



ADMINISTRATIVE REPORT

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.

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 would impact a number of sections of the Land Use Bylaw, as outlined in Table 1. A red-lined version of the proposed changes is provided in Attachment 3 for clarification, along with the proposed final version of the amended sections in Attachment 4 that provides a clean copy with all the proposed changes included.

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)	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. Redistricting may be required following reclamation. 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.
Section 16.5 (Application for Aggregate Extraction in Development Permit Process section)	Adds requirement for the proposed post reclamation land use district.

REDISTRICTING

In addition, this bylaw proposes to redistrict all parcels that currently have an approved natural resource extraction development permit to the RE (Resource Extraction) District, as outlined in Attachment 5. Attachment 5 shows all parcels previously proposed for redistricting.

Further to the initial proposed parcels for redistricting initially presented to Council, 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 remove these properties, which are 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

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.

ATTACHMENT 1

The first Open House was held in Entwistle, three (3) area residents attended the Open House. The residents expressed no concerns related to the proposed bylaw. They were provided with comments sheets and encouraged to provide comments by July 15, 2015, no comments were received by the residents who attended the Entwistle Open House.

The second Open House was held in Fallis, twenty-four (24) people attend the Open House. The majority of those in attendance brought forward concerns that were not related to the proposed bylaw. However, the questions and comments that were related to this proposal were favourable. The County received written comments from only two (2) people who attended.

The third Open House was held in Keephills, six (6) people attended the Open House. The County only received one (1) written response related to the proposed bylaw.

Overall, there was support for the proposed amendments, there were some questions about potential continued uses on the properties to be redistricted, and industry had concerns over reclamation certificates and future redistrictings. A summary of the public comments and administration's responses are included in Attachment 7.

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 this amendment as presented.

AUTHOR: Karen Kormos/Carol Bergum **Department:** Planning and Development

Date written: January 19, 2016