

Briefing Note

Title	1:30 p.m. Public Hearing for Bylaw 1441/19 – Amendment to Land Use Bylaw 1385/17 - Direct Control District for Harold’s Bus Lines Ltd.
Issue	To provide an opportunity for members of the public to provide comments regarding Bylaw 1441/19.
Previous Council Direction	<u>April 23, 2019</u> Motion 123/19: That Council give first reading of Bylaw 1441/19.
Report	<p><u>Background Information</u></p> <ul style="list-style-type: none"> • Harold’s Bus Lines Ltd. is a school and charter bus company that currently operates out of two properties located within Rivière Qui Barre. They currently operate fifteen school and charter buses. Eight buses are used for daily school bus routes and seven are used as spares and for charter purposes. • The owners have proposed to relocate their business operations to a 15.9 hectare (ha) property approximately 0.5 kilometres south of the existing location as they have outgrown their current premises. The new location would allow the business the opportunity to expand. • The subject property is currently part of the AG – Agriculture district and approximately 11.6 ha (73%) of the property is cultivated. The remaining area is covered by trees and wetland. There are no permanent structures located on the proposed parcel. The applicants are proposing to redistrict approximately 2.83 ha (7 acres) for the purpose of operating their business from the property. • The applicants propose having the majority of business operations located within the non-cultivated area. The area of currently cultivated land that they wish to use for business operations is approximately 0.25ha (0.6 acres). • The applicants are proposing to build a new shop (80 feet x 80 feet) for the purpose of washing and maintenance of vehicles. The proposal would also include a fueling station. The applicants have indicated that they are members of the Petroleum Tank Management Association of Alberta (PTMAA) and would site any tanks in accordance with PTMAA guidelines. The applicants are also proposing to have a single detached dwelling located within the rezoned portion of the property and this

would also serve as the residence for a person employed by the company which would also help provide the added benefit of security. A communication tower would also be required as a means of contact between the property and their drivers. All future development would be subject to the development permit process.

- Under this proposed Direct Control District, the following uses are being contemplated:
 - Accessory, building;
 - Accessory, use;
 - Dwelling, single detached; and
 - Fleet service.
- Fleet service means the use of the parcel and/or building(s) for the parking and servicing of vehicles for the delivery of people, goods, or services where such vehicles are not available for sale or long-term lease. This may include, but is not limited to, bus lines, commercial transport, cartage and courier services. This use does not include warehousing.

Summary

- After receiving comments from both Engineering and Current Planning and Development (see Referral Comments) regarding the possibility of wetland being located within the area to be redistricted, Administration requested that the applicants provide a wetland assessment to confirm that the parcel to be redistricted is fit for its intended purpose.
- A wetland desktop assessment was undertaken by Basin Environmental, and while it confirmed that wetland is present on the area to be redistricted, the areas to be developed mostly fall outside of the wetlands and their catchment areas.

It is anticipated that during the development permit process, appropriate setbacks from these wetlands will be established in keeping with the intent of the recommendations of the wetland assessment. Any future development or site grading which might alter or disturb a wetland may require additional approvals from Alberta Environment and Parks.

- As the subject property is in close proximity to the existing properties utilized by the business, it is anticipated that there would be little difference regarding the traffic routes and volumes generated by the business.

Referral Comments

- Engineering Services commented that for the purpose of redistricting they do not have any objections to the application; however, they did provide a comprehensive list of requirements for the development permit stage.

They also noted that the Alberta Wetland Map shows that the area to be redistricted may incorporate a wetland.

- Utility Services commented that water and sanitary lines are available for the property and connection to these utilities would be subject to fees to be paid by the landowner.

They commented that the wash bay sanitary line is for residential use, and it is imperative that the County protect its infrastructure from any corrosive materials or materials that could clog the sewer. Related to this concern is the quality and quantity of effluent being discharged into the lagoon, as wastewater from the wash bay may contain pollutants that are toxic.

The County currently does not have a Code of Practice, but with plans to develop industrial areas the County will develop standards to be compliant with wastewater that goes to the Alberta Capital Region Wastewater Commission (ACRWC).

- Alberta Transportation commented that, as the majority of the parcel is in excess of 800 metres from the centre point of the intersection of a local road and Highway 44, any future development of the parcel does not require a Roadside Development Permit.

They requested that the County consider the potential traffic impact the development could have on the local road network and consider the requirement of a traffic impact assessment.

- Prior to the applicant submitting the Wetland Assessment, Current Planning and Development Services commented that wetland may exist on the area of the parcel to be utilized by the business operations. They further commented that a biologist may need to determine the size and quality of the wetland to determine if the area can be developed and if compensation is required.

External Communication

- Following the public hearing, Administration will coordinate for Proposed Bylaw 1426/19 to be brought forward to Council for consideration for second and third readings.

Relevant Policy/Legislation/Practices:

- The *Municipal Government Act*, RSA 2000 c.M-26 and amendments thereto (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.
- 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.
- No Local Planning Document (i.e. 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 for reference.
- 5.1.8 – *“Should encourage Non-Residential developments that provide diverse employment opportunities for Sturgeon County residents.”*
- 5.2.4 – *“Should collaborate with local businesses to identify opportunities for developments to relocate, redevelop, intensify, expand and remain, where the activity supports the local Neighbourhood Development Strategy and is in keeping with the aims of the IRGS.”*
- 5.2.5 – *“Should support appropriately located and sized home-based businesses, as they are a vital economic contributor and provide residents with a variety of lifestyle opportunities.”*
- 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.”*
- The subject property is located within Neighbourhood B – the role of which is *“To foster an adaptive local economy that builds upon the resiliency of the community and is capable of responding to the shifting priorities of Primary Industry.”*
- Outcome B4(a) ensures *“...that proposed non-Primary Industry development I the Neighbourhood (and outside of the existing Hamlets) will have limited adverse impact on agricultural operations, activities or industry.”*

Summary

The MDP generally supports the proposal to amend the Land Use Bylaw to allow for DC12 – Direct Control District 12, as it is drafted in a manner that limits its uses compared to regular industrial land use districts. The proposed district would limit future development to Non-Residential Type 3 as further defined in the MDP. Furthermore, the Municipal Planning

Commission (MPC) is to be the Development Authority for all uses within the district.

Implication

Strategic Alignment:

Planned Growth and Prosperity

- The applicants have indicated that they have outgrown their current premises and the proposed location would allow them to develop the property to suit their business requirements. The distance between the two properties is approximately 0.5km.

Environmental Stewardship

- The County requested a Wetland Assessment to determine which areas of the subject lands are not suitable for development.

Organizational:

None.

Financial:

None.

Follow Up Action

1. If determined necessary, refine proposed Bylaw 1441/19.
2. Bring proposed Bylaw 1441/19 forward to Council for second and third readings.

Attachment (s)

1. Bylaw 1441/19

Report Reviewed by:



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