

Minutes of a Public Hearing, regarding Clearwater County Bylaw 1062/19 to amend the Land Use Bylaw 714/01 to redistrict land from Country Residential Agriculture District "CRA" to Intensive Agriculture "IA" – Block 1, Plan 812 1809 (Pt. SW 06-39-07-W5) containing +/- 8.01 acres and to redistrict land from Agriculture "A" to Intensive Agriculture "IA" containing 13.25 acres – SW 06-39-07-W5, held in the Clearwater County Council Chambers on May 14, 2019.

The Public Hearing was called to order at 9:02 AM with the following being present:

Reeve:	Jim Duncan
Councillors:	John Vandermeer
	Cammie Laird
	Daryl Lougheed
	Theresa Laing
	Tim Hoven
	Michelle Swanson
Chief Administrative Officer	Rick Emmons
Recording Secretary	Amber Williams
Administrative Assistant	Whitney Wedman
Director, Corporate Services	Murray Hagan
Director, Planning	Keith McCrae
Planner	Jose Reyes
Planner	Dustin Bisson
Communications Coordinator	Djurdjica Tutic
Media:	Adam Ophus
	Diane Spoor
Applicants:	Vic Maxwell
	Shannon Williams

The Public Hearing process was outlined by Reeve Duncan.

The Planner, Dustin Bisson, provided background to the application for the subject land located approximately 4.0 miles southwest of the Town of Rocky Mountain House. He indicated the applicants intend to redistrict +/- 8.01 acres from the Country Residential Agriculture District "CRA" to the Intensive Agricultural District "IA" and 13.25 acres from Agricultural District "A" to the Intensive Agricultural District "IA", and pending the outcome of the Land Use Amendment, proceed with a subdivision application so they can continue to live on the property and accommodate an extra, existing residence, while providing more room for additional agricultural operations.

Pending the outcome of the Land Use Amendment, the applicant will continue the process and proceed with a boundary adjustment subdivision application to combine the 8.01 acre parcel and 13.25 acres from the balance of the quarter section to create a 21.26 acre Intensive Agriculture Parcel. This application is to rezone a portion of the subject lands to create one Intensive Agriculture District "IA" parcel as shown on Schedule "A" of the Bylaw.

D. Bisson noted that the Williams' own Block 1, Plan 812 1809 (Pt. SW 06-39-07-W5) and the Speights own the remainder of SW 06-39-07-W5).

D. Bisson described the established developments on the proposed property as two single family dwellings, a garage, pole shed, barn and a few ancillary buildings.

D. Bisson described three other residential parcel subdivisions within SW 06-39-07-W5 as well as two industrial subdivisions.

D. Bisson outlined the proposed property boundaries, reviewed surrounding

land uses, property access roads, the applicable sections of the Municipal Development Plan and Land Use Bylaw 714/01 for Intensive Agricultural Parcels.

D. Bisson stated that Council reviewed and gave first reading to Bylaw 1062/19 at Council's regular meeting held on March 26, 2019. He also noted as required by legislation, notice of today's Public Hearing was advertised in the local newspapers and comments were invited from adjacent landowners and referral agencies.

The Chair invited questions from Council regarding the proposed bylaw.

No questions were asked.

The Chair invited comments from referral agencies.

Municipal Planning Commission (MPC)

The Municipal Planning Commission reviewed the application on April 24, 2019 with recommendation that Council favorably consider granting second and third readings to the subject Land Use Bylaw Amendment No. 03/19, with an amendment to the proposed parcel's property boundaries to be in straight alignment with the parcel versus following the existing fence lines.

Alberta Transportation (AT)

Alberta Transportation advised that they offer no objections to the rezoning as proposed. Should the rezoning be approved and proceed to a boundary adjustment subdivision, please see our comments below. The proposal is contrary to Section 14 and subject to the requirements of Section 15(2) of the Subdivision and Development Regulation.

To that end, the parcel to be created will be well removed from Highway 752 with indirect access to the highway being gained solely by way of the local road system. As such, strictly from Alberta Transportation's point of view, we do not anticipate that the creation of the parcel as proposed would have any appreciable impact on the highway.

Therefore, in this instance the department grants a waiver of said Sections 14 and 15(2). Section 16 of the Subdivision & Development regulation only states that Sections 14 and 15 may be varied and although the waivers have been granted for this application, they have been granted under site specific circumstances (indirect access by the local road system) and it should not be construed that the waivers would set precedent or be granted as a matter of course.

Alberta Health Services (AHS)

Alberta Health Service offered the following comments:

1. If a water well is present on the property, please sample the well water on a regular basis for microbial and chemical content.
2. Please ensure that proper setback distances are in place and must comply with all of the setback distances cited in the Nuisance and General Sanitation Regulation AR 243/2003, should the land be used for other purposes in the future, such as the installation of a septic system and/or agricultural purposes.
3. Please ensure any planned sewage disposal systems must comply with all requirements of the Alberta Private Sewage Systems Standard of Practice 2009.

Currently, AHS has no concerns with this proposed subdivision.

Fortis Alberta

Fortis Alberta has advised that they have reviewed the plan and determined that no easement is required by Fortis Alberta. Fortis Alberta is the Distribution Wire Service Provider for this area. The developer can arrange

installation of electrical services for this subdivision through Fortis Alberta. Please have the developer contact 310-WIRE (310-9473) to make application for electrical services.

Blue Mountain Power Co-op

The Blue Mountain Power Co-op advised that they are the member owned non-profit Distribution Wire Service provider for all services in this area. The Developer may arrange installation of electrical services for this subdivision with the Blue Mountain Power Co-op. Please note the Blue Mountain Power Co-op requires separate electrical services for each legal parcel. Each parcel must have a separate electrical service with the transformer located on the parcel it services. The landowner will need to apply to the Blue Mountain Power Co-op to move the current service or build a new service for the new subdivision. If the subdivision landowner has further questions, please contact Jasmine Fowler at 310-POWR (7697) Ext. 113.

Clearwater County Public Works Department

No comments or concerns regarding the proposed redesignation and subdivision.

The Chair invited the Applicant to speak to the proposal, add any comments in support of the request and, respond to the agency comments.

V. Maxwell noted that the application for the boundary adjustment reflects the existing fence line that includes a cattle guard, and it follows the tree line creating a natural boundary. The proposed boundary on the NW corner follows the pipeline; however, there is no intent to encroach pipeline. The North boundary reflects the area that the Speights are willing to subdivide. The west boundary can be adjusted as per the MPC recommendations. The applicants have farmed the Speight land for many years. The parcel size restricts the Williams's from parking their machinery on-site. They run an extensive Agricultural operation. Lorin has become restricted to a wheelchair. His son currently has a building site on the Speight's land that was gifted to him by his Grandfather (Speight). The land now belongs to William and Dale Speight. They are willing to sell the land to accommodate this application. Application of a temporary residence for the son will be submitted upon approval of the Land Use Amendment.

The Chair invited comments from the public in favour of the proposed bylaw.

No comments were given.

The Chair asked for written submissions from the public in favour of the proposed bylaw.

No comments were given.

The Chair invited comments from the public in opposition of the proposed bylaw.

No comments were given.

The Chair asked for written submissions from the public in opposition of the proposed bylaw.

No comments were given.

The Chair invited Applicant to present final remarks.

V. Maxwell noted that the Williams' have lived in the Hardindell community for many years and would appreciate their consideration

The Chair closed the Public Hearing at 9:20 am


REEVE


CHIEF ADMINISTRATIVE OFFICER