

Request for Decision

Title	Bylaw 1364/16 and 1365/16 – Road Closures for Range Road 221 and Township 560 (Second and Third Readings)
Proposed Motion	<ol style="list-style-type: none"> 1. That Council give second reading to Bylaw 1364/16. 2. That Council give third reading to Bylaw 1364/16. 3. That Council give second reading to Bylaw 1365/16. 4. That Council give third reading to Bylaw 1365/16.
Administrative Recommendation	Having received on November 1, 2016 authorization of the Minister of Transportation, Administration recommends second and third reading of Bylaw 1364/16 and Bylaw 1365/16 to facilitate the road closure of portions of Range Road 221 and Township Road 560 for the Pembina Rail Expansion which is required to move Pembina and Northwest Sturgeon Refinery (NWR) products to market.
Previous Council Direction	May 10, 2016 – Motion 174/16 and 175/16: Council approved first reading of Bylaw 1364/16 and Bylaw 1365/16.
Report	<p><u>Background Information</u></p> <ul style="list-style-type: none"> ▪ ISL Engineering, on behalf of Pembina Pipeline Corp., submitted two (2) road closure applications on March 14, 2016. The purpose of the road closures is to accommodate rail for the Redwater South Rail Yard Expansion (RSRYE). ▪ The RSRYE Project contemplates approximately thirty (30) at-grade rail crossings, across Twp Rd. 560 in a short distance. This number of rail crossings across a County road would increase liability to the County, and for this reason, the County is requiring the road be closed and transferred to Pembina. As well, this section of Twp Rd. 560 has been gated off to public access for over ten (10) years. ▪ The reason Rge Rd 221 is being closed is to facilitate drainage improvements that are required for the RSRYE Project. Rge Rd. 221 is an undeveloped county road allowance. ▪ This rail expansion supports Northwest Refining by establishing a rail yard that will transport various products to market. ▪ The Public Hearing for the proposed road closures occurred on May 24, 2016. Comments that were received included the following: <ul style="list-style-type: none"> ○ What is the value that Pembina will be paying for the property? ○ Who legally owns Twp Rd. 560?

- Will Pembina be paying to build a road of equal length if Twp Rd. 560 is closed?

- The comments received at the public hearing were also sent to Alberta Transportation for their consideration, when making their decision.
- The Minister of Transportation granted consent to the closure of portions of Rge Rd. 221 and Twp Rd on November 7, 2016.

Note: Councillor Wayne Bokenfohr was not present at the Public Hearing on May 24, 2016 and therefore may not participate in discussion, debate and vote on these Bylaws.

External Communication

- Notifications for the Public Hearing were placed in the May 10 and May 17, 2016, editions of the *Morinville Free Press* and *Redwater Review*, as well as online (*Heartland Extra*) in accordance with advertising requirements within the *Municipal Government Act*.
- In addition, public hearing notification letters were sent to landowners within two (2) miles of the subject lands.

Relevant Policy/Legislation/Practices:

- Sections 22 and 24 of the *Municipal Government Act*, RSA 2000 c.M-26, as amended, (MGA) refer to road closures.
- Section 692 of the MGA requires that a municipality hold a public hearing prior to giving second reading to a proposed bylaw.
- The proposed Road Closures are also in alignment with the following sections of the Municipal Development Plan, Bylaw 1313/13, (MDP):

Section 5.1.7 states that the County “Should participate in strategic initiatives with local and regional stakeholders to capitalize on investment opportunities for key Non-Residential development.”

Section 5.2.1 states that the County “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).”

Section 5.2.4 states that the County “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.”

Section 5.4.1 states that the County “Shall support the efficient movement of goods and services with compatible land-use and transportation networks within Sturgeon County.”

	<p>In the MDP, Neighbourhood J’s Distinctive Neighbourhood Role is “To focus heavy industrial activity within Sturgeon County, while being an active contributing partner, in order to become an emergent industrial leader.”</p> <p>Outcome J.5 of the MDP states that the County will support the distinctive Neighbourhood Role by “Ensuring efficient infrastructure networks to accommodate a wide range of industrial needs.”</p>
<p>Implication of Administrative Recommendation</p>	<p><u>Strategic Alignment:</u></p> <p>Planned Growth and Prosperity</p> <p>The proposed Road Closures are in alignment with Goal 2.1 of the Strategic Plan which states “Sturgeon County has a positive business environment that supports a strong economic foundation.”</p> <p>The proposed road closures are required for Pembina to be able to complete the Redwater South Rail Yard Expansion. This rail yard expansion is required so that various products can be shipped to market, including diesel from the NWR Sturgeon Refinery.</p> <p><u>Organizational:</u></p> <p>Administration will work with the applicant to finalize the transfer documents and the necessary paperwork for Land Titles.</p> <p><u>Financial:</u></p> <p>As the road closures are required for the RSRYE, the County will collect industrial assessment in the future for this development.</p> <p>If the road closure applications are approved, the County will sell the land to Pembina at market value as determined by Sturgeon County Assessment Services.</p>
<p>Alternatives Considered</p>	<p>Council could not support second and third readings of the proposed bylaws thus leaving the roads in their current physical and legal configuration.</p>
<p>Implications of Alternatives</p>	<p><u>Strategic Alignment:</u></p> <p>Planned Growth and Prosperity – If the roads are not closed then Pembina and NWR will have to find an alternative way to get their products to market. This could cause delays with their current development and any future expansions.</p> <p><u>Organizational:</u></p> <p>Administration has been working with Pembina for approximately one (1) year to facilitate the closure of these two roads.</p>

Financial:

The County will not obtain the revenues from selling the land to Pembina. By not allowing the roads to be closed and the rail to be constructed, this may hinder future expansion and development within the County's portion of the Alberta Industrial Heartland.

Follow up Action

1. Prepare transfer agreements between the County and the new owners.
2. Prepare consolidation plans.
3. Register all the documents at Land Titles.

Attachment(s)

1. Bylaw 1364/16
2. Bylaw 1365/16

**Report Reviewed
by:**



Clayton Kittlitz, Manager Current Planning & Development Services



Stephane Labonne, 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <i>Consistent with neighborhood role (see MDP), master plans, policies</i> 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <i>Considers fiscal stability and sustainability</i> 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <i>Has a positive impact on regional and sub-regional cooperation</i> 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <i>Compliance with Provincial and Federal regulations and/or legislation</i> 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <i>Ensure effective environmental risk management</i> 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Community Identity & Spirit			
<i>We will build upon our strengths, where together we will create an inclusive, caring community (Strategic Plan, (Strategic Plan, pg. 27 MDP)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <i>Considers cumulative costs and long-term funding implications</i> 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <i>Targets growth around current or planned infrastructure</i> 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <i>Positive impact on residents' quality of life</i> 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>