FOOTHILLS COUNTY
COUNCIL AGENDA

Wednesday, September 30, 2026, 9:00 a.m.
Foothills County Administration Office
309 Macleod Trail South – High River

Pages

A. GENERAL MATTERS

A.1 Call Meeting to Order

A.2 Approval of the Agenda

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Presented by: Manager of Planning Applications Samantha Payne

B.4 **88 Street E and 226 Avenue E - Intersection Review Bylaw 45/2026 (2nd & 3rd Reading)** 22
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Presented by: Deputy Reeve Suzanne Oel

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Presented by: Chief Administrative Officer Ryan Payne

B.10 **Foothills Country Hospice Fundraising Event - Request for Sponsorship** 49
Presented by: Manager of Legislative Services Sherri Barrett

C. SCHEDULED MEETINGS & PUBLIC HEARINGS

C.1 10:00 a.m. - Edward/Smith - NW 25-21-02 W5M - Amend CR 58
Presented by: Planning Officer Theresa Chipchase

C.2 11:00 a.m. - Bow River Basin Council Presentation
Presented by: BRBC Executive Director Mike Murray

C.3 1:30 p.m. - Dudar - E1/2 LSD 2, SE 28-20-03 W5M - Amend CR 75
Presented by: Planning Officer Elliot Salmon

D. MISCELLANEOUS PLANNING ITEMS

E. SUBDIVISION APPROVING AUTHORITY ITEMS

E.1 Canario - SW 06-20-01 W5M - Board Order Acknowledgement 87

E.2 Hammer Tree Services Inc. - SW 06-21-28 W4M - Board Order Acknowledgment 124

F. CONFIDENTIAL CLOSED SESSION

F.1 Advice from Officials - ATIA s. 29

G. MOTIONS ARISING FROM CONFIDENTIAL CLOSED SESSION

H. ACKNOWLEDGEMENTS AND INFORMATION ITEMS

I. OTHER MATTERS

I.1 Lunch

I.2 Accounts – September 30, 2026
Deputy Reeve Oel, Councillors Estes and McHugh

I.3 Minutes – September 23, 2026

I.4 Committee Reports

I.5 Next Meeting – October 7, 2026

I.6 Adjourn

DEPARTMENT: Emergency Services - Fire	
FOOTHILLS COUNTY	**TOPIC: Capital purchase – Vehicle Extrication Airbag System**
REPORT PRESENTED BY: Fire Chief Alex Marshall	

PURPOSE

To seek Council authorization to purchase six (6) vehicle extrication air bag systems from Brogan Fire & Safety utilizing funds previously approved within the 2026 Capital Budget. This will provide each fire station one (1) kit for emergency response.

BACKGROUND

The 2026 Capital Budget includes funding in the amount of $55,000 for the replacement and enhancement of vehicle extrication equipment utilized by Foothills Fire Department. Vehicle stabilization and lifting air bags are specialized rescue tools used during motor vehicle collisions, equipment rollovers, agricultural incidents, and heavy vehicle emergencies.

The current extrication equipment inventory does not provide the level of lifting capacity, stabilization capability, and operational flexibility required to effectively address a variety of rescue incidents encountered throughout Foothills County.

A quotation was obtained from Brogan Fire & Safety for a Paratech air lifting bag system designed for emergency rescue operations. The proposed equipment will enhance firefighter and patient safety while improving operational effectiveness during complex rescue incidents.

Discussion

The proposed purchase includes:

- Six (6) Paratech Basic Control Kits
- Six (6) KPI-10 Air Lifting Bags
- Six (6) KPI-17 Air Lifting Bags
- Six (6) KPI-32 Air Lifting Bags

These air lifting bags provide lifting capacities ranging from approximately 14.6 tons to 44.6 tons depending on model and application, allowing responders to safely lift, stabilize, and disentangle vehicles or heavy equipment during rescue operations.

The equipment will support emergency response operations throughout Foothills County and improve firefighter capabilities during:

- Motor vehicle collisions
- Heavy truck incidents
- Farm equipment emergencies
- Industrial rescue situations
- Vehicle stabilization and patient access operations

The equipment is manufactured by Paratech, a widely recognized rescue industry supplier, and is available through Brogan Fire & Safety, a recognized emergency services equipment distributor.

The purchase aligns with Council's approved capital plan and supports the continued modernization of emergency response equipment.

Financial Impact

A quotation was received from Brogan Fire & Safety in the amount of $54,996.00. The 2026 Capital Budget includes $55,000 for this project. The equipment cost before tax is within the approved capital allocation.

Options / Motion

Option 1 – As recommended by the Fireboard that Council authorize the purchase of a Paratech vehicle extrication air bag system from Brogan Fire & Safety in the amount of $54,996.00, utilizing funds approved within the 2026 Capital Budget.

Option 2 - THAT Council decline the purchase request.

QUOTATION

BROGAN FIRE AND SAFETY

THIS IS NOT AN INVOICE

2305 - 52ND AVENUE S.E., UNIT 22
CALGARY, AB T2C 4X7
CANADA
(403) 287-0155

BROGAN
Brogan Fire & Safety / Brogan Équipements de Sécurité
Remit to / Payé à:
10535-98 Ave., Unit 201
Grande Prairie, AB, T8V 4L1
(877) 238-9078
receivables@brogansafety.com

Quote Number	
10429521	
Quote Date	Page
8/18/2026	1 of 2

Quote Expires On: 09/17/2026

Bill To:
FOOTHILLS COUNTY
PO BOX 5605
309 MACLEOD TRAIL
HIGH RIVER, AB T1V 1M7

Ship To:
FOOTHILLS COUNTY
226115 2ND STREET EAST
FOOTHILLS MD FIRE DEPT
DE WINTON, AB T0L 0X0
CAN

Attn: ACCOUNTS PAYABLE
Customer ID: 21891

Ship To ID: 21891 Tel#: 403-652-2341

PO Number	Job Name	Taker	SalesRep
Air Bag Quote #3		JLACOUNT	SCOTT ARGENT

Quantities Ordered	Allocated	Remaining	UOM	Dis	Item ID / Item Description	Pricing UOM	Disc. Price	Extended Price
6.0	0.0	6.0	E		PRT-22-890351G3-180 BASIC CONTROL KIT G3 180	E	3,100.00000	18,600.00
6.0	0.0	6.0	E		PRT-22-888138G3 KPI-10 ALB 12X18 (305X457MM)	E	1,622.00000	9,732.00
6.0	0.0	6.0	E		PRT-22-888150G3 KPI-17 ALB 15X21 (381X533MM)	E	1,898.00000	11,388.00
6.0	0.0	6.0	E		PRT-22-888170G3 KPI-32 ALB 24X24 (610X610CM)	E	2,546.00000	15,276.00

Total Lines: 4

SUB-TOTAL:	54,996.00
TAX:	2,749.80
AMOUNT DUE:	57,745.80

CAD

QUOTATION

BROGAN FIRE AND SAFETY **THIS IS**

NOT AN INVOICE

2305 - 52ND AVENUE S.E., UNIT 22
CALGARY, AB T2C 4X7
CANADA
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receivables@brogansafety.com

Quote Number	
10429521	
Quote Date	Page
8/18/2026	2 of 2

Quote Expires On: 09/17/2026

PLEASE NOTE: This is not an offer to contract, but merely a quotation of current prices for your convenience and information. Orders based on this quotation are subject to our acceptance on the terms and conditions stated in our written acknowledgement of order. We make no representation with respect to compliance with job specifications. Every order resulting from this quote will be subject to all applicable taxes and eco fees. Thank you for your request for a quotation with regards to the above-mentioned project. The following Terms and Conditions of Sale shall apply to any sale of goods by Guillevin International Co. and its divisions ("Guillevin"). Purchaser shall be deemed to have full knowledge of the Terms and Conditions herein and such Terms and Conditions shall be binding if either the goods referred to herein are delivered to and accepted by the Purchaser.

1. **Bill of Material: The order is based on the Bill of Material prepared by Guillevin or Guillevin's suppliers that accompanies this order. Guillevin assumes no responsibility for the accuracy of the plans and/or specifications provided to it by the Customer on which the Bill of Material was based. It is the responsibility of the Customer to ensure that the goods ordered and the Bill of Material meet any specifications required by the Customer.**
2. **Price and Payment: All prices are subject to change without notice. All prices are tax extra. GST, HST and Provincial Tax are not included. The pricing offered in our quotation shall be considered firm unless otherwise noted. However, our pricing is based on tariffs in place as of the date of this quotation. Should existing tariffs increase or new tariffs be applied during the term of supply, pricing will be adjusted accordingly.**

All payments shall be made 30 days from the invoice date. Guillevin may also alter the terms of payment if Guillevin, in its sole discretion, feels the Customer's financial condition has changed, including requiring the Customer to pay in whole or in part prior to shipment.

3. **Freight and storage: Unless otherwise specified, all transportation, storage and related expenses shall be charged to the Customer's account and shall be in addition to the price specified for the related goods.**
4. **Delays: Shipping and delivery dates are estimates only and are not guaranteed. Guillevin assumes no liability whatsoever, for any reason, or any damages, including, without limitation, direct, indirect, incidental, financial, consequential**

or special damages, which may result from any delay in the delivery or failure to fill the purchased goods.

5. **Cancellation: Orders placed with Guillevin cannot be cancelled by the Customer without the prior written consent of Guillevin. The Customer agrees to indemnify Guillevin against all direct and indirect losses arising from any cancellation.**
6. **Returns: Guillevin will not accept the return of any goods, for any reason, unless the Customer has prior written approval, agreed to the restocking fees and unless all conditions placed on the return of goods have been met.**
7. **Title: Title to all goods sold or delivered by (or on behalf of) Guillevin shall remain with Guillevin until such goods have been fully paid for.**
8. **Notice in writing: If the Customer receives damaged goods or goods short shipped, the Customer must provide written notice with sufficient detail to Guillevin and the carrier within 7 days of receipt of the goods.**
9. **Warranty: GUILLEVIN MAKES NO REPRESENTATIONS, WARRANTIES, CONDITIONS, AGREEMENTS OR GUARANTEES OF ANY KIND OR**

NATURE, EXPRESSED OR IMPLIED (BY STATUTE OR OTHERWISE) WITH REGARDS TO THE PURCHASED GOODS, INCLUDING, WITHOUT

LIMITATION, ANY REPRESENTATIONS, WARRANTIES, CONDITIONS, AGREEMENTS OR GUARANTEES THAT THE GOODS ARE OF

MERCHANTABLE QUALITY, ARE SUITABLE OR FIT FOR THEIR INTENDED PURPOSE, ARE FREE FROM DEFECTS, WILL PERFORM AS SPECIFIED

OR DO NOT INFRINGE ANY INTELLECTUAL PROPERTY RIGHTS. WITHOUT LIMITING THE GENERALITY OF THE FOREGOING, UNDER NO

CIRCUMSTANCES SHALL GUILLEVIN BE LIABLE TO THE CUSTOMER FOR ANY DIRECT, INDIRECT, INCIDENTAL, FINANCIAL, CONSEQUENTIAL OR SPECIAL DAMAGES FOR DEFECTIVE GOODS OR FOR FAILURE OF ANY GOODS NOT CONFORMING TO THEIR SPECIFICATIONS, EITHER DUE

TO GUILLEVIN'S OWN NEGLIGENCE OR OTHERWISE. THE CUSTOMER'S SOLE CLAIM(S) SHALL BE LIMITED TO THE WARRANTY PROVIDED BY THE MANUFACTURER, IF ANY, AND GUILLEVIN SHALL ASSIGN TO THE CUSTOMER ANY SUCH MANUFACTURER'S WARRANTIES TO THE EXTENT PERMITTED BY LAW.

10. **Reels: Where wire is shipped on returnable reels, the reels shall be billed as a separate line item on the same invoice as the wire.**
11. **Modifications: The terms and conditions on any purchase order submitted by the Customer at any time are null and void and of no legal effect other than with respect to the identify of and quantity of goods being purchased. Any term or condition not contained herein shall not be binding on Guillevin.**
12. **Governing Law: This Agreement, including any changes or modifications, shall be governed by the laws of the Province in which Guillevin's location that made the sale is located and this Agreement, together with any Credit Application signed by the Customer shall constitute the entire agreement and understanding between the Customer and Guillevin.**

CAPITAL ITEM
September 30, 2026

DEPARTMENT:	
FOOTHILLS COUNTY	**TOPIC: Radio Purchase**
REPORT PRESENTED BY: Fire Chief Alex Marshall	

PURPOSE

To obtain approval to purchase ten (10) Motorola APX 8000 portable radios with mics at a cost of $85,390.00 to maintain a reliable inventory of frontline emergency communications equipment for Foothills County Fire Services.

BACKGROUND

In 2017, Foothills County approved a significant radio communications project which included transitioning from the County's previous radio system to the Alberta First Responders Radio Communications System (AFRRCS). The transition has been highly successful and AFRRCS continues to be the primary communications network utilized by fire departments, law enforcement agencies, EMS agencies, and other public safety organizations throughout Alberta.

As part of the 2017 project, Foothills County purchased 100 Motorola APX 8000 portable radios with remote mics for operational staff. At the time, the cost of each radio exceeded $10,000 per unit. In 2017 we had 50 volunteers, 2 Chiefs and 8 Full-time FF (60). Today we have a few more volunteers, additionally we are now at 4 Chiefs, 16 full-time FF and 14 casual FF. (90)

Nine years later, these same radios continue to serve as the primary portable communications platform for Fire Services and have provided excellent reliability and operational performance. However, as the radios age, an increasing number are requiring repair and maintenance. When these radios are sent for service, repair costs commonly begin at approximately $750 per unit and can increase depending on the nature of the repair.

In addition, several radio batteries have begun to exhibit signs of deterioration, including lithium-ion battery swelling, resulting in batteries becoming unserviceable and requiring replacement. Lithium-ion battery degradation is a known issue as batteries reach the end of their service life.

The Department is seeking to proactively replace a portion of the ageing inventory to ensure operational readiness and reduce the risk of communication failures during emergency incidents. Moving forward we will be able to absorb replacements thru our operational budget.

Discussion

The Motorola APX 8000 remains the industry standard for public safety communications and continues to be widely used by fire departments and emergency response agencies throughout Alberta operating on the AFRRCS network. The radios are designed specifically for mission-critical environments and are built to meet demanding public safety requirements.

The existing fleet has now been in service for approximately nine years. While the radios continue to perform adequately, Fire Services has begun experiencing an increase in maintenance requirements and battery-related issues. This trend is expected to continue as the equipment ages.

We have received pricing for the Motorola APX 8000 radio as it meets our current uses. We have received pricing from two different companies at roughly $12,868 per unit. Through participation in the Provincial Purchasing Program (schedule A), Foothills County is eligible to purchase the same radios at a substantially reduced rate of approximately $7,912 per unit, representing a savings of approximately $4,956 per radio.

Purchasing ten radios at this time will provide replacement inventory for radios that fail or become uneconomical to repair while allowing the Department to maintain operational readiness without having to make emergency purchases later. Moving forward we will be able to accommodate repairs, and battery replacements thru our operational budget.

Financial Impact

Foothills Fire Department has received preliminary capital budget approval of $100,000 for radio replacement initiatives.

Item	Quantity	Unit Cost	Total
Motorola APX 8000 XE Portable Radios	10	$7,912	$79,120
XVE500 DIV 1 Remote Speaker Mic	10	$627	$6,270

Total Project Cost: $85,390.00 (if we join CCPI)

The project is expected to be completed within the approved capital budget allocation and is approximately $15,000 below the preliminary approved funding level.

Fire Board Recommendations

The purchase is approved within the 2026 Fire Services Capital Budget. The Fireboard has provided 2 recommendations for council to consider.

The board's preferred recommendation is that Council authorize the purchase of ten (10) Motorola APX 8000 portable radios, and ten (10) remote mic speakers, for a total cost of $85,390.00. The discounted price will be achieved through participation in the Provincial Purchasing Program.

OR

Should Council not support participating in the Provincial Purchasing Program, Council may consider authorizing the purchase of seven (7) Motorola APX 8000 portable radios, and seven (7) remote mic speakers, at a total cost of $99,076.00, which is the full cost of the units without benefit of a discount.

Council Action Required

Based on the Fire Board's recommendation, Council is asked to consider the following resolutions:

1. That Council authorize administration to execute the Access to Procurement Instruments Agreement between Foothills County and the Provincial Government as presented.

2. That Council authorize purchase of ten (10) Motorola APX 8000 portable radios, and ten (10) remote mic speakers, as approved within the 2026 Fire Services Capital Budget for a total cost not to exceed $85,390.00 plus applicable taxes.

SCHEDULE A – ATTACHED CCPI PROGRAM FOR REVIEW

FEDERAL PROCUREMENT INSTRUMENT ACCESS AGREEMENT

THIS AGREEMENT is made this day of

BETWEEN:

HIS MAJESTY IN RIGHT OF THE PROVINCE OF ALBERTA,
as represented by the Minister of Service Alberta and Red Tape Reduction
(the "Province")
- AND -

[INSERT LEGAL NAME OF PROVINCIAL IDENTIFIED USER]
(the "Authorized User")

WHEREAS the Province has entered into a Master User Agreement;

AND WHEREAS pursuant to the Master User Agreement, the Province is permitted to provide access to Procurement Instruments to Provincial Identified Users;

AND WHEREAS the Authorized User is a Provincial Identified User and would like to access Procurement Instruments in accordance with the terms of the Procurement Instruments;

NOW THEREFORE for consideration of $1.00, the receipt and sufficiency of which is hereby acknowledged by the parties, the Province and the Authorized User acknowledge and agree as follows:

DEFINITIONS

1. **In this Agreement:**
   a. **"Agreement" means this Federal Procurement Instrument Access Agreement;**
   b. **"Approved Organizations" means organizations, including approved hospitals as defined in the *Hospitals Act* (RSA 2000 cH-12), schools, and post-secondary educational institutions, that carry out services or programs on behalf of Alberta. A list of Approved Organizations authorized by the Province will be posted on the Alberta Purchasing Connection and updated from time to time;**
   c. **"Authorized User" means the Provincial Identified User identified above;**
   d. **"Call-Up" means an order issued by an Authorized User against a particular Standing Offer or the entering into an agreement for good, services, or both, pursuant to a Supply Arrangement, RFP or other Procurement Instrument. Issuance of a Call-Up to the offeror constitutes acceptance of its offer and results in the creation of a contract between the Authorized User and the offeror for the goods, services, or both, described in the Call-Up;**
   e. **"Effective Date" is the date first noted above;**
   f. **"Master User Agreement" means the National Master User Agreement dated April 24, 2017 between the Province and PWGSC;**

Classification: Protected A

g. **"Procurement Instrument" means a procurement tool that is put in place by PWGSC with one or more suppliers for the provision of a specific commodity over a specified period of time for needs which are sometimes less well defined at the outset. It can result in, but is not limited to, Standing Offers, Supply Arrangements and RFPs;**
h. **"Provincial Identified User" means any department of His Majesty the King in right of Alberta; boards, commissions and organizational units that form part of the public service of Alberta but are not part of a department of the Her Majesty; corporations that are an agent of Her Majesty; or Approved Organizations;**
i. **"PWGSC" means the Government of Canada, Department of Public Works and Government Services;**
j. **"RFP" means a form of bid solicitation that is used where the selection of a supplier cannot be made solely on the basis of the lowest price. An RFP is used to procure the most cost-effective solution based upon evaluation criteria identified in the RFP;**
k. **"Standing Offer" means an offer from a potential supplier, in response to a request for standing offer issued by the PWGSC, to provide goods and/or services at pre-arranged prices, under set terms and conditions, when and if required. It is not a contract until an Authorized User issues a Call-Up against it;**
l. **"Supplier" means a supplier who will provide a specific commodity over a specified period of time to a Provincial Identified User pursuant to a Procurement Instrument; and**
m. **"Supply Arrangement" means a method of supply used to procure goods and services which includes a set of predetermined conditions that will apply to bid solicitations and resulting contracts and allows an Authorized User to solicit bids from a pool of pre-qualified suppliers for specific requirements. A supply arrangement is not a contract and neither party is legally bound as a result of signing a supply arrangement alone.**

TERM

2. **The Agreement begins on the Effective Date and, subject to earlier termination below, continues in force for so long as the Master User Agreement is in effect. The Agreement shall terminate immediately upon termination of the Master User Agreement.**
3. **The Agreement may be terminated at any time by either party upon providing thirty (30) days written notice.**
4. **In the event that there is a breach of this Agreement that is not cured by the Authorized User after thirty (30) days written notice, the Province may, in its sole discretion, immediately terminate this Agreement.**

RESPONSIBILITIES OF THE PROVINCE

Classification: Protected A

5. **The Province grants the right to the Authorized User to access and use the Procurement Instruments to order goods and services through Call-Ups on the terms and conditions of the respective Procurement Instruments and this Agreement.**

RESPONSIBILITIES OF THE AUTHORIZED USER

6. **The Authorized User acknowledges and agrees it will abide by the terms and conditions of each Procurement Instrument and respective Call-Up upon making a Call-Up against a Procurement Instrument.**
7. **The Authorized User agrees to include in each Call-Up forwarded to a Supplier pursuant to a Procurement Instrument:**
   a. **the Procurement Instrument reference number;**
   b. **a purchase order number, if required;**
   c. **the specified quantity and description of the goods or services being ordered; and**
   d. **any other information required pursuant to the Procurement Instrument and this Agreement.**
8. **The Authorized User acknowledges and agrees that it:**
   a. **is solely responsible for all payments and other obligations to the Supplier incurred through making a Call-Up against the Procurement Instrument;**
   b. **will not permit any person who is not an authorized employee responsible for the Authorized User's procurement activities to have access to the Call-Ups, the Procurement Instruments, or any other information provided pursuant to this Agreement;**
   c. **will use any applicable selection methodology established by PWGSC when using the Procurement Instruments;**
   d. **will maintain, respect and fully protect the confidentiality of any information received under a Procurement Instrument and that it will not release any confidential information to anyone or any other organization without the prior written consent of PWGSC and the Province, unless the release thereof is clearly authorized in the Procurement Instrument or specifically required by law;**
   e. **will designate an individual to represent the Authorized User in matters related to this Agreement;**
   f. **will not renegotiate any part of the Procurement Instrument with the Supplier, unless such renegotiation is specifically contemplated in the Procurement Instrument; and**
   g. **will not use the Procurement Instrument as a bargaining tool with the Supplier for the purposes of entering into a separate agreement for the same or similar goods or services.**
9. **The Authorized User further acknowledges and agrees that:**
   a. **each Call-Up issued under a Procurement Instrument is intended to form a separate binding contractual agreement between the Supplier and the**

Classification: Protected A

Authorized User for the goods or services described in the Call-Up, and the Authorized User is bound under the terms of such agreement or instrument;

b. neither PWGSC nor the Province are a party to any agreement between the Authorized User and a Supplier that is formed upon the issuance of a Call-Up by the Authorized User;

c. the Authorized User is solely responsible for determining whether the issuance of a Call-Up under a particular Procurement Instrument is in accordance with applicable laws, trade agreement and policy obligations, including without limitation any law, policy or agreement applicable to the procurement of goods or services, and the Province makes no representation or warranty that the issuance of any Call-Up by the Authorized User under a Procurement Instrument will meet any requirements to which the Authorized User is subject under any law, policy or agreement;

d. the Procurement Instruments and the contractual terms and conditions applicable on Call-Up have been established in the interests of, and on terms and conditions appropriate to, the Government of Canada or the Province of Alberta, or both, as applicable. The Province makes no warranties or representations of any kind with respect to the appropriateness or suitability of any goods or services drawn-down by the Authorized User, and expressly disclaim any warranties or representations as to the appropriateness or suitability of the terms and conditions of the Procurement Instrument or of any Call-Up for the Authorized User;

e. in no event will the Province be liable to the Authorized User or to any third party for any damages or losses of any kind in connection with this Agreement, any Procurement Instrument, any Call-Up or any goods or services drawn-down, including without limitation direct, special, indirect, consequential, punitive, exemplary damages, damages for lost profits or lost savings; and

f. the Authorized User will indemnify and save harmless the Province and its employees and agents from any losses, claims, damages, actions, causes of action, costs and expenses that it or any of its employees or agents may sustain, incur, suffer or be put to at any time, either before or after this Agreement ends, which are based upon, arise out of or occur, directly or indirectly, by reason of, any act or omission by the Authorized User or by any of its agents, employees, officers, directors, or subcontractors in respect of any Procurement Instrument or any goods or services obtained under a Procurement Instrument.

GENERAL

10. No partnership, joint venture, agency or other legal relationship is created or deemed to be created by this Agreement or any actions of the parties hereunder.

11. **This Agreement constitutes the entire agreement and understanding between the parties, and supersedes all prior negotiations, communications and other agreements, whether written or oral, relating to the subject matter of this Agreement.**
12. **Each of the parties will, upon the reasonable request of the other, make, do, execute or cause to be made, done or executed all further documents, instruments and assurances for performance of the terms and conditions of this Agreement.**
13. **If any term or provision of this Agreement is held by a court of competent jurisdiction to be illegal, invalid or unenforceable, it shall be deemed to be severed from this Agreement, and the remaining terms and conditions shall nevertheless remain in full force and effect.**
14. **This Agreement will enure to the benefit of and be binding upon the Province and its assigns and upon the Authorized User, its successors and permitted assigns.**
15. **The Authorized User shall not assign this Agreement or any of its rights or obligations hereunder without the prior written consent of the Province**
16. **A waiver of any term of this Agreement or of any breach by the Authorized User of this Agreement is effective only if it is in writing and signed by the Province and is not a waiver of any other term or any other breach.**
17. **This Agreement may be executed in counterparts, in which case (i) the counterparts together shall constitute one agreement, and (ii) communication of execution by fax transmission or e-mailed in PDF shall constitute good delivery.**
18. **This Agreement shall be governed by and interpreted in accordance with the laws of Alberta and the laws of Canada applicable therein.**

***** SIGNATURE PAGE FOLLOWS *****

The parties have made this Agreement.

HIS MAJESTY IN RIGHT OF ALBERTA, as represented by the Minister of Service Alberta and Red Tape Reduction

Per:

_____

Signature

_____

Print Name

Classification: Protected A

_____

Title

_____

Date

(Legal Name of Provincial Identified User)

Per:

_____

Signature

_____

Print Name

_____

Title

_____

Date

MISCELLANEOUS MUNICIPAL ITEM
FEE BYLAW AMENDMENT – REQUEST FOR 2ND AND 3RD READINGS
September 30th, 2026

REQUEST FOR SECOND AND THIRD READINGS TO BYLAW 48/2026	
FOOTHILLS COUNTY	**TOPIC:** Fee Bylaw Schedule A - Proposed Amendments
PROPOSAL: Request for second and third readings to Bylaw 48/2026	
REPORT PREPARED BY: Samantha Payne	

PURPOSE OF REQUEST

Council is requested to consider granting second and third readings to Bylaw 48/2026, which amends the current Fee Bylaw 21/2026 and authorizes the proposed changes.

BACKGROUND

Section 8(1)(c)(i) of the Municipal Government Act authorizes Council to pass bylaws respecting services provided by the municipality, including the establishment of fees charged for those services. Foothills County has consolidated the fees associated with the provision of municipal goods and services within its Fee Bylaw.

On September 9th, 2026, Council granted first reading to Bylaw 48/2026, which proposes amendments to Schedule A (Planning Services Fees) of Fee Bylaw 21/2026. A summary of the proposed amendments is provided below, and the detailed revisions are included in Appendix B of this staff report.

Should Council support the proposed amendments and grant second and third readings to Bylaw 48/2026, the revised fees and rates would come into effect upon third reading and signing of the bylaw.

REQUEST OF COUNCIL

Consideration of proposed Bylaw 48/2026, which amends Bylaw 21/2026, being the Fee Bylaw. Should Council support the amendments as proposed, Council is respectfully requested to consider the following motion:

Council grant 2nd and 3rd readings to Bylaw 48/2026 to authorize an amendment to Bylaw 21/2026, being a Bylaw of Foothills County for the purpose of establishing fees, rates, and charges for services, licenses, permits and approvals provided to the public by the County, including Fee Bylaw Schedules A to O.

APPENDICES

APPENDIX A: Fee Bylaw 48/2026

APPENDIX B: Proposed Amendments to Fee Bylaw Schedule A – Panning Services Fees

APPENDIX A: FEE BYLAW 48/2026

BYLAW 48/2026

A BYLAW OF FOOTHILLS COUNTY, IN THE PROVINCE OF ALBERTA, TO AUTHORIZE AN AMENDMENT TO FEE BYLAW 21/2026; AS AMENDED

WHEREAS the Municipal Government Act RSA 2000, c M-26, as amended, provides that a municipality may pass bylaws regarding services provided by the municipality, which includes establishing the fees charged for providing those services;

AND WHEREAS the Council of Foothills County in the Province of Alberta passed Bylaw 21/2026, being a Bylaw for the purpose of establishing fees, rates, and charges for services, licenses, permits, and approvals provided to the public by the municipality;

AND WHEREAS it is now deemed expedient to amend Bylaw 21/2026.

NOW THEREFORE THE COUNCIL ENACTS AS FOLLOWS:

1. This Bylaw may be cited as the “Fee Bylaw”.
2. That Bylaw 21/2026, being the Fee Bylaw, shall be amended as outlined within Fee Bylaw Schedules A, B, C, D, E, F, G, H, I, J, K, L, M, N and O attached hereto and forming part of this Bylaw;
3. Bylaw 21/2026 and any amendments thereto are hereby rescinded upon this Bylaw coming into effect.
4. This Bylaw is passed when it receives third reading and is signed pursuant to the Municipal Government Act.

FIRST READING: September 9th, 2026

_____
Reeve

_____
CAO

SECOND READING:

_____
Reeve

_____
CAO

THIRD READING:

_____
Reeve

_____
CAO

PASSED IN OPEN COUNCIL assembled at the Town of High River in the Province of Alberta this ____ day of _____, 20___.

APPENDIX B:
PROPOSED AMENDMENTS TO FEE BYLAW SCHEDULE A – PLANNING SERVICES FEES

***Proposed amendments shown in red**

~~COMMUNITY SUSTAINABILITY FEE~~

~~Notes:~~

1. ~~The Community Sustainability fee is a Land Use charge, which supports a land use amendment or redesignation and where the bylaw supports the creation of additional parcels or units being subdivided.~~
2. ~~The Community Sustainability Fee for Land Use applications within the Hamlets of Blackie or Cayley will be charged at 50% of the fees in the table below.~~
3. ~~The Community Sustainability Fee will not be charged on applications:~~
   - ~~that do not result in the creation of additional lots/units such as boundary adjustments; and~~
   - ~~within the Highway 2A Industrial Area Structure Plan boundary.~~

	~~Public Works~~	~~Libraries~~	~~Recreation~~	~~Fire Services~~	~~Total~~
~~All Direct Control, Agriculture, Residential, Industrial, Commercial land uses, first 80 new lots/units~~	~~$10,000 per new lot/unit~~	~~$325 per new lot/unit~~	~~$325 per new lot/unit~~	~~$650 per new lot/unit~~	~~$11,300 per new lot/unit~~
~~All Direct Control, Agriculture, Residential, Industrial, Commercial land uses, 81 to 500 new lots/units~~	~~$1700 per new lot/unit~~	~~$325 per new lot/unit~~	~~$325 per new lot/unit~~	~~$650 per new lot/unit~~	~~$3000 per new lot/unit~~
~~All Direct Control, Agriculture, Residential, Industrial, Commercial land uses, 501 new lots/units and beyond~~	~~No fee~~	~~$325 per new lot/unit~~	~~$325 per new lot/unit~~	~~$650 per new lot/unit~~	~~$1300 per new lot/unit~~

REDESIGNATION, LAND USE BYLAW AMENDMENT and SITE SPECIFIC APPLICATION FEES

	Filing fee	Initial application fee	Final application fee
All land use applications, including Direct Control and Site Specific Amendments, except as noted below.	$100 per application	$1500 for no new lots. ~~or one new lot, & $1500~~ $2000 for each new lot ~~subsequent lot~~ proposed, to a maximum of ~~$40,000~~ $55,000	$1500 for no new lots. ~~or one new lot, & $1500~~ $11,000 for each new lot ~~subsequent lot~~ proposed, to a maximum of ~~$35,000~~ $55,000
~~All land use applications if submitted concurrently with an Area Structure Plan, Outline Plan, Concept Plan, Redevelopment Plan or Direct Control District and permitted to hold concurrent public hearings~~	~~$100 per application~~	~~$750 for no new lots or one new lot, & $750 for each subsequent lot proposed, to a maximum of $40,000~~	~~$1500 for no new lots or one new lot, & $1500 for each subsequent lot proposed, to a maximumof $35,000~~
All land use applications within the Hamlets of Blackie or Cayley	$100 per application	50% of fees (not including filing fees) as outlined in this table	50% of fees (not including filing fees) as outlined in this table
Legal non-conforming issues brought into conformance	$100 per application	50% of fees (not including filing fees) as outlined in this table	50% of fees (not including filing fees) as outlined in this table
Fees for additional services, including but not limited to the renting of facilities and supplies for public hearings, legal services related to the application and overtime rate by Council and staff as required to process the application, will be charged to the applicant.			

SUBDIVISION and BOUNDARY ADJUSTMENT APPLICATION FEES

	Filing fee	Initial application fee	Endorsement fee
Subdivision applications, including boundary adjustment applications	$100 per application	$1000 for no new lots. ~~and $1000~~ $1500 per each new ~~additional~~ lot/unit proposed, excluding reserve and utility parcels, to a maximum of $40,000	$1000 for no new lots. ~~and $1000~~ $2000 per each new ~~additional~~ lot/unit approved, excluding reserve and utility parcels, to a maximum of $40,000
Subdivision Appeal Fee paid concurrent with application for subdivision. This fee in all cases is a credit on endorsement fees except where the applicant or agent appeals the subdivision or a condition of subdivision.		$2000 per application	

COUNCIL ADMINISTRATIVE REPORT

Department: Public Works and Engineering

TITLE: Intersection of 88 Street E and 226 Avenue E (Review Configuration)

Author: **Patrick Antle, C.E.T.** Engineering Technologist	**DATE:** **September 30, 2026**
Presenter: **Patrick Antle, C.E.T** Engineering Technologist	
ATTACHMENTS:	Map, Location

PURPOSE:

To present Council with the findings of a staff-led operational review of 88 Street E and 226 Avenue E (to Cottonwood Golf Course) intersection, as well as outline recommended stop conditions based on observed geometry, alignment, and existing traffic control features.

BACKGROUND:

There has been a request from area residents brought forth by the area Councillor to review the intersection configuration. Objectives were to determine if improvements can be made from both a safety and traffic flow standpoint.

DISCUSSION:

Currently, the intersection is configured as shown in Figure 1, with yield signs for both northbound traffic on 88 St E and eastbound traffic on the north leg of the turnaround loop.

There have been concerns raised regarding the free flow of traffic from the golf course with no STOP condition.

The speed limit for 88 Street and 226 Avenue is posted at 60 km/hr.

A mailout has been sent to local area residents as requested by Council. A copy of the letter is attached following this report.

FINANCIAL:

One new sign will be required for the recommended approach. Other signs and posts can be repurposed in the reconfiguration.

RECOMMENDATION:

Administration recommends that the intersection be reconfigured as shown in Figure 2.

For the proposed approach, 1 yield sign will be removed for northbound traffic on 88 Street E, and one added for eastbound traffic on the south leg of the turnaround loop. A STOP sign is also proposed for westbound traffic on 226 Avenue, leaving Cottonwood Golf Course.

SUGGESTED MOTIONS FOR CONSIDERATION:

1. That Council gives second and third reading to Bylaw 45/2026 to establish a Stop Condition for westbound traffic on 226th Avenue East, and authorizes Administration to install associated regulatory and warning signage as required.
2. That Council acknowledges the request for a Stop Sign for westbound traffic on 226th Ave East.

Figure 1 – Current Intersection Configuration

Figure 2 – Recommended intersection Configuration

Figure 3 - South of intersection looking north (Yield to be removed)

Figure 4 - South of intersection looking northwest (Yield to be added)

Figure - East of intersection looking west (STOP to be added)

FOOTHILLS COUNTY
309 Macleod Trail, Box 5605
High River, Alberta T1V 1M7
Tel: 403-652-2341 Fax: 403-652-7880
https://www.foothillscountyab.ca

September 22, 2026

<Address Block>

RE: Upcoming Traffic Control Changes at 88 Street E and 226 Avenue E

Dear Sir/Madam,

This letter is to notify area residents of upcoming traffic control changes at the intersection of 88 Street E and 226 Avenue E (Cottonwood Golf Course access). See below map showing the intersection:

Foothills County Public Works recently completed an evaluation of the intersection and identified several changes intended to improve traffic operations and safety. As a result of the review:

- The existing yield sign for northbound traffic on 88 Street E will be removed.
- A yield sign will be installed for eastbound traffic on the south leg of the turnaround loop.
- A STOP sign will be installed for westbound traffic on 226 Avenue E, for vehicles exiting Cottonwood Golf Course.

Based on the recommendations arising from this evaluation, Foothills County Council granted first reading of the bylaw authorizing these changes at its September 2, 2026 meeting. Following completion of the bylaw process, the new traffic control signage will be installed. If you have any questions on this matter, please contact the undersigned.

Sincerely,

Foothills County

Patrick Antle, C.E.T.
Engineering Technologist
Foothills County

BYLAW 45/2026

BEING A BYLAW OF FOOTHILLS COUNTY IN THE PROVINCE OF ALBERTA TO AUTHORIZE THE ERECTION OF TRAFFIC CONTROL SIGNS

WHEREAS it is deemed advisable that a STOP sign be erected for westbound traffic on 226 Avenue and a YIELD sign for eastbound traffic on 88 Street.

AND WHEREAS pursuant to the provision of the Traffic Safety Act, being Chapter T-6, R.S.A. 2000, and amendment thereto, the Council of Foothills County in the Province of Alberta, enacts as follows:

1. That Council authorize the installation of a STOP sign (RA-1) westbound on 226 Avenue leaving the Cottonwood Golf Course.

2. That Council authorize the removal of the YIELD sign (RA-2) northbound on 88 Street East.

3. That Council authorize the installation of a YIELD sign (RA-2) eastbound on 88 Street.

4. This Bylaw shall have effect on the date of its third reading and upon being signed.

FIRST READING: September 2, 2026

_____

Reeve

_____

CAO

SECOND READING:

_____

Reeve

_____

CAO

THIRD READING:

_____

Reeve

_____

CAO

PASSED IN OPEN COUNCIL assembled at the Town of High River in the Province of Alberta this day of , 20 .

DEPARTMENT: Public Works	
	TOPIC: Strategic Transportation Infrastructure Program (STIP) – 2027 Applications
REPORT PRESENTED BY: Wiaan Kruger, Director of Public Works	

PURPOSE OF REQUEST

The purpose of this report is to seek Council's direction regarding which projects Foothills County should submit under the Strategic Transportation Infrastructure Program (STIP). Administration requires Council's guidance and approval to identify priority projects, after which consultants will be engaged to prepare the applications on the County's behalf.

BACKGROUND

The Strategic Transportation Infrastructure Program (STIP) is a provincial grant program that provides financial assistance to municipalities for priority transportation projects. The program typically funds road, bridge, and related infrastructure improvements that support municipal and regional transportation needs.

Foothills County is eligible to apply for multiple projects under STIP. Administration has developed a list of potential projects that align with program criteria and County priorities. Because STIP is competitive and funding is limited, it is important that Council determine which projects should be prioritized for submission. Once priorities are confirmed, consultants will be retained to prepare and submit the required applications.

REQUEST OF COUNCIL

Administration requests that Council review the proposed list of candidate projects and provide direction on which projects should be advanced for submission under the STIP program. Upon Council's approval, consultants will be engaged to prepare the applications in accordance with program requirements and deadlines.

Potential Projects

Note: These bridge replacement projects were identified by Foothills County's engineering consultant as part of the County's five-year bridge replacement evaluation program:

- BF 82003 – Legal Land Description: WSW 31-21-03-W5M, located on 288 Street W, south of Plummers.
- BF 00114 – Legal Land Description: SSW 03-20-03-W5M, located on 434 Avenue, between 240 Street W and 244 Street W.

DEPARTMENT: Public Works	
FOOTHILLS COUNTY	**TOPIC: Dunbow Road Off-Site Levy Project – Consultant Award**
REPORT PRESENTED BY: Wiaan Kruger, Director of Public Works	

PURPOSE OF REQUEST

To seek Council direction on the award of the consulting assignment.

BACKGROUND

The County requested proposals from qualified engineering consultants to complete the technical analysis required to support a defensible off-site levy for future improvements along the Dunbow Road corridor.

The proposals were evaluated based on the project team's qualifications and experience, understanding of the assignment, proposed methodology and scope, schedule, and overall value to the County.

Following receipt of proposal clarifications, Administration completed its final evaluation. The review identified differences in the level of detail, optional services, conceptual design work, and direct off-site levy experience offered by the proponents.

REQUEST OF COUNCIL

That Council authorize Administration to award the Dunbow Road Off-Site Levy Project to ISL Engineering and Land Services Ltd., in accordance with its submitted proposal.

APPENDICES

Appendix A (Confidential Document): Recommendation Letter

DEPARTMENT: Legislative Services Department	
FOOTHILLS COUNTY	**TOPIC: 402 Ave & 32 Street East – Request for Closure of Undeveloped Road**
REPORT PRESENTED BY: Councillor Benita Estes	

PURPOSE OF REQUEST

To authorize the closure of 402 Avenue and 32 Street East to prevent further deterioration of the undeveloped road allowance and mitigate potential safety risks by restricting unauthorized motorized vehicle access.

BACKGROUND

Concerns have been raised regarding the use of the undeveloped road allowance between 402 Avenue and 32 Street E for mud bogging and off-road use, primarily by 4x4 vehicles and occasionally ATVs.

This activity has caused visible damage to the road allowance. The lookout area is also being used as a gathering spot, with evidence of 4x4 vehicles accessing the steep hill. This creates a potential safety hazard and increases the risk of further property damage.

REQUEST OF COUNCIL

Proposed Motion:

THAT Council direct Administration to install concrete barriers/blocks at both ends of the undeveloped road allowance between 402 Avenue and 32 Street E to restrict motorized vehicle access and prevent further damage to the property.

APPENDICES

Appendix A: Photos of undeveloped road site
Appendix B: Email request

UNDEVELOPED ROAD
NO OFF HIGHWAY VEHICLES ALLOWED

24005
402 AVE W
NO OFF HIGHWAY VEHICLES ALLOWED
NO VEHICLES BEYOND THIS POINT

NO OFF
HIGHWAY
VEHICLES
ALLOWED
NO
VEHICLES
BEYOND THIS
POINT

DEPARTMENT: Legislative Services Department	
FOOTHILLS COUNTY	**TOPIC: 2026 Community Emergency Planning Meeting – Priddis Hall – Request for Staff Attendance**
REPORT PREPARED BY: Jacqueline Schuler **REPORT PRESENTED BY:** Deputy Reeve Suzanne Oel	

PURPOSE OF REQUEST

To obtain Council approval for County staff to attend a community emergency planning meeting in Priddis and support discussions regarding emergency preparedness, access, evacuation routes, and recent emergency events.

BACKGROUND

Residents in the Priddis area have experienced access challenges during recent emergency events. The proposed meeting will provide an opportunity to discuss these experiences, emergency routes and planning, and potential impacts from the proposed Priddis Bridge construction project.

REQUEST OF COUNCIL

Proposed Motion:

That Council authorize appropriate Foothills County staff from Emergency Management, Enforcement, and Fire to attend the Community Emergency Planning Meeting at Priddis Hall on November 10, 2026, and authorize staff to provide relevant maps and information to support the discussion.

APPENDICES

Appendix A: Email request

ISCELLANEOUS MUNICIPAL ITEM
REPORT TO COUNCIL
September 30, 2026

DEPARTMENT: Legislative Services Department	
FOOTHILLS COUNTY	**TOPIC: Municipal District of Willow Creek #26 – Intermunicipal Collaboration Framework Agreement – Resolution to opt out**
REPORT PRESENTED BY: CAO Ryan Payne	

PURPOSE OF REQUEST

The purpose of this request is to obtain Council approval to mutually opt out of the Intermunicipal Collaboration Framework (ICF) between Foothills County and the Municipal District of Willow Creek, as permitted under the Municipal Government Act.

BACKGROUND

Under the Municipal Government Act, municipalities that share a common boundary are required to maintain an Intermunicipal Collaboration Framework. However, the Act provides that, following a review of existing agreements, municipalities may determine that a framework is not required where those agreements adequately address intermunicipal services and both municipalities agree.

Upon review, administration for Foothills County and the M.D. of Willow Creek have determined that existing agreements adequately address intermunicipal services, making a formal ICF unnecessary.

REQUEST OF COUNCIL

Proposed Motion:

That Council authorize Administration to undertake the necessary steps to jointly opt out of the requirement to establish an Intermunicipal Collaboration Framework with the Municipal District of Willow Creek.

APPENDICES

Appendix A: RFD – MD of Willow Creek #26

Municipal District of Willow Creek #26

Request for Decision

Date Submitted: September 11, 2026

Originated by: Chief Administrative Officer

Subject: Intermunicipal Collaboration Framework Agreement – Resolution to Opt-out

RECOMMENDATION

Option #1

STRATEGIC PLAN / POLICY OBJECTIVE

Guiding Principles;

Community Centered Decision Making

Collaboration & Advocacy

SUMMARY

Recent amendments to the *Municipal Government Act* now permit adjacent municipal districts to mutually determine that an Intermunicipal Collaboration Framework is not required. Specifically, Section 708.28(1.1) allows municipalities that share a common boundary to agree that intermunicipal services are adequately provided by other means and therefore an ICF is unnecessary.

The Councils of the M.D. of Willow Creek and Foothills County mutually support opting out of the ICF agreement.

BACKGROUND

Under the Municipal Government Act, municipalities that share a common boundary are generally required to maintain an Intermunicipal Collaboration Framework (ICF). However, section 708.28(1.1) allows municipal districts and counties with common boundaries to mutually determine that a framework is not required.

Before making this determination, the municipalities must review all existing agreements between them, as required by section 708.28(1.3). If they agree to opt out, each municipality must:

1. Adopt a resolution stating that intermunicipal services have been and will continue to be adequately provided by other means;
2. Notify the Minister of Municipal Affairs by sending a copy of the resolution;
3. Publish the reasons for not having a framework on its municipal website.

An agreement to opt out may be revoked by written notice from either party, after which an ICF must be established within one year.

The legislated review of the existing MD of Willow Creek and Foothills County ICF must be completed by March 31, 2027, in accordance with the Ministerial Order that temporarily extended the standard review period from five to seven years.

OPTIONS

Option 1: Council motion to pass the following resolution:

> WHEREAS section 709.28(1.1) of the Municipal Government Act permits municipalities that share a common boundary to agree that an Intermunicipal Collaboration Framework is not required;
>
> AND WHEREAS Council has reviewed the intermunicipal services provided between the Municipal District of Willow Creek No. 26 and Foothills County and determined that such services are adequately addressed through existing agreements, regional partnerships, statutory plans, and other collaborative arrangements;
>
> THEREFORE BE IT RESOLVED that the Municipal District of Willow Creek No. 26 agrees to jointly opt out of the requirement to establish an Intermunicipal Collaboration Framework with Foothills County pursuant to section 709.28(1.1) of the Municipal Government Act.
>
> FURTHER BE IT RESOLVED that administration be authorized to execute all documents necessary to give effect to this resolution and provide notice to Municipal Affairs as required.

Option 2: Council determined alternative

IMPLEMENTATION

If approved, Administration will provide the required resolution to the Minister of Municipal Affairs and publish the reasons for opting out of the ICF on the MD of Willow Creek website. Administration will also coordinate with Foothills County to ensure both municipalities complete the required process consistently.

BUDGET IMPLICATIONS

Theres are no budget implications to this decision.

RISK MATRIX

Risk related to adopting a resolution to opt-out of the ICF agreement is deemed to be low. The two municipalities will continue to maintain strong bilateral agreements and a collaborative relationship through existing agreements and statutory plans.

ATTACHMENTS

N/A

Prepared By:	Reviewed and Approved for Agenda
_____	_____
Director / CAO / Committee	Chief Administrative Officer

DEPARTMENT: Legislative Department	
FOOTHILLS COUNTY	**TOPIC:** Foothills Country Hospice Fundraising Event - Request for Sponsorship
REPORT PRESENTED BY: Manager of Legislative Services Sherri Barrett	

PURPOSE OF REQUEST

To obtain a financial contribution to support the Foothills Country Hospice at the Pianos & Purpose annual fundraising event.

BACKGROUND

On Friday, October 23, 2026, the Pianos and Purpose annual fundraiser will be held in support of the Foothills Country Hospice. The organization is seeking community sponsors. Contributions may include:

- Financial sponsorship
- Donation of a prize or experience
- Donation of products, gift cards or services

In previous years, the County donated $5,000.00 each year; however, this ceased during the pandemic. In 2023, support resumed by way of a silent auction item.

REQUEST OF COUNCIL

Proposed Motion:

That Council authorize a contribution to the Foothills Country Hospice Annual Fundraising Event

APPENDICES

Appendix A: Letter of Request
Appendix B: Pianos & Purpose Fundraising Benefit Poster
Appendix C: 2026 Sponsorship Opportunities

From:	Makenna Pavelich
To:	Legislative Services; Tamara Boivin
Subject:	Foothills Country Hospice Fundraising Benefit – Please Respond before Oct 5
Date:	September 22, 2026 12:32:47 PM
Attachments:	image.png Pianos & Purpose Event Poster.pdf Pianos & Purpose Sponsorship Package.pdf

---

> You don't often get email from mpavelich@countryhospice.org. Learn why this is important

Hi Sherri, I hope you're doing well!

My name is Makenna, and I'm reaching out on behalf of the Foothills Country Hospice Fund Development Team. We're connecting with local businesses and community partners to invite them to be part of our upcoming annual fundraising benefit, Pianos & Purpose. On Friday, October 23, 2026, we'll be bringing the community together at the Viking Rental Centre in Okotoks for an evening of Dueling Pianos, dancing, appetizers, drinks, raffles, a 50/50, and silent auction. Proceeds support compassionate care for Hospice residents and their families.

Join Us: Tickets are nearly sold out, with both large tables and cocktail-style tickets available: Pianos & Purpose Tickets | October 23, 2026

Sponsor the Event: We are currently seeking **community sponsors** to help make this special evening possible. Our sponsorship opportunities offer meaningful recognition and promotional exposure while directly supporting the work of Foothills Country Hospice. I've attached our **Pianos & Purpose Sponsorship Package** for you to explore. We'd be grateful if you would consider whether an opportunity might be a good fit for Foothills County.

Donate a Prize or Experience: We would also be incredibly grateful for **products, gift cards, services, or "experiences"** for our silent auction and raffle. We're excited to showcase and encourage guests to support local businesses.

Not sure what might be the right fit? We'd be happy to connect and brainstorm an idea that feels meaningful and comfortable for you.

If Foothills County is interested in sponsorship, donating, or simply helping us spread the word, we'd love to hear from you before **October 5**, or sooner, if possible, so we can include you in our event planning and recognition opportunities.

I know how busy things can get, so I wanted to reach out by email first. We'd also be happy to stop by, catch up and share a little more about the evening whenever it works for you. If we don't hear back, we may reach out again just to make sure this didn't get lost in the shuffle, I'd hate to miss the opportunity to connect.

Share with your Network: If you know another business or community member who may be interested in being part of Pianos & Purpose, we'd be grateful if you shared this invitation with them. Thank you for helping us spread the word!

Thank you for considering supporting Foothills Country Hospice. Whether through sponsorship, a donation, attending the event, or sharing the word, every bit of community support helps us provide compassionate care to Hospice residents and their families.

Makenna Pavelich
Finance & Administrative Coordinator

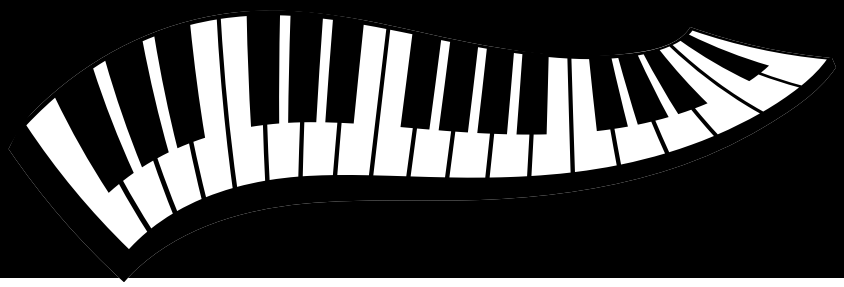
Foothills Country Hospice Society
P: 403-995-4673 Ext. 322 • www.countryhospice.org
Physical Address: 322001 32 St E, Okotoks, AB T1S 1A5
Mailing Address: PO Box 274, Okotoks, AB T1S 1A5

[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.

Foothills Country Hospice Society Presents

PIANOS & PURPOSE

A FUNDRAISING BENEFIT



FRIDAY, OCTOBER 23, 2026	EVENT TIME 6:00 PM - 11:00 PM	VIKING RENTAL CENTRE OKOTOKS, AB

PARTNER WITH PURPOSE

SPONSORSHIP OPPORTUNITIES

Help make an impact by becoming an event sponsor

DONATE A PRIZE

Support our raffle or silent auction with a donated item or experience

AN EVENING OF MUSIC, FUN & CONNECTION

GREAT MUSIC, GREAT COMPANY

Connect with fellow attendees, celebrate goals, and feel the sense of supporting our community.

LIVE DUELLING PIANOS

High-energy, request-driven musical face-off with non-stop hits, sing-alongs, and audience participation.

RAFFLES & SILENT AUCTION

Bid for a chance to win exclusive packages, local experiences, and high-value collectibles.

DELICIOUS APPETIZERS

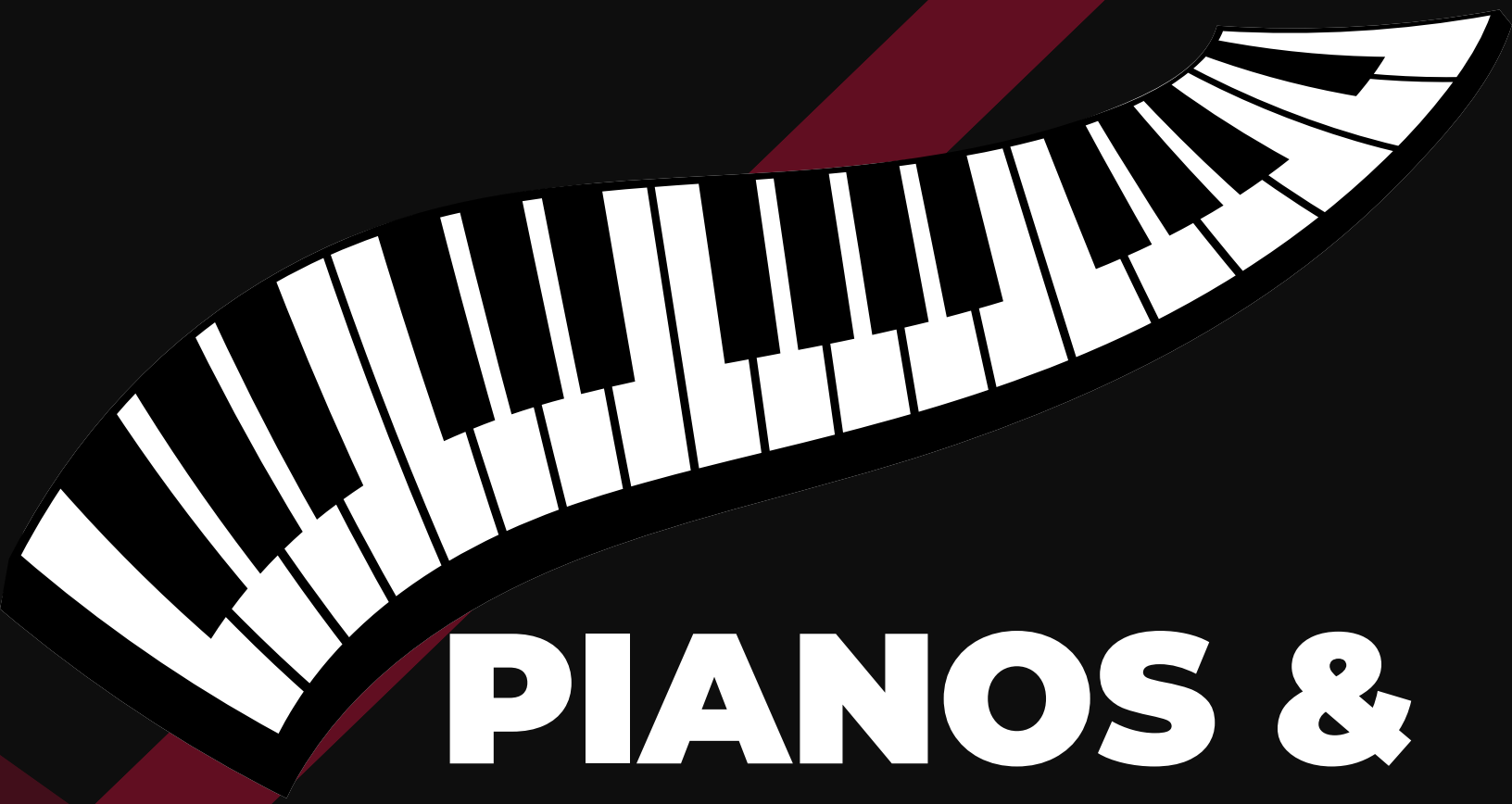
Enjoy a selection of mouthwatering food and premium drinks to complement the festivities.

Tickets Are Almost Sold Out!

Visit www.countryhospice.org for ticket and event information

For all inquiries. Please reach out to Tamara Boivin at tboivin@countryhospice.org

2026
SPONSORSHIP
OPPORTUNITIES



PIANOS & PURPOSE

WE INVITE YOU TO BE PART OF PIANOS & PURPOSE 2026 - A FUNDRAISING BENEFIT

THIS IS YOUR OPPORTUNITY TO PARTNER WITH A LOCAL, REPUTABLE CHARITY TO CREATE AN UNFORGETTABLE EVENING OF LIVE MUSIC AND COMMUNITY IMPACT. ELEVATE YOUR BRAND WHILE DIRECTLY SUPPORTING COMPASSIONATE END-OF-LIFE CARE AT FOOTHILLS COUNTRY HOSPICE.

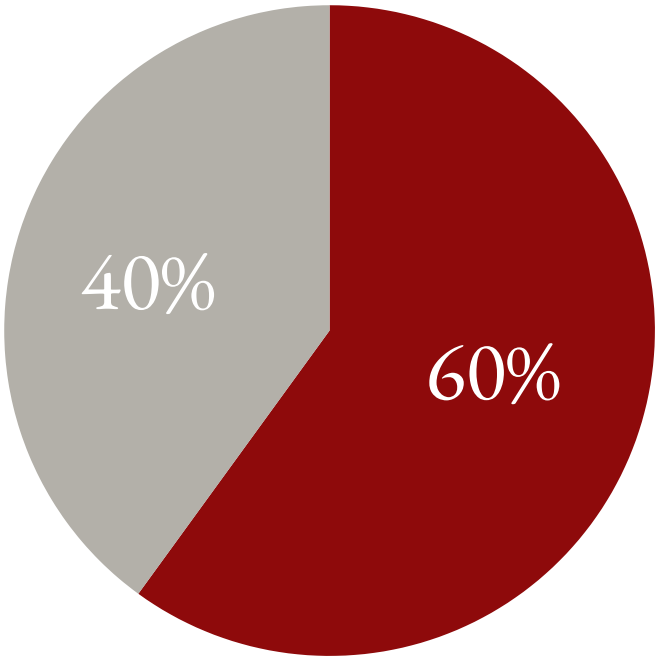
For questions or inquiries, please contact Tamara Boivin at tboivin@countryhospice.org

FOOTHILLS COUNTRY
HOSPICE SOCIETY
Gentle Compassion & Expert Care

Why Foothills Country Hospice Society Matters?

Since 2008, Foothills Country Hospice Society has been dedicated to providing compassionate, dignified end-of-life care and bereavement support to patients and their loved ones. A team of skilled medical professionals and volunteers offer 24-hour medical care, holistic comfort, and ongoing grief support in a peaceful, home-like rural setting. Our outreach programs provide community and grief support throughout the Foothills and South Calgary region.

How We Are Funded:



60% Assisted Living Alberta
40% Donations and Other Sources

Our Impact

1300+ residents have called our hospice home

24 Days average length of stay per resident

127 Volunteers giving their times and talents

$0, there is no accommodation and food costs for residents

From April-June this year, our Grief Group hosted 8 sessions averaging 16 participants per session

Inaugural Event: Pianos & Purpose

Join us on October 23, 2026, for Pianos & Purpose, a vibrant fundraising benefit evening featuring interactive duelling pianos and community connection.

- **The Impact:** Bridges the vital funding gap to provide free, compassionate end-of-life care for local patients and families.
- **The Event:** A high-energy benefit evening of music, connection, friendly rivalry, and giving back.

Why Sponsor Pianos & Purpose?

Partnering with Pianos & Purpose connects your brand with a compassionate, highly engaged community while making a direct, lasting impact on local hospice care. As a key sponsor, you are positioning your business as a philanthropic leader in Southern Alberta.

Our Reach

- **372** people attended our 2025 fundraising Gala
- **142,000+** impressions on Instagram so far this year
- **613,000+** impressions on Facebook so far this year
- **6,600+** contacts in our monthly email newsletter

- Brand Exposure: Direct visibility to local donors, leaders, and attendees across all marketing channels and at the event.
- Community Impact: Alignment with corporate values. Clear proof of Corporate Social Responsibility directly supporting hospice care.
- Fostering Goodwill: Turn shared community values into meaningful, trust-building connections that extend well beyond the event.

Pianos & Purpose

Sponsorship Commitment Tiers*

		Maestro Presenting Sponsor $10,000	Grand Piano Sponsor $5000	Encore Sponsor $2500	Spotlight Sponsor $1000	Harmony Sponsor $500	Rhythm Sponsor Under $500
	Opportunities	1	4	6	Unlimited	Unlimited	Unlimited
	Complimentary Tickets	8	4	2	0	0	0
Logo	Logo is CO-BRANDED W/EVENT LOGO on event webpage, emails, tickets, signage, event collateral (including program and multimedia presentation), post-event thank you and e-newsletter post event	✓					
Logo	Logo is PRIMARY on event webpage, emails, signage, event collateral (including program and multimedia presentation), post-event thank you and e-newsletter post event		✓				
Logo	Logo is SECONDARY on event webpage, emails, signage, event collateral (including program and multimedia presentation), post-event thank you and e-newsletter post event			✓	✓		
Logo	Name only on event webpage, emails, signage, event collateral (including program and multimedia presentation), post event thank you, and e-newsletter post-event					✓	✓
Before Event	Name & Logo in 1 Tagged Social Media Post	✓	✓	✓	✓		
Before Event	Name mentioned as Presenting Sponsor in all media including radio appearances and Western Wheel promo ad	✓					
Before Event	Right To Use Event Name and Logo in Your Corporate Marketing Campaigns	✓	✓	✓	✓	✓	✓
Before Event	Custom Social Media Story Feature	✓	✓				
Before Event	Recognition in Pre-Event Emails	✓	✓	✓			
Before Event	Website Sponsor Feature Rotating Banner on FCHS Website with link to sponsor website	1 month					
During Event	Speaking opportunity at event	✓					
During Event	Opportunity to display company banner at event	✓					
During Event	Event Program Full Page Ad (provided by sponsor and approved by FCHS)	✓					
During Event	Logo on memorial wall light display on stage	✓					
During Event	Name & Logo on Guest Tables	✓	✓				
During Event	Recognition From the Podium	✓	✓	✓	✓		

Pianos & Purpose

Sponsorship Commitment Tiers*

		Maestro Presenting Sponsor $10,000	Grand Piano Sponsor $5000	Encore Sponsor $2500	Spotlight Sponsor $1000	Harmony Sponsor $500	Rhythm Sponsor Under $500
Post Event	Logo & Link on FCHS Website – Events Page	6 mths	6 mths	3 mths			
	Name & Logo in 1 Tagged Social Media Post	✓	✓	✓	✓	✓	
	Recognition in FCHS Annual Report to the Community	✓	✓	✓	✓	✓	✓

The sponsorship benefits presented in this table are a starting point in our conversation. We welcome both monetary and in-kind support and will work with you to understand how you would like to be a part of this event.

Please Indicate Your Sponsorship Level

- ☐ Maestro Presenting Sponsor ($10,000)
- ☐ Grand Piano Sponsor ($5,000)
- ☐ Encore Sponsor ($2,500)
- ☐ Spotlight Sponsor ($1,000)
- ☐ Harmony Sponsor ($500)
- ☐ Rhythm Sponsor (Under $500)

Please be aware of the difference between sponsorships and donations. As per the Canada Revenue Agency, sponsorship qualifies as advertising that your business may be able to deduct at tax time. A donation qualifies for a charitable receipt, but does not receive recognition as a sponsorship. Charitable receipts will not be issued for monetary or in-kind sponsorship.

Company Name:_____

Contact:_____

Phone #:_____

Email:_____

Mailing Address:_____

City/ Postal Code:_____ Website_____

Instagram:_____ Facebook:_____

Please Indicate Your Method of Payment

- ☐ Credit Card (CC)
- ☐ Cheque (Payable to Foothills Country Hospice)
- ☐ Invoice
- ☐ In-Kind (details to be discussed)

CC Number: _____

Name on Card:_____

Expiry Date:_____

CVC:_____

Prefer to purchase individual tickets or a table instead?
Scan the QR code to secure your spot for Pianos & Purpose on Friday, October 23, 2026, at the Viking Rental Centre for an unforgettable night!

APPLICATION INFORMATION

LEGAL DESCRIPTIONS:
Land Use Amendment:
PTN: NW 25-21-02-W5M
Future Boundary Adjustment:
Plan 9311048, Lot 2, PTN NW 25-21-02-W5M

LANDOWNERS:
Land Use Amendment:
Zackary and Brittany Smith
Future Boundary Adjustment:
Zackary and Brittany Smith/Mark Knudsen

AGENT: Township Planning and Design / Kristi Beunder

AREA OF SUBJECT LANDS:
Land Use Amendment: 19.5 acres
Future Boundary Adjustment: 4.57 acres

CURRENT LAND USES:
Land Use Amendment: Country Residential District
Future Boundary Adjustment: Country Residential District

PROPOSED LAND USES:
Land Use Amendment: Country Residential District
Future Boundary Adjustment: Country Residential District

PROPOSAL: Amendment to the Country Residential District to allow the future subdivision of one 5.73 +/- acre Country Residential District lot, with a 13.77 +/- Country Residential District balance parcel remaining, and a future boundary adjustment, between PTN: NW 25-21-02-W5M and Plan 9311048, Lot 2, PTN: NW 25-21-02-W5M.

DIVISION NO: 5	**COUNCILLOR:** Alan Alger	**FILE MANAGER:** Theresa Chipchase

EXECUTIVE SUMMARY

Summary of Proposal

Amendment to the Country Residential District to provide one new 5.73 +/- acre Country Residential District lot with a 13.77 +/- acre Country Residential District balance parcel and a future boundary adjustment between PTN: NW 25-21-03-W5M and Plan 9311048, Lot 2, PTN. NW 25-21-02-W5M whereby 6.13 +/- acres are to be removed from PTN: NW 25-21-02-W5M, and 6.13 +/- acres are to be added to Plan 9311048, Lot 2, PTN. NW 25-21-02-W5M. Resulting in one 7.64 +/- acre Country Residential District parcel and one 10.70 +/- acre Country Residential District parcel.

The boundary adjustment will result in the following changes to the existing parcel sizes:

- **PTN: NW 25-21-02-W5M** – 19.50 acres reduced to 13.77 +/- acres with future subdivision and further reduced to 7.64 +/- acres with future boundary adjustment.

- **Plan 9311048, Lot 2, PTN: NW 25-21-02-W5M** - 4.57 acres to 10.70 +/- acres with future boundary adjustment.

Location

The parcel is located approximately 20 kilometres northwest of the Town of Okotoks, 1.8 kilometres south of 242nd Avenue West, 0.2 kilometres north of 265th Avenue and is directly east of 112th Street West. Approximately 7 kilometres, as the crow flies from the southwest boundary of the City of Calgary.

Access

Access to the proposed new lot for Ptn. NW 25-21-02-W5M is to continue to be provided from the common approach location between the yard site on the applicant's lands and the yard site within the acreage to the south, from 112th Street West. Access to the balance is to be constructed to County standards, also from 112th St. W, approximately 120 metres north of existing common approach.

NOTE: Access to the future boundary adjustment is to remain in its current location from 265th Avenue West.

Water and Wastewater

The proposed lot contains the existing yard site and will continue to utilize the existing water well and septic field for this property. A new well and septic system will be required for the balance parcel.

The additional lot involved in the future boundary adjustment also includes a yard site and will continue to utilize the water well and septic tank and field located within this property

Accessory Buildings

Proposed lot: The proposed 5.73 +/- acre lot would contain all accessory buildings for this property. This includes a 10 sq. m. (107 sq. ft.) shed, a 15.5 sq. m. (166.80 sq. ft.) shed, two 12.5 sq. m (134.55 sq. ft.) horse shelters, a 222 sq. m. (2389.59 sq. ft.) Quonset, and an 80.5 sq. m (866.49 sq. ft.) barn. The total accessory building square footage currently allowed on this 19.5 acre parcel is 4,097.78 square feet. Should the subdivision be approved, the 5.73 +/- acre parcel would be allowed 3,500 square feet.

The applicant's site plan indicates that the 10 sq. m. (107 sq. ft.) shed is to be removed from the property. Removal of this shed would still constitute an excess of square footage for this property of 45.59 sq. m (490.78 sq. ft.). Therefore, Council may require the applicant to obtain a development permit to allow the additional accessory building square footage to be retained on the site.

Balance parcel: The balance parcel contains a 7.0 sq. m (75.35 sq. ft.) shed, a 12.5 sq. m (134.55 sq. ft.) horse shelter and a 30 sq. m. (322.92 sq. ft.) sea-can.

The applicants have also indicated that the 7.0 sq. m (75.35 sq. ft.) shed within the proposed balance parcel is to be removed, with the horse shelter to be retained.

Future Boundary Adjustment: Currently this parcel contains a residence with an attached garage, a detached garage (square footage unknown), with an attached 113.5 sq. m (1221.70 sq. ft.) accessory structure, a horse shelter, and a 13.5 sq. m (145.31 sq. ft.) chicken coop which does not meet setbacks to the north boundary of the lot.

Should the future boundary adjustment be approved, the sea can would then fall within Plan 9311048, Lot 2, Ptn. NW 25-21-02-W5M, should the future boundary adjustment not be approved, the sea can would be retained within the balance of Ptn. NW 25-21-02-W5M, in either case a development permit would need to be obtained in order to retain the sea can on either parcel.

The applicant has provided that a development permit will be obtained to retain the sea can.

Additionally, it should be noted that inclusion of the sea can into the boundary adjusted title will not put these landowners over their accessory building numbers or cumulative size allotment under the County's Land Use Bylaw.

Pertinent Site Considerations

The applicants parcel outside of the yard site consists of steeply rolling grassland terrain with a distinctive draw through the eastern portion which while dry, leads from a dugout/pond on the property to the north into a deeper draw and pond on the property to the south (County's MR). The draw includes aspen growth throughout. The yard site along the west boundary contains a mix of spruce, caragana and poplar, west and south of the structures.

Policy Evaluation

Reviewed within the terms of the County's Municipal Development Plan 2010, Growth Management Strategy, and the Land Use Bylaw.

Referral Considerations

Referred to required Provincial and Municipal bodies as well as all utilities.

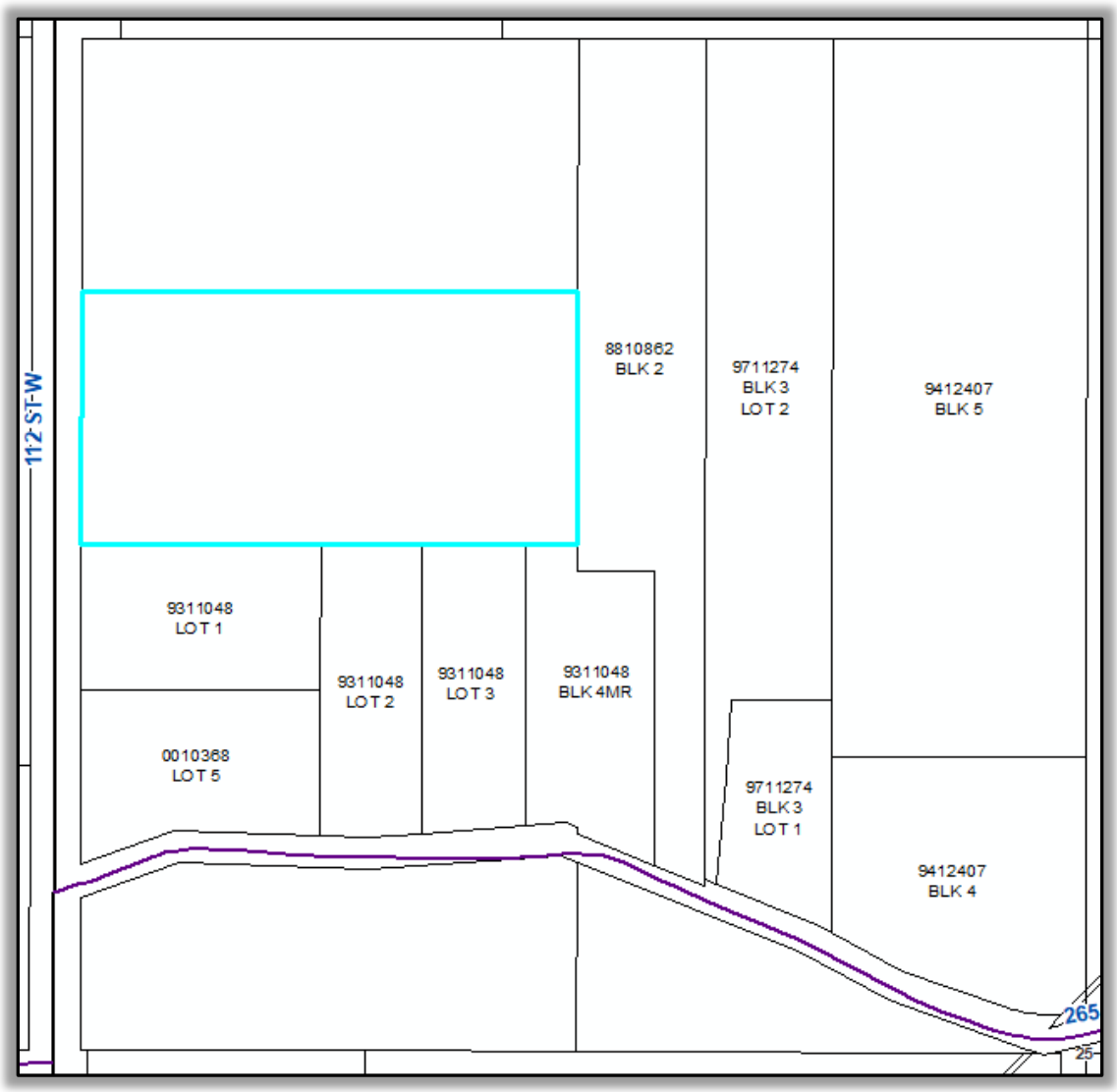
PURPOSE OF APPLICATION

Bylaw XX/2026

WHEREAS the Council has received an application to further amend the Land Use Bylaw by authorizing an amendment to the Country Residential District land use rules to allow for the future subdivision of one new 5.73 +/- acre Country Residential District lot, on Ptn. NW 25-21-02-W5M with a Country Residential District balance parcel of 13.77 +/- acres.

The proposal includes a boundary adjustment with the adjacent 4.57 acre Country Residential District parcel, being Plan 9311048, Lot 2; Ptn. NW 25-21-02-W5M, which would transfer 6.13 +/- acres from the subject parcel, to be consolidated with the 4.57 acres of the adjacent parcel. This consolidation would result in the adjacent parcel being Plan 9311048, Lot 2, Ptn. NW 25-21-02-W5M, increasing in size from 4.57 acres to 10.70 +/- acres and the 13.77 +/- acre balance being, Ptn. NW 25-21-02-W5M reducing in size to 7.64 +/- acres.

QUARTER SECTION BACKGROUND



The quarter first subdivided in 1972 whereby a 33.32 acre lot and a 37.55 acre lot were subdivided along the east boundary of the overall quarter, all parcels were in two parts due to the road plan which dissected the properties. A deferred reserve caveat was registered on each of the new lots.

In 1988 the westerly 33.22 acre parcel subdivided into a long skinny 12.82 acre parcel and a long skinny 17.14 acre parcel. Along with this subdivision, a 3.33 acre Municipal Reserve parcel was also allocated as payment of the reserves owing for these two lots.

In 1993 three lots were subdivided from the southwest corner of the quarter north of the road, one 10.92 acre lot and two 4.57 acre lots with 2.23 acres of Municipal Reserve added to the existing Municipal Reserve parcel increasing it to 5.56 acres, providing the reserves required for the two lots subdivided, deferring the reserves on the 10.92 acre parcel

In 1994 the easternmost parcel within the quarter subdivided one 9.04 acre parcel in two parts due to the road plan, with an easement and right of way agreement registered over the properties for the benefit of access to the larger parcel. Road widening was also surveyed out of the 9.04 acre title.

In 1997 the eastern long skinny parcel further subdivided one 3.46 acre parcel from the southern end of the lot, north of the road, which left a triangle sliver of land as access to the balance parcel.

The remainder of the quarter was split into two 19.5 acre lots, both of which are currently owned by the applicant.

CURRENT LAND USES

Subject Parcel
Country Residential District

Adjacent Lands
Country Residential District, Municipal Reserve, Agricultural District

Area Character
The land lies within an area of intensified Country Residential development, along 112th Street within the quarter in which the applicants are located, as well as to the north within the subdivision under the recently rescinded Wood Valley Estates ASP.

There is a limited public riding arena under DC 29 to the northwest of the application, with an Agricultural Business District parcel one and a half miles to the north (Granary Road). Outside of the pockets of intensified Country Residential District development there are a number of large agricultural holdings including full quarters, as well as those with one to four Country Residential District lots subdivided out.

POLICY EVALUATION

Municipal Development Plan
Policy 3, 7, 9, and 11 of the Residential section of the MDP2010 provide that to consider the proposal to be developable by the Subdivision Authority, residential parcels should be compatible with the surrounding area and existing uses. Further recognizing that the design and infrastructure of residential development should consider the efficient use of land, the cumulative effects of development, the suitability of the lands for residential use, the functional linkage of the proposal to adjoining lands and the conservation of water.

Land Use Bylaw
Should the application be approved, the proposal would meet the parcel density requirements and parcel size requirements as set out in Section 13.1.6.2 a. and b. of the Country Residential District.

The sea can on the property under the Land Use Bylaw will require Development permit approval as will the accessory building square footage in excess of that allowed on a 5.73 +/- acre parcel.

Growth Management Strategy
The subject parcel is located within the North West District. The vision for the North West District identifies lands which fall within this District could likely accommodate minimal to moderate growth but that this growth must be undertaken with careful consideration of the potential impacts on wildlife habitat and watershed areas

CIRCULATION REFERRALS	
REFEREE	**COMMENTS**
INTERNAL	
Public Works	Public Works is requesting the following as conditions of **subdivision:** • Septic Disposal Evaluation (PSTS) Public Works also provides the following additional comments and conditions: • No concerns regarding the existing approaches, the proposed approach location is acceptable and will require construction to current standards. Tree trimming may be required if the approach is to be shifted further to the north • Seasonal drainage does run through the south half of LSD 13. The drainage appears minor in nature with large portions that have been historically farmed. • For the proposed boundary adjustment with Lot 2, this new parcel after adjustment would have further subdivision potential, however access to an additional lot could be challenging, with the current location of the residence and the well, in the opinion of the public works department the only option for access to a future lot would be a panhandle along the east boundary.
PUBLIC	
Western Wheel	September 16th and September 23rd, 2026
Landowners (Half Mile)	No letters received prior to the submission of this staff report

SUMMARY

Bylaw XX/2026

WHEREAS the Council has received an application to further amend the Land Use Bylaw by authorizing an amendment to the Country Residential District land use rules to allow for the future subdivision of one new 5.73 +/- acre Country Residential District lot, on Ptn. NW 25-21-02-W5M with a Country Residential District balance parcel of 13.77 +/- acres.

The proposal includes a boundary adjustment with the adjacent 4.57 acre Country Residential District parcel, being Plan 9311048, Lot 2; Ptn. NW 25-21-02-W5M, which would transfer 6.13 +/- acres from the subject parcel, to be consolidated with the 4.57 acres of the adjacent parcel. This consolidation would result in the adjacent parcel being Plan 9311048, Lot 2, Ptn. NW 25-21-02-W5M, increasing in size from 4.57 acres to 10.70 +/- acres and the 13.77 +/- acre balance being, Ptn. NW 25-21-02-W5M reducing in size to 7.64 +/- acres.

OPTIONS FOR COUNCIL CONSIDERATION

OPTION #1: APPROVAL OF AMENDMENT

Council may choose to grant 1st reading to the application authorizing amendment of PTN: NW 25-21-02-W5M from the Country Residential District land use rules in order to allow for the future subdivision of one new 5.73 +/- acre Country Residential District lot, with a 13.77 +/- acre Country Residential District balance parcel, and a future boundary adjustment.

In their consideration of the criteria noted in Residential Policy 3 and 9 of the MDP2010, Council is of the opinion that the lands are suitable for the intended residential use and that the application falls within the density provisions and lot size restrictions of the Country Residential District within the County's Land Use Bylaw.

Further, Council is supportive of the application, as it is considered to be in alignment with the intent of the Residential section of the MDP2010, specifically with respect to directing additional Country Residential development to lands already zoned Country Residential.

Staff suggests Country Residential Sub-District "A" for the proposed 13.77 +/- acre balance parcel (7.64 +/- acres after boundary adjustment) to ensure that the recommendations and restrictions as outlined in septic disposal evaluation (provided as a condition of subdivision) is complied with, to the satisfaction of the Public Works department. A completion certificate by a Professional Engineer verifying that all aspects of the noted reports have been met may be required. Council may also wish to require a $5000.00 deposit, as a pre-release condition, to ensure compliance is provided for all conditions of the development permit.

Council may choose to impose the following suggested conditions with the Land Use approval:

Recommended Conditions for Option #1:

1. Applicant to fully execute and comply with all requirements as outlined within a Development Agreement for the purposes of payment of the community sustainability fee and any other necessary municipal and onsite improvements as required by Council and/or the Public Works department;
2. Proof of adequate water supply provided in accordance with the Provincial Water Act, to the satisfaction of the County;
3. Septic Disposal Evaluation to be provided for the proposed 13.77 +/- acre (7.64 +/- acres after adjustment) balance parcel in accordance with Part 2 Section 6(4)(b) of the Matters Related to Subdivision and Development Regulation, to the satisfaction of the Public Works department, **as a condition of subdivision;**
4. Ptn. NW 25-21-02-W5M, is to provide a complete application for development permit with respect to the additional accessory building square footage that will be located within the proposed 5.73 +/- acre lot, to be provided to the satisfaction of the County, **as a condition of subdivision;**
5. Plan 9311048, Lot 2, Ptn. NW 25-21-02-W5M, is to provide a complete application for development permit with respect to the sea can located within the boundaries of the adjusted parcel, **as a condition of subdivision;**
6. Final amendment application fees to be submitted;
7. Submission of an executed subdivision application and the necessary fees.

OPTION #2 – REFUSAL OF AMENDMENT

Council may choose to refuse the application for the amendment of PTN: NW 25-21-02-W5M from the Country Residential District land use rules in order to allow for the future subdivision of one new 5.73 +/- acre Country Residential District lot with a 13.77 +/- acre Country Residential District balance parcel, and a future boundary adjustment, for the following reasons.

In consideration of the criteria noted in the Residential Policies of the MDP2010, Council is of the opinion that the application does not adequately address the intent of the policy with respect to the efficient use of the land and the suitability of the land for future development.

APPENDICES

APPENDIX A: MAP SET

LOCATION MAP

HALF MILE MAP – LAND USE

HALF MILE MAP – PARCEL SIZES

SITE PLANS

ORTHO PHOTO

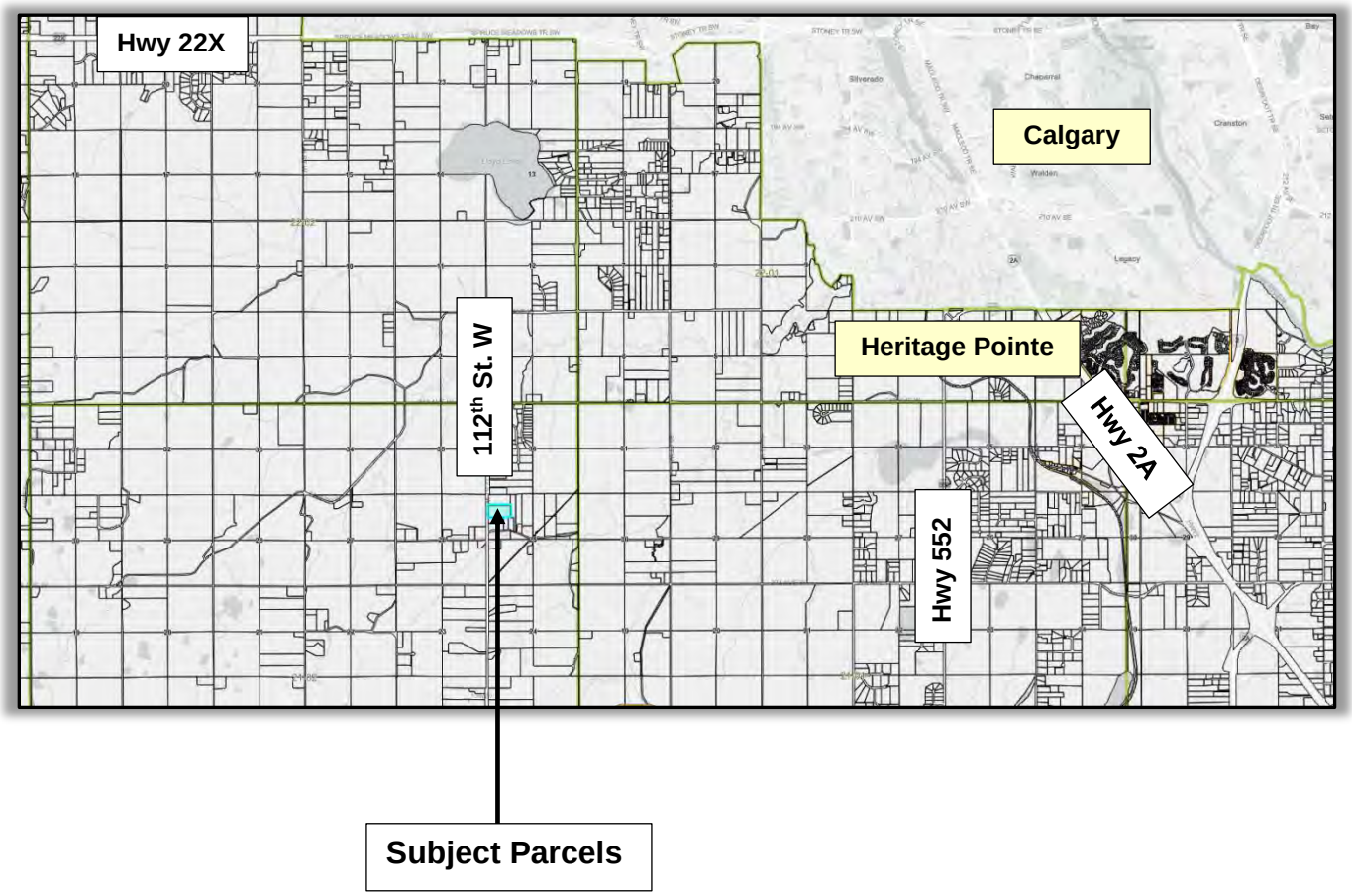
APPENDIX B:

AGENTS LETTER

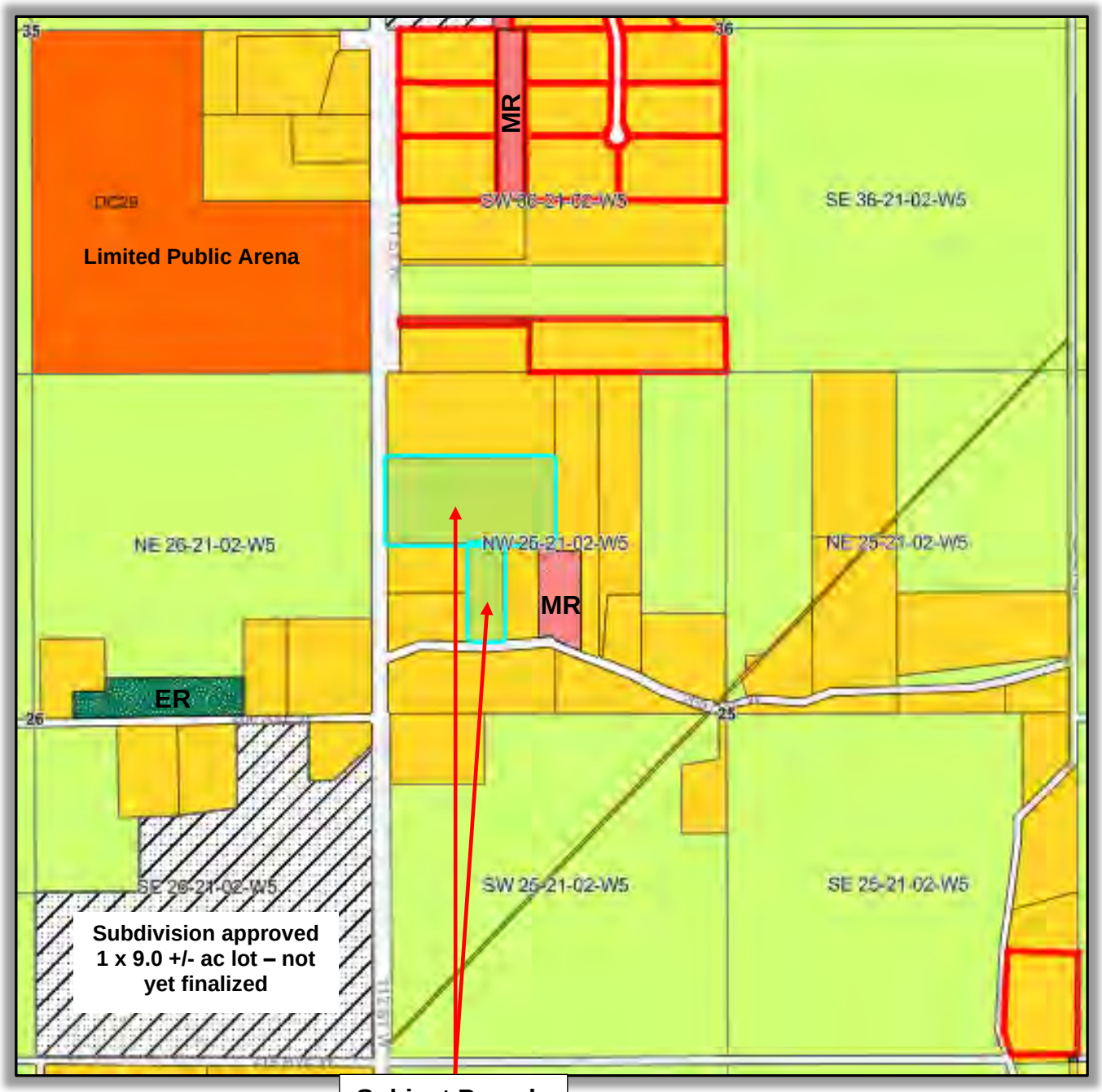
APPENDIX C:

DRAFT BYLAW

APPENDIX A: LOCATION MAP



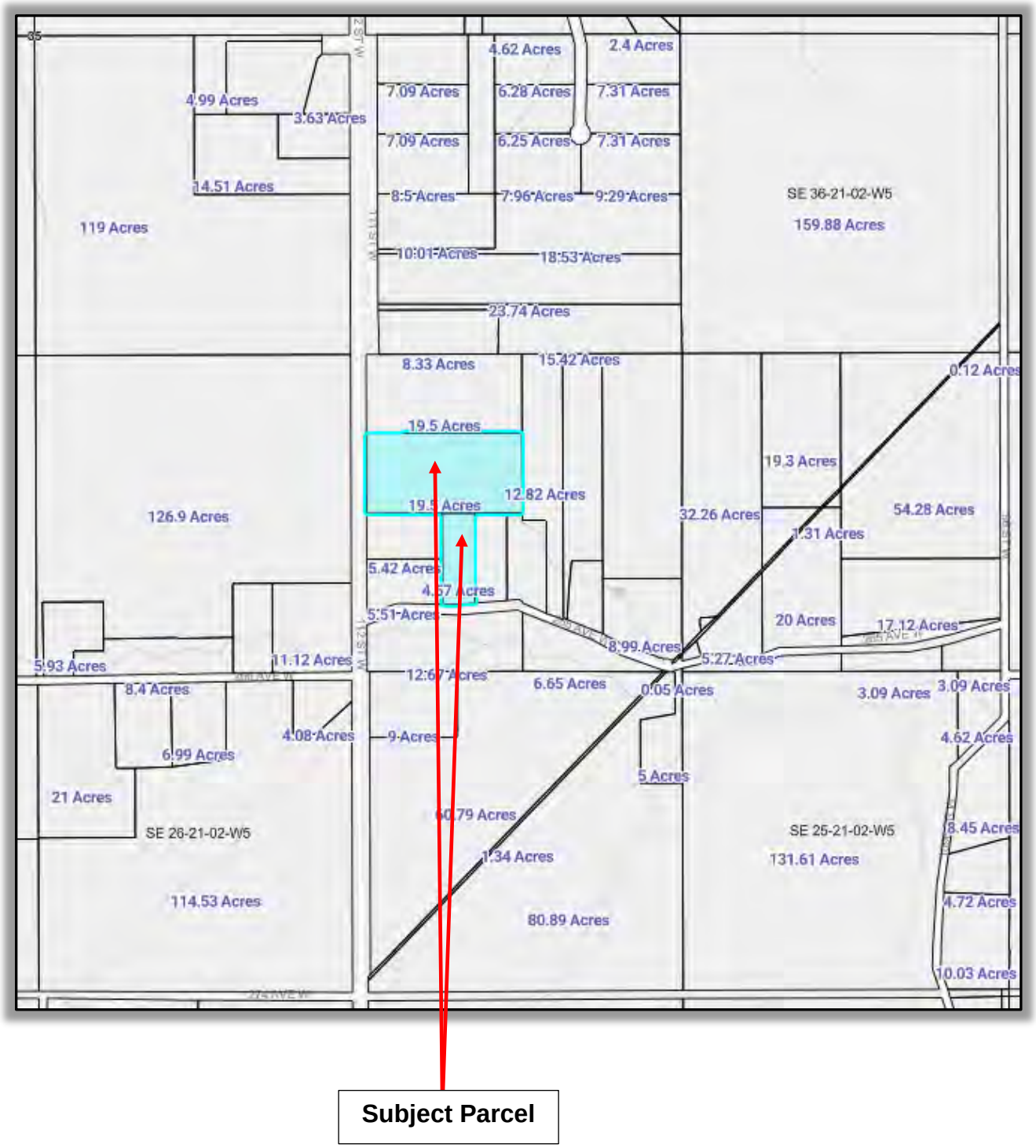
APPENDIX A: HALF MILE MAP – LAND USE



Legend

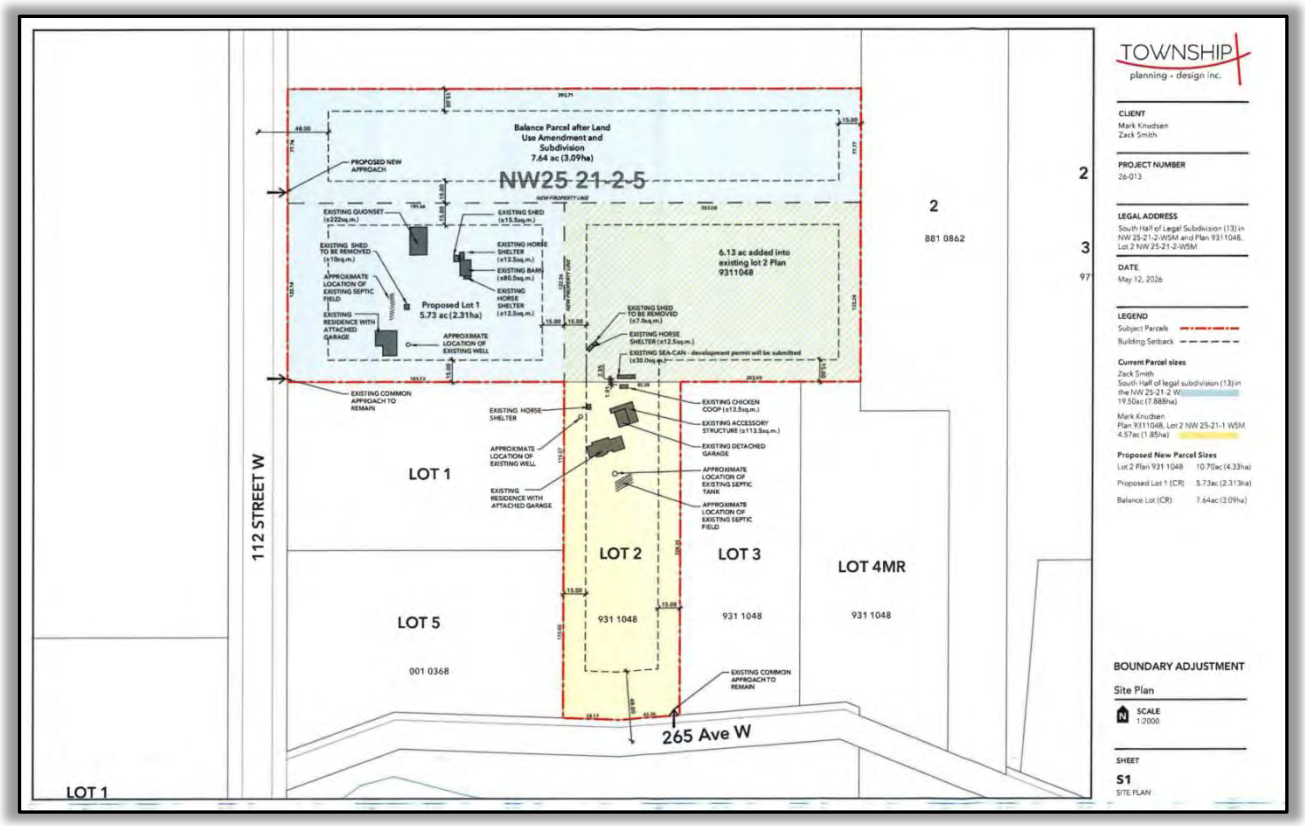
- County Roads
- Highways
- In Transition
- A- Agricultural
- AA- Agricultural Sub A
- CR- Country Residential
- CRA- Country Residential Sub A
- DC - Direct Control
- ER- Environmental Reserve
- EP- Environmental Protection
- OS- Open Space
- INR- Natural Resource Extraction
- MR- Municipal Reserve
- PUL- Public Utility
- SD- Service District

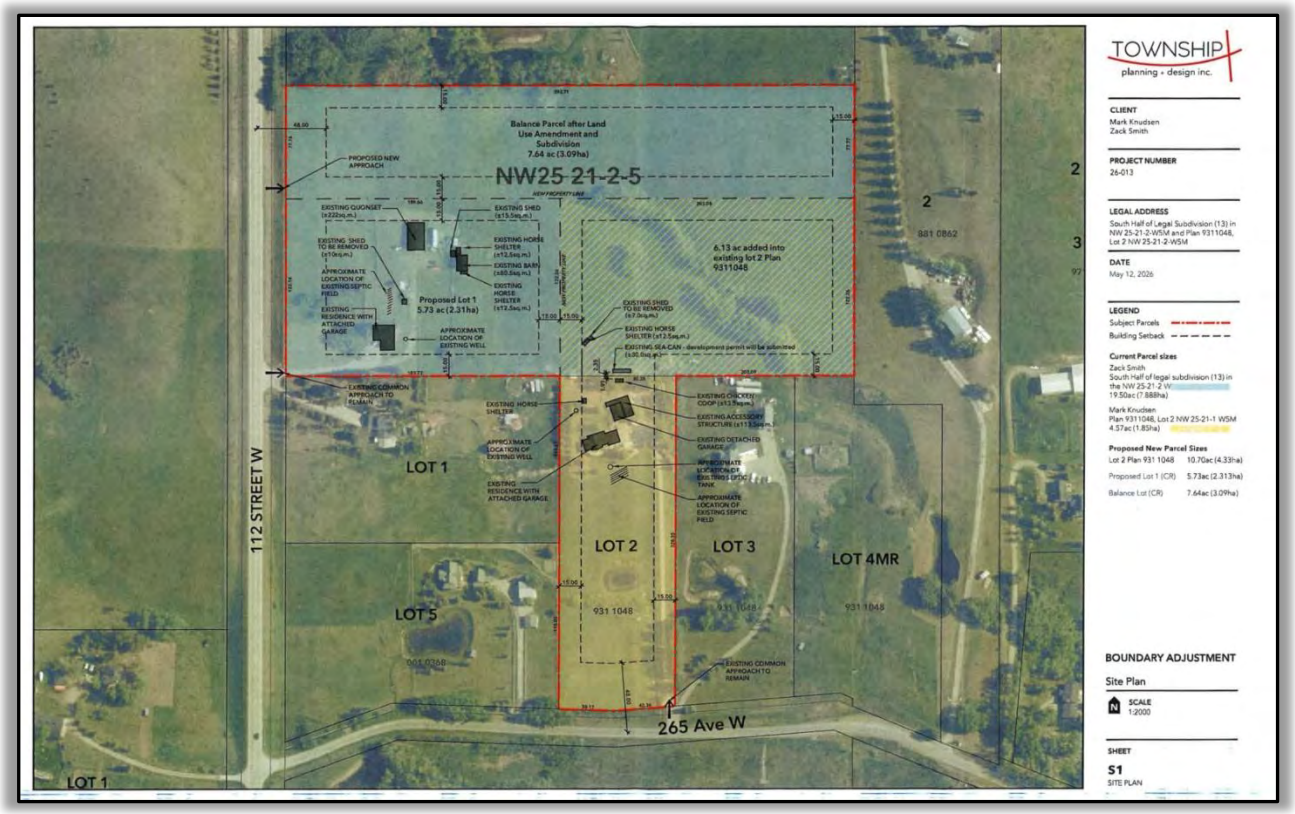
APPENDIX A: HALF MILE MAP – LOT SIZES



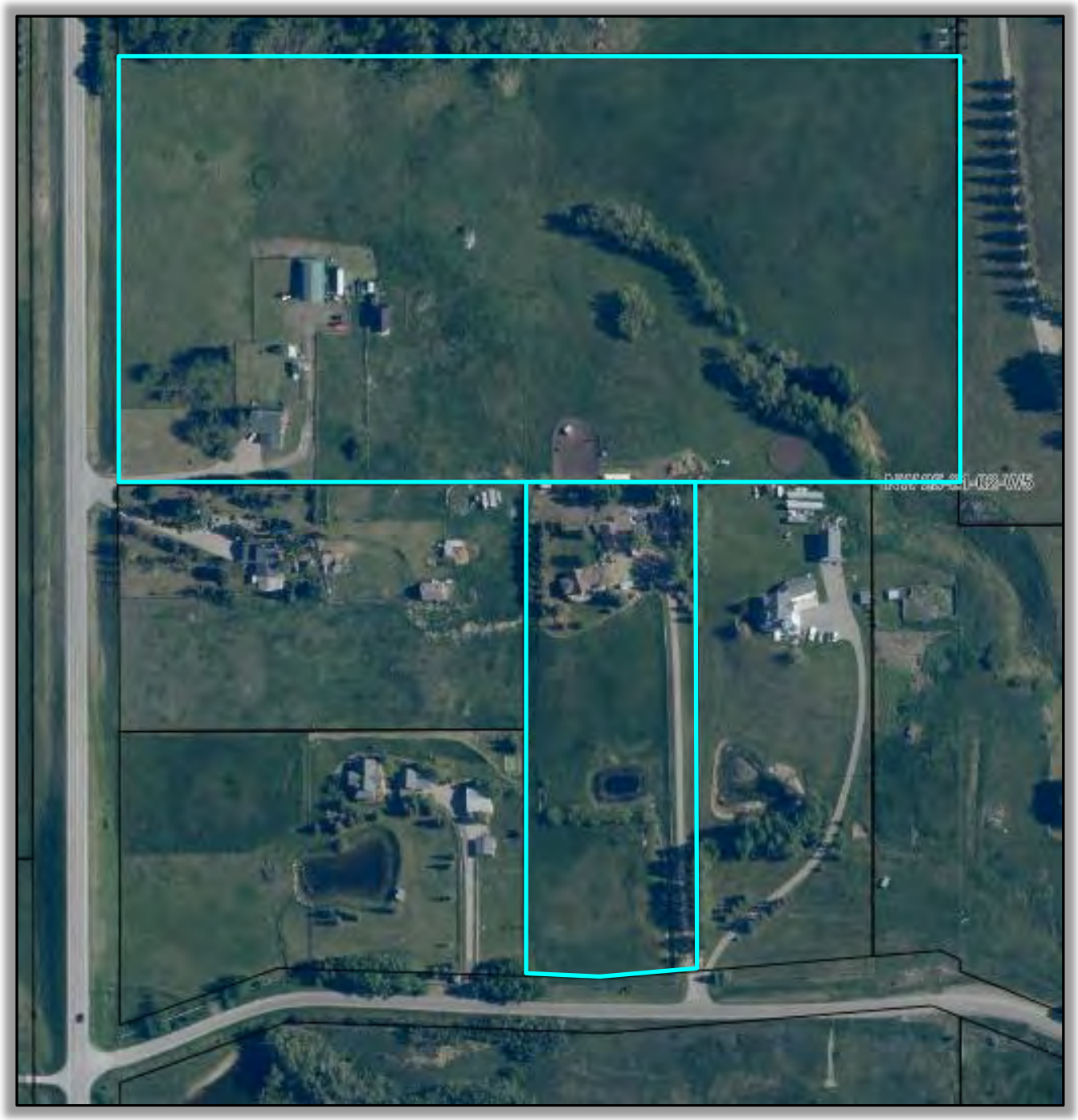
Subject Parcel

APPENDIX A: SITE PLANS





APPENDIX A: COUNTY ORTHO PHOTO



APPENDIX B: AGENTS LETTER

110-259 Midpark Way SE
Calgary, Alberta T2X 1M2

Phone: 403.300.2220
TWPplanning.com

TOWNSHIP
planning + design inc

Foothills County
Box 5605
High River, AB
T1V 1M7

02/06/2026

ATTN: **Samantha Payne, Manager of Planning Applications**

RE: **Application for Land Use Exemption from the Country Residential District to allow for the creation of one (1) Country Residential (CR) lot and a balance CR parcel and concurrent Boundary Adjustment, on lands legally described as 'The South Half of Legal Subdivision (13) in NW-25-21-2 W5M' and 'Plan 9311048, LOT 2, NW-25-21-2 W5M' in Foothills County.**

Landowners: Zackary Edward Smith, Brittany Rae Smith, and Mark Anton Knudsen

Dear Mrs. Payne,

Please find enclosed the following in support of the above-mentioned application for amendment to the Land Use Bylaw (LUB):

- An application for Amendment to the County Residential Land Use District to allow for the creation of one (1) new lot and a balance parcel;
- An application for Boundary Adjustment between proposed Lots 1 and Lot 2;
- The Agency Agreement allowing Township Planning + Design to act as agent for the Landowner(s);
- Payment in the amount of $1,600 for the Land Use Amendment ($100 filing fee + Initial Application Fee of $1,500 per lot). The fee for the Boundary Adjustment will be provided when required;
- A copy of the Abandoned Well Map and Statement;
- A copy of the current Certificate of Title, and
- A copy of the current site plan with and without air photo.

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

Background and Land Ownership

This application involves two adjacent parcels with distinct ownership. Zackary and Brittany Smith are the registered owners of the northern parcel, legally described as the South Half of Legal Subdivision (13) in NW-25-21-2 W5M. Mark Knudsen is the registered owner of the adjacent parcel to the south, legally described as Plan 9311048, Lot 2 in the NW-25-21-2 W5M.

Purpose

The purpose of this application is to request an exemption from the Land Use Bylaw Country Residential (CR) District, in accordance with Section 13.1.6.1, to facilitate the future subdivision of the existing CR parcel. This application seeks to subdivide the Smith lands (currently +/- 19.50 ac / 7.88 ha) to create Proposed Lot 1, totaling +/- 5.73 ac (2.31 ha), to accommodate the existing single detached dwelling, and create a Balance Lot of +/- 7.64 ac (3.09 ha).

Simultaneously, a Boundary Adjustment will move +/- 6.13 ac (2.48 ha) from the Smith lands into Mr. Knudsen's Lot 2, resulting in an enlarged parcel of +/- 10.70 ac (4.33 ha). This Boundary Adjustment

allows for Mark to maintain the accessory structures in the parcel area, which also contains his existing sea-can and horse shelters. A Development Permit application for the sea-can will be submitted at a future stage.

Accessory Structures

For proposed Lot 1, a 10 sqm existing shed will be removed and five (5) accessory structures totaling 343 square metres will be retained. As the Land Use Bylaw permits a maximum of four (4) accessory structures and 325.2 square metres for a parcel of this size, Lot 1 will exceed the maximum number and square footage of buildings allowed without a DP. Therefore, we respectfully request that the additional structure on Proposed Lot 1 (a remaining shed) be recognized as existing, non-conforming.

For Lot 2, removing the 7.0 sqm shed brings the parcel into compliance. This reduces the accessory building count to the permitted maximum of five. The total area of accessory structures remains under the allowed square footage limit.

Location and Access

The subject lands are located immediately west of 112th Street SW and are surrounded by Country Residential parcels similar in size to those being proposed. Currently, the area of proposed Lot 1 is accessed via a shared approach off 112th Street SW through a driveway. After the proposed subdivision, proposed Lot 1 will continue to be accessed by the existing shared approach and driveway. A new approach is proposed off 112 Street SW to provide access to the newly created Balance Parcel. The landowners of the Balance parcel (Zack and Brittany Smith) wish to retain ownership of both Proposed Lot 1 and the Balance Parcel. The boundary-adjusted Lot 2 will continue to use its existing approach from 265 Ave W to the south.

Servicing

Both the Proposed Lot 1 and the boundary-adjusted Lot 2 will be serviced by their own existing wells and septic systems. The balance lot will be serviced by a new well and septic system.

Policy Review

- The site is located within the Northwest District of the Foothills Growth Management Strategy. This district is identified as an area capable of accommodating moderate growth, including country residential development, particularly where existing infrastructure and access are already established.
- The proposed subdivision and boundary adjustment aligns with the Municipal Development Plan by promoting a logical and efficient use of land that optimizes the parcel configuration for the current landowners while maintaining the rural character of the area.
- LUB Policy 9.4.1 requires that a boundary adjustment is made such that "no additional lots are created, and the lot boundaries do not contravene the yard setback limits or minimum or maximum sizes for the district." The boundary adjustment portion of this application strictly aligns with this policy, as it does not create any additional lots itself.
- Because the overall application proposes the creation of one new lot, a Land Use Amendment is being submitted concurrently with the Boundary Adjustment. The requested exemption under Section 13.1.6.1 allows for the future subdivision of the existing Country Residential parcel.
- LUB Policy 9.4.2 states that "no redesignation is required for boundary adjustments where the parcel size of both lots involved remain within the parcel size requirements for that land use district." The proposed boundary adjustment complies with this requirement.

Should you have any questions or require more information, please do not hesitate to contact the undersigned.

Sincerely,
Township Planning + Design Inc.

Robyn Erhardt

Robyn Erhardt, BA, M. Plan. RPP, MCIP
Senior Planner
Urban + Regional Planning

Cc: Zackary Edward Smith, Brittany Rae Smith and Mark Anton Knudsen

APPENDIX C: PROPOSED BYLAW

BYLAW XX/2026

BEING A BYLAW OF FOOTHILLS COUNTY TO AUTHORIZE AN AMENDMENT TO THE LAND USE BYLAW NO. 60/2014 AS AMENDED.

WHEREAS pursuant to the provisions of the Municipal Government Act, Chapter M-26 Revised Statutes of Alberta 2000, and amendments thereto, the Council of Foothills County in the Province of Alberta, has adopted Land Use Bylaw No. 60/2014 and amendments thereto;

AND WHEREAS WHEREAS the Council has received an application to further amend the Land Use Bylaw by authorizing an amendment to the Country Residential District land use rules to allow for the future subdivision of one new 5.73 +/- acre Country Residential District lot, on Ptn. NW 25-21-02-W5M with a Country Residential District balance parcel of 13.77 +/- acres.

The proposal includes a boundary adjustment with the adjacent 4.57 acre Country Residential District parcel, being Plan 9311048, Lot 2; Ptn. NW 25-21-02-W5M, which would transfer 6.13 +/- acres from the subject parcel, to be consolidated with the 4.57 acres of the adjacent parcel. This consolidation would result in the adjacent parcel being Plan 9311048, Lot 2, Ptn. NW 25-21-02-W5M, increasing in size from 4.57 acres to 10.70 +/- acres and the 13.77 +/- acre balance being, Ptn. NW 25-21-02-W5M, reducing in size to 7.64 +/- acres.

NOW THEREFORE THE COUNCIL ENACTS AS FOLLOWS:

1. Under SECTION 13.0.0 COUNTRY RESIDENTIAL DISTRICT, the following shall be added under Part 8 Bylaw Amendments:

   Ptn. NW 25-21-02 W5M within which shall allow for the future subdivision of one new 5.73 +/- acre Country Residential District lot, with a 13.77 +/- acre Country Residential District balance parcel.

2. This Bylaw shall have effect on the date of its third reading and upon being signed.

FIRST READING:

_____
Reeve

_____
CAO

SECOND READING:

_____
Reeve

_____
CAO

THIRD READING:

_____
Reeve

_____
CAO

PASSED IN OPEN COUNCIL assembled at the Town of High River in the Province of Alberta this day of , 20 .

PUBLIC HEARINGS AND MEETINGS
PLANNING AND DEVELOPMENT REPORT TO COUNCIL
LAND USE AMENDMENT
September 30, 2026
To be heard at: 1:30 PM

APPLICATION INFORMATION	FILE NO. 26R042
	LEGAL DESC.: E ½ LSD 2, SE 28-20-3 W5
	LANDOWNERS: Bretton & Kristen Dudar
	AGENT: David Joosse
	AREA OF SUBJECT LANDS: 19.76 Acres
	CURRENT LAND USE: Country Residential District
PROPOSAL: Amendment to the Country Residential District (CR) land use rules to allow for the future subdivision of one +/- 5.0 acre CR lot.	
DIVISION NO: 3	**COUNCILLOR**: Laura Kendall
FILE MANAGER: Elliott Salmon	

EXECUTIVE SUMMARY

Location:

The subject parcel is located:

- On the north side of 370 Avenue West;
- Approximately 1 km east of 256 St W; and
- Approximately 7 km northwest of the Town of Diamond Valley.

Policy Evaluation:

Reviewed within the terms of the:

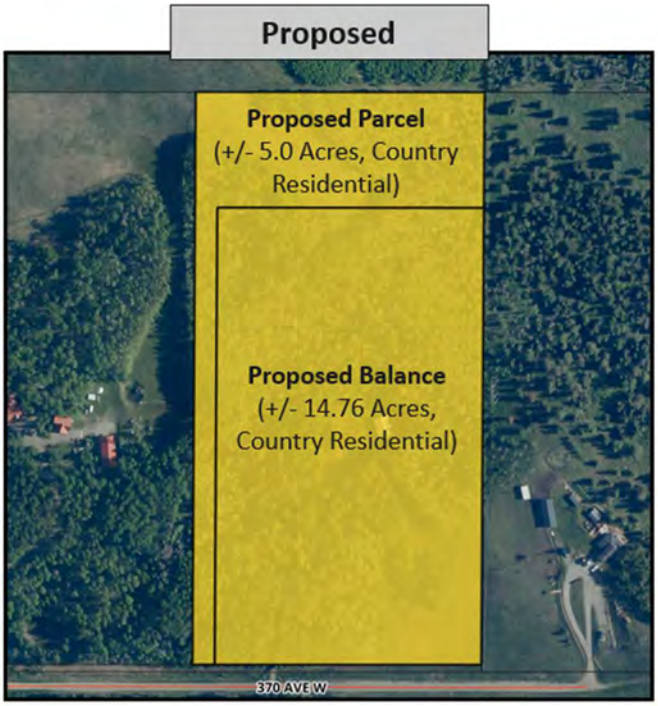
- Municipal Development Plan (MDP2010);
- Growth Management Strategy; and
- Land Use Bylaw 60/2014.

Referral Considerations:

Referred to the required internal departments and external agencies.

PURPOSE OF APPLICATION

Bylaw XX/2026 – Council has received an application to further amend the Land Use Bylaw by authorizing an amendment to the Country Residential District land use rules to allow for the future subdivision of one new 5.0 +/- acre Country Residential lot, leaving a 14.76 +/- acre Country Residential balance parcel on E ½ LSD 2, SE 28-20-03 W5M.



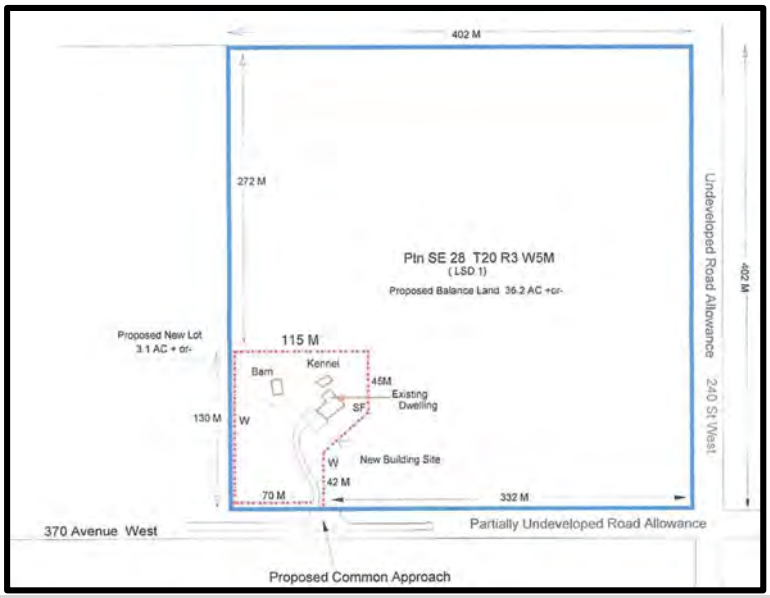
HISTORY

July 17, 2008 – Redesignation application 08R048 to redesignate a portion of SE 28-20-3 W5M; LSD 1 (the neighbouring parcel immediately east of the subject parcel) from Agricultural District to Country Residential District to permit the future subdivision of one +/- 7 acre parcel was **refused** for the following reasons:

- *Unacceptable site plan;*
- *In Council's opinion, this is not an efficient use of the land.*
- *Given the direction from the Municipal Development Plan and Regional land use framework, it seems reasonable to defer approval of larger parcels of this size until these plans are in place.*

July 7, 2011 – Redesignation application 11R022 to redesignate a portion of SE 28-20-3 W5M; LSD 1 (the neighbouring parcel immediately east of the subject parcel) from Agricultural District to Country Residential to permit the future subdivision of one +/- 3.1 acre parcel was **refused** for the following reasons:

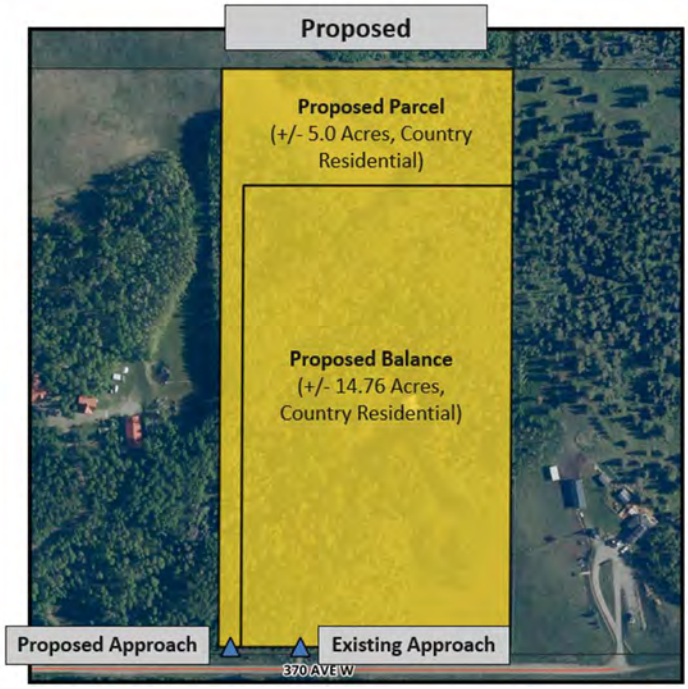
In their consideration of Policy 2 of the Agriculture section of the MDP 2010, Council did not find sufficient merit in the proposal to consider removing the subject lands from the Agricultural land use district;
In their consideration of Policy 3 of the Residential section of the MDP 2010, Council noted that Sec. 3.1 through to Sec. 3.8 all suggest that this application is not in keeping with the Policies as set forth in the Plan.



SITE CONSIDERATIONS

Access:

The subject parcel is currently accessed from an existing approach on 370 Avenue West. The proposed access to the proposed parcel is just west of the existing approach on 370 Avenue West, at the south end of the proposed panhandle.



Physiography:

Situated in the western portion of the County, the physiography of the property is predominantly forested and located near the top of a ridge. Slopes on the property are generally from the east to the west.

Existing Development:

Existing development on the property is entirely within the proposed balance and includes a dwelling and a garage.

REFERRAL CIRCULATION

CIRCULATION REFERRALS	
REFEREE	**COMMENTS**
INTERNAL	
Public Works	• A standard approach is required, and is to be constructed to Foothills County's Rural Approach Standards. • An engineered driveway design to the satisfaction of Public Works will be required due to slopes of greater than 12% at the north side of the property, and drainage/erosion control that will be required due to the extensive removal of trees/vegetation required. • Public Works recommends that a Building Envelope plan is provided as a condition of subdivision. • Public Works recommends that Slope Stability Analysis is completed if the developable area identified in the Building Envelope plan includes slopes greater than 15%, as a condition of subdivision. A Soil and Erosion Protection Plan may be required if substantial removal of vegetation is proposed. • A PSTS review will be required at development.
PUBLIC	
Western Wheel	September 16 and September 23, 2026
Landowners	No submissions received prior to the submission of this staff report.

POLICY EVALUATION

Municipal Development Plan (MDP2010):

The application generally meets the intent of Policies 3 and 9 of the Residential section of the MDP2010, which provides that residential parcels should consider their compatibility with the surrounding area and their impact on the agricultural industry. The development must also consider the suitability of the lands for residential use and the efficient use of land.

Growth Management Strategy:

The subject parcel is located within the Northwest District of the Growth Management Strategy. The vision for the Northwest District identifies that lands could likely accommodate minimal to moderate growth in the form of both country residential and cluster residential development with careful consideration of the potential impacts on wildlife habitat and water shed areas.

Land Use Bylaw 60/2014:

The application meets the density requirements and lot size restrictions as set out in Section 13.1.6.2 of the Country Residential District within the County's Land Use Bylaw.

SUMMARY

Bylaw XX/2026 – Council has received an application to further amend the Land Use Bylaw by authorizing an amendment to the Country Residential District land use rules to allow for the future subdivision of one new 5.0 +/- acre Country Residential lot, leaving a 14.76 +/- acre Country Residential balance parcel on E ½ LSD 2, SE 28-20-03 W5M.

OPTIONS FOR COUNCIL CONSIDERATION

OPTION #1 – FIRST READING APPROVAL

Council may choose to grant 1st reading to the application to further amend the Land Use Bylaw by authorizing an amendment to the Country Residential District land use rules to allow for the future subdivision of one new 5.0 +/- acre Country Residential lot, leaving a 14.76 +/- acre Country Residential balance parcel for the following reasons:

Council is supportive of the application, as it is considered to be in alignment with the intent of the Residential section of the MDP2010, specifically with respect to directing additional Country Residential development to lands already zoned Country Residential.

Staff suggests Country Residential Sub-District "A" for the proposed parcels to ensure that the recommendations and restrictions as outlined within the building envelopes, slope stability analysis, and engineered driveway design are complied with, to the satisfaction of the Public Works department. A completion certificate by a Professional Engineer verifying that all aspects of the noted reports have been met may be required. Council may also wish to require a $5,000.00 deposit as a pre-release condition to ensure compliance with all conditions of the development permit.

Recommended Conditions for Option #1:

1. Landowners are to fully execute and comply with all requirements as outlined within the Municipal Development Agreement for the purposes of payment of the Community Sustainability Fee and any other necessary municipal and on-site improvements as required by Council and the Public Works department.
2. Engineered driveway design to be provided if slopes for the driveway to be constructed exceed 12% for the proposed +/- 5.0 acre parcel, to the satisfaction of the Public Works department;
3. Proof of adequate water supply to be provided for the proposed +/- 5.0 acre parcel in accordance with the Municipal Water Policy, to the satisfaction of the County;
4. Site plan to be provided which identifies building envelopes for the +/- 5.0 acre acre lot, which meets the requirements as outlined in Policy 9 of the Residential section of the MDP2010, to the satisfaction of the Public Works department, as a condition of subdivision;
5. Where slopes exceeding 15% are identified within the developable area of the proposed +/- 5.0 acre parcel on the Building Envelope Plan, the applicant shall, as a condition of subdivision approval, provide a Geotechnical Slope Stability Report satisfactory to the Public Works Department;
6. Final amendment fees to be submitted;
7. Submission of an executed subdivision application and the necessary fees.

OPTION #2 – REFUSE APPLICATION

Council may choose to refuse the application to further amend the Land Use Bylaw by authorizing an amendment to the Country Residential District land use rules to allow for the future subdivision of one new 5.0 +/- acre Country Residential lot, leaving a 14.76 +/- acre Country Residential balance parcel for the following reasons:

In consideration of the criteria noted within the Residential section of the MDP2010, Council is of the opinion that the application does not adequately address the intent of the policy with respect to the cumulative effects of the development and the environmental impact and the suitability of the lands for further development.

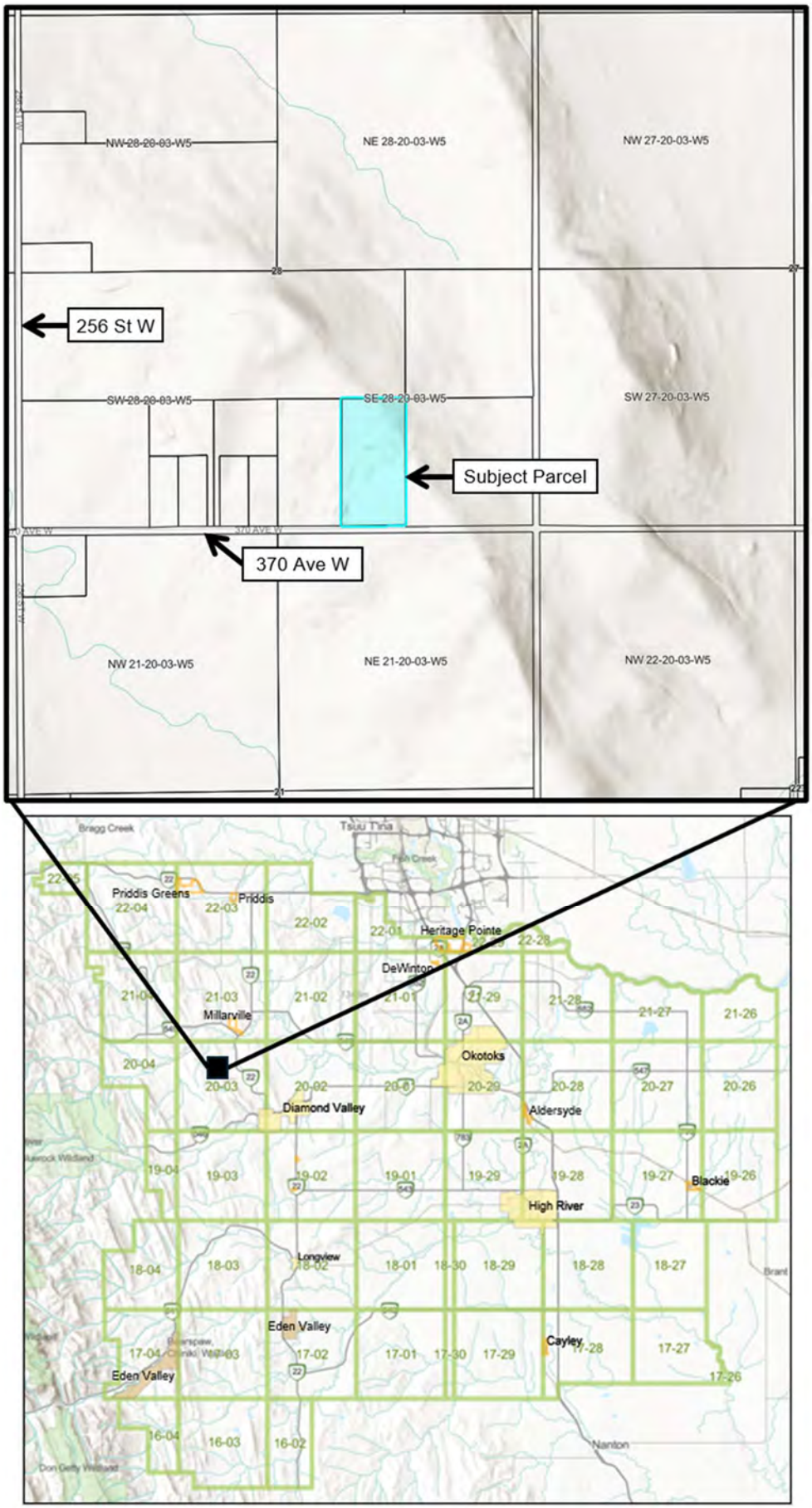
APPENDICES

APPENDIX A – MAP SET

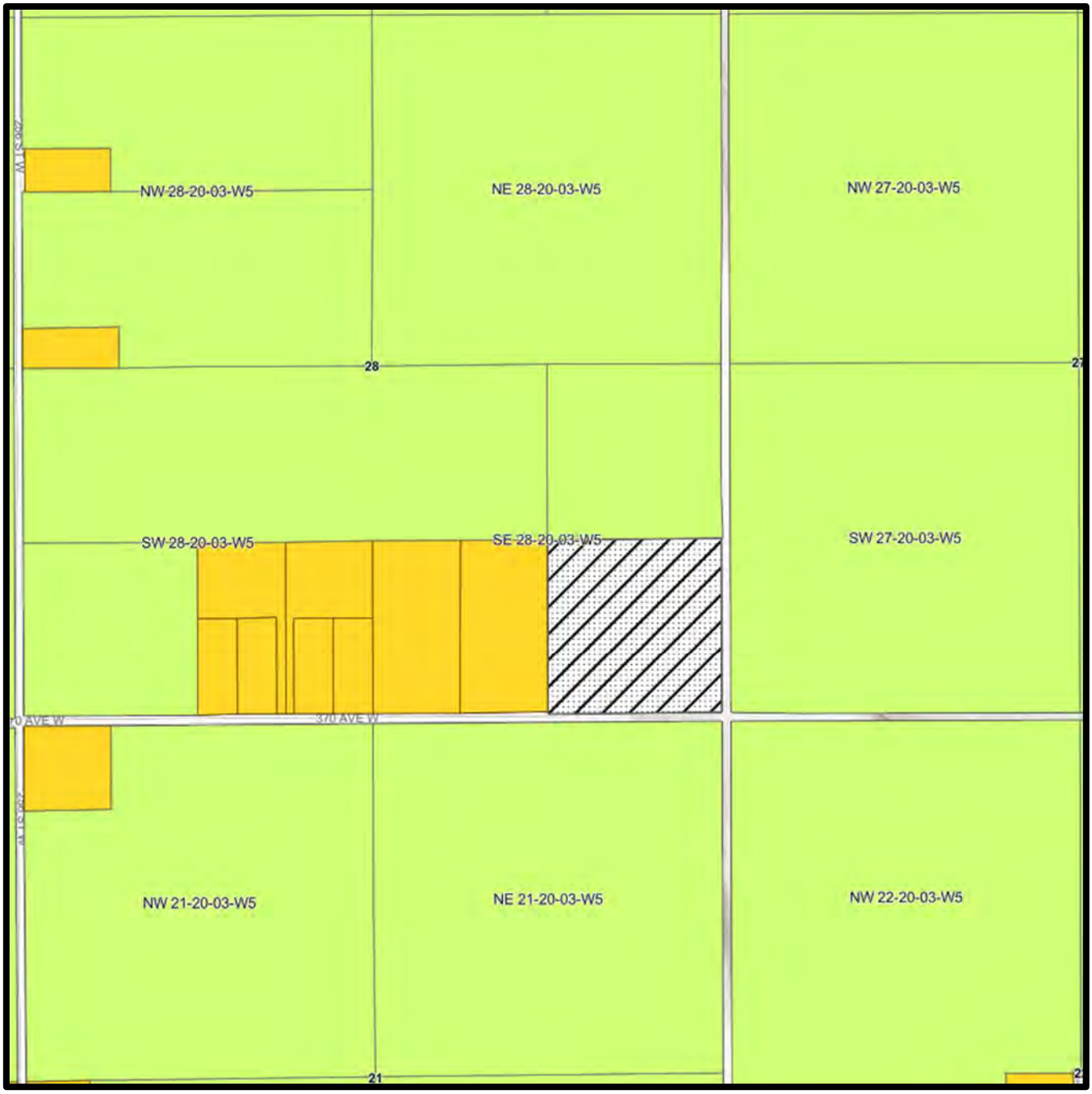
- LOCATION MAP
- LAND USE – HALF MILE MAP
- PARCEL SIZES – HALF MILE MAP
- SITE PLAN

APPENDIX B – DRAFT BYLAW

APPENDIX A – LOCATION MAP



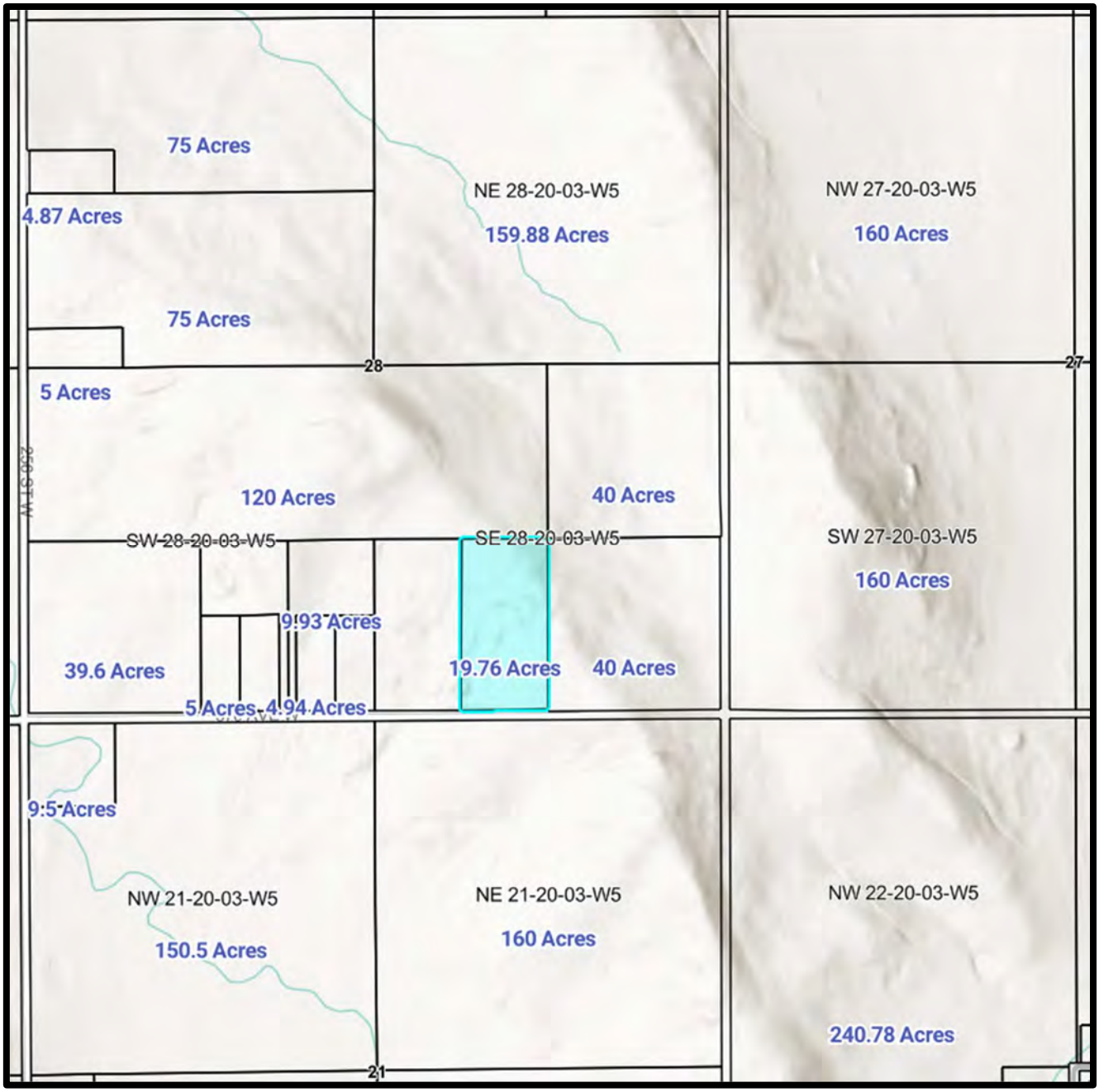
APPENDIX A – LAND USE – HALF MILE MAP



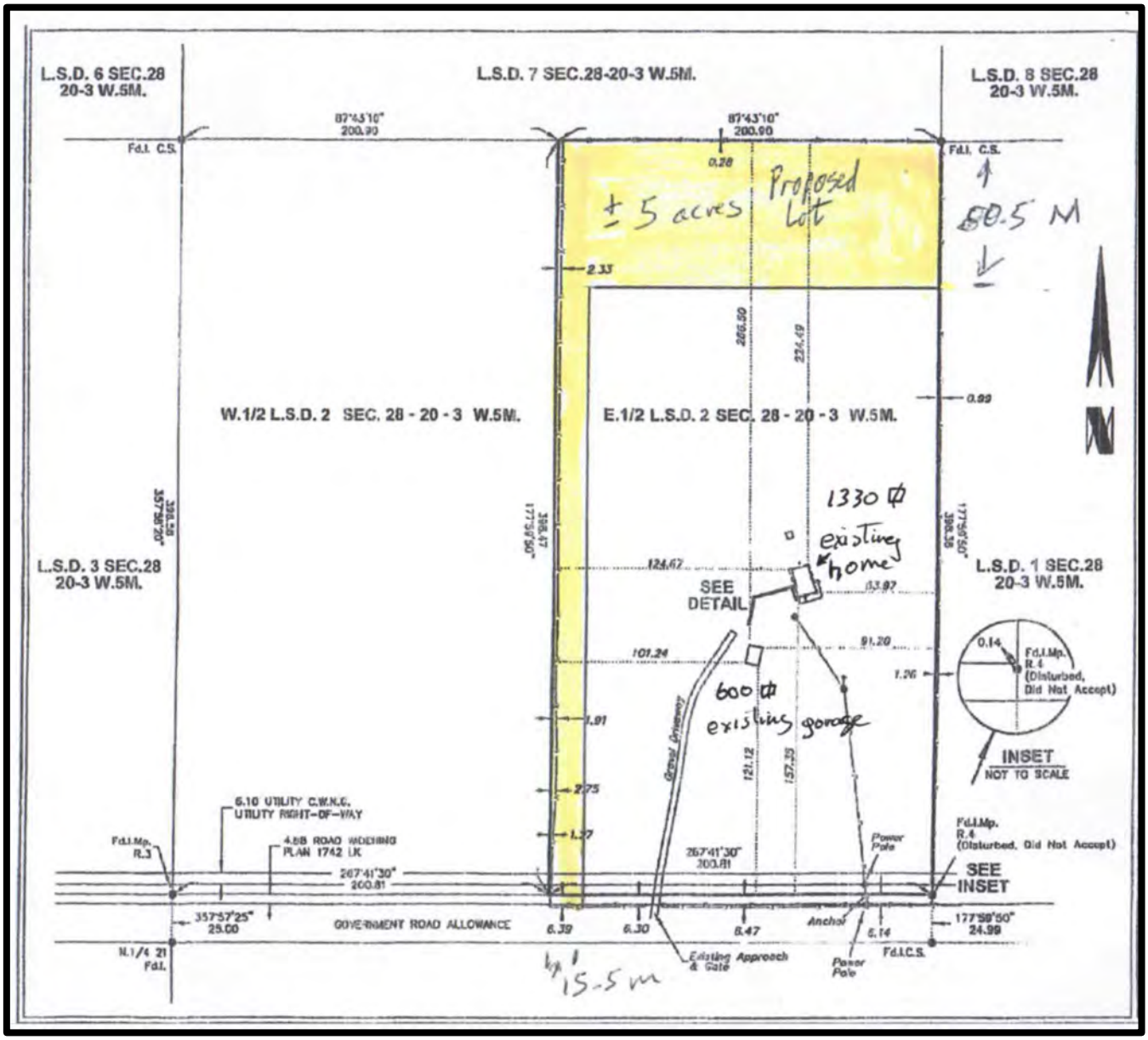
Legend

- A- Agricultural
- CR- Country Residential
- In Transition

APPENDIX A – PARCEL SIZES – HALF MILE MAP



APPENDIX A – SITE PLAN



APPENDIX B – DRAFT BYLAW

BYLAW XX/2026

BEING A BYLAW OF FOOTHILLS COUNTY TO AUTHORIZE AN AMENDMENT TO THE LAND USE BYLAW NO. 60/2014 AS AMENDED.

WHEREAS pursuant to the provisions of the Municipal Government Act, Chapter M-26 Revised Statutes of Alberta 2000, and amendments thereto, the Council of Foothills County in the Province of Alberta, has adopted Land Use Bylaw No. 60/2014 and amendments thereto;

AND WHEREAS the Council has received an application to further amend the Land Use Bylaw by authorizing an amendment to the Country Residential District land use rules to allow for the future subdivision of one new 5.0 +/- acre Country Residential lot, leaving a 14.76 +/- acre Country Residential balance parcel on E ½ LSD 2, SE 28-20-03 W5M.

NOW THEREFORE THE COUNCIL ENACTS AS FOLLOWS:

1. Under SECTION 13.0.0 COUNTRY RESIDENTIAL DISTRICT, the following shall be added under Part 8 Bylaw Amendments:

   E ½ LSD 2, SE 28-20-03 W5M within which shall allow for the future subdivision of one new 5.0 +/- acre Country Residential lot, with a 14.76 +/- acre Country Residential balance parcel.

2. This Bylaw shall have effect on the date of its third reading and upon being signed.

FIRST READING:

_____
Reeve

_____
CAO

SECOND READING:

_____
Reeve

_____
CAO

THIRD READING:

_____
Reeve

_____
CAO

PASSED IN OPEN COUNCIL assembled at the Town of High River in the Province of Alberta this day of , 20 .

DRAFT

ACKNOWLEDGEMENT OF SUBDIVISION AND DEVELOPMENT APPEAL BOARD (SDAB) ORDER		
APPLICATION INFORMATION		**FILE NO. F2001-06SW**
	LEGAL DESCRIPTION: Ptn. SW 06-20-01-W5M	
	LANDOWNERS: Nuno and Cherie Canario	
	AGENT: Township Planning and Design Inc. / Robyn Erhardt	
	PARCEL SIZE: 20.0 acres	
	LAND USE: Country Residential District	
PROPOSAL: Amendment of the Country Residential District in order to allow the future subdivision of one 4.67 +/- acre Country Residential District lot and one 5.72 +/- acre Country Residential District lot with a 9.61 +/- acre Country Residential District balance remaining.		
DIVISION NO: 2	**COUNCILLOR:** Benita Estes	**FILE MANAGER:** Theresa Chipchase

PURPOSE OF REQUEST

Request to the Subdivision Approving Authority for acknowledgement of the attached Subdivision and Development Appeal Board Order S03/2026.

BACKGROUND

March 4th, 2026 – Council refused the land use amendment application which was a request to amend the Country Residential District for a future subdivision, it was refused under the following motion:

*"**Resolution 186-26***

C.1.1 <u>10:00 a.m. - Canario - SW 06-20-01 W5M - Amend CR - Decision</u>
That the application for an amendment to the Country Residential District land use rules to allow for the future subdivision of two 5.0 +/- acre Country Residential District parcels, leaving a 10.0 +/- acre Country Residential District balance parcel on Ptn. SW 06-20-01 W5M be refused.

In their consideration of the criteria noted within the Residential section of the MDP2010, Council is of the opinion that the application does not adequately address the intent of the policy with respect to cumulative effects of the development and the suitability of the lands for further development.

July 8th, 2026 – In order to appeal the refusal of Council, the landowners submitted a subdivision application to the County which was refused by the Subdivision Approving Authority under the following motion:

"Resolution 668-26

That the subdivision of one new 4.67 +/- acre Country Residential District parcel and one new 5.72 +/- acre Country Residential District parcel from a portion of SW 06-20-01 W5M, leaving a 9.61 +/- acre Country Residential District balance parcel be refused.

Council is of the opinion that the application does not meet the general intent of the South Saskatchewan Regional Plan as it proposes further built environment in an area not proposed for increased growth and development.

In consideration of the criteria of the Residential Section of the Municipal Development Plan 2010, the application does not adequately address the intent of the residential policies with respect to the cumulative effects of the development, suitability of the subject lands for further development and the compatibility with the surrounding large Agricultural District parcels.

Additionally, the proposal is not consistent with the growth objectives of the South Central District as identified in the Growth Management Strategy and does not meet the requirements of Sections 13.1.6.1 of the Land Use Bylaw 60/2014.

***August 18th, 2026** – The Subdivision and Development Appeal Board heard the appeal from the landowners regarding the refusal of the subdivision and overturned the Subdivision Approving Authorities decision to refuse the subdivision, approving it as per the attached Subdivision and Development Appeal Board Order."*

REQUEST OF THE SUBDIVISION APPROVING AUTHORITY

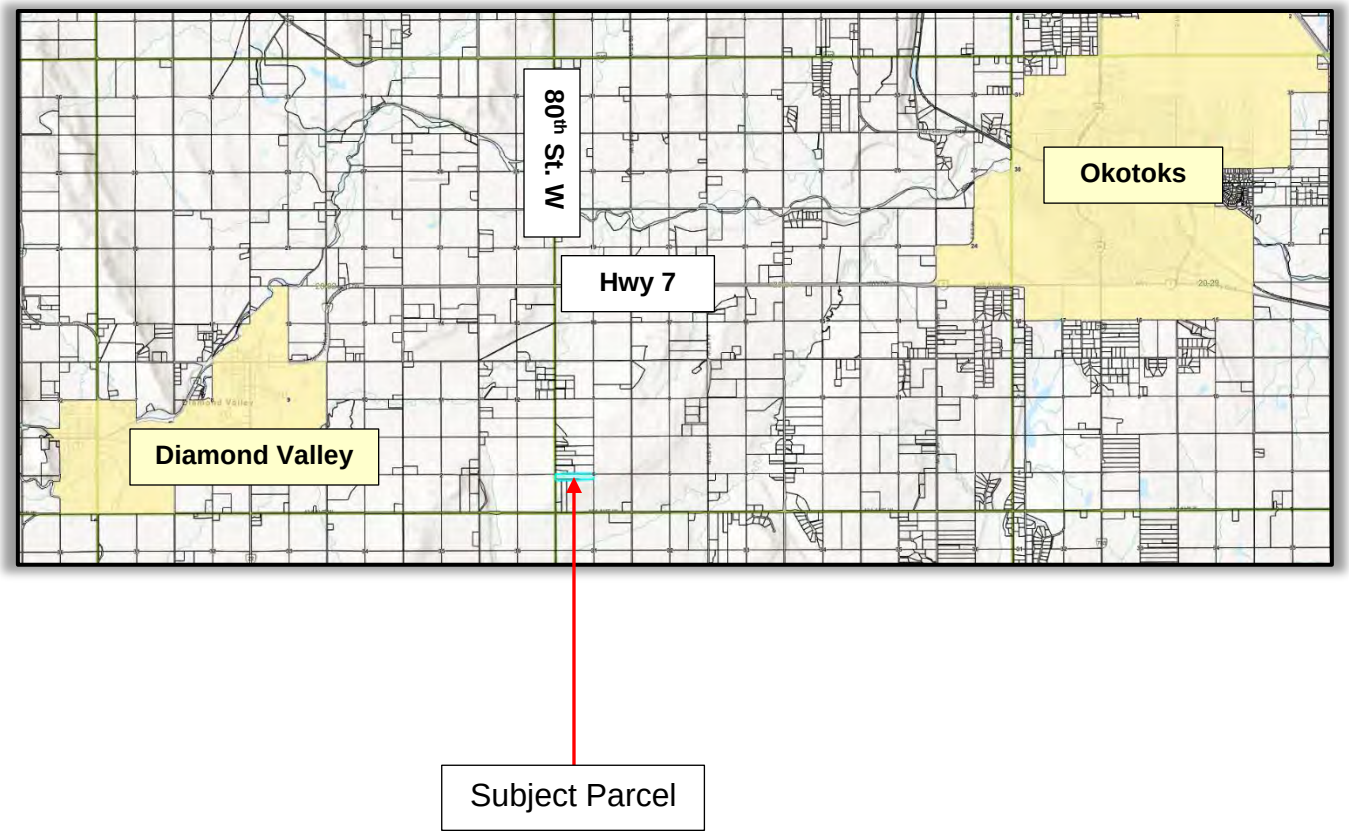
The Subdivision Approving Authority is respectfully requested to acknowledge the decision of the Subdivision and Development Appeal Board Order S03/2026.

APPENDICES

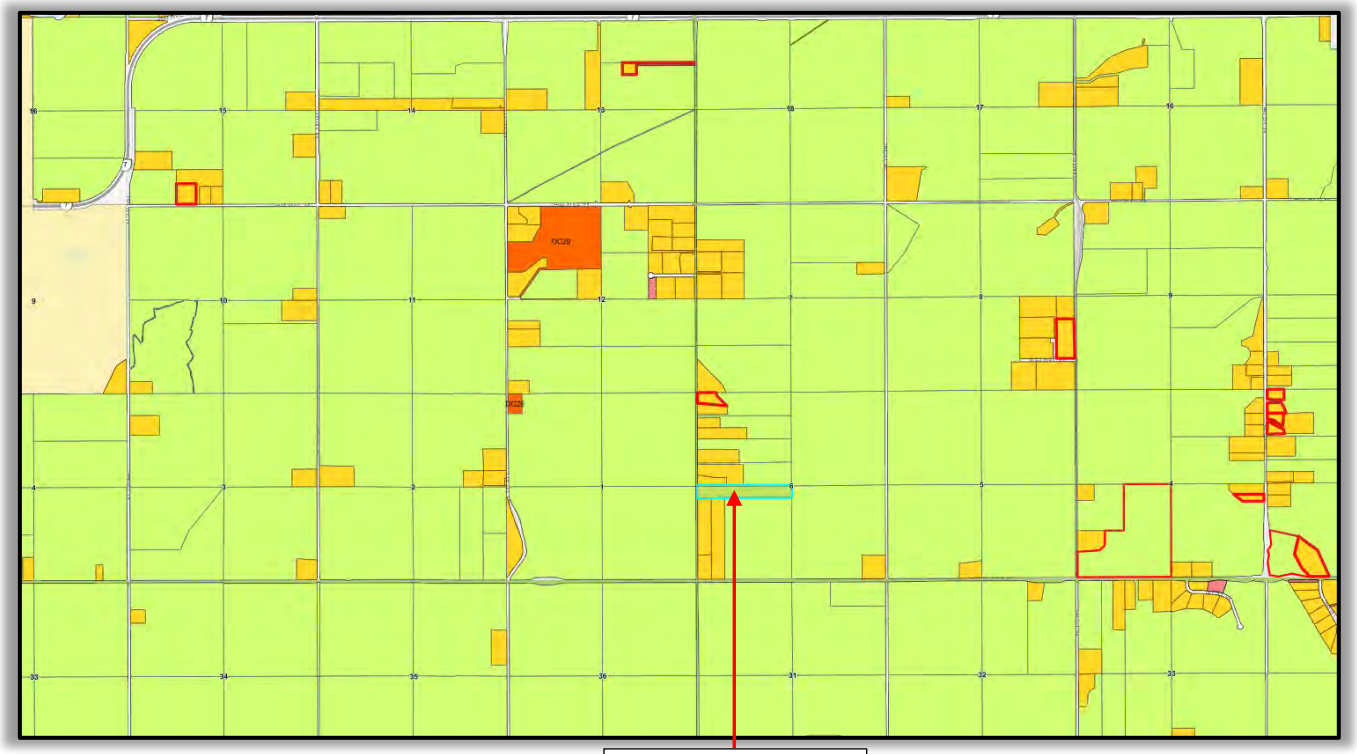
APPENDIX A - MAP SET:
LOCATION MAP
SITE PLAN
AERIAL PHOTOS

APPENDIX B:
SUBDIVISION AND DEVELOPMENT APPEAL BOARD ORDER S03/2026

APPENDIX A: LOCATION MAP



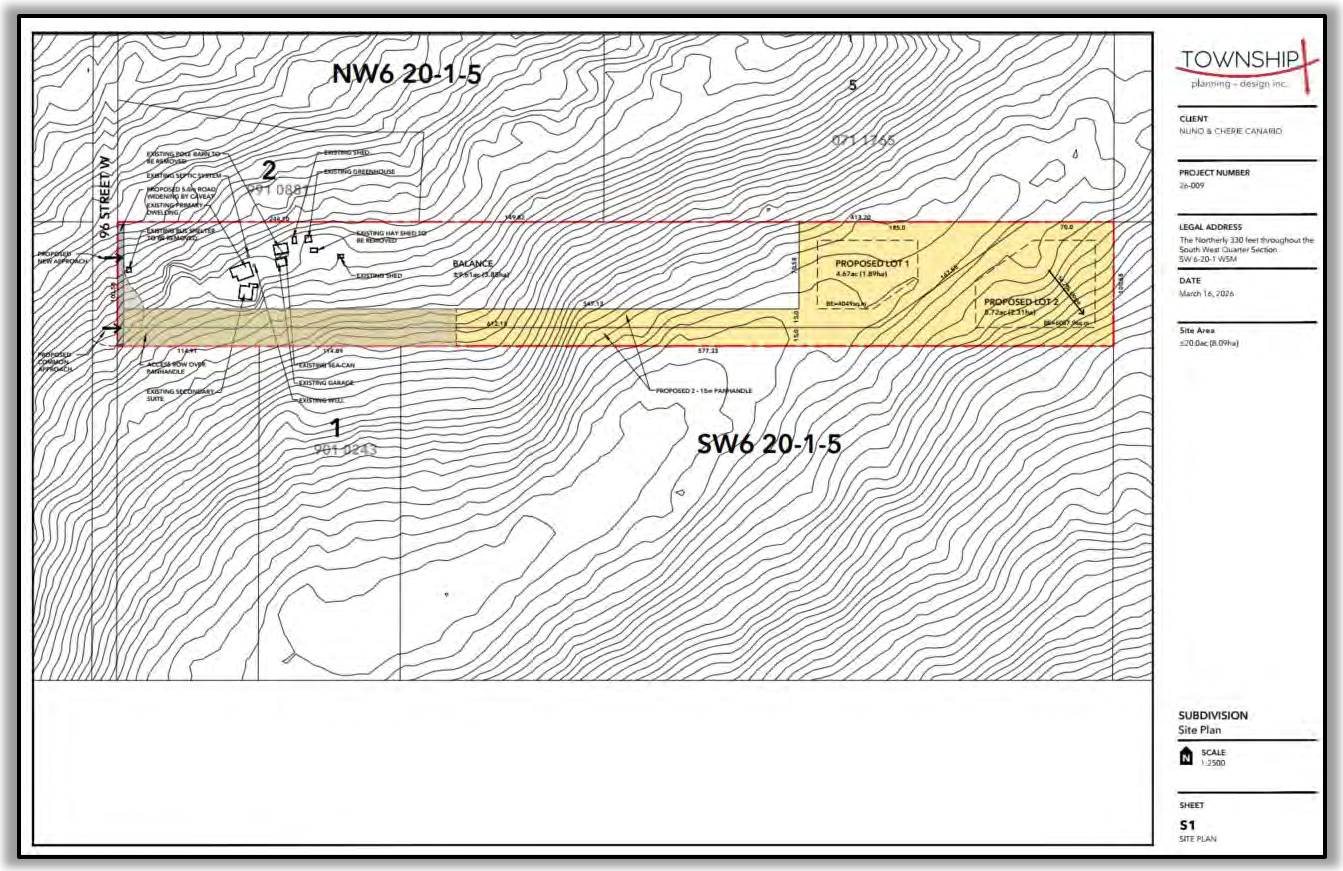
APPENDIX A: LAND USE AND PARCEL SIZES



Legend

- County Roads
- Highways
- In Transition
- A- Agricultural
- AA- Agricultural Sub A
- CMC- Community Commercial
- CR- Country Residential
- CRA- Country Residential Sub A
- DC - Direct Control
- ER- Environmental Reserve
- FPJ-Federal/ Provincial District
- MR- Municipal Reserve
- PUL- Public Utility
- RC- Residential Community District
- RCA- Residential Community Sub-district "A"
- SD- Service District

APPENDIX A: SITE PLAN



APPENDIX A: ORTHO MAP

APPENDIX B: SUBDIVISION AND DEVELOPMENT APPEAL BOARD ORDER S03/2026

FOOTHILLS COUNTY
SUBDIVISION AND DEVELOPMENT APPEAL BOARD
Development Appeal Board Decision

HEARING DATE: AUGUST 18, 2026 **BOARD ORDER:** S03/2026

LANDOWNERS/APPELLANTS: NUNO AND CHERIE CANARIO

APPLICANT/AGENT: TOWNSHIP PLANNING + DESIGN INC. – ROBYN ERHARDT

APPEAL AGAINST: THE REFUSAL OF SUBDIVISION APPLICATION F2001-06SW

SUBJECT PROPERTY: PTN. SW 06-20-01 W5M (THE "PROPERTY")

BEFORE: CHAIRMAN, G. BEACOM; BOARD MEMBERS, B. DAYMENT, R. TAYLOR, B. MEYERS, B SALTMAN, COUNCIL REPRESENTATIVE J. CALLISTER 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 Appellants, the Appellants Agent, the Planning Officer for Foothills County, and the Subdivision Approving Authority Representative with respect to the appeal filed by the Appellant in accordance with Sections 678 of the Municipal Government Act against the refusal of subdivision application F2001-06SW proposing one new 4.67 +/- acre Country Residential District lot and one new 5.72 +/- acre Country Residential District lot, with a 9.61 +/- acre Country Residential District balance parcel (The “Property”).

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

ALLOW the appeal and OVERTURN the Subdivision Authority’s decision to refuse subdivision application F2001-06SW for the creation of one new 4.67 +/- acre and one new 5.72 +/- acre Country Residential District lots from Ptn. SW 06-20-01 W5M.

The application is thereby APPROVED.

CONDITIONS OF APPROVAL:

1. Subdivision to be effected by Plan of Survey, pursuant to Section 657 of the Municipal Government Act, or such other means satisfactory to the Registrar of the South Alberta Land Titles District;

2. It is the applicant’s responsibility to provide a Real Property Report or an ‘as built’ drawing signed and sealed by an Alberta Land Surveyor, certifying the location of the adjacent municipal road(s), septic tank(s) and field(s) and water well(s) within the boundaries of the appropriate properties and that the site plan is surveyed according to municipal setback requirements;

3. Landowners are to fully execute and comply with all requirements as outlined within the Municipal Development Agreement for the purposes of grading and drainage, and any

other necessary municipal and on-site improvements as required by Council and the Public Works department;

4. Proof of adequate water supply to be provided for both new lots proposed, as per the Provincial Water Act, to the satisfaction of the County;

5. Septic Disposal Evaluations to be provided for both new lots proposed, in accordance with Part 2 Section 6(4)(b) of the Matters Related to Subdivision and Development Regulation, to the satisfaction of the Public Works department;

6. Site plan to be provided which identifies building envelopes for both new lots proposed which meets the requirements as outlined in Policy 9 under the Residential section of the MDP2010, to the satisfaction of the Public Works department;

7. Lot Grading/Overland Drainage Plans to be provided for the subject lands, to the satisfaction of the Public Works department;

8. Public Reserve: to be determined by Council, as per Section 666(1) of the Municipal Government Act and the County's Public Reserve Policy (adopted April 18/96);

9. Road acquisition agreement for the purpose of road dedication, to be executed and registered by caveat, concurrent with the Plan of Survey, with respect to an area of land 5.0 metres in width, parallel to the full west boundary of the subject parcel;

10. Road acquisition agreement for the purpose of a road dedication for a future cul-de-sac;

11. An access right of way is to be registered over a portion of the two 15.0 m panhandles;

12. Building envelopes are to be registered as Restrictive Covenants to protect views;

13. Fire Smart principles are to be registered as a Restrictive Covenant on title;

14. Applicant to provide all addressing requirements to the satisfaction of the County's GIS department;

15. Applicant to provide a complete application for development permit with respect to the sea-can currently on the property, and Relaxation of Setbacks for the Secondary Suite to the proposed new Property line which will not meet the requirements of the County's Land Use Bylaw 60/2014, to be submitted to the satisfaction of the County;

16. All accesses to be located and culverts and approaches to be installed to current Municipal subdivision road construction standards, to the satisfaction of the County's Public Works department;

17. Engineered driveways to be provided within the two 15.0 m panhandle portions of both new lots proposed, to be submitted to the satisfaction of the Public Works department;

18. All utility right of way agreements, easements, licenses and installation requirements, to be provided to the satisfaction of the County and utility companies;

19. Landowners are to pay all arrears of taxes on the existing parcels prior to finalization of the subdivision; and

20. Submission of subdivision endorsement fees.

1. APPLICATION HISTORY:

i. The Planning Officer submitted that the subject property is an existing 20 acre Country Residential District parcel located in Division 2. The property is accessed from 96th Street W, is north of 434 Avenue W and is approximately 5 km east of the Town of Diamond Valley.

ii. The Planning Officer submitted that the Land Use application that was provided to Council proposed an amendment to the Country Residential District Land Use rules, and if approved by Council was to facilitate the future subdivision of two 5.0 +/- acre Country Residential District lots and one 10 +/- acre County Residential District balance parcel. The application for an amendment to the Country Residential District Land Use rules was refused by Council on March 4, 2026.

iii. The Planning Officer submitted that because only the Subdivision Approving Authority has the authority to make a decision on a subdivision application, the Appellants submitted their subdivision application.

iv. The Planning Officer submitted that several changes have been made to the subdivision application, including: proposed new building envelopes; an access right of way from the common approach along the panhandle to a point where access to the south parcel may be achieved; and a proposed road acquisition area for a cul-de-sac turnaround on 96th Street.

v. The Planning Officer submitted that should the Subdivision Appeal Board approve the subdivision as proposed, a Development Permit application would be required to be submitted for a relaxation of setbacks for the secondary suite, as it would not meet the required setback of 15 m to the south property line. Additionally, a Development Permit application would also be required to be submitted for the existing sea-can.

vi. The Planning Officer submitted that the application for subdivision was provided by the Appellants on April 9, 2026 and deemed to be complete on April 17, 2026. The application was circulated to agencies including those required by the province for 30 days on April 21, 2026. The application for subdivision was provided to the Subdivision Approving Authority on July 8, 2026 and was refused. The Appellants submitted an appeal on July 24, 2026.

vii. The Planning Officer submitted that the Subdivision Approving Authority provided the following motion: That the application for subdivision of one (1) new 4.67 +/- Country Residential District parcel and one (1) new 5.72 +/- acre Country Residential District parcel from a portion of SW 06-20-01 W5M, leaving a 9.61 +/- acre Country Residential District balance parcel be refused. Council is of the opinion that the application does not meet the general intent of the South Saskatchewan Regional Plan (SSRP), as it proposes a further built environment in an area not proposed for increased growth and development. In consideration of the criteria of the Residential Section of the Municipal Development Plan 2010(MDP2010), the application does not adequately address the intent of the residential policies with respect to the cumulative effects of the development, suitability of the subject lands for further development and the compatibility with the surrounding large Agricultural District parcels. Additionally, the proposal is not consistent with the growth objectives of the South Central District as identified in the Growth Management Strategy (GMS) and does not meet the requirements of Section 13.1.6.1 of the Land Use Bylaw 60/ 2014 (LUB).

viii. The Planning Officer submitted that the Board may wish to consider additional development that may include: two additional houses; two additional water wells and septic systems; two (potential) additional secondary suites; an extra driveway; and added traffic.

ix. The Appellant's Agent submitted that the subject property is located in the South Central District where moderate growth and clustered development is supported. The property is approximately 6 km east of the Town of Diamond Valley boundary and it is located along 96th Street which supports several Country Residential developments and connects directly to Highway 7W. The subject property is on a quarter section with an established pattern of fragmentation. The application aligns with the MDP2010 which directs subdivision to previously fragmented areas and is contextually appropriate with the surrounding residential uses and fragmentation.

x. The Appellant's Agent submitted that the existing development on the subject property includes the following: a primary dwelling (1886.59 sq. ft.), a detached garage (521.29 sq. ft.), a secondary suite (1342.69 sq. ft.), two sheds (186.43 and 140.36 sq. ft.), a greenhouse (287.18 sq. ft.) and a sea-can used for storage (256.18 sq. ft.). A Development Permit application will be submitted for the sea-can. The following structures will be removed by the landowner: a pole barn, a bus shelter and a hayshed. Should the subdivision be approved, a setback relaxation would be required for the secondary suite. A Development Permit application would be provided to this end. In addition, the landowner would be required to request an additional Development Permit, as they would have an additional accessory building under table 4.2.1.7a of the LUB.

xi. The Appellant's Agent submitted that prior to submitting the Land Use application, the landowners spoke with nine immediate neighbours and received no opposition and no requests for additional conversations about the site plans. When the Public Hearing occurred, there were a number of letters presented at the Hearing, that are also in the materials that were submitted to the Board. For the subdivision application, three letters were received from landowners in support and four in opposition. There were two area landowners that the Applicants were unable to reach.

xii. The Appellant submitted that they have lived in the area for over 13 years, having chosen the property carefully, and invested a lot into this property with the intention to make room for family growth. Prior to purchase, the Appellants reviewed the title and sales documents, the planning policies including the MDP2010, the GMS, the LUB and applicable joint planning policies.

xiii. The Appellant submitted that the property was and remains designated Country Residential. Nothing identified it as protected grassland, a protected viewshed, or land where subdivision could not be considered.

xiv. The Appellant submitted that they had a full understanding that any proposals would need to satisfy County policies and technical requirements and that neighbours would be heard.

xv. The Appellant submitted that they did not understand that expectations about views or seclusion would determine the future of their land.

xvi. The Appellant submitted that they did not understand that neighbours' expectations dictate policy.

xvii. The Appellant submitted that the proposal is a modest one – two new parcels, resulting in three rural sized parcels – not a dense development.

xviii. The Appellant submitted that their experience with sheep, goats and cattle demonstrates that the land will support hobby livestock, but not a viable farm.

xix. The Appellant submitted that their intention is to use the Country Residential land carefully, while preserving the rural character.

xx. The Appellant submitted that they have worked with Foothills County for more than five years to receive all applicable permits, compliance and planning advice, revising concepts in response to County feedback. The application was not rushed and they did not assume approval.

xxi. The Appellant submitted that they were transparent and made their intentions known to the neighbours over the years. With guidance from the County, they approached the immediate neighbours and those neighbours thought to be impacted.

xxii. The Appellant submitted that the Land Use Amendment application was publicly advertised and the Subdivision application was mailed to the adjacent landowners.

xxiii. The Appellant submitted that, to their understanding, circulation identified no fatal technical concerns.

xxiv. The Appellant submitted that they do not minimize any concerns, nor treat planning as a vote. They are asking that limited opposition not be mistaken for unanimous community position, and that practical concerns be tested through professional design and enforceable conditions.

xxv. The Appellant submitted that they have tried to be good neighbours by offering help and inviting discussions about the proposal. They propose retaining trees and landscaping for privacy where practical.

xxvi. The Appellant submitted that the March land use Public Hearing was difficult and they felt ambushed. Some of the neighbours had misgivings and concerns but did not express or communicate them before the hearing. The first encounter with this opposition occurred during the hearing. The hearing felt subjective, one-sided and did not reflect the history or intentions of the Appellants. They understand why people value views, quiet and privacy, as they value them too. No protected view corridor was identified on title or purchase documents and nothing was observed that might prohibit change.

xxvii. The Appellant submitted that they are asking that personal concerns be balanced against the planning framework, technical evidence and reasonable conditions.

xxviii. The Appellant submitted that they are prepared to meet conditions as set out by the Board, including proof of water, septic suitability, grading and drainage plans, building envelopes, road dedications, engineered access, utilities and compliance. They are asking for the opportunity to satisfy these conditions.

xxix. The Appellant submitted that they would like the application to be evaluated on its planning merits and for the Board to allow the appeal with appropriate conditions.

This will allow them to continue their family plan, while protecting safety, rural character and responsibilities to the community.

xxx. The Appellant submitted that they are respectfully asking that their home and long term family investment be given the opportunity to move forward responsibly, subject to all appropriate conditions.

xxxi. The Appellant submitted that the land is actively being used for hobby farming, including finishing and raising cattle.

xxxii. The Council Representative submitted that the application seemed forced, and advised that Council's concerns included the proposed driveways, the slope stability on the driveways and the potential for adverse impacts to the local water aquifers.

2. POLICY ALIGNMENT:

i. The Planning Officer submitted that both the application for Land Use as well as the subdivision application were refused as they were deemed to be non-compliant with the (SSRP), the MDP2010 and the LUB, section 13.1.6.1.

ii. The Planning Officer submitted that the subdivision application does not adequately address the intent of the SSRP as it proposes a further built environment in an area not proposed for increased growth and development.

iii. The Planning Officer submitted that the subdivision application does not adequately address the MDP2010 residential policies with respect to the cumulative effects of the development, the suitability of the subject lands for further development and the compatibility with the surrounding large Agricultural District parcels.

iv. The Planning Officer submitted that the proposal is not consistent with the growth objectives outlined in the South Central District of the GMS.

v. The Planning Officer submitted that the proposal does not meet the requirements of Section 13.1.6.1 of the LUB, which states that approval for a Land Use amendment must be granted prior to subdivision approval.

vi. The Planning Officer submitted that the Subdivision Approving Authority's decision additionally noted the Residential policies within the statutory MDP2010, which provide that the application does not adequately address the intent of the residential policies with respect to the cumulative effects of the development, suitability of the subject lands for further development and the compatibility with the surrounding large Agricultural District parcels.

vii. The Planning Officer submitted that with respect to the LUB, and specifically Section 13.1.6.1, the Board is to be aware that a land use amendment must first be granted approval in order to subdivide land in this district into additional lots. No amendment to the LUB was approved for this potential subdivision.

viii. The Planning Officer submitted that while the LUB does not provide a definition of cumulative effects, the Merriam-Webster Dictionary defines this as "an effect produced by something happening over a long period of time." In considering this definition, the Board must consider whether there is evidence demonstrating that the proposed development, either on its own or in combination with other existing

or approved developments, would result in material adverse impacts that extend beyond normal expectations for the district.

ix. The Planning Officer submitted that the Policy which formed the basis of the decision of Council as the Land Use Authority which led to the refusal of the subdivision is taken from:
   a. The SSRP which specifies that land is used efficiently to reduce the amount of area that is taken up by permanent or long term developments associated with the built environment – land is a limited, non-renewable resource and so it should not be wasted. Land use decisions should strive to reduce disturbances on Alberta's landscape;
   b. The MDP2010 Policy 3 which states that 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 (Section 3.7) – cumulative effects of the development;
   c. The MDP2010 Residential policy which supports 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 County with Objectives being to ensure the efficient use of land for residential development in order to
      i. 1.1 Minimize the fragmentation and conversion of agricultural land;
      ii. 1.2 Maintain rural character and open space environments; and
      iii. 1.3 Efficiently use existing and new infrastructure, utility systems, and services.

x. The Appellant's Agent submitted that the proposed plan aligns with the LUB requirements for Country Residential development and has suitable developable areas for single family dwellings.

xi. The Appellant's Agent submitted that Council was of the opinion that the application does not meet the general intent of the SSRP as it proposes a further built environment in an area not proposed for increased growth and development; however, the SSRP identifies binding and non-binding sections, with Case Law having established that only the regulatory details of the SSRP are in fact binding. The non-binding portions of the SSRP are not intended to have binding legal effects and are statements of policy to inform decision-makers and local government bodies. Council's reasons for refusal did not reference policies or regulations of the SSRP. The refusal only generally states that the application does not comply with the SSRP regarding growth and development in this area, which is not the case. Non-binding sections of the SSRP include: the Introduction; the Implementation Plan, and; the Strategic Plan. Binding sections of the SSRP are the Regulatory Details, which include: Part 1: General; Part 2: Air Quality; Part 3: Conservation Areas; Part 4: Conserved Land; Part 5: Surface Water Quality; Part 6: Recreation and Parks Areas; Part 6.1: Landscape Management; Part 7: Monitoring and Reporting. None of these binding sections apply to the application. If these were applicable, the appeal would need to be heard by the Land and Property Rights Tribunal, as they all include identified provincial interests.

xii. The Appellant's Agent submitted that with regard to the efficient use of land – this is in the non-binding section of the SSRP – the objective is to minimize the amount of land that is required for development of the built environment over time. The strategy is that all land use planners and decision makers responsible for land use decisions are encouraged to consider the efficient use of land principles.

xiii. The Appellant's Agent submitted that the SSRP directs land use planning to reduce the rate at which land is converted from an undeveloped state into permanent, built environment. The proposed subdivision is in a fragmented quarter section on a parcel already designated Country Residential. The application efficiently utilizes the CR land to allow infill CR development.

xiv. The Appellant's Agent submitted that to achieve the efficient use of land principle, the SSRP advises that the minimum amount of land necessary is utilized for new development and built at a higher density than current practice. The subdivision proposes parcel sizes that are slightly smaller than others in the area to minimize the land dedicated to each new lot representing suitable density for the area while efficiently utilizing the parcel and diverting development away from Agricultural land. This principle is intended to accommodate more people and uses on less land while remaining contextually appropriate, which is consistent with this proposal.

xv. The Appellant's Agent submitted that the SSRP additionally advises that proposals should increase the proportion of new development that takes place within already developed or disturbed lands either through infill, redevelopment and shared use, relative to new development that takes place on previously undeveloped lands. Again, this application promotes infill development on previously developed Country Residential lands to accommodate moderate growth.

xvi. The Appellant's Agent submitted that the SSRP additionally provides guidance to plan, design and locate new development in a manner that best utilizes existing infrastructure and minimizes the need for new or expanded infrastructure. The existing road infrastructure will be used; the landowner has identified a road dedication for a future cul-de-sac, which will improve access for the entire neighbourhood. Additional municipal infrastructure or servicing is not required to service the two new lots.

xvii. The Appellant's Agent submitted that with regard to community development in the SSRP, this relates to integrating with Agricultural land. The SSRP notes that you must identify areas where agricultural activities and associated activities should be the primary land use in the region. The Growth Management Strategy and the LUB do achieve that. The GMS identifies this South Central district as supporting moderate growth and the LUB notes that this parcel is already zoned Country Residential.

xviii. The Appellant's Agent submitted that the GMS considers this district to be the most diverse mix of uses. The subject quarter section was previously subdivided into four lots, limiting its agricultural future in proximity to Country Residential development.

xix. The Appellant's Agent submitted that the SSRP encourages the employment of appropriate planning tools to direct non-agricultural subdivision and development to areas where such development will not constrain agricultural activities, or to areas of lower-quality agricultural lands. The GMS and the MDP2010 provide this direction, in particular, the MDP2010 Residential and Agriculture protection policies and policies that direct fragmentation to areas such as this that are already fragmented quarter sections. The proposed subdivision is in a fragmented area and includes mitigation measures in place to ensure it will not conflict with surrounding large Agricultural District parcels.

xx. The Appellant's Agent submitted that in consideration of the Residential Section of the MDP2010 – it is noted that Council did make reference to the Residential Section and it is suggested that the proposal does align with this policy – particularly Section 3.1 and Section 3.4, where there is no impact on the agricultural industry, and this demonstrates an efficient use of land on a parcel that is already zoned Country Residential.

xxi. The Appellant's Agent submitted that regarding the cumulative effects of development – there is a definition in the MDP2010 that reads, "The combined effects of past, present and reasonably foreseeable land use activities over time on the environment." However, the MDP2010 does not contain a definition of or tools to determine what a "negative cumulative effect" is, and Council gave no indication of how the development would have cumulative negative impacts. There were no concerns from the County's Public Works department regarding the cumulative impacts. Additionally, no circulation comments were received from agencies such as Alberta Transportation or Alberta Environment indicating negative impacts.

xxii. The Appellant's Agent submitted that the proposal aligns with Policy 3.8 in the Residential Section of the MDP2010 in terms of servicing the development. There is already a municipal road (96th Street) servicing the subject property, and it is additionally suitable to provide access to the proposed subdivision. Again, the Public Works Department had no concerns with the traffic on 96th Street, they supported the two approaches on 96th Street as well as the common approach and only had a recommendation for an engineered driveway for both proposed lots.

xxiii. The Appellant's Agent submitted that the parcels are not subject to any specific restrictions as outlined in the MDP2010. The proposal additionally aligns with Section 9.2 regarding water and soils being suitable. The application proposes the same type of construction that is already seen on the ridge on adjacent parcels, where they have proven water, successfully developed and have driveways up to this ridge. While recognizing there are different conditions, there are studies that are required to prove this water under the Water Act, and it is requested that the Appellant's be given the opportunity to prove water and meet these policy requirements.

xxiv. The Appellant's Agent submitted that the proposal also aligns with the GMS in that it is in the South Central district where moderate growth and development, particularly in locations where there is infrastructure, is supported. It also supports cluster developments where appropriate in the South Central district, and the SSRP also indicates that clustered residential development is a suitable way to efficiently use land where you direct a higher number of residences on a smaller area of land to promote this efficient use and to maximize infrastructure and land.

xxv. The Appellant's Agent submitted that the application aligns with the purpose and intent of the Country Residential District in the LUB. The subject site is suitable for residential development as it is listed under Permitted use for Country Residential districts (Dwelling, single family). The proposed lots will be serviced by individual water wells and wastewater disposal systems. The proposed lots will bring the total lots in the quarter section to 7, which aligns with the parcel density of the Country Residential District (maximum 32 lots per quarter section). The application meets the density requirements and lot size requirements as set out in Section 13.1.6.1.

xxvi. The Appellant's Agent submitted that the only section under which the proposed subdivision does not comply is Section 13.1.6.1 which states that a person who wishes to subdivide land in this district must first apply for and be granted approval of an LUB amendment to change the parcel size. This is not a use or a definition and is not binding on the Board – the Board may vary this standard.

xxvii. The Appellant's Agent submitted that with regards to the provision in the LUB which requires an amendment before subdivision, in the previous MGB Board Order 029/17 Palmer v Municipal District of Foothills, the MGB found the requirement for bylaw amendment prior to subdivision to be a subversion of the Act's subdivision process as designed by legislation. Since bylaw amendments are Council decisions, this requirement essentially allows a decision of Council to deny subdivision, which is not the scheme of Division 7 of Part 17 of the Act. This order refers to section 12.1.6.1 which is the same provision for the Agricultural District; however, the same principles apply. Section 13.1.6.1 is not binding on the Subdivision Appeal Board and does not preclude an appeal, as it is not the purpose statement or listed use in the district. If the land use is in place, you should be able to subdivide as outlined in the MGA provided that sound planning principles are followed without requiring a land use amendment.

xxviii. The Appellant's Agent submitted that the proposal is in alignment with the MGA section 654 in that the land to be subdivided is suitable, complying with the standards of the Country Residential District, the proposal aligns with the SSRP and MDP2010 (statutory plans), and with uses in the LUB under the Country Residential District. Additionally, the proposal aligns with the intent and purpose of the Country Residential District. The subdivision would not interfere with the existing agricultural operations adjacent to the subject property, or the use, enjoyment or value of the neighbouring parcels. The proposal would not negatively impact water or other amenities in the neighbourhood, and would not unduly impact traffic or noise or have other offsite impacts.

xxix. The Appellant's Agent submitted that as per the MGA, the Board hearing this appeal must have regard for the statutory plans. This proposal does comply with the SSRP, MDP, the GMS and the LUB as well as the Foothills County MDP Residential Policies. The proposal complies with the LUB purpose statement for the Country Residential District and the permitted uses, and the proposal complies with the Subdivision and Development Regulations, including suitable parcel sizes, legal physical access, and is not subject to specific restrictions of the Act.

xxx. The Appellant's Agent submitted a quote from Section 9.7(2) Planning Law and Practice – referring to the Act, "Even though an application for a discretionary use meets all of the Bylaw's development standards, the application can be refused by the Development Authority if it has a sound planning basis for concluding that the use is inappropriate. It follows that the Development Authority is entitled to allow the development conditional upon the application doing such things, or making such modifications to its plans, as the Development Authority considers appropriate to meet the planning concerns that might otherwise result in a legitimate refusal. In other words, conditions can properly be imposed in discretionary use permits so as to require the applicant to go beyond the development standards provided for in the Bylaw."

xxxi. The Appellant's Agent submitted a quote from Section 2.2(2) Planning Law and Practice, "The objective of the planning process is to achieve the use and development of land in a manner as consistent with evolving societal values as possible. Currently, the most dominant of these values are (1) to ensure the safe

use of land with the least amount of potential degradation of the environment, (2) to secure the use of all land so as to minimize the negative impact on neighbouring lands, (3) to secure the most cost-effective use of land from the point of view of municipal infrastructure and (4) to recognize and give effect to the public interest element in private land use decisions, but not at the undue expense of private property rights".

3. ROAD/ TOPOGRAPHICAL CONCERNS:

i. The Planning Officer submitted that there is one existing approach from 96th Street West which is proposed to be widened into a common approach for access to both the proposed 4.67 +/- acre parcel and the 5.72 +/- acre parcel, via two 15 m wide panhandles. A new standard approach is proposed to be constructed from 96th Street West for access to the balance parcel. Additionally, in response to the Land Use public hearing feedback, the Applicant proposed a road acquisition on 96th Street for a proper turnaround, which uses land from the Applicant's own property. This was proposed to address the lack of space for large vehicles, such as buses and emergency vehicles, to turn around.

ii. The Planning Officer submitted that Public Works expressed no concerns with the new standard approach location for the balance parcel but noted that it would need to be constructed to current municipal standards. The Public Works department likewise expressed no concerns with the proposed location of the common approach for the proposed parcels, noting that a minimum 15 m separation would be required to adjacent approaches, with a maximum grade of 2% from the road to the property line. As the proposed panhandles contain slopes which appear greater than 15%, Public Works suggested an engineered driveway plan that will need to encompass from 96th Street W to the building envelopes.

iii. The Planning Officer submitted that the Public Works department would require engineered building envelopes, as the proposed lots appear to contain slopes of 15% or greater. If these are to be included in the building envelope, a slope stability analysis would also be required. Otherwise, building envelopes would need to be set back 30 meters from the top of the slope. Alternatively, the Applicant could provide a grading plan demonstrating slopes at less than 15%.

iv. The Planning Officer submitted that the subject property is situated on a hilltop with varied landscape, dense trees and open grasslands. The proposed parcels would contain rolling hills, largely grasslands and broad, unobstructed views. The balance parcel would include elevation changes and land that is predominantly covered with mixed trees and consistent vegetation.

v. The Council Representative submitted that Council's primary concerns related to the proposed side by side driveways, each extending more than a quarter mile, and the ability of emergency vehicles to access the site year-round, given the terrain and existing slopes. Discussion highlighted that Council and area residents may have been more receptive to a proposal creating a single new lot, which would have eliminated the need for setback relaxations for the secondary suite and sea-can. In summary, these were the main concerns that Council addressed at the time of the Land Use application refusal.

vi. The Appellant's Agent submitted that the existing approach on the south is proposed to be realigned to provide a common approach for Lots 1 and 2. Lots 1 and 2 will be accessed by 15 m panhandles providing legal and physical access to 96th Street W.

vii. The Appellant's Agent submitted that the balance parcel is proposed to be accessed via a new approach off 96th Street W.

viii. The Appellant's Agent submitted that a road dedication is proposed at the end of 96th Street W to provide a future turnaround for school buses, snow removal and emergency vehicles.

ix. The Appellant's Agent submitted that an access right of way has been offered along the double panhandle to a point where access to the south may be achieved for the benefit of the area. This right of way allows the County to take the land should a public road need to be constructed here in the future. It provides access options for long term planning purposes.

x. The Appellant's Agent submitted that the County's Public Works department did not request a Traffic Impact Assessment be done and had no concerns about the traffic along 96th Street. The proposal of two additional lots is a minor increase in terms of the amount of traffic that is on the Country Residential roads, and it would represent part of the background traffic of about 2.5% that is expected to occur year over year regardless of additional development.

xi. The Appellant's Agent submitted that 96th Street W is a Maintainable Road Oil (MRO) surface (not gravel) and noted that this would be suitable for rural residential development.

xii. The Appellant's Agent submitted that the proposed location for panhandles is greater than 30 m wide with space for two 15 m wide panhandles. The Public Works department has recommended engineered driveways, and these will be designed and constructed to the County standards.

xiii. The Appellant's Agent submitted that based on assessments of the slopes, the proposed building envelopes do not contain slopes in excess of 15%; however, a Lot Grading plan will still be provided as a condition of subdivision to confirm. It meets the requirements of the Country Residential District for setbacks and density under the LUB.

xiv. The Appellant's Agent submitted that in response to the concerns about driveway lengths, there are other driveways in the area that are long, and this is typical for these types of parcels. Comparisons were shown of other driveways in the area that climb slopes to reach the top of the ridge. The engineered driveways will be designed by an engineer to ensure compliance with the Foothills County standards regarding building driveways on slopes. Many of the other driveways in the area that were not subject to a Development Authority decision would not have had these engineered driveways or even a driveway standard imposed.

xv. The Appellant's Agent submitted that the elevation change between the neighbouring lands to the north and the proposed lot is approximately 2 m in elevation with sloping toward the northwest. The maximum elevation is 1282 m on the property to the north a downslope to 1268 m on the property to the south of the subject site.

xvi. The Appellant's Agent submitted that one common approach from 96th Street is proposed, which will connect to individual driveways on their own panhandles to provide legal and physical access to each of the proposed parcels.

xvii. The Appellant's Agent submitted that the soil index for the area 3H and 3HM and 5 – 50% and 50% for the polygon for the site. There are moderate restrictions with

regard to heat and water suitability for supporting large grassland and suitable agricultural operations.

xviii. The Planning Officer submitted that there are significant slopes on the property and pointed out that the Board may wish to consider the cumulative effects and the stress this proposal will put on the community.

4. CONCERNS ABOUT WATER:

i. The Planning Officer submitted that all existing development on the subject property is located within the balance parcel and consists of a dwelling; a secondary suite, detached (Development Permit 24D 054), a garage; a covered pole barn to be removed; a sea-can; a bus shelter to be removed; two sheds; a greenhouse; and a hayshed.

ii. The Planning Officer submitted that the existing dwellings are serviced on site by a water well and septic system.

iii. The Appellant's Agent submitted that each new lot will be serviced by individual groundwater wells and private onsite septic services. The proposed lots have suitable area for private septic treatment systems, a house and a well. The balance parcel will retain a water well and septic system.

iv. The Appellant's Agent submitted that the reconnaissance report indicates that the groundwater has been recharging to suitable levels, with a test rate that is suitable for domestic purposes.

v. The Appellant's Agent submitted that under the Water Act, each landowner has an equal opportunity and right to prove water as part of their subdivision before development commences. The landowners would be required to provide an assessment and report demonstrating that there is water suitable for domestic purposes and that it does not adversely affect the production of other wells in the area.

vi. The Appellant's Agent submitted that there is a new house on the ridge, with a letter supplied in the written submissions to the Board. This property lies to the north of the subject property. The landowners request the same opportunity to prove water.

vii. The Appellant's Agent submitted that the proposal includes two new private water wells for household purposes only, which they are allowed to prove under the Water Act – this does not impose a significant increase that is not contextually appropriate. The area is suitable for residential uses as well, noting the Country Residential designation, it utilizes existing infrastructure, provides a suitable development area within the proposed lots, and integrates within the rural community context. The County's Public Works department had no concerns with the proposed development and did not recommend any additional studies aside from a Lot Grading plan, to determine suitable building envelopes, and if that Lot Grading plan determines slopes in excess of 15%, then Slope Stability studies would be required. This study is to be conducted in subsequent phases to demonstrate this suitability.

viii. The Appellant's Agent submitted that in accordance with the Water Act, each landowner has the opportunity to prove water on proposed lots prior to subdivision endorsement. The well reports will be conducted as a condition of subdivision. The reporting conducted for each well would also need to conclude

that the addition of the proposed well will not negatively impact existing well users (Section 23(3)(a) of the Water Act). The Reconnaissance Report indicates that there are many suitable wells in the area and the well report for the well on the neighboring property to the north indicates a suitable well.

5. CONCERNS REGARDING AGRICULTURAL USE/ FRAGMENTATION:

i. The Planning Officer submitted that between 1989 – 2018, the surrounding area was fragmented to a mix of Country Residential properties surrounded by predominantly larger Agricultural parcels.

ii. The Planning Officer submitted that the land is currently grassland and is being used for pasture.

iii. The Appellant's Agent submitted that the proposal would result in seven parcels on the quarter section, which is far less than the maximum density provision of 32 Country Residential parcels allowed in Section 13.1.6.1 of the LUB.

iv. The Appellant's Agent submitted that the application proposes Country Residential infill, as there would be two new Country Residential District lots created from an existing Country Residential District parcel. Additionally, the proposal diverts subdivision to Country Residential land and preserves agricultural land.

v. The Appellant's Agent submitted that the proposed plan sensitively integrates with the existing Country Residential development and does not impact the existing agricultural land or operations in the area.

vi. The Appellant's Agent submitted that the two proposed lots represent moderate growth in an existing Country Residential area. This does not add to the amount of Country Residential land. The proposal utilizes existing Country Residential land to support efficient development in the County. Foothills County GIS data indicates that the land use distribution has remained the same since 2020 in that 91.5% of the land is agricultural and 5.6% of the land is residential. The proposed subdivision maintains these percentages while efficiently adding residential development to support the sustainable growth of the County.

vii. The Planning Officer submitted that approving the subdivision would allow for a wide range of discretionary uses, which could result in the development of additional infrastructure on these smaller parcels.

viii. The Planning Officer submitted that concerns also apply to the permitted animal units. While the LUB allows up to three animal units per parcel, this does not equate to only three animals. For example, goats are calculated at five per unit, meaning 15 could be permitted.

6. CONCERNS ABOUT VIEWSHED:

i. The Appellant's Agent submitted that, with regard to preserving rural character and scenic vistas, the first point is to support the identification of critical vistas in the County. The County has not identified any critical vistas in this area, and the views are not protected by policy or by legislation. Regardless, the proposed lots have been intentionally designed to have building envelopes that protect and preserve the vistas for neighbours that will be registered on title through a restrictive covenant to prohibit building in those areas. All development must comply with the Dark Sky Bylaw and the Community Standards Bylaw, and this

would be no exception to these policies. The landowners wish to experience the same views that their neighbours benefit from and they are willing to work with the County and their neighbours to do so respectfully. The lots are contextually appropriate and they maintain the rural character of the area and align with the South Central district mix of uses in the rural setting.

ii. The Appellant's Agent submitted that with regard to protecting the viewsheds, the proposed lots have been designed with specific and intentional building envelopes to protect the viewshed to the southwest from the nearest home. These building envelopes would be registered on Title by Restrictive Covenant to protect them. The top of the ridge will also be protected by the Restrictive covenant on Title. The proposed building envelopes do not impede the view to the southwest and contain no slopes to build into.

7. CASE LAW EXAMPLES:

i. The Appellant's Agent submitted that Case Law - Shaikh v Foothills County (Subdivision Authority), 2024 ABLPRT 363 *(in evidence)* where the court determined that compliance with the MDP inherently implied alignment with the SSRP, and the components of the SSRP that contained discussion regarding efficient use of land and suitability are non-binding. Following the court decision, they were redirected back to the LPRT for another appeal hearing. At that re-hearing, the LPRT allowed the appeal for the two additional lots and found that the subdivision would not offend the SSRP and MDP policies aimed at conserving undisturbed agricultural land, in this case, because the subject property was in previously subdivided quarter section that is not used for agricultural and is designated Country Residential in the LUB which is a similar case this this appeal at hand, in that this is likewise Country Residential and would not offend or is in compliance with the SSRP and MDP.

ii. The Appellant's Agent submitted that Case Law - Shaikh v Foothills County (Subdivision Authority), 2024 ABLPRT 363 *(in evidence),* revealed that the Subdivision Authority refused the application in part because it would result in additional built environment in an area where the SSRP and MDP2010 aim to limit growth and development. The LPRT agreed that the SSRP and MDP2010 aim to limit growth in the broader area in large part to preserve agricultural land; however, both are high level policy documents providing broad direction covering large areas, and neither document prohibits additional residential development. In this case, the specific quarter with the subject land and much of its immediate surroundings are not designated for agricultural use – rather they are in the LUB Country Residential District and are already fragmented. As such, the property is not in agricultural use and has little agricultural potential; the proposed subdivision does not convert agricultural land to residential use. Additionally, the LPRT observes the SSRP and MDP2010 are consistent in directing that efficient use of land includes infilling/ redeveloping already fragmented land. The MDP2010 also contains specific instructions to direct Country Residential development toward already fragmented areas. The policy intent behind this direction is evident: further subdividing already fragmented land can absorb pressure on an area for residential development without converting yet more agricultural land. Essentially, LPRT Order ABLPRT 363 found that Country Residential infill protects agricultural land and represents an efficient use of land in the County, while being supported by the MDP2010 and SSRP.

iii. The Appellant's Agent submitted that Case Law Reykdal v Municipal District of Foothills No. 31, Subdivision Authority, 2018 ABMGB 72 *(in evidence), "*in respect to the Subdivision Authority's concerns about the proposal's

noncompliance with the cumulative effects section of the MDP2010 – policy 3.7, the MGB finds that the Subdivision Authority did not specify what the concerns are. The proposed subdivision complies with the density provisions of the MD's planning documents, including the direction of development within the Central District of the GMS. Alberta Transportation did not raise any traffic concerns. Thus, the MGB find no evidence illustrating that the proposed subdivision would have a cumulative negative effect." Similarly, the refusal of this application did not specify concerns about cumulative effects, and there is no evidence provided that would suggest that this application would have these negative cumulative effects.

iv. The Appellant's Agent submitted that in the MGB order 003/19 of Bruch v MD of Foothills, 2019 ABMGB 3 *(in evidence)*, the MGB found that the proposal complied with the intent of the SSRP and GMS. The proposal was for an infill Country Residential lot that represented efficient use of land, allowing for development without fragmenting agricultural lands. They indicated that the language of the GMP (Growth Management Strategy) allows for moderate growth in this district and if the intent were to confine that growth to the area between High River and Okotoks as suggested by the Subdivision Authority, the boundaries of the district should have been modified to reflect this. The parcel is adjacent to the South West district, in which minimal growth is expected, but is nevertheless within the South Central district. Further, the infill nature of the proposal and its close proximity to Black Diamond and Turner Valley would make it a location where there is infrastructure nearby and where agricultural operations are less likely to be affected.

8. MITIGATION MEASURES:

i. The Appellant's Agent submitted that in terms of mitigation measures of the proposal, the Subdivision Authority has the discretion to approve a subdivision and can effectively impose conditions to mitigate offsite impacts and allow the development to proceed.

ii. The Appellant's Agent submitted that the Board could balance the individual property rights of the applicants with those of the neighbours by approving the subdivision with suitable conditions to mitigate potential offsite impacts.

iii. The Appellant's Agent submitted that in the residential context, the distance between the homes as proposed would be appropriate. The closest residence would be 95 m away from the residence to the north and down the hill out of their line of sight. Neighbours to the south are over 650 m away. Other neighbours that are further away are screened by vegetation.

iv. The Appellant's Agent submitted that, as noted by the County's Public Works department, if any of the slopes are identified at greater than 15%, a slope stability study would be completed to establish suitable development areas on the slope.

v. The Appellant's Agent submitted that additional mitigation measures offered include Fire Smart principles to be registered by a Restrictive Covenant on Title for each lot to mitigate any risk of fire, including:

a. Immediate Zone (0 – 1.5m from home): Create a non-combustible "defensible space" to stop embers from igniting the structure. (eg. Gravel, concrete, or bare ground) around the foundation. Remove all vegetation, woody shrubs, trees, mulch and debris. Avoid storing anything combustible (eg. Furniture or firewood) against the house.

b. Intermediate Zone (1.5-10 m): Reduce the chance of surface fire reaching the home. Use fire-resistant plants and non-combustible landscaping materials (avoid bark mulch or woody debris). Keep grass mowed short and watered; remove dead plants and debris. Store firewood, construction materials, and patio items at least 10 m away.
c. Extended Zone (10-30 m): Limit fire intensity and prevent it from building strength. Space evergreen trees at least 3 m apart (measured crown to crown). Prune lower branches (remove those within 2 m of the ground) to eliminate “ladder fuels” that allow fire to climb into tree crowns. Regularly clean up fallen branches, needles, dry grass and other debris.

vi. The Appellant’s Agent submitted that for emergency vehicle access, the double panhandle area has been graded to reduce slopes for easier access by emergency response vehicles. We note Foothills County does not have a driveway standard in their adopted road standards. As per Public Works’ recommendation, an engineered driveway plan will be submitted to the satisfaction of the County

vii. The Appellant’s Agent submitted that for offsite impacts such as noise, dogs on the property, conflicts with livestock, operation of equipment and Dark Sky Policy, the proposed parcels will be subject to the same policies and bylaws that control offsite impacts on every parcel in the County. This development will be subject to the Community Standards Bylaw regarding noise, dogs/livestock, and equipment operation, and to the Dark Sky Bylaw to protect the rural night sky.

viii. The Appellant’s Agent submitted that in terms of livestock, each proposed parcel would be allowed one livestock unit – they are not proposing significant agricultural operations which might have a significant impact on neighbouring properties.

ix. The Appellant’s Agent submitted that 96 Street W is a dead-end road that does not allow larger vehicles to turn around safely. The landowners are proactively dedicating land for a cul-de-sac turnaround at the end of 96 Street W, to provide a safe turnaround for school buses, snow removal, and emergency vehicles at the southern end of 96 Street W, reducing operational challenges and improving safety.

x. The Appellant’s Agent submitted that the property already supports 3 +km of page wire around the perimeter. Additional wire fencing will be used to delineate these lots and prevent animals from escaping their confines.

xi. The Appellant’s Agent submitted that with regard to safety and firearm discharge near homes, the area in a 2 km radius around the subject site is not identified as supporting wildlife that would be suitable for hunting activities. Therefore, adding two lots to an existing Country Residential lot in a fragmented quarter section would not increase the risk in this context.

xii. The Appellant’s Agent submitted that the suggested conditions as outlined in the agenda package would be appropriate, and the landowner would work to meet the conditions should the subdivision be approved.

xiii. The Appellant’s Agent submitted that four additional conditions have been submitted to the Board for consideration. These include:

1. A road acquisition agreement for the purpose of road dedication for a future cul-de-sac;

2. An access right of way registered over the panhandles;
3. Building envelopes registered as a Restrictive Covenant on title to protect views; and
4. Fire Smart principles be registered as a Restrictive Covenant on title.

xiv. The Appellant's Agent submitted that the buildings that need to be removed will be removed immediately upon approval or with conditions.

xv. The Planning Officer submitted that while Fire Smart is a great principle, restrictive covenants are not enforceable by the County; it is up to the landowner to enforce these. The Appellant's Agent is aware of this.

xvi. The Appellant's Agent submitted that as Council's decision does not point to what the cumulative effects are, the Appellants would have no direction in attempting to mitigate these concerns; however, many of the concerns outlined in the meeting can be mitigated, and that the Appellants are willing to communicate and work with the neighbouring landowners to establish appropriate areas for the building envelopes.

9. NEIGHBOURS/ AFFECTED PARTIES IN SUPPORT OF THE APPEAL:

i. Affected Party A. Gibson submitted that his property is located immediately south of the subject property. He advised that the Appellants had engaged with him early in the process regarding their subdivision proposal, which he considered reasonable and modest in scale. He noted that the proposal includes the construction of a road and turnaround area, which he believes would improve access and maneuverability, particularly for larger vehicles. He further expressed appreciation for the Appellants' efforts to work collaboratively with the County and stated that they had taken steps to make the proposal as beneficial as possible.

ii. Affected Party A. Campbell submitted that he is a landowner in the area and is fully supportive of the proposed subdivision, which he considers to be an appropriate and beneficial use of the land. He noted that the conversion of larger agricultural parcels to country residential development can often result in the loss of productive agricultural land; however, he believes this proposal represents a responsible approach to land stewardship. He described the Appellants as good neighbours and conscientious stewards of the land, citing their efforts to control invasive weeds for the benefit of surrounding properties. He further stated that the Appellants are valued members of the community who contribute positively in various ways.

iii. Affected Party J. Watts submitted that he rents the Secondary Suite from the Appellants and is supportive of the proposed subdivision. He advised that, should the subdivision be approved, he intends to purchase one of the proposed lots. He described the Appellants as good neighbours and responsible stewards of the land. He noted that he had previously submitted a letter of support during the Public Hearing when the proposed land use amendment was considered by Council.

iv. Affected Parties E. & S. Todd elected not to speak; however, the Appellant's Agent advised the Board that the affected party had submitted a letter for review and consideration expressing support for the application as neighbouring landowners.

v. Affected Party M. Blackmore submitted that he lives down the road from the subject property, as a long time resident of 20 years. Typically, he chooses to stay

neutral in these types of situations; however, he decided to attend in support of the Appellants. He noted that growth and development are inevitable and cautioned against establishing a precedent where neighbouring landowners effectively determine the outcome of these types of proposals, mentioning that limiting reasonable development opportunities could have broader economic consequences for families and the community. Additionally, he acknowledged the Applicant's desire to expand their family legacy and stated that, provided all regulatory requirements and conditions are met, they see no significant concerns with the proposal. He highlighted the proposed bus turnaround as a positive community benefit and described the land contribution for that purpose as a generous gesture.

vi. Interested Party D. Miller spoke on behalf of the Appellant's team, stating that Council's decision should be overturned as there was no specific evidence that showed that the proposal failed to meet the requirements of the County. She stated that the appeal should be based on applicable bylaws, facts and planning rules, and evidence, not resident complaints or political pressure. Neighbours concerns should be considered, but not as a replacement for planning rules. The proposal did not identify any road, servicing, water, septic, access, fire, drainage, agricultural or other issues. Public Works had no concerns beyond citing rules regarding slopes. The proposal is an infill already zoned County Residential, so it would not be fragmenting any agricultural farmland.

vii. Interested Party D. Miller submitted that in 2025, Council allowed two other subdivisions on parcels such as this one (skinny 20-acre parcels), and there are many such 20-acre infills in the County, with one being directly north of the subject property. It bears repeating that according to Foothills County's GIS Department, 91.5% of the County's lands are agricultural, while only 5.6% is residential use. This proposal is a modest request of two parcels, not a 20-lot subdivision. She stated that allowing reasonable subdivision helps to share the tax burden. The parcel's skinny shape makes farming impractical.

viii. Interested Party D. Miller stated that a landowner does not have a legal right to preserve the view across another person's private land. Living in the County does not guarantee that the nearby open fields will remain unchanged. Concerns about people walking on County roads should be treated carefully, as these are transportation corridors, not dedicated walking paths or playgrounds. The presence of children or pedestrians on rural roads cannot by itself justify denying the landowner the ability to subdivide. While traffic is a concern, it is often cited to prevent further subdivision – there should be data to prove those claims. Water is subject to rigorous provincial regulation and must be proven before subdivision can occur. The Applicant should not be held responsible for fires, shootings or other incidents they did not cause. Fire protection, emergency access and related safety matters can be addressed through the Community Standards Bylaw and RCMP. This should not be a reason for refusal. Council's refusal, as stated in the official minutes, did not provide clear reasons showing how this specific application fails the MDP2010, the GMS, or any other plans cited. Similar applications were approved by Council as infill, which contradicts this decision. This proposal is modest and consistent with the surrounding area. Concerns can be managed by subdivision conditions set by the Board.

10. NEIGHBOURS/ AFFECTED PARTIES OPPOSED TO APPEAL:

i. Affected Party K. Maurer (Kent) submitted that he had reviewed the MDP2010, noting its emphasis on environmental conservation, watershed and habitat protection, and maintaining quality of life for residents. However, he disagreed

with the suggestion that the proposal would not affect neighbouring property values, stating that properties in the area are valued for their peace, quiet, and unobstructed views. He described the existing landscape as consisting of agricultural fields, livestock, and equestrian activities, which contribute to the area's rural appeal. He expressed that he and other local residents value the character of the community and the lifestyle it provides. While acknowledging that the proposed lot would be located approximately 200 to 300 feet from his residence, he stated that this was not consistent with the expectations he had when purchasing his property. He noted he had previously offered to purchase an additional strip of land from the Appellants to establish a greater buffer between the properties, but that proposal was declined.

ii. Affected Party K. Maurer (Krista) submitted that while she respects the views of their neighbors, she believes their property is among those most directly affected by the proposed subdivision. She explained that they intentionally designed and situated their home to maximize privacy and preserve views of the surrounding landscape. As part of that design, they constructed a curved driveway and buried utility lines to minimize the visual impact of infrastructure on the property. She stated that the Appellants had previously approached them regarding the possibility of aligning with future subdivision plans and had offered financial compensation in that regard. However, they chose not to participate. She expressed concerns regarding water availability in the area. She noted that their existing well, approximately 300 feet deep, is low-producing and has gone dry in the past when used to water newly planted trees. Based on their experience, they questioned the likelihood of successfully locating additional groundwater resources in the area. She does not wish to deny others the opportunity to enjoy the area's views and rural setting. However, they had purchased their property with the understanding that the surrounding open space and low-density character would remain largely unchanged. She expressed disappointment that the proposed development would significantly alter the views, privacy, and rural character they had expected when they acquired the property. She stated that the proposal would substantially change the character of the area and their enjoyment of their property.

iii. Affected Party K. MacLean submitted that since the Public Hearing on March 4, 2026, the Appellants have not communicated with him, either formally or informally. He noted that no communication has occurred; however, in the interest of fostering a positive working relationship, he expressed a willingness to collaborate with the Appellants to identify solutions that would minimize agricultural fragmentation and benefit all stakeholders in the area. As a geologist and a member of the Association of Professional Engineers and Geoscientists of Alberta for nearly 20 years, he expressed concern regarding the potential unintended consequences of agricultural fragmentation associated with water well development on the subject parcel. He explained that the proposed parcel boundary encompasses a ridge, resulting in water wells being situated at a higher elevation. Publicly available data for the area generally indicate that higher elevations tend to have lower groundwater flow rates than lower-lying lands nearer to the Sheep River. He submitted that this is significant because reduced water availability could necessitate the drilling of additional potable water wells to serve existing and future residents, as well as livestock located on the ridge. While groundwater management falls under the jurisdiction of the Government of Alberta, he suggested that any resulting impacts could also affect Foothills County. He further noted that water production capacity and drainage areas can vary considerably between wells and expressed concern that the development of new wells could adversely affect existing wells in the area. He questioned whether the County would intervene should such circumstances arise. He emphasized that

groundwater assessments should be conducted on a site-specific basis and not generalized across the area, given the unique geological conditions and available data. Accordingly, he recommended that a hydrogeologist be consulted to evaluate the potential impacts of the proposed development.

iv. Affected Party B. MacLean submitted that despite the extensive technical evidence presented, their position remains unchanged. He and his wife oppose both the proposal and the appeal. Five months ago, when the original subdivision application was considered, numerous neighbouring landowners brought forward legitimate and well-founded concerns. They felt that these concerns had not been addressed. In their view, the Appellants are essentially proposing the same subdivision that was not approved by Foothills County previously and they see no compelling reason for the County to reverse its earlier decision. A primary concern is the continued fragmentation of high-quality agricultural land. The subject property is located on a ridge surrounded by agricultural lands. Historically, these ridge lands were selected for farming and ranching because of their productivity and value. Further subdivision of this land undermines its agricultural purpose and character. They are concerned about the incompatibility of higher-density residential development within an agricultural area. The approval of additional lots would permanently alter the rural landscape through the introduction of more homes, buildings, vehicle traffic, and artificial lighting. They have requested that the Board protect the existing views and rural character of the area by refusing any subdivision that would significantly change the landscape.

v. Affected Party B. MacLean additionally noted that their most significant concern is wildfire risk. In recent years, several major fires have occurred in the area. One fire north of the subject property required assistance from the Okotoks Fire Department, while another came dangerously close to destroying his property. Significantly, these fires were human-caused. The combination of steep terrain, strong winds, grazing lands, and limited access creates serious challenges for emergency response. Firefighting equipment cannot easily access many areas of the landscape, and a fire in these conditions could spread rapidly. Their greatest concern is the safety of their family, livestock, neighbours, and the homes that cannot be replaced once lost. They believe that rural subdivision proposals should meet the highest standards of planning, safety, and compatibility with the surrounding area. Based on the concerns that remain unresolved, they respectfully submit that this appeal should be denied. While considerable technical and legal evidence has been presented, many local residents do not have the expertise to fully understand or evaluate that information. The proposal before the Board appears materially unchanged from the proposal that was not approved five months ago, and the concerns of neighbouring landowners remain just as valid today as they were then.

vi. Affected Party C. MacLean submitted that the proposed subdivision would further fragment prime agricultural land that has been actively farmed and ranched for more than 100 years. Their family has raised cattle and stewarded this land for over 50 years. While Foothills County faces significant growth pressures, this area remains relatively intact and unique because generations of dedicated landowners have worked diligently to preserve its agricultural character, rural heritage, and long-term viability. He stated that he was not approached by the Appellants at any point to explain or discuss the proposal, and in fact has never met the Appellants at all. As a geologist with more than 2 decades of experience, he stated that groundwater quantities are variable in Foothills County and the top of this particular ridge is a major concern, as flow regimes differ between the ridge top and the flanks and valleys. Many of the well reports previously described in this meeting were for the flanks and base of the ridge and not on the top, and it should

be expected that the area will see wells going dry – existing neighbours need to be concerned, as the Appellants will be tapping into the same aquifer with the same minimal flow volume. In closing, he asked the Board to outright deny the appeal and to encourage the Appellants to present a better plan that preserves the agricultural nature and quality of the area.

REASONS FOR DECISION

The Board is ALLOWING the appeal and OVERTURNING the Subdivision Authority's decision to refuse subdivision application F2001-06SW for the following reasons:

The Board finds that it has jurisdiction to hear and determine this appeal pursuant to section 678 of the Municipal Government Act. The Board is satisfied that notice of the hearing was provided in accordance with the Municipal Government Act and that all parties who wished to make submissions were afforded the opportunity to be heard. The Board considered the evidence and submissions before it, the applicable statutory plans, the Land Use Bylaw, and the relevant planning considerations raised by the parties.

The Board accepts that the subject lands are already designated and zoned Country Residential and that the proposal is for Country Residential subdivision within an existing fragmented quarter section. The evidence established that the proposed subdivision would create two new rural residential parcels and leave a balance parcel, resulting in a total parcel density well below the maximum density contemplated for the Country Residential District. The Board therefore finds that the application is more properly characterized as infill subdivision within an existing Country Residential area, rather than the premature conversion or fragmentation of productive agricultural land, and is generally consistent with the efficient use of land principles demonstrated within the South Saskatchewan Regional Plan and the Municipal Development Plan 2010.

The Board acknowledges the concerns raised by neighbouring affected parties regarding water supply, traffic, slope stability, emergency access, wildfire risk and agricultural compatibility. Those concerns were relevant and were carefully considered. However, the Board finds that the evidence before it did not establish that two new lots within this previously fragmented area would alone create unacceptable impacts or that the concerns identified could not be addressed through appropriate subdivision conditions. The board further recognized that rural character, views and privacy are not relevant planning considerations.

The Board places weight on the fact that the County's technical review did not identify fatal servicing, access, traffic, or infrastructure deficiencies that would require refusal of the application. Rather, the evidence indicates that the technical matters raised can be addressed through further professional design, reporting, and conditions imposed prior to endorsement of the subdivision. The Board finds that imposing conditions is an appropriate and proportionate planning response in this case.

For these reasons, the Board concludes that the Subdivision Authority's refusal should be overturned.

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 1st Day of September, 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. Gar Beacom, Chairman

RELEVANT LEGISLATION

The Municipal Government Act and associated regulations contain criteria that apply to appeals of subdivision decisions. While the following list may not be exhaustive some key provisions are provided below.

South Saskatchewan Regional Plan (SSRP)

Use Land Efficiently (page 90)

Strategies:

5.1 All land use planners and decision makers responsible for land use decisions are encouraged to **consider the efficient use of land principles** in land use planning and decision making.

1. Reduce the rate at which land is converted from an undeveloped state into permanent, built environment.

2. Utilize the minimum amount of land necessary for new development and build at a higher density than current practice.

3. Increase the proportion of new development that takes place within already developed or disturbed lands either through infill, redevelopment and/ or shared use, relative to new development that takes place on previously undeveloped lands.

4. Plan, design and locate new development in a manner that best utilizes existing infrastructure and minimizes the need for new or expanded infrastructure.

5. Reclaim and/ or convert previously developed lands that are no longer required in a progressive and timely manner.

6. Provide decision-makers, land users and individuals the information they need to make decisions and choices that support efficient land use.

5.2 **Build awareness and understanding of the efficient use of land principle**s and the application of land use planning tools that reduce the footprint of the built environment, how they might be applied and how their effectiveness would be measured over time with municipalities, land use decision makers and land users, on both public and private lands.

Agriculture (page 111)

Municipalities are expected to:

8.19 Identify areas where agricultural activities, including extensive and intensive agricultural and associated activities, should be the primary land use in the region.

8.20 Limit the fragmentation of agricultural lands and their premature conversion to other, non-agricultural uses, especially within areas where agriculture has been identified as a primary land use in the region. Municipal planning, policies and tools that promote the efficient use of land should be used where appropriate to support this strategy.

8.21 Employ appropriate planning tools to direct non-agricultural subdivision and development to areas where such development will not constrain agricultural activities, or to areas of lower-quality agricultural lands.

Foothills County Municipal Development Plan (MDP2010)

AGRICULTURE – OBJECTIVES

1. Make the preservation of agricultural land a priority for the Foothills County.
2. Minimize the loss of agriculturally zoned land by limiting its rezoning to other uses.

AGRICULTURE – POLICY

1. All lands in Foothills County are considered to be agricultural lands unless zoned for other uses.
2. Foothills County supports maintaining the integrity of the agricultural land base and discourages the fragmentation of agricultural land, including the subdivision of land into smaller agricultural parcels.
3. Agricultural uses and industries that support agriculture should be encouraged to locate in the Municipality. Non-agricultural uses should only be permitted on lands where the County judges the proposal to have minimal negative impacts on the agricultural resource.
4. When considering the conversion of agricultural lands to other uses the Municipality shall consider the following:
   - 4.1. Guidance and policy contained within the Municipal Development Plan and other approved plans in the Planning Hierarchy found in Appendix A of this MDP.
   - 4.2. Present or proposed use of lands in the vicinity, including that of confined feeding operations.
   - 4.3. Impact the proposed use will have on the existing or potential agricultural use of the property and properties that may be affected.
   - 4.4. Information contained within the farmland assessment records maintained by the Municipality.
   - 4.5. Response to referrals sent to Provincial government departments.

RESIDENTIAL – 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

3. Proposals for residential parcels should be developed to be compatible with the surrounding area and existing land use. 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 Municipality.
   - 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 effect of the development;
   - 3.8. Condition of the Provincial and/or Municipal road servicing the proposed development.

<u>Foothills County Land Use Bylaw (60/2014)</u>

13.1 COUNTRY RESIDENTIAL DISTRICT

13.1.1 <u>Purpose and Intent</u>

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

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.

WATER ACT

(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;
(y) “household user” means a person who is entitled to divert water for household purposes, as described in section 21;
(z) “inactive water well” means a water well that is not currently being used but is being maintained for future use;
(aa) “inspector” means an individual who has been designated as an inspector under Part 13;
(bb) “investigator” means an individual who has been designated as an investigator under Part 13;
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.
(2) A person who diverts water in accordance with subsection (1) may, without an approval or licence, pump or otherwise convey water to the point of use on the land that adjoins the source of water, or to an adjacent parcel of land owned by that person if both parcels form part of the same farm unit. 1996 cW-3.5 s24

Combined diversions
25 A person who is entitled to divert water both under section 21 and under section 24 is entitled to divert the water under section 24 as an additional amount of water. 1996 cW-3.5 s25

Diversion under approval or licence
26 A person has the right to commence and continue the diversion of water in accordance with the terms and conditions of a licence issued under this Act, or an approval, in good standing held by that person. 1996 cW-3.5 s26

APPENDIX "A"

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

	NAME	CAPACITY
1.	K. Furnell	Foothills County Planning Officer
2.	T. Chipchase	Foothills County Planning Officer
3.	J. Callister	Foothills County Council Representative
4.	P. Antle	Foothills County Public Works Representative
5.	R. Erhardt	Appellant's Agent
6.	N. and C. Canario	Appellant/Landowner
7.	B. Estes	Interested Party
8.	K. & K. Maurer	Affected Party
9.	D. Miller	Interested Party
10.	K. MacLean	Affected Party
11.	B. MacLean	Affected Party
12.	A. Gibson & J. McPhee	Affected Party
13.	A. Campbell	Affected Party
14.	J. Watts	Affected Party
15.	E. & S. Todd	Affected Party
16.	M. Blackmore	Affected Party
17.	C. MacLean	Affected Party

APPENDIX "B"

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

NO.	ITEM
1.	Submission package from the Foothills County Planning Officer, K. Furnell
2.	Submission package from the Applicant/Appellant's Agent, R. Erhardt

3. Written submissions from C. MacLean, K. MacLean, L. Rogers, E. Todd and K. Maurer

APPENDIX "C"

EXHIBITS MADE AVAILABLE AT THE HEARING

NO.	ITEM
1.	Presentation by the Foothills County Planning Officer, K. Furnell/ T. Chipchase
2.	Presentation by the Applicant/Appellant's Agent, R. Erhardt

ACKNOWLEDGEMENT OF SUBDIVISION AND DEVELOPMENT APPEAL BOARD (SDAB) ORDER		
APPLICATION INFORMATION		**FILE NO. F2128-06SW**
	LEGAL DESCRIPTION: Ptn. SW 06-21-28-W4M	
	LANDOWNERS: Hamer Tree Services Inc	
	AGENT: Township Planning and Design Inc. / Kristi Beunder	
	PARCEL SIZE: 95.67 acres (one title in two parts)	
	LAND USE: Agricultural District	
PROPOSAL: Redesignation of a portion of the SW 06-21-28-W4M to allow the future subdivision of four (4) new 3.60 +/- acre to 4.35 +/- acre Country Residential District parcels with an 80.36 +/- acre Agricultural District balance remaining.		
DIVISION NO: 7	**COUNCILLOR:** R.D. McHugh	**FILE MANAGER:** Theresa Chipchase

PURPOSE OF REQUEST

Request to the Subdivision Approving Authority for acknowledgement of the attached Subdivision and Development Appeal Board Order S02/2026

BACKGROUND

November 26th, 2025 – Council refused the land use redesignation application which was a request to redesignate a portion of the 95.97 acre Agricultural District parcel to the Country Residential District for a future subdivision, it was refused under the following motion:

"C.3.1 Hamer Tree Services Ltd. - SW 06-21-28 W4M - Decision

Resolution 1006

That the application for redesignation of a 15.31 +/- acre portion of Ptn. SW 06-21-28 W4M from Agricultural District to Country Residential District, in order to allow for the future subdivision of four 3.60 +/- acre to 4.35 +/- acre Country Residential lots with an approximate 80.36 +/- acre Agricultural District balance parcel be refused.

In consideration of Policy 2 and 4 of the Agricultural section of the MDP2010, Council did not find sufficient merit in the proposal to consider removing the subject lands from the Agricultural District. Additionally, in consideration of the criteria noted within Residential Policies 3 and 9 section of the MDP2010, Council is of the opinion that the application does not adequately address the cumulative effects of the development, the suitability of the lands for residential construction and the efficient use of the land."

June 3rd, 2026 – In order to appeal the refusal of Council, the landowners submitted a subdivision application to the County which was refused by the Subdivision Approving Authority under the following motion:

"E.1 Hamer Tree Services Ltd. – SW 06-21-28-W4M – Request for Subdivision Decision
Application was provided to Council on November 26, 2025, whereby a land use application requesting redesignation of a portion of the property legally described as Ptn. SW 06-21-28 W4M was refused. For the purpose of appeal, the landowners now request that the Subdivision Approving Authority provide a decision regarding the subdivision application which proposes the subdivision of four (4), 3.60 +/- to 4.35 +/- acre Agricultural District lots, with an 80.36 +/- acre Agricultural District balance parcel, all within Ptn. SW 06-21-28 W4M.

In consideration of the Goals and Objectives of the Agriculture section of the County's Municipal Development Plan 2010 which are to conserve and protect agricultural land, and in accordance with Policy 2 of the Agriculture section of the MDP2010 and Section 3.3 Supporting Agriculture of the County's Growth Management Strategy, both which discourage fragmentation of agricultural land, Council did not find sufficient merit in the proposal to consider further fragmentation of this Agriculturally zoned parcel.

Additionally, the application for redesignation of a portion of the property legally described as Ptn. SW 06-21-28 W4M, from the Agricultural Land Use District to the Country Residential Land Use District, required to allow the future subdivision of four 3.60 +/- acre to 4.35 +/- acre Country Residential parcels, was refused by Council on November 26th, 2025. The proposed subdivision, therefore, cannot comply with Section 654(1)(2) of the Municipal Government Act in accordance with Section 12.1.6.2.a of the Agricultural District of the Foothills County Land Use Bylaw 60/2014, as the proposed new lots do not conform with the minimum parcel size for the Agricultural District.

Resolution 512-26
That the Subdivision Approving Authority refuse the application for subdivision of four (4) 3.60 +/- to 4.35 +/- acre Agricultural District lots, with an 80.36 +/- acre Agricultural District balance parcel, all within Ptn. SW 06-21-28-W4M."

July 10th, 2026 – The Subdivision and Development Appeal Board heard the appeal from the landowners regarding the refusal of the subdivision and upheld the Subdivision Approving Authorities decision to refuse the subdivision as per the attached Subdivision and Development Appeal Board Order.

REQUEST OF THE SUBDIVISION APPROVING AUTHORITY

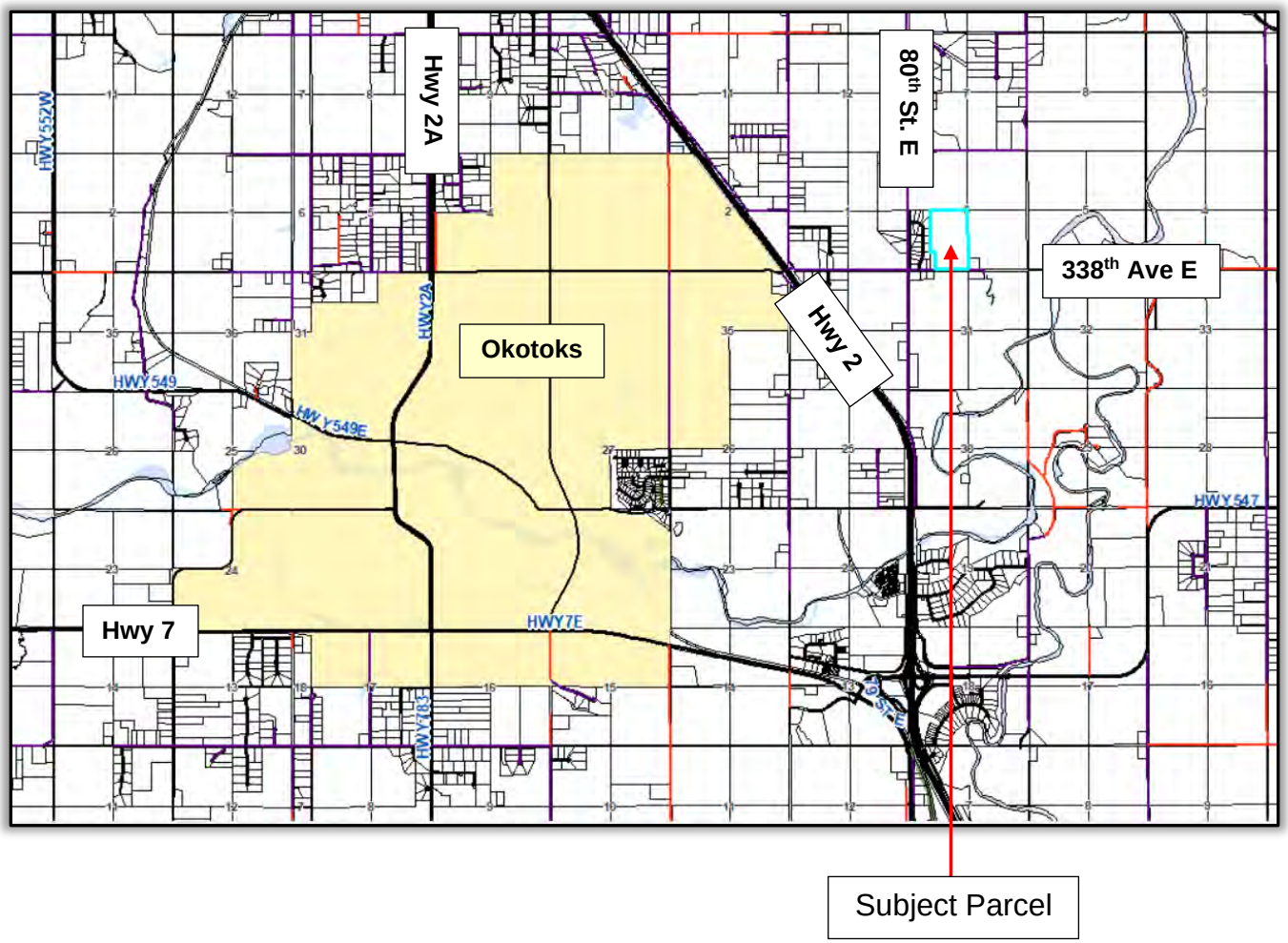
The Subdivision Approving Authority is respectfully requested to acknowledge the decision of the Subdivision and Development Appeal Board Order S02/2026.

APPENDICES

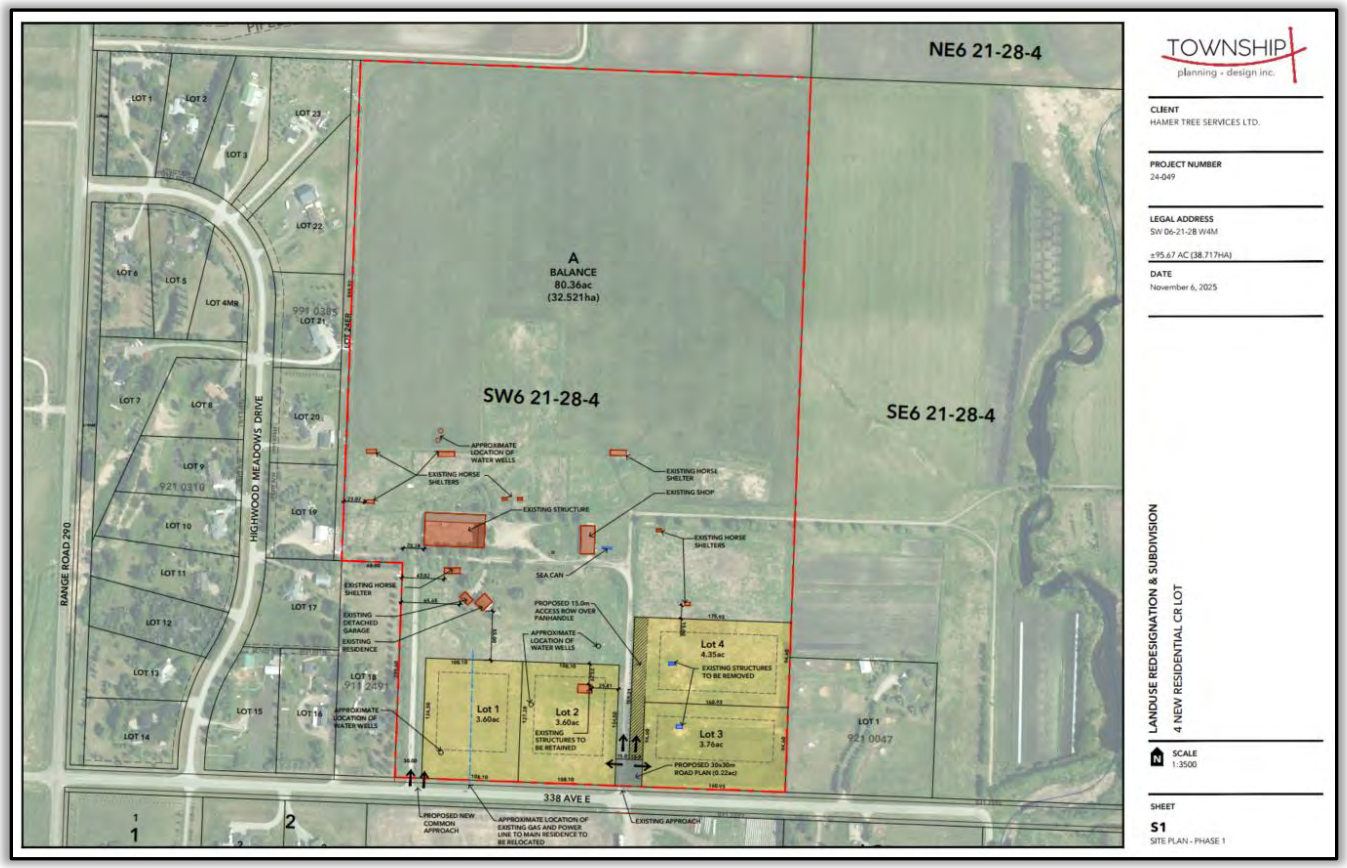
APPENDIX A - MAP SET:
LOCATION MAP
SITE PLAN
AERIAL PHOTOS

APPENDIX B:
SUBDIVISION AND DEVELOPMENT APPEAL BOARD ORDER S02/2026

APPENDIX A: LOCATION MAP



APPENDIX A: SITE PLAN



APPENDIX A: ORTHO MAP - CLOSEUP

FOOTHILLS COUNTY
SUBDIVISION AND DEVELOPMENT APPEAL BOARD
Subdivision and Development Appeal Board Decision

HEARING DATE: JULY 10, 2026 **BOARD ORDER:** S02/2026

APPELLANT: HAMER TREE SERVICES LTD.

LANDOWNER REPRESENTATIVE: AUSTIN HAMER

AGENT: KRISTI BEUNDER, TOWNSHIP PLANNING + DESIGN INC.

APPEAL AGAINST: THE REFUSAL OF SUBDIVISION APPLICATION F2128-06SW

SUBJECT PROPERTY: PTN. SW 06-21-28 W4M (THE "PROPERTY")

BEFORE: CHAIRMAN, B. ROBSON; BOARD MEMBERS, C. STORMES, B. DAYMENT, T. MILLS, M. REID, 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, the Appellant's Agent, the Planning Officer for Foothills County, and the Subdivision Approving Authority Representative with respect to the appeal filed by the Appellant in accordance with Section 678 of the Municipal Government Act against the refusal of subdivision application F2128-06SW for the creation of four new 3.6 +/- acre to 4.35 +/- acre Agricultural District Lots with an approximately 80.36 acre Agricultural District balance parcel from Ptn. SW 06-21-28 W4M (The "Property").

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

DENY the appeal and UPHOLD the Subdivision Authority's decision to refuse subdivision application F2128-06SW for the creation of four new 3.6 +/- acre to 4.35 +/- acre Agricultural District lots from Ptn. SW 06-21-28 W4M.

The application is thereby REFUSED.

APPLICATION HISTORY:

(i) The Planning Officer submitted that the subject property is an existing 95.67 acre Agricultural District parcel located west of the Saskatoon Farm, which is also owned by the Appellant. It lies directly north of 338th Avenue E, 0.3 km east of 80th Street E and 2.0 km east of the Town of Okotoks boundary and Highway 2.

(ii) The Planning Officer submitted that on November 26, 2025, Foothills County Council refused an application for the redesignation of a 15.31 +/- acre portion of SW 06-21-28 W4M from Agricultural District to Country Residential District to allow for the future subdivision of four new 3.6 +/- acre to 4.35 +/- acre Country

Residential District lots with an approximate 80.36 +/- acre Agricultural District balance parcel.

(iii) The Planning Officer submitted that the Appellants' Land Use proposal provided a complicated access management strategy beginning on the west side of the property proposing a 30 m wide panhandle, with a common approach to be constructed from 338th Avenue E as access to Lot 1 and the panhandle. On the east side of the property, the Appellant proposed to survey out a 30 x 30 metre road plan, providing approach locations for all lots. Lot 4 was to further connect to the road plan block via a 15 metre wide panhandle on the west side of the lot, with additional access to the balance parcel to be provided by a 15 metre wide panhandle. Finally, the Appellant proposed that an access right-of-way be registered over the 15 metre panhandle to Lot 4. This would facilitate the future provision of land if further subdivision were approved and a road needed to be constructed or extended in this location. The access management strategy as proposed by the Appellant did not meet the County's road construction standards. As such, the County's Public Works department provided that should the Appellant's application be approved by the Board, or by Council as the Land Use Authority, access on the west side was acceptable to their department, but access management on the east side of the property needed to meet the County's road construction standards. Public Works provided that in accordance with those standards, an internal road would need to be constructed as access to Lots 2, 3 and 4 and the east balance, with a temporary access right of way over that portion of the cul-de-sac bulb that extends into Lots 3 and 4 and a road acquisition agreement registered over the remainder of the boundary of Lot 4 to extend that road in the future should the need arise.

(iv) The Planning Officer submitted that the subdivision application was submitted on April 9, 2026, deemed complete on April 20, 2026, circulated to the required government agencies and internal parties on April 30, 2026 and presented for Subdivision Approving Authority consideration on June 3, 2026, at which time the application was refused.

(v) The Planning Officer submitted that the subdivision application requested that the Subdivision Approving Authority consider the subdivision of four non-compliant Agricultural District lots. The application was refused, as the redesignation required to rezone a portion of the property from the Agricultural District to the Country Residential District had been refused, and therefore, the subdivision could not comply with Section 654(1) and Section 654(2)(b) of the Municipal Government Act, Section 12.1.6.2 of Agricultural District of the County's Land Use Bylaw and could not conform to the minimum parcel size for the Agricultural District of the Land Use Bylaw. The application was also refused as it promoted the fragmentation of agricultural lands, which is discouraged within the policies of the County's Municipal Development Plan 2010.

(vi) The Planning Officer submitted that an appeal was received from Mr. Austin Hamer, as represented by Ms. Kristi Beunder, on June 15, 2026, against the refusal.

ISSUES

The Property

(i) The Planning Officer submitted that the topography of the property consists of predominantly flat, slightly rolling grasslands that were at one point in hay

production on the portions north of the yard site. Outside of the grasslands, there is a small area of overland drainage in the northeast corner.

(ii) The Planning Officer submitted that the yard site contains a residence with a detached garage along with a shop, barn and mezzanine that is attached to the walls of what was once an indoor riding arena, along with a number of horse shelters throughout the yard site. Additionally, a number of tree species have been planted throughout and around the yard site, lining the driveways and east to west between the barn and the eastern boundary of the Property.

(iii) The Planning Officer submitted that in 2017, first reading was granted to an application to change the land use for this parcel from Agricultural District to Direct Control District #29 to allow for an existing arena to be brought into compliance. The first reading was to allow the 18,000 square foot arena, with a 2,200 square foot attached barn and 800 square foot suite within the mezzanine portion of the structure to be used as a limited public arena based on the parameters of

(a) One monthly equine event (up to 100 persons)

(b) One weekly event (up to 50 persons)

It has been determined that there are no approvals in place for the existing arena, the suite in the mezzanine, or for the barn addition. A condition of first reading required the Appellant to obtain all applicable code and permit requirements before Council would further consider the permitted number of non-resident users or any continued residential use of the mezzanine. In 2018, the roof of the arena collapsed and Bylaw 95/2017, which granted first reading to that rezoning application and the arena, barn and mezzanine, expired. Currently, the mezzanine is no longer being used for housing; however, the adjacent barn is now being used for employee housing. At the Public Hearing, the landowner's agent provided that all necessary requirements to ensure that the barn could be considered as a second residence on the property would be provided. To date, no applications have been made to bring this use into compliance.

Policy:

(iv) The Planning Officer submitted that a public hearing in connection to the application for redesignation of a portion of the subject property from Agricultural District to Country Residential District to allow for the future subdivision of four new 3.6 +/- acre to 4.35 +/- acre Country Residential District lots was held on November 25, 2025.

(v) The Planning Officer submitted that the application was refused by Foothills County Council as they did not find sufficient merit in the proposal to consider removing the subject lands from the Agricultural District. Additionally, in consideration of the criteria noted within Residential Policies 3 and 9 of the MDP2010, Council was of the opinion that the application did not adequately address the cumulative effects of the development, the suitability of the lands for residential construction and the efficient use of the land.

(vi) The Planning Officer submitted that subsequent to the refusal of the land use redesignation, the Subdivision Approving Authority for Foothills County refused an application for subdivision of four new 3.6 +/- acre to 4.35 +/- acre Agricultural District lots from the subject property. In consideration of the Goals and Objectives of the Agriculture section of the County's Municipal Development Plan 2010 which are to conserve and protect agricultural land, and in accordance with Policy 2 of the Agriculture Section of the MDP2010 and Section 3.3 Supporting Agriculture of the County's Growth Management Strategy, both of which discourage

fragmentation of agricultural land, Council did not find sufficient merit in the proposal to consider further fragmentation of this agriculturally zoned parcel. Additionally, the application for redesignation of a portion of the property legally described as Ptn. SW 06-21-28 W4M from the Agricultural Land Use District to the Country Residential Land Use District required to allow the future subdivision of four 3.6 +/- acre to 4.35 +/- acre Country Residential District parcels was refused by Council on November 26, 2025. The proposed subdivision, therefore, could not comply with Section 654(1)(2) of the Municipal Government Act in accordance with Section 12.1.6.2 of the Agricultural District of the Foothills County Land Use Bylaw 60/2014, as the proposed new lots did not conform with the minimum parcel size for the Agricultural District.

(vii) The Planning Officer submitted that the application was also inconsistent with the Municipal Government Act Part 17, Division 7 (Subdivision of Land), Section 654(1)(a)(b) and (2)(b).

(viii) The Planning Officer submitted that the Municipality considered the application to be inconsistent with the Municipal Development Plan 2010.

(ix) The Planning Officer submitted that with respect to the County's Land Use Bylaw, specifically with respect to Section 6.1.3, Land Use Redesignation is under the authority of the County's Council. In order to redesignate land in Foothills County, the Council must approve and grant three readings to the Bylaw. Accordingly, no Bylaw was approved to redesignate the Property from Agricultural District to Country Residential District. Although the Subdivision and Development Appeal Board may decide the subdivision appeal, it does not have the authority to amend the land use designation.

(x) The Planning Officer submitted that non-compliant Agricultural District parcels would be contrary to Section 654(2)(b) of the MGA, which states that in order to approve a subdivision, the subdivision must conform with the uses prescribed for that land in the Land Use Bylaw.

(xi) The Planning Officer submitted that the Appellant's submission included the approval of a two-lot subdivision that was granted first reading on October 7, 2010. This expired on October 7, 2012, as the Applicants did not finalize this approval. This approval was given prior to the adoption of the County's current Land Use Bylaw and before amendments were made to the current Municipal Development Plan.

(xii) The Planning Officer submitted that it should be noted that Foothills County does not provide decisions based on precedent, but applies policy based on the individual merits of the application. Therefore, past applications have no relevance on the current application.

(xiii) The Planning Officer submitted that in reviewing recent decisions from the Land and Property Rights Tribunal (LPRT), the board has consistently provided that without the appropriate land use designation in place, the board would not exercise discretion to allow a variance to the minimum parcel size, further providing that the purpose of the Agricultural District is to promote agricultural land uses. Case examples were given where the LPRT was reluctant to accept the variance in parcel size, indicating that allowing further subdivision would continue to erode the parcel's agricultural value and its ability to accommodate the types of operations that are intended under the Agricultural District. The LPRT went further to consider a long-term view of the effects of approving substantially undersized agricultural parcels. The cited LPRT decisions further indicate that varying the minimum parcel size is generally inconsistent with the purpose of the Agricultural District, and allowing Country Residential uses on agriculturally zoned parcels would not meet the provisions of the Agricultural District. The minimum parcel size of the district is established to ensure that there is sufficient land base for agricultural pursuits.

(xiv) The Planning Officer submitted that in reviewing recent decisions from the Subdivision and Development Appeal Board, the local board also considered a non-compliant Agricultural District parcel. The Boundary Adjustment for this appeal was approved; however, the subdivision was not approved due to the parcels' failure to meet the minimum parcel-size requirements.

(xv) The Council Representative submitted that a combination of issues contributed to the decision on the application. Firstly, the subdivisions were requested to provide additional housing, making it difficult for Council to consider the proposal given the compliance issues already in place on the property.

(xvi) The Council Representative submitted that servicing in the area was taken into consideration, as 338th Avenue is an extremely busy road, servicing the tourist attraction at the end. The alternate access out of the area is 80th Street, which remains MRO, and as such, there are topography issues on that road. Adding more traffic issues to 338th would be excessive. Council continues to wait on Alberta Transportation regarding an overpass in the area that may address some of the congestion.

(xvii) The Council Representative submitted that the parcel is difficult to service due to its proximity to the Highwood River. Emergency access and egress in this area can be complicated.

(xviii) The Council Representative submitted that the parcel is surrounded on three sides by agricultural operations. While there has been Country Residential development in the area and it is located in the Central District, Council is looking at reducing the strains on the Municipality in the Central District, and considering applications that are accompanied with ASPs (Area Structure Plans) so that the servicing and emergency-service requirements can be properly addressed. The objective is to direct development to appropriate locations, reduce fragmentation of agricultural lands and ensure that Country Residential parcels can be adequately serviced.

(xix) The Council Representative submitted that it is important to consider that the Growth Management Strategy still has a lot of work to be done. For example, a lot of work needs to be done concerning a district plan for the Central District, as well as taking inventory of the natural capital areas of the Municipality.

(xx) The Appellant's Agent submitted that the subject property is bordered by Agricultural District lots to the north, east and south; however, there are several Country Residential parcels located to the east and the west.

(xxi) The Appellant's Agent submitted that the proposed application is suitable for the area, based on the following: four new lots would be added, and the balance would be maintained as Agricultural District. This would result in 27 lots within the quarter section, below the stated maximum density of 32 lots per quarter section under Section 13.1.6.2(a) of the Land Use Bylaw; the subject property is located in the Central District, where the County directs development and is on a quarter section with an established pattern of fragmentation, aligning with the MDP direction to fragment where fragmentation already exists; previous Council had approved two lots, but the approval expired under transfer of ownership; the application received no objections; the subject property is surrounded by Country Residential lots to the west; the proposed lots are not contiguous to any large-scale agricultural operations; the proposed parcels are sized to allow for animal units and hobby farming; the people acquiring the proposed parcels are employed by the Saskatoon Farm, work on the existing farm and can establish small hobby farms; there are no restrictions based on topographic conditions or drainage that preclude diversification and small farm operations at this location.

(xxii) The Appellant's Agent submitted that the subject property would retain all existing structures including the residence, the detached garage, the horse shelters, the shop, the sea-can and the arena with the attached barn and mezzanine. There are

two existing horse shelters that are to be removed from proposed Lots 3 and proposed Lot 4. As per Table 4.2.1.7A of the Land Use Bylaw, there are no size requirements for accessory buildings located on Agricultural zoned parcels. The existing vegetation would be maintained as much as possible. The subject property has five wells. Two existing wells would serve Lots 1 and 2, three wells would remain on the balance parcel, and two new wells would be drilled for Lots 3 and 4.

(xxiii) The Appellant's Agent submitted that the proposed lots align with the Land Use Bylaw and have suitable developable areas for single-family dwellings, similar to the existing single-family homes in Highwood Meadows to the immediate west.

(xxiv) The Appellant's Agent submitted that the proposed configuration is sensitive to the existing development and does not negatively impact the existing agricultural operations.

(xxv) The Appellant's Agent submitted that the size of the lots would accommodate livestock units.

(xxvi) The Appellant's Agent submitted that the proposal is intended to support the overall farming operations of the Saskatoon Farm.

(xxvii) The Appellant's Agent submitted that the proposed lots would not remain titled to the Saskatoon Farm.

(xxviii) The Appellant's Agent submitted that with regard to the existing arena with mezzanine and barn, the roof had collapsed in 2018 and there was a Development Permit in place, which had lapsed. The barn has since been converted and is now used as employee housing. All necessary Building and Safety Codes permits will be obtained to retain the converted barn and bring it into compliance as a secondary suite for the employees of the farm, and also to allow for indoor storage of equipment. The arena structure will be brought into compliance and retained for storage for agricultural purposes, such as large machinery storage over the winter. This was all to be undertaken as a condition of approval; however, because of the refusal, the landowners were significantly upset and discouraged by the refusal.

(xxix) The Appellant's Agent submitted that in terms of existing natural features, there is really nothing of concern. The Appellant's Agent suggested that drainage at the northwest corner may originate from the Highwood Meadows subdivision, noting that stormwater management plans were not standard when the subdivision was approved.

(xxx) The Appellant's Agent submitted that in terms of servicing considerations, each new lot is proposed to be serviced by a groundwater well and two new wells are proposed to be drilled. The Groundwater Reconnaissance Report indicates that the groundwater has been recharging to suitable levels. Wells in the area are producing at sufficient rates to support the residential development in the area. The addition of two new wells is not anticipated to impact the water supply in this area. As water is often a significant concern, it is important to note that there are no concerns with water at all with this proposal, including from the neighbouring residents. The static water level is rising over time, indicating that the aquifer is replenishing itself and not depleting.

(xxxi) The Appellant's Agent submitted that in terms of the access, the Applicant is willing to work with the County's Public Works Department to construct a road and create a cul-de-sac bulb. However, the appearance of this suggests that this will facilitate more subdivision in the balance of the agricultural land. The application was intended to provide a low-intensity option for access that didn't suggest that the balance might also be subdivided in the future. With the construction of the internal road and cul-de-sac, the County would be responsible for maintenance and upkeep, whereas, with the access proposed in the application, the County would have no maintenance obligations.

(xxxii) The Appellant's Agent submitted that the existing road conditions include sight distance and a dust-controlled road.

(xxxiii) The Appellant's Agent submitted that in terms of the traffic considerations, all four proposed lots would add a negligible amount of traffic to 338th Avenue. The traffic counts at Highway 2 and 338th Avenue were submitted in the evidence package for information. Based on the average daily traffic at the intersection, the additional traffic generated by the addition of four new lots would cause a negligible impact – less than 1% increase over the existing background traffic.

(xxxiv) The Appellant's Agent submitted that one concern with Council's position with adding traffic to 338th Avenue is that there were no comments made when Okotoks proposed and then adopted the Thunderstone Junction Neighbourhood Area Structure Plan. This document provides for interim servicing and immediate light industrial development on Phase I, which is everything around Integrity Post. This means that all of the traffic can occur within the Town of Okotoks onto 338th Avenue unabated. They will be required to provide a transportation off-site levy on an interim servicing capacity. They do not have to be connected to pipe, they do not have to have a deep utility structure. They have predetermined where the stormwater goes. There was no comment or concern provided by the County. Correspondence with the Town of Okotoks has been provided in the evidence package.

(xxxv) The Appellant's Agent submitted that an engagement mailout was undertaken containing a letter as well as the proposed site plan and provided information regarding the application. This was sent to 40 residents within one half mile of the subject property. No responses were received.

(xxxvi) The Appellant's Agent submitted that the application is generally in alignment with the relevant legislation, including the South Saskatchewan Regional Plan (SSRP), the Foothills County Municipal Development Plan (MDP2010), the Foothills County Growth Management Strategy (GMS), the Foothills County Land Use Bylaw (LUB) and the Municipal Government Act (MGA).

(xxxvii) The Appellant's Agent submitted that with regard to the SSRP, case law has established that only the Regulatory details are binding (pp 164), and that certain sections are non-binding. Non-binding parts of the regional plan include the SSRP Introduction, Strategic Plan and Implementation Plan. The SSRP Regulatory Details, which are binding, include the following: Part 1: General; Part 2: Air Quality; Part 3: Conservation Areas; Part 4: Conserved Land; Part 5: Surface Water Quality; Part 6: Recreation and Park Areas; and Part 7: Monitoring and Reporting. None of these binding sections apply to the application.

(xxxviii) The Appellant's Agent submitted that the non-binding strategy section of the SSRP speaks to what Municipalities are to do. The Municipalities are to identify areas where agricultural activities, including extensive and intensive agricultural and associated activities, should be the primary land use in the region. (s.8.19)

(xxxix) The Appellant's Agent submitted that the Municipality is responsible for limiting fragmentation and premature conversion of agricultural lands. However, the Agent argued that the primary land use in the region is residential planning, policies and tools that promote efficient land use should be applied. The GMS does not consider agriculture to be the primary use in this area, and the quarter section was previously allowed to be subdivided into 22 lots – reducing and eliminating its agricultural future in proximity to cluster Country Residential development.

(xl) The Appellant's Agent submitted that the Municipality should employ appropriate planning tools to direct non-agricultural subdivision and development to areas where such development will not constrain agricultural activities, or to areas of lower-quality agricultural lands. (s. 8.21) The GMS does this and agricultural

protection policies do this along with the MDP policies that direct fragmentation to already fragmented quarter sections.

(xli) The Appellant's Agent submitted that to minimize conflicts between intensive agricultural operations and incompatible land uses, appropriate planning tools should be used in addition to setback distances and other mitigating measures. Maintaining an agricultural land base recognizes the value of agricultural land for sustainable growth and diversification of the agricultural industry as well as providing an opportunity for expansion of agricultural production and value-added agribusinesses in the region. (s.8.22) There is no confined feeding operation in the area; the proposal does not adversely affect any ongoing agricultural operations, and in fact, the proposal seeks to assist the Saskatoon Farm, which is an agricultural operation, to stay afloat by having workforce proximity, and enhancing the added tourism, economic development and employment offered by this business to the County.

(xlii) The Appellant's Agent submitted that the proposal generally aligns with the Growth Management Strategy despite one of the reasons for refusal stating that the application does not align with Section 3.3 – Supporting Agriculture of the GMS, which discourages fragmentation of agricultural land. However, the subject lands are located within the Central District, which is anticipated to experience significant development and additional intensification and currently contains substantial Country Residential development. The application supports employment in the County, and the proposed location of the subdivision is suitable for the location – it is contextually appropriate with the neighbouring Country Residential uses and in alignment with the County's vision to accommodate the most growth in this district. The proposal maintains the rural character of the area by equating parcel sizes in the area. Additionally, the subject lands are near existing infrastructure and are in close proximity to the Town of Okotoks. Further, the proposed application will not have any adverse impacts on agricultural lands, nor does it conflict with any agricultural uses. The intent is to accommodate staff and family of the farm who will support ongoing agricultural operations.

(xliii) The Appellant's Agent submitted that the Municipality has not prioritized the Central District for a district plan. Specifically, the County has not started undertaking more detailed servicing and infrastructure planning as part of the Central District Plan, identifying future growth areas with municipal neighbours, identifying appropriate areas of the Central District for intensification of development, nor identifying areas of the Central District that are more environmentally sensitive and may require protection.

(xliv) The Appellant's Agent submitted that in terms of supporting agriculture, the proposal supports the growth of on-farm operations that result in value added to farm produce, such as packing, processing, cooking, tasting and farm gate sales. The proposed lots can sustain livestock units, support gate sales (hens, bees) and provide workforce proximity housing opportunities to support an existing farm-to-table and agricultural operation.

(xlv) The Appellant's Agent submitted that the proposal generally aligns with the County's Municipal Development Plan by directing growth to a quarter section that has experienced significant fragmentation, is compatible with the surrounding residential context and existing land uses and maintains the rural character of the area.

(xlvi) The Appellant's Agent submitted that the proposal generally aligns with the guidance and policy contained within approved plans in the Planning Hierarchy.

(xlvii) The Appellant's Agent submitted that the Foothills County Council refused the application based on Residential Policies 3 and 9 of the Municipal Development Plan, specifically stating concerns over the cumulative effects of development;

however, the County gave no indication of how this development would have negative cumulative effects, and no concerns were received on circulation comments.

(xlviii) The Appellant's Agent submitted that if approved, the subdivision would be subject to further technical studies, conditions, servicing requirements and proof of water. Any off-site impacts would therefore be mitigated.

(xlix) The Appellant's Agent submitted a prior case where the cumulative effects of development were stated as a concern, which was also included in the evidence package. The case study shows that there is no definition of "negative cumulative effect" in the MDP and no evidence provided in the County's reports or decision that would suggest that the application had a net negative cumulative effect.

(l) The Appellant's Agent submitted that in regard to Policy 3.1 and 3.4 which speak to the efficient use of land and suitability for residential development, the proposal seeks to utilize existing infrastructure, it maintains rural character, maintains parcel sizes similar to surrounding residential parcels and provides suitable development area within the proposed lots.

(li) The Appellant's Agent submitted that in regard to Policy 3.8, the municipal road (338th Avenue) provides adequate existing road infrastructure, with no concerns received from Public Works at the land use application.

(lii) The Appellant's Agent submitted that in regard to Policy 9, the proposed lots would provide suitable developable area with building envelopes for single family dwellings which could be serviced with individual ground water wells and private on-site septic.

(liii) The Appellant's Agent submitted that the proposal generally aligns with the County's Land Use Bylaw by encouraging the growth and diversification of the existing agricultural operations on the subject parcel. The proposed lots are intended to accommodate single family dwellings, which is a permitted use in the Agricultural District. The proposed lots exceed 3 acres and could support livestock units. The Appellant's Agent submitted that this would be consistent with the 'Agricultural General' use permitted in the Agricultural District.

(liv) The Appellant's Agent submitted that the proposed lots do not conflict with the uses prescribed in the Agricultural District and that the application seeks only a variance from parcel size standards.

(lv) The Appellant's Agent referred to submitted that non-compliance with the Land Use Bylaw only exists due to the absence of land use approval. Section 12.1.6.1, which requires approval of a land use bylaw amendment, and Section 12.1.6.2(a) concerning parcel density.

(lvi) The Appellant's Agent submitted that the Appeal Board may grant an approval for authorized uses even though the subdivision does not conform to the development or subdivision standards imposed in the Bylaw (Planning Law and Practice 2.2(3)(a) Subdivision Approvals).

(lvii) The Appellant's Agent submitted that there is no business to be run from the subject property. There is no equine business.

(lviii) The Appellant's Agent submitted that the application also aligns with the purpose and intent of the Country Residential District in that the subject site is suitable for residential development as it is a permitted use in the land use district. The proposed lots are to be serviced by individual water wells and wastewater disposal systems. Additionally, in terms of density, the proposed lots will bring the total lots in the quarter section to 27, which aligns with the parcel density of the Country Residential land use District, which allows for a maximum of 32 lots per quarter section.

(lix) The Appellant's Agent submitted that the proposal does not contradict the Agricultural, General definition in the Land Use Bylaw, which means systems of tillage and animal husbandry which involve methods used on large areas of land for the raising of crops or the rearing of livestock (provided that the density of the operation does not exceed 1 animal unit per 3 acres of land).

(lx) The Appellant's Agent submitted that Agricultural Support Services means the use of land, buildings and structures for the purpose of supplying goods, materials, or services directly and primarily to the agricultural industry. This use would include the sale and storage of seed, feed, fertilizer, chemical products, fuel, and agricultural machinery. This includes families – no family, no farm.

(lxi) The Appellant's Agent submitted reasons that the Board could approve the Subdivision Application under the Municipal Government Act, citing MGA s.654(1): A subdivision authority must not approve an application for subdivision approval unless (a) the land that is proposed to be subdivided is, in the opinion of the Subdivision Authority, suitable for the purpose for which the subdivision is intended.

(lxii) The Appellant's Agent submitted that the question involving suitability of the application can be answered as follows: the proposed lots are intended for the family and employees of the Saskatoon Farm who will help maintain the existing agricultural uses and operations on the subject parcel; each lot is intended to accommodate a single family dwelling; the subdivision will not interfere with the current agricultural operations of the subject parcel, or the uses of, enjoyment or value of the neighbouring parcels; the proposal will not negatively impact water or other amenities in the neighbourhood; the proposal will not unduly impact the traffic, noise, or have other offsite impacts; the application would integrate with nearby residential uses, in the neighbourhood, no letters of objection were received.

(lxiii) The Appellant's Agent submitted that in terms of policy alignment, the proposed subdivision aligns with the SSRP and MDP (statutory plans) and with the uses for the subject parcel identified in the Land Use Bylaw.

(lxiv) The Appellant's Agent submitted that the proposal aligns with the Municipal Government Act s.680(2) in that it complies with SSRP Implementation Plan Strategies (Agriculture, Efficient Use of Land), it complies with the Foothills County MDP2010 Agriculture and Residential Policies and it complies with the Foothills County Land Use Bylaw (including the purpose statement of the Agricultural District and the permitted uses).

(lxv) The Appellant's Agent submitted that the Board may confirm, vary or revoke the decision and may add to the decision.

(lxvi) The Appellant's Agent submitted that cases in the evidence package, including Foothills SDAB Johnson vs. Foothills, MGB – 1802038 AB Ltd vs. Municipal District of Foothills No. 31, MGB – Palmer vs. Foothills and MGB – Fortmueller vs. Foothills, all show how the local SDAB and the Municipal Government Board interpreted Land Use Bylaw s.12.1.6.1 (a)(b) and allowed for a subdivision in spite of the fact the Council had refused the land use.

(lxvii) The Appellant's Agent submitted that while the approval of land use is a requirement within the Land Use Bylaw and accordingly the SDAB must have regard for it, they are not bound by it in order to determine whether to exercise its discretion to approve a subdivision notwithstanding the noncompliance.

(lxviii) The Appellant's Agent submitted that typically if a decision is overturned on appeal, Council will administratively amend the zoning such that it will conform with the Country Residential District. This was done with both case studies – Elmer

Johnson (staff report in evidence, January 15, 2025) and Russ Deacon (in evidence, MGB 051/17) on an approval by the LPRT on appeal.

(lxix) The Appellant's Agent submitted that, in several examples, SDABs allowed appeals and approved Country Residential District lots before Country Residential zoning was in place. The case law and the Provincial Appeal Board have stated that the current Land Use Bylaw subverts the administrative procedures of the MGA. The Agent further submitted that the County subsequently redesignated the parcels after issuance of decisions.

(lxx) The Appellant, Mr. A. Hamer, submitted that the proposal is a critical part of the business growth and development of the Saskatoon Farm.

(lxxi) The Appellant submitted that the Saskatoon Farm provides a lot of value to Foothills County.

(lxxii) The Appellant submitted that the landowner (K. Hamer) had spoken with Alberta Transportation and confirmed that 338th Avenue will be getting an upgrade up to the Saskatoon Farm. Additionally, it was confirmed that the overpass project will be getting fast-tracked.

(lxxiii) The Appellant submitted that the proposal is not a massive development, but rather a way to provide housing for the staff and have opportunities for them to live close and enhance the growth and success of the Saskatoon Farm.

(lxxiv) The Appellant submitted that the people currently housed in the barn are members of one family employed by the Saskatoon Farm. While the building is in great shape, the intention is to bring it into compliance. This housing situation has occurred due to a lack of space and housing locations.

(lxxv) The Appellant submitted that there are foreign as well as local families that would like to live closer to the Farm. It is important to realistically expand operations to accommodate these.

(lxxvi) The Planning Officer submitted that in closing, the County respectfully asks the Appeal Board to uphold Council's decision to refuse the subdivision for the following reasons:

- the proposal is not consistent with the current Agricultural District designation;
- the Subdivision Appeal Board does not have the authority to amend the Land Use Bylaw or to redesignate land;
- the subdivision is premature in advance of the approved redesignation; and
- the proposal is inconsistent with the applicable planning framework.

(lxxvii) The County's Public Works Representative submitted that the access options do not comply with the County's Road Construction Standards, specifically the proposed 30 x 30 metres surveyed out road plan. As such, the County would not assume maintenance. Additionally, the approaches are too close to the intersection. There would not be an appropriate turnaround for County equipment, and a grader would need to be employed to maintain the gravel roadway.

(lxxviii) The County's Public Works Representative submitted that adherence to the County's road construction standards would be preferred for efficient and appropriate maintenance.

(lxxix) The Council Representative submitted that the four separate titles do not ensure that they remain in control of the Saskatoon Farm and enable the ability to hire workers living in close proximity to the Saskatoon Farm. There are existing policies in place that accommodate dwellings for farm workers that do not involve acreages and four separate titles. There is one on the title that will hopefully be brought into compliance, but there are multiple farm operations in the Municipality that have

temporary dwellings for workers on them. The Town of Okotoks has availability of housing that is also in close proximity to the Saskatoon Farm to satisfy that need.

(lxxx) The Council Representative submitted that 80th Street remains as MRO and while Council has been pushing to see that road improved, the project does keep getting pushed back.

(lxxxi) The Council Representative submitted that it is the objective of the MDP2010 to protect agricultural land, and it would be difficult to approve placing four parcels in front of a viable agricultural operation, where getting agricultural equipment on and off the road would be very challenging.

REASONS FOR DECISION

The Board is DENYING the appeal and UPHOLDING the Subdivision Authority's decision to refuse subdivision application F2128-06SW SW for the following reasons:

Based on the evidence, the Board determined that they do not have the authority to redesignate the subject lands. That authority rests with Council under the Land Use Bylaw. In the absence of the required land use redesignation, the proposed subdivision does not comply with the Agricultural District requirements of Land Use Bylaw 60/2014.

The Board determined that further fragmentation of the Agricultural zoned parcel is inconsistent with both the Agricultural Section of the Municipal Development Plan 2010 and the County's Growth Management Strategy, which emphasizes the preservation of agricultural land.

Further, the Board finds that the Subdivision Authority's refusal of subdivision application F2128-06SW is consistent with Land Use Bylaw 60/2014 and the Municipal Development Plan 2010 and is appropriate in the circumstances.

The Board considered the Appellant's evidence concerning surrounding fragmentation, employee housing, the absence of objections, parcel suitability, and the prior decisions cited. The Board was not persuaded that those considerations justified four substantially undersized Agricultural District parcels in the absence of approved redesignation. The Board also considered the evidence concerning access, servicing, and the effect of further fragmentation on the continued agricultural use of the lands.

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 24th day of July, 2026. The decision is 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

The Municipal Government Act and associated regulations contain criteria that apply to appeals of subdivision decisions. While the following list may not be exhaustive, some key provisions are provided below.

South Saskatchewan Regional Plan (SSRP)

Agriculture (page 111)

Municipalities are expected to:

8.19 Identify areas where agricultural activities, including extensive and intensive agricultural and associated activities, should be the primary land use in the region.

8.20 Limit the fragmentation of agricultural lands and their premature conversion to other, non-agricultural uses, especially within areas where agriculture has been identified as a primary land use in the region. Municipal planning, policies and tools that promote the efficient use of land should be used where appropriate to support this strategy.

8.21 Employ appropriate planning tools to direct non-agricultural subdivision and development to areas where such development will not constrain agricultural activities, or to areas of lower-quality agricultural lands.

Foothills County Municipal Development Plan (MDP2010)

AGRICULTURE – OBJECTIVES

1. Make the preservation of agricultural land a priority for the Foothills County.
2. Minimize the loss of agriculturally zoned land by limiting its rezoning to other uses.

AGRICULTURE – POLICY

1. All lands in Foothills County are considered to be agricultural lands unless zoned for other uses.
2. Foothills County supports maintaining the integrity of the agricultural land base and discourages the fragmentation of agricultural land, including the subdivision of land into smaller agricultural parcels.
3. Agricultural uses and industries that support agriculture should be encouraged to locate in the Municipality. Non-agricultural uses should only be permitted on lands where the County judges the proposal to have minimal negative impacts on the agricultural resource.
4. When considering the conversion of agricultural lands to other uses the Municipality shall consider the following:
    - 4.1. Guidance and policy contained within the Municipal Development Plan and other approved plans in the Planning Hierarchy found in Appendix A of this MDP.
    - 4.2. Present or proposed use of lands in the vicinity, including that of confined feeding operations.
    - 4.3. Impact the proposed use will have on the existing or potential agricultural use of the property and properties that may be affected.
    - 4.4. Information contained within the farmland assessment records maintained by the Municipality.
    - 4.5. Response to referrals sent to Provincial government departments.

RESIDENTIAL – POLICY

3. Proposals for residential parcels should be developed to be compatible with the surrounding area and existing land use. 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 Municipality.
   - 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 effect of the development.
   - 3.8. Condition of the Provincial and/or Municipal road servicing the proposed development.

Foothills County Land Use Bylaw (60/2014)

12.1 AGRICULTURAL DISTRICT

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.

12.1.6 Land Use Requirements

12.1.6.1 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.

12.1.6.2 (b) Minimum Parcel Size:

I. A parcel of land no less than 8.49 Ha (21 acres) in size;

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.

APPENDIX "A"

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

	NAME	CAPACITY
1.	T. Chipchase	Foothills County Planning Officer
2.	RD McHugh	Foothills County Council Representative
3.	P. Antle	Foothills County Public Works Representative
4.	K. Beunder	Appellant's Agent
5.	A. Hamer	Landowner Representative

APPENDIX "B"

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

NO.	ITEM	
1.	Submission Package	Foothills County Planning Officer - T. Chipchase
2.	Submission Package	Appellant's Agent - K. Beunder

APPENDIX "C"

EXHIBITS MADE AVAILABLE AT THE HEARING

NO.	ITEM	
1.	Presentation	Foothills County Planning Officer - T. Chipchase
2.	Presentation	Appellant's Agent - K. Beunder