



Sturgeon County

Meeting Agenda - Final

Council

9613-100 Street
Morinville, Alberta
T8R 1L9

Tuesday, May 8, 2018

9:00 AM

Council Chambers

A. CALL TO ORDER AND RELATED BUSINESS

A.1 CALL TO ORDER

A.2 ADOPTION OF AGENDA

A.3 ADOPTION OF MINUTES

A.3.1 April 24, 2018 Regular Council Meeting Minutes

Proposed Motion: That the April 24, 2018 regular Council Meeting minutes be approved as presented.

Attachments: [Regular Council Meeting Minutes - April 24, 2018](#)

C. PRESENTATIONS/PUBLIC HEARINGS/INTERVIEWS

D. NEW BUSINESS

D.1 Local Roads Reconstruction Program (LRRP) - Program Engineer Contract Award

Proposed Motion: That Council award the contract for the Local Roads Reconstruction Program Engineer to Select Engineering Consultants Ltd., at a contract price of \$680,655 (not including GST).

Attachments: [Request for Decision](#)
[Tender Results](#)
[Procurement Directive](#)

Brian Hartman, Manager, Engineering Services

D.2 Bylaw 1405/18 - To Amend Land Use Bylaw 1385/17 to Add Cannabis Definitions (First Reading)

Proposed Motion: That Council give first reading to Bylaw 1405/18, to amend Land Use Bylaw 1385/17 to add Cannabis definitions.

Attachments: [Request for Decision](#)
[Proposed Bylaw 1405/18](#)
[AUMA Report](#)

Colin Krywiak, Manager, Current Planning and Development Services

D.3 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.

Attachments: [Request for Decision](#)
[Proposed Bylaw 1407/18](#)

Colin Krywiak, Manager, Current Planning and Development Services

G. URGENT MATTERS

H. NOTICES OF MOTION

I. ADJOURNMENT



Legislation Text

File #: MTS-010-18, **Version:** 1

April 24, 2018 Regular Council Meeting Minutes

That the April 24, 2018 regular Council Meeting minutes be approved as presented.



Sturgeon County

9613-100 Street
Morinville, Alberta
T8R 1L9

Meeting Minutes - Unadopted Council

Tuesday, April 24, 2018

9:00 AM

Council Chambers

A. CALL TO ORDER AND RELATED BUSINESS

A.1 CALL TO ORDER

Present: 7 - Mayor Alanna Hnatiw, Councillor Dan Derouin, Councillor Susan Evans, Councillor Wayne Bokenfohr, Councillor Neal Comeau, Councillor Patrick D. Tighe, and Councillor Karen Shaw

Mayor Hnatiw called the April 24, 2018 regular Council Meeting to order at 9:01 a.m.

Administration Present

Bill Minnes, County Commissioner - CAO
Rick Wojtkiw, General Manager, Corporate Support
Collin Steffes, General Manager, Integrated Growth
Frank Besinger, Acting General Manager, Municipal Services
Ed Kaemingh, Manager, Financial Services
Alyssa Hutchings, Acting Manager, Agriculture Services
Dawn McCoy, Manager, Human Resources
Colin Krywiak, Acting Manager, Current Planning and Development Services
Tyler Westover, Manager, Economic Development
Aaron Hair, Planning and Development Officer, Current Planning and Development Services
Sabrina Duquette, Controller, Financial Services
Larissa Hepp, Policy Analyst, Integrated Growth
Lisa Schovanek, Acting Senior Legislative Officer, Legislative Services
Joanne Onciul, Legislative Officer, Legislative Services

A.2 ADOPTION OF AGENDA

P.D. Tighe MOVED:

Motion 114/18: That the Agenda be adopted as presented.

CARRIED UNANIMOUSLY

For:7 - A. Hnatiw, D. Derouin, S. Evans, W. Bokenfohr, N. Comeau, P.D. Tighe, and K. Shaw

A.3 ADOPTION OF MINUTES

A.3.1 April 10, 2018 - Regular Council Meeting Minutes

N. Comeau MOVED:

Motion 115/18: That the April 10, 2018 regular Council Meeting Minutes be approved as presented.

CARRIED UNANIMOUSLY

For:7 - A. Hnatiw, D. Derouin, S. Evans, W. Bokenfohr, N. Comeau, P.D. Tighe, and K. Shaw

C. PRESENTATIONS/PUBLIC HEARINGS/INTERVIEWS

C.1 PRESENTATIONS

C.1.1 9:00 a.m. - Office of Traffic Safety - Alberta Transportation Presentation

Donna Tona, Office of Traffic Safety, Alberta Transportation, provided a presentation to Council.

D. NEW BUSINESS

D.1 Homeland Housing - Appointment of New Board Member

Presented by Lisa Schovanek, Acting Senior Legislative Officer, Legislative Services.

S. Evans MOVED:

Motion 116/18: That Council appoint Councillor Tighe as Sturgeon County's representative on the Homeland Housing Board for the remainder of the 2018 term.

CARRIED UNANIMOUSLY

For:7 - A. Hnatiw, D. Derouin, S. Evans, W. Bokenfohr, N. Comeau, P.D. Tighe, and K. Shaw

D.2 2017 Annual Audited Sturgeon County Financial Statements

Presented by Ed Kaemingh, Manager, Financial Services, and Sabrina Duquette, Controller, Financial Services.

Jeff Alliston, Associate, Metrix Group LLP Chartered Professional Accountants, provided a presentation to Council.

W. Bokenfohr MOVED:

Motion 117/18: That Council proceed to a closed session at 10:06 a.m. to discuss Item D.2, in accordance with Section 24 of the Freedom of Information and Protection of Privacy Act.

CARRIED UNANIMOUSLY

For:7 - A. Hnatiw, D. Derouin, S. Evans, W. Bokenfohr, N. Comeau, P.D. Tighe, and K. Shaw

The following members of Administration were present for the closed session to provide information and/or administrative assistance:

Bill Minnes, County Commissioner-CAO; Collin Steffes, General Manager, Integrated Growth; Frank Besinger, Interim General Manager, Municipal Services; Lisa Schovanek, Acting Senior Legislative Officer, Legislative Services; and Joanne Onciul, Legislative Officer, Legislative Services.

D.2 2017 Annual Audited Sturgeon County Financial Statements

P.D. Tighe MOVED:

Motion 118/18: That Council move out of the closed session at 10:11 a.m.

CARRIED UNANIMOUSLY

For:7 - A. Hnatiw, D. Derouin, S. Evans, W. Bokenfohr, N. Comeau, P.D. Tighe, and K. Shaw

The meeting was recessed at 10:11 to allow return of the public.

The meeting was recovered at 10:17 a.m.

D.2 2017 Annual Audited Sturgeon County Financial Statements

K. Shaw MOVED:

Motion 119/18: That Council approve the 2017 Annual Financial Statements as prepared by Administration and audited by the firm of Metrix Group LLP Chartered Professional Accountants.

CARRIED UNANIMOUSLY

For:7 - A. Hnatiw, D. Derouin, S. Evans, W. Bokenfohr, N. Comeau, P.D. Tighe, and K. Shaw

D.3 Appointment of Weed and Agricultural Pest Inspectors

Presented by Alyssa Hutchings, Acting Manager, Agriculture Services.

S. Evans MOVED:

Motion 120/18: That Council appoint Cathryn Thompson, Josh Pigeon, Marlise Kostiw and Tanysha Van Hecke as municipal inspectors under the Alberta Agricultural Pests Act and the Alberta Weed Control Act.

CARRIED UNANIMOUSLY

For:7 - A. Hnatiw, D. Derouin, S. Evans, W. Bokenfohr, N. Comeau, P.D. Tighe, and K. Shaw

D.4 2017/18 Employee Engagement Survey Summary of Findings

Presented by Dawn McCoy, Manager, Human Resources.

N. Comeau MOVED:

Motion 121/18: That Council accept the 2017/18 Employee Engagement Survey Summary of Findings as information.

CARRIED UNANIMOUSLY

For:7 - A. Hnatiw, D. Derouin, S. Evans, W. Bokenfohr, N. Comeau, P.D. Tighe, and K. Shaw

D.5 Bylaw 1406/18, 2018 Taxation Rates (Second and Third Reading)

Presented by Ed Kaemingh, Manager, Financial Services, and Sabrina Duquette, Controller, Financial Services.

S. Evans MOVED:

Motion 122/18: That Council amend Bylaw 1406/18, 2018 Taxation Rates to increase the assessment for the Designated Industrial Property requisition to \$1,899,214,050 and replace "Sturgeon Foundation" and "Seniors Foundation" with "Homeland Housing".

CARRIED UNANIMOUSLY

For:7 - A. Hnatiw, D. Derouin, S. Evans, W. Bokenfohr, N. Comeau, P.D. Tighe, and K. Shaw

K. Shaw MOVED:

Motion 123/18: That Council give second reading of Bylaw 1406/18, 2018 Taxation Rates, as amended.

CARRIED UNANIMOUSLY

For:7 - A. Hnatiw, D. Derouin, S. Evans, W. Bokenfohr, N. Comeau, P.D. Tighe, and K. Shaw

N. Comeau MOVED:

Motion 124/18: That Council give third reading of Bylaw 1406/18, 2018 Taxation Rates.

CARRIED UNANIMOUSLY

For:7 - A. Hnatiw, D. Derouin, S. Evans, W. Bokenfohr, N. Comeau, P.D. Tighe, and K. Shaw

D.6 Alberta Capital Finance Authority (ACFA) Annual General Meeting

Presented by Ed Kaemingh, Manager, Financial Services, and Sabrina Duquette, Controller, Financial Services.

N. Comeau MOVED:

Motion 125/18: That Council appoint Rick Wojtkiw, or designee, to represent and vote the shares of Sturgeon County at the Alberta Capital Finance Authority Annual General Meeting to be held on May 2, 2018 in Edmonton, Alberta.

CARRIED UNANIMOUSLY

For:7 - A. Hnatiw, D. Derouin, S. Evans, W. Bokenfohr, N. Comeau, P.D. Tighe, and K. Shaw

K. Shaw MOVED:

Motion 126/18: That Council hereby nominates Ed Kaemingh, Manager, Financial Services to the Board of Directors representing Class "B" Shareholders.

CARRIED UNANIMOUSLY

For:7 - A. Hnatiw, D. Derouin, S. Evans, W. Bokenfohr, N. Comeau, P.D. Tighe, and K. Shaw

D.7 Temporary Road Closure for Camilla School

Presented by Colin Krywiak, Acting Manager, Current Planning and Development Services, and Aaron Hair, Planning and Development Officer, Current Planning and Development Services.

N. Comeau MOVED:

Motion 127/18: That Council approve a Resolution to temporary closure of a portion of road in Riviere Qui Barre described as:

Plan 7770Z

All that portion of road lying north of a line drawn from the southeast corner of Lot 3 to the southwest corner of Lot 18 on said Plan and lying south of a line drawn from the northeast corner of Lot 10 to the northwest corner of Lot 11 on said Plan.

CARRIED UNANIMOUSLY

For:7 - A. Hnatiw, D. Derouin, S. Evans, W. Bokenfohr, N. Comeau, P.D. Tighe, and K. Shaw

D. Derouin MOVED:

Motion 128/18: That Council authorize the County Commissioner to enter into a License Agreement for the area temporary closed road with the Sturgeon School Board.

CARRIED UNANIMOUSLY

For:7 - A. Hnatiw, D. Derouin, S. Evans, W. Bokenfohr, N. Comeau, P.D. Tighe, and K. Shaw

D.8 Bylaw 1401/18, Road Closure of Plan 7620104 (First Reading)

Presented by Colin Krywiak, Acting Manager, Current Planning and Development Services, and Aaron Hair, Planning and Development Officer, Current Planning and Development Services.

K. Shaw MOVED:

Motion 129/18: That Council refer Item D.8 to Administration and bring back a report to the May 22, 2018 regular Council Meeting.

CARRIED UNANIMOUSLY

For:7 - A. Hnatiw, D. Derouin, S. Evans, W. Bokenfohr, N. Comeau, P.D. Tighe, and K. Shaw

D.9 Closed Session - Intermunicipal Matter
In accordance with Sections 23 and 24 of the Freedom of Information and Protection of Privacy Act

W. Bokenfohr MOVED:

Motion 130/18: That Council proceed to a closed session at 11:13 a.m. to discuss Item D.9, in accordance with Sections 23 and 24 of the Freedom of Information and Protection of Privacy Act.

CARRIED UNANIMOUSLY

For:7 - A. Hnatiw, D. Derouin, S. Evans, W. Bokenfohr, N. Comeau, P.D. Tighe, and K. Shaw

The following members of Administration were present for the closed session to provide information and/or administrative assistance:

Bill Minnes, County Commissioner-CAO; Collin Steffes, General Manager, Integrated Growth; Frank Besinger, Interim General Manager, Municipal Services; Michael Klassen, Senior Community Planner, Community and Regional Planning; Larissa Hepp, Policy Analyst, Integrated Growth; Lisa Schovanek, Acting Senior Legislative Officer, Legislative Services; and Joanne Onciul, Legislative Officer, Legislative Services.

D.9

Closed Session - Intermunicipal Matter

In accordance with Sections 23 and 24 of the Freedom of Information and Protection of Privacy Act

W. Bokenfohr MOVED:

Motion 131/18: That Council move out of the closed session at 11:22 a.m.

CARRIED UNANIMOUSLY

For: 7 - A. Hnatiw, D. Derouin, S. Evans, W. Bokenfohr, N. Comeau, P.D. Tighe, and K. Shaw

The meeting was recessed at 11:22 a.m. to allow return of the public.

The meeting was reconvened at 11:23 a.m.

D.9

Closed Session - Intermunicipal Matter

In accordance with Sections 23 and 24 of the Freedom of Information and Protection of Privacy Act

W. Bokenfohr MOVED:

Motion 132/18: That Council accept the Request for Decision titled "Closed Session - Intermunicipal Matter" as information.

CARRIED UNANIMOUSLY

For:7 - A. Hnatiw, D. Derouin, S. Evans, W. Bokenfohr, N. Comeau, P.D. Tighe, and K. Shaw

W. Bokenfohr MOVED:

Motion 133/18: That Council direct Administration to proceed with Option 1 as indicated in the Request for Decision titled "Closed Session - Intermunicipal Matter".

CARRIED UNANIMOUSLY

For:7 - A. Hnatiw, D. Derouin, S. Evans, W. Bokenfohr, N. Comeau, P.D. Tighe, and K. Shaw

P.D. Tighe MOVED:

Motion 134/18: That the Request for Decision titled "Closed Session - Intermunicipal Matter"as well as all Attachments remain confidential as per Sections 23 and 24 of the Freedom of Information and Protection of Privacy Act.

CARRIED UNANIMOUSLY

For:7 - A. Hnatiw, D. Derouin, S. Evans, W. Bokenfohr, N. Comeau, P.D. Tighe, and K. Shaw

D.10

Closed Session - Economic Development Opportunity

***In accordance with Section 25 of the Freedom of Information and Protection and Privacy Act

N. Comeau MOVED:

Motion 135/18: That Council move to closed session at 11:25 a.m. in accordance with Section 25 of the Freedom of Information and Protection of Privacy Act.

CARRIED UNANIMOUSLY

For:7 - A. Hnatiw, D. Derouin, S. Evans, W. Bokenfohr, N. Comeau, P.D. Tighe, and K. Shaw

The following members of Administration were present for the closed session to provide information and/or administrative assistance:

Bill Minnes, County Commissioner-CAO; Collin Steffes, General Manager, Integrated Growth; Frank Besinger, Interim General Manager, Municipal Services; Tyler Westover, Manager, Economic Development; Lisa Schovanek, Acting Senior Legislative Officer, Legislative Services; and Joanne Onciul, Legislative Officer, Legislative Services.

D.10

Closed Session - Economic Development Opportunity

***In accordance with Section 25 of the Freedom of Information and Protection and Privacy Act

W. Bokenfohr MOVED:

Motion 136/18: That Council move out of the Closed Session at 11:50 a.m.

CARRIED UNANIMOUSLY

For: 7 - A. Hnatiw, D. Derouin, S. Evans, W. Bokenfohr, N. Comeau, P.D. Tighe, and K. Shaw

The meeting was recessed at 11:49 a.m. to allow return of the public.

The meeting was reconvened at 11:50 a.m.

D.10

Closed Session - Economic Development Opportunity

***In accordance with Section 25 of the Freedom of Information and Protection and Privacy Act

K. Shaw MOVED:

Motion 137/18: That Council accept the Request for Decision titled "Closed Session - Economic Development Opportunity" and Attachments as information.

CARRIED UNANIMOUSLY

For:7 - A. Hnatiw, D. Derouin, S. Evans, W. Bokenfohr, N. Comeau, P.D. Tighe, and K. Shaw

P.D. Tighe MOVED:

Motion 138/18: That the Request for Decision titled "Closed Session - Economic Development Opportunity" and Attachments remain confidential as per Section 25 of the Freedom of Information and Protection of Privacy Act.

CARRIED UNANIMOUSLY

For:7 - A. Hnatiw, D. Derouin, S. Evans, W. Bokenfohr, N. Comeau, P.D. Tighe, and K. Shaw

E. MAYOR AND COUNCIL

E.1

Councillor Tighe - Motion
Re: Proceedings Bylaw Review

P.D. Tighe MOVED:

Motion 139/18: That Council direct Administration to bring forward recommendations for updating and reviewing Bylaw 1301/13, A Bylaw of Sturgeon County to Regulate the Proceedings of Council and Its Committees to a future meeting of Council before the end of 2018.

CARRIED

For:6 - A. Hnatiw, D. Derouin, W. Bokenfohr, N. Comeau, P.D. Tighe, and K. Shaw

Against:1 - S. Evans

G. URGENT MATTERS

H. NOTICES OF MOTION

I. ADJOURNMENT

W. Bokenfohr MOVED:

**Motion 140/18: That Council adjourn the regular
Council Meeting at 11:54 a.m.**

CARRIED UNANIMOUSLY

**For:7 - A. Hnatiw, D. Derouin, S. Evans, W. Bokenfohr, N. Comeau,
P.D. Tighe, and K. Shaw**

MAYOR

COUNTY COMMISSIONER (CAO)



Legislation Text

File #: RFD-074-18, **Version:** 1

Local Roads Reconstruction Program (LRRP) - Program Engineer Contract Award

That Council award the contract for the Local Roads Reconstruction Program Engineer to Select Engineering Consultant Ltd., at a contract price of \$680,655 (not including GST).

Request for Decision

Title	Local Roads Reconstruction Program (LRRP) – Program Engineer Contract Award
Proposed Motion	That Council award the contract for the Local Roads Reconstruction Program Engineer to Select Engineering Consultants Ltd., at a contract price of \$680,655 (not including GST).
Administrative Recommendation	Administration recommends that Council award the contract for the Local Roads Reconstruction Program Engineer to Select Engineering Consultants Ltd., based on the analysis of the submissions. Select Engineering Consultants Ltd. has submitted a proposal that meets all the project and procurement requirements.
Previous Council Direction	<p>December 20, 2017 – Motion 506/17 That Council approved the 2018 Operating and Capital Budget as amended.</p> <p>February 28, 2017 – Motion 091/17: That Council approve the funding required for Local Roads Reconstruction Program Design in the amount of \$53,520 (excluding GST) to be funded from the MSI operating budget.</p> <p>December 13, 2016 – Motion 455/16: That Council approve the 2017 Operating and Capital Budget as presented in the 2017 Budget Document.</p> <p>November 22, 2016 – Motion 424/16: That Council direct Administration to develop a detailed Local Roads Program to improve rural gravel roads utilizing Contract Services.</p>
Report	<p><u>Background Information</u></p> <ul style="list-style-type: none"> In 2016, Sturgeon County undertook a review of the Local Roads Reconstruction Program (LRRP) to determine whether gravel road construction should be undertaken by Sturgeon County resources or by contracted services. The results of the review and subsequent approval of Council saw the delivery of this important program shift from Sturgeon County internal forces to externally contracted services.

- The program's objective was established to reconstruct, at a minimum, 128 kilometres of gravel local roads over a 10-year period.

Program Overview

- The LRRP will be specific to gravel local roads, the program will be multi-year and has been designed to progress through 4 Stages. Stage 1 - Potentials List, Stage 2 – Feasibility, Stage 3 – Project Preparations & Detailed Design, Stage 4 – Construction & Closeout.
- The program engineer will be working with the County primarily for Stage 2 – Feasibility of the program.
- The program engineer consultant will address the following:
 - Task 1 – Confirming or determining the design standards, material specifications, construction quality assurance / quality control procedures and other program-wide technical requirements and standards that will be needed throughout the full duration of the program.
 - Task 2 – Preliminary Engineering: Conduct preliminary engineering (which may include providing, procuring or sub-consulting field investigations and surveys) on the subject roads. The program engineer will identify land, utility, environmental and all various constraints, and provide preliminary engineering drawings and report for each road segment which concisely describes each project's scope, reconstruction approach, cost estimate, evaluation of options and best alternatives for roadway rehabilitation or reconstruction within the current right-of-way (ROW) or determine land requirements, location and other key features necessary to support procurement of the design and construction Engineer.
 - Task 3 – Annual Prioritization: Assist the County in the initial and subsequent annual project prioritization process as required. Provide recommendation for each annual project bundle (approximately 10) for the duration of the program, estimated to be 10 years.
 - Task 4 - Project Preparation: Where possible, initiate the process to obtain environmental, utility and permitting / approvals, and assist the County with various land-related activities for specific planned projects in an annual bundle. Task 4 activities may transition to the design and construction engineer to complete with detailed design.

Evaluation Criteria

- For this Request for Proposal, the main areas of consideration in the evaluation process were:
 - 10% - Understanding of the project;
 - 15% - Ability to meet the service requirements identified in section 2 (methodology);

	<ul style="list-style-type: none"> ○ 10% - Project team relevant experience; ○ 10% - Similar projects completed; ○ 5% - Experience of consultant company; ○ 5% - Innovation; ○ 10% - Value for money; ○ 5% - RFP submission quality and clarity; and ○ 30% - Cost. <ul style="list-style-type: none"> • Select Engineering Consultants Ltd. (SEC), was not the lowest bid submission; however, they submitted the proposal that scored the highest based on the proposal evaluation criteria mentioned above. • A reference check was completed, and feedback was positive from other municipalities. SEC was highly recommended. SEC has multi-year program experience with many municipalities in Alberta. <p>Other Information – Corporate Procedure</p> <ul style="list-style-type: none"> • Sturgeon County’s Procurement Process recommends that the lowest bid meeting the tender or request for proposal requirements and/or specifications will normally be accepted. • In the case of a consulting services contract, the best qualified proposal that has the highest score after the evaluation process is the consulting firm that Administration is recommending. <p><u>External Communication</u></p> <ul style="list-style-type: none"> • The LRRP Program Engineer - Request for Proposal was tendered through the Alberta Purchasing Connection, posted on February 23, 2018. Tenders closed on March 29, 2018. • Sturgeon County received three (3) bids ranging from \$1,660,384.20 to \$243,012.10 (excluding GST). <p><u>Relevant Policy/Legislation/Practices:</u></p> <ul style="list-style-type: none"> • Corporate Procedure prd_pro_exe_2014 indicates that request for proposals exceeding \$500,000 should be ratified at the following Council Meeting.
<p>Implication of Administrative Recommendation</p>	<p><u>Strategic Alignment:</u></p> <p><u>Strong Local Governance and Regional Leadership</u> – The awarding of this contract would support Sturgeon County’s approved 2018 Capital Budget.</p> <p><u>Planned Growth</u> – Correcting this type of infrastructure deficiency demonstrates Sturgeon County’s commitment to fund improvements to existing assets that impact residents.</p>

Maintain and Enhance Strong Communities – The LRRP will demonstrate a commitment to the community that Sturgeon County is committed to maintaining and updating existing infrastructure.

Respect the Natural Environment – The LRRP will identify and comply with provincial and federal regulations and legislation.

Operational Excellence – The LRRP will deliver quality, cost-effective reconstruction services by improving the level of service of the roads that cannot be effectively addressed by Operations. This will improve resident safety and reduce future maintenance costs.

Organizational:

None.

Financial:

Local Roads Reconstruction Program 2018-2020 - Budget			
Item	2018	2019	2020
Budget Pre-Engineering	\$400,000.00	\$-	\$-
Budget Engineering & Construction	\$-	\$2,000,000.00	\$4,000,000.00
Total	\$400,000.00	\$2,000,000.00	\$4,000,000.00
LRRP – Program Engineer 2018-2020 – Estimated Costs			
Program Engineer Pre-Engineering Actual Cost	\$222,977.00	\$231,993.00	\$225,865.00
Detailed Design & Construction Management - Cost	\$-	\$ TBD	\$ TBD
Construction - Cost	\$-	\$-	\$ TBD
Balance	\$177,023.00	\$1,768,007.00	\$3,774,135.00

The Local Roads Reconstruction Program is funded through base taxes, 2018 Operating and Capital budget as amended (Motion 506/17).





Alternatives Considered

1. That the County not award the contract at this time.

Implications of Alternatives

Strategic Alignment:

- Not awarding to the recommended proponent could result in inconsistency with the procurement procedure and bidder evaluation criteria established for this Request for Proposal.
- Not awarding a contract may be inconsistent with past Sturgeon County practices and procedures. Residents' expectations regarding prioritized road reconstruction and rehabilitation will not be met.

	<p><u>Organizational:</u></p> <p>None.</p> <p><u>Financial:</u></p> <p>Re-tendering at a later date may result in a higher tender cost.</p>
Follow up Action	Award the contract.
Attachment(s)	<p>1. Tender Results</p> <p>2. Procurement Directive</p>
Report Reviewed by:	<p></p> <p>Mark Guerette, Senior Infrastructure Engineering Officer</p> <p></p> <p>Brian Hartman, Manager Engineering Services</p> <p></p> <p>Collin Steffes, GM Integrated Growth</p> <p></p> <p>Bill Minnes, County Commissioner – CAO</p>

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"> Consistent with neighborhood role (see MDP), master plans, policies 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Considers fiscal stability and sustainability 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Has a positive impact on regional and sub-regional cooperation 	<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 type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Compliance with Provincial and Federal regulations and/or legislation 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Ensure effective environmental risk management 	<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"> Promotes and/or enhances residents' identification with Sturgeon County 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Enhances service provision through community partnerships 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Supports Sturgeon County's cultural history 	<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"> Does the proposal align with the Integrated Regional Growth Strategy (map/policies) pg. 26 MDP 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Considers cumulative costs and long-term funding implications 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Targets growth around current or planned infrastructure 	<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"> Positive impact on residents' quality of life 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Supports and promotes volunteer efforts 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Provides programs and services that are accessible to all residents 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"> Staff have the knowledge, skills and capability to perform their jobs 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Streamlines operational processes and policies 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Promotes engagement and professional interaction with stakeholders 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Considers a cost-structure which allows Sturgeon County to remain competitive within a regional, national and global context 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

STURGEON COUNTY

PROPOSAL SUBMISSION RESULTS

CONTRACT: LRRP PROGRAM ENGINEER

PROPOSAL CLOSING: 02:00 Pm Thursday March 29, 2018

OFFICIAL

Trim File No.: F-18-7659_01

For evaluation purposes only, due to the complexity and wide range of pricing submissions, it was assumed that the amounts for all geotechnical, environmental and utility work costs were rough estimates only and all geotechnical, environmental and utility work costs were adjusted to the average cost of all received proposals.

Consultant		Total Bid Price	Evaluation Bid Price
1	SQRD Engineering	\$ 1,660,834.20	\$ 1,410,486.29
2	ROHI Engineering LTD	\$ 243,012.10	\$ 468,616.72
3	Select Engineering Consultants Ltd.	\$ 680,665.00	\$ 619,006.29
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			

Sturgeon County Staff present at Proposal Opening

Engineering Services: _____ Mark Guerette _____
Print Name

Procurement Directive

Approved by: SLT

County Commissioner:



Directive Statement: Sturgeon County supports open and non-discriminatory procedures for the purchase of goods and services.

Sturgeon County is subject to two trade agreements, the New West Partnership Trade Agreement (NWPTA) and the Agreement on Internal Trade (AIT).

A Municipality may only make an expenditure that is:

- ✓ included in an operating budget, interim operating budget, capital budget or otherwise approved by Council
- ✓ for an emergency
- ✓ legally required to be paid

1. Purpose

To establish a system of expenditure control by identifying roles and responsibilities for spending and delegating the spending authority to appropriate positions in support of effective operations.

2. Definitions

2.1. Expenditure Officer

An expenditure officer has the authority to sign contracts, purchase orders and invoices for payment. Typically, an expenditure officer will be the CAO, a general manager or manager responsible for a department, who are accountable for budget control and administration. Non-management staff may be designated expenditure officers in the absence of a manager or as appointed by the Senior Financial Officer, which is the General Manager, Corporate Support

Expenditure officers are responsible for:

- ✓ authorizing a proposed expenditure or disbursement;
- ✓ certifying that the amount of a proposed expenditure or disbursement is fair and just; if the expenditure officer is satisfied that the amount involved is reasonable and acceptable, after considering the nature, quality and quantity of the goods or services obtained. Other factors that may be considered are: the availability of goods or services, the urgency of the situation, or the remoteness of the location where the proposed expenditure or disbursement is made.
- ✓ initiating a disbursement only if it is consistent with the purpose for which the money is available;
- ✓ managing program delivery within Sturgeon County's approved budget allocations;
- ✓ verifying that the goods and services have been received or the work has been performed; and
- ✓ ensuring that a request for cheque is supported by adequate documentation.
- ✓ ensuring the accurate coding of invoices related to their financial and budget responsibility
- ✓ ensure that procurement card procedures are followed where applicable

3. Accounting Officer

An accounting officer has the responsibility of ensuring adequate processes and controls are in place so that a transaction is free of material misstatement and follows the guidelines set out herein. Typically, an accounting officer will be the General Manager, Corporate Support, the Manager, Finance, or Senior Accountant.

3.1. Accounting officers are responsible for certifying that:

- ✓ a proposed expenditure or disbursement is authorized by an approved expenditure officer;
- ✓ a proposed expenditure or disbursement is for the purpose authorized by the approved County budget, or it is consistent with the purpose for which the money is available;

Corporate Directive

Policy Number: dir_pro_exe_2014

- ✓ ensuring that the expenditure is recorded in the appropriate fiscal and reporting period;
- ✓ the required supporting documentation is available;
- ✓ expenditure is charged to the appropriate general ledger account; and
- ✓ the proposed expenditure or disbursement does not contravene any applicable legislative authority



Sturgeon County

9613-100 Street
Morinville, Alberta
T8R 1L9

Legislation Text

File #: RFD-046-18, **Version:** 1

Bylaw 1405/18 - To Amend Land Use Bylaw 1385/17 to Add Cannabis Definitions (First Reading)

That Council give first reading to Bylaw 1405/18, to amend Land Use Bylaw 1385/17 to add Cannabis definitions.

Request for Decision




Title	Bylaw 1405/18 - To Amend Land Use Bylaw 1385/17 to Add Cannabis Definitions (First Reading)
Proposed Motion	That Council give first reading to Bylaw 1405/18, to amend Land Use Bylaw 1385/17 to add Cannabis definitions.
Administrative Recommendation	Administration supports first reading in order to have the proposed bylaw vetted through a Public Hearing.
Previous Council Direction	<p><u>March 13, 2018</u></p> <p>Motion 073/18: That Council accept the Cannabis Legalization Information Report as information.</p> <p>Motion 074/18: That Council direct Administration to initiate the process to amend the Land Use Bylaw to add definitions in anticipation of the legalization of cannabis.</p>
Report	<p><u>Background Information</u></p> <ul style="list-style-type: none">• The federal government has introduced bills that will allow for the legalization of cannabis which are anticipated to come into effect in the summer of 2018.• In anticipation of the legalization of recreational cannabis, many municipalities are in the process of amending their Land Use Bylaws to add definitions and regulations for cannabis-related activities.• On February 7, 2018, the Alberta Urban Municipalities Association (AUMA) put out a report prepared by Brownlee LLP titled "Amending Your Land Use Bylaw to Prepare for the Retail Sale of Cannabis", which provides direction to municipalities on how to prepare for the legalization of cannabis.• On March 13, 2018, Council accepted a report on the legalization of cannabis and directed Administration to bring forward amendments to add the definitions of cannabis, cannabis retail sales and cannabis production and distribution.

- Based on the AUMA report, the County is proposing a two-step process to address cannabis within the Land Use Bylaw (LUB). The proposed steps are as follows:
 1. Add new definitions that define various cannabis activities and amend some of the existing definitions to exclude cannabis activities. The new definitions were sourced from three main areas, the AUMA Brownlee report, the *Cannabis Act* and the City of Edmonton.
 2. Consult with the public on where these new uses should go, where they should not go and what LUB regulations should be put into place to regulate them. The next step would be to amend the LUB accordingly.
- It is important to note that this first round of proposed LUB amendments will only add the cannabis-related definitions to the definition section of the LUB and add clarification to existing definitions that do not include Cannabis Production and Distribution or Cannabis Retail Sales. This is to ensure that cannabis-related uses are considered distinct uses and will not be interpreted as part of other existing uses within the LUB. For instance, this would eliminate the possibility of a proponent contending that an existing use such as 'retail sales' would include Cannabis Retail Sales.
- The second round of LUB amendments, which will occur after federal legislation comes into effect, will determine in which land use districts, if any, cannabis production and distribution and cannabis retail sales may be allowed, and whether those uses will be permitted or discretionary.
- Under the proposed Provincial legislation adults will be allowed to grow up to four (4) cannabis plants per household. According to the Alberta Cannabis Secretariat, the County cannot regulate these four (4) plants through the LUB.

External Communication

- Sturgeon County attended a discussion at Regional Development Officers Forum regarding how other municipalities in the region are approaching this topic.
- Prior to the Public Hearing, newspaper ads will be placed for two consecutive weeks in the local papers (*Free Press* and *St. Albert Gazette*), as required by the *Municipal Government Act* (MGA).
- Sturgeon County hosted two (2) information sessions on May 3, 2018 to provide information to the public with regard to cannabis legalization, and to learn the public's opinions on the subject. This included receiving input on adding the definitions of cannabis, cannabis retail sale, and cannabis production and distribution into the definition section of the LUB.

	<ul style="list-style-type: none"> The County commenced a survey on April 20, 2018 with respect to cannabis legalization that included questions on cannabis production, processing and distribution facilities, cannabis retail stores and potential separation distances with other land uses, among other questions on legalization. <p><u>Relevant Policy/Legislation/Practices:</u></p> <p>Federal: Bill C-45 – <i>Cannabis Act</i></p> <p>Provincial: Bill 26 – <i>An Act to Control and Regulate Cannabis</i> Alberta Cannabis Framework Gaming, Liquor, and Cannabis Regulation</p>
Implication of Administrative Recommendation	<p><u>Strategic Alignment:</u></p> <p>Focus Area: Strong Local Governance and Regional Leadership Goal 1.1 – Sturgeon County provides efficient and effective leadership and management Strategy 1.1.4 – Citizens are engaged as active participants in municipal governance; representing the broader community</p> <p>Focus Area: Planned Growth and Prosperity Goal 2.1 – Sturgeon County has a positive business environment that supports a strong economic foundation Strategy 2.1.2 – Pursue and respond to targeted sectors i.e. value-added agriculture, advanced energy, manufacturing, and logistics</p> <p>Focus Area: Maintain and Enhance Strong Communities Goal 3.1 – Sturgeon County involves and engages the Sturgeon County community</p> <p><u>Organizational:</u> Administration will coordinate the necessary requirements regarding advertising for the Public Hearing.</p> <p><u>Financial:</u> If additional notification of the Public Hearing is required, there will be a financial cost associated with it.</p>
Alternatives Considered	<ol style="list-style-type: none"> Council can refer the bylaw back to Administration for more information, prior to considering first reading of the bylaw. Council can refuse to grant first reading of the bylaw, which would result in the County not proceeding with LUB amendments in relation to cannabis-related use definitions.

Implications of Alternatives	<p><u>Strategic Alignment:</u></p> <ul style="list-style-type: none"> Alternative 1: Administration believes that there is sufficient information for Council to approve first reading of the bylaw, thereby advancing to a Public Hearing to gather public input on the proposed amendment. This also provides the public the opportunity to state any concerns or voice support for the amendment. Alternative 2: If Council refused to grant first reading, the proposal would be defeated and would not proceed to Public Hearing or further readings. <p><u>Organizational:</u></p> <ul style="list-style-type: none"> Alternative 1: Administration will work with Council to determine what further investigation is needed. Alternative 2: Administration will close the amendment file and will work within the regulations and uses of the existing LUB. <p><u>Financial:</u></p> <ul style="list-style-type: none"> Alternative 1: This will require additional staff time, which will have a limited financial implication. Alternative 2: Administration will close the amendment file.
Follow up Action	<ol style="list-style-type: none"> Administration will coordinate the scheduling and advertising of the Public Hearing.
Attachment(s)	<ol style="list-style-type: none"> Proposed Bylaw 1405/18 AUMA Report
Report Reviewed by:	<div data-bbox="532 1255 896 1381">  </div> <div data-bbox="532 1381 1224 1415"> <p>Colin Krywiak, Acting Manager Planning & Development</p> </div> <div data-bbox="532 1465 847 1633">  </div> <div data-bbox="532 1633 1166 1667"> <p>Collin Steffes, General Manager, Integrated Growth</p> </div> <div data-bbox="532 1705 815 1789">  </div> <div data-bbox="532 1789 1036 1822"> <p>Bill Minnes, County Commissioner – CAO</p> </div>

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"> Consistent with neighborhood role (see MDP), master plans, policies 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Considers fiscal stability and sustainability 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Has a positive impact on regional and sub-regional cooperation 	<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"> Compliance with Provincial and Federal regulations and/or legislation 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Ensure effective environmental risk management 	<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 type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Promotes and/or enhances residents' identification with Sturgeon County 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Enhances service provision through community partnerships 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Supports Sturgeon County's cultural history 	<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"> Does the proposal align with the Integrated Regional Growth Strategy (map/policies) pg. 26 MDP 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Considers cumulative costs and long-term funding implications 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Targets growth around current or planned infrastructure 	<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"> Positive impact on residents' quality of life 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Supports and promotes volunteer efforts 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Provides programs and services that are accessible to all residents 	<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"> Staff have the knowledge, skills and capability to perform their jobs 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Streamlines operational processes and policies 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Promotes engagement and professional interaction with stakeholders 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Considers a cost-structure which allows Sturgeon County to remain competitive within a regional, national and global context 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

BYLAW 1405/18
AMENDMENT TO THE LAND USE BYLAW 1385/17
STURGEON COUNTY, MORINVILLE, ALBERTA

BYLAW 1405/18 BEING A BYLAW OF STURGEON COUNTY, MORINVILLE, ALBERTA FOR THE PURPOSE OF AMENDING THE LAND USE BYLAW 1385/17.

WHEREAS, the *Municipal Government Act*, RSA 2000 c.M-26, any regulations thereunder, and any amendments or successor legislation thereto, authorize Council to establish and amend the Land Use Bylaw 1385/17.

AND WHEREAS, the Council of Sturgeon has deemed it desirable to amend the Land Use Bylaw 1385/17.

NOW THEREFORE BE IT RESOLVED, that the Council of Sturgeon County, duly assembled, hereby enacts as follows:

1. That the Land Use Bylaw 1385/17 be amended as follows:

- a) Add the following to Section 1.6 Terminology in accordance with the alphabetical order of the list and renumber accordingly:
 - i. *"Cannabis* means cannabis plant, fresh cannabis, dried cannabis, cannabis oil and cannabis plant seeds and any other substance defined as cannabis in the Cannabis Act (Canada) and its regulations, as amended from time to time and includes edible products that contain cannabis."
 - ii. *"Cannabis Accessory* means cannabis accessory as defined in the *Cannabis Act* (Canada) and its regulations, as amended from time to time."
- b) Delete the following:

"Agricultural use means the growing, raising, managing and/or sale of livestock, crops, food, horticulture and agri-food related value-added enterprises, including education, motivated either by profit or lifestyle.
- c) Replace with the following:

"Agricultural use means the growing, raising, managing and/or sale of livestock, crops, food, horticulture and agri-food related value-added enterprises including education, motivated either by profit or lifestyle. This does not include Cannabis Production and Distribution."
- d) Add the following Part 18 – Definitions for Uses in accordance with the alphabetical order of the list and renumber accordingly:
 - i. *"Cannabis Production and Distribution* means development used principally for one or more of the following activities as it relates to Cannabis:
 - a) the production, cultivation and growth of Cannabis;
 - b) the processing of raw materials;
 - c) the making, testing, manufacturing, assembling or in any way altering the chemical or physical properties of semi-finished or finished goods and products;
 - d) the storage or transshipping of materials, goods and products; or

-
- e) the distribution and sale of materials, goods and products to Cannabis Retail Sales stores or to individual customers.”
 - ii. *“Retail Sales, Cannabis* means a retail store licensed by the Province of Alberta where Cannabis and Cannabis Accessories are sold to individuals who attend at the premises. This Use does not include Cannabis Production and Distribution.”
 - e) Delete the following:
“Accessory, building means a building or structure that is incidental, subordinate and located on the same parcel as the principal building, but does not include a building or structure used for human habitation and does not include shipping containers.”
 - f) Replace with the following:
“Accessory, building means a building or structure that is incidental, subordinate and located on the same parcel as the principal building but does not include a building or structure used for human habitation and does not include shipping containers, or Cannabis Production and Distribution or Cannabis Retail Sales.”
 - g) Delete the following:
“Accessory, agricultural building means a building associated with the operation of an agricultural use on the parcel on which it is located, used for the housing of livestock, storage of farm produce or livestock feed, or for the storage or maintenance of agricultural machinery. Such structures shall include grain bins or silos for the storage of on-farm produced crop products, hay shelters, animal housing facilities and machine storage sheds. This use does not include a detached garage or shop if the building is partially used for personal or residential use.”
 - h) Replace with the following:
“Accessory, agricultural building means a building associated with the operation of an agricultural use on the parcel on which it is located, used for the housing of livestock, storage of farm produce or livestock feed, or for the storage or maintenance of agricultural machinery. Such structures shall include grain bins or silos for the storage of on-farm produced crop products, hay shelters, animal housing facilities and machine storage sheds. This use does not include a detached garage or shop if the building is partially used for personal or residential use or Cannabis Production and Distribution.”
 - i) Delete the following:
“Accessory, use means the use of a building or land which is incidental and subordinate to the principal use of the parcel on which it is located.”
 - j) Replace with the following:
“Accessory, use means the use of a building or land which is incidental and subordinate to the principal use of the parcel on which it is located or Cannabis Production and Distribution or Cannabis Retail Sales.”

-
- k) Delete the following:
 "Agricultural support service means the use of land, buildings and structures for the purposes of supplying and selling of goods, materials, services or processing (e.g. an abattoir) directly related to the agricultural industry. This may include ancillary uses, including, but not limited to, office, sales, technical, administrative support, storage or warehousing."
- l) Replace with the following:
 "Agricultural support service means the use of land, buildings and structures for the purposes of supplying and selling of goods, materials, services or processing (e.g. an abattoir) directly related to the agricultural industry. This may include ancillary uses, including, but not limited to, office, sales, technical, administrative support, storage or warehousing. This does not include Cannabis Production and Distribution or Cannabis Retail Sales."
- m) Delete the following:
 "Community garden means the cultivation and harvesting of plant and animal products where the primary purpose is supportive of community, educational, recreational, rehabilitative or social programming. Accessory uses may include exterior storage, composting, and buildings for the operation of the site and the extension of the growing season. This does not include, agriculture support services or intensive agriculture."
- n) Replace with the following:
 "Community garden means the cultivation and harvesting of plant and animal products where the primary purpose is supportive of community, educational, recreational, rehabilitative or social programming. Accessory uses may include exterior storage, composting, and buildings for the operation of the site and the extension of the growing season. This does not include, agriculture support services or intensive agriculture or Cannabis Production and Distribution."
- o) Delete the following:
 "Extensive agriculture means an agricultural use including a system of tillage, which depends upon large areas of land for the raising of crops and includes customer site visits that are associated with the operations."
- p) Replace with the following:
 "Extensive agriculture means an agricultural use including a system of tillage, which depends upon large areas of land for the raising of crops and includes customer site visits that are associated with the operations. This does not include Cannabis Production and Distribution."
- q) Delete the following:
 "General industrial means an industrial activity which does not create an adverse environmental impact or nuisance beyond its immediate site, is compatible with other industrial and commercial uses in a concentrated setting and involves the storage, manufacturing, distribution, wholesaling, testing, repairing, processing or salvaging of goods and materials."

-
- r) Replace with the following:
“*General industrial* means an industrial activity which does not create an adverse environmental impact or nuisance beyond its immediate site, is compatible with other industrial and commercial uses in a concentrated setting and involves the storage, manufacturing, distribution, wholesaling, testing, repairing, processing or salvaging of goods and materials. This does not include Cannabis Production and Distribution.”
- s) Delete the following:
“*Home-based business* means the accessory use of a dwelling, accessory buildings and parcel for an occupation, trade, profession or craft to be operated by the permanent residents of the dwelling.”
- t) Replace with the following:
“*Home-based business* means the accessory use of a dwelling, accessory buildings and parcel for an occupation, trade, profession or craft to be operated by the permanent residents of the dwelling. This does not include Cannabis Production and Distribution or Cannabis Retail Sales.”
- u) Delete the following:
“*Intensive agriculture* means a horticultural operation which may be accessory to an extensive agriculture or extensive livestock use that, generally operates on smaller tracts of land. Without restricting the generality of the foregoing, this may include nurseries, greenhouses, market gardens, u-pick farms, tree farms, fish farms, stud farms and sod farms. This use accommodates site visits to an agricultural parcel for customers for the purchasing of farm products.”
- v) Replace with the following:
“*Intensive agriculture* means a horticultural operation which may be accessory to an extensive agriculture or extensive livestock use that generally operates on smaller tracts of land. Without restricting the generality of the foregoing, this may include nurseries, greenhouses, market gardens, u-pick farms, tree farms, fish farms, stud farms and sod farms. This use accommodates site visits to an agricultural parcel for customers for the purchasing of farm products. This does not include Cannabis Production and Distribution or Cannabis Retail Sales.”
- w) Delete the following:
“*Retail sale* means development used for the sale of consumer goods in an enclosed building, including such items as groceries, confectionary, electronics, furniture and appliances. Retail sale does not include retail sale, liquor or vehicle sale or rental.”
- x) Replace with the following:
“*Retail sale* means development used for the sale of consumer goods in an enclosed building, including such items as groceries, confectionary, electronics, furniture and appliances. Retail sale does not include retail sale, liquor or vehicle sale or rental. This does not include Cannabis Retail Sales.”

- y) Delete the following:
"Retail sale, liquor means development used for the sale of alcoholic beverages to the public and licensed by the province. Typical uses include wine and beer stores."
- z) Replace with the following:
"Retail sale, liquor means development used for the sale of alcoholic beverages to the public and licensed by the province. Typical uses include wine and beer stores. This does not include Cannabis Retail Sales."
- aa) Delete the following:
"Warehousing means the use of a building and/or site primarily for the keeping of goods and merchandise, excluding dangerous or hazardous materials, derelict vehicles thereof, or any waste material."
- bb) Replace with the following:
"Warehousing means the use of a building and/or site primarily for the keeping of goods and merchandise, excluding dangerous or hazardous materials, derelict vehicles thereof, or any waste material, or cannabis."

2. That this Bylaw shall come into force and take effect upon the date of third reading.

Read a first time this ____ day of _____ 2018.

Read a second time this ____ day of _____ 2018.

Read a third time this ____ day of _____ 2018.

MAYOR

COUNTY COMMISSIONER (CAO)

<p>If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.</p>
--

Amending Your Land Use Bylaw To Prepare For The Retail Sale Of Cannabis

The Federal Government has proposed that by July 2018 non -medical cannabis will be legalized in Canada. Currently, cannabis possession and use is only legal with a medical authorization. Once cannabis is legalized, it will be available from provincially authorized retailers. The Federal Government will continue to license cannabis production; however, the provinces and territories will regulate and license retail sales.

On November 30, 2017, the Province of Alberta gave *Bill 26, An Act to Control and Regulate Cannabis* third reading. *Bill 26* is awaiting Royal Assent. *Bill 26* primarily amends the *Gaming and Liquor Act* to address the distribution and sale of cannabis from a “licensed premises”. A “licensed premises” is defined as the premises where cannabis is sold pursuant to a provincial cannabis licence. Additionally *Bill 26* will do three things:

- (1) provide authority for the Alberta Gaming and Liquor Commission to carry out oversight and compliance functions as well as manage the distribution of cannabis;
- (2) establish the authority to carry out public online sales, and to license privately owned and operated cannabis stores with strong oversight and province-wide rules; and
- (3) establish provincial offences related to youth possession, public consumption and consumption of cannabis in vehicles.

Bill 26 suggests that municipalities have a role to play in the retail sale of cannabis; however, many of these details will not be known until the regulations are developed in 2018. Currently, *Bill 26* provides that the following things may be regulated by municipal bylaws:

- When the sale and use of cannabis in a licensed premises is required to cease;
- When the sale and use of cannabis in a licensed premises is prohibited;
- The areas or places where persons are prohibited from smoking or vaping; and
- The creation of specified classes of licensed premises that prescribe hours of sale and use of cannabis on a licensed premise and the areas of the licenses premises where the sale and use of cannabis may occur.¹

Additionally, *Bill 26* proposes to control, by regulation, days and hours of operation, what can be sold in licensed premises, design and minimum distances between licensed premises, and distances from and areas and places where persons may smoke or vape. The changes proposed to the *Municipal Government Act* by *Bill 26* will require land use bylaws to be consistent with the requirements of the regulations under the proposed *Gaming, Liquor and Cannabis Act*.

¹ See *Bill 26*, ss. 90.21(1), (2) and (3), 90.28(a) and 129(1)(r.4) respectively.

LAND USE BYLAW AMENDMENTS

To control the location of privately owned retail shops selling cannabis, or “licensed premises”, municipalities will need to amend their Land Use Bylaws. Each municipality’s Land Use Bylaw is distinct. The provisions in this document are provided to assist you in amending your Land Use Bylaw to regulate cannabis retail sales; however, the suggested provisions may need to be modified to fit within your Land Use Bylaw. Additionally, there may be other provisions in your Land Use Bylaw that need to be amended to create the desired regulatory scheme.

☐ 1. DEFINITIONS

Definitions will need to be added for the new uses in order that your municipality can specifically regulate where cannabis retail stores can be located within the municipality. If your Land Use Bylaw already addresses medical marijuana or medical cannabis uses, those definitions may need to be modified to differentiate cannabis retail sales use. The following definitions are suggestions for possible definitions to include in your Land Use Bylaw:

- ☐ “**Cannabis**” means cannabis plant, fresh cannabis, dried cannabis, cannabis oil and cannabis plant seeds and any other substance defined as cannabis in the *Cannabis Act* (Canada) and its regulations, as amended from time to time and includes edible products that contain cannabis.
- ☐ “**Cannabis Accessory**” means cannabis accessory as defined in the *Cannabis Act* (Canada) and its regulations, as amended from time to time.
- ☐ “**Cannabis Retail Sales**” means a retail store licensed by the Province of Alberta where Cannabis and Cannabis Accessories are sold to individuals who attend at the premises.

☐ 2. AMENDING DEFINITIONS

Your Land Use Bylaw will likely already contain definitions for some or all of the following types of development: retail stores, general retail stores, convenience stores, greenhouses. To make sure that a Cannabis Retail Sales development is a distinct use, you will need to add the following sentence (or some modified version of this sentence) to each of those definitions and any other definition where it may be possible for someone to argue that the use definition includes or could include Cannabis Retail Sales.

“This definition does not include Cannabis Retail Sales.”

☐ 3. DISTRICTING

A. Option 1 – Standard Land Use District or Zone

Cannabis Retail Sales is neither a Permitted nor a Discretionary use unless it is added to the list of uses in an existing land use district or zone in your municipality. You will need to determine the land use districts or zones in which Cannabis Retail Sales may be allowed as either a Permitted or Discretionary use and amend your Land Use Bylaw accordingly. Remember, if Cannabis Retail Sales is added to the list of uses for a land use district or zone, Cannabis Retail Sales could, subject to any additional regulations that might be incorporated in your Land Use Bylaw, be approved to be developed on lands having that districting or zoning throughout the entire municipality.

Wording such as the following could be used:

“The use Cannabis Retail Sales is added to the list of Permitted Uses in the following Districts <list the districts>.”

and/or

“The use Cannabis Retail Sales is added to the list of Discretionary Uses in the following Districts <list the districts>.”

You will have to evaluate which land use districts or zones are best suited for Cannabis Retail Sales from a planning perspective. Some possible land use districts where Cannabis Retail Sales may fit include industrial or commercial districts, depending on the purpose of the land use district.

B. Option 2 – Direct Control District

If your municipality uses Direct Control Districts, you may choose not to identify Cannabis Retail Sales as a Permitted or Discretionary use in a standard land use district or zone. Instead, you may want to require an applicant who wants to open a Cannabis Retail Sales development to apply to redistrict or rezone the lands they want to develop as “Direct Control”. In making this decision, you may want to consider the following questions:

- Do you use Direct Control Districts for other land uses or would this be the “first” use for your municipality?
- Who approves development permits for Direct Control Districts in your community? If Direct Control development permits are approved by your Council, does Council want to be dealing with applications to redistrict/rezone land to Direct Control to allow Cannabis Retail Sales?
- What other uses might you want to include in the list of uses allowed under the Direct Control Districts?
- What additional regulations regarding yards, setbacks, height, parking etc. might need to be included in the Direct Control District?

An application to redistrict or rezone lands to a Direct Control District is a decision of Council which requires a public hearing. Depending on how the Direct Control District is set up, applications for development permits for Cannabis Retail Sales may be decided by Council or Council may delegate the decision to a Development Authority. If the decision is made by Council, there is no appeal to the Subdivision and Development Appeal Board making the decision both public and final. If the decision is delegated to a Development Authority, any appeal is limited to whether the Development Authority followed the direction of Council.

4. SPECIAL USE REGULATIONS

☐ **A. Buffer Distances or Separation Distances**

You may want to amend your Land Use Bylaw to include regulations that apply specifically to the use of Cannabis Retail Sales. One example of a specific regulation you may want to consider is including restrictions on the proximity of Cannabis Retail Sales use to other land uses that might be considered “sensitive” uses or uses that could be negatively impacted by the presence of a Cannabis Retail Sales development. *Bill 26* provides that the Province of Alberta will establish rules that guide hours of operation and the location of licensed premises but it also suggests municipalities may regulate hours of operation and location by bylaw. Your municipality may want to consider imposing a buffer from “sensitive uses” for municipal and planning purposes; however any regulation should dovetail with provincial prescriptions to avoid a challenge to the bylaw. The Province of Alberta has advised that it will impose minimum separation distances from schools, community centres, liquor stores and other “licensed premises” but these separation distances have not yet been established.²

If you want to put in your own buffer provisions wording such as the following could be used:

“Cannabis Retail Sales use shall not be located within <specify distance> from <insert other uses as defined in your Land Use Bylaw>.”

If you are going to utilize buffer distances, you need to be sure to define how the buffer distance is to be measured. Wording such as the following could be used:

“The separation distance between Cannabis Retail Sales use and <insert other specified uses> shall be determined by measuring a straight line from the closest point on the lot line of the lot on which the proposed Cannabis Retail Sales use is located to the closest point on the lot line of the lot on which the other specified use is located. The separation distance shall not be measured from district boundaries or walls of buildings.”

or

“The separation distance between Cannabis Retail Sales use and <insert other specified uses> shall be measured from the closest point of the parcel on which the proposed Cannabis Retail Sales is located to the closest point of the parcel upon which the other use is located. The separation distance shall not be measured from district boundaries or walls of buildings.”

or

² See “Alberta Cannabis Framework and proposed legislation: Safeguards for cannabis sales” at <https://www.alberta.ca/cannabis-framework.aspx>.

“The separation distance between Cannabis Retail Sales use and <insert other specified uses> shall be measured from the closest point of the exterior wall of the building in which the proposed Cannabis Retail Sales use is located to the closest point of the exterior wall of the building in which the other use is located. The separation distance shall not be measured from district boundaries.”

☐ **B. Special Consultation Requirements**

If you have made Cannabis Retail Sales a Discretionary Use you may want to include a provision that requires the Development Authority to consult with adjoining or adjacent property owners and/or users prior to making a decision on whether or not to grant the development permit. Wording such as the following could be used:

“Before granting a development permit for Cannabis Retail Sales where the use is discretionary, the Development Officer shall:

- (a) notify, in writing, property owners and users within <specify distance> of the proposed site of the Cannabis Retail Sales use that the application for the Cannabis Retail Sales use has been received and give the property owners and users <specify number> days to provide written comments to the Development Officer with respect to the proposed Cannabis Retail Sales application;
- (b) advise the applicant for the development permit for the Cannabis Retail Sales use that their application will not be considered completed until the time given to the property owners and users to provide written comment on the proposed development has expired; and
- (c) consider the comments received from the property owners and users prior to making a decision on the development permit application.”

If you have made Cannabis Retail Sales a Permitted Use in a land use district or zone, there is no need to have a similar provision as the Development Officer will have to grant the development permit for the Permitted Use if the application complies with the requirements of the Land Use Bylaw. The opinion of adjoining property owners and users does not factor into the process for approving Permitted Uses that comply with the Land Use Bylaw regulations.

☐ **C. Other Regulations**

In addition to regulating separation distances and requiring consultation, you may want to consider the following special use regulations for Cannabis Retail Use, whether a Permitted Use or Discretionary Use:

- landscaping or other requirements consistent with Crime Prevention Through Environmental Design (CPTED) planning principles;
- how long the development permit will remain in effect;

- parking;
- building footprint and location; and
- addressing nuisances such as odour.

Growing Cannabis in the Home

The *Cannabis Act (Canada)* will allow individuals to cultivate, propagate and harvest up to 4 cannabis plants in their dwelling house. The 4 plant limit is per dwelling house and not per resident. A dwelling house is defined in the federal Act to include immediately contiguous land to a building or structure. Consequently, the federal act will allow cannabis to be grown outdoors.

Provincial governments have the jurisdiction to reduce the number of plants in a dwelling house and to determine where in a dwelling house cannabis can be grown. *Bill 26, An Act to Control and Regulate Cannabis* states “*Subject to the federal Act, no person may grow cannabis except in accordance with the regulations.*” The provincial regulations have not been made public. However, the *Alberta Cannabis Framework* indicates that Alberta will allow 4 plants per dwelling house but Albertans will only be allowed to grow cannabis indoors.

While many Land Use Bylaws regulate non-residential uses of a dwelling that might be accessory to the residential use, such as a home based business, attempting to regulate activities that occur within a dwelling that are expected or normal activities of the resident is a different matter. From a land use perspective it would be difficult to identify how growing a cannabis plant would have a different land use impact than growing any other type of plant. Because of this it will be difficult for a municipality to try to define or regulate the growth of cannabis in a dwelling house.

For more specific information or advice on this topic, please contact Brownlee LLP.

Disclaimer: This document was prepared by Brownlee LLP at the request of Aurora Cannabis Inc. as a tool to guide municipalities in addressing cannabis retail sales. This document provides general information about cannabis legislation, regulations and land use impacts. It does not include all details and does not take into account local facts or circumstances. The document reflects laws and regulation as of January 31, 2018, which are subject to change. Municipalities are responsible for making planning decisions in accordance with legislation, regulations, bylaws and planning principles. For this reason, this guide should not be relied upon as a substitute for specialized legal or professional advice.



Legislation Text

File #: RFD-073-18, **Version:** 1

Bylaw 1407/18 - General Amendments to Land Use Bylaw 1385/17 (First Reading)

That Council give first reading to Bylaw 1407/18, general amendments to Land Use Bylaw 1385/17.

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.
Implication of Administrative Recommendation	<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>
Alternatives Considered	That Council does not give first reading to Bylaw 1407/18, General amendments to Land Use Bylaw 1385/17.
Implications of Alternatives	<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"> Consistent with neighborhood role (see MDP), master plans, policies 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Considers fiscal stability and sustainability 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Has a positive impact on regional and sub-regional cooperation 	<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"> Compliance with Provincial and Federal regulations and/or legislation 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Ensure effective environmental risk management 	<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"> Promotes and/or enhances residents' identification with Sturgeon County 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Enhances service provision through community partnerships 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Supports Sturgeon County's cultural history 	<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"> Does the proposal align with the Integrated Regional Growth Strategy (map/policies) pg. 26 MDP 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Considers cumulative costs and long-term funding implications 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Targets growth around current or planned infrastructure 	<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"> Positive impact on residents' quality of life 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Supports and promotes volunteer efforts 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Provides programs and services that are accessible to all residents 	<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"> Staff have the knowledge, skills and capability to perform their jobs 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Streamlines operational processes and policies 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Promotes engagement and professional interaction with stakeholders 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Considers a cost-structure which allows Sturgeon County to remain competitive within a regional, national and global context 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

BYLAW 1407/18
GENERAL AMENDMENTS TO LAND USE BYLAW 1385/17
STURGEON COUNTY, MORINVILLE, ALBERTA

BYLAW 1407/18 BEING A BYLAW OF STURGEON COUNTY, MORINVILLE, ALBERTA FOR THE PURPOSE OF AMENDING THE LAND USE BYLAW 1385/17.

WHEREAS, the *Municipal Government Act*, RSA 2000 c.M-26, any regulations thereunder, and any amendments or successor legislation thereto, authorize Council to establish and amend the Land Use Bylaw 1385/17.

AND WHEREAS, the Council of Sturgeon has deemed it desirable to amend the Land Use Bylaw 1385/17.

NOW THEREFORE BE IT RESOLVED, that the Council of Sturgeon County, duly assembled, hereby enacts as follows:

THAT LAND USE BYLAW 1385/17 BE AMENDED AS FOLLOWS:

1. Change Paragraph 1.9.4(b) to read as follows:

“Where the decision of a *development permit* application is under the authority of the *Development Authority*, the ability to appeal is available subject to Section ~~641(4)(b)~~ 685(4)(b) of the *Municipal Government Act*.”

2. Change Section 2.5 to read as follows:

“1. The *Development Authority* shall determine ~~review each application for a development permit within 20 days after the receipt of a development permit application to ascertain~~ whether it is complete in accordance with the information requirements of this Bylaw.

2. The *Development Authority* shall inform the applicant by electronic or standard mail within 20 days after the receipt of a development permit application that the application is considered complete.”

3. Change Subsection 2.6 to read as follows:

“1. An application for a *development permit* shall not be considered complete ~~and received~~ by the County until such time as the requirements of Section 2.4 have been met to the satisfaction of the *Development Authority*.

2. If an application for a *development permit* does not contain all the necessary information or does not contain sufficient details to complete an evaluation of the application and to make a proper decision, the *Development Authority* shall deem the application to be incomplete and inform the applicant by electronic or standard mail within 20 days after the receipt of a development permit application that the application is considered incomplete.

~~(a) may return the application form and all submissions to the applicant and~~

~~(b) the application shall be deemed not to have been submitted until all required information and details have been submitted to the *Development Authority*.~~

-
3. When notifying an applicant that their *development permit* application is incomplete, the *Development Authority* must inform the applicant that any outstanding documents and information referred to in the notice must be submitted by a date set out in the notice or a later date agreed on between the applicant and the *Development Authority* in order for the application to be considered complete.
 4. The *Development Authority* shall inform the applicant by electronic or standard mail within 20 days after the receipt of the updated application that the application is considered complete or incomplete.
 - ~~3. An application for a *development permit* shall not be deemed to be complete until all applicable fees have been paid in full to the County."~~
 4. Change Subsection 2.10.1 – Subsection 2.10.5 to read as follows:
 - "1 The decision of the *Development Authority* on an application for a *development permit* shall be given to the applicant in the form of a Notice of Decision.
 - 2 The Notice of Decision must be in writing, specify the date on which the decision was made and contain any other information required by the regulations of this Bylaw.
 - 3 The Notice of Decision must be given or mailed by electronic or standard mail to the applicant on the same day the decision is made.
 - 4 Where a *development permit* has been issued for a *discretionary use* and, where applicable, for a *development permit* issued in a DC district or a *development permit* for a variance to a regulation, the *Development Authority* shall ~~send mail~~ a notice by electronic or standard mail on the same day the decision is made to the applicant ~~adjacent landowners~~ and municipalities as per Section 2.7.
 - 5 At the discretion of the *Development Authority*, notification may be expanded beyond the adjacent landowners or the criteria identified in Section 2.7."
 5. Change paragraph 2.10.6(d) to read as follows:

"that a *development permit* does not come into effect until after the ~~1421~~-day appeal period has ended and no appeals have been submitted;
 6. Add the following under Section 1.6:

"*Variance*" means a deviation from a regulation listed in this Bylaw."
 7. Add the following regulation as Subsection 5.15.4:

"Accessory, agricultural buildings approved by the Natural Resources Conservation Board for the purposes of operating a Confined Feeding Operation are not to be considered when calculating parcel coverage."
 8. Add the following as Subsection 6.1.5

"Notwithstanding Subsection 6.1.4 and on a vacant parcel, the *Development Authority* may accept a *development permit* application for an *accessory building* concurrent with a

development permit application for a principal building, subject to both buildings being constructed within the specified time frame approved by the development permit."

9. Add the following definition to Part 18:

"Landscaping contractor service means a construction related service which includes the storage of soft landscaping materials such as plants, trees, and shrubs as well as hard landscaping materials such as rocks, pavers, ornaments, crushed rock, shale, or other similar materials normally accessory to the service with limited exterior storage of equipment and vehicles. This may include ancillary uses, including, but not limited to, sales, display, office, snow removal services or technical support service. This use does not include intensive agriculture but may be accessory to it."

10. Add "Landscaping Contractor Service ***" as a Discretionary Use in Subsection 11.1.2.
11. Add the following regulations as Section 6.18 Landscape Contractor Service (and renumber Part 6 accordingly):

.1 The business shall not generate noise, smoke, steam, dust, odour, fumes exhaust, vibration, heat, glare or refuse matter considered offensive or excessive by the Development Authority. At all times the privacy of the adjacent residential dwelling(s) shall be preserved and shall not, in the opinion of the Development Authority, unduly interfere with or affect the use, enjoyment or value of neighbouring or adjacent parcels.

.2 Landscaping contractor service shall not be allowed on a parcel containing a home-based business level 2 or 3.

.3 An application for a landscaping contractor service shall include measures to mitigate impacts to adjacent parcels.

.4 All hard landscaping materials related to the business shall be kept within a screened storage area and shall not be located within the yard setbacks.

.5 Vehicles, equipment, trailers, and machinery associated with the business shall be parked indoors or outdoors in a location that is not visible from a roadway or adjacent properties.

.6 The number of vehicles and equipment allowed on the parcel shall be at the discretion of the Development Authority.

.7 The number of non-resident employees on site shall not exceed ten (10).

.8 Hours of operation shall be determined by the Development Authority having regard for both the operations and activities of the proposed landscaping contractor service and adjacent parcels."

12. Add "Dugout" as a Discretionary Use in Section 12.3.2, 15.4.2, 15.5.2 and 15.7.2.

13. Change paragraph 2.9.2(b) to read as follows:

~~"enter into a Development Agreement with the municipality to construct, install or pay for any municipal improvements and/or utilities which will be needed to serve the development;"~~

14. Re-number and change the wording of paragraph 2.9.4(h) and (i) and subsection 2.9.5 as follows:

“(h) compliance with applicable *statutory plans*; ~~and~~

(i) any such other conditions as may be reasonably required, and

~~2.9.5 (j)~~ the payment of deposits as per the County’s Fees and Charges Schedule.

15. Replace the word “~~Dwelling~~” with “Principal building” in Subsection 12.3.4 and 12.4.4.

That this Bylaw shall come into force and take effect upon the date of third reading.

Read a first time this ____ day of _____ 2018.

Read a second time this ____ day of _____ 2018.

Read a third time this ____ day of _____ 2018.

MAYOR

COUNTY COMMISSIONER (CAO)

<p>If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.</p>
--

