

**MINUTES  
PUBLIC HEARING  
Bylaw No. 1247-14, Land Use Bylaw Amendment  
Tuesday, April 22, 2014 – 1:00 pm**

A Public Hearing conducted by the Council of the Municipal District of Pincher Creek No. 9 was held on Tuesday, April 22, 2014 at 1:00 pm in order to receive public input on Bylaw 1247-14.

In attendance:

Council: Reeve Brian Hammond, Councillors Terry Yagos, Fred Schoening and Garry Marchuk

Absent: Councillor Grant McNab

Staff: Chief Administrative Officer Wendy Kay, Director of Development and Community Services Roland Milligan, Planning Advisor Gavin Scott and Executive Assistant Tara Cryderman.

1. Call Public Hearing to Order

Reeve Brian Hammond opened the Public Hearing, the time being 1:00 pm.

2. Advertisement Requirement

Reeve Hammond read the Advertisement Clause. This Public Hearing has been advertised in accordance with Section 606 of the MGA. This Public Hearing was advertised in the Pincher Creek Echo on Wednesday, April 9 and Wednesday, April 16, 2014.

3. Purpose of Hearing

Reeve Hammond read the Purpose of the Hearing. The purpose of this Public Hearing is to receive public input on proposed Bylaw No. 1247-14.

The purpose of proposed Bylaw No. 1247-14 is to amend the land use designation of lands legally described as Lot 1, Block 2, Plan 0810553 including SW 36-7-2 W5M and a portion of NW 25-7-2 W5M from "Agriculture" to "Multi-lot Heavy Rural Industrial".

The purpose of the proposed amendment is to allow for the establishment of a natural resource extractive use.

Reeve Hammond introduced Council members.

Reeve Hammond reviewed the procedure for the public hearing.

4. Overview of Bylaw 1247-14

Planning advisor Gavin Scott gave an overview of the rezoning application.

- The uses of the district were discussed.
- The majority of the uses are in the discretionary list – any future developments would require that process to be followed.
- The Burmis Lundbreck Corridor and the Oldman Reservoir Area Structure Plan (ORRASP) were explained. This proposal is within the Oldman Reservoir Area Structure Plan.
- The section from the ORRASP stating the possibility of the gravel pit was read and discussed.
- The requirements for approval was explained.

Reeve Hammond asked if Council had any questions at this time. None were asked.

## 5. Oral Presentations

Reeve Hammond asked if there was anyone present wishing to make an oral presentation that was not previously identified on the speaker list. No one indicated as such.

(a) Heath Michelson spoke at this time:

- Gave a brief introductory of himself and his business.
- Discussed his goals for his business. He owns Southwest Concrete.
- The longer the haul, the higher the cost.
- There is a lack of gravel that meets specifications within pits closer to the concrete plant.
- Willing to work with the MD and the neighbors.
- This operation is a much smaller operation than the examples that were submitted.
- Service the people in the area.
- Hires people from the area.
- Spoke of the active pits in the area.
- Needs the new pit because of the lack of gravel.
- Currently buys rock from the Smith/Hurst pit.
- This proposed pit has both sand and rocks which he needs for his business.
- The adjoining pit is almost at its permitted area. They will be in the same boat.
- A pit plan will be submitted.
- There are two shelves in the parcel. The topography of the land was described.
- There are no plans to disturb the bottom area in the wetlands.
- The future development plans for subdivision and future residences was discussed.
- Gravel is required for the roads and for concrete.
- The environmental aspects of his plan was explained.
- The plan is to keep it to about 9 acres out of his 170 acres of his parcel.
- The gravel crusher will come in once or twice a year. Seven in the morning to seven at night. Monday to Friday, hardly ever on the weekend. This would be for a two to three weeks a year.
- The roadway was discussed. If an update to the road is required, Mr. Michelson is prepared to work with the MD.
- Dust was discussed.
- Connelly Creek and the riparian areas were discussed.
- The gravel has to be washed to be processed.
- He is willing to work with everyone to make this work.
- The conservation of the land was discussed.
- Reclamation plans were discussed.

Reeve Hammond asked if there were any questions.

The size of the project was described again. The proposed pit size is 9 acres. There is no gravel in the lower portion of the parcel. The long-term plan of the pit was discussed. The size is 9-10 acres. As they use the gravel for that size, they will reclaim it prior to expanding.

The use of the water was discussed again. The gravel will be washed in another pit, not the proposed pit. This process was discussed.

No further questions were asked.

(b) Russ Thompson

- Immediately east of the proposal.
- They are opposed to the rezoning due to dust, noise, aesthetics, and appropriateness of the proposed site.
- A PowerPoint presentation was shown.

Reeve Hammond asked if there were any questions at this time. None were asked at this time.

(c) Elizabeth Dolman

- Opposed to the proposal.
- Owns 58 acres across the valley which has a beautiful view.
- Concerned with the view if the proposal is approved.

Reeve Hammond asked if there were any questions at this time. None were asked.

(d) Shawn Anctil

- Opposed to the proposal and indicated that they feel there is enough pits in the area.
- A PowerPoint presentation was shown.

Reeve Hammond asked if there were any questions at this time.

Dust on the parcel was discussed. No further questions were asked.

(e) Ed Wallace

- Opposed to the proposal.
- Concerned for his well.

Reeve Hammond asked if there were any questions at this time. None were asked at this time.

(f) Eleanor Bergen

- Opposed to the proposal.
- Provided a written submission.

Reeve Hammond asked if there were any questions at this time. None were asked at this time.

(g) Gail Oxtoby

- Opposed to the proposal and indicated the current aesthetics would be affected if proposal was allowed to proceed.

Reeve Hammond asked if there were any questions at this time. None were asked at this time.

(h) Larry Whan

- Opposed to the proposal.
- Discussed the decision process.
- Provided a written submission.

Reeve Hammond asked if there were any questions at this time. None were asked at this time.

(i) Livingstone Landowners Guild

- Opposed to the proposal.
- Encouraged responsible planning and development.
- Spoke to the history of the Oldman Reservoir Area Structure Plan.
- Provided a map of the area showing natural attributes.

Reeve Hammond asked if there were any questions at this time.

The Smith/Hurst pit's reclamation plan was discussed. No further questions were asked.

(j) Philippe Francois

- Opposed to the proposal.
- Spoke to the silica dust produced from the gravel pit and the health concerns.

Reeve Hammond asked if there were any questions at this time. None were asked at this time.

(k) John Taylor

- Opposed to the proposal.
- Spoke to the potential health issues.

Reeve Hammond asked if there were any questions at this time. None were asked at this time.

Written Presentations:

Reeve Hammond read the list of the written submissions.

Reeve Hammond asked the applicant if he would like to provide closing comments.

Heath Michelson provided closing comments at this time:

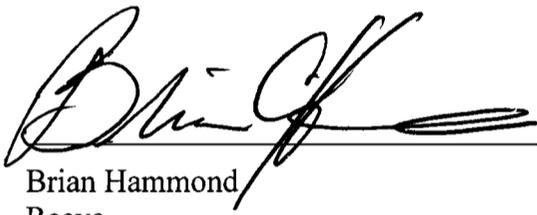
- Spoke to the aquifer.
- Spoke to the reclamation plan.

Reeve Hammond asked if there were any questions at this time. None were asked.

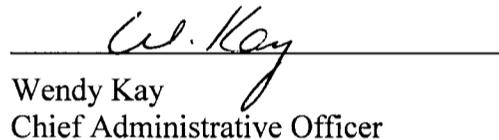
Reeve Hammond asked Gavin Scott if he had further comments. Mr. Scott did not have anything further to add.

Reeve Hammond further explained the approval process.

Councillor Garry Marchuk moved to adjourn the public hearing, the time being 2:32 pm.



Brian Hammond  
Reeve



Wendy Kay  
Chief Administrative Officer