

Minutes of a Public Hearing in regards to By-law No 937/11, held in the Clearwater County Council Chambers on August 23, 2011.

The Public Hearing was called to order at 1:14 P.M. with the following being Present:

Reeve:	Pat Alexander
Councillors:	Bob Bryant
	Case Korver
	Dick Wymenga
	Jim Duncan
	John Vandermeer
Municipal Manager:	Ron Leaf
Recording Secretary:	Christine Heggart
Development Officer:	Keith McCrae
Development Officer:	Marilyn Sanders
Mountaineer:	Jessica Jones
	Walter Atchison
	Phyllis McNutt
	Donna Watson
	Marilyn Christiansen
	David Watson
	Brian Donnelly
	Kathryn Dewling
	Wayne Dahl
	Bill Minnes
	Sharon Rubeling
	Glen McCrae
	John Allan
	Daryl Wylie
	Carla Dayman
	Brad Misner
	Chris Gilbertson
	Fred Nash
	Pauline Calvert
	Jennifer Thiessen
	Heather Morgan
	Ken Qually
	Elaine Thronberg
	Reg Kyncl
	Roy Henrie
	May Dahl
	Mike Head
	David Christiansen
	Anita Bauer
	Daron Bauer
	Travis McIntyre
	Phyllis Loewen
	Dennis Koss
	Bill Symko
	Lawrence Stewart
	Kyle Tisdale
	Tom Tisdale
	Dale Clearwater
	Barb Donnelly
	Gale Gale
	Heather Gibson
	Sharon Kyncl
	Rob Dewling
	Doug Dahl
	Kristen Tetley
	Carol Henrie
	Vic Maxwell
	Ray Borley
	H Wylhueizen
	Troy Speight

Gary West  
Merv Pidherney  
Gerald Carson  
Wendy McKenzie  
Peter Prystay  
Launa Gordon  
Neil Ratcliffe  
Nathan Klosse  
Erik Hansen  
Kimberly Jakowski  
Eric Peats  
Darrell Philip  
Rick Emmons  
Frank McBride  
Kim Nielsen

Reeve Alexander outlined the process to be used for the Public Hearing.

Keith McCrae summarized the application regarding the subject quarter section, which is located approximately 2.5 miles south of the Town of Rocky Mountain House. Three numbered companies, 490363 Alberta Ltd. represented by Daron Bauer, 496000 Alberta Ltd. and 1307594 Alberta Ltd. presently hold joint title to the balance of the NE 33-38-07-W5 containing  $\pm 152.42$ . The subject quarter section is bound on the east and partially on the north by the Everdell Road. The subject property is located  $\frac{1}{2}$  mile south of the intersection of SH 752 and the Everdell Road.

Mr. McCrae noted Council's first reading of Bylaw 937/11 to redesignate the subject 152.42 acres from the Agriculture District "A" to the Residential Estate District "RE" for the purpose of creating a multi-parcel country residential subdivision, referred to as "Meadow Ponds Estates" was on February 8, 2011. Upon granting first reading Council advised the applicants that prior to scheduling a Public Hearing and giving consideration to second and third reading to By-law 937/11, they require an Outline Plan.

Bill Minnes of Bradwill Consultants prepared an Outline Plan (draft) for the subject property according to the "Terms of Reference" approved by Council. At their meeting of July 26, 2011, Council accepted the draft outline plan in principle and agreed to proceed to a public hearing.

Mr. McCrae summarized the proposed development according to the concept plan which includes the creation of 54 residential parcels and noted one access and a secondary gated access for use in emergencies, should Everdell Road be realigned. Mr. McCrae further noted the existing water supply was tested and documented to serve up to 78 residential parcels.

Mr. McCrae further noted the developer is required to construct communal water system and wastewater system at their cost and once built and proven functions properly, the County would take over the maintenance and operation.

Mr. McCrae noted an Environmental Reserve (ER) and Municipal Reserve (MR) as well as a tributary of Prairie Creek running through the subject property and that storm water management ponds are proposed as part of the Outline Plan.

Mr. McCrae reviewed sections of the MDP applicable to the proposed development.

**The Chair invited questions from Council.**

Staff responded to questions from regarding the appeal process.

**The Chair invited applicant to speak.**

Bill Minnes of Bradwill Consultants spoke on behalf of applicant Daron Bauer. Mr. Minnes stated that Mr. McCrae did a good job in summarizing the process and scope of work undertaken with respect to the preparation and consultation relating to the Meadow Ponds application. Mr Minnes stated that the Outline Plan as submitted fulfills all requirements of the MDP and noted the challenges in completing the Outline Plan process, as it is new process for everyone and that the land is a very appropriate for this proposal – with a nice mixture of meadows, stream and requirements to preserve certain pieces of land have created for an asset for the development.

**The Chair invited anyone in favour of the application to speak.**

No members of the public spoke in favour of the application.

**The Chair invited anyone in opposition of the application to speak.**

Pauline Calvert noted the history of the subject property along with concerns for environment and wildlife.

David Christiansen noted he lives across the road from proposed development and is opposed to the development due to:

- loss of agricultural land
- number of lots created
- ground water resources
- additional traffic on Everdell
- impacts safe and healthy rural lifestyle

Lawrence Stewart noted he lives along Prairie Creek road and is concerned that the plan is against all rules and regulations of MD and that tax payers will have to subsidize the “new hamlet”. More dogs eating sheep and calves were also a concern.

Marilyn Christiansen noted that the Outline Plan is not compatible with MDP and questioned the farmland assessment rating. Ms. Christiansen also noted MDP references supporting growth in the hamlets and is concerned about water and wastewater and the potential to contaminate the aquifer.

Ms. Christiansen read a letter submitted by Marianne Cole.

Walter Atchison noted he lives in the south east part of Everdell and that annual tax revenue from the development of 54 lots will not cover expenses to the municipality for snow, fire, grading, water and sewer maintenance and the County is on the hook for a privately initiated project.

Rob Dewling noted that the developer should incur costs for everything including road realignment, questioned the two emergency exits for the subdivision and noted concern for additional traffic and conflicts with those walking in the area.

Ken Qually distributed a map to Council and questioned the Farmland Assessment Rating (FAR) contained in the Outline Plan. Mr. Qually also questioned whether infrastructure can handle an additional subdivision in the area and noted the right to farm and that agricultural land must be preserved.

Mr. Qually distributed pictures to Council of the subject property and questioned impacts on water. He noted the subdivision is not compatible with adjacent land uses and stated that the MDP requires promoting growth in the hamlets, the Outline Plan contravenes 14 points of the MDP and the MR portion of the plan and suggested this may mean liability issues for the County.

Kristen Tetley noted her interest in purchasing farmland and her concern with 54 more homes creating conflict with horses and children and the impact on Prairie Creek, Clearwater River and North Saskatchewan River and hunting in the area.

Sharon Rubeling noted she lives across the Clearwater River from subdivision and questioned removing agricultural land base, noting increased consumer demand for locally produced meat. Ms. Rubeling stated the Meadow Ponds Outline Plan contravenes hamlet growth referenced in the MDP and noted concerns with effect on local traffic, water wells and waterways and questioned the tax structure of a redesignated property.

Reg Kyncl stated the Outline Plan contravenes the spirit and guiding principles of the MDP, specifically the farmland assessment rating of 34% or less. Mr. Kyncl further noted the potential for conflict with odours and dogs loose at night, that the County would be responsible for water costs if the aquifer is depleted. He stated there is no benefit demonstrated in the Plan.

Barb Donnelly stated she lives directly across from proposed development and noted this is her third time fighting the development. She further noted concern about water, traffic and the desire to keep existing quality of life.

Wayne Dahl stated he lives across the road and concern with water, traffic, conflicts with dogs and livestock, weeds and loss of agricultural land. Mr. Dahl further noted the Outline Plan proposes too many lots for the area.

Brian Donnelly noted concerns of population growth and impact on policing, road infrastructure, snow removal and dog control.

Doug Dahl noted the proposed access and a locked gate as emergency access route is dangerous. He also expressed concern about water.

Dennis Koss stated there are discrepancies with Outline Plan and MDP noting concern for two watercourses on the property and impacts on trout as well as wastewater system residue and the need to protect habitat.

Heather Gibson noted she lives directly south of the proposed development and that the Plan does not meet the MDP and would be a detriment to Clearwater County.

David Watson noted he is a new estate resident and questioned the water table in area.

Gale Gale noted she lives in the Everdell area and provided Council a letter with 60 names from the community who oppose the development.

Pauline Calvert noted she lives south of proposed development and that she would like a recorded vote.

Peter Prystan spoke on behalf of wife Barbara regarding their disappointment and discouragement as they live directly across from proposed subdivision. They are concerned about wetland and are upset that there are already four subdivisions within walking distance from their home.

Daryl Wyley noted that their family owned land here for 40 years, they come to visit and enjoy nature, and questioned whether people know what they are getting into when they buy a lot in this type of the development.

Vic Maxwell stated he doesn't live in area and that some farm community members are unaware that the new MDP changed the Farm Assessment Rating (FAR) from 28% up to 34%.

Mr. Maxwell noted the subdivision is different from all other subdivisions in the County which are self-service with own septic tanks or septic fields, owned by the residents. He noted concern with the costs for the County to operate communal systems, tributaries, tress, subdivision access not being able to handle the traffic, sightline problems, and the ability to sell lots.

Heather Morgan spoke on behalf of herself and her husband and was concerned with compliance with MDP, water, sewer, traffic, expense for tax payer and stated they are not making any more farmland.

Mike Head stated he lives a mile south on Everdell Road and noted concerns with school bus safety, an unsafe intersection, retention ponds and speed limit on a realigned road. He also noted non-compliance with MDP and the impact on adjacent farming and properties.

Dale Clearwater stated he owns four quarters of land on Prairie Creek and he is concerned about water consumption.

**The Chair asked for written comments from the public.**

There were 31 written submissions received prior to the Public Hearing and a group letter with 62 names.

Copies of the written submissions were distributed to Council.

**The Chair asked for comments received from referral agencies.**

Energy Resources Conservation Board

The ERCB has reviewed and completed a search of ERCB regulated wells and pipelines in the vicinity and their records indicate the following:

- Other wells may exist within the area of this application. However, ERCB has determined that these wells are either licensed as sweet wells or have an ERCB Level 1 sour designation and meet the recommended setback distance requirement of 100m.
- Other pipelines may exist within the area of the referred application. However, the ERCB has determined that these pipelines licensed as sweet or have an ERCB Level 1 sour designation. For these types of pipelines, there is no regulated setback distance however, the right-of-way must be observed.

Mr. McCrae noted the above mentioned setbacks do not affect the proposed development.

#### Imperial Oil Resources

Imperial operates an active water injection well in LSD 10, which ties into a high pressure fresh water pipeline. Existing access is via a trail and Imperial's main points of concern at this time are:

- 1) The landowner/developer will need to sign an "improvement to be left in place" form for the access road to the well site. This would allow Imperial to reclaim the well without having their previous access, and that portion of access would become the responsibility of the landowner.
- 2) Imperial would need to be provided alternate access to our well site via one of the proposed roads or alternate access not currently shown on the proposed maps. We would require an approach off any developed roads.
- 3) A crossing agreement will need to be developed where the proposed subdivision road travels over our high pressure line. This would provide engineering controls and access to the line in the future if required.
- 4) It appears the proposed waste disposal field is partially within Imperial's lease. This area needs to be revised. Imperial Oil will not grant any 3rd party improvements within lease boundaries, due to the issues this would cause for reclamation purposes. Imperial would prefer a generous setback on this disposal field or require additional assurances that materials from this field do not migrate within the lease.
- 5) An amendment to current lease would be required. Imperial would amend the lease to show the change in access and acreage, as the plan shows the removal of a portion of access road, we would expect the developer/County to provide Imperial with a revised survey to utilize for the surface lease amendment showing the new access.
- 6) It appears that there have been concerns raised by the community regarding water quality and quantity. We are currently assessing this from our perspective.

#### Rocky Gas Co-op

The developer's must be aware that the cost of installing the main natural gas line to this proposed development and within the development is at their expense, this means all the main lines required to serve each lot.

#### Alberta Sustainable Resource Development, Don Baker, Public Lands Specialist

The interest from Sustainable Resource Development would be in the protection of the bed and shore and riparian area associated with the drainage that runs through the property. The concept plan indicates an ER along the drainage. Additional protection is proposed in the form of Primary Conservation Area, Secondary Conservation Areas and Municipal Reserve Land. Some of the lots are shown as bordering the ER. To further protect the drainage these lots could be setback from the ER. The road drainage system must be designed to minimize erosion into the drainage system.

#### Clearwater County Agricultural Services

Kim Nielsen indicated his appreciation for the involvement with the draft Outline Plan for Meadow Ponds Estates, specifically the discussion on the conservation and appropriate use of the agricultural lands within the plan area. The options Agricultural Services felt suitable for the use of the agricultural open space areas could potentially benefit the lot owners as well as the agricultural community.

For example, the open space agricultural areas could be used for grazing, haying (bovine and equestrian), community garden in addition to agricultural demonstrations projects relating to riparian, weed control and grazing topics.

Although not specifically discussed with Council or the Agricultural Service Board and recognizing additional details needing to be worked out, Mr. Nielsen sees tremendous value in collaborating with the Estates residents on agricultural topics relevant to the agricultural open space areas for the benefit of the residents and the greater agricultural community.

#### Clearwater County Public Works

Clearwater County has reviewed the proposed Outline Plan as well as the Traffic Impact Assessment submitted by the developer's engineers. Clearwater County agrees the described east access point should be designated as the main access to the development and that the north access be designated for emergency access only.

Clearwater County also agrees that a Type IIa intersectional treatment is required for the proposed east access. The County also requires that all Type IIa intersectional treatments be constructed to include acceleration and deceleration tapers as well as the bypass portion.

The described north access, designated for emergency use only, requires a Type Ia intersection as well as a knock down gate.

All internal roads shall be, but are not limited to, be constructed as per the Clearwater County Residential Subdivisions Standards Policy, Road Standards Policy, and Approach Construction Guidelines policy.

Clearwater County previously expressed concerns with discharging the grey water and retaining only the sludges. The proposed use of a field to mitigate the grey water is of concern to Public Works as the size of a field to accommodate 54 residences is unknown to PW and the expected life of the field is also unsubstantiated.

#### Municipal Planning Commission

The Municipal Planning Commission recommends that Council favorably consider granting second and third readings to the subject Land Use Bylaw Amendment and adoption of the "Meadow Ponds Estates Outline Plan".

Staff responded to questions regarding referral agencies.

#### **The Chair asked the applicant to respond to the questions or provide final comments.**

Mr. Minnes addressed the concern regarding growth in hamlets stating that while the MDP does reference hamlet growth, the MDP also anticipates "estate subdivisions". Concerning ground water issues, Mr. Minnes referred the question to their engineer Glen McCrae who noted discussions with AB Environment regarding storm water plan indicated they agree with concept plan and will maintain existing flow through tributary to Prairie Creek. He further noted storm water ponds will mitigate other flooding concerns and speed limit and intersection treatment is determined by Alberta Transportation.

Glen McCrae responded to concerns of storm pond safety indicating the side slopes of the storm water ponds of 7/1 slopes and that Alberta Environment does not require to fence ponds

with this slope. He further responded to concerns regarding the water table, which was noted being 4.7 meters on the wells drilled.

Mr. Minnes noted that Traffic Impact Assessment was five years old and newly revised to account for increase from 41 to 54 lots and that traffic access directly onto Everdell Road.

Mr. Keith McCrae reiterated that the FAR used in the Outline Plan is accurate.

Mr. Minnes responded to Imperial Oil concern of encroachment and noted this type of issue will be addressed at design stage for the subdivision.

Mr. Minnes stated that Meadow Ponds Outline Plan fully meets the requirements of the MDP and encouraged Council to support this application.

Public Hearing closed at 4:08 P.M.

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MUNICIPAL MANAGER

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REEVE