



## Legislation Details (With Text)

<b>File #:</b>	BL 16-039	<b>Version:</b>	1	<b>Name:</b>	Direct Control District, Legend Estates (Bylaw 2016-20)
<b>Type:</b>	Bylaw	<b>Status:</b>		<b>Status:</b>	Carried
<b>File created:</b>	9/15/2016	<b>In control:</b>		<b>In control:</b>	Legislative Matters
<b>On agenda:</b>	10/11/2016	<b>Final action:</b>		<b>Final action:</b>	10/11/2016
<b>Title:</b>	PUBLIC HEARING - 9:30 a.m. Direct Control District, Legend Estates (Bylaw 2016-20)				

### Proposed Motion(s)

1. That Bylaw 2016-20 receive second reading; and
2. That Bylaw 2016-20 receive third reading.

### Indexes:

### Code sections:

**Attachments:** 1. Chair's Notes - Public Hearing - Bylaw 2016-20, 2. 1. Bylaw 2016-20, 3. 1a. Schedule A (Map 9), 4. 1b. Schedule A (Map 9a), 5. 1c. Schedule B (Key Map), 6. 2. Administrative Report, 7. 3. Bylaw 2016-20 - Public Hearing - Presentation, 8. Bylaw 2016-20 - Public Hearing List of Speakers, 9. Bylaw 2016-20 - Public Hearing Written Submissions - pkg

Date	Ver.	Action By	Action	Result
10/11/2016	1	Council	received on second reading	Pass
10/11/2016	1	Council	received on third reading	Pass

PUBLIC HEARING - 9:30 a.m.  
Direct Control District, Legend Estates (Bylaw 2016-20)

### Proposed Motion(s)

1. That Bylaw 2016-20 receive second reading; and
2. That Bylaw 2016-20 receive third reading.

### 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

Administration is recommending that 12.97 hectares of all lands within Plan 0820032 be redistricted from CR - Country Residential District to DC - Direct Control. 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.

Administration met with property owners on two occasions. The first meeting was on August 17, 2016 with representatives of the numbered company holding the majority of vacant lots. The second meeting took place on August 29, 2016 with property owners of three lots. Administration explained the County's intentions and rationale for redistricting the lands.

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

NA

**Financial Impact:**

Cost: 0

Source of Funding: NA

**Other** NA