



# Corporate Report

NO: L005

COUNCIL DATE: May 28, 2007

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## REGULAR COUNCIL- LAND USE

TO: **Mayor & Council** DATE: **May 25, 2007**  
FROM: **Acting General Manager,  
Planning and Development** FILE: **7906-0104-00**  
SUBJECT: **Morgan Creek Golf Course Driving Range- Proposed Poles and Safety Netting  
Development Permit and Development Variance Permit No. 7906-0104-00  
(3500 Morgan Creek Way)**

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## RECOMMENDATION

The Planning and Development Department recommends that Council:

1. Receive this report as information;
2. Approve Option 2, as documented in this report, that will allow a maximum pole height of 26.5 metres (87 feet) for the driving range and netting enclosure along the south side of the driving range at a maximum height of 26.5 metres (87 feet), and that will limit the height of the netting enclosure along the north side at the second guide wire of up to 19.2 metres (63 feet), as shown in Drawing C of Appendix "E", in order to facilitate a four-month testing phase;
3. Approve and issue the modified Development Variance Permit 7906-0104-00 (Appendix "D"); and
4. Approve the modified Development Permit 7906-0104-00 (Appendix "E"), authorize the Mayor and Clerk to sign the Development Permit and authorize the transfer of the Development Permit to the heirs, administrators, executors, successors and assigns of the title of the land within the terms of the Development Permit.

## INTENT

The purpose of this report is to provide information to Council on the results of the recent discussions facilitated by City staff between representatives of Morgan Creek Holdings Ltd. and concerned Morgan Creek residents, in an effort to reach a compromise on the proposal by the Morgan Creek Golf Course to install poles and safety netting around the existing driving range. This report also outlines possible options to assist Council in determining a course of action for the proposed Development Variance Permit and Development Permit applications.

## BACKGROUND

At the Regular Council Meeting of April 30, 2007, Council considered Corporate Report No. R093, which summarized the detailed results of the public notification process undertaken from April 3, 2007 to April 16, 2007, for Development Variance Permit No. 7906-0104-00, and related information on the proposed Development Permit amendment by the Morgan Creek Golf Course to install poles and safety netting around the golf driving range (Appendix "F"). The results of the public notification process demonstrated a relatively even distribution between support and opposition to the proposal. After considering the report, Council passed the following motion:

"That Council refer the application back to staff to work with the applicant and representatives of the neighbourhood to develop a compromise solution that would balance the interests of the various parties affected by the decision; and further that staff report back to Council on the varying risk of different height level of netting and poles".

This report provides a summary of the results of the discussions with the applicant, Morgan Creek Holdings Ltd., and opposing neighbourhood representatives, in accordance with the Council resolution noted above. The issue of the varying risk of different levels of netting and poles is also briefly discussed under each option. An evaluation summary is also provided as a basis for the staff recommendation in this report.

## DISCUSSION

The following provides a summary of the meetings and discussions facilitated by City staff with both Morgan Creek Holdings and opposing neighbourhood residents, undertaken in recent weeks:

- **May 3, 2007-** City staff met with representatives of the Morgan Creek Golf Course to discuss Council's direction to find a compromise solution. Morgan Creek Golf Course representatives advise that they are prepared to explore alternatives to reduce the height of the poles and netting provided that:
  - o the ultimate solution enables the driving range to offer a full range of service to the golfing members; and
  - o that Morgan Creek be provided an opportunity to conduct testing to evaluate the effectiveness of lower netting in ensuring public safety;
- **May 4, 2007-** City staff met with neighbourhood representatives (Mr. Ron Hawes and Mr. Gerry McKay) to discuss the consultation process to find a compromise solution. The neighbourhood representatives indicated that:
  - o There remains community concern about the illegality of erecting the poles without approval, and the violation of the approval process;

- o Some residents, including those north of the 17<sup>th</sup> and 18<sup>th</sup> fairways who are immediately affected, could consider the poles and netting on the south side as proposed, provided that the poles and netting are reduced on the north side; and
- o It is incumbent on the Morgan Creek Golf Course to manage the driving range in an appropriate manner to address safety, while being sensitive to aesthetics and the impact on the surrounding community;
- **May 7, 2007-** A joint meeting was held between City staff, representatives of Morgan Creek Golf Course (Wayne Volmer, Bryan McPherson, Dave Durant and Ramona Forest) and a neighbourhood representative (Mr. Ron Hawes). Each side submitted a proposal for their compromise solution (Appendices "A" and "B"), as discussed below. However, a compromise solution acceptable to both sides could not be reached;
- **May 11, 2007-** Three other alternatives for consideration were provided to the City by another neighbourhood representative (Mr. Gerry McKay), and are discussed below (Appendix "C"). Copies of this correspondence were distributed widely to many residents by Mr. McKay. The information was provided to Morgan Creek Golf Course representatives, who subsequently rejected these alternatives; and
- **May 12 to 24, 2007-** On-going individual discussions were held with representatives on both sides in an attempt to find a compromise acceptable to both sides. Based on these discussions, it was confirmed that no further concessions could be provided by either side, and that a mutually agreeable solution could not be negotiated. Therefore, no subsequent joint meetings were held.

## PROPOSALS

### **Morgan Creek Golf Course Compromise Proposal- Testing Phase**

The Morgan Creek Golf Course representatives continue to stress that their major concern is to ensure the proposed driving range enclosure provides safety for the public on the 9<sup>th</sup> and 18<sup>th</sup> holes. Although the original height of 26.5 metres (87 feet) has been recommended by a professional golf range designer, in light of Council's request to seek a compromise, the applicant is prepared to consider a reduction in the height of the netting on the north side of the range, on the following conditions (Appendix "A"):

- Morgan Creek will maintain the pole and netting height on the south side at approximately 26.5 metres (87 feet); poles will remain at the current height on the north side, but Morgan Creek will agree to lower the netting height on the north side to the second wire, which has been calculated to reach a maximum height of approximately 19.2 metres (63 feet), in order to allow a test period for this netting height;

- Morgan Creek will complete testing over a three-month period to evaluate the result on public safety of the reduced netting height on the north side. Methodology for testing, monitoring, and evaluation will be developed, based on input from the City to assess the effectiveness of the netting on ball containment. Options and techniques for management of the range will also be evaluated during this period. Daily reports will be prepared and regular scheduled meetings are proposed with City staff through the testing period, to ensure detailed and objective analysis of the range operation;
- Following the testing phase, Morgan Creek representatives have agreed to either lower the poles to the approved 19.2 metre (63 foot) height, should the testing confirm this to be effective, or pursue another netting height proposal through the appropriate City application process. Financial securities have been submitted for lowering the poles, and a Restrictive Covenant will be required to be registered to secure the appropriate City requirements, following the testing phase;
- Additional modifications to the 18<sup>th</sup> fairway and green to be undertaken to route golfers away from the range.
- Morgan Creek has agreed to testing being conducted by an independent third party, funded by Morgan Creek. Due to sensitivities related to liability and risk, it is recommended that Morgan Creek, rather than the City, be responsible for hiring and managing the consultant, but the City will have the final say on the consultant selection and will be involved throughout the process;
- Upon conclusion of the test period, a final report will be developed and submitted to the City for consideration and approval, and Morgan Creek will be required to either lower the poles or pursue a further Development Permit amendment and Development Variance Permit;
- The opposing residents do not support a testing period as proposed by Morgan Creek Golf Course, even if the testing is undertaken by a third party. The opposing residents' cannot agree to any proposal that retains the poles at their present height. The opposing residents advise that they do not trust that the process will be carried out in a fair way, and Morgan Creek should be managing the range operation more effectively, rather than burdening the surrounding residents with the poles and netting; and
- The risk associated with this option is expected to be low, as the Morgan Creek Golf Course generally endorses this approach, and detailed testing and range management techniques will be conducted to evaluate the issue of risk. The Morgan Creek Golf Course will be required to ensure due care in the operation of the range during the test period.

### **17<sup>th</sup> and 18<sup>th</sup> Fairway Residents Compromise Proposal**

- A compromise solution has been presented by opposing residents along the 17<sup>th</sup> and 18<sup>th</sup> fairways, as follows (Attachment "B"):
  - Reduce the height of the poles and netting on the north side of the range immediately by approximately 9 metres (30 feet), to the second wire (approximately a maximum height of 17 metres (57 feet));
  - Implement the full McBroom design and landscaping solution, as per the proposal; and
  - All landscaping to be completed, as per the McBroom design, by December 31, 2007;
- It is noted that both parties have agreed to use the second guide wire as the maximum height, which was thought to be approximately 17 metres (57 feet) during the consultation process. A detailed assessment conducted by Morgan Creek confirms that, while the majority of the netting panels are in the 18 metre (60 foot) height range, the maximum height is approximately 19.2 metres (63 feet);
- The key difference of this proposal from the Morgan Creek proposal is that, although both parties agree to keeping the south netting as originally proposed, but lowering the north netting to reduce the impact to adjacent residents along the 17<sup>th</sup> and 18<sup>th</sup> fairways, the opposing residents are seeking immediate lowering of the north line poles, and will not support these being retained even through a testing period;
- Morgan Creek Golf Course representatives advise that, while they are open to considering a lowering of the netting to the lowest height possible, they oppose lowering the poles in advance of the required testing in order to avoid unnecessary future costs for re-instating higher poles, if testing shows higher poles are necessary. Morgan Creek advises that it would cost between \$100,000 and \$150,000 to have the higher poles re-installed along the north side if they are found necessary after testing; and
- Similar to the Morgan Creek proposal, the risk associated with this option is expected to be low, as Morgan Creek representatives advise that testing would be undertaken by Morgan Creek at the 19.2 metre (63 foot) height in any event. The Morgan Creek Golf Course will be required to ensure due care to ensure public safety in the operation of the range under this option.

### **Other Opposing Residents Proposals and Submissions**

- A submission from an opponent of the proposal, Mr. Gerry McKay, has been submitted outlining three alternative options for the driving range (Attachment "C"), as follows:
  - Return the driving range to its original size, eliminate the poles and netting entirely, and require Morgan Creek Golf Course to add planting for screening and

safety and undertake proper management of the range; or

- o Retain the existing expanded width, but reduce the poles and netting to 12 metres (40 feet), as permitted in the Zoning By-law; or
- Retain the existing expanded width, but reduce the poles and netting to 12 metres (40 feet) on the north side and 18 metres (60 feet) on the south side;
- Morgan Creek Golf Course has rejected the above options, as they do not address their main concern respecting the need for higher poles and netting in relation to public safety;
- The risk associated with these options is expected to be higher than the previously discussed proposals. Morgan Creek Golf Course will be required to ensure due care to ensure public safety in the operation of the range under any of these options; and
- Additional discussions are also held with Morgan Creek and a concerned resident from the Deer Run strata to address specific concerns from other residents on the views of the driving range from Morgan Creek Way. Further discussions are being held, and possible changes to proposed landscaping are being considered to address these concerns.

## OPTIONS

Based on the discussions mediated by staff with the developer and opposing residents, and the proposals and information submitted by the parties, the following options are available to Council:

### **Option 1 - Approve Original Proposal**

- This option would enable the driving range enclosure to be approved to the originally-proposed height of 26.5 metres (87 feet) on both the north and south sides, and approve the associated landscaping improvements as per the Thomas McBroom Plan.

### **Option 2 - Approve reduced netting height of 19.2 metres (63 feet) on the north side, but retain the existing 26.5 metre (87 foot) pole height in the interim to allow testing**

- This option reflects the proposal presented by the Morgan Creek Golf Course, and would allow a reduction in the height of the netting on the north side to 19.2 metres (63 feet), but retain the poles at their present height (up to 26.5 metres/87 feet) on the condition that independent testing be conducted on the lower netting over the next several months;

- Upon completion of the testing, the applicant would be required to either lower the poles to the 19.2 metre (63 foot) height or initiate subsequent Development Permit and Development Variance Permit approvals to amend the netting height, as necessary, subject to a further public notification and Council approval. Financial securities and an agreement by Restrictive Covenant are required to be secured in this regard; and
- The testing would be undertaken by an independent third party consultant hired and funded by Morgan Creek, but approved by the City, and would be based on detailed testing methodology with input by the City. Upon conclusion of the testing, a final summary report would be provided by the consultant to the City, as a basis for the ultimate reconciliation of the pole and netting height.

**Option 3 - Approve poles and netting to a height of 26.5 metres (87 feet) on the south side and to 19.2 metres (63 feet) on the north side**

- This option reflects the views of immediately affected residents on the 17<sup>th</sup> and 18<sup>th</sup> fairways, and establishes a permanent reduction to the poles and netting on the north side to the second guide wire, or approximately 19.2 metres (63 feet);
- While this option addresses the concerns of immediately-affected residents, it does not address the concern of many other residents, many of whom dispute the process that has been followed by Morgan Creek, to date, and have indicated they will not support the driving range poles and netting in any form. The proposed landscaping would also be undertaken as per the McBroom plan under this option; and
- If it is found after the range is operational that this option does not address the safety concerns of the Golf Course, the Golf Course would incur a cost of between \$100,000 and \$150,000 to re-instate the higher poles. As a result, Morgan Creek Golf Course opposes this option.

**Option 4 - City to retain an independent mediator to develop a compromise solution and provide a final recommendation to Council**

- Under this option, the City could retain a mediator to be funded by the applicant to conduct an independent mediation process in an effort to reach a compromise solution. The mediator would be required to provide a final report to Council;
- Opposing residents indicate that they could support the hiring of an independent third party to mediate a compromise and, if necessary, accept the mediator's final recommendation. However, this option has been explored in detail and is not recommended for the following reasons:
  - o Based on the recent experience by City staff in mediating the two parties in this process, to date, and the numerous individuals involved, the mediation process is likely to be very time consuming, and is unlikely to reach solutions that are substantially better than what has been achieved, to date;

- o There is concern that the City may incur potential liability should it take a greater role and involvement in retaining an independent party to make decisions on the appropriate netting height; and
- o There is concern regarding the lack of clarity on the role and authority of opposition residents in a formal mediation process, given the broad spectrum of views that have been expressed, to date, on this issue and lack of unified mandate from the community at large.

**Option 5 – Defer Council action on Development Permit and Development Variance Permit applications and allow Morgan Creek to complete testing of netting height**

- This option would enable Council to hold the existing applications in abeyance for a period of four months to allow Morgan Creek to proceed with testing and report back to Council. The Development Permit and Development Variance Permit would be dealt with at that time. This would provide a practical and expeditious way of allowing testing to determine what a reasonable netting height should be, without requiring multiple approvals; and
- Although Option 5 is a practical solution, it implies that Council will withhold enforcement of its by-laws and regulations during the four month testing period. This approach may raise an issue of bad faith in light of the history of the site, and the numerous concerns raised in the past about the unauthorized erection of the poles. This option is not recommended, but is available for Council's consideration.

## **EVALUATION OF OPTIONS**

The following key issues have been considered in evaluating the options available to Council in determining a course of action, as noted above:

- Council has indicated in discussion, the need to ensure that the driving range operates safely, and that an important part of a high-quality golf course is a high quality driving range;
- Staff have conducted an intensive consultation and mediation process with the Morgan Creek Golf Course representatives and immediately-affected (17<sup>th</sup> and 18<sup>th</sup> fairway) residents during the past few weeks. This process has resulted in the most directly affected parties accepting a reduction to the north netting to the second guide wire, or to an approximate maximum height of 19.2 metres (63 feet) to mitigate the aesthetic impact to the north. Both parties also support the implementation of the McBroom landscaping plan;
- The key outstanding issue remains the pole heights along the north line of the driving range. Opposing residents specifically want the poles along the north line to be lowered immediately, while Morgan Creek is seeking an opportunity to hold this decision in abeyance pending testing, if future testing demonstrates that higher netting is required, re-installing these poles would cost between \$100,000 and \$150,000. Allowing these poles to remain during the testing phase would avoid this unnecessary



expense; and

- Staff hold the view that further mediation will probably not yield an agreed upon compromise between the parties.

On the basis of these key considerations, staff recommend that Council endorse Option 2, as documented in this report, which allows a reduced netting height of 19.2 metres (63 feet) along the north side, but allows the poles to remain at their present height in order to allow Morgan Creek Golf Course to proceed with a four-month testing phase. Completion of the McBroom landscaping proposal is included as part of this option. The applicant has been required to provide an agreement and securities to ensure that, upon conclusion of the testing phase, the applicant will either lower the poles or pursue further applications through the normal City process.

## CONCLUSION

This report provides a summary of the results of the discussions with the applicant, Morgan Creek Holdings Ltd., and opposing neighbourhood representatives in response to Council's request for a compromise solution on the proposed driving range enclosure in an effort to balance the interests of the various parties. Varying degrees of risk for each option are also discussed.

Based on an evaluation of options and the results of the consultation process, staff recommend that Option 2 be endorsed, which would allow a reduced height of netting along the north side to 19.2 metres (63 feet), and would enable Morgan Creek to conduct testing on this lower height netting over the next 4 months with the existing poles remaining in place. Testing would be conducted by a third party. Upon conclusion of the testing, Morgan Creek would be required to either lower the poles or pursue further applications through the normal City process. Independent mediation by a third party is not recommended.

How Yin Leung  
Acting General Manager  
Planning and Development

RCA/kms/saw

### Attachments:

Appendix "A"- Morgan Creek Golf Course Compromise Proposal

Appendix "B"- Opposing 17<sup>th</sup> Fairway Residents' Compromise Proposal

Appendix "C"- Other Opposing Residents' Submissions

Appendix "D"- Modified Development Variance Permit No. 7904-0104-00 (Testing Phase)

Appendix "E"- Modified Development Permit No. 7906-0104-00 (Testing Phase)

Appendix "F"- Corporate Report No. R093 (without attachments)

## MORGAN CREEK COMPROMISE PROPOSAL

May 3, 2007

### **Meeting with Surrey Planning Department to submit a proposal for a compromise solution to the Safety Range DVP Application.**

Morgan Creek Golf Course needs to install safety netting to operate the driving range and is motivated to come to a mutually agreeable design, which will provide a safe and aesthetically pleasing facility.

Our major concern and motivation for applying for the DVP is the safety for golfers on the 9<sup>th</sup> and 18<sup>th</sup> holes.

### **PREAMBLE**

The minimum standard expressed to us by golf course and range designers is for netting to be 80 feet high on the NORTH side and 90 feet high on the SOUTH side, both netting heights are from the tee deck level. We recognize that every range has a different situation, which will impact the effective height of the netting.

The Morgan Creek DVP has applied for netting at 70 feet above the range tee deck. This reduction from the recommended height is based on the following:

- In addition to netting the range design incorporates a large buffer area separating golf play from the range area. In the buffer we have extensive treescaping providing additional protection, long rough, and sand traps discouraging golfers from playing their golf ball from this area.
- Locating the tee playing area to the center of the range, which decreases the incidence of balls landing on the # 18 fairway.
- Testing by staff and members over the last year indicate that a 70 foot net height will provide an adequate level of protection.

We have been approached by the opposing residents along the 17<sup>th</sup> fairway to consider a proposal to reduce the height of the netting on the NORTH side of the range to the second wire height - a height of approximately 50 feet above tee deck height. We are confident that a net height of 70 feet will provide adequate coverage based on the design proposed and would be supportive of a shorter net height if we could be assured that the risk of balls landing on the fairway portion of the # 18 hole is minimized. We have no experience or consultative evidence to support a reduced net height as suggested. In our discussions with Councillors and as expressed by Council at the meeting on April 30, 2007, Council members stated that safety is important and that safety is not to be compromised. The Councillors also requested that we work towards a safe compromise and to expedite the process. Given Councils comments and concerns we propose the following:

**1. Morgan Creek will agree to lower the height of the nets to the existing 2<sup>nd</sup> wire (approx. 50' from tee deck level) on the NORTH side of the range and maintain the height of the netting on the SOUTH side at 70'.**

**2. Set a three-month testing period to establish the impact of a 50-foot net height on the North side. The North Side poles to remain at the existing 70' height during this testing period.**

In order to provide Morgan Creek and Council with empirical evidence that the reduced netting height is sufficient we require this testing period. (Councillor Bob Bose suggested this step in the process to Councillor Mary Martin in a meeting on April 30, 2007. Also Councillor Tom Gill requested evidence in the change in risk from lowering the netting from 70 to 50 feet). We agree that a process of testing the proposed net height will allow all of us to better understand the effectiveness of the proposal

**3. Morgan Creek will compile a daily report** to be submitted to the Planning Department on the number of and location of range balls landing on the #18 fairway. The details and the method of reporting the testing process to be approved by Surrey Planning.

**4. In addition the Golf Course will test various management practices and measure the impact on range ball locations** during this test period. – i.e. left handed golfers to use south side of range, ladies Seniors and lessons on the North side.

**5. Morgan Creek will report and meet with planning on a regular basis throughout the testing period and endeavour complete the testing in a short of time as possible.**

Our objectives are:

1. Provide Safety for the 40,000 + annual golfers playing # 9 and #18 fairway.
2. Provide an aesthetically acceptable view of the range facility for the residents' located along the 17<sup>th</sup> fairway.
3. Complete this process in an efficient and expeditious manner.

Thank you for your time to consider the Morgan Creek Golf Course Range Safety Netting Proposal.

## **Morgan Creek Driving Range Range Ball Testing Parameters**

### **OBJECTIVE:**

To test and report on range ball flight and landing areas along the # 18 hole at Morgan Creek Golf Course.

### **COMMITTEE:**

Testing of ball flight and landing information will be undertaken by Morgan Creek staff. A committee consisting of Morgan Creek staff, Morgan Creek membership, the NO delegation and Surrey Planning will review the results of the testing.

### **REPORTING:**

- Morgan Creek will prepare a report twice a month reporting on test results.
- Reports will be issued to the committee for review and comments.
- Monthly meetings will be held with the Committee to provide an update on the progress of the testing and to obtain input on additional testing and management techniques.
- It is anticipated that testing will start on June 1<sup>st</sup> and be completed on or before August 31<sup>st</sup>, 2007. At the conclusion of testing, a final report will be provided with any recommendations.

### **TESTING PROCEDURES:**

Testing of range operations will evolve through out the testing period but will initially consist of:

1. An allotted test period. i.e. 7:00 am to 10:00am or 11:00am to 2:00pm or the hour before a shotgun tournament. The testing period selected will correspond to range peak usage allowing efficient measure of ball flight when all of the range is being utilized.
2. Testing will track ball flight over the nets denoted by pole location and associate this flight to ball landing location. This mapping of ball flight will be reported on for each test period chosen.
3. Based on testing results we will introduce various tee management techniques and measure the impact on ball flight. i.e. Ladies and seniors on the left side only etc.

4. During the test period additional data will be collected and reported on. Additional data could include but is not limited to: weather, wind direction, number of balls issued, customer makeup etc.
5. Testing teams will consist of two staff. Testing will consist of observation and recording of results. Staff will be in communication at all times by radio. Staff located on the range tee deck will track balls leaving the range area and have the final landing area reported by the spotter on the # 18 fairway. Balls landing in the buffer area and fairway will be separately noted with emphasis on reporting balls landing on the fairway area.
6. Balls landing on the #18 fairway during non testing periods will be picked and recorded for general information.
7. PGA staff, teaching lessons, will report their observations of balls clearing the netting if any.
8. Committee members will be encouraged to participate in or observe testing procedures

**OPPOSING RESIDENTS COMPROMISE PROPOSAL**

May 7, 2007

**MORGAN CREEK POLE AND NETTING COMPROMISE**

Approve DP and DVP subject to the following:

1. Reduce height of the poles on North side of range immediately by 30 feet.
2. Implement full McBroom design and landscaping solution per his proposal.
3. All landscaping to be completed per McBroom design by Dec. 31, 2007.

Signed:                      Ron Hawes \_\_\_\_\_

Morgan Creek Holdings Inc. \_\_\_\_\_

Witness                      \_\_\_\_\_



May 7<sup>th</sup>, 2007

Planning Department  
City of Surrey  
14245 56<sup>th</sup> Ave.  
Surrey, BC V3X 3A2

Morgan Creek Golf Course's proposed compromise is not a compromise but simply a request to have their illegal construction approved in two stages:

1. 87 foot poles & netting on the south side and 87 foot poles and 50 foot netting on the north side immediately.
2. An additional 37 feet of netting on the north side after their self testing and reporting shows the need for higher nets.

Morgan Creek has no interest in showing that 50 foot poles and netting will work because:

1. It will show that their illegal construction was unnecessary.
2. The eyesore in the community was unnecessary.
3. The division in our once harmonious community was unnecessary.
4. The trouble they have put members, Planning and Council to was unnecessary.
5. Their safety claims were without foundation.
6. It would also show that the 87 foot poles and netting on the south side were unnecessary.
7. It would show that the expensive Thomas McBroom design and planting was unnecessary.

We do not believe that Morgan Creek Management is prepared to allow this to happen.

We have had a 10 year unbiased test period without any poles or netting or driving range management. The results over this 10 year period as reported by Morgan Creek Management are 3 people have been hit and none seriously. This proves that Thomas McBroom's original design was safe.

On the other hand, on a *daily basis* we have balls:

1. Landing on adjoining fairways occupied by other golfers,
2. Landing in back yards and striking homes
3. Landing on adjacent roads including Morgan Creek Way, Canterbury, 164<sup>th</sup> Ave and the very busy truck route of 32<sup>nd</sup> Ave.

Our suggested compromise is based on the following observations:

1. Morgan Creek supporters want the driving range returned to regular use, but Morgan Creek Management has told them it will not be returned without the poles and netting.
2. The McBroom Design has substantially removed the view of the poles and netting from most vistas outside the golf course property. The exception and most effected are the residents along the 17<sup>th</sup> and 18<sup>th</sup> fairways. As shown in the attached photo, the 27 foot evergreens Thomas McBroom has suggested be planted between the 17<sup>th</sup> and 18<sup>th</sup> fairways leave the top 30 feet of the poles and nets clearly visible to those affected residents.

Our suggested compromise is as follows:

1. Grant Morgan Creek DP and DVP complete with Thomas McBroom landscape design,
2. Immediately reduce the height of the poles and netting on the north side by 30 feet.

Morgan Creek Golf Club can then manage any perceived liability using all or any one of the many driving range management techniques previously mentioned as they do in all other aspects of their business. (Drinking and driving for example).

Advantages of our compromise:

1. Gives Morgan Creek Golf Club 90% of what they request and 110% of what they need.
2. Brings to an end the thousands of hours of wasted time and energy spent by:
  - a. Morgan Creek residents on both sides of the campaign issue
  - b. The Planning Department
  - c. The Mayor and Councilors



3. Stops another five months of frustration and turmoil as Morgan Creek proceeds with their requested test period.

4. Meets Councils request for a speedy compromise.

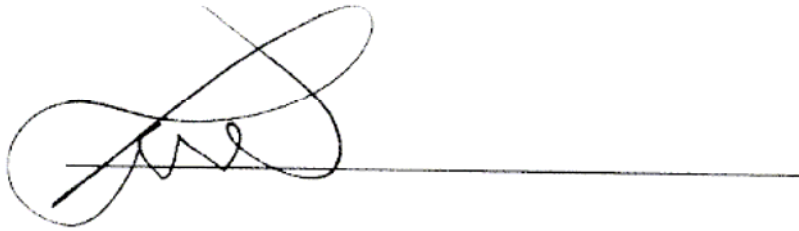
5. Although the residents of the 17<sup>th</sup> and 18<sup>th</sup> fairways lose their panoramic vista with the planting of a tall hedge between the 17<sup>th</sup> and 18<sup>th</sup> fairways it puts them on an equal footing with all the other residents who do not have to view the poles and netting from their homes on a daily basis.

6. May allow Morgan Creek to attempt to return to the harmonious community we enjoyed for the first 10 years.

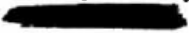
It is time for Morgan Creek Golf Course to accept their victory and take some responsibility for the resolution of their self created problem by managing the driving range, instead of asking the residents to bear the entire burden of their unrequested and illegal actions.

We hope that Morgan Creek Golf Course will see the wisdom of our request and will agree to our modest compromise.

Ron Hawes

A handwritten signature in black ink, appearing to read 'Ron Hawes', is written over a horizontal line. The signature is stylized and cursive.

**MORGAN CREEK COMPROMISE OPTIONS**

**Submitted by: Gerry McKay**  


**May 3, 2007**

**Background:**

Over the last 15 months the residents of Morgan Creek have endured a very awkward and divisive period in our community.

This has been caused by:

- Morgan Creek's inappropriate action in erecting 90 foot poles in the middle of our community,
- Morgan Creek's "NO COMPROMISE" attitude to both the residents of Morgan Creek and the City of Surrey in arriving at an agreeable solution to their self created problem.

This situation has been further aggravated by their repeatedly telling the golfers *"If Morgan Creek's DVP application is not approved, the driving range will be closed"*.

Ron Hawes has approached Morgan Creek repeatedly over the past year with various compromise alternatives that would substantially meet the needs of both the golfers and the residents, but Morgan Creek has refused to compromise.

Most golf club members have been supportive of the compromises discussed, but have been coerced into supporting Morgan Creek's Pole and Netting proposal at the risk of driving range "closure" for non support. This has been very divisive and upsetting amongst the membership.

*We are pleased that Council has considered the report from their Planning Department and clearly stated that COMPROMISE is the only solution they will endorse.*

**Our Challenge:**

When presenting "Compromise Options" we are faced with the challenge of providing fair representation to all members of the community.

The constituent groups whose interests we must recognize are as follows:

**1. Illegal Actions Opponents:**

The majority of residents, both those "FOR" and those "AGAINST" the poles are upset at the arrogant and irresponsible behavior of Morgan Creek Developments Inc. by not following the City of Surrey DP and DVP process.

**2. Golfers/Members:**

They have been intimidated and coerced into supporting the Poles just to keep the practice facility they were promised, that they currently pay for, and that operated well for 10 years.

**3. Homeowners Facing Range:**

They are frustrated with the obvious eyesore in their back yards, and the devaluation of their "view lot" properties.

It is with consideration for all parties' perspectives that we have discussed the situation and present the following alternatives for your consideration.

**Our Compromise Considerations:**

We preface our compromise alternatives with the following recognition of Tom McBroom's comments:

- "McBroom's original course design did not have a driving range because there was inadequate space.
- As a courtesy, he designed in a warm up/practice facility that met the needs of the golfers and complimented the esthetics of the upscale golf course and residential neighborhood that Morgan Creek was portrayed to be.
- The design was appropriate for the limited amount of space available"

Due to this limited space and the location in the community, creative compromise must occur to allow all parties to now be "reasonably" mutually satisfied.

**Our compromises fall under 2 categories which are interrelated:**

**A. Range Management:**

This involves managing the usage of clubs and distances so as to compliment the golf traffic in the area and the Range Containment option selected.

If Morgan Creek refuses to "manage" their range, they are being completely irresponsible.

If they do "manage" their range, containment concerns are significantly reduced.

**B. Range Containment:**

Any range must have appropriate design and buffering for reasonable safety.

***Reasonable containment and responsible management go hand in hand for safety.***

### **A. Range Management Techniques:**

All golf courses have to use common sense in the management of all departments of their facility such as:

- the serving of alcohol and the subsequent safety of the patrons
- the use of golf power carts and possible safety issues
- Safety while playing on the course and for residents adjacent to the course
- Usage of the driving range

We have offered up many commonly used alternatives on the "Management Technique" side of this driving range issue, and have been rebuffed at every attempt.

Here are some examples used by golf courses around the world to manage their ranges:

- Limit the distance players can hit balls depending on range setup and course traffic and player competence... such as done at Capilano and Marine Drive.
- Supervise the range from the Pro Shop vantage point, the Bag Shop and the range attendants who are continuously on the range.
- Arrange the tee boxes so as to direct shots to the centre of the range
- Implement the McBroom "target" design to attract shots to the centre of the range.
- Restrict clubs hit on certain portions of the driving range as Capilano restricts the upper level to irons or Vancouver Club also does on it's southern half of the range.
- Prohibit irresponsible driving of balls as done by Marine drive and Vancouver Club.
- Consider use of restricted flight balls as done at Capilano, Seymour, Beach Grove and Kapalua Bay.

**B. Range Containment Options:**

**Option 1. Return the Range to its Original Size :**

- 45 yards wide
- Add proper planting as necessary for screening and safety
- Use simple Range Management practices as the situation dictates....until the trees reach heights shown in Morgan Creek's photos 2007-2012-2017.

**Advantages:**

- This would return Morgan Creek to the original pristine condition that formed the basis for our home purchases.
- Save Morgan Creek the additional McBroom landscape expenses.
- Saves the expense of poles and netting.
- Satisfies the needs of *both the golfers and the residents.*
- Remains in compliance with OCP and DP.
- Allows the immediate reopening of the range and fulfills the wishes of most of the Morgan Creek supporters.
- Maintains an "environmentally friendly" area with open pathways for wildlife.

**Option 2. Keep Range at Current Expanded 85 yard Width:**

- Lower teeing area 6 feet for added safety (similar to McBroom plan).
- Reduce poles to 40 feet around range.
- Partially utilize McBroom professional landscaping and design solution on range and fairways as required by lower poles.
- Manage range usage for golf club selection based upon tee box location and course traffic conditions.

**Advantages:**

- Substantially removes the eyesore from the sky in all of our community.
- It fits within the existing DP height.
- Reduces Morgan Creek's landscaping and netting costs.
- Allows immediate reopening of range for Morgan Creek and members.



**Option 3. Keep Range at Expanded 85 yard width:**

- Lower teeing area 6 feet for added safety (similar to McBroom plan).
- Poles at 40 ' on North side
- Poles at 60 ' on South side
- Full McBroom Berming, planting, and range design plan.
- Range Management as dictated by range setup and course playing conditions.

**Advantages:**

- Somewhat removes "eyesore" from the sky
- Allows McBroom professional design to work immediately
- Helps correct Morgan Creek's ill conceived intrusion into McBroom's original professionally designed safety zone.
- Range management per range and golf course conditions.
- Allows the reopening of the range as requested by Morgan Creek supporters.

**Disadvantages:**

- This Option does not satisfy all the residents who are upset over Morgan Creek's illegal actions and subsequent lack of "consequences" to Morgan Creek Holdings Inc.
- This solution violates the OCP and DP that we all relied on when we made our lot and home purchases in Morgan Creek.
- This option substantially disregards Planning's recommendations.

**Summary:**

- We are all concerned about any practice facility having a reasonable level of safety.
- We neither want to injure someone nor do we want anyone to be injured.
- Common sense management and compromise is all that is required to achieve all parties' interests.
- We are hopeful that Morgan Creek Holdings Inc. can move significantly off their uncompromising position and give sincere consideration to the feelings of the residents and golfers.

CITY OF SURREY

(the "City")

**DEVELOPMENT VARIANCE PERMIT**

NO. 7906-0104-00

Issued To: MORGAN CREEK HOLDINGS INC.

(the "Owner")

Address of Owner: 1180 - 1333 West Broadway  
Vancouver, BC V6H 4C1

1. This development variance permit is issued subject to compliance by the Owner with all statutes, by-laws, orders, regulations or agreements, except as specifically varied by this development variance permit.
2. This development variance permit applies to that real property including land with or without improvements located within the City of Surrey, with the legal description and civic address as follows:

Parcel Identifier: 019-199-597

Lot 1, Except Portions in Plans LMP34571, LMP42205, LMP42537, LMP51807  
Sections 25 and 26 Township 1 New Westminster District Plan LMP21759

3500 Morgan Creek Way

(the "Land")

3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:
  - (a) In Section G.1 of the CD By-law (No. 13614) the maximum height of a structure is increased for poles and netting from 12 metres (40 feet) to 26.5 metres (87 feet); and
  - (b) Notwithstanding the above, the maximum height of the netting on the north side shall not exceed 19.2 metres (63 feet.)
4. A condition of this development variance permit is that the Land be developed in accordance with Development Permit No. 7906-0104-00, which requires that prior to the issuance of a building permit for this development, a Section 219 Restrictive Covenant is required to be registered on the land to ensure final resolution of pole heights upon conclusion of adequate testing.

5. The Land shall be developed strictly in accordance with the terms and conditions and provisions of this development variance permit.
6. This development variance permit shall lapse if the Owner does not substantially start any construction with respect to which this development variance permit is issued, within two (2) years after the date this development variance permit is issued.
7. The terms of this development variance permit or any amendment to it, are binding on all persons who acquire an interest in the Land.
8. This development variance permit is not a building permit.

AUTHORIZING RESOLUTION PASSED BY THE COUNCIL, THE      DAY OF      , 2007.  
ISSUED THIS      DAY OF      , 2007.

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Mayor - Dianne L. Watts

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City Clerk - Margaret Jones

CITY OF SURREY

(the "City")

**DEVELOPMENT PERMIT**

NO. 7906-0104-00

Issued To: MORGAN CREEK HOLDINGS INC.

(the "Owner")

Address of Owner: 1180 - 1333 West Broadway  
Vancouver, BC V6H 4C1

1. This development permit is issued subject to compliance by the Owner with all statutes, by-laws, orders, regulations or agreements, except as specifically varied by this development permit.
2. This development permit applies to that real property including land with or without improvements located within the City of Surrey, with the legal description and civic address as follows:

Parcel Identifier: 019-199-597

Lot 1, Except Portions in Plans LMP34571, LMP42205, LMP42537, LMP51807  
Sections 25 and 26 Township 1 New Westminster District Plan LMP21759

3500 Morgan Creek Way

(the "Land")

3. This development permit applies to only that that portion of the buildings and structures on the Land shown on Schedule A which is attached hereto and forms part of this development permit.
4. The Land has been designated as a Development Permit Area in Surrey Official Community Plan, 1996, No. 12900, as amended.
5. The character of the development including landscaping and the siting, form, exterior design and finish of buildings and structures shall be in accordance with the drawings numbered 7906-0104-00(A) through to and including 7906-0104-00(C) (the "Drawings") which are attached hereto and form part of this development permit.
6. No lighting for the purpose of night time operation of the driving range is to be allowed.

Minor changes to the Drawings that do not affect the general form and character of the landscaping and the siting, form, exterior design and finish of buildings and structures on the Land, may be permitted subject to the approval of the City.

7. (a) The landscaping shall conform to drawings numbered 7906-0104-01(A) through to and including 7906-0104-01(B) (the "Landscaping").
- (b) The Landscaping shall be completed within six (6) months after the date of the final inspection of the buildings and structures referred to in the Drawings.
- (c) Prior to the issuance of the building permit for this development, security is to be submitted to ensure satisfactory completion of the Landscaping. The security for the Landscaping is to be submitted as follows:

An Irrevocable Letter of Credit, in a form acceptable to the City, in the amount of \$167,981.00

(the "Security")

- (d)
  - i. When the Landscaping is substantially complete as determined by the City, without the City having to use the Security, 90% of the original Security will be returned. When the Landscaping receives final approval by the City, not earlier than twelve (12) months after the date of substantial completion of the Landscaping, 10% of the original Security will be returned.
  - ii. If final approval of the Landscaping is not given by the City, the City has the option of using the Security to complete the Landscaping and any remaining money shall be returned. The Owner hereby authorizes the City or its agents to enter upon the Land to complete the Landscaping.
  - iii. If the City elects not to enter upon the Land to complete the Landscaping and the Owner does not complete the Landscaping, the Security is forfeited to the City five (5) years after the date of the provisional or final inspection of the buildings and structures referred to in the Drawings.
8. (a) Prior to the issuance of the building permit for this development, a Section 219 Restrictive Covenant is required to be registered on the Land and additional security is also to be submitted to ensure future resolution of pole heights upon conclusion of adequate testing. The security for these works is to be submitted as follows:

An Irrevocable Letter of Credit, in a form acceptable to the City, in the amount of \$1,200.00

(the "Security")

- (b)
  - (i) When the testing period is complete, to the satisfaction of the City, and the works, if any, have been completed in accordance with the results of the testing process, 100% of the original Security will be returned.
  - (ii) The City has the option of using the Security to complete any outstanding works related to the pole and netting structure, to bring this structure into

conformance with this Development Permit and the results of the testing period. Any remaining monies shall be returned. The Owner hereby authorizes the City or its agents to enter upon the land to complete these works.

(iii) If the city elects not to enter upon the Land to complete the works, and the owner does not complete the works, the Security is forfeited to the City five (5) years after the date of the provisional or final inspection of the structures referred to in the Drawings.

9. This development permit supplements Development Permit No. 6792-0106-00.
10. The Land shall be developed strictly in accordance with the terms and conditions and provisions of this development permit.
11. This development permit shall lapse if the Owner does not substantially start any construction with respect to which this development permit is issued, within two (2) years after the date this development permit is issued.
12. The terms of this development permit or any amendment to it, are binding on all persons who acquire an interest in the Land.
13. This development permit is not a building permit.

AUTHORIZING RESOLUTION PASSED BY THE COUNCIL, THE DAY OF , 20 .  
ISSUED THIS DAY OF , 20 .

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Mayor - Dianne L. Watts

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City Clerk - Margaret Jones

IN CONSIDERATION OF COUNCIL'S APPROVAL OF THIS DEVELOPMENT PERMIT AND OTHER GOOD AND VALUABLE CONSIDERATION, I/WE THE UNDERSIGNED AGREED TO THE TERMS AND CONDITIONS OF THIS DEVELOPMENT PERMIT AND ACKNOWLEDGE THAT WE HAVE READ AND UNDERSTOOD IT.

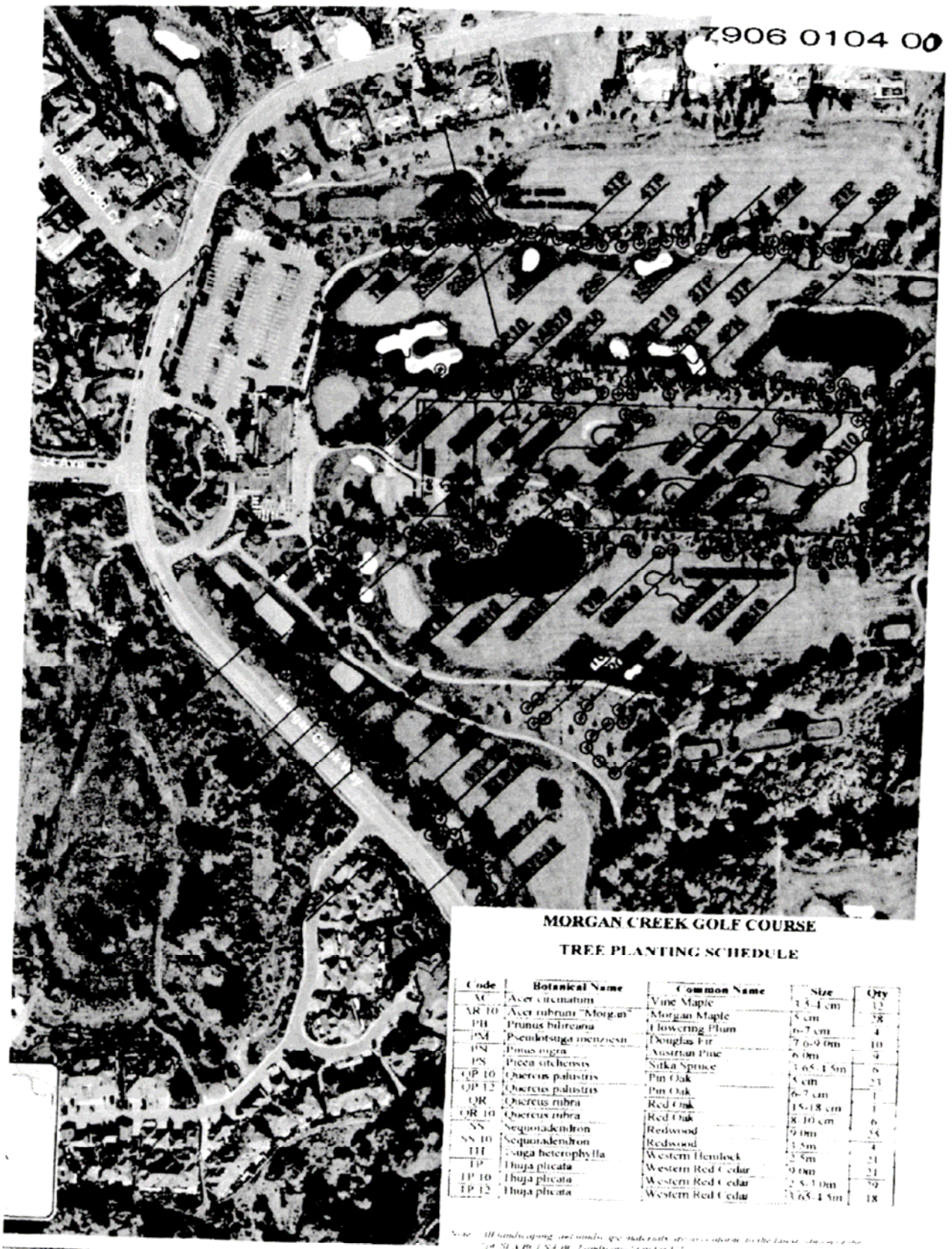
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Authorized Agent: (Signature)

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Name: (Please Print)



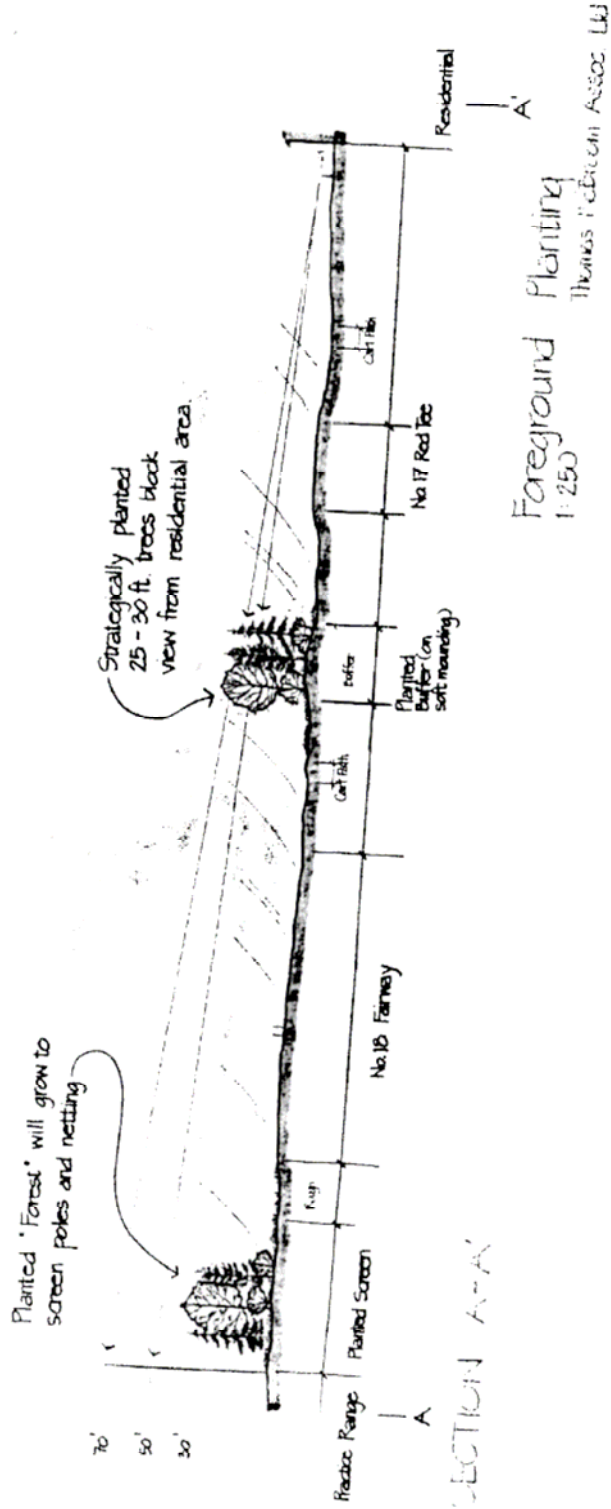


**MORGAN CREEK GOLF COURSE  
TREE PLANTING SCHEDULE**

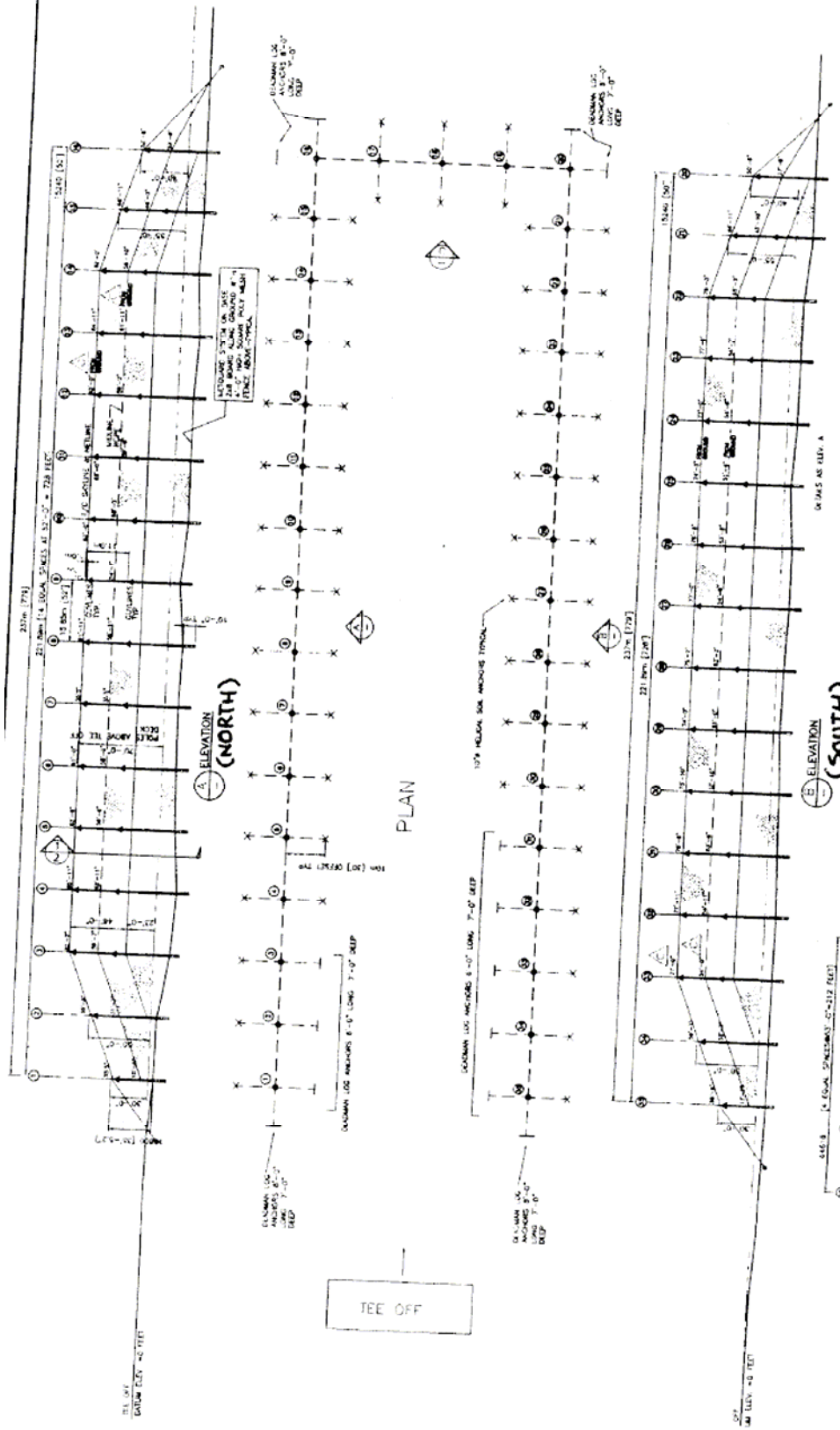
Code	Botanical Name	Common Name	Size	Qty
AC	<i>Acer circinatum</i>	Vine Maple	1.5-4 cm	12
AR 10	<i>Acer rubrum</i> "Morgan"	Morgan Maple	5 cm	28
PII	<i>Prunus bilreana</i>	Flowering Plum	6-7 cm	4
PM	<i>Pseudotsuga menziesii</i>	Douglas Fir	7.6-9.0m	10
PSI	<i>Pinus nigra</i>	Austrlian Pine	6.0m	9
PS	<i>Picea sitchensis</i>	Sitka Spruce	3.65-4.5m	6
OP 10	<i>Quercus palustris</i>	Pin Oak	5 cm	23
OP 12	<i>Quercus palustris</i>	Pin Oak	6-7 cm	1
OR	<i>Quercus rubra</i>	Red Oak	15-18 cm	1
OR 10	<i>Quercus rubra</i>	Red Oak	8-10 cm	6
SS	<i>Sequoiadendron</i>	Redwood	9.0m	4
SS 10	<i>Sequoiadendron</i>	Redwood	3.5m	4
TH	<i>Tsuga heterophylla</i>	Western Hemlock	2.5m	21
TP	<i>Thuja plicata</i>	Western Red Cedar	9.0m	21
TP 10	<i>Thuja plicata</i>	Western Red Cedar	2.5-3.0m	29
TP 12	<i>Thuja plicata</i>	Western Red Cedar	3.65-4.5m	18

*Note: All landscaping and plants are indicated by their code in the plan. The code is the same as the code in the "Landscaping Schedule".*



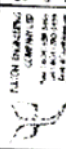


BH



REVISIONS

NO.	DATE	BY	REVISIONS
1	02-05-14	AT	H
2	02-22-14	WAB	G
3	02-15-14	AT	F



DATE: 05/18/2005  
 PROJECT: MORGAN CREEK  
 DRAWN BY: J. FULTON  
 CHECKED BY: J. FULTON

SCALE: AS SHOWN  
 SHEET NO. 1300

MORGAN CREEK  
 PROJECT NO. 1300  
 MORGAN CREEK DRIVING RANGE  
 CITY OF SURREY

PLANS ELEVATION VIEWS  
 SHEET NO. 1300-01



# Corporate Report

**NO: R093**

**COUNCIL DATE: April 30, 2007**

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## REGULAR COUNCIL

**TO: Mayor & Council** **DATE: May 24, 2007**  
**FROM: Acting General Manager, Planning and Development** **FILE: 7906-0104-00**  
**SUBJECT: Morgan Creek Golf Course Driving Range- Proposed Poles and Safety Netting  
Development Permit and Development Variance Permit No. 7906-0104-00  
(3500 Morgan Creek Way)**

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## RECOMMENDATION

It is recommended that Council receive this report as information.

## INTENT

The purpose of this report is to provide Council with the results of the public notification process for Development Variance Permit No. 7906-0104-00 and related information on the proposal by the Morgan Creek Golf Course to install poles and safety netting around the existing golf driving range, to assist Council in consideration for final approval of the proposed Development Variance Permit and Development Permit amendment.

## BACKGROUND

At the Regular Council- Land Use meeting of April 2, 2007, Council considered Development Permit ("DP") (No. 7906-0104-00) and Development Variance Permit ("DVP") (No. 7906-0104-00) applications by Morgan Creek Holdings Ltd., to install poles and safety netting around the existing golf driving range on the Morgan Creek Golf Course. A DVP is required to increase the maximum permitted height of a structure from 12 metres (40 feet) to 26.5 metres (87 feet), to allow the proposed driving range enclosure. A DP is required to amend the existing DP (No. 6792-0106-00), which governs the Morgan Creek Golf Course site.

The April 2, 2007, Planning Report (Attachment "A") submitted by staff recommended that the applications be denied. However, after considering the matter, Council approved the following recommendations:

1. *Approve Development Variance Permit No. 7906-0104-00 varying Section G.1 of the CD By-law (No. 13614) to allow the maximum height of a structure to be increased from 12 metres (40 feet) to 26.5 metres (87 feet), to proceed to public notification; and*
2. *Authorize that the notification boundary be extended from adjacent property owners to property owners within 100 metres of the proposed development.*

This report provides a summary of the results of the recent public notification process in accordance with the recommendations noted above.

## DISCUSSION

Notices of the proposed DVP were mailed to all households within the 100 metre (300 foot) public notification area by the City Clerk, on April 4, 2007. The public notification letter indicated that concerns or comments should be submitted to the City, no later than April 16, 2007. The following is a summary of the responses received by the City on or before April 16, 2007. Attachment "B" illustrates the notification boundaries.

- ***Responses Within the 100 metre notification area*** - 453 responses were received from within the 100 metre public notification area. 199 responses (44%) have indicated support for the proposal; 188 responses (42%) have indicated opposition to the proposal, and 66 responses (14%) from 33 respondents have indicated both support and opposition to the proposal;
- ***Responses Within the "Morgan Creek area (including the 100 metre notification area)"*** - The "Morgan Creek area" is defined as the area bounded by 156 Street, 40 Avenue, 32 Avenue and the agricultural area to the north and east. The majority of this area has been developed by Morgan Creek Holdings during the past several years. 747 responses were received from the "Morgan Creek area". 343 responses (46%) within this area have indicated support for the proposal; 314 responses (42%) have indicated opposition to the proposal. It is also noted that 90 responses (12%) received from 45 respondents in this area have indicated both support and opposition to the proposal;
- ***Responses from Outside of the "Morgan Creek area"*** - 94 responses were received from residents outside of the "Morgan Creek area". 82 responses (87%) have indicated support for the proposal; 12 responses (13%) have indicated opposition to the proposal;

- **Responses with no Addresses** - 112 responses were received that included no address. One response (1%) indicated support for the proposal. 111 responses (99%) indicated opposition to the proposal;
- **Total Responses** - In total, 953 responses were received during the two week public notification period, from April 4, 2007 to April 16, 2007. Approximately 426 responses (45%) indicated support for the proposal. Approximately 437 responses (46%) indicated opposition to the proposal. The remaining 90 responses (9%) were from 45 respondents who have indicated support and opposition to the proposal.

The responses are summarized in the table below:

Area Responses	Within Notification Area (100 metres)	Within "Morgan Creek area" (includes 100m notification area) A	Outside "Morgan Creek Area" B	Non- Addressed Responses C	Total Responses A+B+C
Support	199 (44%)	343 (46%)	82 (87%)	1 (1%)	<b>426 (45%)</b>
Oppose	188 (42%)	314 (42%)	12 (13%)	111 (99%)	<b>437 (46%)</b>
Indicated both Support & Oppose	66*(14%)	90**(12%)	0	0	<b>90 (9%)</b>
<b>Total Responses</b>	<b>453</b>	<b>747</b>	<b>94</b>	<b>112</b>	<b>953</b>

\*The 66 responses (33 support and 33 oppose) were from 33 respondents

\*\*The 90 responses (45 support and 45 oppose) were from 45 respondents

The overall results of the public notification process undertaken from April 3, 2007 to April 16, 2007, demonstrate an even distribution between support and opposition to the proposal. This even distribution is also reflected in both the area within the 100 metre notification area, as well as the "Morgan Creek area".

Some residents have suggested that a compromise solution may be possible to address the residents' concerns, by reducing the pole heights and implementing a very aggressive berming and tree planting program. Staff have discussed this option with Morgan Creek Holdings, and they advise that such a compromise is not possible, as the proposed pole height (26.5 metres/87 feet) has been reduced to the lowest possible point and the proposal meets the minimum requirements necessary for their needs.

The issue of the colour of the poles has also been discussed. It has been suggested that the poles may be painted green to improve the aesthetics of the enclosure. However, Morgan Creek has advised that the pole colour is determined during the manufacturing process and cannot be altered unless the erected poles are replaced.

Should Council wish to approve DP No. 7906-0104-00 and DV Permit No. 7906-0104-00, it is in order for Council to pass the following motion:

1. *Council approve the attached Development Permit (Attachment "C"), authorize the Mayor and Clerk to sign the Development Permit and authorize the transfer of the Permit to the heirs, administrators, executors, successors and assigns of the title of the land within the terms of the Permit; and*
2. *Council approve and issue the attached Development Variance Permit (Attachment "D")."*

*Original signed by*

How Yin Leung  
Acting General Manager  
Planning and Development Department

RCA/NL/saw

Attachments:

Attachment "A"- April 2, 2007 Planning Report (without attachments)

Attachment "B"- Public Notification Boundary

Attachment "C"- Development Permit No. 7906-0104-00

Attachment "D"- Development Variance Permit No. 7906-0104-00