

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

HEARING DATE: SEPTEMBER 3, 2026

BOARD ORDER: D21/2026

APPELLANTS: CAROL POFFENROTH, BILL BUCKNER, PAMELA & BARRY CREIGHTON, JILLIAN DANIEL & WADE THORSTEINSON, PATRICK WARD, CHRISTINE HOFFMAN, ROBERT ROWE, VIRGINA ROWE-HARDIE, ELIZABETH ROWE, STAN OWERKO AND ARLENE AND GERALD ISBISTER

APPLICANTS/LANDOWNERS: KEVIN DUPUIS & JANNIE DEVIN-LAMONTAGNE

APPEAL AGAINST: APPROVAL OF DEVELOPMENT PERMIT 25D 023 FOR LOT GRADING, RELAXATION OF NUMBER OF ACCESSORY BUILDINGS, RELAXATION OF SETBACKS

SUBJECT PROPERTY: PLAN 9411903, LOT 1; PTN. SW 19-21-01 W5M

BEFORE: CHAIRMAN G. BEACOM; BOARD MEMBERS B. ROBSON, T. MILLS, M. REID AND R. SIEWERT AND RECORDING SECRETARY G. STANLEY

DECISION

Having been satisfied that notice of this hearing was provided in accordance with the Municipal Government Act, R.S.A. 2000, Chapter M-26;

And upon having read the materials provided, and upon having heard the representations from the Appellants, the Applicants/Landowners and the Development Authority for Foothills County with respect to the appeal filed by the Appellants in accordance with Section 685 of the Municipal Government Act against the approval of Development Permit 25D 023 for Lot Grading, Relaxation to Number of Accessory Buildings, Relaxation of Setbacks on Plan 9411903, Lot 1; Ptn. SW 19-21-01 W5M (The "Property").

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

DENY the appeal and UPHOLD the Development Authority's decision to approve Development Permit 25D 023 for Lot Grading, Relaxation to Number of Accessory Buildings, Relaxation of Setbacks on Plan 9411903, Lot 1; Ptn. SW 19-21-01 W5M.

The application is thereby APPROVED subject to the following conditions:

APPROVAL DESCRIPTION:

Upon completion of the below-noted pre-release condition, this approval allows for the development and use of a portion of SW 19-21-1 W5M; Plan 9411903, Lot 1 for:

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

PRE RELEASE CONDITIONS:

Pre-release condition(s) must be complied with before the development permit will be signed and issued. Failure to complete the pre-release condition(s) on or before the dates indicated below will see this development permit decision deemed null and void, unless a time extension is issued under agreement between the Development Authority and the Applicant(s).

1. No later than December 22, 2026, the Applicant is to wholly remove from the subject property the movable shed to the satisfaction of the Development Authority.
2. No later than October 31, 2027, the Applicant must obtain a comprehensive drainage and erosion impact study to be reviewed and accepted by the Public Works Department.
3. Should the drainage impact study recommend any changes to the lot grading/contouring of the lands, the existing engineered lot grading plans will need to be updated.

CONDITIONS OF APPROVAL:

The following requirements must be completed within twelve (12) months from the date the Development Permit is signed and issued. Time extension will not be considered. Failure to complete the conditions of approval will see the Development Permit be deemed null and void.

1. The applicant shall maintain the development in accordance with all conditions of approval and plans that have been acknowledged by the municipality to be appropriate. Any revisions and/or additions to the use of this land shall not proceed unless appropriate approvals and permits have first been obtained;
2. This permit is in addition to the previously issued permit, 04D 036, granting approval for an Oversized Garage; this permit shall replace the Relaxation of Setbacks approval issued under this permit.

ADVISORY REQUIREMENTS:

The following requirements are provided by Foothills County to inform the applicant(s) and landowner(s) of their necessity. It is the responsibility and liability of the applicant(s) and landowner(s) to ensure adherence with these requirements for the life of the development.

1. All structures on this parcel are to be used for personal use only and shall not be used in association with any business or for the purpose of storing business-related materials, without first obtaining all necessary approvals from Foothills County.
2. The applicant shall maintain the property in accordance with the submitted plans in order to ensure that adverse impacts on area lands are avoided;
3. All future structures shall be located as to adhere to Municipal setback requirements from the boundaries of the legally titled property;
4. The landowners indemnify and hold harmless the County against the cost of any claims or actions, or awards for loss or damage to the owner, arising from soils being relocated to/on this property;
5. The issuance of a development permit by the County does not relieve the landowners of the responsibility of complying with all other relevant County bylaws and requirements, nor excuse violation of any provincial or federal regulation or act which may affect use of the land;
6. The applicants shall be responsible for payment of any professional costs including legal fees that may be incurred by the County with respect to the implementation of this permit.

NOTES:

1. This is not a Building Permit. Construction practices and standards of construction of any building or any structure authorized by the Development Permit, once signed and issued, must be in accordance with the Building and Safety Codes Permits. An application must be made for all required Building and/or Safety Codes Permits.
2. The Development Permit, once signed and issued, shall thereafter be null and void if the development or use is abandoned for a period of six months.
3. The conditions of this Development Permit Decision must be met and adhered to at all times. Fines and/or Enforcement action may occur if operating outside of the Subdivision and Development Appeal Board Order D21/2026.

INTRODUCTION:

- i. The subject property is an existing 7.76 acre Country Residential District parcel, located adjacent to and east of 96 Street W, 900 metres and 1,6 km south of 266 Avenue W.
- ii. On July 22, 2026, the Development Authority for Foothills County approved Development Permit 25D 023 for Lot Grading, Relaxation to Number of Accessory Buildings, Relaxation of Setbacks on Plan 9411903, Lot 1; Ptn. SW 19-21-01 W5M.
- iii. An appeal was received on August 7, 2026, from C. Poffenroth against the approval of Development Permit 25D 023. C. Poffenroth would be acting as a representative for B. Buckner.
- iv. An appeal was received on August 11, 2026, from Pamela & Barry Creighton against the approval of Development Permit 25D 023.
- v. The following appeals were filed by Kristi Beunder, Township Planning + Design Inc., on August 11, 2026, for P. Ward and C. Hofmann.
- vi. The following appeals were filed by Kristi Beunder, Township Planning + Design Inc., on August 12, 2026, for R. Rowe, V. Rowe-Hardie, E. Rowe, S. Owerko, and A. & G. Isbister.
- vii. An appeal was received on August 12, 2026, from J. Daniel & W. Thorsteinson against the approval of Development Permit 25D 023.

ISSUES

1. APPLICATION:

- i. The Development Authority submitted that the appeal relates to an application for Lot Grading, Relaxation to Number of Accessory Buildings and Relaxation of Setbacks.
- ii. The Development Authority submitted that the application was submitted for Lot Grading to create a private recreational dirt bike track for personal use.
- iii. The Development Authority submitted that prior to the application, a significant amount of dirt was being hauled onto the property to create the track. The County's Compliance Officer received a complaint, resulting in an enforcement-triggered application.

2. LOT GRADING/EARTHWORKS/DRAINAGE

- i. The Development Authority submitted that under the Land Use Bylaw, Lot Grading includes any activity that results in a disturbance of earth, including the

- removal of topsoil or borrow, borrowing pits, berming, excavating, trenching, backfilling, filling, land-levelling, re-contouring and grading other than for building purposes.
- ii. The Development Authority submitted that the Lot Grading approval relates only to the submitted engineered plan and the existing completed grading and that no further lot grading, contouring or dirt work is contemplated or approved.
 - iii. The Development Authority submitted that the Public Works Department reviewed the information, conducted a site visit and deemed the plan acceptable and complete.
 - iv. The Development Authority submitted that lot grading over or under one metre is generally reviewed to determine whether a development permit is required. Moving dirt on or off the property determines whether a development permit is necessary.
 - v. The Compliance Officer for Foothills County submitted that the file began in October 2024 before she was hired. She stated the matter became enforcement-related because of the road use agreement issue and trucks hauling dirt onto the property. Community Peace Officers, together with the previous Development Officer, stopped the trucks, which triggered the development permit application.
 - vi. The Development Officer submitted that she considered this application in comparison to a riding arena.
 - vii. The Development Officer submitted that the closest neighbouring residence is approximately 205 metres from the property line.
 - viii. The Development Authority submitted that the lot grading permit related to the trails, jumps, hills, and earth contouring associated with the bike track. She stated that the engineered work involved the hills and drainage features, and that the area assessed by the engineer was generally east of the driveway to the property line and south boundary. She clarified that the trails within the V-shaped driveway area involved no machinery disturbance and that the engineered drawing related to the southeast corner of the property.
 - ix. The Development Officer confirmed that the area consisted only of trails and that the earth had not been disrupted by machinery in that area. She stated that the disturbed area was on the right side of the V.
 - x. The Applicant/Landowner, K. Dupuis, submitted that their dirt bike track has not been used all summer because his sons were travelling across Canada for the Pro-Series and are now in Florida competing. He submitted that the dirt bike track is for personal use and that there is no commercial activity. He stated the track was needed to provide his sons with practice opportunities.
 - xi. The Applicant/Landowner submitted that other work was occurring at the same time the dirt was being hauled in for the track, which increased the number of

- truckloads. This included installing a new well, hauling in rocks for backfill, creating a new trench to the house, landscaping the lower portion of the property and around the shop, and improving the parking area, including RV parking.
- xii. The Development Authority submitted that the lot grading permit was for the trails, the jumps, hills and the contouring of the earth from a flat area into a bike track. The hills were added and were engineered and approved by Public Works for slope and drainage. The trails within the V there is no dirt that has been moved around it is everything east from the driveway and the property line. That is the area that has been changed from the natural contours of the land.
 - xiii. The Applicant/Landowner submitted that personal use generally includes himself, his children, his wife, and, at one time, a roommate. He stated that he might have one or two friends over, with a maximum of approximately six riders. He explained that the area is small and that, for safety reasons, it cannot accommodate many riders at once.
 - xiv. Agent K. Beunder submitted that hauling dirt on the road requires a road use agreement, not a development permit, and stated that the road use agreement issue had triggered enforcement. She advised that she represented several neighbouring landowners, each of whom had authorized her to appear. She advised that her presentation would address the application, the appellant group, the Land Use Bylaw and lot grading requirements, site progression and context, impacts on neighbouring properties, the community standards bylaw, consistency with the Municipal Development Plan and the applicable test under the Municipal Government Act.
 - xv. The Agent submitted that although the application was described as a lot grading permit, the physical result was a purpose-built dirt bike track with jumps, berms, and banked terrain. She submitted that significant alterations had been made to the existing landform and that the track occupied a substantial portion of the 7.76-acre parcel. She expressed concern that motorized activity immediately adjacent to agricultural lands was causing impacts and questioned whether a lot grading development permit could be used to establish physical infrastructure for a land use not identified in the Country Residential District.
 - xvi. The Agent submitted they reviewed the Land Use Bylaw provisions for lot grading permits. She questioned how a development permit could be issued when, in her view, most of the information and reports required under section 9.17.5 had not been submitted. She stated that she had requested any additional studies from the Planning Department two weeks earlier and had not received any, which led her to believe that the required studies had not been completed.
 - xvii. The Agent submitted that section 9.17.5 suggests that the existing conditions of the land, including topography, vegetation, and surface drainage, should have been identified, but no pre-development site plan was submitted. She

- further stated that there was no information on surface drainage patterns, topsoil removal, clay, cut and fill quantities, or the volume of material moved onto or off the property. She also stated that the impact on existing drainage, including volume and flow, had not been provided.
- xviii. The Agent submitted that the engineering analysis did not adequately address changes to drainage patterns. She noted that the track ran close to the south boundary and stated that it was constructed approximately one metre from the south property line. She argued that there had been no sufficient consideration of how the changes to the landscape affected drainage both on and off the site.
- xix. The Agent submitted that proposed access and haul route activities had not been submitted or identified, that a road use agreement had not been obtained, and that no reclamation plan or reclamation cost estimate had been provided. She argued that this was problematic because, in her view, there was no intention to reclaim the property.
- xx. The Agent submitted that section 9.17.6 of the Land Use Bylaw states that lot grading shall, to the extent practical, retain the natural contour of the land, minimize the need for retaining walls and control structures, and address altered drainage that affects adjacent properties. She stated that the track design included jumps, bumps, and banked sides that changed drainage patterns and appeared to direct water toward her clients' land. She stated there was no interceptor ditch and no mitigation for drainage, dust, or post-construction impacts. In her opinion, the lot grading permit lacked the required technical information and should not have been approved.
- xxi. The Agent reviewed historical imagery, stating that the condition of the parcel had continued to change and that aerial photographs showed the intensity of disturbance caused by the use. She acknowledged that the formal dirt bike track was east of the V-shaped driveway but stated that approximately 70 to 75 percent of the property appeared to be used for the same purpose.
- xxii. The Agent submitted that the property is predominantly surrounded by agricultural operations, with some country residential uses nearby. She stated that the subject site introduces motorized activity onto a relatively small Country Residential parcel and that the impacts do not stop at the property line. Despite the Applicant's position that the track is private, neighbours had observed broader use and nuisance impacts. She identified potential off-site impacts as noise, dust, drainage, erosion, sedimentation, traffic, agricultural impacts, and effects on neighbouring property use and enjoyment.
- xxiii. Affected Party J. Daniel submitted that they live approximately three-quarters of a mile north of the subject property. She stated that their written and oral submissions were based on facts, not personal animosity toward the Landowners. She agreed with Ms. Beunder's presentation and noted that a first parcel-out subdivision had been approved immediately north of the subject property, meaning future direct neighbours may also be affected.

- xxiv. Affected Party J. Daniel submitted that the hauling of dirt began in July 2024, occurred over multiple days at a time. She stated that during a seven-day period in late October and early November 2024, 83 loads of dirt were delivered to the subject property, totalling just under 2,500 tons. She stated that this was just in one week, and the hauling continued all summer long. She further stated that no road use agreement was in place and that the scale of grading was substantial.
- xxv. Affected Party J. Daniel submitted that because the subject parcel is located on a hilltop, residences throughout the surrounding valley can hear the dirt bikes. She stated that riding has occurred at various times and that one incident involved approximately 20 riders on or using the track. She provided a Foothills County Off-Highway Vehicle brochure and highlighted provisions advising riders to respect neighbours and avoid creating nuisance noise, as well as provisions concerning operation of off-highway vehicles on unapproved tracks and noise that disturbs or annoys others.
- xxvi. Affected party J. Daniel played a short video clip showing an Instagram post of one dirt bike rider on the subject property and the noise emitted from one rider.
- xxvii. Affected party J. Daniel submitted an article showing the closing of the Wild Rose and expressed concerns that those riders may look for a new place to ride and may come to the subject property, given the Landowners' involvement in the sport.
- xxviii. Affected Party J. Daniel submitted that she personally counted the number of trucks passing her property and that others in the neighbourhood were also aware of and counting the hauling activity. She explained that the trucks were truck-and-pup units and that the hauling had occurred for months before the counted week. She clarified that photographs in her submission included examples from other motocross contexts to illustrate the type and intensity of riding, not necessarily photographs from the subject property.

3. ACCESSORY BUILDINGS AND SETBACK RELAXATIONS

- i. The Development Authority submitted that, as part of the application, a Real Property Report was submitted identifying Accessory Buildings that required relaxations to both the permitted number of buildings and applicable setback distances.
- ii. The Development Authority reviewed the Real Property Report and submitted that the parcel contains an Oversized Detached Garage (green), two Greenhouses (blue), one chicken coop (yellow), five animal shelters (red), one Sea-can and one Movable Shed (grey).
- iii. The Development Authority submitted that the Oversized Detached Garage was previously approved in Development Permit 04D 036 for an oversized garage and relaxation of setbacks.

- iv. The Development Authority submitted that the greenhouses, the chicken coop, and five animal shelters total eight accessory buildings with a total cumulative size of 164.62 sq. m.
- v. The Development Authority submitted that the 7.76-acre property is permitted to have up to two garages and an additional four accessory buildings with a total cumulative size not to exceed 325.5 sq. m. The structures are within the cumulative size; however, they exceed the permitted number, requiring a relaxation of the accessory building limit.
- vi. The Development Authority submitted that the detached garage was previously approved to be located 12.19 metres from the north property line. It appears that during construction the building shifted and is now located 11.08 metres from the north property line, resulting in the request for a further relaxation.
- vii. The Development Authority submitted that the two greenhouses are located 10.27 metres from the north property line, the chicken coop is located 8.39 metres from the north property line, and the northernmost animal shelter is located 10.86 metres from the property line.
- viii. The Development Authority submitted that the shed in the southwest corner (grey) is also too close to the property line and it has been listed as a pre-release condition to be removed from the property.
- ix. The Development Authority submitted that a Sea-Can was previously noted within the dirt bike track; however, the Land Use Bylaw does not permit Sea-Cans to be buried. The Sea-Can has since been removed and is not a part of this application.
- x. The Applicant/Landowner submitted that all of the buildings were already present when he purchased the property in 2022 and that he did not add any buildings. He identified the greenhouses as a structure he intended to remove and stated that a bin was already on site for that purpose. He also stated that he did not need the animal coops because he does not have animals, and that if they were required to be removed, he would remove them. He added that he had already cleaned up a significant amount of material from the property, including old horse pens and debris, and estimated that approximately twenty-five garbage bins of material had been removed.
- xi. The Applicant/Landowner submitted that, if any setbacks or structures were found to be non-compliant, he would remove the structures as necessary. He stated that this would be unfortunate because the structures had been present before he purchased the property.
- xii. The Agent submitted that the subject property supports a larger number of accessory structures and that additional site coverage amplifies this change in use. She submitted that approving them would effectively allow the use that belongs in a recreational or other specialized district and undermines the purpose or intent of Country Residential zoning.

- xiii. The Agent submitted that, as defined in the Land Use Bylaw, accessory buildings must be subordinate and customarily associated with the principal residence. She noted there are five non-compliant structures with setbacks from the north property line ranging from 8.39 metres to 11.08 metres.
- xiv. The Agent submitted that the variance requested for the excess number of accessory buildings lacked justification where, in her view, the excess supports the intensity of the dirt bike track rather than addressing a unique site hardship. She submitted that this concern is compounded by the structures not meeting applicable setbacks.
- xv. The Agent submitted that she identified on the property five animal shelters and a chicken coop, two greenhouses, an oversized detached garage and the primary residence, all on the top of the hill.

4. NOISE ABATEMENT

- i. The Applicant/Landowner submitted that he had not considered planting additional trees, installing fencing or implementing other measures for noise abatement. He stated that he is mindful of noise because the motorcycles are tested for sound at races and must remain below required decibel limits. He also stated that the family does not ride late at night or very early in the morning.
- ii. Affected Party, C. Poffenroth, submitted that her land is approximately one and a half miles north of the subject property and extends another mile north. She stated that she can hear noise from the subject property, including from the lower north end of her land. She confirmed that she agreed with Ms. Beunder's presentation and also spoke on behalf of Mr. Bill Buckner, whose land is west of the subject property. She confirmed that Mr. Buckner supports Ms. Beunder's comments and requested outcome.
- iii. Affected Party B. Creighton submitted that he is a small acreage owner on 266 Avenue and is concerned about noise, transparency, and the small local road. He explained that he and his wife ride bicycles on the road daily. He said the use appears more appropriate for a commercial property and does not align with the reasons he moved to the area. He opposed the proposed land use and agreed with Ms. Beunder's presentation.

5. NEIGHBOURING IMPACTS

- i. The Agent submitted that in terms of neighbouring impacts, access, and traffic, 96 Street/1096 Drive West is the primary and only access for people in this area. As shown, it is a dead-end road. The area has rolling topography, and the road itself is not built entirely within the road plan. She further submitted that she currently has an application underway to address this issue to the north, where portions of the road are located outside the road plan and, in some places, on private property. This creates obvious liability concerns, and we are attempting to resolve them.

- ii. The Agent submitted that increased vehicle movements on 1096 Drive are a concern because it is a winding gravel road that is not designed for high-intensity traffic. She stated the proposed use introduces additional safety risks associated with motorized recreation. She further submitted that the Traffic Safety Act identifies off-highway vehicles and requires them to be operated within prescribed parameters and that there are concerns regarding how these vehicles are being operated, by whom and when.
- iii. The Agent submitted that there are also concerns regarding emergency medical services response. She stated that the area behind the Cross Conservancy is difficult to access and the emergency response can be lengthy, time-consuming and challenging. Given the road conditions, she questioned why no emergency response plan was submitted or requested for this use.
- iv. The Agent submitted that site photographs taken on Monday show the house situated at the top of a hill and at the head of a valley leading toward Pine Creek. This valley is partially responsible for the Pine Creek headwaters, and in her experience, development in this area has been challenging, and Council has historically not supported development in this location, as shown by the limited fragmentation in the area.
- v. The Agent submitted that the photographs show a side-winding driveway located very close to her client's property and fence line, with the dirt bike track even closer. She stated that the Appellant's engineered drawing was traced onto the site plan to help the Board understand what the lot grading permit covered; however, she submitted that the engineered drawing did not appear to match the tracks and trails currently present on the property.
- vi. The Agent submitted that this dirt bike use constitutes a nuisance. She referred to the definition of nuisance as anything obnoxious, offensive, interferes with the use or enjoyment of property, endangers personal health or safety, is offensive to the senses, or adversely affects the amenities of the neighbourhood, or interferes with neighbours' rights to the normal enjoyment of land or buildings.
- vii. The Agent submitted that the Landowner does not have a business licence, does not have commercial zoning, and the parcel is zoned Country Residential. She submitted that the Country Residential District does not support this type of use. It is not listed as either a permitted or discretionary use, and an intensive dirt bike track changes the character of the land from residential to recreational/quasi-commercial scale. She stated the use has not been screened and that the track is located approximately one to two metres from Mr. Ward's fence line, with no screening or mitigation measures.
- viii. The Agent submitted that Administration had compared this use to an equestrian facility, but the comparison is not appropriate. She stated that equestrian arenas are evaluated differently, and when approved, may be subject to strict limits on operations, occupancy, non-resident users, and size.

She submitted that none of those safeguards are apparent in this case, and there is no parallel to an arena.

- ix. The Agent submitted that established motocross and dirt bike facilities in Alberta are commonly commercial, club, or association-operated facilities located on industrial or specially designated recreational lands. She stated that such facilities frequently require redistricting, an area structure plan, or a site-specific amendment. In her view, achieving this use through a lot grading development permit is inconsistent with the Municipal Development Plan and the Land Use Bylaw.
- x. The Agent submitted that the Wild Rose Motocross Association site in Calgary is an example of a motorized recreation use located on industrial or commercial zoning. She stated that, in an urban context, motorized recreation is typically approved on parcels specifically designated to include that use and that a similar planning step was missing in this case.
- xi. The Agent submitted that other Alberta municipalities' dirt bike tracks or motocross/motor sports facilities are not typically listed as a permitted use in rural Alberta land use bylaws. She stated that those bylaws often distinguish between public and private recreation uses and may specifically address recreational vehicle tracks, racetracks, and motocross tracks. She further submitted that some bylaws require motocross tracks to be located a minimum distance from residences, campgrounds, hospitals, parks, and sensitive habitat, and direct the municipal planning commission to consider impacts on agricultural land and discourage such uses on good quality agricultural land.
- xii. The Agent submitted that there is precedent set in the County with the Hyatt vehicle testing proposal, Development Permit 25D 154. She stated that the proposal required a site-specific amendment to add vehicle testing to the Land Use Bylaw and required a public hearing. She submitted that, ultimately, the use was not added and was considered incompatible with the agricultural area. In her view, the proposed dirt bike track raises comparable concerns.

6. TOPOGRAPHY, SAFETY AND ENVIRONMENT CONCERNS

- i. The Agent submitted that the vertical relationship between the track and neighbouring lands is significant. She stated that the track is at the top of the hill, and the valley falls toward the Pine Creek Valley. She described Pine Creek as a sensitive water feature with distinct runoff considerations and protective policies, including the City of Calgary and as it runs through Heritage Pointe and the golf course. She submitted that Pine Creek is a significant water feature in the County.
- ii. The Agent submitted that photographs show the track's relationship to the valley to the east. She stated that significant topography exists in that direction, that Mr. Ward's shared fence line is visible, and that the grading and slope are substantial. She submitted that the track's proximity to the shared barbed-wire fence presents a potential safety risk for riders and creates

liability concerns for the adjacent Landowner if a rider were to lose control and strike the fence.

- iii. The Agent submitted that little evidence had been provided regarding the Foothills County Community Standards Bylaw. She stated that dirt bikes are characterized as off-highway vehicles under the Traffic Safety Act and are required to comply with applicable standards. She submitted that these regulations demonstrate that noise and nuisance impacts are important planning considerations, particularly where a proposed development introduces recurring motorized activity in a rural context.
- iv. The Agent submitted that the Community Standards Bylaw addresses off-highway vehicles and noise. She stated it prohibits excessive, unnecessary, or unusual noise, whether during the daytime or nighttime hours, and prohibits using the property in a way that permits such noise to emanate from the property. She further submitted that vehicle-related noise provisions include racing, excessive engine revving, and improperly modified exhaust systems. For these purposes, vehicles include off-highway vehicles.
- v. The Agent submitted that the bylaw provides that no person shall operate an off-highway vehicle on an unapproved track, municipal road allowance, ditch, environmental reserve, municipal reserve, public reserve, gravel pit, or other public property. She submitted these provisions show that off-highway vehicle use is highly regulated in the County.

4. DRAINAGE AND AGRICULTURAL CONCERNS

- i. The Agent submitted that photographs taken from Mr. Ward's property looking northeast show no evident sedimentation or erosion control. She identified ponding, exposed clay, and incomplete grading, which she stated was concerning because of the proximity to the shared fence line and neighbouring agricultural land.
- ii. The Agent submitted that there are negative effects on agricultural landowners. She stated that a 1,000-pound cow with a calf represents one animal unit and that the ongoing use of a dirt bike track generates noise that can reach approximately 100 to 110 decibels, with attenuation over distance in open terrain. She stated that Mr. Ward has observed that his cattle display behavioural avoidance and startle responses when near the property because of the high-pitched noise. She further stated that this reduces the effective grazing area, results in loss of forage use, increases the need for supplemental feed, reduces grazing capacity and productivity, and diminishes profitability, representing the quantifiable negative impact on agricultural operations and land value.
- iii. The Agent submitted that Mr. Owerko took a photograph showing an unauthorized rider on Escandido Ranch and requested assistance from the Applicant in identifying the rider. She stated there have been concerns about theft, unwanted access, gate security, and livestock safety. She submitted

- that Escandido Ranch has four gated access points, normally secured with chains and padlocks and that locks had been removed from all four gates in the spring, with similar incidents occurring at the Cross Conservancy. She stated that cattle and calves are pastured at Escandido Ranch during the summer, and unsecured gates create a risk that livestock could escape. She further submitted that increased recreational activity may contribute to unauthorized trespassing on neighbouring lands.
- iv. The Agent submitted that the development permit contains no operational safeguards for this use. She stated that no measures address mitigation, hours of operation, clinics, visitors, number of users, or related activities. Neighbouring properties provide hunting permissions, and the area includes registered bow hunters. She stated that excessive dirt bike noise may scare away wildlife and interfere with neighbouring residents' ability to enjoy lawful hunting activities.
 - v. The Agent submitted that under section 687(3) of the Municipal Government Act, the Board must consider whether the application complies with applicable land use policies, statutory plans, and the Land Use Bylaw. She submitted that the application negatively affects existing agricultural operations, does not comply with the Municipal Development Plan's approach to recreational uses and Country Residential parcels, and creates nuisance impacts typically controlled in rural areas.
 - vi. The Agent submitted that approvals of intensive recreation more commonly require redesignation to a Recreation (REC) or specialized district, or site-specific amendments to add the use, rather than a simple lot grading development permit in a Country Residential District. She identified the County's recreation categories as recreational centres and facilities, natural areas, commercial recreational developments, and municipal reserve.
 - vii. The Agent submitted that required studies and information were incomplete. She stated that drainage, dust, noise, erosion, and sediment control have not been adequately addressed; that the track is immediately adjacent to the property line; and that accessory uses and structures have been arranged in a way that accommodates the predominant dirt bike use rather than a residential use. She submitted that the development will adversely affect adjacent landowners.
 - viii. The Agent respectfully requested that the Board allow the appeal, overturn the Development Authority's decision, revoke the permit, and require the Landowner to restore the land to its natural state at the Landowner's cost. She submitted that if the Landowner wishes to pursue this use, the appropriate pathway is a proper land use process, including adding the use as a permitted discretionary use through the required statutory process and public hearing.
 - ix. The Agent submitted that an application is underway to adjust the boundary of a section of road that is not built within the right-of-way. She stated the purpose is to resolve liability concerns where the County road is located on

private property. She further stated that introducing additional public traffic to the area increases those liability concerns, particularly if the use brings additional visitors to the site.

- x. The Agent submitted that Mr. Ward has observed drainage, sedimentation, and erosion moving from the subject property onto his land. She confirmed that she was not aware of formal complaints to County Protective Services regarding off-site impacts. Regarding the Hyatt precedent, she explained that the prior proposal involved vehicle testing by a landowner and business operator on an agricultural parcel and was ultimately treated as requiring a land use amendment. She also clarified that photographs of trespass on neighbouring lands raised broader concerns about unauthorized access, gate security, and livestock safety, although she did not allege that the applicant was responsible for the trespass.
- xi. The Agent submitted that the subject property is one of the higher points in the area. She explained that surrounding lands include farming, ranching, and Country Residential parcels, with significant slopes and valleys that may carry noise. She identified surrounding lands to the east and west, road allowance closures, and nearby parcels affected by topography and access constraints.

REASONS FOR DECISION

The Board is DENYING the appeal and UPHOLDING the Development Authority's decision to approve Development Permit 25D 023 for Lot Grading, Relaxation to Number of Accessory Buildings, Relaxation of Setbacks on Plan 9411903, Lot 1; Ptn. SW 19-21-01 W5M.

Based on the testimony, the Board considered the original application of Lot Grading, the Development Authority's decision, and the evidence provided by the Appellants to the Lot Grading application. The Hearing was called to specifically address the Lot Grading application and not any intended use of the subject parcel.

The Board considered the number of accessory buildings on the property and the relaxation of setbacks required to bring the buildings into compliance with Land Use Bylaw 60/2014. The Board determined that the cumulative size of the structures remains below the maximum square footage permitted on the parcel, and that the Applicant/Landowner is continuing his cleanup efforts by removing an additional building. The Board was satisfied that the requested relaxations to the number of accessory buildings and setbacks would not unduly interfere with the amenities of the neighbourhood or materially affect the use, enjoyment, or value of neighbouring parcels.

The Board found that the application for lot grading is considered a discretionary use under the Country Residential District land use rules. The Board considered the evidence and concerns raised by the Appellants and affected parties regarding drainage, erosion, topography, and potential impacts to neighbouring agricultural lands and determined that the concerns could be appropriately addressed through additional technical review and compliance requirements. Accordingly, the Board requires that a

drainage and erosion engineering study be submitted and approved to the satisfaction of the Public Works Department.

The Board further noted that the results of the drainage and erosion engineering study may require the engineered Lot Grading Site Plan prepared by Western Plains Geomatics and signed by Dennis Regan, P.Eng., dated February 18, 2026, to be updated or altered to align with the findings of the study. If the required changes are substantive or exceed the scope of the existing approval, and the conditions of approval cannot be met, a new lot grading application may be required.

The Board acknowledged that several concerns were raised regarding increased traffic, access, emergency response, agricultural impacts, trespass, and the suitability of motorized recreation within the surrounding area. The application considers lot grading of the subject lands, with the understanding that the lot grading was done to accommodate the Landowner's personal use of dirt bikes on the property. This approval in no way relieves the landowner from complying with Foothills County Bylaws and regulations, such as the Community Standards Bylaw, which defines and regulates noise emanating from properties within the County.

For these reasons, the Board is denying the appeal and upholding the Development Authority's decision to approve Development Permit 25D 023, subject to the completion of the conditions of approval as stated in this decision.

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 18th 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**FOOTHILLS COUNTY LAND USE BYLAW 60/2014****2.5 DEFINITIONS**

LOT GRADING means any work, operation or activity that results in a disturbance of the earth including the removal of top soil or borrow, borrow pits, berming, excavating, trenching, backfilling, filling, land leveling, re-contouring and, grading other than for building purposes but does not include aggregate extraction, commercial logging, tree clearing, dugouts/private dams, ornamental ponds, storm water ponds, lagoons for the purpose of processing wastewater or landscaping as defined by this Bylaw. *More information on Lot Grading can be found in Section 9.17 of this bylaw.*

Lot Grading

- 1.2.1.32** The construction, maintenance, and repair of private walkways and private driveways provided none of the work done adversely impacts the natural drainage of the property. or affects the adjoining municipal road allowance or highway driving surface.
- 1.2.1.33** The construction, maintenance, and repair of retaining walls provided:
 - a. Retaining walls greater than 1m (3.28 ft) in height are designed by a Professional Engineer;
 - b. They do not encroach onto public land or into a utility right of way; and
 - c. They do not impede surface drainage.
- 1.2.1.34** The stripping or stockpiling of soil, construction or upgrading of municipal roads, construction of internal roads, installation of utilities and grading of the site whereby any such activities are carried out in accordance with the approved subdivision or development permit provided it does not affect the natural drainage. *Please refer to Section 9.17 for more information on lot grading and drainage of a lot.*
- 1.2.1.35** Where lot grading is being carried out in accordance with an approved Development Permit, servicing agreement or signed development agreement between the owner/developer and the County on the subject parcel.
- 1.2.1.36** Lot grading, which does not:
 - a. Adversely impact the natural drainage direction or volume into, out of, or through a property; or
 - b. Adversely impact the natural drainage storage capacity of the property.
- 4.2.1.37** The placing of topsoil or fill on a property for the purposes of:

- a. Development of less than 1 acre where the placing of clean topsoil is for landscaping purposes as defined by this Bylaw;
- b. Development of less than 1 acre where the placing of up to 1.0m (3.28 ft.) of fill adjacent to or within 15m of a building under construction that has a valid Building Permit;
- c. The placing of clean topsoil for agricultural purposes;
- d. the placing of up to 1m (3.28 ft.) of fill including topsoil providing topsoil is stripped and stockpiled prior to placing of fill, and then replaced;
- e. The placing or replacing of sand and fill for the purposes of an indoor or outdoor riding arena; and
- f. The placing of up to 15 – 20 cubic yards of topsoil for the purposes of landscaping;

Provided there is no adverse impact on the natural drainage direction or volume into, out of, or through the property or adjacent land or adverse impact on the natural drainage storage capacity of the property in accordance with provisions under *Section 9.17*.

Provisions on lot grading and drainage can be found under Section 9.17 of this Bylaw.

4.2.1.7 Accessory Buildings/Structures

TABLE 4.2.1.7A	
PARCEL SIZE	SIZE OF ACCESSORY BUILDING
Less than 1 acre	Maximum of two (2) buildings with a total cumulative size not to exceed 41.8 sq. m. (450 sq. ft.) accessory to the residence
1.0 - 1.99 acres in size	Maximum of three (3) buildings with a total cumulative size not to exceed 88.26 sq. m. (950 sq. ft.) accessory to the residence
2 - 2.99 acres in size	Maximum of three (3) buildings with a total cumulative size not to exceed 155.6 sq. m. (1,675 sq. ft.) accessory to the residence
3.0 - 4.99 acres in size	Maximum of four (4) buildings with a total cumulative size not to exceed 285.7 sq. m. (3,075 sq. ft.) accessory to the residence
5.0 - 9.99 acres in size	Maximum of four (4) buildings with a total cumulative size not to exceed 325.2 sq. m. (3,500 sq. ft.) accessory to the residence
10.0 - 14.99 acres in size:	Maximum of five (5) buildings with a total cumulative size not to exceed 380.9 sq. m. (4,100 sq. ft.) accessory to the residence

15.0 - 20.99 acres in size:	Maximum of five (5) buildings with a total cumulative size not to exceed 422.7 sq. m. (4,550 sq. ft.) accessory to the residence
21.0 acres and over in size:	Maximum of six (6) buildings with a total cumulative size not to exceed 478.5 sq. m. (5,150 sq. ft.) accessory to the residence.
Agricultural District and Agricultural Business District Parcels	Any size accessory building to be used for agricultural, general purposes on agricultural zoned parcels when an agricultural operation exists on the property, in accordance with Section 4.2.1.7 of this Bylaw.

5.6 VARIANCES

5.6.1 The Development Authority may exercise its variance powers, prescribed in Sections 5.6.2 to Section 5.6.13, and approve a development permit for a permitted or discretionary use, with or without conditions, which does not comply with the regulations of this Bylaw, if the Development Authority determines that:

- The proposed development would not unduly interfere with the amenities, use, enjoyment, or value of adjacent lots.
- The proposed development would be consistent with the general purpose or character (urban or rural) of the district.
- There are factors unique to the development, use and site (such as the location of existing buildings) which are not generally common to other development and land in the same district, and which would result in unnecessary hardship or practical difficulties for the proposed development to comply with the provisions of this Bylaw; and
- There are mechanisms to mitigate the effect on adjacent lots.

9.17 LOT GRADING AND DRAINAGE

9.17.1 Section 4.2.1 of this bylaw outlines all provisions where no Development Permit is required for the construction of lot grading and drainage. All other instances are considered requiring a Development Permit. It is the landowner's responsibility to ensure that they have obtained all necessary permits.

9.17.2 The regulations contained within this subsection are intended to apply primarily to those situations where lot grading is proposed

- Independent of, or prior to, approved Development Permit on the same parcel;
- Independent of, or prior to, a signed development agreement between the owner/developer and the County; or
- Independent of, or prior to an approved resource extraction use on the same parcel.

9.17.3 The Approving Authority may require, as a condition of a Development Permit, redesignation, land use amendment, or subdivision, that a developer submit a lot grading and/or drainage or Storm water management plan.

9.17.4 Unless lot grading is part of a signed development agreement, every application for lot grading is considered a Discretionary Use within the designated land use district of this Bylaw which affects the subject land and shall require a Development Permit unless exempted from a Development Permit under Section 4.2.1 “No Development Permit Required”.

9.17.5 An application for Development Permit with respect to lot grading shall, in addition to the information requirements of Section 4.3 and Section 4.4, include engineered plans and a written description of the proposal describing:

- a. The location and dimensions of the proposed disturbed area;
- b. Existing conditions of the land including topography, vegetation, surface drainage patterns, and water courses;
- c. The type of lot grading activity proposed including:
 - i. Proposed grade elevations all over disturbed areas;
 - ii. Proposed surface drainage patterns;
 - iii. Amount of topsoil to be removed and replaced;
 - iv. Amount off clay cut and/or fill;
- d. Any impact on existing drainage in terms of volume and flow rate;
- e. Engineering analysis will be required for changing of existing drainage pattern;
- f. Proposed access, haul routes and haul activities;
- g. Proposals for preventing nuisance from dust;
- h. A reclamation plan that includes measures for controlling erosion and sediment, vegetation, weeds, etc.; and
- i. The costs required to reclaim the property.

9.17.6 All lot grading shall, to the extent practical, retain the natural contour of the land, minimize the necessity to use retaining walls or any other controlling structure and ensure positive drainage to appropriate receiving water courses. If a person alters the lot drainage on a property so that water drains onto adjacent parcels, that person shall be responsible for corrective drainage structures, including retaining walls, to divert water from neighboring properties.

9.17.7 Where, in the process of an approved development, areas require lot grading, the topsoil shall be removed before work commences and replaced following the completion of the work.

9.17.8 Borrow areas may be allowed in any land use district provided that:

- a. A Development Permit has been issued for lot grading;
- b. The excavated material is used as fill in a development within the County or an adjacent County for development that has been approved by that County;

- c. The maximum area of excavation does not exceed 8 ha; the maximum amount of material to be removed from the site does not exceed 40,000 m³ and; the excavated material does not contain sand or gravel;
- d. There is no impact on water flows to or from adjacent lands;
- e. A reclamation plan has been prepared for the site, to the satisfaction of the Approving Authority in consultation with the Municipal Engineer; and
- f. The time from commencement of excavation to completion of reclamation does not exceed 120 days.

9.17.9 A Development Permit shall be required for any berm that exceeds 1m (3.28 ft.) in height and shall be subject to no impact on existing drainage. The berm shall be located and landscaped to the satisfaction of the Director of Public Works and Engineering.

9.17.10 Topsoil may only be relocated from one property to another in accordance with a Development Permit, subdivision approval, or development agreement unless it is exempted by Section 4.2.1. of this bylaw.

9.17.11 The Development Authority may require the applicant of a proposed development to provide landscaped screening of large stockpile areas in accordance with the "Screening Standards". The Development Authority will use their discretion when accepting applications and imposing conditions on approvals, in determining if the screening standards apply and to what extent.

13.1 COUNTRY RESIDENTIAL DISTRICT

13.1.1 PURPOSE AND INTENT

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

13.1.3 GENERAL REQUIREMENTS:

- 13.1.3.1 Refer to Section 4.2 "No Development Permit Required" in the Land Use Bylaw for uses not requiring a development permit.
- 13.1.3.2 Refer to Section 9 and Section 10 respectively for the general and specific land use regulations and provisions that apply to this District.

13.1.4 PERMITTED USES

Accessory buildings not requiring a development permit
 Accessory uses
 Agricultural (general)
 Dwelling, single family
 Home Based Business Type I
 Home office
 Signs not requiring a development permit

13.1.5 DISCRETIONARY USES

Accessory buildings requiring a development permit
 Agricultural intensive – on lots 3 acres or more in size
 Agricultural specialty
 Antenna structures, private
 Arenas, private
 Bed and Breakfast

Solar Power System, Private (Not requiring a Development Permit)	Day home services
Temporary storage of no more than 1 unoccupied recreation vehicles (within Hamlet boundary)	Dwelling, moved on
Temporary storage of up to 5 unoccupied recreation vehicles (outside a Hamlet boundary)	Dwelling, temporary
Public works	Home based business Type II
Secondary Suite, Principal	Home based business Type III
Utility services, minor	Intensive vegetation operation
	Kennels, private
	Lot grading
	Manmade water bodies, private
	Secondary Suites, Detached
	Signs requiring a Development Permit
	Solar Power System, Private (Requiring a Development Permit)

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.

13.1.7 DEVELOPMENT REQUIREMENTS

- 13.1.7.1 Maximum Lot Coverage
 - a. No building or group of buildings including their accessory buildings and impervious surfaces shall cover more than forty (40) percent of the lot area.
- 13.1.7.2 Maximum Dwelling Unit Density

- a. Maximum dwelling unit density for a parcel under 80 acres is one Dwelling, Single Family and either one Dwelling, Secondary Suite in accordance with Section 10.25, or one Dwelling, Temporary in accordance with Section 10.26 Secondary Suites and Section 10.10.
 - b. Or as determined by the Approving Authority in accordance with an approved Area Structure Plan or Outline Plan.
- 13.1.7.3 Minimum Yard Setbacks Requirements
 - a. Front Yard Setbacks:
 - i. 40m (131.23 ft.) from the ultimate right of way or 70 meters from the centreline of a Provincial highway, whichever is greater;
 - ii. 48m (157.48 ft) from the centreline of a Municipal road;
 - iii. 15m (49.21 ft.) from the right of way of an internal subdivision road.
 - b. Side Yard Setbacks:
 - i. 15m (49.21 ft.) from the property line.
 - c. Rear Yard Setbacks:
 - i. 15m (49.21 ft.) from the property line.
 - d. If the title to a lot is subject to a caveat in respect of a land dedication or an agreement for the acquisition of land for road widening purposes, the dedicated area or area of future road widening shall be considered the future property boundary for which setback distances set out shall apply.
 - e. See Section 13.1.8 “Exceptions” for any setbacks exemptions that have been approved by Bylaw.
- 13.1.7.4 Corner Parcel Restrictions
 - a. In accordance with Section 9.27.9 - 9.27.12.
- 13.1.7.5 Other Minimum Setback Requirements:
 - a. See Section 9.27 “Special Setback Requirements” of this bylaw for additional setback requirements that may apply.
- 13.1.7.6 Maximum Height of Structures:
 - a. Principal buildings, first vehicle garage, and car ports:
 - i. 12m (39.37 ft.)
 - b. Accessory buildings and arenas:
 - i. 10.67m (35 ft)
 - c. Radio antennas, internet towers and wind turbines:
 - i. 16m (52.49 ft.);
- 13.1.7.7 Minimum habitable area per dwelling - 100 m2 (1,077 sq. ft.)

COMMUNITY STANDARDS BYLAW

2. DEFINITIONS

- (g) “Day-Time” means period:
 - (i) beginning at 7:00 a.m. and ending at 9:00 p.m. for the same day on a Weekday;
 - or
 - (ii) beginning at 9:00 a.m. and ending at 9:00 p.m. of the same day on a Weekend;

(l) "Noise" means any loud, unnecessary or unusual sound or any sound whatsoever which, in the opinion of an Officer in his sole discretion, having regard for all circumstances, including the time of day and the nature of the activity generating the sound, is likely to unreasonably annoy, disturb, injure or detract from the comfort, repose, health, peace or safety of any Person within the Limits of the Municipal District;

(m) "Nuisance" means any condition or use of Premises which, in the opinion of an Officer, constitutes an unreasonable interference with the use and enjoyment of Other Premises, and includes, without limiting the foregoing, those circumstances listed in Section 6 of this Bylaw

(o) "Off-Highway Vehicles" has the same meaning as in the Traffic Safety Act, RSA 2000, c. T-6, as amended or repealed and replaced from time to time;

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

Hearing and Decision

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

(d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,

(i) the proposed development would not

(A) unduly interfere with the amenities of the neighbourhood, or

(B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

APPENDIX "A"

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

	<u>NAME</u>	<u>CAPACITY</u>
1.	S. Kotlar	Foothills County - Development Officer
2.	K. Dupuis	Applicant/Landowner
3.	K. Beunder	Agent
2.	C. Poffenroth	Appellant
3.	P. & B. Creighton	Appellants
4.	P. Ward	Appellant
5.	C. Hofmann	Appellant
6.	R. Rowe, V. Rowe-Hardie, E. Rowe	Appellants
7.	S. Owerko (Escondido Ranch)	Appellant
8.	A. & G. Isbister	Appellants
9.	J. Daniel & W. Thorsteinson	Appellants

APPENDIX "B"

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

NO. ITEM

-
1. Decision from the Foothills County Development Officer 25D 023
 2. Notice of Appeal submitted by P. Ward
 3. Notice of Appeal submitted by C. Hofmann
 4. Notice of Appeal submitted by R. Rowe, V. Rowe-Hardie, E. Rowe
 5. Notice of Appeal submitted by S. Owerko
 6. Notice of Appeal submitted by A. & G. Isbister
 7. Notice of Appeal submitted by J. Daniel & W. Thorsteinson
 8. Development Permit 25D 023 File Documents
 9. Written Submission - S. Goerlitz
 10. Written Submission - H. Agnew
 11. Written Submission - Poffenroth
 12. Written Submission - B. Buckner
 13. Written Submission - J. Daniel & W. Thorsteinson

APPENDIX "C"

EXHIBITS MADE AVAILABLE AT THE HEARING

NO. ITEM

-
1. Presentation by the Foothills County Development Officer, S. Kotlar
 2. Presentation by K. Beunder, Township Planning + Design Inc
 3. Presentation by J. Daniel
 4. Foothills County Off-Highway Vehicle Brochure - Provided by J. Daniel

5. Instagram Video - Provided by J. Daniel