

Proposed Bylaw 2015-08 amendment to Land Use Bylaw 20-2009

Introduction:

Proposed Bylaw 2015-08 is a Land Use Bylaw amendment to redistrict approximately 6.43 ha (15.89 ac) of land known as Plan 5389RS, Lot A (Linc Number 0016 884 967) from the CR – Country Residential District to the RIC – Rural Industrial Commercial District.

Facts (Background Information):**Property History**

The applicant purchased the plant located on Plan 5389RS, Lot A in 1979. The facility was immediately renovated and expanded to facilitate the fabrication of structural steel. In 1988 development permit # 87-D-88 was approved to add a second exterior crane runway.

In 2001, the development was considered legal non-conforming under Land Use Bylaw 15-00. The applicant obtained a site specific Land Use Bylaw amendment to Parkland County's Land Use Bylaw 15-00 to add General Industrial Manufacturing and Processing as a discretionary use on Plan 5389RS, Lot A. Following third reading of the site specific Bylaw 02-01, development permit 01-D-017 was approved for an additional exterior crane runway. The applicant did not proceed with the approved development and the permit is now expired.

The site specific amendment that was granted to the applicant in 2001 was not carried over into the current Land Use Bylaw 20-2009 and therefore an amendment to Bylaw 20-2009 to redistrict approximately 6.43 ha (15.89 ac) of land known as Plan 5389RS, Lot A (Linc Number 0016 884 967) from the CR – Country Residential District to the RIC – Rural Industrial Commercial District is requested before a development permit can be accepted. The applicant has stated that they have applied for the amendment to justify continued investment in maintenance of the facility.

Outline Plan

As there is no subdivision associated with this application Administration is of the opinion that an outline plan is not necessary. The applicant has provided a conceptual site design showing the potential location for future expansion. Administration has accepted this application without any pre-consultation as the development has existed on these lands for over 30 years with no previous formal complaints to Planning and Development regarding the existing development permit(s) and information on the potential expansion will be limited until the applicant is ready to make an application for a development permit. As industrial manufacturing and processing is a discretionary use in the RIC District, should this application be approved and a development permit be applied for, Public Consultation can be requested at the development stage when information on a proposed expansion can be considered. Further, several of the adjacent landowner comments on the existing development can be dealt with through the conditions of a new development permit should one be applied for.

Recent On Site Development

Through the public hearing process Parkland County has received a number of comments regarding a portion of the existing building being renovated. A legal non-conforming use is able to acquire safety codes permit for modification to an existing building. The renovations have received approval under building permit #15-B0080, Gas Permit #15-G0070 and Electrical Permit #15-E0133. The landowner continues to work with the County to acquire the plumbing permit that is required as the project continues.

Two temporary tarped structures have been erected on the property. These structures require development permits. Pending the results of the rezoning application development permits will be required or the structures may require removal.

Parkland County was made aware of spray activities occurring within the main structure on April 14, 2015. The applicant is currently contracting out this service and intends to continue this process into the future.

Administration is comfortable proceeding with the rezoning application given the significant progress the applicant has made in correcting the issues regarding the recent on site activity.

Adjacent Landowner Comments

Several inquiries have been made with regards to this bylaw and nine (9) written comments have been received from adjacent landowners. The following outline their concerns with the existing development and Administration's responses:

Note: The majority of the comments made have been voiced by multiple landowners.

Landowner Comments	Administration Response
1) Lighting angled down the front street – we are requesting that the lights be pointed downward to cover area of interest (increase the number of lights pointing downward if required) - horizontally positioned light can be blinding when driving towards it during dark periods - the horizontally positioned light lights up our tree lines making star gazing harder to enjoy	Should the landowners apply for a new development permit they will be required to comply with the County's dark sky policy. Community and Protective Services was notified of the potential traffic concern and performed a site inspection during the night on February 25, 2015. During this site inspection it was confirmed that the lights do not violate any traffic laws at this time. The roadway, ditches and stop sign are visible at night.
2) Culvert being crushed (S.E. corner of Lot 1 & N.E. corner of Lot 4) by semi-trailers during deliveries / pickups - request that the culvert be replaced / re-enforced with larger gauge steel to prevent crushing - request for an improved road to facilitate the turning of larger truck-trailer combinations	Public Works has been notified of this complaint and will be analyzing the issue when the area is clear of snow. Should the landowners apply for a new development permit alterations and improvements to the existing accesses may be a condition of the development permit.
3) During periods of wet weather, the heavy semi-trailer traffic significantly damages the road south of the railway crossing up to and including the Empire Iron Works Ltd main entrance intersection. - can this road be built-up or hardened to prevent this issue from regularly re-occurring.	Public Works has been notified of this complaint and will be analyzing the issue when the area is clear of snow.
4) All of the fabrications I have seen leaving the site are painted. Is the painting being conducted	The painting on site has ceased and the applicant is currently contracting out the service.

properly to prevent fumes from escaping into the neighboring lots. In the past we have smelled Varsol smelling paint fumes that are suspected as originating from Empire Iron Works Ltd. - is the proper scrubbing of ventilated air installed to prevent such pollution.	
5) Loud noise levels during weekends, including multiple 24-hour periods in the summer, 2014. New work conditions wording would identify the restriction intent better. - the restriction conditions need to be tied to noise, rather than work, because - noisy compressors or exhaust fans may be left running day and night.	This development is required to comply with Parkland County's Community Standards Bylaw which regulate acceptable noise levels within the County. Further no formal complaint were received in 2014.
6) Impact to road and infrastructure, the increased truck traffic and safety on busy roads.	Should the landowner apply for a development permit the potential increase in wear to the roads and infrastructure may be mitigated through the development permit process.
7) Potential pollution and dust which may be reaching and impacting the local watershed/lake.	Alberta Environment has the authority to enforce various acts regarding the pollution of waterbodies.
8) The decreased property value to the subdivisions with a large industrial complex operating nearby.	The majority of the developable land on this parcel is currently consumed with the existing development. Further the development has been operating on this site since the 1970's.
9) The operation has been frequently operating well into the 20 hr/24 hr range with noise and other concerns to the local residents.	The current development permit on the site does not specify operational hours.
10) Empire has broken the operating day Bylaw of sundays and statutory Holidays with outdoor activities. - refer to #87-D-88	This comment refers to a condition of the 1988 development permit which states that "There shall be no sandblasting or working activities outside of the building on Sundays and/or statutory holidays."
11) Concerns regarding the lack of public consultation at the rezoning phase.	Administration has accepted this application without any pre-consultation as the development has existed on these lands for over 30 years with no formal complaints to Planning and Development regarding the existing development permit and information on the potential expansion will be limited until the applicant is ready to make an application for a development permit. As industrial manufacturing and processing is a discretionary use in the RIC District, should this application be approved and a development permit be applied for, Public Consultation can be requested at the development stage when information on a proposed expansion can be considered.
12) The property currently has insufficient on site parking. Highway tractor trailers and employees frequently park on Range Road 43 disrupting	Should the landowner apply for a development permit parking allotment in conformance with the Land Use Bylaw may be a condition of the

traffic flow.	development.
13) The existing building has been in a visually poor state of repair for the past year. If rezoning of this property proceeds, visual screening of the property line would be appropriate. Please see attached image.	Should the landowner apply for a development permit enhanced landscaping/screening in conformance with the Land Use Bylaw may be a condition of the development.
14) County will be unable to enforce development conditions of future development permits.	Parkland County has the ability to enforce development permit conditions.
15) Concerns regarding the timing of the rezoning application.	Rezoning applications can be made at any time throughout the year.

AESRD Referral

A public hearing to receive public comments regarding proposed Bylaw 2015-08 was opened on March 3, 2015. The public hearing was recessed and Council requested the Administration refer the application to AESRD for comments. The following information was requested from AESRD:

1. Does the Empire Iron Works Plant have all of the necessary approvals from Alberta Environment and Sustainable Resource Development in place?
2. If the existing facility were to expand and/or intensify what, if any, approvals would be required from Alberta Environment and Sustainable Resource Development?
3. Does Alberta Environment and Sustainable Resource Development have any concerns with the operations of the existing development at this location?

Administration received two responses to this inquiry in mid-March. The first provided a link showing all of the approvals in place in Alberta. A search for the subject property showed no approvals at this location. Parkland County is unaware of any required AESRD approvals required for this development. The response also suggested that Parkland County file FOIP request. Administration has not pursued a FOIP request as there does not appear to be any approvals in place on the property to request information on.

Administration responded to the first response requesting general information on required approvals for this type of development in this type of location. AESRD responded stating that the applicant is responsible for obtaining any required approvals and provided a contact for complaints/emergencies. Administration has not pursued a complaint as we are unaware of any required AESRD approvals at this location and are not aware of any conflicts that Empire Iron has with any AESRD legislation.

Administration replied to the second response stating that based on the responses received from AESRD Parkland County assumes that Alberta Environment and Sustainable Resources Development expresses no concerns with the historic operation of this facility at this location or the current development request. Administration has not received a response to this correspondence.

Analysis

1. Capital Region Growth Plan

Bylaw 2015-08 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 however, 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.

3. Land Use Bylaw No. 20-2009

The Applicant is requesting the re-districting of Plan 5389RS, Lot A (Linc Number 0016 884 967) from the CR – Country Residential District to the RIC – Rural Industrial Commercial District. This re-districting is required prior to additional development of the existing plant.

Therefore, the applicant is proposing the following amendment to Land Use Bylaw 20-2009:

1. That Map 5 of Bylaw No. 20-2009, and amendments thereto, being the Parkland County Land Use Bylaw No. 20-2009 is amended by:
 - (a) re-districting of Plan 5389RS, Lot A (Linc Number 0016 884 967) from the CR – Country Residential District to the RIC – Rural Industrial Commercial District as shown on Schedule “A”, attached to and forming part of this Bylaw.

Alternatives:

1. Council could amend Bylaw 2015-08 to add General Industrial Manufacturing/Processing as a site specific discretionary use on Plan 5389RS, Lot A within the CR District, as opposed to redistricting the parcel to the RIC District prior to third reading; or
2. Council could defeat Bylaw No. 2015-08 at third reading.

Conclusion/Summary:

The Applicant has made an application to amend the Land Use Bylaw and re-district Plan 5389RS, Lot A (Linc Number 0016 884 967) from the CR – Country Residential District to the RIC – Rural Industrial Commercial District. Parkland County's MDP does not offer any direction on where the RIC district should be located. Administration is of the opinion that this development meets the criteria of the RIC district. Therefore, administration recommends that Council give third and final reading to Bylaw 2015-08. Public consultation will be a requirement of any new development permit applications as the County now has significant complaints/concerns on record regarding the development.

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