

Briefing Note

Title	1:30 p.m. – Public Hearing – KDL Contracting Ltd. Bylaw 1372/16 – Amendment to the Land Use Bylaw 819/96
Issue	To provide an opportunity for members of the public to present their comments to Council regarding proposed Bylaw 1372/16.
Previous Council Direction	Motion 454/16 – December 13, 2016: Council approved first reading of Bylaw 1372/16.
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 Specific Development Control District Sixteen (S-DC-16). • The application involves rezoning Block A, Plan 8021495 from Ag to S-DC District. The proposed land use district would enable the owner to expand the allowed uses on the site beyond what is allowed in the current Ag District. These include General Industrial Uses that limit outdoor storage to 20% of the total area of the site and restrict the size of future buildings on the site. The intention of limiting the outdoor storage is to limit the visual impact to the traveling public on Highway 37 as well as for adjacent landowners. • The subject site is a +/- 7 acre parcel. • Agricultural Industrial is listed as a discretionary use in the AG District, however the previous use (Construction of Environmental Containment Structures) and potential future uses may not fall under this use. • The site has been used for Industrial purposes since the early 1990’s, including an SDAB decision in 1993 that granted a development permit for the Environmental Containment Systems business to operate on the site. • Currently, there is a single detached dwelling on the subject site that was issued a development permit in 1994. The draft Specific - Development Control District Sixteen lists the existing dwelling as a use. • 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 sulphur-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 (Above-ground 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 appear to have been addressed.
 - The original application was to redistrict the land from Agricultural to Business Industrial. Since that time, the applicant has amended the application to redistrict the land from Agricultural to Specific – Development Control District Sixteen.

External Communication

- The application has been circulated to internal County departments, and to external agencies, included but not limited to, Alberta Transportation, Alberta Health Services and Alberta Environment and Parks.
- Notifications for the Public Hearing were placed in the January 10, 2017 and January 17, 2017 editions of the *Free Press*, in accordance with the *Municipal Government Act*.
- In addition, the Ad will be posted on the Sturgeon County Website until the Public Hearing date.
- Letters were also sent out to landowners within 800 metres of the subject lands notifying them of the Public Hearing.

Relevant Policy/Legislation/Practices:

The *Municipal Government Act*, RSA 2000 c.M-26, and amendments thereto authorize Council to establish and amend Bylaws.

Section 692 of the *Municipal Government Act*, RSA 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

- Generally, the MDP supports the proposal to amend the Land Use to S-DC-16. S-DC-16 is drafted in a way to limit all industrial uses to be minor in nature and to limit all future development to Non-Residential Type 3 development as stated in the MDP. Ways in which the S-DC achieves this is by limiting the maximum area allowed for outdoor storage for any future development, limiting the size of new buildings, and the requirement that a Traffic Impact Assessment and Roadside Development Permit from Alberta Transportation must accompany any future development permit application.
- 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).

- IRGS objectives include locating types and scales of development based on both regional and local considerations and opportunities, as well as to promote and facilitate growth of strategic Development Parks that increase long-term viability of key County industries. The IRGS Concept map, on page 25 of the MDP, does not identify this area as a Non-residential Type 1 or 2 area, so limiting the scope and impact of industrial uses for this specific site aligns

with the Integrated Regional Growth Strategy (IRGS) map and objectives within the MDP. By limiting the uses to minor industrial and to uses that are similar to what has historically existed on the parcel, opportunity for other industrial developments in the County's industrial parks are not taken away.

EH 5.2 Promoting an Integrated Economy

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.

- Restricting the scale of the business allowed on the subject site through the S-DC District will limit any potential future development to Non-Residential Type 3 as described in the MDP. This is in keeping with the aims of the IRGS.

EH 5.4 Implementing Responsible Non-Residential Subdivision and Development Practices

5.4.5 May require the submission of/update to a Planning Document for any Non-Residential subdivision or development that contemplates a change or intensification in Non-residential Type.

- There is no subdivision application associated with the land use bylaw amendment application, and the proposed S-DC-Sixteen District specifically states no further subdivision of the parcel is allowed. The proposed S-DC District also limits development to type 3 non-residential development, therefore no intensification in non-residential type is proposed.
- The land use bylaw does not trigger requirements to expand or extend water and wastewater infrastructure at the regional or local levels as the existing development is not connected to local or regional water and wastewater services. The proposed expansion does not require connection to services.
- The proposed land use bylaw amendment does not trigger upgrade to the intersection of Highway 37 and Range Road 251 or the upgrade of Range Road 251. Having said this, at development permit stage, given the proximity of the subject lands to Highway 37, a Roadside Development Permit is required prior to the County issuance of all development permits. Depending on the details of any development permit application, AT and/or the County may require an updated Traffic Impact Assessment at that time.

EH 5.5 Fostering a Diverse Economy

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.

- There is no subdivision application associated with this LUB Amendment application, and draft Specific Development Control District Sixteen states that no subdivision shall be allowed on the site. The proposal does not require any additional servicing. The public hearing will provide an opportunity for the community to provide input.

Implementation Framework:

Neighbourhood C

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

The S-DC-16 Specific – Development Control District Sixteen provides for servicing, storage, repair, processing, and manufacturing uses on site using existing services, and to serve agricultural and industrial customers. What this means is that the subject site could, in the future, serve agricultural customers, or industrial customers, or a combination of both. The role of Neighbourhood C is agricultural in nature, and the application to S-DC-sixteen could enable uses that support the agricultural community.

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

C.3(d) Requiring that proposed non-Primary Industry development on lands identified with Class 1 or Class 2 soil designations (as identified by the Canadian Land Inventory: Land Capability for Agriculture) support the agricultural industry or its associated operations.

- The subject site is Class 1 soils, however the site is already developed.

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 S-DC-16 will exceed Non-residential Type 4.

	<p>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.</p> <ul style="list-style-type: none"> • The Applicant has not provided a Planning Document that provides direction in this regard.
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<p>Implication</p>	<p><u>Strategic Alignment:</u></p> <p>Planned Growth and Prosperity Goal 2.2 – Sturgeon County fosters growth through the Integrated Regional Growth Strategy Strategy 2.2.2 – Promote land use activities that provide a positive return on investment and facilitate the development of a complete community</p> <p>By limiting the Direct Control Bylaw to minor industrial uses within the parameters of Non-residential Type 3 development as described in the MDP (and similar to the historical use of the subject site), the County encourages maximum development of the County’s Industrial Parks.</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</p> <p>By limiting the Direct Control Bylaw to minor industrial uses within the parameters of Non-residential Type 3 development as described in the MDP (and similar to the historical use of the subject site), the County encourages maximum development of the County’s Industrial Parks.</p> <p><u>Organizational:</u></p> <p>Administration will work with the Applicant to address any relevant concerns raised at the Public Hearing.</p>
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<p>Follow up Action</p>	<ol style="list-style-type: none"> 1. Administration will work with the Applicant to address any relevant concerns raised at the Public Hearing. 2. Administration will bring this item back to Council for consideration of second and third reading.
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Attachment(s)

1. Bylaw 1372/16
2. Bylaw 1372/16 – Schedule A
3. Public Hearing Procedure

**Report
Reviewed by:**



Clayton Kittlitz, Manager Planning & Development



Collin Steffes for Stephane Labonne, General Manager of Integrated Growth



Peter Tarnawsky, County Commissioner – CAO