

PUBLIC HEARING

April 11, 2023

1:30 p.m.

Hearing Held in Council Chambers and via Electronic
Communications

**Bylaw 1609/23 – Amendment to Land Use Bylaw 1385/17 –
Sturgeon Valley South Area Structure Plan Land Use
Districts**

RECORD OF SUBMISSIONS

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Districts**

VERBAL SUBMISSIONS

1. Ken Pacholok

Opposed

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Bylaw 1609/23 – Amendment to Land Use Bylaw 1385/17 – Sturgeon Valley South Area Structure Plan Land Use Districts

WRITTEN SUBMISSIONS

- | | |
|--------------------------------|-----------|
| 1. Ken Pacholok | Opposed |
| 2. Rob Pacholok | Opposed |
| 3. Barbara Gerlach | Opposed |
| 4. Urban Development Institute | In favour |

From: [Ken Pacholok](#)
To: [Legislative Services](#)
Cc: [Kristin Toms](#); [David Kent](#); [Bill Ross](#); [Barbara Gerlach](#); [Rob Pacholok](#)
Subject: Time Sensitive - Proposed Bylaw 1609/23
Date: April 11, 2023 10:55:20 AM
Importance: High

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Hello,

As requested moments ago via text by Councillor Toms, below please find are amendments which we seek to be made prior to the referenced bylaw prior to the Public Hearing scheduled at 1:30 today:

1. Schedule 6 – Urban Reserve Overlay Map: delete all cross-hatched area in Planning Area 5 (i.e., entire area north of the Sturgeon River)
2. 17.5 UR – Urban Reserve Overlay:
 - Insert following text *“lands identified within the”* between the words “the” and “boundaries”.

Please confirm receipt, and a response whether this will be enacted prior to the scheduled Public Hearing so that we might avoid making our presentations.

Thank you for your assistance in this matter.

Warmest regards,

Bellerose Farms
1017996 Alberta Ltd.

Ken Pacholok, MSc, PEng

[REDACTED]
[REDACTED]

Severed in line with s. 17 of the FOIP Act

Public Hearing – Speaking Notes: Ken Pacholok

Prelude?: On what might be a procedural issue, the Mar 14, 2023 meeting which presented the Overlay Bylaw, did not have a video feed. It was stopped temporarily in attempt to establish video. Video was not re-established during the meeting, so the Chair indicated the presentation materials would be made available to the public by uploading the materials shortly, probably within a week. As of 11am 12Apr2023, date of Public Hearing, this appears not to have been completed.. Also, Mar 14th ‘council brief’ does not reference an ‘overlay’ impacting current uses of the subject lands. The aforementioned might bolster our position that there has been inadequate consultation and/or communication of this proposed bylaw, at least as it pertains to who are the most impacted by it, namely Planning Area 5, located north of the Sturgeon River. It seems reasonable that were that to have been done in the first place, we could have worked together discreetly, and avoided this altogether.

Intro: My name is Ken Pacholok and my family owns roughly 220 acres in the Sturgeon Valley within Planning Area 5, located north of the Sturgeon River. We strongly oppose the Overlay section of this bylaw. We have serious concerns about the implications, and we presume they are unintended implications - .of the proposed wording of Section 17.5 “UR-Urban Reserve Overlay”. It is our belief that the Bylaw as written it will have unintended consequences on the utility and value of our lands, which will unnecessarily impact our livelihood and financial well-being. Furthermore, we regret having to bring this up at this Public Hearing, but neither we nor our neighbours within our Planning Area 5 were consulted on this Overlay.

Background: Our lands are bounded by the Sturgeon River, Summerbrook Estates, and Coal Mine Rd. Along with 3 other neighbours, we comprise the area known as “Planning Area 5” in the S-V-S ASP. Historically speaking, the vast majority of these lands were once a single RiverLot - RL38 - homesteaded by the Bellerose Family in the late 1800s.

Our lands are located on the north side of the river, our lands are geographically unique to the balance of the majority of lands in the SVS ASP, that are all located south of the river. With our highly marketable lands come unique challenges, including servicing constraints and ties to a regional roadway that may never be constructed. While solutions do exist, the governing SVS ASP limits approval / implementation of subsequent planning (subplans) as an unachievable prerequisite. As such, the Overlay prescribing discretionary uses & time-limited ‘interim’ uses (contrary to anywhere else in the County), would effectively ‘permanently’ prevent any future use . . .

From a resident who lives, works, and has invested significantly in this county, it's this uncertain path & timeline that bring me here today, since the proposed Overlay, the literal interpretation of the proposed Overlay has the potential for significant and lasting implications on the use and financial well-being of our family.

To be clear, we support planning. We purchased our lands in 2003, as a place to call home & raise our family and an investment based in large part on the governing statutory document, then the newly approved 2001 St. Albert/Sturgeon County IDP. The IDP identified these lands and those immediately to the south across the river as ‘future urban expansion’. Since then, we’ve actively participated in known all planning initiatives, including serving on the Sturgeon Valley ASP Committee. We’ve also resisted the temptation to develop or otherwise sell any of our

eligible 4 Ag-Dwelling parcels (what we used to call acreages) to ensure we optimize their potential and ensure we don't infringe on the future use of our lands or those of our neighbours. This has come at considerable sacrifice to our family, since the cashflow would have better facilitated a better lifestyle, rather than forgoing niceties like regular vacations, new houses and fancy cars that most people take for granted.

Protecting servicing corridors: We appreciate share the notion of curtailing inappropriate development. We know a thing or 2 about this. Some of you may not be aware, but we along with the Bocock family lead the opposition to the monstrous Bill 50 500 kV powerlines being routed through the valley back in 2010. Industry insiders will tell you that our years-long campaign was instrumental in having the planned route through the valley removed from consideration, thereby preserving our picturesque valley. This when all but one of our Council members on their hands in fear of retribution from the provincial government. Standing nose to nose with the Premier or VP of AltaLink is not my idea of a good time, but we did what needed to be done. So we know a thing or 2 about protecting the valley, which we love. We have no interest nor intention to advance uses incompatible nor detrimental to the future use or value of our lands, etc. Doing so would be self-defeating. The County already has the powers to restrict development to preserve roadway corridors, evidenced by our required setbacks for roadway dedication on our 2 existing Ag-Dwelling parcels, and those located throughout the county. No new measures are needed, and claiming they need to stop a few houses on a 40 acres parcel to ensure a water or sewer line is not impeded is preposterous, and is simply a case of over-reach. Using a hypothetical example, using the staff provided example of a garage conflicting with a future sewer trunk, the \$30k garage would simply be moved to make way for a \$10m sewer trunk. It's as simple as that.

In the past, we've tried to be good community leaders. For instance, recognizing the need for trail system for public safety, we coordinated coordinated with our neighbours to dedicate a trail connection between Sturgeon Park & St. Albert. We even offered trees from our nursery for landscaping – this was about 8 yrs back & the County wasn't interested in such things, so it went no further. We don't need to be protected from ourselves, since we have a vested interest in optimizing our lands and the infrastructure to servicing it. Frankly, offering temporary uses like RV storage as envisioned under the proposed Overlay will be far more incongruent and unappealing than anything we would have envisioned, which to date was limited amount of high quality dwellings.

Consultation: Despite being one of the Planning Area most impacted, (1) we were not consulted prior to drafting the overlay & related textual amendments, and (2) it appears that the intent of the proposed Overlay changed dramatically from that facilitating strategic limited development in non-subplan areas to restricting any viable permanent development.

Timeline: It's worth noting it appears that since the Overlay was conceived,, it's changed from that promoted a limited amount of near-term 'residential cluster-style development in non-subplan areas, then shifted to introducing 'temporary' uses, then went further to eliminating uses currently eligible under the current Land Use Bylaw. Intentional or not, the Overlay has not only not provided tangible opportunity for our Plannign Area 5, it has eliminated development opportunity that we are currently eligible for, and on which we relied upon when we purchased the lands. This is based on the following feedback, starting back in Jan/23:

26-Jan-2023: KP to Yvonne Bilodeau (Development Officer) re: development potential on Pacholok lands. YB indicated each of our 4 Ag Major parcel had Permitted Uses of up to 1 Primary & 2 Accessory Dwellings (not necessary clustered together), plus the usual Accessory Buildings, etc. Each of our 4 Ag-Major Parcels were eligible to subdivide off a 1 ha 'Ag Dwelling Parcel', with Permitted Uses including one Primary & one Secondary Dwelling. This made a total of 4x3, or 12 dwelling units on our 4 Ag-Major Parcels, plus 8 dwelling units on the 4 Ac-Dwelling Units (plus the usual accessory buildings, etc).

17-Feb-2023: KP received email from Milad re: OSL presentation. No reference or mention of an "Overlay" bylaw

23-Feb-2023: OSL Presentation at Morinville Cultural Centre. During presentation by Martyn Bell & Rebecca Schapansky, RS made a quick comment re: a proposed Overlay to encourage development opportunities in areas that did not have Neighbourhood Structure Plans or Outline Plans ('subplans').

1-Mar-2023: KP to Rebecca Schapansky re: details on Overlay. She was unable to elaborate on the exact details of the Overlay until 1st reading (scheduled for Mar 14th Council Meeting). However, RS indicated it would allow pre-subplan areas to have near-term development provided it did not conflict with the future use of the area. Using our lands, she indicated she would expect strategically located up to 10 dwelling unit clusters. Subdivisions of currently eligible Ag-Dwelling parcels would not be impacted. She indicated she would check back with me after consulting with her team.

8-Mar-2023: RS to KP: RS regretted to inform me that the Overlay would change all Permitted Uses to Discretionary Uses; all DP assigned a 10 yr timeline, renewable at discretion of County no cluster development as per prior conversation; no subdivisions pre-subplan approval.

13-Mar-2023: KP made application for 2 remaining eligible Ag-Dwelling subdivisions. We did so out of an abundance of caution (despite the County staffer working the file stating the Overlay would not impact the subdivision applications).

14-Mar-2023: Council approved 1st Rdg of Overlay. Seeing the staff presentation & wording of the Overlay for the first time, we recognized its implications, and subsequently notified our neighbours, who shared our concerns.

14-Apr-2023: K.Toms met David Kent, Bill Ross & Ken Pacholok. Indicated she was under impression the Overlay would spur growth, not inhibit it. KT would arrange a meeting CAO & GM Planning with David Kent & Bill Ross; no meeting has been scheduled as of 7-Apr-2023.

To summarize, without any consultation by the County, in the course of one week, the near-term development potential of the Pacholok lands went from a total of 12 dwelling units on 4 Ag-Major Parcels plus 8 dwelling units on 4 separate Ag-Dwelling subdivisions. Based on a market value for Ag-Dwelling units in the valley, that cost for the Ag-Dwelling units alone exceeds \$2m (not to mention the loss of use & private enjoyment of our Ag-Major lands, which could provide my family members and those of my partner to live/work/play in Sturgeon County, a eligibility shared by anyone anywhere else in the County with an Ag land use designation.

RR252: The proposed Overlay also conflicts with the agreement between myself and the County made last spring. To prompt our interest & participation in providing the necessary land for the road reconstruction, the senior staff member committed to near-term opportunity to build a small scale residential development without the requirement of a subplan (meaning NSPs or Outline Plans). Doing so would benefit large parcel owners like ourself by capitalizing on that newly built infrastructure, while expanding the ratebase to help pay for it. It made perfect sense, and it played a significant part in advancing the roadway which is now under construction. Now,

that was a handshake agreement, albeit with a senior staff member, but where I come from, a handshake means something. I have no reason to believe the sincerity of that staff member or the County to honour that agreement, but an unintended consequence of the Overlay Bylaw (or at the very least, the inclusion of our lands in it), would negate that agreement..

To give you an example of other impacts, we run a small tree nursery, which supplies mature trees to many of the valley residents. The Overlay means I can't build a shed or outbuilding to store my equipment, since that current Permitted use will now be Discretionary, and time-limited to 10 years, renewable at the discretion of the County, and hence is not financeable by any conventional means.

Comparable Communities: I ran a quick review of comparable communities (Edmonton, Calgary, St. Albert, Beaumont, Okotoks), and it seems that the proposed Overlay appears more restrictive to actual, permanent development than most if not all of those that I surveyed. Presumably, this is an unintended consequence, since the Valley ASP initiatives started, the County has claimed it would 'do things differently', and support its Agricultural Heritage. It's strange that the County based its Overlay on that of Beaumont and the Town of Okotoks, neither of which share the same our proud agricultural heritage. More so, we interpret the Overlay as being more restrictive than either of Beaumont or Okotoks as it pertains to permanent dwellings. Okotoks' ALH zoning allows Dwelling units and Accessory Buildings & Structures as a Permitted Use, albeit on a limited basis. Meanwhile, Beaumont's Intent is to continue support rural ag activities prior to transitioning to urban style development. Beaumont considers Dwellings as a Permitted use, and allows 4 dwellings one a single lot/quarter section, to a maximum size of 10 acres. As tight as Okotoks & Beaumont's restrictions are, by comparison, Sturgeon's proposed Overlay is far more restrictive, which allows no permitted uses, nor any new subdivisions. Even St. Albert's Transitional (T) Land Use District is less restrictive. It includes Dwelling & Accessory buildings as a Permitted use, and a 2ndary dwelling as Discretionary on what Sturgeon would classify as an Ag-Major parcel. Plus St. Albert does not place time limits on Development Permits, which allows them to be treated in a conventional manner, and are thereby financeable, and hence marketable.

Closing: This overlay, while presumably starting off as being well-intended, has serious negative consequences for lands located in Planning Area 5 (located north of the river). Despite staff claims that it provides interim opportunities, we see no tangible benefit to interim temporary uses in our area north of the river; more concerning that that the Overlay will diminish and likely remove any and all existing opportunities our lands are eligible under the current Land Use Bylaw. To be clear, these opportunities would be undertaken in a manner that would consistent with the long term use of these lands prescribed by the EMRB & supportive of Council's vision for the Valley. Despite being probably the most impacted area, we were not consulted on it, and request that it go back for consultation to avoid the unintended consequences previously outlined. However, recognizing that Council may be operating on timelines to facilitate development for our neighbours to the south, we respectfully request that it simply remove our "Planning Area 5" (located north of the river) from the Overlay Map (i.e., "Schedule 6 - Urban Reserve Overlay Map), and amend the text in Draft 17.5.2 to read: "The Urban Reserve Overlay applies to the lands identified within the boundaries of the Sturgeon Valley South Area Structure Plan, as shown on Schedule 6."

Thank you for your consideration.

➤ Questions?

April 11, 2023

Greetings Madam Mayor, Council Members, Staff and friend & neighbours of our fine community. My name is Rob Pacholok & I am a co-owner of 150 acres impacted by this overlay. I regret that I have previously scheduled site meetings, so I offer this written submission in my absence.

I'm a practicing civil engineer, and have had the privilege of working on some high profile projects like the Legislative Dome Restoration. I currently serve on a number of national building codes, including the past 33 years on CSA S304. I mention this, since my work entails attention to detail to ensure public safety, and I'm fully aware of how we all must balance competing values & risks, to ensure a safe yet financially viable outcome. The same balanced approach can be applied to most, if all disciplines. Also, intentions matter, but so too does the written word, to avoid the all too often hazards of unintended consequence. As such, I am very concerned by the implication of the proposed Overlay portion of the draft Bylaw 1609/73.

My family decided to purchase it as an investment on which we could live and retire on, and provide the opportunity for my children to do the same. While I'm sure the Overlay was well-intended, my concern on the proposed Overlay is that its strict interpretation lays waste to that plan, and in my mind, for no good reason. In fact, I planned to build a house this year, but it appears his overlay - if approved - will negate that, perhaps for my lifetime.

To shed some light on the potential impacts to our property (and presumably to others in a similar position), in late January we confirmed with Sturgeon Planning that were eligible for up to 12 eligible dwelling units on 4 ag major parcels, and up to 2 dwelling units on 4 eligible acreage parcels. Currently there is one dwelling & one accessory building on our entire land holdings. The draft Overlay will effectively eliminate any new dwellings. Zero new permitted dwellings, and zero eligibility for acreage parcels. Instead, we have discretionary dwelling uses, which must be renewed at the County's discretion every 10 years, which are effectively useless, since they cannot be financed by any conventional institutions, and moreover, are not marketable to anyone, my family or the general public for the very same reasons.

I'm 67 years old. I can't wait 30 years or more for the various jurisdictions sort out the complex servicing & road issues in this area. My hope is that Council & staff will recognize our concerns, and stop this Overlay Bylaw for the benefit of all those like me who will be unintentionally but severely impacted by it. If you cannot, for whatever reason stop its approval, at the very least, remove our lands and those of our neighbours from it.

Regards,

Rob Pacholok, MSc, PEng

Severed in line with s. 17 of the FOIP Act



April 11, 2023

Reference: Urban Reserve Overlay, Proposed Bylaw 1609/23

Madam Chair, Councillors, staff members, and member of the community,

My name is Barbara Gerlach, and I am a joint owner of a land parcel in the sturgeon valley. Being raised on a farm along the Tawatinaw Valley, I always hoped to live on a farm again. So after spending weekends for many years looking for a rural property with my husband, we were thrilled to purchase the Bellerose homestead, twenty plus years ago. We've felt honoured to be the second owners of this historic property and have treated it with great appreciation and respect. We learned the historic significance of the property from Bellerose family members over the early years, from our own research and helping our kids do school projects about our property, we supported a film project to preserve Metis culture and language on our property and everything we planned was with reverence to this property. We did make many plans over the years ranging from building our own residence to building a beautiful retirement/aging in place project, to simply selling a few acreages to fund retirement. I work full time as a speech language pathologist, a career that, it turns out, will not provide much of a pension. But our land has been our back up. We sacrificed a lot over the years, always with hopes that eventually we could both do what was right with the land and realize its financial potential. Years ago we fought for our lives when there was the threat that this property would become an ugly utility corridor, and today again, we are threatened with the needless loss of our property value. And in this case, unless I misunderstand, the motivation for removing our hope of extracting any value from our land in our lifetimes, is to avoid the possibility of, perhaps having to move a garage or simply modify the route of future utilities lines - something that is done routinely every day. I am asking that we be afforded fairness and consideration in making us part of future planning through consultation with us in good faith. Without our input, intentional or not, this would be bureaucratic overreach which I implore you to give serious reconsideration.

Respectfully yours,

Barbara Gerlach, BEd, MSLP

Severed in line with s.17 of the FOIP Act





**Urban Development
Institute**
Edmonton Metro

#324 Birks Building
10113 – 104 Street
Edmonton, AB T5J 1A1

info@udiedmonton.com
udiedmonton.com
780.428.6146

April 11, 2023

Sturgeon County Council
Sturgeon County
9613 100 Street
Morinville, AB T8R 1L9

Re: Letter of Support for Bylaw 1609/23

Dear Mayor Hnatiw and Sturgeon County Council,

The Urban Development Institute-Edmonton Metro (UDI-EM) is a non-profit, member-driven organization representing leaders in the real estate development industry in all communities throughout the Edmonton Metropolitan region – including Sturgeon County. As your city building partners, we would like to provide this letter of support in advance of the public hearing for Bylaw 1609/23 – Amendment to Land Use Bylaw 1385/17 Sturgeon Valley South Area Structure Plan.

County Administration engaged UDI and stakeholders to provide the opportunity for feedback and input into the proposed Bylaw. We provided comprehensive feedback on the draft regulations, and we feel that Administration considered our comments fairly, including adjusting the final draft where necessary.

With the ability to request variances to regulations where feasible, we believe that this Bylaw provides the combined flexibility and direction to create a unique community that includes diverse housing choice at different densities, provides access to commercial and employment opportunities, and is market responsive.

We look forward to working with the County on implementation of the updated Land Use Bylaw.

Sincerely,

Kalen Anderson, RPP/MCIP
UDI-EM Executive Director

Blaydon Dibben
UDI-EM Sturgeon Working Group Lead

Cc: Reegan McCullough, Chief Administrative Officer
Courtney Jensen, Chair of UDI-EM Regional Committee

