

## Request for Decision

<b>Title</b>	<b>Proposed Land Use Bylaw 1385/17 – Secondary Suites and Storage of Recreational Vehicles</b>
<b>Proposed Motion</b>	<p>1. That Council approve the following options as identified in the Request for Decision dated May 10, 2017:</p> <ol style="list-style-type: none"> <li>a. Secondary Suites Option 1(d); and</li> <li>b. Storage of Recreation Vehicles Options 2(a) and 3(a).</li> </ol> <p>2. That Council direct Administration to update the proposed Land Use Bylaw 1385/17 based on the direction provided and present the final draft of Land Use Bylaw 1385/17 to Council for second and third reading at the June 13, 2017 regular Council Meeting.</p>
<b>Administrative Recommendation</b>	<p>Until an Agriculture Master Plan or other such visioning document is approved by Council, Administration does not recommend introducing Secondary Suites into the Agriculture land use district at this time. That said, farm accommodation on a temporary basis is a gap that can be addressed should Council support Option 1(d).</p> <p>With respect to Recreational Vehicle Storage Facilities, the recommended option does provide for some additional opportunity under certain conditions in proximity to urban centres and hamlets.</p>
<b>Previous Council Direction</b>	<p>March 28, 2017 -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"> <li>1. Making Secondary Suites an alternative on all parcels; and</li> <li>2. Storage of recreational vehicles on agricultural parcels, residential parcels and Recreational Vehicle Storage Facilities.</li> </ol>
<b>Report</b>	<p><b>Making Secondary Suites an alternative on all parcels</b></p> <p><u>Background Information:</u></p> <p>As part of the verbal presentations made during the Public Hearing held on February 28 and March 28, 2017, as well as written correspondence received by Administration, feedback related to Secondary Suites included:</p> <p><i>Secondary Suites</i></p> <ul style="list-style-type: none"> <li>• Support to allow Secondary Suites on parcels in the Agricultural District and other Residential districts. “If it can be proved that</li> </ul>

water and sewer can be accommodated on the land, why is there a need for these restricting Secondary Suites only to serviced lands?”

- “The proposed Land Use Bylaw has no provision for a temporary dwelling unit for family care. Why is this proposed? Permitting a Secondary dwelling on parcels 80 acres or larger, or allowing Secondary Suites on only fully serviced lots, is of no benefit to acreage owners.”
- “With an aging population in rural areas it is my strong belief that it is important to facilitate the inclusion of “grandparent or nannie or secondary” residents or suites on existing properties to encourage the family unit as a whole to remain closer together.”

#### *Farm Help Accommodation*

- No provision is made in the Land Use Bylaw to allow for farm help on agricultural land smaller than 32.4 hectares.

#### *Secondary Dwellings*

- “Amend the proposed Land Use Bylaw to allow for Secondary dwellings on agricultural parcels less than 80 acres.”
- “Allow for Secondary dwellings on marginal farm land, irrespective of size.”
- Secondary dwellings should be required to hook into ‘existing utilities’ and not ‘municipal utilities’.

#### Staff Analysis:

##### *Secondary Suites*

- Allowing Secondary Suites only in the R2 and R4 districts stems from policies 2.3.6 and 2.3.11 of the *Municipal Development Plan* which allows for (or mentions) Secondary Suites only in Residential Type 1 and 2 (subject to certain conditions).
- The *Municipal Development Plan* is silent regarding Secondary Suites in Residential Type 3 and 4. However, the intent of the policies applicable to Residential Types is to limit the number of dwellings to four per quarter section (for AG) and to allow Secondary Suites only in fully serviced subdivisions.
- However, it is acknowledged that:
  - The proposed Land Use Bylaw does not provide for temporary dwellings for family care;
  - There are at present 39 valid permits (in various residential zoning districts) that have been issued for temporary dwellings for family care in the County;
  - Administration is aware of several illegal Secondary Suites that currently exist within the County (implying that these suites do not have building permits and may not necessarily comply with the *Safety Codes Act*);
  - Secondary Suites are allowed (in one form or another) in the Counties of Leduc, Parkland, Westlock, Thorhild, Strathcona, Rocky View and Lac St. Anne in Residential Types 3 and 4 land use district; and
  - The impact of a Secondary Suite can be lessened by making use of the same servicing system as the principal dwelling.

Based on the above, and understanding the intent of Council's motion, allowing Secondary Suites as discretionary uses in the R1, R3 and AG districts would be the "preferred" option. However, given the reasoning behind the County's AG-subdivision policy (e.g. four (4) parcels on a quarter, the subdivision of one acreage on an 80-acre parcel for estate planning), Administration can not recommend Secondary Suites as a use on AG-Residential parcels.

#### *Farm Help Accommodation*

- Administration acknowledges that the proposed LUB does not address farm help accommodation. During the Public Hearing, it became apparent that farm help is part of the agricultural environment and needs to be addressed, irrespective of the size of the AG parcel.
- Furthermore, farm help accommodation does not necessarily entail a dwelling or a Secondary Suite and can be in the form of, for example, a dormitory consisting of a common kitchen, dining room and bathroom facilities and a set of bedrooms. This form of accommodation is normally of a temporary nature consisting of mobile trailers. As such, Administration supports adding "Farm Help Accommodation" as a use in AG Major, Minor and Residential and be defined as follows:
  - Farm Help Accommodation means a temporary development that may include a maximum of four buildings, grouped together on a site.
  - The occupants shall be persons that are an integral part of an agricultural operation, an intensive agriculture use or an equestrian facility, which is located on the same site.
  - Each building may contain a maximum of eight sleeping units, a common kitchen or dining area and common bathroom facilities.
  - This use does not include a *Secondary Suite* or a *secondary dwelling*.
- Given the integral part of farm help in AG, Administration proposes to allow this as a permitted use in AG Major, Minor and Residential.

#### *Secondary Dwellings*

- The regulation to limit secondary dwellings only on parcels larger than 80-acres stems from the *Municipal Development Plans* intent to limit the number of dwellings on a quarter to four (4) dwellings.
- If Secondary Suites are allowed in the AG district (for AG major and AG minor) and Farm help accommodation is also allowed, the need/reasoning for allowing secondary dwellings on parcels smaller than 80 acres diminishes.
- As such, Administration recommends that the existing regulation that only allows secondary dwellings on parcels larger than 80 acres remains in place. And also,
  - where two (2) Single family dwellings have been allowed on an 80+ acre parcel, no Secondary suite be allowed or,

- where a Single family dwelling and a Secondary Suite have been allowed, no Secondary dwelling be allowed.

Thus, essentially increasing the maximum parcel density from one (1) dwelling unit to two (2) and leaving the configuration up to the landowner.

### *Summary*

To illustrate the implications of the above reasoning, please refer to Attachment 1. In this scenario (a quarter section subdivided into an 80-acre, 77.5-acre and 2.47-acre parcel), the following observations apply:

- In terms of the existing LUB, a maximum of seven (7) dwellings (albeit permanent and temporary) are allowed for.
- In terms of the proposed LUB that received first reading, a maximum of only five (5) dwellings are allowed for.
- In terms of the proposed changes, a maximum of seven (7) dwellings are allowed for as well (albeit that “Farm help accommodation” does not strictly qualify as a dwelling).

The caution here is the number of dwellings being introduced into the agricultural landscape. Farm operations and residential uses are not always compatible land uses and once these provisions are in place, decreasing the number is difficult.

Also, increased density outside of the growth areas defined in the *Municipal Development Plan’s* Integrated Regional Growth Strategy could be viewed as being inconsistent with the County’s long-term growth goals.

The long-term impacts to road infrastructure and to the industry of agriculture may not be fully understood now, and it may be prudent to limit the increase in density in the AG District until an Agricultural Master Plan is completed.

### Potential Options – Secondary Suites:

Given the above, Administration has identified the following options for Council to consider:

- 1(a) - Maintain the status quo in the proposed Land Use Bylaw that received first reading.
- 1(b) - Add Secondary Suites as a Discretionary Use in the AG-major, AG-minor, R1 and R3 land use districts; as well, include the following:
  - Require a Secondary Suite to make use of the same servicing system as the principal dwelling;
  - Define “Farm Help Accommodation” and add as a permitted use in the AG (major, minor and residential) district; and
  - Add a regulation where two (2) Single family dwellings have been allowed on an 80+ acre parcel, no Secondary Suite be allowed or, where a Single family dwelling and a Secondary Suite have been allowed on an 80+ acre parcel, no Secondary dwelling be allowed.

- 1(c) - The same as 1 (b), except adding Secondary Suite as a discretionary use in the AG-Residential as well.
- 1(d) - Add Secondary Suite as a discretionary use only in the R1 and R3 land use districts and consider the addition of Secondary Suites in the AG district until an Agricultural Master Plan is completed. As well:
  - Require a Secondary Suite to make use of the same servicing system as the principal dwelling;
  - Define “Farm Help Accommodation” and add as a permitted use in the AG (major, minor and residential) district.

### **Storage of Recreational Vehicles on Agriculture Parcels, Residential Parcels and Recreation Vehicle Storage Facilities**

#### Background Information:

As part of the verbal presentations made during the Public Hearing held on February 28 and March 28, 2017, a resident suggested that Council consider allowing commercial RV storage facilities within the ‘Recreational’ district. However, multiple residents advised Council to preserve good agricultural soils and minimize land use conflicts in the ‘Agricultural’ district in general.

#### Staff Analysis:

- The existing Land Use Bylaw 819/96 lists commercial RV storage facilities as a Discretionary Use within the ‘Agricultural’ and ‘Agricultural – Heartland’ districts, as well as within a limited portion of the ‘Intermunicipal Fringe District A’ near the City of Edmonton boundary (only). In addition, RV storage facilities could be allowed wherever the ‘Industrial Storage’ land use is listed (i.e. within the ‘Business Industrial’, ‘Industrial – Heavy’ and ‘Industrial – Rural’ districts).
- After analysing five (5) similar counties (Parkland, Leduc, Strathcona, Lamont and Rocky View), Administration learned 3 out of 5 list commercial RV storage facilities as a Discretionary Use in their equivalent Agricultural districts. The other two (2) counties (Strathcona and Rocky View) only allow commercial RV storage facilities in their commercial and/or industrial-related districts.
- In terms of parking several *personal* RVs on private property (i.e. not to be confused with commercial RV storage facilities described previously), Sturgeon County’s existing bylaws and policies are currently silent in this regard – as are 3 out of the five (5) counties sampled (Leduc, Lamont and Rocky View). However, Parkland County’s Community Standards Bylaw states that parcels under two (2) acres can have a maximum of three (3) RVs and/or boats (combined), while parcels two or more (2+) acres can have a maximum of five (5) RVs and/or boats (combined). (This correlates with Section 6.20 where the land use districts represent to a large extent, parcel size.)

- In Strathcona County, their Land Use Bylaw implies that parking of four or more (4+) RVs on private property triggers the necessity of complying with the same policies required for a commercial RV storage facility – in order to ensure greater fairness for owners of commercial RV storage facilities who are required to invest in creating and maintaining a safe, aesthetic and functional site which minimizes road hazards and other land use conflicts with adjacent landowners.

Potential Options – Storage of Recreational Vehicles:

With respect to commercial Recreational Vehicle storage facilities, three (3) possible options could be considered by Council:

- 2(a) - Add commercial RV storage facilities as a discretionary use in the 'Agricultural' district (i.e. same as existing LUB 819/96);
- 2(b) - Same as above, however incorporate additional special regulations stipulating that the site must be within one (1) mile of the boundary of an urban center or hamlet and, not be located on Class one (1) or two (2) soils; and
- 2(c) - Require rezoning to a more appropriate land use district (i.e. but not 'Agricultural') which is consistent in the proposed Land Use Bylaw 1385/17.

With respect to parking several *personal* Recreational Vehicles on private property, two possible options could be considered by Council including:

- 3(a) - Leave the existing maximums listed in Section 6.20 (i.e. One (1) Recreational Vehicle in the R2, R3, R4 and REC districts; Three (3) Recreational Vehicles in the AG-Res and R1 districts; and five (5) Recreational Vehicles in the Ag-Maj and Ag-Min districts);
- 3(b) - Increase the maximums listed in Section 6.20 as Council sees fit.

External Communication

None.

Internal Communication

None.

Relevant Policy/Legislation/Practices:

- Section 617 of the *Municipal Government Act*, RSA, 2000, Chapter M-26 (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.”
- Sturgeon County ***Municipal Development Plan*** Residential Type 1
  - 2.3.6 Should advocate for compact residential types, mixed-use developments, secondary suite allowance, walkable communities and communal open space in accordance with the Capital Regional Growth Plan's strategic principles.
  - 2.3.11 Shall require proposed residential development to respect the existing scale, type and character of the community. Secondary Suites or mixed-use developments may be contemplated where the applicant can successfully demonstrate to the approval authority that no significant impacts on municipal infrastructure or community amenities will occur.

**Implication of Administrative Recommendation**

Strategic Alignment:

**Planned Growth and Prosperity**




Strategy 2.2.2 – Promote land use activities that provide a positive return on investment and facilitate the development of a complete community

Organizational:

None.

Financial:

None.

<b>Alternatives Considered</b>	Council could refer the options back to Administration for further review.
<b>Implications of Alternatives</b>	<p><u>Strategic Alignment:</u> None.</p> <p><u>Organizational:</u> None.</p> <p><u>Financial:</u> None.</p>
<b>Follow up Action</b>	1. Administration will revise Schedule A of the proposed Land Use Bylaw 1385/17 in accordance with Council's direction.
<b>Attachment(s)</b>	1. Options for Secondary Suites and dwellings.
<b>Report Reviewed by:</b>	 Clayton Kittlitz, Manager Current Planning & Development Services   Stephane Labonne General Manager, Integrated Growth   Peter Tarnawsky, 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.

Focus Areas	Not consistent	N/A	Consistent
<b>Strong Local Governance and Regional Leadership</b>			
<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"> <li>• <i>Consistent with neighborhood role (see MDP), master plans, policies</i></li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>• <i>Considers fiscal stability and sustainability</i></li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>• <i>Has a positive impact on regional and sub-regional cooperation</i></li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Respect the Natural Environment</b>			
<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 checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>• <i>Compliance with Provincial and Federal regulations and/or legislation</i></li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <li>• <i>Ensure effective environmental risk management</i></li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Community Identity &amp; Spirit</b>			
<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 checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>• <i>Promotes and/or enhances residents' identification with Sturgeon County</i></li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>• <i>Enhances service provision through community partnerships</i></li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>• <i>Supports Sturgeon County's cultural history</i></li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Planned Growth and Prosperity</b>			
<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 checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>• <i>Does the proposal align with the Integrated Regional Growth Strategy (map/policies) pg. 26 MDP</i></li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>• <i>Considers cumulative costs and long-term funding implications</i></li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>• <i>Targets growth around current or planned infrastructure</i></li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Maintain and Enhance Strong Communities</b>			
<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"> <li>• <i>Positive impact on residents' quality of life</i></li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <li>• <i>Supports and promotes volunteer efforts</i></li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>• <i>Provides programs and services that are accessible to all residents</i></li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Operational Excellence</b>			
<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"> <li>• <i>Staff have the knowledge, skills and capability to perform their jobs</i></li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>• <i>Streamlines operational processes and policies</i></li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <li>• <i>Promotes engagement and professional interaction with stakeholders</i></li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>• <i>Considers a cost-structure which allows Sturgeon County to remain competitive within a regional, national and global context</i></li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>