

R.M. OF LUMSDEN No. 189
MINUTES OF THE ZONING BYLAW TEXT AMENDMENT PUBLIC HEARING
HELD ON JUNE 11th, 2009

The Lumsden Rural Municipal Council convened the Zoning Bylaw Text Amendment Change to allow a single recreational vehicle campsite as a discretionary use under the R1 and R2 Zones Public Hearing in the Council Chambers of the R.M. Office, on the afternoon of Thursday, June 11th, 2009 at 2:30 p.m. with Reeve Jim Hipkin presiding.

Present: Reeve: Jim Hipkin
Councillor: Kent Farago, Tom Harrison, Bill Marquardt
Asst. Administrator: Darcie Cooper

Manager of Public Works: Don Barnett

Absent: Councillor: Jim Atcheson, Al Szeles

Public Hearing Attendees:

Dennis Willoughby
Linda Willoughby
Andrew Huculak
Peter Leavitt
Bill Zuber
Lynda Bunting

Reeve Hipkin read the public notice for the proposed zoning bylaw amendment to accommodate a single recreational vehicle seasonal campsite under Discretionary uses in the R1 "Low Density Valley Residential" and R2 "Medium Density Valley Residential" Zones.

Reeve Hipkin lead introductions of those in attendance of the meeting and invited those making a presentation to take the floor

Asst. Administrator, Darcie Cooper stated that there were three written submissions received for the public hearing. One from Cecile Gibson and Rob Haughian, the second from Mark and Cathy Barbeau and the third from residents residing on Whitmore Farm Road.

Andrew Huculak

I just have a bit of summary of our presentation; we would encourage councillors to review it in detail during their deliberations regarding the zoning amendment. I think it is fair to say that there is unanimity on our road with the exception of two non-residents that we didn't try to get a hold of because they don't live there and the applicant who we understand has actually asked to have his application withdrawn and they have attempted to do that. However we understand the R.M. wanted to proceed. Citing that, the resolution was passed by council and that administration can't cancel the public meeting without fair approval. Council doesn't meet again until June 11, 2009, which of course is today the day of the hearing. Notice had been published in the paper and there was no time for a cancellation notice to be published prior to today. Also, council feels similar requests may come forward in the future and I think it is likely understandable that you want a resolution of this issue for all of the R1 and R2 in this municipality.

So given that; we did quite a bit of work and sought the views of residents along what we know locally as the Whitmore Farm Road. Remember Andy McDonald had farmed that for many years, took over by the Schwartz' more recent years and most recently by the Barbeau's. We discovered that there is complete consensus of opinion of residences along the Whitmore Farm Road in opposition to the proposed bylaw amendment as outlined in our submission. We do feel that the submission speaks for itself, however, we ask councillors to ask questions and we will attempt to answer any questions that you might have.

We are certainly not experts on bylaw management or zoning development, but we do know what we like and what we don't like. Some of the things we don't like are contained within our submission and include in summary a further disruption of the roads integrity; we all feel it is a very beautiful place that is marred annually. We live right next to the Big Valley Jamboree grounds. My wife and I have been there since 1990 and we have seen a continuous erosion of the integrity of the area both environmentally; in terms of, well you name it, the place has gone down hill, but it is only for three or four days a year so we kind of tolerate it, we do make efforts to get the Big Valley Jamboree organizers to do a better job of environmental clean up once its over. We are making further overtures this year to try to, we are not against progress or having a good time at all we just want people to be responsible for what they create in our communities.

We really feel that a commercial campsite along our road will ruin what we have come to love about the place. Precedent; we talk about at length in our submission. We're concerned that if people feel that one campsite is good, that multiple campsites along our road or anywhere else in the R.M. may be better or ten might be even better or 20 or 30, or 40. Fire is one of our most significant concerns with respect to this area, there is only one way in and out of this area. If you read our presentation you'll see stories of fires we've had in the past 20 years.

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or so that have come very close to destroying our community and our homes. Party goers at the Big Valley Jamboree have swam across the narrow creek and lit our neighbours lumber pile on fire because they thought it would be amusing to have a bon-fire and we are really concerned about the influx of non-locals into the area, particularly on our side of the road, which would substantially increase the fire risk, not only from AT and motorcycle exhaust but from organized fires such as those that occur in fire pits.

There is quite a bit of good research that Peter Leavitt has compiled for your information and I have provided that to the R.M. yesterday as well and there is a bibliography of that research contained within our submission at the end as well. It is a really delicate area, Bill Zuber, who's family has lived there for over 90 years tells me they had a fire once from a piece of glass that was in the field and started it on fire. We had a fellow welding up behind our place six or maybe eight years ago now, he lit the grass on fire and the fire got away from him. If it hadn't been for the quick response of the local folks and the fire truck from Lumsden and Craven the consequences could have been quite disastrous. You can imagine, given, if you look on Google maps where we are situated, right along this road, this whole area in the early 90's was home to up to 40,000 party goers, third largest city really in Saskatchewan during the Big Valley Jamboree, they completely filled this area and in some years, depending on the size of the crowd, actually go right across the river this way and continue on down the valley. So there is quite a potential for danger and you can imagine then therefore our sensitivity to the potential for that party mentality and the associated disrespect for people property and environment that occurs.

I should say that the original applicants; Rob and Cecile, are very good friends and good neighbours and but we do feel there development may have been premature prior to councils providing zoning approval, so that is something we would like you to look into. We are not sure how the process works, as I said we are not experts on this but there are photographs in our submission that show the development and how far it has progressed and you can see for yourself that its well under way.

Probably the second largest concern that we have with respect to this initiative is the lack of monitoring and control over renters. All of us at one point or another have had or some of us had RV's and ATV's and things of that nature but we are always there to ensure that people act responsibly and have control and monitor who comes into our homes and into our yards. Some of these sites can have up to a hundred or more party goers as witnessed by recent events in campsites close to our community up at Regina Beach and there has been some tragic events happen in recent years and we don't want to in vision those sorts of things occurring on our road. Trespassing, another huge concern; we do experience this now with snowmobiles, ATV's, I have had my fence cut, I've got two horses out there cut on a fairly regular basis, posts broken, fires started deliberately, ATV's and snowmobiles who believe they can go anywhere they wish and get belligerent particularly when they are drinking when you suggest otherwise. So we are really very concerned about this and if you look in the submission, one of our respected residents, lives only, there property line is approximately 250 feet from this particular site.

The property line is completely invisible. We are concerned that people will want to go up on the hill to get a better view of the valley and see what is going on and the yard site is vacant right now. We are very concerned with the potential for vandalism, for destruction in this area, not only in area's where people live but in area's where there is homes where they don't currently live. We already have too much traffic for a one way in and out road. Traffic now exceeds the capacity of our road which was built many years ago when there were three families on that road. There are now 12 families, resident on our road and two properties have non-residents, four times the original number that that road was designed for. We went up and down the road, the people that are closest to the only entrance to our road told us about how the traffic had increased over the years and the kind of garbage that they find, that we all find on the road as a result of that as well.

We've seen and lived there for many years during the Big Valley Jamboree and consistently see people pull the plugs on their RV's at the end of the Big Valley Jamboree or even half way through, on the ground, into the river, sometimes they don't even bother pulling up to the creek to let her go, but they do. And you've seen the picture in the, I took that photograph last year at the Big Valley Jamboree, that's the kind of respect, not to say, I don't want to over state the case that these are the kind of people that we are going to have if this sort of things go forward, but its that potential that we are concerned about and the fact that it already occurs right across the creek from us, we are not interested in having it expanded onto our side of the creek into our R.M. frankly, because that is where the border line is.

We have two avian biologists and Peter is the Canadian Research Chair on Environmental Change in Society with the Department of Biology at the University of Regina. There is many concerns with respect to the spread of exotic species from people coming in with dirt on their tires that contain seeds from other areas and I know that the R.M. is significantly concerned about scentless Camomile and further spread. We think these sorts of developments could exacerbate the concerns with respect to the spread of exotic species in this area. So we are very concerned about that too. And there is quite a bit of research that Peter has compiled which is attached to submission for your information as well.

I am not familiar with the set back and frontage requirements and proximity to farm access roads, but if you look at the photograph its literally metres from the road and a few more metres to the creek, cause that's about the closest point on the road that the creek comes to the farm access road. We're very concerned about set

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backs, sight lines and frontage requirements. We didn't go into any detail in terms of what the requirements are but you would know better than us about that. I always thought that development couldn't occur within 150 feet of the centre of the road but there may be other mitigating bylaws that amend that to some extent but I don't know, but I'm sure you would.

Reeve Hipkin:

So the site is where from the road? Is the site 150 feet from the road?

Andrew Huculak

Well if you look, can you see the photograph there? I would say from the centre of the road, and if you look where the bobcat is, to the right of the bobcat, that's the road, right there. That's the farm access road that goes down the road to all of our neighbours and if you look, I can show you on the Google map here exactly where the site is compared to the road, its right here, and the river, the creek is just on the other side of the creek, right there, or other side of the road. So it's very very close. If you look at, see where the bobcat is? I would say, 15 feet to the right of that bobcat, or towards the road there's a couple of 4x4 treated posts, water, and electricity. I think 220 has been trenched in from the house down to the, so that's even closer to the road than the fire pit itself.

Councillor Farago:

So the road is the black right in front of the bobcat there, is that what you're saying?

Andrew Huculak

No, the white.

Reeve Hipkin:

There's the road and it looks the ditch is full of trees and the bobcat sitting...Okay.

Andrew Huculak:

The fire pit from the centre of the road, and the water and the electrical is within a few metres I would say. So we are concerned about that as well. I noticed on page 7 on the development plan for the R.M. it talks about quality developments which enhance property values within the R.M. We don't feel that this enhances anyone's property values. We've spent, all of us, a lot of money on our properties and its development. We don't think campsites are going to enhance our, if anything its going to detract from property values and we're certainly not interested in that either. And there is also many alternatives within the immediate vicinity. The Big Valley or the Craven Campsite is, you can see on the map, right there, right next to the Big Valley Jamboree grounds. Its surrounded by water and you have to go over a bridge to get to it.

Reeve Hipkin:

Do I have that there? Ok I've been looking for what you've been saying through all these pages and you don't quite tell us...

Andrew Huculak

This is our road here, I should have included it in our submission, and the Big Valley Camp ground is right there, so a site right there next to the Big Valley Jamboree grounds doesn't make sense at all.

Bill Zuber

Its not Big Valley Jamboree camp grounds its Craven World Camp Grounds.

Andrew Huculak

So anyway we would just like to reiterate, and again, please take the time to review our submission, we have spent quite a bit of time on it and we got input from virtually every resident on the road and its fair to say that other than two property owners that don't reside on our road who were not approached because they don't live there, and one fellow is in very poor health so I didn't want to trouble him, and the applicant who we understand has withdrawn their application and I quote from an email that he sent me "decided that we are just going to let friends and family use our campsite now".

There is complete agreement and unanimity of opinion on our road regarding opposition of proposed change to the zoning bylaw. We trust as residents that Councillors will act in accordance with the views of their constituents and not approve this bylaw amendment to change the zoning bylaw to add a single recreational vehicle seasonal campsite as a discretionary use in R1 and R2 residential area which is our home. So we will leave you with that and will be happy to try and answer any questions you might have and any other people have anything they would like to add please feel free.

Dennis Willoughby

I think I would add, would just like to mention that the application to include the camping as comparable to a bed and breakfast which was already allowed. In our opinion it really isn't, because in a bed and breakfast situation, you're inside the persons house and they have virtually total control of what's going on; where campers come and in bring their own facility and you know they are kind of on their own and we are concerned

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about parties and that loss of control that can spread into our properties and neighbourhood and we are certainly not interested in that. So I think that's a big difference to that particular part of the bylaw. It's not similar at all.

Reeve Hipkin

Any further comments?

Peter Leavitt

No, I mean, aside from the personal perspective, we are quite upset about the potential change in property value. While the revenue generated will be comparatively trivial, certainly one must look at the whole road. Our property cost \$276,000.00 when we purchased it five years ago and they have depreciated 20 or 30 percent. It is difficult to see how that much revenue would be generated by one campsite and even if it were, it's not clear why people should necessarily take a reduction in the value of their property.

I have tried to get that application of the degree to which values are reduced and would have been successful (couldn't hear) multiple decades of experience that I don't think its going to be a problem From a scientific prospective which is my profession side of things, my main concern is non-resident use of off-road vehicles and the damage to the properties. You don't really have to very far from here to see that there is significant damage, in particular with the four-wheel independent off-road vehicles, the ruts and grooves on the north side of 20 simply weren't there four years ago and now cut by snowmobiles. You can see up the steeper inclines that the cuts have been right through the entire surface where there is no possibilities of plants coming back in those, they will erode and pretty much anytime you have a steep slope you will have that erosion problem. That's the entry point for exotic plants, its the entry point for soils to run off into the creeks, people like fishing that's not a good thing and there is members of council that have experience and understanding why changes in land use would negatively impact other recreational uses in the area.

The fire issue, Linda and I both live in California for a year and when I heard the recent fires there, they started 400 feet from the house that we rented. They burnt an area equivalent to the size of the city of Lumsden in approximately 30 minutes and I can promise you the climate is almost identical, it is very dry and has lots of combustible materials. This is a grass land it was not normally tree vegetation its grown up because it has gotten a little damper the last hundred years, but also because we fight fires here actually, but that is basically just like logs sitting on the fire waiting to be burnt. So the fire hazard is increasing in time and that's one main concern right now.

I have no legal experience so I don't present it, propose that what I say carries any weight, but it does strike me that increased Off-road vehicle use makes the county or the R.M. legally responsible for these vulnerable, to having a casual medical facility which we treat accidents and I'll refer you to the skiing accident of Natasha Richardson (couldn't hear) last winter she fell on the ski hill, there was no immediate local response capable and she died of her injuries (couldn't hear) and now they're legally responsible. We don't have a lot of medical facilities here, the more high impact activities have, the more vulnerable we are. I have given you some literature, I think the papers have been submitted as far as part of the general package. It is a pretty clear precedent for damages and personal health issues.

Andrew Huculak

Now the ones Peter is referring to the fourth one in the pile and its called All-Terrain Vehicle Injuries a Sport Out of Control".

Reeve Hipkin:

We have a bylaw in the R.M. concerning those vehicles that we don't allow.

Peter Leavitt:

Right, unfortunately people don't read our by-laws and (couldn't hear)

Reeve Hipkin:

We have some signs up here and there and they don't read those either. Most people nowadays, the art of reading seems to have been lost.

Peter Leavitt

Well I know Steve Davis is now here and hethis time for the first time ever three snowmobilers thought it would be great fun to ramp up and down his property, jumping as much as they could. Well unfortunately that's really tough on the grasses and the plants he's trying to re-establish. And I can promise you that it wasn't Steve who did it and it wasn't a resident who did it, so that leaves someone who's a non-resident. That's the nature of our concerns. Trespass is increasing, we've only been here for five years but every Craven Valley, we have somebody parking in our drive, blocking it, to watch Craven Valley. Its like, 'I don't park in your driveway, why are you parking in mine?'

Andrew Huculak:

Well I was just going to say that, I think it's fair to say too that all local residents are really cognisant of the danger of fire and they are familiar with the local climate. None of us start fires, fire pit or otherwise, after about

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June or July but we can't say the same about people that just aren't familiar with this area. They have no idea how quickly our winds come up particularly at the end of Last Mountain Lake. They come screaming down there regularly and how easily that vegetation that Peter spoke about could go up and we think that that increased potential for fire whether it be accidental or deliberate as it has been in the past, we can't condone (End of Side 1)

Andrew Huculak (con't)

A funny story that during the Jamboree once, a woman came up our driveway and I had my old Ford tractor sitting at the top of the driveway when she came up, I wasn't home-my wife was home, and my wife was looking out the window and she pulled up and went behind our tractor and dropped her drawers proceeded to go to the bathroom and my wife didn't know what to make of this and thought 'what should I do?', so she opened the door and let the dog out and our dog is very friendly but needless to say the woman was quite scared and started yelling at my wife said 'I didn't think anyone was home!' and my wife said, 'well tell me where you live and I'll come pee in your yard!'. So anyway, but that's the kind of attitude that's displayed regularly across the creek. We're just not interested in having any potential for that kind of disrespect and stuff going on, on our side. Questions?

Councillor Harrison

Actually, more of a comment, I'm not going disagree with you on any of your points here. I in fact agree with most of them, especially on worse case scenario. I want to share with you a little bit of a story that, you know that I'm the Councillor for your division and I'm well aware of the incidents that occur at Regina Beach because I'm only a couple miles from there, but I also have, a couple years ago a camp ground was set up right next to me; within a half a mile and my cattle run right next to the camp ground. There was a lot of opposition at the time to this going forward and for many of the same reasons as you are talking about here and I was kind of neutral on it at the time because I knew all the parties involved and my cattle running there and I sat back and I watched.

What has happened is that the people get a lot of due diligence on this campground. They were concerned about the non-residential people coming in and doing exactly all the things you're talking about. So that what they did is they did it right. They set up I don't know 15, 20, 30 camp sites there and they carved a little bit of bush, carved the campsites into existing bush that was out there on an old pasture and they provided all the right services, the sewage dump, they had sask health out there doing all the inspections on private water systems, shower facilities and they made them permanent residences only. So these people have summer leases, year-long leases. What I've watched over the last 3-4 years is that these people that come out there now have, they actually put fences up around there little things and they view these as almost summer residences. They take a lot of pride in what they do there. Because they've been very selective in the people that they allow into these area's it's been very successful.

Dennis Willoughby

We don't disagree with you, my concern about that particular point is that I don't believe that Rob and Cecile, they would probably control it and do a good job of it, but once you pass the bylaw there's no going back and you never know who is going to be next to do it, who isn't so diligent, who isn't so concerned about what's going on. That is quite a concern to me.

Councillor Harrison:

No I understand that.

Bill Zuber

The other think I would like to suggest is that there is no fence between our property and his, we're within 200 feet. Then there would be trespassing and cigarette butts

Councillor Harrison:

Sure, yeah, but I mean, the point is that there's a right way of doing these things and there's a wrong way of doing them and you obviously showed the wrong way and you guys live across the road from the wrong way to do camping.

Linda Willoughby

Even with Rob and Cecile's best intentions they might rent to some nice young couple who immediately text their 200 best school buddies to come out for a visit. How are they going to control that?

Councillor Harrison

Well, that's their responsibility. It's our responsibility to work on this too. What I'm sharing with you is an experience that we have had and it's actually been positive. I personally didn't support it, I was kind of neutral, but I've watched it and I

Andrew Huculak

How was your area zoned? Is it the same?

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Reeve Hipkin

It was just one residence on one quarter section. It was their idea of a home based business

Andrew Huculak

Its just not the same

Reeve Hipkin

There was a lot of mixed feelings out there when this was approved

Peter Leavitt

Let me ask you a question: You have 100 percent disapproval from the residents, what possible reason would you want to go forward with the proposal? Who is it benefiting exactly?

Reeve Hipkin

I guess what the process allows us to hear is what the feeling is. Up until today I had one call regarding this from one of the people who signed the petition.

Peter Leavitt:

You also had me jumping up and down like an idiot in the office, you just didn't happen to be there.

Reeve Hipkin:

I didn't hear about that. I know when the thing started that there would be you know, not everybody was going to feel that this was innocent the way the people did that presented it here and when I looked at the people I could understand in the way they presented themselves that they felt this was an innocent thing. But it's not, so much, about them, it's more about the unknown when somebody comes. You don't know if they are going to show up with one dog or five dogs, you don't know if they are going to have three teenage children that are well behaved or three teenage children that are going to bring their motorbikes and tear all over the place. Some people do not know how to say no to their children and then they expect everybody else to accept it this as acceptable behaviour.

Peter Leavitt

I think my point was simply that in any decision there is a cost benefit, a balance that needs to be struck. We've focused on the negative because those are the things that we feel most challenged by. The thing you also should consider is the absence of really positive effects. What exactly positive is it doing to the R.M., particularly in this location? Is this the only way we can develop the R.M., is this necessarily the best way to develop the R.M.? These are the things that go into (couldn't hear) again. We can have a positive example of where there wasn't any immediate damage even if the land use was different. But how much is the benefit relative to an entire road of people who are upset about this?

Andrew Huculak

That's a good point and also, I think it's really important to note that in our case we have minimum 21 acre limitations and that was why, certainly, my wife and I came to this community back in 1990 and I would venture to say that that's why a lot of others came as well. If you allow for the discretionary use of a campsite that extensively have another family on each one of these 21 acre parcels for a season, whatever that's defined to be from May to September, or year round potentially, you really don't have 21 acre parcels anymore and the corresponding privacy and the kind of place that we love anymore. You've got potential 10.5 acre parcels and double on our road alone instead of 14 families, you could have 28 living there for part or all of the year. That isn't what we signed up for, none of us. Frankly, that honestly, that violates in my mind, the understanding which we and our other neighbours relied upon on deciding to move here, and I don't know how say that any clearer.

Councillor Harrison

I think you guys are pretty well maxed out in that department, basically Schwartz's old place down in the valley.

Andrew Huculak

There is a real nice young family building a big house right at the very end, but after that, that's Schwartz's old place just up in the, yeah, but after that I thinks there's maybe one, couple of other parcels that could be subdivided-I hope not-but that's up to the property owners. This potential for this expansion isn't what we signed up for.

Councillor Harrison

Okay, and that's fair enough. Actually what I would have really liked you guys to be doing, I'm chairing the official community plan review on this thing, I would like your input on this, over the last year or so. So this is kind of more in that direction. That's what I'd like to see.

Reeve Hipkin

With respect to the community plan; there's going to be a general public meeting concerning, well there will be two of them. There's going to be one to hear what's going to be presented by the committee that Tom's chaired and the consulting. I encourage you to come to that meeting because what goes into there, in the final thing, is

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what we have to live by for the next number of years and that's our playbook. So if you're the coach and you have a team, that's our play book. So I thank you all for coming out and being very candid with us today about this. We knew when we put this forth that not everybody thought the same. These people had a desire to do something. This did seem quite similar to a bed and breakfast. And so we thought the best way to find out is to advertise and see where it goes. I wasn't aware he had done so much construction in advance, but I guess however we decided this, if we decide 'No', he's got that to enjoy himself and maybe in the beginning he started to build that for himself, who knows.

Andrew Huculak:

To be fair to them, that is how it started. As you can see they have spent a considerable amount of money. What Rob tells me, because they came over for a visit weekend, because they are friends/neighbours and I said we are just going to disagree with you know, this is a democracy, you get to express your views and we get to express ours. But we disagree, fundamentally. He said initially that was designed for his family and friends. We hope that the councillors will not approve this change, but we certainly don't expect you to tell them to tear it out either. That's not our intent here today.

Councillor Farago

It's a discretionary use, is it not even a structure or anything.

Reeve Hipkin

It doesn't look to be overly high. Anyway, is there anyone else that wishes to make comment?

Linda Willoughby

Do you know if there will be consider the fact that Rob and Cecile have asked to withdraw this application?

Reeve Hipkin?

Right now is a public hearing and we do not make the decisions at the public hearing. The process is here we listen to the comments of the people, we ask them questions and after the time is over for the public hearing and usually it will be near the end of the meeting, we will consider the questions and we will pass a motion either in favour or against the thing. We have heard a lot of input today which is going to be very helpful in making the decision. Thank you very much for coming in and we look forward to seeing you people again sometime.

Andrew Huculak:

That's all we can ask.

Peter Leavitt

You mentioned a meeting the town will have?


Reeve Hipkin:

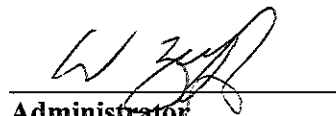
Yes and I don't think is a date for it, but will it will be well advertised such as this meetings had been in the Waterfront Press and it will be public meeting that we will hold.

Adjournment:

Farago: "That we adjourn this public hearing at 3:15 pm."

CARRIED


Reeve


Administrator