

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 – Second and Third Reading
Proposed Motion	<ol style="list-style-type: none"> 1. That Council give second reading of Bylaw 1621/23. 2. That Council give third reading of Bylaw 1621/23.
Administrative Recommendation	Administration recommends that Council give second and third readings of Bylaw 1621/23.
Previous Council / Committee Direction	<p><u>April 20, 2023 Regular Council Meeting</u> Motion 137/23: That Council give third reading of Bylaw 1608/22.</p> <p><u>March 28, 2023 Regular Council Meeting</u> Motion 092/23: That Council give first reading of Bylaw 1621/23.</p> <p><u>July 10, 2017 Regular Council Meeting</u> Motion 351/17: That Council give third reading to Bylaw 1385/17, Land Use Bylaw.</p>
Report	<p><u>Background Information</u></p> <ul style="list-style-type: none"> • An application has been received to amend Land Use Bylaw 1385/17 to facilitate a natural resource extraction operation on a portion of SW-28-54-27-W4M. • The subject land of 61.13 hectares (151.05 acres) 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-W4M, SW/SE-27-54-27-W4M, and SW-26-54-27-W4M, which connects with Township Road 544 east towards Highway 44.
- The applicant has submitted a land reclamation plan which would return the subject area to acceptable agricultural land use following the completion of the natural resource extraction.
- While recommendations through the County's Resource Extraction Regulatory Review are under consideration, the applicant has chosen to proceed with this redistricting.
- At the Public Hearing on May 9 and 23, 2023, the applicant presented information regarding the proposed bylaw amendment.
- A landowner from Turfside Park spoke in opposition to the bylaw, claiming that resource extraction within the area has caused both the levels and quality of their water well to significantly decrease, resulting in their need to install a cistern. Furthermore, it was claimed that the water level in their fishpond significantly decreased due to resource extraction within the area.
- A landowner adjacent to the subject parcel did not indicate whether they were in support or opposition. They noted concern with whether the 400m setback proposed by the applicant is valid and they believe that operations may take place within the setback. They also claimed that their water well dried up because of resource extraction in the area, but that a sand and gravel operator drilled a new well that has been working to an acceptable standard.
- The Public Hearing was recessed to the May 23, 2023 Regular Council Meeting to allow residents a further opportunity to provide feedback.
- At the continuation of the Public Hearing on May 23, the applicant presented information regarding the proposed bylaw amendment.
- The landowner from Turfside Park who also spoke at the May 9 hearing spoke in opposition to the bylaw. They once again outlined concerns with nearby resource extraction causing the levels and quality of their water well to significantly decrease, in addition to the levels in their fishpond. Further concern was raised regarding the third-party reports submitted by companies on the impact of natural extraction on surrounding water wells.
- A landowner adjacent to the subject parcel did not indicate whether they were in support of or opposition to the bylaw. They expressed concern about whether the approval of this bylaw would impact their ability to subdivide land. Further comments were made about

reclamation timelines and poor relationships with natural resource extraction companies.

- Three written submissions were received, all in opposition to the proposed bylaw. The major concerns identified were with extraction setbacks from residential homes, the approval process for pits, effects on local aquifers, the level of detail attached to the reclamation process, and the conversion of agricultural land for resource extraction (see Attachment 2).

Area Structure Plan Amendment

- The applicant also submitted an amendment to the Calahoo-Villeneuve Sand and Gravel Extraction Area Structure Plan. However, Bylaw 1608/22 – Repeal of the Calahoo-Villeneuve Sand and Gravel Extraction Area Structure Plan received third reading on April 20, 2023. Therefore, no amendments to the ASP are required, and the application fees have been refunded.

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

- Newspaper advertisements for the Public Hearing were placed in the *Morinville Free Press* and *Redwater Review* for two consecutive weeks (April 26 and May 3, 2023). Further advertisements were placed in the same newspapers on May 10 and May 17, 2023 to advertise the continuance of the Public Hearing on May 23, 2023.
- Adjacent landowners within a 1600-meter radius which includes the multi-lot subdivisions of Turfside Park and Hansen's, were directly notified of the continuation of the public hearing on May 23, 2023.

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 of 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></p> <p>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 were 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 acceptable agricultural land use following the completion of the natural resource extraction.</p> <p><u>Organizational</u> Administration has capacity to process the Land Use Bylaw amendment.</p> <p><u>Financial</u> Financial implications have included the cost of advertising the Public Hearing.</p>
<p>Alternatives Considered</p>	<p>Council may defeat the motion to give second reading of Bylaw 1621/23.</p>
<p>Implications of Alternatives</p>	<p><u>Strategic Alignment</u></p> <p>If Council refuses to give second reading, the Bylaw would be defeated and would not proceed to further readings. The applicant would be unable to proceed with their proposed development.</p> <p><u>Organizational</u> None.</p>

	<u>Financial</u> None.
Follow up Action	1. Obtain Mayor and CAO signatures on the Bylaw (Legislative Services, June 2023).
Attachment(s)	1. Attachment 1: Bylaw 1621/23 2. Attachment 2: Public Hearing Written Submissions
Report Reviewed by:	Martyn Bell, Program Lead, Current Planning, Planning & Development Services Bonnie McInnis, Manager, Planning & Development Services Travis Peter, General Manager, Development & Strategic Services Reegan McCullough, County Commissioner – CAO

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 checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Engaging cultural, historical, and civic amenities; strong community identity and pride 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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"/>