

Municipal District of Bighorn No. 8
Public Hearing
Wednesday, January 24, 2017 at 7 p.m.
Exshaw Community Hall, 74 Heart Mountain Drive, Exshaw, AB

RE: Bylaw 16-z/17, a bylaw to amend Land Use Bylaw 04/10, by creating a new land use district known as Dead Man's Flats East Industrial District and to amend Land Use Bylaw 04/10, Map 2, Hamlet of Dead Man's Flats Land Use Map.

Present: Reeve Dene Cooper (Chair)
Deputy Reeve Paul Clark
Councillor Erik Butters
Councillor Lisa Rosvold
Councillor Paul Ryan

M.D. Administration:

Martin Buckley, CAO
Robert Ellis, Director of Planning
Jenny Kasprovicz, Manager of Planning Services
Lynda Gale, Recording Secretary

Gallery:

S. Jonker
M. Brown
L. Brown

Call to Order

Reeve Cooper called the meeting to order at 7:00 p.m.

Purpose of the Hearing and Introduction of the Proposal

Reeve Cooper spoke to the purpose of the Public Hearing, which was to hear public comments on proposed Bylaw 16-z/17, a bylaw to amend Land Use Bylaw 04/10, by creating a new land use district known as Dead Man's Flats East Industrial District and to amend Land Use Bylaw 04/10 Map 2 – Hamlet of Dead Man's Flats Land Use Map.

MOVED by Councillor Rosvold to commence the Public Hearing for Bylaw 16-z/17.

CARRIED

Administrative Report

The Manager of Planning Services made a power point presentation, which forms part of these minutes and is attached as Schedule 'A'.

Deputy Reeve Clark asked if Fortis had been notified of the hearing. The Manager of Planning Services said they were not included in the referral list. The C.A.O. told Council

that Fortis does not have any structures in the area.

Councillor Rosvold asked for clarification on where the wildlife fencing would start and end. The Manager of Planning Services said the fencing is proposed and will be finalized later. She added that the stormwater pond will be located outside of the fence.

Councillor Butters asked where the storm pond would be located. The Manager of Planning Services told Council that engineers have recommended it be on the east side of the proposed area. The Director of Planning Services added that the Area Structure Plan requires all industrial and residential lots to have wildlife fencing.

Councillor Ryan asked if the wildlife fencing will be west of the underpass to keep animals from entering the industrial area. The Manager of Planning Services said yes and stated the fencing will also have 'jump-outs' for animals who do make their way inside the industrial area.

Councillor Ryan asked if there was a list of agencies who received information about the public hearing. The Manager of Planning Services said the notification of the bylaw was sent in early December 2017. She said that first reading for the bylaw was on November 6, 2017.

Councillor Ryan asked if any responses were received. The Manager of Planning Services said she only received one letter from ATCO and one from a member of the public.

In Support

Reeve Cooper asked if there was anyone who wished to speak in support of proposed Bylaw 16-z/17.

S. Jonker told Council he was a resident of River's Bend, Dead Man's Flats. He said he sent in a written submission and asked Council if there were any questions regarding his submission. He noted that in his letter he outlined that the bylaw does not say that proposed fencing will keep wildlife out. He said the bylaw shows the fence on the east side of the animal underpass.

Deputy Reeve Clark asked if Alberta Environment and Parks (AEP) could refuse the plan. S. Jonker said yes, they would have concerns about how the underpass functions.

M. Brown told Council he is also a resident of River's Bend in Dead Man's Flats. He said his concerns were with increased traffic. He said currently all industrial traffic must pass the residential area to access the industrial lots and asked if an alternate access had been considered. He asked if there was an estimate on increased traffic, such as truck counts and size of trucks. He asked Council if traffic calming would be considered in the new area, as residents are already dealing with vehicles traveling at a high rate of speed and added that there are no sidewalks in the hamlet.

Reeve Cooper said Council would consider all positions and questions.



Councillor Rosvold said increased traffic is a significant concern.

L. Brown said she was concerned about fencing and wildlife using the underpass.

In Opposition

Reeve Cooper asked three times if there was anyone who wished to speak in opposition. There was no one.

Other Submissions

Reeve Cooper asked Administration if they had received any other written or oral submissions regarding Bylaw 16-z/17.

The Manager of Planning Services told Council there was one written submission received from ATCO, which forms part of these minutes and is attached as Schedule 'B'. There was one written submission from S. Jonker. The letter forms part of these minutes and is attached as Schedule 'C'.

Final Questions of Administration

The Manager of Planning Services told Council the bylaw is posted on the M.D. of Bighorn's website and added the bylaw may go to the February 13, 2018 Council meeting for second and possible third reading.

There were no questions of Administration.

Hearing Closure

The Reeve declared the Public Hearing closed at 7:30 p.m.



Reeve



Secretary

SCHEDULES ATTACHED TO THESE MINUTES	
'A'	Presentation from the Manager of Planning Services
'B'	ATCO Letter of Response
'C'	S. Jonker Letter of Response



Bylaw 16-Z/17

Dead Man's Flats East Industrial District & Redistricting of East ASP Lands

Public Hearing

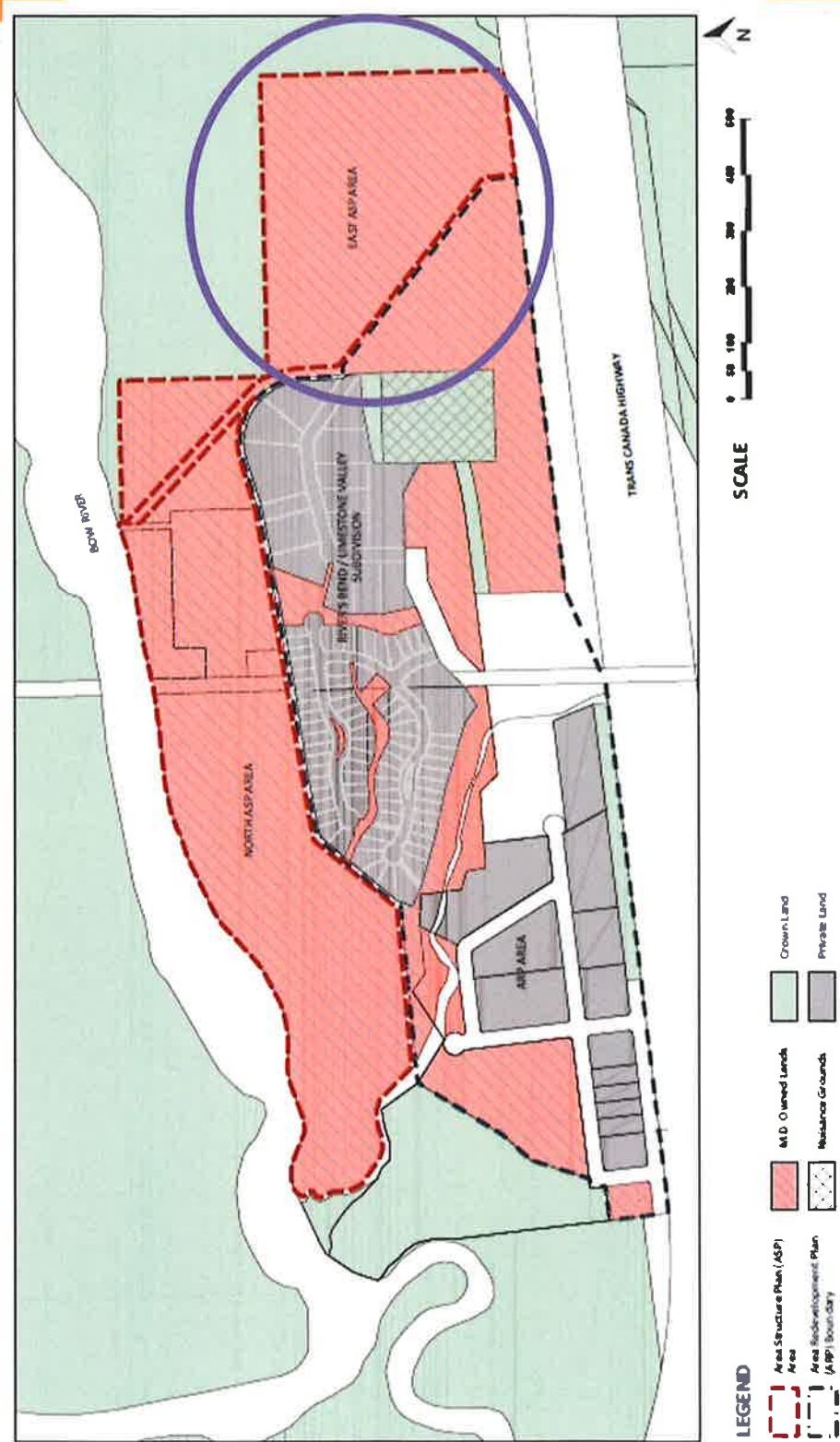
Wednesday, January 24, 2017

Background

► In accordance with the Dead Man's Flats Area Structure Plan, which was approved as Bylaw 12/15 in 2015, Council has given the direction to bring forward an amendment to Land Use Bylaw No. 04/10 to create a new industrial district and redesignate the East ASP lands to this new district. Included in the redistricting is:

- Plan 1113618, Block 1, Lot 5 from Rural Recreation District (R) to Dead Man's Flats East Industrial District (DMF-I)
- Ptn. Plan 1113618, Block 1, Lot 4 from Hamlet Industrial District (H-I) to Dead Man's Flats East Industrial District (DMF-I)
- Plan 1113618, Block 1, Lot 4 from Public Service District (P) to Dead Man's Flats East Industrial District (DMF-I)

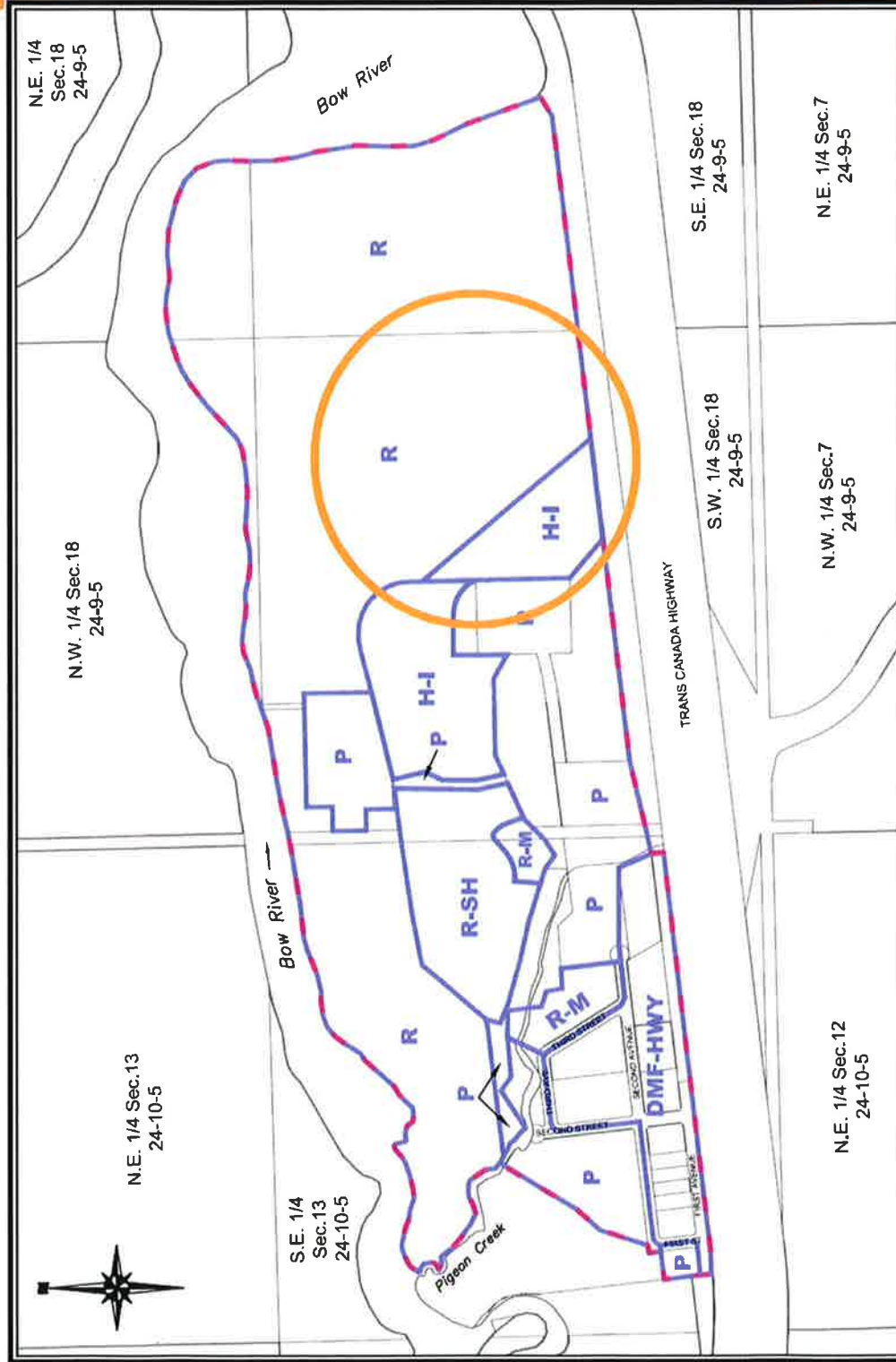
East Industrial Lands Location



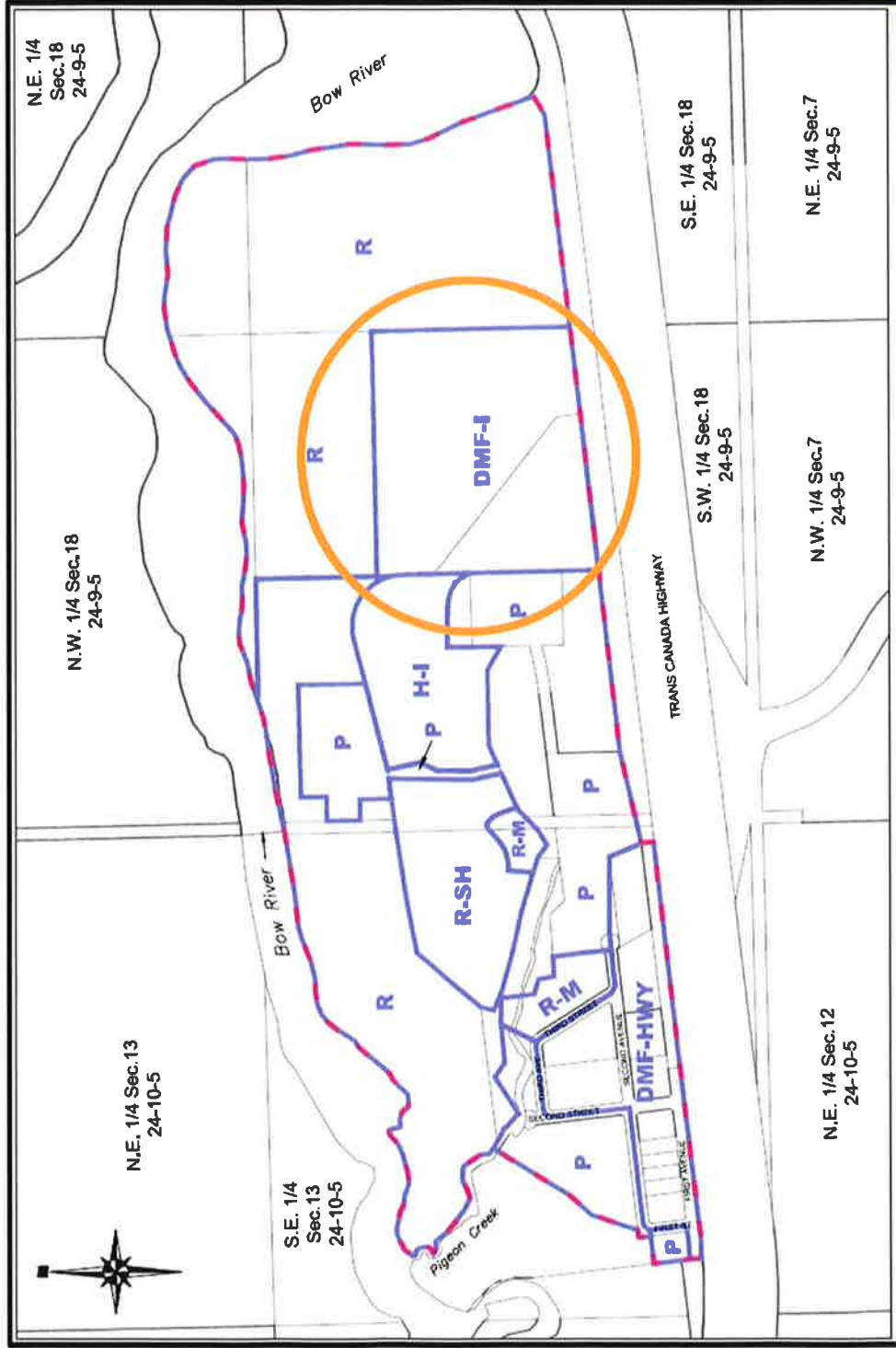
Vision

- ▶ Vision for the East ASP lands according to the DMF Area Structure Plan is:
 - ▶ To rezone the area for light industrial land uses, including: light manufacturing, offices, warehousing and other appropriate uses
 - ▶ Provide local goods, services and an increased tax revenue for the M.D.
 - ▶ To take into account appropriate measures to reduce human/wildlife encounters for any future development/subdivision

Existing Land Use Bylaw Map 2: Hamlet of Dead Man's Flats Land Use Map

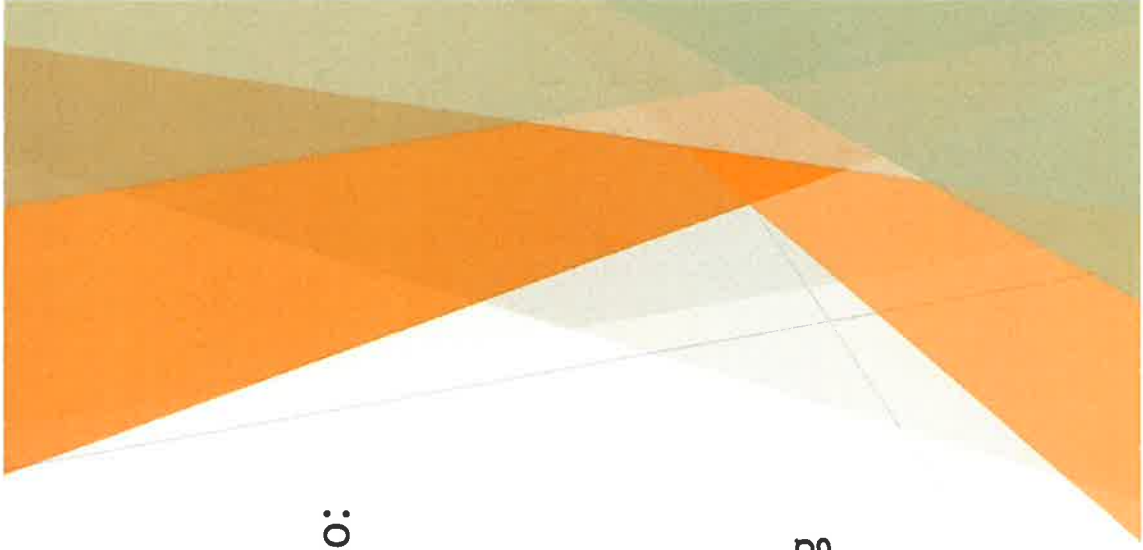


Proposed Land Use Bylaw Map 2: Hamlet of Dead Man's Flats Land Use Map



Proposed Dead Man's Flats East Industrial District (DMF-I) Overview

- ▶ DMF ASP vision - next steps
- ▶ Goal is to create a district that allows light industrial uses while recognizing the need for certain mitigation to reduce human/wildlife interaction
- ▶ DMF-I District incorporates mitigation recommendations contained in the Development Impact Assessment completed for the site (Golder and Associates, 2015) and the policies of the Dead Man's Flats Area Structure Plan

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- ▶ **Purpose:** The purpose of this district is to provide land within the Dead Man’s Flats East Industrial Area for light industrial uses. Types of uses include, but are not limited to: manufacturing, processing, servicing, warehousing, and distribution and storage.
 - ▶ **Permitted and Discretionary Uses**
 - ▶ **Subdivision Regulations:** Minimum lot area 1393.5m² (0.3 acres), consistent with the current H-I District
 - ▶ **Development Regulations:** consistent with the H-I District with the exception of lots backing onto the wildlife fencing



DMF-I District requires a *conceptual scheme* prior to subdivision and development of the East ASP lands. The conceptual scheme must include:

- ▶ A concept plan illustrating lot layout, density, and access
- ▶ A wildlife fence along the north and east side of the East ASP area
- ▶ Low Impact Development/Naturalized Stormwater Management design.
- ▶ Storm pond location outside of the wildlife fence to provide for wildlife movement
- ▶ Any other technical reports at the discretion of the MD (Environmental Site Assessment, Geotechnical and Slope Stability Study, Historical Resource Assessment, etc.)

Additional District Requirements:

- ▶ Native plant species and xeriscaping encouraged to reduce the need for supplemental water from irrigation
- ▶ Requirement to remove wildlife attractant plants from each development site
- ▶ For lots backing onto the wildlife fencing:
 - ▶ 1.5m rear yard setback requirement to prevent storage in rear yards and create a distinct buffer between the wildlife fencing and industrial lots.
 - ▶ Requirement for inside storage of garbage and recycling
 - ▶ Building access permitted only from the front or sides of buildings
 - ▶ No lighting allowed at the rear of buildings

Advertisement/Circulation

- ▶ Rocky Mountain Outlook Newspaper (December 14, 21, 4 editions)
- ▶ Adjacent Landowners
- ▶ Alberta Environment and Parks, Lands Approvals, Team Lead
- ▶ Alberta Environment and Parks, Approvals Manager
- ▶ Town of Canmore
- ▶ ATCO pipelines
- ▶ ATCO gas
- ▶ Internal Departments

Responses

- ▶ ATCO Pipelines - No objections subject to conditions
- ▶ Landowner

December 15, 2017

Your File: Bylaw 16-Z17

Our File: 17-4639

Attention: Katy Bravo Stewart
Municipal District of Big Horn
Planning and Development Department

RE: Proposed Public Hearing – SW 18-24-9-W5

The Engineering Department of ATCO Pipelines (a division of ATCO Gas and Pipelines Ltd.) has reviewed the above named plan and has no objections subject to the following conditions:

1. Any existing land rights shall be carried forward in kind and registered on any newly created lots, public utility lots, or other properties.
2. Ground disturbances and surface works within 30 meters require prior written approval from ATCO Pipelines before commencing any work.
 - Municipal circulation file number must be referenced; proposed works must be compliant with ATCO Pipelines' requirements as set forth in the company's conditional approval letter.
 - Contact ATCO Pipelines' Land Department at 1-888-420-3464 for more information.
3. Parking and/or storage is not permitted on ATCO Pipelines' pipeline(s) and/or right(s)-of-way.
4. ATCO Pipelines recommends a minimum 15 meter setback from the centerline of the pipeline(s) to any buildings.
5. Any revisions or amendments to the proposed plans(s) must be re-circulated to ATCO Pipelines for further review.

If you have any questions or concerns, please contact the undersigned at 780.420.3896 or email Isabel.Solis@atco.com.

Yours truly,

ATCO Pipelines
A division of ATCO Gas and Pipelines Ltd.



Isabel Solis-Jarek
Operations Engineering Department



IS

Martin Buckley

From: shane jonker <shanejonker@hotmail.com>
Sent: Wednesday, January 24, 2018 11:03 AM
To: Martin Buckley; Dene Cooper; Paul Ryan; Paul Clark; Erik Butters; Lisa Rosvold
Subject: Public Hearing 16-Z/17

Good morning CAO, Reeve and Council,

Please accept this as my written submission towards the public hearing this evening. I am a developer in the Hamlet of Dead Man's Flats and a resident in Dead Man's Flats.

I am neither for nor against the bylaw as I believe there can be responsible development within the proposed zoning boundaries as well as irresponsible, impractical and non beneficial development. Most of my submission today is a list of questions that I feel should be addressed prior to proceeding.

- 1) Before subdivision can occur within the lands the plan of subdivision will need to be circulated to Alberta Environment and Parks, Alberta Transportation and likely Alberta Health as well. Each department will have to provide a letter of non objection for the subdivision to occur. It would be prudent for the MD to consult with the provincial departments to understand whether there is any hope of obtaining such letters by the parties intending to subdivide prior to committing the land under zoning. In other words, if the province will not allow subdivision under the proposed plan what is the point of zoning the land?
- 2) Currently the MD has a water and wastewater servicing agreement with the Town of Canmore. Schedule D of that agreement provides the future development of the Hamlet that was contemplated under that agreement. This proposed areas was not included in that schedule. It is not a secret how the Town of Canmore feels about the proposed zoning. Has the MD confirmed that the Town will provide water and wastewater services to this expanded area under the agreement? If the Town does not supply services what is the point of zoning the land in so far as the province is not going to permit another lagoon and a well?
- 3) There are only 2 permitted uses in the propose district. Signs is one and accessory buildings not more than around 1000 square feet is the other. At the same time, the minimum lot area is 15,000 square feet. This is not sensible. In order to have effective zoning there must be logical permitted uses. The way it is proposed the land owner could put a sign and a two car garage on a 15000 square foot lot. The future success of this proposal will not be realized without surety of land use.
- 4) Figure 1 and the setbacks chart are confusing. The shaded areas have no different requirement than the unshaded areas. With the Land Use Bylaw review at the draft stage one of the goals was to clean up language to avoid confusion. What is the difference between a minimum and a required setback?
- 5) When viewed in conjunction with the ASP the proposed bylaw requires a wildlife fence to be constructed in such a manner as to capture wildlife exiting the wildlife underpass within the developed area. There is also no mitigation to prevent wildlife from moving along the south boundary and entering the fenced area thereby being trapped. This is a very high wildlife use area. The fence seems very ill conceived unless it is continuous.
- 6) Storm water is shown in the ASP maps as being managed through ponds within the fenced area. The bylaw says it will be outside. Which is it? Amendments to one or the other will be required. Also, who owns the land outside the proposed fenced area? My understanding has been that it belongs to the province. If so the bylaw cannot require storm water management infrastructure to be constructed there.
- 7) Why is there a prohibition provision for industrial activities that require water use like laundry and car washes? It creates an automatic competitive advantage for Canmore and it is from Canmore that we get the water. Bear in mind that water in the cycle is returned back upstream to Canmore where it is very effectively treated and returned to the Bow where it passes by us again. It is not gone once it has been used. I once asked the manager of Public Works in Canmore what would happen if they suddenly met their arbitrary water use reduction targets. The answer was that they would have to add water to the sewer system to make it work!
- 8) There is a restriction to using only chain link fence. There is also a requirement for screening outdoor storage. Chainlink does not make an effective screen and the screening inserts soon find their way windblown about the

area. Why would there not be an allowance for the type of PT wood screening fence permitted in Limestone Valley?

These are my questions. I hope there is some direction given to having them addressed for council before moving forward.

Shane

Sent from Mail for Windows 10