



THE MUNICIPAL DISTRICT OF WILLOW CREEK NO. 26

COUNCIL STRATEGIC PLANNING RETREAT

SUMMARY

NOVEMBER 2, 3, AND 4, 2015

COAST PLAZA – LETHBRIDGE ALBERTA

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Facilitator:

Deborah Howes – High Clouds Inc.

Participants:

Members of Council

1. Reeve Neil Wilson
2. Councillor Glen Alm
3. Councillor Earl Hemmaway
4. Councillor John Kroetsch
5. Councillor Maryanne Sandberg
6. Councillor Ian Sundquist
7. Councillor Henry Van Hierden

Staff

1. Chief Administrative Officer Cynthia Vizzutti
2. Planning and Development Manager – Gail Gibeau
3. Senior Planner – Mike Burla
4. Superintendent of Public Works – Roy Johnson
5. Assessor Wayne Lamb
6. Agricultural Fieldman Ron MacKay
7. Assistant Agricultural Fieldman Carla Preachuk

AGENDA

Day 1

1. Introduction of Participants
2. Identification of Changes since Bylaw 1431 Municipal Development Plan came into force
3. Original and New Vision Statement and New Mission Statement
4. Municipal Development Plan
 - a) History of Current MDP
 - b) Review applicable sections of *The Municipal Government Act*
 - c) Review successes
 - d) Issues with the current MDP
 - e) Issues to be addressed in a new MDP

Day 2

1. Municipal Development Plan
 - a) Objectives and Policies
 - b) Organizational process for a new plan
 - c) Review applicable sections of *The Municipal Government Act*
 - d) Process to consult
2. Land Use Bylaw Review

Day 3

1. Review of day 1 and 2 – MDP and LUB
2. Code of Conduct for Councillors
3. Dust control on municipal roadways
4. Council meetings and times
5. Council organizational appointments

DAY 1 – NOVEMBER 2, 2015

1. Introductions and Objectives

- Facilitator Howes asked which participants served for the shortest and longest periods of time.
- A review of the participants' municipal experience was conducted.
- A review of the purpose for the retreat and a summary of the process was discussed and agreed upon by the facilitator and the participants.

2. Changes since Bylaw 1431 came into force

Council and Staff identified the following changes that have taken place:

- land use has changed therefore the municipality is not as “rural” as it was traditionally;
- land use involves more diversification under the rural general designation;
- demographics indicate the farming population is aging;
- increase in the number of acreages is significant;
- increase in the resale of acreages with the average length of ownership of 3.9 years;
- greater exposure to liability and increased legal costs for the municipality;
- increased demand for services such as emergency services, transportation, recycling and development;
- decline in the number of family farms;
- corporate farms and larger farms are more prevalent versus the single family farm located on 160 acres or less; and
- some land owners have less ties to the local community than in the past.

3. Original and New Vision and Mission Statement

Original Vision Statement

A community that preserves, enhances, and enriches our legendary rural way of life for future generations to live, work, and prosper, as members of this farming and ranching community. The municipality shall put in place, policies that will ensure that future generations can continue to enjoy a rural way of life that protects a clean environment, promotes a high standard of living and places agriculture as a corner stone for sustainable economic development.

October, 2012.

Vision Statement Review

A review of the vision statement resulted in the splitting of the original statement into a “Vision Statement” and a “Mission Statement” due to the following statements and observations:

- the Vision Statement should not change because elected officials change;
- the Vision Statement must mean something to the residents;
- The Vision Statement should reflect the traditional motto - “Choice Farming and Ranching”;
- “legendary” is relevant to the culture of the municipality;
- the municipality should accommodate the changes in agriculture while at the same time try to preserve it;
- a “rural way of life” is the very reason why people come here;
- people want to be independent and have the freedom from excessive control;
- people must realize that more independence means less services and therefore less controls and regulations;
- use of the word “evolving” may be required to make the Vision Statement more broad;
- the Vision Statement should cover those outside the farming and ranching dynamic;
- the rural community represents the residents’ values;

- for agriculture to survive a firm commitment is needed; and
- a Mission Statement is the method used to reach the vision.

New Vision Statement

A community that preserves, enhances, and enriches our evolving rural way of life for all generations to live, work and prosper, as members of this farming and ranching community.

New Mission Statement

The municipality strives to put in place policies that will ensure that all generations can continue to enjoy a safe and sustainable rural community that recognizes agriculture as a cornerstone.

4. Municipal Development Plan

(a) History of current MDP

The existing MDP Bylaw No. 1431 received third and final reading on the 18th of June, 2003. The MDP is the legislative document that provides for land use. The document has become outdated and is in need of a replacement or a considerable amendment to address the changes in land use, demographics, agriculture, technology, and expectations of the residents, as well as ensuring compliance with provincial legislation that has been created, amended or struck over the past decade.

(b) Review applicable sections of *The Municipal Government Act*

The Municipal Government Act states;

Purpose of this Part

617 The purpose of this Part and the regulations and bylaws under this Part is to provide means whereby plans and related matters may be prepared and adopted

(a) to achieve the orderly, economical and beneficial development, use of land and patterns of human settlement, and

- (b) to maintain and improve the quality of the physical environment within which patterns for human settlement are situated in Alberta, without infringing on the rights of the individuals for any public interest except to the extent that is necessary for the overall greater public interest.

The Municipal Government Act states:

Municipal Development Plan

632 (1) A council of a municipality with a population of 3500 or more must by bylaw adopt a municipal development plan.

(2) A council of a municipality with a population of less than 3500 may 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 municipalities 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 the 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, and
- (f) must contain policies respecting the protection of agricultural operations.

The Municipal Government Act states:

Conflict with ALSA regional plans

- 638.1** In the event of a conflict or inconsistency between
- (a) a statutory plan or a land use bylaw, and
 - (b) an ALSA regional plan,
- the ALSA regional plan prevails to the extent of the conflict or inconsistency.

(c) Successes realized from the Municipal Development Plan

- inter-municipal development plans are now in place with rural municipalities;
- MDP includes maps, definitions, legislative requirements and development planning;
- limits sub-divisions to 1 per quarter without rezoning;
- good management of development around the five urban neighbours;
- consistent application of setbacks;
- wind power is encouraged and well managed to limit impact (Section 4.14 MDP);
- authority regarding crown lands recognized (Section 4.9 MDP);
- definitions in the MDP are clean, consistent and applicable but require updating;
- use of fragmented parcels is consistent;
- MDP encourages regular land use bylaw reviews and amendments;
- application of setbacks, development restrictions and management of development around and in flood plains, floodways and floodway fringes is consistent; and
- no successful legal challenges have been initiated against the municipality.

(d) Issues the current MDP presents today

- MDP has not been reviewed on a regular basis and has become outdated;
- the lack of acknowledgement regarding the changes to agriculture including larger farms with less residents, application of technology on the farm, changes to farm practices including diversification and value added;
- management of increase in acreage ownership, and the high resale rate of acreages as it impacts land use;
- does not address increased demand for services by agriculture and acreage owners;
- demand for high speed internet connectivity is increasing;
- changes in demographics and an aging farm population impacts the relevance of the MDP;
- conflict between the 2003 MDP and the more current land use bylaw needs to be addressed; and

- updated flood mapping is required to make better informed development decisions.

(e) Issues regarding development of a new MDP

- parcel size should be decided whether it is 5 acres, 10 acres or something else;
- high speed internet connectivity opportunities should be encouraged;
- management of development in flood prone areas to reduce the threat to life and property, and protect the municipality from liability;
- development and continuance of a flood mapping program;
- development of urban fringe land use districts around Stavelly, Granum, Claresholm and Fort Macleod, to reduce potential conflicts;
- address the demand for increased services such as recycling, garbage collection, and emergency services;
- management of land use conflicts between acreage owners and farm operations;
- economic development and land use policies and how they work together;
- decreasing and aging populations due to the loss of the family farm;
- should align with the current LUB to keep the two documents current and in sync;
- increased use of heavy haul agreements and development agreements as planning tools;
- a change is needed to the format, font, and layout;
- technological advancements in software, data management and mapping;
- a better use of schedules is required;
- statistics should be removed to reduce redundancy or added as a schedule;
- flood mapping and its use as a planning document or policy is required;
- elected officials have the authority under the Act to create the MDP keeping in mind that individual rights may be affected for the greater public interest;
- the MDP shall reflect the intent of the new Vision Statement and Mission Statement; and
- the MDP shall reflect the purpose stated in Section 617 and the intent stated in Section 632 of *The Municipal Government Act*.

DAY 2 – NOVEMBER 3, 2015

1. Review of Day 1 discussion and deliverables

(a) Objectives and Policies

Much time was devoted to how the Vision and Mission statements dictate the content of the MDP and how the MDP would better fit with the LUB. It was understood that the MDP is the overarching planning document but the LUB is the tool used on a daily basis regarding land use decisions. There was a desire to create the MDP in a manner that allowed for regular amendments to the LUB without the two documents being disconnected from one another.

(b) Organizational Process

The Municipal Government Act and Regulations

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South Saskatchewan Regional Plan

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Vision Statement

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Mission Statement

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Municipal Development Plan

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Land Use Bylaw

(c) Review applicable sections of the Municipal Government Act

The Municipal Government Act states:

Statutory plan preparation

Section 636(1) While preparing a statutory plan a municipality must

- (a) Provide a means for any person who may be affected by it to make suggestions and representations,
- (b) Notify the public of the plan preparation process and of the means to make suggestions and representations referred to in clause (a),
- (c) Notify the school boards with jurisdiction in the area to which the plan preparation applies and provide opportunities to those authorities to make suggestions and representations;
- (d) In the case of a municipal development plan, notify adjacent municipalities of the plan preparation and provide opportunities to those municipalities to make suggestions and representations, and
- (e) In the case of an area structure plan, where the land that is the subject of the plan is adjacent to another municipality, notify that municipality of the plan preparation and provide opportunities to that municipality to make suggestions and representations.

Section 636(2) Subsection (1) does not apply to amendments to statutory plans.

(d) Process to Consult

The organizational process can take many forms and involve many steps. Two processes were discussed by the participants:

1. Retreat – draft MDP – Council reviews draft – Conduct open house – Council reviews draft – formal public hearing – Council reviews draft and makes final changes if any – vote by Council.
2. Retreat - public participation at open house – mini-retreat if necessary – draft MDP – Council reviews draft – another open house – formal public hearing – Council reviews draft and makes final changes if any - vote by Council.
3. Stakeholders should include residents, NGO's, school boards, and adjacent municipalities.

Both require the drafting of an MDP and given the many changes proposed for the existing document and its age, a new draft is the best way to capture the changes.

2) Land Use Bylaw Review

- a) Should the MD have regulations in the LUB as it applies to the siting and operation of gravel pits? The consensus was yes.
- b) LUB definitions of Kennel 1 and 2 need clarification to provide for the difference between commercial operations and family pets. The number in the bylaw is 3 or less animals as the trigger.
- c) SDAB fees are presently set at \$500 per appeal. Costs to the municipality is much higher for most appeals. Consensus was that fees be left as they are, but non-refundable.
- d) A petition signed by 19 residences in Parkland asking for the option to have chickens on their property for their personal use. Definition of a security fence is required.
- e) Management of noise was discussed and a consensus was reached that no amendment was necessary.
- f) Light pollution was discussed in the context of development conditions that would require light shields to reduce glare from neighbouring farming operations and acreages.
- g) Discussion regarding the number of dwelling units allowed on a single site confirms the need for MPC discretion in certain circumstances (eg. Hutterite Colony in RG). No change was instructed.
- h) No changes are required to Rifle Ranges because the LUB adequately addresses private ranges versus commercial.
- i) Telecommunication towers should be added under Rural Industrial and Rural Commercial land use districts for consistency.
- j) Applicants should provide an Area Structure Plan before rezoning, or at the sub-division stage, before a development permit is applied for.

DAY 3 - NOVEMBER 4, 2015

- 1) Review of final notes regarding a process to go forward with the new MDP
- 2) Review of the draft bylaw for a Code of Conduct for Councillors

The Municipal Government Act states:

Section 145 A council may pass bylaws in relation to the following:

(b) the procedure and conduct of council, council committees and other bodies established by the council, the conduct of councillors and the conduct of members of council committees and other bodies established by the council.

Section 146(1) will come into force in 2017, whereby a code of conduct will become mandatory rather than voluntary.

The establishment of a Code of Conduct Bylaw takes into account the following:

- a) Councillors must understand the requirements of the bylaw;
 - b) Councillors must be treated equally by the bylaw;
 - c) Purpose of the Code of Conduct;
 - i) sets standards,
 - ii) creates transparency,
 - iii) creates accountability,
 - iv) adds stability to the public decision making process,
 - v) reduces liability,
 - vi) creates public confidence,
 - vii) removes grounds for suspicion,
 - viii) sets out limits of individual Councillors,
 - ix) limits consequences for breach because Council cannot impeach for breach, and
 - x) creates a fair process before sanction is considered.
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- 3) Dust Control on Municipal Roadways
 - a) Majority of roads in the municipality are gravel;
 - b) There is varied use of the municipal roadways ranging from heavy haul and farm equipment to passenger vehicles;

- c) Land owners are currently required to pay \$10.00 per linear foot for oil as a dust abatement product and the price includes the cost of application;
- d) Land owners want the cost to be subsidized to a greater amount;
- e) Some land owners believe once they have paid for dust control it should last forever;
- f) Public Works is facing increasing pushback, from land owners after the oil has been placed on the road surface.
- g) Risks include the limiting the municipality's ability to maintain the road surface because the land owner does not want the oil to be re-worked, the impact of travelling on different road surfaces within a short distance, and the lack of value in a waiver; and
- h) Council must make an informed choice regarding the policy or potential policy changes taking into account types of dust abatement products, costs, affordability, duration of dust control applications, loss of dust control due to road maintenance program and expectations of the land owner.

4) Council Meetings and Times

- a) General discussion took place regarding potential changes to dates and times to hold regular meetings of Council and Council committees. The consensus amongst the members of Council is to leave the dates and times the same.

5) Council Organizational Appointments

- a) General discussion took place regarding the current Council internal and external committee appointments. Members of Council agreed that they would conduct a general review of the committees and their mandates to determine if representation on those committees should be changed or removed