

Subject: **Bylaw 1907 Redesignation – Direct Control 5 to Agriculture**
 Meeting Date: Tuesday, September 10, 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 checked="" type="checkbox"/>		<input 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)- Municipal Government Act

Council Bylaw/Policy (cite)- Municipal Development Plan Bylaw #1829 and Land Use Bylaw #1808

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 it. The remainder of the parcel was never rezoned and remains designated Agriculture.

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 creating the new district. First reading to this proposed bylaw was given on August 20, 2024. This is the mechanism to get an application in the queue.

All information and questions regarding the application were brought forward to the public hearing held earlier today on September 10, 2024. 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 has the opportunity to come and speak about the matter directly at the public hearing. Affected parties could also submit their comments in writing. These comments were included in the public hearing package for Council consideration. As Council reviews and discusses the content of the public hearing, they can approve, amend, or defeat the proposed bylaw.

Participating in the public hearing is the legislated method to provide comments to Council for consideration for applicants wanting to redesignate their lands. Once a public hearing is closed, no additional information should be considered in the decision-making process. Redesignations are about the proposed use. A redesignation establishes a land use district and is not a permit to develop. As such, the redesignation focuses on overall site suitability and not specific conditions of the development.



REQUEST FOR DECISION

The applicant (landowner) has indicated (as per his Letter of Intent), at no point, was cannabis ever grown, stored or produced in the existing building or on the surrounding land. The area originally redesignated was 1,224 m².

Should this application receive Third Reading, the rezoned lands would return to the Agriculture designation. There are no further applications at this time for any new development.

FINANCIAL & STAFFING IMPLICATIONS:

The redesignation represents no financial implications to the operating budget at this time.

There are no additional staffing implications related to this application.

RECOMMENDED ENGAGEMENT:

Directive Decision (Information Sharing, One-Way Communication)

Tools:	Public Hearing	Other:	
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ATTACHMENTS:

Bylaw 1907

Application

Letter of Intent

Agriculture District

COUNCIL OPTIONS:

1. That Council move Second 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 consider additional readings for proposed Bylaw 1907.
3. Council defer additional readings to another Council meeting.
4. Council request more information prior to proceeding with additional readings.

RECOMMENDED MOTION:

1. That Council move Second 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 consider additional readings for proposed Bylaw 1907.

FOLLOW-UP ACTIONS:

Administration will ensure that the applicant is aware of the outcome of this decision.

APPROVAL(S):

Mike Haugen, Chief Administrative Officer

Approved-

