



Land Use Bylaw Rewrite

Yellowhead County

Focus Group Summary Results



November 17, 2020

Table of Contents

1	Introduction	3
1.1	Topics of Interest	3
2	Hot Topics	3
3	What We Heard	4
3.1	Home-based Businesses	4
3.2	Sea Cans (as Storage Containers)	5
3.3	Manufactured Homes	5
3.4	Small-scale Visitor Accommodations	6
3.5	Commercial Visitor Accommodations	7
3.6	Aggregate Extraction	8
3.7	Other Topics	10
4	Next Steps	10

1 Introduction

In October 2020 the project team hosted a series of four Focus Group Sessions in Hinton and Edson. The focus groups were hosted to hear from industry stakeholders and members of the public about specific Land Use Bylaw topics of interest identified in earlier engagement sessions.

Session	Date	Topics
Tourism Accommodation and Recreation Uses	October 29, 2020	Commercial Tourism Accommodations, Recreation Uses
Aggregate Extraction	October 30, 2020	Aggregate Extraction Developments
Public Focus Group #1	October 29, 2020	Home-based Businesses
Public Focus Group #2	October 30, 2020	Sea Cans Manufactured Homes Small-scale Visitor Accommodations

1.1 Topics of Interest

The focus group sessions were focused on the following topics:

- Home-based Businesses
- Sea Cans
- Manufactured Homes
- Small-scale Visitor Accommodations
- Commercial Visitor Accommodations
- Aggregate Extraction Developments

Each focus group began with a presentation on the project and the following topics:

- Project Background including work-to-date, project purpose and schedule
- The existing regulations in the County
- Precedent review results from other municipalities
- Interim results from Survey #2 (retrieved from results provided by October 26, 2020)

2 Hot Topics

As participants arrived at the Focus Group Sessions, they were asked to write down any 'hot topics' that were on their minds when they thought about the County's land use bylaw and its operation. These topics were not necessarily aligned with the themes of the focus groups but were an opportunity for participants to share what was on their minds at the beginning of the sessions.

solutions
gravel Barriers
find Design Working
Zipline issues Noise
Camps groundwater Work
rules homes Pit together
Setback operations County
Hours business
expansion
Inconsistency



3 What We Heard

3.1 Home-based Businesses

What We Heard

Goals

- A streamlined process should be the goal.
- It is felt that there is some inconsistency in how the regulations are applied.
- It was also felt that there were issues with enforcement of the regulations.

Current Regulations

- In general, the County doesn't hear a lot of complaints about home-based businesses.
- Re-consider if home-based business permits should 'run with the land' or be voided when land is sold.

Framework

- Support for Home Offices and not requiring a permit for that level of impact.
- Mixed support for home office uses that have some impact.
- Uses with some impact could be allowed in rural areas without a permit. Those uses may not be appropriate in hamlets/urban areas.

Criteria

- Permit requirements could change depending on the applications location, distance from nearest neighbour or some other measurable factor
- Distance or noise to fence line or nearest neighbour
- Client visits
- Outside employees

Direction:

- **Review whether or not home-based business permits should 'run with the land' or be exclusive to the current owner of the residential parcel.**
- **Develop a tier of home-based business that does not require a development permit. This tier may or may not allow for some minor outside impacts like visitors or sales.**
- **Develop subsequent tiers of home-based business that are defined by their impacts including traffic, staffing and outside storage.**

3.2 Sea Cans (as Storage Containers)

What We Heard

Goals

- Allow sea cans where appropriate in hamlets and rural areas.

Framework

- Add a threshold for sea cans on smaller, hamlet lots (<4 ac) – potential for smaller sea cans
- Add a threshold for sea cans on larger, rural lots (>37 ac)

Criteria

- Size of property
- Size of sea can
- Number of sea cans
- Material of sea can siding
- Location on their property

Direction

- **Re-write regulations to allow for sea cans in hamlets with appropriate conditions about their aesthetic (paint, siding, location).**
- **Consider the size of sea cans to be allowed in hamlets.**
- **Adjust the threshold for the number of sea cans allowed on the largest lots.**

3.3 Manufactured Homes

What We Heard

Goals

- Regulations should be written to be more consistent across the County.
- Not consistent support for having manufactured homes allowed in the same places as 'normal' single detached buildings.

Current Regulations

- The original regulations were written by committee, which is why they are inconsistent between different hamlets/subdivisions.
- Certain subdivisions are not allowed to have manufactured homes based on developer decisions.
- A gabled roof is currently a requirement in many areas, but new designs have shifted to other modern designs including lean to roofs.

Design of Manufactured Homes

- Modern manufactured homes tend to be well designed and nicer than older styles.
- Age matters for manufactured homes.
- Promote for roofs, additions and steps to match the material of the manufactured homes.

Criteria

- Age Limit – could be less than 5 years in hamlet

Direction

- **Move towards a more consistent regulation for allowing manufactured homes throughout the County.**
- **Update the regulations to reflect modern building trends around roof styles, siding etc.**
- **Provide direction for owners to make sure that renovations match the style of the building (steps, additions, etc)**

3.4 Small-scale Visitor Accommodations

This includes recreational cabins, tourism homes (AirBnB/VRBO), and bed and breakfasts)

What We Heard

- Participants did not have a significant amount to say about the current regulations for small-scale visitor accommodations.
- In general, feedback from the group did not indicate that there were any issues with the current regulations.

Direction

- **At a higher level, the process should be streamlined to allow these operations to occur but the existing level of regulation should be maintained.**

3.5 Commercial Visitor Accommodations

This includes uses like hotels, motels, resorts, hostels and campgrounds.

What We Heard

Provincial Agencies

- There are consistently issues with working with provincial agencies responsible for crown land management (this was echoed in the aggregate extraction workshops).
- This included issues with permanent developments on Crown Land, the cost of accesses off of highways, and uncertain timelines for approval.
- The County should serve as a champion for tourism operation proposals in the area in order to support expansion and diversification of the region.

Goals

- Reasonable to set rules for the County and apply them to all areas consistently.
- Keep the regulations as simple and minimal as reasonable.
- Simplify the process for operators to start or expand their business.

Current Regulations

- Business operators who had recently worked through the County's approval process for new tourism accommodation uses outside of hamlets generally felt that the regulations were workable and not too restrictive.

Campgrounds – Criteria/Design

- Many of the current regulations may be more appropriate as design guidelines not regulations.
 - Size of camping pads/sites should respond to market demand.
 - Design of internal roadways should be up to operators.
- Garbage cans in individual sites are not realistic because of wildlife.
- Real nuisance issues stem from random camping in the County not from developed campgrounds. Despite this, they serve different users and purposes.

Development Considerations

- The County should consider the impacts of new developments on local water resources (groundwater, wells etc.) when reviewing development applications.

Other Accommodations

- Length of stay limits for accommodation uses is not realistic and difficult to enforce.

Direction:

- **In general, keep specific additional regulations minimal and supportive of tourism uses.**
- **Remove regulations that are more suitable to be handled by private operators (like camp site sizes etc.) so that individual operators have more control over their campgrounds.**
- **Consider impacts of development on shared resources like water bodies, and roads.**
- **Beyond the Land Use Bylaw seek opportunities to improve the provincial approval process for recreation and tourism uses.**

3.6 Aggregate Extraction

What We Heard

Provincial Agencies

- There are consistently issues with working with provincial agencies responsible for crown land management (this was echoed in the tourism accommodation workshops).
- One of the main concerns was with Alberta Environment and Parks approval timelines.
- This issue was recognized to be outside of what the County can directly regulate through the Land Use Bylaw.

Issues

- Gravel is an essential product for the functioning of the County (roads, construction etc) but the costs are being driven up by uncertainty, limits on operation (setbacks, hours of operation) and depletion of more easily extracted supplies.

Uncertainty about the process – Approval in Principle

- County approval is the final step in a multi-year process, lots of risk.
- Participants felt that there should be an opportunity to receive ‘approval in principal’ from the County early in the process of approving an aggregate pit. This is because County approval is often the last step in the process but can be derailed by neighbours or other issues after significant investment has already been made.
- This approval in principal would reduce the risk that a project is stopped by the County after significant time and money has been spent.

Uncertainty about the process – Optional Wording

- Optional wording like ‘may’ or ‘might’ causes uncertainty for readers.
- Clear thresholds are important for stakeholders both in industry and administration for development planning, application approval, as well as for neighbours.
- Despite these initial comments, participants clarified that they did not support black and white regulations with no ability to consider site specific conditions.
- A compromise was raised that would include clear thresholds at which point the optional regulations would be applied. This was most often supported for regulations that would require additional studies or design solutions to be implemented.
- For example, instead of: *“The front setback from a public roadway shall be 30m.”* The regulation could read: *“The front setback from a public roadway shall be 30m. If the setback is less than 30m, a physical barrier shall be erected as a safety precaution, to the satisfaction of the development authority.”*

Setbacks

- Participants felt that the existing setbacks from residential areas have started to significantly constrain the areas that gravel operations can be developed, especially given the expansion of residential subdivisions near major gravel extraction areas.
- Participants felt that the setbacks should be reconsidered, either by removing them, reducing them or including clear opportunities to lower them if the noise could be mitigated.

Calculating setbacks from the source of the noise:

- It was discussed whether it would be desirable to have the setback calculated from the source of the noise (gravel crusher).
- There was mixed feedback as this would allow the separation distances to be reduced but that may constrain the location of the crusher and add cost to the operation.

Lowering setbacks in certain cases:

- It may be more appropriate to apply those setbacks from subdivisions as opposed to single residential buildings.
- It also may be appropriate to identify other 'noise buffers' that would reduce the setback distance. The current bylaw just identifies separated highways, but others could be river valleys or train tracks.

Hours of Operation

- The current regulations in the LUB mean that new pits near residential areas are limited to 12hours/day. This creates an issue of competition as older pits in the same area are still allowed to operate 24 hours/day.
- Some participants indicated that the trend in other jurisdictions has been towards 12 hours/day.
- In general, participants felt that the old standard of operating 24hours/day should still be maintained in order for operators to continue to provide gravel at a better rate for the County.

Reducing 'Waste' of Gravel

- Participants noted that gravel is a non-renewable resource and its extraction is only viable commercially above a certain scale.
- Gravel is unable to be extracted within the current 30m setback from public roadways. This results in a 30m strip of gravel that is unable to be extracted from certain operations.
- Operators also indicated that these 'wasted' stocks were not going to be viable at a future date given their small scale but should be able to be extracted during the extraction from the main pit.
- Potential solutions discussed included creating physical barriers near the road instead of having a larger setback, as well as including a range of possible acceptable setbacks from roadways.

Other discussion topics:

- Most pits being operated are above the 5ha threshold for requiring provincial approval. It may be possible to remove the distinction between the two scales of pits in the bylaw.
- Other County's have identified gravel extraction priority areas where setbacks are reduced and gravel extraction is prioritized over other uses to ensure that there is an available supply of gravel.
- The County should work to align its requirements and regulations to the provinces where possible.
- Measurable noise limits were not supported by the participants at the session.

Directions:

- **Identify the amount and quality or resources impacted by setbacks from residential areas and gravel extraction.**
- **Identify clear development standards for gravel extraction operations (setbacks, separation distances, hours of operation) that are appropriate and support extraction in the long-term.**

- **Provide clear direction about what is expected if the development standards are not met (requirement for extra studies, design solutions etc.)**
- **Develop a process to provide 'approval in principle' early in a project to reduce risk for operators.**
- **Consider a gravel extraction overlay or area based on geological survey or other mapping.**
- **Outside of the land use bylaw, work to improve the provincial approvals process.**

3.7 Other Topics

These other topics were raised by participants when discussing the main topics of the focus groups:

Work Camps – There were issues that work camps were not available as new major projects have started construction. There have been multiple large work camps approved in the last year.

Noise Standards – Noise standards should be explicitly stated in the land use bylaw. This allows neighbours, businesses and the County have clear expectations for 'impacts'. This should make it easier to approve or not-approve developments as well as enforcement. There was mixed support for noise standards for certain industrial uses like gravel pits (not supported by industry) and saw mills (supported by the public participant who had a saw mill on their property).

Suitability for Development – Suitability is tested at multiple points (rezoning, subdivision etc.). A participant raised that they had concerns with the County outright denying subdivision applications where there could be engineering solutions to issues like water table level etc.

4 Next Steps

- The public survey #2 is open until November 7, 2020.
- The project team is in the process of writing the land use bylaw regulations into the end of 2020.
- Additional engagement and work with the project steering committee is proposed for early 2021.