

Request for Decision

Title	Proposed Land Use Bylaw 1385/17 - Implementation Plan
Proposed Motion	<p>1. That Schedule A, Section 1.4 of proposed Land Use Bylaw 1385/17 be revised as per Attachment #1.</p> <p>2. That Council adopt the Implementation Plan for proposed Land Use Bylaw 1385/17 as per Attachment #2.</p>
Administrative Recommendation	Both motions provide more flexible options for processing completed development permit applications upon adoption of Bylaw 1385/17.
Previous Council Direction	<p><u>March 28, 2017</u> Motion 138/17: That Council direct Administration to provide an Implementation plan for the proposed Land Use Bylaw 1385/17.</p> <p><u>January 24, 2017</u> Motion 038/17: That Council give first reading to Bylaw 1385/17, Land Use Bylaw.</p> <p><u>December 9, 2014</u> Motion 389/14: Council adopted the 2015-2017 Corporate Business Plan which included initiative 2.2.D Land Use Bylaw Rewrite – a complete rewrite of Sturgeon County’s Land Use Bylaw that conforms with the Municipal Development Plan.</p>
Report	<p><u>Background Information</u></p> <p>Implementation of a Land Use Bylaw occupies an important and intricate place in the work of local governments. It brings together such diverse factors as community aspirations, dispute resolution, effective planning, procedural and substantive fairness and even the administration of justice.</p> <p>Fair, reasonable and transparent practices in administration and enforcement of a bylaw can enhance citizen confidence and can save public dollars by resolving disputes early and efficiently. Through fair treatment local governments can ensure residents, be they those complying with a bylaw, complaining of a bylaw infraction or those alleged to be in contravention of a bylaw, are dealt with respectfully. Ultimately, good administration and enforcement practices foster community harmony.</p>

As such, Administration, in consultation with Reynolds, Mirth, Richards and Farmer LLP (RMRF), has undertaken discussions to understand the optimal approach to implementing the proposed Land Use Bylaw 1385/17.

As a result, Administration proposes the following options for an effective date:

- 1) No transition period or provision, with the result that the Land Use Bylaw becomes operative upon third Reading by Council and the signature of the bylaw by the Mayor and CAO/Legislative Services. Applications received prior to that effective date, but not yet decided upon would be decided upon under the new Land Use Bylaw. (Current provision as per subsection 1.4.3 of proposed Bylaw 1385/17)
- 2) Specify in the proposed Land Use Bylaw that the operative date of the bylaw is a specific date in the future (i.e. August 15, 2017). That approach allows landowners and occupants a time period within which to pursue a development permit or subdivision approval under the terms of the current (old) Land Use Bylaw 819/96.
- 3) Specify in the Land Use Bylaw (Enactment section) a transition provision which specifically states that complete applications for development permits received in a complete form by the County prior to a specified date will be processed and decided upon under the provisions of the current Land Use Bylaw 819/96. Any application received after that specified date will be processed and decided upon under the provisions of the proposed Land Use Bylaw 1385/17.

Option 1 is the approach contemplated in the proposed Land Use Bylaw, which essentially brings the proposed Bylaw 1385/17 into effect upon adoption by Council and any application in process will be applied against the provision of the new bylaw. This could require some existing applicants to reapply, as a use provided for in the current Land Use Bylaw may no longer exist in the proposed bylaw, which in turn, means the application would need to be refused or held in abeyance, to make an application to redistrict the subject parcel to a district that would accommodate the specific use.

Option 2, on the other hand, provides the greatest amount of accommodation to applicants who wish to have decisions rendered under existing provisions, however will impact those who are ready to make application under the provisions available in the proposed Land Use Bylaw 1385/17.

Option 3, would be considered an acceptable compromise between Options 1 and 2, in that it gives existing “complete development permit applications” the ability to be processed under the provisions of the existing Land Use Bylaw 819/96 and any incomplete or new applications, post the adoption date, to be processed against the proposed Land Use Bylaw 1385/17. This option could even be enhanced to give applicants with completed applications an option to have their applications processed

against the old or new, depending on what bylaw provides the most efficient cost and process for their specific application. This option is reflected in the revisions to Section 1.4 of the proposed Land Use Bylaw 1385/17 (Attachment 1).

As subdivision provisions from the current Land Use Bylaw to the proposed Land Use Bylaw are unchanged, Administration sees no impact to any applications in the queue.

No provisions have been included to deal with redistricting as the passage of a new Land Use Bylaw communicates to the public the position of Council on appropriate land use districts. If the proposed Land Use Bylaw contains a provision that gives a grace period for processing completed redistricting applications received by a specified date, given the effect of the new LUB would be to repeal the old Land Use Bylaw, would result in any amendment to that old Land Use Bylaw document not possible. At present, there are no applications to amend the Land Use Bylaw 819/96.

Implementation Plan

- Please see attached proposed Implementation Plan for Land Use Bylaw 1385/17. This plan ultimately deals with all the technicalities that may arise when proposed Land Use Bylaw 1385/17 is approved and addresses, for example, how Administration will deal with the following situations:
 - Landowners that have expressed dissatisfaction with their property being assigned a DC1 zoning;
 - Temporary Dwellings issued under Bylaw 819/96;
 - Communication towers no longer requiring a development permit;
 - Enforcement legacies;
 - Consistent LUB enforcement, and
 - Home-Based Business no longer requiring annual renewals.
- It should be noted that once the proposed Land Use Bylaw 1385/17 is enacted and is used daily additional items or proposed implementation guidelines may need to be added to the Implementation Plan. Administration will bring these back to Council if direction is required, in this regard.




External Communication

- Should Council adopt the Implementation Plan, the approval will be communicated through available media and social media channels; copies of the Plan will be available at the Current Planning and Development Services counter and the Plan will be posted on the County website.

Internal Communication

None.

	<p><u>Relevant Policy/Legislation/Practices:</u> <i>Municipal Government Act, RSA 2000, c.M-26</i></p> <p>Part 17 Planning and Development Part 617 states: “The purpose of this Part and the regulations and bylaws under this Part is to provide means whereby plans and related matters may be prepared and adopted (a) to achieve the orderly, economical and beneficial development, use of land and patterns of human settlement, and (b) to maintain and improve the quality of the physical environment within which patterns of human settlement are situated in Alberta, without infringing on the rights of individuals for any public interest except to the extent that is necessary for the overall greater public interest.”</p>
Implication of Administrative Recommendation	<p><u>Strategic Alignment:</u></p> <p>Strong Local Governance and Regional Leadership Approving the Implementation Plan at a Regular Council meeting shows openness and transparency.</p> <p>Maintain and Enhance Strong Communities – Approving an Implementation Plan will assist with ensuring the regulations of the new Land Use Bylaw are consistently and respectfully applied.</p> <p><u>Organizational:</u> Administration will process deemed complete development permit applications received before the adoption date of the proposed Land Use Bylaw in terms of Land Use Bylaw 819/96. No timelines will be involved in processing these applications after June 27, 2017.</p> <p><u>Financial:</u> As part of the Implementation Plan, Administration will be requesting Council amend the current Fees & Charges Schedule.</p>
Alternatives Considered	<p>Council could suggest an alternate effective date for implementing the proposed Land Use Bylaw 1385/17.</p>
Implications of Alternatives	<p><u>Strategic Alignment:</u></p> <p>Strong Local Governance and Regional Leadership By approving the Implementation Plan at a Regular Council meeting demonstrates openness and transparency.</p> <p>Maintain and Enhance Strong Communities Approving an Implementation Plan assists with ensuring the regulations of the proposed Land Use Bylaw 1385/17 are consistently and respectfully applied.</p> <p><u>Organizational:</u> Setting a future effective date does introduce some operational challenges in potential increases in applications to get ahead of an effective date, but</p>

	<p>more importantly it may generate unhappy residents who were holding off on making application in anticipation of new uses and/or regulations being proposed in the proposed Land Use Bylaw 1385/17.</p> <p><u>Financial:</u></p> <p>Amendments to the current Fees & Charges Schedule will be implemented on August 15, 2017.</p>
Follow up Action	<ol style="list-style-type: none"> 1. Administration will amend Schedule A of the proposed Land Use Bylaw 1385/17 in accordance with Council's direction. 2. Administration will apply the Implementation Plan as approved.
Attachment(s)	<ol style="list-style-type: none"> 1. Proposed Land Use Bylaw 1385/17 - Schedule A Revised Section 1.4 2. Implementation Plan for Proposed Land Use Bylaw 1385/17 3. Land Use Comparison Table
Report Reviewed by:	<div>  <p>Clayton Kittlitz, Manager Current Planning & Development Services</p> </div> <div>  <p>Stephane Labonne, General Manager, Integrated Growth Division</p> </div> <div>  <p>Peter Tarnawsky, County Commissioner – CAO</p> </div>

Strategic Alignment Checklist

Vision: Sturgeon County: a diverse, active community that pioneers opportunities and promotes initiative while embracing rural lifestyles.

Mission: Provide quality, cost effective services and infrastructure to meet the diverse needs of the Sturgeon County community, while improving competitiveness and sustainability.

Focus Areas	Not consistent	N/A	Consistent
Strong Local Governance and Regional Leadership			
<i>We promote consistent and accountable leadership through collaborative and transparent processes (Strategic Plan, pg. 27 MDP)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Consistent with neighborhood role (see MDP), master plans, policies 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Considers fiscal stability and sustainability 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Has a positive impact on regional and sub-regional cooperation 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Respect the Natural Environment			
<i>We acknowledge the importance of a healthy environment and will minimize and monitor our impact on ecosystems (Strategic Plan, pg. 27 MDP)</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Compliance with Provincial and Federal regulations and/or legislation 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Ensure effective environmental risk management 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Community Identity & Spirit			
<i>We will build upon our strengths, where together we will create an inclusive, caring community (Strategic Plan, (Strategic Plan, pg. 27 MDP)</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Promotes and/or enhances residents' identification with Sturgeon County 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Enhances service provision through community partnerships 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Supports Sturgeon County's cultural history 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Planned Growth and Prosperity			
<i>We encourage varied and integrated enterprises that enhance our strong economic base, while balancing the needs of the community and natural environment. (Strategic Plan, pg. 27 MDP)</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Does the proposal align with the Integrated Regional Growth Strategy (map/policies) pg. 26 MDP 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Considers cumulative costs and long-term funding implications 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Targets growth around current or planned infrastructure 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Maintain and Enhance Strong Communities			
<i>We are committed to a safe, secure community, where our residents are respected and provided with access to opportunities. (Strategic Plan, pg. 27 MDP)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Positive impact on residents' quality of life 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Supports and promotes volunteer efforts 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Provides programs and services that are accessible to all residents 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Operational Excellence			
<i>We have the organizational capability to deliver consistent and defined levels of service to all stakeholders in a professional, efficient, and cost effective manner</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Staff have the knowledge, skills and capability to perform their jobs 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Streamlines operational processes and policies 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Promotes engagement and professional interaction with stakeholders 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Considers a cost-structure which allows Sturgeon County to remain competitive within a regional, national and global context 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>