



**FOOTHILLS COUNTY**  
309 Macleod Trail, Box 5605  
High River, Alberta T1V 1M7  
Phone: 403-652-2341  
Fax: 403-652-7880  
[www.FoothillsCountyAB.ca](http://www.FoothillsCountyAB.ca)  
[planning@foothillscountyab.ca](mailto:planning@foothillscountyab.ca)

March 5, 2025

«MailName»  
«AddLine1»  
«AddLine2» «AddLine3»  
«City», «Prov» «Postal»

Dear Sir/Madam:

TAKE NOTICE that, in accordance with Land Use Bylaw No. 60/2014, a Development Permit application has been approved subject to conditions (attached) and a 21-day appeal period, for a parcel of land that is located within one half mile of your property. The details of the Development Permit application are as follows:

**Development Permit Application File#:** 25D 018  
**Legal Description:** SE 14-21-01 W5M; Plan 2411313, Block 2, Lot 3  
**Approval Description:** Single Family Dwelling with Oversize Attached Garage on Country Residential Sub-District 'A' Lot  
**Applicant/Owner:** Enhanced Custom Homes Ltd. (Applicant) / Herbert & Deborah Barton (Owner)  
**Location:** Located on the south side of 298<sup>th</sup> Avenue, just west of 16<sup>th</sup> Street west.

Pursuant to Section 685(2) of the Municipal Government Act, a person affected by this decision has a right of appeal. Notices of Appeal, including payment of the appeal fee are to be filed with the Subdivision and Development Appeal Board within 21 days from the date of the development permit decision (attached). Notices of Appeal and payment of the appeal fee are to be received **no later than March 27, 2025**. Notices of Appeal received after the 21-day notification period will be invalid.

The form required for the Notice of Development Appeal is available on the Foothills County website. To access the form, please visit the following link: <https://www.foothillscountyab.ca/resources/notice-development-appeal>. For further assistance or if you would like us to email you the form, please contact our Planning and Development Department at **403-652-2341** or via email at [Planning@FoothillsCountyAB.ca](mailto:Planning@FoothillsCountyAB.ca).

You should not rely on Notices of Appeal filed by other persons as giving you the right to be heard at an appeal hearing, as only the appellant, applicant or authorized representative of either party is guaranteed the opportunity to be heard at an appeal hearing. If you choose to submit an appeal, please complete the '**Notice of Development Appeal**' form found on our website and return the completed form with payment of the required appeal fee to the Subdivision and Development Appeal Board Clerk by email at [appeals@FoothillsCountyAB.ca](mailto:appeals@FoothillsCountyAB.ca) or by fax at 403-652-7880.

The appeal fee will be returned 2 to 3 weeks after the appeal hearing if there is record that the appellant or someone authorized to act on behalf of the appellant was in attendance at the time of the scheduled appeal hearing.

Should you have any questions, concerns, or require clarification on the appeal process, please contact the undersigned.

**NOTE: APPEAL SUBMISSION REQUIREMENTS ARE OUTLINED ON THE 'NOTICE OF DEVELOPMENT APPEAL' FORM**

Yours truly,  
FOOTHILLS COUNTY

Original Signed By...

Brenda Bartnik  
Development Officer  
[brenda.bartnik@foothillscountyab.ca](mailto:brenda.bartnik@foothillscountyab.ca)  
(403) 603-6222

BB/as  
Encl. – Development Authority Decision



# DEVELOPMENT PERMIT DECISION

DATE OF DECISION: March 5, 2025

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

**APPLICATION FILE NUMBER:** 25D 018

**LANDOWNER(S) / APPLICANTS:** HERBERT & DEBORAH BARTON / ENHANCED CUSTOM HOMES LTD.

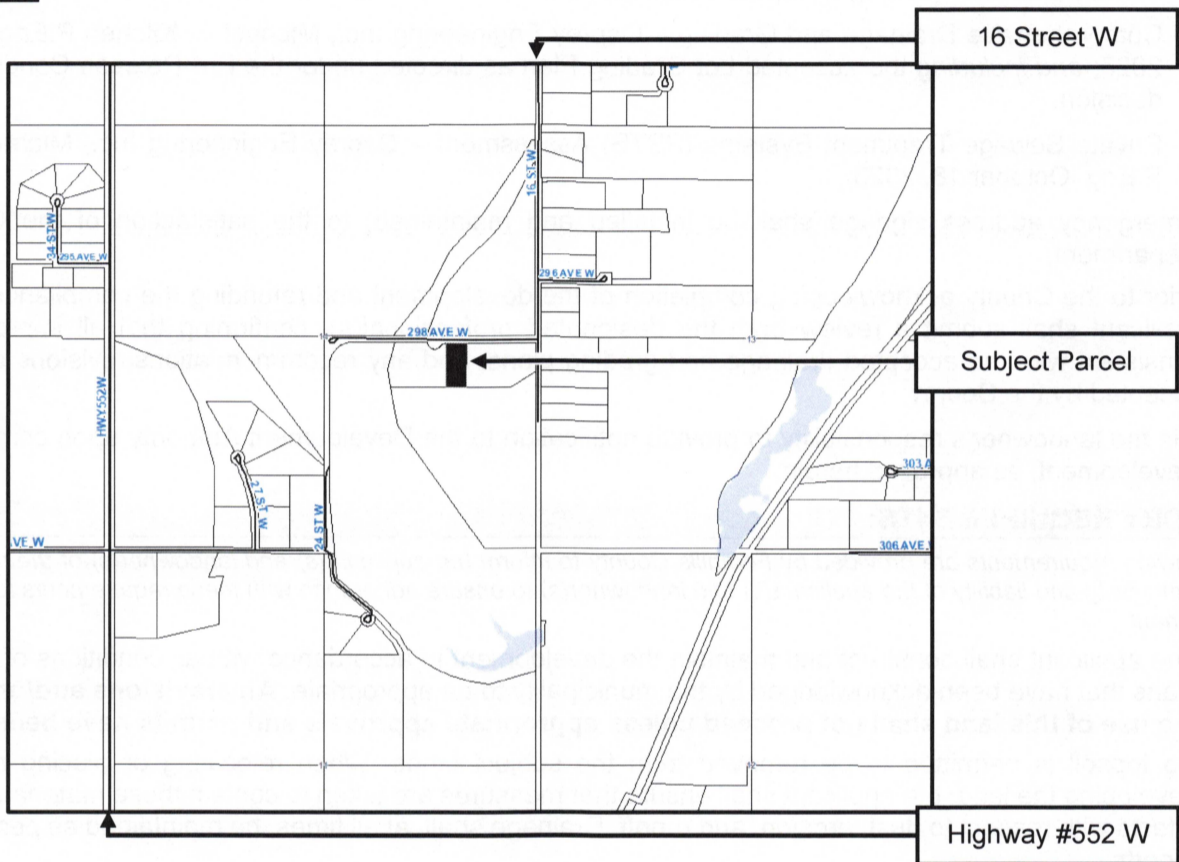
**PROPOSAL DESCRIPTION:** SINGLE FAMILY DWELLING WITH OVERSIZE ATTACHED GARAGE ON COUNTRY RESIDENTIAL SUB-DISTRICT 'A' LOT

**LEGAL DESCRIPTION:** PTN. SE 14-21-01 W5M; PLAN 2411313, BLOCK 2, LOT 3

### LOCATION AND DESCRIPTION OF SUBJECT PARCEL:

The subject property is an existing 3.18-acre Country Residential Sub-district 'A' parcel located on the south side of 298<sup>th</sup> Avenue, just west of 16<sup>th</sup> Street west.

#### Location Map:



### INTENT OF THE DEVELOPMENT PERMIT APPLICATION:

An application for Development Permit has been submitted to allow for the construction of a Dwelling, Single Family with oversized attached Garage on the subject property. The proposed single family dwelling is a Permitted Use under the Country Residential District; however, due to the oversized attached garage the application is considered to be a Discretionary Use.

On a Country Residential property, permanent dwellings are permitted up to two private garages (attached or detached) up to a maximum cumulative size of 1,200 sq. ft. (111.48 sq. m.). The application is proposing an attached garage of +/- 1,524 sq. ft. in size.

At the time of subdivision approval for this property, Foothills Council designated the parcel as County Residential Sub-district 'A' in order to ensure that the recommendations and restrictions as outlined in the Building Envelopes, Comprehensive Site Drainage Plan and Lot Grading Plan, and septic disposal evaluation are complied with to the satisfaction of the Public Works Department as condition(s) of the Development Permit.

The application for a Development Permit in accordance with the provisions of Land Use Bylaw 60/2014 of Foothills County in respect of a Dwelling, Single Family with attached oversize Garage, on the subject parcel being a portion of SE 14-21-01 W5M; Plan 2411313, Block 2, Lot 3 has been considered by the Development Officer and is **APPROVED** subject to the following:

### APPROVAL DESCRIPTION:

Upon completion of the below noted pre-release conditions, this approval allows for the development and use of SE 14-21-01 W5M; Plan 2411313, Block 2, Lot 3 for the construction of a Dwelling, Single Family with an oversize attached Garage (+/- 1,524 sq. ft.) to be located in accordance with the submitted and accepted Development Permit application and, in accordance with the professional reports as accepted by the County.

## **PRE-RELEASE CONDITION(S):**

*Pre-release condition(s) must be complied with before the Development Permit will be signed and issued. Failure to complete the pre-release condition(s) on or before **August 5, 2025**, will see this development permit decision deemed null and void, unless a time extension is issued under agreement between the Development Authority and the Applicant(s).*

1. The applicant shall submit a compliance deposit in the amount of \$5,000.00. This deposit will be refunded at such time that the involved professional(s) provide written verification that all aspects of the noted reports and accepted plans have been satisfied, and that the project has been completed;
2. A Lot Grading Plan is to be provided for review and acceptance by the Public Works department.

## **CONDITIONS OF APPROVAL:**

*The following requirements must be completed within twenty-four (24) months from the date the Development Permit is signed and issued unless a time extension is approved under agreement between the Development Authority and the Applicant(s). Failure to complete the conditions of approval will see the Development Permit be deemed null and void.*

1. The proposed new approach from 298<sup>th</sup> Avenue west is to be located, and culverts installed to current municipal standards, to the satisfaction of the Public Works department. Requisite deposit and inspections (initial and final) will apply. Contact: Patrick Antle 403-336-7253;
2. The applicant shall obtain all necessary building and safety code permits and inspections from Foothills County;
3. It is the landowner's responsibility to ensure that all considerations and recommendations are adhered to as identified within the following accepted documents:
  - a. Comprehensive Drainage and Grading – Osprey Engineering Inc., Michael A. Kitchen P.Eng. October 18, 2023; *and including* the accepted Lot Grading Plan as directed under the Pre-Release Condition(s) to this decision;
  - b. Private Sewage Treatment Systems (PSTS) Assessment – Osprey Engineering Inc., Michael A. Kitchen P.Eng. October 18, 2023;
4. Emergency address signage shall be installed and maintained, to the satisfaction of the County's GIS Department;
5. Prior to the County acknowledging completion of the development and refunding the compliance deposit, the applicant shall submit a review from the designated professional(s), confirming that all improvements are consistent with the accepted drainage and grading plans, and any recommendations/revisions as have been accepted by the County;
6. It is the landowner's responsibility to provide notification to the Development Authority upon completion of the Development, as approved herein.

## **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. The applicant shall construct and maintain the development in accordance with all conditions of approval and plans that have been acknowledged by the municipality to be appropriate. **Any revisions and/or additions to the use of this land shall not proceed unless appropriate approvals and permits have been obtained;**
2. No topsoil is permitted to be removed from the subject lands. When relocating or placing materials and developing the land, the applicant shall ensure that measures are taken to contain those materials and mitigate effects with respect to dust, erosion, and runoff. Drainage shall, at all times, be maintained as per the accepted reports;
3. The dwelling and attached garage must not exceed the maximum height of 12 meters (39.37 ft.), which is the maximum permitted within the County Residential Land Use District;
4. No portion of the dwelling with attached garage shall be used for the purpose of any business related uses, nor shall a secondary dwelling unit be placed on the property; without first obtaining the necessary approvals from Foothills County;
5. All exterior lighting applications must adhere to the guidelines and technical specifications as outlined within the Foothills Dark Sky Bylaw;
6. All structures shall be located so as to adhere to Municipal setback requirements from the boundaries of the legally titled property. No variance for yard setbacks has been considered under this approval;
7. 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;
8. The applicants shall be responsible for payment of any professional costs including legal fees that may be incurred by the County with respect to the implementation of this permit.

## **NOTES:**

1. **This is not a Building Permit.** Construction practices and standards of construction of any building or any structure authorized by the Development Permit, once signed and issued, must be in accordance with the Building and Safety Codes Permits. An application must be made for all required Building and/or Safety Codes Permits.
2. **This is not a Development Permit.** The Development Permit may be signed and issued upon completion of the 21-day appeal period; should no appeals be received, and completion of all Pre-Release Conditions (if any). Development can not proceed until this permit has been signed and issued.
3. Notification of this Development Permit Decision will be advertised in two issues of the Western Wheel and circulated to area landowners (according to County Records at this time) within the subject quarter-section and for one-half mile surrounding the subject parcel. Development Permit Notices can also be viewed on the County's website, [www.foothillscountyab.ca](http://www.foothillscountyab.ca).
4. This Development Permit Decision is subject to a 21-day appeal period. Pursuant to Section 685(2) of the Municipal Government Act, a person affected by this decision has a right of appeal.
5. The Development Permit, once signed and issued, shall thereafter be null and void if the development or use is abandoned for a period of six months.
6. The conditions and requirements of this Development Permit Decision must be met and adhered to at all times. Fines and/or Enforcement action may occur if operating outside of the Development Permit Decision.



# Notice of Appeal

**Subdivision and Development Appeal Board (SDAB)**  
**Foothills County** [www.foothillscountyab.ca](http://www.foothillscountyab.ca)

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

<b>APPELLANT INFORMATION</b> (e.g. Landowner or Affected Party)			
Name of Appellant(s)			
Mailing Address		Province	Postal Code
Main Phone #	Alternate Phone #		
I consent to receive documents by email: <input type="checkbox"/> Yes <input type="checkbox"/> No			
Email Address:			
<b>AGENT INFORMATION &amp; CERTIFICATION</b> (complete section if applicable)			
Name of Organization:			
Contact Name:			
Mailing Address		Province	Postal Code
Main Phone #			
I consent to receive documents by email: <input type="checkbox"/> Yes <input type="checkbox"/> No			
Email Address:			
I (We) _____ hereby authorize _____ to act on my (our) behalf on matters pertaining to this appeal.			
_____	_____	_____	_____
Signature of Appellant(s)	Date	Signature of Appellant(s)	Date
<b>SITE INFORMATION</b>			
Municipal Address (house and street number):			
Legal Land Description:	Plan	Block	Lot
Quarter-Section	Township	Range	Meridian

<b>I AM APPEALING</b> (check only one)		
<b>Development Authority Decision</b> <input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal <u>Development Permit #</u>  Date of Decision: (Y/M/D) _____	<b>Subdivision Authority Decision</b> <input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal <u>Subdivision Application #</u>  Date of Decision: (Y/M/D) _____	<b>Decision of Enforcement Services</b> <input type="checkbox"/> Stop Order <input type="checkbox"/> Compliance Order <u>Enforcement Order #</u>  Date of Decision: (Y/M/D) _____

<b>REASON FOR APPEAL</b> (attach separate page(s) if required)
All appeals should contain the reasons for the appeal, including the issues in the decision or the conditions imposed in the approval that are the subject of the appeal.

**TURN OVER AND COMPLETE REVERSE SIDE**


This information is being collected for the Subdivision and Development Appeal Board of Foothills County and will be used to process your appeal and to create a public record of the appeal hearing. This information is collected in accordance with Section 33(c) of the *Freedom of Information and Protection of Privacy Act*. If you have any questions regarding the collection or use of this information, contact the FOIP Coordinator at (403) 652-2341.

\_\_\_\_\_ Date \_\_\_\_\_  
 Signature of Appellant(s) OR  
 Person Authorized to Act on Behalf of Appellant(s)

**A hearing must be held within 30 days from the receipt of your Notice of Appeal. Written notice of the date and time of the hearing will be sent by regular mail. If the appeal is against the decision of a Subdivision Authority, notice will be sent to the appellant, landowner(s) of the subject property, and to landowners adjacent to the subject property. If the appeal is against the decision of a Development Authority, notice will be sent to the appellant, landowner(s) of the subject property and to landowners located within the half mile surrounding the subject property.**

**\*\*NOTE FOR EMAIL SUBMISSIONS ONLY: IF YOU DO NOT RECEIVE AN EMAIL CONFIRMATION NOTIFYING YOU OF RECEIPT OF YOUR APPEAL, PLEASE CONTACT THE SDAB CLERK IMMEDIATELY. \*\***

**PAYMENT OF APPEAL FEE**

If submitting the Notice of Appeal form and paying the appeal fee in person, you do not need to complete this section.  
 If submitting the Notice of Appeal form by email, you must complete this section.

Appeal fees are outlined on the attached information sheet - **Submitting an Appeal**

\_\_\_\_\_

<b>CREDIT CARD INFORMATION</b>	
Card type:	<input type="checkbox"/> Visa <input type="checkbox"/> Master Card <input type="checkbox"/> American Express
Name as it appears on Card:	Card Number:
Date of Expiry:	CVC:
Authorization: I authorize Foothills County to charge \$ _____ to my credit card.	
Signature of Card Holder:	Date:

<b>FOR OFFICE USE ONLY</b>		
Authorized By:	Date:	Receipt #:

## Submitting an Appeal – Subdivision Authority Decisions

Appeals of decisions on subdivision applications are covered by [sections 678 to 682 of the Municipal Government Act](#).

A decision on an application for subdivision may be appealed by the applicant, by a Government department (if that department is required to be circulated on the application) or by the School Authority (with respect to matters related to municipal reserve or school reserve lands).

Appeals must be made by filing a notice of appeal within **14 days** of receipt of the decision with either the local Subdivision and Development Appeal Board or the Land and Property Rights Tribunal. Which board is the appropriate board to hear the appeal will depend on certain factors with respect to the land involved. The Land and Property Rights Tribunal hears subdivision appeals where there is a provincial interest. Otherwise, the appeals are heard by the local SDAB.

Notice of appeal should be filed with the Land and Property Rights Tribunal when the subject property is:

- within Alberta's "Green Area"
- 'adjacent' to or contains a body of water
  - adjacent means contiguous or would be contiguous if not for a railway, road, utility right of way or reserve land
- adjacent to or contains (either partially or wholly) land identified on the Listing of Historic Resources or public land set aside for use as historic resource
- the subject of a license, permit, approval or other authorization granted by the Natural Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator, Alberta Energy and Utilities Board or Alberta Utilities Commission
- the subject of a license, permit, approval or other authorization granted by the Minister of Environment and Protected Areas
- within the following distances:
  - 1600 metres of a provincial highway
  - 450 metres of a hazardous waste management facility
  - 450 metres of the working area of an operating landfill
  - 300 metres of the disposal area of any landfill
  - 300 metres of a wastewater treatment plant
  - 300 metres of the working area of a non-hazardous waste storage site

*Some of the distances may be varied in writing by a provincial government department, in which case the SDAB will hear the appeal.*

## Submitting an Appeal – Development Authority Decisions

Appeal of development authority decisions are covered by [Sections 684 to 687 of the Municipal Government Act](#).

A decision on an application for development may be appealed by the person applying for the permit or by any person affected by an order, decision or development permit made or issued by a development authority.

An order issued under a decision of Enforcement Services, being a Stop Order or Compliance Order, may be appealed by the person affected by the order.

Appeals must be made by filing a notice of appeal within **21 Days** after the date on which the written decision is given with either the local Development Appeal Board or the Land and Property Rights Tribunal. Which board is the appropriate board to hear the appeal will depend on certain factors with respect to the land involved. The Land and Property Rights Tribunal hears development appeals where there is a provincial interest. Otherwise, the appeals are heard by the local Subdivision and Development Appeal Board.

Notice of appeal should be filed with the Land and Property Rights Tribunal when the subject property is:

- The subject of a license, permit, approval or other authorization granted by the Natural Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator, Alberta Energy and Utilities Board or Alberta Utilities Commission
- The subject of a license, permit, approval or other authorization granted by the Minister of Environment and Protected Areas

### THE APPEAL FEE MUST ACCOMPANY THE NOTICE OF APPEAL FORM

*\*Appeal fees are set in the County's Fee Bylaw, which is generally reviewed and amended annually.*

Appeal Type	Fee
<b>Development Authority Decision</b> (fee refunded if appellant appears before the Subdivision and Development Appeal Board)	\$100
<b>Development Authority Decision – Automatic Refusal</b>	\$575
<b>Stop Order</b>	\$575
<b>Subdivision Authority Decision</b> (paid at time of subdivision application and used as a credit on endorsement fees except where the owner/agent appeals the subdivision decision or a condition of the subdivision)	\$2,000

## How to submit your appeal and pay your fee

Completed Notice of Appeal forms may be submitted by mail, in person or by email. Your Notice of Appeal must be received on or before the final appeal deadline and must include the applicable fees as outlined above.

*Mail or deliver to:*

SDAB Clerk, Foothills County  
Box 5605, 309 Macleod Tr. S., High River, AB T1V 1M7

*Email to:*

appeals@foothillscountyab.ca

Please make cheques payable to "Foothills County"

To pay by Credit Card, please use the Credit Card Authorization section found on page 2 of the Notice of Appeal Form.

**\*\*NOTE FOR EMAIL SUBMISSIONS ONLY: IF YOU DO NOT RECEIVE AN EMAIL CONFIRMATION NOTIFYING YOU OF RECEIPT OF YOUR APPEAL, PLEASE CONTACT THE SDAB CLERK IMMEDIATELY\*\***

## What happens after my appeal is submitted?

Once your completed Notice of Appeal form is submitted on time and with the required fee, the appeal will be heard by the SDAB within 30 days. The SDAB Clerk will provide you with additional information regarding the appeal hearing.

If the appeal is against the decision of a Subdivision Authority, notice will be sent to you and to landowners adjacent to the subject property. If the appeal is against the decision of a Development Authority, notice will be sent to you and to landowners located within the half mile surrounding the subject property.

## More information

For more information about filing an appeal or SDAB procedures, please contact the SDAB Clerk at:

Phone: 403-652-2341

Email: [appeals@FoothillsCountyAB.ca](mailto:appeals@FoothillsCountyAB.ca)