

## Request for Decision

<b>Title</b>	<b>Bylaw 1632/23 – Amendment to Land Use Bylaw 1385/17 – Efficiency and Effectiveness Amendments 2023 – Second and Third Readings</b>
<b>Proposed Motion</b>	<ol style="list-style-type: none"> <li>1. That Council give second reading of Bylaw 1632/23.</li> <li>2. That Council give third reading of Bylaw 1632/23.</li> </ol>
<b>Administrative Recommendation</b>	Administration recommends that Council give second and third readings of Bylaw 1632/23.
<b>Previous Council / Committee Direction</b>	<p><u>November 28, 2023 Regular Council Meeting</u> Motion 427/23: That Council give first reading of Bylaw 1632/23.</p> <p><u>November 14, 2023 Regular Council Meeting</u> Motion 383/23: That Council postpone first reading of Bylaw 1632/23 to the November 28, 2023 Regular Council Meeting.</p> <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>
<b>Report</b>	<p><u>Background Information</u></p> <ul style="list-style-type: none"> <li>• The Land Use Bylaw (LUB) is a “living document” which is intended to include periodic review and updates. The last general update was made in December 2021.</li> <li>• Administration tracks issues, friction points, and barriers and listens to feedback from developers, residents, and Council. Administration also considers means to then clarify, simplify, increase flexibility, or otherwise align the LUB to the community's interest.</li> <li>• Bylaw 1632/23 includes several recommended amendments organized by theme including clarity, site grading, event venue, efficiency, flexibility, referral, and housekeeping items.</li> <li>• All proposed amendments are detailed within Attachment 2 – Redline of the Land Use Bylaw.</li> <li>• Note: Following the November 14, 2023 Council Meeting, amendments related to temporary permits have been <u>removed</u> from this Bylaw.</li> </ul> <p><b>Theme 1 - Clarity Amendments</b></p> <ul style="list-style-type: none"> <li>• Amendments are proposed to add clarity to the existing bylaw, including to:</li> </ul>

- Clarify that development should be in line with submitted plans, including stormwater management plans;
- Post Notices of Decision on the website to provide transparency to residents;
- Add specifically when the Land and Property Rights Tribunal (LPRT) is the appeal authority;
- Correct two transcription inconsistencies in Part 13 - Sturgeon Valley South section;
- Clarify wording regarding developments not requiring a permit;
- Clarify Hazardous Lands Regulations; and
- Include a permeable surface minimum within the Sturgeon Valley South Integrated Neighbourhood District (IND).

### **Theme 2 - Site Grading Amendments**

- An administrative Working Group is currently reviewing site grading policy and regulations. While the review is underway, interim amendments are being proposed, including to:
  - Adjust site grading to be a discretionary use to provide notification to adjacent landowners and to allow Administration discretion to ensure applications are compliant with the County's Drainage Master Plan. Currently, site grading is a permitted use in all land use districts.
  - Clarify that approvals are required if site grading will occur within a natural wetland or drainage course to protect potential impacts to existing drainage and support other regulations until such time as the review of the regulations are completed by the Working Group.

### **Theme 3 – Event Venue Amendments**

- In response to concerns raised about event venue operations, the following change is being proposed:
  - Add that the operator must reside onsite and be in attendance for every commercial event.
  - Note that event venue permit approvals prior to the effective date of this bylaw would be made “non-conforming”. This means that no expansion to the operation would be allowed until the site comes into compliance (the operator resides on the property and attends).

### **Theme 4 - Efficiency Amendments**

- Amendments are proposed to improve the efficiency of administering the existing bylaw for applicants, including to:
  - Allow the Development Authority (DA) to revise issued permits.
    - Clarify that the DA can allow minor changes to issued permits.
    - Clarify that the DA can approve changes to supporting documentation (site plans, reports etc.) if it is consistent with

the approval. Currently, the developer must reapply for a new permit.

- Allow a general “dimensional tolerance” of 2% if the adjustment does not pose a health or safety risk. This will decrease the requirement of variances or refusals for minor deviations from prescribed setbacks.
- Allow Accessory Dwelling Units (ADU) to be co-located with Home-Based Businesses (HBB) to allow conformance for existing businesses. New applications for HBB will measure/consider potential impacts specific to the parcel.
- Change to confirm that ADUs count toward maximum dwellings for Farm Help Accommodation.
- Amendments are recommended to adjust variance authority to provide the DA greater variance authority where:
  - Practical difficulties in complying are generally not common to other sites.
  - Mitigation has been proposed that counters any impacts. Functionally, this reverses the onus from automatic refusal of variance requests to a ‘consider and decide’ approach.
- Administration estimates that efficiency amendments will result in 70% fewer development appeals, while achieving the same overall outcome.

#### **Theme 5 - Referral Amendments**

- Proposed amendments would clarify when a referral is sent to Canadian Forces Base (CFB) Edmonton for comments on a proposed development.
- This will allow streamlining of two separate processes and clarification between the different federal and municipal regulations.
- The proposed amendment would refer to CFB Edmonton developments within the bird hazard zone:
  - Structures over 15m
  - Landfills
  - Food Disposal
  - Lagoons
  - Stormwater Ponds

#### **Housekeeping Items**

- The bylaw proposes a list of minor “housekeeping” amendments for clarity, grammar, or formatting.
  - Add to use Canadian Oxford Dictionary as baseline definition.
  - Replace “applicant” with “developer” throughout.
  - Terminology amendments
    - Remove the solar collector terminology (defined elsewhere in the LUB).

	<ul style="list-style-type: none"> <li>▪ Add Permeable Surface.</li> <li>▪ Add Memorandum of Agreement.</li> <li>▪ Add Land and Property Rights Tribunal.</li> <li>▪ Add AG2 District to all tables under Variances, Shipping containers and RVS.</li> <li>▪ Replace Petroleum Tank Management Association of Alberta (PTMAA) with Alberta Safety Codes Authority (ASCA) to update the relevant agency.</li> <li>▪ Clarify that resource extraction is in alignment with setbacks from dwellings.</li> <li>▪ Several other minor amendments that are related to formatting or technical process.</li> </ul> <p><u>Public Hearing</u></p> <ul style="list-style-type: none"> <li>• A Public Hearing for Bylaw 1632/23 was held on January 30, 2024.</li> <li>• No written or verbal submissions were received for the Public Hearing.</li> </ul> <p><u>External Communication</u></p> <ul style="list-style-type: none"> <li>• Newspaper advertisements for the Public Hearing were placed in the <i>Morinville Free Press</i> and <i>Redwater Review</i> for two consecutive weeks on January 17 and January 24, 2024.</li> <li>• In accordance with Public Notification Bylaw 1618/23, notice of the Public Hearing was circulated on social media and on the County’s website.</li> </ul> <p><u>Relevant Policy/Legislation/Practices</u></p> <ul style="list-style-type: none"> <li>• The <i>Municipal Government Act</i> (MGA) authorizes Council to establish and amend bylaws.</li> <li>• Section 692 of the MGA requires that a municipality hold a public hearing prior to giving second reading of a proposed bylaw.</li> <li>• Section 639 of the MGA states, “every municipality must pass a land use bylaw.”</li> <li>• Section 640 of the MGA states: <i>(1.1) A land use bylaw may prohibit or regulate and control the use and development of land and buildings in a municipality.</i></li> </ul>
<b>Implication of Administrative Recommendation</b>	<p><u>Strategic Alignment</u></p> <p><b>Planned Growth</b> – This update will facilitate greater efficiency, flexibility, and overall effectiveness of the County’s development review process.</p> <p><b>Thriving Communities</b> –This update will streamline, clarify, and improve aspects of the land use bylaw for residents and developers.</p> <p><b>Collaborative Governance</b> – This update will streamline application of the Land Use Bylaw while protecting residents’ rights to transparency and a say in development decisions.</p>

	<p><u>Organizational</u> The proposed amendments will reduce staff time, increase clarity, and streamline the application experience.</p> <p><u>Financial</u> Increasing clarity and flexibility allow less staff time on decisions of mutual agreement or increased clarity to stakeholders. Additionally, it is estimated that the updates will result in an approximately 70% reduction in development-related Subdivision and Development Appeal Board (SDAB) hearings which will significantly reduce staff and SDAB member time and resources.</p>
<b>Alternatives Considered</b>	Council could direct Administration to remove or amend specific proposed amendments within the Bylaw for further study and discussion.
<b>Implications of Alternatives</b>	<p><u>Strategic Alignment</u> Dependent on the requested amendments.</p> <p><u>Organizational</u> Dependent on the requested amendments.</p> <p><u>Financial</u> None.</p>
<b>Follow up Action</b>	<ol style="list-style-type: none"> <li>1. Obtain Mayor and CAO signatures on the Bylaw (Legislative Services, February 2024).</li> <li>2. Consolidate amendments to the Land Use Bylaw (Planning and Development Services, February 2024).</li> </ol>
<b>Attachment(s)</b>	<ol style="list-style-type: none"> <li>1. Attachment 1: Bylaw 1632/23 - Land Use Bylaw Efficiency and Effectiveness Amendments 2023</li> <li>2. Attachment 2: Bylaw 1632/23 - Land Use Bylaw Redline</li> </ol>
<b>Report Reviewed by:</b>	<p>Bonnie McInnis, Manager, Planning &amp; Development Services</p> <p>Travis Peter, General Manager, Development Services</p> <p>Reegan McCullough, County Commissioner – CAO</p>

## Strategic Alignment Checklist

**Vision:** *Offering a rich tapestry of historical, cultural, and natural experiences, Sturgeon County is a municipality that honours its rural roots and cultivates desirable communities. Uniquely situated to provide world-class agricultural, energy, and business investment opportunities, the County prioritizes responsible stewardship and dreaming big.*

**Guiding Principles:** Collaboration | Accountability | Flexibility | Excellence | Safety | Future Readiness | Affordability | Innovation

Community Outcome	Not consistent	Consistent	N/A
<b>Planned Growth</b>			
<ul style="list-style-type: none"> <li>Internationally competitive to attract, grow and sustain diverse businesses; tenacious focus on new growth and innovation</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>Modern broadband and digital capabilities</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <li>Low cost, minimal red-tape regulations</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>Reliable and effective infrastructure planning; comprehensive land use and infrastructure planning</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Thriving Communities</b>			
<ul style="list-style-type: none"> <li>Beautiful, surprising places with high standards; integrated natural spaces &amp; trail systems; healthy and resilient</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>Engaging cultural, historical, and civic amenities; strong community identity and pride</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <li>Safe, welcoming, and diverse communities; small community feel and personal connection; commitment to high quality of life</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Environmental Stewardship</b>			
<ul style="list-style-type: none"> <li>Clean air, land, and water; Carbon neutral municipal practices; circular economy opportunities</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <li>Conservation of natural areas and agricultural lands; enhanced greening and biodiversity; safekeeping ecosystems</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>Sustainable development; partnerships with industry and others to drive emission reductions</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Collaborative Governance</b>			
<ul style="list-style-type: none"> <li>Predictable and stable external relationships; volunteer partnerships</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <li>Meaningful connections with Indigenous communities</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <li>Ongoing community consultation and engagement; transparent and action-oriented decision making based on sound rationale</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>Respectful and informed debate; clear and supportive governance processes</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Operational Excellence</b>			
<ul style="list-style-type: none"> <li>Engaged and effective people – Council, Admin and Volunteers; continuous learning and improvement mindset; nimble and bold, with strong leadership</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <li>Quality cost-effective service delivery; robust procurement and operational practices and policies; asset management and performance measurement; careful debt and reserve stewardship; long-term financial planning and sustainability</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>Future focused thinking to proactively respond to emerging opportunities and challenges</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>Alternative revenue generation and service delivery models integrated strategic and business planning</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>