

Minutes of a Public Hearing in regards to Bylaw No 972/13 - Williamson, held in the Clearwater County Council Chambers on April 23, 2013.

The Public Hearing was called to order at 10:00 A.M. with the following being Present:

Reeve:	Pat Alexander
Councillors:	Earl Graham
	Bob Bryant
	Case Korver
	Dick Wymenga
	Jim Duncan
	John Vandermeer
Chief Administrative Officer:	Ron Leaf
Recording Secretary:	Tracy Haight
Director Planning & West Country:	Rick Emmons
Manager, Planning:	Keith McCrae
Senior Planner:	Marilyn Sanders
Director, Public Works	Marshall Morton
	Erik Hansen
	Rhonda Serhan
	Trevor Duley
	Mike Haugen
Media:	Sarah Maetche
	Jenny Oatway
	Helge Nome

Gail Williamson, Pascal Bergerin, Cortney Jameson, Tan Jameson, Charlie True, Colleen True, Jack Knorr, Millie Knorr, Mark Penniford, Shelly Sealy, Bill Sealy, Cheryl Richards, Alan Richards, Sheryl Holmstrum, Elaine Johnson, Patty Higgins, Max Armstrong, Doris McDonald, John Bugbee, Ilene Bugbee, Pat Bawtinheimer, David Higgins, and Heather Thompson.

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

Keith McCrae and Marilyn Sanders provided an overview of the application for the redesignation of approximately 22 acres of Plan 102-5627, Block 1, Lot 4 (in two parts) containing 42.23 acres to the Recreation Facility District “RF” for the purpose of developing a Recreational Retreat/Campground. The subject land is in the Agriculture District “A” and located 16 miles west of the Village of Caroline. The subject area proposed to be rezoned is not being subdivided from the balance.

The property is bordered to the north by the Tay River, on the west by privately held agricultural land, on the east by the Crown and on the south by Secondary Highway (SH) 591. There is an existing dwelling, barn, vacant original dwelling (cabin) and manufactured home dwelling on the property. The property gains access from Range Road 8-5 which runs thru the centre of the property.

The applicant would like to create a recreational retreat that would include equestrian facilities/amenities and a campground. The proposal is to develop 36 campsites with 19 being fully serviced with power, water, and wastewater. The remaining 17 campsites would initially be unserviced; however, the intention would be to provide full services to them in the future. Access to the proposed development would be via Range Road 8-5.

Mr. McCrae reviewed sections of the Municipal Development Plan (MDP) applicable to the proposed development.

At the regular Council meeting held on March 12, 2013, Council reviewed and gave first reading to Bylaw 972/13. As required by legislation, notice of today’s Public Hearing was advertised in the local newspapers and 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 Bylaw 972/13.

**The Chair invited questions from Council.**

Councillor Case Korver inquired on the boundary of the property owned by the applicant. Mr. McCrae referred to the diagram on Schedule A.

**The Chair asked for comments received from referral agencies.**

Fortis Alberta

Fortis Alberta has no objections to the proposal and no easements are required.

Alberta Parks

Lyndon Brinkworth, M.Sc. Land Use Technologist advised that Alberta Parks reviewed the proposal to amend the Land Use Bylaw for a 22 acre portion of Lot 4, Block 1, Plan 102-5627, located at NW 29-35-08-W5M and SW 32-35-08-W5M. The proposed amendment would redesignate this portion from an Agriculture District to a Recreational Facility District. The request for redesignation is to allow a proposed recreation retreat/campground facility to be built on the site. As the proposed project will not occur within any park boundaries, Alberta Parks has no concerns with this project.

Alberta ESRD

Chiarastella Feder, Wildlife Biologist Clearwater Area Alberta Environment and Sustainable Resource Development (ESRD) advised that Alberta ESRD reviewed the proposal to amend the Land Use Bylaw for a 22 acre portion of Lot 4, Block 1, Plan 102-5627, located at NW 29-35-08-W5M and SW 32-35-08-W5M. Ms. Feder stated the Wildlife Branch of the Fish & Wildlife Division has significant concerns with the proposed redesignation as follows:

- the area serves as a critical travel corridor for wildlife species, therefore the proposed development may act as a barrier movement for some species, and loss of effective habitat for local wildlife populations may occur.
- several human-predator conflicts in the area have occurred in the past and the production of vegetables and meat product on a commercial scale at the proposed facility has the high potential to exacerbate this problem.
- the proposed development will increase the cumulative effect of existing recreational activities on wildlife and in turn, negatively affect local wildlife populations.
- Bear-smart principles need to be incorporated at the planning stage as the potential for bear/human conflict is high.

Ms. Feder stated given these concerns, the Wildlife Branch recommends that this application be rejected at this time and re-submitted providing additional planning to address the wildlife concerns. Ms. Feder noted should the application be considered for approval despite their significant reservations, the following mitigation measures should occur:

- Minimize the size of the proposed development to the 19 serviced units away from the river bank.
- Plan facilities to maintain an effective wildlife corridor, having a minimum set back from the river of 100m.
- Incorporate bear-smart best practices into all phases of the project.
- Provide information on responsible use of crown and freehold land for recreational purposes including the negative impact of off highway vehicles on the environment.
- Work with ESRD to ensure that recreational activity is managed effectively to reduce the negative effects on wildlife.

Alberta Transportation

Alberta Transportation has no objections to the proposed land use amendment to facilitate the proposed campground. If approval is considered we would require that the existing approach be upgraded to a Type I intersection with a 15m radius. A Development permit will also be required.

Public Works – Clearwater County

Generally Public Works has no objection to the described redesignation. Access to the proposed development has been requested utilizing SH 591 then proceeding NW on a portion of Road Plan 5510 (RR 8-5A) which is under the jurisdiction of Clearwater County. Currently this road is not maintained by the County and is considered an Isolated Access Road on road allowance and is subject to the conditions of this policy. The existing road currently meets most of the requirements of this policy. Due to the nature of this roadway Public Works will install a “Max 50 KM/HR” sign, a checkerboard at the north end of Road Plan 5510PX and a sign indicating “Isolated Access Road No Municipal Maintenance”. The development will be required to sign an agreement with the municipality acknowledging the policy requirements.

Municipal Planning Commission

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

**The Chair invited the applicant to speak re comments from the agencies.**

Ms. Williamson noted that she is prepared to work with ESRD to address any concerns and meet all requirements.

Councillor Dick Wymenga inquired if the 100m set back from the river as required by ESRD, would have any effect on the proposed development plan. Ms. Williamson responded that the existing 20m set back as required by the MDP, would have to be extended.

Councillor Jim Duncan inquired on the zoning of the property located north of the proposed development. Mr. McCrae stated that it is privately owned and zoned agricultural use.

**The Chair invited the applicant to speak**

Ms. Williamson stated she wants to create a controlled environment with leased sites for campers that come to the area.

She noted that she has supporting documents addressing the environment concerns regarding septic systems and flood area.

Councillor Duncan inquired if the property is in the 1:100 year flood zone. Mr. McCrae responded there is no documentation that reports this property falls into the 1:100 year flood zone, however there was significant flooding in 2005. Councillor Duncan asked about building restrictions in 1:100 year flood zone. Mr. McCrae explained that the Clearwater County's MDP considers land hazard land if it is prone to flooding and that Clearwater County shall not allow any other land uses in a 1:100 year flood zone except for extensive agriculture or for outdoor recreation and any development that is allowed in a 1:100 year zone shall be flood-proofed to a standard acceptable to Clearwater County.

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

No members of the public spoke in favour.

Ms. Williamson received letters of support from Dan and Jennifer Belton, Christian Gadke, Dale Douglas, Vivian and Sam Steacy, Sandy Ritchie,

Michelle Fisher, Donna Schumacher, and Peter Menzel and a list of 26 potential leaseholders for camp sites. Councillor Bob Bryant asked how many of the people who wrote letters of support lived in the area. Ms. Williamson responded there were two.

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

Mark Pennifold stated they are opposed to the development because there are too many campgrounds currently in the area. Mr. Pennifold noted the area is overused by recreational activity. Mr. Pennifold responded to questions from Council and noted their lifestyle is disrupted by quadding activity in the area.

Max Armstrong spoke on behalf of thirty-four (34) property owners in the area and noted concerns with: the loss of valuable farmland to the proposed development; the remaining parcel of 20 acres not sustaining a viable agricultural operation; increased amount of highway traffic with only one access road to the proposed development; flood waters causing contamination of Tay River and water wells in the area; and a gas plant located approximately two km west of the proposed development.

Dave Higgins noted concerns with excessive quad use, quads chasing animals and damaging creeks, environmental damage caused by campers and contamination caused by flood water.

Sheryl Holmstrom noted concerns with increased traffic causing potential for vehicle accidents particularly during the annual cattle drive.

Mr. Higgins commented on the wildlife corridor in the area of the proposed development.

Courtney Jamison noted concerns with recreational and quad activity causing environmental damage, disturbing wildlife, and affecting the lifestyle of property owners without any economic benefits in the area.

Pat Higgins commented on camping activity disrupting the lifestyle of residents and the reckless and unsafe quad activity destroying the environment and damaging privately owned property.

John Bugbee noted concern with the loss of prime farmland and with the potential increase of off highway vehicles in the area.

**The Chair asked for written comments from the public.**

Mr. McCrae submitted to Council copies of letters received from Helen and Terry Jameson, John and Ilene Bugbee, Sam and Sharon Hamilton, Morris Butler, Alan and Cheryl Richards, and Anne Lindsay on behalf of Helen Lindsay Begon, David Lindsay and Cassandra Zdebiak.

**The Chair invited the Applicant to respond to concerns.**

Ms. Williamson stated the original real estate listing featured the property priced for development as a potential campground. Several neighbouring properties currently listed are promoting off highway vehicle and recreation/camping use as a sales feature. Ms. Williamson noted this development proposal is to provide a controlled leased site camping facility in Clearwater County to promote the area as a tourist destination and to deter random camping.

Ms. Williamson noted plans are in place for an approved septic treatment plant with watertight wastewater tanks to address concerns of contamination by flood waters.

Ms. Williamson stated Alberta Environment and several other sources have been consulted and unable to supply documented information that determines the area is in a 1:100 flood zone.

Ms. Williamson noted campground rules and regulations have been established for off highway vehicle usage, noise levels, fire pits, pets, and garbage/waste disposal.

Council Jim Duncan asked if access onto SH 591 by off highway vehicles would be restricted. Ms. Williamson responded yes. Councillor John Vandermeer noted eliminating quad access to private property and highway would be necessary. Council requested copies of the rules and regulations from Ms. Williamson, which were provided.

Adjournment at 11:25 A.M.

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REEVE

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CHIEF ADMINISTRATIVE OFFICER