

Minutes of a Public Hearing, regarding Clearwater County Bylaw 1052/18 to amend the Land Use Bylaw 714/01 regarding the redesignation of +/- 40.0 acres from Agriculture District "A" to Light Industrial District "LI", held in the Clearwater County Council Chambers on July 24, 2018.

The Public Hearing was called to order at 9:01 am with the following being present:

Reeve: John Vandermeer  
Councillors: Jim Duncan  
Cammie Laird  
Daryl Lougheed  
Tim Hoven  
Michelle Swanson

Acting Chief Administrative Officer: Murray Hagan  
Director, Planning & Development: Keith McCrae  
Senior Planner: Kim Gilham  
Development Officer: Charmin Pashulka  
Manager, Intergovernmental & Legislative Services: Christine Heggart  
Economic Development Officer: Jerry Pratt  
GIS Coordinator: Cheryl Verhaeghe  
Economic Development Officer: Jerry Pratt  
Recording Secretary: Djurdjica Tutic

Applicants: Jeff Brookman  
Christopher Ludtke  
James Maxim

Media: Laura Button  
Diane Spoor  
Amanda Richter  
Jessie Weisner  
Helge Nome

Public: Melanie Asplund  
Bob Pearce Uli Schmiemann  
Elizabeth Redman Jacki Schmiemann  
Kevin Bysterveld Dennis Ross  
Raymond Miller Thalia Aspeshet  
Judy Bysterveld Mark Augustowich  
Pierce & Donna Achtymichuk John Rimmer  
Lisa-RaeYoung Marie Goodison  
Susan Kutz Aspen Muraski  
Victon Tennant Leo Coderre  
Jessica McPhee John Muraski  
Eric Beaupre Dave Brown  
Dale Oliver Larry Blanchard  
Jim Pearson Joan Loiselle  
Kevin Bouchard Bruce Eckford  
Marianne Cole Elaine Hanna  
Jim Sloan Yvonne Miller  
Val Wetherell Marion Schafer  
Dan Warkentin Joyce Lewin  
Elaine Paget Peter Schmiemann  
Leonard Paget Ron Hallahan  
Marianne Hunt  
Terry Hunt Attendee(handwriting unreadable)  
Alan Stone

The Public Hearing process was outlined by Reeve Vandermeer.

K. Gilham reviewed the application from Element GP Inc. (Applicant) to redesignate +/- 40.0 acres at NE 29 34 05 W5M from Agriculture District 'A' to Light Industrial District 'LI'.

K. Gilham outlined property boundaries, surrounding land uses, access roads and, applicable sections of the Municipal Development Plan and Land Use Bylaw 714/01.

K. Gilham outlined the provisions in Clearwater County's Land Use Bylaw 714/01 and stated the following:

- If the land use amendment is successful, the proposed usage for industrial and commercial purposes is permitted under the Land Use Bylaw.
- The Applicant's land purchase agreement is subject to Health Canada's approval of the proposed medical cannabis production facility.
- Although residences on adjacent properties are outside the 300 metre setback requirement, property boundaries are not.
- A farmland assessment on the subject property concluded a low soil rating.

K. Gilham stated that at the regular Council meeting held on June 12, 2018, Council reviewed and gave first reading to Bylaw 1052/18. 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.

K. Gilham asked that Council consider whether to grant second and third readings to Bylaw 1052/18 upon consideration of the representations made at this Public Hearing.

**The Chair invited questions from Council regarding the proposed bylaw.**

K. Gilham responded to questions and confirmed that prior to issuing a safety and environmental studies are required at the development permit process stage.

**The Chair invited comments from referral agencies.**

Alberta Transportation

No objections to the proposed redesignation.

Rocky REA

No concerns and/or objections.

Municipal Planning Commission

No concerns and/or objections.

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

J. Brookman presented the concept building design for the facility and provided estimated timelines for the project. He also reviewed the project's anticipated economic impact to the area.

He noted that conclusions from the Phase 1 Environmental Site Assessment (ESA) conducted at the proposed site determined that nothing was identified to likely result in potential subsurface impacts.

J. Brookman outlined the safety of the facility and how the solid waste disposal system will use a modular, containerized, membrane bioreactor (MBR) on site in the treatment of both grey and black water. The combined heat and power (CHP) system will operate more efficiently than a gas plant, similar to hospitals, hotels, recreational centres, airports and waste water treatment plants. Since the equipment is installed within sound insulated rooms, as with sound dampening for exhaust fans, the operation will result in extremely low noise.

J. Brookman provided a summary of the Traffic Impact Assessment (TIA), where the operation of the facility is supported by two post-development scenarios. Impact to local residents and regular uses of Highway 22 will be minimized by implementing a flex shift working schedule, and road improvements to allow for changing lanes/speeding up will be implemented prior to construction to ensure public safety.

A biohazard assessment is in the process of being completed.

J. Brookman answered questions from Council regarding timelines and budgeting forecast of the project. The future expansions to the facility will be determined by market growth.

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

P. Achtymichuk stated that his property is not suitable for agriculture purposes and that rezoning the land to accommodate this facility is the most appropriate use for the land.

J. Maxim explained the two-year study and application binder that Element has submitted to the Government of Canada has been accepted. Element is transparent and wants to have the support of the community as Health Canada recently accepted their license application at the subject property address. If a new location was proposed, it would entail a new application to be re-submitted to Health Canada. Element will strive to be a good employer by supporting a training program with post-secondary institutions. The cannabis produced in this facility will only be used for medical use and not recreational.

C. Ludtke spoke in favour of the project regarding economic benefits to the municipality, community members and businesses outside the region.

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

No written submissions in favour of the proposed bylaw were received.

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

J. MacPhee explained that the facility should not be located near any rural residence as the surrounding land value will decrease. In addition, there will be environmental impacts to the ozone, air quality and health of the nearby community, animals and agricultural crops. The smell of such facilities is known to cause migraines. Construction could affect wildlife corridor. Individuals involved in drug related activities will be drawn to the nearby area if such a facility is built, and therefore should be constructed in an industrial park away from farms.

A. Muraski introduced herself as an adjacent land owner and stated that the surrounding land value will be directly impacted if the industrial facility is built nearby.

A. Muraski and J. Muraski noted the size of the facility will dramatically impact wildlife and deplete the water supply, and that more information is needed regarding plans for waste management and recycling. The logistics of shipping and receiving will also impact the environment. Safety of neighbours is another concern with trespassers in the area. Village of Caroline is not capable/ready to handle emergencies of any kind that may occur at this location.

M. Cole introduced herself as the President of the Clearwater County Taxpayers Association.

M. Cole stated the Land Use Bylaw and MDP guidelines that do not cover specifics about setback of a 500m radius of the site. Page 8 of the County's MDP states in section 4.1.1, "conserve agricultural land, public input imperative to Council's decision".

M. Cole also expressed uncertainty with the Applicant's anticipated job creation and community outreach benefits.

D. Brown expressed his concerns with the community's lack of prior knowledge of this development, the lack of transparency and information shared with the community and emphasized that there is no community outreach.

P. Shmiemann introduced himself as an adjacent landowner with family roots since 1958 and expressed that there are alternate industrial sites already available for light industrial purposes, and that existing agricultural land should be preserved with the assistance of partnerships to make the land viable for farming.

M. Hunt introduced herself as a member of the SPOG Environmental Committee with concern about new laws covering wetlands.

S. Kutz introduced herself as a local veterinarian with concerns that the proposed location is a natural environment and habitat for many wildlife species. The findings of the environmental assessment should be shared with not only the adjacent landowners but greater radius community area.

J. Rimmer introduced himself as the Mayor for the Village of Caroline with suggestions this proposed development may find an alternative location in the industrial business park located in the Village of Caroline.

J. Bysterveld expressed concerns that due diligence was not properly exercised to account for the additional requirement for policing and ambulance services.

A. Stone explained that there should be an alternate location proposed that will not be near rural residence causing an increase in noise, rural crime risk and traffic.

E. Beaupre introduced himself as an adjacent landowner concerned that land has been the location of several hydrocarbon contaminations and requires further soil testing and reclamation of the sump site area before approval.

L. Coderre stated that he would not sell any of his adjacent land to the subject property for future expansion.

W. Schmiemann introduced himself as a local veterinarian who plans to expand his family residence to the SW of the proposed development area but would not want to build next to a facility of this kind due to long-term animal health concerns.

**RECESS:**

Reeve Vandermeer recessed the public hearing meeting at 11:20 am

**CALL TO ORDER:**

Reeve Vandermeer called the public hearing meeting to order at 11:30 am

L. Ray introduced herself as a resident of the NW section to the subject land and is concerned about cattle going near the facility.

J. Bysterveld explained that wildlife habitat will be permanently changed if industrial uses are permitted in agricultural zoned areas.

E. Redman presented on behalf of Kelly Bysterveld who is an adjacent land owner, opposing the project due to concerns for agricultural animals and the overall community impact.

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

K. Gilham presented a summary of letters received from land owners as presented on the submitted map with green markers from the following:

Jessica McPhee & Eric Beaupre  
Randy Sowerby  
Melanie Asplund  
Stan John & Rita Muraski  
Patricia Dahlman  
Mark Augustowich  
Craig & Ruth McTaggart  
Angela Bysterveld  
Kim Davin  
Joanne & Harry Blankert  
Sara Blankert  
C. Fuchko  
Eric Beaupre  
Jim Fisher  
Michelle MacDonald  
Trent Ducharme  
Dale Oliver  
Tim Oliver  
Darleen Oliver  
Shirley & Burke Masse  
Dean & Kary Masse  
Taryn and Brad McCartney  
Mark Augustowich  
Laura & Warren Skorodensla  
Victor Tennant  
Karen Dallman  
Miranda Dallman  
Wes Dallman  
Kenneth Brown  
Raymond & Yvonne Miller  
Marie Goodison  
Leonard Paget  
Judith Bysterveld  
Kevin Bysterveld  
Leo Coderre  
Robert Pearce  
Joyce Lewin  
Marianne Hunt  
Terry Hunt  
Lisa – Rae Young  
Chris Young  
Ralph Feldkamp  
Bonnie & Dan Eckford  
Elaine Hanna  
Randy Sowerby  
Dean Hermanson

Anne Feddema  
Norman & Lila Weiss  
Kevin Bouchard  
Susan Kutz  
Douglas and Lori-Lynn Slack  
Aspen Muraski and Sarah Kennedy  
Kelly Bysterveld  
Marianne Cole  
Karen Osterhout  
Dale Oliver  
John Muraski  
Marian Schafer

**The Chair invited the Applicant to present final remarks.**

J. Brookman summarized the shared concern that Element has regarding wetland conservation through the compliance with Health Canada's required setback distance. Community members did not accept the invitation from Element to engage in further dialogue to express their concerns prior to this public hearing. Element will continue to pursue community outreach through hosting an open house.

J. Brookman outlined how economics of scale will be used to determine the vertical infrastructure. All studies have been done by The Association of Professional Engineers and Geoscientists of Alberta (APEGA) members and full transparency has been shared with the hope of eliminating uncertainty of the impact to the local community.

J. Brookman explained that the level of noise wouldn't be any louder than a hospital. Element will be giving back to the community through internships with post-secondary institutions.

P. Achtymichuk added that the opposition to this project is based on lack of knowledge and information. Opportunities were given to community members to discuss this project; however, no members came forward or expressed an interest to communicate.

J. Brookman noted the sump site area has been reclaimed in 1986.

J. Brookman responded to Council questions and confirmed that the geotechnical survey results will be shared when they are complete. A Health Canada number has been granted and will be finalized shortly. In conclusion, construction is scheduled to take place after bird-nesting season.

**The Chair closed the Public Hearing at 12:35 pm**

  
REEVE

  
ACTING CHIEF ADMINISTRATIVE OFFICER