

SER-008-022

Strathcona County
Municipal Policy Handbook

Redistricting (Map Amendment) Bylaws

Date of Approval by Council: 05/08/2007; 05/08/2012 Resolution No: 383/2007; 283/2012

Lead Role: Chief Commissioner Replaces: N/A

Last Review Date: May 22, 2018 Next Review Date: 05/2021

Administrative Responsibility: Planning and Development Services

Special Notes: Department Procedures to support this Policy and to provide additional information on application and process requirements are available in -EBRT PDS doc #90529

A. Policy Statement

The purpose of this policy is to set guidelines and procedures, and outline the roles and responsibilities of those applying for redistricting and those reviewing the redistricting applications.

This policy ensures that Council has the opportunity to consider and address the social, financial and/or environmental impacts of a Redistricting Bylaw and whether the Bylaw conforms to the Municipal Development Plan.

The County will utilize Development Agreements, Offsite Development Levies and other mechanisms to ensure that new growth pays for itself in a fair and equitable manner and will not unduly burden the County's existing tax base.

B. Definitions

Area Concept Plan (ACP) means a statutory plan adopted by Council to provide a framework for subsequent subdivision and development of several quarter sections of land.

Area Structure Plan (ASP) means a statutory plan adopted by Council to provide a framework for subsequent subdivision and development of a quarter section of land or a larger or smaller parcel where circumstances warrant.

Conceptual Scheme (CS) means a plan prepared and adopted by the municipality that considers the future subdivision and development of a defined area, typically on a quarter section basis.

Development Agreement means an agreement which an applicant or developer enters into with the County pursuant to the Municipal Government Act (MGA) and which is entered into prior to third reading of a Redistricting Bylaw or prior to endorsement of a subdivision approval.

Land Development Services (LDS) means the Land Development Services branch of Planning and Development Services.

Land Use Bylaw (LUB) means a Bylaw adopted by Council to prohibit or regulate and control the use and development of land and buildings in Strathcona County.

Municipal Development Plan (MDP) means a statutory plan adopted by Council to establish land use planning policies for Strathcona County.

Municipal Government Act (MGA) means the Municipal Government Act, R.S.A. 2000, c. M-26, as amended.

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Guidelines and procedures are better captured in a procedure document rather than policy.

The legislated public hearing enables Council to consider all aspects of a proposed bylaw.

The intent behind this statement is addressed through the recently approved Establishing Security in Developer Agreements Policy, the Offsite Development Levy Bylaw, the County's Subdivision Procedures, as well as the provisions of the Municipal Government Act.

Definitions are either defined in other documents or are outdated terms.

Offsite Development Levy means a levy set by Council by Bylaw pursuant to the MGA imposing payments to be made by an applicant or developer for the provision of municipal and utility services.

C. Guidelines

1. Statutes, Policies and Regulations

- a) Redistricting Bylaws must address the manner in which the proposed Bylaw:
 - i) Meets the goals of the County's Strategic Plan;
 - ii) Conforms to the sustainability principles of the Municipal Development Plan;
 - iii) Conforms to other sustainability principles measures or practices;
 - iv) Conforms to the policies of the Municipal Development Plan; and
 - v) Meets the requirements of the Land Use Bylaw.
- b) The Public Hearing required as part of the redistricting process shall be in accordance with the MGA and County Policy.
- c) The lands that are the subject of a Redistricting Bylaw may be subject to federal or provincial statutes, regulations, licenses or codes or standards of practice. It is the responsibility of the applicant to ensure that a Redistricting Bylaw complies with federal or provincial statutes, regulations, licenses or codes or standards of practice.

1.a) Section 2.2.3.g of the Land Use Bylaw outlines that information as part of a rezoning application may be required to address consistency with the Municipal Development Plan and other statutory plans or policies adopted by Strathcona County, as well as other County plans and policies.

1.b) Public Hearings are legislated by the Municipal Government Act and the County's Meeting Procedures Bylaw.

1.c) Compliance with federal or provincial requirements is necessary regardless of policy statements.

2. When a Redistricting Bylaw is Required

- a) A Redistricting Bylaw is required to change the land use district (i.e. zoning) as identified in the Land Use Bylaw in order to facilitate a subdivision and/or development proposal. This is also known as a map amendment.
- b) LDS will not accept as complete a redistricting application which proposes to district a portion of an existing or proposed lot rather than the entire existing or proposed lot, except if at the discretion of the Director of Planning and Development Services there are unique or special circumstances that warrant acceptance of an application.

2.a) is information rather than policy or procedure.

2.b) is procedure rather than policy.

3. Other Planning Applications

- a) A redistricting application can be considered concurrently with a subdivision application; however the redistricting application would require that two readings be given prior to a subdivision application being considered for approval. In this situation, a subdivision approval shall be conditioned that the third reading of the redistricting be given prior to endorsement of the subdivision.

3.a) Is included in Section 6.b. of the County's Subdivision Procedure.

4. Application

- a) An application will be deemed complete once the required application and fee, as well as any required report, drawing or study have been submitted to the satisfaction of the County.
- b) Administration must advise in writing or by e-mail within one week of submission that an application is incomplete and indicate what information is required, or that an application is complete and is in circulation. An incomplete application may be returned to the applicant.
- c) Further to 4 (a) and (b) above, an application for a proposed redistricting within the Heavy Industrial Transition Overlay (IH-O) District of the Urban Services Area which could result in an increased density or intensification of residential uses, large indoor/outdoor assembly uses (e.g. stadiums, arenas or theatres) which cater to small children or the elderly, uses which cater to temporarily or permanently confined, disabled or incapacitated people (e.g. hospitals, extended care or emergency response organizations), buildings which present difficulties in the

4.a) Is included in Section 2.2.3 of the Land Use Bylaw, which outlines complete application requirements.

4.b) is procedure rather than policy.

4.c) is addressed in Policy 4.1.5. of the Municipal Development Plan.

event of evacuations (e.g. hotels or high rise office buildings), or uses which create the potential for large numbers of people to remain on site for long periods of time (e.g. schools, recreation facilities and shopping centres) will not be accepted as complete unless the County deems that the risk assessment adheres to the County's risk assessment and review criteria for the use or uses in the proposed district.

- d) Any report, drawing or study required in support of an application is to be provided at the applicant's expense.
- e) The County's point of contact regarding the application will be the person named as the applicant, and any additional person authorized in writing by the owner of the property being redistricted. In a situation where the applicant is different from the owner of the subject property, it is the applicant's responsibility to communicate with the owner of the subject property regarding the application.

4.d) is implicit in Sections 2.2.1 and 2.2.2 of the Land Use Bylaw which outlines that the landowner can make a application and that the application shall be accompanied by the information required to evaluate the application.

4.e) is procedure rather than policy.

5. Circulation, Notification and Sign Requirements

- a) A complete application shall be circulated to internal County departments and external agencies for comment. Upon receipt of comments from internal departments and external agencies, Administration must review, resolve potentially conflicting comments, summarize them and provide them to the applicant in writing. If necessary, a meeting will be scheduled with the applicant and his/her consultants to review, discuss, and where necessary, resolve any issues arising out of the comments.
- b) The public and adjacent property owners shall be notified of the Public Hearing regarding a redistricting application in accordance with the MGA and County policy regarding notification. In a situation where a redistricting and subdivision application are being processed concurrently, the notification required for the subdivision can also include a statement indicating that a redistricting application has also been submitted and that the recipient of the letter will receive notification of the required Public Hearing.
- c) When Administration determines that the proposed redistricting is in conformance with County requirements and all comments and concerns from internal and external departments have been, or can be resolved, Administration shall refer the proposed redistricting to County Council for consideration.
- d) If the proposed redistricting is not in conformance with County requirements and there are outstanding issues that cannot be resolved to Administrations satisfaction, Administration will not support the proposed redistricting application when the application is referred to County Council for consideration.
- e) Signage related to the proposed redistricting application shall be in accordance with the LUB and be provided at the applicants expense.

5.a) the first sentence is outlined in Sections 2.2.6 and 2.2.7 of the Land Use Bylaw. The remainder of this clause is procedure rather than policy.

5.b) the first sentence is outlined in Section 606 of the Municipal Government Act and section 2.2.13 of the Land Use Bylaw. The remainder is procedure rather than policy.

5.c) is procedure rather than policy.

5.d) is procedure rather than policy

5.e) is outlined in Sections 2.2.8 and 2.2.9 of the Land Use Bylaw

6. Council Process and Approval

- a) Council decisions on Redistricting Bylaws must consider the social, financial and environmental impacts of the proposed land use change to ensure that a redistricting proposal will provide a net benefit to the community.
- b) Municipal improvements required due to a Redistricting Bylaw represent the financial costs of a change in land use. Council requires the financial considerations be addressed by the developer at the time of redistricting through a development agreement, prior to considering third reading of a Redistricting Bylaw.
- c) Council will hold a Public Hearing prior to the first reading on a proposed Redistricting Bylaw. After the Public Hearing, Council may:
 - i) Defeat the Bylaw at first reading;
 - ii) Give three readings to the Bylaw if the required Development Agreement has been negotiated and executed;
 - iii) Give two readings to the Bylaw and then refer the Bylaw back to Administration to

6.a) section 153 of the Municipal Government Act outlines the general duties of councilors to consider the welfare and interests of the municipality as a whole, which would include the consideration of social, financial and environmental impact of a rezoning.

6.b) outlines a process that is proposed to be changed to achieve red tape reduction as a development agreement is a subdivision or development process.

6.c) is outlined in Section 230(5) of the Municipal Government Act

negotiate and execute the required development agreement, and/or
iv) Refer the Bylaw back to Administration for further review and to consider comments and concerns presented at the public hearing.

- d) A Redistricting Bylaw that does not involve the construction or installation of municipal improvements or the payment of off-site levies or other contributions may be exempt from the requirement for a Development Agreement prior to third reading.
- e) If a developer would like to name a development area, roads, parks and public facilities, the proposed names must be brought forward to Council for adoption prior to third reading of a Redistricting Bylaw. The naming of a development area etc. must adhere to County policy.

6.d) outlines a process that is proposed to be changed to achieve red tape reduction as a development agreement is a subdivision or development process.

6.e) is outlined in Service Policy SER-008-011 Naming of Development Areas, Roads, Parks, and Public Facilities.

7. Development Agreement

- a) Applicants must provide preliminary engineering cost estimates for the municipal improvements to LDS to initiate the Development Agreement process.
- b) A Development Agreement must be negotiated and executed, proof of insurance provided, and approval and inspection fees submitted before Administration will take the Development Agreement and the related Redistricting Bylaw to Council for consideration of third reading.

7.a) is outlined in Section 6 of the County's Establishing Security in Developer Agreements Policy.

7.b) outlines a process that is proposed to be changed to achieve red tape reduction as a development agreement is a subdivision or development process.

8. Re-Application

- a) When a Redistricting Bylaw has been defeated by Council, another application for the same or substantially the same Redistricting Bylaw shall not be considered within one year of the date on which the Bylaw was defeated.
- b) Notwithstanding 8(a), if a Redistricting Bylaw is defeated by Council, and the applicant addresses and resolves the issues that were of concern to Council and/or Administration and/or the public to the satisfaction of the Director of Planning and Development Services, and the Redistricting Bylaw would be substantially different from the one that was defeated, a new application may be considered within one year of the date on which the original Bylaw was defeated.

8.a) is outlined in Section 2.2.15 of the Land Use Bylaw.

8.b) is outlined in section 2.2.16 of the Land Use Bylaw.

9. Additional Considerations

- a) A Redistricting Bylaw that goes to a Public Hearing shortly before a municipal election may be affected by the outcome of the election as the only Councillors that can vote on a Bylaw at third reading are those who were present for the Public Hearing. Election results may mean that there is no longer a quorum of Council to consider third reading for a particular Bylaw and if that is the case, a new Public Hearing must be held prior to consideration of first reading.
- b) When the County is considering the adoption of a new MDP and/or Land Use Bylaw, adoption of either document has the potential to affect a Redistricting Bylaw in progress.

Section 9 is general information rather than policy or procedure.

D. Roles and Responsibilities

1. Land Development Services (LDS) is responsible for:

- a) Ensuring an application is complete and the processing of an application;
- b) Referring the application to internal County departments and external agencies;
- c) Receiving comments, resolving potentially conflicting comments and preparing a summary for the applicant;
- d) Facilitating meetings between the applicant and members of Administration, as required, to discuss and resolve issues;
- e) Reviewing reports, drawings and studies submitted with an application for conformity with the

Section D outlines Administrative Roles and Responsibilities that are implicit in the County's lines of business and can be outlined within procedures as necessary.

- County's Engineering Servicing Standards and other related standards documents;
- f) Preparing and forwarding a report to the Director of Planning and Development Services for review prior to it being provided to Council for consideration;
- g) Preparing a report with a recommendation for Council consideration; and
- h) Preparing Department Procedures in support of this Policy and to provide additional information on application and process requirements.

2. Development Services (DS) is responsible for:

- a) Providing written comment on the application from the perspective of the County's LUB; and
- b) Meeting with LDS and the applicant(s), as required, to resolve issues related to an application.

3. Land Use and Policy Planning Services (LUPP) is responsible for:

- a) Providing written comment on the application from the perspective of the County's MDP and other County planning policy documents; and
- b) Meeting with LDS and the applicant(s), as required, to resolve issues related to an application.

4. Land Management Services (LMS) is responsible for:

- a) Providing written comment on the application from the perspective of the legislation and policies that govern the use of County-owned or controlled lands; and
- b) Meeting with LDS and the applicant(s), as required, to resolve issues related to an application.

5. Customer and Technical Services (CTS) is responsible for:

- a) Preparing the application referral and LUB mapping related to an application.

6. Director, Planning and Development Services is responsible for:

- a) The review and approval of an application for submission to Council.

7. Other County departments, including but not limited to Recreation, Parks & Culture, Transportation & Agriculture Services, and Emergency Services are responsible for:

- a) Reviewing applications for conformity with relevant County policies, standards and other guidelines;
- b) Providing written comment on the application with respect to issues related to the Department's interests; and
- c) Meeting with LDS and the applicant(s), as required, to resolve issues related to applications.