

**R.M. OF LUMSDEN NO. 189  
MINUTES OF THE OFFICIAL COMMUNITY PLAN BYLAW  
AMENDMENT PUBLIC HEARING  
HELD ON NOVEMBER 26, 2015**

The Rural Municipality of Lumsden Council convened the Official Community Plan Bylaw Amendment Public Hearing in the Council Chambers, on the evening of Thursday, November 26, 2015 at 8:00 p.m. with Reeve Jim Hipkin presiding.

**Present:** Reeve: Jim Hipkin  
Councillors: Ian White, Dale Srochenski, Cody Jordison, Ed Thorpe  
Chief Administrative Officer: Darcie Cooper  
Asst. Administrator: Krystal Strong

**Absent:** Councillors: Kent Farago, Al Szeles

**Attendees:** Wayne Schlosser, Lee MacDougall, Rose MacDougall, Gary Howland, Boutros Skaf, Lorna Thul, Ron Patterson, Bryan Matheson, Rhonda Phillips, Barry Mitschke, Bill King, Doug Mader, Bill Derby, David Tyler

The public hearing was held for the proposed Official Community Plan amendment Bylaw No. 17-2015. The purpose of the amendment is to provide council with flexibility in approving aggregate resource extraction uses, revise the separation requirements between incompatible land uses to better reflect provincial regulations, clarify minimum separation distances and provide greater direction and certainty in the development of the N ½ of Section 32-19-21-W2 and the E ½ of Section 31-19-21-W2.

Reeve, Jim Hipkin announced that the public hearing for the purpose of receiving submissions for the proposed bylaw amendment was open.

Chief Administrative Officer, Darcie Cooper indicated that there were two written submissions received; one from the Town of Lumsden Council and one from Gary Howland on behalf of the Lumsden Valley Community Association. The submissions are attached hereto and forming a part of these minutes.

Darcie addressed the attendees and requested that they present any written or verbal submissions they may have.

**Bryan Matheson, Mayor of the Town of Lumsden:**

Bryan Matheson, Mayor of the Town of Lumsden provided the following comments:

- commended the RM on their requirement for the developers to work together and develop a concept plan
- Council for the Town of Lumsden have some concerns with protecting the integrity of the valley walls, as he is aware that some of the developers in the concept plan area intend on removing aggregate prior to developing the area. Council is concerned with slumping and ensuring proper drainage that won't negatively affect existing town properties closer to the bottom of the valley walls
- encouraged the RM to carefully monitor the removal of the aggregate if it is approved, and ensure that the developers are proceeding with aggregate removal in accordance with proper extraction practices and advice from geotechnical professionals

**Gary Howland:**

Gary Howland, member of the Lumsden Valley Community Association (LuVCA), began by stating that LuVCA also supports the idea of a concept plan in general as good planning practices.

- Gary verbally presented LuVCA's written submission that is attached to these minutes.

**Boutros Skaf:**

Boutros Skaf, Developer of Grand Valley Developments owner of E ½ 31-19-21-W2, responded to the concerns of the previous presenters by offering the following comments:

*JRH*

- He and his business partner have been working closely with Community Planning and the RM Council for the past 4 years on this project
- He plans to dedicate the valley slopes as Environmental Reserve for the use and enjoyment of the public through pathways, etc.
- He received their geotechnical report today, which he requested in an effort to protect the slopes. The report stated that pools are not recommended and minimizing the disturbance of existing vegetation is important
- He has been working on cleaning up the old pit that existed on his quarter in the 1950's, he is dedicated to remediating the land
- Development will be setback a minimum of 30 meters from the valley edge
- Density of the development will be based on the Town's ability to treat sewage waste
- There will be no removal of aggregate in the area of his development
- Commercial Development will not compete with businesses in Town, he would like it to compliment the Town

**Barry Mitschke:**

Barry Mitschke also with LuVCA and an RM resident, had some questions regarding servicing of the concept plan area and what their plan would be for sewage disposal.


**Adjournment:**

Srochenski: "That we adjourn this meeting at 8:28 p.m."

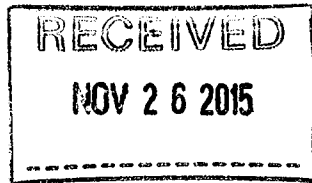
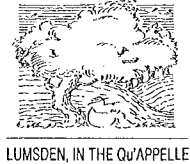
**CARRIED**



**Reeve**



**Chief Administrative Officer**



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# TOWN OF LUMSDEN

November 26, 2015

Council  
Rural Municipality of Lumsden No. 189  
PO Box 160  
Lumsden, SK.  
S0G 3C0

Dear Council:

Please accept this letter as the submission from the Council of the Town of Lumsden respecting the proposed Official Community Plan Amendment Bylaw No. 17-2015 for adoption of a Concept Plan, separation distances and aggregate resource extraction.

Council has concerns regarding the implementation and subsequent consequences to the Town of Lumsden with the adoption of Bylaw No. 17-2015. Please find below a summary of our concerns:

**Concept Plan:**

- The concept plan in some areas appears to have a density in excess of the agreed upon 4 units per hectare contained in the Joint Growth Strategy that was adopted by both Councils and approved by Community Planning. It is our understanding that this is merely a concept plan of development and that densities will be determined at the time of subdivision application, however we want to ensure that it doesn't give the developer a "false hope" for density development.
- How these properties are to be serviced, with respect to water and sewer services
- Impact of this development area on the Town of Lumsden infrastructure and compensation structure from the development to the Town of Lumsden for this impact
- Drainage – future plans for the developments should ensure that drainage run off is not directed down the valley, but is contained in the development area. Drainage directed down the valley will have a negative impact on the Town of Lumsden and quite likely to the stability of the slope
- Does adoption of this concept plan give any assurances or false hope to developers that they have the "green light" to develop the way it's outlined?
- Council remains concerned with Aggregate Resource Extraction on land adjacent to the Town due to opening up of the Valley or on top of the Valley and unnecessary risk of water infiltration and slope instability issues that may negatively impact Town residents and their property as well as Town Infrastructure North of the Qu'Appelle River.

**Aggregate Resource Extraction and Separation Distances:**

- Reduction of separation distances for Aggregate Resource extraction/Gravel Operations from Multi-Lot Country Residential/Urban Municipality from 600m to 305m and the impact this may have on residents on the Town of Lumsden regarding operational noise and residents use and enjoyment of their property
- Concern over allowing aggregate resource extraction close to the Valley wall and Town boundaries and aesthetics to the Town of Lumsden. If aggregate resource extraction is permitted by the RM, the Town would want some assurances that the land won't be left in an unsightly, vulnerable state that may be detrimental to the stability of the slope. Does council have sufficient mechanisms in place to ensure that proper reclamation of the site is adhered to in a timely manner? Should extraction be allowed, RM Council should require a bond significant enough to be able to reclaim the property if the Developer/applicant does not comply and require a timeframe when extraction is to be completed.
- Extensive geotechnical analysis should be done before allowing aggregate resource extraction in any unstable slope area and the developer/applicant should be required to have periodic inspections by a qualified geotechnical engineer to ensure that they are performing the extraction in accordance with the geotechnical report.
- Will there be a maximum depth that is allowed for removal of aggregate?

We look forward to continue working with the RM Council in a consultative manner for the development of the area in the Joint Growth Strategy area and appreciate the opportunity to provide comments respecting the proposed bylaw amendment.

Yours truly,



Bryan Matheson  
Mayor

BM/dlc

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**Submission by the Lumsden Valley Community Association to the Public Hearing (Nov. 26, 2015)  
Regarding Bylaw No. 17-2015: A Bylaw to Amend Bylaw No. 6-2012 known as the Official Community  
Plan of the Rural Municipality of Lumsden No. 189**

**A. Intent of the Bylaw**

The intent of the Bylaw, as stated in the Public Notice for the Hearing, is threefold:

1. To revise and clarify several required separation distances in the RM's Official Community Plan (OCP), to better reflect Provincial regulations and to improve consistency;
2. To allow for a reduced separation distance between aggregate resource extraction industries and other uses and development including urban municipalities, where the aggregate resource extraction will be required to facilitate new development and where a Concept Plan for the area has been adopted by Council; and
3. To adopt a Residential and Commercial Concept Plan, entitled the "Dowalo Holdings Ltd., Norm and Laura Colhoun and Grand Valley Developments Concept Plan".

**B. Scope and Purpose of our Submission**

Our comments in this Submission relate solely to the Concept Plan, a policy instrument which we support in principle as a means of interpreting the intent of the OCP in a specific area of the Municipality, through the co-ordinating/phasing of development and, we would argue, attention to conservation. We have a number of concerns and questions regarding the Concept Plan, and respectfully offer suggestions for revising it to more fully reflect the intent of the OCP and the recently adopted Lumsden Joint Growth Strategy.

**C. Intent of the RM's OCP and the Lumsden Joint Growth Strategy**

The RM's OCP(9(e)iv – pp.16-17), adopted in 2012, specifies that:

"Council will require, in the interests of ensuring a comprehensive and planned approach to development, the preparation of a concept plan for the entire area that will ultimately be developed and submission of supporting documentation, where appropriate, as follows:

1. Reports...to assess the geotechnical stability of the site, susceptibility to flooding or other environmental hazards, together with any required mitigation measures...
2. Engineering reports to address concerns such as availability of water supply, surface water drainage, and sewage treatment and disposal.
3. The initial concept plan shall provide an integrated layout for the total...subdivision development envisioned, showing road layout and access to external public road, phasing of development, and dedicated lands."

This section of the OCP states that Council "...will require..." rather than "...may require..." the preparation of a concept plan, although some discretion is left to Council regarding the supporting documentation required, by

stating that it can be waived "...where appropriate..." Apart from dedicated lands, there is no mention of conservation issues that might need consideration as part of a concept plan.

The **Lumsden Joint Growth Strategy**, adopted by the RM of Lumsden on Oct. 8, 2015, is intended "...to identify the growth related goals and principles for the Town and the RM and based on these, together with the constraints, opportunities and relative serviceability, ... identify the spatial distribution and phasing for both urban and rural development in the rural-urban fringe..." (p.1-1) Several 'general policies' included in the Strategy are of particular relevance in assessing the Concept Plan, as follows:

6.2.1.3 "A 5 year supply of land should be designated in appropriate land use categories to accommodate short term growth."

6.2.1.9 "The density of new rural residential subdivisions shall be established based upon an evaluation of the carrying capacity of the lands to accommodate private waste water disposal systems or the operational capacity of a privately owned centralized waste water treatment facility; and the supply capacity for potable water ."

6.2.1.11 "Any land identified as having environmental, heritage or cultural resources shall be recognized and protected during the development stage."

6.2.1.12 "Any land identified as having existing or potential environmental constraints shall only be developed in compliance with the conditions outlined in the Town's or the RM's OCPs and Zoning Bylaws."

6.2.3.2 "Rural subdivisions in designated rural growth areas shall be encouraged to connect to the Town's sanitary sewer collection and water distribution system. The developer shall bear full responsibility for financing and the construction of this new infrastructure."

Except for the first general policy (6.2.1.3), Councils of both the Town and RM are given no discretion regarding whether or not to implement them: 'shall' is used in all cases rather than 'may'.

#### **D. Concerns Regarding the Concept Plan Portion of Bylaw No. 17-2015**

##### **1. Lack of Supporting Documentation**

We began reviewing this bylaw by asking RM administrative staff if there was a background report or other supporting material available to the public. Our understanding is that there is no written material available, which for a proposed development of this magnitude, seriously limits the ability of members of the public to assess and comment on the proposed bylaw.

We were given some information by RM staff, as follows:

- (a) A Concept Plan needs to be in place in order for Council to consider a development application for aggregate extraction and remediation for the aggregate resources that exist on the site. These resources must be extracted before residential and other development can proceed, and this requires a discretionary use approval for Gravel Operations, as outlined in Section 3.5.2(10) of the RM Zoning Bylaw, and subject to adoption of a Concept Plan.

- (b) The Town has committed a water allocation to Grand Valley Developments, but there are no allocations or agreements regarding water for the remainder of the proposed development.
- (c) The Concept Plan is needed at this stage to ensure that the street pattern for the area covered by the Plan is properly integrated, and to address land use compatibility issues .

This information was of some assistance, but it left many questions unanswered, as will be evident below.

## 2. Omissions and Inconsistencies in Defining the Overall Concept Plan Area

The main purpose of a concept plan should be to address all significant issues arising from a proposed development, *both within the area that will be built on, and in the area outside of this area that may be significantly affected by the development.* The RM's OCP refers to a concept plan as applying only to the "...entire area that will ultimately be developed..." and this more limited definition appears to be the one that is used in this Bylaw.

To be more specific, we have the following concerns:

- (a) The north slopes of the Valley, lying immediately south of the proposed development, are fully included in the Concept Plan in the SE-31 (west ½ mile) down to the railway tracks, but are completely excluded in the SW-32 (east ½ mile) down to the tracks, and partially excluded in Parcel C southwest of the old Hwy. 11 ROW.
- (b) Two large areas fronting on Hwy. 11 in the NE-31 are excluded.
- (c) The west ½ of Sec. 31 down to the railway track is immediately west of the proposed development, but is excluded from the Concept Plan.

We would argue that from the perspective of the developers, landowners and future residents, both within and outside of the development area under consideration at present, an enlarged Concept Plan area would be very beneficial.

## 3. Level of Detail in the Concept Plan

We seriously question the value of having very detailed, subdivision level schematics in a Concept Plan, and particularly a Plan that does not appear to have basic infrastructure elements in place. The RM OCP mentions, 'where appropriate', geotechnical studies, water supply, surface water drainage, sewage treatment and disposal, and access to an external public road as necessary elements of a Concept Plan. All of these are essential or 'appropriate' in this case, in our opinion, and they are also included in the recently adopted Lumsden Joint Growth Strategy (Adopted by the RM on Oct. 8, 2015 ). It is evident in Schedule B to the Concept Plan , for example, that several residential lots are wholly or partially past the rim of the Valley in NW-32, and geotechnical information is necessary to determine how far back from the rim is safe for development. In addition, because of the proximity of the development to the Town of Lumsden, road and pedestrian access to the Town should be added to the list, as well as treatment of valuable natural areas along the north wall of the Valley. None of these factors appear to have been considered, and yet how they are ultimately dealt with could affect the density, layout and extent of the developed area.

#### 4. Conservation

The primary focus of LuVCA is the preservation of natural landscapes throughout the Qu'Appelle Valley, by planning for development and conservation as one integrated exercise. In this case, we have one mile of the north slope of the Qu'Appelle with a mixture of native grassland and trees/shrubs of high quality, immediately west of existing development in the Town, and immediately south of the proposed development in the RM. A more convincing case for the benefits of integrated planning for conservation and development would be hard to find, with both environmental and amenity benefits of immeasurable value to existing and future residents.

We are extremely concerned, therefore, that these valuable natural areas are only partially included within the Concept Plan area, and even where they are included, that there is no mention of how they will be looked after in the future.

##### **E. Suggestions Regarding the Concept Plan Portion of Bylaw No. 17-2015**

1. The area within the Concept plan should be expanded as suggested in Section D.2, above;
2. Infrastructure elements as outlined in Section D.3, above, should be considered in detail;
3. The north side of the Valley needs careful attention, both in terms of geotechnical constraints on development and conservation policies for the future;
4. The necessary background studies should be made available to the general public;
5. Consideration should be given to adopting the current proposed Concept Plan as a provisional or preliminary Plan, sufficient to grant permission for aggregate extraction, but to be replaced by a more comprehensive Plan before any other development approvals are made. Since most of the proposed development cannot proceed until aggregate extraction and remediation is complete, there is ample time to do a more detailed Concept Plan as suggested above; and
6. We encourage Council to either amend this bylaw or pass an additional bylaw to make the following revisions to Section 9 (a) iv 3 of the OCP:
  - (a) The definition of the area to be included in a concept plan be changed from the current OCP specification of "...the entire area that will ultimately be developed..." to "...the area that will ultimately be developed as well as the surrounding area that will be significantly affected by the development or, conversely, that may have a significant effect on the development under consideration." This recognizes that any specific development should be considered in the context of interdependencies with areas and developments surrounding it, rather than in isolation.
  - (b) The reference to "...dedicated lands..." (OCP – 9(e)iv3) be expanded to include not only dedicated lands within the development under consideration, but also undeveloped areas outside the development that may require conservation policies, or adjustments to the proposed development, to ensure their preservation.

These two changes would acknowledge that integrated planning for development and conservation is a basic principle of the OCP, that will be followed in the preparation of concept plans.