

SUBDIVISION AND DEVELOPMENT APPEAL BOARD AGENDA

November 18, 2020

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

A CALL MEETING TO ORDER

B DEVELOPMENT APPEALS

9:00 AM APPOINTMENTS

1. Division 5 File: 04222018 PRDP20201265 page 3

A continuation of an appeal against the Development Authority's decision to refuse a development permit application for single-lot regrading and placement of clean topsoil, for agricultural purposes, at 272013 Inverlake Road (NE-22-24-27-W4M) and located at the southwest junction of Inverlake Road and Highway 9.

Appellant/Applicant: Todd Slaney (Horizon Excavating Ltd.)

Owners: Michael and Dawn Tessemaker

2. Division 8 File: 05618039 PRDP20202027 page 44

An affected party appeal against the Development Authority's decision to approve a development permit application for single-lot regrading and placement of clean fill, construction of a berm and two infiltration trenches at 514 Bearspaw Village Ridge (Lot 1, Block 1, Plan 8911460; NW-18-25-02-W5M) and located approximately 1.21 (3/4 mile) north of Township Road 252 and on the east side of Bearspaw Village Road

Appellant: Steven Hancock

Applicants/Owners: Robert and Laurette Ogden

10:30 AM APPOINTMENT

3. Division 9 File: 06828006 PRDP20202393 page 80

An affected party appeal against the Development Authority's decision to approve a development permit application for a kennel, for a private off-leash dog and signage, at 264136 Range Road 44 (Lot 2 Plan 9010809; NW-28-26-04-W5M) and approximately 2.41 km (1.5 miles) south of Weedon Trail and on the east side of Range Road 44.

Appellants: Michael and Melanie Shepley

Applicant/Owner: Sylwia Andersen

SUBDIVISION AND DEVELOPMENT APPEAL BOARD AGENDA

November 18, 2020

**ROCKY VIEW COUNTY
COUNCIL CHAMBERS
262075 ROCKY VIEW POINT
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T4A 0X2**

1:00 PM APPOINTMENT

4. Division 2 File: 05715001 PRDP20201862 page 127

An affected party appeal against the Development Authority's decision to approve a development permit application for a commercial communications facility, type C and associated equipment shelter at 251161 Range Road 32 (Block D Plan 7910461; SE-15-25-03-W5M) and located immediately north of Township Road 251A and 0.81 km (1/2 mile) east of Range Road 33.

Appellants: Alison and Oscar Smoole

Applicant: Brenden Smith (LandSolutions LP)

Owner: Elmar Augart

C CLOSE MEETING

D NEXT MEETING: December 3, 2020



PLANNING AND DEVELOPMENT SERVICES

TO: Subdivision and Development Appeal Board

DATE: November 18, 2020 **DIVISION:** 5

FILE: 04222018 **APPLICATION:** PRDP20201265

SUBJECT: Single-Lot Regrading and Placement of Clean Topsoil

PROPOSAL: Deposition of approximately 40,000 cu. m of clean topsoil on approximately 13.49 acres of a 15.84 acre parcel.	GENERAL LOCATION: Located approximately 6.5 km east of the City of Chestermere; located at the southwest junction of Inverlake Road and Highway 9.
APPLICATION DATE: May 26, 2020	DECISION (MUNICIPAL PLANNING COMMISSION): Refused
APPEAL DATE: September 29, 2020	MUNICIPAL PLANNING COMMISSION DECISION DATE: September 24, 2020
APPELLANT: Todd Slaney (Horizon Excavating Ltd.)	APPLICANT: Horizon Excavating Ltd.
LEGAL DESCRIPTION: NE-22-24-27-W4M	MUNICIPAL ADDRESS: 272013 Inverlake Road
LAND USE DESIGNATION: Agricultural Holdings District (AH)	GROSS AREA: ± 6.41 hectares (± 15.84 acres)
DISCRETIONARY USE: Grading and fill are discretionary uses in all districts.	DEVELOPMENT VARIANCE AUTHORITY: N/A
PUBLIC SUBMISSIONS: The application was circulated to 16 adjacent landowners. At the time this report was prepared, no letters were received in support or objection to the application, excepting the appeal.	LAND USE POLICIES AND STATUTORY PLANS: <ul style="list-style-type: none"> Land Use Bylaw

EXECUTIVE SUMMARY:

Note: The file was prepared and presented at the October 28, 2020 Subdivision and Development Appeal Board meeting, and tabled at the request of the applicants, as the landowner was unable to attend the meeting to present. The matter has been rescheduled for the November 18, 2020 meeting.

On May 26, 2020, the Applicant submitted an application for a Development Permit for single-lot regrading and placement of clean topsoil. The subject lands is included in the Agricultural Holdings District, located at the southwest junction of Inverlake Road and Highway 9.



The applicant proposes placement of 40,000 cubic metres of topsoil over 13.49 acres of a 15.84 acre parcel. Fill will be placed at a depth of up to 0.61 m. (2.00 ft.) across 54,600 sq. m. (587,709.51 sq. ft.).

The application was first presented to the Municipal Planning Commission on July 30, 2020, and tabled, directing the applicant to prepare technical studies requested by Administration (stormwater management and soils evaluation) by September 30, 2020.

The applicant prepared the soils evaluation, which was found to be sufficient by Administration. The stormwater management report was incomplete. The application was then presented to the Municipal Planning Commission on September 24, 2020 for consideration.

Administration recommended refusal, as the depth of soil placement was considered excessive for agricultural purposes. The Municipal Planning Commission concurred, and refused the application. The reasons for refusal are included in the agenda package.

The Appellant appealed the decision of the Development Authority on September 29, 2020, with reasoning specified within the agenda package.

Administration continues to recommend refusal due to the depth of the proposed placement of topsoil.

PROPERTY HISTORY:

Date	File/Application #	Type	Result
N/A	N/A	N/A	N/A

APPEAL:

See attached report and exhibits.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S MacLean'.

Sean MacLean
Supervisor, Planning and Development Services

ON/lt

ATTACHMENTS:

ATTACHMENT 'A': Municipal Planning Commission Report

ATTACHMENT 'B': Application

ATTACHMENT 'C': Map Set

ATTACHMENT 'D': Inspection Report and Site Photos

ATTACHMENT 'E': Site Plan

ATTACHMENT 'F': Notice of Decision

ATTACHMENT 'G': Notice of Appeal



PLANNING AND DEVELOPMENT SERVICES

TO: Municipal Planning Commission **DATE:** September 24, 2020
DIVISION: 5 **APPLICATION:** PRDP20201265
SUBJECT: Development Item: *Single-lot regrading and placement of clean topsoil*
USE: Discretionary use, with no Variances

APPLICATION: Single-lot regrading and placement of clean topsoil, for agricultural purposes.

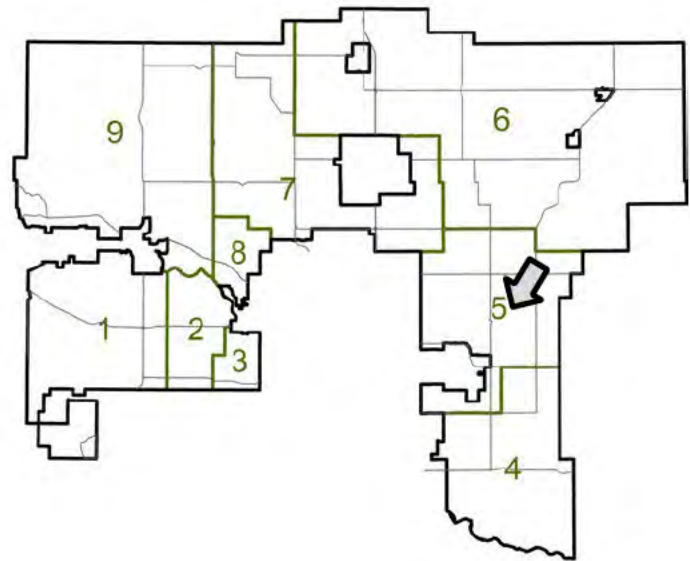
GENERAL LOCATION: Located at the southwest junction of Inverlake Road and Highway 9

LAND USE DESIGNATION: Agricultural Holdings (AH) under Land Use Bylaw C-4841-97.

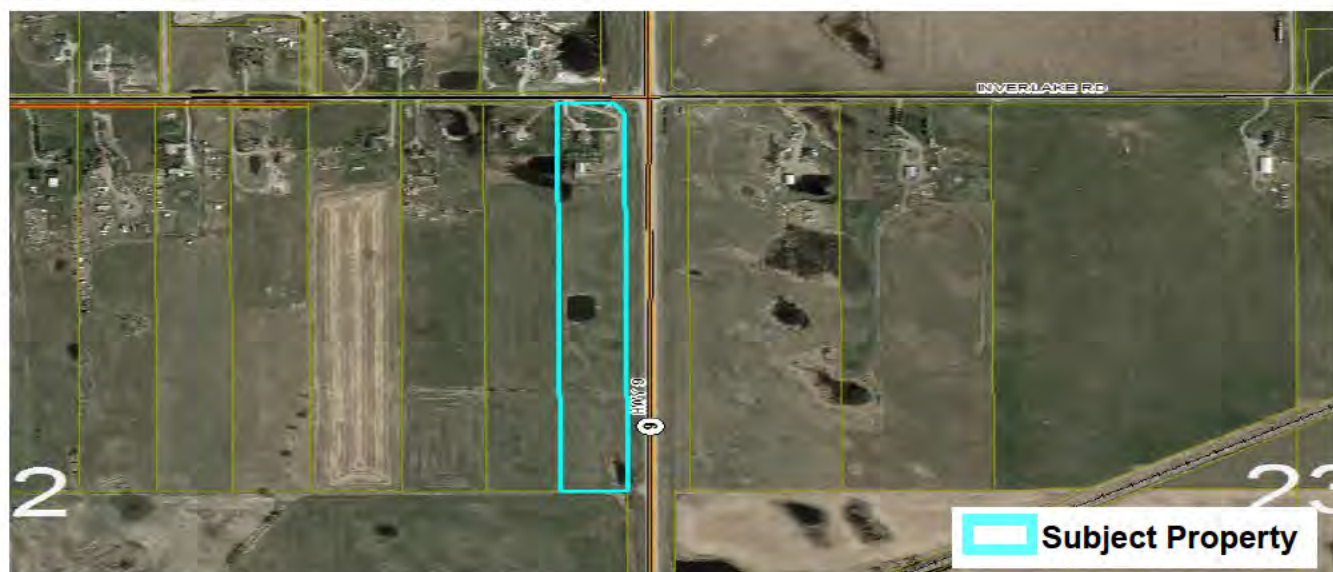
ADMINISTRATION RECOMMENDATION:
 Administration recommends REFUSAL in accordance with Option #2.

OPTIONS:

- Option #1: THAT Development Permit Application PRDP20201265 be approved with the conditions noted within the report.
- Option #2: THAT Development Permit Application PRDP20201265 be refused as per the reasons noted within the report.
- Option #3: THAT Development Permit Application PRDP20201265 be tabled until the Site Specific Implementation Plan has been reviewed by Administration.



AIR PHOTO & DEVELOPMENT CONTEXT:



Administration Resources
 Oksana Newmen - Planning & Development Services



DEVELOPMENT PERMIT REPORT

Application Date: May 26, 2020	File: 04222018
Application: PRDP20201265	Applicant: Horizon Excavating Ltd. Owner: Michael and Dawn Tessemaker.
Legal Description: NE-22-24-27-W4M Municipal Address: 272013 Inverlake Road	General Location: Located at the southwest junction of Inverlake Road and Highway 9.
Land Use Designation: Agricultural Holdings District (AH)	Gross Area: ± 6.41 hectares (± 15.84 acres)
File Manager: Oksana Newmen	Division: 5

PROPOSAL:

The application is for single-lot regrading and placement of clean topsoil for agricultural purposes. *Note, the application was assessed in accordance with Land Use Bylaw C-4841-97, as the application was received prior to September 8, 2020.*

As shown on the submitted Site Plan dated June 20, 2020, includes:

- Topsoil Placement Area: Deposition of clean topsoil on approximately 13.49 acres of a 15.84 acre parcel.
 - Excludes wetland areas
 - 54,600 sq. m (587,709.51 sq. ft.)
 - Depth of up to 0.61m (2.00 ft.)
 - Two to three months hauling
 - Approximately 2,500 truck loads
- Volume: Approximately 40,000 cubic meters of topsoil
- The proposed topsoil placement is to enhance the land for farming purposes

This file was presented to the Municipal Planning Commission (MPC) on July 30, 2020, where the Commission tabled the item, directing the Applicant to prepare technical studies to support the application and return to MPC by September 30, 2020. The Applicant submitted two studies on September 10, 2020, however Administration was unable to review the Site Specific Implementation Plan (SSIP) in advance of the writing of this report. The agricultural and soils reports were reviewed and forms the basis for Administration's recommendation. MPC may consider tabling the item to a future date pending review of the SSIP, or render a decision on the file based on the information currently available.

SITE INFORMATION:

- Existing wetlands on site
- Adjacent lands – Agricultural (Farmstead and Ranch and Farm districts)

**LAND USE BYLAW (C-4841-97):**

Section 33 – *Stripping, Filling, Excavation and Grading* of the Land Use Bylaw is applicable to the proposed use for the land, specifically subsections 33.2, 33.3, 33.6 - *Placing of Fill*.

STATUTORY PLANS:

The site does not fall within an Area Structure Plan, Intermunicipal Development Plan, or a Conceptual Scheme area. As such, it was evaluated in accordance with the County's Land Use Bylaw C-4841-97.

INSPECTOR'S COMMENTS: (August 5, 2020)

- No grading at time of visit
- Land appears used for pasture with 2 horses present at time of visit
- Site immediately adjacent to Hwy 9 and photos taken from road
- One small pond on site.

CIRCULATIONS:Alberta Environment and Parks:

- No comments received.

Alberta Transportation (June 29, 2020)

- In reviewing the application, the proposed development falls within the control distance of a provincial highway as outlined in the *Highways Development and Protection Act / Regulation*, and will require a roadside development permit from Alberta Transportation.
- The application form and instructions can be obtained from the department's website at <https://www.alberta.ca/roadside-development-permits.aspx>

Agricultural and Environmental Services, Rocky View County (September 11 and June 25, 2020)*Comments from September 11, 2020:*

- The soil quality report and statement from the Agrologist meets our requirements. There is still a concern with regards to the amount of topsoil that the applicant is requesting to put on the land. Adding a few inches of topsoil could increase productivity and resilience of the soil but topsoil reclamation research has shown diminished or negligible positive responses from 6 inches or more of topsoil.

Comments from June 25, 2020:

- The applicant/owner shall provide a stamped and endorsed statement from a Professional Agrologist, or Certified Crop Advisor, confirming the soil quality improvements achieved by the proposed addition of topsoil. The anticipated agricultural benefits must be identified.
- The applicant also needs to provide a soil testing analysis, completed on the proposed topsoil, that includes where the topsoil originated from. The report and approval shall be to the satisfaction of the County's Agricultural Services Staff (See attached).
- There is a concern with regards to the amount of topsoil that the applicant is requesting to put on the land. Adding a few inches of topsoil could increase productivity and resilience of the soil but topsoil reclamation research has shown diminished or negligible positive responses from 6 inches or more of topsoil. If the applicant intends to alter or fill in any wetlands they will need to obtain the proper approvals from Alberta Environment.



ROCKY VIEW COUNTY

- Lastly, the applicant will need to ensure compliance with the Alberta Weed Control Act. It may be of benefit to the applicant to create a Weed Management Plan and have a contractor available (or be personally prepared) to control any regulated weeds.
- The soil analysis report will need to confirm that:
 - *Texture is balanced and not over 40% clay; and
 - **Organic matter is a minimum of 3%, and equal to or greater than the organic matter of the soil on the application site; and
 - **SAR/EC rating is at least 'good'; and
 - **PH value is in the 'acceptable' range for crop growth.

Development Compliance, Rocky View County (June 23, 2020)

- Development Compliance has no comments or concerns with respect to the attached application.

Planning and Development Services – Engineering Review - Rocky View County (July 3, 2020)

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.
- Prior to issuance, the applicant/owner will be required to submit a construction management plan addressing noise mitigation measures, traffic accommodation, sedimentation and dust control, management of stormwater during construction, erosion and weed control, construction practices, waste management, firefighting procedures, evacuation plan, hazardous material containment and all other relevant construction management details.
- The application will need to be circulated to Alberta Transportation for review and comment since the proposed development is located adjacent to Highway 9.

Geotechnical:

- Should the grading plan accepted by the County propose any areas of fill that are greater than 1.2 m in depth, prior to issuance, the applicant/owner will be required to provide a deep fills report conducted by a professional geotechnical engineer for all areas of fill greater than 1.2 m in depth.
- As a permanent condition, the applicant/owner shall provide compaction testing verifying that the fill areas greater than 1.2 m in depth were placed in accordance with the Deep Fills report accepted by the County.

Transportation:

- Access to the subject land is provided via a road approach off of Inverlake Road.
- Prior to the issuance, the applicant is required to contact County Road Operations to determine if any permits or if a Road Use Agreement is required (dependent on the quantity of the fill) during the construction of the proposed development.
- The applicant/owner will not be required to pay the transportation offsite levy, as per the applicable TOL bylaw at time of DP approval, since the subject land is located within an agricultural land use district and the development is not expected to increase traffic to the local road network.



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Sanitary/Waste Water:

- Engineering has no requirements at this time.

Water Supply and Waterworks:

- Engineering has no requirements at this time.

Stormwater Management:

- Prior to issuance, the applicant/owner will be required to provide a detailed Site-Specific Stormwater Implementation Plan (SSIP) conducted and stamped by a professional engineer that is in accordance with the conditions set by the CSMI and the County Servicing Standards, to the satisfaction of the County.
 - Note: A Drainage Review Analysis was submitted with the application but was deemed inadequate for the subject proposal by Administration.
- Prior to issuance, the applicant/owner will be required to submit a grading plan drawing that is in accordance with the SSIP accepted by the County that shows pre-development and post-development grades.

Environmental:

- There are wetlands on the subject land that appear to potentially be impacted by the proposed development. Should the wetlands be directly impacted by the proposed development, prior to issuance, the applicant/owner will be required to provide a Biophysical Impact Assessment (BIA) conducted by a qualified professional that assesses the existing wetland and the impacts as well as provides recommendations on mitigation and compensation measures to address the impacts.
- The applicant/owner will be responsible to obtain all required AEP approvals should the proposed development impact any wetlands.

Transportation Services, Rocky View County:

- No response received.

Utility Services, Rocky View County (June 22, 2020):

- No Concerns.

OPTIONS:

Option #1: (this would approve the proposed development)

APPROVAL subject to the following conditions:

Description:

1. That single-lot regrading and placement of clean topsoil, for agricultural purposes, over a total area of approximately 54,600 sq. m (13.49 acres) may take place on the subject lands, in accordance with the submitted Site Plan, cover report, supporting documents, and conditions of this permit including the following:
 - i. Topsoil Depth up to 0.61 m (2.00 ft.)
 - ii. Topsoil Volume up to 40,000.00 cu. m

**Prior to Issuance:**

2. That prior to issuance of this permit, the Applicant/Owner shall submit an Irrevocable Letter of Credit or Refundable Security, in the amount of \$20,000, to be deposited with the County to ensure that conditions of this permit are met. If conditions of this permit are not met, the County may use the funds, enter onto the described land, and carry out the work necessary to meet the conditions.
3. That prior to issuance of this permit, the Applicant/Owner shall submit a detailed site-specific Stormwater Implementation Plan (SSIP) for the subject lands, in accordance with County Servicing Standards. The report shall be stamped by a qualified professional and should address the following:
 - i. The report shall include both pre- and post-development site grading in the vicinity of the work, and shall confirm post-development site run-off characteristics;
 - ii. The report shall evaluate possible impacts the proposed placement of topsoil will have on adjacent lands and adjacent County and Provincial road right of ways. The report shall provide mitigating measures, if necessary, for any impacts the work may have on adjacent lands; and
 - iii. The report shall provide erosion and sedimentation control measures for the proposed activities.
4. That prior to issuance of this permit, the Applicant/Owner shall contact County Road Operations with haul details for materials and equipment needed during construction/site development to confirm if Road Use Agreements will be required for any hauling along the County road system and to confirm the presence of County road ban restrictions.
 - i. Written confirmation shall be received from County Road Operations confirming the status of this condition. Any required agreement or permits shall be obtained unless otherwise noted by County Road Operations.
5. That prior to issuance of this permit, the Applicant/Owner shall submit written confirmation that the existing wetlands onsite shall not be impacted by the proposed development, to the satisfaction of the County.
 - i. That should the wetlands be directly impacted by the proposed development, the Applicant/Owner shall submit a Biophysical Impact Assessment (BIA) conducted by a qualified professional that assesses the existing wetland and the impacts as well as provides recommendations on mitigation and compensation measures to address the impacts.
6. That prior to the issuance of this permit, the Applicant/Owner shall submit a construction management plan addressing noise mitigation measures, traffic accommodation, sedimentation and dust control, management of stormwater during construction, erosion and weed control, construction practices, waste management, firefighting procedures, evacuation plan, hazardous material containment and all other relevant construction management details, in accordance with County Servicing Standards.

Permanent:

7. That upon completion of the proposed development, the Applicant/ Owner shall submit an as-built survey, confirming that the development proposal and post grades align with the supporting technical submissions for the file.



8. That for all areas where over 1.20 m (3.93 ft.) of topsoil is placed, the Applicant/Owner shall provide a Deep Fill Report, prepared by a qualified professional, providing the compaction testing of the topsoil and general recommendations for the suitability of different types of building foundations as there is potential that future landowners could construct a structure over the filled area.
9. That the Applicant/Owner shall not screen and/or sell the excess topsoil to others without written approval from the County, as there is potential for additional off-site impacts.
10. That any material removed from the site shall be hauled off in a covered trailer/truck, which will prevent blowing of dust/small rocks onto the road or cause issues with other vehicles on the road.
11. That the Applicant/ Owner shall take whatever means necessary to avoid the transfer of dirt onto public roadways.
 - i. That the clean-up of any mud tracking and/or dirt that enters onto adjacent highway and/or County roads during hauling shall be the responsibility and cost of the Applicant/Owner for clean-up.
12. That the Applicant/Owner shall take effective measures to control dust in the regrading area of the Lands, so that dust originating therein shall not cause annoyance or become a nuisance to adjoining property owners and others in the vicinity.
 - i. That if at any time the removal or handling of topsoil creates a visible dust problem, the removal or handling of topsoil shall cease immediately until remedial measures are taken.
13. That the Applicant/Owner shall be responsible for rectifying any adverse effect on adjacent lands from drainage alteration.
14. That any grading areas shall have a minimum of six inches of topsoil placed on top, which shall then be spread and seeded to native vegetation, farm crop, or landscaped, to the satisfaction of the County.
15. That the topsoil shall not contain construction rubble or any hazardous substances, including but not limited to large concrete, rebar, asphalt, building materials, organic materials, or other metal.
16. That the County may draw upon the Letter of Credit, without recourse to the Applicant/Owner, to cover the costs in surface reclamation of any or all of the disturbed areas or costs involved in actions necessary to ensure compliance with any other conditions of this permit.
17. That the entire site shall be maintained in a neat and orderly manner at all times to the satisfaction of the Development Authority.
18. That any plan, technical submission, agreement, matter or understanding submitted and approved as part of the application or in response to a Prior to Issuance condition, shall be implemented and adhered to in perpetuity.

Advisory:

19. That the Applicant/ Owner shall be responsible for onsite weed control and shall adhere to the regulations in the Alberta Weed Control Act [*Statutes of Alberta, 2008 Chapter W-5.1, December 2017*] at all times.
20. That the subject development shall conform to the County's Noise *Bylaw C-5773-2003* in perpetuity.



21. That any other government permits, approvals, or compliances are the sole responsibility of the Applicant/ Owner.
 - i. That the Applicant/Owner shall apply for the required Roadside Development Permit with Alberta Transportation before commencing any work.
22. That the grading activities shall be completed within twelve (12) months from the date of issuance of this permit.
23. That if this Development Permit is not issued by **April 30, 2021** or the approved extension date, then this approval is null and void and the Development Permit shall not be issued.

Note: That the Applicant/ Owner shall be responsible for all Alberta Environment and Parks (AEP) approvals/ compensation for existing waterbodies/ riparian areas/ tributary/ stream on site that may be impacted by the proposed placement of topsoil.

Option #2: (this would not allow the proposed development)

REFUSAL as per the following reasons:

1. That in the opinion of the Municipal Planning Commission, the development unduly interferes with the amenities of the neighbourhood and materially interferes with and affects the use, enjoyment, and value of neighbouring parcels of land.

Option #3: (this would table the proposed development to a future date)

TABLED as per the following reasons:

1. That the application be tabled to a future date until Administration has reviewed the Site Specific Implementation Plan provided on September 10, 2020.



ROCKY VIEW COUNTY
Cultivating Communities

20201265
APPLICATION FOR A
DEVELOPMENT PERMIT

FOR OFFICE USE ONLY	
Fee Submitted 1015.00	File Number 04227018
Date of Receipt 05/25/2020	Receipt #

Name of Applicant Horizon Excavating Ltd. Email [REDACTED]

Mailing Address [REDACTED]

Telephone (B) [REDACTED]

(H) [REDACTED]

For Agents please supply Business/Agency/ Organization Name _____

Registered Owner (if not applicant) Michael / Dawn Tessemaker

Mailing Address [REDACTED]

Telephone (B) _____

(H) [REDACTED]

Fax _____

1. LEGAL DESCRIPTION OF LAND

a) All / part of the NE ¼ Section 22 Township 24 Range 27 West of 04 Meridian

b) Being all / parts of Lot — Block — Registered Plan Number —

c) Municipal Address 272013 INVERLAKE ROAD

d) Existing Land Use Designation AM Parcel Size 15.84 Division 05

2. APPLICATION FOR

Add Topsoil for Agriculture Enhancement

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?
(Sour Gas facility means well, pipeline or plant) Yes _____ No X
- c) Is there an abandoned oil or gas well or pipeline on the property? Yes _____ No X
- d) Does the site have direct access to a developed Municipal Road? Yes ✓ No _____

4. REGISTERED OWNER OR PERSON ACTING ON HIS BEHALF

I Todd Slaney 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]

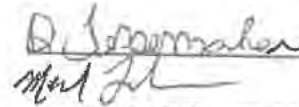
Date Mar. 24, 2020

Owner's Signature [Signature]

Date Mar. 25/20

5. RIGHT OF ENTRY

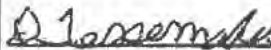
I hereby authorize Rocky View County to enter the above parcel(s) of land for purposes of investigation and enforcement related to this Development Permit application.



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, Michael / Dawn Tessemaker, 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

Mon 25/20

Date



ROCKY VIEW COUNTY
Cultivating Communities

STRIPPING, FILLING, EXCAVATION AND GRADING

FOR OFFICE USE ONLY	
Fee Submitted 1015	File Number 04222018
Date of Receipt 05/15/2020	Receipt #

Name of Applicant Horizon Excavating LTD

Address of Applicant _____

Telephone (C) _____ (H) _____ (Fax) _____

1. NATURE OF THE APPLICATION

Type of application (Please check off all that apply):

- | | |
|---|---|
| <input type="checkbox"/> Site stripping | <input type="checkbox"/> Re-contouring |
| <input checked="" type="checkbox"/> Filling | <input type="checkbox"/> Stockpiling |
| <input checked="" type="checkbox"/> Excavation (including removal of topsoil) | <input type="checkbox"/> Construction of artificial water bodies and/or dugouts |
| <input type="checkbox"/> Grading | <input type="checkbox"/> Other _____ |

2. PURPOSE

What is the intent of the proposal? To add topsoil to land to enhance farming.

Indicate the effect(s) on existing drainage patterns or environmentally sensitive areas (i.e. riparian, wetland, waterbodies) (if applicable)

* see attached over land drainage plan.

☒ The fill does not contain construction rubble or any hazardous substances (please check)

3. TYPE

Height 0.61m (2ft)

Volume 40,000 +/- meters cubed

Width _____

Truckload _____ (approximately)

Length _____

Slope Factor _____ (if applicable)

Area 54600 square metres

* Please show all measurements in detail on your siteplan.

4. TERMS AND CONDITIONS

(a) General statement about conditions:

1. The Development Authority may include any condition necessary to satisfy a Land Use Bylaw provision, a County Plan, Area Structure Plan, Conceptual Scheme, Master Site Development Plan policy and/or County Servicing Standard.
2. Where on-site works are proposed the County may, by condition, require the provision of a Construction Management Plan and/or Stormwater Management Plan.
3. The Development Authority may impose any condition to meet a requirement of the Municipal Government Act or Subdivision and Development Regulation.
4. As a condition of development approval, the Development Authority may include the requirement to update technical reports submitted with the application.

5. The Development Authority shall impose relevant requirements for the payment of levies associated with Bylaws for transportation, wastewater, water supply and stormwater:
 - i. Transportation Offsite Levy Bylaw;
 - ii. Water and Wastewater Offsite Levy Bylaw; and
 - iii. Such other Bylaws as may be in force or come into force and be applicable to development or activities on or services provided to the subject land from time to time.
6. The Development Authority shall determine any oversizing requirements for services and infrastructure required to be constructed as part of the proposed development. The County will determine Cost Recovery arrangements through preparation and execution of documents prior to endorsement of a plan of survey for registration.

(b) *Technical reports* are defined as any report or any information regarding a matter identified in the Municipal Government Act, Subdivision and Development Regulations, Statutory Plan, County Policy, Servicing Standards or Bylaw.

(c) General statement about technical reports:

1. Additional technical reports may be required after the time of application, based upon the ongoing assessment of the application.

(e) All costs of development are borne by the landowner / applicant including, but not limited to, all on and off-site construction works, infrastructure development, securities, levies, contributions, additional fees associated the preparation and review of reports and technical assessments, endorsement fees imposed by the County, registration fees and such other costs as may be associated with the development of the land. Further, that it is the landowner / applicant responsibility to identify and consider all costs of development.

(f) The applicant and landowner acknowledge that not providing the information required in this form or failing to provide accurate information may prejudice the assessment of the application.

(g) The applicant and landowner acknowledge that the County including individual staff members have not provided an advisory role with respect to the preparation and making of this application and that the decision to make the application is entirely that of the applicant and landowner.

(h) It should be noted that while every effort is made to ensure the applicants are provided with clear information regarding the requirement for application, that over the course of the application assessment process, particularly following a full technical review and also following submissions from agencies, additional technical information may be required. In addition to the requirement for further technical information, further justification regarding the merits of a development proposal may also be required.

5. ADDITIONAL INFORMATION

Michael (Dawn) Tessemaker hereby certify that
(Print Full Name)

- ☒ I am the registered owner
☐ I am authorized to act on behalf of the registered owner

and that the information given on this form and the material provided with this application is full and complete and is, to the best of my knowledge, a true statement of the facts relating to this application for subdivision approval. Further, I have read, understood and accept the contents, statements and requirements contained and referenced in this document – STRIPPING, FILLING, EXCAVATION AND GRADING.

PLEASE PROVIDE ALL OF THE ABOVE INFORMATION. THANK YOU.

Development Permit Checklist

The following information including digital copies must be included with your application. Without it, your application will be considered incomplete, and will not be processed until it has been supplied.

- ☒ **APPLICATION FORM(S)**
All forms **must** be completed and signed by the registered owner and/or the person authorized to act on their behalf (if any).
- ☐ **APPLICATION FEE**
Refer to Planning and Development Fee Schedule located in the [Master Rates Bylaw](#)
- ☒ **CURRENT COPY OF THE CERTIFICATE OF TITLE INCLUDING DIGITAL NON-FINANCIAL CAVEATS AND COVENANTS REGISTERED ON THE TITLE**
Searched within 30 days prior to the application, the copy of the title may be obtained from any Provincial Registry Office.
- ☒ **AUTHORIZATION FROM REGISTERED OWNER ON TITLE**
- ☐ **INDIVIDUALS NAME ON TITLE**
Attach a Letter of Authorization signed by the owner (every individual on title) giving the applicant authorization.
- OR**
- ☐ **COMPANY NAME ON TITLE**
An affidavit or Company Seal is required when the registered owner shown on the title is listed as a Company. If you do not have a Company Seal, provide an affidavit Commissioned (stamped and signed by a Commissioner of Oaths), granting you authorization to legally act on behalf of the Company. If you have a Company Seal, please affix said seal to every place that your signature is required.
- ☒ **COVER LETTER**
A cover letter, detailing the nature of the application and description of uses, **must** accompany all applications.
- ☐ **SITE PLAN OF THE PROPOSED DEVELOPMENT**
Showing all dimensions, setbacks and slopes steeper than 15% – refer to page 2
- ☐ **OTHER DOCUMENTATION**
To determine the documents required specific to the Development Permit proposal, please visit www.rockyview.ca. Additional information may be required upon receipt and review of the application, depending on the nature.


FOR OFFICE USE ONLY

- ☒ Proposed Development _____ ☒ Land Use Designation AH
- ☒ Concept Plan / ASP Info. NIA ☐ Parcel Information / Land Use Maps / Air Photo

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

Comments _____

☒ **APPLICATION IS COMPLETE**


Staff Signature

May 25th, 2020

HORIZON EXCAVATING LTD.



To Whom It May Concern:

We are hereby applying for a Development Permit to haul topsoil to a farmer's field for the purpose of agricultural enhancement. The mentioned property is located at HWY 9/Inverlake Road, Calgary, Alberta.

Please find attached the following ... Completed Application Form, Letter of Authorization from the landowner, Certificate of Title, Excavation & Grading details, as well as the Overland Drainage Report.

Please let us know if there are any other details that would help review this application.

Yours Truly,

Horizon Excavating Ltd.

A handwritten signature in black ink, appearing to read "Kent Knudson", is written over a horizontal line.

Kent Knudson



IBI GROUP

March 23, 2020

Ms. Sherry Baers
 Manager Planning
 Planning and Community Services
 Rocky View County
 911 32nd Avenue NE
 Calgary, AB T2E 6X6

Dear Mrs. Baers:

RE: TESSEMAKER PROPERTY
NE-22-24-27-04
HWY 9 / INVERLAKE ROAD
DRAINAGE REVIEW ANALYSIS

As per your request, we have reviewed the proposed topsoil placement operation located at the captioned property location.

Attached is Sheet C1.0-Drainage Review Analysis which presents the existing and proposed conditions for the site.

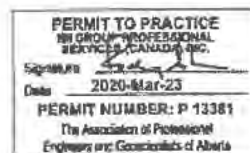
The existing overland drainage for the Tessemaker property is split from the centre to the southeast and northwest onto the adjoining lots. The proposed work will retain these existing conditions and will not affect any other neighboring property.

Silt fence will be installed around the existing low area in the south east of the lot and in the northwest corner of the loaming operation as well as around the existing dug out area in the centre of the site, to protect the existing depression and off-site areas from sedimentation during stormwater runoff.

I trust the above is sufficient as per your request. Should you have any questions, or require further information, please do not hesitate to contact the undersigned at [REDACTED]

Yours truly,

IBI GROUP



Rod Sieker, P. Eng.
 Director

cc: File No. 33946.4

\\canwest-ibigroup.com\IT\33946_Hzn\Atsc\GIS\2.2 Cones-External\CT\Baers_Tessemaker_Drainage_Review_Analysis_2020-03-23.docx

IBI Group Professional Services (Canada) Inc. is a member of the IBI Group of companies

27

AH

R-3

R-2

R-2

B-2

26

INVERLAKE RD

AH

22

HWY 9
6

22

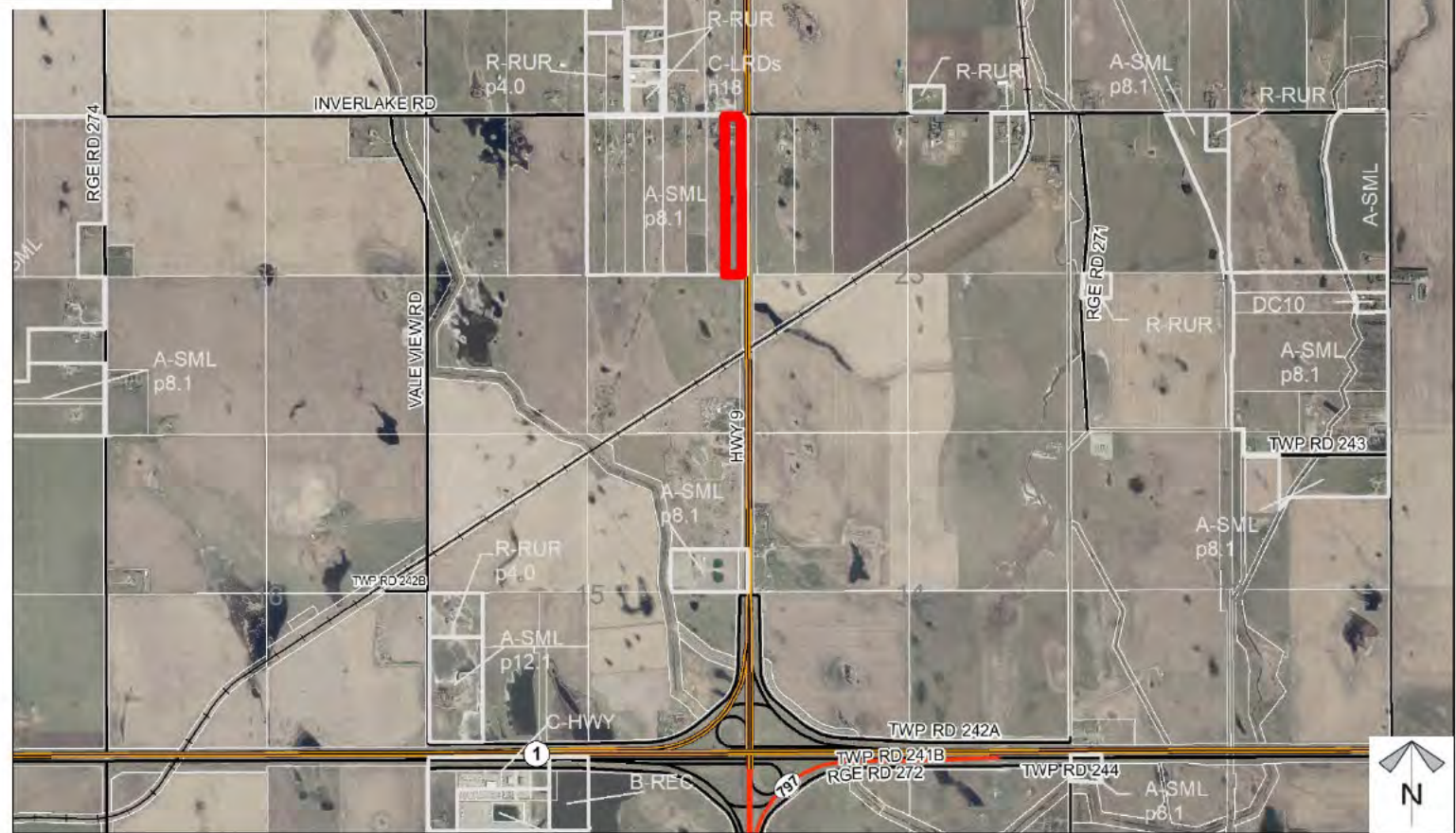
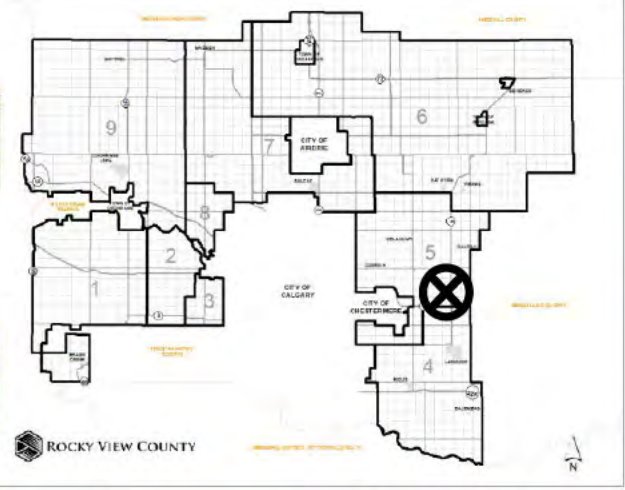


ATTACHMENT C': MAP SET

Location
& Context

Development Proposal

Deposition of approximately
40,000 cu. m of clean topsoil
on approximately 13.49
acres of a 15.84 acre parcel

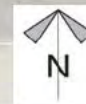


Division: 5
Roll: 04222018
File: PRDP20201265
Printed: September 29, 2020
Legal: NE-22-24-27-W04M

Development Proposal

Development Proposal

Deposition of approximately
40,000 cu. m of clean topsoil
on approximately 13.49
acres of a 15.84 acre parcel



Division: 5
Roll: 04222018
File: PRDP20201265
Printed: September 29, 2020
Legal: NE-22-24-27-W04M

Environmental

Development Proposal

Deposition of approximately 40,000 cu. m of clean topsoil on approximately 13.49 acres of a 15.84 acre parcel



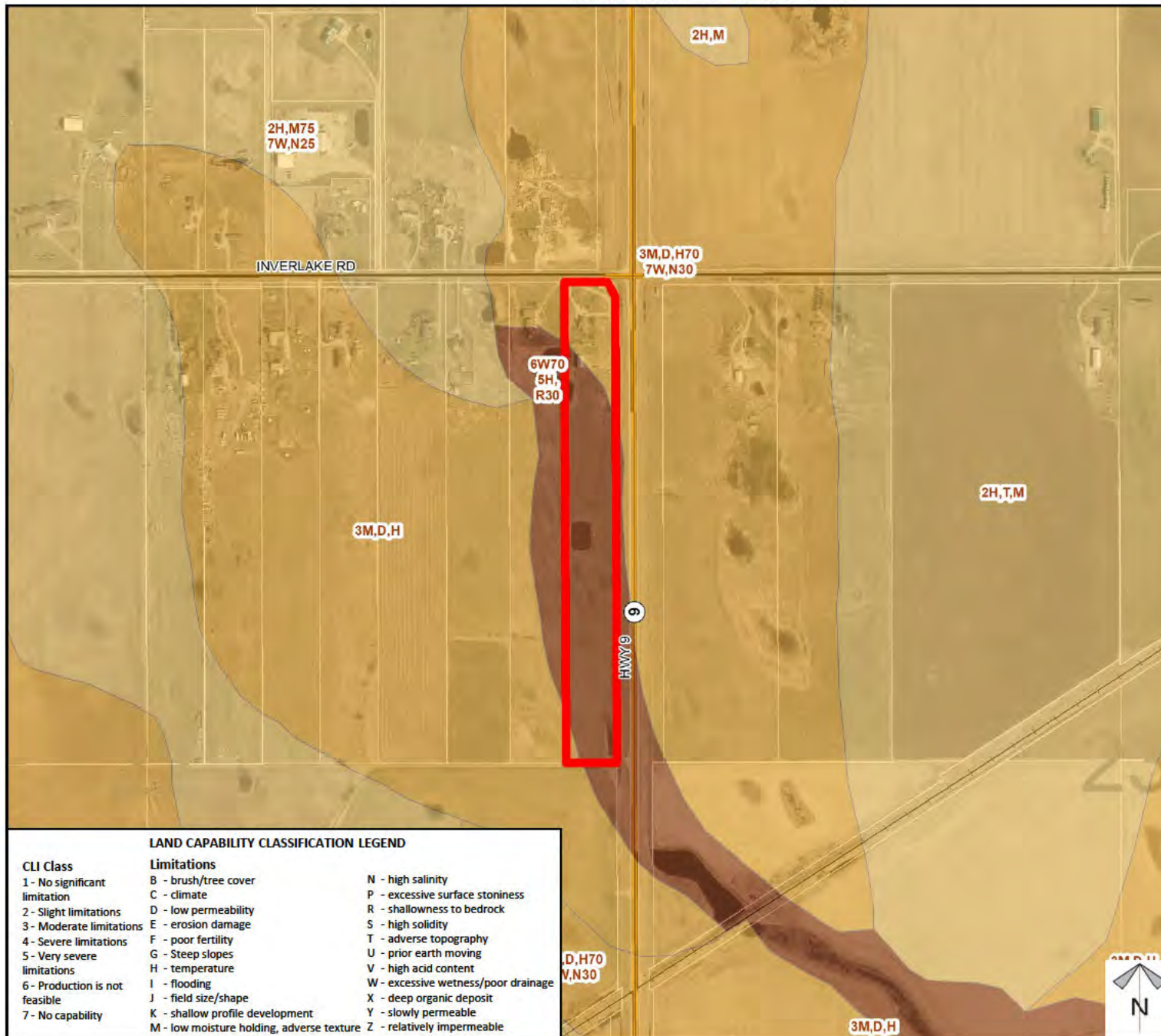
-  Subject Lands
-  Contour - 2 meters
-  Riparian Setbacks
-  Alberta Wetland Inventory
-  Surface Water

Division: 5
 Roll: 04222018
 File: PRDP20201265
 Printed: September 29, 2020
 Legal: NE-22-24-27-W04M

Soil Classifications

Development Proposal

Deposition of approximately 40,000 cu. m of clean topsoil on approximately 13.49 acres of a 15.84 acre parcel



Division: 5
 Roll: 04222018
 File: PRDP20201265
 Printed: September 29, 2020
 Legal: NE-22-24-27-W04M

Landowner Circulation Area

Development Proposal

Deposition of approximately
40,000 cu. m of clean topsoil
on approximately 13.49
acres of a 15.84 acre parcel



Legend

Support



Opposition

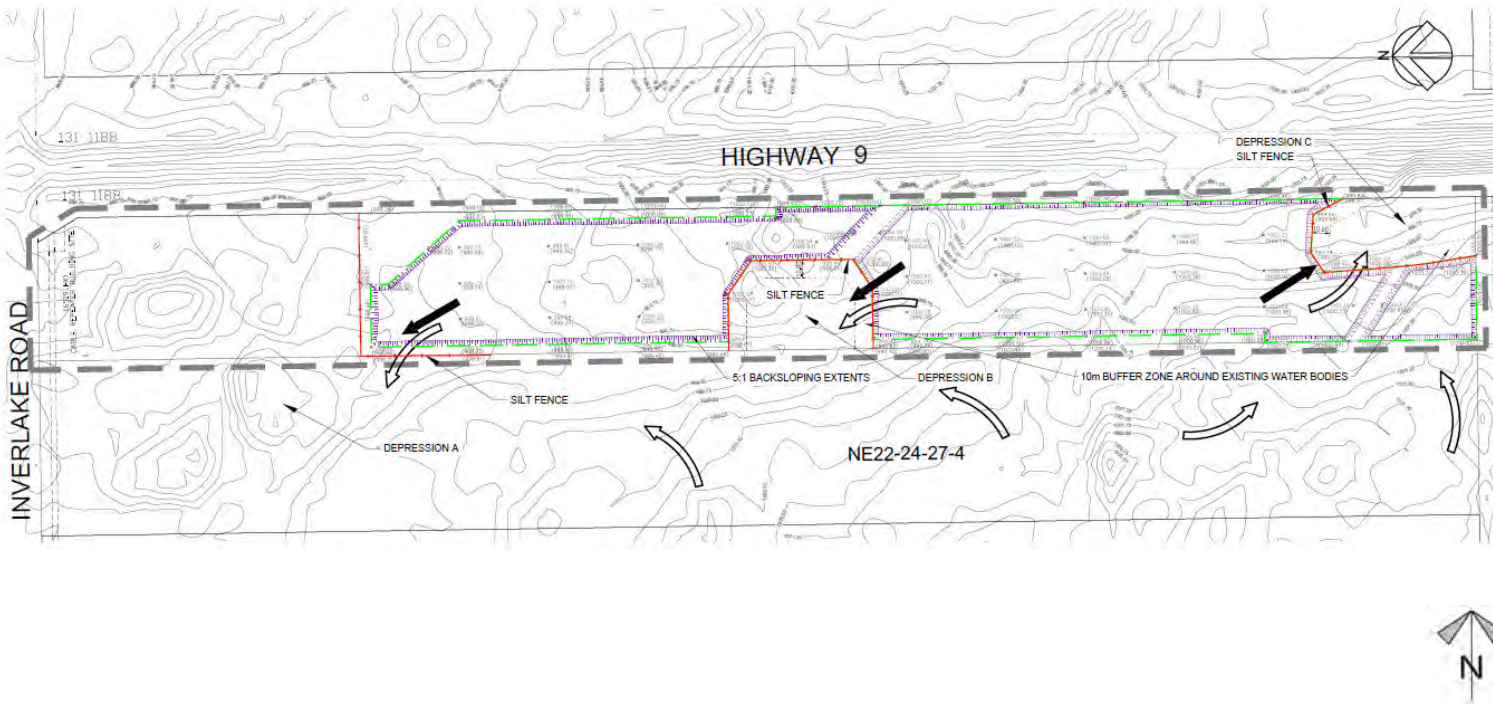


Division: 5
 Roll: 04222018
 File: PRDP20201265
 Printed: September 29, 2020
 Legal: NE-22-24-27-W04M

Development Proposal

Development Proposal

Deposition of approximately 40,000 cu. m of clean topsoil on approximately 13.49 acres of a 15.84 acre parcel.



Division: 5
 Roll: 04222018
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Site Photos

Development Proposal

Deposition of approximately 40,000 cu. m of clean topsoil on approximately 13.49 acres of a 15.84 acre parcel



Division: 5
 Roll: 04222018
 File: PRDP20201265
 Printed: September 29, 2020
 Legal: NE-22-24-27-W04M

Tabled -

inspection
still
required

Shoane Page 29 of 41



ROCKY VIEW COUNTY

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

403-230-1401

questions@rockyview.ca

www.rockyview.ca

May 14

Inspection Request

Roll #: 04222018 DP #: PRDP20201265

Applicant/Owner: Horizon Excavating Ltd
 Legal Description: NE-22-24-27-04
 Municipal Address: 272013 INVERLAKE ROAD, Rocky View County AB
 Land Use: AH
 Reason for Inspection: Single lot fill

Inspection Report

Date of Inspection:

Aug 5, 2020

Permission granted for entrance? yes

Observations:

- no grading at time of visit. Land appears
 used for pasture w/ 2 horses present at time
 of visit. Site immediately adjacent to Hwy 9
 and photos taken from road. One small pond
 on site.

Signature:



















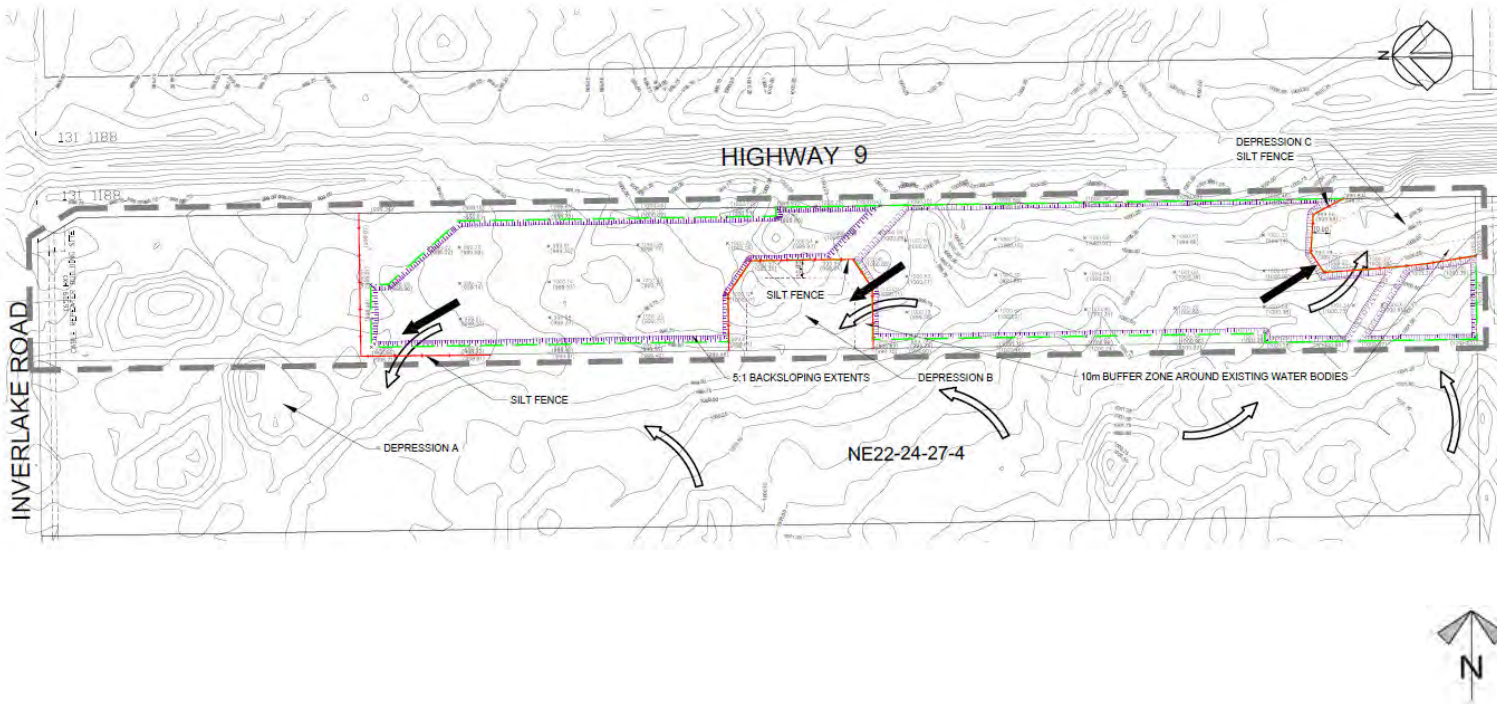




Development Proposal

Development Proposal

Deposition of approximately 40,000 cu. m of clean topsoil on approximately 13.49 acres of a 15.84 acre parcel.




Division: 5
 Roll: 04222018
 File: PRDP20201265
 Printed: September 29, 2020
 Legal: NE-22-24-27-W04M

**ROCKY VIEW COUNTY**262075 Rocky View Point
Rocky View County, AB, T4A 0X2403-230-1401
questions@rockyview.ca
www.rockyview.ca

Decision of the Municipal Planning Commission

This is not a development permit

Horizon Excavating Ltd
**Development file #:** PRDP20201265**Issue Date:** September 25, 2020**Roll #:** 04222018

Rocky View County's Municipal Planning Commission has refused your May 26, 2020 development permit application for single-lot regrading and placement of clean topsoil for agricultural purposes at 272013 Inverlake Road (NE-22-24-27-W4M) for the following reasons:

1. That in the opinion of the Municipal Planning Commission, the development unduly interferes with the amenities of the neighbourhood and materially interferes with and affects the use, enjoyment, and value of neighbouring parcels of land.

Please contact Planning and Development Services at development@rockyview.ca or 403-520-8158 for assistance with this decision.

An appeal of the Municipal Planning Commission's decision must be filed to the Subdivision and Development Appeal Board (SDAB) in accordance with section 686 of the *Municipal Government Act*. To file an appeal or for assistance with filing an appeal, please contact the Municipal Clerk's Office at sdab@rockyview.ca or 403-230-1401. More information on the SDAB can also be found at www.rockyview.ca.

A handwritten signature in blue ink, appearing to read 'Jerry Gautreau'.

Jerry Gautreau, Chair
Municipal Planning Commission

This is not a development permit



Notice of Appeal

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

Appellant Information			
Name of Appellant(s) <u>Todd Slaney</u>			
Mailing Address <u>982 Coopers Drive</u>	Municipality <u>Airdrie</u>	Province <u>AB</u>	Postal Code <u>T4B-2Z4</u>
Main Phone #	Alternate Phone #	Email Address	

Site Information	
Municipal Address <u>272013 Inverlake Rd</u>	Legal Land Description (lot, block, plan OR quarter-section-township-range-meridian) <u>4 27 24 22NE</u>
Property Roll #	Development Permit, Subdivision Application, or Enforcement Order # <u>PRDP 20201265</u>

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>We are trying to Kill the Fox Tail weeds by adding topsoil to my land and we want to level the land so we can utilize more of the land.</p> <p>If we are able to do this I can use all 21 Acres to plant Hay!</p>



This information is collected for Rocky View County's Subdivision and Development Appeal Board or Enforcement Appeal Committee under section 33(c) of the Freedom of Information and Protection of Privacy Act (FOIP Act) and will be used to process your appeal and create a public record of the appeal hearing. Your name, legal land description, street address, and reasons for appeal will be made available to the public in accordance with section 40(1)(c) of the FOIP Act. Your personal contact information, including your phone number and email address, will be redacted prior to your appeal being made available to the public. If you have questions regarding the collection or release of this information, please contact the Municipal Clerk at 403-230-1401.

Sept 29/2020
 Appellant's Signature Date



PLANNING AND DEVELOPMENT SERVICES

TO:	Subdivision and Development Appeal Board		
DATE:	November 18, 2020	DIVISION:	8
FILE:	05618038	APPLICATION:	PRDP20202027
SUBJECT:	Single-lot Regrading and Placement of Clean Fill		

PROPOSAL: Single-lot regrading and placement of clean fill, construction of a berm and two infiltration trenches	GENERAL LOCATION: Located approximately 1.21 km (3/4 mile) north of Twp. Rd. 252 and on the east side of Bearspaw Village Rd.
APPLICATION DATE: July 20, 2020	DEVELOPMENT AUTHORITY DECISION (MUNICIPAL PLANNING COMMISSION): Approved
APPEAL DATE: October 19, 2020	DEVELOPMENT AUTHORITY (MUNICIPAL PLANNING COMMISSION) DECISION DATE: September 25, 2020
APPELLANT: Hancock, Steven	APPLICANT: Ogden, Robert & Laurette
LEGAL DESCRIPTION: Lot 1, Block 1, Plan 8911460, NW-18-25-02-05	MUNICIPAL ADDRESS: 514 Bearspaw Village Ridge
LAND USE DESIGNATION: Residential One (R-1) District	GROSS AREA: ± 0.84 hectares (± 2.08 acres)
DISCRETIONARY USE: regrading and placement of clean fill is discretionary in all land use districts.	DEVELOPMENT VARIANCE AUTHORITY: N/A
PUBLIC SUBMISSIONS: The application was circulated to 53 adjacent landowners. At the time this report was prepared, no letters were received in support or objection to the application, excepting the appeal.	LAND USE POLICIES AND STATUTORY PLANS: <ul style="list-style-type: none"> • Land Use Bylaw C-4841-97 • City of Calgary/Rocky View County IDP • Bearspaw Area Structure Plan

EXECUTIVE SUMMARY:

The proposal is for the single-lot regrading and placement of clean fill, construction of a berm and two infiltration trenches. It includes construction of two trenches one located on the NW side of the subject lands and another located on the SE portion; applicant states that the trenches will prevent water from pooling on the surface as it infiltrates the soil beneath. Additionally, a berm is also proposed on the SW portion of the subject lands, which is intended to keep water away from the subject property from an adjacent land.



ROCKY VIEW COUNTY

The proposal was assessed in accordance with Land Use Bylaw C-4841-97, as the application was submitted prior to September 8, 2020. The application was recommended with approval subject to the submission of a site grading plan and confirmation of Road Use Agreements. The report was presented to the Municipal Planning Commission on the September 24, 2020 meeting and was approved.

On October 19, 2020, the Appellant appealed the decision of the Development Authority with reasoning specified within the agenda package.

PROPERTY HISTORY:

Date	File/Application #	Type	Result
October 16, 1989	Plan No. 891 1460	Multi-Lot Subdivision of 24 lots, 1 PUL, and 1 MR lot.	Subdivision Registered
May 7, 1990	1990-BP-1819	Building Permit – Single Family Dwelling	Closed
July 20, 2011	2011-BP-24179	Building Permit – Kitchen Renovation	PSR – Not in Compliance No Entry

APPEAL:

See attached report and exhibits.

Respectfully submitted,

Sean MacLean
Supervisor, Planning and Development Services

AP/Itt

ATTACHMENTS:

ATTACHMENT 'A': Municipal Planning Commission Report
ATTACHMENT 'B': Application Forms
ATTACHMENT 'C': Notice of Decision
ATTACHMENT 'D': Notice of Appeal
ATTACHMENT 'E': Map Set



PLANNING AND DEVELOPMENT SERVICES

TO: Municipal Planning Commission

DATE: September 24, 2020

DIVISION: 8

APPLICATION: PRDP20202027

SUBJECT: Development Item: *Single-lot Regrading and Placement of Clean Fill*

USE: Discretionary use, with no Variances

APPLICATION: The proposal is for the single-lot regrading and placement of clean fill, for construction of a berm and two infiltration trench.

GENERAL LOCATION: Located approximately 1.21 km (3/4 mile) north of Twp. Rd. 252 and on the east side of Bears paw Village Rd.

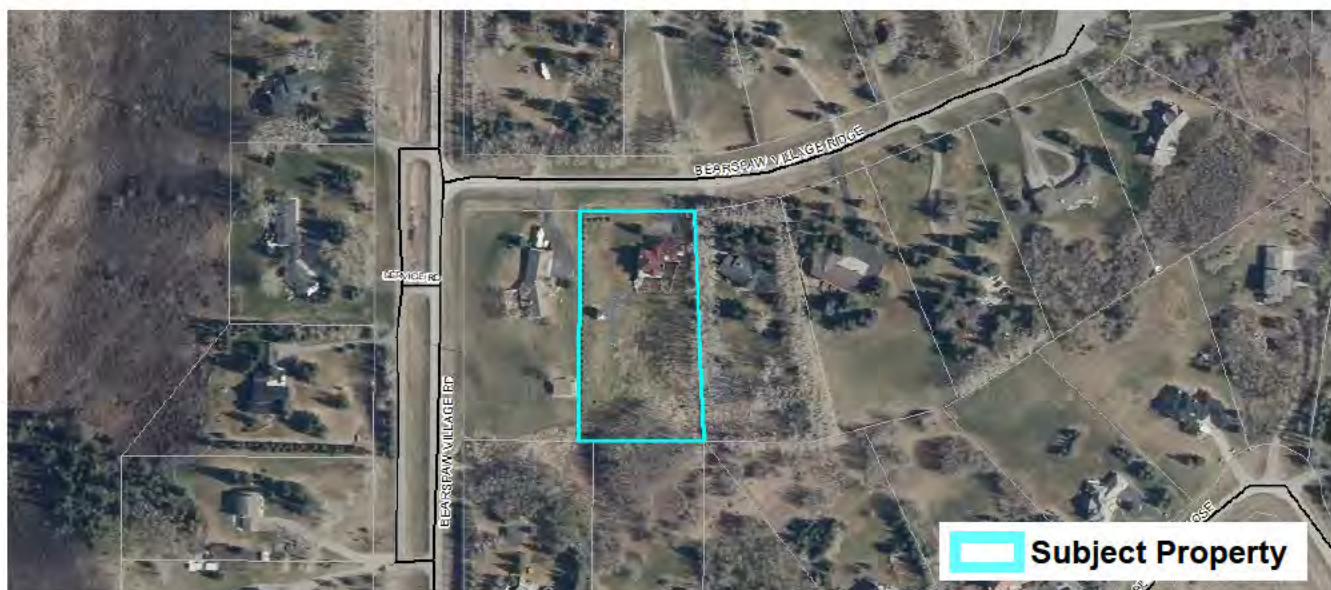
LAND USE DESIGNATION: Residential One (R-1) District under Land Use Bylaw C-4841-97.

ADMINISTRATION RECOMMENDATION: Administration recommends Approval in accordance with Option # 1.

OPTIONS:

- Option #1: THAT Development Permit Application PRDP20202027 be approved with the conditions noted in the Development Permit Report, attached.
- Option #2: THAT Development Permit Application PRDP20202027 be refused as per the reasons noted.

AIR PHOTO & DEVELOPMENT CONTEXT:



Administration Resources

Althea Panaguiton - Planning and Development Services



ROCKY VIEW COUNTY

DEVELOPMENT PERMIT REPORT

Application Date: July 20, 2020	File: 05618038
Application: PRDP20202027	Applicant/Owner: Ogden, Robert & Laurette
Legal Description: Lot 1, Block 1, Plan 8911460, NW-18-25-02-05	General Location: Located approximately 1.21 km (3/4 mile) north of Twp. Rd. 252 and on the east side of Bearspaw Village Rd.
Land Use Designation: Residential One (R-1) District	Gross Area: ± 0.84 hectares (± 2.08 acres)
File Manager: Althea Panaguiton	Division: 8

PROPOSAL:

The proposal is for the single-lot regrading and placement of clean fill, construction of a berm and two infiltration trenches. *Note, this application was assessed in accordance with Land Use Bylaw C-4841-97, as the application was submitted prior to September 8, 2020.*

Application details:

Trench # 1:

- Located on the NW side of the subject lands – 8.00 m (26.24 ft.) from the front property line and 8.0 m from the west property line.
- Dimensions:
 - Width: 3.00 m (9.84 ft.)
 - Length: 6.00 m (19.68 ft.)
 - Height: 1.00 m (3.28 ft.)
 - Area: 18.00 sq. m. (193.75 sq. ft.)
 - Volume: 18.00 cu m. of drainage gravel; approximately 1-2 truckloads.
- Applicant states that this trench will hold localized pooling water as it infiltrates the soil beneath. The excavated soil and clay will be used for the berm construction.

Trench # 2:

- Located on the SE portion of the subject lands – 3.00 m (9.84 ft.) from the rear property line and 1.0 m from the east property line.
- Dimensions:
 - Width: 10.00 m (32.81 ft.)
 - Length: 30.00 m (98.42 ft.)
 - Height: 0.40 m (1.31 ft.)
 - Area: 300.00 sq. m. (3,229.17 sq. ft.)
 - Volume: 120.00 cu m. of drainage gravel; approximately 11 truckloads.
- Applicant states that this trench will prevent water from pooling on the surface as it infiltrates the soil beneath.



ROCKY VIEW COUNTY

Berm

- Located on the SW portion of the subject lands –1.00 m (3.28 ft.) away from the Utility Right of Way. ATCO (Canadian Western Natural Gas Company Ltd.) was circulated and stated no concerns on the proposed development.
- Dimensions:
 - Width: 2.00 m (6.56 ft.)
 - Length: 21.00 m (68.89 ft.)
 - Height: 0.80 m (at peak) (2.62 ft.)
 - Area: 42.00 sq. m. (452.08 sq. ft.)
 - Volume: 16.80 cu m. of soil; approximately 1-2 truckloads.
- Proposed berm is intended to keep water away from the subject property from an adjacent land.

Development History:

- No history of previous issued development permits.

Building Permits:

- 1990-BP-1819: Single Family Dwelling – Closed
- 2011-BP-24179: Kitchen Renovations – PSR-Not in Compliance No Entry

Land Use Bylaw (C-4841-97) Requirements:*Section 8 Definitions*

Development means (a) an excavation, stockpile, or the creation of them.

Filling means the import and placement of natural uncontaminated earth or aggregate materials (e.g. clay, silt, sand, gravel) on a parcel for the purposes of altering/modifying grades, drainage, or building up a site for a proposed building or development, but does not include the import and placement of dry-waste or land fill waste materials, and does not include the placing of topsoil;

Topsoil means the uncontaminated uppermost part of the soil profile (A or Ap horizons) that is ordinarily moved during tillage, containing a balance of clay, silt, and sand, with an organic matter content of at least 3%, a SAR/RC rating of 'good', and PH values in an 'acceptable' range for crop growth;

Section 33 Stripping, Grading, & Filling

- 33.1 Site stripping, filling, excavation, grading, and/or re-contouring (including construction of artificial water bodies and dugouts) require a Development Permit.

Section 48 Residential One District (R-1)

- The district regulations do not apply to the nature of this application.

STATUTORY PLANS:

- Property is located in the Bearspaw Area Structure Plan (ASP) however the ASP does not have direction on the nature of the application.
- At the time of application, Land Use Bylaw C-4841-97 was in effect therefore, the application was assessed in accordance to this Land Use Bylaw as noted.



ROCKY VIEW COUNTY

INSPECTOR'S COMMENTS:

- August 14, 2020
 - Very tidy property, well kept, meticulous
 - No evidence of digging or fill or stock piling of gravel
 - One vehicle, licensed
 - Two small dogs

CIRCULATIONS:Agricultural Services

- No agricultural concerns.

Alberta Transportation

- Alberta Transportation has no requirements with respect to this proposal.

Please be advised that the proposed development is outside of Alberta Transportation's development control distance being 300 metres from the highway right of way, and greater than 800 metres from the centre point of a public road intersection with a highway.

ATCO Gas

- ATCO Gas has no objection to the proposed development permit.

City of Calgary

- No comments received.

Alberta Environment and Parks

- No comments received.

Planning and Development - Development Compliance Officer Review

- Development Compliance has no comments or concerns with respect to the attached application.

Planning and Development Services - Engineering Review**General**

Engineering has concerns with the approval of this application for the placement of clean fill with the following comments:

- Engineering has no concerns with the infiltration trenches proposed on the property.
- Engineering has concerns with the location of the proposed SW berm as it is currently located next to a pipeline right of way (Plan 8911461). Construction and disturbance in proximity of an existing gas line will require approval from Canadian Western Natural Gas Company Limited.

Geotechnical - Section 300.0 requirements:

- The applicant indicated that fill depth does not exceed 1.2 m, and therefore Engineering has no requirement at this time. However, as an advisory comment, a Deep Fills report will be required for any areas of fill that is greater than 1.2 m in depth.



ROCKY VIEW COUNTY

Transportation - Section 400.0 requirements:

- The subject parcel currently has access from Bearspaw Village Ridge, all conditions are to remain status quo.
- 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 within an existing Residential District and does not result in an increase of traffic generated in relation to the land, as per Bylaw C-8007-2020

Sanitary/Waste Water - Section 500.0 requirements:

- No servicing is required.

Water Supply And Waterworks - Section 600.0 & 800.0 requirements:

- No servicing is required.

Storm Water Management – Section 700.0 requirements:

- Engineering has concerns with the SW berm planned to stop the runoff from adjacent properties. The existing topography provide a natural drainage low spot between adjacent properties including the subject site and changes or modification of the low-lying area will require confirmation that the improvement proposed will not adversely impact the adjacent landowners.
- As a condition to DP issuance, the applicant is required to provide pre- and post-development site drainage drawings and confirmation from a qualified professional that the proposed construction of the SW berm will not have negative offsite impacts to the adjacent landowners with regards to drainage.

Environmental – Section 900.0 requirements:

- Engineering has no requirements at this time.

Transportation Services

- No comments received.

Utility Services Review

- No Concerns.

OPTIONS:

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

APPROVAL, subject to the following conditions:

Description:

1. That single-lot regrading and the placement of approximately 154.80 cubic metres of clean fill, to include the construction of a berm and trenches, shall be permitted in general accordance with the drawings submitted with the application and the conditions of this permit.

Prior to Issuance:

2. That prior to issuance of this permit, the Applicant/Owner shall contact County Road Operations with haul details for materials and equipment needed during construction/site development to confirm if Road Use Agreements will be required for any hauling along the County road system and to confirm the presence of County road ban restrictions.



ROCKY VIEW COUNTY

- i. Written confirmation shall be received from County Road Operations confirming the status of this condition. Any required agreement or permits shall be obtained unless otherwise noted by County Road Operations.
3. That prior to issuance of this permit, the Applicant/Owner shall submit a site grading plan, complete with pre and post-development impact assessment due to regrading and filling of the site. The assessment shall be completed by a Professional Engineer, in accordance with the County Servicing Standards.

Permanent:

4. That any plan, technical submission, agreement, matter or understanding submitted and approved as part of the application or in response to a Prior to Issuance condition shall be implemented and adhered to in perpetuity.
5. That upon completion of the proposed development, for any areas that exceed 1.20 m (3.93 ft.) in depth, the Applicant/Owner shall provide a deep fill report, in accordance with the requirements of the County Servicing Standards, summarizing compaction testing results.
6. That it shall be the responsibility of the Applicant/Owners to ensure the fill has been placed in a safe manner that does not cause slope stability issues, slumping, or any other related safety issues.
7. That until vegetation is established in the fill area, the Applicant shall implement good housekeeping practices and typical Erosion and Sediment Control measures to ensure dust and sediment are controlled onsite and do not become a nuisance to adjacent properties.
8. That the berm shall include a minimum of six inches of topsoil placed on top, which shall be spread and seeded to native vegetation or landscaped, to the satisfaction of the County.
9. That any material entering to or leaving from the site, shall be hauled on/off in a covered trailer/truck, which will prevent blowing of dust/small rocks onto the road or cause issues with other vehicles on the road.
 - i. That the clean-up of any mud tracking and/or dirt that enters onto any County roads during hauling, shall be the responsibility and cost of the Applicant/Owner for clean-up.
10. That no topsoil shall be removed from the site.
11. That the Applicant/Owners shall ensure no organic material is buried and capped in a manner that will cause methane gas related issues.
12. That the fill shall not contain large concrete, rebar, asphalt, building materials, organic materials, or other metal.
13. That the Applicant/Owner shall take effective measures to control dust on the parcel so that dust originating therein shall not cause annoyance or become a nuisance to adjoining property owners and others in the vicinity.
14. That the Applicant/Owners shall be responsible for rectifying any adverse effect on adjacent lands from drainage alteration.
15. That if there are changes requested to the approved Development Permit, all work in the proposed developed area shall cease until an approved or revised Development approval is in place.



ROCKY VIEW COUNTY

Advisory:

16. That any other government permits, approvals, or compliances are the sole responsibility of the Applicant/Owner.
 - i. That the Applicant/Owner shall contact ATCO Gas (southlandadmin@atcogas.com) to obtain consent prior to work commencing, as there is a pipeline right of way on the subject property.
17. That the subject development shall conform to the County's Noise Bylaw C-5773-2003 in perpetuity.
18. That the site shall remain free of restricted and noxious weeds and maintained in accordance with the *Alberta Weed Control Act*.
19. That if the development authorized by this Development Permit is not completed within twelve (12) months of the date of issuance, the permit is deemed to be null and void.
20. That if this Development Permit is not issued by **March 31, 2021** or the approved extension date, then this approval is null and void and the Development Permit shall not be issued.

Note: That the Applicant/Owner shall be responsible for all Alberta Environment & Park approvals and permits and/or compensation if any wetland is impacted, including any impacts due to the stormwater management of the parcel, by the proposed earthworks prior to commencement.

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

REFUSAL, for the following reasons:

1. That in the opinion of the Municipal Planning Commission, the development unduly interferes with the amenities of the neighbourhood and materially interferes with and affects the use, enjoyment, and value of neighbouring parcels of land.
- 2.



ROCKY VIEW COUNTY
Cultivating Communities

20202027

APPLICATION FOR A DEVELOPMENT PERMIT

FOR OFFICE USE ONLY	
Fee Submitted 465.00	File Number 056186038
Date of Receipt 07/20/2020	Receipt #

Name of Applicant Rob and Laurie Ogden Email [REDACTED]
 Mailing Address [REDACTED] Postal Code [REDACTED]
 Telephone (B) [REDACTED] (H) [REDACTED] Fax [REDACTED]
 For Agents please supply Business/Agency/ Organization Name _____
 Registered Owner (if not applicant) _____
 Mailing Address _____
 Postal Code _____
 Telephone (B) _____ (H) _____ Fax _____

1. LEGAL DESCRIPTION OF LAND

- a) All / part of the NW $\frac{1}{4}$ Section 18 Township 25 Range 02 West of 05 Meridian
 b) Being all / parts of Lot 1 Block 1 Registered Plan Number 891 1460
 c) Municipal Address 514 Bears paw Village Ridge
 d) Existing Land Use Designation Residential Parcel Size 2.08 acres Division _____

2. APPLICATION FOR

Excavation and Berm additions

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?
 (Sour Gas facility means well, pipeline or plant) Yes _____ No ☒
 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 ROB AND LAURIE OGDEN 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 _____

Date _____

Owner's Signature [Signature]

Date July 20/20

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, Rob & Laurie Odeh, 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

Date
July 20/20



ROCKY VIEW COUNTY
Cultivating Communities

STRIPPING, FILLING, EXCAVATION AND GRADING

FOR OFFICE USE ONLY	
Fee Submitted	File Number
Date of Receipt	Receipt #

Name of Applicant Rob and Laurie Ogden

Address of Applicant [REDACTED]

Telephone (C) [REDACTED] (H) [REDACTED] (Fax) [REDACTED]

1. NATURE OF THE APPLICATION

Type of application (Please check off all that apply):

- ☒ Site stripping
 ☐ Re-contouring
☐ Filling
 ☐ Stockpiling
☒ Excavation (including removal of topsoil)
 ☐ Construction of artificial water bodies and/or dugouts
☐ Grading
 ☒ Other Berm addition

2. PURPOSE

What is the intent of the proposal? SW Berm - to prevent adjacent swamp from over flowing onto our property.

SE Trench - to allow pooling water to infiltrate

NW Trench - to allow pooling water to infiltrate

Indicate the effect(s) on existing drainage patterns or environmentally sensitive areas (i.e. riparian, wetland, waterbodies) (if applicable) as above

☐ The fill does not contain construction rubble or any hazardous substances (please check)

3. TYPE

Height per attached drawing Volume _____ meters cubed
 Width _____ Truckload _____ (approximately)
 Length _____ Slope Factor _____ (if applicable)
 Area _____ square metres

** Please show all measurements in detail on your site plan.*

4. TERMS AND CONDITIONS

(a) General statement about conditions:

- The Development Authority may include any condition necessary to satisfy a Land Use Bylaw provision, a County Plan, Area Structure Plan, Conceptual Scheme, Master Site Development Plan policy and/or County Servicing Standard.
- Where on-site works are proposed the County may, by condition, require the provision of a Construction Management Plan and/or Stormwater Management Plan.
- The Development Authority may impose any condition to meet a requirement of the Municipal Government Act or Subdivision and Development Regulation.
- As a condition of development approval, the Development Authority may include the requirement to update technical reports submitted with the application.

5. The Development Authority shall impose relevant requirements for the payment of levies associated with Bylaws for transportation, wastewater, water supply and stormwater:
- i. Transportation Offsite Levy Bylaw;
 - ii. Water and Wastewater Offsite Levy Bylaw; and
 - iii. Such other Bylaws as may be in force or come into force and be applicable to development or activities on or services provided to the subject land from time to time.
6. The Development Authority shall determine any oversizing requirements for services and infrastructure required to be constructed as part of the proposed development. The County will determine Cost Recovery arrangements through preparation and execution of documents prior to endorsement of a plan of survey for registration.

(b) *Technical reports* are defined as any report or any information regarding a matter identified in the Municipal Government Act, Subdivision and Development Regulations, Statutory Plan, County Policy, Servicing Standards or Bylaw.

(c) General statement about technical reports:

1. Additional technical reports may be required after the time of application, based upon the ongoing assessment of the application.

(e) All costs of development are borne by the landowner / applicant including, but not limited to, all on and off-site construction works, infrastructure development, securities, levies, contributions, additional fees associated the preparation and review of reports and technical assessments, endorsement fees imposed by the County, registration fees and such other costs as may be associated with the development of the land. Further, that it is the landowner / applicant responsibility to identify and consider all costs of development.

(f) The applicant and landowner acknowledge that not providing the information required in this form or failing to provide accurate information may prejudice the assessment of the application.

(g) The applicant and landowner acknowledge that the County including individual staff members have not provided an advisory role with respect to the preparation and making of this application and that the decision to make the application is entirely that of the applicant and landowner.

(h) It should be noted that while every effort is made to ensure the applicants are provided with clear information regarding the requirement for application, that over the course of the application assessment process, particularly following a full technical review and also following submissions from agencies, additional technical information may be required. In addition to the requirement for further technical information, further justification regarding the merits of a development proposal may also be required.

5. ADDITIONAL INFORMATION

ROB AND LAURIE OGDEN

hereby certify that

(Print Full Name)

☒ I am the registered owner

☐ I am authorized to act on behalf
of the registered owner

and that the information given on this form and the material provided with this application is full and complete and is, to the best of my knowledge, a true statement of the facts relating to this application for subdivision approval. Further, I have read, understood and accept the contents, statements and requirements contained and referenced in this document – **STRIPPING, FILLING, EXCAVATION AND GRADING.**

PLEASE PROVIDE ALL OF THE ABOVE INFORMATION. THANK YOU.

Rob and Laurie Ogden

RE: Application for Development Permit

Dear Rocky View Country Planning Department,

Please refer to attached application for a development permit to allow us to build a berm and two infiltration trenches in order to control the flooding in our yard.

We have attached copies of the application and print out of the site plan displaying the locations of the berm and infiltration trenches.

We can be reached at [REDACTED] for any clarifications or additional information required.

Regards

Rob and Laurie Ogden

Althea Panaguiton

From: Rob Ogden [REDACTED]
Sent: July 29, 2020 4:19 PM
To: Althea Panaguiton
Subject: [EXTERNAL] - Re: PRDP20202027 - Development Application 514 Bearspaw Village Ridge
Attachments: Rob Ogden.pdf

Do not open links or attachments unless sender and content are known.

Hi Althea,

Thanks very much for reviewing our DP application.

Attached please find Detail 1 for the NW Trench. This will essentially be a dry well filled with 18 cubic meters of drainage gravel which is one or two truckloads. The drainage gravel will hold localized pooling water as it infiltrates the soil beneath. The excavated soil/clay will be used in the SW berm construction.

Attached Detail 2 is for the SE Fill area. We plan to fill a low area with 0.4 meters of drainage gravel to prevent water from pooling on the surface as it infiltrates the soil beneath. This would be 120 cubic meters or approximately 8 truckloads.

The SW berm is shown in details 3 and 4. We are aware of the URW and plan to maintain one meter clearance. The berm will be 21m long, 2m wide at the base, and 0.8m at its deepest point. The berm is intended to keep water from a swamp on an adjoining property from overflowing onto our property. 16 cubic meters of soil will be brought in which is one or two truckloads.

Also attached is an updated site plan showing all setbacks from property lines.

I think we have provided all info requested below but please advise if something is missing or if you require further info or clarification.

Thanks,

Rob Ogden
[REDACTED]

On Mon, Jul 27, 2020 at 2:54 PM <APanaguiton@rockyview.ca> wrote:

Good afternoon Rob and Laurie,

I've been assigned your application for the construction of a berm and 2 trenches at [REDACTED]
[REDACTED] – please see the receipt of application for your records.

After completing an initial review of the application, I noted the following items that are still outstanding:

**ROCKY VIEW COUNTY**262075 Rocky View Point
Rocky View County, AB, T4A 0X2403-230-1401
questions@rockyview.ca
www.rockyview.ca

Decision of the Municipal Planning Commission

This is not a development permit

Robert & Laurette Ogden
[REDACTED]**Development file #:** PRDP20202027**Issue Date:** September 25, 2020**Roll #:** 05618038

Rocky View County's Municipal Planning Commission conditionally approves your July 20, 2020 development permit application for the single-lot regrading and placement of clean fill, construction of a berm and two infiltration trenches at 514 Bearspaw Village Ridge (Lot 1, Block 1, Plan 8911460, NW-18-25-02-05) subject to the conditions as follows:

Description:

1. That single-lot regrading and the placement of approximately 154.80 cubic metres of clean fill, to include the construction of a berm and trenches, shall be permitted in general accordance with the drawings submitted with the application and the conditions of this permit.

Prior to Issuance:

2. That prior to issuance of this permit, the Applicant/Owner shall contact County Road Operations with haul details for materials and equipment needed during construction/site development to confirm if Road Use Agreements will be required for any hauling along the County road system and to confirm the presence of County road ban restrictions.
 - i. Written confirmation shall be received from County Road Operations confirming the status of this condition. Any required agreement or permits shall be obtained unless otherwise noted by County Road Operations.
3. That prior to issuance of this permit, the Applicant/Owner shall submit a site grading plan, complete with pre and post-development impact assessment due to regrading and filling of the site. The assessment shall be completed by a Professional Engineer, in accordance with the County Servicing Standards.

Permanent:

4. That any plan, technical submission, agreement, matter or understanding submitted and approved as part of the application or in response to a Prior to Issuance condition shall be implemented and adhered to in perpetuity.

5. That upon completion of the proposed development, for any areas that exceed 1.20 m (3.93 ft.) in depth, the Applicant/Owner shall provide a deep fill report, in accordance with the requirements of the County Servicing Standards, summarizing compaction testing results.
6. That it shall be the responsibility of the Applicant/Owners to ensure the fill has been placed in a safe manner that does not cause slope stability issues, slumping, or any other related safety issues.
7. That until vegetation is established in the fill area, the Applicant shall implement good housekeeping practices and typical Erosion and Sediment Control measures to ensure dust and sediment are controlled onsite and do not become a nuisance to adjacent properties.
8. That the berm shall include a minimum of six inches of topsoil placed on top, which shall be spread and seeded to native vegetation or landscaped, to the satisfaction of the County.
9. That any material entering to or leaving from the site, shall be hauled on/off in a covered trailer/truck, which will prevent blowing of dust/small rocks onto the road or cause issues with other vehicles on the road.
 - i. That the clean-up of any mud tracking and/or dirt that enters onto any County roads during hauling, shall be the responsibility and cost of the Applicant/Owner for clean-up.
10. That no topsoil shall be removed from the site.
11. That the Applicant/Owners shall ensure no organic material is buried and capped in a manner that will cause methane gas related issues.
12. That the fill shall not contain large concrete, rebar, asphalt, building materials, organic materials, or other metal.
13. That the Applicant/Owner shall take effective measures to control dust on the parcel so that dust originating therein shall not cause annoyance or become a nuisance to adjoining property owners and others in the vicinity.
14. That the Applicant/Owners shall be responsible for rectifying any adverse effect on adjacent lands from drainage alteration.
15. That if there are changes requested to the approved Development Permit, all work in the proposed developed area shall cease until an approved or revised Development approval is in place.

Advisory:

16. That any other government permits, approvals, or compliances are the sole responsibility of the Applicant/Owner.
 - i. That the Applicant/Owner shall contact ATCO Gas (southlandadmin@atcogas.com) to obtain consent prior to work commencing, as there is a pipeline right of way on the subject property.
17. That the subject development shall conform to the County's Noise Bylaw C-5773-2003 in perpetuity.
18. That the site shall remain free of restricted and noxious weeds and maintained in accordance with the *Alberta Weed Control Act*.

19. That if the development authorized by this Development Permit is not completed within twelve (12) months of the date of issuance, the permit is deemed to be null and void.
20. That if this Development Permit is not issued by **March 31, 2021** or the approved extension date, then this approval is null and void and the Development Permit shall not be issued.

Note: That the Applicant/Owner shall be responsible for all Alberta Environment & Park approvals and permits and/or compensation if any wetland is impacted, including any impacts due to the stormwater management of the parcel, by the proposed earthworks prior to commencement.

It is the responsibility of the applicant to meet and always follow the conditions of this development permit. Fines or enforcement action may occur if operating outside of this permit. Please contact Planning and Development Services at development@rockyview.ca or 403-520-8158 for assistance with this decision or the process for meeting development conditions.

An appeal of the Municipal Planning Commission's decision must be filed to the Subdivision and Development Appeal Board (SDAB) in accordance with section 686 of the *Municipal Government Act*. To file an appeal or for assistance with filing an appeal, please contact the Municipal Clerk's Office at sdab@rockyview.ca or 403-230-1401. More information on the SDAB can also be found at www.rockyview.ca.



Jerry Gautreau, Chair
Municipal Planning Commission



Notice of Appeal

Subdivision and Development Appeal Board Enforcement Appeal Committee

Appellant Information			
Name of Appellant(s) Steven Hancock			
Mailing Address 83 Blueridge Close		Municipality Calgary	Province AB
Postal Code [REDACTED]			
Main Phone # [REDACTED]	Alternate Phone # [REDACTED]	Email Address [REDACTED]	
Site Information			
Municipal Address 514 Bears paw Village Rd, Rocky View, AB		Legal Land Description (lot, block, plan OR quarter-section-township-range-meridian) Lot 1, Block 1, Plan 8911460	
Property Roll # 05618038	Development Permit, Subdivision Application, or Enforcement Order # PRDP20202027		
I am appealing: (check one box only)			
Development Authority Decision <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input 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>This application is being appealed for several reasons:</p> <ul style="list-style-type: none"> • The original description of the problem is not correct • The proposed remedy will directly and adversely affect 4 adjoining properties by increasing localized seasonal flooding • The proposed remedy contravenes the Rocky View Land Use Bylaw • The proposed remedy contravenes the restrictive covenant for Blueridge Estates attached to the title of the applicant and properties west and south <p>Other than an indication that something was being considered, the details and scope of this application were not discussed with adjacent landowners prior to submitting it to Rocky View. There have been subsequent discussions with all landowners including the applicant, and more recently with an Engineer from Rocky View (Capital Project Management).</p> <p>This appeal is based on discussions with affected landowners. Please see the attachments for further details.</p>			

This information is collected for Rocky View County's Subdivision and Development Appeal Board or Enforcement Appeal Committee under section 23(c) of the Freedom of Information and Protection of Privacy Act (FOIP Act) and will be used to process your appeal and create a public record of the appeal hearing. Your name, legal land description, street address, and reasons for appeal will be made available to the public in accordance with section 40(1)(c) of the FOIP Act. Your personal contact information, including your phone number and email address, will be redacted prior to your appeal being made available to the public. If you have questions regarding the collection or release of this information, please contact the Municipal Clerk at 403-230-1401.

Steven Hancock
Appellant's Signature

Oct 19 / 2020
Date



Notice of Appeal

Application No. PRDP20202027

Application for: single lot regrading and placement of clean fill

This application is being appealed for several reasons:

- The original description of the problem is not correct
- The proposed remedy will directly and adversely affect 4 adjoining properties
- The proposed remedy contravenes the Rocky View Land Use Bylaw
- The proposed remedy contravenes the restrictive covenant for Blueridge Estates attached to the title of the applicant and properties west and south

A brief description of these items follows.

Problem Description: The problem described in the original application was to control overflow from a swamp from an adjacent property. There is no swamp per se, however drainage from multiple ditch systems in the area plus overland flow accumulates in an extended low spot along the rear property line of 5 lots (including the applicant) as roughly indicated in yellow.



This low spot is a natural feature of the 5 lots affected. Water from rainstorms and snow melt accumulates on the surface, with no natural outlet or ditch access. In some years, the water stands for extended periods, and in some years only a few days or weeks (my property is immediately south of the applicant and I have lived here since 1992, seasonal flooding is an annual occurrence).

There is no doubt that the water is problematic – affecting lawns and trees, source for breeding mosquitoes, and sometimes causing odors (stagnant water). This has an obvious effect on enjoyment of the properties and potentially property values.

Proposed Remedy: The proposed remedy in Application PRDR20202027 includes a combination of berms and dry storage ditches to alleviate seasonal flooding on the applicant's property. Of particular concern is the berm planned for the southwest corner of the applicants' lot:



The berms are considered problematic in that a significant volume of water from the applicants' lot and the lot immediately east will be diverted to south and west adjoining properties, exacerbating the seasonal flooding problem for adjacent property owners. The berm will increase the water depth on the properties by ~0.8 m (~2.6 ft) which will push the water significantly further into the affected properties.

The water accumulation disappears after a while, due to a combination of drainage into the soil and evaporation. Given the extensive clay soil in the area, loss through evaporation is expected to be the controlling factor. The berm will increase the water depth on the adjacent properties, resulting in a larger flooded area and longer duration of flooding that would normally occur without the berm.

It is also noted from the application that the approval that (County) engineers expressed concern with respect to storm water management:

Storm Water Management – Section 700.0 requirements:

- Engineering has concerns with the SW berm planned to stop the runoff from adjacent properties. The existing topography provide a natural drainage low spot between adjacent properties including the subject site and changes or modification of the low-lying area will require confirmation that the improvement proposed will not adversely impact the adjacent landowners.
- As a condition to DP issuance, the applicant is required to provide pre- and post-development site drainage drawings and confirmation from a qualified professional that the proposed construction of the SW berm will not have negative offsite impacts to the adjacent landowners with regards to drainage.

Again, the problem description is not correct – the issue is not due to run-off from adjacent properties, the area in question is simply a natural low spot affecting 5 properties. Mitigating the problem on a single lot will merely exacerbate the problem for the remaining lots, especially to the south and west.

Outside of the issues of property values, stagnant water, mosquitoes, etc., a major impact of increased flooding on adjacent properties will be loss of trees and useable land. Well over 100 trees have been killed due to flooding events during extreme wet periods, as shown below.

50+ mature trees killed at back of lot (immediately east of applicant) – area now cleared:



50+ mature trees killed on adjacent properties south of applicant, with water reaching up to ~150 ft from property line (some cleared, some still standing):



In addition, two water shut offs for the 12 Mile Coulee Water Co-op are in the area that is currently seasonally flooded. Water diversion from the applicants' lot will result in deeper water and extended flooding time in this area, which could adversely impact access to these valves for emergency water shut-off or construction repairs.

Shut-off valves currently hidden by tall grass in the natural storage area:



Section 281 of the Rocky View Land Use Bylaw:**FILLING**

281 No Person shall place or dump fill or topsoil or cause or permit fill or topsoil to be placed or dumped anywhere in the County unless:

- a) The placing of fill will not result in offsite drainage impacts to adjacent properties from changes in drainage patterns as determined in a stormwater management plan, and
- b) A Fill Management Plan shall be submitted to the satisfaction of the Development Authority as part of an approved Development Permit application.

Clearly the proposed plan will result in water being diverted from the applicants' lot to adjacent landowners, exacerbating an existing seasonal flooding problem.

Blueridge Estates Restrictive Covenant: The restrictive covenant, which is registered on title for the applicant and 3 adjacent property owners also addresses the issue of altering drainage patterns in the subdivision (full copy of restrictive covenant attached).

11. THAT in order to ensure the established drainage systems, all grades on the Lots (where applicable), the owners shall not disturb same from their natural or man-made state, nor interfere with existing drainage patterns, nor shall the existing natural storm storage or drainage areas be disturbed.

Summary: In closing, the proposed lot regrading and berm construction plan will adversely impact flooding on adjacent properties. It is also held that the proposed remedy contravenes the existing land use bylaw and restrictive covenant for the area.

If this application is upheld, adjacent landowners will have no choice but to consider similar mitigation measures, which will quickly bring us back to the current situation – seasonal flooding of a natural low spot affecting 5 properties. All the properties involved are part of the same drainage and surface water storage system in the area, and any solution to improve the situation must benefit all property owners, not an individual. On this basis it is requested that the approval for this application be rescinded.

RESTRICTIVE COVENANT AS TO USE OF LAND

KNOW ALL MEN BY THESE PRESENTS that ACADIA DEVELOPMENTS LTD. ("Acadia"), a body corporate, of the City of Calgary, in the Province of Alberta, being the registered owner of an estate in fee simple in possession of the lands situate in the M.D. of Rocky View, in the Province of Alberta and more particularly described as follows, namely:

PLAN M.D. OF ROCKY VIEW 8911460
BLOCK One (1)
LOTS ONE (1) TO TWENTY FOUR (24) INCLUSIVE

RESERVING UNTO HER MAJESTY ALL MINES AND MINERALS

does for itself and its successors in title covenant and agree to observe and be bound by the hereinafter mentioned covenant running with the land and shall be appurtenant to all of the said lands for the benefit of all the respective owners thereof, including the present owner of Lot 9, Block 2, Plan M.D. of Rocky View 7911352 containing 0.817 of a hectare (2.02 acres) more or less reserving unto Her Majesty all mines and minerals, as to Clause 9.(b) only, and as regards to Lots 11 to 17 inclusive, in Block 1 Plan M.D. of Rocky View 8911460 from time to time, namely:

1. THAT the land use and building restriction and conditions herein shall be and be deemed to be covenants running with the land and shall be binding on and enure to the benefit of all owners of the said lots and their successors, heirs and assigns from time to time, except as to the present owner of Lot 9, Block 2, Plan M.D. of Rockyview 7911352 as stated above.
2. THAT Acadia will administer the enclosed controls and guidelines at its sole discretion until the development has been completed at which time the residents will assume the responsibility that the controls are adhered to.
3. THAT the owners shall submit for approval to Acadia details of the proposed plot plan, house plans, elevations, landscaping grades, finishes, colour schemes, footing grades and other pertinent details. No construction may be started until written approval to do so has been issued by Acadia and no changes to the approved plans may be made until a written approval from Acadia has been obtained. Approval by Acadia does not absolve registered owners from obtaining the necessary approvals and permits from the Municipal District of Rockyview.
4. THAT a security deposit in the amount of Three Thousand Dollars (\$3,000.00) must be paid to Acadia to ensure compliance with the architectural controls and to cover any construction damage. Any damages or expenditures in excess of this deposit will be charged to the purchaser.
5. THAT Acadia will require an inspection of the footing grades before pouring the footings. A final inspection will be carried out upon completion of the construction.
6. THAT construction of the residence shall start within one (1) year from the closing date of the purchase and that the exterior of the residence shall be completed within six (6) months from the starting date.
7. Development Requirements
 - (a) THAT the development is restricted to one detached Single Family Residence on each lot and must incorporate an attached garage for at least ⁽³⁾three cars.

RESTRICTIVE COVENANT AS TO USE OF LAND

KNOW ALL MEN BY THESE PRESENTS THAT ACADIA DEVELOPMENTS LTD. ("Acadia"), a body corporate, of the City of Calgary, in the Province of Alberta, being the registered owner of an estate in fee simple in possession of the lands situate in the M.D. of Rocky View, in the Province of Alberta and more particularly described as follows, namely:

PLAN M.D. OF ROCKY VIEW 8911460
BLOCK One (1)
LOTS ONE (1) TO TWENTY FOUR (24) INCLUSIVE

RESERVING UNTO HER MAJESTY ALL MINES AND MINERALS

does for itself and its successors in title covenant and agree to observe and be bound by the hereinafter mentioned covenant running with the land and shall be appurtenant to all of the said lands for the benefit of all the respective owners thereof, including the present owner of Lot 9, Block 2, Plan M.D. of Rocky View 7911352 containing 0.817 of a hectare (2.02 acres) more or less reserving unto Her Majesty all mines and minerals, as to Clause 9.(b) only, and as regards to Lots 11 to 17 inclusive, in Block 1, Plan M.D. of Rocky View 8911460 from time to time, namely:

1. THAT the land use and building restriction and conditions herein shall be and be deemed to be covenants running with the land and shall be binding on and enure to the benefit of all owners of the said lots and their successors, heirs and assigns from time to time, except as to the present owner of Lot 9, Block 2, Plan M.D. of Rockyview 7911352 as stated above.

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4. THAT a security deposit in the amount of Three Thousand Dollars (\$3,000.00) must be paid to Acadia to ensure compliance with the architectural controls and to cover any construction damage. Any damages or expenditures in excess of this deposit will be charged to the purchaser.

5. THAT Acadia will require an inspection of the footing grades before pouring the footings. A final inspection will be carried out upon completion of the construction.

6. THAT construction of the residence shall start within one (1) year from the closing date of the purchase and that the exterior of the residence shall be completed within six (6) months from the starting date.

7. Development Requirements

(a) THAT the development is restricted to one detached Single Family Residence on each lot and must incorporate an attached garage for at least ⁽³⁾ cars.

- 2 -

- (b) THAT no residence erected shall have a minimum ground coverage exclusive the garage, any porch, verandas or unheated sun room, of less than:

one storey	2000 square feet	185 square metres
one & one half storeys	1400 square feet	130 square metres
split level homes	1400 square feet	130 square metres
two storey homes	1400 square feet	130 square metres

- (c) THAT no buildings shall be built without permanent foundations. No mobile or modular homes are permitted. Small accessory buildings may be erected to accommodate garden equipment but they may not be in excess of three (3) metres in height from ground level.

- (d) That the Main residence including the 3 Car garage shall not be erected on any lot in excess of nine (9) metres.

B. THAT no construction materials or construction shall be used except the following:

- (a) Roof - minimum 5/12 roof pitch on main roof
- Cedar or pine shakes (in natural colours)
- Concrete or clay tiles (in earthtone colour range).
- (b) Walls - Stucco with extensive decorative features
- Brick or stone
- Limited horizontal or vertical pre-stained cedar siding
- Limited horizontal or vertical vinyl siding
- All homes must incorporate at least thirty five (35%) percent stone, brick or relief stucco design on the front elevation and be carried around corners by at least one (1) metre.
- (c) Chimney - All the chimneys are to be brick, stone or the dominate material of the outside walls.
- (d) Garage - Garage doors must include raised cedar or cladwood panels with mouldings and are to be stained or painted to match the wall colour of the house.
- (e) Trim - Minimum eight (8") inch fascis, gutters, downspouts and soffits are to match the trim or the wall colour of the house.
- (f) Colours - There shall not be more than two (2) exterior colours used with the only exceptions of the roof and the masonry. All colours shall be subtle and must complement the other exterior colours. The basic colour selected shall be used on all elevations.
- (g) Driveway - The driveway from the property line to the garage shall be paved with a minimum width of twelve (12') feet. The driveway should have at least one (1) pillar on each side of the property line and should be at least four feet (4 ft.) high of brick or stone construction, or with Acadia's approval, the dominant material of the outside walls, complete with an electrical or gas light fixture.

- 3 -

9. (a) No lots nor any building shall be at any time used for the purpose of any profession, trade, business, office, boarding or lodging house or any other purpose except as a single family dwelling.
- (b) No waste, material, equipment or vehicles may be stored outside except personal motor homes or holiday trailers which are to be screened.
- (c) No commercial vehicle of a maximum height in excess of nine thousand (9,000) g.v.w. pounds shall be permitted except for loading and unloading.
- (d) No trees in excess of nine (9) metres which obstruct the mountain view of the other lots are permitted outside the area of fifty (50) feet from the house.
- (e) No fence of any kind shall be erected on any lot without the written approval of all of the registered owners of the lots constituting the lands.
- (f) No motorcycles, trail bikes, snow mobiles or other such equipment or vehicles shall be permitted to be operated.
- (g) The keeping of livestock is not allowed with the exception of domestic pets. Domestic pets shall not include pigeons.
- (h) No obnoxious weeds are permitted.
- (i) No activities are permitted that might create dust, smell, extra traffic, excessive noise or anything which is unreasonable for a private residential community.

10. THAT a water utility company known as Twelve Mile Coulee Water Co-op Ltd. has been formed for the purpose of owning and operating a water supply and distribution system to the subdivided lots and for the maintenance and supervision of said system. Purchasers and all subsequent purchasers shall be required to become equal shareholders in the water utility company with purchasers of other subdivided lots herein, upon delivery of title. In addition, such owners shall be individually responsible for an equal share per lot of the operation and maintenance of the waterworks, wastewater collection, treatment and disposal system as specified in the Licence to Operate issued by the Director of Standards and Approvals Division, Alberta Environment.

11. THAT in order to ensure the established drainage system, all grades on the Lots (where applicable), the owners shall not disturb same from their natural or man-made state, nor interfere with existing drainage patterns, nor shall the existing natural storm storage or drainage areas be disturbed.

12. THAT failure to enforce any land use or building restriction or condition herein shall not constitute a waiver of such restriction or condition and any restriction or condition herein may be enforced as soon as a breach of such restriction or condition occurs.

13. THAT Invalidation of any of these covenants by Judgment or Court Order shall, in no way, affect any of the other provisions, which shall remain in full force and effect.

14. THAT if any dispute or difference arises over the interpretation of the restrictions and conditions herein contained or as to the stage of construction of any building such dispute or difference shall be referred to the Engineer for the Municipal District of Rocky View, whose decision shall be final and binding.

- 4 -

15. THAT in the event the engineer for the Municipal District of Rockyview is unable to act, then any dispute or difference arising over the interpretation of the restrictions and conditions herein contained, or as to the stage of construction of any building, shall be referred to the arbitration of a single arbitrator, if the parties agree upon one; otherwise to three arbitrators, one to be appointed by each party and the third to be chosen by the two first named arbitrators before they enter upon the business of the arbitration; and the award and determination of such arbitrator or arbitrators, or any two of such arbitrators, shall be binding upon the parties hereto and their respective heirs, executors, administrators and assigns.

IN WITNESS WHEREOF ACADIA DEVELOPMENTS LTD. has hereunto affixed its corporate seal attested to by the hands of its officers duly authorized in that behalf on the 29 day of September, A.D. 1989.

ACADIA DEVELOPMENTS LTD.

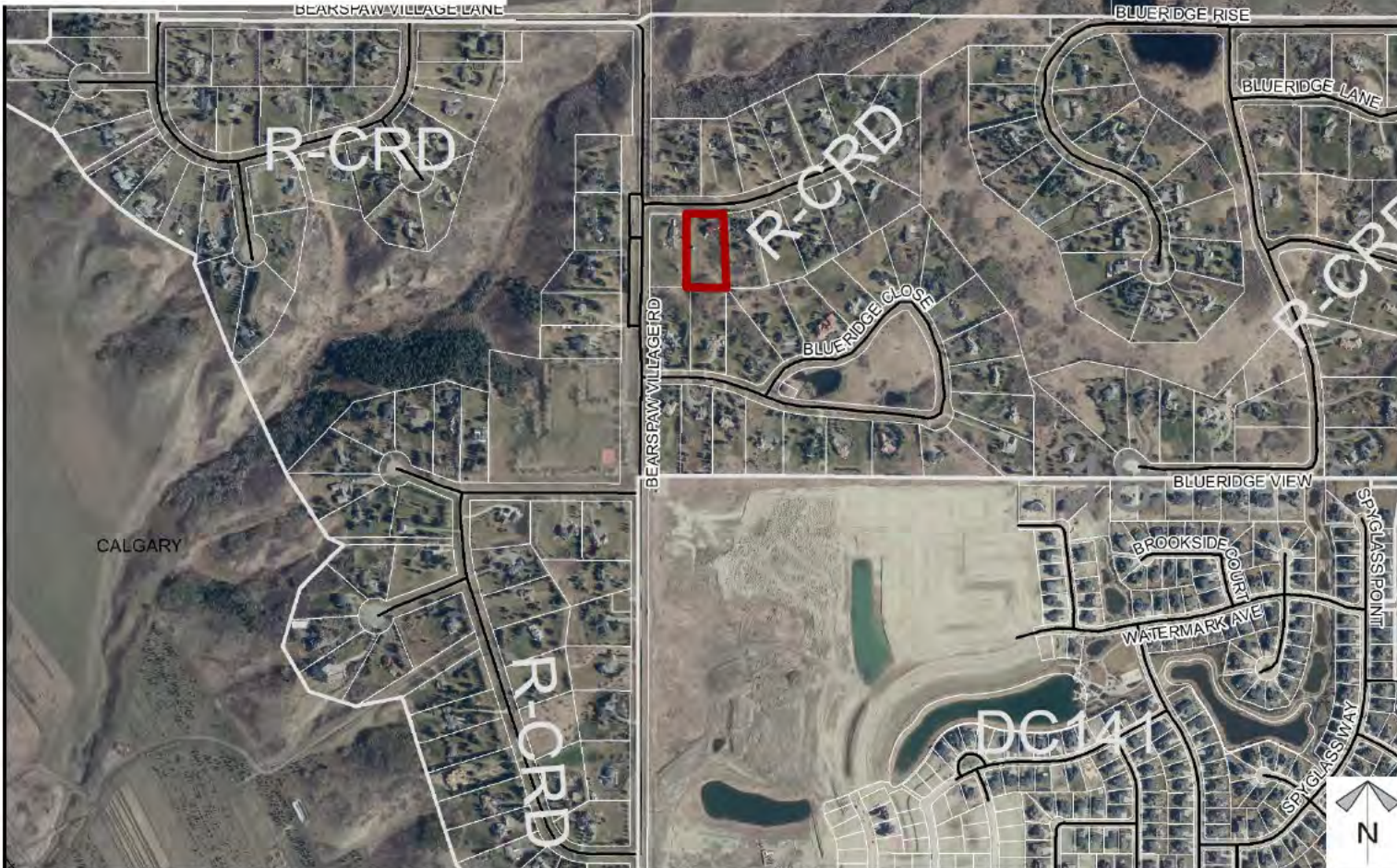
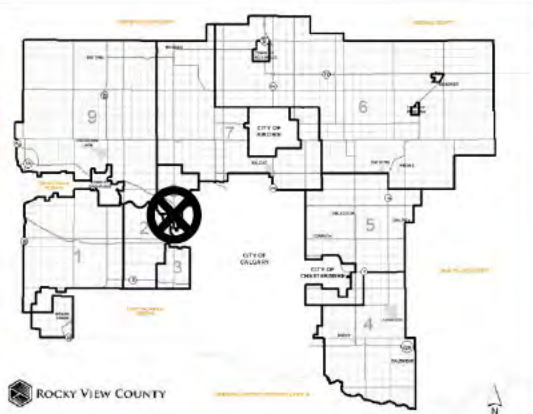
Per: *J. McNamee*Per: *J. J. J.*

814436/83/48/063089

Location & Context

Development Proposal

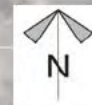
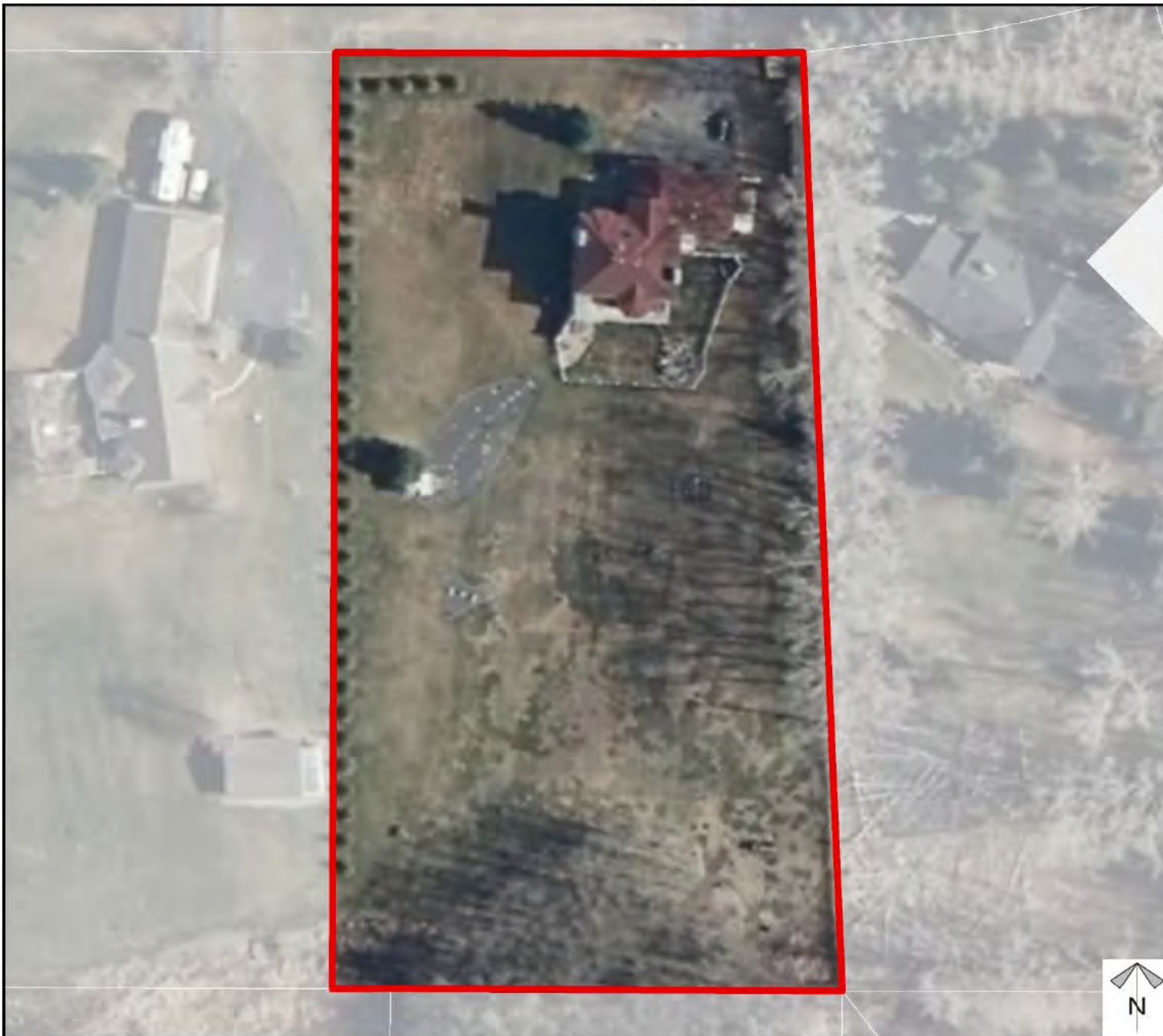
Single-lot regrading and placement of clean fill, construction of a berm and two infiltration trenches



Development Proposal

Development Proposal

Single-lot regrading and placement of clean fill, construction of a berm and two infiltration trenches

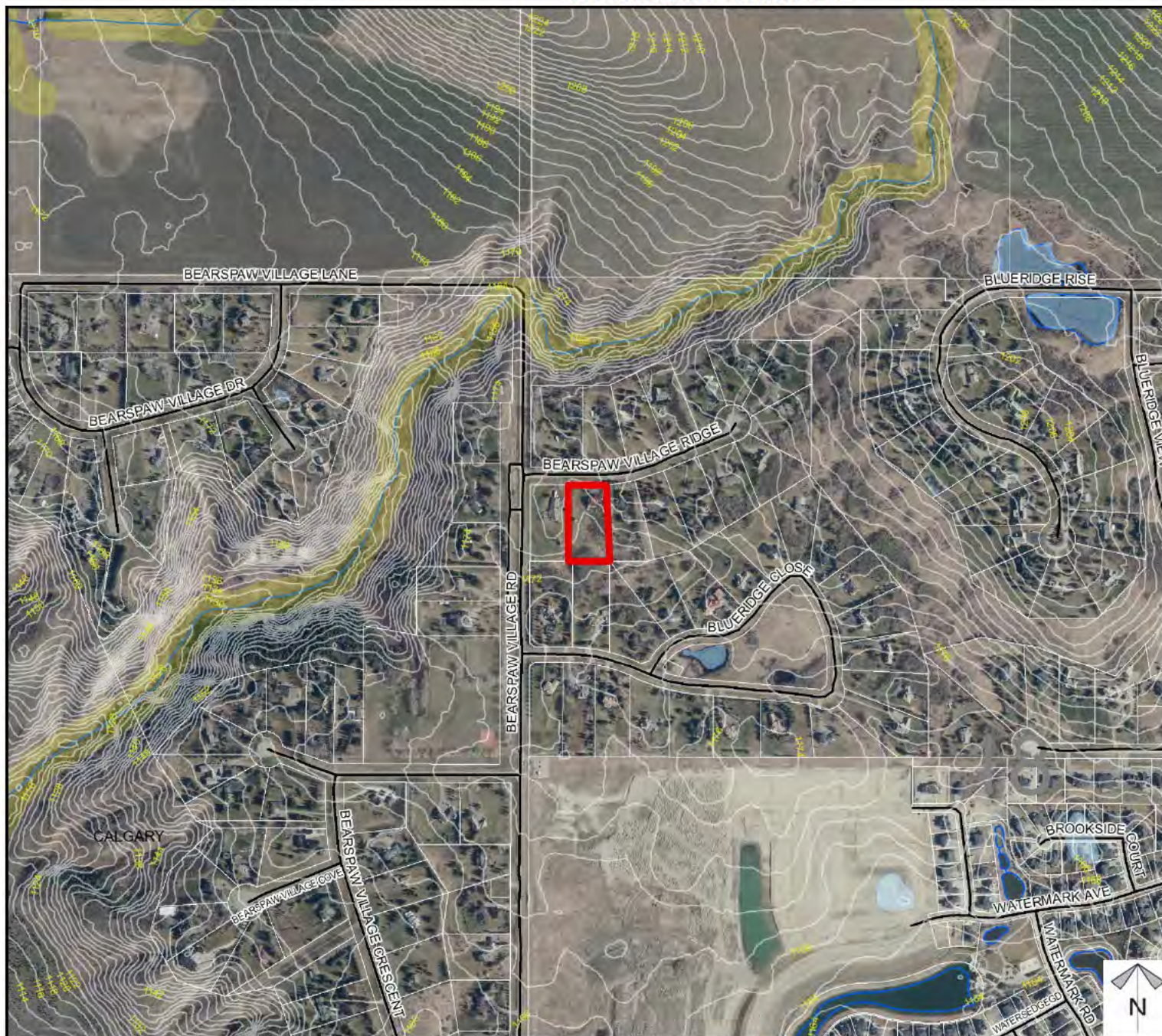


Division: 8
 Roll: 05618038
 File: PRDP20202027
 Printed: October 19, 2020
 Legal: NW 1/4 Sec 10, T1N, R10E, S11460
 Sublot 1, Block 1, Plan 8711460

Environmental

Development Proposal

Single-lot regrading and placement of clean fill, construction of a berm and two infiltration trenches



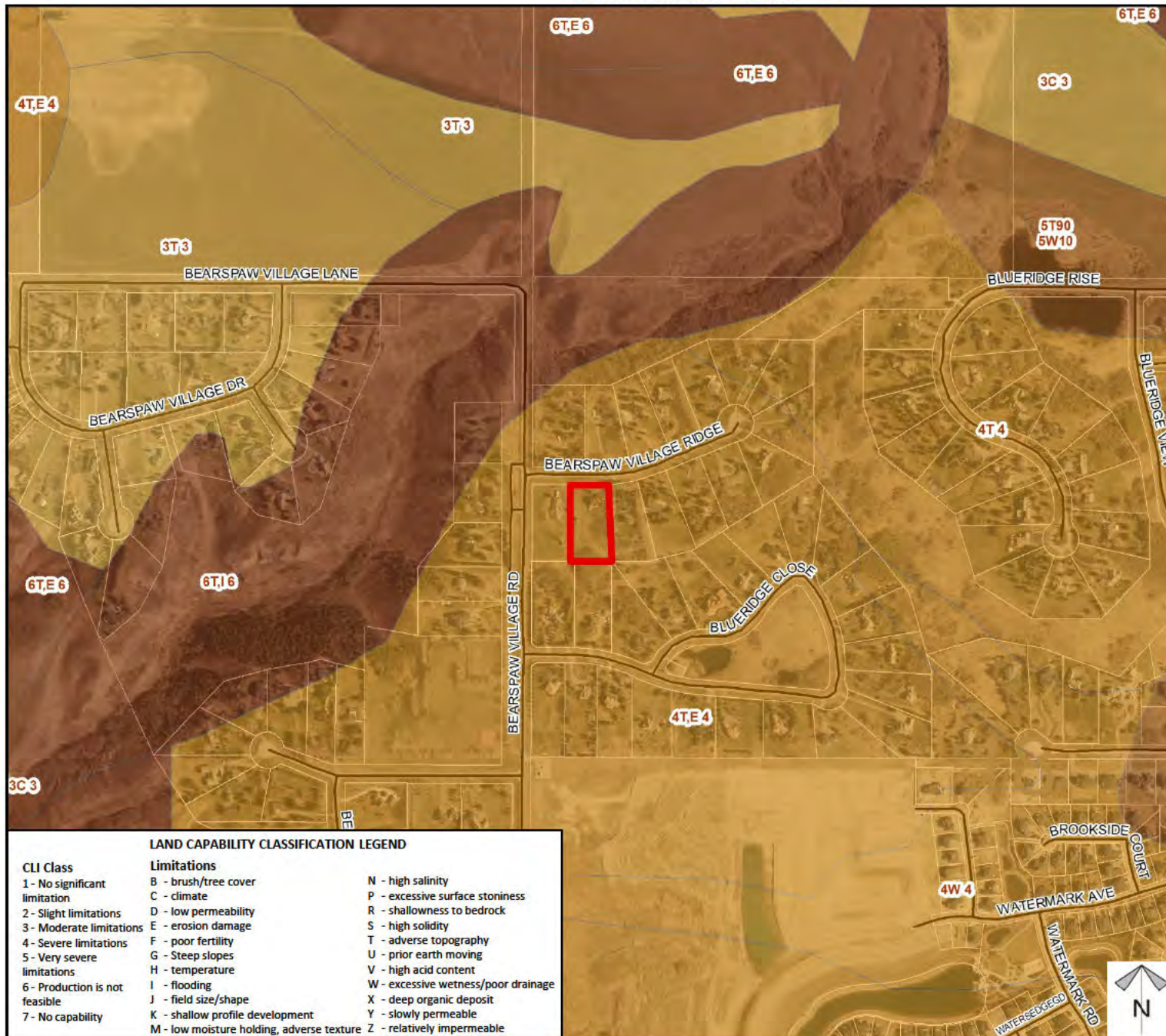
-  Subject Lands
-  Contour - 2 meters
-  Riparian Setbacks
-  Alberta Wetland Inventory
-  Surface Water

Division: 8
 Roll: 05618038
 File: PRDP20202027
 Printed: October 19, 2020
 Legal: NW 1/4, Bldg. 1, Plan 11460
Agenda
Page 76 of 197

Soil Classifications

Development Proposal

Single-lot regrading and placement of clean fill, construction of a berm and two infiltration trenches



Development Proposal

Single-lot regrading and placement of clean fill, construction of a berm and two infiltration trenches

Legend

Support



Opposition



Note: First two digits of the Plan Number indicate the year of subdivision registration.

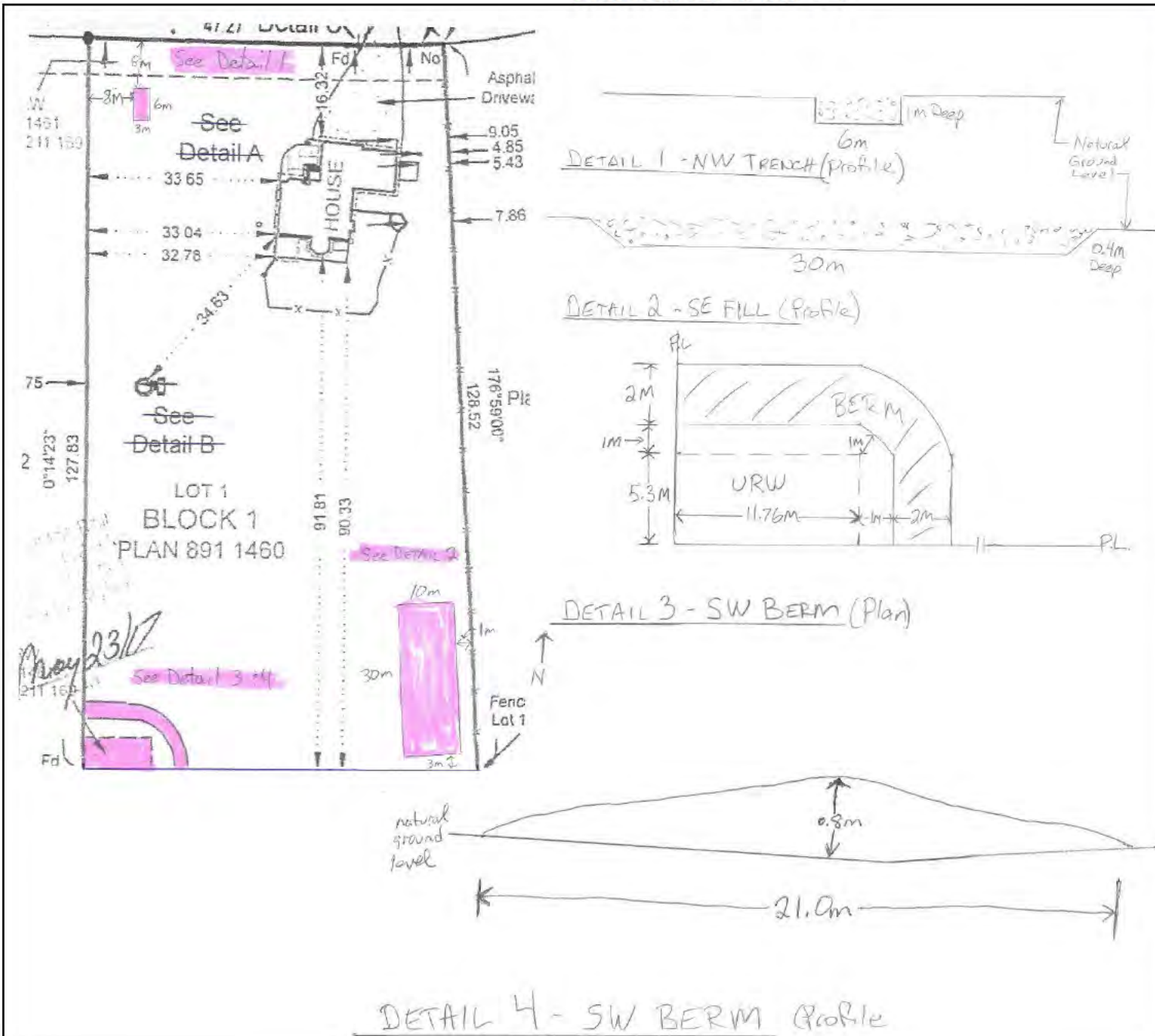
Plan numbers that include letters were registered before 1973 and do not reference a year.

Division: 8
Roll: 05618038
File: PRDP20202027
Printed: October 19, 2020
Legal: NWAGendaW05M
Page 77 of 197

Site Plan

Development Proposal

Single-lot regrading and placement of clean fill, construction of a berm and two infiltration trenches



Site Inspection

Development Proposal

Single-lot regrading and placement of clean fill, construction of a berm and two infiltration trenches



Inspection Date: August 14, 2020

Inspector Comments:

- Very tidy property,
- well kept, meticulous
- No evidence of digging or fill or stock piling of gravel
- One vehicle, licensed
- Two small dogs



PLANNING AND DEVELOPMENT SERVICES

TO: Subdivision and Development Appeal Board
DATE: November 18, 2020 **DIVISION:** 9
FILE: 06828006 **APPLICATION:** PRDP20202393
SUBJECT: Kennel (private dog park) and signage

PROPOSAL: Kennel (private dog park) and signage	GENERAL LOCATION: Located approximately 2.41 km (1.5 miles) south of Weedon Trail and on the east side of Rge. Rd. 44.
APPLICATION DATE: August 18, 2020	MUNICIPAL PLANNING COMMISSION DECISION: Approved
APPEAL DATE: October 19, 2020	MUNICIPAL PLANNING COMMISSION DECISION DATE: September 25, 2020
APPELLANT: Michael and Melanie Shepley	APPLICANT: Sylwia Andersen
LEGAL DESCRIPTION: Lot 2, Plan 9010809, NW-28-26-04-05	MUNICIPAL ADDRESS: 264136 Rge. Rd. 44
LAND USE DESIGNATION: Residential, Rural District (R-RUR)	GROSS AREA: ± 4.05 hectares (±10.01 acres)
PERMITTED USE: Discretionary Use	DEVELOPMENT VARIANCE AUTHORITY: Section 69: The Development Authority, in making a decision on a Development Permit application for: (c) a Discretionary Use: ii. May approve the application, with or without conditions, if the proposed development does not conform with the Bylaw, subject to the approval of any variances
PUBLIC SUBMISSIONS: The application was circulated to thirteen (13) adjacent landowners. At the time this report was prepared, no letters were received in support or objection to the application, excepting the appeal.	LAND USE POLICIES AND STATUTORY PLANS: <ul style="list-style-type: none"> • County Plan • Land Use Bylaw • Cochrane North Area Structure Plan

**EXECUTIVE SUMMARY:**

The proposal is for the operation of a kennel, for a private off-leash dog walking/training area. The subject land is designated Residential, Rural District, is surrounded by residential and agricultural parcels and Direct Control 36 District to the east. The subject land is located approximately 2.41 km (1.5 miles) south of Weedon Trail and on the east side of Rge. Rd. 44, which is approximately 800 m west of Cochrane Lake. The parcel contains a single detached dwelling and a couple accessory buildings. There are currently chickens and ducks being raised on the parcel.

The Development Permit application was made on August 18, 2020, as a result of an enforcement action. The application was approved by the Municipal Planning Commission on September 24, 2020. The Notice of Decision was circulated on October 25, 2020, to thirteen (13) adjacent landowners. On October 19, 2020, Michael and Melanie Shepley, adjacent landowners, filed an appeal. The reasons for appeal are detailed in the agenda package.

PROPERTY HISTORY:

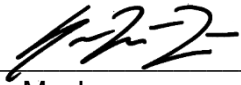
Date	File/Application #	Type	Result
August 18, 2020	PRDP20202393	Application submitted	Development Permit application made as a result of an enforcement action. That enforcement file was closed upon development permit application.
August 25, 2020		Site inspection	<p>Inspector's comments:</p> <ul style="list-style-type: none"> • Neat and tidy, • Well screened to north and south, • No concerns at time of inspection <p>Site photos were taken at time of inspection and on September 3, 2020, the applicant had sent the development officer a couple photos of a privacy fence they had built.</p>
September 24, 2020		Municipal Planning Commission	Application was approved.
September 25, 2020			Notice of Decision sent to applicant and adjacent landowners.

APPEAL:

See attached report and exhibits.



Respectfully submitted,

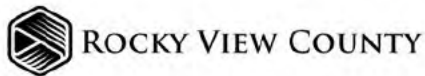


Sean MacLean
Supervisor, Planning and Development Services

WV/lt

ATTACHMENTS:

ATTACHMENT 'A': Municipal Planning Commission Report
ATTACHMENT 'B': Application Details
ATTACHMENT 'C': Inspection Report and Site Photos
ATTACHMENT 'D': Notice of Decision
ATTACHMENT 'E': Notice of Appeal
ATTACHMENT 'F': Map Set



PLANNING AND DEVELOPMENT SERVICES

TO: Municipal Planning Commission

DATE: September 24, 2020

DIVISION: 9

APPLICATION: PRDP20202393

SUBJECT: Development Item: Kennel

USE: Discretionary Use, with no Variances

APPLICATION: Kennel (private dog park) and signage

GENERAL LOCATION: Located approximately 2.41 km (1.5 mile) south of Weedon Trail and on the east side of Rge. Rd. 44.

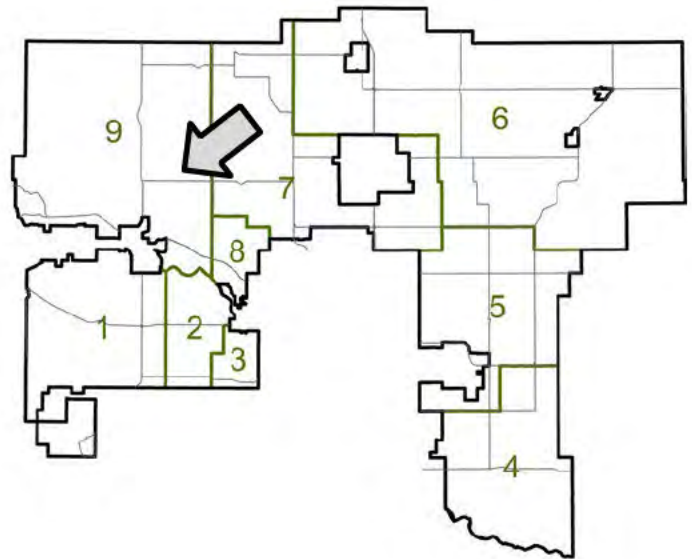
LAND USE DESIGNATION: Residential, Rural District (R-RUR) under Land Use Bylaw C-8000-2020.

ADMINISTRATION RECOMMENDATION:

Administration recommends Approval in accordance with Option #1.

Option #1: THAT Development Permit Application PRDP20202393 be approved with the conditions noted in the report.

Option #2: THAT Development Permit Application PRDP20202393 be refused as per the reasons noted.



AIR PHOTO & DEVELOPMENT CONTEXT:



Administration Resources

Wayne Van Dijk - Planning and Development Services



ROCKY VIEW COUNTY

DEVELOPMENT PERMIT REPORT

Application Date: August 18, 2020	File: 06828006
Application: PRDP20202393	Applicant/Owner: Sylwia Andersen
Legal Description: NW-28-26-04-W5M	General Location: Located approximately 2.41 km (1.5 m) south of Weedon Trail and on the east side of Rge. Rd. 44.
Land Use Designation: Residential- Rural District R-RUR	Gross Area: ± 4.05 hectares (± 10.01 acres)
File Manager: Wayne Van Dijk	Division: 9

PROPOSAL:

This application is for a *Kennel*, for a private off-leash dog and signage. *Note, the application was assessed in accordance with Land Use Bylaw C-8000-2020. The application was received prior to September 8, 2020 but a written request was received by the Applicant, requesting to be assessed in accordance with the current Land Use Bylaw.*

- The private off-leash dog area/kennel is for a dog walking park.
- Commercial kennel and signage: a private off-leash dog training park.
- No dogs will be boarded overnight. All breeds and sizes of dogs are welcome and there is 1 client/dog permitted per hour.
- Hours of Operation: from 8:00 am to 8:00 pm, 7 days per week.
- The training/dog area is fenced with heavy duty page wire fence measuring 1.52 m (5.00 ft.) in height and a large 1.83 m (6.00 ft.) wooden, privacy fence separates the adjacent property on the north property line.
- Total of 1 employee and they are a resident on the property.
- 1 sign is requested in relation to the kennel.
- Solid waste is to be collected and properly disposed.

No waste water is anticipated.

Land Use Bylaw Requirements:*Part 8 Definitions*

KENNELS means a facility for the keeping, breeding, boarding, caring, or training of dogs and/or other domestic pets over three months of age, excluding livestock.

R-RUR Residential, Rural District

318 Uses, Discretionary

Kennels

323 Minimum Requirements

- **Required:** yard, front setback: 45.00 m (147.64 ft.) from County Road;



ROCKY VIEW COUNTY

- **Required:** yard, side setback: 6.00 m (19.69 ft.) from all others;
- **Required:** yard, rear setback: 15.00 m (49.21 ft.) from all others;
- **Proposed:** No proposed buildings.

Table 5: Parking Minimums

- **Required:** Kennel: 1 per 100.0 m² (1,076.39 sq. ft.) gross floor area
- **Proposed:** As this kennel operation does not include a proposed building, this regulation is not applicable as kennel operations are exclusively outside. All proposed parking will be within the existing parking area. However, as a commercial use, minimum parking is required to be demonstrated, to accommodate business traffic. The Applicant proposed 1 person per hour. A revised site plan will be requested to confirm parking area(s) for clientele and/or a minimum of 2 stalls.

STATUTORY PLANS:

The property does not fall within an Area Structure Plans or Intermunicipal Development Plan. Therefore, the application was evaluated in accordance with the Land Use Bylaw C-8000-2020.

INSPECTOR'S COMMENTS:

Inspection Date: August 25, 2020

- Site is clean, neat and tidy
- Well-screened to the north and south
- No concerns at time of inspection

CIRCULATIONS:

Development Compliance:

- This application is the result of an enforcement issue. However, we have no further comments or concerns at this time.

Utility Services:

- No Concerns

No other comments received at time of report writing.

OPTIONS:

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

APPROVAL, subject to the following conditions:

Description:

1. That a *Kennel* (private dog park) may operate on the subject property in accordance with the approved site plan submitted with the application and the following details:
 - i. Outside dog enclosures/dog runs enclosed by a 1.20 m (3.94 ft.) high chain link fence (or equivalent); and
 - ii. Signage, one identification sign, in accordance with the approved Signage plan.



ROCKY VIEW COUNTY

Prior to Issuance:

2. That prior to issuance of this permit, the Applicant/Owner shall submit a revised site plan, identifying the proposed minimum parking stalls (of 2 stalls) or parking area, for the proposed Kennel clientele, to the satisfaction of the County.

Permanent:

Operational:

3. That a maximum of 10 dogs may be allowed on the subject site at any one time.
4. That all dogs will be removed from the property by 9:00pm to 8:00am on the weekdays and 9:00pm to 9:00am on weekends.
5. That any signage approved within the Signage plan shall be kept in a safe, clean, and tidy condition at all times. It shall not be flashing, electronic or animated at any time.
6. That all on-site lighting shall be dark sky, and all private lighting, including site security lighting and parking area lighting, shall be designed to conserve energy, reduce glare, and reduce uplight. All development shall demonstrate lighting design that reduces the extent of spill-over glare, and eliminates glare as viewed from nearby residential properties.
7. That all business parking shall be onsite. At no time shall any parking be permitted within the County Road allowance.

Fencing & Enclosures:

8. That the kennel area shall be enclosed with fencing, which shall be maintained at all times.
9. That all outside runs or fencing shall be a minimum of 1.20 m (3.94 ft.) in height.

Servicing:

10. That all waste shall be stored in a dry state in metal or plastic containers, and shall be disposed of off-site in a manner satisfactory to the County.

Advisory:

11. That the Applicant/Owner shall adhere to the County's Animal Control Bylaw [C-5758-2003] and the Noise Bylaw [C-5772-2003] at all times.
12. That any personally-owned dogs of the Applicant/Owner, shall be registered and licensed with Rocky View County, as per the Master Rates Bylaw.
13. That any other government permits, approvals, or compliances are the sole responsibility of the Applicant/Owner.
14. 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 Officer.
15. That if this Development Permit is not issued by **APRIL 30, 2021** or the approved extension date, then this approval is null and void and the Development Permit shall not be issued.

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

REFUSAL, for the following reasons:

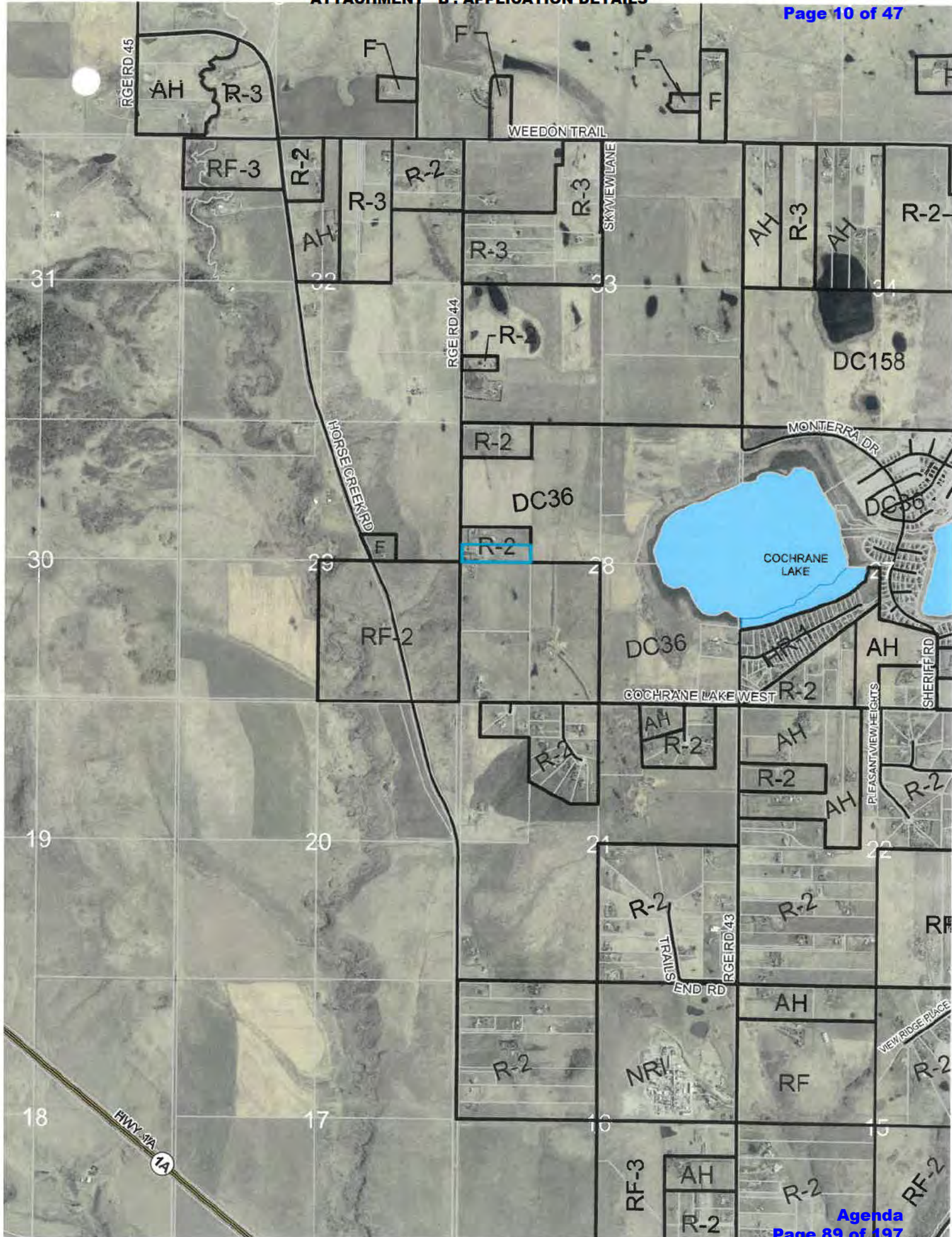
1. That in the opinion of the Municipal Planning Commission, the development unduly interferes with the amenities of the neighbourhood and materially interferes with and affects the use, enjoyment, and value of neighbouring parcels of land





RGE RD 44

COCHRANE
LAKE





ROCKY VIEW COUNTY
Cultivating Communities

20202393

APPLICATION FOR A DEVELOPMENT PERMIT

Fee Submitted \$625.00	File Number 06828006
Date of Receipt Aug 18, 2020	Receipt # 2020025099

Name of Applicant SYLVIA CIEZAR ANDERSEN Email [REDACTED]
Mailing Address [REDACTED]

Postal Code [REDACTED]
Telephone (B) [REDACTED] (H) [REDACTED] Fax [REDACTED]

For Agents please supply Business/Agency/ Organization Name Unleashed

Registered Owner (if not applicant) N/A

Mailing Address [REDACTED]
Postal Code [REDACTED]
Telephone (B) [REDACTED] (H) [REDACTED] Fax [REDACTED]

1. LEGAL DESCRIPTION OF LAND

- a) All / part of the NW $\frac{1}{4}$ Section 28 Township 26 Range 04 West of 05 Meridian
b) Being all / parts of Lot 2 Block [REDACTED] Registered Plan Number Lot 2 Plan 9010809
c) Municipal Address 264136 RGE RD 44
d) Existing Land Use Designation R-2 Parcel Size 10.01 Acres Division 09

2. APPLICATION FOR:

Private off-leash dog run / Kennel

3. ADDITIONAL INFORMATION

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

4. REGISTERED OWNER OR PERSON ACTING ON HIS BEHALF

I SYLVIA CIEZAR ANDERSEN hereby certify that ✓ I am the registered owner
(Full Name in Block Capitals)

[REDACTED] 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 [REDACTED]

Owner's Signature [REDACTED]
Date [REDACTED]

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, SYLWIA CIEZAR ANDERSEN, 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 18, 2020
Date



ROCKY VIEW COUNTY
Cultivating Communities

APPLICATION FOR KENNELS (COMMERCIAL AND HOBBY)

FOR OFFICE USE ONLY	
Fee Submitted	File Number
Date of Receipt	Receipt #

Name of Business Unleashed Dog Park
 Address of Business [REDACTED]
[REDACTED] Postal Code [REDACTED]
 Telephone (B) [REDACTED] (H) [REDACTED] Fax [REDACTED]

1. KENNEL DETAILS

- a. Name of kennel? Unleashed Dog Park
 b. Type of kennel (e.g. boarding, breeding, training, hobby) training/hobby
 c. Number of dogs to be boarded 0 dogs will stay overnight; 1 client/hour
 d. Breed? (only if breeding kennel) all breeds
 e. Size of animals? Small/Medium/Large ALL sizes

2. OPERATION

What are your days of operation? 7 days/week What are your hours of operation? 8am-8pm

3. EMPLOYEES

Total number of employees 1 Number of residential employees 1 Number of non-residential employees 0

4. SIGNAGE

Will a sign be required? (Yes) No If yes - Please provide detailed sketches of the proposed sign on a separate sheet
Please see attached

5. ADDITIONAL INFORMATION REQUIRED

How will you soundproof the kennel building(s)? The sound will be minimal with only one client allowed at a time. Tree line and privacy fence on north side will also help.

Method of solid waste disposal? garbage - to pay for disposal

Method of waste water disposal no waste water aside from muddy water, will be disposed of on property

Signature of Applicant [Signature] Date August 18/2020

PLEASE SEE REVERSE FOR ADDITIONAL INFORMATION

To Whom It May Concern:

Thank you for taking the time to review the attached application for Development Permit. The purpose is to ensure that a private off-leash dog run (agility park) can be set up on our private property. I would like you to consider the proposal under the new land use bylaw C-8000-2020. The application is for a kennel for private dog park measuring 0.66 acres.

To mitigate traffic and potential noise in the area, only one dog owner (one vehicle) will be allowed to use the park at a time (for one hour), as previously arranged with the property owner. Additionally, the significant amount of tree lines around the property will further reduce noise, if any. I am confident that the proposed plan will enhance the accessibility of dog owners in the Cochrane area to a private fully fenced park with agility training equipment. The feedback and support from neighbours and community members has been overwhelmingly positive, when the idea was introduced. Thank you for your consideration.

Sincerely,



Sylwia Andersen



LAND TITLE CERTIFICATE

S
 LINC SHORT LEGAL TITLE NUMBER
 0013 576 393 9010809;;2 191 165 768

LEGAL DESCRIPTION
 PLAN 9010809
 LOT 2
 EXCEPTING THEREOUT ALL MINES AND MINERALS
 AREA: 4.05 HECTARES (10.01 ACRES) MORE OR LESS

ESTATE: FEE SIMPLE
 ATS REFERENCE: 5;4;26;28;NW

MUNICIPALITY: ROCKY VIEW COUNTY

REFERENCE NUMBER: 101 360 581

REGISTERED OWNER(S)				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
191 165 768	16/08/2019	TRANSFER OF LAND	\$715,000	\$715,000

OWNERS

PATRICK W ANDERSEN

AND

SYLWIA CIEZAR ANDERSEN

BOTH OF:



AS JOINT TENANTS

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION	DATE (D/M/Y)	PARTICULARS
751 092 453	27/08/1975	UTILITY RIGHT OF WAY GRANTEE - COCHRANE LAKE GAS CO-OP LTD.
901 111 745	04/05/1990	CAVEAT

(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2

191 165 768

REGISTRATION

NUMBER	DATE (D/M/Y)	PARTICULARS
--------	--------------	-------------

RE : ROADWAY

CAVEATOR - THE MUNICIPAL DISTRICT OF ROCKY VIEW NO. 44.

911 - 32ND AVENUE N E

CALGARY

ALBERTA T2M4L6

971 380 025 19/12/1997 UTILITY RIGHT OF WAY
 GRANTEE - FORTISALBERTA INC.
 PORTION AS DESCRIBED

(DATA UPDATED BY: TRANSFER OF UTILITY RIGHT OF WAY 021243610)

(DATA UPDATED BY: CHANGE OF ADDRESS 091112598)

(DATA UPDATED BY: TRANSFER OF UTILITY RIGHT OF WAY 191072288)

191 165 769 16/08/2019 MORTGAGE
 MORTGAGEE - ROYAL BANK OF CANADA.
 10 YORK MILLS ROAD
 3RD FLOOR
 TORONTO
 ONTARIO M2P0A2
 ORIGINAL PRINCIPAL AMOUNT: \$560,000

TOTAL INSTRUMENTS: 004

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
 ACCURATE REPRODUCTION OF THE CERTIFICATE OF
 TITLE REPRESENTED HEREIN THIS 30 DAY OF JULY,
 2020 AT 01:37 P.M.

ORDER NUMBER: 39823843

CUSTOMER FILE NUMBER: walk-in



END OF CERTIFICATE

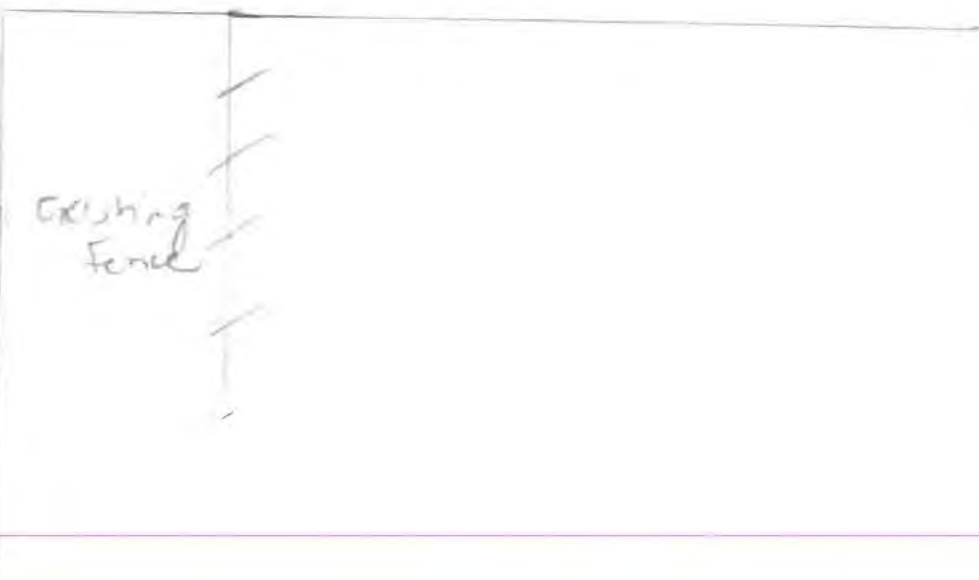
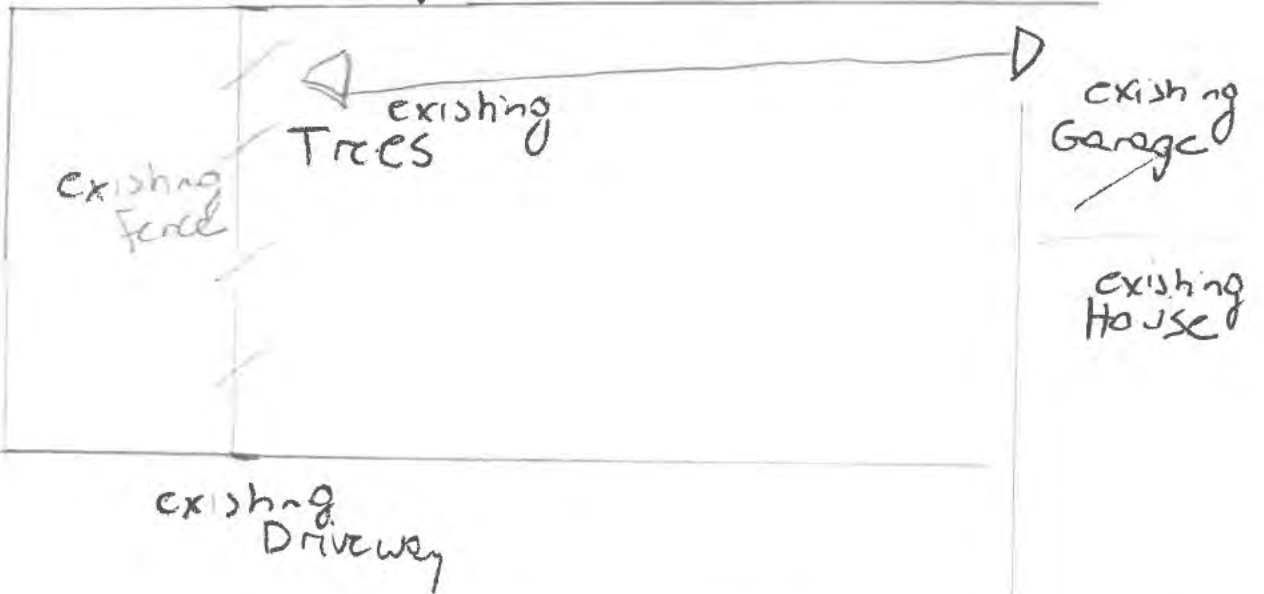
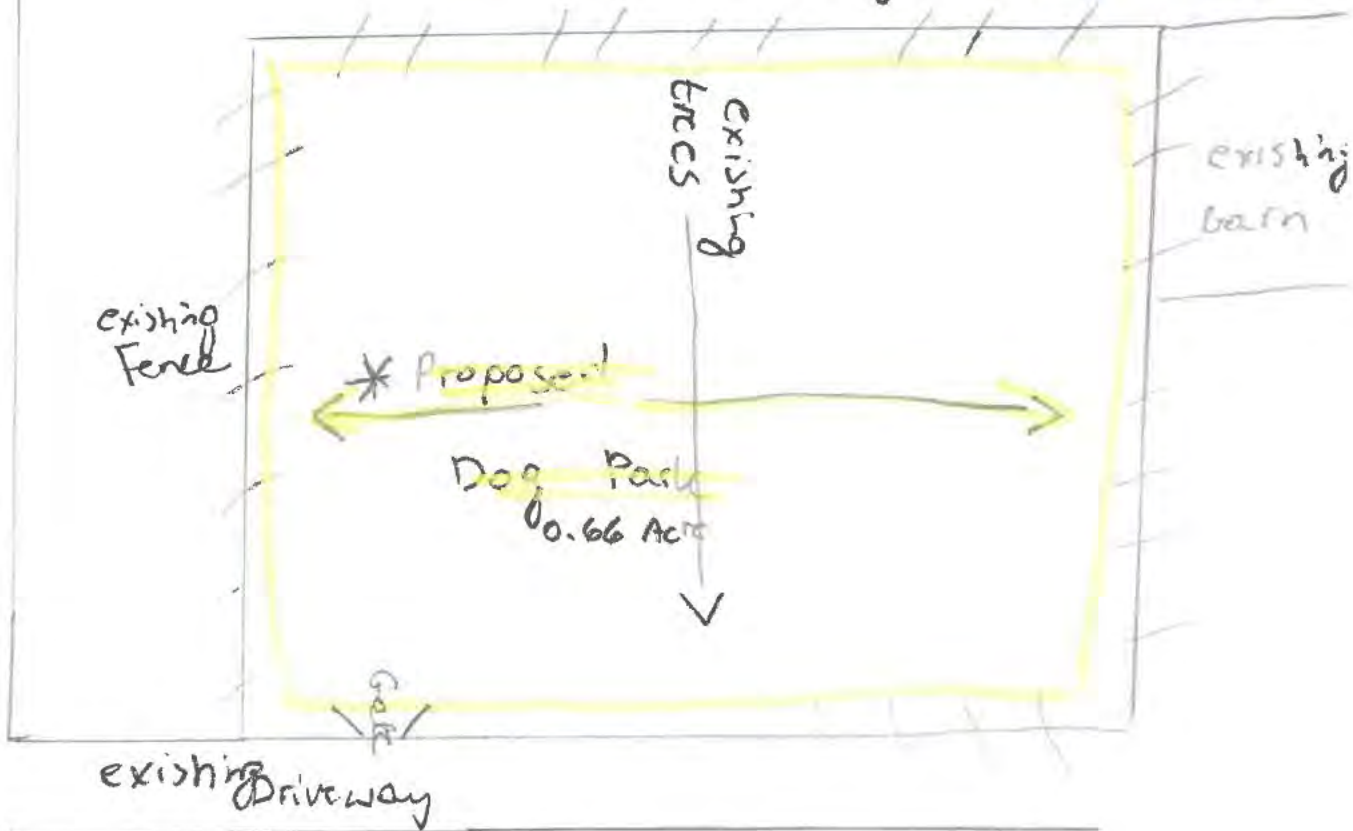
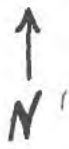
THIS ELECTRONICALLY TRANSMITTED LAND TITLES PRODUCT IS INTENDED
 FOR THE SOLE USE OF THE ORIGINAL PURCHASER, AND NONE OTHER,
 SUBJECT TO WHAT IS SET OUT IN THE PARAGRAPH BELOW.

THE ABOVE PROVISIONS DO NOT PROHIBIT THE ORIGINAL PURCHASER FROM
 INCLUDING THIS UNMODIFIED PRODUCT IN ANY REPORT, OPINION,
 APPRAISAL OR OTHER ADVICE PREPARED BY THE ORIGINAL PURCHASER AS
 PART OF THE ORIGINAL PURCHASER APPLYING PROFESSIONAL, CONSULTING
 OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).



Unleashed Dog Park.ca

Happiness Unleashed



Site Plan

Development Proposal

Kennel (private dog park)
and Signage



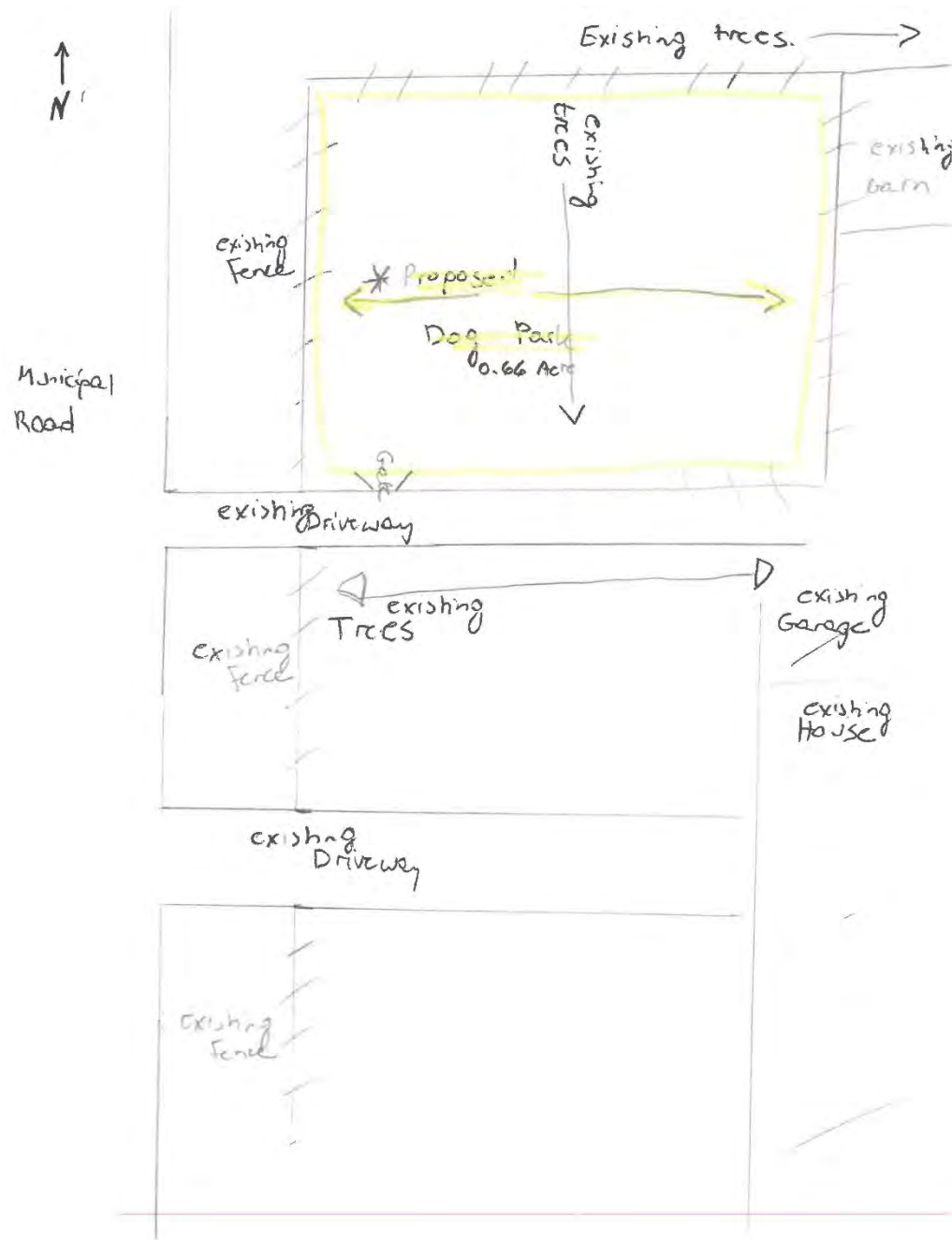
Division: 9
 Roll: 06828006
 File: PL20202393
 Printed: October 19, 2020
 Legal: Lot 2, Plan 9010809,
 within NW-28-26-04-W05M

Agenda

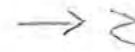
Site Plan

Development Proposal

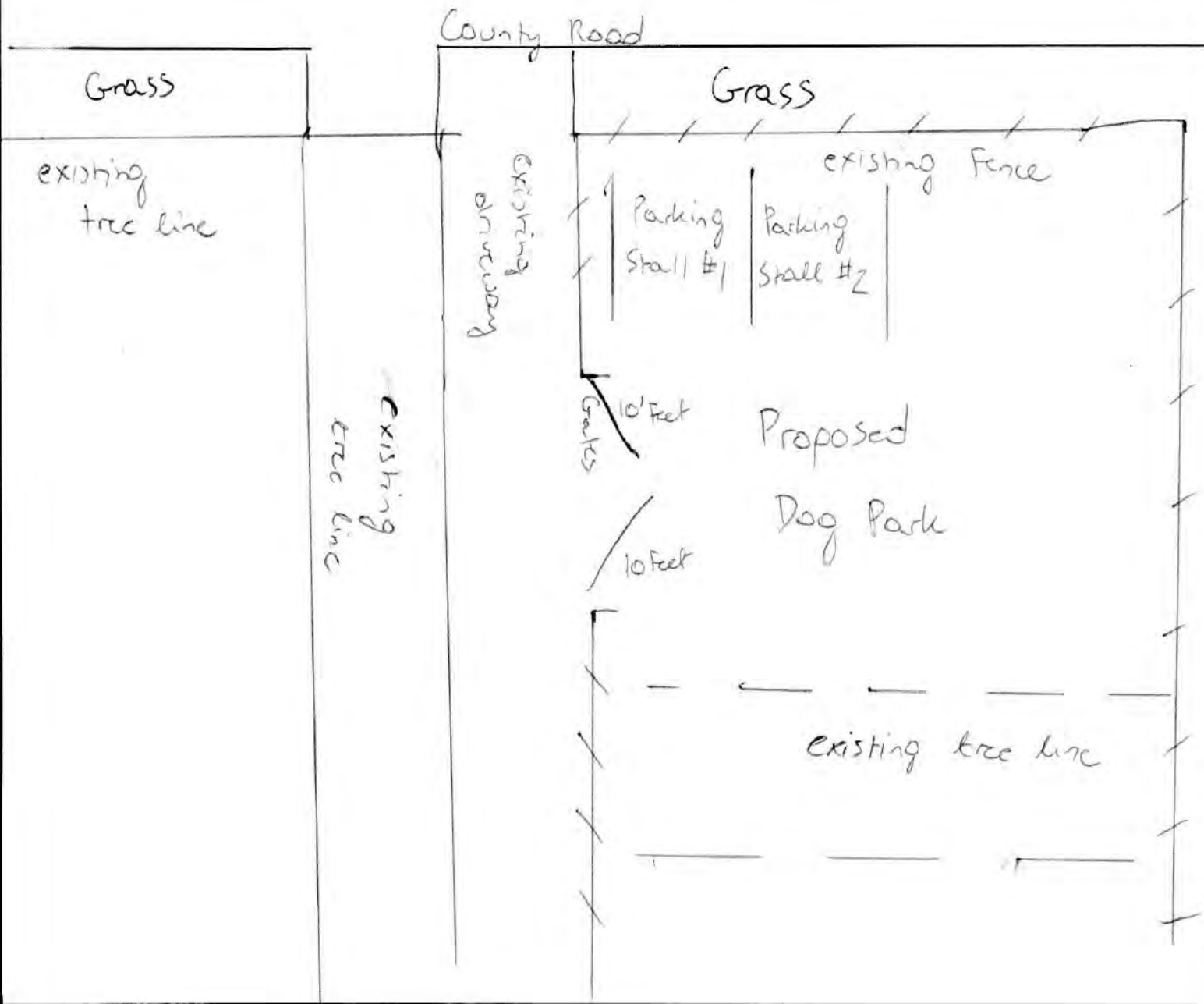
Kennel (private dog park)
and Signage



Division: 9
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**Site Plan****Development Proposal**

Kennel (private dog park)
and Signage



Division: 9
 Roll: 06828006
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 within NW-28-26-04-W05M

Agenda



ROCKY VIEW COUNTY

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

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

NW
Wayne

Inspection Request

Roll #: 06828006 DP #: PRDP20202393

Applicant/Owner: Andersen, Patrick W & Sylwia C
Legal Description: Lot 2 Block Plan 9010809, NW-28-26-04-05
Municipal Address: 264136 RGE RD 44, Rocky View County AB
Land Use: R-2
Reason for Inspection: Establishment of a Kennel

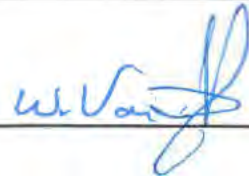
Inspection Report

Date of Inspection: Aug. 25/20

Permission granted for entrance? Yes.

Observations:

- neat and tidy.
- well screened to North and South.
- no concerns at time of inspection

Signature: 



































ROCKY VIEW COUNTY

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

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

Decision of the Municipal Planning Commission

This is not a development permit

Patrick W & Sylwia C Andersen

Development file #: PRDP20202393

Issue Date: September 25, 2020

Roll #: 06828006

Rocky View County's Municipal Planning Commission conditionally approves your August 18, 2020 development permit application for a Kennel, for a private off-leash dog and signage at 264136 Range Road 44 (NW-28-26-04-W5M) subject to the conditions as follows:

Description:

1. That a *Kennel* (private dog park) may operate on the subject property in accordance with the approved site plan submitted with the application and the following details:
 - i. Outside dog enclosures/dog runs enclosed by a 1.20 m (3.94 ft.) high chain link fence (or equivalent); and
 - ii. Signage, one identification sign, in accordance with the approved Signage plan.

Prior to Issuance:

2. That prior to issuance of this permit, the Applicant/Owner shall submit a revised site plan, identifying the proposed minimum parking stalls (of 2 stalls) or parking area, for the proposed Kennel clientele, to the satisfaction of the County.

Permanent:

Operational:

3. That a maximum of 10 dogs may be allowed on the subject site at any one time.
4. That all dogs will be removed from the property by 9:00pm to 8:00am on the weekdays and 9:00pm to 9:00am on weekends.
5. That any signage approved within the Signage plan shall be kept in a safe, clean, and tidy condition at all times. It shall not be flashing, electronic or animated at any time.
6. That all on-site lighting shall be dark sky, and all private lighting, including site security lighting and parking area lighting, shall be designed to conserve energy, reduce glare, and reduce uplight. All development shall demonstrate lighting design that reduces the extent of spill-over glare, and eliminates glare as viewed from nearby residential properties.

This is not a development permit

7. That all business parking shall be onsite. At no time shall any parking be permitted within the County Road allowance.

Fencing & Enclosures:

8. That the kennel area shall be enclosed with fencing, which shall be maintained at all times.
9. That all outside runs or fencing shall be a minimum of 1.20 m (3.94 ft.) in height.

Servicing:

10. That all waste shall be stored in a dry state in metal or plastic containers, and shall be disposed of off-site in a manner satisfactory to the County.

Advisory:

11. That the Applicant/Owner shall adhere to the County's Animal Control Bylaw [C-5758-2003] and the Noise Bylaw [C-5772-2003] at all times.
12. That any personally-owned dogs of the Applicant/Owner, shall be registered and licensed with Rocky View County, as per the Master Rates Bylaw.
13. That any other government permits, approvals, or compliances are the sole responsibility of the Applicant/Owner.
14. 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 Officer.
15. That if this Development Permit is not issued by **APRIL 30, 2021** or the approved extension date, then this approval is null and void and the Development Permit shall not be issued.

It is the responsibility of the applicant to meet and always follow the conditions of this development permit. Fines or enforcement action may occur if operating outside of this permit. Please contact Planning and Development Services at development@rockyview.ca or 403-520-8158 for assistance with this decision or the process for meeting development conditions.

An appeal of the Municipal Planning Commission's decision must be filed to the Subdivision and Development Appeal Board (SDAB) in accordance with section 686 of the *Municipal Government Act*. To file an appeal or for assistance with filing an appeal, please contact the Municipal Clerk's Office at sdab@rockyview.ca or 403-230-1401. More information on the SDAB can also be found at www.rockyview.ca.



Jerry Gautreau, Chair
Municipal Planning Commission

This is not a development permit



Notice of Appeal

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

Appellant Information			
Name of Appellant(s) Michael and Melanie Shepley			
Mailing Address 264160 Range Road 44		Municipality Rocky View County	Province AB
Postal Code [REDACTED]			
Main Phone # [REDACTED]	Alternate Phone # [REDACTED]	Email Address [REDACTED]	
Site Information			
Municipal Address 264136 Range Road 44		Legal Land Description (lot, block, plan OR quarter-section-township-range-meridian) Lot 2 Block Plan 9010809 NW-28-26-04-05	
Property Roll # 06828006		Development Permit, Subdivision Application, or Enforcement Order # PRDP20202393	
I am appealing: (check one box only)			
Development Authority Decision <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input 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 see attached page of Reasons for Appeal. <div style="text-align: center; margin-top: 100px;"> </div>			

This information is collected for Rocky View County's Subdivision and Development Appeal Board or Enforcement Appeal Committee under section 33(c) of the Freedom of Information and Protection of Privacy Act (FOIP Act) and will be used to process your appeal and create a public record of the appeal hearing. Your name, legal land description, street address, and reasons for appeal will be made available to the public in accordance with section 40(1)(c) of the FOIP Act. Your personal contact information, including your phone number and email address, will be redacted prior to your appeal being made available to the public. If you have questions regarding the collection or release of this information, please contact the Municipal Clerk at 403-230-1401.

Appellant's Signature

Oct. 19, 2020

Date

October 19, 2020

To: Subdivision and Development Appeal Board

Submitted by: Michael and Melanie Shepley

Re: Application Number PRDP20202393

Our reasons for appeal show that, as neighbours of this business, we are negatively impacted in significant ways by the operation of this private dog park next to our home and property.

A primary reason for appeal is for the safety of our small children, our pets, ourselves and our neighbours. Having dogs come to play off leash, especially reactive dogs which this park caters to, in an area immediately adjacent to our property, sharing a fence line, is very dangerous and we have already experienced loss of use of our property due to this. We no longer feel safe using our west fields for recreational purposes and for pasturing.

Our children are afraid to play in the yard, as they have had dogs using the park aggressively charge the fence and bark at them. We are afraid to let them play in the yard for fear of dogs reacting aggressively towards them and us, and potentially jumping over the fence or getting through it.

We can no longer allow our dogs to run freely on our own property for fear of them being attacked through or over the fence by reactive dogs using the dog park.

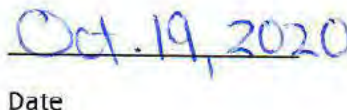
We can no longer ride our horses in our west field, which has been our designated outdoor riding area. Having dogs behaving aggressively towards the horses while riding presents major potential dangers with horses spooking, fleeing with riders and causing major injuries to riders, which include our children, and to the horses. We also use this field for grazing/pasture rotation for our horses, and no longer feel safe using the field to pasture our horses with reactive dogs, who are likely not commonly exposed to livestock, playing off leash on the other side of the fence.

Safety of our other neighbours living on our range road and on nearby range roads is a concern as well. Neighbours have already had issues with a dog aggressively charging and barking at the fence while walking, cycling or riding horses by the dog park. They have also expressed safety concerns over increased traffic on our quiet, gravel, dead-end road travelling to and from the dog park.

In addition to the safety concerns, the loss of use of our property and loss of enjoyment of our property, we are also concerned that the value of our property will be negatively impacted. We would have an extremely difficult time finding a buyer who is ok with living next door to an off leash dog park for reactive dogs.

We strongly oppose any form of a dog park or kennel operation in our neighbourhood. A business of this nature has no place in a residential neighbourhood.

We would also like to request that dog kennels (and private dog parks) should not be listed as a discretionary use under the Rocky View Land Use Bylaw for rural residential properties at all.


Appellant's Signature
Date

Location & Context

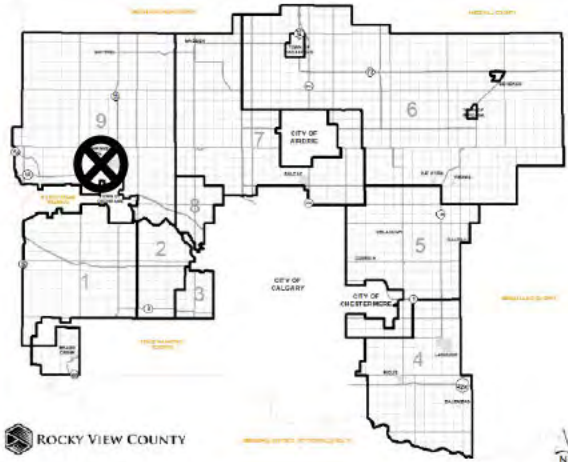
Development Proposal

Kennel (private dog park) and Signage

Division: 9
Roll: 06828006
File: PL20202393
Printed: October 19, 2020
Legal: Lot 2, Plan 9010809,
within NW-28-26-04-W05M

Agenda

ATTACHMENT 'F': MAP SET



Development Proposal

Development Proposal

Kennel (private dog park)
and Signage

COCHRANE
LAKE

RG ERD 44



Division: 9
 Roll: 06828006
 File: PL20202393
 Printed: October 19, 2020
 Legal: Lot 2, Plan 9010809,
 within NW-28-26-04-W05M

Agenda

Environmental

Development Proposal

Kennel (private dog park)
and Signage



-  Subject Lands
-  Contour - 2 meters
-  Riparian Setbacks
-  Alberta Wetland Inventory
-  Surface Water

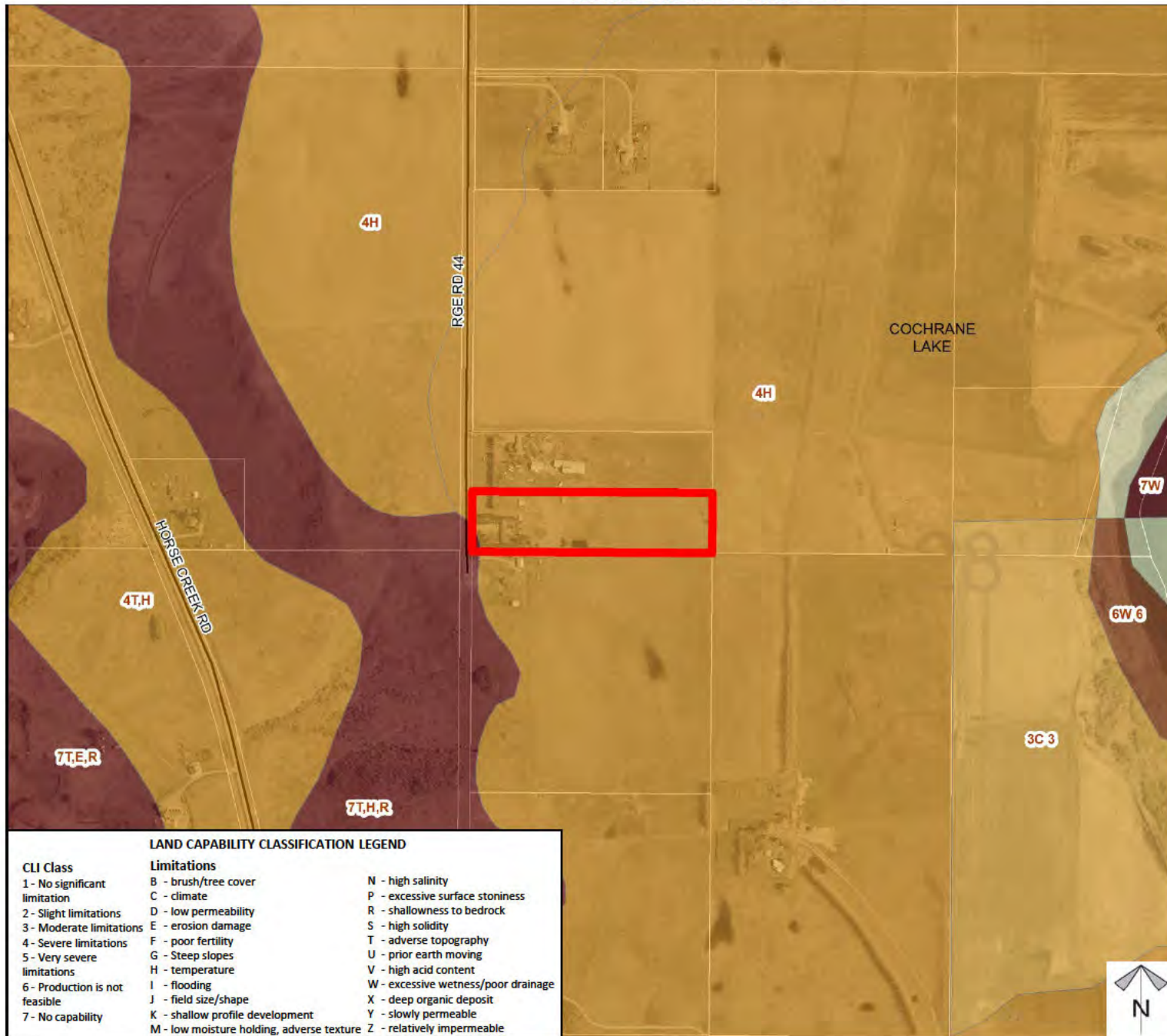
Division: 9
 Roll: 06828006
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Agenda

Soil Classifications

Development Proposal

Kennel (private dog park)
and Signage

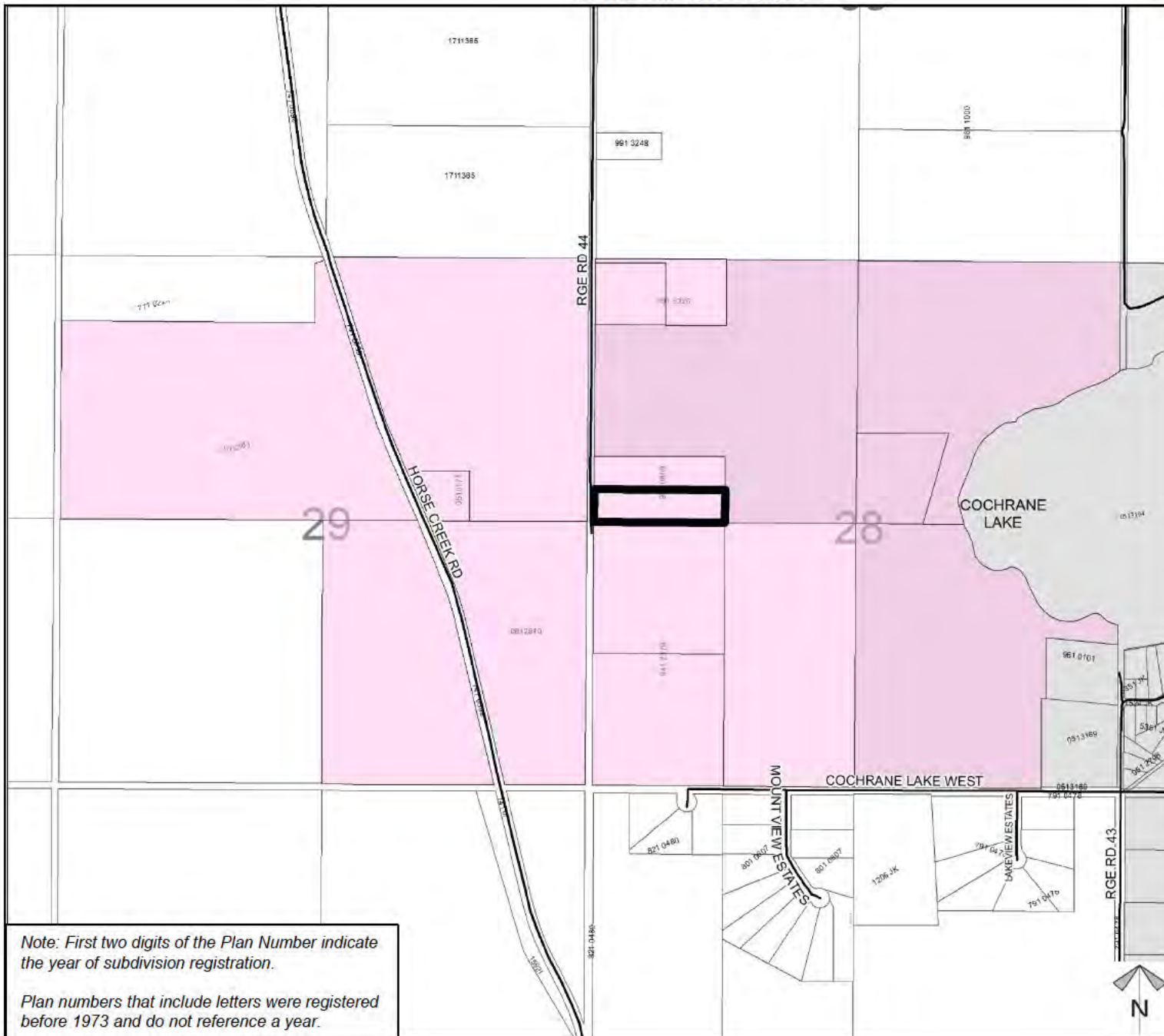


Division: 9
 Roll: 06828006
 File: PL20202393
 Printed: October 19, 2020
 Legal: Lot 2, Plan 9010809,
 within NW-28-26-04-W05M

Landowner Circulation Area

Development Proposal

Kennel (private dog park)
and Signage



Note: First two digits 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.

Legend

Support



Opposition



Division: 9
 Roll: 06828006
 File: PL20202393
 Printed: October 19, 2020
 Legal: Lot 2, Plan 9010809,
 within NW-28-26-04-W05M

Agenda



PLANNING AND DEVELOPMENT SERVICES

TO: Subdivision and Development Appeal Board

DATE: November 18, 2020 **DIVISION:** 2

FILE: 05715001 **APPLICATION:** PRDP20201862

SUBJECT: Commercial Communication Facility, Type C

PROPOSAL: Commercial Communication (CC) Facilities, Type C and associated equipment shelter	GENERAL LOCATION: Located immediately north of Twp. Rd. 251A and 0.81 km (1/2 mile) east of Rge. Rd. 33
APPLICATION DATE: July 8, 2020	DEVELOPMENT AUTHORITY (MUNICIPAL PLANNING COMMISSION) DECISION: Discretionary – Approved
APPEAL DATE: October 20, 2020	DEVELOPMENT AUTHORITY (MUNICIPAL PLANNING COMMISSION) DECISION DATE: September 25, 2020
APPELLANT: Alison and Oscar Smoole	APPLICANT/OWNER: Brenden Smith (LandSolutions LP) / Elmar Augart
LEGAL DESCRIPTION: Block D, Plan 7910461; SE-15-25-03-W05M	MUNICIPAL ADDRESS: 32124 Township Road 251A
LAND USE DESIGNATION: Ranch and Farm District (RF)	GROSS AREA: ± 74.66 hectares (± 184.47 acres)
DISCRETIONARY USE: Commercial Communications Facilities, “Type C”	DEVELOPMENT VARIANCE AUTHORITY: The Development Authority has variance ability within Section 12.2 of the Land Use Bylaw.
PUBLIC SUBMISSIONS: The application was circulated to five hundred and thirty (530) adjacent landowners. At the time this report was prepared, no letters were received in support or objection to the application, excepting the appeal.	LAND USE POLICIES AND STATUTORY PLANS: <ul style="list-style-type: none"> • County Plan • Land Use Bylaw C-4841-97 • Central Springbank Area Structure Plan

EXECUTIVE SUMMARY:

The application is for a construction of a Commercial Communications Facility, Type C and associated equipment shelter. The subject land is designated Ranch and Farm District under Land Use Bylaw C-4841-97 where Commercial Communication Facilities, Type C is a discretionary use. The proposed tower is located in the southwest corner of the property. 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 [41.33 sq. ft.]) 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 site falls under the Central Springbank Area Structure Plan, which attempts to direct telecommunications towers into a common facility or concentrated on limited sites. The application was assessed in accordance with the Land Use Bylaw C-4841-97, as the application was received prior to September 8, 2020. The application was approved with conditions by the Development Authority on September 25, 2020.

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 development permit applications and issues a development permit (concurrence) or refusal (non-concurrence). 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.

On October 20, 2020, the Appellant appealed the decision of the Development Authority. Reasons for the appeal are noted in the Notice of Appeal.

PROPERTY HISTORY:

Date	File/Application #	Type	Result
March 18, 2020	PRDP20200080	Renewal of farm dwelling, mobile home (a minimum of 9 renewal applications have been received between 1997 and 2015)	Issued
November 19, 2019	PRDP20191527	Commercial communications facility, Type C	Refused – SDAB upheld the decision of the development authority.

APPEAL:

See attached report and exhibits.

Respectfully submitted,

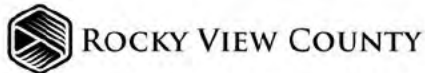
A handwritten signature in black ink, appearing to read "S. MacLean".

Sean MacLean
Supervisor, Planning and Development Services

AB/lt

ATTACHMENTS:

ATTACHMENT 'A': Municipal Planning Commission Report
 ATTACHMENT 'B': Application Details
 ATTACHMENT 'C': Notice of Decision
 ATTACHMENT 'D': Notice of Appeal
 ATTACHMENT 'E': Map Set



PLANNING AND DEVELOPMENT SERVICES

TO: Municipal Planning Commission

DATE: September 24, 2020

DIVISION: 2

APPLICATION: PRDP20201862

SUBJECT: Development Item: Utility

USE: Commercial Communication (CC) Facilities, Type C

APPLICATION: Commercial Communication (CC) Facilities, Type C and associated equipment shelter

GENERAL LOCATION: Located 0.81 km (1/2 mile) east of Rge. Rd. 33 and on the north side of Twp. Rd. 251A

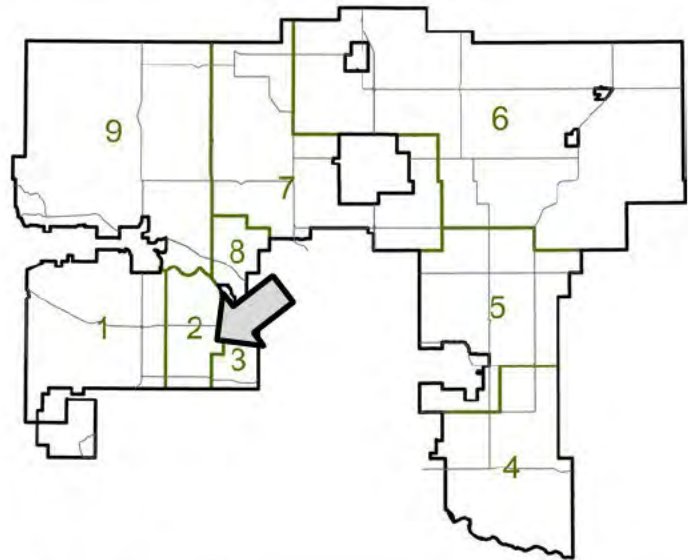
LAND USE DESIGNATION: Ranch and Farm District (RF) under Land Use Bylaw C-4841-97.

ADMINISTRATION RECOMMENDATION: Administration recommends REFUSAL in accordance with Option #2.

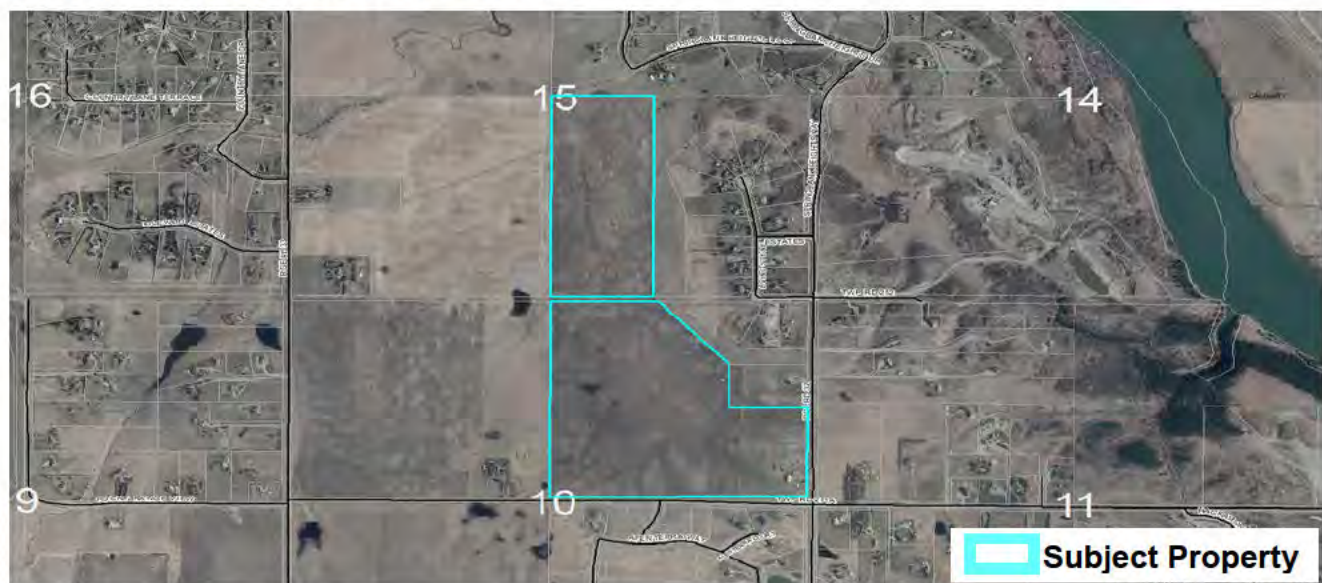
OPTIONS:

Option #1: THAT Development Permit Application PRDP20201862 be approved with the conditions noted in the report.

Option #2: THAT Development Permit Application PRDP20201862 be refused as per the reasons noted.



AIR PHOTO & DEVELOPMENT CONTEXT:



Administration Resources

Andrea Bryden - Planning and Development Services



DEVELOPMENT PERMIT REPORT

Application Date: July 8, 2020	File: 05715001
Application: PRDP20201862	Applicant/Owner: Brenden Smith (LandSolutions LP)/ Elmar Augart
Legal Description: Block D, Plan 7910461; SE-15-25-03-W05M	General Location: Located immediately north of Twp. Rd. 251A and 0.81 km (1/2 mile) east of Rge. Rd. 33
Land Use Designation: Ranch and Farm District	Gross Area: ± 74.66 hectares (± 184.47 acres)
File Manager: Andrea Bryden	Division: 2

PROPOSAL:

The proposal is for a Commercial Communication Facility, Type C and associated equipment shelter. *Note, the application was assessed in accordance with Land Use Bylaw C-4841-97, as the application was received prior to September 8, 2020.*

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 [41.33 sq. ft.]) 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 southeast 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 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.

Land Use Bylaw:

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.



Section 43 *Ranch and Farm District (RF)*

43.4 *Uses, Discretionary*

Commercial Communications Facilities, Type "C"

43.6 *Minimum and Maximum Requirements:*

(a) *Yard, Front:*

(i) *45.00 m (147.64 ft.) from County Roads*

Proposed: 56.23 m (184.48 ft.)

(b) *Yard, Side:*

(i) *45.00 m (147.64 ft.) from County Roads*

Proposed: Lots

(iv) *3.00 m (9.84 ft.) all other*

Proposed: 9.44 m (30.97 ft.)

(c) *Yard, Rear:*

(ii) *7.00 m (11.96 ft.) from other parcels*

Proposed: Lots

Assessment:

The Applicant completed a public notification for properties within a 1,600 metre radius with the previous development permit application (PRDP20191527) which lasted 30 days and public submission were submitted to the County. The Application was assessed in accordance with the previous Council policy and good planning practice.

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 south of 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.

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.

The renderings provided with the application depict the tower as standard grey and would require painting and lighting typically facilitated through Transport Canada approvals. 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.



ROCKY VIEW COUNTY

- 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.

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.

STATUTORY PLANS:

The subject land falls within the Central Springbank Area Structure Plan which provides the following direction on the proposed use:

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:

- Site (location of proposed tower) is empty except for a small shack;
- Adjacent neighbours screened by a row of shelter belt trees;
- Neighbour to the south is undeveloped farm land;
- Site is relatively flat.

CIRCULATIONS:

Agricultural Services

It may be of benefit to the applicant to create a Weed Management Plan and have a contractor available (or be personally prepared) to control any regulated weeds. The application will need to ensure compliance with the Alberta Weed Control Act.

Building Services

No concerns with communication facility.



ROCKY VIEW COUNTY

Planning and Development Services – 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 - Section 300.0 requirements:

- Engineering has no requirements at this time.
- There appears to be no steep slopes on the subject land.

Transportation - Section 400.0 requirements:

- There appears to be two road approaches off of Range Road 32 providing access to the subject land.
- The applicant/owner will not be required to pay the transportation offsite levy, as per the applicable TOL bylaw at time of DP issuance, as the development is located within an agricultural land use district and is not expected to cause an increase in traffic.

Sanitary/Waste Water - Section 500.0 requirements:

- Engineering has no requirements at this time.

Water Supply And Waterworks - Section 600.0 & 800.0 requirements:

- Engineering has no requirements at this time.

Storm Water Management – Section 700.0 requirements:

- Engineering has no requirements at this time.
- The proposed development is expected to have a minimal impact to existing drainage conditions.

Environmental – Section 900.0 requirements:

- Engineering has no requirements at this time.
- The applicant/owner will be responsible to obtain all required AEP approvals should the proposed development impact any wetlands.

Transportation Services

Applicant to contact County Road Operations with haul details for materials and equipment needed during construction/site development to confirm if Road Use Agreements will be required for any hauling along the County road system and to confirm the presence of County road ban restrictions.

Utility Services

No concerns.

Calgary Airport Authority – Springbank Airport

Airport Operations

- The location proposed is under the fixed wing circuit path of Runway 08-26 and has potential to impact airport operations.



ROCKY VIEW COUNTY

Structure Height and Use of Cranes

- The highest point above sea level of any building, structure or object is to be used when calculating the final height of the development. This includes parapets, rooftop equipment, antennas, and other objects. The applicant must ensure there is adequate room for all object to ensure conformity with the Springbank Airport Zoning Regulations. It is also important to note that use of construction equipment such as cranes may also have an impact on Airport Zoning and cannot violate the regulations during the construction of these buildings.

Springbank Airport Zoning Regulations

- The proposed development is located within the Outer Surface as defined in the Springbank Airport Zoning Regulations and is therefore subject to regulated height restrictions. The maximum height for any structure in the area is 1243.58 m above sea level.
- The applicant must contact Transport Canada directly for a thorough review and determination of any restrictions on their proposal, for both the building and cranes that may be used during construction.

Electronic Zoning Regulations

- The proposed development is affected by the Electronic Facilities Protection Area Zoning Plan, and is located within the critical area of the Transmitter/Receiver of the Springbank Airport. Structure height limits exist in the area.
- The applicant must contact Nav Canada directly for a thorough review and determination of any restrictions on their proposal, for both the building and any cranes that may be used during construction.

OPTIONS:

Option # 1: (this would allow the proposed development)

APPROVAL, subject to the following conditions:

Description:

1. That a Commercial Communication 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:
 - i. Placement of one self-supporting telecommunications tower, approximately 45.00 metres high; and
 - ii. Placement of a walk-in cabinet.

Permanent:

2. That the Applicant/Owner shall contact County Road Operations with haul details for materials and equipment needed during construction/site development to confirm if Road Use Agreements will be required for any hauling along the County road system and to confirm the presence of County road ban restrictions.
3. That no topsoil shall be removed from the site.
4. That the Commercial Communication Facility 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.



ROCKY VIEW COUNTY

5. That should the Commercial Communication Facility become deactivated or unused; the Commercial Communication Facility 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 through Building Services, 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)

REFUSAL, for the following reasons:

1. That in the opinion of the Municipal Planning Commission, the development unduly interferes with the amenities of the neighbourhood and materially interferes with and affects the use, enjoyment, and value of neighbouring parcels of land.



ROCKY VIEW COUNTY
Cultivating Communities

20201862

APPLICATION FOR A DEVELOPMENT PERMIT

FOR OFFICE USE ONLY	
Fee Submitted \$2150.00	File Number 05715001
Date of Receipt July 9, 2020	Receipt # 2020024049

Name of Applicant Rogers Communications Canada Inc. c/o LandSolutions LP Email [REDACTED]
Mailing Address [REDACTED] Postal Code [REDACTED]
Telephone (B) [REDACTED] (H) [REDACTED] Fax [REDACTED]
For Agents please supply Business/Agency/ Organization Name Brenden Smith, LandSolutions LP

Registered Owner (if not applicant) Elmar Augart (Rancher)
Mailing Address [REDACTED] Postal Code [REDACTED]
Telephone (B) [REDACTED] (H) [REDACTED] Fax [REDACTED]

1. LEGAL DESCRIPTION OF LAND

- a) All / part of the 1/4 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 July 7, 2020

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

Date

Andrea - SW ④



ROCKY VIEW COUNTY

262075 Rocky View Point
Rocky View County, AB, T4A 0X2403-230-1401
questions@rockyview.ca
www.rockyview.ca

Inspection Request

Roll #: 05715001 DP #: PRDP20201862

Applicant/Owner: Brenden Smith (LandSolutions LP)
Legal Description: Lot Block D Plan 7910461, SE-15-25-03-05
Municipal Address: 251147 RGE RD 32, Rocky View County AB251161 RGE RD 32,
Rocky View County AB
Land Use: RF
Reason for Inspection: construction of a Commercial Communications Facility, Type C

Inspection Report

Date of Inspection: 07/23/2020

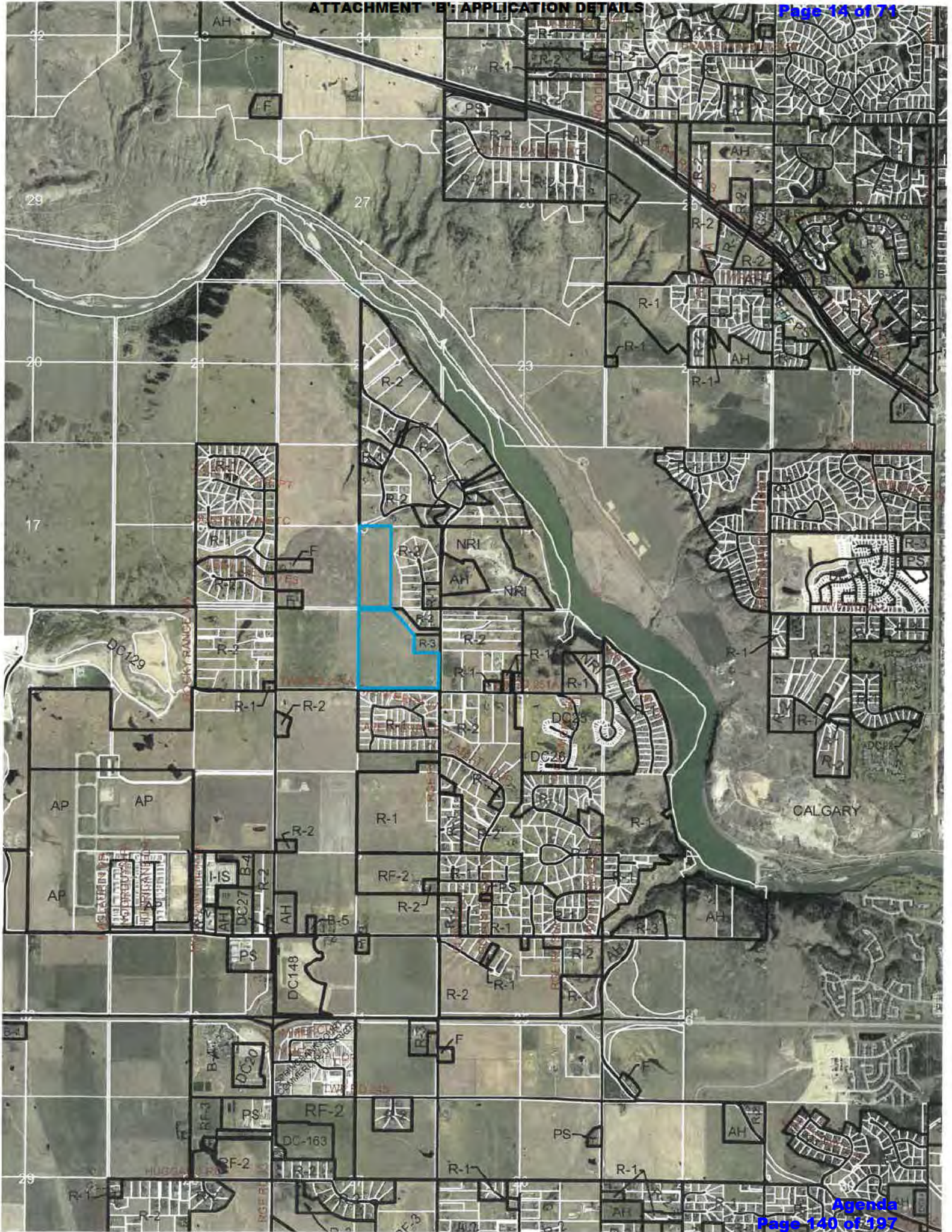
Permission granted for entrance? YES

Observations:

- SITE IS EMPTY EXCEPT FOR A SMALL SHARK
- ADJACENT NEIGHBOURS SCREENED BY A ROW OF SHEETER BELT TREES
- NEIGHBOUR TO THE SOUTH IS UNDEVELOPED FARM LAND
- SITE IS RELATIVELY FLAT

Signature: 























Rogers Communications Canada Inc.
Final Submission Cover Letter
45m Self-Support Telecommunications Facility
July 7, 2020

Rocky View County
Planning Services
262075 Rocky View Point
Rocky View County, AB T4A 0X2
Attention: Ms. Andrea Bryden, Municipal Planner

Dear Ms. Bryden,

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

SECOND 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

Following issuance of non-concurrence for our first proposal on November 13, 2019 (2019-SDAB-055, PRDP20191527), Rogers reviewed the area and finding no alternative locations or options has decided to resubmit for concurrence. Despite the previous issuance of non-concurrence, Rogers respectfully requests that the County reconsider its position and issue concurrence for this site, so that Rogers can provide enhanced wireless telecommunication services to the community.

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. Please review the attached consultation summary for further details as to the feedback received and our formal responses.

Please note that payment of \$2,150 will be provided separately, and it is our preference to pay with credit card if possible.

The following attachments are included in this submission package:

- Summary of Proposed Commercial Communications Facility
- Commercial Communications Facility Application
- Preliminary design drawings
- Additional Details, including site photos, maps showing active and abandoned wells and pipelines
- Public Notification Package
- Certificate of Title and all non-financial instruments
- Letter of Authorization
- 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



Rogers Communications Canada Inc.
Final Submission Cover Letter
45m Self-Support Telecommunications Facility
July 7, 2020

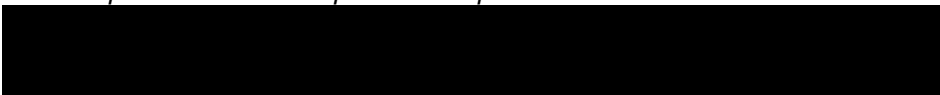
Sincerely,

LandSolutions LP for Rogers Communications Inc.

A handwritten signature in blue ink, appearing to read 'Brenden Smith', written over a light blue horizontal line.

Brenden Smith, RPP/MCIP

Site Acquisition and Municipal Affairs Specialist





LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0033 804 964 7910461;D 091 059 846 +1

LEGAL DESCRIPTION

PLAN 7910461
BLOCK D
CONTAINING 79.3 HECTARES (195.96 ACRES) MORE OR LESS
EXCEPTING THEREOUT:

	HECTARES	(ACRES)	MORE OR LESS
A) PLAN 0911338 SUBDIVISION	4.648	11.49	

EXCEPTING THEREOUT ALL MINES AND MINERALS

ATS REFERENCE: 5;3;25;10;NE
ATS REFERENCE: 5;3;25;15;SE
ESTATE: FEE SIMPLE

MUNICIPALITY: ROCKY VIEW COUNTY

REFERENCE NUMBER: 801 159 233

REGISTERED OWNER(S)				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION

091 059 846 04/03/2009 SUBDIVISION PLAN

OWNERS

ELMAR AUGART (RANCHER)



ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION	DATE (D/M/Y)	PARTICULARS
2175EU	28/04/1939	UTILITY RIGHT OF WAY GRANTEE - ALTALINK MANAGEMENT LTD.

(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2

091 059 846 +1

REGISTRATION

NUMBER	DATE (D/M/Y)	PARTICULARS
		2611 - 3 AVE SE CALGARY ALBERTA T2A7W7 "DATA UPDATED BY: TRANSFER OF UTRW NO. 1333FR NE 1/4 SEC 10" (DATA UPDATED BY: TRANSFER OF UTILITY RIGHT OF WAY 021164247) (DATA UPDATED BY: CHANGE OF ADDRESS 091124391)
731 085 663	27/12/1973	SURFACE RIGHTS BOARD ORDER IN FAVOUR OF - CANADIAN WESTERN NATURAL GAS COMPANY LIMITED. "PORTION OUTLINED IN GREEN IN PLAN ATTACHED, ORDER 7344 UNDER THE SURFACE RIGHTS BOARD (INST. TYPE CORRECTED 13/3/91 BY 911053423)"
761 141 577	17/11/1976	ZONING REGULATIONS SUBJECT TO SPRINGBANK AIRPORT ZONING REGULATIONS
791 047 749	29/03/1979	UTILITY RIGHT OF WAY GRANTEE - HYHIL LAND LTD. AS TO PORTION OR PLAN: 7910462 "DISCHARGED EXCEPT AS TO RW, BY 791177178, 23 10 1979"
871 031 174	27/02/1987	UTILITY RIGHT OF WAY GRANTEE - NORTH SPRINGBANK WATER CO-OP LIMITED. AS TO PORTION OR PLAN: 8710265 (DATA UPDATED BY: TRANSFER OF UTILITY RIGHT OF WAY 141121951)
901 179 968	11/07/1990	CAVEAT RE : SEE CAVEAT CAVEATOR - ALTALINK MANAGEMENT LTD. 2611 - 3 AVE SE CALGARY ALBERTA T2A7W7 (DATA UPDATED BY: TRANSFER OF CAVEAT 021225045) (DATA UPDATED BY: CHANGE OF ADDRESS 091058691)
071 055 803	02/02/2007	CAVEAT RE : UTILITY RIGHT OF WAY CAVEATOR - ATCO GAS AND PIPELINES LTD. 909 ELEVENTH AVE SW CALGARY ALBERTA T2R1L8 AGENT - SEAL.
191 199 173	30/09/2019	CAVEAT

(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTSPAGE 3
091 059 846 +1

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
------------------------	--------------	-------------

RE : LEASE INTEREST UNDER 20 ACRES
CAVEATOR - ROGERS COMMUNICATIONS INC.
ONE MOUNT PLEASANT ROAD, 2ND FL
ATTN MANAGER REAL ESTATE
TORONTO
ONTARIO M4Y2Y5
AGENT - LAND SOLUTIONS GP INC.

TOTAL INSTRUMENTS: 008

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 8 DAY OF JULY,
2020 AT 07:46 A.M.

ORDER NUMBER: 39656576

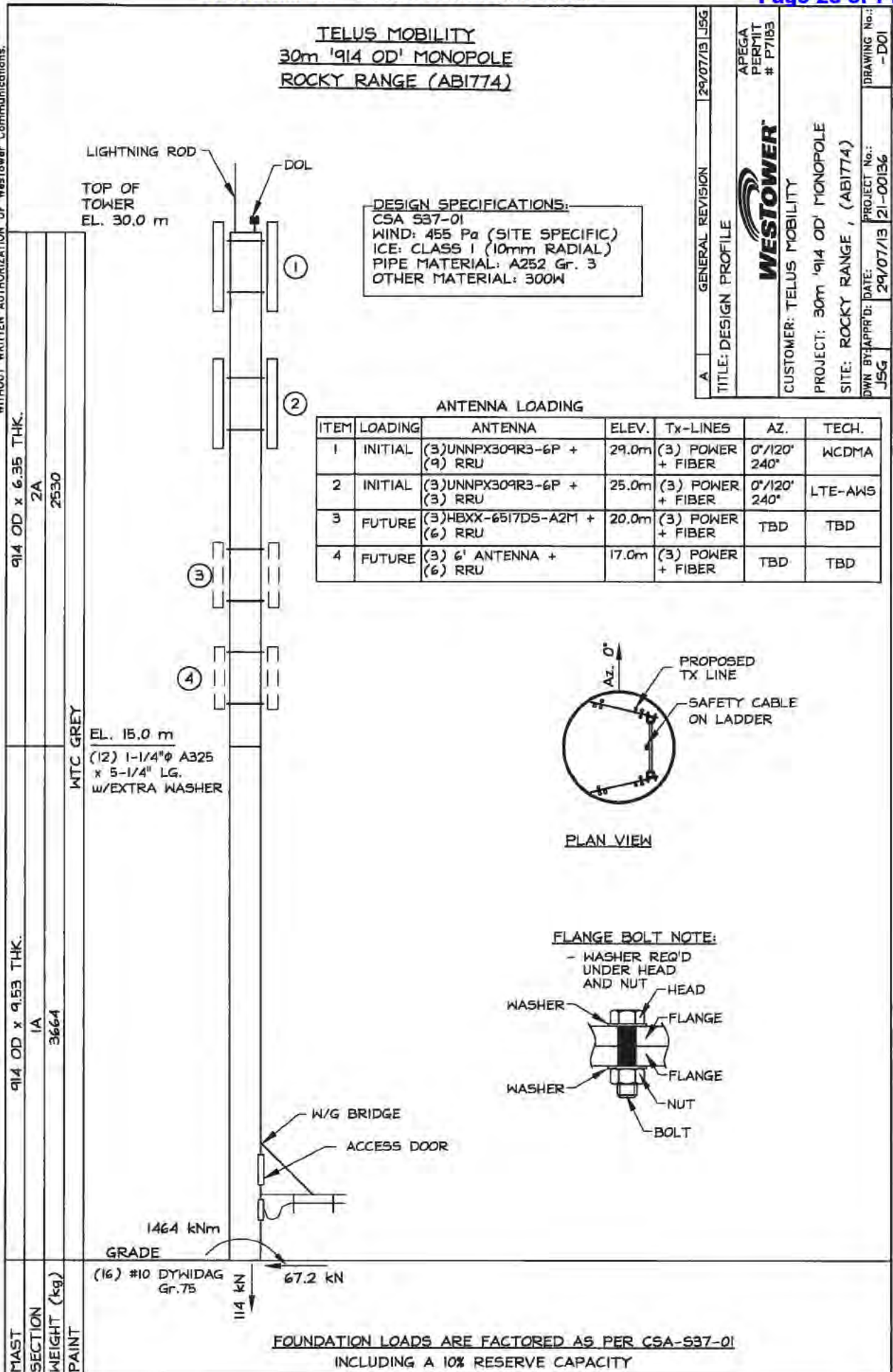
CUSTOMER FILE NUMBER: W5613



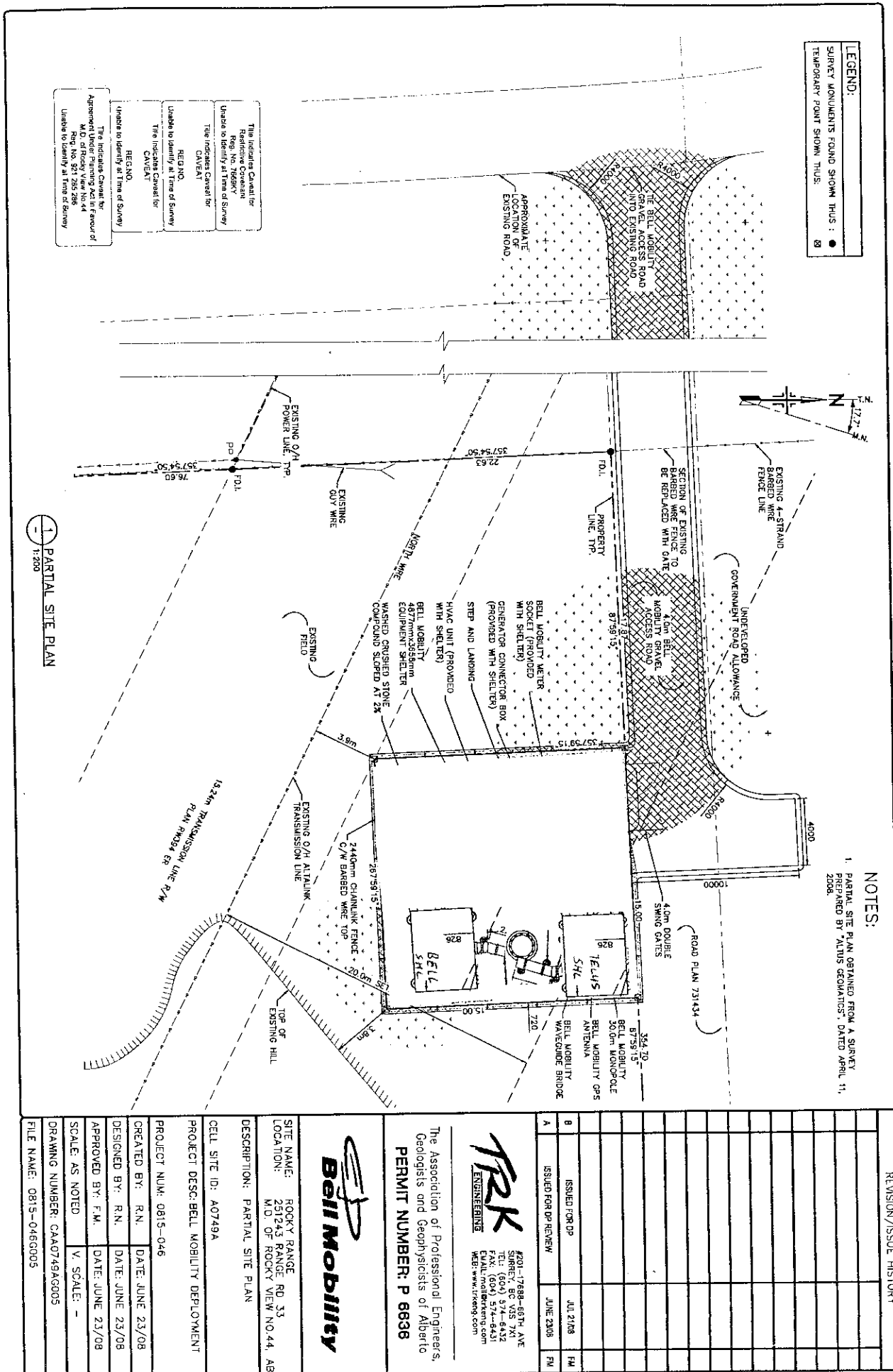
END OF CERTIFICATE

THIS ELECTRONICALLY TRANSMITTED LAND TITLES PRODUCT IS INTENDED
FOR THE SOLE USE OF THE ORIGINAL PURCHASER, AND NONE OTHER,
SUBJECT TO WHAT IS SET OUT IN THE PARAGRAPH BELOW.

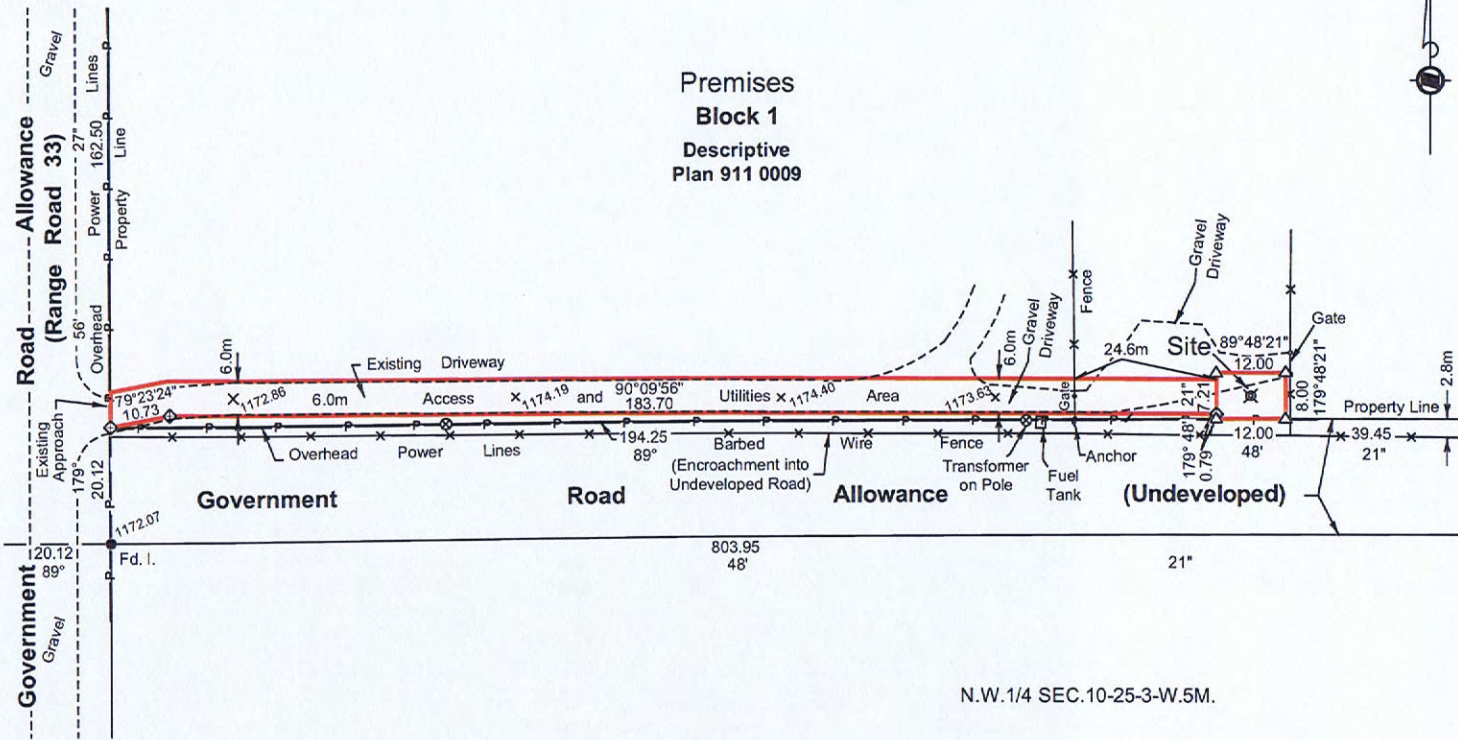
THE ABOVE PROVISIONS DO NOT PROHIBIT THE ORIGINAL PURCHASER FROM
INCLUDING THIS UNMODIFIED PRODUCT IN ANY REPORT, OPINION,
APPRAISAL OR OTHER ADVICE PREPARED BY THE ORIGINAL PURCHASER AS
PART OF THE ORIGINAL PURCHASER APPLYING PROFESSIONAL, CONSULTING
OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).

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

ATTACHMENT 'B': APPLICATION DETAILS



Rev.0



SITE DETAIL
Scale 1:1000

N.W.1/4 SEC.10-25-3-W.5M.

Schedule 'C'

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

ATTACHMENT 'B': APPLICATION DETAILS

PHOTO-SIMULATION – BEFORE IMAGE

VIEW TO THE NORTH
ALONG TOWNSHIP ROAD
251

+/- 71 meter distance to
proposed tower site



ATTACHMENT 'B': APPLICATION DETAILS

**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

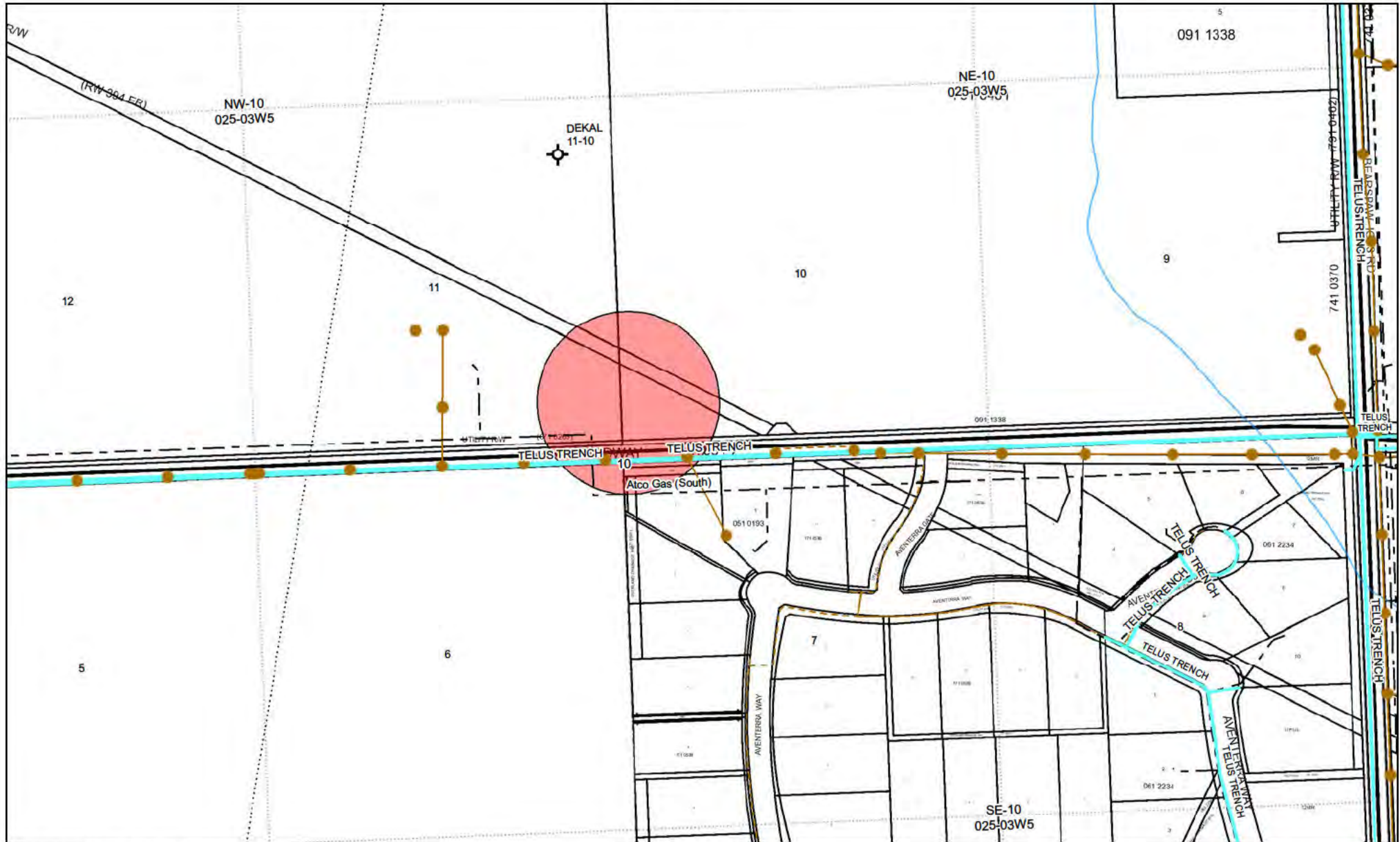


PHOTO-SIMULATION – AFTER IMAGE

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

ARTIST'S RENDERING

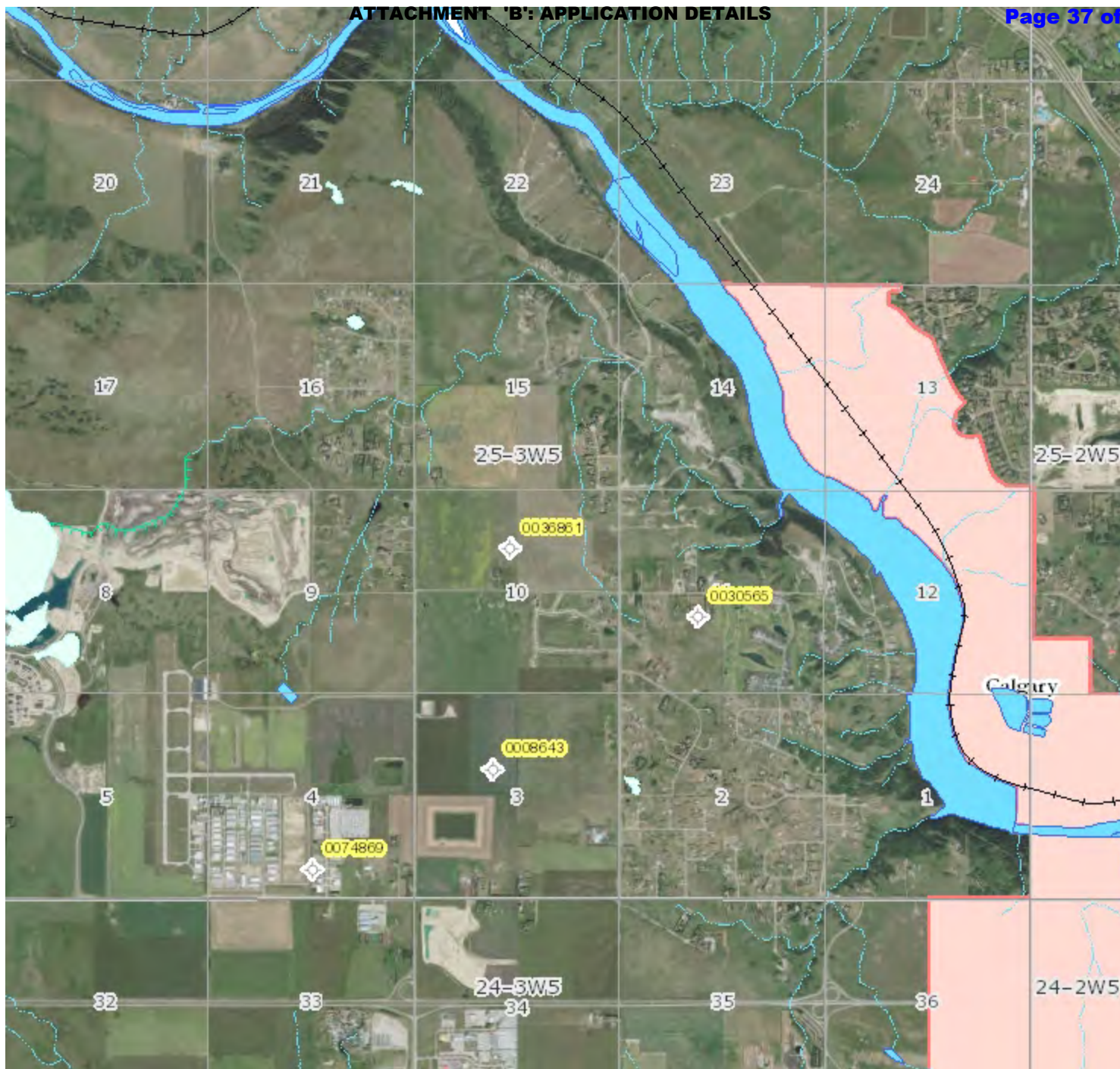




Tuesday, May 7, 2019

1:5,726

0 65 130 260 m



Abandoned Well Map

Base Data provided by: Government of Alberta

Author XXX

Printing Date: 5/7/2019

Date Date (if applicable)

Legend

- ◇ Abandoned Well (Large Scale)
- Revised Well Location (Large Scale)
- Revised Location Pointer
- Road Paved
- - Road Gravel
- Road Other
- Unimproved Road
- - Winter Road; Truck Trail
- Rail Line
 - + Rail Line
 - + Abandoned Rail Line

The Alberta Energy Regulator (AER) has not verified and makes no representation or warranty as to the accuracy, completeness, or reliability of any information or data in this document or that it will be suitable for any particular purpose or use. The AER is not responsible for any inaccuracies, errors or omissions in the information or data and is not liable for any direct or indirect losses arising out of any use of this information. For additional information about the limitations and restrictions applicable to this document, please refer to the AER Copyright & Disclaimer webpage: <http://www.aer.ca/copyright-disclaimer>.

Scale: 72,223.82

1:10 Kilometers 0

Projection and Datum:

WGS84 Web Mercator Auxiliary Sphere



Agenda

SITE CANDIDATE INFORMATION PACKAGE

SITE PHOTOGRAPHS

W5613A – Springbank Heights

PHOTOGRAPH # 1

From Site center facing North



PHOTOGRAPH # 2

From Site center facing East



SITE CANDIDATE INFORMATION PACKAGE

SITE PHOTOGRAPHS

PHOTOGRAPH # 3

From Site center facing South



PHOTOGRAPH # 4

From Site center facing West



SITE CANDIDATE INFORMATION PACKAGE

SITE PHOTOGRAPHS

PHOTOGRAPH # 5

Facing North at Site



PHOTOGRAPH # 6

Facing East at Site



SITE CANDIDATE INFORMATION PACKAGE

SITE PHOTOGRAPHS

PHOTOGRAPH # 7

Facing South at Site



PHOTOGRAPH # 8

Facing West at Site



SITE CANDIDATE INFORMATION PACKAGE

SITE PHOTOGRAPHS

PHOTOGRAPH # 9

From Access facing South at existing Approach



PHOTOGRAPH # 10

From existing Approach facing North along Access



SITE PHOTOGRAPHS

PHOTOGRAPH # 11

Facing West along Access



PHOTOGRAPH # 12

Facing East along Access



SITE CANDIDATE INFORMATION PACKAGE

SITE PHOTOGRAPHS

PHOTOGRAPH # 13

Facing North along Access



PHOTOGRAPH # 14

Overhead power located approx. 90 meters Southwest of Site



SCHEDULE "B"

TOWER SITE COORDINATE TABLE			
NAD 83 (CSRS)			
LOCATION	Geographical		UTM
	Decimal Degree	Degree Min. Sec.	CM = 111°
Premises Centre	51.118592° N 114.338596° W	51°07'06.930" N 114°20'18.945" W	5666381.43 N 686259.04 E
NW Corner	51.118681° N 114.338740° W	51°07'07.250" N 114°20'19.465" W	5666390.95 N 686248.59 E
NE Corner	51.118683° N 114.338455° W	51°07'07.257" N 114°20'18.437" W	5666391.89 N 686268.56 E
SW Corner	51.118501° N 114.338737° W	51°07'06.603" N 114°20'19.453" W	5666370.97 N 686249.53 E
SE Corner	51.118503° N 114.338451° W	51°07'06.610" N 114°20'18.425" W	5666371.91 N 686269.50 E

Table of Crossings:

ID	DESCRIPTION	OWNER
1	Possible Buried Waterline	North Springbank Water Co-op


AREAS:

	ha	Ac.
PREMISES (TOWER SITE)	0.040	0.10
ACCESS	0.048	0.12
UTILITY AREA	0.024	0.06
TOTAL	0.112	0.28

LAND OWNER INFORMATION:

- Owner: ELMAR AUGART
- C. of T. : 091 059 846 +1

GEO-REFERENCE LEGEND:

Geo-Reference Point shown thus:  RP

Geo-Reference Point coordinates: 5666317.55 N, 686245.54 E

Bearings are grid, referred to UTM Zone 11 (CM= 117°) NAD 83 (CSRS)

Epoch 2002, and were derived from GNSS observations.

Combined Scale Factor = 0.999843

NOTES:

The proposed tower site:

• is at least 1.60 km from an urban centre	YES	NO
• is at least 30 m from any water bodies.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• is at least 5.0 km from a lighted airport.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Springbank Airport (3.05 km @ 232°49')	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• is at least 1.6 km from an unlighted airport.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• is at least 40 m from any surveyed road.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• is located outside of an historical resource area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• is free of conflict with any encumbrances or interests of a surface or physical nature.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• is outside of any national or provincial park or other federally or provincially protected area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

I/We the landowner(s), agree to the premises as outlined on these plans.

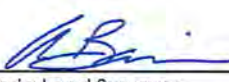
I/We also agree that Rogers Communications Inc. may substitute these plans to that certain Telecommunications Site.

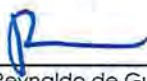
Agreement dated _____, between _____ as Landlord(s) and Rogers Communications Inc., as a Tenant.

Dated on the 29 day of March 2019. *E. Augart*


NOTE: Can-Am Geomatics and its employees take no responsibility for the location of any underground pipes, conduits or other facilities whether shown on or omitted from this plan. All underground installations should be located by the respective authorities prior to construction. Contact Alberta One Call prior to construction: 1-800-242-3447 (www.albertaonecall.com)

I, Adam J. Barvir, 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 on the date of December 21st, 2018.


Alberta Land Surveyor



Witness, Reynaldo de Guzman

March 8th, 2019
Date Signed





ELEVATIONS:




1185.39 TOWER CENTRE			
NW COR.	1185.57	NE COR.	1185.34
SW COR.	1185.18	SE COR.	1185.63







DATUM GNSS/PPP Derived NAD83(CSRS2002)HTV2.0


LEGEND


Statutory iron post (I.) found:  placed: 


Iron spike:  found:  placed: 


Wooden hub:  found:  placed: 


Countersunk:  C.S.


Temporary position:  ☒


Light standard: 


Portions referred to: 


Buried waterline: 


Buried sanitary pipe: 

Buried storm pipe: 

Buried cable:  C C

Buried telephone cable:  T T

Overhead powerlines:  P P

Edge of asphalt: 

Distances are ground and in metres and decimals thereof.

ROGERS COMMUNICATIONS INC.

File No.: W5613A

SCHEDULE "B"

PLAN SHOWING SURVEY OF

PREMISES (TOWER SITE)


ACCESS AND UTILITY AREA

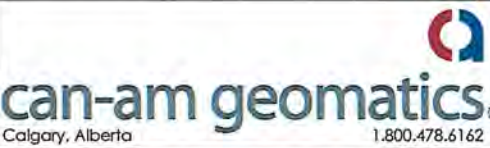
WITHIN

BLOCK D, PLAN 791 0461


NE 1/4 SEC.10-TWP.25-RGE.3-W5M.

ROCKY VIEW COUNTY, ALBERTA

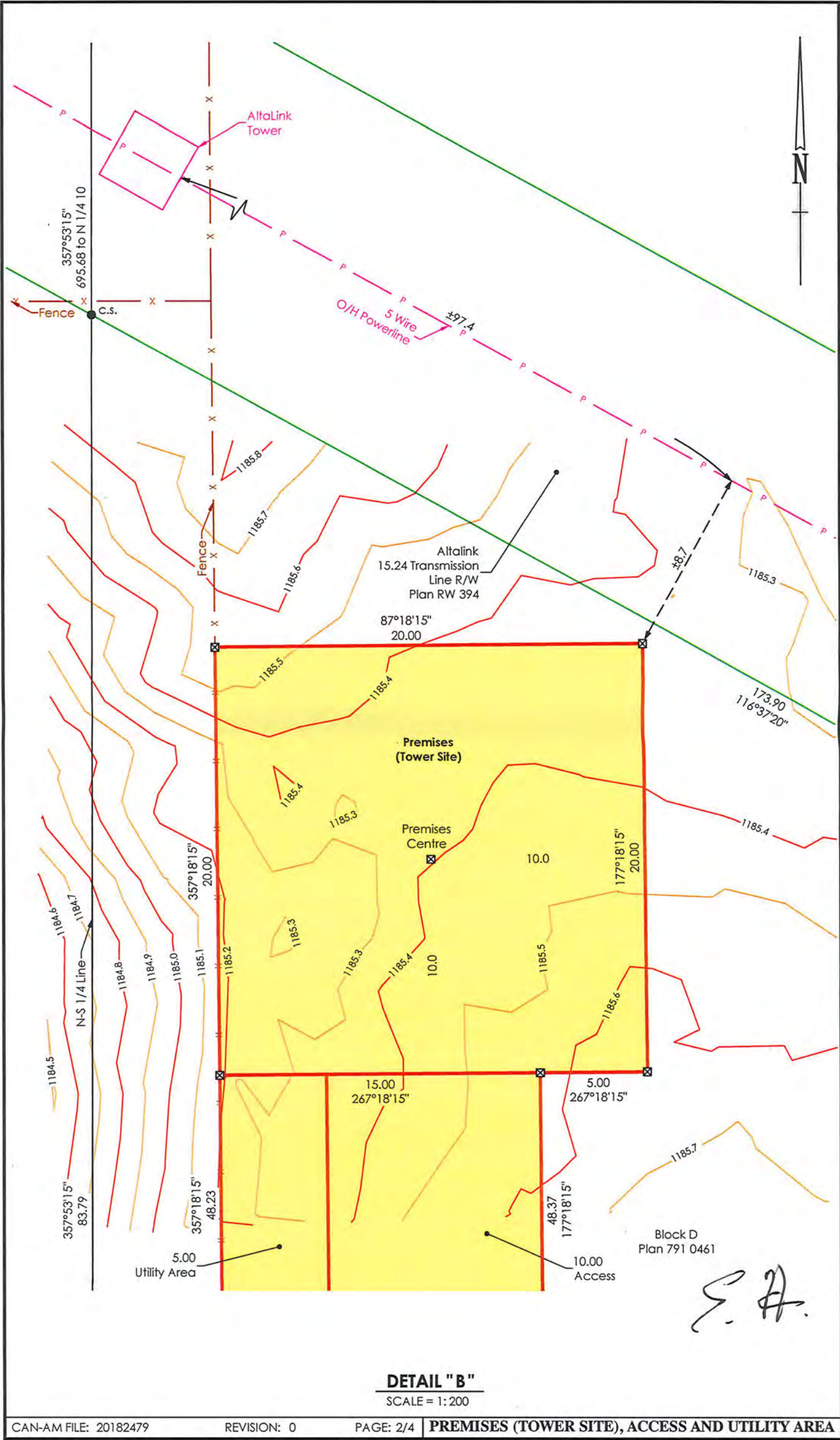




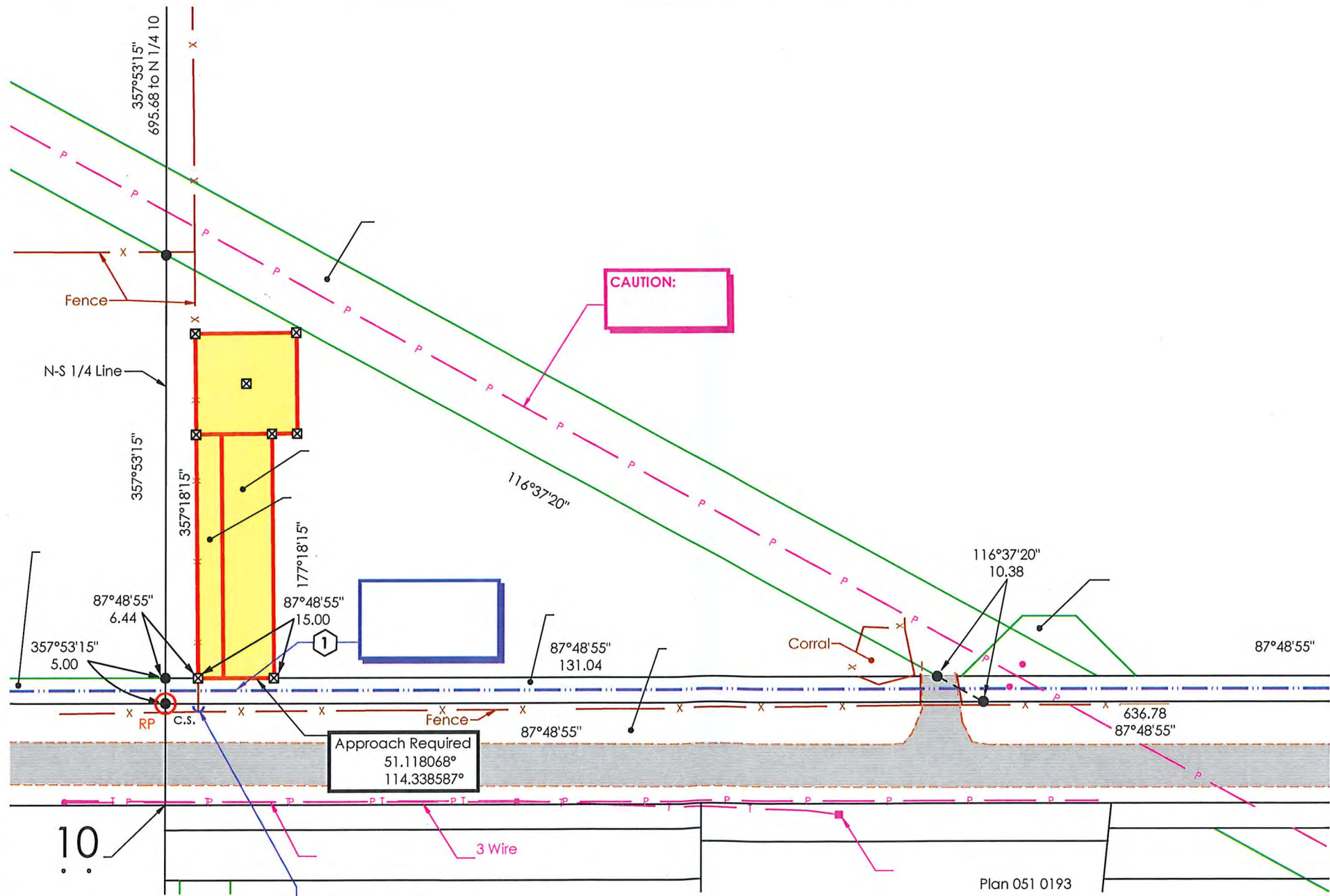
Calgary, Alberta 1.800.478.6162

NO	Y/M/D	REVISION	DRN	CHK	CAN-AM: 20182479
0	19/03/08	ISSUED	RdG	CP/DI	CAD: 20182479S1
					PAGE:1/4
					P.C.: LR
					
					REVISION

Agenda
Page 171 of 197



CAN-AM FILE: 20182479
REVISION: 0
PAGE: 3/4
PREMISES (TOWER SITE), ACCESS AND UTILITY AREA



CAUTION:

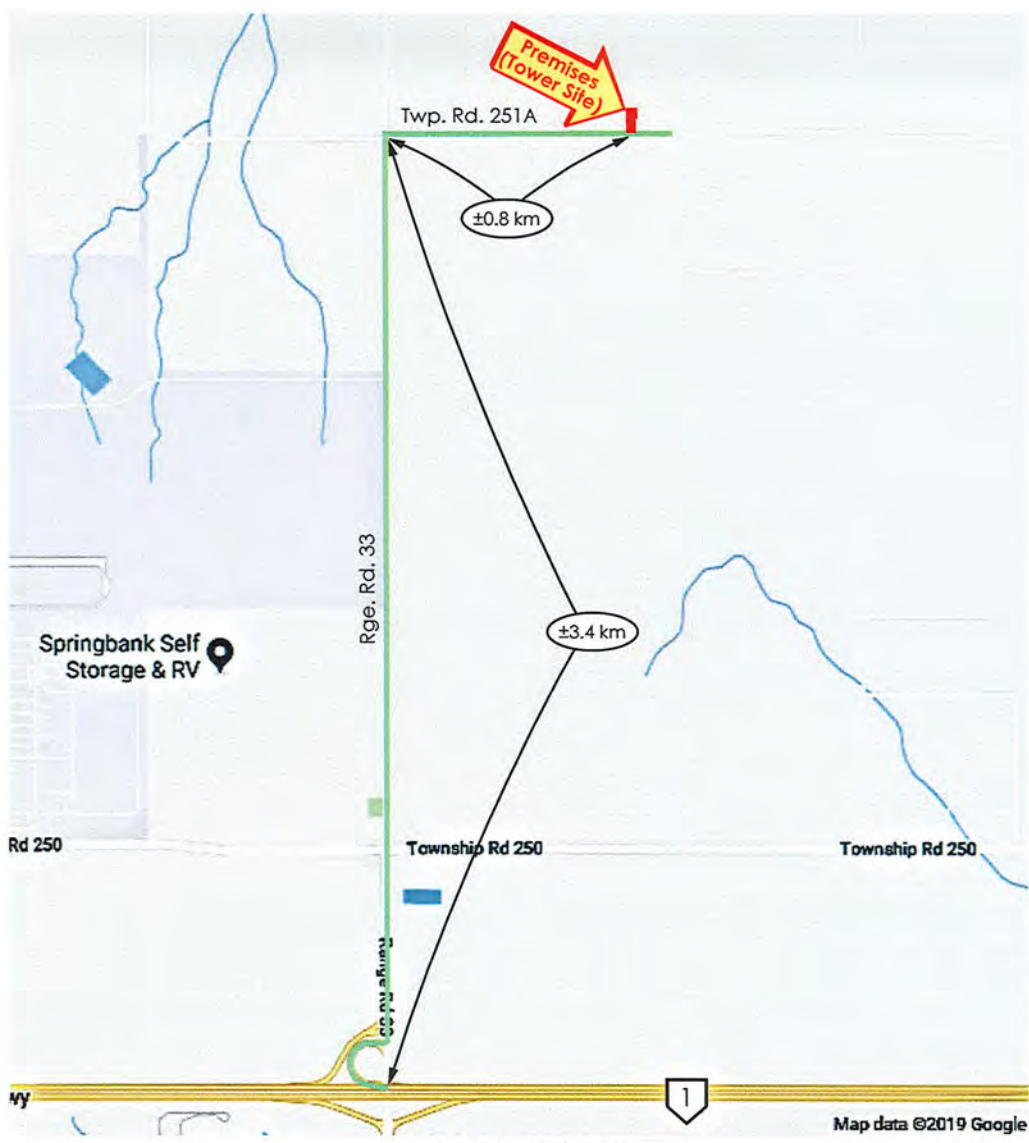
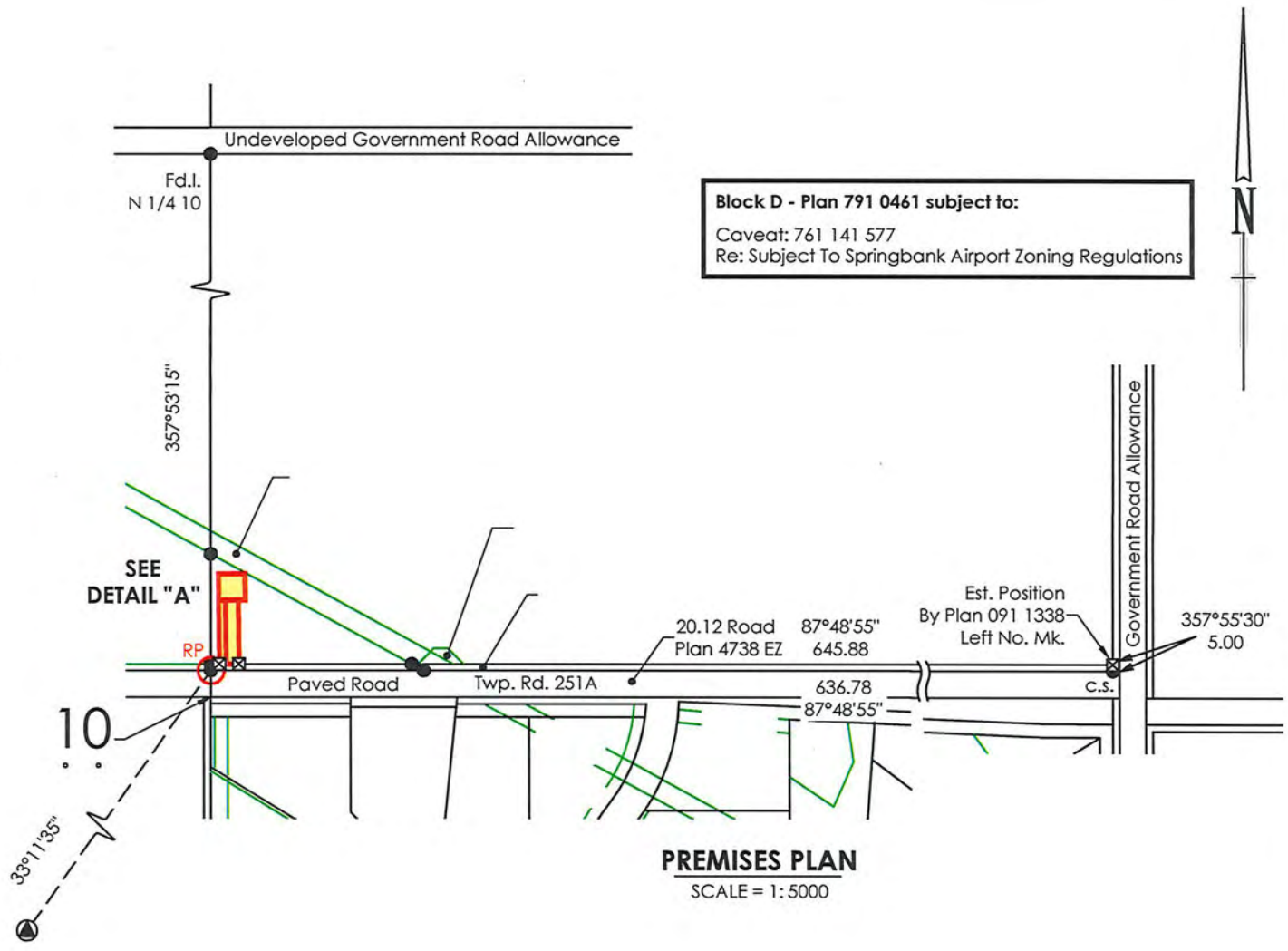
CAUTION:
Water Valve
Possible
Buried Waterline
(Unable to Locate)

DETAIL "A"
SCALE = 1: 1000

Plan 051 0193



37





W5613
SPRINGBANK HEIGHTS
PTN. NE 10-25-3 W5M & SE 15-25-3 W5M
CALGARY, AB
T3Z 1E4



SITE PHOTO



			CHKD	
0	11MAR19	JPS	LTE	PRELIMINARY
1	27MAR19	JPS	LTE	PRELIMINARY

[illegible]

ROGERS SITE #:	W5613
ROGERS SITE NAME:	SPRINGBANK HEIGHTS
APPLICATION FILE #:	TBD
PROJECT DESCRIPTION:	PROPOSED TELECOMMUNICATIONS SITE
STRUCTURE TYPE:	45m SELF-SUPPORT
SITE ADDRESS:	PTN. NE 10-25-3 W5M & SE 15-25-3 W5M CALGARY, AB T3Z 1E4
JURISDICTION:	CITY OF CALGARY
AREA OF COMPOUND:	400.0 SQ. METERS
CURRENT ZONING:	WEST / AB / CALGARY URBAN
CURRENT LANDUSE:	AGRICULTURAL

PROJECT INFORMATION

ALL WORK AND MATERIALS SHALL BE PERFORMED AND
INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF
THE FOLLOWING CODES. NOTHING IN THESE PLANS IS TO BE
CONSTRUED TO PERMIT WORK NOT CONFORMING TO THE
LATEST EDITIONS OF THE FOLLOWING:

1. CSA-S16-09
2. CSA-S37-13
3. CANADIAN ELECTRIC CODE
4. ALBERTA BUILDING CODE

CODE COMPLIANCE

ROGERS CONSTRUCTION MANAGER
NAME: MATTHEW DOWNTON
CONTACT: [REDACTED]

LANDSOLUTIONS LP ADMINISTRATOR

NAME: DAVID ZACHER
CONTACT: [REDACTED]

CIVIL ENGINEER

NAME: VM STRUCTURAL ENGINEERING
CONTACT: EUGEN VERESIU P. Eng, P. E.
PHONE: [REDACTED]

LTE PROJECT MANAGER

NAME: LONG TELECOM ENGINEERING
CONTACT: DAN LONG
PHONE: [REDACTED]

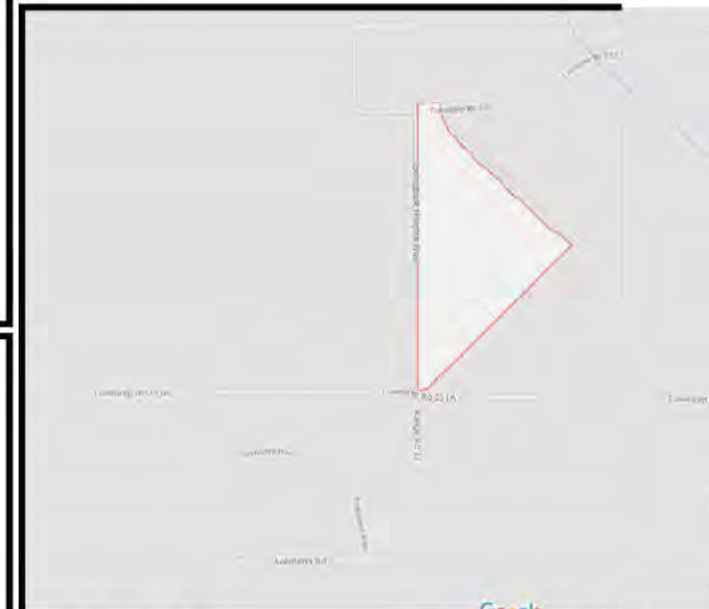
PROPERTY OWNER

NAME: RANCHER
CONTACT: ELMAR AUGART
PHONE: [REDACTED]

CONTACT INFORMATION

APPROVAL	SIGNATURE	DATE
RADIO		
CONSTRUCTION		
MICROWAVE		
REAL ESTATE		

APPROVALS



LOCATION MAP

©2019 GOOGLE

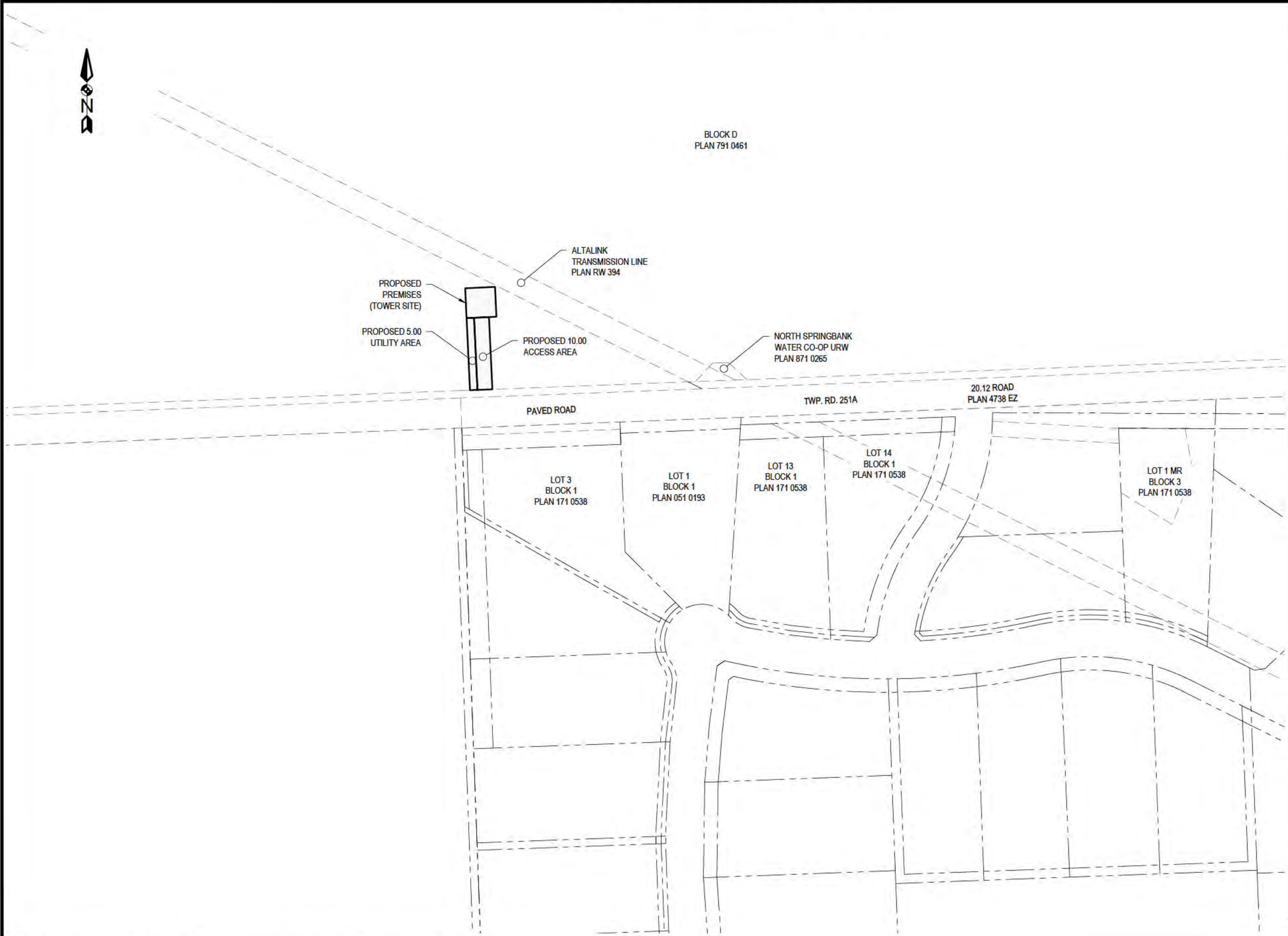
COORDINATES:
LATITUDE: N 51 07' 06.930"
LONGITUDE: W 114 20' 18.945"

GROUND ELEVATION:
1185.39m

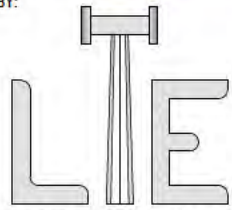
GEOGRAPHIC LOCATION

- FROM CALGARY INTERNATIONAL AIRPORT:**
- HEAD WEST ON AIRPORT RD NE 0.03KM
 - SLIGHT LEFT TO STAY ON AIRPORT RD NE 0.80KM
 - CONTINUE STRAIGHT 0.39KM
 - CONTINUE STRAIGHT ONTO AIRPORT RD NE 0.19KM
 - CONTINUE ONTO BARLOW TRAIL NE N 0.50KM
 - TURN LEFT ONTO 96 AVE N / AIRPORT TRAIL NE W 1.90KM
 - KEEP LEFT TO STAY ON 96 AVE N / AIRPORT TRAIL NE W, FOLLOW SIGNS FOR AB-2 S / CITY CENTRE / DEERFOOT
 - USE THE LEFT 2 LANES TO TURN LEFT TO MERGE ONTO AB-2 S 3.10KM
 - USE THE RIGHT LANE TO TAKE EXIT 263 FOR 64 AVENUE N 0.50KM
 - TURN RIGHT ONTO 64 AVE NE W 2.70KM
 - TURN LEFT ONTO 14 ST NW 4.50KM
 - USE THE RIGHT LANE TO TAKE TRANS CANADA HWY / 16 AVENUE N RAMP
 - MERGE ONTO TRANS-CANADA HWY / AB-1 W 4.00KM
 - KEEP LEFT TO CONTINUE ON 16 AVE NW / TRANS-CANADA HWY / AB-1 W, FOLLOW SIGNS FOR BANFF 5.50KM
 - TAKE EXIT 172 FOR OLD BANFF COACH RD 0.49KM
 - CONTINUE ON OLD BANFF COACH RD / RANGE RD 31 0.70KM
 - TURN LEFT ONTO TOWNSHIP RD 250 1.90KM
 - TURN RIGHT ONTO RANGE RD 32 1.90KM

T-1



PREPARED BY:



Long Telecom Engineering
A division of 1811724 Alberta Ltd.

PROJECT:

W5613
SPRINGBANK HEIGHTS
PTN. NE 10-25-3 W5M & SE 15-25-3 W5M
CALGARY, AB
T3Z 1E4

CONSULTANT:



REV	DATE	DRWN	CHKD	DESCRIPTION
0	11MAR19	JPS	LTE	PRELIMINARY

SEAL:

TITLE:

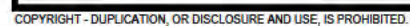
AREA PLAN

DWG.#:

C-1

PROJ.#:

19011



BY:

LE

ong Telecom Engineering

A division of 1811724 Alberta Ltd.

W5613
SPRINGBANK HEIGHTS
PTN. NE 10-25-3 W5M & SE 15-25-3 W5M
CALGARY, AB
T3Z 1E4



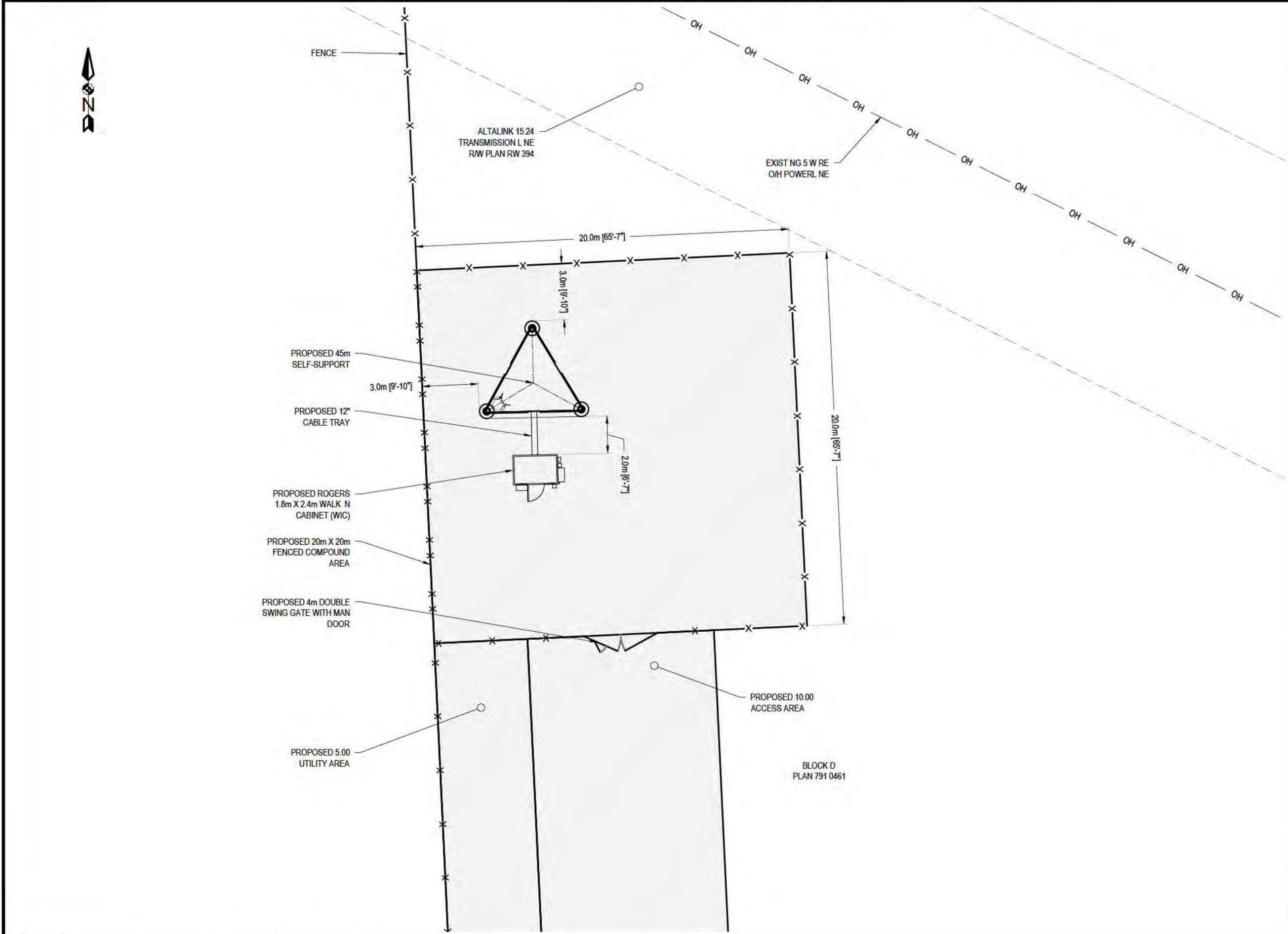
LAND SOLUTIONS
by the experts

REV	DATE	DRWN	CHK'D	DESCRIPTION
0	11MAR19	JPS	LTE	PRELIMINARY
1	27MAR19	JPS	LTE	PRELIMINARY

SITE PLAN

C-2

19011



PREPARED BY:



PROJECT:

W5613
SPRINGBANK HEIGHTS
PTN. NE 10-25-3 W5M & SE 15-25-3 W5M
CALGARY, AB
T3Z 1E4

CONSULTANT:



REV	DATE	DRWN	CHKD	DESCRIPTION
0	11MAR19	JPS	LTE	PRELIMINARY
1	27MAR19	JPS	LTE	PRELIMINARY

SEAL:

TITLE:

COMPOUND LAYOUT

DWG.#:

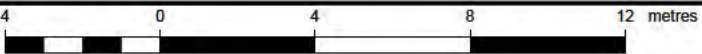
C-3

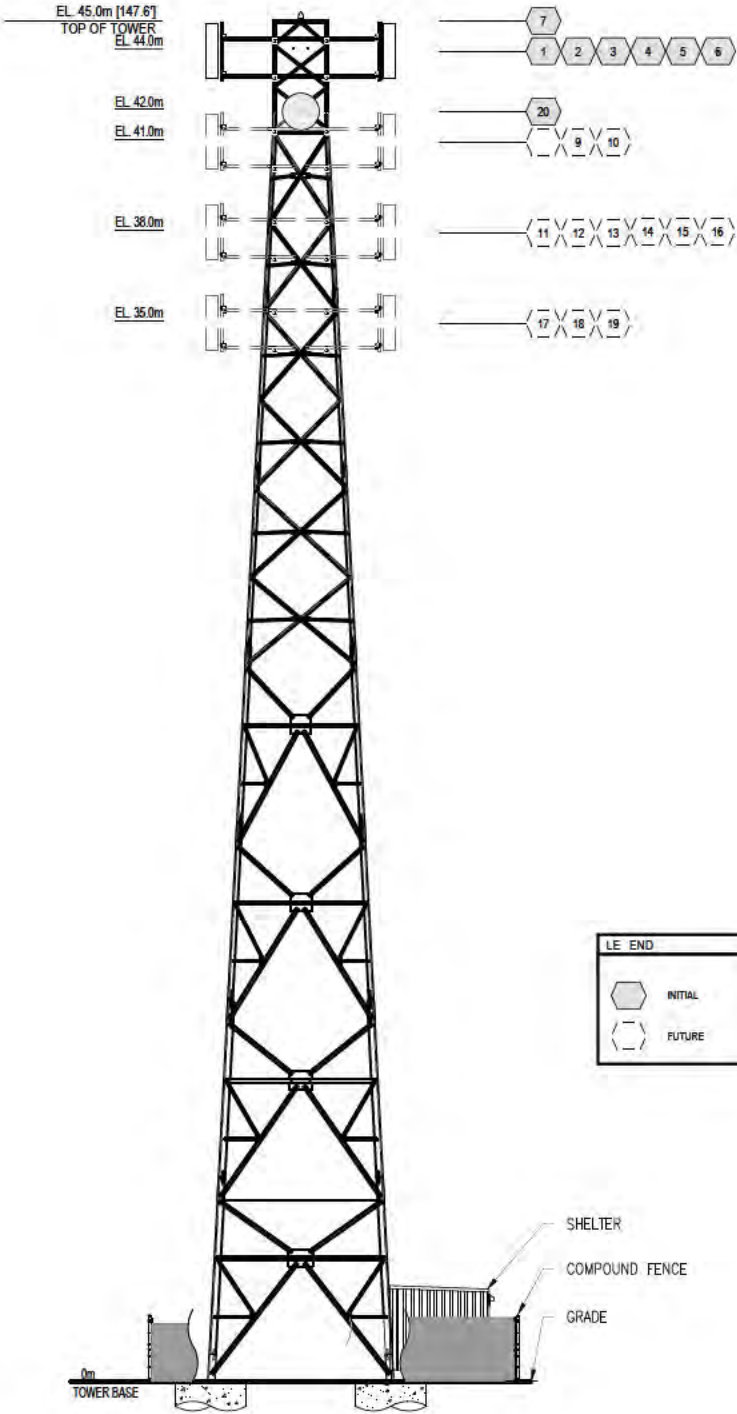
PROJ.#:

19011

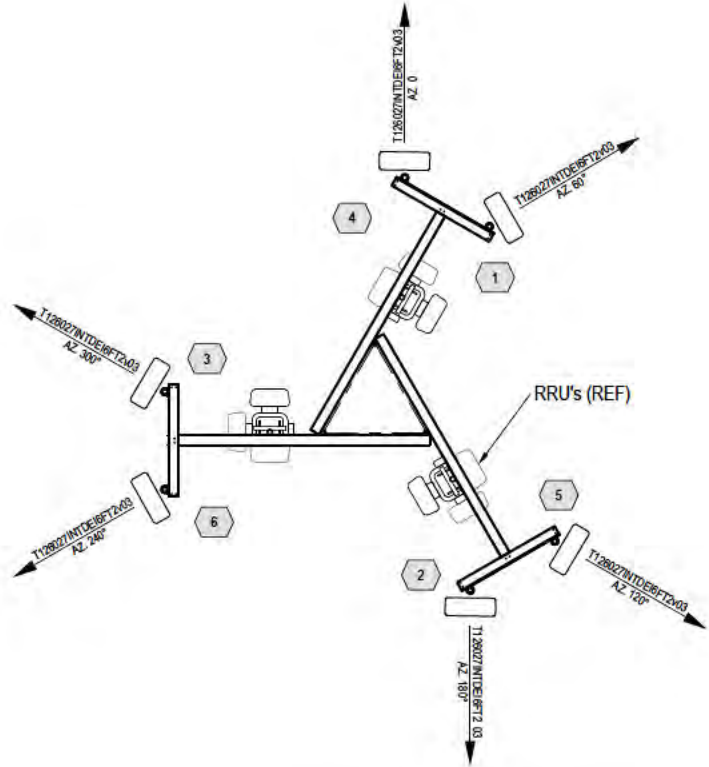
PLAN VIEW

SCALE - 1 200

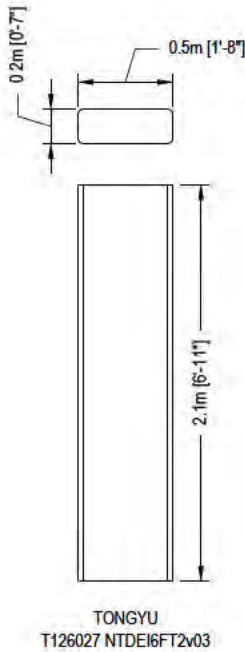




TOWER ELEVATION
SCALE - 1:250



PLAN VIEW
SCALE - 1:75



ANTENNA DETAILS
SCALE - 1:40

PREPARED BY:



PROJECT:

W5613
SPRINGBANK HEIGHTS
PTN. NE 10-25-3 W5M & SE 15-25-3 W5M
CALGARY, AB
T3Z 1E4

CONSULTANT:



REV	DATE	DRWN	CHKD	DESCRIPTION
0	11MAR19	JPS	LTE	PRELIMINARY
1	27MAR19	JPS	LTE	PRELIMINARY

SEAL:

TITLE:

TOWER PROFILE, PLAN &
ANTENNA DETAILS

DWG.#:

C-4

PROJ.#:

19011

ANTENNA/COAX SHEDULE											
#	ANTENNA		MANUFACTURER (MODEL #)	MOUNTING HEIGHT (m) *	AZIMUTH ° (TN)	# OF RRUS		CABLE TYPES	CABLE LENGTH (m)	MECH. D-TILT	STATUS
	TECHNOLOGY	LABEL				TOWER LOADING	INITIAL INSTALL				
1	LTE	LTE-1	T126027INTDEI6FT2v03	44	60	4	3	H&S	<5	0	INITIAL
2	LTE	LTE-2	T126027INTDEI6FT2v03	44	180	4	3	H&S	<5	0	INITIAL
3	LTE	LTE-3	T126027INTDEI6FT2v03	44	300	4	3	H&S	<5	0	INITIAL
4	LTE OFFSET	OFFSET-1	T126027INTDEI6FT2v03	44	0	4	2	H&S	<5	0	INITIAL
5	LTE OFFSET	OFFSET-2	T126027INTDEI6FT2v03	44	120	4	2	H&S	<5	0	INITIAL
6	LTE OFFSET	OFFSET-3	T126027INTDEI6FT2v03	44	240	4	2	H&S	<5	0	INITIAL
7	GPS	GPS-1	GLONASS-36-N-S	45	-	-	-	TBD	-	-	INITIAL
8-10	3.5GHz	TBD	A R 6488	41	TBD	TBD	TBD	TBD	TBD	-	FUTURE
11-16	2.5GHz	TBD	TBD	38	TBD	TBD	TBD	TBD	TBD	TBD	FUTURE
17-19	TBD	TBD	TBD	35	TBD	TBD	TBD	TBD	TBD	TBD	FUTURE
20	MICROWAVE	TBD	UHX4-107 (TR)	42	70.42	-	-	2XLDF2-50	TBD	-	INITIAL

* CENTRE: FOR PANEL ANTENNA; BOTTOM FOR WHIP ANTENNA

PREPARED BY:



PROJECT:

W5613
SPRINGBANK HEIGHTS
PTN. NE 10-25-3 W5M & SE 15-25-3 W5M
CALGARY, AB
T3Z 1E4

CONSULTANT:



REV	DATE	DRWN	CHKD	DESCRIPTION
0	11MAR19	JPS	LTE	PRELIMINARY
1	27MAR19	JPS	LTE	PRELIMINARY

SEAL:

TITLE:

ANTENNA AND
COAX SCHEDULE

DWG.#:

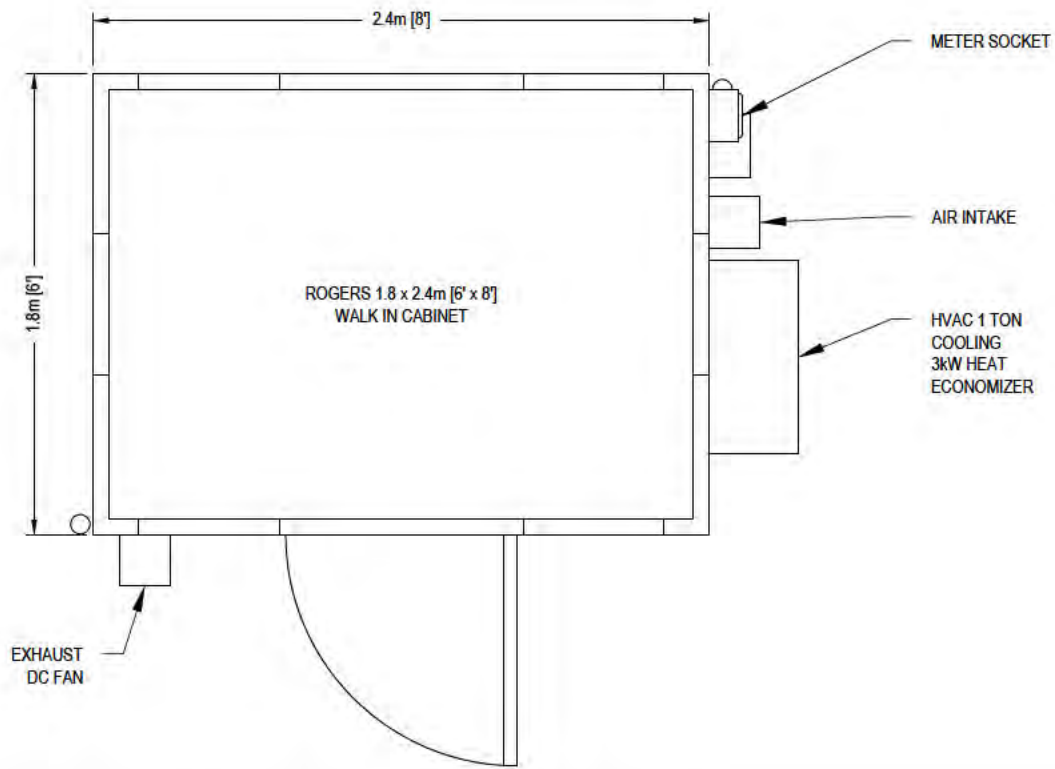
C-5

PROJ.#:

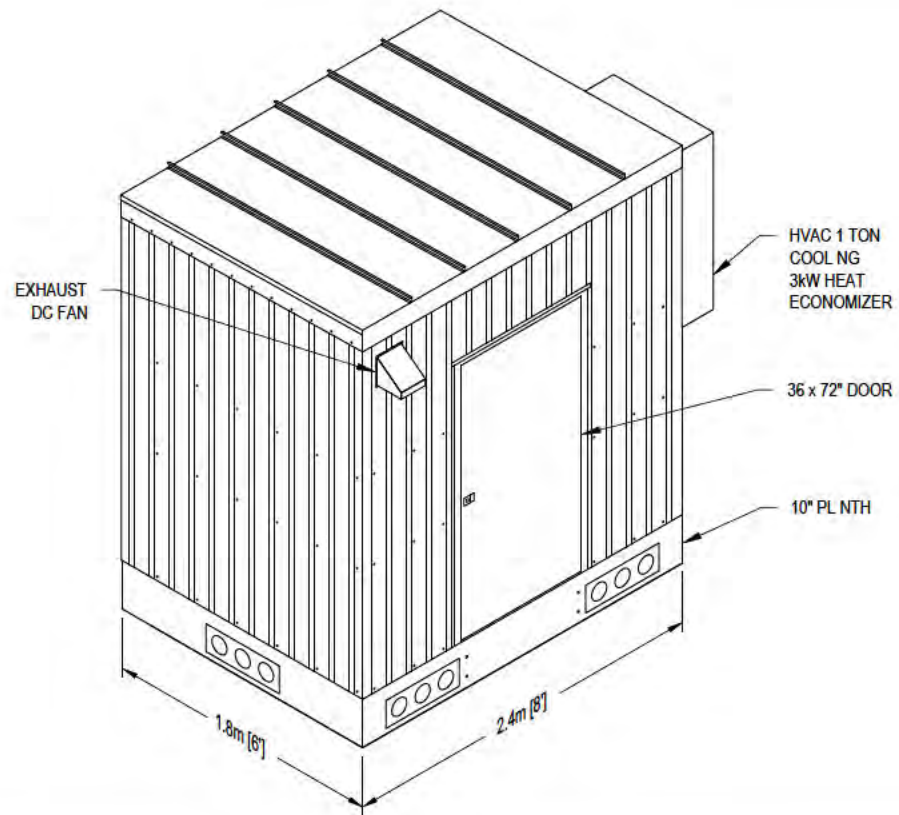
19011

TABLE

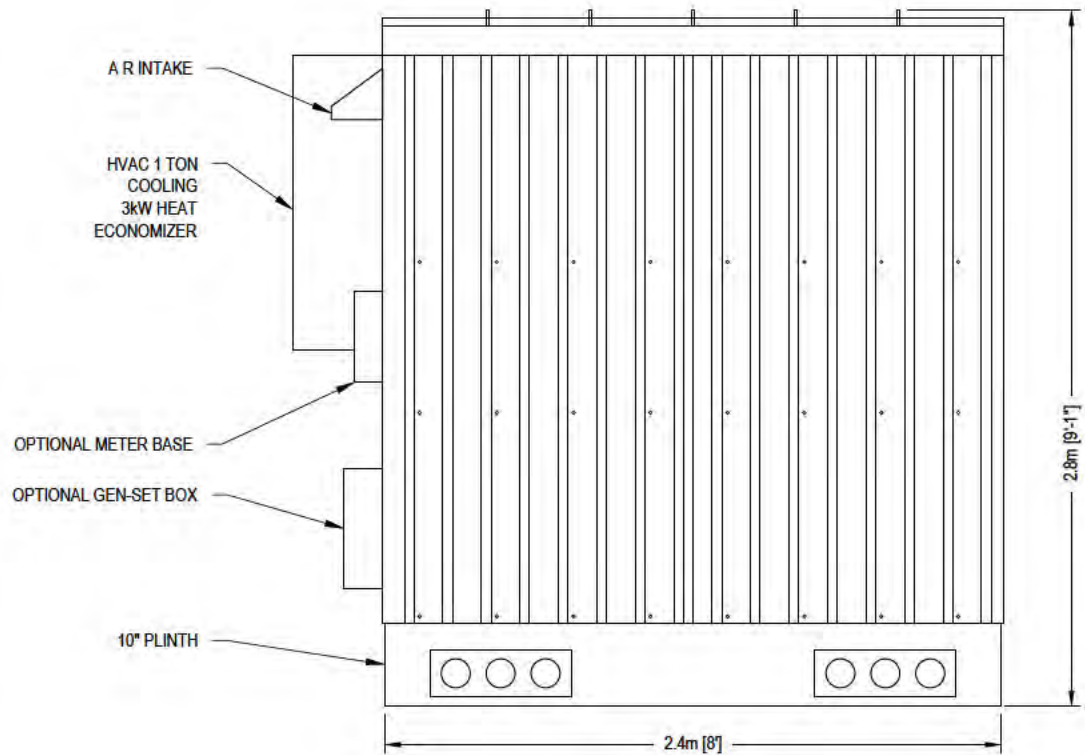
SCALE - N.T.S.



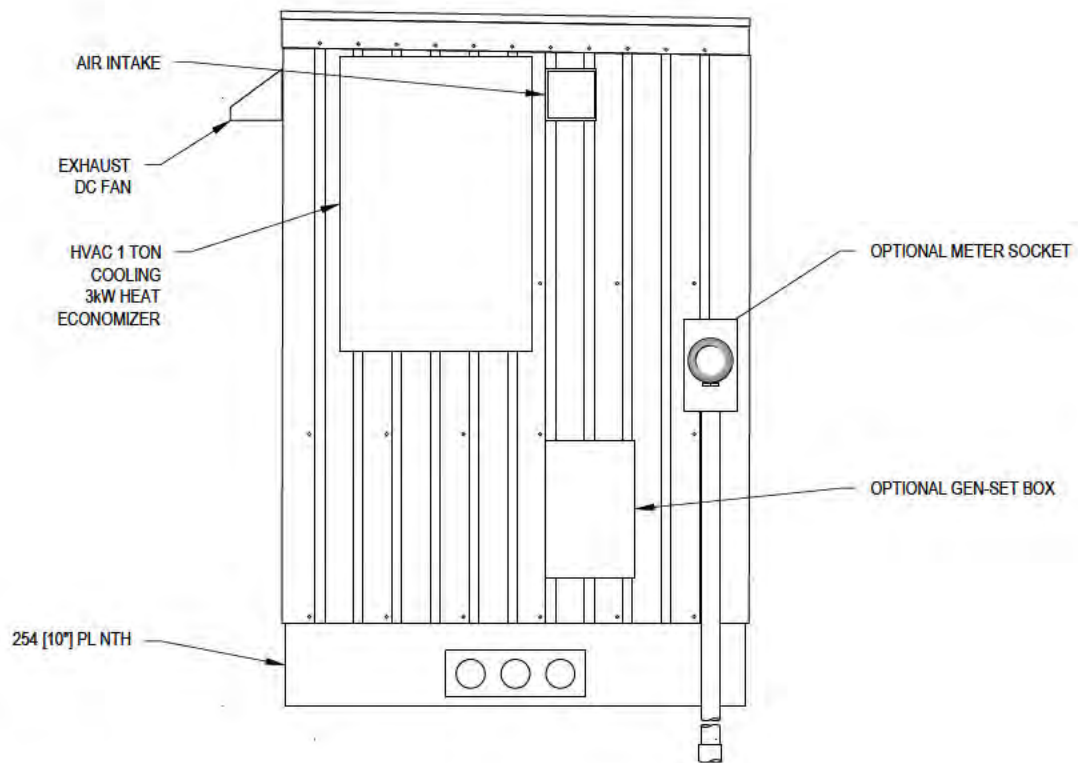
PLAN VIEW
SCALE - 1:30



ISOMETRIC
SCALE - 1:50



BACK VIEW
SCALE - 1:30



SIDE VIEW
SCALE - 1:30

PREPARED BY:



PROJECT:

W5613
SPRINGBANK HEIGHTS
PTN. NE 10-25-3 W5M & SE 15-25-3 W5M
CALGARY, AB
T3Z 1E4

CONSULTANT:



REV	DATE	DRWN	CHKD	DESCRIPTION
0	11MAR19	JPS	LTE	PRELIMINARY

SEAL:

TITLE:

WALK IN CABINET (WIC)

DWG.#:

C-6

PROJ.#:

19011



ROCKY VIEW COUNTY

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

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

Decision of the Municipal Planning Commission

This is not a development permit

Brenden Smith (LandSolutions LP)

Development file #: PRDP20201862

Issue Date: September 25, 2020

Roll #: 05715001

Rocky View County's Municipal Planning Commission conditionally approves your July 8, 2020 development permit application for a Commercial Communication Facility, Type C and associated equipment shelter at 32124 Township Road 251A (Block D, Plan 7910461; SE-15-25-03-W05M) subject to the conditions as follows:

Description:

1. That a Commercial Communication 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:
 - i. Placement of one self-supporting telecommunications tower, approximately 45.00 metres high; and
 - ii. Placement of a walk-in cabinet

Permanent:

2. That the Applicant/Owner shall contact County Road Operations with haul details for materials and equipment needed during construction/site development to confirm if Road Use Agreements will be required for any hauling along the County road system and to confirm the presence of County road ban restrictions.
3. That no topsoil shall be removed from the site.
4. That the Commercial Communication Facility 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 Facility become deactivated or unused; the Commercial Communication Facility 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.

This is not a development permit

Advisory:

7. That a Building Permit, if applicable, shall be obtained through Building Services, 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.

It is the responsibility of the applicant to meet and always follow the conditions of this development permit. Fines or enforcement action may occur if operating outside of this permit. Please contact Planning and Development Services at development@rockyview.ca or 403-520-8158 for assistance with this decision or the process for meeting development conditions.

An appeal of the Municipal Planning Commission's decision must be filed to the Subdivision and Development Appeal Board (SDAB) in accordance with section 686 of the *Municipal Government Act*. To file an appeal or for assistance with filing an appeal, please contact the Municipal Clerk's Office at sdab@rockyview.ca or 403-230-1401. More information on the SDAB can also be found at www.rockyview.ca.



Jerry Gautreau, Chair
Municipal Planning Commission

This is not a development permit



Notice of Appeal

Subdivision and Development Appeal Board
Enforcement Appeal Committee

Appellant Information			
Name of Appellant(s) Alison and Oscar Smoole			
Mailing Address 55 Livingstone Estates		Municipality Springbank	Province AB
Postal Code [REDACTED]			
Main Phone # [REDACTED]	[REDACTED]	Email Address [REDACTED]	
Site Information			
Municipal Address 251147 and 251161 R ge. Rd. 32		Legal Land Description (lot, block, plan OR quarter-section-township-range-meridian) Block D, Plan 7910461;SE-15-25-03-W05M	
Property Roll # 15001057		Development Permit, Subdivision Application, or Enforcement Order # PRDP20201862	
I am appealing: (check one box only)			
Development Authority Decision <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input 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)			
Refer to attached documents. <div style="text-align: center; margin-top: 100px;"> </div>			

This information is collected for Rocky View County's Subdivision and Development Appeal Board or Enforcement Appeal Committee under section 33(c) of the Freedom of Information and Protection of Privacy Act (FOIP Act) and will be used to process your appeal and create a public record of the appeal hearing. Your name, legal land description, street address, and reasons for appeal will be made available to the public in accordance with section 40(1)(c) of the FOIP Act. Your personal contact information, including your phone number and email address, will be redacted prior to your appeal being made available to the public. If you have questions regarding the collection or release of this information, please contact the Municipal Clerk at 403-230-1401.

Appellant's Signature _____

Date _____

October 14th, 2020

To: Subdivision and Development Appeal Board

Re: Notice of Appeal of Development Permit PRDP20201862

We are appealing the approval of Development Permit PRDP20201862 by the Municipal Planning Commission on September 24, 2020. **The proposal was approved against Administration recommendation.**

We are appealing for the following reasons.

1. Administration recommended refusal of the application for the following reason.
 - That in the opinion of the Municipal Planning Commission, the development unduly interferes with the amenities of the neighbourhood and materially interferes with and affects the use, enjoyment, and value of neighbouring parcels of land.
2. This application was rejected in 2019 (See appendix) for the same reason as the current recommendation by Administration. That rejection was upheld at appeal. There has been no material change to the proposal.
3. Elmar Augart has been deceased since September 2019. Estate probate is not complete.
4. The current landholder (**Elisabeth Augart, the widow of Elmar Augart**) who resides on the land was not aware of this application and **does NOT wish this development to proceed. The executor of the estate is also against the proposed development.** See attached copy of letter from Elisabeth and email from Michael Augart (son and executor). Clearly, there has been a major misrepresentation by the applicant.
5. In the previous development application, local consultation was overwhelmingly against the proposal.
6. We are challenging due diligence as all affected residents were not given notice of this 2020 application prior to approval.
7. Two of the people opposed to this development inhabit the residences that are closest to the Tower. Both are within 100 to 200 meters of the proposed development.
8. Approximately thirty people (noted below) as well as the developer of Aventerra Estates (refer to attached text from Bhagat Singh) all in close proximity are against the development.
9. There are currently four other Cell Towers in the general area (one of which is within one kilometre) which the applicant could use with minor adjustments to deliver service.
10. Rock View county administration is not aware of complaints of lack of cell coverage in this area.
11. The proposed Tower will be much higher than any structure in the current area and will reduce residential quality of view, aesthetics and ultimately land value.
12. Since the land slopes down to the North, the photos in the proposal do not show the full impact of the Tower on residences to the North. The Tower will be a blight on the Mountain View for those residents. The photo to the south is at least two years old, as there is now at least four houses directly south of the proposed site.
13. Because of proximity to the airport, navigation lighting will affect Rocky View dark sky guidelines.
14. The Municipal Planning Commission did not push the applicant for a better location or a better explanation of the impact associated with piggy backing on the nearest cell tower.
15. In the committee meeting, there was mention of the advantage of delivery of 5G service from this tower. 5G coverage is the most controversial and many localities are rejecting 5G based on general health concerns.
16. **We have one cell tower in our neighbourhood, and due to the possibility of long-term health concerns, it is of utmost importance that this second tower not be in close proximity to our children and adults.**

The Physicians for Safe Technology website <https://mdsafetech.org/about/> refers to numerous scientific studies as to the ill effects for people and animals living close to Cell Towers.

- “The rise in cell towers has been accompanied by not only a significant [rise in ambient wireless radiation](#), but also scientific observations and reports of a [decline in human health](#) as well as [biological diversity](#) in many countries.”

From the American Cancer Society's website <https://www.cancer.org/cancer/cancer-causes/radiation-exposure/cellular-phone-towers.html>

- “Cell phone towers are still relatively new, and many people are understandably concerned about whether the RF waves they give off might possibly have health effects. At this time, there is no strong evidence that exposure to RF waves from cell phone towers causes any noticeable health effects. **However, this does not mean that the RF waves from cell phone towers have been proven to be absolutely safe. Most expert organizations agree that more research is needed to help clarify this, especially for any possible long-term effects.**”

Following are the names of local residents who are opposed to this development.

Name	Address	Phone
Kurt Lindholm	108 Aventerra Ct	
Bryan Kopec	120 Aventerra Ct	
Jamie Trinier	7 Aventerra Way	
Wendy Smith	32048 Aventerra Rd	
John Anderson	32057 Aventerra Rd	
Gunnar Groetschel	32045 Aventerra Rd	
Josh Werle	32015 Aventerra Rd	
Amrit Pal	59 Aventerra Way	
Yong Tao Wang	67 Aventerra Way	
Michelle Pellegrin	32 Aventerra Way	
Frances Hadford	31241 TWP Rd 251A	
Bhagat Singh	Aventerra developer	
Elisabeth Augart	251147/251161 Rge Rd 32	
Denice Samulak	31191 TWP Rd 251A	
Alison and Oscar Smoole	55 Livingstone Estates	
David and Nancy Barnes	3 Livingstone Estates	
John and Christine Hersey	19 Livingstone Estates	
Anita Lindberg	23 Livingstone Estates	
Cam and Angie Maclean	27 Livingstone Estates	
Jin Xie and Sandy Chen	47 Livingstone Estates	
Robert Lock and Erica Sharp	51 Livingstone Estates	
Amanda and Shaun Marty	67 Livingstone Estates	
Joan and Charles Gusa	32152 TWS 251A	

Please refer to the Appendix for scanned copies of a letter, email and text message from Elisabeth Augart, Mike Augart and Bhagat Singh, which address opposition to this development application.

1. Elisabeth Augart (widow of Elmar and landowner).
 - a. “am absolutely and completely OPPOSED to the construction of any communication tower”
2. Mike Augart (son of Elmar and executor of estate).
 - a. “I, Michael W Augart as the executor of my late father's estate (Elmar Augart) is most definitely not in favour of Rodgers Communications erecting a 5G cellular tower on the Springbank farm property!”
3. Bhagat Singh (project manager for Aventerra Estates).
 - a. “We are the developer for Aventerra Estates in Springbank. We currently own 18 Lots in the Subdivision and are in opposition of the Commerical Tower Facility which is being proposed at 251147 Range Road 32, Rocky View County AB.”

Appendix

Letter

Elisabeth Augart

251147/251167 RGE RD 32
Calgary, Ab

ELISABETH AUGART
251 211 RGE. RD. 32
CALGARY, ALBERTA T3Z 1B4

October 18, 2020

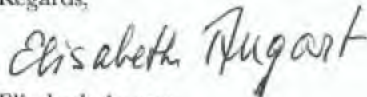
Rocky View County
262075 Rocky View Point
Rocky View County, AB, T4A 0X2

In response to a letter sent out on September 29, 2020, regarding the approved Development Permit for application number PRDP20201862, Roll number 05715001, applicant Brenden Smith of Land Solutions LP, for construction of a commercial communications facility, type C and associated equipment shelter:

I, Elisabeth Augart, the wife of my late husband Mr. Elmar Augart, and owner of the property associated with Lot Block D Plan 7910461, SE-15-25-03-05;(251147 RGE RD 32, Rocky View County AB/251161 RGE RD 32, Rocky View County AB) am absolutely and completely OPPOSED to the construction of any communication tower, by Rogers Communication, or any other company, on this land.

Please be advised that there will be no tower of any sort constructed on this property, and I am also very unhappy that myself, or my son Mike Augart, the executor to the estate and co-land trustee, along with my daughter Vivien Augart, also co-land trustee, were not made aware of this application, and that this information had to be brought to our attention by my neighbors. This application process has not been forthright or transparent, and we will not support the decision of Rocky View County to approve this application.

Regards,



Elisabeth Augart

Property owner.

Email

From: "Mike & Lee Augart" [REDACTED]
 Date: October 17, 2020 at 8:31:18 PM MDT
 To: Shaun Marty [REDACTED]
 Subject: Re: Rocky View County approved application for cell tower

I, Michael W Augart as the executor of my late father's estate (Elmar Augart) is most "definitely not" in favour of Rodgers Communications erecting a EG cellular tower on the Springbank farm property.

On Sat, Oct 17, 2020 at 7:49 PM Shaun Marty [REDACTED] wrote:

> Hay Mike
 > Really nice to chat with you tonight, and again I'm really sorry about the passing of your father.
 > As mentioned on the phone I am forwarding you a copy of the Rocky View County approval (see below), you can take a look and call me with any questions or concerns, I'll do my best to answer.
 > I will add your name to the appeal that we are putting through on Tuesday, having your name, Elisabeth's name, and possibly your sister, will be the best defensive against seeing this tower be erected on your land.
 >
 > If you could also send a quick email stating that you are the executor to the estate, and that you are not in favour of the cell phone tower, we will make sure that it is attached to the appeal.
 >
 > Thanks again Mike, and please stay in touch if you need anything, and I will also keep you in the loop as more information comes in.
 >
 > Take care
 >
 >
 > Shaun Marty
 >
 > c [REDACTED]
 [REDACTED]

Text Message

a smooles [REDACTED]
 to me

12:07 PM (1 hour ago)

Hello, We are the developer for Aventura Estates in Springbank. We currently own 18 Lots in the Subdivision and are in opposition of the Commercial Tower Facility which is being proposed at 251147 Range Road 32, Rocky View County AB.

REFUSAL of APPLICATION on OCTOBER, 2019



ROCKY VIEW COUNTY

Rocky View County, AB, T4A 0X2

403-230-1401

questions@rockyview.ca

www.rockyview.ca

REFUSAL

Brenden Smith (LandSolutions LP)



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:

Commercial Communications Facility, Type C
--

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.

APPEAL is DENIED and DECISION OF DEVELOPMENT AUTHORITY is UPHELD – NOVEMBER, 2019

SDAB Board Order no.: 2019-SDAB-055

File no.: 05715001; PRDP20191527

FINDINGS & REASONS FOR DECISION

[52] The Board finds it has the authority to make a decision on this matter pursuant to section 687(3)(d) of the *Municipal Government Act*.

[53] The Board reviewed all evidence and arguments, written and oral, submitted by the parties and focused on the most relevant evidence and arguments in outlining its reasons. The Board also considered the context of the proposed development, sound-planning considerations, the merits of the application, and all applicable legislation, plans, and policies.

[54] The Board acknowledges that there is opposition from the surrounding neighbours'. Additionally, the Board notes that there were letters of opposition received by LandSolutions when the original circulation was completed by LandSolutions.

[55] The Board notes that the location of the proposed tower is in contravention of Rocky View County's Policy and Procedure 308 with respect to the setback distance requirement from a residential dwelling. As well, the Board notes that the setback distance requirement from another structure of similar use has not been met.

[56] The Board finds that the proposed development, in accordance with applicable sections of the *Land Use Bylaw, Policy C-308 and Procedure 308 – Guidelines to Evaluate Commercial Communications Facilities*, and section 687 of the *Municipal Government Act*, does not comply with the land use policies of the current *Land Use Bylaw* and, if approved, would unduly interfere with the amenities of the neighbourhood, and would materially interfere with or affect the use, enjoyment or value of the neighbouring parcels of land.

CONCLUSION

[57] For the reasons set out above, the appeal is denied and the decision of the Development Authority is upheld. A development permit shall not be issued.

Dated at Rocky View County, in the Province of Alberta on November 13, 2019.

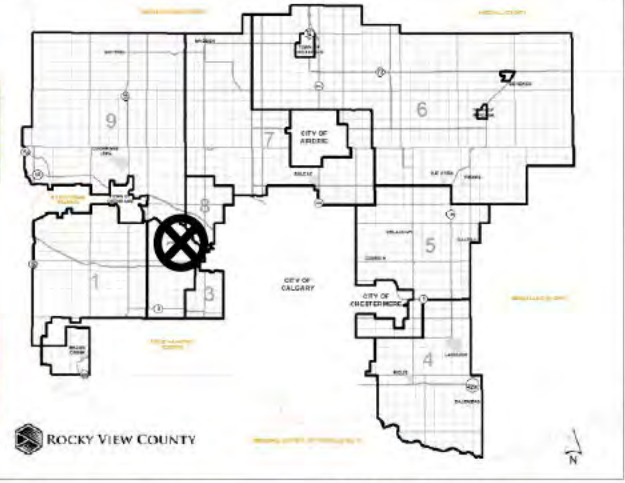

Don Kochan, Chair
Subdivision and Development Appeal Board

ATTACHMENT 'E': MAP SET

Location
 & Context

Development Permit
 Proposal

Commercial
 Communications Facility,
 Type C and associated
 equipment shelter

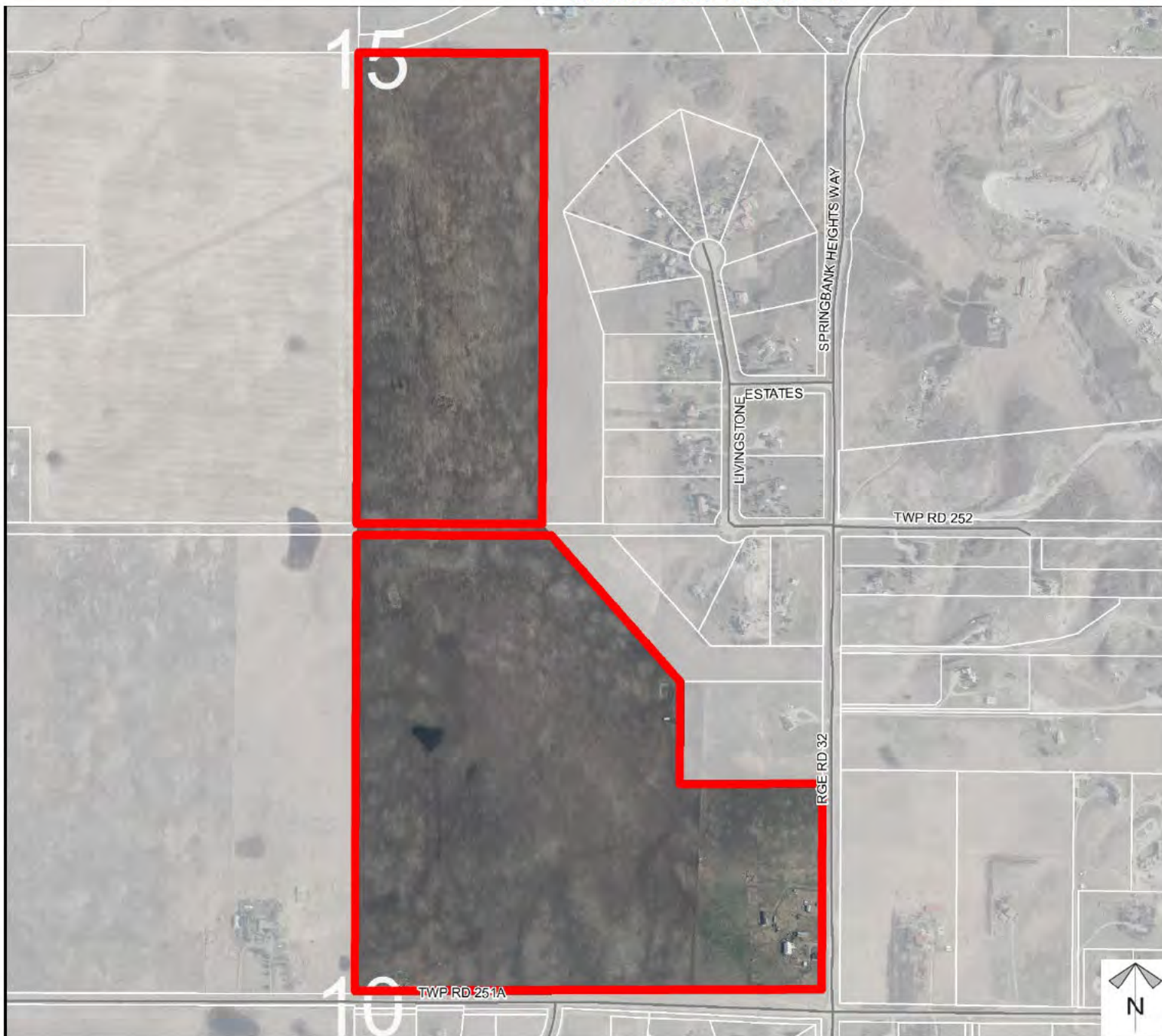


Division: 2
 Roll: 05715001
 File: PRDP20201862
 Printed: October 20, 2020
 Legal: Plan 7910461,
 Block D, within
 SE-15-25-08-W03M
 Agenda
 Page 191 of 197

Development Proposal

Development Permit Proposal

Commercial
Communications Facility,
Type C and associated
equipment shelter

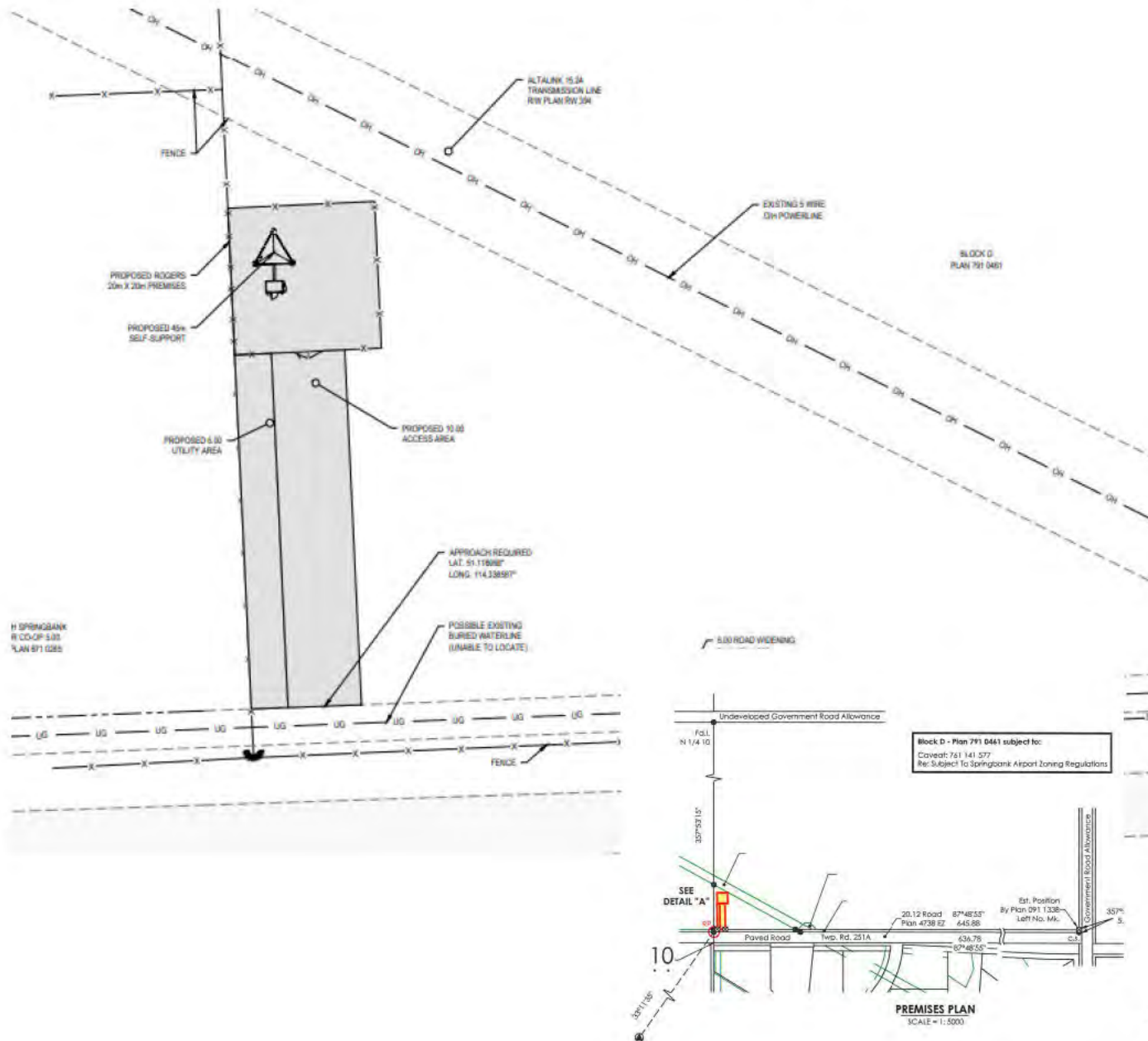


Division: 2
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 File: PRDP20201862
 Printed: October 20, 2020
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 Block D, within
 SE-15-25-00-100-000

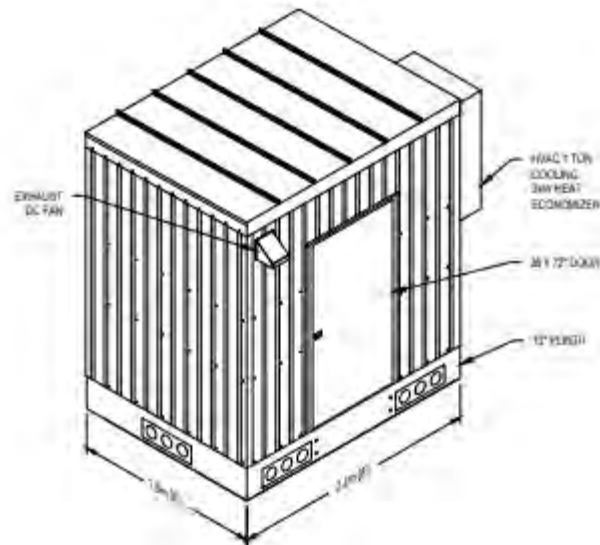
Development Proposal

Development Permit Proposal

Commercial Communications Facility, Type C and associated equipment shelter



Division: 2
 Roll: 05715001
 File: PRDP20201862
 Printed: October 20, 2020
 Legal: Plan 7910461,
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 SE-15-25-00-00-000



Development Permit Proposal

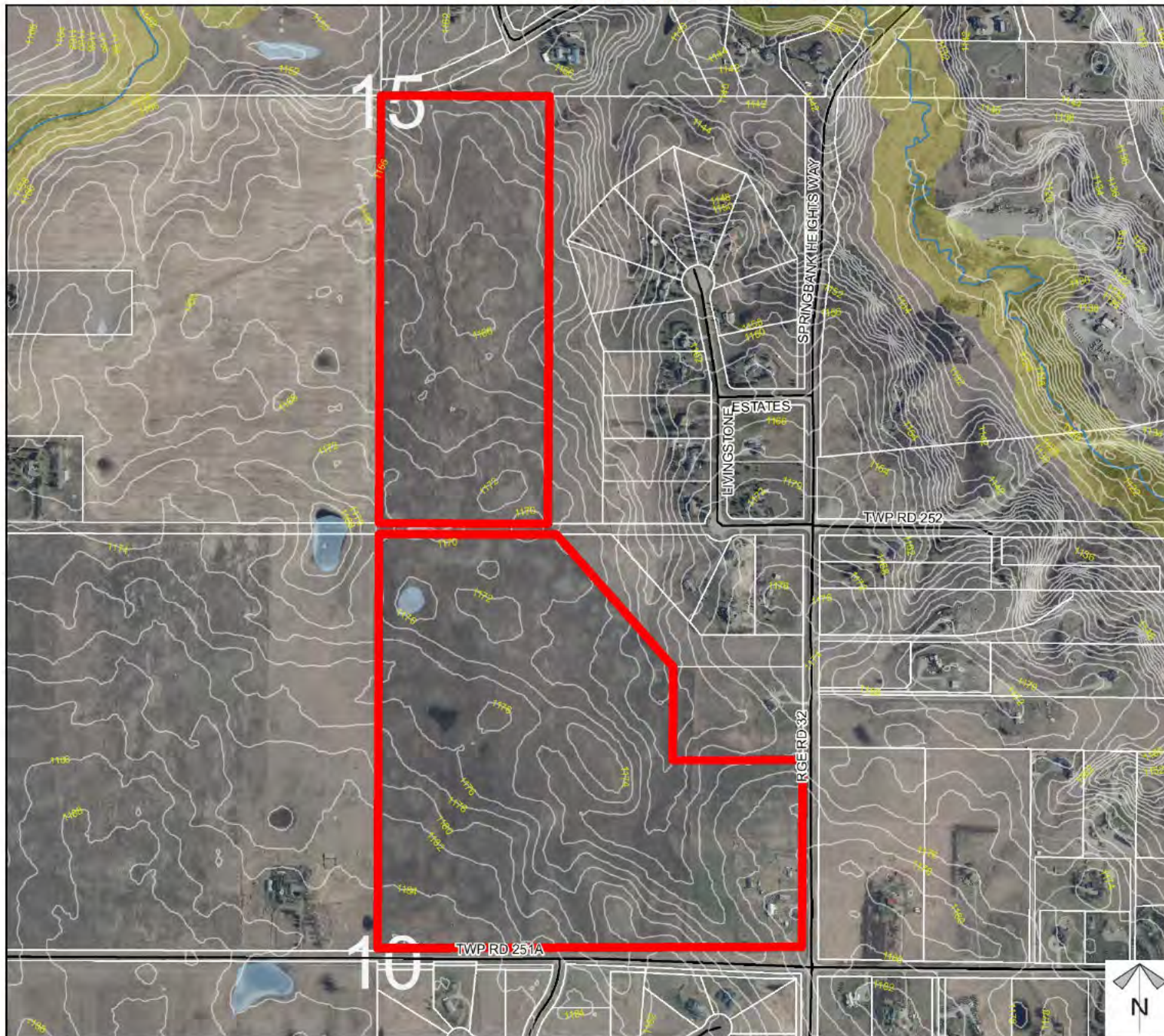
Commercial
Communications Facility,
Type C and associated
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Division: 2
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SE 15-25

Environmental

Development Permit Proposal

Commercial Communications Facility, Type C and associated equipment shelter



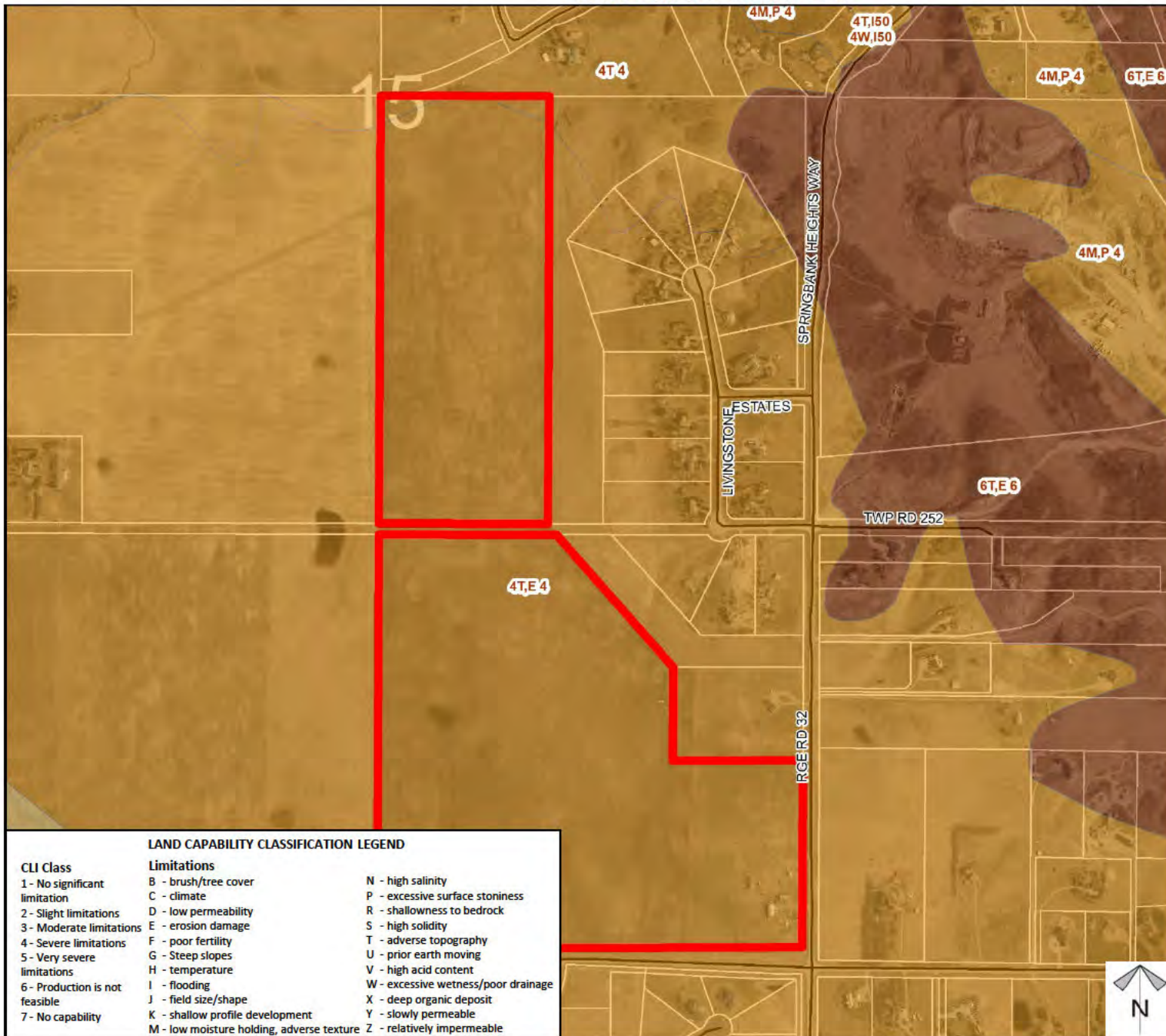
-  Subject Lands
-  Contour - 2 meters
-  Riparian Setbacks
-  Alberta Wetland Inventory
-  Surface Water

Division: 2
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Soil Classifications

Development Permit Proposal

Commercial Communications Facility, Type C and associated equipment shelter

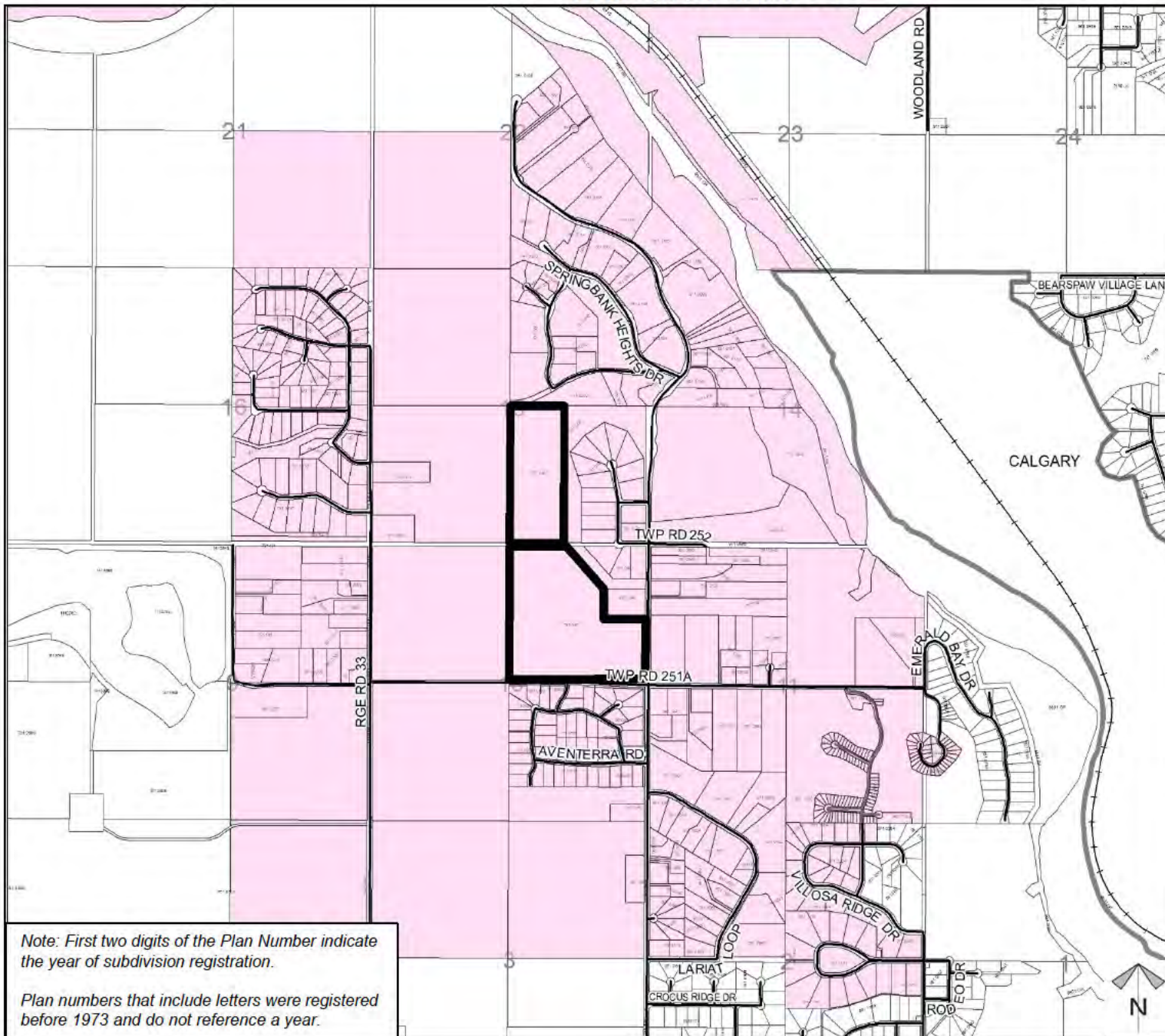


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 SE-15-25-00-100-00M

Landowner Circulation Area

Development Permit Proposal

Commercial
Communications Facility,
Type C and associated
equipment shelter



Note: First two digits 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.

Legend

Support



Opposition



Division: 2
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 SE-15-25-00-00-000