

Request for Decision

Title	Bylaw 1567/21 – Amendment to Land Use Bylaw 1385/17 – 2021 Amendment Direct Control District 21 – Second Reading
Proposed Motion	1. That Council give second reading of Bylaw 1567/21.
Administrative Recommendation	That Council defeat the motion to give second reading of Bylaw 1567/21, thereby refusing the redistricting application.
Previous Council / Committee Direction	<u>December 14, 2021 Regular Council Meeting</u> Motion 561/21: That Council give first reading of Bylaw 1567/21.
Report	<p><u>Background Information</u></p> <ul style="list-style-type: none"> Four Tracks All Terrain Ltd. is an off-road transportation company that provides vehicles and services to the oil and gas industry, forestry, motion picture, and mining and exploration sectors across Western Canada. The maintenance shop and office are located on the western boundary of Carbondale. Vehicles are serviced within the shop (4,000 ft²) on site by two staff, while their vehicles are operated by contracted employees on location. Local transport companies are used to transport the all-terrain vehicles to location using tractor trailers. The applicant has indicated that equipment is typically hauled west (away from Carbondale) then to Highway 37 to avoid disturbance to the roads of Carbondale. The company has been operating (unauthorized) from the site since 2009. The application notes that business operations are conducted between 9 a.m. to 5 p.m. Monday through Friday. Due to historic coal mining within the area, approximately 1.1 acres of the parcel (3.98 acres) are subject to the DCO – Development Constraint Overlay. Also, a parcel that has been designated as Environmental Reserve borders the subject property to the north and has a significant slope. Any future development permits should prohibit business operations from these areas. Given the description of the business operations, Administration has proposed that the principal use be considered a <i>fleet service</i>, defined by the Land Use Bylaw (LUB) as “...the use of the parcel and/or building(s) for the parking and servicing of vehicles for the delivery of people, goods,

or services where such vehicles are not available for sale or long term lease. This may include, but is not limited to, bus lines, commercial transport, cartage, and courier services. This use does not include warehousing.” The intent of the use/definition of *fleet service* was considered the most appropriate due to the impact that this use has on the road network and that this is an area of concern which has been the subject of complaints.

- The closest industrial lands that could support the business are located in the Sturgeon Industrial Park (SIP), approximately 17 kilometres east of the subject property. ProNorth Industrial Park (ProNorth) is located a similar distance to the southwest. Both SIP and ProNorth are fully serviced industrial parks that allow for all the uses that the applicant is proposing on this parcel, other than a single detached dwelling, which is not a listed use within the County’s industrial land use districts.
- Complaints have been received regarding the activities on the property. A Stop Order was issued in July 2020 requiring that the property come into compliance. Negotiations with the property owner were undertaken and have resulted in this redistricting application.

Referral Comments

- Administration provided the following comments on the proposed redistricting:
 - A complaint was received regarding noise and damage to the edge of the road and private driveway from commercial vehicles.
 - Any on-site or off-site improvement costs required to support the development are to be borne by the developer.
 - The approach into the parcel needs to be widened to conform to General Municipal Servicing Standards (GMSS). Sightline and geometric improvements may also be required to accommodate safe turning movements.
 - All runoff needs to be contained and managed accordingly within the property boundary to ensure the proposed development does not impact adjacent public or private property.
 - If the property is redistricted, additional information would be required as part of the development permit application, including but not limited to a general site plan and grading plan.

External Communication

- The Public Hearing for the Bylaw was held on January 25, 2022, having been advertised in the January 12 and 19, 2022 editions of the *Morinville Free Press* and *Redwater Review*. Additionally, residents of Carbondale were notified of the Public Hearing directly via mail notifications.
- The applicant noted in their presentation to Council that over 150 trees have been planted on the property. Additionally, the business has taken steps to reduce the quantity of vehicles/equipment the business operates. They also indicated that although they attempt to restrict business hours to between 9:00 a.m. and 5 p.m., emergency work

related to forest fires and search and rescue efforts require operations to occur outside of these hours.

- Nine submissions were received from members of the public regarding the Bylaw. The comments received noted the following areas of concern:
 - Carbondale is a residential neighbourhood and is not an appropriate location for industrial development
 - Traffic safety
 - Noise generated by business operations
 - Effect of business operations on residential property values within Carbondale
 - Potential of pollutants entering local water bodies
 - Aesthetic appearance of business operations

Relevant Policy/Legislation/Practices:

- The MGA authorizes Council to establish and amend bylaws.
- Section 641 of the *Municipal Government Act* (MGA) provides direction on how a municipality can establish a Direct Control district to exercise control over the use and development of land or buildings on a designated site.
- Section 692 of the MGA requires that a municipality hold a public hearing prior to giving second reading to the proposed bylaw.
- No Local Planning Document (e.g., Area Structure Plan) exists for the area; therefore, the County's Municipal Development Plan (MDP) provides the overarching land use policies for this application. The relevant MDP policies are listed below, and Administration has provided a short summary of how each policy pertains to the application.
- The subject property is located within Neighbourhood C – the role of which is, "To secure Sturgeon County's position as an agricultural leader, and facilitate subsequent agricultural activity that sustains its provincial importance."
- Output C.4(a) ensures "...that proposed non-Primary Industry development in the Neighbourhood (and outside of the existing Hamlets) will have limited adverse impact on agricultural operations, activities or industry."

This output infers that non-Primary industrial development is to be located outside of the existing Hamlets.

- Output C.4(d) requires "...proposed or expanding development that exceeds Non-Residential Type 4, to relocate to identified Non-Residential centres in the County. Home Based Businesses, where the Non-Residential type and scale conflicts with residential uses, are to relocate to an existing Non-Residential Development Park or an appropriate location identified in an approved Planning Document."

This output requires proposed non-residential development that exceeds that of a home-based business to be located within a designated industrial park such as Sturgeon Industrial Park or ProNorth.

- 5.1.8 – *“Should encourage Non-Residential developments that provide diverse employment opportunities for Sturgeon County residents.”*
- 5.2.4 – *“Should collaborate with local businesses to identify opportunities for developments to relocate, redevelop, intensify, expand and remain, where the activity supports the local Neighbourhood Development Strategy and is in keeping with the aims of the IRGS.”*

The County has demonstrated through this application that it is willing to work with businesses within the parameters of planning and development policies and regulations.

- 5.4.1 – *“Shall limit premature subdivision and development of lands for Non-Residential purposes by directing new development to existing lands identified for the proposed activity.”*

The closest properties that could allow for the proposed uses within the Direct Control District are located at ProNorth Industrial Park and Sturgeon Industrial Park, both approximately 17 kilometres from the property. However, these industrial parks do not facilitate development of single detached dwellings, a use that the applicant has expressed a desire for the parcel to have.

- 5.4.9 – *“Should ensure that existing infrastructure and road corridors are able to accommodate the proposed growth identified by the Non-Residential developments.”*

Any subsequent development permit issued for the property will be reviewed and appropriate conditions attached to the permit in line with recommendations made by Engineering/Transportation Services.

- 5.4.13 – *“Shall locate new Non-Residential-Industrial development to areas identified on Figure 4 – Growth Strategy Concept Map.”*

The Growth Strategy Concept Map only considers Non-Residential Type 1 and Type 2 developments. Type 1 development is limited to the confines of the Alberta Industrial Heartland, while Type 2 development is the level of industrial development seen in Sturgeon Industrial Park, ProNorth, and Villeneuve Airport. The map does not consider Type 3 development, as proposed by this application, nor Type 4 development (home-based businesses).

- 5.5.14 – *“May consider Non-Residential development on a case-by-case basis (without the adoption of a Planning Document) provided that no subdivision is proposed, that there are no service upgrades required and that there is demonstrated support from the local community.”*

Subdivision has not been proposed and no service upgrades are required. The comments received during the Public Hearing suggest that the majority of local residents may not support the proposed rezoning.

	<p>In addition to the policies of the MDP, section 1.9 of the Land Use Bylaw provides direction in respect to Direct Control Districts.</p> <ul style="list-style-type: none"> • In addition to the general purpose, section 1.9 outlines that a Direct Control District can only be applied when the following conditions are met: <ul style="list-style-type: none"> ○ The development is, in the opinion of Council, considered appropriate for the site, having regard to the policies and objectives of any plan, statutory or otherwise, this Bylaw, and compatibility with the scale and character of surrounding development; ○ The use of any other district to accommodate the development would, in the opinion of Council, result in potential conflicts with existing or future surrounding development, should the full development potential of such a district be utilized; and ○ The development is of a unique form or nature not contemplated or reasonably regulated by another district. • In respect to the conditions outlined above, Administration can offer the following comments: <ul style="list-style-type: none"> ○ The relevant policies of the MDP have been described, including how the application relates to each. This operation has resulted in complaints and concerns from local residents. The character of the development is different than what exists within the immediate vicinity, for example, R3 – Residential Unserved properties. ○ The use of another district has the potential to create greater conflict. This is because a regular land use district would allow for a much wider range of uses, many of which could be more disruptive and unsuitable for the parcel, and further erode the viability of the County's industrial parks. A Direct Control District is deemed a better option than a regular land use district as it limits the uses allowed on the parcel. ○ The proposed uses within the Direct Control District cannot be reasonably regulated by another district as a single detached dwelling cannot be considered within any of the County's industrial districts. All other proposed uses are considered permitted or discretionary uses within the I3 – Medium Industrial Unserved District; however, the I3 district cannot be considered on the subject parcel as it does not meet the intent of relevant MDP policy as described within "Relevant Policy/Legislation/Practices".
<p>Implication of Administrative Recommendation</p>	<p><u>Strategic Alignment:</u></p> <p>Planned Growth</p> <ul style="list-style-type: none"> • "Comprehensive land use and infrastructure planning." Administration's recommendation is consistent with this outcome as non-residential business activities are to be directed to those areas where they can be supported, e.g., industrial parks. • Thriving Communities "Commitment to high quality of life." Administration's recommendation is consistent with this outcome as it considers the concerns heard from

	<p>local residents as they relate to Carbondale, which is a residential neighbourhood.</p> <p><u>Organizational:</u> Staff resources will be required to find an alternative route for the property to comply with the Land Use Bylaw.</p> <p><u>Financial:</u> Financial implications could include fees associated with enforcement action.</p>
Alternatives Considered	Council could pass second and third readings of Bylaw 1567/21.
Implications of Alternatives	<p><u>Strategic Alignment:</u> Planned Growth</p> <ul style="list-style-type: none"> “Internationally competitive to attract, grow, and sustain diverse business.” <p><u>Organizational:</u> Administration has the resources available to process any development permit required for the business.</p> <p><u>Financial:</u> Giving second and third reading of the Bylaw has the potential to avoid costs related to legal fees typically associated with enforcement action.</p>
Follow up Action	1. Advise the landowner of Council’s decision and work with him to bring the property into compliance with the County’s Land Use Bylaw (Planning and Development Services, February 2022).
Attachment(s)	1. Attachment 1: Bylaw 1567/21
Report Reviewed by:	<p>Bonnie McInnis, Manager, Planning and Development Services</p> <p>Travis Peter, Director, Development and Strategic Services</p> <p>Reegan McCullough, County Commissioner – CAO</p>

Strategic Alignment Checklist

Vision: *Offering a rich tapestry of historical, cultural, and natural experiences, Sturgeon County is a municipality that honours its rural roots and cultivates desirable communities. Uniquely situated to provide world-class agricultural, energy, and business investment opportunities, the County prioritizes responsible stewardship and dreaming big.*

Guiding Principles: Collaboration | Accountability | Flexibility | Excellence | Safety | Future Readiness | Affordability | Innovation

Community Outcome	Not consistent	Consistent	N/A
Planned Growth			
<ul style="list-style-type: none"> Internationally competitive to attract, grow and sustain diverse businesses; tenacious focus on new growth and innovation 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Modern broadband and digital capabilities 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Low cost, minimal red-tape regulations 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Reliable and effective infrastructure planning; comprehensive land use and infrastructure planning 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Thriving Communities			
<ul style="list-style-type: none"> Beautiful, surprising places with high standards; integrated natural spaces & trail systems; healthy and resilient 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Engaging cultural, historical, and civic amenities; strong community identity and pride 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Safe, welcoming, and diverse communities; small community feel and personal connection; commitment to high quality of life 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Environmental Stewardship			
<ul style="list-style-type: none"> Clean air, land, and water; Carbon neutral municipal practices; circular economy opportunities 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Conservation of natural areas and agricultural lands; enhanced greening and biodiversity; safekeeping ecosystems 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Sustainable development; partnerships with industry and others to drive emission reductions 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Collaborative Governance			
<ul style="list-style-type: none"> Predictable and stable external relationships; volunteer partnerships 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Meaningful connections with Indigenous communities 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Ongoing community consultation and engagement; transparent and action-oriented decision making based on sound rationale 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Respectful and informed debate; clear and supportive governance processes 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Operational Excellence			
<ul style="list-style-type: none"> Engaged and effective people – Council, Admin and Volunteers; continuous learning and improvement mindset; nimble and bold, with strong leadership 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Quality cost-effective service delivery; robust procurement and operational practices and policies; asset management and performance measurement; careful debt and reserve stewardship; long-term financial planning and sustainability 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Future focused thinking to proactively respond to emerging opportunities and challenges 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Alternative revenue generation and service delivery models integrated strategic and business planning 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>