

Request for Decision

Title	Second and Third Reading of Bylaw 1385/17 To Adopt a Land Use Bylaw
Proposed Motion	<ol style="list-style-type: none">1. That the Schedule 2 – Development Constraint Overlay Map of Schedule A of Bylaw 1385/17 be revised as per Attachment 1;2. That Council give second Reading to Bylaw 1385/17 as amended.3. That Council give third Reading to Bylaw 1385/17.
Administrative Recommendation	Administration supports the Land Use Bylaw receiving second and third reading of this Bylaw.
Previous Council Direction	<p><u>June 13, 2017 (unadopted Minutes)</u></p> <p>Motion 300/17: That Council direct Administration to bring back options for an effective date on June 27, 2017.</p> <p>Motion 299/17: That Council direct Administration to update the proposed Land Use Bylaw 1385/17 that received first reading on January 24, 2017, based on the direction provided, and present an updated draft of proposed Land Use Bylaw 1385/17 to Council for consideration of second and third reading at the June 27, 2017 regular Council Meeting.</p> <p>Motion 298/17: That Council direct Administration to incorporate the Directional Report motions made during the June 13, 2017 regular Council Meeting into Schedule A of the proposed Land Use Bylaw 1385/17 that received first reading on January 24, 2017.</p> <p>Motion 295/17: That Council approve the following motion as identified in Attachment #1, Directional Report:</p> <p style="padding-left: 40px;">Motion 6.14.2 That the following Subsection 11.2.14 be added to Section 11.2, Schedule A of proposed Land Use Bylaw 1385/17:</p> <p style="padding-left: 40px;">.14 Application Requirements</p> <p style="padding-left: 40px;">A development permit application for natural resource extraction and secondary processing shall include, but is not limited to the following:</p> <p style="padding-left: 80px;">(a) a copy of the application for registration under the Code of Practice for Pits.</p>

(b) copy of any application for approvals under the *Water Act*.

(c) Supplemental information addressing those stated under Subparagraph 11.2.4 to 11.2.12 of this Bylaw.

Motion 294/17: That Council approve the following motion as identified in Attachment #1, Directional Report:

Motion 6.14.1 That Subparagraph (b) be deleted from Paragraph 11.2.10, Schedule A of proposed Land Use Bylaw 1385/17.

Motion 293/17: That Council approve the following motion as identified in Attachment #1, Directional Report:

Motion 6.10 That the wording of Subsection 2.9.4, Schedule A of Bylaw 1385/17 be changed to read as follows:

.4 While not limiting the generality of the Development Authority's discretion as outlined herein, in making a decision regarding development permit applications the Development Authority may require the following conditions:

- (a) adherence to additional information as may be required under Subsection 2.4.3;
- (b) adherence to a groundwater monitoring and groundwater protection program;
- (c) adherence to a community benefits plan;
- (d) adherence to community and neighbourhood consultation;
- (e) adherence to provincial and federal regulatory compliance;
- (f) adherence to specified hours, days, months or years of operation;
- (g) limiting the time that a development permit may continue in effect;
- (h) compliance with applicable statutory plans; and
- (i) any such other conditions as may be reasonably required.

Motion 292/17: That Council approve the following change to be incorporated 11.1.5 Subdivision Regulations into Schedule A of proposed Land Use Bylaw 1385/17:

(b) Notwithstanding Subparagraph 11.1.5(a)(ii), the Subdivision Authority may consider the subdivision of a second AR parcel from the same 32 ha (80 ac) AG parcel when all of the following criteria are met:

- (i) no other parcel has been subdivided from the abutting 32 ha (80 ac) AG parcel on that same quarter section; and
- (ii) no secondary dwelling exists on the abutting 32 ha (80 acre) AG parcel on that same quarter section; and
- (iii) such a location would assist in preserving agricultural land and/or avoid a site constraint on the abutting 32 ha (80 ac) AG parcel on that same quarter section related to access, topography, a pipeline, or other hazard or land use conflict; and
- (iv) the landowner of the abutting 32 ha (80 ac) AG parcel on that same quarter section provides their written consent and furthermore allows the County to register a restrictive covenant agreeing to forgo any future opportunity for subdivision or a secondary dwelling pursuant to this Bylaw.

Motion 291/17: That Council approve the following motion as identified in Attachment #1, Directional Report:

Motion 3.9 That the wording of Subsections 12.1.3, 12.2.3, 12.3.3, 12.4.3, Schedule A of Bylaw 1385/17 under Infill subdivision be changed to read as follows:

Further subdivision of existing parcels where the proposed parcels do not meet the minimum parcel area and/or the prescribed parcel density, shall be subject to the recommendations of an approved local planning document.

Motion 290/17: That Council approve the following motion as identified in Attachment #1, Directional Report:

Motion 2.6 That Recreational vehicle storage facility be added as a discretionary use in Subsection 15.7.2, Schedule A of Bylaw 1385/17.

Motion 289/17: That Council approve the following motion as identified in Attachment #1, Directional Report:

Motion 2.1 That Section 11.1, Schedule A of proposed Land Use Bylaw 1385/17, be replaced with Attachment 3 – Revised Agricultural District, as amended.

Motion 288/17: That Council approve the following option:

* Add Secondary Suite as a discretionary use only in the R1 and R3 land use districts and on AG residential parcels within the Agricultural Land Use District.

* Require a Secondary Suite to make use of the same servicing system as the principal dwelling.

* Define "Farm Help Accommodation" and add as a permitted use in the AG (major, minor and residential) district where no Secondary Suite exists.

Motion 287/17: That Council rescind Motion 221/17: That Council approve the following option as identified in the Request for Decision dated May 10, 2017:

* Secondary Suites Option 1(d) – Add Secondary Suite as a discretionary use only in the R1 and R3 land use districts and consider the addition of Secondary Suites in the AG district until an Agricultural Master Plan is completed. As well:

* Require a Secondary Suite to make use of the same servicing system as the principal dwelling;

* Define "Farm Help Accommodation" and add as a permitted use in the AG (major, minor and residential) district.

Motion 286/17: That Council approve the following motion as identified in Attachment #1, Directional Report:

Motion 2.2 That Council direct Administration to add Agricultural support service as a discretionary use within the Agricultural Land Use District.

May 23, 2017

Motion 221/17: That Council approve the following option as identified in the Request for Decision dated May 10, 2017 - Secondary Suites Option 1(d).

Motion 229/17: That Council approve the following option as identified in the Request for Decision dated May 10, 2017:

Storage of Recreation Vehicles Option 3(a) with the addition that existing residential parcels within the heavy industrial land use district are to be treated as AG major or minor.

May 9, 2017

Motion 204/17: That Council direct Administration to incorporate the changes as reflected within Attachments #1, #2 and #3 into Schedule A of the proposed Bylaw 1385/17 that received first reading on January 24, 2017.

March 28, 2017

Motion 136/17: That the proposed Land Use Bylaw 1385/17 be amended so that the requirement for Building Permits on Agricultural Accessory Buildings and Section 6.2 (Agri-Business) be removed from the Land Use Bylaw and that further work affecting Agricultural Industries, be suspended until such time that Sturgeon County develops in full consultation with residents and stakeholders, an Agricultural Master Plan or other such visioning document.

Motion 137/17: That Council direct Administration to draft a Directional Report which provides a full analysis of all public input received during the public hearing with the purpose of providing alternatives and recommendations to be provided to Council.

Motion 138/17: That Council direct Administration to provide an implementation plan for the proposed Land Use Bylaw 1385/17.

Motion 139/17: That Council direct Administration to bring back alternatives in the following areas of Land Use Bylaw 1385/17:

1. Making secondary suites an alternative on all parcels; and
2. Storage of recreational vehicles on agricultural parcels, residential parcels and Recreational Vehicle Storage Facilities.

January 24, 2017

Motion 038/17: That Council give first reading to Bylaw 1385/17, Land Use Bylaw.

December 9, 2014

Motion 389/14: Council adopted the 2015-2017 Corporate Business Plan which included initiative 2.2.D Land Use Bylaw Rewrite – a complete rewrite of Sturgeon County’s Land Use Bylaw that conforms with the Municipal Development Plan.

Report	<u>Background Information</u>
---------------	-------------------------------

The Land Use Bylaw (LUB) is a land use regulation tool used to implement Council-approved statutory planning documents such as the Municipal Development Plan(MDP) or Neighbourhood Area Structure Plans. The *Municipal Government Act* requires that all Alberta municipalities have a LUB adopted by Council and goes even further to direct what types of regulations and details shall be contained within.

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

The update and re-write of the LUB has culminated in proposed Bylaw 1385/17 (Schedule “A” - Attachment #3) and strives to strike a balance between ensuring the County making land use decisions that support planning policy while carefully considering the uniqueness of Sturgeon County and its land owners and impacts on them.

Development Constraint Overlay Map

During the June 13, 2017 Council Meeting, Council asked Administration to validate the overlay map data given input 7.2 of the Directional Report. Upon consultation with Community and Regional Planning, it was felt a consistent offset from the centre line of the Sturgeon River would be adequate to support the policies in Neighbourhood F of the Municipal Development Plan. Testing was completed and the offset that considers the 1974 flood plain data is 300m. The Development Constraint Overlay map has been revised accordingly as per Attachment 1.

For reference, the redlined versions of the Land Use Bylaw given first reading on January 24, 2017 have been attached. There were clerical and technical revisions made that were supported by Council on May 9, 2017. The Redline version (Attachment 5) articulates those approved clerical revisions along with more specific changes requested by Council following the public hearing, options directed within Motion 139/17 for Secondary Suites and Recreational Vehicle Storage along with motions coming out of the Directional Report debated by Council during the May 23, 2017 and June 13, 2017 Council Meetings, respectively.

External Communication

- The work plan for the project to re-write the Land Use Bylaw included multiple engagement events in multiple forms as detailed below.
- April 2015
 - Stakeholder On-Line Survey
- Summer 2015 (Public Engagement Open Houses)
 - May 13 – Cardiff Hall
 - May 14 – Gibbons
 - May 20 – Sturgeon Valley (Hunters Green Golf Course)
 - May 21 – Riviere Qui Barre
- February 2016:
 - Presentation, Q&A with Economic Development Advisory Board
- August 5, 2016
 - Information Booth at Culinary Cookout
- October 11, 2016
 - The presentation of the draft Land Use Bylaw placing the documents in the public realm.
- October 19, 2016
 - Staff attended a table at the Calahoo Community Meeting with project information and DRAFT 3 of the Land Use Bylaw
- November 2, 2016
 - Staff attended a table at the Namao Community Meeting with project information and DRAFT 3 of the Land Use Bylaw
- November 10, 2016
 - A Stakeholder Information Session held in Council Chambers
- November 28, 2016
 - Public Information Session hosted at Cardiff Hall

- January 12, 2017
 - Inter-municipal Information Session in Cardiff Room
- February 28, 2017 to March 28, 2017
 - Public Hearing for Bylaw 1385/17

Sturgeon County's solicitors Reynolds, Mirth, Richards and Farmer (RMRF) completed a review of Draft 3 of the proposed LUB in October 2016 and their comments and revisions were incorporated into the final document.

Internal Communication

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

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

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

Relevant Policy/Legislation/Practices:

- Part 617 of the *Municipal Government Act* (MGA) states: "The purpose of this Part and the regulations and bylaws under this Part is to provide means whereby plans and related matters may be prepared and adopted (a) to achieve the orderly, economical and beneficial development, use of land and patterns of human settlement, and (b) to maintain and improve the quality of the physical environment within which patterns of human settlement are situated in Alberta, without infringing on the rights of individuals for any public interest except to the extent that is necessary for the overall greater public interest."
- Part 639 of the MGA states "every municipality must pass a land use bylaw".
- Part 640 of the MGA states:
 - "(1) A land use bylaw may prohibit or regulate and control the use and development of land and buildings in a municipality.
 - (2) A land use bylaw
 - (a) must divide the municipality into districts of the number and area the council considers appropriate;

	<p>(b) must, unless the district is designated as a direct control district pursuant to section 641, prescribe with respect to each district,</p> <p style="padding-left: 40px;">(i) the one or more uses of land or buildings that are permitted in the district, with or without conditions, or</p> <p style="padding-left: 40px;">(ii) the one or more uses of land or buildings that may be permitted in the district at the discretion of the development authority, with or without conditions, or both;</p> <p>[...]</p> <p>(e) must establish the number of dwelling units permitted on a parcel of land.</p> <p>During the creation of the Sturgeon County MDP, significant regard was given to connect long-range Planning Documents to Sturgeon County's current Planning Document - the LUB. The LUB is the regulatory document applied by Alberta's municipalities to establish rules, procedures, and criteria regarding the use and development of buildings and land. The LUB is an important tool when implementing planning policies and goals contained within the MDP (<i>ref.</i> MDP p.12).</p> <p>Attachment 6 is a log of relevant MDP Policy and Action items that have been addressed through the regulations included in the proposed Land Use Bylaw 1385/17.</p>
<p>Implication of Administrative Recommendation</p>	<p><u>Strategic Alignment:</u></p> <p>The Land Use Bylaw is one of the primary tools the County uses to implement approved strategic and planning policy. The Land Use Bylaw speaks to all six Focus Areas found in the Council's Strategic Plan to demonstrate the County's commitment to quality of life for its residents. A Land Use Bylaw that implements the goals of the MDP supports transparent governance and decision making, which is an important Strategic Goal for Council.</p> <p><u>Organizational:</u></p> <p>The process to re-write a LUB does not end when Council adopts the bylaw. Implementation of the LUB will require Administration collecting applicant feedback over the first year of the LUB being in effect to document needed refinements based on applications received and processed. A LUB is a very complex document and despite the best efforts of all parties involved, inherently things are missed and/or overlooked during the development stage and these anomalies will be caught through administering the LUB daily. One year post-adoption, Administration will bring a report outlining any required amendments to the LUB based on feedback and lessons learned from implementing for one year.</p>

Financial:

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

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

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

Alternatives Considered

1. Council could adopt the proposed Land Use Bylaw with an August 15, 2017 effective date.
2. Council could choose to postpone second and third reading to allow for additional public input into the substantive changes that have been incorporated since first reading of the proposed Land Use Bylaw 1385/17 on January 24, 2017.

Implications of Alternatives**Implication of Alternative #1**




Setting a future effective date will have impacts on landowners who have imminent plans to improve their properties based on new provisions provided for in the proposed Land Use Bylaw that do not exist today. Some examples of this based on staff interaction with residents over the past eight months include:

- Accessory Structures: applicants are hoping to take advantage of the proposed reduction in fees and processing time as permitted uses;
- Secondary Suites: this use does not exist in the current Land Use Bylaw;
- Recreational District: a district that will remove some of the land use issues and assist the resurrection of Lily Lake Resort; and
- Subdivision variances: provisions that remove the need for setback variances for agricultural subdivisions that include road dedication.

Administration believes the enactment amendment and Implementation Plan provide adequate transitioning support in order to adopt the proposed Land Use Bylaw without a future effective date.

Implication of Alternative #2

Administration is of the opinion that the changes made by Council to the draft document can be viewed by some as being substantive in nature. Also, given that some of the changes were not raised during the public hearing process, scheduling an additional public hearing would remove any risk that the changed direction results in some of the public feeling the

	process was unfair, and did not provide them another opportunity to provide their input.
Follow up Action	1. Administration will implement the new Land Use Bylaw accordingly.
Attachment(s)	<ol style="list-style-type: none"> 1. Revised Schedule 2 – Development Constraint Overlay map 2. Bylaw 1385/17 3. Bylaw 1385/17 – Schedule A as amended 4. Bylaw 1385/17 – Schedule A maps 5. Bylaw 1385/17 Schedule A – May 23 – June 13 Redline 6. Municipal Development Plan Alignment
Report Reviewed by:	 Clayton Kittlitz, Manager Current Planning & Development Services  Stephane Labonne, General Manager, Integrated Growth Division  Peter Tarnawsky, County Commissioner – CAO

Strategic Alignment Checklist

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

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

Focus Areas	Not consistent	N/A	Consistent
Strong Local Governance and Regional Leadership			
<i>We promote consistent and accountable leadership through collaborative and transparent processes (Strategic Plan, pg. 27 MDP)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Consistent with neighborhood role (see MDP), master plans, policies 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Considers fiscal stability and sustainability 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Has a positive impact on regional and sub-regional cooperation 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Respect the Natural Environment			
<i>We acknowledge the importance of a healthy environment and will minimize and monitor our impact on ecosystems (Strategic Plan, pg. 27 MDP)</i>	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" type="checkbox"/>
Community Identity & Spirit			
<i>We will build upon our strengths, where together we will create an inclusive, caring community (Strategic Plan, (Strategic Plan, pg. 27 MDP)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Promotes and/or enhances residents' identification with Sturgeon County 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Enhances service provision through community partnerships 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Supports Sturgeon County's cultural history 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Planned Growth and Prosperity			
<i>We encourage varied and integrated enterprises that enhance our strong economic base, while balancing the needs of the community and natural environment. (Strategic Plan, pg. 27 MDP)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Does the proposal align with the Integrated Regional Growth Strategy (map/policies) pg. 26 MDP 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Considers cumulative costs and long-term funding implications 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Targets growth around current or planned infrastructure 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Maintain and Enhance Strong Communities			
<i>We are committed to a safe, secure community, where our residents are respected and provided with access to opportunities. (Strategic Plan, pg. 27 MDP)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 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 checked="" type="checkbox"/>	<input 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"/>