

**FOOTHILLS COUNTY**

309 Macleod Trail, Box 5605

High River, Alberta T1V 1M7

Phone: 403-652-2341

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www.FoothillsCountyAB.caplanning@foothillscountyab.ca

September 2, 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 within one half mile of your property. The details of the Development Permit application are as follows:

Development Permit Application File#: 25D 0219**Legal Description:** SW 23-22-04 W5M; Plan 8211652, Lot 12**Approval Description:** Relaxation of Setbacks for a Proposed Personal Use Accessory Structure**Applicant/Owner** Elvis Xerri & Laurie Livingstone (Owner)**Location:** Located on the south end of 320 St W, approximately 5km south west of the Hamlet of Priddis.

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 September 24, 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...

Pierre-David Karolyi
Development Officer

Pierre-David.Karolyi@foothillscountyab.ca

(403) 603-6310

PK/sp

Encl. – Development Authority Decision



DEVELOPMENT PERMIT DECISION

DATE OF DECISION: September 2, 2026

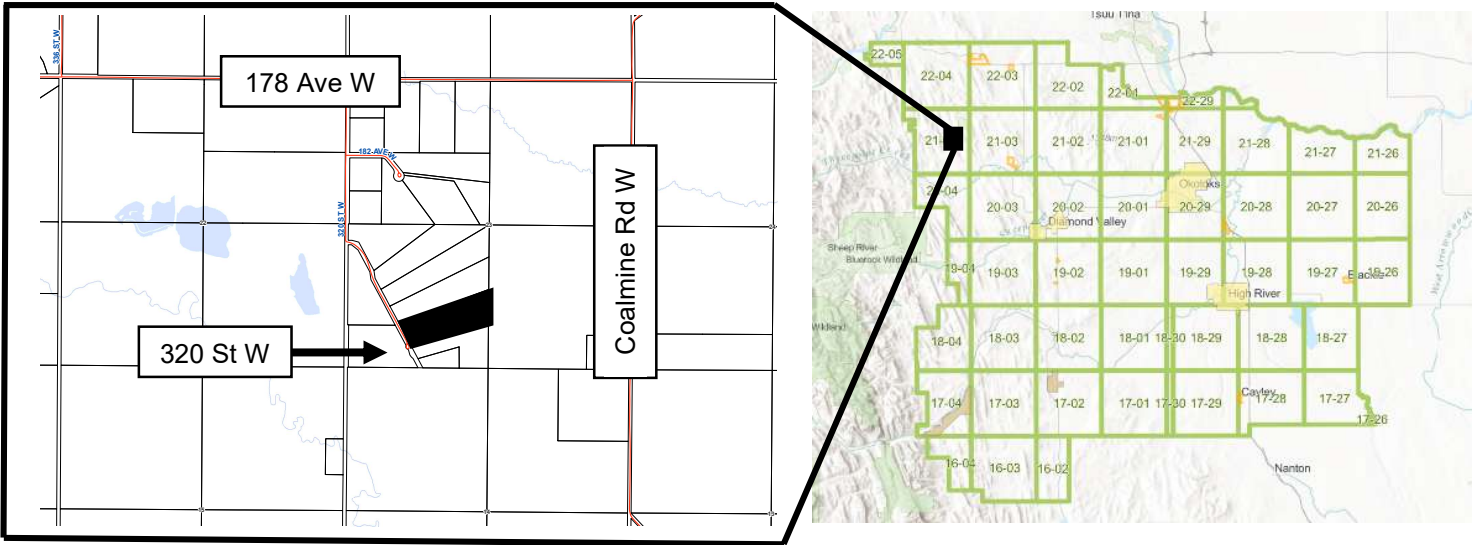
THIS IS NOT A DEVELOPMENT PERMIT OR BUILDING PERMIT. PLEASE REFER TO THE NOTES SECTION BELOW FOR ADDITIONAL INFORMATION.

APPLICATION FILE NUMBER: 25D 219
LANDOWNER(S)/APPLICANTS: ELVIS XERRI AND LAURIE HAY
PROPOSAL DESCRIPTION: RELAXATION OF SETBACKS FOR A PROPOSED PERSONAL USE ACCESSORY STRUCTURE
LEGAL DESCRIPTION: PTN. SW 23-22-04 W5M; PLAN 8211652, LOT 12

LOCATION AND DESCRIPTION OF SUBJECT PARCEL:

The subject property is an existing 20.02+/- acre Country Residential District parcel, located on the south end of 320 ST W off 178 Ave W, approximately 5km south west of the Hamlet of Priddis.

Location Map:



INTENT OF THE DEVELOPMENT PERMIT APPLICATION:

An application for a Development Permit has been submitted requesting a relaxation of setbacks for a proposed personal use Accessory Building on the subject property. This application is intended to allow for the construction of a shop as a detached accessory building. The new structure is proposed to be +/-1,910 sq. ft. in size and +/- 30'2" high. A Structure of this size is permitted on this size of parcel, however, the proposed location requires a relaxation to the side yard setback distances. The applicants are requesting the following relaxation of setbacks for the proposed Accessory Building.

- The +/- 1910 sq. ft. personal use Accessory Building is proposed to be located no closer than 11.89 m from the north yard property line, when it is required to be setback 15.0 m. Therefore, the applicants are seeking a 3.11m or 20.7% relaxation of setbacks for this structure from the north property line at its closets point.

Sections 5.6.4 and 5.6.5 of the Land Use Bylaw 60/2024 identify that it is within the discretion of the Development Authority to approve relaxations to a maximum of 25% on the proposed structures, provided that the applicant can provide rationale as to why the proposed location is the most appropriate location for the proposed structure.

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 for a proposed personal use Accessory Building on a portion of SW 23-22-04; Plan 8211652, Lot 12, has been considered by the Development Officer and is **APPROVED** subject to the following.

APPROVAL DESCRIPTION:

The proposed detached accessory building +/- 1,910 sq. ft. and +/- 30'2" high personal use Accessory Building is permitted to be located no closer than 11.89 m (127.98 ft) from the north side yard property line, as depicted on the accepted site plan.

PRE-RELEASE CONDITON:

*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 **January 2, 2027** 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 Geotechnical Report, prepared by a qualified professional, which includes a Slope Stability Assessment for all areas of the site containing slopes exceeding 15%, to the satisfaction of Public Works.

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 applicant shall relocate the existing sea-can to the location identified on the updated site plan once construction of the proposed accessory building is complete and shall notify the Development Authority upon completion of the relocation.
2. The applicant shall maintain the development in accordance with all conditions of approval and plans that have been acknowledged by the municipality to be appropriate. **Any revisions and/or additions to the use of this land shall not proceed unless appropriate approvals and permits have been obtained;**
3. The landowners are required to obtain all necessary building and safety codes, permits and inspections from Foothills County for the proposed detached accessory building, to the discretion of the County's Safety Codes Officer.
4. It is the landowners responsibility to provide written 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. Development on the property shall comply with the applicable Building, Safety and Fire Codes at all times.
2. All structures on this parcel are to be used for personal use only and shall not be used in association with any business, or for the purpose of storing business related materials, without first obtaining all necessary approvals from the Foothills County;
3. No portion of the accessory building shall be used as a secondary dwelling unit without first obtaining all necessary approvals from the Foothills County;
4. No Topsoil shall be removed from the subject property and natural drainage of the property must be maintained. Alterations to natural drainage may proceed only under the authorization of an issued Development Permit for Lot Grading.
5. All installation(s) of exterior lighting must adhere to the guidelines and technical specifications as outlined within the Dark Sky Bylaw;
6. 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;
7. 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 posted 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.



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

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* <i>*Paid at the time od subdivision application and credited to endorsement fee if no appeal is filed</i>	\$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