

## Request for Decision

<b>Title</b>	<b>Bylaw 1581/22 – Amendment to Land Use Bylaw 1385/17 – Redistricting of Lot 1 Plan 002 4376 from I4 – Medium Industrial Serviced District to DC21 – Direct Control District 21 – Second and Third Reading</b>
<b>Proposed Motion</b>	<ol style="list-style-type: none"> <li>1. That Council give second reading of Bylaw 1581/22.</li> <li>2. That Council give third reading of Bylaw 1581/22.</li> </ol>
<b>Administrative Recommendation</b>	That Council give second and third readings of Bylaw 1581/22.
<b>Previous Council / Committee Direction</b>	<p><u>May 24, 2022 Regular Council Meeting</u> Motion 195/22: That Council refer Bylaw 1581/22 to Administration to work with the applicant to submit an updated noise study for the subject parcel, completed by a qualified professional, over a minimum seven-day period including at least one event, for information to be presented to Council at the June 28, 2022 Council meeting.</p> <p><u>April 12, 2022 Regular Council Meeting</u> Motion 154/22: That Council give first reading of Bylaw 1581/22.</p>
<b>Report</b>	<p><u>Background Information</u></p> <ul style="list-style-type: none"> <li>• The Applicant, Stratotech Raceway, has applied to redistrict Lot 1 Plan 002 4376 to Direct Control District 21.</li> <li>• Stratotech Raceway is an existing racetrack located in Sturgeon Industrial Park (SIP), adjacent to Highway 825. The facility is available for private rentals and training for the automotive industry.</li> <li>• The purpose of Bylaw 1581/22 is the first step to bring the development into compliance with the Land Use Bylaw.</li> <li>• A Stop Order is currently in effect on the property prohibiting the use of such for a “recreation, outdoor motorized vehicle facility” as it does not conform to Land Use Bylaw 1385/17. In consideration of a previous Subdivision and Development Appeal Board (SDAB) decision, further enforcement action has been postponed and a forbearance agreement negotiated, pending the outcome of this Bylaw process. If the redistricting is successful, no further enforcement would be conducted. If unsuccessful, then the Stop Order would be enforced.</li> </ul>

- Racing events occur between May and October, and approximately 60 events are held during race season. During the off season, the parcel is used for storage by a trucking company that owns the parcel.
- The Applicant has indicated that operating hours for racing are between 8 a.m. and 9 p.m. Weekday events typically occur between the hours of 5 p.m. and 9 p.m., while weekend events occur between 8 a.m. and 5 p.m.
- On average, each event hosts between 40 and 50 guests, with occasional events hosting upwards of 200 people. The operators allow for onsite camping during multi-day events.
- The operators employ safety measures to protect both participants and the public, including gravel run-off areas, hay bales, concrete Jersey barriers, air fences for motorcycle races, onsite ambulance and paramedic, and drying materials for fluid spills/leaks.
- During the 2021 racing season, an incident occurred where a car left the track and collided with the perimeter fence adjacent to Highway 825 where road paving was taking place. While nobody was injured, the incident highlighted some safety concerns, and the Applicant has taken additional measures to reduce the risk of this incident being repeated.
- The Applicant has submitted an Environmental Noise Survey in alignment with Council's motion at the May 24, 2022 Regular Council Meeting. The report was prepared by ACI Acoustical Consultants Inc. and has been signed and sealed by a Professional Licensee (Engineering) (Attachment 2).

Long-term noise monitoring was undertaken at the Highway 825/Range Road 225 intersection between May 28 – June 13, 2022, while onsite monitoring was undertaken on May 28, June 2, and June 13, 2022 and included both motorcycle lapping and car drifting events.

The report notes that noise generated by racing activities was audible at the three noise monitoring stations located outside of the subject parcel but was not the dominant source of noise. Data analysis notes that there is no direct correlation between measured noise levels at the track and the noise monitoring locations.

Specific decibel readings at different sites, an assessment of frequencies, a comparison table of noise levels for different activities, and additional analysis are available within the report.

- Only lands zoned as REC – Recreational District allow for a development permit for a "recreation, outdoor motorized vehicle facility". However, the racetrack has been established at the property since 2003, SIP is not a suitable location for the wider range of recreational uses permitted under the Recreational District, and SIP is more suitable to a limited recreational use due to the nature of the neighbouring industrial parcels and the limited number of residences within the vicinity. As such, a DC - Direct Control District is proposed.

- Initial Referral Comments:
  - Alberta Transportation issued a Roadside Development Permit in February 2022 to “leave as sited” the existing track, grandstands, and parking area and to operate the racetrack and an off-season storage yard.
  - Relevant County departments have had the opportunity to review the application and no major concerns have been raised. Additional circulation will be conducted at the time of any subsequent development permit application.
- The property first obtained a development permit in 2000 for a go-kart track. In 2004, the development permit was revised to allow for motorcycle racing and other motorsports, a decision that was upheld by the County’s Subdivision and Development Appeal Board (SDAB).
- Anecdotal evidence suggests that racing operations ceased in 2012, before restarting operations in 2020. This break in operations triggered section 643(2) of the *Municipal Government Act* (MGA), which states, “a non-conforming use of land or a building may be continued but if that use is discontinued for a period of 6 consecutive months or more, any future use of the land or building must conform with the land use bylaw then in effect.” As such, the development is required to conform with Land Use Bylaw 1385/17, which requires both rezoning and a new development permit to be issued.
- A Public Hearing was held on May 3, 2022. Six submissions were received during the Public Hearing, with the noise generated by development activities being the main concern raised. Other comments noted the potential depreciation of property values due to the noise, environmental concerns (carbon emissions) related to development activities, and highway safety. The possibility of sound barriers being constructed to mitigate noise concerns were mentioned.
- During the Public Hearing, Council inquired as to the rationale for the removal of the berm along Highway 825 during road construction in 2021. Administration can confirm that an additional right-of-way was acquired by Alberta Transportation (AT) in 2017, with the berm being located within these lands. The berm was then removed as part of road construction in 2021. Any creation of a berm would be subject to further AT approval.

#### External Communication

- The Public Hearing was advertised in the *Morinville Free Press* and *Redwater Review* for two consecutive weeks (April 20 and April 27) in accordance with the advertising requirements detailed within section 606 of the MGA.
- Landowners within the area were directly notified via a mailout.

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Relevant Policy/Legislation/Practices

- The MGA authorizes Council to establish and amend bylaws.
- Section 641 of the 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 643(2) of the MGA directs that if the use of land or building is discontinued for more than six months, any future use of that land or building is to conform with the land use bylaw then in effect.
- 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.
- 5.1.8 – *"Should encourage Non-Residential developments that provide diverse employment opportunities for Sturgeon County residents."*
- 5.2.3 – *"Shall encourage partnerships between local businesses to support the sharing of information, infrastructure, logistics and by-products."*
- 5.4.9 – *"Should ensure that existing infrastructure and road corridors are able to accommodate the proposed growth identified by the Non-Residential developments."*

Highway 825 is a provincial highway, and the Applicant has obtained a Roadside Development Permit issued by Alberta Transportation for their business operations.

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

The application aligns with this policy.

- 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. Comments received from local residents during the Public Hearing were opposed to the development, due to the noise generated by development activities.

- 5.5.10 – *"May contemplate a compatible mixture of Non-Residential types and scales within Non-Residential Development Parks, with servicing requirements to be determined through the land-use zoning process."*

The application aligns with this policy.

	<ul style="list-style-type: none"> <li>• The property is located within Neighbourhood I – the role of which is to <i>“...strengthen the strategic industrial corridor, by targeting infrastructure investment that supports and links regional economic growth.”</i></li> <li>• Outcome I.1 notes that the County is to promote <i>“...a diverse range of employment opportunities that are supportive of the industrial activity within the Sturgeon Industrial Park.”</i></li> <li>• Output action I.4(a) notes that <i>“...proposed developments for the Neighbourhood demonstrate limited adverse impact on the activities, growth or viability of the SIP.”</i></li> <li>• Section 1.9 of the Land Use Bylaw provides direction in respect to Direct Control Districts.</li> <li>• 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"> <li>○ 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;</li> <li>○ 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</li> <li>○ The development is of a unique form or nature not contemplated or reasonably regulated by another district.</li> </ul> </li> <li>• In respect to the conditions outlined above, Administration can offer the following comments: <ul style="list-style-type: none"> <li>○ The relevant policies of the MDP have been described, including how the application relates to each. While a recreational use is different than what exists within the Sturgeon Industrial Park and the immediate vicinity, this particular recreational use is best suited to an industrial area.</li> <li>○ The use of a conventional land use district such as the REC – Recreational District has the potential to create greater conflict, as it would allow for a wider range of recreational uses that would not be suitable for an industrial area.</li> </ul> </li> </ul> <p>The development cannot be reasonably regulated by a conventional land use district due to the unique nature of the development.</p>
<b>Implication of Administrative Recommendation</b>	<p><u>Strategic Alignment:</u></p> <p><b>Operational Excellence</b> – Sturgeon County continues to provide low-cost minimal red tape regulations while still aligning to required process and policies.</p> <p><b>Planned Growth</b> – If the property is rezoned, it will provide certainty to the business operators, ensuring that an existing racetrack can continue to operate for the purpose it was first developed.</p>

	<p><b>Collaborative Governance</b> – All Land Use Bylaw amendments are conducted in accordance with the requirements of the <i>Municipal Government Act</i>.</p> <p><u>Organizational:</u> Administration has the capacity to implement the recommendation.</p> <p><u>Financial:</u> The County will incur less legal expenses over time if the property comes into compliance with the Land Use Bylaw.</p>
<b>Alternatives Considered</b>	<ol style="list-style-type: none"> <li>1. Council may choose to amend the Bylaw to mitigate any potential concerns regarding the proposed use.</li> <li>2. Council may refer the matter back to Administration with direction.</li> <li>3. Council may choose to defeat the motion to give second reading of the Bylaw.</li> </ol>
<b>Implications of Alternatives</b>	<p><u>Strategic Alignment:</u></p> <ol style="list-style-type: none"> <li>1. Strategic alignment would depend on the nature of any amendment and may require a new public hearing if the amendments are deemed to be substantial.</li> <li>2. Strategic alignment would depend on the direction provided to Administration in the referral.</li> <li>3. This option would not realize the alignments noted above.</li> </ol> <p><u>Organizational:</u></p> <ol style="list-style-type: none"> <li>1. Organizational implications would depend on the nature of any amendment, and if additional research or legal analysis is required.</li> <li>2. Organizational implications would depend on the nature of any referral, and if additional research or legal analysis is required.</li> <li>3. None.</li> </ol> <p><u>Financial:</u></p> <ol style="list-style-type: none"> <li>1. Financial implications would depend on the nature of any amendment.</li> <li>2. Financial implications would depend on the nature of any referral.</li> <li>3. Continued contravention of the Land Use Bylaw may require the County to incur legal expenses due to enforcement action.</li> </ol>
<b>Follow up Action</b>	<ol style="list-style-type: none"> <li>1. Obtain Mayor and CAO signatures on the Bylaw (Legislative Services, July 2022).</li> <li>2. Consolidate amendments to the Land Use Bylaw (Planning and Development Services, July 2022).</li> </ol>
<b>Attachment(s)</b>	<ol style="list-style-type: none"> <li>1. Attachment 1: Bylaw 1581/22</li> <li>2. Attachment 2: 2022 Environmental Noise Survey</li> </ol>
<b>Report Reviewed by:</b>	<p>Bonnie McInnis, Manager, Planning &amp; Development Services</p> <p>Travis Peter, General Manager, Development &amp; 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
<b>Planned Growth</b>			
<ul style="list-style-type: none"> <li>Internationally competitive to attract, grow and sustain diverse businesses; tenacious focus on new growth and innovation</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>Modern broadband and digital capabilities</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <li>Low cost, minimal red-tape regulations</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>Reliable and effective infrastructure planning; comprehensive land use and infrastructure planning</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Thriving Communities</b>			
<ul style="list-style-type: none"> <li>Beautiful, surprising places with high standards; integrated natural spaces &amp; trail systems; healthy and resilient</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <li>Engaging cultural, historical, and civic amenities; strong community identity and pride</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <li>Safe, welcoming, and diverse communities; small community feel and personal connection; commitment to high quality of life</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Environmental Stewardship</b>			
<ul style="list-style-type: none"> <li>Clean air, land, and water; Carbon neutral municipal practices; circular economy opportunities</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <li>Conservation of natural areas and agricultural lands; enhanced greening and biodiversity; safekeeping ecosystems</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <li>Sustainable development; partnerships with industry and others to drive emission reductions</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Collaborative Governance</b>			
<ul style="list-style-type: none"> <li>Predictable and stable external relationships; volunteer partnerships</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <li>Meaningful connections with Indigenous communities</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <li>Ongoing community consultation and engagement; transparent and action-oriented decision making based on sound rationale</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>Respectful and informed debate; clear and supportive governance processes</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Operational Excellence</b>			
<ul style="list-style-type: none"> <li>Engaged and effective people – Council, Admin and Volunteers; continuous learning and improvement mindset; nimble and bold, with strong leadership</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <li>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</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <li>Future focused thinking to proactively respond to emerging opportunities and challenges</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <li>Alternative revenue generation and service delivery models integrated strategic and business planning</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>