issue a development permit, a development authority is bound by land use policies, development regulations, land use bylaws, and statutory plans. This ensures “certainty and predictability in planning law. . . The public must have confidence that the rules governing land use will be applied fairly and equally”: *Flagstaff* at paras 22-29. Even though the issuance of a development permit for a discretionary use is discretionary, the planning “authority must have a sound planning reason for refusing a discretionary use”: *Planning Law* s 9.5. In other words, the development authority must operate within the “legal constraints” applicable to the process and to the decision: *Mason v Canada*, 2023 SCC 21 at paras 10-11, 64, 485 DLR (4th) 583 citing *Vavilov* at para 101; *TransAlta Generation Partnership v Alberta*, 2024 SCC 37 at paras 17, 38, 64.

[27] Ms Landry argues that the Board’s jurisdiction is limited to the issues raised by her on appeal (the conditions attached to her development permit) and not the Development Authority’s variance of the side yard setback (which was not appealed). In support of her argument, she points to s 686(1) of the *MGA*: “A development appeal is commenced by filing a notice of appeal, **containing reasons**, with the board hearing the appeal” (emphasis added). She argues the Board’s mandate under this section is to determine the appeal before it, in keeping with the notice of appeal and the specific **reasons** for the appeal put before the Board. She argues the *MGA* does not contemplate that the Board would re-open the entirety of the Development Authority’s analysis.

[28] On appeals concerning discretionary uses, s 687(3)(c) of the *MGA* confers broad jurisdiction to the board hearing the appeal. A board “may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own”.

[29] There is no provision in the *MGA* linking the Board’s jurisdiction on appeal to the reasons for appeal. While setting out grounds of appeal is required by statute, they “do not go to jurisdiction”. “No express statement in the statute ties the jurisdiction on appeal to these grounds.

And we would not draw that inference . . . [as] the appeal is to be a *de novo* hearing. That being the case. . . [w]hat happened before is essentially irrelevant, and the grounds of appeal are merely a guide to what the issues at the hearing are likely to be”: *National-Oilwell Canada Limited v Madsen*, 1991 ABCA 335 at para 9, 120 AR 389. We reject Ms Landry’s argument that s 686 of the *MGA* circumscribes the Board’s jurisdiction to consider only those matters raised on appeal.

[30] The plain wording of s 687(3)(c) signals the Board’s jurisdiction to conduct a true *de novo* hearing, meaning it is authorized to determine the matter afresh, making its own decision on the issues with no regard to or deference for the Development Authority’s decision. The Board asks, “what is the right decision?”; there is no presumption of correctness on the part of the Development Authority: *Pacer* at paras 66-67. As summarized in *Planning Law* at s 10.7(1)(b):

. . . In short, wherever a discretion has been conferred in a land use bylaw on a development authority, whether it is connection with uses or development standards, a subdivision and development appeal board has power to canvass the merits of the development authority’s decision in that regard and substitute its own conclusions. In doing so, however, the board must remain within the confines established by the common law for the exercise of discretion by a statutory tribunal.

[31] It follows that the Board had the jurisdiction to consider the development permit for Ms Landry’s proposed discretionary use in its entirety and re-exercise afresh all the discretionary powers of the Development Authority. The Board was not limited to considering only those issues raised on appeal by Ms Landry.

IV. Did the Board give reasonable notice of its intention to revoke the permit, or to consider the impact of the development on the road allowance

Reasonable notice was not given to Ms Landry

[32] “The standard of review for questions of procedural fairness is whether the standard of fairness required by the common law has been met”: *Library Board* at para 28, citing *Baron Real Estate Investments Ltd v Edmonton (City)*, 2021 ABCA 64 at para 17; *Borgel v Paintearth (Subdivision and Development Appeal Board)*, 2020 ABCA 192 at para 11 [*Borgel*].

[33] The content of a duty of procedural fairness is “eminently variable” and highly contextual: *Baker v Canada (Minister of Citizenship and Immigration)*, [1999] 2 SCR 817 at para 21, 174 DLR (4th) 193 [*Baker*]; *Vavilov* at para 77; *Library Board* at para 94. On appeal, an issue of procedural fairness will be reviewed, having regard to the context of the hearing itself and the resulting decision, “to determine whether the appropriate level of ‘due process’ or ‘fairness’

required by the statute or the common law has been afforded . . . The question is not whether the tribunal's decision was correct but whether the procedure chosen was fair given all the circumstances" (citations omitted): **Borgel** at para 11. Several factors are relevant to this determination including the nature of the decision being made, the process followed in making it, the nature of the statutory scheme, the legitimate expectations of the party challenging the decision, and the procedural choices made by the administrative decision maker. Underlying all these factors, is the participatory rights of the parties which drive the duty of procedural fairness to ensure a fair, open, and full procedure: **Baker** at paras 22-27; **Vavilov** at para 77.

[34] Importantly, in determining the extent of any duty of fairness, a "significant factor" will be the impact of the decision on the party or parties. "The more important the decision is to the lives of those affected and the greater its impact on that person or those persons, the more stringent the procedural protections that will be mandated": **Baker** at paras 25. Whether there has been a prejudicial effect on a party is a key consideration in determining whether a breach of procedural fairness is established: **Taseko Mines Limited v Canada (Environment)**, 2019 FCA 320 at para 62 [**Taseko**]; **Library Board** at para 94.

[35] The Board argues that Ms Landry and her counsel recognized the appeal was a *de novo* hearing and thus, Ms Landry would have or should have known the Board could and was required to address all issues relating to the development permit on appeal, including variance of the side yard setback and whether the permit should have been issued at all. In any event, the Board argues that it never indicated the variance of the side yard setback was accepted or adopted. We disagree. The mere fact that the *MGA* contemplates a *de novo* hearing before the Board does not mean a party faces an "anything goes" predicament. The right to a fair hearing must be regarded as an independent, unqualified right which is grounded in procedural justice which any person affected by an administrative decision is entitled to: **Cardinal v Director of Kent Institution**, [1985] 2 SCR 643 at para 22, 24 DLR (4th) 44.

[36] While we have determined that the Board has a broad discretion to consider matters not raised on appeal, it is not relieved of ensuring procedural fairness. Having reviewed the transcript of the Board hearing, we are satisfied the Board never alerted Ms Landry to the fact: 1) that it had concerns with the side yard variance granted by the Development Authority; or 2) that it would revoke the development permit if Ms Landry did not provide a proposal for the location of her home that complied with both setbacks.

[37] Proceeding in this manner amounted to a breach of the duty of procedural fairness owed by the Board to Ms Landry. Appellants and other interested parties are not expected to be mind readers. It follows that Ms Landry was deprived of an opportunity to address the Board's concerns.

As we do not know what her submissions would have been, it cannot be said they would not have affected the Board's decision to refuse her development permit. It is unquestionable that the refusal had a significant impact on Ms Landry and her ability to use her lands. On the record before us, the prejudicial effect of the Board's failure to give notice of its concerns to Ms Landry establishes not only a breach of procedural fairness, but that a remedy is warranted: *Taseko* at paras 62-64.

[38] We otherwise reject the Board's contention that it would be unduly onerous to require it to expressly raise its concerns on any condition or variance that is not the subject of the appeal. Again, while the duty of fairness is variable, it is driven by the context in which it is owed. Here, the Board's concerns about a specific condition or variance were the very reason for its refusal of Ms Landry's development permit and the duty of fairness demanded that she (and all the parties) be given an opportunity to respond to those concerns before a decision was made. As found in *Baker* at paragraph 22:

. . .the purpose of the participatory rights contained within the duty of procedural fairness is to ensure that administrative decisions are made using a fair and open procedure, appropriate to the decision being made and its statutory, institutional, and social context, with an opportunity for those affected by the decision to put forward their views and evidence fully and have them considered by the decision-maker.

The Board did not identify any legitimate planning purpose for revoking the development permit

[39] While we have concluded that the Board enjoys a broad discretion to consider a discretionary development permit afresh, this discretion is not boundless. The Board is tasked with achieving the delicate balance between "the orderly, economical and beneficial development, use of land and patterns of human settlement..." without unnecessarily infringing on the rights of individuals: *MGA* s 617. It follows that both development authorities and appeal boards are guided by legitimate planning purposes. The Board cannot reject a development permit for a discretionary use without having some legitimate planning reason for doing so: *Planning Law* s 10.7(1)(b), fn 263.

[40] The Board's decision fails to identify a legitimate planning reason for reversing the side yard variance. It simply said it "has concerns with the impact of the proposed development on the future development of the open road allowance" and that it is "not appropriate for the proposed development to be so close to an open road allowance".

[41] This is not a case where the Board's reasoning can be gleaned from the record. The Development Authority granted the variance because administration did not expect the road allowance would be developed in the foreseeable future *based on the location of the subject parcel and the surrounding road network*. Prior to the Development Authority's decision, Ms Landry obtained a letter issued by Alberta Transportation dated July 5, 2022, advising Rocky View County it had **no concerns** with the relaxation of the side yard setback. It is unclear if this letter was before the Board. If it was, it is not contained in the record.

[42] There is no evidence tethering the Board's decision reversing the relaxation of the side yard setback and instead insisting on the 45-metre setback contained in the land use bylaw. In this instance and on this record, the Board failed to strike the appropriate balance between sound planning in the public interest and unnecessarily restricting Ms Landry from developing her land. The Board cannot simply point to the possibility, no matter how remote, that the road might be developed at some point in the future.

V. Conclusion

[43] A broad and liberal interpretation of s 687 of the *MGA* and the jurisprudence from this Court supports the conclusion that the Board enjoys a broad jurisdiction in conducting *de novo* hearings and can consider the matter afresh, in its entirety and is not restricted to considering only the issues raised on appeal. If the Board is considering the matter afresh and contemplates addressing aspects of the development permit not raised on appeal, procedural fairness compels the Board to provide notice of those aspects or its concerns to the appeal participants and to provide them with an opportunity to respond.

[44] The appeal is allowed, and the Board's decision is quashed. The matter is remitted to the Board for a rehearing, with a direction to consider this Court's comments at paragraphs 39-42.

Appeal heard on October 11, 2024

Memorandum filed at Calgary, Alberta
this 5th day of February, 2025

Pentelechuk J.A.

Ho J.A.

Wakeling, J.A. (concurring in the result):

I. Introduction

[45] I agree with my colleagues that this appeal must be allowed. I write separately because my path to the same destination differs in some respects from that of my colleagues.

II. Questions Presented

[46] Section 687(3)(c) of the *Municipal Government Act*³ states that a subdivision and development appeal board hearing an appeal from a decision of a development authority may “confirm, revoke or vary the ... development permit”.

[47] Does this provision authorize the Subdivision and Development Appeal Board of Rocky View County to revoke the development permit Rocky View County’s development authority issued to Regine Landry when neither the appellant nor the respondent asked it to do so?

[48] If so, did the Rocky View County Board comply with the principles of procedural fairness before revoking Ms. Landry’s development permit?

III. Brief Answers

[49] Section 687(3)(c) of the *Municipal Government Act* expressly authorizes a subdivision and development appeal board determining an appeal to “revoke” a development permit. The text could not be clearer.

[50] This is, in effect, what the Rocky View County Board did.

[51] The fact that a statutory delegate has the authority to do something does not relieve it of the obligation to comply with the principles of procedural fairness.

[52] The Rocky View County Board did not comply with the principles of procedural fairness. It failed to give Ms. Landry reasonable notice that it was considering revoking in its entirety the development permit the development authority issued to her.

³ R.S.A 2000, c. M-26.

[53] The appeal must be allowed. The Rocky View County’s Board decision is cancelled. It must rehear Ms. Landry’s appeal. It must do so in accordance with the opinion of this Court.

IV. Key Provisions of the Municipal Government Act

[54] The key provisions of the *Municipal Government Act*⁴ are set out below:

683 Except as otherwise provided in a land use bylaw, a person may not commence any development unless the person has been issued a development permit in respect of it pursuant to the land use bylaw.

...

684(1) The development authority must make a decision on the application for a development permit within 40 days after the receipt by the applicant of an acknowledgment under section 683.1(5) or (7) or, if applicable, in accordance with a land use bylaw made pursuant to subsection 640.1(b).

...

685(1) If a development authority

...

(b) issues a development permit subject to conditions...

the person applying for the permit ... may appeal the decision in accordance with subsection (2.1).

...

(2.1) An appeal referred to in subsection (1) or (2) may be made

...

(b) in all other cases to the subdivision and development appeal board.

⁴ Id.

...

686(1) A development appeal is commenced by filing a notice of appeal, containing reasons, with the board hearing the appeal.

...

687(1) At a hearing under section 686, the board hearing the appeal must hear

- (a) the appellant or any person acting on behalf of the appellant,
- (b) the development authority from whose order, decision or development permit the appeal is made, or a person acting on behalf of the development authority

...

(3) In determining an appeal, the board hearing the appeal referred to in subsection (1)

...

- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own.

...

689(1) On the hearing of the appeal

...

- (b) the Court [of Appeal] may confirm, vary, reverse or cancel the decision.

(2) In the event that the Court cancels a decision, the Court must refer the matter back to the ... subdivision and development appeal board, and the ... board must rehear the matter and deal with it in accordance with the opinion of or any direction given by the Court on the question of law or jurisdiction.

V. Statement of Facts

[55] Ms. Landry purchased land zoned “Agricultural, General” in Rocky View County.⁵

[56] She wanted to build a residence on it.⁶ This was a discretionary use under Rocky View County’s Land Use Bylaw.⁷

[57] Ms. Landry applied to the development authority for a development permit.⁸ The development authority approved her permit subject to conditions.⁹

[58] Ms. Landry appealed to the Rocky View County Board. She asked it to remove the conditions the development authority imposed.¹⁰

[59] The Rocky View County Board “upheld” Ms. Landry’s appeal.¹¹ It “overturned”¹² the development permit and “refused”¹³ it.

[60] Ms. Landry, with leave of this Court,¹⁴ appeals.

⁵ Rocky View County Subdivision and Development Appeal Board, Decision, ¶ 7. Appeal Record 38.

⁶ Id ¶ 4. Appeal Record 38.

⁷ Id ¶ 117. Appeal Record 47.

⁸ Id ¶ 4. Appeal Record 38.

⁹ Id ¶ 8. Appeal Record 38.

¹⁰ Id. ¶ 9. Appeal Record 38.

¹¹ Id. ¶ 130. Appeal Record 49

¹² Id.

¹³ Id.

¹⁴ *Landry v. Subdivision and Development Appeal Board of Rocky View County*, 2023 ABCA 189, ¶ 3 (chambers) per Slatter, J.A. (“Under section 688(3) of the *Municipal Government Act* ... to obtain permission to appeal the applicant must demonstrate that the appeal involves a question of law of sufficient importance to merit a further appeal and has a reasonable chance of success. The applicant has met the test on the following issues: (a) When hearing the applicant’s appeal of the condition on her development permit, did the Board err in law in revoking the entire permit? (b) Was the applicant given reasonable notice of the Board’s intention to revoke the permit, or to consider the impact of the development on the road allowance?”).

VI. Analysis

A. There Are Sound Principles for the Interpretation of Statutes

[61] The basic principles governing the interpretation of statutes are straightforward and easy to state and understand.¹⁵

[62] First, the reader must be cognizant of the context that led to the creation of the contested text. “Context is a primary determinant of meaning”.¹⁶

[63] This obligation requires an adjudicator to become familiar with the entire statute and other statutes on related subjects.¹⁷ “[N]o one should profess to understand any part of a statute ... before he [or she] had read the whole of it”.¹⁸

¹⁵ *Abbas v. Ensurance Ins. Co. of Canada*, 2023 ABCA 36, ¶ 48; 477 D.L.R. 4th 613, 643 per Watson & Wakeling, J.J.A. (“The governing principles of statutory interpretation are straight forward and not contentious”); *Equus Rea Ltd. v. Alberta Utilities Comm’n*, 2023 ABCA 142, ¶ 61 (“The governing principles of statutory interpretation are straightforward and provide clear directions to adjudicators”) & *Alexis v. Alberta*, 2020 ABCA 188, ¶ 42; 8 Alta. L.R. 7th 314, 333 per Wakeling & Greckol, J.J.A. (“The basic approach to a statutory interpretation problem is easy to state”), leave to appeal ref’d, [2020] 3 S.C.R. xii.

¹⁶ A. Scalia & B. Garner, *Reading Law: The Interpretation of Legal Texts* 167 (2012). See *Commission des droits de la personne et des droits de la jeunesse v. Directrice de la protection de la jeunesse du CISS A*, 2024 SCC 43, ¶ 24 per Wagner, C.J. (“just as the text must be considered in light of the context and object, the object of a statute and that of a provision must be considered with close attention always being paid to the text of the statute, which remains the anchor of the interpretive exercise. The text specifies, among other things, the means chosen by the legislature to achieve its purposes”).

¹⁷ *Abbas v. Esurance Ins. Co. of Canada*, 2023 ABCA 36, ¶ 49; 477 D.L.R. 4th 613, 643-44 per Watson & Wakeling, J.J.A. (“an adjudicator must read the entire statute and related statutes. ... ‘The entirety of the document thus provides the context for each of its parts.’”); *Panama Ref. Co. v. Ryan*, 293 U.S. 388, 439 (1935) per Cardozo, J. (“the meaning of an statute is to be looked for, not in a single section, but in all the parts together and in their relation to the end in view”) & *Southwest Water Authority v. Rumble’s*, [1985] A.C. 609, 617 (H.L.) per Lord Scarman (“It is not ... possible to determine ... [the] true meaning [of the contested statutory provision] save in the context of the legislation read as a whole”).

¹⁸ *Attorney General v. Prince Ernest Augustus of Hanover*, [1957] A.C. 436, 463 (H.L.) per Viscount Simonds.

[64] Second, an adjudicator must attempt to ascertain the purpose of the text. Text always serves a purpose.¹⁹ The text usually records a statute’s purpose.²⁰

[65] It is important to acknowledge that the benefit an adjudicator derives from ascertaining the purpose of a text may be limited. The purpose may be expressed in terms too abstract to be helpful.²¹ Or, if the text’s ordinary meaning is obvious, knowledge of its purpose is of no or little value.

[66] The adjudicator’s third task is to identify the ordinary meaning of the text.²² “Statutory words are uniformly presumed, unless the contrary appears, to be used in their ordinary and usual sense, and with the meaning commonly attributed to them”.²³ What meaning would a reasonable

¹⁹ *The Queen v. Big M Drug Mart Ltd.*, [1985] 1 S.C.R. 295, 331 per Dickson, J. (“All legislation is animated by an object the legislature intends to achieve”); *Abbas v. Esurance Ins. Co. of Canada*, 2023 ABCA 36, ¶ 52; 477 D.L.R. 4th 613, 645-46 per Watson & Wakeling, J.J.A. (“Legislators always pass laws for a purpose”) & Frankfurter, “Some Reflections on the Reading of Statutes”, 47 Colum. L. Rev. 527, 538-39 (1947) (“Legislation has an aim; it seeks to obviate some mischief, to supply an inadequacy, to effect a change of policy, to formulate a plan of government”).

²⁰ *Abbas v. Esurance Ins. Co. of Canada*, 2023 ABCA 36, ¶ 52; 477 D.L.R. 4th 613, 645-46 per Watson & Wakeling, J.J.A. (“The best indication of a statute’s purpose is the statute’s text”); *Frank v. Canada*, 2019 SCC 1, ¶ 130; [2019] 1 S.C.R. 3, 71 per Côté & Brown, J.J. (“the best way of discerning a legislature’s purpose will usually be to look to the legislation itself”) & A. Scalia & B. Garner, *Reading Law: The Interpretation of Legal Texts* 33 (2012) (“the purpose is to be gathered only from the text itself”).

²¹ *Alberta Union of Provincial Employees v. Alberta*, 92 C.L.L.C. 14,390 at 14,392 (Alta. Pub. Ser. E^oRel. Bd. 1990) per Wakeling, Chair (“an abstract statement of purpose will as a rule be less helpful to the adjudicator than one that is specific”).

²² *Abbas v. Esurance Ins. Co. of Canada*, 2023 ABCA 36, ¶ 50; 477 D.L.R. 4th 613, 644 per Watson & Wakeling, J.J.A. (“an adjudicator must ask what the plain and ordinary meaning of the contested text is”); *Glamorgan Landing Estates GP Inc. v. City of Calgary*, 2024 ABCA 150, ¶ 100; 71 Alta. L.R. 7th 35, 82-83 per Wakeling, J.A. (“for words not defined in the statute or an applicable interpretation enactment, the adjudicator must identify the ordinary meaning of the text and interpret the text in a manner faithful to its ordinary meaning”); *Commission des droits de la personne et des droits de la jeunesse v. Directrice de la protection de la jeunesse du CISS A*, 2024 SCC 43, ¶ 28 per Wagner, C.J. (“The starting point in any interpretive exercise is the text of the provision. In the absence of statutory definitions, what should be focused on is the grammatical and ordinary meaning of the text”); *The Queen v. D.A.I.*, 2012 SCC 5, ¶ 26; [2012] 1 S.C.R. 149, 166 per McLachlin C.J. (“The first and cardinal principle of statutory interpretation is that one must look to the plain words”) & *Cozens v. Brutus*, [1973] A.C. 854, 865 (H.L. 1972) per Viscount Dilhorne (“Unless the context otherwise requires, words in a statute have to be given their ordinary natural meaning”).

²³ *Caminetti v. United States*, 242 U.S. 470, 485-86 (1917) per Day, J.

reader who uses the language correctly give the text when it was made?²⁴ Reputable dictionaries provide invaluable assistance to adjudicators.²⁵

[67] Fourth, no adjudicator can *ever* give text a meaning it “cannot possibly bear”.²⁶ An interpretation that ignores the ordinary meaning of text blatantly violates the third principle. This is a grievous error. A judge who, in effect, rewrites a statute usurps the role of a legislator. A judge is not a member of the legislative branch. And a judge, like a legislator, must not stray outside the constitutional zone allotted to the judiciary.

²⁴ *Alexis v. Alberta*, 2020 ABCA 188, ¶ 47; 8 Alta. L.R. 7th 314, 335-36 per Wakeling & Greckol, J.J.A (“A permissible meaning is one that a reasonable reader who uses the language correctly would give the text at the time of its production”).

²⁵ *Humphreys v. Trebilcock*, 2017 ABCA 116, ¶ 113; [2017] 7 W.W.R. 343, 377 (“authoritative dictionaries ... record a range of potential meanings from which the court must select the most suitable for the context”), leave to appeal ref’d, [2017] 2 S.C.R. vii; *Lay v. Lay*, 2019 ABCA 21, ¶ 63; [2019] 2 W.W.R. 254, 275 per Wakeling, J.A. (“Dictionaries compile the ordinary meaning of words that those who use a language correctly understand words to have”), leave to appeal ref’d, [2019] 2 S.C.R. xi & *Cozens v. Brutus*, [1973] A.C. 854, 861 (H.L. 1972) per Lord Reid (“When considering the meaning of a word one often goes to a dictionary”).

²⁶ *The King v. Tran*, 2024 ABCA 241, ¶ 24; 439 C.C.C. 3d 486, 495 (“legal text can never be given a meaning it cannot possibly bear”). See *Abbas v. Esurance Ins. Co. of Canada*, 2023 ABCA 36, ¶ 50; 477 D.L.R. 4th 613, 643 per Watson & Wakeling, J.J.A (“it is a cardinal sin for an adjudicator to give text a meaning it cannot possibly bear”); *Zuk v. Alberta Dental Ass’n.*, 2018 ABCA 270, ¶ 159; 426 D.L.R. 4th 496, 539 (“Words must not be given meanings they cannot possibly bear”), leave to appeal ref’d, [2019] 2 S.C.R. xv; *Jones v. Director of Public Prosecutions*, [1962] A.C. 635, 662 (H.L. 1961) per Lord Reid (“It is a cardinal principle applicable to all kinds of statutes that you may not for any reason attach to a statutory provision a meaning which the words of that provision cannot reasonably bear”); A. Scalia & B. Garner, *Reading Law: The Interpretation of Legal Texts* 31 (2012) (“A fundamental rule of textual interpretation is that neither a word nor a sentence may be given a meaning that it cannot bear”) & H. Hart & A. Sachs, *The Legal Process: Basic Problems in the Making and Application of Law* 1374 (1994) (“a court should ... not give the words [in a statute] ... a meaning they will not bear”). *Contra, Re Rizzo & Rizzo Shoes Ltd.*, [1998] 1 S.C.R. 27 (notwithstanding that Ontario’s *Employment Standards Act* only granted termination pay to employees who lost their job as a result of an employer’s decision to terminate their employment and that the employees of Rizzo Shoes Ltd. lost their jobs because the creditors of Rizzo Shoes secured a receiving order under the *Bankruptcy Act* and no decision on the part of their employer, the Supreme Court held that the former employees of Rizzo Shoes were entitled to termination pay) & *Holy Trinity Church v. United State*, 143 U.S. 457 (1892) (notwithstanding that a federal law prohibited the importation of aliens “to perform labor of service of any kind” unless a worker fell within an exempted category – professional actors, artists, lecturers, and domestic servants, for example – and the fact that the Holy Trinity Church contracted with an alien – an English pastor – to serve as the rector of the church and a pastor is not an exempted worker, the United States Supreme Court held that the federal law did not apply to pastors).

[68] Fifth, “[i]f the text supports only one plausible meaning, the inquiry is complete”.²⁷ A court must accord the text its obvious meaning.

[69] That the only interpretation possible does not advance the perceived purpose of the enactment or is “contrary to common sense”²⁸ is irrelevant.

[70] “Purpose never trumps text”.²⁹ An adjudicator can *never* advance an enactment’s purpose as a justification for ignoring the plain meaning of the text.³⁰ “[T]he general object and spirit of the provision at issue can never supplant a court’s duty to apply an unambiguous provision of the Act”.³¹

²⁷ *Abbas v. Esurance Ins. Co. of Canada*, 2023 ABCA 36, ¶ 51; 477 D.L.R. 4th 613, 645 per Watson & Wakeling, J.J.A. See also *Equus Rea Ltd. v. Alberta Utilities Comm’n*, 2023 ABCA 142, ¶ 69 (“if the text bears only one plausible meaning, the inquiry ends”); *The Queen v. McIntosh*, [1995] 1 S.C.R. 686, 697 per Lamer, C.J. (“where no ambiguity arises on the face of a statutory provision, then its clear words should be given effect”) & *Black-Clawson Inter. Ltd. v. Papierwerke Waldhof-Aschaffenburg A.G.*, [1975] A.C. 591, 613 (H.L.) per Lord Reid (“In the comparatively few cases where the words of a statutory provision are only capable of having one meaning, that is an end of the matter and no further inquiry is permissible”).

²⁸ *The Queen v. McIntosh*, [1995] 1 S.C.R. 686, 704 per Lamer, C.J. (“where, by the use of clear and unequivocal language capable of only one meaning, anything is enacted by the legislature, it must be enforced however harsh or absurd or contrary to common sense the result may be”).

²⁹ *Vujicic v. Estate of MacEachern*, 2022 ABCA 263, ¶ 70; 51 Alta. L.R. 7th 1, 43 per Wakeling, J.A.

³⁰ *Ursa Ventures Ltd. v. City of Edmonton*, 2016 ABCA 135, ¶ 85, 91 C.P.C 7th 73, 106 per Wakeling, J.A. (“Overzealous pursuit of an undeniable legislative purpose must not cause one to overlook the limited scope of the words the legislators used”); *The King v. Breault*, 2023 SCC 9, ¶ 26; 481 D.L.R. 4th 195, 207 per Côté, J. (“as laudable and important as the fight against impaired driving may be, it is not permissible, in the pursuit of that objective, to distort the meaning to be given to the text of s. 254(2)(b) *Cr. C.* in the statutory interpretation exercise”) & *Re Sound v. Motion Picture Theatre Ass’n of Canada*, 2012 SCC 38, ¶ 33; [2012] 2 S.C.R. 376, 389 per LeBel, J. (“Although statutes may be interpreted purposively, the interpretation must nevertheless be consistent with the words chosen by Parliament”).

³¹ *Shell Canada Ltd. v. Canada*, [1999] 3 S.C.R. 622, 642 per McLachlin, J.

[71] Here is the last principle. If the text supports more than one plausible meaning, the adjudicator must “select the option that best advances the purpose that accounts for the text.”³² Justice Duff,³³ one of Canada’s outstanding jurists, said this:³⁴

[W]here you have rival constructions of which the language of the statute is capable you must resort to the object or principle of the statute if the object or the principle of it can be collected from its language; ... then the construction which best gives effect to the ... [object] or principle ought to prevail.

[72] These principles are best understood when applied to a real-life scenario.

[73] Suppose community residents complain to their municipal councillors about the noise lawn mowers operated by commercial gardeners create in the evening hours. The excessive noise makes it difficult for their children to fall asleep. The councillors ask the municipality’s law department to draft a bylaw that will be responsive to their constituents’ concerns. The law department presents a draft bylaw. It prohibits the operation of lawnmowers for an eleven-hour period commencing at 9:00 p.m. every day from April 1 to October 30. One councillor asks why the draft does not prohibit the operation of leaf blowers, hedge clippers, and motorcycles that make a lot of noise. The drafter’s reply emphasizes that there were no complaints about leaf blowers, hedge clippers, and motorcycles and that the bylaw as drafted is understandable and easy to enforce. There cannot be a debate about whether a machine is a lawnmower. The municipality enacts the bylaw even though the councillors understood it was imperfect – it did not prohibit all activities that generate enough noise to disturb children’s sleep and it captures some activities that generate very little, if any, noise – the operation of electric lawnmowers, for example. An overzealous bylaw enforcement officer responding to a complaint about the operation of a noisy gasoline lawnmower tickets the commercial operator of the noisy lawnmower. While in the same neighborhood, the officer also tickets a homeowner operating his silent push reel lawnmower during the prohibited period. The commercial operator pleads guilty and pays his \$250 fine. The operator of the reel push lawnmower pleads not guilty. At trial, the bylaw enforcement officer admits that the

³² *Humphreys v. Trebilcock*, 2017 ABCA 116, ¶ 109; [2017] 7 W.W.R. 343, 376, leave to appeal ref’d, [2017] 2 S.C.R. vii.

³³ Justice Duff was one of a very small number of Canadian judges who sat on the Judicial Committee of the Privy Council. See *Judicial Committee Amendment Act 1895*, 58 & 59 Vict., c. 44 (U.K.).

³⁴ *McBratney v. McBratney*, 59 S.C.R. 550, 561 (1919). See also *Celgene Corp. v. Canada*, 2011 SCC 1, ¶ 21; [2011] 1 S.C.R. 3, 13 per Abella, J. (“The words, if clear, will dominate; if not, they yield to an interpretation that best meets the overriding purpose of the statute”) & *The Queen v. D.A.Z.*, [1992] 2 S.C.R. 1025, 1042 per Lamer, C.J. (“the best approach to the interpretation of words in a statute is to place upon them the meaning that best fits the object of the statute, provided that the words themselves can reasonably bear that construction”).

defendant’s push reel lawnmower made no noise. The defendant admits, in argument, that his push reel lawnmower is a lawnmower. The bylaw court reluctantly convicts. The adjudicator consults Webster’s Third New International Dictionary of the English Language Unabridged’s definition of lawnmower to determine whether a push reel lawnmower is a lawnmower. Webster’s reads this way: “a hand-operated or power-operated machine for cutting grass or lawns”. A picture of a push reel lawnmower illustrates the definition. The bylaw court properly concludes that the defendant operated a lawnmower during prohibited hours. The adjudicator is not swayed by the fact that the bylaw did not apply to all sources of noise in residential neighborhoods or that it applied to a type of lawnmower that made no noise. The bylaw was both over and unexclusive relative to the object of the bylaw. According to the adjudicator, the text of the bylaw was clear and that was decisive. The adjudicator was correct.

B. Application of the Statutory Interpretation Principles

1. Overview

[74] It is necessary to review the *Municipal Government Act*³⁵ in its entirety.

[75] Section 683 of the *Municipal Government Act* states that “[e]xcept as otherwise provided in a land use bylaw, a person may not commence any development unless the person has been issued a development permit in respect of it pursuant to the land use bylaw”.

[76] The *Act* assigns to development authorities the responsibility to assess applications for development permits.³⁶ A council “must, by bylaw, provide for ... a development authority to exercise development powers and perform duties on behalf of the municipality”.³⁷ Those who perform development authority tasks are municipal employees.

³⁵ R.S.A. 2000, c. M-26.

³⁶ *Id.* s. 683.1.

³⁷ *Id.* s. 623(b). See *Zoning Bylaw*, Bylaw No. 20001, s. 7.100.1.1 (“The Development Planner ... must receive all applications ... [and] ... must review each application”) & *City Administration Bylaw*, Bylaw No. 16620, s. 32 (“The City Manager is the City’s subdivision authority and the City’s development authority and may exercise the City’s subdivision and development powers and duties”) (Edmonton); *Land Use Bylaw*, Bylaw No. IP2007, s. 15(1) (“The Development Authority must administer this Bylaw and decide upon all development permit applications”) (Calgary) & *Land Use Bylaw*, Bylaw No. 4168, ss. 3.1(i) (“The Chief Administration Officer is a Development Authority, with powers and duties as set out in this Bylaw or is any other enactment”) & 3.2(i) (“A Development Authority may issue a Development Permit”) (Medicine Hat).

[77] A person who is dissatisfied with the decision made by a development authority may appeal the decision to a subdivision and development appeal board.³⁸

[78] A council “must by bylaw ... establish a subdivision and development appeal board”.³⁹ The *Act* prohibits municipal employees and persons who carry out “subdivision and development powers, duties and function on behalf of the municipality” from serving on a subdivision and development appeal board.⁴⁰ A subdivision and development appeal board consists of members of the community who are not municipal employees. Members sit in panels hearing appeals regarding development permits.

[79] This brief overview demonstrates that the functions of development authorities and subdivision and development appeal boards are very different. Municipal employees man the development authorities. They make development permit decision without holding hearings. Community members populate the subdivision and development appeal boards. Subdivision and development appeal boards hear the parties.⁴¹ The voice of the community comes through the decisions of subdivision and development authority appeal boards, not the development authority.

³⁸*Municipal Government Act*, R.S.A. 2000, C. M-26, s. 685.

³⁹ *Id.* s. 627(1)(a).

⁴⁰ *Id.* s. 627(4). See *Subdivision and Development Appeal Board Bylaw*, Bylaw No. 18307 ss. 6 (“Councillors, City employees, and members of a municipal planning commission are ineligible as members of the Subdivision and Development Appeal Board”) & 12(1) (“The chair may approve hearing procedures of the Subdivision and Development Appeal Board, provided that those procedures do not conflict with the *Municipal Government Act*”) (Edmonton); *The Subdivision and Development Appeal Board*, Bylaw No. 25P95, ss. 4(1) (“The following persons may not be appointed as members of the Board: (a) an employee of the City, (b) a person who carries out subdivision or development powers, duties and functions on behalf of the City, (c) a member of the Calgary Planning Commission, or (d) a member of Council”) & 9(1)(c) (“The Board shall have the power to establish such other rules relating to matters of the procedures, operation and conduct of business of the Board as are deemed appropriate by the Board”) (Calgary); *The Red Deer Tribunal Bylaw*, Bylaw No. 3680/2072, ss. 19 (“Unless exempted by Council, a person who previously served as a Member, Council member or City employee is ineligible for appointment to the Boards for a period of two years after leaving any of these roles”) & 33 (“The Boards are not bound by rules of evidence and may make their own rules governing the practice and procedure applicable to the proceedings including, but not limited to, the admission and distribution of evidence”) & *Subdivision and Development Appeal Board Bylaw*, Bylaw No. 3009, ss. 4(2) (“The Appeal Board shall consist of five ... members as follows: (a) Four ... electors of the City of Medicine Hat who shall not be employees or officers of the City of Medicine Hat or members of Council; and (b) One ... member of Council”) & 8 (“The Appeal Board may establish procedures governing the conduct of its meetings that are consistent with the provisions of this Act and this Bylaw”) (Medicine Hat).

⁴¹ *Municipal Government Act*, R.S.A. 2000, c. M-26, s. 687(1).

When the two statutory delegates entertain different views about the merits of a proposed development, the decision of a subdivision and development appeal board prevails.

[80] One of the objects of the part of the *Municipal Government Act*⁴² dealing with planning and development is to ensure that community members who are independent of the municipal development authority and the municipality play a major role in development decisions.

2. The Text Rules

[81] The text of section 687(3)(c) of the *Municipal Government Act*⁴³ assigns plenary jurisdiction to a subdivision and development appeal board that is hearing an appeal from a decision of a development authority regarding a development permit application.

[82] A subdivision and development appeal board has a number of options.

[83] First, it can “confirm” the development permit. Confirm means “[t]o give formal approval to”.⁴⁴

[84] Second, it can “revoke” the development permit. Revoke means “to annul or make void by taking back or recalling; to cancel, rescind, repeal, or review”.⁴⁵

[85] Third, it can “vary” – change⁴⁶ – the development permit.

[86] Fourth, it can “make a substitute ... permit of its own”.

[87] In short, because a subdivision and development appeal board may may revoke a development permit the development authority has issued, the filing of a notice of appeal with a subdivision and development appeal authority puts at risk the very existence of a development

⁴² R.S.A. 2000, c. M-26, Part 17.

⁴³ R.S.A. 2000, c. M-26.

⁴⁴ Black’s Law Dictionary 375 (12th ed. B. Garner chief ed. 2024). See also The American Heritage Dictionary of the English Language 386 (5th ed. 2016) (“To make valid or binding by a formal or legal act”).

⁴⁵ Black’s Law Dictionary 1583 (12th ed. B. Garner chief ed. 2024). See also The American Heritage of the English Language 1503 (5th ed. 2016) (“To invalidate or cause to no longer be in effect, as by voiding or cancelling: Her license was revoked”).

⁴⁶ Black’s Law Dictionary 1873 (12th ed. B. Garner chief ed. 2024) (“To change in some usu. small way; to make somewhat different”).

permit issued by a development authority. The holder of a permit must give careful consideration to the likelihood that a subdivision and development appeal board will revoke a development permit when considering an appeal.⁴⁷ Is a bird in the hand worth two in the bush?

[88] The text of section 687(3)(c) is clear. There is no other plausible meaning. As a result, the text rules.

[89] The Rocky View County Board, without question, had the authority to revoke the development permit the development authority issued to Ms. Landry.

[90] There is no need to take into account the purpose that animates section 687(3)(c) – the text is unambiguous.

[91] But I note that this interpretation of section 687(3)(c) of the *Municipal Government Act*⁴⁸ advances the object of the provisions – to allow the community a significant voice in the development process. Concordance between the object and means of an enactment is not unusual.⁴⁹

[92] This Court came to the same conclusion in *Mahal & Sons Inc. v. City of Edmonton*⁵⁰ when it held that a subdivision and development appeal board “can make whatever decision is appropriate on the merits”.

⁴⁷ E.g., *City of Edmonton v. Edmonton East (Capilano) Shopping Centres*, 2016 SCC 47, ¶¶ 6, 8 & 61; [2016] 2 S.C.R. 293, 303-04 & 322 per Karakatsanis, J. (“When reviewing the Company’s submissions [in support of its appeal to the Assessment Review Board] and evidence, the City discovered what it determined was an error in its original assessment. ... [T]he City informed the Company that it would seek an increase [in the assessed value of its mall] from the Board. In its written submissions to the Board, the City requested that the Board increase the assessed value to approximately \$45 million. The Board ultimately increased the assessment to approximately \$41 million. To conclude, it was reasonable for the Board to interpret s. 467(1) [of the *Municipal Government Act*] to permit it to increase the assessment at the City’s request. ... [T]his interpretation is consistent with the ordinary meaning of ‘change’ [in section 467(1)] and the overarching policy goal ... to ensure assessments are correct, fair and equitable”).

⁴⁸ R.S.A 2000, c. M-26.

⁴⁹ E.g., *City of Edmonton v. Edmonton East (Capilano) Shopping Centres*, 2016 SCC 47, ¶ 46; [2016] 2 S.C.R. 293, 316 per Karakatsanis, J. (“This grammatical and ordinary meaning of s. 467(1) [of the *Municipal Government Act*] is consistent with the purpose of the ... [*Municipal Government Act*]”).

⁵⁰ 2022 ABCA 22, ¶ 18.

[93] It can be safely stated that the authority bestowed on a subdivision and development appeal board by section 687(3)(c) of the *Municipal Government Act* means that the hearing it conducts may be accurately described as a *de novo* hearing.⁵¹

[94] Other appeal protocols within the *Municipal Government Act*⁵² also incorporate the same risk features for the appellant as does section 687(3)(c) of the *Municipal Government Act*.

[95] So does section 687(1) of the *Criminal Code*.⁵³ It reads this way:

Where an appeal is taken against sentence, the court of appeal shall, unless the sentence is one fixed by law, consider the fitness of the sentence appealed against, and may on such evidence, if any, as it thinks fit to require or to receive.

⁵¹ Id. ¶ 17 (“It is well-established that the SDAB decides planning appeals *de novo*”); *Stewart v. Subdivision and Development Appeal Board of Lac Ste. Anne County*, 2006 ABCA 264, ¶¶ 9 & 10; 274 D.L.R. 4th 291, 296 per Berger, J.A. (“In determining the appeal, the Subdivision and Development Appeal Board is authorized, pursuant to s. 687(3)(c), to ‘confirm, revoke or vary the order, decision, or development permit ... or make or substitute an order, decision or permit of its own.’ It follows that although the *Municipal Government Act* does not expressly state that the hearing before the SDAB is a hearing *de novo*, the statutory provisions point clearly to that conclusion”) & *Edith Lake Service Ltd. v. City of Edmonton*, 1981 ABCA 328, ¶ 9; 34 A.R. 390, 396 per Haddad, J.A. (“The proceedings before the Board would take the form of a hearing *de novo* and having regard to the broad statutory powers conferred upon it the Board’s jurisdiction would permit it to consider and rule upon the merits”). See also F. Laux, Q.C. & G. Stewart-Palmer, *Planning Law and Practice in Alberta* 10-39 (4th ed. looseleaf 2019) (“A subdivision and development appeal board hearing is *de novo*. This means that the board should canvas the issues raised afresh and without being hampered by the decision below”).

⁵² S. 467(1) (“An assessment review board may, with respect to any matter referred to in section 460(5), make a change to an assessment roll or tax roll or decide that no change is required”) & (1.1) (“For greater certainty, the power to make a change under subsection (1) includes the power to increase or decrease an assessed value shown on an assessment roll or tax roll”). See *City of Edmonton v. Edmonton East (Capilano) Shopping Centres*, 2016 SCC 47, ¶¶ 6, 8 & 61; [2016] 2 S.C.R. 293, 303-04 & 322 per Karakatsanis, J. (“When reviewing the Company’s submissions [in support of its appeal to the Assessment Review Board] and evidence, the City discovered what it determined was an error in its original assessment. ... [T]he City informed the Company that it would seek an increase [in the assessed value of its mall] from the Board. In its written submissions to the Board, the City requested that the Board increase the assessed value to approximately \$45 million. The Board ultimately increased the assessment to approximately \$41 million. To conclude, it was reasonable for the Board to interpret s. 467(1) [of the *Municipal Government Act*] to permit it to increase the assessment at the City’s request”) & id. at ¶ 91, [2016] 2 S.C.R. at 336 per Côté & Brown, JJ. (“The majority characterizes the issue as to whether s. 467 of the Act allowed the Board to ‘increase the assessment at the City’s request’ We agree that the word ‘change’ in s. 467(1) should be given its ordinary and grammatical meaning, and that the Board is not precluded from ever increasing an assessment”).

⁵³ *Criminal Code*, R.S.C. 1985, c. C-46.

- (a) vary the sentence within the limits prescribed by law for the offence of which the accused was convicted; or
- (b) dismiss the appeal.

[96] Justice Ritchie, in *Hill v. The Queen*,⁵⁴ held that the offender who filed a sentence appeal faced the risk that the appeal court might increase his or her sentence: “[T]he Court of Appeal has power to increase a sentence when an appeal is taken ... by a person who has been convicted at trial ... [T]his power is in no way dependant upon an appeal being asserted by the Attorney General.”

C. The Rocky View County Board Breached the Rules of Procedural Fairness

[97] The Rocky View County Board, in failing to give Ms. Landry reasonable notice that it was considering revoking in its entirety the development permit the development authority issued to her, breached the principles of procedural fairness. I agree with my colleagues’ opinion set out in paragraphs 34 to 38 of their judgment.

⁵⁴ (No.2), [1977] 1 S.C.R. 827, 860 (1975). The Court of Appeal of Alberta will not increase a sentence in an offender sentence appeal unless the Crown complies with rule 16.10 of the *Criminal Appeal Rules*, S.I. / 2018-34 and files and serves a notice of variation of sentence stating that “on the hearing of the appeal of the sentence imposed, Her Majesty the Queen intends to argue that the sentence should be increased or otherwise varied”. See *The Queen v. Laboucane*, 2016 ABCA 176, ¶ 98; 337 C.C.C. 3d 445, 471 (“Arguably, an intermediate appellate court possesses jurisdiction to adjust sentences to make them lawful and fit, irrespective of which side appeals and puts the case before it. Certainly, no limit on this Court’s jurisdiction is specified under s 687 of the *Criminal Code*. Nonetheless, this Court has adopted and applied for many years a fair notice practice under R 853 of the Alberta Rules of Court, Court of Appeal Criminal Rules”) & *Rules of the Court of Appeal of Alberta as to Criminal Appeals*, SI/77-174, s. 853 (“(1) In an appeal against sentence by a convicted person, the Attorney-General, if he intends upon the hearing of the appeal to contend that the sentence should be increased or varied, shall, not less then three ... days before the commencement of the sittings of the Court at which the appeal comes to be heard, give notice of such intention in writing to the appellant or his counsel. (2) In any appeal against sentence by either a convicted person or the Attorney-General, the Court of its own motion may treat the whole matter of sentence as open, and on appeal by a convicted person, may increase or vary the sentence, and on an appeal by the Attorney-General, decrease or vary the sentence, provided that notice that such increase or variation is to be considered, is given by the Court so that the convicted person or the Attorney-General may be heard on such disposition”).

VII. Conclusion

[98] The appeal is allowed. The Rocky View County Board’s decision is cancelled.⁵⁵ It must rehear Ms. Landry’s appeal in accordance with the opinion of this Court.⁵⁶

Appeal heard on October 11, 2024

Memorandum filed at Calgary, Alberta
this 5th day of February, 2025

Wakeling J.A.

⁵⁵ *Municipal Government Act*, R.S.A. 2000, c. M-26, s. 689(1)(b) (“On the hearing of the appeal ... (b) the Court [of Appeal] may confirm, vary, reverse or cancel the decision”).

⁵⁶ *Id.* s. 689(2) (“In the event that the Court cancels a decision, the Court must refer the matter back to the ... subdivision and development appeal board, and the ... board must rehear the matter and deal with it in accordance with the opinion of or any direction given by the Court on the question of law or the question of jurisdiction”).

Appearances:

C.E. Marble

L.E. Garvie

for the Appellant

Respondent, Subdivision Development Appeal Board of Rocky View County (not present)

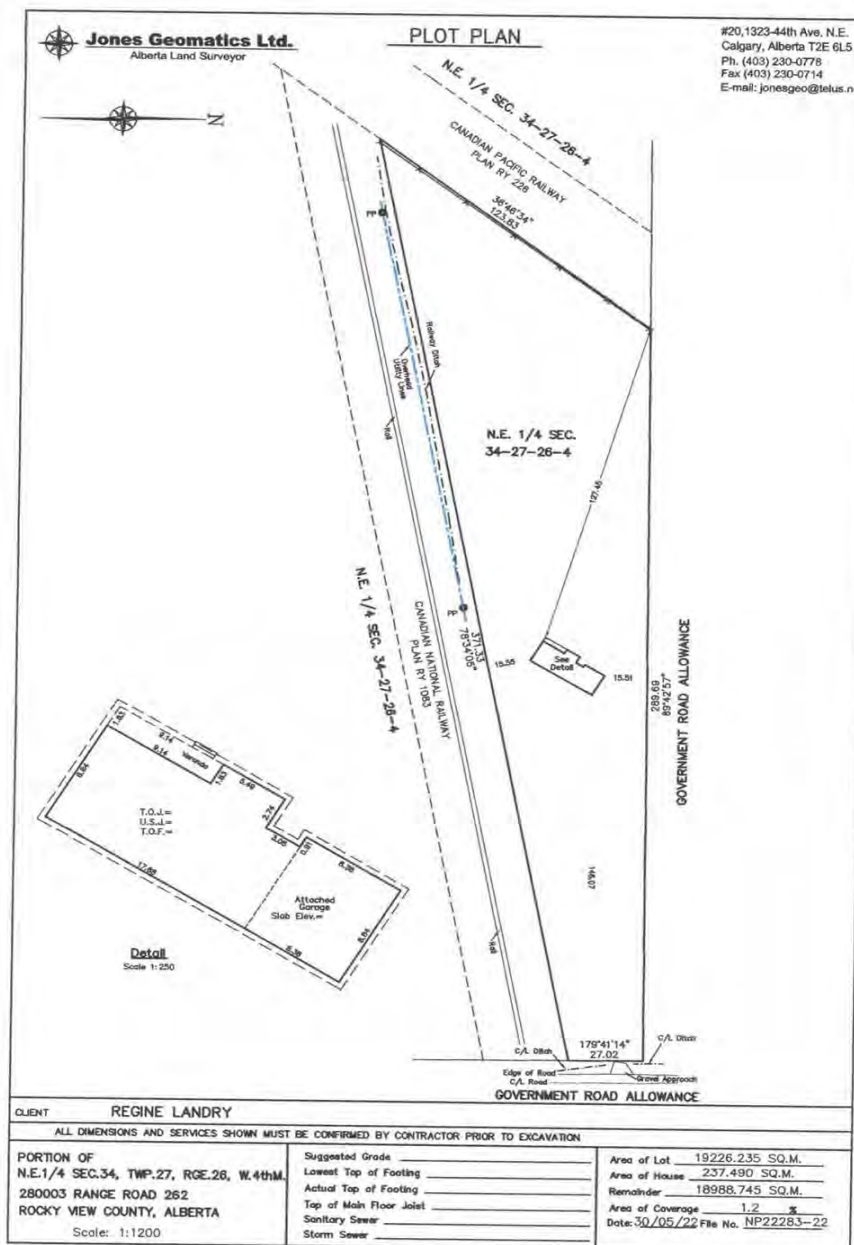
D. Young

for the Respondent, Rocky View County

**Corrigendum of the Memorandum of Judgment of
The Honourable Justice Thomas W. Wakeling
Concurring in the Result**

Page 16, 21, 23 & 26 The italicized text in Heading VI. A, VI. B, VI. B.1, VI.B.2 and VI.C in the Concurring Memorandum of Judgment of the Honourable Mr. Justice T. W. Wakeling has been removed and replaced with bolded text.

Schedule A



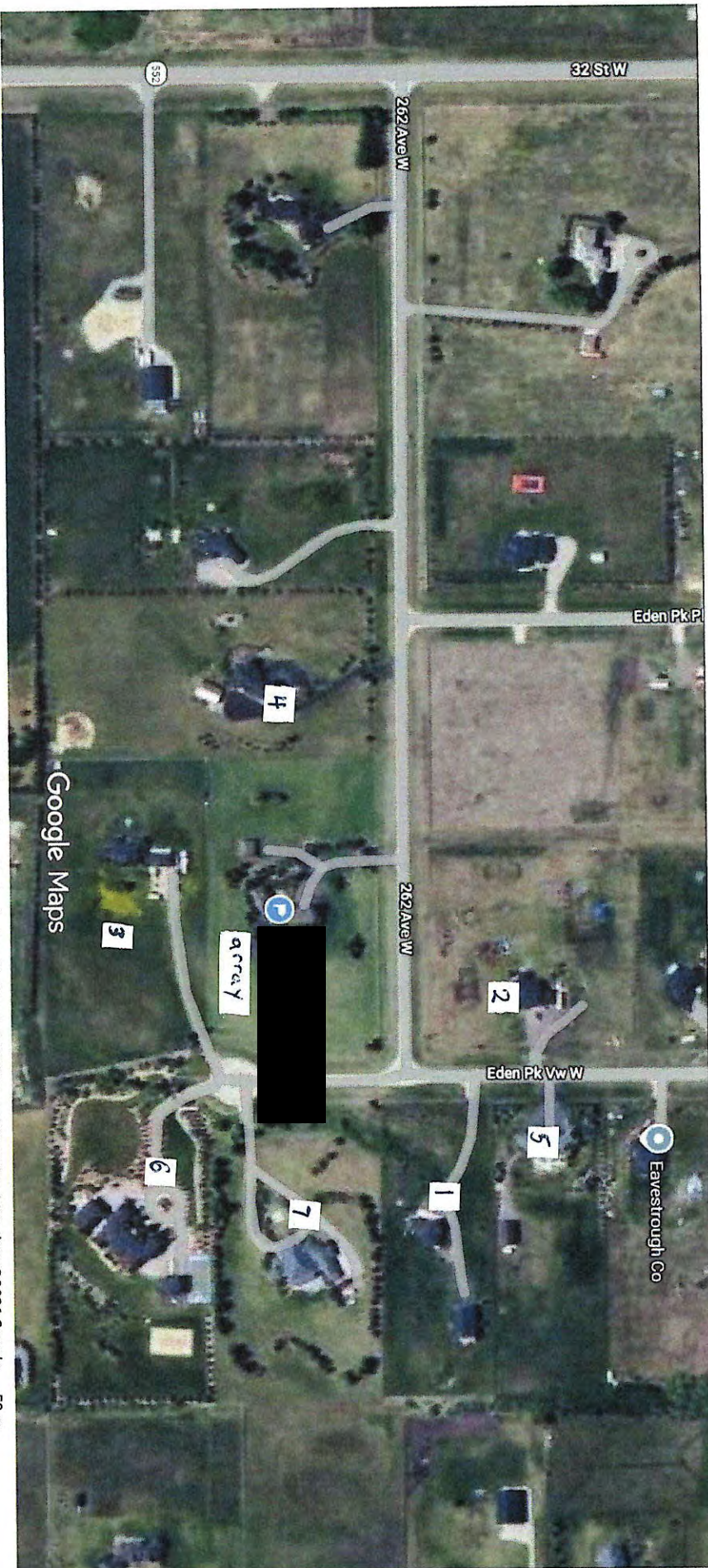
2025 ABCA 34 (CanLII)

Howard and Catherine Bye

Nuvo Solar Array Project Neighbor Notifications

04-Jun-26

Map Location	Residence	Consent	Consent Form Signed	Comments
1	258058 Eden Pk Vw W	✓	✓	No objections
2	258053 Eden Pk Vw W	✓	✓	No objections
3	262021 Eden Pk View W	✓	✓	No objections
4	258040 Eden Park View	✓	✓	No objections
5	16207 262 Ave W	✓	✓	No objections
6	262022 Eden Pk Vw W	×	×	Opposed and appealed.
6	262016 Eden Pk Vw W	×	×	Tried, but unable to contact home owner. They appealed.



Imagery ©2026 Airbus, CNES / Airbus, Maxar Technologies, S. Alberta MDE31s and Counties, Map data ©2026 Google 50 m

NUVO RENEWABLES

Dear Neighbours,

I have contracted Nuvo Renewables to install a photovoltaic ground mount system on my property located at [REDACTED]. Please see the photo below for the proposed location of the array. As part of the land development approval process for Foothills County, I require your acknowledgment of this project. Please provide your name, date, and signature below to indicate your support. I truly appreciate your time and cooperation.

Thanks,

Howard Bye

[REDACTED]

Project Location



Name	Date	Signature
[REDACTED] GORDON STEWARD	18/4/26	[REDACTED]

①



NUVO RENEWABLES

Dear Neighbours,

I have contracted Nuvo Renewables to install a photovoltaic ground mount system on my property located at [REDACTED]. Please see the photo below for the proposed location of the array. As part of the land development approval process for Foothills County, I require your acknowledgment of this project. Please provide your name, date, and signature below to indicate your support. I truly appreciate your time and cooperation.

Thanks,

Howard Bye



Project Location



Name	Date	Signature
Edla Cole	Apr 18, 2026	[REDACTED]

②



NUVO RENEWABLES

Dear Neighbours,

I have contracted Nuvo Renewables to install a photovoltaic ground mount system on my property located at [REDACTED]. Please see the photo below for the proposed location of the array. As part of the land development approval process for Foothills County, I require your acknowledgment of this project. Please provide your name, date, and signature below to indicate your support. I truly appreciate your time and cooperation.

Thanks,

Howard Bye,

[REDACTED]

Project Location



Name	Date	Signature
Robin Mikkelson	April 26/26	[REDACTED]

③

NUVO RENEWABLES

Dear Neighbours,

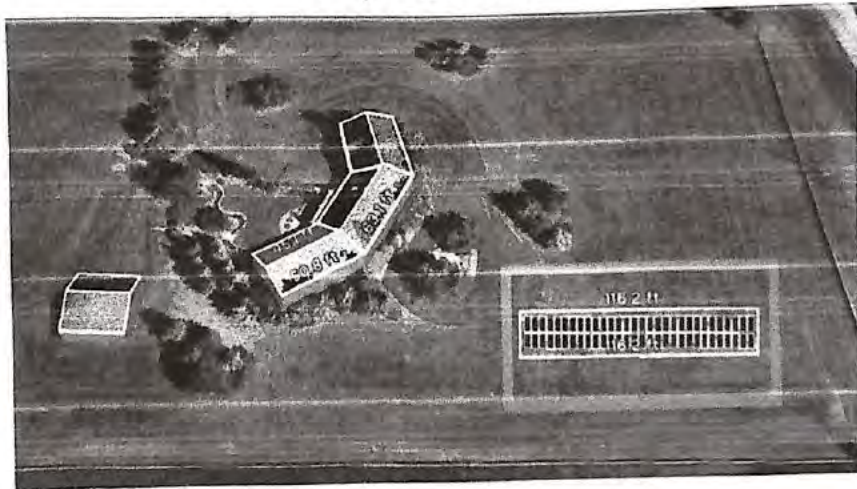
I have contracted Nuvo Renewables to install a photovoltaic ground mount system on my property located at [REDACTED]. Please see the photo below for the proposed location of the array. As part of the land development approval process for Foothills County, I require your acknowledgment of this project. Please provide your name, date, and signature below to indicate your support. I truly appreciate your time and cooperation.

Thanks,

Howard Bye /



Project Location



Name	Date	Signature
Colby Bell [REDACTED]	June 3/2026	[REDACTED]

(4)

NUVO

RENEWABLES

Dear Neighbours,

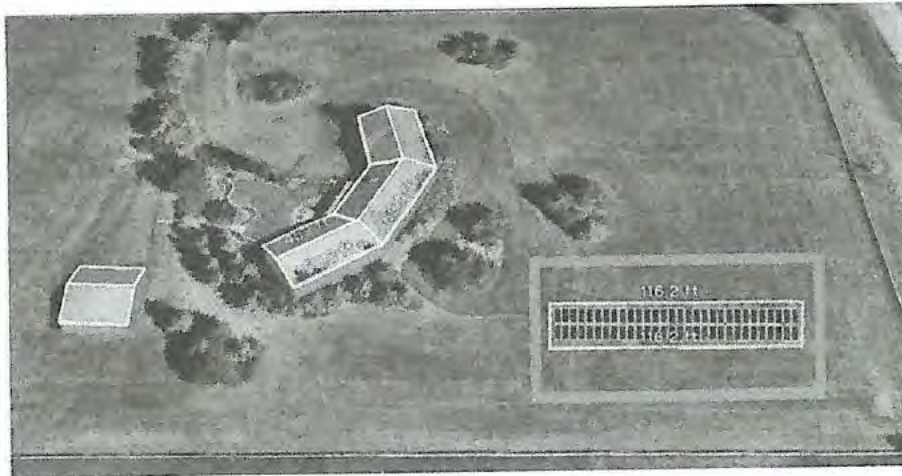
I have contracted Nuvo Renewables to install a photovoltaic ground mount system on my property located at [REDACTED]. Please see the photo below for the proposed location of the array. As part of the land development approval process for Foothills County, I require your acknowledgment of this project. Please provide your name, date, and signature below to indicate your support. I truly appreciate your time and cooperation.

Thanks,

Howard Bye /

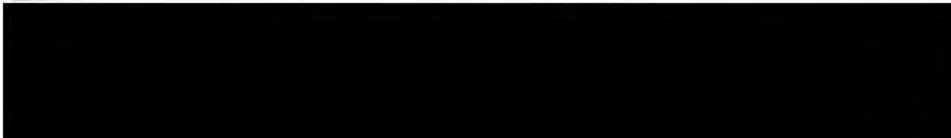


Project Location



Name	Date	Signature
Shane Vollmann	June 3 2026	[REDACTED]
Percy Vollmann	06-03-2024	[REDACTED]

(5)











Hearing and decision

687(1) At a hearing under section 686, the board hearing the appeal must hear

- (a) the appellant or any person acting on behalf of the appellant,
- (b) the development authority from whose order, decision or development permit the appeal is made, or a person acting on behalf of the development authority,
- (c) any other person who was given notice of the hearing and who wishes to be heard, or a person acting on behalf of that person, and
- (d) any other person who claims to be affected by the order, decision or permit and that the subdivision and development appeal board agrees to hear, or a person acting on behalf of that person.

(2) The board hearing the appeal referred to in subsection (1) must give its decision in writing together with reasons for the decision within 15 days after concluding the hearing.

(3) In determining an appeal, the board hearing the appeal referred to in subsection (1)

- (a) repealed 2020 c39 s10(52);
- (a.1) must comply with any applicable land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clauses (a.4) and (d), must comply with any land use bylaw in effect;
- (a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;
- (b) must have regard to but is not bound by the subdivision and development regulations;
- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;

In the Court of Appeal of Alberta

Citation: Worldmark, the Club, Inc v Canmore (Town), 2026 ABCA 187

Date: 20260608
Docket: 2501-0371AC
Registry: Calgary

Between:

Worldmark, the Club, Inc.

Applicant

- and -

**Town of Canmore,
Town of Canmore Subdivision and Development Appeal Board,
and Natures Edge BT Ltd.**

Respondents

**Reasons for Decision of
The Honourable Justice Joshua B. Hawkes**

Application for Permission to Appeal

**Reasons for Decision of
The Honourable Justice Joshua B. Hawkes**

Overview

[1] The applicant Worldmark, The Club, Inc (“Worldmark”) applies for permission to appeal a decision of the Town of Canmore Subdivision and Development Appeal Board (“SDAB”). The decision granted the respondent Natures Edge BT Ltd (“Natures Edge”) a development permit on property it owns adjacent to Worldmark. The appeal is denied for the following reasons.

Facts

[2] A brief review of the unique and complex history of the property is necessary to understand the proposed grounds of appeal and place them in context. The application relates to part of what was once one large lot in Canmore. A visitor accommodation development was approved and built on this lot in 2000. According to the development permit, the Town of Canmore (the “Town”) required the developer to provide 187 parking stalls. This requirement was reflected both in the development permit (DP-97-363), dated November 7, 1997 and in the development agreement between the Town and the developer executed on August 12, 1998, to which Worldmark later succeeded. The development agreement specified that the requirement to provide the parking stalls was made pursuant to section 650 of the *Municipal Government Act*, SA 1994, c M-26.1 as amended.

[3] A portion of the visitor accommodation was developed by a separate entity, Grand Canadian Resort Inc (“Grand Canadian”), and a development agreement between the Town and Grand Canadian, containing the same parking stall requirement pursuant to section 650 of the *Municipal Government Act*, was executed on November 4, 1999.

[4] Both agreements also provided that the Town could register a caveat on title referencing the development agreements. It did so. The agreements also provided that the caveats would be removed once a certificate of completion had issued, and they were. The development agreements were not registered against the subsequently created lots now owned by the respondent Natures Edge.

[5] The applicant properly characterized the subsequent subdivision history of this lot as “complicated”. What began as a single lot at the time of initial development was subdivided in September of 2001 with two of those subdivided lots subsequently consolidated. Some of the parking stalls built to satisfy the conditions of the Worldmark development permit were located on those subdivided lots. An easement and utility right of way agreement was granted over the newly created lots addressing street access, shared surface parking, mining mitigation and utilities. Another easement was granted over the new lots regarding the placement and maintenance of signs

on the property. Both easements were registered on the titles to the properties. Neither the Worldmark development agreements nor the development permit were registered on these titles.

[6] One of the express purposes of the easement and utility right of way was to provide for the optimum utilization of the surface parking lots. Significantly, this easement did not provide for a minimum number of parking stalls but provided limits for the exclusive use of the stalls to 50% for the respective owners. A key provision in that easement states:

The Grantor, as Owner of the Servient Lots, does hereby grant unto the Grantee, as Owner of the Dominant Lots, a non-exclusive easement and right of way to utilize the Surface Parking subject only to the ability of an Owner to designate up to 50% of the Surface Parking located on a Lot as reserved parking for the exclusive use of Occupants of a Lot as designated by the respective Owner, such designation to be by signage installed on each designated packing [sic] stall. Each respective Owner shall bear the cost of maintaining the Surface Parking located on a Lot.

[7] Natures Edge subsequently purchased two of the newly subdivided lots (later consolidated into a single lot). The upshot of this is that 37 of the 187 parking stalls built to satisfy the Worldmark development permit are on property owned by Natures Edge that Natures Edge now seeks to develop. The proposed development will result in the removal of the 37 parking stalls on the Natures Edge property that were initially built to satisfy the Worldmark development permit (and in fact a number of those stalls have already been removed by Natures Edge).

[8] Natures Edge applied for and was granted a conditional development permit on September 2, 2025 for the development of 27 visitor accommodation units and 1 employee housing unit. This is a permitted use for this land under the applicable Land Use Bylaw (“LUB”). The permit was granted on condition that Natures Edge provide 29 vehicle parking stalls together with short- and long-term bicycle stalls. Natures Edge also requested a variance regarding the building height requirement. That variance was not contested and plays no part in this application.

[9] Worldmark filed an appeal of the decision to grant the permit to Natures Edge to the SDAB on September 24, 2025, which was subsequently denied on November 18, 2025. Worldmark now applies to this Court for permission to appeal the decision of the SDAB and has proposed three potential grounds of appeal.

- 1) First, it submits the SDAB erred in its interpretation of the parking requirements for the development under the LUB.
- 2) Second, it submits the SDAB failed to address its submissions regarding what it characterizes as Natures Edge’s lack of a comprehensive plan under the LUB for setback variance.
- 3) Third, it submits the SDAB failed to provide sufficient reasons.

[10] Permission to appeal is denied on all three grounds for the reasons below.

Analysis

[11] The test for permission to appeal a decision of the SDAB is whether the proposed appeal involves a question of law or jurisdiction of sufficient importance and which also has a reasonable chance of success: *Municipal Government Act*, RSA 2000, c M-26, s 688(3).

[12] In this context, sufficient importance is defined in part by its impact on the community more broadly: *Edmonton (City) v Edmonton (Subdivision and Development Appeal Board)*, 2016 ABCA 129 at para 46. A question of sufficient importance generally either has jurisprudential significance or implications beyond the dispute between the parties: *Borgel v Paintearth (Subdivision and Development Appeal Board)*, 2019 ABCA 25 at para 11; *Biernacki v Alberta (Land and Property Rights Tribunal)*, 2022 ABCA 56 at para 11.

Ground 1 – Error in Interpretation of Parking Stall Requirements

[13] The applicants contend that the SDAB failed to properly determine the number of parking stalls required by not considering the original 187 parking stalls in the calculation of the stalls required for the Natures Edge development. They contend that the initial development permits and agreements require that the 187 parking stalls be maintained as an ongoing condition, effectively granting Worldmark and Grand Canadian a proprietary interest in the total number of 187 stalls which includes the stalls now located on the lot purchased by Natures Edge.

[14] Natures Edge responds that this argument is conclusively answered on two basis. First, the number of parking stalls required for Worldmark and Grand Canadian are satisfied under the current LUB, and that number is unaffected by the proposed development. Second, any claim to an interest in parking stalls located on the property purchased by Natures Edge is defeated by the failure to register that interest on title. They contend that the easement registered on title does not stipulate a minimum or a total number of stalls but speaks only to access and allocation of parking stalls.

[15] The interpretation and application of this easement to the parking stall issue is a disputed matter between the parties and further comment on this issue on the brief record available before me is neither necessary nor helpful. The key distinction for these purposes is that the easement reflects an agreement between private parties. That is distinct from the public function performed by the SDAB under the *Municipal Government Act*.

[16] The Town asserts that the issue of parking stalls is an issue of mixed fact and law and therefore not an available basis for permission to appeal to this Court by virtue of s. 688(1)(a) of the *Municipal Government Act*. This Court has previously noted that the issue of parking tends to be fact and site specific and therefore does not give rise to an extricable question of law: *T Sun Holdings Ltd v Calgary (City)*, 2012 ABCA 320 at para 6.

[17] This question raises a narrower issue in this context. The development agreement regarding the creation of the 187 parking stalls at the time of the initial development was registered on title. Once the agreement was satisfied it was discharged. However, the applicant takes the position that the development permit continues to apply, notwithstanding the subsequent subdivision of the original lot, and notwithstanding that it is not registered on the titles subsequently purchased by Natures Edge. It argues that a development permit is analogous to other regulatory conditions that continue to apply but are not registered on title through the land titles system.

[18] Permission to appeal the decision of the SDAB regarding the calculation of the parking stalls required is denied for three reasons. First, as noted above, the determination of the number of parking stalls required is a fact specific and context sensitive exercise. A decision of mixed fact and law from an SDAB cannot be appealed further to this Court: *Stoney Nakoda Nations v Municipal (District of Bighorn No. 8)*, 2020 ABCA 225 at para 11. Second, the factual circumstances of this case, coupled with the complex subdivision history would make any decision of this Court similarly fact specific, and therefore to be of very limited benefit beyond the parties to this dispute. Third, at least as between Natures Edge, Worldmark and Grand Canadian, the dispute around the issue of the parking stalls is a private matter, rather than a land use or development issue in the circumstances of this case. Issues surrounding the interpretation and enforcement of the easement and questions surrounding the indefeasibility of title as acquired by Natures Edge are matters to be resolved between those parties. The SDAB committed no extricable error of law in concluding that the proposed development complied with the current LUB.

Ground 2 – Failure to Address Comprehensive Plan

[19] The proposed development decreased the setbacks required under section 4.11.3.5(b) of the LUB significantly. The applicant notes that, under this section, the setbacks can be decreased “at the discretion of the Development Authority”, and also that the SDAB in hearing this appeal would have “stepped into the shoes” of the Development Authority and must exercise this discretion afresh, if at all. The applicant further points out that the SDAB cannot waive a procedural requirement in the LUB: *Thomas v Edmonton (City)*, 2016 ABCA 57 at para 39.

[20] The applicant raised the matter of setback variance as a ground of appeal at the SDAB hearing. The applicant contends that the SDAB failed to address this ground of appeal and provided no reasons why it was satisfied the setback requirement should be varied, and that this constitutes an error in reasoning, and a failure to consider a mandatory element of the applicable bylaw.

[21] The applicant provided written submissions to the SDAB dated October 28, 2025. Regarding this ground of appeal, the applicant raised concerns I have grouped as follows:

- 1) Natures Edge had not submitted a comprehensive site development as required. The material submitted did not contain a comprehensive plan for lot 3 or for the interactions between lots 3-4 and the Worldmark and Grand Canadian properties.

- 2) The setbacks as described in the submitted documents were unclear both in terms of where and how certain measurements were made or if the Development Authority had granted variances with respect to some of the setbacks as described.

[22] The respondent submits that when the reasons of the SDAB are considered in the full context of the record, the absence of reasons on this issue is explained by the revised plans it submitted that proposed alternative setback alignment within the bounds permitted by s. 4.11.3.5(b) of the LUB. The respondent further argues that whether the revised plans satisfy the requirements of the LUB for a comprehensive plan is a question of mixed fact and law not subject to appeal to this Court.

[23] The respondent submitted revised plans including a site plan labelled “Applicant Response to Ground #3 Comprehensive Site Plan”. It provided new materials on the day of the hearing, and Worldmark was provided with an adjournment to consider that material. When the hearing resumed, counsel for Worldmark made submissions regarding both the Comprehensive Site Plan and the new material as it related to this ground. In those submissions, applicant’s counsel acknowledged that a comprehensive plan had been submitted, and that changes had been made to that plan regarding the east side yard setback to ensure a 15m setback where required. They also acknowledged that the LUB permitted the Development Authority to exercise discretion in approving variations to setbacks in what they described as a complex provision that allowed for a “push-pull” approach to setbacks within a comprehensive plan. They encouraged the SDAB to carefully scrutinize the submitted plan that had been approved by the development authority to see if it met the LUB requirements. They expressed particular concern about the consolidation of what had been two separate lots partway through the approval process and urged the SDAB to exercise caution about approving anything on a lot that was not included as part of the initial application.

[24] In light of those submissions, it would not be unreasonable for the SDAB to conclude that the original argument as submitted in the written materials provided by Worldmark had changed significantly considering the material filed by Natures Edge in response. The issue was no longer that no comprehensive plan had been submitted, but rather, whether the acknowledged plan in conjunction with the powers granted to the development authority otherwise satisfied the requirements of the LUB.

[25] That revised question was now one of mixed fact and law. While it certainly would have been better for the SDAB to expressly set out its decision on this issue, rather than through the conclusory statement that the application is approved “in accordance with the revised plans”, I am not satisfied this amounts to an error requiring review by this Court. It is far from clear that an opportunity to revisit the obligation to provide reasons, particularly given the full context here, would be an issue of significance beyond the parties. This Court has frequently and recently commented on the approach to be taken in assessing the sufficiency of reasons from Subdivision and Development Appeal Boards. Further, the failure to provide adequate reasons, standing alone, will rarely be a sufficient basis for permission to appeal: *Fraser v Edmonton (City)*, 2021 ABCA

195 at para 36; *Edmonton (City of) Library Board v Edmonton (City of)*, 2020 ABCA 170 at para 28.

Ground 3 – Failure to Provide Sufficient Reasons

[26] Regarding the third ground of appeal, despite the headings used in the SDAB report it is clear that the reasons are not confined simply to the conclusions under that heading titled “reasons for decision” but encompass other sections such as the findings of fact. Reasons are also discernable in the context of the totality of the record and do not act as a stand-alone ground of appeal: *Fraser v Edmonton (City)*, *Edmonton (City of) Library Board v Edmonton (City of)*; *Zhuromsky v Calgary (City)*, 2025 ABCA 352 at paras 5, 23-24. Permission to appeal is denied on the third proposed ground.

Conclusion

[27] Permission to appeal is denied.

Application heard on April 29, 2026

Reasons filed at Calgary, Alberta
this 8th day of June, 2026

Hawkes J.A.

Appearances:

B.J. Anderson, KC

K. Elhatton-Lake

for the Applicant

L. Chalaturnyk

for the Respondent (Town of Canmore)

J.A. Agrios, KC

for the Respondent (Town of Canmore Subdivision and Development Appeal Board)

L. Kelly

for the Respondent (Natures Edge BT Ltd)

Dear Subdivision and Development Appeal Board,

Re: Development Permit 26D 075 – Ground Mount Solar Power System, Private
Legal Description: Block 3, Lot 7, Plan 01 10200

My name is Mark Kharfan, my family and I are the owners of Block 3, Lot 10, located adjacent to the proposed solar development on Block 3, Lot 7. I respectfully submit this statement in support of our appeal of the approval of this discretionary use development.

My family built our home fourteen years ago in this country's residential community near De Winton. At the time, the subdivision consisted primarily of open land, natural landscapes, and unobstructed views. We chose this location specifically because of its peaceful rural setting, natural environment, open spaces, and mountain views. From the beginning, we invested significant time and resources into planting trees, landscaping our property, and creating a long-term family home that complemented the natural character of the area.

Our family includes my wife and I and our four children who live on this property. We deliberately chose acreage living because it provided a safe, healthy, and active outdoor environment where our children could grow up enjoying nature, recreation, and the quiet country lifestyle. Over the years, we have developed numerous outdoor amenities including a beach volleyball court, sport court, a fire pit area, play park and trampoline, large recreational areas, and a winter skating rink that we maintain each year. Our property is actively used throughout all seasons. Our children continue to live at home and regularly participate in volleyball, basketball, tennis, soccer, hockey, roller hockey, and field hockey. Our property has become a gathering place for friends, teammates, and family members who enjoy these facilities and the outdoor lifestyle that this community and our property provides. In addition to the use of our own property, our family regularly walks, cycles, and enjoys the surrounding neighbourhood. The country residential character of this community, combined with the natural environment and mountain views, is a significant part of our daily lives and one of the primary reasons we chose to build our home in this location.

The proposed solar development would introduce a large industrial-style installation and appearance into what is a natural rural setting. There are also noise and operational disturbances that would compromise the area. This structure is directly in front of our yard. While we support responsible renewable energy development, our concern is with the size, location and compatibility of this project within an established country residential subdivision. As this proposal is a discretionary use under the Foothills County Land Use Bylaw, we respectfully submit that the board should carefully consider the compatibility of the development with the surrounding county residential community. Considering the oversize of the solar system an outbuilding and

shed are already existing on this property. Regarding the setback rules under the Foothills County Land Use Bylaw the proposed structure is not 15 meters from property line or 48 meters from the centre of a municipal road which is our primary concern, it being so close to the property line.

The visual and usage impacts of this development will not be limited to a single neighbouring property. Based on the subdivision layout, the project will affect multiple surrounding residences, including Lots 8, 9, and 10. The proposed installation appears to have no natural screening and will become a prominent daily industrial visual feature within the community. We are unsure of potential glare from this structure as there is a road we use daily beside the structure and the setback rules are not being met. Our second floor and front of our home face this structure and we don't know if this may become a concern. The applicant's home is screened with full mature spruce trees and windows are not overlooking this solar structure. The proposed stand alone solar structure would become a dominant man-made feature within that landscape and permanently alter the visual character of the area. The personal benefits of the project to a single property owner should be balanced against the long-term impacts imposed on neighbouring families who have invested substantially in their homes, properties, and quality of life.

For our family, this appeal is not simply about a neighbouring development. It is about protecting the lifestyle, environment, and community that we deliberately chose when we built our home twelve years ago. The open landscapes, natural surroundings, mountain views, and peaceful rural character of this area were fundamental reasons for our decision to build and raise our family here. The proposed development would permanently change those qualities and negatively impact the use, enjoyment, and character of our property and community.

We respectfully request that the Subdivision and Development Appeal Board overturn the approval of Development Permit 26D 075.

Thank you for your consideration of our appeal.

Sincerely,

Mark Kharfan

Owner, Block 3 Lot 10

Foothills County, Alberta



Christopher Davis <chris@chrisdavislaw.ca>

Re: Notice of Appeal - 26D 075

1 message

Yolanda Zhong [REDACTED]
To: Christopher Davis <chris@chrisdavislaw.ca>

Mon, Jun 8, 2026 at 1:04 PM

Thank you for your email.

My family and I moved to this area approximately five years ago from Saskatoon. One of the primary reasons we chose this property was the rural and pastoral character of the community. We were looking for a place with open views, natural surroundings, and a peaceful country atmosphere that is becoming increasingly difficult to find.

Our property is surrounded by trees, gardens, flowers, and open green space. From our windows, front entrance, and deck, we enjoy expansive views of the landscape in every direction. The scenery feels more like a park than a residential subdivision, and this natural environment is an important part of our daily life and one of the main reasons we invested in this property.

The proposed solar panel array would significantly change that experience. The neighbouring property is already situated at a higher elevation than ours. Placing a large-scale solar installation in such a prominent location, directly visible from our home and entrance, would create a substantial visual impact. There are currently no significant trees or vegetation that would screen or soften the view of the proposed development.

In my opinion, the size and appearance of the proposed solar facility are inconsistent with the existing rural residential character of the area. Rather than looking out onto open countryside and natural scenery, we would be looking toward what feels more like an industrial or utility-related development. This would negatively affect our enjoyment of our property and diminish the peaceful rural atmosphere that attracted us to this community in the first place.

This impact would not be limited to our family alone. Many neighbouring properties would be affected by the visual presence of a large solar installation that does not fit with the established character of the surrounding area.

Thank you for considering my comments.

The letter I prepared reflects the main points that I would like to express regarding the impact of the proposed solar development on my family and our enjoyment of the property.

Could you please advise who this letter should be addressed to? Should it be written directly to the County, the Development Authority, the Appeal Board, or submitted through you as part of the appeal materials?

Sincerely,

Yolanda

On Mon, Jun 8, 2026 at 6:10 AM Christopher Davis <chris@chrisdavislaw.ca> wrote:

Yolanda:

Could you write a letter or an email to describe how important the rural and pastoral nature is of the area for you and your family? It's helpful to get something in your own words about why this proposed solar panel array is an unexpected and negative intrusion into your enjoyment of your property.

Chris

CHRIS DAVIS
Senior Lawyer - Municipal Law - Legal Services

chris@chrisdavislaw.ca
(403)701-2775

Sent from my iPhone

On Sun, Jun 7, 2026 at 8:45 PM Yolanda Zhong [REDACTED] > wrote:

Hello Chris,

I have attached several photos taken from our property. Some were taken from our gate , while others were taken from the deck. Please note that these photos were taken during the summer, and many parts of the view are currently obscured by foliage. In the autumn and winter, after the leaves have fallen, the view toward the proposed development area will be much more open.

I hope these photos will be helpful for the appeal submission. If you require any additional photos or other relevant information, please do not hesitate to let me know.

Thank you for your continued efforts on this matter.

Kind regards,

Yolanda

On Wed, Jun 3, 2026 at 12:46 PM Mark Kharfan [REDACTED] > wrote:

Good day, Chris

We are working on this at the moment; now we have some sunlight, creating as much content together with photos. We hope to have it to you as soon as possible. Thank you.

Mark Kharfan

President | [REDACTED]

MK Auto Group
101, 7907 Flint RD SE
Calgary, AB T2H 1G3



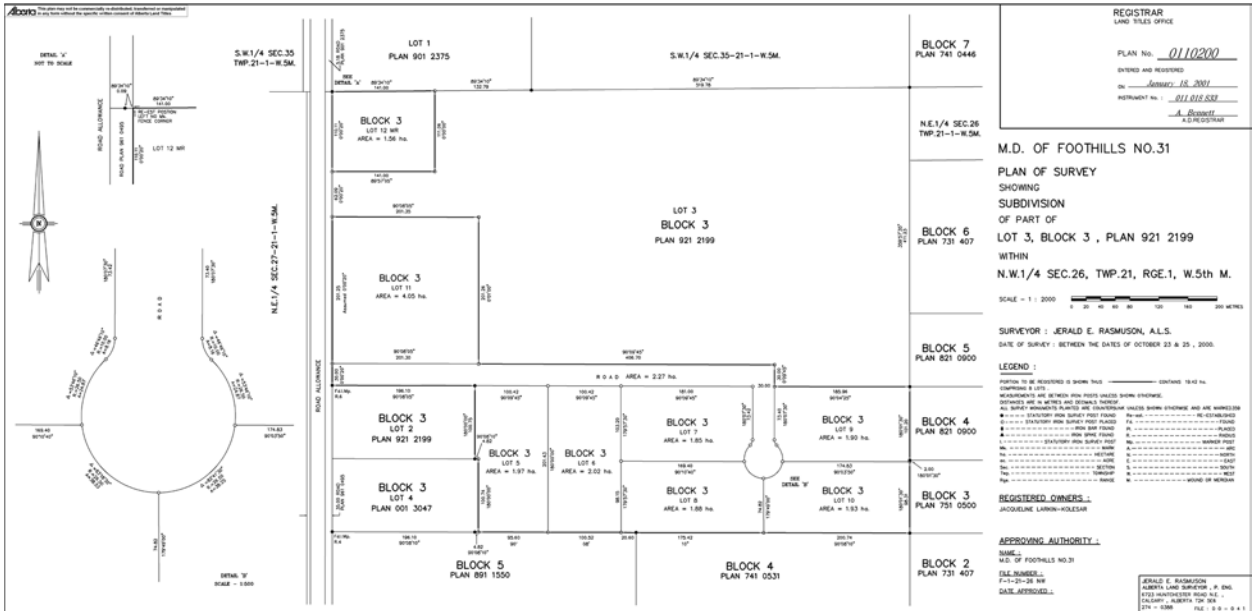














LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0028 719 177 0110200;3;7 131 277 407

LEGAL DESCRIPTION
PLAN 0110200
BLOCK 3
LOT 7
EXCEPTING THEREOUT ALL MINES AND MINERALS
AREA: 1.85 HECTARES (4.57 ACRES) MORE OR LESS

ESTATE: FEE SIMPLE
ATS REFERENCE: 5;1;21;26;NW

MUNICIPALITY: FOOTHILLS COUNTY

REFERENCE NUMBER: 071 113 475

REGISTERED OWNER(S)				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
131 277 407	28/10/2013	TRANSFER OF LAND	\$1,375,000	\$1,375,000

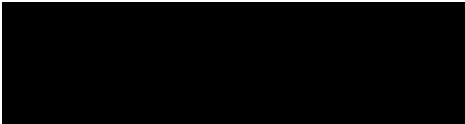
OWNERS

CATHERINE LAVONNE BYE

AND

JOHN HOWARD BYE

BOTH OF:



AS JOINT TENANTS

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
001 075 831	22/03/2000	UTILITY RIGHT OF WAY GRANTEE - ATCO GAS AND PIPELINES LTD.

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2
131 277 407

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

011 018 806 18/01/2001 CAVEAT
RE : DEVELOPMENT AGREEMENT PURSUANT TO MUNICIPAL
GOVERNMENT ACT
CAVEATOR - THE MUNICIPAL DISTRICT OF FOOTHILLS NO.
31.
BOX 5605
HIGH RIVER
ALBERTA T1V1M7

011 018 834 18/01/2001 RESTRICTIVE COVENANT

TOTAL INSTRUMENTS: 003

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 25 DAY OF MAY,
2026 AT 11:29 A.M.

ORDER NUMBER: 57241616

CUSTOMER FILE NUMBER:



END OF CERTIFICATE

THIS ELECTRONICALLY TRANSMITTED LAND TITLES PRODUCT IS INTENDED
FOR THE SOLE USE OF THE ORIGINAL PURCHASER, AND NONE OTHER,
SUBJECT TO WHAT IS SET OUT IN THE PARAGRAPH BELOW.

THE ABOVE PROVISIONS DO NOT PROHIBIT THE ORIGINAL PURCHASER FROM
INCLUDING THIS UNMODIFIED PRODUCT IN ANY REPORT, OPINION,
APPRAISAL OR OTHER ADVICE PREPARED BY THE ORIGINAL PURCHASER AS
PART OF THE ORIGINAL PURCHASER APPLYING PROFESSIONAL, CONSULTING
OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).



LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0028 719 185 0110200;3;8 091 190 886

LEGAL DESCRIPTION
PLAN 0110200
BLOCK 3
LOT 8
EXCEPTING THEREOUT ALL MINES AND MINERALS
AREA: 1.88 HECTARES (4.65 ACRES) MORE OR LESS

ESTATE: FEE SIMPLE
ATS REFERENCE: 5;1;21;26;NW

MUNICIPALITY: FOOTHILLS COUNTY

REFERENCE NUMBER: 041 289 474

REGISTERED OWNER(S)					
REGISTRATION	DATE (DMY)	DOCUMENT	TYPE	VALUE	CONSIDERATION
091 190 886	07/07/2009	ORDER		\$2,000,000	FORECLOSURE

OWNERS

STRATEGIC FINANCIAL CORP.



ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION	DATE (D/M/Y)	PARTICULARS
981 394 458	16/12/1998	UTILITY RIGHT OF WAY GRANTEE - FORTISALBERTA INC. 320 - 17 AVENUE S.W. CALGARY ALBERTA T2S2Y1 PORTION AS DESCRIBED (DATA UPDATED BY: TRANSFER OF UTILITY RIGHT OF WAY 001342171)

(CONTINUED)

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THE ABOVE PROVISIONS DO NOT PROHIBIT THE ORIGINAL PURCHASER FROM INCLUDING THIS UNMODIFIED PRODUCT IN ANY REPORT, OPINION, APPRAISAL OR OTHER ADVICE PREPARED BY THE ORIGINAL PURCHASER AS PART OF THE ORIGINAL PURCHASER APPLYING PROFESSIONAL, CONSULTING OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S) .



LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0028 719 201 0110200;3;10 111 121 053

LEGAL DESCRIPTION
PLAN 0110200
BLOCK 3
LOT 10
EXCEPTING THEREOUT ALL MINES AND MINERALS
AREA: 1.93 HECTARES (4.77 ACRES) MORE OR LESS

ESTATE: FEE SIMPLE
ATS REFERENCE: 5;1;21;26;NW

MUNICIPALITY: FOOTHILLS COUNTY

REFERENCE NUMBER: 101 121 091

REGISTERED OWNER(S)				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
111 121 053	17/05/2011	TRANSFER OF LAND	\$532,000	NOMINAL

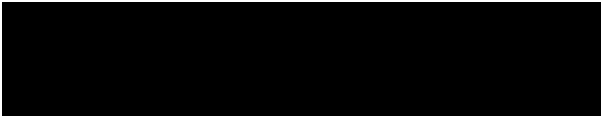
OWNERS

MARK KHARFAN

AND

SHANNON KHARFAN

BOTH OF:



AS JOINT TENANTS

(DATA UPDATED BY: CHANGE OF ADDRESS 201162820)

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION	DATE (D/M/Y)	PARTICULARS
001 075 831	22/03/2000	UTILITY RIGHT OF WAY GRANTEE - ATCO GAS AND PIPELINES LTD.

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2
111 121 053

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

011 018 806 18/01/2001 CAVEAT
RE : DEVELOPMENT AGREEMENT PURSUANT TO MUNICIPAL
GOVERNMENT ACT
CAVEATOR - THE MUNICIPAL DISTRICT OF FOOTHILLS NO.
31.
BOX 5605
HIGH RIVER
ALBERTA T1V1M7

011 018 834 18/01/2001 RESTRICTIVE COVENANT

201 162 821 09/09/2020 MORTGAGE
MORTGAGEE - ROYAL BANK OF CANADA.
PERSONAL SERVICE CENTRE
10 YORK MILLS ROAD, 3RD FLOOR
TORONTO
ONTARIO M2P0A2
ORIGINAL PRINCIPAL AMOUNT: \$4,900,000

TOTAL INSTRUMENTS: 004

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 25 DAY OF MAY,
2026 AT 11:29 A.M.

ORDER NUMBER: 57241616

CUSTOMER FILE NUMBER:



END OF CERTIFICATE

THIS ELECTRONICALLY TRANSMITTED LAND TITLES PRODUCT IS INTENDED
FOR THE SOLE USE OF THE ORIGINAL PURCHASER, AND NONE OTHER,
SUBJECT TO WHAT IS SET OUT IN THE PARAGRAPH BELOW.

THE ABOVE PROVISIONS DO NOT PROHIBIT THE ORIGINAL PURCHASER FROM
INCLUDING THIS UNMODIFIED PRODUCT IN ANY REPORT, OPINION,
APPRAISAL OR OTHER ADVICE PREPARED BY THE ORIGINAL PURCHASER AS
PART OF THE ORIGINAL PURCHASER APPLYING PROFESSIONAL, CONSULTING
OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).



LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0028 719 193 0110200;3;9 211 245 930

LEGAL DESCRIPTION
PLAN 0110200
BLOCK 3
LOT 9
EXCEPTING THEREOUT ALL MINES AND MINERALS
AREA: 1.9 HECTARES (4.7 ACRES) MORE OR LESS

ESTATE: FEE SIMPLE
ATS REFERENCE: 5;1;21;26;NW

MUNICIPALITY: FOOTHILLS COUNTY

REFERENCE NUMBER: 101 247 287

REGISTERED OWNER(S)					
REGISTRATION	DATE (DMY)	DOCUMENT	TYPE	VALUE	CONSIDERATION
211 245 930	08/12/2021	ORDER		\$2,800,000	\$2,800,000

OWNERS

HONGYU ZHONG


ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION	DATE (D/M/Y)	PARTICULARS
981 394 458	16/12/1998	UTILITY RIGHT OF WAY GRANTEE - FORTISALBERTA INC. 320 - 17 AVENUE S.W. CALGARY ALBERTA T2S2Y1 PORTION AS DESCRIBED (DATA UPDATED BY: TRANSFER OF UTILITY RIGHT OF WAY 001342171)

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2
211 245 930

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

(DATA UPDATED BY: CHANGE OF NAME 051030232)

001 075 831 22/03/2000 UTILITY RIGHT OF WAY
GRANTEE - ATCO GAS AND PIPELINES LTD.

011 018 806 18/01/2001 CAVEAT
RE : DEVELOPMENT AGREEMENT PURSUANT TO MUNICIPAL
GOVERNMENT ACT
CAVEATOR - THE MUNICIPAL DISTRICT OF FOOTHILLS NO.
31.
BOX 5605
HIGH RIVER
ALBERTA T1V1M7

011 018 834 18/01/2001 RESTRICTIVE COVENANT

011 262 882 10/09/2001 UTILITY RIGHT OF WAY
GRANTEE - FORTISALBERTA INC.
320-17 AVE SW
CALGARY
ALBERTA T2S2V1
PORTION AS DESCRIBED

(DATA UPDATED BY: CHANGE OF NAME 041477006)

231 210 386 12/07/2023 BUILDER'S LIEN
LIENOR - FLAMES PLUMBING AND HEATING LTD.
3, 4024 GLENPARK CRESCENT SW
CALGARY
ALBERTA T3E4A5
AGENT - JIAN MU
AMOUNT: \$12,059
DATE RECEIVED: MAY 11, 2023

TOTAL INSTRUMENTS: 006

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 25 DAY OF MAY,
2026 AT 11:29 A.M.

ORDER NUMBER: 57241616

CUSTOMER FILE NUMBER:



END OF CERTIFICATE

THIS ELECTRONICALLY TRANSMITTED LAND TITLES PRODUCT IS INTENDED FOR THE SOLE USE OF THE ORIGINAL PURCHASER, AND NONE OTHER, SUBJECT TO WHAT IS SET OUT IN THE PARAGRAPH BELOW.

THE ABOVE PROVISIONS DO NOT PROHIBIT THE ORIGINAL PURCHASER FROM INCLUDING THIS UNMODIFIED PRODUCT IN ANY REPORT, OPINION, APPRAISAL OR OTHER ADVICE PREPARED BY THE ORIGINAL PURCHASER AS PART OF THE ORIGINAL PURCHASER APPLYING PROFESSIONAL, CONSULTING OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S) .

**ALBERTA GOVERNMENT SERVICES
LAND TITLES OFFICE**

IMAGE OF DOCUMENT REGISTERED AS:

011018834

ORDER NUMBER: 57241888

ADVISORY

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RESTRICTIVE COVENANT

JACQUELINE LARKIN KOLESAR, of Dewinton, Alberta (hereinafter referred to as the "Developer") is the registered owner of certain lands situated near DeWinton, in the Province of Alberta, and more particularly described in Schedule "A" attached hereto and by this reference made a part hereof (hereinafter collectively called "the lots" or individually referred to as a "lot" as the context hereof requires),

AND WHEREAS the Developer is developing a planned housing subdivision on the lots and considers it is desirable for the greater enjoyment of the lots and that it will increase the value of the lots and it is for the benefit of all of the future owners of the individual lots and that it will protect the owner of each lot against the improper development and use of surrounding lots as will depreciate the value of his lot and that it will prevent haphazard or inharmonious improvements or improper designs or materials, to impose and annex certain restrictions and covenants to the lots and that in making sales of the lots that the lots shall be conveyed subject to the restrictions, covenants and limitations hereinafter set forth:

AND WHEREAS the following covenants and conditions are to be administered and some discretion will be allowed where specifics of an application warrant and there is no substantial departure from the intent and substance of this Restrictive Covenant.

NOW THEREFORE KNOW ALL PERSONS BY THESE PRESENTS that the Developer does for herself, her transferees and assigns, covenants and agrees and does hereby annex the following covenants and conditions to the aforesaid lots:

1. All of the lots shall be subject to the restrictions and conditions herein set forth which shall be deemed to be covenants running with the land and annexed to the land and shall be binding upon and inure to the benefit of each lot and the registered owners of each lot, while they are such registered owners from time to time.
2. No attached or semi-attached house, duplex or apartment shall be constructed or erected, nor shall any house designed for more than one family be built. There shall not be constructed more than one detached single family dwelling on anyone lot and every single family dwelling must have at least a two-car attached or semi-attached garage.
3. No mobile home shall be parked or placed on any lot. The phrase "mobile home" shall herein include a house or trailer or other similar portable accommodation for one or more persons that may be moved by being towed, pulled or carried

4. The buildings erected on any lot shall include, only, a private single dwelling house with attached double or triple garage. A structure to conceal recreational trailers and recreational vehicles may be constructed provided it conforms to the architectural style and exterior finish of the dwelling house. There shall not be constructed on any lot any detached garage, storage sheds, or structures to conceal heavy equipment, gasoline tanks and other fuel tanks and stands therefore. Garden sheds and Greenhouses may be constructed provided they conform to the architectural style and exterior finish of the dwelling house and do not exceed three hundred square feet.
5. If a lot owner wishes to store a recreational vehicle, it must be a recreational vehicle which is owned by the lot owner and is restricted to one of such recreational vehicle.
6. No fuel, gasoline, oil, chemicals of any nature or biological waste (excepting waste in properly installed septic tanks) shall be stored on any lots in an amount excess of 100 litres.
7. The minimum habitable floor area, excluding basement, of any single family dwelling upon any lot shall be:
 - a) 1,800 square feet for a bungalow or bi-Level dwelling; 2,200
 - b) square feet for a split level or two storey dwelling;

In calculating the ground area of a dwelling house, the measurements for the above calculations shall be taken as the outside measurements of the main walls of the building and ground level and shall not include any garage which does not have habitable rooms above it and shall not include any porch, veranda or unheated sunroom.

8. No dwelling house on any single lot shall be used for any purpose other than that of a private dwelling for a single family.
9. The exterior finish, roof, windows, log finish, siding or stucco of any single family dwelling must be completed within 12 months of the initial excavation of the foundation of the said dwelling.
10. Any garden shed or greenhouse erected on the property shall be architecturally compatible with the said dwelling house or commensurate with the country residential subdivision, utilising the same roofing materials as the dwelling house with only steel, aluminum, log finish, vinyl or stucco sidings acceptable.

11. No excavation shall be made except for the purposes of construction or improvement of the buildings, gardens or grounds. No person shall alter the existing drainage and all open areas of the said lots shall be maintained in a dust-free condition by landscaping with trees, shrubs, suitable ground cover or undisturbed natural growth. Trees shall not be planted in continuous rows. Fences shall be restricted to a maximum height of 4 feet 6 inches and the same shall not be of solid board construction. The approach to the said lot shall be of gravel or better quality. All lots and buildings thereon shall be maintained in a clean and tidy manner and in good and substantial repair. Garbage and refuse shall be removed at least weekly. Garbage containers and receptacles shall be enclosed or screened from view.
12. Any garden shed or greenhouse erected on the property must be sided and completed within 12 months of the commencement of construction of building.
13. The interior of the dwelling and final building inspection shall be fully completed (excluding any basement development) within 24 months of commencement of the initial excavation of the foundation thereof.
14. No heavy equipment or tractor trailers shall be stored or operated on the property other than for the purposes of construction of the dwelling or improvement of the property. In the event that a lot owner is an owner or operator of such equipment for commercial purposes, such equipment shall not be stored or operated within the subdivision other than as set out above.
15. If a lot owner is to keep dogs on their lot, suitable fences or electric restraint systems are to be installed to ensure that any such dogs do not leave the lot owner's property. No lot owner shall have any more than two (2) dogs on the property and the dog(s) must be confined indoors between the hours of 10:00 p.m. and 6:00 a.m.
16. No livestock or animals of any nature shall be raised on the lot for commercial purposes.
17. Eden Park Estates consists of Three (3) Phases of Development, this Restrictive Covenant shall apply to all three phases as they develop and are approved through the planning process by the Municipal District of Foothills No. 31. Residents of Eden Park Estates are duly advised of subsequent phases of development and shall not object or oppose the development of future phases in accordance with the Eden Park Estates Area Structure Plan (Bylaw 114/2000).
18. Sewage disposal is the responsibility of the individual lot owner and shall be in accordance with the requirements of the Municipal District of Foothills and provincial regulations.
19. Household and other garbage must be removed from the property at least monthly and disposed of in accordance with the local laws at the expense of the landowner.
20. These covenants shall be and are deemed to be covenants running with the land and shall be personally binding upon the successors and assigns of the property herein referred to.

- 21. No covenants herein shall be deemed to restrict any provision of any development control bylaw, development control resolutions, zoning regulation or land use regulation, or any other similar bylaw, resolution or regulation, passed or imposed by any governmental authority but the covenants herein are to be considered as additional restrictions.
- 22. If any of the preceding covenants is determined to be void or unenforceable, in whole or in part, such invalidity or unenforceability of that covenant(s) shall not affect any other covenant and the remaining covenant(s) shall be deemed to be separate and distinct covenants.
- 23. This Agreement shall not merge upon the delivery or registration of a Transfer of any lot but shall survive same

IN WITNESS WHEREOF the Developer have hereunto set their hands and corporate seals, this 11 day of December 2000

SIGNED IN PRECENSE OF:

)
)
)
)
)
)
)
)
)
)

Jacqueline Larkin-Kolesar

Witness

AFFIDAVIT OF EXECUTION

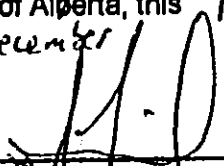
CANADA)
)
PROVINCE OF ALBERTA)
)
TO WIT:)
)

1. Lana Maskaluk
of the City of Calgary
in the Province of Alberta

MAKE OATH AND SAY:

1. That I was personally present and did see JACQUELINE LARKIN-KOLESAR named in the within (or annexed) Instrument who is personally known to me to be the person named therein, duly sign and execute the same for the purpose named therein.
2. That the same was executed at the City of Calgary in the Province of Alberta, and that I am the subscribing witness thereto.
3. That I know the said JACQUELINE LARKIN-KOLESAR and she is in my belief of the full age of 18 years.

SWORN BEFORE ME at the City)
of Calgary)
Province of Alberta, this 11th)
day of December, 2000)
)


_____)
)

) Lana Maskaluk

A Commissioner for Oaths in and
for the Province of Alberta

SCHEDULE A
RESTRICTIVE COVENANT

PLAN 011 0200
BLOCK 3
LOTS 5-11 INCLUSIVE

01101834 REGISTERED 0001 01 18
RPS - RESTRICTIVE COVENANT
DOC 2 OR 2 DRW: 8774791 ADP/ABENNETT



SITE-SPECIFIC USE BYLAW means a bylaw which amends this Bylaw to make provision for a site-specific permitted or discretionary use to be carried out on a specified lot subject to any limitations contained in the bylaw.

SOLAR POWER SYSTEM, PRIVATE means any device used to collect sunlight that is part of a system used to convert radiant energy from the sun into thermal or electrical energy for a single landowner, resident, business, or occupant of a site, for personal, domestic, business use, and/or agriculture uses on-site. Annual electricity produced for the site is generally expected to be equal to consumption. *More information can be found in Section 10.22.*

SOLAR POWER SYSTEM, COMMERCIAL any device used to collect sunlight that is part of a system used to convert radiant energy from the sun into thermal or electrical energy for uses not located on-site (the lands containing the system and/or adjacent lands owned by the same owner) or for distribution and/or sale off-site. *More information can be found in Section 10.22.*

SOLID FENCE means a fence, as defined under this bylaw, constructed out of solid material (including chain link fence with slats) which acts as a visual barrier providing 50% or greater concealment through any openings or spaces in every segment of the fence.

SPECIAL CARE FACILITY means a building or portion thereof which provides for the care or rehabilitation of one or more individuals in the case of a half-way house for five or more individuals in all other cases, with or without the provision of overnight accommodation, and includes nursing homes, geriatric centers and group homes but does not include hostels, childcare facilities, and senior citizens housing.

SPECIAL EVENT shall mean any event or activity, whether indoors or outdoors, which is held at any place within the County and to which members of the public are invited or admitted, whether or not an admission fee is charged, but shall not include family gatherings, community-sponsored events such as Christmas parties, breakfasts, card parties, or other similar social functions. *More information on special events can be found in the Special Events Bylaw 66/97" attached as Appendix H of this bylaw.*

STORAGE COMPOUND – an adequately screened area of a site set aside for the storage of products, goods, vehicles, or equipment in relation to a primary use located and approved on the same site.

STORAGE FACILITY: see *Commercial Storage, Warehousing and Storage*, and *Industrials Storage and Warehousing*.

STORM WATER POND means a catchment area for storm water and surface drainage created by either constructing an embankment or improvement and may be used for flood and downstream erosion control. *More information on regulations related to man-made water bodies can be found in Section 9.18 of this Bylaw.*

STRUCTURE means a building or other thing erected or placed in or on, over or under land, whether or not it is so affixed to the land as to become transferred without special mention by a transfer or sale of the land.

SUB-DISTRICT "A" means the subject lands require special consideration due to physical constraints and environmental characteristics, thus a Development Permit is required prior to any development on the lands as per *Section 2.4* of this bylaw.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD means the Board appointed by Council in accordance with the Municipal Government Act and Municipal Bylaw 01/99.

SUBDIVISION APPROVING AUTHORITY The authority authorized by the County Council to exercise subdivision powers and duties on behalf of the County. *More information can be found on the Subdivision Approving Authority in Section 3.2 of this bylaw.*



LAND USE BYLAW

- i. Construct or pay for all or a portion of an off-site improvement having excess capacity, subject to an endeavor to assist agreement; and
 - j. Provide security in the form of cash or an unconditional Letter of Credit to ensure that the terms of the Development Agreement are carried out in an amount of not less than 100% of the estimated cost of construction of all on-site and off-site infrastructure and site remediation.
- 5.4.2 The Development Authority may, as a condition of issuing a Development Permit for a permitted use or discretionary use, impose any condition that ensures:
 - a. The development is constructed and maintained in accordance with the approved plans.
 - b. The Development Standards set out in the Land Use Bylaw are met.
 - c. Recommendations from technical studies and reports are complied with.
 - d. Applicable provisions of Statutory Plans are complied with; and
 - e. The County's Servicing Standards are met.
- 5.4.3 The Development Authority, may, as a condition of issuing a Development Permit for a Discretionary Use or as a condition of granting a variance to the Development Standards set out in the Land Use Bylaw with respect to either a permitted use or a discretionary use, impose any condition that addresses any relevant planning and development matter including but not limited to:
 - a. Ensuring that the purpose and intent of the Land Use District is met.
 - b. Noise.
 - c. Dust control.
 - d. Landscaping.
 - e. Buffering.
 - f. Lighting.
 - g. Environmental issues.
 - h. Hours of operation.
 - i. Off-site road use including entering into a road use agreement; and
 - j. Any other planning and development consideration that the Development Authority deems appropriate.
- 5.4.4 All pre-release conditions must be met within 5 months of the decision being released, unless otherwise stated in the Development Permit decision.

5.5 DISCRETION

- 5.5.1 A Development Authority may approve a discretionary use provided that it can be demonstrated by information provided by the applicant, that the proposed development:
 - a. Is consistent with the Municipal Development Plan, an applicable area structure plan or area redevelopment plan, and policies adopted by County.
 - b. Is compatible with the general purpose of the district.
 - c. Should not cause traffic impacts (in terms of daily and peak hour trip generation and parking) or public transit impacts unsuitable for the area.
 - d. Is serviceable with adequate capacity for drainage, water, sewage, and other utilities.

- e. Is compatible with surrounding areas in terms of land use (including the use, function, enjoyment, and value of adjacent lots), scale of development, and potential effects on the stability or rehabilitation of the area.
- f. Is appropriate having regard for geotechnical considerations such as flooding and slope stability.
- g. Will not cause a negative effect on community services and facilities such as schools, parks, fire protection, and health.
- h. Any potential adverse effect can be adequately mitigated by conditions; and
- i. Is consistent with municipal land, right of way or easement requirements.

5.5.2 In determining the significance of an adverse effect or nuisance factor, a Development Authority may consider:

- a. The expected magnitude and consequence of the effect or nuisance.
- b. The expected extent, frequency, and duration of exposure to the effect or nuisance.
- c. The use and sensitivity of adjacent or nearby sites relative to the effect or nuisance.
- d. Adherence to relevant environmental legislation or widely recognized performance standards; and
- e. The reliability and record of the proposed methods, equipment, and techniques in controlling or mitigating detrimental effects or nuisances.

5.5.3 A Development Authority may be guided in the exercise of discretion through reference to reports prepared by an accredited professional that justify alternatives to Bylaw requirements.

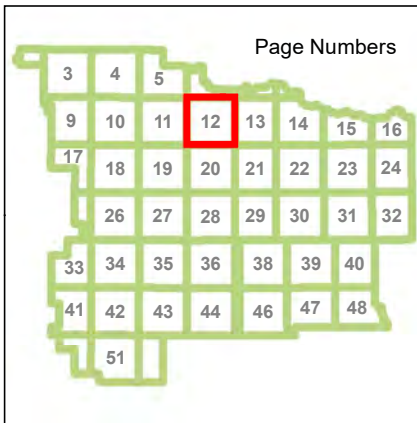
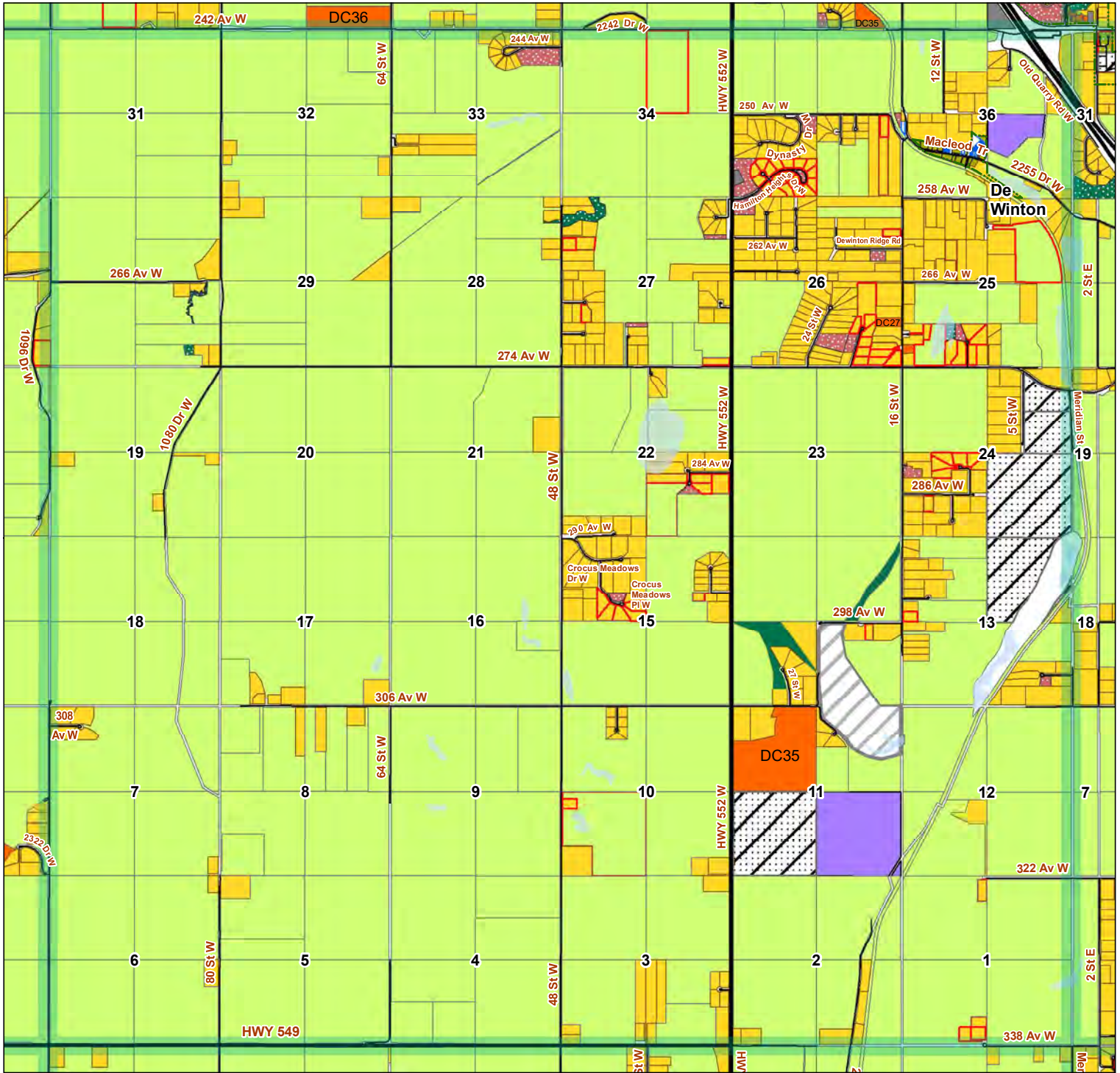
5.6 VARIANCES

5.6.1 The Development Authority may exercise its variance powers, prescribed in Sections 5.6.2 to Section 5.6.13, and approve a development permit for a permitted or discretionary use, with or without conditions, which does not comply with the regulations of this Bylaw, if the Development Authority determines that:

- a. The proposed development would not unduly interfere with the amenities, use, enjoyment, or value of adjacent lots.
- b. The proposed development would be consistent with the general purpose or character (urban or rural) of the district.
- c. There are factors unique to the development, use and site (such as the location of existing buildings) which are not generally common to other development and land in the same district, and which would result in unnecessary hardship or practical difficulties for the proposed development to comply with the provisions of this Bylaw; and
- d. There are mechanisms to mitigate the effect on adjacent lots.

5.6.2 The Development Authority may allow a variance on existing development, on any yard setback to a maximum of 90% of the setback required by this Bylaw, with the exception of:

- a. a side yard setback on lands zoned Residential Community District.
- b. a setback to a Municipal road that would result in development being less than 5m from the ultimate right of way of the Municipal road, Municipal Road, Major, or Internal Subdivision road.



Legend

- County Roads
- Highways
- ◻ In Transition
- ◻ NA - Not Applicable
- ◻ A- Agricultural
- ◻ AA- Agricultural Sub A
- ◻ CMC- Community Commercial
- ◻ CR- Country Residential
- ◻ CRA- Country Residential Sub A
- ◻ DC - Direct Control
- ◻ ER- Environmental Reserve
- ◻ EP- Environmental Protection
- ◻ INR- Natural Resource Extraction
- ◻ MR- Municipal Reserve
- ◻ REC- Recreation
- ◻ PUL- Public Utility
- ◻ RC- Residential Community District
- ◻ RMFA- Residential Multi Family Subdistrict A
- ◻ SD- Service District

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Data Sources Include Municipal Records and AltALIS.
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SECTION 13 RESIDENTIAL DISTRICTS

13.1 COUNTRY RESIDENTIAL DISTRICT

CR

13.1.1 PURPOSE AND INTENT

To provide for acreage development consistent with the policies outlined in the Municipal Development Plan.

13.1.2 SUB-DISTRICT

- 13.1.2.1 Parcels may include the following sub-district in cases where Council feels that there is a need. Not all parcels will be separated into sub-districts. Should a parcel include the sub-district, all district rules apply with the addition of the special provisions noted in accordance with the sub-district.
- 13.1.2.2 Sub-district “A” is a designation added to the land use district indicating a requirement for special consideration on the development of the site and/or placement and construction of buildings or structures on the lands through approval of a development permit. Reference Section 2.4 of this Bylaw for more details on special provisions for parcels with sub-district “A”.

13.1.3 GENERAL REQUIREMENTS:

- 13.1.3.1 Refer to Section 4.2 “No Development Permit Required” in the Land Use Bylaw for uses not requiring a development permit.
- 13.1.3.2 Refer to Section 9 and Section 10 respectively for the general and specific land use regulations and provisions that apply to this District.

13.1.4 PERMITTED USES	13.1.5 DISCRETIONARY USES
Accessory buildings not requiring a development permit Accessory uses Agricultural (general) Dwelling, single family Home Based Business Type I Home office Signs not requiring a development permit Solar Power System, Private (Not requiring a Development Permit) Temporary storage of no more than 1 unoccupied recreation vehicles (within Hamlet boundary) Temporary storage of up to 5 unoccupied recreation vehicles (outside a Hamlet boundary) Public works Secondary Suite, Principal Utility services, minor	Accessory buildings requiring a development permit Agricultural intensive – on lots 3 acres or more in size Agricultural specialty Antenna structures, private Arenas, private Bed and Breakfast Family Day Home Dugout (for general ag use) Dwelling, moved on Dwelling, temporary Home based business Type II Home based business Type III Intensive vegetation operation Kennels, private Lot grading Man-made water bodies, private Secondary Suites, Detached Signs requiring a Development Permit

13.1.4 PERMITTED USES	13.1.5 DISCRETIONARY USES
	<p>Solar Power System, Private requiring a Development Permit</p> <p>Temporary storage of no more than 2 unoccupied recreation vehicles (within Hamlet boundary)</p>

13.1.6 LAND USE REQUIREMENTS

- 13.1.6.1 A person who wishes to subdivide land in this district into additional lots must first apply for and be granted approval of a land use bylaw amendment.
- 13.1.6.2 In order to facilitate the purpose and intent of this district and ensure the comprehensive development of country residential uses within the District, the following applies to applications for subdivision:
 - a. Parcel Density:
 - i. Maximum one lot per 2.02 ha (5 acres) of existing land contained under the same title to a maximum of 32 lots per quarter section.
 - b. Minimum Parcel Size:
 - i. The area in title at the time of passage of this Bylaw; or
 - ii. A parcel of land no less than 0.81 ha (2.0 acres).
 - c. Maximum Parcel size:
 - i. 8.49 ha (20.99 ac); or
 - ii. The area in title at the time of passage of this Bylaw.
- 13.1.6.3 Required Developable Area:
 - a. In accordance with Section 9.8 of this Bylaw.
- 13.1.6.4 Utility Servicing Criteria
 - a. Individual wells and individual wastewater disposal systems;
 - b. Communal water and communal wastewater disposal systems; or
 - c. A combination of a. and b. as determined by Bylaw amending this section.

13.1.7 DEVELOPMENT REQUIREMENTS

- 13.1.7.1 Maximum Lot Coverage
 - a. No building or group of buildings including their accessory buildings and impervious surfaces shall cover more than forty (40) percent of the lot area.
- 13.1.7.2 Maximum Dwelling Unit Density
 - a. Maximum dwelling unit density for a parcel under 80 acres is one Dwelling, Single Family and either one Dwelling, Secondary Suite in accordance with Section 10.26, or one Dwelling, Temporary in accordance with Section 10.26 Secondary Suites and Section 10.10.
 - b. Or as determined by the Approving Authority in accordance with an approved Area Structure Plan or Outline Plan.

13.1.7.3 Minimum Yard Setbacks Requirements

a. **Front Yard Setbacks:**

- i. 40m (131.23 ft.) from the ultimate right of way or 70 meters from the centreline of a Provincial highway, whichever is greater;
- ii. 64m (209.97 ft.) from the centreline of a Municipal Road, Major.
- iii. 48m (157.48 ft) from the centreline of a Municipal road;
- iv. **15m (49.21 ft.) from the right of way of an internal subdivision road.**

b. Side Yard Setbacks:

- i. 15m (49.21 ft.) from the property line.

c. Rear Yard Setbacks:

- i. 15m (49.21 ft.) from the property line.

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.

e. See Section 13.1.8 “Exceptions” for any setbacks exemptions that have been approved by Bylaw.

13.1.7.4 Corner Parcel Restrictions:

- a. In accordance with Section 9.27.9 - 9.27.12.

13.1.7.5 Other Minimum Setback Requirements:

- a. See Section 9.27 “Special Setback Requirements” of this bylaw for additional setback requirements that may apply.

13.1.7.6 Maximum Height of Structures:

a. Principal buildings, first vehicle garage, and car ports:

- i. 12m (39.37 ft.)

b. Accessory buildings and arenas:

- i. 10.67m (35 ft)

c. Radio antennas, internet towers and wind turbines:

- i. 16m (52.49 ft.);

13.1.7.7 Minimum habitable area per dwelling

- a. 100 m² (1,077 sq. ft.)

13.1.8 EXCEPTIONS:

Silvertip:

13.1.8.1 Front yard setback: 5m (16.4 ft) from Internal Subdivision Road – Property Line; for those properties registered under Condominium Plan 0010395 (Silvertip) and having an area of less than 1.99 acres;

13.1.8.2 Front yard setback: 15m (49.21 ft) from property line adjacent to any Municipal Road; for those properties registered under Condominium Plan 0010395 (Silvertip);

- 13.1.8.3 Side yard setback: 1.5m (4.92 ft) from Property Line; for those properties registered under Condominium Plan 0010395 (Silvertip) and having an area of less than 1.99 acres;
- 13.1.8.4 Rear yard setback: Principal Building - 8m (26.25 ft) from Property Line; for those properties registered under Condominium Plan 0010395 (Silvertip) and having an area of less than 1.99 acres;
- 13.1.8.5 Rear yard setback: Accessory Building - 1m (3.28 ft) from Property Line; for those properties registered under Condominium Plan 0010395 (Silvertip) and having an area of less than 1.99 acres.

Sirroco:

- 13.1.8.6 For the following properties within the Sirroco Area Structure Plan: Plan 1311328, Block 1, Lot 6-9, Plan 1311328, Block 2, Lot 1, and Plan 1311328, Block 3, Lot 1:
 - Front yard setback: 5m (16.4 ft.) from the property line;
 - Side yard setback: 1.5m (4.92 ft.) from the property line;
 - Rear yard setback: 8m (26.25 ft.) from the property line for the principle building and 1m (3.28 ft.) from the property line for any accessory building;

Mazzeppa:

- 13.1.8.7 For the following properties in Mazzeppa:

Plan 7893FT, Block A, S ¹/₂ and N ¹/₂ (1.38 acres)

Front yard setback:

- 4m (13.12 ft) from the right of way of the municipal road on the west side;
- 15m to the right of way of a municipal road on south side;

Side yard setback: 1.5m (4.92 ft.) from the property line;

Rear yard setback:

- 8m (26.25ft.) from the property line for the principal building;
- 1m (3.28 ft.) from the property line for any accessory building.

Plan 4098EL, Block 1, Lot 2 and Lot 3 & Plan 4098EL Lot 1, (0.35 acres)

Front yard setback: 4m (13.12 ft) from the property line;

Side yard setback: 1.5m (4.92 ft.) from the property line;

Rear yard setback:

- 8m (26.25ft.) from the property line for the principal building;
- 1m (3.28 ft.) from the property line for any accessory building.

Plan 9610255, Lot 4 all within NW 30-19-27-W4 (2.57 acres – 34m strip):

Front yard setback: 15m (49.21 ft) from the property line;

Side yard setback: 1.5m (4.92 ft.) from the property line;

Rear yard setback: 15m (49.21 ft.) from the property line.

NW 30-19-27-W4 (14.06 acres)

Front yard setback: 15m (49.21 ft) from the property line;



LAND USE BYLAW

10.20 **RETAINING WALLS**

- 10.20.1 No Development Permit is required for retaining walls that are developed in accordance with Section 4.2.1.33 of this bylaw.
- 10.20.2 Retaining walls shall be designed and constructed to:
 - a. Maintain positive overland drainage on all portions of the site.
 - b. Respect overland drainage patterns established for the lot at the time the lot was created; and
 - c. Not divert overland drainage onto adjacent properties.

10.21 **SATELLITE DISH, PERSONAL**

- 10.21.1 Section 4.2.1.17 of this bylaw outlines where no Development Permit is required for satellite dish installation on lands in the County. All other instances are considered requiring a Development Permit. It is the landowner's responsibility to ensure that they have obtained all necessary permits.

10.22 **SOLAR POWER SYSTEMS**

Solar Power Systems, Private

- 10.22.1 Section 4.2.1.18 of this bylaw outlines where no Development Permit is required for the construction of Solar Power Systems, Private on lands in the County. All other instances requiring a Development Permit. It is the landowner's responsibility to ensure that they have obtained all necessary permits.
- 10.22.2 All Solar Power Systems, Private requiring a permit are considered a discretionary use and will require an approved Development Permit prior to commencement of construction in order to manage off site impacts of these facilities.
- 10.22.3 The landowner is responsible to ensure any required safety code permits are obtained from the County and to ensure compliance with any Provincial or Federal regulatory body having jurisdiction with respect to such installations.
- 10.22.4 A Development Permit is required for all Solar Power Systems, Private within the *Airport Protection Overlay*, unless otherwise waived as per Section 11.2.4.7.

Solar Power Systems, Commercial

- 10.22.5 All Solar power systems, commercial require a Development Permit approval.
- 10.22.6 Where Solar Power Systems, Commercial is not listed as a use under the current land use district, a bylaw must be enacted to redesignate the lands to the appropriate land use district prior to the development authority considering the development permit complete.
- 10.22.7 The following are required by the Developer for public consultation:
 - a. The Developer shall conduct public consultation within 60 days prior to submitting a Development Permit Application to the satisfaction of the Development Officer, for all solar power systems capable of producing power of 10MW and less, which are exempt from filing any application with AUC or that require only the filing of an AUC checklist application, in accordance with the following:
 - i. Notification of the meeting is sent to occupants and landowners within a 1-mile radius of the project boundary as well as those landowners who are situated along the proposed construction haul route, a minimum 21 days prior.

- ii. The County is notified 21 days prior to the meeting.
 - iii. An in-depth summary is provided to the Development Officer, that includes but is not limited to a list of occupants, residents, landowners, and interested parties that were notified, an outline of the impacts and benefits relayed by interested parties, and how the proponent intends on addressing the matters, and
 - iv. The meeting summary shall be included in the development permit application.
 - b. For applications for Solar Power systems that require full AUC application approval, the Developer shall provide a summary of the *Participant Involvement Program* completed as part of the AUC licensing process, including a list of the occupants, residents, landowners, and interested parties that were notified and/or consulted with, consultation timelines and methods, specifics of concerns noted, steps taken to try to resolve the concerns, and whether the concerns were resolved.
- 10.22.8 Development permit applications for Solar Power Systems, Commercial shall be accompanied by the following information:
- a. The full written approval by the Alberta Utilities Commission for the Solar Power System, Commercial.
 - b. A detailed site plan including:
 - i. the entire parcel with north at the top of the page.
 - ii. all roads used for construction, access and egress, and reclamation of the site.
 - iii. all existing structures (inclusive of temporary structures and structures without foundations).
 - iv. any proposed buildings and the proposed array(s).
 - v. all setbacks from property lines and the proximity to structures or uses on the site and adjacent parcels of land; and
 - c. Detailed information showing any proposed temporary storage and/or laydown yard locations on the property during the construction phase(s).
 - d. Detailed information about the system type, number of structures, height of structures, and the energy process, storage (grid tied or battery storage), and rated output.
 - e. Descriptions, drawings, with dimensions, showing the footings system, the mounting system, racking and/or tethering that is to occur, the type and size of solar panels, the minimum clearance of solar collectors from grade within the proposed installation.
 - f. A site suitability analysis including but not limited to, topography; soils characteristics; storm water collection; accessibility to a developed or undeveloped road; availability of water supply, sewage disposal system and solid waste disposal if applicable; compatibility with surrounding land uses; potential impacts to agricultural land and operations; potential visual impacts, and consistency with the policies of the Municipal Development Plan, Area Structure Plan, and the Land Use Bylaw.

- g. A copy of the public consultation completed, or participant involvement program submitted as part of the application to AUC and/or a copy of the public information that includes but is not limited to, an outline of the impacts and benefits relayed by attendees, and how the proponent intends on addressing the matters.
- h. Detailed information regarding construction traffic management plan including proposed material haul route, estimated employee vehicle trips (types and duration), and parking / staging areas, and any potential impacts to public roads.
- i. Identification of any sensitive, environmental, or topographical features which may be present on the parcel.
- j. A post-construction decommissioning and reclamation plan as required by the Conservation and Reclamation Directive for Renewable Energy Operations (Alberta Environment (2018/09/14)).
- k. A cost estimate prepared by a qualified professional that details the costs of decommissioning the full installation and reclamation of the entire subject lands. This cost estimate must be submitted to the satisfaction of the Municipality and may be subject to third party review completed by a qualified professional, at the cost of the applicant.
- l. A vegetation, weed and pest management plan that addresses how invasive plant, weeds, and pest such as Richardson Ground Squirrel, will be controlled during the construction period and the projected lifespan of the development, to be submitted for review and approval by the Foothills Agricultural Fieldman.
- m. A soils erosion, topsoil, and soil stockpile management plan to address:
 - i. Any proposal to strip and stockpile topsoil during the construction/erection period and the rationale or need for doing so, and
 - ii. The details on proposed soil management practices and erosion control due to both wind and water; for the period of both construction and post-construction including maintenance and/or recovery of soil structure and nutrient values of the site.
 - iii. Surface drainage and erosion control, which must also adequately address and account for impacts associated with the impervious nature of the collectors.
- n. A landscaping and screening plan showing how the installation will be visually screened from neighboring parcels and adjacent roadways is to be submitted to the satisfaction of the County and in accordance with any screening standards or guidelines applicable on the subject lands. This plan will include sufficient construction details, plant lists and minimum sizes, and cost estimates.
- o. An Environmental Impact Assessment report (Phase I Environmental Site Assessment) or Environmental Evaluation Report prepared by a qualified professional or other studies and reports to demonstrate site suitability and impact mitigation to the satisfaction of the County.
- p. A Fire Safety Plan submitted with the application for review and approval by the Safety Codes Officer prior to project commencement.

- q. A Fire Mitigation Strategy submitted for review and approval by the Foothills Fire Department. Any changes to the fire mitigation plan, the solar installation layout, spacing between solar collectors, the screening plan or any other aspect of the project as requested by the Foothills Fire Department must be undertaken and resubmitted to the satisfaction of the Foothills Fire Department prior to the submission of the development permit for consideration.
 - r. An Emergency Response Plan prepared by a qualified professional and approved by the County's Emergency Management Department prior to the submission of the development permit.
 - s. A Neighbour Emergency Response Plan prepared by a qualified professional which addresses safety, education, and emergency response plans for the benefit of landowners and businesses within the vicinity of the solar installation is to be submitted to the satisfaction of the County's Director of Emergency Management prior to the submission of the development permit for consideration.
- 10.22.9 The Approving Authority may impose as a condition, any reasonable measure to ensure suitability, compatibility and to mitigate potential impacts, consistent with and giving consideration to the terms and conditions of the AUC approval.
- 10.22.10 The Approving Authority may, upon review and acceptance of all the approvals, plans, studies, and cost estimates required to be submitted as part of the application, impose any or all of the following as pre-release conditions or conditions of a development permit:
- a. A Municipal Development Agreement shall be executed for the following:
 - i. for interior and/or exterior road construction, or upgrades contemplated or necessary to support the development of the site. Engineered drawings, cost estimates, letters of credit and necessary insurance will be required to be submitted.
 - ii. for the purposes of requiring the developer to undertake the actions as noted in the approved Screening Plan, including letters of credit to be held by the County to ensure proper construction, maintenance, and plant material replacement as necessary.
 - iii. for the purposes of requiring the developer to undertake the actions as noted in the approved Soil Management and Erosion Control Plan and the approved Vegetation, Weed and Pest Management Plan are met. A letter of credit, subject to approved cost estimates as deemed appropriate by the County, will be required to be submitted to the County to ensure compliance with these plans. Portions of the security may be released upon satisfactory completion of all actions and recommendations as noted in these plans, to the satisfaction of the County.
 - iv. for the purposes of requiring the developer to undertake the actions as noted in the approved Decommissioning and Reclamation Plan. This agreement may require the submission of an irrevocable letter of credit, surety bond, or cash deposit to ensure the decommissioning and reclamation of the site.
 - b. Copies of executed Crossing Agreements for all collector lines that are proposed within the Municipal rights of way.
 - c. A stormwater management plan, (including grading and drainage) for the entire site, completed and stamped by an appropriate professional to the satisfaction of the County's Public Works Department.

- d. A Municipal Road Use Agreement is to be executed for the duration of construction of solar power systems, commercial to the satisfaction of the County's Public Works department.
 - e. The operator and/or landowner shall be responsible for preventing soil loss, erosion, and deterioration from taking place in accordance with the approved Soil and Erosion Management Plan.
 - f. The operator and/or landowner shall be responsible for controlling invasive plant threats and weeds in accordance with the vegetation, weed and pest management plan approved by the Foothills County Agricultural fieldman.
 - g. All recommendations and actions noted in the approved Fire Safety Plan, Fire Mitigation Plans, Emergency Response Plans and Neighbour Response Plans will be required to be undertaken to the satisfaction of the County.
- 10.22.11 If the solar power system is out of service or not producing energy for a period of six months, the operator shall provide evidence to the Development Authority, with respect to the reason for the solar system being out of service or non-operational and provide a detailed plan for bringing the solar system back into service if the intention is to continue operation. If within six months of non-operation, the operator has not provided the Development Authority with a clear intent and timeline to bring the solar power system back on line, the Development Authority shall deem the solar power system non-operational, and decommissioning, removal, and reclamation will need to commence in accordance with decommission and reclamation plan approved with the application, returning the site to the same or better condition as prior to project commencement.

10.23 TELECOMMUNICATIONS TOWERS

- 10.23.1 Canada Innovation, Science and Economic Development (ISED) has full authority for regulating radio communication in Canada and for authorizing the location radio communication facilities, including communication towers.
- 10.23.2 Only telecommunication towers that do not fall under federal jurisdiction are required to go through the necessary site-specific amendment application and Development Permit approval process.
- 10.23.3 Canada Innovation, Science and Economic Development (ISED) is responsible to ensure that land use authority consultation has been taken into consideration before issuing an authorization for significant antenna structures.
- 10.23.4 A review fee is required to be paid to the County for review of applications for Telecommunications towers in accordance with the current fee schedule.
- 10.23.5 Any tower proposed to be located within the Foothills County will be required to comply with all aspects of the policies adopted by Council. Council will either show its support or non-support towards the proposed location based on the required information. A copy of the "Telecommunication Towers" policies and procedures is included as Appendix B of this bylaw.

Canada Innovation, Science and Economic Development (ISED) has full authority for regulating radio communication in Canada and for authorizing the location of radio communication facilities, including communication towers. Any telecommunication towers proposed within the Airport Protection Overlay will be subject to review by Foothills County, ISED, and Transport Canada.

APPENDICIES

APPENDIX A	SUPPLEMENTARY REQUIREMENTS
APPENDIX B	TELECOMMUNICATION TOWERS
APPENDIX C	CONFINED FEEDING OPERATIONS
APPENCIX D	SPECIFIED PENALTIES FOR OFFENCES
APPENDIX E	DARK SKY BYLAW
APPENDIX F	RIPARIAN SETBACK MATRIX MODEL
APPENDIX G	SCREENING STANDARDS
APPENCIX H	SPECIAL EVENTS BYLAW
APPENDIX I	RURAL APPROACH STANDARDS POLICY
APPENDIX J	COMMUNITY STANDARDS BYLAW
APPENDIX K	2019 RESPONSIBLE DOG OWNERHSIP BYLAW



FOOTHILLS COUNTY SCREENING STANDARDS



2.0 SCREENING IN FoothILLS COUNTY

Screening is defined in **Foothills County’s Land Use Bylaw** as:

A fence, earth berm, hedge or trees used to visually and/or physically separate areas or functions.

The Land Use Bylaw also indicates that:

The Development Authority may require that landscaping and/or screening is provided in conjunction with any development, and is addressed as part of the Development Permit application. The intent of landscaping and screening is to contribute to a reasonable standard of appearance for developments, to provide a positive overall image for the County and to encourage good environmental stewardship (Section 9.14.2).

Further,

Landscaping and screening requirements may be applied to commercial and industrial uses. Where landscaping and screening is required, it shall be completed in accordance with the County’s “Screening Standards” (Section 9.14.3).

The Land Use Bylaw prescribes landscaping and screening for a number of specific uses including, cannabis production facilities, commercial storage facilities, recreational vehicle storage and dog facilities. There are also a number of land use districts where the completion of landscaping and screening in accordance with the Screening Standards is required including Business Park District, Community Commercial District, Highway Commercial District, Rural Business District, Hamlet Industry District, General Industry District, Industrial Edge District, Natural Resource Extraction District and a number of direct control districts.

These standards are intended to provide **guidance to landowners or developers** who are making changes to an existing commercial or industrial use, or are proposing a new commercial or industrial use or development, on how they can **prevent their business from creating a negative visual impact on surrounding properties**. The Screening Standards will help them anticipate if screening might be required at their site, how much screening would be appropriate, and options as to how the screening could be achieved. The Standards also outline requirements for an application.

This document is provided as a guideline to suggest what the screening requirements may be for commercial or industrial development in Foothills County. It should be noted that the requirements are different depending on whether the proposed development is inside or outside of the Highway 2A Corridor. This is because in the Corridor, the entire area is contemplated for industrial or commercial uses so the visual impacts of development are not the same as in other areas where there are likely to be adjacent residential uses. While these Standards provide a good understanding of what may be required; **ultimately, Council or the Approving Authority will determine whether screening is required and the appropriate level of screening for any proposal.**



3.0 TARGET ACTIVITIES AND FACILITIES

To help applicants determine if screening may be required for their development, a list of the types of activities and facilities for which screening is generally recommended has been compiled. The list is not comprehensive or exhaustive and ultimately Council or the Approving Authority will decide if a proposed development requires screening.

Screening Standards are applied based on the likelihood that the activity or facilities proposed will detract from the visual character of the area or have a negative impact on adjacent development. It should be noted that these standards are for commercial and industrial applications, they are not intended to be applied to Agricultural, General uses or to structures or equipment in support of the same on land that is zoned as Agricultural District.

Target Activities and Facilities:

1. **Outdoor Storage Areas:** Outdoor storage is defined in the land use bylaw as “*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 category would include storage areas for heavy equipment, lumber, pipe, tanks, manufactured goods or materials for manufacturing processes, it does not include RV storage.
2. **Vehicle Storage Areas:** This category would include cars, farm equipment, recreational vehicles, tractor trailers, boats etc. It does not include typical parking lots unless vehicles are stored there for an extended period.
3. **Stockpile Areas:** This includes large stockpiles of materials such as sand or aggregate used for industrial purposes, or areas for storing or stockpiling bulk landscaping materials, materials used for manufacturing processes, or those awaiting packaging, as well as finished product waiting to be shipped. *
4. **Exterior Work Areas:** This includes exterior areas for assembly, construction or repair and industrial processing.
5. **Garbage, Recycling, Composting or Waste Areas:** This would include areas for waste disposal, settling ponds, recycling storage or processing and composting sites as well as portable washrooms. Auto Wreckers and similar activities would be covered here as well.
6. **Loading Areas:** This category includes loading docks and bays or other outdoor loading areas for commercial or industrial buildings.
7. **Mechanical and Electrical Equipment:** This would typically include large air conditioning units, ventilation units, transformers, small trash receptacles and other such equipment.
8. **Sales Lots:** This category would include areas used for the storage and display of vehicles or equipment that are available for sale or lease and recognizes the desire to utilize these areas for advertising.
9. **Parking Lots:** This category includes areas designed to accommodate the parking of more than 25 cars.

*Note: Gravel Pits are regulated by Alberta Environment and Parks and must comply with *all requirements under the applicable provincial legislation as well as any conditions specific to an approval granted by AEP.*



4.0 LEVELS OF SCREENING

Depending on the category of target activity or facility and its location there are three (3) different levels of screening that could be implemented. In order of highest to lowest level of screening they are: full screening, which approximates 100% screening of the property from adjacent roads or properties, partial screening, around 50% screening from adjacent roads or properties, and buffer screening, which should obscure approximately 25% of the development from adjacent roads or properties. A more detailed description of the three types of screening follows.

4.1 FULL SCREENING

Full screening is used to provide a complete visual barrier of a selected area, using fences, walls, berms, tightly spaced evergreen plant material or some combination of these methods. Full screening may also be provided by locating the activity behind a building or structure.

Full screening may be considered appropriate when the intent is to fully block the view from the adjacent roads or lands. Garbage storage areas and electrical or mechanical equipment locations are examples of areas that may benefit from full screening. There may be circumstances where full screening is used in conjunction with partial or buffer forms of screening on a site.



Closely spaced evergreen trees are one method of providing full screening

4.2 PARTIAL SCREENING

Partial screening is used when the intent is to visually block approximately 50% of the activity or facility from adjacent properties or roadways. A partial screen provides a sense of visual transparency between portions of the site and adjacent roads/lands. This moderate level of screening is appropriate for a variety of sites.

A combination of structures, walls/ fences, coniferous/deciduous plant material and earth berms may be used to create partial screening by blocking approximately 50% of the site from view. Fences may allow for 50% opacity, trees are planted farther apart and earth berms may only be half the height necessary to block the view. A hedge of deciduous shrubs, such as lilacs or Caragana provides significant coverage for 50% of the year. A combination of multiple screening elements may be used to create an interesting visual barrier from both inside and outside the site.

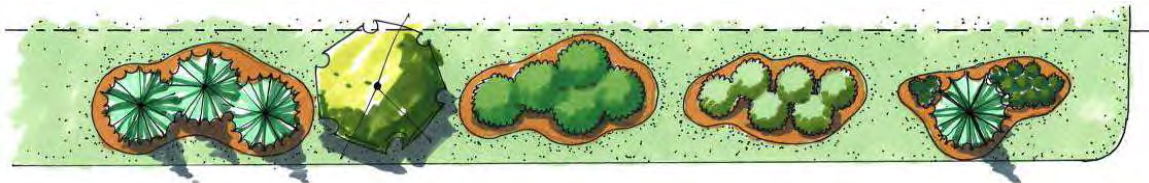


A mixed landscape is an appropriate method of providing partial screening

4.3 BUFFER SCREENING

Buffer screening is used to provide a low level of screening or 'landscape softening'. Vehicle sales lots and commercial parking areas are suggested examples of areas that may benefit from buffer screening.

Fences, low walls, earth berms and a mix of deciduous and coniferous trees and shrubs can be used as components of buffer screening.



A landscape buffer screen is one method of providing the 25% screening suggested for buffer screening

Earth Berm	Full Screening	A mound or bank of earth of sufficient length and height to obscure all of the activity or facility that requires screening.	Relatively inexpensive. Very low maintenance requirements. May mitigate noise as well.	Not attractive unless combined with landscaping and/or hardscaping. May need to remove existing vegetation to accommodate.
Earth Berm	Partial Screening	A mound or bank of earth of sufficient length and height to obscure approximately 50% of the activity or facility that requires screening.	See above	See above
Earth Berm	Buffer Screening	A mound or bank of earth of sufficient length and height to obscure approximately 25% of the activity or facility that requires screening.	See above	See above
Landscaping	Full Screening	Densely planted rows or groupings of evergreen trees of sufficient height and length to completely obscure the activity or facility that requires screening.	Attractive, and works on flat or rolling terrain and can work with existing vegetation.	Relatively large initial expense. Maintenance and water requirements.
Landscaping	Partial Screening	Rows or groupings of trees and shrubs, both evergreen and deciduous of sufficient density to obscure approximately 50% of the activity or facility that requires screening.	See above	See above
Landscaping	Buffer Screening	Rows or groupings of trees and shrubs, both evergreen and deciduous of sufficient density to obscure approximately 25% of the activity or facility that requires screening.	See above	See above
Combination	Full Screening	Utilizing a combination of two or more of the following of sufficient density to entirely obscure the activity or facility that requires screening: fencing or walls, berms, and rows or groupings of trees and shrubs (evergreen and/or deciduous).	Potentially the most attractive option.	May be expensive. Water and maintenance requirements may be significant particularly if plants on top of berms.
Combination	Partial Screening	Utilizing a combination of two or more of the following of sufficient density to obscure approximately 50% of the activity or facility that requires screening: fencing	See above	See above



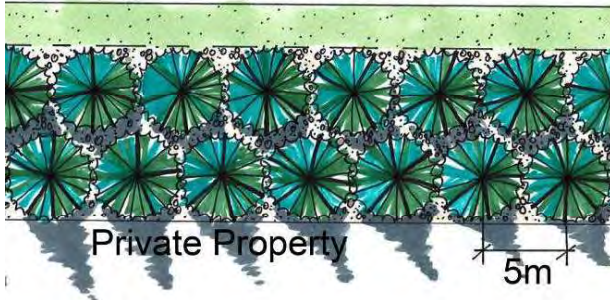


Fence or Wall Screen – Buffer Screening



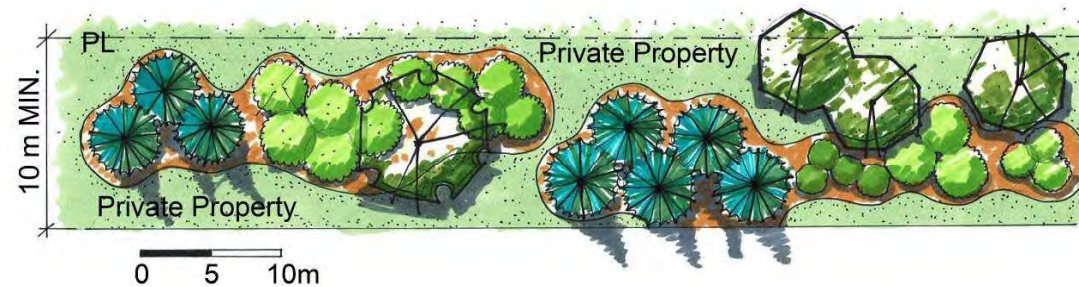
Earth Berm Screen – Full or Partial Screening

Note: Decreasing height and/or length can change a berm from full to partial or buffer screen.



Landscaping Screen – Full Screen

Note: Full screening using landscaping alone is very difficult in most areas of Foothills County. Full screening using a combination of landscaping with fencing or earth berms is suggested as more attainable.



Landscaping Screen – Partial Screen



0 5 10 m
Landscaping Screen – Buffer Screen



Combination Screen – Full Screening (Fence with Landscaping)



Combination Screen – Buffer Screen (Berm with Landscaping)

Note: Placing landscaping on top of berms is not recommended unless provisions can be made for irrigation with non-potable or reclaimed water.



0 5 10 m
Combination Screen – Full, Partial or Buffer Screening (Earth Berms and Mixed Planted Landscaping)



9.0 CONCLUSION

The purpose of the Screening Standards is to provide guidance to landowners or developers who are operating or proposing to operate a commercial or industrial enterprise anywhere in Foothills County. The suggested level of screening for a particular use will vary depending on its location, the type of surrounding development and the individual site conditions. The goal is to prevent businesses from creating a negative visual impact on surrounding properties or along major roads or highways. It should be noted that the screening requirements in the Highway 2A Corridor are generally less than elsewhere for similar types of development. This is due to the nature of that area as an established industrial area.

These guidelines were developed to help protect the visual quality of the lands in the County and are not intended to impose undue hardship on business owners. The guideline package may assist applicants for commercial or industrial projects in anticipating if screening might be required for their project, and provide guidance to allow them to successfully navigate the design and approvals process.

Foothills County Council or the appointed Approving Authority will generally consider a Proposed Screening Plan submitted by a developer as part of the overall development permit application. They will determine, at their discretion, if and how much screening is required based on the particulars of the specific development. The goal is to work with applicants to ensure that future developments maintain or enhance the visual quality of Foothills County and to preserve our rural character for future generations.



MDP 2010

Adopted by Bylaw 78/2010, July 8, 2010

Amended by Bylaw 52/2016, October 11, 2017



The MD of Foothills No. 31 manages development by using a balanced approach which reduces the fragmentation of lands while allowing for continued residential growth in the MD. This approach directs residential growth to fragmented lands and identified growth areas in the form of clustered development, and hamlet style developments and away from un-fragmented agricultural lands. In addition, the MD's growth management strategy indicates that the majority of the future residential development will be directed towards the Central District. The Municipal Development Plan supports the following six types of residential development in the MD:

Country Residential

Country Residential lots are traditional acreage lots. These parcels are intended to remove an existing homestead from a farming operation, as well as to further subdivide existing parcels zoned Country Residential.

The traditional subdivision of large lots with private onsite services has become unsustainable, particularly in regard to land consumption, water supply, potential impacts from private sewage systems, as well as long term road maintenance costs. This type of development should be directed to areas which are already fragmented.

Cluster Residential

Cluster Residential lots are those which are designed to reduce the development footprint by placing parcels close to each other in association with a larger remnant parcel that cannot be further subdivided. This type of development can maintain the open space nature of the landscape, thereby not dramatically altering the rural character. The Cluster Residential subdivision uses a smaller area of land for roads and houses, and is therefore more efficient when compared to Country Residential lots. This development form is considered most appropriate for the Central District or for identified growth areas within the MD.

Country Estate Residential

While there are still some instances where traditional country residential lots with individual wells and septic systems are appropriate, in order to use land more efficiently the MD of Foothills established a new land use in the 2014 Land Use Bylaw to provide for higher density country residential development. The Country Estate Residential land use is intended to accommodate higher density development (0.25 to 5 units per acre) based on communal servicing as part of a comprehensively planned development in accordance with an approved Area Structure Plan, Area Concept Plan, Outline Plan, or as part of a hamlet.



Residential



Hamlet Residential

Hamlet Residential lots are those developed in a semi urban form resembling a village or small town. Much of the new residential development in the MD of Foothills will be in the form of communally serviced, compact, mixed use communities planned from the perspective of environmental, social, and economic sustainability. The MD will direct the majority of future residential growth to existing hamlets, new hamlets, and developed lands that can be redeveloped to higher densities.

New Hamlet Residential development will be focused in areas of the MD where transportation, servicing, and community development can be maximized for all residents in the region. The MD will implement strategic planning to provide guidance on the principles, general locations, and desired components of new Hamlet Residential development. Where new communities are to be developed or where redevelopment opportunities arise, the best available environmental technology and innovation will be employed within all municipal infrastructure systems and buildings.

Residential Multi-Family

In the interest of providing a greater range of housing choices in the MD, the 2014 Land Use Bylaw created a new Residential Multi-Family district. This district is intended to provide for the development of multi-family units in Hamlets or comprehensively planned developments on the basis of communal water and wastewater servicing. This type of development is to be located in an area with an approved Area Structure Plan, Area Concept Plan, Outline Plan, or within a Hamlet.

Residential Manufactured Home District

The Residential Manufactured Home District is intended to provide more housing choices for MD residents. This land use district is intended to provide for manufacture housing within comprehensively planned manufactured home parks that are to be located within a hamlet. This type of development must be serviced by municipal water and a communal wastewater disposal system.

GOAL

Support a variety of residential development forms in appropriate locations which serve to minimize the fragmentation of agricultural lands, the impact on the natural environment, and the long term financial implications to the MD.

OBJECTIVES

1. Ensure the efficient use of land for residential development in order to:
 - 1.1. Minimize the fragmentation and conversion of agriculture land.
 - 1.2. Maintain rural character and open space environments.
 - 1.3. Efficiently use existing and new infrastructure, utility systems, and services.
2. Manage residential development through adopting strategic and statutory plans and other means which provide reasonable assurance to landowners of the intended future development pattern in the MD.
3. Allow for opportunities to apply innovative land use planning and land conservation concepts that improve municipal efficiencies and reduce rural sprawl.
4. Accommodate residential populations in a variety of housing forms in the MD of Foothills.
5. Consider the development of new planned neighbourhoods where the location and infrastructure can support increased intensity of use, such as secondary suites or major home based businesses.
6. Encourage the development of attractive residential environments.
7. Ensure that residential development conforms to environmental and public health guidelines.
8. Implement development controls in order to ensure that all aspects of developments proceed as intended.



Residential



POLICY

1. Residential developments should be located, designed, and serviced in ways which will minimize costs to the MD.
2. The MD shall require the preparation of an *Area Structure Plan, Outline Plan, or other such plan* for residential development in accordance with the guidelines found within Appendix C, Planning Framework.
3. Proposals for **residential parcels** should be developed to be compatible with the surrounding area and existing land uses. Consideration will be given to the density, design, traffic, and the visual impact of the proposal on the adjacent lands. Proposals shall be considered on the basis of the following criteria:
 - 3.1. Impact on agricultural industry, the efficient use of land, and the conservation of water.
 - 3.2. Guidance found within this MDP, and other documents as listed in Appendix A, Planning Hierarchy.
 - 3.3. Impact on the natural capital of the MD.
 - 3.4. Suitability of the land for residential uses.
 - 3.5. Environmental significance of the land and adjoining properties.
 - 3.6. Environmental impact.
 - 3.7. Cumulative effects of the development.
 - 3.8. Condition of the Provincial and/or Municipal road servicing the proposed development.
4. The MD supports the development of specialized housing for seniors, special needs, etc. in hamlets and within our urban neighbouring communities where appropriate utilities and services are available.
5. Applications proposing the creation of residential parcels in areas which are deemed as Environmentally Significant should provide a detailed, site specific biophysical assessment to determine the impacts of the development and where possible provide for mitigation of those impacts.
6. One dwelling unit may be located on a single residential parcel unless it is a form of multiple dwelling permitted in accordance with the Land Use Bylaw.

7. The developer shall be responsible for demonstrating to the satisfaction of the MD and Alberta Environment that each residential parcel can be serviced with potable water at a minimum in accordance with the requirements as listed within Appendix F.
8. All residential developments shall meet appropriate standards to the satisfaction of the Director of Public Works with respect to such matters, including, but not limited to, soil, slope stability and water table analysis, biophysical assessment, proof of water, water and wastewater systems requirements, stormwater management, road design, lighting design, setbacks, site coverage, flood mitigation measures, fire prevention, building heights, landscaping, and dedication of reserves.
9. All residential parcels shall have a *developable area* of land which:
 - 9.1. Is not subject to the development restrictions such as those created by sour gas or other natural resource extraction, flooding, hazardous lands, landfills, transfer stations, sewage lagoons, or other restrictions as indicated by the MGA and the Provincial Planning Regulation.
 - 9.2. Contains a water table and soils suitable for the construction of a residence and the wastewater disposal system to be utilized.
 - 9.3. Does not exceed 15% in slope unless a report has been submitted to the satisfaction of the MD, prepared by a qualified Professional which indicates that the developable area is suitable for residential construction.
 - 9.4. Meets the setback requirements of the appropriate district in the Land Use Bylaw.
 - 9.5. Is considered developable by the Subdivision Authority.
10. The Municipality may require the developer to submit reports prepared by a qualified Professional and substantiated by a qualified Professional recommended by the Municipality, at the cost of the developer, to prove the suitability of the site for the proposed development.
11. The design and infrastructure of residential development should functionally link adjoining lands.
12. All residential development shall be setback an appropriate distance from all surface water features, including wetlands, for the purposes of riparian land protection. The method of



Residential



protection will be determined by the *Subdivision Approving Authority* with guidance from the adopted MD of Foothills Riparian Setback Matrix Model.

13. All residential parcels and roads should be designed and developed such that there is minimal visual impact on adjoining properties and roadways and that the natural features of the site are retained.
14. Creation of residential parcels on the basis of access by easement should not be supported.
15. Country Residential District, Cluster Residential District, Country Estate Residential District, Hamlet Residential District, Residential Multi-Family District, and Residential Manufactured Home District subdivisions shall comply with the density, parcel size, and servicing requirements as outlined in the appropriate section of the Land Use Bylaw.

Glossary

Land Use Bylaw: A bylaw of the Municipality passed by Council pursuant to the provisions of the Municipal Government Act and intended to prohibit, regulate and control the use and development of land and buildings within the Municipality.

Landscapes of High Scenic Value: A measure of the aesthetic qualities of the landscape determined by the study of the many cultural and natural elements found within that landscape.

Minimum Distance Separation (MDS): The Agricultural Operations Practices Act determines the minimum distances required from the outside walls of neighbouring residences to the point closest to manure storage facilities or manure collection areas.

Municipal Government Act: Provincial legislation by which municipalities in Alberta are governed. The MGA sets out the legislated roles and responsibilities of municipalities and elected officials.

Municipal Reserve Land: A subdivision authority may require the owner of a parcel of land that is the subject of a proposed subdivision to provide part of that parcel for park or school purposes.

Natural Capital: The inference of wealth or value gained from complex environmental systems. These systems, when functioning optimally, continue to produce wealth or value into the future.

Natural Resource Extraction Industry: An enterprise which is governed by natural geographic or geological features and may include, but is not limited to the extraction and processing of mineral deposits, petroleum and natural gas, or sand and gravel deposits.

Oil and Gas Facilities and Pipelines: Petroleum related infrastructure, either above or below ground or both. Includes, but not limited to pipelines, wells, processing facilities.

Outline Plan: A non-statutory plan that is used as a guideline for the subsequent redesignation, subdivision or development of an area of land.

Parent Parcel(s): The parcel(s) of land which is /are subject to an application for subdivision.

Qualified Professional: An individual with specialized knowledge recognized by the Municipality and/or licensed to practice in the Province of Alberta. Examples of qualified Professionals include, but are not limited to Agrologists, Engineers, Geologists, Hydrologists and Surveyors.

Residential Parcel: A parcel of land developed for the purposes of residential use and designated as such within the Residential Land Use District, which includes the subdistricts of Country Residential, Cluster Residential, Country Estate Residential, Hamlet Residential, Residential Multifamily, and Residential Manufactured Home.

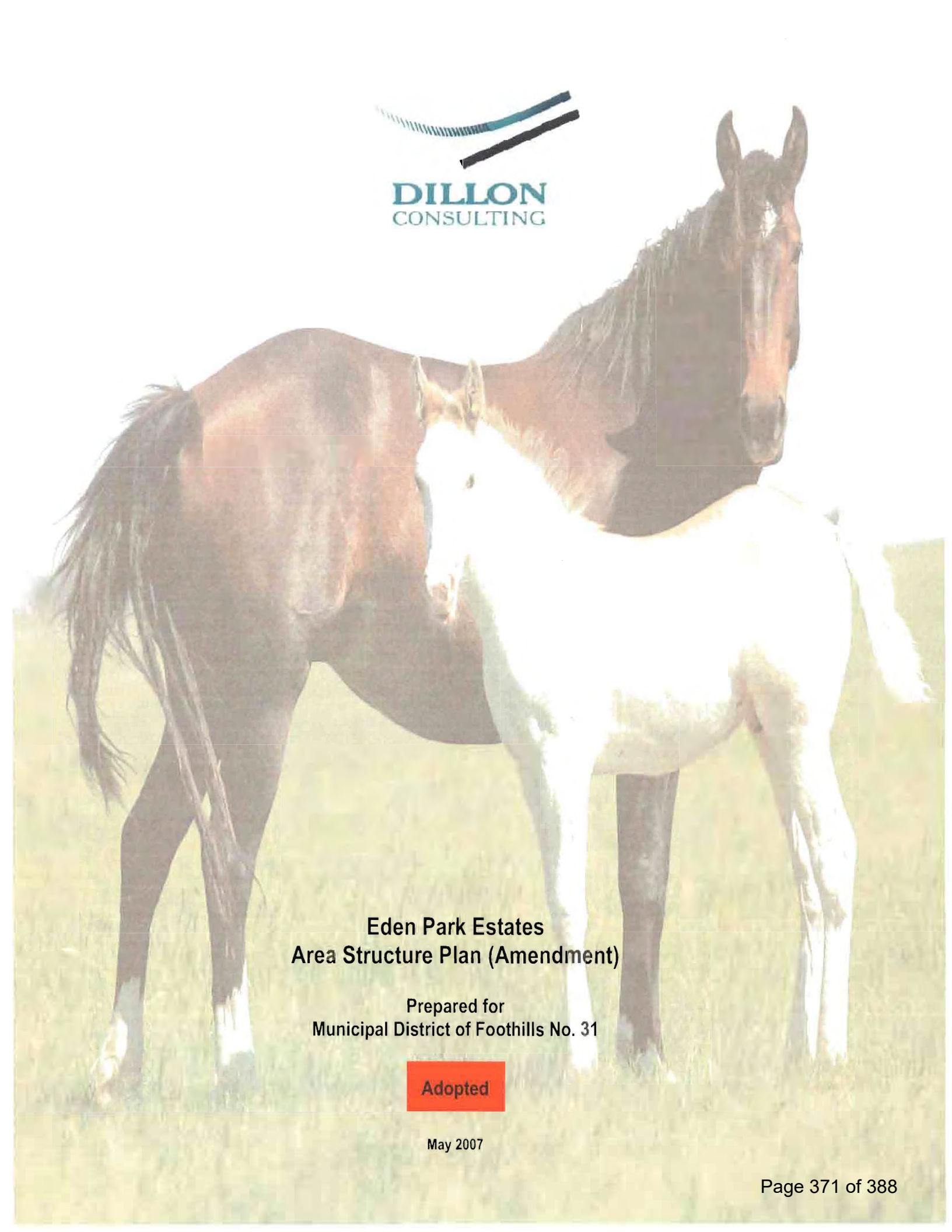
Right to Farm: Provincial Legislation which protects farmers and ranchers from nuisance law claims.

Riparian Areas: Lands adjacent to a watercourse where the vegetation and soils show evidence of being influenced by the presence of water. Riparian areas are the green zone around a watercourse. They are the vital transitional zone between surface water and drier uplands and play a role in the healthy functioning of both.

Riparian Setback Matrix Model: Means a scientifically-based model supported by the Municipality to assist in the protection of shorelines, water quality, and riparian areas, while allowing for development to occur in a sustainable manner by establishing appropriate setbacks for development from important riparian areas.

Subdivision Approving Authority: The authority authorized by MD Council to exercise subdivision powers and duties on behalf of the Municipality.

Transfer of Development Credit Programs: A tool used to direct development away from specific landscapes, such as productive agricultural land and sensitive natural areas towards lands identified for development.

A photograph of a brown horse and a white foal standing in a grassy field. The brown horse is on the left, and the white foal is on the right, partially overlapping the brown horse's body. The background is a bright, hazy sky.

**Eden Park Estates
Area Structure Plan (Amendment)**

Prepared for
Municipal District of Foothills No. 31

Adopted

May 2007

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Figure 2	Phase 1 and Phase 2 – Site Plan

APPENDICIES

Appendix A	Restrictive Covenant
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MISSION STATEMENT

The Eden Park Estates Area Structure Plan (ASP) amendment is intended to provide long-term vision and development framework serving as a guide to appropriate forms of future land use and development within the Plan Area. The Eden Park Estates ASP amendment will assist municipal policy makers, planners, landowners, and the developer.

1.0 INTRODUCTION

1.1 Context and History

The MD of Foothills Council originally requested that an Area Structure Plan (ASP) be prepared as a condition of redesignation of 110-acre parcel of land (Bylaw 187/99) (**Figure 1 – Site Location**). This was completed and in August 2000 Council as adopted the Eden Park Estates Area Structure Plan. The plan was subsequently amended March 8, 2007 and amending Bylaw 53/2007 was passed. The subject property is located southwest of DeWinton and forms part of the NW ¼ of Section 26, Township 21, Range 1, West of the Fifth Meridian. The property is accessed from Secondary Highway No. 552, a paved two-lane highway, which borders the west side of the subject property.

This ASP will provide the basis of understanding for Council, MD staff, and the public as it provides a layout for the proposed area and its land use.

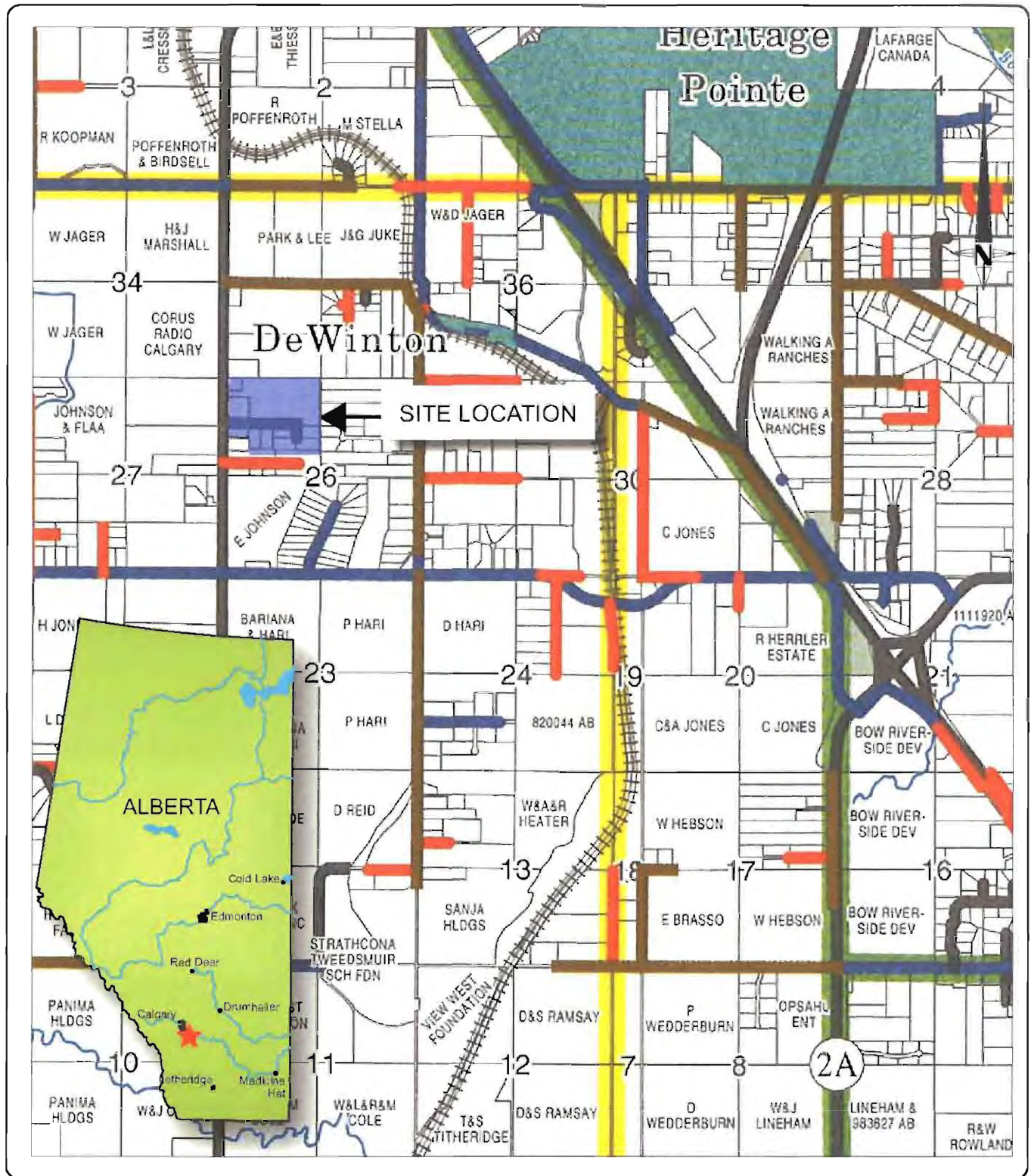
Figure 2 – Site Plan identifies the physical Plan Area and land use concept for the Eden Park Estates ASP.

The exact legal description of the subject property are as follows:

- Plan 9212199, Block 3, Lot 3, portion of the NW ¼ 26-21-01 W5M comprising a total land area of 44.5 hectares (110 acres).

The NW ¼ 26-21-01 W5M was originally split into two 40-acre parcels and an 80-acre parcel in 1974. In 1989, the southernmost 40-acre parcel was subdivided into a 10-acre lot and a 30-acre residential parcel. A further subdivision of the 30-acre parcel was approved in 1994 with the creation of a 2.5-acre lot. In 1991, two 5-acre lots were subdivided from the northernmost 40-acre parcel. The balance of the 40-acre property (30 acres) was subsequently consolidated with the adjoining 80 acres to create the current 110-acre property. In March 2007, an amendment to the Eden Park ASP was requested which allowed for a total of 22 lots on the original 110 acre title.

The subject property is located in an area of the Municipality that has already experienced significant fragmentation of agricultural lands. In terms of surrounding development it should be noted that within a 1/2 mile radius of the property there are already approximately 67 properties already designated for County Residential use. There is a range of country residential lot sizes in the area of 3-5 acres to 10-20 acres in size. Consequently, the density of development in the



**EDEN PARK ESTATES
 AREA STRUCTURE PLAN**
 M.D. OF FOOTHILLS No.31
 PORTION OF LOT 3, BLOCK 3, PLAN 9212199

DESIGNED BY:
KB

DRAWN BY:
JKO

DATE:
SEPTEMBER 2006

SCALE:
NTS

TITLE:
SITE LOCATION

PROJECT No.:
06-6606

FIGURE No.:
1

immediate area is significant and will likely result in additional lot splitting and population growth in the years to come.

The MD of Foothills has experienced a generally high residential population growth trend over the past several years. The increasing residential growth rate has been primarily due to exurban country residential growth from the City of Calgary. It is anticipated that single-family dwellings will comprise the majority of development in the Plan Area which will result in a comparable rural density.

1.2 Opportunities and Constraints

A number of land use planning issues and constraints and resulting design considerations were taken into account in the formulation of the Eden Park Estates ASP. There were as follows:

- a. A review of surrounding lot sizes, configurations, land uses as well as future pedestrian access points were taken into consideration in the phasing of the lands and the open space strategy.
- b. Transportation and access issues relating to both the municipal road infrastructure and adjoining properties and the existing transportation network were also taken into consideration.
- c. Consideration was given to Municipal Development Plan (MDP) policy, specifically, policies dealing with Country Residential development and ASP preparation.
- d. Concerns expressed by surrounding property owners during the redesignation stage of the planning process (i.e. availability of water and density) were reviewed in the context of the policies contained in the Plan.
- e. In order to preserve certain aesthetic attributes of the area, design guidelines are suggested and can be implemented by means of a Restrictive Covenant (Appendix A) registered on title when the property is formally subdivided.
- f. Consideration was given to the proximity of the plan area to urban centers and urban growth pressures to ensure that good infrastructure is provided in the plan area.

2.0 THE PLANNING PROCESS

2.1 Purpose of the Plan

The Eden Park Estates ASP was originally prepared in order to satisfy municipal concerns that development without proper long term planning would be detrimental to the area as a whole. The Eden Park Estates ASP amendment builds upon the foundation of the original Eden Park Estates ASP and continues to focus on the importance of planning the entire parcel in complimentary fashion to the surrounding land uses.

The purpose of the amendment is to define a planning and development framework to guide future growth in the Plan Area by establishing a range of appropriate and compatible land uses. The ASP supports the Foothills MDP by adding another layer of detail to this particular area. The Eden Park Estates ASP amendment takes into consideration the existing ASP, existing land uses, surrounding developments, potential future land uses, public input, physical and environmental characteristics, infrastructure requirements, and growth trends.

2.2 The Legislation

The Eden Park Estates ASP has been prepared in accordance with provincial requirements outlined in s.633 of the *Municipal Government Act (MGA)* (*Statutes of Alberta, 1994, Chapter m-26.1*)

633(1) For the purpose of providing a framework for subsequent subdivision and development of an area of land, a council may, by bylaw, adopt an area structure plan.

(2) An area structure plan

(a) Must describe

- (i) The sequence of development proposed for the area,*
- (ii) The land uses proposed for the area, either generally or with respect to specific parts of an area,*
- (iii) The density of population proposed for the area either generally or with respect to specific parts of the area, and*
- (iv) The general location of major transportation routes and public utilities,*

And

(b) May contain any other matters the council considers necessary.

In addition, this ASP was prepared in accordance with the Municipal District of Foothills Municipal Development Plan and Land Use Bylaw and complies with the Municipal guidelines

3.0 PLAN VISION AND GOALS

The Eden Park Estates ASP amendment attempts to achieve orderly, economical and beneficial development, use of land, and patterns of human settlement. It is intended to be flexible long-term framework for development in the Plan Area.

The Eden Park Estates ASP amendment envisions orderly transition striving to retain rural characteristics. The Plan outlines a continuation of the phased development that will occur over time as the area's surrounding density increases. The plan envisions a comprehensive development that is guided by architectural controls and provides amenity to residents.

3.1 Plan Goals

The following goals provide the focus to the Eden Park Estates ASP amendment and collectively represent the future aspirations of the development.

- a. Achieve an efficient, sequential pattern of development.
- b. Establish a high quality residential area to harmonize development with the natural and built environment.
- c. Provide an efficient and safe road network.
- d. Preserve, protect, conserve and/or enhance important and valued natural features of the Plan Area.
- e. Maintain the functional and visual integrity within and outside of the plan area.
- f. Encourage a diversity of land uses working in harmony with one another.

4.0 LAND USE STRATEGY CONCEPT

Figure 2 delineates a conceptual land use strategy for the plan area. This conceptual plan shows a Phase 1 lot pattern that has been the subject of the initial redesignation bylaw (Bylaw 187/99) and the completed development of the remaining Phase (bylaw 53/2007). **Figure 2** also depicts the continued sequential development phasing of the property. It is anticipated that development will continue on with Phase 2 being developed in the short term. In all, the Eden Park Estates development, when completed would contain 15 additional residential developments at a density in keeping with Phase 1 and surrounding lands. As well, the concept plan depicts the currently designated Municipal Reserve (MR) block to be expanded as it is strategically located within the plan area with a potential connection to adjacent undeveloped properties to the north of the plan area.

As well, internal roads shown within the plan have been designated to connect with roadways, which could be extended to property to the north, should further subdivision occur on these

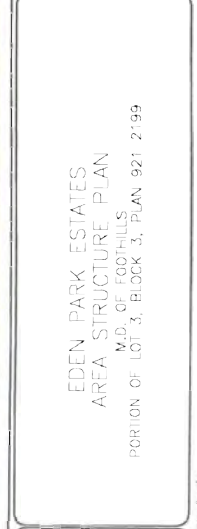


NOTE
BASE REFERENCED FROM MO OF FOOTHILLS.
ALL DIMENSIONS TO BE VERIFIED BY PLAN OF SURVEY

DESIGNED BY	KJB
DATE	SEPTEMBER 2006
SCALE	1:3000
DRAWN BY	JKO
FILE	PHASE 1 & 2 - SITE PLAN
PROJECT No	06-6606
FIGURE No	2

LEGEND:	EXISTING LOTS
	PHASE 1 (EXISTING) - 7 LOTS
	PHASE 2 - 15 LOTS
	EXISTING MR
	PROPOSED EXPANSION OF MR

EDEN PARK ESTATES
AREA STRUCTURE PLAN
M.D. OF FOOTHILLS
PORTION OF LOT 3, BLOCK 3, PLAN 921 2:199



UNP/06/0908 PROJECT/TK/4501-EDEN PARK ESTATES/0908/06/09

adjacent lands. A road dedication contemplated from this land to the east had been eliminated as the land to the east has subsequently subdivided and has no requirement for this alternate access.

- a. When considering amendments to this plan, redesignation, subdivision or development applications in the Plan Area, the Municipality shall confirm that the application conforms to the phasing strategy as illustrated in **Figure 2** and is compatible with the policies of this Plan.
- b. Any application in the Plan Area that is contrary to the land use strategy (**Figure 2**) and policies contained within the Eden Park Estates ASP requires a formal application for amendment to the ASP.

4.1 Agricultural Land Use Policy

Historically, the Plan Area has been under limited agricultural use. A soils analysis completed by Matrix Consulting indicated that soils on the property are of poor quality. Portions of the property have sustained limited agricultural use with the existing operation of a thoroughbred operation as well as intermittent grazing and hay removal. However, the development of Phase 1 from the Eden Park Estates ASP shows the development shift towards Country Residential in the Plan Area.

Urban growth pressures from Calgary, increasing non-agricultural land values, demand for country residential development, and conflicts between residential and agricultural land use increase pressure for non-agricultural uses. Phase 2 lands have the potential for residential uses provided the transition is orderly and based on Plan policies.

- a. Intensive agricultural operations are discouraged from locating within the Plan Area. As the agricultural balance begins to transition into a residential use the existing thoroughbred operation will be downsized and eventually eliminated.
- b. The large agricultural balance lands within the Eden Park Estates ASP have potential for conversion to Country Residential uses. Any conversion of these lands to Country Residential uses will be in accordance with the general principles of this ASP and the MD of Foothills Municipal Development Plan and Land Use Bylaw.

4.2 Residential Land Use Policy

Figure 2 delineates a continuation of the phased residential development for the remaining land. Phase 1 depicts the previously developed residential development with the creation of seven (7) developed country residential lots. Phase 2 (the area subject to plan amendment) consists of 15 country residential lots. In total the Eden Park Estates ASP development will consist of twenty-two (22) Country Residential lots and two (2) MR lots.

Orderly settlement patterns of residential development should be compatible with the natural environment. There appears to be no environmentally significant sites or areas of low-lying water (ponds, lakes or rivers) on the property. A minor drainage course, which contains water

intermittently in the spring of some years, traverses the property from the southeast of the property to the north of the property. This drainage course will be taken into consideration at the detailed subdivision design stage of the development of the lands. Lots sizes proposed are approximately 3.0 to 3.5 acres in size in order to accommodate single-family dwellings and will include one acre of developable land as prescribed by the Municipal Development Plan (MDP).

- a. Residential lots shall be supplied by individual ground water wells that are drilled and licensed in accordance with the Provincial Water Act and municipal requirements.
- b. Residential lots shall have direct access to a surfaced road in accordance with the Municipal Internal Subdivision road policies.
- c. Residential lots shall support single-family dwellings only. Uses on residential lots shall comply with the Restrictive Covenant registered on title, copied here in **Appendix A**.
- d. Projections for the implementation of Phase 2 in the Eden Park Estates land use strategy shall be dependant upon a number site-specific of factors including:
 - i. the ability of the area to be serviced from individual groundwater wells;
 - ii. the ability of the existing transportation network to handle additional capacity of proposed by a new use in the Plan Area; and
 - iii. the proximity of existing uses to proposed use and the extent of similar residential housing types and density in the area.
- e. In accordance with the Transportation Policies contained in **Section 6.0**, a Traffic Impact Analysis may be required at the time of redesignation or subdivision for residential purposes.

5.0 NATURAL ENVIRONMENT

The topographic characteristics and environmental aspects of lands in the Plan Area should be considered in applications for development.

5.1 General Environmental Policy

- a. The Municipality, through its MDP policies, encourages principles, which take into consideration topographic and environmental considerations when applications for development approval are considered.
- b. The municipality may require that a proponent, in support of a proposal for redesignation, subdivision or development, and at their sole expense, prepare and submit the following in a form and content satisfactory to the Municipality, and in accordance with all pertinent Alberta Environmental Protection guidelines or requirements of the appropriate Provincial Departments:

6.3.4 Shallow Utilities

Shallow utility services include natural gas, telephone, and electricity. Atco Gas provides gas service to the area. A blanket easement to provide gas service to the property has already been negotiated with Atco Gas. Electrical service is provided primarily by TransAlta Utilities.

- a. Provision of Shallow Utilities in applications for redesignation, subdivision, and/or development shall be at the sole expense of the developer to the extent required in the Municipal Standard Development Agreement.

6.4 Protective Services

The municipality requires that proposals for redesignation, subdivision, and/or development accommodate design elements that consider safety measures and appropriate levels of servicing required for fire, police, and ambulance services.

6.4.1 Police Service

Police Service to the Plan Area shall be provided by the Royal Canadian Mounted Police and MD of Foothills Special Constables.

6.4.2 Fire Services

Subdivision proposals within the Plan area shall meet the established criteria for on-site fire fighting measures as determined by the MD of Foothills No. 31

Proper emergency vehicular access shall be a component of the design when applications for redesignation, subdivision or development permit are applied for within the plan area.

7.0 IMPLEMENTATION, REVIEW AND AMENDMENT

7.1 Plan Implementation

This ASP was amended in March 2007 from the Eden Park Estates ASP that was approved by Council in August 2000. Provisions allow for the occasional review and amendment of ASP's from time to time as may be required. The Eden Park Estates ASP is intended to serve as a policy guide in order to assess more detailed subdivision and land use bylaw amendments. In effect, subdivision applications should be developed in conformity with this plan with some flexibility in terms of policy interpretation.

The MD of Foothills Municipal Development Plan (MDP) is the guiding document for all development within the municipality. The Land Use Bylaw (LUB) establishes the land use rules and regulations. The Eden Park Estates ASP presents a greater level of planning detail within the specific Plan Area and is required to be consistent with both the MDP and LUB.

Development in the Plan Area should be acceptable to the community and consistent with policy contained within the ASP. The Eden Park Estates ASP does not supersede, repeal, replace or otherwise diminish any other statutory plan in effect in the Plan Area.

- a. The policies contained within this document shall be reviewed and implemented by the Municipal District of Foothills Council members at their discretion.

7.2 Plan Review and Amendment

As the Eden Park Estates ASP is a bylaw of the Municipality, a formal process as outlined in the Municipal Government Act is required to amend the Plan.

- a. The future land use and development outlined in the Eden Park Estates ASP is intended to address a long-term time horizon. **Periodic review** and occasional amendment of the Eden Park Estates ASP may be required in accordance with *Municipal Government Act*.

APPENDIX A: DRAFT RESTRICTIVE COVENANT

RESTRICTIVE COVENANT

OXFORD LAND DEVELOPMENT AND CONSULTING LTD., of Calgary, Alberta (hereinafter referred to as the “Developer”), is the registered owner of certain lands situated near DeWinton, in the Province of Alberta, and more particularly described in **Schedule “A”** attached hereto and by this reference made a part hereof (hereinafter collectively called “the lots” or individually referred to as a “lot” as the context hereof requires);

AND WHEREAS the developer is developing a planned housing subdivision on the lots and considers it is desirable for the greater employment of the lots and that it will increase and the value of the lots and it is for the benefit of all of the future owners of the individual lots and that it will protect the owner of each lot against the improper development and use of surrounding lots as will depreciate the value of his lot and that it will prevent haphazard or inharmonious improvements or improper designs or materials, to impose and annex certain restrictions and covenants to the lots and that in making sales of the lots that the lots shall be conveyed subject to the restrictions, covenants and limitations hereinafter set forth;

AND WHEREAS the following covenants and conditions are to be administered and some discretion will be allowed where specifics of an application warrant and there is no substantial departure from the intent and substance of this Restrictive Covenant.

NOW THEREFORE KNOW ALL PERSON BY THESE PRESENTS that the developer does for himself, his transferees and assigns, covenants and agrees and does hereby annex the following covenants and conditions to the aforesaid lots:

1. All of the lots shall be subject to the restrictions and conditions herein set forth which shall be deemed to be covenants running with the land and annexed to the land and shall be binding upon and inured to the benefit of each lot and the registered owners of each lot, while they are such registered owners from time to time.
2. No attached or semi-attached house, duplex or apartment shall be constructed or erected, nor shall any house designated for more than one family be built. There shall not be constructed more than one detached single family dwelling on any one lot and every single family dwelling must have at least a two-car attached or semi-attached garage.
3. No mobile home shall be parked or placed on any lot. The phrase “mobile home” shall herein include a house or trailer or other similar portable accommodation for one or more persons that may be moved by being towed, pulled or carried.
4. The buildings erected on any lot shall include, only, a private single dwelling house with attached double or triple garage. A structure to conceal recreational trailers and recreational vehicles may be constructed provided it conforms to the

architectural style and exterior finish of the dwelling house. There shall not be constructed on any lot any detached garage, storage sheds, or structures to conceal heavy equipment, gasoline tanks and other fuel tanks and stands thereof. Garden sheds and Greenhouses may be constructed provided they conform to the architectural style and exterior finish of the dwelling house and do not exceed three hundred square feet.

5. If a lot owner wishes to store a recreational vehicle, it must be a recreational vehicle which is owned by the lot owner and is restricted to one of such recreational vehicle.
6. No fuel, gasoline, oil, chemicals of any nature or biological waste (excepting waste in properly installed septic tanks) shall be stored on any lots in an amount excess of 100 litres.
7. The minimum habitable floor area, excluding basement, of any single family dwelling upon any lot shall be:
 - a) 1,800 square feet for a bungalow or bi-level dwelling;
 - b) 2,200 square feet for a split level or two storey dwelling;

In calculating the ground area of a dwelling house, the measurements for the above calculations shall be taken as the outside measurements of the main walls of the building and ground level and shall not include any garage which does not have habitable rooms above it and shall not include any porch, veranda or unheated sunroom.

8. No dwelling house on any single lot shall be used for any purpose other than that of a private dwelling for a single family.
9. The exterior finish, roof, windows, log finish, siding or stucco of any single family dwelling must be completed within 12 months of the initial excavation of the foundation of the said dwelling.
10. Any garden shed or greenhouse erected on the property shall be architecturally compatible with the said dwelling house or commensurate with the country residential subdivision, utilizing the same roofing materials as the dwelling house with only steel, aluminum, log finish, vinyl or stucco sidings acceptable.
11. Any garden shed or greenhouse erected on the property must be sided and completed within 12 months of the commencement of construction of building.
12. The interior of the dwelling and final building inspection shall be fully completed (excluding any basement development) within 24 months of commencement of the initial excavation of the foundation thereof.

13. No heavy equipment or tractor trailers shall be stored or operated on the property other than for the purpose of construction of the dwelling or improvement of the property. In the event that a lot owner is an owner or operator of such equipment for commercial purposes, such equipment shall not be stored or operated within the subdivision other than as set out above.
14. If a lot owner is to keep dogs on their lot, suitable fences or electric restraint systems are to be installed to ensure that any such dogs do not leave the lot owner's property. No lot owner shall have any more than two (2) dogs on the property and the dog(s) must be confined indoors between the hours of 10:00 p.m. and 6:00 a.m.
15. No livestock or animals of any nature shall be raised on the lot for commercial purposes.
16. If any of the preceding covenants is determined to be void or unenforceable, in whole or in part, such invalidity or unenforceability of that covenant(s) shall not affect any other covenant and the remaining covenant(s) shall be deemed to be separate and distinct covenants.
17. Sewage disposal is the responsibility of the individual lot owner and shall be in accordance with the requirements of the Municipal District of Foothills, No. 31 and provincial regulations.
18. Household and other garbage must be removed from the property at least monthly and disposed of in accordance with the local laws at the expense of the landowner.
19. No covenants herein shall be deemed to restrict any provision of any development control bylaw, development control resolutions, zoning regulation or land use regulation, or any other similar bylaw, resolution or regulation, passed or imposed by any governmental authority but the covenants herein are to be considered as additional restrictions.
20. These covenants shall be and are deemed to be covenants running with the land and shall be personally binding upon the successors and assigns of the property herein referred to.
21. This Agreement shall not merge upon the delivery or registration of a Transfer of any lot but shall survive same.

IN WITNESS WHEREOF the Developer have hereunto set there hands and corporate seals, this ____ day of _____ 2006.

SIGNED IN PRECENSE OF:

Oxford Land Development and Consulting Ltd.

Witness