

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

Board Order No.: 2021-SDAB-001
File No.: 06517005 PRDP20194577
Appeal by: Shelley (Lamb) Bushfield
Hearing Date: 2020 December 23
Decision Date: 2021 January 06
Board Members: Crystal Kissel, Chair
Tricia Fehr
Hazel George
Morrie M. Goetjen
Wendy Metzger

DEVELOPMENT APPEAL DECISION

INTRODUCTION

[1] This is an affected party appeal to the Rocky View County Subdivision and Development Appeal Board (the Board) from a decision of the Rocky View County Development Authority issued November 13, 2020. In this decision, the Development Authority approved a for development permit application for a golf driving range (30 tees), and construction of a pro shop building at 262217 Range Road 14 (Block 1 Plan 8710072 NE-17-26-01-W5M) (the Lands).

[2] Upon notice being given, this appeal was heard electronically on December 23, 2020, in accordance with the Meeting Procedures (COVID-19 Suppression) Regulation, Alberta Regulation 50/2020.

DECISION

[3] The appeal is allowed in part and the decision of the Development Authority is varied. A development permit shall be issued subject to the following conditions:

Description:

1. That a Golf Driving Range may be constructed on the subject land in general accordance with the approved application and site plans (as prepared by Atelier Yu Design Inc; Project (Driving Range) Location, Dwg. S-1 to S-5), as amended and included:

- i. Construction of 24 covered tees and 6 uncovered tees;
- ii. Construction of a Pro Shop Building, 137.40 sq. m (1,479.00 sq. ft.) in area;
- iii. Construction of up to 6.00 m (19.68 ft.) of Range Perimeter Netting;
- iv. Development Regrading (as required).

Prior to Issuance:

2. That prior to issuance of this permit, the Applicant/Owner shall submit a revised Parking Plan, showing the 4 disabled parking stalls in compliance with 3.8.3.22 of the Alberta Building Code, including mounted signage requirements.
3. That prior to issuance of this permit, the Applicant/Owner shall submit a revised Lighting Plan, showing that the proposed lighting fixtures are full cutoff or shielded, to comply with the County's "dark sky" regulations.
4. That prior to issuance of this permit, the Applicant/Owner shall contact County Road Operations with haul details for materials and equipment needed during construction/site development to confirm if any Road Use Agreement or Roadata permits will be required for any hauling along the County road system and to confirm the presence of County road ban restrictions.
 - i. The Applicant/Owner shall also confirm if any upgrades are required to the existing approach, to accommodate the proposed commercial development. If upgrades are required, the Applicant/Owner shall submit a new Road Approach Application to County Road Operations.
5. That prior to issuance of this permit, the Applicant/Owner shall submit a Construction Management Plan, in accordance with County's Servicing Standards.
6. That prior to issuance of this permit, the Applicant/Owner shall conduct an onsite geotechnical investigation, in accordance with County's Servicing Standards, providing the results of a soil characteristics and existing groundwater conditions and verifying the site is suitable for the proposed building and site works.
 - i. Written confirmation shall be received from County Road Operations confirming the status of this condition. Any required agreement or permits shall be obtained unless otherwise noted by County Road Operations.
7. That prior to issuance of this permit, the Applicant/Owner shall submit an erosion and sediment control (ESC) plan, identifying ESC measures to be implemented during the construction of the proposed development and infrastructure in accordance with County's Servicing Standards.
8. That prior to issuance of this permit, the Applicant/Owner shall submit payment of the Transportation Off-Site Levy in accordance with the Transportation Off-site Levy Bylaw C-8007-2020 for the proposed development area, as shown on the approved site plan.
9. That prior to issuance of this permit, the Applicant/Owner shall submit a site plan incorporating water cistern for proposed development.
10. That prior to issuance of this permit, the Applicant/Owner shall submit a site plan incorporating a sewage holding tank for the proposed development in accordance with County Policy #449 and County standards. A pump and haul system must be used for the proposed development and the existing septic field on the Lands must not to be used for the proposed development.

Prior to Occupancy:

11. That prior to occupancy, the Applicant/Owner shall submit as-built drawings of the onsite stormwater management and servicing facilities.
 - i. Once received, the County shall perform an inspection of the proposed stormwater management facilities ensuring the proposed facilities were constructed as per the approved Stormwater designs.
12. That prior to occupancy, all landscaping, range netting, and final site surfaces shall be in place on-site:
 - i. 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:

13. That any plan, technical submission, agreement, matter or understanding submitted and approved as part of the application, in response to a prior to issuance or occupancy condition, shall be implemented and adhered to in perpetuity, including but not limited to the approved SSIP [as approved at Redesignation Stage, PL20190055, prepared by Westhoff Engineering Resources Inc., Dated April 3, 2019] and Erosion and Sediment Control measures.
14. That all landscaping shall be in accordance with the landscaping details provided on the Landscape Plan. The proposed landscape plan shall not alter the approved SSIP design without prior written consent of the County. That any landscaping that perishes, shall be replanted by June 30th of the next growing season.
15. That no groundwater shall be used at any time to irrigate the development or support the development's landscaping. Water used to irrigate or support the development's landscaping must come from the development's water cistern.
16. That the Applicant shall pay for dust suppression to be applied to the one mile of Range Road 14, north from Highway 566, a minimum of three times a year. Dust suppression shall be applied once at the beginning of the season when the driving range is open to the public, once in the middle of the season where the driving range is open to the public, and once near the end of the season where the golf driving range is open to the public. Dust suppression must be applied in accordance with County policy.
17. That there shall be a minimum of 62 parking stalls, including 4 barrier-free, maintained on-site at all times.
18. That there shall be no customer or business parking at any time along the adjacent roadway. All customer or business parking shall be maintained onsite at all times.
19. That no permanent or temporary business identification signs shall be place on the site at any time except any onsite wayfinding (information/directional) signage or any temporary signs required during development or building construction. Any proposed signage shall require a separate development permit approval.
20. That any future exterior onsite lighting, shall be "dark sky" and, including site security lighting, parking area lighting and exterior building lighting shall be designed to conserve

energy, reduce glare, and reduce upright. All development shall be required to demonstrate lighting design that reduces the use of full cut-off (shielded) fixtures that direct the light downward and that no direct glare shall be visible from adjacent properties and roadways.

21. That any/all efforts shall be made by the Applicant/Owner to decrease the potential of golf balls flying onto the adjacent public roadway or adjacent properties.
 - i. If future problems arise, the Applicant/Owner shall work with the County, to establish correction measures onsite.
22. That any garbage containers shall be screened from view from adjacent properties and public thoroughfares. The garbage and waste material on site shall be stored in weatherproof and animal proof containers.
23. 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 each dwelling unit or principal use located on the subject site, to facilitate accurate emergency response.
24. That the entire site shall be maintained in a neat and orderly manner at all times to the satisfaction of the Development Officer.
25. That dust control measures shall be implemented at all times to control dust from blowing from the site onto adjacent lands and/or roadways.

Advisory:

26. That the Applicant/Owner shall be responsible to dedicate all necessary easements and Right of Ways (ROWs) for utility line assignments and provide for the installation of all underground shallow utilities with all necessary utility providers, to the satisfaction of the County.
27. That the Applicant/Owner is advised to contact Alberta Environment and the County's Alternative Land Use Services (ALUS) Advisory Committee about protecting and preserving the wetland and any natural springs on the Lands.
28. That during construction, all construction and building materials shall be maintained onsite in a neat and orderly manner. Any debris or garbage shall be stored/placed in garbage bins and disposed of at an approved disposal facility.
29. That Building Permit(s) and any applicable sub-trade permits, shall be obtained through Building Services, prior to commencement of construction, using the Commercial/Industrial Checklist.
30. That the County Noise Control Bylaw, as amended, shall be adhered to at all times.
31. That the site shall remain free of restricted and noxious weeds and be maintained in accordance with the Alberta Weed Control Act [*Statutes of Alberta, 2008 Chapter W-5.1; Current as of December 15, 2017*].
32. That any other government permits, approvals, or compliances are the sole responsibility of the Applicant/Owner.
33. 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.

34. That if this Development Permit is not issued by **JUNE 30, 2021** 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 or for on-site stormwater Infrastructure

BACKGROUND

[4] On December 18, 2019, Yeuang Yu (the Applicant) submitted a development permit application for a golf driving range (30 tees), and construction of a pro shop building (the proposed driving range) on the Lands.

[5] The Lands are approximately 15.38 hectares (38.00 acres) in area and owned by Jianli Zhang, Di Zhang, and Yuhong Li (the Owners).

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

[7] On November 13, 2020, the Development Authority conditionally approved a development permit application for the proposed driving range on the Lands.

[8] On December 4, 2020, Shelley (Lamb) Bushfield (the Appellant) filed an affected party appeal of the Development Authority's decision to conditionally approve a development permit application for the proposed driving range on the Lands.

[9] A notice of hearing was circulated to the Appellants, Applicants, Development Authority, and 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

[10] The Board heard verbal submissions from:

- (1) Xin Deng, Planner for the Development Authority;
- (2) Jeanette Lee, Senior Municipal Engineer for the Development Authority;
- (3) Shelley (Lamb) Bushfield, the Appellant;
- (4) Tracy Clark, in support of the appeal;
- (5) John Lamb, in support of the appeal;
- (6) Brian Johnston, in support of the appeal;

- (7) Di Zhang, the Owner representing the Applicant in opposition of the appeal; and
- (8) Jianli (Austen) Zhang, the Owner representing the Applicant in opposition of the appeal.

[11] The written documents submitted as exhibits and considered by the Board are listed in the exhibit list at the end of this decision.

Development Authority's Submissions

[12] The Lands are developed with an existing dwelling, garage, and septic field.

[13] The Lands are accessed by an existing approach off Range Road 14.

[14] The proposed pro shop will be 137.40 sq. m. (1,479.00 sq. ft.) in size with 62 parking stalls.

[15] The development permit application was submitted in 2019 and was assessed in accordance with County *Land Use Bylaw C-4841-97* which was in effect at the time.

[16] A golf driving range is a discretionary use under the Business, Leisure and Recreation District.

[17] The proposed development meets the *Land Use Bylaw's* regulations for building setbacks, building height, parking, and landscaping.

[18] The Owner has indicated that the wetland on the Lands is located in the north portion while the proposed development will take place in the south portion, leaving the wetland untouched.

[19] The Owner will place a fence around the wetland to restrict public access.

[20] The Applicant provided a memo of Traffic Impact Assessment (TIA) when the Lands were redesignated in 2019 from Farm District.

[21] The TIA concluded that the intersection of Highway 566 and Range Road 14 would accommodate the proposed driving range. Range Road 14 is a regional moderate volume gravel road and no road upgrading is required to accommodate the proposed driving range.

[22] The nature of the development is that it only runs in the summer. Dust control would be sufficient to mitigate the impact of the proposed development.

[23] The County requires that water be provided through a cistern and truck-in system. Wastewater will held in a sewer holding tank and then trucked out. The proposed development will not contaminate the water table.

[24] There will be a lining installed in the parking area that will be angled down so there will be no light pollution on neighbouring parcels.

[25] A moderate road can handle up to 500 vehicles a day according to the TIA and the number of vehicles from the development will be approximately 10-12 per hour. In the Development Authority's opinion, Range Road 14 can handle the traffic from the development.

[26] Range Road 11 and Range Road 13 are major routes and are at a paved standard, so most of the traffic in the area uses those two roads to commute from north to south.

[27] The current standard for dust suppression is grading, water, and applying calcium chloride. The Development Authority would need to talk to the County's Road Operations department to determine if oil would be appropriate for the gravel road.

Shelley (Lamb) Bushfield's submissions - the Appellant

[28] The Bushfields live at the northeast corner of the Highway 566 and Range Road 14 intersection, just south of the Lands.

[29] There is a huge amount of traffic at that intersection, it has increased significantly since the Bushfields moved onto their property in 1961.

[30] Traffic to the development will need to go down Highway 566 and up Range Road 14. This will cause a lot of dust which will negatively impact the crops of the surrounding agricultural parcels. Dust has damaged the Bushfields' crops before.

[31] Water would have to be applied to the roads everyday to control the dust. The calcium cannot be good for the environment.

[32] The proposed fence around the dam on the Lands, built by Ms. Bushfield's father, will confuse the wildlife and is not a good solution.

[33] The trees and bushes on the southside of the house on the Lands should not be removed as they are good for the environment.

[34] Because of the high increase of traffic in the area, the Bushfields and many neighbours have had to put in expensive gates and fencing to control crime. The Bushfields have had a few break-ins. The RCMP's response time out there is 45 minutes which is not very helpful.

[35] The Bushfields agree with the concerns outlined in Tracy Clark's letter.

[36] The Bushfields are concerned about the water table in the area. The water table is very high and close to the surface and is not suitable for a septic field. A pump out tank would be more appropriate.

[37] The development will interfere with the county way of life and the Bushfields want to preserve their farming way of life.

Tracy Clark submissions – in support of the appeal

[38] Ms. Clark lives at 263101 Range Road 14 which is approximately one kilometre north of the Lands.

[39] Ms. Clark wrote a letter outlining her four areas of concern about the development.

[40] Ms. Clark understands the TIA's assessment about the intersection at Highway 566 and Range 14. What needs to be discussed is the condition of Range Road 14 itself. The County has a grader out there daily trying to maintain it. It is in very bad shape and gets down to black dirt in the spring and summer when it rains. There are warning signs frequently placed on the road.

[41] Increased traffic on Range Road 14 will not be sustainable and will be dangerous. Whose expense is it to upgrade the road?

[42] Ms. Clark's second concern is about water access. The water table in the area is very high. The water well at Ms. Clark's home is only at 90 feet and their levels fluctuate a lot based on use.

[43] 30 tees is a large driving range and Ms. Clark is concerned about the negative impacts it will have on water access for the surrounding homes and livestock.

[44] Ms. Clark supports Ms. Bushfield's concern about the impact of the development on the wetland. The driving range is going where the wetland is, the wetland is more than just the dam area. There is a lot of wildlife that uses the wetland.

[45] Ms. Clark is concerned about the safety and security of residents in the farming community. The Clarks and other neighbours have had to invest in serious upgrades to protect themselves and their lands from crime and increased urbanization.

[46] The RCMP are a 45 minute response time away.

[47] The Clarks and their neighbours value their farming way of life and do not live in a city for a reason.

[48] This development will encroach on the lifestyle the Clarks have invested in for generations. There is a need to preserve the rural lifestyle.

[49] Range Road 14 is a through road between Highway 566 and Yankee Valley. Range Road 14 is busy like Range Road 13. If there is an accident on Highway 566, the traffic lines up by her house on Range Road 14.

John Lamb submissions – in support of the appeal

[50] Mr. Lamb lives at 14027 Township Road 264, on the west side of Range Road 14. The Lambs farm land throughout the area.

[51] They have had wet springs, for example in 2015, where Range Road 14 was inaccessible.

[52] It is an agricultural area, not recreational. Mr. Lamb grazes 50 head of cattle on 36 acres.

[53] Mr. Lamb is concerned about the encroachment of Calgary and the Lands should be used for agricultural purposes.

Brian Johnston submissions – in support of the appeal

[54] Mr. Johnston lives directly north of the Lands.

[55] Mr. Johnston echoes the concerns stated by his neighbours.

[56] Range Road 14 is soft and slippery, especially when it rains.

[57] Range Road 14 is a direct line from the city all the way to Carstairs. It is a main thoroughway for large farm equipment. It can be a real safety concern when farming equipment is mixed with other traffic.

[58] A fence to keep the people on the Lands does not address the fire hazard issue caused by the increase of people.

[59] Mr. Johnston has concerns about the water table on the Lands. 30 tees equals 30 people which leads to concerns with sewage, Mr. Johnston does not think the water table can handle that increase. A system to haul wastewater off site should be used.

Di Zhang submissions– the Owner representing the Applicant in opposition of the appeal

[60] Ms. Zhang's father is an avid golfer looking for a space of his own. The Zhangs plan on living on the Lands once the development is completed.

[61] The development will happen in the south portion of the property away from wetlands. The Zhangs will have to go through Alberta Environment to make sure they are compliant. Netting will be placed around the area to restrict public access.

[62] No irrigation is needed for the driving range and will not therefore impact the water table.

[63] Drinking water will be trucked to the property.

[64] Nobody likes dust, including the neighbours, Zhangs, and golfers. If there is a significant amount of dust, the Zhangs will buy oil from the County and place it on Range Road 14 for the one mile north from Highway 566, every six months.

[65] Highway 566 is a provincial road that can tolerate up to 12,000 vehicles per day.

[66] Range Road 14 is a moderate volume gravel road and the Lands are located one mile north of the Highway 566 and Range Road 14 intersection.

[67] The Highway 566 and Range Road 13 intersection is a major intersection in the area and its traffic volume has increased by less than three per cent since 2012. And it is expected to grow.

[68] The submitted chart shows traffic in all directions for a twelve hour period in November 2018 at the intersection of Highway 566 and Range Road 14. The submitted figures in the TIA show projected peak flow after development.

[69] Ms. Zhang focused on the numbers from the PM peak hours (2 to 6 pm) when the driving range will be open. There are currently 11 vehicles per hour on Range Road 14 north of Highway 566 in both directions. That is an average of one vehicle every six minutes.

[70] After the development and in 20 years, the projected estimate is 45 vehicles an hour in both directions on the same stretch of Range Road 14. This is an average of one vehicle every 80 seconds.

[71] Based on the 20 year background, traffic on Highway 566 will grow regardless of the driving range development.

[72] Highway 566 is a provincial highway able to handle 12,000 vehicles per day and projected volume 20 years after development is approximately 4,000 vehicles per day.

[73] The TIA concludes that

the intersection review of Highway 566/Range Road 14 confirms no intersection upgrades are required at the Opening Day or 20-Year horizons to accommodate the 28-stall golf driving range. The existing Type I-b intersection is adequate to accommodate expected traffic from the development.

[74] The golfing range will provide employment opportunities for the community and provide outdoor recreation which is part of a healthy lifestyle.

[75] The Zhangs will spread oil if the driving range causes significant impact on Range Road 14.

[76] The tentative hours of operation for the driving range are 11 am to 7 pm.

[77] The driving range would only be open during certain months of the year.

Jianli (Austen) Zhang submissions – the Owner representing the Applicant in opposition of the appeal

[78] Mr. Zhang really understands the concerns of the neighbours.

[79] It takes 80 seconds to get to the Lands on Range Road 14 from Highway 566. The Lands are approximately one mile north of Highway 566.

[80] Highway 566 is built to handle 12,000 vehicles today. It currently operates at 3,000 vehicles per day which is 25 per cent of its capacity.

[81] In 20 years and after the development is complete, 4,000 vehicles per day will use Highway 566. That is only 33 per cent of its capacity.

[82] At the peak hours on Range Road 14 in both directions, there are 11 vehicles per hour. A person will see a vehicle every six minutes.

[83] 20 years after the golf range opens, there will be 45 vehicles per hour in both directions on Range Road 14. So one vehicle every 80 seconds.

[84] If a person stands by Range Road 14 at the peak hour, they will only see one vehicle on the piece of road between Highway 566 and the Lands.

[85] If a person sits in a car on Range Road 14, the vehicle in front of them or behind them will be two miles away.

[86] The development will not cause much traffic, as proven by the TIA report.

[87] The wetlands will be fenced from the parking lot. The golfers will not be able to access the wetlands.

[88] The Zhangs will not be removing all the trees from the south end of the property. Only those that must be removed will be removed.

[89] Most of the golfers will come from the south (Calgary), approximately 80 per cent. There will be very little impact on the north portion of Range Road 14.

[90] There will be security cameras on the Lands and they are open to other security options.

[91] There will be no irrigation for the development and groundwater will not be used for drinking water or washrooms. The water table will not be impacted at all.

[92] Mr. Zhang is also concerned about traffic, but most of the traffic will be on Highway 566 which can handle it.

[93] The Lands are pretty flat and the Zhangs are planning to plant lots of trees and bushes along Range Road 14.

[94] For landscaping, there will be grass and the Zhangs may bring in some high quality soil for the tee box area. There will be no need for irrigation, they will leave the watering to the rain. It is not a golf course.

[95] The grasslands will be landscaped to be in better shape and some soil will be added.

[96] Solar lights will be used on the Lands around the pro shop and parking lot areas. They will follow the rules of Rocky View County and will probably use about 30 lights. The driving range will not be operated at night.

[97] When the driving range is open, the Zhangs will be living on the Lands.

[98] Mr. Zhang will be able to comply with all the permit conditions required by the County.

Shelley (Lamb) Bushfield rebuttal submissions – the Appellant

[99] Ms. Bushfield feels she had time to review the material submitted by the Owners.

[100] Ms. Bushfield has concerns about putting oil on Range Road 14. That road is not in shape to take oil 12 times a year or even one time a year. The road would fall apart.

[101] An overpass is being built over Stoney Trail that will line up 14th Street and Range Road 14. Ms. Bushfield is not sure who is responsible for upgrading the road because it will not be able to tolerate that traffic either.

[102] There is a natural spring on the south end of the house on the Lands and it should not be impacted. Nature must be protected.

[103] The wet area is being confused with just the dam area as there is more wet area than just the dam area. The driving range is going where the wetlands are and any interference is wrong.

[104] The trucks in and out hauling water and wastewater will only be harder on the roads.

[105] This development will interfere with the farming lifestyle in the area.

[106] Oil has not been used on the roads for a long time and the Bushfields are concerned that the calcium and water when mixed makes a mess. It only controls part of the dust and the County only puts the suppression in spots, she is guessing a 200 foot stretch, then for half a mile there is nothing. Dust control is a problem with the development and there will be more vehicles on the roads than provided in the TIA.

[107] Range Road 11 is in worse shape than Range Road 14.

[108] Ms. Bushfield is frustrated that she was not notified of the redesignation application.

[109] Ms. Bushfield feels she had fair opportunity to present her evidence

FINDINGS & REASONS FOR DECISION

[110] Section 10 of *Land Use Bylaw C-8000-2020* states that

All development permit applications received in a complete form prior to the effective date of this bylaw shall be processed based on 'Land Use Bylaw C-4841-97', unless the Applicant requests in writing that the application be processed based on the regulations of this bylaw.

The Board finds that

- a. the development permit application was submitted December 18, 2019;
- b. *Land Use Bylaw C-8000-2020* came into effect on September 8, 2020; and

- c. the Applicants did not provide a written request to the Development Authority to have the development permit application assessed under *Land Use Bylaw C-8000-2020*.

The Board is satisfied that the condition outlined in section 10 of *Land Use Bylaw C-8000-2020* is met and that *Land Use Bylaw C-4841-97* is the correct land use bylaw by which to assess the development permit application for the proposed golf driving range.

[111] Having been satisfied that section 10 of *Land Use Bylaw C-8000-2020* is met, the Board meets its duty to determine an appeal based on the land use bylaw in effect as required in section 687(3)(a.3) of the *Municipal Government Act*.

[112] The Board finds that a golf driving range is a discretionary use in a Business, Leisure and Recreation District (B-LR), as outlined in section 77 of the *Land Use Bylaw*.

[113] 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*.

[114] 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.

[115] The Board is satisfied that the proposed driving range meets all the setback, parking, height, and landscaping regulations of the *Land Use Bylaw*.

[116] The Board is satisfied that the proposed driving range is compatible with the transitioning area between the cities of Calgary and Airdrie.

[117] The Board heard concerns from the Appellant and neighbours about the impact of the proposed driving range on Range Road 14 and the intersection of Highway 566 and Range Road 14. The Board was satisfied by the Traffic Impact Assessment (TIA) evidence provided by the Owner that the area's existing road infrastructure can handle the traffic generated by the proposed development. The Board notes that the Development Authority stated that they were satisfied the existing road infrastructure can handle the traffic from the proposed driving range.

[118] The Board understands the concerns about dust from Range Road 14 generated from the traffic going to and from the proposed development. For this reason, the Board amended the approval conditions to require the Owner to apply dust suppression to the road three times during the season when the driving range is open to the public.

[119] The Board is satisfied that the amended conditions of approval that require all water and wastewater to be trucked in and out from the proposed golfing range will address the Appellant's and neighbours concerns about the development's impact on the area's high water table.

[120] The Board is satisfied that protection of the wetlands is provincial jurisdiction and that the Owner will need approval from Alberta Environment to make any changes to the wetlands.

[121] Given the above findings and pursuant to section 687 of the *Municipal Government Act*, the Board finds that with the new conditions, the proposed driving range would not unduly interfere with the amenities of the neighbourhood, or materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land. The Board also finds the proposed development conforms to the use prescribed for the Lands in the *Land Use Bylaw*.

CONCLUSION

[122] For the reasons set out above, the appeal is allowed in part and the decision of the Development Authority is varied. A development permit shall be issued subject to the above-noted conditions.

Dated at Rocky View County, in the Province of Alberta on January 06, 2021.

A handwritten signature in blue ink, consisting of several overlapping loops and horizontal strokes, positioned above a horizontal line.

Crystal Kissel, 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 (40 pages) |
| 2. | Development Authority's PowerPoint (12 pages) |
| 3. | One letter in support of the appeal (3 pages) |
| 4. | J. Zhang PowerPoint presentation (9 pages) |
| 5. | D. Zhang PowerPoint presentation (13 pages) |