

Minutes of a Public Hearing in regards to By-law No 1006/15, held in the Clearwater County Council Chambers on June 23, 2015.

The Public Hearing was called to order at 1:15 P.M. with the following being Present:

Reeve:	Pat Alexander
Councillors:	Earl Graham
	John Vandermeer
	Theresa Laing
	Kyle Greenwood
	Jim Duncan
	Curt Maki
Chief Administrative Officer:	Ron Leaf
Director, Planning:	Rick Emmons
Recording Secretary:	Tracy Haight
Administration:	Keith McCrae
	Marilyn Sanders
Media:	Laura Button

Public:

Pete Valstar	Joshua Valstar
Suzanne Valstar	Rick Anderson
Italo Pedrazzini	Tammy Brosinsky
Darrell Brosinsky	Brian Gibbs
Gus Valstar	Marg Valstar

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

Marilyn Sanders provided history and an overview on the application from Brian Gibbs, operating as Weal Investments Inc., to redistrict 131.91 acres within SE 25 41 08 W5M from Agriculture District "A" to the Recreation Facility District "RF" for the purpose of developing a campground and storage facility. Ms. Sanders noted that the storage facility is not a use allowed in the "RF" district however is a practice common in the "A" district.

Ms. Sanders outlined the property boundaries, surrounding land uses, and access roads. Ms. Sanders noted that there are some portions of the subject land that are covered by the waters of the North Saskatchewan River due to changes to the river channel course.

Ms. Sanders outlined planning considerations under Bill 27, Flood Recovery and Reconstruction Act (not yet adopted); applicable sections of the Municipal Development Plan and Land Use Bylaw; and provided a summary of the Flooding Right-Of-Way Agreement registered on title by TransAlta Utilities Corporation in 1991.

Ms. Sanders stated at the regular Council meeting held on May 12, 2015, Council reviewed and granted first reading to Bylaw 1006/15. 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 of the Development Officer regarding the application from Council.**

Ms. Sanders responded to questions from Council and noted that as per the title, land east of the river is crown land. Ms. Sanders confirmed that the government holds claim to all shorelines and riverbeds.

**The Chair invited the Development Officer to present comments received from referral agencies.**

TransAlta Corporation

TransAlta believes that the following factors need to be taken into consideration by Clearwater County:

1. Third party users may not be aware of the risk of flooding consequently unsuspecting third party users risk personal injury or death and/or loss damage of personal property from the effects of flooding.
2. Items and property in the proposed storage facility may be susceptible to damage as a result of potential flooding.
3. TransAlta registered a "Flooding Right-of-Way Agreement" and a "Flooding Right-of-Way Amending Agreement" on the Certificate of Title as it relates to its hydroelectric operations.

Alberta Transportation

The subject property is not within Alberta Transportation's jurisdictional limits of a provincial highway. Notwithstanding the foregoing, the Developer and/or County will be responsible for intersectional improvements if it is found that improvements at the intersection of the local road and the highway are required due to this development.

Rocky Gas Co-Op Ltd.

The Rocky Gas Co-Op has no objections. If there is a subdivision/title change, and if this parcel is currently serviced by natural gas by means of a secondary line, it then becomes a separate entity and a new customer contract is required for the continuation of the natural gas service. Existing gas lines must be located and marked prior to any future development taking place. Where an existing/proposed access road crosses the gas line the cover over their pipe must be 4 feet. If the new/current owner of any subdivision requires subsequent works carried out to the gas line in existence (i.e. moving or lowering of the line), then this work is at the customers' expense.

Alberta Environment & Parks

The applicant has indicated that the property lies within the 100 year floodplain of the North Saskatchewan River and the TransAlta winter floodplain delineation has been provided. No open water 100 year flood elevations have been provided and there is no information on file related to flood levels at the property. Aerial imagery indicates low-lying areas and high water channels traversing the property.

The applicant has indicated that they are not planning to construct any permanent infrastructure or to use the portions of the campground that are within the flood prone areas during "flood season". It should be noted that the TransAlta "flood season" is from November 1<sup>st</sup> to May 15<sup>th</sup> but that there is also the open water flood season that typically would extend from the beginning of June through to August. The campground would be subject to flooding both within the winter and summer seasons.

If the storage facility is not to be flood-proofed or situated outside the potential floodplain, then the County may want to ask the applicant to address their plan of action for avoiding damage or the washing away of the stored recreational vehicles/industrial equipment. Ice jam flooding in particular cause very rapid rises in river levels. The County may also want the applicant to address access issues, for example evacuation of the campground if the high water channels are flowing.

Clearwater Regional Fire Rescue Services

Regional Fire Services would like the provision of water supply for firefighting that is not the river; river and trail access for emergency services use and a minimum of two access/egress roads to the site. They have also made recommendations concerning Alberta Building & Fire Codes, hazardous

materials handling practices, and FireSmart principles that will be passed on to the developer.

Clearwater County Public Works

Sightlines are good from west and dead ends to the east. The approach into the proposed development, off of Township Road 41-4 meets County standards but the gate will have to be removed from the right-of-way and placed onto the property. The County would also like to see a separate egress approach up in the northwest corner of the property, with emergency knockdown bollards, entering onto Buster Creek Road (Range Road 8-0A) to allow for another emergency exit only in case of an incident. The applicant may need to gain permission from the adjacent landowner to accommodate the emergency exit.

There will be a \$150 fee for a new Rural Address sign to be installed by Public Works.

Municipal Planning Commission

The Municipal Planning Commission recommends that a second entrance to the site be developed at the northwest corner of the property; that the second entrance be the main entrance into the campground and the existing entrance be the emergency exit; that all storage areas be screened from view. With these recommendations, the MPC would recommend that Council favorably consider granting second and third readings to the subject Land Use Bylaw Amendment.

**The Chair invited the applicant to speak to the proposal, to add any comments in support of their request, and to respond to referral agencies comments.**

Brian Gibbs stated that proper planning will mitigate flood damage. He noted that Weal Investments Inc. is prepared to review emergency response plans with Clearwater County. He stated that requirements for egress is under review and will be addressed.

Mr. Gibbs provided a Power-Point presentation that explained the development and management of the proposed campground and recreational area as well as plans for safety measures and environmental considerations for the project.

Mr. Gibbs outlined site areas that would accommodate camping stalls, trail system, and recreation areas. He noted conversations with provincial agencies that indicated the need for increased recreational/camping areas in the area.

Mr. Gibbs noted that the proposal will provide long-term employment opportunities and economic benefits for the area. He stated that permanent buildings will not be developed on the property.

Mr. Gibbs responded to questions from Council and confirmed that off highway vehicles (OHV), including dirt bikes, will not be allowed to leave the property. He noted that the existing boat launch is not Provincially approved however they are looking into obtaining approval. He noted that in 2013 flooding only occurred on the east side of the property and he stated that the risk of future flooding is manageable.

**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.**

Ric Anderson stated that his property is located four miles south of the applicant's property.

Mr. Anderson noted concerns with alleged discrepancies and inaccuracies within the application package; and, with the information as submitted by the applicant.

Mr. Anderson noted concerns with the public notification of the proposed development and the public consultation process undertaken by Weal Investments Inc.

Mr. Anderson also noted concerns with the following: increased traffic volumes; traffic safety; OHV's usage; the environmental impact on the river system; and, wastewater handling and removal.

Suzanne Valstar stated that her property is located three and a half miles from the applicant's property.

Ms. Valstar noted concerns with the following: increased traffic volumes; traffic safety; damage from OHV's; impact on wildlife; and, the potential for increased property theft in the area.

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

Ms. Sanders presented a letter from Robert Huson and Sharon Kenchington that noted concerns with the following: increased noise and traffic; limited property access/exit; decreased property values; environmental impacts from wastewater and pollution; increased fire risk; and, trespassing on adjacent property.

Ms. Sanders presented a letter from Gus Valstar, Margaret Valstar, Shane Muyres, John Williams, Edward DeRuyter, and two other individuals, that noted concerns with the following: environmental impacts from OHV usage; trespassing on adjacent property; increased traffic and traffic safety; destruction of wildlife habitat; and, limited property access/exit.

Ms. Sanders presented a letter from Priscilla Kachmar that noted concerns with the following: trespassing on adjacent property; use of their private road; increased traffic and noise; and, limited property access/exit in the event of an industrial emergency.

Ms. Sanders responded to the Chair's request for clarification on the process of addressing concerns related to the application and noted that if Council passes second and third readings, the Municipal Planning Commission (MPC) will consider these concerns at the development permit application stage.

Ms. Sanders responded to questions from Council and explained that zoning requirements for the storage facility is the MPC's decision.

Ms. Sanders responded to questions from Council and explained that a traffic study may be requested once the development permit application is received.

**The Chair invited the applicant to express any final comments on the application and respond to any relevant issues.**

Mr. Gibbs confirmed that both the applicant and the County provided public notification of the application to adjacent landowners.

Mr. Gibbs restated the applicant's intentions pertaining to the development of the property as follows:

- Prohibit the use of OHV's and hunting on the property.
- Address access/egress routes, number of camping stalls, and building infrastructure at the development permit application stage.
- Implement the FireSmart program.
- Mitigate flood risks and develop emergency response plans.
- Complete traffic study to determine volumes.
- Maintain communications and open relationship with neighbouring property owners and industry within the area.
- Develop and implement water/wastewater management plan.

**The Chair closed the Public Hearing at 3:00 P.M.**

  
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REEVE  
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CHIEF ADMINISTRATIVE OFFICER