

**FOOTHILLS COUNTY**

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High River, Alberta T1V 1M7

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www.FoothillsCountyAB.caplanning@foothillscountyab.ca

July 22, 2026

Kevin Dupuis & Janine Devin-Lamontagne
274142 - 96 St W
Foothills, AB T1S 0V2

Dear Sir/Madam:

Re: Notice of Decision Re: Development Permit 25D 023
Ptn: SW 19-21-1 W5M; Plan 9411903, Lot 1
Lot Grading, Relaxation to Number of Accessory Buildings, Relaxation of Setbacks

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 August 13, 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/sp
Encl.



DEVELOPMENT PERMIT DECISION

DATE OF DECISION: July 22nd, 2026

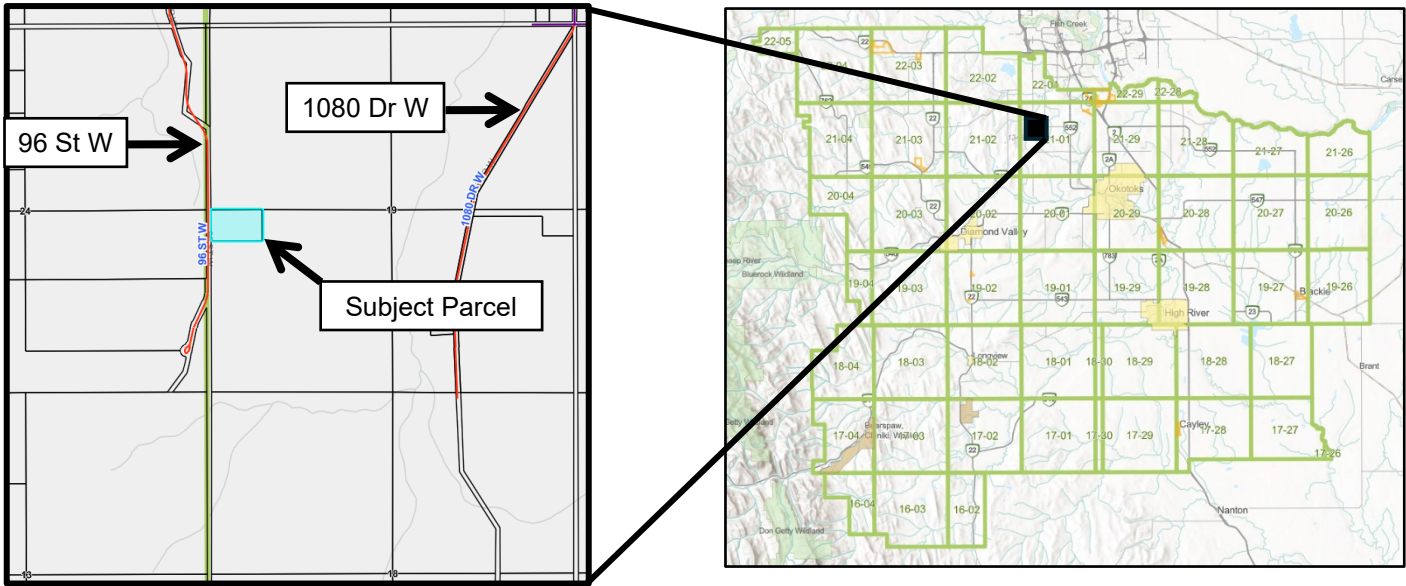
THIS IS NOT A DEVELOPMENT PERMIT OR BUILDING PERMIT. PLEASE REFER TO THE NOTES SECTION BELOW FOR ADDITIONAL INFORMATION.

APPLICATION FILE NUMBER: 25D 023
LANDOWNER(S): KEVIN DUPUIS & JANNIE DEVIN-LAMONTAGNE
PROPOSAL DESCRIPTION: LOT GRADING, RELAXATION TO NUMBER OF ACCESSORY BUILDINGS, RELAXATION OF SETBACKS
LEGAL DESCRIPTION: PTN. SW 19-21-1 W5M; PLAN 9411903, LOT 1

LOCATION AND DESCRIPTION OF SUBJECT PARCEL:

The subject property is an existing 7.76 acre Country Residential District parcel, located adjacent to and east of 96 St W, 900 m west of and 1.6 km south of 266 Ave W.

Location Map:



INTENT OF THE DEVELOPMENT PERMIT APPLICATION:

An application for Development Permit has been submitted to allow for the existing Lot Grading, that created a dirtbike track, to remain on the subject parcel. The applicant has submitted an engineer’s report, dated Feb 18, 2026, prepared by Western Plains Geomatics and signed by Dennis Regan P.Eng.

LOT GRADING means any work, operation or activity that results in a disturbance of the earth including the removal of top soil or borrow, borrow pits, berming, excavating, trenching, backfilling, filling, land leveling, recontouring, and grading other than for building purposes. A Development Permit is required for relocating soils from lands outside of the County.

Additionally, the application requests a relaxation for the number of existing accessory buildings on the subject parcel. The submitted and accepted site plan illustrates that there are a total of eight (8) accessory buildings, in addition to the Oversized Detached Garage, with a total cumulative size of 1,772 sq. ft. (164.62 sq. m.).

Section 4.2.7.1 of the Foothills County Land Use Bylaw 60/2014 allows a property of 7.76 acres to have a total of four (4) personal use accessory buildings not to exceed 3,500 sq. ft. (325.2 sq. m.) While the development is within the cumulative size, it exceeds the maximum accessory buildings allowed under the land Use Bylaw.

Lastly, the application requests relaxation of setbacks for existing structures on the subject parcel. The submitted Real Property Report shows that the location of the Oversized Detached Garage, 2 Greenhouses, Chicken Coop, and 1 Animal Shelter do not comply with the Foothills County setbacks as outlined within Section 13.1.7.3 of the Land Use Bylaw 60/2014.

The following will require approval:

- Oversized Detached Garage is located 11.08 m from the north property line, where the setback is required to be 15m. This Oversized Garage was provided approval under Development Permit 04D 036, however, was built closer than the approved setback which is why an additional

setback approval is required. The applicant is seeking a 3.92 m or 26.13% relaxation of setbacks for this accessory building from the side yard;

- Greenhouse (11.21 x 4.86) is located 10.30 m from the north property line, where the setback is required to be 15 m. Therefore, the applicant is seeking a 4.7 m or 31.33% relaxation of setbacks for this accessory building from the side yard;
- Greenhouse (11.30 x 6.88) is located 10.27 m from the north property line, where the setback is required to be 15 m. Therefore, the applicant is seeking a 4.73 m or 31.53% relaxation of setbacks for this accessory building from the side yard;
- Chicken Coop (3.68 x 2.46) is located 8.39 m from the north property line, where the setback is required to be 15m. Therefore, the applicant is seeking a 6.61 m or 44.10% relaxation of setbacks for this accessory building from the side yard;
- Animal Shelter (2.16 x 2.16) is located 10.86 m from the north property line, where the setback is required to be 15m. Therefore, the applicant is seeking a 4.14 m or 27.6% relaxation of setbacks for this accessory building from the side yard;

Lot Grading, Relaxation to Number of Accessory Buildings and Relaxation of Setbacks 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 Lot Grading, Relaxation to the Number of Accessory Buildings and Relaxation of Setbacks, on the subject parcel being a portion of SW 19-21-1 W5M; Plan 9411903, Lot 1 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 a portion of SW 19-21-1 W5M; Plan 9411903, Lot 1 for:

- a. Existing Lot Grading as identified within the attached plan *Existing Ground Shots Site Plan* by Western Plains Geomatics, signed by Dennis Regan P.Eng., on February 18, 2026, and accepted by the County;
- b. The following existing eight (8) Accessory Buildings, with a cumulative size of 1,772 sq. ft. (164.62 sq. m.) are permitted to remain on the subject property, as depicted on the accepted site plan:
 - i. Greenhouse (11.21 x 4.86)
 - ii. Greenhouse (11.30 x 6.88)
 - iii. Chicken Coop (3.68 x 2.46)
 - iv. Five (5) Animal Shelters
- c. Relaxation of setbacks to the following:
 - i. Oversized Detached Garage is permitted to remain no closer than 11.08 m from the north property line, as depicted on the accepted Site Plan;
 - ii. Greenhouse (11.21 x 4.86) is permitted to remain no closer than 10.30 m from the north property line, as depicted on the accepted Site Plan;
 - iii. Greenhouse (11.30 x 6.88) is permitted to remain no closer than 10.27 m from the north property line, as depicted on the accepted Site Plan;
 - iv. Chicken Coop (3.68 x 2.46) is permitted to remain no closer than 8.39 m from the north property line, as depicted on the accepted Site Plan;
 - v. Animal Shelter (2.16 x 2.16) is permitted to remain no closer than 10.86 m from the north property line, as depicted on the accepted Site Plan.

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 **Dec 22, 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 to wholly remove from the subject property the Moveable Shed 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 first been obtained;**
2. This permit is in addition to the previously issued permit, 04D 036, granting approval for an Oversized Garage, this permit shall replace Relaxation of Setbacks approval issued under this permit.

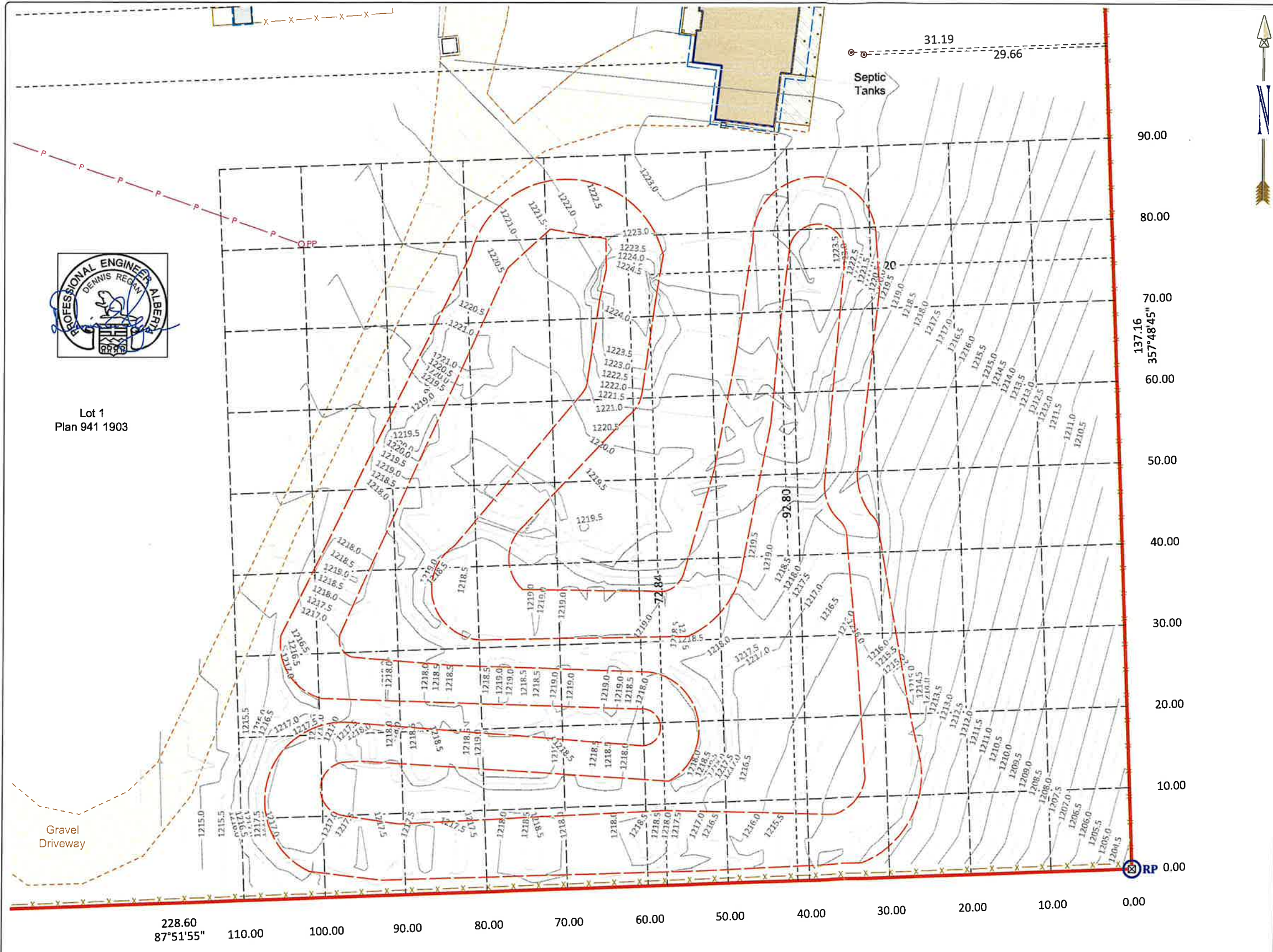
ADVISORY REQUIREMENTS:

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. All structures on this parcel are to be used for personal use only and shall not be used in association with any business, or for the purpose of storing business-related materials, without first obtaining all necessary approvals from Foothills County;
2. The applicant shall maintain the property in accordance with the submitted plans in order to ensure that adverse impacts on area lands are avoided;
3. All future structures shall be located as to adhere to Municipal setback requirements from the boundaries of the legally titled property;
4. 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;
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;
6. 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.



Lot 1
Plan 941 1903

Gravel
Driveway

31.19
29.66

Septic
Tanks

90.00
80.00
70.00
60.00
50.00
40.00
30.00
20.00
10.00
0.00

228.60
87°51'55" 110.00 100.00 90.00 80.00 70.00 60.00 50.00 40.00 30.00 20.00 10.00 0.00

This QR code will direct you to the site location on Google Maps.

Click this code on the PDF, or use a QR code reader app on your mobile device to scan it.

SCAN or CLICK

LEGEND

Statutory Iron Posts found ●

Property Boundaries of Parcel Affected —

Barbed wire fence & gate —X—X—

Overhead powerline & pole —P—P—

Proposed Track —

Contour lines Major Minor:

The geo-referenced point ○ RP

N= 5631083.877 E= 701764.102 (S.E. LOT 1 PLAN 941 1903)

Existing Ground Shots

ALBERTA ONE-CALL 1-800-242-3447

Location of underground facilities are approximate using electronic locating equipment and may be subject to error.

Jannie Devin-Lamontagne

SITE PLAN

Lot 1, Plan 941 1903
within
SW 1/4 Sec.19 Twp.21 Rge.1 W.5 M.

0 5 10 25 Metres
SCALE 1:500

2	Added my Professional Engineer Stamp	February 18, 2026
1	Removed Sea-Can	April 19, 2025
0	Issued	January 26, 2025
Rev.	Revision Description	Date
WPG File: 001293_AB_Rev2 AFE: - -		REV.  Page 1 of 1
Survey Date: January 22 & 23, 2025		
Owners:		
Client File: - -	Initials: DR - DR	

NOTES

- Unless otherwise specified, the dimensions shown relate to distances from property boundaries
- Bearings and coordinates are grid, UTM NAD83 (CSRS, Epoch 2002), reference meridian 117°W. (Zone 11), derived by G.N.S.S..
- All elevations are referred to ASCM 57612 (Elev.=1336.373)
- Distances are ground, in metres and decimals thereof and are derived using a combined scale factor of 0.999869.

Western Plains Geomatics
PROFESSIONAL LAND SURVEYORS
Calgary, Alberta Phone 403.831.7030
westernplains.ca



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

I AM APPEALING (check only one)		
Development Authority Decision ☐ Approval ☐ Conditions of Approval ☐ Refusal <u>Development Permit #</u> Date of Decision: (Y/M/D) _____	Subdivision Authority Decision ☐ Approval ☐ Conditions of Approval ☐ Refusal <u>Subdivision Application #</u> Date of Decision: (Y/M/D) _____	Decision of Enforcement Services ☐ Stop Order ☐ 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.*

Subdivision and Development Appeal Board Hearing and Requests	Fee
Requests to Adjourn, Postpone or Recess a Subdivision and Development Appeal Board Hearing	\$500
Appeal fee for all appeals to a Development Officers decision	\$100
Appeal fee for all Development Appeals when the application is not within the Development Officers discretion	\$575
Appeal fee for Appeal of a Stop Order	\$575
Appeal fee for Appeal of a Subdivision Authority decision* *Paid at the time od subdivision application and credited to endorsement fee if no appeal is filed	\$2,000
Appeal fee for Appeal of a Compliance Order issued as per Sections 545 and 546 of the Municipal Government Act	\$575

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