



Cypress County



**JOINT PUBLIC HEARING BEFORE THE MUNICIPAL COUNCILS OF
CYPRESS COUNTY, REDCLIFF AND MEDICINE HAT**

**CONCERNING PROPOSED AMENDMENTS TO THE
TRI-AREA INTERMUNICIPAL DEVELOPMENT PLAN**

**HELD ON TUESDAY, DECEMBER 6, 2011 AT 7:00 P.M.
AT THE MEDICINE HAT LODGE**

SUMMARY OF PROCEEDINGS

COUNCIL MEMBERS PRESENT:

**CITY OF
MEDICINE HAT:**

Mayor N. Boucher, Ald. T. Clugston, Ald. R. C. Dumanowski,
Ald. J. Hamill, Ald. G. J. Kelly, Ald. L. Pearson and
Ald. P. Turnbull

**CYPRESS
COUNTY:**

Reeve D. Geigle, Deputy Reeve B. Betcker, Councillors B. Olson,
F. Haas, G. Lentz, L. Pahl, H. Scott, G. Russill, and J. Clark

**TOWN OF
REDCLIFF:**

Mayor R. Hazelaar, Councillors: D. Kilpatrick, C. Brown, E. Solberg,
C. Crozier, E. Reimer and J. Steinke

1. CALL TO ORDER

D. Leflar, City Clerk for Medicine Hat, called the meeting to order at 7:00 p.m.

Mr. Leflar advised that the Councils of all three municipalities have designated this evening's proceedings as a Special Meeting under Section 230(2) of the *Municipal Government Act* (the "Act") for the purpose of holding a joint public hearing under Section 692(3)(a) of the Act. All three Councils have given first reading to bylaws which, if passed, would have the effect of amending the Tri-Area Intermunicipal Development Plan (the "IDP"). Cypress County's Bylaw is #2011/23, Redcliff's Bylaw is #1701/2011 and Medicine Hat's Bylaw is #4804.

Mr. Leflar also advised that this meeting has been advertised according to the requirements of the Act and will constitute the public hearing only, under all three bylaws. No debate or discussion will occur, and no votes will be taken. The Councils will schedule consideration of second and third readings of their respective bylaws at a later time.

2. **APPOINTMENT OF CHAIRMAN**

On the motion of Redcliff Councillor **E. Solberg** seconded by Mayor Boucher of the City of Medicine Hat, D. Geigle, Reeve of Cypress County, was appointed Chair of the meeting. There were no dissenting votes.

3. **OVERVIEW OF THE PROPOSED AMENDMENTS**

J. Dowling, Director of Planning for Cypress County, provided background on the process that led to introduction of the bylaws to amend the IDP, and gave an overview of the content of the proposed amendments. Mr. Dowling pointed out that none of the written text of the IDP is proposed to be changed, only the drawings identified as Map A and Map B. The size and location of the affected land area was specifically identified via a PowerPoint presentation, a copy of which is on file with each of the municipalities. Mr. Dowling also advised that although the subject land is currently designated for future growth and riparian protection under the IDP, it is also currently zoned as Agricultural IDP District 1 under the Cypress County Land-Use Bylaw, a classification that includes "gravel pit" and related operations as a discretionary use. In response to an inquiry from **Alderman Turnbull**, Mr. Dowling advised that subject to budget approval, completion and adoption of the Dunmore Area Structure Plan [a step contemplated by the IDP] should occur by late 2012 or early 2013.

As part of his presentation Mr. Dowling specifically acknowledged and briefly summarized the content of six written submissions that were received and provided to all Council members prior to the Public Hearing. The written submissions, copies of which are on file with all three municipalities, were received from:

- (a) Roger Pozzo;
- (b) TP Oilfield Services Ltd.
- (c) Wedding Star
- (d) Smith & Hersey, acting for Monarch Land Ltd.
- (e) Niblock and Company, acting for South Rock Ltd.
- (f) Gordon Law Office, acting for Isabel Bohnet

4. **ORAL PRESENTATIONS IN SUPPORT OF THE IDP AMENDMENTS**

Lawrence Gordon, lawyer, advised that his client Isabel Bohnet owns the subject land and never approved that land being excluded from the inventory of lands identified as potential sand and gravel extraction areas, under the IDP. Mr. Gordon advised that his client's late husband, a former joint landowner, had without his spouse's knowledge or consent, urged the municipalities to avoid identifying the subject land as potential sand and gravel extraction area. Mr. Gordon observed that the land is geologically suitable for sand and gravel extraction, and is located in close proximity to three currently operating gravel pits.

Barry Miskuski, lawyer, advised that his client South Rock Ltd. currently owns and operates a gravel pit and asphalt plant in the immediate vicinity of the subject land, and has a conditional agreement with Isabel Bohnet to purchase the land. He advised that the land is very suitable geologically for sand and gravel extraction, and would have good access to major transportation routes including Township Road 120. Mr. Miskuski observed that objections to specific sand and gravel extraction proposals are not appropriate in these proceedings, and should rather be considered only if and when a development permit application is made. Mr. Miskuski also advised that if approval were obtained for a gravel pit on the subject land, his client would subsequently relocate its asphalt plant to that parcel, which would be further away from the hamlet of Dunmore.

Councillor Scott inquired as to how far in the future the asphalt plant relocation would occur.

In reply Mr. Miskuski invited two representatives of his client, **Merv Boychuk** and **Doug Badke**, to make an oral submission to expand on their future plans. These gentlemen proceeded to make a presentation including a PowerPoint slide show conducted by Mr. Badke, at the conclusion of which Councillor Scott's question was answered when Mr. Boychuk advised that relocation of the asphalt plant would not occur for at least a couple of years.

Mr. Badke's PowerPoint presentation included slides showing future active sand and gravel extraction on the subject land, in some places to within a 30 metre setback of Bullshead Creek, and Mr. Badke added that in extracting gravel South Rock would stay 3 metres vertically above the creek's high water mark.

At the conclusion of Mr. Badke's presentation **Alderman Pearson** asked why South Rock is planning to extract gravel to within 30 metres of the creek, when both the IDP and the proposed amendments call for a 100 metre setback. Mr. Boychuk indicated that it was his understanding that one purpose of the amendments was to adjust the setback to 30 metres. Mr. Dowling then took the floor at the Chair's invitation, and advised that this is not the case – the proposed amendments would retain the 100 metre setback from Bullshead Creek.

A copy of Mr. Badke's PowerPoint presentation is on file with each of the municipalities.

5. ORAL PRESENTATIONS IN OPPOSITION TO THE IDP AMENDMENTS

Carol Pearson stated that she lives close to the current location of the Asphalt Plant and that dust from the operation is detrimental to her family's health. She also advised that the plant emits unpleasant odours, and is noisy in its operation, sometimes all night long in busy season. Ms. Pearson expressed disappointment with Cypress County for supporting this proposed amendment to the IDP.

Dan Smith, lawyer, advised that in 2005 his client Monarch Land Ltd. sought and obtained a Land Use Bylaw amendment to zone a 76 acre parcel directly north of and abutting the subject land, for light industrial and country residential uses. Mr. Smith advised that Monarch still has every intention of developing its lands in that manner; therefore, allowing a new gravel pit on the subject land would cost Monarch millions of dollars in lost revenue because its land would be ruined for those purposes. Mr. Smith stated that there are upwards of 2500 acres of other lands identified as potential sand and gravel resource extraction in the area covered by the IDP, which are not in proximity to both existing and potential future residential and small commercial uses, and are not in proximity to an environmentally sensitive riparian area.

Councillor Lee and **Alderman Hamill** inquired as to why Monarch has not taken steps to develop its property since obtaining the zoning it requested several years ago, and why there is still a "For Sale" sign on the property. Mr. Smith advised that the overall economic downturn, especially since 2008, has caused Monarch to delay its plans but that Monarch still intends to develop in accordance with the zoning, or sell the property to someone else who would do so if the price is right.

Several other individuals then took the floor to speak in opposition to the proposed amendments, including **Cheryl Pavlovic** who is an owner/manager of TP Oilfield Services Ltd., and residents **Darryl Beirback** and **Kelvin Blatz**. All of the speakers advised that they either live or operate businesses in close proximity to the subject land. All expressed concern about the present adverse impacts of gravel extraction and asphalt production activities in the area, and the potential for those adverse impacts [noise, dust, odours, pollution of surface and ground water] to increase if additional activity of the same kind is permitted.

6. FINAL COMMENTS FROM THE PUBLIC

The Chair inquired if there were any final comments from anyone who had previously made an oral presentation, or any additional comments from anyone who had not previously spoken either for or against the proposed amendments. Two individuals came forward:

Martha Munz-Gue, a local environmentalist, stated that it is very important to safeguard the integrity of all water resources and associated riparian habitat, especially in our dry climate where there are significant numbers of species at risk. She expressed concern that a 30 metre setback from Bullshead Creek is the bare minimum under provincial standards and may not be adequate for this watercourse, and encouraged the Councils to maintain the 100 metre setback from the creek as established in the IDP as originally adopted. She stated that the setback area is a critical "filter" for water percolating into the creek, so 100 metres is much better than 30 metres.

Barry Miskuski spoke again on behalf of South Rock Ltd. He stated that the 100 metre “no development” setback from Bullshead Creek is not reasonable, since it does not work with the geology or topography and in addition a 100 metre setback from the creek would eliminate any possibility of access to the subject land from the south [i.e., from Township Road 120]. Mr. Miskuski advised that the proposed amendments may therefore be of no practical use to his client.

7. **ADJORNMENT**

The Chair inquired again whether anyone else wished to make any comments. Seeing no one, the Chair declared the Joint Public Hearing closed, and the meeting adjourned, at 9:07 p.m.

Submitted to, and on behalf of, the municipalities of Cypress County, Redcliff, and Medicine Hat



David S. Leflar
City Clerk, City of Medicine Hat