

Minutes of a Public Hearing in regards to By-law No 988/14, held in the Clearwater County Council Chambers on May 27, 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	
Director, Public Works:	Marshall Morton	
Director, Community & Protective Services:	Ted Hickey	
	Keith McCrae	
	Eleanor Pengelly	
	Trevor Duley	
	Erik Hansen	
	Kurt Magnus	
	Brad Welygan	
	Dustin Bisson	
Recording Secretary:	Tracy Haight	
Media:	Sarah Maetche	
	Rianne De Lang	
	Helge Nome	
Public:		
Marianne Cole	Karen Lawson	James Oxley
Jack Leslie	Lee Forster	Logan Smith
Curt Domonkos	Elizabeth Robertson	Rose Leslie
Gordon Leslie	Wade Forster	Rose Marie Sackeln
Leonard Leslie	Gerald Knopp	Sabrina McMeekin-
Susan Durand	Everett Wolter	Topping
Mary Forster	John Reid	
Marlene Smith	Jim Rodermond	
Don Davis	Pearl Rodermond	
Marion Kostynuk	David Markham	
Theresa Welsh	Marissa Nixon	
Angela Forster	Darrel Kirstein	
Shirley Sellers	Brian Leslie	
Robert Johnston	Joe Drevenak	
Jim Pearson	Sharon Rubeling	
Reg Dean	Cheryl Forster	
Calvin Hogberg	Rick Lawson	
Jackie Phillips	Kipp Hearne	
Regan Tensen	Jeremy Thompson	
Marion Schafer	Hubert St. Jean	
Pauline Leslie	Priscilla Hainsnorth	
Sandra Prosser	Dan McLean	
Wanda Peterson	Kevin Koe	
Thyra Smith	Glenn Schmidt	
Dale Durand	Shane Campbell	
Ken Forster	Larry Mayell	
Franklin Smith	Leona Stretch	
Bonny Carson	Colin McMeekin	
Dennis Ross	David Cadrain	
Dennis Welsh	Dori Westin	
Dawn Dewbury	Lois Hazell	
Cindy Taschuk	Lynsy Fisher	
Janice Wolter	Shane Fisher	

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

Eleanor Pengelly provided history and an overview on the application from Di-Corp Properties to amend the Land Use Bylaw for NW 28 39 05 W5, containing 149.90 acres, to redistrict 33.85 acres from Agriculture District "A" to Industrial District "I".

Ms. Pengelly noted legal and physical access to the property and surrounding land uses.

Ms. Pengelly 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.

Ms. Pengelly stated at the regular Council meeting held on April 22, 2014, Council reviewed and gave first reading to Bylaw 988/14. 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.
No questions were asked by Council.

Comments received from agencies.

Municipal Planning Commission

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

Alberta Transportation

Alberta Transportation has no objections to the proposed land use amendment. If approval is considered and the project proceeds, this Department will be requiring service road dedication and intersection improvements to the proposed access.

Clearwater County Public Works Department

The fragmented parcel has access to it via Secondary Highway 598 (Alberta Transportation.) The access to the remainder of the parcel will need an approach built to County standards off of Range Road 5-4 complete with a new 500mm culvert.

Access to the development has been proposed via Secondary Highway 598 which is under the jurisdiction of the Province of Alberta. Alberta Transportation is requiring the creation of a service road to access the described development as well as future development to the east. As service roads become the responsibility of the Municipality, all infrastructure contained within the service road must be constructed to municipal standards. Subject to Alberta Transportation's response to the Traffic Impact Assessment for the proposed development, the Province may require upgrades to the access point off Hwy 598. Any requirements for upgrades that the Province may require from the Municipality for the development will be solely at the developers' expense.

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

Hubert St. Jean, representative from Di-Corp Properties, presented samples of frac sand to Council and provided information on Di-Corp

Properties and a similar facility Di-Corp constructed at Grand Prairie in 2013.

Mr. St. Jean explained efforts made in the search for suitable properties, site criteria, proposed design and noted access road for trucks. Technical data and facility specification drawings were provided.

Mr. St. Jean addressed dust collection and suppression issues; visual impact of facility sight lines; and railway safety, weekly activity, speed and noise.

Mr. St. Jean addressed public concern with truck traffic and provided an example of a truck used for hauling frac sand. Mr. St. Jean noted normal hours of unloading operations. Mr. St. Jean stated Di-Corp Properties is prepared to address complaints against carriers and ban carriers for safety violations.

Larry Mayell, Director Infrastructure, Allnorth Consultants Ltd. provided information on the traffic impact assessment conducted on Secondary Highway 598 and the Beaver Flats Road.

Mr. Mayell noted the existing annualized average daily traffic; average incremental traffic; and Alberta Transportation's requirements for site distances for the access road and highway intersection.

Mr. Mayell stated a traffic summary has been completed which estimates a 6% increase in traffic. The summary is subject to review and confirmation by Alberta Transportation and further information will be provided at a later date.

Kipp Hearn, representative for Di-Corp Properties, responded to questions from Council and provided information on facility operations; explained risk of environmental contamination as negligible; and noted the development is consistent with the provisions of the County's Municipal Development Plan.

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

Reg Dean, Vice President Caroline Agricultural and Athletic Society, and Past President and Director of Caroline and District Chamber of Commerce, noted development of industry in the County, particularly environmentally friendly businesses such as the applicant, attracts employment, improves roads and road maintenance, provides support for community services and programs thru corporate sponsorship, and shares the tax burden.

Shirley Sellers, Rocky Mountain House Chamber of Commerce, noted the Chamber of Commerce's mandate is to promote business development in the community and therefore supports the application for rezoning as it is consistent with the County's Municipal Development Plan. Ms. Sellers noted the applicant is certified International Organization for Standardization (ISO).

Marion Kostnyak noted Di-Corp Properties' reputation for excellent relationships with neighboring property owners and encouraged Council to support the application.

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

Ms. Pengelly read a letter from Dwight Oliver in which he noted the proposed property rezoning exemplifies a progressive community, provides employment in the area, and provides assessment value for the county.

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

Marianne Cole presented Council with a "Notice of Opposition" petition with 91 signatures.

Ms. Cole noted concerns with the application process for rezoning and suggested Council table second reading of the bylaw. Ms. Cole noted the project's application was denied in Red Deer County and Lacombe County.

Ms. Cole noted concerns with comparison of the proposed facility, as an allowable discretionary use, to grain handling or fertilizer facilities. Ms. Cole noted concerns with increased traffic and road safety; environmental hazards due to fracking; loss of farmland; decreased property value; and detrimental effects to the quality of life for County residents.

Ms. Cole suggested the facility locate in an industrial development area.

Janice Wolter, on behalf of Evart Wolter, noted concerns with loss of farmland; the facility's incompatibility with surrounding property; increased truck traffic; highway, range road, and access safety; noise from train activity; light pollution; expansion risks; and decreased property values.

Ms. Wolter suggested considering an alternate location, preferably west of Rocky Mountain House.

Sandra Prosser noted concerns with increased truck traffic, noise from train activity, safety to pedestrians on Alhambra Road, infrastructure damage, and health hazards.

Jackie Phillips noted concerns with a possible increase in future developments requesting to rezone property to "industrial", thus creating an industrial park in the area. Ms. Phillips noted concerns with emergency response services delayed at the railway crossing.

Lee Forester noted concerns with decreased property values due to the facility blocking the mountain view; noise from train and truck activity; traffic safety at an uncontrolled rail crossing; and increased truck traffic.

Mr. Forester suggested development of an industrial park west of Rocky Mountain House to accommodate the facility.

Marissa Nixon noted concerns with traffic safety, particularly school buses; hazardous spills; toxic airborne substances; contamination of ground/surface water; infrastructure damage; and noise.

Ken Qually noted concerns with traffic safety, loss of farmland, and suggested development of an industrial park to accommodate the facility.

Thyra Smith, on behalf of Sabrina McMeekin-Topping, noted concerns with increased truck traffic and traffic safety, particularly school buses; access sightlines; environmental impacts; loss of farmland; and emergency response services delayed at the railway crossing.

Susan Durant noted concerns with traffic safety, quality of life for residents and loss of farmland.

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

Ms. Pengelly read a letter from Bonny Carson who expressed concerns with the location of the proposed facility and suggested development of an industrial park west of Rocky Mountain House.

Ms. Pengelly read an e-mail from Margaret Davis who expressed concerns with loss of farmland; damage to infrastructure; air, noise, and water pollution; and increased traffic.

Ms. Pengelly read an e-mail from Ken Bingham who expressed concerns with lack of information on all stakeholders involved in the proposed facility; Di-Corp Properties inexperience in operations and safety management; supporting industry related to the controversial fracking process; and lack of information on the impact the proposed facility will have on the community.

Ms. Pengelly read a letter from Shannon Cross who expressed concerns with health issues from silica sand; traffic safety for motorists, pedestrians, school buses, and cyclists; noise from truck traffic and train activity; effect on the environment from silica sand; and infrastructure damage.

Ms. Pengelly read a letter from Gordon and Pauline Leslie who expressed concerns with loss of farmland; water contamination; health issues from dust and emissions; excessive noise; increased industrial traffic through hamlets and school zones; infrastructure damage; unsightly views from neighbouring residences; decreased property values; and increased train activity. Gordon and Pauline Leslie suggested the facility locate in an existing industrial area.

Ms. Pengelly read a letter from Leonard and Jenny Leslie who expressed concerns with noise; pollution; increased traffic and train activity; water contamination; blocking their existing mountain view; and decreased property value. Leonard and Jenny Leslie suggested the facility locate in an existing industrial area.

Ms. Pengelly read a letter from Robert Johnston who expressed concerns with increased truck traffic; stopped trains on railway crossing blocking traffic; decreased property values; future facility expansion; and health risks.

Ms. Pengelly read a letter from Dennis and Theresa Welsh who expressed concerns with increased truck traffic; safety issues; and increased train activity.

Ms. Pengelly read a letter from Dennis Murphy who expressed concerns with water contamination.

Ms. Pengelly read a letter from Sharon Rubeling who expressed concerns with loss of farmland; comparison of the proposed facility, as an allowable discretionary use, to grain handling or fertilizer facilities; increased truck traffic, especially through school zones; and decreased property values due to additional noise, dust, traffic, lighting, train activity; and blocking mountain views.

Ms. Pengelly read a letter from Rick and Karen Lawson who expressed concerns with decreased property values; increased train activity and truck traffic; infrastructure damage; noise; and health issues from silica sand.

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

Mr. St. Jean addressed public concerns as follows:

- Di-Corp Properties did not submit application for development to Red Deer or Lacombe County.

- Industrial property conducive to the facility and located on the CN Rail line is not available. The site proposed west of Rocky Mountain House is adjacent to a private rail line.
- The geography and topography of land west of Rocky Mountain House is not conducive to development.
- Rezoning is the only available option as an industrial area does not exist.
- Frac sand is not toxic and Di-Corp Properties have implemented procedures to eliminate risks from dust exposure.
- Risk of site and water contamination from frac sand is addressed through site design and containment of surface water on site. Di-Corp Properties has strategies in place for fuel spill containment.
- Property south of the rail line has a farm assessment rating of 51%. The east portion is undeveloped and provisions are in place for continued use as hay land.

Mr. Hearn stated CN Rail has procedures for efficient rail car movement over rail crossings.

Mr. Hearn responded to questions from Council and provided information on dust collection and suppression systems used to ensure a dust free status.

Councillor Duncan inquired on the proposed service road. Ms. Pengelly explained it would be a dedicated service road that must meet Alberta Transportation requirements.

Mr. Hearn noted the facility's operations will have a minimum impact on traffic. Mr. St. Jean noted Di-Corp does not control industry's usage of roads or routing.

The Chair closed the Public Hearing at 2:17 P.M.



REEVE

CHIEF ADMINISTRATIVE OFFICER