

AGENDA

SUBDIVISION AND DEVELOPMENT APPEAL BOARD LEDUC COUNTY COUNCIL CHAMBER, COUNTY CENTRE, NISKU, ALBERTA

Friday, March 8, 2019

1. **Order and Roll Call** – 9:00 a.m.
2. **Agenda Adoption**
3. **Adoption of Previous Minutes**
 - * January 25, 2019 Subdivision and Development Appeal Board Meeting
4. **Subdivision and Development Appeal Hearing**
 - * a) 9:00 a.m. D18-230 Appeal by Colistro Chronopoulos LLP (Ralph Colistro)
Roll #3935000 & #3933000 on behalf of Canadian Historical Arms Society for an
accessory development to existing recreational, outdoor
use (3 berms – shooting positions, 15 berms for
shooting targets, tree clearing, and extraction and
grading) on SW & NW 4-51-3-W5 (3356 Twp Rd 510).
5. **Next Meeting Date** – Friday, March 15, 2019
6. **Adjournment**

Legend

- * Items Attached To Agenda

MINUTES OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD MEETING, LEDUC COUNTY, HELD ON FRIDAY, MARCH 8, 2019 IN THE COUNCIL CHAMBER OF THE COUNTY CENTRE BUILDING, NISKU, ALBERTA.

Order and Roll Call

The meeting was called to order at 9:00 a.m., Friday, March 8, 2019 by Chair Mary-Ann McDonald as Chair with Board Members Pat Rudiger, Doug Ruel, Rod Giles and Larry Wanchuk present.

Also present were Garrett Broadbent, Clerk; Ms. Joyce Gavan, Recording Secretary; Colin Richards, Team Lead Development; Greg McGovern, Planner 1; Charlene Haverland, Manager of Development Services, Rae-Lynne Spila, Municipal Engineer; Nicholas Moffat, Supervisor of Parks Planning; and +24 other individuals.

Agenda Adoption

09-19 Board Member Wanchuk -- that the Agenda for the March 8, 2019 Subdivision and Development Appeal Board meeting be accepted as circulated.

Carried

Adoption of Previous Minutes – January 25, 2019

10-19 Board Member Rudiger -- that the January 25, 2019 Subdivision and Development Appeal Board minutes be confirmed as circulated.

Carried

Appeal by Colistro Chronopoulos LLP on behalf of the Canadian Historical Arms Society whereby Development Permit Application D18-230 was refused for an accessory development to existing recreational, outdoor use (3 berms – shooting positions, 15 berms for shooting targets, tree clearing, and extraction and grading) on SW & NW 4-51-3-W5 (3356 Twp Rd 510).

Chair McDonald called the hearing to order at 9:02 a.m. and introduced Board Members and staff.

Chair McDonald explained the purpose of the hearing, the order of presentation and the procedures to be followed.

Chair McDonald then called upon the Board Secretary to introduce the subject of this appeal.

Mr. Garrett Broadbent, Clerk, advised of the appeal by Colistro Chronopoulos LLP on behalf of the Canadian Historical Arms Society whereby Development Permit Application D18-230 was refused for an accessory development to existing recreational, outdoor use (3 berms – shooting positions, 15 berms for shooting targets, tree clearing, and extraction and grading) on SW & NW 4-51-3-W5 (3356 Twp Rd 510).

The reasons for appeal are as follows:

1. There is an existing development permit for use of the above noted property.
2. The scope of activities set out in the development permit application are accessory to the previously approved use.
3. The proposed development is reasonably compatible with the surrounding areas and uses; and
4. Such further and other reasons which may be presented at the hearing of this appeal.



Mr. Broadbent advised the following information is attached for the Board:

- 1) Staff Report
- 2) Notice of SDAB hearing package dated February 19, 2019
- 3) Refusal by Development Authority dated January 23, 2019 with refused site plan
- 4) Key Plan
- 5) Development Permit Application D18-230
- 6) Leduc County GIS Mapping
- 7) Extract from Environmentally Significant Area Study (ESA)
- 8) Referral Comments

The Board confirmed the appeal was submitted properly and acceptable to the Board.

Chair McDonald asked if any Board Member felt a need step down from this hearing within the boundaries of conflict of interest, and there was no one.

Chair McDonald asked if anyone had any objection to any of the members of the Subdivision and Development Appeal Board hearing this appeal, and there was no objection indicated.

Chair McDonald asked the Board Secretary to read/present any other relevant information and/or correspondence, and Mr. Broadbent advised of the following additional submissions:

- 1) March 5, 2019 letter from Lloyd & Janet Rosenke opposed to the proposed development.
- 2) March 7, 2019 letter from Linda Maki opposed to the proposed development.
- 3) March 7, 2019 email from Ralph Colistro submitting photographs as part of his submission.
- 4) Sixty-four (64) letters received via courier this morning addressed to Councillor Scobie from adjacent landowners and interested parties expressing concerns with the proposed development.
- 5) Copy of February 20, 2019 letter from Councillor Scobie to Mr. Jason Picard responding to the letter(s) of concern; confirming this matter is now an official matter of the SDAB which is at arm's length; and provided information about the hearing and options for voicing concerns with the SDAB.

Chair McDonald called upon the Planning and Development Department to provide background information.

Mr. Colin Richards, Team Lead Development provided the following information relating to the appeal by Colistro Chronopoulos LLP, on behalf of the Canadian Historical Arms Society:

1. The subject properties are located north of Township Road 510 and approximately 800 metres west of Range Road 13, comprising 2 quarter sections, both of which are under the ownership of The Canadian Historical Arms Society.
2. The subject property is within the North Saskatchewan River Valley (NSRV) District in which outdoor recreation uses are considered a Discretionary Use.
3. Within the SW 4-51-3-W5 parcel, existing development consists of 5 berms and targets for long-range shooting activities that are situated at 200 metres, 300 metres, 400 metres, 500 metres and 800 metres from the southeastern portion of the site, along with 2 bermed areas for short-range shooting which are approximately 75 metres and 115 metres in length and 40 metres in width each.

4. Each of the 3 existing shooting areas include a covered shooting structure. A number of small accessory buildings existing on the southern boundary of the parcel are to support the shooting range.
5. The NW 4-51-3-W5 parcel to the north is undeveloped and is primarily covered with a mature forest.
6. Application D18-230 proposes the construction of an additional long-range shooting area in the southwestern portion of the SW 4-51-3-W5 parcel, consisting of 11 shooting targets, with 4 of the proposed targets being situated up to a distance of 350 metres into the NW 4-51-3-W5. To allow for the creation of the targets in the NW 4-51-3-W5, the removal of approximately 5.3 hectares (13 acres) of mature forest is proposed. The application also proposes the construction of 3 additional short-range shooting areas in the southern part of SW 4-51-3-W5. The removal of clay from the tree-clearing area is also proposed in order to create the berms required for the proposed shooting areas and target backstops.
7. Four targets within the northern parcel and clearing will be required for these targets to exist.
8. A planning history of the subject property indicates the following historical development decisions on the subject property:

Permit #	Date of Approval	Use
D87-008	March 2, 1987	Rifle Range (shooting facility)
D13-354	April 25, 2014	Construction of berms, concrete pads and shelters
D15-321	October 22, 2015	Accessory structure, pistol range (81.29 sq.m)
D15-322	October 22, 2015	Accessory building (Quonset – 222.97 sq. m)
D18-106	July 8, 2018	Accessory building (Quonset – 66.9 sq. m) and Removal of Existing Accessory Building

9. Referral responses:

Leduc County Public Works & Engineering – no concerns with the proposal from an engineering perspective.

Leduc County Parks & Recreation - do not support the removal of trees or the range extension across the drainage of the properties. The comments note that the parcel is within a very large floodplain of the North Saskatchewan River, and the area is highlighted within all the available Environmentally Significant Area studies as it is of high ecological value and is at high risk for loss. Based on this, losing further habitat for the proposed use is not warranted. Concerns were also raised with the long distance shooting range addition extending across a waterway that flows into the property as it is likely to introduce metals into it and the surrounding soils, which is not an acceptable practice in environmentally sensitive areas. The department recommend studies be undertaken to examine the full extent of potential impacts prior to considering an application of this nature.

Letters of Objections – at the time of writing the report, the County received 4 letters of objection from County residents, noting the following concerns:

- The range can be loudly heard by residencies over a mile from the facility (at Range Road 33 & Township Road 510).
- An additional 15 shooting stations will be too much.

- Shooting range has already expanded and is used every day.
- Residents in area already live near intensive industry, the proposal will increase existing nuisance.
- Negative impacts on the North Saskatchewan River.
- Range uses high powered rifles, with no respite from the noise in the area.
- Detracts from quality of life in the area.
- Impacts peaceful recreation.
- Noise could be reduced with use of acoustical panels, but gun club has previously ignored request for such measures.
- The area for the proposed northern targets is elevated, which could result in rounds being overshot into neighbouring lands to the north.
- The application proposes an unsafe situation with shooting across a public road.
- Gun range development should be restricted to the SW ¼ as risk of overshooting extreme distance berms is too great.
- No expansions should be considered until noise abatement measures are put in place.
- The use is not passive recreation, is intrusive and negatively affects surrounding residents.
- Genesee has been bombarded with industry, and a gun club expansion will destroy what little pleasure is left in the area.
- The proposal is more than residents should have to bear.
- Concerns for property values.
- The expansion will increase the long rifle range by 75% which will be intolerable compared to existing noise levels.
- The proposal will more than double the size of the existing operation, which is excessive.
- Safety concerns as property needs a full time manager as rules of the range often not followed.

Letter of support – at the time of writing the report, the County received 1 letter of support, noting expansion of shooting range is supported as a great addition to the community.

Following the issuance of the refusal of the application, the County received 1 letter commending the decision and 2 letters condemning the decision, which are included in the package. Further, the Clerk has introduced all additional correspondence received to date.

10. Application D18-230 was refused by the Development Authority for 3 main reasons, relating to environmental impact, incompatibility with surrounding lands and landowner concerns.
11. Although the County acknowledges that the use of the site for a shooting facility has been established since 1987, the current application proposes an expansion of the facility to over double the existing size. The current application proposes the addition of a new long-range shooting area, comprising 11 berms for target placement, which would be situated at 100 metre intervals ranging from 100 metres to 1100 metres from the shooting area. Within this shooting area, the berms proposed at 800, 900, 1000 and 1100 metres would be located within a defined Environmentally Significant Area and would require the removal of 5.3 hectares (13 acres) of mature, natural forest.
12. Further to the additional long-range shooting range, the application proposes to construct 4 additional berms to the existing 800 metre shooting range, to be located at 100, 600 (2 berms) and 700 metres from the existing shooting area.
13. All proposed berms would each be 3 metres high and 20 metres wide.



14. In addition to the berms, the application also proposes 3 additional short-range shooting areas toward the southern boundary of the property, constructed with bermed boundaries.
15. The application was considered by the Development Authority in accordance with applicable plans and policies and was refused as it was considered to be contrary to key policies of the Municipal Development Plan, key regulations of the Land Use Bylaw 7-08 and contrary to the protective provisions of the Leduc County Environmentally Sensitive Areas Study.
16. The first reason for refusal was made in relation to the proposed removal of 5.3 hectares (13 acres) of mature, natural forest to allow for the creation of shooting targets into the NW 4-51-3-W5 (as well as the required removal of clay required for the construction of berms for shooting backstops). In accordance with the Leduc County Environmentally Sensitive Areas Study, the area to which the tree clearing is proposed is defined as 'North Saskatchewan River Valley – ESA P2', an area of provincial importance.
17. Within the Land Use Bylaw, Section 6.16.4 considers tree clearing and notes that the Development Authority shall have regard for the environmental significance of the area to be cleared. Additionally, Part 6.5.12 directs that the removal of natural vegetation and alterations to the natural drainage of lands within or adjacent to an environmentally sensitive area shall be discouraged. To further support this, key parts of the Municipal Development Plan seek to protect Environmentally Significant Areas, with Part 9.1.1 encouraging the protection of defined sensitive areas, Policy 9.2.1 requiring the retention of physical features of the natural environment, and Policy 9.2.10 encouraging retention of tree cover in these areas.
18. The subject property falls within the defined environmental sensitive area ESA P2 – North Saskatchewan River Valley, where the site is classified as a provincially significant area and very sensitive to most land uses.
19. Further to the above, the County's Parks and Recreation department affirmed in their comments that the removal of these trees, in an area of high ecological value, is not warranted or supported.
20. A site visit by the Development Authority to the subject property confirmed that the landowners have already unlawfully removed approximately 2.4 ha (6 ac) of trees from the proposed tree clearing area. As a result of this, the notice of decision requires that the applicant enter into an agreement with the County to remedy the infraction.
21. The second reason for refusal was included as the proposed development was deemed not to be compatible with surrounding lands in accordance with Land Use Bylaw regulation 3.5.2. As the proposed shooting range expansion is considered a discretionary use within the North Saskatchewan River Valley District of the Land Use Bylaw, the Development Authority deemed that the proposed expansion into the Environmentally Significant Area, combined with the proposed clearing of trees and objections from nearby landowners, was a decisive factor in rendering the proposal unsupportable.
22. The third reason for refusal relates to the comments received in response to the application. Section 3.4.2 of the Land Use Bylaw directs that discretionary uses be sent to adjacent landowners for comment. In response to the referral, 4 letters of objection were received, citing concerns relating to, amongst other matters: noise, environmental impact, safety, unnecessary expansion into the NW ¼ and potential impact on property values. In addition to those concerns, the County's Parks & Recreation department objected to the proposal, primarily based on environmental impacts.



23. As a result of the above, the Development Authority refused application D18-230 in accordance with Section 3.4.5 of the Land Use Bylaw that allows discretionary applications to be refused if they do not conform with the provision of the bylaw.

Chair McDonald asked Board Members if there were any questions of administrative staff, and there were none.

Chair McDonald called upon the appellant(s) to speak to the proposed development.

Mr. Ralph Colistro, Colistro Chronopoulos LLP, on behalf of the Appellant (Steve Emblin, President - Canadian Historical Arms Society), provided the following information:

- 1) Wish to bring to the Board's attention the scope of hearing and what we are dealing with today – berms, clay extraction and tree removal. This is a landscaping application.
- 2) In review, it appears the County is more concerned with the gun club vs. landscaping and has not provided valid reason(s) for refusal.
- 3) The environmental concerns and various letters of concern have been cited.
- 4) The scope of the application which resulted in a refusal decision pertains to accessory development to the previously approved use. This appeal is not for the expansion or intensification of this gun range and not the point today.
- 5) The creation of berm(s), extracting clay and infilling is what is proposed.
- 6) The suggestion of expansion means the Board would have to go back and review previously approved permits; which is another issue for another day.
- 7) The mere existence of a gun range for today's hearing are not valid to refuse the application.
- 8) The Development Authority has cited concerns with noise related to operation of the gun range which relates to the use. The federal regulation determines gun safety and firing firearms and the applicant will comply with that legislation and other agencies.
- 9) In review of the Development Authority's refusal decision, the applicant has provided a revised site plan and respectively submits this for the Board's consideration. An overview was provided of this revised site plan:
 - The tree removal and clay extraction area proposed within the NW quarter is reduced to \pm 6 acres.
 - The 1000m and 1100 backstops are removed.
- 10) With respect to the environmental concerns submitted – the subject two quarter sections are owned by applicant. The SW quarter is where the shooting occurs which is not located within the environmentally sensitive area (the NW quarter is located there). This is in accordance with the submitted Figure 6 of the Genesee Area Structure Plan.
- 11) Both berms will be located on the NW quarter on the flattest area. The topography is much deeper within the NW quarter. The slope/grade is relatively consistent throughout the NW/SW quarter. A lot of concerns of vegetation being removed will not be affected.
- 12) The County would have to have a really good reason why the applicant can't develop on their privately owned property.
- 13) Referenced the Page 19 map which shows a significant amount of trees on the NW quarter – that is only where trees and excavation will occur which is on 6 acres. Even after removal the vast majority will have tree coverage.
- 14) The photograph submitted (apparent area of cleared trees – Leduc County mapping submission) shows the existing trees and the context of the land; it is a heavily treed area and even if trees are removed there would still be sufficient tree cover.



- 15) The County's Public Works & Engineering department expressed they have no concerns with the road allowance.
- 16) Section 9.17.7 of the Leduc County Land Use Bylaw addresses the purpose and objective of this district – primarily agricultural uses as well as active and passive recreation activities and limited non-recreational land uses in the North Saskatchewan River Valley area. The proposed use falls within "passive recreation" activities.
- 17) Section 3.2(n) of the Land Use Bylaw exempts a development permit for clearing, stripping, grading or excavation of land for agricultural purposes, public roads as an integral part of a project for which a development has been issued or as a condition of a development agreement with the County.
- 18) Section 6.16 Tree Clearing is not defined within the Land Use Bylaw; not sure why a development permit is required then, and further exempt requiring a permit as this does not apply as the reason for tree removal is to create berms which is required for shooting ranges.
- 19) The NW parcel to the north is undeveloped and is primarily covered with a mature forest – this is located on private property and a development permit is not required.
- 20) The Development Authority's concern with environmental impact are speculative and they did not provide specific data to back this up.
- 21) The NW quarter is identified as a moderate sensitive area so the concern of waterway is not relevant.
- 22) Leduc County has approved a gravel pit to the west which demonstrates that is acceptable however this development raises more concerns.
- 23) There was no indication from the Development Authority that further studies were required at time of application and suggest that now it is unfair to request this.
- 24) Reclamation will be done as required.
- 25) The natural area will remain predominantly natural.
- 26) Section 6.6.1 of Land Use Bylaw promotes landscaping enhancing and this will occur.
- 27) The wetland identified within the submitted photos is unfounded and approval would be required by Alberta Environment.
- 28) In conclusion and looking at the application, it appears the County is more concerned with the gun club vs. landscaping and therefore submit there is no valid reason for refusal of the subject development permit. Submit that this is a landscaping application which may be exempt from the requirement of a Development Permit Application.

Chair McDonald asked if there were any questions by the Board Members of the appellant(s).

In response to questions by Board Members, the following information was provided by Ralph Colistro and President Steve Emblin:

- The tree removal was identified on the PowerPoint slide located between the NW and SW quarter which includes existing trees to cover approximately 6 acres. Some of the trees have been removed.
- Clay removal has not occurred.
- Of the 6 acre parcel for tree removal and clay extraction – a sliver is located within the NW quarter; the majority is within the SW quarter and the SW does not get steeper within this area.
- A wetland has not been identified within the NW quarter; if that was the case then the applicant would deal with Alberta Environment which is a provincial government body.
- Submit that the purpose of this application was not for expansion of the gun range; there is no evidence submitted to suggest that amount of shooting is beyond what is happening. The fact there are more targets proposed does not mean more people.
- Also the Development Authority did not demonstrate the shooting is restricted.

- If the County does believe the shooting intensifies then at that time, the County could enforce.
- More targets are proposed which is an inference by the County that more targets mean more intensification.
- The hours of operation are 30 minutes after sunlight and 30 minutes before sunset.
- There are approximately 1900 members of the subject gun club.
- The number of users or targets are not relevant to this appeal. The issues identified are with noise, etc.
- The berms will be approximately 3M high and 6M wide.
- The applicant(s) were not aware this is designated as an Environmentally Sensitive Area (ESA) until this process started.

Chair McDonald called upon anyone in attendance to speak in support of the proposed development.

The following individuals spoke in support of the proposed development:

1. Steve Emblin, President of the Canadian Historical Arms Society (CHAS):
 - Have been a member for 15 years and feels this brings a lot of value to the community.
 - Provide a positive way for people to conduct themselves.
 - It is regulated and safe to provide a shooting opportunity for members of family and friends which builds this community.
2. Robert Alcorn, member of CHAS:
 - Would like to see this Club expand for more opportunities for future generations.
 - This is recreational activity and is a safe place to enjoy a family sport.
3. John Kubat, member of CHAS:
 - Returned to Leduc County as a resident recently to retire having 36 years of government experience in the safety sector.
 - During this experience have seen too often and too frequently irresponsibility; this is not such an operation.
 - By providing a safe, secure and well managed environment for this shooting facility; this contributes to a safe community in this area and enhanced public safety.
4. Shane Masur, member of CHAS:
 - Having been a part of this process and understand the complaints expressed however wish to continue this responsibly and safely for generations to come.
 - Witnessed the Club in Spruce Grove close due to the same concerns expressed.
 - There is a demand for this activity and hope the complaints do not become the focus here.
 - The membership has grown.
 - The reason for this permit is to relocate the backstops further away to eliminate some of the noise.
 - The first operating permit was in 1987 and earlier in 1967.
 - There is a huge 37M berm to cover the over-shooting concerns.
 - There has been shooting off site which is not part of our Club and may be contributing to excessive noise that is not controlled.



- The subject property has been identified within an environmental sensitive area however, question why the County allowed a major gravel pit to operate in this same designated area.
- The reason for long range shooting is practice for hunting and long range hunting; it is used less frequently than the short range shooting targets.
- The majority of shooting occurs on the 100M – 200M targets.

Chair McDonald called upon anyone in attendance to speak against the proposed development.

The following individuals spoke against the proposed development:

1. Linda Maki, resident and landowner within the adjacent area:

- The proposed application is to increase the number of shooting targets; with 2000 members the amount of shooting will increase. With the addition of long range targets and the noise that could shoot that distance would more than double the existing operation.
- Any private owner would need permits to do any alterations to property.
- The applicant(s) are developing within a flood plain within the North Saskatchewan River Valley. The area does get flooded.
- In 1967 the development permit was approved for a black-powder use; then in subsequent years (early in 1990's) approval was given and adjacent landowners were not notified at that time and had no say in the expansion.
- The current size creates consistent disturbing noise e.g. rumble sound (bangs, booms) which sounds like they are shooting in my yard. Sound ricochets in the valley. Then other times popping popcorn sound. This type of noise creates anxiety to humans as well as wildlife, livestock and birds.
- This impacts our private property and sustaining our financial security.
- No one wants to move into this area due to the noise which eliminates possibilities to replenish community in the Genesee community.
- Hope the Board will consider the land use within this jewel area of the North Saskatchewan River Valley area.

2. Mr. Lloyd Rosenke, adjacent to gun range:

- This gun range is a thorn in our side and has been for the last 15 years.
- It never used to be however the County has approved a couple of expansions which brought in more members to almost 2000 members.
- Need to look at the effect this has on the local people out here; no one would want to live next door to this gun range; this does affect our value of land and quality of life.
- When the proposal to build these shelters occurred the applicants did consult us however the noise was not taken serious. At the consultation meeting there were members of the Club along with County employees – it was advised the shelters would be engineered to alleviate the noise. The County rubber stamped the Development Agreement with no restrictions and the gun range constructed steel shelters. The noise is constant and disrupts sitting on our deck on our property.
- Had a visit from gun club members and they acknowledged that the noise is a concern; they did advise that consultation with an engineer would occur.
- There are not a lot of residents in this area however we do have rights.
- This is a big business and some of the members make a living on this Club.
- No one is going to buy property within this area due to the noise.
- The County must take responsibility for what they created.

- There will be an increase in shooting which will increase the noise and it appears nobody cares.
- Have lived on property for 21 years; we were aware of this operation when we purchased the property, however there was very little shooting at that time.
- Just want the noise to be eliminated by 75% and eliminate the inconsistency of the shots so we can enjoy our property.

Chair McDonald asked if there were additional submissions, and Mr. Broadbent confirmed the package delivered with 64 letters at the start of this hearing has been acknowledged. There was one additional letter read into the record from Daniel White, member of CHAS since 2011, expressing support of the Society's operations.

Recess

The meeting recessed at 10:37 a.m. and reconvened at 10:44 a.m. with Chair Mary-Ann McDonald and Board Members Pat Rudiger, Rod Giles, Larry Wanchuk and Doug Ruel present.

Also present were Garrett Broadbent, Clerk; Ms. Joyce Gavan, Recording Secretary; Colin Richards, Team Lead Development; Greg McGovern, Planner 1; Charlene Haverland, Manager of Development Services, Rae-Lynne Spila, Municipal Engineer; Nicholaus Moffat, Supervisor of Parks Planning; and ±24 other individuals.

Chair McDonald asked administrative staff to provide final comments.

Colin Richards, Team Lead Development, provided the following closing comments:

- The loss of 13 acres of tree cover is significant.
- There is an environmental impact on the area.
- Maintain that the existing property and proposed development does expand the development and confirm there is no expansion permits submitted.
- The area used for shooting is clearly defined.
- The revised site plan submitted is the first we have seen this revised site plan; feel it is premature for the Development Authority to consider this today and suggest a new permit be applied for.
- The policies discussed talk about protection and by removing 13 acres here and there does have an impact.
- Wish to clarify the definition of "passive recreation" - means outdoor recreational pursuits that generally do not require significant infrastructure or facility development and are quiet and peaceful in character. Typical uses include nature studies, bird watching, picnicking, fishing, walking and similar activities that do not significantly disturb the natural environment. Based on this definition conclude this is not a passive recreation development.
- With respect to the exemption of a development not requiring a permit, submit that 3.2.1(n) states that clearing, stripping, grading or excavation of land for agricultural purposes, public roads, as an integral part of a project for which a development permit has been issued or as a condition of a development agreement with the County. This indicates a development permit is required.
- The appellant(s) have not submitted evidence where the tree cover lies yet are requesting extraction as part of the development.
- Heard that the Environmentally Sensitive Area solely applies to the northern parcel; however that the Board has in their submission the ESA 1990 Study identifying the designated area within the subject property.
- There was an area approved for gravel extraction within this area in about 1990.



- With respect to the submission that Public Works and Engineering did not have concerns, the refusal decision was issued by the County, collectively from all departments, and were part of the refusal decision.
- With respect to the submission that this is a landscaping application, the definition of landscaping does not fit with this application – *“means the incorporation, preservation, or enhancement of vegetation and other materials on a site which are intended to improve the aesthetic appeal of the site, contribute to the character of a neighbourhood, and/or harmonize the site with its surrounding natural environment.”*
It is clear the proposed use is an expansion of the Society for the use of gun shooting.
- Confirm the statement that Alberta Environmental approval would be required if the Board determines to approve the development.
- In conclusion, with the submission of this new site plan ask that the refusal be upheld and the applicant re-apply under this new plan.

Chair McDonald asked the appellant if they had any final comments, and Mr. Colistro provided the following closing comments:

- The Board is reminded what the scope of the appeal is dealing with: berms, clay extraction and tree removal. This is not an expansion of development.
- Consideration of a very small portion on a large site where trees will be removed.
- The purpose of submitting the new site plan is that two berms are being removed which reduces the scope of application; therefore there is no need for the applicant to re-apply.
- The revised clay extraction and tree removal would occur primarily on the SW quarter.
- Since the development is being scaled back the need for further review is not necessary and do not need to repeat the process.
- The environmental concerns were not clearly identified; there is nothing before the Board that there is something that would create a problem.
- The Development Authority suggested the larger portion is within the ESA. Note that the 1990 study is difficult to follow and further the Genesee Area Structure Plan is involved which further complicates the clarity.
- The application is dealing with the subject site for approved outdoor use e.g. moving berms, tree removal and moving some dirt.

In response to questions by the Board Members, the following clarification was provided:

- 1) The Society has not implemented any noise reduction mechanisms.
- 2) The sound study was not requested by the Development Authority; the Society has five year goals and one of these was noise abatement. We are at that point now and looking into what the problems are and how to solve them.
- 3) There are currently 3 shooting positions.
- 4) There was a development permit application approved for a quonset last year.
- 5) The shooting stations have 3 sides (wood and steel structures). Some of the noise is due to the reverberating off the hills.

Chair McDonald asked the appellant, Mr. Colistro, if he felt he received a fair hearing, and Mr. Colistro responded that he cannot respond until the written decision is provided.

Conclusion of Public Hearing

Chair McDonald declared the Public Hearing concluded at 11:08 a.m.

Recess

The meeting recessed at 11:10 a.m. and reconvened at 11:12 a.m. with Chair Mary-Ann McDonald and Board Members Pat Rudiger, Rod Giles, Larry Wanchuk and Doug Ruel present.

Also present were Mr. Garrett Broadbent, Board Clerk; and Joyce Gavan, Recording Secretary.

In Camera

11-19 Board Member Ruel -- that the Subdivision and Development Appeal Board meet In Camera.

Carried

The In Camera session commenced at 11:13 a.m.

Revert to Subdivision and Development Appeal Board Meeting

12-19 Board Member Rudiger -- that the In Camera session revert to the Subdivision and Development Appeal Board meeting.

Carried

The In Camera session reverted to the Subdivision and Development Appeal Board meeting at 12:15 p.m.

Appeal by Colistro Chronopoulos LLP on behalf of the Canadian Historical Arms Society whereby Development Permit Application D18-230 was refused for an accessory development to existing recreational, outdoor use (3 berms – shooting positions, 15 berms for shooting targets, tree clearing, and extraction and grading) on SW & NW 4-51-3-W5 (3356 Twp Rd 510).

13-19 Board Member Ruel -- that Subdivision and Development Appeal Board disallow the appeal by Colistro Chronopoulos LLP on behalf of the Canadian Historical Arms Society and upholds refusal of Development Permit Application D18-230 for an accessory development to existing recreational, outdoor use (3 berms – shooting positions, 15 berms for shooting targets, tree clearing, and extraction and grading) on SW & NW 4-51-3-W5 (3356 Twp Rd 510).

Findings of Fact

1. The development permit application submitted November 25, 2018 indicates the proposed development is to increase shooting positions with additional backstops, tree clearing and removal of clay.
2. The appellant submitted a revised site plan that removes two shooting back-stops (1000 m & 1100 m); plus identifying the clay extraction area; the revised plan does not delineate any tree clearing.
3. The appellant indicated the scope of the appeal is landscaping i.e. tree removal, moving of dirt and creation of berms.
4. Section 3.2.1(i) of the Leduc County Land Use Bylaw defines landscaping to include sidewalks, driveways, retaining walls, and patios, where the existing lot grade and natural drainage pattern is not significantly altered and will not create off-site impacts.
5. Section (n) defines the activities of clearing, stripping grading or excavation of land for agricultural purposes, public roads, as an integral part of a project for which a development permit has been issued or as a condition of a development agreement with the County.

6. The Board heard from opposed landowners expressing concern with respect to the environment (well-being and productivity of livestock, birds and wildlife); noise which creates anxiety, peaceful lifestyle and enjoyment of property; and the valuation of land.
7. The Board heard four verbal submissions in support of the proposed development to enhance the community and partake in recreational activity and that the development is an asset to the community.
8. The Canadian Historical Arms Society does have a history of being compliant with previous development permits D87-008, D13-354, D15-321, D15-322 and D18-106.
9. The Board does not have sufficient information to approve the development as per the submitted revised Site Plan and feels a new development permit application could be submitted.

Refusal Reasons:

1. The application proposes the clearing of approximately 5.3 hectares (13 acres) of mature, natural tree cover to locate a new shooting area. Section 6.16.1 of the Land Use Bylaw defines tree clearing as a discretionary use in all districts and Section 6.16.4 directs that the Development Authority have regards for the environmental significance of the area when considering a tree clearing application.

In accordance with the Leduc County Environmentally Significant Areas Study (1990), the area proposed for tree clearing falls within a defined provincially environmentally significant area - ESA P2: North Saskatchewan River Valley.

Section 6.5.12 of Land Use Bylaw 7-08 requires that the removal of natural vegetation and alterations to the natural drainage of lands within or adjacent to an environmentally sensitive area shall be discouraged. Furthermore, within the Leduc County Municipal Development Plan, Policy 9.2.10 states that landowners are encouraged to maintain tree cover in environmentally sensitive areas and Policy 9.2.1 directs that land uses may only locate within an environmentally sensitive area where the proposed land use will retain the area in a predominantly natural state and will retain the physical features of the natural environment.

In addition to the above, a site inspection conducted on December 19, 2018 revealed that a large portion of the trees proposed on the Site Plan for 'tree removal and clay extraction' have already been cleared without approval from the Development Authority. Section 4.1.4 of the Land Use Bylaw 7-08 states that no person shall commence any development or take any action that is contrary to the provisions of the Bylaw. As unlawful development has commenced on the subject property, the applicant/landowner shall contact the County (Planning and Development Department) within 30 days of the date of this decision to discuss viable options to remedy the infraction in order to return the affected area to a pre-development state.

2. Section 3.5.2 of Land Use Bylaw 7-08 requires that when processing an application for a discretionary use, the Development Authority shall consider the compatibility of the proposed development with surrounding lands in terms of form, function and scale. The proposed development represents a significant expansion of the existing shooting range. Furthermore, one of the proposed new shooting targets is situated beyond the location of a natural watercourse and an undeveloped right-of way belonging to Leduc County. Given the environmental concerns that arise from this application, and the potentially negative impacts to adjacent landowners, the Board deems the proposed development to be incompatible with surrounding lands.

3. In accordance with Section 3.4.2 of Land Use Bylaw No.7-08, discretionary use permit applications shall be sent to adjacent landowners and to anyone who may be affected by the proposal. In response to the application, the County received letters and submissions of opposition citing noise and environmental concerns, with the Board deeming a number of the concerns raised to be valid.

Carried

Next Meeting


The next scheduled Subdivision and Development Appeal Board meeting will be held on March 15, 2019, commencing at 9:00 a.m.


Adjournment

14-19 Board Member Wanchuk -- that the Subdivision and Development Appeal Board meeting be adjourned.

Carried

The Subdivision and Development Appeal Board meeting concluded at 12:18 p.m.


Chair


Clerk