

Briefing Note

Title	<p>1:30 p.m. - Public Hearing (continuation from February 28, 2017) - Land Use Bylaw 1385/17</p> <p>Location: Morinville Cultural Centre, 9502 – 100 Avenue, Morinville</p>
Issue	<p>To continue the Public Hearing for Land Use Bylaw 1385/17 and provide the final opportunity for public input into the final draft of the Bylaw, prior to Council considering second and third reading.</p>
Previous Council Direction	<p>January 24, 2017-Motion 038/17 : Council gave first reading to Bylaw 1385/17, Land Use Bylaw.</p> <p>December 9, 2014-Motion 389/14 : Council adopted the 2015-2017 Corporate Business Plan which included initiative 2.2.D Land Use Bylaw Rewrite – a complete rewrite of Sturgeon County's Land Use Bylaw that conforms with the Municipal Development Plan.</p>
Report	<p><u>Background Information</u></p> <p>The Land Use Bylaw (LUB) is a land use regulation tool used to implement Council approved statutory planning documents such as the Municipal Development Plan (MDP) or Neighbourhood ASPs. The <i>Municipal Government Act</i> (MGA) requires that all Alberta municipalities have a LUB adopted by Council and further sets out what types of regulations and details shall be contained within. The LUB reflects the parameters Council provides to staff for evaluating and bringing forward recommendations and the boundaries within which approvals may be provided by the Municipal Planning Commission.</p> <p>The current Land Use Bylaw was adopted in 1996 and has been amended numerous times over the past 18 years in an effort to keep the Bylaw current, given the ever-changing development environment experienced in Alberta. Council adopted a new MDP in the spring of 2014 and, as noted above, the LUB is integral to the successful implementation of the County's MDP by establishing land use regulations that support the growth principles and policies of the respective MDP.</p> <p>The LUB re-write has culminated in proposed Bylaw 1385/17 (Attachments #1 and #2) and has strived to strike a balance between</p>

ensuring land use decisions that support planning policy, while carefully considering the uniqueness of Sturgeon County and its landowners. That said, the Public Hearing is the final test of the content as Council listens and considers input from residents and ratepayers.

Following first reading the LUB, Administration received requests for clarification with respect to Agri-Business and farming hours of operation. In response, Administration provided clarification on the item on the County's social media accounts and responded to the emails directly.

Internal Communication

The following internal Departments were referred the draft LUB and comments were received back from all:

- Legislative Services
- Assessment Services
- Agriculture Services
- Protective Services
- Community Services
- Transportation Services
- Engineering Services
- Economic Development
- Community and Regional Planning

Over the duration of the project Council was engaged 23 times through Committee of the Whole, Workshops and Informal Briefings contributing to the development of the final draft LUB.

External Communication

The work plan for the project to rewrite the Land Use Bylaw included multiple engagement events in multiple forms as detailed below:

- April 2015
 - Stakeholder On-Line Survey
- Summer 2015 (Public Engagement Open Houses)
 - May 13 – Cardiff Hall
 - May 14 – Gibbons
 - May 20 – Sturgeon Valley (Hunters Green Golf Course)
 - May 21 – Riviere Qui Barre
- February 2016:
 - Presentation, Q&A with Economic Development Advisory Board
- August 5, 2016
 - Information Booth at Culinary Cookout
- October 11, 2016
 - The presentation of the draft Land Use Bylaw placing the documents in the public realm.

- October 19, 2016
 - Staff attended a table at the Calahoo Community Meeting with project information and DRAFT 3 of the Land Use Bylaw
- November 2, 2016
 - Staff attended a table at the Nmao Community Meeting with project information and DRAFT 3 of the Land Use Bylaw
- November 10, 2016
 - A Stakeholder Information Session held in Council Chambers
- November 28, 2016
 - Public Information Session hosted at Cardiff Hall
- January 12, 2017
 - Inter-municipal Information Session in Cardiff Room

Reynolds, Mirth, Richards & Farmer LLP completed a review of Draft 3 of the proposed LUB in October 2016, and their comments and revisions were incorporated into the final document.

Specific details with respect to both internal and external feedback received from the above-noted engagements will be made available and presented during the Public Hearing.

Communications Specific to the Public Hearing

Advertisements and notifications for the Public Hearing were completed in accordance with the *Municipal Government Act* and included the following:

- **Newspapers** – Advertisements in *The Free Press* (February 14 and 21, 2017 and March 13 and 20, 2017) and *St. Albert Gazette* (February 15 and 22, 2017 and March 13 and 20, 2017).
- **Sturgeon County Main Website** – Prominent “button” placed on County website to draw attention to the public hearing and links provided to the draft bylaw and land use district map.
- **Start In Sturgeon Website** – Link to LUB Section of County website.
- **Start in Sturgeon Facebook page** – Information post with link to LUB Section of County Website.
- **Sturgeon County Bountty Facebook** – Information post with link to LUB Section of County Website.
- **Twitter** – Tweets went out on [@SturgeonFYI](#) and [@SturgeonEcDev](#).

- **Portable Signs** – Signage arranged starting February 12 at Sturgeon/Starkey, Gibbons, and beginning February 19 at Cardiff Corner. Repeated in advance of the March 28, 2017 public hearing as well.

Relevant Policy/Legislation/Practices:

- Section 617 of the *Municipal Government Act* (MGA) states: “The purpose of this Part and the regulations and bylaws under this Part is to provide means whereby plans and related matters may be prepared and adopted (a) to achieve the orderly, economical and beneficial development, use of land and patterns of human settlement, and (b) to maintain and improve the quality of the physical environment within which patterns of human settlement are situated in Alberta, without infringing on the rights of individuals for any public interest except to the extent that is necessary for the overall greater public interest.”
- Section 639 of the MGA states: “every municipality must pass a land use bylaw”.
- Section 640 of the MGA states:
 - “(1) A land use bylaw may prohibit or regulate and control the use and development of land and buildings in a municipality.
 - (2) A land use bylaw
 - (a) must divide the municipality into districts of the number and area the council considers appropriate;
 - (b) must, unless the district is designated as a direct control district pursuant to section 641, prescribe with respect to each district,
 - (i) the one or more uses of land or buildings that are permitted in the district, with or without conditions, or
 - (ii) the one or more uses of land or buildings that may be permitted in the district at the discretion of the development authority, with or without conditions, or both;
 - (e) must establish the number of dwelling units permitted on a parcel of land.”

During the creation of the Sturgeon County MDP, significant regard was given to connect long-range planning documents to Sturgeon County’s current LUB. The LUB is the regulatory document applied by Alberta’s municipalities to establish rules, procedures and criteria regarding the use and development of buildings and land. The LUB is an important tool when implementing planning policies and goals contained within the MDP. (*ref.* MDP p.12)

The LUB is referenced numerous times in the County’s MDP as a critical regulatory tool to implement key policy with respect to growth.

Given the limited neighbourhood level planning (Area Structure Plans) in the County, the connection between the MDP and LUB becomes much more important to ensure land use decisions are consistent with long range planning goals of the County.

Implication

Strategic alignment:

The Land Use Bylaw is one of the primary tools the County uses to implement approved strategic and planning policy. Ultimately the Land Use Bylaw will speak to all six (6) Focus Areas found in Council's Strategic Plan to demonstrate the County's commitment to quality of life for its residents. A Land Use Bylaw that implements the goals of the MDP supports transparent governance and decision making which is an important Strategic Goal of Council.

Organizational:

The process to rewrite a LUB does not end when Council adopts the bylaw. Implementation of the LUB will require Administration collecting customer feedback over the first year of the LUB being in effect to document needed refinements based on applications received and processed. 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 will be caught through administering the LUB. In Q1 of 2018 Administration will bring back a report outlining any required amendments to the LUB based on feedback and lessons learned from implementing for the remainder of 2017.

Financial:

The project was funded from the Current Planning and Development operating budget for special projects. The contract for services signed with ISL Engineering and Land Services was for \$153,068 (excluding GST). In April of 2015 a scope change was authorized for \$13, 496 (plus GST) to cover the additional Public Engagement event requested by Council. In September 2016, one additional scope change was authorized for \$12,000 (plus GST) which covered one additional review by ISL of the draft LUB and support for the final two engagement events in November of 2016.

ISL Engineering and Land Services	\$173,611
RMRF Legal Review	\$5,412
Incidental costs incurred by County for Engagement Events, advertising, and Project Team support.	\$6,067
Total*	\$185,090

*This total does not include cost associated with internal staff time to complete this project.

Follow Up Action	<ol style="list-style-type: none"> Administration create a “Directional Report” to Council that will include and clearly outline: <ul style="list-style-type: none"> All the issues/inputs brought forward at the Public Hearing Administration’s recommendations (with proposed motions where necessary)
Attachment (s)	<ol style="list-style-type: none"> Bylaw 1385/17 Bylaw 1385/17 Schedule A - Link Insert Correspondence Received to Time of Agenda Package Deadline Public Hearing Procedure Insert
Report Reviewed by:	<div>  Clayton Kittlitz, Manager Current Planning & Development Services </div> <div>  Stephane Labonne General Manager, Integrated Growth </div> <div>  Peter Tarnawsky, County Commissioner – CAO </div>