

Request for Decision

Title	Land Use Bylaw 1385/17 Directional Report – Administration’s response to Written and Verbal Input Received During the Land Use Bylaw Public Hearing
Proposed Motion	<ol style="list-style-type: none"> 1. That the proposed Land Use Bylaw 1385/17 be amended so that the requirement for Development Permits for Agricultural Accessory Buildings is removed. 2. That Council direct Administration to incorporate the changes as per the motions within the Directional Report (Attachment #1) into Schedule A of the proposed Bylaw 1385/17 that received first reading on January 24, 2017. 3. That Council direct Administration to update the proposed Land Use Bylaw 1385/17 that received first reading on January 24, 2017, 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. 4. That Council direct Administration to bring back options for an effective date at the June 13, 2017 regular Council Meeting.
Administrative Recommendation	Administration has analyzed input received from stakeholders and residents with respect to the proposed Land Use Bylaw 1385/17 and supports the amendments found in the attached Directional Report.
Previous Council Direction	<p><u>May 9, 2017 - Motion 204/17: (Unadopted Minutes)</u> 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.</p> <p><u>March 28, 2017:</u> 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>

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.

Motion 138/17 - That Council direct Administration to provide an implementation plan for the proposed Land Use Bylaw 1385/17.

Motion 139/17 - That Council direct Administration to bring back alternatives in the following areas of Land Use Bylaw 1385/17:

1. Making secondary suites an alternative on all parcels; and
2. Storage of recreational vehicles on agricultural parcels, residential parcels and Recreational Vehicle Storage Facilities.

January 24, 2017- Motion 038/17:

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 Land Use Bylaw 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 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

Motion #1 is to ensure the intent of the Motion 136/17 is clear with respect to the exemption of Development Permits for Agricultural accessory buildings

The Directional Report (Attachment #1) is a catalogue of all written and verbal input received during the Public Hearing from February 28 to March 28, 2017. The attached Directional Report is similar to the one reviewed by

Council at Committee of the Whole on May 9, 2017, with the addition of motions that propose changes to the Land Use Bylaw 1385/17.

To make navigating the proposed motions simpler, Attachment #2 is a listing of all motions suggested in the Directional Report. Numbers have been assigned to each motion referencing to the input and analysis in the Directional Report.

Attachment #8 is a redlined version of the proposed Land Use Bylaw that represents the changes that would be required if the proposed motions are supported by Council. In the event a motion was not approved by Council, the redline will be removed and the existing regulations would remain.

Also during the May 9, 2017, Committee of the Whole presentation, Council identified three (3) regulations to include in the Directional Report which are as follows:

1. Consider adding provision for Temporary Farm Accommodation in the I5 - Heavy Industrial District where existing farms are in operation;
2. Consider adding setback from residential land uses for Recreational Vehicle Storage Facility in the Recreational District; and
3. Consider provision for Resource Extraction setbacks from Confined Feeding Operations.

Staff Analysis:

1. Administration have provided a recommendation for Temporary Farm Accommodation as part of the RFD titled: 'Secondary Suites and Storage of Recreational Vehicles' in response to Motion 139/17.
2. The following regulation could be added to Section 6.20 to address this issue.
 - a. *(f) where a Recreational Vehicle Storage facility abuts a residential district the minimum setback shall be 8m (26.2ft).*
 - b. For reference this is the same setback requirement used for Neighbourhood Commercial land uses in Section 13.3.4.
3. Given the proposed Land Use Bylaw will require any future application to extract resources from a parcel to be redistricted to Resource Extraction district, Council will have the authority to provide direction to setbacks from confined feeding operations in the event one (1) exists adjacent to the redistricting application. During the Public Hearing process, adjacent landowners will have the opportunity to voice concerns to Council, and it will be up to Council to determine if such concerns need to be incorporated into the decision. Given the variety of Confined Feeding Operations, it is difficult to define a setback that addresses each and all forms; therefore, it is suggested that no setback provision be added to the proposed Land Use Bylaw and that Council manage through the redistricting process.

The package also includes five (5) additional attachments, intended to provide clarity with respect to selected changes to the proposed Land Use Bylaw. Attachment #3 and #4 relate to motions 2.1 (AG – Agriculture District) and 13.6 (DC5 – Direct Control District 5) respectively, representing revised land use districts.

Attachments #5 and #6 represent a new Overlay and associated map layer based on feedback from the Town of Morinville and relates to motions 13.7.1 and 13.7.2 respectively.

Finally, Attachment #7 is a revised Fines Table as per Motion 10.3 updating the currently proposed fine structure based on feedback from Protective Services.

External Communication

The Directional report (excluding the proposed motions) was posted on the County's website on May 8, 2017.

Internal Communication

None.

Next steps:

If Council supports bringing the proposed Land Use Bylaw 1385/17 to the June 13, 2017 Council meeting for second and third reading, Administration will bring the following items for Council's consideration prior to adopting the bylaw:

1. Implementation Plan – this will define work processes that will be used to manage the transition between the current Land Use Bylaw (to be rescinded) and the proposed. Examples may be how to deal with uses that exist today and can be brought into compliance through a grace period to avoid enforcement action.
2. Alignment with the Municipal Development Plan(MDP) – this will be a matrix demonstrating how the proposed Land Use Bylaw as adhered to policy direction found in the MPD with respect to sustainable growth.
3. Updates to the Fees and Charges Schedule – based on new land uses and the reallocation of some existing uses from discretionary to permitted have resulted in new or revised fees being proposed. Where possible fees and processing times have been reduced to provide applicants with timelier and cost effective decisions.

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.”

During the creation of the Sturgeon County MDP, significant regard was given to connect 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)

Implication of Administrative Recommendation

Strategic Alignment:

The Land Use Bylaw is one (1) of the primary tools the County uses to implement approved strategic and planning policy. Ultimately the Land Use Bylaw will speak 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 Land Use Bylaw 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 applicant feedback over the first year of the LUB being in effect, and to document

needed refinements based on applications received and processed. 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.

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 of 2015 a scope change was authorized for \$13,496 (plus GST) to cover the additional Public Engagement event requested by Council. In September of 2016 one additional scope change was authorized for \$12,000 (plus GST) which covered an additional review by ISL of the draft LUB and support for the final two engagement events in November of 2016.

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 with specific feedback for further review and refinement.

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. Council determined additional consultation and consideration was required and required an additional six (6) months to complete, Administration has fulfilled the terms of reference for this project and is now advanced the bylaw to Council for decision.

In addition, many residents have inquired about improving their land over the past few months and have chosen to wait for the new Land Use Bylaw to be adopted before applying to take advantage of process time and cost savings. Further delay compromises the plans of these residents.

Follow up Action

1. Administration creates a clean and redlined version, based on Council direction, of the proposed Land Use Bylaw 1385/17 for consideration of Second and Third Reading on June 13, 2017.

Attachment(s)

1. Directional Report
2. Directional Report Motion List
3. Revised Agricultural District
4. Revised DC5 – Public Development District
5. Intermunicipal Fringe Overlay
6. Intermunicipal Fringe Overlay Map
7. Table 4.1 – Fines

**Report Reviewed
by:**



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
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"/>