

Proposed Bylaw 2013-05 amendment to Land Use Bylaw 20-2009

Introduction:

Proposed Bylaw 2013-05 is a Land Use Bylaw amendment to amend Sec. 9.4 "Whitewood Direct Control District Regulations (DC Area 3)" to permit new residential development as a Discretionary Use in this use classification.

Facts (Background Information):

In 1984, County of Parkland No. 31 passed (by resolution 360-84) the attached Whitewood Direct Control District Regulations. The Whitewood Direct Control Map (Schedule 3 of Bylaw) is attached. These regulations were subsequently revoked by Parkland County and, in 2009, some of the regulations guiding these Direct Control lands were incorporated into the County's new Land Use Bylaw 20-2009. The original 1984 regulation, and current Land Use Bylaw, each dealt with the prospect of new residential development in the same way:

"Country residential development is restricted to infilling within the existing Brookside Estates Subdivision. No new areas for country residential will be permitted."

This prohibition was correct – and appropriate – during the active mining stage of these Trans Alta lands (Whitewood Mine site). Administration understands that some of these lands were incorporated into this Direct Control district as a ½ mile (quarter section deep) buffer against pre-existing residential development to the east (please see attached buffer map). The intent, of this buffer (and apparently the prohibition on further residential development), appears to have been to avoid the previous mining activities from negatively affecting new residential development. Further, Trans Alta does not want residential building constructed on previous mined (now reclaimed) lands.

Mining activities in the Whitewood Mine site has now been completed and Trans Alta is completing the reclamation of these lands. The lands within the noted "buffer" were never mined by Trans Alta, and remain essentially undisturbed. Administration does not believe it remains necessary to prohibit all lands in the Direct Control District from potential residential development – PROVIDED these lands have not been previously mined.

Administration recommends the following amendment to allow consideration of residential development on a discretionary basis throughout the Whitewood Direct Control District:

b) Residential

(i) Residential development may be considered on a discretionary basis subject to the following:

1. Subject property is confirmed to be outside of any lands subject to historic mining activities of the Whitewood Mine; and
 2. All new residential development shall comply with Sec. 7.5 (2) of this Bylaw.
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Without the proposed amendment – property owners within the Whitewood Direct Control District – will not be able to make application for a new home Development Permit, and no new homes will be constructed.

Parkland County Administration has received one letter from a property owner within the Whitewood Mine Permit Boundary supporting the proposed Bylaw amendment.

Alternatives:

1. To amend proposed Bylaw 2013-05
2. Not to proceed with proposed Bylaw 2013-05 to amend Land Use Bylaw 20-2009

Conclusion/Summary:

Administration supports the proposed amendment to Land Use Bylaw 20-2009.

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