



Legislation Details (With Text)

**File #:** BL 16-037      **Version:** 1      **Name:** Direct Control District, Legend Estates  
**Type:** Bylaw      **Status:** Second Reading  
**File created:** 8/12/2016      **In control:** Legislative Matters  
**On agenda:** 9/13/2016      **Final action:** 10/11/2016  
**Title:** Direct Control District, Legend Estates (Bylaw 2016-20)

Proposed Motion(s)

1. That Bylaw 2016-20 receive first reading.
2. That a Public Hearing be scheduled for October 11, 2016 at 9:30 a.m. in Council Chambers to hear public comment on Bylaw 2016-20.

Indexes:

Code sections:

**Attachments:** 1. 1. Bylaw 2016-20, 2. 1a. Schedule A (Map 9), 3. 1b. Schedule A (Map 9a), 4. 1c. Schedule B (Key Map), 5. 2. Administrative Report, 6. 3. Bylaw Presentation

Date	Ver.	Action By	Action	Result
9/13/2016	1	Council	received on first reading	

Direct Control District, Legend Estates (Bylaw 2016-20)

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**Administration Recommendation(s)**

Administration supports the proposed motions.

**Purpose**

Proposed Bylaw 2016-20 is an amendment to Section 9 of Land Use Bylaw 20-2009. The proposed Direct Control District ensures that the lands will be suitable for their intended use prior to any further development taking place.

**Summary**

In 2004, the County conditionally approved the Legend Estates subdivision. A development agreement sets out specific improvements to be completed by the developer. The County has identified deficiencies related to those improvements and accordingly, the County has not issued a final acceptance certificate. Because there are outstanding deficiencies and a final acceptance certificate has not been issued, administration takes the position that development, such as new residential housing, shall not occur until the deficiencies are rectified. The current Land Use District, CR - Country Residential (CR), enables a landowner to apply for a development permit and, in accordance with Section 642(1) of the MGA, the development authority must issue a development permit.

Section 9.1.2 of Land Use Bylaw 20-2009 states that Council shall consider the designation of Direct Control Districts where development regulation and control by means of the other land use districts may be inappropriate or inadequate having regard to existing or future development and to the interests of the applicant, the County and the public generally. It is administrations opinion that it is in the interests of the

County and the landowners for Council to exercise control over these lands to ensure site suitability prior to the issuance of development permits.

The proposed DC District enables Council to determine the land uses that may be allowed and impose additional standards and conditions it considers appropriate to regulate that use. In consideration of any use, the proposed DC states that Council shall not authorize any development until the land is deemed to be suitable for which the lands are intended. The DC is proposed to automatically repeal 24 months after the following day of this Bylaw coming into effect. At that time the lands will revert back to its CR designation. This ensures work to rectify the deficiencies will occur in a timely fashion.

**Strategic Plan/Policy/Legal/Staff Implications**

NA

**Financial Impact:**

Cost: 0

Source of Funding: NA

**Other** NA