

**FOOTHILLS COUNTY
SUBDIVISION AND DEVELOPMENT APPEAL BOARD
Development Appeal Board Decision**

HEARING DATE: MAY 7, 2026

BOARD ORDER: D10/2026

APPELLANT: ROB DAVIDSON

APPLICANT/LANDOWNER: CARMEN JADICK

APPEAL AGAINST: THE APPROVAL OF 26D 018 FOR A KENNEL, PRIVATE

SUBJECT PROPERTY: PTN. NE 20-20-03 W5M

BEFORE: CHAIRMAN P. STIER; BOARD MEMBERS C. STORMES, D. MACDONALD, T. MILLS, R. SIEWERT AND RECORDING SECRETARY M. MICHAUD

DECISION

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 subject to the following conditions:

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.

INTRODUCTION

- i. The subject property is an existing 149.04-acre Agricultural District parcel located to the southeast of the intersection at 264th Street and 370th Avenue west, approximately 3 miles south of Highway 549.
- ii. On March 18, 2026, the Development Authority for Foothills County approved Development Permit 26D 018 for a Kennel, Private on NE 20-20-03 W5M.
- iii. An appeal was received on April 9, 2026, from R. Davidson against the approval of Development Permit 26D 018.

ISSUES

1. APPLICATION:

- i. The Development Authority submitted that the application was submitted as a result of enforcement, to allow for a private kennel and to bring the subject parcel into compliance with the Land Use Bylaw.
- ii. The Development Authority submitted that the file began in 2020 with a complaint about too many dogs on the property. The Development Permit application was approved and subsequently appealed. At this time, the Development Appeal Board upheld the approval with revised conditions. The approval was for 12 months only. Subsequent permits have been approved since then on a temporary basis until the present time, with a gap where there was no permit in place from August 2023 until March 2026.
- iii. The Development Authority submitted that, as per the Land Use Bylaw 60/2014, Section 4.2.1.30, keeping of dogs allows for the keeping of up to three (3) adult dogs over 6 months of age at any one time, on a lot containing a dwelling. The definition of Kennel, Private means the keeping of 4 or more adult dogs on a property that is owned by the resident(s) of the dwelling located on the same

property. The Development Authority submitted that the application provided for 4 dogs.

- iv. The Development Authority submitted that the subject property is an active alpaca farm with the dogs acting as guardians for the alpacas.
- v. The Development Authority submitted that one objective in the Agriculture Policy in the MDP2010 is to support existing agricultural operations and the “right to farm”. Additionally, the policy in this section states that “Agricultural uses and industries that support agriculture should be encouraged to locate in the Municipality”.

2. FENCING/ SCREENING:

- i. The Development Authority submitted that the Applicant has installed continuous page wire fencing with electric fencing above. This action was undertaken to ensure safety of the alpacas, but equally to ensure that the alpacas, dogs and wildlife stay on their respective sides of the fence.
- ii. The Development Authority submitted that the Applicant recently added an additional gate at the property line with page wire attached to the bottom of the fence. This is in addition to the original gate at the home site, which has been closed up to ensure that the dogs cannot squeeze through the gap.
- iii. The Applicant/ Landowner submitted that the 8-foot page wire fence with electrical wire on top has been effective at keeping the dogs in the yard except for a couple of times that the dogs escaped when someone came into the yard and left the gate open.
- iv. The Applicant/ Landowner submitted that there are large predators in the area, including bears, coyotes and cougars and the guardian dogs have kept the alpacas safe, as they are generally defenseless.
- v. The Applicant/ Landowner submitted that a neighbour’s camera recorded a cougar on her property, and one of the dogs deterred the cougar from coming in.
- vi. The Applicant/ Landowner submitted that there have been two instances where the dogs have gotten out and states that she has taken measures (including the extra fencing and gates) to rectify these situations.
- vii. The Applicant/ Landowner submitted that there is a separate area for the dogs to exercise in that includes around the perimeter of the house; however, the dogs are allowed to go down when the alpacas are in the pasture.
- viii. The Appellant submitted that he has had at least twenty (20) encounters with the dogs on his own property.

3. BARKING:

- i. The Appellant submitted that he is able to hear the dogs barking excessively and can hear the dogs fighting in the middle of the night. As such, the Appellant put in a complaint with Fish and Wildlife and Foothills County Bylaw Officer.
- ii. The Appellant submitted that in the last 2-3 weeks, the dogs were heard barking on at least 2 occasions in the middle of the night.
- iii. Member of the Gallery B. Olive submitted that the dogs seem to be unattended and bark incessantly, all the time, all night and every night, and as such, he has complained under the Responsible Dog Ownership Bylaw regarding the incessant barking and noise.
- iv. Member of the Gallery P. Olive submitted that the dogs barking interferes with the peace and quiet and makes him very nervous while walking and waiting for the school bus.

4. AGGRESSIVE BEHAVIOUR:

- i. The Appellant submitted that the dogs often chase away the wildlife that roam on his property and this has interfered with wildlife migration and wildlife calving on the Appellant's property.
- ii. The Appellant submitted that he can often see the dogs from his homesite chasing wildlife on his property.
- iii. The Appellant submitted that friends who hunt on his land reported fifteen (15) incidents of the dogs on the property chasing wildlife.
- iv. Member of the Gallery P. Olive submitted that the dogs charge at him down the fence line as he walks to the school bus.
- v. Member of the Gallery I. Bagient submitted that last year after he had shot a bull elk, a large dog stood over him and snarled, challenging him. He felt very threatened by the dog.

5. NUMBER OF DOGS:

- i. The Appellant submitted that the dogs seem to be running in packs as large as 5 or 6, with at least 4-5 dogs consistently waiting to get back into the yard area.
- ii. Member of the Gallery B. Olive submitted that he has reported 6 dogs – 2 white Pyrenees and 4 black Poodles – to the Development Compliance Officer.
- iii. Member of the Gallery B. Olive submitted that during a recent fire, he helped to rescue the alpacas amid the 6 dogs.

6. CONCERNS ABOUT COMPLIANCE WITH CONDITIONS OF PERMIT:

- i. The Appellant submitted that he could hear the dogs barking excessively all night, conflicting with Development Permit Decision condition #3 that 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.

- ii. The Appellant submitted that he has never seen the dogs inside the fence with the alpacas.
- iii. Member of the Gallery B. Olive submitted that in the spirit of compliance, the Applicant/Landowner should not have let the permit for the kennel lapse.
- iv. Member of the Gallery B. Olive submitted that there is no attempt made by the Applicant/Landowner to control the dogs.
- v. Member of the Gallery P. Olive submitted that there does not appear to be anything for the dogs to guard, as there are no alpacas in the field when the dogs come down to the pasture.
- vi. The Applicant/Landowner submitted that the dogs are kept inside at night.
- vii. The Applicant/Landowner submitted that the alpacas are not in the pasture when there is new grass, so therefore they are not in the pasture now. When they are, the dogs would be down there to guard them.
- viii. The Applicant/Landowner has helpers on the farm and two sets of gates with the goal of keeping the dogs contained.

7. CONCERNS ABOUT ENFORCEMENT:

- i. Member of the Gallery B. Olive submitted that he has been involved in 3 hearings as the Appellant.
- ii. Member of the Gallery B. Olive submitted that he has made complaints to the Foothills County Development Compliance Officer.
- iii. Member of the Gallery B. Olive submitted that he is concerned that the County is unable to enforce its rules.
- iv. Member of the Gallery B. Olive submitted that he appreciates the opportunity to appear before the Board, but has been trying to engage the County's Protective Services and Land Use department and has only encountered frustration with the Applicant/Landowner's non-compliance.

REASONS FOR DECISION

The Board is DENYING the appeal and UPHOLDING the Development Authority's decision to approve Development Permit 26D 018 for a Kennel, Private on Ptn. NE 20-20-03 W5M.

Based on the testimony heard, the Board considered the application, the reasons for the approval, and the testimony of the Development Officer, the Applicant/Landowner, Appellant and affected parties.

In their consideration of the information presented, the Board determined that the application for a Private Dog Kennel for four (4) dogs conforms to all requirements of the Land Use Bylaw. Additionally, the Board determined that the conditions as set forth in the Development Permit Decision are appropriate, however, recognized concerns regarding the dogs trespassing on neighbouring lands and determined that an extra condition to ensure that the fencing contains the animals at all times be added.

CLOSING:

This decision can be appealed to the Court of Appeal on a question of law or jurisdiction. If you wish to appeal this decision you must follow the procedure found in Section 688 of the Municipal Government Act, R.S.A. 2000 Chapter M-26 which requires an application for leave to appeal to be filed and served within 30 days of this decision.

Dated at the Town of High River, in the Province of Alberta, this 22 Day of May, 2026 and signed by the Chairman of the Subdivision and Development Appeal Board, who agrees that the content of this document adequately reflects the appeal hearing, deliberations and decision of the Subdivision and Development Appeal Board.



Mr. Pat Stier, Chairman

RELEVANT LEGISLATION**FOOTHILLS COUNTY LAND USE BYLAW 60/2014****2.5 DEFINITIONS**

KENNEL, PRIVATE means the keeping of 4 or more adult dogs on a property that are owned by the resident(s) of the dwelling located on the same property. More information on Kennels can be found in Section 10.13 of this bylaw. For boarding of other animals, please see the definition for Animal Boarding Services and addition information in Section 10.5 Animal Boarding Services.

9.12 KEEPING OF DOGS

9.12.1 In accordance with Section 4.2.1, no permit is required for the keeping of up to three (3) adult dogs over 6 months of age at any one time, on a lot containing a dwelling, in all land use districts so long as the dogs are managed in accordance with all other municipal bylaws.

9.12.2 For circumstances outside of the above referenced provisions and additional information on the keeping of dogs, please see Section 10.13 Kennels for regulations and permit requirements.

9.12.3 The keeping of dogs in the County shall be done so in accordance with “The Regulation and Control of Dogs”, attached as Appendix K of this Bylaw and the “Community Standards Bylaw” attached as Appendix J.

10.13 KENNELS

Private Kennel:

10.13.8 The keeping of 4 or more adult dogs owned by the resident(s) of the dwelling located on the same property shall be considered a Private Kennel.

10.13.9 A Development Permit is required for a Private Kennel.

10.13.10 Care should be given to situate buildings or exterior exercise areas, used to accommodate dogs as part of a private kennel on the property as to not unduly interfere with the use and enjoyment of adjacent parcels.

SECTION 12 - AGRICULTURAL DISTRICTS**12.1 AGRICULTURAL DISTRICT (A)**

12.1.1 PURPOSE AND INTENT To promote a wide range of agricultural land uses that encourage growth, diversification and development of the agricultural industry while having regard for the agricultural value and rural character of the area consistent with the policies outlined in the Municipal Development Plan.

| 12.1.4 PERMITTED USES | 12.1.5 DISCRETIONARY USES |
|--|--|
| Accessory buildings not requiring a development permit Accessory uses Agricultural, general Agricultural specialty Dugout Dwelling, single family *no more than 1 such dwelling is permitted on a single lot less than 32.4 ha (80 ac) in size. *no more than 2 such dwellings are permitted on a single lot 32.4 ha (80 ac) or greater in size. Dwelling, Mobile Home *permitted use only on lots 32.4 ha (80 acres) or greater in size. Home Based Business Type I Home Based Business Type II Home Office Public Works Secondary Suite, detached Secondary suite, principal Signs not requiring a Development Permit Solar Power System, Private (Not requiring a Development Permit) Temporary storage of up to 5 unoccupied recreation vehicles | Abattoir, Minor Accessory buildings requiring a development permit Aerodrome/airstrip (private use) Agricultural intensive use Agricultural processing and distribution *does not includes retail sales on the site. Agricultural support services *does not includes retail sales on the site. Animal boarding services Antenna structures, private Arena, private Bed and Breakfast Family Day Home Dwelling, Mobile Home *discretionary use on lots less than 80 acres in size. Dwelling, moved on Dwelling, temporary Home based business Type III Intensive vegetation operation Kennel, private Lot Grading Man-made water bodies, private (requiring a permit). Signs (requiring a development permit) Solar Power System, Private (requiring a Development Permit) Special Event Temporary storage of between 6 and 10 unoccupied recreation vehicles Utility service, minor |

MUNICIPAL GOVERNMENT ACT, R.S.A. 2000, CHAPTER M-26

Hearing and Decision

687(3) In determining an appeal, the subdivision and development appeal board

- (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.

APPENDIX “A”

PERSONS WHO WERE IN ATTENDANCE, MADE SUBMISSIONS OR GAVE EVIDENCE AT THE HEARING:

| <u>NAME</u> | <u>CAPACITY</u> |
|----------------|--|
| 1. S. Kotlar | Foothills County - Development Officer |
| 2. R. Davidson | Appellant/Affected Party |
| 3. I. Bagient | Affected Party |
| 4. B. Olive | Affected Party |
| 5. P. Olive | Affected Party |

APPENDIX “B”

I. DOCUMENTS RECEIVED PRIOR TO THE HEARING AND MADE AVAILABLE AT THE HEARING:

| NO. | ITEM |
|------------|--|
| 1. | Decision from the Foothills County Development Officer 26D 018 |
| 2. | Notice of Appeal submitted by R. Davidson |
| 3. | Development Permit 26D 018 File Documents |
| 4. | Photos, letters and witness statements received from Appellant |

APPENDIX “C”

EXHIBITS MADE AVAILABLE AT THE HEARING

| NO. | ITEM |
|------------|---|
| 1. | Presentation by the Foothills County Development Officer, S. Kotlar |