

**MINUTES OF THE PARKLAND COUNTY SUBDIVISION & DEVELOPMENT APPEAL BOARD  
(THE "BOARD") MEETING HELD IN COUNCIL CHAMBERS AT THE COUNTY OFFICE ON  
JUNE 11, 2018**

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**CALL TO ORDER**

Chairperson, D. Smith, called the meeting to order at 4:03 p.m.

**PRESENT**

Members: D. Smith, L. Niblock, M. Chambers, K. Linder, G. MacDougall

Clerk: L. Tyerman

Recording Secretary: B. Williams

Legal Counsel: Gwendolyn Stewart-Palmer, Shores Jardine LLP

**ADOPTION OF AGENDA**

Moved by M. Chambers that the June 11, 2018 agenda be adopted, as presented.

**Carried**

**NEW BUSINESS**

**4:10 p.m. Appointment**

An appeal of approved Discretionary Development Permit No. 18-D-111 for Outdoor Participant Recreation Services (Outdoor Archery Range) located at NE-28-53-27-W4, Municipal Address 53424 Rge Rd 273.

Appellant: Jody Singer

Appellant: Allan Gamble

The Chairperson opened the Hearing at 4:13 p.m.

**Present Administration Staff**

K. Kormos, Supervisor, Development Planning

F. Long, Development Officer

L. Swain, Director, Strategic Planning and Intergovernmental Affairs

The Chairperson asked if anyone affected by the appeal had any objection to the Board Members present.

Allan Gamble, Appellant asked the Board if any present were a member of the Spruce Grove Gun Club, Wabamun Gun Club or the Stony Plain Fish and Wildlife Club.

Board Member L. Niblock stated that he is a member of the Wabamun Gun Club and a Stony Plain Fish and Wildlife member and has no bias or personal interest.

Board Member G. MacDougall stated that he is a member of the Wabamun Gun Club as he is a restricted firearms owner and is required to hold a membership to a gun club and has no bias or personal interest.

The Chairperson introduced L. Tyerman, Clerk to the Board. The Chairperson advised that it is the Board's practice to have the Clerk participate in private discussions with the Board and asked those present if there were any objections; there were none. The Clerk introduced the Appeal into the record.

The Chairperson asked if anyone in attendance had any additional materials they would like to submit before commencement of the hearing.

Jody Singer, Appellant, came forward with two additional documents. The additions are now marked as Exhibit #6, Decision of the SDAB October 2014, and Exhibit #7, Spruce Grove Gun Club Reclamation End Use Report. The Clerk distributed Exhibits 6 and 7.

#### **Submission of the Development Authority**

Ms. Long read the Administrative Report into the record and provided the background of the subject file regarding Development Permit No. 18-D-111.

In response to questions from the Board, Ms. Long advised that:

- the Development Permit issued for this archery range specifically excluded use of the existing gounset;
- she is not able to provide details on any litigation against the County; and
- an environmental assessment was not performed as part of the Development Permit approval as it is not required for an Application of this nature.

#### **Submission of the Appellant, Jody Singer**

Jody Singer stated that he lives about a half mile from the site. Mr. Singer submitted the following:

- He is concerned that there will not be an environmental assessment performed on the property.
- Mr. Singer listed the different types of lead toxins and showed a Government of Canada Toxic substance List.
- Mr. Singer feels that the Planning Department does not care about the safety of the people.
- Mr. Singer strongly believes there should be an environmental assessment conducted to determine where all the toxins are.
- In 2014 the Gun Club was issued an end use reclamation plan which was included as part of the decision of the Municipal Planning Commission. The conditions stated that an environmental assessment is required.
- Mr. Singer said that Planning and Development should not give out a permit in a toxic site without an environmental assessment.

In response to questions from the Board, Mr. Singer advised that:

- he lives at 53404 RR 273;
- he has lived around the Gun Club all his life, on lands belonging to his family; and
- he believes the lead contaminants could be an issue as the location of the lead is unknown. People will be walking on it and this could be dangerous.

#### **Submission of the Appellant, Allan Gamble**

Mr. Gamble stated that he lives near the site of the Gun Club on land owned by his family since the 1930's.

- Mr. Gamble said that his main concern with the issuance of this Development Permit is that the County is currently involved in legal disputes with the Gun Club. The legal issues are still in the Courts.
- Mr. Gamble read from a decision the Court of Queen's Bench in litigation related to the Applicant and the County to illustrate that the Court had found that the use discussed in that case was not a continuation of the previous use. The Development Permit application should

be considered as a new permit and not as a continuation of a previous permit. He suggested there should be an end date on the Development Permit.

- In summary of the legal actions between the Gun Club and Parkland County, Mr. Gamble asked that the Gun Club remove all legal actions against the County and the Mayor.
- Mr. Gamble said that the reclamation plan should be completed before proceeding with a new permit.
- There is no need for an additional archery club in the area as there is already one in Villeneuve, being the Bowbenders Archery Club.
- Mr. Gamble asked that if the Development Permit stands, the Board should consider no shooting on Sundays.
- Mr. Gamble said that in his opinion the Gun Club has been disrespectful to Parkland County and its residents.
- Mr. Gamble stated that he questions the motivation of the Gun Club.

The Board had no questions for Mr. Gamble.

**In support of the Appeal:**

**Rhonda Lakeman**

- Ms. Lakeman asked how a Development Permit could be issued without an environmental assessment being done and the land reclamation plan completed. She said that the Development Permit was not a renewal and needed to be treated as new permit application.

When questioned by the Board, Ms. Long answered that the Development Permit was a new permit and not a renewal.

**Cheryl Ball**

- Ms. Ball stated that she has lived in the area since the 1940's and supports the Appeal.
- Ms. Ball noted that Board Members Niblock and MacDougall spent time sitting on the Municipal Planning Commission.

In response to a question from Ms. Ball, Board Member MacDougall said that he held a position on the Executive at the Wabamun Gun Club, but that the position had ended four years ago.

- Ms. Ball questioned why the Applicant was not required to clean the Site before the County considered a new development permit application. She also questioned why a development permit would be issued when there is litigation between the County and the Applicant. Her concern is that the Applicant is using the archery permit to get a foot in the door to expand its use to guns.
- Ms. Ball argued that there are other archery ranges in the surrounding area, and questioned the need for an additional range.

When questioned by the Board, Ms. Long responded that the Development Permit in question is separate from any previous gun range permits. Federal regulations are in control with relation to environmental concerns due to the use of guns on the property.

Ms. Kormos added that although reclamation was a condition of the 2014 approval, the use has discontinued and it is the responsibility of the owner/operator. The reclamation condition was not tied to a date for end-use.

### **Craig Miller**

- Mr. Miller Lives stated that he lives north of the range and is without prejudice.
- Mr. Miller supported the previous speakers' submissions.
- Mr. Miller advised that the intent of the Applicant is to delay the cleanup. He stated that there are tons of lead in the ground and that hunters are not able to use lead to shoot ducks because it is toxic. He stated that it will be very costly to reclaim the range.
- Mr. Miller believes the Applicant is looking to reestablish the gun club, and urged the Board not to be fooled by the archery permit application.

### **RECESS**

The Chairperson recessed the meeting at 5:24 p.m. and reconvened the meeting at 5:38 p.m.

### **Opposed to the Appeal:**

#### **Sam Brownfield**

- Mr. Brownfield indicated that he spoke on behalf of the Gun Club and in support of the application.
- When the permit expired in 2015, the Gun Club decided to apply for an archery range permit.
- The archery range component has always existed on the Site.
- Mr. Brownfield submitted that improvements had already been in place to make the archery range on the Site.
- In Mr. Brownfield's opinion there is no environmental risk due to lead on the property. Lead would be a concern if it were ingested, but walking on it does not pose a risk.
- Mr. Brownfield said that archers use either carbon fiber or wood for the arrows which are reclaimed as they are expensive. The targets are burlap bags or biodegradable.
- Mr. Brownfield advised that the Gun Club did not think it would be wise to change their name to reflect the change over to archery as it would be costly.
- Mr. Brownfield stated that the use of archery is a separate matter and does not affect the reclamation of land.
- The Applicant does have legal actions against the County, but they are in relation to a different development permit and use.
- Mr. Brownfield submitted that the Gun Club intends to act in accordance with the Development Permit in question.

#### **Kevin Shenfield**

- Mr. Shenfield is the property owner leases land to the Gun Club.
- The lands have been in his family since 1925.
- Mr. Shenfield referenced an aerial photo found on page 70 of the agenda package, he pointed out the location of his dairy barn on the property.
- Mr. Shenfield stated that a resident had made a call to Alberta Dairy Council who came to do an inspection of his bulk milk tank. Alberta Dairy Council also took samples from 9 other dairies from the area. His milk was tested and nothing was wrong with it. Mr. Shenfield spoke with his nutritionist about the possible uptake of lead by the corn that he was growing as silage in the south portion Site. Mr. Shenfield advised his nutritionist stated that the chances of lead uptake by the plant was virtually impossible.

- Mr. Shenfield confirmed that he has 3 wells on the property and the wells are tested every year for E. coli and other contaminants. His wells have always passed the testing.
- Mr. Shenfield stated that he feels the lead fears are over exaggerated.

**Concluding Remarks of the Appellants:**

**Jody Singer**

Mr. Singer stated that the lead on the property would have nothing to do with the vegetation. His concern is the lead itself on the property. He concluded by saying that a very small amount of lead can cause brain damage.

**Allan Gamble**

Mr. Gamble reiterated his earlier statements regarding the reclamation plan and argued that the reclamation should have been completed at the conclusion of the use of the gun range. Mr. Gamble advised that since the gun range use ended in 2015 the Gun Club has lost 4 court cases at the provincial level. He stated that he feels the club has underlying motives and should not be doing business with Parkland County until the court cases are settled and reclamation has taken place. Mr. Gamble urged the Board to reject the permit.

The Applicants declined to provide closing remarks.

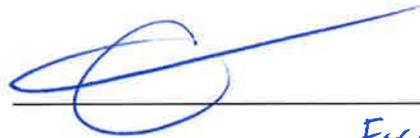
The Chairperson asked if any of the affected parties had any concerns with the process of the hearing, there were none.

**RECESS**

The Chairperson recessed the meeting at 5:57 p.m. and reconvened the meeting at 6:04 p.m.

**ADJOURNMENT**

The Chairperson adjourned the hearing at 6:04 p.m.



For:

Chairperson