

Topic: **BYLAW 2015-29 (Amendment to Land Use Bylaw 20-2009 and Redistricting – Natural Resource Extraction/Processing)**

Introduction:

This is a proposed amendment to the Land Use Bylaw, both text and redistricting, to facilitate public consultation on natural resource extraction/processing operations and streamline development requirements for gravel extraction/processing operators.

Facts (Background Information):**LEGISLATIVE HISTORY**

August 25, 2015

1. Council approved that Bylaw No. 2015-29 receive first reading.
2. Council approved that a public hearing be scheduled on September 22, 2015 at 10:00 am at Parkland County Centre, Council Chambers, to hear public comment regarding proposed Bylaw No. 2015-29.

September 22, 2015

1. The public hearing for Bylaw No. 2015-29 was opened and closed. Council moved that Bylaw No. 2015-29 be tabled to the December 22, 2015.

November 26, 2015

1. That Bylaw No. 2015-29 be further tabled to the February 9, 2016 Council meeting.

February 9, 2016

1. That Bylaw No. 2015-29 be tabled to March 22, 2016 Council meeting; and that administration provide information related to the number of existing natural resource extraction / processing permits that do not have an expiration date and provide a scope of the development permits.

PURPOSE OF AMENDMENT

The proposed bylaw would amend the Land Use Bylaw to:

- Facilitate public engagement earlier in the process for gravel extraction activities;
- Streamline the development permit process for gravel extraction businesses, and ensure consistency of conditions and requirements throughout operations and among various operators; and
- Reduce the appeals for gravel extraction/processing activities.

SUMMARY OF PROPOSED TEXT AMENDMENTS

The proposed amendments affect a number of sections of the Land Use Bylaw, as outlined in Table 1. Attachment 4 provides a red-lined copy of the amendments and Attachment 5 is the final version should the amendments be approved.

Table 1 – Overview of proposed LUB text amendments

Section of Land Use Bylaw	Summary of proposed amendment(s)
Table 3.3-1 Permitted and Discretionary Uses by Land Use District and 4.1.2 (AGG), 4.2.2 (ANC), 4.3.2 (AGR), 5.1.2 (CR), 7.1.2 (BI), 7.2.2 (MI), 7.3.2 (HI), 7.4.2 (RIC), 7.6.2 (IRD)	This removes 'natural resource extraction/processing' as a use from nine land use districts (AGG, ANC, AGR, CR, BI, MI, HI, RIC, IRD)
Section 7.5 RE (Resource Extraction District)	Currently related to coal extraction around Lake Wabamun, this district is being expanded in scope to include all natural resource extraction activities. The purpose statement is being adjusted and a number of non-extraction uses are being changed to better serve the amended purpose.
Section 12.12 (Natural Resource Extraction/Processing in Specific Use Regulations section)	<p>Development permit renewals will no longer be required, as the Province regulates gravel extraction. The County will require, as a condition of the initial development permit, the operator to provide a copy of the progress report submitted to the Province every five years as part of the provincial registration requirements, and the Final Reclamation Report.</p> <p>In addition, a change is being made to the hours of operation to clarify that no work can be conducted all day Sunday until 6:00 am on Mondays.</p>
Section 16.5 (Application for Aggregate Extraction in Development Permit Process section)	Adds requirement for the proposed post reclamation land use district.

REDISTRICTING

This bylaw also proposes to redistrict all parcels currently authorized for a natural resource extraction to RE (Resource Extraction) District, as outlined in Attachment 6.

Parkland County has 56 approved development permits for natural resource extraction and processing.

- Four (4) approvals are not subject to the proposed bylaw as they received approval after First Reading was given.
- Five (5) approvals are to be removed from the proposed re-districting due to expired development permits or at the request of the permit holder.

The proposed Bylaw suggests re-districting 47 approved natural resource extraction and processing sites.

PUBLIC CONSULTATION

Parkland County held three (3) Open Houses in June 2015 to provide information to the general public regarding the proposed changes to the Land Use Bylaw related to Natural Resource Extraction. The Open Houses were advertised in the Spruce Grove Examiner / Stony Plain Reporter, Parkland County website and letters were sent to natural resource extraction permit holders and the associated land owners.

Three (3) area residents attended the first Open House in Entwistle. There were no concerns related to the proposed bylaw. Residents were provided with comments sheets and encouraged to provide comments by July 15, 2015. No comments were received.

Twenty-four (24) people attend the second Open House held in Fallis. The majority of concerns were not related to the proposed bylaw. Comments received that were related to this proposal were favourable. The County received written comments from only two (2) people who attended.

Six (6) people attended the third Open House held in Keepphills. The County received one (1) written response related to the proposed bylaw.

There was overall support for the proposed amendments. There were specific questions regarding continued uses on the affected properties. Industry had concerns over reclamation certificates and future redistricting. A summary of the public comments and administration's responses are included in Attachment 7.

AFTER FIRST READING

Further to the proposed parcels for redistricting initially presented to Council on August 25, 2015, seven (7) parcels have subsequently been identified as not having a valid resource extraction development permit. Council is being asked to amend the original bylaw to omit these properties, which are also outlined in Attachment 6. They include:

1. SW 18-53-04-W5, applicant is not proceeding with approval
2. NE18-53-04-W5 (yard site on west half of quarter), municipal address 4509 Hwy 16 - this is at the request of the landowner
3. NW 22-53-07-W5, development permit expired March 2015
4. SW 16-53-07-W5, development permit expired May 2015
5. N1/2 of NE 26-51-03-W5, there is no approval for extraction on this parcel
6. NW 31-50-26-W4, property is being reclaimed and redeveloped
7. SW 31-50-26-W4, property is being reclaimed and redeveloped

AFTER PUBLIC HEARING

Administration obtained a legal opinion related to Part 4 and Part 5 of the proposed bylaw. The opinion states that it is beyond the authority of the County and the Development Authority to require a landowner to seek redistricting of their lands when one use ends.

Therefore administration recommends Council delete Part 4 Section 12.12.13 and Part 5 Section 16.5.1.i from the proposed bylaw.

PROPOSED MOTIONS FOR REDISTRICTING AND TEXT AMENDMENTS

To exclude the seven (7) parcels, delete the two (2) sections, and proceed with both the text amendments and redistricting Council would make these motions:

1. That Bylaw No. 2015-29 be amended by deleting Schedule 1 and attaching new Schedule 1 (Attachment 2)
2. That Bylaw No. 2015-29 be amended to delete Section 4 Subsection 12.12.13
3. That Bylaw No. 2015-29 be amended to delete Section 5 and renumbering Section 6 as Section 5
4. That Bylaw No. 2015-29 receive second reading, as amended; and
5. That Bylaw No. 2015-29 receive third and final reading.

ADDITIONAL INFORMATION

At the February 9th Council meeting there was discussion regarding redistricting the parcels at the time of renewal of the permits. It was brought to Council's attention that there are a number of development permit approvals that do not have an expiry date. Therefore they would not be redistricted and would become legally non-conforming.

Council tabled the bylaw and directed administration to present the number of development permits that do not have an expiry date. Of the 47 development permits, 14 do not have an expiry date.

ALTERNATIVE MOTIONS FOR TEXT AMENDMENTS

Should Council choose to not proceed with the re-districting of the existing approved sites and only proceed with the text amendments, administration recommends the following:

1. That Bylaw No. 2015-29 be amended by removing Part 6 from the bylaw and removing Schedule 1;
2. That Bylaw No. 2015-29 be amended to delete Part 4 Section 12.12.13
3. That Bylaw No. 2015-29 be amended to delete Part 5 Section 16.5.1.i
4. That Bylaw No. 2015-29 receive second reading, as amended; and
5. That Bylaw No. 2015-29 receive third and final reading.

Conclusion/Summary:

The proposed amendments will facilitate improved public engagement on gravel extraction activities earlier in the process, streamline the development permit process for operators, and reduce the number of appeals related to gravel extraction.

Administration supports the redistricting and text amendments as presented.

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