

**FOOTHILLS COUNTY**

309 Macleod Trail, Box 5605

High River, Alberta T1V 1M7

Phone: 403-652-2341

Fax: 403-652-7880

www.FoothillsCountyAB.caplanning@foothillscountyab.ca

October 22, 2025

«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 042**Legal Description: SW 7-20-28 W4M; Plan 2446S, RLY, Lot 20****Approval Description: Lot Grading****Applicant/Owner MJR Contracting Services Ltd (Applicant) / Calgary & Edmonton Railway Company(Owner)****Location: Located along the east boundary of the Hamlet of Aldersyde, on Pacific Avenue.**

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 November 13, 2025**. 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.

The appeal fee will be returned 2 to 3 weeks after the appeal hearing if there is record that the appellant or someone authorized to act on behalf of the appellant was in attendance at the time of the scheduled appeal hearing.

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...

Brenda Bartnik
Development Officer

Brenda.Bartnik@foothillscountyab.ca

(403) 603-6222

BB/as

Encl. – Development Authority Decision



DEVELOPMENT PERMIT DECISION

DATE OF DECISION: October 22nd, 2025

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

APPLICATION FILE NUMBER: 25D 042
LANDOWNER(S) / APPLICANT(S): CALGARY AND EDMONTON RAILWAY COMPANY / MJR CONTRACTING SERVICES LTD.
PROPOSAL DESCRIPTION: LOT GRADING
LEGAL DESCRIPTION: PTN. SW 07-20-28 W4M; PLAN 2446S, RLY, 20

LOCATION AND DESCRIPTION OF SUBJECT PARCEL:

The subject property is an existing 5.47 acre Agricultural District parcel located on Pacific Avenue, along the east boundary of the Hamlet of Aldersyde.

Location Map:



INTENT OF THE DEVELOPMENT PERMIT APPLICATION:

An application for Development Permit has been submitted for Lot Grading to allow for the removal and offsite disposal of unsuitable soils and waste; and the placement of clean fill including grading and compaction.

LOT GRADING includes operations or activity that results in a disturbance of the earth including the removal of topsoil or borrow, borrow pits, berming, excavating, trenching, backfilling, filling, land leveling, re-contouring and, grading other than for building purposes.

Lot Grading is 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 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 Lot Grading, on the subject parcel being a portion of SW 07-20-28 W4M; Plan 2446S, RLY, 20 has been considered by the Development Officer and is **APPROVED** subject to the following.

APPROVAL DESCRIPTION:

This approval allows for the development and use of Ptn. SW 07-20-28 W4M; Plan 2446S, RLY, 20 for the placement of clean fill including grading and compaction, in accordance with the submitted and accepted Development Permit application and those conditions and requirements as included herein.

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 undertake the development in accordance with all conditions of approval and the plan that has 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;**
2. Third party soil sampling/testing is to occur prior to the hauling of imported fill/soils to the property; to the satisfaction of the Public Works department;
3. A Road Use Agreement will be required for hauling in excess of 10 loads per day or for 7 days of continuous hauling. Please contact Roadata services to start the process 1-888-444-9288;

- 4. It is the applicant's responsibility to confirm any plan requirements with the landowner. Any required deviation from the plan as it has been accepted by the municipality will require re-submission for review and acceptance by the County prior to work commencing;
- 5. All equipment, and work site/identification signage is to be removed from these lands within 15 days of completion of this development;
- 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;
- 7. The applicants shall 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. All works related to the relocation of soils to these lands and grading of the property are restricted to occur between 7:00 am to 9:00 pm, Monday through Friday and 9:00 am to 9:00 pm Saturdays. No work is to occur on Sundays or statutory holidays;
- 2. The applicant is wholly responsible for all costs of improvements, remedial works and/or maintenance during and after development of the land, and shall maintain the property in accordance with the submitted plans and recommendations in order to ensure that adverse impacts on area lands are avoided;
- 3. When placing materials and conducting operations on the land, the operator shall ensure that measures are taken to contain those materials and mitigate effects with respect to dust, erosion, runoff, weeds, and the tracking of deleterious materials onto area road surfaces;
- 4. The applicant is responsible for meeting all regulatory requirements with respect to the handling and disposal of materials.
There shall be no long term storage of waste materials on the property, nor burning of waste materials on the property;
- 5. This approval does not contemplate the operation of a business from this location nor the storage of equipment and/or materials related to the operations of a business from this location;
- 6. The landowner(s) and applicant(s) indemnify and hold harmless the County against the cost of any claims or actions, or awards for loss or damage to the owner or applicant, arising from soils being relocated to/on this property;
- 7. 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. This includes but is not limited to full compliance with all provincial regulations for land reclamation and contamination control.

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 circulated to area landowners (according to County Records at this time) within the subject quarter-section and for one-half mile surrounding the subject parcel. Development 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

Subdlvislon 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: ☐ Yes ☐ 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: ☐ Yes ☐ 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		_____ Date	
SITE INFORMATION			
Municipal Address (house and street number):			
Legal Land Description: Quarter-Section	Plan Township	Block Range	Lot Meridian

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.*

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

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