

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

HEARING DATE: MAY 21, 2026

BOARD ORDER: D11/2026

APPELLANTS/APPLICANTS/LANDOWNERS: GANG WU & HONG CUI

APPEAL AGAINST: THE REFUSAL OF 26D 025 FOR A KENNEL, PRIVATE

SUBJECT PROPERTY: PLAN 0514125, BLOCK 5, LOT 3; PTN. SE 29-21-29 W4M

BEFORE: CHAIRMAN B. ROBSON; BOARD MEMBERS B. ESTES, B. MEYERS, DON LARSON, MATT FOX AND RECORDING SECRETARY G. STANLEY

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 Appellant in accordance with Section 685 of the Municipal Government Act against the refusal of Development Permit 26D 025 for a Kennel, Private on Plan 0514125, Block 5, Lot 3; Ptn. SE 29-21-29 W4M (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 025 for a Kennel, Private on Plan 0514125, Block 5, Lot 3; Ptn. SE 29-21-29 W4M.

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:

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. This permit allows for a Private Kennel, as defined within the Land Use Bylaw; therefore, absolutely no boarding of dogs, grooming of dogs for profit, nor the training of dogs other than those personally owned by the landowner shall occur on the subject property;
3. The dogs must be contained within an enclosed building between 9 P.M. and 7 A.M. daily, unless under the immediate control of the owner or an authorized representative;
4. It is the Landowner's responsibility to ensure that the dogs are either within the dwelling, permitted accessory building, proposed kennel or fenced areas and/or are to be under control of the landowner, or an authorized representative, at all times;
5. The submitted landscaping and screening plan identifying the yard is fully screened with trees and bushes. The existing landscaping shall be maintained in order to support visual screening from adjacent lands and roadways. Should vegetation on the subject property be removed or reduced in a way that no longer screens the outdoor exercise areas from adjacent lands and roadways, the landowners must replace with similar or greater material(s) in order to ensure that the same or greater visual screening is maintained; and
6. All waste materials shall be disposed of at an approved safe disposal site. There shall be no long-term storage of waste materials, nor burning of waste materials on the subject property;

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 a 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 use of his land shall not proceed except under benefit of appropriate approvals;
3. 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. The County's Regulation and Control of Dogs Bylaw, Responsible Dog Ownership Bylaw, and Community Standard Bylaw apply; and

4. 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 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 D11/2026.

INTRODUCTION

- i. The subject property is an existing 3.21 acre Country Residential District parcel, located adjacent to and west of 10 Street East, 200 metres north of 274 Avenue East, and 375 metres west of Highway 2.
- ii. On April 9, 2026, the Development Authority for Foothills County refused Development Permit 26D 025 for a Kennel, Private on SE 29-21-29 W4M.
- iii. An appeal was received on April 27, 2026, from C. Hong and G. Wu against the refusal of Development Permit 26D 025.

ISSUES

1. APPLICATION:

- i. The Development Authority submitted that this application arose as a result of an enforcement issue, as the property was being used for a Private Dog Park through an online booking service.
- ii. The Development Authority submitted that section 4.2.1.30 of Land Use Bylaw 60/2014 states any lot containing a dwelling can keep up to three (3) dogs over 6 months of age at any one time. The application was submitted requesting five dogs on the subject parcel.

- iii. The Development Authority submitted that, pursuant to the Land Use Bylaw, a *Kennel, Private* is defined as the keeping of four or more adult dogs on a property that are owned by the resident or residents of the dwelling located on the same property (LUB s.10.13.58).
- iv. The Development Authority submitted that the private dog park activity had been addressed with the Compliance Officer and had ceased.
- v. The Development Authority submitted that the second aspect of the complaint was that the property was being used for rescuing dogs from foreign countries.
- vi. The Development Authority submitted that the application proposed three dogs owned by the Applicant: one medium-sized mixed-breed eight-year-old male, one large nine-year-old golden retriever and one small two-year-old cocker spaniel.
- vii. The Development Authority submitted that the fourth dog was the Appellant's son's dog, a four-year-old Labrador.
- viii. The Development Authority reviewed a site plan of the subject property, identifying the shop where the dogs are housed and the fenced outdoor area where the dogs are permitted to roam.
- ix. The Development Authority submitted that the application was refused, having regard to the history of the file and the definition of a private kennel under section 10.13.8 of the Land Use Bylaw. It was noted that one of the dogs was owned by the Appellant's son, who resides in Calgary, and that the other dogs would occasionally be rescue dogs temporarily housed on the property. As not all dogs proposed to be kept on the property were owned by a resident of the dwelling, the application did not meet the definition of a *Kennel, Private*. Accordingly, the application was treated as a discretionary refusal.
- x. The Appellant, H. Cui, submitted that she is now the sole legal owner of all four dogs and provided the Board with updated veterinary records and ownership transfer documents to demonstrate that all four dogs are hers and reside on her property. She stated that the four dogs are family pets.
- xi. The Appellant, H. Cui, submitted that all dog rescue and fostering activities had ceased. She advised that, with the arrival of a grandchild, she no longer has the capacity or intention to continue rescuing animals. She stated that her dogs do not create a noise disturbance, noting that her closest neighbour provided a letter of support, while the other direct neighbour had expressed no objection to the application.

- xii. The Appellant, H. Cui, confirmed that the four dogs would be housed in the shop. During the day, the dogs would play in the fenced area, and at night they would sleep in the shop.
- xiii. Affected party B. Taylor submitted that she would oppose the application if the property were to be used as a business for bringing in other people's dogs, but she did not object to the Appellant keeping four dogs of her own.
- xiv. The Appellant, H. Cui, submitted that she is committed to being a responsible neighbour and to complying with Foothills County bylaws, and that the purpose of the application is strictly private and personal.
- xv. The Appellant, H. Cui, reviewed photographs included in the agenda package and submitted that the property is fully enclosed by farm fencing and that the area where the dogs are kept is completely fenced. She stated that the dogs are well-trained and live quietly with her in her studio.
- xvi. The Development Authority submitted that all development permits issued for the property remain with the land and are not issued to individuals. The permit, therefore, remains with the property regardless of ownership.
- xvii. The interpreter, acting on behalf of her mother, submitted that all four dogs are now under her mother's ownership and that the property has been brought into compliance.

REASONS FOR DECISION

The Board is UPHOLDING the appeal and OVERTURNING the Development Authority's decision to refuse Development Permit 26D 025 for a Kennel, Private on Ptn. SE 29-21-29 W4M.

In reaching its decision, the Board considered the application, the reasons for refusal, and the testimony of the Development Officer, the Appellant/Applicant/Landowner, and the affected party.

Based on the information presented, the Board determined that the application for a Kennel, Private permitting no more than four (4) dogs conforms to the requirements of the Land Use Bylaw. In addition, the Board noted that the affected party did not object to the applicant keeping four dogs of her own, provided that no dogs owned by others were being kept on the property.

The Board was satisfied that the Appellant/Applicant/Landowner had taken the appropriate steps to resolve the compliance issues and clarify ownership of the dogs. As such, the Board determined that the proposed Kennel, Private would not unduly interfere with the amenities of the neighbourhood, nor would it materially interfere with or adversely affect the use, enjoyment, or value of neighbouring parcels of land.

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 5th Day of June, 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. Brad Robson, 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.

KEEPING OF DOGS

- 4.2.1.30 The keeping of up to three (3) adult dogs over 6 months of age at any one time, on a lot containing a dwelling.
Provisions on Keeping of dogs can be found under Section 9.12

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.

13.1 COUNTRY RESIDENTIAL DISTRICT

13.1.1 PURPOSE AND INTENT

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

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

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. H. Cui	Appellant
3. M. Sha	Interpreter/Daughter
4. B. Taylor	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 025
2. Notice of Appeal submitted by C. Hong and G. Wu
3. Development Permit 26D 025 File Documents
4. Written Submission by C. Hong

APPENDIX “C”

EXHIBITS MADE AVAILABLE AT THE HEARING

NO. ITEM

1. Presentation by the Foothills County Development Officer, S. Kotlar