

Topic: Land Use Bylaw Review

Introduction:

This report provides the Committee of the Whole with information regarding administration's strategy to undertake a comprehensive review and update of Parkland County's Land Use Bylaw, No. 20-2009.

Facts (Background Information):

In accordance with Section 639 of the Municipal Government Act (MGA), every municipality must pass a Land Use Bylaw. The Land Use Bylaw is regulatory planning document intended to implement the County's goals, objectives, and requirements relating to the use of land and built form. Administration relies heavily on this document on a day-to-day basis. It is also used by the development industry, property owners, and residents of County. The Land Use Bylaw is a dynamic document and therefore needs to be reviewed and updated on a regular basis.

Parkland County Council adopted the current Land Use Bylaw in 2009. Since that time, a number of amendments have been passed, largely in response to particular issues or developments. As the document is dynamic document, making such adjustments is typical, however, this practice has created inconsistencies, conflicts, and redundancies within the document. A project to update the Land Use Bylaw aims to ensure the document is current, accurate, clear, and effective in its application.

Analysis:

This report outlines a preferred option and three alternatives. The preferred option proposes to be a thorough review and update (refresh) of the current Land Use Bylaw carried out over three phases. Administration is of the opinion that "refreshing" the Land Use Bylaw on a regular basis is a more effective and pragmatic approach as opposed to the three alternatives. The proposed three-phase approach aims to address the day-to-day issues in the short term while taking more time to address use-specific matters in relation to the entire document. A refresh enables the document to respond to development trends, the interests of the citizenry, and the County's strategic direction.

The three phases are outlined below.

	Phase I (Bird's Eye)	Phase II (Eye Level)	Phase III (Ground Level)
Purpose	Correct discernable matters where such changes do not change meanings nor have a regulatory impact.	Address redundancies, ambiguity, and conflicts. Main focus is structure and format, process, administration, and general regulations	Changes related to specific use classes resulting in a meaningful difference in regulatory direction.
Changes	<ul style="list-style-type: none"> • Grammar, punctuation, and typos; • Formatting/structure; • Refining definitions; • Clarifying development authority; • Improving criteria and direction. 	<ul style="list-style-type: none"> • Format/organization of uses; • Format/organization of Direct Control districts; • Site specific uses; • Prohibited accessory uses; • Entwistle Urban Village; • Conditions; • Application requirements; • Cancelling/revoking a DP; • Notification. 	<ul style="list-style-type: none"> • Natural Resource Extraction and Processing; • Recreational Vehicles; • Signage; • Agricultural Buildings; • Home Based Businesses; • Stripping, Grading, Filling and Processing; • Industrial Uses; and • Telecommunication Towers.
Time	3 to 4 Months	4 to 6 Months	10 to 14 Months

The three phases are expected to last between 17 and 24 months. Issues related to administering and interpreting the document will be addressed in the first two phases, which will be complete 7 to 10 months after the project commences. These issues effect day-to-day matters regarding interpreting and applying the document. Amendments related to the third phase will take the most amount of time because significant public engagement will be required. Based on the estimated time of the first two phases, public engagement is anticipated to commence in late autumn 2017.

Alternatives:

I. Replace the current document with a new Land Use Bylaw.

This approach requires writing a new document from scratch. A new Land Use Bylaw can be beneficial if there is a need to take a new direction in how the municipality regulates land use. Writing a new Land Use Bylaw is typically a long process requiring significant stakeholder engagement at the beginning and end of the process. Administration recommends against this approach because issues within the current document need to be addressed well before a new Land

Use Bylaw would be adopted. Administration does not see the need for a new Land Use Bylaw at this time.

2. Use Specific Amendments

This approach requires making amendments aimed at resolving particular issues and/or taking a different regulatory approach for a specific type of use (for example, Resource Extraction and Processing). Basically, this approach is phase three of what is being proposed and foregoing the amendments identified in phases one and two. Administration recommends against this approach. Many of the conflicts and redundancies that currently exist are a result of use specific amendments that have occurred without giving due consideration to the entire document.

3. Leave the Land Use Bylaw as is.

This continues with the “business as usual” approach. Changes to the Land Use Bylaw would be dealt with on a case-by-case basis through the amendment process. Administration also recommends against this approach for the same reason as identified above.

Conclusion/Summary:

Administration recommends that the Committee of the Whole receives this report as information and for administration to initiate and execute a project to review and update the Parkland County Land Use Bylaw, No. 20-2009, as identified herein.

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