

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF LETHBRIDGE COUNTY HELD MARCH 2, 2017 IN THE COUNTY ADMINISTRATIVE OFFICE, LETHBRIDGE, ALBERTA.**

**PRESENT:**

Division No. 1	- L. Hickey, Reeve
Division No. 3	- H. Doeve, Deputy Reeve
Division No. 2	- J. Willms
Division No. 4	- K. Benson
Division No. 5	- S. Campbell
Division No. 7	- M. Zeinstra

**ABSENT:**

Division No. 6	- T. White
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**ADMINISTRATION PRESENT:**

Chief Administrative Officer	- R. Robinson
Director of Corporate Services	- T. Anderson
Director of Municipal Services	- R. Bacon
Director of Community Services	- L. Randle
Recording Secretary	- L. Megella

**REEVE LORNE HICKEY IN THE CHAIR**

**CALL TO ORDER** Reeve Hickey called the meeting to order at 10:03 a.m.

Note: S. Ashbee, Sunny South News present at 10:03 a.m.

**AMENDMENTS TO THE AGENDA**

There were no additions or deletions to the March 2, 2107 agenda.

82/17	J. WILLMS	MOVED that Council approve the agenda as presented.	CARRIED
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**CONFIRMATION** **B1. Confirmation of Minutes**

83/17	S. CAMPBELL	MOVED that the February 2, 2017 Council Minutes be approved as presented.	CARRIED
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**APPOINTMENTS** **E1. Introduction of New Development Officer – Sarah Mitchell**

Ms. Hilary Janzen, Sr. Planner/Development Officer introduced Ms. Sarah Mitchell, who will be filling the new role of Development Officer. Ms. Mitchell provided a brief history of her professional and educational background. Council welcomed Ms. Mitchell to Lethbridge County and wished her much success.

84/17	J. WILLMS	MOVED that item E1. Introduction of New Development Officer, Sarah Mitchell be received for information.	CARRIED
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Note: S. Ashbee, Sunny South News departed at 10:07 a.m.

**IN-CAMERA** **K1. Legal Update**

85/17	H. DOEVE	MOVED that County Council go In-Camera at 10:07 a.m.	CARRIED
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Reeve

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Chief Administrative Officer

86/17 M. ZEINSTRAS MOVED that County Council come out of In-Camera at 10:25 a.m. CARRIED

**MUNICIPAL SERVICES**

**F1. Bylaw 1468 Road Closure, Sale & Consolidation Undeveloped Road ROW NW 6-10-21-W4 – Diamond City (Pete Neels)**

87/17 S. CAMPBELL MOVED second reading of Bylaw 1468 and hereby closes the following described road, subject to rights of access granted by other legislation, pertaining to;

Lot 20, Plan 6510A, Block 15. THAT PORTION OF LANE FORMING PART OF LOT 20, BLOCK 15, PLAN\_\_\_\_. CONTAINING 0.009 HECTARES (0.02 ACRES) MORE OR LESS EXCEPTING THEREOUT ALL MINES AND MINERALS.

Lot 21, Plan 6510A, Block 15. THAT PORTION OF LANE FORMING PART OF LOT 20, BLOCK 15, PLAN\_\_\_\_. CONTAINING 0.009 HECTARES (0.02 ACRES) MORE OR LESS EXCEPTING THEREOUT ALL MINES AND MINERALS.

Lot 22, Plan 6510A, Block 15. THAT PORTION OF LANE FORMING PART OF LOT 20, BLOCK 15, PLAN\_\_\_\_. CONTAINING 0.009 HECTARES (0.02 ACRES) MORE OR LESS EXCEPTING THEREOUT ALL MINES AND MINERALS.

Lot 23, Plan 6510A, Block 15. THAT PORTION OF LANE FORMING PART OF LOT 20, BLOCK 15, PLAN\_\_\_\_. CONTAINING 0.009 HECTARES (0.02 ACRES) MORE OR LESS EXCEPTING THEREOUT ALL MINES AND MINERALS.

Lot 24, Plan 6510A, Block 15. THAT PORTION OF LANE FORMING PART OF LOT 20, BLOCK 15, PLAN\_\_\_\_. CONTAINING 0.009 HECTARES (0.02 ACRES) MORE OR LESS EXCEPTING THEREOUT ALL MINES AND MINERALS.

Lot 25, Plan 6510A, Block 15. THAT PORTION OF LANE FORMING PART OF LOT 20, BLOCK 15, PLAN\_\_\_\_. CONTAINING 0.009 HECTARES (0.02 ACRES) MORE OR LESS EXCEPTING THEREOUT ALL MINES AND MINERALS.

Lot 26, Plan 6510A, Block 15. THAT PORTION OF LANE FORMING PART OF LOT 20, BLOCK 15, PLAN\_\_\_\_. CONTAINING 0.005 HECTARES (0.01 ACRES) MORE OR LESS EXCEPTING THEREOUT ALL MINES AND MINERALS.

Lot 27, Plan 6510A, Block 15. THAT PORTION OF LANE FORMING PART OF LOT 20, BLOCK 15, PLAN\_\_\_\_. CONTAINING 0.005 HECTARES (0.01 ACRES) MORE OR LESS EXCEPTING THEREOUT ALL MINES AND MINERALS.

CARRIED

88/17 K. BENSON MOVED third reading of Bylaw 1468 and hereby closes the following described road, subject to rights of access granted by other legislation, pertaining to;

Lot 20, Plan 6510A, Block 15. THAT PORTION OF LANE FORMING PART OF LOT 20, BLOCK 15, PLAN\_\_\_\_. CONTAINING 0.009 HECTARES (0.02 ACRES) MORE OR LESS EXCEPTING THEREOUT ALL MINES AND MINERALS.

Lot 21, Plan 6510A, Block 15. THAT PORTION OF LANE FORMING PART OF LOT 20, BLOCK 15, PLAN\_\_\_\_. CONTAINING 0.009 HECTARES (0.02 ACRES) MORE OR LESS EXCEPTING THEREOUT ALL MINES AND MINERALS.

Lot 22, Plan 6510A, Block 15. THAT PORTION OF LANE FORMING PART OF LOT 20, BLOCK 15, PLAN\_\_\_\_.

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Reeve

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Chief Administrative Officer

CONTAINING 0.009 HECTARES (0.02 ACRES) MORE OR LESS EXCEPTING THEREOUT ALL MINES AND MINERALS. Lot 23, Plan 6510A, Block 15. THAT PORTION OF LANE FORMING PART OF LOT 20, BLOCK 15, PLAN\_\_\_\_. CONTAINING 0.009 HECTARES (0.02 ACRES) MORE OR LESS EXCEPTING THEREOUT ALL MINES AND MINERALS. Lot 24, Plan 6510A, Block 15. THAT PORTION OF LANE FORMING PART OF LOT 20, BLOCK 15, PLAN\_\_\_\_. CONTAINING 0.009 HECTARES (0.02 ACRES) MORE OR LESS EXCEPTING THEREOUT ALL MINES AND MINERALS. Lot 25, Plan 6510A, Block 15. THAT PORTION OF LANE FORMING PART OF LOT 20, BLOCK 15, PLAN\_\_\_\_. CONTAINING 0.005 HECTARES (0.01 ACRES) MORE OR LESS EXCEPTING THEREOUT ALL MINES AND MINERALS. Lot 26, Plan 6510A, Block 15. THAT PORTION OF LANE FORMING PART OF LOT 20, BLOCK 15, PLAN\_\_\_\_. CONTAINING 0.005 HECTARES (0.01 ACRES) MORE OR LESS EXCEPTING THEREOUT ALL MINES AND MINERALS. Lot 27, Plan 6510A, Block 15. THAT PORTION OF LANE FORMING PART OF LOT 20, BLOCK 15, PLAN\_\_\_\_. CONTAINING 0.005 HECTARES (0.01 ACRES) MORE OR LESS EXCEPTING THEREOUT ALL MINES AND MINERALS.  
CARRIED

**F2. Policy 310 – Approach Construction Guidelines – Amendment**

89/17 H. DOEVE MOVED that Council approves the proposed amendments to Policy 310 – Approach Construction Guidelines. CARRIED

**F3. Lethbridge Airport, Duncan & South Co-op Water Supply Study – MPE**

90/17 H. DOEVE MOVED that County Council approves the proposal for the Lethbridge Airport, Duncan and South Co-op Water Supply Study submitted by MPE Engineering for a maximum upset limit of \$28,400 to be funded by the Utility Reserve. CARRIED

**F4. South Co-op (County of Lethbridge Rural Water Association) Re: Utility Rate Amendment – Bylaw 1486**

91/17 K. BENSON MOVED first reading of Bylaw 1486 – Utility Rate as amended. CARRIED

92/17 M. ZEINTRA MOVED second reading of Bylaw 1486 – Utility Rate. CARRIED

93/17 S. CAMPBELL MOVED that Council go to third reading of Bylaw 1486 – Utility Rate. **CARRIED UNANIMOUSLY**

94/17 M. ZEINTRA MOVED third reading of Bylaw 1486 – Utility Rate. CARRIED

Reeve Hickey recessed the meeting at 10:56 a.m.  
The meeting reconvened at 11:00 a.m.

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Reeve

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Chief Administrative Officer

**APPOINTMENT****E2. PUBLIC HEARING - Bylaw 1485 - Tollestrup Construction - Amendment to the Land Use Bylaw Fr: Rural Agriculture (RA) to Rural Heavy Industrial (RHI) for a Portion of LSD 10 in NE 25-9-23-W4**

95/17

J. WILLMS      MOVED that the Public Hearing for Bylaw 1485 - Tollestrup Construction - Amendment to the Land Use Bylaw Fr: Rural Agriculture (RA) to Rural Heavy Industrial (RHI) for a Portion of LSD 10 in NE 25-9-23-W4 open at 11:00 a.m.      CARRIED

Reeve Hickey welcomed the delegation to the meeting. The delegation consisted of:

S. Townsend	H.MacDonald-Sorochan	G. Sorchan	J. Herasemluk
D. VandenBrink	C. VandenBrink	M. Chapman	D. Chapman
S. Reynolds	C. Storfie	R. Ackroyd	M. Arsenault
D. Atwood	L. Peterson	C. Reynolds	M. Murphy
D. Storfie	C. Gray	A. Gray	C. Nicol
B. Elliott	S. Olsen	E. Storfie	V. Edmonds
G. Boychuk	D. O'Donnell	N. Paladino	H. Smith
A. Olson	D. Kaupp	J. Bosch	R. Friesen

Reeve Hickey declared that the public hearing is being held pursuant to the Municipal Government Act as amended for Bylaw #1485.

Reeve Hickey invited Ms. Hilary Janzen, Senior Planner/Development Officer to give an overview of the application.

Ms. Janzen noted the following:

- An application has been made by Tollestrup Construction to amend Land Use Bylaw 1404.
- The purpose of the amendment is to re-designate a portion of NE 25-9-23-W4 from Rural Agriculture (RA) to Rural Heavy Industrial (RHI). The area proposed is 23 acres in size.
- The proposed re-designation is located off of Township Road 9-4A, and ¾ of a mile northwest of Highway 509.
- It is the intent of the landowner to re-designate the subject lands to allow an asphalt plant to be located on the parcel. The asphalt plant would be in conjunction with an approved gravel extraction operation in the area. The current land use district is Rural Agriculture which allows gravel extraction operations as a discretionary use, but it does not include asphalt plants as either a permitted or discretionary use.
- As a result, the applicant was informed by administration that they would have to apply to re-designate the property if they wanted to pursue having an asphalt plant on the parcel.
- The RHI District is the only district that allows an asphalt plant as a discretionary use in the County's Land Use Bylaw.
- The Rural Heavy Industrial District includes a number of other permitted and discretionary uses that are more likely to impact adjacent properties (such as noise and odours).
- The approval of this application would mean that these uses could be applied for in the future through the development permitting process.
- If the Land Use Bylaw Amendment is approved by Council, an application would then have to be made for a development permit for the asphalt plant.

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Reeve

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Chief Administrative Officer

- The development permit application would be circulated to Municipal Services as well as Alberta Environment and Alberta Health Services as required under the County's Land Use Bylaw.
- The Land Use Bylaw application was sent to other County Departments and external agencies for review and comment. Comments were received from Alberta Environment, Alberta Transportation, LNID, ATCO Pipelines, and Fortis. Alberta Environment had the following comments:
  - They will need to apply for a registration under the *Code of Practice for Asphalt Paving Plants*.
  - They will need to apply for an approval under the *Water Act* for mining into a water table.
  - They will need to provide details of how their water is being provided (through either a Licence under the *Water Act* or the LNID) for the gravel washing.
  - They currently have an application for Registration under the *Code of Practice for Pits* (File Number 005-17193), which is dependent on the *Water Act* approval and water allocation.
- None of the other external agencies had any concerns or objections to the proposed Land Use Bylaw Amendment.
- The application was advertised in February 7 and 14 editions of the Sunny South News and notices were sent to the adjacent properties as well as the grouped country residential areas to the north and those properties within 800 metres south/south-west of the proposed re-designation area.
- A total of six written submissions were received from adjacent and nearby property owners opposing the proposed Land Use Bylaw Amendment and are included with this report. It should be noted that one of the submissions has several signatures on it, some of which are from property owners who also submitted their own written comments.
- Concerns expressed in the written submissions include, but are not limited to:
  - the creation of a RHI district that would permit an asphalt plant and other industrial uses permitted in the district in accordance with the Land Use Bylaw
  - dust, odour and air quality
  - environmental contamination (air, water, land)
  - human and animal health
  - transportation and traffic safety
  - views and negative aesthetic impact
  - noise
- Administration supports approval of the proposed Bylaw though before making a decision, Council will need to consider the public input received.

Reeve Hickey asked if Council had any questions of Ms. Janzen.

Council enquired regarding Alberta Environment's response it notes that they have an application for registration under the Code of Practice for Pits. Is this an application or is that an approved permit. Ms. Janzen replied that Tollestrup has a registration for the gravel operation.

Reeve Hickey asked if there were any other questions of Ms. Janzen. There were no further questions for Ms. Janzen.

Reeve Hickey instructed the gallery that presentations at public hearings are governed by the Municipal Government Act. Reeve Hickey then asked if anyone wished to speak in favor of the Bylaw 1485.

Ms. Martie Murphy addressed Council and noted the following:

- She is the owner of Tollestrup Construction.
- Thank you for the opportunity of addressing our request this morning.

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Reeve

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Chief Administrative Officer

- We are proposing the rezoning of land in Lethbridge County to accommodate the addition of a modern portable asphalt plant. This will add to our current and approved gravel extraction operation where we perform washing and crushing in the County.
- The new plant will add to the County's tax base and will ensure the supply of asphalt to serve the needs of southern Alberta.
- If the application is approved it will create new highly skilled well-paid jobs.
- As many of you may or may not know my family business has been in operation for 3 generations, my grandfather started the business 78 years ago, my father Steve and now my brother and myself.
- In 1975, we bought a piece of property in West Lethbridge that is only a few miles away from the property we are currently speaking about. We had a farming operation so we had chickens, cattle and everything and I rode the bus to school with Groenenboom's and went to school at Coalhurst and had a great experience growing up on the farm.
- We do care deeply about this community and the environment. Our property is a large piece of land of more than 400 acres, in a secluded coulee location, as the property has been in my family for many years. There has been ongoing gravel extraction, crushing, washing for many, many years and this is an approved site. We will continue to carry out those activities.
- In our view, adding a small asphalt plant is an addition and will allow us to expand our operations with no intrusion to our existing operations. The asphalt plant that we are proposing is a portable asphalt plant and can be basically set up in two days.
- Ms. Murphy provided a comparison of cell phones to asphalt plants.
- Asphalt plants have become evolved, very efficient and this plant is fully compliant with all environmental regulations, registered with Alberta Environment and will have no adverse effects or impact on the environment at all.
- The proposed plant includes a baghouse that will prevent all dust emissions and ensure compliance with air emissions standards of Alberta Environment & Parks.
- There will be absolutely no impact on the water as this plant has a cleaning system that is self-contained and does not require water, there will be no emissions.
- We are proposing to locate the plant in the middle of our property which is a kilometre away from our nearest neighbour. It is not a noisy machine and the distance ensures that there will be no noise impacts. Those are the facts.
- Our lead engineer, Ron Ackroyd, who is present, has studied these issues and will address some of them in more detail and is available to answer questions regarding the environmental impact.
- I have seen some news reports from a couple of local residents, who, I hope are here today, expressing fears and concerns about the environmental impact from the asphalt plant. I want to address this head-on. While they are entitled to their opinion, there is not a shred of evidence to back-up these views. As far as I am concerned they do not have a base and the comments are irresponsible. The truth is that our plant meets all of the environmental standards and will have no adverse impacts on the environment. Our plant will have less environmental impacts than a herd of cattle considering the noise, the waste, the odor, the dust, and the water quality.
- The farming community has been a going concern in this area for decades. That being the case people chose to develop, buy land, develop small acreages and they bought the land when there was existing farming operations and it continues to exist today. Therefore, when there is the mention of decreased property values, I find that interesting.
- In closing, this is not an issue of choosing farming or industry, you don't have to chose one or the other because there is plenty of room in our County and in our coulee for both.

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Reeve

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Chief Administrative Officer

- We hope that you approve our application, we look forward to working with the County for years to come for the benefit of the entire community.
- Thank you very much.

Reeve Hickey asked if there were any questions of Council. There were no questions of Council.

Reeve Hickey asked if anyone wished to speak in favor of Bylaw 1485. Mr. Ron Ackroyd addressed Council and noted the following:

- He is present today as a representative of Tollestrup Construction Inc. (TCI).
- Tollestrup's proposal is to erect a portable asphalt plant within a portion of Legal Subdivision 10 of Section 25, Township 9, Range 23, West of the 4<sup>th</sup> Meridian.
- It is understood that to do so requires this land to be re-designated Heavy Industrial from its current designation as Rural Agricultural.
- We believe that the operation of an asphalt plant is compatible with surrounding land use and will have limited to no pact on adjacent land use or neighbours.
- The presentation has been prepared to:
  - emphasize some points that were included in the application, and
  - comment on some conditions not included.
- Tollestrup's land is located within an ancient oxbow of the Oldman River.
- The LNID uses the old oxbow bed as part of their drainage system.
- To the northwest of the TCI lands, and the river bottom area, is an intensive livestock operation.
- The land is surrounded on the north and northeast by steep river valley walls. Above the walls are country acreages at distances of more than 1,500 m and 1,000 m, respectively.
- The Kipp CP rail yard is to the east and those lands are designated as Rural General Industrial.
- The Nicol Dairy is located more than a kilometre away and the TCI site cannot be heard or seen from that site.
- The County lands to the south are used by MP Crushing Ltd. for their pit operations. There was once an asphalt plant operating on their site.
- Most of the land surrounding the TCI lands is involved with intensive or extensive agriculture, with all of the noise, dust and odors that are a result of normal agricultural activities.
- Mr. Ackroyd presented a composite aerial photo from the late 1980 / early 1990's to Council. The site was part of the gravel extraction, crushing and washing operation for many years even before TCI purchased the land.
- A further aerial phot was from the previous decade showing more recent development on the far west of the TCI lands.
- A Google image from 2015 shows the location of that portion of legal Subdivision 10 within Tollestrup's lands that are proposed for re-designation. It needs to be mentioned that the site has again been approved for development of a gravel extraction operation complete with a crusher and wash plant and all of the dust and noise that those operations entail. The TCI lands surrounding LSD 10 are expected to be involved in gravel activities for the period in which the portable asphalt plant will be operating. The red figure on the maps showed the approximate location of the proposed portable asphalt plant.
- The LNID drain will be providing water for their washing operation, but their plan is to maintain a 15 m setback distance from its bank to ensure that they have no negative impact on it or the riparian zone adjacent to it.
- The site is a reclaimed gravel pit with a firm and flat graveled surface that is eminently suitable for siting of an industrial facility.

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Reeve

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Chief Administrative Officer

- The on-site processing of gravel with LSD 10 will include crushing, washing, stockpiling and transportation of materials. All these activities are permitted and historic uses that will cover the majority of usable land within LSD 10.
- As part of the permitted gravel processing operations, TCI would like to include processing the gravel into asphalt concrete using a portable hot-mix asphalt plant.
- The additional area for the asphalt plant is quite small.
- It is understood that the Development Authority will be considering the effects of: traffic, visual intrusion, dust, noise and air and water pollution and how they may impact adjacent land uses when they evaluate their application.
- TCI has already agreed to enter into a heavy haul agreement with the County and use the east portion only of River Ridge Road so TCI traffic will not be affecting any residences.
- The approved pit, crusher and wash facilities will “max-out” TCI’s available fleet of trucks so there will be no additional traffic from the addition of an asphalt plant.
- In some ways, the site is ideally located to be unobtrusive to neighbours and the public. It is tucked away from the sight of most people and the combination of distance and topography will minimize the potential effects of visual intrusion, dust and noise from impacting County residents.
- Regarding dust: A gravel crusher is both noisier and dustier than an asphalt plant. He was surprised to find that an asphalt plant could not be sited without re-designating the site, but a crusher could.
- TCI is planning to purchase a state-of-the-art portable plant with a baghouse that will meet current Alberta Environment standards and suppress any dust and odor. There will be no increase in dust or odors for the residents.
- Having been a country dweller, he can assure this Council that the residents will experience more ambient dust than will be released by TCI activities.
- The proposed re-designation would allow TCI’s placement of an asphalt plant farther from some of the local residents than the existing feedlot operation.
- As a former farmer, rancher and country resident, he can identify with the owners of the acreages, and full appreciate the beautiful sunsets they must enjoy. He can also appreciate the sounds and smells of the country life that I so enjoyed.
- He raised cattle and worked in a feedlot and enjoy the sound and smell of cattle and horses. He was accustomed to the sound of farm equipment, both early and late, depending on the season.
- With all the other permitted activities in the area, the operation of an asphalt plant will not exert a noticeable impact on the surrounding environment.
- For comparison of dealing with noise, the distance from the highway to the residences and from the railway to residences was measured.
- Mr. Ackroyd provided a sound attenuation figure which provides a visual comparison between the impact of the asphalt plant and the other environment factors affecting a residence in the middle of the River View Acres.
- The fact that residences are so far away from the proposed site of the asphalt plant means that there would be more sound perceived from road and rail noise than from the asphalt plant or the crusher. The calculated sound levels from the pit to the closest resident’s back porch would be 50 dBA, similar to that of a quiet suburb or a quiet stream.
- Mr. Ackroyd provided a comparison of sound levels to situations that we may be familiar with. On the west side of the house, if the wind was not blowing, you might be able to hear TCI’s crusher in the distance, but you could not tell if the asphalt plant were running or not. Inside the house you could not hear any noise from TCI’s operation.
- Air, water or soil pollution from a modern asphalt plant is hard to imagine.
- Asphalt is used to line portable water containment ponds, so it does not create water pollution.

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Reeve

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Chief Administrative Officer



- Liquid asphalt is very hot. As soon as it cools it becomes an inert solid. It poses no issues of ground pollution.
- Any dust is trapped and prevented from release by a baghouse.
- There will be no plume of noxious and toxic smoke released from the asphalt plant.
- Mr. Ackroyd recapped his presentation noting the following:
  - We are talking about a site hidden away in a valley.
  - It would be at least a kilometre from the nearest neighbour.
  - It would be in the middle of a gravel extraction operation.
  - It would be beside a gravel crusher.
  - There is a general industrial site closer to the neighbours than the TCI site.
  - There is a feedlot closer to the neighbours than the TCI site.
  - It releases no pollution, no dust and no odors.
  - He puts forward that the re-designation of LSD 10 from Rural Agricultural to Heavy Industrial to accommodate a modern asphalt plant is a good and reasonable decision.

Reeve Hickey asked if there were any questions of Council. Council asked Mr. Ackroyd to explain the baghouse. Mr. Ackroyd noted that the dust is recycled into the plant.

Reeve Hickey asked if there were any other questions of Council. Council asked if TCI is planning to purchase a baghouse or have purchased a state of the art portable asphalt plant with a baghouse that will meet current Alberta Environment standards. Is there an approval that comes with the purchase, is there an approval rating for the equipment? Mr. Ackroyd noted that TCI approached Alberta Environment about purchasing this particular unit. They wanted to know the specifications of the unit and that information was provided to Alberta Environment. TCI was told by Alberta Environment to purchase the equipment. Council asked if there was a written license or certification. Mr. Ackroyd noted that there is a registration given by Alberta Environment for the equipment.

Council also asked what the hours of operation and how many months would the asphalt plant operate. Mr. Ackroyd noted that the asphalt plant would only operate in the warm months, starting in May and ending in October. The asphalt plant would operate the same hours as the other equipment, 8 hours a day - 5 days per week, could be up to 12 hours a day, which would be uncommon.

Council asked about odor from the plant. Mr. Ackroyd noted that the odor would be associated with the dust as it trapped and there is nowhere else to go.

Council noted that if you heat the asphalt to a high temperature, is there no noise? Mr. Ackroyd noted that when equipment is heated up it sounds like a tiger torch, nothing like a jet engine. The sound is about 90 decibels. Mr. Ackroyd has not heard the noise 300 metres away from the existing plant.

Reeve Hickey asked if anyone else wished to speak in favor of Bylaw 1485. No one came forward.

Reeve Hickey asked if anyone wished to speak opposition of Bylaw 1485. Mr. Jerry Herasemluk addressed Council and noted the following:

- He noted that there is a number of acreages and properties along River Ridge Road and we would like to express our deep concern and opposition over the proposed rezoning from Rural Agriculture to Rural Heavy Industrial for the asphalt plan.
- A number of them are present today to voice their concerns.
- He disagrees with some of the facts presented by Mr. Ackroyd.

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Reeve

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Chief Administrative Officer

- The road that goes down to the asphalt plant is approximately 650 to 700 metres from the corner of his property and he is distance away from that location. Some of his neighbours are closer.
- Perhaps the asphalt plant itself in the centre of the property, approximately 1000 to 1500 metres, but the adjoining areas entering that area are closer to the plant.
- There are many times, when there is an open pit, when the wind blows and it is a windy area, there is almost a white-out of dust already that goes completely across the whole valley and to the top. The idea of the dust not being produced or submitted from the plant may be limited but the gravel piles, pits, truck traffic, and dozer equipment, etc. is extreme. So the extreme dust has been witnessed on many occasions.
- Our first speaker from the area is Mr. Cregg Nicol, who resides that the top of the hill.
- Mr. Nicol noted that:
  - We have several concerns regarding the proposed Bylaw 1485 rezoning LSD 10-25-9-23 from Rural Agriculture to Rural Heavy Industrial.
  - Our property directly borders the proposed site to the south and to the west.
  - There will be an increase in traffic surrounding their properties. This will mean an increase in dust and extra load on River Ridge Road. Additionally, it will mean an increase in large truck traffic at the intersection of Highway 3 and Highway 509. The current intersection does not have long merge lanes and we are concerned for intersection safety.
  - The notice of public hearing states that the proposed bylaw will allow for Heavy Industrial uses, specifically an asphalt plant, on the subject lands. We object to this location for this type of noxious industry. In the Lethbridge County Land Use Bylaw No. 1404, noxious or hazardous uses are defined as follows: “Noxious or Hazardous uses means a use or development, usually industrial or commercial in nature, where the use may be detrimental to public health, safety or welfare beyond the boundaries of the site or parcel upon which it is situated, often by reason of emissions (i.e. air, water or noise) created as a result of the uses. The use may be incompatible with residential or other development because of toxic gases, noxious smells, wastes, noise, dust or smoke emissions or other detrimental substance which are not confined to the site or parcel upon which the use is situated.” We are very concerned about these effects on our quality of life.
  - It is our understanding that a Rural Heavy Industrial zoning does not currently exist anywhere else within Lethbridge County. We feel that the proposed location is not a suitable place for this ground-breaking rezoning within the County. The proposed area drains into the LNID spill, which drains directly into the Oldman River. It also neighbours 20 existing residences. In addition, it is in an area that is in close proximity to areas deemed “environmentally significant” by Lethbridge County in January 20, 2010 County of Lethbridge Municipal Development Plan Bylaw 1331, Map 1, 2 and 3.
  - The future esthetic and monetary value of our land will be diminished by this development.
  - The proposed site directly neighbours Nicol Dairy Farms Ltd. This existing Lethbridge County business produces raw milk and meat. We feel Council members need to consider the proximity of noxious industry to businesses producing food for human consumption.
  - The coulee lands bordering and overlooking the proposed site are currently a great source of recreation for our families and friends. We walk, hike, horseback ride and enjoy the incredible views distinct to southern Alberta. Furthermore, the area is home to a diverse

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Reeve

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Chief Administrative Officer

- population of wildlife. It is our fear that this ecosystem will be destroyed by the approval of Bylaw 1485.
- During the flood of 1995, the flood water reached our field, which is directly adjacent to the SE 25-9-23-W4, this is directly adjacent to the proposed site and also bordering on the same body of water.
  - We had water encroach all the way up into the corner of the field and through other parts of the field. Cuts made in the field where the gravel was taken off our property and the water also filled those areas and further moved towards the Tollestrup plant.
  - If the flood was to happen, if the asphalt plant was in place, potential spillage or an asphalt laying around would be washed into the water system.
  - In the area that the Nicol Dairy Farm operates in the entire river valley including the proposed site has been labelled “CFO Exclusion Zone”, by Lethbridge County Municipal Development Plan 1331.
  - He has applied to expand his CFO and he was declined by the NRCB and was told by the NRCB that that he is in the “CFO Exclusion Zone”. He meets all the minimum separate distances from the highway, to the Town of Coalhurst and his neighbours so the only thing stopping him is the County saying he is in the CFO Exclusion Zone. I asked for some clarification and they described it as that he is in an “environmentally sensitive area”. So if he is in an “environmentally sensitive area”, then that whole area from 509 all the way to the Monarch Bridge is in the CFO Exclusion Zone. So how can we allow an asphalt plant in there.
  - I feel that the rezoning by Council to the Heavy Industrial is a contradiction to the previous decisions of Council.
- Mr. Herasemluk noted that the next speaker will be Mrs. Sian Townsend is a health nurse in the community and will be speaking about health related issues. Mrs. Townsend noted the following:
    - We have tour buses that stop every day in the area and people take photographs.
    - As Mr. Nicol mentioned there is a number of birds and wildlife going through the area and, yes, they do enjoy beautiful sunsets but they are further to the west than they are to the Tollestrup land heading south.
    - Asphalt plants have a certain known health and environmental impacts:
      - Long term health effects: degraded water and air quality, noise pollution
      - Effect on ecology – impact on flora and fauna
      - Noise and vibration
      - Traffic implications
      - Dust emission
      - Effect on existing water bodies
      - Public nuisance – in terms of noise, dust, odors, traffic
      - Gaseous and odor emissions
      - Waste generation
      - Alteration to visual aesthetics – Many tour buses, photographers and tourists stop at the viewpoint along Highway 3 as it is a very scenic viewpoint overlooking the valley with the mountains as a back drop
      - Significantly decreased property values
    - There are many well documented health concerns of residents who live near asphalt plants.
    - There is a court case pending involving a temporary asphalt plant that was operated in the Braeside Quarry from late September to mid-November 2009, May 2010 until July 19, then beginning October through to early/mid-December. During that time neighbours experienced adverse effects, that is, health symptoms from the

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Reeve

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Chief Administrative Officer

emissions. Some of these were: irritation of the eyes, nose and throat, loss of appetite, dyspnea (shortness of breath), headaches and nausea. Also, people's sleep patterns were disrupted to the point of exhaustion and they suffered stress and worry. The asphalt plant is "alleged to have caused adverse effects".

- Asphalt is made by mixing hot aggregate (crushed rock) with liquid asphaltic cement. High quantities of fuel are required to get everything hot enough to combine.
- Living with an asphalt plant: as cited in this case by the residents involved
  - It is extremely loud, some said it was like living on the tarmac of the Ottawa International Airport;
  - The noise was continuous, the only way not to hear it was to drown it out by turning up music to unacceptable levels;
  - A noxious smell was detected, sometimes even in every room of the house;
  - If one went outside, even when the smell wasn't strong, the chemicals in the air caused the above symptoms, such as not being able to breath (dyspnea);
  - Depending on the weather conditions such as wind direction, the effects could be more strongly felt.
- What caused these effects:
  - If you smell a nasty odor of asphalt, you are breathing noxious chemicals. "Hydrogen sulphide can result in neurological and respiratory effects such as lack of coordination, loss of smell, nasal symptoms, sore throat, cough, dyspnea and eye irritations". [www.BREDL.org](http://www.BREDL.org)
  - Benzene, chromium, formaldehyde, PAHs (polycyclic aromatic hydrocarbons, known as carcinogens), cadmium and arsenic may all be emitted.
  - All of these chemicals may be released into the environment when asphalt is produced.
- To look at the asphalt plant now in Lethbridge and to picture it in the scenic valley below our house and to see it turn into the waste land of rural heavy industrial is not the best except for the developer. When you consider the well-documented serious health effects, environmental disruption, pollution and negative aesthetic aspects of a very visible landmark along the Highway 3 corridor, this parcel should not be considered for rezoning.

Reeve Hickey asked if there were any questions of Council. There were no questions from Council.

Mr. Herasemluk noted that the next speaker will be Mr. Larry Peterson. Mr. Larry Peterson addressed Council and noted the following:

- The proposed zoning change from Rural Agriculture to Rural Heavy Industrial would be extremely unacceptable to them as rural residents and neighbours to this property.
- The valley has historic value as was shown by the plaques that were placed at the View Point and rest stop along Highway 3. This valley is one of the few spots in Lethbridge County that has such a beautiful view to the west that is accessible to anyone who stops to enjoy it. It would be a shame to ruin something like that with a lot of industrial machinery and equipment along with dust generated from the heavy trucks and operations already in existence.
- They are classed as a country residential property which includes the beautiful view of the valley to the west, and of which we had the understanding that the previous gravel pit excavations from past years, would

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Reeve

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Chief Administrative Officer

reclaim the land and it could possibly have more of a recreational use in the future or remain as an agricultural designation.

- Instead of that, the gravel operations that have been recently and previously approved for his land will no doubt be causing a lot more dust issues than they have in the past. The number of heavy vehicles that will be generating dust in the valley and on the roadways will be increased, along with the added traffic and pollution from this proposed asphalt plant. We feel that it is totally unacceptable from our standpoint.
- The asphalt smell and noise pollution would also be an issue with the constant operation of the machinery from an asphalt plant since it is so close to our property.
- The traffic is already an issue and any increase to that will most certainly make the roadway to our property (River Ridge Road from the 509) a lot worse than it has been in the past. The pot holes and gravel ridges from the heavy vehicles are very hard on passenger vehicles that we use to commute with.
- If the present Tollestrup plant in the Lethbridge river valley is an example of what we will be forced to look at and the emissions from it (the odor and smoke) that we will have to live with on an everyday basis, then we must oppose this request for the change in the bylaw as are directly above the proposed site as the wind blows and we can't realize anything good coming from this change in land use.
- We ask that you please reconsider this terribly detrimental proposal, as it will ruin an area treasured by so many people. Those who live along this coulee and everyone else who stops at the view point to enjoy the scenery.

Reeve Hickey asked if there were any questions of Council. Council stated that Mr. Peterson has resided in the area since 1995. Mr. Peterson noted that he has resided in the area since 1980. Council asked how much land was under water during the flood. Mr. Peterson noted that the entire river valley was under water, parts of the back wash were expanded greatly.

Reeve Hickey asked if there were any questions from Council. There were no questions from Council.

Mr. Herasemluk added that in the summer time a good portion of the whole valley is water.

Reeve Hickey asked if anyone else wished to speak in opposition of Bylaw 1485. Mr. Glenn Sorochan addressed Council and noted the following:

- Mr. Sorochan is a property owner near the proposed rezoning of lands in the valley to accommodate an asphalt plant.
- They are against the proposed rezoning.
- There are approximately 25 properties along River Ridge Road and inside Riverbrink Estates that will be affected by this development.
- There are many nuisance factors that come with an asphalt plant including smell, dust, noise and additional heavy truck traffic on River Ridge Road.
- Several years ago, Tollestrup operated a large water pump in the valley to facilitate gravel extraction. It had no muffler on it. We were subjected to its noise 24 hours a day, to the point that our sleep was disrupted and we could not enjoy sitting outside in the summer. Personally discussing this complaint with Tollestrup landed on deaf ears.
- Even if these nuisance issues are addressed, we still have other issues with this proposed development.

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Reeve

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Chief Administrative Officer

- The main reason many of them purchased properties here is for the beautiful views of the valley and beyond. An asphalt plant will not only ruin these views, but also will have a negative impact on property values.
- He has little doubt with the approval of an asphalt plant, there will be a long term extraction of materials from the valley floor transforming it into a moonscape with little chance of the land being reclaimed to its former beauty.
- He hopes for these reasons along with the other presenters against this bylaw, the County will not grant approval for this bylaw amendment.

Reeve Hickey asked if there were any questions of Council. There were no questions of Council.

Mr. Herasemluk noted that the next speaker will be Ms. Bev Elliott. Ms. Elliott is a well-known realtor in our area and has many years of experience in this field. Ms. Elliott noted the following:

- She has been a licensed full-time realtor with the Lethbridge Association of Realtors since 1989.
- Several years ago, she sold Jerry Herasemluk a beautiful acreage overlooking the River Valley in 41 River Brink Estates.
- Jerry and his wife Kim were looking for a quiet retreat from City life. As a result they paid premium price for it.
- A long time saying in real estate is that the 3 main things to consider regarding the value of a property is “location, location, location”.
- She was very surprised when he contacted her to tell her that Lethbridge County was planning on changing the zoning of the beautiful land directly below his home into “Rural Heavy Industrial” for the purpose of constructing an asphalt plant.
- Jerry asked me what the resale value of his acreage would be. She advised him the value of his lovely acreage would be greatly reduced. How much, at this point, she is unable to determine.
- Common sense tells us that a buyer, shown a lovely acreage with a view of a spectacular wildlife sanctuary, or an acreage with a “possibly toxic” asphalt plant immediately below their acreage would chose the first.
- It is possible that his property would become unsaleable as a recreational acreage.

Reeve Hickey asked if there were any questions of Council. There were no questions of Council.

Mr. Herasemluk noted that the next speaker will be Deanna Storfie. Ms. Storfie addressed Council and noted the following:

- She resides on the Ridge.
- They are very afraid of what is going to happen, change is not easy for people.
- She can appreciate the presentation from Tollestrup because technology has come a long way, they are proposing a different type of asphalt plant. It is still a hot mix asphalt plant. We are very concerned because this is where we have laid down our roots, our lives and invested our money and we are a community.
- We are concerned from past experiences, as some of us have stated that Tollestrup has not been the most understanding neighbour. That’s because they are a business, they are not there all the time and don’t understand the impact on their neighbours. So we are concerned about a number of things. A realistic thing is that we live there 24/7.
- We really want Council to take into consideration, it is not so much as that our lives will be disrupted, which sounds so selfish; we need pavement, we like our roads, we like smooth roads, we like gravel in the winter time so we are

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Reeve

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Chief Administrative Officer

not sliding around on the highway, so we can appreciate that need. But we also want Council to take in consideration of where the asphalt plant will be located.

- The topographical maps do not give any indication of what the watershed ecosystem really looks like and it's unique as you drive into Lethbridge.
- Everyone drives in from Calgary, looks to the right and looks into that coulee valley, wow, that's beautiful. You don't always see that and experience it when you are driving around farmland and driving to Taber and driving to other places. But you see that little glimpse of wonderful ecosystem that is unique to the great plains.
- So our concern is that down the road you open up the door to heavy industrial, what else will continue down that very sensitive, but beautiful, unique watershed area.
- She apologized to Tollestrup, they are trying to bring in something that won't disturb like past asphalt plants but the rezoning from rural agricultural to heavy industrial that has us nervous and it does not only affects us but also that area, and we are the gatekeepers and we stand over it and watch it all the time.

Reeve Hickey asked if there were any questions of Council. There were no questions of Council.

Mr. Herasemluk noted that the next speaker will be Mr. David VandenBrink. Mr. VandenBrink has taken photos of the area which will best illustrate the beauty of the where we live. Mr. VandenBrink showed the photos to Council and noted the following:

- Council asked about photos from the 1995 flood. Mr. VandenBrink showed the photos of the flooded area.
- Their loss in property values is of great concern. If 20% was paid on \$1 million dollars property value, that's \$200,000.
- Is the County looking at a revenue stream that will be greater from Tollestrup? We are not going to sit back and take a drop in property values, we would consider a class action lawsuit.

Reeve Hickey asked if there were any questions of Council. There were no questions from Council.

Mr. Herasemluk noted that the next speaker will be Mr. Dan Chapman. Mr. Chapman addressed Council and noted the following:

- He is opposed to the proposed bylaw due to the negative impact it will have on the environment in the Oldman River, decreased road safety, negative affects to livestock and the current residents living in the surrounding area.
- The proposed project will be constructed in the watershed for the City of Lethbridge and the North County Water Co-op. The only way to prevent any potential contamination to the watershed is to prohibit the use of dangerous goods and other oil based products for the purpose of manufacturing in the river bottom. This will avoid any negative impact to the Oldman River for the numerous species currently living in this area.
- With this proposed bylaw, there will be additional heavy truck traffic into the area. The current roads are not adequate to handle the existing traffic. The eastbound acceleration lane onto Highway 3 from Highway 509 is inadequate for a passenger vehicle to safely accelerate and merge into Highway 3 let alone for heavy trucks. The westbound turn lane for traffic turning south onto Highway 509 from Highway 3 will be inadequate to accommodate the additional heavy trucks turning. This intersection already has a high collision rate with the results of a passenger vehicle colliding with a slow moving transport truck, resulting in a fatality and the complete closure of the eastbound Highway 3 for 10 hours while the accident was investigated. All

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Reeve

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Chief Administrative Officer

the affected traffic was diverted down River Ridge Road. The frequency of these accidents are more likely to occur with the increased heavy truck traffic.

- Another concern, is the negative effect the noxious gases and odors produced at this site will have on the livestock in the area. Both my wife and I currently live in Lethbridge County and we have worked in the agriculture sector for the past 20 years. I am a Dairy Nutritionist and clean air is a vital part of the health and welfare of livestock. Clean air is important enough that it is mentioned in the 2009 Code of Practice for the Care and Handling of Dairy Cattle. There are families that have livestock either adjacent or in close proximity to this proposed site, which will have a negative impact on the health of thousands of cattle. These cattle subsequently provide milk and meat to the general public.
- My wife and I have lived at our current acreage for almost 17 years. It overlooks the Oldman River coulee and the proposed Heavy Industrial site. Locating a Heavy Industrial site and a noxious industry near an existing residential neighbourhood will have a negative impact on the aesthetics of the area and our land value. Having noxious gases being produced will not only have a negative impact on my wife's health, on my health but my neighbour's health. I am concerned, if this proposed bylaw amendment is approved to allow the construction of a heavy industrial site into established neighbourhoods; what does this mean for other families who choose to live, work and invest with Lethbridge County.
- Mr. Chapman requests that Council rejects the bylaws.

Reeve Hickey asked if there were any questions of Council. There were no questions of Council.

Mr. Herasemluk noted that a member of the Blood Tribe was going to be in attendance to speak today. No one was present from the Blood Tribe. Mr. Herasemluk noted that:

- Mr. Heavy Head's property is immediately adjacent to the highway on the south end of this specific area. They had concerns they wanted to bring up.
- He does a lot of archeological work for the Blood Tribe.
- At one point the Aboriginals would camp and live in that specific area for a number of months of the year.
- That particular area is a natural nesting ground for ducks and geese that have been there for many, many years. The nests are in the small little areas in the eyes on the outskirts of the watered areas and we are going to hopefully have some feedback on the impact to the ducks and geese from what the oil and the contaminants from the plant would have on their nesting grounds. Now the ducks are quite limited and when you add more environmental pressures with pollutants that will be seeping into the oil that will be seeping into the water, with the flood plain when it rains, you have asphalt piles, the oils will seep off those piles and float.
- An example of diesel fuel was given by Mr. Herasemluk.
- Unfortunately, we didn't have representation today to speak to the concerns.
- In summation, we have spoken specifics about health related concerns, there is genuine documented evidence about health related issues that would be impacted upon. We spoke about dust and noise pollution that will result, of not specifically from the plant itself, but everything required to run that plant, pumps, dozer, front-end loaders, trucks, utilizing the road, etc.
- The distance from the outskirts is actually shorter that was indicated from Tollestrup's representative.
- Council had recently asked about whether Environment Canada had approved the permit for the asphalt plant. They haven't approved that yet but have approved the gravel extraction for the area.
- In summation, we the residents of River Ridge Road live in a large portioned area, two very large agriculture-based producers, Groenenboom Farms,

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Reeve

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Chief Administrative Officer



which is a large feedlot on one side and Nicol Dairy Farm, on the other side and all between the horseshoe is a number of our residents are above the proposed area.

- We strongly and respectfully request that Council deny this application. It is not only a few of us; it is all of the residents that have signed this letter in opposition to the proposed asphalt plant.
- This would seriously affect the quality of our lives. A lot of us do not want to live in the City specific to industrial use or noises. He is sure if someone wanted to build a residence in the river valley where the current asphalt plant is, do you think anyone would actually want to purchase land or build a home in a beautiful area, in close proximity to a plant.
- He believes that nowhere, in Alberta thus far, that has proposed to rezone from rural agriculture to heavy industrial.

Reeve Hickey asked if there were any questions of Council. There were no questions of Council.

Reeve Hickey asked if anyone else wished to speak in opposition of Bylaw 1485. Mr. Dustin O'Donnell addressed Council and noted the following:

- He resides directly south of Cregg Nicol, he's in the acreages to the south where he farms and ranches there.
- Being a truck driver he knows that the intersection will not support any more traffic. In the intersection, where both of the gravel roads meet up, there is maybe only room for one truck to park there before it heads out. So it will completely clog the intersection. If you are heading west on Highway 3, in this intersection, he pulls a horse trailer with my half tonne truck and he cannot fit in the middle and has to wait until both lanes are clear in order to go across.
- He can see accidents waiting to happen, wait times increasing and the road backing up with traffic; there is going to be a lot of confusion.
- The road is as bad as it is going to make it worse.

Reeve Hickey asked if there were any questions of Council. There were no questions of Council.

Reeve Hickey asked if anyone else wished to speak in opposition of Bylaw 1485. Mr. Colin Storfie addressed Council and noted the following:

- He is a River Ridge resident and lives along the coulee.
- Last night he went to a neighbourhood meeting and was going to stick up for Tollestrup. He is happy to have asphalt and drive on paved roads, this was the reason for him attending the meeting. He heard all the concerns of his neighbours and it changed his opinion.
- We have seen the destruction of the historical view. There has been wildlife in the area and they are mysteriously gone.
- Chemicals will be used in the production of the asphalt and we will have no recourse should Tollestrup not comply.
- Tollestrup did not address our concerns regarding the noise, so he went to visit Tollestrup. The noise continued for 24 hours a day and Tollestrup didn't do anything about it.
- So, is it sensible to allow another neighbour to start another business without requirements or recourse in place, should they not comply with the proposed application?
- They are very vague, maybe operating 8 hours a day, sometimes 12 hours a day, sometimes its May to October, sometimes they work longer, we have nothing in place that gives us any recourse after the fact once the rezoning has been approved.

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Reeve

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Chief Administrative Officer

- County approved the VandenBrink subdivision to line the ridge with the acreages because of the idea of more than one individual paying taxes. Engineers worked with landowners so that they didn't build too close to the ridge in order to prevent the coulee from slumping. That is now being taken away by the same institution that enabled and encouraged that investment.
- Us being there actually prevented the farming and watering of the land because of the slumping of coulee.
- There has to be a better suited location for this plant of this nature without risk.
- It is not simply taking rocks out of the ground and grinding them up to make asphalt. There is hauling in of tons and tons of stuff to turn that black chemical. This is in a flood plain. We saw what happened in High River, we saw what happened with our flood, do we want that level of storage of contaminants on the flood plain.
- Last night he changed his view and is fully against Tollestrup. He doesn't approve of the asphalt but he is ok with the rocks.
- You cannot have that many diesel engines and things that leak oil down on the water table that will ultimately seep down for future generations into the ecosystem.
- You have to have a safe area in the County for all developers, not just Tollestrup.
- If their plant is portable, they can move to any designated safer area and make their asphalt there, where there is better control, better access to power, better access to emergency services, etc.

Reeve Hickey asked if there were any questions of Council. There were no questions of Council.

Reeve Hickey asked if anyone else wished to speak in opposition of Bylaw 1485. Mr. Alexander Gray addressed Council and noted the following:

- Blake & Melanie Kurucz and Chalaing and myself have several concerns regarding the proposed Bylaw 1485 rezoning LSD 10-25-9-23 from Rural Agriculture to Rural Heavy Industrial.
- Our concerns have been discussed and researched to the best of our knowledge.
- We are concerned about the location in which the plant is proposed. Noise travels over water and will follow a geographical contour to our property. On many days we can hear Highway 509 traffic and CP train yard very clearly. It is our belief that noise from the plant will carry over and affect our quality of life.
- The process involved in making asphalt is quite noxious. We are concerned about the odor and potential for environmental damage.
- The proposed location of rezoning is adjacent to LNID spill. This irrigation spill runs through our property and into the Oldman River. The irrigation runs directly over the water well for the house. It also empties into the Oldman River directly upstream from where water will be pulled for our second dwelling.
- We are concerned about the precedent that will be set should this bylaw be passed. Tollestrup has a manufacturing plant less than 15 kilometres away. Rezoning agricultural areas to Rural Heavy Industrial detracts from the beauty and sensitive ecosystems found in southern Alberta.
- The intersection of Highway 509 and Highway 3 has insufficient infrastructure to support increased heavy truck traffic. Given the length of the merge land and traffic on Highway 3, it is unreasonable to expect loaded vehicles to be able to merge safely. We are concerned for our safety and public safety.
- Our livestock water from the LNID spill will be adjacent to the proposed area. We are concerned for the welfare of our livestock and the proximity of such noxious industry to animals produced for human consumption.

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Reeve

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Chief Administrative Officer

Reeve Hickey asked if there were any questions of Council. There were no questions of Council.

Reeve Hickey asked if anyone else wished to speak in favor of or in opposition to Bylaw 1485. No one came forward.

Reeve Hickey asked if there were any last comments.

Mr. Ackroyd, Tollestrup Construction noted that he has been taking notes and wishes to address the comments that were made by the other individuals. Mr. Ackroyd noted that:

- Traffic: They do not have an unlimited amount of vehicles. There will be no increase in traffic for having an asphalt plant versus a crusher.
- Flooding concerns: The reason for the portable crusher and asphalt plant is that we can move them out quickly due to the high winds or if a flood does occur.
- Fears of people: Tollestrup cannot do anything about this. Individuals will not be able to tell the difference between the crusher and asphalt plant. Individuals won't be able to differentiate between the sound or appearance of the crusher compared to an asphalt plant for a 1 mile away.
- Property values: Is anyone willing to sell their property because they think their property values will go down? Mr. Ackroyd would like to purchase their land if he could afford it.
- We are already permitted by the County to operate 12 hours a day, 6 days a week for the crusher. So we are not going to be operating any longer than the approved hours that they already have.
- Noise: Individuals talked about noise. Tollestrup did have a pump that made noise, however, Tollestrup has upgraded their plant with state-of-art equipment. Even with the noise, people still purchased the property because it was beautiful property. We are not going, in my opinion, diminish the property values. We are 1 mile to 1 ½ miles away from the property owners. It is not in the residents' back yard, it is in Tollestrup's home range. Mr. Ackroyd has heard people say "why can't you build in a better place." Mr. Ackroyd said for them "if you could show me a better place to build, we would build there." We don't own a better place, we own this place.
- We already have, what Mr. Ackroyd considers is heavy industrial activity with the crusher, heavy equipment moving soils, etc. It will be difficult to distinguish between the crusher and asphalt plant.
- He noted earlier that liquid asphalt is hot, it has to be, so it can be mixed. As soon as it cools, it turns to a solid. It is not going to wash down the river. If there is a spill, the material can be picked up and re-used in the plant. That's the nice thing about asphalt, you can pick it up and re-use in the crusher.
- Ducks and geese: They already have ducks and geese living in the area. The animal life does not seem to be scared with what they are doing.

Reeve Hickey asked if there were any questions. The following individuals addressed Mr. Ackroyd requesting clarification:

- *Jerry Herasemluk*: Mr. Ackroyd, have you been physically in the bottom of river valley where the pits are. Mr. Ackroyd noted that he has been in the bottom of the river valley, it was windy at that time and he could hear the road traffic. Mr. Herasemluk noted that road traffic goes southbound, noise travels a great distance in the valley.
- *John Bosch*: Mr. Ackroyd keeps comparing the asphalt plant to a crusher. The asphalt plant has a chimney, where the crusher does not. Mr. Ackroyd noted that there is no stack on the asphalt plant so there will be no plume of smoke.

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Reeve

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Chief Administrative Officer

- *Sian Townsend*: Would like to know how you heat up then. Mr. Ackroyd noted that you use a tiger torch.
- *Colin Storfie* – Mr. Ackroyd noted that you cannot distinguish the sound of the crusher compared to the asphalt plant. I believe that is mis-representation. There is a lot of water in the valley and you can hear people talk all across the lake. Sound travels differently on the water than on the bald prairie.

Reeve Hickey asked if there were any further questions or comments. There were no further questions or comments.

Reeve Hickey noted that this was the last call to address in favor of or in opposition to Bylaw 1485.

Reeve Hickey noted that a lot of information was provided today both in favor and in opposition to Bylaw 1485. Council will take all the information into consideration before they reconvene on a decision.

96/17 K. BENSON MOVED that the Public Hearing for Bylaw 1485 - Tollestrup Construction - Amendment to the Land Use Bylaw Fr: Rural Agriculture (RA) to Rural Heavy Industrial (RHI) for a Portion of LSD 10 in NE 25-9-23-W4 close at 12:29 p.m. CARRIED

97/17 M. ZEINSTRA MOVED the meeting recess for lunch at 12:30 p.m. CARRIED

The meeting reconvened at 1:33 p.m. with all members of Council present as previously stated.

**E3a. Subdivision Application #2017-0-003 – 1463770 Alberta Ltd., Lot 2, Block 2, Plan 0210532 within S ½ 14-9-22-W4**

98/17 H. DOEVE MOVED that the Rural Commercial subdivision of Lot 2, Block 2, Plan 0210532 within S1/2 14-9-22-W4M (Certificate of Title No. 091 280 016), to create a 13.00 acre (5.26 ha) parcel from a title of 93.21 acres (37.72 ha), for rural commercial use; **BE APPROVED** subject to the following:

**RESERVE:** That the 10% municipal reserve requirement be provided to Lethbridge County on the 13.00 acres as money in place of land, in the amount of \$12,000.00 per acre, with the actual acreage and amount be determined at the final stage for municipal reserve purposes.

**CONDITIONS:**

1. That, pursuant to Section 654(1)(d) of the Municipal Government Act, all outstanding property taxes shall be paid to Lethbridge County.
2. That, pursuant to Section 655(1)(b) of the Municipal Government Act, the applicant or owner or both enter into a Development Agreement with Lethbridge County which shall be registered concurrently with the final plan against the title(s) being created.
3. That the applicant removes the corrals/fencing that encroaches over the east new property line, to the satisfaction of Lethbridge County, prior to final endorsement, unless otherwise addressed through the terms of an agreement with Lethbridge County.
4. That any conditions of Alberta Transportation be met prior to finalization, including the applicant provide a 30 metre wide service road right-of-way perpendicular to and across the highway frontage of the parcel to be created, which may be acceptable by caveat agreement.

**REASONS:**

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Reeve

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Chief Administrative Officer

1. The proposed subdivision is consistent with the South Saskatchewan Regional Plan and complies with both the Municipal Development Plan and Land Use Bylaw.
  2. The Subdivision Authority is satisfied that the proposed subdivision is suitable for the purpose for which the subdivision is intended pursuant to Section 7 of the Subdivision and Development Regulation.
  3. The Subdivision Authority has determined that the proposed subdivision conforms to the Direct Control bylaw designation for the land.
  4. The City of Lethbridge has no objections to the proposal, as the application complies with both the IDP and Direct Control bylaw adopted.
- CARRIED

**E3b. Subdivision Application #2017-0-012 – Hubert & Town of Coaldale – SW ¼ 15-9-20-W4**

99/17

K. BENSON

MOVED that that the Country Residential subdivision of SW1/4 15-9-20-W4M (Certificate of Title No. 021 393 001), to create an 8.72 acre (3.53 ha) parcel from a title of 79.63 acres (32.23 ha), for Country Residential use; BE APPROVED subject to the following:

**RESERVE:** That the 10% municipal reserve requirement be provided to Lethbridge County as a deferred reserve caveat, with the actual acreage and amount be determined at the final stage for municipal reserve purposes.

**CONDITIONS:**

1. That, pursuant to Section 654(1)(d) of the Municipal Government Act, all outstanding property taxes shall be paid to Lethbridge County.
2. That, pursuant to Section 655(1)(b) of the Municipal Government Act, the applicant or owner or both enter into a Development Agreement with Lethbridge County which shall be registered concurrently with the final plan against the title(s) being created.

**REASONS:**

1. The proposed subdivision is consistent with the South Saskatchewan Regional Plan and complies with both the Municipal Development Plan and Land Use Bylaw.
  2. The Subdivision Authority is satisfied that the proposed subdivision is suitable for the purpose for which the subdivision is intended pursuant to Section 7 of the Subdivision and Development Regulation, based on the individual merits of this application.
  3. The Subdivision Authority has allowed the subdivision of the parcel from a previously subdivided quarter-section due to the unique circumstances of this application and the fact that the Town of Coaldale will be purchasing the residual land.
  4. The residual land is to be utilized as part of a storm water management plan (Malloy Drain) undertaken between the County and the Town of Coaldale, with the title to be owned by the Town, which necessitates the need for this subdivision to separate the landowners' holdings from the future municipal owned land and wetland infrastructure.
- CARRIED

**E3c. Subdivision Application #2017-0-015 – Slingerland / Zanoni – NE ¼ 19-8-20-W4**

100/17

H. DOEVE

MOVED that that the Country Residential & Agriculture subdivision of NE1/4 19-8-20-W4M (Certificate of Title No. 051

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Reeve

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Chief Administrative Officer

021 927, 811 182 209), to subdivide out a 10.55 acre (4.27 ha) parcel from a 78.99 acre (31.96 ha) title and then consolidate the residual to the S½ of NE1/4 19-8-20-W4M; BE APPROVED subject to the following:

**CONDITIONS:**

1. That, pursuant to Section 654(1)(d) of the Municipal Government Act, all outstanding property taxes shall be paid to Lethbridge County.
2. That, pursuant to Section 655(1)(b) of the Municipal Government Act, the applicant or owner or both enter into a Development Agreement with Lethbridge County which shall be registered concurrently with the final plan against the title(s) being created.
3. That the residual 68.44 acre portion of the N½ of NE1/4 19-8-20-W4M be consolidated with the adjacent south portion of the S½ of NE1/4 19-8-20-W4M by a plan prepared by a certified Alberta Land Surveyor in a manner such that the resulting title cannot be further subdivided without approval of the Subdivision Authority.

**REASONS:**

1. The proposed subdivision is consistent with the South Saskatchewan Regional Plan and complies with both the Municipal Development Plan and Land Use Bylaw.
2. The Subdivision Authority is satisfied that the proposed subdivision is suitable for the purpose for which the subdivision is intended pursuant to Section 7 of the Subdivision and Development Regulation.
3. The Subdivision Authority has granted a slight waiver of the 10.00 acre maximum parcel size, to allow the 10.55-acre title, as the proposed parcel boundary follows an existing fence line and contains no cultivated agricultural land.
4. With the consolidation of the remnant 68.44-acres to the adjacent south agricultural title in the NE 19-8-20-W4M, the application will conform to the reconfiguration of titles criteria of the Lethbridge County Land Use Bylaw. The applicant starts with two titles, and with the subdivision and consolidation of land, will end-up with two titles, with no additional titles being created above what is presently in existence. CARRIED

**COMMUNITY SERVICES**

**G1. Dog Control & Regulation Bylaw 1405**

101/17	J. WILLMS	MOVED first reading of Bylaw 1405.	CARRIED
102/17	H. DOEVE	MOVED second reading of Bylaw 1405.	CARRIED
103/17	M. ZEINSTRA	MOVED that Council go to third reading of Bylaw 1405.	DEFEATED

**APPOINTMENT**

**E2. PUBLIC HEARING - Bylaw 1485 - Tollestrup Construction - Amendment to the Land Use Bylaw Fr: Rural Agriculture (RA) to Rural Heavy Industrial (RHI) for a Portion of LSD 10 in NE 25-9-23-W4**

104/17	H. DOEVE	MOVED second reading of Bylaw 1485.	CARRIED
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Reeve

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Chief Administrative Officer

**ADMINISTRATION****I1. 2017 Federation of Canadian Municipalities (FCM) Annual Conference and Municipal Expo - Ottawa – June 1-4, 2017, Ottawa**

- 105/17 S. CAMPBELL MOVED that correspondence be sent to the Federal Ministers, with a copy of correspondence also forwarded to Kent Hehr, Minister of Veterans Affairs requesting a meeting, during the 2017 Federation of Canadian Municipalities Annual Conference and Municipal Expo scheduled for June 1-4, 2017 in Ottawa and further that item be tabled to the April 6, 2017 Council meeting.  
CARRIED

**I2. 2017 Election – Advance Poll Date, Nomination Day and Election Day**

- 106/17 M. ZEINSTRA MOVED that County Council approves an Advance Poll date of Thursday, October 5, 2017 from 2:00 p.m. to 8:00 p.m. for the 2017 Election at the Lethbridge County Administration Building.  
CARRIED

**I3. Per Diem Rates for 2017 Election Officials – Returning Officer & Deputy Returning Officer**

- 107/17 J. WILLMS MOVED that the per diem rates for the 2017 Election for the Deputy Returning Officer be \$175.00 per day plus mileage and meal allowance and for the Returning Officer \$250.00 per day plus mileage and meal allowance.  
CARRIED

**I4. Modified Voting System – 2017 Election**

- 108/17 S. CAMPBELL BE IT RESOLVED THAT Lethbridge County hereby applies to the Minister of Municipal Affairs for a Ministerial Order authorizing the passing of a bylaw to use the modified voting system prescribed by Alberta Regulation 5/2007, to designate the locations of more than one voting station for a voting subdivision, for the purpose of conducting elections pursuant to the Local Authorities Election Act.  
CARRIED

**I5. Lethbridge Chamber of Commerce Re: Letter of Support for Government of Alberta and Canada Re: Twinning of Highway 3**

Note: K. Benson departed at 4:04 p.m.

- 109/17 J. WILLMS MOVED that County Council approves a letter of support, under the Reeve's signature, for the Lethbridge Chamber of Commerce for the twinning of Highway 3 in order to expand access to Highway 1, support for creating a plan for sustainable growth at local airports with an eye to growing both international and interregional trade and that the Government of Canada work with rail operators to increase the capacity of rail networks to move goods to market.  
CARRIED

**I6. Lethbridge Chamber of Commerce Re: Letter of Support to Government of Alberta regarding Alberta Minimum Wage Impact Study**

Note: K. Benson present at 4:06 p.m.

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Reeve

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Chief Administrative Officer

110/17 J. WILLMS MOVED that County Council approves a letter of support, under the Reeve's signature, for the Lethbridge Chamber of Commerce to forward to the Government of Alberta for the need to measure the effects of scheduled increases to Alberta's minimum wage. CARRIED

**IN-CAMERA**

111/17 K. BENSON MOVED that County Council grant Administration permission to proceed as recommended regarding the legal update. CARRIED

**INVITATIONS**

**J1. 11 Lethbridge Air Cadet Squadron Parent Association Re: 3rd Annual Spaghetti Dinner (Newly Named: Teena Price Memorial Spaghetti Dinner) - March 25, 2017**

112/17 S. CAMPBELL MOVED that County Council receives the invitation to the 11 Lethbridge Air Cadet Squadron Parent Association 3<sup>rd</sup> Annual Teena Price Memorial Spaghetti Dinner fundraising event, scheduled for March 25, 2017 as information. CARRIED

**J2. 20<sup>TH</sup> Independent Field Battery Re: 100<sup>th</sup> Vimy Ridge Parade & Dinner**

113/17 J. WILLMS MOVED that County Council authorizes the Reeve to attend the 20<sup>th</sup> Independent Field Battery, RCA 100<sup>th</sup> Vimy Ridge Parade & Dinner scheduled for April 8, 2017 at the Vimy Ridge Armoury. CARRIED

**ADJOURNMENT**

114/17 M. ZEINSTRA MOVED the meeting adjourn at 4:13 p.m. CARRIED

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Reeve

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Chief Administrative Officer