

Bylaw 39-2016 Amendment to Land Use Bylaw 6-2015 and rescission of two readings of Bylaw 34-2014 (Ward 6)

Owner/Applicant: Curt Beyer
Legal Description: Lot 1A, Plan 012 0399; NW 7-51-22-W4
Location: South of Township Road 512, East of Highway 21

Report Purpose

To give two readings to a bylaw that proposes to rezone approximately 39.5 hectares (97.6 acres) of land from AG Agriculture: General District and RA Rural Residential/Agriculture District to RA Rural Residential/Agriculture District; RS Small Holdings District and PC Conservation District within the Agriculture - Small Holdings Policy Area of the Municipal Development Plan (MDP).

Recommendations

1. THAT the following readings of Bylaw 34-2014 Amendment to Land Use Bylaw 8-2001 be rescinded:
 - a. First reading – September 23, 2014
 - b. Second reading – September 23, 2014
2. THAT Bylaw 39-2016, a bylaw that proposes to rezone approximately 39.5 hectares (97.6 acres) of land from AG Agriculture: General District and RA Rural Residential/Agriculture District to RA Rural Residential/Agriculture District; RS Small Holdings District and PC Conservation District within the Agriculture - Small Holdings Policy Area of the Municipal Development Plan (MDP), be given first reading.
3. THAT Bylaw 39-2016 be given second reading.

Council History

September 23, 2014 – Council gave two readings to Bylaw 34-2014, which proposed to amend Land Use Bylaw 8-2001 to rezone approximately 39.5 hectares (97.6 acres) of land from AG Agriculture: General District and RA Rural Residential/Agriculture District to RA Rural Residential/Agriculture District; RS Small Holdings District; and PC Conservation District within the Agriculture - Small Holdings Policy Area of the Municipal Development Plan (MDP).

March 10, 2015 – Council adopted Land Use Bylaw 6-2015, with an effective date of May 11, 2015.

Strategic Plan Priority Areas

Economy: n/a

Governance: The Public Hearing provides Council with the opportunity to receive public input prior to making a decision on the proposed Land Use Bylaw rezoning.

Social: The proposal supports the strategic goal of building strong neighbourhoods/communities to support the diverse needs of our residents.

Culture: n/a

Environment: The proposed subdivision will conserve the existing environmentally sensitive areas within the subject properties.

Other Impacts

Policy: The subject parcels are located within the Agriculture Small Holdings Policy Area of the Municipal Development Plan Bylaw 1-2007 and the proposed rezoning is in accordance with SER-008-022 "Redistricting Bylaws".

Legislative/Legal: The *Municipal Government Act* provides Council the authority to pass a bylaw to amend the Land Use Bylaw.

Interdepartmental: The proposal was circulated to internal departments and external agencies.

Summary

The proposed rezoning facilitates the subdivision of the subject lands into four rural residential parcels as well as municipal and environmental reserve. A development agreement will be required prior to third reading of the proposed rezoning bylaw to address the construction of the service road.

The subject lands are located within the Agriculture Small Holdings Policy Area of the Municipal Development Plan (MDP). In accordance with MDP policy, a Conceptual Scheme to provide a framework for the subsequent subdivision, rezoning and/or development of the subject lands based on conservation design principles was prepared. Council adopted the Conceptual Scheme for NW 7-51-22-W4 by resolution and gave two readings to the accompanying rezoning Bylaw 34-2014 on September 23, 2014.

The landowner subsequently submitted a subdivision application in October 2015, which was circulated to internal departments and external agencies for comments. The applicant requires additional time to address some items resulting from the comments submitted by external agencies such as a realignment of the service road which is being proposed concurrently as part of an amendment to the adopted conceptual scheme.

The *Municipal Government Act* Section 188 (a) specifies that the previous readings of a proposed bylaw are rescinded if the proposed bylaw does not receive third reading within two years after first reading. Consequently, first and second reading of the existing zoning Bylaw 34-2014 will be automatically rescinded before the applicant will be able to address the external comments provided. Therefore, the two readings given to Bylaw 34-2014 are proposed to be rescinded, and the new Bylaw 39-2016 is proposed to replace Bylaw 34-2014, which will restart the mandated two-year timeframe for the bylaw to receive third reading. This will enable the applicant the additional time required to address the external agency concerns prior to the rezoning bylaw being presented to Council for third reading.

The new Bylaw 39-2016 has also been revised from the original rezoning bylaw to reflect the proposed configuration of lots based on the details in the subdivision application that was submitted by the landowner. As part of the realignment of the service road, the ability for the landowner to dedicate municipal and environmental reserve as lots rather than easements is accommodated. The proposed rezoning has been revised to reflect this ability through the addition of PC Conservation District for these areas within proposed Bylaw 39-2016.

Communication Plan

Newspaper advertisement, letter

Enclosures

1 Rural Location Map

Author: Radhika Brown, Planning and Development Services
Director: Stacy Fedechko, Planning and Development Services
Associate Commissioner: Kevin Glebe, Infrastructure and Development Services
Lead Department: Planning and Development Services

- 2 Location Map
- 3 Notification Map
- 4 Bylaw 34-2014 to be rescinded
- 5 Bylaw 39-2016
- 6 Air Photo