

Briefing Note

Title	4:00 p.m. Public Hearing - Bylaw 1407/18, General Amendments to Land Use Bylaw 1385/17
Issue	To provide an opportunity for members of the public to present their comments to Council regarding proposed Bylaw 1407/18.
Previous Council Direction	<p>May 8, 2018 – Motion 145/18 That Council give first reading to Bylaw 1407/18, General amendments to Land Use Bylaw 1385/17.</p> <p>July 10, 2017 – Motion 351/17 That Council give third reading to Bylaw 1385/17, Land Use Bylaw.</p>
Report	<p><u>Background Information</u></p> <ul style="list-style-type: none"> • Since the adoption of Land Use Bylaw 1385/17 (LUB), the Province approved three Orders in Council allowing the majority of amendments to the <i>Municipal Government Act</i>, RSA 2000 c.M-26 (MGA) to come into force in October 2017 and January and April 2018. • The following MGA amendments require amendments to the LUB: <ul style="list-style-type: none"> ◆ Decisions on development permits must be given or sent to an applicant on the same day the decision is made. ◆ The time period for appealing a decision on a development permit is now 21 days instead of 14. ◆ A Subdivision and Development Authority must within 20 days of receipt of an application for subdivision or development approval determine whether the application is complete or incomplete and notify an applicant accordingly. If the application is incomplete, the Subdivision Authority must inform the applicant of a date set out in a notice by which any outstanding documents/information need to be provided. ◆ The option to send documents in accordance with the MGA/Bylaw via electronic means. • In the seven (7) months that have passed since the LUB came into force on September 8, 2017, Administration has observed a few technical and clerical errors that need to be addressed. These include the need to:

- ◆ define the term “variance”;
 - ◆ exclude confined feeding operations from parcel coverage limits;
 - ◆ allow for an accessory building to be constructed concurrent with a principal building;
 - ◆ provide for *landscaping contractor* as a separate use in the AG district and add regulations pertaining to this use; and
 - ◆ add *Dugout* as a use in several districts.
- The reasoning for the changes as tabled in Bylaw 1407/18 are as follows:

Change 1 (MGA)

In the new MGA, Section 641(4)(b) has been moved to become Section 685(4)(b).

Changes 2 – 5 (MGA)

These changes stem from, amongst others, the following amendments to the MGA:

- ◆ Section 608(1) determines that when a document is sent to a person under a bylaw, the document can be sent by electronic means subject to certain conditions.
- ◆ Section 642(3) requires that when decision of a development authority on an application for a development permit must be in writing, and a copy of the decision, together with a written notice specifying the date on which the decision was made and containing any other information required by the regulations, must be given or sent to the applicant on the same day the decision is made.
- ◆ Section 683.1(1) requires a development authority, within 20 days after the receipt of an application for a development permit, to determine whether the application is complete.
- ◆ Section 683.1(5) states that when a development authority determines that an application is complete, the development authority must issue to the applicant an acknowledgement in the form and manner provided for in the land use bylaw that the application is complete.
- ◆ Section 683.1(6) sets out the process for when a development authority determines that an application is considered incomplete.
- ◆ Section 686(1) now allows for 21 days to appeal a development permit after the day of issue instead of 14.

Change 6 (Technical)

With the new LUB, staff has defined the terminology that appears in the document. "Variance" was omitted originally and as such, is added with this round of updates.

Change 7 (Technical)

Confined feeding operations are exempted from the LUB. As these types of enterprises normally entail large buildings and fall outside the jurisdiction of the Development Authority, it was considered apt to add a regulation that would exempt these buildings when calculating the parcel coverage.

Change 8 (Technical)

Subsection 6.1.4 requires the existence of a principal building before an application for an accessory building/use will be accepted. In order to streamline an application for an accessory building/use, this regulation allows for an application for an accessory building/use concurrent with an application for a principal building/use.

Changes 9 – 11 (Technical)

One shortcoming of the new LUB was not to make provision for landscape contractors. There are several of these contractors operating in the County and have thus far been approved as home-based businesses. However, these businesses have in the interim exceeded their HBB status, and their permits cannot be extended as such anymore. To expect these operators to move to industrial parks may be impractical, given that they may have intensive agricultural activities associated with their businesses (e.g. tree farms) which require larger tracts of land. Hence, it is proposed to define these businesses as a separate use, allow these operators in AG Major and AG Minor only and, given the impact it may have on adjacent land owners, classify it as a discretionary use. A set of regulations is proposed in Change 11.

Change 12 (Technical)

Staff confirmed the existence of dugouts located on land districted R3 – Hamlet Unserviced, INS – Institutional, POS – Public Open Space and REC – Recreational. As such, this use has been added as a discretionary use in the said districts.

Change 13 (Clerical)

The first part of the sentence in paragraph 2.9.2(b) repeats the exact wording that is stated in Subsection 2.9.2 and can be deleted.

Change 14 (Clerical)

With the formatting of the LUB document, paragraph 2.9.4(j) accidentally became Subsection 2.9.5 and needs to be corrected.

Change 15 (Clerical)

For consistency and the fact that a principal building may not necessarily be a dwelling, the wording in Subsections 12.3.4 and 12.4.4 had to be changed as proposed.

- There have been no changes made to Bylaw 1407/18 since first reading on May 8, 2018.

External Communication

- Newspaper ads were placed for two consecutive weeks in the local papers (*Free Press* and *St. Albert Gazette*), as required by the *Municipal Government Act* (MGA).

Relevant Policy/Legislation/Practices:

- Section 639 of the *Municipal Government Act* states *every municipality must pass a land use bylaw.*
- Section 640 of the *Municipal Government Act* 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.*
- The MGA authorizes Council to establish and amend Bylaws.




Implication

Strategic Alignment:

The proposed changes align with the following two areas:

Planned Growth and Prosperity

- ♦ Providing for the needs of landscape contractor services.
- ♦ Ensuring that landowners are informed of potential sand and gravel deposits on their lands.

	<p>Operational Excellence Staff keep abreast of Provincial legislation and ensures that the County's LUB reflects these changes.</p> <p><u>Organizational:</u> The process to re-write the LUB did not end when Council adopted the bylaw. A LUB is a very complex document and despite the best efforts of all parties involved, inevitably things are missed and/or overlooked during the development stage, and these anomalies are caught through administering the LUB on a daily basis. Ten of the proposed changes are a result of this. By collecting further customer feedback over the rest of this year, Administration intends to bring back a report in Q4 2018 outlining any further amendments to the LUB based on the feedback and lessons learned.</p> <p><u>Financial:</u> None.</p>
Follow Up Action	<ol style="list-style-type: none"> Administration will address any relevant concerns raised at the Public Hearing. Administration will bring this item back to Council soon for consideration of second and third reading.
Attachment (s)	<ol style="list-style-type: none"> Proposed Bylaw 1407/18
Report Reviewed by:	<p> Colin Krywiak, Acting Manager, Current Planning & Development</p> <p> Collin Steffes, General Manager, Integrated Growth</p> <p> Bill Minnes, County Commissioner – CAO</p>