

Bylaw 2015-02

Proposed Amendment to Land Use Bylaw 20-2009

Introduction:

Proposed Bylaw 2015-02 is a Land Use Bylaw amendment to redistrict 40.47 hectares (100.0 acres) of land legally known at Part of N.E. 31-51-07-W5M (Linc. No. 0022432397) from the ANC – Agricultural / Nature Conservation District to the AGG – Agricultural General District

Facts (Background Information):**Property History**

The subject quarter section (NE 31-51-07-W5M) is located in the southwest quadrant of the intersection of Range Road 75 and Township Road 520 in the western portion of the County. The original quarter section was subdivided into a 24.28 ha (60 ac) and a 40.47 ha (100 ac) parcel in 1971; the Applicants own both parcels. Both parcels are vacant and contain a combination of mature tree growth and pasture land. The quarter section contains a combination of Class 2 and 3 soils with topographic and large stone constraints for crop production.

Capital Region Board

Bylaw 2015-02 does not require referral to the Capital Region Board as Land Use Bylaw amendments are not a requirement under the Regional Evaluation Framework. The subject quarter section is located nearby Environmentally Significant Area: Pembina River Valley.

Municipal Development Plan (MDP)

The proposed amendment is consistent with MDP Objective 2.2 that encourages the conservation of agricultural lands for agricultural and related uses. Further, the proposed amendment is consistent with MDP Objective 6.1 that encourages the protection of environmentally significant areas as identified by the Environmental Conservation Plan from inappropriate development.

As the recently updated Environmental Conservation Plan (2014) no longer identifies the subject lands as being within the Pembina River Valley Environmentally Significant Area, more intensive agricultural activities and related uses should be allowed as implemented under the AGG – Agricultural General District compared to the more restrictive ANC – Agricultural / Nature Conservation District.

Area Structure Plan (ASP)

The subject lands are not governed within one of County's Area Structure Plans.

Land Use Bylaw / Environmental Conservation Plan

The subject parcels were last redistricted under the current Land Use Bylaw No. 20-2009. The 24.28 ha (60 ac) parcel in the northeast corner of the quarter section is districted under the AGG – Agricultural General District. In contrast, the 40.47 ha (100 ac) parcel is districted under the ANC – Agricultural / Nature Conservation District, as a portion of the lands (intermittent creek) was identified as being located within the Pembina River Valley Environmentally Significant Area under the 2004 Environmental Conservation Plan which has since been updated. A copy of the previous and current Pembina River Valley Environmentally Significant Area mapping is attached to this report for reference.

Upon completion of the current 2014 Environmental Conservation Plan, the subject lands are no longer identified as being located within the Environmentally Significant Area. As such, it is the Applicants desire to have the 40.47 ha (100 ac) parcel districted from ANC to AGG, the same as the 24.28 ha (60 ac) parcel, to allow re-subdivision within the quarter section consistent with the policies of the AGG District.

Outline Plan / Biophysical Assessment

A Biophysical Assessment is not required as the proposal is not for a multi-parcel subdivision or a major development. A complete outline plan was not submitted as per Policy PD-033: Outline Plans for the redistricting. The Manager of Planning & Development Services determined enough information was submitted by the Applicants to make an informed recommendation to Council and that a complete outline plan was not necessary. As per Section 2(b) under Administrative Procedure PD-033-P1 the intended subdivision application is for the second and third parcel out of the original quarter section and once redistricted will meet the requirements of the AGG – Agricultural General District.

Upon completion of a site inspection by Administration and review of contour information for the quarter section, Administration does not note any areas perceived to be environmentally significant on the proposed quarter section. The proposed residential parcels are greater than 800 metres (1/2 mile) from the top of bank of the Pembina River Valley, do not contain slopes in excess of 15%, tributaries to the Pembina River, or any other water features. The Applicants have identified the value of the mature tree growth currently on the property which they intend to conserve within the proposed 52.6 (130 ac) remnant agricultural parcel and propose to live. Administration therefore supports the proposed redistricting.

Referrals

Proposed Bylaw No. 2015-02 and the Notice of Public Hearing was advertised in the local newspapers on February 13, 2015 and again on February 20, 2015. Letters to area residents were mailed on February 10, 2015. No written comments or requests to speak at the public hearing were received by Administration as of the date of this report. Should any comments be received prior to the public hearing they will be given out as a handout at the hearing.

Alternatives:

- 1) Council could table the Public Hearing regarding Bylaw No. 2015-02 and request additional information from Administration or the Applicants; or
- 2) Upon closing the Public hearing, Council could defeat Bylaw No. 2015-02 at second reading, or
- 3) Council could close the Public hearing and give second reading, but defer third reading to a later date.

Conclusion/Summary:

The Applicants request to amend the Land Use Bylaw to redistrict the 40.47 ha (100.0 ac) of land within N.E. 31-51-07-W5M from the ANC – Agricultural / Nature Conservation District to the AGG –Agricultural General District is supported by Administration. The application is consistent with the capital Region Growth Plan, the County's Municipal Development Plan Bylaw 37-2007 and the recently updated Environmental Conservation Master Plan. Therefore, Administration supports the proposed amendment to Land Use Bylaw 20-2009 as presented.

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