

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

HEARING DATE: January 15, 2026

BOARD ORDER: D01/2026

LANDOWNER(S): Hyatt Auto Sales Ltd.

APPLICANT: Kristi Beunder, Township Planning + Design Inc.

APPELLANT/AGENT: Steven Itzcovitch (Hyatt Auto Sales Ltd./Kristi Beunder, Township Planning + Design Inc.

APPEAL AGAINST: The refusal of Development Permit 25D 154 for Vehicle Testing and two (2) VIP events per year on the subject parcel

SUBJECT PROPERTY: N 23-17-28 W4M

BEFORE: Chairman G. Beacom; Board Members B. Robson, M. Reid, P. Stier, B. Estes; 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 read and/or heard the representations from the Applicant/Appellant, their Agent, the Development Authority for Foothills County and affected parties with respect to the appeal filed by the Appellant in accordance with Section 685 of the Municipal Government Act against the approval of Development Permit 25D 154 for Vehicle Testing and two (2) VIP events per year on N 23-17-28 W4M (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 refuse Development Permit 25D 154 for Vehicle Testing and two (2) VIP events per year on N 23-17-28 W4M.

The application is thereby REFUSED.

INTRODUCTION

- i. The subject property is an existing 158.57-acre Agricultural District parcel, located adjacent to and south of 658 Ave E, and east of 168 St E, 5 km east of Highway 2 and 6 km east of the Hamlet of Cayley.
- ii. On November 26, 2025 the Development Authority for Foothills County refused Development Permit 25D 154 for Vehicle Testing and two (2) VIP events per year on the property.
- iii. An appeal was received on December 16, 2026, from S. Itzcovitch (Hyatt Auto Sales Ltd.) against the decision of the Development Authority.

ISSUES**1. PRELIMINARY ISSUES**

- i. The applicant's agent raised a preliminary issue regarding board member Estes' ability, as a Councillor for Foothills County, to hear the appeal currently before the Subdivision and Development Appeal Board (SDAB). The applicant's position was that a Subdivision Application on the subject lands will soon be before Council for decision. Additionally, at a recent Council meeting, the potential for permitting of film productions in Foothills County was discussed. While no objection was raised to board member Estes' participation in the hearing, the agent wanted to ensure that her participation would not preclude her from participating in matters associated with this application when they come before Council at a future date.
- ii. Board member Estes declared that she has no prior knowledge of the application before the board and will be able to proceed without bias.
- iii. The hearing continued as scheduled with all board members present.

2. APPLICATION – DEVELOPMENT AUTHORITY'S DECISION

- i. The appeal is against the automatic refusal of an application for vehicle testing and two annual events on the subject property.
- ii. The property is currently zoned as Agricultural District under the County's Land Use Bylaw 60/2014.
- iii. Vehicle testing is not currently defined under the County's Land Use Bylaw. A proposed definition of this use was included as part of the Development Permit Application. Testing and video recording of vehicles owned solely by Hyatt Auto Sales Ltd. is to occur a maximum of 12 times per year, Monday through Friday between 9:00am and 6:00pm on the approximately 1.5 km long asphalt strip.
- iv. In addition to vehicle testing, two events, one (1) customer VIP event hosting a maximum of 30 people and one (1) Hyatt Auto Sales Ltd. staff event hosting a maximum of 60 people, were proposed to be held separately, on a Saturday or Sunday between May 1st and September 30th of each year.
- v. A public hearing to consider a bylaw for a Site Specific Amendment to the Agricultural District land use rules to allow for vehicle testing as a discretionary use on the subject property was heard by Council on June 4, 2025 where first reading to Bylaw 40/2025 was granted. Upon further consideration, Council passed a motion on November 12, 2025 that Bylaw 40/2025 receive no further readings.
- vi. The subsequent application for Development Permit 25D 154 for Vehicle Testing and two (2) VIP events per year on the subject property was considered in accordance with the provisions of the current Land Use Bylaw 60/2014, where vehicle testing is not listed as a permitted or discretionary use under the Agricultural land use rules. As such, the application was refused.

3. APPLICATION HISTORY - LAND USE BYLAW AMENDMENT AND SITE SPECIFIC AMENDMENT TO ALLOW FOR THE PRESCRIBED USE

- i. The applicant's agent outlined that the purpose of the appeal is to add the definition of 'Vehicle Testing' as a permitted use within the Agricultural "A" District land use rules, applicable only to the subject parcel and to permit the two annual special events.

- ii. Additionally, the Board is asked to consider approving the subdivision application that was submitted on October 18, 2024 and delayed by the County without reason.
- iii. The north half of 23-17-28 W4M was intentionally boundary adjusted to allow adequate space for the construction of the existing airfield. Approximately 150 acres of the subject lands are used for agricultural purposes consistent with the majority of the surrounding properties.
- iv. An application for redesignation of a 6.0 +/- acre parcel for the purpose of subdivision was considered by Council, where the public hearing associated with that application detailed the proposed use of the airstrip on the balance parcel for vehicle testing and filming with the remaining lands leased for crop production. At the time, there was no definition outlining vehicle testing and no permitting requirements for filming on private lands.
- v. Conditions of first reading to the redesignation bylaw were met, but before granting second and third readings, Council requested that additional conditions be imposed; that application be made for a Site Specific Amendment to add 'Vehicle Testing' as a permitted use on this property and that an approved development permit be in place for the use before further readings were considered.
- vi. The application for Subdivision was submitted on October 31, 2024 and has not yet been processed by administrative staff.
- vii. The application for Site Specific Amendment to add 'Vehicle Testing' as a defined term to the Land Use Bylaw, which would occur only on the private airstrip, was also submitted. The public hearing in connection with this application was held on June 4, 2025 where first reading of the bylaw was subsequently granted. Conditions of this bylaw, including Noise mitigation plan as a condition of the development permit, final amendment application fees to be submitted; and submission of a complete Development Permit application and the necessary fees were all completed.
- viii. The applicants undertook public engagement, consulting with six area landowners within a one-mile radius. No objections were raised at either public hearing, with support being provided by one adjacent landowner.
- ix. The parameters of the development as outlined within the development permit application are as follows:
 - Vehicle testing will use the +/- 1.5 km asphalt strip for conducting vehicle testing and video recording of vehicle tests. Testing occurs a maximum of twelve (12) times per year and will only occur on Monday through Friday between the hours of 9:00 am and 6:00 pm.
 - One (1) Customer VIP Event once per year with 30 attendees, held on either a Saturday or Sunday between May 1st and September 30th.
 - One (1) Hyatt Auto Sales Ltd. Staff event once per year with 30 attendees, held on either a Saturday or Sunday between May 1st and September 30th.
 - All vehicles will be associated with Hyatt Auto Sales Ltd., will be considered luxury vehicles, and will not include any funny cars, race cars, or otherwise modified vehicles that may exceed noise restrictions.
 - Vehicles will use the 658th Ave to the north or 184th St to the east to access the parcel and parking will be accommodated on the paved airstrip.
 - Parking: All vehicles will be parked on the paved airstrip. No vehicles will be parked on adjacent public roads.
 - Water and portable washrooms will be brought in for the VIP and Staff events.

- No off-road vehicle track, drifting, off-course use, runway Sundays, or public access will be permitted.
- x. The applicant's agent testified that, despite Council's comments to the contrary, the application as submitted is indicative of the intensity of activities occurring on the property. She noted that filming of a Netflix production had taken place on the property; however, at this time, the County does not require permitting for film operations.
- xi. The uses were detailed during both public hearings and the decision to grant no further readings to the bylaw for a Site Specific Amendment in order to re-hear the application was unjustified. This forms the basis of the appeal: issues of procedural fairness, the suitability of the proposed use, failure to base the decision on the evidence presented, and failure to provide adequate reasons for the refusal.
- xii. Procedural fairness was not adhered to in that additional requirements were imposed prior to granting first reading to either Bylaw. Council further requested that an investigation take place with respect to filming and excessive speeding in the area, again, before granting additional readings. The resulting investigation delayed the application unnecessarily, finding that the speeding vehicle was not associated with this property and the film production activities were within the permitted uses under the County's Land Use Bylaw, as there is no requirement to get a permit for filming.
- xiii. Despite this, on November 12, 2025, the four Councillors who were re-elected passed a resolution that no further readings be granted to the bylaw associated with the application for Site Specific Amendment. This decision was contrary to the reasons noted at first reading, being that a Site Specific Amendment, and subsequent use of the subject lands, would not be detrimental to the nature of the area and would not unduly interfere with neighbouring land uses or materially interfere with or affect the use, enjoyment, or value of neighbouring properties. No reasons were given for the decision to deny further readings.
- xiv. Section 216.4(5.1) of the Municipal Government Act (MGA) states that '*Unless this Act or another enactment specifies otherwise, a council may hold only one public hearing on each proposed bylaw or resolution, or any part thereof, that considers residential developments or developments with residential and non-residential developments under Part 17.*' Council, in their deliberations, indicated that the application, being a development permit application under Part 17, should be subject to a new public hearing, which contravenes this section of the Act and is unfair to require a second public hearing for the same application.
- xv. The proposed use was deemed suitable for the subject site during the June 4, 2025, meeting of Council, where the proposed Site Specific Amendment was considered, subject to conditions that have all been complied with. A sound test conducted at the subject site demonstrated acceptable noise levels, the development permit application was submitted as well as any fees associated with the applications.
- xvi. Over the course of the two public hearings on this matter, there were no objections raised from area landowners, with one person speaking in favor. The proposed use is less obtrusive than its previous use as an airstrip, and objections describing misuse and undue hardships are not proven by evidence based testimony. The agent cited *Gendron v. Calgary (City)*, 2009 ABCA 367 where it was determined that '*Raising an issue is not the same as having evidence to present.*' In this case, substantiating evidence has not been presented that would show that the use value and enjoyment test has not been met.
- xvii. The land remains agricultural in nature and is used for agricultural purposes. The airstrip is existing so the proposed use will not cause discontinuation or reduction in agricultural use.

- xviii. The agent reiterated that no evidence, information or rational was provided in support of Council's decision to grant no further readings to the bylaw, despite the applicant having met all conditions imposed at first reading, and despite the associated staff report stating again that the proposed use would not be detrimental to the nature of the area and will not unduly interfere with neighbouring land uses or materially interfere with or affect the use, enjoyment, or value of neighbouring properties.
- xix. Reasons for approval were stated upon receiving first reading, however there were no reasons stated for refusing the application after all conditions of first reading were met. While there is no statutory requirement for a Council to provide reasons, failure to do so has been noted in the courts, where reasons may be required in some circumstances based on the principles of fair process. The agent maintains that the Council failed to provide adequate reasons for refusing the application.
- xx. The MGA Section 687(3)(a.2) states that *'in determining an appeal, the board hearing the appeal referred to in subsection (1), subject to section 638, must comply with any applicable statutory plans'*. The application aligns with the only statutory plan governing these lands, being the County's Municipal Development Plan;
- xxi. The MGA Section 687(3)(a.3) states that *'subject to clauses (a.4) and (d), must comply with any land use bylaw in effect'*. The agent submits that the proposed development complies with the purpose statement of the Agricultural District; and (d) states that the board *'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' and (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw*. The agent reiterated that they have provided evidence that they are in compliance with the above noted section of the Act.
- xxii. In reference to Section 687, the agent submitted that in her City of Calgary SDAB Member training literature, it is stated that *'This section of the MGA allows the SDAB to issue a development permit even if the proposed development violates the current land use bylaw provided two conditions are met. The proposed development would not unduly interfere with the amenities of the neighborhood or materially interfere with the or affect the use, enjoyment or value of land of neighboring parcels of land or and the proposed development conforms with the use prescribed for that land or building in the land use bylaw. In essence, this provision allows for flexibility in the application of specific development standards as long as the proposed use of the land is appropriate for the area and the variance does not negatively impact the adjacent properties or the overall neighborhood character.'*
- xxiii. In closing, the agent is asking that the Subdivision and Development Appeal Board, add the definition of 'Vehicle Testing' as a permitted use within the Agricultural "A" District land use rules, applicable only to the subject parcel, and overturn the refusal of Development permit 25D 154 thereby allowing this use and permitting the two annual special events. Additionally, the Board is asked to consider issuing conditions of approval for the subdivision application that is yet outstanding.
- xxiv. M. Aboulhosn, representing the applicant Hyatt Auto Sales, addressed comments that had been made during an interview with CTV news in November of 2024, stating that the plans indicated for the property at that time were stated in haste and are in no way accurate with the company's future plans for the property. Mr. Abouldhosn assured that the events will comply with what has been put forward during the application process, and attendees at each event will be expected to be compliant with the rules of the development permit and obey traffic laws pertaining to adjacent

roadways. Despite requests, flight operations will not be permitted on the existing airstrip.

- xxv. P. Itzovitch, landowner, reiterated testimony regarding the activities occurring on the property, being the filming of vehicles on the paved airstrip. The vehicles are not typically seen on roads in Alberta due to their cost and rarity, having been ordered direct from factory to the showroom. They are not modified or used for drag racing. He noted that his staff have gone out of their way to engage the public on this matter as good members of the community would. They have made improvements to the land, most often attending the parcel not with a test vehicle, but to enjoy the tranquility that the area's neighbours enjoy daily. Mr. Itzovitch noted that the use could be returned to airport activities which would be increasingly obtrusive within the area.

4. POSITIONS OF SUPPORT AND OPPOSITION

- i. Neighbouring landowner, R. Kohlruss spoke in support of the application. He stated that the letters of objection received in response to the hearing contain innuendo and false truths and are not credible. Mr. Kohlruss noted that those writing letters in objection to the application do not live in the immediate area. He spoke to the traffic on adjacent roads, noting that the vehicle trips are not excessive. He indicated that today's farm machinery and cattle liners create a far great nuisance on the roads. Events that occurred on the property under previous ownership included a commercial airport but also saw drag racing, hot rod racing, film production and music videos, without complaint. This use is far less intrusive.
- ii. C. Elridge, area landowner speaking in opposition to the appeal, submitted testimony regarding news interviews with the applicants as recently as September of 2024 where plans for a dragstrip on the subject lands were described. Being outside of the half mile circulation area, Ms. Elridge was not aware of either public hearing, noting that the Western Wheel carrying advertisement of public hearings is no longer delivered to their area. Despite only having received first reading to the bylaw, the landowners immediately began holding events on the property, some of which occurred on weekends which is not permitted. She indicated that she has seen videos demonstrating various makes of vehicles and motorcycles, in addition to Mercedes, drag racing on the property. She has witnessed in excess of 12 events this year alone. Vehicles attending the property are identifiable when turning from Highway 2 onto 658 Avenue due to the noise that they make. Security cameras on her property took 4,000 photos over two days on a weekend when an event was being held. Ms. Kohlruss noted that the landowner speaking in support lives east of the subject property and would not be affected by the increased traffic. The approval of this application contradicts the reasons for refusing a previous application for RV storage, being increased traffic and noise. Ms. Elridge closed by noting that the operation will disrupt area landowner's quality of life and the peacefulness of their homes.
- iii. W. Xu, area landowner speaking in opposition to the appeal, concurred with Ms. Elridge's testimony. He provided testimony that quite a few events occurred on the property over the summer, all occurring on weekends. Excess traffic creates a hazard and disrupts the quiet of the neighbourhood. Mr. Xu also noted the availability of Youtube video depicting drag racing that is occurring on the subject property.

5. JURISDICTION AND LEGISLATION

- i. In response to questions from the Board, the Development Officer provided clarification that the matter before the board is regarding only the automatic refusal of the development permit.
- ii. It was clarified that Section 216.4(5.1) of the Municipal Government Act, as cited under the grounds for appeal, is an amendment that has only been included as of amendments adopted in 2025.
- iii. It was clarified that upon circulation, Alberta Transportation and Economic Corridors indicated that the proposed development does not fall within the permit area of the provincial highway as outlined in the Highways Development and Protection Regulation. Therefore, a roadside development permit application is not required.
- iv. The Board requested clarity to the agent's interpretation of Section 687(3)(d)(ii) of the Municipal Government Act which states that the Board *'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, the proposed development conforms with the use prescribed for that land or building in the land use bylaw.'* The agent explained that the Board can allow the use as being appropriate even without the sight specific amendment because agriculture general is a permitted use and the use conforms with agriculture general. Vehicle testing aligns with the purpose statement of the Agricultural District because it doesn't negatively impact the property or the agricultural use. The development permit application was refused because Vehicle Testing was not added as a use. However, that does not preclude an application from making application for any use, even if it's not defined, provided that it does not have undue negative effect on the neighborhood. Nor does it limit the board from approving that use with the same consideration.
- i. The Board requested clarity to the agent's interpretation of Section 216.4(5.1) of the Municipal Government Act which states that *'Unless this Act or another enactment specifies otherwise, a council may hold only one public hearing on each proposed bylaw or resolution, or any part thereof, that considers residential developments or developments with residential and non-residential developments under Part 17.'* The agent explained that this amendment was made in conjunction with the Red Tape Reduction Act. It applies to public hearings under the Act including those required for planning and development matters. The limitation prevents multiple public hearings or multiple hearings on the same bylaw proposal promoting efficiency while still allowing input. The amendment essentially restricted the ability of the municipality to hold multiple public hearings for the same bylaw in specific planning and development contexts, ensuring the process follows legislative timelines without undue delays. In order to hear this application again, a second public hearing would have to be facilitated and the same Bylaw would be read into the record which is a direct contravention to this section of the Act. There is no appeal to land use applications. The matter before the board is the automatic refusal of the development permit associated with the application.
- ii. The agent clarified that the Board must have regard to but are not bound by the subdivision and development regulations. They are however bound by the Municipal Government Act. The Board has broad powers and can issue a decision of their own, and that decision is not limited. The Board may evaluate the application on its merits and in order to do so, must understand the history.

REASONS FOR DECISION

The Board is DENYING the appeal and UPHOLDING the Development Authority's decision to refuse Development Permit 25D 154 for Vehicle Testing and two (2) VIP events per year on N 23-17-28 W4M.

The Board considered the application, the reasons for refusal, the testimony of the Development Authority, the Applicants and their Agents, neighbouring landowners and the written statements of those in opposition to the application.

The appellant requested that the Subdivision and Development Appeal Board add the definition of 'Vehicle Testing' as a permitted use within the Agricultural "A" District land use rules, applicable only to the subject parcel.

On this matter, the Board determined that in accordance with provisions of the MGA s.7 and s.640(1) only Council is granted the authority to pass and amend bylaws, and they are required to pass a Land Use Bylaw. The Subdivision and Development Appeal Board does not have authority to amend the County's Land Use Bylaw by adding definitions or a site specific use to a certain parcel.

Additionally, the appellant requested that the Subdivision and Development Appeal Board overturn the refusal of development permit 25D 154 thereby allowing this use and permitting the two annual special events.

The Board derives its jurisdiction from Part 17 of the MGA and from the Land Use Bylaw adopted by Foothills County. Under MGA s.687(3)(d), an SDAB may confirm, revoke, or vary a decision and may issue a development permit only if two cumulative preconditions are met:

- the proposed development would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment, or value of neighbouring parcels of land; **and**
- the proposed development conforms to the use prescribed for that land or building in the land use bylaw.

The parcel is designated as Agricultural District. The proposed development, being Vehicle Testing, is not listed as either a permitted use or a discretionary use under the Agricultural land use district, or for greater clarity, under any land use district defined in the County's current land use bylaw.

The Board has determined that they do not have the authority to overturn the Development Authority's decision to refuse development permit 25D 154. The Board cannot consider using any variance power, nor can it rely on s.687(3)(d)(i) to assess neighbourhood impacts, unless use conformity can be established. The MGA s. 687(3)(d)(ii) requires conformity to the use prescribed in the land use bylaw as a precondition to any variance or approval on appeal. An SDAB's or Development Authority's variance power does not extend to authorizing a use that the LUB does not list for the district.

And finally, the appellant requested that the Board consider issuing conditions of approval for the subdivision application that was submitted on October 18, 2024 and delayed by the County without reason.

The appeal before the Board was an appeal against the refusal of Development Permit 25D 154. The details of the appeal were circulated through the notice of hearing as required under s.686(3) of the MGA. The application for development permit, the associated decision and the notice of appeal were made available for public inspection in advance of the hearing in accordance with s.686(4) of the MGA.

The Board concludes that it lacks jurisdiction to contemplate the subdivision application, as it was neither the subject of appeal, was not circulated as being appealed, or presented in its entirety as part of this hearing.

The Board determined that the appellant's submissions alleging procedural unfairness, failure to rely on the evidentiary record, and inadequacy of the reasons for refusal were primarily related to Council's prior consideration of applications related to the subject lands. Reference to s.216.4(5.1) of the MGA which states that '*Unless this Act or another enactment specifies otherwise, a council may hold only one public hearing on each proposed bylaw or resolution, or any part thereof, that considers residential developments or developments with residential and non-residential developments under Part 17*' again regulates Council's public hearing processes and is not applicable to an SDAB. The Board finds that such issues fall outside the scope of its jurisdiction and therefore cannot be considered in these proceedings.

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 13th Day of February, 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

12.1 AGRICULTURAL DISTRICT

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.

12.1.2 SUB-DISTRICT

12.1.2.1 Parcels may include the following sub-districts in cases where Council feels that there is a need. Not all parcels will be separated into sub-districts. Should a parcel include the sub-district, all district rules apply with the addition of the special provisions noted in accordance with the sub-district:

- a. Sub-district “A” is a designation added to the land use district indicating a requirement for special consideration on the development of the site and/or placement and construction of buildings or structures on the lands through approval of a development permit. Reference Section 2.4 of this Bylaw for more details on special provisions for parcels with sub-district “A”.

12.1.4 PERMITTED USES	12.1.5 DISCRETIONARY USES
Accessory buildings not requiring a development permit Accessory uses Agricultural, general Agricultural specialty Dugout Dwelling, single family *no more than 1 such dwelling is permitted on a single lot less than 32.4 ha (80 ac) in size. *no more than 2 such dwellings are permitted on a single lot 32.4 ha (80 ac) or greater in size. Dwelling, Mobile Home *permitted use only on lots 32.4 ha (80 acres) or greater in size. Home Based Business Type I Home Based Business Type II Home Office Public Works Secondary Suite, detached Secondary suite, principal Signs not requiring a Development Permit Solar Power System, Private (Not requiring a Development Permit) Temporary storage of up to 5 unoccupied recreation vehicles	Abattoir, Minor Accessory buildings requiring a development permit Aerodrome/airstrip (private use) Agricultural intensive use Agricultural processing and distribution *does not includes retail sales on the site. Agricultural support services *does not includes retail sales on the site. Animal boarding services Antenna structures, private Arena, private Bed and Breakfast Family Day Home Dwelling, Mobile Home *discretionary use on lots less than 80 acres in size. Dwelling, moved on Dwelling, temporary Home based business Type III Intensive vegetation operation Kennel, private Lot Grading Man-made water bodies, private (requiring a permit). Signs (requiring a development permit) Solar Power System, Private (requiring a Development Permit) Special Event Temporary storage of between 6 and 10 unoccupied recreation vehicles Utility service, minor

MUNICIPAL GOVERNMENT ACT, R.S.A. 2000, CHAPTER M-26**Division 1****General Jurisdiction****General jurisdiction to pass bylaws**

- (7) Subject to section 7.1, a council may pass bylaws for municipal purposes respecting the following matters:
- (a) the safety, health and welfare of people and the protection of people and property;
 - (b) people, activities and things in, on or near a public place or place that is open to the public;
 - (c) nuisances, including unsightly property;
 - (d) transport and transportation systems;
 - (e) businesses, business activities and persons engaged in business;
 - (f) services provided by or on behalf of the municipality;
 - (g) public utilities;
 - (h) wild and domestic animals and activities in relation to them;
 - (i) the enforcement of bylaws made under this or any other enactment, including any or all of the following:
 - (i) the creation of offences;
 - (ii) for each offence, imposing a fine not exceeding \$10,000 or imprisonment for not more than one year, or both;
 - (iii) providing for the imposition of a penalty for an offence that is in addition to a fine or imprisonment so long as the penalty relates to a fee, cost, rate, toll or charge that is associated with the conduct that gives rise to the offence;
 - (iv) providing that a specified penalty prescribed under section 44 of the *Provincial Offences Procedure Act* is reduced by a specified amount if the penalty is paid within a specified time;
 - (v) Providing for imprisonment for not more than one year for non-payment of a fine or penalty;
 - (vi) providing that a person who contravenes a bylaw may pay an amount established by bylaw and if the amount is paid, the person will not be prosecuted for the contravention;
 - (vii) providing for inspections to determine if bylaws are being complied with;
 - (viii) remedying contraventions of bylaws.

Public Hearings**When to hold public hearing**

- 216.4 (5.1)** Unless this Act or another enactment specifies otherwise, a council may hold only one public hearing on each proposed bylaw or resolution, or any part thereof, that considers residential developments or developments with residential and non-residential developments under Part 17.

Appeals

- (3) The board hearing an appeal referred to in subsection (1) must give at least 5 days' notice in writing of the hearing
- (a) to the appellant,
 - (b) to the development authority whose order, decision or development permit is the subject of the appeal, and
 - (c) to those owners required to be notified under the land use bylaw and any other person that the board hearing the appeal considers to be affected by the appeal and should be notified.
- (4) The board hearing an appeal referred to in subsection (1) must make available for public inspection before the commencement of the hearing all relevant documents and materials respecting the appeal, including
- (a) the application for the development permit, the decision and the notice of appeal, or
 - (b) the order under section 645.

Hearing and Decision

687(3) In determining an appeal, the board hearing the appeal referred to in subsection (1)

- (a.1) must comply with any applicable land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clauses (a.4) and (d), must comply with any land use bylaw in effect;
- (a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;
- (b) must have regard to but is not bound by the subdivision and development regulations;
- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
 - (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land, and
 - (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD**D01/2026****PAGE 13 of 13****APPENDIX “A”**

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

NAME	CAPACITY
1. S. Kotlar	Development Authority, Foothills County
2. S. Itzovitch	Landowner/Appellant
3. P. Itzovitch	Landowner/Appellant
4. K. Beunder	Agent/Appellant
5. B. Libawski	Agent/Appellant
6. M. Aboulhosn	Appellant
7. C. Kerzner	Appellant
8. R. Kohlruss	Affected Party
9. C. Eldridge	Affected Party
10. R. Steed	Affected Party
11. R. Coote	Affected Party
12. B. and J. Doner	Affected Party
13. W. Xu	Affected Party

APPENDIX “B”

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

NO.	ITEM
1.	Decision from the Foothills County Development Officer 25D 154
2.	Notice of Appeal submitted by S. Itzcovitch, Hyatt Auto Sales
3.	Development Permit 25D 154 File Documents
4.	Written Submission – Proponents Appeal Evidence Package
5.	Written Submission – C. Eldridge
6.	Written Submission – R. Coote

APPENDIX “C”

EXHIBITS MADE AVAILABLE AT THE HEARING

NO.	ITEM
1.	Presentation by Foothills County Development Officer S. Kotlar