



REQUEST FOR DECISION

SUBJECT:	Bylaw 24-982 LUB Amendment to Rezone Pt of NE 32-70-21-W5M from A-1 to A-2		
SUBMISSION TO:	REGULAR COUNCIL MEETING	REVIEWED AND APPROVED FOR SUBMISSION	
MEETING DATE:	November 26, 2024	CAO:	MANAGER: RD
DEPARTMENT:	PLANNING & EC. DEVELOPMENT	DIR:	PRESENTER: NF
STRATEGIC PLAN:	Governance	LEG:	SS

RELEVANT LEGISLATION:

Provincial – Municipal Government Act (MGA) Section 640, RSA 2000

Council Bylaw/Policy – Municipal Development Plan (MDP) Bylaw 15-742, Land Use Bylaw (LUB) 18-800

RECOMMENDED ACTION:

MOTION: That Council give first reading to Bylaw 24-982, being a Land Use Bylaw Amendment to rezone approximately 9.24 hectares (22.84 acres) within NE 32-70-21-W5M from Agricultural One (A-1) district to Agricultural Two (A-2) district, as presented.

BACKGROUND/PROPOSAL:

Administration has received an application to rezone approximately 9.24 hectares (22.84 acres) within NE 32-70-21-W5M from Agricultural One (A-1) district to Agricultural Two (A-2) district to accommodate the subdivision of a larger farmstead. The quarter section is located approximately 9.5 kms northeast of the Town of Valleyview, 2.5 kms north of Highway 669, west of Range Road 214.

The landowner plans to subdivide the farmstead, requiring approximately 9.24 hectares (22.84 acres) to include all improvements; the home (built approximately 1979), shop (built approximately 1980), and dugout, and meet setback requirements for the existing septic open discharge. The proposed parcel size is approximate as the property has not yet been surveyed; a tentative plan from a qualified surveyor is required for a complete subdivision application.

The quarter section is currently zoned Agricultural One (A-1) district and a first parcel of 5.035 ha (12.44 ac) was subdivided in 1997 with an existing manufactured home and garage. Only one (1) A-1 parcel may be subdivided from a quarter section without rezoning, as per section 8.1.4 (b) of Land Use Bylaw 18-800. To accommodate a second parcel subdivision, the area proposed to be subdivided must be rezoned to a district appropriate for the intended use of the land. In the case of a rural acreage Country Residential One (CR-1) or Agricultural Two (A-1) may be suitable, however the maximum parcel size allowed in the CR-1 district is 4.0 ha (9.9 ac). Prior to applying for rezoning, the Applicant worked with Administration to determine the best option for subdividing the existing yard site and determined that excluding the shop and dugout would still require approximately 5.61 ha (13.9 ac) due to the layout and location of the pumpout. Therefore, the landowners have applied to rezone to A-2 district, which allows a maximum parcel size of 32.0 hectares (79.1 acres) which allows the inclusion of the shop and dugout. The size of the proposed lot is supported by policies within the Municipal Development Plan and Land Use Bylaw 18-800.

Road widening will be required to be dedicated in accordance with Policy 6003 at the time of subdivision.

Being a second parcel subdivision, the proposal is subject to Municipal Reserve dedication and in accordance with section 10.4.2 of the Municipal Development Plan, cash in lieu of land is the required.

Property Details

Proposed Servicing:	Private, well and open discharge
Soil Type:	Dark Grey Luvisol
Topography:	Sloped
Wetland Inventory:	Marsh (dugout) within rezoning area
LSRS Spring Grains Rating:	3MP(10) & 5W(8) – 2H(2): Moderate limitation due to water holding capacity/texture and stoniness and coarse fragments & Very severe limitation due to drainage, slight limitation due to temperature

Policy Review MDP 15-742

Section 3.4.2 Subdivision of Better Agricultural Land

Greenview may support the subdivision of better agricultural land where the proposed subdivision is for:

- (a) A farmstead separation;

Section 3.4.4 Parcel Location

Where possible, subdivisions identified in 3.4.2 (“Subdivision of Better Agricultural Land”) will be encouraged to locate on portions of a quarter section that are:

- (a) Physically severed or are of lower agricultural capability;
- (b) Adjacent to or near quarter section boundaries to minimize the fragmentation of agricultural land and without constraining or otherwise impacting agricultural operations on the quarter section.

Section 3.4.8 Parcel Size Requirements

- (a) The size of a farmstead separation shall be at the discretion of Greenview based on the location of the existing buildings, fences, shelter belts and required setback distances for the existing private sewage system.

The proposed rezoning is supported by the above-mentioned MDP policies, as the area proposed to be rezoned for subdivision contains a yard site established approximately 45 years ago.

Although the proposed rezoning is not located adjacent to a quarter line, it is located adjacent to an existing subdivision boundary therefore minimizing fragmentation of the quarter.

BENEFITS OF THE RECOMMENDED ACTION:

1. The benefit of Council accepting the recommended motion is that the application may proceed to Public Hearing where neighbours, the public, and referral agencies may provide comments or attend to express their opinion on the proposed Land Use Bylaw Amendment.

DISADVANTAGES OF THE RECOMMENDED ACTION:

There are no perceived disadvantages to the recommended motion.

ALTERNATIVES CONSIDERED:

Alternative #1: Council has the alternative to defer first reading of the bylaw until after the Public Hearing. Administration does not recommend this option as giving first reading to the Bylaw in no way expresses Council's support for the proposal; Council may amend, defeat, or table the bylaw at second or third reading.

Alternative #2: Council has the alternative to defeat first reading of the bylaw and not schedule a Public Hearing. Administration does not recommend this option as the proposal is supported by Greenview's Municipal Development Plan. Further, Public Hearings are part of a Municipality's duty to provide procedural fairness to proceedings, which includes the right of the public to be heard and a failure to adhere to the rules of procedural fairness has resulted in judicial review elsewhere in Alberta when a public hearing has not occurred in advance of defeating of a land use bylaw application.

FINANCIAL IMPLICATION:

There are no financial implications to the recommended motion.

STAFFING IMPLICATION:

There are no staffing implications to the recommended motion.

PUBLIC ENGAGEMENT LEVEL:

Greenview has adopted the IAP2 Framework for public consultation.

INCREASING LEVEL OF PUBLIC IMPACT

Consult

PUBLIC PARTICIPATION GOAL

Consult - To obtain public feedback on analysis, alternatives and/or decisions.

PROMISE TO THE PUBLIC

Consult - We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision

FOLLOW UP ACTIONS:

The applicant will be notified of the decision made by Council. If first reading is given, the proposed bylaw will be publicly advertised, and adjacent landowners and appropriate referral agencies will be notified. Affected parties will have the opportunity to comment or attend the Public Hearing.

ATTACHMENT(S):

- Land Use Bylaw Amendment Application – Redacted
- Bylaw 24-982
- Aerial Map
- Overview Map
- AGRASID Map

- Wetland Inventory
- Topography Map
- Land Use Bylaw 18-800 Section 8.1 Agricultural One (A-1) District
- Land Use Bylaw 18-800 Section 8.2 Agricultural Two (A-2) District