

Request for Decision

Title	Legacy Development and Land Use Bylaw Enforcement
Proposed Motion	<ol style="list-style-type: none"> 1. That Council receive the attached Legacy Enforcement File report as information. 2. That Council direct staff to schedule a workshop to develop direction and approaches to dealing with legacy developments and enforcement.
Administrative Recommendation	Administration felt that making assumptions with respect to the intent of the motion could be an inefficient use of resources and believes achieving clarity in direction through a workshop is a positive approach to addressing the identified files.
Previous Council Direction	<p>July 10, 2017 - Motion 350/17:</p> <p>That Council direct Administration to investigate into the extent and nature of legacy development and business arrangements that had been entered into or represented to and with ratepayers so that Council has a better understanding of the future related outstanding obligations of Sturgeon County in relation to such arrangements, and that the CAO is to report back to Council in writing outlining the above information by November 28, 2017.</p>
Report	<p><u>Background Information</u></p> <ul style="list-style-type: none"> • The subject motion was introduced and passed on July 10, 2017 during Council’s debate in considering third reading of Land Use Bylaw 1385/17. The discussion surrounding the motion seemed to be concerning how legacy enforcement files would be dealt with post adoption the Land Use Bylaw. • However, the final motion references “legacy development” which could be interpreted to be all development within the County dating back to a time not defined. • There needs to be clarity surrounding the terms “business arrangements and representations” to ensure Administration is bringing back the information that Council is looking for. • Most of the data that is assumed to be needed to satisfy this motion would be severed by Freedom of Information and Privacy (FOIP) legislation and would most likely provide very little clarity given limited information that could be shared publicly.

- On October 19, 2016, Administration shared the Legacy Enforcement list and details with members of Council in an informal briefing setting. (Attachment #1 is a version of what was shared with all personal landowner information removed). The intent was to provide details on the files and provide some thoughts on how to address the list holistically. Administration was to take any feedback and develop options to be presented in the Land Use Bylaw Implementation Plan.
- The Implementation Plan was adopted by Council on June 27, 2017 and the direction provided for Legacy Enforcement files was as follows:

<p>1. <u>Existing Land Use Bylaw legacy enforcement files</u> With the proposed LUB in place, the rules may have changed. How will Administration deal with existing LUB Enforcement files?</p>	<p>Administration undertakes to inform, in writing, those landowners where an enforcement file has been opened, of the options available to bring their properties into compliance with the proposed Land Use Bylaw 1385/17.</p> <p>A two (2) year grace period will be provided for landowners to do so. When the two (2) year period lapses, enforcement activities will be enacted.</p>	<p>Option will include,</p> <ul style="list-style-type: none"> - reduce size of operations to within limits regulated in the proposed Land Use Bylaw; - relocate business, operations or remove non-compliant use or apply to redistrict parcels to appropriate land use district.
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Discussion

- In general terms, compliance exists where a standard application and permitting process has been followed and the current use is consistent.
- At present the only data that can be collected and shared is data that exists within Sturgeon County property files.
 - It is possible that a permit was issued but is not available within the County's file. Where a landowner can present this permit, resolution can be addressed expeditiously.
- "Business Arrangements and representations" are somewhat more nebulous and subjective. There may not be record of such arrangements within County files, which means the only way to collect this information would be to engage landowners, asking them to share any information they have. They are not obliged to share and therefore, any information we received would be on a volunteer basis. There is no guarantee that all would be shared nor is there any guarantee that this information could be shared publicly.
- To meet the requirements of the Act, the Development Authority, whether Council, MPC or Administration, permits Development based on regulated processes including Applications, Referrals and Permits.

- As such, Administration is requesting Council to give further clarity with respect to Motion 305/17 specifically:
 - Define which files that need to be reported on ie: Legacy Development or Legacy Enforcement List (Attachment #1)
 - Should Administration reach out to the landowners on the list to request any information they have on record and acquire consent to share said information?
 - Provide clarity on what information is required from property files. These files can be quite extensive and generating copies of all correspondence will be costly and time consuming; and
 - Provide clarity on what is meant by “business arrangements entered into or represented”.
- Consideration needs to be given to how this motion impacts direction from Council, given the Implementation Plan. How does Administration reconcile conflicting direction from Council?
- Acknowledgment that depending on the complexity and extent of information being requested, Council should provide Administration with adequate time to deliver.
- Acknowledgment that information collected may need to be shared in-camera due to FOIP legislation.

External Communication

None.

Relevant Policy/Legislation/Practices:

Goal 3.3.3 from Council’s Strategic Plan:

“Enforcement procedures are established when a use or activity is in violation of Sturgeon County’s Bylaws.”

Municipal Development Plan – Bylaw 1313/13

Under Responsible Governance and Enacting Responsible Subdivision and Development Practices, policy 1.4.18 determines that the County: Shall adopt and apply enforcement procedures to clarify and establish (for both the impacted citizen and offender) a course of action when a use or activity is in violation of the County’s Bylaws.

Section 4.2 of Land Use Bawl 1385/17

- .1 Every person who violates any of the provisions of this Bylaw or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this Bylaw, or fails to comply with any order, notice, or direction given under this Bylaw, commits an offence. Each calendar day that a violation is permitted to exist shall constitute a separate offence.

	<p>.2 No person shall authorize or undertake any <i>development</i> that is not consistent with the description, specifications or plans that were the basis for issuing a <i>development permit</i> under this Bylaw.</p> <p>.3 No person shall contravene or fail to comply with a condition of a <i>development permit</i> issued under this Bylaw or a <i>Development Agreement</i> entered pursuant to a <i>development permit</i> or a <i>subdivision</i> approval.</p>
Implication of Administrative Recommendation	<p><u>Strategic Alignment:</u></p> <p><u>Maintain and Enhance Strong Communities</u> Goal 3.3 Sturgeon County promotes and protects the safety of people and property Strategy 3.3.3 Enforcement procedures are established when a use or activity is in violation of Sturgeon County’s Bylaws.</p> <p><u>Organizational:</u></p> <p>Administration is currently working on a Bylaw Enforcement Policy and Procedure for Council to consider in support of Goal 3.3.3.</p> <p><u>Financial:</u></p> <p>Financial impacts will need to be assessed based on clarity provided by Council. Staff time, copy and printing cost will need to be understood in delivery on the motion and weighed against other Department Priorities and service levels.</p>
Alternatives Considered	<p>1. That Council provide Administration with further direction on Motion 350/17.</p> <p>2. That Council direct staff to initiate enforcement efforts on legacy development files.</p>
Implications of Alternatives	<p><u>Strategic alignment</u></p> <ul style="list-style-type: none"> • None. <p><u>Organizational:</u></p> <ul style="list-style-type: none"> • None. <p><u>Financial:</u></p> <ul style="list-style-type: none"> • None.
Follow up Action	Administration to act in accordance with Councils’ direction.

**Report Reviewed
by:**



Clayton Kittlitz, Manager, Current Planning and Development



Collin Steffes, Acting 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
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 checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <i>Considers fiscal stability and sustainability</i> 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <i>Has a positive impact on regional and sub-regional cooperation</i> 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" 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, 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <i>Positive impact on residents' quality of life</i> 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <i>Promotes engagement and professional interaction with stakeholders</i> 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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"/>