

Land Use Bylaw Review || Terms of Reference

Introduction and Background

In 2010, the MD of Foothills Council adopted a new Municipal Development Plan (MDP) and Highway 2A Industrial Area Structure Plan (H2AIASP). These two documents, among others, have acted as a catalyst for the review and rewrite of the MD's current Land Use Bylaw (LUB) which was originally adopted in 1999.

While the new MDP remains focused on the protection and conservation of agriculturally productive lands, the content of the Plan has progressed to a point where it no longer aligns with portions of the 1999 LUB. Similarly, the new H2AIASP lays out a number of land use policy areas that would benefit from corresponding land use districts in a revised LUB.

Today's LUB has dealt with the requirement for new and updated sections of regulation through a series of amendments over the past 13 years. This ad-hoc method of re-aligning the LUB with evolving demand is no longer considered effective, therefore staff is suggesting that a more appropriate course of action is to undertake a comprehensive review and rewrite of the regulatory framework for the MD of Foothills.

Legislation

The LUB will be reviewed and rewritten in accordance with Part 17 (Division 5) of the Province of Alberta Municipal Government Act. In accordance with sections 639 and 639.1 of the MGA, the Municipality will continue to consider the protection of agricultural operations through the process of updating the LUB.

Purpose and Objectives

- To undertake a review of the current LUB to:
 - Understand the document's internal strengths and weaknesses
 - Understand the document's external strengths and weaknesses
 - Identify gaps where the current LUB does not align with recently adopted plans (MDP, H2AIASP)
 - Identify gaps where the LUB may not align with new provincial and regional legislation

- To draft a new LUB in order to:
 - Bring the regulation into compliance with updated plans/policies
 - Incorporate the views and opinions of staff, Council, and the municipality's residents and businesses into the document
 - Provide a more publically accessible regulatory framework to the MD's ratepayers
 - Improve upon the existing document's organization and readability

- At the regulatory level, carry out the visions, goals, and objectives of all relevant documents within the MD's hierarchy of plans

Process

Preliminary research and analysis

The Project Manager has designed a process by which staff members will be interviewed and asked to discuss their viewpoints on the current LUB, its strengths and weaknesses, and any other matters they wish to bring forth as a part of initial review and analysis.

Additionally, recently rewritten LUBs from other municipalities in Alberta will be reviewed and analyzed in order to inform the development of the new LUB for the MD of Foothills.

Committee structure and duties

The LUB is a document that affects the day to day development and operations of the MD of Foothills in its entirety. It is believed that the most appropriate method of reviewing and rewriting the document is to include those staff members that deal with the use and implementation of the document regularly.

As a result, an internal staff committee will be formed, and will consist of one to two staff members from relevant MD departments, including:

- Public Works
- Planning
- Development
- Assessment
- Bylaw Enforcement
- Safety Codes
- Administration

The appointment of staff members to the LUB review staff committee will be completed by the Municipal Manager.

The committee will meet on a bi-monthly basis and will be tasked with reviewing sections of the current LUB prior to each meeting in order that the sessions can be productive and efficient.

Council involvement

As a part of the project approval process, Council will be asked to participate in a conversation with planning staff regarding the strengths and weaknesses of the existing LUB, what should be kept from the current document, what could be improved upon, and any other matters relating to the LUB that Council wishes to address.

Additionally, Council will be involved in the LUB review/rewrite process through regular updates provided by the Project Manager.

Public involvement

The LUB is a regulatory document that governs the use of and development on all lands within the MD of Foothills. The public voice is essential to ensuring a document with such influence is reviewed and rewritten to best serve the ratepayers of the municipality. In order to understand how to best serve the municipality, the public requires a voice with which to make their opinions heard.

A multi-media approach to the LUB review/rewrite has been contemplated. Opportunities to ensure our resident's voices are heard include:

- Internet: blog, website, forums
- Print media: newsletter content, flyers, mail-outs
- Traditional outreach: open houses and exit surveys

Timeline

The review and rewrite of the LUB is expected to take place over a five to six month period.

Preliminary research and analysis – 2 months

The preliminary phase of the project (research/analysis) has been in process since the third week in November and is expected to be finalized by the end of January.

LUB review and new content development – 3 to 4 months

The review and development of content is planned to take place over the span of three to four months from mid-January to April/May.

Project Finalization and Celebration – 1 month

The final draft of the LUB and associated circulation period and public hearing is expected to take place in April or May of 2011.