

**WRITTEN SUBMISSIONS TO COUNCIL
FOR PUBLIC HEARING REGARDING BYLAWS 1589/22, 1590/22 AND 1591/22
REGARDING PROPOSED DISSOLUTION OF THE MUNICIPAL PLANNING
COMMISSION AND AMENDMENT OF THE LAND USE BY-LAW**

1. My name is Martin Kaup. I am a long time resident of Sturgeon County and I am a lawyer practicing in the City of St. Albert. Some of my practice includes subdivision applications for various clients before the Municipal Planning Commission of Sturgeon County. I believe I have some familiarity with the Land Use Bylaw in Sturgeon County both in the past and at present.
2. I would request that the 5 (five) minute limitation not apply to my submissions or any arising discussion or questions. The reason for this is in my Request Form I have asked for an extension if necessary. Secondly, this is a matter which I was discussing with the Planning and Development Department in 2020 and was advised that I would be given the opportunity to provide feedback and have a more fulsome discussion prior to it being brought forward to Council. (See Attached Exhibit A) This in fact did not occur.
3. I do take issue with what I understand to be some of the information or statistics presented to Council in support of the elimination of the Municipal Planning Commission. However, I do not think it is constructive to revisit that history and instead will attempt to deal with the matter that is presently before Council.
4. I am supportive of efficiency and cost cutting measures where appropriate. I believe that a Development Officer or a Manager of Planning and Development should be able to deal with the vast majority of subdivision applications.

However, for special circumstances I believe that the Municipal Planning Commission should continue to exist.

As we are aware, the Municipal Planning Commission consists of the majority of County Council. This provide an Applicant with the ability to bring special circumstances before the majority of Council when they are seeking subdivision approval. This permits the Municipal Planning Commission to exert its' governance, discretion and flexibility for certain subdivision applications.

I believe the efficiencies and cost cutting can be saved by the 95% of Applications which will be determined by the Development Officer. All subdivision applications which are going to be approved can be approved by the Development Officer.

It would only be in instances where there is going to be a refusal or non-standard conditions to the subdivision that the Applicant would have the option to bring the matter before the Municipal Planning Commission.

I would expect that this will result in very few Municipal Planning Commission hearings. This will preserve the principles of property rights and a healthy dialogue whereby County Council may consider matters.

5. If the Municipal Planning Commission is removed entirely, then any Application that is unusual or requires flexibility or discretion will be denied by the Development Officer.

If the property is within 1.6km of a highway or a body of water, the Appeal will go to the newly formed Land and Property Rights Tribunal. This Tribunal is not comprised of residents of Sturgeon County and Sturgeon County will have relinquished any ability to deal with the matter including special circumstances and resident requests. In essence, there will never have been consideration by Sturgeon County residents (sitting on an Appeal Board like the Subdivision Development Appeal Board) or Sturgeon County Councillors (sitting on the Municipal Planning Commission) of the application by a Sturgeon County resident.

Two recent examples in which I was involved are the Sturgeon School Division Subdivision involving the RQB Agricultural Society and additionally, the Range Road 261A realignment on Meadowview Drive. Without the Municipal Planning Commission, both of these subdivision applications would have been denied by the Development Officer and any Appeal would have been to the Land and Property Rights Tribunal. This would have effectively eliminated any flexibility, discretion or governance by Sturgeon County Council. In both these instances, because the matter went before the Municipal Planning Commission, a solution that was flexible and mutually beneficial to the parties and Sturgeon County as a whole, was able to be achieved.

Another example is I have a client with a subdivision application which we will be making in very short order. This client owns a parcel of land that is 79.3 acres in size. If there is no Municipal Planning Commission, the Development Officer will refuse the subdivision application and the matter will need to be Appealed to the Subdivision Development Appeal Board. This seems to be unnecessary given that the Municipal Planning Commission, I would submit, would have the flexibility and the discretion to grant the Application.

6. This is consistent with my response to Hailey Wasylycia, Arjen DeClerk and Colin Krywiak of the Planning and Development Department on May 6, 2020, whereby the subdivision applications can be streamlined and cost and administration can be lessened by all of the Applications which are going to be approved being handled by a Development Officer. However, the important values of discretion, flexibility and property owner rights could be preserved by giving a land owner, who is going to be refused or subject to non-standard conditions, the option of bringing the matter to the Municipal Planning Commission.

I would further note that the Planning and Development Department needs to prepare recommendations for the Municipal Planning Commission on any

subdivision application at present. After the Hearing, if the matter is appealed, the Planning and Development Department has very little additional work for the Subdivision Development Appeal Board (SDAB) but instead largely resubmits the proposals and recommendations which they had already prepared for the Municipal Planning Commission. If there is no Municipal Planning Commission, the Planning and Development Department will still be required to do the considerable work for every Appeal as they will be creating the recommendation and submission documents from scratch.

7. My other comments are in relation to the Land Use Bylaw Amendment.

If we are going to amend the Land Use Bylaw to deal with subdivision authority, we should also make another useful and necessary amendment to the Land Use Bylaw. This aligns with our efficiency, staff time reduction and cost cutting goals (2 birds with one stone).

The current status with the Land Use Bylaw is that after the 2017 Land Use Bylaw amendments, the Municipal Planning Commission or the Development Officer cannot approve a subdivision application that is contrary to the Land Use Bylaw and Municipal Development Plan. The Planning and Development Department has continuously put forward this position that there is no discretion, no flexibility and no governance to occur at the Municipal Planning Commission but it is simply a black and white matter of whether the subdivision complies with the Land Use Bylaw and Municipal Development Plan.

This is problematic as the Municipal Planning Commission (and the Council members on the Municipal Planning Commission) have no ability to deal with unique or challenging circumstances or instances where some flexibility is required for the Applicant land owner and/or Sturgeon County.

8. This concern with the present state of the Land Use Bylaw was illustrated by County Council's directive to Planning and Development to investigate agricultural zoning density amendments. As far as I am aware, the agricultural zoning density investigation has not occurred or at least I have not been informed and have not seen mention of it on the website or in the newspaper.

I attach four documents which detail the discussion and direction to Administration.

There is an easy fix for the present problem with the Land Use Bylaw and this fix would also somewhat accomplish the agricultural density issue that was previously discussed by Council. This easy fix will provide some flexibility and discretion and will preserve the rights of property owners. This easy fix is to reinsert the fragmentation wording which was in the pre-2017 Land Use Bylaw. In essence this provides that maximum densities are set out in the Land Use Bylaw but that fragmentation creates discretion for greater density. At present, fragmentation does not increase the density under any circumstances.

Allow me to give an example. I have a quarter section (160 Acres) already subdivided into two 77.5 acre parcels and two 2.5 acre acreage s. I am at maximum density. However I have a 2 acre fragment of my land which is cut off from the rest of the land by stream or railroad or road. The Land Use Bylaw would allow discretion for this further 2 acre subdivision due to fragmentation.

Prior to 2017 the additional fragmentation density discretion worked well and fine for the County for long period of time.

I would submit that if we are amending the Land Use Bylaw to deal with the Subdivision Authority then it would appropriate to make a meaningful, substantive and beneficial change to the Land Use Bylaw at the same time by adding back the fragmentation wording.

Kaup

From: Kaup
Sent: April 14, 2022 10:22 AM
To: 'Martyn Bell'
Subject: FW: Subdivision Conversation Follow Up

Martyn,

Further to our telephone conversation this morning, here is the email chain which shows the discussion regarding the Subdivision Authority Bylaw in 2020.

MARTIN KAUP | LAWYER

KAUP LAW OFFICE

PHONE (780)459-2220 | FAX (780) 459-0621 |
#200, 39 ST. THOMAS STREET | ST. ALBERT, ALBERTA T8N 6Z1 |
kaup@kauplaw.com | WEBSITE: www.kauplaw.com

From: Kaup
Sent: August 25, 2020 12:21 PM
To: Hayley Wasylycia <hwasylycia@sturgeoncounty.ca>
Cc: Arjen DeKlerk <adeklerk@sturgeoncounty.ca>; Colin Krywiak <ckrywiak@sturgeoncounty.ca>
Subject: RE: Subdivision Conversation Follow Up

Hayley,
Thank you Hayley.
I understand there must be many issues to deal with.

MARTIN KAUP | LAWYER

ODDLEIFSON & KAUP

PHONE (780)459-2220 | FAX (780) 459-0621 |
#200, 39 ST. THOMAS STREET | ST. ALBERT, ALBERTA T8N 6Z1 |
kaup@kauplaw.com | WEBSITE: www.kauplaw.com

From: Hayley Wasylycia <hwasylycia@sturgeoncounty.ca>
Sent: August 25, 2020 11:20 AM
To: Kaup <kaup@kauplaw.com>
Cc: Arjen DeKlerk <adeklerk@sturgeoncounty.ca>; Colin Krywiak <ckrywiak@sturgeoncounty.ca>
Subject: Re: Subdivision Conversation Follow Up

Hello Martin,

There has been no change to the status of this bylaw since our last telephone conversation; our department is working on the revised bylaw, but has not finalized this draft or brought it forward to the public.

We are prioritizing projects in accordance with our department capacities and some other items are more emergent than the revision of this bylaw; when this revised bylaw *is* circulated for review (prior to being brought forward to Council), we will be sure to loop you in for your comments and feedback. I would expect this to be sometime in September, but please feel free to check in again if you haven't heard anything by the end of September.

Best,

Hayley Wasylycia
Planning Officer
780-939-8373

From: Kaup <kaup@kauplaw.com>
Sent: August 25, 2020 11:13 AM
To: Hayley Wasylycia <hwasylycia@sturgeoncounty.ca>
Cc: Arjen DeKlerk <adeklerk@sturgeoncounty.ca>; Colin Krywiak <ckrywiak@sturgeoncounty.ca>
Subject: FW: Subdivision Conversation Follow Up

Hayley,

Further to my email of June 19, 2020 and our communications in May 2020, can you please advise me as to whether a draft Subdivision Authority By Law has been prepared and the process for input.

MARTIN KAUP | LAWYER

ODDLEIFSON & KAUP

PHONE (780) 459-2220 | FAX (780) 459-0621 |
#200, 39 ST. THOMAS STREET | ST. ALBERT, ALBERTA T8N 6Z1 |
kaup@kauplaw.com | WEBSITE: www.kauplaw.com

From: Kaup
Sent: June 19, 2020 9:19 AM
To: 'hwasylycia@sturgeoncounty.ca' <hwasylycia@sturgeoncounty.ca>
Cc: 'adeklerk@sturgeoncounty.ca' <adeklerk@sturgeoncounty.ca>; 'Colin Krywiak' <ckrywiak@sturgeoncounty.ca>
Subject: FW: Subdivision Conversation Follow Up

Hayley,

Further to the email stream below and our telephone conversation of June 1, 2020, can you give me an update on the Subdivision Authority bylaw.

Thank you

ARTIN KAUP | LAWYER

ODDLEIFSON & KAUP

PHONE (780)459-2220 | FAX (780) 459-0621 |
#200, 39 ST. THOMAS STREET | ST. ALBERT, ALBERTA T8N 6Z1 |
kaup@kauplaw.com | WEBSITE: www.kauplaw.com

From: Kaup
Sent: May 6, 2020 11:31 AM
To: 'Hayley Wasylycia' <hwasylycia@sturgeoncounty.ca>
Cc: 'adeklerk@sturgeoncounty.ca' <adeklerk@sturgeoncounty.ca>; 'ckrywiak@sturgeoncounty.ca' <ckrywiak@sturgeoncounty.ca>
Subject: RE: Subdivision Conversation Follow Up

Hayley,
Thank you for giving me an opportunity to provide input.

I believe that there should be some discretion as to whether the Subdivision Application can be heard by MPC. Many matters can be determined by the Manager but, in my opinion, if the Manager chooses or if the Applicant makes written request then the matter should be directed to the MPC for hearing. This would accomplish the desired streamlining of most applications but also permit the important values of Manager discretion and property owner rights.

Please provide me with the proposed Bylaw once it has been crafted and I will provide further written input as well as contacting some representatives to discuss.

Martin Kaup

From: Hayley Wasylycia <hwasylycia@sturgeoncounty.ca>
Sent: May 6, 2020 10:47 AM
To: Kaup <kaup@kauplaw.com>
Cc: Arjen DeKlerk <adeklerk@sturgeoncounty.ca>
Subject: Subdivision Conversation Follow Up

Hello Martin,

Further to our conversation earlier this morning, please find discussed information.

And, thank you for taking the time to share your thoughts with us. Certainly there is lots to consider when exploring the Subdivision Authority bylaw, and we're appreciative of all the input we can receive early on to ensure that this process is streamlined as well as well thought through.

When sending your inputs via email, please share them with all of Arjen, Colin, and myself.

Arjen is cc'd in this email, so his email is above, and Colin's email address is: ckrywiak@sturgeoncounty.ca.

I trust we will be in touch soon as you begin submitting your clients' subdivision applications.

Best regards,

Hayley Wasylycia
Planning Officer
780-939-8373

To proactively protect the staff, families, and residents from the spread of COVID-19, Sturgeon County has closed public access to the office for the immediate future.

Please note that during this time, members of our staff will be working both from our offices and remotely as the need arises. Although we may not be in the office at the moment, the Development Services phone line, email and faxes will be checked regularly. Please leave a clear, detailed message with an email address and/or phone number. Thank you. We appreciate your understanding as we all work together to protect the health of our communities.

This communication is intended for the recipient to whom it is addressed, and may contain confidential, personal, and or privileged information. Please contact the sender immediately if you are not the intended recipient of this communication, and do not copy, distribute, or take action relying on it. Any communication received in error, or subsequent reply, should be deleted or destroyed.

This communication is intended for the recipient to whom it is addressed, and may contain confidential, personal, and or privileged information. Please contact the sender immediately if you are not the intended recipient of this communication, and do not copy, distribute, or take action relying on it. Any communication received in error, or subsequent reply, should be deleted or destroyed.

Kaup

From: Kaup
Sent: April 14, 2022 10:24 AM
To: 'Martyn Bell'
Subject: FW: Subdivision Authority and Subdivision Applications

Martyn,
Here is another email chain.

MARTIN KAUP | LAWYER

KAUP LAW OFFICE

PHONE (780)459-2220 | FAX (780) 459-0621 |
#200, 39 ST. THOMAS STREET | ST. ALBERT, ALBERTA T8N 6Z1 |
kaup@kauplaw.com | WEBSITE: www.kauplaw.com

From: Kaup
Sent: May 4, 2020 3:41 PM
To: Hayley Wasylycia <hwasylycia@sturgeoncounty.ca>
Subject: RE: Subdivision Authority and Subdivision Applications

Hayley,
Thanks for your email. Hope things are well with you.
I am available Wednesday morning from 9-11 am if that works for you.
I did not receive any messages so something is not working. Did you receive my March 31, 2020 email?

MARTIN KAUP | LAWYER

ODDLEIFSON & KAUP

PHONE (780)459-2220 | FAX (780) 459-0621 |
#200, 39 ST. THOMAS STREET | ST. ALBERT, ALBERTA T8N 6Z1 |
martin@kauplaw.com | WEBSITE: www.oddkauplaw.com

From: Hayley Wasylycia <hwasylycia@sturgeoncounty.ca>
Sent: May 4, 2020 3:27 PM
To: Kaup <kaup@kauplaw.com>
Subject: Subdivision Authority and Subdivision Applications

Hello Martin,

I am reaching out to follow up on our previous discussions a little while ago, about Sturgeon County's subdivision authority bylaw, and the several applications discussed in a transaction agreement for road

allowance with Sturgeon County. We have had a number of internal discussions and sought legal advice on this matter, so have plenty of information to share and discuss with you now.

I left you a few messages, but also had some connectivity issues amidst the transition to work-from-home, so trust that something happened there, as it seems to have affected some other phone calls I have also left and received (or, thought I had received, in any case).

At this time I can only get voicemails to, and cannot call out from, the number listed in my signature (slightly inconvenient, but workable in any case); my cell number is [REDACTED] Hoping we can arrange a time to connect; I am quite booked with meetings for the next short bit but am available Tuesday PM or Wednesday AM. Let me know if either of these work for you.

Best regards,

Severed in line with Section 17 of the FOIP Act

Hayley Wasylycia
Planning Officer
780-939-8373

To proactively protect the staff, families, and residents from the spread of COVID-19, Sturgeon County has closed public access to the office for the immediate future.

Please note that during this time, members of our staff will be working both from our offices and remotely as the need arises. Although we may not be in the office at the moment, the Development Services phone line, email and faxes will be checked regularly. Please leave a clear, detailed message with an email address and/or phone number. Thank you. We appreciate your understanding as we all work together to protect the health of our communities.

This communication is intended for the recipient to whom it is addressed, and may contain confidential, personal, and or privileged information. Please contact the sender immediately if you are not the intended recipient of this communication, and do not copy, distribute, or take action relying on it. Any communication received in error, or subsequent reply, should be deleted or destroyed.

H. NOTICES OF MOTION

H.1 Councillor Bokenfohr - Notice of Motion re Amendments to the Sturgeon County Municipal Development Plan and Land Use Bylaw

Councillor Bokenfohr gave notice that he would introduce the following motion at the September 14, 2021 Council Meeting:

That Council direct Administration to bring forward, in Q4 2021, amendments to the Sturgeon County Municipal Development Plan and Land Use Bylaw that would adjust subdivision policy and Land Use Bylaw regulations to allow for additional parcels out of a quarter section including parcels created from land fragmentation.

The meeting was recessed at 10:38 a.m.

The meeting was reconvened at 1:31 p.m. with all those members of Council previously listed in attendance.

C.2 PUBLIC HEARINGS

C.2.1 1:30 p.m. Public Hearing - Bylaw 1551/21 - Amendment of Land Use Bylaw 1385/17 - Direct Control District 20

Mayor Hnatiw opened the Public Hearing at 1:32 p.m. and provided an overview of the Public Hearing process.

Bylaw 1551/21 received first reading on June 22, 2021.

A Public Hearing was held to hear any submissions for or against Bylaw 1551/21.

Jonathan Heemskerk, Planning and Subdivision Technician, Planning and Development Services, provided an overview of Bylaw 1551/21.



Sturgeon County

Meeting Agenda - Final

Council

313-100 Street
Morinville, Alberta
T8R 1L9

Tuesday, September 14, 2021

9:00 AM

Through Electronic Communications

A. CALL TO ORDER AND RELATED BUSINESS

A.1 CALL TO ORDER

A.2 ADOPTION OF AGENDA

A.3 ADOPTION OF CONSENT AGENDA

A.3.1 September 14, 2021 Consent Agenda

Proposed Motion: That Council approve the August 24, 2021 Regular Council Meeting as presented;

That Council approve the September 2, 2021 Special Council Meeting Minutes as presented; and

That Council postpone first reading of Bylaw 1565/21 indefinitely.

Attachments: September 14, 2021 Consent Agenda Report
Jesse Sopko, Director, Corporate Services

A.4 ADOPTION OF MINUTES

A.4.1 August 24, 2021 Regular Council Meeting Minutes

Proposed Motion: That Council adopt the August 24, 2021 Regular Council Meeting Minutes as presented.

Attachments: Regular Council Meeting Minutes - August 24, 2021

A.4.2 September 2, 2021 Special Council Meeting Minutes

Proposed Motion: That Council adopt the September 2, 2021 Special Council Meeting Minutes as presented.

Attachments: Special Council Meeting Minutes - September 2, 2021

D. NEW BUSINESS

D.1 Bylaw 1565/21 - 2021 Temporary Mandatory Face Coverings
Bylaw - First Reading

Proposed Motion: That Council postpone first reading of Bylaw 1565/21 indefinitely.

Attachments: Request for Decision
Attachment 1: Bylaw 1565/21

Jesse Sopko, Director, Corporate Services

D.2 Broadband Initiative Phase One - Approval for Contract
Execution

Proposed Motion: That Council authorize the Chief Administrative Officer to execute the Broadband Initiative Phase One Agreement with the top-ranked proponent subject to the successful conclusion of contract negotiations.

Attachments: Request for Decision

Jesse Sopko, Director, Corporate Services

D.3 Our Future Valley
Bylaw 1555/21, Bylaw 1556/21, and Bylaw 1557/21 - Third
Reading

Proposed Motion:

1. That Council give third reading of Bylaw 1555/21 as amended.
2. That Council give third reading of Bylaw 1556/21 as amended.
3. That Council give third reading of Bylaw 1557/21.

Attachments: Request for Decision
Attachment 1: Regional Evaluation Framework (REF) Recc
Attachment 2: Bylaw 1555/21 Redline (Excerpt)
Attachment 3: Bylaw 1555/21 Final Copy
Attachment 4: Bylaw 1555/21 - Link Insert - Appendices to
Attachment 5: Bylaw 1556/21 Redline (Excerpts)
Attachment 6: Bylaw 1556/21 Final Copy
Attachment 7: Bylaw 1557/21

*Bonnie McInnis, Manager, Planning and Development
Services*

D.4 Bylaw 1551/21 - Amendment of Land Use Bylaw 1385/17 -
Direct Control District 20 - Second Reading

Proposed Motion: That Council give second reading of Bylaw 1551/21.

Attachments: Request for Decision
Bylaw 1551/21

*Bonnie McInnis, Manager, Planning and Development
Services*

D.5 **Agribusiness and Agritourism Review Task Force Public Engagement and Communications Plan**

Proposed Motion: That Council approve the Agribusiness and Agritourism Review Task Force Public Engagement and Communication Plan as presented.

Attachments: Request for Decision
Attachment 1: Bylaw 1538/21 - Agribusiness and Agritouris
Attachment 2: Agribusiness and Agritourism Review Public
Bonnie McInnis, Manager, Planning and Development Services

D.6 **Request for Property Tax Penalty Cancellation for Tax Rolls 1480064 and 1480065**

Proposed Motion: That Council refuse the request to cancel 2021 property tax penalties for tax rolls 1480064 and 1480065.

Attachments: Request for Decision
Attachment 1: Presentation Request Form
Attachment 2: Bylaw 1535/21 - Property Tax Penalty Bylaw
Attachment 3: Bylaw 1536/21 - Tax Installment Payment P
Attachment 4: Bylaw 1550/21 - 2021 Tax Penalty Bylaw Ar
Madisyn Gabriel, Acting Manager, Financial Services

D.7 **Request for Property Tax Penalty Cancellation for Tax Rolls 515001 and 515003**

Proposed Motion: That Council refuse the request to cancel 2021 property tax penalties for tax rolls 515001 and 515003.

Attachments: Request for Decision
Attachment 1: Presentation Request Form
Attachment 2: Bylaw 1535/21 - Property Tax Penalty Bylaw
Attachment 3: Bylaw 1536/21 - Tax Installment Payment P
Attachment 4: Bylaw 1550/21 - 2021 Tax Penalty Bylaw Ar
Madisyn Gabriel, Acting Manager, Financial Services

D.8**CLOSED SESSION - Long Run Exploration Property Tax Payment Proposal**

Closed session pursuant to section 197(2) of the Municipal Government Act and in accordance with section 24 (advice from officials), section 25 (disclosure harmful to economic and other interests of a public body) and section 27 (privileged information) of the Freedom of Information and Protection of Privacy Act

Attachments:**Closed Session Insert**

Andrew Hayes, Director, Finance, Assessment and Procurement Services

D.9**CLOSED SESSION - Land Matter**

Closed session pursuant to section 197(2) of the Municipal Government Act and in accordance with section 24 (advice from officials) and section 25 (disclosure harmful to economic and other interests of a public body) of the Freedom of Information and Protection of Privacy Act

Attachments:**Closed Session Insert**

Scott MacDougall, Chief Operations Officer - COO

D.10**CLOSED SESSION - Business Development Opportunity**

Closed session pursuant to section 197(2) of the Municipal Government Act and in accordance with section 24 (advice from officials) and section 25 (disclosure harmful to economic and other interests of a public body) of the Freedom of Information and Protection of Privacy Act

Attachments:**Closed Session Insert**

Scott MacDougall, Chief Operations Officer - COO

D.11**CLOSED SESSION - Economic Development Opportunity**

Closed session pursuant to section 197(2) of the Municipal Government Act and in accordance with section 24 (advice from officials) and section 25 (disclosure harmful to economic and other interests of a public body) of the Freedom of Information and Protection of Privacy Act

Attachments:**Closed Session Insert**

Scott MacDougall, Chief Operations Officer - COO

D.12**CLOSED SESSION - Intermunicipal Matter**

Closed session pursuant to section 197(2) of the Municipal Government Act and in accordance with section 24 (advice from officials) and section 25 (disclosure harmful to economic and other interests of a public body) of the Freedom of Information and Protection of Privacy Act

Attachments:

Closed Session Insert

Scott MacDougall, Chief Operations Officer - COO

E. MAYOR AND COUNCIL**E.1****Amendments to Sturgeon County Municipal Development Plan and Land Use Bylaw (Councillor Bokenfohr)****Proposed Motion:**

That Council direct Administration to bring forward, in Q4 2021, amendments to the Sturgeon County Municipal Development Plan and Land Use Bylaw that would adjust subdivision policy and Land Use Bylaw regulations to allow for additional parcels out of a quarter section including parcels created from land fragmentation.

Attachments:

Administrative Backgrounder

E.2**CLOSED SESSION - Personnel Matter**

Closed session pursuant to section 197(2) of the Municipal Government Act and in accordance with section 17 (disclosure harmful to personal privacy) of the Freedom of Information and Protection of Privacy Act

Attachments:

Closed Session Insert

G. URGENT MATTERS**H. NOTICES OF MOTION****I. ADJOURNMENT**

To watch the live meeting proceedings, please refresh this page at the scheduled meeting time. a link labeled "In Progress" will appear under the Video column

Meeting Name: Council
Meeting date/time: 9/14/2021 9:00 AM
Meeting location: Through Electronic Communications

File #	Agenda #	Type	Title	Action
-	A.		<u>CALL TO ORDER AND RELATED BUSINESS</u>	
-	A.1		<u>CALL TO ORDER</u>	
-	A.2		<u>ADOPTION OF AGENDA</u>	Adopted
-	A.3		<u>ADOPTION OF CONSENT AGENDA</u>	
RFD-350-21	A.3.1	Request	<u>September 14, 2021 Consent Agenda</u> for Decision	Adopted
-	A.4		<u>ADOPTION OF MINUTES</u>	
MTS-038-21	A.4.1	Minutes	<u>August 24, 2021 Regular Council Meeting Minutes</u>	
MTS-039-21	A.4.2	Minutes	<u>September 2, 2021 Special Council Meeting Minutes</u>	
-	D.		<u>NEW BUSINESS</u>	
RFD-346-21	D.1	Request	<u>Bylaw 1565/21 - 2021 Temporary Mandatory Face Coverings Bylaw</u> for Decision	
RFD-324-21	D.2	Request	<u>Broadband Initiative Phase One - Approval for Contract Execution</u> for Decision	Adopted
RFD-314-21	D.3	Request	<u>Our Future Valley Bylaw 1555/21, Bylaw 1556/21, and Bylaw</u> for Decision	Adopted
RFD-314-21	D.3	Request	<u>Our Future Valley Bylaw 1555/21, Bylaw 1556/21, and Bylaw</u> for Decision	Adopted
RFD-314-21	D.3	Request	<u>Our Future Valley Bylaw 1555/21, Bylaw 1556/21, and Bylaw</u> for Decision	Adopted
RFD-291-21	D.4	Request	<u>Bylaw 1551/21 - Amendment of Land Use Bylaw 1385/17 - Direct</u> for Decision	Adopted
RFD-320-21	D.5	Request	<u>Agribusiness and Agritourism Review Task Force Public</u> for Decision	Adopted
RFD-329-21	D.6	Request	<u>Request for Property Tax Penalty Cancellation for Tax Rolls</u> for Decision	Adopted
RFD-330-21	D.7	Request	<u>Request for Property Tax Penalty Cancellation for Tax Rolls 515001</u> for Decision	Adopted
-	E.		<u>MAYOR AND COUNCIL</u>	
INF-080-21	E.1	Mayor and Council Item	<u>Amendments to Sturgeon County Municipal Development Plan and</u> <u>Land Use Bylaw (Councillor Bokenfohr)</u>	Adopted
RFD-340-21	D.9	Request	<u>CLOSED SESSION - Land Matter ***Closed session pursuant to</u> for Decision <u>section 197(2) of the Municipal Government Act and in accordance</u> <u>with section 24 (advice from officials) and section 25 (disclosure</u> <u>harmful to economic and other interests of a public body) of the</u> <u>Freedom of Information and Protection of Privacy Act***</u>	Adopted
RFD-340-21	D.9	Request	<u>CLOSED SESSION - Land Matter ***Closed session pursuant to</u> for Decision <u>section 197(2) of the Municipal Government Act and in accordance</u> <u>with section 24 (advice from officials) and section 25 (disclosure</u> <u>harmful to economic and other interests of a public body) of the</u> <u>Freedom of Information and Protection of Privacy Act***</u>	Adopted

Administrative Backgrounder

Councillor Notice of Motion

Title	Amendments to Sturgeon County Municipal Development Plan and Land Use Bylaw (Councillor Bokenfohr)
Proposed Motion	That Council direct Administration to bring forward, in Q4 2021, amendments to the Sturgeon County Municipal Development Plan and Land Use Bylaw that would adjust subdivision policy and Land Use Bylaw regulations to allow for additional parcels out of a quarter section including parcels created from land fragmentation.
Administration's Understanding of the Motion	Administration acknowledges the motion as intended to direct that amendments to the Sturgeon County Municipal Development Plan and Land Use Bylaw be prepared prior to the end of 2021 which would allow for additional parcels out of a quarter section, including parcels created from land fragmentation. This would have the effect of increasing the maximum allowable density in excess of four parcels per quarter section.
Previous Council Direction	<p><u>July 10, 2017 Regular Council Meeting</u> Motion 351/17: That Council give third reading to Bylaw 1385/17, Land Use Bylaw.</p> <p><u>April 22, 2014 Regular Council Meeting</u> Motion 135/14: That County Council gives Third Reading to Bylaw 1313/13 – Sturgeon County Municipal Development Plan (2014), as amended.</p>
Background Information	<ul style="list-style-type: none"> • Councillor Bokenfohr gave notice at the August 24, 2021 Council meeting that he would present the above motion at the September 14, 2021 Council meeting. • Within the County's Municipal Development Plan (MDP), 160 acres (a quarter section) is defined as the basic agricultural land unit and the maximum number of parcels is set at 4 parcels for every 160 acres. • The "4 per quarter" subdivision policy was introduced in the 1996 MDP and Land Use Bylaw (LUB) as a best agricultural land protection practice per precedent set by the Alberta Planning Board.





- Limiting the number and size of parcels out of a quarter section is intended to preserve large tracts of agricultural land.
- The practice also limits the number of accesses onto County and Provincial roads, limiting turning opportunities, and reducing the number of culverts requiring installation and maintenance within County and Provincial road rights-of-way. This has a significant effect on municipal costs and infrastructure requirements.
- The 2017 LUB update included allowances for farm help accommodations, secondary dwellings, and secondary suites within the Agriculture district which facilitated allowing several generations to remain on the family farm while maintaining the "4 per quarter" limits on subdivision of agricultural parcels.
- When agricultural parcels are subdivided, a dwelling is typically permitted on each parcel created. The added allowance (noted above) for farm help accommodations, secondary dwellings, and secondary suites could have significant implications if parcel density is increased from the current "4 per quarter". This not only impacts residential density but also the associated impacts from provision of septic systems and wells and increased traffic on County and Provincial roads.
- The Agriculture District within the LUB represents approximately 82% of the land mass of the County. Consideration for adjustments to subdivision policies that have an impact of this nature is difficult to determine without a fulsome, detailed review.
- Within the County's Budget 2022 process, Administration is bringing forward an initiative to review and update the County's MDP. This update will include the mandatory integration of required regional policy, detailed analysis on items related to subdivision policies for agriculture, and analysis on impacts to other supportive planning documents such as the LUB.
- Additionally, the recommendations that result from the Agribusiness and Agritourism Task Force (due April 2022) may provide additional guidance on subdivision criteria necessary to support agricultural tourism and agricultural businesses in the County.
- In consideration of the above initiatives, Administration would recommend consideration of the following alternate motion:
That Council direct Administration to undertake a comprehensive review of the County's agricultural subdivision policy, including parcel density and parcels created from land fragmentation, as part of the Municipal Development Plan review proposed in 2022, and to include extensive community engagement

Statutory Requirement Considerations	<p>related to agricultural lands and agricultural subdivision policy.</p> <ul style="list-style-type: none"> Regional municipalities are required to comply with the policies of the Edmonton Metropolitan Region Board (EMRB) Growth Plan. To ensure compliance, a proposed amendment such as this to an MDP would require submittal through the Edmonton Metropolitan Region Board's Regional Evaluation Framework (REF) process. Recently, a Regional Agriculture Master Plan (RAMP) was approved by the EMRB. This regional plan sets high-level direction for the County's largest land use (agriculture) and provides direction on items related to land use planning items such as subdivision and development. While needing to be ratified by the Province, member municipalities will be required to demonstrate how their existing MDPs conform/diverge from the new policies and objectives within RAMP, along with submittal of documents indicating how they plan to bring their MDPs into compliance. It should be noted that there is no specific parcel density mentioned in RAMP. Instead, there are criteria-based subdivision policies tied to the intended purpose and is dependent on its location within various policy areas (such as identified prime agricultural areas). In general, if the subdivision is for an agriculture related use, subdivision could be considered. If it is for non-agricultural uses, it would be discouraged and subject to additional policy (such as an Agricultural Impact Assessment).
Anticipated Service Delivery Impacts	<ul style="list-style-type: none"> If the motion is approved, the levels of service for various departments, including Planning and Development Services and Transportation and Engineering Services, would need to be reviewed across the organization.
Anticipated Human Resource Impacts	<ul style="list-style-type: none"> If the motion is approved, Administration will be required to re-assign personnel to prepare the required amendments and assess their specific implications. Other initiatives would be impacted, either to be deferred or discontinued. Given the large-scale policy and regulatory impacts of the request, it would also be recommended that engagement with County residents, particularly owners of agricultural parcels, be undertaken to gauge overall community support for adjustments to the established policy and corresponding Land Use Bylaw regulations. If the review was conducted as part of a broader MDP review, this engagement would be included in that process.

**Anticipated Financial
Impacts**

- If the motion is approved, amendments would be processed primarily with internal personnel (at an indirect cost); however, costs in the order of \$20,000 for legal review and external inputs are expected.
- A more detailed financial cost is required based upon Council direction regarding the amount of public engagement desired to support the MDP and resulting Land Use Bylaw amendments. If the review was conducted as part of a broader MDP review, this engagement would be included in that process.

-
- Prior to detailed analysis on the regional impacts of the Notice of Motion, it is premature to determine how the outcomes of the motion would be consistent or inconsistent with the County's Strategic Plan focus areas.
 - Adjustments to increase density for agriculture parcels across the County would need to be considered in accordance with the following key Council Strategic Plan focus areas:
 - Goal 1.2 Sturgeon County plans for responsible growth through the Sturgeon County Municipal Development Plan and regional growth management plans.
 - 1.2.1 A balance of commercial, agricultural, industrial, residential, and recreational land uses that attains long-term fiscal sustainability.
 - 1.2.2 Land use activities that provide a positive return on investment for the County and facilitate the development of complete communities.
 - Goal 1.3 Sturgeon County manages growth for current and future developments.
 - 1.3.1 Maximum development around existing County infrastructure and identified future growth areas.
 - 1.3.2 Transparent and consistent bylaws, policies and processes that enable responsible land development in the County.

Attachment(s)	None.
----------------------	-------

Report Reviewed by:

Martyn Bell, Program Lead, Current Planning, Planning and Development Services

Michael Klassen, Program Lead, Long Range and Regional Planning, Planning and Development Services

Bonnie McInnis, Manager, Planning and Development Services

Travis Peter, Director, Development and Strategic Services

Reegan McCullough, County Commissioner – CAO