

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
PARKLAND COUNTY**

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HEARING DATE: June 11, 2018
FILE NO.: 18-D-111

Notice of Decision of Subdivision and Development Appeal Board

INTRODUCTION

[1] The Development Authority of Parkland County (the "County") approved a development permit application for an outdoor archery range on 53426A Range Road 273, legally described as W4M-27-53-28-NE (the "Site") applied for by the Spruce Grove Gun Club (the "Applicant"). The proposed use is for the sport of archery and the Applicant proposed to use site improvements from a pre-existing use.

[2] Mr. Jody Singer and Mr. Allan Gamble appealed the issuance of development permit 18-D-111 (the "Development Permit").

PRELIMINARY MATTERS

A. Board Members

[3] At the start of the hearing on June 11, 2018, the Board asked if anyone had an objection to the panel hearing the appeal. At the start of the hearing, the Appellant, Mr. Gamble, asked whether any members of the Board were members of the Wabumun Gun Club. Two (2) of the Board members responded that they were members. When further questioned by Mr. Gamble as to whether they felt they had a conflict of interest, they indicated that they did not. Without specifically asking for them to step aside on the basis of a reasonable apprehension of bias, Mr. Gamble questioned their attendance at the hearing on the basis that the website for the Applicant indicated that the Applicant, the Wabumun Gun Club and the Stony Plain Fish and Wildlife Association were working together to vote against the amendment to the bylaw. Mr. Gamble clarified that he was referring to the County's Land Use Bylaw. Board Member Niblock indicated he is a member of the Wabumun Gun Club, but has never gone there. He stated that as a member he does not feel that he has any conflict of interest or bias. Board Member MacDougall stated that he is not an active member of the Wabumun Gun Club, but had to join the club because he owns restricted weapons. He stated that he did not believe that he had a conflict of interest or bias which would prevent him from hearing the appeal. There were no further objections to the composition of the Board at the beginning of the hearing.

[4] During the course of the hearing, the Board heard from Ms. Ball, who was speaking in favour of the appeal. She asked if Board Members Niblock and MacDougall had been members of the County's MPC in 2014, when the Applicant received a permit for its gun range. They indicated that they were on MPC but did not recall if they sat at the MPC hearing at which the Applicant's previous development permit was discussed. She asked Board Member MacDougall if he had an executive position on the Wabumun Gun Club. He advised that he had previously had a position on the executive, but it ended in 2014 and that he was not currently a member of the executive for that club. The Board members confirmed they felt they could continue to hear the appeal.

Decision and Reasons Preliminary Issue – Reasonable Apprehension of Bias

[5] As indicated, the two (2) challenged members of the Board stated that they did not have a reasonable apprehension of bias and that they are capable of providing a fair and unbiased hearing in the process. They sat as members for the entire hearing. The reasons are set out below.

Membership on MPC

[6] Board Member Niblock and MacDougall indicated that they were members of MPC in 2014 at the time when the Applicant was seeking a development permit for the gun range use. However, they advised that they were not certain if they heard the application. The permit before the Board in 2018 is an application for an archery range, and not a gun range. The matter which was before MPC in 2014 was a gun range. No connection was drawn between the two (2) uses, other than the fact that it was the same Applicant. The two (2) members do not recall if they sat on the gun range development permit application. In any event, there has been sufficient passage of time between the two (2) matters. Moreover, the two (2) permits are for different uses, with different impacts, and the Appellants and those speaking in favour of the appeal did not draw any link between the two (2) of them, other than the Applicant. The Board notes that each permit is to be assessed on its own planning merits and the evidence presented at the hearing, not the character of the Applicant.

Membership in the Wabumun Gun Club

[7] The statements from the two (2) Board members were that they are not active members of the Wabumun Gun Club. Board Member Niblock stated he had not attended at the club and Board Member MacDougall noted he had not been on the executive of the Wabumun Gun Club since 2014.

[8] Both Board members are not active members of the club, and are not members of the executive. Although one (1) Board member had been a member of the executive four (4) years ago, the Board is of the view that sufficient time has passed to avoid any reasonable apprehension of bias since he was not a member of the executive during 2017 which is when the County was amending its Land Use Bylaw, and since he was not on the executive, he had no control over the executive decisions of that club.

[9] Further, Mr. Gamble's concern arose from a comment on the Applicant's webpage stating that the two (2) gun clubs and the Fish and Wildlife Association would work together to

respond to bylaw changes. The only matter before the Board is the question of the Development Permit for an archery range. The Board has no jurisdiction to deal with the Land Use Bylaw or amendments to it and those matters are not before the Board. The actions taken by the Applicant with other clubs to attempt to influence changes to County bylaws is not relevant to the appeal in question.

B. Exhibits

[10] The Board marked the exhibits as set out at the end of this decision.

[11] At the beginning of the hearing, Mr. Singer indicated he wished to submit documents not previously submitted to the Board: The decision of the Board from the 2014 hearing and a copy of the Spruce Grove Gun Club "End Use Land Reclamation Plan" dated September 2014. The representatives of the Applicant requested a brief adjournment to review the application, which was granted. Once the hearing reconvened, there was no objection to the documents being submitted, nor did anyone request a further adjournment as a result of the submission of the documents. The Board marked the new documents as exhibits, as indicated at the end of this decision.

C. Miscellaneous

[12] The appeal was filed in time, in accordance with Section 686 of the *Municipal Government Act*, R.S.A. 2000, c.M-26 (the "Act").

[13] The Board is satisfied that it has jurisdiction to deal with this matter. There were no objections to the proposed hearing process.

D. Preliminary Matters

[14] Other than as set out above in paragraphs [3] and [4], there were no preliminary matters raised at the beginning of the hearing.

DECISION OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD

[15] The Board denies the appeal. The Development Permit 18-D-111 is issued subject to the conditions set out in the Development Permit issued May 14, 2018 (found at pages 13-14 of 85).

SUMMARY OF HEARING

[16] The following is a brief summary of the oral evidence heard by the Board. The Board has also reviewed all written submissions filed with the Board.

Development Authority

[17] The Site is located within the Country Residential (CR) District. The use of Outdoor Participant Recreation Services is discretionary in accordance with section 5.3.2 (e) of Land Use

Bylaw 2017-18. The Development Authority deemed the application complete April 4, 2018 and issued the Development Permit subject to conditions on May 14, 2018. The parcel is 160 acres although the development area is less. The development area is shown outlined in blue in the agenda package at page 69 of 85. The Development Authority advised that the proposed development generally complies with the relevant statutory documents as defined in the Act.

[18] The proposed hours of operation are Monday to Sunday 9am to 9pm (or sunset, which is sooner).

[19] The Development Authority considered section 20.3 of Land Use Bylaw 2017-18. "Outdoor Participant Recreation Services " is defined as:

OUTDOOR PARTICIPANT RECREATION SERVICES means development providing facilities that are available to the public at large for sports and active recreation conducted outdoors. This use class does not include Outdoor Shooting Ranges. Typical facilities include golf courses, driving ranges, ski hills, ski jumps, sports fields, outdoor tennis courts, unenclosed ice surfaces or rinks, athletic fields, boating facilities, miniature golf establishments, Scout/Guide camps, religious outdoor retreat camps and parks, paint-ball parks, gymkhana/rodeos.

[20] The Development Authority determined that an outdoor public archery range fell within the definition of Outdoor Participant Recreation Services. This use is discretionary within the Country Residential District. The property owner is entitled to the use if it complies with the provisions of the Land Use Bylaw and the consideration by the Development Authority based on planning rationales and land compatibility.

[21] The Development Authority determined that the proposed use was appropriate and reasonably compatible due to the following reasons:

- a) The nature of the archery;
- b) The existing site improvements (the pre-existing berms on Site within the development area);
- c) Setbacks and property size; and
- d) Minimal environmental impact.

[22] The Development Authority considered that there was an insufficient planning reason to deny the use. It approved the Development Permit on May 14, 2018 subject to conditions which included:

- a) No outdoor shooting range (Discharge of firearms);
- b) No accessory uses; and
- c) The Applicant shall not unduly interfere with the use or enjoyment of adjacent properties.

[23] The entire list of conditions is found in the agenda package at pages 13 to 14 of 85.

[24] The Development Authority also advised that non-compliance with any conditions would be enforced by the Development Authority. The Applicant is required to comply with all

instruments affecting the lands and the buildings and must comply with all federal, provincial, and other statutes. The Development Authority also advised that there was parking on the Site for up to ninety (90) cars, which is adequate for hosting occasional archery events.

[25] The Development Authority also advised that the Development Permit specifically excluded the use of the Quonset. The indoor classroom and range were excluded by the Applicant. The approval does not include any permission for the use of the building or the Quonset.

[26] The Board noted that Mr. Gamble's grounds of appeal (see page 5 of 85) included the fact that there is outstanding litigation against the County. The Board asked the Development Authority about the litigation. In response to Board questions, the Development Authority indicated that the Development Authority was not privy to the details of the litigation between the Gun Club and the County. The Development Authority also advised that there was no requirement for an environmental site assessment for this type of use. There were no registrations against title.

[27] In response to Board questions, the Development Authority advised that the Development Permit was a new permit application and not a renewal of a pre-existing permit.

[28] In response to Board questions, the Development Authority advised that the development permit for the shooting range ended in 2015. The current Development Permit is for archery and is not related to the shooting range permit. The Development Authority advised that the requirement for reclamation of the Site is under the power of a federal regulatory agency by virtue of the federal Shooting Clubs and Shooting Ranges Regulation. This regulation requires the clean-up of a gun range. The Development Authority advised that it remains the responsibility of the property owner and the Applicant to ensure reclamation takes place. Not having an open permit does not exempt them from having to clean up the property. The condition for clean-up does not have an end date. The Development Authority advised that the end use plan was asked for by the Development Authority in 2014 when the Applicant requested a further development permit for the gun range.

Appellant – Mr. Jody Singer

[29] Mr. Singer lives a half mile south of the Site. He is concerned that there has not been a safety assessment done for the Site, which for forty (40) years had been utilized as a gun club. He stated that there is lots of lead on the Site. The ranges on the Site have moved locations over the years. The Planning Department does not know where the lead is and an environmental assessment is required to ensure the land is safe. He referenced the Government of Canada Toxic Substances List; Schedule 1 (pages 71 of 85 in the agenda package) dated April 18, 2018 which indicated that lead is number 7 on the federal government's list of toxic substances, immediately behind asbestos.

[30] In 2014 the Gun Club issued a reclamation plan and his position was that the reclamation plan should be completed before an archery range permit is issued.

[31] Mr. Singer advised that he has lived on the land for his whole life. In response to Board questions, he stated that the link between lead and the archers who use the range is based

upon on the fact that archers will walk down the lanes which is where the lead is and no one knows where all the lead is.

[32] In final comments, Mr. Singer advised that lead is a significant issue and that a minimal amount of lead ingested by a child leads to brain damage. As a result, there should be serious actions taken.

Appellant – Mr. Allan Gamble

[33] Mr. Gamble and his family live a half mile north of Site and have lived there since the 1930s. He stated that the Applicant has outstanding legal issues against the County and unfulfilled commitments related to the previous use.

[34] He read from a decision the Court of Queen's Bench in litigation related to the Applicant and the County (but did not provide copies of the decision to the Board) 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.

[35] He questioned how the Applicant can be respectful of the County with three (3) additional legal actions against the County and one (1) against the Mayor. He wants the actions discontinued before the Board approves the Development Permit. In his view, the permit expired in 2015 and it was a condition in 2015 to provide a reclamation plan. Before a new permit is issued for the Site, the Applicant should be required to complete the reclamation plan. He was concerned that County did not enforce the clean-up which was the condition of the previous development permit. He stated it is a significant environmental issue to the County and its residents.

[36] Mr. Gamble questioned the need for an archery range, arguing that another archery range existed in relatively close proximity to the one (1) in question.

[37] He suggested that that the Board should direct a day during the week when there are no activities because it is disruptive to residents.

[38] In his closing statements, Mr. Gamble clarified the history of the development permits for the gun range. The Applicant applied for a development permit in 2014 for a gun range and obtained a one (1) year permit. Part of that Development Permit included a condition that the Applicant was to provide an end use reclamation plan. That permit expired October 2015. No further development permits for a gun range were issued for the Site. The 2015 application for a gun range was refused by the Board in 2015. He restated his concern about the motivation of the Applicant.

Those Speaking in Favour of the Appeal

Ms. Rhonda Lakeman

[39] Ms. Lakeman questioned how the Development Permit could be issued without an environmental assessment being done and the land reclamation plan completed. She also argued that the Development Permit was not a renewal and needed to be treated as new permit application.

Ms. Cheryl Ball

[40] Ms. Ball lives close to the Site along Range Road 273. She is in support of the appeal. As referenced above in paragraph [4], she asked Board Members Niblock and MacDougall about their role on MPC in 2014. She asked Board Member MacDougall if he has an executive position on the Wabumun Gun Club. Mr. MacDougall responded that his position on the executive ended four (4) years ago.

[41] Ms. Ball questioned why the Applicant was not required to clean the Site before the County entertained any new development permit applications. She also questioned why a development permit would be issued when there is litigation between the County and the Applicant. Her concern was that the Applicant is using the archery permit to get a foot in the door to expand its use to guns.

[42] She is concerned the Applicant is using the Development Permit for archery as opportunity to shirk its responsibility to clean up the Site. She questioned whether there was a need for the archery range on the basis that there are other archery ranges in the area.

Craig Miller

[43] Mr. Miller lives north of the Site. He supported previous speakers' submissions. He stated 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 there will be a significant cost to clean up the Site. In his submission, the Applicant is seeking to reestablish the gun club if it is able to do so.

Those speaking in Opposition to the Appeal

Mr. Sam Brownfield

[44] Mr. Brownfield spoke on the behalf of the Applicant. He stated the Applicant has always had an archery component. When the development permit for the gun range expired in 2015, the Applicant wished to continue the archery use. It applied for a new development permit to continue the use of archery. Improvements were already in place to make this feasible. The high berms which exist on the Site make it workable without further work to be done.

[45] He stated there are no current environmental hazards for the use of the Site for archery. The worst case is if lead is ingested or inhaled, but that lead in soil is not a problem for the archery use. There was never an environmental concern or safety concerns when the Applicant

was using the range as a gun club and there is no concern now when using the range for archery. Archers use either carbon fiber or wood for the arrows which are reclaimed as they are expensive. The targets are burlap bags or biodegradable.

[46] The name of the Applicant has the words "gun club" in it. They did not change their name to "archery club" in order to get a development permit for archery.

[47] The use of the Site for archery does not affect the reclamation of the land which is a different matter. The Applicant does have outstanding legal actions with the County, but that does not affect issuing the Development Permit. The Applicant is here to act in accordance with the Development Permit.

Mr. Kevin Shenfield

[48] Mr. Shenfield is the owner of the Site, which is leased to Applicant. He does not take environmental issues lightly, as he runs a dairy farm. Someone 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.

[49] Mr. Shenfield advised that he has three (3) wells on the Site at various depths (280 feet – drilled in March 1985, 140 feet deep drilled in 2000, and 120 feet drilled in 2014). Because he is a producer for Alberta Milk, the wells are tested each year for E. coli and other contaminants. His wells have always successfully passed the testing. He stated the lead fear may be over exaggerated.

FINDINGS OF FACT

[50] The Site is located at 53426A Range Road 273, legally described as W4M-27-53-28-NE.

[51] The Site is zoned as Country Residential (CR) District.

[52] The use of Outdoor Participant Recreation Services is discretionary in accordance with section 5.3.2 (e) of Land Use Bylaw 2017-18.

[53] The Appellants are affected persons.

[54] Those speaking in favour of the appeal are affected persons.

[55] Those speaking in opposition to the appeal are affected persons.

[56] The proposed use is compatible with neighbouring uses.

REASONS

Jurisdiction

[57] The Board notes that its jurisdiction is found in Section 687(3) of the *Municipal Government Act*. In making this decision, the Board has examined the provisions of the County's Land Use Bylaw 2017-18. The Board has also considered the oral and written submissions made by the Development Authority, the Appellants, those speaking in favour of the appeal, and those speaking in opposition to the appeal.

687(3) In determining an appeal, the subdivision and development appeal board

(a) must act in accordance with any applicable ALSA regional plan;

(a.1) must comply with any applicable land use policies;

(a.2) subject to section 638, must comply with any applicable statutory plans;

(a.3) subject to clause (d), must comply with any land use bylaw in effect;

(b) must have regard to but is not bound by the subdivision and development regulations;

(c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;

(d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,

(i) the proposed development would not

(A) unduly interfere with the amenities of the neighbourhood, or

(B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

(ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

Affected Persons

[58] The first question the Board must determine is whether those appearing and speaking before the Board are affected persons. The Board notes that there was no objection made to any of the speakers on the basis that they were not affected. However, the Board will address this issue in its reasons.

[59] The Appellant Mr. Singer, lives within a half a mile of the Site. By reason of his proximity to the Site, he is an affected person.

[60] The Appellant, Mr. Gamble, lives within a half mile north of the Site. By virtue of his proximity to the Site, he is an affected person.

[61] Those speaking in favor of the appeal also live in relatively close proximity to the development. The Board finds due to their proximity, they are affected by the proposed development.

[62] The Applicant, Spruce Grove Gun Club, is the applicant for the permit and as such is affected by the appeal.

[63] The land owner, Kevin Shenfield, owns the leased lands on which the development will be located, and as such is affected by the appeal.

Statutory Plans

[64] The Board heard submissions from the Development Authority that the proposed use generally complied with the relevant statutory document as defined in the Act. None of the Appellants or those speaking in favor of the appeal provided further evidence to contradict the submissions of the Development Authority on this point. The only evidence before the Board was that the development complied with the statutory plans. Therefore, the Board finds the proposed development is generally in compliance with the statutory plans as defined in the Act.

Land Use District

[65] The Site is zoned as Country Residential (CR) District (Land Use Bylaw section 5.3.2).

Nature of Use

[66] The use is for an archery range, which falls within the "Outdoor Participant Recreation Services" definition. No one contested that the archery range use is an "Outdoor Participant Recreation Service" and the Board so finds.

[67] The use of "Outdoor Participant Recreation Services" is a discretionary use in Parkland County Land Use Bylaw 2017-18. Therefore, as referenced in *Rossdale Community League (1974) v. Edmonton (Subdivision and Development Appeal Board)*, 2009 ABCA 261, the Board must assess the compatibility of the use applied for with the neighbouring uses.

[14] The object and purpose of a discretionary use is to allow the development authority to assess the particular type and character of the use involved, including its intensity and its compatibility with adjacent uses.

[68] In its submissions, the Development Authority stated that it considered the compatibility of the development and found that it was compatible. The Board will now turn its analysis to the concerns raised in the hearing to assess whether the proposed use is compatible with the neighbouring uses.

[69] The Appellants raised the following issues:

- a) environmental concerns due the presence of lead on the Site;
- b) the litigation between the Applicant and County; and
- c) the status of the reclamation plan from the 2014 development approval.

Environmental Concerns

[70] The Appellants and those speaking in favor of the appeal provided background about the history of the Site and its use as a shooting range. The Board accepts that a development permit was issued in 2014 and a condition of the permit was for the Applicant to provide the County an End Use Reclamation Plan (Exhibit C6). The Board also accepts that the 2015 application for a shooting range was refused by the Board at that time.

[71] Although there was no specific evidence about the amount of lead, both sides were in agreement that there was lead on the Site, and the reclamation plan (exhibit 7) indicates the Applicant is aware that there is lead on the Site.

[72] The Development Permit relates to the use of the Site as an archery range. The question for the Board is whether there is sufficient evidence of an environmental concern from lead contamination which would prevent the use of the Site for archery. The Development Authority indicated that there was no need for an environmental assessment. The only evidence before the Board from the Appellants was:

- a) the list of toxic substances found at page 79 of 85; and
- b) anecdotal comments provided by the Appellants and those speaking in favor of the appeal that there was an environmental concern due the presence of lead on the Site arising from its previous use as a gun range.

[73] The Applicant stated that there were no environmental concerns of the use of the site as an archery range.

[74] The Board notes that the Appellant and those speaking in favor of the appeal provided no information or evidence about:

- a) a specific quantification of the amount of lead on the site, aside from the comment of Mr. Miller that there were "tons" of lead;
- b) the degree of health risk;
- c) the amount of lead that may create a health risk;
- d) specifically how the presence of lead on the Site would affect either the use of the Site as an archery range or those using the Site for archery; or
- e) how the Appellants or those speaking in favour of the appeal or their properties or any surrounding properties or the Site itself would be affected by any lead on the Site.

[75] The comments by those in favour of the appeal was general. None of those people speaking in favour of the appeal indicated they had been on the Site, or would in future go on the Site. They gave no evidence about how the lead would affect them or users of the Site.

[76] By contrast, Mr. Shenfield, the owner of the Site, stated that he is a producer with Alberta Milk and that both his milk stored on Site and wells on the Site have been tested and have passed those inspections.

[77] The Board appreciates both sides have presented relatively anecdotal evidence. However, the Board prefers the evidence of Mr. Shenfield as he has indicated that agencies having a requirement to test have indicated that both the well water and the milk coming from the Site have not raised any concerns. The Board was not persuaded by the evidence put forward by the Appellants or those speaking in favour of the appeal. The Board finds that they did not establish a sufficient link between the presence of lead on the Site and the use of the Site as an archery range, nor any link between the lead and any environmental contamination of any users, or of the Site itself. The Board was presented with no evidence there would be any ingestion of lead or contamination or proximity between the user of the archery range and the lead which is buried in the soil. Based upon on the lack of persuasive evidence, the Board does not find that the environmental concerns from the use of the Site arising from the presence of lead on the Site has been made out.

[78] The Board also finds that the Appellants provided no evidence that the presence of lead on the Site was causing their use of their own property to be affected in any way at all, nor did they provide any evidence that the Site itself has environmental concerns as evidenced by the clean "milk tests" and well tests that Mr. Shenfield gave evidence about to the Board.

Litigation between Applicant and County

[79] The Board notes that a number of the speakers in favor of the appeal were concerned about that fact that there was litigation between the Applicant and the County. These speakers urged the Board to withhold or deny the Development Permit until the litigation had been resolved or, alternatively, to require the litigation to be discontinued as the condition of the approval.

[80] The Board is mindful that it does not have jurisdiction regarding any civil litigation in place between the County and the Applicant. The sole question before the Board is in relation to the Development Permit for an archery range within the Country Residential District. Given the Board's lack of authority to address this issue, the Board finds this is not an appropriate ground for appeal.

Reclamation Plan

[81] The Board accepts the evidence submitted by the parties that there had been a 2014 development permit for the Site for a gun range, which contained a condition requiring the Applicant to provide a reclamation plan. The Board also accepts the evidence that the 2015 permit was ultimately denied by the Board in 2015, so the use of the Site as a gun club effectively ended at that time.

[82] The Board understands that the Appellants want the Board to require the Applicant to complete the reclamation plan prior to the issuance of this Development Permit. However, the Appellants provided no authority from the County's Land Use Bylaw which would permit the Board to impose a condition requiring the reclamation as a condition of the permit. Further, the Appellants provided no evidence linking the presence of lead on the Site to any environmental risk to the users of the archery range. There was no evidence for the Board to impose a condition requiring reclamation prior to the use of the site as an archery range. The Board cannot make decisions in the absence of any evidence. While the Appellants' desire to have the site reclaimed is laudable, the Board cannot impose a condition without evidence to support the imposition of such a condition.

[83] The Board notes that the Development Authority has indicated the obligations of the Applicant to clean up the land under the provisions of the 2014 permit continue. The Board urges the Development Authority to follow up on this matter to address the residents' concerns. However, the Board is not prepared to impose a condition that the reclamation must occur prior to the use of an archery range in the absence of any evidence connecting the presence of lead to the archery use.

Other Planning Considerations

[84] At the end of his presentation, Mr. Gamble stated that the archery range should not be open one (1) day per week because the use was "disruptive". He did not provide any evidence as to the nature of the disruption. There was no evidence before the Board about relevant planning impacts from the proposed use, such as noise, dust, etc. The Board accepts the uncontradicted evidence of the Development Authority that the distance between the development area and the north boundary is 94 metres. The nearest residential subdivision is 300 metres away and the development area is 334 metres from RR 273 (page 9 of 85 of the agenda package). The Board finds these distances should limit any disruption, although there was no evidence of any specific disruption which would be caused by the archery range.

[85] No evidence was presented to the Board about any other disruptions from the archery range. The Board accepts the evidence that there is sufficient parking on site (page 9 of 85 of the agenda package) which would be sufficient for occasional archery events. The sufficiency of parking on the Site means that the area residents should not be negatively affected by parking concerns.

[86] The Board is not persuaded by the evidence that there is a need to limit the number of days the Site can be used.

Other Comments

[87] The Board notes that there were many comments from the Appellants and those speaking in favor of the appeal that the application should not be seen as a continuation of the previous use. The Development Authority advised that the application for archery range is a new permit application and is not linked in any way to the previous development approval. The Board accepts the evidence of the Development Authority on this point and finds the permit in question is not linked in any way to the previous development permit for the Site.

[88] The Board heard a number of statements of concern that the Applicant is seeking to preserve its right for a gun club on the Site. Conditions 1, 2, 4 and 5 all specifically reference the fact that the Development Permit is only for Archery, and that the discharge of fire arms or Outdoor Shooting Range is not permitted, even as an Accessory use. These conditions should address the concerns raised.

[89] There was a suggestion that the Development Permit should be time limited. However, there was no evidence before the Board to support such a limitation, and the Board is not persuaded that there is any need to put a limitation on the duration of the Development Permit.

Issued this 21st day of June, 2018 for the Parkland County Subdivision and Development Appeal Board



Christine Beveridge, Clerk, on behalf of
Dylan Smith, Chair
SUBDIVISION AND DEVELOPMENT APPEAL BOARD

This decision may be appealed to the Court of Appeal of Alberta on a question of law or jurisdiction, pursuant to Section 688 of the Municipal Government Act, R.S.A. 2000, c.M-26. This section requires an application for leave to be filed with the Court of Appeal of Alberta within thirty 30 days of receipt of this decision.

APPENDIX "A"
REPRESENTATIONS

PERSON APPEARING

1. Karen Kormos, Supervisor, Development Planning
2. Feinan Long, Development Planner
3. Jody Singer, Appellant
4. Allan Gamble, Appellant
5. Rhonda Lakeman
6. Cheryl Ball
7. Craig Miller
8. Sam Brownfield
9. Kevin Shenfield

APPENDIX "B"
DOCUMENTS RECEIVED AND CONSIDERED BY THE SDAB:

Exhibit	Description	Date	Pages
1.	Agenda Package Table of Contents and Agenda	June 6, 2018	1 – 2
2.	Notice of Appeal – Jody Singer	May 18, 2018	3 - 4
3.	Notice of Appeal – Allan Gamble	June 5, 2018	5-6
4.	Submission of the Development Authority	June 4, 2018	7-77
5.	Submission of the Appellant - Jody Singer	June 4, 2018	78-87
6.	Decision of the SDAB October 2014	June 11, 2018	
7.	Spruce Grove Gun Club "End Use Lead Reclamation Plan" dated September 2014	June 11, 2018	