

Wheatland County

Request for Decision

Regular Council Meeting

August 18, 2020

Report prepared by: Megan Williams



First Reading of Bylaw 2020-29, Redesignation of AG to CR

Recommendation from Administration

Resolution 1: That Council refuse First Reading of Bylaw 2020-29, this being a bylaw for the purpose of amending the Land Use Bylaw 2016-01 to redesignate +/- 5.04 acres within Plan 081 0016, Block 1, Lot 1 from Agriculture General (AG) District to Country Residential (CR) District as shown on the attached Schedule 'A'.

Chief Administrative Officer's Comments

N/A

Report

Division: Division 3

The applicant submitted an application to redesignate +/-5.04 acres of their parcel Plan 081 0016, Block 1, Lot 1 from Agricultural General District to Country Residential District to facilitate a subdivision application. As it is the sixth parcel from the quarter section, the Municipal Development Plan requires an area structure plan be submitted. The policy reads:

An ASP, ARP, or ACP shall be prepared for more complex applications, as determined by Council with the input of planning staff, including all subdivision and development proposals that would result in six (6) or more lots per quarter section.

The applicant chose not to submit an ASP to support their application, as there are no additional development plans for the proposed country residential parcel nor the remainder agricultural general parcel.

The County's policies regarding six parcels per quarter section stem from the *Water (Ministerial) Regulation* Section 9. Which ties subdivisions that result in six or more parcels in a quarter section to regulations in the *Water Act*. To summarize, these regulations reference water diversion for household use and water diversion rights. In this applicant's instance, a report certified by a professional engineer or professional geoscientist must be submitted with the subdivision application that states an additional water diversion for household purposes will not interfere with any existing household users, licensees, or traditional agriculture users. Typically, staff does not require a groundwater report if there is no new proposed development, and so did not request one for this redesignation. While there is no proposed development, a dwelling is a permitted use on an Agricultural General parcel. If Council approves First Reading of this bylaw, staff will request the applicant submit a groundwater report for the remainder parcel, in order to determine if an additional household user will impact existing household users, licensees or traditional agricultural users.

As Administration must follow policy, the recommendation is refusal. Council is able to interpret policy at their discretion and can grant First Reading and assign a date for public hearing for the redesignation bylaw.

Relevant Policies, Practices, and Legislation

Water (Ministerial) Regulation

Water Act

South Saskatchewan Regional Plan

Regional Growth Management Strategy

Municipal Development Plan

Alignment with the Strategic Plan

Administration's preliminary review of the application against the South Saskatchewan Regional Plan and Regional Growth Management Strategy have not revealed any concerns. The review of the Municipal Development Plan showed the application does not comply with policies in the MDP.

Response Options

Option 1: THAT the proposed recommendation is accepted/approved.

Option 2: THAT the proposed recommendation is not accepted/approved.

Option 3: THAT an alternate recommendation is accepted/approved.

Implications of Recommendation

General

N/A

Organizational

N/A

Financial

N/A

Environmental, Staff, and Public Safety

N/A

Follow-up Action / Communications

If First Reading is refused, Staff will notify the applicant.

If First Reading is granted, staff will notify the applicant and request a groundwater assessment. The public hearing will be advertised as per the *Municipal Government Act* and County policy.

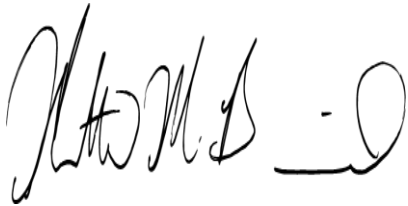
Report Approval Details

Document Title:	Bylaw 2020-29 First Reading AG to CR redesignation.docx
Attachments:	<ul style="list-style-type: none">- Bylaw 2020-29 Comment summary.docx- Bylaw 2020-29 Odland.docx- Bylaw 2020-29 Map Package.pdf
Final Approval Date:	Jul 30, 2020

This report and all of its attachments were approved and signed as outlined below:



Sherry Baers



Matthew Boscarol



Brian Henderson