

Subject: **Request to Amend Land Use Bylaw 1808 – Bylaw 1907 First Reading and Set Public Hearing Date**

Meeting Date: Tuesday, August 20, 2024

Prepared By: Deanna Keiver, Planning & Development Officer

Presented By: Deanna Keiver, Planning & Development Officer

STRATEGIC PLAN ALIGNMENT: (Check all that apply)

	<input type="checkbox"/>		<input type="checkbox"/>		<input checked="" type="checkbox"/>		<input type="checkbox"/>		<input checked="" type="checkbox"/>
High Quality Infrastructure		Economic Resilience		Quality of Life		Effective Leadership		Level of Service	

RELEVANT LEGISLATION:

Provincial (cite)- N/A

Council Bylaw/Policy (cite)- N/A

BACKGROUND/PROPOSAL:

Kent O'Brien has applied to redesignate the portion of land which was redesignated to Direct Control 5 on October 22, 2019, back to Agriculture District. The purpose of the Direct Control 5 was to provide an area where a micro cannabis cultivation facility could be accommodated on Ptn. of SE 18-30-24 W4. Rezoning this land back to the Agriculture District would allow for the potential of those uses (Permitted or Discretionary) within the subject buildings and small area surrounding. The Direct Control 5 will no longer apply in Land Use Bylaw 1808. Once a new Land Use Bylaw is adopted, the previous Land Use Bylaw is rescinded and the Direct Control District 5 will not exist.

DISCUSSION/OPTIONS/BENEFITS/DISADVANTAGES/OTHER CONSIDERATIONS:

Under the Municipal Government Act (MGA), applications for the redesignation of lands require a public hearing to be held prior to adopting the bylaw. First reading to a proposed bylaw is the mechanism to get an application in the queue.

All information and questions regarding the application are to be brought forward at the public hearing so it may be heard by everyone. The public hearing process is a legislated process. As per the MGA, Council must hear any person, or group of persons who claim to be affected by the proposed bylaw. Any landowner who feels they will be impacted by a proposed development either positively or negatively will have an opportunity to come and speak about the matter directly at the public hearing. Affected parties can also submit their comments in writing. These comments will be included in the public hearing package for Council consideration.

Participating in the public hearing is the legislated method to provide your comments to Council for consideration. Once a public hearing is closed, no additional information should be considered in the decision-making process. Redesignations are about the proposed use. It is not a permit to develop. If successful in their redesignation, specific details regarding the development will be required to be submitted with their application to develop.

The applicant (landowner) has indicated (as per his Letter of Intent) at no point, cannabis was ever grown, stored or produced in the existing building or on the surrounding land. The area originally



redesignated was 1,224m² on the SE 18-30-24 W4. Due to financial constraints, the applicant/landowner has no intention of ever continuing with the original application.

FINANCIAL & STAFFING IMPLICATIONS:

There are no financial implications to the operating budget.

There are no staffing implications with this application.

RECOMMENDED ENGAGEMENT:

Directive Decision (Information Sharing, One-Way Communication)

Tools:	Public Hearing	Other:	
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ATTACHMENTS:

- Bylaw 1907
- Agriculture District
- Letter of Intent

COUNCIL OPTIONS:

1. That Council move First Reading of proposed Bylaw 1907 for the purpose of amending Land Use Bylaw 1808 by redesignating 1,224m² on a portion of SE 18-30-24 W4 from Direct Control 5 District, back to Agriculture District.
2. That Council move to schedule the Public Hearing, as per Sections 216.4 & 692 of the Municipal Government Act, to be held on September 10, 2024, at 11:00 a.m.
3. That Council move to schedule the Public Hearing for an alternate date and time.
4. Council request more information prior to proceeding with First Reading.

RECOMMENDED MOTION:

1. That Council move First Reading of proposed Bylaw 1907 for the purpose of amending Land Use Bylaw 1808 by redesignating 1,224m² on a portion of SE 18-30-24 W4 from Direct Control 5 District, back to Agriculture District.
2. That Council move to schedule the Public Hearing, as per Sections 216.4 & 692 of the Municipal Government Act, to be held on September 10, 2024, at 11:00 a.m.

FOLLOW-UP ACTIONS:

Administration will ensure the required notifications and advertising are done prior to the Public Hearing as per Section 606 of the Municipal Government Act.

APPROVAL(S):

Mike Haugen, Chief Administrative Officer

Approved-

