

Subject: **Bylaw 1904 Redesignation - Agriculture to Recreation – Third Reading**  
 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:**

William and Diane Buchanan wish to redesignate a portion of their 9.22 acres from Agriculture District to Recreation District. The subject land is adjacent to the Red Deer River on Ptn. of SW 26-29-21 W4 (Plan 821 0253, Block 1, Lot 1). Rezoning a portion to Recreation would allow for camping in provided accommodations.

**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 July 23, 2024. This is the mechanism to get an application in the queue and sets the Public Hearing Date.

The location of the proposed redesignation is between Highway 837 and the Red Deer River. The landowners wished to redesignate portions of their 9.22-acre property (currently zoned Agriculture) to Recreation. Approximately 4.0 +/- acres will be for camping in dome tents constructed on movable wooden platforms. His intent is to initially construct one site to a maximum of 6 sites. Another 1.5 +/- acre area southeast of the residence was also included in the redesignation application to allow for small weddings or events, less than 50 people.

All information and questions regarding the application were brought forward to the public hearing held on August 20, 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 had the opportunity to come and speak about the matter directly at the public hearing. One member of the public did attend to voice his concerns. Affected parties could also submit their comments in writing. These comments were included in the public hearing package for Council consideration.

On August 23, 2024, administration was made aware of a letter submitted by the adjacent landowner directly east of the proposal. The letter was in opposition to the application. The Planning Department was unaware of this letter at the time of the public hearing. Due to the unusual nature of this occurrence,



Administration did seek a legal opinion on how best to move forward. MGA section 216.4(5) provides the following:

(5) After considering the representations made to it about a proposed bylaw or resolution at the public hearing and after considering any other matter it considers appropriate, the council may

(a) pass the bylaw or resolution

(b) make any amendment to the bylaw or resolution it considers necessary and proceed to pass it without further advertisement or hearing, or

(c) defeat the bylaw or resolution

The legal opinion notes “the underlined suggests Council can consider other matters, and certainly the email that was properly sent before the deadline and intended to be part of the public hearing is something that is appropriate for Council to now consider.”

Similar concerns were raised in the other 4 letters which the applicant addressed at the public hearing on August 20, 2024. However, as the applicant would have had an opportunity for a rebuttal at the public hearing, the applicant has been forwarded a redacted copy of this letter and has been given the opportunity to respond in writing. (the legal opinion did provide this as an option)

As Council reviews and discusses the content of the public hearing, they can approve, amend, or defeat the proposed bylaw.

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.

Council had concerns with the redesignation of the 1.5 +/- acre portion of land in the southeast corner of the property to be used for small weddings and requested that the bylaw be amended to exclude this area. Council was concerned that once that area was rezoned, it created an opportunity for permitted uses to be approved by the current or future landowner that were not contemplated with this application. Second Reading was approved with the amendment and Third Reading was postponed allowing administration to redraft the bylaw without the 1.5 +/- acre portion in the southeast corner. The proposed site plan/map has been amended and included in the bylaw.

Administration has spoken with the applicant regarding this change. In order to remove the opportunity for the permitted uses of the Recreation District in the southeast corner, Administration noted that the landowner could apply for a Home Occupation, Major which would limit him to that single use and would require the approval of the Municipal Planning Commission which would create the opportunity for the Municipal Planning Commission to attach conditions to help mitigate any concerns.

If Bylaw 1904 is adopted, the Campground/RV Park would become a permitted use and a development permit would be required. The applicant would be required to meet the applicable requirements of section 52 (Campgrounds) of the Land Use Bylaw as part of the development permit process.

#### **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)



## REQUEST FOR DECISION

Tools:	Public Hearing	Other:	
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### ATTACHMENTS:

Bylaw 1904 (amended)

Application

Letter of Intent

Recreation District

Redacted Letter from Adjacent Landowner

### COUNCIL OPTIONS:

1. That Council move Third Reading of proposed Bylaw 1904 for the purpose of Amending Land Use Bylaw 1808 by redesignating a portion of SW 26-29-21 W4 Plan 821 0253, Block 1, Lot 1 from Agriculture District to Recreation District.
2. Council request more information prior to proceeding with Third Reading.
3. Council schedule another public hearing.

### RECOMMENDED MOTION:

1. That Council move Third Reading of proposed Bylaw 1904 for the purpose of amending Land Use Bylaw 1808 by redesignating a portion of SW 26-29-21 W4 Plan 821 0253, Block 1, Lot 1 from Agriculture District to Recreation District.

### 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-

