



Project Charter: Five Small **'Big Ideas'**

To Underpin a New Land Use Bylaw (LUB) & Municipal Development Plan (MDP):

- 1) **Modernized of the 'front-end' or administrative matters.**
re: updates under the *Modernized Municipal Government Act (aka 'The Act', 2017)* and the *Red Tape Reduction Implementation Act, 2021*.
 - Changes to the avenues of appeal (Land and Property Rights Tribunal).
 - Changes to permit processing timelines.
- 2) **Easy-to-understand.**
 - Simplify jargon, terminology, & definitions.
 - New definitions added, dealing with new and developing Uses.
 - Remove of confusing or redundant definitions.
 - Elimination of definitions that are not referenced elsewhere in the Bylaw
- 3) **Updated Maps & Graphics.**
 - GIS has advanced *massively* since 2012, and an image is worth a thousand words.
 - More readable maps and graphics will improve user accessibility and understanding of the Bylaws
- 4) **Indigenous Engagement & Relationship Building.**
 - 2023 Regional Indigenous Framework Study
 - *Alberta Community Partnership (ACP) Grant led by Village of Vilna.*
 - Requirement under the MGA to **notify adjacent** Indigenous communities (First Nations and Metis Settlements) when adopting a new LUB/MPC (S. 636(1)) ...we have *opportunity to go further.*
- 5) **Land Use Districts that are informed by data & sound rational.**
 - North Saskatchewan Watershed Alliance (NSWA) Riparian Setback Calculator.
 - 2020 Regional Stormwater Study.
 - *Alberta Community Partnership (ACP) Grant to be led by the Town of Smoky Lake.*



- 2022 Beaver River and 2012 North Saskatchewan River Integrated Watershed Management Plans (IWMPs)
- 2023 Waskatenau Creek Connectivity Study
 - *Alberta Community Partnership (ACP) Grant to be led by the Village of Waskatenau.*
- 2023 Agricultural Suitability and Environmental Sensitivity Study
 - *Alberta Community Partnership (ACP) Grant to be led by Smoky Lake County.*
 - Possibility for MDP Subdivision Regulations based on soil quality, etc.

Proposed Timeline:

- Apply for 2022/23 ACP Grants, which if successful, will aim to be complete by Q4 of 2023.
- Public Engagement during Q2 – Q3 of 2023.
- Return to Committee in early/mid Q4 of 2023 with a revised MDP and LUB for consideration of First Reading.
- Public Hearing and consideration adoption in late 2023.



Key questions for Committee:



1. Should Smoky Lake County continue to have a Municipal Planning Commission (MPC)?

- Several other municipalities (such as Sturgeon County) have moved away from having MPC in recent years.
- Scheduling meetings of MPC within the legislated timelines is done ad hoc which slows down approvals and can be a real challenge.
- Affected parties would continue have an avenue of appeal to the Subdivision and Development Appeal Board (SDAB) or the Land and Property Rights Tribunal (LPRT).
- For shorter timelines/red tape, Council could rescind MPC.

2. How are our existing Districts succeeding or failing to meet expectations?

- Should we consider addition of new Districts to the LUB? Possible examples:
 - Crown Lands District (See Thorhild County)
 - Recreation District (Outstanding Motion from November 2021)
 - Tourism Commercial District Overlay?

3. What level of public engagement does Smoky Lake County wish to undertake on a new LUB/MDP?

- Open Houses, Direct Mail, Etc.

4. Resolving conflicts between the LUB and the MDP. (The MDP must prevail (S.638(1)).

- Presently, there are conflicts between the Land Use Bylaw and



Municipal Development Plan.

- For example, in terms of Recreational Vehicle placement.
- In such cases of conflict, the MDP must prevail.
- As RVs are a temporary use, Administration proposes to entirely remove Recreational Vehicles from Land Use regulations, and instead adopt a stand-alone bylaw. This would be more appropriate and allow for more successful and consistent enforcement.

5. Any Other Feedback?



Key parts of the Act:

Municipal development plans

632(1) Every council of a municipality must by bylaw adopt a municipal development plan.

(2) Repealed 2016 c24 s98.

(2.1) Within 3 years after the coming into force of this subsection, a council of a municipality that does not have a municipal development plan must by bylaw adopt a municipal development plan.

(3) A municipal development plan

(a) must address

(i) the future land use within the municipality,

(ii) the manner of and the proposals for future development in the municipality,

(iii) the co-ordination of land use, future growth patterns and other infrastructure with adjacent municipalities if there is no intermunicipal development plan with respect to those matters in those municipalities,

(iv) the provision of the required transportation systems either generally or specifically within the municipality and in relation to adjacent municipalities, and

(v) the provision of municipal services and facilities either generally or specifically,

(b) may address

(i) proposals for the financing and programming of municipal infrastructure,

(ii) the co-ordination of municipal programs relating to the physical, social and economic development of the municipality,

(iii) environmental matters within the municipality,

(iv) the financial resources of the municipality,



(v) the economic development of the municipality, and

(vi) any other matter relating to the physical, social or economic development of the municipality,

(c) may contain statements regarding the municipality's development constraints, including the results of any development studies and impact analysis, and goals, objectives, targets, planning policies and corporate strategies,

(d) must contain policies compatible with the subdivision and development regulations to provide guidance on the type and location of land uses adjacent to sour gas facilities,

(e) must contain policies respecting the provision of municipal, school or municipal and school reserves, including but not limited to the need for, amount of and allocation of those reserves and the identification of school requirements in consultation with affected school boards,

(f) must contain policies respecting the protection of agricultural operations, and

(g) may contain policies respecting the provision of conservation reserve in accordance with section 664.2(1)(a) to (d).

(4) Repealed 2020 c39 s10(19). RSA 2000 cM-26 s632;RSA 2000 c21(Supp) s4;2008 c37 s11;

2015 c8 s62;2016 c24 s98;2017 c13 s2(16);2020 c39 s10(19)

Land use bylaw

640(1) Every municipality must pass a land use bylaw.

(1.1) A land use bylaw may prohibit or regulate and control the use and development of land and buildings in a municipality, including, without limitation, by

(a) imposing design standards,

(b) determining population density,

(c) regulating the development of buildings,

(d) providing for the protection of agricultural land, and

(e) providing for any other matter council considers necessary to regulate land use within the 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;

(c) must establish a method of making decisions on applications for development permits and issuing development permits for any development, including provision for

(i) the types of development permit that may be issued,

(ii) applying for a development permit,

(iii) processing an application for, or issuing, cancelling, suspending or refusing to issue, a development permit,

(iv) the conditions that are to be attached, or that the development authority may attach, to a development permit, either generally or with respect to a specific type of permit,

(v) how long any type of development permit remains in effect,

(vi) the discretion that the development authority may exercise with respect to development permits, and

(vii) any other matters necessary to regulate and control the issue of development permits that to the council appear necessary;

(d) must provide for how and to whom notice of the issuance of a development permit is to be given;

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

(3) A land use bylaw may identify additional land as adjacent land for the purpose of



notification under sections 653, 679, 680 and 692.

(4) Repealed 2020 c39 s10(28).

(5) A land use bylaw may provide that when an application for a development permit or change in land use designation is refused another application with respect to the same lot

(a) for a development permit for the same or a similar use, or

(b) for a change in land use designation may not be made by the same or any other applicant until the time stated in the land use bylaw has expired.

(6) A land use bylaw may authorize a development authority to decide on an application for a development permit even though the proposed development does not comply with the land use bylaw or is a non-conforming building if, in the opinion of the development authority,

(a) the proposed development would not

(i) unduly interfere with the amenities of the neighbourhood, or

(ii) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land, and

(b) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

(7) A land use bylaw must be consistent with the applicable requirements of the regulations under the Gaming, Liquor and Cannabis Act respecting the location of premises described in a cannabis licence and distances between those premises and other premises.

(8) Despite this section or any other provision of this Act, the authority to pass a land use bylaw does not include the authority to pass a bylaw in respect of the use of a building or part of a building for residential purposes that has the effect of distinguishing between any individuals on the basis of whether they are related or unrelated to each other.

(9) The Minister may by order direct a municipality to amend its land use bylaw in respect of the use of a building or part of a building for residential purposes if the land use bylaw has the effect of distinguishing between senior citizens on the basis of whether they are related or unrelated to each other.

RSA 2000 cM-26 s640;2016 c24 s100;2017 c21 s28;

2020 c39 s10(28) 640.1 Repealed 2020 c39 s10(29).

Statutory plan preparation



636(1) While preparing a statutory plan, a municipality must notify the following and provide a means for suggestions and representations to be made:

- (a) any members of the public who may be affected by the plan;
- (b) the school boards with jurisdiction in the area to which the plan preparation applies;
- (c) in the case of a municipal development plan,
 - (i) any adjacent municipalities,
 - (ii) the Indian band of any adjacent Indian reserve, and
 - (iii) any adjacent Metis settlement;
- (d) in the case of an area structure plan,
 - (i) where the land that is the subject of the plan is adjacent to another municipality, that municipality,
 - (ii) where the land that is the subject of the plan is within 1.6 kilometres of a provincial highway, the Minister responsible for the Highways Development and Protection Act, and
 - (iii) where the land that is the subject of the plan is adjacent to an Indian reserve or Metis settlement, the Indian band or Metis settlement.

(2) Subsection (1) does not apply to amendments to statutory plans.

RSA 2000 cM-26 s636;2008 c37 s11;2017 c13 s1(57);

2020 c39 s10(22)

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