



Land Use Bylaw Rewrite

Yellowhead County

Public Survey #1 Results



July 16, 2020

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Introduction

In May 2020, an online public targeting residents, landowners and business operators in Yellowhead County was released. The survey received approximately 200 responses in its five-week run.

The survey asked for preliminary demographic data related to where participants lived, what type of residential area (rural, subdivision, hamlet etc.) and how long they had lived in the area. These questions were used to help understand if there are significant differences between the opinions of people living in different parts of the County.

Participants were also asked open-ended questions about development in the County to help the project team identify themes for review or research

Finally, participants were asked to identify the levels of impact that they felt were appropriate for different types of land uses to have on their properties in order to understand if landowners have different expectations around land use impacts depending on where they live.

Responses from Different Residence Areas

In addition to considering the response as a whole, responses were considered to identify any differences in opinions between residents of rural properties (five or less lot per quarter), subdivisions (more than five lots per quarter) and hamlets.

Rural Residents

131 Responses

Roads

- Better Maintenance of surface and ditches (mowing/clearing)
- Paving
- Paving roads to destinations like lakes and campgrounds

More business opportunities

- Small business growth
- Support businesses who follow the rules

Complaints

- Neighbours making complaints despite businesses following the rules
- Residential landowners making complaints about farming operations
- Dog control

Development

- More development opportunities
- Better flood mitigation/overland water management when new

developments are approved

- Notification and consultation on new development
- Less farmland subdivisions

Bylaw Enforcement

- Nuisance properties

Services

- Have county clear driveways in winter
- Overnight parking at rec centres

Hamlet Residents

26 responses

Roads

- Better Highway Maintenance

Enforcement

- Stricter Bylaw Enforcement
- Stricter laws for large dogs

- Nuisance properties
- Impacts of random campers/off highway vehicles
- Impacts of major event visitors (ball tournament Peers)

Development

- Lack of notification for rezonings
- Allow urban chickens
- Personal RV storage on residential lots

Subdivision Residents

28 responses

Roads

- Road Maintenance
- OHV Impacts to ditches
- Industrial sites impacting roadway (mud, traffic)
- Repave poor condition roads

Development

- Lack of development requirements for Storage/Camp Grounds
- Operation of businesses without permits

- Limited flexibility in uses depending on the size of a property
- Major home-based business impacts

Impacts

- Smell of wastewater management from recreational properties
- Environmental impacts from wastewater management

Notification/Information

- Mailouts to local residents
- Information on County website
- Access to bylaws on website

Other

- County operations (snow clearing in winter)

In general, there is significant overlap in the themes that residents were interested in regardless of what type of residence area they lived in including limiting/deregulating development, bylaw enforcement, and managing nuisance properties.

Across the board, there were a range of opinions regarding if the bylaw should be more or less restrictive for development in the County, primarily in rural areas. In general, rural residents were more likely to state that a landowner should be able to do as they like but respondents in both hamlets and rural areas also acknowledged that it was important for new development to not negatively impact neighbouring landowners.

It should also be noted that of the 110 answers to the question "From your experience, are there any issues with the current regulations?", 42% (47) of the responses indicated some form of "No" in their response.

Differing Impact Thresholds

In addition to considering the differences in responses between different areas, we reviewed how the responses to the impact questions differed between residence types.

Topic	Response Summary		
	Hamlets	Rural Properties	Subdivisions
1. Agriculture Uses	Hamlet residents had the least tolerance for higher impact agriculture uses with 23% of respondents indicating that only 'no impact' ag uses would be acceptable near hamlets.	In general, rural residents were more tolerant to ag uses than hamlet residents but the majority (22%) still felt that 'little impact' uses would be acceptable near their properties.	When it comes to subdivision residents, they were the most tolerant to impactful agricultural uses with 25% of responses indicating that uses with 'more impact' would be acceptable.
2. Residential Uses	Hamlet residents were less tolerant of 'moderate impact uses' (19%) than their more rural counterparts and slightly preferred little impact uses (23%)	Both rural and subdivision residents clearly indicated that 'moderate impact' residential uses are acceptable. (31%, and 39% respectively.	
3. Recreational Uses	Hamlet residents were equally as likely to support no impact or little impact uses (23% each) in their communities.	Rural property owners were split in their preferences, with 22% preferring no impact uses while 17% would accept more impactful uses like rodeos and rec centres nearby.	Subdivision residents were generally more tolerant of recreation uses with the lowest response rates for no impact uses (10%). They were least likely to support more impactful uses (4%).
4. Commercial Uses	In general, hamlet residents were evenly split in this category. Overall, most residents were most likely to respond with little or moderate impact uses (19% each)	Rural residents were also fairly evenly split between the impact categories but slightly more preferred rural properties. In contrast to other areas, their responses were higher for more impact uses.	Subdivision residents were most likely to indicate that they supported moderate impact commercial uses but very few of them were comfortable with nearby 'more impact' uses.
5. Institutional Uses	Across all residence types, respondents preferred little impact institutional uses. (23%, 23%, and 25% respectively). In general, acceptance of institutional uses declined with more impacts.		
6. Industrial Uses	A large majority of hamlet residents indicated that they felt that only no impact industrial uses would be acceptable (27%) and 0% felt that more- or significantly impactful or uses were acceptable.	In general, the most common responses from rural residents were no impact and little impact (15% and 18% respectively). Despite this, rural residents were more tolerant to higher impact industrial uses, with 8% indicating that	Subdivision residents were slightly more tolerant of industrial uses with the majority (21%) of them indicating that little impact uses would be acceptable and only slightly less (18%) indicating that moderate

		both moderate and more impactful uses and 5% indicating that significant impacts would be acceptable.	impact uses would be acceptable.
7. Lodging Uses	Hamlet residents had a clear trend of decreasing acceptance of higher impact lodging uses. The majority of respondents indicated that no impact uses, and little impact uses (23% and 15%)	Rural residents showed a similar trend in decreasing acceptance but were overall more accepting of higher impact uses.	Subdivision residents showed the opposite trend with the most common level of acceptance being moderate impact uses (28%).

Overall, it appears that some original assumptions about hamlet residents being the least tolerant to impacts generally holds true, it is not necessarily true for all types of uses. In addition, this review shows that using the aggregated data (all response graphs below) does not necessarily reflect the true feelings of county residents. This is at least partially the result how 65% of responses came from rural property owners.

Moving forward, these findings should be considered when deciding which uses are appropriate for different land use districts or transects.

Common Issues with Current Regulations

Impacts of Development:

- Industrial Traffic
- Too many people
- Tourism traffic
- Scrap yards
- Noise from industrial operations

Issues with the Development Process

- Limited notification of development
- Land Use Bylaw is not easy to use
- Access for Development
- Permit requirements

Bylaw Enforcement

- Neighbours not following the rules
- Nuisance Properties

Development Regulations

- Principal/Accessory Building Setbacks
- Secondary Suites
- Accessory Buildings
- Stormwater management impacts

Subdivision Regulations

- Property approaches
- Access requirements
- Road development requirements

Allowed Uses

- Not allowing chickens
- Sea Can Notification
- Small Trailer Parks
- Commercial Storage
- Regulatory limitations
- Home-Based Business impacts
- RV storage in hamlets
- Free Camping Impacts

Other Issues

- Management of Fire Pits
- OHV use in rural areas

Issues with the Project

- Timing of when the project is occurring

Conclusions

Key Themes

The following is a brief discussion on some of the common themes raised by participants when asked about issues in how the County manages land use and development as well as topics raised by the project team in the initial phase of the project.

Topic	What We Heard	Actions
1. Worker accommodations and short-term rentals	<ul style="list-style-type: none"> Ensure that tourism-related short-term rentals operate 'above the board' Concern about the impacts of short-term rentals on communities because of issues like traffic and noise as well as disruptive attendees of large events. In general, responses were more focused on managing the impacts of short-term rentals than worker accommodations. 	Focus Group #1: The County could host a focus group session to identify appropriate ways to manage seasonal and short-term rental needs in different communities.
2. Secondary suites and residences	<ul style="list-style-type: none"> Generally, did not raise concerns related to having additional secondary suites in their communities. Desired the option to build different kinds of secondary suites including granny suites etc. to support their growing or aging family. 	Without significant comments from the community, it is suggested that current regulations be maintained or expanded to support aging in place or multi-generational living.
3. Subdivision regulations	<ul style="list-style-type: none"> Participants were divided in their perception of how the County should address future subdivisions in rural areas. Some responses raised concerns about ongoing loss of farmland while others indicated that the County should be more lenient with those looking to subdivide. <p><u>Other subdivision related changes that raised included:</u></p> <ul style="list-style-type: none"> Allowing more subdivisions where there is road access Differences in the allowed subdivisions in the eastern part of the County (currently 3 instead of 5 to protect ag land) Reconsider many road approaches are allowed per quarter section 	Focus Group #2: Subdivision of land is often a concern for residents and landowners. The project team should host a focus group session to gather more directive feedback from residents regarding the topic. In addition,
4. Signage	<ul style="list-style-type: none"> Signage issues were not identified in survey responses. 	Ensure that Signage is appropriately managed to mitigate nuisances but

Topic	What We Heard	Actions
5. Development Permit requirements for new uses and structures	<ul style="list-style-type: none"> Generally, participants identified that the County should not be requiring permits for accessory structures on a property. In addition, specific comments about not grandfathering the location of certain accessory buildings if the services had already been run to that area. 	<p>does not require detailed consultation.</p> <p>Focus Group #3: The project team could host a focus group session to identify appropriate thresholds for developments not requiring a permit including renovations, accessory buildings etc.</p>
6. Accessory Buildings	<ul style="list-style-type: none"> Participant were interested in loosening regulations on how accessory buildings like garages and sheds are managed, especially on larger properties. <p><u>Other accessory building related topics that were raised for consideration include:</u></p> <ul style="list-style-type: none"> Setbacks for accessory buildings Accessory building locations behind principles residences Concern with Sea Can regulations Size of accessory buildings (not requiring a permit) 	<p>Focus Group #3: Include the discussion of accessory buildings with discussions about developments not requiring permits.</p>
7. Sea Can Storage	<ul style="list-style-type: none"> Sea cans were only identified in a few survey responses. The most specific response indicated a lack of support for the County advertising the location of proposed sea cans as it identified it as a target for crime. 	<p>Focus Group #3: Include the discussion of sea cans (storage containers) with discussions about other accessory buildings.</p>
8. Manufactured Homes and Moveable Residences	<ul style="list-style-type: none"> In general, participants did not raise specific issues with mobile homes in the County. Some responses were generally negative towards the idea of mobile home parks and several hamlet residents indicated that they did not support allowing the use of mobile home for short term rentals or vacation houses. In addition, some residents in the west of the County were concerned about people living out of RVs on private property in the hamlets. 	<p>Focus Group #1: Include the moveable residences (RVs) as primary residences with discussions on short term rentals.</p>
9. Landscaping, Parking and other General Provisions	<ul style="list-style-type: none"> Overall, one of the most common complaints from participants was over unsightly properties with many responses focused on neighbours keeping too much junk on their properties. 	<p>Development provisions like landscaping and parking should be engaged on in a more general manner and</p>

Topic	What We Heard	Actions
	<ul style="list-style-type: none"> Despite this, other responses indicated that the County should not be interfering with landowners use of their land. 	<p>based on accepted parking requirements.</p>
<p>10. Notification and Consultation</p>	<ul style="list-style-type: none"> Participant raised concerns about how residents are notified and consulted when developments are proposed near their properties. This included repeated calls for the county to listen better to community concerns and manage impacts like noise, smells, dust and traffic. Others felt that landowners should be allowed to do what they want on their land. There were also calls for the County to move notification online. 	<p>Focus Group #5: The County could host a focus group session to help develop an appropriate system for notifying residents of nearby development and supporting effective consultation.</p>
<p>11. Types of Impacts</p>	<ul style="list-style-type: none"> Participants raised a range of impacts that that the County should consider when reviewing development applications. These included noise impacts to neighbours, noxious smells, industrial traffic, damage to roadways, unsightly properties, and tracking mud and debris onto roads. 	<p>Focus Group #4: Host a focus group session of residents and stakeholders on mitigating negative impacts of major developments on nearby residents including: smell, noise, dust etc.</p>
<p>12. Gravel Extraction</p>	<ul style="list-style-type: none"> Gravel extraction was not a commonly identified issue in the community survey. Responses did raise concerns related to the noise of industrial operations in the County in general and gravel pits were identified explicitly in some cases. 	<p>Focus Group #4: Including gravel extraction along with other high-impact uses may identify high-impact thresholds for specific uses in the County.</p>
<p>13. Bylaw Enforcement and Contravening the Bylaw</p>	<ul style="list-style-type: none"> One of the most common themes raised by participants was a lack of consistent application or enforcement of bylaws in the County. Many responses were concerned about unsightly properties (both in rural areas and hamlets) not being held accountable by the County. Responses routinely asked that the bylaw regulations be applied consistently to all residents. Multiple participants were concerned about others not following the rules around development permits including not getting approval for tourism accommodation, not getting permits, or slow enforcement of bylaws. There were also concerns that operators who want to follow the rules can't operate. 	<p>The above concerns are more related to enforcement of the Land Use Bylaw rather than the specifics of its regulations. The County could consider identifying where trouble properties are located and working with the landowners to reduce the nuisance on their lands.</p>

Topic	What We Heard	Actions
14. Over Regulation/ Under Regulation	<ul style="list-style-type: none"> Responses were split between seeking additional regulations to manage the impacts of land use and wanting to see restrictions removed from landowners. One response indicated a need to balance those desires in the following "Residential and business development in rural areas come together with balance. Neither can outweigh the other". There were also several recommendations that the County better account for local context when applying the development regulations. 	Seek an appropriate level of regulation that manages direct impacts on the use and enjoyment of land for landowners (smell, sight, noise). This may also be managed in a different manner depending on the type or size of the lots.

Direction from the Consultation

The following are some of the directions drawn from the engagement received to date and may require additional precedent review or discussion among the project team.

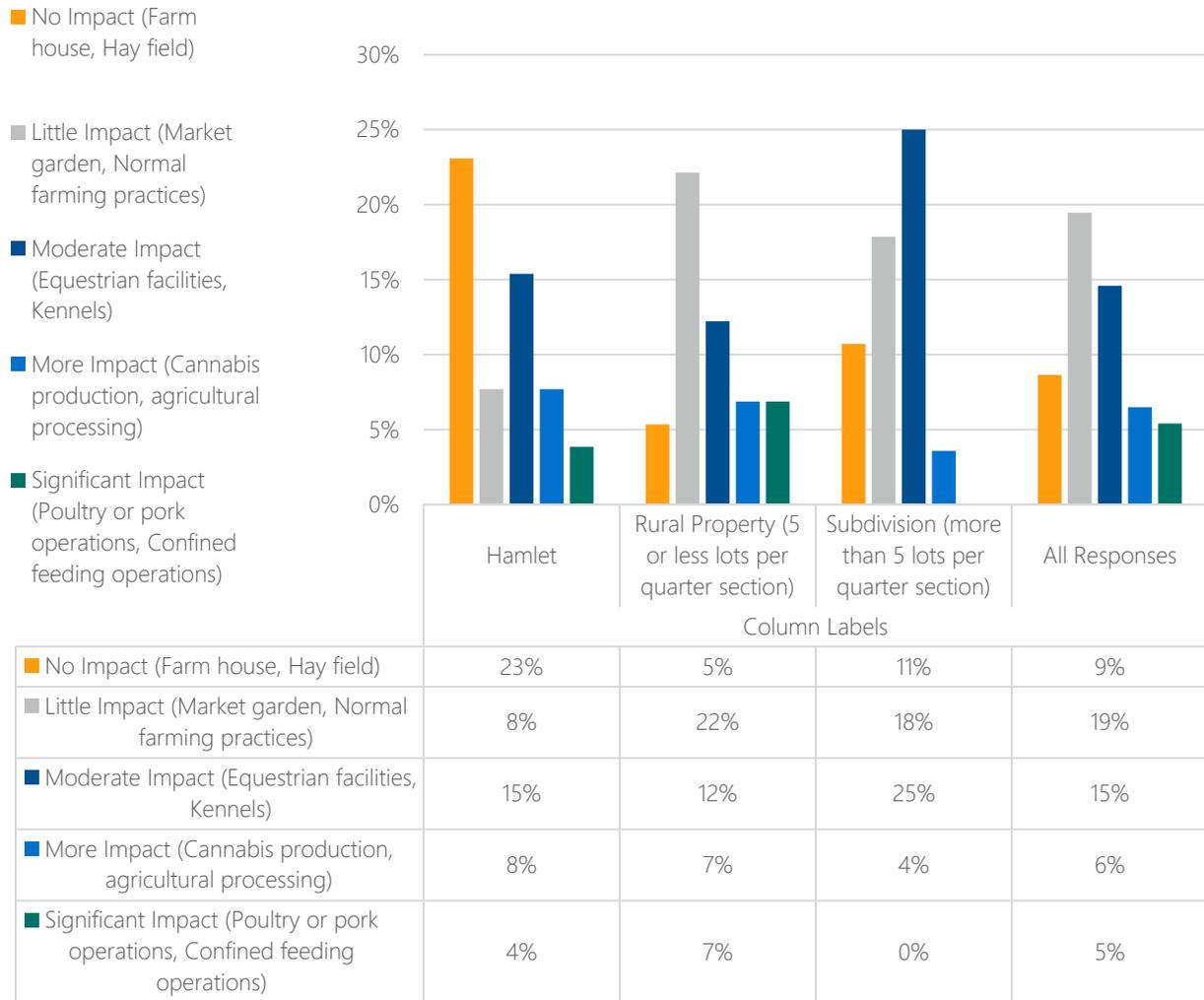
Direction	Actions
1. Balance landowner development rights with consultation to address concerns from neighbours.	<ul style="list-style-type: none"> Set clear expectations about how concerns will be incorporated into decision-making. Identify the process that neighbours will be notified of a proposed development. Update the notification process to use digital forms of communication.
2. Minimize the negative impacts of tourism uses on local residents	<ul style="list-style-type: none"> Identify appropriate permitting process for tourism uses that are simple and fast to navigate but feel fair for residents.
3. Changing subdivision regulations in different parts of the County	<ul style="list-style-type: none"> Reconsider how the LUB manages fragmentation of agricultural land. Potentially move towards a total non-ag area as opposed to a number of lots.
4. Managing accessory buildings (on large lots and smaller lots)	<ul style="list-style-type: none"> Remove onerous restrictions on accessory buildings on larger lots or rural lots.
5. Requiring road access to new developments	<ul style="list-style-type: none"> Reconsider what the County requires for road access for residential subdivisions.
6. Use of travel trailers as primary residences on a property	<ul style="list-style-type: none"> Allow storage of personal travel trailers (RVs) on residential lots in appropriate ways. Manage concerns about people living in RVs instead of permanent residences.

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| 7. Allow non-
nuisance uses as a
right | <ul style="list-style-type: none">• Add other uses to the list of developments not requiring a permit.• Potentially include chicken coops, or other low-nuisance uses on that list.• Consider implementing a notification for consent prior to requiring a permit for some uses (“If the neighbour doesn’t object, then leave it alone”) |
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| 8. Simplify the Bylaw | <ul style="list-style-type: none">• Make the language and layout of the bylaw simpler.• Include images and sketches to show how regulations should be interpreted. |
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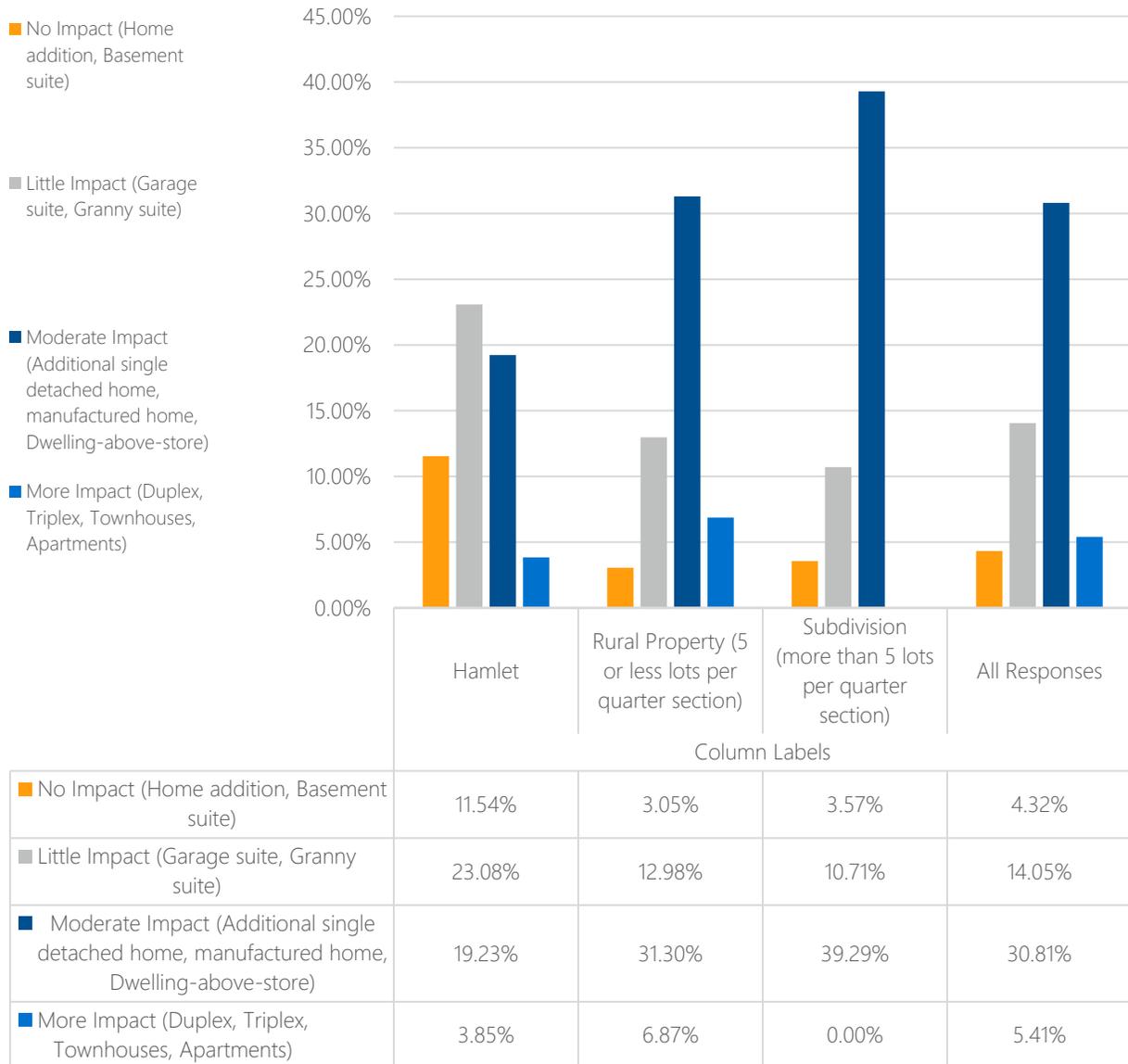
Appendix 1 - Impact Data

The following pages were exported from excel and show the raw results and basic summary of survey responses. For all residence classes, percentages in each column will not add up to 100% as blank responses were removed from the tables to improve readability.

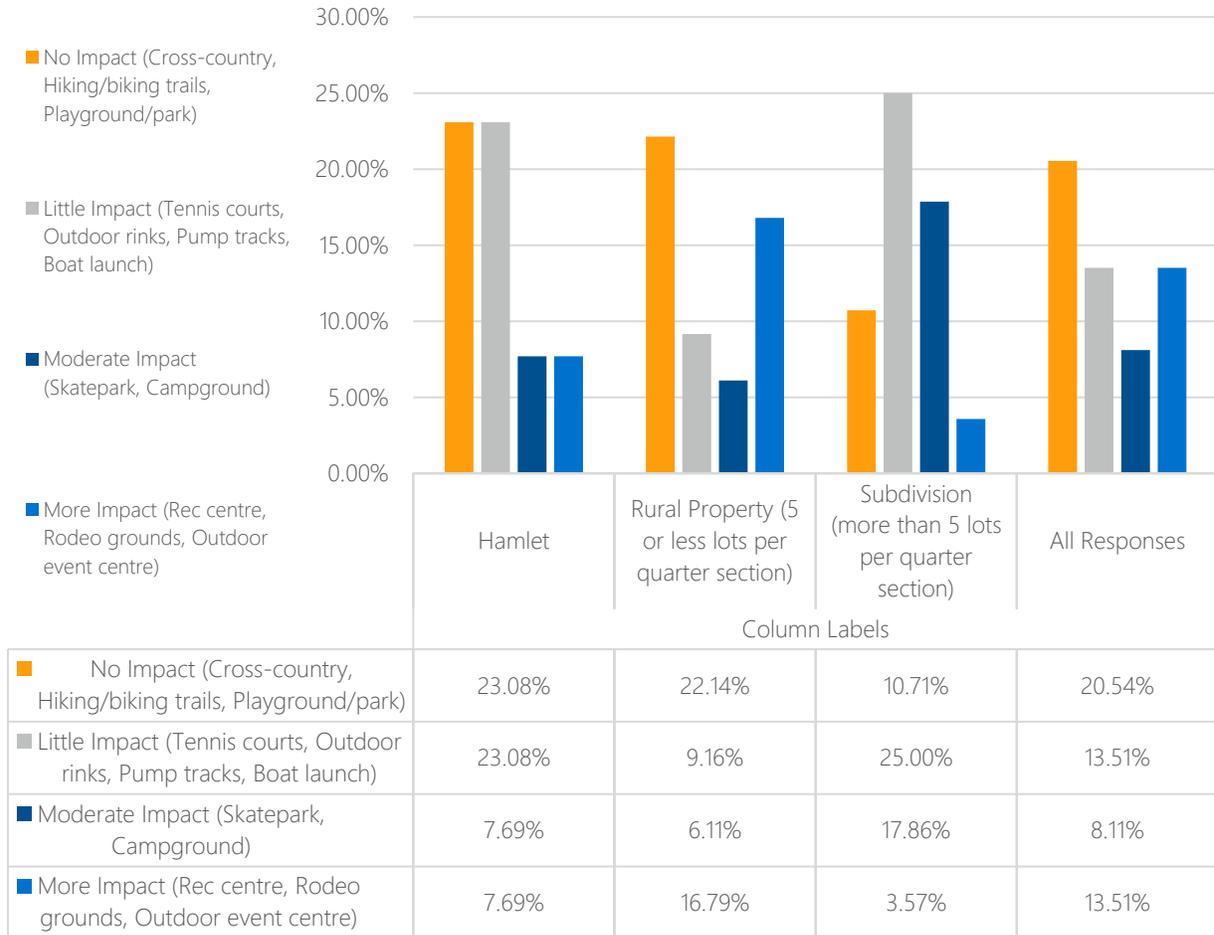
Agricultural/Rural Uses



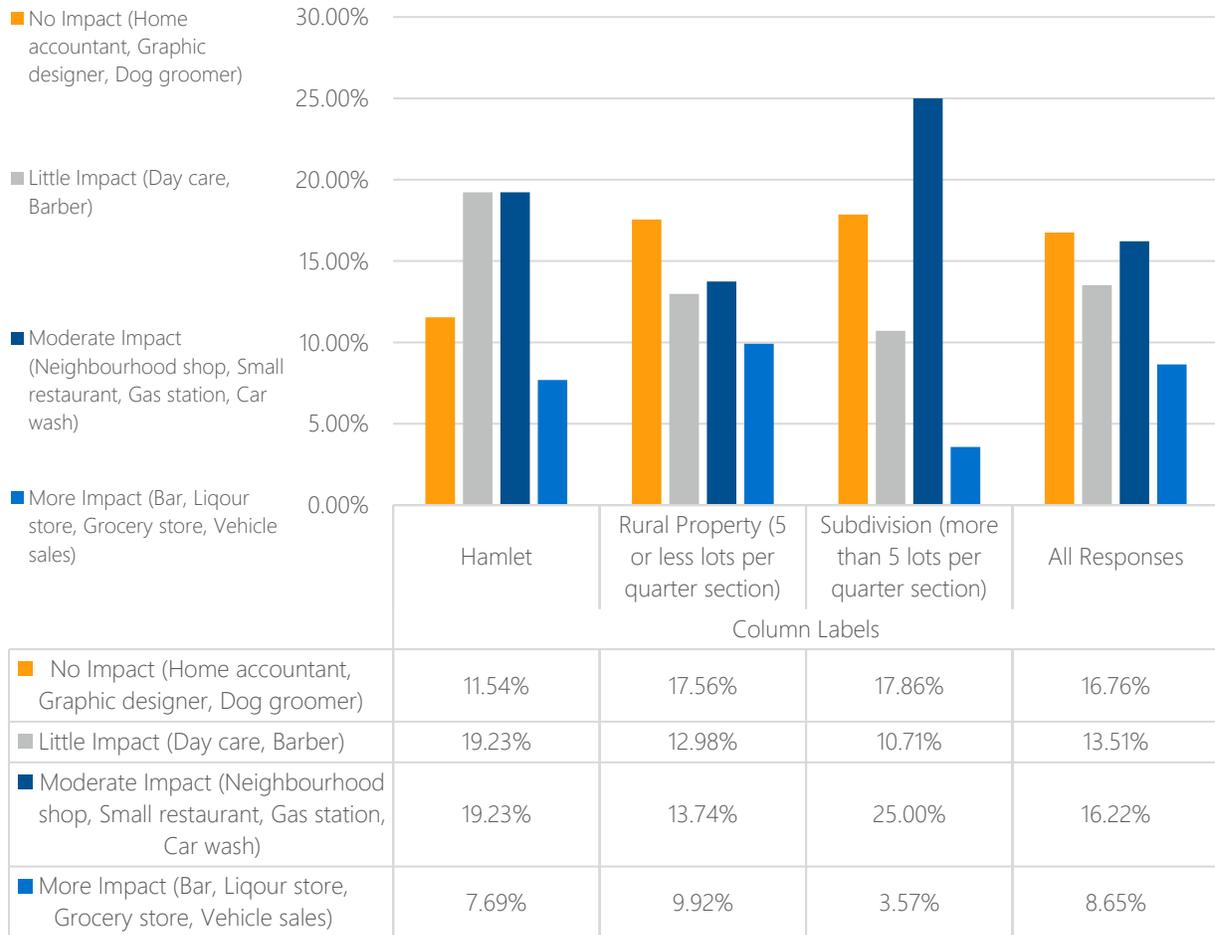
Residential Uses



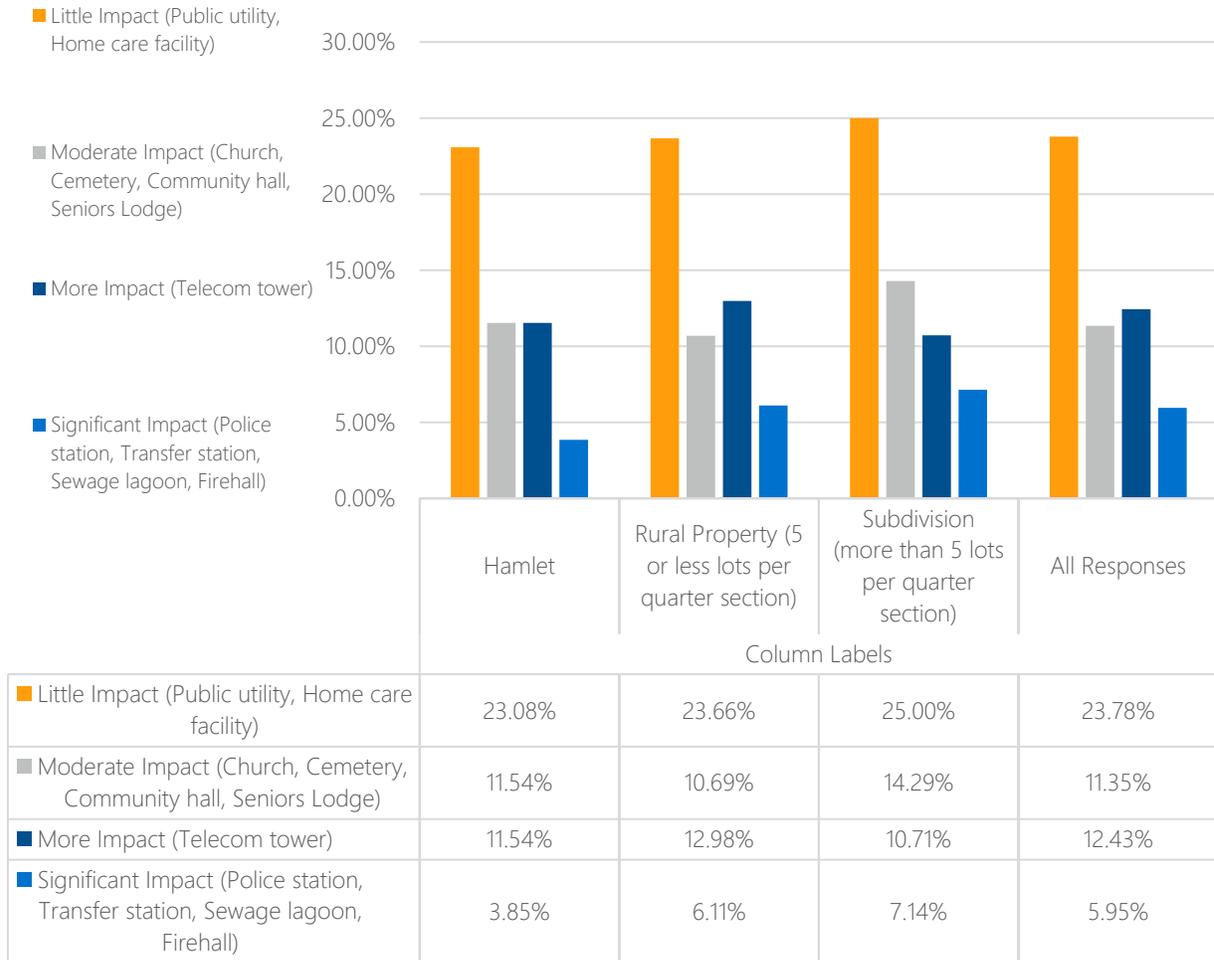
Recreational Uses



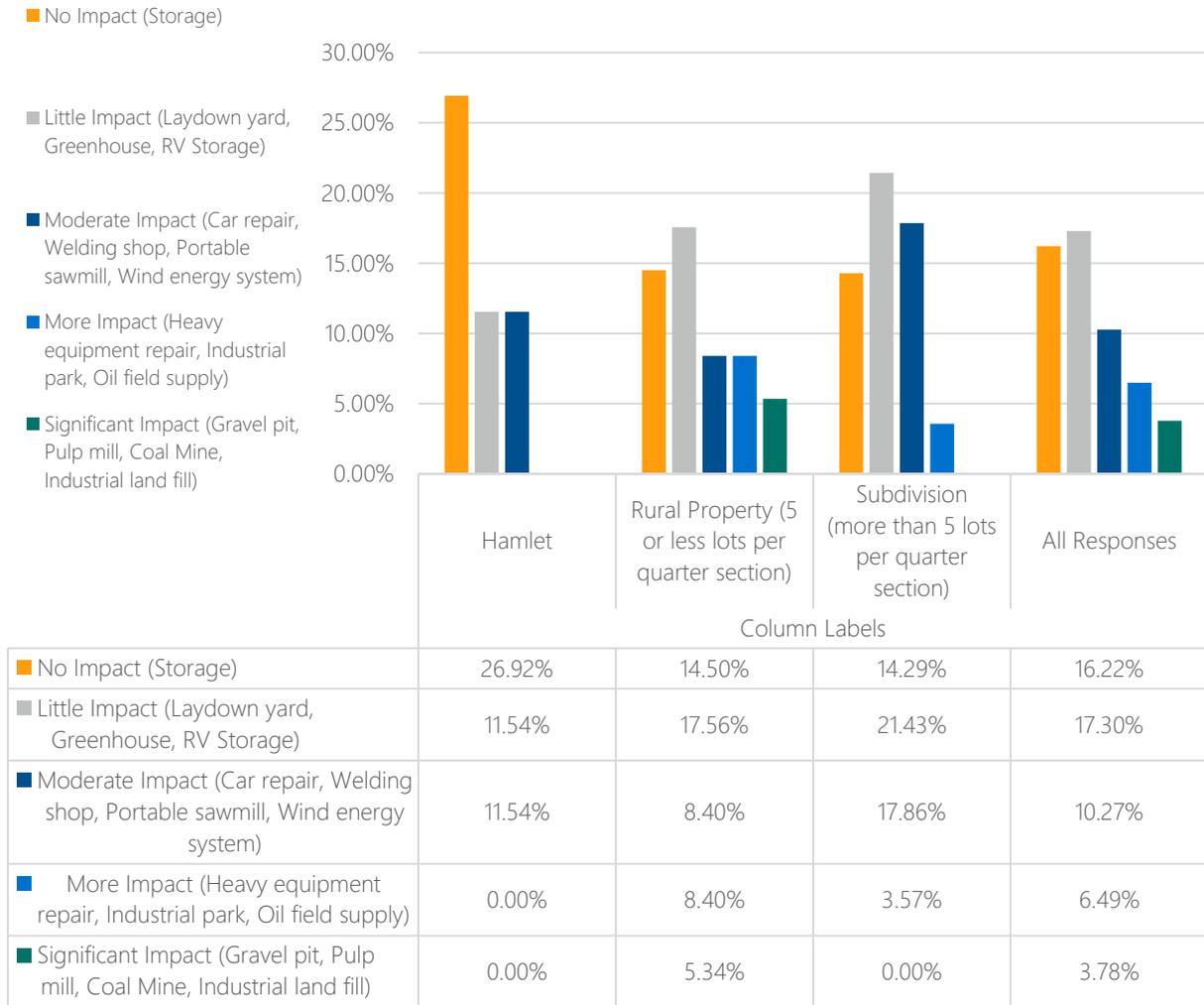
Commercial Uses



Institutional Uses



Industrial Uses



Lodging Uses

