

## Briefing Note

<b>Title</b>	<b>Proposed Land Use Bylaw 1385/17 Directional Report Responding to Inputs Received During the Public Hearing</b>
<b>Issue</b>	To review and analyze the input received during the Land Use Bylaw Public Hearing process.
<b>Previous Council Direction</b>	<p><u>March 28, 2017 Council Meeting and Public Hearing:</u></p> <p>Motion 136/17: That the proposed Land Use Bylaw 1385/17 be amended so that the requirement for Building Permits on Agricultural Accessory Buildings and Section 6.2 (Agri-Business) be removed from the Land Use Bylaw and that further work affecting Agricultural Industries, be suspended until such time that Sturgeon County develops in full consultation with residents and stakeholders, an Agricultural Master Plan or other such visioning document.</p> <p>Motion 137/17: That Council direct Administration to draft a Directional Report which provides a full analysis of all public input received during the public hearing with the purpose of providing alternatives and recommendations to be provided to Council.</p> <p>Motion 138/17: That Council direct Administration to provide an implementation plan for the proposed Land Use Bylaw 1385/17.</p> <p>Motion 139/17: That Council direct Administration to bring back alternatives in the following areas of Land Use Bylaw 1385/17:</p> <ol style="list-style-type: none"> <li>1. Making secondary suites an alternative on all parcels; and</li> <li>2. Storage of recreational vehicles on agricultural parcels, residential parcels and Recreational Vehicle Storage Facilities.</li> </ol> <p><u>January 24, 2017 Council Meeting:</u></p> <p>Motion 038/17: That Council give first reading to Bylaw 1385/17, Land Use Bylaw.</p> <p><u>December 9, 2014 Council Meeting:</u></p> <p>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>

The Land Use Bylaw (LUB) is a land use regulation tool used to implement Council-approved statutory planning documents such as the Municipal Development Plan (MDP) or Neighbourhood Area Structure Plans (ASPs). The *Municipal Government Act* (MGA) requires that all Alberta municipalities have a LUB adopted by Council and further sets out what types of regulations and details shall be contained within. The LUB reflects the parameters Council provides to staff for evaluating and bringing forward recommendations and the boundaries within which approvals may be provided by the Municipal Planning Commission.

The current LUB was adopted in 1996 and has been amended numerous times over the past 18 years in an effort to keep the Bylaw relevant, given the ever-changing development environment in Alberta. Council adopted a new MDP in the spring of 2014, and, as noted above, the LUB is integral to the successful implementation of the County's MDP by establishing land use regulations that support the growth principles and policies of the respective MDP.

#### Discussion

The attached Directional Report is a catalogue of all written and verbal input received during the Public Hearing from February 28, 2017 and March 28, 2017. As a result, Administration has categorized, reviewed, and analyzed every piece of input, as well as put forward a recommended action for each piece accordingly.

This item is being brought forward to Committee of the Whole, to give Council an opportunity to review the report and ask clarifying questions. The specific motions that would potentially amend the proposed LUB 1385/17 have been omitted and will be added when the Directional Report is brought back to Council for debate and consideration on May 23, 2017.

The Directional Report will be posted on the County's website under the Land Use Bylaw section.

#### 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 Sturgeon County’s 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 LUB 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 LUB that implements the goals of the MDP supports transparent governance and decision making which is an important Strategic Goal of Council.

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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 (1) additional review by ISL of the draft LUB and support for the final two (2) 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
<b>Total*</b>	<b>\$185,090</b>

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

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**Follow Up Action**

Administration bring the Directional Report including proposed motions that would amend the proposed Land Use Bylaw 1385/17 based on inputs received.

**Report Reviewed  
by:**

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