

PUBLIC HEARING INPUT AND DIRECTIONAL REPORT

PROPOSED LAND USE BYLAW 1385/17

PART 1 Agri-business

1.1 AGRI-BUSINESS AND THE RIGHT TO FARM

Input received:	<p>Proposed Agri-business land use infringes on right to farm by listing it as a discretionary use and including special regulations to further regulate the industry of agriculture. Specifically, the hours of operation guidelines were of major concern. This use and regulations were interpreted to affect all farming operations (i.e. Extensive Agriculture). There were also inputs that:</p> <ul style="list-style-type: none">• made assumptions that this use would require a yearly renewal of a development permit;• the classification of Agri-business should occur at provincial level;• questioned how Agri-business differs from a Home-based Business 2/3;• horticulture should be viewed and treated the same as (Extensive) Agriculture;• farm businesses need the longer hours to compete with the big box stores;• Agri-business is a discretionary use in AG – Agriculture district, but a permitted use in I1 – Rural Industry Support district;• allowing Agri-business as a use in I1 – Rural Industry Support is at odds with the definition of Agri-business in Part 18;• the restricted hours contradict what the County want to achieve with the County Bounty, and• only the hours of operation for Agri-business be removed.
Section(s)	Section 6.2
Submitted by:	<p>Amber Jillian, Janet Roska, Rebecca Lippiatt, Joshua Wafler-Thomas, Kate Mathison, Clint Mantie, Chris Wooldridge, Heather Nicholson, Helen Andrews, Sherri Prince, Tyler McKinnon, Mona O'Neill, Teena Hughson, Judy Carver, Peggy Bayne, Tony Rustemeier, Michiel Verheul, Donald Wirblich (St. Albert Greenhouses), Jeannine Auld; Kevin Auld, Fran Wolthuis, Debbie Foisy, Tam Anderson (written and 2 x verbal), Jean Johnston, Heather Edwards, Ian Tokarczyk, Alberta Greenhouse Growers Association, Landscape Alberta, Emile Iseke, Pat Madden, Emma Darrah, John Coffin, Anne Marie Harris, Jodie Foster, Kevin Harling, Ron & Sam Mifflin, Shannon Therres, Alberta Farm Fresh Producers Association, Cliff Bokenfohr, Darren Helbrecht, Kelli Bland, Shona McGonigal, Agricultural Services Board, Marylyn St. Jean, Cynthia Jensen, Aurelie Volk, Rose Jordan, Ron, Debbie, Cory & Chris Cherdarchuk, Cheryl McCausland, Christine Wigeland, Laurel Andersen, Barbara van Wyk, Maureen Koska, Ava Siemens, Rose Poitras, Pat Nielson (verbal), Alex Kyle (verbal), John Wurz (verbal), Jenny Bocock (verbal), Richard Boissonneault (verbal), Andre Rivard (verbal), Morris Presisniuk (verbal), Cory Christopher (verbal), Theo van Brabant (verbal), Neil McDougall (verbal), Sandy Dowhaniuk (verbal), Gwen Rice (verbal), Jillian Kaufmann (verbal), Members representing SUREAL, Edmonton Tourism, Travel Alberta, Ron and Yolande Stark (Record 83 written and verbal inputs with respect to this land use)</p>
Staff analysis:	<p>The industry of agriculture is a business and the Agri-business land use was interpreted by the public to be an extra regulation on typical agricultural operations. This was never the intent, but the confusion is noted and warrants further consideration and change.</p> <p>The proposed Land Use Bylaw included no provision for a yearly renewal of Agri-business development permit nor is there any intent to do so.</p> <p>The Agri-business land use and special regulations have been removed from the proposed Land Use Bylaw as per Council Motion 136/17 passed on March 28, 2017.</p>
Recommendation:	<p>Revise the definitions for Intensive Agriculture, Extensive Agriculture and Extensive Livestock to include the customer component to these land uses.</p>

1.2 AGRI-BUSINESS ON AGRICULTURAL ACREAGES

Input received:	The proposed Land Use bylaw does not list Agri-business as a use listed in Agricultural parcels less than 10 acres.
Section(s):	Paragraph 11.1.4(b)
Submitted by:	Debbie Foisey (verbal), Conny Kappler (Alberta Farm Fresh Producers Association), Gord Putnam (verbal), Members representing SUREAL
Staff analysis:	This was an oversight. Administration learned during the February 28th Public Hearing that an intensive agriculture use could be viable on a parcel less than 10 acres. Given the proposed motion to remove the agri-business land use, this will no longer be an issue. Intensive agriculture should be added as a use in the Agriculture - Residential tier of the Agricultural Land Use District.
Recommendation:	Add Intensive Agriculture as a permitted use in the AG-Residential land use district.
Proposed motion:	That Subsection 11.4(b), Schedule A of the proposed Land Use Bylaw be amended adding <i>Intensive agriculture</i> as a permitted use.

1.3 NOISE STEMMING FROM AGRI-BUSINESS ACTIVITIES

Input received:	Noise from existing agri-business activities (e.g. events and weddings) has an impact on adjacent parcels and should be regulated.
Section(s):	N/A
Submitted by:	Amanda Chedzoy, Ava Siemens, Jenny Bocock
Staff analysis:	This input confirms the need to regulate noise stemming from agri-business/agri-tourism related activities and the impact it has on the use, enjoyment or value of neighbouring parcels. This input supports the need for regulations regarding noise control and could be addressed in a Noise bylaw, Nuisance bylaw or Community Standards bylaw.
Recommendation:	Consider the creation of both a County wide noise bylaw and Community Standards bylaw. Also, the benefits and impacts of agri-tourism in the rural landscape should be studied as part of a future project to complete an Agricultural Master Plan.

1.4 CLARIFICATION OF AGRI-BUSINESS

Input received:	<p>Agri-business needs to be clearly defined:</p> <ul style="list-style-type: none"> • Agri-business could be defined by intensity of use – Low, Medium, High intensity. This could be similar to Residential density descriptions, Low-Medium-High Density. • Agri-tourism could be in a category of its own since it has entirely different requirements than the average farm. • Agri-business could also be defined by revenue on a scale from small sustainable farm to corporate farms. Assessment and taxation should be different so that a fair strategy is in place for small farmers.
Section(s):	Section 6.2
Submitted by:	Ron and Yolande Stark
Staff analysis:	<p>The Agri-business land use and special regulations have been removed from the proposed Land Use Bylaw as per Council Motion 136/17 passed on March 28, 2017.</p> <p>With respect to Agri-tourism and scale, these options will need to be re-evaluated once the County considers an Agricultural Master Plan or other such visioning document as per Council Motion 136/17.</p>
Recommendation:	No action recommended.

1.5 AGRI-BUSINESS AND A WEDDING VENUE

Input received:	This input welcomes the idea of agri-business accommodating wedding venues however, concern is expressed in the proposed operating hours for agri-business.
Section(s):	
Submitted by:	Erik and Rida Veldhuizen, Ron, Debbie, Cory & Chris Cherdarchuk
Staff analysis:	Weddings should not be considered an agricultural use, they are private events. Also, events such as weddings over 500 people may be subject to the Special Event Bylaw. Therefore, as it stands today, the proposed Land Use Bylaw will not have the ability to regulate wedding venues in an Agricultural land use district.
Recommendation:	The input received should be considered and addressed as part of an Agricultural Master Plan or other such visioning document.

1.6 AGRI-BUSINESS AND AGRI-TOURISM

Input received:	Replace the term Agri-business with Agri-tourism and create another category for horticultural businesses.
Section(s):	Section 6.2
Submitted by:	Agricultural Services Board
Staff analysis:	Horticulture is included in the definition for Agricultural use (Section 1.5) and would fall under the proposed Intensive Agriculture land use. Agri-tourism would be a better way to capture the intent of the proposed Agri-business land use, however, given Motion 136/17, the addition of an Agri-tourism land use will have to be considered after the adoption of an Agricultural Master Plan or other visioning document.
Recommendation:	The input received should be considered and addressed as part of an Agricultural Master Plan or other such visioning document.

1.7 AGRI-BUSINESS AND BUSINESS LICENCES

Input received:	Another suggestion is to have all Agri-businesses register for a business license instead of a permit, thus resulting in a cost for the license. Sturgeon County could then utilize these funds to assist with support and developing strong relations with each operator.
Section(s):	Section 6.2
Submitted by:	Ron, Debbie, Cory & Chris Cherdarchuk
Staff analysis:	Council has asked the Ec Dev Board to advise regarding the merits of implementing a Business Licensing System. Such a system would be an alternate tool to regulate business operations.
Recommendation:	The input received should be considered and addressed as part of an Agricultural Master Plan or other such visioning document.

1.8 AGRI-BUSINESS, GREENHOUSE & RESIDENCE

Input received:	Changing the designation to agri-business would also restrict a greenhouse from having a residence in the same yard.
Section(s):	Section 6.2
Submitted by:	Jodie Foster, Kevin Harling, Ron & Sam Mifflin, Shannon Therres, Marylyn St. Jean
Staff analysis:	The Agri-business land use and special regulations have been removed from the proposed Land Use Bylaw as per Council Motion 136/17 passed on March 28, 2017.
Recommendation:	The input received should be considered and addressed as part of an Agricultural Master Plan or other such visioning document.

1.9 INSECT FARMS

Input received:	Where does an insect farm fit in with respect to the proposed Agri-business land use?
Section(s):	N/A
Submitted by:	Richard Boissonneault (verbal)
Staff analysis:	An insect farm would be considered an “Intensive agricultural use” and be a permitted use requiring a Development Permit in the Agricultural land use district.
Recommendation:	No action recommended.

1.10 AG - PERMITS FOR ACCESSORY AGRICULTURAL BUILDINGS

Input received:	a) Agricultural Accessory Buildings should not require Development Permit approval to be constructed on a farm. Farms should be exempt from this bureaucratic process. b) Make development permits for Accessory Agricultural buildings optional.
Section(s):	Sections 6.1 and 11.1
Submitted by:	a) Jodie Foster, Kevin Harling, Ron & Sam Mifflin, Shannon Therres, Marylyn St. Jean, Ward Middleton (verbal), Sandy Dowhaniuk (verbal), Everett Normandeau b) Agricultural Services Board
Staff analysis:	This provision has been removed from the proposed Land Use Bylaw as per Council Motion 136/17 passed on March 28, 2017.
Recommendation:	No action recommended.

PART 2 Land Uses

2.1 USES IN AG – HYBRID

Input received:	Certain uses (e.g. veterinary clinic, agri-business) in AG-Major could be better accommodated on smaller parcels (AG-Residential).
Section(s):	Section 11.1
Submitted by:	Gordon Putnam (verbal)
Staff analysis: <p>The “certain uses” referred to could be better accommodated in the AG-Residential district. Staff have come to the conclusion that the differences between the uses listed in the three size-based AG categories are marginal and they could be combined into a single list of permitted and discretionary uses.</p> <p>However, it is proposed to keep the three size-based AG categories for distinguishing between applicable development and subdivision regulations.</p> <p>Having a single list of uses would have the following implications:</p> <ul style="list-style-type: none"> a) <i>Secondary dwelling needs to be singled out as only allowed on AG major parcels of 80 acres or more.</i> b) <i>A dugout will become a permitted use in the AG-Residential category.</i> c) <i>HBB level 2 will become a permitted use in the AG-Minor and AG-Residential category.</i> d) <i>An auctioneering establishment, temporary asphalt plant and temporary concrete batch plant need to be singled out as only allowed on AG-Major parcels.</i> e) <i>A community garden, guest ranch, topsoil screening and veterinary clinic will become discretionary uses in the Ag-Residential category.</i> f) <i>An equestrian facility needs to be singled out as only allowed on AG-Major and AG-Minor parcels.</i> 	
Recommendation: <p>That the three lists of uses in the AG-district be combined to one.</p>	

2.2 USES IN AG (2)

Input received:	<p>More flexibility should be added to some of the uses in AG:</p> <ul style="list-style-type: none"> a) Permitted Uses – there are fewer Permitted Uses in the proposed LUB and they should be expanded; b) Discretionary Uses – some of these should be included in Permitted Uses (i.e. Home Based Business Level 2 and 3) with additional uses added as discretionary items (i.e. Secondary Dwelling); c) Other uses we should consider including as Permitted or Discretionary include: <ul style="list-style-type: none"> i. Agricultural support services; ii. Contractor services; iii. Daycare; iv. Extensive agriculture and livestock; v. Secondary dwelling (should be considered on parcels 9.8 acres and over); vi. Secondary suite (so many families need to care for elderly parents at home, employ a nanny, etc...); vii. Renewable energy facility; viii. Solar collector; ix. Sod farm; x. Temporary dwelling; and xi. Wind energy system.
Section(s):	Section 11.1
Submitted by:	David Benjestorf

Staff analysis:

- a) This was done intentionally to protect the integrity of agricultural lands and the industry of agriculture. The existing Agricultural district has many permitted and discretionary land uses that are not agriculture related which have been moved to more appropriate land use districts. A landowner has the option to apply to redistrict their land if they wish to apply to develop and land use that is not with the proposed Agricultural district.
- b) Home-based Business Level 2 has been added as permitted use in the Agricultural district (on all parcel sizes and Home-based business Level 3 is discretionary. Other uses mentioned have been moved to discretionary to ensure the integrity of the agricultural landscape be maintained.
- c) A response has been provided for each listed land use above:
- i. Agricultural support services – *listed as a permitted use in I1 – Rural Industry Support district.*
 - ii. Contractor services – *not an ag use, but on a small scale could be accommodated under an Home-based business 2 or 3.*
 - iii. Daycare – *this is an institutional land use not agricultural.*
 - iv. Extensive agriculture and livestock – *these are both permitted without a development permit on parcels districted as agriculture (see Section 2.3(i) and (j))*
 - v. Secondary dwelling (should be considered on parcels 9.8 acres and over) – *this will be considered by Council in response to Motion 139/17.*
 - vi. Secondary suite (so many families need to care for elderly parents at home, employ a nanny, etc...) - *this will be considered by Council in response to Motion 139/17.*
 - vii. Renewable energy facility – *not an agricultural land use and provincial approvals may be required to support this use. Listed as a permitted use in I5 – Heavy Industrial district.*
 - viii. Solar collector – *as per Section 5.29 these will be as an accessory use.*
 - ix. Sod farm – *considered Intensive agriculture and is a permitted use in the Agricultural district.*
 - x. Temporary dwelling - *this will be considered by Council in response to Motion 139/17.*
 - xi. Wind energy systems - *per Section 5.37 these will be as an accessory use/building and can be installed on an Ag parcel with development permit approval.*

Recommendation:

No action recommended.

2.3 NO NEED FOR DISCRETIONARY USES

Input received:	I do not like anything that is discretionary land use – it should be allowed or not allowed.
Section(s):	Part 11 – Part 16
Submitted by:	Cliff Bokenfohr
Staff analysis: As per the <i>Municipal Government Act</i> , every land use district must include at least one permitted land use or one discretionary land use. Permitted land uses are created that fully support and comply with the intent of the associated land use district. Discretionary land uses may conform to the associated land use district if special conditions are adhered to and adjacent landowners are given the right to appeal a decision of the Development Authority.	
Recommendation: No action recommended.	

2.4 HOUSING AND CONVERTED CONTAINERS

Input received:	Why can't converted containers be used for housing?
Section(s):	Section 6.26.5
Submitted by:	Frank Klassen
Staff analysis:	They can. If a sea container can be converted to a dwelling that meets the <i>Alberta Building Code</i> , a landowner can apply to have one on the parcel under the Dwelling, single detached land use subject to a Building Permit.
Recommendation:	No action recommended.

2.5 HOUSING ON SCRUB LANDS

Input received:	More housing units should be allowed on scrub land to be used as community pasture on quarter sections.
Section(s):	N/A
Submitted by:	Frank Klassen
Staff analysis:	Although the suggestion has merit in clustering non-agricultural development on poor agricultural land, the current Municipal Development Plan Policy does not support the transferring of development rights from one parcel to another. This discussion and potential solution toward policy change and ultimately Land Use Bylaw regulations may be better served within the creation of an Agricultural Master Plan or other such visioning document.
Recommendation:	No action recommended.

2.6 RV STORAGE IN AGRICULTURAL DISTRICT

Input received:	Consider adding Recreational Vehicle Storage as a permitted use in the Recreation land use district.
Section(s):	Subsection 15.7.2
Submitted by:	Norman C.R. Suvan
Staff analysis:	This was an option that was considered by Administration. This use can be considered complimentary to the Recreation land use district. Having said that, listing them as a permitted use may be a stretch considering that Storage Facilities are primarily a commercial use as opposed to a recreational use.
Recommendation:	Add Recreational Vehicle Storage Facility as a discretionary use in the Recreational District (REC).

2.7 MEDICAL MARIJUANA PRODUCTION FACILITY IN THE AGRICULTURAL DISTRICT

Input received:	The proposed Land Use Bylaw should be amended to include Medical marijuana production facility as a permitted use in the Agriculture District.
Section(s):	Paragraph 11.1.2(b)
Submitted by:	Pure Selections Inc.
Staff analysis: <p>The submission cited that outdoor production, according to the task force's report on legalization may very well be an option; other methods of production facilities will likely be unveiled soon; larger facilities will create a large number of jobs both during construction and throughout operation and, stating they cannot be effectively operated in an industrial district.</p> <p>Administration cannot speculate further on options that the Federal government will be proposing with the impending legalization of marijuana. In response to the last point about effectively operating in an industrial district until more is understood about this new industry and the Province establishes policy and legislation, Administration is of the opinion that the proposed requirement for these facilities to be located in industrial parks is the most appropriate option at this time.</p>	
Recommendation: No action recommended.	

2.8 LAYDOWN YARDS

Input received:	In Section 14.5.2 Uses, 'Laydown Yard' should be either permitted or discretionary use only if it is associated with the Heavy Industrial Development on adjoining lands. Considering the Laydown Yard as temporary development within 2.3.1(f) would mean that it would have to be removed upon substantial completion of the 'larger/original' development.
Section(s):	Section 14.5.2 and 2.3.2(f)
Submitted by:	Written Submission - Doug Bertsch (North West Redwater Partnership)
Staff analysis: <ul style="list-style-type: none"> The proposed Land Use Bylaw lists 'Outdoor Storage' as a permitted use. Laydown Yards are included in the 'Outdoor Storage' definition. The I5 – Heavy Industrial District currently encompasses many quarter sections of unserviced/undeveloped land and Administration is of the opinion that this area is an appropriate location for laydown yards which require limited services. Only allowing Laydown Yards that are associated with a Heavy Industrial Development would restrict this use in much of the Heartland at this time. Laydown yards are also considered a temporary land use and can move to alternate locations as more Heavy Industrial Uses enter this area. 	
Recommendation: No action recommended.	

2.9 INSTITUTIONAL & PUBLIC USE IN THE AGRICULTURE DISTRICT

Input received:	In support to the proposed Resource Recovery Centre in the Sturgeon Valley, the existing Institutional Use and Public Use should be included into the proposed Agriculture District as permitted uses.
Section(s):	Paragraph 11.1.2(b)
Submitted by:	Alberta Resource Recovery Centre Ltd.
Staff analysis: One of the goals of the proposed Land Use Bylaw is to district land in accordance with the use thereof. For this reason, provision has been made for an Institutional District as well as a Public Utility District. Allowing for an Institutional Use or a Public Use within the Agriculture District would be contrary to the goals of the proposed Land Use Bylaw and, in this specific case, would also allow for uses that are not related to Agriculture at all. Institutional development could still be possible on strategically-located agricultural properties, however, a successful redistricting application would first be required to declare that this property is no longer for agricultural uses, but rather for institutional uses – to ensure a fair, transparent public process undertaking the necessary due-diligence.	
Recommendation: No action recommended.	

2.10 USES IN ENVIRONMENTAL PRESERVATION DISTRICT

Input received:	a) In the interest of protecting and preserving environmentally significant lands, all land uses in the Environmental Preservation district should be discretionary. b) Additional uses that may be considered discretionary could include campground, community garden, recreation, outdoor motorized vehicles.
Section(s):	Section 15.3
Submitted by:	Community Services Advisory Board
Staff analysis: This proposed land use district has been assigned to all existing parcels that have been designated Environmental Reserve on land title. Section 671(1) of the <i>Municipal Government Act</i> specifically regulates that environmental reserve must be left in its natural state or be used as a public park. The proposed uses defined in the proposed Environmental Preservation district reflects this legislation.	
Recommendation: No action recommended.	

2.11 USES IN THE INSTITUTIONAL DISTRICT

Input received:	a) Public parks and Recreation facilities could be included as permitted uses. b) Possible discretionary uses could be protective and emergency service and residential care facility.
Section(s):	Subsection 15.4.2
Submitted by:	Community Services Advisory Board
Staff analysis: a) It is acknowledged that a public park/recreation facilities could form part of an institutional development. However, these would normally function as accessory to a principal use, e.g. a school with sport fields & park, and would qualify as an Accessory Use. In these cases, it is not necessary to add public park (County owned) as a use in the Recreational district. In the case of a County public park operating independently it would be better served under the Public Open Space or Environmental Preservation district. In those cases where recreation facilities are not accessory to another use, the Institutional district does make provision for recreation facilities as discretionary uses as they are, in principle, recreational uses.	

b)	Administration is satisfied that protective and emergency services as well as a residential care facility meets the intent of the Institutional district and should be catered for as permitted uses.
Recommendation: No action recommended.	

2.12 USES IN THE PUBLIC UTILITY DISTRICT

Input received:	Public parks and community gardens may be appropriate uses in the Public Utility district.
Section(s):	Subsection 15.6.2
Submitted by:	Community Services Advisory Board
Staff analysis: It is acknowledged that a Public Utility lot may exist and not be utilized (or fully utilized) for that purpose – e.g. the Public Utility lots in Cardiff. The use of these lots for alternative and temporary purposes such as a public park and community garden does make sense and the draft Land Use Bylaw could cater to these situations.	
Recommendation: Administration recommends that public park and community garden be added as discretionary uses in the Public Utility district.	

2.13 USES IN RECREATIONAL DISTRICT

Input received:	Public park should be included as a permitted use in the Recreational district.
Section(s):	Section 15.7
Submitted by:	Community Services Advisory Board
Staff analysis: It is acknowledged that a public park could form part of a recreational development. However, these would normally function as accessory to a principal use, e.g. a school with sport fields & park, and would qualify as an Accessory Use. In these cases, it is not necessary to add public park (County owned) as a use in the Recreational district. In the case of a County public park operating independently it would be better served under the Public Open Space or Environmental Preservation district.	
Recommendation: No action recommended.	

2.14 PARKING FACILITY IN THE PARKS AND OPEN SPACE DISTRICT

Input received:	Because the definition of parking facility includes the storage of vehicles, this use should not be allowed in the POS district.
Section(s):	Section 15.5
Submitted by:	Community Services Advisory Board
Staff analysis: It was an oversight to add the word “storage” to the definition of a parking facility as the term can be misinterpreted. By removing the word “storage” from the definition, the concerns of the Community Services Advisory Board should be addressed.	
Recommendation: Remove the words “and storage” from the definition of Parking facility.	

PART 3 Agricultural Subdivision Regulations

3.1 AG – MINOR SUBDIVISIONS

Input received:	<ul style="list-style-type: none"> a) Would like to maintain an option in the future to subdivide up to 3 x 2.47 parcels off a 23-acre parcel. b) The subject property does not provide an opportunity for extensive agricultural use, though there is a wonderful opportunity for acreage homes. c) Would like to see the intent wording in Section 11.3(a) amended to allow for some small Ag-Residential parcels. Further, would like to see Section 11.5(d) amended to specifically allow the creation of AG-Residential parcels from AG-Minor parcels; d) Subsection 11.6(b) – Not sure what the purpose is here of restricting variance based on parcel size. Perhaps this could be clarified. e) If we're planning for the future, then now is the time to consider growth of similar acreages in the area, close to St. Albert infrastructure, close to primary access corridors, with additional tax base to the County.
Section(s):	Section 11.1
Submitted by:	David Benjestorf
Staff analysis:	<ul style="list-style-type: none"> a) With the adoption of a local planning document, a landowner can apply to subdivide their land beyond the 4 parcels per quarter regulation, provided that, it conforms with policy contained within the Municipal Development Plan. b) See response to a) above. c) See response to a) above. d) When a landowner subdivides out a 2.47ac parcel from the primary parcel the intended use is for residential purposes; therefore, the permitted and discretionary land use should be consistent with a rural residential land use and some of the more intensive agricultural land uses should not apply. e) Although there may be some opportunity for more of this form of country residential growth, it will be subject to policy direction found in both the County's Municipal Development Plan and the Capital Region Growth Plan.
Recommendation:	No action recommended.

3.2 AG - CHANGE TO SUBDIVISION POLICIES

Input received:	<p>Subdivision policies and regulations should be refined to allow for more flexible configurations such as</p> <ul style="list-style-type: none"> a) 3 acreages out of one quarter and b) 2 acreages on 80 acres <p>in unique situations.</p>
Section(s):	Section 11.1
Submitted by:	<ul style="list-style-type: none"> a) Rob Tappauf b) Gord Putnam (verbal)
Staff analysis:	<p>The clustering non-agricultural development (residential) on poor agricultural land does have merit, however, current Municipal Development Plan Policy is not entirely supportive of transferring development rights from one parcel to another. This discussion and potential solution toward policy change and ultimately Land Use Bylaw regulations may be better served within the creation of an Agricultural Master Plan. Ideally this work would recommend the best way to implement this type of subdivision policy.</p> <p>Part 638 of the <i>Municipal Government Act</i> states “all statutory plans adopted by a municipality must be consistent with each other.” Within the ‘higher-tier’ Municipal Development Plan, Policy 2.3.17 states that Sturgeon County</p>

"shall ensure that the maximum allowable agricultural subdivision layout for a 64 hectares/160 acre land unit contains two (2) Agricultural Parcels and two (2) Acreage Lots, as further defined within the Land Use Bylaw."

Therefore, to be consistent with the Municipal Development Plan, the proposed Land Use Bylaw must be worded in a manner which provides for a maximum of 2 'agricultural parcels' (generally ±80 acres each) and 2 'acreage lots' (generally ±2.47 acres each).

Recommendation:

No action recommended.

3.3 REDISTRICTING OF AGRICULTURE-RESIDENTIAL PARCELS TO COUNTRY RESIDENTIAL (R1)

Input received:	Suggestion that existing agricultural subdivision that exceeds 4 on a quarter parcel density (4-dwelling units per quarter section) are inconsistent with proposed Land Use Bylaw and should be redistricted to R1-Country Residential.
Section(s):	Subsection 11.1.5 Policy 2.3.17 of the Municipal Development Plan
Submitted by:	Tricia Tansowny
<p>Staff analysis:</p> <p>Although today's policies imply that there should be a maximum density of four parcels per "agricultural" quarter-section, past (or future) decisions on subdivision applications do not trigger redistricting. To elaborate, any proposed districting change is independent from subdivision, and requires evidence of public support and technical/professional studies which verify that the neighbourhood character, the off-site infrastructure and the development rules associated with a property and/or wider area are suitable. For example, to redistrict an "agricultural" property to a planned "country residential" property today would bring with it a requirement for paved access from a slower "local" road (as opposed to via a gravel range road with an 80 km/h speed limit), there would be only 15 permitted/discretionary land use opportunities (as opposed to 27 in the agricultural district), and potentially other unintended consequences which could impact the rights of other neighbouring landowners (e.g. sand and gravel operators).</p> <p>In the unique instance of Range Road 263, past interpretation of subdivision policy (and/or appeal board decisions) have allowed fragmented parcels to be subdivided from a quarter-section in <i>addition</i> to the normal maximum of four. Thus, wherever a river happened to meander through a quarter-section, theoretically there was no limit to the maximum number of subdivisions. More recently, in concurrence with some of the land use conflicts mentioned, and in recognition that most rural municipalities only allow two parcels per quarter-section, in 2014 a new policy was introduced within the Municipal Development Plan which states that fragmented parcels should count towards the overall maximum density of four.</p> <p>Moving forward, the intent of policy 2.3.17 within the Municipal Development Plan (regarding "proposed" i.e. <i>future</i> development/subdivisions) aims to prevent this type of unplanned ad-hoc subdivision activity unless various criteria are first addressed pertaining to roads, water/waste-water, emergency response times, funding models, land use conflicts, and the like.</p> <p>However, re-districting to address historical subdivision decisions (made legally and appropriately at that time) does not need to be "corrected" as suggested, nor are the "additional" parcels along Rge Rd 263 deemed to be non-conforming from a legal perspective.</p>	
<p>Recommendation:</p> <p>No action recommended.</p>	

3.4 REDISTRICTING REQUIRED FOR SUBDIVISION

Input received:	The requirement that the subdivision of agricultural land now requires a redistricting as well (over and above 4 lots on a quarter section), is cumbersome, not streamlined and deters people to grow the land.
Section(s):	Unknown.
Submitted by:	Mike Kinsella (verbal), Member representing SUREAL
Staff analysis:	This is not the case. Any subdivision of a parcel districted as Agriculture that exceeds 4 would require a regional or local planning document consistent with the Municipal Development Plan and redistricting. This is the case with the existing Land Use Bylaw and the proposed - nothing has changed.
Recommendation:	No action recommended.

3.5 FRAGMENTED PARCELS

Input received:	By only allowing 4 parcels on a quarter, the proposed Land Use Bylaw prevents the additional subdivision of fragmented parcels and additional income for a farmer.
Section(s):	Policy 2.3.20 of the Municipal Development Plan
Submitted by:	Gail Murray (verbal), Member representing SUREAL
Staff analysis:	It is not the role of Municipal Government to estate plan or provide income opportunities for private landowners. The role of Municipal Government is to plan for sustainable, responsible growth and land development. Other County residents have provided feedback suggesting that agricultural subdivision policies are too high. Policy 6.1.2 of the Province of Alberta's Land Use Policies states: " <i>Municipalities are encouraged to limit the fragmentation of agricultural lands and their premature conversion to other uses</i> ". Similarly, Policy 6.1.3 states "Where possible, municipalities are encouraged to direct non-agricultural development to areas where such development will not constrain agricultural activities". In this regard, the 4 per quarter policy found in the Municipal Development Plan is one of the most liberal agricultural subdivision policies in the Province. Preservation of prime agricultural land is an important policy initiative of the Province and Sturgeon County. Fragmentation of agricultural land should be limited, as should population density in un-serviced rural areas (i.e. Municipal Development Plan policy states that fragmented parcels "should" count towards the maximum density of four parcels per quarter-section). Accordingly, the proposed Land Use Bylaw wording has been updated to align with the Municipal Development Plan.
Recommendation:	No action recommended.

3.6 SUBDIVISION AND OWNERSHIP RIGHTS

Input received:	The limit that any further subdivision of a parcel of land smaller than 39.5 ha is unnecessary, impractical and an inappropriate restriction on the ownership rights of landowners.
Section(s):	Paragraph 11.1.5(d)
Submitted by:	Martin Kaup
Staff analysis:	The <i>Municipal Government Act</i> requires a land use bylaw to align with a municipality's Municipal Development Plan. The County's Municipal Development Plan states that unless otherwise stated in a planning document, there can be a maximum of 4 parcels per 160 acres, "as further defined in the Land Use Bylaw". Accordingly, the proposed Land Use Bylaw implies that a typical 160 acre quarter-section can have two large 80 acre parcels and two smaller acreage parcels. However, there are some instances where a quarter-section is not typical – i.e. it has been fragmented, or partially consumed by a water-body, or is of an irregular shape due to a municipal

boundary or river lot etc. Thus, the policies referenced in 11.1.5(d) provide guidance on how to interpret a property's subdivision potential in such irregular circumstances on a proportionate basis, depending on parcel size. Ultimately, there can still be a maximum of four parcels per 160 acre in agricultural areas, in accordance with Municipal Development Plan policy. The regulation in the proposed Land Use Bylaw has not changed this; it has simply been made clearer to address unique properties that are not precisely 160 acres.

Recommendation:

No action recommended.

3.7 SUBDIVISION OF A SECOND PARCEL

Input received:	Why is the subdivision of a second parcel, in certain circumstances, a prohibited event?
Section(s):	Paragraph 11.1.5(b)
Submitted by:	Martin Kaup, Gord Putnam (verbal)
Staff analysis: Although the suggestion has merit in clustering non-agricultural development(residential) on poor agricultural land, current Municipal Development Plan Policy does not support the transferring of development rights from one parcel to another. This discussion and potential solution toward policy change and ultimately Land Use Bylaw regulations may be better served within the creation of an Agricultural Master Plan or other such visioning document. Ideally this work would recommend the best way to implement this type of subdivision policy. The Subdivision regulations that have been added to Section 11.1 are to clarify existing Municipal Development Plan policy that exists today. Nothing has been changed - the proposed Land Use Bylaw simply documents existing subdivision policy for more clarity at the application stage.	
Recommendation: No action recommended.	

3.8 POLICY 2.2.2 OF THE MUNICIPAL DEVELOPMENT PLAN

Input received:	Policy 2.2.2 of the Municipal Development Plan does not deal with preventing two subdivisions from an 80 acre parcel but rather is a generic and confusing statement relating to future development potential or development restrictions.
Section(s):	Policy 2.2.2 of the Municipal Development Plan
Submitted by:	Martin Kaup
Staff analysis: The intent of the noted Policy statement is to restrict one landowner from subdividing their land in a manner that removes the ability for another landowner to do the same. This discussion and potential solution toward policy change and ultimately Land Use Bylaw regulations may be better served within the creation of an Agricultural Master Plan or other such visioning document.	
Recommendation: No action recommended.	

3.9 INFILL OF SUBDIVISIONS

Input received:	Infill of subdivisions were previously allowed for in certain circumstances, but are now prohibited. Why?
Section(s):	Subsections 12.1.3, 12.2.3, 12.3.3 and 12.4.3
Submitted by:	Martin Kaup
Staff analysis:	<p>They are not prohibited today nor will the proposed Land Use Bylaw prohibit infill subdivision, they are subject to recommendations of an approved local planning document consistent with the County's Municipal Development Plan.</p> <p>The infill of existing residential subdivisions(development)should only be supported with a local planning document that includes engagement with all existing residents in the neighbourhood and the appropriate level of analysis to understand the impacts to the character of said neighbourhood, servicing and off-site infrastructure. Having said that, subdivision could be supported without a local planning document in cases where existing parcels are large enough to be subdivided and still meet the minimum lot size of the land use district. Administration does see merit in adding a clause to the proposed Land Use Bylaw that would support this form of subdivision.</p>
Recommendation:	Administration recommends the addition of a regulation to allow the opportunity for infill subdivisions that meet the minimum parcel size of the district.

3.10 CURTAILING FUTURE PARCELS

Input received:	What is the reason for curtailing future parcels ranging between 9.8 acres to 39.3 acres?
Section(s):	Subsection 11.1.3
Submitted by:	Martin Kaup, Gord Putnam (verbal)
Staff analysis:	<p>These regulations are not curtailing parcels within this size range, rather it is supporting the existing subdivision policy found in the County's Municipal Development Plan and provides a mechanism for future and current permitted and discretionary land uses that are reflective of the size of the parcel.</p>
Recommendation:	No action recommended.

PART 4 Secondary Suites

4.1 SECONDARY SUITES IN AG AND OTHER RESIDENTIAL DISTRICTS

Input received:	Support to allow secondary suites to be considered on parcels in the Agricultural District and other Residential districts. If it can be proved that water and sewer can be accommodated on the land, why is there a need for these restricting secondary suites only to serviced lands?
Section(s):	Subsection 6.24 Paragraphs 11.1.2(b), 11.1.3(b) and 11.1.4(b)
Submitted by:	Tom Strawson, Vivian Pollard (verbal by Gord Putnam), Gail Murray (verbal)
Staff analysis: <p>Not allowing secondary suites in the AG - Agriculture district stems from policies 2.3.6 and 2.3.11 of the Municipal Development Plan which allows for (or mentions) secondary suites only in Residential Type 1 and 2 (subject to certain conditions).</p> <p>The Municipal Development Plan is silent regarding secondary suites in Residential Type 4 (i.e. land districted for AG - Agriculture) however, the intent of the policies applicable to this Residential Type is to limit the number of dwellings to four per quarter section.</p> <p>It is acknowledged though that:</p> <ul style="list-style-type: none"> • The proposed Land Use Bylaw does not provide for temporary dwellings for family care (anymore); • There are at present 39 valid permits that have been issued for temporary dwellings for family care in the County; • Administration is aware of several illegal secondary suites that already exist in the County (implying that these suites do not have building permits either); • Secondary suites are allowed for (in one form or another) in the Counties of Leduc, Parkland, Westlock, Thorhild, Strathcona, Rocky View and Lac St. Anne in an AG - Agriculture land use district; • Making assumptions based upon Sturgeon County's population and location, and based upon other counties' data, Sturgeon County might anticipate ±16 permits annually" should they be allowed – though this is not possible to predict with certainty; and • The impact of a secondary suite can be lessened by requiring a secondary suite to make use of the same servicing system as the principal dwelling. 	
Recommendation: <p>Administration will bring alternative recommendations to address this input as part of Council Motion 139/17.</p>	

4.2 SECONDARY SUITES IN COUNTRY ESTATE RESIDENTIAL(R2)

Input received:	Support was expressed for proposed regulations in the proposed Land Use Bylaw that allows for secondary suites in the R2-Country Estate Residential District.
Section(s):	Subsection 12.2.2
Submitted by:	Nicole Lane-Clark
Staff analysis: <p>The writer appreciates the opportunity the proposed Land Use Bylaw will offer in constructing a secondary suite on their property in the R2-Country Estate Residential district. Administration acknowledges this input.</p>	
Recommendation: <p>No action required</p>	

PART 5 Secondary

PART 6 Dwellings

6.1 SECONDARY RESIDENCES/FARM HELP ACCOMMODATION ON AG PARCELS

Input received:	a) Amend the proposed Land Use Bylaw to allow for secondary residences on agricultural parcels less than 80ac. b) Allow for secondary residences on marginal farm land, irrespective of size. c) No provision is made in the Land Use Bylaw to allow for farm help on agricultural land smaller than 32.4ha. d) Secondary dwellings should be required to hook into 'existing utilities' and not 'municipal utilities'.
Section(s):	
Submitted by:	a) Rob Denbraber, Agricultural Services Board, Jenny Baril, Sandy Dowhaniuk (verbal), Tom Strawson (verbal) b) Marv and Linda Perrot c) Frank Klassen, Gord Putnam (verbal) d) Agricultural Services Board
Staff analysis:	As mentioned under 4.1, the intent of the Municipal Development Plan policies pertaining to Residential Type 4, is to limit the number of dwellings to four per quarter section. Further analysis is needed to provide some options to this input.
Recommendation:	Administration will bring alternative recommendations to address this input as part of Council Motion 139/17.

6.2 TEMPORARY DWELLINGS FOR FAMILY CARE

Input received:	a) The proposed Land Use Bylaw has no provision for a temporary dwelling unit for family care. Why is this proposed? Permitting a secondary dwelling on parcels 80 acres or larger, or allowing secondary suites on only fully serviced lots, is of no benefit to acreage owners. b) With an aging population in rural areas it is my strong belief that it is important to facilitate the inclusion of "grandparent or nanny or secondary" residents or suites on existing properties to encourage the family unit as a whole to remain closer together.
Section(s):	Subsection 6.23.1, Section 6.24
Submitted by:	Martin Kaup, Karen Cassidy Shaw, Gord Putnam (verbal)
Staff analysis:	As mentioned under 4.1, the intent of the Municipal Development Plan policies pertaining to Residential Type 4, is to limit the number of dwellings to four per quarter section. Further analysis is needed to provide some options to this input
Recommendation:	Administration will bring alternative recommendations to address this input as part of Council Motion 139/17.

PART 7 Resource Extraction

7.1 RESOURCE EXTRACTION DISTRICT - REDUCTION OF SETBACKS

Input received:	The ability should be included to grant variances based on variance mitigation measures and on an individual/site specific basis.
Section(s):	Paragraph 11.2.4(c)
Submitted by:	Sureway Construction Group, Calahoo Villeneuve Sand and Gravel Advisory Committee
Staff analysis:	<p>The presenter made some valid points regarding existing setbacks sterilizing aggregate resources and the loss of CAP levies and taxes for the County. However, very little was provided on how the impacts of these activities could be mitigated. It should also be noted that Council heard from several residents that the prescribed setbacks remain as is, or even be increased.</p> <p>However, the County may need to reconsider subdivision and residential development policy and regulations in proximity to known, but not-yet-extracted, deposits. Residential development and resource extraction are conflicting land uses and past decisions are having an impact on existing operations and future extraction opportunities in that subdivision and residential development was allowed adjacent to deposits. Policy decisions need to be made to prevent this occurring in future until lands with deposits are extracted and reclaimed.</p> <p>Council could direct the Sand & Gravel Committee to work with the residents who are affected by resource extraction to bring back a recommendation on appropriate setbacks and mitigation measures that could support amendments to the Calahoo Villeneuve Sand & Gravel Area Structure Plan.</p>
Recommendation:	No action recommended.

7.2 RESOURCE EXTRACTION DISTRICT - NOISE LEVELS

Input received:	The Resource Extraction District should have specific targets on acceptable noise levels.
Section(s):	Section 11.2
Submitted by:	Tricia Tansowny, Karla Boddez (verbal)
Staff analysis:	<p>The presenter suggested that the County implement the “Energy Utility Board Noise Control Directive”. This directive deals with noise generated from hydrocarbon processing facilities but does not deal with aggregate extraction per se. Implementing a specific decibel level is easier said than done as there are many factors to consider when determining distance between the activity and where it is being measured, duration, background noise, etc.</p> <p>Regulations are currently written to allow the Development Authority to require the applicant to implement noise mitigation measures on a site-specific basis.</p> <p>At some point the County may wish to pursue the creation of a noise bylaw that would regulate all noise County wide regardless of land use. This has been quite effective and without a specific study to address this input, the status quo should be maintained.</p>
Recommendation:	No action recommended.

7.3 RESOURCE EXTRACTION - MEASURING SETBACKS

Input received:	A developer should have to use a neighboring landowner's <i>property line</i> to create their 400m setback to the operations area, not a neighboring landowner's <i>dwelling</i> . This allows a landowner protection of one's entire property without having the possibility of unwanted activities that affect a homeowner's quality of life.
Section(s):	Paragraphs 11.2.4(c)(i) and (ii)
Submitted by:	Emily Comartin
Staff analysis: While this is a valid concern, it is important to note that there are many sizes of parcels and without a dwelling which would increase the sterilization of deposits in an area. Ultimately given this proposal, a full quarter section of undivided land could sterilize an amount equal to two entire sections of land. The proposed setbacks are consistent with those found in the Calahoo Villeneuve Sand & Gravel Area Structure Plan.	
Recommendation: No action recommended.	

7.4 RESOURCE EXTRACTION - POLICY

Input received:	These 400 metre setbacks have become prohibitive for some landowners who wish to sell their gravel but are landlocked by various acreage owners who are demanding exorbitant amounts of cash to allow the digging of the gravel. For other natural resources such as oil, gas or electricity this would never happen. It is time that the bylaws be updated with the setbacks changed to allow land owners who wish to sell their gravel the ability to do so without being held hostage by some acreages or adjacent land owners with old setback by-laws. With the County growing there will always be opposition as there is with any change but these gravel pits also pay taxes to Sturgeon County and like the Heartland project which has brought much controversy to many residences will continue to pay their way and help Sturgeon grow
Section(s):	Paragraph 11.2.4(c)
Submitted by:	Phil Soetaert
Staff analysis: This again is a valid concern for both industry and residents and falls within the cadre of inputs #7.1 and 7.3 above. Policy 4.4 of the Province of Alberta's "Land Use Policies" states: " <i>municipalities are encouraged to establish land use patterns which accommodate natural resource extraction or harvesting and processing, manufacturing and other industrial development while, at the same time, minimizing potential conflict within nearby land uses and any negative environmental impact</i> ". Similarly, Policy 6.2.3 states " <i>municipalities are encouraged to direct subdivision and development activity so as not to constrain or conflict with non-renewable resource development</i> ".	
Recommendation: No action recommended.	

7.5 RESOURCE EXTRACTION - SETBACKS FOR CONFINED FEEDING OPERATIONS

Input received:	The Land Use Bylaw should provide for minimum setbacks for resource extraction from Confined Feeding Operations given the negative impact on Confined Feeding Operations.
Section(s):	
Submitted by:	Marc and Hinke Therrien
Staff analysis:	<p>The Natural Resources Conservation Board (NRCB) is responsible for administering regulations for Confined Feeding Operations (CFO) under the Agricultural Operation Practices Act (AOPA). The NRCB base their calculations for the minimum distance separation between a Confined Feeding Operation or manure storage facility from neighbouring residences only and do not take into consideration a setback requirement from an industrial type activity.</p> <p>The County's Municipal Development Plan 1313/13, Section 1.4.4 of Responsible Governance <i>states the County shall support "right-to-farm legislation" by applying the requirements outlined within the Province of Alberta's Agriculture Operations Practices Act (AOPA).</i></p> <p>The negative impact of a resource extraction use in proximity to a Confined Feeding Operation is a valid concern. The proposed Land Use Bylaw requires a re-districting application to Resource Extraction prior to a development permit being issued for primary or secondary processing. The existing Land Use Bylaw allowed Resource Extraction as discretionary use on Agricultural land. A re-districting application requires public consultation which would include referrals to landowners and stakeholders such as the NRCB. The consultation process allows for concerns to be brought to the forefront prior to land being re-districted in order to avoid land use conflicts.</p>
Recommendation:	No action recommended as Confined Feeding Operations are regulated by other legislation.

7.6 RESOURCE EXTRACTION - SETBACKS FROM LAND DEEMED NATURE CONSERVATION

Input received:	There should also be a minimum setback of 800m from any land deemed to be nature conservation. Any and all precautions should be taken to keep this area undisturbed and in its natural state. Intervention that causes even small changes can turn into significant changes to ecosystems involved in such a sensitive area.
Section(s):	Paragraphs 11.2.4(c)(i) and (ii)
Submitted by:	Emily Comartin
Staff analysis:	<p>Alberta Environment in consultation with the County regulates setback distances from water bodies. Provincial direction encourages the extraction of non-renewable resources balanced with environmental preservation.</p>
Recommendation:	No action recommended.

7.7 RESOURCE EXTRACTION - END USE OF RECLAIMED LAND

Input received:	Water bodies will attract wild birds and greatly increase chances of poultry contracting Avian Influenza in CFO's.
Section(s):	Paragraphs 11.2.4(c)(i) and (ii)
Submitted by:	Marc and Hinke Therrien
Staff analysis: <p>Large water bodies are usually a result of the reclamation of a pit. The province delegates the onus to the municipality on what they would deem to be an acceptable end land use. The proposed Land Use Bylaw requires the applicant to redistrict the land to Resource Extraction prior to development approval. Therefore, a public consultation process is provided for where residents and stakeholders can voice their concerns. The referral process also allows for agencies such as the NRCB to provide comment regarding applications. Administration and Council will take these concerns into consideration when reviewing an application to redistrict.</p> <p>Also, in order to plan more appropriate reclamation, the County should create future land use concepts in the CVS&G-ASP which would determine future reclamation plans. At present, this planning does not exist and not only is agricultural land being replaced with large bodies of water but the same are decreasing the assessable land.</p>	
Recommendation: <p>No action recommended.</p>	

7.8 RESOURCE EXTRACTION - REQUIREMENTS FOR APPLICATIONS

Input received:	<p>a) Because sand and gravel pits are regulated provincially and subject to the Code of Practice for Pits, requirements for additional information should be consistent with the requirements under the Environmental Protection and Enhancement Act.</p> <p>b) No certainty exists what other provisions under Part 5 – 9 will be applied at the sole discretion of the Development Authority over and above the industry standards.</p>
Section(s):	Section 2.4.3 and Parts 5 - 9
Submitted by:	Calahoo Villeneuve Sand and Gravel Advisory Committee
Staff analysis: <p>a) The list of additional information that is referred to is found in Section 2.4.3. The regulation states that information <u>may</u> be required and shall be prepared by a practicing professional. This is a general regulation which allows the County to require more information if required when reviewing any application. Some applications can be more complex in nature and these application requirements aim to reserve that right to ask for more specific information when faced with unique situations.</p> <p>Furthermore, the Code of Practice only deals with the operation of a pit itself in terms of the Water Act and the Alberta Environmental Protection Act. A Land Use Bylaw deals with the impact of the resource extraction on other land uses in the vicinity and as such, additional information can be required over and above what the Code of Practice requires.</p> <p>b) Parts 5 – 9 are applied to all districts (besides Direct Control) and are there to provide more information if required as mentioned previously. As with <i>any</i> approval condition of a development permit, an applicant may appeal that particular condition to the Subdivision and Development Appeal Board if they believe the County erred in making its decision.</p>	
Recommendation: <p>No action recommended.</p>	

7.9 RESOURCE EXTRACTION - VARIANCES

Input received:	The draft Land Use Bylaw does not include any provision for the Development Authority to issue a variance for Resource Extraction district in accordance with Table 2.1 and some discretion should be given in this regard.
Section(s):	Subsection 2.8.6 Table 2.1
Submitted by:	Calahoo Villeneuve Sand and Gravel Advisory Committee
Staff analysis:	The Land Use Bylaw is in alignment with the setbacks stipulated in the Calahoo Villeneuve Sand and Gravel Area Structure Plan. The only variances apply to these setbacks as repeated in Section 11.2.4(c) and which ultimately allows the County to grant a variance with written consent from the affected landowner. This is consistent with the regulations of the existing Land Use Bylaw. As such, no variance powers for the Resource Extraction district were added to Table 2.1.
Recommendation:	No action recommended.

7.10 RESOURCE EXTRACTION - CLARITY RE. COMMUNITY BENEFITS PLAN & COMMUNITY AND NEIGHBOURHOOD CONSULTATION

Input received:	<ul style="list-style-type: none"> a) Clarity is required around what a community benefits plan is in relation to the Community Aggregate Payment Levy Bylaw 1078/06. b) Conditions re. community and neighbourhood consultation should be consistent with the public engagement policy.
Section(s):	Paragraphs 2.9.4(g) and (h)
Submitted by:	Calahoo Villeneuve Sand and Gravel Advisory Committee
Staff analysis:	<ul style="list-style-type: none"> a) The Municipal Development Plan references a community benefits plan to allocate funds generated by the CAP Levy. In the absence of this community benefits plan the Sand and Gravel Committee advises Council on allocation as per the CAP Levy Bylaw. b) The Land Use Bylaw provides regulation for initiatives that are proposed by developers and where community consultation is required to support applications for proposed developments. It is Administration's opinion that the Public Engagement Policy is meant to guide Sturgeon County driven initiatives and not those of private developers, although they would stand to gain if they followed our framework. Administration recognizes subsection 2.9.4 states a list of conditions that may be imposed on an approval for primary and secondary processing. This list should not be directed at only this specific industry but rather to any development permit approval if so required.
Recommendation:	Administration recommends that Subsection 2.9.4 be amended to apply to all development permit applications where applicable.

7.11 RESOURCE EXTRACTION - CHANGE OF WORDING OF PARAGRAPH 11.2.4(B)

Input received:	Change the wording of the said paragraph as follows: Resource extraction activities having a disturbance area of less than 5.1ha (12.6ac) on a parcel at any time, including any associated infrastructure, stockpiles connected with the pit shall only be permitted if the application meets all the requirements of the Code of Practice for Pits.
Section(s):	Paragraph 11.2.4(b)
Submitted by:	Calahoo Villeneuve Sand and Gravel Advisory Committee
Staff analysis:	

A review of the Code of Practice for Pits defines a pit as “an opening or excavation in or working of the surface or subsurface for the purpose of removing any sand, gravel, clay or marl, where the area of the pit and any associated infrastructure, including stockpiles, connected with the pit or at any time was greater than or equal to 5 ha(12.5ac).” The suggested definition would direct the province to issue approvals where they are not required. Received confirmation from Alberta Environment and Parks that pits under 12.6ac do not require registration with the Province.

Recommendation:

No action recommended.

7.12 RESOURCE EXTRACTION - APPROVAL TIMELINES FOR PRIMARY PROCESSING PERMITS

Input received:	The approval timelines should be linked to the provincial approval and the Activities Plan prepared in compliance with the <i>Code of Practice for Pits</i> .
Section(s):	Subsection 11.2.6
Submitted by:	Calahoo Villeneuve Sand and Gravel Advisory Committee
Staff analysis: Provincial requirements for a registration under the Code of Practice for Pits is valid for the lifetime of the pit. Registration holders are required to provide a 5-year report when there are no changes to operations <u>or</u> an Updated Activities Plan where changes are proposed in operations. Sturgeon County’s 5-year renewal timeline was implemented to ensure that conditions of the development approval can be reviewed and amended if needed. These amendments may include changes to Road Use Agreements, operational hours, securities, or any update of policy or regulation with regards to the industry. The proposed Land Use Bylaw has listed primary and secondary processing as a permitted use in the Resource Extraction district thereby reduces processing times. The operator is already required to produce a 5-year report as mandated through the Code of Practice for Pits which is inline with Sturgeon’s timeline.	
Recommendation: No action recommended.	

7.13 RESOURCE EXTRACTION - CLARITY AROUND INTENT

Input received:	Clarity around intent is required around the impact to existing development permits, which are all time limited (5 year renewal), in relation to the requirement for a new development permit.
Section(s):	Subsection 11.2.6(b)
Submitted by:	Calahoo Villeneuve Sand and Gravel Advisory Committee
Staff analysis: Administration agrees that the regulation can be clarified. The intent of the regulation is to say if an operator has a valid permit, they can continue operating under those conditions. However, when a change in operations is proposed or the permit has expired, a new development permit will be subject to the regulations of the proposed Land Use Bylaw.	
Recommendation: Administration recommends that Section 11.2.6(b) be amended as follows. Primary and Secondary Processing operations that currently hold a valid <i>development permit</i> as of the date of adoption of this Bylaw are permitted to continue. Once the <i>development permit</i> has expired or where an amendment to the operation is proposed, a new <i>development permit</i> shall be required and is subject to the provisions of the proposed Land Use Bylaw.	

7.14 RESOURCE EXTRACTION – STRIPPING AND RECLAMATION

Input received:	<ul style="list-style-type: none"> a) Municipal requirements should compliment the provincial regulations. Specific requirements for operational items to be identified in the reclamation plan may be irrelevant. b) Can there be an opportunity to propose alternative end uses at the end of the life of a pit?
Section(s):	Paragraph 11.2.10(a)
Submitted by:	Calahoo Villeneuve Sand and Gravel Advisory Committee
<ul style="list-style-type: none"> a) Administration acknowledges that this paragraph should be revised to Application Requirements and will change the list so as not to repeat those required under the Code of Practice for Pits Application Requirements. b) A change to the original end land use requires a change to the operations as per Section 11.2.6(b). This will require a new development permit application and plans for approval by both the municipality and the province. 	
Recommendation: <ul style="list-style-type: none"> a) Administration has already reworded Paragraph 11.2.10(a) as part of the technical changes. b) No further action recommended. 	

7.15 RESOURCE EXTRACTION – DEFINITIONS FOR PRIMARY AND SECONDARY PROCESSING

Input received:	<ul style="list-style-type: none"> a) The definition for primary processing is not intuitive to the industry – to call something processing where in fact no processing is taking place. The sentence referring to processing of raw materials to the site should be deleted. b) Secondary processing should include screening as an activity.
Section(s):	Part 18
Submitted by:	Calahoo Villeneuve Sand and Gravel Advisory Committee
Staff analysis: Administration agrees that the definitions should be revised as follows: <ul style="list-style-type: none"> a) Replace “primary processing” with “Natural resource extraction” and change the definition as follows: <i>Natural resource extraction</i> means the quarrying and removal of raw materials including, but not limited to, sand, gravel, clay, marl, earth or mineralized rock found on or under the site. Typical <i>uses</i> include but are not limited to quarries and gravel pits. This does not include processing of raw materials transported to the site, sale of product or <i>secondary processing</i>. b) Replace <i>Processing, secondary</i> means activities following the removal of raw materials from an <i>excavation</i> to prepare it for market, including but not limited to, <i>crushing</i>, screening, washing and sorting. 	
Recommendation: Administration recommends the definitions be revised based on this input.	

7.16 SECTION 17.3 - RESOURCE EXTRACTION OVERLAY

Input Received:	The wording contained within Section 17.3 of the proposed Land Use Bylaw requires revision to allow for more flexibility with regards to development within lands that fall within the proposed Resource Extraction Overlay as shown in Schedule 4 and described in Section 17.3.
Section(s):	Section 17.3
Submitted by:	Simon Patrick
Staff analysis:	Administration agrees with this input. Through testing the Overlay (against applications received) a number of technical changes have been made to ensure the overlay meets the intent thereof, specifically to serve notice to existing and future landowners of the potential for resource extraction in the area.
Recommendation:	<ul style="list-style-type: none">a) Administration has already reworded Section 17.3 accordingly as part of the technical changes to be consider by Council on May 9th, 2017.b) No further action recommended.

PART 8 Development Constraint Overlay

8.1 DEVELOPMENT CONSTRAINT OVERLAY – NORTHWEST REFINERY

Input received:	The Development Constraints Overlay should not be applied to lands immediately north and west of Highway 643 (between RR 220 and 643, and between 643 and TwpRd 564) and a small portion of land immediately west of RR 220/North of Highway 643 in Section 13-56-22-W4M.
Section(s):	Part 17.1 and Schedule 2
Submitted by:	Doug Bertsch (North West Redwater Partnership)
Staff analysis:	This site was included in information provided to the County from Alberta Environment titled 'Sturgeon County Landfills and Site Contamination Locations'. Based on that list it was included in the Development Constraints Overlay. Even though the Development Constraints Overlay clearly states that "where the potential for prior contamination of a site exists, the County <i>may</i> require the submission of a completed Phase I and II environmental site assessment", given that North West Redwater Partnership has provided Phase One and Phase Two ESA's for the N 1/2 and SW 18-56-21-W4M, 13-56-22-W4M and S 1/2 24-56-22-W4M at the time of development permit application for Phase 1 of the refinery, and that those ESA's both state that there is no direct evidence to indicate an impact on the property by the adjacent industrial facilities, removing all lands west and north of Highway 643 in sections 18 and 19-56-22-W4M as well as all lands located in the SE 13-56-22-W4M seems reasonable.
Recommendation:	Administration recommends that all lands west and north of Highway 643 in sections 18 and 19-56-22-W4M as well as all lands located in the SE 13-56-22-W4M be removed from the Development Constraints Overlay Map (Schedule 2).

8.2 DEVELOPMENT CONSTRAINT OVERLAY - INCONSISTENCIES

Input received:	The proposed 'overlay' is applied inconsistently to different sides of the Sturgeon River in the vicinity of the Alberta Resource Recovery Centre.
Section(s):	Section 17.1 and Schedule 2 – Development Constraint Overlay Map
Submitted by:	Alberta Resource Recovery Centre Ltd.
Staff analysis:	The Development Constraint Overlay was created to reflect the existing line-work found in Neighbourhood F of the County's Municipal Development Plan in addition to data received from the Province with respect to historical landfills, coal mines and hydrocarbon sites. This was done to support existing policy direction with respect to hazardous and environmental sensitive lands as well as Council Strategic focus area to "Respect the Natural Environment". As identified in the Municipal Development Plan and the Overlay itself, landowners can complete the necessary studies to demonstrate developability of lands within the overlay.
Recommendation:	No action recommended.

8.3 DEVELOPMENT CONSTRAINT OVERLAY – DISCRETIONARY USES

Input received:	<p>a) “All uses...are deemed discretionary...in this overlay” is very challenging for a land owner’s perspective. This will have an immediate, detrimental impact on us which materially prejudices our position. We need to be able to rely on permitted uses. Given the specifics of my lands, I don’t see a valid reason to restrict my bundle of rights and opportunities;</p> <p>b) I’m further concerned that some of the environmentally significant wording is too subjective and overly broad which will further materially impact land values. I understand that there is a river on the western boundary of My Lands, though what is the County’s basis for providing additional overlay restrictions?</p> <p>c) I would like to see My Lands removed from the overlay and/or the overlay modified to provide a more equitable position for land owners.</p> <p>d) The word “hazardous” is a little strong – there is no such lands really in Sturgeon County. (Since the ’75 flood, the Sturgeon river has hardly been a flooding hazard since then.)</p> <p>e) Geotechnical studies are expensive for farmers (not developers). The County should indicate where those areas are specifically as mentioned in Subsection 5.10.3.</p>
Section(s):	<p>Subsection 17.1.2</p> <p>Subsection 5.10.3</p>
Submitted by:	<p>David Benjestorf (a– c)</p> <p>Don Levers (verbal) (a & b)</p> <p>David Dowhaniuk (verbal) (d & e)</p>
<p>Staff analysis:</p> <p>The Overlay as depicted on Schedule 2 of the proposed Land Use Bylaw is the exact same area as defined in Neighbourhood F of the Municipal Development Plan in addition to data from the Province with respect to historical landfills, coal mines and hydrocarbon sites. This was done to remain consistent with the policy direction found within supporting subdivision and development near environmentally sensitive and hazardous lands. Through the Public Hearing process input was submitted that suggested this overlay was unnecessarily restrictive. In this regard, it is important to understand that the Overlay illustrates the constraints that are in existence today. What that means is if a landowner applied to develop lands where a constraint exists based on existing data, Administration would have asked for the landowner to demonstrate developability. The proposed Overlay makes these constraints much more transparent for the benefit of existing and future landowners. Notwithstanding, there could be refinements made to the overlay to soften the wording and make it a little less restrictive. If Council supports the proposed amendments, it is important to understand that the cost and work required to demonstrate developability still lies with the landowner and not the County.</p>	
<p>Recommendation:</p> <p>Administration recommends changes to the to the Development Constraint Overlay to make it less restrictive than currently written.</p>	

PART 9 Delay adoption of Land Use Bylaw – more engagement

9.1 DELAY THE APPROVAL OF THE LAND USE BYLAW

Input received:	<p>a) Council should delay approving the Land Use Bylaw for 12 months to allow for review and input from the County's residents and further open and transparent discussions. Reasons being to make the Land Use Bylaw more succinct and efficient and reduce the need for future amendments.</p> <p>b) The proposed Land Use Bylaw should wait till the new updated Growth Plan (and the amendment of the Municipal Development Plan), the Province's Land Use Framework and the new Municipal Government Act has been finalised.</p>
Section(s):	N/A
Submitted by:	<p>a) Mike Kinsella, David Benjestorf, Ron, Debbie, Cory & Chris Cherdarchuk, Don Levers (verbal), Robert Lemm (verbal), Lucy Dowhaniuk (verbal), Dwayne Benfield (verbal), Evan Cameron (verbal), John Wasmuth- Members representing SUREAL</p> <p>b) Gail Murray (verbal)</p>
<p>Staff analysis:</p> <p>a) In terms of delaying approval, Administration recommends Council set a future 'effective date' upon adoption along with an implementation plan, as a more suitable option.</p> <p>b) Administration would not recommend delaying this project until adoption of the Capital Region Metropolitan Growth Plan by the Province given the County's existing Municipal Development Plan aligns very well with the proposed Growth Plan. The Land Use Bylaw has been developed to align with the County's Municipal Development Plan. This is not to say that future Land Use Bylaw amendments may be in order as these plans are implemented but, overall, the proposed Land Use Bylaw meets the intent of both the County and regional planning documents.</p> <p>The other important consideration for Council is that Administration, through application inquiries, has ongoing dialogue with numerous residents and landowners who are waiting for the proposed Land Use Bylaw to be adopted by Council before they make application to improve their lands. The proposed Land Use Bylaw provides efficiencies in processes and opportunities that do not exist in the current so delaying the approval could have an impact on these landowners who see value in what is being proposed.</p>	
<p>Recommendation:</p> <p>No action recommended.</p>	

9.2 MORE BACKGROUND NEEDED

Input received:	<p>Formal presentations are needed over the next 6 months to the ratepayers informing them of:</p> <ul style="list-style-type: none"> the basis of the proposed Land Use Bylaw's origination; deficiencies in the existing Land Use Bylaw that need correcting; the mission, opening goals and objectives of the proposed Land Use Bylaw; the depth the Land Use Bylaw had to be adhere to and how was it defined (how specific did it need to be?); the major changes introduced in the proposed Land Use Bylaw and what they accomplish, and the qualitative and quantitative changes this proposed Land Use Bylaw brings to the ratepayers (e.g. property taxes, development, etc.).
Section(s):	N/A
Submitted by:	Evan Cameron (verbal)
<p>Staff analysis:</p> <p>Throughout the Land Use Bylaw re-write project the purpose and objectives have been made public through presentations at numerous public Council meetings. Council, through exercising responsible governance, approved the re-write of the Land Use Bylaw based on the same. The Land Use Bylaw has been drafted to align with the Municipal Development Plan, provide more efficiencies in delivering development permit services to applicants,</p>	

reduce land use conflicts that result in expensive enforcement action and find balance in promoting responsible development of lands. The process has been followed by Administration and Council and the best course of action at this point is to adopt and administer the Land Use Bylaw for a year and collect feedback from applicants towards a 1-year review and potential amendments.

Also, Administration have been engaging with landowners since October of 2016 on a daily basis through application request and inquires. This is part of the ongoing testing of the proposed Land Use Bylaw resulting in the suggested clerical and technical amendments.

Recommendation:

No action recommended.

9.3 COMMITTEE TO WORK FURTHER ON THE LAND USE BYLAW

Input received:	We would like to propose a committee be formed to further work with Administration, and also ensure community stakeholders, including farmers, businesses and residents have a voice at the table.
Section(s):	N/A
Submitted by:	Ron, Debbie, Cory & Chris Cherdarchuk
Staff analysis: Public consultation, including a community stakeholder group, was included in the project to create the proposed Land Use Bylaw. In fact, Council directed that more consultation session be held during the process to ensure strong engagement. Additional consultation would require a new work plan and funding to complete, and ultimately would delay a decision on the proposed Land Use Bylaw. Considerable effort and cost has been incurred to-date to create a Land Use Bylaw that aligns with Council's Strategic Direction and the Municipal Development Plan. Special effort has been made to minimize impacts to existing approved developments while also ensuring that any future development aligns with the growth plans. The creation of an implementation plan, that includes a one year review, is the best way to gain the additional input through administering the proposed Land Use Bylaw.	
Recommendation: No action recommended.	

9.4 AVAILABILITY OF COPIES OF THE NEW LAND USE BYLAW

Input received:	Administration refused to provide copies of the Draft Land Use Bylaw prior to the formal release on January 26th (per request of John Wasmuth to Clayton Kittlitz at November 2016 "Open House" in Calahoo Hall).
Section(s):	N/A
Submitted by:	John Wasmuth
Staff analysis: The proposed Land Use Bylaw was officially made available to the public online on October 11, 2016. It was consistently communicated that hard copies were available to the public at the County office.	
Recommendation: No action recommended.	

9.5 FORMAL NOTICE OF THE PROPOSED LAND USE BYLAW

Input received:	We didn't get any formal notice of the proposed Land Use Bylaw – is there a required formal notice provision to landowners for the Land Use Bylaw?
Section(s):	N/A
Submitted by:	David Benjestorf
Staff analysis: Section 606 of the <i>Municipal Government Act</i> provides direction to municipalities with respect to advertising amendments to bylaws and public hearings. Two options are available - the first being 2 consecutive weeks of advertising the Public hearing date and time in at least one newspaper or publication circulating in the area or via mail or hand delivery to every resident and stakeholder in the area to which the proposed land use bylaw is being applied. The public engagement plan for the project did not include a mail out to all residents of the County so other means, including public open houses (4), newspaper ads for 2 consecutive weeks (in both the Morinville Gibbons Free Press and the St. Albert Gazette), were implemented. In addition, road signs, website, Twitter, Facebook and County Connections section of local newspapers were also used to inform residents and stakeholders.	
Recommendation: No action recommended.	

9.6 NOT ENGAGING THE PUBLIC

Input received:	<p>How is it possible that the proposed Land Use Bylaw has been in the making for 2 years and the P&D department did not consult with the public, i.e. the people that are affected most by the proposed Land Use Bylaw, in the process? Why were there not more meetings with representatives/entities that make up the community? The County belongs to the residents and they should determine the use of the land.</p> <p>The perceived hostility towards the proposed Land Use Bylaw could have been averted if more engagement with the public took place and more reasoning was provided for the proposed changes the proposed Land Use Bylaw brings forward.</p>
Section(s):	N/A
Submitted by:	Neil McDougall (verbal), Don Levers (verbal), Robert Lemm (verbal)
Staff analysis: Over the 2-year length of the project (Feb. 2015 to Dec. 2016) Council and the public were engaged numerous times through public open houses, online surveys and; County events and Community Hall meetings as detailed below: <ul style="list-style-type: none"> ✓ April 2015 - Stakeholder and resident online surveys. ✓ Spring 2015 – Public Open Houses (4). ✓ February 2016 – Presentation, Q&A with Economic Development Advisory Board. ✓ April 2016 – Information booth/table at County Centre Community Meeting. ✓ August 2016 – Information booth/table at Culinary Cook Out. ✓ October 2016 - Information booth/table at Calahoo Hall Community Meeting. ✓ November 2016 - Information booth/table at Namao Hall Community Meeting. ✓ November 2016 – Stakeholder and Public Information Sessions. ✓ January 2017 – Municipal Planner Information Session. ✓ Other ways we got the word out to the public: <ul style="list-style-type: none"> • County Webpage • Start in Sturgeon webpage • County Twitter (tweets started in November 2016) • Start in Sturgeon Twitter and Facebook • Newspaper ads (in both the Morinville Gibbons Free Press and the St. Albert Gazette) 	

<ul style="list-style-type: none"> • Utility bill mailouts (June & October 2016) • Mayor's Golf Tournament • Road Signs in 3 high-traffic locations • Signs and handouts at County Centre and other public County buildings
Recommendation: No action recommended.

9.7 NO NEED FOR NEW LAND USE BYLAW

Input received:	If the existing Land Use Bylaw wasn't broken, there is no need to fix it.
Section(s):	n/a
Submitted by:	Neil McDougall (verbal). Robert Lemm (verbal)
Staff analysis:	The existing Land Use Bylaw is outdated and no longer reflects the changes to land development and does not align with the County's Municipal Development Plan. Typically, a Land Use Bylaw should be reviewed and updated every 5 to 10 years and the existing Land Use Bylaw has not had a review and update since its adoption in 1996. The Land Use Bylaw is one of the primary tools used to implement growth policies and through a decision of Council the project to re-write the existing Land Use Bylaw was completed.
Recommendation:	No action recommended.

9.8 PLEBISCITE

Input received:	If the planners had it (the proposed Land Use Bylaw) half right, I challenge Council to put it to the test in the form of a plebiscite on the ballot this fall.
Section(s):	
Submitted by:	Neil McDougall (verbal)
Staff analysis:	This is a decision of Council.
Recommendation:	No action recommended.

9.9 COMPARISON TO THE CURRENT APPLICABLE REGULATIONS

Input received:	It is requested that specific notices be delivered to each and every ratepayer providing a comparison to the current applicable regulations and detailing the nature of changes in land usage affecting their properties, including how the property value will be maintained or improved, prior to implementation of any new or revised land use bylaw.
Section(s):	
Submitted by:	Neil R. Coburn, Robert Lemm (verbal)
Staff analysis:	This work would need a work plan and funding to complete. This level of engagement was never contemplated in the Land Use Bylaw Re-write Project Plan nor did Administration receive any direction from Council to change the engagement strategy in this regard. As is the case today, any landowner has the right to apply to have their lands re-districted if they wish to change the use of their land. The role of a Land Use Bylaw is not to increase the value of land as the market itself drives land values. The Land Use Bylaw can however minimize land use conflicts that can sometimes impact land valuation.
Recommendation:	No action recommended.

9.10 HOW PUBLIC INPUTS ARE SHARED AND CONSIDERED IN DRAFTING REGULATIONS

Input received:	It was hard to find on the Internet the inputs that the public provided at the Open House held at Gibbons. Irrespective, how much importance is put on to what the residents are saying (compared to professional staff are saying)?
Section(s):	
Submitted by:	Tom Strawson (verbal)
Staff analysis:	<p>All inputs are important and considered in drafting regulation. The project team considered the inputs from best practice research completed by ISL; review of existing Land Use Bylaws in the Capital Region and in rural municipalities around Calgary; input from residents, landowners and stakeholders collected during the public engagement sessions and surveys; perspectives and inputs from Council during numerous public meetings and workshops and finally from the experiences of staff processing applications against the existing Land Use Bylaw. All perspectives and facts are then weighed and validated against Councils Strategic Directions and Municipal Development Plan Policy to come up with a balance of land use regulations that will work towards responsible growth in the County.</p> <p>In addition, the Research and Recommendation Report was completed by ISL following the 2015 engagement sessions and was reviewed and adopted by Council which provided the Project Team with direction to advance with the draft Land Use Bylaw considering the document inputs and recommendations.</p>
Recommendation:	No action recommended.

9.11 EXECUTIVE SUMMARY

Input received:	Executive summary, including a list of all interaction with stakeholders/public, should be required for all the changes made and the rationale for these changes.
Section(s):	
Submitted by:	Don Levers (verbal), Tom Strawson (verbal)
Staff analysis:	<p>The Research and Recommendations Report adopted by Council in August of 2016 serves as a record of the 2015 Land Use Bylaw Engagement events and input received. Also, this information has been provided and made public through the Public Hearing process.</p>
Recommendation:	No action recommended.

PART 10 Preservation of Agricultural Land

10.1 PRESERVATION OF AGRICULTURAL LAND

Input received:	The new Land Use Bylaw is a tool and does support some very good practices, including the preservation of AG land.
Section(s):	Part 11.1
Submitted by:	Gail Murray (verbal)
Staff analysis:	Within the proposed Land Use Bylaw, the subdivision policies have been written in a manner which clarifies and supports the Municipal Development Plan's efforts to preserve agricultural soils whenever possible.
Recommendation:	No action recommended.

10.2 MONITORING BUSINESS ON AG LAND

Input received:	The Development Authority should do more than review/hold applications but also should have some sort of monitoring function so as to prevent the inadvertent creation of business or industrial properties on what is meant to be agricultural land.
Section(s):	Section 11
Submitted by:	Anne Marie Harris
Staff analysis:	<p>Agreed. Accordingly, the proposed Land Use Bylaw:</p> <ol style="list-style-type: none"> 1) alters some of the permitted/discretionary uses which are possible within the Agricultural district, and furthermore introduces further regulation based upon the size of any given Agricultural parcel; 2) provides clarification on special regulations and definitions, particularly more problematic land use types, and 3) introduces fines to incentivise compliance in the event of a breach of the Land Use Bylaw. <p>Business Retention and Development is a core function of the Economic Development Department. This approach is used to build working relationship and to provide education to existing business owners with respect to land use. Work is ongoing between Economic Development and Current Planning & Development Services to create an environment where we educate first, seek compliance and finally initiate enforcement. As part of implementing the proposed Land Use Bylaw, Administration will be bringing forward an Enforcement Policy that will provide clear direction and procedure for future enforcement such as the form noted in this input.</p>
Recommendation:	No action recommended.

10.3 PROTECTION OF AGRICULTURAL LAND

Input received:	Is there anything in the Land Use Bylaw that protects good quality (Class 1 and 2) agricultural land? If not, why not? (Developers get all the good agricultural land.) Think about the future.
Section(s):	
Submitted by:	Sandy Dowhaniuk (verbal)
Staff analysis:	<p>The Municipal Development Plan provides guidance towards the preservation of high quality agricultural land. However, a landowner always has the option to subdivide or redistrict agricultural land for another land use. It is ultimately up to Council to make a decision whether to allow the agricultural land to be developed or not. At present, there is no definitive Council direction or policy that would out-right protect high quality agricultural land such as the Agriculture Land Reserve established in British Columbia.</p>

Recommendation:

The input received should be considered and addressed as part of an Agricultural Master Plan or other such visioning document.

10.4 LAND USE CONFLICTS BETWEEN AGRICULTURAL AND RESIDENTIAL

Input received:	Concerns that the introduction of other land uses (residential) into the rural landscape are causing conflicts that impacts farming operations. "Couldn't the Land Use Bylaw require realtors to have clients sign a disclosure that they realise that they've moved onto farm land and will not impede on the operation of Agricultural land?"
Section(s):	N/A
Submitted by:	David Michaud, Peggy Bayne, Sandy Dowhaniuk (verbal)
Staff analysis:	Although the County registers restrictive covenants (caveats) on new properties in proximity to confined feeding operations, it's not feasible to do this for every property in the County. The industry of agriculture is held in high regard, and the County isn't aware of taking action over a 'complaint' pertaining to generally acceptable farming practices that might be deemed as a 'nuisance' to an acreage owner. This letter highlights the challenges the County has in creating a Land Use Bylaw which both facilitates <i>and</i> regulates land use activities for a wide array of users. A diverse community in the right location with the right rules can bring tremendous benefits to the local economy (including bringing customers to farms such as the one referenced in this letter). Without rules or good decision-making, ad-hoc unplanned development creates conflicts and ultimately costs taxpayers more.
Recommendation:	The input received should be considered and addressed as part of an Agricultural Master Plan or other such visioning document.

PART 11 Fines and Fees

11.1 FINES FOR LAND USE BYLAW ENFORCEMENT

Input received:	<p>a) The provision “Each calendar day that a violation is permitted to exist shall constitute a separate offence. A fine upon conviction of not less than \$250.00 and not more than \$10,000 and, in addition, an additional fine for every calendar day the offence continues”, is questioned. While it is appreciated that these fines are valid for non-compliance in extreme cases, it is questioned whether these fines will serve as a new revenue generator for the County, similar to photo-radar.</p> <p>b) Who is going to enforce all these rules in this document? With more regulations comes bigger government, with bigger government comes increased costs. They should be looking at ways to cut operating costs, not look for excuses to hire more bureaucrats.</p>
Section(s):	Section 4.5
Submitted by:	<p>a) SUREAL</p> <p>b) Everett Normandeau</p>
<p>Staff analysis:</p> <p>Land use conflicts exist and continue to occur under the current Land Use Bylaw. In fact, the County receives on average about 50 written complaints a year that require some level of enforcement by County Administration. The right land use planning and regulation is intended to minimize land use conflicts resulting in less enforcement action. However, if enforcement is warranted, fines and penalties can be tools that result in quicker compliance that can reduce costs. The alternate to fines is Stop Orders and ultimately Court Orders which come with considerable staff time and legal fees. Historically, some major enforcement files have generated legal bills in excess of \$25,000. The fine amounts referenced in the proposed Land Use Bylaw are consistent with those found in the <i>Municipal Government Act</i>.</p>	
<p>Recommendation:</p> <p>No action recommended.</p>	

11.2 COST OF PERMITS

Input received:	<p>I will end with two examples; the first one is a family member who built a deck without a permit. He has 10 acres, his house is nowhere near the property boundaries, and his closest neighbor is close to half mile away. An inspector drove past his house and saw his new deck. A couple of days later he received a letter in the mail saying that he is out of compliance and could receive a fine of not more than \$100 000 and \$1000 for each day the offence continues and/or imprisonment of up to 6 months. For those who don't believe me I have a copy of the letter. Who is the family affecting other than themselves and why does the County think that a deck is somehow such a serious offence?</p> <p>On the flip side, I have family member who get all of the necessary permits to tear down his existing deck and replace it with a covered deck again. Again, no neighbors, no setback issues. The cost of his permit was close to \$450 and took close to a month to receive. \$150 for a permit to replace an existing deck.... It's no wonder people think the permit system is just a money grab.</p>
Section(s):	
Submitted by:	Everett Normandeau
<p>Staff analysis:</p> <p>Reduction in fees and adjustments for development permits are being drafted by Administration for Council's consideration. However, regardless of setbacks, decks over 2 feet above grade require Building Permits which is governed by the Alberta Building Code.</p>	
<p>Recommendation:</p> <p>No action recommended.</p>	

11.3 PROPOSED CHANGES TO PENALTIES AND FINES

Input received:	<p>The first objective of the increased fines is to serve as an incentive for a developer/landowner to comply with the Land Use Bylaw before a provincial violation ticket needs to be issued. Lower fines will not be as effective.</p> <p>Secondly, having effective fines will create savings in the long run on the County's legal costs – e.g. prosecuting developers/landowners in violation of the Land Use Bylaw. At present, the County taxpayers are subsidising the legal fees the County has to pay for e.g. prosecuting developers/landowners in violation of the Land Use Bylaw.</p> <p>Thirdly, developers/landowners in violation of the Land Use Bylaw have the opportunity to contest a fine in court.</p>
Section(s):	Table 4.1
Submitted by:	Sturgeon County Protective Services
Staff analysis:	<p>Based on recent collaboration with Protective Services with respect to enforcement of the Land Use Bylaw it was determined that in order for fines to be more effective that fines should be increased. It is important to note that considerable inputs were received throughout the project with respect to more consistent enforcement of the Land Use Bylaw. The proposed fines structure is in response to this input and consistent with those found in other municipalities.</p>
Recommendation:	Administration recommends that changes be made to Table 4.1 with respect to this input.

11.4 REDUCTION IN PERMIT APPLICATION FEES

Input received:	I do hope that in future decision-making these fees will be reasonable and affordable so as to ensure compliance.
Section(s):	Section 2.2
Submitted by:	Anne Marie Harris
Staff analysis:	<p>Yes, through drafting the proposed Land Use Bylaw attention was paid to creating purposeful land use districts with more permitted land use that align with these purposes. Administration will be bringing fee adjustments to Council for consideration when the Land Use Bylaw is brought back for second and third reading. These adjusted fees are intended to reduce cost for residents.</p>
Recommendation:	No action recommended.

PART 12 Inputs not Relevant to the proposed Land Use Bylaw 1385/17

12.1 PROTECTION OF EXISTING BEAVER DAMS IN THE STURGEON RIVER

Input received:	We have a water license to irrigate out of the Sturgeon River; we would like assurance that the beaver dams in the river will be left intact so that we can have secure water levels for irrigation.
Section(s):	
Submitted by:	Ron and Yolande Stark
Staff analysis:	Input is not relevant to the proposed Land Use Bylaw.
Recommendation:	No action recommended.

12.2 STATE OF ROADS AND TRIMMING OF BRANCHES

Input received:	We also ask what our taxes really get us. We have roads that have loosened every bolt in our vehicles, we have roads that have been pulled in and narrowed making it almost impossible to meet any farm machinery without taking a risk of hitting the ditch. We have people throwing garbage in our ditches and county trucks that drive up and down the roads everyday, but never stop to pick it up. We have asked that branches along the road be trimmed so when you meet another vehicle yours does not get all scratched up, we were told that it was a winter project. Now it is almost spring and everything is the same as it was, well not everything, you did pay a surveyor to come out and put flags up all along the ditch where you want the brush taken out. Odds are those flags will still be there next year and will wither and fall off and then you will have to pay another surveyor to come and do the same job, because that's how we do things in Sturgeon County. All we wanted was to have a few branches trimmed.
Section(s):	
Submitted by:	L Kerckhof (Concerned citizens of Sturgeon County)
Staff analysis:	Input is not a relevant to the proposed Land Use Bylaw.
Recommendation:	No action recommended.

12.3 WATER WELL PROTECTION

Input received:	As a farmer currently living and producing in Sturgeon County, we ask that a plan be in place to protect water wells.
Section(s):	
Submitted by:	Ron and Yolande Stark
Staff analysis:	The Provincial government regulates water wells, not municipalities.
Recommendation:	No action recommended.

12.4 NOISE MITIGATION

Input received:	There are several references to 'noise mitigation' especially, it seems, related to industrial activity or development – this is greatly appreciated.
Section(s):	
Submitted by:	Anne Marie Harris
Staff analysis:	Supportive input.
Recommendation:	No action recommended.

12.5 BUILDING 7, CHEMTRAILS AND UNITED NATIONS AGENDA 2030

Input received:	<ul style="list-style-type: none"> Few people know that there was a 3rd skyscraper that was demolished on 9/11, namely building #7. Chemtrails leave chemical deposits in the ground. Agenda 2030 is aimed at ending private property, removing country boundaries and total control by a few rich people. The proposed Land Use Bylaw is pushed upon the residents by the United Nations.
Section(s):	N/A
Submitted by:	Alan West
Staff analysis:	Inputs are not considered relevant to the proposed Land Use Bylaw.
Recommendation:	No action recommended.

12.6 THE PUBLIC HEARING ITSELF

Input received:	<p>a) You have meetings which are open to the public, yet they are held in rooms that may only hold 50 people, so that everyone else has to stand in the hallways and try to find out what is being said with a game of "pass it on". Administration was ill prepared.</p> <p>b) You have people speak for no longer than 5 minutes, and if they take too long you hold up a red folder. To me this is a slap in the face of the residents in Sturgeon County.</p> <p>c) Then when the meeting is taking longer than you expected you call a 2-minute break because you know this will give the people a chance to leave because they feel like they aren't being heard and are giving up on something that will probably be passed along anyway.</p> <p>d) Why do you have a meeting in the afternoon when you know most people will be at work or away at spring break?</p> <p>e) It is very disturbing that a Council would come to such tactics to pass a law that will affect so many lives, except for maybe the people who have moved to rural areas and want to live their way instead of adapting to the agricultural way of life, and denying the farmers the right to live the way their fore fathers had intended them to. If they don't like the way we do things out here maybe they should go back to the city where the dust, animals, tractors, combines and smells won't bother them quite so much.</p>
Section(s):	
Submitted by:	L Kerckhof (Concerned citizens of Sturgeon County), Neil McDougall (verbal), Don Levers (verbal)
Staff analysis:	The process defined and regulated by the <i>Municipal Government Act</i> was followed for the proposed Land Use Bylaw. In this case, the requirements were exceeded by Council by leaving the Public Hearing open for a month and offering an evening and an afternoon option for the public to attend. Also, it is important to note that written

submissions hold the same weight as a verbal presentation and Administration received over 300 inputs (both written and verbal) for Council to consider in making a final decision on the proposed Land Use Bylaw.

Recommendation:

No action recommended.

12.7 FREEDOM OF SPEECH

Input received:	<ul style="list-style-type: none"> a) We live in a wonderful world where people have the opportunity to speak to Council and express their concerns and give their inputs re. the proposed Land Use Bylaw. b) Council should be commended for the process to provide the community to provide their inputs.
Section(s):	N/A
Submitted by:	<ul style="list-style-type: none"> a) Linda Moffat (verbal) b) Gord Putnam (verbal)
Staff analysis:	Positive feedback with respect to the process.
Recommendation:	No action recommended.

PART 13 Regulations

13.1 NUMBER OF APPROACHES PER PARCEL

Input received:	Regulations should be added to the proposed Land Use Bylaw that would allow for 2 approaches per parcel.
Section(s):	
Submitted by:	Jodie Foster, Kevin Harling, Ron & Sam Mifflin, Shannon Therres, Marylyn St. Jean, Mark Boissonneault
Staff analysis:	<p>The Land Use Bylaw is not the appropriate regulatory tool, and accordingly the proposed Land Use Bylaw does not regulate the number of approaches per parcel. Rather, the 'General Municipal Servicing Standards' document provides detailed engineering specifications regarding municipal infrastructure. Although one approach per property is the usual requirement (to minimize concerns related to drainage, vehicle/pedestrian safety, and snowplowing), in unique circumstances this may be considered upon the discretion of Engineering Services.</p>
Recommendation:	No action recommended.

13.2 COMMANDING THE SUBDIVISION AUTHORITY

Input received:	Why is the Land Use Bylaw attempting to command the Subdivision Authority (including the Subdivision and Development Appeal Board) what they should and should not consider? The appeal process should be free from any bias.
Section(s):	Paragraph 11.1.5(b)
Submitted by:	Martin Kaup, Gord Putnam (verbal), Mike Kinsella (verbal)
Staff analysis:	<p>By their very nature, Land Use Bylaws are regulatory (like any law) – and the Provincial government requires all municipalities to adopt one. The intent of a Land Use Bylaw is to enable appropriate and orderly development – while prohibiting inappropriate and disorderly development which could interfere with residents and businesses. Furthermore, the Municipal Government Act also “commands” decision-making bodies to adhere to established regulation and to respect certain parameters (including Council, the subdivision authority, the development authority, and appeal boards).</p> <p>Notwithstanding, in this unique instance only we concur that this specific clause 11.1.5(b) is redundant. Preceding sub-section 11.1.5(a) states what <i>is</i> allowed in terms of subdivision, therefore there is no need for sub-section 11.1.5(b) which essentially re-communicates (in a ‘negative tense’) what is <i>not</i> allowed.</p>
Recommendation:	Administration recommends that sub-section 11.1.5(b) be removed as a clerical change.

13.3 POTENTIAL TYPO WITH RESPECT TO MINIMUM PARCEL SIZE IN THE R1 DISTRICT

Input received:	Minimum lot size in R1 a typo – should be maximum.
Section(s):	12.1.3
Submitted by:	Frank Klassen
Staff analysis:	<p>Administration does not view this as a typo. The minimum lot sizes are to ensure the consistent character of a residential subdivision while allowing adequate room for private servicing.</p>
Recommendation:	No action recommended.

13.4 SAFE ACCESS

Input received:	We need assurance that the roads be maintained to ensure safe access to the farm for personal use and customers.
Section(s):	
Submitted by:	Ron and Yolande Stark
Staff analysis:	<p>Roads and approaches are located within <i>public</i> (not private) property known as “government road allowance” owned by Sturgeon County and/or Alberta Transportation. A Land Use Bylaw regulates <i>private</i> property and is therefore not the appropriate tool to address roads nor their maintenance.</p> <p>Safe roads are a responsibility of the County and the Land Use Bylaw’s role is to regulate land and condition development in a way that does not contribute to unsafe road conditions.</p>
Recommendation:	No action recommended.

13.5 DIMINISHING LAND OWNER RIGHTS

Input received:	There are many other sections in the proposed Land Use Bylaw which are concerning in that they will diminish landowner rights without any evidence or documentary support illustrating that the existing Land Use Bylaw is problematic or deficient in that area. What present problems make restriction on landowner’s rights necessary?
Section(s):	N/A
Submitted by:	Martin Kaup
Staff analysis:	<p>This is a general statement and Administration is not aware of the “many other sections in the proposed Land Use Bylaw” that “diminish landowner rights”. The proposed Land Use Bylaw strives to find balance while providing opportunity for landowners to improve and enjoy their land without impacting their neighbour’s ability to do the same.</p>
Recommendation:	No action recommended.

13.6 RURAL VERSES URBAN PLANNING AND LAND USE

Input received:	<p>Numerous items in the proposed Land Use Bylaw are problematic. The following are definitions regarding planning:</p> <ul style="list-style-type: none"> a) Rural planning is the process of improving the quality of life and economic well-being of people living in relatively isolated and sparsely populated areas. We (SUREAL) feel the proposed Land Use Bylaw does not improve the quality of life for the majority of Sturgeon County ratepayers. b) Urban planning is a technical and political process concerned with the development and use of land, planning permission, protection and the use of the environment, public welfare and the design of the urban environment. This definition sounds more like the proposed Land Use Bylaw Administration has prepared for Council. Why does P&D want to regulate Sturgeon County like a city?
Section(s):	
Submitted by:	Don Levers (verbal), Member representing SUREAL
Staff analysis:	<p>These definitions are not defined within the proposed Land Use Bylaw nor does Part 17 of the <i>Municipal Government Act</i> distinguish between rural and urban land planning.</p> <p>With growth comes the need for land use regulation to mitigate the conflicts between land uses. What may be viewed by some as urban regulation is in fact the Land Use Bylaw responding to the past and projected growth of</p>

the County. Again, the *Municipal Government Act* determines that every municipality in Alberta must regulate land use regardless of whether they are urban or rural in nature.

Recommendation:

No action recommended.

13.7 PERMITS FOR WEDDINGS ETC.

Input received:	Landowners that host weddings or larger amounts of people should have to get permits.
Section(s):	Section 6.2 (Agri-Business)
Submitted by:	David Michaud
Staff analysis: Bylaw 1329/14 (Regulation of Special Events) states that any gathering over 500 people requires a special events license. A "Special Event" does not include any event at a facility for which a development permit has been issued under Sturgeon County's Land Use Bylaw, as amended, to allow for incidental gatherings or events as contemplated in the permit. A facility or parcel offered as a wedding venue would require development permit approval under the Recreational district.	
Recommendation: No action recommended.	

13.8 NON-CONFORMING ISSUES

Input received:	There is a deficiency in the proposed Land Use Bylaw in that it does not state that if you previously did not need a permit for something (e.g. shipping containers) that after the passage of the proposed Land Use Bylaw such as shipping containers will be considered non-conforming.
Section(s):	Section 1.6
Submitted by:	Martin Kaup
Staff analysis: If a previous Land Use Bylaw did not require a development permit for a building or use it would be considered the same as non-conforming.	
Recommendation: No action recommended.	

13.9 SETBACKS FOR ACREAGES

Input received:	No housing should be allowed within 100m of a property line of an acreage in order to lower the impact of surrounding farming activities.
Section(s):	
Submitted by:	Frank Klassen
Staff analysis: The proposed Land Use Bylaw is consistent with the existing Land Use Bylaw regarding setback distances between a house and a property line in agricultural areas (i.e. 35m from the front yard, and 6m from the side/rear yards) – which is comparable with most counties in Alberta and generally doesn't result in significant land use conflicts nor complaints. Regardless, since most residential acreages have property dimensions of approximately 100m x 100m, a 100m minimum setback between a house and a property line would be impossible to satisfy unless the County allowed significantly larger lot sizes (which is contradictory to provincial and municipal endeavors to preserve farmland). Therefore, while it isn't appropriate to increase these setbacks further, Mr. Klassen's correspondence highlights the need for the proposed Land Use Bylaw to protect the industry of agriculture by limiting land use conflicts via	

appropriate subdivision and development regulation – such as limiting non-agricultural development opportunities in agricultural areas.

Recommendation:

No action recommended.

13.10 COMMON AMENITY AREAS

Input received:	As part of the Multi-family district, common amenity areas are required. Why can't this be required within the other residential districts?
Section(s):	Section 12.5.9
Submitted by:	Community Services Advisory Board
Staff analysis:	<p>A multi-family district accommodates for higher density and typically does not provide for private outdoor yard space for each unit. The best example of this is an apartment building. The common amenity area is a provision to provide for recreational both passive and active spaces to these residents on-site.</p> <p>The reason these provisions are not included in other residential districts is because they are on parcels sizes that include yard space on site for the private enjoyment of the landowner.</p>
Recommendation:	No action recommended.

13.11 RECOGNIZED COMMUNITY ASSOCIATIONS

Input received:	The regulations stated in Parts 5 to 9 can be cost prohibitive for RCA's and Volunteer community groups when developing. Is there some way to provide assurance to these groups/associations that these standards shall not apply to the same extent to them?
Section(s):	Parts 5 through 9
Submitted by:	Community Services Advisory Board
Staff analysis:	<p>Parts 5 to 9 are regulations to ensure that development is planned and completed in a consistent and fair manner regardless of the applicant. Sturgeon County is very supportive of community groups giving them the opportunity to apply for municipal funding to offset these costs and are also exempt from development fees as per Policy# per_SER_Exemption_of_Application_fees_for_Recognized_Community_Associations_2016.</p>
Recommendation:	No action recommended.

13.12 SETBACKS FROM INDUSTRIAL PARKS

Input received:	Please ensure each individual district has appropriate setback zones between industrial activities and residents to minimize effects on public health and land use conflicts.
Section(s):	Part 14
Submitted by:	Alberta Health Services
Staff analysis:	<p>Agreed. The I5-Heavy Industrial District does not allow any new residential development. Setbacks for any new development permit application in the I5-Heavy Industrial District are at the discretion of the Development Authority. The setbacks in the other Industrial Districts are appropriate given the uses allowed in these districts.</p>
Recommendation:	No action recommended.

13.13 CHALLENGING REGULATIONS

Input received:	The regulations around parking, signs and landscaping are challenging for accessory buildings and should be more balanced.
Section(s):	Part 7 - 9
Submitted by:	Gord Putnam (verbal)
Staff analysis:	Such regulations would apply to the principal use; however, they can be applied to the accessory building in the case of a home-based business. Parts 7 through 9 further identifies when these regulations would apply.
Recommendation:	No action recommended.

13.14 DEFINITIONS

Input received:	The definitions are in a variety of different places and is confusing.
Section(s):	1.5 Terminology, Part 7, Signs, Part 18 Definitions for uses
Submitted by:	Don Levers (verbal), Member representing SUREAL
Staff analysis:	Previous drafts of the proposed Land Use Bylaw had the definition sections together and feedback received suggested they be separated due to confusion.
Recommendation:	No action recommended.

13.15 SPECIAL REGULATIONS FOR ACCESSORY BUILDINGS AND USES

Input received:	This section is confusing and ambiguous and will require expertise to interpret.
Section(s):	Section 6.1
Submitted by:	Don Levers (verbal), Sandy Dowhaniuk (verbal), Member representing SUREAL
Staff analysis:	In order to be able to interpret Section 6.1, the principal use of a property must be determined. The principal use is the primary purpose for which a building, development area or parcel is used in the opinion of the Development Authority. For example, a dwelling on a 2.47acre parcel is the principal building and a proposed detached garage would be considered a permitted accessory building. The principal building (dwelling) would have been approved as a permitted use therefore, any accessory use or building to that principal building is considered a permitted use. Permitted land uses are created that fully support and comply with the intent of the associated land use district. Discretionary land uses may conform to the associate land use district if special conditions are adhered to and adjacent landowners are given the right to appeal a decision of the Development Authority.
Recommendation:	No action recommended.

13.16 THE NEED FOR A DEVELOPMENT PERMIT TO FILL IN A DUGOUT

Input received:	What is the rationale behind the need for a development permit to fill in a dugout?
Section(s):	Subsection 5.9.1
Submitted by:	Don Levers (verbal)
Staff analysis:	<p>This requirement is consistent with the existing Land Use Bylaw. Development is defined in the <i>Municipal Government Act</i> as a change in the use of land or building or an act done in relation to land or a building that results in or is likely to result in a change of use of the land or building. Therefore, infill is considered development requiring a development permit.</p> <p>Having record of a development permit of an infill area protects future landowners when they propose to develop the subject land, and ensures the infill of the dugout will not result in drainage impacts on a landowner's (or their neighbour's) dwelling.</p> <p>An existing dugout may be located within a watercourse frequented by fish or be located within a wetland which would also require an approval from Alberta Environment.</p>
Recommendation:	No action recommended.

13.17 WHY THE NEED FOR A DEVELOPMENT PERMIT OF MOVE A DOG HOUSE

Input received:	It would appear that you need a development permit if you want to move a dog house/grainery/shed on the same property.
Section(s):	Subsection 5.16.1
Submitted by:	Don Levers (verbal), Sandy Dowhaniuk (verbal)
Staff analysis:	Agreed that this can be interpreted in this way which was not the intent. The clause can be amended for clarity.
Recommendation:	Administration recommends the following sentence be added to Section 5.16: This excludes buildings not requiring a development permit as listed in Section 2.3.

13.18 SINGLE DETACHED DWELLINGS IN HEAVY INDUSTRIAL DISTRICT

Input received:	Section 14.5.5(b) re I5 - Heavy Industrial District should read 'Where a single detached dwelling existed prior to June 26, 2007 and still exists at the time of this bylaw passing, and is destroyed through disaster, it may be ...'
Section(s):	Section 14.5.5(b)
Submitted by:	Doug Bertsch (North West Redwater Partnership)
Staff analysis:	The suggested wording would limit the ability for landowners to rebuild only if destroyed by a disaster.
Recommendation:	No action recommended.

13.19 HEAVY INDUSTRIAL MITIGATION MEASURES ADJACENT TO RESIDENTIAL LAND USES

Input received:	Section 14.5.5(f) states that development permit mitigation measures may include solid fencing, berming, landscaping, etc. to the satisfaction of the Development Authority. This is too poorly defined, with no defined criteria given for judgment of the Development Authority. When the facility passes/meets the scrutiny of an Environmental Impact Assessment with Provincial Regulators, the additional imposition of mitigation measures by Municipal authorities seems inappropriate, especially where there is no defined criteria for such mitigation measures.
Section(s):	Section 14.5.5(f)
Submitted by:	Doug Bertsch (North West Redwater Partnership)
Staff analysis:	The reason that Section 14.5.5(f) has been included is that not all uses within the I5 -Heavy Industrial District require Provincial Approval, and for Heavy Industrial uses such as a refinery, the Provincial approval only deals with some aspects of the development and issues such as roads and drainage are managed by the municipality as per the <i>Municipal Government Act</i> . The current wording of section 14.4.4(f) allows the County to deal with issues that are not dealt with under Provincial approvals.
Recommendation:	No action recommended.

13.20 CHANGE TO PARAGRAPH 14.5.5(G)

Input received:	Section 14.5.5(g) should be changed to read "...vacant, undeveloped, or unused portions of a site shall be maintained in grass, crop , landscaping materials or such other ground cover..."
Section(s):	Section 14.5.5(g)
Submitted by:	Doug Bertsch (North West Redwater Partnership)
Staff analysis:	Although 'crop' is included in 'other ground cover', Administration sees this as an acceptable add to provide clarity.
Recommendation:	Administration recommends adding 'crop' to Section 14.5.5(g).

13.21 RIDICULOUS SETBACKS

Input received:	The setbacks are ridiculous some are 18 feet some are 49 feet and then at 114 feet all for residential in a rural agriculture lot 114 feet severally (sic) limits where the well goes and the sewer system especially on a 1 ha maximum lot size.
Section(s):	Paragraph 11.1.4(c)
Submitted by:	Frank Klassen
Staff analysis:	The proposed setbacks in the proposed Land Use Bylaw for Agriculture are consistent with the prescribed setbacks in the existing Land Use Bylaw, and are also consistent with those in similar Counties throughout Alberta. Wells and sewer systems are exempt from the setbacks in the Land Use Bylaw and only have to meet the prescribed setback distances prescribed in the Alberta Building Code.
Recommendation:	No action recommended.

PART 14 Technical Inputs

14.1 MAP COLOURS

Input received:	The Land Use Bylaw map colours make it difficult to determine which district is being referred to since some district colours lack enough contrast.
Section(s):	
Submitted by:	Parkland County
Staff analysis:	Agreed. Testing of map colours in digital and print form are ongoing to ensure a clear and decipherable mapping product.
Recommendation:	No action recommended.

14.2 DIVERSITY AND RESPECT

Input received:	Council should be commended for bringing a lot of diversity to the County. But the community should be treated with respect.
Section(s):	
Submitted by:	Lucy Dowhaniuk (verbal)
Staff analysis:	No comment.
Recommendation:	No action recommended.

14.3 POSITIVES OF THE LAND USE BYLAW

Input received:	Key changes that are positive: <ul style="list-style-type: none">a) 5 separate industrial districts.b) The overlays that replace certain districts.c) The fact that accessory buildings are now permitted.d) Simplified R1-Country Residential district.e) Agri-business having a specific use (should be permitted though).f) Wider range of housing types and taking affordability into account.
Section(s):	N/A
Submitted by:	Gord Putnam
Staff analysis:	Noted.
Recommendation:	No action recommended.

14.4 COMMERCIAL VEHICLES ON COUNTRY RESIDENTIAL (R1) LOTS

Input received:	Commercial vehicles should be allowed to be parked/stored on the R1-Country Residential district - property and access directly off RR 245 should be allowed.
Section(s):	6.16.5
Submitted by:	Tony and Anna Neto
Staff analysis:	Commercial vehicles are regulated on parcels that have approved development permits for home-based businesses. Sturgeon County's Traffic Bylaw 1278/12 applies. Access to parcels are regulated by the General Municipal Servicing Standards and not the Land Use Bylaw.
Recommendation:	No action recommended.

14.5 MAPPING ERROR

Input received:	<p>The following areas have been missed as RE – Resource Extraction districted lands:</p> <ul style="list-style-type: none"> • NE17-54-26-4 is currently permitted and should be full quarter section. • Lot 3&4, Block 1, Plan 032 5690 are under Development Permit# 11-D0311 • Villeneuve Airport: missing SE & NW 25-54-27-4 • Calahoo: missing an area in NE28-54-27-4 north of the rail track
Section(s):	Part 19
Submitted by:	Caroline Jing (Lafarge Canada)
Staff analysis: <ul style="list-style-type: none"> • NE 17-54-26-W4 will remain as is because it is consistent with the redistricting application. • Lot 3&4, Block 1, Plan 032 5690 will be updated to be consistent with the RE – Resource Extraction development permit approval. • SE & NW 25-54-27-W4 are currently AG – Agriculture district but will be redistricted to the RE – Resource Extraction district. • NE 28-54-27-W4 – confirmed that the portion north of rail track is consistent with the QEA (Quick Extraction Area). 	
Recommendation: <p>a) These changes have been added to the mapping technical amendments for Council’s consideration on May 9th.</p> <p>b) No further action recommended.</p>	

14.6 DC5-DIRECT CONTROL DISTRICT 5 NEEDS TO BE REVISED TO MATCH EXISTING

Input received:	It is essential that the Direct Control Land Use District jointly developed by the Town of Morinville and Sturgeon County, remains applied to the respective lands essentially unchanged.
Section(s):	Section 16.5
Submitted by:	Town of Morinville
Staff analysis: <p>Agreed, this was an oversight in reformatting the existing Direct Control districts into the proposed Land Use Bylaw. The DC5-Direct Control District 5 for the County Campus and Morinville Recreation site district has been revised to reflect the content as it exists under the current Land Use Bylaw as previously adopted by Council.</p>	
Recommendation: <p>Administration recommends that the revised DC5-Direct Control District 5 be included in the proposed Land Use Bylaw.</p>	

14.7 PROPOSED INTER-MUNICIPAL FRINGE OVERLAY

Input received:	<p>An overlay is required and proposed around the Town of Morinville to provide guidance for inter-municipal referrals related to subdivision, development, bylaw amendments and appeals, and to regulate uses within a 2.4 km area extending around the Town of Morinville’s municipal boundary. These additional regulations are designed to encourage collaborative land use planning, support compatible uses within the fringe and reduce the potential for land use conflict</p>
Section(s):	N/A
Submitted by:	Town of Morinville
Staff analysis: <p>Through engaging neighbouring municipalities in the development of the Land Use Bylaw this came up as an option to consider. Administration met with Planning staff with the Town of Morinville and the result was the addition of the proposed Intermunicipal Fringe Overlay. No other overlay has been created for any other adjacent municipalities, but can be considered later should the request be made. The proposed overlay provides clarity on</p>	

the referral process and intends to mitigate development pressure and impacts to Morinville operations and planned growth.

Recommendation:

Administration recommends the revised Intermunicipal Fringe overlay be included in the proposed Land Use Bylaw.

PART 15 Policy Direction and Vision

15.1 NAMAQ AND CARBONDALE ARE SUITED FOR SERVICING AND RESIDENTIAL GROWTH

Input received:	The hamlets of Namao and Carbondale are proposed to be districted R3-Hamlet Unserviced. Why is municipal servicing aimed at other hamlets and not these two hamlets? Namao is the centre of the deep cultural farming community, close to the intersection of two major highways, entails two schools, a church and Johnny's Store. Carbondale has capacity for growth and infill. Why, if rural growth is a priority, are these two hamlets overlooked?
Section(s):	
Submitted by:	Gail Murray (verbal)
Staff analysis:	Guidance for Type 2 residential growth is defined in the County's Municipal Development Plan and through adoption of the Integrated Regional Growth Strategy. As such, Council chose to focus hamlet growth to Villeneuve and Cardiff, both of which already have full municipal servicing which can accommodate growth in a cost-effective manner. The proposed Land Use Bylaw took this guiding policy into consideration in assigning the proposed land use districts to hamlets throughout the County.
Recommendation:	No action recommended.

15.2 THE PROPOSED LAND USE BYLAW NEEDS A GUIDING VISION

Input received:	The County needs a vision with regard to the proposed Land Use Bylaw.
Section(s):	
Submitted by:	Lucy Dowhaniuk (verbal)
Staff analysis:	The vision for the proposed Land Use Bylaw is provided for under Council's Strategic Plan and the County's Municipal Development Plan. The Project team used these foundation documents to guide new regulation that speaks to complementing policy and desired outcomes for growth in the County. Administration is drafting a Municipal Development Plan/Land Use Bylaw conformance matrix and plan to include it as an appendix for Council in considering second and third reading of the proposed Land Use Bylaw.
Recommendation:	No action recommended.

15.3 LAND USE BYLAW CONFORMANCE WITH MUNICIPAL DEVELOPMENT PLAN POLICIES

Input received:	The Municipal Development Plan policies that are referred to in the proposed Land Use Bylaw should be delineated or summarized in proposed Land Use Bylaw to ensure information accessibility to all readers.
Section(s):	
Submitted by:	Anne Marie Harris
Staff analysis:	Administration is drafting a Municipal Development Plan/Land Use Bylaw conformance matrix and plan to include it as an appendix for Council in considering second and third reading of the proposed Land Use Bylaw.
Recommendation:	No action recommended.

15.4 QUESTIONS WITH RESPECT TO THE MANDATE OF THE LAND USE BYLAW

Input received:	<p>a) It is not within the mandate of any municipal government to dictate with final authority what may or may not constitute permitted uses of private freehold lands. Furthermore, civil servants should never be the judges deciding the best and highest use of land nor should they be who may directly or indirectly adversely affect the economic value of lands.</p> <p>b) What concerns me most with the proposed bylaws is the overall tone of the document that “government knows best”. My concern is that the current council has the audacity to bring forth a document that throughout the document says what people can and cannot do on their own private property. Some glaring examples of overstepping the boundaries are</p> <ul style="list-style-type: none"> • Section 6.2, hours of operation for agribusiness. • Section 6.16, hours of operation and the number of visitors per 24 hour period for your home based business. • Section 6.4, telling campground operators what the size of their RV pads must be and how far apart the RV pads must be. • Section 6.9, dictating how many spaces you need in your drive thru restaurant. • Part 7, there are four pages on signs. • Part 8, they have four pages just to dictate how many trees and shrubs you must have on subdivided lot, how tall they have to be and what caliper they need to be. <p>Let companies thrive and fail on their merit, not on what some planner behind a desk thinks looks good in a text book.</p>
Section(s):	N/A
Submitted by:	<p>a) Neil R. Coburn</p> <p>b) Everett Normandeau</p>
<p>Staff analysis:</p> <p>a) Council has the mandatory responsibility for the orderly use of land in its jurisdiction as set out in Sections 639 to 646 of the <i>Municipal Government Act</i>. This entails i.e. the requirement for each municipality to have a land use bylaw and to issue permits accordingly for development.</p> <p>Secondly, the “judges deciding the best and highest use of land” are not civil servants, but Council acting as representatives of the community.</p> <p>b) The existing Land Use Bylaw already tells people “what they can and cannot do on their own private property”, as mandated by the <i>Municipal Government Act</i>. As for the proposed Land Use Bylaw:</p> <ul style="list-style-type: none"> • Section 6.2 has been removed. • Section 6.16 corresponds with Section 6.13 of the existing Land Use Bylaw. • Sections 6.4 and 6.9 represent good practices when it comes to the layout of a campground or a drive-through. • Part 7 caters for the wide variety of signs. • Part 8 represents good practices when it comes to landscaping when required. <p>The purpose of a Land Use Bylaw is to achieve orderly and economic development of land, minimize land use conflicts and set development standards.</p>	
<p>Recommendation:</p> <p>No further action recommended.</p>	

15.5 THE NEED FOR A BIOLOGICAL, SUSTAINABLE COMPONENT IN THE PROPOSED LAND USE BYLAW

Input received:	Consider putting in a biological, sustainable component into the Land Use Bylaw that serves as a model. But if someone can meet the requirements of that component then they will receive tax concessions for providing habitat, biological diversity and carbon sequestration to Sturgeon County.
Section(s):	n/a
Submitted by:	Kent Lamoureux
Staff analysis:	This type of regulation would need to be supported by overarching County Policy direction in order to include in the proposed Land Use Bylaw. Should the County create such policy the Land Use Bylaw could be amended in the future to include supportive regulations.
Recommendation:	No action recommended.

15.6 INCLUSION OF TREE CONSERVATION REGULATIONS IN PROPOSED LAND USE BYLAW

Input received:	The proposed Land Use Bylaw needs to include tree planting, as well as protection laws for all trees on all public lands, including ditches, as well as privately owned farms, business and residences.
Section(s):	
Submitted by:	Jodie Foster, Kevin Harling, Ron & Sam Mifflin, Shannon Therres, Marylyn St. Jean
Staff analysis:	This would be best addressed in a County policy or Parks and Open Space Master Plan as opposed to a Land Use Bylaw.
Recommendation:	No action recommended.

15.7 REQUIRING PERMITS ARE AN INFRINGEMENT ON LANDOWNER RIGHTS

Input received:	You are coming up with permits for everything. If you want to build something-you need a permit. If you want to take something down-you need a permit. If you want to move something-you need a permit. Its getting ridiculous. We pay for our land, we pay you taxes on our land and yet we have no rights to our land. Something seems wrong here. IT IS OUR LAND!!
Section(s):	N/A
Submitted by:	L Kerckhof (Concerned citizens of Sturgeon County)
Staff analysis:	Council has the mandatory responsibility for the orderly use of land in its jurisdiction as set out in Sections 639 to 646 of the <i>Municipal Government Act</i> . This entails i.e. the requirement for each municipality to have a land use bylaw and to issue permits accordingly for development.
Recommendation:	No action recommended.

15.8 PROPOSED ANNEXATION LANDS

Input received:	<p>This landowner understands that the lands bordering his eastern property line is subject to a Memorandum of Agreement dated February 28, 2017 between Sturgeon County and St. Albert. As a result, the St. Albert property line will be on his doorstep in the coming years. The density and character of the lands to the east will change in the coming years and as a result:</p> <ul style="list-style-type: none"> a) he too should have the flexibility of being able to provide acreage homes given his close proximity to future density and city services; b) 2.47 acre minimums have been customary in the area, including two of these across the street from him in the last year. This seems to be a workable minimum parcel size; c) the Silver Chief subdivision on his northern property line has 2.47 acre (give or take) parcels. As a result of these to the north and those new parcels to the east, it would seem logical to congregate additional acreage parcels in the area and d) given the formalization of this Memorandum Agreement one month ago, he should have further time to evaluate it within the context of the proposed Land Use Bylaw (thus extend the Land Use Bylaw consultation timeline).
Section(s):	N/A
Submitted by:	David Benjestorf
Staff analysis:	<p>The potential application by the City of St. Albert to annex lands within Sturgeon County have no effect on the current project to update the Land Use Bylaw. If the Annexation application proceeds and is supported by the Province, the two municipalities will need to complete the necessary planning that will ultimately determine what Land Use Bylaw amendments will need to accommodate development adjacent to municipal boundaries. In the interim, existing Municipal Development Plan policy and Land Use Bylaw prevail.</p>
Recommendation:	No action recommended.

15.9 COUNTRY RESIDENTIAL GROWTH AND CONSERVANCY PLANNING

Input received:	<p>The proposed Land Use Bylaw should consider country residential growth outside the predetermined growth areas. There are truly innovative design trends in rural development – some of which employ conservancy planning which is about the careful balance of residential development in order to protect farming in environmentally sensitive lands. An example is the Glenbow Ranch out of Rocky View County where rural conservancy applications are accommodated in the Land Use Bylaw.</p>
Section(s):	
Submitted by:	Gail Murray (verbal)
Staff analysis:	<p>The yet-to-be adopted Edmonton Metropolitan Region Growth Plan does include some limitations to new County Residential development in specific parts of Sturgeon County, but certainly there are opportunities for responsibly planned and designed Country Residential subdivisions. Although there are no specific references to conservancy planning in the County's Municipal Development Plan, responsible growth is a key principle and ultimately this guiding policy would provide oversight to future Country Residential development outside of defined County growth areas.</p>
Recommendation:	No action recommended.