



Request for Decision

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| Title | Land Use Bylaw 1385/17 Clerical and Technical Revisions |
| Proposed Motion | That Council direct Administration to incorporate the changes as reflected within Attachments #1, #2 and #3 into Schedule A of the proposed Bylaw 1385/17 that received first reading on January 24, 2017. |
| Administrative Recommendation | Accepting these changes is considered to be a housekeeping exercise in order to clean the document in preparation for analysis of potential amendments that will be coming out of the Directional Report. |
| Previous Council Direction | <p><u>March 28, 2017</u></p> <p>Motion 136/17: That the proposed Land Use Bylaw 1385/17 be amended so that the requirement for Building Permits on Agricultural Accessory Buildings and Section 6.2 (Agri-Business) be removed from the Land Use Bylaw and that further work affecting Agricultural Industries, be suspended until such time that Sturgeon County develops in full consultation with residents and stakeholders, an Agricultural Master Plan or other such visioning document.</p> <p>Motion 137/17: That Council direct Administration to draft a Directional Report which provides a full analysis of all public input received during the public hearing with the purpose of providing alternatives and recommendations to be provided to Council.</p> <p>Motion 138/17: That Council direct Administration to provide an implementation plan for the proposed Land Use Bylaw 1385/17.</p> <p>Motion 139/17: That Council direct Administration to bring back alternatives in the following areas of Land Use Bylaw 1385/17:</p> <ol style="list-style-type: none">1. Making secondary suites an alternative on all parcels; and2. Storage of recreational vehicles on agricultural parcels, residential parcels and Recreational Vehicle Storage Facilities. |

January 24, 2017

Motion 038/17:

That Council give first reading to Bylaw 1385/17, Land Use Bylaw.

December 9, 2014

Motion 389/14:

Council adopted the 2015-2017 Corporate Business Plan which included initiative 2.2.D Land Use Bylaw Rewrite – a complete rewrite of Sturgeon County’s Land Use Bylaw that conforms with the Municipal Development Plan.

Report

Background Information

The Land Use Bylaw (LUB) is a land use regulation tool used to implement Council approved statutory planning documents such as the Municipal Development Plan (MDP) or Neighbourhood Area Structure Plans (ASPs). The *Municipal Government Act* (MGA) requires that all Alberta municipalities have a LUB adopted by Council and further sets out what types of regulations and details shall be contained within. The LUB reflects the parameters Council provides to staff for evaluating and preparing recommendations and the boundaries within which approvals may be provided by the Municipal Planning Commission.

The current LUB was adopted in 1996 and has been amended numerous times over the past 18 years in an effort to keep the Bylaw current with the ever-changing development environment experienced in Alberta. Council adopted a new MDP in the spring of 2014 and, as noted above, the LUB is integral to the successful implementation of the County’s MDP by establishing land use regulations that support the growth principles and policies of the MDP.

Discussion

Since Council gave first reading of the proposed Land Use Bylaw 1385/17, Current Planning & Development Services staff have been testing the document against applications received. Through this testing and review, staff have recorded both clerical and technical errors referenced in the attached files. For reference clerical and technical means:

Clerical: minor spelling, grammar, and/or formatting errors.

Technical: revisions to definitions and regulations to apply clarity. In no case has a suggested technical amendment changed the intent of a regulation. Rather, these are suggested to provide clarity in the application thereof.

Attachment #1 is the redlined version of the proposed LUB that includes the noted clerical and technical amendments to both the text and mapping; the amendments directed by Council Motion 136/17 removing all references to the proposed Agri-business land use and removal of the requirement for an Agricultural Accessory Building to acquire a building permit; and the addition to two new Direct Control Land Use districts recently adopted by Council. These new Direct Control Districts

(Attachment #2) are for the Milepost site (DC7) and Rivers Gate Semi-detached (DC8) that were adopted by Council after first reading of Bylaw 1385/17. The districts have been reformatted to fit into the proposed LUB, but the intent of the districts as adopted by Council remains.

For clarity, within Attachment #1 the type of amendment is represented as follows:

- **Blue = Technical**
- **Red = Clerical**
- **Magenta = Motion 136/17**

Attachment #3 is a listing of technical changes made to the Land Use District Map that was presented at first reading of Bylaw 1385/17. Specifically, several parcels that were designated as Public Utility Lots were determined to be better served under the underlying districts as the facilities within are owned and operated by private companies and not the County. This would be consistent with how they are reflected in the existing Land Use Bylaw. The second list is clerical errors to the map found during testing.

External Communication

None required or completed for the proposed clerical and technical amendments.

Next Steps

By accepting the redlines identified through the clerical and technical review a clean version of the proposed LUB 1385/17 can be used to illustrate changes that are being recommended by Administration based on the review and analysis of the Directional Report. The Directional Report is a catalogue of all input received during the Public Hearing process along with analysis and recommendations from Administration.

At present the Directional Report is scheduled to come before Council for consideration at the May 23, 2017 Council meeting. Once the proposed changes are debated and decided upon by Council, Administration will produce an amended Bylaw for Council's consideration of adoption through second and third reading.

Relevant Policy/Legislation/Practices:

- Section 617 of the MGA states: "The purpose of this Part and the regulations and bylaws under this Part is to provide means whereby plans and related matters may be prepared and adopted (a) to achieve the orderly, economical and beneficial development, use of land and patterns of human settlement, and (b) to maintain and improve the quality of the physical environment within which patterns of human settlement are situated in Alberta, without infringing on the rights of individuals for any public interest except to the extent that is necessary for the overall greater public interest."

- Section 639 of the MGA states “every municipality must pass a land use bylaw”.
- 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.”

During the creation of the Sturgeon County MDP, significant regard was given to aligning long-range planning documents to Sturgeon County’s current Planning Document - the LUB. The LUB is the regulatory document applied by Alberta’s municipalities to establish rules, procedures and criteria regarding the use and development of buildings and land. The LUB is an important tool when implementing planning policies and goals contained within the MDP. (*ref.* MDP p.12).

Administration will include an attachment when the Directional Report comes forward that will illustrate how the proposed Land Use Bylaw aligns with specific policy direction in Sturgeon County’s Municipal Development Plan.

Implication of Administrative Recommendation

Strategic Alignment:

The LUB is one of the primary tools the County uses to implement approved strategic and planning policy. Ultimately the LUB speaks to all six (6) Focus Areas found in Council’s Strategic Plan to demonstrate the County’s’ commitment to quality of life for its residents. A LUB that implements the goals of the MDP supports transparent governance and decision making, which is an important Strategic Goal of Council.

Organizational:

The process to rewrite a LUB does not end when Council adopts the bylaw. Implementation of the LUB will require Administration collecting customer feedback over the first year of the LUB being in effect to document needed refinements based on applications received and processed. A LUB is a very complex document, and despite the best efforts of all parties involved,

inherently things are missed and/or overlooked during the development stage, and these anomalies will be caught through administering the LUB on a daily basis. In Q1 of 2018, Administration will bring back a report outlining any required amendments to the LUB based on the feedback and lessons learned from implementing for the remainder of 2017. It should be noted, this is dependent on the timing and approval provided by Council.

Financial:

The project was funded from the Current Planning and Development Services operating budget for special projects. The contract for services signed with ISL Engineering and Land Services was for \$153,068 (excluding GST). In April 2015, a scope change was authorized for \$13,496 (plus GST) to cover the additional Public Engagement event requested by Council. In September 2016, one additional scope change was authorized for \$12,000 (plus GST) which covered one additional review by ISL of the draft LUB and support for the final two engagement events in November of 2016.

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| ISL Engineering and Land Services | \$173,611 |
| RMRF Legal Review | \$5,412 |
| Incidental costs incurred by County for Engagement Events, advertising and Project Team support. | \$6,067 |
| Total* | \$185,090 |

*This total does not include cost associated with internal staff time associated with this project.

Alternatives Considered

Council could refer the bylaw back to Administration for further review and refinements.

Implications of Alternatives

Strategic Alignment:

The project to re-write the County's LUB was approved by Council as an 18-month project during the 2015 Budget. Although the project took an additional six (6) months to complete, Administration has fulfilled the terms of reference for this project and it is now being advanced to Council for a decision. Supporting first reading and allowing the LUB to re-enter the public realm through the statutory Public Hearing process, allowed both the public to influence and Council to debate any suggested refinements and/or edits to the Land Use Bylaw through the legislative bylaw process.

There is also a risk of additional cost being incurred by delaying the project further.

Follow up Action

Administration accepts redlines and produces a clean version of the proposed LUB 1385/17 in advance of any proposed changes identified in the forthcoming Directional Report.

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| Attachment(s) | 1. Redlined Bylaw 1385/17 – Schedule A 2. DC7 and DC8 Land Use Districts 3. Land Use District Map Technical Amendments |
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| Report Reviewed by: |  Clayton Kittlitz, Manager Planning & Development  Stephane Labonne General Manager, Integrated Growth  Peter Tarnawsky, County Commissioner – CAO |
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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.

| Focus Areas | Not consistent | N/A | Consistent |
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| Strong Local Governance and Regional Leadership | | | |
| <i>We promote consistent and accountable leadership through collaborative and transparent processes (Strategic Plan, pg. 27 MDP)</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <ul style="list-style-type: none"> • <i>Consistent with neighborhood role (see MDP), master plans, policies</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <ul style="list-style-type: none"> • <i>Considers fiscal stability and sustainability</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <ul style="list-style-type: none"> • <i>Has a positive impact on regional and sub-regional cooperation</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Respect the Natural Environment | | | |
| <i>We acknowledge the importance of a healthy environment and will minimize and monitor our impact on ecosystems (Strategic Plan, pg. 27 MDP)</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <ul style="list-style-type: none"> • <i>Compliance with Provincial and Federal regulations and/or legislation</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <ul style="list-style-type: none"> • <i>Ensure effective environmental risk management</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Community Identity & Spirit | | | |
| <i>We will build upon our strengths, where together we will create an inclusive, caring community (Strategic Plan, (Strategic Plan, pg. 27 MDP)</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <ul style="list-style-type: none"> • <i>Promotes and/or enhances residents' identification with Sturgeon County</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <ul style="list-style-type: none"> • <i>Enhances service provision through community partnerships</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <ul style="list-style-type: none"> • <i>Supports Sturgeon County's cultural history</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Planned Growth and Prosperity | | | |
| <i>We encourage varied and integrated enterprises that enhance our strong economic base, while balancing the needs of the community and natural environment. (Strategic Plan, pg. 27 MDP)</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <ul style="list-style-type: none"> • <i>Does the proposal align with the Integrated Regional Growth Strategy (map/policies) pg. 26 MDP</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <ul style="list-style-type: none"> • <i>Considers cumulative costs and long-term funding implications</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <ul style="list-style-type: none"> • <i>Targets growth around current or planned infrastructure</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Maintain and Enhance Strong Communities | | | |
| <i>We are committed to a safe, secure community, where our residents are respected and provided with access to opportunities. (Strategic Plan, pg. 27 MDP)</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <ul style="list-style-type: none"> • <i>Positive impact on residents' quality of life</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <ul style="list-style-type: none"> • <i>Supports and promotes volunteer efforts</i> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <ul style="list-style-type: none"> • <i>Provides programs and services that are accessible to all residents</i> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Operational Excellence | | | |
| <i>We have the organizational capability to deliver consistent and defined levels of service to all stakeholders in a professional, efficient, and cost effective manner</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <ul style="list-style-type: none"> • <i>Staff have the knowledge, skills and capability to perform their jobs</i> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <ul style="list-style-type: none"> • <i>Streamlines operational processes and policies</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <ul style="list-style-type: none"> • <i>Promotes engagement and professional interaction with stakeholders</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <ul style="list-style-type: none"> • <i>Considers a cost-structure which allows Sturgeon County to remain competitive within a regional, national and global context</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |