

Outline of Presentation by Marcel Berlinguette, on behalf of 1678678 Alberta Ltd., to County of St. Paul No. 19 Municipal Council re proposed Land Use Bylaw No. 2015-05, A Bylaw to amend Land Use Bylaw No. 2013-50 of the County of St. Paul No. 19, in the Province of Alberta

- Marcel Berlinguette is the sole director and shareholder of 1678678 Alberta Ltd., which is the registered owner of the lands located near the west boundary of the Town of St. Paul, Alberta, described as follows:

Municipal Address:

10007 – Highway 29, St. Paul, Alberta T0A 3A0

Legal Description:

**MERIDIAN 4 RANGE 10 TOWNSHIP 58
SECTION 1**

QUARTER NORTH EAST

ALL THAT PORTION WHICH LIES TO THE SOUTH OF THE SOUTHERN LIMIT OF THE SURVEYED ROADWAY FROM ST. PAUL AS SHOWN ON A PLAN OF SURVEY OF THE SAID TOWNSHIP SIGNED AT OTTAWA ON THE 19TH DAY OF OCTOBER A.D. 1910 AND AS SHOWN ON A PLAN OF SURVEY OF ROAD PLAN 1439Y CONTAINING 63.5 HECTARES (157.2 ACRES) MORE OR LESS

EXCEPTING THEREOUT: HECTARES (ACRES) MORE OR LESS

A) PLAN 2893JY – ROAD	1.04	2.56
B) THE MOST SOUTHERLY THIRTEEN HUNDRED AND TWENTY SIX (1326) FEET THROUGHOUT OF THE NORTH EAST QUARTER OF SAID SECTION		
CONTAINING	32.4	80.00
C) PLAN 1026571 – ROAD	0.196	0.48

EXCEPTING THEREOUT ALL MINES AND MINERALS

(the “Berlinguette Lands”)

- The proposed amendments to Part 8 – Land Use Districts – Uses and Regulations set out in the County’s proposed Bylaw 2015-05 seem to very clearly target existing permitted uses of the Berlinguette Lands, including:
 - 10 mobile home sites (which may also accommodate up to 36 fifth wheel trailer sites) on part of the Berlinguette Lands
 - sorted and stockpiled gravel/aggregate stored on part of the Berlinguette Lands

- While it is presumed that the existing permitted uses described above are likely “grandfathered” and would not be subject to the amendments, Marcel Berlinguette would like to have this clarified and confirmed in writing by the County.
- Production and sale of gravel/aggregate is a core business of the landowner, and there is clearly a concern that if any of the stockpiled gravel/aggregate is sold or moved, then it is possible that the County could invoke the amended Bylaw and require the landowner to apply to the County for permission to continue or expand future similar uses of the Berlinguette Lands.
- Marcel Berlinguette is mindful of the interests of neighbouring lands but is not aware of any specific or general complaints from the public regarding the current use of the Berlinguette Lands.
- Has the county received any complaints about existing uses of the Berlinguette Lands? If not, why does Council consider the amendments necessary?
- If Council adopts the proposed Bylaw amendments, the amended Bylaw will have clearly direct, dramatic and negative impact on the existing and future uses, income earning potential, and market value of the Berlinguette Lands and would be a breach of the landowner’s fundamental property rights.
- What are Council’s reasons or justification for making the proposed Bylaw amendments? If there are any background reports/recommendations that council has received, copies should be provided to Marcel Berlinguette and he should be given a reasonable opportunity to review and consider any such reports/recommendations and to present further response and/or argument to Council.
- If Council has obtained any legal advice on the validity of the proposed Bylaw amendments, details of that advice and/or a copy of any relevant legal opinion obtained by Council should be provided to Marcel Berlinguette and he should be given a reasonable opportunity to also review and consider the details of that advice or opinion and to present further response and/or argument to Council.
- It may be helpful for Council to consider viewing the Berlinguette Lands in the presence of Marcel Berlinguette and any other interested parties before making a decision on the proposed amendments to Part 8 of the Land Use Bylaw.

- If Council ultimately decides to pass the proposed amendments to the Land Use Bylaw, Marcel Berlinguette asks that Council advise what the County of St. Paul is prepared to do to compensate the landowner for the negative impacts of the amended Bylaw on the existing and future uses, income earning potential, and market value of the Berlinguette Lands.

Marcel Berlinguette, for 1678678 Alberta Ltd.
April 8, 2015