

**Municipal District of Bighorn No. 8
Public Hearing
7:00 p.m., Wednesday, May 4th, 2011
Exshaw Community Hall**

**RE: BYLAW 03/11
DEAD MAN'S FLATS AREA DEVELOPMENT PLAN**

Present: Reeve Dene Cooper (Chair) Councillor Reid Thomas
 Deputy Reeve Erik Butters Councillor Paul Ryan
 Councillor Carolyn Montgomery

M.D. Staff: Martin Buckley, Chief Administrative Officer
 Tracy Woitenko, Community Planner
 Brenda Goeres, Recording Secretary

Gallery: Shane Jonker Press/media
 Derek Ryder 2 others
 Inno Thomas

Call to Order

Reeve Cooper called the room to order at 7:00 p.m., and indicated the subject of the hearing was the proposed Dead Man's Flats Area Redevelopment Plan (ARP), Bylaw 03-11. Councillors then introduced themselves, and the Reeve welcomed the gallery. He then reminded the gallery to turn off any electronic devices, and noted that procedure sheets for the hearing were placed in the gallery for reference.

MOVED by Deputy Reeve Butters that the Public Hearing for Bylaw 03/11 commence at 7:02 p.m.

CARRIED

Reeve Cooper received, from a show of hands, that there were two or three members of the audience who wish to speak at the hearing. He then outlined the procedures to be followed during the hearing. He emphasized that, once the public hearing is closed, no further verbal or written communications will be accepted.

Purpose of the Hearing and Introduction of the Proposal

Reeve Cooper explained the purpose of the hearing is to receive public input regarding proposed Bylaw 03/11, as follows:

Proposed Bylaw 03/11, if approved, will adopt the new Dead Man's Flats Area Redevelopment Plan (ARP), which applies to the hamlet of Dead Man's Flats. The proposed ARP will rescind and replace the existing Dead Man's Flats ARP (Bylaw 58/94 and amendments thereto). The new ARP contains updated planning policies which will govern the form,

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nature and location of future land use and development in the hamlet over the next 15 to 20 years. The purpose of the ARP is to provide a guide for the orderly and efficient redevelopment of the hamlet which aims to create a balanced community by providing opportunities for additional residential, commercial, light industrial, recreation and tourism-based uses, while recognizing the adjacent wildlife habitat and corridor areas. The ARP also contains new building design guidelines.

Administrative Report

The Community Planner noted that Administration, which has developed the bylaw, will act as both the "Applicant" and "Administration" in the background and support of the bylaw. She then outlined the history of the Area Redevelopment Plan process for Dead Man's Flats, which commenced in 2006 with design guidelines prepared by consultants IBI group. Terms of Reference for the Area Redevelopment Plan were approved February 2009, and after public consultation throughout 2010, Council directed Administration to prepare the Area Redevelopment Plan. Council gave First Reading to the Area Redevelopment Plan in March of this year and public notification of this hearing was advertised, mailed, emailed and posted on the MD's website. No submissions were received, however a letter from Alberta Transportation was received after the submission deadline. She submitted her report, attached to these minutes as Schedule "A".

Council agreed to receive the letter from Alberta Transportation after the deadline; the Community Planner distributed the letter to Council at the hearing, which letter states that as development occurs in future, Alberta Transportation will require updated traffic counts and a pedestrian safety review for Dead Man's Flats. The letter is attached to these minutes as Schedule "B".

Councillor Ryan asked for clarification of Page 22 of the draft ARP, regarding traffic access from the highway. The Community Planner clarified that Transportation's long range plan indicates that the existing access and egress (westbound) from Dead Man's Flats would no longer exist, and that traffic would return to the overpass ramp in order to return to the highway westbound or eastbound

Reeve Cooper asked if the public utilities parcel shown in the southeast portion of Figure 7 on Page 22, is an adequate size for future utilities. The Development Planner confirmed that engineering studies were done for future needs, and the land has been subdivided to that size.

Reeve Cooper noted that Dead Man's Flats existed before the highway was created and asked for the process of community involvement to reach today's hearing. The Development Planner discussed the IBI study, followed by public consultation and concluding with the recent 1st reading in March 2011. Public consultation commence in 2008, the same year that the Development Planner started work with the MD.

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In Support

Shane Jonker commended Administration and Council on the document draft which shows how Dead Man's Flats could appear in future. He commended the language in the last paragraph on Page 21 of the ARP, Item 3.6, but noted that the statement in the last sentence of Item 3.6.11 may prove as a de-motivator to developers as it requires them to connect to the municipal wastewater system by using the word "shall". He suggested changing this word to "may", to encourage developers to explore the innovations suggested in Item 3.6.

Councillor Ryan asked for an example where a property would not be connected to the wastewater system. Mr. Jonker suggested that in the industrial area the production of wastewater could result in a re-use system, self composting toilets, etc. and these could be considered as permitted uses in the document.

Councillor Thomas asked for further clarification of Mr. Jonker's intent in the amendment; Mr. Jonker feels the paragraph in Section 3.6.11 should encourage developers to seek out solutions for themselves but then the language compels them to hookup to the system; he doesn't support presenting only one solution which limits the developers' options.

Reeve Cooper noted, and Mr. Jonker agreed, that any wastewater system must adhere to provincial standards and the quality of the water system.

There was no one else present who wished to speak in favour of proposed Bylaw 03-11, nor were there any further written submissions in favour.

In Opposition

Ino Thomas, the owner of Dead Man's Flats Esso, first presented a tourist map showing the incorrect location of Dead Man's Flats on Highway 1A; Administration will contact the map publisher to correct this error. The map is attached to these minutes as Schedule "C".

Mr. Thomas indicated he felt the problem with the Area Redevelopment Plan is that the proposed new overpass will kill all the businesses in the hamlet. Three businesses are currently for sale on the front street. His second point was that he does not think the MD should pursue an ARP at this time without a water system in place.

Reeve Cooper asked him what he thinks is appropriate because if the MD doesn't plan, the future needs will be unknown. Mr. Thomas is concerned in case there are water supply problems or a well isn't approved, so since the proposed plan projects water in future, he feels the MD needs to locate and approve the well and also address the location of the overpass before the Area Redevelopment Plan is approved. He feels that the hamlet will die if all traffic has to enter and leave by the proposed overpass.

Councillor Montgomery noted that bringing water in isn't going to necessarily encourage business, particularly if funding for the water system isn't available through developers

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investing in the area. Mr. Thomas maintains that the plan is a dream, but a specific water plan is needed.

Councillor Ryan clarified that Mr. Thomas wants the design, engineering, and identification of water sources, all completed first. Mr. Thomas confirmed this, and by approximately 2014 the water system, and confirmation of the province's plans for the overpass could occur. Councillor Ryan noted that the province's plans for the overpass are completely unknown. Mr. Thomas feels that the existing overpass proposal in the Area Redevelopment Plan would devalue hamlet properties by 60%.

Councillor Ryan asked Mr. Thomas if he thinks overpass idea was triggered by Dead Man's Flats development or Three Sisters development. Mr. Thomas replied Three Sisters.

Councillor Ryan asked Mr. Thomas if Three Sisters develops and Dead Man's Flats doesn't, whether he thinks this would destroy Dead Man's Flats. Mr. Thomas said it would. Councillor Ryan then asked that regardless if development in Dead Man's Flats remains unchanged and the overpass occurs, what would happen and Mr. Thomas said Dead Man's Flats would die because the community cannot support its own businesses; the highway traffic is critical to its survival. He has been an operator in Dead Man's Flats for 32 years and owns an inn and service station but his businesses are not for sale. The overpass will immediately discourage purchase of any businesses in the community. Reeve Cooper noted the plan document is now public for everyone to view the proposed overpass plan.

Reeve Cooper noted that the water moratorium and the beginning of the Area Redevelopment Plan planning process both occurred in 2006. Mr. Thomas feels the MD should not have started the planning process while the water moratorium was in place.

Reeve Cooper asked how Dead Man's Flats currently accesses water. Mr. Thomas said that currently everyone has well access and the wastewater is handled by a lagoon system.

Derek Ryder, Chair of and on behalf of the Pigeon Creek Condominium Association, stated that he is here to represent a majority of the residents of Dead Man's Flats. He supports the vision statement on Page 8 but feels there is a disconnect between the authors and the residents. He also noted that Figure 6 on Page 16 shows none of the existing businesses. On Page 30 where public engagement sessions are noted, he said that at no point was the Pigeon Creek Condominium Association made aware of those open houses and consultation so they weren't aware of what was being planned. He noted that the residents he represents have chosen not to live in the many ski resorts (Banff, Canmore, Golden, etc.) and prefer Dead Man's Flats. He says that a number of owners are leaving the hamlet because of the Area Redevelopment Plan's vision and that the document may drive business away, as Mr. Thomas noted earlier.

Mr. Ryder added that, at open houses last fall, he submitted 26 recommendations of which 10 were considered and 16 were not, including again the need for clarity on the

water system. For example, Copperstone (a neighbouring condominium development) is hauling in water which is against the bylaws. He believes the hamlet is unique and different, not a cookie cutter development, and thinks the MD should revisit the Area Redevelopment Plan.

Councillor Butters asked for clarification on the number of residents Mr. Ryder represents. Mr. Ryder said that about one-third of their units are rental units, one-third are permanent residents and another third are weekenders. The population varies but 50-70 people are in the complex at any given time, representing 80% of Pigeon Creek residents.

Councillor Butters asked what Mr. Ryder's alternate vision would be. Mr. Ryder said that his condominium is not opposed to development but Dead Man's Flats is unique and he feels that there are conflicting goals e.g. green space vs. maximizing commercial space. They are seeking a document that doesn't adversely affect the community, the overpass being an example.

Councillor Thomas asked about the 26 recommendations they had proposed. Mr. Ryder replied that the suggestions included keeping the access road open and that closing the campground should be reconsidered. The existing overpass, if structurally solid, is adequate for the hamlets needs so the condo owners think the proposed density and massing in the Area Redevelopment Plan is also excessive.

Councillor Ryan remembers the prior Green Acres motel (which has been replaced by Copperstone Resort), a golf course from years ago, and other landmarks. Truckers used to stop at the Husky and stay overnight. He asked if the lack of traffic or water is a benefit to the community. Mr. Ryder replied that the prior Area Redevelopment Plan said that cistern water would suffice, but there are problems with water trucks coming and going now.

Councillor Ryan clarified that the 26 recommendations Mr. Ryder submitted at the Fall 2010 are in Administration hands.

There was no one else present who wished to speak in opposition to proposed Bylaw 03-11, nor were there any written submissions in opposition.

**Rebuttal Opportunity For Applicant/Those In Favour - nil
Council Questions To Administration**

Reeve Cooper noted the only submissions this evening were the map to be corrected and the letter from Alberta Transportation.

Councillor Ryan asked how the Area Redevelopment Plan process was communicated to Dead Man's Flats residents. The Community Planner replied that all the initial 2006 documentation, when the IBI process started, is stored at the MD offices, including meetings and questionnaires. In 2008 Council approved the work for Administration to start on the new Area Redevelopment Plan.

Councillor Ryan asked if information on the public input process, and the dates those sessions occurred, are available. The Community Planner confirmed that they are.

Reeve Cooper asked why Figure 6 shows all new commercial buildings. The Community Planner noted that all the figures in the Area Redevelopment Plan are conceptual drawings and not intended to eliminate existing businesses. The concept does, however, contemplate that businesses would be oriented onto 2nd Avenue rather than the existing First Avenue.

Reeve Cooper asked if the Alberta Transportation plans will actually proceed to the development stages. The Community Planner stated that many similar plans, such as the Highway 1A Plan, have been around for years, and are still not at the development stage.

Reeve Cooper asked if, in an urban development, which occurs first – the concept plan or the water plan. The Community Planner replied that the planning occurs before the upgrading of any infrastructure, so that a plan is in place should a growth period suddenly occur, then the planning process can proceed smoothly.

Reeve Cooper asked what would occur if the hamlet reached build-out without infrastructure plans. The Community Planner replied that if something is omitted from the planning process, it must later be retrofitted. The build out for Dead Man's Flats is a population equivalency of 1700, which includes fully occupied hotels, condos, part time and full time residents.

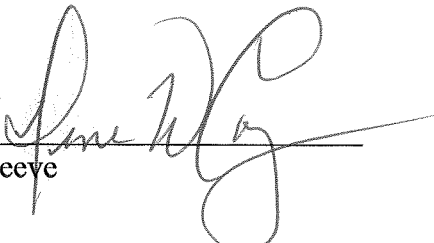
The Community Planner added that the MD did try to locate water wells before the moratorium began and was unsuccessful. But final engineering plans for water, wastewater and storm are now being finalized and will come to Council in the coming months.

There were no more questions or comments.


Hearing Closure

The Reeve reminded the gallery that no further verbal or written submissions would be received by Council on Bylaw 03/11, and all submissions received regarding this Public Hearing are a matter of public record. No further submissions will be considered in this matter.

The Reeve declared the Public Hearing on Bylaw 03/11 closed at 8:08 p.m.



Reeve



Executive Assistant