

Minutes of a Public Hearing in regards to By-law No 963/12, held in the Clearwater County Council Chambers on August 28, 2012.

The Public Hearing was called to order at 10:30 A.M. with the following being Present:

Reeve:	Pat Alexander
Councillors:	Earl Graham
	Bob Bryant
	Case Korver
	Dick Wymenga
	John Vandermeer
Municipal Manager:	Ron Leaf
Recording Secretary:	Christine Heggart
Manager, Planning:	Keith McCrae
Senior Planner:	Marilyn Sanders
	Sarah Maeche
	Helge Nome
	Diane Fingler:
	Dan Spongberg
	Frances Spongberg
	Vic Maxwell
	Marshall Morton
	Erik Hansen
	Joseph Roselle
	Robert Anger
	Reo Van Maarion
	Janice Van Maarion
	James Morrish
	Susanne Gordon
	Brian Ruysglaar
	Kimberley Hunke
	Marg French

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

Marilyn Sanders provided an overview of the application for the redesignation of ±39.00 acres in Plan 3329-TR, Block 2, Lot 10, PT SW 23-39-08-W5M, from Agriculture District "A" to Country Residence District "CR" for the purpose of developing 13 residential parcels.

Ms. Sanders noted that the property is located approximately 5 miles west of the Town of Rocky Mountain House on Old Highway #11A. She added that the legal and physical access to the subject land is north off of the westerly extension of Ferrier Drive.

Ms. Sanders summarized the development application process, the background of the application and reviewed sections of the Municipal Development Plan (MDP) and Land Use Bylaw applicable to the proposed development.

Ms. Sanders added that the applicants feel that the parcel is too small to be used for agricultural pursuits and that the soil and topography and geographic location made the land well-suited for country residential use and that the application is consistent with the Garth-Ferrier Area Structure Plan (ASP).

**The Chair invited questions from Council.**

There were no questions from Council.

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

Energy Resources Conservation Board

No comments were received.

Telus Communications

No concerns.

FortisAlberta Inc.

No objection.

Rocky Gas Co-op – Craig Cannaday

The Rocky Gas Co-op does have a gas line running north and south on the eastern side of this parcel and it also goes from the southeast to the northwest across the northeast corner of this parcel. This line must be located and marked prior to any further development taking place. If there is a request to have these lines moved or lowered for further development the cost is at the owners expense.

Public Works – Marshall Morton

Public Works requires that all development comply with the specification described in the Clearwater County Residential Subdivision Standards Policy and Approach Construction Guidelines Policy. A storm water management plan for the development is also required. Access is being proposed via Range Road 8-2 and must comply with all applicable criteria described in the relevant policies. This includes but is not limited to the 150m setback from an intersection, 150m site line requirement and proper approach spacing. These criteria must be confirmed prior to approval. As the municipality is to assume ownership of the internal subdivision road, the design and specifications of this road must comply with all relevant policies. As part of the internal road design a knock down gate must be constructed at the east end of the development. A meeting with the Public Works Department is recommended to discuss design requirements and any site specific criteria.

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.**

Vic Maxwell spoke on behalf of the applicants and noted that the concept developed is friendly to the surrounding area and that the intention is to maintain the tree cover.

Mr. Maxwell described the proposed subdivision and its interior road system, the storm water management plan and the anticipated minimal traffic impact with the addition of 13 parcels.

Mr. Maxwell noted that the removal of trees will be at discretion of the individual property owners and that the roads will be built to County standards and the sites will have power, phone and natural gas to property lines.

Mr. Maxwell noted that completion of a water study, and that the surrounding area's well drilling reports indicate that all the wells have adequate water.

Mr. Maxwell noted the area is desirable for this type of development and not used for agricultural purposes any longer.

Councillor Korver questioned the waste water suitability and asked whether a study was completed. Mr. Maxwell responded noting that the area is sand and grey wooded topsoil and sandy subsoil and that the property is suitable for septic fields for every parcel.

Ms. Sanders noted that further testing for wastewater systems would be required at the subdivision stage, should the application for redesignation be approved by Council.

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

No members of the public were in attendance to speak in favour of the application.

Ms. Sanders noted that no letters "In Favour" of the application were received.

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

Susanne Gordon noted that she submitted a letter and that her concerns included: the road entrance into the subdivision and its impact on neighbouring properties, safety of approach, nightly traffic lights, widening of the road is required, privacy, tree removal and the removal of a noise buffer, loss of the picturesque area, small lots sizes and that the development of 13 properties is an overabundance for the area.

Councilor Vandermeer questioned the size of Ms. Gordon's lot and Ms. Sanders responded that the Gordon's property is 1.83 acres.

Councillor Vandermeer also questioned Ms. Gordon as to the correct number of parcels for the proposed subdivision and Ms. Gordon responded that five or six parcels would be more appropriate.

Ms. Gordon also responded to question regarding historical water contamination problems.

Brian Ruysglaar noted his concern with approach directly across from his property, that he will now look down a road from his deck, and that Ferrier Drive has a hill and questioned the approach safety.

Reo Van Maarion noted concerns with water and the historical aquifer contamination spreading, traffic, ditch sloping, no room to walk on the shoulder of Highway 11A, the approach right across from his property that would need to be removed and more dogs in the area.

Robert Anger noted his concern with water well flows and water well testing as reported by the developer.

James Morrish noted his concern with road, traffic volume (big truck and heavy equipment hauling), number of vehicles per household and narrowness of the Highway 11A.

Janice Van Maarion noted concerns with number of parcels, removal of trees, water flow levels, property values and the impact on demand for other established acreages and current market

availability of acreage lots. Ms. Van Maarion questioned whether the developer would include restrictive covenants or architectural controls to ensure that property owners abided by the original Garth-Ferrier Area Structure Plan (ASP) and only were able to remove 20% of trees.

Marg French noted her concern with number of parcels proposed, that the subdivision is not in the flavor of what Ferrier has been developed as, traffic volume, traffic speeds, the hill and additional traffic entering the approach, history of water contamination and uncertainty with facts presented. Ms. French added that a study of the site lines are needed and that road access could continue from the east instead and recommended six to eight parcels instead of 13.

Kimberley Hunke noted increased traffic from the subdivision and the need for the applicant to share the cost incurred by her company Sunarch for the upgraded type II intersection. Ms. Hunke noted that one developer should not benefit from another and that a levy should be implemented to reimburse the parties who funded the intersectional improvement, making it a three-way cost share.

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

Ms. Sanders noted that three letters were received and circulated to Council from Susanne Gordon, Kimberly Hunke and Roger and Anne Sherva. She noted that Ms. Gordon and Ms. Hunke read their letters during their presentations.

Ms. Sanders read the letter from Roger and Anne Sherva which noted their concern with the removal of agricultural land, zoning of CR adjacent to A, the number of parcels, tree removal, noise reduction with tree removal, 13 septic fields and water wells, water quality and pressure and concerns with the number of acreages.

Mr. McCrae responded to question regarding the location of the Sherva property.

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

Mr. Maxwell described the Gordon property noting that the subdivision approach would not be visible due to the high ridge on the Gordon property and that the Ruysglaar property will not be directly across from subdivision approach.

Mr. Maxwell noted the developer does not intend to remove trees along the roadway and that access to acreages is through internal roadway.

Mr. Maxwell provided a response to the water testing noting that well driller's reports indicate the Anger's well pumps at 15 gallons per minute and that the area appears to have an abundance of aquifers and water supply.

Mr. Maxwell noted that the parcel sizes meet the requirements of the MDP, are reasonably sized with an average of 2.6 acres. He added that none of the parcels are the minimum size required under the ASP.

Mr. Maxwell responded to questions regarding the acreage market noting the developer anticipates the market strengthening and that they want to be ready for when demand is there.

Mr. Maxwell noted the Municipal Reserve provided along the Highway 11A boundary of the property and that the developer plans to plant conifer trees for an additional buffer.

Mr. Maxwell noted the location of the subdivision approach meets the County standards of being 150m minimum from the intersection and that the site lines are unrestricted.

Ms. Sanders responded to question regarding architectural controls noting that the County's Land Use Bylaw regulates setbacks from property lines and the size of houses that can be built but that the County does not impose architectural controls and questioned whether the applicants would place architectural controls on the property.

Councillor Korver requested a hydrology report and wastewater study be prepared.

Mr. Maxwell noted that a technical study details the cubic meters of water available and the remaining reserve available in the aquifer.

Mr. Maxwell responded to question regarding a test well on the property which he noted flows at 15 gallons per minute.

Mr. Maxwell noted that the disposal of waste is governed by Alberta Environment and systems are approved and inspected by the Province.

Marshall Morton responded to question regarding an eastern access road and noted that a roadway and knock down gate would need to be constructed at the eastern end of the property but that the road would not be used for through traffic.

Mr. Maxwell addressed the question regarding the number of parcels noting that the lot sizes meet the MDP and the required minimum lot sizes and that the number provides an optimum size for CR zoning.

Adjournment at 11:50 A.M.

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MUNICIPAL MANAGER

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REEVE