

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

HEARING DATE: JUNE 11, 2026

BOARD ORDER: D13/2026

APPELLANT/ APPLICANT/ LANDOWNER: HARLEY, MARIAN AND JOEL STAV

APPEAL AGAINST: THE AUTOMATIC REFUSAL OF 26D 078 FOR A DWELLING,
TEMPORARY FOR CHILD OF LANDOWNER

SUBJECT PROPERTY: PLAN 6353JK, BLOCK E; PTN. SW 18-20-02 W5M

BEFORE: CHAIRMAN G. BEACOM; BOARD MEMBERS D. MACDONALD, M. REID, B.
ESTES, B. SALTMAN AND RECORDING SECRETARY M. MICHAUD

DECISION

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

And upon having read the materials provided, and upon having heard the representations from the Appellants/ 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 automatic refusal of Development Permit 26D 078 for a Dwelling, Temporary for Child of Landowner on Plan 6353JK, Block E; Ptn. SW 18-20-02 W5M (The "Property").

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

ALLOW the appeal and OVERTURN the Development Authority's decision to automatically refuse Development Permit 26D 078 for a Dwelling, Temporary for Child of Landowner on Plan 6353JK, Block E; Ptn. NE 18-20-02 W5M.

The application is thereby APPROVED subject to the following conditions:

APPROVAL DESCRIPTION:

This approval is for a Dwelling, Temporary for Child of Landowner to allow for the continued use of the second mobile home in addition to the primary dwelling and a mobile home used as a secondary dwelling on the subject property, being Plan 6353JK, Block E; Ptn. NE 18-20-02 W5M for a period of 36 months from the date of this decision.

CONDITIONS OF APPROVAL:

Failure to maintain compliance with 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 the 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 except under the benefit of appropriate approvals;
2. The Dwelling, Temporary (mobile home) for Child of Landowner is approved for a period of 36 months only, from the date of the decision. The Dwelling is to be used solely as a residence for the Child of Landowner.

ADVISORY REQUIREMENTS:

The following requirements are provided by Foothills County to inform applicants and landowners 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(s) are advised that, as per Section 10.10 of the Land Use Bylaw 60/2014, the maximum term for renewals on Development Permits for Dwelling, Temporary shall not exceed six (6) years. **As such, any future application submitted for the subject Dwelling, Temporary will be considered as a new application that would be subject to and considered under the policies within the Land Use Bylaw at the time of application;**
2. Development shall comply with the requirements of the Alberta Building, Plumbing, Electrical, and Fire Codes at all times;
3. The applicant(s) are advised that this approval does not allow for the replacement of the Dwelling, Temporary. Should replacement be required for any reason, issuance of a new Development permit would be necessary prior to placement of a new Dwelling, Temporary and would be subject to and considered under the policies within the Land Use Bylaw at the time of application;
4. The applicant shall maintain the development in accordance with all conditions of approval and plans that have been submitted by the applicant and acknowledged by the municipality to be appropriate;
5. The issuance of a development permit by the County does not relieve the landowners of the responsibility of complying with other relevant County bylaws and requirements, nor excuse violation of any provincial or federal regulation or act which may affect the use of the land.

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 all Pre-Release Conditions (if any). Development can not proceed until this permit has been signed and issued.

3. 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.
4. The conditions 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 D13/2026.

INTRODUCTION

- i. The subject property is an existing 68.52-acre Agricultural District parcel located directly east of Highway 22, one quarter mile north of 402nd Avenue West.
- ii. On April 23, 2026, the Development Authority for Foothills County automatically refused Development Permit 26D 078 for a Dwelling, Temporary for Child of Landowner on Plan 6353JK, Block E; Ptn SW 18-20-02 W5M.
- iii. An appeal was received on May 13, 2026, from H. Stav, M. Stav and J. Stav against the automatic refusal of Development Permit 26D 078.

ISSUES

1. APPLICATION:

- i. The Development Authority submitted that the application was submitted to allow the continued use of both mobile homes after previous approvals had expired.
- ii. The Development Authority submitted that the automatic refusal of the application was on account of Section 12.7.1.2 in the Land Use Bylaw 60/2014 which denotes that the maximum dwelling unit density for a parcel under 80 acres is one Dwelling, Single Family and either one Dwelling, Secondary Suite, or one Dwelling, Temporary in accordance with Section 10.26 Secondary Suites and Section 10.10 on Dwellings.
- iii. The Development Authority submitted that the dwelling in question has been on the property since 1987 – it is a mobile home that is 1,300 sq. ft. in size and is a single wide.
- iv. The Development Authority submitted that Section 10.10.27 of the Land Use Bylaw 60/2014 gives provisions for “Dwelling, Temporary” including: that a Development Permit for a Dwelling, Temporary, not placed on a permanent foundation may be approved in accordance with Section 10.10 for a temporary period not exceeding (c) 36 months when it is used for the housing of a housekeeper/nanny, parents or children, aunts, uncles, siblings and grandparents of the landowners.
- v. The Development Authority submitted that the maximum term for renewals shall not exceed 6 years, as per Section 10.10.28 of the Land Use Bylaw 60/2014.

- vi. The Development Authority submitted that the last Development Permit for Dwelling, Temporary on the subject property had expired as of July 15, 2022 and that the Landowners were required to submit a new application.
- vii. The Development Authority submitted that the term of a renewal of a Dwelling, Temporary is 36 months, only renewable for up to 6 years. Beyond the 6 years, a new application is required.
- viii. The Development Authority submitted that an approval for Dwelling, Temporary is not intended to provide any permanency.
- ix. The Development Authority submitted that it is outside their authority to approve 2 temporary dwellings on the subject property.
- x. The Appellant submitted that they have held Development Permits which have been in place for 20 – 30 years.
- xi. The Appellant submitted that the subject property has a farming operation that required all family members to make it work.
- xii. The Appellant submitted that his mother is disabled and that he and his brother are full-time caregivers of their mother.
- xiii. The Appellant submitted that they have put a lot of time and money into the property over the years and this has helped to keep the family together on the property, as well as support the agricultural operations on the property.
- xiv. The Appellant submitted that they understand the rules and are not intending to break them; however, they are hoping to keep the family together on the same property.
- xv. The Appellant submitted that after the mother passes, they would take over the primary residence on the subject property and would not require any further permits.
- xvi. The Appellant submitted that all of the dwelling units on the subject property are occupied by family members.
- xvii. The Appellant submitted that they have never had any complaints whatsoever from the neighbours.
- xviii. The Appellant submitted that should the appeal be upheld and the development permit approved, they would have the time to plan and prepare for the future and consider placing a secondary suite as a more permanent solution.

REASONS FOR DECISION

The Board is ALLOWING the appeal and OVERTURNING the Development Authority's decision to automatically refuse Development Permit 26D 078 for a Dwelling, Temporary for Child of Landowner on Plan 6353JK, Block E; Ptn. SW 18-20-02 W5M.

Based on the testimony heard, the Board considered the application, the reasons for the automatic refusal, and the testimony of the Development Officer, and the Appellants/Landowners.

The Board considered the concerns of the Appellants regarding care for their disabled mother and strongly encourage the Landowners toward future planning that would meet the needs of the family on a more permanent basis. The Board deemed that an approval may be given for 36 months to allow the Landowners time to plan a more permanent solution and consider moving forward with a Secondary Suite on a permanent foundation.

The Board determined that the approval would allow for the Landowners to maintain ongoing agricultural operations.

The Board additionally noted that there was no opposition from any of the neighbouring properties and determined that the development would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of the neighboring parcels of land.

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 26th Day of June, 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****DEFINITIONS**

DWELLING, TEMPORARY means a manufactured home, dwelling modular, or dwelling detached single family, which has not been situated on a permanent foundation and is permitted in accordance with Section 10.10.

DWELLING, TEMPORARY

10.10.25 - Dwelling, Temporary shall meet all applicable Building and Safety Code requirements and be in accordance with all provisions under Section 10.10.

10.10.27 - a Development Permit for a Dwelling, Temporary, not placed on a permanent foundation may be approved in accordance with Section 10.10 for a temporary period not exceeding:

- a. 36 months where it is used for farm help purposes whereby the temporary dwelling, is to be occupied by a person who is engaged on a full time basis for at least six months each year in an agricultural pursuit that includes the parcel that is subject of the application.

10.10.29 - of the Land Use Bylaw 60/2014 states that the maximum term for renewals on Development Permits for Dwelling, Temporary shall not exceed six (6) years. Applications for Dwelling, Temporary exceeding this time shall be considered as a new application.

SECTION 12 - AGRICULTURAL DISTRICTS**12.1 AGRICULTURAL DISTRICT (A)**

12.1.1 PURPOSE AND INTENT To promote a wide range of agricultural land uses that encourage growth, diversification and development of the agricultural industry while having regard for the agricultural value and rural character of the area consistent with the policies outlined in the Municipal Development Plan.

12.1.4 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

Hearing and Decision

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

- (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.

APPENDIX “A”

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

<u>NAME</u>	<u>CAPACITY</u>
1. T. Chipchase	Foothills County - Development Officer
2. H. Stav	Appellant/Applicant/Landowner
3. M. Stav	Appellant/Applicant/Landowner
4. J. Stav	Appellant/Applicant/Landowner

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 26D 078
- 2. Notice of Appeal submitted by H. Stav
- 3. Development Permit 26D 078 File Documents

APPENDIX “C”

EXHIBITS MADE AVAILABLE AT THE HEARING

NO. ITEM

- 1. Presentation by the Foothills County Development Officer, T. Chipchase