

**ROCKY VIEW COUNTY
SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

Board Order No.: 2019-SDAB-037

File No.: 08731001; PRDP20185188

Appeal by: Maxine McArthur, Patrick and Karen Singer, and Elaine Watson

Appeal Against: Development Authority of Rocky View County

Hearing Date: 2019 June 26
2019 August 7

Decision Date: 2019

Board Members: D. Henn, Chair
I. Galbraith
H. George

DEVELOPMENT APPEAL DECISION

INTRODUCTION

[1] This is an appeal to the Rocky View County Subdivision and Development Appeal Board (the Board) from a decision of the Rocky View County Development Authority issued May 28, 2019. In this decision the Development Authority conditionally approved a development permit for a Campground (81 RV stalls) and Tourism Uses/Facilities (Recreational), the construction of a tourist building including Accommodation Units that is compatible with available servicing (16 rooms), and the relaxation of the maximum building height requirement at 285049 Range Road 35 (the Lands).

[2] Upon notice being given, this appeal was heard on June 26, 2019 and August 7, 2019 in Council Chambers of Rocky View County's County Hall, located at 262075 Rocky View Point, Rocky View County, Alberta.

DECISION

[3] The appeal is allowed and the decision of the Development Authority is overturned. A development permit shall not be issued.

BACKGROUND

[4] On December 21, 2018, Chloe Cartwright (the Owner) submitted a development permit application for an 81 RV Stall campground and the construction of a tourist building including a 16 room Accommodation Unit.

[5] The Lands are located at SE-31-28-03-W5M, at the located 0.81 kilometres (1/2 mile) south of Mountain View County, approximately 1.61 kilometres (1 mile) north of Highway 574 and on the west side of Range Road 35. The Lands are approximately 60.70 hectares (150 acres) in area and are owned by Chloe Cartwright.

[6] The Lands' land use designation is Business – Leisure and Recreation, which is regulated in section 77 of the Rocky View County, *Land Use Bylaw C-4841-97* [the *Land Use Bylaw*].

[7] On May 28, 2019, the Development Authority conditionally approved to grant a development permit on the following grounds:

Description:

- (1) That a Campground, Tourist, and Tourism Uses/Facilities (Recreational), may take place on the subject site in accordance with the Site Plan as submitted with the application and includes:
 - (a) Construction of a tourism use/facility, with a total gross area of 1,623.21 square metres (\pm 17,472 square feet) including Accommodation Units (16 rooms);
 - (b) Construction of 81 RV stalls;
 - (c) Ancillary Business Uses (ie. events, gatherings etc.);
 - (d) Grading (as required).
- (2) That the maximum building height for the tourism use/facility (event centre) is relaxed from **12.00 metres (39.37 feet) to \pm 12.92 metres (\pm 42.37 feet)**

Prior to Issuance:

Technical Submissions

- (3) That prior to issuance of this permit, the Applicant/Owner shall submit a construction management plan, in accordance with County Servicing standards. The plan shall address 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.

- (4) That prior to issuance of this permit, the Applicant/Owner shall submit a stamped final geotechnical report, conducted by a qualified professional geotechnical engineer to provide recommendations on the stormwater pond design, pond liner, and other stormwater infrastructure, if warranted by the SSIP, in accordance with County Servicing Standards.
- (5) That prior to issuance of this permit, the Applicant/Owner shall submit a revised parking plan, demonstrating that minimum requirement 245 parking stalls, including barrier free stalls, and stall dimensions, for the proposed development, in accordance with the County's Land Use Bylaw.
 - (a) That a Parking Assessment, prepared by a qualified person, may be submitted to the Development Authority to document the parking demand and supply characteristics associated with the proposed development.
Note: The Development Authority shall not be bound by any recommendations of such a Parking Assessment.
- (6) That prior to issuance of this permit, the Applicant/Owner shall submit a revised landscaping plan in accordance with the County's Land Use Bylaw that including:
 - (a) Additional screening/buffering elements along the north perimeter of the development
 - (b) A detailed summary of the existing/proposed landscaping onsite, including the perimeter and interior landscaping.

Access & Transportation

- (7) That prior to issuance of this permit, the Applicant/Owner shall submit an updated Traffic Impact Assessment (TIA) to the submitted TIA prepared by JCB Engineering dated March 7, 2019, in accordance with County Servicing Standards that addresses the following comments:
 - (a) How did the report arrive to conclusion that upgrades to the RR 35 and TWP RD 290 intersection aren't required if LOS for intersection are not provided? Does the resulting LOS of the intersection meet County Servicing Standards? Please provide the LOS of the intersection pre and post-development.
 - (b) Will the RR 35 and HWY 574 intersection require upgrades? Please provide the LOS of the intersection pre and post-development.
 - (c) The conclusion should state that upgrades along RGE RD 35 are required, since the road is currently a Regional Low Volume road and will need to be upgraded to a Regional Moderate Volume road to accommodate the increase in daily traffic volumes.

- (8) That prior to issuance of this permit, the Applicant/Owner shall enter into a Development Agreement with the County for the construction of all associated off-site improvements in accordance with the County's servicing Standards and the recommendations of the approved Traffic Impact Assessment. These improvements including but not limited to the following:
 - (a) The Upgrade of RGE RD35 road structure from a Regional Low Volume road to a Regional Moderate Volume road, in accordance with the County Servicing Standards, from HWY 574 to TWP RD 290; and
 - (b) Any other improvements as recommended in the approved TIA.
- (9) That prior to issuance of this permit, the Applicant/Owner shall submit payment of the transportation offsite levy as per the applicable Transportation Offsite Levy Bylaw at time of approval. The Applicant/Owner shall submit a revised site plan identifying the development area of the proposed development.
- (10) That prior to issuance of this permit, the Applicant/Owner(s) shall contact County Road Operations to determine if a Road Use Agreement and/or any Road Data Permits are required for the importing of fill and topsoil, removal of any excess fill, and for the mobilization and demobilization of any construction equipment to and from the subject site utilizing any County Roads.
 - (a) 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.
- (11) That prior to issuance of this permit, the Applicant/Owner shall confirm the condition of the existing approach off RGE RD 35, to the satisfaction of the County.
 - (a) If an upgrade is required, the Applicant/Owner shall submit a new approach application to County Road Operations.
 - (b) Written confirmation shall be received from County Road Operations confirming the status of this condition.
- (12) That prior to issuance of this permit, the Applicant/Owner shall contact Mountain View County, to determine if a Road Use Agreement is required for any hauling utilizing the Mountain View County road network.
 - (a) Written confirmation shall be received from Mountain View County confirming the issuance of a Road use Agreement.
 - (b) If a Road use Agreement is not required, written confirmation shall be received from Mountain View County confirming that no agreement is required.

Servicing

- (13) That prior to issuance of this permit, the Applicant/Owner shall demonstrate adequate servicing through a certified professional (i.e. sizing of holding tanks, specifications of packaged sewage treatment plant, etc.) for proposed wastewater servicing, to the satisfaction of the County.
- (a) If a wastewater collection system is being proposed, the Applicant/Owner shall submit a set of detailed engineering drawings that are stamped by a professional engineer. *Note: According to Part 3 of the 2011 Integrated Water Management Plan report, under section 4.2.2 Limiting Conditions, the soils tested for soil disposal were found to be unsuitable. It is the responsibility of the Applicant/Owner to follow the recommendations outlined by the certified professional for wastewater servicing.*
- (14) That prior to issuance this permit, the Applicant/Owner shall demonstrate adequate servicing of potable water for the proposed development, to the satisfaction of the County.
- (a) If a water distribution system is being proposed, the Applicant/Owner shall submit a detailed set of engineering drawings that are stamped by a professional engineer. *Note: According to Part 3 of the 2011 Integrated Water Management Plan report, the assumptions for water consumption rates will need to be modified to reflect the greater number of RV stalls. There are also inconsistencies between the report and the proposed development on the servicing of the individual RV stalls.*

Stormwater Management

- (15) That prior to issuance of this permit, the Applicant/Owner shall provide a revised final Site-Specific Stormwater Implementation Plan (SSIP) that is applicable to the proposed development and includes an applicable set of final stamped engineering drawings.
- (a) The SSIP shall be in accordance with the County Servicing Standards and any applicable regional studies. *Note: It is the responsibility of the applicant to obtain Alberta Environment approval and licensing for the stormwater management infrastructure including registration of the facilities, discharge, and irrigation.*

Solid Waste Management

- (16) That prior to issuance of this permit, the Applicant/Owner shall submit a solid waste management plan. The plan shall address:
- (a) Estimation of waste generation quantities;
- (b) Where and how many waste/litter and recycling receptacles will be placed on site for the public/guests;

- (c) Where and how many waste and recycling bins will be stored for collection and transfer; and
- (d) Plans for diversion – front of house and back of house (recyclables, refundable, organics, cardboard).

Prior to Occupancy:

- (17) That Water Servicing shall be supplied through an onsite water distribution system in accordance with Alberta Environment Approvals, to the satisfaction of the County. That prior to occupancy, the Applicant/Owner shall provide:
 - (a) confirmation from Alberta Environment that all necessary permits, licensing and approvals are obtained by the Applicant/Owner to construct and operate the proposed design of the water treatment and water distribution infrastructure; and
 - (b) confirmation that the water system is installed in accordance to Alberta Environment Approvals.
- (18) That Wastewater shall be collected, treated, and stored on-site in accordance with Alberta Environment Approvals to the satisfaction of the County. That prior to occupancy, the Applicant/Owner shall provide confirmation from Alberta Environment that all necessary permits, licensing and approvals are obtained by the Applicant/Owner and confirmation that the wastewater treatment system is installed in accordance to Alberta Environment Approvals.
- (19) That prior to occupancy, the Applicant/Owner shall submit a set of as-built drawings certified by a professional engineer including all stormwater infrastructure, confirmation of liner installation (if required by the geotechnical engineer), and any other components related to the storm water system.
 - (a) Following receipt of the as-built drawings from the consulting engineer, the County shall complete an inspection of the site to verify stormwater infrastructure has been completed as per the stamped “examined drawings”.
- (20) That all landscaping shall be in place, in accordance with the approved Landscaping Plan, prior to occupancy of the site and/or buildings in accordance with the approved landscaping plan to the County’s satisfaction.
- (21) That should permission for occupancy of the site be requested during the months of October through May inclusive, occupancy may be allowed without landscaping and final site surface completion provided that an Irrevocable Letter of Credit in the amount of 150.00% of the total cost of completing all the landscaping and final site surfaces shall be placed with Rocky View County to guarantee the works shall be completed by the 30th day of June immediately thereafter.

Permanent:

- (22) That the Applicant/Owner shall be responsible for irrigation and maintenance of all landscaped areas including the replacement of any deceased trees, shrubs or plants within 30 days or by June 30th of the next growing season.
- (23) That water conservation strategies shall be implemented and maintained at all times.
- (24) That the minimum number of parking stalls as required by the Land Use Bylaw or approved Parking Study shall be maintained on site at all times.
- (25) That there shall be no business parking on the adjacent County Road Allowance at any time.
- (26) That all on site Lighting shall be "dark sky" and all private lighting including site security lighting and parking area lighting should be designed to conserve energy, reduce glare and reduce uplight. All development will be required to demonstrate lighting design that reduces the extent of spill-over glare and eliminates glare as viewed from nearby residential properties.
- (27) That all operational/wayfinding signage (i.e. RV Stall numbers, onsite directional signs) not visible from roads and adjacent lands shall be permissible, however any identification and advertisement signage visible from roads or adjacent lands shall be applied for under a separate Development Permit.
- (28) That the entire site shall be maintained in a neat and orderly manner at all times to the satisfaction of the Development Officer.
- (29) That the garbage and waste material on site shall be stored in weatherproof and animal-proof containers located within buildings or adjacent to the side or rear of buildings.
- (30) That the Applicant shall take effective measures to control dust to the County's satisfaction so that dust originating therein shall not cause annoyance or become a nuisance to adjoining property owners and others in the vicinity.
- (31) That it is the Applicant/Owner's responsibility to obtain and display a distinct municipal address in accordance with the County Municipal Addressing Bylaw (Bylaw C-7562-2016), for the principal Event Building located on the subject site, to facilitate accurate emergency response.
- (32) That year round trailer occupancy and/or RV Storage shall not be permitted.
- (33) That no topsoil shall be removed from the lands.

- (34) That the Applicant/Owner shall provide for the implementation and construction of stormwater facilities, if any, in accordance with the recommendations of an approved Stormwater Management Plan and the registration of any overland drainage easements and/or restrictive covenants as determined by the Stormwater Management Plan, all to the satisfaction of Alberta Environment and Rocky View County.
- (35) That any plan, technical submission, agreement, or other matter submitted and approved as part of the Development Permit application or submitted in response to a Prior to Issuance or Occupancy condition, shall be implemented and adhered to in perpetuity.

Advisory:

- (36) That Best Management Practices shall be followed by the Applicant/Owner to ensure the minimization of any adverse odor issues to the proposed banquet facilities.
- (37) That the subject development shall conform to the County's Noise Bylaw C-5773-2003 and Animal Control Bylaw C-xxx-2005, in perpetuity.
- (38) That the site shall remain free of restricted or noxious weeds, in accordance with the Weed Control Act.
- (39) That a riparian setback of 30 m shall apply to any wetlands on this site, adhering to Policy 419 Riparian Land Conservation and Management.
- (40) That the Applicant/Owner will be responsible for all required payments of 3rd party reviews and/or inspections as per the Master Rates Bylaw based on the County's discretion or requirement.
- (41) That potable water shall not be used for irrigation purposes unless specifically approved by the County and/or Alberta Environment.
- (42) That any water obtained from groundwater for any purpose, as defined in the Water Act, shall have all approvals, permits and licenses as required by Alberta Environment.
- (43) That any or all changes required to the construction and/or to the drawings, to meet the requirements of the County for the completion of a Development Agreement shall be at the Applicant's expense.
- (44) That a Building Permit and subtrade permits shall be obtained through Building Services prior to any construction taking place using the Commercial, Industrial, and Institutional checklist. *Note: That all buildings shall conform to the National Energy Code 2011, with documentation provided at Building Permit stage.*
- (45) That the Applicant/Owner shall construct a gated emergency secondary access, which may be used in case of an emergency event.

- (46) That any other government permits, approvals, or compliances are the sole responsibility of the Applicant/Owner.
 - (a) That any Alberta Health Services approvals shall be obtained prior to operation.
- (47) 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.
- (48) That if this Development Permit is not issued by **February 28, 2020** or the approved extension date, then this approval is null and void and the Development Permit shall not be issued.

Note: The Applicant/Owner shall be responsible for all Alberta Environment and Park (AEP) approvals for any impact to any wetland areas for the proposed development.

[8] On May 29, 2019, June 3, 2019 and June 4, 2019 the Appellants appealed the Development Authority's decision. The Notice of Hearing was circulated to 19 adjacent landowners in accordance with the *Municipal Government Act*, RSA 2000, c M-26 and Rocky View County Council Policy C-327, *Circulation and Notification Standards*.

SUMMARY OF EVIDENCE

- [9] The Board heard verbal submissions from:
- (1) Johnson Kwan, Planner, for the Development Authority;
 - (2) Sean MacLean, Supervisor Planning and Development, for the Development Authority;
 - (3) Bianca Duncan, Municipal Engineer, for the Development Authority;
 - (4) Rob Moyse on behalf of Patrick and Karen Singer, the Appellant;
 - (5) Alenna Watson, the Appellant;
 - (6) Rob and Elaine Watson, the Appellant;
 - (7) Maxine McArthur, the Appellant;
 - (8) Keren Farquharson, in support of the Appeal;
 - (9) Betty Ann and Robert Bosch, in support of the Appeal;
 - (10) Don Kochan, in support of the Appeal;
 - (11) Justin Barrett, in opposition of the Appeal;

(12) Chloe Cartwright, the Applicant, in opposition of the Appeal;

(13) Ken Hugo, Grit Technologies, Hydrogeologist for the Applicant.

[10] The Board received three letters in support of the appeal from:

(1) Amanda and Dave Holmberg, Sherry and Don Robertson;

(2) Don Kochan;

(3) Blaine Pike.

[11] The Board received no letters in opposition to the appeal.

June 26, 2019

Development Authority's Submissions

[12] The subject lands were redesignated to Business Leisure and Recreation (BL-R) District in 2012. At the time of the land use application it was noted the indicated the entire such lands would be used for a golf course development.

[13] There is no current Conceptual Scheme for the area.

[14] The surrounding areas are Ranch and Farm, Farmstead and Residential uses.

[15] There are a range of prior to issuance conditions on this permit that include technical studies and assessments of the land.

[16] A construction management plan is necessary as a prior to release condition.

Appellants Submissions – Robert Moyses on behalf of Patrick and Karen Singer

[17] The proposed development is not suitable for the area. The development includes a medieval castle complete with three drawbridges and a moat, along with an entertainment centre for 500 people with accommodations' and a rooftop patio.

[18] The surrounding lands are not safe for tourist facilities or parties, due to the agricultural uses of the area.

[19] Concerning noise, dust and loss of privacy, the measures suggested by the Development Authority and the Applicant do not minimize the adverse effects to adjacent landowners (i.e. noise, dust and loss of privacy).

[20] There will be significant noise pollution that comes along with the facility.

[21] The surrounding roads are not suitable for the increased traffic the facility will bring in. The roads have no shoulders, steep ditches, they are gravel roads, and agricultural equipment uses these roads.

- [22] Livestock and residents riding horses also use these roads.
- [23] The roads are not suitable for drivers that do not know the area and are driving in the dark.
- [24] The Land Use Bylaw requires that there be a paved road up to the property line where users gain access for the campground.
- [25] The Traffic Impact Assessment (TIA) should be given low weight in assessing the traffic safety for the development.
- [26] This development will adversely affect land values in the area.
- [27] The development will adversely affect the water supply and the wells in the area.

Appellants Submissions – Alenna Watson

- [28] The appellant's land is 147 acres and is used for Agricultural purposes (animal grazing and hay).
- [29] There is a crucial lack of data on the aquifers in the area. A Hydrologist and Hydrogeologist have been spoken with to gather more information on the aquifers in the area.
- [30] The traffic on nearby Highway 22 is high speed. There are multiple accidents on this road including fatalities.
- [31] There are no turnoff lanes on Highway 574 and it is gravel, thus at high speeds, you could lose control.
- [32] The turn onto Township Road 290 is a blind intersection and there are no safety measures on the road (guardrails on the steep ditches). This road is paved but has many potholes.
- [33] The event centre lacks adequate parking for the number of guests it can house and will impact the surrounding areas.
- [34] There is a 24-hour enforcement complaint line, but there is no guarantee as to when they will attend the site.
- [35] The feeling of security and safety of the area will decrease with the increased traffic and people at the site.
- [36] The nearest police station is in Cochrane, which is 30 minutes away.
- [37] The nearest fire station is in Madden, it is however a volunteer fire station and not manned 24/7.
- [38] People may want to explore the surrounding lands, crossing property lines to see the animals. This could cause issues with insurance to arise for the surrounding landowners.

Appellants Submissions – Maxine McArthur

[39] Farmers are caretakers of the land, they respect the land and treat it with care, no agriculture land means no farm and no food.

[40] There are campgrounds in the surrounding areas; these sites include golf courses, restaurants and the like.

[41] The road is very narrow and is used heavily by the community. This road is not built for RV's.

[42] There are water and sewage issues with the lands. There have been several wells drilled on the lands and none can support the house that is there. Water is trucked in for use at the home.

[43] Water is a large concern in the area. The wetlands are drying up as well as the wells in the area.

[44] Chances of fire from the proposed development is like playing with dynamite, high chance of fire and devastation to adjacent landowners.

[45] It is anticipated that theft and property damage will be higher with the proposed development. Insurance companies may not insure adjacent properties if there are multiple claims as they can be deemed high risk due to the applicant's development.

Keren Farquharson Submissions

[46] Adamantly opposed to the proposed development.

[47] The location is not compatible with the surrounding land use in an agricultural area.

[48] Traffic issues will be created by the additional volume of traffic on the existing roads and potential safety concerns resulting from the size of recreational traffic and large farm equipment.

[49] There is inadequate fire protection and safety on the proposed site.

[50] Water supply and usage. Water supplies are not what they used to be with springs in the area ceasing, dugouts going dry and swamps disappearing. A greater demand has been placed on aquifer resources with continued expansion of acreages and the practice of fracking with the oil and gas industry. Other lands in this vicinity have a history of problems with locating underground water.

[51] The proximity to any services other than the on site provisions requires further travel for amenities not available on site.

[52] The existing recreational facilities in the district are available and are underutilized.

Betty Ann and Robert Bosch Submissions

[53] In support of all other speakers.

Don Kochan Submissions

[54] Representing Amanda and Dave Holmberg, the speaker's daughter, and their neighbours the Robertson's.

[55] There will be an impact on neighbouring businesses.

[56] Both Mountain View and Rocky View Counties have stated that the roads cannot handle the increased traffic that the proposed development will bring in.

[57] The intersection at Township Road 290 and Highway 22 is extremely dangerous currently and with the increased traffic from the proposed development will become even more dangerous.

Justin Barrett Submissions

[58] The March TIA will be updated with the requested updates from administration.

[59] A new traffic count was completed the week before the hearing on July 26, 2019, at the intersection of Highway 574 and Range Road 35. The traffic volumes are less than the previous Traffic Impact Assessment (TIA) done previously in 2011.

[60] None of the intersections in question were noted by Alberta Transportation (AT) as high collision areas.

[61] Range Road 35 needs to be improved as per the recommendations' in the March TIA.

[62] A new TIA should be available within two weeks from the date of the July 26 hearing.

[63] Road improvements would need to be negotiated between the county and the developer.

[64] Traffic assessments/counts are typically done for one day only and in the summer months when the traffic numbers are the highest.

Chloe Cartwright Submissions

[65] In 2011, the original land redesignation was denied by a vote of 5-4. The redesignation was reapplied for and was passed with a 7-2 vote.

[66] The protected wetlands, soil classifications, and rocky outlands prevent farming on the lands.

[67] The previous Development Permit was abandoned due to financial reasons. This Development Permit included a golf course and hotel however; it was not financially feasible and was abandoned.

[68] This new Development Permit is on 18 acres, the land use is the same however; the mix has changed with the proposed development.

[69] A 9-hole golf course will be applied for at a later date.

[70] The wells on the lands of the proposed development are not connected with any other wells in the area. Chemical analysis was done on the wells to assure that the wells were not connected. The well on the Singers land is different, the Watson's did not respond to a request to test the water on their land.

[71] An underground lake was found in a confined aquifer that can produce up to 96 cubic metres of water per day. This is only reachable by the applicant.

[72] Plans include a six-foot high chain link fence surrounding the RV park, dogs cannot run at large.

[73] Future plans include a multi purpose sports field that can be used for various sports as well as a helicopter-landing site for Emergencies.

[74] Various conditions are required to be met prior to the issuance of the Development Permit.

[75] This is not something that is typically seen on the prairies but it is something that would be typically seen in old buildings in Downtown Calgary, as the castle will be sandstone.

[76] The previous application looked more like a barn in order to fit into the landscape.

[77] The event centre has been moved from the southeast to the northeast corner of the lands from the previous application.

[78] There will be a storm water pond on site for fire suppression, and at the entrance to the property there is a fire hydrant that can be used to access water quickly, this will be advantageous to the community.

[79] When the golf course is applied for, a sewage treatment plant will also be created; it will be similar to the facility in Bragg Creek. The treated water will irrigate the golf course and will feed the roots of the grass.

[80] The appellants do not live on the land, with the exception of the Singers who built close to Range Road 35 as this point on the land provides for the best views from the parcel.

[81] Once the development opens there will be on site security and handyman. This will hopefully be a husband and wife team that will live on site and she will do the event planning for the event centre.

[82] There will be between two and 15 employees, all event staff will be on call and can be called in for events.

[83] The moat will be filled and is decorative, and will be lined to prevent seepage.

[84] The issues raised in the Letter to the Minister of Transport have not been addressed as of yet.

August 7, 2019

Chloe Cartwright Submissions with Ken Hugo continued

[85] The lands in question are heavily forested, and were redesignated due to topography. This topography severely restricts the lands for farming purposes.

[86] This land was zoned for a hotel, golf course and RV park; this is the same plan as before but in different proportions.

[87] The lands are on the Paskapoo sandstone cliff, which makes it hard to farm.

[88] The applicant installed speed signs to reduce the amount of dust, the posts are still there however the signs are gone. An application to reinstall the signs has been put in by the applicant.

[89] A commercial water license will need to be applied for through AEP for the water supply. This was not applied for previously due to the prematurity of the application in 2010.

[90] The original study completed by Stantec has been updated as the concept has changed thereby modifying the water needs.

[91] There are safety factors in place for the wells.

[92] The process thru AEP will allow there to be sufficient water for everyone, testing every year to determine if still the same water levels are still achievable.

[93] All calculations were done based on no recharge on the aquifers.

[94] There is a possibility that cisterns will be needed; however, they become cost prohibitive based on the size of the commercial development.

[95] Quite often aquifers are former river channels; quite often, they are composed of individual channels and are not typically connected. There is isolation of the aquifer on the lands.

[96] The aquifers charge slowly over decades or hundreds of years.

Appellant's Rebuttal – Robert Moyses on behalf of Patrick and Karen Singer

[97] Objection raised to introduce fresh evidence, procedural fairness for the applicant to bring in experts as the applicant has already concluded her presentation.

[98] A matter of procedural fairness was brought with regards to the letters received prior to the second hearing. This allowed the applicant to get supporters during the adjournment.

[99] The vehicle count at Range Road 35 and Highway 574 completed on June 20th, 2019 indicated traffic was lower than what was projected. This was the only count that was done and was completed when it was raining. Locals know not to use Highway 574 during the rain as it gets boggy and muddy and is difficult to drive on in the rain.

[100] Existing uses of Range Road 35 were not looked at when the TIA was completed.

[101] The intersection at Highway 22 and Township Road 290 was not considered when AT information was gathered on collision statistics in the area.

[102] All uses that the applicant has discussed are discretionary not permitted as stated by the applicant.

[103] The reason the house on the Singer land was built close to Range Road 35 was due to that being the only section of the parcel that is flat enough to build a house on.

[104] Dust and RV traffic will negatively influence the Singers quality of living.

[105] Noise and lack of privacy are concerns based on the proposed development.

[106] The applicant stated that the development would create jobs for area residents, including a husband and wife team to oversee the property. Staff for events would be retained when needed. Only two to 15 jobs would be created; this is not significant to outweigh the effects of the development on the community.

Appellant's Rebuttal – Maxine McArthur

[107] Animals on the farm would be limited due to decreased water.

[108] The smoke from campfires, which is toxic, will be released into the air.

[109] Noise will affect the wildlife and farm animals on surrounding properties.

[110] The Cartwrights previously farmed the lands in question, and the land is still being farmed, as there is a crop that is ready to be taken off.

Appellant's Rebuttal – Rob and Elaine Watson

[111] Mr. Watson visits the property everyday to feed the cattle and check on them; however, they do not live on the property.

[112] There is a concern that a fire could get out of hand and spread across the adjacent parcels greatly affecting the community.

[113] Crime will increase in the community with the proposed development.

[114] The applicant's lands slope to the northwest and any storm or wastewater will flow onto the Watson's property. This water will flow into the dugout on the property and ultimately flows into the Bow River.

[115] If the reservoirs and aquifers are drained, the entire community will suffer.

[116] There will be increased costs to the Municipal roadways and servicing as well the proposed development will devalue the area as agricultural.

Development Authority's Closing Comments

- [117] The Land Redesignation is not to be considered in this decision.
- [118] The letters are from 13—30 kilometres from the location of the proposed development.
- [119] All studies are pending final approval, and require updates for the issuance of the development permit.
- [120] The TIA also requires revisions, and any intersections of concerns can be added to the TIA.
- [121] Condition 30 is a permanent condition that requires the applicant to implement dust suppression.

Appellant's Closing Comments

- [122] None.

FINDINGS & REASONS FOR DECISION

- [123] The campground and Tourism Uses/Facilities and the construction of a tourist building including Accommodation Units is a discretionary use in the Business – Leisure and Recreation, in accordance with section 77 of the *Land Use Bylaw*.
- [124] 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*.
- [125] 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.
- [126] The Board acknowledges that there were letters submitted late by the applicant; however, the Board gave no weight to the letters, most of which were not from immediately affected lands.
- [127] The Board heard compelling evidence from the appellants that the size and scope of the proposed business enterprise will have an undue and negative impact on the surrounding lands.
- [128] The Board acknowledges that the existing rural infrastructure is not designed or upgraded to a level to support the proposed development.
- [129] The Board finds that the proposed development, in accordance with section 77 of the *Land Use Bylaw* 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

[130] For the reasons set out above, the appeal is allowed and the decision of the Development Authority is revoked. A development permit shall not be issued subject to the above-noted conditions.

Dated at Rocky View County, in the Province of Alberta on August 22, 2019.



Daniel Henn, Chair
Subdivision and Development Appeal Board

EXHIBIT LIST

DOCUMENTS PRESENTED AT THE HEARING AND CONSIDERED BY THE BOARD

NO.	ITEM
1.	Development Authority's Report to the Board – July 26 (84 pages)
2.	Development Authority's Report to the Board – August 7 (83 pages)
3.	Development Authority's Presentation to the Board (10 pages)
4.	Development Authority's Presentation to the Board (Maps) (9 pages)
5.	Appellant – Singer Legal Brief from Counsel (119 pages)
6.	Appellant – Singer Presentation to the Board from Counsel (37 pages)
7.	Appellant – McArthur Presentation to the Board – July 26 (6 pages)
8.	Appellant – McArthur Presentation to the Board – August 7 (10 pages)
9.	Appellant – Watson Presentation to the Board – July 26 (10 pages)
10.	Appeal support Keren Farquharson (18 pages)
11.	Appeal support Don Kochan (3 pages)
12.	Applicant Report to the Board – July 26 (67 pages)
13.	Applicant Report to the Board – August 7 (18 pages)