

Bylaw 8-2018 Map Amendment to Land Use Bylaw 6-2015 and Rescission of Two Readings of Bylaw 31-2017 (Ward 6)

Applicant: Greg MacKenzie & Associates Consulting Ltd.
Owner: Balmoral Lands Ltd.
Legal Description: Lot 1, Block 2, Plan 872 1745; SE 21-52-23-W4
Location: South of Wye Road and West of Range Road 233
From: AG - Agriculture: General
To: RE - Estate Residential

Report Purpose

To provide information to Council to make a decision on first and second readings of a bylaw that proposes to rezone approximately 2.37 hectares (5.86 acres) of land in Lot 1, Block 2, Plan 872 1745 from AG - Agriculture: General to RE - Estate Residential in accordance with the Balmoral Heights Area Structure Plan (ASP).

Recommendations

1. That the following readings of Bylaw 31-2017 Map Amendment to Land Use Bylaw 6-2015 be rescinded:
 - First reading – June 20, 2017
 - Second reading – June 20, 2017
2. That Bylaw 8-2018, a bylaw that proposes to rezone Lot 1, Block 2, Plan 872 1745 from AG - Agriculture: General to RE - Estate Residential, be given first reading.
3. THAT Bylaw 8-2018, be given second reading.

Council History

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

June 20, 2017 – Council gave two readings to Bylaw 31-2017, which proposed to amend Land Use Bylaw 6-2015 to rezone Lot 1, Block 2, Plan 872 1745 from AG - Agriculture: General to RE - Estate Residential in accordance with the Balmoral Heights ASP within the Country Residential Policy Area of the MDP Bylaw 1-2007.

May 23, 2017 – Council postponed proposed Bylaw 31-2017 and the Public Hearing to the June 20, 2017 Council Meeting.

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

March 10, 2015 – Council gave two readings to Bylaw 12-2015, which proposed to amend Land Use Bylaw 8-2001 to rezone Lot 1, Block 2, Plan 872 1745 consisting of approximately 2.37 hectares (5.86 acres) of land from AG - Agriculture: General to RE - Estate Residential in accordance with the Balmoral Heights ASP.

May 29, 2012 – Council adopted the Country Residential Area Concept Plan Bylaw 58-2011.

July 2, 2004 – Council adopted the Balmoral Heights ASP Bylaw 27-2004.

Strategic Plan Priority Areas

Economy: The proposed amendment would facilitate additional residential development that would effectively and efficiently utilize existing municipal infrastructure.

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 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: n/a

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 proposed rezoning is consistent with the Council adopted Balmoral Heights ASP and is in accordance with County policy and regulations. The subject area is identified within the ASP as the final stage of development within Balmoral Heights. There is a concurrently proposed subdivision application that is also consistent with the ASP. The proposed development will be accessed from Balmoral Point within Balmoral Heights. Road right-of-way dedication will be required as part of the subdivision of the subject parcel to accommodate future Range Road 233 upgrades. Further, the development will be serviced by municipal water and sewer.

On March 10, 2015, Council gave two readings to Bylaw 12-2015, 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.

As the applicant was unable to complete the required conditions of subdivision to enable consideration for third reading within the above referenced legislated two-year timeframe, previous readings of Bylaw 12-2015 were automatically rescinded on March 10, 2017.

Consequently, on June 20, 2017 Council gave two readings to Bylaw 31-2017 to replace the automatically rescinded readings of Bylaw 12-2015. The new Bylaw 31-2017 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.

However, as a result of the recent municipal election, Strathcona County Council does not consist of quorum required to consider third reading of Bylaw 31-2017. Consequently, previous readings given to Bylaw 31-2017 are proposed to be rescinded and replaced by two readings of proposed Bylaw 8-2018. This will allow current Council to hold a Public Hearing and consider first and second reading prior to the applicant continuing further with the concurrent subdivision application.

If currently proposed Bylaw 8-2018 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 municipal improvements required for the development.

Communication Plan

Newspaper Ad, Letter

Enclosures

- 1 Bylaw 8-2018
- 2 Rural Location Map
- 3 Location Map
- 4 Air Photo
- 5 Bylaw 31-2017 to be rescinded
- 6 Notification Map