



AGENDA ITEM

2020 REVIEW OF THE MUNICIPAL DEVELOPMENT PLAN & LAND USE BYLAW

Bylaw Nos. 1334/21 and 1335/21

March 11, 2021

BACKGROUND

The County's *Municipal Development Plan (MDP)* and *Land Use Bylaw (LUB)* were adopted in July 2017. Policy MUNI 8.3.2 requires an annual review and report based on the findings of the Monitoring Matrix of the MDP. The matrix was created to test the success or failure of the plans' policies and indicate if the policies are meeting the plan's objectives.

The *Municipal Development Plan & Land Use Bylaw 2020 Review - Annual Report & Monitoring Matrix* is attached as Appendix A. This review has identified some areas for improvement in the plans, to which amendments are proposed. Bylaw 1334/21 proposes a number of amendments to the MDP and Bylaw 1335/21 proposes a number of amendments to the LUB.

PUBLIC SUBMISSIONS 2020 REVIEW

In addition to the annual staff review, 4 public submissions were made during the past year for Council's consideration, attached as Appendix B. Based on the public submissions, staff are proposing three amendments (shown with ✓). The one public submission that staff are not proposing any amendments from (shown with ×) is a request considered not consistent with the overall vision for the community in the MDP or LUB.

- ✓ Joan and Dave Summers: Requesting regulations for Airbnbs to address items such as maximum capacity, noise, and parking.

- ✓ Sandy Point Condo Corporation: Requesting slats to be allowed in Recreational Vehicle Resort 'R-RVR' District chain link fences that shall be no taller than four (4) feet.
- ✓ Kyla Mykytiw: Requesting 'veterinary hospital' be added as a use in the Agricultural 'A' District.
- × Lou Paul and Jan Howden: Requesting two first parcel out subdivisions be allowed from a quarter section.

PUBLIC SUBMISSIONS 2019 REVIEW

At the July 9, 2020 Council meeting, it was requested by Council that during the next annual review of the MDP and LUB, the location of cannabis facilities in the agricultural and hamlet districts be reviewed, as well as the regulation of short term rentals such as Airbnbs be reviewed.

As also requested by Council, the 8 public submissions received for the July 9, 2020 public hearing are attached as Appendix C.

- Laurie Eliuk and Chris Anderson: Requesting cannabis production facilities and/or cannabis retail only be located in areas designated as industrial.
- Carman and Nancy Read: Requesting clearer regulation of community consultation for cannabis production facilities. Requesting cannabis production facilities only be located in the Business Industrial 'I-BI' District. Requesting regulations for Airbnbs.
- Aida and Clarence Koots: Requesting cannabis production facilities and/or cannabis retail only be located in areas designated as industrial.
- Jennifer Johnson: Requesting cannabis production facilities and/or cannabis retail only be located in areas designated as industrial.
- Karen Rivers and Jim Lawton: Requesting cannabis production facilities only be located in areas designated as industrial.
- Logan and Kelly Lawton: Requesting cannabis production facilities and/or cannabis retail only be located in areas designated as industrial.
- Nancy Watt: Requesting cannabis production facilities and/or cannabis retail only be located in areas designated as industrial.

- Rollie and Gail Lusic: Requesting cannabis production facilities only be located in the Business Industrial 'I-BI' District. Requesting regulations for Airbnbs. Requesting more regulation of community consultation for cannabis production facilities.

SUMMARY OF PROPOSED AMENDMENTS

The following is a summary of amendments being brought forward and an explanation as to why these changes are being proposed.

Municipal Development Plan (Bylaw 1334/21)

Annual Review Amendments

1. Section 3.8 and Policy 3.8.1: Added clarification on two circumstances considered for boundary adjustments.
2. Section 4.6 and Policy 4.6.16: Remove references to Alternative Land Use Services (ALUS) program, and replace with supporting general conservation projects.

Land Use Bylaw (Bylaw 1335/21)

Council Requested Amendments

1. Part 3 Development & Subdivision Application Process, Policy 3.4(7): Require pre-circulation for intermediate campgrounds, major campgrounds, and community facilities.

Public Requested Amendments

2. Part 1 Definitions, Part 6 General Regulations, and Part 7 Land Use Districts: Insert definition and regulations for tourist homes, list as a discretionary use in all residential districts, all hamlet residential districts, and Agricultural 'A' District.
3. Part 6 General Regulations, Section 6.13 Fencing: Allow slatted chain link fences in the Recreational Vehicle Resort 'R-RVR' District, no taller than 1.22 metres (4 feet).
4. Part 7, Land Use Districts, Section 7.1 Agricultural 'A' District: Add 'veterinary hospital' as a discretionary use.

Assorted Housekeeping Amendments

5. Part 3 Development & Subdivision Application Process, Policy 3.4(7) and 3.4(11): Added clarification on pre-circulation requirements, such as types of applications and distance circulated to.
6. Part 3 Development & Subdivision Application Process, Policy 3.4: Add requirements for Development Design Plan as part of development applications on existing lots where the proposed development is within 30 metres (98 feet) from Sylvan Lake and tributaries.
7. Part 1 Definitions, Part 6 General Regulations (Section 6.33 Cannabis Retail): Alberta Gaming and Liquor Commission has changed it's name to Alberta Gaming, Liquor, and Cannabis
8. Part 1 Definitions, Part 7 Land Use Districts (Section 7.1 Agricultural District): Remove the use 'greenhouse and plant nursery', as it is considered an 'agricultural operation', a deemed approved permitted use.
9. Part 1 Definitions, Part 7 Land Use Districts (7.10 Recreational Vehicle Resort District): Clarify that a 'golf course' is a use considered under the 'outdoor recreation facility'. Remove 'golf course' from discretionary uses in the Recreational Vehicle Resort District as 'outdoor recreation facility' is a listed discretionary use.
10. Part 7 Land Use Districts (Section 7.8 Recreation District, 7.10 Recreational Vehicle Resort District, 7.17 Residential Conservation (Cluster) District, 7.18 Residential Lake Area District, and 7.19 Higher Density Residential District): Update servicing requirements for clarification.

LEGISLATIVE RESPONSIBILITIES

The *Municipal Government Act* gives Council the sole authority and responsibility to consider amendments to the Land Use Bylaw and the Municipal Development Plan.

Section 640(1) of the *Municipal Government Act* states that a Land Use Bylaw may prohibit or regulate and control the use and development of land and buildings within a municipality.

The *Municipal Government Act* also requires that all amendments be passed by bylaw. Council must hold a public hearing to allow all interested parties to comment on the proposed amendments.

PUBLIC PARTICIPATION

Lacombe County sees the value in engaging the public through a variety of mediums and is committed to open, accountable and responsive decision making, including different levels of engagement with the public as outlined in the *Policy AD(40): Public Participation Policy*. The levels of engagement within the policy are as follows:

- *Inform*: To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.
- *Consult*: To obtain public feedback on analysis, alternatives and/or decisions.
- *Involve*: To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.
- *Collaborate*: To partner with the public in each aspect of the decision, including the development of alternatives and the identification of the preferred solution.
- *Empower*: To place final decision making in the hands of the public.

A Public Hearing allows members of the public to provide input into the proposed amendments before adoption (*Inform* and *Consult*).

RECOMMENDATION

Staff recommend that Council accept the *Municipal Development Plan & Land Use Bylaw 2020 Review - Annual Report & Monitoring Matrix* for information.

Further, staff recommend that Council give first reading to Bylaw 1334/21 and 1335/21 to amend the County's *Municipal Development Plan and Land Use Bylaw*.

If Council gives first reading to the bylaws, Council may set a date to hold a Public Hearing to allow interested parties to comment on these changes. Staff recommends the April 8, 2021, Council meeting at 9:00 am.

COUNCIL DECISION

PREPARED BY: Cajun Paradis, Senior Planner
PREPARED BY: Dale Freitag, Director of Planning Services
REVIEWED BY: Tim Timmons, County Manager

