

Request for Decision

Title	Bylaw 1432/19 – General Amendments to Land Use Bylaw 1385/17
Proposed Motion	<p>1. That Council give second reading to Bylaw 1432/19 as amended.</p> <p>2. That Council give third reading to Bylaw 1432/19.</p>
Administrative Recommendation	<p>1. That Council give second reading to Bylaw 1432/19 as amended.</p> <p>2. That Council give third reading to Bylaw 1432/19.</p>
Previous Council Direction	<p><u>February 26, 2019 - Motion 052/19:</u> That Council give first reading to Bylaw 1432/19 - General Amendments to Land Use Bylaw 1385/17.</p> <p><u>July 10, 2017 – Motion 351/17:</u> That Council give third reading to Bylaw 1385/17, Land Use Bylaw.</p>
Report	<p><u>Background Information</u></p> <ul style="list-style-type: none"> • A Public Hearing for Bylaw 1432/19 was held on May 14, 2019. One letter of support was received. No other public input was received at the Public Hearing. • When considering first reading on February 26, 2019, Council provided the following comments with respect to the proposed bylaw: <ul style="list-style-type: none"> a) Farm Help Accommodation: <ul style="list-style-type: none"> ○ Add text to include “common living areas”. ○ If farm help accommodation is located on a property, can that property still have a suite? b) R6 - Modular Dwelling District: <ul style="list-style-type: none"> ○ At what subdivision density is a planning document required? c) “Must” vs “shall”: <ul style="list-style-type: none"> ○ There was a discussion about the <i>Municipal Government Act</i> (MGA) using one term and the Land Use Bylaw (LUB) using another. The LUB should mirror the MGA terminology. d) Resource Extraction Overlay (REO) and Setbacks: <ul style="list-style-type: none"> ○ How will the LUB address conflict between resource extraction and confined feeding operations (CFOs)?

- e) Outdoor Storage – Modular Trailers:
 - There was discussion as to whether modular trailers should be regulated similarly to sea cans.
- Administration has the following responses:
 - a) Administration proposes to change the definition for farm help accommodation as follows:

Farm help accommodation shall not exceed a maximum of four buildings, grouped together on a parcel, with each building containing a maximum of eight sleeping units, bathroom facilities and a common kitchen, dining and living area.

Further, if farm help accommodation has been permitted on a property, that property is not allowed to have a suite.
 - b) Using the policy in the Municipal Development Plan (MDP) that determines the maximum number of parcels that are allowed on an agricultural quarter section before a rezoning is required as a standard, i.e. four parcels, Administration supports the observation of requiring a local planning document when more than four modular dwellings are proposed. As such, Administration has added the following component to proposed Table 12.6.3:

<i>Dwelling density</i>	Any proposal containing more than 4 (four) modular <i>dwellings</i> per <i>lot</i> , shall be subject to the recommendations of an approved <i>local planning document</i> .
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- c) The *Municipal Government Act* (MGA) uses both “must” and “shall” throughout the document, with “must” being used far more frequently (994 uses) compared to “shall” (29 uses). Furthermore, subsection 1.1.5 of the County’s Land Use Bylaw infers that they are interchangeable as both terms require mandatory compliance except where a variance has been granted pursuant to the MGA or the LUB. Therefore, Administration is not proposing any amendments regarding the use of these terms.
- d) CFOs are exempted from the Land Use Bylaw in requiring development permits. As for the Resource Extraction Overlay, it should be noted that the overlay map only shows areas where resources may be located. This overlay serves for information purposes only. Any extraction activities will still be subject to a rezoning application and a development permit application. All setbacks as prescribed in the Resource Extraction Land Use District still must be met, and the setbacks do not change with these proposed amendments.

Irrespective of the above, Administration agrees that the existing wording of proposed Section 17.3 can be improved. For this reason,

it is proposed to change the draft Subsection 17.3.4 and 17.3.5 as follows:

Subdivision Regulations

A condition of *subdivision* approval on *parcels* subject to this *overlay* shall include a restrictive covenant to be registered on each title ~~stating that the landowner acknowledges the potential to natural resource extraction and secondary processing and shall not impede such operations~~ notifying the *landowner* that the new *parcel* could potentially be located near an incompatible *use*, (i.e. resource extraction).

Development Regulations

A condition of *development* approval for a building on a *parcel* subject to this *overlay* shall include a restrictive covenant to be registered on title ~~stating that the landowner acknowledges the potential for natural resource extraction and secondary processing and shall not impede such operations~~ notifying the *landowner* that any *dwelling* could potentially be located near an incompatible *use*, (i.e. resource extraction).

- e) Administration does not support the notion of treating modular trailers similarly to shipping containers. The proposed change only applies to the definition of *outdoor storage use* and adding “modular units” as one of the examples of what could be stored under the outdoor storage use. Ultimately, there is quite a difference between shipping containers (used for the storage of equipment) and modular units (which can be a dwelling or an office) when it comes to allowing these uses on land and exempting them from permits.

Since Council gave first reading to Bylaw 1432/19, Administration has reconsidered proposed amendment No. 49:

49. Add the following to Paragraph 2.8.4 as (iii) and renumber accordingly:




For variance requests to reduce the minimum *side yard setback* below 2.5m (8.2 ft), additional fire protection will be required to the satisfaction of the County’s Chief Building and Fire Safety Codes Officer and in accordance with the *Safety Codes Act*.

This amendment stemmed from a request of a developer that addresses the impacts of higher density development on fire protection requirements. Administration discussed the proposed amendment with this developer since and during the discussion it appeared that the technical issues could be addressed without requiring the proposed amendment.

External Communication

- Collaboration between industry, government and other authorities relevant to the subject changes were made during the review.

	<ul style="list-style-type: none"> Promotion of the public hearing was made as follows: <ul style="list-style-type: none"> Notice in Weekly FYI Content on April 9 and 16, 2019; Legislated advertisement and infographic built into half page advertisement in the <i>Free Press/Redwater Review</i> on April 23 and 30, 2019; A storyboard at the Current Planning and Development entrance of the infographic; Linkage of the infographic to the LUB webpage and a pop-up on the homepage; Promotion of the amendments and Public Hearing on social media. <p><u>Relevant Policy/Legislation/Practices:</u></p> <ul style="list-style-type: none"> <i>Municipal Government Act</i>, sections 639 and 640
Implication of Administrative Recommendation	<p><u>Strategic Alignment:</u></p> <p>The proposed changes align with the following two areas:</p> <p>Planned Growth and Prosperity - The proposed amendments promote effective and streamlined land use control.</p> <p>Strong Local and Regional Governance - Ensuring that necessary amendments are incorporated and the LUB gets updated accordingly ensures that Sturgeon County can continue to provide consistent and accountable leadership through collaborative and transparent processes.</p> <p><u>Organizational:</u></p> <p>The process to rewrite the LUB did not end when Council adopted the bylaw. 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 are caught through administering the LUB on a daily basis.</p> <p><u>Financial:</u></p> <p>None.</p>
Alternatives Considered	<p>Council could choose to defeat Bylaw 1432/19 on second or third reading.</p>
Implications of Alternatives	<p><u>Strategic Alignment:</u></p> <p>Land Use Bylaw 1385/17 will lack further refinement and certain technical shortcomings will remain.</p> <p><u>Organizational:</u></p> <p>Any implications will depend on the reasons provided by Council for not giving second and third reading.</p>

	<u>Financial:</u> None.
Follow up Action	1. Administration will ensure that the Land Use Bylaw is amended accordingly and that the official copy is posted on the County's webpage.
Attachment(s)	1. Bylaw 1432/19 with proposed changes
Report Reviewed by:	 Colin Krywiak, Manager Current Planning and Development  Collin Steffes, General Manager, Integrated Growth  Reegan McCullough, 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
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 and MDP pg. 36)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Supports a strong thriving business environment to strengthen our economic foundation 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Plans for responsible growth through the MDP and regional growth plan. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Manages growth for current and future developments through: <ul style="list-style-type: none"> transparent bylaws, policies and processes to enable responsible land development targeting growth around existing and identified future growth areas 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Maintain and Enhance Strong Communities			
<i>We are committed to a safe and viable community, where our residents are provided with access to opportunities and quality of life. (Strategic Plan and pg. 27 MDP)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Provides access to programs and services that have a positive impact on residents' quality of life 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Provides access to safe and reliable infrastructure assets 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Supports the safety of people and property 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Strong Local and Regional Governance			
<i>We promote consistent and accountable leadership through collaborative and transparent processes (Strategic Plan and pg. 27 MDP)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Provides effective leadership and management consistent with Strategic Plan, MDP, master plans, bylaws, policies, community engagement 	<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 checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Fosters collaborative intergovernmental partnerships 	<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 and MDP pg. 27)</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"> Support and/or collaborate with voluntary organizations in the region 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Environmental Stewardship			
<i>We foster a healthy environment and minimize our impact on ecosystems. (Strategic Plan and MDP pg. 27)</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Plans and partnerships that minimize environmental impact on natural areas 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Provides awareness of environmental issues impacting the County 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>