

Request for Decision

Title	Bylaw 1621/23 - Amendment to Land Use Bylaw 1385/17 – Redistricting of a Portion of SW-28-54-27-W4M from AG – Agriculture District to RE - Resource Extraction District – First Reading
Proposed Motion	That Council give first reading of Bylaw 1621/23.
Administrative Recommendation	That Council give first reading of Bylaw 1621/23, to allow for the proposed amendment to proceed to a Public Hearing to receive feedback from affected parties.
Previous Council / Committee Direction	<u>July 10, 2017 Regular Council Meeting</u> Motion 351/17: That Council give third reading to Bylaw 1385/17, Land Use Bylaw.
Report	<p><u>Background Information</u></p> <ul style="list-style-type: none"> • The applicant is proposing to amend Land Use Bylaw 1385/17 to facilitate a natural resource extraction operation on a portion of SW-28-54-27-4. • The subject land is a 61.13 hectare (151.05 acre) is currently zoned AG – Agriculture, and has a residence located to the west of the parcel adjacent to Range Road 274. The applicant intends to redistrict approximately 25.75 hectares (63.63 acres) to RE- Resource Extraction. This would create split zoning on the parcel. • Part 11.2.4(c) of the Land Use Bylaw outlines that the operating area of a natural resource extraction operation shall not be located less than: <ul style="list-style-type: none"> ○ 400m from the outside wall of an existing dwelling (unless as agreed in writing by the resident(s) of the existing dwelling); and ○ 800m from the boundary of a multi-lot subdivision or hamlet • The configuration of the proposed area ensures that the minimum 800m setback from any multi-lot subdivision is maintained. While there is one existing dwelling within 400m of the proposed operating area, the resident has given authorization to pursue approvals for the operation of natural resource extraction on the property. • The proposed haul route includes an internal haul road through SE-28-54-27-4, SW/SE-27-54-27-4, and SW-26-54-27-4, which connects with Township Road 544 east towards Highway 44.

- The applicant has outlined a land reclamation plan which will return the subject area to an acceptable agricultural land use following the completion of the natural resource extraction.

Area Structure Plan Amendment

- The applicant has also submitted an amendment to the Calahoo - Villeneuve Sand and Gravel Extraction Area Structure Plan. This would amend Figure 7.1 for the subject parcel from “Agricultural - No Resource Extraction” to “Resource Extraction Area”. The rationale for a “No Resource Extraction” designation within the ASP was two-fold:
 - Firstly, it was to address setbacks related to dwellings and multi-lot residential development. This is no longer a consideration as these same setbacks are embedded within the RE – Resource Extraction District of the Land Use Bylaw; and
 - Secondly, it assumed “...*limited potential for economical sand and gravel extraction...*”. While this may have been true at the time, industry is of the opinion that resource extraction in this area is financially viable.
- Bylaw 1608/22 – Repeal of the Calahoo - Villeneuve Sand and Gravel Extraction Area Structure Plan received first reading on January 24, 2023. Given that the Area Structure Plan is under consideration for repeal, Administration is refraining from bringing forward a separate bylaw amendment for the item at this time to avoid redundancy.

Referral Comments

- The redistricting will allow the applicant to apply for a development permit that will be subject to the Code of Practice for Pits. The comments received for this application are noted below:
 - The applicant must maintain the existing Road Use Agreement as outlined within their proposed haul map.
 - The applicant shall participate in the groundwater monitoring program.
 - The reclamation plans are suitable allowing the land to return to agricultural use once extraction is complete.

External Communication

- Administration will ensure public notification and advertising for the Public Hearing are completed in accordance with relevant legislation and County processes.

Relevant Policy/Legislation/Practices

- The *Municipal Government Act (MGA)* authorizes Council to establish and amend Bylaws.
 - Section 692 of the MGA requires that a municipality hold a public hearing prior to giving second reading to a proposed bylaw.
- Policy 5.3.6 of the Municipal Development Plan (MDP) notes the County “*Shall encourage the extraction of Natural Resources prior to any development that may confine future extraction opportunities...*”

	<ul style="list-style-type: none"> • Policy 5.4.9 of the MDP notes that the County “Should ensure that existing infrastructure and road corridors are able to accommodate the proposed growth identified by the Non-Residential development.” • Section E.4 Economic Health (Municipal Development Plan) <ul style="list-style-type: none"> a) Ensuring that proposed non-Primary Industry in the Neighbourhood (outside of the Hamlet of Villeneuve), will have limited adverse impacts on the Primary Industry operations, activities, or industry. b) Recognizing the importance of aggregate extraction as a significant economic contributor, by restricting proposed development until resource extraction is complete. c) Requiring aggregate resource extraction operations to comply with an approved reclamation plan. Development permits for aggregate resource extraction will ensure that sites will be returned to their former agricultural capability, or other post-extractive use, as the County and the Province deem appropriate.
<p>Implication of Administrative Recommendation</p>	<p><u>Strategic Alignment</u> Planned Growth – Supporting resource extraction demonstrates Sturgeon County’s commitment to this key industry and to economic development and jobs, without negatively affecting its current residents.</p> <p>Collaborative Governance – The Land Use Bylaw amendment process is legislated by the MGA. Those affected by the proposed bylaw are provided the opportunity to comment during the Public Hearing, ensuring communities are consulted and engaged. Decisions made by Council are transparent and based on policy after respectful and informed debate.</p> <p>Environmental Stewardship – The applicant has outlined a land reclamation plan which will return the subject area to an acceptable agricultural land use following the completion of the natural resource extraction.</p> <p><u>Organizational</u> Administration has capacity to coordinate the advertising and required information for the bylaw amendment.</p> <p><u>Financial</u> Financial implications will include advertising of the Public Hearing.</p>
<p>Alternatives Considered</p>	<p>Council may defeat the motion to give first reading of Bylaw 1621/23.</p>
<p>Implications of Alternatives</p>	<p><u>Strategic Alignment</u> If Council refuses to grant first reading, the Bylaw would be defeated and would not proceed to Public Hearing or further readings.</p> <p><u>Organizational</u> None.</p> <p><u>Financial</u> None.</p>

Follow up Action	1. Schedule a Public Hearing with respect to Bylaw 1621/23 (Planning & Development Services).
Attachment(s)	1. Attachment 1: Bylaw 1621/23
Report Reviewed by:	<p>Martyn Bell, Program Lead – Current Planning, Planning & Development Services</p> <p>Bonnie McInnis, Manager, Planning & Development Services</p> <p>Travis Peter, General Manager, Development & 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 checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Future focused thinking to proactively respond to emerging opportunities and challenges 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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"/>