

**Bylaw 39-2019 text and map amendment to Land Use Bylaw 6-2015 (Ward 6)**

**Applicant:** Russ Burrell  
**Owner:** Kenneth Blazy  
**Legal:** SW 32-51-22-W4  
**Location:** South of Highway 14 and East of Range Road 225

**Report Purpose**

To provide information to Council to make a decision on first, second and third readings of a bylaw that proposes to amend the text of Land Use Bylaw (LUB) 6-2015 to add new Direct Control District 86 and subsequently rezone a portion of the SW 32-51-22-W4 consisting of approximately 6.94 hectares (17.14 acres) from AG – Agriculture: General to DC 86 – Direct Control District 86 to facilitate outdoor storage that includes a logistics and staging site for over dimensional and overweight vehicles.

**\*Applicant Request**

1. THAT Bylaw 39-2019, a bylaw that proposes to:
  - amend the text of LUB 6-2015 to add new Direct Control District 86; and
  - rezone a portion of the SW 32-51-22-W4 consisting of approximately 6.94 hectares (17.14 acres) from AG – Agriculture: General to DC 86 – Direct Control District 86, be given first reading.
2. THAT Bylaw 39-2019 be given second reading.
3. THAT Bylaw 39-2019 be considered for third reading.
4. THAT Bylaw 39-2019 be given third reading.

**\*Administration Position**

Administration does not support the proposed bylaw for the following reasons:

1. The proposal does not meet the intent of the Agriculture Small Holdings Policy Area and the policies of the Strathcona County Municipal Development Plan (MDP).
2. Information has not been provided that confirms the site is able to physically support the intended use.
3. The proposal enables consideration for general outdoor storage not related to the intent of the application.
4. Discussions on the potential of relocating the over-dimensional/overweight vehicle route is currently occurring between the Province and the County.
5. The current location and method of staging over-dimensional/overweight vehicles is safe and efficient.

**Our Prioritized Strategic Goals**

Goal 3 - Cultivate economic diversification, within the petro-chemical industry and beyond, through a business-friendly environment

Goal 8 - Foster an environment for safe communities

**Report**

Administration has received an application that proposes to create Direct Control District 86 in LUB 6-2015 and rezone a portion of the SW 32-51-22-W4 from AG – Agriculture: General to DC 86 – Direct Control District.

**Applicant's request:**

The application for rezoning indicates that the purpose of the application is "to facilitate a need to create a transportation staging yard for the oversized and overweight industrial equipment that parks on a County service road adjacent to this property."

The applicant has indicated that the proposal is intended as a solution to the problem of oversize/overweight (OSOW) vehicles using the local service road adjacent to Highway 14 to park, store and transfer their oversize industrial equipment; and indicates that this proposal eliminates safety risks by removing these vehicles/equipment from public property into a safer, privately monitored and regulated location.

As per Strathcona County LUB 6-2015, the proposed use would be considered Outdoor Storage. Outdoor storage is defined in the LUB as:

*The storage of equipment, goods, and materials in the open air. This includes but is not limited to pipe yards, vehicle or heavy equipment storage compounds, storage of construction material, or storage unrelated to the principal use of the lot or site.*

Outdoor Storage as a primary use in the rural area of Strathcona County is currently only considered within industrial zoning districts of the LUB.

The applicant is further proposing, through the direct control district, that the site can be considered to facilitate additional outdoor storage; recreational vehicle storage, minor; and school bus parking that are not related to the primary purpose of accommodating OSOW vehicles noted above.

Bylaw 39-2019 represents the intent of the applicant's request.

**Additional information requested by Council:**

A Public Hearing was held on July 21, 2020 for the proposal. Following the Public Hearing, Council referred the application back to administration for further work on safety concerns associated with proposed bylaw 39-2019. Administration subsequently reviewed the current staging area along the Highway 14 service road and prepared the report included as Enclosure 8. The report was prepared by the County's Transportation and Agricultural Services Department in consultation with Transportation Planning and Engineering, Emergency Services, and RCMP and Enforcement Services departments as well as Alberta Transportation and representatives of the two Elk Island school boards' student transportation services. The report provides an overview of how the current staging area is regulated and outlines how actions have been taken since 2018 to improve its operations and safety. In summary the report provides the following:

- No collisions have occurred in the last 10 years as a result of OSOW movements in the subject area
- A County-managed notification system is in place to ensure any disruptions to the service road are communicated to subscribers including the Emergency Services and

RCMP and Enforcement Services Departments, as well as the school bus providers for the area enabling these service providers to navigate around any unscheduled disruption

- Available access at either end of the service road enables emergency response to be performed should the need arise during an unscheduled disruption occurring with an OSOW vehicle along the service road
- OSOW movements are permitted and controlled in their usage of the service roads and staging area. Strathcona County manages those users through active review of all Provincial permits and effectively controls the use of the staging area
- The area is actively enforced to ensure no unauthorized or transient loads are causing a safety issue by utilizing the service road or staging area
- Incremental improvements to the staging area have occurred since 2018, including:
  - 'no parking' signs being installed along the subject service road
  - the relatively recent development of an interchange bypass and slip ramp enabling the shortest possible direct access from and egress to Highway 14 from the staging area. This will enable the majority of the service roads to no longer have to be used for a significant number of movements
  - an improved staging area with ample area in excess of the service road right of way ensuring safe maneuvering of OSOW vehicles and safe passage of commuter traffic

The report concludes that the current method of staging OSOW vehicles along the service road is the safest method relative to an alternative approach of directing the OSOW vehicles along a rural grid road to another area.

#### **Administration's Position:**

Given the conclusions of the report, administration continues to **not support** the proposal for the following reasons, including an additional point 7 below added since the Public Hearing report:

#### **1. Statutory policy inconsistency**

The subject property is located within the Agriculture Small Holding Policy Area of the MDP. In this regard, the following statutory direction contained within the MDP applies to the proposed direct control district:

- a) The primary intent of the Agriculture Small Holdings Policy Area is to allow for opportunities such as agricultural operations, small-scale commercial and associated residential that supports the agricultural viability of the area.
- b) The Goal of the Agriculture Small Holdings Policy Area is that Strathcona County will provide opportunities for small scale agricultural operations that support livework, local food production and local food distribution which respect the rural landscape and the environment.
- c) Strathcona County's objectives are to ensure that the Agriculture Small Holdings Policy Area:
  - Prioritizes small-scale agricultural operations
  - Provides opportunities for livework, local food production and local food distribution

- Is viable over the long term
  - Respects rural landscapes, natural landscapes and heritage
- d) Industry and Energy Policy for the Agriculture Small Holding policy area is contained within MDP Policies 5.4.26 through 5.4.30, which enables consideration for industry in the form of development for aggregate extraction, pipelines, and the generation of renewable energy.

The intended use facilitated by the direct control zoning district is contrary to the objectives of the Agriculture Small Holdings Policy Area and would enable a use that is inconsistent with current MDP policy.

## 2. Site suitability

The applicant has not provided sufficient information to support that the area proposed to facilitate the staging of OSOW vehicles is suitable for the purpose intended. In this regard, the following issues remain a concern to Administration:

- a) A number of significant, environmentally-sensitive features are present throughout the site including wetlands, upland habitat and drainage courses (see Enclosure 6). Biophysical and geotechnical reports have not been provided by the applicant to confirm the developable area available for the proposed use.
- b) Insufficient information has been provided to demonstrate that OSOW vehicles are physically able to enter, exit, and navigate the site. Information provided by the applicant (see Enclosures 4 and 5) illustrates vehicular parking and turning movements that: physically extend beyond both the proposed access points and Range Road 225 right-of-way; encroach into the environmentally sensitive areas; and are not contained within the development setbacks within the proposed zoning district. Further, an evaluation of potential impacts and identification of potential upgrades to Range Road 225 have not been provided by the applicant.
- c) The OSOW vehicles would require an extensive amount of changes to existing third-party infrastructure to facilitate access to the site. These changes include:
  - Upgrading the intersection of Provincial Highway 14 at Range Road 225 to facilitate OSOW vehicles turning
  - altering the existing Altalink infrastructure to relocate the existing pole
  - altering the existing Fortis infrastructure

The applicant has not provided information indicating how these changes can be achieved to support a rezoning to facilitate the intended use.

## 3. Inclusion of General Outdoor Storage

The Direct Control District as proposed enables outdoor storage as a use that is not related to the purpose of the application. In this regard, should the intent of creating an OSOW vehicle-staging facility not be realized or cease to continue, the site may be used in perpetuity for general outdoor storage, which is not reliant upon the specific location and would otherwise be directed to other locations by MDP policy.

## 4. OSOW route evaluation

Strathcona County and Alberta Transportation are in high-level discussions concerning the evaluation and potential relocation of the provincial OSOW network including the

current staging area along the subject service road. The proposed zoning, for a private staging / parking area, may not be necessary if the route were to change.

5. LUB

Based on the above, the proposal fails to meet the conditions to use a Direct Control District as outlined in Section 11.2.1 of the LUB for the following reasons:

- a) The proposal is not consistent with the policies and objectives of the MDP.
- b) The applicant has not provided sufficient information to contemplate comprehensive planning and implementation for a proposed development of this scale, character or complexity.
- c) Enabling consideration of general outdoor storage beyond the intended purpose to facilitate OSOW vehicles eliminates the specific nature of the proposal that would otherwise warrant the use of a direct control district.

6. Other information

In addition to the issues noted above, the following information is pertinent to Council making a decision on the application:

- a) The County has jurisdiction over the use of the subject Highway 14 service road. Permissions for each OSOW vehicle requesting to park at this location are required to be achieved from the County in the form of a road use agreement. In this regard, eliminating the OSOW vehicles from parking on the service road would require that road use agreements are no longer issued to industry for this purpose.
- b) As part of the application process, adjacent landowners were notified of the application and were provided the opportunity to comment on the proposal. As a result, adjacent landowners identified concerns that they felt would be a result of the proposed district. These concerns include the following:
  - Increase in traffic and the poor condition of the road network to handle the proposed use
  - Decrease in value of adjacent properties
  - The proposed use is contrary to the rural agricultural community of the area
  - Impact of nuisance including noise and concerns of the site becoming an 'eyesore', mess' or being 'unkempt'
  - No limit provided for the amount of additional storage
  - The only usable portions of the subject property are directly adjacent to residences

7. Safest approach is the current staging operation:

Given the improvements completed since 2018 and the regulatory, notification and enforcement processes in place, the operation of the staging area in its current location is safe practice.

In this regard, and in considering the information above and contained within the additional report, it is Administration's opinion that the current method of staging OSOW vehicles combined with the ability to regulate the users provides a safer method than the applicant's proposal in its current form.

**Council and Committee History**

- July 21, 2020 Council held a Public Hearing for proposed Bylaw 39-2019. Council passed the following motion: "THAT the motion on the floor be referred to Administration for further work and report back to Council by end of September on safety concerns associated with proposed bylaw 39-2019."
- September 5, 2017 Council adopted MDP Bylaw 20-2017.
- March 10, 2015 Council adopted LUB 6-2015 with an effective date of May 11, 2015.

**Other Impacts**

**Policy:** Redistricting (Map Amendment) Bylaws Policy SER-008-022.

**Legislative/Legal:** The *Municipal Government Act* provides that Council may, by bylaw, amend the Land Use Bylaw.

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

**Enclosures**

- 1 Bylaw 39-2019
- 2 Rural location map
- 3 Location map
- 4 Site parking and circulation plan
- 5 Site access with airphoto
- 6 Site air photo
- 7 Area context air photo
- 8 Operational safety review of current Hwy 14 service roads and staging area