

**FOOTHILLS COUNTY**

309 Macleod Trail, Box 5605

High River, Alberta T1V 1M7

Phone: 403-652-2341

Fax: 403-652-7880

www.FoothillsCountyAB.caplanning@foothillscountyab.ca

April 23, 2025

«MailName»

«AddLine1»

«AddLine2» «AddLine3»

«City», «Prov» «Postal»

Dear Sir/Madam:

TAKE NOTICE that, in accordance with Land Use Bylaw No. 60/2014, a Development Permit application has been approved subject to conditions (attached) and a 21-day appeal period, for a parcel of land that is located within one half mile of your property. The details of the Development Permit application are as follows:

Development Permit Application File#: 25D 050**Legal Description: NE 14-18-29 W4M; Plan 2411996, Block 2, Lot 2****Approval Description: Dwelling, Moved on****Applicant/Owner: Matthew Deguire (Owner)****Location: Located one mile to the south of 562nd Avenue and just east of 88th Street East. Access comes off of 594th Avenue.**

Pursuant to Section 685(2) of the Municipal Government Act, a person affected by this decision has a right of appeal. Notices of Appeal, including payment of the appeal fee are to be filed with the Subdivision and Development Appeal Board within 21 days from the date of the development permit decision (attached). Notices of Appeal and payment of the appeal fee are to be received **no later than May 15, 2025**. Notices of Appeal received after the 21-day notification period will be invalid.

The form required for the Notice of Development Appeal is available on the Foothills County website. To access the form, please visit the following link: <https://www.foothillscountyab.ca/resources/notice-development-appeal>. For further assistance or if you would like us to email you the form, please contact our Planning and Development Department at **403-652-2341** or via email at Planning@FoothillsCountyAB.ca.

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

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

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

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

Yours truly,
FOOTHILLS COUNTY

Original Signed By...

Brenda Bartnik
Development Officer

brenda.bartnik@foothillscountyab.ca

(403) 603-6222

BB/ml

Encl. – Development Authority Decision



DEVELOPMENT AUTHORITY DECISION

DATE OF DECISION: April 23, 2025

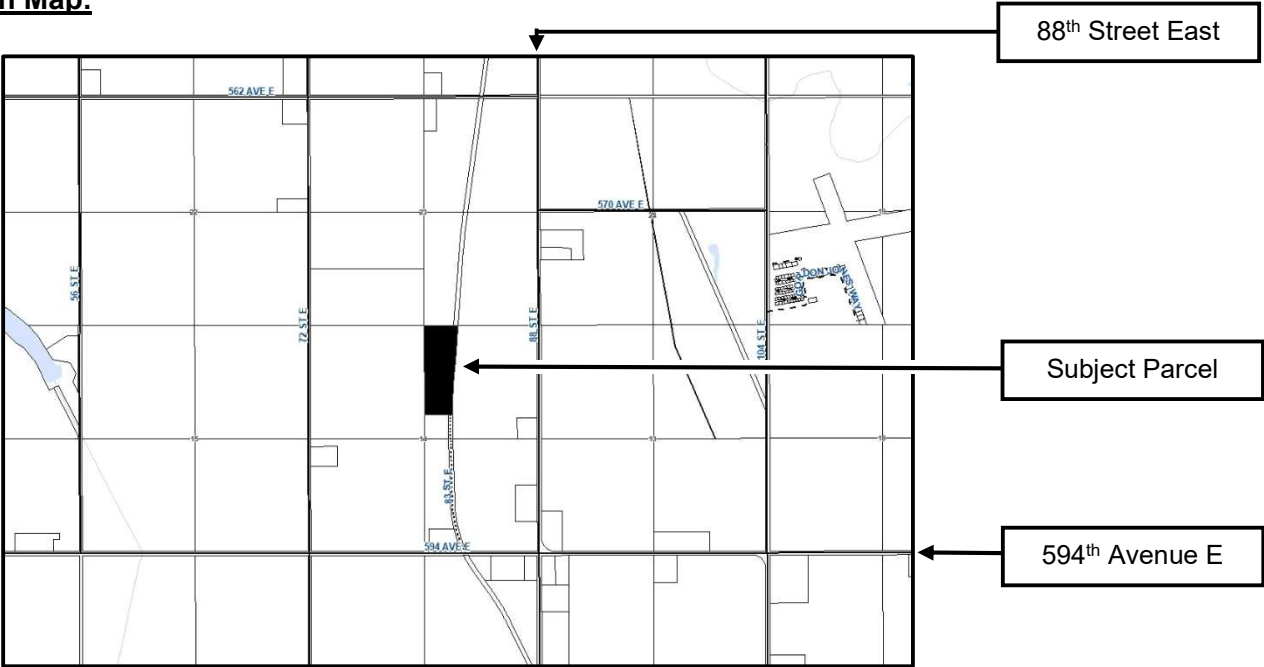
THIS IS NOT A DEVELOPMENT PERMIT OR BUILDING PERMIT. PLEASE REFER TO THE NOTES SECTION FOR ADDITIONAL INFORMATION.

APPLICATION FILE NUMBER: 25D 050
LANDOWNER(S) / APPLICANT(S): MATTHEW DEGUIRE
PROPOSAL DESCRIPTION: DWELLING, MOVED-ON with attached GARAGE
LEGAL DESCRIPTION: PTN. NE 14-18-29 W4M; Plan 2411996, Block 2, Lot 2

LOCATION AND DESCRIPTION OF SUBJECT PARCEL:

The subject property is a 34.59 acre Agricultural District parcel located one mile to the south of 562nd Avenue and just east of 88th Street east. Access comes off of 594th Avenue.

Location Map:



INTENT OF THE DEVELOPMENT PERMIT APPLICATION:

An application has been submitted to allow for a previously lived in +/- 2,140 sq. ft. dwelling with attached garage to be moved onto the property and placed upon a permanent foundation to serve as the permitted Dwelling, Single Family on this parcel.

A Dwelling, Single Family that has previously been lived in or used as a residence, which has been relocated to a new parcel for the purpose of a Dwelling Unit is to be considered as a *Dwelling, Moved On*.

Dwelling, Moved On 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.

The application for a Development Permit in accordance with the provisions of Land Use Bylaw 60/2014 of Foothills County in respect of the *Dwelling, Moved On* with attached *Garage* on the subject parcel being Ptn. NE 14-18-29 W4M; Plan 2411996, Block 2, Lot 2 has been considered by the Development Officer and is **APPROVED** subject to the following:

APPROVAL DESCRIPTION:

Upon completion of the pre-release conditions, this approval will allow for:

1. A previously lived in +/- 2,140 sq. ft. Dwelling with attached Garage to be relocated to the subject property for use as a Dwelling, Single Family.

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 23, 2025** will see this approval deemed null and void, unless a time extension is issued under agreement between the Development Authority and the Applicant(s).

1. The applicant is to submit a refundable security deposit in the amount of \$25,000 in order to ensure compliance with the conditions of this permit; specifically, to ensure construction of the foundation and all other work required to complete the exterior of the dwelling to a high standard of appearance. This security will be refunded at such time that confirmation that the development meets the conditions of this approval are verified.

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. Prior to moving the proposed Dwelling Unit onto the property, a transport permit shall be obtained from *RoaData Services Ltd.*;
2. All necessary building, plumbing, gas, septic, and electrical permits; and inspections for the Dwelling, Moved-On and the attached Garage must be obtained from the County;
3. Failure to locate the Dwelling onto a permanent foundation within 60 days of it's arrival onto the lot shall see this approval deemed null and void; and the structure shall be immediately removed from the property;
4. All structural and exterior renovations are to be completed within one year of the issuance of the Development Permit, failing which, the deposit for compliance will be forfeited in order to see completion of the required renovations and/or removal of the Dwelling, Moved On, from the property in its entirety;
5. Prior to the County acknowledging completion of the development and refunding the deposit for compliance, the following shall be illustrated:
 - a. All exterior surfaces of the dwelling must be finished with consistent and aesthetically pleasing materials, and no exterior surface may remain unfinished or uncovered;
 - b. The County's Safety Codes Officer shall acknowledge completion of all required permits and inspections and verify the Dwelling, Moved On, to be suitable for its proposed use and occupancy. Any recommendations from the Engineer with respect to the review that was provided at the time of application for development permit shall be met prior to;
6. The applicant shall provide written notification to the Development Authority upon completion of the development, as approved herein;
7. The applicant shall be responsible for payment of any professional costs including legal fees that may be incurred by Foothills County with respect to the implementation of this permit.

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 construct and 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 use of this land shall not proceed except under benefit of appropriate approvals and permits;**
2. Development shall comply with the applicable Building, Safety and Fire Codes at all times;
3. No topsoil shall be removed from the subject property. It is the applicant's responsibility to ensure that the natural drainage pattern of the parcel is maintained;
4. All new installation(s) of exterior lighting must adhere to the guidelines and technical specifications as outlined within the Dark Sky Bylaw;
5. Development is to consider all setback requirements under the Agricultural District, including that from the from the area dedicated for future road widening along the property's east boundary (83rd Street east);
6. It is the applicant's responsibility to install and maintain an emergency address for the property;
7. The applicant agrees to indemnify and hold harmless Foothills County, its employees and agents from any and all claims, demands, or actions and costs whatsoever may arise, directly or indirectly from any done or omitted to be done with respect to the approved development;
8. 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;
9. It is the landowner's responsibility to familiarize themselves with respect to the lands' location within the County's Airport Protection Overlay Area and the policies that guide development within this area;
10. The applicant agrees to indemnify and hold harmless the County against the cost of any claims or actions, or awards for loss or damage to the applicant and/or owner(s) arising from the use and development of the subject property.

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 must not proceed until this permit has been signed and issued.
3. 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.
4. 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.
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.



Notice of Appeal

Subdlvislon 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)			
Mailing Address		Province	Postal Code
Main Phone #		Alternate Phone #	
I consent to receive documents by email: <input type="checkbox"/> Yes <input type="checkbox"/> No			
Email Address:			
AGENT INFORMATION & CERTIFICATION (complete section if applicable)			
Name of Organization:			
Contact Name:			
Mailing Address		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		_____ Date	
SITE INFORMATION			
Municipal Address (house and street number):			
Legal Land Description: Quarter-Section	Plan Township	Block Range	Lot Meridian

I AM APPEALING (check only one)		
Development Authority Decision <input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal <u>Development Permit #</u> 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.		

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

How to submit your appeal and pay your fee

Completed Notice of Appeal forms may be submitted by mail, in person or by email. Your Notice of Appeal must be received on or before the final appeal deadline and must include the applicable fees as outlined above.

Mail or deliver to:

SDAB Clerk, Foothills County
Box 5605, 309 Macleod Tr. S., High River, AB T1V 1M7

Email to:

appeals@foothillscountyab.ca

Please make cheques payable to "Foothills County"

To pay by Credit Card, please use the Credit Card Authorization section found on page 2 of the Notice of Appeal Form.

****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****

What happens after my appeal is submitted?

Once your completed Notice of Appeal form is submitted on time and with the required fee, the appeal will be heard by the SDAB within 30 days. The SDAB Clerk will provide you with additional information regarding the appeal hearing.

If the appeal is against the decision of a Subdivision Authority, notice will be sent to you and to landowners adjacent to the subject property. If the appeal is against the decision of a Development Authority, notice will be sent to you and to landowners located within the half mile surrounding the subject property.

More information

For more information about filing an appeal or SDAB procedures, please contact the SDAB Clerk at:

Phone: 403-652-2341

Email: appeals@FoothillsCountyAB.ca