



Draft Land Use Bylaw

A large, hollow green outline of a five-pointed star is centered on the page. Inside the star, the text "What We Heard Report" and "October 11, 2023" is displayed.

What We Heard Report

October 11, 2023

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1 Introduction

From June 2022 to June 2023, County staff collaborated with the Palliser Regional Municipal Services (PRMS) to research and draft a new Land Use Bylaw (LUB).

The draft LUB has a new document structure, uses more graphics, and consolidates terms and districts to improve readability and reduce “red tape” in its implementation. Moreover, it complies with several recent changes to the *Municipal Government Act (MGA)* and attempts to clarify the municipal role when dealing with land uses that are under provincial or federal jurisdiction.

The following sections summarize what engagement efforts were undertaken by County staff and PRMS, the feedback received, and recommendations for next steps.

2 What we Did

In Spring 2023, the draft Land Use Bylaw (LUB) was posted on the municipal website. The primary methods for reaching stakeholders and residents included holding a public open house and providing information in the form of poster boards, an FAQ handout, and a Summary of Changes handout. To help direct feedback on the major changes, a survey was made available to the public from June to July 2023.

2.1 Notifications

To advertise the project and open house to the community the County:

- Posted notice of the open house, survey and FAQ on the municipal website.
- Advertised the open house on the County’s Facebook page (June 6th and 21st).
- Posted ads in the Drumheller Mail for 2 weeks prior to the open house (June 14th and 21st editions).

2.2 Handouts

The County, with the help of PRMS, prepared two handouts, an FAQ and a Summary of Changes that were available at the open house and provided on the municipal website.

2.3 Open House

On June 27, 2023 from 5-7pm, County staff hosted a drop-in style open house (i.e. no presentation by staff) where information boards were on display.

There were approximately 5 attendees that reviewed the information boards and spoke with staff about the project.

2.4 Survey

The survey was provided in print at the open house and posted on the County’s website for anyone to download, print and complete.

The survey was originally available from June 27 – July 11, 2023, and then extended until July 21st at the request of participants. Four (4) completed surveys and one (1) written submission were received. A summary of the survey responses, along with the redacted submissions are provided in the appendices.

3 What We Heard

Overall, due to the small number of respondents to the survey it is difficult to make conclusions about the feedback provided by County residents on the Draft Land Use Bylaw (LUB). However, based on the responses to the survey, the overwhelming feedback pertained to questions on the overall legal framework for municipalities and their jurisdiction (or lack of) to regulate certain land uses within the County (e.g., wind and solar energy). There was also some level of confusion as to how the proposed changes may impact individual properties. The following three themes were identified from the comments received:

Theme 1: Municipal Autonomy

The comments provided show an interest in better understanding the applicability of the LUB in context of provincial legislation and jurisdiction. Specifically, concerns revolved around the municipality's ability to voice issues regarding renewable energy projects and telecommunication towers, and the ability to prevent them from occurring via the development permit process. In this way, the updates to the LUB intended to clarify the municipality's role in provincial development processes were mistaken as reducing red tape in the wrong way, or as a "loss of local autonomy" as one respondent phrased it.

Recommendation: Since these changes to the draft LUB are simply to align with provincial legislation there are no recommended changes to the draft LUB as this issue is a political matter between the province and municipalities.

Theme 2: Approvals and Notification Process for Developments

Another area of concern cited by respondents pertained to the approvals and notification process noted in the draft LUB. For example, two respondents requested more clarity for the administrative authorities (development officer, development authority and municipal planning commission (MPC)). Of note, two (2) respondents requested more details on the development permit notification procedures, such as stating which newspapers notices would be posted in; citing most residents do not check the municipal website for ongoing projects or engagement events. A couple respondents stated they had difficulty locating the information on the municipal website after the open house.

Recommendation: Revisions were made to Sections 1.13.1 and 1.14.2 – 1.14.6 to clarify the development authorities involved in the approval and notification processes. It is recommended the County consider educational initiatives for citizens so they can better understand the development approval process and how to stay apprised on active planning applications.

Theme 3: Timing and Transparency of the LUB Engagement Process

Finally, even with the 10-day extension to the survey, respondents stated the engagement period was insufficient and notifications were not provided in a widespread and timely manner. One respondent requested mailed notifications, including a suggestion to amend the LUB to mandate

that landowners receive mail when adjacent to a proposed development, or a proposal to amend the LUB.

One Open house participant submitted written comments noting concern with the transparency of the draft LUB process, the timing and duration of public review, and if whether or not Council is aware of the changes being presented to the public. Further, it was noted that the FAQ had an incorrect project timeline graphic and caused confusion as to when the draft will be presented to Council and when the next opportunity to participate in the project would arise.

Recommendation: The FAQ was put together prior to some scheduling changes in the project and attendees at the open house were informed the timeline has been extended; thereby providing greater time for public review of the draft LUB.

4 Revisions to the Draft Land Use Bylaw

Revisions made to the draft LUB as a direct result of comments received are summarized in Table 1 below. The draft LUB presented to Council for First Reading on October 11, 2023, will contain the changes in Table 1.

Table 1: Summary of Changes to draft Land Use Bylaw

Section	Issue	Change
1.9.3	Remnant wording from previous draft version.	Removed unnecessary wording: “A development permit is required to vary the development regulations or any other requirement of this Bylaw.”
1.12.3	Subsection j) is duplicated in subsection k).	Deleted duplication.
1.13.1	References to ‘development authority’ are confusing in context of development officer roles vs. roles of municipal planning commission.	Updated wording to clarify roles between Development Officer and Municipal Planning Commission.
1.14.2 – 1.14.6	References to decision-makers does not reflect the Power and Duties of the Administrative Agencies under Section 1.11	References to Development Authority have been changed to either Development Officer, or Municipal Planning Commission based on Section 1.11.
1.18.5	Indicates that adherence to MDP policies is discretionary for Council.	Replaced “should” with “shall”.
2.4.2	Unclear if this section applies to existing Farmsteads in the RAG District.	Added 2.4.1 to clarify the default status of Farmsteads is ‘agricultural’, unless deemed residential by the Development Authority.
2.16.12	Incorrect reference to 2.15.8	Updated reference to 2.16.11
2.16.13	Incorrect reference to 2.15.9	Updated reference to 2.16.12
3.6.2.e)	Undefined word in Section 1.8 used	Replaced “will” with “shall”.
3.11.1.a)	Missing imperial conversion	Added imperial metric
3.17.3	Remnant wording from previous draft.	Removed remnant wording.
3.17.4	Remnant wording from previous draft.	Removed remnant wording.
4.1.1	Missing section numbers for land use districts	Added section number column to chart.

5 Next Steps

The revised draft LUB, this WWHR, and an updated FAQ handout will be presented to Council on October 11, 2023. Based on the information provided, Council may direct staff to do further revisions or engagement, or to proceed with scheduling and notification of the public hearing. Notification of the hearing will include instructions on how to submit written comments and/or present to Council at the public hearing.

Once the public hearing is closed, Council will consider all information received and render a decision on adopting or refusing the draft LUB.

6 Appendices

6.1 Summary of Survey Responses

The following Table provides a summary of the responses and comments received in completed surveys. Redacted submissions are provided in **Appendix 6.5**.

Table 2: Summary of Survey Responses

Bylaw Section	Survey Question	Respondent 1	Respondent 2	Respondent 3	Respondent 4												
N/A	Do you live: <ol style="list-style-type: none"> In one of the Hamlets in Starland County? In a rural area of Starland County? Elsewhere (specify below): 	Rural	Hamlet	Rural	Rural												
N/A	Have you? (pick all that apply): <ol style="list-style-type: none"> Reviewed the draft Land Use Bylaw. Reviewed the Summary of Major Changes. Reviewed the Frequently Asked Questions (FAQ). None of the above. 	a,b,c	a,b,c	a,b,c	b,c												
N/A	Do you support the key proposed changes for the draft land use bylaw, which are: <table border="1" data-bbox="259 1071 617 1596"> <thead> <tr> <th>Regulations</th> <th>Format & layout</th> </tr> </thead> <tbody> <tr> <td>Legislative updates</td> <td>Easier to read and use LUB</td> </tr> <tr> <td>Allows more parcels and dwellings on a quarter</td> <td>More graphics and illustrations</td> </tr> <tr> <td>Reduce total number of districts</td> <td>Digitally interactive PDF (links for document navigation)</td> </tr> <tr> <td>More permitted uses (red tape reduction)</td> <td></td> </tr> <tr> <td>More flexible home occupation rules</td> <td></td> </tr> </tbody> </table>	Regulations	Format & layout	Legislative updates	Easier to read and use LUB	Allows more parcels and dwellings on a quarter	More graphics and illustrations	Reduce total number of districts	Digitally interactive PDF (links for document navigation)	More permitted uses (red tape reduction)		More flexible home occupation rules		no	Somewhat supported: more information needed to provide comments	No: Concern changes to LUB are a total re-write and not an amendment, requiring more time to review the changes.	Somewhat: worried about loss of local power with all legislative updates
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Legislative updates	Easier to read and use LUB																
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More permitted uses (red tape reduction)																	
More flexible home occupation rules																	
N/A	Do you think anything is missing or should be changed in the Draft Land Use Bylaw?	Response unrelated to LUB content	Response requested clarifications on "chattel" and RV requirements, development authority and officer, accessory building limits and who decides were telecom, solar, and	Request for more details regarding MGA development permit exemptions, administrative authorities and provincial subdivision legislation. Suggested several sections should be	Yes, I'd like to see the regulatory powers of the province reduced or eliminated.												

			nuclear projects will be located.	mandatory, such as advertising public notice in the newspaper. Request for clarification on 2.4.1 and 2.4.2 – Object Prohibited or Restricted in yards and if it applies to residential in RAG Request clarification regarding “chattel”. Several comments were related to AUC’s process for renewable energy projects. Concern over amount of discretion allowed by the MPC.	
Rural Agricultural General (RAG) District	In the Rural Agriculture General District, the Draft Land Use Bylaw proposes to allow landowners more subdivision potential, permitting subdivision of vacant parcels, whereas the current LUB only permits subdivision in the AG for existing farmsteads. The maximum of 2 parcels on a quarter section remains the same (4 parcels for a fragmented quarter section divided by a natural or physical barrier). Do you support this proposed change? a. Yes b. No. c. Somewhat, support the idea, but should be changed (specify how below)	yes	Somewhat supported: Could be good for the landowner	No	yes
Rural Agricultural General (RAG) District	In the Rural Agriculture General District, the Draft Land Use Bylaw proposes allows 2 permitted dwellings on a parcel designated as. Do you support this proposed change? a. Yes b. No. c. Somewhat, support the idea, but should be changed (specify how below)	yes	Somewhat supported.	No	yes
Hamlet Residential (HR) District	The Draft Land Use Bylaw proposes to add Duplex and Prefabricated dwellings as permitted uses, as well as Tiny Homes as a discretionary use in the Hamlet Residential District. Do you support this change? a. Yes	yes	Somewhat supported: Worry duplexes and prefabricated homes will reduce value to the hamlet and residents.	Yes	yes

	<p>b. No.</p> <p>c. Somewhat, support the idea, but should be changed (specify how below)</p>				
Rural Business (RB) District	<p>The Draft Land Use Bylaw proposes to create a single Rural Business District. All existing parcels zoned as Commercial/ Industrial, Rural Industrial, and Rural Small Holdings will rezone to the new Rural Business District. Do you support this proposed change?</p> <p>a. Yes</p> <p>b. No.</p> <p>c. Somewhat, support the idea, but should be changed (specify how below)</p>	No.	More information needed to respond.	No	No
Development Permit Not Required	<p>In an effort to reduce red tape, Section 3 of the Draft Land Use Bylaw proposes several uses that will be exempt from a development permit if they comply with all aspects of the Land Use Bylaw (including setbacks, building height, etc.). These proposed uses include a Day Home (childcare with 6 or less non-resident children), Home Occupation – Phone & Desk (e.g., accountant), and installation of Solar Energy Systems – Microgeneration for private use (such as roof mounted solar panels). Do you support these proposed changes?</p> <p>a. Yes</p> <p>b. No.</p> <p>c. Somewhat, support the idea, but should be changed (specify how below)</p>	No.	Somewhat supported: Concern about landowner representation for telecommunication towers, solar energy systems and nuclear reactor development.	yes	yes
N/A	<p>Is there anything in the Draft Land Use Bylaw that you would like more information about? Please explain:</p>		Concern about the transparency of the project and availability of information to ratepayers. Request to hold first reading until after harvest.	Request for copies of ASPs and other referenced documentation in LUB. Concern about loss of local autonomy and time limit to review and provided comments on the draft. Request to hold first reading unit after harvest.	No.

6.2 Survey Responses (redacted)