

Briefing Note

Title	1:30 p.m. Continuation of Public Hearing – Bylaw 1561/21 – Amendment to Land Use Bylaw 1385/17 – 2021 Land Use District Audit Bylaw
Issue	To provide an opportunity for members of the public to submit their comments regarding Bylaw 1561/21.
Previous Council / Committee Direction	<p><u>December 14, 2021 Regular Council Meeting</u> Council opened the Public Hearing for Bylaw 1561/21 and recessed the Public Hearing to 1:30 p.m. on January 11, 2022 to receive any additional submissions from members of the public.</p> <p><u>November 9, 2021 Regular Council Meeting</u> Motion 496/21: That Council give first reading of Bylaw 1561/21.</p>
Report	<p><u>Background Information</u></p> <ul style="list-style-type: none">• Recently, Administration conducted a full audit of all parcels (12,000+) within Sturgeon County to determine whether they have the correct land use district regulating their use.• Following detailed analysis, it was determined that 38 legal land descriptions could be redistricted to better reflect either the existing use of a parcel and/or to align with higher order plans such as an Area Structure Plan.<ul style="list-style-type: none">◦ They are described within a summary document (Attachment 1) and the proposed Bylaw 1561/21, Schedules “A” through “MM” (Attachment 2). Note that there is no Schedule “L”. This schedule was removed after the bylaw schedules had been prepared, and the administrative time to renumber the subsequent schedules would have been extensive. Changing the subsequent schedules in the bylaw to reflect a minor change is inconsequential.• In many cases, these properties relate to properly identifying transmission line rights-of-way and other development better identified as Public Utility District or a more appropriate zoning to appropriately reflect the use occurring on the land.• Most parcels subject to this bylaw are exempt from Part 17 of the <i>Municipal Government Act</i> (MGA) and not subject to County

processes. As such, they can only be identified by Administration through undertaking such audits.

- The amendments proposed in this report are important to ensure an accurate Land Use Bylaw, and Administration will continue to review the document and corresponding mapping and recommend necessary Bylaw updates from time to time as required for this complex, living document.

Continuation of Public Hearing

- The Public Hearing was opened on December 14, 2021 but was recessed to January 11, 2022 due to time constraints at that Council meeting.

External Communication

- Landowners affected by the Bylaw have been mailed notifications advising them of the proposed changes to their property.
- Adjacent landowners of each respective parcel have been directly notified via mail.
- Newspaper notifications have been placed in the *Morinville Free Press* and *Redwater Review* for two consecutive weeks (November 24 and December 1) in accordance with the advertising requirements detailed within Section 606 of the *Municipal Government Act* (MGA).

Relevant Policy/Legislation/Practices:

- The MGA authorizes Council to establish and amend bylaws.
- Section 639 of the MGA states, “every municipality must pass a land use bylaw.”
- Section 618 of the *Municipal Government Act* (MGA) combined with the application of *Procedure # SUB-1: Requirements in Respect of the Subdivision of Land Under the Municipal Government Act* (Alberta Land Titles & Surveys, 2021) exempt the following forms of development and subdivision from Part 17 (Planning and Development) of the MGA and its regulations. The County, therefore, is unaware of when these properties are created or developed, as municipal approvals are not required. It is only through an audit of this nature that these properties can be identified and appropriately districted in the Land Use Bylaw.
 - a highway or public roadway,
 - a well or battery within the meaning of *Oil and Gas Conservation Act*,
 - a pipeline, an installation or structure incidental to the operation of a pipeline,
 - a transmission line or electrical distribution system as defined in the *Hydro and Electric Energy Act*, and
 - the construction, replacement, extension, alteration, modification, dismantling, abandonment, operation or

maintenance of irrigation works if the corporation effecting the development or subdivision is an irrigation district as defined in the *Irrigation Districts Act*.

- Section 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;

(b) must, unless the district is designated as a direct control district pursuant to section 641, prescribe with respect to each district,

(i) the one or more uses of land or buildings that are permitted in the district, with or without conditions, or

(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;

...

(e) must establish the number of dwelling units permitted on a parcel of land.

- Section 5.6 of Sturgeon County's Alberta's Industrial Heartland Area Structure Plan (AIHASP) outlines the following policies:

5.6.1 – Heartland Industrial Service Centre

Sturgeon County shall promote and support the concept of developing a Heartland Industrial Service Centre in the location conceptually shown on Map 10 Future Land Use.

5.6.2 – Permitted Land Uses

A special Heartland Industrial Service Centre District shall be created and adopted through the LUB that will permit a range of community uses and emergency services. Motel, hotel and institutional uses, which could increase the residential population near heavy industry, shall not be permitted.

5.6.3 – Enhanced Landscaping for Site Development

Given the Industrial Service Centre's high profile highway location enhanced landscaping, screening of yard storage, attractive signage and higher quality architectural treatments of buildings should be required.

5.6.4 – Requirement for a Risk Assessment

Sturgeon County may require applicants to prepare a Risk Assessment as part of the development application process to ensure that proposed land uses are compatible with nearby heavy industrial uses.

5.6.5 – Existing Dwellings

For lands located in the Heartland Industrial Service Centre Policy Area, no new dwellings shall be allowed on previously undeveloped

	<i>land. Where a dwelling unit existed prior to the date of passing this Bylaw, the dwelling shall be allowed to be upgraded, expanded or rebuilt if destroyed.</i>
Implication	<p><u>Strategic Alignment:</u></p> <p>Planned Growth - The proposed amendments promote effective and streamlined land use control.</p> <p>Operational Excellence – The proposed Bylaw works to ensure the LUB is and remains accurate.</p> <p><u>Organizational</u></p> <p>Administration has the capacity to process all required amendments related to this report.</p> <p><u>Financial</u></p> <p>None.</p>
Follow Up Action	Summarize all comments received during the Public Hearing and bring back to Council for consideration of second and third (Planning and Development Services, January 2022)
Attachment (s)	<ol style="list-style-type: none"> 1. Attachment 1: Summary of Proposed Redistrictings 2. Attachment 2: Bylaw 1561/21 3. Attachment 3: December 14, 2021 Public Hearing Submissions 4. Attachment 4: Public Hearing Process
Report Reviewed by:	<p>Bonnie McInnis, Manager, Planning and Development Services</p> <p>Travis Peter, Director, Development and Strategic Services</p> <p>Scott MacDougall, Acting 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
Planned Growth			
• <i>Internationally competitive to attract, grow and sustain diverse businesses; tenacious focus on new growth and innovation</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• <i>Modern broadband and digital capabilities</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• <i>Low cost, minimal red-tape regulations</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• <i>Reliable and effective infrastructure planning; comprehensive land use and infrastructure planning</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Thriving Communities			
• <i>Beautiful, surprising places with high standards; integrated natural spaces & trail systems; healthy and resilient</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• <i>Engaging cultural, historical, and civic amenities; strong community identity and pride</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• <i>Safe, welcoming, and diverse communities; small community feel and personal connection; commitment to high quality of life</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Environmental Stewardship			
• <i>Clean air, land, and water; Carbon neutral municipal practices; circular economy opportunities</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• <i>Conservation of natural areas and agricultural lands; enhanced greening and biodiversity; safekeeping ecosystems</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• <i>Sustainable development; partnerships with industry and others to drive emission reductions</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Collaborative Governance			
• <i>Predictable and stable external relationships; volunteer partnerships</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• <i>Meaningful connections with Indigenous communities</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• <i>Ongoing community consultation and engagement; transparent and action-oriented decision making based on sound rationale</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• <i>Respectful and informed debate; clear and supportive governance processes</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Operational Excellence			
• <i>Engaged and effective people – Council, Admin and Volunteers; continuous learning and improvement mindset; nimble and bold, with strong leadership</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• <i>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</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• <i>Future focused thinking to proactively respond to emerging opportunities and challenges</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• <i>Alternative revenue generation and service delivery models integrated strategic and business planning</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>