

**Bylaw 1-2016 Text Amendment to Land Use Bylaw 6-2015**

**Owners:** RROX Aggregates Ltd.  
**Applicant:** Park Paving

**Report Purpose**

To give three readings to a bylaw that proposes to separate concrete and asphalt uses into individual definitions and to add Concrete plant, major as a discretionary use in the Medium Industrial Zoning Districts within Land Use Bylaw 6-2015.

**Recommendations**

1. THAT Bylaw 1-2016 Text Amendment to Land Use Bylaw 6-2015 be given first reading.
2. THAT Bylaw 1-2016 be given second reading.
3. THAT Bylaw 1-2016 be considered for third reading.
4. THAT Bylaw 1-2016 be given third reading.

**Council History**

March 10, 2015 – Council adopted Land Use Bylaw 6-2015 with an effective date of May 11, 2015.

**Strategic Plan Priority Areas**

**Economy:** The proposal supports the strategic priority area of a diverse economy.

**Governance:** The Public Hearing provides Council with the opportunity to receive public input prior to making a decision on the proposed Land Use Bylaw text amendment.

**Social:** n/a

**Culture:** n/a

**Environment:** n/a

**Other Impacts**

**Policy:** n/a

**Legislative/Legal:** The *Municipal Government Act* provides Council the authority to amend the Land Use Bylaw.

**Interdepartmental:** The proposed amendment has been circulated to internal departments and external agencies.

**Summary**

Strathcona County's Land Use Bylaw 6-2015 currently defines asphalt and concrete plants as equivalent, treating them comparatively in terms of nuisance impacts when it comes to zoning considerations. They are currently defined as follows:

Concrete/Asphalt Plant, Major – *"means a permanent plant or facility that is used for the processing, manufacturing, recycling and sale of concrete, asphalt or both, and includes facilities for the administration or management of the building, the stockpile of bulk materials used in the production process or of finished products manufactured on site and the storage and maintenance of required equipment"*

Concrete/Asphalt Plant, Minor – *"means a portable unit that is used for the processing, manufacturing, recycling and sale of concrete, asphalt or both, and includes facilities for the administration or management of the building,*

*limited stockpile of bulk materials used in the production process or of finished products manufactured on site and the storage and maintenance of required equipment”*

Currently these two definitions are differentiated by whether the plant is portable or permanent; no distinction is made between the processes involved with asphalt production and concrete production. Concrete plants and asphalt plants differ in the method of production and the materials they produce; consequently the impacts and nuisance factors created during the respective processes are different. The chart provided in Enclosure 1 of this report gives a general overview of the differences between the two uses. The nuisance impacts of a concrete plant can be maintained within the property boundary; however asphalt plants do not have the same ability to contain their impact.

Generally within the classification of land use, medium industrial uses and heavy industrial uses are differentiated by the ability to contain nuisance impacts. Medium industrial uses are considered as uses that can maintain any nuisance impacts within the property boundary, while heavy industrial uses are considered to have impacts that extend beyond the property line. Considering the significance that nuisance impacts have in defining what constitutes Medium or Heavy Industrial uses, the first aspect of the proposed text amendment is to separate concrete and asphalt uses into individual definitions. Having a definition that is specific to each process enables the ability to assign each respective use to appropriate districts with respect to the difference in their associated nuisance impacts. Based on the ability for the nuisance impact of a concrete plant use to be contained within a property boundary, the second aspect of the proposed amendment is to add Concrete Plant, Major as a discretionary use in the Medium Industrial Zoning Districts of the Land Use Bylaw. As a discretionary use, an applicant for a development permit for a proposed Concrete Plant, Major use would be required to demonstrate to the County that nuisance impacts are mitigated and maintained within the property boundary, which would uphold the intent of the medium industrial zoning. Aesthetic considerations of a proposed concrete plant would also be reviewed as part of the permitting process.

To ensure compatibility of the use with adjacent properties, the proposed text amendments further include regulations in section 7.17.6 of the IM Medium Industrial zoning district and Section 9.19.7 of the IMH Medium Industrial (Heartland) zoning district that require that an asphalt plant and concrete plant shall not create nuisance effects beyond the boundary of the subject site.

The proposed text amendments described above were initiated by the applicant to enable the consideration of a Concrete Plant, Major use on the applicant's current parcel Lot A, Plan 2354 RS (SE 23-53-23-W4). The site is currently used by the applicant as an Industrial General Use - Aggregate Transload Facility, which utilizes the rail spur on the property.

The amendments proposed by this Bylaw would enable a development permit to be considered for a Concrete Plant, Major use on any parcel zoned IM Medium Industrial or IMH Medium Industrial (Heartland) within the County.

**Communication Plan**

Newspaper advertisement, letter

**Enclosures**

- 1 Asphalt/Concrete Use Comparison Chart
- 2 Proposed Text Amendments
- 3 Bylaw 1-2016