

R.M. OF LUMSDEN NO. 189
MINUTES OF THE DISCRETIONARY USE APPLICATION NO. 2016-007
PUBLIC HEARING HELD ON FEBRUARY 25, 2016

The Rural Municipality of Lumsden Council convened the Discretionary Use application public hearing for Development Application No. 2016-007, on the evening of Thursday, February 25, 2016 at 8:30 p.m. with Reeve Jim Hipkin presiding.

Present: Reeve: Jim Hipkin
 Councillors: Al Szeles, Ian White, Kent Farago
 Dale Srochenski, Cody Jordison, Ed Thorpe
 Chief Administrative Officer: Darcie Cooper
 Asst. Administrator: Krystal Strong
Attendees: Linely Schaefer, Applicant
 Dave Altwasser, Bridge Engineer
 Ryan Fitzsimmons
 Don Martin

The public hearing was held for the purpose of receiving submissions regarding a discretionary use application for a Commercial Recreational Facility, Development Application #2016-007, located in a part of the SW 26-19-21-W2 on land legally described as Parcel A, Plan No. 101443238. The proposed application is to accommodate the existing Pumpkin Hollow business, in the RM of Lumsden No. 189.

Reeve Jim Hipkin declared that it was time to hear submissions regarding the application.

Background Information:

CAO Darcie Cooper provided a background report on the proposed development.

Applicant Linely Schaefer Presentation Summary:

- When he purchased the property last fall he thought the business was a legitimate business and zoned appropriately
- The bridge closure happened earlier than expected and traffic coming from the west was unforeseen and unplanned for
- The current status of the business was misrepresented by the sellers of the property
- At the time of purchase of the property, the neighbors were extremely supportive of the business
- The pumpkin hollow business is only open 15 days per year

Dave Altwasser Presentation Summary:

- He is a professional municipal bridge engineer. He worked for the Ministry of Highways and Infrastructure for 15 years, then it was moved to the Saskatchewan Association of Rural Municipalities (SARM) and he was with SARM for 5 years before retiring
- He was the person who recommended the current restriction on the bridge
- He recommends installing a portable bridge, similar to what the Department of Highways uses for detour construction. The bridge he recommends is manufactured in Hudson Bay, it is 16 ft wide, 60 ft long and has an 80 tonne/160,000lb rating. He recommends the removal of the timber super-structure, to cut the road down by 1 foot, set the new bridge on timber, mud seal and install an approach guard rail on the east side.
- The life expectancy of the bridge is 40-50 years.
- He also recommends that the RM check with SARM's legal department regarding any municipal liability of the structure on a municipal road

Don Martin Presentation Summary:

- He is a neighbor and received a letter in mail regarding this hearing
- His concerns are:
 - Liability of a private bridge on a public road,

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- Sight line concerns both at the bridge and the intersection of the road from the East and Exit C road. There have been 3 accidents at the corner.
- Remainder of the road is too muddy, road needs to be improved.
- Concern with emergency vehicles accessing Pumpkin Hollow during busy traffic.
- If RM is going to allow the business, the bridge should be owned by the RM and the road needs to be improved to accommodate the traffic and liability insurance is covered.

Ryan Fitzsimmons Presentation Summary:

- Submitted letter prior to meeting
- Supports Don Martin's position
- Stated that he feels there are bylaws being broken, the business is running illegally and the property is not zoned properly
- If the RM overlooks this business other business owners will follow the precedent of not having to comply with regulations

Linely Schaefer Response Summary:

- He moved here 1 year ago, purchased Pumpkin Hollow to continue viable business that existed for 12 years and participate in community
- He has offered to pay to replace old bridge which has been in place for 80 years
- He stated that regardless of the decision, he would like to install the bridge on the road allowance to be able to easily access that part of his property
- He stated that everything the RM has asked him to do, he has done
- He understands if the bridge is set in place, it will become property of the RM

Receive Written Submissions:

CAO Darcie Cooper stated that three written submissions were received, summary as follows:

David Hanson submission - opposed to the application

Cal Nugent submission - opposed to the application

MacDougall Gauley LLP on behalf of Ryan Fitzsimmons - opposed to the application

Reeve Jim Hipkin declared the Public Hearing closed at 8:55p.m.


Reeve


Chief Administrative Officer