

**TOWN OF LUMSDEN / R.M. OF LUMSDEN NO. 189
MINUTES OF THE JOINT GROWTH STRATEGY PUBLIC HEARING
HELD ON SEPTEMBER 15, 2015**

The Town of Lumsden Council and the Rural Municipality of Lumsden Council convened the Joint Growth Strategy Public Hearing in the Lumsden Centennial Hall, on the evening of Tuesday, September 15, 2015 at 7:00 p.m. with Chief Administrative Officer Darcie Cooper presiding.

Present: RM of Lumsden

Reeve: Jim Hipkin

Town of Lumsden:

Councillors: Rhonda Phillips, Randy Bogdan, Jane Cogger, Wes Holobetz

Chief Administrative

Officer: Darcie Cooper

Associated

Engineering: Bill Delainey

Members of the public: Lynda Croft, Steve Croft, Fred Williams, Paul Andre, Helen Andre, Troy Libke, Boutros Skaf, Laurie Colhoun, Norm Colhoun, Barry Mitschke, Wayne Schlosser, Roy Borgmann, Lorne Schlosser

The public hearing was held for the proposed amendments to the Town of Lumsden and RM of Lumsden Bylaws to accommodate the addition of the Joint Growth Strategy.

Chief Administrative Officer, Darcie Cooper announced the purpose of the public hearing, that the hearing was being recorded for internal purposes and asked that the head table introduce themselves.

Darcie indicated that there were no written submissions provided prior to the public hearing and opened the floor to verbal submissions.

Barry Mitschke requested clarification on the color coding on the map as there was no legend in the advertisement. Mr. Delainey provided information on the color coding and phasing of the growth.

Troy Libke

The first verbal submission was made by Troy Libke from Stantec Engineering representing Schandre Estates. Mr. Libke had questions and made comments regarding the following:

- What is the timeline for upgrades to the wastewater treatment plant?
- Phase 2 of the report in the pink area is where Schandre Estates would be in. Are they necessary to be developed after Phase 1, the green area in the middle? If the developer is ready with a design, could it go forward before the phase one area?
- Was the new sanitary pumping station on Qu'Appelle Drive intended only for Canyon Creek and what was the size quote?
- If we have an east trunk, what is the expected routing for that? Is it the top of the valley and eventually down to the existing lagoons and new wastewater treatment plant?
- Will developers cost share for an east or west sanitary trunk? What if a developer is not ready but will be in 5 to 10 years? It doesn't seem fair that a developer would foot the cost up front and if so, would there be some sort of cost sharing – has there been discussion around that?
- How much of the trunk would the RM and/or the Town be paying for? None of it? At any point?
- Are the new developments partially funding the wastewater treatment plant and if so, how is that structured? Developers representing themselves here today – are they going to be paying for any portion of the plant or only the infrastructure leading up to the plant?

Respondents:

Councillor Phillips replied, advising that the timeline for the Wastewater Treatment Plant was dependent on the application to the Building Canada Fund, which is suspended due to the upcoming election. We are waiting to be approved for provincial and federal funding and the construction of the Wastewater Treatment Plant is contingent on receiving the grant. Regarding

the west sanitary pumping station, I believe it is intended just for Canyon Creek. We have not discussed an east trunk.

Mr. Delaine indicated that their recommendation was that development be contiguous and that there was thought in terms of sequencing of development on lands that are most serviceable. Ultimately, if council intended to follow this plan they would make their decision based on this plan. If you were following strictly the serviceability aspect, then you would want the green area to be developed first. Council has the ability to consider each color for development. With respect to the cost sharing between developers, we have discussed this with council and they are looking at utilizing an agreement that would provide compensation back to the initial developer on a benefitting proportion. This is a parallel project right now and we are looking at what an off-site agreement would look like. We are also still discussing the allocation of funds from new developments towards the wastewater treatment plant as well as a number of other ways of sourcing funds such as taxation, off site levies, utility rates, etc.

Steve Croft

The second verbal submission was made by Steve Croft representing Canyon Creek Estates. Steve presented a letter from his lawyer as a written submission.

Mr. Croft made comments regarding the following:

- Who came up with the design for the future growth area? I represent Canyon Creek and our area has been taken off the map. The land has good serviceability because we have services in Canyon Creek and there are services in Minerva Ridge to the South. Why was the area between Canyon Creek and Minerva Ridge been eliminated from the growth area.
- Disappointed in the elected officials of the Town of Lumsden. You have been elected to take care of the people in the town and you aren't doing a good job. Has council voted on whether the wastewater treatment plant will be a plant or be pumped to Regina? My indications from some members of council, is that hasn't been voted on. How can you move forward if you don't know where you're going?
- What is the Town of Lumsden known for? What community thing? ? Is it not that it is a beautiful valley town? You guys have restricted and let community planning tell you what they want developed, not what we want as a town. I don't understand why you cut out the bottom valley land – all of that land can be raised to an elevation above the 1:500 like the letter I wrote you at the last meeting. You aren't standing up for the Town or us and letting Community Planning tell you what they want. There are many ways to build up to the 1:500 flood level and if we do that Community Planning can't say no.
- If you aren't going to fight community planning I will. When we bought all this land it was zoned future development. Quite a bit of land on the north side of the river that is out of the 1:500 has been eliminated and it is right beside the water and sewer.....all the rest of the stuff at the top of the hill is a lot further. I will do whatever I have to do to stop this! I'll have a lawyer I'll go to court and it will cost me a lot of money and I will do whatever I can to stop it and that's the last thing I'm going to say.

Respondents:

Councillor Phillips stated that council submitted the plan for a Wastewater Treatment Plant under the Building Canada Fund and that we have a preliminary design for the mechanical treatment plant. That plan has also been approved by the Federation of Canadian Municipalities for us to receive the Town's portion of the funding. The Town entered into this consultation process with the RM to see what development may take place in the fringe area around Lumsden; not within the Town of Lumsden. It will be complimentary to the Town.

Councillor Bogdan indicated that both options for sewage disposal whether it is piped to Regina or a plant built are about the same amount of money. We can't do anything until we get funding in place. How do you fight Community Planning?

Mr. Delaine advised that Associated Engineering came up with the design for the joint growth strategy area by taking both municipal future land use maps, and assessed them based upon serviceability, established principles for cooperation between the two communities and provided recommendations on serviceability. I understand that Crosby Hanna did the plan with the flood plain in as future residential development and it was submitted. It wasn't capable of being approved without the removal of those lands. Community Planning is the legal authority who is tasked with enforcing these statements of provincial interest.

Councillor Holobetz indicated that prior to 2011, you could probably have gone to community planning and had a good argument regarding your land in the flood plain. The money that the

Province had to put up after those flood years is pretty difficult to argue with now. If the floodplain is developed where is the water going to go?

Reeve Hipkin provided comments that only Canyon Creek was annexed into the Town. There is no reason that he can think of why the small area between Canyon Creek and Minerva Ridge couldn't be developed. The area west of Canyon Creek is Nature Conservancy of Canada and will not be developed. We have to decide what takes place right beside the Town. We can't have uncontrolled development which could cause a feud between us and the Town. Council changes, thoughts change, things may change in the future but we need water and services from the Town in order to service growth and this is a very costly endeavor for the Town. The RM is very concerned as well. We don't want to see our friends in the Town in a great financial mess.

Fred Williams

The third was made by Fred Williams. Mr. Williams made comments regarding the following:

- I have pictures of my property when they put a dyke over it shortly after the 1974 flood. And you think there is a problem – there is a piece of land with an old folks home on it – people who can't even walk – town also got a subdivision over by the school – same situation in the flood plain. Fix the problem and carry on down the valley - I bought my land 25 years ago which was future development at that time and that hasn't changed until 2012. You take it off there – what is that?! Sorry I spoke out of turn – it's a joke.
- As real estate investors, my property says future development and you take that away, what do you think that does to the equity I have in my land? I'm a tax payer; community planning isn't a tax payer. Now I see it is designated as recreation? What is that? The owner of the property should be consulted before you start making rules, you know? Really?

Boutros Skaf

The fourth was made by Boutros Skaf. Mr. Skaf made comments regarding the following:

- I've read the entire report and agree with 99% of it. I've been to most of the meetings and I know the struggles you've been through (referring to council) and most of you have never been there (referring to audience). No one is giving us a free ride. We expect to pay our share and neither council has indicated otherwise. I don't want you to think that we're stealing your water and sewer capacity. I've waited five years for this and I've overlooked a beautiful lake in the valley twice a year of all the floods. I have land in the bottom and if Community Planning says you won't develop it you won't. It's not councils choice. Serviceability means if the Town and RM are paying for it, if I'm paying for it, then I'm paying for it. Does it affect the RM or the Town? No. Every single penny of it. I'm the developer. We've been waiting patiently for five years so we can contribute to the sewage solution. I have read all the reports and it was very clear that it's not a free ride and we're paying for it.
- We know that not everything is in Councils hands. It is not an easy task. I could put 12 engineers in here and 6 of them would tell you to build a plant and 6 of them would tell you to pipe it to Regina, they won't agree. No one knows the answer.

Barry Mitschke

The fifth was made by Barry Mitschke. Mr. Mitschke made comments regarding the following:

- Acknowledged Steve Croft and Fred Williams. He (Steve) talks about community, he talks about the town being beautiful, so what does he do? He strips off the hills, far more hills than he needed. You strip off what you need for one lot at a time, you don't strip off the whole side of the hill. You know little about ecology. And what did I see, where did the soil go? Across the road so they can build up an island.
- When I look at the little chunk of land he's talking about and what does the code say? Unstable Slopes. That's why you can't build there. Do you want another Deer Valley coming down the hill into Canyon Creek. Unstable Slopes. That area all along the valley is unstable slopes. You know what's happening in Regina Beach? There's no reason why that can't happen to that little chunk of land you're talking about.
- For those of you who want to make changes so you can develop in the flood plain and on unstable slope areas, who are you going to blame when something goes wrong? You're going to blame these people right here (referring to Council).

Norm Colhoun

The seventh was made by Norm Colhoun. Mr. Colhoun made comments and had questions as follows:

M-11

- Asked Councillor Phillips why a mechanical sewage treatment plant vs. piping it to Regina? I don't care about either side, I know you reached a reasonable decision, just wondering why that decision was made.
- Regarding the clawback of cost sharing - is it conceivable to have a 25 year window or retirement for those people that are making the investment right now...they thought 7 years; it won't recover in 10 years. Are you in favor of a 25 year clawback clause? Could it be 50 years?
- Why did council determine the reasonable decision was to go with a chemical sewage plant instead of piping it to Regina?
- What about a Public Utility? Can you borrow money for the Plant? Was there any thought to another lagoon or a regional project with say Regina Beach?

Respondents:

Councillor Phillips commented that a chemical treatment plant will cost about 19 million dollars, the treatment costs per year and approximately \$230,000 to run the plant for a year. We've received 2 or 3 estimates running a pipeline to Regina; we are looking at about 23 million plus about 5 million to buy into the Regina treatment plant, plus \$150,000 to pump through the pipeline and it would be the town's responsibility to maintain the pipeline. And then we still have to pay the treatment costs, even if they are on par, that's still another \$230,000. It's less expensive for us to run a chemical treatment plant. Speaking for the Wastewater Treatment Plant committee, our portion of the project is about 6.6 million, with around 7 million from each of the federal and provincial governments; I see that as an investment in our community. We have better social responsibility. Build it in our community – it's part of our assets; build it outside of our community we are spending money outside of our community and it's not our asset.

Mr. Delainey commented that the report recommends development occur in a contiguous matter so you don't get these long offshoots of infrastructure that one developer is sitting on forever in terms of that cost. I'm not in favor specifically of a 25 year clawback, but I'm in favor of a clawback that represents the useful lifespan of the infrastructure that you are clawing back on. It could be more or it could be less; depends on the infrastructure. At the end of the day as a community you don't want to provide compensation for it as a depleted asset. At that point, it really doesn't have any value; it's more a liability than it is an asset. Again, it depends on the kind of infrastructure.

Councillor Phillips explained that it is currently run as a Public Utility right now. Sewer and Water is my portfolio and is completely separate financial item from taxes, roads, etc. and run completely separate from the rest of the town. Yes we can borrow for it.

A new lagoon is just as expensive. If we were to build one in the bottom of the valley it would have to be an engineered lagoon with a liner in it and we would need a lift station strong enough to pump it to the top of the valley. And then you get up at the top of the valley by Schandre Estates where there are million dollar houses and no one wants a sewage lagoon by their house. A footprint of a treatment facility is so much smaller than a lagoon.

We have tried all kinds of regional solutions and no one wants to enter into a sewage project with us. Regina Beach wants to proceed with their lagoon expansion on their own. In fairness, for the same reason we want to go on our own as opposed to a pipeline to Regina. Craven has a huge lagoon – they don't need a partnership with anybody. They don't allow septic trucks to dump into it; they don't allow any more development around Craven because they have the sewage lagoon the right size. They don't need to worry about it and don't want anyone upsetting their balance. SaskWater conducted a study to put lagoons between Regina Beach and Lumsden. It was far more expensive – pumping uphill from Lumsden and from Regina Beach.

Now, we are in this holding pattern. We have done everything we have been asked to do – it is now a waiting game until we hear whether our funding applications have been approved.

Paul Andre

The sixth was made by Paul Andre. Mr. Andre had questions as follows:

- What was the idea behind the 4 units per hectare – what is the idea there? Is that a maximum?

M-11

Respondents:

Mr. Delaine said that it was intended to ensure that there wasn't any competition in terms of the form of development between the Town and the RM. The target density for the Town was 10 units per hectare.

Councillor Phillips noted that the one thing that brought us to this discussion was where the treatment facility would go. It will go in the RM on property owned by the Town. It made sense to annex that area owned by the Town into the Town. What else should we be doing in conjunction? That is why we did this study.

Adjournment:

Phillips: "That we adjourn this meeting at 8:04 p.m."

CARRIED

Deputy Kent Farago
Reeve

Dawn Cooper
Chief Administrative Officer