

From: [Stuart Shaw](#)
To: [Legislative Services](#)
Subject: Public hearing 2 pm Dec 14. Changes to LUB
Date: December 6, 2021 12:43:14 PM

Good day. Please submit our following concerns with respect to proposed changes

#36. 17-56-22 Neighbourhood commercial C3 to Heartland Commercial C4

Under the proposed changes the uses listed become discretionary including a waste to heat facility or similar such facilities. The uses become much broader and can be approved with little to no public input

As a resident living within the Heartland we have concerns that due process has not been followed. The public has not been made aware of this potential change in a clear and transparent manner. Making this change first allows for many different types of facilities to be built and in our opinion it is “sneaking any such changes through the back door”.

The Heartland residents have many all ready existing challenges that we have to contend with and without even a current councillor that can speak up on our behalf.

This is a substantive change to use and is far more than a house keeping item and should not be included therefore removing it from the list

For full and transparent public disclosure these proposed changes C3 to C4 need to be dealt with apart from “the housekeeping utility items”

Respectfully
Stuart and Karen Shaw

Sent from my iPad

Sturgeon County Public Hearing – Bylaw 1561/21

December 14, 2021

Presentation for Hugh Allen – Resident/Owner on NE20-56-23-W4 (23415 Twp Rd 564)

Against Bylaw 1561/21

Background:

- My grandparents farmed in this area since 1898. My parents farmed this land since the late 1930's and myself since the early 1960's.
- I am a Professional Engineer with over 40 years experience in pipeline design, construction, mapping, and risk assessment and mitigation
- I have design experience with land acquisition for pipelines and related facilities in Alberta as well as experience as an Alberta landowner dealing with the other side of the same issues.
- I have experience with Alberta Energy Regulators' (AER) licensing and hearing processes.

Arguments against "Background Information" provided by Sturgeon County:

- I don't think that "housekeeping" redistricting accurately describes this bylaw as it certainly does not reflect the current agricultural use of much of the land identified in many of the proposed changes.
- Transmission line rights-of-way and associated development are identified by Sturgeon County as being exempt from Part 17 of the MGA, so how does it make any sense to classify them into a PU district. These existing facilities are identified on maps and related databases available through AER. The City of Edmonton is the keeper of the computer aided mapping system identifying these facilities in adequate detail for the joint energy company Edmonton Area Pipeline and Utility Operating Committee (EAPUOC). Coordinating with the City of Edmonton and surrounding municipalities should provide Sturgeon with the required information.
- AER Directive 056 also requires notification of proposed pipeline projects to the municipalities. (See Attachment "A")

Arguments against "External Communication" provided by Sturgeon County:

- The original advertisement in the Free Press appeared before any notification for me. I may never have noticed the ad except for the headline article where County Administration was quoted as justifying the lack of notification other than through the newspaper ad. The hearing date was subsequently changed and I did receive direct notification.

Arguments against "Relevant Policy/Legislation/Practice" provided by Sturgeon County:

- Section 639 of the MGA has been repealed and been replaced by Section 640 if my internet search was accurate, and I would submit that many of the changes identified under this bylaw could be in violation of Section 640(1.1)(d) which includes "...providing for the protection of agricultural land". (See Attachment "B")

Arguments against “Strategic Alignment” provided by Sturgeon County:

- I believe that identifying “exempt” forms of development and subdivision as requiring County control is in direct contravention of AER hearing processes (See Attachment “C”).
- I believe that creating unnecessary bureaucracy does not promote effective and streamlined land use control, nor does it decrease development costs and timelines.
- In my case on NE20-56-23-W4, the former compressor site has been in a reclamation process controlled by Alberta Environment and AER. All of my discussions with ATCO have been around returning the site to agricultural use including the alignment of the road to access a “leased” site. Changing the current district to PU and then back to AG would likely incur unwarranted costs for both me and the County. Attachment “D” shows updated satellite photography in May of 2020, showing where topsoil has been stockpiled to restore AG productivity. Clearly the surrounding land has been in agricultural production and the vast majority of the site would be able to be returned to agriculture. I hope that outdated photography was not used to support the County’s position.

Summary

- Bylaw 1561/21 is unnecessary as I believe that most of the changes are either inappropriate or could be handled in the normal Sturgeon County “Planning and Development” process.
- On the “Strategic Alignment Checklist” I believe the “Not Consistent” box needs to be used relative to any description using “collaborative”, “transparent”, or “community engagement”.
- Sturgeon County already gets taxes on most of these lands based on Provincial or Federal guidelines and this type of process won’t change that, but it will more likely create problems for the adjacent agricultural landowner.
- I believe that **more bureaucracy** does nothing to support “Open for Business”.

Hugh Allen

Attachment “A”

ALBERTA ENERGY REGULATOR

Directive 056

Directive 056: Energy Development Applications and Schedules (May 2021) i

Release date: May 18, 2021

Effective date: May 18, 2021

Replaces previous edition issued March 25, 2021

Energy Development Applications and Schedules

3 Participant Involvement

3.2 Planning a Participant Involvement Program

3.2.1 Who to Include

3) The applicant must include all parties with a direct interest in land, such as landowners, residents, occupants, other affected industry players, local authorities, municipalities, and other parties who have a right to conduct an activity on the land, such as Crown disposition holders.

Attachment “B”

MGA 639 Repealed [2020 c39 s10\(26\)](#).

639.1 Repealed [2020 c39 s10\(27\)](#).

Land use bylaw

640(1) Every municipality must pass a land use bylaw.

(1.1) A land use bylaw may prohibit or regulate and control the use and development of land and buildings in a municipality, including, without limitation, by

- (a) imposing design standards,
- (b) determining population density,
- (c) regulating the development of buildings,
- (d) providing for the protection of agricultural land, and
- (e) providing for any other matter council considers necessary to regulate land use within the municipality.

Attachment “C”

NRCB, ERCB, AER, AEUB or AUC authorizations

MGA 619(1) A licence, permit, approval or other authorization granted by the NRCB, ERCB, AER, AEUB or AUC prevails, in accordance with this section, over any statutory plan, land use bylaw, subdivision decision or development decision by a subdivision authority, development authority, subdivision and development appeal board, or the Land and Property Rights Tribunal or any other authorization under this Part.

(2) When an application is received by a municipality for a statutory plan amendment, land use bylaw amendment, subdivision approval, development permit or other authorization under this Part and the application is consistent with a licence, permit, approval or other authorization granted by the NRCB, ERCB, AER, AEUB or AUC, the municipality must approve the application to the extent that it complies with the licence, permit, approval or other authorization granted under subsection (1).

(3) An approval of a statutory plan amendment or land use bylaw amendment under subsection (2)

(a) must be granted within 90 days after the application or a longer time agreed on by the applicant and the municipality, and

(b) is not subject to the requirements of [section 692](#) unless, in the opinion of the municipality, the statutory plan amendment or land use bylaw amendment relates to matters not included in the licence, permit, approval or other authorization granted by the NRCB, ERCB, AER, AEUB or AUC.

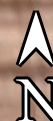
(4) If a municipality that is considering an application under subsection (2) holds a hearing, the hearing may not address matters already decided by the NRCB, ERCB, AER, AEUB or AUC except as necessary to determine whether an amendment to a statutory plan or land use bylaw is required.

Legend

NE20-56-23-W4 Attachment "D"

Google Earth

Image © 2021 Maxar Technologies



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