

TOWN OF LUMSDEN
MINUTES OF THE STONE PROPERTY DEVELOPMENTS
ENVIRONMENTAL PROTECTION OVERLAY AREA ZONING BYLAW AMENDMENT
PUBLIC HEARING HELD ON APRIL 16th, 2009

The Lumsden Municipal Council convened the Stone Property Developments Environmental Protection Overlay area zoning bylaw amendment Public Hearing in the Centennial Hall in Lumsden, on the evening of Thursday, April 16th, 2009 at 8:00 p.m. with Mayor Verne Barber presiding.

Present:	Mayor:	Verne Barber
	Councillor:	Wayne MacKay, Sid Sikorski, Al Sulma, Gerry Tomkins
	Administrator:	Wayne Zerff
Absent:	Councillor:	Dan Kirby, Ron Hart
Attendees:	Municipal Planner:	John Wolfenberg

Mayor Barber opened the public hearing outlining the procedures for the public hearing as follows:

- Purpose of the public hearing is for council to gather public comments on the proposed development of Lot 1, Block Y and the proposed reduction of the Environmental Protection Overlay area as designated in the Town's Zoning Bylaw for that property
- Explained that the hearing is not a question and answer forum. It is an opportunity for residents or interested groups to make presentations to council
- Opportunity for council to gather information
- Once the public hearing has concluded and people wish to stay and talk that's fine
- Presentations are recorded and they will be compiled at a later date.
- Individual presenters will be allowed 15 minutes, we ask that groups presenting designate a spokesperson
- Attendees were asked to avoid making the same points that someone else has already made
- Decorum is required and if people are going to interrupt speakers or start arguing back and forth the meeting will end
- Indicated that Mr. Wolfenberg, the Town planner, will be preparing a report for council based on the presentations made and the transcriptions from the meeting, for their consideration
- Indicated that council will not be presented with the proposed bylaw amendment for any further readings, until such time as council has received and has an opportunity to review comments from the planner, John Wolfenberg
- One special request was made to council for a presenter to do a power point presentation and council has granted that request, with an extended amount of time if required. He will present first and that is Jack Chapman.

Mayor Barber made introductions of the head table, including Councillors, Administrator and the Planner.

Jack Chapman (8:10 pm):

Verbatim

Mayor Barber, Council of the Town of Lumsden. Let me first of acknowledge that we have a disagreement but we can be agreeable to disagree and I enjoy the professionalism of Roger Mitchell and Ryan. They've been most cooperative in providing us with the information that is necessary to present this brief and low and behold, Roger is even doing the slide manipulation for me.

Your worship we're dealing with the proposed Zoning Bylaw amendment with a 90% reduction in the overall property of Lot 1, Block Y and as you mentioned much of that has been covered. Much has been said about the zoning bylaw that the council adopted along with the planning statement so I'll forego that particular verbiage. I do want to point out the zoning bylaw contains many environmentally protected areas and we submit that if we amended this particular bylaw. to allow and take out of environmentally protected areas, it places all of these up for revision and the black areas in the zoning bylaw are environmentally protected areas and the particular one that is in question, at this particular time is this particular coulee Lot 1, Block Y at the base of the coulee.

I want to center my thoughts on the major concerns for the reasons not to re-zone, Mayor and Council and I'm concerned about slope instability causing slumping and I recognize that there have been some studies done but I think they lack some information. I'm also concerned about the water damage, erosion and flooding and I speak as an individual on behalf of my daughter Judy and her husband Josef and I do have power of attorney and I'm sure you'll appreciate that Grandpa might have a little investment in the particular property that we represent at 475 James Street South and so in the Basic Planning Statement Bylaw it emphasizing a sustainable community development in harmony with the natural environment the residents are committed too and this is our commitment as residents of

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Lumsden and we anticipate that council would also share this commitment. That it's your responsibility and our responsibility to recognize and manage and minimize the risk of the hazards inherent in the valley setting, including flooding and slope failure. Remnant natural areas are important and should be conserved in their natural state.

To be a sustainable community with employment activities in harmony with the natural environment the residents of Lumsden are committed to the following: The hazards inherent in the valley setting, including flooding, slope failures and recognition and management of those slopes and that flooding to minimize the risk to the residents of Lumsden.

Let me deal with slope stability considerations. The planning statement emphasizes Council representing the interests of all residents, businesses, and landowners, should not knowingly accept the risk of damages associated with a development that has not adequately addressed and that is erosion and slope failure potential. The risk and potential liabilities must be weighed against the aesthetic and or financial benefits of development in a valley slope or nearby location.

Slumping is the failure of a valley slope to hold itself in place, often triggered by increased groundwater levels (seasonally and over extended periods of time), or by excavation or erosion at the base of the slope. Also prior property developments within the necessary investigations can affect the slumping dangers of the development. And I submit that I've made an error. I've got some verbal history and I know that the next lot to us, now I'm going backwards. Here is a property that I owned at one time and it's Lot 8 and then there were lots 7, 6 and then 5 I am aware that on lot 7, they enjoyed the same type of development as I did. I wasn't aware, but I understand there are geo-tech studies done on Lot 6 and Lot 5 and what we're dealing with is this is the Parcel Y Lot 1 and two of the proposed houses are right below Lot 8 and Lot 6 and 7. So there was geo-tech studies, and I make this statement in my report and I stand corrected that geo-tech studies were done on Lots 5 and 6. Considerable liability is placed on the leadership of the residents of Lumsden to ensure that definite measures are taken to minimize this particular liability.

And here is my former property, Lot 8 and I submit that in my geo-tech study of the property, it appeared that someone previous excavation and benching activity took place along the West edge of the coulee in order to flatten and extend the usable portion of the property further East. And here's my false statement, and I withdraw it Lots 5 and 6 but I'm quite aware that Ernie Adams informed me, that this is how his lot was developed. Under stability considerations of the report, the Agra people informed me that tension cracks were observed near the embankment edge during the site reconnaissance. The tension cracks suggest that some creep has already occurred in the slope which, in turn, suggests that the factor of safety against fill slope instability is presently near unity. And safety of factor folks is a ratio between the resistance to slumping and a driving force of a slump. And so Agra maintained that on my property, that if I didn't do anything about that kind of slope spill to extend the lot, that I'd probably end up with a .4 factor of safe and the desirable is 1.7 and that is what they went for. And therefore, I had to do a 3.5 horizontal 1 vertical ratio on the development of a slope and there's a development that I had to do in order to stabilize that along with the piezometer bed at the bottom of the slope to prevent any further slumping. And this lot here is above the proposed development 1st southwest cul-de-sac house and Lots 6 & 7 are above the next west cul-de-sac house.

And here's some photos of the lot development on the residue that was (still?) over the side on Lot 7 and Lot 6 and you can see that it was very similar that I had on lot 8 that I had to make a 3.5 horizontal 1 vertical development and here you see tension cracks and they are here today below lot 7 and then below lot 6 there's actually a major slump that has taken place in the slope.

The developer, Stone Property Developments hired Ground Engineering to do a considerable study and quote John Wolfenberg, one of the more extensive studies at the bottom of the coulee but also I point out on that report, the report states and I quote "One of the main factors controlling slope stability is the position of the till/shale contact with respect to the bottom of the valley wall. Where the till shale contact is at or above the base of the valley, slopes are flatter and the slump blocks are more frequent. These slopes may be less stable than the steeper sloped areas where the till/shale contact is well below the present elevation of the valley bottom.

In discussion of slope stability Ground Engineering said "Once landsliding has occurred on a valley slope, the factor of safety with respect to slope stability would be close to unity under natural conditions before any new development constructed by man."

And then an email was filed to council regarding Lumsden drainage concerns and Tom Williams with Associated Engineering states in his email there are 2 concerns that need to be addressed, the volume of the run-off and the potential erosions caused by that run off. No mention in his email of the volume of water and the solution to erosion is two detention ponds, one on the Johns development, which is at

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the top of the hill, and one on at the bottom of the coulee. I had some experience with water management from my previous occupation and I calculated the potential volume of run-off using a reference H.K. Barrows Water Power Engineering using the so-called "rational method." And the calculated volume of water from a 3" rainfall and the coulee has approximately 51.2 acres of subdivision and coulee will have quantities of 115 cubic feet per second, sorry for swearing. That's the old system that I'm used to. And a volume of 9.6 acre feet, and an acre foot is an acre of land covered one foot deep or 2,611,000 gallons of water can come down that coulee from a 3" rainfall. From the internet, Eldorado Weather reported for Regina, SK a maximum daily rainfall during July, August and September of 3" rainfalls.

The volume of water calculated at 115 cubic feet per second and with the elevation difference of an estimated 200 feet the erosion factor will be significant particularly if the trees and the vegetation are removed. How a proposed water detention pond at the bottom of the development will reduce the potential for erosion in the coulee, I would submit, is questionable. Ground Engineering states "Water should be encouraged to drain off the property. The natural drainage courses down the valley wall should be maintained as best as possible and the removal of existing vegetation should be kept at a minimum. And our other Geo-tech reports that we had an opportunity to look at said, have emphasized the importance of no ponding or accumulations of water on site developments.

And while there's an expression, that we're against development or the people that have made presentations, I submit it's different. Development and growth does not have to be done at the expense of our environmental heritage or at the risk of existing property. There are many who say it is selfish to deny development. We agree and want to share the beauty of living in Lumsden and the Qu'Appelle Valley with others. But in order to share the best parts of living here, we have to preserve the best part – which means developing in a way that honours the rare, natural places. Only a percentage is left in natural wild state and to keep these places within our town will increase the value of property and the quality of life for residents.

Not long now, your worship.

Prior to, and the developer has certainly recognized this and (stopped?) this particular type of activity, but this shows you the kind of development that has to take place, in order to fit 11 units into this particular property and passing this zoning amendment will have major impact on the natural state of this coulee. Years of growth will be destroyed. Rather, let's enjoy the natural beauty of our Lumsden Valley. This is the coulee, this is the area that has to be moved away in order to develop that particular, yes they talk about a 10% border around for environmentally protected land, but this is the trees that will go and this is the valley that people are trying to protect. And so I say to the leadership of our Town Council of Lumsden on behalf of the citizens, Please do not amend the environmental protection zone as stated in our adopted zoning bylaw and I submit that everyone makes decisions that affect themselves and the people around them. But people in power, and you're given a tremendous responsibility, you make decisions that not only affect yourselves and the people around you but also future generations.

Thank you very much Mr. Mayor.
(Mr. Chapman provided a written report as well.)

Verne Barber:
Thank you Jack.
All right

John Wolfenberg:
Do you have a hard copy of that?

Jack Chapman:
This is a hard copy of the slides along with my notes.

John Wolfenberg:
Thank you.

Verne Barber:
Next. Go Ahead Anyone that wishes to speak, just please raise your hand and we need you to come up and make sure that it's recorded.

Louise Holloway (8:29 p.m.):
The light's not very good.

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Verne Barber:

Yes, we'll go get another light
(End of Side A Tape 1)

Side B Tape 2

Louise Holloway:

Mayor and Council. I did make a presentation to council, which is very similar to what I have here but John Wolfenberg was not at that council meeting and there was another councilor who was absent at that time. I'm Louise Holloway, for those of you who don't know me. I am former Mayor. I was the Mayor when this EP zone was developed for the Town of Lumsden and I thought it was only fair that you be given some background information on why the EP Zone was put in place in the first place. So I have a written presentation here that I will go through. First of all I am opposed to elimination of any EP Environmental Protection Zone within Town limits in ravine areas. Changing an EP zone to any zone that permits any type of development in a ravine area is setting a dangerous precedent. Legally, this could open the door to rezoning other EP zones to permit development in Ravines.

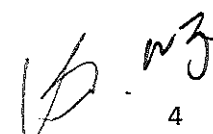
I thought I should provide the hearing with background information in the aforementioned EP zone in Lumsden. In 1988, which was well over 20 years ago, council passed the first zoning bylaw with restricted areas such as flood and slump sub-zones and the environmental protection zone. The flood sub-zones were a mandatory requirement under the agreement we signed with senior levels of government as a result of a flood damage reduction program and for those of you who were living in Town at that time you probably remember the battle we had with the Federal and Provincial government over the flood damage reduction program. This program came into being after the floods of 1974 in Western Canada and the building of the extensive dyking system that we have in place adjacent to the River.

The flood subzones are a warning, that even though we have a dyking system in place that the dyke can still be breached to add to that a study had been done by J.D. Mollard and Associates in the early 1970's, outlining slump areas in the valley and it focused on the Qu'Appelle Valley in the Lumsden and Craven areas. And this was a result of the East Wing of the retreat house, slumping and breaking away from the building that this was commissioned. Since there have been legal percussions in other parts of the country, and at that time in the 80's it was BC where the municipality had been successfully sued for property damage because they had permitted development, zoned residential and the land slumped, we felt we should address the slumping to warn potential developers of the dangers. There was a rather extensive planning study done as background information, for the new planning statement and zoning bylaw. This was the first planning statement done for the Town of Lumsden.

As a result, as an Appendix to the Basic Planning Statement we included a development constraints map. This map done as an overlay on an air photo, clearly outlined all the hazard areas in Town along with the toe of the slope and other important considerations. Our Town engineers were also consulted and included as another appendix with a report from Associated Engineering, which clearly stated that quote "The existing natural drainage courses on the south slope of the valley, including, but not limited to, the area between James Street and Prospect Street, (and the name has since been changed to Prospect Crescent), and the areas to the immediate east, north and west of Heritage Place should be left in their natural vegetative state."

Now picture this, I didn't bring my (???) constraints map tonight but if you look at Lumsden, the reason why there are development constraints, is we have this dyking system which keeps the water out if the river's high. It also keeps the water from going into the River if the water's high. So there's extensive, we live in the bottom of the valley, there's all of the water draining off of the valley fills into the bottom, we have to have catch basins that are to catch that water until we can eventually get it into the river. So that's why we have this development constraints map and that's why we zoned these ravines natural areas as protected to try to slow the water down. These restrictions were even more important now that there has been development at the top hill south of Town. Urbanizing watersheds and covering large areas with pavement and roof tops increase the amount and velocity of runoff. Proper land treatment reduces runoff. This includes maintenance of trees, shrubbery and slope stabilization. The principal regulatory tools are zoning and building regulations. These should be written as to preserve the natural contours and drainage patterns, minimize tree cutting and other removal of vegetation.

The two main concerns when placing the EP Zone, were water damage and slumping. The area in question has had a great deal of dangerous undercutting of slopes along properties on the East side of James Street South by the previous owner. There is also one house along James Street South at the curve before you ?? the hill that has had water damage to the basement due to hydrostatic pressure. That was many years ago but it happened.


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Municipalities can be liable for property damage if they have zoned land for development and it undergoes some damage either due to slumping or water. Therefore, changing a piece of property already zoned as restricted to development because of its sensitive state to one which one would permit development is allowing the Town to be liable for any damages in the future caused by changes to that property not to mention people. There's also setting a precedent to future requests. I have no problem with developing condos along the road frontage where there were previous structures. I'm asking council to reconsider rezoning any part of the EP Zone on that parcel of land.

Thank you.

Ann Coleman (8:36 p.m.):

My name is Ann Coleman for those of you who don't know me. When we moved to Lumsden 26 years ago from the Gull Lake (?) Stony Plain in Alberta. We were delighted in coming to such a beautiful area to live in, lots of green open space, animals, ? etc. Over the years of steady development in and around has caused Lumsden to become vital and vibrant community while still maintaining its natural footprint. In my opinion, this part has been made possible due to the hard work, the understanding of the delicate balance of natural environment and the forethought of the council that drew up the EP Bylaws in the first place.

Over the last while I have sat through presentations at council meetings and listened to many opinions on safety and I've come to this conclusion: Do we really need to change this bylaw for a few more houses when there is already lots of development going on and more to come in appropriate areas? Does this council want to change this bylaw because the I's are dotted and the T's are crossed? Or could they be really progressive and say no to changing the bylaw, but allowing properties to be built on the part of the site that has already been disturbed? And could the developers be real environmental innovators and turn the EP land over as a natural area it is to the residents of Lumsden. Councillors, if this were possible I would be willing to look at working with you to open up a pathway across my property to the ease of access to the residents of Lumsden to enjoy this particular green space. I do hope that you will seriously consider keeping our Town, not only a very special place to live but also a very progressive community.

Thank you.

Verne Barber:

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Monica Zmentana (8:39 pm):

I'm Monica Zmentana, and I'd like to present to Mayor and Town Council 351 petitions that we've gotten from members of the community and they are all voting age, residing in Lumsden or Ratepayers and they agree that the Mayor and the Town Council of Lumsden retain and adhere to the current Town of Lumsden Planning Statement. I would like to also just tell you just for point of interest that Keep the Coulees has a website on Facebook and we have currently 41 members coming from Saint Johns, Newfoundland, Kelowna, Saskatoon, the Middle East, Calgary, Toronto, Halifax, Ottawa, Kingston, the University of Regina and the City of Regina.

Gary Howland (8:41 pm):

Good evening everyone, Mayor Barber, members of Council, John and Wayne. My name is Gary Howland, I am the president of the Lumsden Valley Community Association. We're a group of about 30 citizens and have been in existence for about 2 ½ years. We focus on the preservation aspects of the Qu'Appelle Valley system in the area, including to some extent urban areas, such as Lumsden. Most of our efforts are in the RM but the issues that are on the table tonight lead very much to broader questions for the RM as well so we thought we'd take an opportunity to say a few things.

We've discussed this issue, oh I can also say that about half our members are Town residents and the rest of us live in various parts of the RM or own land in the RM. We've discussed this issue on a couple of occasions at some length at our group meetings and the document that I've submitted for review, we sent to all our members and we have basically unanimous support for it, with a couple of abstentions for various reasons so it's certainly a joint message from all of the members. Our basic starting point I guess is that we think the Basic Planning Statement for the Town of Lumsden is one of the best around. It's relatively recent adopted in early '03. In our letter we quote from it at some length, but I can summarize the just of it as it relates to this proposal. It puts quite a bit of emphasis on what I call social values. It talks about such things as family's and community working together, inter-generational harmony. You can say this is all motherhood but I think in a small community like Lumsden, these things are very important and I think we all, here tonight (couldn't hear) and try to support the idea that we could talk to each other and hopefully not initiate changes that are very negative in terms of significant (?) opinion in the community and that certainly emphasized in the (couldn't hear) The other zoned

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areas, as we've mentioned several times, is in terms of environmental kind of sustainability values and also there's a whole section (couldn't hear) which kind of means the physical arrangement of Lumsden and there are numerous references in there to the integration of (fill?) development of natural areas, which we would argue has been achieved in many parts of Lumsden and certainly in the area of dispute which this coulee is disturbed at the North end and around the natural state southern 2/3 and developed on either side (of houses?) which has been there quite a few years. What I will say the emphasis on conservation in there can be modified where there's a demonstrated, the phrase they use, is a demonstrated necessary and beneficial result in the community as a whole. In other words, nothing is an absolute forever, there may be circumstances where you do have to change the EP area or other conservation aspects, but that's what we're talking about tonight. Later on I'll discuss why we feel, in this case there's no real necessity from a community point of view, to have approximately 11 units, proposed, approximately 8 of them are going to be in the EP area so we don't see any need, based on the plan to make this change. It simply doesn't (propel us) the principle of the plan. We have a few concerns about the material from Stone Properties, I'll just mention a couple of them, we certainly I know the phrase that's used in there, that the, if I remember correctly, the development will be emphatically set into the landscape and we certainly think that that would be achieved in spades given the 11 houses and the street and cul-de-sac and driveways etc. We're not as confident as the proponent of the degree at which this site can be remediated. We estimate based on the drawings that were submitted that something like 50 – 60% portion of the EP area will be housing or rows and most of the other areas, remaining 35 – 40% is narrow space between houses and driveway's etc. and are on a considerable slope and yeah you can plant shrubs and etc. but it'll be a pretty pale reflection of the natural area that is there right now.

We are also somewhat concerned that there are some conceptual image drawings here and in the reports that were submitted, but none of them have included the views looking out from the development. There are no drawings of the surrounding housing and developments which just (couldn't hear) subjective look at the situation, we're probably (couldn't hear) and there also are no drawings of the visual impact of this development on surrounding houses which I think a lot of people that live there feel it would be fairly significant.

I could talk much longer, but the conclusions are that, as a lot of people have said, the 1/3 of the site at the North end has been developed and sort of cleaned up, if you like (?) better phrase recently we obviously know in terms of total development area, in fact as I understand it, needs to be a little remediation done as well so development there would be good for everybody as far as our groups concerned. As I just said, we feel that the proposal by the developer, under-estimates the impact and over estimates the potential for mitigation. We also, as I've said, we really don't see how under the general policies and plan that you can argue that there is a necessity for this development. Therefore, we do not see how you can argue that the EP area should be changed in this area to allow the residences.

Our final conclusion, that there is a bit of a trade off obviously if this goes ahead. I think, no one could argue that there's no downside to the surrounding residences. There's this sort of intangible visual amenity, those kinds of things, the effect on property values, could be debated for a long time but the argument is not likely to be that positive. I just have a report as of last February, Wayne Zerff had a report to the Joint Council meeting said that there were something like, in the Town there is currently 115 proposed parcels, those may include other residential, probably does include Stone Property 11 parcels and in the RM there is about 80 proposed parcels, so there's all kinds of areas for residential development to occur so we'll (don't) see why this should be allowed to proceed in the manner proposed.

Thank you very much.

Bob Johnson (8:50 pm):

Doug and Barb Mader, who were unable to be here, have asked me to make a presentation on their behalf. Now most of the points in Doug's presentation have been covered by others who have already made their submissions at this meeting. So what I propose to do is simply read the recommendations that Doug and Barb make and their summary and conclusions, some of which have already been said, but I think their recommendations and summaries deserve to be heard.

The north end of, the recommendations are, the north end of Block Y has most of the vegetation removed already, slope remediation of the West side was done after the removal of the previous buildings, north end is the exit end of the coulee and the end where development is least risky. There is nearly an acre of land that lies outside of the EP protection zoning. This leaves room enough for houses to be built without disturbing land within the EP area. This would be sufficient development for the companies to make a profit on their investment without creating most of the problems that the current

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proposal does. Town Council is encouraged to maintain and adhere to current EP and Slope Instability Bylaws and propose this as an option.

In fairness to all involved, developers, Town Council, Town Administration and Citizens of Lumsden, it would be wise and prudent to the Town Council to convert the Environmental Protection areas to Environmental Reserve.

The Summary and Conclusion is this proposed development is likely the most risky ever to come before the mayor and council for approval. It seems apparent that the advantages of retaining the EP and Slope Instability zoning bylaws far outweigh any advantages that this development might have for the town. Mayor Barber and Lumsden Town Council are encouraged to make their decisions in the interest of the residents of Lumsden and concerns for the coulees go far beyond issues of "not in my back yard". Lifting the EP and Slope Instability zoning bylaws threatens both the infrastructure of our town as well as the safety and values of all its citizens.

And that's respectfully submitted by Doug and Barb Mader

For Sandra and ourselves, every time we talk about this development I think what comes to mind really is a line in Joni Mitchells big yellow taxi, It seemed to go – you don't know what you have till it's gone, pave paradise, put up a parking lot.

Thank you.

Rhonda Phillips (8:55 pm):

I'm Rhonda Phillips, I'm a teacher here in Lumsden, my background, for those of you who don't know me, is in biology and in environmental planning. I'd like to speak to the need to preserve native vegetation, not only here in the community but in the Valley as a whole. Children who grew up in the Valley in the past and those who are experiencing life in the valley now have had the opportunity to be exposed to natural spaces and it has shaped many of them. I hope that we can protect the natural spaces so that in the future children in this community will also have the same access and the same opportunities.

From a sustainability perspective, it's our responsibility to conduct development in this valley, in such a way that there's improvement to or protection of natural resources so that they are available to future generations. Esthetically the developer has and will no doubt continue to improve the residential section of the lot under question. The natural area is best left undisturbed, in my opinion, for the ecological (business services) it provides to current and future residents in this area. Richard (?) wrote a book, it's a book, it's my Bible **(end of Tape 1 Side B)**

Tape 2 Side A

... natural spaces leads to condition such as attention deficit disorder. Natural spaces are different than green spaces in the community. Natural spaces such as those in the coulee under question are intricate non-linear environments that calm their visitors. The Town owns natural areas (above) the EP land under consideration here tonight. Perhaps there's a way we can protect the EP land and in so doing, provide access to the Town land above, for walkers of all ages in the community. Many people have spoken and written here today about managing runoff and water and (tenuating) floods. They're right on. I'd also like to know the value of this (biodiversity) in case of climate change. Various (couldn't hear) adaptation opportunities. When temperatures increase seasons change even slightly and evaporation (couldn't hear) increase. The vegetation in this ravine is well established. Some of the minor vegetation (couldn't hear) only plants that can survive conditions drier than we have seen in the past or hotter than we've seen in the past. This minor vegetation will expand and hold the soil (couldn't hear) or it could do that. It'll photosynthesis and provide habitat for wildlife. Climate change will bring severe weather and with an intense rainfall at times. That is what is now minor vegetation on that Environmental protected land under question will protect that small valley and those down slope from it. Replanted native vegetation of disturbed land will not have the same diversity or the resilience as the vegetation that grows there naturally now.

I'm grateful to the members of council that called this public meeting. It provides us an opportunity for open dialogue for this development and future developments and I hope it starts all of us thinking about the vision we have for the future and the preservation of these remnant areas of natural vegetation because there is precious little left. Our observant counterparts to the West, Okotoks and Canmore have adopted a natural step approach to development planning, perhaps we should too.

Thank you.



Barry Mitschke (8:59 pm):

My name is Barry Mitschke. I'm a resident of the RM, my girls go to school here in town, I get my mail here, I go to church here, I curl here and I do many other things in this community. I'd like to thank the Mayor and Councillors for giving us this opportunity to share some ideas. Many things have been said tonight, thinking about my life, I've often thought maybe I should change my name Barry Ash Tree or Barry Maple Tree or something like that. Trees to me are very important organisms. They're very complex and in parts of the world they're the biggest and tallest things there are. My mind goes (?) with the times. Verne probably knows that 5 million years ago our (sun's) arrived on the scene and then we had another 5 million before (it appears) So we take the sunlight for granted, we take our oxygen supply for granted, we take our water supply for granted even though climate change may have some influence there. There are no assurances that the Wells in Lumsden will continue to be recharged to the needs of the area. I'd like to talk about the forest. We all know locally that the tropical rain forests are being reduced. There's concern about the boreal forests in Canada being reduced. But we can locally, the forests in this area are booming. That's where we find natural trees, we've planted many other trees. Regina's planted all of their trees but trees, to me, signifies a very important part of our natural environment and so we need to take care of them.

I write a column for the Waterfront Press, called valley views and my underlining theme is always taking care of the earth that we have and the (couldn't hear) that are there. Of course for the coulees, whatever name you give it, nature, mother nature, mother earth, (giya) whatever name you like, those coulees were put there not by us, we didn't cut them, we don't maintain them, they're natural, they're built in mechanisms and evolutionary mechanisms to take care of themselves. And they serve many functions (couldn't hear) in terms of global climate change, we know that green house gases are a problem and what do trees do? They take the carbon dioxide out of the air, they provide oxygen for us, they do many other things, as you're well aware and so my question is this: When will we stop reducing our green space? When is enough, enough?

Thank you.

Dylan Johns (9:02 pm):

Hi there, my name is Dylan Johns (couldn't hear) quickly. Talked a little bit about, I have a young son, so I'd kind of like to speak on his behalf so that (couldn't hear) natural areas when I grew up. The forest at the ball park, which is now the campground, our (couldn't hear) by the elementary school (John Nugent's), Schandre Estates used to be (couldn't hear) I'm not opposed to any of these developments, but definitely the natural space is decreasing throughout town (couldn't hear) quite a bit as I grew up. So I'd like to see just an awareness of the green space be maintained and made to be available for my son and lots of future generations. That's it.

Cheryl Kelln (9:03 pm):

Mr. Mayor and Town council, I didn't prepare any brief or anything but in listening to the comments, I'd just like to say that I grew up all my life in Regina and I've lived in the same spot on Peter Avenue now for over 30 years so I'm now considered, I think, all though I wasn't born in Lumsden, one of the older residents in Lumsden. One of the first things I learned when I came to Lumsden that was different for a small town as compared to the City was that we lived across the track, and at that time we were (couldn't hear) council to cross the tracks and all the businesses were on the North side. So I (couldn't hear) we probably lived on the wrong side of the track. That was our horizontal designation, later on I learned that we also had a vertical designation. Most of the presentations that have been made here tonight have been made by so called hill people. I learned that we were called the runoffs. In the 30 years that we've lived in that spot, every year for 30 years there's been some water, from a little to a huge amount that has run across our property. More than one town council, in that 30 year period, after one of those huge (couldn't hear) It could be a spring runoff or it could be a 3" rain in one hour have made some improvement to the drainage and how things went but the water still ran through our property. Not that I would not welcome more runoffs in the neighborhood, which the (letter) tells us will become runoffs because they will all be (couldn't hear) the houses around. My daughter now has a house that is one of the 5 that are lower than our house, our entire property and will be lower than the new development on James Street, those 5 houses. I think that we don't realize, even though, with technology and well planning that you can go through from a project that's as extensive as this, we don't really know what the change will bring. I'm not the technical side of our marriage, as most of you who know me will know. But the one thing I do know being a non technical person is that water does run down hill.

Verne Barber:

There a few of you who know the house that I grew up in and it was at the bottom of the valley and at the bottom of the hill and we had water in our basement every year. When you live at the bottom of a hill that's what you expect.

WJ
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Anyone else.
From the floor (couldn't hear)

Jack Spicer (9:06 pm):

My name's Jack Spicer and I was one of the first houses that was built up on the side of the hill that drained the water down to Kelln's through their property and I just wanted to give a little bit of insight into what changes occur. We were (13) years or something before Haryett (got up there). And the first spring, we hadn't even developed our lot yet but we had moved (quite a) bit of dirt (got it all nice and) contoured. And then there was a (large) rain drainage. Our neighbors were the happy recipients of all our (top soil) we had about (couldn't hear). I (couldn't hear) to a different lot. We were on a hill side and the water (couldn't hear) went right down the hill. The amount of development that grew in Haryett development and other heritage developments after we moved there, did (improve) our view of the valley, our view of the hill and our (couldn't hear) use the hillside.

But the people that moved in to that area (couldn't hear) sitting up here tonight were found to be very valuable to us, very good neighbors. I think there is something to be said about looking after the valley and the development in the valley but I think we should also look to what is happening in Lumsden. We are (couldn't hear) development (couldn't hear) development on the hill side (couldn't hear) I think that those developments are causing a lot more drainage problems for us down the hill. I really don't know what happens in the coulee when you put a development in there it would have to make (couldn't hear) I guess I'm not sure that it's all bad (couldn't hear) and I think I know (couldn't hear) I think that it's something that we can (certainly agree) to live with, changes take place and we (agree) to look after what is best for everybody.

Deidre Meyer (9:10 pm):

Hi everybody, my name is Deidre Meyer and I live at 40 Meadow Bay. My concern comes not really as a resident immediately affected by this particular rezoning request, but rather as a resident with beautiful green space around my property. I believe this rezoning request is likely to be repeated in many other environmentally protected areas if you allow this one to go through. I know that's been said, the nuance though I think is that by allowing this rezoning request to be approved I think this would be the second one to be approved as rezoning from environmentally protected to Residential.

That sets a legal precedence, in my mind that even if this council has a change of heart and decides that they don't want to rezone from Environmentally protected zone to Residential, I don't know that they would have a legal leg to stand on because they had already done it twice. And so future developers would ask for the rezoning and it would be difficult to reject that because of the legal precedence that's been set and it could be legally contested. So I don't think anyone spoke about that particular point. Precedence in terms of EP to Residential it's all bad, but maybe even if there was a change of heart and a decision by council not to proceed with any other overturning of Environmentally protected area to residential that they would not be able to actually uphold that decision because they set precedence.

Thank you.

Verne Barber:

Anyone else.

I want to take this opportunity to thank everyone that spoke here this evening and also to everyone that took time to come out to be present here. I know it's not the most pleasant evening out there and there's good hockey games on TV right Gerry? Gerry's the only Blackhawk fan I know and the sacrifice that he made to be here tonight is incredible. I want to thank you all, and particularly those of you who took time to present I really appreciate that and I want to talk just briefly before we finish here this evening, about the process that we've gone through thus far. I know initially and I've received numerous phone calls from residents about this issue and some people really not understanding what the process was and where we're at in that process.

I mean some of the early phone calls that I received were from people that were incredibly hostile thinking that this was something that, you know, that was just the whole thing was wrong, that we shouldn't even be entertaining these kinds of ideas and I can't help but think that that's not the right way to look at this either. We need to be open minded about these things and to have a public meeting like this, I think is invaluable and so the idea that council should just flat out reject any type of idea like this I don't think that is right. I don't think that is the proper way to go about this. I think the way to go about it is too listen and to listen to the residents and to follow the procedure and that's all we've done. And for people that think that the council has acted in any way, in a manner that's inappropriate I'd like to just say that we haven't in any way acted inappropriately and we followed all the proper procedures and that's how we got to this point tonight. So thank you all for coming out. (from the floor couldn't hear) Yes Okay



Ryan Leech (9:17 pm):

My name is Ryan Leech. I'm sure some of you've seen me at town council meetings. We are the development group in partner with Roger Mitchell, Todd Leach, my brother. Just to give you a little background information, everyone has fantastic comments tonight. You know a little background information. When we looked at this little opportunity here, where it came from is that we had a mutual arrangement, friendship relation with Brian Williams, Mo's son and we came privy to the knowledge that there was this property available and it had been in disarray for quite some time. We came out and we looked at the property and we really took a vision as to what we thought we could do with it. We considered some of the restrictions that were in place at the time, we brought in, partnered with Ground Engineering and Associated Engineering to address those problems and make sure this was something that this was something reasonable that we could accomplish.

More so than anything, we kind of looked at this as an opportunity to enhance the quality of Lumsden. I mean, we agree green is beautiful and we realize that some of the comments tonight about Regina once bald prairie where now it's full of trees. Wascana park is one of the most beautiful places in Canada. You know, we're not trying to take away from what the Coulee is, we've got 2.6 acres within 58 acres in that coulee. We understand that the portion that we're looking at is about 1.6 acres above into the EP area. You know the ground runoff, certainly we've addressed that in some of the reports that we've done. I think that the main concern here, is that we see it, as Jack talked about, for future generations, I grew up playing hockey in Lumsden, my brother grew up playing hockey in Lumsden, beautiful community. We want to create something that can be part of this community for a long time to come. I hope with that, council can understand that, you know, that's the mentality behind the reason that we're looking at this proposal and hope it can get approved. I can ask Tom Williams to come up, just talk briefly about the drainage, because that does seem to be a (bit of) a concern

Tom Williams (9:17 pm):


Good evening your worship, council, Wayne, John, residents of Lumsden. I love Lumsden (couldn't hear) the group here have been trying to sell me a lot (couldn't hear) and I think it's a gorgeous setting than anything else. There were concerns raised about drainage off the hillside and down to the coulee and I appreciated Jack's comments and he made some very good (couldn't hear). I'm not going to dispute Jack's calculations or numbers what we're proposing to do, we're not only working for the developers but we're also working for the Town of Lumsden itself, they asked us to look at some drainage improvements and to try to resurface James Street.

So there is an erosion problem, I'm not going to deny that, there's a lot of water comes down that coulee. I think that one of the big things that I would suggest that we do is we want to look at either a detention pond or some sort of facility at the top of the hill where the new developments occurring that would, if we did something like that, that would probably reduce the level (couldn't hear) that's going down into this coulee and also the way the grades work within the coulee, there's actually a little depression or dip sort of in the centre of the development that would slow down the water a fair bit. We want to do some fill here and slow the water down. And we're also proposing a retention pond that would actually reduce the volume of water leaving the site, because once it leaves the site, it gets onto James Street and there's erosion problems, the catch basins get plugged with leaves and a number of things.

I was actually in Montreal at the Grey Cup and they have a lot more slope than even Lumsden has and a lot more rain and everything else, and what we're proposing for the Town, like further down streams (couldn't hear) is exactly what Montreal's doing, it looks very nice they can handle some of the drainage problems and I think the development would go a long ways to help pay for that as far as the Town's concerned. I know you want to keep the valley the way it is, but I also know, and what Roger does, he's an architect and they work with the contours and the planning.

This is going to be a planned development and houses that are going to be put there are going to be architecturally controlled. It's going to look very nice, we're just not going to see 3 storey condo block buildings. It's going to be very nice and very, it'll match very nicely with the contours. So it's an exciting development. I know there's concerns about the green space and a lot of things but from an Engineering point of view, we can handle those erosion problems, we can make things work, suggest some infrastructure for the Town of Lumsden that'll work and I mean once the developer is gone, the Town is still going to be here so when I do this design, it's actually not for the developer, even though he's paying my bill, it's actually for the Town of Lumsden because they're going to inherit this forever and ever and have to maintain it and that's always my guiding principle when I do a design is What's the best for the Town? If not I'm not doing my job as an Engineer.

Those are my comments.


WJ 10

Roger Mitchell (9:20 pm):

I didn't plan to be last, but I guess I am. Roger Mitchell the architect for the development. This is a summary of all our presentations to council and in the sense of having a brief to present to council. I'd just like to touch on a couple of points. The concerns that people are expressing, I think are incredibly valid and I'm not going to take issue with them and I support them.

Tape machine shut off – end of public hearing recording

Written Notes taken are as follows:

Roger indicated that they had contracted Joe Daly, a landscape architect to provide a report on restoring the area as close to its natural beauty as possible.

- Heal ugly scars
- Front position
- Trailer court in the middle at one time – Excavation
- Made a promise of undertaking and I think can expect as part (of plan)?

Jack Mitchell questioned the procedures after the public hearing. It was explained that John Wolfenberg, municipal planner, will review the verbal and written comments and provide a report to council. Council will then review and proceed at some time in the not so distant future. Verbal and written presentations at council meetings will be taken into consideration. John Wolfenberg will consider all information but the submissions tonight form part of the legal record.

Nancy Coppland (9:29 pm)

Nancy Coppland spoke in opposition to the re-designation of the EP area. She indicated her concerns over the following:

- how the runoff would be handled around and ??
- Lot 8 James Street South
- Legal ramifications regarding the EP change
- Her security for her development

Nancy questioned an Environmental Reserve versus and Environmental Protection Area. John Wolfenberg explained the difference between the two. An Environmental Reserve is municipal owned property and is left in its natural state. An Environmental Protection Area is a constraint on a private owner's land and limits the development in that area and gives council more control over what happens in that area.

John Wolfenberg

John responded to a question from the audience regarding Environmental Protection (EP) versus Environmental Reserve (ER). John indicated that EP was a designation to regulate future development with landownership remaining unchanged, while ER is a type of land owned by a municipality which is left in natural state, such as a passive park. John indicated that there is also a process for ER land designation to be changed or reduced.

Linda Lawson

Linda inquired about the process from here for the EP Bylaw and how Council may consider or pass it.

Vern Barber

Mayor Vern Barber explained that at a future Council meeting 2nd and 3rd reading can be at the same meeting and that Council would carefully consider the information presented tonight as well as the report that is provided by John Wolfenberg.

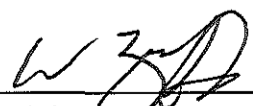
Adjournment:

Tomkins/Sulma: "That we adjourn this public hearing at 9:35 p.m."

CARRIED



Mayor



Administrator