

**Agenda Item: D.2**

Request for Decision

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| **Title** | **Bylaw 1561/21 - Amendments to Land Use Bylaw 1385/17 – 2021 Land Use District Audit Bylaw - First Reading** |
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| **Proposed Motion** | That Council give first reading of Bylaw 1561/21. |
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| **Administrative**  **Recommendation** | That Council give first reading of Bylaw 1561/21, to allow for the proposed redistrictings to proceed to a Public Hearing to receive feedback from affected parties. |
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| **Previous Council Direction** | July 10, 2017 Regular Council Meeting  Motion 351/17: That Council give third reading to Bylaw 1385/17, Land Use Bylaw. |
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| **Report** | Background Information   * Recently, Administration conducted a full audit of all parcels (12,000+) within Sturgeon County to determine whether they have the correct land use district regulating their use. * Following detailed analysis, it was determined that 38 legal land descriptions require a “housekeeping” redistricting to better reflect either the existing use of a parcel and/or to align with higher order plans such as an Area Structure Plan. They are described within a summary document (Attachment 1) and the proposed Bylaw 1561/21, Schedules “A” through “MM” (Attachment 2). Note that there is no Schedule “L”. This schedule was removed after the bylaw schedules had been prepared, and the administrative time to renumber all of the subsequent schedules would have been extensive. Changing the subsequent schedules in the bylaw to reflect a minor change is considered to be inconsequential. * As the bylaw is considered a “housekeeping” item and does not propose to change the intensity of development of the subject properties, property owners would not be contacted directly about the proposed changes but will be notified of the Public Hearing. * In many cases, these properties relate to properly identifying transmission line rights-of-way and other development better identified as public utility lots or a more appropriate zoning to appropriately reflect the use occurring on the land. * Most parcels subject to this bylaw are exempt from Part 17 of the *Municipal Government Act* (MGA) and not subject to County processes. As such, they can only be identified by Administration through undertaking such audits. * The amendments proposed in this report are important to ensure an accurate Land Use Bylaw, and Administration will continue to recommend where Bylaw updates are proposed for this complex, living document.   External Communication   * Should Council give first reading of the Bylaw, Administration will ensure public notification and advertising for the Public Hearing are completed in accordance with the MGA and section 3.3 (Advertising Requirements) of the Land Use Bylaw. * Due to the large number of properties that form the bylaw and the fact that the redistrictings are considered minor mapping changes that reflect the current use of the properties, notification of the Public Hearing will not be mailed directly to adjacent landowners.   Relevant Policy/Legislation/Practices:   * The MGA authorizes Council to establish and amend bylaws. * Section 639 of the MGA states, “every municipality must pass a land use bylaw.” * Section 618 of the *Municipal Government Act* (MGA), combined with the application of *Procedure # SUB-1: Requirements in Respect of the Subdivision of Land Under the Municipal Government Act* (Alberta Land Titles & Surveys, 2021), exempt the following forms of development and subdivision from Part 17 (Planning and Development) of the MGA and its regulations. The County, therefore, is unaware of when these properties are created or developed, as municipal approvals are not required. It is only through an audit of this nature that these properties can be identified and appropriately districted in the Land Use Bylaw   + a highway or public roadway,   + a well or battery within the meaning of *Oil and Gas Conservation Act*,   + a pipeline, an installation or structure incidental to the operation of a pipeline,   + a transmission line or electrical distribution system as defined in the *Hydro and Electric Energy Act*, and   + the construction, replacement, extension, alteration, modification, dismantling, abandonment, operation or maintenance of irrigation works if the corporation effecting the development or subdivision is an irrigation district as defined in the *Irrigation Districts Act*. * Section 640 of the MGA states:   *(1) A land use bylaw may prohibit or regulate and control the use and development of land and buildings in a municipality.*  *(2) A land use bylaw*  *(a) must divide the municipality into districts of the number and area the council considers appropriate;*  *(b) must, unless the district is designated as a direct control district pursuant to section 641, prescribe with respect to each district,*  *(i) the one or more uses of land or buildings that are permitted in the district, with or without conditions, or*  *(ii) the one or more uses of land or buildings that may be permitted in the district at the discretion of the development authority, with or without conditions, or both;*  *(e) must establish the number of dwelling units permitted on a parcel of land.*   * Section 5.6 of Sturgeon County’s Alberta’s Industrial Heartland Area Structure Plan (AIHASP) outlines the following policies:   5.6.1 – Heartland Industrial Service Centre  *Sturgeon County shall promote and support the concept of developing a Heartland Industrial Service Centre in the location conceptually shown on Map 10 Future Land Use.*  5.6.2 – Permitted Land Uses  *A special Heartland Industrial Service Centre District shall be created and adopted through the LUB that will permit a range of community uses and emergency services. Motel, hotel and institutional uses, which could increase the residential population near heavy industry, shall not be permitted.*  5.6.3 – Enhanced Landscaping for Site Development  *Given the Industrial Service Centre's high profile highway location enhanced landscaping, screening of yard storage, attractive signage and higher quality architectural treatments of buildings should be required.*  5.6.4 – Requirement for a Risk Assessment  *Sturgeon County may require applicants to prepare a Risk Assessment as part of the development application process to ensure that proposed land uses are compatible with nearby heavy industrial uses.*  5.6.5 – Existing Dwellings  *For lands located in the Heartland Industrial Service Centre Policy Area, no new dwellings shall be allowed on previously undeveloped land. Where a dwelling unit existed prior to the date of passing this Bylaw, the dwelling shall be allowed to be upgraded, expanded or rebuilt if destroyed.* |
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| **Implication of Administrative Recommendation** | Strategic Alignment:  **Planned Growth and Prosperity -** The proposed amendments promote effective and streamlined land use control.  **Operational Excellence –** The proposed Bylaw works to ensure the LUB is and remains accurate.  Organizational  Administration has the capacity to process all required amendments related to this report.  Financial  None. |
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| **Alternatives Considered** | Council could defeat Bylaw 1561/21 at first reading. |
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| **Implications of Alternatives** | Strategic Alignment  If Council chooses to defeat the Bylaw at first reading, the affected parcels would not be regulated by the most appropriate land use district, which would be contrary to the County’s Planned Growth and Prosperity priority.  Organizational  As the bylaw is predominantly a ‘housekeeping item’ it is anticipated that any organizational implications will be limited.  Financial  None. |
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| **Follow up Action** | Advertise and schedule a Public Hearing with respect to the Bylaw (Planning and Development Services, December 2021). |
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| **Attachment(s)** | 1. Attachment 1: Summary of Redistrictings 2. Attachment 2: Bylaw 1561/21 |
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| **Report Reviewed by:** | Bonnie McInnis, Manager, Planning and Development Services  Travis Peter, Director, Development and Strategic Services  Reegan McCullough, County Commissioner – CAO |

**Strategic Alignment Checklist**

**Vision:** *Sturgeon County: a diverse, active community that pioneers opportunities and promotes initiative while embracing rural lifestyles.*

**Mission:** *Provide quality, cost effective services and infrastructure to meet the diverse needs of the Sturgeon County community, while improving competitiveness and sustainability.*

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| **Focus Areas** | **Not consistent** | **N/A** | **Consistent** |
| **Planned Growth and Prosperity** |  |  |  |
| *We encourage varied and integrated enterprises that enhance our strong economic*  *base, while balancing the needs of the community and natural environment.*  *(Strategic Plan and MDP pg. 36)* |  |  |  |
| * *Supports a strong thriving business environment to strengthen our economic foundation* |  |  |  |
| * *Plans for responsible growth through the MDP and regional growth plan.* |  |  |  |
| * *Manages growth for current and future developments through:*   + *transparent bylaws, policies and processes to enable responsible land development* |  |  |  |
| * + *targeting growth around existing and identified future growth areas* |  |  |  |
| **Maintain and Enhance Strong Communities** |  |  |  |
| *We are committed to a safe and viable community, where our residents are*  *provided with access to opportunities and quality of life.*  *(Strategic Plan and pg. 27 MDP)* |  |  |  |
| * *Provides access to programs and services that have a positive impact on residents’ quality of life* |  |  |  |
| * *Provides access to safe and reliable infrastructure assets* |  |  |  |
| * *Supports the safety of people and property* |  |  |  |
| **Strong Local and Regional Governance** |  |  |  |
| *We promote consistent and accountable leadership through collaborative and*  *transparent processes (Strategic Plan and pg. 27 MDP)* |  |  |  |
| * *Provides effective leadership and management consistent with Strategic Plan, MDP, master plans, bylaws, policies, community engagement* |  |  |  |
| * *Considers fiscal stability and sustainability* |  |  |  |
| * *Fosters collaborative intergovernmental partnerships* |  |  |  |
| **Community Identity & Spirit** |  |  |  |
| *We will build upon our strengths, where together we will create an inclusive, caring community (Strategic Plan and MDP pg. 27)* |  |  |  |
| * *Promotes and/or enhances residents’ identification with Sturgeon County* |  |  |  |
| * *Support and/or collaborate with voluntary organizations in the region* |  |  |  |
| **Environmental Stewardship** |  |  |  |
| *We foster a healthy environment and minimize our impact on ecosystems. (Strategic Plan and MDP pg. 27)* |  |  |  |
| * *Plans and partnerships that minimize environmental impact on natural areas* |  |  |  |
| * *Provides awareness of environmental issues impacting the County* |  |  |  |