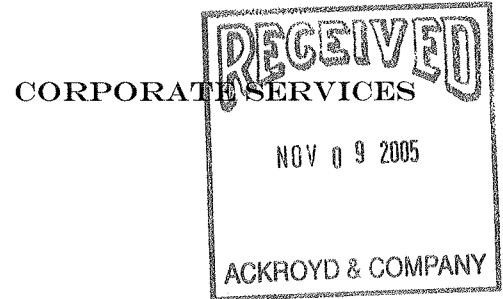




Richard Secord
Ackroyd & Company
10665 Jasper Avenue
Edmonton, AB
T5J 3S9



OUR FILE NO.: **05-D-057 &
05-D-058**

November 7, 2005

Dear Sir/Madam:

Re: An appeal of a decision of the Development Authority to approve Development Permit #05-D-057 for a gravel processing operation to include crushing, washing, screening, etc on SE 16-53-3-W5M.

An appeal of a decision of the Development Authority to approve Development Permit #05-D-058 for a gravel extraction operation (NW) visual/noise berm (NE) on N 1/2 22-53-3-W5M.

Please be advised that on October 24, 2005, the Subdivision and Development Appeal Board made the following decision:

BOARD'S FINDING OF RELEVANT FACTS:

ISSUES

1. Will dewatering of the proposed development sites result in adverse effects to surface or ground water beyond those specified by the Applicant?
2. Will the proposed developments result in the loss of prime agricultural land? If so, to what extent?
3. Will the proposed developments detract from the aesthetic value of the subject lands? If so, to what extent?
4. Will the proposed developments result in increased stress to some of the adjacent residents?
5. Will the proposed developments negatively affect the physical, emotional and social well being of the adjacent residents?
6. Will the proposed developments affect the safety and quality of life of Parkland County residents who use and live adjacent to Range Road 33?
7. Will the proposed developments result in any benefits to the residents of Parkland County generally?
8. Does the Paul First Nation hold an underlying development right to the proposed land and resources?

9. Are the proposed developments contrary to the designation of the subject lands in the Parkland County Municipal Development Plan or Land Use Bylaw?
10. Will noise from the proposed developments affect the quality of life of adjacent residents?
11. Will the proposed developments lower the value of properties adjacent to the proposed development?
12. Will the proposed developments increase the risk of illness of adjacent residents due to airborne pollutants?
13. Are the truck traffic estimates for Range Road 33 reasonable, as presented by the Applicant?
14. Are further studies necessary for the board to decide the issue?

LEGISLATION

The Municipal Government Act provides the jurisdiction of the Subdivision and Development Appeal Board (SDAB) for development appeals.

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

- (a) must comply with the land use policies and statutory plans and, subject to clause (d), the land use by-law in effect;*
- (b) must have regard to but is not bound by the subdivision and development regulations;*
- (c) may confirm, revoke, or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own*
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw, if in its opinion,*
 - (i) the proposed development would not*
 - (A) unduly interfere with the amenities of the neighborhood, or*
 - (B) materially interfere with or affect the use, enjoyment or value of neighboring parcels of land,**and*
 - (ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.*

The Government of Alberta, by Order in Council 522/96, has established Land Use Policies, which the SDAB must comply with.

2.0 The Planning Process

- 4. In carrying out their planning responsibilities, municipalities are expected to respect the rights of individual citizens and landowners and to consider the impact of any policy or decision within the context of the overall public interest.*

4.0 Land Use Patterns

- 4. Municipalities are encouraged to establish land use patterns which accommodate natural resource extraction or harvesting and processing, manufacturing and other industrial*

development while, at the same time, minimizing potential conflict with nearby land uses and any negative environmental impact.

5.0 *The Natural Environment*

5. *Municipalities are encouraged to identify, in consultation with Alberta Environmental Protection, areas of significant fish, wildlife and plant habitat and to establish appropriate land use patterns designed to minimize the loss of valued habitat within and adjacent to these areas.*
6. *If subdivision and development is to be approved in the areas identified in accordance with policy #5 municipalities are encouraged to, within the scope of their jurisdiction, utilize mitigative measures to minimize the loss of habitat.*

6.1 *Resource Conservation - Agriculture*

3. *Where possible, municipalities are encouraged to direct non-agricultural development to areas where such development will not constrain agricultural activities.*

6.2 *Resource Conservation - Non-renewable Resources*

1. *Municipalities are encouraged to identify, in consultation with the appropriate provincial land management agency and the Alberta Geological Survey, areas where the extraction of surface materials (e.g., sand and gravel) should be a primary land use.*
3. *Municipalities are encouraged to direct subdivision and development activity so as not to constrain or conflict with non-renewable resource development, particularly with respect to the areas identified in accordance with policies #1 and #2.*
4. *In addressing resource development municipalities are expected to, within the scope of their jurisdiction, utilize mitigative measures to minimize possible negative impacts on surrounding areas and land uses.*

6.3 *Resource Conservation - Water Resources*

1. *Municipalities are encouraged to identify, in consultation with Alberta Environmental Protection, significant water resources within their boundaries.*
2. *Municipalities are encouraged to determine appropriate land use patterns in the vicinity of the resources identified in accordance with policy #1, having regard to impacts on an entire watershed as well as local impacts.*
3. *If subdivision and development is to be approved in the vicinity of the resources identified in accordance with policy #1, municipalities are encouraged to, within the scope of their jurisdiction, incorporate measures which minimize or mitigate any negative impacts on water quality, flow and supply deterioration, soil erosion, and ground water quality and availability.*

7.0 *Transportation*

1. *Municipalities are encouraged to identify, in consultation with Alberta Transportation and Utilities, the location, nature and purpose of key transportation corridors and facilities.*
2. *Municipalities are encouraged to minimize negative interactions between the transportation corridors and facilities identified in accordance with policy #1 and the surrounding areas and land uses through the establishment of compatible land use patterns.*

Parkland County, by Bylaw #38-98, has established a Municipal Development Plan, a statutory plan that the SDAB must comply with.

3. *Agriculture*

3.1 *While the use of agricultural land will primarily be for agricultural purposes, the use of agricultural land by non-agricultural uses may be allowed but only in accordance with the provisions of this plan.*

3.12 *In considering approval of an application to redesignate, subdivide or develop agricultural land to accommodate a non-agricultural use, especially in the Agriculture land use area, the County must be satisfied:*

- (a) the benefits of the proposal to the County as a whole outweigh the benefits of the agricultural use of the land,*
- (b) a non-agricultural land site is not reasonably available, and*
- (c) the non-agricultural use will not unduly impact agricultural operations in the area, ...*

4. *Economic Development*

4.6 *Keeping in mind the general priority for land use directions in this Plan, ... is to cluster non-agricultural uses in appropriate locations and avoid, as much as possible, the scatterization of non-agricultural uses throughout the agricultural community, the development of a commercial use, a natural resource extraction/processing use or a rural based material storage use on a single site outside the Acheson Industrial Area, or any other future clustered site, may be considered by Parkland County if it can be demonstrated that:*

- (a) the use can only be developed on the specific site,*
- (b) the site has attributes favorable to the development of the proposed use,*
- (c) a location in a grouped industrial or commercial subdivision is not feasible, and*
- (d) the approval of the use would not be detrimental to adjoining and nearby land uses, including agriculture operations in the area.*

4.14 *Resource extraction operations should not be permitted in environmentally significant areas unless the County is satisfied circumstances support approval of the operation, but in such instances Parkland County will strongly encourage measures are taken to maintain the integrity of the area during and after the resource operation.*

4.16 *Parkland County will encourage the Province to require the reclamation of a resource extraction site in accordance with an approved reclamation plan. Where the County has jurisdiction, it will require the reclamation of a resource extraction site in accordance with an approved reclamation plan. In each instance, the County prefers that reclamation proceed on a phased basis such that reclamation need not await the termination of the resource extractive activity.*

7. *Environment*

7.6 *For the purposes of this Plan, Parkland County considers the following to be environmentally significant sites and areas:*

- (f) major rivers and their valleys, ravines and escarpments,...*

7.7 *Land uses in environmentally significant areas should be of a scale, nature, design and appearance that complements the area.*

7.8 *Parkland County will endeavor to conserve, as much as possible and practical, environmentally significant areas by:*

- (a) directing inappropriate uses away from these areas.*

7.11 *When approving any subdivision and development for lands within and adjacent to river valleys, Parkland County will apply conditions where appropriate to:*

- (b) protect water quality*

7.12 *When the North Saskatchewan River Valley, or a portion thereof, receives significant pressure for change or development, Parkland County will consider the preparation of a plan for the valley, or the portion thereof, to guide land use planning and landscape conservation for this significant landscape feature. In doing so, the County will seek the cooperation and contribution of the Provincial Government and affected neighboring municipalities. (Map 4)*

9. *Implementation, Review and Amendment*

9.7 *In considering a proposal to redesignate, subdivide or develop land, the following matters should be considered:*

- (a) the type and scale of the proposed use or uses,*
- (b) the suitability of the site for the proposed use or uses,*
- (c) site design with respect to natural topography, vegetation and landscape features,*
- (d) the presence of hazard features, and design elements to avoid or mitigate hazardous conditions,*
- (e) compatibility of the proposal with surrounding land uses and resources,*
- (f) access to existing roads and the proposed pattern of additional roads,*
- (g) anticipated generated traffic volumes and impacts on the municipal road system,*
- (h) sewer, water and drainage provisions and the long term suitability of the site and resources to accommodate such provisions,*
- (i) provision of open space in terms of public access and use, where applicable,*
- (j) the adequacy of parcel sizes to reasonably provide for the intended use, while minimizing the loss of agricultural land and impact on other resources,*
- (k) capability of the site to support agriculture, or other uses which may be better suited to the site,*
- (l) impact on environmental quality of the site and surrounding natural resources,*
- (m) County responsibilities for the provision and maintenance of infrastructure,*
- (n) the need for the development and the benefits the development would bring to the County,*
- (o) conformity with provisions contained in the Land Use Bylaw and in any applicable statutory plan, and*
- (p) any other matters deemed relevant by the County.*

Parkland County has adopted a Land Use Bylaw (15-00), which governs the use of land within the boundaries of the County.

70. *AGG – Agriculture General District*

3. *Discretionary Uses*

Natural Resource Extraction/Processing

FINDING OF RELEVANT FACTS:

Upon hearing and considering the representations and evidence of the parties and a number of affected residents and other interested persons, and upon having read and considered the letters and petitions and other documents submitted to the Board, the SDAB finds the facts in the matter to be as follows:

1. It was not demonstrated that the proposed developments would result in adverse effects to surface or ground water beyond those specified by the Applicant.
2. The proposed developments will result in the loss of agricultural land for the 2 year permit period as granted by the Development Authority and for as long as the resource and market forces allow the activity to continue, subject to development permit renewal, but will ultimately restore land for agricultural use.

3. The proposed developments may detract from the aesthetic value of the subject lands while the proposed developments are operational. The properties will be reclaimed when the resource is depleted and the aesthetic value will be restored.
4. The proposed developments may result in increased stress to some adjacent residents.
5. Any negative affects on the physical, emotional and social well being of the adjacent residents will be mitigated to a large extent by the proposed noise attenuation and dust control strategies to be implemented by the applicant.
6. The evidence did not establish that the proposed developments will affect the safety and quality of life of the Parkland County residents who use and live adjacent to Range Road 33.
7. The proposed development will result in benefits to the residents of Parkland County in general.
8. The developments should not affect the Paul First Nation and other aboriginal groups right to engage in traditional activities. No evidence was presented that could verify whether the Paul First nation could claim development rights
9. The proposed developments conform to the designation of the subject lands in, and policies of, the Parkland County Municipal Development Plan and to the use provisions of the Land Use Bylaw.
10. Noise estimates from the proposed developments, as presented by the applicant, will not adversely affect the quality of life of adjacent residents.
11. It was undetermined if the proposed developments will lower the value of properties adjacent to these developments.
12. The evidence presented did not confirm that the proposed developments would increase the risk of illness of adjacent residents due to airborne pollutants.
13. The estimates of additional traffic volume to be added to Range Road 33, as a result of the proposed development, as presented by the applicant, are reasonable estimates.
14. No further studies are necessary for the Board to decide the issue.

In consideration of the above, and having regard to the provisions of the Municipal Government Act and the Parkland County Municipal Development Plan and Land Use Bylaw, the SDAB makes the following decision for the reasons set out below.

DECISION

Moved by J. Friesen that the Subdivision and Development Appeal Board deny the appeal and vary the conditions of Development Permit #05-D-057 for a gravel processing operation to include crushing, washing, screening, etc on SE 16-53-3-W5M subject to the following conditions:

1. The approval of this development permit shall be contingent on the development being greater than 5 hectares in area.
2. The applicant shall obtain any and all provincial permits, licenses, registrations and/or approvals that shall include but shall not be limited to Water Resources and Development and Reclamation approval from Alberta Environment as well as Alberta Transportation.
3. The applicant shall enter into a Development Agreement with Parkland County to provide the following, at no cost to Parkland County:

- (a) the upgrading of Range Road 33 to a 9m paved asphalt standard from the entrance to the gravel pit on the NW 22-53-3-W5M southerly to Highway 16. The asphalt surface shall be completed by October 31, 2006.
 - (b) the upgrading of the existing private accesses onto the said portion of the Range Road.
 - (c) if required by Alberta Transportation, intersection radii improvements or additional flaring into the westbound right turn lane off Highway 16 to accommodate off-tracking of rear trailer wheels when vehicles are turning onto Range Road 33.
 - (d) if required by Alberta Transportation, the construction of a median acceleration lane on eastbound lane of Highway 16.
4. The applicant shall enter into an Industrial Haul Agreement with Parkland County, prior to commencing hauling operations from the pit, and provide such security as required by Parkland County.
5. Maximum hours of operation for hauling from the processing operation shall be:
9 a.m. to 7 p.m. Monday to Friday
8 a.m. to 4 p.m. Saturday
No hauling on Sunday
6. Maximum hours of operation shall be 24 hours/day for 5 days/week (6th & 7th days to run from 12:00 midnight Friday until 12:00 midnight Sunday). Loading will be allowed on Saturday 8 a.m. to 4 p.m.
7. Maximum noise levels from the operation of the site, excluding traffic noise generated by Highway 16, shall not exceed 55db Leq from 7am to 7pm and 45db Leq from 7pm to 7am measured at any property line.
8. The applicant shall be responsible for ongoing monitoring of noise levels at the site. If required by Parkland County, the applicant shall provide the results of this data to ensure compliance with the above condition.
9. The applicant shall maintain sufficient dust control as per the Industrial Haul Agreement.
10. The applicant shall maintain sufficient dust control on-site in accordance with the Clean Air Act.
11. The applicant shall post adequate signage to alert to the possible danger from open pits etc. This sign shall also include company name and emergency contact phone numbers.
12. It shall be the sole responsibility of the Applicant to ensure that such signs and fences and boarding are put in place as the applicant shall consider necessary to protect the public generally and the residents of the area in particular from any danger arising as a result of the development.
13. The permit is valid for a two year period at which time it may be renewed at the discretion of the Development Authority.
14. The applicant shall obtain a Parkland County Business License.
15. Trucks while hauling shall be numbered and properly identifiable to the satisfaction of the Parkland County.
16. The applicant shall ensure that all trucks/haulers associated with this development are registered with the Alberta Sand and Gravel Association Central Truck Registry Programme.
17. Access to the development shall be to a standard and in a location acceptable to Parkland County, Director of Transportation and Utilities.

18. In accordance with Section 41 (3) of the Land Use By-law, the applicant shall maintain a minimum setback of 305 m (1000 ft.) for processing activities, from the boundary of Highland Acres 1, the multi-parcel residential subdivision to the northwest of the subject lands.
19. Expansion by permit only.

Notwithstanding condition 14, the applicant is advised that Parkland County has adopted an amendment to the Business License By-law. This amendment is regarding the implementation of a Sand and Gravel License Fee. The applicant is advised to contact Parkland County's Engineering Department for further information in this regard.

NOTE: Parkland County will not tolerate the non-compliance of any of the above conditions. The County will immediately and aggressively enforce any breach of these conditions including seeking court injunction prohibiting all development activity. As well, any such breach will seriously jeopardize the possibility of renewal of this permit.

CARRIED

Votes for: 4
Votes against: 2

DECISION

Moved by J. Friesen that the Subdivision and Development Appeal Board deny the appeal and vary the conditions of Development Permit #05-D-058 for a gravel extraction operation (NW) visual/noise berm (NE) on N ½ 22-53-3-W5M subject to the following conditions:

1. The approval of this development permit shall be contingent on the gravel pit being greater than 5 hectares in area.
2. The applicant shall obtain any and all provincial permits, licenses, registrations and/or approvals that shall include but shall not be limited to Water Resources and Development and Reclamation approval from Alberta Environment as well as Alberta Transportation.
3. The applicant shall enter into a Development Agreement with Parkland County to provide the following, at no cost to Parkland County:
 - (a) the upgrading of Range Road 33 to a 9m paved asphalt standard from the entrance to the gravel pit on the NW 22-53-3-W5M southerly to Highway 16. The asphalt surface shall be completed by October 31, 2006.
 - (b) the upgrading of the existing private accesses onto the said portion of the Range Road.
 - (c) if required by Alberta Transportation, intersection radii improvements or additional flaring into the westbound right turn lane off Highway 16 to accommodate off-tracking of rear trailer wheels when vehicles are turning onto Range Road 33.
 - (d) if required by Alberta Transportation, the construction of a median acceleration lane on eastbound lane of Highway 16.
4. The applicant shall enter into an Industrial Haul Agreement with Parkland County, prior to commencing hauling operations from the pit, and provide such security as required by Parkland County.
5. Maximum hours of operation for hauling from the gravel extraction operation shall be:
9 a.m. to 7 p.m. Monday to Friday
No hauling on Saturday
No hauling on Sunday
6. Maximum hours of operation shall be 24 hours/day for 5 days/week (6th & 7th days to run from 12:00 midnight Friday until 12:00 midnight Sunday).

7. Maximum noise levels from the operation of the site shall not exceed 55db Leq from 7am to 7pm and 45db Leq from 7pm to 7am measured at any property line.
8. The applicant shall be responsible for ongoing monitoring of noise levels at the site. If required by Parkland County, the applicant shall provide the results of this data to ensure compliance with the above condition.
9. The applicant shall maintain sufficient dust control as per the Industrial Haul Agreement.
10. The applicant shall maintain sufficient dust control on-site in accordance with the Clean Air Act.
11. The applicant shall post adequate signage to alert to the possible danger from open pits etc. This sign shall also include company name and emergency contact phone numbers.
12. It shall be the sole responsibility of the Applicant to ensure that such signs and fences and boarding are put in place as the applicant shall consider necessary to protect the public generally and the residents of the area in particular from any danger arising as a result of the development.
13. The permit is valid for a two year period at which time it may be renewed at the discretion of the Development Authority.
14. The applicant shall obtain a Parkland County Business License.
15. Trucks while hauling shall be numbered and properly identifiable to the satisfaction of the Parkland County.
16. The applicant shall ensure that all trucks/haulers associated with this development are registered with the Alberta Sand and Gravel Association Central Truck Registry Programme.
17. Access to the development shall be to a standard and in a location acceptable to Parkland County, Director of Transportation and Utilities.
18. Construction of the berming shall be in accordance with the site plan (Volume 2 – Operation, Development and Reclamation Plan) shown as drawing 17 of 29.
19. Expansion by permit only.

Notwithstanding condition 14, the applicant is advised that Parkland County has adopted an amendment to the Business License By-law. This amendment is regarding the implementation of a Sand and Gravel License Fee. The applicant is advised to contact Parkland County's Engineering Department for further information in this regard.

NOTE: Parkland County will not tolerate the non-compliance of any of the above conditions. The County will immediately and aggressively enforce any breach of these conditions including seeking court injunction prohibiting all development activity. As well, any such breach will seriously jeopardize the possibility of renewal of this permit.

CARRIED

Votes for: 4
Votes against: 2

REASONS

A. Ground and Surface Water

The applicant as part of the application process hired an independent group, Hydrogeological Consultants Ltd, to determine the impact on the surrounding surface and ground water bodies, as a result of the proposed developments. The Board has concluded that the evidence of a Professional Engineer who has studied the area in question and who has submitted a report based on that study must be accepted as credible and that ground and surface waters will be minimally disturbed

B. Loss of Agricultural Lands

The extraction of gravel in the proposed development will necessitate the removal of overburden, which includes land currently under cultivation. It was argued that the replacement of an agricultural operation with a gravel extraction operation would have a negative impact on the aesthetic value of the lands and those lands adjacent to the proposed developments and would take agricultural land out of production. The use of heavy equipment in a confined area to extract, process, load and haul away gravel would have the effect of reducing the aesthetic value of the lands. However, it was also noted that the situation would be temporary and once the gravel resource was depleted these lands could revert back to an agricultural use unlike lands converted to residential acreages, which result in agricultural land being lost forever.

The Board finds that over the two year life span of the development permit, the effects would be permanent. However, over the life span of the proposed development, the effects would be temporary, as the extraction would be done in stages with each previous stage being reclaimed as the new one is worked.

C. Quality of Life of Adjacent Residents

Submissions were made by adjoining residents that the nature of the proposed development would result in a decrease in the physical, emotional and social well-being of the residents. The primary concerns were noise, airborne contaminants, such as dust and diesel fumes, loss of community and the right to enjoyment of their property. Representations were made that the proposed development would result in excessive noise, both in quality and quantity, due to the use of heavy extraction equipment, gravel crushing and washing equipment, loaders and gravel trucks. Concerns were also expressed that diesel fumes and dust would be a constant factor in the operation of the proposed developments and that they might cause long term health problems for the adjacent residents.

The applicant plans to introduce a noise suppression plan on the proposed gravel extraction site including the construction of a noise attenuation berm, which would reduce the level of noise inherent in an operation of this nature. A permanent sound monitor is also required for the site to monitor the level of sound, which will be emitted. Other than to restrict the speed of trucks moving within the site, however, the issue of noise generated by trucks was not addressed by the applicant.

The Board accepts that the applicant has taken steps to reduce the on-site noise level to a degree significantly below that which is common for similar extraction operations and that the measures to be implemented will reduce the impact on adjacent properties. The location of the proposed extraction site, well away from the river valley and other gravel pits, the Board determined, limits the cumulative noise and traffic effects of gravel extraction, which exist in other areas of the County.

The applicant intends to pave Range Road 33 and use of sound blankets around the washing and crushing equipment to reduce the amount of dust that will escape from the proposed site. The applicant does not address the issue of concentration of diesel fumes, which will be emitted by trucks and equipment on the site. The Board recognizes that diesel fumes will be prevalent as a result of the operation of loaders and generators on a site. However, due to the location of the processing facility

adjacent to Highway 16 the Board believes the impacts will be minimal in comparison with fumes and noise generated by the adjacent Highway traffic.

The Board has concluded that the applicant will take steps to reduce the amount of dust created by the proposed developments. The Board has also concluded that there is insufficient evidence to establish that the dust and diesel fumes produced within the proposed developments will have a negative impact upon the health and well-being of the adjacent residents.

D. Benefits to Parkland County

In addition to local employment on the proposed development sites, the applicant will contribute to the County's assessment and pay required gravel extraction fees, therefore providing a benefit to Parkland County.

E. Traffic on Range Road 33

The Parkland County Municipal Development Plan states, in section 9.7(g):

9.7 *In considering a proposal to redesignate, subdivide or develop land, the following matters should be considered:*

(g) *anticipated generated traffic volumes and impacts on the municipal road system.*

The applicant has indicated that the proposed processing facility will add 650 vehicle trips per day. Truck traffic on Range Road 33 will be increased by 640 vehicle trips per day (based on a proposed 16 hour day) as four trucks each making 5 round trips per hour move from the gravel extraction site to the processing facility. In addition, the applicant proposes 10 vehicle trips per day generated by employees. As a result of this additional traffic the applicant has agreed to upgrade Range Road 33 between the extraction and the processing site. The applicant indicates that the traffic to be generated from the processing facility will only utilize Range Road 33 for a short distance before accessing Highway 16. The applicant further indicates that all trucks employed by Burnco are required to comply with Burnco's strict policy of compliance with traffic laws on the highways.

Those opposed to the proposed developments cite instances of poor driving behaviour and offences allegedly committed by drivers of gravel trucks. Parkland County residents living adjacent to Range Road 33 are concerned that an increase in truck traffic volume associated with the proposed developments would increase the negative impact on themselves and their property.

Given the nature and current use of Range Road 33 and upgrades proposed by the applicant, it appears unlikely that the increased truck traffic to be generated by the proposed developments will cause an increased risk to the safety of Parkland County residents traveling on Range Road 33, as the distances to be traveled by the trucks from the gravel pit to the processing facility and from the processing facility to Highway 16 will necessitate traveling at slower speeds.

F. Paul First Nation

The representative from the Paul First Nation stated that there should be consultation with Native peoples before development of land and resources. No evidence was presented to the Board to verify the contents of the statement regarding the ownership of certain rights and resources in relation to these lands. It was not demonstrated that access to Range Road 33 as a route to Lac St. Anne will be compromised by these developments.

Any further investigation into the matter of land ownership or rights to use of the subject lands is probably beyond the jurisdiction of this Board.

G. Property Value

While a number of parties suggested that their property values might decrease if the proposed developments were to proceed, there was no evidence presented to support the assertion. The applicant provided a property value assessment prepared by Corporate Reality Services Canada Inc. indicating that property values would not be adversely affected by these developments. As such, the Board determined that the evidence presented on the impact on property values was inconclusive.

H. Further Studies

The SDAB is required to make its decisions based on the information before it. The board cannot make its decision on this or any other matter based on studies conducted after the fact. Therefore, for the purpose of this appeal, the board requires no more studies to be done.

I. Compliance


The proposed developments are in compliance with the requirements of the Municipal Government Act, Provincial Land Use Policies, and the Parkland County Land Use Bylaw and Municipal Development Plan.

CONCLUSION

The Board noted the concerns expressed by adjacent and area landowners and concluded, on a balance of probability, that the proposed developments, given their scale and taking into consideration the mitigation measures proposed by the applicant, would not have sufficient negative impacts on adjacent and area landowners, and on the use and enjoyment of their properties to deny the applicant access to a necessary resource.

NOTE: The decision of the Subdivision and Development Appeal Board is final and binding on all persons, subject only to an appeal upon a question of law or upon a question of jurisdiction pursuant to Section 688 of the Municipal Government Act.

Yours truly



Bonnie McInnis, Secretary
Subdivision and Development Appeal Board

/vrs