

SUBDIVISION AND DEVELOPMENT APPEAL BOARD AGENDA

ROCKY VIEW COUNTY
COUNCIL CHAMBERS
262075 ROCKY VIEW POINT
ROCKY VIEW COUNTY, AB
T4A 0X2

October 30, 2019

A CALL MEETING TO ORDER

B DEVELOPMENT APPEALS

9:00 AM APPOINTMENTS

1. Division 5 File: 06606003; PRDP20192331 Page 2

This is an appeal against the Development Authority's decision to REFUSE a development permit for an existing Accessory Building, the relaxation of the minimum side yard setback requirement and the maximum total building area for all accessory buildings at 143 Rolling Acres Drive, SE-06-26-02-W5M, located approximately 0.41 kilometres (1/4 mile) north of Burma Road and 0.41 kilometres (1/4 mile) east of Bearspaw Road, off Rolling Acres Place.

Appellant/Applicant/Owner: John Eadie

2. Division 3 File: 04724062; PRDP20193110 Page 22

This is an appeal against the Development Authority's decision to REFUSE a development permit for an existing accessory building (garage) and the relaxation of the minimum side yard setback requirement at 64 Rosewood Drive, SE-24-24-03-W5M, located approximately 0.41 kilometres (1/4 mile) north of Lower Springbank Road and on the west side of Range Road 30.

Appellant/Applicant/Owner: Paul and Joanne Gimson

10:30 AM APPOINTMENTS

3. Division 2 File: 05715001; PRDP20191527 Page 49

This is an appeal against the Development Authority's decision to REFUSE a development permit for a Commercial Communications Facility, Type C at 251147 Range Road 32, SE-15-25-03-W5M, located immediately north of Township Road 251A and 0.81 kilometres (1/2 mile) east of Range Road 33.

Appellant/Applicant: Rogers Communications Inc. c/o LandSolutions LP
Owner: Elmar Augart

C CLOSE MEETING

D NEXT MEETING: November 20, 2019



PLANNING & DEVELOPMENT SERVICES

TO: Subdivision and Development Appeal Board

DATE: October 30, 2019 **DIVISION:** 8

FILE: 06606003 **APPLICATION:** B-1; PRDP20192331

SUBJECT: Accessory Building

PROPOSAL: Existing Accessory Building (shed), relaxation of the minimum side yard setback requirement and relaxation of the maximum total building area for all accessory buildings	GENERAL LOCATION: Located approximately 0.41 km (1/4 mile) north of Burma Road and 0.41 km (1/4 mile) east of Bearspaw Road, off Rolling Acres Place.
APPLICATION DATE: July 9, 2017	DEVELOPMENT AUTHORITY DECISION: Discretionary – Refused
APPEAL DATE: October 11, 2019	DEVELOPMENT AUTHORITY DECISION DATE: October 1, 2019
APPELLANT: Eadie, John C.	APPLICANT: Eadie, John C.
LEGAL DESCRIPTION: Lot 4, Plan 9010476; SE-06-26-02-05	MUNICIPAL ADDRESS: 143 ROLLING ACRES DRIVE
LAND USE DESIGNATION: Residential Two District (R-2)	GROSS AREA: ± 8.15 acres
PERMITTED USE: An accessory building is a permitted use in the Residential Two District when in accordance with Section 50 of the Land Use Bylaw.	DEVELOPMENT VARIANCE AUTHORITY: The Development Authority has the ability to grant a variance provided it does not exceed 25.00% of the minimum setback requirement. The Development Authority has no authority to vary the maximum total building area for all accessory buildings.
PUBLIC SUBMISSIONS: The application was circulated to twenty four (24) adjacent landowners. At the time this report was prepared, no letters were received in support or objection to the application.	LAND USE POLICIES AND STATUTORY PLANS: <ul style="list-style-type: none"> •County Plan •Land Use Bylaw •Bearspaw Area Structure Plan

EXECUTIVE SUMMARY:

On July 09, 2019, the Appellant submitted an application for a Development Permit to relax the minimum side yard setback requirement and the maximum total building area for all accessory buildings. The



purpose of this request is to bring the parcel into compliance. A request for compliance was submitted August 30, 2017 and the following discrepancies were noted.

The subject land is included in the Residential Two District, located approximately 0.41 km (1/4 mile) north of Burma Road and 0.41 km (1/4 mile) east of Bearspaw Road, off Rolling Acres Place, approximately 1.5 miles west of the City of Calgary. There is an existing dwelling on the subject lands and three accessory buildings.

An accessory building is a discretionary use in the Residential Two District (R-2) with an area between 150.00 sq. m (1,614.59 sq. ft.) and 225.00 sq. m. (2,421.87 sq. ft.). The Land Use Bylaw maximum combined area of all accessory buildings is 2,421.88 sq. ft. (225.00 m) as noted below.

There are three existing accessory buildings so the total building area is 240.90 sq. m (2,593.00 sq. ft.), which exceeds the maximum total building area as per Section 50.9 of the Land Use Bylaw. The Development Authority has no discretion to relax the maximum total building area; therefore, the application is refused. The Applicant has also requested a relaxation to the minimum side yard setback. A relaxation from 3.00 m (9.84 ft.) to 1.35 m (4.43 ft.), which constitutes a 55% variance. In accordance with section 12.1 (b) (iii) the Development Authority can grant a relaxation of 50% where the lands front onto a paved road; however, the required relaxation is 55% which exceeds the Development Authority's discretion; therefore, the application is refused.

The proposal complies with all other requirements of the Land Use Bylaw, including size, height and number of accessory buildings.

On Friday, October 11, 2019, the Appellant appealed the decision of the Development Authority. The reasons for the appeal are noted in the agenda package.

PROPERTY HISTORY:

1975	Dwelling with attached garage constructed.
1977	Detached garage constructed.
July 7, 2008	Building Permit (2008-BP-21433) was issued for constructed of a detached garage (storage).

APPEAL:

See attached report and exhibits.

Respectfully submitted,

Sean MacLean
Supervisor, Planning and Development Services

JA/llt



DEVELOPMENT PERMIT REPORT

Application Date: July 9, 2019	File: 06606003
Application: PRDP20192331	Applicant/Owner: Eadie, John C.
Legal Description: Lot 4, Plan 9010476, SE-06-26-02-05	General Location: Located approximately 0.41 km (1/4 mile) north of Burma Road and 0.41 km (1/4 mile) east of Bearspaw Road, off Rolling Acres Place.
Land Use Designation: Residential Two District	Gross Area: 8.15 acres
File Manager: Jessica Anderson	Division: 8

PROPOSAL:

The proposal is for the existing Accessory Building (shed), relaxation of the minimum side yard setback requirement and relaxation of the maximum total building area for all accessory buildings. The purpose of this request is to bring the parcel into compliance. A request for compliance was submitted August 30, 2017 and the following discrepancies were noted.

The subject parcel is located approximately 0.41 km (1/4 mile) north of Burma Road and 0.41 km (1/4 mile) east of Bearspaw Road, off Rolling Acres Place. It is surrounded by primarily residential parcels in the immediate vicinity, with a large agricultural parcel to the northeast.

The subject land is included in the Residential Two District (R-2). An accessory building with less than 150.00 sq. m (1,614.59 sq. ft.) in building area is a permitted use in this District. An accessory building with an area between 150.00 sq. m (1,614.59 sq. ft.) and 225.00 sq. m. (2,421.87 sq. ft.) is a discretionary use in this District. The existing accessory buildings are within the permitted range as detailed below.

Land Use Bylaw Requirements

The Land Use Bylaw minimum requirement for the front yard from any internal road is 15.00 m (49.21 ft.). The existing accessory buildings all meet this requirement.

The Land Use Bylaw minimum requirement for the side yard is 3.00 m (9.84 ft.) from all other. The existing accessory building (shed) is approximately 1.35 m (4.43 ft.) from the east boundary. In accordance with section 12.1 (b) (iii) the Development Authority can grant a relaxation of 50% where the lands front onto a paved road; however, the required relaxation is 55% which exceeds the Development Authority's discretion; therefore, the application is refused.

The Land Use Bylaw minimum requirement for rear yard setback is 7.00 m (22.96 ft.) from all other. The existing accessory buildings all meet this requirement.

	Front Yard 15.00 m (49.21 ft.)	Side Yards 3.00 m (9.84 ft.)	Rear Yard 7.00 m (22.96 ft.)	Size 150.00 sq. m (1,614.59 sq. ft.)
Shop	lots	15.58 m / 55.34 m	33.04 m	1,409 sq. ft.
Barn	lots	6.36 m / 6.35 m	lots	974 sq. ft.
Shed	lots	1.35 m / lots	lots	210 sq. ft.
			Maximum Total Building Area 2,421.88 sq. ft. (225.00 m)	Combined Total Building Area 2,593.00 sq. ft.

The Land Use Bylaw maximum number of accessory buildings is three. There are three (3) existing accessory buildings on the lands, which complies with the Land Use Bylaw requirement. The landowner has confirmed removal of the seacan, movable cover (trailer storage) and movable cover (fire pit awning) as previously noted on the RPR.

The Land Use Bylaw maximum combined area of all accessory buildings is 2,421.88 sq. ft. (225.00 m). With the three existing accessory buildings the total building area is 2,593.00 sq. ft. (240.90 sq. m) in area, which exceeds the Land Use Bylaw requirement. The Development Authority has no discretion to vary this requirement therefor the application is refused. The requested variance is approximately 7%.

The Land Use Bylaw maximum height requirement is 7.00 m (22.96 ft.). The height of the existing buildings has not been confirmed; therefore, no relaxation was considered.

The existing accessory building (shed) is in a location approximately 65.00 m from the nearest dwelling and is unlikely to be within the principal viewing aspect of the house. There is screening in the form of mature vegetation on the subject and adjacent lands to provide screening from the building.

The Landowner has stated in the application that the barn and shed were both constructed in 1978; therefore, they are grandfathered and do not require BP's at this time. The shop was built in 2005 and has a BP.

STATUTORY PLANS:

The Bears paw Area Structure Plan affects the subject lands, but provides no guidance on the nature of this application; therefore, the proposal was assessed in accordance with the Land Use Bylaw.

INSPECTOR'S COMMENTS:

No inspection completed at time report was prepared.

CIRCULATIONS:

Building Services Review (August 26, 2019)

No objection to existing shed and total number of buildings.

Shop (130.99 sq. m.) built in 2005 appears to have had a BP (2008-BP-21433).

No records of Barn/Shed having permits, if prior to 1978 then may be grandfathered.



Development Compliance Officer Review

No comments provided.

Utility Services

No Concerns.

OPTIONS:

APPROVAL, subject to the following conditions:

Option #1 (this would grant the requested relaxations)

The appeal against the decision of the Development Authority to refuse to issue a Development Permit for an existing accessory building (shed), relaxation of the minimum side yard setback requirement and relaxation of the total building area for all accessory buildings on Lot 4, Plan 9010476, SE-06-26-02-W05M (143 ROLLING ACRES DRIVE) be upheld, that the decision of the Development Authority be revoked, and that a Development Permit be issued, subject to the following conditions:

Description:

- 1) That an existing accessory building (shed), may remain on the subject lands in accordance with the Real Property Report prepared by Global Raymac Surveys, dated September 14, 2017 (file no. 17CR1247) as submitted with the application and conditions #2.
- 2) That the minimum side yard setback requirement in accordance with the Real Property Report prepared by Global Raymac Surveys, dated September 14, 2017 (file no. 17CR1247) as submitted with the application, is relaxed from **3.00 m (9.84 ft.) to 1.35 m (4.43 ft.)**.
- 3) That the maximum total building area for all accessory buildings, in accordance with the Real Property Report prepared by Global Raymac Surveys, dated September 14, 2017 (file no. 17CR1247) as submitted with the application, is relaxed from **225.00 sq. m (2,421.88 sq. ft.) to 2,593.00 sq. ft. (240.90 sq. m)**.

Permanent:

- 4) That the existing accessory building (shed) shall not be used for commercial purposes at any time, except for a Home-Based Business, Type I, or an approved Home-Based Business, Type II.
- 5) That the existing accessory building (shed) shall not be used for residential occupancy purposes at any time.

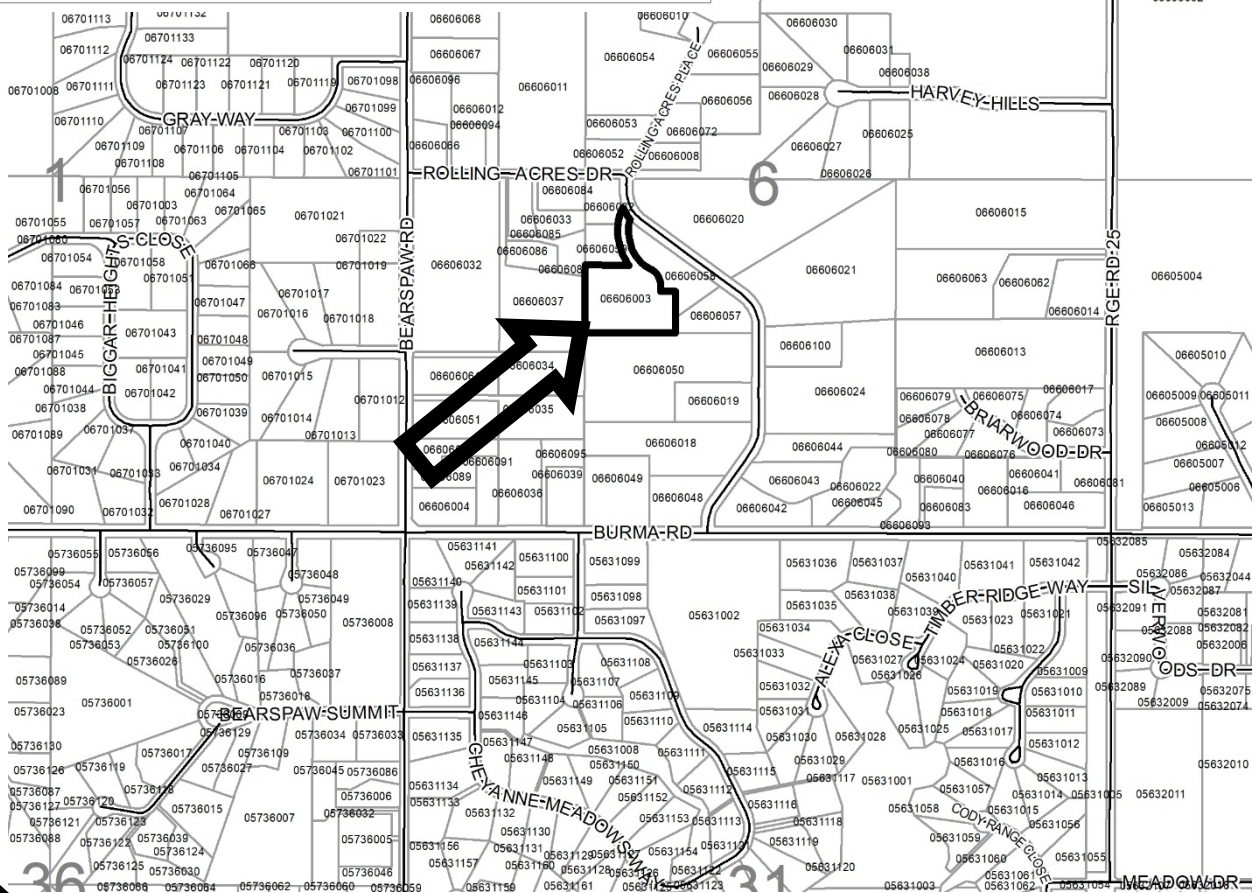
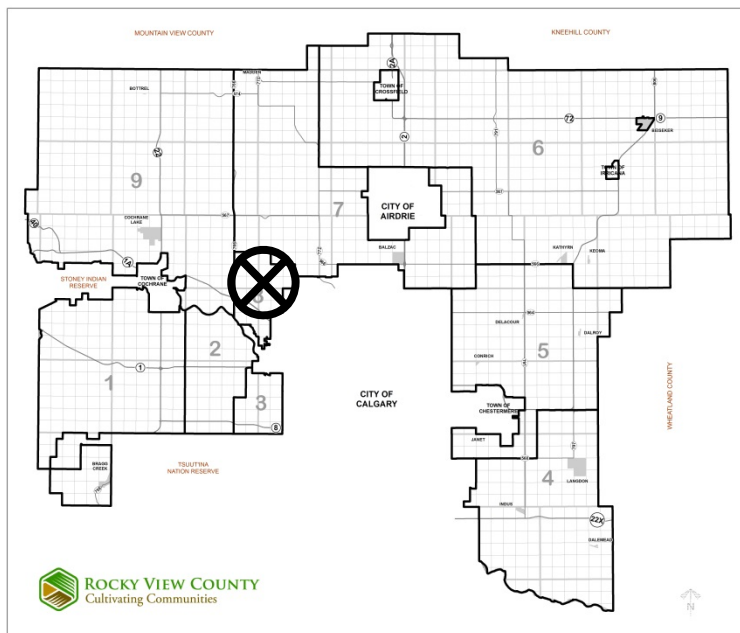
Advisory:

- 6) That a Building Permit and sub-trade permits shall be obtained through Building Services if required.
- 7) That any other government permits, approvals, or compliances are the sole responsibility of the Applicant.
- 8) That if the development authorized by this Development Permit is not commenced with reasonable diligence within 12 months from the date of issue, and completed within 24 months of the issue, the permit is deemed to be null and void, unless an extension to this permit shall first have been granted by the Development Authority.

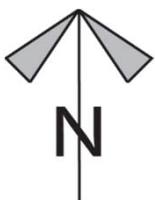


Option #2 (this would not grant the requested relaxations)

The appeal against the decision of the Development Authority to refuse to issue a Development Permit for an existing accessory building (shed), relaxation of the minimum side yard setback requirement and relaxation of the total building area for all accessory buildings on Lot 4, Plan 9010476, SE-06-26-02-W05M (143 ROLLING ACRES DRIVE) be denied, that the decision of the Development Authority be confirmed.



LOCATION PLAN

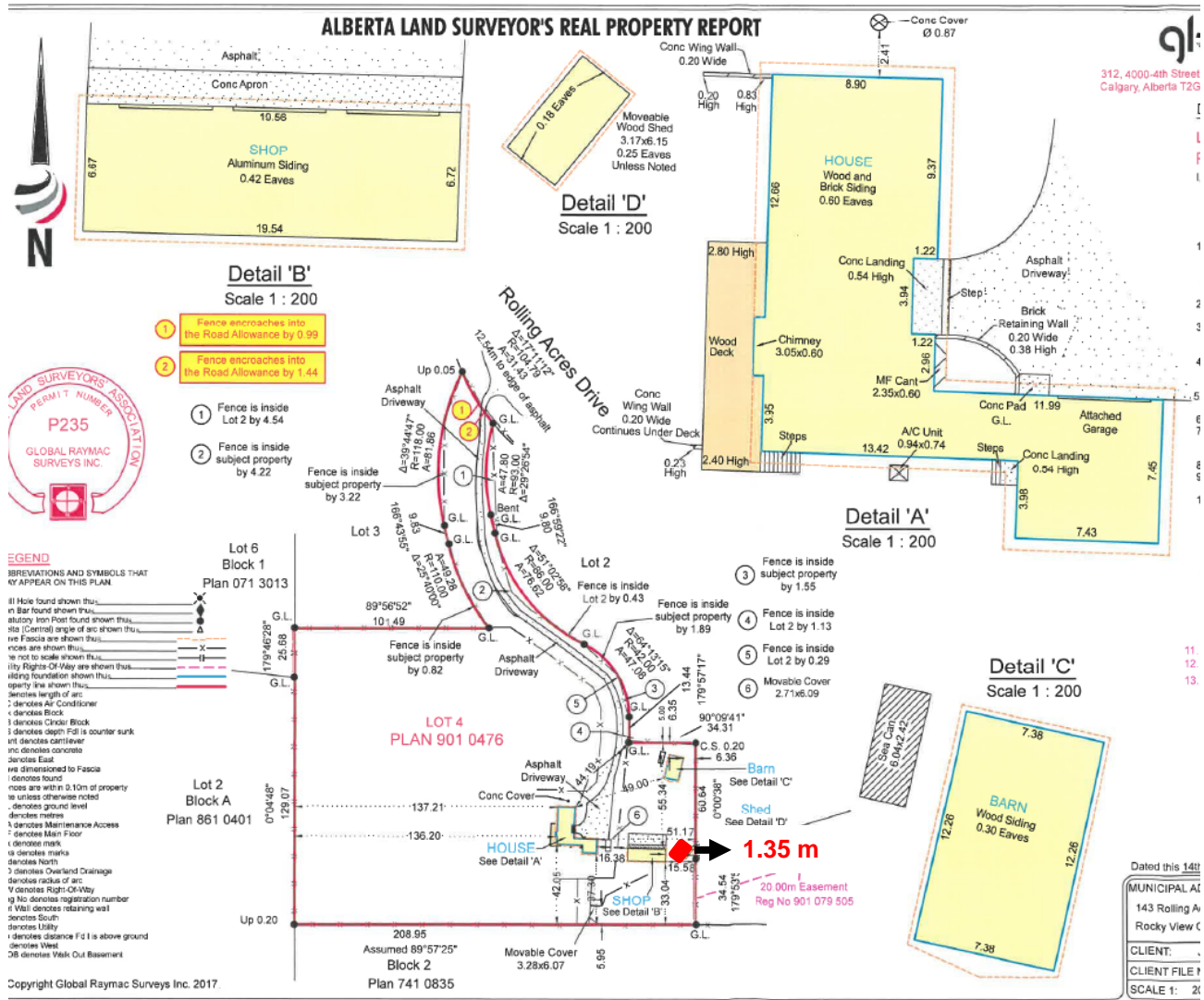


SE-06-26-02-W05M
Lot: 4 Plan: 9010476

Date: Oct 11, 2019

Division # 8

File: 06606003



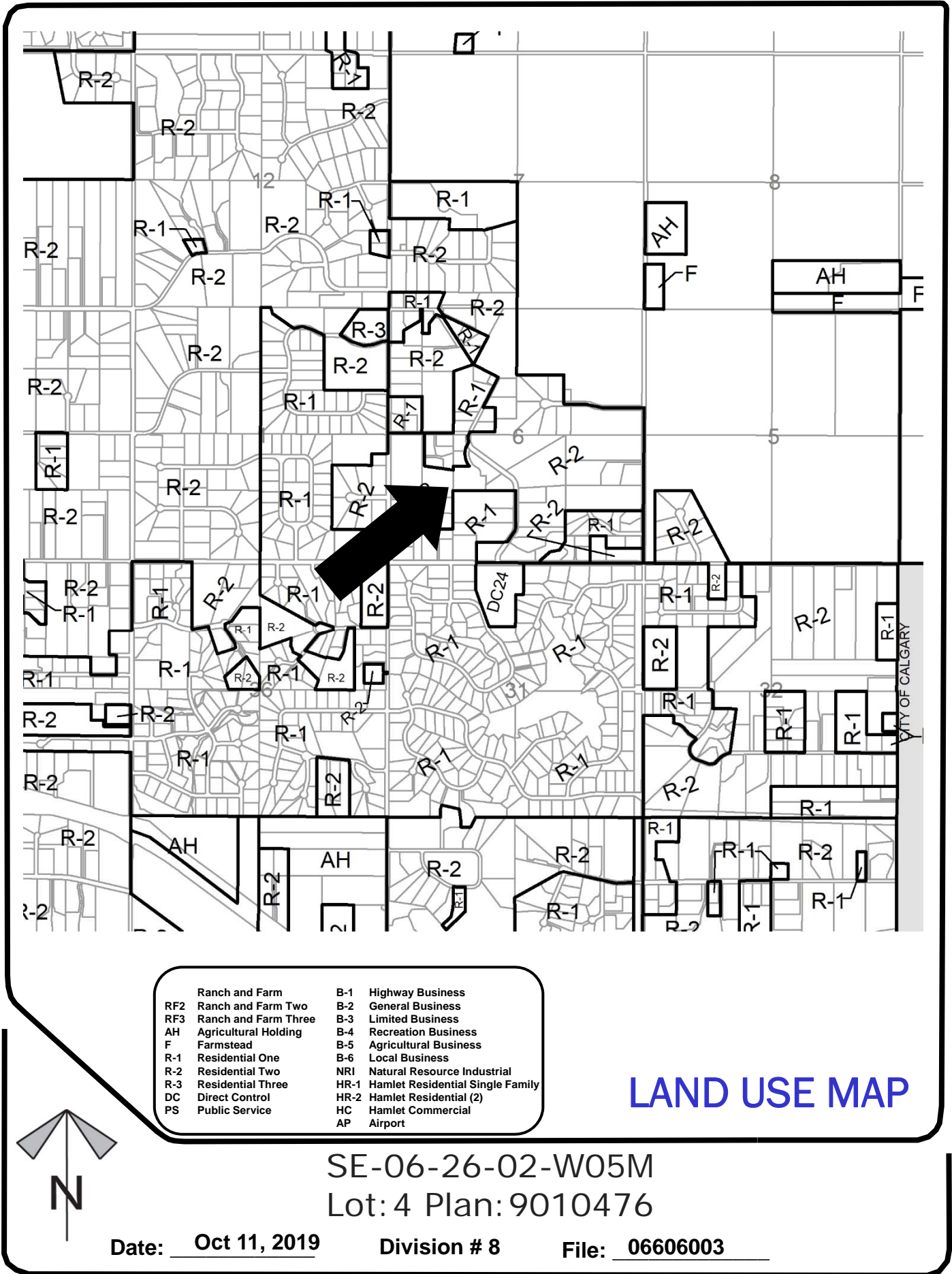
SITE PLAN

SE-06-26-02-W05M
Lot: 4 Plan: 9010476

Date: Oct 11, 2019

Division # 8

File: 06606003

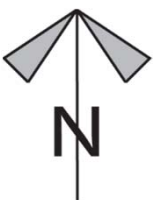




Note: Post processing of raw aerial
photography may cause varying degrees
of visual distortion at the local level.

AIR PHOTO

Spring 2018



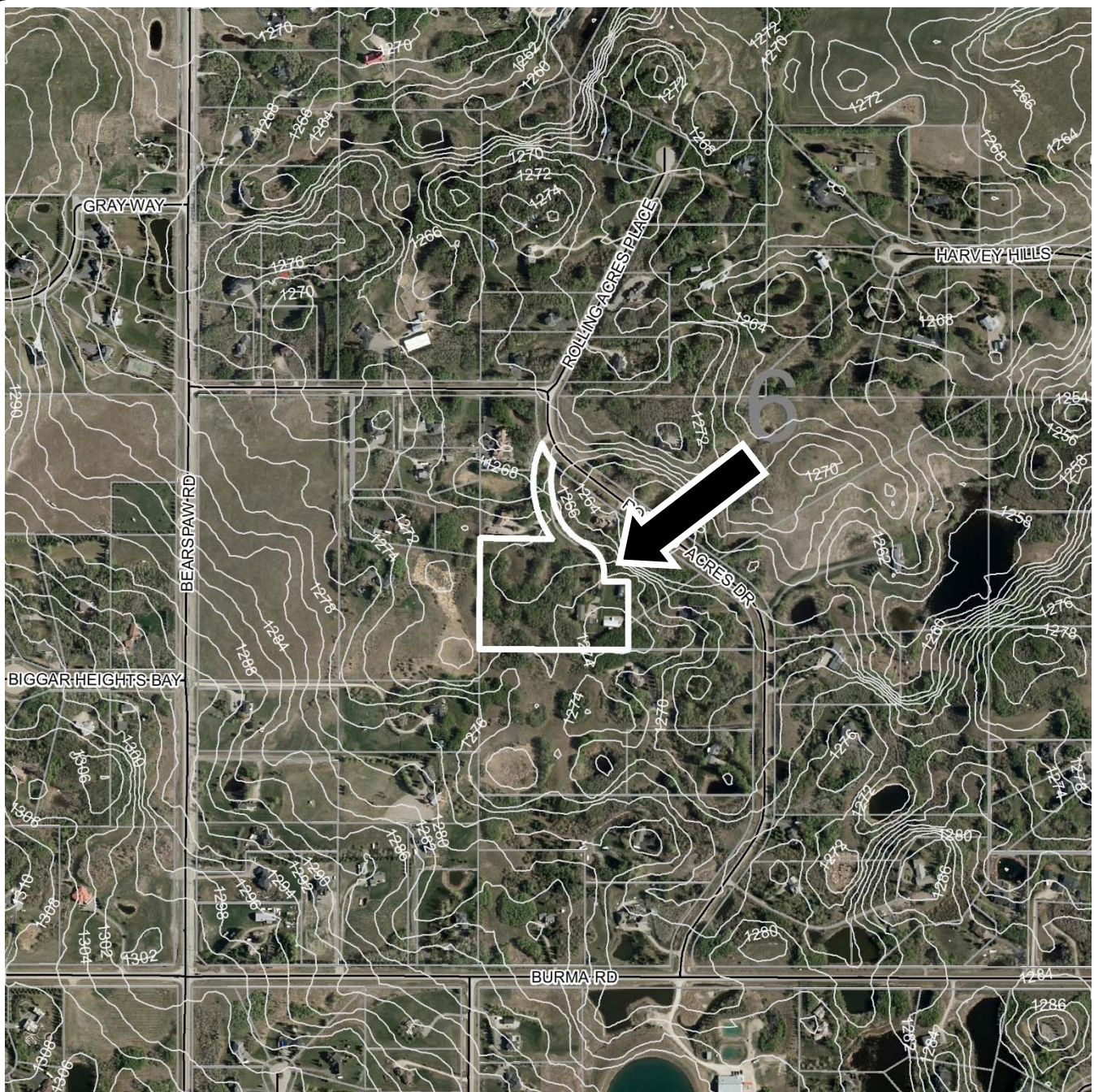
SE-06-26-02-W05M

Lot: 4 Plan: 9010476

Date: Oct 11, 2019

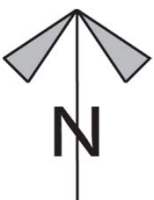
Division # 8

File: 06606003



Contours are generated using 10m grid points, and depict general topographic features of the area. Detail accuracy at a local scale cannot be guaranteed. They are included for reference use only.

TOPOGRAPHY
Contour Interval 2 M

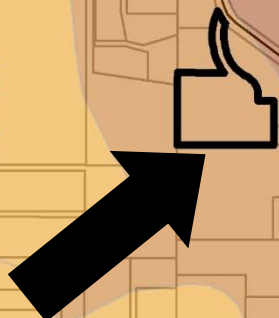


SE-06-26-02-W05M
Lot: 4 Plan: 9010476

Date: Oct 11, 2019

Division # 8

File: 06606003



Limitations refer to cereal, oilseeds and tame hay crops

Limitations

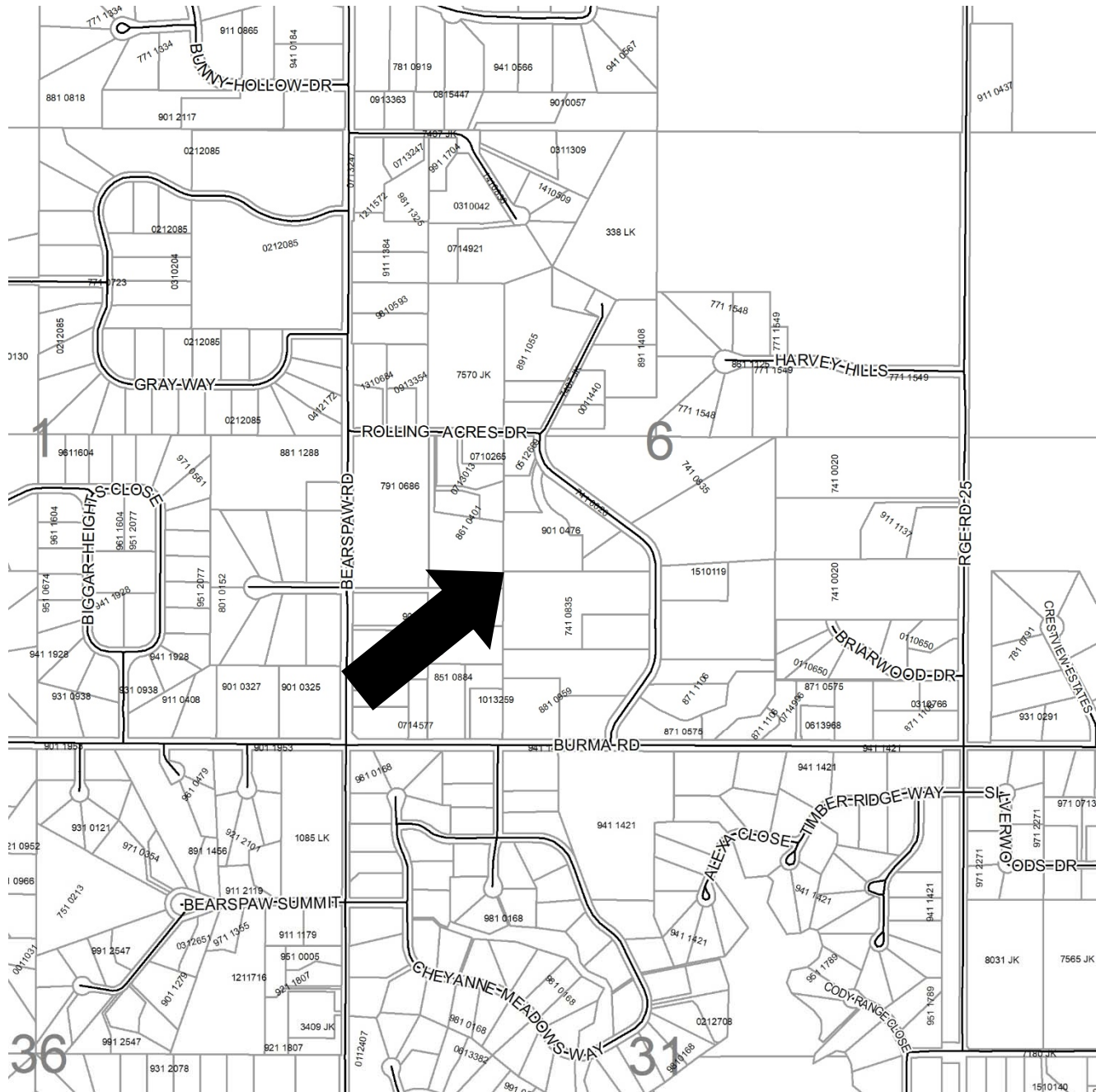
- B - brush/tree cover
- C - climate
- D - low permeability
- E - erosion damage
- F - poor fertility
- G - Steep slopes
- H - temperature
- I - flooding
- J - field size/shape
- K - shallow profile d
- M - low moisture hol

- N - high salinity
- P - excessive surface stoniness
- R - shallowness to bedrock
- S - high sodicity
- T - adverse topography
- U - prior earth moving
- V - high acid content
- W - excessive wetness/poor drainage
- X - deep organic deposit
- Y - slowly permeable
- Z - relatively impermeable



Lot: 4 Plan: 9010476

File: 06606003



Legend – Plan numbers

- First two numbers of the Plan Number indicate the year of subdivision registration.
- Plan numbers that include letters were registered before 1973 and do not reference a year

HISTORIC SUBDIVISION MAP

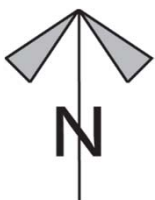
SE-06-26-02-W05M

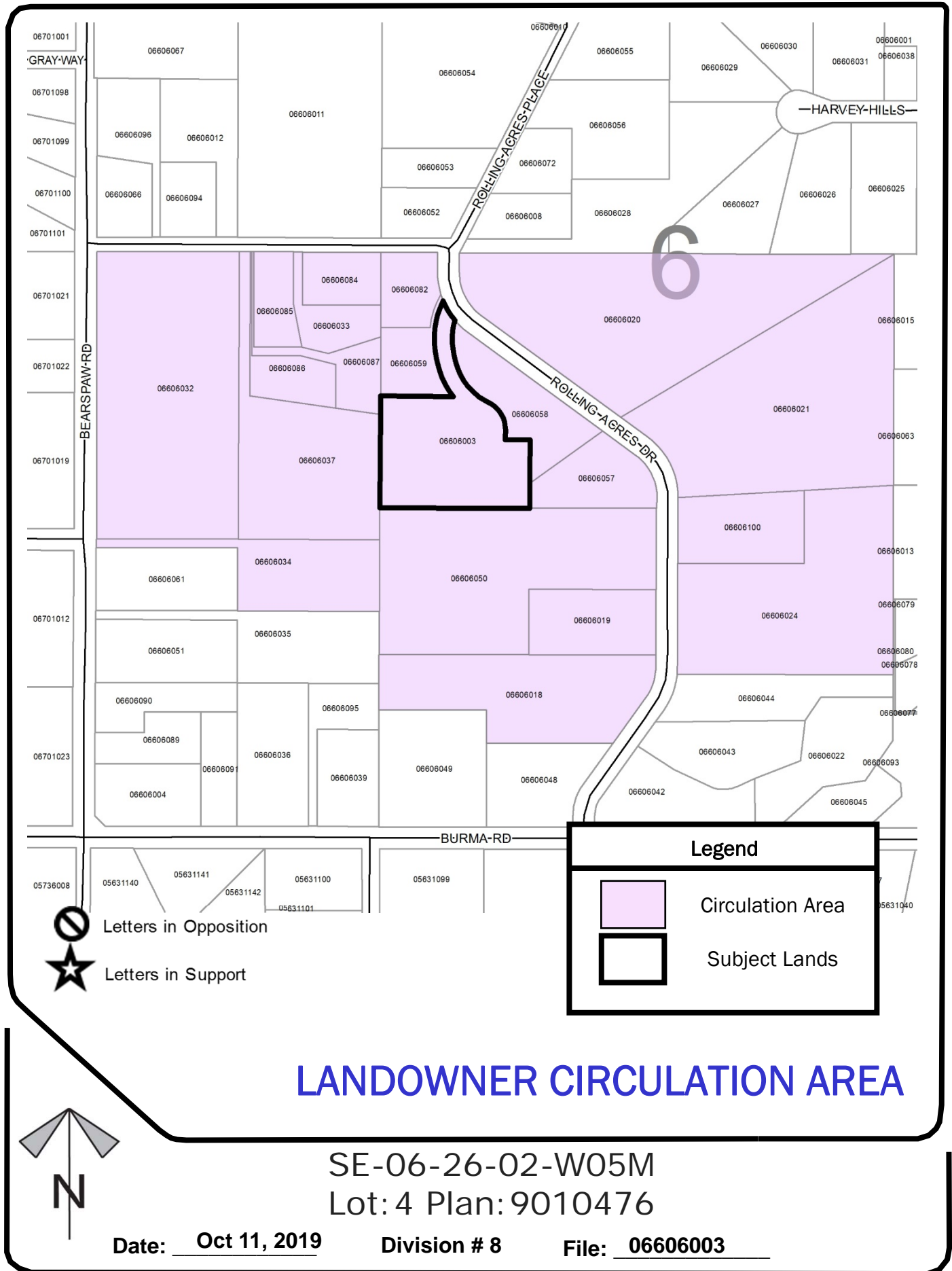
Lot: 4 Plan: 9010476

Date: Oct 11, 2019

Division # 8


File: 06606003







Notice of Appeal
Subdivision and Development Appeal Board
Enforcement Appeal Committee

Appellant Information		
Name of Appellant(s) John C. Eadie		
Site Information		
Municipal Address 143 Rolling Acres Drive	Legal Land Description (lot, block, plan OR quarter-section-township-range-meridian) Lot 4 Plan 9010476, SE-06-26-02W5	
Property Roll # 06606003	Development Permit, Subdivision Application, or Enforcement Order # PRDP20192334	
I am appealing: (check one box only)		
Development Authority Decision <input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input checked="" type="checkbox"/> Refusal	Subdivision Authority Decision <input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal	Decision of Enforcement Services <input type="checkbox"/> Stop Order <input type="checkbox"/> Compliance Order
Reasons for Appeal (attach separate page if required)		
See Notes Attached. <div style="text-align: right; margin-top: 100px;">  </div>		

This information is collected for the Subdivision and Development Appeal Board or Enforcement Appeal Committee of Rocky View County and will be used to process your appeal and to create a public record of the appeal hearing. The information is collected in accordance with the *Freedom of Information and Protection of Privacy Act*. If you have questions regarding the collection or use of this information, contact the Municipal Clerk at 403-230-1401.


Appellant's Signature

11 OCT 2019
Date

EXCESS SQUARE FOOTAGE ISSUE

In the fall of 2005, I retained UFA to design and construct a Garage for my property. In the fall of 2005 and the spring of 2006 various meetings were held including one at the proposed build site. I provided information as requested by UFA. A Drawing Issued for Construction was completed in June of 2006. This Drawing, as well as several amendments were rejected by the M.D. and required changes.

Ultimately a version dated August 20, 2008 was signed by the Engineer and approved by the M.D. Building Permit #21433 was issued on July 7, 2008.

The Garage was built in 2008 and finished in 2009.

Some how in this process I ended up with too many square feet on my property.

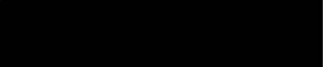
SIDEYARD SETBACK ISSUE

I purchased the Property on October 23, 1991. The Shed is in the same location as when I purchased the Property. No survey was completed at the time of my purchase.

The zoning is R-2 and the total lot size is 8.1 acres. The Shed is in an isolated location in relation to the adjoining properties. A number of trees have surrounded the Shed since 1991.

REFUSAL

Eadie, John C.



Development Permit #: PRDP20192331

Date of Issue: October 1, 2019

Roll #: 06606003

Your Application dated July 09, 2019 for a Development Permit in accordance with the provisions of the Land Use Bylaw C-4841-97 of Rocky View County in respect of:

<p>existing Accessory Building (shed), relaxation of the minimum side yard setback requirement and relaxation of the maximum total building area for all accessory buildings</p>

at Lot 4, Plan 9010476, SE-06-26-02-05; (143 ROLLING ACRES DRIVE)

has been considered by the Development Authority and the decision in the matter is that your application be **REFUSED** for the following reasons:

1. The existing accessory building (shed) does not comply with the minimum side yard setback as defined in Section 50.5 (c) (iv) of Land Use Bylaw C-4841-97.
required – 3.00 m (9.84 ft.); proposed – 1.35 m (4.43 ft.)
2. The maximum total building area for all accessory buildings exceeds the maximum total building area requirement as defined in Section 50.9 of Land Use Bylaw C-4841-97.
required – 2,421.88 sq. ft. (225.00 sq. m); proposed – 2,593.00 sq. ft. (240.90 sq. m)

If you require further information or have any questions regarding this development, please contact Planning Services at 403-520-8158 or email development@rockyview.ca and include the application number.

Regards,

ROCKY VIEW COUNTY

A handwritten signature in black ink, likely of a representative of Rocky View County.

NOTE: An appeal from this decision may be made to the Subdivision and Development Appeal Board of Rocky View County. Notice of Appeal to the Subdivision and Development Appeal Board from this decision shall be filed with the requisite fee of \$350 with Rocky View County no later than 21 days following the date on which this Notice is dated.



ROCKY VIEW COUNTY
Cultivating Communities

20192331

APPLICATION FOR A DEVELOPMENT PERMIT

FOR OFFICE USE ONLY	
Fee Submitted \$280	File Number 06606003
Date of Receipt JULY 9/19	Receipt # 021384

Name of Applicant JOHN EADIE Email [REDACTED]
 Mailing Address [REDACTED]
[REDACTED] Postal Code [REDACTED]
 Telephone (B) [REDACTED] (H) [REDACTED] Fax [REDACTED]
 For Agents please supply Business/Agency/ Organization Name _____

Registered Owner (if not applicant) SAME AS ABOVE.
 Mailing Address _____
 _____ Postal Code _____
 Telephone (B) _____ (H) _____ Fax _____

1. LEGAL DESCRIPTION OF LAND

- a) All / part of the SE ¼ Section 06 Township 26 Range 02 West of 65 Meridian
 b) Being all / parts of Lot 4 Block _____ Registered Plan Number 9010476
 c) Municipal Address 143 ROLLING ACRES DR.
 d) Existing Land Use Designation R-2 Parcel Size 8.15 ac. Division _____

2. APPLICATION FOR

- a) - RELAXATION OF SIDE YARD SET BACK
 b) - RELAXATION OF EXCESS 30' OF ACCESS BUILDINGS
 c) - BY RETAINING ONLY 3' ^{ACC} BUDGS ON SITE (171.78 sqft)

3. ADDITIONAL INFORMATION

- a) Are there any oil or gas wells on or within 100 metres of the subject property(s)? Yes _____ No ☒
 b) Is the proposed parcel within 1.5 kilometres of a sour gas facility? Yes _____ No ☒
 (Sour Gas facility means well, pipeline or plant)
 c) Is there an abandoned oil or gas well or pipeline on the property? Yes _____ No ☒
 d) Does the site have direct access to a developed Municipal Road? Yes ☒ No _____

4. REGISTERED OWNER OR PERSON ACTING ON HIS BEHALF

I JOHN EADIE hereby certify that ☒ I am the registered owner
 (Full Name in Block Capitals) _____
 _____ I am authorized to act on the owner's behalf

and that the information given on this form
 is full and complete and is, to the best of my knowledge, a true statement
 of the facts relating to this application.

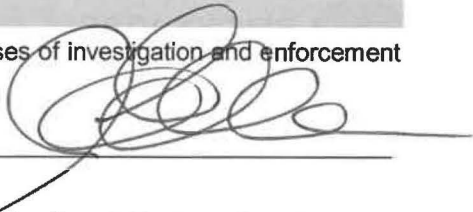
Affix Corporate Seal
 here if owner is listed
 as a named or
 numbered company

Applicant's Signature [Signature]
 Date 9 July 2019

Owner's Signature [Signature]
 Date 9 July 2019

5. RIGHT OF ENTRY

I hereby authorize Rocky View County to enter the above parcel(s) of land for purposes of investigation and enforcement related to this Development Permit application.



Applicant's/Owner's Signature

Please note that all information provided by the Applicant to the County that is associated with the application, including technical studies, will be treated as public information in the course of the municipality's consideration of the development permit application, pursuant to the Municipal Government Act, R.S.A 2000 Chapter M-26, the Land Use Bylaw and relevant statutory plans. By providing this information, you (Owner/Applicant) are deemed to consent to its public release. Information provided will only be directed to the Public Information Office, 262075 Rocky View Point, Rocky View County, AB, T4A 0X2; Phone: 403-520-8199.

I, JOHN EADIE, hereby consent to the public release and disclosure of all information contained within this application and supporting documentation as part of the development process.



Signature

9 July 2019

Date



ROCKY VIEW COUNTY
Cultivating Communities

APPLICATION FOR AN ACCESSORY BUILDING

FOR OFFICE USE ONLY	
Fee Submitted \$280	File Number 06606003
Date Received July 9/19	Receipt # 021387

Name of Applicant John Eadie Email _____
Mailing Address _____

Postal Code _____
Telephone (B) _____ (H) _____ Fax _____

1. DETAILS OF ACCESSORY BUILDING

	Bylaw	Proposed
Accessory building size maximum	2421.88 SF	2593.66 SF
Accessory building height		
Number of existing accessory buildings on site	3	3
Total size of all accessory buildings	2421.88 SF	2593.66 SF

Description of Accessory Buildings:

- a) Building materials na
- b) Exterior colour na
- c) Please include why relaxations for buildings are needed (location, storage needs, tidy property, etc.)
encroaches side yard (east) + size of total bldgs.
- d) Date when building permits were issued for existing buildings _____
- e) If no permits were issued - list age of buildings BARN / SHED APPROX 1978
SHOP - 2005

2. DESCRIBE THE USE OF THE ACCESSORY BUILDING

ONLY THREE BUILDINGS CURRENTLY
ON SITE.

3. ADDITIONAL REQUIREMENTS

The following items must be provided in addition to your application:

- ☐ Elevation drawing(s) / floor plan(s)
☒ Site plan(s) showing all dimensions and setbacks

Signature of Applicant [Signature] Date: July 7/2017



PLANNING AND DEVELOPMENT SERVICES

TO: Subdivision and Development Appeal Board

DATE: October 30, 2019 **DIVISION:** 3

FILE: 04724062 **APPLICATION:** B-2; PRDP20193110

SUBJECT: Accessory building (garage, existing),
relaxation of the minimum side yard setback
requirement

PROPOSAL: Accessory building (garage, existing), relaxation of the minimum side yard setback requirement	GENERAL LOCATION: Located approximately 0.41 km (1/4 mile) north of Lower Springbank Rd. and on the west side of Rge. Rd. 30
APPLICATION DATE: August 30, 2019	DEVELOPMENT AUTHORITY DECISION: Discretionary - Refused
APPEAL DATE: October 17, 2019	DEVELOPMENT AUTHORITY DECISION DATE: October 16, 2019
APPELLANT: Gimson, Paul M & Joanne C	APPLICANT: Gimson, Paul M & Joanne C
LEGAL DESCRIPTION: Lot 21, Plan 9010038, SE-24-24-03-W05M	MUNICIPAL ADDRESS: 64 ROSEWOOD DRIVE SW
LAND USE DESIGNATION: Residential One District (R-1)	GROSS AREA: ± 2.00 acres
PERMITTED USE: Accessory Buildings are both permitted and discretionary uses within the Residential One District.	DEVELOPMENT VARIANCE AUTHORITY: Within Section 12.2(c) of the Land Use Bylaw, the Development Authority has the ability to grant up to 25% variance discretion to the minimum required land setbacks.
PUBLIC SUBMISSIONS: The application was circulated to 72 adjacent landowners. At the time this report was prepared, no letters were received in support or objection to the application.	LAND USE POLICIES AND STATUTORY PLANS: <ul style="list-style-type: none"> •County Plan (C-7280-2013) •Land Use Bylaw (C-4841-97) •Central Springbank ASP (C-5354-2001)

EXECUTIVE SUMMARY:

The subject land is located in the R-1 District, located north of Lower Springbank Road and on the west side of Range Road 30. There is an existing dwelling and an accessory building [existing garage] on the subject land.



This application was the result of a Certificate of Compliance request and, if approved, will bring the property into compliance with the Land Use Bylaw. The garage was approved and constructed in 2008 with Development Permit 2008-DP-13141 and Building Permit 2008-BP-21414. However, the Board Order was approved for a side yard relaxation to 0.61m (2.00 ft.), and was constructed at 0.53m (1.74 ft.) from the side yard, without proper approvals in place. The dwelling complies with all requirement of the Land Use Bylaw.

Under Section 48.5 (c)(iv), the minimum side yard setback requirement is 3.00m (9.84 ft.). The existing garage is 0.53m (1.74 ft.) from the east property line. This is a relaxation request of 82.33%.

As there were relaxations requested that exceeded the Development Authority's discretion, this application was refused on October 16, 2019.

On October 17, 2019, the Appellant appealed the decision of the Development Authority on the grounds that a previous relaxation was granted for the building and the moving or demolition of the building is not considered economical. A letter from the closest neighbor detailing support is also included.

The garage is 62.43 sq. m (672.09 sq. ft) (8.53 m x 7.32 m) in area and is cohesive to the dwelling, single detached. It is used as a workshop and for personal storage.

PROPERTY HISTORY:

Building Permits:

- 2009-BP-22118 (BSMT Renovation); Final inspection on February 5, 2019;
- 2008-BP-21414 (Garage); Final inspection on February 5, 2019;
- 1993-BP-3287 (Dwelling); Final inspection on January 12, 1994

Development Permits:

- 2008-DP-13141 (construction (garage)relaxation of the minimum side yard setback requirement); Issued July 9, 2008
- 1993-DP-4757 (construction of a dwelling, single detached, relaxation of the maximum height); Issued February 24, 1993

Planning Applications:

- December 28, 1989 (1987-RV-154); The subject ±0.80 hectare (±2.00 acre) property was included with the Rosewood Subdivision [28 lots]

Assessment History:

- Dwelling, Single Detached 1993

Garage 2009

APPEAL:

See attached report and exhibits.



Respectfully submitted,



Sean MacLean
Supervisor, Planning and Development Services

CL/LLT



DEVELOPMENT PERMIT REPORT

Application Date: August 30, 2019	File: 04724062
Application: PRDP20193110	Applicant/Owner: Gimson, Paul M & Joanne C
Legal Description: Lot 21, Plan 9010038, SE-24-24-03-W05M	General Location: located approximately 0.41 km (1/4 mile) north of Lower Springbank Rd. and on the west side of Rge. Rd. 30
Land Use Designation: Residential One District	Gross Area: 2.00 acres
File Manager: Jacqueline Targett	Division: 3

PROPOSAL:

The proposal is for an accessory building (garage, existing), relaxation of the minimum side yard setback requirement.

The property is located approximately 0.41 km (1/4 mile) north of Lower Springbank Rd. and on the west side of Rge. Rd. 30. The property is developed with a dwelling, single detached and an existing accessory building (garage). The garage was approved and constructed in 2006 in accordance with Development Permit #2008-DP-13141 and Building Permit #2008-BP-21414. DP #13141 approved a side yard variance to 0.60 m (2.00 ft.), however when a Real Property Report was submitted in August 2019 to obtain a Certificate of Compliance, however, the garage was constructed too close to the relaxed south-east property line. The dwelling, single detached complies with all requirements of the Land Use Bylaw.

The garage is 62.43 sq. m (672.09 sq. ft) (8.53 m x 7.32 m) in area and is cohesive to the dwelling, single detached. It is used as a workshop and for personal storage.

Property History:

Building Permits:

- 2009-BP-22118 (BSMT Renovation); Final inspection on February 5, 2019;
- 2008-BP-21414 (Garage); Final inspection on February 5, 2019;
- 1993-BP-3287 (Dwelling); Final inspection on January 12, 1994

Development Permits:

- 2008-DP-13141 (construction (garage)relaxation of the minimum side yard setback requirement); Issued July 9, 2008
- 1993-DP-4757 (construction of a dwelling, single detached, relaxation of the maximum height); Issued February 24, 1993

Planning Applications:

- December 28, 1989 (1987-RV-154); The subject ±0.80 hectare (±2.00 acre) property was included with the Rosewood Subdivision [28 lots]



Assessment History:

- Dwelling, Single Detached 1993
- Garage 2009

Land Use Bylaw (C-4841-97) Requirements

Section 8 *DEFINITIONS*

ACCESSORY BUILDING means a building incidental and subordinate to the principal building, the use of which is incidental to that of the principal building but in no instance shall be used as a permanent or temporary residence, and is located on the same parcel.

Section 12 *Decisions on Development Permits Applications*

12.2 *Use, Discretionary Applications:*

Upon review of a completed application for a Development Permit for a use, permitted, the Development Authority shall:

- (c) decide upon an application for a Development Permit, notwithstanding that the proposed development does not comply with required yard, front, yard, side, yard, rear or building height dimensions set out in this Bylaw, if, in the opinion of the Development Authority the granting of a variance would not:*
- (i) unduly interfere with the amenities of the neighbourhood;*
 - (ii) materially interfere with or affect the use, enjoyment, or value of the neighbouring properties and the amount of the variance does not exceed 25% of the required distance or height, or does not exceed 10% of the required maximum building area for an accessory building, or does not exceed 10% of the required maximum floor area for an accessory dwelling unit;*
 - (iii) materially interfere with or affect the use, enjoyment or value of the neighbouring properties and the amount of the variance does not exceed 50% of the required yard, front or yard, side, if adjacent to or fronting on a paved road;*

Section 25 *Design, Character and Appearance of Buildings and Structures*

25.1 *The quality of exterior treatment and design of all buildings shall be to the satisfaction of the Development Authority.*

- The garage was constructed to be cohesive with the dwelling, single detached
- Similar materials and colour treatments were utilized

25.2 *Pursuant to Sub-Section (1), the Development Authority may consider the following when reviewing development proposals in all Districts:*

- a. the design, character, and appearance of all buildings with respect to their compatibility with any other buildings existing in the vicinity;*
 - The garage is cohesive to the dwelling, single detached
- b. the design of the building must be consistent with the purpose of the Land Use District in which it is located; and*
 - The design of the building is consistent with a rural residential accessory building

- c. *the building shall comply with any provisions of any Statutory Plan which sets out specific guidelines as to the design, character, appearance, or building materials to be used within a District or area.*
 - The Central Springbank Area Structure plan that overlays this property, does not give any guidance on the design, character or appearance for accessory buildings

Section 28 *Accessory Buildings*

- 28.1 *Other than provided for in Section 7, and Part 4 of this Land Use Bylaw, accessory uses and buildings are discretionary in any Land Use District, whether or not the principal use they are accessory to is a use, permitted, or discretionary.*
 - As relaxations are required to the regulations of Section 48, this use is considered discretionary.

Section 33 *Stripping, Filling, Excavation And Grading*

- 33.6(b) *Notwithstanding Section 33.6(a), the placing and storage of fill and topsoil may be allowed without a Development Permit in the following circumstances, providing that there is no adverse effect on adjacent lands as a result of any drainage alternation:*
 - (i) *The placing of up to 1.00 m (3.28 ft.) of fill and topsoil adjacent to or within 15.00 m (49.21 ft.) of a building under construction that has a valid Building Permit, during the course of the construction to be used to establish approved final grades;*
 - As the requested development is completed, the Applicant did not request any relaxation to fill placement.

Section 48 *Residential One District (R-1)*

48.2 *Uses, Permitted*

Accessory buildings less than 80.27 sq. m (864.01 sq. ft.) building area

- The garage [existing] is 62.43 sq. m (672.09 sq. ft.) in area

- 48.5(b)(iii) *The minimum required front yard setback for any building from any Internal road is 15.00 m (49.21 ft.)*

- The garage [existing] is located well away from the west property line.

- 48.5(c)(iv) *The minimum required side yard setback for any building from all other is 3.00 m (9.84 ft.)*

- The garage [existing] is located 0.53 m (1.73 ft.) from the south property line.
 - This is a relaxation request of 82.33%. This variance request exceeds the Development Authority's discretion ability;

- The garage [existing] is located well away from the north property line.

- 48.6(d)(ii) *The minimum required rear yard setback for any building from all other is 7.00 m (22.96 ft.)*

- The garage [existing] is located 28.40 m (93.17 ft.) from the east property line.

- 48.7(b) *The maximum height requirement of an accessory building is 7.00 m (22.96 ft.)*

- The garage [existing] is 3.81 m (12.50 ft.) in height.



48.8 *Maximum dwelling units per lot is one Dwelling, Single Detached, and one Accessory Dwelling Unit.*

- The subject site contains one dwelling, single detached.

48.9 *Total building area for all accessory buildings – 120.00 sq. m (1,291.67 sq. ft.).*

- The total building area for the accessory building is 62.43 sq. m (672.09 sq. ft.) in area.

48.10 *Maximum number of accessory buildings – 2.*

- The subject site contains one accessory building.

STATUTORY PLANS:

The subject property falls under the Central Springbank Area Structure Plan. The plan gives no guidance on the specific nature of this application. This application was also evaluated in accordance with the Land Use Bylaw.

INSPECTOR'S COMMENTS:

Inspection not completed at the time of this report.

OPTIONS:

APPROVAL, subject to the following conditions: (Development Appeal Board)

Option #1 (this would allow for the accessory building to remain)

That the appeal against the decision of the Development Authority to refuse to issue a Development Permit for an accessory building (garage), relaxation from 3.00m (9.84m) to 0.53m (1.73 ft) from the side yard at Lot 21, Plan 9010038, SE-24-24-03-W05M (64 ROSEWOOD DRIVE), be upheld, that the decision of the Development Authority be revoked, and that the Development Authority be revoked, and that a Development Permit be conditionally approved, subject to the following conditions:

Description:

- 1) That an Accessory Building (garage [existing]) may remain on the subject land in general accordance with the submitted Real Property Report, as prepared by Arc Surveys, File #191872; dated July 23, 2019 and the submitted application.
 - i. That the minimum side yard setback requirement is relaxed from **3.00 m (9.84 ft.)** to **0.53 m (1.73 ft.)**.

Permanent:

- 2) That the accessory building (garage [existing]) shall not be used for commercial purposes at any time, except for a Home-Based Business, Type I.
- 3) That the accessory building (garage [existing]) shall not be used for residential occupancy purposes at any time.

Advisory:

- 4) That any other government permits, approvals, or compliances are the sole responsibility of the Applicant/Owner.



Option #2 (this would not allow for the accessory building to remain)

That the appeal against the decision of the Development Authority to refuse to issue a Development Permit to keep an accessory building located at 0.53 m (1.73 ft), at Lot 21, Plan 9010038, SE-24-24-03-W05M (64 ROSEWOOD DRIVE), be denied, and that the decision of the Development Authority be upheld.



ROCKY VIEW COUNTY

262075 Rocky View Point
Rocky View County, AB, T4A 0X2

403-230-1401
questions@rockyview.ca
www.rockyview.ca

REFUSAL

Gimson, Paul M & Joanne C

Development Permit #: PRDP20193110

Date of Issue: Wednesday, October 16, 2019

Roll #: 04724062

Your Application dated August 30, 2019 for a Development Permit in accordance with the provisions of the Land Use Bylaw C-4841-97 of Rocky View County in respect of:

**accessory building (garage, existing),
relaxation of the minimum side yard setback requirement**

at Lot 21 Plan 9010038, SE-24-24-03-05; (64 ROSEWOOD DRIVE)

has been considered by the Development Authority and the decision in the matter is that your application be **REFUSED** for the following reasons:

1. That the minimum side yard setback requirement for the accessory building (garage [existing]) exceeds the minimum total as defined in Section 48.5(c)(iv) of Land Use Bylaw C-4841-97.

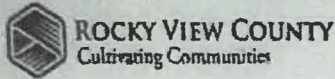
**(minimum side yard requirement setback – 3.00 m (9.84 ft.);
existing side yard setback– 0.53 m (1.73 ft.)).**

Regards,

A handwritten signature in black ink, appearing to be 'M. G.', written over a horizontal line.

Development Authority
Phone: 403-520-8158
E-Mail: development@rockyview.ca

NOTE: An appeal from this decision may be made to the Subdivision and Development Appeal Board of Rocky View County. Notice of Appeal to the Subdivision and Development Appeal Board from this decision shall be filed with the requisite fee of \$350 with Rocky View County no later than 21 days following the date on which this Notice is dated.



Notice of Appeal

**Subdivision and Development Appeal Board
Enforcement Appeal Committee**

Appellant Information		
Name of Appellant(s) Paul & Joanne Gimson		
Site Information		
Municipal Address 64 Rosewood Dr SW	Legal Land Description (lot, block, plan OR quarter-section-township-range-meridian) lot 21 plan 9010038 SE 24-23-03-05	
Property Roll # 04724062	Development Permit, Subdivision Application, or Enforcement Order # PRDP20193110	
I am appealing: (check one box only)		
Development Authority Decision <input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input checked="" type="checkbox"/> Refusal	Subdivision Authority Decision <input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal	Decision of Enforcement Services <input type="checkbox"/> Stop Order <input type="checkbox"/> Compliance Order
Reasons for Appeal (attach separate page if required)		
<p>I was granted an relaxation on the required setback prior to construction of my detached garage. It was identified as being 8 cm closer to the property line in an updated RPR and RVC subsequently, refused to certify the RPR. I require certification in order to sell my property. My application was refused and I am now appealing that decision. It is not viable to move the building nor is it economical to demolish the garage which has now been in situ since construction and has had no detrimental impact on my neighbours. We live on acreages and the houses are some distance from the property line. I support this appeal with a letter from my neighbour.</p>		

This information is collected for the Subdivision and Development Appeal Board or Enforcement Appeal Committee of Rocky View County and will be used to process your appeal and to create a public record of the appeal hearing. The information is collected in accordance with the *Freedom of Information and Protection of Privacy Act*. If you have questions regarding the collection or use of this information, contact the Municipal Clerk at 403.230-1401.

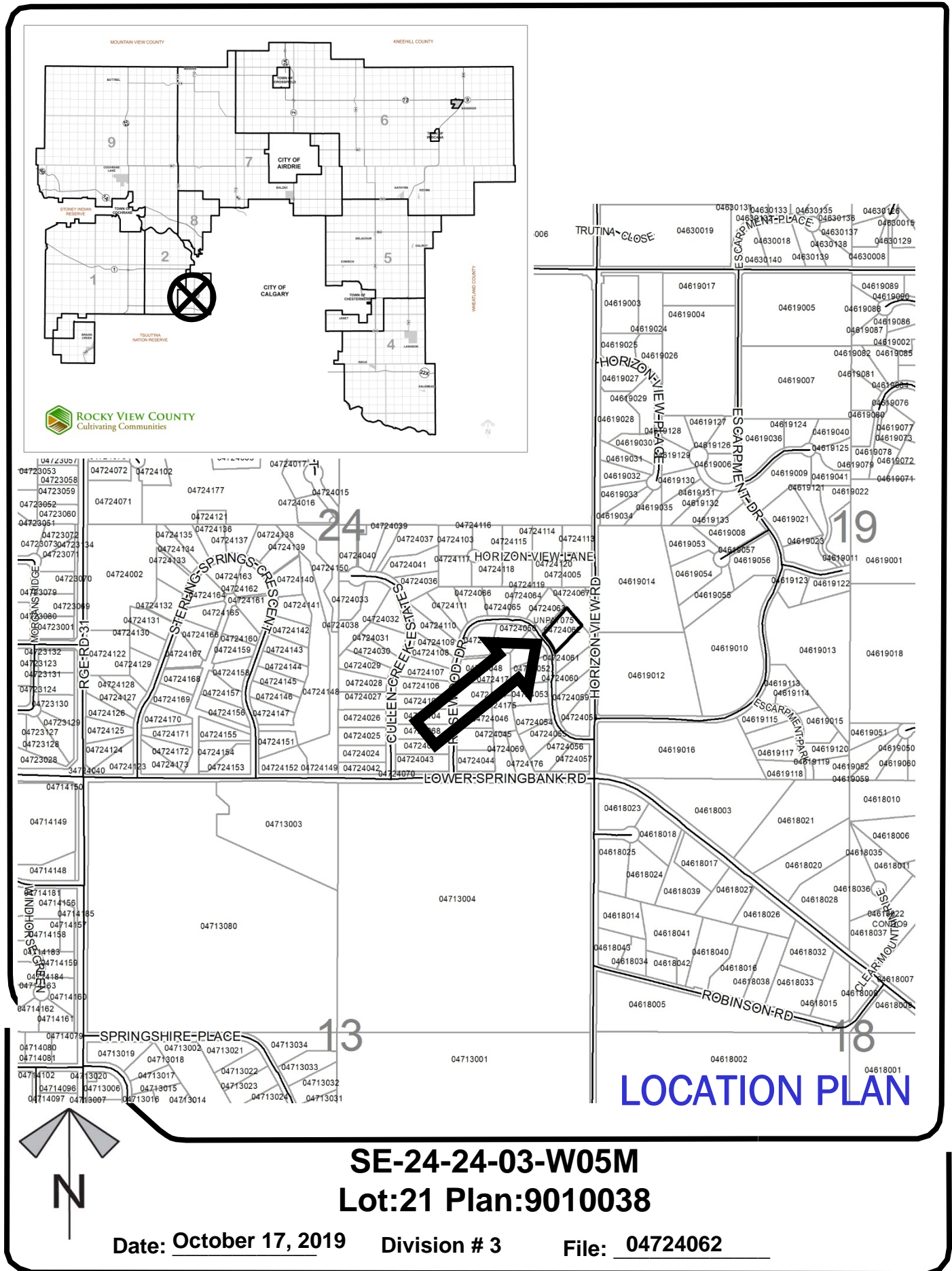
Appellant's Signature

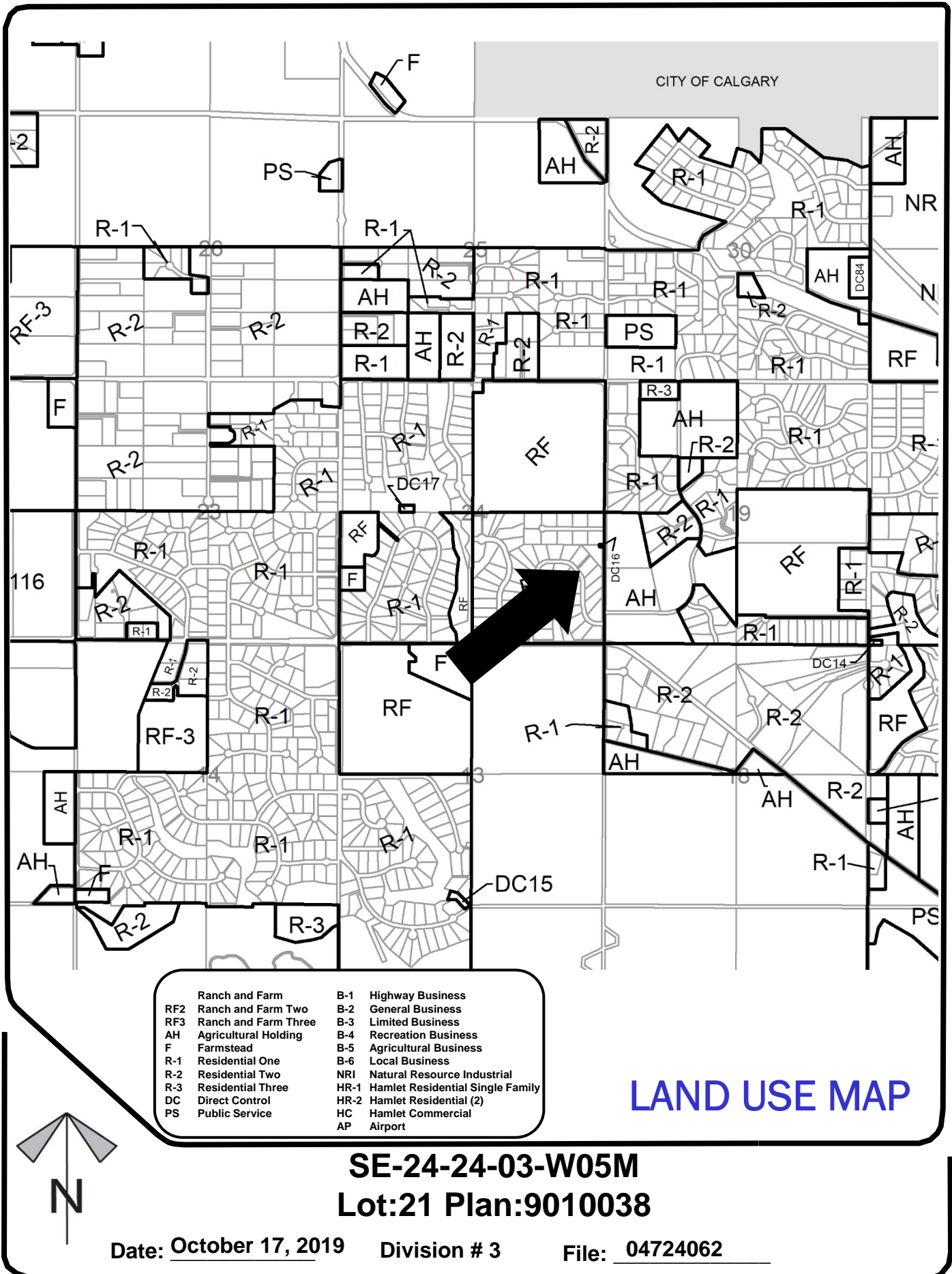
Oct 15 2019
Date

Last updated: 2018 November 13



Page 1 of 2



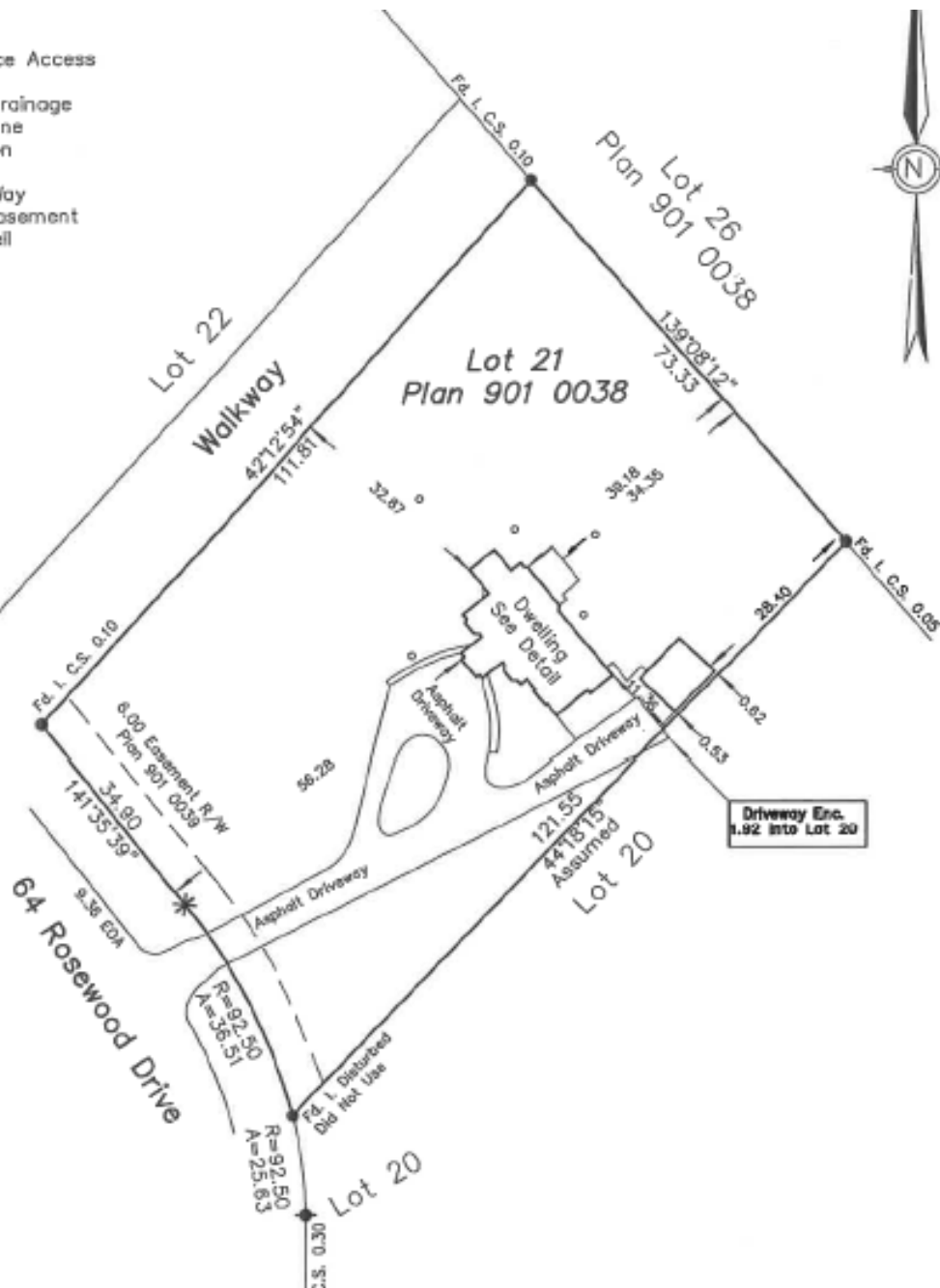


Page 2 of 2



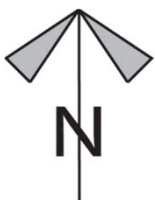
Date: October 17, 2019 **Division #** 3 **File:** 04724062

---Iron Post
 .---Iron Bar
 A---Maintenance Access
 ---Mark
 D---Overland Drainage
 'L---Property Line
 g---Registration
 L---Retaining
 'W---Right of Way
 'O---Walkout Basement
 W---Window Well



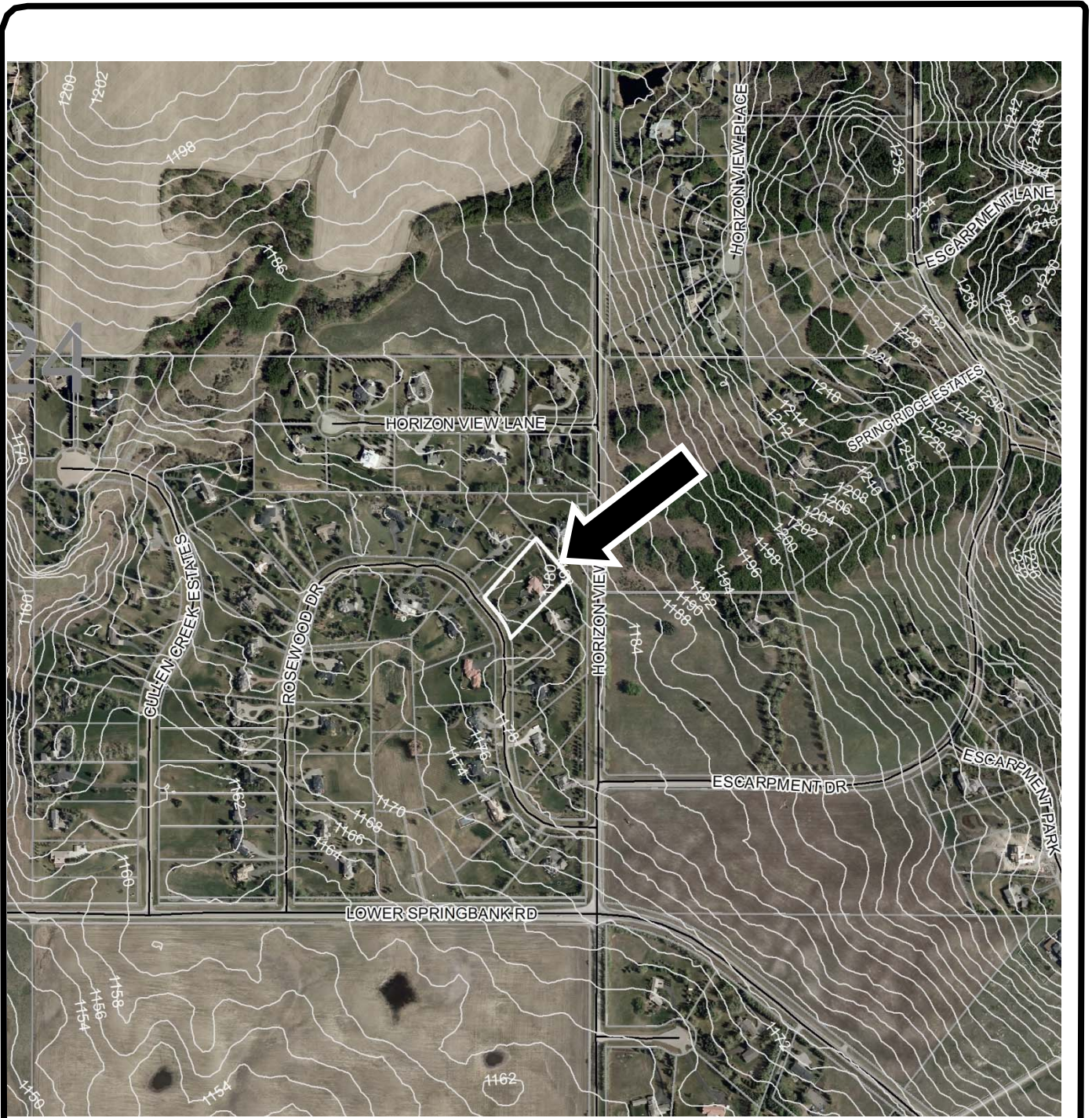
Driveway Enc.
1.92 into Lot 20

SITE INSPECTION



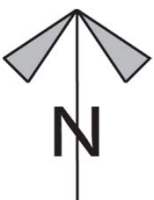
SE-24-24-03-W05M
Lot:21 Plan:9010038

Date: October 17, 2019 Division # 3 File: 04724062



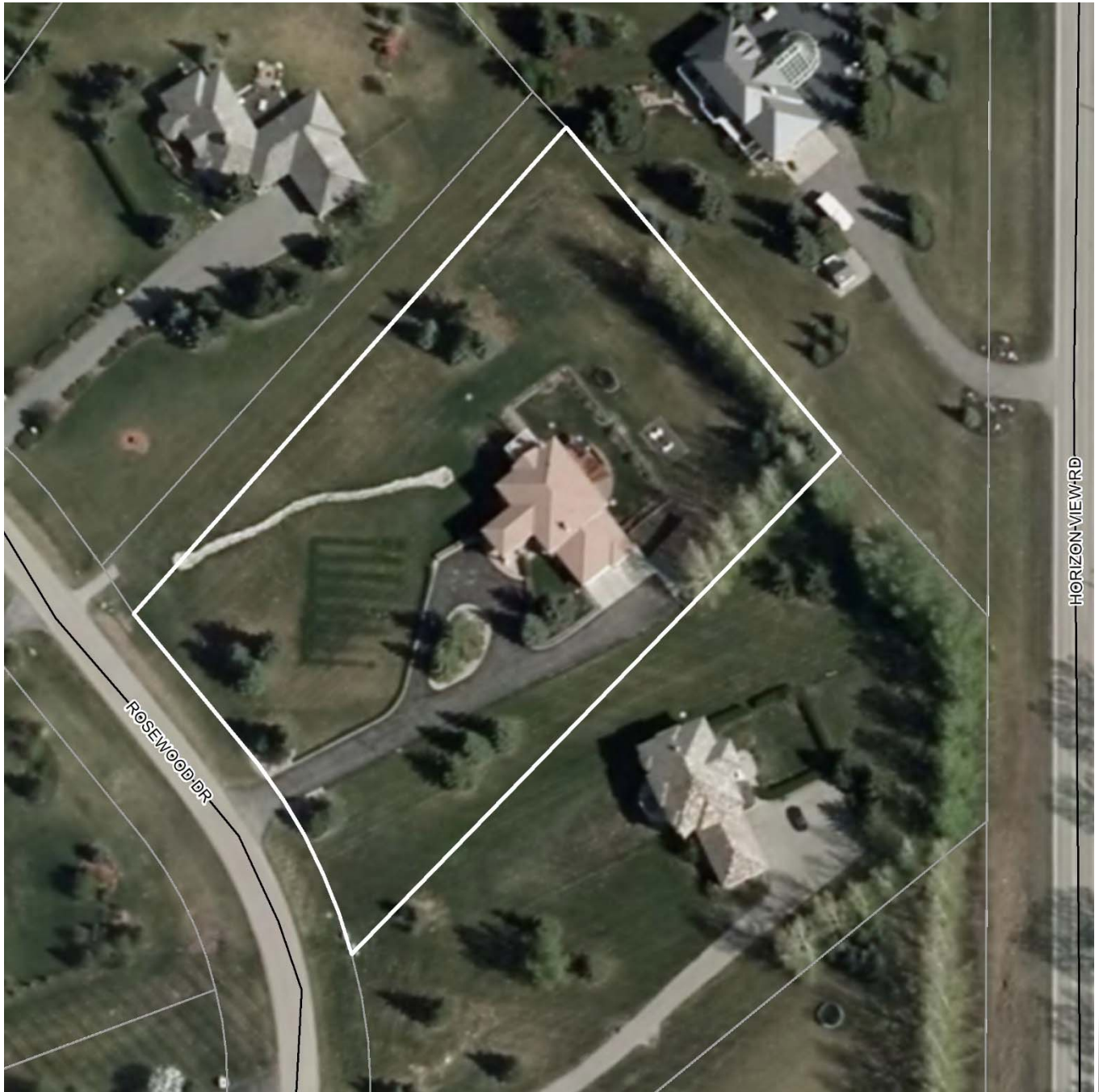
Contours are generated using 10m grid points, and depict general topographic features of the area. Detail accuracy at a local scale cannot be guaranteed. They are included for reference use only.

TOPOGRAPHY
Contour Interval 2 M



SE-24-24-03-W05M
Lot:21 Plan:9010038

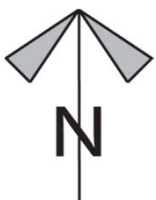
Date: October 17, 2019 Division # 3 File: 04724062



Note: Post processing of raw aerial
photography may cause varying degrees
of visual distortion at the local level.

AIR PHOTO

Spring 2018



SE-24-24-03-W05M
Lot:21 Plan:9010038

Date: October 17, 2019 Division # 3 File: 04724062



ROCKY VIEW COUNTY
Cultivating Communities

20193110

APPLICATION FOR A DEVELOPMENT PERMIT

FOR OFFICE USE ONLY	
Fee Submitted \$280	File Number 04724062
Date of Receipt Aug 30/19	Receipt # 021962

Name of Applicant Paul Gimson Email [REDACTED]
 Mailing Address [REDACTED]
 Telephone (B) [REDACTED] (H) [REDACTED] Postal Code [REDACTED] Fax [REDACTED]
 For Agents please supply Business/Agency/ Organization Name _____

Registered Owner (if not applicant) SAME
 Mailing Address _____
 Telephone (B) _____ (H) _____ Postal Code _____ Fax _____

1. LEGAL DESCRIPTION OF LAND

- a) All / part of the _____ ¼ Section _____ Township _____ Range _____ West of _____ Meridian
 b) Being all / parts of Lot 21 Block _____ Registered Plan Number 9010038
 c) Municipal Address _____
 d) Existing Land Use Designation _____ Parcel Size _____ Division _____

2. APPLICATION FOR

relaxation of building set back from .61 mt. to .53 mt

3. ADDITIONAL INFORMATION

- a) Are there any oil or gas wells on or within 100 metres of the subject property(s)? Yes _____ No ☒
 b) Is the proposed parcel within 1.5 kilometres of a sour gas facility? Yes _____ No ☒
 (Sour Gas facility means well, pipeline or plant)
 c) Is there an abandoned oil or gas well or pipeline on the property? Yes _____ No ☒
 d) Does the site have direct access to a developed Municipal Road? Yes _____ No ☒

4. REGISTERED OWNER OR PERSON ACTING ON HIS BEHALF

I Paul Martin Gimson hereby certify that ☒ I am the registered owner
 (Full Name in Block Capitals)

☐ I am authorized to act on the owner's behalf

and that the information given on this form
 is full and complete and is, to the best of my knowledge, a true statement
 of the facts relating to this application.

**Affix Corporate Seal
 here if owner is listed
 as a named or
 numbered company**

Applicant's Signature [Signature]
 Date 30 August 2019

Owner's Signature _____
 Date _____

5. RIGHT OF ENTRY

I hereby authorize Rocky View County to enter the above parcel(s) of land for purposes of investigation and enforcement related to this Development Permit application.



Applicant's/Owner's Signature

Please note that all information provided by the Applicant to the County that is associated with the application, including technical studies, will be treated as public information in the course of the municipality's consideration of the development permit application, pursuant to the Municipal Government Act, R.S.A 2000 Chapter M-26, the Land Use Bylaw and relevant statutory plans. By providing this information, you (Owner/Applicant) are deemed to consent to its public release. Information provided will only be directed to the Public Information Office, 262075 Rocky View Point, Rocky View County, AB, T4A 0X2; Phone: 403-520-8199.

I, Paul Gimson, hereby consent to the public release and disclosure of all information contained within this application and supporting documentation as part of the development process.



Signature

August 30 2019

Date



ROCKY VIEW COUNTY
Cultivating Communities

APPLICATION FOR AN ACCESSORY BUILDING

FOR OFFICE USE ONLY	
Fee Submitted \$280	File Number 04724062
Date Received Aug 30/19	Receipt # 021962

Name of Applicant Paul Gimson Email [REDACTED]
 Mailing Address [REDACTED] Postal Code [REDACTED]
 Telephone (B) [REDACTED] (H) 780 746 569 Fax [REDACTED]

1. DETAILS OF ACCESSORY BUILDING

	Bylaw	Proposed
Accessory building size maximum		62sq M
Accessory building height		5 Mtrs
Number of existing accessory buildings on site		1
Total size of all accessory buildings		62sq M

Description of Accessory Buildings:

- a) Building materials wood + shingles existing building
 b) Exterior colour beige
 c) Please include why relaxations for buildings are needed (location, storage needs, tidy property, etc.)
relaxation of distance to boundary existing building cannot be relocated.
 d) Date when building permits were issued for existing buildings
inspected + approved in 2014
 e) If no permits were issued - list age of buildings > 10 years

2. DESCRIBE THE USE OF THE ACCESSORY BUILDING

garage + storage

3. ADDITIONAL REQUIREMENTS

The following items must be provided in addition to your application:

- ☐ Elevation drawing(s) / floor plan(s) NA
☒ Site plan(s) showing all dimensions and setbacks

Signature of Applicant [Signature]

Date: 30 August 2019

FOR OFFICE USE ONLY

☒ **PARCEL INFORMATION AND LAND USE MAPS**

☒ **LAND USE DESIGNATION** R-1

☒ **PROPOSED DEVELOPMENT** RELAXATION OF Acc. BIDS SETBACK SY.

☒ **AIR PHOTO**

☐ **CONCEPT PLAN/ASP INFO. Which one?** _____

Print off any relevant sections of the ASP/Cp's in regards to the above

☐ **PRE-APPLICATION MEETING/AIMTRAC NOTES**

If applicable, provide a copy of any notes if a pre-app meeting was held before application was received

	Road Type	Bylaw	Proposed
Front Yard Setback Minimum			
Side Yard Setback Minimum			
Rear Yard Setback Minimum			
Height Maximum			
Principal Building Size			

☒ **ADMINISTRATION MUST VERIFY APPLICATION IS COMPLETE AND ACCURATE**

Comments


Staff Signature



Summary

Roll Number	04724062	
Legal Desc	SE-24-24-03-W05M	
Divison	03	
Lot Block Plan	Lot:21 Plan:9010038	
Linc Number	12361359	
Title Number	061529324	
Parcel Area	2.00000	
Municipal Address	64 ROSEWOOD DRIVE SW	
Contact Information	Gimson, Paul M & Joanne C [REDACTED] [REDACTED]	00000000000000 00000000000000 00000000000000
Land Use Information	R-1 (RESIDENTIAL ONE)	

Plan

Planning Applications Information

{There is no related Application}

Area Structure Plan

Plan Name	RV Number
Central Springbank	2008-RV-187

Conceptual Scheme

{There is no related Conceptual Scheme}

Permit

Building Permit

Permit Number	Permit Type	Date Issued
PRGS20143648	Gas	Tue Sep 23, 2014
2009-BP-22118	Building	Wed Sep 16, 2009
2009-EP-9322	Electrical	Mon May 04, 2009
2009-PL-5822	Plumbing	Mon May 04, 2009
2008-GP-9186	Gas	Mon Dec 08, 2008
2008-BP-21414	Building	Wed Jul 16, 2008
2008-EP-8600	Electrical	Tue Jul 15, 2008
1993-BP-3287	Building	Fri Mar 12, 1993

Development Permit Information

Permit Number	Date Issued
2008-BP-10144	Tuesday, June 3, 2008

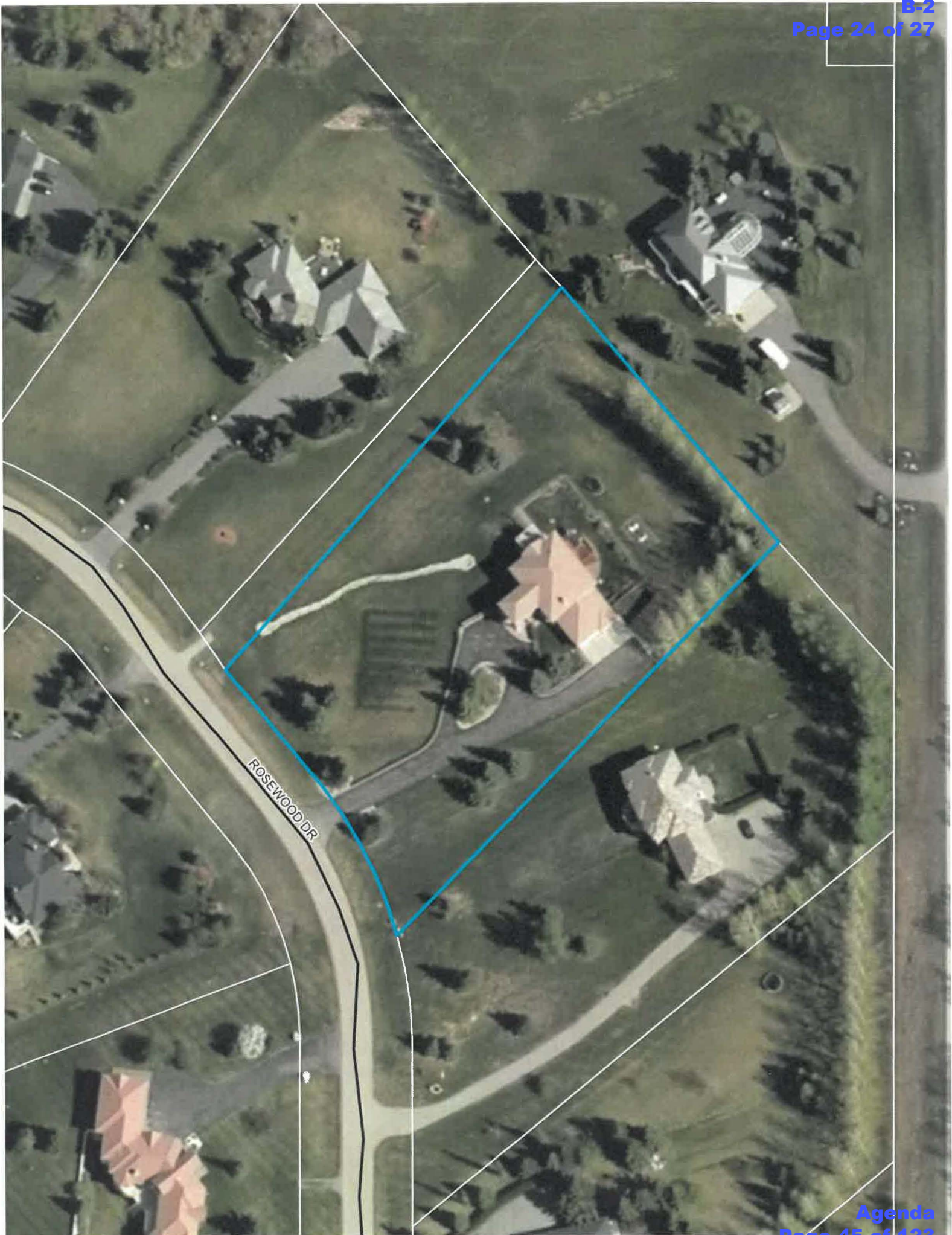
Department	Issued By	Date Issued	Date Closed	Status	Reference No.	Description
	ChristinaL	Thursday, August 15, 2019	Thursday, August 15, 2019	C		Advisory Letter created for encroachment on Side Yard. Mailed back unstamped. 2008-DP-13141 / Board Order #55-08 approved. 1 Applicant applied for 2.00ft or 0.61m RPR measurement at 0.53m

Geospatial Boundary

Boundary	Category
Division	3
Area Structure Plan	Central Springbank
Conceptual Scheme	No Conceptual Scheme
IDP	No IDP
Airport Vicinity	No APVA
Engineer	Bianca Duncan
Water Coop	WESTRIDGE WATER UTILITY LTD
Gas Coop Service	ATCO GAS
No.of Lots Within 600 M	72
No.of App Subdiv Within 600 M	0
Developed Road Allowance	Yes
Riparian Area	Yes
School	No School Boundary
Recreation	Rocky View West
Fire District	SPRINGBANK
Primary Fire Station	102
Secondary Fire Station	101
Tertiary Fire Station	120

Geospatial Adjacency

Boundary	Category	Distance
Closest Highway	No HWY within 800 M	
Closest Gravel Pit	Kennel Pit	7171.33 M
Sour Gas	No Sour Gas Pipe passes	From closest sour pipe:14828.37 M
Closest Road Name	ROSEWOOD DR(Surface Type:Paved)	9.91 M
Closest Railway	CPR	5098.48 M
Closest Western Irrigation Districts	Within 10Km	
Closest Waste Water Treatment	Within 10Km	2337.23 M
Closest Waste Transfer Site	Within 3 Km	
Closest Municipality	CITY OF CALGARY	2639.7 M
Closest Confined Feeding Operation		2797.21 M





DC16

ESCARPMENT DR

HORIZON VIEW MEADOWS

LEGAL DESCRIPTION:

Lot 21
Plan 901 0038

MUNICIPAL ADDRESS:

64 Rosewood Drive
Rocky View County, Alberta

DATE OF SURVEY: July 17th, 2019.

LEGEND

Distances are in metres and decimals thereof.

- Found Iron Posts are shown thus: ●
- Drill Holes are shown thus: ○
- Found Iron Bars are shown thus: ◆
- Found Concrete Nails are shown thus: ▲
- Calculation points are shown thus: X
- Pillars and posts are shown thus: □
- Property lines are shown thus: —
- Utility Right of Ways are shown thus: ---
- Eaves are shown thus: - - - -
- Fences are shown thus: -x-x-

All fences are within 0.2 metres of the property lines unless otherwise shown.
All eaves are measured to fascia unless otherwise shown.

PURPOSE:

This Report and attached plan have been prepared for the benefit of the Property owner, subsequent owners and any of their agents for the purpose of a land conveyance, support of a subdivision application, a mortgage application, or a submittal to the municipality for the compliance certificate, etc. Copying is permitted only for the benefit of these parties, and only if the plan remains attached. Where applicable, registered easements and utility rights of way affecting the extent of the property have been shown on the attached plan. Unless shown otherwise, property corner markers have not been placed. The attached plan should not be used to establish boundaries due to the risk of misinterpretation or measurement error by the user. The information shown on this Real Property Report reflects the status of this property as of the date of survey only. Users are encouraged to have the Real Property Report updated for future requirements.

NOTE:

Title information is based on the C. of T. 061 529 324 which was searched on the 19th day of July, 2019, and is subject to:
Utility Right of Way No.: 901 007 316, 901 015 376
Restrictive Covenant No.: 901 007 315
Easement No.: 901 007 317
Order No.: 901 208 150
Caveat No.: 981 096 521, 071 199 041 (Enc. Agreement)


CERTIFICATION:

I hereby certify that this report, which includes the attached plan and related survey, was prepared and performed under my personal supervision and in accordance with the Alberta Land Surveyors' Association Manual of Standard Practice and supplements thereto. Accordingly within those standards and as of the date of this Report, I am of the opinion that:

1. the Plan illustrates the boundaries of the Property, the improvements as defined in Part D, Section 8.5 of the Alberta Land Surveyors' Association's Manual of Standard Practice, registered easements, and rights-of-way affecting the extent of the title to the property;
2. the improvements are entirely within the boundaries of the Property (except Driveway)
3. no visible encroachments exist on the Property from any improvements situated on an adjoining property
4. no visible encroachments exist on registered easements or rights-of-way affecting the extent of the Property
5. unless otherwise specified, the dimensions shown relate to the distances from property boundaries to the foundation walls of buildings at the date of survey.



Dated at Calgary, Alberta on this
23rd day of July, 2019.


Jerrad Gerein, A.L.S.

This document is not valid unless it bears
an original or digital signature in blue ink and
an Arc Surveys Ltd. permit stamp in red ink.

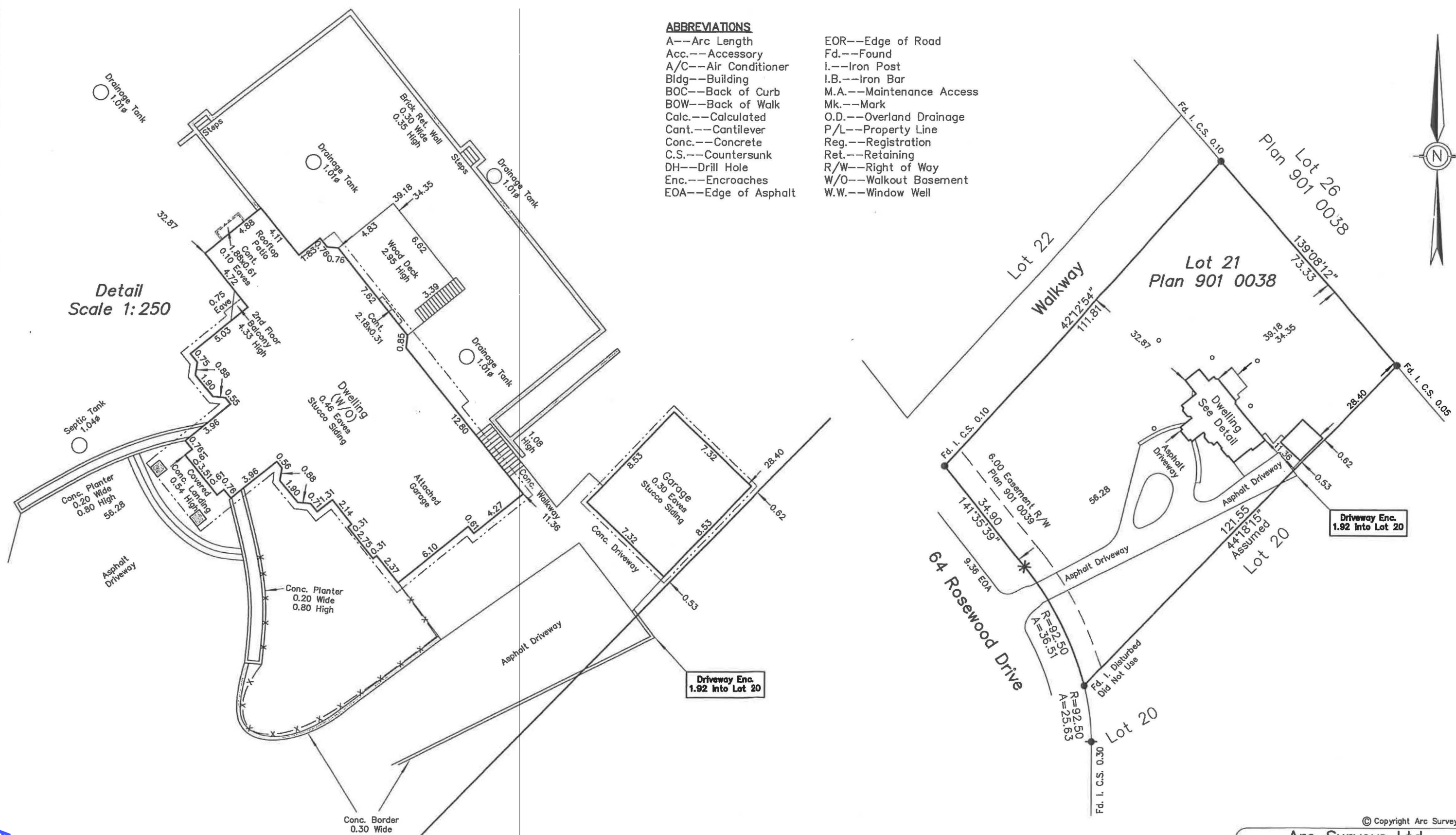
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Surveyed: JZ Drawn: LC Scale: 1:1000 0m 5 10 40 File No.: 191872

Page 2 of 2



NOTE:
UNLESS NOTED OTHERWISE LINES OUTSIDE OF PROPERTY ARE NOT TO SCALE.

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Surveyed: JZ	Drawn: LC	Scale: 1:1000	0m 5 10 40	File No.: 191872
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PLANNING AND DEVELOPMENT SERVICES

TO: Subdivision and Development Appeal Board

DATE: October 30, 2019

DIVISION: 2

FILE: 05715001

APPLICATION: B-3; PRDP20191527

SUBJECT: Commercial Communications Facility, Type C

PROPOSAL: Commercial Communications Facility, Type C	GENERAL LOCATION: Located immediately north of Twp. Rd. 251A and 0.81 kilometres (1/2 mile) east of Rge. Rd. 33
APPLICATION DATE: May 14, 2019	DEVELOPMENT AUTHORITY DECISION: Discretionary – Refused
APPEAL DATE: October 10, 2019	DEVELOPMENT AUTHORITY DECISION DATE: October 1, 2019
APPELLANT: Brenden Smith (LandSolutions LP)	APPLICANT: Brenden Smith (LandSolutions LP)
LEGAL DESCRIPTION: Block D, Plan 7910461; SE-15-25-03-W05M	MUNICIPAL ADDRESS: 251147 RGE RD 32
LAND USE DESIGNATION: Ranch and Farm District (RF)	GROSS AREA: ± 184.47 acres
DISCRETIONARY USE: A Commercial Communications Facility, Type C is a discretionary use within the Ranch and Farm District.	DEVELOPMENT VARIANCE AUTHORITY: The Development Authority, where appropriate, may relax criteria established within Procedure 308.
PUBLIC SUBMISSIONS: The application was circulated to 176 adjacent landowners. At the time this report was prepared, no letters were received in support or objection to the application; however, in response to the original notification completed by the Applicant (prior to application submission) six (6) letters were received in opposition.	LAND USE POLICIES AND STATUTORY PLANS: <ul style="list-style-type: none"> •County Plan •Land Use Bylaw •Springbank Area Structure Plan

EXECUTIVE SUMMARY:

On May 14, 2019, the Applicant submitted an application for a Development Permit for a Commercial Communications Facility, Type C. The subject lands is included in the Ranch and Farm District, located immediately north of Twp. Rd. 251A and 0.81 kilometres (1/2 mile) east of Rge. Rd. 33.

The Federal Ministry of Industry is the approving authority for the development and operation of radio communication in Canada. However, Industry Canada requires that, in certain cases, the local approving authority and the public must be consulted for input regarding proposed telecommunication antenna structures. The County assess proposals for Commercial Communication Facilities against Policy 308 and Procedure 308 – Guidelines to Evaluate Commercial Communications Facilities, and based on this review, issues a Development Permit (concurrence) or refusal (non-concurrence).

Procedure 308 provides direction on the design and development of Commercial Communication facilities and the decision of the Development Authority is based on its criteria being satisfied. Where appropriate, certain criteria can be relaxed at the discretion of the Development Authority.

In accordance with Procedure 308, Statement 3 (c)(i):

“Any tower proposed to be placed on a site abutting existing dwellings should be located no closer than 500 meters from those dwellings.”

The site of the proposed tower abuts a parcel to the west, with a dwelling approximately 150.00 m away. There is also a dwelling across the road (Township Road 251A), which is approximately 200.00 m away, with other undeveloped lots. It is possible that these lots could be developed to include dwellings that are within a 500.00 m range.

In accordance with Procedure 308, Statement 3 (c)(iii):

“Type B or Type C facilities should not be closer than 2,000 meters from other Type B or Type C facilities.”

There is an existing Type C facility approved under 2013-DP-15297, which is located to the northwest of the proposed facility location and measuring from parcel to parcel, is approximately 1,000.00 m away.

In addition to the above criteria not being met, there is the potential for undue impact to adjacent properties in terms of aesthetic implications. There were several adjacent landowners in opposition to the placement of the Commercial Communications Facility that indicated potential impact to their lands (see Appendix A). It is the view of the Development Authority that it is inappropriate to relax the criteria in Procedure 308 for this proposal and therefore, the application was refused on October 1, 2019.

The Appellant appealed the decision of the Development Authority on October 10, 2019, with reasoning specified within the agenda package.


PROPERTY HISTORY:

No relevant property history.

APPEAL:

See attached report and exhibits.

Respectfully submitted,



Sean MacLean
Supervisor, Planning and Development Services

JA/LM/lt

APPENDICES:

APPENDIX 'A': Landowner Comments

DEVELOPMENT PERMIT REPORT

Application Date: May 14, 2019	File: 05715001
Application: PRDP20191527	Applicant/Owner: Brenden Smith (LandSolutions LP)
Legal Description: Block D, Plan 7910461; SE-15-25-03-W05M	General Location: located immediately north of Twp. Rd. 251A and 0.81 kilometres (1/2 mile) east of Rge. Rd. 33
Land Use Designation: Ranch and Farm District (RF)	Gross Area: ± 184.47 acres
File Manager: Lisa Mrozek	Division: 2

PROPOSAL:

The proposal is for the Commercial Communications Facility, Type C. LandSolutions LP, on behalf of Rogers, is proposing to construct a 45.00 m, lattice-style, self-support tower with projecting antennas, a 1.60 m by 2.40 m (3.84 sq. m) walk-in cabinet and chain-link fence surrounding a 400.00 sq. m tower compound. The proposed tower will be located in the southwest corner of the property, with access off of Township Road 251A (gravel surface). An AltaLink transmission line, with a 15.24 m wide right-of-way, is located to the north of the proposed tower location.

The existing site context of the subject parcel includes access off of Range Road 32 (paved surface), with the northeast corner developed with a dwelling, single detached, a farm dwelling, mobile home, and several accessory buildings and the remainder of the parcel remaining as undeveloped agricultural lands.

The Federal Minister of Industry is the approving authority for telecommunication antenna structures and requires that the local land use authority and the public be consulted for input regarding the proposed placement of these structures. The County reviews proposed submissions based on specific physical criteria laid out in Policy/Procedure 308 and a development permit (concurrence) or refusal (non-concurrence) is issued. The County cannot prevent a proponent from ultimately gaining permission from Industry Canada to install a telecommunications antenna on any lands; privately held, County owned, or otherwise.

Procedure 308:

Definitions:

Commercial Communications (CC) Facilities means facilities that are used for transmission of wireless communication signals. These facilities include telecommunication towers, antennas, and the buildings that house their supporting equipment. These facilities are used to transmit radio-frequency signals, microwave signals or other communications energy. The Land Use Bylaw defines three types of CC facilities:

- **Type C facilities** means: either tower or pole structures greater than 20.00 meters (65.62 feet) in height, to which antennae are mounted for the purpose of telecommunications broadcast or signal transmission.

The proposed commercial communications facility meets the definition of a Type C, with a 45.00 m height and projecting antennas.

Procedure Statements:

- 1) *Public Notification shall be the responsibility of the applicant prior to the submission of any development permit application for Type A, Type B, or Type C facilities.*
 - a) *Public Notification is to include all properties within 250 meters of a proposed Type A facility, 500 meters of a proposed Type B facility, and 1,600 meters of a proposed Type C facility.*
 - The public notification included all properties within a 1,600 metre radius of the proposed Type C facility.
 - b) *Public Notification packages are to include all relevant information related to the proposed facility, including a location map, elevation drawings, description, and contact information.*
 - The Applicant did not provide the Public Notification package to the County.
 - c) *The Public Notification period is to last a minimum of 21 days, and all public submissions are to be included with the development permit application package.*
 - The public notification period lasted 30 days and public submissions were submitted to the County. Six letters were received related to the proposed facility and five of these letters were responded to by the Applicant.
- 3) *The following criteria give direction to the development of Type B and Type C facilities. Type B and C commercial communication facilities will be evaluated based on the following criteria:*
 - a) *CC Facility Type B or C must be listed as a use in a District in the Land Use Bylaw before an application for a Development Permit can be considered.*
 - A Commercial Communication Facility, Type C is listed as a discretionary use in the Ranch and Farm District.
 - b) *The rural vistas of the County should be respected. Tower and pole locations are discouraged on prominent natural or cultural features for the protection of views.*
 - The Development Authority was provided adjacent landowner comments, which identified that the tower would negatively impact the views of the area.
 - c) *Although criteria can be relaxed at the discretion of the Development Authority, as a guideline it is recommended that:*
 - i) *Any tower proposed to be placed on a site abutting existing dwellings should be located no closer than 500 meters from those dwellings.*
 - The site of the proposed tower abuts a parcel to the west, with a dwelling approximately 150.00 m away. There is also a dwelling across the road (Township Road 251A), which is approximately 200.00 m away, with other undeveloped lots within the subdivision that at some point in the future will likely include dwellings that are within a 500.00 m range.
 - ii) *Type B and Type C facilities should be located one half times the height of the facility from an existing or future road allowance.*
 - The proposed self-supporting communications facility is 45.00 m in height; one half times the height would require a setback distance of 22.50 m from the road. The centre of the cell tower is greater than 22.50 m the road (Township Road 251A).
 - iii) *Type B or Type C facilities should not be closer than 2,000 meters from other Type B or Type C facilities.*

- There is an existing Type C facility (Telus) approved under 2013-DP-15297, which is located to the northwest of the proposed facility location and measuring from parcel to parcel, is approximately 1,000.00 m away.
 - The Applicant indicated co-location was considered on this facility; however, the facility only has room for additional antennas at an elevation of 9.00 m below and mounting antennas at that height would not meet Rogers' network requirements and would not enhance coverage and capacity for the community.
- d) *Application for CC facility approval shall include a current picture of the lands where the tower is proposed (before installation), and a picture of the same lands with the proposed facility superimposed (after the installation) to reflect the appearance of the facility and associated buildings after installation.*
- This has been provided with the application.
- e) *The County prefers to only have active CC facilities on the landscape. Once a CC facility becomes inactive for a period of more than six months, the Carrier should remove the facility. If non-compliance with this policy occurs, the County will request removal of the facility through Industry Canada.*
- This is identified as a permanent condition of the Development Permit.
- 4) *Commercial communication installations should be designed to limit the overall visual impact to the area. The design of commercial communication facilities will give consideration to the following criteria:*
- a. *All towers and pole structures should be screened where possible or concealed through the use of innovative design strategies or camouflage. The use of landscaping, fences and architectural features on and around the equipment compounds, shelters and cabinets associated with a CC facility is encouraged to assist these structures to blend in with their surrounding environment.*
- The Applicant has not identified any specific design features to limit the overall visual impact to the area. Aesthetic concerns were identified by the Applicant:
 - Tower height is needed for optimum antenna placement and broadcast of radio communication. Decreasing the height of the tower would impact the ability to enhance wireless service in the area and result in the need for additional telecommunication facilities to be developed in the future.
 - Proposed location was an attempt to provide a buffer to the most nearby residential properties and situated close to comparable, existing infrastructure (transmission tower). Intended to minimize the aesthetic impact that a tall tower would have upon adjacent low-height residences. The tower is set back from the road as much as possible to decrease the visual impact, while maintaining setbacks to the nearby transmission lines.
 - Tower design is a lattice-style, self-support tower, which provides space between the structure elements of the tower and allows for a narrower tower at higher elevations. The proposed tower design offers less visual obstruction at higher elevations and allows light to pass through the individual structural elements, while mimicking comparable, existing infrastructure in the area.
- b. *All CC facilities should be neutral in colour and blend with the surroundings when possible. Mitigation of the visual aspects of the facility may include painting, appropriate and effective decorative fencing, screening, and/or landscaping, and should not clash with the sky or landscape given Alberta's changing seasons.*

- The Applicant has not provided any specifics on design of the tower, other than specifying that it is lattice steel. Renderings depict the tower as standard grey. Painting and lighting are typically facilitated through Transport Canada approvals.
 - The walk-in cabinet is concealed by some form of chain link fencing, with no height specified. Will require confirmation from Applicant.
- c. *Where applicable, Type B and Type C facilities must comply with Transport Canada's painting and lighting requirements for aeronautical safety. In all other locations Type B and Type C facilities should be lit with the lowest intensity light possible.*
- The Applicant has not provided the necessary Transport Canada approvals and lighting requirements at this time. Due to the height of the proposed facility, the Applicant anticipates aeronautical lighting will be required to address aeronautical safety.
- 5) *Co-location of communications equipment on Type B and Type C facilities is advised whenever possible.*
- a) *Along with a development permit application, a letter is required to be submitted to the County stating that the carrier will allow co-location with other users, provided all structural, and technological characteristics of the facility can support additional development.*
- The Applicant provided in their submission that they welcome future tower sharing opportunities on the proposed tower.
- b) *Each application for Type B and Type C facilities will include letters of offer to the other major carriers to co-locate on the proposed facility. Responses to these letters from other carriers should be copied to Rocky View County's Development Authority.*
- The application included one letter to another carrier (Telus) regarding co-location and the response was provided.
- c) *If there are other structures (i.e. other Type B or Type C facilities, flag poles, church steeples, electrical transmission towers, chimneys of smoke stacks) within 2,000 meters of the proposed location, which could support communications equipment, the applicant must identify them and provide reasons why these structures are unable to accommodate additional communications equipment (i.e. due to: structural capabilities, safety, available space, frequency interference).*
- See 4(a) for information on the Type C facility within the area.
 - There is an existing powerline transmission tower in the area (on the subject land). The Applicant has identified Rogers has explored co-location on similar structures in the past and has found co-location is not feasible for the following reasons:
 - Powerlines conflict with possible antenna mounting locations.
 - Mounting antennas close to powerlines is unsafe, unless the powerlines are de-energized. In the past, de-energizing powerlines resulted in significant delays to Rogers. De-energizing may negatively impact provision of electricity to surrounding communities and may not be possible if there is not a secondary power connection available.
 - Future maintenance of antennas may be impacted, as it could not be done safely.
- d) *The applicant should notify Rocky View County Emergency Services department with plans for new Type B or Type C facilities. Where possible coordination with the County's*

Emergency Services regarding locating emergency equipment on the proposed facility should occur.

- The notification of the facility occurs through the circulation process that is completed by Planning and Development. The Fire Services Department provided no response to the circulation.

STATUTORY PLANS:

The subject land falls within the Central Springbank Area Structure Plan.

2.8.4 Shallow Utilities

An attractive feature of living in the Central Springbank area is the 'dark sky'. The 'dark sky' is unencumbered by light pollution such as site-lighting or streetlights. Preservation of this dark sky environment is desired within the community, and requires consideration in future development.

e) Wherever possible the location of cellular or telecommunication facilities should be incorporated into a common facility or concentrated on limited sites.

INSPECTOR'S COMMENTS:

Inspection date not specified.

- Vacant parcel, no activity.
- Gas line notice along front fence wire.
- No development across except for one parcel (vacant parcels)

CIRCULATIONS:

Agricultural Services Review

The applicant will need to ensure compliance with the *Alberta Weed Control Act* and be personally prepared, or have a contractor available, for invasive species control.

Building Services Review

No objection to Communication Tower and Walk-in Cabinet, no BP are required.

Planning and Development Engineering Review

General

- The review of this file is based upon the application submitted. These conditions/recommendations may be subject to change to ensure best practices and procedures.

Geotechnical:

- Engineering has no requirements at this time.
- It doesn't appear that there are any steep slopes on the subject land.

Transportation:

- The applicant/owner is proposing to construct a road approach off of Township Road 251A to provide access to the proposed development.
 - As a permanent condition, the applicant will be required to submit a Road Approach Application form and coordinate with road operations on the proposed approach.

- The applicant will not be required to pay the transportation offsite levy, as per the applicable TOL bylaw at time of DP issuance, since the proposed development is not likely to increase traffic in the local network.

Sanitary/Waste Water:

- Engineering has no requirements at this time.

Water Supply And Waterworks:

- Engineering has no requirements at this time.

Storm Water Management:

- Engineering has no requirements at this time.
- Since the proposed development is not expected to increase the imperviousness of the subject land by much, minimal impact to existing drainage conditions is expected.

Environmental:

- Engineering has no requirements at this time.
- Should the owner propose development that has a direct impact on any wetlands, the applicant will be responsible for obtaining all required AEP approvals.

Utility Services Review:

No concerns.

Atco Gas Review:

ATCO Gas has no objection to the proposed.

AltaLink Review:

No comments received.

Calgary Airport Authority Review:

No comments received.

OPTIONS:

APPROVAL, subject to the following conditions:

Option #1 (this would allow the development to proceed)

That the appeal against the decision of the Development Authority to issue a Development Permit for Commercial Communications Facility, Type C on Block D, Plan 7910461; SE-15-25-03-W05M (251147 RGE RD 32) be upheld, that the decision of the Development Authority be revoked, and that a Development Permit be issued subject to the following conditions:

Description:

- 1) That a telecommunications tower for a Commercial Communications Facility, Type C, may be situated on the subject parcel in accordance with the approved Site Plan and details submitted with the application, and includes the following:

- a. Placement of one self-supporting telecommunications tower approximately 45.00 metres high; and
- b. Placement of a walk-in cabinet.

Permanent:

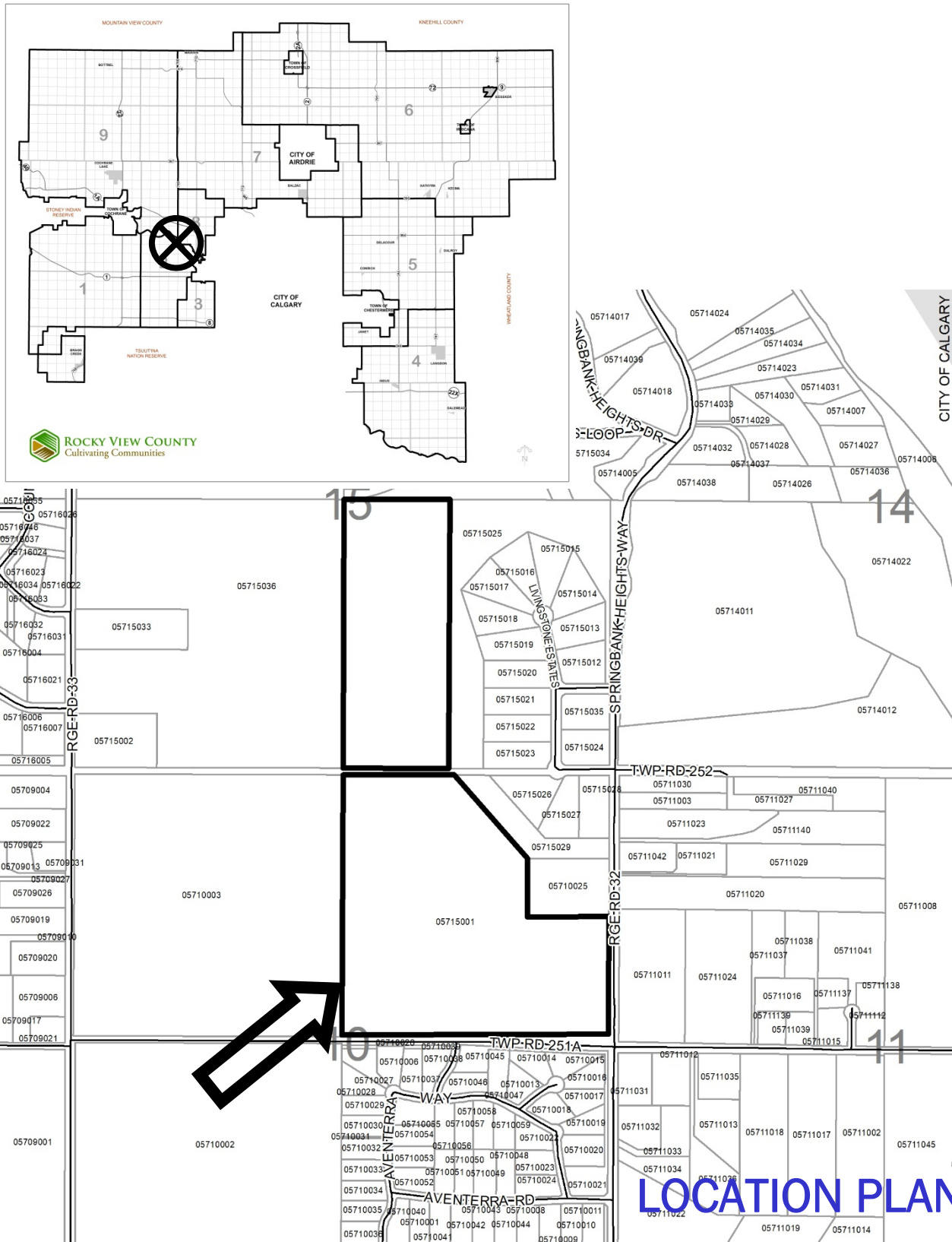
- 2) That the Applicant/Owner shall contact Rocky View County Road Operations for shallow utilities and allowances and shall provide haul details of equipment, materials, and vehicles, to determine if a Road Use Agreement and/or a Road Data Permit is required with the County for the use of the County road system to haul to/from the subject site.
- 3) That no topsoil shall be removed from the site.
- 4) That all commercial communication facilities shall be neutral in colour and blend with the surroundings, mitigation of the visual aspects of the facility should include painting, decorative fencing, screening, landscaping, and should not clash with the sky or landscape.
- 5) That should the commercial communication facilities become deactivated or unused; the commercial communication facilities shall be removed from the parcel within six months of becoming deactivated or unused.
- 6) That where possible, light shielding shall be considered to minimize the impact of the lighting to adjacent communities.

Advisory:

- 7) That a Building Permit, if applicable, shall be obtained prior to any construction taking place.
- 8) That any other federal, provincial or County permits, approvals, and/or compliances are the sole responsibility of the Applicant/Owner.
- 9) That if the development authorized by this Development Permit has not commenced with reasonable diligence within 12 months from the date of issue, and completed within 24 months of the issue, the permit is deemed to be null and void, unless an extension to this permit shall first have been granted by the Development Authority.

Option #2 (this would not allow the development to proceed)

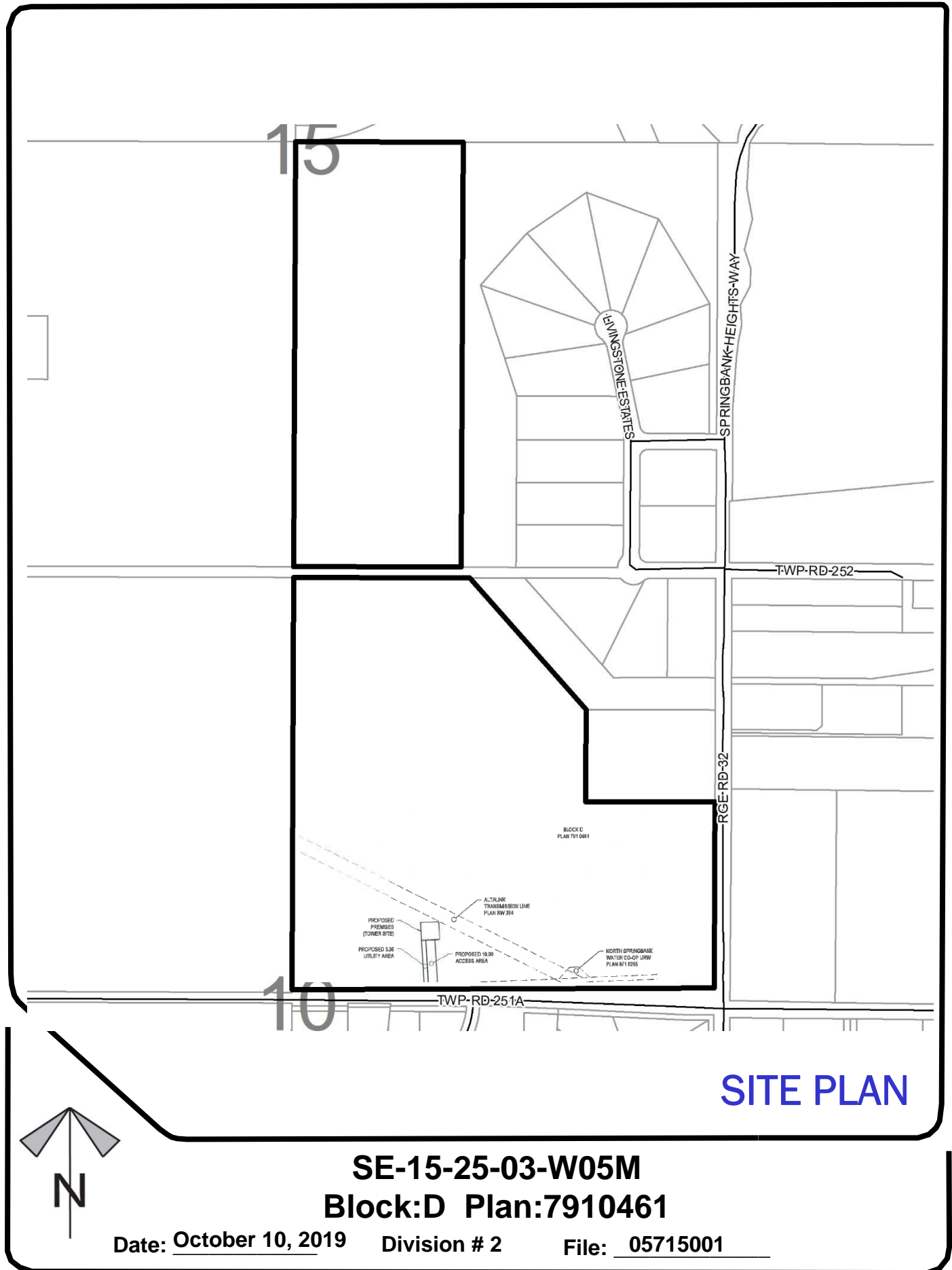
That the appeal against the decision of the Development Authority to issue a Development Permit for Commercial Communications Facility, Type C on Block D, Plan 7910461; SE-15-25-03-W05M (251147 RGE RD 32) be denied and that the decision of the Development Authority be upheld.



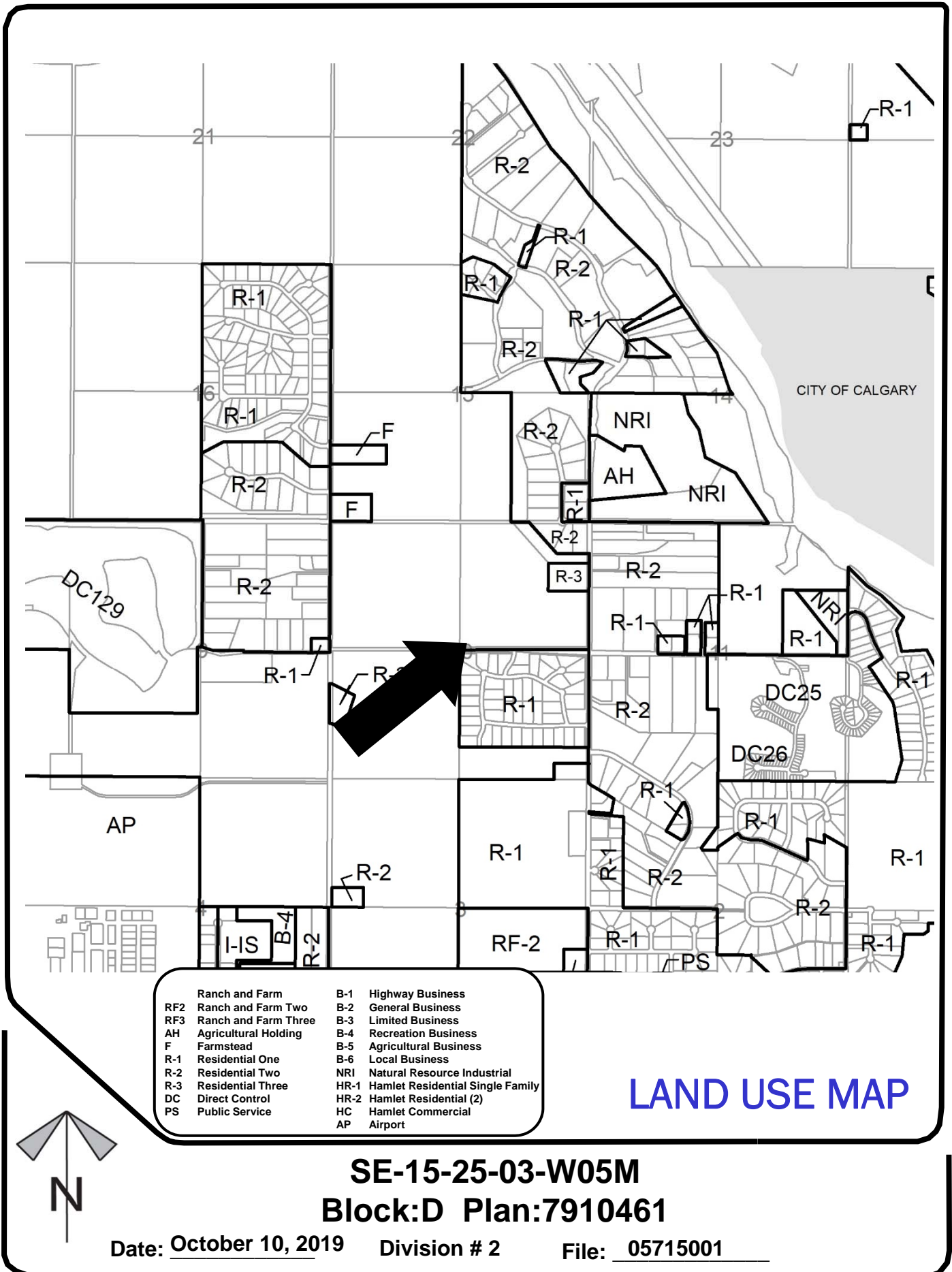
LOCATION PLAN

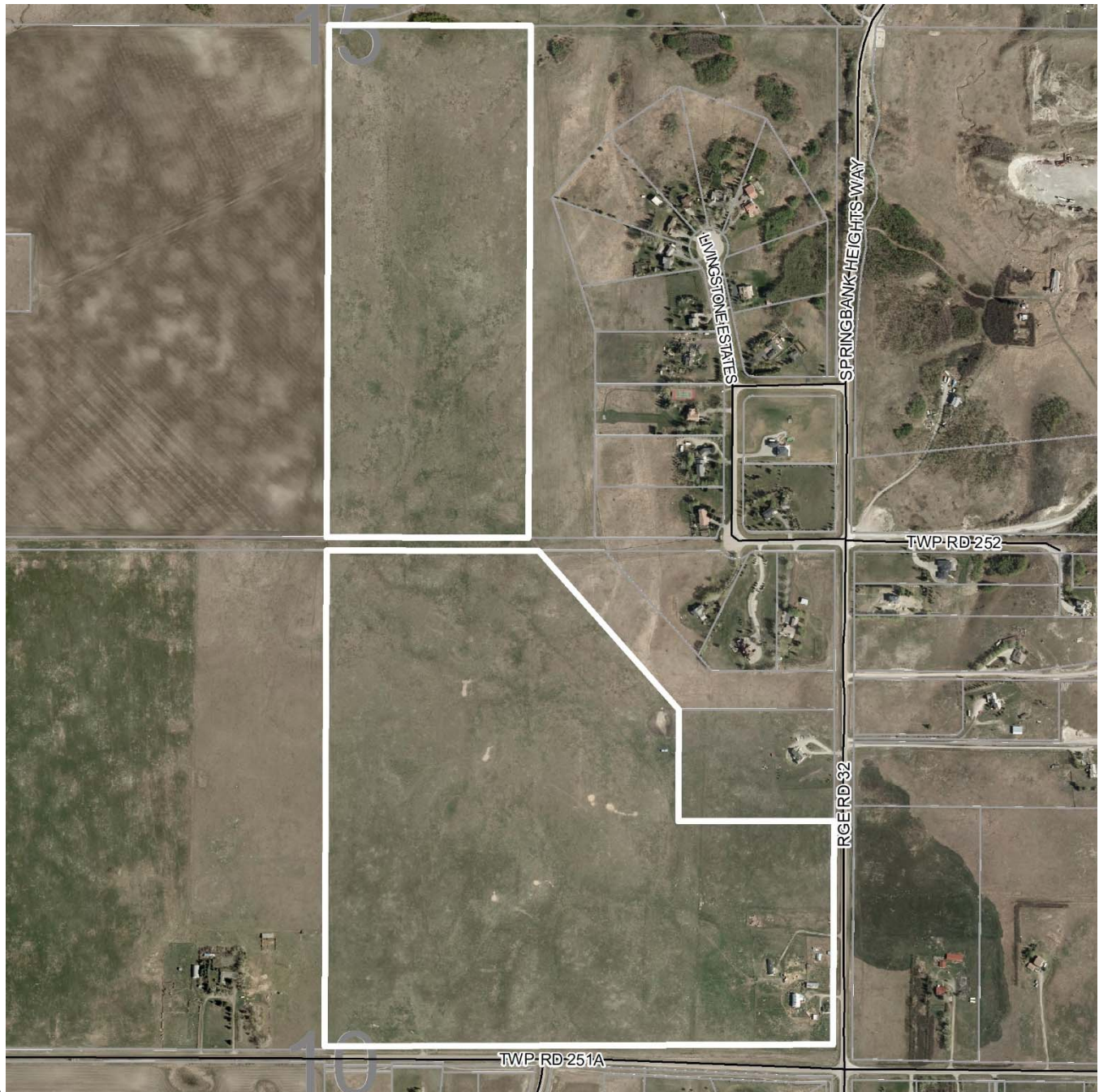
SE-15-25-03-W05M
Block:D Plan:7910461

Date: October 10, 2019 Division # 2 File: 05715001





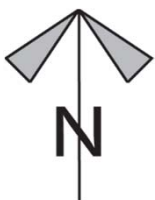




Note: Post processing of raw aerial
photography may cause varying degrees
of visual distortion at the local level.

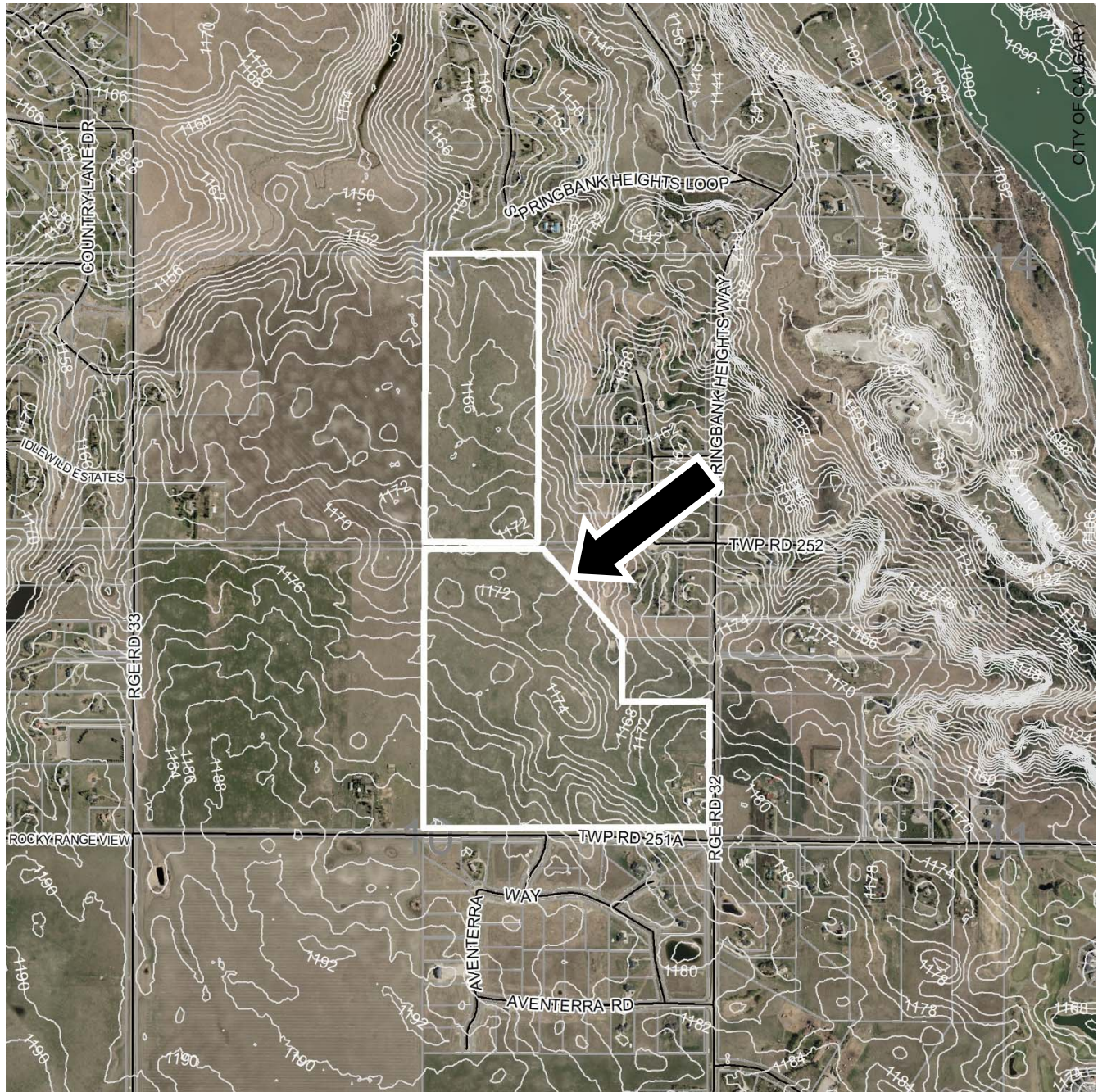
AIR PHOTO

Spring 2018



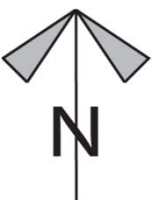
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Block:D Plan:7910461

Date: October 10, 2019 Division # 2 File: 05715001



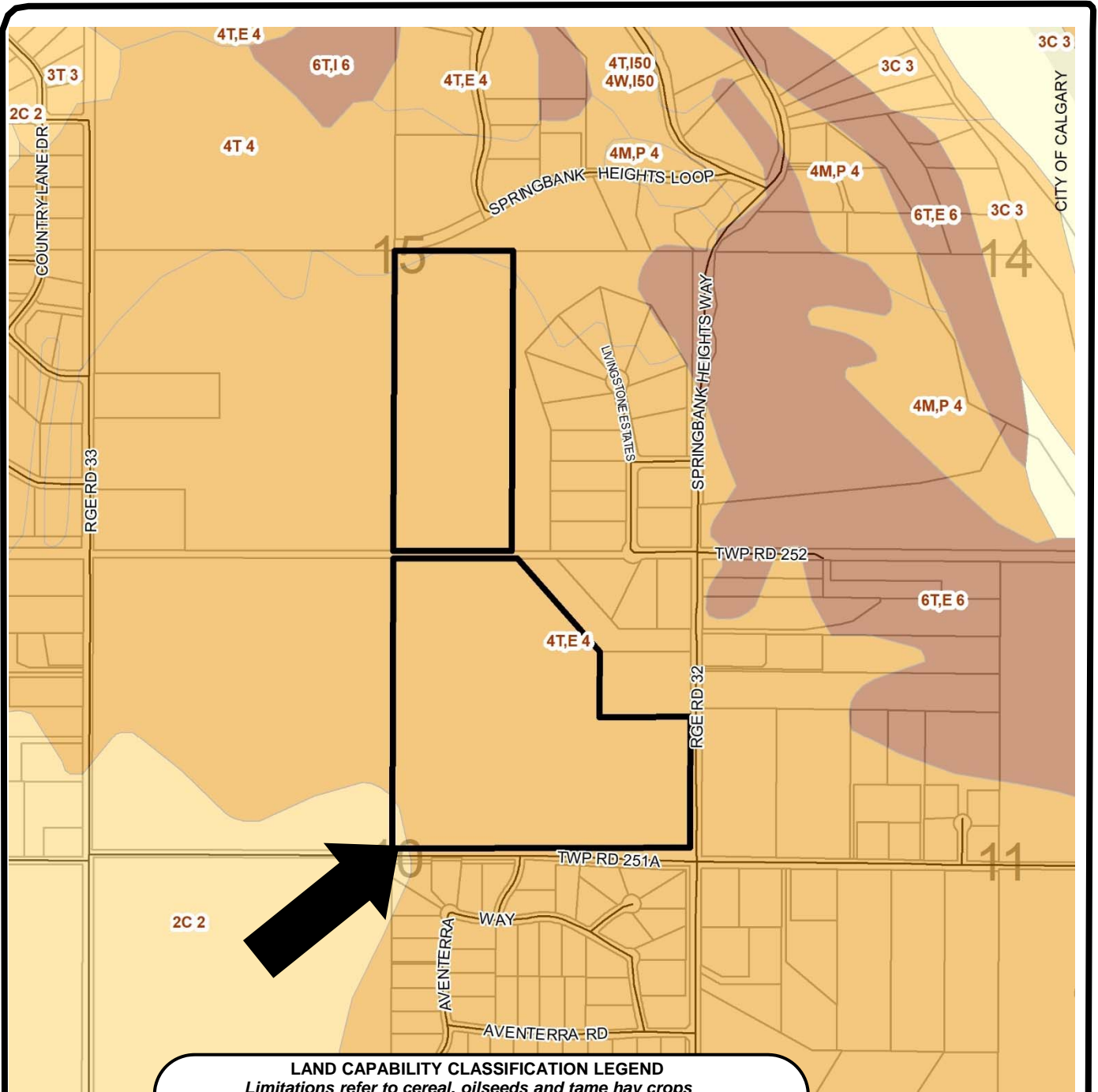
Contours are generated using 10m grid points, and depict general topographic features of the area. Detail accuracy at a local scale cannot be guaranteed. They are included for reference use only.

TOPOGRAPHY
Contour Interval 2 M



SE-15-25-03-W05M
Block:D Plan:7910461

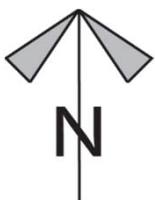
Date: October 10, 2019 Division # 2 File: 05715001



LAND CAPABILITY CLASSIFICATION LEGEND
Limitations refer to cereal, oilseeds and tame hay crops

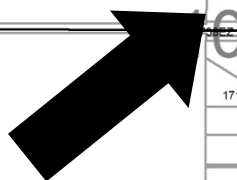
CLI Class	Limitations	
1 - No significant limitation	B - brush/tree cover	N - high salinity
2 - Slight limitations	C - climate	P - excessive surface stoniness
3 - Moderate limitations	D - low permeability	R - shallowness to bedrock
4 - Severe limitations	E - erosion damage	S - high sodicity
5 - Very severe limitations	F - poor fertility	T - adverse topography
6 - Production is not feasible	G - Steep slopes	U - prior earth moving
7 - No capability	H - temperature	V - high acid content
	I - flooding	W - excessive wetness/poor drainage
	J - field size/shape	X - deep organic deposit
	K - shallow profile development	Y - slowly permeable
	M - low moisture holding, adverse texture	Z - relatively impermeable

SOIL MAP



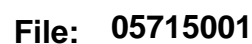
SE-15-25-03-W05M
Block:D Plan:7910461

Date: October 10, 2019 Division # 2 File: 05715001



- First two numbers of the Plan Number indicate the year of subdivision registration.
- Plan numbers that include letters were registered before 1973 and do not reference a year

Date: October 10, 2019 **Division #** 2 **File:** 05715001





Notice of Appeal

Subdivision and Development Appeal Board
Enforcement Appeal Committee

Appellant Information			
Name of Appellant(s) Rogers Communications Inc. c/o LandSolutions LP			
Mailing Address Suite 600, 322 - 11th Ave. SW		Municipality Calgary	Province AB
		Postal Code T2R 0C5	
Main Phone # 403.708.2736	Alternate Phone #	Email Address brendens@landsolutions.ca	
Site Information			
Municipal Address 251147 and 251161 Rge. Rd. 32		Legal Land Description (lot, block, plan OR quarter-section-township-range-meridian) Block D; Plan 7910461	
Property Roll # 05715001		Development Permit, Subdivision Application, or Enforcement Order # PRDP20191527	
I am appealing: (check one box only)			
Development Authority Decision <input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input checked="" type="checkbox"/> Refusal	Subdivision Authority Decision <input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal	Decision of Enforcement Services <input type="checkbox"/> Stop Order <input type="checkbox"/> Compliance Order	
Reasons for Appeal (attach separate page if required)			
Please refer to attached letter. <div style="text-align: right; margin-top: 50px;"> </div>			

This information is collected for the Subdivision and Development Appeal Board or Enforcement Appeal Committee of Rocky View County and will be used to process your appeal and to create a public record of the appeal hearing. The information is collected in accordance with the *Freedom of Information and Protection of Privacy Act*. If you have questions regarding the collection or use of this information, contact the Municipal Clerk at 403-230-1401.

Appellant's Signature

2019-10-08
Date



Rogers Communications Inc.
 Appeal Cover Letter
 45m Self-Support Telecommunications Facility
 October 9, 2019

Rocky View County
 Municipal Clerk's Office
 262075 Rocky View Point
 Rocky View County, AB T4A 0X2
 Attention: Ms. Michelle Mitton, Appeals Coordinator

Dear Ms. Mitton,

LandSolutions LP, on behalf of Rogers Communications Inc. (Rogers), is pleased to submit to you the captioned package for your review and processing.

APPEAL SUBMISSION – Commercial Communications (Type C) Facility Application and Request for Concurrence

Rogers File:	W5613 Springbank Heights
Legal Land Description:	Plan 7910461; Block D (NE 10-25-03 W5M)
Address:	251147 and 251161 Range Road 32, Rocky View County, Alberta
Coordinates:	Latitude: 51.118592° N, Longitude: 114.338596° W

LandSolutions LP is following Rocky View County's Policy and Procedure Guidelines to Evaluate Commercial Communications Facilities (POL/PRO-#308) and Innovation and Science and Economic Development Canada's Radiocommunication and Broadcasting Antenna Systems CPC-2-0-03-i5. Per Rocky View County protocols, area landowners within 1,600 meters of a proposed Type C Facility were notified. In addition, we have notified the Springbank Community Association. At the time of writing this letter we have received responses from five (5) residents and have responded formally to their concerns. Rogers sent the co-location interest letters directly to TELUS and Freedom Mobile on May 31, 2019. To date I have only received a response from TELUS (no interest), dated June 14, 2019. This submission is our formal appeal of the Development Authority's decision.

Please refer to the subsequent information for the rationale for the appeal and supplementary information.

The following attachments are included this this submission package:

- Rationale for appeal
- Cheque for payment of \$350 fee

Sincerely,

LandSolutions LP for Rogers Communications Inc.

Brenden Smith, RPP/MCIP
 5G Strategic Project Coordinator
 LandSolutions LP

600, 322 11th Avenue SW Calgary, Alberta, T2R 0C5
 T. (403) 290-0008 | F. (403) 290-0050 | E. brendens@landsolutions.ca

Re: **Rogers File:** W5613 Springbank Heights
Legal Land Description: Plan 7910461; Block D (NE 10-25-03 W5M)
Address: 251147 and 251161 Range Road 32, Rocky View County, AB
Coordinates: Latitude: 51.118592° N; Longitude: 114.338596° W

Reasons for Refusal per Development Authority's Notice of Decision, dated October 1, 2019:

- The proposed Commercial Communications Facility, Type C exceeds the minimum setback from an existing dwelling requirement as defined in section 3(c) of Procedure 308 – Guidelines to Evaluate Commercial Communications Facilities.
- The proposed Commercial Communications Facility, Type C exceeds the minimum setback from an existing commercial Communications Facility requirement as defined in Section 3(c) of Procedure 308 – Guidelines to Evaluate Commercial Communications Facilities.
- Development Authority's statement per email correspondence, dated October 2, 2019:
"It is not appropriate for the Development Authority to relax the setbacks in this circumstance, specifically the setback regarding proximity to dwellings. Part of the purpose of the policy and setback regulations is to ensure that the location of the cell towers is not adversely impacting significant views and disturbance to the rural aesthetic (which) was one of the concerns mentioned throughout the landowner letters. There was some suggestions by landowners for co-location of the existing tower within the area and you have indicated why that is not feasible; however, I have no confirmation that after hearing that explanation, that their position regarding the proposal has changed."

Please review the below responses to the above reasons for refusal and concerns expressed in the Development Authority's correspondence, dated October 2, 2019:

Procedure 308 – Statement 3:

a) Any tower proposed to be placed on a site abutting existing dwellings should be located no closer than 500 meters from those dwellings.

There is an existing dwelling to the west approximately 150.00 m away and an existing dwelling to the south approximately 200.00 m away. There is also undeveloped residential lands to the south, which will result in additional dwellings to be within a 500.00 m range.

Further to the reasons expressed in my response letter to the public (page 3 of the attached final submission package), we've done our best to find a location with as much distance as possible from nearby residential lands. A variety of factors impact the location of a telecommunications tower, including:

- Limited range of radiocommunication and the need to be close to wireless users
- Planned in conjunction with other wireless facilities/sites
- Small geographical area within which the tower must be located to enhance wireless service
- Need to find a willing landlord to accommodate the facility
- Access and proximity to power
- Setbacks to powerlines, roads, property lines, etc.
- Topographical constraints, including minimizing the impact to the operation of agricultural lands, elevation, etc.
- Proximity to politically sensitive land uses (e.g. residential, schools, environmentally significant lands, etc.)

The location of a telecommunications tower is guided by Roger's Network Planning Department, which created a search area within which the tower must be located to enhance service to the community. Locating the proposed tower outside of the search area boundaries reduces the effectiveness of the telecommunications facility and may result in the need for additional facilities to be constructed to properly service the community. Tower proliferation tends to be unpopular with the public and would visually impact many more residents than with the current proposal. The location of the tower was the only possible site, where we found a willing landlord and that was technically and commercially feasible.

c) Type B or Type C facilities should not be closer than 2,000 meters from other Type B or Type C facilities.

Existing Type C facility approved under a separate development permit, located to the northwest of the proposed facility location and approximately 1,000 m away.

Unfortunately, the existing TELUS tower is too short and does not have space at heights that would meet Roger's network requirements. Co-location was explored and TELUS informed Rogers that the only free space available to accommodate Roger's antennas is below 9m. At these heights, placing antennas on the tower would not improve coverage to the community. Please see the attached Preliminary Information Package (PIP) and note that antenna heights are measured to the centre of the antenna and require a vertical one metre separation from other antennas (e.g. page 3 of the PIP states heights reserved by TELUS for short term future deployment, the lowest antenna height is 11m, typical panel antennas are +/-2m in height, so subtract 1m to bottom of antenna, then subtract 1m for separation between this antenna and the next available height, resulting in 9m.

There were also six letters in opposition to the proposal and it is unclear how their concerns have been addressed. Have you considered any type of mitigation through innovative design and/or camouflage? Without addressing these matters, this may result in a refusal (i.e. non-concurrence) from the County.

Public feedback received did not include specific suggestions on aesthetic improvements, rather feedback was focused on the following:

- need for the facility
- alternative locations (often too far away)
- statements that the tower would be unsightly, but lacking any useful suggestions on how to improve aesthetics
- questions relating to co-location of antennas on the existing TELUS tower (+/-1km from site) or nearby transmission towers
- health concerns
- property values
- lack of modern and affordable internet services

It's my understanding that a lattice-style self-support tower design is required, due to the height requirement for the tower (45m). It would be technically challenging and commercially unreasonable to build a 45m tall monopole tower. The merits of a 45m lattice-style self-support tower are that it does not require guy wires, takes up less valuable agricultural land and is visually like the existing nearby transmission towers. A lattice-style tower presents a visually permeable mast, as opposed to a solid mast as evidenced by the existing TELUS monopole. In terms of visibility, the lattice-style tower is less of an obstruction.

Further, options for innovative design and camouflage are limited by our climate (harsh winters, wind loading, etc.) and commercial challenges of building, maintaining and operating a national telecommunications network. Radiocommunication has limited ranges and the facility needs to be close to the intended users. Lowering the height of the tower would result in Roger's inability to enhance coverage and capacity to the entire community. Likely this would require additional tower development, which the public does not typically appreciate.

Other concerns voiced by the public included property value impact and health concerns (related to electro-magnetic frequency (EMF)). Per Innovation, Science and Economic Development Canada's policy/process CPC-2-0-03 (attached), page 9, section 4.2 states that property value and health concerns are not relevant. This means that they should not be a factor for non-concurrence. For further information, please refer to the public response letter, which included additional information on health and safety, and property value impacts.

Conclusion

New telecommunications facilities are needed to keep pace with consumer demand for wireless service. Roger's proposal takes into consideration technical constraints, network requirements and is designed with respect to the local environment. The proposed facility will provide enhanced wireless coverage and capacity to the area, which will benefit

residents, businesses, institutions, and improve access to emergency services. In addition, the proposed tower would provide an additional option to consumers for internet access.

Sincerely,

LandSolutions LP for Rogers Communications Inc.



Brenden Smith, RPP/MCIP
5G Strategic Project Coordinator
LandSolutions LP
600, 322 11th Avenue SW
Calgary, Alberta, T2R 0C5
T. (403) 290-0008
F. (403) 290-0050
E. comments@landsolutions.ca

Additional Industry and Health & Safety Information:

- <http://strategis.ic.gc.ca/towers>
- <http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf08792.html>
- http://www.hc-sc.gc.ca/ewh-semt/pubs/radiation/radio_guide-lignes_direct-eng.php
- <https://www.ctia.org/homepage/public-safety-channel>
- <https://www.cwta.ca/for-consumers/health-safety/>
- <http://www.rogers.com>



Rogers Communications Canada Inc.
Final Submission Cover Letter
45m Self-Support Telecommunications Facility
July 24, 2019

Rocky View County
Planning Services
262075 Rocky View Point
Rocky View County, AB T4A 0X2
Attention: Ms. Lisa Mrozek, Development Officer

Dear Ms. Mrozek,

LandSolutions LP, on behalf of Rogers Communications Canada Inc. (Rogers), is pleased to submit to you the captioned package for your review and processing.

FINAL SUBMISSION – Commercial Communications (Type C) Facility Application and Request for Concurrence

Rogers File:	W5613A Springbank Heights
Legal Land Description:	Plan 7910461; Block D (NE 10-25-03 W5M)
Address:	251147 and 251161 Range Road 32, Rocky View County, Alberta
Coordinates:	Latitude: 51.118592° N, Longitude: 114.338596° W

LandSolutions LP is following Rocky View County's Policy and Procedure Guidelines to Evaluate Commercial Communications Facilities (POL/PRO-#308) and Innovation and Science and Economic Development Canada's Radiocommunication and Broadcasting Antenna Systems CPC-2-0-03-i5. Per Rocky View County protocols, area landowners within 1,600 meters of a proposed Type C Facility were notified. In addition, we have notified the Springbank Community Association. At the time of writing this letter we have received responses from five (5) residents and have responded formally to their concerns. Following completion of public consultation, we respectfully request issuance of municipal concurrence for the proposed telecommunications facility.

Please note that upon my initial submission to Rocky View County photo-simulations of the proposed tower and copies of the co-location interest letters were not available. Photo-simulations are included in this package and one image was included in the public notification sent to area residents. Rogers sent the co-location interest letters directly to TELUS and Freedom Mobile on May 31, 2019. To date I have only received a response from TELUS (no interest), dated June 14, 2019.

The following attachments are included in this submission package:

- Consultation summary
- Copies of correspondence received from area residents
- Copy of our formal response to the public's concerns, including rationale why co-location was not possible
- Copies of my emails verifying response letters sent to residents on July 19, 2019
- Copy of the final version of the public notification sent by Rocky View County staff on June 12, 2019
- Copy of cover letter sent to Springbank Community Association June 8, 2019
- Photo-simulations (2)
- Response from TELUS regarding the co-location interest letter sent by Rogers
- Preliminary Information Package (PIP) provided by TELUS, regarding space for co-location of Rogers' antennas

Sincerely,

LandSolutions LP for Rogers Communications Inc.

Brenden Smith, RPP/MCIP
5G Strategic Project Coordinator

LandSolutions LP
600, 322 11th Avenue SW Calgary, Alberta, T2R 0C5
T. (403) 290-0008 | F. (403) 290-0050 | E. brendens@landsolutions.ca

W5796A Wrangler East

Consultation Summary - W5613A Springbank Heights									
Topic	Name	Date	Notes	End of Response Period					
Pre-Consultation	Rocky View County	14-May-19	pre-app. Meeting & LUA submission	N/A					
Public Notification Sent Newspaper Ad.		12-Jun-19	notification packages sent to LUA for mailing June 10th, RVC mailout out June 12th.	08-Jul-19					
Open House (if applicable)	N/A								
LUA & Other Groups									
Name	Tel. Nbr.	E-Mail	Address	Notice Sent	Response Date	Concerns	Acknowledged	Responded	Note
LUA - Lisa Mrozek	403.520.3917	lmrozek@rockyview.ca	262075 Rocky View Point Rocky View County AB T4A 0X2	08-Jun-19	N/A	no response			*pre-con feedback provided & sent copy of final notification
ISED - Southern AB Office		ic.spectrumcalgary-calgary-spectre.ic@canada.ca		08-Jun-19	N/A	no response			
Springbank Community Association		info@springbankcommunity.com	244259 RGE RD 33, Calgary, AB T3Z 2E8	08-Jun-19	N/A	no response			difficulty finding contact info online
MP - Blake Richards		blake.richards@parl.gc.ca		08-Jun-19	N/A	no response			
Councillor - Kim McKylor, Div. 2	403.462.9207	KMckylor@rockyview.ca	262075 Rocky View Point Rocky View county, AB T4A 0X2	08-Jun-19	N/A	no response			
Public Feedback									
Name	Tel. Nbr.	E-Mail	Address	Date Received	Concerns	Acknowledged	Responded	End of Counter Response Period	Note
Shaun Marty				2019-06-24 and July 16th, 17th	location, colocation, network need, aesthetics (lighting and design), move tower to telus site, share powerline towers	N/A	19-Jul	N/A	*Tel. Call July 16th; Received email July 17th
John Hersey			#19 (?)	26-Jun-19	location, prefer location with existing nearby tower	N/A	19-Jul	N/A	
Taylor Assen			63 Livingstone Estate, T3Z 1E1	24-Jun-19	location, aesthetics	N/A	19-Jul	N/A	
Craig Smith			32048 Aventerra Road, Calgary	13-Jun-19	lack modern and affordable internet services	N/A	19-Jul	N/A	
Rachelle Starnes				24-Jun-19	health, location, property value, aesthetics	N/A	19-Jul	N/A	
Returned Mail									
Viehweger, Tyson & Joanne									

Re: **Rogers File:** W5613A Springbank Heights
Legal Land Description: Plan 7910461; Block D (NE 10-25-03 W5M)
Address: 251147 and 251161 Range Road 32, Rocky View County, AB
Coordinates: Latitude: 51.118592° N; Longitude: 114.338596° W

We want to thank you for your feedback regarding the proposed telecommunications installation for Rogers Communications Inc. ("Rogers"). Please review the below responses to all questions and concerns we received during public consultation.

Co-Location & Sharing Existing Structures:

Rogers has considered co-location of its equipment on existing nearby telecommunications towers and buildings; unfortunately, this was found to be infeasible. The existing structures were either too far away to improve service in this area, were found to be technically or economically infeasible, or we were unable to find a willing landlord to accommodate antennas on a nearby building with a suitable height and adequate space to accommodate an antenna system. The TELUS-owned tower located approximately 1km to the northwest was reviewed; however, it only has room for additional antennas at an elevation of 9m or below. Mounting antennas at this height would not meet Rogers' network requirements and would not enhance coverage and capacity for the community. One resident questioned whether co-location would be possible on the existing powerline transmission towers in the area. Rogers has explored co-location on similar structures in the past and found that co-location was not feasible for the following reasons:

- The powerlines conflict with possible antenna mounting locations
- Mounting antennas close to powerlines is unsafe, unless the powerlines are de-energized
- In the past, de-energizing powerlines resulted in significant delays to Rogers, negatively impacting their ability to improve their network in a timely fashion
- Future maintenance of the antennas was impacted, as it could not be done safely
- De-energizing a powerline negatively impacts the provision of electricity to surrounding communities and may not be possible if there is not a secondary power connection available
- It is unknown if the existing towers would be structurally capable of accommodating Roger's equipment
- We do not have landowner consent and installing Roger's equipment may interfere with the landowner's use of its infrastructure

Rogers endeavours to share existing towers, buildings and other support structures whenever possible and has business agreements with other telecommunications companies to facilitate co-location on their own towers. Although co-location on an existing structure was not feasible at this time, Rogers would welcome co-location on its proposed tower.

Location

The proposed tower location was chosen in response to increased demand for wireless services and to improve both coverage and capacity of the Rogers network. More telecommunications facilities are needed to ensure the delivery of fast and reliable wireless services. The proposed tower would address the growing coverage and capacity challenges that our modern society faces as people and machines become increasingly dependent upon wireless communications. The following are additional factors affecting site selection:

- Wireless radiocommunication have inherent limitations in their broadcasting range
- Telecommunications facilities need to be close to wireless users
- Sites are determined in conjunction with existing and planned network facilities
- Co-location on existing towers or buildings was infeasible
- Increased development in the area provides physical obstacles (walls of the buildings, trees, etc.) that hinder the strength of radio signals emitted by cellular antennas
- There is a growing number of users that simultaneously use the wireless network, resulting in capacity challenges for existing telecommunications facilities and necessitating the addition of more facilities
- The public and businesses (e.g. point-of-sale transactions) increasingly demand ubiquitous, high-speed, low latency and reliable wireless service



We received feedback that the tower would be more appropriately located in the following locations:

- on the same land that accommodates the existing TELUS tower (+/-1km to the northwest)
- on agricultural lands further west of the current proposed location
- at the Bingham Crossing development or close to Highway 1

Unfortunately, these locations are outside of Rogers network planning search area. A search area is a defined geographic area within which the tower must be located, in order to address network coverage and capacity requirements for the community. The current proposed tower location is already on the periphery of the search area and moving the tower site further away would negatively impact coverage and capacity for the community. Should this occur, more telecommunications facilities would be required to cover the deficient areas of the community.

A significant amount of work has gone into searching for a tower site that minimizes the visual impact on nearby residences. Most lands in the area are residential, which are not supported by Rocky View County's policy for preferred locations for telecommunications facilities. In addition, we needed to find a willing landlord and a location that did not detrimentally impact the use of the agricultural lands. We believe the proposed site is the best location possible that balances competing interests and satisfies technical feasibility and network requirements.

The improvements to the network for wireless coverage will ensure better access to emergency services and improved location-based information for first responders, resulting in improved safety for the overall community. In addition, residents may utilize the facility for internet service.

Aesthetic Concerns

Regarding the aesthetics of the proposed 45m tower, the tower height is needed for optimum antenna placement and broadcast of radiocommunication. The tower location within the property was a deliberate attempt to provide a buffer to most nearby residential properties and we have attempted to place this infrastructure close to comparable, existing infrastructure (transmission towers). The buffer is only intended to minimize the aesthetic impact that a tall tower would have upon adjacent low-height residences. The design of the tower is called a "lattice-style" self-support tower, which provides space between the structural elements of the tower and allows for a narrower tower at higher elevations. This contrasts with a solid "monopole" mast, as illustrated by the existing TELUS tower to the northwest, which offers a solid visual obstruction from the base to the top of the tower. While certainly a subjective topic, the proposed tower design offers less visual obstruction at higher elevations and allows light to pass through the individual structural elements, while mimicking comparable, existing infrastructure in the area.

Aeronautical lighting is expected to be required by Transportation Canada, in order to address aeronautical safety; however, this will be confirmed upon review by Transport Canada (approval pending). Supporting equipment would be placed within a shelter at grade and surrounded by a fence. The tower site is set back from the road as much as possible to decrease the visual impact and in respect of setbacks to the nearby transmission lines. Decreasing the height of this tower would have a detrimental impact on the ability to enhance wireless service in the area. This last consideration could result in the need for additional telecommunications facilities to be developed in the future.

Property Value

Many factors influence property values, including location (e.g. proximity to amenities), land area (lot size), age of the building, interior space, supply & demand, aesthetics, redevelopment and investment potential. We have learned from our interaction with the public that many home buyers seek out neighbourhoods that have exceptional coverage, as many people work from home and depend on a reliable wireless network (i.e. voice & internet services) to conduct business. The proposed tower would provide an additional option for residents to access internet service. In addition, many people rely exclusively on mobile telephones for wireless data and voice service and appreciate the security of having improved access to emergency services.

At the time of writing this letter, Innovation, Science and Economic Development Canada (ISED) considers property value concerns to be irrelevant per CPC-2-0-03, Section 4.2. This is because research to date has been inconclusive in showing a relationship between property value resulting from proximity to telecommunications facilities.

Health and Safety

All radiocommunication sites in Canada must comply with Health Canada's Safety Code 6 (SC6) (2015), which establishes safety limits for human exposure to radiofrequency electromagnetic fields for all age groups on a continuous basis. The limits consider total exposure from all sources of radiofrequency energy and incorporates large margins of safety. The code is based on peer-reviewed scientific research and is consistent with the science-based standards used in other parts of the world, including the United States, the European Union, Japan, Australia and New Zealand. The code is periodically revised to reflect new knowledge and was last updated in 2015 to incorporate scientific literature published up to August 2014.

Health Canada recognizes that a few international jurisdictions (cities, provinces or countries) have applied more restrictive limits to radiofrequency field exposures from cell towers; however, there is no scientific basis to support the need for such restrictive limits. In addition, these more restrictive limits aren't applied equally to other wireless devices operating within the same jurisdictions. For more information on SC6, please refer to this link: <https://www.canada.ca/en/health-canada/services/environmental-workplace-health/reports-publications/radiation/understanding-safety-code-6.html>

ISED manages the radio communications spectrum in Canada and enforces Safety Code 6 compliance. Rogers performs radiofrequency energy analyses of its equipment and reports to ISED to ensure SC6 compliance throughout the lifetime of the telecommunications facility. Several websites are listed below that detail the measures Rogers, ISED and Health Canada undertake to ensure public safety.

Several residents requested more detailed information on the "rating" and specific measurements of radiofrequency energy. This level of detail will be submitted to ISED as part of the compliance procedure, and Rogers has provided a letter of assurance that the facility will meet SC6 requirements (see attachment).

Conclusion

New telecommunications facilities are needed to keep pace with consumer demand for wireless service. Roger's proposal takes into consideration technical constraints, network requirements and is designed with respect to the local environment. The proposed facility will provide enhanced wireless coverage and capacity to the area, which will benefit residents, businesses, institutions, and improve access to emergency services. In addition, the proposed tower would provide an additional option to consumers for internet access. All correspondence will become part of the public consultation records shared with your municipality and ISED.

Sincerely,

LandSolutions LP for Rogers Communications Inc.



Brenden Smith, RPP/MCIP
5G Strategic Project Coordinator
LandSolutions LP
600, 322 11th Avenue SW
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T. (403) 290-0008
F. (403) 290-0050
E. comments@landsolutions.ca

Additional Industry and Health & Safety Information:

- <http://strategis.ic.gc.ca/towers>
- <http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf08792.html>
- http://www.hc-sc.gc.ca/ewh-semt/pubs/radiation/radio_guide-lignes_direct-eng.php
- <https://www.ctia.org/homepage/public-safety-channel>
- <https://www.cwta.ca/for-consumers/health-safety/>
- <http://www.rogers.com>

From: [Brenden Smith](#)
Cc: [Comments](#)
Bcc: [REDACTED]
Subject: Proposed Telecommunications Facility at 251147 and 251161 Range Road 32 (W5613 Springbank Heights)
Date: July 19, 2019 4:19:37 PM
Attachments: [W5613A Response Letter REV.pdf](#)
[image001.jpg](#)
[image002.jpg](#)
[image003.jpg](#)
[image004.jpg](#)
[image005.jpg](#)
[image006.jpg](#)

Hello,

Thanks everyone for providing your comments and questions. Please refer to the attached response letter. Our next step is to update Rocky View County on the results of public consultation and request concurrence to proceed.

Sincerely,

Brenden Smith, RPP/MCIP
5G STRATEGIC PROJECT COORDINATOR

T: 403-290-0008

F: 403-290-0050

Email: Comments@Landsolutions.ca

[LandSolutions LP](#)



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From: [Brenden Smith](#)
To: [REDACTED]
Subject: FW: Proposed Telecommunications Facility at 251147 and 251161 Range Road 32 (W5613 Springbank Heights)
Date: July 19, 2019 4:21:35 PM
Attachments: [W5613A Response Letter REV.pdf](#)
[image001.jpg](#)
[image002.jpg](#)
[image003.jpg](#)
[image004.jpg](#)
[image005.jpg](#)
[image006.jpg](#)
[image007.jpg](#)

Hi Shaun, my last email was rejected... Trying again.

Sincerely,

Brenden Smith, RPP/MCIP
5G STRATEGIC PROJECT COORDINATOR

C: 403-708-2736 | Email: BrendenS@landsolutions.ca

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From: Brenden Smith
Sent: July 19, 2019 4:20 PM
Cc: Comments
Subject: Proposed Telecommunications Facility at 251147 and 251161 Range Road 32 (W5613 Springbank Heights)

Hello,

Thanks everyone for providing your comments and questions. Please refer to the attached response letter. Our next step is to update Rocky View County on the results of public consultation and request concurrence to proceed.

Sincerely,

Brenden Smith, RPP/MCIP
5G STRATEGIC PROJECT COORDINATOR

T: 403-290-0008
F: 403-290-0050
Email: Comments@Landsolutions.ca

[LandSolutions LP](#)



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the named recipients is strictly prohibited.

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Brenden Smith

From: Brenden Smith
Sent: July 16, 2019 10:31 AM
To: Brenden Smith
Subject: W5613 Tel. call with Shaun Marty

Notes from conversation with Shaun Marty, [REDACTED]

1. Another tower HWY 1 and old Banff coach road recent tower
2. Another tower going up off RR 33, north of 251 (TELUS tower?)
3. Tower proliferation, why not co-locating on nearby tower?
4. Location – why here? What other locations were reviewed?
5. Power transmission towers – did we consider this? Why not feasible?
6. Don't want infrastructure, rather sacrifice this for living in the country and good aesthetics
7. Would like some say in the design
8. Will send email with some comments


Sincerely,

Brenden Smith, RPP/MCIP
5G STRATEGIC PROJECT COORDINATOR

T: 403-290-0008 | F: 403-290-0050
C: 403-708-2736 | Email: BrendenS@landsolutions.ca



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 Please consider the environment before printing this email message.

From: [Shaun Marty](#)
To: [Comments](#)
Cc: development@rockyview.ca; [Comments](#); Banff.Kananaskis@assembly.ab.ca; [Rachelle Starnes](#)
Subject: [EXTERNAL]Re: Rogers Tower location
Date: July 16, 2019 3:01:14 PM

Good afternoon

We live at 67 Livingstone Estate, and in response to the notification of proposed Rogers Tower location, I just want to go on the record to say that we would like to work with the cell tower company to find the best solution to their proposal. There is currently a Telus tower located approximately 400 meters north and west of the proposed tower location, perhaps this would be the better location for Rogers to fix their antennas to, or erect a second tower next to the Telus tower, which will eliminate popping up sporadically in our community.

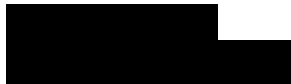
I also noticed cell antennas, affixed to the utility lattice towers, siding Valley Ridge community, the towers that run thru the golf course, and wondering if we could propose that antennas be attached to the existing lattice utility towers already located in our community, and directly beside the proposed tower location?

There are many different options for antennas, reasonable and cost effective, and would serve 2 purposes: 1. Allow Rogers their antennas, and

2. Save us from having to stare at unsightly towers instead of the beautiful mountains.

Thanks for your consideration, and please feel free to contact me with any questions or concerns. I look forward to finding a solution that serves everyone best.

Shaun and Amanda Marty
67 Livingstone Estate



On Jun 24, 2019, at 9:24 AM, Taylor Assen  wrote:

Hello, my name is Taylor Assen. I live at 63 Livingstone Estate, T3Z1E1. I have an issue about the proposed location for the new Rogers cellular tower you are erecting in my backyard. I paid a premium for a mountain view, as did my neighbors. I am having a hard time wondering why you chose this location, which is neither close to the highway nor the new commercial development (Bingham Crossing). Instead you propose to erect the tower in our 2-4 acre residential area blocking our view of the mountains. I humbly suggest moving the needed tower South (closer to the highway). This will allow for easier access, it will also block fewer houses. Or if that isn't allowed as I don't know the regulations, push the tower further west so it only blocks 1-2 farms versus 40-50 homes.

We love our view, please do not impede it with your tower.

Taylor and Liisa Assen

Brenden Smith

From: Shaun Marty [REDACTED]
Sent: June 24, 2019 11:44 AM
To: Rachelle Starnes
Cc: Taylor Assen; development@rockyview.ca; Comments; Banff.Kananaskis@assembly.ab.ca; Anita Lindberg; dalidowicz; Pat and Shirley Kelly; Jin Xie; Sam Gallo; Amanda and Shaun Marty; Cam and Angie Maclean; Nancy Barnes; John and Charlene Simpson; Guy Heerema; Alison Smoole; Margaret and Denis Espetveidt; Joint; Norman and Rachelle Starnes; Erica Sharp and Bob Lock; Weldon and Pauline Dueck
Subject: [EXTERNAL]Re: Rogers Tower location
Follow Up Flag: Follow up
Flag Status: Completed

Hi Rachelle

This is the second attempt for this tower at that location, the last attempt was just prior your arrival to Livingstone. We were persistent about having the tower relocated, and the tower was eventually erected on the commercial property siding highway 1 travelling west, just before you come down the last hill to Old Banff Coach Rd.

I have noticed that there is a tower that has been erected directly west of Livingstone, on a farmers field just east of RR 33, perhaps that's a location that might accommodate a second cell service, these towers have the ability to accommodate many antennas.

That said, we are also opposed to this proposed location, I think there's a better solution, and we are happy to join the effort to figure it out.

Shaun Marty
[REDACTED]

On Jun 24, 2019, at 9:58 AM, Rachelle Starnes [REDACTED] wrote:

Dear All Stakeholders,

I am in complete agreement with Taylor Assen. Please let us know how we can ensure this tower does not get built in this location. **Do we need to put together a list of residents that oppose this by a certain date? Who do we send it to?**

I am a real estate agent representing many home owners for over 20 years in Springbank, and I also have a personal home on Livingstone Estates that will be greatly impacted by this cell tower. There is research being done in Europe suggesting that "living within 400 meters of a cell phone tower can cause developmental delays in children" and we have many clients from Europe that bring devices measuring electromagnetic impact with them when viewing homes.

The property values of all of the homes in this area could be SEVERLY IMPACTED by the placement of this cell tower. It not only affects values and views, but could be a long term safety issue of the residents.

Please get back to us at your earliest opportunity as to how we can oppose the new location of this tower.

Best Regards,
Rachelle Starnes

RACHELLE STARNES

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: Taylor Assen [REDACTED]

Sent: June 24, 2019 9:25 AM

To: development@rockyview.ca; comments@landsolutions.ca; Banff.Kananaskis@assembly.ab.ca;

Shaun and Amanda Marty [REDACTED] Rachelle Starnes [REDACTED]

Subject: Rogers Tower location

Hello, my name is Taylor Assen. I live at 63 Livingstone Estate, T3Z1E1. I have an issue about the proposed location for the new Rogers cellular tower you are erecting in my backyard. I paid a premium for a mountain view, as did my neighbors. I am having a hard time wondering why you chose this location, which is neither close to the highway nor the new commercial development (Bingham Crossing). Instead you propose to erect the tower in our 2-4 acre residential area blocking our view of the mountains. I humbly suggest moving the needed tower South (closer to the highway). This will allow for easier access, it will also block fewer houses. Or if that isn't allowed as I don't know the regulations, push the tower further west so it only blocks 1-2 farms versus 40-50 homes.

We love our view, please do not impede it with your tower.

Taylor and Liisa Assen

Brenden Smith

From: Craig Smith [REDACTED]
Sent: June 13, 2019 6:34 PM
To: Comments
Subject: [EXTERNAL]Attn: David Zacher Re: Roger's Site W5613A Springbank Heights

Follow Up Flag: Follow up
Flag Status: Completed

Hi David,

The area of Springbank Heights lacks adequate modern and affordable internet services. If Roger's wants to secure public support for the proposed tower in this location, it should commit to providing affordable high speed internet via the new tower. I speak on behalf of many very frustrated residents.

Thank you,
Craig Smith
32048 Aventerra Rd, Calgary

Brenden Smith

From: herseys account [REDACTED]
Sent: June 26, 2019 11:32 AM
To: Shaun Marty
Cc: Rachelle Starnes; Taylor Assen; development@rockyview.ca; Comments; Banff.Kananaskis@assembly.ab.ca; Anita Lindberg; dalidowicz Stan And Mary; Pat and Shirley Kelly; Jin Xie; Sam Gallo; Amanda and Shaun Marty; Cam and Angie Maclean; Nancy Barnes; John and Charlene Simpson; Guy Heerema; Alison Smoole; Margaret and Denis Espetveidt; Norman and Rachelle Starnes; Erica Sharp and Bob Lock; Weldon and Pauline Dueck
Subject: [EXTERNAL]Re: Rogers Tower location
Follow Up Flag: Follow up
Flag Status: Completed
Categories: Red Category

Hi this is herseys at #19,
Agree we do not want the tower at that spot. The idea of putting it where the existing tower is located seems reasonable.
John Hersey

On Jun 24, 2019, at 11:43 AM, Shaun Marty [REDACTED] wrote:

Hi Rachelle

This is the second attempt for this tower at that location, the last attempt was just prior your arrival to Livingstone. We were persistent about having the tower relocated, and the tower was eventually erected on the commercial property siding highway 1 travelling west, just before you come down the last hill to Old Banff Coach Rd.

I have noticed that there is a tower that has been erected directly west of Livingstone, on a farmers field just east of RR 33, perhaps that's a location that might accommodate a second cell service, these towers have the ability to accommodate many antennas.

That said, we are also opposed to this proposed location, I think there's a better solution, and we are happy to join the effort to figure it out.

Shaun Marty
[REDACTED]

On Jun 24, 2019, at 9:58 AM, Rachelle Starnes [REDACTED] wrote:

Dear All Stakeholders,

I am in complete agreement with Taylor Assen. Please let us know how we can ensure this tower does not get built in this location. **Do we need to put together a list of residents that oppose this by a certain date? Who do we send it to?**

I am a real estate agent representing many home owners for over 20 years in Springbank, and I also have a personal home on Livingstone Estates that will be greatly impacted by this cell tower. There is research being done in Europe suggesting that "living within 400 meters of a cell phone tower can cause developmental delays in

children” and we have many clients from Europe that bring devices measuring electromagnetic impact with them when viewing homes.

The property values of all of the homes in this area could be SEVERLY IMPACTED by the placement of this cell tower. It not only affects values and views, but could be a long term safety issue of the residents.

Please get back to us at your earliest opportunity as to how we can oppose the new location of this tower.

Best Regards,

Rachelle Starnes

RACHELLE STARNES



From: Taylor Assen [REDACTED]

Sent: June 24, 2019 9:25 AM

To: development@rockyview.ca; comments@landsolutions.ca;
Banff.Kananaskis@assembly.ab.ca; Shaun and Amanda Marty [REDACTED]

Rachelle Starnes [REDACTED]

Subject: Rogers Tower location

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Taylor and Liisa Assen

Brenden Smith

From: Rachelle Starnes [REDACTED]
Sent: June 24, 2019 9:58 AM
To: Taylor Assen; development@rockyview.ca; Comments; Banff.Kananaskis@assembly.ab.ca; Shaun and Amanda Marty
Cc: Anita Lindberg; dalidowicz; Taylor and Lisa Assen; Pat and Shirley Kelly; Jin Xie; Sam Gallo; Amanda and Shaun Marty; Cam and Angie Maclean; Nancy Barnes; John and Charlene Simpson; Guy Heerema; Alison Smoole; Margaret and Denis Espetveidt; Joint; Norman and Rachelle Starnes; Erica Sharp and Bob Lock; Weldon and Pauline Dueck
Subject: [EXTERNAL]RE: Rogers Tower location
Follow Up Flag: Follow up
Flag Status: Completed
Categories: Red Category

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Best Regards,

Rachelle Starnes

RACHELLE STARNES
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]



From: Taylor Assen

Sent: June 24, 2019 9:25 AM

To: development@rockyview.ca; comments@landsolutions.ca; Banff.Kananaskis@assembly.ab.ca; Shaun and Amanda Marty ; Rachelle Starnes

Subject: Rogers Tower location

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Taylor and Liisa Assen

Brenden Smith

From: Taylor Assen [REDACTED]
Sent: June 24, 2019 9:25 AM
To: development@rockyview.ca; Comments; Banff.Kananaskis@assembly.ab.ca; Shaun and Amanda Marty; Rachelle Starnes
Subject: [EXTERNAL]Rogers Tower location

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Red Category

Hello, my name is Taylor Assen. I live at 63 Livingstone Estate, T3Z1E1. I have an issue about the proposed location for the new Rogers cellular tower you are erecting in my backyard. I paid a premium for a mountain view, as did my neighbors. I am having a hard time wondering why you chose this location, which is neither close to the highway nor the new commercial development (Bingham Crossing). Instead you propose to erect the tower in our 2-4 acre residential area blocking our view of the mountains. I humbly suggest moving the needed tower South (closer to the highway). This will allow for easier access, it will also block fewer houses. Or if that isn't allowed as I don't know the regulations, push the tower further west so it only blocks 1-2 farms versus 40-50 homes.

We love our view, please do not impede it with your tower.

Taylor and Liisa Assen

From: [Alberta Midwest Acquisition](#)
To: [Allison Kaiser](#); [Shannon Gardner](#)
Subject: [EXTERNAL]FW: W5613 Springbank Heights - colocation interest letter - Telus
Date: June 17, 2019 2:58:29 PM
Attachments: [image002.png](#)
[image001.png](#)

FYI – please see below response from Telus to Rogers colocation interest letter.

Thank you,

Karly Cussigh
Project Coordinator

Access Network Implementation
700, 500-4th Ave. SW
Calgary, AB, T2P 2V6

karly.cussigh@rci.rogers.com
O(403) 561-3297



From: Marina Korostensky <Marina.Korostensky@telus.com>
Sent: June 14, 2019 8:30 AM
To: Alberta Midwest Acquisition <abmwacquisition@rci.rogers.com>; Colocation <Colocation@telus.com>
Subject: RE: W5613 Springbank Heights - colocation interest letter - Telus

Good morning,

TELUS is not interested in the proposed area.

Thanks for your proposal.

Thank you,
Marina

Marina Korostensky | RE Manager | TELUS - Mobile Broadband Network Deployment,
Alberta | Calgary | Cell: 403-700-4162 | 3030 2nd Avenue SE Calgary AB T2A 5N7
| marina.korostensky@telus.com |

From: Alberta Midwest Acquisition [<mailto:abmwacquisition@rci.rogers.com>]
Sent: May 31, 2019 12:02 PM
To: Marina Korostensky <Marina.Korostensky@telus.com>; Colocation <Colocation@telus.com>

Subject: W5613 Springbank Heights - colocation interest letter - Telus

Good afternoon,

Please find attached colocation interest letter for colocation on Rogers site. Please review and return completed and signed no later than June 16, 2019

Thank you,

Karly Cussigh
Project Coordinator

Access Network Implementation
700, 500-4th Ave. SW
Calgary, AB, T2P 2V6

karly.cussigh@rci.rogers.com
☎(403) 561-3297



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Ce message est confidentiel. Notre transmission et réception de courriels se fait strictement suivant les modalités énoncées dans l'avis publié à www.rogers.com/aviscourriel

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Preliminary Information Package

Requested by : ROGERS

Sent by : Marina Korostensky
Marina.Korostensky @telus.com

TELUS Site Identifier : AB1774 ROCKY RANGE

Requestor's Site Identifier : W5613 Springbank Heights

Site Address : 252002 RANGE RD 33, CALGARY AB

Coordinates : 51.1253 , -114.3474

Plans

Survey	Included	
Site Layout	Included	
Antenna	Included	
Tower (elevation)	Included	Height : 30M

Government Approvals

Transport Canada	NA
------------------	----

Real Estate Information

Lease Term	Five (5) years with two (2) further options of five (5) years
Commencement Date	September 01, 2013

TELUS Tower Loading

See attached addendum, elevation plan and antenna list.

GENERAL TERMS

No warranties: TELUS does not warrant the accuracy or currency of the tower design or site plans. TELUS makes no representation that the tower is built to current CSA standards. Upgrades to the tower required to meet current CSA standards shall be at the requesting carrier's sole charge.

Lease restrictions: Landlord approval may be required for any tower alterations, including the installation of new antenna, or the addition of equipment. Such approvals must be obtained prior to completion of a Proposal.

Deficiencies: Proposals must be complete before TELUS will return an offer to license. Incomplete proposals will be subject to an administrative charge for the preparation of a notice of deficiency.

No contract implied: Nothing in this PIP, or in any notice of deficiency sent to the requesting carrier, shall impose an obligation upon TELUS to consummate a transaction, to reserve space on the tower for the requesting carrier or to disclose the interest of any other person in licensing space on the tower or at any particular elevation on the

tower. All expenses incurred by the requesting carrier in the preparation of a Proposal are at its sole risk.

Engineering studies: All loading additions on the tower will require a structural analysis and must maintain existing excess capacity allowances. New construction may require a soil study.

Public consultations: Municipal land use authority approval may be required for any tower alterations, including the installation of new antenna, or the addition of equipment. Public consultations may be required and are at the sole charge of the requesting carrier. All required approvals must be obtained prior to completion of a Proposal.

Government authorisations: Alterations to tower height may be subject NavCanada and Transport Canada clearance. Industry Canada approval may be required for any tower alterations, including the installation of new antenna, or the addition of equipment. Such clearances and approvals must be obtained prior to completion of a Proposal.

COPYRIGHT: DUPLICATION, RECORDING, USE OR DISCLOSURE PROHIBITED WITHOUT WRITTEN AUTHORIZATION OF WestTower Communications.

TELUS MOBILITY
30m '914 OD' MONOPOLE
ROCKY RANGE (ABI774)

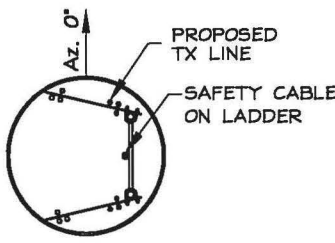
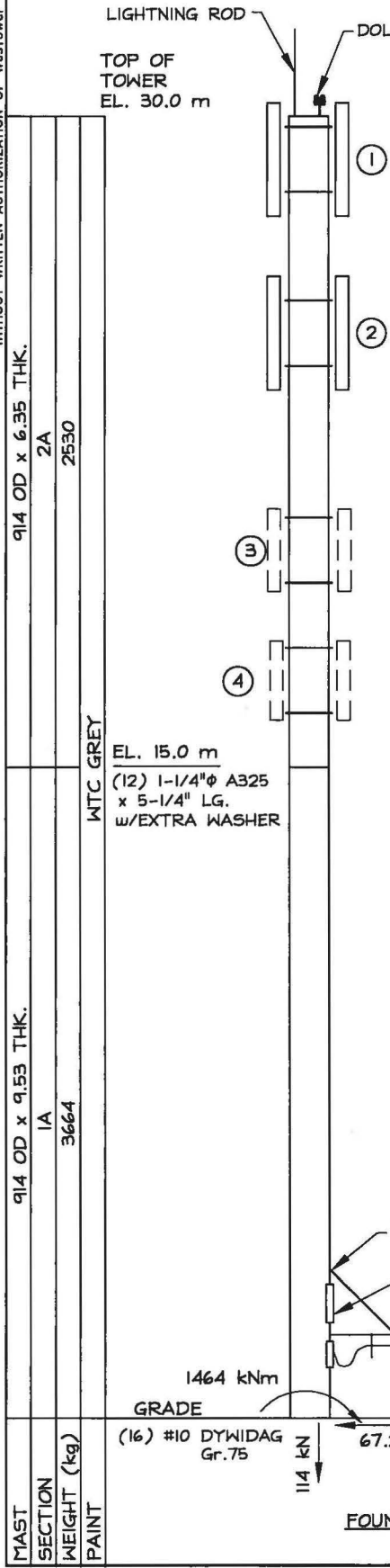
A	GENERAL REVISION	29/07/13	JSG
TITLE: DESIGN PROFILE			
APEGA PERMIT # P71B3			
WESTOWER			
CUSTOMER: TELUS MOBILITY			
PROJECT: 30m '914 OD' MONOPOLE			
SITE: ROCKY RANGE, (ABI774)			
OWN BY/APP'D:	DATE:	PROJECT No.:	DRAWING No.:
JSG	29/07/13	21-00136	-DOI

DESIGN SPECIFICATIONS:

CSA S37-01
 WIND: 455 Pa (SITE SPECIFIC)
 ICE: CLASS 1 (10mm RADIAL)
 PIPE MATERIAL: A252 Gr. 3
 OTHER MATERIAL: 300W

ANTENNA LOADING

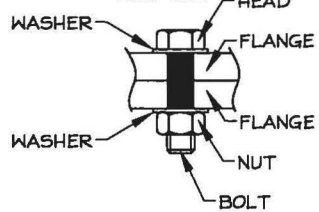
ITEM	LOADING	ANTENNA	ELEV.	Tx-LINES	AZ.	TECH.
1	INITIAL	(3)UNNPX309R3-6P + (9) RRU	29.0m	(3) POWER + FIBER	0°/120° 240°	WCDMA
2	INITIAL	(3)UNNPX309R3-6P + (3) RRU	25.0m	(3) POWER + FIBER	0°/120° 240°	LTE-AWS
3	FUTURE	(3)HBXX-6517DS-A2M + (6) RRU	20.0m	(3) POWER + FIBER	TBD	TBD
4	FUTURE	(3) 6' ANTENNA + (6) RRU	17.0m	(3) POWER + FIBER	TBD	TBD



PLAN VIEW

FLANGE BOLT NOTE:

- WASHER REQ'D UNDER HEAD AND NUT



FOUNDATION LOADS ARE FACTORED AS PER CSA-S37-01 INCLUDING A 10% RESERVE CAPACITY



Site ID: AB1774

Last update: April 2019

ADDENDUM

The following heights are reserved by TELUS for short term future deployment:

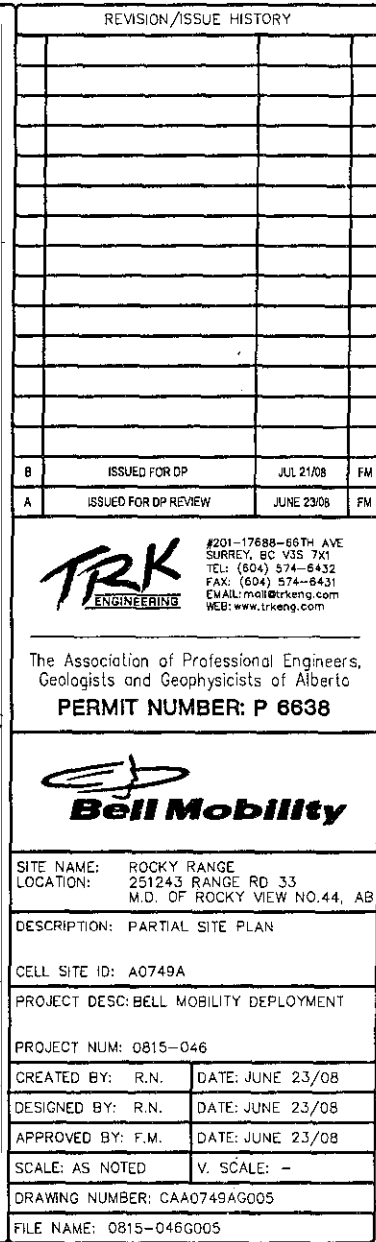
<u>Antenna type and brand name</u>	<u>Ant. Quantity</u>	<u>Type of Line</u>	<u>Quantity</u>	<u>Elevations</u>	<u>RRU</u>	<u>Comments</u>
AAU5711	3	Power + Fibre		17m	RRU X 3	Future
AAU5711	3	Power + Fibre		14m	RRU X 3	Future
SSPX301	3	Power + Fibre		11m	RRU X 3	Future

The following antennas heights are reserved by TELUS for existing antennas that are not shown on the drawings and/or on the antenna table:

<u>Antenna type and brand name</u>	<u>Ant. Quantity</u>	<u>Type of Line</u>	<u>Quantity</u>	<u>Elevations</u>	<u>RRU</u>	<u>Comments</u>
NA						

Notes:

- TELUS requires a 1m vertical separation tip to tip between any collocated antenna and any TELUS antenna. Depending on frequency, additional vertical separation may be required.
- The above list of antennas does not include spaces that may have been granted to other competitors whose applications have recently been received.



SITE: ROCKY RANGE - AB1774-3

Schedule 'C'

Site, Access and Utility Rights in
Block 1, Plan 911 0009

WITHIN S.W.1/4 Sec. 15 - Twp. 25 - Rge. 3 - W.5M.

252002 RANGE ROAD 33

ROCKY VIEW COUNTY, ALBERTA

SITE COORDINATE TABLE		
NAD 83 (GNSS)		
Geographical		U.T.M.(zone 11)
Decimal Degree.	Degree Min. Sec.	C.M. = 117° W.
51.125286° N. Lat.	51°07'31.0" N. Lat.	5,667,103 N.
114.347450° W. Long.	114°20'50.8" W. Long.	685,613 E.

ELEVATION (GROUND) (m)

site centre 1174.2

LEASE AREA TABLE		
	ha	Ac.
Site	0.010	0.02
Access And Utilities	0.117	0.29
Total	0.127	0.31

LEGEND

Statutory Iron Post placed: ○

Survey Monument Found: ●

Iron Spike Placed: ▲ Found: ▲

Wooden hub Placed: □ Found: ■

Calculated point: ⊕ Power pole: ⊗

Portions referred to outlined thus: —

Distances are in metres and decimals thereof.
Bearings are grid and referred to Plan 931 0718.

The Proposed Site:

Yes No

Is at least 1.6 km from an Urban Centre ☒ ☐
(City of Calgary)Is at least 30m from any Water Body ☒ ☐Is at least 1.6km from an Unlighted Aerodrome ☒ ☐Is located outside of an Historical Resource Area ☒ ☐Is free of conflict with any encumbrances or interests of
a surface or physical nature ☒ ☐Is outside any National or Provincial Park or other
Federally or Provincially protected area ☒ ☐

I/We agree to the premises as outlined on these plans.

I/We also agree that TM Mobile Inc. may substitute these

plans for Schedule 'B' to that certain Telecommunications

Site Agreement dated _____, 2012,

between Susan Margaret Hall as Lessor and TM Mobile Inc.

Susan Margaret Hall

Date

AFFIDAVIT

I, John J. Matthyssen, Alberta Land Surveyor, of the City of Calgary, Alberta, certify that the field survey represented by this plan is true and correct to the best of my knowledge, was carried out in accordance with the Alberta Land Surveyors' Association Manual of Standard Practice, and was performed between the dates of the 13th day of April, 2012, and the 19th day of July, 2012.

John J. Matthyssen

Date Signed: August 10th, 2012



Rev.	Description	Date
0	Original	Aug. 10/12

FOCUS

Edmonton (780) 466-6555
Calgary (403) 263-8200
Fort St. John (250) 787-0300
Grande Prairie (780) 539-3222
Medicine Hat (403) 527-3707
Regina (306) 586-0837
Slave Lake (780) 849-5580

Drawn: JWN

Job No.: 010038142

Checked: MB/JJM

File No.: 010038142-TSSU01-R00

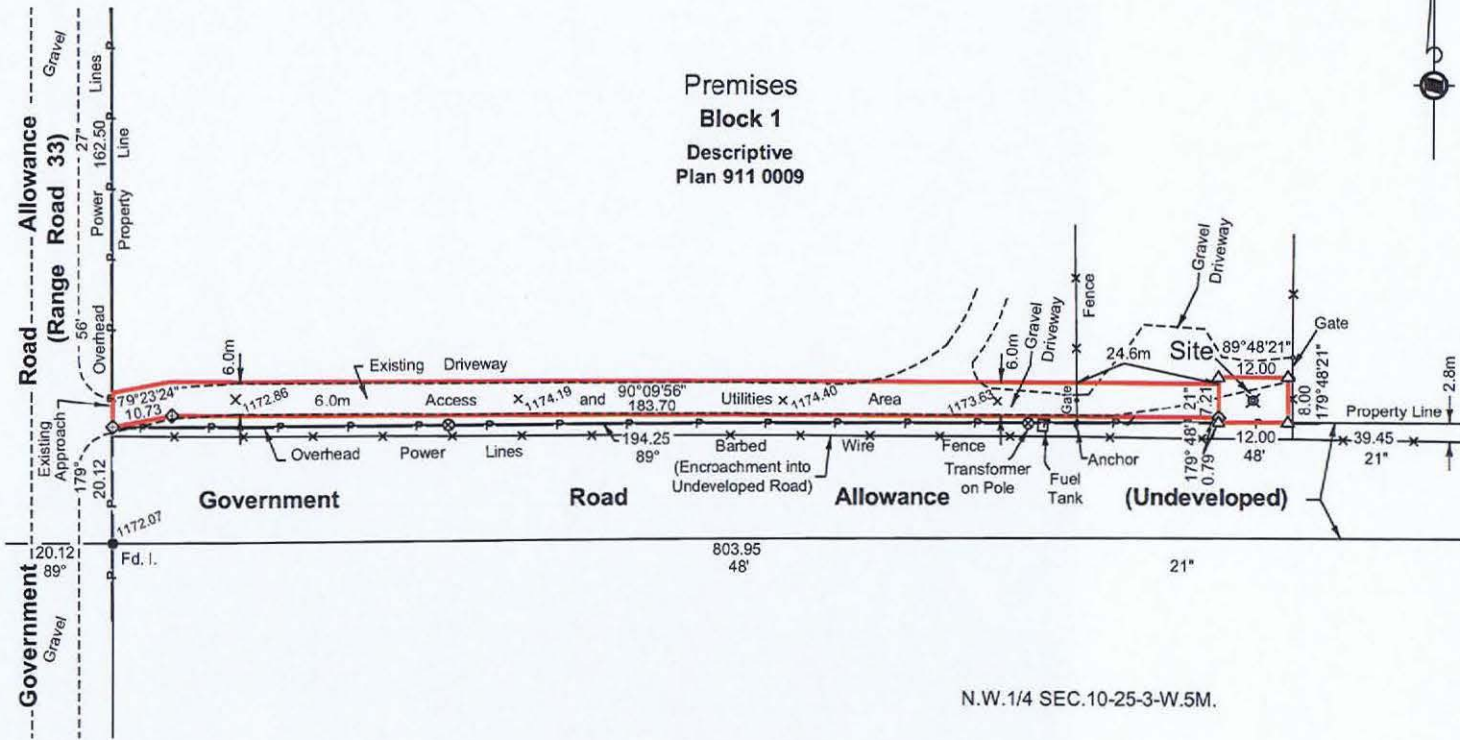
Surveyed: BM/MB

Page: 1 of 3



Rev.

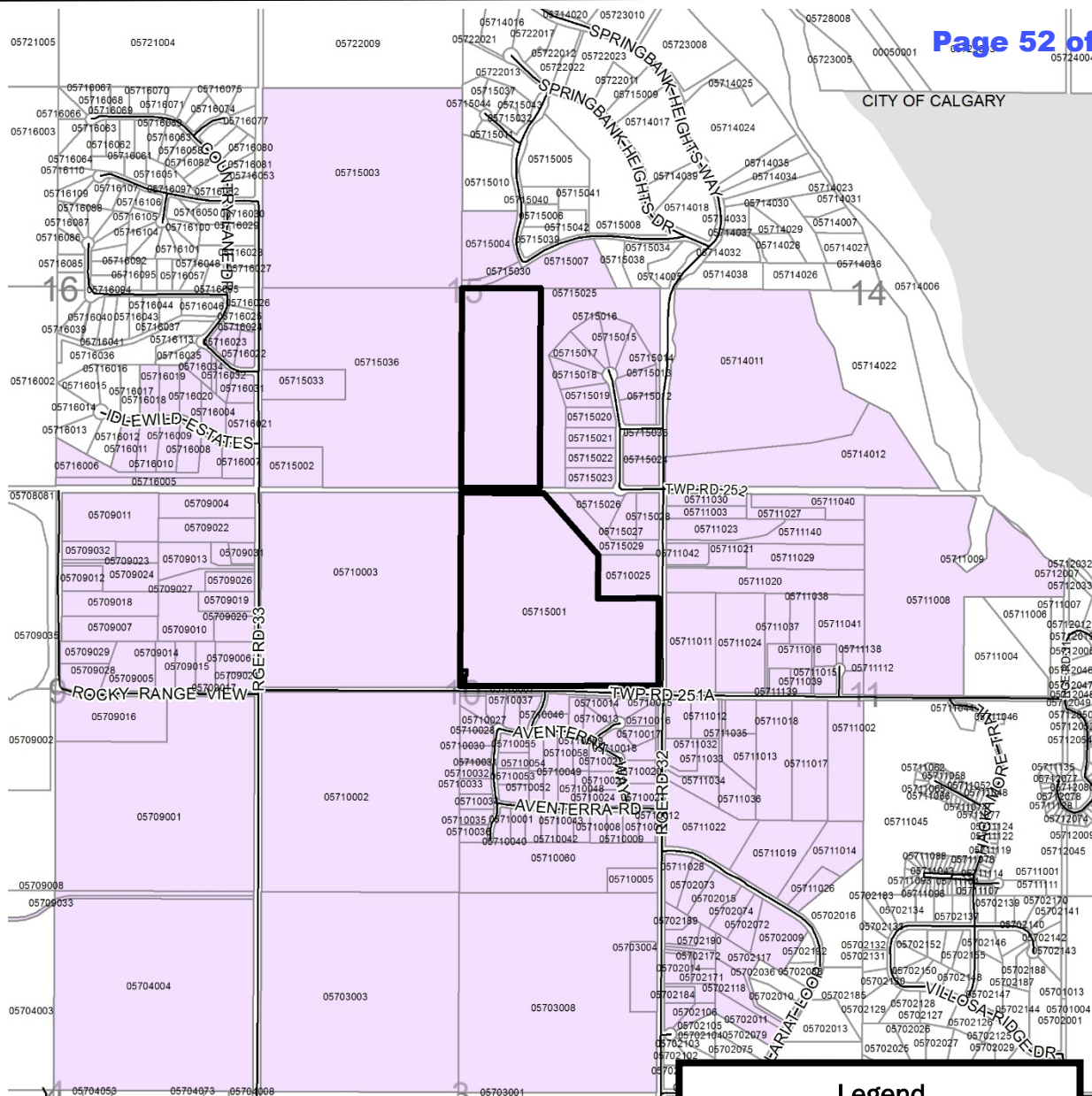




SITE DETAIL
Scale 1:1000

Schedule 'C'

Page 3 of 3	Focus File: 010038142-TSSU01-R00	ROCKY RANGE - AB1774-3
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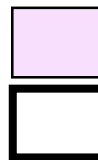


Letters in Opposition



Letters in Support

Legend



Circulation Area



Subject Lands

LANDOWNER CIRCULATION AREA

SE-15-25-03-W05M

Block: D Plan: 7910461

Date: May 27, 2019

Division # 2

File: 05715001

Agenda

Page 100 of 123

**PHOTO-SIMULATION –
BEFORE IMAGE**

VIEW TO THE NORTH
ALONG TOWNSHIP ROAD
251

+/- 71 meter distance to
proposed tower site



**PHOTO-SIMULATION –
AFTER IMAGE**
VIEW TO THE NORTH
ALONG TOWNSHIP ROAD
251
+/- 71 meter distance to
proposed tower site

ARTIST'S RENDERING



**PHOTO-SIMULATION –
BEFORE IMAGE**

VIEW TO THE WEST ALONG
TOWNSHIP ROAD 251
FROM EXISTING APPROACH
ONTO SUBJECT LANDS
+/- 149 meter distance to
proposed tower site



**PHOTO-SIMULATION –
AFTER IMAGE**

VIEW TO THE WEST ALONG
TOWNSHIP ROAD 251
FROM EXISTING APPROACH
ONTO SUBJECT LANDS
+/- 149 meter distance to
proposed tower site

ARTIST'S RENDERING





ROCKY VIEW COUNTY

262075 Rocky View Point
Rocky View County, AB, T4A 0X2

403-230-1401
questions@rockyview.ca
www.rockyview.ca

REFUSAL

Brenden Smith (LandSolutions LP)
Suite 600, 322 - 11th Ave SW
Calgary, AB T2R 0C5

Development Permit #: PRDP20191527

Date of Issue: October 1, 2019

Roll #: 05715001

Your Application dated May 14, 2019 for a Development Permit in accordance with the provisions of the Land Use Bylaw C-4841-97 of Rocky View County in respect of:

<h3>Commercial Communications Facility, Type C</h3>

at Block D, Plan 7910461; SE-15-25-03-W05M (251147 RGE RD 32)

has been considered by the Development Authority and the decision in the matter is that your application be **REFUSED** for the following reasons:

- 1) The proposed Commercial Communications Facility, Type C exceeds the minimum setback from an existing dwelling requirement as defined in Section 3(c) of Procedure 308 – Guidelines to Evaluate Commercial Communications Facilities.

Discretionary: 500.00 m (1,640.42 ft.); Proposed: ~ 150.00 m. (492.13 ft.)

- 2) The proposed Commercial Communications Facility, Type C exceeds the minimum setback from an existing Commercial Communications Facility requirement as defined in Section 3(c) of Procedure 308 – Guidelines to Evaluate Commercial Communications Facilities.

Discretionary: 2,000.00 m (6,561.68 ft.); Proposed: ~1,000.00 m (3,280.84 ft.)

If you require further information or have any questions regarding this development, please contact Planning Services at 403-520-8158 or email development@rockyview.ca and include the application number.

Development Authority
Rocky View County

NOTE: An appeal from this decision may be made to the Subdivision and Development Appeal Board of Rocky View County. Notice of Appeal to the Subdivision and Development Appeal Board from this decision shall be filed with the requisite fee of \$350.00 with Rocky View County no later than 21 days following the date on which this Notice is dated.



ROCKY VIEW COUNTY
Cultivating Communities

20191527

APPLICATION FOR A DEVELOPMENT PERMIT

FOR OFFICE USE ONLY	
Fee Submitted \$2150.00	File Number 05,15001
Date of Receipt May 23/19	Receipt # 2019020826 / 862

Name of Applicant Rogers Communications Canada Inc. c/o LandSolutions LP Email brendensmith@landsolutions.ca

Mailing Address Suite 600, 322 - 11th Ave. SW Calgary, AB

Postal Code T2R 0C5

Telephone (B) 403.708.2736 (H) _____ Fax 403.290.0050

For Agents please supply Business/Agency/ Organization Name Brenden Smith, LandSolutions LP

Registered Owner (if not applicant) Elmar Augart (Rancher)

Mailing Address 251211 Range Road 32 Calgary, AB

Postal Code T3Z 1E4

Telephone (B) _____ (H) 403.286.1157 Fax _____

1. LEGAL DESCRIPTION OF LAND

a) All / part of the _____ ¼ Section _____ Township _____ Range _____ West of _____ Meridian

b) Being all / parts of Lot _____ Block D Registered Plan Number 7910461

c) Municipal Address 251147 and 251161 Rge. Rd. 32

d) Existing Land Use Designation RF Parcel Size 74.65HA Division 2

2. APPLICATION FOR

45m Lattice-style Self-Support Telecommunications Facility (Commercial Communications Facility Type C)

3. ADDITIONAL INFORMATION

- a) Are there any oil or gas wells on or within 100 metres of the subject property(s)? Yes _____ No X
- b) Is the proposed parcel within 1.5 kilometres of a sour gas facility? Yes _____ No X
(Sour Gas facility means well, pipeline or plant)
- c) Is there an abandoned oil or gas well or pipeline on the property? Yes X No _____
- d) Does the site have direct access to a developed Municipal Road? Yes X No _____

4. REGISTERED OWNER OR PERSON ACTING ON HIS BEHALF

I Brenden Smith hereby certify that _____ I am the registered owner
(Full Name in Block Capitals)

X I am authorized to act on the owner's behalf

and that the information given on this form
is full and complete and is, to the best of my knowledge, a true statement
of the facts relating to this application.

**Affix Corporate Seal
here if owner is listed
as a named or
numbered company**

Applicant's Signature [Signature]

Date May 14, 2019

Owner's Signature See attached Letter of Authorization

Date _____

5. RIGHT OF ENTRY

I hereby authorize Rocky View County to enter the above parcel(s) of land for purposes of investigation and enforcement related to this Development Permit application.

See attached Letter of Authorization

Applicant's/Owner's Signature

Please note that all information provided by the Applicant to the County that is associated with the application, including technical studies, will be treated as public information in the course of the municipality's consideration of the development permit application, pursuant to the Municipal Government Act, R.S.A 2000 Chapter M-26, the Land Use Bylaw and relevant statutory plans. By providing this information, you (Owner/Applicant) are deemed to consent to its public release. Information provided will only be directed to the Public Information Office, 262075 Rocky View Point, Rocky View County, AB, T4A 0X2; Phone: 403-520-8199.

I, Brenden Smith, hereby consent to the public release and disclosure of all information contained within this application and supporting documentation as part of the development process.



Signature

May 14, 2019

Date

1. Shaun .and Amanda Marty (67 Livingston Estate)
2. Taylor Assen (63 Livingston Estate)
3. Rachelle Starnes (43 Livingston Estates)
4. Craig Smith (32048 Aventerra Road)
5. John Hersey (19 Livingston Estates)
6. Joan Gusa (32152 Township Road 251A)

July 8, 2019

**Response to Public Notification Package Proposed Wireless Communications Installation
Location 251147 and 251161 Range Road 32, Rocky View County,**


To: Rogers Communications Canada Inc., LandSolutions LP, Rocky View County, ISED Canada, Elmer Augart

Enclosed is the letter response to LandSolutions LP in regards to the proposed wireless communication tower proposed by Rogers Communications. Rogers retained the developers LandSolutions LP to place this tower in Rocky View County on land owned by Elmer Augart. The land is designated Farm and Ranch Holdings and is not designated commercial. LandSolutions LP alludes to accordance with Protocol and ISED Rules but has not shown any intent to follow the regulations. LandSolutions LP has not proven that the new Rogers tower cannot be placed on the existing towers (Telus et al.). Given that the area is located close to the City of Calgary and city boundary limits it would be advisable to obtain consultation from the City of Calgary as well as the county of Rocky View. It appears that LandSolutions LP neglected to place Elmer Augart's name on the public notification package. Given that the proposed tower is to be located on Elmer Augart's land then he should be named on the package and the tower should be located close to his residence.

Given that the proposed tower is located adjacent to my fence line, I expect that Rogers/LandSolutions will continue to communicate with me in regards to the placement of this proposed cell tower. As stakeholders if you have any further questions or require any further comments please address these queries to:

Joan Gusa
32152 Twp. Rd. 251A
Calgary, T3Z 1K9

[REDACTED]
[REDACTED]



July 5, 2019

Sent By Mail and By Fax

COPY

Land Solutions LP
Attn: David Zacher, VP
Telecommunications and Network Development
600, 322- 11 Ave. S.W.
Calgary, T2R 0C5
Fax: (403) 290-0050

Dear Sir/Madam:

RE: Proposed Installation of Cell Tower 252247/251161 Range Road 32, Rocky View County

No I do not agree to the placement of the Rogers Cell Phone Tower at the above location . It is shown by the airphoto and picture that the location is within meters of our fenceline and within meters of our house.

I have provided several reasons for not locating the Rogers Tower adjacent to our property but also have provided several general comments.

Reasons:

1) the choice of placement for this tower is several hundred meters away from Elmer Augart's house. Elmer Augart is the owner of the land on which the tower would be placed. Why would you place the tower several hundred meters away from his house but adjacent to my farm property and close to our farm house? Elmer Augart would be getting the financial benefit from the leasing of the land and I would derive no financial benefit but would have a substantial decline in property value due to proximity to the tower. This is reminiscent of the placement of the Telus tower coincidentally located on the north boundary of my farm property. (the lack of notification for the locating of the Telus tower will be dealt with later in this letter.) If the proposed tower is approved, two of the 13,000 Canadian cell towers would be located adjacent to or on my property line. Provide the evidence as to the reason that the location beside our fenceline is the most suitable.

2) From 5(b) of the Public Notification Package from Rogers

"We could not locate any suitable existing towers or buildings with enough height and space to accommodate antennas that would meet Roger's network requirements. "

There are 2 very large towers located on the #1 highway to the South East of this proposed location. There is also another tower located on Highway 22 south west of this location. And as previously mentioned there is a cell tower on the north boundary of my property. Provide the scientific evidence that none of these towers are suitable for an addition antenna. Evidence would be as per CRTC – Industry requirements and state these requirements. What isn't evidence - Rogers would have to pay the lease cost of joining one of these towers and Rogers wants to build their tower for free, unfortunately to the detriment of the adjacent farmholding.

3) Provide the evidence that there is coverage deficiencies throughout Springbank Heights and below average service levels. I am(was) a Rogers customer. I have farmland to the north and west of the proposed location. I have never found coverage deficiencies on my isolated farm property to the west of Springbank Heights. I dispute that there are coverage deficiencies in this area.

4) Neither Rocky View County nor ISED have a clear set of regulations for the location of cell towers and antennas. In my conversation with Andy Yu of ISED he indicated that the responsibility lies with the County/Municipality to have regulations in place. And it appears that Rocky View County thinks that the responsibility lies with ISED Canada to regulate the location of telecommunication structures. Neither the County nor ISED will take responsibility if a tower developer locates a tower without proper public consultation, without proper road allowance set backs, without taking into account line of sight for homes etc. etc. etc. Neither Rocky View County nor ISED Canada have a penalty process in place to punish developers and land owners who refuse to follow the current location guidelines or who don't follow regulations. I suggest that a substantial monetary bond be provided by the landowner/developer of the tower to a third party trust. Refusal to follow the guidelines would trigger a large monetary loss – a good incentive for landowners/developers who refuse to adhere to regulations.

5) And this leads to the next point. Given his history, the landowner Elmer Augart does not follow rules, regulations nor the law. Over the past several years we have to put up with Elmer Augart's low sense of responsibility as a land owner. Elmer has a house and house trailer located on his property. Elmer alleged that the individuals who occupied these residences were farm/ranch help. As far as I know the help? never assisted in rounding up Elmer's cattle nor his renter's cattle. Elmer's cattle which always break through fences into our property. His (renters') cattle are often without water, without forage and are the type that like to crawl through fences. Good fences make good neighbours. Elmer Augart is not a good neighbour nor a neighbour who follows regulations.

6) What has Rogers done for this proposal in regards to public consultation? The letter that we received was dated June 8, 2019 with deadline for comments of July 8th hidden at the end of the letter. (No year shown.) Given the problems with missing mail and late delivered mail in rural areas we did not receive this letter until a few days ago. Rogers has not provided sufficient notice to adjacent landowners for this proposal. And how many landowners were given a copy of the notification?

This proposal is a significant change in land use from farm and ranch to commercial development and sufficient notice should be provided to the public.

7) **Do not show pictures of our buildings or property as part of your proposal package.** The inclusion of pictures of our buildings and property is a form of harassment and bullying which the local developers are notorious for and which Rocky View County supports. If LandSolutions and Rocky View County require more examples of the bullying tactics I have several messages on my land phone which can be provided.

And as a special message for the employees of Rocky View County:

8) Rocky View County – you don't own the undeveloped road allowances in the County. You do not have authority to allow utility companies to trespass on private land. Nor do you have the authority to give permission to utility companies to destroy vegetation on undeveloped road allowances adjacent to or bordering private land.

9) I am providing an invoice to Elmer Augart related to the work we have done for him which his ranch help did not do. I am providing a copy to LandSolutions since I wasted a day researching and preparing the response to your proposal. LandSolutions proposed location for the cell tower is unacceptable and dumb. (What is your problem?)

In regards to the invoice given that my husband and myself have professional designations our hourly rate for fixing fences, removing livestock, responding to Elmer's development requests (cell phone and oil well development etc) is extremely high. Elmer, his renters, his developers should take into consideration that Elmer's problems are their problems but not our problems. If he wants a cell tower he can place it in his backyard and not in our backyard. If he wants cows on his property he has to provide proper forage, water for the cows and enclosures to keep the cows on his property. His cows and renters' cows are not our problem. And again the cows have to stay in Elmer's backyard not mine.

Conclusion:

Provide me with the answers to question found in #1, #2, #3,, #6 from above.

No I don't agree to the locating another cell tower next to or on our property line. If Rogers or et al. locates a cell phone close to our property line then I will sue for compensation for loss of value to our property and disturbance to our rural life style. Given Rocky View County's record in court I would surmise I wouldn't need a lawyer to win a lawsuit against them.

Developers and landowners should be required to provide a monetary bond to be placed in trust to offset general damage to adjacent properties and to prevent the developers from abusing loopholes in regulatory processes.

Provide me with the names and addresses of your legal counsel within 30days. In anticipation of Rogers (LandSolutions LP) choosing to ignore telecommunication location guidelines and the County of Rocky View and ISED Canada choosing to continue with unenforceable, indefinite regulations I am entitled to legal recourse on this matter and the appropriate lawyers should be notified of possible litigation.

Yours truly,

Joan Gusa (Buffalo Springs Holdings Ltd.)

cc. Rocky View County
cc. ISED Canada
cc. Andy Yu
cc. Elmer Augart

Brenden Smith

From: Taylor Assen [REDACTED]
Sent: June 24, 2019 9:25 AM
To: development@rockyview.ca; Comments; Banff.Kananaskis@assembly.ab.ca; Shaun and Amanda Marty; Rachelle Starnes
Subject: [EXTERNAL]Rogers Tower location

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Red Category

Hello, my name is Taylor Assen. I live at 63 Livingstone Estate, T3Z1E1. I have an issue about the proposed location for the new Rogers cellular tower you are erecting in my backyard. I paid a premium for a mountain view, as did my neighbors. I am having a hard time wondering why you chose this location, which is neither close to the highway nor the new commercial development (Bingham Crossing). Instead you propose to erect the tower in our 2-4 acre residential area blocking our view of the mountains. I humbly suggest moving the needed tower South (closer to the highway). This will allow for easier access, it will also block fewer houses. Or if that isn't allowed as I don't know the regulations, push the tower further west so it only blocks 1-2 farms versus 40-50 homes.

We love our view, please do not impede it with your tower.

Taylor and Liisa Assen

Brenden Smith

From: Rachelle Starnes <rachelle@thestarnesgroup.com>
Sent: June 24, 2019 9:58 AM
To: Taylor Assen; development@rockyview.ca; Comments; Banff.Kananaskis@assembly.ab.ca; Shaun and Amanda Marty
Cc: Anita Lindberg; dalidowicz; Taylor and Lisa Assen; Pat and Shirley Kelly; Jin Xie; Sam Gallo; Amanda and Shaun Marty; Cam and Angie Maclean; Nancy Barnes; John and Charlene Simpson; Guy Heerema; Alison Smoole; Margaret and Denis Espetveidt; Joint; Norman and Rachelle Starnes; Erica Sharp and Bob Lock; Weldon and Pauline Dueck
Subject: [EXTERNAL]RE: Rogers Tower location

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Red Category

Dear All Stakeholders,

I am in complete agreement with Taylor Assen. Please let us know how we can ensure this tower does not get built in this location. **Do we need to put together a list of residents that oppose this by a certain date? Who do we send it to?**

I am a real estate agent representing many home owners for over 20 years in Springbank, and I also have a personal home on Livingstone Estates that will be greatly impacted by this cell tower. There is research being done in Europe suggesting that "living within 400 meters of a cell phone tower can cause developmental delays in children" and we have many clients from Europe that bring devices measuring electromagnetic impact with them when viewing homes.

The property values of all of the homes in this area could be SEVERLY IMPACTED by the placement of this cell tower. It not only affects values and views, but could be a long term safety issue of the residents.

Please get back to us at your earliest opportunity as to how we can oppose the new location of this tower.

Best Regards,

Rachelle Starnes

RACHELLE STARNES

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]



From: Taylor Assen

Sent: June 24, 2019 9:25 AM

To: development@rockyview.ca; comments@landsolutions.ca; Banff.Kananaskis@assembly.ab.ca; Shaun and Amanda Marty ; Rachelle Starnes

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Taylor and Liisa Assen

Brenden Smith

From: herseys account [REDACTED]
Sent: June 26, 2019 11:32 AM
To: Shaun Marty
Cc: Rachelle Starnes; Taylor Assen; development@rockyview.ca; Comments; Banff.Kananaskis@assembly.ab.ca; Anita Lindberg; dalidowicz Stan And Mary; Pat and Shirley Kelly; Jin Xie; Sam Gallo; Amanda and Shaun Marty; Cam and Angie Maclean; Nancy Barnes; John and Charlene Simpson; Guy Heerema; Alison Smoole; Margaret and Denis Espetveidt; Norman and Rachelle Starnes; Erica Sharp and Bob Lock; Weldon and Pauline Dueck
Subject: [EXTERNAL]Re: Rogers Tower location
Follow Up Flag: Follow up
Flag Status: Completed
Categories: Red Category

Hi this is herseys at #19,
Agree we do not want the tower at that spot. The idea of putting it where the existing tower is located seems reasonable.
John Hersey

On Jun 24, 2019, at 11:43 AM, Shaun Marty [REDACTED] wrote:

Hi Rachelle

This is the second attempt for this tower at that location, the last attempt was just prior your arrival to Livingstone. We were persistent about having the tower relocated, and the tower was eventually erected on the commercial property siding highway 1 travelling west, just before you come down the last hill to Old Banff Coach Rd.

I have noticed that there is a tower that has been erected directly west of Livingstone, on a farmers field just east of RR 33, perhaps that's a location that might accommodate a second cell service, these towers have the ability to accommodate many antennas.

That said, we are also opposed to this proposed location, I think there's a better solution, and we are happy to join the effort to figure it out.

Shaun Marty
[REDACTED]

On Jun 24, 2019, at 9:58 AM, Rachelle Starnes [REDACTED] wrote:

Dear All Stakeholders,

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I am a real estate agent representing many home owners for over 20 years in Springbank, and I also have a personal home on Livingstone Estates that will be greatly impacted by this cell tower. There is research being done in Europe suggesting that "living within 400 meters of a cell phone tower can cause developmental delays in

children” and we have many clients from Europe that bring devices measuring electromagnetic impact with them when viewing homes.

The property values of all of the homes in this area could be SEVERLY IMPACTED by the placement of this cell tower. It not only affects values and views, but could be a long term safety issue of the residents.

Please get back to us at your earliest opportunity as to how we can oppose the new location of this tower.

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RACHELLE STARNES

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: Taylor Assen <t_assen@hotmail.com>

Sent: June 24, 2019 9:25 AM

To: development@rockyview.ca; comments@landsolutions.ca;

Banff.Kananaskis@assembly.ab.ca; Shaun and Amanda Marty <shaunm@uthrive.ca>;

Rachelle Starnes <rachelle@thestarnesgroup.com>

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Taylor and Liisa Assen

Brenden Smith

From: Craig Smith [REDACTED]
Sent: June 13, 2019 6:34 PM
To: Comments
Subject: [EXTERNAL]Attn: David Zacher Re: Roger's Site W5613A Springbank Heights

Follow Up Flag: Follow up
Flag Status: Completed

Hi David,

The area of Springbank Heights lacks adequate modern and affordable internet services. If Roger's wants to secure public support for the proposed tower in this location, it should commit to providing affordable high speed internet via the new tower. I speak on behalf of many very frustrated residents.

Thank you,
Craig Smith
32048 Aventerra Rd, Calgary

Brenden Smith

From: Shaun Marty [REDACTED]
Sent: June 24, 2019 11:44 AM
To: Rachelle Starnes
Cc: Taylor Assen; development@rockyview.ca; Comments; Banff.Kananaskis@assembly.ab.ca; Anita Lindberg; dalidowicz; Pat and Shirley Kelly; Jin Xie; Sam Gallo; Amanda and Shaun Marty; Cam and Angie Maclean; Nancy Barnes; John and Charlene Simpson; Guy Heerema; Alison Smoole; Margaret and Denis Espetveidt; Joint; Norman and Rachelle Starnes; Erica Sharp and Bob Lock; Weldon and Pauline Dueck
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Shaun Marty

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[REDACTED]

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RACHELLE STARNES

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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Sent: June 24, 2019 9:25 AM

To: development@rockyview.ca; comments@landsolutions.ca; Banff.Kananaskis@assembly.ab.ca;

Shaun and Amanda Marty [REDACTED] Rachelle Starnes [REDACTED]

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Taylor and Liisa Assen

From: [Shaun Marty](#)
To: [Comments](#)
Cc: [development@rockyview.ca](#); [Comments](#); [Banff.Kananaskis@assembly.ab.ca](#); [Rachelle Stames](#)
Subject: [EXTERNAL]Re: Rogers Tower location
Date: July 16, 2019 3:01:14 PM

Good afternoon

We live at 67 Livingstone Estate, and in response to the notification of proposed Rogers Tower location, I just want to go on the record to say that we would like to work with the cell tower company to find the best solution to their proposal. There is currently a Telus tower located approximately 400 meters north and west of the proposed tower location, perhaps this would be the better location for Rogers to fix their antennas to, or erect a second tower next to the Telus tower, which will eliminate popping up sporadically in our community.

I also noticed cell antennas, affixed to the utility lattice towers, siding Valley Ridge community, the towers that run thru the golf course, and wondering if we could propose that antennas be attached to the existing lattice utility towers already located in our community, and directly beside the proposed tower location?

There are many different options for antennas, reasonable and cost effective, and would serve 2 purposes: 1. Allow Rogers their antennas, and

2. Save us from having to stare at unsightly towers instead of the beautiful mountains.

Thanks for your consideration, and please feel free to contact me with any questions or concerns. I look forward to finding a solution that serves everyone best.

Shaun and Amanda Marty
67 Livingstone Estate

[REDACTED]

On Jun 24, 2019, at 9:24 AM, Taylor Assen [REDACTED] wrote:

Hello, my name is Taylor Assen. I live at 63 Livingstone Estate, T3Z1E1. I have an issue about the proposed location for the new Rogers cellular tower you are erecting in my backyard. I paid a premium for a mountain view, as did my neighbors. I am having a hard time wondering why you chose this location, which is neither close to the highway nor the new commercial development (Bingham Crossing). Instead you propose to erect the tower in our 2-4 acre residential area blocking our view of the mountains. I humbly suggest moving the needed tower South (closer to the highway). This will allow for easier access, it will also block fewer houses. Or if that isn't allowed as I don't know the regulations, push the tower further west so it only blocks 1-2 farms versus 40-50 homes.

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Taylor and Liisa Assen

Michelle Mitton

From: Taylor Assen [REDACTED]
Sent: Monday, October 21, 2019 9:26 PM
To: PAA_SDAB
Subject: Rogers Communications Tower

I am in FULL opposition to this tower going up. I previously emailed the building company, and asked if they needed petitions signed (I have spoken with those in my community and every single one of them was in opposition), I asked them if they looked to retrofitting the already existing tower, I offered an alternative location as we have a new commercial area being developed about 1.5 km away that would better suit their needs and not block any ones view.

They did reply, but the reply was extremely difficult to understand. I gathered, that they didn't check to see if the existing tower could be retrofitted, which is an atrocity. They didn't look at alternative locations. And they told me that the towers wouldn't impact my house value (even though it blocks our mountain view).

I asked how I could further appeal this, and they never responded.

Please please please firstly make them check the existing tower, this seems the most economical, environmental, and quickest option. If that fails, why would you not put the tower in the new commercial area that you've already approved (located at the north end of RR32 north of HWY 1). There are no residential houses that face that direction, so there should be minor complaint.

If you would like, I would be happy to get a petition signed by the 10 houses this directly affects in my cul-de-sac.

Thanks so much for your time,

Taylor, Liisa, Bode, Nash, Blake Assen