

HIGHLIGHTS OF MOUNTAIN VIEW COUNTY'S NEW LAND USE BYLAW

Mountain View County initiated a review of the Land Use Bylaw (LUB) and development of new Commercial / Industrial Design Guidelines in April 2008. The LUB, which guides how land in the County is used and developed, is being updated to reflect new policies in the 2007 Municipal Development Plan. Design guidelines are also being created to encourage higher quality architecture and landscaping for new commercial and industrial developments. The project is being overseen by a Steering Committee. A planning consultant firm, Armin A. Preiksaitis & Associates Ltd. was retained by the County to undertake the LUB review and preparation of the Design Guidelines. The project is in Phase III of a four-phased work plan with the draft Land Use Bylaw and Commercial / Industrial Design Guidelines being prepared. We would like feedback from involved stakeholders on the strategic directions being proposed. This document is provided as a guide to some of the major changes that are proposed. Interested parties are encouraged to closely review the draft LUB itself.

Why the new Land Use Bylaw is better than the existing Land Use Bylaw and what are the key changes that will benefit landowners, residents and businesses in the County?

The new Land Use Bylaw will enable more efficient day-to-day management of development permit and rezoning applications by County staff and quicker response to County-wide development opportunities from both staff and Council. It will be a more user-friendly document for the public and other stakeholders to understand and work with. Also, the new Land Use Bylaw will bring the County land use planning policies, process and regulations into conformity with the recent amendments to the Municipal Development Plan passed on June 3, 2009. Over the past months, a detailed issue identification process was conducted to identify gaps and concerns with the LUB, which includes a survey with County administration, a series of workshops held with Administration and the Steering Committee, and two public open houses held in fall 2008 and spring 2009. This process identified opportunities to streamline development review and approval process; improve how the Land Use Bylaw deals with subdivision and development, avoids land use conflicts; regulates keeping of livestock, infrastructure capacity building, environmental protection strategies; conservation and energy-efficient design; as well as introduces new landscaping and building design standards. Among of the improvements of the new Land Use Bylaw includes the following:

- Location Permits have been replaced by permitted uses within several districts or use classes that are deemed “not requiring a development permit” to provide more certainty and reduce approval times for land owners and developers. A simplified list of uses and developments which do not require a development permit within their respective districts is provided.
- A much more extensive definitions section of the bylaw with illustrations provides clarity for interpretations of various terms and uses in the new Land Use Bylaw.
- Purpose statements have been added to each district to clearly indicate the expected type of development and their areas of applicability.
- Several new Land Use Districts have been added to reflect residential policies in the 2007 Municipal Development Plan. Examples include the **R-LD Low Density Country Residential District; R-MD Medium Density Estate Residential District; and R-HD High Density Residential District.**
- Other new Land Use Districts have been introduced to address particular needs in different areas of the County. Examples include the **I-HI Heavy Industrial District; P-PC Conservation District; P-CR-Comprehensive Recreation District; and P-PI Institutional District.**
- Keeping of Domestic Animals regulations have been incorporated to reflect the features of each district in the County, especially in higher density residential areas.

- Regulations concerning the keeping of livestock on properties smaller than 4.1 hectares (10 acres) have been expanded to include livestock operations that do not exceed 1 animal unit per 1.2 hectares (3 acres) to the maximum threshold on this use at 1 animal unit per 0.4 hectare (1 acre), just below CFO thresholds. A table indicating the number of livestock per Animal Unit has been included to ensure consistency and clarity.
- Guaranteed Security requirements has been incorporated to several types of development applications including the use of accessory buildings as a temporary residence, condominium development, reclamation, soil remediation, relocation of structures, landscaping, and Wind Energy Converter Systems (WECS). The purpose of the Guaranteed Security is to ensure the completion of the development permit conditions or the acceptable mitigation of issues created by the development if the developer defaults on the development. The Guaranteed Security may take the form of cash or an irrevocable letter of credit.
- As some type of developments may impact surrounding property owners, applicants will be required to carry out a Community Consultation Program prior to submission of a development application as part of the application requirements.
- Application requirements for Natural Resource Extraction have been expanded to include the Community Consultation requirements, and phasing for reclamation and the provision of Guaranteed Securities.
- Commercial / Industrial Design Guidelines that address development considerations such as site planning, design character and appearance of buildings, parking and loading, as well as landscaping and signs have been included to improve the appearance of new industrial and commercial development throughout the County particularly along highly visible highways and County main roads. Illustrations of various types and forms of commercial and industrial developments have also been included as a guide.

What has been done to make the Land Use Bylaw more user-friendly?

- A new Section entitled “Users Guide to the Land Use Bylaw” has been added to the front to help the reader more easily navigate the LUB. Although contained in the LUB document, the User’s Guide will not legally form part of the Bylaw once adopted by Council.
- Mapping has been improved. In order to make maps easier to read and interpret, the scale has been increased and large foldout maps of various areas of the County are now provided with an index map in each.
- Tables have been added to the land use district regulations to facilitate the ease of use. The land use districts have also been reformatted to include provisions for engineering standards, concept plans, open space requirements and other site specific regulations applicable to the respective land use district.

Other improvements include formatting changes, use of plain language, an enhanced and expanded definition section, new illustrations and tables for quick reference of permitted and discretionary uses, and most common regulations in each district.

What improvements have been made to how new development is to be regulated?

- The Rules Governing All Districts have been expanded and broken down in specific sections to better address for example; business licensing, condominium development, development adjacent to aerodromes, development adjacent to confined feeding operations, hazard lands, keeping of animals, parcel density and subdivision requirements, home occupations, manufactured dwellings, natural resource extractions, secondary suites, tourist campgrounds, and work camps.
- New development trends such as Wind Energy Conversion Systems (WECS) and Communication Towers, have been acknowledged.

- Accessory buildings will be considered permitted or discretionary according to the use of the principal building on the parcel. A new section has been created to regulate the size, location and height of several situations where accessory buildings may be allowed (e.g. garden suites).
- Several forms of Secondary Suites will be implemented in agricultural and residential districts. Additional development requirements to mitigate potential impacts (e.g. parking) before approving a development permit have been addressed.
- Landscaping requirements have been expanded to include landscaping plans for new industrial and commercial development. The purpose is to improve landscaping standards around industrial/commercial development, particularly near highways and County roads. In order to guide the applicant, the LUB outlines required planting standards and the approval process.

What improvements have been made to the application and administration processes?

- Procedures for development permit applications have been organized according to the type of application. The goal is to make it easier to find the requirements for a simple application (for instance a Home Occupation Level 1) as well as for a complex application (such as Natural Resource Extraction).
- A detailed list of supplementary requirements has been added to ensure that appropriate technical studies are submitted to support development applications with potentially significant impacts. A development application may now require a Biophysical Assessment, Phase I Environmental Site Assessment, Traffic Impact Assessment and/or Slope Stability Studies. These technical studies will support the review of complex applications and assure land owners who may be affected that a comprehensive assessment will be done prior to deciding upon development applications.

What changes have been made to the Land Use Districts and what remains the same?

Agricultural Districts

The **Agricultural Intensive District “AI”** has been removed from the new draft LUB as Intensive Livestock Operations are now regulated by provincial legislation under the Natural Resources Conservation Board.

The **Agricultural (2) District “A (2)”** is has been reworked to expand on permitted and discretionary uses and it is now called **A-AG Agricultural General District**. All parcels ranging from 16.2 – 64.8 hectares (40 - 160 acres) will be included in this district.

The new **A-SH Agricultural Small Holding District** is being proposed to address various new forms of agricultural developments in relatively smaller operations. Parcels ranging from 4.1 – 16.2 hectares (10 - 40 acres) will be included in this district.

Residential Districts

The **Country Residential District “CR”** has been excluded and all lands within this district will be included in the **R-LD Low Density Country Residential District**.

The **Country Residential (1) District “CR (1)”** has been replaced by **the R-LD Low Density Country Residential District**. All existing country residential parcels, including those ranging from 1.2 – 4.1 hectares (3 – 10 acres) will be included in this district.

Two new residential districts are being proposed to implement residential policies of the 2007 Municipal Development Plan which reflect new forms of residential development that is more compact and sustainable. The new **R-MD Medium Density Estate Residential District** will allow up to 51 lots per quarter section, while the **R-HD High Density Residential District** will allow up to 80 lots per quarter section. A bonusing density system based on sustainable green initiatives, consistent with residential policies of the 2007 Municipal Development Plan, may increase the number of lots per quarter section to a maximum of 240 lots.

Commercial Districts

The **Commercial District “C”**, renamed **C-LC Local Commercial District**, has been reworked to expand on permitted and discretionary uses. In addition, development within this district will have to adhere to the new Commercial / Industrial Design Guidelines.

The **Highway Commercial District “HC”**, renamed **C-HC Highway Commercial District**, has been reworked to expand on permitted and discretionary uses. In addition, development within this district will have to adhere to the new Commercial / Industrial Design Guidelines.

Industrial Districts

The **Business Park District “BP”** is has been reworked to expand on permitted and discretionary uses and it is now called **I-BP Business Park District**. In addition, development within this district will have to adhere to the new Commercial / Industrial Design Guidelines.

The Industrial District “I” is being replaced by the new I-BP Business Park District.

A new I-HI Heavy Industrial District has been created for heavy industrial uses such as upgraders and petrochemical facilities where potential nuisance impacts and safety considerations may extend beyond the site boundary or even the District. Similar to practices in other municipalities, the new LUB will require development applications for heavy industrial uses to be supported by risk and/or environmental impact assessments to determine appropriate separation distances, buffering and emergency response plans.

Recreational Districts

A hierarchy of development intensity is provided within three (3) parks districts.

A new **P-PC Conservation District** is being proposed to respond to environmental preservation needs. At this time, only those lands held in title by the County within Environmentally Significant Areas should have this district explicitly applied.

The **Recreational Facilities District “RF”** is being replaced by the **P-PR Parks and Recreational District** **which will** allow for parks and private recreation activities primarily aimed at passive and active outdoor activities and also includes recreation buildings as accessory uses.

A new **P-CR Comprehensive Recreational District** is being proposed to address several forms of recreational development, including campground, cabins, and recreational vehicles. The district has also been designed to accommodate uses regardless the ownership type, for example, condominium and resort development. For the development of condominium campgrounds, the applicant will be required to submit a concept plan for the development of the entire tract of land and obtain approval from the Approving Authority prior to submitting a development permit application for any site-specific development. Existing condo corporations will also be required to submit a redevelopment plan prior to the consideration of any new cabin development.

Public Service Districts

The **Airport District “AP”** and the **County Airport District “DC”** have been replaced by the new **A-AP Airport District**. Airport Lands including the immediate airport improvements and surrounding areas will be designated to this new district. This district allows for all use classes under the **I-BP Business Park District** on a discretionary basis.

An **Airport Protection Zone** implemented by an overlay is being proposed to regulate development near airports. The Airport Protection Zone Overlay will reflect the extent of the noise exposure forecast areas, and height limitations affecting areas surrounding airports in the County.

A new **P-PI Institutional District** is being proposed to include lands such as County office, yards, and facilities, existing Community hall sites, cemeteries, the Olds College Lands, and School Sites in rural areas.

Direct Control Districts

The majority of existing Direct Control Districts were translated to the new Comprehensive Recreational District or to Industrial Districts. Direct Control Districts carried forward are the Ralnor, May City Hutterite Colony, and Crystal Waters Wellness Retreat.

What specific aspects of the draft Land Use Bylaw does County Council want feedback from the property owners and stakeholders?

Redesignation of Agricultural Parcels Ranging 1.2 – 4.1 hectares (3 – 10 acres)

The draft LUB is proposing that existing agricultural parcels ranging from 1.2 – 4.1 hectares (3 – 10 acres) would be rezoned to **R-LD Low Density Country Residential District** or to **A-SH Agricultural Small Holding District**. This option would not have any implication with regard to property taxes. Alternatively, those parcels could remain designated agricultural as a non-conforming use. The Municipal Government Act grants legally non-conforming standard to buildings so long as the use continues for at least 6 months. Also, where a property contains a use that is currently lawful under the current Land Use Bylaw 55/95 but that will not be allowed under the draft Land Use Bylaw, there are provisions to protect that use as a legal non-conforming use. Provisions in the draft Land Use Bylaw are not meant to curtail existing rights.

Domestic Animals

The draft Land Use Bylaw proposes that the keeping of dogs and pets for domestic purposes is allowed in agricultural and residential districts without the requirement for a development permit, the maximum number being five (5) in the former and three (3) in the latter. Unweaned pups area also allowed without the requirement of a development permit until such animals are six (6) months of age. .

Recreational Vehicles

Regulating recreational vehicle storage, especially in large numbers on agricultural lands is essential to protect the Mountain View rural life style. There is also a high demand for recreational vehicle storage near urban centres and along collector roads. The maximum number of recreational vehicles on a parcel is subject to their associated impacts, thus the draft LUB is proposing the following thresholds:

- In the **A-AG Agricultural General District** and the **A-SH Agricultural Small Holding District** a maximum of four (4) recreational vehicles are allowed to be kept on a permanent basis without requiring a development permit. For unique circumstances, a maximum of six (6) recreational vehicles are allowed to be kept on a temporary basis for a maximum of thirty (30) consecutive days.
- In the **R-LD Low Density Country Residential District** and the **R-MD Medium Density Estate Residential District**, a maximum of two (2) recreational vehicles are allowed to be kept on a permanent basis without requiring a development permit.
- In the **R-HD High Density Residential District**, only one (1) recreational vehicle is allowed to be kept on a permanent basis without requiring a development permit.
- The storage of more than four (4) recreational vehicles for more than 30 days is considered an industrial use and therefore is only supported if the development is located in the appropriate district and the issuance of a development permit.

Business Licenses

The draft LUB has proposed the basis for a draft Business License Bylaw that the County will have ready for public review at the September 15th 2009 Public Open House. A license is required to carry on or operate a resident business, a non-resident business, or a temporary business. Business License is a tool that municipalities apply to create a database of businesses operating in the County. No fee is set yet at this time. Also, business licenses are not meant to increase property tax neither apply to general farming practices.

Home Occupations

Three levels of home occupation are being proposed based on their impact on surrounding areas. The level one will not required a development permit but must apply for a business license. A level 3 home occupation is only being considered on large parcels.

Development Near Airports and Aerodromes

Uses and regulations were reviewed in several municipalities. Some municipalities have districts governing the development of land around airports, some have overlays, some had requirements set out in their development application process, and others have a general regulation for airports and aerodromes. In the draft LUB:

- The new Airport Protection Zone Overlay has been created to reflect the extent of the noise exposure forecast areas, and height limitations affecting areas surrounding airports in the County.
- Land uses within the vicinity of the airport will be determined through the preparation of an Area Structure Plan.

Natural Resource Extraction

Mountain View County already has policies in place which require the County to adhere to a high standard on its gravel operations. Recognizing gravel is an important and strategic resource in Alberta, the proposed new draft Land Use Bylaw would not require Mountain View County or its authorized agents to obtain a development permit for extraction and processing of sand, gravel or earthen materials including asphalt or concrete mixtures to be used exclusively by Mountain View County.

Removal of Top Soil (Excavation, Stripping, Filling and / or Recontouring)

Top Soil is a valuable resource for the County. There is a need to ensure no net loss of Top Soil, especially in large developments. One alternative is to allow large developments to move the Top Soil during installing services, to other areas such as Municipal Reserves to store the soil prior to final grading of the site. Overall, a complete description on the developer's handling of Top Soil is being considered.

Design Guidelines for Commercial and Industrial Buildings

These design guidelines should be feasible for a large developer to implement, as well as for many of the smaller developers or "one-off" developments. Also, they should not impose significant costs and other deterrents, which in turn could hurt the economic development. The application process will address how the County will assist smaller developers in interpreting and designing developments to these new standards. The use of plain English descriptions to convey meaning of guidelines and illustrations are some of the approaches that are being developed to implement the design guidelines.

Landscaping Requirements

The landscaping regulations establish when site landscaping may be required to contribute to a reasonable standard of appearance for developments. It also identifies when landscaping may be required and the associated process for how it is implemented. The Commercial / Industrial Design Guidelines contains more detailed landscaping guidelines for commercial and industrial uses that supplement the landscaping requirements.

New P-CR Comprehensive Recreation District to Facilitate Resort Residential Uses

The net impact resulting from several forms of recreation development is very similar, for example, density, traffic, environmental preservation, and therefore they are being accommodated under one district with strict development application requirements.

How will the new land use bylaw affect land and developments?

The vast majority of properties will remain in districts that are very comparable to existing districts. As Mountain View County now requires country residential parcels to be redesignated prior to being

subdivided out of a quarter section, it is proposed that some existing smaller sized parcels currently designated as Agricultural would be redesignated as either **R-LD Low Density Country Residential District** or **A-SH Agricultural Small Holding District**. Whenever possible, the creation of legal non-conforming uses will be avoided. However, this may not be possible in each case.

Most property owners, particularly those properties already developed will see little or no change.

What happens next?

You are invited to participate in a **Land Use Bylaw Round Table** on the key points of draft LUB which will take place on **Tuesday, January 12, 2010 from 4:00-8:00 p.m. in the Gymnasium at Zion Evangelical Missionary Church**. If you wish to attend this session, please RSVP to Michelle Steckly at 403-335-3311, ext. 209 or at michelle.steckly@mountainviewcounty.com. Space is limited and first priority will be given to those who have not yet attended a session. You will have an opportunity to ask questions and provide comments. It is important that you attend as we are in the process of finalizing the draft LUB for Council consideration. We will consider all comments before finalizing the draft LUB which will also be reviewed by the Steering Committee and Administration.

For further information please contact:

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