

Request for Decision

Title	Bylaw 1372/16 - KDL Contracting Ltd. Rezoning Application (First reading)
Proposed Motion	That Council give first reading to Bylaw 1372/16 to rezone Block A, Plan 8021495 from “Agricultural (AG)” to “Business Industrial (B-I)”.
Administrative Recommendation	Given no Local Planning Document has been submitted in support of the proposed change in land use, Administration does not recommend Council giving first reading to Bylaw 1372/16.
Previous Council Direction	None
Report	<p><u>Background Information</u></p> <ul style="list-style-type: none"> • The applicant is proposing to amend the Land Use Bylaw to change the land use designation from Agricultural (AG) to Business Industrial (B-I). • The application involves rezoning Block A; Plan 8021495 from AG to B-I District. The proposed zoning would enable the owner to expand the allowed uses on the site beyond what is allowed in the current Ag District. Some examples of uses listed in the B-I District include: General Industrial Use, Warehousing, and Industrial Storage. • The subject site is a +/- 7 acre parcel. • Agricultural Industrial is listed as a discretionary use in the AG District, however, the current use (Construction of Environmental Containment Structures) and potential future uses are not consistent with Agricultural Industrial use which is to support the AG industry. • Notwithstanding the above, records indicate that multiple permits were approved by Sturgeon County (including Roadside Development Permits from Alberta Transportation) all of which presumably took the position that these activities were “Agricultural Industrial Uses” in their nature. Therefore it is reasonable to assume that this property currently possesses a legally non-conforming status, meaning that the existing uses are allowed to legitimately continue, but not to expand or change, since the activities no longer comply with the current Land Use Bylaw. • Currently there is a Single Detached Dwelling on the subject site that was issued a development permit in 1994. If the subject land is rezoned to Business Industrial, provisions of s. 643 of the <i>MGA</i> will apply to this property. In addition to the SFD not being expanded or

structurally altered, no additional buildings may be constructed while the non-conforming use continues.

- As part of the rezoning application, the Applicant provided a Phase 1 Environmental Site Assessment (ESA). Although a Phase 2 ESA was not recommended, The Phase 1 ESA stated the following:

“Based on the findings and conclusions of this Phase 1 ESA, Matrix has determined that there are known and potential environmental concerns at the site. To confirm whether these concerns may have resulted in environmental impacts at the site, Matrix recommends the following activities:

- Further investigation and/or soil removal of the sulpher-impacted area along the south site boundary should be considered to mitigate any further impacts.
- Consider secondary containment of wet concrete to prevent surface runoff from draining into dugout and impacting vegetation.
- All chemicals and fuel stored indoors be kept away from drains or sumps and all chemicals stored outdoors be stored within secondary containment.
- The former AST (Aboveground Storage Tank) area should be decommissioned and soil and/or groundwater sampling in the area should be conducted to determine whether historical operation of these tanks may have resulted in impacts to the soil and groundwater beneath the area.”
- Sturgeon County conducted an inspection on May 26, 2016, with the landowner and the above noted concerns noted in the Phase 1 ESA have been addressed.

External Communication

- The application has been circulated to internal County departments and to external agencies, such as but not limited to Alberta Transportation, Alberta Health Services and Alberta Environment and Parks. All comments received are summarized in an attachment to this report.
- If Council approves first reading, Public Hearing notification will be sent out to all landowners within 800 metres of the subject site. The public hearing will be advertised in the *Redwater Review* and *Morinville Free Press*.

Relevant Policy/Legislation/Practices:

The *Municipal Government Act*, R.S.A. 2000 C.M-26, and amendments thereto authorize Council to establish and amend Bylaws.

Section 692 of the *Municipal Government Act*, R.S.A 2000 C.M-26 and amendments thereto requires that a municipality hold a public hearing prior to giving second reading to a proposed bylaw.

Section 17(1) of the Capital Region Board Regulation issued under the *Municipal Government Act*, prevents a participating municipality from making a bylaw or passing a resolution in conflict with the Capital Region Growth Plan.

Municipal Development Plan – Bylaw 1313/13

- When evaluating a rezoning application the County must consider the MDP. Page 25 of the MDP shows that the subject site of the rezoning application is not identified for potential industrial development. The County's aim is to focus industry in other strategic locations.
- Since no Local Planning Document (i.e ASP) exists for the subject lands, the County's Municipal Development Plan (MDP) provides overarching land use policy direction for the area.
- Some of the relevant MDP policies are listed below for reference.

Planning Framework:

RG 1.1 Implementing Strategic Decision Making

1.1.1 Shall apply the objectives of the Integrated Regional Growth Strategy (IRGS) as a way to evaluate proposed developments and ensure that targeted growth areas for Residential, Non-Residential, and Primary Industry development are supported. Proposed amendments shall demonstrate achievement of the IRGS objectives through application of Municipal Development Plan (MDP) Community Guiding Principles and distinctive Neighbourhood Roles (see Figure 4 – Regional Concept Map p.25).

- Allowing the subject land to be rezoned to Business-Industrial does not align with the MDP as the County should direct this type of development into Industrial Parks that are identified for Non-Residential Type 2 developments as per the IRGS.

RG 1.4 Enacting Responsible Subdivision and Development Practices

1.4.7 Shall restrict proposed development that may constrain infrastructure networks that are imperative for the growth and development associated with the strategic goals of the IRGS. As part of the application process, Sturgeon County may require an application to demonstrate that no adverse impact will occur due to proposed development.

- The applicant has not demonstrated that there will be no adverse impact due to the proposed development. A TIA was not submitted as part of the application.

EH 5.2 Promoting an Integrated Economy

5.2.1 Shall promote the growth and expansion of value-added agriculture, manufacturing, advanced energy, transportation and logistics, where the associated development is strategically located and supportive of the Integrated Regional Growth Strategy (IRGS).

- Allowing the subject land to be rezoned to Business-Industrial does

not align with the MDP as the County should direct this type of development into Industrial Parks that are identified for Non-Residential Type 2 developments as per the IRGS.

EH 5.4 Implementing Responsible Non-Residential Subdivision and Development Practices

5.4.1 Shall limit premature subdivision and development of lands for Non-Residential purposes by directing new development to existing lands identified for the proposed activity. If, based on the findings of a Needs Assessment and a Fiscal Impact Assessment, a demonstrated need is provided (that does not negatively impact Sturgeon County's fiscal capacity), priority shall be given to land contiguous to an existing development park, unless a significant demonstrated constraint is identified and agreed upon by Sturgeon County.

- This policy states that if, through a Needs Assessment and a Fiscal Impact Assessment, a demonstrated need is provided, priority shall be given to land contiguous to an existing development park. To date no significant constraint is identified and agreed upon by Sturgeon County. Allowing the subject land to be rezoned to Business-Industrial does not align with the MDP as the County should direct this type of development into Industrial Parks that are identified for Non-Residential Type 2 developments as per the IRGS

5.4.6 Shall direct Non-residential development that exceeds the intent, purpose and intensity outlined in Sturgeon County's regulations to relocate to lands appropriately designated for their intended use (See Figure 4 – Regional Concept Map p 25.)

- Allowing the subject land to be rezoned to Business-Industrial does not align with the MDP as the County should direct this type of development into Industrial Parks that are identified for Non-Residential Type 2 developments as per the IRGS.

5.4.13 Shall locate new Non-Residential: Industrial developments to areas identified on Figure 4 – Growth Strategy Concept Map (See p. 25)

- Allowing the subject land to be rezoned to Business-Industrial does not align with the MDP as the County should direct this type of development into Industrial Parks that are identified for Non-Residential Type 2 developments as per the IRGS.

EH 5.5 Fostering a Diverse Economy

5.5.6 Shall require that new development conform to the Regional Planning Document for Non-Residential Development Park. If no Regional Planning Documents exist for the proposed area, Non-Residential development proposals shall comply with the Neighbourhood Development Strategies and associated approved Local Planning Documents

- Key items remained unaddressed, including demonstrating how this application conforms to the Local Development Strategy for Neighbourhood C.

Implementation Framework:

Neighbourhood C

Neighbourhood C's Distinctive Role is to secure Sturgeon County's position as an agricultural leader, and facilitate subsequent agricultural activity that sustains its provincial importance.

C4 – Economic Health Outcome – Encouraging value-added initiatives that recognize and contribute to agricultural industries

C.4(d) Requiring proposed or expanding development that exceeds Non-residential Type 4, to relocate to identified Non-Residential centres in the County.

- Rezoning the subject land to Business Industrial will exceed Non-residential Type 4 and is required to be relocated in an Industrial Park.

C.4(g) – Conducting a Needs Assessment for future Non-Residential Development that investigates specific Non-Residential type and scale for the land connected to the St. Albert West Regional Road, Highway 37 and Highway 2. Based upon a demonstrated need for Non-Residential Development in this area, a Planning Document should be developed to provide direction regarding the transportation networks, infrastructure capacities, levy distribution and any associated community services requirements.

- The Applicant has not provided a Planning Document that provides direction in this regard.

Business Industrial Zoning establishes regulations for manufacturing, processing, assembly, distribution, service and repair business/industrial uses. The role of Neighbourhood C is agricultural in nature, and the application to Business-Industrial does not enable or support that character. The application does not clearly demonstrate conformance or enable the implementation of the Municipal Development Plan's Integrated Regional Growth Strategy or the Neighbourhood Development Strategy.

Implication of Administrative Recommendation

Strategic Alignment:

Strategic Plan

Strong Local Governance and Regional Leadership

Goal 1.2 – Sturgeon County is financially stable and fiscally sustainable

The proposal to rezone to B-I may be viewed as being inconsistent with Strategy 1.2 as the County has invested in infrastructure in County Industrial Parks (for instance, a levy bylaw exists in SIP to fund future infrastructure upgrades as a result of development) and permitted industrial development outside of these identified Parks compromises the County's ability to capitalize on existing infrastructure investments.

	<p>Planned Growth and Prosperity Goal 2.2 – Sturgeon County fosters growth through the Integrated Regional Growth Strategy Strategy 2.2.3 – Focus growth around current or planned infrastructure This proposal to rezone to B-I is inconsistent Strategy 2.2.3 as the County has invested in infrastructure in County Industrial Parks (for instance, a levy bylaw exists in SIP to fund future infrastructure upgrades as a result of development).</p> <p>Planned Growth and Prosperity Goal 2.3 – Sturgeon County balances the demand for new infrastructure while managing investment in current assets Strategy 2.3.1 – Encourage maximum development around existing County infrastructure The proposal does not align with this section of the Strategic Plan. The County should encourage development in Industrial Parks where the County has invested in infrastructure and the land is already zoned Industrial.</p> <p><u>Organizational:</u> If Council does not support first reading of the proposed bylaw the application will be terminated and the lands will remain zoned as Agriculture. The applicant does have the option to submit a new application with supporting Area Structure Plan level of planning.</p> <p><u>Financial:</u> None</p>
<p>Alternatives Considered</p>	<p>That Council approves first reading of Bylaw 1372/16 to rezone Block A, Plan 8021495 from Agricultural (AG) to Business Industrial (B-I).</p>
<p>Implications of Alternatives</p>	<p><u>Organizational:</u></p> <ul style="list-style-type: none"> • If Council chooses to give first reading to the proposed bylaw, Administration will coordinate the scheduling and advertising of the Public Hearing. <p><u>Financial:</u></p> <ul style="list-style-type: none"> • At this time Administration cannot predict what the financial costs to the County will be as a result of this rezoning. The Business Industrial zone has many listed uses, which have varying degrees of impact to the County, financially and otherwise.
<p>Follow up Action</p>	<p>If Council chooses to give first reading to the proposed bylaw, Administration will coordinate the scheduling and advertising of the Public Hearing.</p>

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| Attachment(s) | <ol style="list-style-type: none">1. Bylaw 1372/162. Bylaw 1372/16 – Schedule A3. Referral Summary Report |
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Report Reviewed by:	
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Clayton Kittlitz, Acting General Manager of Integrated Growth



Peter Tarnawsky, County Commissioner – CAO

Strategic Alignment Checklist

Vision: Sturgeon County: a diverse, active community that pioneers opportunities and promotes initiative while embracing rural lifestyles.

Mission: Provide quality, cost effective services and infrastructure to meet the diverse needs of the Sturgeon County community, while improving competitiveness and sustainability.

Focus Areas	Not consistent	N/A	Consistent
Strong Local Governance and Regional Leadership			
<i>We promote consistent and accountable leadership through collaborative and transparent processes (Strategic Plan, pg. 27 MDP)</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> • <i>Consistent with neighborhood role (see MDP), master plans,, policies</i> 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> • <i>Considers fiscal stability and sustainability</i> 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> • <i>Has a positive impact on regional and sub-regional cooperation</i> 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Respect the Natural Environment			
<i>We acknowledge the importance of a healthy environment and will minimize and monitor our impact on ecosystems (Strategic Plan, pg. 27 MDP)</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> • <i>Compliance with Provincial and Federal regulations and/or legislation</i> 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> • <i>Ensure effective environmental risk management</i> 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Community Identity & Spirit			
<i>We will build upon our strengths, where together we will create an inclusive, caring community (Strategic Plan, pg. 27 MDP)</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> • <i>Promotes and/or enhances residents' identification with Sturgeon County</i> 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> • <i>Enhances service provision through community partnerships</i> 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> • <i>Supports Sturgeon County's cultural history</i> 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Planned Growth and Prosperity			
<i>We encourage varied and integrated enterprises that enhance our strong economic base, while balancing the needs of the community and natural environment. (Strategic Plan, pg. 27 MDP)</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> • <i>Does the proposal align with the Integrated Regional Growth Strategy (map/policies) pg. 26 MDP</i> 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> • <i>Considers cumulative costs and long-term funding implications</i> 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> • <i>Targets growth around current or planned infrastructure</i> 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maintain and Enhance Strong Communities			
<i>We are committed to a safe, secure community, where our residents are respected and provided with access to opportunities. (Strategic Plan, pg. 27 MDP)</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> • <i>Positive impact on residents' quality of life</i> 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> • <i>Supports and promotes volunteer efforts</i> 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> • <i>Provides programs and services that are accessible to all residents</i> 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Operational Excellence			
<i>We have the organizational capability to deliver consistent and defined levels of service to all stakeholders in a professional, efficient, and cost effective manner</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> • <i>Staff have the knowledge, skills and capability to perform their jobs</i> 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> • <i>Streamlines operational processes and policies</i> 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> • <i>Promotes engagement and professional interaction with stakeholders</i> 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> • <i>Considers a cost-structure which allows Sturgeon County to remain competitive within a regional, national and global context</i> 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>