

Public Hearing - Bylaw 1433-23:

A G E N D A: Public Hearing to be held on

Thursday, April 13, 2023 at 1:15 P.M.

Virtual

<https://video.businessconnect.telus.com/join/644461594?pw=bfd72e070cd24cd3982006482fa6443>

Meeting ID: 644461594 Password: caJ9UbjLPY

And with Council physically present in the County Council Chambers, Smoky Lake.

1. Opening:

- Public Hearing is called to order.
- Public wishing to be heard sign in on the sign-in sheet.
- Confirmation is provided that the Public Hearing was advertised and notice was provided in accordance with the applicable legislation.
- Purpose of the hearing is summarized:

To obtain public input in regard to Bylaw No. 1433-23: a bylaw amending the Smoky Lake County Land Use Bylaw 1272-14 and amending the Smoky Lake County Municipal Development Plan Bylaw 1249-12, to remove certain Recreational Vehicles (RV) provisions

- Ground rules of the hearing and order of speaking are reviewed.

2. Staff Presentation:

- Smoky Lake County Planning Staff make their presentation(s).
Bylaw 1433-23: was given first reading on March 16, 2023.
- Council asks questions and/or request points of clarity.

3. Public Presentations via Written Submissions:

- Written submissions are read.
- Council asks questions and/or request points of clarity.

4. Public Presentations at the Public Hearing:

- Persons signed in whom are **in opposition** to the proposed bylaw are called upon to speak.
- Council asks questions and/or request points of clarity.
- Persons signed in whom are **in support** of the proposed bylaw are called upon to speak.
- Council asks questions and/or request points of clarity.
- Anyone else who has not spoken and wishes to speak is called upon to speak.
- Council asks questions and/or request points of clarity.

5. Questions and Answers:

- Any Council member having any additional questions of any speaker or of the staff or those who have spoken may speak.

6. Closing Remarks:

- Declare the Public Hearing closed



Public Hearing Bylaw No. 1433-23
Public Hearing Date: April 13, 2023
Public Hearing Time: 1:15 p.m.
Held in the Smoky Lake County Council Chambers & virtually via Telus Business Connect
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PUBLIC HEARING BACKGROUND

PROPOSED BYLAW NAME & NO.: Bylaw 1433-23: A Bylaw amending the Smoky Lake County Land Use Bylaw 1272-14 and amending the Smoky Lake County Municipal Development Plan Bylaw 1249-12, to remove certain Recreational Vehicles (RV) provisions.

APPLICANT: Smoky Lake County

PROPOSAL: A Bylaw of Smoky Lake County, in the Province of Alberta for the purpose of amending the Smoky Lake County Land Use Bylaw No. 1272-14 & Municipal Development Plan Bylaw No. 1249-12, for the purpose of removing certain provisions relating to Recreational Vehicles (RVs).

BACKGROUND:

- Proposed Bylaw No. 1433-23 serves to remove provisions relating to Recreational Vehicles from both the Land Use Bylaw and Municipal Development Plan.
- The proposed amending Bylaw is being considered concurrently with a separate Bylaw No. 1432-23 which is intended to provide provisions for Recreational Vehicles in a standalone Bylaw.
- These Bylaws are being proposed to strengthen provisions relating to Recreational Vehicles and provide for easier, and more timely enforcement of infractions of these provisions.
- Proposed Bylaw No. 1433-23 was presented for 1st Reading on **March 16, 2023**.
- Notice of the proposed Bylaw has been posted on the County's website since **March 17, 2023** and appeared on the County's social media platforms on **March 21, April 3, and April 11, 2023**.
- The Public Hearing Notices were advertised in the Redwater Review the week of **March 22, 2023** and the week of **March 29, 2023**. The Hearing on the proposed Bylaw No. 1426-22 was advertised and Notice was given in accordance with Section 606 of the *Municipal Government Act*.
- This Hearing has been scheduled to obtain public input on proposed Bylaw No. 1426-22 in accordance with Section 216.4 of the *Municipal Government Act*.

ATTACHMENTS:

1. Draft Bylaw 1433-23
2. Relevant Legislation
3. Notice of Public Hearing

Bylaw No. 1433-23

**SMOKY LAKE COUNTY
IN THE PROVINCE OF ALBERTA
BYLAW NO. 1433-23**

A Bylaw of Smoky Lake County, in the Province of Alberta for the purpose of Amending Land Use Bylaw (LUB) 1272-14 and Municipal Development Plan (MDP) Bylaw 1249-12 to remove provisions dealing with Recreational Vehicles (RVs).

WHEREAS Council has adopted Smoky Lake County Bylaw 1272-14 to be the Land Use Bylaw;

WHEREAS Council has adopted Smoky Lake County Bylaw 1249-12 to be the Municipal Development Plan;

WHEREAS it is deemed expedient to amend Bylaw 1272-14 as set out in Section 692 of the *Municipal Government Act*, R.S.A. 2000, c. M-26, and amendments thereto;

WHEREAS it is deemed expedient to amend Bylaw 1249-12 as set out in Section 692 of the *Municipal Government Act*, R.S.A. 2000, c. M-26, and amendments thereto;

WHEREAS a Public Hearing has been held pursuant to Section 216.4 of the *Municipal Government Act*, R.S.A. 2000, c. M-26, and amendments thereto;

WHEREAS said Public Hearing has been advertised pursuant to Section 606 of the *Municipal Government Act*, R.S.A. 2000, c. M-26, and amendments thereto;

NOW THEREFORE under the authority and subject to the provisions of the *Municipal Government Act*, and by virtue of all other enabling powers, the Council of Smoky Lake County, duly assembled, enacts as follows:

1. Title

- a. This Bylaw may be cited as: ‘A Bylaw amending the Smoky Lake County Land Use Bylaw 1272-14 and amending the Smoky Lake County Municipal Development Plan Bylaw 1249-12, to remove certain Recreational Vehicles (RV) provisions.’

2. Smoky Lake County Land Use Bylaw 1272-14 is hereby amended:

- a. **Section 2.2.1.R Development Not Requiring a Development Permit:**

‘the parking or storage, or both, of up to two (2) recreational vehicles on any lot’

is struck.

- b. **Section 6.12.3.A.i Objects Prohibited or Restricted in Yards:**

‘is a recreational vehicle and satisfies the requirements of Section 7.23; or’

is struck.

Bylaw No. 1433-23

c. Section 7.25 Recreational Vehicles:

'1. The year-round placement of 2 (two) recreational vehicles on a parcel in Multi-lot Country Residential (R1), Residential (Cluster) Conservation (R2), Victoria Residential(R3) or Hamlet General (HG) Districts is allowed without a development permit.

2. Additional recreational vehicles shall be permitted within the Multi-lot Country Residential (R1), Residential (Cluster) Conservation (R2), Victoria Residential (R3) or Hamlet General (HG) Districts for a maximum of four (4) consecutive days.

3. No recreational vehicle shall be permanently connected to any utility or municipal service, such as power, gas, water supply, or sanitary sewage disposal facilities unless the recreational vehicle is located in an approved recreational vehicle park.

4. This section does not apply to the placement of recreational vehicles in the Agriculture District (AG), Victoria Agriculture District (A1), Highway Commercial District (C1), Victoria Commercial District (C2), Industrial District (M1), Rural Industrial District (M2), Institutional & Community District (P), Direct Control District (DC), and Direct Control Landfill District (DC1).'

is struck.

d. Section 8.2.F Agriculture (AG) District:

'The keeping of recreational vehicles shall be provided in accordance with Section 7.23 of this Bylaw.'

is struck.

e. Section 8.3.F Victoria Agriculture (A1) District:

'The keeping of recreational vehicles shall be provided in accordance with Section 7.23 of this Bylaw.'

is struck.

f. Section 8.4.F Multi-Lot Country Residential (R1) District:

'The keeping of recreational vehicles shall be provided in accordance with Section 7.23 of this Bylaw.'

is struck.

3. Smoky Lake County Municipal Development Plan Bylaw 1249-12 is hereby amended:

- a. **Objective 3.5.5:** *'To allow for some limited, strictly regulated, small lot development for the parking and use of recreational vehicles in lakeshore area'*

and

Bylaw No. 1433-23

Policy 3.5.5.1: *‘Some small developments for the sale of individual lots for the parking of recreational vehicles in lakeshore areas may be allowed provided that the locations do not interfere with lake access or with the amenities of nearby country residential areas and provided also that the use of the lots is strictly limited to trailer parking, and not year-round residency, and provided further that any construction of any other buildings, including decks, gazebos, storage sheds, etc., and the placement and/or use of more than one recreational vehicle on each lot, is strictly prohibited.’*

is struck.

4. Severability

- a. If any portion of this Bylaw is found to be invalid, the remaining portions remain in effect.

5. Effect

- a. This Bylaw takes effect upon Third Reading.

6. Amendment

- a. This Bylaw may be amended by Bylaw in accordance with the *Municipal Government Act* R.S.A. 2000, c. M-26, as amended.

READ a First Time this 16th day of March, AD 2023.

REEVE

S E A L

CHIEF ADMINISTRATIVE OFFICER

A Statutory Public Hearing having been held this _____ day of _____, AD 2023.

READ a Second Time this _____ day of _____, AD 2023.

READ a Third and Final Time this _____ day of _____, AD 2023 and finally passed by Council.

REEVE

S E A L

CHIEF ADMINISTRATIVE OFFICER



Public Hearing Bylaw No. 1433-23
Public Hearing Date: April 13, 2023
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VIRTUAL PUBLIC HEARING – RELEVANT LEGISLATION

Proposed Bylaw No.1433-23: A Bylaw amending the Smoky Lake County Land Use Bylaw 1272-14 and amending the Smoky Lake County Municipal Development Plan Bylaw 1249-12, to remove certain Recreational Vehicles (RV) provisions.

PUBLIC HEARINGS

Municipal Government Act, R.S.A. 2000

Section 216.4 (1)When this or another enactment requires council to hold a public hearing on a proposed bylaw or resolution, the public hearing must be held, unless another enactment specifies otherwise,

- (a) before second reading of the bylaw, or
 - (b) before council votes on the resolution.
- (2) If a public hearing is held on a proposed bylaw or resolution, council must conduct the hearing during a regular or special council meeting.
- (3) A council by bylaw establish procedures for public hearings.
- (4) In the public hearing, council
- (a) must hear any person, group of persons, or person representing them, who claims to be affected by the proposed bylaw or resolution and who has complied with the procedures outline by the council, and
 - (b) may hear any other person who wishes to make representations and whom the council agrees to hear.
- (5) After considering the representations made to it about a proposed bylaw or resolution at a public hearing and after considering any other matter it considers appropriate, council may

- (a) pass the bylaw or resolution,
 - (b) make any amendment to the bylaw or resolution it considers necessary and proceed to pass it without further advertisement or hearing, or
 - (c) defeat the bylaw or resolution.
- (6) The minutes of the council meeting during which a public hearing is held must record the public hearing to the extent directed by council.

REQUIREMENTS FOR ADVERTISING

Municipal Government Act, R.S.A. 2000

Section 606(1) The requirements of this section apply when this or another enactment requires a bylaw, resolution, meeting, public hearing or something else to be advertised by a municipality, unless this or another enactment specifies otherwise.

- (2) Notice of the bylaw, resolution, meeting, public hearing or other thing must be
- (a) published at least once a week for 2 consecutive weeks in at least one newspaper or other publication circulating in the area to which the proposed bylaw, resolution or other thing relates, or in which the meeting or hearing is to be held, or
 - (b) mailed or delivered to every residence in the area to which the proposed bylaw, resolution or other thing relates, or in which the meeting or hearing is to be held.
- (3) A notice of a proposed bylaw must be advertised under subsection (2) before second reading.
- (4) A notice of a proposed resolution must be advertised under subsection (2) before it is voted on by council.
- (5) A notice of a meeting, public hearing or other thing must be advertised under subsection (2) at least 5 days before the meeting, public hearing or thing occurs.
- (6) A notice must contain
- (a) a statement of the general purpose of the proposed bylaw, resolution, meeting, public hearing or other thing,
 - (b) the address where a copy of the proposed bylaw, resolution or other thing, and any document relating to it or to the meeting or public hearing may be inspected,
 - (c) in the case of a bylaw or resolution, an outline of the procedure to be followed by anyone wishing to file a petition in respect of it, and

- (d) in the case of a meeting or public hearing, the date, time and place where it will be held.
- (7) A certificate of a designated officer certifying that something has been advertised in accordance with this section is proof, in the absence of evidence to the contrary, of the matters set out in the certificate.
- (8) The certificate is admissible in evidence without proof of the appointment or signature of the person who signed the certificate.

PLANNING BYLAWS

Municipal Government Act, R.S.A. 2000

Section 692(1) Before giving second reading to

- (a) a proposed bylaw to adopt an intermunicipal development plan,
- (b) a proposed bylaw to adopt a municipal development plan,
- (c) a proposed bylaw to adopt an area structure plan,
- (d) a proposed bylaw to adopt an area redevelopment plan,
- (e) a proposed land use bylaw, or
- (f) a proposed bylaw amending a statutory plan or land use bylaw referred to in clauses (a) to (e),

a council must hold a public hearing with respect to the proposed bylaw in accordance with section 230 after giving notice of it in accordance with section 606.

- (2) Despite subsection (1), if a proposed development relates to more than one proposed bylaw referred to in subsection (1), the council may hold a single public hearing.
- (3) Despite subsection (1), in the case of a public hearing for a proposed bylaw adopting or amending an intermunicipal development plan,
 - (a) councils may hold a joint public hearing to which section 184 does not apply, and
 - (b) municipalities may act jointly to satisfy the advertising requirements of section 606.
- (4) In the case of an amendment to a land use bylaw to change the district designation of a parcel of land, the municipality must, in addition to the requirements of subsection (1),
 - (a) include in the notice described in section 606(2)

- (i) the municipal address, if any, and the legal address of the parcel of land, and
 - (ii) a map showing the location of the parcel of land.
 - (b) give written notice containing the information described in clause (a) and in section 606(6) to the assessed owner of that parcel of land at the name and address shown on the assessment role of the municipality, and
 - (c) give a written notice containing the information described in clause (a) and in section 606(6) to each owner of adjacent land at the name and address shown for each owner on the assessment role of the municipality.
- (5)** If the land referred to in subsection (4)(c) is in another municipality, the written notice must be given to that municipality and to each owner of adjacent land at the name and address shown for each owner on the tax roll of that municipality.
- (6)** Despite subsection (1), a bylaw referred to in subsection (1) may be amended without giving notice or holding a public hearing if the amendment corrects clerical, technical or grammatical or typographical errors and does not materially affect the bylaw in principle or substance.
- (6.1)** Subsection (1)(f) does not apply in respect of a proposed bylaw amending a statutory plan or land use bylaw to specify the purposes of a community services reserve.
- (7)** In this section,
- (a) “adjacent land” means land that is contiguous to the parcel of land that is being re-designated and includes
 - (i) land that would be contiguous if not for a highway, road, river or stream, and
 - (ii) any other land identified in the land use bylaw as adjacent land for the purpose of notifications under this section;
 - (b) “owner” means the person shown as the owner of land on the assessment roll prepared under Part 9.
- (8)** If an ALSA regional plan requires a council to pass a bylaw referred to in this section, the council must,
- (a) consider whether, in view of the requirement in the ALSA regional plan, consultation is necessary, desirable or beneficial, and
 - (b) decide whether or not to proceed with consultation.

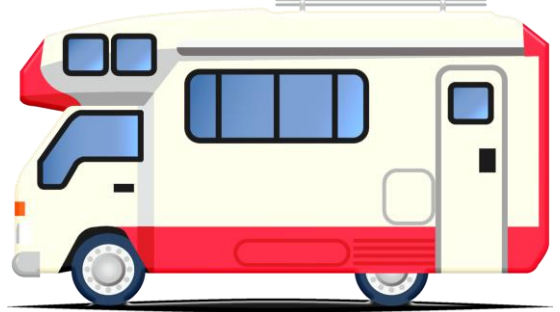
- (9) If a council decides under subsection (8) that consultation is neither necessary nor desirable or would not be beneficial, subsections (1) to (7) do not apply to the council in respect of the bylaw concerned.

NOTICE – PUBLIC HEARING on Proposed Smoky Lake County Bylaw 1433-23



TAKE NOTICE THAT in accordance with sections 606 of the Municipal Government Act, the Council of Smoky Lake County is giving consideration of:

- *Proposed New Bylaw 1432-23: Recreational Vehicle Bylaw*
- *Proposed Bylaw 1433-23: amending Land Use Bylaw 1272-14 and Municipal Development Plan Bylaw 1249-12, by removing Recreational Vehicle provisions.*
- *Proposed New Bylaw 1434-23: Municipal and Reserve Lands*
- *Proposed New Policy Statement 61-25: Municipal and Reserve Lands*
- *Proposed Amended Policy Statement 61-21: Encroachment Agreements/Licenses*



A Statutory Public Hearing will be held in relation to Bylaw 1433-23, both in-person and via videoconference on Thursday, April 13, 2023, at 1:15 p.m. (or as soon as practical thereafter) at: Smoky Lake County Council Chambers, 4612 McDougall Drive, Smoky Lake, AB T0A 3C0 or online: <https://video.businessconnect.telus.com/join/644461594?pw=bfdf72e070cd24cd3982006482fa6443>; Meeting ID: 644461594; Password: caJ9UbjLPY

In-person Speakers:

If you intend on participating in person, you are encouraged to pre-register for the Public Hearing by contacting Legislative Services at 780-656-3730.

Speakers participating through Telus Business Connect videoconference:

If you wish to speak at the Public Hearing via videoconference, you are asked to register 24 hours prior to the opening of the Public Hearing by contacting Legislative Services at 780-656-3730. This is to ensure that virtual participants receive instructions to access the videoconference.

Requirements for all Speakers:

All speakers will be given a 5-minute time limit and are encouraged to provide a written copy of their submission in advance of the Public Hearing.

Written Submissions:

All interested parties are encouraged to express their views by providing a written submission to Legislative Services by email at patti.priest@smokylakecounty.ab.ca.

Persons wishing to view the Bylaw and/or the Public Hearing are invited to attend in person or view the Meeting at the County website at <http://www.smokylakecounty.ab.ca>.

Questions? Contact:

Jordan Ruegg or Kyle Schole, of Planning & Development Services, Smoky Lake County at 780-656-3730 / pd@smokylakecounty.ab.ca

Freedom of Information and Protection of Privacy Act: By submitting comments on this bylaw, either orally or in writing, the personal information you provide may be recorded in the minutes of the Public Hearing, or otherwise made public. This information is collected in line with section 33(c) of the Freedom of Information and Protection of Privacy Act. If you have any questions, please contact the Smoky Lake County Access and Privacy Officer at 4612 McDougall Drive Box 310, Smoky Lake, AB T0A 3C0, 780-656-3730, or county@smokylakecounty.ab.ca.

