

Bylaw 2015-10 (3rd Reading)

Proposed amendments to Section 4.1.2 of Land Use Bylaw 20-2009

Three Industrial/Commercial Uses to be added as site specific discretionary uses on the 8.09 hectare (20.0 ac) area within S.E. 35-06-W5M only as shown on proposed Schedule 'A'.

Introduction:

Proposed Bylaw 2015-10 is a Land Use Bylaw amendment to amend Section 4.1.2 within the AGG – Agricultural General District. Should Council wish to approve the relocation of the existing business (Tri-Lakes Septic Ltd.) to this location, Administration recommends that Bylaw No. 2015-10 be amended prior to third reading to only allow the three requested site specific discretionary uses on the identified 8.09 hectares of land (proposed Schedule 'A') and not on the entirety of S.E. 35-52-06-W5M (Linc No. 22533963). The requested site specific discretionary uses include:

- *Automotive, Equipment and Vehicle Services;*
- *Industrial Storage and Warehousing; and*
- *Professional, Business, Financial and Office Support Services*

Facts (Background Information):**Tri-Lakes Septic Ltd. ("Tri-Lakes Septic")**

As a family owned and operated company, Tri-Lakes Septic has served the west part of Parkland County, and adjacent municipalities at its current location since 2006. It specializes in septic tank and sewer services for businesses and homeowners. Tri-Lakes Septic currently operates as a Home Based Business (HBB) Level 3 on approximately forty acres of land within N.W. 35-52-06-W4M (Linc No. 22533971).

Parkland County originally approved the HBB Level 3 Development Permit No. 06-D-236 for four trucks in October of 2006 for a maximum of two years. It was renewed in October of 2008 with one additional truck added and again for a maximum of two years. The 2008 renewal was appealed to the County's Subdivision and Development Appeal Board by adjacent landowners with the issues of noise, exhaust and traffic being considered. The SDAB upheld the Development Officer's decision to renew the permit as a result of the landowner agreeing to relocate a portion of the business on the property to address noise and exhaust issues. The permit was again renewed in November of 2010 for five trucks with no renewal date attached to the approval as a result of no complaint issues. The HBB Level 3 development permit remains valid with no compliance issues today. Permits to expand both the number and size of accessory building space to support the HBB Level 3 were approved by the County in 2007 and 2009 respectively under Development Permits 07-D-011 and 09-D-384.

As a result of the continued success and growth of the business, Tri-Lakes Septic wishes to expand the current business beyond a Home Based Level 3 operation. Tri-Lakes Septic proposes to relocate/expand the business on a nearby parcel of land (S.E. 35-52-06-W5M). Amendments to the County's Land Use Bylaw to allow for industrial/commercial uses are required before the County could consider the proposed development at this location.

Prior to making application to the County, Tri-Lakes Septic in an Open Letter to area residents recognized the impact the business has had on the area over the years and the strain it has placed on neighbourhood relationships which they state is regrettable. Tri-Lakes Septic believes that by moving to a nearby location and allowed to expand it will address some of these conflicts (*Refer to attachment Reasons in Support of*

Application). Comments from area residents have been received by the County in response to the Open Letter and are summarized below.

Property History (SE35-53-06-W5)

The subject quarter section (S.E. 35-52-06-W5M) is located one-half mile south of Township Road 530 on the west side of Range Road 61 (refer to attached Key Plan). Range Road 61 is a dead end roadway ending approximately 300 metres south of the subject quarter section. SE35 is unsubdivided, including standard road widening. There is an existing oil/gas well and pump jack operating in the northwest corner of the quarter section. Parkland County approved Development Permit No. 14-D-167 in June of 2014 to move on a 2005 modular home. The modular home is located as shown on the conceptual plan for the business as provided by the Applicant. The remaining lands are currently vacant and contain a combination of mature tree growth and hayland. The quarter section contains primarily Class 3 soils with topographic and large stone constraints for crop production. The property was recently acquired by Tri-Lakes through an estate sale.

Note: A Home Based Business Level 3 is already a discretionary use within the AGG District, including S.E. 35-52-06-W5M, however this use does not accommodate Tri-Lakes plans to grow the existing business beyond a Level 3 at this location.

Analysis

1. Capital Region Growth Plan

Bylaw 2015-10 does not require referral to the Capital Region Board as Land Use Bylaw amendments are not a requirement under the Regional Evaluation Framework.

2. Municipal Development Plan (MDP) Bylaw No. 37-2007

The proposed amendment application is not consistent with Section 5 of the County's MDP where industrial/commercial development shall be directed into established industrial parks. Further, Policy 2.1 of the MDP states that *"the use of agricultural land by non-agricultural uses may be allowed but only in accordance with the provisions of [the MDP]"*.

3. Area Structure Plan (ASP)

The subject lands are not governed within one of County's Area Structure Plans.

4. Land Use Bylaw No. 20-2009

The Applicant is requesting the inclusion of the following three (3) discretionary uses on a site specific (S.E. 35-52-6-W5M) basis within the existing AGG – Agricultural General District:

- *Automotive, Equipment and Vehicle Services;*
- *Industrial Storage and Warehousing; and*
- *Professional, Business, Financial and Office Support Services*

These site specific amendments are required prior to Tri-Lakes Septic being able to relocate the existing business and expand its operations at this location.

Alternative to the requested site specific amendments, Council may consider the use of the RIC – Rural Industrial Commercial District. Land Use Bylaw 20-2009 developed the RIC district after the adoption of MDP Bylaw No. 37-2007 for the purposes of accommodating lower intensity industrial and commercial development requiring minimal servicing outside of business and industrial parks. Parkland County's MDP does not offer any direction on where the RIC district should be located within the municipality. Administration is of the opinion that this development meets the criteria/purpose of the RIC District. This re-districting option for S.E. 35-52-6-W5M was not supported by area residents during consultation by

the Applicant prior to the application being submitted to the County (refer to Applicant's reasons in support of amendment).

5. Concept Plan

As there is no subdivision associated with this application, Administration is of the opinion that a detailed outline plan is not necessary. The Applicant has provided a conceptual site plan showing the proposed development and is attached to this report for reference.

Subject to approval of the requested site specific Land Use amendments and approval of the improvements as shown on the conceptual plan, employment at this location would be as follows:

- 3.5 Office / Administration
- 1.5 Shop / Maintenance
- 4 or 5 Truck Drivers
- 1 Grounds / Building Development / Maintenance
- 2 or 3 Drivers from our Lac Ste. Anne / Barrhead locations may also come to this site once per week for administrative services.

6. Pre-Application Consultation with Area Residents

The Applicant sent out an Open Letter to area residents, copied to the County on December 31, 2014 requesting comments prior to formally submitting the Land Use Bylaw amendment to the County on January 12, 2015. A copy of the open letter is attached to this report for reference.

Administration received one letter of objection from an existing resident on Range Road 61 in response to the Open Letter. The landowner has expressed concerns about increased traffic on the dead-end roadway and the current gravel standard (width and sub-base not to standard) of Range Road 61 when passing commercial septic transport vehicles. They are also concerned about the continued loss of agricultural lands within the County and the impact industrial/commercial uses have on rural lifestyles.

Administration has also been contacted by a number of other area residents along Township Road 530 who are aware of Tri-Lakes plans for the property and wanted to confirm Land Use Bylaw amendment and other planning processes. They also verbally expressed concerns over traffic and noise and would respond accordingly in the future should a formal application be made. It is recommended that Council give first reading to this amendment to obtain additional public input from adjacent/area residents through the public hearing process prior to consideration of proposed Bylaw 2015-10.

7. Comments from Area Residents at the April 28, 2015 Public Hearing

Bylaw No. 2015-10 was advertised in local newspapers on April 10, 2015 and again on April 17, 2015. Notice was mailed out to adjacent landowners, as well as landowners along Township Road 530 between Range Road 61 and Highway 31 on April 7, 2015.

No written comments were received from referral agencies or adjacent landowners at the April 28, 2015 Public Hearing. The following verbal comments from area residents were presented to Council at the Public Hearing opposed to Bylaw No. 2015-10:

- i) Opinion that industrial/commercial uses within an agricultural districted area have a negative impact on the quality of rural agricultural life.
- ii) Current condition of Range Road 61 and Township Road 530 are inadequate for industrial/commercial uses, including sanitary sewage haul trucks. Township Road 530 is in need of upgrade and repair already as a result of being a haul road for livestock to and from the Jack Pine Grazing Reserve. Examples given: road surface, surface width, potholes and cracking, intersection and approach radius;
- iii) Amendments allow for the consideration of discretionary uses on the entire quarter section (SE 35-52-06-W5M). Uses are not specific to just the sewage business.

Options:

Council may consider one of the following options:

- 1) That Council defeat Bylaw No. 2015-10 at third reading; or
- 2) That Bylaw No. 2015-10 be amended prior to third reading by adding Schedule 'A' to the Bylaw and to restrict the site specific discretionary industrial/commercial uses to only the 8.09 hectares within S.E. 35-52-06-W5M as shown on Schedule 'A'; or
- 3) That Council amend Bylaw No 2015-10 prior to third reading as presented, but defer third reading until the applicant has undertaken a traffic impact analysis and/or geometric review for Range Road 61 and Township Road 530 to the satisfaction of the Manager of Engineering Services and confirmed acceptance to construct any required road improvement upgrades through the execution of a Development Agreement.

Note: Should Council wish to reconsider the use of the RIC - Rural Industrial/Commercial District or the DC - Direct Control District in this instance, a new Bylaw and Public Hearing would be required.

Conclusion/Summary:

Administration does NOT support this amendment. The requested amendments to the Land Use Bylaw No. 2009 are NOT consistent with the County's Municipal Development Plan regarding locating non-agricultural uses on agricultural land. The proposed uses are greater than a Level 3 Home-Based Business as defined within the Land Use Bylaw. A proposed redistricting of S.E. 35-52-06-W5M, or a portion thereof, is consistent with the RIC – Rural Industrial/Commercial District of the County's Land Use Bylaw. However, there is no direction within the County's Municipal Development Plan where/how this District is to be implemented within the County. A DC – Direct Control District may also be appropriate in this instance if Council wished to support the proposed development at this location.

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