



FOOTHILLS COUNTY

309 Macleod Trail, Box 5605

High River, Alberta T1V 1M7

Phone: 403-652-2341

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www.FoothillsCountyAB.ca
planning@foothillscountyab.ca

May 27, 2026

«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 adjacent to your property. The details of the Development Permit application are as follows:

Development Permit Application File#: 25D 247
Legal Description: NW 8-20-2 W5M
Approval Description: Relaxation of Setbacks to Existing Structures
Applicant/Owner: Jason & Deirdre Spicer (Owner)
Location: Located directly east of Highway 22 and directly west of the Town of Diamond Valley, with the Sheep River fragmenting the parcel near its east boundary.

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 June 18, 2026**. 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.

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 or by fax at 403-652-7880.

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... 

Theresa Chipchase
Development Officer
Theresa.Chipchase@foothillscountyab.ca
(403) 603-6223

TC/as
Encl. – Development Authority Decision



DEVELOPMENT PERMIT DECISION

DATE OF DECISION: May 27th, 2026

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

DEVELOPMENT APPLICATION FILE NUMBER: 25D247

LANDOWNER(S): JASON AND DEIRDRE SPICER

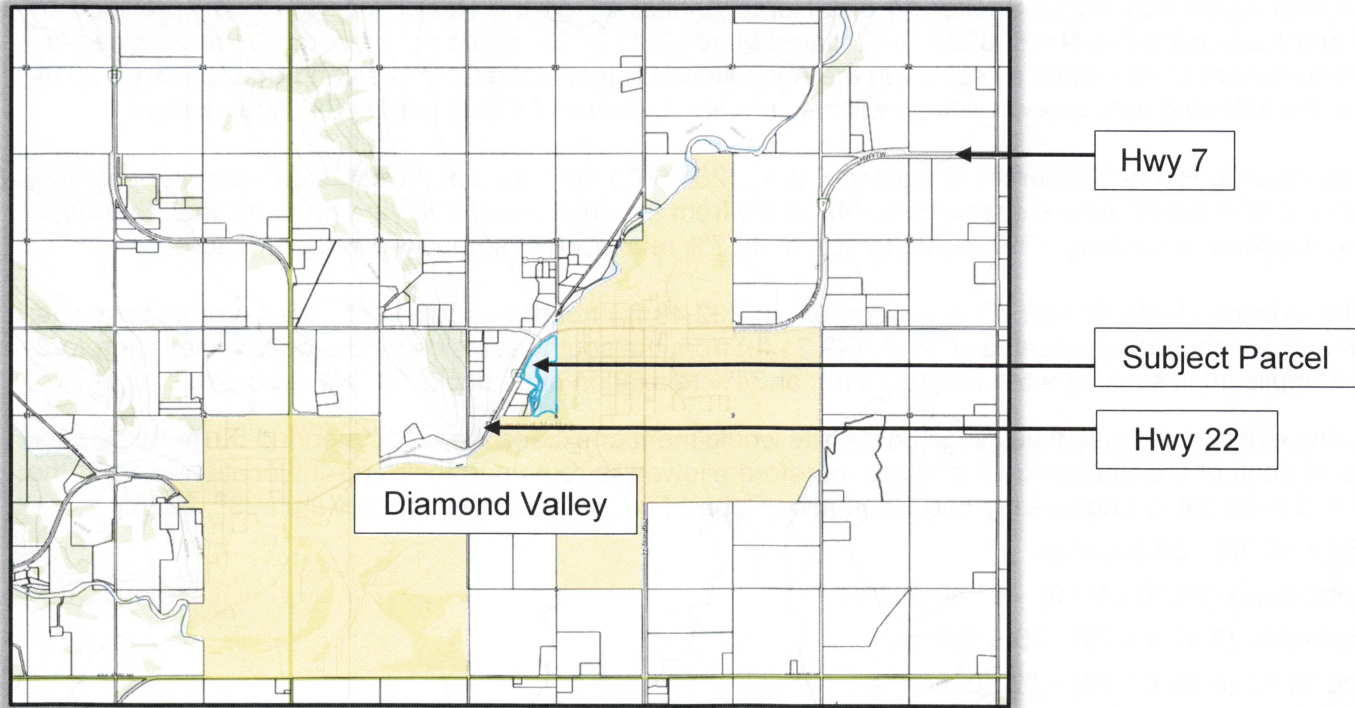
PROPOSAL DESCRIPTION: RELAXATION OF SETBACKS TO EXISTING STRUCTURE

LEGAL DESCRIPTION: PTN. NW 08-20-02-W5M

LOCATION AND DESCRIPTION OF SUBJECT PARCEL:

The subject property is an existing 40.78 acre Agricultural District parcel, located directly east of Highway 22 and directly west of the Town of Diamond Valley, with the Sheep River fragmenting the parcel near its east boundary.

Location Map:



INTENT OF THE DEVELOPMENT PERMIT APPLICATION:

An application for Development Permit has been submitted to allow for a relaxation of setbacks to the existing Log House (Stone Finished, Walkout Basement, Attached Garage), Barn (9.80 x 18.30), Horse Shelter #1 (2.47 x 4.76), Shop (Metal Clad) (16.50 x 9.19), Horse Shelter #2 (5.46 x 7.98), Horse Shelter #3 (2.45 x 3.65), Horse Shelter #4 (2.44 x 3.66), and Horse Shelter #5 (2.44 x 3.63) on the subject parcel. The submitted Real Property Reports provide that the locations of these existing structures do not comply with Foothills County setbacks as outlined in the Agricultural District of Land Use Bylaw 60/2014

Sections 9.27.21 and 9.27.22 Environmental Considerations, within the Special Setback Requirements of the Land Use Bylaw 60/2014 allows an applicant to provide the necessary environmental and/or geotechnical assessments, completed by a professional engineer, to determine setbacks. Should the Approving Authority be satisfied with the outcome of the submitted report, a variance to a setback may be increased or reduced accordingly.

Therefore, the applicant provided Foothills County with a Sheep River, Riparian Setback Determination Report from Basin Environmental which referenced a Slope Stability Assessment completed by Factor Geotechnical, Project No. 479-001, addressing riparian setbacks and slope stability for all structures on the site. These reports determined a development setback of 50 metres from the top of bank of the Sheep River, as surveyed September 26th, 2023, to be appropriate for the existing Log House (Stone Finished, Walkout Basement, Attached Garage), Barn (9.80 x 18.30), Horse Shelter #1 (2.47 x 4.76), Shop (Metal Clad) (16.50 x 9.19), Horse Shelter #2 (5.46 x 7.98), Horse Shelter #3 (2.45 x 3.65), Horse Shelter #4 (2.44 x 3.66), and Horse Shelter #5 (2.44 x 3.63).

The site plan and report provided by Basin Environmental, supported by the Factor Geotechnical Report, further identified all accessory or “ancillary” buildings as meeting their recommended setback of 50 metres. The Reports, however, further indicated that the Log House (Stone Finished, Walkout Basement, Attached Garage), encroached into the recommended 50 metre setback by 26 metres. The Basin Environmental Report additionally provided the following regarding the encroachment of the log house: *“Due to the small footprint of the rural residence within the recommended 50 m setback, it is anticipated that potential adverse impacts to the Sheep River will be negligible over the long term. A setback variance, therefore, is recommended for the portion of the residential structure within the setback. All ancillary structures fall within the recommended setback and no variance is recommended.”*

Section 5.6.2 of the County's Land Use Bylaw 60/2014 provides the Development Authority with the ability to provide a variance of any yard setback to a maximum of 90% with respect to existing development within the Agricultural District or a variance as determined by the outcome of the necessary geotechnical reports as required, within Section 9.27.21 and 9.27.22 Environmental Considerations, under the Special Setback Requirements of the County's Land Use Bylaw 60/2014.

Therefore, based on the recommendations of the Basin Environmental, Sheep River, Riparian Setback Determination Report, as supported by the Factor Geotechnical Report, the following will require approval of a relaxation of setbacks to recommended setback the top of bank for the Sheep River:

- The existing Log House (Stone Finished, Walkout Basement, Attached Garage) located 44.4 metres from the top of bank of the Sheep River, encroaches into the recommended 50 metre setback by 5.6 metres (18.37 ft.), as per the Basin Environmental, Sheep River, Riparian Setback Determination Report, at its closest point, from the top of bank of the Sheep River, when it is required to be setback 50 m. (49.21 ft.) from the top of bank of the Sheep River, as determined by the Basin Environmental and Factor Geotechnical Reports, provided by the applicant. The Basin Environmental Report has additionally provided that the encroachment of the Log House (Stone Finished, Walkout Basement, Attached Garage) would not be detrimental to the Sheep River in its current location. Therefore, the applicant is seeking a 5.60 m. (18.50 ft.) or 11.20% relaxation of setbacks for this structure.

Further, it was noted that Horse Shelter #4 and Horse Shelter #5 on the Real Property Report provided by Pasquini and Associates File No. 605232-RPR, dated March 28th, 2025, would not meet the County's side yard setback requirement of 15 metres as set out in the Agricultural District of the County's Land Use Bylaw 60/2014. Therefore, the following accessory buildings will also require approval of a side yard setback relaxation:

- The existing Horse Shelter #4 is located 8.0 m. (26.25 ft.) from the southwest, side yard property line, when it is required to be setback 15 m. (49.21 ft.) from the southwest, side yard property line. Therefore, the applicant is seeking a 7.0 m. (22.97 ft.), or 46.7% relaxation of setbacks for this structure.
- The existing Horse Shelter #5 is located 9.9 m. (32.48 ft.) from the southwest, side yard property line, when it is required to be setback 15 m. (49.21 ft.) from the southwest, side yard property line. Therefore, the applicant is seeking a 5.1 m. (16.73 ft.), or 34% relaxation of setbacks for this structure.

The following existing accessory buildings on the site would meet or exceed the recommended 50 metre setback to the top of bank of the Sheep River and are therefore allowed to remain in their current locations as per the Pasquini and Associates Engineering and Geomatics Report File: 605232RPR, dated March 28th, 2025:

Barn (9.80 x 18.30) - 69.8 metres

Shop (Metal Clad) (16.50 x 9.19) – 57.40 metres

Horse Shelter #1 (2.47 x 4.76) - 75.6 metres

Horse Shelter #2 (5.46 x 7.98) – 62.50 metres

Horse Shelter #3 (2.45 x 3.65) – 66.50 metres

Horse Shelter #4 (2.44 x 3.66) – 77.50 metres - with relaxation as provided below to west side yard setback

Horse Shelter #5 (2.44 x 3.63) – 98.40 metres – with relaxation as provided below to west side yard setback

Relaxation of Setbacks are a Discretionary Use under the Agricultural Land Use District; therefore, decisions on applications for Development Permit for this use are to the discretion of the Development Officer and are subject to a 21-day appeal period.

The application for a Development Permit in accordance with the provisions of Land Use Bylaw 60/2014, of Foothills County, in respect of relaxation of setbacks on the subject parcel, being a portion of the NW 08-20-02-W5M, have been considered by the Development Officer and are **APPROVED** subject to the following:

APPROVAL DESCRIPTION:

This approval allows for the development and use of a portion of the NW 08-20-02-W5M, with respect to:

1. Relaxation of setbacks to the existing Log House (Stone Finished, Walkout Basement, Attached Garage) whereby it is permitted to be located no closer than 44.40 m. (145.67 ft.) from the top of bank of the Sheep River as identified within the submitted Sheep River, Riparian Setback Determination Report, provided by Basin Environmental, dated January 5th, 2026.
2. Relaxation of setbacks to the existing Horse Shelter # 4 whereby it is permitted to be located no closer than 8.0 m. (26.25 ft.) from the southwest, side yard property line, as depicted on the accepted Real Property Report, File No. 605232-RPR, dated March 28th, 2025, from Pasquini and Associates Engineering and Geomatics.
3. Relaxation of setbacks to the existing Horse Shelter #5 whereby it is permitted to be located no closer than 9.9 m. (32.48 ft.) from the southwest, side yard property line, as depicted on the accepted Real Property Report, File No. 605232-RPR, dated March 28th, 2025, from Pasquini and Associates Engineering and Geomatics.

All other existing and future development must meet the County setback requirements.

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. Development shall comply with the applicable Building and Fire Codes at all times.
2. All installation(s) of exterior lighting must adhere to the guidelines and technical specifications as outlined within the Dark Sky Bylaw;
3. All existing and future development of the property shall comply with the requirements of Alberta Transportation and Economic Corridors, Roadside Development Permit No. 2024-0047378, to the satisfaction of their department;
4. No portion of the accessory buildings shall be used for the purpose of any business-related uses, nor shall any portions be used as a secondary dwelling unit without first obtaining any necessary approvals from Foothills County.
5. The issuance of a development permit by the County does not relieve the landowners of the responsibility of complying with all other relevant County bylaws and requirements, nor excuse violation of any provincial or federal regulation or act which may affect use of the land;
6. The applicants shall be responsible for payment of any professional costs including legal fees that may be incurred by the County with respect to the implementation of this permit;

NOTES:

1. **This is not a Building Permit.** Construction practices and standards of construction of any building or any structure authorized by the Development Permit, once signed and issued, must be in accordance with the Building and Safety Codes Permits. An application must be made for all required Building and/or Safety Codes Permits.
2. **This is not a Development Permit.** The Development Permit may be signed and issued upon completion of the 21-day appeal period; should no appeals be received, and completion of all Pre-Release Conditions (if any). Development cannot 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. Development and circulated to area landowners (according to County Records at this time) adjacent to the subject parcel. Permit Notices can also be viewed on our website, www.foothillscountyab.ca.
4. This Development Permit Decision is subject to a 21-day appeal period. Pursuant to 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 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

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

APPELLANT INFORMATION (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:		

AGENT INFORMATION & CERTIFICATION (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

SITE INFORMATION

Municipal Address (house and street number):			
Legal Land Description:	Plan	Block	Lot
Quarter-Section	Township	Range	Meridian

I AM APPEALING (check only one)

Development Authority Decision <input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal <u>Development Permit #</u> Date of Decision: (Y/M/D) _____	Subdivision Authority Decision <input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal <u>Subdivision Application #</u> Date of Decision: (Y/M/D) _____	Decision of Enforcement Services <input type="checkbox"/> Stop Order <input type="checkbox"/> Compliance Order <u>Enforcement Order #</u> Date of Decision: (Y/M/D) _____
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REASON FOR APPEAL (attach separate page(s) if required)

All appeals should contain the reasons for the appeal, including the issues in the decision or the conditions imposed in the approval that are the subject of the appeal.

TURN OVER AND COMPLETE REVERSE SIDE

Submitting an Appeal – Subdivision Authority Decisions

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

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

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

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

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

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

Submitting an Appeal – Development Authority Decisions

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

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

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

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

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

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

THE APPEAL FEE MUST ACCOMPANY THE NOTICE OF APPEAL FORM

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

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

How to submit your appeal and pay your fee

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

Mail or deliver to:

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

Email to:

appeals@foothillscountyab.ca

Please make cheques payable to "Foothills County"

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

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

What happens after my appeal is submitted?

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

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

More information

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

Phone: 403-652-2341

Email: appeals@FoothillsCountyAB.ca