

Topic: Proposed Bylaw 2015-29 to amend Land Use Bylaw 20-2009

**Introduction:**

The proposed amendment to the Land Use Bylaw specifically relates to Natural Resource Extraction (i.e. gravel operations) and the redistricting of proposed sites prior to development permit approval, and the potential redistricting of all existing approved Natural Resource Extraction sites.

**Facts (Background Information):**

The proposed Bylaw would remove “Natural Resource Extraction/Processing” as a discretionary use from all Land Use Districts except the RE (Resource Extraction District), which already allows resource extraction as a permitted use. The proposed amendment would also ensure that all natural resource extractions sites are redistricted to RE– Resource Extraction District prior to submitting a development permit application.

The current purpose of Section 7.5 RE – Resource Extraction District is to manage land development related to the coal extraction area around the Wabamun area. The proposed Bylaw suggests a change to the Purpose Statement of the Resource Extraction District to include all natural resource extraction and not limiting the district to coal extraction and processing. Further the proposed bylaw amendment suggests making changes to the Use Table in Section 7.5 which would minimize the residential uses.

Currently natural resource extraction applications when approved are time limited to a two (2) year renewal for all new applications as per Section 12.12 of the Land Use Bylaw, after which they are typically placed on a five (5) year renewal cycle.

The Land Use Bylaw states that *“with subsequent renewals of up to a maximum of Alberta Environment reclamation approval period, provided there have been no significant issues with the operation.”* However in some cases these renewals are appealed even though there were no issues or concerns reported to Parkland County. When a permit is appealed there is no longer any certainty that the conditions of approval will remain intact and compliant with the Land Use Bylaw. The Subdivision and Development Appeal Board can alter, omit or add new conditions to the permit, which are not always supported by the Land Use Bylaw.

For example if the hours of operation or haul hours are altered they likely would no longer be compliant with Section 12.12 of the Land Use Bylaw, this can be problematic for a number of reasons:

- When changes are made to haul hours it can extend the hours of hauling activities on one route. For example if one operator hauls from 6:00 a.m. to 6:00 p.m. as per the LUB and another operator has had their hours altered at Subdivision and Development Appeal Board to haul from 7:00 a.m. to 7:00 p.m. hauling will now occur for 13 hours rather than 12 hours. This seemingly small change creates a larger impact on the area residents.
- It is confusing for the area residents to determine which operator/truck is hauling under which hours of approval. Often they don't see the pit location the trucks exit from, they only notice when the truck goes past their home.
- The changes imposed by the Subdivision and Development Appeal Board are only in place for the length of time the permit is valid. When a permit is renewed it goes through the review process and if approved it is compliant with Land Use Bylaw.
- Making changes to the haul hours can also be a challenge for County Patrol to monitor due to the inconsistency in hours on a haul route.

When an applicant applies to renew their development permit there is often a level of certainty for both the area residents and the applicant that the Development Authority will issue an approval. There is no benefit to either party to issue an approval for a two or five year time period. Once an approval is issued for the resource extraction and extraction activities have occurred the operator is mandated under their Provincial approval to reclaim the land. If for some reason a development permit were to be refused by the County at the renewal stage there is good possibility that the Province could allow those activities to continue, without County approval, in order for reclamation to be completed.

Therefore Administration recommends the following amendments to Land Use Bylaw 20-2009:

1. Table 3.3-1 Permitted and Discretionary Uses by Land Use District  
Natural Resource Extraction/Processing is a Discretionary Use within the Districts listed below. It is recommended that this use be removed from the Table within the following Land Use Districts:
  - AGG
  - ANC
  - AGR
  - CR
  - BI
  - MI
  - HI
  - RIC
  - IRD
2. Within the Land Use Bylaw Natural Resource Extraction/Processing is listed as a Discretionary Use within the Uses Table in each of the Sections listed below. Administration recommends removing this use in each of the Use Tables from the following Land Use Districts:
  - 4.1 – AGG – Agricultural General District
  - 4.2 – ANC – Agriculture/Nature Conservation District
  - 4.3 – AGR – Agricultural Restricted District
  - 5.1 – CR – Country Resident District
  - 7.1 – BI – Business Industrial District
  - 7.2 – MI – Medium Industrial District
  - 7.3 – HI – Heavy Industrial District
  - 7.4 – RIC – Rural Industrial / Commercial District
  - 7.6 – IRD – Industrial Reserve District

### 3. Section 7.5 - Resource Extraction District

Currently this section of the Land Use Bylaw relates to the lands identified as the coal mining/extraction area around Wabamun. Administration recommends changing the Purpose Statement of Section 7.5 to be more generic in nature and include natural resource extraction and not limit this District to coal related activities.

#### 1. Purpose

##### By deleting the following:

To permit agricultural production and related farming activities while permitting uses associated with the large scale exploration, extraction, processing and reclamation of coal resources located in the vicinity of Wabamun Lake and falling within a mine permit area designated by the Alberta Energy and Utility Board.

##### By adding the following:

The general purpose of this district is to accommodate existing and planned natural resource extraction operations, large scale exploration and processing and reclamation of coal resources. As well as to provide for the orderly development of future operations and to identify the future extent of natural resource extraction operations to the public.

The proposed Bylaw amendment also suggests making changes to the Use Table by reducing the number of other Permitted uses. The proposed Bylaw suggests changing some of the Permitted Uses to Discretionary Uses which would assist in reducing conflict with area residents as there is a likelihood that there could be Residential and Agricultural Districts being re-districted to the RE – Resource Extraction District. These proposed changes would ensure that other high impact development would not be a permitted use if the lands are successfully redistricted.

Often lands are leased from the land owner to extract the resource, if Permitted residential uses are minimized within the Resource Extraction District it may encourage the land owner and permit holder to remove the resource and reclaim the lands in a timely fashion. After which the lands would be redistricted to a District that would align with the Community Sustainability and Development Plan (CSDP).

Below is the Use table for Section 7.5 with the proposed changes. Administration suggests removing the uses with the strikethrough and adding the uses in bold:

PERMITTED	DISCRETIONARY	NOTES
Apiary		Compliant with Section 12.2 Apiary and Aquaculture
Aquaculture		Compliant with Section 12.2 Apiary and Aquaculture
<del>Auctioneering Services</del>	<b>Auctioneering Services</b>	
	<del>Bed and Breakfast Home</del>	<del>Compliant with Section 42.3</del> <b>Bed and Breakfast Home</b>
	Bulk Fuel Depot	
Demolition		Compliant with Section 12.5 Demolition

PERMITTED	DISCRETIONARY	NOTES
	Dwelling, Single Detached	Dwelling, Single Detached is a Discretionary Use only in those locations outside of a mine license area designated by the EUB
Extensive Agriculture Development		
Extensive Livestock Development		
	Farm Vacation Home	
	General Industrial Manufacturing/Processing	
	<b>Home Based Business Level 1</b>	<b>Compliant with Section 12.9. Home Based Business</b>
	Home Based Business Level 2	Compliant with Section 12.9. Home Based Business
	Home Based Business Level 3	Compliant with Section 12.9. Home Based Business
	Horticultural Use	
	<del>Indoor Participant Recreation Services</del>	
	Industrial Storage and Warehousing	
Kennel	<b>Kennel</b>	Compliant with Section 12.17 Kennel
	Manufactured Home, Single Wide	Manufactured Home, Single Wide is a Discretionary Use only in those locations outside of a mine license area designated by the EUB
Natural Resource Extraction/ Processing		
	<del>Outdoor Participant Recreation Services</del>	
Security Suite		
<del>Small Animal Breeding and or Boarding Services</del>	<b>Small Animal Breeding and or Boarding Services</b>	Compliant with Section 12.13 Small Animal Breeding/Boarding
Telecommunication Tower		Compliant with Section 12.1 Antennas Satellite Dishes and Telecommunication Towers
	Utility Services - Major Infrastructure	

PERMITTED	DISCRETIONARY	NOTES
Utility Services - Minor Infrastructure		
Wind Energy Converter System (WECS) – Minor (1 System)		Compliant with Section 12.19.2 Wind Energy Converter Systems (WECS) -Minor
	Wind Energy Converter System (WECS) – Minor (2 Systems)	Compliant with Section 12.19.2 Wind Energy Converter Systems (WECS) -Minor
	Work Camp	Compliant with Section 12.20 Work Camp

4. The proposed changes to Section 12.12 Natural Resource Extraction / Processing is to ensure all natural resource extraction lands are re-districted to the RE – Resource Extraction District which then allows Natural Resource Extraction as a permitted use. The proposed changes to this section also includes clarification to the hours of operation as well as removing the requirement to renew the permit.

By deleting the following:

- 1 Notwithstanding the Permitted and Discretionary Uses prescribed within the various land use districts within this Bylaw, sand and/or gravel developments contained within the Natural Resource Extraction/Processing use provision shall be neither permitted nor discretionary if proposed in the following:

By adding the following:

- 1 Notwithstanding Natural Resource Extraction/Processing is a Permitted Use within the RE – Resource Extraction all proposed site locations for Natural Resource Extraction/Processing shall be redistricted to RE – Resource Extraction prior to submitting a development permit application. There shall be no consideration for redistricting if the proposed site is:

By deleting the following in bold:

4.a)(i)(2) 7<sup>th</sup> day is defined as 6:00 p.m. Saturday until 6:00 **pm Sunday**

By adding the following in bold:

4.a)(i)(2) 7<sup>th</sup> day is defined as 6:00 p.m. Saturday until 6:00 **a.m. Monday**

By deleting the following:

12.12.12.a) Development permits for the purpose of sand and/or gravel extraction in Parkland County will be time-limited for a maximum of two (2) years for a brand new operation, with subsequent renewals of up to a maximum of Alberta Environment reclamation approval period, provided there have been no significant issues with the operation.

By adding the following:

12.12.12.a) Development permits for the purpose of sand and/or gravel extraction may run concurrent with the approved Provincial Registration. The applicant shall provide the County with a copy of the report which is submitted to the Province as a requirement of the Registration under the Code of Practice for Pits. The report is required to be submitted five years after the Provincial Registration and every five years after that until the Final Reclamation Report.

By adding the following:

12.12.13 The Development Authority may require as a condition of development permit approval, the applicant to redistrict the subject lands after reclamation. The applicant shall provide Parkland County with a copy of the reclamation certificate issued by the Province with a redistricting application.

5. The proposed change to Section 16.5 – Application for Aggregate Extraction would require the applicant to include the proposed post reclamation end land use District with the development permit application.

By adding the following:

1.i) Proposed post reclamation end land use District.

6. Should Council proceed with the above suggested amendments consideration must be given to the existing pits and the district in which they are located. Although the proposed bylaw suggest redistricting all lands with an approved natural resource extraction development permits to Resource Extraction District at this time, below are some alternative options.
- a) At the time of a permit renewal the applicant would be required to re-districts the subject lands to the Resource Extraction District. This option potentially would have Council dealing with approximately 45 redistricting applications over the next five years (at the time of renewal for each current Development Permit approval).
  - b) Redistrict all lands with an approved development permit at the time of a complete Land Use Bylaw review. However by waiting until a comprehensive review of the LUB all approvals prior to this proposed Bylaw would then be deemed non-conforming, and; therefore, could not apply for renewal.

**Conclusion/Summary:**

Although the proposed changes are not large in nature to the Land Use Bylaw they present significant changes to the approval process(es) for the Natural Resource Extraction Use, and all stakeholders (including residents).

**AUTHOR:** Karen Kormos **Department:** Planning and Development

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