



## Notice of Appeal

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

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



<b>APPELLANT INFORMATION</b> (e.g. Landowner or Affected Party)			
Name of Appellant(s) <b>Ashtley Leroux &amp; Christine Leroux</b>			
Mailing Address		Province	Postal Code
Main Phone #		Alternate Phone #	
I consent to receive documents by email: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
Email Address:			
<b>AGENT INFORMATION &amp; CERTIFICATION</b> (complete section if applicable)			
Name of Organization:			
Contact Name:			
Mailing Address		Province	Postal Code
Main Phone #			
I consent to receive documents by email: <input type="checkbox"/> Yes <input type="checkbox"/> No			
Email Address:			
I (We) _____ hereby authorize _____			
to act on my (our) behalf on matters pertaining to this appeal.			
Nov. 19, 2023			
Signature of Appellant(s)	Date	Signature of Appellant(s)	Date
<b>SITE INFORMATION</b>			
Municipal Address (house and street number):			
Legal Land Description:	Plan	Block	Lot
Quarter-Section	Township	Range	Meridian

<b>I AM APPEALING</b> (check only one)		
<b>Development Authority Decision</b> <input checked="" type="checkbox"/> Approval <input checked="" type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal Development Permit # 23D 190 Date of Decision: (Y/M/D) 2023/11/01	<b>Subdivision Authority Decision</b> <input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal Subdivision Application # Date of Decision: (Y/M/D)	<b>Decision of Enforcement Services</b> <input type="checkbox"/> Stop Order <input type="checkbox"/> Compliance Order Enforcement Order # Date of Decision: (Y/M/D)
<b>REASON FOR APPEAL</b> (attach separate page(s) if required)		
<p>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.</p> <p>There is reference to a sketch or map plan that shows the parking, new shop, setbacks, etc. This was not included. We are concerned about the views of many vehicles, trailers, and equipment parked in plain site next to our property entrance gate and along our property driveway. Can we please see the plan and understand if further privacy can be achieved with a shelter belt along the south boundary of the 23D 190 property boundary (which will be our north boundary) along our driveway. Our real estate agent has advised that the current value of our property has been lowered by \$50,000 due to the proximity to the current equipment, trailers, and vehicles parked and volume of activity at the property. If additional approval is put in place, and there is increased activity, we would like to ensure that there is adequate measures in place to limit the views and sounds of the activity and including dust control as we have been asked same and installed recycled asphalt in lieu of gravel. We would also like to see what the commercial screen system looks like to understand if there will be an improvement or not visually.</p>		

**TURN OVER AND COMPLETE REVERSE SIDE**

We also would like to see a plan for the garbage and waste. It makes reference to covered bins and no burning, but there is a burning barrel onsite currently. What will be burned and what will be trashed on a regular basis and will there be anything hazardous stored or disposed?
We have further concern about the adjacent property to the north (also bordering our property) being used as storage and overflow for the business. It is our understanding that this is a relative of the 23D 190 property owners and at the time of writing this, there are multiple commercial trailers being stored on this property which is contrary to the conditions outlined.
We moved to our property as a country residential property. Our neighborhood is filled with country residential acreage properties that have many restrictive covenants in place for the architectural controls for out buildings and commercial activity. We purchased across the road from these acreage developments (Norris Coulee, Shannon Estates, Deer Creek Estates, etc.) with the peace of mind that our investment in our home would be protected because it was surrounded by high quality country residential properties.
Allowing for the development of a Type 3 Home Based business in the middle of these high end acreages would be concerning for most, if not all property owners.
We believe the usage described in the documentation provided thus far is not a home based business, and more representatively a Rural Business or Industrial General Business that would be appropriately located in an industrial park / subdivision. Additionally at the time writing this, there have been multiple excavators left on trailers at the 23D 190 property in plain site which would be contrary to the conditions of the approval. We don't feel that the conditions will be followed as they haven't been to date and for an extended period and even after our real estate agent politely told the 23D 190 property owners to clean up their property of commercial / industrial business activities.

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

[Redacted Signature]

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

November 19, 2023

Date

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

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

#### PAYMENT OF APPEAL FEE

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

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

*[Handwritten mark]*

<b>CREDIT CARD INFORMATION</b>	
Card type:	<input checked="" type="checkbox"/> Visa <input type="checkbox"/> Master Card <input type="checkbox"/> American Express
Name as it appears on Card:	Ashley Leroux
Card Number:	[Redacted]
Date of Expiry:	[Redacted]
CVC:	[Redacted]
Authorization: I authorize Foothills County to charge \$ 100 to my credit card.	
Signature of Card Holder:	[Redacted]
Date:	Nov.19, 2023

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

### Submitting an Appeal – Subdivision Authority Decisions

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

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

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

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

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

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

### Submitting an Appeal – Development Authority Decisions

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

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

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

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

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

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

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

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

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

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### How to submit your appeal and pay your fee

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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](mailto: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\*\***

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### What happens after my appeal is submitted?

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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.

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### More information

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

Phone: 403-652-2341

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