



Land Use Bylaw Rewrite

Yellowhead County

Public Survey #3 Results



April 21, 2021

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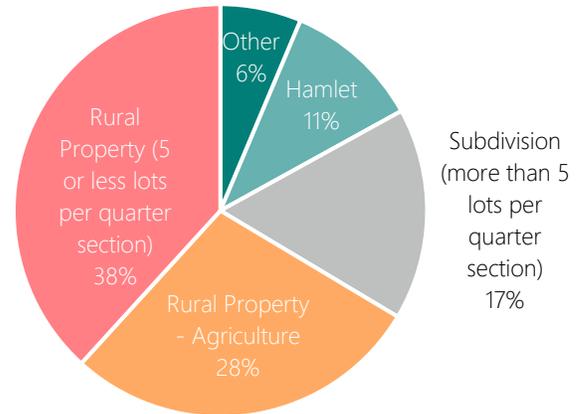
Introduction

In March 2021, an online survey for residents, landowners and business operators in Yellowhead County was released. The survey received over 530 responses in its four-week run.

Part 1 of the survey asked for preliminary demographic data related to where participants lived, and what type of residential area (rural, subdivision, hamlet etc.).

The bulk of the survey asked participants to identify their level of support or disagreement with a series of direction statements to help the project team identify the level of support for specific options being considered.

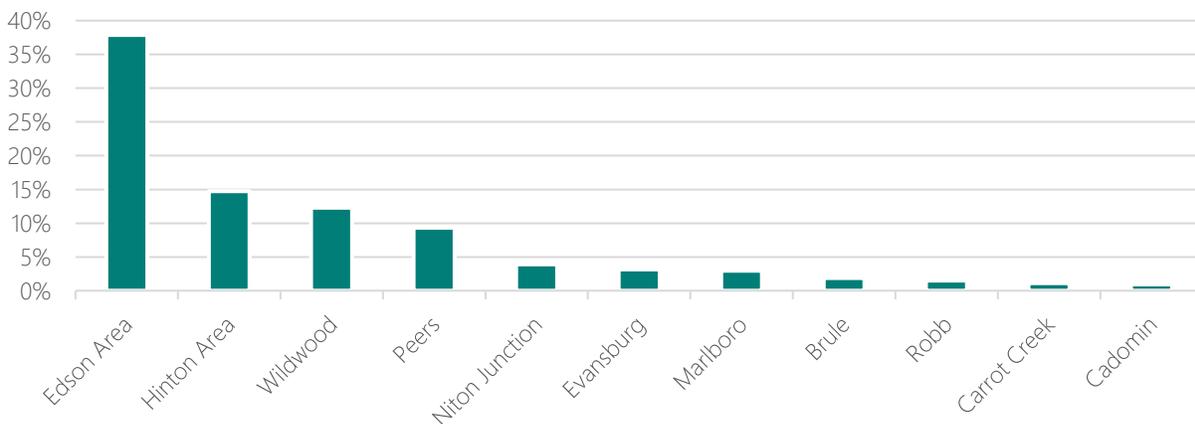
What kind of residential area do you live in? (n = 536)



Demographic Information

Over half of the responses identified that they lived in either the Edson or Hinton area which are the most heavily populated parts of the County. In addition, the survey results largely reflect the views of residents living outside of the hamlets with 83% of respondents living in rural subdivisions, agricultural or other rural properties.

What kind of residential area do you live in?



Direction Statements

In each part of the survey, participants were asked to rate their level of agreement with a set of proposed regulations for a specific topic. There were five topics in total:

1. Garage and Garden Suites
2. Additional Dwellings
3. Sea Cans
4. Home Businesses
5. Gravel Pits

Each topic was accompanied by a description of the current regulations, past survey results on the topic and a summary of proposed changes to the regulations.

Participants were then asked to rate their level of agreement with a statement based on the proposed regulations.

Landowner Rights and Land Use Impacts

A recurring theme of written comments across all topics was around whether the County should have any regulations that govern what residents can do on their land.

In some cases, this sentiment was followed by the caveat “as long as it does not impact other people’s property”. Considering landowner rights and the impacts of land uses are major themes of the new bylaw. The project team is seeking a balance that is appropriate in Yellowhead County both through engagement like this survey as well as engagement with local councillors and the project Steering Committee.

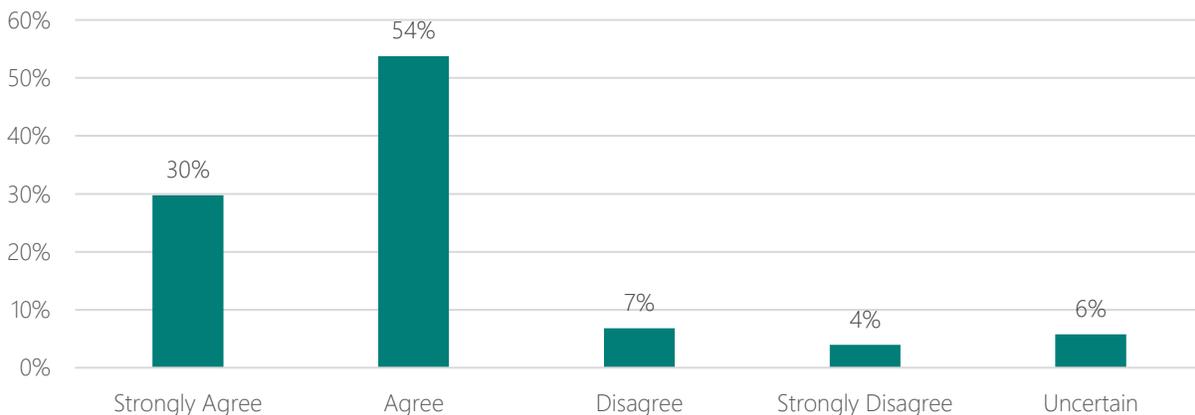
Garage and Garden Suites

The proposed regulations included the following:

- The maximum size of a garage/garden suite will be 900 sq ft, and exceptions may be made where the suite does not create any additional impacts.
- Must not be located in the front yard.
- Residents in hamlets may build a basement and a garage/garden suite.

Results

The proposed regulations provide adequate opportunities for landowners to build basement suites and garage/garden suites on their property.
(number of responses = 484)



Participants were strongly in agreement that the proposed regulations provide adequate opportunities for basement suites with 84% of respondents agreeing or strongly agreeing that the regulations provided an opportunity for secondary suites on their properties.

Themes of Engagement

Participants provided a range of written responses when asked to tell the team more about a particular topic. The following are some of the key topics as well as the different perspectives provided by participants.

Nuisance Impacts

Some participants raised concerns about the impact of additional dwellings on neighbouring properties. Common concerns were around nuisances like traffic, parking and litter. All of these impacts are considered by the County when deciding whether to approve an application. In addition, enforcement actions are available to the County both through the Land Use Bylaw as well as other municipal bylaws to remedy these issues when requested by residents. Some tools for enforcement include fines, stop orders and revocation of development permits.

Benefits of Secondary Suites

Some respondents supported the expanded opportunities for secondary suites because they were seen as an opportunity for residents to age in place, for larger families to live together, as income properties, and were a better use of existing developed land and infrastructure.

Size of Secondary Suites

Written responses were mixed concerning the maximum size of external suites. Comments on both sides said that the proposed 900 sq ft was both too large and too small. Some participants felt that secondary suites have the same 'impact' as another house and should be treated as such. Others felt that, especially in rural areas, there should not be a maximum size limit on external secondary suites.

Number of Secondary Suites

Written responses from participants were mixed with participants falling on both sides of this question. Some responses indicated that more secondary suites should be allowed while others felt that the County should not allow as many as proposed. As with other topics, suggestions to remove restrictions tended to be focused on rural areas.

Location of Suites

Written comments were not supportive of requiring that secondary suites not be located in the front yard and behind the principal building. This concern was most often about larger, rural properties.

As part of other discussions, the project team had already decided to remove the requirement that accessory buildings (including external secondary suites) be located behind the main building on a site outside of hamlets or on larger sites.

Servicing Concerns

Some participants were concerned about the impacts of secondary suites on the services of existing lots.

One requirement of the new bylaw will be that applicants for additional dwellings and secondary suites provide proof that there are adequate services for the new development. This would include either capacity within a municipal water or wastewater system or on-site services like septic fields, pump-outs or cisterns.

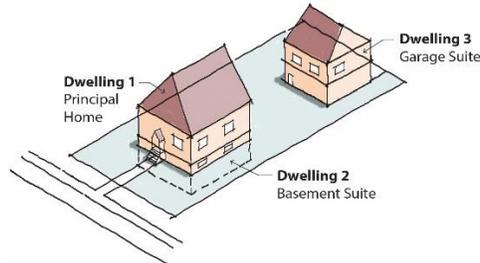
Direction for Bylaw Regulations:

- Continue to review impacts of development as part of application processes and maintain existing enforcement tools to mitigate impacts like parking, traffic and litter.
- Explore removing the size limit on secondary suites in rural areas or for lots above a certain size.
- Give the development authority the flexibility to work with landowners to achieve their aims, especially where impacts on neighbouring properties are minimal.
- Remove the requirement that accessory buildings must be located behind the principal building in rural areas.
- Maintain the requirement that applicants for additional dwellings prove that there is adequate servicing capacity in a system before approving an application.

Additional Dwellings

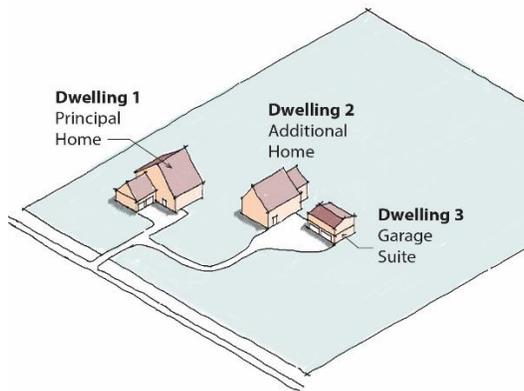
The proposed regulations included the following:

- On lots less than 9.88 acres (4 ha), including in hamlets, up to three dwellings may be allowed.
- Additional dwellings may be basement suites or garage suites.



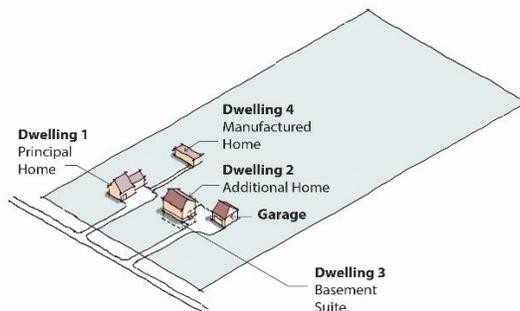
SITE AREA < 4HA

- On lots between 9.88 acres (4 ha) and 80 acres (32 ha) up to three dwellings, in three buildings, may be allowed.
- Dwellings may be garage/basement suites, manufactured homes or additional single detached dwellings.



SITE AREA 4HA TO 32 HA

- On lots larger than 80 acres (32 ha) up to four dwellings, in three buildings, may be allowed.
- Dwellings may be garage/basement suites, manufactured homes or additional single detached dwellings.

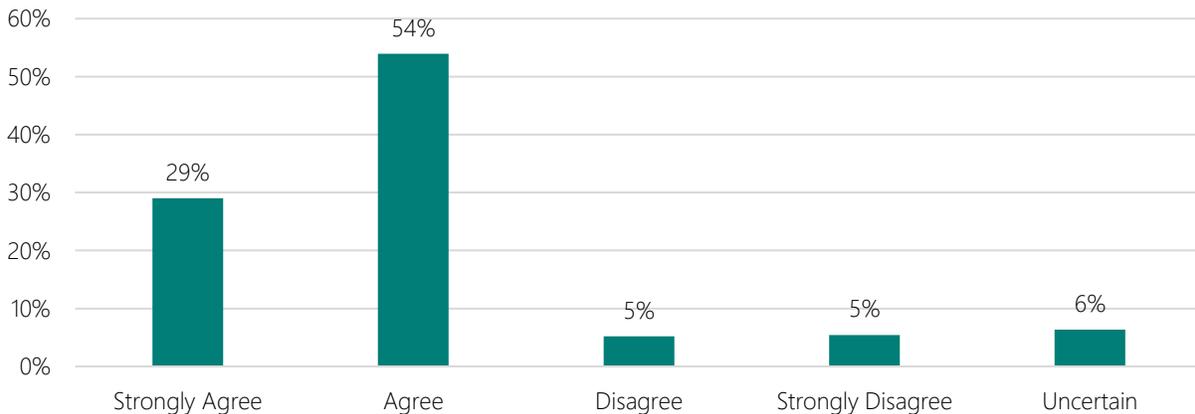


SITE AREA > 32HA

- Additional dwellings may be basement suites, garage suites, or an additional manufactured home if the lot is located outside of a hamlet.
- In all lots, exceptions to the maximum number of dwellings may be allowed if impacts to neighbouring properties are unlikely.

Results

The proposed regulations provide adequate opportunities for landowners to build additional dwellings on their property.
(number of responses = 441)



Nearly 83% of respondents either agreed or strongly agreed that the proposed regulations provided adequate opportunities for landowners to build additional dwellings on their properties and 10% of respondents disagreed or strongly disagreed with the statement.

Themes of Engagement

Nuisance Impacts

Some written responses raised concerns about the impacts of additional dwellings on neighbours. These concerns included noise and traffic and fire prevention. Also, written responses also identified potential impacts to water sources and environmentally sensitive areas because of water extraction and wastewater disposal.

As with secondary suites, there will be a requirement for applications for additional dwellings to provide proof that there is enough servicing capacity and to provide ground-water availability and environmental reports ensuring that new development is feasible.

Benefits of Additional Dwellings

Similar to secondary suites, some participants identified the benefits of additional dwellings as opportunities for families to live together, income and better use of land.

Number of Additional Dwellings

As with garage and garden suites, responses were mixed when it came to the number of additional dwellings allowed on different parcels.

Generally, it was felt that large, rural lots should be able to have more dwellings on them. In smaller lots in hamlets and country residential subdivisions, participants raised concerns about the number of additional dwellings, including their impacts, but also around expectations of neighbouring landowners when moving into a typically 'single detached' area.

The project is seeking to respect the rights of landowners to the productive use of their lands while managing concerns raised around the impacts of new development, ensuring that developments pay a fair share for new

infrastructure and managing environmental impacts of new development. Finally, the Land Use Bylaw must also comply with other pieces of provincial legislation including the Water Act that have requirements for development in rural areas.

All of these factors are being considered as the project team continues to refine the Land Use Bylaw.

Servicing Concerns

Some participants were concerned about the impacts of additional dwellings on the services of existing lots.

One requirement of the new bylaw will be that applicants for additional dwellings and secondary suites provide proof that there are adequate services for the new development. This would include either capacity within a municipal water or wastewater system or on-site services like septic fields, pump-outs or cisterns.

Direction for Bylaw Regulations:

- Ensure that applications for additional dwellings mitigate impacts on ground-water availability and environmentally sensitive areas.
- Explore the need for a clear process for landowners who are seeking to do more with their land than what is allowed on a 'typical' property either through rezoning, subdivision, or other mechanisms.
- Ensure that development regulations are flexible while being in alignment with guiding documents like the Municipal Development Plan and relevant provincial legislation.
- Ensure that applications for additional dwellings provide proof that there is enough servicing capacity to handle the needs of the development.

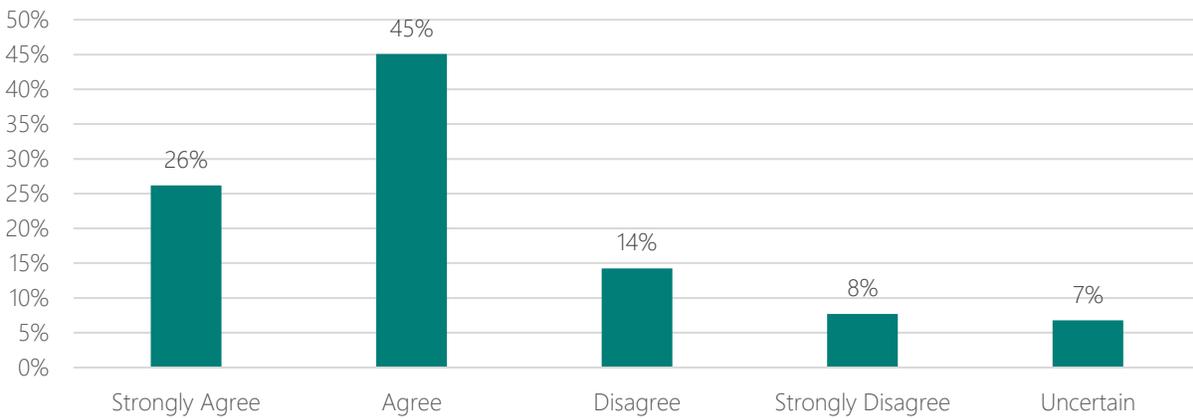
Sea Cans

The proposed regulations included the following:

- Sea cans in hamlets will require a permit and need to have their appearance improved.
- Outside of hamlets, sea cans will only require a development permit if there are more than the currently allowed limit. Example: A lot that is less than 20 acres will not need a permit for the first sea can, but will for any additional sea cans after the first.
- Sea cans in hamlets may not be longer than 20 feet.

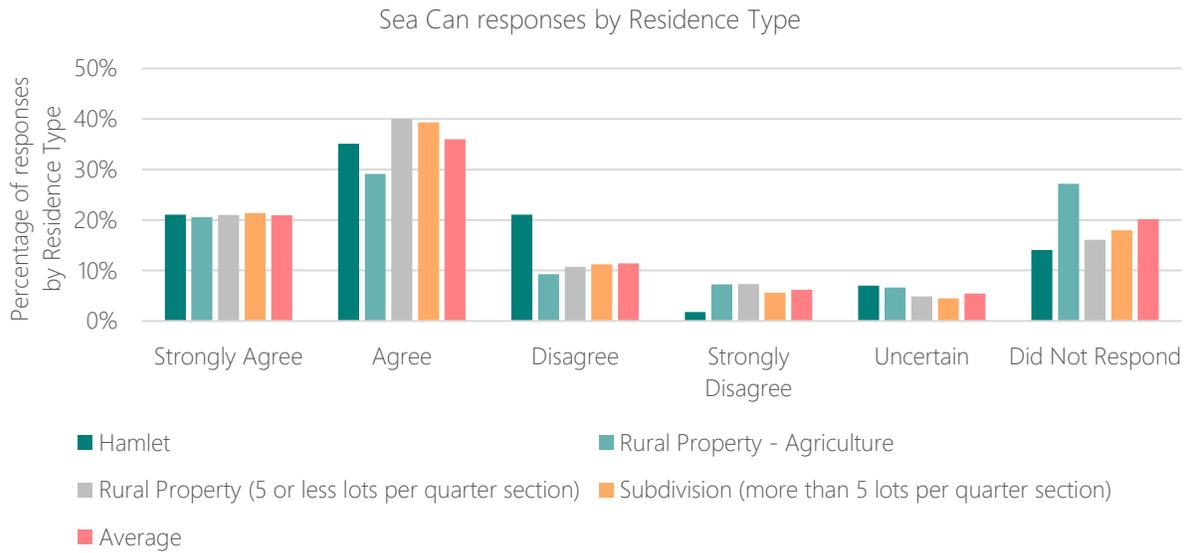
Results

The proposed regulations provide adequate opportunities for landowners to use sea cans on their property.
(number of responses = 428)



71% of respondents either agreed or strongly agreed that the proposed regulations provided adequate opportunities for landowners to use sea cans (called Storage Containers in the Land Use Bylaw) on their properties. 22% of respondents either disagreed or strongly disagreed, making these regulations among the most controversial of topics.

Given the relative controversy of this topic, the project team reviewed the responses based on the type of residence to understand if there are differences in opinion depending on where respondents lived. From this review, it appears that hamlet residents have slightly different preferences around the use of sea cans. There was a lower rate of strong disagreement (2%) compared to other residence types (Average = 5%) and but a much higher rate of disagreement (21%) compared to residents in other areas (Average = 10%).



Themes of Engagement

Nuisance Impacts

A small number of participants felt that sea cans should not be allowed in hamlets or rural subdivisions because they are unsightly, even when painted or covered.

In reviewing these comments in light of the overall support for the regulations and the comments about the need for secure storage and other benefits of sea cans, the Bylaw will allow sea cans in these areas, subject to improvement and proper placement in hamlets.

Benefits of Sea Cans

Overall, most participants were supportive of allowing more sea cans to be used in the County. It was identified that this was a benefit because sea cans are a good form of secure storage and help to keep junk out of sight from the road and neighbours.

Number of Sea Cans

Many written responses said that the County should not be providing a limit on the number of sea cans allowed on private property, especially rural properties.

It is important to note that additional sea cans may be allowed at the discretion of the development authority, which provides an opportunity for residents to have more sea cans if desired while managing concerns about residential lots turning into industrial storage without a permit.

Some comments raised concerns about how these limits would impact structures made of sea cans. The regulations proposed here are only applied to sea cans for storage purposes. If a landowner wants to use sea cans as a building material, then the same requirements apply would for that building as for any other building material.

Permit Requirements

In general, written responses did not support the idea of needing a permit for a sea can(s), especially in rural areas. Sea cans were seen as similar to other accessory buildings and as 'temporary' developments that should not need a development permit.

The proposed regulations allow up to a certain number of sea cans without a permit and allow additional sea cans beyond that number with a permit. This approach was chosen as it provides flexibility for landowners to use sea cans on larger lots while also addressing concerns about rural properties being converted into industrial storage or other commercial operations without a permit.

The project team will review the number of sea cans that are allowed for properties of different sizes without a permit as part of drafting this bylaw.

Direction for Bylaw Regulations:

- Continue to allow sea cans in hamlets with the requirement for improvement.
- Continue to allow sea cans in rural areas and country residential subdivisions.
- The project team will review the number of sea cans that are allowed for properties of different sizes without a permit while mitigating concerns around the re-development of rural sites without a permit.

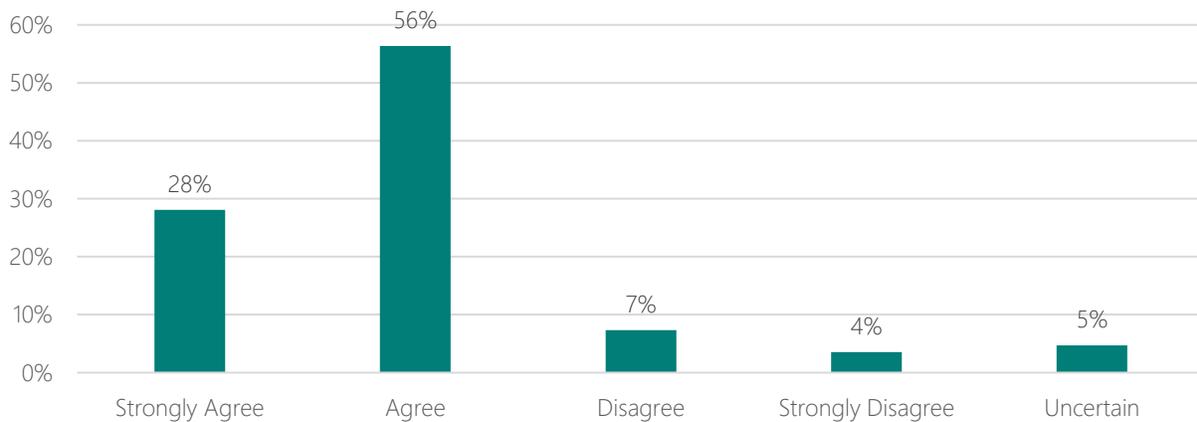
Home Businesses

The proposed regulations included the following:

- Home businesses that are only operated in the home and have 2 or less employees will not require a permit.
- Home businesses that are operated out of a garage or shop building will require a permit.
- Outside of hamlets, a small shop building or garage will be able to be built on a property before a residence.
- Outside of hamlets, a small-scale business may be operated out of a garage or shop building, even if no residence is built.

Results

The proposed regulations provide adequate opportunities for landowners to start and operate home businesses.
(number of responses = 424)



84% of respondents either agreed or strongly agreed that the proposed regulations provided adequate opportunities for landowners to start and operate home businesses on their properties.

Themes of Engagement

Business Impacts

Some written responses felt that some existing home business uses had negative impacts on neighbours because of traffic, noise and residential properties becoming too industrial. Responses also commonly identified that enforcement of unsightly home businesses properties was an issue.

The project team is continuing to balance the need to reduce barriers to businesses while providing appropriate mitigation of impacts and enforcement on non-compliant businesses in the County.

Permit Requirements

Many written comments suggested that businesses operated within a shop building should not require a permit if they do not impact neighbouring properties.

In contrast, some participants were concerned that without permits landowners and the County would have little recourse if businesses turned out to have major impacts or became unsightly properties and negatively impacted adjacent landowners.

The project team will be reviewing which home business uses require a permit depending on lot size or location and seeking to manage any impacts of those different uses in residential areas.

Rural Businesses

Small-scale businesses without a home on-site (known as Rural Businesses in the Land Use Bylaw) are a new use in the Land Use Bylaw and a form of development that is not currently allowed in Yellowhead County.

Participants raised some concerns about these kinds of developments specifically. It was felt that they could negatively impact neighbouring residential properties because there was no incentive for a business owner who does not live on-site to keep the property well maintained and limit impacts on adjacent properties. In contrast, some participants identified that this is a good opportunity for businesses starting up in the County.

Moving forward, the project team will continue to reduce barriers to starting a small business while ensuring that as businesses grow, their impacts are managed appropriately through the Rural Business Use.

Definitions

Participants were concerned that there need to be clear definitions around home business uses.

The Land Use Bylaw will include clear definitions around home business uses, the specific definition of these uses was not included in the survey to keep the survey text short but will be explicitly included in the bylaw document.

Direction for Bylaw Regulations:

- Continuing to balance the need to reduce barriers to new businesses while providing appropriate mitigation of impacts and enforcement on non-compliant businesses in the County.
- Review which home business uses require a permit depending on lot size or location and seeking to manage any impacts of those different uses in residential areas.
- Review the thresholds between different tiers of home businesses and updating regulations on permit requirements in rural areas and for larger lots to reduce restrictions on these uses where direct impacts might be minimal.
- Explore ways of improving the proposed Rural Business use while mitigating the concerns that were raised by residents.
- Include clear definitions around home business uses.

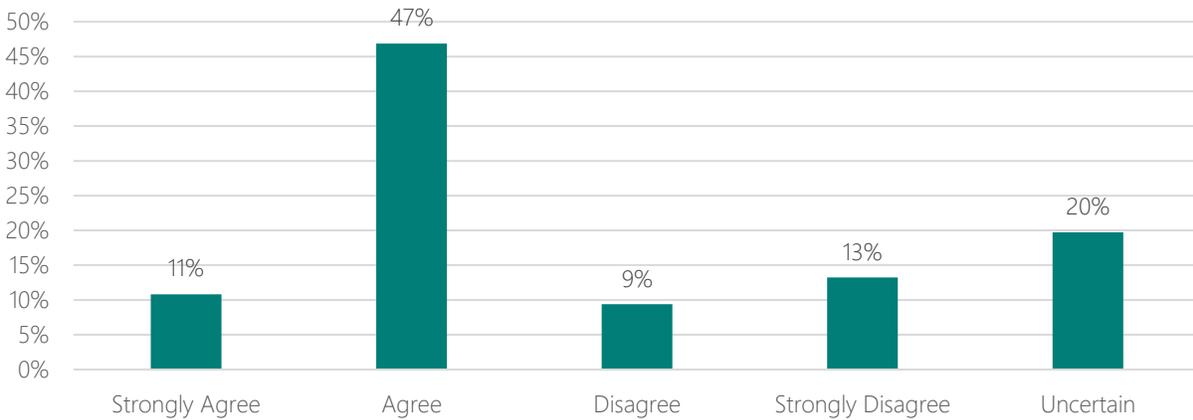
Gravel Pits

The proposed regulations included the following:

- The minimum separation distance will be 300m from the edge of the pit to any residence.
- The minimum separation distance will be 750m from the edge of the pit to any residence for crushing, asphalt plants or wash plants.
- The maximum hours of operation can be 7:00 am to 7:00 pm from Monday to Saturday, including holidays, within 1,500m of a multi-parcel subdivision.

Results

The proposed regulations adequately balance gravel operators business interests with their potential impacts on residential properties.
(number of responses = 416)

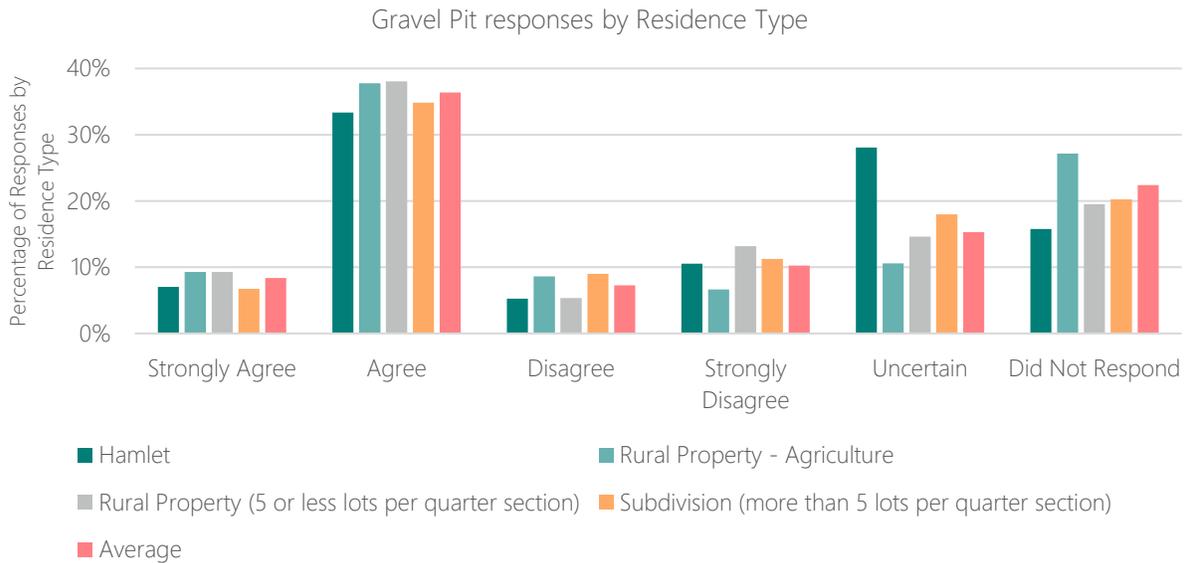


58% of respondents either agreed or strongly agreed that the proposed regulations balanced the needs of businesses with residents. In contrast, 22% of participants felt that the proposed regulations did not adequately balance those needs.

Given the higher rates of non-support compared to other questions, the team also reviewed the results by residence type to understand how the responses changed depending on where participants lived in the County. The results are shown in the chart on the next page.

When reviewing the results by location, hamlet residents were the least likely to support the regulations as provided but were also the most likely to be uncertain, potentially indicating that they are more unfamiliar with the issues around gravel pits than their rural neighbours. Also, it appears that rural property residents were the group most in agreement with the proposed regulations, despite that they are likely to be the most impacted by changes in the regulations.

Other than this, there did not seem to be a major difference in how residents responded to the question depending on where they lived.



Themes of Engagement

Nuisance Impacts

Written responses identified several impacts caused by gravel pits and hauling. The most common of these were noise and dust. Respondents said that these had significant impacts on their quality of life and desire to live in the area. Some other responses also identified concerns around slope stability, reclamation and impacts on water bodies.

Based on this feedback and seeking to balance the reduced separation distances of gravel pits from residences, the team is considering requiring on-site noise mitigation at pits that are similar to other nearby municipalities including Parkland County to the east.

Gravel Hauling

Finally, multiple respondents were concerned not with the extraction pits but with trucks hauling gravel on country roads.

In response to this concern, the project team is exploring including explicit regulations to limit hauling and balance the needs of operators with residents. This would be a similar approach as taken by other municipalities including Parkland County to the east.

Support for Businesses

A few written responses indicated that the County should be doing everything that it can to support business operations within the County and to help existing businesses grow.

Separation Distances

Many written comments indicated that residents did not support reducing the separation distances from gravel pits. In some cases, they indicated that the current separation distances should be maintained while others suggested that they should be increased to better respect residents.

In some cases, participants identified that there were specific uses associated with gravel pits, namely crushing and wash plants that were the main source of the issues.

Some participants felt that reducing the separation distances was a positive development as the separation distances were limiting extraction of gravel which is a needed and non-renewable resource in the County and which can only be found in certain locations.

Based on the feedback, the project team is seeking to expand access to aggregate extraction while managing the impacts of secondary processing of aggregate including crushing and washing.

Hours of Operation

Written responses were not supportive of allowing additional operations on the weekends. When raised as a concern, participants were extremely clear that they felt that increasing the hours of operation to include weekend hours was not appropriate. Multiple respondents who lived near gravel pits indicated that the weekends were their only reprieve from the noise and dust generated from the pits.

Moving forward, the project team will explore maintaining the current hours of operation from the current bylaw. The bylaw will maintain opportunities for expanded hours of operation if the applicant provides on-site noise mitigation or has support from neighbouring property owners.

Direction for Bylaw Regulations:

- Based on this feedback and seeking to balance the reduced separation distances of gravel pits from residences, the team is considering requiring on-site noise mitigation at pits that are similar to other nearby municipalities.
- Based on the feedback, the project team is seeking to expand access to aggregate extraction while managing the impacts of secondary processing of aggregate including crushing and washing.
- Consider maintaining the existing hours of operation for gravel pits located within 1,500 m of a residence. The bylaw will maintain opportunities for expanded hours of operation if the applicant provides on-site noise mitigation or has support from neighbouring property owners.

Conclusions

Given the overall level of support in the quantitative portion of the survey, the project team will be continuing to develop the proposed regulations in the vein that they were presented during the survey. The team will continue to rely on the written input received to refine the proposed regulations ahead of presentation to County Council.

Direction from the Consultation

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

| Topic | Potential direction based on Survey #3 |
|--------------------------------|---|
| 1. Garage/Garden Suites | <ul style="list-style-type: none"> Continue to review impacts of development as part of application processes and maintain existing enforcement tools to mitigate impacts like parking, traffic and litter. Explore removing the size limit on secondary suites in rural areas or for lots above a certain size. Give the development authority the flexibility to work with landowners to achieve their aims, especially where impacts on neighbouring properties are minimal. Remove the requirement that accessory buildings must be located behind the principal building in rural areas. Maintain the requirement that applicants for additional dwellings prove that there is adequate servicing capacity in a system before approving an application. |
| 2. Additional Dwellings | <ul style="list-style-type: none"> Ensure that applications for additional dwellings mitigate impacts on ground-water availability and environmentally sensitive areas. Explore the need for a clear process for landowners who are seeking to do more with their land than what is allowed on a 'typical' property either through rezoning, subdivision, or other mechanisms. Ensure that development regulations are flexible while being in alignment with guiding documents like the Municipal Development Plan and relevant provincial legislation. Ensure that applications for additional dwellings provide proof that there is enough servicing capacity to handle the needs of the development. |
| 3. Sea Cans | <ul style="list-style-type: none"> Continue to allow sea cans in hamlets with the requirement for improvement. Continue to allow sea cans in rural areas and country residential subdivisions. The project team will review the number of sea cans that are allowed for properties of different sizes without a permit while mitigating concerns around the re-development of rural sites without a permit. |

4. Home Businesses

- Continuing to balance the need to reduce barriers to new businesses while providing appropriate mitigation of impacts and enforcement on non-compliant businesses in the County.
- Review which home business uses require a permit depending on lot size or location and seeking to manage any impacts of those different uses in residential areas.
- Review the thresholds between different tiers of home businesses and updating regulations on permit requirements in rural areas and for larger lots to reduce restrictions on these uses where direct impacts might be minimal.
- Explore ways of improving the proposed Rural Business use while mitigating the concerns that were raised by residents.
- Include clear definitions around home business uses.

5. Gravel Pits

- Based on this feedback and seeking to balance the reduced separation distances of gravel pits from residences, the team is considering requiring on-site noise mitigation at pits that are similar to other nearby municipalities.
- Based on the feedback, the project team is seeking to expand access to aggregate extraction while managing the impacts of secondary processing of aggregate including crushing and washing.
- Consider maintaining the existing hours of operation for gravel pits located within 1,500 m of a residence. The bylaw will maintain opportunities for expanded hours of operation if the applicant provides on-site noise mitigation or has support from neighbouring property owners.

Next Steps

Moving forward, the project team will continue to balance the competing views on these topics. Importantly, it maintains the increased opportunities for landowners and businesses while mitigating some of the most onerous impacts on residents of the County where appropriate.

The project team used the raw results of this survey while preparing the first draft of the Land Use Bylaw in April 2021. At this time the draft Land Use Bylaw is undergoing detailed review and circulation to external agencies.

Looking forward, a draft of the Land Use Bylaw will be published and there will be additional opportunities for the public to provide their input on the draft documents during the Public Hearing process and by contacting their local councillors.