

Request for Decision

Title	Bylaw 1407/18 - General Amendments to Land Use Bylaw 1385/17 (First Reading)
Proposed Motion	That Council give first reading to Bylaw 1407/18, general amendments to Land Use Bylaw 1385/17.
Administrative Recommendation	Administration recommends Council give first reading to Bylaw 1407/18.
Previous Council Direction	July 10, 2017 – Motion 351/17 That Council give third reading to Bylaw 1385/17, Land Use Bylaw.
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, with the majority of amendments to the <i>Municipal Government Act</i>, RSA 2000 c.M-26 (MGA) coming into force in October of 2017 and January and April 2018. • The following MGA amendments requires 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 or Development Authority must, within 20 days after receipt of an application for subdivision or development approval, determine whether the application is complete/incomplete and notify the applicant accordingly. If the subdivision is incomplete, the Subdivision Authority must inform the applicant of a date set out in a notice by which any outstanding documents/information needs to be provided. - The option to send documents via electronic means. • In the seven (7) months that have lapsed 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: <ul style="list-style-type: none"> - 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 reasons for the proposed 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 days.

Change 6 (Technical)

Within the new LUB, when terminology was being defined, “Variance” was omitted and as such, is being added with this update.

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.

Changes 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)

The new LUB did not make provisions for landscape contractors. There are several of these contractors operating in the County and have thus far been approved as home-based businesses (HBB). 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 tracks 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.

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 Subsection 12.3.4 and 12.4.4 had to be changed as proposed.

External Communication

- Given the technical and clerical nature of the proposed amendments, no additional external communication has been contemplated beyond advertising for a potential public hearing.

Relevant Policy/Legislation/Practices:

- 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*

	<p>(a) must divide the municipality into districts of the number and area the council considers appropriate;</p> <p>(b) must, unless the district is designated as a direct control district pursuant to section 641, prescribe with respect to each district,</p> <p style="padding-left: 40px;">(i) the one or more uses of land or buildings that are permitted in the district, with or without conditions, or</p> <p style="padding-left: 40px;">(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;</p> <p>[...]</p> <p>(e) must establish the number of dwelling units permitted on a parcel of land.</p> <ul style="list-style-type: none"> • The MGA authorizes Council to establish and amend Bylaws.
<p>Implication of Administrative Recommendation</p>	<p><u>Strategic Alignment:</u></p> <p>The proposed changes align with the following two areas:</p> <p>Planned Growth and Prosperity</p> <ul style="list-style-type: none"> - Providing for the needs of landscape contractor services. <p>Operational Excellence</p> <ul style="list-style-type: none"> - Staff keep abreast of provincial legislation and ensures timeously that the County's LUB reflects these changes. <p><u>Organizational:</u></p> <p>The process to rewrite 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, inherently things are missed and/or overlooked during the development stage, and these anomalies are caught through administering the LUB on a daily basis. Eleven (11) of the proposed changes are a result of this and by collecting further customer feedback over the rest of this year, Administration intends to bring back a report in the fourth quarter of 2018 outlining any further amendments to the LUB based on the feedback and lessons learned.</p> <p><u>Financial:</u></p> <p>None.</p>
<p>Alternatives Considered</p>	<p>That Council does not give first reading to Bylaw 1407/18, General amendments to Land Use Bylaw 1385/17.</p>
<p>Implications of Alternatives</p>	<ul style="list-style-type: none"> • Land Use Bylaw 1385/17 will not be in conformance with the latest changes to the MGA and certain technical shortcomings will remain. • Existing landscape contractors will have to apply to amend the LUB themselves in order to come into conformance with the LUB.

Follow up Action 1. Should Council support first reading of the proposed Bylaw, Administration will schedule a Public Hearing with respect to the Bylaw.

Attachment(s) 1. Proposed Bylaw 1407/18

**Report Reviewed
by:**



Colin Krywiak, Acting Manager Current Planning and Development



Collin Steffes, General Manager Integrated Growth



Bill Minnes, 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
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 checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <i>Compliance with Provincial and Federal regulations and/or legislation</i> 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <i>Ensure effective environmental risk management</i> 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <i>Promotes and/or enhances residents' identification with Sturgeon County</i> 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <i>Enhances service provision through community partnerships</i> 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <i>Supports Sturgeon County's cultural history</i> 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>