

Bylaw 10-2018 Map Amendment to Land Use Bylaw 6-2015 and Rescission of Two Readings of Bylaw 39-2016 (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
From: AG – Agriculture: General
RA – Rural Residential/Agriculture
To: RA – Rural Residential/Agriculture
RS – Small Holdings
PC – Conservation

Report Purpose

To provide information to Council to make a decision on first and second readings of a bylaw that proposes to rezone approximately 39.5 hectares (97.6 acres) of land in Lot 1A, Plan 012 0399 and NW 7-51-22-W4 from AG – Agriculture: General and RA – Rural Residential/Agriculture to RA – Rural Residential/Agriculture, RS – Small Holdings, and PC – Conservation Zoning Districts of Land Use Bylaw 6-2015, in accordance with the Council adopted Conceptual Scheme.

Recommendations

1. THAT the following readings of Bylaw 39-2016 Map Amendment to Land Use Bylaw 6-2015 be rescinded:
 - a. First reading – September 13, 2016
 - b. Second reading – September 13, 2016
2. THAT Bylaw 10-2018, a bylaw that proposes to rezone approximately 39.5 hectares (97.6 acres) of land from AG Agriculture: General and RA Rural Residential/Agriculture to RA Rural Residential/Agriculture, RS Small Holdings and PC Conservation Zoning Districts of Land Use Bylaw 6-2015, be given first reading.
3. THAT Bylaw 10-2018, be given second reading.

Council History

September 5, 2017 – Council adopted Municipal Development Plan (MDP) Bylaw 20-2017.

September 13, 2016 – Council held a public hearing and thereafter gave two readings to Bylaw 39-2016, which proposed to amend Land Use Bylaw 6-2015 to rezone approximately 39.5 hectares (97.6 acres) of land from AG Agriculture: General and RA Rural Residential/Agriculture to RA Rural Residential/Agriculture; RS Small Holdings; and PC Conservation. Bylaw 34-2014 (see below) was rescinded at the same time as it had not received third reading within two years of first and second reading.

September 13, 2016 - Council adopted the amended Conceptual Scheme for the NW 7-51-22-W4.

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

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 and RA Rural Residential/Agriculture to RA Rural Residential/Agriculture and RS Small Holdings.

September 23, 2014 – Council adopted the Conceptual Scheme for the NW 7-51-22-W4.

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 Bylaw.

Social: The proposed amendment will help to build strong neighbourhoods and communities, as this amendment will provide the framework to develop additional residential options to support the diverse needs of County residents.

Culture: n/a

Environment: The proposed concept meets the strategic priority to protect our environment and preserve biodiversity by planning future boundaries around significant environmental features in order to protect their natural functions.

Other Impacts

Policy: SER-008-022 Redistricting (Map Amendment) Bylaws.

Legislative/Legal: The *Municipal Government Act (MGA)* provides that Council may, by bylaw, amend the Land Use Bylaw.

Interdepartmental: The proposed amendment has been circulated to internal departments and external agencies. No objections were received.

Summary

The subject lands are located within the Agriculture Small Holdings Policy Area of the MDP Bylaw 20-2017. In accordance with Section 6.1.5 of the MDP:

If a Conceptual Scheme was adopted prior to the effective date of the Plan, then any Land Use Bylaw amendment, subdivision or development may be considered as per that adopted Conceptual Scheme.

The Conceptual Scheme for NW 7-51-22-W4 was initially adopted by Council on September 23, 2014, and subsequently amended by Council on September 13, 2016, prior to the adoption of the current MDP.

The Conceptual Scheme establishes a plan for future rezoning and subdivision within the subject area. The proposed rezoning has been prepared in accordance with the Conceptual Scheme and supports the concurrently proposed subdivision of the subject lands to create four rural residential parcels, municipal and environmental reserve and a service road.

On September 23, 2014, Council gave two readings to Bylaw 34-2014, which initially proposed rezoning of the subject area. However, Section 188 (a) of the *MGA* states:

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, on September 13, 2016 Council gave two readings to Bylaw 39-2016 and rescinded the previous readings given to Bylaw 34-2014. The new Bylaw 39-2016 allowed the applicant an additional two years to address the conditions of subdivision that are

required to be fulfilled prior to the rezoning bylaw being presented to Council for third reading.

As a result of the recent municipal election, Council does not have quorum for third reading of Bylaw 39-2016. The proposal is therefore to rescind the previous readings given to Bylaw 39-2016 and give two readings to proposed Bylaw 10-2018. A new public hearing and 1st and 2nd reading are required prior to the applicant continuing further with the concurrent subdivision application.

If currently proposed Bylaw 10-2018 receives two readings, consideration of third reading would not occur until such time that the landowner has entered into a Development Agreement to address the financial obligations for the construction of the required municipal improvements.

Communication Plan

Newspaper advertisement, letter

Enclosures

- 1 Bylaw 10-2018
- 2 Rural Location Map
- 3 Location Map
- 4 Air Photo
- 5 Conceptual Scheme Land Use Concept
- 6 Bylaw 39-2016 to be rescinded
- 7 Notification Map