

Friends of Leduc Area Greenspace *Statement Of Position July 2006*

The Friends of Leduc Area Greenspace (FLAG) is a citizens' coalition opposing a proposal to repeal existing Leduc County protections for environmentally sensitive areas of the County. We are referring to the Leduc County Draft Land Use Bylaw, which is the subject of a public hearing on August 28, 2006 and comes before Leduc County Council in early September 2006 for approval. The issues we have with the Draft Land Use Bylaw are three:

1. The Draft Land Use Bylaw does away with the entire Wildlife Habitat land use district that gave environmentally protected status to thousands of acres of sensitive land and wildlife corridor. The County proposes to fold all Wildlife Habitat & Recreation Open Space land into the much less protective Agricultural 2 land use district, which has a smattering of allowable uses within it—**notably including Natural Resource Extraction as a discretionary use.**
2. The only other ‘protected’ land use designation, Lake Watershed, lacks protection in the same manner that Agricultural 2 does. This means that **the May 2006 Draft Land Use Bylaw does NOT HAVE ANY land use designation that has been designed specifically to protect the land for future generations.**
3. The Draft Land Use Bylaw removes thousands of acres from the environmentally protected status that the land currently holds by changing land use designation from Wildlife Habitat to Agricultural 1.

The Friends of Leduc Area Greenspace calls upon Leduc County Council to return the Draft Land Use Bylaw to Leduc County administration for an overhaul in regards to the handling of environmentally sensitive areas. Environmentally sensitive areas need to continue to be a protected land use district, as they are now under the Wildlife Habitat land use district. The environmental overhaul needs to be done in cooperation with such environmental stakeholders as the residents of Leduc County, Leduc County’s own Environmental Committee, the Alberta Wildlife Federation, and the North Saskatchewan Watershed Alliance. We feel that the wide scope of the land use bylaw rework (an 83 page piece of

‘light reading’) has resulted in both the residents of Leduc County and the Leduc County Council being unaware of the drastic and permanently damaging aspects of the changes it proposes insofar as environmentally sensitive areas are concerned.

One of Leduc County’s immediate neighbors, Parkland County, conducted a statistically significant telephone survey in March of 2006. One of the questions asked was “Using a scale of 1 to 5, where 1 means not at all important and 5 means very important, how important is it to you that the environment be protected in Parkland County?” The mean of the responses was 4.7, meaning that the vast majority of respondents put a high priority on protecting the environment. It seems reasonable to conclude that Leduc County residents would have similar views towards the environment given that the counties have similar landscapes, similar economies, and are so close each other. **Do Leduc County Council and administration think that the environmental attitudes of Leduc County residents differ so much from residents of Parkland County that Leduc residents want nearly zero environmental protection?**

We are also concerned with the timing of the release of the May 2006 version. The entire process of public/neighboring county notification & input has been timed to occur during the busy summer months of July and August when most people don’t have the time or energy to deal with land use bylaw issues. Given the short notice we do not feel that any neighboring counties will be able to perform a reasonable review of the Draft Land Use Bylaw in order to offer their input.

Within this statement of position, we will further detail our reasons for concern.

I. Wildlife Habitat & Recreation Open Space folded into Agricultural 2

The May 2006 Draft Land Use Bylaw proposes to fold all Wildlife Habitat & Recreation Open Space land into the much less protective Agricultural 2 land use district, which has a smattering of allowable uses within it—**notably including Natural Resource Extraction as**

a discretionary use. The magnitude of the differences between the Wildlife Habitat and Agricultural 2 land use designations is such that the affected lands become basically unprotected. The pursuit of profit through natural resource extraction will likely drive future decisions regarding land usage unless protections are in place.

Leduc County council circa 1983 seems, in hindsight, to have been quite concerned about the legacy they wanted to pass to future generations of Leduc County residents. They protected large areas of the county under the Wildlife Habitat land use district, which was reasonably restrictive in the allowed uses. Here is a clip from the 1983 document (still in effect to this day) that advises the permitted and discretionary uses for the Wildlife Habitat land use district:

WH – WILDLIFE HABITAT

10.1	<u>Permitted Uses</u>	<u>Discretionary Uses</u>
	(1) Cereal Crop Farming	(1) Those similar uses which, in the opinion of the Development Officer, are unlikely to have a restrictive effect on the District.
	(2) Forage Crop Farming	(2) Subject to 10.2 (6) – Golf Courses
	(3) Livestock Raising (extensive)	<i>By-law No. 37-89</i>
	(4) Native Pasture/Grazing	(3) Utility
	(5) Market Garden	<i>By-law No. 18-02</i>
	(6) Tree Nursery	
	(7) Single Family Residence	
	(8) Mobile home	
	<i>Bylaw No. 29-04</i>	

In addition, the site restrictions included a key item that ensured the input of interested parties would be heard in regards to any proposed development in a Wildlife Habitat land use district:

Upon receipt of an application for development of a commercial recreation use, the Development Officer shall hold a public information meeting prior to making a decision regarding the permit application. Notices of the public information meeting will be sent to adjacent residents, municipalities within three kilometres of the proposed development, and any other persons or organizations that the Development Officer considers that should be notified. A notice may be advertised in the local newspaper.

Note the use of the words ‘shall hold’ when referring to the well-publicized public information session. This means that it was not left up to the judgment of any one individual or handful of individuals that work for the County about whether to let the public know that environmentally sensitive lands were proposed to be used for something potentially incompatible. **We feel it is necessary for the County to provide the opportunity for public input in order to recognize the needs and wishes of all those in the county who are concerned about the treatment of environmentally sensitive lands.**

The draft land use bylaw does away with both the Wildlife Habitat and Recreation Open Space land use districts. Those lands that continue to have any form of protection (after the area reductions shown in Section III) are folded into the Agricultural 2 land use district. As you can see from the following clip out of the draft land use bylaw, the uses under Agricultural 2 are much more extensive and even include discretionary natural resource extraction...a gravel pit, for example:

9.17 AG 2 AGRICULTURAL 2 DISTRICT

9.17.1 General Purpose

The purpose of this district is to provide for primarily active and passive recreation activities, as well as educational uses and compatible agricultural and limited non-recreation land uses, in areas with unique or high scenic or natural values.

9.17.2 Permitted Uses	9.17.3 Discretionary Uses
<i>Accessory Building ≤ 100 m² (1,080 ft²)</i>	<i>Accessory Building > 100 m² (1,080 ft²)</i>
<i>Agriculture, Extensive</i>	<i>Agriculture, Livestock</i>
<i>Agriculture, Horticultural</i>	<i>Agricultural Processing, Limited</i>
<i>Dwelling, Detached²</i>	<i>Animal Care Service</i>
<i>Dwelling, Manufactured Home²</i>	<i>Campground*</i>
<i>Dwelling, Secondary*²</i>	<i>Cemetery</i>
<i>Group Home, Limited*</i>	<i>Child Care Facility*</i>
<i>Home Occupation, Type 1*</i>	<i>Cultural Facility</i>
	<i>Dwelling, Moved In*</i>
	<i>Education Service</i>
	<i>Equestrian Facility</i>
	<i>Group Home*</i>
	<i>Guest House</i>
	<i>Home Occupation Type 2*</i>
	<i>Kennel*</i>
	<i>Local Community Facility</i>
	<i>Natural Resource Extraction³</i>
	<i>Park</i>
	<i>Recreation, Outdoor¹</i>
	<i>Religious Assembly</i>
	<i>Sign (in accordance with Part 8 of this Bylaw)</i>
	<i>Utility Service, Minor</i>

The ‘Other Regulations’ for the proposed Agricultural 2 land use district does give the development authority the ability to: require an environmental impact assessment, impose development conditions, and send applications to the province for review/comment.

Unfortunately, the Wildlife Habitat land use district **requirement** for public input (cited at the bottom of page 3) does not exist for the Agricultural 2 land use district—everything is left up to the discretion of County administration. By its nature, County administration can be expected to have a short-term bias driven by economics. As a result, insufficient consideration may be given to the long-term consequences of any such decision regarding environmentally sensitive lands. Inertia will also take effect, as once a damaging use is approved at one site, County administration will be expected to approve similar uses on other sites. Without public input, we cannot be assured that someone will say, “Enough is enough.”

You can see how all the potential environmental protection activities are things that ‘**may**’ happen if County administration deems they need to in the proposed bylaw change:

9.17.8 Other Regulations

- (a) For both agricultural and non-agricultural uses, the *Development Authority may* require an environmental impact assessment in order to ascertain whether a proposed *development may* have detrimental effects on the natural environment, including potential effects on wildlife habitat and groundwater as well as the potential effects on areas which are deemed to have a high scenic value.
- (b) For both permitted and discretionary uses, the Development Authority *may* impose *development* conditions, including those that *may* have been identified in an environmental impact assessment, in order to mitigate any potential negative development impacts. Such conditions *may* include, but are not limited to, restrictions on tree clearing and vegetation clearing, additional setback requirements (see also Section 6.6), the retention of shelterbelts, the siting and standards of *buildings*, and buffering requirements.
- (c) The *County may* refer *development, subdivision, redistricting, outline plan, area structure plan* or area redevelopment plan applications to the *Province* for review and comment for proposals involving lands that are possibly *environmentally sensitive*, including those that *may* have high value as wildlife habitat and those that *may* be subject to erosion damage, as well as those with high scenic or recreational values.
- (d) Any development or subdivision proposal within the Edmonton-Devon Restricted Development Area submitted within the *County shall* require written approval from the *Province*.
- (e) Golf course and other *developments* typically subject to potentially large amounts of fertilizer use *may* be required to submit a nutrient loading assessment that would address possible nutrient discharge to waterways and groundwater. Such an assessment would be required to identify mitigative measures to address any areas of concern, including nutrient loading minimization, if required.
- (f) In addition to the above regulations, others apply. See PART SIX - GENERAL REGULATIONS, PART SEVEN - SPECIFIC USE REGULATIONS, PART EIGHT - SIGNS AND PART TEN - SUBDIVISION DESIGN.

It is true that a person would need county administration’s approval to proceed with any of the discretionary uses, and that certain of them would only be allowed after affected neighbors had a chance to be heard. The problems that FLAG has with this are threefold:

- A) Changing the land use district to one with all these uses puts the decision making power in the hands of county administration instead of requiring elected officials to be involved—not a good situation with environmentally significant areas where one bad decision by one person can do irreparable harm.
- B) “The door is opened”--having the use even listed as discretionary means that it can happen, which encourages developers to gain rights to the land with the intent of using the land for such purpose.

C) When a land use district has an activity as an allowable use, those who are not directly affected by the proposed activity have no right to be heard—it is up to the deciding authority whether they take the concerns of people whose lands are not directly affected into account or if they even allow them to be heard. For example, if you are concerned about how the North Saskatchewan River valley is treated, your voice will not be heard unless you actually own land neighboring a proposed gravel pit on the riverbanks!

II. Lack of Protection

The draft land use bylaw holds approximately 10% of the county’s area in the two land use districts that provide the most environmental protection offered by any of the proposed land use districts. **Unfortunately, neither of these land use districts offers much protection.**

This means that the most environmentally sensitive lands, for example the North Saskatchewan River Valley, get the same ‘soft’ protection as lesser environmentally sensitive lands. The two land use districts in question are Agricultural 2 and Lake Watershed. We showed the broad uses allowed for Agricultural 2 in Section I, above. Here are the similarly broad uses allowed for the Lake Watershed land use district:

9.18 LW LAKE WATERSHED DISTRICT

9.18.1 General Purpose

The purpose of this district is to protect the integrity of the lakes and watersheds, preserving tree cover, and minimizing adverse *environmental impacts* while allowing for minimal *development* of recreational, residential and agricultural uses. Lot sizes in this district will be between 1.0 ha (2.5 ac) and 2.0 ha (4.9 ac) for a country residential acreage and no less than 8.0 ha (19.8 ac) for a *residential woodlot*. Notwithstanding the above, the minimum lot size if the site is within 400m of the Lake shall be 2 ha (5.0 ac).

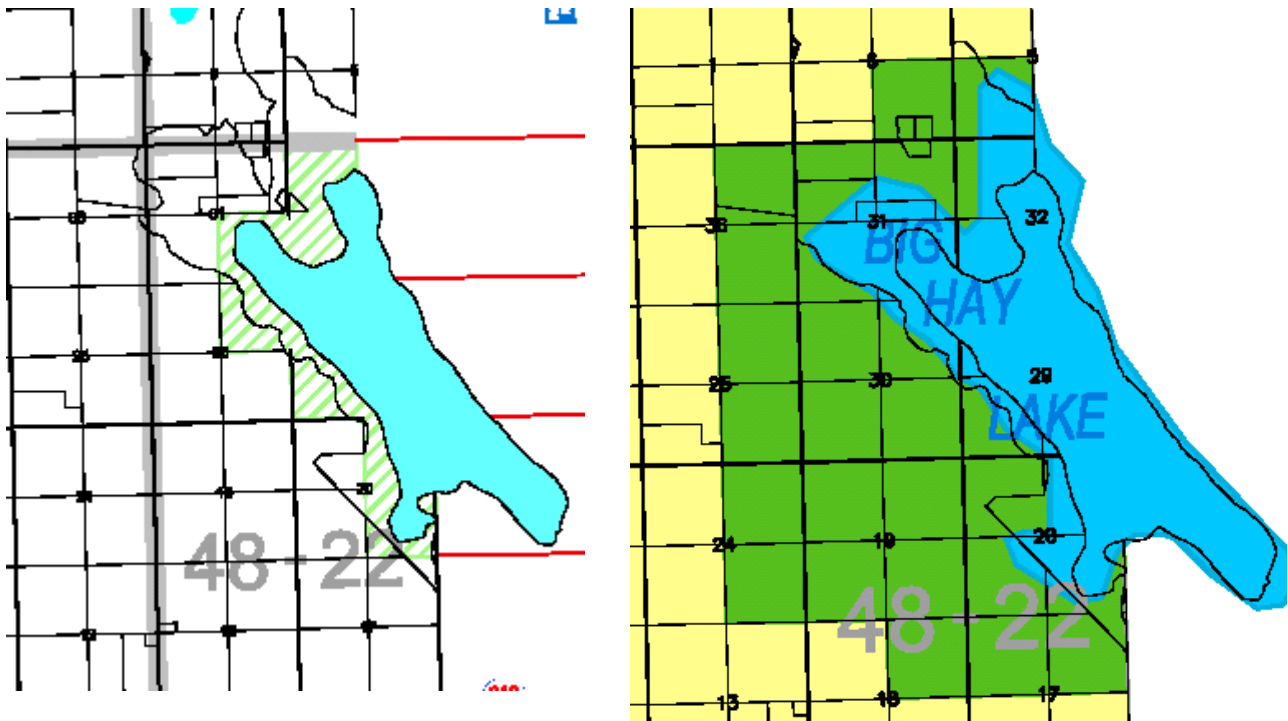
9.18.2 Permitted Uses	9.18.3 Discretionary Uses
Accessory Building ≤ 100 (1,080 ft ²)	Accessory Building > 100 m ² (1,080 ft ²)
Agriculture, Extensive	Agricultural Processing, Limited
Agriculture, Horticultural ¹ *	Campground *
Agriculture, Livestock ²	Cemetery
Dwelling, Detached ³	Child Care Facility *
Dwelling, Manufactured Home ³	Cultural Facility
Group Home Limited *	Dwelling, Moved In *
Home Occupation, Type 1 *	Dwelling, Secondary *
	Education Service
	Equestrian Facility
	Group Home *
	Guest House
	Home Occupation Type 2 *
	Kennel
	Local Community Facility
	Natural Resource Extraction ⁴
	Park
	Recreation, Outdoor ²
	Religious Assembly
	Resort Recreational Facility
	Sign (in accordance with Part 8 of this Bylaw)
	Utility Service, Minor

Again we see the inclusion of discretionary natural resource extraction. Lake Watershed does not include the 1983 Wildlife Habitat land use district requirement for public input (cited at the bottom of page 3). Even worse than Agricultural 2, the ‘Other Regulations’ for the proposed Lake Watershed land use district does NOT give the development authority the ability to: require an environmental impact assessment, impose development conditions, or send applications to the province for review/comment.

One could argue that the level of protection offered environmentally sensitive lands by the Agricultural 2 and Lake Watershed land use districts are thus little better than no protection! FLAG’s threefold concerns expressed at the end of Section I stand equally for both the Recreation Open Space and Lake Watershed land use districts.

III. Decrease In Protected Land

The Leduc County Draft Land Use Bylaw results in a decrease of thousands of acres of what used to be protected land across the county. Here you can see the approximately 4,000 acres of land that are removed from the Big Hay Lake area Wildlife Habitat land use district—the proposed land use map is on the left, the current land use map is on the right (each of the smaller squares represents a quarter section, which is 160 acres):



The Joseph Lake area Wildlife Habitat land use district area suffers similar treatment wherein approximately 400 acres of land that are removed from protection—the proposed land use map is on the left, the current land use map is on the right:



Although there are additions to the Agricultural 2 land use in the west-central area of the County, the relatively unrestricted uses allowed under that land use district make the additional areas of almost no consequence from an environmental protection standpoint.

IV. Conclusion

The Friends of Leduc Area Greenspace calls upon Leduc County Council to return the Draft Land Use Bylaw to Leduc County administration for an overhaul in regards to the handling of environmentally sensitive areas. Environmentally sensitive areas need to continue to be a protected land use district, as they are now under the Wildlife Habitat land use district. In the least, lands that are of medium or high sensitivity should be given suitable protection rather than the same low level of protection offered lands that are of less environment significance. The environmental overhaul needs to be done in cooperation with such environmental stakeholders as the residents of Leduc County, Leduc County's own Environmental Committee, the Alberta Wildlife Federation, and the North Saskatchewan Watershed Alliance.

Now that you have read our statement of position, please call us if you would like to comment, express support, or want to volunteer to help out. If you are thinking of volunteering, we won't need much of your time & the reward will pay off for decades to come—you will know that you helped preserve Greenspace in Leduc County for your family, friends, neighbors, and the generations to come!

Regardless of whether you contact us or not, you **MUST** contact your Leduc County Councilor to express your concern for the treatment of environmentally sensitive land in Leduc County. The contact information for each Councilor and for FLAG is on the following page.

Thank you for your time,

The Friends of Leduc Area Greenspace

LEDUC COUNTY COUNCILORS

Division 1 Councilor (Far East)

Reinhold Ortlieb
Phone: (780) 941-2246
Office: (780) 955-4561
E-mail: reinhold@leduc-county.com

Division 2 Councilor (East)

Marvin Molzan
Phone: (780) 986-2417
Office: (780) 955-4562
E-mail: marvin@leduc-county.com

Division 3 Councilor (East Central)

John Schonewille
Phone: (780) 955-8078
Office: (780) 955-4563
E-mail: johns@leduc-county.com

Division 4 Councilor (West Central)

John Whaley
Phone: (780) 986-5120
Office: (780) 955-4564
E-mail: johnw@leduc-county.com

Division 5 Councilor (West)

Ed Chubocha
Phone: (780) 985-3867
Office: (780) 955-4565
E-mail: edc@leduc-county.com

Division 6 Councilor (Far Northwest)

Ruth Harrison
Phone: (780) 789-2181
Office: (780) 955-4566
E-mail: ruth@leduc-county.com

Division 7 Councilor (Far Southwest)

Audrey Kelto
Phone: (780) 789-2202
Office: (780) 955-4567
E-mail: audrey@leduc-county.com

To contact FLAG:

Email: flag@kanotech.com (preferred, as we will be able to reply quickly)

24-hour voicemail: 780-980-8101 (your call will be returned within three business days)

Web address: www.kanotech.com/flag