

Minutes of a Public Hearing in regards to By-law No 940/11, 941/11 and 942/11 held in the Clearwater County Council Chambers on June 28, 2011.

The Public Hearing was called to order at 11:18 A.M. with the following being Present:

Reeve:	Pat Alexander
Councillors:	Earl Graham
	Bob Bryant
	Case Korver
	Dick Wymenga
	Jim Duncan
Municipal Manager:	Ron Leaf
Recording Secretary:	Christine Heggart
Development Officer:	Keith McCrae
Development Officer:	Marilyn Sanders
Mountaineer:	Jessica Jones
B94:	Diane Fingler
	Peter Smith

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

Marilyn Sanders presented an application by Peter and Jean Smith (PT NE 14-36-07-W5M,) for Bylaw 940/11 Application 06/11 to Amend Land Use Bylaw, ±16.76 Acres in NE 14-36-07-W5M from "CRA" to Agriculture District "A"; Bylaw 941/11 Request for discharge of over-dedication of municipal reserve; and Bylaw 942/11 Request for road closure and consolidation.

In February 2010 Peter and Jean Smith applied to have their land holdings redistricted from Agriculture District "A" to Country Residence Agriculture District "CRA" for the purpose of creating 10 new country residential parcels on their 74.64 acre parcel. Through the process the request was pared down to redistrict only 40.47 acres for the purpose of creating 7 new country residential parcels. This redistricting was approved in April 2010.

Subsequently, the Smiths have decided to only develop 4 new parcels containing 20.94 acres and leave the remainder intact by not developing the 3 parcels in the northeast corner of the quarter section. The 4 new parcels would be created on the north side of Macklen Drive and would complete the subdivision of land along that roadway.

Application 06/11 to Amend Land Use Bylaw Bylaw 940/11

As a result of the paring down of the subdivision proposal by not proceeding with the subdivision of the 3 lots in the northeast corner of the remainder, the applicants would like to not have this area zoned Country Residence Agriculture District "CRA". They do not intend to proceed with creating those lots so there is no merit to keeping a split zoning on the remainder of their title. Therefore a bylaw to change this portion of land from Country Residence Agriculture District "CRA" (as adopted by Bylaw 920/10 on April 13, 2010) back to Agriculture District "A" has been prepared for Council's consideration.

Municipal Reserve Over-dedication Bylaw 941/11

When the 9 lot Macklen Estates subdivision was originally developed in 1981 municipal land was dedicated in the amount of 15.04 acres. At that time the over-dedication was accepted as there was an intention to further subdivide the quarter section.

Following this, there was a subdivision of 3 additional lots in 1998. Now with this application for 4 more lots, the total land taken up by existing acreages and roadways will be 91.26 acres. The Municipal Government Act and Municipal Development Plan (2010) allows 10% of land for municipal reserve, that would translate to $91.26 \times 10\% = 9.13$ acres of municipal reserve required.

The Smiths have requested that the majority of this over-dedicated be discharged and returned to the remainder of the quarter section. Their proposal will see 4.71 acres discharged leaving 10.33 acres of municipal reserve remaining after discharge and consolidation of the over-dedication.

Road Closure
Bylaw 942/11

The original 9 lot subdivision created in 1981 saw the provision for a cul-de-sac turnaround near the boundary of Lots 1 and 2. The 1998 subdivision extended Macklen Drive further to the west and created another cul-de-sac turnaround near the boundary of Lots 13 and 14. The new turnaround made the first one created unnecessary. At this time the Smiths are asking that the portion of cul-de-sac north of Macklen Drive be closed and consolidated with the remaining lands in title. This would result in the ability to provide a better layout for a joint approach to serve Lots 17 and 18.

The Chair invited questions from Council.

Staff responded to questions from regarding access to original lots and why bylaw 942/11 needs ministerial approval.

The Chair invited the public to speak regarding the proposed amendments to the bylaw.

There were no members of the public in attendance to speak to the application.

The Chair asked for written comments from the public.

There were no written submissions received in favour of the application.

There were two written submissions received opposed to the application. Patricia and Gary Brownlee noted concerns regarding additional traffic and the need for dust control or pavement; the need for groundwater testing to determine the ability of the aquifer to sustain additional water wells; the affects on water quality due to additional septic field's upstream of the current acreages; and the spring run-off and impacts on adjacent water wells.

Merv Robinson's written submission noted concern that cul-de-sac in front of his lot was removed when lots 13 and 14 were developed some years ago and wondered why is it in the application now. Mr. Robinson's letter also noted concern with proposed new lots 15, 16, 17, 18 as they were subject to overland flooding and that future owners should be alerted to probable flooding by caveat on the titles or development restrictions.

Staff responded to questions from Council regarding storm water management plan and noted that Municipal Planning Commission (MPC) has reviewed the site and storm water will be addressed by the MPC as a condition of the subdivision application.

The Chair asked for comments received from referral agencies.

Rocky Gas Co-op

The Rocky Gas Co-op has no concerns with these proposals put forward by the Smiths.

FortisAlberta

Fortis Alberta has no objection.

Clearwater County Public Works

For Lots 15-18 conditional approval requires that all new construction and development meet the specifications described in the Clearwater County Residential Subdivision Standards policy and Approach Construction Guidelines Policy. A storm water management plan will also be required.

A meeting with the Public Works Manager or his designate is recommended to discuss design requirements.

Alberta Transportation

Alberta Transportation has no objection to the land use amendment or disposition of the municipal reserve.

The road closure process is different from the subdivision referral and they would require the submission of the bylaw and supporting documentation to this office for review and submission to the Minister for approval.

Alberta Transportation has no objection to the creation of four (4) additional lots and the consolidation of the municipal reserve. They are prepared to grant an unconditional variance of Section 16 of the Subdivision and Development Regulations. The proposed parcels have access to the local road system.

Municipal Planning Commission

The Municipal Planning Commission reviewed the application and recommends that Council favorably consider granting second and third readings to the three bylaws.

Peter Smith spoke to flood waters and noted that there is ample high ground on each of the proposed lots to develop a residence, and that there is a gravel base and adjacent lots should have no issues with effluents travelling across property lines.

Public Hearing closed at 11:42 A.M.

MUNICIPAL MANAGER

REEVE