



## ADMINISTRATIVE REPORT

### Topic: Land Use Bylaw Amendment: Bylaw No. 2018-25 Whitewood DC Overlay Removal

#### Introduction:

As per Council direction following adoption of Bylaw 2018-02 (Removal of Whitewood DC Overlay on TransAlta owned Lands) on March 27, 2018, Administration brought forward separate Bylaw 2018-25 to redistrict privately held lands surrounding the former mine site and restore the districting that was in-place prior to mining activities. Council gave first reading to Bylaw 2018-25 on October 23, 2018 and commenced the Public Hearing on November 27, 2018; the Public Hearing was tabled until January 22, 2019.

At the Public Hearing, Council requested additional information from Administration regarding the potential of redistricting some of the lands along the Highway 16 corridor for industrial/commercial use and/or leaving the Direct Control districting in-place.

No additional comments from landowners, the general public or impacted agencies have been received since the November 27, 2018 Public Hearing. This Administrative Report evaluates Council's options at this time.

#### Options:

Following closure of the Public Hearing for Bylaw 2018-25, Council may:

1. Give second/third readings to Bylaw 2018-25; or
2. Defeat Bylaw 2018-25 in its entirety; or
3. Amend Bylaw 2018-25 (redistrict some of the lands only)

#### Analysis

##### **OPTION 1: Adopt Bylaw 2018-25 as presented (Administration's recommendation)**

Adoption of Bylaw 2018-25, as discussed in the November 27, 2018 Administrative Report, would remove the Direct Control Overlay from all the privately held lands within the Overlay, with the exception of the former Wabamun Power Plant site, restoring the pre-existing districting. Bylaw 2018-25 as presented received no opposition from the public or government agencies. In addition, several landowners expressed support for the Bylaw to alleviate concerns regarding the Direct Control districting. Council approval of Bylaw 2018-25 at this time does not prevent the County or individual landowners from future re-districting and planning amendments in the area.

##### Opportunities of Option 1:

- a. Immediately removes the 'red tape' of the direct control districting for the private landowners;
- b. Returns lands to pre-mining districting, as directed by Council in March 2018;
- c. The proposed districting is consistent with the future land uses in the adjacent Whitewood Mine Conceptual Scheme and the County's Municipal Development Plan;
- d. A number of the parcels will be redistricted for conservation purposes;
- e. No amendments to the Edmonton Metropolitan Regional Plan and/or County Statutory Plans are required to support Bylaw 2018-25; and

- f. Future redistricting of lands from the AGG – Agricultural General District is possible and can be initiated by individual landowners through future planning applications or by Council as part of funding future planning projects.
- g. Following adoption of Bylaw 2018-25, Council could request that Administration prepare a 'Terms of Reference' and identification of required resources to undertake the preparation of a new Area Structure Plan for the former Whitewood Area; the Statutory Plan would be considered as part of future budgets.

#### Risks of Option 1:

- h. Landowners may proceed with development of their properties in accordance with the redistricting under Bylaw 2018-25 prior to adoption/implementation of potential further planning work in the immediate area (e.g. Intermunicipal Development Plan (Village of Wabamun), Area Structure Plan (industrial/commercial development along Highway 16 corridor), additional natural resource extraction development, etc.).

### **OPTION 2: Defeat Bylaw 2018-25**

Council could choose to defeat Bylaw 2018-25 in its entirety at this time. This would leave the current Direct Control districting and overlay regulations in-place on all parcels north and east of the former Whitewood Mine site.

#### Opportunities of Option 2:

- a. Following defeat of Bylaw 2018-25, Council could request that Administration prepare a 'Terms of Reference' and identification of required resources to undertake the preparation of a new Area Structure Plan for the Whitewood Area; the Statutory Plan would be considered as part of future budgets (allows additional planning and economic development work to occur in the area before removing Direct Control Districting and Overlay regulations).

#### Risks of Option 2:

- b. Landowners in the current Whitewood DC Overlay area have expressed concerns over the existing direct control districting (uncertainty of future uses/development opportunities). They request to be returned to conventional AGG – Agricultural Districting;
- c. Delays districting of a number of parcels to be districted for conservation purposes;
- d. Potential for legal challenges from the community as the existing direct control overlay district was intended to protect the Whitewood Mine site which is no longer in use (i.e. direct control district would require amending in the short term). Following defeat of Bylaw 2018-25, Council should direct Administration to bring forward a Land Use Bylaw amendment that revises the Whitewood Direct Control Overlay regulations for the purpose of restricting development on the lands until additional statutory planning work can be adopted for the area.

### **OPTION 3: Amend Bylaw 2018-25**

Revise the Bylaw to keep some parcels in the Whitewood area within the Direct Control District and Overlay regulations while re-districting the remaining parcels. This option protects certain lands from further development, unless authorized by Council, while allowing other lands to return to pre-mining districting and/or for conservation purposes. Changing the intent of Bylaw 2018-25 would require additional public consultation as redistricting has a significant impact on the future development of privately owned property. Without public engagement, Council would be preemptively determining land uses. Finally, amending Bylaw 2018-25 would expand the scope to include substantial additional planning work.

#### Risks of Option 3:

- a. Significant Planning work would be required that may include: a new Area Structure Plan, amendments to the Whitewood Mine Conceptual Scheme and Municipal Development Plan, and with an understanding of private landowner development intentions;
- b. Limited available resources (County budget and administrative staff) as there are a number of existing statutory plans that require updating over the next couple years;
- c. Referral and approval from the Edmonton Metropolitan Region Growth Plan is required for a new Area Structure Plan and any amendments to the Municipal Development Plan and Intermunicipal Development Plans;
- d. Additional public engagement would be required;
- e. Requires referral to Wabamun, TransAlta, and adjacent neighbours that could result in an appeal; and
- f. Prolonging the process may create uncertainty that could cause frustration for landowners in the impacted area.

### **Recommendation:**

**Administration recommends that Council implement Option 1, and pass Bylaw 2018-25 as presented. Additional re-districting and planning work can be initiated by either individual landowners or the County as warranted.**

Department: Planning and Development Services

AUTHOR: Jasmine Hall, Planning Intern

SUPPORTED BY: Stephen Fegyverneki, Manager Current Planning

SUPPORTED BY: Carol Bergum, Director, Planning & Development Services

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