

Minutes of a Public Hearing in regards to By-law No 987/14, held in the Clearwater County Council Chambers on June 24, 2014.

The Public Hearing was called to order at 11:01 A.M. with the following being Present:

Reeve:	Pat Alexander
Councillors:	Earl Graham
	John Vandermeer
	Theresa Laing
	Kyle Greenwood
	Jim Duncan
	Curt Maki
Chief Admin Officer:	Ron Leaf
Director, Planning:	Rick Emmons
Recording Secretary:	Tracy Haight
Administration:	Keith McCrae
	Dustin Bisson
Media:	Sarah Maetche
	Rianne De Lang
	Helge Nome
Public:	Dale Clearwater
	Ken Qually
	Terri Cameron
	Larry Cameron
	Phyllis McNutt

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

Keith McCrae provided history and an overview on the application from Larry and Terri Cameron, operating as The Prairie Creek Inn Ltd. to amend the land Use Bylaw for SW 04-38-07-W5M, containing 151.78 acres, and redistrict approximately 43.66 acres in the eastern half of the quarter section from the Agriculture District "A" to Recreation Facility District "RF".

Mr. McCrae noted physical access to the property, property boundaries, surrounding land uses and the farmland assessment ratings for the property. Mr. McCrae noted the Cameron's have made application (File 21/3291) to subdivide this land in order to separate their business interests from the agricultural land. The subdivision application is on hold, pending the outcome of this redistricting application.

Mr. McCrae presented information on Clearwater County's Land Use Bylaw; noted sections of the Municipal Development Plan applicable to the application; and stated development of the parcel would be subject to development approval from Clearwater County and Alberta Transportation.

Mr. McCrae stated at the regular Council meeting held on May 13, 2014, Council reviewed and gave first reading to Bylaw 987/14. As required by legislation, comments were invited from the adjacent landowners and referral agencies. Upon consideration of the representations made at the Public Hearing, Council may consider whether or not to grant second and third readings to the bylaw.

The Chair invited questions regarding the application from Council.

Mr. McCrae responded to questions from Council and noted rezoning would not result in a fragmented parcel and public access to the creek would not be affected.

Comments received from agencies.

FortisAlberta

FortisAlberta has no objection and no easement is required.

Rocky REA

Rocky REA commented the Developer must arrange installation of electrical services for this subdivision with Rocky REA.

Municipal Planning Commission

The Municipal Planning Commission recommends that Council favourably consider granting second and third readings to the subject Land Use Bylaw Amendment.

Clearwater County Public Works Department

Access to the proposed parcel and the balance of the described lands has been determined by way of existing access points on the Prairie Creek Road. As per the existing development agreement, if the Annual Average Daily Traffic Count (AADT) exceeds 200 vehicles per day the County will require the developer to undertake a new traffic impact assessment and if warranted, require an intersectional improvement.

The Chair invited the applicant to speak to the redistricting application.

Mr. Cameron commented that rezoning would allow for a treed buffer zone; most of the subject property has low agricultural value; and proposed boundary lines are determined by the location of a lease site and pipeline on the property.

Mr. Cameron noted favourable comments have been received from clients and that the business is beneficial to the County.

Mr. Cameron responded to questions from Council on the buffer zone and future development of three more cabins.

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

No one spoke in favour of the application.

The Chair asked for written comments in favour of the application from the public.

No written submissions in favour of the application were received.

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

Dale Clearwater presented Council with a letter from Mr. Tisdale.

Mr. Clearwater noted concerns with previous occurrences between the applicant and himself.

Mr. Clearwater noted his concerns with property fence lines and public accessing his property; provincial water licensing; the applicant's change of business name; the existing development not meeting berm requirements for the protection of the property's sewage system and waterways from potential flooding on the property; and the size of the property.

Ken Qually read a letter in opposition of the application written by himself and Grace Qually and noted concerns with future business expansion on the property, protection of the waterway and sewage system from potential flooding; development of property on a flood plain; impact of increased traffic; and lack of an emergency access route.

Mr. Qually presented Council with pictures of flooding on various properties in the area during the 2005 flood.

Mr. Qually requested Council table the bylaw reading.

The Chair asked for written comments in opposition of the application from the public.

Mr. McCrae noted no other submissions other than those submitted by Mr. Clearwater and Mr. Qually.

The Chair invited the applicant to express any final comments on the application.

Mr. Cameron indicated that many of the points raised have been discussed previously in other forums and that he felt that responding would be unnecessarily argumentative. Mr. Cameron stated that the rezoning application is consistent with the Clearwater County policies with respect to economic development and tourism and requested that Council support their request.

In response to questions from Council, Mr. Cameron noted that the pictures of flood damage submitted to Council were not of the subject property. He stated that the flood report, with respect to the flood zones on the property, has been proven by recent flooding of the Prairie Creek and noted restrictions for building placement have been imposed by the County and that any future building development will be within the approved area.

Mr. Cameron stated a secondary access road can be achieved thru an easement registered by covenant on the property.

Mr. Cameron responded to questions from Council and noted the berm requirement is associated with a water license application submitted in 2004 to Alberta Environment. Alberta Environment reviewed the application and noted the berm was a recommendation, not a requirement.

Mr. McCrae responded to questions from Council and noted provisions as per the Municipal Development Plan (MDP) for rezoning the subject property and environmental reserves. Mr. McCrae explained the Municipal Planning Commission provided a letter of decision on September 24, 2012 which noted the applicant met all requirements and supported Alberta Environment's decision that a berm was not required.

In response to other questions from Council, Mr. McCrae provided further details on the 2003 Flood Plain Study and noted all conditions have been satisfied by the applicant. Mr. McCrae noted the Subdivision Development Appeal Board's previous decision and confirmed the application/appeal for water license was thru Alberta Environment, which confirmed the septic system is located outside of the flood plain and is not a contaminate risk.

Mr. McCrae noted the original development permit applied to a much larger business plan and as this has been scaled down, original conditions for a turning lane no longer apply.

Mr. Cameron concluded by asking for Council's support for this application reiterating that it is consistent with the MDP and Council's vision for economic diversification and tourism development.

The Chair closed the Public Hearing at 12:46 P.M.


REEVE


CHIEF ADMINISTRATIVE OFFICER